

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PARKS AND RECREATION

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April 29, 2009

Start: 1:15pm

Recess: 2:45pm

HELD AT: Council Chambers
City Hall

B E F O R E:
HELEN D. FOSTER
Chairperson

COUNCIL MEMBERS:
Council Member Elizabeth Crowley
Council Member Alan Gerson
Council Member Letitia James
Council Member Helen Sears

A P P E A R A N C E S (CONTINUED)

Liam Kavanagh
First Deputy Commissioner
Department of Parks and Recreation

Hector Aponte
Bronx Parks Commissioner
Department of Parks and Recreation

Sheelah Feinberg
Director of Government and External Relations
New Yorkers for Parks

Allison Lack
Research Analyst
Good Jobs New York

CHAIRPERSON FOSTER: Good

afternoon, I'm Council Member Helen Diane Foster.

We are going to get started. Are you all good?

Oh, great. We have, I apologize for the delay,

there's a meeting on the 14th floor and a meeting

across the street, so Tish James who's on this

committee is actually chairing a meeting

downstairs; Helen Sears is on her way; and Alan

Gerson, - - and Council Member Crowley should be

here shortly. That being stated, we'll hear from

Commissioner Kavanagh and Dmitri Kohn, K-

DMITRI KONAN: Konan [phonetic].

CHAIRPERSON FOSTER: Konan. Did

you write this? [off mic] Okay, as long as you

know who you are. As this committee has been

doing since the approval of Yankee Stadium, we

have been having meeting to be updated on the

status of the replacement parks. And as we know,

Yankee Stadium and it's here, and I have heard,

though I have not been in it, from people that

have been in it, it's a nice stadium. We want to

make sure for those of us in the community, that

our replacement parks are as nice or nicer than

the new stadium. And just the timeline, because

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2 again it sends a clear message, whether it was
3 independently done or not. But we are sending a
4 message where, when we can put a stadium up
5 quicker than we can fill most potholes in New York
6 City. And so, with that, Commissioner, I'm very
7 happy to have you here, and to be working with the
8 Parks Department, who has always responded to the
9 call in terms of updating the, the community. And
10 I know that you had a community meeting. But I
11 think it's important that we do it in a public
12 forum for the record, so that the public and those
13 that don't live in The Bronx can follow the
14 process. Because as I said, this sets a tone in
15 terms of this new development at Yankee Stadium,
16 and what happened with the parkland, we're setting
17 a tone going forward for any potential building
18 that comes down the pike, that there has to be the
19 accountability. So, thank you very much for being
20 here, and feel free to start your testimony.

21 LIAM KAVANAGH: Thank you. Good
22 afternoon, Chair Foster, and members of the Parks
23 Committee yet to come. I am Liam Kavanagh, First
24 Deputy Commissioner for Department of Parks and
25 Recreation. On behalf of Mayor Bloomberg, First

1 Deputy Mayor Patty Harris, and Parks Commissioner
2 Adrian Benepe, I want to thank you for the
3 opportunity to discuss and update you on the
4 status of our Yankee Stadium Replacement Parks.
5 I'm please to be before the Committee once again,
6 to give you progress reports on the parks being
7 built in the South Bronx as part of the Yankee
8 Stadium Replacement Parks Project. The
9 construction of these parks is a major initiative
10 of the administration. It's jointly managed by
11 the Economic Development Corporation and Parks, as
12 part of the overall Yankee Stadium Redevelopment
13 Project, to provide the community with usable
14 recreation space, and new, state-of-the-art
15 recreational facilities. The project's total
16 budget is \$306 million, of which \$197, \$194.7
17 million is provided for replacement parks and
18 facilities. \$70 million is going towards
19 infrastructure, streetscapes, design and
20 construction management, and \$39 for the City's
21 share of the New Metro North Station, that I, I'm
22 remiss to say that I'm joined by Dmitri Konan,
23 Executive Vice President of the, of the City's
24 Economic Development Corporation, who is our
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1 partner in the Yankee Stadium Redevelopment
2 Project. As is the case with all of our capital
3 projects, before building new or renovating
4 existing parks, Parks meets with members of the
5 community to determine the project's scope, and to
6 ensure that parks features and amenities that are
7 important to the neighbors are included. In
8 addition, over the course of developing the
9 designs, each project is presented to Community
10 Board Four twice; first, at the preliminary level,
11 and later at the final design stage. And finally,
12 in an effort to ensure that both elected officials
13 and the community are kept abreast of our
14 progress, Parks conducts, conducts monthly
15 briefings at The Bronx Museum of Art, and
16 quarterly evening meetings for the community as
17 recommended by Council Member Foster. The City is
18 not only keeping its promise to replace the
19 amenities and parklands impacted by the
20 construction of the new Yankee Stadium, it has
21 done so in a manner that expands recreational
22 opportunities to even more residents of The Bronx.
23 This is occurring despite expanding scopes of some
24 of the projects, additional site and
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2 infrastructure costs, unseen but necessary,
3 unforeseen but necessary environmental
4 remediation, and region wide increases in
5 construction costs. With community input on
6 design, New York City is building four new parks
7 with high quality recreation facilities, three
8 high quality ball field, grass ball fields, and
9 all weather soccer/football fields surrounded by a
10 400 meter competition quality track; four
11 basketball courts, eight handball courts, a skate
12 park, a playground, fitness equipment, a
13 waterfront esplanade linking a picnic area, play
14 area, tennis, a tennis center and 16 tennis courts
15 along the Harlem River. This afternoon, I'm going
16 to speak to you, to you about each project and
17 give you an update, and then I'll be happy to
18 answer any questions you might have. We'll start
19 that with projects that have already been
20 completed, and first of course is, is the, the new
21 ball field at Public School 29. Completed in the
22 spring of 2009, this \$2.5 million project, located
23 in the Melrose section of The Bronx, replaced a
24 paved play area with a synthetic turf ball field
25 and full basketball court. In addition, the

1
2 popular park now features refurbished handball
3 courts, new shade trees, bleachers, a misting
4 station and drinking fountains. Henceforth, the
5 site was operated as a jointly operated park, a
6 program in which Parks and the Department of
7 Education share responsibility for and access to
8 the ball field. It will be utilized by PS 29
9 throughout the school day, and by the community
10 after school, on weekends, holidays, and during
11 the summer. We also completed, in the Summer of
12 2008, at a cost of \$3 million, a new synthetic
13 turf field at the West Bronx Recreation Center, on
14 what was undeveloped land adjacent to the
15 recreation center on Jessup Avenue. It features a
16 synthetic turf soccer ball field, green space,
17 seating, drinking fountains, misting station, and
18 a pedestrian path that linked the neighborhood to
19 the community, that linked the park to the
20 community. In addition, Parks provided trees and
21 other landscaping. And I should point out that
22 both of these projects were originally envisioned
23 as temporary ball fields to be used while other
24 permanent fields were being constructed. That
25 idea proved to be impractical, but rather than

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2 abandon it, the City made a commitment to install
3 two new permanent ball fields in the community, so
4 that they did have access to ball fields while the
5 stadium construction was going on. In addition to
6 that, we have upgrades at Mullally Park, located
7 across the street from the new stadium. The
8 park's north end renovations were completed in the
9 Spring of 2008, with a new synthetic turf multi-
10 purpose field, to bring you the total of two
11 synthetic turf fields in that park; a community
12 garden area, flowering trees, new landscaping, new
13 irrigation systems at the two natural turf ball
14 fields. In December of 2008, the two turf ball
15 fields were renovated with sod donated by the
16 Yankees. Renovations to the south end of the park
17 were completed this spring, with new basketball
18 courts, interactive play equipment, green space,
19 seating areas and water features. I don't know if
20 you've had a chance to see it yet, but it's, it's
21 quite spectacular. And we'll be cutting the
22 ribbon very shortly. The Mullally Park
23 improvements were funded from both the Croton
24 [phonetic] Project and the Yankee Stadium
25 Redevelopment Program. Moving onto projects that

1
2 are in construction now, as of the spring, this
3 spring, approximately \$140.8 million of the park
4 work is either completed or under construction.

5 The final \$53.9 million will be awarded for
6 construction to start either in 2009 or 2010.

7 First, we'll talk about Millpond Park, which is
8 the, our new name for the waterfront park, which
9 we previously referred to as Bronx Waterfront

10 Park. It's a reference to the, the mill on the
11 pond that were created by McCombs Dam, and which
12 was the first industrial use of the site. Under
13 construction since spring 2008, Mill Pond Park is
14 expected to be completed by December of 2009.

15 Budgeted at \$63.9 million, we are currently 45
16 percent complete with the park construction.

17 Constructed on the former Bronx Terminal Market
18 site, the scope of this project not only includes
19 the demolition and removal of four buildings, but
20 remediation as well. The latter included the
21 removal of concrete encased industrial sized
22 petroleum tanks, contaminated soil and capping the
23 site with soil. This park will not only transform
24 a decayed industrial site into a new ten acre
25 park, but it will provide the community with

1 access to the Holland River Waterfront. It will
2 feature 16 tennis courts, scenic overlooks, green
3 space, an outdoor classroom, barbecue space, a
4 beach area, water spray features, and an esplanade
5 that will unite the entire site. In addition,
6 Parks is rehabilitating the piers and slips.
7 Landscape plantings will line the accessible
8 pathway throughout the park, as will signage,
9 devoted to providing patrons a historical
10 accounting of the site. Twelve of the 16 tennis
11 courts will be open year round, as they are
12 designed to be, to allow for a bubbled enclosure,
13 as was the case with the courts in Mullally Park.
14 The project also includes the restoration of the
15 former Powerhouse building, an historic, 25,800
16 square foot structure, also known as Building J.
17 Upon completion, it will feature a green roof,
18 visible from the Major Deegan Expressway, and
19 space on the first floor for a public restroom,
20 the Parks Department's maintenance and operations
21 headquarters for Community Board Four, and a
22 future concession. An RFP for the development and
23 operation of sports and food services at the
24 facility was issued this month, in fact. The
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2 Parks Department will also seek an operator to
3 develop the 12,900 square feet of programmable
4 space on the building's second floor. Though a
5 tenant for the second floor hasn't been identified
6 yet, Parks and The Bronx borough president have
7 been working together to identify a concept that
8 will work both for the building and for the
9 community. Any operator of course will have to go
10 through the, the franchise concession and review
11 process before awarded or allowed to operate in
12 the facility. Rehabilitation of the interior and
13 exterior of this building is being done in a
14 manner in which we feel confident will merit a
15 silver lead certification. Moving on to the
16 McCombs Dam, the rooftop park, in addition to an
17 Olympic quality track, this seven acre, \$35
18 million facility will feature four handball
19 courts, a soccer/football field with grandstand
20 seating, four basketball courts, landscaping, a
21 new public restroom and picnic table terrace area.
22 A beautifully landscaped hill will connect the
23 park with the adjacent Rupert Plaza and Heritage
24 Field, providing an integrated park experience for
25 users and spectators alike. Like the two-story

1 garage below it, this facility is being
2 constructed in two phases. The periphery of the
3 park will be screened using trees and shrubs. It
4 is currently under construction with the first
5 section of the park to open for community use in
6 the next week or two, providing access to the
7 synthetic turf field and a temporary running
8 surface. As construction progresses, park patrons
9 will be able to enjoy a grass berm, the
10 grandstand, comfort stations, basketball courts
11 and planting areas. In addition, at some time
12 between October and December of 2009, the
13 permanent full track and field will be installed,
14 and the entire first phase of the rooftop park
15 will be completed by December 2009. Phase Two,
16 which we expect to complete next spring, the
17 spring of 2010, patrons will be able to enjoy more
18 landscaping and utilize two additional basketball
19 courts, eight handball courts, an adult fitness
20 area, and another grass berm to provide passive
21 recreational space for viewing games and track
22 meets. The river, at the River Avenue Pocket
23 Parks, we anticipate being construction of this
24 \$3.1 million project, in September 2009, with an
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2 estimated completion in Spring 2010. Remediation
3 of the site, a former service station, is required
4 and will take place this summer. The project
5 transforms two parking lots at the northeast and
6 southeast corners of River Avenue and 157th Street,
7 into a playground and an unsupervised skate park.
8 Play space will include customized play equipment,
9 benches and pathways and landscaping that will,
10 that will be positioned so as to frame the
11 existing Yankee mural on the adjacent building.
12 In addition the site will include lighting and
13 water features that can be triggered by passing
14 subway trains. The skate park will feature
15 customized ramps, pipes and fitness equipment.
16 Both sites will be outfitted with stairs, ramps
17 and entry paths to make the parks accessible. And
18 finally, both sites will share common design
19 elements and materials that will unite them into
20 one sort of continuous park space. The trees also
21 will extend onto the street in an effort to create
22 a green corridor that visually links this space to
23 the adjacent parks. Heritage Field and Rupert
24 Plaza is next, upon completing demolition of
25 Yankee Stadium in the summer of 2010, Parks will

1 immediately commence construction of three natural
2 turf ball fields, one softball field, one little
3 league field, and one tournament quality baseball
4 field that will be the centerpiece of heritage
5 field. The baseball field will be oriented in the
6 same manner as the field located in the historic
7 stadium, providing players with a unique and
8 enjoyable experience. Other amenities include a
9 comfort station, concession space, lighting--both
10 pedestrian and for the field--play equipment,
11 bleaches, fencing, a scoreboard, landscaping,
12 viewing mounds, and passive recreation space and a
13 walking/jogging path. Another component of the
14 project will include the construction of
15 pedestrian promenades at both Rupert Plaza and
16 157th Street. Rupert Plaza is important not only,
17 not only that it unites McCombs Dam Park and
18 Heritage Field, but it also connects the new
19 stadium to the pedestrian bridge at Metro North's
20 Train Station. It is anticipated that both
21 Heritage Field and Rupert Plaza will be completed
22 in the fall of 2011. While we build new,
23 refurbished fields, we continue to work with all
24 of these baseball and little leagues, to ensure
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2 they have a location to play during this interim
3 period of park development. In every borough,
4 Parks Department is investing heavily in new
5 fields. In The Bronx alone, we are renovating Van
6 Cortland Park playgrounds, Hunts Point, the Harris
7 Point, the Harris Park ball fields, and Bronx
8 Park. There are many asphalt/turf field projects.
9 Also, we'll begin construction shortly, and the
10 fields on Randall's Island are also in
11 construction right now. While it may have been
12 ideal to spread out development, to have more
13 fields available to accommodate the overflow from
14 Yankee Stadium, we may have missed an opportunity
15 to, to realize all of these new projects as the
16 economy slowed. We appreciate the patience, as we
17 deliver state of the art facilities to all users.
18 Once phase one of the rooftop park at McCombs Dam
19 Park is accepted by Park, by Parks, the interim
20 track and field on lot one will close so that
21 construction of Garage C can, can begin. However,
22 that will not occur until the track and field is
23 available on top of the rooftop park. In addition
24 to the park projects I just described, that we
25 have thus far planed 3,242 of the 8,000 trees,

1 that we intend to plant in the neighborhood
2 surrounding Yankee Stadium, the tree replacement
3 budget is, is--the tree replacement is budgeted as
4 \$11.2 million, and we are using larger caliber
5 trees than those that are typically used on parks
6 and street tree planting projects. As you know,
7 the City is currently overseeing the demolition of
8 the old Yankee Stadium. Demolition work actually
9 began at the end of March, and is expected to be
10 completed by the summer of 2010. The demolition
11 was originally expected to cost approximately \$27
12 million; based on the bids that we've received
13 right now, it appears as if the construction may
14 cost only \$22 million; however, we have not
15 removed anything from the budget in the
16 anticipation, just in case there are unanticipated
17 costs, or, with this project. As I mentioned
18 before, Dmitri Conan, vice president of Capital
19 Programs at EDC, is with me today, and he can
20 answer any questions you have with regard to the
21 demolition of the old Yankee Stadium. I want to
22 thank you for the opportunity to update the
23 Committee on the progress being made to fulfill
24 our commitment to The Bronx, to deliver world
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2 class recreational facilities that they definitely
3 deserve. We appreciate the patience and support
4 Bronx residents and local officials have shown in
5 dealing with the issues and inconveniences
6 associated with the rebuilding of Yankee Stadium,
7 and the construction of new parks in the
8 community. And we hope to continue our good work
9 in the future. I'd be happy to answer any
10 questions you may have at this time.

11 CHAIRPERSON FOSTER: Thank you.

12 I'm going to go through your testimony, 'cause I
13 made notes as you went, but my first question is
14 on page four. The, the last sentence, or the
15 second to last sentence, I'm not, I don't think I
16 understand, starts with "While we would ideally
17 want to spread out--"

18 LIAM KAVANAGH: Oh. There is so
19 much ball field construction going on,
20 particularly in The Bronx right now, that many,
21 many teams have been displaced, and we've had a
22 hard time finding all of the field time to replace
23 what is in construction right now. So, in an
24 ideal world, you would have managed it in a way
25 that limited the impact on any one season. But

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2 frankly, you take your opportunities when you have
3 them, we did that. In the long term, it's going
4 to mean many more high quality fields available to
5 people in all parts of The Bronx. But there is
6 more pain in the short term, as we do all of that
7 construction at one time.

8 CHAIRPERSON FOSTER: And is it fair
9 to say that this season, baseball, little league
10 season, is the one that will be most impacted in
11 terms of the, the shortage of fields?

12 LIAM KAVANAGH: Yes.

13 CHAIRPERSON FOSTER: Okay, going
14 through your testimony, so the field at PS 29 and
15 the West Bronx Rec Center are additions to
16 parkland replacement.

17 LIAM KAVANAGH: Yes.

18 CHAIRPERSON FOSTER: And at PS 29
19 when the school isn't utilizing it during the day,
20 is this a field that requires permits for playing
21 on?

22 LIAM KAVANAGH: We do issue permits
23 for play there, though it can be used when, when
24 it is not permitted, but neighborhood children.

25 CHAIRPERSON FOSTER: The West Bronx

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2 Rec Center, that space, is that open to everyone
3 in the community, or just those that go to the
4 rec, West Bronx Rec space?

5 LIAM KAVANAGH: It's open to
6 everyone in the community.

7 CHAIRPERSON FOSTER: Can you go
8 back to, I was following your testimony when you
9 were doing the Mullally Park upgrades, if you can
10 go back to--

11 LIAM KAVANAGH: You want to see the
12 slides?

13 CHAIRPERSON FOSTER: The slides,
14 yes, please.

15 LIAM KAVANAGH: Sure. [pause]

16 CHAIRPERSON FOSTER: I can ask
17 questions while you go there. With the upgrades,
18 has anything been done to the bathroom? Upgrades
19 to the bathroom, not in the actual rec center that
20 Scan operates, but to the, the building with the
21 bathroom in it.

22 LIAM KAVANAGH: Not yet, there is
23 a, a third phase of improvements for Mullally.
24 The skate park building is going to be renovated,
25 to allow access to the bathrooms from the park.

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2 You don't have to go into, you will not have to go
3 into the skate park building to do that.

4 CHAIRPERSON FOSTER: And when is
5 that scheduled?

6 LIAM KAVANAGH: It's in, it's in
7 design right now. I don't have the exact schedule
8 in front of me. I would suspect that construction
9 would not start before next spring. And probably
10 would not be completed until fall of 2010 at the
11 earliest. But I would like to check the actual
12 schedule before that. That is not part of the
13 Yankee Stadium--

14 CHAIRPERSON FOSTER: Right.

15 LIAM KAVANAGH: --Redevelopment
16 Program. It's an, another improvement to Mullally
17 Park that will make the park much more enjoyable
18 for all of the people who are using it.

19 CHAIRPERSON FOSTER: If you could
20 get back to me when you know the timeframe. Now,
21 currently, with both north and south ends of
22 Mullally, where do people go to the bathroom?

23 LIAM KAVANAGH: They can go into
24 the skate park building, and use the bathrooms in
25 there. There's no membership requirement to use

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2 them. It's just not as convenient as having a
3 separate facility that accessible from the
4 outside.

5 CHAIRPERSON FOSTER: And I remember
6 maybe two meetings ago, when we talked about
7 Yankee Stadium, I had a conversation about signage
8 being put up for these warm months, about where
9 the bathroom is. Has that been done?

10 LIAM KAVANAGH: I don't think that
11 the signage has been put up yet, but it will be
12 immediately after this meeting.

13 CHAIRPERSON FOSTER: Thank you.
14 The Mill Pond Park, when it's completed in
15 December 2009, what portions, because it is
16 winter, will be open and readily accessible for
17 the public?

18 LIAM KAVANAGH: We expect the whole
19 site to be accessible to the public. It, it is
20 probably unrealistic to think that the
21 improvements that were going to require the
22 concessionaire to make inside of Building J,
23 because they're going to have to build out the
24 facilities to support the outdoor tennis
25 concession, and the, the stack bars, they probably

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2 will not be available. But the rest of the park
3 will be available for public use.

4 CHAIRPERSON FOSTER: On page three
5 when you talk about the remediation, I think it's
6 important that when we talk about remediation and
7 what needed to be done, that we make mention that
8 this was land that the Parks Department got from
9 the City, that the City knew or should have known
10 was contaminated when they turned it over to the
11 Parks Department.

12 LIAM KAVANAGH: We, we certainly
13 knew there were industrial and commercial uses on
14 the site, for decades. We anticipated much of it.
15 The full extent of it did not appear in the
16 records that were available for the site. For
17 example, the number of industrial sized petroleum
18 tanks I think went from six to ten. And you know,
19 obviously it cost more money and we expected to
20 remove all of them, and to remediate the, the area
21 surrounding them.

22 CHAIRPERSON FOSTER: Well, I think
23 this is important, because in my other life as a
24 hospital administrator, had this been property
25 that we purchased or got from a vendor and had

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2 done borings and stuff, we would've had ample
3 evidence for a suit, for them to pay for the
4 remediation, because if it was not in fact what
5 purported, it purported to be, meaning that there
6 was more remediation that needed to be done, that
7 shouldn't have fall, fallen on the City. But in
8 this case, since the bad deal was from one city
9 agency to another, it basically falls on us, the
10 taxpayers. The Harlem River waterfront, that
11 building, or that new park area, when you go back
12 to the slide, is there, or where are the bathroom
13 facilities?

14 LIAM KAVANAGH: There will be
15 public bathroom facilities in Building J.

16 CHAIRPERSON FOSTER: So, when, and
17 Building J, when will that open? Also in December
18 2009, that's part of the completion process?

19 LIAM KAVANAGH: The, the Park's
20 portion of it will be open and operating, will be
21 operating our maintenance and operations
22 facilities for district four out of that building.
23 And the public comfort stations will be available.
24 As I said, it's doubtful that the concessionaire
25 will have finished out of all of the space that's

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2 going to be part of the concession. And I, it was
3 doubtful that we would have somebody in place,
4 operating on the second floor.

5 CHAIRPERSON FOSTER: But--

6 LIAM KAVANAGH: By December 2009.

7 CHAIRPERSON FOSTER: But by
8 December 2009, there will be access to public
9 toilets for the, for the--

10 LIAM KAVANAGH: For the public,
11 yes.

12 CHAIRPERSON FOSTER: --the public,
13 yes.

14 LIAM KAVANAGH: Yes.

15 CHAIRPERSON FOSTER: Who is the
16 concessionaire, if we've already decided on one,
17 for the tennis courts?

18 LIAM KAVANAGH: We have not. The
19 RFP is out to bid, it is due I believe mid- to
20 late-May. I don't remember the exact date, I can
21 provide that to you.

22 CHAIRPERSON FOSTER: Could you?
23 And I'd like to see a copy of the RFP, please.

24 LIAM KAVANAGH: Certainly.

25 CHAIRPERSON FOSTER: In terms of

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2 the RFP for the food concession on, in Building J,
3 do you know if any type of--what's the word I'm
4 looking for? Any type of deference of special
5 consideration was given to the, the vendors in the
6 area, like 161st Street, or the Grand Concourse,
7 that already have businesses there, number one;
8 and was any assistance given to help them fulfill
9 this RFP?

10 LIAM KAVANAGH: Well, the RFP
11 covers both the, the tennis operation and the, the
12 refreshment portion. So, it's one project, and--

13 CHAIRPERSON FOSTER: So therefore
14 it's safe to say that no one in, none of the
15 businesses in the area could get the concession
16 because they don't operate tennis.

17 LIAM KAVANAGH: I think that's a
18 fair conclusion.

19 CHAIRPERSON FOSTER: It looks like
20 Commissioner Aponte wants to--Could you come into
21 the mic and identify yourself, please.

22 HECTOR APONTE: My name is Hector
23 Aponte, I'm the Bronx Parks Commissioner. In the
24 RFP, we made arra--allowances for if someone wants
25 to do a partnership between the tennis concession

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2 and a food vendor, that that's a possibility.

3 CHAIRPERSON FOSTER: Okay, but
4 wouldn't it be--so if I am, if I own Burger Land
5 on 161st Street, then it would be, the onus would
6 be on me to find a tennis vendor who would want to
7 do the RFP with me?

8 HECTOR APONTE: That's a
9 possibility, or the other way is also a
10 possibility.

11 CHAIRPERSON FOSTER: Right. I, I
12 have some concerns about that, and I'm going to
13 bring that up with our Contracts Committee,
14 because part of the issue that many of us in the
15 community have had with the replacement in the
16 development is they're, we're the ones suffering.
17 And now that we're getting a new facility, we
18 should be the ones benefiting, and this doesn't
19 set it up, because I really don't know how many
20 people in our community have the ability to RFP a
21 tennis concessionaire. And if, if I, without
22 having seen it, I'm sure that we are looking at
23 some of the same tennis vendors that in the past
24 kids from the neighborhood were able to play
25 tennis from 5:00 to 6:00 a.m., before people from

1
2 Westchester came in, which is a real problem. So
3 I'm very concerned that there's not a portion of
4 the RFP, or breaking it out, so that people in the
5 community can bid for it. So, please take that
6 back to, to Commissioner Benepe. Does the Parks
7 Department have a standalone gymnasium for
8 gymnastics in the City? That you know of?

9 LIAM KAVANAGH: Not a standalone
10 gymnasium for gymnastics. There are some
11 gymnastics programs offered at some of our
12 recreation centers, but not a, a specific facility
13 for it.

14 CHAIRPERSON FOSTER: Now this
15 second floor space that's over, close to 13,000
16 square feet, is it possible that the Parks
17 Department can actually put a multi-facility
18 gymnasium to do gymnastics, senior, everything, so
19 that the community could have what I would call a
20 rec center that the Yankees should have provided
21 in being able to take all the land?

22 LIAM KAVANAGH: It, that is a
23 potential use for it, yes. You know, we have been
24 speaking to the former borough president about,
25 you know, what would be an appropriate use for it.

1
2 That came up in our conversations. There is also
3 some sentiment that a children's museum for The
4 Bronx might be an appropriate use. And we want a
5 use that is going to benefit the community, and is
6 going to bring people to the park on a year round
7 basis. So, either of those would qualify.

8 CHAIRPERSON FOSTER: Well, I, I
9 would encourage for us to have a meeting after
10 this, to have that discussion about a, an
11 appropriate use for that, that spot, because I
12 guarantee you, there are many people in the
13 community that agree and think that we could find
14 a use for it, those of that live around it.
15 Heritage Field. What is the timeframe for, on
16 page three, the, the Olympic quality track, all
17 that. Now is that the 2010 phase?

18 LIAM KAVANAGH: The, the track is
19 actually on top of the, the rooftop park, McCombs
20 Dam Park. The first phase of it will open this
21 spring, it'll be the, the field itself and a
22 temporary running service, surface around the
23 perimeter.

24 CHAIRPERSON FOSTER: Can you pull
25 up that picture, Mike, please?

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2 LIAM KAVANAGH: And over the course
3 of the summer and into the fall--

4 CHAIRPERSON FOSTER: Now I'm sorry,
5 say that again, this is, give me the timeframe on
6 that again, please. I'm sorry.

7 LIAM KAVANAGH: The, the--the field
8 and a temporary, as you can see here, this is a--

9 CHAIRPERSON FOSTER: Okay, that's
10 what I--

11 LIAM KAVANAGH: The, what we
12 referred to as Phase I of the rooftop park at
13 McCombs Dam Park.

14 CHAIRPERSON FOSTER: Now let me ask
15 a question. [off mic]

16 LIAM KAVANAGH: The McCombs Dam
17 approach, yes, yes.

18 CHAIRPERSON FOSTER: [off mic]

19 LIAM KAVANAGH: There are entrances
20 at the, at the same level as where the cars enter,
21 and there will be an entrance from Rupert Place up
22 to the rooftop park, as well. So there will be
23 at-grade entrances on the McCombs Dam approach,
24 and again entrances at the bottom from Rupert
25 Place.

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HECTOR APONTE: [off mic]

CHAIRPERSON FOSTER: Can you talk in the mic? I'm sorry.

HECTOR APONTE: I'm sorry. One entrance will be at 161st Street, at the McCombs Dam Bridge.

CHAIRPERSON FOSTER: Okay.

HECTOR APONTE: The other one would be at 161st Street and Rupert Place. People will be able to get into the park at this point and at a later point, they'll, they'll be able to get in down here.

CHAIRPERSON FOSTER: When do you expect the garage to be open?

HECTOR APONTE: It is open already.

CHAIRPERSON FOSTER: Oh, is it.

LIAM KAVANAGH: Yes.

CHAIRPERSON FOSTER: Tells you how much I know. So, the garage is open and available, and what part of the park is open and available?

LIAM KAVANAGH: Within the next couple of weeks, we anticipate that the synthetic turf field and a temporary running track around

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2 the perimeter of the field will be open for public
3 use. At that point, the interim track on Lot One
4 we'll be taking out of commission, and
5 construction of Garage C will begin. The, if you
6 go back to the previous slide, the balance of the
7 Phase One park work will continue--that is the
8 basketball courts, the grand stand, the comfort
9 station, the landscaping, and the berm, for, for
10 viewing purposes--will continue over the course of
11 the summer. At some, at one point, between
12 October and December, this is weather dependent,
13 for a two week period, the final track will be
14 installed. And the entire first phase, which
15 includes, as the items I just described, is
16 expected to be completed in December of this year,
17 and open to the public at that time.

18 CHAIRPERSON FOSTER: Okay. And
19 Phase Two, do you have a slide of Phase Two?
20 [pause] Okay, so--

21 LIAM KAVANAGH: Phase Two is, is to
22 the left, or the south. It, the Garage is being
23 built in two stages, the, the second stage of
24 which is in construction, will be in construction
25 now. And the, the park will also be built in a

1
2 second stage, to be completed in the spring of
3 2010, next spring, basically. It includes the
4 handball courts, more basketball courts, an adult
5 fitness area, as well as more landscaping and, and
6 viewing berms.

7 CHAIRPERSON FOSTER: Is that brown
8 area the adult fitness area?

9 LIAM KAVANAGH: Yes, it is.

10 CHAIRPERSON FOSTER: Okay. And say
11 what you said again, I'm sorry.

12 LIAM KAVANAGH: And more landscaped
13 and raised berm areas for, you know, passive
14 recreation and for viewing both the sports
15 activities on the, on the handball and basketball
16 courts, and the track.

17 CHAIRPERSON FOSTER: And where is
18 the public restrooms on here?

19 LIAM KAVANAGH: It's above the
20 track itself, next to the, I think it's actually
21 behind the, the grandstand area. See the
22 grandstand just above the track? Yes.

23 CHAIRPERSON FOSTER: Mhm.

24 LIAM KAVANAGH: That's where the
25 comfort stations will be, I believe.

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2 CHAIRPERSON FOSTER: Okay. Now,
3 with Heritage Field, what is happening there?
4 It's my understanding that something happened last
5 night at a community board?

6 LIAM KAVANAGH: Because, you know,
7 we, we're eager to move the project forward, as
8 part of the process we bring it to the Public
9 Design Commission for their review and approval.
10 The Design Commission, as they always request, a
11 letter of support from the Community Board.
12 Unfortunately, when we were scheduled to present
13 the design to Community Board Four, back in the
14 winter there was a snowstorm and the meeting was
15 cancelled. And in order to keep the, the design
16 and construction on track, we asked the Board to,
17 to let us present last night at the full Board
18 meeting.

19 CHAIRPERSON FOSTER: Bypassing the
20 parks committee meeting 'cause of the snowstorm.

21 LIAM KAVANAGH: Because of the
22 snowstorm, yes. The Board was gracious enough to
23 allow us to do that, and we appreciate them for
24 allowing us to, you know, to go outside of the
25 normal process. And they did provide us, or will

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2 provide us with a letter of support for the
3 design.

4 CHAIRPERSON FOSTER: Was the Parks
5 Chair for Community Board Four notified of this
6 prior to yesterday's meeting?

7 LIAM KAVANAGH: I don't know,
8 personally, if that was the case or not.

9 CHAIRPERSON FOSTER: And the letter
10 dealing with the design of Heritage Field, did
11 that design aspect come out of the community
12 meetings?

13 LIAM KAVANAGH: Oh, absolutely.
14 The entire design was done in scope and sessions
15 with the community. You know, we have been
16 regular attendees at both the Parks Committee
17 meetings and the full board meetings throughout
18 this entire process. Yes, we, we acknowledged
19 that, you know, we did go outside of the normal
20 process by not presenting it first to the
21 community board, but we are eager to keep this on,
22 on track and on schedule.

23 CHAIRPERSON FOSTER: Do you still
24 have the meetings with the borough president's
25 representative, the elected officials,'

1
2 representatives, and so on?

3 LIAM KAVANAGH: Yes, we do, we hold
4 them on a monthly basis.

5 CHAIRPERSON FOSTER: And how is the
6 attendance at that?

7 LIAM KAVANAGH: It, it varies. You
8 know, it depends on, on sort of the, I guess
9 whether there is a, you know, a project that is,
10 that is new, or, or a design that needs to be
11 approved, or other sort of key steps in the
12 process. And at other, at other times, when there
13 isn't a lot of new information to share,
14 attendance is less.

15 CHAIRPERSON FOSTER: The skate, the
16 skateboard park that's going into the River Avenue
17 pockets.

18 LIAM KAVANAGH: Yes.

19 CHAIRPERSON FOSTER: I would just
20 say whatever you did in front of the courthouse,
21 that they use for skateboarding, you just need to
22 duplicate it. [laughter]

23 LIAM KAVANAGH: We, we hope that
24 with the new skate park, we'll be able to move the
25 skateboarders out of Lou Gehrig Plaza and The

1
2 Bronx Supreme Court.

3 CHAIRPERSON FOSTER: And, I mean, I
4 am not a skateboarder, but as it was explained to
5 me, that park is, in terms of the poles and the
6 pikes, it's like the Christian Louboutin of parks.
7 So, you know, for, for those people. So, whatever
8 you're, you did there, it would be great to
9 duplicate it to, to try to move it because in one
10 sense I'm very encouraged that these are young
11 people that are not getting in trouble; but in the
12 other sense, it really is a detriment to the
13 people in the community that I have heard from.
14 Now, with the, the, with Yankee Stadium being
15 demolished, should it be completely torn down by
16 2010?

17 LIAM KAVANAGH: Yes, that's our
18 goal.

19 CHAIRPERSON FOSTER: And once
20 everything is complete, where will, if at all, All
21 Hallows and Cardinal Hayes have their, will be,
22 what will be their home field?

23 LIAM KAVANAGH: They'll be welcome
24 to play on the, on the new baseball field in
25 Heritage Field.

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2 CHAIRPERSON FOSTER: And how are we
3 working that permit? The permit process of that.
4 Or let me, before you tell me, let me tell you
5 what I think we should do. We need to be very
6 careful with the permit process for Heritage
7 Field, that those, that priority is given to
8 community leagues, school leagues in the
9 community, and community residents. Because let
10 me tell you what my vision is: you've got a
11 wealthy firm that's going to give a donation, and
12 get to use those fields in lieu of community
13 members. And to say that, "Oh, look, we're
14 playing on Heritage Field." That in no way, shape
15 or form can happen.

16 LIAM KAVANAGH: I don't expect that
17 to be the case. We are, practice is always to
18 give priority to youth, and, and schools, which we
19 do all the time. And we also honor former permit
20 holders, who have fulfilled their permit
21 obligations properly, before we entertain new
22 requests. And there were many leagues and teams
23 from the community that used the fields in McCombs
24 Dam Park, and we expect them to be the, the first
25 applicants and to receive the available permit

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2 time on the new fields.

3 CHAIRPERSON FOSTER: I, I just, I
4 trust you, I just needed to say that for the
5 record. Now, All Hallows and Cardinal Hayes, what
6 was considered their home field prior to the new
7 stadium? McCombs Dam?

8 LIAM KAVANAGH: I, I don't know
9 what they considered their home field. I know
10 that Cardinal Hayes has used Fran Segal Park,
11 which is directly across the street--

12 CHAIRPERSON FOSTER: Okay.

13 LIAM KAVANAGH: --from the school,
14 but I believe--

15 CHAIRPERSON FOSTER: And All
16 Hallows?

17 LIAM KAVANAGH: --that All Hallows
18 probably used McCombs Dam.

19 CHAIRPERSON FOSTER: Used McCombs
20 Dam, so I would assume that when we look at
21 permits for Heritage Field coming up, that All
22 Hallows, as the school right in the neighborhood
23 who's currently playing their home games in Staten
24 Island, will be given some type of preference.

25 LIAM KAVANAGH: They were prior

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2 users and they are a school league, they will get
3 preference over other applicants.

4 CHAIRPERSON FOSTER: What is the
5 status of, well let me, who physically owns the
6 chairs, bleachers, whatever in Yankee Stadium?

7 LIAM KAVANAGH: Almost everything
8 in the stadium is owned by the City.

9 CHAIRPERSON FOSTER: And--

10 LIAM KAVANAGH: But there are some
11 very specific items that are Yankee property, but
12 it, it's very limited.

13 CHAIRPERSON FOSTER: Can you get me
14 the list of what is not owned by the City, since
15 what is seems to be bigger? What is the process
16 which the City plans to remove or get rid of the
17 chair, you know, whatever, the seating in Yankee
18 Stadium?

19 LIAM KAVANAGH: There, we are
20 negotiating a memorabilia agreement with the
21 Yankees, under which they would actually remove
22 and sell and material. Having the Yankees
23 participate in that can add a lot of value because
24 memorabilia, if it is authenticated and, and seen
25 as being from, you know, a bona fide, you know,

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2 sports firm, can have more value, than if the City
3 sells it directly.

4 CHAIRPERSON FOSTER: And where is,
5 number one, is that agreement in contract phase
6 yet? And number two, what is the money portion of
7 it? Meaning where does the money from the goods
8 sold go?

9 LIAM KAVANAGH: I--I don't know the
10 exact term. We don't have a contract yet, it is
11 still being negotiated. I don't remember the
12 exact terms. The bulk of the money comes to the
13 City, through the Parks Department, because the
14 Parks Department was the operator on the sale.

15 CHAIRPERSON FOSTER: Who's
16 negotiating the contract?

17 LIAM KAVANAGH: The contract is
18 being negotiated by the Economic Development
19 Corporation, on behalf of the City.

20 CHAIRPERSON FOSTER: [pause] So
21 that's you. Mr. Kohn, right?

22 DMITRI KONAN: It's actually--
23 Dmitri Konan, yes, right.

24 CHAIRPERSON FOSTER: Konan. So
25 you're--

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2 DMITRI KONAN: It's actually being
3 negotiated with, primarily by City Hall, and EDC
4 is providing some input, but primarily by City
5 Hall.

6 CHAIRPERSON FOSTER: And when you
7 say City Hall, who specifically?

8 DMITRI KONAN: Zack Smith from the
9 Capital Group for City Hall, construction and
10 design group.

11 CHAIRPERSON FOSTER: Okay, I am,
12 and I'm saying this for the record, I am going to
13 follow up with Zack to find out the, the
14 particulars of the money agreement. This
15 administration, and I don't mean you, has a
16 history, especially of the Mayor, of putting the
17 cart before the horse. And in this case, a
18 community that has had to reap or bear so much of
19 a burden, it would be egregious but also insulting
20 that this money, if any of it, went back to the
21 Yankees. If, if anything, a minimal
22 administration fee for them, conducting an auction
23 if you want to say it like that. So I will be
24 following up with Zack. The last thing I want to
25 say, in addition to thanking you for coming and

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2 giving us this update--Before I do that I have a
3 few more questions, I lied. Where are we in this,
4 you know, we know it's economic hard times--Is
5 there a commitment, and I know from the Parks
6 Department there is, but have you been a, been
7 given a commitment from the City, that these
8 phases and this replacement park will continue to
9 go forward, notwithstanding where we are now?

10 LIAM KAVANAGH: Yes.

11 CHAIRPERSON FOSTER: Yes we've
12 been, yes you've been given a commitment.

13 LIAM KAVANAGH: Yes. As you know,
14 the, the City is cutting its capital budget.
15 There has not been a, a single penny removed from
16 the Yankee Stadium Park Redevelopment Program.

17 CHAIRPERSON FOSTER: And [pause] I
18 just forgot that quickly. Hold on. [pause]
19 Okay, I can't remember, so I will go on and just
20 say that I appreciate the update. I'm sure, at
21 least I'm hoping that I'm sure, that at the end of
22 this process, the replacement parks will be nice.
23 I, I can't say that for any of us that live in the
24 community, we would say it's going to be worth it.
25 The, the traffic from this new stadium is worse,

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2 everything about it is worse for the, those of us
3 that live close. But what I have to say that's
4 concerning, with even the, the underground parking
5 that you enter from McCombs, the message that's
6 being sent to the community, that a stadium and a
7 parking lot can be opened in record time, and the
8 replacement parks will be completed hopefully by
9 2011, is a loud message. And I say often in this
10 meeting, a person's perception is their reality.
11 And this is not an indictment against you,
12 Commissioner, personally, and you know that. It
13 is very telling of an administration and what it
14 thinks of a community. And clearly none of are
15 going anywhere. And going forward when we look
16 for any development in this City, be it with this
17 current administration, or the next administration
18 that can possibly get elected this coming year, we
19 have to make sure that the, the interests of the
20 community and the people that reside in it, is put
21 before any organization. And I think when we look
22 at this process and this project, it very much is
23 an example of that not happening. Thank you very
24 much for coming, we've been joined by Council
25 Member Crowley from Queens. I don't know if you

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2 have any questions.

3 COUNCIL MEMBER CROWLEY: No
4 questions.

5 CHAIRPERSON FOSTER: Thank you very
6 much.

7 LIAM KAVANAGH: You're welcome.

8 CHAIRPERSON FOSTER: My next panel
9 is Sheelah Feinberg, New Yorker from, for Parks.
10 Now Robert, are you Robert LaPalm? You're, you
11 were just, right, that's what I thought. Allison
12 Lack or Lock, is that a A? Allison from Good Jobs
13 New York. Oh, god I teaching the mouth. How can
14 I do this other--[pause] And Ivan Mirabelli,
15 you're, you're not, you don't have anything to say
16 to me, Ivan? [laughs] Thank you. When, whenever
17 you're ready, you can begin. [off mic] Thank
18 you, Mike.

19 SHEELAH FEINBERG: Good afternoon,
20 my name is Sheelah Feinberg, I am the Director of
21 Government and External Relations at New Yorkers
22 for Parks, the only independent watchdog for all
23 the City's parks, beaches and playgrounds. For
24 100 years, New Yorkers for Parks has worked to
25 ensure greener, safer, cleaner parks for all New

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2 Yorkers, through service to the community. Three
3 years ago, McCombs Dam Park and portions of
4 Mullally Park were alienated, were taken for non-
5 park use, for the construction of the new Yankee
6 Stadium. The alienation of parkland for the new
7 stadium occurred in just eight days, and the
8 Yankees and the City did not do, in our opinion,
9 their due diligence, because they did not involve
10 the community in the initial planning process.
11 New Yorkers for Parks continues to oppose the lack
12 of a public process, and works to reform the
13 alienation process, in order to ensure that this
14 does not happen again. McCombs Dam Park serves as
15 the central park, if you will, for its residents.
16 What's left of this parkland is disjoined and in
17 disarray. While there are a few interim parks,
18 unfortunately the community is forced to wait
19 longer than initially promised for the completion
20 of these replacement parks, due to increases in
21 time and cost of construction. With the high rate
22 obesity, diabetes and asthma in this community, it
23 is urgent that these recreational facilities be
24 completed as soon as possible. There needs to be
25 more oversight of the mitigation and community

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2 benefits agreements, to ensure that they are
3 adhered to by all parties. But now that the park
4 is, now that the Yankee Stadium is built, the
5 question that has on our table is what's next?
6 While many will enjoy the new Yankee Stadium,
7 there is still much that can be done to benefit
8 the community from both a maintenance and policy
9 perspective. New Yorkers for Parks recently
10 toured the new replacement parks. In our
11 judgment, these parks are well designed and up to
12 date, with new features, including new safety
13 surfacing materials, natural turf on Heritage
14 Field, and a waterfront greenway. But for many
15 capital projects, funding is relatively easy to
16 come by; however, funding for maintenance
17 continues to be a challenge. Our one solution is
18 a dedicated source of maintenance funding for the
19 replacement parks. For example, as part of
20 Columbia University's plans for the expansion of
21 its campus into Manhattanville, they've pledged to
22 add approximately 94,000 square feet of open
23 space, and provided 25 years of dedicated funding
24 for maintenance of the new playground and parks.
25 We think the Yankees should set up an agreement

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2 with the City to fund part of the maintenance of
3 the replacement parks similar to Columbia
4 University. On the policy front, we share the
5 concern voiced by the Chairwoman earlier today
6 about permits for the use of Heritage Field. It
7 is paramount that this historic field remains
8 accessible to the public. Undoubtedly, private
9 corporations will clamor for use of this space,
10 but as a new public park it must remain truly open
11 and accessible to the community. New Yorkers for
12 Parks is strongly committed to ensuring that
13 equitable and committed park services are offered
14 in every neighborhood. Considering how the people
15 and parks have been treated in this neighborhood,
16 the replacement parks have to have no excuse but
17 to go beyond these standards. Thank you.

18 ALLISON LACK: Good afternoon,
19 Chair Foster and members of the Committee. Thanks
20 for the opportunity to testify today. My name's
21 Allison Lack, I'm a Research Analyst with Good
22 Jobs New York. We're a joint project of the
23 Fiscal Policy Institute and Good Jobs First. Over
24 the past four years, Good Jobs New York has been a
25 consistent critic of the undemocratic processes

1 associated with the new stadium project, including
2 the taking of the public park space, and the what
3 has now become over \$1 billion in taxpayer
4 financing. And attached to my testimony is an
5 itemized list of subsidies, which includes the
6 exorbitant rise in the cost of replacing McCombs
7 Dam and parts of Mullally Parks. Since last
8 summer when we testified on the status of the
9 stadium replacement parks before this committee,
10 the City and the team have made extraordinary
11 efforts to advance the stadium project so that it
12 would be completed on schedule and with extra
13 amenities. This past January the Yankee secured
14 additional tax breaks and \$371 million in tax free
15 financing in addition to the \$942 million the team
16 received in 2006 from the IDA. The largest use of
17 the financing approved earlier this year was for
18 scoreboard and video equipment, and also for metal
19 upgrades and suite upgrades. Meanwhile,
20 completion of the replacement parkland has been
21 continuously delayed and costs to taxpayers keep
22 escalating. Good Jobs New York, along with
23 residents and park advocates have been repeating
24 some of the same messages and asking some of the
25

1 same questions for years, yet many of these
2 questions remain unanswered. We urge the
3 Committee and the Department of Parks and the EDC
4 to shed light on some of the unexplained processes
5 and figures that continue to cloud this project.
6 And specifically first, we're also wondering
7 what's happening with funds from auctioning off
8 parts of Yankee Stadium, as you spoke about. We
9 agree with you that it is insulting to think of
10 the Yankees getting any share of the City owned
11 property. This wasn't mentioned before, but this
12 was reported in the New York Times and AP and it
13 was in a number of papers last month, that the EDC
14 and the Yankees reached the tentative agreement
15 that was mentioned, by which the City was going to
16 get \$10 million, and then a varying percentage of
17 net sales over \$60 million, so that might be
18 something that you want to see if that is still in
19 place, because some percentage of that definitely
20 was going to the Yankees. The EDC or whoever in
21 City Hall is working on this, must make public the
22 final agreement between the City and the Yankees
23 that detail the expected revenue from auctioning
24 off the stadium. Also, details of how the City's
25

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2 portion of these funds will be spent must be made
3 public to see which City department they're going
4 towards. As we testified last year, Good Jobs New
5 York maintains that all funds from auctioning off
6 Yankee Stadium should be used to fill the budget
7 gap at the Department of Parks and Recreation, due
8 to the Yankee project. Second, questions remain
9 regarding job promises and job quality. The EDC
10 recently released job figures for the stadium, but
11 they raised more questions than answers. The
12 figures don't tell us how many Bronx residents
13 were hired; they don't provide any information on
14 wages and benefits. In the Yankees' January 2009
15 application to the IDA for additional funding,
16 they report an average salary for full and part
17 time jobs, but neglect to provide any information
18 for the contract employees, even though these make
19 up most of the bulk of the new employees. Also,
20 as expected, most of these new non-construction
21 jobs are seasonal, which leaves us still
22 questioning the economic impact of these short
23 term jobs, in contrast to the billion dollar
24 subsidy price tag. Another question we have
25 involves the \$800,000 that the Yankees promised to

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2 donate each year for 40 years, to Bronx non-profit
3 and community based organizations. Some of these
4 money could go towards parks related causes. It's
5 our understanding that as of yet, currently,
6 they're not. But regardless of how this money has
7 been and will be spent each year, this is a
8 decision that should be made transparently, and
9 with a great deal of community input. This fund
10 has been plagued by management problems. Last
11 year there were major delays in the distribution
12 of the funds and recently a lawyer hired by Bronx
13 officials to oversee the distribution sued the
14 organization that was set up to distribute the
15 money, claiming that it was mismanaged. This
16 raises red flags, especially considering that
17 details on how the funds were distributed in 2008
18 are not readily available. Considering that this
19 fund is part of the reason this Council approved
20 the stadium project, you along with the greater
21 public, deserve to know where these funds have
22 been spent. Thank you for the opportunity to
23 testify today.

24 CHAIRPERSON FOSTER: Thank you very
25 much. Thank both of you for what your

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2 organizations do. I'll just make two comments. I
3 concur on the Yankee setting up a fund, but what's
4 the saying, "Why buy the milk when you have the
5 cow?" or, I mean, they don't have to, we, we've
6 given them everything. And in terms of the, the
7 agreement, there just needs to be a caveat that
8 the, there were a select group of Bronx officials
9 that worked on the community benefit agreement,
10 signed it, picked the people for it. And you need
11 to keep getting the message out to the community,
12 because we always tend to have political amnesia,
13 and this is an election year. Council Member
14 Sears? In the mic.

15 COUNCIL MEMBER SEARS: Well, it
16 seems a little confusing, because if it's believed
17 that \$800,000 was distributed in 2008, it doesn't
18 take long to tally up who got it.

19 ALLISON LACK: One would think.

20 COUNCIL MEMBER SEARS: So, it seems
21 to me that the Chair of this Committee, with the
22 support of the Committee, should actually
23 requisition that.

24 CHAIRPERSON FOSTER: The issue with
25 the community benefit agreement is that, we can do

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2 that, but we have no authority because it is not
3 City money, it is the Yankee money. And there are
4 specific elected officials within the City Council
5 that negotiated the agreement, and both probably
6 before we could get very far in terms of a
7 hearing. It might not--

8 COUNCIL MEMBER SEARS: It was
9 completed, was that it? Okay.

10 CHAIRPERSON FOSTER: Something like
11 that.

12 COUNCIL MEMBER SEARS: I understand
13 what you're saying. Okay. So, it seems to me
14 that somehow we just need to put our--excuse me.
15 [pause] Thank you very much, we need further
16 discussions here, thank you. Thank you, Madam
17 Chair.

18 CHAIRPERSON FOSTER: And we've been
19 joined, thank you, we've been joined by Council
20 Member Gerson. Thank you very much.

21 ALLISON LACK: Thank you.

22 CHAIRPERSON FOSTER: Our last panel
23 is William Casari, Joyce Hogi, and Elizabeth Cook-
24 Levy. [pause]

25 FEMALE VOICE: I'm not going to

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submit mine. Huh? [off mic crosstalk]

WILLIAM CASARI: Do we have a time limit? Wait for that one to get done talking.

[pause] [whispered] I have to chew my gum.

[pause] [off mic crosstalk]

CHAIRPERSON FOSTER: Thank you very much. You can get started.

SERGEANT-AT-ARMS: Quiet, please!

CHAIRPERSON FOSTER: In whatever order, who did I call first? Mr. Casari.

WILLIAM CASARI: Casari, right.

CHAIRPERSON FOSTER: Casari.

WILLIAM CASARI: Okay, thank you.

And thank you for the opportunity to be here. I'm just going to read from my testimony, which some of you have copies of. I've lived near Yankee Stadium for four years, and I'm a frequent user of local parks. I work at a nearby college and I'm out every day walking and biking in the neighborhood, and see how well used the parks are, especially Joyce Kilmer Park. During my first two years in the neighborhood, I was able to walk onto the track at McCombs Dam Park, and exercise there, as well as walking through the spacious Mullally

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2 Park. My two big issues, some have been partially
3 covered by Chair Foster and others in the
4 audience, but the pace of the replacement parks,
5 and then accessibility, which I don't believe I've
6 heard mentioned today. About a month ago, there
7 was a presentation organized by Chair Foster's
8 office, and we learned about the hours of the new
9 rooftop replacement park. And so I'm inquiring
10 about clarification on when the actual rooftop
11 park, when it does open, what hours it will be
12 available to the community. It seemed to be
13 either from 6:00 or 7:00 a.m. in the morning,
14 until about 10:00 p.m. I'd like to see that be
15 from more like 5:30 a.m. until 11:00 a.m., 'cause
16 there's often men playing basketball and
17 neighborhood folks who want to use the track early
18 in the morning, and later into the evening. And I
19 haven't been able to confirm this, but I've been
20 told that the rooftop park will actually be closed
21 on Yankee home days, home game days, and I believe
22 Commissioner Aponte indicated they were working on
23 that. But I, I wanted some clarification at that
24 that park is going to be open--

25 CHAIRPERSON FOSTER: He's shaking

1
2 his head and saying no. It's not closed on home
3 days.

4 WILLIAM CASARI: It's not. Okay.
5 That's official? Okay, cool. 'Cause that was a
6 question that's been--

7 CHAIRPERSON FOSTER: But I'm going
8 to follow up in writing so it's official official,
9 but--

10 WILLIAM CASARI: Okay.

11 CHAIRPERSON FOSTER: Yep.

12 WILLIAM CASARI: 'Cause I noticed
13 this week, I just walked by it last night, I walk
14 home from the gym in Harlem, 'cause there's no
15 gyms, there's no gyms in our neighborhood.

16 CHAIRPERSON FOSTER: And that's why
17 I mentioned--

18 WILLIAM CASARI: Right.

19 CHAIRPERSON FOSTER: --the, the
20 space, 12,000 square feet plus.

21 WILLIAM CASARI: Okay.

22 CHAIRPERSON FOSTER: Wouldn't that
23 be nice. Go ahead.

24 WILLIAM CASARI: Yeah, it would.
25 They've installed, I understand they have some

1 crowd control issues, but there's now metal gates
2 at one of those access points to the rooftop park,
3 that can easily be closed; which is very different
4 than walking onto the track at McCombs Dam if, if
5 you remember that. So I'm not going to read my
6 entire statement about the metal security gates.
7 But I would like to understate that the parks are
8 behind schedule, and as was stated, the stadium
9 and parking garage are open, which are both
10 revenue generating facilities. The other big
11 issue for me is the maintenance. Those of you who
12 live in the neighborhood have seen the grand
13 concourse malls, which were beautiful last April,
14 which unfortunately over the summer received a
15 lack of water, and into the fall, at least 60
16 percent of the new shrubbery has died. The trees
17 have fared a little better. So my question is
18 what can we expect in terms of maintenance of this
19 new park if the brand new mall is mostly, I think
20 it's fair to say at least 50 percent dead and
21 brown. And there was an issue with the new
22 sprinkler system and how it was activated. So
23 that's my issue, will there be park enforcement
24 patrol officers, will there be a maintenance
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2 staff, will there be a parks keeper. And the
3 sprinkler system seemed to present a special
4 challenge, at least in our neighborhood, repairing
5 them and the operation of them, seems to be
6 challenging. And so that's my question, it's
7 great to have our sprinkler system, but not if
8 it's not operable. And then once it's installed,
9 there's a maintenance issue with Parks plumbers
10 and the irrigation company. I know there
11 certainly in Joyce Kilmer Park, and so what can we
12 expect in terms of, of--it's, it's great to have
13 these facilities. Will they be maintained? Will
14 the plants be watered? We've all seen a lot of
15 dead city trees, so that, that's issue, for me,
16 and thank you so much for this opportunity.

17 CHAIRPERSON FOSTER: Thank you.

18 JOYCE HOGI: Good afternoon. I'm
19 Joyce--

20 CHAIRPERSON FOSTER: Pull the mic a
21 little closer to you.

22 JOYCE HOGI: I'm Joyce Hogi. I'm a
23 resident at 1020 Grand Concourse, in The Bronx,
24 for 30 plus years. Thank you for holding these
25 hearings, Councilwoman Foster, and thank you for

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2 inviting us to offer testimony. I can't help but
3 wonder what if this is now too late? Indeed what
4 is now to be gained after the loss of our
5 unprotected public parkland? If I sound angry and
6 cynical, it's because I'm angry and cynical.

7 While trying to teach our children the lessons of
8 government and citizenship, we've struggled to
9 explain to them why our elected officials cannot
10 seem to address the issues that confront us, but
11 rather bow to the desires of mega-developers and
12 private interests that do not address the needs of
13 the community. The New York Yankees for years had
14 wanted to get their grubby hands on our park,
15 public parks, and our City officials could not,
16 would not, demand of that organizations some
17 mitigation for the needs of the community. The
18 school in which our work has its baseball teams
19 practicing in the cafeteria. They play their home
20 games on their opponents' fields. The track team
21 runs in the street. Students just beginning high
22 school when this project was proposed are
23 graduating this year. And chances are they'll be
24 out of college before the replacement parks for
25 this community is finally realized. Now, there's

1 not oversight, save these hearings, that Council
2 Member Foster holds periodically. And guess what?
3 We have no bargaining chip. It's been given away.
4 You want to know the status of the Yankee Stadium
5 replacement parks? We don't have any. That's the
6 status. I'm here today to speak for residents who
7 cannot be here, either because they're working,
8 disheartened or so beaten down by the treatment
9 that they've received, that they've pretty much
10 given up. That they have said, "We can't beat the
11 system." We were horrified when we learned that
12 every one of our elected officials from the City
13 Council up to the Senate had voted to give away
14 our valuable, historic, public parkland to the New
15 York Yankees for the building of their stadium
16 without a single public hearing. And this in just
17 the course of eight days. One assemblywoman even
18 proclaimed, "There's no community opposition." No
19 one questioned what will the community do? How
20 will this affect a community that is already under
21 parked? What about the health risk to a
22 constituency that is already suffering unduly from
23 limited access to fresh air and parkland? What
24 about maintenance funds for the existing parks?
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2 It is well documented that we were locked out of
3 hearings. Or if we were admitted, we had our
4 cards shuffled so that the minimum number of
5 residents could speak. No consideration of our
6 input was taken, and when members of Community
7 Board Four voted against the plan, because they
8 were listening and hearing the concerns of the
9 community, they were summarily dismissed from the
10 Board. The Borough President said he wanted
11 people who would advance his vision. Meanwhile,
12 new appointees to the Board were reluctant to make
13 any independent decisions lest they offend then
14 Borough President Adolfo Carrión, Jr. There are
15 50 slots on the Board, and there are only 90,
16 maybe 20 plus members, so there's plenty of room
17 for those people to have still been there. The
18 community formed a grass roots organization and
19 took the City and the Yankees to court to protect
20 our parks. We lost the case, the judge rendered
21 his decision on August 15, 2006. The Yankees
22 organization seized McCombs Dam Park at midnight,
23 Sunday, August 13, 2006. Two days before the
24 judge's ruling. They then trucked in high quality
25 mulch and fed the trees their last supper, for the

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2 groundbreaking ceremony. The next day the trees
3 were cut down. After weeks of community outrage,
4 DPR painted walking and fitness paths and
5 stenciled arrows on the sidewalks around an
6 existent park. Construction on an interim park
7 would not begin until weeks later. It opened in
8 May 2007. It was so poorly constructed that the
9 artificial turf was ripped up a few weeks later to
10 be replaced. Two of the sites were replacement
11 parks, which a real stickler for me, are still
12 being used for parking for games. In March 2008,
13 see if you can follow this timeline, we were told
14 the pocket parks would be put out for bid;
15 however, the space would still be used for parking
16 during the summer of 2008. In may 2008, we were
17 told that construction would begin in late May or
18 early June, and would be completed by spring 2009.
19 However, DPR had just made contact with the owner
20 of the adjoining property, and were told that
21 there was a concrete slab under the asphalt. In
22 June 2006, we were told construction would begin
23 in July, and until then the sites would still be
24 used for parking. In September 2008, we were told
25 the sites were still being used for parking. The

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2 lowest bidder was disqualified because of
3 objectionable labor practices. The second lowest
4 bidder came in too high for the budget, so DPR
5 decided to separate the contracts, one for each
6 site. Even though the bid for the skate park had
7 been sent out, the playground was now in redesign,
8 and there was not a date for this bid to be sent
9 out. The skate park construction is now scheduled
10 for spring 2009, and is to be completed by fall
11 2009. The playground construction is scheduled to
12 begin summer 2009, to be completed by spring 2010;
13 however, now the playground was to be made smaller
14 to lower the cost. October 2008, we were told the
15 skate park would be put out for bid. The
16 playground bids will happen later; however, both
17 parks will be completed by fall of 2009 or sooner.
18 In February 2009, we were told of the large gas
19 tank surprise to DPR. Remediation for both sites
20 is expected to begin in June 2009 and completed by
21 August 2009. The playground design has been put
22 out for bid. Construction is, is expected to
23 begin on both sites in September 2009. Does this
24 confuse you? Well joint the club. DPR insists
25 that they are on schedule. Well, sure, 'cause

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2 they keep changing the schedule. All these dates
3 are taken from our Parks Committee minutes. The
4 City continues to proclaim that the community's
5 getting more parkland than we lost. In actuality,
6 12.5 acres already existed as either mapped
7 parkland, and in one case a schoolyard. It's a
8 shell game. That new ball field that the City
9 insists on showing with this presentation, is not
10 even in our neighborhood. It is not replacement
11 parkland. It's over a mile away. So's the
12 playground the ball field at the West Bronx
13 Recreation Center. It's over a mile away. All of
14 the presentations, the replacement parkland
15 include Mullally Parks north and south. Today for
16 the first time, I heard Commissioner say that they
17 are not part of the parks, replacement parks,
18 because they are not. But they've always been
19 included as the presentation, so the perception is
20 that they are. The green paper here, to represent
21 parks, tells you the acreage that was taken away
22 from us for the stadium, and the replacement
23 parkland. This was taken from a report, "Broken
24 Promises, the City's Replacement Park Scheme for
25 the New Yankee Stadium Project," from New York

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2 City Park Advocates. The total taken away: 25.31
3 acres. The total replacement parks: 23.15 acres.
4 All of these acreage figures were taken from the
5 Parks Department's website, by New York City Park
6 Advocates. Thank you.

7 CHAIRPERSON FOSTER: Thank you.

8 Elizabeth?

9 ELIZABETH COOK-LEVY: My name is
10 Elizabeth Cook-Levy, I'm a longtime advocate for
11 parks issues in The Bronx and citywide. Many of
12 the, my, I'm going to set aside the testimony that
13 I brought with me today because some of the
14 questions I had had been answered by Commissioner
15 Kavanagh's testimony, and followed up in a way
16 that I'm very thankful for by you, Council Member
17 Foster. So the main point I'd like to make now is
18 to first of all thank you for having this hearing,
19 and to encourage you to please continue them. I
20 think that when the public announcement was made
21 for this project, which I think was June 15th '06.

22 CHAIRPERSON FOSTER: Five.

23 ELIZABETH COOK-LEVY: '05. And the
24 New York State Legislature had approved the
25 alienation of the parkland by the end of that same

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2 month, by June 30th, approvals had never been
3 provided in that way, ever in the history of New
4 York State, for the taking of parkland. And from
5 that point on the local community and public
6 advocates, and those of us who followed the ULURP
7 and the other approval processes, already, the
8 public no longer had a chit, as Joyce Hogi has
9 said it. The approval had already been given to
10 the Yankees to take the parkland. And secondly,
11 the public officials who were partners with the
12 Yankees, the City and the State, together were
13 able to get the project approved without providing
14 what I felt were full disclosure in public
15 documents that were legally enforceable. So now
16 we're trying to play catch up. So I very much
17 appreciate, that we're, we're essentially trying
18 to get the project sponsors to do what they said
19 they would do in those public hearings. So I
20 thank you for bringing attention to this, and
21 we'll try to be, we'll continue to be working.
22 I'm also very thankful for the testimony of New
23 Yorkers for Parks and Good Job New York's, and
24 their work in following this issue. Thank you.

25 CHAIRPERSON FOSTER: Thank you.

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2 And thank you for being community advocates that
3 are advocating. The, the broken promises piece
4 that you referred to by New York City Park
5 Advocates, we actually have a copy of, and if
6 Jeffrey's here, I'm going to let him testify, even
7 though it is--did he leave?

8 FEMALE VOICE: I didn't see him.

9 CHAIRPERSON FOSTER: No, he was
10 here, and we had closed the, the testimony.

11 FEMALE VOICE: Oh, there he is.

12 CHAIRPERSON FOSTER: He, I'm, we
13 had closed the testimony, but she made mention to
14 it, so if you could come up briefly and, briefly,
15 and testify, I'd appreciate it. And thank you all
16 for what--Oh, I, no, no, don't move, I forgot, I'm
17 sorry, Helen Sears, you can stay right there, but
18 Helen Sears had a question.

19 COUNCIL MEMBER SEARS: It's really,
20 yeah, for Mr. Casari. You mention that, will
21 there be the PEP officers. Well, I have to tell
22 you, it's really a question combined with a
23 statement, because I have raised that issue, and
24 certainly it seems that you will be greatly
25 affected by it, just as I do in my district where

1 we don't have parks, and I bring it up all the
2 time, we have playgrounds. So the PEP officers
3 are very key. Well, they're not being added to,
4 they've been cut. So, I would hope that through
5 this Committee and budget negotiating, 'cause I
6 see how crucial the PEP officers are to, to your
7 reference, that we are certainly--and I'm asking
8 the Chair if perhaps that's something we can bring
9 up in budget negotiating, 'cause we both serve as
10 budget negotiators--that we will pursue the
11 additions of PEP officers. I know there are cuts,
12 and we have to do that. But at the same time,
13 people are spending less money and they're going
14 to be in these parks, and if they're not taking
15 vacations, they're certainly going to use the
16 areas that you have that are going to be some form
17 of recreation. It's impossible to provide that
18 kind of space without having the enforcement to
19 keep them where they're usable. That is the
20 urgency of PEP officers. And I just have to say
21 to Mr., Ms. Hogi, one, you're the gentlest of
22 angry people that's ever come before the
23 Committee, I can tell you. And that, your
24 reference to public hearings, and I don't know if
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2 it fits into that category, but we certainly held
3 public hearings in the Council and the Finance,
4 and we may have had them joint with the Parks, on
5 the pilot issue. Because Yankee Stadium--

6 CHAIRPERSON FOSTER: Specifically,
7 she's referring to the, the alienation, where we
8 didn't--

9 COUNCIL MEMBER SEARS: Oh, okay.

10 JOYCE HOGI: Yeah.

11 COUNCIL MEMBER SEARS: Okay.

12 Because we've had them in other ways. But thank
13 you very much. I think you guys are great.
14 You're going to have to really, and particularly
15 in supporting your councilwoman, you really are
16 going to have to keep advocating and be
17 relentless. That's all I can tell you. Because
18 the thorn in the side--

19 JOYCE HOGI: We plan to.

20 COUNCIL MEMBER SEARS: --eventually
21 gets pulled out.

22 CHAIRPERSON FOSTER: Thank you.

23 And many of the questions and issues brought up in
24 both of your testimonies I'm actually going to put
25 into a letter to the Parks Department, so we can

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get a written response. So thank you.

WILLIAM CASARI: Thank you.

[off mic] [pause]

JEFFREY CROFT: Good afternoon, my name is Jeffrey Croft, I'm president of NYC Park Advocates. Thank you, Chairman, Chairperson Foster, for indulging me for being so late. In May, in May, in May 22nd, on May 22nd 2008, New York City Park Advocates released "Broken Promises: The City's Replacement Park Scheme for the New Yankee Stadium Project." The report exposed the great lengths the City had gone to present the parkland alienation and replacement scheme to build the new Yankee Stadium, to appear as if there would be a net increase in parkland for the affected community, instead of the loss of nearly four acres. The City's Parks Department has repeatedly attempted to alter their numbers in a desperate attempt to hide this deficiency. Unfortunately, since its release, the Broken Promises have only continued. Today, we are releasing an addendum to our report. In June 2005, without a single public hearing, and over the course of only eight days, City and State

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2 elected officials alienated 25.3 acres of historic
3 Bronx, South Bronx parkland, to allow the New York
4 Yankees to build a new stadium. As part of this
5 action, the Bloomberg and Pataki Administrations,
6 and the Yankees organization, repeatedly promised
7 the community that not only would the parks be
8 replaced, but even more parkland would be provided
9 in return. However, close examination reveals
10 that only 21.78 of the 25.3 acres are actually
11 being replaced in the community, resulting in a
12 net loss. The largest park parcel meant to deceive
13 the public is a 2.89 acre asphalt baseball field
14 in McCombs Dam Park. In order to get its
15 replacement scheme to add up, the City removed it
16 from their parkland replacement analysis, claiming
17 that it was "not a recreational facility." They
18 chose to ignore Park's chain link backstop,
19 painted bases, foul lines, and that the community
20 had used it for baseball, football, bike riding,
21 skating, bicycle riding and other recreational
22 uses for decades. Unfortunately, numerous
23 misrepresentations were made at last year's
24 oversight status hearing of the new Yankee Stadium
25 replacement parks, held on June 24th 2008. I would

1
2 like to address a few. In his testimony,
3 Assistant Commissioner Liam Kavanagh said, "You
4 may hear today various calculations of acreage
5 associated with this project. We want to ensure
6 you that the project we are building today
7 replaces all of the park space being taken up by
8 the new stadium and its parking garages. Most
9 importantly, we want to assure you that all of the
10 recreational facilities that were displaced, all
11 of the sports fields and play areas, have been
12 accounted for, and are being replaced in ongoing
13 consultation with the community." And in response
14 to Chairperson Foster's question, "What is the
15 total number of replacement parkland, excluding
16 the ball fields at PS 28, PS 29, and West Bronx
17 Recreation Center?" Mr. Kavanagh responded, "The
18 new stadium displaced approximately 22-and-a-half
19 acres of active recreation and park space. The
20 new recreational facilities total 24-and-a-half
21 acres of new parks and recreation space. These
22 statements are both false. The Bloomberg
23 Administration's continued attempts to play a
24 shell game with the park replacement numbers is an
25 affront, not only to this impoverished community,

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2 but to all who are interested in responsible
3 government and accountability. It is shameful
4 that the City refuses to take responsibility.
5 This is particularly abhorrent considering the
6 location, The South Bronx, one of America's
7 poorest communities. Reduced to its simplest
8 terms, this project became a blatant violation of
9 the principles of environmental justice, and a low
10 income, minority community was forced to bear the
11 burden and destruction of its public parkland,
12 with all the environmental and quality of life
13 impacts, so that the richest sports franchise in
14 the country serving primarily white and upper
15 class clientele, was not inconvenienced for a few
16 seasons by sharing Shay Stadium, or building their
17 new ballpark in a nearby location to the south or
18 southeast of the current stadium site. I have
19 included the addendum we are releasing today, and
20 we will be further, unfortunately, doing more
21 analysis of, of that. I also gave you a letter
22 from, from Anita Antonetti, longtime resident of
23 South Bronx and Community Board Four Secretary.
24 And if you want I could read it, or not. [laughs]

25 CHAIRPERSON FOSTER: Give it to me

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2 - -

3 JEFFREY CROFT: Okay, great, thank
4 you very much. The addendum is pretty
5 significant, brand new photographs of the sites.
6 There's some updates from the EIS stuff, the FES
7 stuff, and it's what it is. You know, we're
8 severely impacted by this. And right now, we have
9 a loss of approximately four acres of parkland.
10 And this community needs this to be replaced in
11 some fashion. We keep getting asked how is that
12 going to be done? The first thing is that the
13 City has to recognize that there is a, a
14 deficiency. And we finally just, just by
15 embarrassing the New York Yankees, we finally,
16 well, unfortunately embarrassing Bloomberg
17 Administration, we finally got the Yankees to kick
18 in \$10 million, a paltry \$10 million out of, you
19 know, what's approaching a \$300 million bill. So,
20 this is shameful, and it's not the way public
21 policy and public planning is supposed to be done
22 in New York City. And I know this hasn't been
23 easy on you, Chairperson Foster, but, you know,
24 unfortunately, this is what we got.

25 CHAIRPERSON FOSTER: Thank you very

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much. And all the testimonies and the addendums

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that you presented will be forwarded for the

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record. There being no more testimony, this

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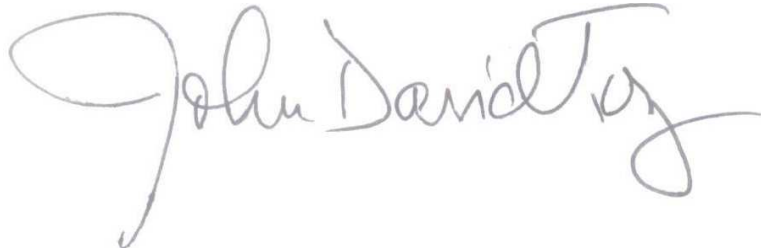
meeting is adjourned. [gavel]

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C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature_____

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned above a horizontal line.

Date May 22, 2009