



City of New York Parks & Recreation



Hearing before the City Council Committee on Parks & Recreation

Oversight - Parks Department Concessions and the Award Process and Introduction 21 of 2010

April 27, 2010

Testimony by
Betsy Smith
Assistant Commissioner for Revenue and Marketing

INTRODUCTION

Thank you for giving us the opportunity to discuss concessions within New York City's parks. We all know that concessions help generate revenue for the City. In fact, in 2009, we generated nearly \$46 million in revenue. The revenue, however, is not the principal value of our concession business. Concessions provide other benefits that dramatically outweigh the value of the funds they generate. What has been confirmed over the decades, both in this city and many others around the world, is that concessions bring life to our City's parks—they make our parks safer and more active, provide services to park users, and they employ thousands of New Yorkers, many of whom are either working or managing their own small business for the first time. So, before I address Introduction 21 of 2010, I'd like to take some time to further expand upon these points, and perhaps in so doing, clear up misconceptions that we hear from time to time that concessions are about "commercial interests" or are "taking away" from other park uses. In fact, popular concessions are woven into the very fabric of a lively park system.

IMPORTANCE OF CONCESSIONS

Almost from the beginning of the Parks system, concessions have been seen by city planners and government administrations as an important amenity for the public. The idea of selling goods and merchandise in public spaces is intertwined with the founding of our City, and the first formal concessions were in place as far back as 1870. More recently, concessions have been one of the keys to the renaissance of Parks in our City over the past 20 years. For example, back in the 1980s, the City's 13 municipal golf courses, then run by the Parks Department, were in poor condition and the City lost \$2 million a year operating them. Former Parks Commissioner Gordon Davis realized that we weren't experts on running and maintaining golf courses, and we knew that these courses could be better served being run by those who were. The new operators were better able to care for and to invest in these courses. Today, our golf courses have received more than \$42.2 million of private capital investment, they are dramatically improved and better run, they remain affordable compared to private clubs, provide significant public-minded programming, and the City now earns more than \$7.2 million in income—money that goes to the City's General Fund to pay for basic City services, such as teachers, police, firefighters, social services—and parks.

There are other examples of concessions galvanizing improvements in our parks, and in the quality of life in their neighborhoods. The 79th Street Boat Basin is a prime example. Once a dangerous place used only for illicit activity, we found an operator willing to invest in an untried concession and open a café that now is a bustling and thriving scene for thousands of Westsiders on evenings and weekends, employing 100 workers, and generating \$3.7 million in gross revenue the past calendar year.

Many of our more than 400 concessions offer similar success stories. They are quintessential New York experiences. Even long time New Yorkers may not know the extent to which the City's parks and licensed concessions have defined the New York experience. If you ...

- Ride the Cyclone rollercoaster at Coney Island,
- Rent a model sailboat in Central Park,
- Take a ride on the Flushing Meadows-Corona Park Carousel,
- Take a water taxi from the Battery to the Statue of Liberty,
- Play golf in Pelham Bay Park in the Bronx—or miniature golf in Flushing Meadows Park in Queens,
- Ice skate at Kate Wollman Rink in Prospect Park, Brooklyn or Clove Lakes in Staten Island,
- Picked up a magazine from our newsstand at City Hall Park,
- Ride a horse in Van Cortlandt Park,
- Learn from a tennis pro at Alley Pond in Queens,
- Take your kids to the Cirque du Soleil on Randall's Island,
- Rent a bike in the Battery and ride it up to Fort Tryon Park,
- Or enjoy a huarache from the Red Hook Park vendors, or a pretzel or ice cream or dosa in any park,

... then you are taking part in a Parks concession. And people are voting with their feet. Many of our concessions attract hundreds or thousands of users, from workers lining up at lunchtime for a burger at the Shake Shack to seniors signing up on-line for a golf foursome at LaTourette Park, to skaters flocking to our outdoor rinks, to families buying an ice cream cone on the renovated boardwalk at South Beach.

But it's not just business as usual: we support the Bloomberg administration's initiative of healthy food choices and promotion of exercise for the citizens and visitors of New York City, and we are continuing to work to establish a healthier and more diverse array of concessions. Many of our concessions involve athletic activities – tennis, golf, bike riding kayaking - and even draw people to the park during the winter months with ice skating and tennis bubbles. We're also expanding our array of pushcarts beyond the classic New York standbys. We will be providing specialty carts with offerings that are as diverse as New York itself, and have already started licensing green carts in several locations where park goers can purchase fresh fruits and vegetables.

EMPLOYING THOUSANDS

Moreover, we should always keep in mind that behind each one of our concessions are the men and women who operate them—for they are the true success stories of this economic model. New York City's concessionaires are as varied as the concessions they offer. From companies to individual entrepreneurs, our concessionaires bring enormous dedication and creativity to parks. And most important, literally **thousands** of jobs are created from our concessions, which include the people who are directly employed by each concession—ranging from the person standing every day behind one of our pushcarts, to the Zamboni driver at our ice skating rinks, to professionals who maintain the greens at our golf courses at a championship caliber. Concessions also give budding businessmen and

women—many of them new immigrants—a way to get a foothold in the local economy and chase a piece of the American dream. Our specialty cart program has flourished recently because it has given small businesses and entrepreneurs a chance to expand their businesses even during an economic downturn. Our concessions provide unique, low-risk, low-cost and low-overhead opportunities you just can't find elsewhere.

Our concessions are an economic engine, and we should always keep in mind thoughtful ways to encourage their growth, and not merely seek to mitigate their presence in our parks.

INTRODUCTION 21 OF 2010

In that spirit, I would like to take a few minutes to discuss Introduction 21 of 2010. This introduction, which adds Section 18-136 to Parks' Administrative Code section, would require the Department to map, to the nearest foot, every concession under the jurisdiction of the Department occupying a space greater than seventy-five square feet. The bill seeks to require concessions to mark on the ground the boundaries set forth in such a map, and make those maps accessible on the City's website. Further, the bill establishes civil penalties of no less than \$200 and no more than \$1000 for each violation.

We appreciate the intent of the bill in making sure that Parks concessions adhere to the boundaries set forth in their license or contract. Concessions, whether a mobile food vendor, an established restaurant in a park, or one of our many other options, are amenities to be enjoyed in our parks, and should not have a deleterious effect on the landscapes, views, infrastructure and enjoyment of our greenspaces. However, we oppose Introduction 21 on the grounds that we simply believe the bill does not accomplish anything greater than we are doing right now in the administration of all our concessions across the five boroughs.

First, all concessionaires are licensed and under contract, and are required to adhere to the terms of that legal instrument. In every case, the legal instrument will include either specific language delineating the boundaries of the concession and their responsibilities of maintenance and operations, or include a detailed site map with the boundaries clearly defined.

Our agreement requires that the concessionaire clean the area 50—and, sometimes, 100—feet **beyond** the boundary of the concession. In other words, our concessionaires, at their sole cost and expense, not only help keep clean the areas they use, but also a lot of the surrounding parkland. Also, our park managers maintain strong working relationships with concessionaires in their park, and have unfettered access for the purpose of investigations and inspections. Our inspectors and park managers already have direct access to the agreements and site maps which allow them the ability to make determinations on compliance, and enforce those agreements when needed.

Second, we believe that Introduction 21's intent to capture any and all concessions that occupy a space greater than 75 square feet, in order to require mapping and marking of boundaries on the ground, would cause legal obstacles to the operations of most of our mobile food vendors which must navigate rules and regulations of many City agencies. The 75-square-foot threshold would include every single concession under Parks' jurisdiction (there are over 450), from the mobile hot dog vendor, to the golf course concession, and the water taxi operator. With mobile vendors, the boundaries of their location are designed to be fluid based on their access to parking, other agency rules and guidelines (Department of Transportation, Department of Consumer Affairs, New York Police Department, etc) and it would be impossible to mark, on the ground, a consistently-defined location day-to-day. For example, when there are parades, rallies, concerts, road races, and other events, many mobile concessions must relocate from their normal spots. With respect to concessions that are more permanent, such as a food kiosk or a restaurant, those concessions are more clearly defined by the

physical limitations of their park and marking on the ground would serve no greater purpose than to deface the ground and the landscape.

In fact, the requirement that the boundaries of each concession be “prominently marked on the ground” by the concessionaire will not only add an intrusive element to City parkland, but would compel the concessionaire to violate Parks’ own Rules and Regulations. A permanent or semi-permanent marking by the concession operator would violate Section §1-04(a) of Parks’ rules, which prohibits the destruction or abuse of property and equipment, as follows:

“No person shall injure, deface, alter, write upon, destroy, remove or tamper with in any way, any real or personal property or equipment owned by or under the jurisdiction or control of the Department.”

Third, with respect to access to those concession maps, we are in the process of creating an online map of the boundaries of every concession utilizing ArcGIS, which is also used to create many of the site maps included in our concession agreements. It is a process that will take time, due to the sheer number of concession agreements we have. Right now, all of our concession agreements are available for inspection at The Arsenal, and we have provided the committee with a sample of a recent agreement with Dyckman Marina that includes a site map. The bill would require mapping to the nearest foot which would be impossible for us to do since we do not even map many of our parks with such accuracy. To endeavor to do so for our concessions would require a wholesale re-mapping, using GIS technology, for all 29,000 acres of parkland and would be cost-prohibitive. Further, our marina concessions would have a problem complying with Introduction 21 should it become law. We believe the maps that are included in each agreement work well and eliminate any confusion about boundaries.

Fourth, it is not clear what public policy issue is driving this bill, as we have no significant record of complaints about concessions going beyond their boundaries. On the rare occasions when we do hear complaints regarding expansion of vending space, we respond immediately by sending our inspectors to conduct fact-finding about the allegations. As mentioned earlier, we also encourage our park managers to maintain a strong working relationship with the concessionaires in their districts.

Lastly, with respect to the imposition of a civil penalty, currently, if a concessionaire is found to be in violation of a term of their contract, our contracts allow us to issue notices, assess liquidated damages, or even terminate the agreements of concessionaires who fail to comply in addition to all other remedies provided by law. In other words, Parks already has adequate “methods of enforcement” and Introduction 21 doesn’t provide Parks with something additional that we don’t already have.

CONCLUSION

Let me conclude by saying again that the principal role of concessions is to augment the life of a park, and that this is not an idea that only exists here in our park system. Concessions are used in cities all around the world to help sustain parks. Whether a park on top of a parking garage in Chicago’s Millennium Park, the Swan Boats of Boston’s Public Garden Lagoon, or the Gardens of Luxembourg in Paris, major cities all use concessions to both improve parks and promote citizens to use open space in a congenial, service oriented, personal way, making them livelier, safer and more interesting.

As with all public amenities, concessions are an evolving business which we can always improve. But, whether a renowned restaurant or a curbside dosa vendor, parks concessions have added to the richness of New York City parks and the urban experience.



**New York City Council
Committee on Parks & Recreation
Oversight Hearing: Concessions and Intro. 21
April 27, 2010**

Good morning. My name is Cheryl Huber and I am the Deputy Director of New Yorkers for Parks. We are the citywide, independent organization dedicated to ensuring that all New Yorkers enjoy a world-class park system.

Background

New Yorkers for Parks has long monitored the issue of concessions. We would like to commend Intro. 21, which would ensure that every concession occupying a space more than seventy five square feet and under the jurisdiction of the Commissioner will have specific and clearly marked boundaries that will be visible on a map posted online. This legislation increases transparency and will be a useful tool for Community Boards, advocates, and park users. Transparency in concessions will help to address citywide concerns regarding the use of parkland and possible infringement of commercial uses.

While this legislation is important, New Yorkers for Parks has pinpointed many issues surrounding concessions, including the need for a clearly defined public process, as well as a serious review of concessions rules and the revenue stream from concessions.

Concessions Revenue

NY4P has frequently spoken in favor of allowing the Parks Department to retain a portion of concessions revenue to support parks. Today, all of this funding goes to the City's General Fund. We support a system that would allow for the distribution of these revenues among neighborhood parks that cannot sustain their own concession but need maintenance funding. While concession revenue has steadily increased over the last 20 years, the Parks Department's budget has fluctuated greatly, dependent on the political and financial climate. This revenue

amounts to more than \$50 million annually, which would provide a steady funding stream for our parks. This funding should supplement, not supplant, existing city funding.

Some public-private partnerships are allowed to keep their concession revenue. For example, Randall's Island Sports Foundation keeps the revenues earned from Icahn Stadium, and the Central Park Conservancy keeps half of all concession revenue earned in the park above \$6 million. We encourage the Committee to explore a citywide strategy that benefits neighborhood parks.

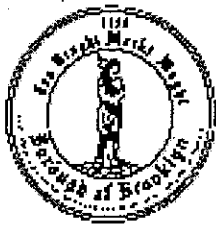
Public Process

Public input is important to ensure that concessions are context sensitive. As recent community opposition to proposed tennis concessions has shown, a "one size fits all" approach to concessions does not work. Concessions must respond to the needs and demands of local park users. While we encourage innovative and diverse park concessions, it is also imperative that parks are not subject to over-commercialization. The neighboring community of a park must have the opportunity to voice their opinions on appropriate uses of the park.

Public review of a proposed concession varies widely depending on the type of concession. "Major" concessions, as defined by the Department of City Planning, are subject to the Uniform Land Use Review Procedure (ULURP), which includes four opportunities for public input. A non-major concession requires a simple vote by the Franchise and Concessions Review Committee (FCRC) and is subject to only one opportunity for public comment. The result is that many communities feel uninformed about "non-major concessions" which may in fact have a significant impact on their parks.

We support Int. 21 as a good first step towards addressing the important issues around concessions, and we look forward to working with the City Council to improve this process.

Thank you.



The City of New York
Brooklyn Community Board 15



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April 27th, 2010

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SECRETARY

Good morning, Chairperson Melissa Mark Viverito and Members of the Council's Park's and Recreation Committee. I am Theresa Scavo Chairperson of Brooklyn Community Board 15.

New York is a City like no other. New Yorkers who choose to live around the hubs of the 5 boroughs have very few green spaces to enjoy. Today, many New Yorkers live in rental units or condos which offer no place to enjoy the outdoors. The only place available to many of us is the many neighborhood parks.

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A major problem exists with the many vendors and concessions overtaking the open space from many of our City Parks.

Today, approximately 500 concessions operate in Parks throughout the 5 Boroughs. There are Food Service and Recreation Concessions. The Food Service Concessions range from pushcarts serving hotdogs to restaurants such as Terrace on the Park, the Recreational Concessions include facilities such as ice rinks, stables, marinas and golf courses. Each concession whether Food Service or Recreational is awarded through a Public Solicitation Process such as a Request For Bid (RFB) or Request For Proposal (RFP) All are pursuant to the City Concession Rules.

In FY2009 the Revenue Division of the Parks Department helped collect over \$110 million in revenue from various sources including concessions and lease agreements. In the City's haste to collect this much needed revenue, valuable Parkland is being usurped by these many concessions.

Under Section 1-12 of the Concession Rules, specifically Preparation of Invitation to Bid it states: location and a brief description of the proposed concession, its size, its prior use and other possible usage of the premise, any fixtures or equipment on the premises and its surrounding area including any special instructions or information necessary such as, maps, plans or photographs.

The City of New York
Brooklyn Community Board 15

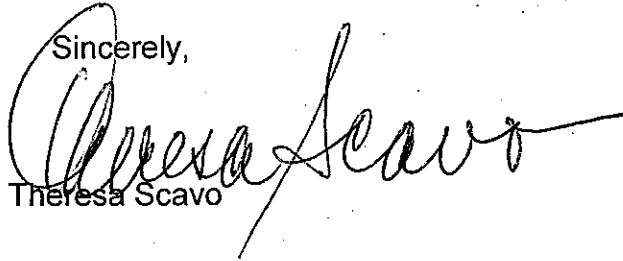
This section indicates the area in the Park where the concession is located but not the maximum area to be taken up by the concession. Nor is there a mention of a maximum number of tables and chairs. Also no where in the concession rules is there mention of sanctions if a concession increases the parkland they will use.

Our parkland is a valuable commodity and must be regarded as such. Any and all concessions must be limited to a specifically designated area and fined severely for any infringement onto parkland.

On behalf of Community Board 15, I implore the Committee to take whatever steps necessary in order to pass this legislation.

If you have any questions please do not hesitate to contact me at (718) 332-3008.

Sincerely,

A handwritten signature in black ink, appearing to read "Theresa Scavo", written in a cursive style. The signature is positioned to the right of the word "Sincerely," and above the printed name "Theresa Scavo".

Theresa Scavo

STATEMENT FOR THE CITY COUNCIL PARKS & RECREATION COMMITTEE
PUBLIC HEARING- APRIL 27, 2010

I am Gary Papush representing Manhattan Community Board 6. All of the parks in Community Board 6 are small in area and in fact we have the least amount of public park land of all 59 community boards. Generally we have opposed any privatization and the taking up of any additional space. The exceptions being where the local community of park users supports the creation of a concession as a popular local amenity. Community Boards were created by the city charter to speak for the community and balance various interests and view points. While our adopted positions are advisory, it is advice that the city should seek and consider. All proposed use of space in NYC parks as proposed by the DPR should be referred to community boards for review and consideration. All RFP's for concessions should be transparent as to the amount of park to be used and total fairness in the awarding of the contract. While we welcome Commissioner Benepe's recent pledge to the 250+ Friends of New York City Parks to send all proposed RFP's in advance to the local Community Board we by resolution urge the same review where a new RFP is not required but there is a change in the contract during its approved term. Community Board 6 by resolution in October 2009 supported the legislation you are considering today (copy attached) with suggested additions we believe will make it more effective. We thank the council committee for today's hearing and hope for future ones since all the issues involving parks and the community's can not be addressed in one session. We would in particular hope you look into the issue of park alienation and the city's practice of not giving leases as a way of avoiding the alienation requirement of state law regarding public park land.

RESOLUTION- OCTOBER 14, 2009
PARKS, LANDMARKS & CULTURAL AFFAIRS COMMITTEE
CONCESSIONS IN PUBLIC PARKS

WHEREAS, Community Board 6 in May 2009 adopted a resolution urging the City of New York to adopt regulations mandating specific boundaries for concessions located in parks operated by the Department of Parks & Recreation, and

WHEREAS, legislation has been introduced into the City Council to amend Chapter 1 of title 18 of the administrative code to add a new section 18-136 which would require all concessions operated on city parkland to have specific boundaries which would be indicated on a map of the park with the precise location indicated to the nearest foot with such maps and locations publicly accessible on the city website and no concession extending beyond these boundaries, now

THEREFORE, BE IT

RESOLVED, Community Board 6 supports adoption of this intro. 1084, and

BE IT, FURTHER

RESOLVED, we recommend the following additions:

1. Requiring RFP's issued by the Parks Department for concessions to contain the language in the new section 18-136
2. The required boundary be made of durable material to last the term of the concession replenished periodically to maintain its visibility
3. If a vendor seeks permission from a vendor to increase their presence in the park, the Department of Parks & Recreation must refer such request to the local community board before acting on it.

Re: Int. 0021-2010, "A Local Law to amend the administrative code of the city of New York, in relation to identifying the location of concessions within a park."

My name is Judi Francis. I am the president of the Brooklyn Bridge Park Defense Fund, a 501 C 3 not for profit park advocacy coalition of the Sierra Club and 13 Brooklyn civic associations fighting for a real park in Brooklyn.

I am here to speak in favor of whatever lengths the City Council can go to, to exert control over the existence, the type and the location of concessions inside our public parks. I thank you for taking up the subject of concessions in our public parks.

As this committee is fully aware, the heights of privatization of our public parks is unprecedented with 1250 luxury housing units contemplated in 6 high-rise towers inside one new park: Brooklyn Bridge Park.

Over the next month the Mayor will assume control of Brooklyn Bridge Park and the terms of the agreement call for the creation of a new public authority outside the reach of City Council, the Franchise Concession Review Board, or any other local laws guiding our public parks today.

In the case of Brooklyn Bridge Park, neither the residents of Brooklyn, nor their local elected officials, have had any say in what concessions are allowed in this park let alone the location or anything else about *any* revenue producing feature of this park.

For example, a wealthy real estate developer has made a donation of a carousel but the community isn't even allowed to see the building or have any say in where it will go, how long it will operate, or what will be charged - nothing. Yet the community held its own park planning sessions and the idea of a carousel was proposed at a different location, to the entire community's agreement. The public authority chose to ignore the community altogether and to this day has not seen fit to even show the local City Councilmen the plans for the carousel!

The community is aware of RFP's going out for concessions in Brooklyn Bridge Park but again, they have not been allowed to see any contracts until they are signed and completed. When asked by Community Board 6 just last week if they could see the RFP for a concession on Pier 6, Regina Myer the President of the Park Operating Entity said she would have to look into whether they "had to" show it to us or not.

"Had to show it to us"?

When did the public go out of our public parks? When did it become a burden to seek the input of the people for whom the amenities are planned in the first place?

I urge the City Council to impose the highest possible level of over-site on where concessions are placed, and to allow local Community Boards that are in, and that are adjacent to, public parks be heard on these decisions.



51 Chambers Street Suite 1231 New York, NY 10007
Phone 212.788.7476 • Fax 212.571.0778 • www.grownyc.org

To Whom it May Concern:

I am writing to express my concern about proposed law §18-136: Locations of concessions in parks. Greenmarket, a Program of GrowNYC (formerly the Council on the Environment of NYC), currently operates 24 farmers markets on NYC Department of Parks and Recreation property. These open air markets have been serving New Yorkers for 34 years, and some, such as Poe Park in the Bronx, are the sole source of fresh fruits and vegetables for the communities in which they are located. The farmers that attend these markets must come from the northeast region, which we define as 250 miles north, 120 miles south, and 170 miles east and west and they must be in full control of the products they bring to market. They are not wealthy, able to afford punitive fines, nor can they easily navigate the systems and policies that apply to them in the city; that is the role of the non-profit organization that manages the markets, GrowNYC and Greenmarket.

In every Park location that hosts a Greenmarket, there is a permitted location and a fee associated. Our concern with the proposed legislation is that it fails to account for the realities of being a concessionaire in New York City. On any given day there could be a construction job, a movie shoot, or some other unforeseen event that would force the Greenmarket to shift its footprint. That shifting could result in our violation of the proposed legislation, which has potentially expensive consequences. And while Parks does an excellent job of alerting us to the conflict, there are times that no warning is received and creative reconstruction of the daily market takes place on the spot in concert with the Parks Manager, when one is available, or on our own, when one is not. In the 34 years of doing business in Parks, there has never been a conflict with our decision to reconfigure when required to do so.

We urge this committee to reconsider its proposed rule or to create a mechanism that allows for the flexibility that is required to be a concessionaire in such a robust, active City that isn't always easy. To do otherwise puts at risk the largest distributor of local foods in our region, one that is addressing food insecurity in all five boroughs and which works with over 5000 students annually educating them about the relationship between health, nutrition and food, thus empowering them to make positive decisions about their diet. It also is a deterrent for small businesses development at a time when we crucially need new economic activity in the City.

Thank you for your time and consideration of this matter.

Michael Hurwitz
Director, Greenmarket

GREENMARKET IS A PROGRAM OF GROWN NYC, FORMERLY THE COUNCIL ON THE ENVIRONMENT OF NEW YORK CITY.



3545 JEROME AVENUE, BRONX, NEW YORK 10467 (718) 655-9164

April 26, 2010

Oversite – Parks Concessions and Introduction 21-2010

Chaired by Melissa Mark Viverito

District 8, Manhattan and Bronx

I am Barry McLaughlin, Executive Director of First Tee New York at Mosholu Golf Course in the Bronx. Our organization has managed the Mosholu Golf Course concession since September 2001. We are unique as a concessionaire because we operate as a 501(c) 3 non-profit organization. The main purpose of our organization is to serve the youth of New York City by providing our First Tee curriculum of Life Skills and educational programs using golf as the vehicle. Since 2001 we have offered over 40,000 youngsters our program curriculum and many of them are the golfers utilizing Mosholu on a regular basis.

Our organization takes great pride to be given the opportunity to operate the Mosholu Golf Course concession for the New York City Parks and all citizens of the Bronx community. We have a diverse group of golfers of all ages, ethnicities and gender that allow for quality recreational experiences for all.

Our plan is to continue offering our unique golf and recreation experience for all who come to Mosholu. We will also continue to share The First Tee curriculum for the youth and serve the Bronx community while growing the game of golf.

Respectfully,

A handwritten signature in black ink, appearing to read "Barry K. McLaughlin". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Barry K. McLaughlin

Executive Director, First Tee New York

My name is Michael Tafet . I live in the Riverdale section of the Bronx. My dad and I are concessionaires of the Parks Department. We currently operate 5 NYC golf courses. Four of them are in Queens and one in the Bronx.

The first license we were awarded was the Pitch and Putt Golf Course in Flushing Meadows Corona Park. It was only a five year license but during those 5 years we made some very dramatic improvements to the facility. Our efforts did not go unnoticed by parks. When the next golf course came up for bid we were again chosen. Today we are the concessionaires of 5 NYC Golf Courses.

Our concessions are located in Forest park, Van Cortlandt Park, Flushing Meadows Park, and Kissena Park.

My Responsibilities include overseeing day to day operations, supervising our capital projects, and handling our marketing and promotions .

Our licenses require us to make certain capital improvements to the golf courses and building structures. To date we have spent approximately 11 million dollars on improvements. We are currently committed to an additional 7 million dollars. These projects include the renovation of the Kissena Golf Course clubhouse, the renovation of the Van Cortlandt Clubhouse, and the renovation of the Flushing meadows pitch and putt golf course and clubhouse which will include a state of the art irrigation system. We are also in the process of constructing a Junior Golf training area at Flushing Meadows Park which will be a great addition to the city park foundations junior golf program.

Last year we did approximately 260,000 rounds of golf at the courses and we employed approximately 160 people, the great majority of whom live in the respective neighborhoods of the courses.

Financially you could call us a successful business. However what we take most pride in is that we strive to provide the NYC golfers a satisfying golfing experience and we do achieve that goal.

We have always had an excellent relationship with parks. We have accomplished a great deal in improving the golf courses we operate, and the services that we offer to NYC golfers. We would never have been able to accomplish this without the continuous help, cooperation and support of Parks.

Being a concessionaire has been a very rewarding experience for me and my family . I have a challenging career that I love and look forward to continuing for many years.

Finally let me say one thing about introduction 21-2010. Our golf courses are approximately 100 plus acres each, and it would be virtually impossible to mark, on the ground, the boundaries of each course.

Good morning. My name is Giorgio Kolaj. Twenty-five years ago, my brothers and I launched our first food business in New York City. Today, there are more than forty Famous Famiglia locations in the NY-metro area, and over 120 locations world-wide. So you could say that we have extensive experiences with many landlords, including the PANY & NJ.

A little over a year ago, we bid on, and subsequently were awarded, an operating license for a concession property which is owned by NYC Parks, located in Bayside Queens. The concession was previously called Caffè on the Green, and shall now be called Valentino's on the Green. The concept will open in July of this year, and will be a world-class fine Italian dining and banquet hall. The concession will employ more than 70 New Yorkers, it will implement a number of Green initiatives, and it will generate substantial revenue to the City of New York for years to come. The plan calls for us to invest approximately \$3M on the facility.

I'm here today to share with you my experiences in working with the folks at Parks. While I have spent more than half my life in working with people and agencies in the context of developing locations for business, I can truly say that my experiences with Parks has been a very pleasant one. As I look back across the various stages of our working relationship together, Parks has proven itself to be a group of people that are professional in their acumen, knowledgeable in the processes, competent in their understanding of business, and capable of delivering results.

I remain a simple person in my life and in my profession. For a relationship between any two people...a father and daughter, a husband and wife, or two business partners...there must be a strong basis of trust and communication if it is to work. Without these two basic elements, *any* relationship is destined to fail. Parks has been a faithful partner to me. Throughout our experiences with Parks, their people have shown themselves to be accessible, reasonable, and transparent in their communication. They have listened to our needs as we faced various challenges throughout our project and they have contributed their expertise whenever we have sought it. They have worked with us to reach out to the community, and they have been there for us every step of the way.

I am grateful to Parks and for its people, as I am making one of the largest investments in my life at its property in Bayside. My team and I are excited about this project and we are humbly grateful to the good folks at Parks for all their assistance along the way. We look forward to working closely with Parks for the years to come, as we generate revenue and provide an wonderful experience in our corner of the world in Bayside.

Thank you for the opportunity to come here and speak today.

April 27, 2010

Testimony before NY City Council Parks Committee:

My name is Michael O'Neal, the O'Neal family has been in the Restaurant Business on the upper Westside for almost 46 years. About 12 years ago the NY City Parks Department issued an RFP for a food concession at the Rotunda at the West 79th Street Boat Basin.

I'd lived two blocks away for over 30 years and had been active previously on Community Board #7 for 25 years.

I had catered a few parties at the Boat Basin and had often wondered why it wasn't used in a more proper fashion. At the time it had fallen on bad use and a group of homeless men had camped out at the base of

the staircase and made it very uncomfortable for dog walkers, joggers, boat owners and people in general who might want to stroll in the park.

I came up with the idea to have grilled inexpensive foods and a bar where patrons of the restaurant could enjoy the river views and magnificent sunsets over New Jersey. I responded to the RFP and my organization has been the operator of the Boat Basin Café since the beginning.

Robert Moses had built the Rotunda in 1935 to be the *Grand Entrance* to Riverside Park but unfortunately it had fallen on disrepair and misuse. By having a private concession in the Park we keep the park clean and *Green*. The Parks Department has asked that all restaurants join the Green Restaurant Association to

become more environmentally aware, as well as sustainable as possible.

We have planted three areas around the Rotunda.

We have seen this repeated many times in various parks. An area will be run down, unsafe and in disrepair and by having a concession take over the area the area is suddenly clean, well planted and safe.

The Parks Department has done an admirable job of awarding the concessions, they take great care in their selections and do countless audits to keep us all honest.

The O'Neal organization operates the *The Ball Fields Café* as well as the *The West 79th Street Boat Basin Café*.

***The Ball Fields Café* is in Central Park near the Hecksher Ball Fields and is a much smaller café.**

We believe that concessions in the Parks are good for the public as well as providing much needed funding for the City.

I repeat, Concessions make the parks *More People Friendly, Cleaner and Safer.*

Thank you for your time and listening to me and I hope you will look favorably upon concessions and that you might feel as passionately as I do that New York City should take advantage and use as much of their parks and open spaces as possible. We will all be safer and the parks will be cleaner and better maintained.



City of New York
Parks & Recreation

Adrian Benepe
Commissioner

The Arsenal
Central Park
New York, New York 10065

Elizabeth W. Smith
Assistant Commissioner
Revenue and Marketing

(212) 360-1366
betsy.smith@parks.nyc.gov

March 5, 2009

Mr. Ronald S. McKechnie
Conservatory Sailboat Rentals, Inc.
85 Bronx River Road, #1S
Yonkers, NY 10704

RE: Notice of Determination of Non-Responsiveness for Solicitation #M10-15-SLB

Dear Mr. McKechnie:

Pursuant to Section 1-06 of the Concession Rules of the City of New York ("Concession Rules"), the City of New York Department of Parks & Recreation ("Parks") has determined your proposal for Solicitation #M10-15-SLB, "For the Operation of a Model Sailboat Rental Service at Conservatory Waters, Central Park, Manhattan," to be non-responsive. Therefore, Parks will not consider your proposal for award of the above-referenced solicitation.

Section 1-06(a) of the Concession Rules states that the "award of concessions shall be made only to proposals/bids received that are responsive to the solicitation," and Section 1-06(b)(1) further defines a responsive proposal as "one which conforms to the material terms and conditions of the solicitation documents and all material requirements of the specifications." Pursuant to Section 2(A) of the Request for Proposals for Solicitation #M10-15-SLB, Parks specified, "A proposed hourly rental rate no higher than the current rates should be included in proposals." The proposal you submitted included rates that are higher than those listed in the Request for Proposals as the current rental rates. Therefore, Parks has determined your proposal to be non-responsive as required by the Concession Rules.

Based on this determination, Parks will return your proposal deposit in the amount of \$1,000.00. To claim your proposal deposit, please contact our office at (212) 360-1397 and schedule an appointment.

Please be advised that you have the right to appeal this non-responsiveness determination, in writing, to the Agency Head within five (5) days of receipt of this notice. Receipt of this notice shall be deemed to be no later than five (5) days from the date of mailing or upon delivery, if delivered. Filing of the appeal shall be accomplished by actual delivery of the appeal document to Elizabeth W. Smith, Assistant Commissioner, Revenue & Marketing, as well as the Agency Head's official designee, at the following location:

New York City Department of Parks & Recreation
The Arsenal, Central Park
830 Fifth Avenue
New York, NY 10065



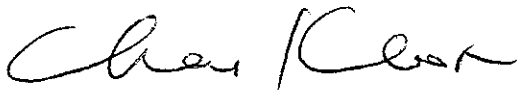
In addition, the Concession Rules require that a copy of your appeal be sent to the New York City Comptroller for informational purposes, located at the following address:

Office of the New York City Comptroller
Office of Contract Administration
1 Centre Street, Room 835
New York, New York 10007
(212) 669-2323

Your appeal must be made in writing, it must briefly state all the facts or other basis upon which you are contesting the finding of non-responsiveness, and it must include all supporting documentation. Please note that the Agency Head's decision regarding a non-responsiveness appeal submitted by a vendor shall be final and the award of the concession at issue shall be stayed pending the rendering of decision by the Agency Head unless the Agency Head makes a written determination that execution of the concession without delay is necessary to protect substantial City interests.

Please call Eve Mersfelder, Project Manager for Revenue, at (212) 360-3407 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Kloth". The signature is fluid and cursive, with the first name "Charles" and last name "Kloth" clearly distinguishable.

Charles Kloth
Director of Concessions

Cc: Accounting
Franchise and Concession Review Committee

Conservatory Sailboat Rentals, Inc.

85 Bronx River Road, #1S
Yonkers, NY 10704
(917) 796-1382

9 March 2009

Ms. Elizabeth W. Smith
Assistant Commissioner
Revenue and Marketing
New York City Department of Parks and Recreation
The Arsenal, Central Park
830 Fifth Avenue
New York, NY 10065

Re: Appeal to Notice of Non-responsiveness for Solicitation #M10-15-SLB

Dear Ms. Smith:

This letter is to serve as an appeal to the letter I received on 7 March 2009 from Mr. Charles Kloth, Director of Concessions, stating that my proposal submission would be rejected by being non-responsive as per concession rules.

Let me begin by saying that the Request for Proposals for the model sailboat rental concession was a seriously flawed document and contained many elements that were either unworkable or incorrect. In the proposal that I submitted I stated as much. The point being offered as the reason for my proposal being rejected was that the rental rates of my proposal were higher than the current rental rates.

Let me correct things here. I am the current operator of the concession, and have been for over a decade. If anyone knows what the current rates are, it is me. The rates in my proposal are the same that the operation has used for three (3) years. The price of \$10.00 per half hour is the current rate. It is obvious to me that the author(s) of the RFP were relying solely on my previous proposals for information, as they were winning proposals. Further due diligence was obviously necessary.

Should my proposal be rejected on the grounds provided in Mr. Kloth's letter, then an injustice has been done. Again, the rental rates in my proposal are the current rates, and have been for years. They are in line with what other operations of this type charge around the world. If this is the basis for me to lose my concession, then a serious wrong has been done. I expect the Parks Department will do the right thing and approve my proposal on its good merits.

Regards,

Ronald S. McKechnie
President

Cc: Mr. Adrian Benepe, Commissioner
Mr. William C. Thompson, Jr., New York City Comptroller
Ms. Eve Mersfelder, Project Manager

DISCOVERY VARI



You rent them here from this little cart behind me,
ten dollars for a half-hour.

03:29 01:26 CC

ason: Season 3, Summer 2007
del sailboats, storytellers, and sculpture converge.



City of New York
Parks & Recreation

Adrian Benepe
Commissioner

The Arsenal
Central Park
New York, New York 10065

Elizabeth W. Smith
Assistant Commissioner
Revenue and Marketing

(212) 360-1366
betsy.smith@parks.nyc.gov

April 2, 2009

Mr. Ronald McKechnie
Conservatory Sailboat Rentals, Inc.
85 Bronx River Road #1S
Yonkers, NY 10704

Dear Mr. McKechnie:

Thank you for your letter regarding the Notice of Non-Responsiveness for Solicitation #M10-15-SLB.

Unfortunately, your proposal in response to this solicitation did not include a *specific dollar amount* under the heading "fee offer": instead, you stated "Year 1: no increase; Year 2: 5% increase...etc." We realize that you were undoubtedly using your current fee as a starting point for the new fee offer. However, since this was not specifically stated in your proposal, the determination was made that the proposal was technically non-responsive since one of the requirements of the Request for Proposals (RFP) was that proposals must contain a fee offer.

Parks very much appreciates your many years of providing this service to park users. We are going to issue a new RFP and we look forward to receiving your proposal. Please be sure to include a specific fee offer expressed in dollar amounts if you do propose.

Sincerely,



Conservatory Sailboat Rentals, Inc.

85 Bronx River Road, #1S
Yonkers, New York 10704
(917) 796-1382

5 February 2009

Eve Mersfelder
Revenue Department
NYC Parks and Recreation
The Arsenal, Central Park
New York, NY 10021

Dear Eve,

Re: Solicitation # M10-15-SLB

Per your request, below I have expressed the fee offer in dollars for my proposal:

Year 1	\$ 8,500.00
Year 2	\$ 8,925.00
Year 3	\$ 9,371.25
Year 4	\$ 9,839.81
Year 5	\$10,331.80

I wish to thank you in advance for inserting this in my proposal. Please feel free to call if you require additional information.

Regards,



Ronald S. McKechnie
President

Conservatory Sailboat Rentals, Inc.
85 Bronx River Road, #1S
Yonkers, NY 10704
(917) 796-1382
sailboatguy@hotmail.com

22 June 2009

Ms. Elizabeth Smith
Deputy Commissioner of Revenue and Marketing
New York City Departments of Parks and Recreation
The Arsenal, Central Park
New York, NY 10021

Dear Ms. Smith,

This letter is to serve as an appeal to the Park's Departments decision not to renew my permit after this season, and to address my concerns about the fairness and integrity of the bidding process. As you should be aware of by now, I am the sole person that has been responsible for keeping this concession functioning for over a decade. This operation would have ceased to exist many years ago, but not for my selfless efforts to keep it going. I am responsible for generating so much good will for Central Park. For these reasons, among others, I feel that what the Revenue Department has put me through these past 6 months is disgraceful.

The problems began in early January with the release of the original Request for Proposals (RFP). This document, which I made you aware of in my previous appeal letter, was a document rife with errors and was not supported by proper due diligence. The points in the document that were problematic were communicated to the project manager, Ms. Eve Mersfelder, soon after receiving the RFP. The main points that I had problems with included the length of the boats, the rental fee for the model sailboats, and the requirement that channels be cleared after rentals. There were some other minor issues that I reported in my proposal.

After my first communication with Ms. Mersfelder, she drafted a supplement to address the "boat size" issue, but failed to address the other issues. I tried to straighten things out in my proposal. In retrospect, that was a mistake. I should have made sure things were cleared up prior to submitting my proposal. I assumed that the process would be fair. How wrong I was.

The reason stated for my proposal being rejected was that I was not proposing the current rental fee, but something higher than the current rental fee. In my first (rejected) proposal, and my first (rejected) appeals letter to you, I tried to straighten things out on the pricing issue, that the price in the proposal I submitted had been the current price for three years. I was not successful. You provided no explanation to me why the appeals letter was not accepted. Instead, the decision was made that the bidding process would start over. **This is not fair.** Soon after, I receive a letter from you thanking me for years of service to the park, and then telling me that the reason that my proposal was rejected was that I presented the permit fee increases as a percentage increase, rather than a dollar amount. This had already been cleared up within days of my proposal submission with a letter to the project manager, at her request.

I believe that the Parks Department has not been straight with me from the beginning. There has been one error after another, and a very poor effort to make things right. It might very well be that the decision to make a change in the concession was made behind closed doors at the Arsenal a year ago. The Parks Department could not deal with me being the only person submitting a proposal on the first RFP, so it would initiate a second RFP, in an attempt to find another person to operate the concession. While this is something hard to prove, based on the sequence of events, it makes some sense.

In my conversation with Ms. Mersfelder, regarding the decision by the Parks Department to award the permit to someone else, I finally get feedback for the first time about this process I have been put through. I am not rich enough, and the Parks Department wants something bigger. Apparently, operating the concession for over a decade says nothing about my ability to make it work in the future. I have already made substantial financial commitment to the concession. Last year I purchased \$3500 worth of T-shirts, \$1000 worth of controllers, and \$2000 in new boats. This year I have purchased another \$2000 worth of new boats, and have committed to purchase 100 controllers from the manufacturer for \$3500 to ensure trouble free operation for the next few years. I have plans to purchase another \$2000 for new boats, and an undetermined amount for a new canopy for the rental cart. This will be put on hold pending the outcome of this appeal.

Bigger is not always better. I have had to focus on the rental side of the concession. It is what the public wants. The boats must work. This is not an easy

task. A new person coming in will experience at least a two year learning curve. The service to the ultimate customer will suffer, cash flow will suffer, and the rental fee will have to increase by 50-100% the second year. The initial investment will not make sense early on. I know what I am talking about; I am the subject matter expert here. In trying to make the concession bigger, a diverse line of products will have to be sold and stored. There will be too much to be stored under the cart, as the RFP requires.

I suspect this is all about money. If something is bigger, higher permit fees can be charged. Even though the ultimate consumer gets less for more money, the extra few thousand dollars in permit fees justifies a change in concessionaires. This will be a very unpopular decision if it stands. There are scores of people that will write and call. The public appreciates me far more than the Revenue Department.

I have a little hope that my appeal will succeed. Things have been stacked against me from the beginning. The first RFP was quicksand for me, nothing was fixed, rejection was based on a bogus reason(s), the appeal was rejected for no stated reason, I was put through a second grievous RFP process, which was not successful because of concerns over me not being successful, even though I have succeeded for a decade. I am hoping that one of those copied will stand up for the little guy. I do not expect that from the Parks Department.

Regards,

Ronald S. McKechnie
President

Cc: Mayor Michael R. Bloomberg – Mayor of the City of New York
Ms. Christine C. Quinn – Speaker of the City Council of New York
Commissioner Adrian Benepe – NYC Parks Department
Mr. William C. Thompson, Jr. – City Comptroller
Mr. Daniel R. Garodnick – City Council Member
Ms. Betsy Gotbaum, Public Advocate for the City of New York



City of New York
Parks & Recreation

The Arsenal
Central Park
New York, New York 10021

Adrian Benepe
Commissioner

July 15, 2009

Mr. Ronald S. McKechnie
Conservatory Sailboat Rentals, Inc.
85 Bronx River Road, #1S
Yonkers, NY 10704

**RE: Bidder Protest
Concerning the Selection of a Concessionaire in Response to the
Request for Proposals for the Operation of a Model Sailboat Rental Service at
Conservatory Waters, Central Park, Manhattan, Solicitation #M10-15-SLB**

Dear Mr. McKechnie:

The New York City Department of Parks & Recreation ("Parks") is in receipt of your letter, dated June 22, 2009, protesting Parks' decision not to select your proposal as the winning submission for Solicitation #M10-15-SLB ("Request for Proposals (RFP) for the Operation of a Model Sailboat Rental Service at Conservatory Waters, Central Park, Manhattan").

As required by the New York City Concession Rules, all proposals submitted to Parks in response to a RFP are evaluated by an impartial Selection Committee, based on the criteria established in the RFP. The Selection Committee is responsible for recommending a proposal based on the best combination of quality, compensation to the City, and the other criteria outlined specifically in the RFP. Contrary to your assertion that "this is all about money," the fee offer to the City accounted for only 30 percent of the Selection Committee's decision, as outlined in the *Proposal Evaluation Criteria* section of the RFP. While the proposal you submitted in response to the latest RFP for this concession was competitive, the Selection Committee determined that another proposal was ultimately stronger than yours.

Moreover, the decision was not against *renewing* your permit after this season, as your protest appears to indicate. Parks cannot renew concessions contracts upon their expiration (unless such an option is expressly reserved in the contract); rather, Parks is required to solicit new proposals when the previous concession term is drawing to a close. Your contention, therefore, that "the decision to make a change in the concession was made behind closed doors at the Arsenal a year ago" is unfounded. Parks was required to solicit proposals for this concession, and to do so fairly and publicly.

On March 5, 2009, your proposal to the initial RFP for this concession was determined to be non-responsive. Your appeal of that determination became moot when Parks decided



Mr. Ronald S. McKechnie

July 15, 2009

Page 2 of 2

that it was in the best interest of the City to re-solicit proposals for the concession. Indeed, some of the concerns regarding the initial RFP referenced in your present protest (e.g., rental fee and clearing of channels after rentals) were, *inter alia*, a basis of support for the decision to issue a new RFP and issues you raised regarding boat length, rental rate, and frequency conflict procedures were reflected in second RFP.

Based upon my review of the facts and my discussions with Parks staff, I have decided to sustain the Selection Committee's decision to select a different concessionaire for the operation of the Conservatory Waters model sailboat concession for the permit term beginning January 5, 2010. You may retrieve your proposal deposit of one-thousand dollars (\$1,000.00) from the Revenue office at your convenience.

Sincerely,


Adrian Benepe

cc: Marla Simpson (MOCS)
John Goddard (Comptroller's Office)
Elizabeth Smith





City of New York
Parks & Recreation

Adrian Benepe
Commissioner

The Arsenal
Central Park
New York, New York 10065

Elizabeth W. Smith
Assistant Commissioner
Revenue and Marketing

(212) 360-1366/betsy.smith@parks.nyc.gov

RRR Via Certified Mail

Ronald Mckechnie
Conservatory Sailboat Rentals, Inc.
85 Bronx River Rd., #1S
Yonkers, NY 10704

December 23, 2009

Re: Return of Proposal Deposit

Dear Mr. Mckechnie;

As you were not the highest bidder for Parks RFP to operate a model sailboat concession stand in Central Park Parks no longer needs to hold on to your proposal deposit, a Cashier's Check in the amount of \$1,000.00 The check is therefore being returned to you.

We greatly appreciate your interest in Parks' concessions, and hope that you will continue to bid on future concession opportunities. If you should have any further questions, please feel free to contact us at (212) 360-1397.

Sincerely,

Michael Kaplan
Accountant
Revenue & Marketing



American Golf Corporation

Re: Hearing before the Committee on Parks & Recreation
Oversight - Parks Concessions and Introduction 21-2010
Date: April 27, 2010
Speaker: Lee Finkel, Regional Director American Golf Corporation.

- American Golf Operates 6 Park's golf courses including:
 - Clearview Park Golf Course in Queens
 - Pelham Bay and Split Rock Golf Courses in Pelham Bay Park in the Bronx
 - Dyker Beach Golf Course in Brooklyn
 - La Tourette Golf Course in Staten Island
 - South Shore Golf Course in Staten Island

- American Golf has been a concessionaire of the New York City Golf Courses since 1984.

- The City Golf Courses were losing \$2 million per year before AGC took them over in 1984. The properties had been a tremendous burden on the City and the City had to subsidize the operating losses out of the general fund.

- As a result of the City's losses prior to privatization, the golf courses fell into disrepair and did not receive much needed Capital Improvements and dollars to improve and preserve the City assets.

- City chose a public private partnership with AGC to provide for professional management of the golf course courses.

- Now the golf courses contribute approximately \$4M to the City through rent paid by AGC.

- American Golf also invested more than \$20M in much needed capital to upgrade and preserve the facilities. The City has no (zero) financial risk any longer from the operation of the golf courses. The City shares in the Revenue increases resulting from AGC's private capital investment.

- This considerable investment into the properties was only possible through a public private partnership.

- The golf courses also receive approximately \$400K worth of annual improvements as part of the contract.

- The nature of the Concession Agreement provides the City with significant oversight on how the properties are operated. This contract does not provide unlimited rights to the concessionaire. It is critical the concessionaire make money and recoup invested capital or future capital investments will not be feasible.

- Cities such as Los Angeles and San Francisco have retained City operation of their golf courses and are in difficult cash situations because they have had to subsidize the operations of those facilities. They are reportedly now also looking to privatize so that they do not have to cut services or impose significant use-fee increases on the golfers.
- AGC prides itself on being a good neighbor in the communities and Parks in which we operate. We partner with the City Parks Foundation to provide maintenance services to the Dyker Junior Golf Center and provide access and assistance with the Foundation's lesson and player development programs. Over the years American Golf and the American Golf Foundation have raised and contributed nearly a half a million dollars to the Parks Foundation. Additionally, AGC maintains the perimeters of the facilities it operates and in many cases, outside the immediate boundaries of the parks.
- As such, our concessions cover hundreds of acres within the City's Parks. Additionally, several of our concessions overlap with other concessions. As a result, Introduction 21-2010 would not be realistic or feasible for many of our golf courses and impose an undue and unreasonable burden on our operations.
- New York City and its Parks Department were pioneers in privatizing the operation of their golf courses and as a result have many of the finest and lowest-cost municipal golf facilities in the Country. It is important that the City continue to view the concessionaire relationship as a partnership. Without this successful Public/Private Partnership the resulting financial and recreational benefits to the City and its residents would not be possible.

Tuesday, April 27, 2010

To: **Committee on Parks & Recreation 2010.**

Honorable City Council Members,

My name is Cesar Fuentes and I am the Executive Director of the Food Vendors Committee of Red Hook Park Inc. (Also known as the Red Hook Food Vendors). I am here today not just to represent one of the most authentic and popular park concessions in New York City, but also to share with you a real life story.

The story of my family, who were given an opportunity to set a small concession stand at the Red Hook ball fields twelve years ago. They began their unlikely odyssey into business entrepreneurship with a small investment, just enough to afford them a few basic items including a table, some chairs, and a second-hand grill. The first item sold—a cup of coffee—was given away free of charge to their first customer as they did not have enough to break change for a twenty dollar bill.

This year, my family was given the opportunity to set a concession stand at the Summer Stage Concert series in Central Park, one of the most sought after & successful venues of its type in the city. And this time, you better believe they will have enough change to handle the crowds! Their secret to success is simple: A good family recipe, hard work, a dream, and an incredible opportunity to set up shop at the Red Hook Ball fields.

My family, as part of the vendors group I represent have benefited immensely from the opportunity to hold a shared concession at an affordable rate, which is tailor-fitted to the specific size and needs of our organization. Because of this custom-made relationship, New York City Parks Dept. has allowed many entry-level entrepreneurs like the Red Hook Food Vendors (who would otherwise be priced-out of their dreams) grow & flourish into popular, authentic, and unique destinations that add to the flavor and character of the city.

Honorable council members, the reason for my testimony is to bring light to the good relationship established between NYC Parks Dept. and concessionaires like the Red Hook Food Vendors. A relationship built on individualized care and understanding of the needs of our affair. Their knowledge that, just like New Yorkers in general, concessions are unique and distinctive to the neighborhood they belong. They take shape and evolve according to the unique needs of their patrons and community. That no two are—nor they should be—alike. I hope you can consider my testimony and remember my family story as a reflection of a broader reality. To end my story, a Spanish version of a popular saying:

"Lo que no esta roto, no se arregla" translation "What is not broken, doesn't need fixing"

Atentively,



Cesar N. Fuentes

Executive Director

Food Vendors Committee of Red Hook Park Inc.

www.redhookfoodvendors.com



THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

**Testimony of LANDMARK WEST!
Before the New York City Council Parks & Recreation Committee
Oversight Hearing on Concessions in Public Parks
April 27, 2010**

LANDMARK WEST! is a not-for-profit community advocacy organization committed to the preservation of the architectural heritage and sense of place of the Upper West Side of Manhattan. This commitment extends not only to the bricks and mortar resources of our neighborhood's historic built environment, but also to the urban oases of our landmarked public parks, achievements in landscape design.

In our dense city, public parks are our communal back yards. Where millions of New Yorkers and visitors alike gather to enjoy the benefits of open space, fresh air, and to take pleasure in recreation of all kinds. It was recently—just this past March—that LANDMARK WEST! learned of a concessions proposal by the Department of Parks and Recreation (DPR) which threatened all of the characteristics fundamental to the greatness of our city's first Scenic Landmark, Central Park. We're here to report to you "from the field"; to let you know from our own experiences that the present practice of soliciting concessions in parks is in desperate need of reform. Without change, our public parks risk being sold off to the highest bidder, their designs degraded, their democratic existence undermined by sky-high fees, and we, the community, will have no say about it.

The need for concessions reform is embodied by the DPR's recent proposal to install four 35-foot-high bubbles over tennis courts in Central Park. This proposal grossly underscores three of our primary concerns:

The concessionaire selection process (ie: the Request for Proposals [RFP] process) is not transparent. In Central Park, the DPR was still "gathering information" from the community, going through the motions of soliciting and responding to our concerns, while behind the scenes, a contract was already being hammered out (indeed, the RFP had been making its rounds since March 2009, a full year before its public review at Community Board 7). To ensure genuine and substantive community consultation, a broad range of stakeholders must be assembled when an RFP concept is still in the stages of inception, not after months (years?) of internal DPR project development.

In landmark-protected parks, such as Riverside Park and Central Park, early consultation with fellow City agencies is not practiced. Projects within these two parks require the oversight of the Landmarks Preservation Commission (LPC) and Design Commission, professional experts on landmark stewardship and design appropriateness. Yet when inquiring of the LPC as to how the agency might proceed with its review of the proposal for tennis bubbles in Central Park, the public was told that the Commission had no official knowledge of the project, and could not assess how they might be involved until an official application was filed by the DPR. A signed contract should come long after discussion with these agencies, not prior. Like the community, fellow city agencies with expertise on parks stewardship should be involved in RFP brainstorming and development, rather than apprised of RFPs after a deal is effectively done.

Over, please

Finally, we cannot allow our public parks to mutate into privatized cash cows. The issue currently threatening to lay siege to Central Park—that of privatization—has plagued other public city parks as well: on the East Side at York Avenue under the 59th Street bridge, on Randall’s Island, and in Union Square under the guise of a restaurant. Private concessionaires have sought to monopolize park land for private gain. In other words, this is nothing new, but it is something we must change. Through thoughtful reform that brings negotiations out from behind boardroom doors and into the open, before the public who rightfully owns these democratic parks, we can protect the integrity of our parks and ensure their accessibility for all for years to come.



The World Ice Arena
Flushing Meadows Corona Park

April 27, 2010

Addressed to: **The New York City Council**
Subject: Int. No. 21, By Council Member Nelson
Concession Boundaries

There may be concessions that require more oversight regarding their operational boundaries...but to constrain all licensees and concessionaires with rigid **boundary legislation** might not serve the needs of the community.

At The World Ice Arena, we often get 10+ buses of young school children arriving to participate in a daytime ice-skating event...this represents 600-700-800 young people in our Ice Skating Rink. Overall, this is wonderful news...we all want New York City children to use these state-of-the-art Recreational Centers, Swimming Pools and Ice Rinks.... but our Facility is not large enough to accommodate these crowds. The Ice Rink Staff has to expand beyond our strict license premise area to manage the coming and going of Youth and School Groups.

-We have to go beyond our licensed premise area to execute our Youth Summer Camp Program with activity both inside the Rink and outside in FMCP.

-We have to utilize the Plaza in front of our Pool/Ice Rink Complex for the staging of popular Professional Sports Events including the Rangers, Islanders and Olympian Appearances and Performances.

-We have to manage waiting lines of Public Skaters who want to skate in the busy winter season.

-We are required to maintain the area around our concession greater than our licensed area that includes snow, grass, debris and garbage. It seems reasonable that we could also stage youth events around our Facility greater than our licensed area.

It is a privilege to operate New York City's only 12 month, year round, indoor ice skating arena. We have a very supportive community and boast over 800 children in our Ice Skating School per week.

We would like to maintain the flexibility to expand and contract to best serve the needs of our growing ice skating community. Please do not penalize the entire network of hard working concessionaires because of several over-reaching partners.

Thank you.
Ron Kraut
Project Manager
The World Ice Arena



Scott Cavanaugh
Bike and Roll NYC
557 12th Ave.
Pier 84
New York, NY 10036
212-260-0400

Bike and Roll is a bicycle rental and tour company operating in major cities across the country with five locations here in New York. We are a new concessionaire with the Parks Department. This year we will be operating in Central Park and in Riverside Park. In 2011 we will open in West Harlem Piers Park, East River Park, and Highbridge Park.

Working with the Parks Department has been a very positive experience. As a new concessionaire, we have had many questions as we work toward operating in a fashion that is optimal for all involved. Parks has been very responsive to our questions and thorough in their feedback and directives. It has been clear from the start that their utmost concern is in best providing for the public. We are excited about being a concessionaire because we think, and we believe that Parks agrees, that Bike and Roll can play a role toward this end.

Bike and Roll NYC is proud to be part of the Parks community. This season we will employ over 80 people, many of them young people for whom working with Bike and Roll will be their first job. Bike and Roll allows residents and tourists alike to be able to more thoroughly enjoy the public spaces of New York City. We offer a fun, green, and active alternative to automobiles and tour buses. More and more people are discovering that you can see a lot more of a park on a bicycle than you can on foot. We are looking forward to strengthening our relationship with Parks and with New York City in the coming years.

**THE COUNCIL
THE CITY OF NEW YORK**

INT 21

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/27/10

(PLEASE PRINT)
Name: CESAR FUENTES
Address: ~~620~~ PO BOX 48 NYC NY 10159
I represent: FOOD VENDORS COMMITTEE of RED HOOK PARK
Address: (AKA, RED HOOK FOOD VENDORS)

**THE COUNCIL
THE CITY OF NEW YORK**

INT 21

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4-27-10

(PLEASE PRINT)
Name: RON McKECHNIE 10704
Address: 85 BRONX RIVER RD, YONKERS, NY
I represent: CONSERVATORY SAILBOAT RENTALS
Address: SAME AS ABOVE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Mel Wymore
Address: 250 W 87
I represent: CB7
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

Name: Gelfand, Gary (PLEASE PRINT)

Address: _____

I represent: NYC PARK ADVOCATES

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 21 Res. No. _____
 in favor in opposition

Date: 4/27/10

Name: CHARLES KLOTH (PLEASE PRINT)

Address: 830 5th AVE, NY

I represent: PARKS + RECREATION

Address: 830 5th AVE, NY 10065

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 21 Res. No. _____
 in favor in opposition

Date: 4/27/10

Name: Joel Metten (PLEASE PRINT)

Address: 830 5th Ave, Rm 407, New York, NY 10065

I represent: NYC Dept. of Parks & Recreation

Address: 830 5th Ave, Rm 407, New York, NY 10065

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 21 Res. No. _____

in favor in opposition

Date: 4/27/10

(PLEASE PRINT)

Name: DAVID CERRON

Address: ~~830 5th Ave NY, NY 10065~~

I represent: THE NYC DEPT. OF PARKS & RECREATION

Address: 830 5th AVE NY, NY 10065

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mitchell Palmitt

Address: P.O. Box 1069 NY NY 10028

I represent: ARTIST

Address: "Michael Palmitt"

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Marla Simpson

Address: Director

I represent: Mayor Office Contracts

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 4/27/10

(PLEASE PRINT)

Name: CRISTIANA PENNA

Address: _____

I represent: LANDMARK WEST!

Address: 45 West 67th St NY NY 10023

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 21 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Cheryl Huber

Address: _____

I represent: New Yorkers for Parks

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 18136 Res. No. _____

in favor in opposition

Date: 4/27/10

(PLEASE PRINT)

Name: Lela Chapman

Address: _____

I represent: Michael Hurwitz, Greenmarket, GrowNYC

Address: 51 Chambers St Ste 1231 NY NY 10007

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 21-2010 Res. No. _____

in favor in opposition

Date: 4/27/10

(PLEASE PRINT)

Name: Betsy Smith

Address: ASST. Commissioner, Bureau of Marketing

I represent: NYC Dept. of Parks & Rec.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Parks Commission Res. No. _____

in favor in opposition

Date: 4-27-2010

(PLEASE PRINT)

Name: JUDI FRANCIS

Address: 140 PACIFIC ST BROOKLYN

I represent: The Brooklyn Bridge Park Defense

Address: 23 STATE ST BROOKLYN NY Fund

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 201

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DEONIS QUIRK

Address: 89 LINCOLN ST

I represent: CITY ICE FACT

Address: 89 LINCOLN ST

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: APRIL 27, 2010

Name: GARY PAPUSH (PLEASE PRINT)

Address: 32 GRAMERCY PARKS. 10003

I represent: CB(6) M L2507 FRIENDS OF NYC PARKS

Address: 866 N AVENUE NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 21 Res. No. _____

in favor in opposition

Date: 4.27.10

Name: MICHAEL O'NEAL (PLEASE PRINT)

Address: 390 WEST END AVE

I represent: BOAT BASIN NYC 10027

Address: West 79th St @ Hudson River.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 21 Res. No. _____

in favor in opposition

Date: 4/27/10

Name: CR Holzer (PLEASE PRINT)

Address: 233 E 62

I represent: Riverdale Stables

Address: West 254th St + Broadway

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: BARRY McLAUGH LIN

Address: Mosholy Golf Course, Bronx

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 21 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MICHAEL TAFET

Address: 640 WEST 237 STREET RIVERDALE NY

I represent: NYC GOLF COURSES

Address: 63-20 MARATHON PKWY DOUGLASSON NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 21 Res. No. _____

in favor in opposition

Date: 4/27/2010

(PLEASE PRINT)

Name: GIORGIO KOLAJ

Address: 199 MAIN ST. 8TH FL. WHITE PLAINS NY

I represent: FRIENDSHIP RESTAURANT GROUP LLC

Address: ~~ST~~ 188 E-POST RD. #202 WHITE PLAINS, NY

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 04-27-10

(PLEASE PRINT)

Name: KANDASAMY TITIRUKUMAR DOSA MAN

Address: 140-15 HOLLY AVE BC FLUSHING

I represent: MYSELF AND THE PARK

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: TERESA SANO

Address: 2035 E 9 ST BLDG NY

I represent: Community Board 15 Blyn

Address: 2001 Arendel Blvd

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 21 Res. No. _____

in favor in opposition

Date: 4-27-10

(PLEASE PRINT)

Name: RON KRAUT

Address: 424 E. 57th ST

I represent: World Ice Arena

Address: Flushing Meadows Corona Park

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 21 Res. No. _____
 in favor in opposition
Date: 4/27/10

(PLEASE PRINT)
Name: Scott Cavanaugh
Address: 573 6th St. #11 Brooklyn NY 11215
I represent: Bike and Roll NYC
Address: 557 12th Ave NY, NY 10036

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition
Date: April 27 2010

(PLEASE PRINT)
Name: ELDON SCOTT
Address: _____
I represent: URBAN SPACE MANAGEMENT
Address: 6 WEST 14th ST NYC

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 21 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jerald Tenenbaum

Address: 287 Spring St.

I represent: Manhattan River Group, LLC

Address: SoHo

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 21 Res. No. 2010

in favor in opposition

Date: 4/27/10

(PLEASE PRINT)

Name: LEE FINKEL

Address: 202-12 NILES POINT BLVD, QUEENS NY

I represent: AMERICAN GOLF

Address: 2951 28th Street, Santa Monica, CA

Please complete this card and return to the Sergeant-at-Arms