

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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October 3, 2013  
Start: 1:07 p.m.  
Recess: 3:18 p.m.

HELD AT: 250 Broadway - Committee Rm,  
14th Fl.

B E F O R E:

MELISSA MARK-VIVERITO  
Chairperson

COUNCIL MEMBERS:

Elizabeth S. Crowley  
Vincent J. Gentile  
James Vacca  
Daniel Dromm  
James G. Van Bramer  
Brad Lander  
Ruben Wills  
Stephen Levin

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

Dabney Montgomery  
Tuskegee Airmen

Wilfred R. DeFour  
Tuskegee Airmen

Pat Terrelonge  
Daughter of Tuskegee Airmen

Marvin Jeffcoat

Betsy Smith  
Assistant Commissioner for Revenue and  
Marketing  
New York City Parks Department

Larry Scott Blackmon  
Deputy Commissioner for Community  
Outreach  
New York City Parks Department

Liam Kavanagh  
First Deputy Commissioner  
New York City Parks Department

Karen Becker  
Director of Government Relations

Clayton Smith  
Chair for Parks Committee  
Community Board 5

Alyson Beha  
Director of Research, Planning & Policy  
New Yorkers for Parks

Robert Bate  
President  
Brooklyn Bird Club

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

Jean Silva  
President  
Flushing Meadows-Corona Park Conservancy

Brian Brady  
Representative  
New York City District Council of  
Carpenters

Bernadette McCulloch  
The International Brotherhood of  
Teamsters

Geoffrey Croft  
President  
New York City Park Advocates



[gavel]

CHAIRPERSON MARK-VIVERITO: Alright, so I  
wanna thank everyone for being here, good afternoon.  
I'm Council Member Melissa Mark-Viverito, Chair of  
the Committee on Parks and Recreation.

Before we get started on the oversight  
hearing on private events we are gonna hear testimony  
regarding Intro Number 1011; this bill, whose prime  
sponsor is Council Member Ruben Wills, who's here to  
my left, would rename South Road in Queens to  
Tuskegee Airmen Way.

And I also wanna recognize that we've  
also been joined by Council Member Jimmy Vacca, from  
the Bronx.

So we're gonna start with hearing  
testimony for this intro and then we'll jump into the  
hearing. So with that I'd like to ask Council Member  
Wills to make a statement or anybody else who would  
like to speak to this issue and this bill and then  
we're gonna call on... I think we have the... the  
gentlemen that are obviously very much... thank you for  
your time for being here... that will speak. So first  
Council Member Wills has a few words.

COUNCIL MEMBER WILLS: Good afternoon.

Thank you, Madame Chair.

Tuskegee Airmen have been an intrinsic part of not only African-American history, but American history as a whole. We know the Tuskegee Airmen as our silent heroes who fought for their country regardless of any personal plight or injustices they may have suffered due to their race. These champions of champions, the Tuskegee Airmen who were discriminated against in World War II have become admired heroes decades later. Today we are continuing to honor those outstanding gentlemen by renaming of South Road to Tuskegee Airmen Way in my District.

South Road in my District, the reason why we're here, and I'm so glad that the Chair has allowed us to bring this legislation forth, has been an area of, I will say disappointment. Every negative ill that has been in our District, from prostitution to drugs to gangs, have been located in the epicenter has been South Road.

South Road is actually the road that separates Jamaica from York College, our only institution of higher learning. So to rename South

1  
2 Road to something as noble as Tuskegee Airmen Way  
3 does more than just help us rebrand, if you will, but  
4 it helps us let all of the young men and women know  
5 that are coming up that this is something to look  
6 forward to; it stops the negative separation from  
7 South Jamaica and York and it gives a positive  
8 inclusion.

9           So today we are honored to have Marvin  
10 Jeffcoat, who is a veterans' activist, of all  
11 veterans activist in our community and two Tuskegee  
12 Airmen and our Administration for the Tuskegee Airmen  
13 National here to testify in support... you're  
14 testifying, right... in support of this not co-naming,  
15 but renaming.

16           Thank you, Madame Chair.

17           CHAIRPERSON MARK-VIVERITO: And just to  
18 confirm, on your way out, if you haven't filled one  
19 of these out, we would ask so we can have it on the  
20 record, but I have here Pat Terrelonge; hope I  
21 pronounced correctly, Dabney Montgomery and Wilfred  
22 DeFour and Marvin Jeffcoat, so we're gonna have to  
23 get a... but thank you so much for your service, thank  
24 you for what you've done, thank you for being here  
25

1  
2 and please, open to testify and speak on behalf of  
3 this bill.

4 DABNEY MONTGOMERY: Thank you for  
5 inviting us here to testify and one of the reasons  
6 that Tuskegee Airmen has drawn so much attention is  
7 this report dated 1918 by the War Department of the  
8 United States Government that is a special research  
9 on black men and in this report they came to the  
10 conclusion that black men, due to small arteries in  
11 their brains, could not be taught how to fly a plane;  
12 that when you had to dive down or climb up or sharp  
13 curve that we could not... our brains would not adjust  
14 to it and this is the topic of that report.

15 We said, maybe in essence, one of the  
16 toughest nights we had in Southern Italy was when  
17 Mount Vesuvius erupted and when Mount Vesuvius  
18 erupted the wind blew the ash about a mile wide down  
19 into the camp that we were living in and at 8:00 in  
20 the morning we had to put on gas masks and accept the  
21 dust and cinders that came down. Behind that was  
22 this report, that black men could not take it, they  
23 could not stand and take terrific bombardment by the  
24 enemy.



1  
2           And on the other hand, I have an actual  
3 German bullet, the one that I'm touchin' here, this  
4 is an actual German bullet built in 1948 or 1939, in  
5 that area and this is what they could shoot at us 100  
6 per minute. Now imagine Mount Vesuvius comin' down  
7 on us, the German bullet here and we had this report  
8 behind us stating that we couldn't take it,  
9 officially, 1918. It was in this atmosphere that in  
10 our minds we said we will fight, we will fight, we  
11 will fight and we not only fought but we won.

12           This type of bravery, this type of  
13 stamina that the Tuskegee Airmen showed and we defeat  
14 Adolph Hitler and his regime. And in spite of all  
15 that they said about us, that we could not do, we did  
16 somethin' that an aircraft hadn't done before; we  
17 sank a German destroyer, a single fighter pilot sank  
18 a destroyer in the German Army.

19           The oldest... one of the oldest fighter  
20 pilots still alive, Charlie; Charlie has flown behind  
21 the enemy line 409 times, a record; no one has broken  
22 that record. And the 15th Air Force we were in, the  
23 first fighter pilot to shoot down a German jet  
24 fighter was a black man, Roscoe Brown, livin' up here  
25 in the Bronx now.

1  
2           So in spite of all that they said, you  
3 cannot do it, we did it and we won and for that  
4 reason I think a street would be... in a black  
5 neighborhood, would be an inspiration to not only  
6 black children, but to all children to be inspired  
7 and say I can do it too. Thank you very much.

8           [applause]

9           WILFRED DEFOUR: I'm Wilfred Reginald  
10 DeFour and just to give you a little bit of my  
11 background, I was raised in Harlem, after arriving to  
12 this country, oh, must've been about 1920, and as I  
13 said, my parents are from, really from Trinidad, you  
14 see and we settled here in Harlem and we've been here  
15 ever since. And I must say that I am proud of the  
16 experiences that I had in the Armed Services, I'm  
17 very proud of it.

18           Somehow when... I was inducted into the  
19 Service, when down to Fort Dix and the next thing you  
20 know they loaded us on a troop train; we didn't know  
21 where we were going, and finally we arrived at a  
22 strange place called Tuskegee; never heard of it  
23 before in my life and there we were and that's where  
24 we got our training with respect to the Air Force.

1  
2 We were an outfit of technicians, we  
3 could do anything necessary on an aircraft; we were  
4 technicians, the 366th Air Service Squadron. And we  
5 were very proud of our accomplishments and our skills  
6 and our contribution to the war effort at that  
7 particular time.

8 Later on, if necessary, I'll answer  
9 questions if there are any other with respect to my  
10 service. I wanna thank you for invitin' us here and  
11 we'll do what we can to enhance this effort that we  
12 are trying to accomplish at this hearing. Thank you  
13 so much and you'll hear from us later, I hope.

14 PAT TERRELONGE: Good day, Madame Chair...  
15 Madame Chair and City Council Members. My name is  
16 Pat Terrelonge; I'm the same lady who wrote the  
17 proposal for the bus depot renaming. I'm a child..  
18 [interpose]

19 [background comment]

20 PAT TERRELONGE: Yes, we did... I am a  
21 child of an Airmen, but all of... my mother was there,  
22 all of my godparents, everybody hung out at our  
23 house, so we grew up surrounded by the Airmen. We  
24 moved to the Jamaica area in 1949 and later on in the  
25 50s others followed, the other Airmen. I am still

1  
2 very close to a lot of the children who grew up in  
3 that area and they range from 78 to just about 50; we  
4 try to get together whenever somebody turns 70 to  
5 celebrate and often we speak about what a great  
6 neighborhood we lived in. We had entertainers, there  
7 were so many that came out... Arthur Prasick [phonetic]  
8 lived on the block, you know, Count Basie; there was...  
9 Brook Benton. We had so many people in the  
10 entertainment industry; our next door neighbor used  
11 to play on Channel 4 on a show; I was too young to  
12 remember the name.

13           But having that positive reinforcement,  
14 we always feel so blessed that we had something, so  
15 they guided us, they nurtured us, even though we were  
16 wild children they were al... we were always off on a  
17 pack altogether, but they kept us united and they had  
18 us... they mentored us; they gave us moral support,  
19 they told us how to do things and I find that's  
20 missing in our society with our children, our  
21 children bombarded with a lot of violence and  
22 negativity. I can't believe they have to have  
23 somebody thrown into an appliance in order to sell a  
24 washing machine or a refrigerator on television. I  
25 have raised six children; I'm also a great

1  
2 grandmother, and I find that children do not  
3 interpret things the same way as adults, so when  
4 they're constantly bombarded by this violence, these  
5 acts of immoral behavior, they begin to take it on.

6 I find... well we also have a relationship  
7 with York College and the Port of Authority and  
8 they're building a museum in tribute to the Airmen  
9 and they'll be bringing people in from Kennedy  
10 Airport to the museum.

11 I think renaming a street Tuskegee Airmen  
12 Way in a depressed neighborhood is one way of keeping  
13 a positive image for our children. I fight wherever  
14 I can to try and take the lessons of men who fought  
15 for this country even though the German war prisoners  
16 could go into the movie theater; they had passes from  
17 the prison camps to go into town to go to the movies;  
18 at Freeman Field they were behind barbed wire; they  
19 couldn't eat in restaurants where German prisoners  
20 were eating in and yet they kept the faith, they  
21 fought for this nation and they kept the faith that  
22 they were gonna fight... well, The Pittsburgh Courier  
23 and the Harlem newspapers all called for a double  
24 victory, a victor overseas and a victory here at home  
25

1  
2 and I think, what a positive thing to have for our  
3 children, so thank you.

4 MARVIN JEFFCOAT: Madame Chairlady,  
5 Council Members and everyone else... excuse me... I'm  
6 proud to support Local Law 1011-2013, renaming the  
7 portion of South Road from Merrick Boulevard to  
8 Remington Street Tuskegee Airmen Way.

9 These brave soldiers sought their right  
10 to be an equal part of America's defense from  
11 national socialism. Theirs is a great example for  
12 today's youth. When given the opportunity to  
13 demonstrate their dedication to our country, they met  
14 the challenge with distinction. Despite all the  
15 official policies that denied them the full benefit  
16 of their American citizenship, they fought with the  
17 skill and determination required to ensure that none  
18 of the bombers they escorted were lost to enemy fire.  
19 Their sacrifice proved their value as American  
20 fighting men and earned them the respect and  
21 admiration of their fellow countrymen and warriors to  
22 this day. Men who once thought them inferior because  
23 of their pigmentation learned to call them brother  
24 warriors and requested them by name, Red Tails.

1  
2 As we struggled to preserve our national  
3 identity and culture from the ideological differences  
4 which would divide our federal republic let us look  
5 to the sacrifices of the Tuskegee Airmen as a symbol  
6 of national unity.

7 Madame Chairlady, passage of this law  
8 will provide a permanent testimonial and example of  
9 the sacrifice made by men from our community, men our  
10 youth can share a positive identity and cultural bond  
11 with. When they walk these streets they can hold  
12 their heads high knowing they too are enfranchised  
13 with the American dream and its full potential.

14 And to speak on that personally... get off  
15 my notes a little bit... I just wanna say a personal  
16 thanks to my comrades, because because of their  
17 sacrifices I enjoyed a 22-year career in the United  
18 States Army, where I was judged based on the content  
19 of my character and my abilities and my skill; I was  
20 tested by task and standards, measured on a go or no  
21 go basis and when I achieved I achieved and then when  
22 I didn't, I didn't cry about it; I went back and  
23 figured out what did I need to do to correct it. But  
24 that didn't happen for them, they had to up there and  
25 they had to fight and they paved the way and I am

1 eternally grateful; because of them I was able to  
2 fulfill my life's dreams, becoming an Airborne Ranger  
3 in the United States Army. So comrades, thank you.

4 [applause]

5 PAT TERRELONGE: May I just give you a  
6 little background on the two airmen? I just wanted  
7 to mention about the two airmen. Dabney Montgomery,  
8 he is the gentleman... they almost lynched him when he  
9 tried to vote, so he came north and he did not return  
10 and... [interpose]

11 COUNCIL MEMBER WILLS: Can you... can you  
12 mention who... who he tried to vote with, 'cause that's  
13 a big deal in our history?

14 PAT TERRELONGE: He lived in the South  
15 and he wanted to vote and they gave him... they told  
16 him that he had to do certain things in order to vote  
17 after the war; he did that and they refused him and  
18 then he was arrested and he was almost lynched and it  
19 was only by chance he was saved; he came north. He  
20 did not return until the Selma. He provided security  
21 for Martin Luther King on that march; they shared a  
22 godmother.

23 He's also one of the gentlemen who helped  
24 us get those wing tanks that took that special  
25



1 mission into Germany when they didn't want the black  
2 pilots to make that run.  
3

4 Mr. DeFour will be 95 shortly; Mr. DeFour  
5 has a real estate business in Harlem and he's well-  
6 respected in that neighborhood.

7 He's also the gentleman that helped paint  
8 the Red Tails red, because they didn't have enough  
9 paint and the only paint they could find was red, so  
10 they decided to paint the tails.

11 And these are two wonderful guys who upon  
12 arriving in Italy the mountain erupted, they were  
13 bombed, it was cold, it was raining and they couldn't  
14 build a fire and then when the mountain erupted and  
15 they still felt like they had to do this for their  
16 country.

17 So I just wanted to give you their  
18 background. Thank you.

19 CHAIRPERSON MARK-VIVERITO: Thank you so  
20 much for that and Mr. DeFour, Mr. Montgomery, it is  
21 an honor to have you here and no amount of street  
22 naming, bus depot naming, even medals can really be  
23 enough to thank you for your courage and your service  
24 and what you mean for the history of this country, so  
25 thank you very much for being here.

[applause]

PAT TERRELONGE: Thank you.

CHAIRPERSON MARK-VIVERITO: I think Council Member Jimmy Vacca wanted to say something.

COUNCIL MEMBER VACCA: I'm in awe of your service and what all of you have done. I did know a lot because I've met Dr. Brown many times; he is synonymous with the Tuskegee... can't pronounce; I know what it is... but he's synonymous with your service, but he's also synonymous with Bronx Community College and he has served there many years. So I... I'm in awe and I wanna add my name to the bill and thank you for all you've done. It's sad to hear that these things happened years ago, but your presentation was especially moving and to the gentleman who's 95, I swear, you are fantastic..

CHAIRPERSON MARK-VIVERITO: Yes.

COUNCIL MEMBER VACCA: you... I mean, you know, 95 is nothing today, but your articulateness... you are articulate and I praise you and I give you every blessing... I wish every blessing upon all of you. Thank you very much.

CHAIRPERSON MARK-VIVERITO: And I know we've also been joined by Council Member Brad Lander.

1 We also have testimony that's being submitted by  
2 Commissioner Terrance Holliday, New York City Mayor's  
3 Office of Veterans' Affairs, which I'll just read a  
4 small part of it; obviously it's in support of Intro  
5 1011 and it says, "While the history of the Tuskegee  
6 Airmen is well-known to most of us today, that wasn't  
7 the case for me growing up in Harlem as a post-war  
8 son of an Army combat veteran. It wasn't until the  
9 late 1980s that I became aware of my own personal  
10 connection to this distinguished organization. My  
11 uncle and several close family friends were Tuskegee  
12 Airmen and served honorably during World War II. The  
13 significance of their accomplishments was cleverly  
14 hidden from public view; they fought to be recognized  
15 by their leadership. Meanwhile, many of those same  
16 leaders consciously denied these warriors the  
17 opportunity to succeed or to fail. Relegated to  
18 routine patrols with little, if any likelihood of  
19 enemy contact, the only row 99th Fighter Squadron  
20 encountered enemy aircraft over the beaches of Anzio  
21 on January 27-28, 1943; the result was the  
22 destruction of 12 enemy aircraft. It's instructed at  
23 this time that the Army Air Corps was prepared to  
24 conclude the Tuskegee experiment, as it was called, a  
25

1 failure. These two days of intense combat changed  
2 the destiny of these men and in many respects our  
3 nation. The Tuskegee Airmen flew onto greater  
4 accomplishments during and after their conclusion of  
5 the war; many called New York City home, including  
6 our own Lee Archer, Harry Sheppard, Dr. Roscoe Brown,  
7 the Honorable Percy Sutton and his colleagues hired  
8 by the Metropolitan Transit Authority, Reginald T.  
9 Brewster, Victor A. Collymore, Conrad A. DeSandies,  
10 Harry R. Dickenson, John R. Freeman, Noel R. Harris,  
11 Oscar W. Hawkins, Austin D. McKenzie, Maury M. Reid,  
12 Percy Sutton, Victor Terrelonge and Fred Wilson. It  
13 should be noted that the MTA East 100th Street  
14 maintenance facility was renamed in the honor of the  
15 Tuskegee Airmen in March 2012," and that's where I  
16 met many of you; it's in my District. "There's a  
17 great value to us all when we honor our heroes, such  
18 as this tribute to rename South Street to Tuskegee  
19 Airmen Way. We owe a great deal to these men as well  
20 as to the millions of men and women who protect our  
21 freedoms wearing the uniforms of our armed forces.  
22 Again, thank you for the opportunity to add my voice  
23 to your efforts; I sincerely appreciate your efforts  
24 and those of your colleagues." And this is from  
25

1  
2 Terrance Holliday, Colonel Retired U.S. Air Force,  
3 who is the Commissioner of the Mayor's Office of  
4 Veterans' Affairs in support of the intro, so thank  
5 you very much.

6 And I think with that... thank you for the  
7 hearing, thank you again for being here and we'll  
8 adjourn this part of the hearing and we're gonna move  
9 on to the next. Thank you so much again.

10 [applause]

11 [pause]

12 CHAIRPERSON MARK-VIVERITO: Alright. I  
13 hope that was... we're gonna... we're gonna get started  
14 and I know that, again, we've been joined by Council  
15 Member Danny Dromm. I hope that was... that moment was  
16 as inspirational for everyone in this room as it was  
17 for me, unbelievable.

18 Okay, so we're gonna move into the  
19 hearing at hand and I know that the Parks staff will  
20 accommodate themselves at the table. Counc...  
21 colleague... So we're gonna go into the hearing now on  
22 the private use of parkland, public parkland; today's  
23 hearing will focus on private events at parks and  
24 what the costs and benefits are to the park system,  
25 especially when it comes to the staging of very large

1 events. As part of the various recreational  
2 opportunities offered at parks, numerous events; art  
3 shows, films, concerts and sports programming are  
4 offered throughout the park system. Many of these  
5 events are free and oftentimes conducted by DPR  
6 itself or through its many public-private partners.  
7 Some of these events are also paid-for events that  
8 include thousands of participants and are often run  
9 by event promoters that have permits with DPR.

11 DPR has a multi-faceted process for  
12 approving these events; for any even with more than  
13 20 participants a Special Permit Event Permit is  
14 required for a non-refundable \$25 fee. For large  
15 scale events that will involve more than 500  
16 participants or may be commercial in nature, DPR's  
17 Citywide Marketing and Special Events Office works  
18 with the event promoter and other City agencies if  
19 necessary to coordinate the planning of the event.  
20 For these events DPR imposes additional requirements  
21 that must be fulfilled before a final permit is  
22 issued, including a site fee based on DPR's  
23 Concession Fee Schedule, insurance and a damage bond.

1  
2 Permits from agencies such as from the Department of  
3 Buildings or even the Police Department may also be  
4 required.

5           Additionally, if the event plans to sell  
6 food or merchandise a Temporary Use Authorization or  
7 TUA contract is required; a fee for this permit is  
8 calculated based on different factors, which we'll  
9 get into in the hearing.

10           So lately it seems that concerns have  
11 been raised about the size of some of these  
12 festivals, the amount of parkland being used for  
13 ticketed events, the amount of revenue being  
14 generated for the event and the condition the park is  
15 left in after the event.

16           It has been reported that damage from  
17 large crowds, trucks, vendors in adverse weather  
18 during some of these events has left sections of  
19 parkland unusable for extended period of time.

20           Some of these events, such as the  
21 Governor's Ball or Electric Zoo in Randall's Island  
22 and the GoogaMooga Festival in Prospect Park have  
23 raised the ire of many community members who have  
24 expressed concern that large scale events deprive New  
25 Yorkers of green space and also exclude individuals

1  
2 who may not be able to afford the admission prices to  
3 these events.

4           So I hope that his hearing results in us  
5 obtaining a clearer understanding on how DPR and its  
6 partners in the park system go about approving large  
7 scale events, including what factors enter their  
8 decision-making process, what the overall costs and  
9 benefits are to the City's open space and whether  
10 there are ways that we can improve the process to  
11 ensure that events held on public land are accessible  
12 to all and respectful to the parks and local  
13 community.

14           So I wanna, again, welcome the  
15 Administration; I know we've joined by my colleague,  
16 Council Member Jimmy Van Bramer, so I know that we  
17 have the first representatives here from Parks  
18 Department; I know we have Deputy Commissioner Larry  
19 Scott Blackmon, we've got First Deputy Commissioner  
20 Liam Kavanagh and Assistant Commissioner Betsy Smith  
21 of New York City Parks Department; with that, that's  
22 my opening statement; feel free, any one of you to  
23 begin and provide your testimony to us today.

24           BETSY SMITH: Is this on? Good  
25 afternoon, it's a pleasure to be here, Chair Mark-



1  
2 Viverito and members of the City Council's Committee  
3 on Parks and Recreation.

4 I am Betsy Smith, the Assistant  
5 Commissioner for Revenue and Marketing at the New  
6 York City Department of Parks and Recreation. I am  
7 joined today by senior staff in the Parks Department,  
8 including First Deputy Commissioner Liam Kavanagh,  
9 Deputy Commissioner for Community Outreach, Larry  
10 Scott Blackmon and Director of Government Relations,  
11 Karen Becker. Thank you very much for allowing me to  
12 speak today about events that take place on parkland  
13 and the benefits that they provide New Yorkers.

14 Every day the Parks Department works hard  
15 to balance the variety of interests from a very large  
16 and diverse group of park users on the City's 29,000  
17 acres of parkland, from high school sporting events  
18 to family days, concerts, festivals, charity athletic  
19 walks and runs, volunteer cleanups and literary  
20 readings. New Yorkers love their public spaces and  
21 have an inexhaustible desire to gather in their parks  
22 for a myriad of reasons.

23 In a city of 8.4 million residents, we  
24 try to accommodate as many uses as possible, both  
25 through specifically designated areas, like dog runs,

1 playgrounds and sports fields and through a balanced  
2 use of the other open areas. The Parks Department  
3 manages the frequency and impact of activities on  
4 these open spaces through our special event  
5 permitting process.

6  
7 Due to the sheer number of requests for  
8 special events, the agency, by the way, last year  
9 issued over 16,000 special event permits, the Parks  
10 Department must and does maintain a simple, clear  
11 process for managing special events and I appreciate  
12 the opportunity to really explain how these events  
13 are reviewed and processed, just because I think it  
14 removes some lack of clarity in terms of how we make  
15 decisions.

16 Permission for any gathering of more than  
17 20 people on parkland, whether a birthday party or a  
18 60,000 person great lawn concert, both begin with a  
19 Special Event Permit Application through the Parks  
20 Department's website and payment of a \$25 application  
21 fee. Completed permit applications are routed  
22 through the appropriate borough Special Events Office  
23 where they are vetted by the Park Manager to ensure  
24 that the venue requested is available and appropriate  
25 for that event.

1  
2 Events with fewer than 500 expected  
3 attendees which require no elaborate setup and are  
4 not promotional or commercial in nature are managed  
5 by the respective borough staff.

6 But with events of more than 500 expected  
7 attendees or that are promotional or commercial in  
8 nature and are often more complex and require  
9 additional coordination with other City agencies,  
10 they have a greater impact on Parks' property.

11 These larger events are managed by the  
12 Parks Citywide Special Events Office and reviewed as  
13 needed by the General Counsel's office, as their  
14 complexity necessitate a contract, damage bonds and  
15 typically insurance.

16 Of the 16,000 special event permits, the  
17 majority comprise very small events, like family  
18 picnics and similar gatherings and this number, by  
19 the way does not include events that are concessioned  
20 or leased properties, such as the stadia across the  
21 City or the more than 6400 ball field permits issued  
22 by Parks. Only 112 of the 16,000 special event  
23 permits are for events for more than 500 people.

24 For this small subset of large events  
25 with more 500 expected attendees in almost every

1 instance the Parks Department Special Events Office  
2 works with the applicant, the Park Manager, any  
3 relevant non-profit partner and all the other  
4 appropriate City agencies, such as the Police  
5 Department, Department of Buildings, the Fire  
6 Department, Department of Health and the Mayor's  
7 Office of Citywide Event Coordination and Management  
8 to coordinate the event. However, the final  
9 authority to issue any permit always resides with the  
10 Parks Department.  
11

12 The Parks Department's policy is not to  
13 issue a special event permit until it has an executed  
14 contract with the special event organizer, has  
15 received a detailed logistics plan for the event, the  
16 appropriate damage bond, the concession fee, proof of  
17 appropriate insurance and all the required permits  
18 from the other governmental agencies.

19 In addition to the \$25 application fee  
20 the Parks Department charges additional fees to  
21 organizers of special events with more than 500  
22 attendees or for events that are commercial or  
23 promotional in nature in accordance with the Parks  
24 Department's Concession Fee Schedule, which is  
25 available on the Parks website. The fees from this

1 schedule have been in place for many years and they  
2 are based on impact. Accordingly, the fees are  
3 higher for special events in the most heavily used  
4 parks where more people are impacted and for special  
5 events that have the greatest impact from commercial  
6 signage, tenting and amplified sound.  
7

8 Out of those 112 events with more than  
9 500 people, which is the size that triggers this  
10 different process, approximately 45 permits were  
11 issued for very large events, for concerts for more  
12 than 8,000 people or for events spanning multiple  
13 days.

14 The Parks Department's rules dictate how  
15 these events are priced. Most of these events are  
16 priced off our Concession Fee Schedule, however,  
17 certain events, because of their size or their  
18 duration are priced by negotiation. The Park rules  
19 require that these negotiations be based on factors  
20 such as City services required and other elements  
21 that impact the public in a material way.

22 The principal purpose of those fees is  
23 not to generate revenues per se, but to offset the  
24 impact to the park and the public's use and to cover  
25 costs.

1  
2 Large events of this size with negotiated  
3 fees happen only a few times per year. 2012 saw  
4 GoogaMooga in Prospect Park, the Global Citizens  
5 Festival in Central Park's Great Lawn and five events  
6 on the festival grounds on Randall's Island.

7 Thus far in 2013 there has been  
8 GoogaMooga and the Worldwide Day of Play in Prospect  
9 Park, the Global Citizens Festival and Major League  
10 Baseball All-Star Charity Concert in Central Park and  
11 the Governor's Ball, the Frieze Art Fair and Electric  
12 Zoo at Randall's Island.

13 During any large event City staff closely  
14 monitor the entirety of the event, from the start of  
15 load-in to the end of load-out, ensuring that  
16 vehicles are brought into the park in a safe manner,  
17 landscape and trees are protected and the event setup  
18 is done according to plan.

19 When the event begins we ensure that  
20 security is in their proper locations and that lines  
21 are moving in a safe manner and we liaise with onsite  
22 medical personnel. We constantly check in with other  
23 agency representatives that might be onsite to  
24 address any concerns in real time.

1  
2           After an event we work with the producers  
3 to ensure the timely dismantling of the equipment,  
4 reopening of the space and cleaning the site. We  
5 also perform a walk-through, both before and after  
6 the event with the event organizer and non-profit  
7 partner to assess any damage and ensure that any  
8 damage is fully corrected by the event organizer.

9           Following an event we assess its  
10 execution and we take this opportunity to review any  
11 issues that might have emerged and work with the  
12 organizer to correct any operational flaws.

13           Nearly all the special events held on  
14 parkland are free and open to the public. A handful  
15 of special events are free but ticketed, such as  
16 GoogaMooga this past May 18 and 19 and the Global  
17 Citizens Festival on the Great Law this past  
18 Saturday.

19           Distributing free tickets, a practice  
20 endorsed by the Police Department, manages the number  
21 of attendees a venue can accommodate and it promotes  
22 public safety. Our Citywide Special Events Office  
23 works closely with an organizer of the event to make  
24 sure that these free tickets are made available to  
25 the general public in an equitable manner.

1  
2           The City maintains a very limited number  
3 of locations for paid entry, including the festival  
4 grounds known as the Harlem River Event Site at  
5 Randall's Island, Rumsey Playfield in Central Park  
6 and the Bandshell in Prospect Park.

7           These areas are specifically designed to  
8 have controlled access; indeed Randall's Island has  
9 an area that serves as the City's principal festival  
10 grounds and is the site of virtually all of the large  
11 paid, ticketed music festivals and concerts, as well  
12 as the occasional private or ticketed event, such as  
13 the Frieze Art Fair. In 2013 we had five large  
14 restricted or paid ticketed events, four of which  
15 were on Randall's Island.

16           Having this designated discreet area is a  
17 benefit. Without this designated outdoor space,  
18 large outdoor concerts and festivals enjoyed by  
19 hundreds of thousands of people simply could not  
20 exist in the City.

21           In some circumstances our non-profit  
22 partner for that park is entitled to receive proceeds  
23 from special events or ticket sales from these events  
24 and Randall's Island is one of those entities. That  
25



1  
2 ticket revenue is then reinvested by them and the  
3 park.

4           Large events enliven public space,  
5 introduce a park to new users and provide cultural  
6 and entertainment amenities to a community. And lest  
7 we forget, large events occur because New Yorkers  
8 demand them, they love them and they turn out in  
9 large numbers to enjoy them. In this year alone our  
10 large events attracted over 400,000 people.

11           There has been a very long tradition of  
12 holding large events in City parks, from iconic  
13 concerts to the marathon, to the large cultural  
14 festivals, like Cinco de Mayo in Flushing Meadows  
15 Corona Park and we intend to maintain this tradition  
16 of providing all New Yorkers with the excitement and  
17 stimulation of large events. So we welcome special  
18 events, large and small and we do our best to  
19 accommodate as many different uses as possible while  
20 minimizing the impact to the park.

21           Thank you very much. I look forward to  
22 answering any of your questions and I appreciate the  
23 opportunity to be in front of you today to clarify  
24 how we make decisions.

1  
2 CHAIRPERSON MARK-VIVERITO: Thank you  
3 Assistant Commissioner and we've also been joined by  
4 Council Member Steve Levin.

5 Just a couple of questions on my part; I  
6 don't know if anybody else has any questions.  
7 According to... I mean, in our briefing we had a  
8 different number, but you indicated that... I'm  
9 assuming you're using 2012 as the last year, you said  
10 over 16,000...

11 BETSY SMITH: Yeah.

12 CHAIRPERSON MARK-VIVERITO: special  
13 events permits were issued; that the majority of  
14 those are smaller events... [interpose]

15 BETSY SMITH: Yeah.

16 CHAIRPERSON MARK-VIVERITO: obviously.  
17 Okay. Do you have a breakdown of the total amount of  
18 revenue is that generated versus, you know, what is  
19 captured in TUA fees for instance, like how much  
20 revenue... I know you indicated that it's very few that  
21 do charge or that there is any sort of revenue that's  
22 being generated, but do you keep any sort of track of  
23 the amount of revenue that these events generate  
24 versus what they're paying in fees?  
25

2 BETSY SMITH: You mean how much they  
3 generate in ticket income... I would say this...  
4 [crosstalk]

5 CHAIRPERSON MARK-VIVERITO: Well I mean...  
6 in... in... my understanding is, based on what we have,  
7 is that there is some sort of audit process that  
8 exists for these events that the Comptroller has some  
9 oversight over that obviously I would think DPR also  
10 has oversight over in that auditing, or do you  
11 require any sort of reporting back from the events  
12 about the revenue that they generate at the events  
13 that they have in the parks; the big ones that we're  
14 talking about?

15 BETSY SMITH: We probably get some ticket  
16 revenue from... from the... [crosstalk]

17 CHAIRPERSON MARK-VIVERITO: But there's  
18 ticket revenue, there's...

19 BETSY SMITH: There's ticket revenue and  
20 there's... we do... [interpose]

21 CHAIRPERSON MARK-VIVERITO: merchandise  
22 revenue...

23 BETSY SMITH: Yes and... [crosstalk]

24 CHAIRPERSON MARK-VIVERITO: there's  
25 liquor revenue.

1  
2           BETSY SMITH: Yes. We do, when we follow  
3 up on event we do ask, particularly, you know TUAs  
4 are issued for events where there is merchandise  
5 being sold onsite or food being sold onsite and those  
6 have fees attached to them and we do ask what their  
7 final revenue numbers were and we do get what the  
8 ticket sales were for every event. We don't  
9 accumulate those in one place, we could do that, but  
10 we do get that as part of the assessment after... after  
11 an event... [interpose]

12           CHAIRPERSON MARK-VIVERITO: But I'm  
13 trying to understand the level of reporting that you  
14 ask of these events; it is public space, it is a  
15 public amenity and if they're being taken offline for  
16 a particular period of time, the Frieze event was  
17 over a month, I'm curious to know whether there's a  
18 reporting requirement about what level of... how much  
19 money has been received by that event in  
20 sponsorships, how much money's generated by the  
21 ticket sales, how much money they're getting from  
22 the... from basically selling of liquor on the  
23 premises; what they're getting in terms of all the  
24 merchandise sales that they... I mean like, is there  
25 anywhere that you ask these events and the promoters

1  
2 to give you an accurate accounting and breakdown of  
3 all the revenue that is being generated on parkland,  
4 and then what it is that we're getting back as a city  
5 in fees?

6           BETSY SMITH: I can't answer that for  
7 Randall's Island, but I can... first of all, that  
8 information we do ask for, but we don't ask for it  
9 in... we always ask... when we go through an analysis of  
10 an event after it's happened, we do ask for that  
11 information and it is in the file, but it isn't  
12 accumulated in one place, which actually is a good  
13 idea. But we do... Randall's Island may have a  
14 different process; do you know that, Liam?

15           LIAM KAVANAGH: Good afternoon; I'm Liam  
16 Kavanagh, First Deputy Parks Commissioner. I think  
17 to answer your... the question you're getting at; do we  
18 assess the full economic impact of an event, and I  
19 don't think we... we look at every aspect of the  
20 economic activity that's generated. For example, at  
21 Frieze Art Fair, one of the main, you know  
22 attractions are galleries displaying artwork that,  
23 you know, are for sale and I don't think that we know  
24 exactly what the level of sales were; how many sales  
25 were completed and what dollar value. Some of the

1  
2 other items that you mentioned, tickets, number of  
3 tickets, revenue generated from concessions and  
4 things like that; yes, we have access to that; I  
5 don't... as Betsy said, I don't think we have it  
6 compiled in the way that you're describing it, but as  
7 she also said, that's a good suggestion that we can  
8 incorporate in future event, management processes.

9 CHAIRPERSON MARK-VIVERITO: So based on  
10 what you just said; does that mean that every  
11 conservancy that is organizing an event and that has  
12 some level of management of a particular park is  
13 keeping their own records? You may have access to  
14 it, but you're not asking for it or you don't have it  
15 centralized in any way?

16 LIAM KAVANAGH: No, conservancies that  
17 have license agreements in managed parks have  
18 explicit financial reporting responsibilities as part  
19 of the license agreements.

20 CHAIRPERSON MARK-VIVERITO: Uhm-hm. But  
21 these events, you're saying that it's not centralized  
22 in terms of the information that's being captured;  
23 you're basically saying it's not all in one place,  
24 which I mean centralized...? [interpose]

1  
2           BETSY SMITH: It's not all in one place,  
3 which I... I think is a good idea. I mean I might make  
4 the related but not directly responsive comment that  
5 the way we price these events actually has more to do  
6 with impact than... so we... we're not taking... TUA's are...  
7 we make an estimate of what merchandise is gonna be  
8 sold on the site and we try to make an estimate of  
9 what that is and then we usually charge 10 to 15  
10 percent as a fee for merchandise, but as far as the  
11 event fee itself when we negotiate, particularly for  
12 these large fees, we really do that based, as I had  
13 mentioned in my testimony, on the impact it's gonna  
14 have on the park; how long it is, how many tents  
15 there are, what kind of commercial signage that is;  
16 it's an impact-based fee analysis. So that is not  
17 related actually to what they earn, although we  
18 should... you know, so they're... they're two different  
19 things, so we don't look at how much money they  
20 generate and compare that with what we are gonna  
21 charge them in fees; they're separate negotiations,  
22 they're separate discussions.

23           CHAIRPERSON MARK-VIVERITO: And I... I... I  
24 would think that... I mean I... I think there should be a  
25 level of consideration on both those fronts.

1  
2 Now let me just ask... I mean I know I have  
3 colleagues that have questions. Now you talk about  
4 this TUA fee and the way that it's... you come up with  
5 that fee, which I really... I see what the factors are  
6 in determining the fee, but I really don't know how  
7 you arrive at that number. So if for instance,  
8 estimated attendance, okay, we could probably make a  
9 safe estimate on that; prices of items being sold at  
10 the event, I think you're also talking about, you  
11 know, sales; how do you project that for an event?

12 BETSY SMITH: Well we have a pretty good  
13 idea with the number of people who are coming; we  
14 give an estimate of how much they might buy per  
15 person and we make an estimate on what they may  
16 generate in merchandise and food sales from that and  
17 we usually take between 10 and 15 percent as a fee  
18 for a TUA just for that element of the event. That  
19 historically has been the way the Parks Department  
20 has charged for the commercial transactions that  
21 happen at our events.

22 CHAIRPERSON MARK-VIVERITO: So you're  
23 saying based on the projection of merchandise sales,  
24 then 10 to 15 percent of that is what you apply  
25 towards the fee?



1  
2           BETSY SMITH: Just for the... just the TUA,  
3 yes.

4           CHAIRPERSON MARK-VIVERITO: Then what is,  
5 for instance in the case of... you know and that's...  
6 that's where we start getting into complications I  
7 think, because some of these events are more  
8 complicated. When you take a Frieze Art Fair where  
9 you're having art that's being sold for hundreds of  
10 thousands of dollars or tens of thousands of dollars,  
11 that's considered merchandise let's say to some  
12 extent; how do you put a value on that? Did you  
13 project that into your fee in the case of the TUA  
14 that you negotiated with the Frieze Art Fair?

15           BETSY SMITH: Not that I know of, no.

16           CHAIRPERSON MARK-VIVERITO: Is that  
17 something that you would factor in the future?

18           LIAM KAVANAGH: We'll have to think about  
19 that... [crosstalk]

20           BETSY SMITH: We'd have to think about  
21 that.

22           LIAM KAVANAGH: Obviously any art sales  
23 are subject to the local sales tax, which can be  
24 substantial, depending on the amount of... you know the  
25 amount of any particular item costs, but these are

1 independent galleries that operate for... in the City,  
2 primarily and the Frieze Art Fair concept is  
3 something that is becoming more and more commonplace  
4 in major cities that have large art, you know  
5 business cultures and it provides an opportunity for  
6 galleries to, you know, to have one big event that  
7 attracts thousands and thousands of potential buyers  
8 and art enthusiasts who wanna see the latest  
9 creations of celebrated artists. It's a little bit  
10 different than I think the traditional sales that we  
11 manage through the TUA process, but it's something  
12 that we can consider for future events... [crosstalk]

14 CHAIRPERSON MARK-VIVERITO: Understood,  
15 but let me... before I make my little comment and then  
16 I will go to my colleagues. When you have... that's a  
17 very exclusive event; that's not an event that is  
18 being promoted to the East Harlem residents of my  
19 District, to the South Bronx residents of my  
20 District; it's a very exclusive event, when they  
21 choose to go to a public space like a park, because  
22 I'm sure it really is much less to operate than  
23 having to go to an armory where you have to pay union  
24 scale, you know and they're basically profiting from  
25 being able to take this public amenity offline and

1  
2 you know, those are the concerns that I think are  
3 being raised in situations like this as some of these  
4 events become more complex, complicated; you know,  
5 how is the City benefiting from it, but you know,  
6 that's a different conversation. I know we've been  
7 joined now by Council Member Elizabeth Crowley and I  
8 know that I have... hm? Yeah, I mentioned him... Council  
9 Member Vacca and Council Member Lander have a  
10 question. Council Member Vacca.

11 COUNCIL MEMBER VACCA: Thank you Madame  
12 Chair. Just several questions. I wanted to ask;  
13 when you have these large events, does your agency  
14 leave representatives there; do you... what kind of  
15 presence does the Parks Department have during these  
16 large events?

17 BETSY SMITH: We have an extensive  
18 presence and I'm sorry my testimony wasn't clear in  
19 that. We have my... on the large events, the Citywide  
20 Special Events Office from Parks is onsite and on the  
21 really large events we have many agencies; we work  
22 with up to 10 agencies on these large events so that  
23 there's a lot of people onsite from the beginning to  
24 the end. My staff is there from the beginning of  
25 load-in right through the end, to the last... the last

1  
2 stage element is taken out and we subsequently follow  
3 that up with a video to see what all the damage may  
4 have been to the space. But yes, we have a presence  
5 during... before, during and after the event.

6 COUNCIL MEMBER VACCA: Do you work with  
7 Community Boards in the districts where these events  
8 are located?

9 BETSY SMITH: Yes, we often go to  
10 Community Boards before these... the large events  
11 happen; talk to them and them and inform them what  
12 we're doing.

13 COUNCIL MEMBER VACCA: 'Kay. You did  
14 mention before something that sparked my interest;  
15 you mentioned alcohol; you allow alcohol to be sold  
16 at these large events; I would think that that could  
17 be problematic and I heard you mention alcohol?

18 BETSY SMITH: I'm not sure I did mention  
19 alcohol, but I... but yes, alcohol is sold at some of  
20 the large events and they get a permit from the State  
21 Liquor Authority and it is permitted; it is only  
22 permitted in enclosed areas, they cannot take the  
23 beer or wine and wander around the rest of the park;  
24 it's always within restricted areas.

1  
2 COUNCIL MEMBER VACCA: I would... I would  
3 think you may wanna revisit that. I worry about  
4 people... [interpose]

5 BETSY SMITH: I guarantee you, we are  
6 thinking about that. We... we have thought about it...  
7 [crosstalk]

8 COUNCIL MEMBER VACCA: Okay. I mean  
9 people who drink too much do things that they may not  
10 do otherwise and when you have large groups of people  
11 and alcohol is present to that level and you have  
12 young people, many of whom should not be having  
13 alcohol, but they see others having it; it becomes...  
14 it kinda becomes a problem I would think and I don't  
15 know if I like the idea of the City sanctioning  
16 events where alcohol is allowed on public property  
17 like that.

18 BETSY SMITH: We do try to monitor it... as  
19 I say, we do get permits from the State Liquor  
20 Authority, we insist that there is a structure in  
21 place that identification is checked so that people  
22 under age are not buying... drinking liquor and so this  
23 is something that's of concern to us because we of  
24 course wanna keep events safe. But it is something

1  
2 we have talked about and clearly it's something that  
3 should always be on our mind, because... [crosstalk]

4 COUNCIL MEMBER VACCA: I really would  
5 suggest that we not allow alcohol and if that  
6 requires that you do a revenue adjustment with the  
7 concessionaires that you are allowing to have these  
8 large events in the parks, then we have to adjust  
9 revenue; of course they're making a lot of money off  
10 the liquor, so perhaps that has to be done in all  
11 fairness to them, but I'm looking for the safety of  
12 the people who frequent the events and I think that's  
13 something you should consider.

14 My last question is regarding cleanup.  
15 Are the groups required to leave the park in its  
16 original condition so we don't have litter or cans,  
17 garbage? What is the requirement there? Are we  
18 using Parks manpower the day after to clean up? I'd  
19 like to know your response to that.

20 BETSY SMITH: Sanitation and cleanup is a  
21 key element to our negotiations on any large event.  
22 In their contract they are obligated to have... they're  
23 obligated to return the park to its original  
24 condition; they are obligated to hire their own staff  
25 to do that. They post a bond with us so that if it's

1  
2 not done we use that money to hire people with the  
3 cleanup. So it's a very important component and it's  
4 not just that it happens; our contracts and our  
5 processes demand that it happens immediately after  
6 the event so that it does not... this is not weeks  
7 later; I mean it just is in my mind, 'cause our most  
8 recent large event was in the Great Lawn on Saturday  
9 night; we had 60,000 people at a concert in Central  
10 Park and by 6 a.m. the next morning the park had all  
11 its barricades gone, all the trash gone, all the  
12 pickup done, so it's something that we think is... we  
13 think it's very important that the park's returned to  
14 its usual uses and public access as soon as possible.  
15 So it's important and we take it seriously.

16 COUNCIL MEMBER VACCA: I'm going to ask a  
17 question, but I'm kinda fearful of going there. We  
18 do have a law that prohibits smoking in the parks;  
19 are these major events subject to that law?

20 BETSY SMITH: Yes.

21 COUNCIL MEMBER VACCA: And are people  
22 advised that they cannot smoke in our parks, as the  
23 Council so legislated?

24 BETSY SMITH: There is signage throughout  
25 the parks that says smoking in parks is not

1 permitted. I wouldn't say that we have people  
2 wandering around doing that... [crosstalk]

3  
4 COUNCIL MEMBER VACCA: I understand and  
5 that... with that the intent of the law; I just wanna  
6 make sure that people are aware of the law; I... I... I...  
7 [crosstalk]

8 BETSY SMITH: People are aware that... you  
9 know, there... [interpose]

10 COUNCIL MEMBER VACCA: It... it is posted  
11 and it is... [interpose]

12 BETSY SMITH: It is posted and...

13 COUNCIL MEMBER VACCA: we are consistent  
14 in that regard?

15 LIAM KAVANAGH: Yes.

16 BETSY SMITH: Everyone... everyone knows...  
17 all park staff knows and often announcements are  
18 made; there's no smoking allowed in parks.

19 COUNCIL MEMBER VACCA: Thank you.

20 CHAIRPERSON MARK-VIVERITO: Thank you  
21 Council Member. Council Member Lander. I think I... I  
22 hope I didn't recognize Council Member Danny Dromm; I  
23 think I did.

24 COUNCIL MEMBER LANDER: Thank you Madame  
25 Chair, thank you for holding this hearing; that you



1 very much, Deputy Commissioner for being here. As  
2 you know I represent the 39th District of which the  
3 great joy is representing Prospect Park and that is  
4 wonderful and sometimes complicated, so I can have a  
5 leeway to ask a few questions and if I need to wait  
6 for a second round and other colleagues do, it's not  
7 a super long list, but two of the events that you  
8 mentioned I know you know raised substantial  
9 concerns, especially GoogaMooga, but also the more  
10 recent Worldwide Day of Play and my office heard a  
11 lot about this and we have a wonderful working  
12 relationship with Emily Lloyd and Eric Landau at the  
13 Prospect Park Alliance; I've talked with them a lot  
14 about it; I will point out there are also many large  
15 scale events in Prospect Park which have not raised  
16 substantial concern, Tropfest was a great success,  
17 Celebrate Brooklyn is a, you know, a season-long  
18 series is a great success, the Brooklyn Philharmonic,  
19 the Halloween Spooky Walk. So we successfully have  
20 many great events; those two in particular raised a  
21 lot of concerns and that's in part what, you know,  
22 caused me to reach out and say we'd like to have a  
23 hearing on this and I'm just trying to think through  
24 and it sounds like you are as well; what adjustments  
25

1  
2 to the policies we need in order to make those work  
3 and so I appreciate your being here and thinking that  
4 through with us.

5           So first question is just; it sounds like  
6 there are a lot of policies in place, but is there a  
7 written large scale events guidance that you and the  
8 administrators use that puts all of these things in  
9 a... and I know there's some flexibility, obviously  
10 that needs to be in place, but it sounds like there's  
11 a practice, but I just wonder... it's helpful if those  
12 things are on paper in some sort of... at least  
13 guidance oriented.

14           BETSY SMITH: Well look, we feel we have  
15 a very rigorous way of taking an event permit  
16 application and putting it through our process and  
17 when it trips certain things it goes into a different  
18 group, it undertakes additional security; it has  
19 additional staff reviewing, the commissioners get  
20 involved, so the larger it gets it goes up the scale,  
21 so I think our process in terms of making sure we're  
22 handling events with the appropriate in-house staff  
23 at Parks, bringing in the other agencies; we're in  
24 need of bringing in the Mayor's Office of Citywide  
25 coordination; I think we feel that there's a pretty

1  
2 standard way of bringing in additional people to  
3 review events.

4           That said, as you can imagine, lots of  
5 new things come up all the time and we have people  
6 who want to give events that have never happened  
7 before and that actually was GoogaMooga. GoogaMooga  
8 came several years ago, actually to come talk to the  
9 Parks Department about where they could have their  
10 event and they... we had originally recommended  
11 Randall's Island, actually and had gone back and  
12 forth with them; it became a very Brooklyn-centered  
13 event; they were very proud of what was going on in  
14 Brooklyn and of course, as the years went by more and  
15 more was going on in Brooklyn and they felt very  
16 committed to having the event there. But no  
17 surprise; there were some issues and we ended up  
18 trying Prospect Park; we tried the Nethermead, we  
19 tried it for two years; its initial year had issues,  
20 problems, we managed to correct some of those with  
21 some attention and discussion with the event  
22 producers and working closely with Prospect Park and  
23 with the Police Department and others. And the  
24 second year came and I think what we have decided  
25 with the event producers was we tried it and it

1  
2 actually didn't work very well. There was more  
3 damage than we thought, but obviously that has all  
4 been on the responsibility of the event producers to  
5 repair it.

6 The event was too big for that site and  
7 there were other logistic issues, which I'm sure you  
8 know well and after two years of assessing this event  
9 on that site, we pretty much feel at this time that  
10 it's probably not the appropriate venue for something  
11 like that.

12 So it's one thing to have a process which  
13 we go through, but it's another thing... you know we  
14 can't close ourselves off to new ideas and we wanna  
15 be... this is what I was saying you know, we have 8  
16 million people; people really love these big events  
17 and we want to be flexible and creative and so we  
18 really try to... [crosstalk]

19 COUNCIL MEMBER LANDER: And that's in  
20 part what I tried; it's like Tropfest was a new  
21 event... [interpose]

22 BETSY SMITH: Yeah.

23 COUNCIL MEMBER LANDER: this year and I  
24 think generally... I'm sure there are people that had

1  
2 issues with it, but generally what I heard back from  
3 that was that it was very successful, so... [interpose]

4 BETSY SMITH: Yeah.

5 COUNCIL MEMBER LANDER: we want... I don't...  
6 you're certainly not... I'm actually gonna push you in  
7 a minute on other kinds of events that we should be  
8 open to; don't hear me saying we want the Parks  
9 Department saying no to all... all events; we do want a  
10 thoughtful set of policies. I really appreciate what  
11 you just said about GoogaMooga and it won't surprise  
12 you to learn that in my District I see the reporters  
13 writing away; you've made some news here and I think  
14 that reflects a thoughtfulness and I appreciate, you  
15 know, sometimes you try things and they work and  
16 sometimes you try things and they don't work and... So  
17 I... you know, this is... I appreciate that.

18 But I guess I still do wanna go back to  
19 my original question and I really appreciate that we  
20 want openness and flexibility and I am eager for the  
21 administrators who in my experience have done a  
22 really good job having local knowledge of their  
23 parks, so I don't even want it to be a simple thing  
24 where there's like a written policy and it's like  
25 check boxes and at the arsenal you figure it out; I

1  
2 want the administrators involved and some  
3 consultation and the dialogue you're talking about;  
4 it still seems to me it would be a good idea if there  
5 was at least a written... let's call it guidance rather  
6 than policy, that for these large scale events and  
7 especially the ones that start to trigger economic  
8 and fee questions, what both the process is and some  
9 of the relevant questions and considerations that are  
10 in play between you guys and the administrators and  
11 the event operators that would help all of us, the  
12 Council and the public, understand what the process  
13 and at least the questions that are being considered  
14 that should be in writing in a public document that  
15 needs to leave the flexibility to try new things with  
16 an understanding of what the questions and challenges  
17 are.

18           LIAM KAVANAGH: Councilman, I think the  
19 basics are already in place, our special event rules  
20 are published online and available and a very small  
21 percentage of the events that we process each year,  
22 less than half of one percent fall into the category  
23 that requires special attention... [crosstalk]

24           COUNCIL MEMBER LANDER: And if they...

25

1  
2           LIAM KAVANAGH:  but... but even there, we  
3 have a matrix of fees that we... a schedule of fees  
4 that's based on, as Commissioner Smith said, it's  
5 based on duration, it's based on impact, it's based  
6 on the level of commercial activity and event; that's  
7 factored into the fee schedule; that applies to most  
8 large events that are over 500 people and there's  
9 only very few events that are of such a nature beyond  
10 that, that you know, we negotiate the fee, but it's  
11 still based on those three principals; its impact,  
12 its duration, its level of commercial activities.  So  
13 I mean it's there; I understand your point about, you  
14 know... I mean a little bit more explicit, but the  
15 basic elements are there and they are in writing.

16           BETSY SMITH:  And can I... can I just add  
17 one thing to Commissioner Kavanagh's comment?  The  
18 definition of the fees and what are required; they're  
19 not only on the Parks' website, but when people apply  
20 for permits, all of the various elements of what  
21 they're gonna need from the rest of the City is also  
22 part of the permit application, but more relevant  
23 perhaps is; any event over 500 people we talk to  
24 personally.  We have someone in our office sit down  
25 and talk with them about every single thing that

1 they're planning to do, because that's the only way  
2 we can... that's really the way we can determine  
3 whether or not it's an appropriate venue, what  
4 they're gonna be doing; how long it's gonna be and  
5 all of that... so that's referred to in our rules, but  
6 actually those discussions are very important because  
7 that's actually where we start to talk about, you  
8 know the rigors that we have to demand with regard to  
9 managing these events.  
10

11 COUNCIL MEMBER LANDER: So I'm just gonna  
12 make a suggestion here; I hear all of that, I  
13 appreciate a lot of it; it's... and I... look, if it  
14 wasn't the case that a lot more than in one-half of  
15 one percent of the calls that I got surrounded these  
16 two events, you know, I think it would be helpful if  
17 there was a guidance on these large scale events that  
18 was a public document that showed people the  
19 considerations and process that you're using and I  
20 don't think it would need to prevent flexibility... as  
21 I say, I hope it still involves the administrators  
22 having a real good role to play, 'cause they know  
23 their parks well and they work with the community...  
24 [interpose]



1  
2           BETSY SMITH: They do have a very good  
3 role with us...

4           COUNCIL MEMBER LANDER: But I just... I  
5 think it would help all us when these questions come  
6 up to show, here are the considerations that were  
7 taken into considera... you know and... and... I'm... I'm  
8 done; I'm suggesting that, I think it would help us  
9 all, you guys as well, without really doing any harm  
10 that I can see, assuming it'll allow for some  
11 flexibility.

12           I wanna follow up on a question that the  
13 Chair raised, because the biggest set of issues that  
14 I heard about both were essentially related to the  
15 closure of areas, for both the event duration itself,  
16 but in both the cases of GoogaMooga and Worldwide Day  
17 of Play for a much longer period of time, so areas of  
18 the park had to be unavailable to people while the  
19 event was being set up and taken down and in both  
20 those cases it was about a week where... it's a big  
21 park, there's other places you can go, but  
22 significant parts of the park people love and use  
23 every day were taken offline and I wonder... I guess  
24 the question is in a certain way; how do you price  
25 that, because it sounds like you're building a price

1  
2 in for impact, but maybe it's how do you think about  
3 that, because the biggest... again, the biggest  
4 complaint that I heard was, you know, our public park  
5 is being semi-privatized for a period of time; there  
6 better be an awfully big benefit against that for it  
7 to be worth doing and some people are saying we  
8 shouldn't really do that at all.

9           BETSY SMITH: Let me address a couple of  
10 the elements of that, because I know that that has  
11 been one of the core issues with regard to this  
12 hearing.

13           First of all, we, in any large event,  
14 whether or not it's ticketed or not ticketed, we make  
15 every effort to keep the park open for as long as  
16 possible. Now when an event is a large event and  
17 there's load-in with large vehicles, it's very  
18 important that those vehicles and stage and other  
19 elements of the event come in safely. So there are  
20 times where we have to restrict access in order to  
21 get the event elements in, but we make every effort  
22 to keep as much of the park open as possible and with  
23 regard to, for example, the Worldwide Day of Play,  
24 which was in the Nethermead as well, we kept most of  
25 the park open; there was a four- or five-day load-in

1 on that event; we kept most of the park open until  
2 the actual day of the event. So I just wanna say  
3 that that's... it's an important consideration and we  
4 realize that the public needs and wants to use their  
5 park and so other than closing it for safety reasons  
6 for loading in and making sure that barricading is  
7 done at the absolute last minute, that's something  
8 that we take seriously.  
9

10 Secondly, with regard to ticketing; you  
11 know ticketing... putting aside for a moment the paid  
12 ticket element, ticketing really is a way of  
13 controlling crowds and the Police Department is very  
14 active in discussions with us about this, because  
15 what we don't wanna do because it's unsafe, is to  
16 have 100,000 people show up at an event which can  
17 only accommodate 10,000 people. So we wanna make  
18 sure... so we don't actually see ticketing as  
19 privatizing. Ticketing to us is controlling the  
20 number of people there for safety and anyone can get  
21 a ticket and I had mentioned in my testimony that  
22 we're very careful to make sure that tickets are  
23 available first come first serve, if there are hard  
24 tickets throughout the boroughs, lotteries, just so  
25 tickets are available. So it's... you know, if it's

1  
2 gonna be a ticketed event there's gonna be a limited  
3 number, but we really feel that because they're  
4 available to anyone and in most cases they're free  
5 ticketed events, it isn't actually privatizing that  
6 profit.

7 COUNCIL MEMBER LANDER: So I'm gonna push  
8 back a little, because it's just my experience from  
9 talking to people that they don't... a lot of New  
10 Yorkers don't feel it that way and that your park...  
11 it's a little like family, in other words family,  
12 it's like when you show up they have to take you.  
13 The parks feel like a place you don't have to make an  
14 advance reservation and we... Celebrate Brooklyn I  
15 mentioned and Tropfest I mentioned, there... sometimes  
16 there's lines, you know, I mean that's a fair... you  
17 might show up and you might have to wait in line;  
18 some nights at Celebrate Brooklyn they can't let you  
19 in because the Police have determined the crowd is  
20 too big, but there is a fundamental difference and I  
21 hear you; I mean it's... it's fair in a certain way if  
22 you have to get a ticket in advance and it's free,  
23 but it... it does feel to people like their park is  
24 being taken from them and they don't like it. So

1  
2 that's not to say we should never ever do it, but it  
3 is felt as a taking of a sort... [interpose]

4 BETSY SMITH: Well we do it very rarely.  
5 I will say we do it very rarely; we do it really for  
6 safety purposes and to control crowds, but it's...  
7 [interpose]

8 COUNCIL MEMBER LANDER: So let's talk a  
9 little about that, because I... you know, we don't have  
10 the NYPD here and I'm not gonna ask you to talk about  
11 NYPD policy, but another thing I perceive... Well let  
12 me... like I said; it's three elements that I think  
13 interact in a complicated way.

14 One is alcohol, which Council Member  
15 Vacca mentioned before, because I know you then have  
16 fence.

17 The second is the fencing, which is in  
18 part what creates this... you know, Tropfest didn't  
19 have a fence and I think that's a big part of why  
20 people felt comfortable with it. Now it was in Long  
21 Meadow, which is much bigger than Nethermead, but...

22 And the third is how decisions are  
23 getting made about what level of policing and  
24 security is needed and so I wonder if you could, I  
25 guess first explain a little bit how that goes,

1  
2 because it is my perception that, at least in some  
3 cases, the NYPD makes decisions that to me look a  
4 little like over-policing, Worldwide Day of Play had  
5 like a helicopter circling around for three or four  
6 hours, so I got a lot of calls from people about it  
7 being annoyed about the helicopter, and then that  
8 relates to price because we have to pay for all the  
9 extra security; at the same time I really appreciate  
10 we have to keep the events safe.

11 So just tell me a little bit about how  
12 you work with the Police Department; what happens  
13 with the price of the extra policing and especially  
14 on this fencing and alcohol question how you're  
15 thinking about it.

16 BETSY SMITH: Well the fencing and the  
17 alcohol I had mentioned before; we do fence off areas  
18 where alcohol is being served... [interpose]

19 COUNCIL MEMBER LANDER: Though it sounds  
20 like you're thinking harder about where alcohol  
21 should...

22 BETSY SMITH: and... and alcohol... alcohol  
23 is always reviewed every year as an issue...  
24 [crosstalk]

2 COUNCIL MEMBER LANDER: And look, I've  
3 bought plenty of beer at Celebrate Brooklyn, so I...  
4 you know, it's a complicated... I... I... I'm not gonna be  
5 ha... he may be right that we shouldn't have it, but  
6 I'm gonna enjoy celebratin' Brooklyn a little less if  
7 I can't buy a beer there, so this isn't... these are  
8 complicated questions.

9 BETSY SMITH: So... [interpose]

10 COUNCIL MEMBER VACCA: You could have a  
11 diet soda, Council Member... [interpose]

12 [laughter]

13 COUNCIL MEMBER VACCA: Seltzer water; all  
14 those things the Mayor says are healthy.

15 [laughter]

16 [background comment]

17 [laughter]

18 COUNCIL MEMBER LANDER: The not smoking  
19 is really good; we all appreciate that there's no  
20 smoking at Celebrate Brooklyn, so don't get us wrong.  
21 Anyway.

22 BETSY SMITH: So with regard to  
23 barricading and use of alcohol, I think we've  
24 addressed that in terms of barricading; the park... for  
25 ticketed events, it's a way for people to know where

1  
2 the ticketed areas are and so you have to barri... if  
3 you're gonna ticket something you have to barricade  
4 it, otherwise there's no point in ticketing.

5 But I will say, we work very, very  
6 closely with the Police Department on large events  
7 and their scrutiny over our large events has only  
8 increased in the last 10 years, as you can imagine.  
9 We couldn't do our job without the Police  
10 Department's complete complicity in all of our  
11 discussions and decisions.

12 There are two parts of security in an  
13 event; one is private event security, which, you know  
14 makes sure that people coming in have their tickets,  
15 that there's, you know the talent and the stage are  
16 secured and all this... the Police Department... that is  
17 private security and our plan, in addition to having  
18 a very detailed cleanup plan also usually has a very  
19 detailed security plan as well and that is done and  
20 created and in conjunction with the Police  
21 Department. And whether or not any of us think that  
22 it's too many policemen or too few policemen, that's  
23 not really our call, we are really subject to their  
24 advice on security at events.



1  
2 COUNCIL MEMBER VACCA: And I... that is as  
3 it should be; it creates some of the complexes that I  
4 talked about; it raises the price of events and  
5 therefore makes some events harder to do if they're  
6 too expensive and then it causes...

7 Alright, just a couple more questions,  
8 Madame Chair, thank you.

9 So noise; let's talk about noise for just  
10 a minute and you... you know, that's another that I  
11 asked people on Twitter what questions to ask and a  
12 couple of people said, you know, how does this  
13 relate... you've got some concert venues... and this is  
14 one that I also feel really on both sides of; I love  
15 Celebrate Brooklyn and I represent the people across  
16 the street, so how do we... how do you think about  
17 large scale events in relationship to noise and the  
18 noise code and not, as one of my Twitter followers  
19 says, "miserablize" the neighbors?

20 BETSY SMITH: There are limits; the  
21 Police Department issues sound permits; we're very  
22 much guided by that; we do talk to neighborhoods and  
23 Community Boards with regard to sound limits;  
24 obviously a concert is gonna be a big loud event and  
25 people come to those concerts 'cause they're big loud

1 events, but we work with the Police Department to try  
2 to maintain the decibel levels on all our events and  
3 try to keep them... they have to end at 10 p.m., so  
4 that's really a Police Department restriction. So  
5 there are issues with regard to sound that we try to  
6 manage along with the other elements. It's not  
7 something... again, that's a major discussion as well  
8 when we talk about events... [interpose]

9  
10 COUNCIL MEMBER LANDER: So...

11 BETSY SMITH: Sometimes weather affects  
12 how sound travels and we sometimes get more  
13 complaints than others, but we do try to manage it.

14 COUNCIL MEMBER LANDER: Sometimes they  
15 call me to complain about the events I have in the  
16 park, so I really appreciate that these are hard.  
17 Alright, two more questions and then I'm done.

18 I was really interested by one line in  
19 your testimony and I just wanna make sure I  
20 understand it, which is that the principal purpose of  
21 the fees is not to generate revenues but to offset  
22 impact and that does change how I think about what  
23 events you're saying yes and no to; I'll be honest, I  
24 have thought of GoogaMooga and Worldwide Day of Play  
25 as more sensible viewed from the point of view of we

1  
2 need to raise some revenue and I am willing, perhaps  
3 under some conditions to accept some limit... you know,  
4 closure or in exchange for helping keep the parks up,  
5 'cause I think there's some real questions about  
6 whether we do that. This suggests, and I think it's  
7 a better policy, that the question is; is it an event  
8 we wanna offer in the parks, like it's not a question  
9 of are we making money; it's is that a good event  
10 that the people of New York want and see in their  
11 parks and then there have to be... you know, then the  
12 money has to at least, you know, has to offset any  
13 harm or damage done and that's I think... I just wanna  
14 make... because that's a great way of stewarding our  
15 parks; I think you're right, that viewed from that  
16 point of view people in my District would say no to  
17 GoogaMooga; maybe it belongs at Randall's Island and  
18 there might have been some people that it would've...  
19 I'm sorry if it... [interpose]

20 [laughter]

21 COUNCIL MEMBER LANDER: I don't mean to...  
22 anyway... it's lovely if you got... anyway, there's...  
23 inside... this year it worked pretty well for the  
24 people that got tickets, much better than the first  
25 year; they did improve that. So I think that is a

1  
2 great way of looking at it and to know that that's  
3 what's being evaluated; is this the right event for...  
4 to offer in our parks and we're covering the cost and  
5 not, is there a price... are we willing to rent our  
6 parks to a private entity for the purpose of paying  
7 for them, which scares people... [interpose]

8           BETSY SMITH: I can... I can just tell you  
9 that that is not what we look at events for. We look  
10 at events because we think the public's gonna enjoy  
11 them, the public wants to have them; they fit in the  
12 park, they're right for the park when we get it right  
13 and as I say, sometimes we've gotten it wrong, but  
14 generally speaking, the reason we have events is  
15 because we think they're an amenity to the public and  
16 the public enjoys them and that's the main thing.  
17 And then we charge so that we can cover the costs and  
18 that, you know it works for the City, so that's...  
19 that's... there's really no exception to that...  
20 [interpose]

21           COUNCIL MEMBER LANDER: And that's a  
22 great answer and that... that helps me feel a lot more  
23 confident in relating to my constituents about it; we  
24 might disagree about which events, you know people  
25 like and don't like and meet that test, but that one

1 I really think we can look people in the eye about;  
2 it goes to this guidance question; it is a lot easier  
3 to imagine that conversation than what happens if we  
4 go down the road of the conversation; are we willing  
5 to rent out the parks to private folks... and then, you  
6 know, and the venues are different; obviously where  
7 there's a place to do a wedding, you know, then  
8 there... there's some places where we... we do that, but  
9 that we're not doing that in these large scale events  
10 in the open public spaces is good.

12 So my last question is totally the  
13 reverse of all the questions I've asked so far,  
14 because I am also someone who really wants to see the  
15 parks used and available as gathering spaces and I  
16 many a time wanted to do a large public event or a  
17 protest or a rally and found it hard in New York City  
18 to find venues to do it; obviously two years ago we  
19 had all the debate about Occupy, which was not in New  
20 York park space and I just am curious whether this  
21 same policy is what governs permit applications for  
22 large scale protests or rallies and how that relates...  
23 it's a different issue obviously, but it raises at  
24 least some of the same questions and you know, there  
25 was a time when there was a lot of political debate

1  
2 around the Sheep's Meadow protest and God willing we  
3 will not be goin' to war or doing any of the kinds of  
4 things over which a half-million people feel the need  
5 to come out in the streets, but when that does happen  
6 at some point in the future and it will, Sheep's  
7 Meadow is still the only place to do it and so I'm  
8 curious how that fits into this policy as well.

9 LIAM KAVANAGH: The process for events,  
10 rallies, protests, things of that nature, is slightly  
11 different; there's a shorter timeframe in which we  
12 consider them and issue permits; we don't charge per  
13 se for events as we do for commercial activities, but  
14 some of the same, you know, factors go into our  
15 decision-making process; can the site support the  
16 nature and size of the event that's requested? And  
17 while, you know, it isn't subject to the same fee  
18 schedule and things of that nature it's again, you  
19 know, it's the impacts, the size, the duration and  
20 the expected displacement of public use that will  
21 factor into large events or permits for, you know for  
22 the activities that you mentioned. And we do give  
23 thousands of smaller event permits for rallies,  
24 protests... [crosstalk]

1  
2 COUNCIL MEMBER LANDER: And remain open  
3 to larger ones on a case by case application basis as  
4 circumstances warrant as the applications come in?

5 LIAM KAVANAGH: Yes.

6 BETSY SMITH: And I would add to that,  
7 just with regard to protests, but also other large  
8 events is that, we really do try to find a place; we  
9 turn down very few because we try to find the right  
10 place and if someone wants to give an event or a  
11 protest in a certain location and we know it's gonna  
12 damage the landscapes or it's gonna inconvenience too  
13 many people or it's already permitted, we'll find  
14 another... [crosstalk]

15 COUNCIL MEMBER LANDER: And I'll end  
16 where I began. I couldn't be happier as a Council  
17 Member, relating to Prospect Park, you know, with  
18 that process, where many people call me and say we  
19 wanna do this new event and there was no location and  
20 the way in which your staff, at least... I mean in all  
21 my... throughout the venues in my District, obviously  
22 Prospect Park being the relevant one here; that space  
23 is used so tremendously well, it does us all proud;  
24 there are too many requests for this space... or  
25 there's more requests than can be accommodated and

1  
2 there is constantly a willingness to try to find a  
3 way to accommodate it and that's exactly what we want  
4 and I thank you and I thank them and I thank you for  
5 your answers, which I think show a lot of  
6 thoughtfulness and willing to keep working with us,  
7 so thank you and thanks again Madame Chair.

8 CHAIRPERSON MARK-VIVERITO: Thank you,  
9 Council Member.

10 So I have a couple of additional  
11 questions and I know we have two panels of people  
12 that wanna testify. In your testimony you indicated  
13 that only 112 out of those 16,000 special events  
14 permits are for events with more than 500 expected  
15 attendees; are all 112 of those issued... do you have a  
16 TUA with those 112... [interpose]

17 BETSY SMITH: We have con... we have  
18 contracts with all of those events, yes... [crosstalk]

19 CHAIRPERSON MARK-VIVERITO: So all of  
20 those are...

21 BETSY SMITH: and anything over 500  
22 people or something that's commercial in nature or  
23 promotional we will have a contact with that event  
24 and that event will pay a fee. Yes.



1  
2 CHAIRPERSON MARK-VIVERITO: Understood,  
3 but there may be some cases where one of these 112  
4 does not have that element... so you're saying that of  
5 those 112... every... basically you're saying that every  
6 single activity or event in a park that has over 500  
7 is selling or has a TUA?

8 BETSY SMITH: Well, what I would say is;  
9 every event over 500 people or is commercial has a  
10 contract with the City that requires them to pay a  
11 site fee.

12 CHAIRPERSON MARK-VIVERITO: Okay.

13 BETSY SMITH: If they are also selling  
14 commercial merchandise at that event, they will have  
15 a TUA; there will be... [interpose]

16 CHAIRPERSON MARK-VIVERITO: But I'm  
17 trying to break down the 112; how many of those have  
18 a TUA?

19 BETSY SMITH: I'm not sure; I would say...  
20 I'll get back to you, but I wanna say a third of them  
21 maybe, 25 or 30 percent of them actually are events  
22 where there's merchandise that's being sold onsite of  
23 the event.

24 CHAIRPERSON MARK-VIVERITO: So... like 30  
25 percent of that 112 has a TUA... [crosstalk]

1  
2           BETSY SMITH: Has a TUA where there's...  
3 where there is... you know, they're selling things  
4 onsite.

5           CHAIRPERSON MARK-VIVERITO: Okay. Then  
6 with regards to the range of fees of those that do  
7 have TUAs; what... what's like the range; what's the  
8 highest fee that's been charged for an event?

9           BETSY SMITH: A site fee?

10          CHAIRPERSON MARK-VIVERITO: Yes.

11          BETSY SMITH: Well are... so not... not... not  
12 a fee for a TUA; for... [crosstalk]

13          CHAIRPERSON MARK-VIVERITO: No, no, no;  
14 I'm talking about this...

15          BETSY SMITH: site fees?

16          CHAIRPERSON MARK-VIVERITO: No, I'm  
17 guessing... I'm talking about those that have a  
18 temporary use authorization contract; what is the  
19 largest fee that's being charged for an event?

20          LIAM KAVANAGH: I'm sorry Council Member;  
21 I think we're gonna have to get back to you with the  
22 details... [crosstalk]

23          BETSY SMITH: We're... we're gonna have to  
24 get back to you, yet I... I wanna say it's a couple  
25 thousand dollars really; they're not... the TUAs really

1 cover... so 10 percent of what... 10 to 15 percent of  
2 what they're planning on selling onsite, so that is  
3 typically what a TUA would be, but we can get you... we  
4 can get you a list of all the TUAs and what the value  
5 is.  
6

7 CHAIRPERSON MARK-VIVERITO: Okay, so  
8 then... no, okay; let me see... well just based on that  
9 answer I'm somewhat confused... [crosstalk]

10 BETSY SMITH: So are you... you...

11 CHAIRPERSON MARK-VIVERITO: Because for  
12 instance, you said for the... right here was said the  
13 fee paid by Frieze for the TUA was \$200,000 and  
14 additional \$50,000 restoration site fee, so...  
15 [interpose]

16 BETSY SMITH: Okay, are you... what... what  
17 event is that; I'm sorry?

18 CHAIRPERSON MARK-VIVERITO: That's the  
19 Frieze Art Fair.

20 BETSY SMITH: Right. So it... this is...  
21 it's a little bit of a nomenclature... but you're  
22 right, I was about so say that; I was wondering if  
23 you were talking about Randall's Island. Actually,  
24 the TUAs on Randall's Island are actually... are site  
25 fee contracts; those are our actual special event

1  
2 contracts, so the use of the word TUA, the phrase TUA  
3 for Randall's Island has been slightly different than  
4 it is for the rest of the special events permitting.  
5 It is a contract that covers a lot of the same  
6 things, but it is in a different form than our other  
7 special events contracts, which by the way we have  
8 now changed so that all the special events contracts  
9 at Randall's Island will look like special events  
10 contracts for the rest of the City. But they have  
11 been operating under a slightly different form of  
12 contract which had been called a TUA. So there's...  
13 it's a little bit confusing, but that... so those TUAs  
14 at Randall's Island are the equivalent of our special  
15 events contracts and that's why that TUA had such a  
16 high value on it. Usually, for the 100 and whatever  
17 it is, TUAs... [crosstalk]

18 CHAIRPERSON MARK-VIVERITO: 112.

19 BETSY SMITH: that we issue for people  
20 selling hotdogs and tee shirts and other stuff like  
21 that at events, they're much smaller and they are  
22 issued in addition to their special events contract.  
23 So this... it's... it's... because Randall's Island has had  
24 a little bit of an anomaly in how that worked in  
25 terms of what we call the contract.

1  
2 CHAIRPERSON MARK-VIVERITO: Which just...  
3 it's bit of a confusion, but okay. So then going... so  
4 the special events... so you... you're now... the... the  
5 Randall's Island agreements are gonna model all the  
6 other agreements...? [crosstalk]

7 BETSY SMITH: Yeah, they're... they'll...  
8 they'll be the same the special events. They... they  
9 pretty much have the same content, but we are gonna  
10 format them differently and call them special events  
11 contracts, because that's what they are.

12 CHAIRPERSON MARK-VIVERITO: So then  
13 following the model of the rest of the system, what...  
14 what would be that \$250,000 fee be called; special  
15 event... it's based on a special event fee; is it  
16 special contract?

17 BETSY SMITH: A concession fee, yes,  
18 concession... [crosstalk]

19 CHAIRPERSON MARK-VIVERITO: So I guess  
20 then the question...

21 BETSY SMITH: concession site fee.

22 CHAIRPERSON MARK-VIVERITO: Then the  
23 question I'm asking is; what is the one that... what's  
24 the largest one that you have, I guess?

1  
2           BETSY SMITH: Probably the largest one  
3 we've ever issued I believe is for the Great Lawn and  
4 that's approximately a \$1,200,000.

5           CHAIRPERSON MARK-VIVERITO: So I guess... I  
6 mean the question that I had been asking earlier with  
7 regards to how much in fees is being generated, as  
8 being received by Parks Department for all of these  
9 events, can you get that to me; do you have it on  
10 hand?

11           BETSY SMITH: We'll get it to you...

12 [crosstalk]

13           CHAIRPERSON MARK-VIVERITO: Yeah.

14           BETSY SMITH: In last year I believe it  
15 was about \$4 million in total that all of these  
16 special events fees earned for the City.

17           CHAIRPERSON MARK-VIVERITO: Okay.

18           BETSY SMITH: But we'll get you that for  
19 that end for Fiscal 13.

20           CHAIRPERSON MARK-VIVERITO: Okay. Now,  
21 you... and you mentioned just before, when Council  
22 Member Lander was asking you questions, what are the...  
23 that you hardly ever deny applications, so what would  
24 be the reasons that you have rejected an event or...

25 [interpose]

1  
2           BETSY SMITH: The rea... the reason we can  
3 deny event actually, Council Member, is in our Park  
4 Rules and they're very specific; we can't... we don't...  
5 we don't just kind of decide we can't do it or we  
6 don't wanna do it, there are actually five reasons in  
7 the Parks Rules that elucidate what we can actually  
8 deny an event. And when I say we deny it rarely is  
9 because we usually just sit down with them and try to  
10 figure out another date or place, so you would  
11 imagine with all of these event applications there'd  
12 be more denials, but actually there's very few,  
13 because... [interpose]

14           CHAIRPERSON MARK-VIVERITO: Whether it's  
15 primarily conflict of time, location... [interpose]

16           BETSY SMITH: It's... it is... it's... if event  
17 site has been permitted by something else, it's not  
18 an appropriate site; you know you can't give, you  
19 know a, you know some kind of party in a playground  
20 or you can't give an event that just is not  
21 appropriate for that site. If there is... it has been  
22 permitted by another applicant, if the previous  
23 applicant violated the rules we can deny a permit for  
24 that reason or it would unnecessarily interfere with

25

1  
2 the enjoyment of the park by other park users in a  
3 material way. So there's... [interpose]

4 CHAIRPERSON MARK-VIVERITO: 'Kay.

5 BETSY SMITH: there's five reasons;  
6 they're right on the Park website and those are the...  
7 [interpose]

8 CHAIRPERSON MARK-VIVERITO: Well that...

9 BETSY SMITH: circumstances under which  
10 we deny... [interpose]

11 CHAIRPERSON MARK-VIVERITO: that makes  
12 sense, but I guess... so then, you know, following  
13 that, in the case where you have events that may have  
14 a negative track... a negative history with Parks  
15 Department, do you have some sort of... do you keep  
16 track of that; have you denied permits based on  
17 events that have not gone so well, maybe that it was  
18 just not a good fit or I mean; is there anything  
19 along those lines?

20 BETSY SMITH: We have denied event  
21 permits to people who have broken the Park Rules  
22 before and we haven't welcomed them back and we have  
23 denied permits for the other reasons that we've  
24 given; that the space isn't available, we can't find  
25 another space; they only wanna be in that space on



1  
2 that day; can't do it. So we have denied permits,  
3 yes.

4 CHAIRPERSON MARK-VIVERITO: Now let me  
5 ask a question on the unfortunate situation with  
6 Electric Zoo on Randall's Island; what are the  
7 lessons learned from a situation like that; I mean  
8 you said that you are having now all of the contracts  
9 on Randall's Island issued model everything else; is  
10 that one of the... is that something that resulted out  
11 of that experience?

12 BETSY SMITH: Well look; that was... that  
13 was a real tragedy what happened on Randall's Island,  
14 so I just wanna say that we were really horrified  
15 that that would happen. As it turns out, you know,  
16 one of the lessons learned and one of the things that  
17 we're really talking about now is how we can handle  
18 these events safely on Randall's Island. Is there  
19 additional things we should be doing? I mean  
20 electric dance musical festivals have been going on  
21 in the City for 10 years and they have not just been  
22 at Randall's Island; they've been in other locations  
23 as well and we haven't seen these kinds of problems.  
24 We are looking at additional messaging signage,  
25 additional medical setups and facilities; we found

1 that the medical setup was approved by the Department  
2 of Health and Parks Department and police for the  
3 Randall's Island events as they have been for our  
4 other events; it may be that we need to augment them  
5 and so we're looking at that and analyzing that.

6  
7 So one lesson learned is that obviously  
8 when there's a tragedy in a park we try to address  
9 what we might do to prevent that going forward. So  
10 we will be doing that over the next couple of months  
11 as we look at those kinds of concerts.

12 CHAIRPERSON MARK-VIVERITO: So events of  
13 that size that are so large, is there a minimum  
14 requirement on the safety front, or the security that  
15 is required in terms of having to contract private  
16 security or... [crosstalk]

17 BETSY SMITH: We wou...

18 CHAIRPERSON MARK-VIVERITO: how many  
19 security personnel should be onsite?

20 BETSY SMITH: Yes. Yes. And we work  
21 closely with the Police Department on that and on the  
22 health plan we work closely with Department of  
23 Health, how many ambulances need to be there, how  
24 many EMT need to be there, where they, how many  
25 people they're circulating through the site to

1  
2 anticipate people who are not doing... you know, like  
3 there's all sorts of things that are... are part of  
4 what we consider our safety plan.

5 CHAIRPERSON MARK-VIVERITO: Alright. And  
6 then... and the last question; then I'm gonna... So just  
7 going back to kind of the line of questioning of  
8 Council Member Lander on that front, when you are  
9 talking about a situation and when you know the size  
10 of an event I guess you would know how many  
11 ambulances you may need onsite, all of the additional  
12 public resources that would be needed; that's  
13 factored into the fee?

14 BETSY SMITH: Yes, when... particularly on  
15 the very large events. But all of those expenses by  
16 the way are usually assumed by the... the private  
17 security is all assumed by the event producer and..  
18 [interpose]

19 CHAIRPERSON MARK-VIVERITO: By... by the...

20 BETSY SMITH: in many cases the... in many  
21 cases some of the medical setup also is; of course  
22 the City, through FDNY and EMS services, we also have  
23 services available, but they are definitely  
24 incorporated into what the cost the City incurs to  
25 hold these events safely.

1  
2 CHAIRPERSON MARK-VIVERITO: Okay. And  
3 then; I guess the last, last question is, with  
4 regards to these events and the fees generated,  
5 whatever revenue, does it... in terms of who keeps that  
6 money, is it based on the way the agreements, the  
7 conservancy agreements are set up? For instance, we  
8 know that there's several conservancy agreements  
9 where all of the revenue generated just goes directly  
10 back to that conservancy, as opposed to others or it  
11 may go into General Fund. So is it based on that, so  
12 for instance, the events that are happening on  
13 Randall's Island, all of that goes directly back to  
14 the conservancy?

15 LIAM KAVANAGH: Yeah. Yes.

16 BETSY SMITH: Oh, it's completely gen...  
17 it's completely dictated by the agreements...  
18 [interpose]

19 CHAIRPERSON MARK-VIVERITO: The  
20 agreement.

21 BETSY SMITH: that they have with the  
22 City, because generally speaking, all event fees go  
23 to the City's General Fund; that's the norm; it's  
24 only under circumstances that there is an agreement  
25 specifically with that partner or organization that

1  
2 would permit those fees to go to them; under those  
3 circumstances that's when it happens.

4 LIAM KAVANAGH: And even in those cases  
5 the fees have to be spent on the operations and the  
6 programming of the park, so... [interpose]

7 CHAIRPERSON MARK-VIVERITO: Right, on  
8 that park. And so is the Central Park one that way?

9 BETSY SMITH: The Central Park one  
10 actually isn't that way; it... it... the Central Park  
11 gets paid a fee in a procurement contract and that  
12 fee is based on a level of concession revenues and  
13 event revenues in the park, but actually, the money  
14 that's generated in Central Park at events and  
15 concessions all goes to the General Fund and then a  
16 payment is made to them for their services based on  
17 that. So unlike Randall's Island, where the event  
18 fees go directly into Randall's Island, the entity of  
19 Randall's Island, it is not... it's not the same as  
20 Central Park, 'cause all of Central Park fees go  
21 actually to the General Fund and then they're made a  
22 payment, but some of these... some of our partners,  
23 very few actually, have the right to keep event  
24 revenues.

1  
2 CHAIRPERSON MARK-VIVERITO: Yeah, I know,  
3 that's a ver... it was very unique when we found out  
4 about it; I'm curious to know how that was set up,  
5 but.

6 Alright, so I'm gonna leave it there  
7 because we do have people that wanna testify, unless...  
8 I see Council Member Vinny Gentile came in, thank you  
9 for joining, and I think... I have that... so you don't  
10 have any other questions, right Brad? Okay, good.  
11 Alright. Well thank you very much for your testimony  
12 today and for being here; I think... we got a lot of  
13 information, so it's appreciated.

14 BETSY SMITH: Thank you very much for the  
15 opportunity to talk about it... [interpose

16 LIAM KAVANAGH: Thank you.

17 BETSY SMITH: and we're available for  
18 questions in the future, of course.

19 CHAIRPERSON MARK-VIVERITO: Wonderful.  
20 'Kay, we have two panels; I'll ask the first to come  
21 up; we have Clayton Smith, Alyson Beha, Robert Bate  
22 and Jean Silva. Take your seats and feel free  
23 amongst yourselves to decide who will speak first.

24 COUNCIL MEMBER LANDER: Our Chair had to  
25 step out for just a second, but we can just go ahead

1  
2 and get started, just turn the mic on; make sure to  
3 introduce yourself and state your name for the record  
4 and then go ahead and give your testimony.

5 CLAYTON SMITH: I'm Clayton Smith; I am  
6 Chair of the Parks Committee for Community Board 5.  
7 Thank you very much; I really appreciate the  
8 opportunity to be here and to hear the testimony so  
9 far and as well as your questioning.

10 The Parks Committee and Community Board 5  
11 review permit applications for events in Union  
12 Square, Madison Square Park, Bryant Park, Herald  
13 Square, Greeley Square and Father Duffy Square.  
14 There are hundreds of them and every day of the year  
15 there is an event of some kind in one of those  
16 spaces, so we have our hands full. Some of those  
17 events we support, others we do not.

18 In 2011 I was Chair of a task force that  
19 Vikki Barbero, the Chair of the Board appointed in  
20 particular to study the impact of large events in the  
21 Madison Square Park area. I bring it up because of  
22 the findings of that report, but the reason why we  
23 needed to focus on that area was because there are  
24 six parade events a year that end at Madison Square  
25 Park, as well as the Big Apple Barbecue, each of

1 which... no, half of which draw over the 60,000 person  
2 attendance that was mentioned a lot today with some  
3 of the events in the far larger parks, for  
4 perspective. And also with the Big Apple Barbecue,  
5 as far as the reporting issue of the full economic  
6 impact, the Big Apple Barbecue generates over \$1  
7 million in profits; that is after the fee schedule is  
8 paid; 10 percent of that is given to the conservancy  
9 that manages the park; last year that amounted to  
10 \$150,000. The Community Board has never felt that  
11 that is commensurate with the impact of that event,  
12 given that the rest of that profit goes to the Union  
13 Square Hospitality Group, which is the event  
14 producer.

15  
16 But back to the task force, we had a team  
17 conducting surveys of people who use the park,  
18 workers in the area as well as residents and about a  
19 50/50 split; we had 501 usable responses. There was  
20 support for events, especially for programming  
21 events, but we led sort of with an open ended  
22 question about how you most use or enjoy the park and  
23 interestingly those results were not different when  
24 you isolated for workers or for residents; 69 percent  
25 identified a passive use, an additional 8 percent



1 identified playgrounds, which you could argue is the  
2 same thing, perhaps, but 77 percent of respondents  
3 said that those are the uses they most enjoy the park  
4 for; 12 percent identified events of any kind as the  
5 thing they enjoy the most in the park. We derived  
6 from that that balance is the most important thing.  
7

8 Our committee reviews events with a  
9 matrix of criteria to frame our deliberations in  
10 order to really determine how appropriate a certain  
11 event for the use of the space; those include  
12 footprint, duration, sanitation impact, the season,  
13 the amount of setup and breakdown that's required,  
14 amplified sound, the degree of commercialism, signage  
15 and merchandise, the degree of cooperation with the  
16 public-private partnership managing the park,  
17 precedent, if there is desired recurrence of the  
18 event or future growth, access to the park and  
19 navigation within the park and most importantly,  
20 public benefit, since what New Yorkers are getting in  
21 return, as you've mentioned in the questioning and in  
22 terms of giving up use of public space.

23 We believe that that matrix and those  
24 criteria is a very effective toll, especially given  
25 the setting of the public hearing. The anticipation

1  
2 of the public hearing has made a huge difference in  
3 working with the event producers directly in  
4 mitigating the impact on the park.

5 We appreciate the work with our partners  
6 and colleagues at the Parks Department and with the  
7 conservancies to that end; one of our main issues is  
8 that the 20... there's only 21 days required from the  
9 time of an event that a permit application is given  
10 to the Parks Department. Some of these events are  
11 planned for months, if not on an annual basis and we  
12 very, very strongly believe that public review of  
13 these applications of these large events must happen  
14 in the early stages of the planning process, not 21  
15 days before an event of that magnitude.

16 We also believe that the Parks Department  
17 criteria that you have all talked about, the impact-  
18 based fee assessment; I appreciate what was said  
19 about that. We believe that they should not  
20 specifically be linked to a fee schedule, but  
21 specifically linked to the issue of public benefit.  
22 You alluded to this, actually in your question and we  
23 believe that that is not explicit enough and we also  
24 believe that that criteria should be far more  
25 explicit, far more transparent and that New Yorkers

1 need to be more conversant in that issue. We believe  
2 that it should be available for public review,  
3 preferably online, and furthermore, that the budget  
4 information for each park, as well as the budget  
5 information for each public-private partnership also  
6 be available online in compliance with Local Law 28,  
7 which was passed in 2008 and we not believe has been  
8 uniformly complied with, especially in our District,  
9 as well as in line with New Yorkers for Parks' parks  
10 platform of 2013.  
11

12 I'd finally like to just wrap up by  
13 saying I'd really like to encourage the Committee to  
14 place your attention on a different type of "event"  
15 that is creeping into our parks, which is more of a  
16 billboard. It started in the pedestrian plazas,  
17 which is not park space, but bear with me for just  
18 one second. There are three-dimensional billboards;  
19 for example, two weeks ago there was an H&M three-  
20 dimensional billboard placed in the pedestrian plaza  
21 in the Flatiron at the same time that Worth Square  
22 Food Festival was on; the park was being used with  
23 other programming; very congested area with these  
24 analogous spaces. The pedestrian plazas do not come  
25 before any public review and that's a separate issue,

1 but that same event, which is not an event; there's  
2 no humans, there's a billboard, is creeping into our  
3 parks and subconcession areas.  
4

5 Two weeks ago for three days there was a  
6 barn erected in the middle of Madison Square Park to  
7 promote the premier of Sleepy Hollow on Fox TV; it  
8 was there for three full days, there was a gravel  
9 path... I don't know if you can call that an event, but  
10 the Parks Department did not receive any paperwork  
11 about this, because technically it was close enough  
12 to the Shake Shack that it was considered part of the  
13 subconcession area.

14 There was no public review; we got a lot  
15 of calls to the Board office and photographs of it  
16 and everything; it was in the middle of Madison  
17 Square Park and we absolutely do not believe that a  
18 subconcession area should be used in that way or that  
19 any kind of concession partner should have the  
20 license to do as they please when it comes to  
21 revenue-generating events. Thank you.

22 ALYSON BEHA: Good afternoon. I'm Alyson  
23 Beha, the Director of Research, Planning and Policy  
24 at New Yorkers for Parks, an independent research-  
25 based organization championing quality parks and open

spaces for all New Yorkers in all neighborhoods.

Thank you for hosting today's hearing to discuss large events in parks,

New York City's parks are home to more than 10,000 special events each year, hundreds of which are classified as large events or those with 500 plus attendees.

Overall we believe that special events in parks are a good thing; they provide a broad spectrum of opportunities many New Yorkers would not otherwise have, from concerts to marathons, sports tournaments to drag and boat races, these diverse events draw New Yorkers into their parks, enlivening the spaces, bringing neighbors together and creating a sense of community and encouraging people to care about and become engaged with their park.

While high-profile events in Central, Bryant and Prospect Parks sometimes draw headlines, smaller event take place every weekend in neighborhood parks across the five boroughs.

On Coney Island the Friends of Leon Kaiser Park host an annual Easter egg hunt, a Christmas tree lighting, a senior day and residents

1 in Queensbridge houses enjoy opera concerts in  
2 Queensbridge Park each summer.

3  
4 More often than not events run smoothly  
5 and have minimal impact on a park's landscape, other  
6 park users and neighbors, but it's important that the  
7 Parks Department guidelines for assessing and  
8 approving events, especially the large ones, are more  
9 transparent and accessible so that the public is  
10 aware of them and that there is clear accountability  
11 when events do not go as planned.

12 Events in parks should not prohibit  
13 nonparticipants' access to an use of the park and the  
14 frequency of events in a single park should be  
15 closely managed so that no single park is overrun by  
16 activities that detract from its environment or  
17 exclude other uses on an extended basis.

18 In addition, protecting public safety  
19 must be a paramount consideration. Our understanding  
20 is that such factors are currently taken into account  
21 and we encourage the Parks Department to publicize  
22 these and other criteria it uses to assess proposed  
23 events.

24 Such transparency can be achieved largely  
25 by enhancing the Special Events section of the Parks

1 Department's website. The Department should provide  
2 more details about the process and rules for hosting  
3 large events, publish a seasonal calendar of all  
4 events on their website and make a clear distinction  
5 between the process and rules for events hosting  
6 between 20 and 500 people and those for large events  
7 of more than 500 attendees.  
8

9 In addition, the public should have  
10 information about how event sponsors are held  
11 accountable when problems arise. Sponsors of large  
12 events must enter into a contract with the City and  
13 the parameters of those agreements, as well as the  
14 requirements imposed upon the sponsor should be  
15 explained on the Parks Department's website.

16 One final thing; in rare instances it may  
17 be determined retrospectively that a specific event  
18 is too damaging to a park or threatening to public  
19 safety to be repeated. The Parks Department should  
20 be proactive about accessing problematic events when  
21 they occur and making firm and timely decisions about  
22 how problems can be mitigated in the future or the  
23 event should be eliminated altogether.

24 Some of the City's most iconic public  
25 events over the past century have been held in parks

1  
2 and there's no doubt that park events are a rich part  
3 of neighborhood life in all five boroughs. We  
4 encourage the Department to enhance its communication  
5 about guidelines and rules governing these events,  
6 including the contractual remedies that are in place  
7 to hold sponsors accountable in the rare instances  
8 when problems do occur. Thank you.

9 ROBERT BATE: Okay. Thank you very much  
10 for hosting this meeting; it's a pleasure to see  
11 Councilman Lander here, especially, representing  
12 Prospect Park and... and... and I have to say that..  
13 [interpose]

14 MALE VOICE: Will you speak with the mic,  
15 please?

16 ROBERT BATE: Oh, I'm sorry. Hello; does  
17 that work? Okay. Oh, it was... it was an incredible  
18 pleasure to have the Tuskegee Airmen here before;  
19 that was... that was really very moving and I... I feel  
20 very privileged in that sense.

21 My testimony here is on behalf of the  
22 Brooklyn Bird Club; I've been birding in Prospect  
23 Park for about five years since I've lived there and  
24 the Brooklyn Bird Club is an organization membership  
25



1  
2 that's been birding in Prospect Park for over a 100  
3 years, very, very... [interpose]

4 CHAIRPERSON MARK-VIVERITO: Sir, I wanna  
5 ask... I'm just... I see your testimony here... [interpose]

6 ROBERT BATE: Sure.

7 CHAIRPERSON MARK-VIVERITO: I hope you...  
8 if you can summarize it... [crosstalk]

9 ROBERT BATE: Okay. Okay, I'll sum...

10 CHAIRPERSON MARK-VIVERITO: because it  
11 might take...

12 ROBERT BATE: I'll make it a little bit  
13 more precise... [crosstalk]

14 CHAIRPERSON MARK-VIVERITO: Right. So I  
15 appreciate it. Thank you Mr. Bate... [crosstalk]

16 ROBERT BATE: But anyway it's like, I...  
17 I'm speaking on behalf of perhaps a population that  
18 is underrepresented here; I've heard a lot of talk  
19 about people being, you know, and special interest  
20 group. Prospect Park is a natural bird area; it is a  
21 wildlife sanctuary in fact; people may not realize  
22 this, but... and even at this time of year there's a  
23 great migration going on. This spring the GoogaMooga  
24 Festival, and I am really thrilled to hear that it's  
25 not gonna happen again, but the great GoogaMooga

1 Festival happened on, you know May 16th, 17th... no,  
2 17th, 18th and 19th; this is at the height of bird  
3 migration; Prospect Park is what's known as a migrant  
4 trap, if any of you've seen The Central Park Effect  
5 about birding and bird migration.  
6

7 We live in a great urban landscape of  
8 basically streets and roofs and... you know, it's like,  
9 it's very inhospitable to birds. Birds fly at night;  
10 they migrate during the nighttime and they look for a  
11 place to land and feed and rest during the day and if  
12 they happen to find themselves up over the great  
13 metropolitan area as the sun comes up, they all  
14 funnel into the parks, especially Central Park and  
15 Prospect Park, you know, isolated and surrounded by,  
16 you know city landscape. And so we get an incredible  
17 concentration of migrating birds here; it is a very  
18 important habitat and they are very sensitive  
19 creatures; you know, these are not creatures that  
20 coexist well with large scale activity.

21 International Migratory Bird Day is an  
22 actual day that's recognized; it is... and it happened  
23 this year on May 11th; we held a fundraiser, kind of...  
24 I call a bird-a-thon, to raise money for the park  
25 because of all the damage during Hurricane Sandy and

1 the GoogaMooga started... you know, we lost the park  
2 for 17... 17 days because of the setup, which began on  
3 the 8th of May and then it was probably a week after  
4 the 19th before the last load-out was done. So  
5 that's our primary gripe with something like that.

6 I have to say additionally, it's like  
7 these things are not really that discreet; you know  
8 at the end of the load-out everything wasn't fine,  
9 there were large areas that had to be restored and  
10 reseeded. You cannot bring you know that kind of  
11 equipment into a sensitive natural area without  
12 creating damage, you can't drive a tractor trailer  
13 onto a lawn without compacting that lawn no matter  
14 how much protection you put down. And you know,  
15 there was... so one of the things that I have to object  
16 to in any event, but especially with GoogaMooga,  
17 besides, you know, the event itself, is the location.  
18 The Nethermead in Prospect Park is the center of the  
19 park; it is the greenest part of the green oasis that  
20 is Prospect Park, it is surrounded by woods and it is  
21 surrounded by water also, a waterway around it. So  
22 it is the center of where all the birds' gonna wanna  
23 be. So the location of GoogaMooga was all wrong, if  
24 it was on the Great Lawn it would've been less  
25

1                    impactful, you know, but it was right there in the  
2                    Nethermead, so... so the... the location is wrong, the  
3                    size is wrong and for us in the birding community I  
4                    have to say that the timing was all wrong. You know  
5                    if this were held... you know if events like this were  
6                    held not in May, you know but in June, bird migration  
7                    would be over and you know, it's like it would be  
8                    less of an issue; it'd still be an issue for all the  
9                    reasons that everybody else has said, you know but in  
10                    terms of like the natural habitat you know that our  
11                    great urban parks you know, the timing is a crucial  
12                    issue. And this is another time, you know it's like  
13                    just as things got, got better, you know along came  
14                    the great Day of Play, which was less impactful; it  
15                    was a shorter duration, it was less equipment, but  
16                    you know it's... it's full migration right now, you  
17                    know; it's not the critical, critical time, but it's  
18                    the wrong time to have it, basically and so that's  
19                    basically my testimony. I'd like to thank... I'm  
20                    really please with, you know hearing all the  
21                    questions and the way you... way you've handled the  
22                    Parks Department and everything like that, I'm very  
23                    please to hear what I heard today. Thank you very  
24                    much.  
25

1  
2           JEAN SILVA: Good afternoon. I would  
3 like to thank you for having this meeting today; my  
4 name is Jean Silva; I'm the President of the Flushing  
5 Meadow-Corona Park Conservancy, the flagship park of  
6 Queens that is sorely neglected for many years.

7           You have my testimony over there; it's  
8 been a wonderful hearing with a lot'a information and  
9 I'm really impressed, we have to go home and do a lot  
10 more homework. But the reason I'm here is that we're  
11 really concerned... it's not the... the roughly 45 or 35  
12 very well thousands of people that... that have these  
13 permits, it's the every day usage of the park and the  
14 small permits and the... the families that come with 25  
15 and suddenly there's like a 150 relatives that come  
16 out to the park, they're not paying any kinda extra  
17 fee outside of \$25, that doesn't even pay an hour's  
18 salary for someone to clean up the mess that they  
19 leave behind.

20           You talked about the impact, well I don't  
21 quite understand how you can put an evaluation on  
22 impact; I was tryin' to rationalize this; if I had a  
23 little hammer I can impact it here, but if I had a  
24 sledgehammer, boy I can make a big difference.

1                   So this impact, well I don't quite  
2  
3 understand the parameters of it, how they come to a  
4 dollar amount, a fee; we've always believed that  
5 there should be some sort of a usage fee, like maybe,  
6 don't call it a tax, but a usage fee in the park.  
7 They don't... everybody gets a piece of the park except  
8 the park at Flushing Meadow. We're a conservancy,  
9 but we don't have the kind of funds that  
10 conservancies are granted or concessioned for or  
11 longed in; we rely on State grants from our senators  
12 and from the City Council Members who provide money  
13 for us, and it's only been getting worse over the  
14 last several years in the usage of the park and the  
15 damage, the dirt and the disregard or disrespect of  
16 the parks that people are going when they have these  
17 events, small and big.

18                   So we really need help, we have something  
19 like two pep orvaces for Flushing Meadow; that's a  
20 disgrace, we're supposed to be getting two more... come  
21 on, we're the third largest park in New York, so you  
22 know, let's not even look at those figures. We can  
23 stand here and we can quote the traffic input on some  
24 of these events that take care in our neighborhoods  
25 is outrageous; it has to be addressed. These events

1  
2 have to take responsibility and we, City Council  
3 Members and users of the parks have to join together  
4 with non-profits, the civics, the leaders, all of us  
5 have to get together and say we have to stop this,  
6 it's time and I really firmly believe in my heart  
7 we're all in that, but we don't wanna stop big  
8 events, we enjoy 'em, we love our parks; we love to  
9 have events, but we have to take self-respect and  
10 self-control of what's happening these parks. And I  
11 thank you again for our time.

12 CHAIRPERSON MARK-VIVERITO: Thank you  
13 very much for the... to the testimony from all of you  
14 and I note Council Member Lander has a... [crosstalk]

15 COUNCIL MEMBER LANDER: So two things, a  
16 comment and a question. One, I would urge you to  
17 reach out to the Prospect Park Alliance... I can't tell  
18 who may be behind... behind the barricade there, but  
19 we've dealt a lot with the challenges of picnics and  
20 birthday parties and they've grappled with this a lot  
21 and they may have insights into how to manage this  
22 and the Parks Department in general I'm sure would,  
23 but I know the Alliance is... [interpose]

24 JEAN SILVA: I brought plenty of cards to  
25 hand out... [interpose]

1  
2 COUNCIL MEMBER LANDER: so I know they'd  
3 be happy to at least tell you some of how they've  
4 dealt with it. But a question, I'm sorry; I didn't  
5 catch the name of the gentleman from Community Board  
6 5.

7 CLAYTON SMITH: Clayton Smith.

8 COUNCIL MEMBER LANDER: So I just wanna  
9 understand, you... well first, if you could share with  
10 us the... your review matrix; I think we'd be happy to...  
11 [crosstalk]

12 CLAYTON SMITH: I have copies here.

13 COUNCIL MEMBER LANDER: share it with the  
14 Parks Department as well; it sounds very helpful and  
15 I guess I just wanna understand a little better under  
16 what agreement or authority or understanding that you  
17 have with those conservancies or the Parks  
18 Department; you... you have that review and it can't be  
19 that you do a review on every one of those several  
20 hundred events... maybe it is, but so how do you... I  
21 mean I think it's... we have... there's a great community  
22 committee and Prospect Park is between a bunch of  
23 Community Boards and but I think what you said about  
24 some appropriate process for the... for public review  
25 that would assess this benefit question is



1 interesting; I'm just curious to know a little more..

2 [interpose]

3  
4 CLAYTON SMITH: Well thank you. We  
5 certainly don't review all those... in the forum of the  
6 public hearing, uh committee, first amendment rallies  
7 and protests, first amendment things, weddings; we  
8 typically don't call those into a public setting, but  
9 any event that has any kind of impact on public use  
10 comes before committee.

11 We do have a very good relationship with  
12 the Parks Department so far as they completely  
13 understand the importance of public review and every..  
14 unless somebody's fax machine isn't working... and yes,  
15 I'm embarrassed to admit that that's still what every  
16 one relies on... every piece of paperwork regarding a  
17 permit application that arrives at the Parks  
18 Department also arrives at the Board office; from  
19 there, you know we sift through it.

20 But every single park space in Community  
21 Board 5 is managed by a public-private partnership,  
22 so our direct relationship with the Parks Department  
23 is less relevant in fact than our relationship with  
24 the various conservancies and public-private  
25 partnerships and we have... we feel very grateful that

1  
2 over the years there's been a lot of constructive  
3 efforts at improving... maintaining and improving and  
4 strengthening those relationships. Each park is  
5 different and each relationship with its governing  
6 partnership is different. So there's a much longer  
7 answer.

8 But basically we rely on those  
9 relationships to... over the long-term to be able to  
10 affect change and influence the exact parameters of  
11 each, especially large event that comes to these  
12 spaces.

13 In particular we have concern about other  
14 public spaces and other open spaces that do not come  
15 before committee because they are not the privy of  
16 the Parks Department and I understand that's not  
17 really at issue here, but I do encourage the  
18 Committee to... we've considered renaming the Parks  
19 Committee of Community Board 5 the Parks and Open  
20 Space Committee, because the distinction is based on  
21 a City agency; it's not based on use. And especially  
22 somewhere like Father Duffy Square's parkland, the  
23 immediately adjacent pedestrian plaza, it's a  
24 pedestrian plaza; you have one huge Lego Starfighter,  
25 which by the way, there were a lot of fans of it; I'm

1 not casting dispersions, but a enormous event that  
2 shut down a lot of Times Square that was overtly  
3 commercial, a lot of fun for kids; had two different  
4 City agencies and the only reason why we even knew  
5 that event was coming was because the footprint  
6 included Father Duffy Square so it came before the  
7 Parks Committee. Anything that comes to SAPO, any  
8 pedestrian plaza; any streetscape issue does not come  
9 for public review.  
10

11 COUNCIL MEMBER LANDER: And we might... I  
12 mean that might be... we'd have to... I mean we had the  
13 Chair of the Transportation Committee here for quite  
14 a while and we could think about that. I love all  
15 the new plaza spaces; I like events in the new plaza  
16 spaces and I think the outer borough non-bid managed  
17 plaza spaces need a revenue source or we're not gonna  
18 be able to have them, so we want things and I think  
19 these kind of billboard, as you call them, sponsored  
20 events are proving to be the... the best way for them  
21 to generate some revenue; at the same time we need  
22 some... you know, there needs to be some policy about  
23 how they're reviewed and what decisions are made and  
24 how they're managed so that the public benefit we're  
25

1  
2 getting you know is merited by what's being done, so  
3 maybe we can follow up with... thank you... [interpose]

4 CHAIRPERSON MARK-VIVERITO: Thank you.

5 Thank you all for testifying. Thank you.

6 The next and last panel; we have  
7 Bernadette McCulloch, Brian Brady and Geoffrey Croft.

8 Anyone can feel free to begin.

9 BRIAN BRADY: Oh. Good afternoon; thank  
10 you for having us here this afternoon, ladies and  
11 gentlemen. My name's Brian Brady; I'm a carpenter  
12 representative for the New York City District Council  
13 of Carpenters; we represent 23,000 hard-working men  
14 and women who live and work in New York City.

15 I just have a couple of questions about  
16 the Frieze Art Fair being held out here at Randall's  
17 Island.

18 The past two years I've tried to reach  
19 out to the Frieze Art Fair to see if we could come to  
20 some sort of working condition that men and women  
21 that work and live in the community work at this art  
22 fair; we've been shut out totally.

23 So I would just... would like to give two  
24 recommendations here. Public park like Randall's  
25 Island is a precious asset, the Frieze Art Fair

1 should be required to pay workers an area standard  
2 wage and benefit package that is livable in New York  
3 City. Secondly, Randall's Island... excuse me... Frieze  
4 Art Fair should hire contractors who hire responsible  
5 workers who are State trained and are in an  
6 apprenticeship program that is funded by New York  
7 State. Thank you.

9 BERNADETTE MCCULLOCH: Good afternoon.

10 You'll have to excuse me; my reading glasses are a  
11 little bit new to me. This is an exciting afternoon.  
12 Thank you, Chair Mark-Viverito; the last time we saw  
13 each other was yesterday and before that at Randall's  
14 Island, so I wanna thank you for this hearing today  
15 and for the Council Members that are here on this  
16 Committee.

17 I'm testifying today on behalf of George  
18 Miranda, the President of Joint Council 16 of the  
19 International Brotherhood of Teamsters; we have  
20 120,000 men and women that work here in the greater  
21 metropolitan area, many of whom perform critical jobs  
22 in the exhibition, motion picture and television  
23 industries; my husband being one of them.

24 New York is the premier location for  
25 cultural events in the world and we enthusiastically

1  
2 welcome these events to our city. As workers we rely  
3 on these industries; this work is our bread and  
4 butter and our families depend on it. However, we  
5 find that organizations that rent our park space have  
6 been increasingly using low-wage workers to produce  
7 events, undermining area standards and working  
8 families in New York City.

9           The ever-increasing number of commercial  
10 events in our parks has raised some serious questions  
11 today on how we manage these events and the impact  
12 they have on our communities. We believe that if  
13 commercial interests and non-profit organizations  
14 wanna take advantage of our parks, and I should  
15 probably say open spaces, there should be both  
16 transparency and standards so that working families  
17 can earn a decent living, perform the work  
18 efficiently and enjoy our public parklands.

19           One possible model for transparency is  
20 that of the Mayor's Office of Film, Television and  
21 Broadcasting, which has created a system that allows  
22 production companies to easily navigate the  
23 permitting process and hire local labor. I urge you  
24 to go through the website and consider it as a  
25

1  
2 possible roadmap for what could be done with respect  
3 to large scale events in our parks.

4 By following the process set up by the  
5 Mayor's Office we can showcase our city, put people  
6 to work, increase our tax base and most of all; we do  
7 it with expertise and efficiency.

8 Teamsters Local 817 members that work in  
9 the entertainment industry are trained to ensure that  
10 production companies move in and out of our parks  
11 with minimal disruption to our neighborhood residents  
12 and prevent damage to park property.

13 One example of an event that takes  
14 advantage of our parkland is the Frieze Art Fair.  
15 Production Glue, Frieze Art Fair and the Randall's  
16 Island Park Alliance all refuse to negotiate or  
17 remedy our grievances about the use of low-wage  
18 workers at the Fair for the past two years.

19 Last year the construction of a tent at  
20 Frieze New York took 67 weeks with about 500 workers  
21 onsite daily. Workers had been recruited from as far  
22 away as Wisconsin to work at Randall's Island. We  
23 realized, as we researched Frieze, and you should  
24 know Brian and I were working a lot together on this  
25 this year, that it was virtually impossible to find

1 any paper trail; there are no permits on file,  
2 there's no database of events that's accessible to  
3 the public.  
4

5 As Council Member Crowley pointed out in  
6 May, Frieze was able to rent Randall's Island for  
7 less than a \$1 per square foot, based on the amount  
8 of time they had. So the question is; are we  
9 subsidizing these commercial events? Frieze is just  
10 one example; we also see this at Hudson River Park  
11 and other events across the City.

12 New York City union workers earn wages  
13 that support families and their earnings support the  
14 City. Skilled unionized tradeshow workers earn a  
15 fair wage that includes health care and pension  
16 benefits and companies that engage in union  
17 avoidance, like Frieze, should not be granted access  
18 to our parks. Companies that go out of their way to  
19 undermine our standards should not be allowed to do  
20 business in our public spaces.

21 So I'd like to thank you for your time  
22 today; I'm available to answer any of your questions  
23 and again, we really appreciate this follow-through;  
24 it's a very big issue for us and our members. Thank  
25 you.



1  
2                   GEOFFREY CROFT: Good afternoon, my name  
3 is Geoffrey Croft; I'm the President of New York City  
4 Park Advocates.

5                   This Administration is increasingly  
6 allowing private businesses, including conservancies  
7 to turn our public parks into cash cows while  
8 privatizing and restricting access to parks. The  
9 desperate measures conservancies and so-called  
10 public-private partnership groups are now employing  
11 in order to raise funds is also of great concern.

12                   I don't think most people would have an  
13 issue if parks were used for the occasional special  
14 event, providing the public were given notice well in  
15 advance, but the reality is; some events should never  
16 be allowed, obviously ones that severely restrict  
17 public parklands for long period of time and events  
18 that physically cause damage to the park.

19                   The two recent deaths in addition to the  
20 19 people treated for illegal drug-related issues and  
21 34 arrests relating to the Electric Zoo concert on  
22 Randall's Island was a completely avoidable incident  
23 on public parkland. Was it worth the reported  
24 \$600,000 that the conservancy received? The total  
25 destruction of Randall's Island's largest open space

1  
2 caused by the Governor's Ball Music Festival, which  
3 was held in the torrential rain under a severe  
4 weather advisory warning and attended by 120,000  
5 people is another example; this was utterly  
6 irresponsible. That concert never should've been  
7 able to go on; the risks to human life were far too  
8 great, yet it did.

9           And why were these and other events being  
10 allowed to happen there? The Randall's Island Sports  
11 Foundation, now named the Randall's Island Park  
12 Alliance, manages the park under an agreement with  
13 the City and they are being allowed by our elected  
14 officials to divert concession revenue from the  
15 City's General Fund in violation of the City Charter.

16           I just wanna just respond to something  
17 that Betsy Smith said; she said, "It's completely  
18 dictated by the agreements they have with the  
19 individual groups." Complying with the law and the  
20 City Charter, the law clearly is being violated and  
21 that's an unacceptable response to that.

22           The Randall's Island Park Alliance relies  
23 on these fees generated from these events, including  
24 Bloomberg L.P.'s extravagant \$9 million annual  
25 private summer party, as a major part of its annual

1 revenue; Frieze is obviously one of the events. For  
2 up to five months a year up to dozens of acres of our  
3 public parkland are being used for revenue-producing  
4 events that prohibit the non-paying public from  
5 access this crucial public parkland located between  
6 East Harlem and the South Bronx. For up to 10 months  
7 a year the Bloomberg Administration is allowing  
8 Damrosch Park to be illegally seized by Lincoln  
9 Center and the park is being rented out for private  
10 events, also allowing the concession revenue to be  
11 diverted from the City's General Fund.  
12

13 Examples also include preventing general  
14 public for weeks to dozens of acres in Prospect Park,  
15 while damaging parkland in order to accommodate the  
16 aforementioned GoogaMooga for a paltry \$75,000.

17 Another is the closing of that park's  
18 beloved Audubon Nature Center at the Boathouse on  
19 weekends in order for the Prospect Park Alliance to  
20 rent it out for private events; this is disgraceful.

21 The commercialization of Bryant Park has  
22 also long been a concern for special events. One  
23 Bryant Park employee told me that Daniel Biederman  
24 runs it like a Walmart and again, another example of  
25 the City allowing a private group to divert

1 concession revenue from the City's General Fund.

2 Unfortunately I can go on and on.

3  
4 As we have also testified, these deals  
5 also hand over enormous power and decision-making  
6 authority to conservancy groups with little  
7 transparency and accountability on what is supposed  
8 to be public land. Getting basic financial questions  
9 answered from the Prospect Park Alliance on the  
10 GoogaMooga event, for example, was impossible; adding  
11 to the issue is the fact the famously obstructionist  
12 Parks Department press office, which we have a  
13 representative here today, is routinely allowed to  
14 withhold public information from being released.  
15 Again, zero accountability.

16 The Bloomberg Administration may not be  
17 particularly interested in accountability, but we  
18 certainly are. Besides violating the City Charter by  
19 allowing certain entities to keep special event and  
20 concession revenue, this also contributes to the  
21 disparity that exists throughout the park system;  
22 this also needs to be addressed.

23 It was nice to hear Bloomberg family  
24 friend Betsy Smith state the agency actually does

1  
2 have criteria for denying applicants; what she didn't  
3 stat is how often this criteria is ignored.

4 We obviously support the various union  
5 issues that have brought forward on this day and it  
6 is no secret that the City is increasingly allowing  
7 the use of public parkland to raise revenue for the  
8 City and this will continue as long as our elected  
9 officials continue to allocate a fraction of the  
10 funds needed to operate our parks. Thank you.

11 CHAIRPERSON MARK-VIVERITO: I wanna thank  
12 you all for testifying. Clearly... you know the issues  
13 you raise are ones that we are concerned about; I  
14 think, you know as we look into moving into the next  
15 administration, you know there's really solid  
16 recommendations that can be made, you know based on  
17 experience and try and see... you know, I agree with  
18 you that we are taking a public amenity offline; that  
19 we should be using the leverage and the power we have  
20 as a city to demand some basic requirements in terms  
21 of the paying well... you know, not... not trying to  
22 skirt union labor and trying to figure out other ways  
23 that we can be helpful.

24 So you know, we are looking to be  
25 productive and make proactive recommendations and

1 things... how things could be done differently, so  
2 thank you for taking the time, you know, and sharing  
3 those concerns with us here today.

4  
5 GEOFFREY CROFT: I just wanna say, that  
6 also includes denying certain events too, 'cause  
7 that's a huge deal. You know, they just had a big  
8 concert in Central Park and you know, the setup and  
9 the breakdown is completely different, the impact to  
10 the Great Lawn for an enormous event, that was  
11 completely different, so when you're tryin' to... you  
12 know, when you're dealing with, for instance, the  
13 Prospect Park Alliance and you're trying to get  
14 questions answered, basic financial questions, and  
15 they do not provide that and when you try to go  
16 through the Parks Department... again, basic questions,  
17 these are our public lands and we deserve to have,  
18 you know that information, so you know.

19 CHAIRPERSON MARK-VIVERITO: Well just the  
20 transparency issue is... is what's definitely being...  
21 but thank you again for testify; I wanna thank  
22 everybody that took the time to come here today and  
23 with that this meeting is adjourned.

24 [gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date            October 18, 2013