

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PARKS AND
RECREATION

----- X

April 12, 2021
Start: 1:08 p.m.
Recess: 2:15 p.m.

HELD AT: Remote Hearing, Virtual Room 1

B E F O R E: Peter A. Koo
Chairperson

COUNCIL MEMBERS: Peter A. Koo
Joseph C. Borelli
Justin L. Brannan
Selvena N. Brooks-Powers
Darma V. Diaz
James F. Gennaro
Mark Gjonaj
Robert F. Holden
Stephen T. Levin
Francisco P. Moya
Kevin Riley
Carlina Rivera
Eric A. Ulrich
Jimmy Van Bramer
Mark Treyger

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

Mark Focht
Deputy Commissioner for Maintenance
Department of Parks and Recreation

Edwin Rodriguez
Assistant Commissioner for Parks
Enforcement Patrol
Department of Parks and Recreation

Matt Drury
Director of Government Relations
Department of Parks and Recreation

Rob Burstein

Christianna Nelson

Alexandra Silversmith

Kouichi Shirayanagi

Craig Hammerman

1
2 SERGEANT AT ARMS SADOWSKY: PC recording
3 has started.

4 SERGEANT AT ARMS HOPE: Thank you.

5 SERGEANT AT ARMS: Cloud recording has
6 started.

7 SERGEANT AT ARMS HOPE: Thank you.

8 Sergeant Polite, you may begin with your opening
9 statement.

10 SERGEANT AT ARMS POLITE: Thank you.

11 Good afternoon and welcome to the remote hearing on
12 the Committee on Parks and Recreation. Will council
13 members and staff please turn on their video at this
14 time. Thank you. To minimize disruptions, please
15 place all cell phones and electronics to vibrate.

16 You may send your testimony to
17 testimony@council.nyc.gov. Once again, that's
18 testimony@council.nyc.gov. Chair, we are ready to
19 begin.

20 CHAIRPERSON KOO: Thank you for joining
21 our virtual hearing today before the council's
22 Committee on Parks and Recreation. I would like to
23 acknowledge my fellow council members who are
24 present. Council Member Treyger, Gennaro, Moya,
25 Brannan, Holden, Riley, Gjonaj. Good afternoon. I'm

1 Peter Koo, chair of the City Council's Committee on
2 Parks and Recreation. I would like to welcome you to
3 our virtual hearing, where we will examine a bill,
4 Intro number 1888, proposed by my colleague, Council
5 Member Mark Treyger. This bill would essentially ban
6 commercial or privately owned vehicles from operating
7 on the city's boardwalks. We will allow an extension
8 for certain types of city-owned vehicles needed for
9 maintenance work and upkeep, as well as for emergency
10 vehicles. Our city's features our precious natural
11 resources and their boardwalks are the cornerstone
12 for recreation and cultural activities that have long
13 been associated with our beaches. We see how they
14 are susceptible to all sorts of threats due to
15 climate change, with Hurricane Sandy being the most
16 recent large-scale threat. But they are continually
17 faced with threats from erosion, severe weather,
18 overuse, and maintenance issues. The unnecessary use
19 of vehicles on boardwalks add the to threat, and
20 numerous reports have indicated that large vehicles
21 place undue stress on the boardwalks, specifically
22 the older wooden structures located on Coney Island.
23 Therefore, I'm eager to explore how Intro 1888 will
24 help protect our boardwalks, as well as what other
25

1 steps we can take to ensure their long-term survival
2 at hour hearing this afternoon. I thank Council
3 Member Treyger for introducing this bill and I would
4 like to invite him to offer any remarks on this
5 legislation. Thank you and welcome. I would also
6 like to recognize, ah, Council Member Ulrich and
7 Brooks-Powers who are present. Thank you. Council
8 Member Treyger, please begin.

10 COUNCIL MEMBER TREYGER: Thank you.

11 Thank you, Mr. Chairman. Thank you, Chair, Chair Koo
12 for your leadership and for making this possible
13 today, and to your staff, to your team. Ah, thank
14 you to all the members of the Parks Committee. Um,
15 I, so I am Council Member Treyger and I do have the
16 honor of representing the iconic and landmarks, ah,
17 Riegelmann, ah, Boardwalk. Ah, Coney Island had just
18 had its, ah, beautiful reopening day on, on Friday
19 and that is a step towards rebuilding for our whole
20 city, um, during this pandemic, and there is no New
21 York comeback without a, without a Coney Island, ah,
22 comeback. Ah, as many of you remember, um, my
23 office, ah, with many of my colleagues, we fought
24 tirelessly to ensure that the boardwalk in Coney
25 Island was landmarked, ah, as a way to honor it and

1
2 to recognize its, its, ah, meaningful significant
3 history in, in New York, um, and the, the boardwalk
4 continues to be a, an important iconic symbol of our
5 city and of our country, ah, and it's just a vital
6 connective tissue, ah, that connects so many of
7 wonderful neighborhoods here in southern Brooklyn.
8 Ah, this is a place where our children, our seniors,
9 our families gather to enjoy each other's company and
10 make millions of new memories. It's where New
11 Yorkers and tourists alike leisurely stroll to relax
12 and enjoy, ah, beautiful ocean views. It's a place
13 for our, our runners and our, our fitness folks, ah,
14 to, to enjoy, ah, this beautiful public treasure.
15 But I have to share with my colleagues and, and those
16 watching, um, it, it has become very routine for, for
17 my office and for myself to see reports of actual
18 vehicles, ah, driving on the boardwalk, sometimes
19 parked on the boardwalk, ah, throughout the day, um,
20 and many times we're not even sure if this is a, an
21 NYPD vehicle, or if this is just a private vehicle.
22 It's, we have to find out from three, four different
23 folks what car is up on the boardwalk. Um, and this
24 is not the Belt Parkway. This is not an avenue or a
25 street. This is a boardwalk for our pedestrians, for

1
2 our folks, our seniors, our local families to enjoy
3 safely without having to worry about a vehicle, ah,
4 hurting and the fact that the local council member
5 and, and, and many of our community board folks
6 cannot even get a quick response from folks about
7 what, where did this vehicle come from is deeply
8 concerning, um, and, and the reports continue. And
9 that's why we need to codify, ah, this regulation and
10 this rule to make this official and to really make
11 this the law here in, in New York and to actual
12 enforce, enforce, ah, the law. So my bill, as
13 mentioned, ah, Intro 1888, would prohibit all non-
14 city motor, motor vehicles from being used on the
15 boardwalks and require, um, where feasible, and this
16 is where, ah, there's still, we have to hammer out
17 language on this, ah, vehicle, to reduce the usage of
18 heavy vehicles on the board, even if it's for city
19 use or emergencies. Now, emergency use we completely
20 understand. If there's someone that is in need of
21 emergency help and services we have to do everything
22 possible to help people and I think there's no
23 disagreement on this. But even where there's
24 maintenance work, or routine maintenance work, I
25 think the city needs to do more and take greater

1 steps to reduce the reliance of heavy vehicles on the
2 boardwalk. I know that the NYPD, for example, has
3 the option of these Gators, where they're a very
4 lightweight, lower weight, ah, types of vehicles,
5 almost like golf carts, so to speak, and I am urging
6 all of our agencies to make sure that no one places
7 undue weight burden. This is a, a, an iconic
8 historic structure. It is, again, not the Belt
9 Parkway. There's a place where seniors, children,
10 families, runners, folks should safely travel along
11 their boardwalk without having to worry about being
12 hit by a car or, or to move out of the way. This,
13 this is just not accessible. And, and the number of
14 complaints has significantly increased on this issue,
15 and I, we definitely hear from our community board
16 about this and, and from our local stakeholders. So,
17 in closing, um, I just, again, want to reiterate that
18 we know that the boardwalk is a, is a beautiful
19 public treasure and it's important that pedestrians
20 always feel safe and that it is maintained. And just
21 to again point out that we have a, one of the highest
22 number of senior citizens that live, ah, in, in our
23 communities in southern Brooklyn, which is a fact
24 even DFTA confirms. Um, seniors shouldn't have to
25

1 worry about being hit on a, by a car on a boardwalk.
2 Think about how ludicrous this sounds. But this is
3 where we are, and I again appreciate the committee's,
4 um, energy and your time and your attention to this
5 very important matter. Thank you, Mr. Chair.

6
7 CHAIRPERSON KOO: Thank you, Council
8 Member. We are also joined by Council Member Van
9 Bramer and Council Member Borelli. I will now turn
10 it over to our moderator, committee counsel Kris
11 Sartori, to go over some procedural items.

12 COMMITTEE COUNSEL: Thank you, Chair Koo.
13 I'm Kris Sartori, senior counsel to the Committee on
14 Parks and Recreation, and I'll be moderating this
15 hearing. Before we begin I'd to remind that you will
16 be on mute until you are called on to testify, at
17 which point you will be unmuted by the host. During
18 the hearing I'll be calling on panelists to testify.
19 So please listen for your name to be called, as I
20 will periodically be announcing who the next
21 panelists will be. We will first be hearing
22 testimony from the administration, followed by
23 testimony from members of the public. During the
24 hearing, if council members would like to ask a
25 question of the administration or of a specific

1 panelist, please use the Zoom raise hand function and
2 I call on you in order. We will be limiting council
3 member questions to five minutes, which includes the
4 time it takes to answer those questions. For members
5 of the public we will be limiting speaking time to
6 three minutes in order to accommodate all who wish to
7 speak today. Once you are called on to testify,
8 please begin by stating your name and the
9 organization you represent, if any. We will now call
10 on representatives of the administration to testify.
11 Appearing today for the Department of Parks and
12 Recreation will be Mark Focht, deputy commissioner
13 for maintenance, Edwin Rodriguez, assistant
14 commissioner for the Parks Enforcement Patrol, and
15 Matt Drury, director of government relations. At
16 this time I'll administer the affirmation to each
17 representative of the Parks Department. I will call
18 on you each individually for a response. At this
19 time please raise your right hands. Do you affirm to
20 tell the truth, the whole truth, and nothing but the
21 truth before this committee and to respond honestly
22 to council member questions? Deputy Commissioner
23 Focht:

24
25 DEPUTY COMMISSIONER FOCHT: I do.

2 COMMITTEE COUNSEL: Thank you. Assistant
3 Commissioner Rodriguez?

4 ASSISTANT COMMISSIONER RODRIGUEZ: I do.

5 COMMITTEE COUNSEL: Thank you. Mr.
6 Drury?

7 DIRECTOR DRURY: I do.

8 COMMITTEE COUNSEL: Thank you. At this
9 time I'll invite Deputy Commissioner Focht to present
10 his testimony. Thank you.

11 DEPUTY COMMISSIONER FOCHT: Thank you,
12 and good afternoon, Chair Koo, members of the Parks
13 Committee, and other council members. My name is
14 Mark Focht. I serve as deputy commissioner and chief
15 operating officer for the New York City Parks.
16 Joining me today are Edwin Rodriguez, our assistant
17 commissioner for urban park service, and Matt Drury,
18 our director of government, government relations.
19 We're happy to be here with you today to discuss
20 Intro 1888, which seeks to prohibit unauthorized
21 vehicles on boardwalks adjacent to city beaches under
22 the agency's jurisdiction, and to limit the weight
23 and size of authorized vehicles accessing our
24 boardwalks. We support and appreciate the intent of
25 the legislation that has been introduced and look

1 forward to working with council regarding the
2 drafting details. There are nine city beaches
3 throughout the four of our five boroughs, and three
4 of these beaches feature adjacent wooden boardwalks.
5 The boardwalk at South Beach on Staten Island
6 currently consists of wood, but is slated to be
7 reconstructed in concrete as part of the federal
8 South Shore of Staten Island Coastal Storm Risk
9 Management Project, led by the US Army Corps of
10 Engineers. Brighton Beach and Coney Island Beach are
11 served by the iconic Coney Island Boardwalk, which
12 famously features hardwood planks along many
13 stretches, though recently renovated sections utilize
14 other resilient materials and incorporated concrete
15 carriage lanes into the topside design to accommodate
16 use of strollers and wheelchairs, as well as official
17 vehicle access when necessary. Unauthorized vehicles
18 on park property are a serious safety concern,
19 especially on our beach boardwalks. As Coney Island
20 and other beaches open we want to make sure the
21 boardwalks are safe and accessible for local
22 residents and beach visitors to use. Unauthorized
23 vehicles are currently prohibited via agency rules
24 and signage to this effect is posted along our
25

1 boardwalk entrances. Our Parks Enforcement patrol
2 officers work closely with NYPD to address
3 unauthorized vehicles and the agency is implementing
4 significant measures to further address concerns at
5 problematic locations. For example, led by NYPD's
6 counterterrorism unit, the city has implemented
7 interim structures to physically restrict vehicular
8 access to Coney Island Boardwalk. The boardwalk is
9 also part of NYPD's broader plan to install security
10 bollards at key sites around the city to previous
11 unauthorized vehicular access. This project is in
12 the early stages of procurement to identify a
13 construction contractor and we hope to see
14 construction begin next year. Regarding authorized
15 use, New York City Parks does its best to minimize
16 the use of agency vehicles along our boardwalk,
17 however, along our boardwalks. However, in order to
18 keep Coney Island and the rest of our beaches safe
19 and in good condition as the world-class entities that
20 they are, the agency does have, on occasion,
21 strategically deploy efficient and effective support
22 vehicles as they can safely operate along our beaches
23 when necessary. We use a wide variety of vehicles
24 along our beach boardwalks, including many smaller
25

1 utility vehicles such as Gators, utility carts, golf
2 carts, ATVs. But for some larger operational issues
3 vehicles are required. For example, we may
4 occasionally vans to effectively transport
5 maintenance staff, equipment, and supplies. We also
6 use larger Broyhill trash loaders during off hours to
7 more efficiently collect trash from the bins along
8 the boardwalk. But these vehicles are equipped with
9 wider balloon tires that distribute the vehicle's
10 weight evenly. Similarly, though our Parks
11 Enforcement patrol officers use small utility
12 vehicles, like ATVs, there can be a need to use a
13 small sedan to transport emergency staff during in-
14 season emergencies, or to facilitate off-season
15 engagement with unhoused individuals during Code Blue
16 cold weather emergencies. Similar, NYPD and FDNY
17 occasionally require vehicle use to our boardwalks
18 and promenades for emergencies. Since DOT and their
19 [inaudible] contracted for pier lighting along our
20 beach boardwalks they also occasionally need to use
21 bucket trucks or vans to make necessary repairs. In
22 any case, public safety and good condition of our
23 assets remain top of line in cases when larger
24 vehicular access is absolutely necessary. Thank you
25

1
2 for offering the opportunity for us to testify today
3 and for our agency staff to review testimony from the
4 public via the council hearing live stream. We would
5 now be happy to answer questions you may have. Thank
6 you.

7 COMMITTEE COUNSEL: Thank you. At this
8 time I will turn it over to questions from Chair Koo.
9 Panelists, please stay unmuted if possible during
10 this question and answer period. Thank you. Chair
11 Koo, you may begin when ready.

12 CHAIRPERSON KOO: Thank you, Kris. Thank
13 you, Commissioner Focht, ah, and Assistant
14 Commissioner and Matt come here to testify.
15 Commissioner Focht, ah, what is the current policy
16 regarding the use of private vehicles operating Parks
17 Department boardwalks?

18 DEPUTY COMMISSIONER FOCHT: So currently
19 Parks rules prohibit unauthorized vehicles on our
20 boardwalks, and that is posted on signage on all the
21 beaches and boardwalks and promenades.

22 CHAIRPERSON KOO: So what is the current
23 penalty for violating regulations on such, ah,
24 vehicles? And who handles the enforcement, the PEP
25 officers or the NYPD?

2 DEPUTY COMMISSIONER FOCHT: The education
3 and enforcement are handled by both NYPD and our PEP
4 officers. I'll turn it over to Commissioner
5 Rodriguez for more information on penalties and fees.

6 ASSISTANT COMMISSIONER RODRIGUEZ: Good,
7 and thank you for having me. I'm Edwin Rodriguez,
8 assistant commissioner for Parks Enforcement Patrol.
9 The penalty depends on whether we write a summons
10 under the Parks rules and regulations, or the New
11 York State, ah, vehicle traffic laws.

12 CHAIRPERSON KOO: So there is no specific
13 amount of penalty, like, well, a \$100 ticket, \$50,
14 or?

15 ASSISTANT COMMISSIONER RODRIGUEZ: It, it
16 ranges. The highest amount of penalty is \$500 with a
17 penalty, a default penalty of \$750. That's the
18 highest amount of summons we can issue.

19 CHAIRPERSON KOO: Do they get the ticket
20 right away, or do they give a chance, hey, you know,
21 move your car, you know?

22 ASSISTANT COMMISSIONER RODRIGUEZ: It all
23 depends on the situation. Um, we usually educate,
24 but it depends on the situation.

2 CHAIRPERSON KOO: So, um, how many
3 tickets, such tickets, were usual like in a year?

4 ASSISTANT COMMISSIONER RODRIGUEZ: In the
5 past, ah, three years we have issued two summonses
6 and both of them were at Coney Island.

7 CHAIRPERSON KOO: And that's it, just two
8 summonses?

9 ASSISTANT COMMISSIONER RODRIGUEZ: That's
10 all, yes. Only two summonses.

11 CHAIRPERSON KOO: Ah, I'm sure there were
12 more than two cars parked there during the last two
13 years, right? Like illegally parked, yeah.

14 ASSISTANT COMMISSIONER RODRIGUEZ: Yeah,
15 ah, we encounter very few unauthorized vehicles on
16 the boardwalk and when we do we safely escort them
17 off and educate them.

18 CHAIRPERSON KOO: OK, yeah. So does
19 Parks keep track of damage to boardwalks that may
20 have been the result of vehicular activity?

21 DEPUTY COMMISSIONER FOCHT: Ah, Chairman
22 Koo, we don't specifically, um, unless it's evident
23 when a PEP officer or an NYPD officer, um, moves a
24 vehicle along, if there's obvious damage resulting in
25 that moment from that vehicle, um, it would be noted

1
2 as such. But generally we inspect the boardwalk year
3 round. We obviously ramp up our repairs for the
4 boardwalk right now in the spring in advance of the
5 season, and it's very difficult to tell necessarily
6 when we come upon a need for a repair, like a broken
7 board, what the reason for that, ah, damage may have
8 been.

9 CHAIRPERSON KOO: So, so you don't see
10 any like, ah, damages resulting from vehicle,
11 vehicular traffic, or even documented, no?

12 DEPUTY COMMISSIONER FOCHT: Um, we don't
13 document it and notably, as Commissioner Rodriguez
14 mentioned, um, we don't see a lot of private vehicles
15 on the boardwalk and we don't, we have not observed
16 direct damage to the boardwalk from those vehicles.
17 There will be times when we will observe private,
18 what appear to be private vehicles on the boardwalk,
19 but they will be contractors working on behalf of
20 either DOT to maintain the lights, um, particularly,
21 principally DOT maintaining lights.

22 CHAIRPERSON KOO: OK. So are there any
23 current weight limitations placed on the type of
24 vehicle that may operate on the boardwalk?

1
2 DEPUTY COMMISSIONER FOCHT: Um, there are
3 not any, ah, weight limitations, um, in regulation.
4 As a practice we, um, the vehicles that we use on the
5 boardwalk. As I mentioned, both our maintenance
6 operations and our PEP operations use lightweight
7 vehicles. We use Gators, ATVs, golf carts, things
8 like that, unless absolutely required, and when we do
9 we, ah, minimize those occasions. But, again, if we
10 need to use a heavier vehicle, for example to haul
11 plumbing supplies to maintain or repair a leak in one
12 of the bathrooms, comfort stations along the
13 boardwalk, we have to do that, and, again, DOT's
14 private contractor needs to use a bucket truck in
15 order to get up to maintain the street lighting. So
16 we minimize the use of heavy vehicles. But to answer
17 your question directly, there is no specific weight
18 limit.

19 CHAIRPERSON KOO: Ah. So, um, wouldn't a
20 boardwalk such as those located in Coney Island
21 subject to more damage than concrete reinforced or
22 constructed boat ways, ah, boardwalks.

23 DEPUTY COMMISSIONER FOCHT: Yes.

24 CHAIRPERSON KOO: So, so wouldn't, it
25 would suffer more damage, right?

1
2 DEPUTY COMMISSIONER FOCHT: Yes, the
3 wooden, and, and, and, ah, Council Member Treyger
4 noted, the historic nature of the wood on the
5 promenade and boardwalks, wooden boardwalks are, by
6 the nature that they're wood are more susceptible to
7 damage than our concrete boardwalks, like the
8 recently rebuilt Rockaways boardwalk.

9 CHAIRPERSON KOO: Thank you. How many
10 wooden boardwalks are under Parks jurisdiction, as
11 opposed to new concrete reinforcements?

12 DEPUTY COMMISSIONER FOCHT: So we have
13 two boardwalks that are wood, um, South Beach in
14 Staten Island and then the Coney Island Boardwalk,
15 which gets a little confusing. Coney Island
16 Boardwalk covers two beaches, Brighton and Coney
17 Island. So we have two boardwalks that are wood. We
18 currently have one boardwalk which is concrete, which
19 is, again, the aforementioned Rockaways.

20 CHAIRPERSON KOO: Are they in good
21 conditions?

22 DEPUTY COMMISSIONER FOCHT: Um, the
23 Rockaways boardwalk is brand new. It was just
24 rebuilt after, ah, Superstorm Sandy, um, and is in
25 excellent condition, yes. The South Beach boardwalk

1 is wood. It is in fair condition. And, again, as I
2 mentioned in my opening comments that boardwalk will
3 be replaced, um, in the coming years by an Army
4 Corps-funded project called the Line of Protection,
5 which is a response to Sandy, Superstorm Sandy, which
6 will create a wooden, excuse me, a concrete boardwalk
7 at South Beach in Staten Island, very similar to the
8 Rockaways concrete boardwalk.

10 CHAIRPERSON KOO: Thank you. So, ah, I
11 will turn over to questions, um, by the bill's
12 sponsor, Council Member Treyger, and I also want to
13 acknowledge the presence of Council Member Rivera.
14 So, Council Member Treyger, can you begin your
15 questions?

16 COUNCIL MEMBER TREYGER: Sure. Ah, thank
17 you, thank you, Mr. Chair, and, ah, thank you, Deputy
18 Commissioner. I also just want to give a public
19 shout-out to the, the Brooklyn parks commissioner,
20 Marty Maher, who, um, certainly hears from us quite,
21 quite a bit. Um, but I will say, incredibly
22 responsive to us and, ah, and, you know, again, it
23 was a very nice reopening, ah, this, this Friday and
24 quite frankly I, I, I fully understand how Parks
25 Department actual needs more resources and staff in

1 order to, ah, better maintain our public treasures.
2 So I, I begin by saying that because I think it's
3 important to get that on, on the record. Um, Deputy
4 Commissioner, you, you had mentioned that, um, ah,
5 the chair just asked about the conditions and your
6 views of the conditions of the boardwalks. Um, do
7 you have data available, ah, in front of you about
8 the number of claims, ah, against the City of New
9 York in the past year, the past two-three years, as a
10 result of folks sustaining injuries because of the
11 boardwalk?
12

13 DEPUTY COMMISSIONER FOCHT: I don't have
14 that information, no. But I'm sure we can gather it
15 and follow up with the Chairman.

16 COUNCIL MEMBER TREYGER: Um, you know,
17 one of our, one of our former colleagues in the City
18 Council, ah, the former Land Use chair, David
19 Greenfield, a couple of years back, ah, was taking a
20 stroll on the boardwalk and he also found himself
21 injured because of a, a board that was loose,
22 missing. Folks fall through, um, and the complaints
23 about the conditions of the boardwalk are only
24 increasing, ah, not, not decreasing. But, ah,
25 certainly that data, we would appreciate that data,

1
2 whatever data that you guys have. Um, how many full-
3 time carpenters do you have working, ah, to maintain
4 the Coney Island boardwalk from Coney to Brighton
5 Beach throughout the year?

6 DEPUTY COMMISSIONER FOCHT: Well, um, we
7 can get you the number. I don't know the current
8 number of full-time carpenters we have in Brooklyn.
9 Um, year round seasonally, so during our peak season,
10 which would be the summer months, we dedicate two
11 carpenters in the lead-up, so starting in April,
12 around now, through the season, we dedicate two
13 carpenters to maintaining the boardwalk. Outside of
14 the peak season, no carpenter is specifically
15 dedicated to Coney Island. But we're doing repairs
16 whenever they're necessary. But we will get you the
17 numbers of full-time carpenters that are employed in
18 our Brooklyn shops, because at any time any one of
19 them could be working on a boardwalk.

20 COUNCIL MEMBER TREYGER: And when you say
21 from your Brooklyn shops, that means that they're
22 responsible for spaces beyond Coney Island, Brighton
23 Beach. Is that correct?

24 DEPUTY COMMISSIONER FOCHT: Yes, so
25 whatever operations work is we have, ah, offices of

1 skilled trade workers, skilled trades being plumbers,
2 carpenters, electricians, etcetera, um, assigned per
3 borough. So there are, there's a fully staffed
4 trades shop in each borough. So there's a fully
5 staffed, ah, shop in Brooklyn that serves only the
6 assets in Brooklyn. That includes carpenters.

8 COUNCIL MEMBER TREYGER: So is, is it
9 accurate to say that there is actually no full-time
10 carpenter assigned to this boardwalk, is that
11 correct?

12 DEPUTY COMMISSIONER FOCHT: Not year
13 round. There is seasonally. There are two
14 carpenters seasonally, which is, again, about now,
15 mid April, through the summer, assigned to Coney.

16 COUNCIL MEMBER TREYGER: And they get
17 moved around as, as you see fit based upon need
18 elsewhere?

19 DEPUTY COMMISSIONER FOCHT: No, they are
20 assigned to Coney.

21 COUNCIL MEMBER TREYGER: And, and how,
22 how long is the, the boardwalk again?

23 DEPUTY COMMISSIONER FOCHT: Um, I'm
24 sorry, I don't know that.

1
2 COUNCIL MEMBER TREYGER: It's over 2-1/2
3 miles. Ah, it is, it is a, this is not your average
4 boardwalk. This is a significance, ah, boardwalk,
5 um, and, ah, it is concerning to hear that we don't
6 really have a full-time year-round, ah, ah, staff
7 assigned to it, because I understand that there's
8 attention paid to the season, but folks live here
9 beyond the season. It is a heavily visited boardwalk
10 beyond the seasonal months. Matter of face, ah,
11 Commissioner, just so you know, southern Brooklyn had
12 no open streets as part of the Open Streets Program.
13 So people in the neighborhood turned to the boardwalk
14 as their refuge, as their, to get fresh air. This is
15 our Central Park. This is our Prospect Park. Um,
16 this is our public treasure. Um, and so it, it just
17 seems to me that, ah, there's greater attention being
18 paid to when visitors flock to the boardwalk than,
19 than ordinary folks living here all year round. Um,
20 and so as we, as we're heading into this budget, ah,
21 negotiations in, in this year, um, can, can we have a
22 commitment that there will be full-time, year-round
23 maintenance staff, carpenters assigned to this now
24 landmark structure?

1
2 DEPUTY COMMISSIONER FOCHT: Well, we can
3 discuss that with, um, with the mayor's office and
4 others, and OMB and others we negotiate our budget
5 around. Certainly I understand your concerns. They
6 are well reasoned and well voiced. But I can't
7 promise as part of this hearing that we could assign
8 carpenters year round, ah, dedicated carpenters year
9 round to Coney Island.

10 COUNCIL MEMBER TREYGER: And, and,
11 Commissioner, I, you know, I've, I have visited, ah,
12 a couple of times, not as frequently, obviously, in
13 my district Coney Island boardwalk. I visit it a
14 couple of times, the beautiful High Line, ah, which
15 is located in Manhattan. It's quite, quite the
16 structure. Have you been there yourself?

17 DEPUTY COMMISSIONER FOCHT: I haven't.

18 COUNCIL MEMBER TREYGER: Yes. Um, and
19 one thing that strikes me right away is the number of
20 staff that I see working along the High Line, and I
21 notice there are Parks Department badges, whether
22 they're PEP or whether they are, I mean, Parks
23 employees. Um, are, are those folks working there
24 along the High Line seasonal or are they, are they
25 hired, ah, throughout the year as well?

1
2 DEPUTY COMMISSIONER FOCHT: The staff
3 that you see working on the High Line are not
4 employees of NYC Parks. They're employees of the
5 Friends of the High Line. You do see our PEP
6 officers because of Friends of the High Line
7 subcontract to PEP to provide security. But all of
8 the maintenance staff you see that maintain the High
9 Line are private employees of the Friends of the High
10 Line. They are not City of New York, ah, ah, New
11 York City Parks employees.

12 COUNCIL MEMBER TREYGER: And, and that
13 leads me to my next question. Um, is it correct that
14 the High Line has a conservancy?

15 DEPUTY COMMISSIONER FOCHT: It has the
16 Friends of the High Line. It's not a conservancy.

17 COUNCIL MEMBER TREYGER: Correct.

18 DEPUTY COMMISSIONER FOCHT: But, but it's
19 the basic private nonprofit partner organization,
20 yes.

21 COUNCIL MEMBER TREYGER: To, to protect
22 the structure, to maintain the structure, ah, funded
23 by a lot of folks who, who are wealthy, who live in
24 the, the area, is that correct?

1
2 DEPUTY COMMISSIONER FOCHT: I do not know
3 the source of their funding.

4 COUNCIL MEMBER TREYGER: Ah, so the
5 difference here is that, you know, we, ah, are not
6 surrounded by, you know, the, the millionaire,
7 billionaire skyscrapers, right? This is a
8 neighborhood of, this is a neighborhood, a working-
9 class neighborhood, um, but it doesn't make us any
10 less special or any less valuable, um, and I think
11 that, as we've heard from the mayor time and time
12 again the issue of equity, um, we need to actual do
13 more, ah, to areas like Coney Island and Brighton
14 Beach that deserve better maintenance, because I will
15 tell you, Deputy Commissioner, um, when I went there
16 this past Friday for the, the reopening, a lot of
17 folks stopped me on the boardwalk to point out
18 examples of missing boards, to point examples of
19 terrible, unsafe conditions. Ah, I will also tell
20 you, Deputy Commissioner, that I witnessed with my
21 own two eyes, ah, two large orange Parks trucks that
22 were driving on the boardwalk. These were not
23 Gators. These were not minor, small ATVs. Um, and
24 it was not clear to me what exactly folks, folks were
25 doing. But, um, have you made a request to OMB or to

1
2 the mayor's office to purchase additional, ah, Gators
3 or ATVs or lower-weight, ah, ah, vehicles to put less
4 pressure and strain on the boardwalk?

5 DEPUTY COMMISSIONER FOCHT: Ah, we make
6 requests every year to OMB to purchase Gators, yes.
7 Not only for Coney Island or, or Brooklyn, but
8 throughout the agency, um, in...

9 COUNCIL MEMBER TREYGER: How many, I'm
10 sorry, go ahead. Continue, please. I'm sorry.

11 DEPUTY COMMISSIONER FOCHT: In fact, ah,
12 Commissioner Rodriguez recently purchased a number of
13 ATVs, ah, for use on all of our beaches and
14 boardwalks. So we're constantly requesting and
15 seeking and reallocating our own, ah, non-capital
16 expense dollars to purchase those type of, ah, lower-
17 impact, smaller vehicles.

18 COUNCIL MEMBER TREYGER: And, and how
19 much, how much does one cost?

20 DEPUTY COMMISSIONER FOCHT: Um, it all
21 depends, ah, it all depends on the range of the
22 features you get for a vehicle. But, ah, a Gator can
23 run somewhere between \$20,000 and \$35,000, depending
24 on whether or not it's a heated cab, or whether or
25 not you get a snow plow to go with it. You know,

2 depending on how many seasons you want to get out of
3 the use of the vehicle. But a rough number, between
4 \$20,000 and \$35,000 for a, a Gator.

5 COUNCIL MEMBER TREYGER: So in a city
6 with a budget over 90 billion dollars these, these
7 can be purchased, is that correct?

8 DEPUTY COMMISSIONER FOCHT: Oh,
9 absolutely. To, to be clear, they are expense
10 purchase because they're under the \$50,000 threshold.
11 They are not capital purchases like other vehicles.
12 They are expense purchases.

13 COUNCIL MEMBER TREYGER: Right. Ah, just
14 to go back to the vehicles, then I'll turn it back
15 over to the chair, but, so if I heard you correct,
16 ah, Deputy Commissioner, you had mentioned that you
17 are supportive of the bill, or, or the intent, is
18 that correct?

19 DEPUTY COMMISSIONER FOCHT: Correct,
20 absolutely.

21 COUNCIL MEMBER TREYGER: Um, and I, if I
22 heard you correct as well, if you can just clarify
23 for the record, um, that there's a plan in place to
24 install security bollards. Is that by all the
25

1
2 entrances to the boardwalk? Can you speak, can you
3 speak more about that and, and the timeframe on that?

4 DEPUTY COMMISSIONER FOCHT: Certainly.

5 Ah, this is actual an NYPD Counterterrorism-led
6 initiative. Um, and it is a result of the very
7 unfortunate incident back on Halloween of 2017, when
8 there was an issue on the Hudson River Park, the
9 Hudson River Greenway, ah, where a number of people
10 were injured or killed by someone wishing to do harm
11 with a vehicle. So subsequent to that NYPD
12 Counterterrorism identified several sites around the
13 city, the Coney Island boardwalk being one, to, in
14 their terms, armor the edges, ah, which has been done
15 in a temporary way at several entrances to the
16 boardwalk by placing, you often see them, the large
17 concrete blocks that have NYPD stenciled on the side
18 of them, at several entrances to the Coney Island
19 boardwalk. Those are already in place. But those
20 are a temporary measure for a larger capital project
21 that is funded and is currently in the early phases
22 of procurement for construction, which will armor all
23 entrances to the Coney Island boardwalk, with crash-
24 resistant bollards and other features used in
25 counterterrorism methods. So, again, that's in the

1
2 early phases of, of procurement for a contractor. So
3 depending on how that process goes, it would be
4 implemented sometime in 2022.

5 COUNCIL MEMBER TREYGER: Right, and also,
6 ah, just for the record, Deputy Commissioner, I, I
7 had sent a letter, ah, after the, the terror attack
8 in Manhattan, um, also requesting, ah, a look at the
9 boardwalk because, again, we got complaints about the
10 vehicles, ah, there, there as well. Um, so I'm glad
11 to hear about that you're supportive of the bill.
12 I'm glad to hear that there's additional security
13 measures being in place. I do have to just
14 respectfully just ask further about, if I heard
15 correct, only within the past three years, only two
16 Parks Department summonses were issued to
17 unauthorized vehicles, is that correct?

18 DEPUTY COMMISSIONER FOCHT: It looks like
19 Commissioner Rodriguez is trying unmute himself.

20 COUNCIL MEMBER TREYGER: So, ah...

21 ASSISTANT COMMISSIONER RODRIGUEZ: Yes,
22 ah, only two summonses have been issued in the past
23 three years.

24 COUNCIL MEMBER TREYGER: And, ah, Deputy
25 Commissioner, how many, ah, full-time, ah, PEP have

1
2 been assigned to the boardwalk during the past three
3 years?

4 ASSISTANT COMMISSIONER RODRIGUEZ: During
5 off-peak hours we have, ah, two sergeants and four
6 officers assigned to the Coney Island sector. Ah,
7 during the season from April to September, ah, we
8 have 31 seasonal employees and an additional four
9 sergeants assigned to the Coney Island boardwalk and
10 beach.

11 COUNCIL MEMBER TREYGER: Are, are
12 seasonal employees authorized to issue summonses?

13 ASSISTANT COMMISSIONER RODRIGUEZ: Ah,
14 no, they're not. Um, they're only seasonal
15 employees. But we do add an additional four
16 sergeants, bringing it up to five sergeants, ah, four
17 officers, and one full-time captain.

18 COUNCIL MEMBER TREYGER: So I think
19 whether we're kind of piecing together here is that
20 there's just an inadequate enforcement structure, um,
21 in, in this area. And also, um, I just, I have to
22 respectfully argue and push back and to say I, I know
23 we use the term seasonal, and I definitely understand
24 because there's sort of an amusement season and beach
25 season. But this is a neighborhood where people call

1
2 home all year round. Over 50,000 people live in
3 Coney Island. Um, more live in Brighton, but the
4 area attracts visitors all year, all year round, and
5 I think the city needs to stop treating this piece of
6 area as a seasonal area. This is a, this is a full-
7 year neighborhood. Um, and this is gonna be a very
8 big part, ah, Mr. Chair and others, ah, as part of
9 our, of our budget fight, ah, to get, to add more
10 resources to maintain. You know, Central Park I'm
11 sure gets year-round services. Prospect Park, it's
12 year-round services. This, this should not just be
13 treated as just a couple of months of the year, and
14 even within those couple of months we still hear
15 about inadequate amount of, of enforcement or in
16 terms of maintenance structures. I think the fact
17 that we have no full-time carpenters, maintenance
18 staff assigned to this iconic landmark structure year
19 round is troubling, ah, and so we, we have a lot more
20 work to do. Ah, but I will tell you, Deputy
21 Commissioner, that I myself have had to report to the
22 60th Precinct, the local precinct here in southern
23 Brooklyn, about a vehicle that no one knew who was
24 driving, what this was about, a vehicle that was
25 parked, um, and quite frankly the burden should not

1 fall on the local residents to figure out what, what
2 a car is doing there. I think we need more clarity,
3 ah, about, about the rules and the laws and
4 regulations. We need more, we need more of an
5 enforcement structure to make sure that people feel
6 safe, because, um, ah, this is, this is a chronic
7 issue that we see coming up time and time again. But
8 I'm, I'm gonna be, I'm gonna pause here in the
9 interest of time to allow my colleagues to ask
10 additional questions and to hear from the public as
11 well. And, again, thank you, Chair, for this times.

12 COMMITTEE COUNSEL: Thank you, Council
13 Member Treyger. We will now turn it back to Chair
14 Koo, who has additional questions.

15 CHAIRPERSON KOO: Are there any other
16 members who want to ask questions?

17 COMMITTEE COUNSEL: Not currently, Chair
18 Koo. Um, I would just ask if any other members who
19 are present would like to ask questions please use
20 the Zoom raise hand function. Oh, I see Council
21 Member...

22 CHAIRPERSON KOO: I see, yeah.

23 COMMITTEE COUNSEL: ...Brooks-Powers has
24 raised her hand.
25

2 SERGEANT AT ARMS: Time starts now.

3 CHAIRPERSON KOO: Go ahead, yeah.

4 COMMITTEE COUNSEL: Please begin, Council
5 Member.

6 COUNCIL MEMBER BROOKS-POWERS: Um, I
7 wanted to first thank you for the presentation.
8 Thank you, um, Council Member Treyger for also your
9 remarks. Um, as someone who serves a coastal
10 community that has, um, a boardwalk also, um, I did
11 want to speak up after having conversations in the
12 community, especially with our community board, um,
13 manager and chair, in terms of concerns about heavy
14 utility vehicles on the boardwalk. So while we have,
15 um, a relatively new boardwalk, um, that is, um, more
16 sturdy than wood would be, it still deteriorates, um,
17 and shortens the life of the boardwalk overall with
18 having such heavy utility, um, vehicles traveling
19 frequently on the boardwalk. So I think that is
20 something to, to just flag, um, from my perspective,
21 considering that in my community we do not have a
22 wooden boardwalk, but it's still a concern for us as
23 well.

24

25

1 COMMITTEE ON PARKS AND RECREATION 38
2 COMMITTEE COUNSEL: Thank you. Thank
3 you, Council Member. And we'll turn it back to Chair
4 Koo now.

5 CHAIRPERSON KOO: Thank you, yeah. So,
6 ah, Deputy Commissioner, what are the types of
7 vehicles that Parks will regularly use to perform its
8 maintenance and sanitation work on boardwalks?

9 DEPUTY COMMISSIONER FOCHT: So, ah, the
10 vehicles that we regularly use on the boardwalk, as I
11 mention before, are Gators, ah, and in the case of
12 PEP, ah, all-terrain vehicles, ATVs. We generally
13 use Gators, um, then that's for regular, for picking
14 up trash and things like that. Um, there are the
15 times when, as I mentioned, there are larger repairs
16 that require materials that can't be carried in a
17 Gator, like plumbing supplies to repair the
18 bathrooms, and then we'll take those out and use
19 either a small pickup truck or a van. Um, and then
20 we will occasionally use what's called a Broyhill,
21 which is a larger vehicle that automatically picks up
22 all the trash receptacles. With the Broyhill we only
23 use overnight, we [inaudible] night hours on the
24 boardwalks, so we don't use it during the peak
25 season, excuse me, during the peak times of day where

2 there's heavy foot traffic on the boardwalk. And,
3 again, those vehicles, the Broyhills, are equipped
4 with what are called balloon tires, which are
5 specifically designed to distribute the weight of the
6 vehicle more evenly on the boards.

7 CHAIRPERSON KOO: So are there any
8 alternatives to use smaller vehicles?

9 DEPUTY COMMISSIONER FOCHT: We use small
10 vehicles, our main vehicles to use on the boardwalk
11 are small vehicles, Gators and ATVs.

12 CHAIRPERSON KOO: How, how...

13 DEPUTY COMMISSIONER FOCHT: We only use
14 larger vehicles when the work requires that we use
15 larger vehicles.

16 CHAIRPERSON KOO: How heavy is, ah,
17 smaller vehicles?

18 DEPUTY COMMISSIONER FOCHT: Ah, the
19 Gators will weigh up to about no more than 3000
20 pounds, um, again, depending on if it's a four-person
21 or two-person, does it have, you know, but a Gator
22 weighs no more than about 3000 pounds loaded.

23 CHAIRPERSON KOO: OK. Is any of the
24 Parks electric, electric vehicle fleet used for
25

1 boardwalk maintenance? Do you have electric cars to
2 use?
3

4 DEPUTY COMMISSIONER FOCHT: Yeah, these
5 are all, all of our carts are electric. So all of
6 our Gators and small vehicles are electric, unless
7 the larger four-person Gators are diesel, they're not
8 available in batteries, so there's a few vehicles
9 that if you see a four-person Gator on the boardwalk
10 then it's probably a diesel, but all the rest of our
11 smaller vehicles are electric.

12 CHAIRPERSON KOO: Hmmm.

13 DEPUTY COMMISSIONER FOCHT: And, and if,
14 ah, PEP needs to use a smaller vehicle to transport
15 staff or transport, um, someone who's injured, those
16 are all EVs, electric vehicles, like a Nissan Leaf or
17 a Chevy Volt, with all battery-operated vehicles.

18 CHAIRPERSON KOO: I see. Can you
19 describe the types of maintenance work that is
20 typically performed by city agencies on boardwalks?
21 Who else does work on them, Transportation or who?

22 DEPUTY COMMISSIONER FOCHT: So, ah, the
23 majority of maintenance is done by Parks staff and
24 it's the daily maintenance, the picking up trash and
25 litter on the boardwalk, keeping sand off the

1 boardwalk, and then do regular repairs, as you heard
2 the Councilman reference about repairing the word
3 with our, with our carpenters. Um, that's what you
4 will see most likely occurring on the boardwalk on a
5 daily basis. Occasionally we have to maintain
6 heavier infrastructure. Again, several times I've
7 mentioned comfort station maintenance, certainly
8 maintenance to the metal rails, which may require one
9 of our welders to go out with welding equipment on
10 the metal rails. So that's the type of maintenance
11 Parks does. The other significant maintenance, all
12 lighting as, ah, Chair, you know, all lighting in our
13 parks is maintained by DOT. That's all parks in the
14 agency, in all boroughs. Um, DOT largely maintains
15 their lighting, street lighting, and lighting through
16 contractors. So they will have contractors that will
17 use smaller bucket trucks because you obviously need
18 a lift to get up to the height of the street lighting
19 along the boardwalk. So you may occasionally see
20 bucket trucks that are private vehicles, but they're
21 under contract with DOT to maintain the lighting
22 along the boardwalk. That's, that's about it. It's
23 about us and DOT. Very occasionally we will have DEP
24
25

1
2 to, to maintain some storm water infrastructure on or
3 near the boardwalk, but that's very unusual.

4 CHAIRPERSON KOO: So does your
5 department, ah, can do, conduct most non-urgent
6 maintenance work on boardwalks during off-season, or
7 at times when crowd levels are not very high?

8 DEPUTY COMMISSIONER FOCHT: Well, we
9 maintain the boardwalk generally in the off-season
10 and in the ramp-up season, the season we're in right
11 now, um, 'cause it's difficult that sometimes in the
12 winter with snow and freezing temperatures to
13 maintain the boardwalk, which is why we bring on
14 additional carpenters at this time of year. But
15 then, of course, throughout the season we maintain
16 it. Ideally we work on the shoulder hours, so early
17 in the morning or later in the afternoon, early
18 evening, not in the peak times when people are on the
19 boardwalk unless the conditions absolutely require
20 it.

21 CHAIRPERSON KOO: So does your department
22 keep track of, ah, keep track of the typical annual
23 cost for boardwalk maintenance and vehicle
24 maintenance? Ah, if you do, can you give, ah, give
25

1
2 us the total cost for each of the last three, ah,
3 fiscal years?

4 DEPUTY COMMISSIONER FOCHT: Um, I, we, we
5 keep track of costs, yes. Um, we can get you those
6 costs. I certainly don't know them off the top of my
7 head. But we, we track maintenance costs. I don't
8 know, ah, associated with vehicles. There wouldn't
9 really be much maintenance cost associated with the
10 vehicles. But we'll see if we've had any repairs to
11 vehicles assigned to Coney Island over the last three
12 years. But maintenance costs we can certainly get to
13 you.

14 CHAIRPERSON KOO: OK. So are there any
15 plans to replace the wooden segments of the remaining
16 wooden boardwalks with concrete ones?

17 DEPUTY COMMISSIONER FOCHT: Um, Chair,
18 that would be a question for our capital projects
19 division, ah, which I am not, ah, the deputy
20 commissioner overseeing. So I am not familiar, ah, I
21 don't know. Ah, we can certainly get you that
22 information.

23 CHAIRPERSON KOO: Hmm. So, so what is
24 the current, current vehicle weight limit for
25

1
2 vehicles operating on boardwalks? I understand you
3 said there is no limit, right?

4 DEPUTY COMMISSIONER FOCHT: There is no,
5 there is no stated limit. There is a, there is a
6 practice where we minimize larger vehicles, and we
7 use light vehicles, we use Gators and ATVs for the
8 majority of work we do, which is, again, 3000 pounds,
9 plus or minus. Um, but there is no upper weight
10 limit, ah, because specifically when it becomes to
11 emergency vehicles, if FDNY or our, um, needs to get
12 on the boardwalk, for an example I believe it was two
13 years ago there was that restaurant fire on the
14 Brighton Beach section of the boardwalk, um, and FDNY
15 had to get onto the boardwalk, partially to fight
16 that fire and partially to save portions of the
17 boardwalk. Um, so maintenance, you know, that type
18 of emergency vehicles, um, can be very heavy. Um,
19 but obviously they, they're on, on the boardwalk in
20 the case of emergencies. So there's no, um,
21 regulation or legislated upper weight limit.

22 CHAIRPERSON KOO: So was there any damage
23 after the fire truck went there on the boardwalk, no?
24 Did you go inspect the wooden boardwalk?

2 DEPUTY COMMISSIONER FOCHT: Oh, yes, we,
3 we definitely inspected the boardwalk as a result of
4 the adjacent fire, absolutely.

5 CHAIRPERSON KOO: And there were no
6 significant damage?

7 DEPUTY COMMISSIONER FOCHT: Not, not as a
8 result of the vehicles, no.

9 CHAIRPERSON KOO: Oh. So are there any
10 instances where business on the boardwalk may need
11 access to a vehicle on the boardwalk?

12 DEPUTY COMMISSIONER FOCHT: I am not
13 aware of it, any, um, instances in the past, but I
14 could envision certainly the, the businesses, the
15 front immediately on the boardwalk, if they have to
16 do their work to their façade or change out light
17 fixtures or, I mean, any kind of maintenance like
18 that I could envision where there may be a scenario
19 where they would need to have, ah, private
20 contractors access the boardwalk to make repairs to
21 the fronts of the buildings. But that could all,
22 that could be and is supposed to be permitted through
23 Parks. So that would not be unauthorized, ah,
24 private vehicles because it would require a permit
25 and monitoring.

2 CHAIRPERSON KOO: For those instances, do
3 they have to apply for permission from Parks to send
4 their vehicles in to fix their...

5 DEPUTY COMMISSIONER FOCHT: They do.

6 CHAIRPERSON KOO: They do? They ask
7 you...

8 DEPUTY COMMISSIONER FOCHT: They do, yes.

9 CHAIRPERSON KOO: ...for permission?

10 DEPUTY COMMISSIONER FOCHT: They're
11 supposed to. I don't know that they always do. Um,
12 but they're supposed to, ah, get permission from us
13 to access. Look, the boardwalk, as I mentioned in my
14 opening statement, ah, the boardwalk, the rules for
15 the boardwalk clearly state that, that all, all
16 unauthorized vehicles are prohibited from the
17 boardwalk. It's in the boardwalk and beach rules and
18 it's posted at every boardwalk entrance.

19 CHAIRPERSON KOO: So are those rules
20 published in, ah, ah, ah, on notice, on, on the
21 boardwalk, or what, or you hang on a tree or where?
22 Where you put those notice?

23 DEPUTY COMMISSIONER FOCHT: It's part of
24 the what's called the consolidated rule signs. It's
25 posted at the entrance to every park asset so, um,

1 every entrance to the beach there's a consolidated
2 rule, you know, the same set of rules that tell you
3 that no smoking is allowed, etcetera, etcetera. It
4 says no unauthorized, well, it says prohibited dot
5 unauthorized vehicles.
6

7 CHAIRPERSON KOO: OK. So, ah, Mr.
8 Sartori, are there any members who want to ask
9 questions?

10 COMMITTEE COUNSEL: At this time, no,
11 Chair, there are no additional questions from
12 members.

13 CHAIRPERSON KOO: How about Council
14 Member Treyger, does he have any more additional
15 questions?

16 COUNCIL MEMBER TREYGER: Ah, I'm just,
17 ah, we're, we're compiling data on the comptroller's,
18 ah, office as far as the claims. We just know that
19 they, there are quite a number of them, ah, which
20 speaks to injuries sustained, ah, on the boardwalk,
21 um, because, Commissioner, I, and again, I say this
22 understanding that your agency needs more resources
23 to better maintain the space, but to also say this,
24 that, um, we don't have like a 100 million dollar
25 plus conservancy that Central Park has or Prospect

1
2 Park has. There's a real equity issue here. Um, and
3 I think, I'm a big believer that government needs to
4 be the great equalizer in terms of making sure that
5 every neighborhood gets the resources and, and
6 respect, quite frankly, that it deserves and Coney
7 Island, you, you had to see the amount of folks, you
8 know, coming down, which we welcome, but we need to
9 keep up with the level of maintenance, and that's
10 Parks, that's, that's up to a whole other, it's
11 Sanitation and other agencies. So, um, this is gonna
12 be a big priority for us in this budget, um, moving
13 forward. But, ah, what, we're, we're gonna hammer
14 out language. We're gonna work with your team and of
15 course our community board about the final language
16 of this bill, but I think with regards to hearing
17 that there's no weight limit, that's incredibly
18 concerning. Um, and I would like to learn more
19 details also about those, those security bollards,
20 ah, so we'll follow up with you after this hearing as
21 well. Thanks, thanks Chair.

22 CHAIRPERSON KOO: Thank you.

23 COMMITTEE COUNSEL: Thank you,
24 Councilman.

25

2 CHAIRPERSON KOO: So, Mr. Sartori, maybe
3 if you can go on to public testimony.

4 COMMITTEE COUNSEL: Yes.

5 CHAIRPERSON KOO: If there's no other
6 questions from other council members.

7 COMMITTEE COUNSEL: Thank you, Chair.

8 Yes. At this time we'll move on to public testimony.

9 I'd like to remind everyone that unlike our typical
10 council hearings we'll be calling on individuals one
11 by one to testify. As I stated earlier, each
12 panelist will be given three minutes to speak.

13 Please begin once the Sergeant at Arms has given you
14 the cue to begin. Council members who have questions
15 for a particular panelist should use the raise hand
16 function in Zoom and I will call on you after the
17 panelist has completed their testimony. For

18 panelists, once your name is called a member of our
19 staff will unmute and the Sergeant at Arms will give
20 you the go-ahead to begin upon setting the timer.

21 So, again, please wait for the sergeant to announce
22 that you may begin before delivering your testimony.

23 At this time I would like to invite Rob Burstein to
24 testify, who will be followed by Christianna Nelson.

25 SERGEANT AT ARMS: Time starts now.

1
2 ROB BURSTEIN: Good afternoon, council
3 members. My name is Robert Burstein. I'm the
4 president of the Coney Brighton Boardwalk Alliance.
5 We're a local community organization with 178 members
6 dedicated to the preservation and enhancement of the
7 boardwalk. Ah, just for some context, I grew up in
8 Coney Island. I currently live in Brighton Beach,
9 and I've run on the boardwalk for decades, so I have
10 an intimate knowledge of the boardwalk, and with all
11 due respect, what I just heard, there seems to be
12 some minimization of the damage, the incredible
13 damage that's blighted great sections of the
14 boardwalk that, ah, I think I'm living in an
15 alternate universe from what I heard from the deputy,
16 ah, Parks, ah, ah, ah, superintendent, if that's his
17 title. Um, there's been a vicious cycle out here for
18 decades where there's been more and more damage and
19 less and less maintenance, and the sole reason that
20 the Coney Island boardwalk is in such disrepair, the
21 major reason are the heavy vehicles on the boardwalk,
22 largely run by the Parks Department. There's been a,
23 a really exasperating intransigence for years and
24 years on asking them to please use the lightweight
25 vehicles. If you, we've done our research, we

1 submitted a book to the Design Commission years ago,
2 where we called other wood boardwalks around the
3 country. No other wood boardwalk runs heavy
4 vehicles. If you look at Long Beach, Ocean, ah,
5 Atlantic City, Wildwood, they limit the, the weight
6 of their vehicles to nothing more than the weight of
7 golf carts. In fact, here in New York City, ah, in,
8 in Coney Island during the summer when they can't run
9 the heavy vehicles through the crowds on the
10 boardwalk, what do they do? They go on the beach or,
11 ah, on streets parallel to the boardwalk. So if
12 there's an insistence on very heavy weight vehicles
13 run them the same way year round. So with that I
14 would say we support this Intro and we would hope
15 that it becomes law. However, I would suggest
16 removing the words where feasible, because from Parks
17 Department's view it's never feasible. That's a
18 loophole that they'll literally drive a heavy truck
19 through. With that, we respectfully urge you to pass
20 this into law and help stop the destruction of an
21 important New York City landmark and preserve our
22 iconic Coney Island boardwalk for our use now and for
23 future generations. I'd be happy to answer any
24

1
2 questions if anyone has any. And with that I thank
3 you kindly for your consideration.

4 CHAIRPERSON KOO: Thank you. Thank you
5 for your information.

6 COMMITTEE COUNSEL: Thank you very much.
7 Our next panelist is Christianna Nelson, who will be
8 followed by Alexandra Silversmith.

9 SERGEANT AT ARMS: Time starts now.

10 CHRISTIANNA NELSON: OK. Hi, I am
11 Christianna Nelson. Um, I am vice president of the
12 Coney Brighton Boardwalk Alliance and I'm also just a
13 passionate supporter of, um, Coney Island in general
14 and the boardwalk in particular. Um, I live in Park
15 Slope. Um, but I visit, ah, the boardwalk multiple
16 times throughout the year. In fact, a couple of
17 Fridays ago I was just there with my two kids and my
18 sister on a really cold day. We went for a walk on
19 the boardwalk and, and had a wonderful time. Um, I
20 just want to register my strong support, um, for
21 Councilman Treyger's bill. Um, I really support, um,
22 protecting and maintaining this iconic landmark and I
23 think it's important to mention that the Landmarks
24 Commission, ah, landmarked a boardwalk, not a
25 sidewalk. Um, so I, I think it's important to do

1
2 whatever we can, um, to protect it and maintain it.
3 Um, and it seems to me that we can only benefit from
4 a clarity of the rules. There seems to be a lack of,
5 um, clarity, ah, is what I'm seem to be gathering,
6 um, from what I'm hearing from multiple testimonies
7 in, in this commission. Um, I was involved in a
8 fight to keep the boardwalk from being destroyed and
9 paved over with concrete. Um, and in my time working
10 on this, ah, I did a lot of research and was able to
11 speak to officials from other cities who are
12 currently maintaining, ah, successfully maintaining
13 wooden boardwalks, um, and in fact one boardwalk that
14 stands out to me is the boardwalk in Ocean City,
15 Maryland, where they actually went from wood to
16 concrete and then back to wood, ah, because they
17 found it better economically, aesthetically,
18 practically, and I will mention that they said
19 specifically they had no trash vehicles on that
20 boardwalk. They had, um, ah, trash vehicles that
21 would go on the side, um, in the sand and would have
22 arms that would reach up and sort of pick up the, um,
23 the trash and, ah, tip it into the vehicle. Um, so I
24 guess it just seems to me that there are creative
25 solutions out there and, um, you know, maybe it makes

1
2 sense to reach out to the city officials in, in Ocean
3 City and, you know, see how they're doing things and
4 what, what we could sort of learn from other
5 communities that are successfully maintaining, um,
6 the, these, this treasure in their back yard. Um,
7 and I, I just again want to, um, I want to say that,
8 you know, even though I'm not a resident of Coney
9 Island, um, I, I feel like it's one of the city's
10 treasures. It's, it's, ah, it's a place that, um,
11 people from all over the world know and come to
12 visit, specifically they, they plan trips to come and
13 visit it. So, um, I just, I really support, ah,
14 working together to do everything we can to, to
15 maintain this beautiful landmark. Thank you.

16 CHAIRPERSON KOO: Thank you. We're also
17 joined by Council Member Levin.

18 COMMITTEE COUNSEL: Thank you. Our next
19 speaker is Alexandra Silversmith, who will be
20 followed by, ah, Kouichi Shirayanagi.

21 SERGEANT AT ARMS: Time starts now.

22 ALEXANDRA SILVERSMITH: Right, thank you.
23 Um, good afternoon. I'll be pretty brief. Um, but
24 we are, I am honored to be here. So I am Alexandra
25 Silversmith. I'm the executive director of the

1
2 Alliance for Coney Island. Um, we're here in support
3 of Councilman Treyger's bill. Um, we were honored to
4 have many of our elected officials with us on Friday
5 on the boardwalk, um, to hold the opening of Coney
6 Island and the amusement district. So we are here
7 because, um, we just want to express support. There
8 have been, unfortunately, in the past, um, I hope, I,
9 I missed the beginning, but I hope this also includes
10 motorcycles and what-not. We've had a variety of
11 types of vehicles, ah, make their way onto the
12 boardwalk and really just want to support creating a
13 pedestrian safe zone for all [inaudible] and for our
14 businesses to be able to thrive in Coney Island and
15 have a safe experience, and so we are just here in
16 support of that, and I won't take more of your time
17 than that. So thank you, and I appreciate the
18 opportunity.

19 CHAIRPERSON KOO: Thank you.

20 COMMITTEE COUNSEL: Thank you. Our next
21 speaker is Kouichi Shirayanagi, who will be followed
22 by Craig Hammerman, who is our last speaker
23 registered for the hearing.

24 SERGEANT AT ARMS: Time starts now.

25

1 COMMITTEE ON PARKS AND RECREATION 56
2 KOUICHI SHIRAYANAGI: Hi, you, you can
3 hear me?

4 COMMITTEE COUNSEL: Yes.

5 CHAIRPERSON KOO: Yes.

6 KOUICHI SHIRAYANAGI: Yes, OK. Um, my
7 name is Kouichi Shirayanagi. I'm a resident of Coney
8 Island. I live on West 15th and, um, and Mermaid
9 Avenue. Um, just very close to the boardwalk. Um,
10 you know, I moved to this neighborhood, ah, because
11 of the boardwalk. I have a 3-year-old son and I take
12 him out, um, on the boardwalk almost every day, and
13 he's basically learned how to walk, um, you know, a
14 lot of his, ah, early learning how to walk has been
15 on this boardwalk. Um, I, ah, support the language,
16 ah, I mean, I support the spirit of the bill, um, but
17 I just wanted to comment on, on the language. I
18 think, ah, it's, it may be difficult to, um, enforce,
19 um, a weight restriction, because what if a vehicle
20 is 2700 pounds, or 2600 pounds, ah, who is gonna be
21 weighing the vehicle to make sure, ah, that it is
22 under 2800 pounds. I think maybe the language of,
23 um, this, ah, bill should state specifically what is
24 a vehicle that is too big and that has been used on
25 the boardwalk and what is a vehicle that, you know,

1
2 um, and, and, and say that, you know, they shouldn't
3 have them and maybe there should be, um, you know,
4 guidance for, um, the, the city departments to, um,
5 you know, purchase, ah, smaller-scale vehicles. I'm,
6 I'd also like to say that, ah, you know, I, I found
7 so many nails, so many, um, ah, ah, boards, ah,
8 broken and so many nails popped out of, um, their
9 places. Um, but maintenance of the boardwalk is
10 usually, you, you see more maintenance, um, in the
11 area of the boardwalk where there's more tourists and
12 at the ends of the boardwalk, like the west end, um,
13 you have an area of the boardwalk where it's now
14 plywood, um, on West 25th to about West 28th street,
15 it's all plywood and it's been that way for a very
16 long time. It hasn't been, ah, maintained, um, as,
17 as, as, ah, boards there. And there's, you see parts
18 of the boardwalk where, um, because of non-vehicular,
19 um, decay of the boardwalk you have grass, um,
20 growing into the, in the boards, and, and that's a
21 big issue, um, as well. So, um, you know, I'm
22 limited to three minutes and I only have 20 seconds,
23 but this is, the boardwalk is, is a treasure for New
24 York City. I, you know, I really, um, treasure it

1 and, um, you know, I, I, ah, appreciate you, ah,
2 listening to me. Thank you so much.

3
4 CHAIRPERSON KOO: Thank you.

5 COMMITTEE COUNSEL: Thank you. And our
6 next and last registered speaker is Craig Hammerman.

7 SERGEANT AT ARMS: Time starts now.

8 CRAIG HAMMERMAN: It's Hammerman. Thank
9 you. Good afternoon. My name is Craig Hammerman and
10 I'm here to speak enthusiastically in support of
11 Intro 1888, the bill introduced by Council Member
12 Mark Treyger that would ban the driving of heavy
13 vehicles on boardwalks in New York City. And,
14 incidentally, this is actually called the Riegelmann
15 Boardwalk, not the Coney Island boardwalk, because it
16 does span Coney Island and Brighton Beach, as the
17 Council Member, ah, earlier noted. It's really hard
18 to fathom that driving on a boardwalk was legal in
19 the first place. A boardwalk, like a sidewalk, is
20 intended for use by pedestrians. One would think
21 that's pretty obvious. Apparently it isn't to all
22 drivers. These are the days we're living in, where
23 aggressive driving continues to unabashedly bully its
24 way into becoming normative behavior. We can do
25 better. Boardwalks have been around long before

1 there were vehicles driving on them. The first
2 boardwalk in the United States opened in 1870 in
3 Atlantic City, New Jersey. It wasn't until 1885 that
4 the first gas-powered car was invented in Manheim,
5 Germany. Arguably, no vehicle ever needs to be
6 driven on a boardwalk and any vehicle that does
7 creates a vehicular-pedestrian conflict. When have
8 we ever seen a pedestrian emerge victorious in the
9 face of such a conflict? In the interest of public
10 safety, banning vehicles from the boardwalk is simply
11 the right thing to do. It is the safest option for
12 everyone. Recognizing that the majority of vehicles
13 driven on the boardwalk belong to the police
14 department or the Department of Parks and Recreation,
15 it is pretty clear to me and others that this
16 legislation will not have the desired effect of
17 removing all vehicular presence from the boardwalk.
18 But it's an important first step, because without
19 this law it would not be illegal to drive on the
20 boardwalk, and that must change. The southern
21 Brooklyn community has made efforts to work with
22 police and Parks to bring the number of heavy
23 vehicles down. Parks Department lacks the
24 operational capacity, as we've heard here today, to
25

1
2 keep the boardwalk free from the trip hazards that
3 driving on the boardwalk causes. Parks has some
4 motivation because of the extensive damage that
5 driving heavy vehicles does to the boardwalk. As for
6 the police department, we in the community need to do
7 a better job advocating for lighter vehicle
8 equipment, like bicycles, Segways, and Gators, to
9 give our precinct the right tools they need to
10 effectively patrol the boardwalk. This bill will not
11 completely solve our problem with heavy vehicles
12 driving on the boardwalk. It will still happen even
13 with its passage into law. What it will do, however,
14 is it will establish that driving on the boardwalk is
15 illegal, a practice which, quite incredibly, is not
16 currently illegal. I ask you all to help us take
17 this...

18 SERGEANT AT ARMS: Time expired.

19 CRAIG HAMMERMAN: ...[inaudible] together
20 towards improving public safety by preserving
21 boardwalks as one of the last pedestrian refuges in
22 the city. We do appreciate your care and support in
23 that regard, and I thank Council Member Treyger for
24 his leadership on this issue and the committee for
25 its consideration. Thank you.

2 CHAIRPERSON KOO: Thank you.

3 COMMITTEE COUNSEL: Thank you very much.

4 And at this time I will turn it back over to Council
5 Member Koo, the chairperson, to offer closing remarks
6 and to adjourn the hearing.

7 CHAIRPERSON KOO: Thank you, Kris. Thank
8 you to everyone for attending this hearing today and
9 for your testimony. As Council Member Treyger
10 mentioned earlier, Coney Island and Luna Park are
11 open again. And as the weather gets warmer and
12 vaccinations increase more and more people will be on
13 the boardwalk and on the beaches. Preserving these
14 landmark structure is important for the history of
15 our city and also because of the year around open
16 space that it provides for New Yorkers in a dense
17 city. We need to protect the boardwalk and this
18 legislation is one step closer to preserving it and
19 keep our residents safe. Thank you to my committee
20 staff, Kris, Patrick, Chima, and Monica, and to my
21 own staff for putting this hearing together and for,
22 and thank you again to all who testified, to all of
23 you who come testify. I will now adjourn this
24 meeting. [gavel]

COMMITTEE ON PARKS AND RECREATION

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

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 June 13, 2021