



City of New York Parks & Recreation



Hearing before the City Council Committee on Parks & Recreation

Oversight - Parks Department Concessions and the Award Process

October 24, 2007

Testimony by Commissioner Adrian Benepe

For almost 140 years, since 1870, parks patrons have not only enjoyed the open space of New York City's parks, but they have also enjoyed the amenities of concessions in parks. Concessions evolved to serve the interest of park visitors who often want and need refreshment and organized activities in parks; concessions further enhance the patrons' use and the essential mission of the agency.

What is a Parks concession? It is defined generally as "a publicly licensed commercial activity at a clearly defined location for a specific, limited period of time." Yet the term "concession" encompasses a remarkably broad range of businesses, mostly food and recreation, from the standard hot-dog cart to the famous Tavern on the Green, one of top grossing restaurants in the country.

An important goal of the agency is to manage the balance between augmenting park use and preserving peaceful enjoyment of the City's green spaces. The income from concessions provides a steady and increasing revenue stream to the City's General Fund; rising from almost negligible amounts in the late 1970s to \$39 million in 2007, more if you add lease revenue.

Early successful ventures included a spectacular Mineral Spring spa in Central Park, where visitors engaged in the hottest new trend of consuming sparkling water, the Camera Obscura photographic house in Prospect Park, and Coney Island amusement rides. The boating operations in Central Park expanded so rapidly that by 1870 nearly 40 boats accommodated several hundred thousand riders each year. Prominent facilities such as the Ladies Refreshment Pavilion and Prospect Park Boathouse exemplified the finest architecture of their eras.

During the administration of Parks Commissioner Robert Moses (1934-1960) concessions were expanded and restructured. A licensing policy replaced leasing agreements, dictating that "The Parks...should be operated for public pleasure and recreation, and not for commercial exploitation or the relief of individuals."

The concessionaires are as diverse as the concessions. From major corporations to solitary entrepreneurs, they bring to parks enormous dedication and creativity. Thousands of jobs are created from our concessions, which include the people who are directly employed by each concession -- ranging from the Zamboni driver at our ice skating rinks to the team of waiters at Tavern on the Green to jobs created by the economic ripple effect from goods and services for each concession. Concessions also provide budding businessmen and women with a way to gain a foothold in the local economy and chase a piece of the American dream.

REVENUE OVERVIEW

The concessions process is governed by the City Charter, the Administrative Code, and the Rules of the City of New York. Within the Parks Department the process is overseen by our Revenue Division. They are responsible for all businesses that operate on City parkland. The Revenue Division prepares and issues solicitations for concessions, and awards and manages the permits and agreements between Parks and private concessionaires. Along with food service in parks, concessions offer park users a wide range of recreational activities such as golf, tennis, boating at marinas, horse riding at stables, rowboat and bicycle rentals, ice skating rinks, and amusements such as the Cyclone Roller Coaster in Coney Island and the Nellie Bly amusement park in Brooklyn.

The City's Franchise Concession Review Committee is the organization with which we work closely on the solicitation and awarding of our larger concessions. The rules of the FCRC are laid out in Title 12 of the Rules of the City of New York and govern the concessions award process for all City agencies that award contracts, not just Parks. One of the most important aspects of these rules is the public review process, which will be further outlined later in my testimony.

CONCESSIONIARE SELECTION PROCEDURE

Parkland cannot be alienated, which means that it must be used for a parks purpose and a property interest cannot be transferred, that is, no leases can be issued without legislation. For that reason, our concessions operate pursuant to license agreements and permits which have a finite term. All agreements are terminable at the will of the Commissioner.

Ideas for a Parks concession come largely from the public in the form of entrepreneurs, local businesses, and parks organizations. In the case of existing concessions, once a contract's term expires and Parks wants to see a continuity in the service, the Revenue Division will issue a solicitation (either in the form of a Request for Proposals or a Request for Bids).

When we've established that a concession is an appropriate use of parkland and appropriate for that site we will start the solicitation process, which is the issuing of a Request for Proposals or a Request for Bids. In a Request for Bids, the award goes to the highest "*responsive and responsible*" bidder. In other words, the most important aspect of the concession is the revenue that will be generated by the concession. This process is used primarily with concessions like the

small, mostly portable hot dog vendors you see in parks, which, in fact, constitutes a large chunk of our overall number of concessions.

Alternately, a Request For Proposals is issued for a concession when Parks determines that specifications cannot be based on revenue to the City alone; or judgment is required in evaluating competing proposals. In these cases, it is in the best interest of the City to require a balancing of revenue to the City and other factors such as proposed capital work, planned operations, financial capability, and operating experience. For example, if we need to contract someone to run a City-owned golf course it's often better to have someone who has strong experience doing this rather than just simply looking at who the highest bidder is.

For the purposes of the FCRC, concessions are basically divided into three categories: The first is *Not Significant*, this means the contract has a term that is less than 10 years and the fee to the City is less than \$100,000 for every year of the contract. The second category is *Significant*, this means the contract has a term that is equal to or greater than 10 years and/or the fee to the City is more than \$100,000 in any year of the contract. The maximum term for a concession agreement is 20 years unless Parks receives unanimous approval from the FCRC. If a concession is "*significant*" it is then subject to public hearing and FCRC review. The last category is a *Major* concession; this means an idea trips one or more of the "major concession rules" of the City Planning Commission and is therefore subject to Uniform Land Use Review Procedure (ULURP).

Once an idea is approved and categorized we move forward with our process:

- Each affected Community Board and Borough President is notified in writing that we are releasing a Request For Bids or Request For Proposals. If the concession falls into the "significant" category we must consult with each affected Community Board and Borough President on developing the scope of the RFB or RFP, at least 30 days prior to issuing the solicitation.
- Then, the Revenue Division must complete a "Concession Agreement Pre-Solicitation Agreement Review Memorandum and Narrative" and submit the forms to the Mayor's Office of Contract Services (MOCS). The solicitation cannot be released until these forms have been signed by the City's Chief Procurement Officer (Director of MOCS). The draft solicitation and accompanying documents are sent to MOCS and the New York City Law Department for review, and Parks revises the RFB or RFP in accordance with those agencies' comments and suggestions. If the solicitation is a Request for Bids, a standardized, non-negotiable agreement is drafted for the concession by Parks and sent with the Request for Bids to the Law Department for approval. If no further changes are made or are necessary, MOCS will sign off on the Concession Agreement Pre-Solicitation Agreement Review forms and the final solicitation can be released.
- Then, the notice of solicitation, which informs potential proposers where and how they can obtain a copy of the solicitation, is sent to all of the entities on the appropriate agency mailing list. Notice is also sent to the affected Community Board and Borough President.

- The final RFP or RFB is posted on the Parks Department website and available by mail or by pickup from the Revenue Office. In addition, an advertisement of the solicitation is run in the City Record for 10 consecutive issues. For a Request For Proposal, 20 business days must be provided between the last day the ad runs in the City Record and the due date of proposals. For a Request For Bid, 10 business days must be provided between the last day the ad runs in the City Record and the due date of bids. The solicitation may also be advertised in appropriate newspapers (local and citywide) and trade publications. In addition, a site tour and/or proposer meeting may be arranged to give proposers access to the property or to answer their questions.
- If the solicitation was a Request For Bids, a public bid opening is held on the bid due date, and the winner is the highest bidder who is determined to be both "*responsive and responsible*," that is they meet our specific requirements in the solicitation. If the fee offer for all years totaled is equal to or greater than \$100,000 or if the bidder has concessions with the City that pay the City a total that is equal to or greater than \$100,000, or if the bidder has had City contracts or subcontracts of that value, the highest bidder must submit information to the Vendor Information Exchange System (VENDEX), a computerized data system that helps the City make decisions regarding vendor responsibility as required by law. Once those filings are received, the Department of Investigations checks its files to determine if any investigations have occurred. This process is called a "vendor name check." Once DOI has responded, Parks uses the information from VENDEX to complete its determination that the winning bidder is responsible, and then awards the concession.
- However, if the solicitation was a Request For Proposals, a selection committee is formed to review the proposals received. The committee must be composed of at least three members, at least one of whom must neither supervise, nor directly report to, any other member of the Selection Committee in the normal course of agency business. Typically, the committee is composed of Parks employees, but occasionally, representatives of other City agencies or public representatives may be included.
- The selection committee rates the proposals based on the established weighted criteria, which include issues such as the fee offer, capital improvements that will be made, operating experience, financial capability, and operational plans. The selection committee may either determine that the award should be made on the basis of initial proposals, or it can decide to solicit "best and final offers" or to conduct discussions or negotiations with the proposers.
- After an initial review of the proposals, assuming that the proposers fall above the \$100,000 range discussed earlier, the entities that are short-listed for final consideration may be asked by Parks to submit VENDEX forms to MOCS. The top rated proposers can be called in for discussions and if necessary, may be asked to make revisions to their proposals. Once revisions are done the committee rates again based on the new information. Once the VENDEX filing and DOI vendor name check processes are completed, the concession manager at Parks uses the information from VENDEX to complete its determination that the winning proposer is responsible, and then proceeds to award the concession.

- At this time, the Revenue Division completes the following paperwork: a Concession Agreement Recommendation for Award Memorandum Cover Sheet (CRFA cover) form, a CRFA CSP (Competitive Sealed Proposals) or CSB (Competitive Sealed Bids) Narrative form, and a Responsibility Determination Form.
- If the solicitation was a Request For Proposals, Parks' legal division begins drafting a contract or permit. The contract is negotiated between Parks' attorneys and the successful proposer's attorneys. Once the contract is completely agreed upon, Parks Counsel sends it to the Law Department for their approval and signature. After the contract is approved, the CRFA paperwork is sent to MOCS, and an FCRC Public Hearing is scheduled if the concession is deemed significant. In these cases, a notice of the public hearing must be advertised in the City Record at least fifteen days prior to the date of the public hearing. Parks must notify the affected Community Boards and Borough President of the Public Hearing in writing and then the public hearing takes place.
- Once the previous steps have been completed for all concessions, all parties may sign if Parks has received the security deposit and certificate of insurance that are required. Upon signing, the successful proposer will need to fill out a W9 form and Tax Affirmation form. All required forms and paperwork, together with the original signed contract, are sent to the Comptroller for registration. Once the contract has been registered, Parks publishes a Notice of Award in the City Record and sends a Notice to Proceed to the concessionaire, informing them that they may begin operating.
- When the concession begins operations, our accountants bill every concessionaire for the amount that has been contractually agreed to as part of the winning bid or proposal. They also keep track of the concessionaire's gross receipts; in some instances concessions pay the higher of a flat fee or a percentage of gross receipts, but in any case all concessionaires are required by their contracts to submit statements of gross receipts, the frequency of which depends on what is written in their contract. So, even if they are only paying us a flat annual fee, they are still required to let us know how much money they have generated at their concession. For example, a pushcart operator pays us \$5,000 per year to operate but must still submit a written statement of gross receipts for the year, which is broken down month by month.
- Also, mandatory capital investment in a site is also an important part of our oversight. If a concessionaire has proposed capital investment as part of a contract we will regularly inspect the site to make sure that they are fulfilling their promise to the City.

CURRENT CONCESSIONS

To give you an overview of what concessions are doing for Parks now I'd like to discuss some examples and figures. Currently, there are 469 concessions operating on City-owned Parkland.

As I mentioned before, people hear about us through a variety of ways. However, one important way is through word of mouth -- people contact us all the time to inquire about business opportunities.

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. Concessions have also been one important aspect of the current renaissance of Parks in our city. Where once parks were places to avoid, they've now become destinations. In financial terms, the revenue and investment that come through the concessions process is a significant source of income for the City. For example, in the fiscal year for 1995 the revenue that the city received through Parks concessions was \$17 million and in fiscal year 2007 that number has grown to \$39 million, again, more if you add lease revenue. Now clearly some of that is based on inflation and increased costs, but that also reflects the fact that parks are in much better shape and are seen as safe investments for entrepreneurs.

Concessions revenue goes into the City's General Fund. Many people, perhaps some in this room today, feel that concession revenue should go directly into the Parks Department budget. However, the City funds the Parks Department's budget at an amount far greater than the amount of revenue that is brought in through concessions. This means that the sustainability of our Parks system is not dependent on the amount of revenue it generates. It also allows us to balance the need for services with the preservation of peaceful, non-commercial green space.

In rare instances, Parks has entered into contracts with non-profit organizations that act as an administrator of a park or that play a significant role in the management or programming of a park, which allows them to retain some of the revenue from some concessions in the park. These arrangements exist with the Battery Conservancy, Madison Square Park Conservancy, and the Prospect Park Alliance, among others.

In 2007, the City as a whole collected nearly \$48 million in concession fees, of which \$39 million was collected by Parks concessions. Marla Simpson, who is also here to answer questions today, can put some of these numbers into perspective, but a few things that are important to note are that 74% of all City concessions are food-related operations, and 87% of the city's concessions were procured through a competitive, sealed bid process.

We derived our most substantial concession revenue from restaurants at 18%, golf courses at 14% and pushcarts at 11%.

All contracts are required to be registered with the Comptroller's Office. However, over the past 30 years, the Parks Department has not always registered contracts as a matter of course. We are working diligently with MOCS and the Law Department to meet this requirement both for currently-operating and newly-awarded concessions. MOCS has outlined some new guidelines that will make it easier for us to ensure that our concessions can be promptly registered. In addition, we look forward to the opportunity, now available under recently-adopted FCRC rules, to notify the public about potential awards for concessions in their neighborhoods and communicate with community boards through a more comprehensive public review process that increases available information and transparency. We have also recently added Betsy Smith

to our leadership team as Assistant Commissioner for Marketing and Revenue. Commissioner Smith has a long background in business and finance including seven years with JPMorgan Financial Services and 15 years in the private equity business. I'm confident in Commissioner Smith's leadership in this area and certain that her work in conjunction with MOCS will make for an efficient and open process.

CONCLUSION

Concessions are vital to the life of a park. In many cases, they encourage use and investment where the park might otherwise attract little use. A vendor in a park draws users and thereby more public investment in the quality of the parks in their community. A park filled with people at all hours of the day is ultimately safer than a park with very few people.

In addition, these concessions often invest in immediate and ongoing capital improvements in parks. 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. Now, they have received millions of dollars in private capital investment, they are dramatically improved and better run and the City now earns millions of dollars in income. These investments, combined with the revenue generated by these ventures, often allow for continued upkeep and care.

The use of concessions to augment the life of a park 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. It could be 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, but they all use concessions to both improve and promote parks.

And there are many in the community of urban planners and designers who see how important concessions are. For example, Fred Kent, the urban anthropologist and founder of the Project for Public Spaces, was recently profiled in The New York Times and mentioned that although Washington Square Park, to his mind, was almost perfect the one thing it could really use would be a couple of small concessions. In the article he goes on to say, "I would put two or three clusters of ethnic food carts, surrounded by some tables and chairs, or even a little café-restaurant in the red brick building that the Parks Department uses for storage." The writer adds, "Food kiosks, to Mr. Kent's mind, are among the most appealing destinations a place can feature – accessible fountains are another – and appealing destinations are the backbone of his prescriptions for public spaces."

As with all public works, concessions are an evolving business. 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. Concessions have also managed to transform some parts of our park system. Another example of the transformative affect concessions can have on a park is at Union Square. It was a dangerous and dilapidated needle park in the 1980s. Following the introduction of the Greenmarket, the park became a vital day time destination, and the Luna Park Café made it a magnet for positive night time use. The future of Parks concessions is only as limited as our vision for the parks we want and need in the future.

Testimony on Oversight of Parks Department Concessions and the Award Process

before

The New York City Council
Committee on Parks and Recreation

October 24, 2007

by

Tupper Thomas

President, Prospect Park Alliance

Chairwoman Foster and Members of the Committee:

Thank you for inviting me to testify today on the Parks and Recreation Department's concessions and award process. My name is Tupper Thomas, and I am the President of the Prospect Park Alliance. In addition, I also serve as the Administrator of Prospect Park. As you know, the Prospect Park Alliance (the Alliance) is an independent, not for profit organization, which restores and develops the Park for the enjoyment of all New Yorkers. For the past 20 years the Alliance has been and remains dedicated to serving visitors through its facilities and programs, caring for the Park's natural environment, and preserving its historic design.

Concessions play a vital role in our Parks. They provide not only a source of revenue for the Park, but more importantly, they provide needed amenities to our visitors, which play a large role in attracting people to the Park. During the past 20 years, the Alliance has taken over more and more of the concessions responsibilities at Prospect Park from outside concessionaires, greatly improving services along the way. As a direct result, the number of visitors to Prospect Park annually has greatly increased – upwards of 8 million this year.

I would like to highlight a few specific examples of how the Alliance's involvement in Park Concessions has improved overall operations. In all of these examples, the Alliance pays a concession fee to the City of New York.

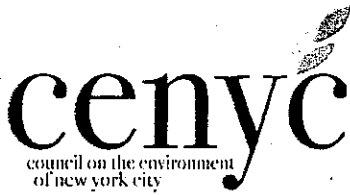
- In 1990, the Alliance raised and spent \$1 million restoring our historic 1912 Carousel after it was almost destroyed by past concessionaires. After the restoration, the Alliance took over the Carousel's operation and continues to run it today. We charge for rides and sell food and souvenirs. While the Alliance's profit margin with the

Carousel is minimal, the restoration and improved operation has brought this area of Prospect Park back to life. I am proud that we have been able to keep this beautiful carousel looking good. It is now frequently visited by individuals, schools and daycare programs, and is a popular place to hold a birthday party.

- The Alliance has also taken over Prospect Park's Wollman Skating Rink, overseeing skate rentals, pedal boat rentals, and food service. We have greatly improved the quality of rentals and food here. The improved operations and increased open hours have substantially increased the number of visits to this area of Prospect Park. Again, while the Alliance's profit margin is minimal; we are providing a much better service than in the past.
- Recently, the Alliance spent \$4.4 million to build the Tennis Center at the Prospect Park Parade Ground. This beautiful, new facility, which opened in 2006, is also operated by the Alliance. It features 11 courts (9 are Har-Tru surface courts and two are Deco-Turf hard courts), night lighting, and a new bubble to protect players from weather elements, allowing year-round play. In addition, the Alliance constructed a new building with a pro shop, café, showers, lockers, and fitness room. The Center has seen a massive increase in tennis at Prospect Park. Players from all backgrounds and neighborhoods are playing at our new facility and we are very excited about the future of tennis in Brooklyn.

The Prospect Park Alliance firmly believes that concessions are important to the future of Parks, and if run properly, provide an improved experience for our users.

Again, thank you for inviting me to testify today on this important issue. I would be pleased to answer any questions.



Greenmarket ■ Open Space Greening ■ Environmental Education ■ Youthmarkets
Office of Recycling Outreach & Education ■ New Farmer Development Project ■ Learn It, Grow it, Eat It

Testimony by Marcel Van Ooyen, Council on the Environment New York City
(CENYC)

New York City Council Parks & Recreation Committee, Helen D. Foster, Chair
October 24, 2007

Good morning,

My name is Marcel Van Ooyen. I am the Executive Director of Council on the Environment NYC (CENYC), an environmental non-profit in the Mayor's Office. CENYC has four main programs (Environmental Education, Open Space Greening, Office of Recycling Outreach and Education, and the Greenmarket Farmers Markets) as well a number of smaller projects that are designed to improve and enhance New York City's environment on a community basis.

I am joined today by Michael Hurwitz, the Director of the Greenmarket program. Greenmarket's mission is to support local farmers, preserve farmland and bring healthy, fresh produce to New York City communities. Last year, Greenmarket celebrated its 30th anniversary. We have 191 farmers and producers in the Greenmarket system; cultivating over 28,000 acres of farmland. These farmers and producers come from all over our region and deliver fresh produce to every borough. Many of these farmers' livelihoods depend upon the direct marketing opportunities provided by Greenmarket. They often tell us that they would no longer be farming if it were not for the ability to sell their products in the city.

In addition, to being a source of wonderful produce, Greenmarkets often act as a community gathering place and have served as a catalyst for community revival—Union Square is a prime example. CENYC and Greenmarket have

been at the forefront of New York City's growing food movement and we make every effort to help the city, and others, move toward the purchase and consumption of healthy, locally grown produce.

Thanks to a grant from Speaker Quinn and the New York City Council, we operate one of the most robust farmers market EBT/food stamp systems in the country. Providing access to healthy produce in neighborhoods that are often underserved. Currently 9 of our markets provide EBT through a "token system" (Lincoln Hospital, Bronx Borough Hall, Poe Park, Bed-Sty Youthmarket, Harlem Hospital, Mount Sinai, Holmes Houses/92nd Street, 175th and 97th & Jackson Heights and 4 additional markets offer EBT at the farmer's stand (Grand Army Plaza, Sunset Park, Inwood and 97th Street and Columbus). As a result of the Council funding, EBT sales in our markets have been doubling and tripling on a yearly basis and have reached record numbers in the month of September.



Greenmarket ■ Open Space Greening ■ Environmental Education ■ Youthmarkets
Office of Recycling Outreach & Education ■ New Farmer Development Project ■ Learn It, Grow it, Eat It

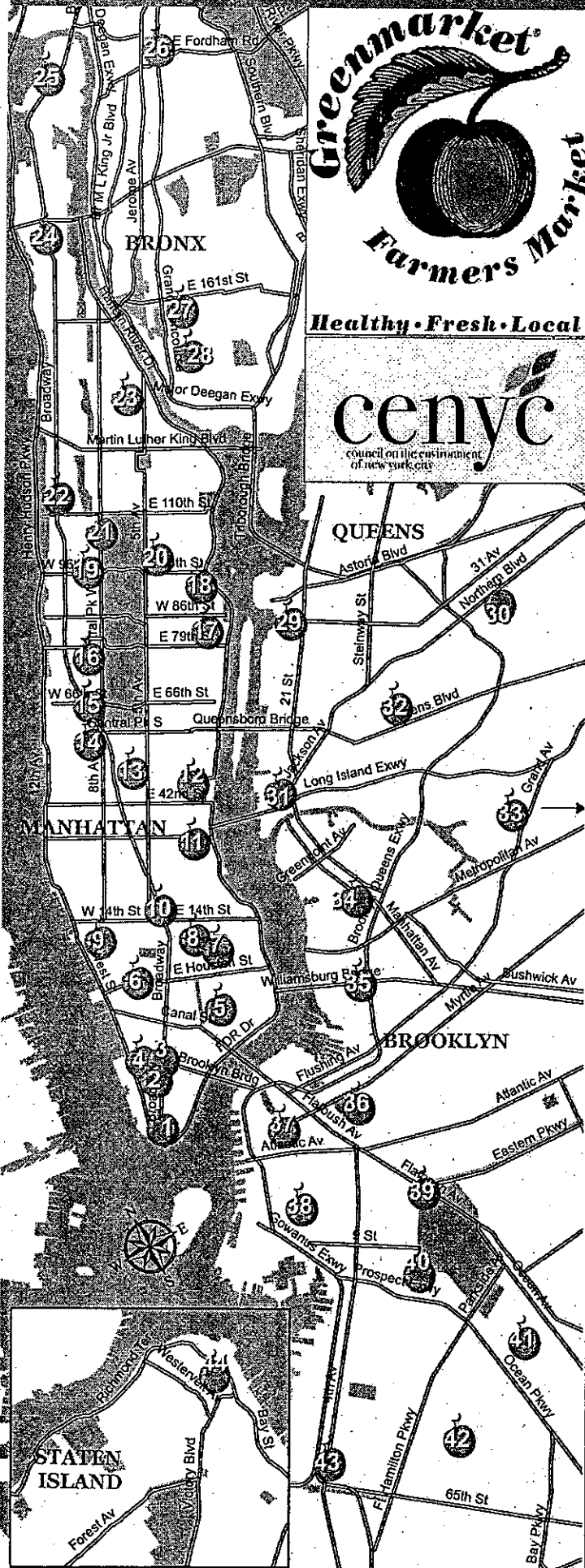
We operate our markets in a number of outdoor locations, including the focus of today's hearing, on New York City parkland. Currently, 21 of our 45 locations are on Parks property, including: Abingdon, Astoria, Bklyn Boro Hall, Bowling Green, Bronx Boro Hall, City Hall, Dag Hammarskjold, Ft Greene, Grand Army Plaza, Greenpoint, Inwood, Jackson Heights, Poe Park, St Mark's Church, Strangers Gate (CPW), Sunnyside, Tompkins, Tribeca, Tucker, Union Square & Windsor Terrace.

The ability to operate Greenmarkets in NYC Parks is vital to Greenmarket and provides a well known and traveled location to our customers.

The beauty of parks—Fort Greene is a prime example—provide us with a wonderful backdrop from which to operate our markets. And working closely with the New York City Parks Department, fits well with CENYC's mission and goals. We are very thankful for our partnership with the Parks Department and its Commissioner Adrian Benepe—who's father is the founder of Greenmarket. We hope to continue this partnership and add additional market locations in New York City parks over the coming years.

I would be happy to answer any questions.

GREENMARKET 2007



Healthy • Fresh • Local



MANHATTAN			S	M	T	W	T	F	S
1	Bowling Green Tues & Thu 8-5 Year Round	Broadway & Battery Place							
2	Downtown PATH Tues & Thu 8-6 TBD	TBD							
3	City Hall Park Fri 8-5	Chambers & Broadway July to December							
4	Trinbaca Wed 8-3 Sat 8-3 Year Round	Greenwich St. btw Chambers & Duane April to December							
5	LES/ Grand Street Sun 8-4	Norfolk & Grand July to November	S						
6	South Village Market Sun 8-4	6 Ave & W Houston July to November	S						
7	Tompkins Square Sun 8-6 Year Round	E 7 & Ave A	S						
8	St. Mark's Church Tues 8-7	E 10 & 2 Ave June to December							
9	Abington Square Sat 8-2 Year Round	W 12 St & Hudson							S
10	Union Square Mon, Wed, Fri, Sat 8-6 Year Round	E 17 St & Broadway							S
11	Murray Hill Sat 8-5	E 2 Ave & 33 St mid-July to December							S
12	Dag Hammarskjold Plaza Wed 8-6 Year Round	E 47 St & 2 Ave							S
13	Rockefeller Center Wed, Thu, Fri 8-6 July 11 to August 17	Rockefeller Plaza at 50 St.							S
14	57th Street Wed, Sat 8-6	W 57 St & 9 Ave April to December							S
15	Tucker Square Thu & Sat 8-5 Year Round	W 66 St & Columbus							S
16	77th Street Sun 10-5 Year Round	W 77 St & Columbus	S						
17	82nd St/Steps Sat 9-3 July to November	E 82 St btw 1 & York Aves							S
18	92nd St Sun 9-5 July to Nov	1 Ave btw 92 & 93 Sts	S						
19	97th Street Fri 8-2 Year Round	W 97 St & Columbus							S
20	Mt. Sinai Hospital Fri 8-5 July to November	E 99 St btw Madison & Park							S
21	Stranger's Gate Sat 8-3 July to November	W 106 St & Central Park West							S
22	Columbia Thu & Sun 8-6 Year Round	Broadway btw 114 & 115 Sts	S						
23	Harlem Hospital Thu 8-5 July to November	Lenox Ave btw 136 & 137 Sts							S
24	175th Street Thu 8-6 mid-June to November	W 175 St & Broadway							S
25	Inwood Sat 8-3 Year Round	Isham btw Seaman & Cooper							S
BRONX			S	M	T	W	T	F	S
26	Poe Park Tues 8-3 July to November	Grand Concourse & 192 St							
27	Bronx Borough Hall Tues 8-6 July to November	Grand Concourse btw 156th & 158th Streets							
28	Lincoln Hospital Tues & Fri 8-3 July to November	149 St btw Park & Morris							
QUEENS			S	M	T	W	T	F	S
29	Astoria Wed 8-5 July to November	TBD							
30	Jackson Heights Sun 8-3 June to November	34 Ave btw 77 & 78 Sts	S						
31	Long Island City Sat 8-3 July to November	48 Ave & Vernon Blvd							
32	Sunnyside Sat 8-3 July to November	Skilman btw 42 & 43 Sts							
33	Atlas Park Sat 8-4 July to November	Cooper Ave & 80 St							
BROOKLYN			S	M	T	W	T	F	S
34	Greenpoint-McCarren Park Sat 8-3 Year Round	Lorimer & Driggs							
35	Williamsburg Thu 8-4 July to November	Havenmeyer & Broadway							
36	Fort Greene Park Sat 8-5 Year Round	Washington Pk & DeKalb							
37	Brooklyn Borough Hall Thu 8-6 Tues & Sat 8-6 Year Round	Court & Montague April to December							
38	Carroll Gardens Sun 8-4 July to November	Carroll btw Smith & Court	S						
39	Grand Army Plaza Sat 8-4 Year Round	NW Entrance of Prospect Park							
40	Windsor Terrace Wed 8-3 May to October	Prospect Park W & 16 St							
41	Cortelyou Sun 8-4 July to November	Cortelyou Rd. btw Rugby & Argyle	S						
42	Borough Park Thu 8-3 July to November	14 Ave btw 49 & 50 Sts							
43	Sunset Park Sat 8-3 July to November	4 Ave btw 59 & 60 Sts							
STATEN ISLAND			S	M	T	W	T	F	S
44	St. George Sat 8-2 May to November	Borough Hall park lot, St. Mark's & Hyatt							



Frequently Asked Questions

What is Greenmarket?

Greenmarket operates farmers markets in NYC. Almost 200 local farmers, fishers and bakers sell what they grow, raise, catch and bake themselves. Middlemen or brokers are not allowed. Since 1976 we've worked to conserve farmland and ensure a continuing supply of fresh, local produce to New Yorkers.

Greenmarket is a program of the Council on the Environment of NYC, a privately funded citizens organization in the Mayor's Office.

Why can't I buy oranges at Greenmarket? Why can't I buy peaches here in winter?

Greenmarket farmers drive in from NY, NJ, PA, CT, MA and VT. Tropical crops like citrus and coffee don't grow in this region. Greenmarket farmers' homegrown crops showcase seasonal bounty such as asparagus and rhubarb in spring, peaches and corn in summer, pumpkins and pears in fall. Dairy, meats, honey, wool and more are available year-round.

Do Greenmarket farmers use organic methods?

Some do. All are personally invested in the health of the water, soil, and air on the farms where they live and raise their families. Greenmarket staff visits farms and facilities to inspect product integrity. Many customers seek out farmers markets for just that reason – to meet the farmer and ask how they raised each crop.

Why do different stands sometimes have the same product but of different quality or price?

Whether you are shopping on a budget or looking for a treat, Greenmarket has something for you. Shop around to meet your needs.

How do I get involved?

We are always looking for volunteers to do everything from data entry to cooking demonstrations. Visit www.cenyc.org to find our volunteer/internship application.

How fresh is this product?

Ask the farmer. Many crops were harvested less than 24 hours before market. Some foods keep longer, such as onions, apples, potatoes and cheese. Because Greenmarket farmers grow these foods themselves and bring them from their local farms that morning, their products travel a very short time and distance from the farm to you.

All Greenmarket participants are required to follow safety standards prescribed by the New York State Department of Agriculture and Markets. Farms, facilities, and markets are inspected to insure compliance.

Are all markets the same size?

Greenmarket manages weekly markets in over 40 city locations. Union Square and Grand Army Plaza boast dozens of farmers each. At other locations, the markets range in size from two to fifteen stands.

What happens to unsold food?

Unsold produce feeds the hungry. In 2006 Greenmarket farmers and bakers donated over 224,000 pounds of food to City Harvest.

Can I visit the farms?

Some farms, especially orchards, welcome visitors for "pick-your-own." Ask at the stand or visit www.cenyc.org.

How is Greenmarket funded?

Farmers pay a fee to sell at Greenmarket. Grants and contributions are gratefully received from individual, foundations and corporations.

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Greenmarket is a 501(c)(3) non-profit Program of the Council on the Environment of New York City. Since 1976, our staff, volunteers and farmers have been working together promoting regional agriculture to preserve farmland and ensure a continuing supply of fresh, local produce for New Yorkers.

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Lincoln Hospital*
149th btwn Park and Morris
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Tuesdays 8-3

Poe Park*
Grand Concourse and 192nd
Tuesdays 8-3

Brooklyn:

Grand Army Plaza†
NW entrance of Prospect Park
Saturdays 8-4

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4th Ave btwn 59th and 60th St..
Saturdays 8-3

Bed-Stuy YouthMarket*
Lewis Ave btwn Decatur and
McDonough
Saturdays 8-4

Manhattan:

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Lenox & 137th
Thursdays 8-4

Mount Sinai*
99th & Madison
Fridays 8-6

92nd St*
on 1st Ave.
Sundays 9-3

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Thursdays 8-4

Inwood†
Isham St btwn Seaman and Cooper
Saturdays 8-3

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Fridays 8-2

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34th Ave btwn 77th and 78th
Sundays 8-3

* At these markets swipe your EBT card at the info table in exchange for tokens. Shop at the market with the tokens.

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For information about food stamps or food stamp office locations call: 1-866-FoodNYC (366-3692)

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Manhattan Borough President Stringer, USDA-FMPP and the NYS Department of Ag & Markets

Greenmarket is a program of the Council on the Environment of NYC
212-788-7476

Testimony In Favor Of Making No Change To The Current Policy With Regards To Concessions in Parks.

*Submitted by Brad Taylor, President of the Friends of Morningside Park
To the Parks Committee of the New York City Council, Hon. Helen Foster, Chair
Wednesday, October 24, 2007*

My name is Brad Taylor, I have been a member of the Friends of Morningside Park, one of the four Historic Harlem Parks, for more than seven years and am serving my third term as president of the organization.

During this time we have worked closely with the Dept. Of Parks and Recreation (DPR) on a number of concessions in the park. These concessions are a key factor in the park's revitalization and DPR has always been more than willing to work with us to ensure that these concessions serve the best interests of the communities they serve.

For instance, in 2001 DPR successfully attracted bids for the first cafe in the park. The winning bidder was a local woman and minority owned business started by a local Harlem entrepreneur. The resulting "Muscoota" cafe was a welcome symbol of renewal in a park that had been under-served for many years.

In 2005 DPR was an eager partner on a concession for a Farmers Market in the park. Having such a market had been a community goal for many years and was identified as a recommended park amenity in a revitalization plan our organization commissioned in 1999. Our market location was turned down by the city's GreenMarket program but DPR was willing to work with us to find another market manager to establish one of the first non GreenMarket Farmers Markets in a Manhattan park. The market has grown in popularity and is now approaching the end of its third successful season.

Today we are working closely with DPR to reestablish a cafe in the park through a concession process that will attract local bidders and serve the needs of the park community.

Our experience working with DPR on concessions has shown us that DPR has the best interests of park users as its primary goal in the concession process and is more than willing to work with community groups like ours to tailor concessions to maximize the benefit to our park, community and city. I see no reason to change the city's existing concession policy and urge the City Council not to do so.

City Council Hearing – October 24, 2007

John Rozankowski, Ph.D.
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Bronx, NY 10458-1905
Rozankowski@aol.com
Friends of Poe Park

Alienation of city parkland is one of the most important issues facing NYC today.

There are those who proclaim that alienation is very difficult. Is it? On June 15, 2005, the new Yankee Stadium project was announced and on 7/20/05, the people of the South Bronx lost Macomb's Dam Park and didn't even know about it. As long as the developer has political clout and connections and the victims are working class people of NYC, alienation is a formality. With this precedent, rest assured that this atrocity will happen again.

The answer is not to despair that nothing can be done, or wonder what can be done. The answer is action and action now in the form of tough legislation.

We need legislation prohibiting projects which fundamentally change the nature of a park and are severely detrimental to the natural habitat. We need legislation banning projects not open to everyone. We need legislation that requires the secure posting in a prominent location of the affected park, of any proposals affecting it some six months before any done deals are announced.

Ladies & Gentlemen of the City Council, you can solve this problem by legislation and you will not be alone. All over New York, people are coming together under the banners of New Yorkers for Parks and the Friends of NYC Parks Coalition. They are rising above the anachronistic notion of community, realizing that all of us are citizens of NYC and if we work together, we will win!

Thank you very much.



MANHATTAN COMMUNITY BOARD SIX

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Lyle Frank
Chair

Toni Carlina
District Manager

Testimony for the City Council Parks Committee Hearing Wednesday, October 24, 2007

Good day, my name is Gary Papush and I am representing Manhattan Community Board 6. I am also one of 5 originators of a group called "The 250+ Friends of New York City Parks."

Community Board 6 became strongly involved in these issues more than a year ago when a successful local vendor lost their concession renewal. When we inquired of the Parks Department how they made this decision, they proudly presented us with their book of rules on awarding of concessions with their statement that a review of their rules would show that they acted properly. My review of their rules however showed exactly the opposite. The rules allow for non-transparency, lack of consistency and in some cases just plain violation. Even Comptroller Thompson in reviewing the same award came up with the same findings and to date has refused to certify the contract. A Parks Department official at a public meeting admitted that proposed concessions are crafted in such a way as to avoid being defined as a major concession and therefore requiring more public scrutiny. Leases are definitely not offered in order to avoid ULURP and Alienation requirements.

In June 2006 Community Board 6 adopted the attached resolution recommending either changes in the rules or at least requiring further public review. We also called for the oversight hearing being conducted today. When copies of our resolution were circulated to all community boards in NYC, we received unprecedented responses with similar complaints and "war stories" from throughout the 5 boroughs. This resulted in people from 3 different boroughs gathering together and originating what are now the 250+ Friends.

We urge the council members to review the recommendations in our June 2006 resolution and consider adopting them. We would also urge future oversight hearings on other practices of the Parks Department as concessions are just the tip of the iceberg. Many practices of this agency usurp your own legislative functions.

Community Board 6 also announces that prior to a further resolution by us on the issue of alienation of public parkland we will be holding a public hearing on Tuesday, November 6th and all are welcomed.

Flyers are available.

Thank You.



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Carol A. Schachter
Chair

Toni Carlina
District Manager

June 19, 2006

Adrian Benepe
Commissioner
Dept. of Parks and Recreation
24 West 61st Street
New York, NY 10023

Dear Commissioner Benepe:

At the June 14th Full Board meeting of Community Board 6 the Board adopted the following resolution:

RE: Awarding of Concessions in New York City Parks

WHEREAS, the awarding of concessions through the RFP process is governed by the official Rules of the City of New York adopted several years ago and interpreted by the issuing agency, and

WHEREAS, recent issues of concern about the process in a few instances have been reported to Community Board 6 and have led to a review of those rules, and

WHEREAS, our review of those rules have concluded that there has been instances of apparent inconsistency in applying the rules and the rules themselves can be made more transparent, and

WHEREAS, responses to requests by Community Board 6 for documents contained in specific Concession File Folders have not been made timely, and

WHEREAS, one of our representatives in Albany (Assembly member Friedman) has made the point that the Legislature's function in alienation legislation dealing in park land may be usurped by the awarding of concessions in parks as opposed to leases which would require legislature approval, and

WHEREAS, under current rules the Franchise and Concession Review Committee and the Agency must hold a public hearing before awarding the concession only when it is defined as a significant concession (term of more than 10 years or a dollar amount greater than \$100,000), and

WHEREAS, the proposed award of the concession may be protested to the agency head or the New York City Comptroller on grounds of unfairness, favoritism or impropriety but the Comptroller may only object to the registration of the concession agreement on grounds of corruption, and

WHEREAS, a responder to an RFP is not required to list all financial backers at time of submission, now

THEREFORE, BE IT

RESOLVED, Community Board 6 makes the following recommendations on how the rules for awarding concessions should be amended or reinterpreted to allow for greater transparency, consistency and better community input:

1. Proposers shall list all other partners, shareholders and financial backers at time of submission.
2. If any proposer is given leave to amend their proposal or give the agency additional information, the same shall be allowed to all proposers.
3. Requests under the Freedom of Information Act shall be responded to as timely as possible.
4. The agency when rating a responder's previous experience as a vendor must consider their interactions with their affected community and that community's response to the vendor.
5. The Franchise and Concession Review Committee shall hold a public hearing even if it is not defined as a significant concession upon a majority vote of the affected community board or a written request from the city councilmember representing that district.
6. The Comptroller's ability to object to registration of a concession agreement should be expanded to cases of possible unfairness, favoritism or impropriety. And

BE IT FURTHER

RESOLVED, Community Board 6 suggests that our city council representatives consider public hearings on how the concession rules are being applied.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

Yours truly,



Toni Carlina
District Manager

Cc: Hon. Scott Stringer
Hon. Carolyn Maloney
Hon. Liz Krueger
Hon. Sylvia Friedman
Hon. Jonathan Bing

Hon. Dan Garodnick
William Castro
William Curtis
Sherrill Kazan
Gary Papush



**New York City Council
Committee on Parks & Recreation
Oversight Hearing: Concessions**

**New Yorkers for Parks Testimony
October 24, 2007**

My name is Christian DiPalermo and I am the Executive Director of New Yorkers for Parks - the only independent watchdog for all the City's parks, beaches and playgrounds. For nearly 100 years, New Yorkers for Parks has worked to ensure greener, safer, cleaner parks for all New Yorkers.

New Yorkers for Parks would like to thank the Parks Committee for holding this important hearing on park concessions and the award process.

Allow Parks to Keep What They Earn

Today, concessions revenue from the majority of parks citywide is directed to the City's General Fund. As described by the Citizens Budget Commission in their recent study, "Making the Most of Our Parks," the Parks Department generated \$48 million through the operations of concessions in FY 2006, equal to 20% of the agency's operating budget that year. 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.

The Citizens Budget Commission report recommends that the City "Create a stronger incentive for increasing concessions and other earned revenues by dividing growth in these revenues between the City's general fund and a new fund dedicated to parks improvements." In addition, more than 32 Council Members, including Speaker Quinn, sponsored Intro 327, which was introduced in 2005 and would have allowed the Parks Department to keep its concession revenues. By allowing the agency to keep a portion of its concession revenues, we would establish a steady funding stream to help ensure that our parks never fall into the state of disrepair of the 1970s and 80s.

Select park groups have made special arrangements to keep their concession revenue to support park operations. For example, Randall's Island Sports Foundation keeps the revenues earned from Icahn Stadium. Central Park Conservancy keeps half of all concession revenues earned in the park above \$6 million. Allowing parks to keep this funding inspires innovative concessions. Groups are more likely to be creative regarding what types of activities the park can support, and what businesses would best serve the park users, rather than relying on the standard hot dog and pretzel stands. Common regulations should be developed so that all concession revenues stay

within Parks, rather than revenues from only the select few parks that are aided by savvy partnership organizations.

NYC can look to other park systems throughout the country for similar models – the National Parks Service, New York State Office of Parks, Recreation and Historic Preservation, the Chicago Park District, and San Francisco’s Recreation and Park Department all retain concession revenue generated on parkland.

New Yorkers for Parks suggests that a formula be determined to allow the Parks Department to keep a portion of concession revenues for maintenance. In order to ensure the equitable distribution of resources, we recommend that the revenues be divided among the park in which they are earned and in-need parks in the Council District and citywide.

Improve the Public Process

Public review of a proposed concession varies widely depending on the type of concession. A proposal for a “major” concession is subject to the Uniform Land Use Review Procedure (ULURP), which includes four opportunities for public input. The process for non-major concessions, which require either a vote by the FCRC or simply the approval of the Parks Department, provides only one opportunity for public comment.

While we encourage innovative park concessions, it is also imperative that parks are not subject to over-commercialization. Regular users and the neighboring community of a park must have the opportunity to voice their opinions on appropriate uses of the park. Although hot dog stands and the like should not be subject to four public hearings, as they would through ULURP, we must strike a balance in ensuring that the public voice is heard for more imposing concessions.

Revise the Concessions Rules

The Department of City Planning was charged by the NYC Charter to develop rules for determining a “major” concession. However, these determinations do not sufficiently capture all of the concessions that have serious impacts on parks.

One of the primary gaps in the major concessions rules deals with the amount of space occupied by the concession. Rather than measuring a concession’s impact by the percentage of the park property that it will use, the major concessions rules look at the acreage of the concession. For example, an 11,000 SF building in a park is not considered a major concession, regardless of the park’s size. But in a one-acre park, this building would comprise one-quarter of the parkland and would certainly have significant impacts on the use of the park.

In addition, too many concessions are subject only to the FCRC vote, which, as previously stated, requires very little public input. For example, recent proposals for a restaurant in a park in Queens and a driving range on Randall’s Island required only the vote of the FCRC.

New Yorkers for Parks suggests that a “medium” concession designation be established to capture those uses that should be subject to a more intensive process than a simple FCRC vote, but should not require the oversight of ULURP and the Department of City Planning.

It is essential that the concessions procurement and awarding process be transparent, with clear standards and measures in place to ensure accountability. Only through a fair and public process can we determine the appropriateness of concessions in city parks.

Thank you.

Testimony before the New York City Council
Parks & Recreation Committee
Concession Awards & Oversight
24 October 2007

Chairwoman Foster, Councilmembers Addabbo, Gallagher, Gerson and James: Good morning. My name is Elizabeth Lorris Ritter. I am testifying on behalf of Community Board 12, Manhattan, at the request of our Chair. I am the Chair of our Board's Parks & Cultural Affairs Committee, and have worked on many RFPs.

At our General Meeting last night, the Chair of Aging Committee spoke about the latest outrage from the Department of Aging, which has decided to aggregate many neighborhoods together under a single contract for an RFP for case management services for the elderly. This is over the strong objections of many community boards, including ours – we passed a resolution condemning this RFP several months ago. She went on to say that the trend in the City is towards fewer larger contracts, and to lump all neighborhoods together, by “district” or borough rather than community board, as if they do not have unique needs; she has seen this not only with DFTA, but with HRA as well.

I mention this, because it is so different than our experience dealing with the Department of Parks & Recreation.

In the late 90's, when the Fort Tryon Park concession was up for renewal, we had some serious issues with how the concession had been run, though we appreciated the efforts of the concessionaire who had done an incredible job of turning a greasy fries-and-burger dive to a real, sit-down restaurant. Parks allowed us the opportunity to review the draft RFP and to make extensive comments and changes. As it turns out, at least one of the bidders – though not the ultimate awardee – had ties to the Community Board.

Several years ago, when an abandoned ConEd transforming station at the western terminus of Dyckman Street was the subject of an RFP by the Parks Department, again CB12 was allowed to review and comment on the draft RFP. Once again, Parks included many of our suggestions in the final document, making it even more responsive to community need than the original already had been. And once again, at least one application was submitted by individuals with ties to the Community Board, our local electeds, or both.

Earlier this year, when the Parks Department was preparing two separate RFPs for the Dyckman Marina & Café, the Community Board expected to review the document before it was released. This was a very sticky political situation due to the many problems at that location, in terms of service, facilities and illegal activity. We were shocked – and furious! – when the public hearing came, and we were given a brief précis of the RFP, but not the actual document. Although the Parks Department assured us that our input would be heard, and despite our positive experiences with the Parks Department in the past, dozens of public members were sure that Parks was hiding something; the public

hearing on the RFP was long and deeply contentious. We sent Commissioner Benepe a four-page letter, including six broad observations of a more philosophical nature with regard to the RFP process, 17 specific items of feedback for inclusion in the RFP, and 3 larger general issues we wanted the RFPs to address. If you review the RFP which the Parks Department subsequently released, you can see that every single one of our items is addressed except for two which upon further review turned out to be bad ideas on our part. In fact, a close review of the RFP shows that several of our items were lifted right out of the letter we sent to DPR.

We were pleased, though I have to say we were not actually that surprised. Our experience with the Parks Department is that they tend to be pretty “plugged in” to what the community wants and needs, and tends to be responsive to community feedback, whether in RFPs, park designs, project management, programming priorities, budget priorities, and the like.

But the Parks Department went a step further: they heard our concern about the process itself. They helped to arrange a conference call among the Director of the Mayor’s Office of Contracting, the Head of Park’s Revenue Division, and the Board, and agreed to attend a second community meeting to explain the new RFP procedure, along with one of the attorneys from MOC.

It is that process – which, I remind you, is promulgated by the Mayor’s Office of Contracting, and upon which it is incumbent for all agencies to follow – which I’d like to take a moment to address now.

Although it is frustrating to not have the actual RFP before us when we have a discussion about it, keeping the whole thing under wraps means that no one gets an advance peak. Everyone who might want to compete gets to see the same thing at the same time. The notion of insider trading on Wall Street offends our sensibilities, as well it should. Giving community “insiders” a preview means that they have an advantage over outsiders. But it also hampers them, for it opens them to charges of “favoritism” or “unfair advantage” on the part of disgruntled competitors who lost out.

Getting back to the Dyckman RFPs, Parks still has not determined which are the winning proposals. This is not a clear-cut process, like going to the store to buy a pound of fish. It’s more like buying a house: you think about location, number and size of rooms, amenities, taxes, utility consumption, school district zoning, light, interesting features, resale value. There are many factors, and ultimately you pick the one that has the right balance. Similarly, an RFP will look to balance not just revenue, but program, service, and other interesting components. Take for example, the Fort Tryon Park restaurant RFP. The winning bid was submitted by a not-for-profit organization whose goal is to support and improve Northern Manhattan’s parks. Another bidder might have paid a higher concession fee. But rather than return their profits to shareholders, this bidder uses the restaurant’s operating surpluses to support their work in the parks. This contribution is in addition, of course, to whatever cash payments they make to the City’s coffers through concession fees. Additionally, they agreed to install costly utility lines from the street to

the building, and agreed to offer programming and services to the community to enhance what is happening in that park. This added value made for the best overall package, even though some bidders offered a more generous percentage of gross revenues.

When it came time for that concession to be renewed, a lot of people – myself included – were concerned about the possible loss of a concessionaire to whom we had grown accustomed. In the RFP, the Parks Department heard the community concerns for the kinds of added value the current concessionaire provided, as well as the kinds of service enhancements where the community – and the Parks Department – felt there was room for improvement. Ultimately, the existing concessionaire was renewed, but at a higher revenue package, and with better service targets. Were it not for the competitive process, the existing concessionaire would have had no incentive to fix some of the things that were wrong with their operation, and to improve on an already fine concession.

The bottom line here is that these are contracts for lucrative business run on public property. In an environment of tightened budgets, where every agency must do more with less, the City looks to concessions not only to generate revenues but also to provide services that it may not be able to afford.

On behalf of Community Board 12, I would like to say that the Department of Parks & repeatedly has shown itself to be responsible and creative stewards of this public trust.

Thank you.

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