

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

B E F O R E:

MARK LEVINE
Chairperson

COUNCIL MEMBERS:

ALAN N. MAISEL
ANDREW COHEN
DARLENE MEALY
FERNANDO CABRERA
JAMES G. VAN BRAMER
MARK TREYGER

[gavel]

CHAIRPERSON LEVINE: Welcome everybody.

We're going to get this hearing underway. I'm Mark Levine, Chair of the City Council's Committee on Parks and Recreation. Pleased that you've all joined us today. Want to acknowledge the presence of my very punctual colleagues including Council Member Cohen from the Bronx. The teachers are on time. Council Member Treyger, former teacher from Brooklyn and Council Member Maisel also a former teacher and principal and many other credentials. Today we are going to be hearing the proposed Introduction number 384-A which would amend the existing requirement that the Parks Department, DPR, provide an annual report to the council on private funding for city parks. This bill would require enhanced reporting from DPR including additional information on the annual expenditures made by conservancies with contracts to maintain city parks. The origin of New York's Parks conservancies lies in the city's fiscal crisis of the 1970s and 80s. Central Park felt this crisis acutely suffering decades of neglect by the public sector. In response a legion of volunteers, activists, and donors jumped in to turn around this treasured green space. They achieve success on a truly spectacular

1 scale. And today central park is one of the world's
2 greatest public spaces. And their success inspired
3 the creation of conservancies in over 2,000, two
4 dozen parks around the city. The infusion of private
5 resources into the conservancy parks however has far
6 outpaced growth in public investment in the system as
7 a whole. New York City's sprawling network of nearly
8 2,000 neighborhood parks has been forced to survive
9 on a parks budget which as a percentage of the city's
10 total budget is far less today than it was in decades
11 past. This has created glaring and in my opinion
12 unacceptable contrasts between the level of
13 maintenance and service in parks in low and moderate
14 income communities and the marquee conservancy funded
15 parks. This disparity has inspired a movement to
16 close the parks equity gap. And indeed this committee
17 has focused for much of the past year on the pressing
18 need to increase public funding to neighborhood parks
19 especially in low and moderate income neighborhoods
20 in order to lessen this disparity. We scored an
21 important victory in this effort when the city
22 council devoted an additional 16 million dollars to
23 the parks budget for the current fiscal year. And the
24 mayor's community parks initiative is critically
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1 helping to reverse neglect in the capital space for
2 35 neighborhood parks. But these measures as
3 important as they are constitute no more than first
4 steps towards the goal of closing a parks equity gap
5 which is truly massive in scale. In closing this gap
6 we face a problem. We don't actually know precisely
7 how big it is. In fact we're missing two important
8 pieces of information; one, how much is being spent
9 in conservancy parks, and two, how much is being
10 spent on a per park basis by the city and the systems
11 green safe bases? Council Member Brad Lander and I
12 have introduced two pieces of legislation to resolve
13 each of these challenges. Intro 154 would require the
14 Parks Department to report on the resources it
15 allocates on a per park basis. Commissioner Silver
16 has in fact already taken important steps towards
17 building the necessary, necessary internal systems to
18 achieve this goal. And I look forward to discussing
19 this legislation in an upcoming hearing. Today we're
20 focusing on Intro 384-A which as I mentioned will
21 require the reporting of conservancy funding. This
22 bill is actually the council's second attempt to
23 ensure this information comes to public light. In
24 2008 the council passed local law 28 to increase
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2 Transparency and reporting on funds donated directly
3 to parks or to the parks department by private
4 sources. Its intent in short was to determine the
5 amount of money that conservancies spend on the parks
6 they maintain. So what has this report told us over
7 the years? Basically nothing. For example it listed
8 the revenue for Central Park in the most recent year
9 as 175 thousand dollars, less than one half of one
10 percent of the actual sum. The report also contains
11 no information at all on the Prospect Park Alliance,
12 Friends of the Highline, Asphalt Green, New York
13 Restoration Project, and many other conservancies.
14 How did this happen? The Parks Department has
15 interpreted Local Law 28 as only requiring reporting
16 on private funds that were directly donated to the
17 department itself and not the expenditures made by
18 conservancies in the parks they managed. We are here
19 today to correct this. Intro 384-A requires that on,
20 that going forward whenever the Parks Department
21 renews its operating agreement with the conservancy
22 it will require the reporting of, of expenditures on
23 cycle with the city's fiscal year which runs from
24 July 1st to July 30th. In the near term before new
25 contracts have been signed our bill requires DPR to

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2 request the data and if a conservancy refuses to
3 provide it the department will note this in its
4 report. It's our hope that this would serve as
5 sufficient incentive to ensure participation by all
6 conservancies. While basic financial data on
7 conservancies can be found in publically available
8 tax filings today this information is not published
9 until as much as 18 months after the period in
10 question. Furthermore nearly half of conservancies
11 use a fiscal year calendar that is distinct from the
12 city's. Intro 384-A would for the first time provide
13 us with a comprehensive consistent report on
14 conservancy spending matched to the city's own fiscal
15 year. I hope that our discussion today will examine
16 this legislation in the context of the broader effort
17 to more fully integrate conservancies into the park
18 system as a whole. Several of the largest
19 conservancies have recently agreed to start providing
20 or increase their existing provision of services and
21 resources to parks in other parts of the city with a
22 focus on low income neighborhoods. This is a welcome
23 step in the right direction, one I hope will be
24 further expanded in the future. At any rate the
25 public should have a full accounting for these

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2 services which we currently do not. I believe we
3 should also explore creation of an office at the
4 Parks Department dedicated to conservancy
5 partnerships. This would facilitate negotiation of
6 contracts and ongoing monitoring and oversight. And
7 such an office would serve as a central point of
8 contact for conservancy questions and request for
9 insistence, for assistance. I understand the Parks
10 Department has already taken steps in this direction
11 and I hope we'll hear more on that today. I look
12 forward to our discussion around Intro 384-A and to
13 moving this legislation forward. And I'd like now to
14 welcome the administration to present its testimony
15 on this important topic. And I also want to pause
16 first while you all get prepared to acknowledge that
17 we've been joined by our colleague on the Parks
18 Committee Council Member Jimmy Van Bramer from
19 Queens. And now I'll turn it over to you. Thank you.
20 Ah yes. I am reminded that we're going to have our
21 committee council read you an affirmation that we ask
22 that you repeat it.

23 COMMITTEE COUNCIL SARTORRI: Chris

24 Sartorri, Committee Council. Do you affirm to tell
25 the truth, the whole truth, and nothing but the truth

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2 in your testimony before this committee and respond
3 honestly to Council Member Questions?

4 ALESSANDRO OLIVIERI: I affirm. Good
5 afternoon Chairman Levine and member of the, and
6 members of the Parks and Recreations Committee. My
7 name is Alessandro Olivieri and I'm the General
8 Counsel for the New York City Department of Parks and
9 Recreation. Joining me on this panel is our Chief of
10 Community Outreach and Partnership Development Kate
11 Spelman and our Assistant Commissioner for Agency
12 Compliance John Luisi. Thank you for allowing me to
13 speak before you today about the proposed amendment
14 to Local Law 28 of 2008 which is codified in the
15 city's administrative code in Title 18 Section 18-
16 134. The parks department is supportive of the
17 proposed amendment and is strongly aligned with the
18 council in seeking to provide greater transparency on
19 the roles conservancies play in helping the
20 department care for parks throughout the city. The
21 additional reporting required by the proposed
22 amendment should provide more consistent and more
23 useful data on conservancies annual expenditures in
24 maintaining and improving parks. We have worked
25 cooperatively with council staff on the amendment and

1 appreciate how productive those discussions were to
2 foster and improved report. The parks department has
3 active license agreements with not, non-profit
4 partners large and small who maintain and operate
5 parks or portions of parks. These partners range from
6 well-known groups like the Prospect Park Alliance to
7 small groups like Socrates Sculpture park. But as a
8 collective these partners invest significant
9 financial resources and sweat equity in parks
10 throughout the city. While our partners are already
11 required in most instances submit their audited
12 financial statement to the department and most make
13 their 990 income tax forms available on their
14 websites. This financial information is made
15 available to the department at different points
16 throughout the year, covers different fiscal years,
17 and requires interpretation on the part of agency
18 staff to develop comparable data. The proposed bill
19 would help the agency establish a clear and
20 consistent report that could be easily compared and
21 should be useful to both the Parks Department and the
22 council. The Parks Department has had preliminary
23 discussions with the conservancies about the
24 requirements of this amendment. All of our partners
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2 have expressed support for the goals of, of improved
3 transparency, have indicated a willingness to begin
4 reporting this information voluntarily. That said we
5 will also make this reporting mandatory when
6 agreements are renewed and new agreements are created
7 and also work with our partners to amend their
8 respective agreements in advance renewal where
9 feasible so this, so this requirement... excuse me, so
10 this requirement can be contractually obligated as
11 soon as reasonably possible. Our work with the city
12 council on Into 384-A is just one in a series of
13 efforts underway to improve the way we manage and
14 support our conservancy partners going forward. Under
15 the leadership of Mayor de Blasio and Commissioner
16 Silver the Parks Department has renewed its focus on
17 compliance and transparency by introducing a new
18 commissioner level position for compliance oversight
19 at the agency. Specifically Commissioner Silver has
20 appointed John Luisi as a new Assistant Commissioner
21 for Agency Compliance in this role. In, in this role
22 Commissioner Luisi will coordinate compliance with
23 administrative codes, mayoral directives, and local
24 law including administrative code section 18-134. In
25 addition the Parks Department is building on its

1 current conservancy management framework by
2 incorporating partnership development into the
3 portfolio of a senior level employee who reports
4 directly to, to the commissioner. Kate Spellman will
5 oversee our efforts to grow the capacity of local
6 stewards and institutions to care for and advocate
7 for their parks, develop strategies for leveraging
8 private support for underserved parks and create new
9 partnerships for parks with the greatest needs. To
10 support Ms. Spellman in this role we are in the final
11 stages of hiring a director of partnership
12 development who will focus on improving the
13 Department's management of its conservancy partners.
14 The Director will improve the way the agency
15 communicates its priorities to the conservancies,
16 identifies opportunities to align the conservancy's
17 work with those priorities, provide clear and
18 streamlined reporting structures and create forums
19 for sharing best practices among the network of park
20 partners. We look forward to continued collaboration
21 with the city council to implement a useful and
22 transparent report on the support provided by parks
23 conservancies and will update you as we make progress
24 in our broader efforts to improve the way we work
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2 with our conservancy partners going forward. Thank
3 you for the opportunity to testify, to testify before
4 you this afternoon. I'm happy to answer any questions
5 you may have.

6 CHAIRPERSON LEVINE: Okay thank you very
7 much. So you said something that's very important.
8 You said you've talked to conservancies and every
9 conservancy you spoken to has committed to
10 voluntarily submit this information? Just want to
11 clarify that for the record. Kate's shaking her head
12 yes...

13 ALESSANDRO OLIVIERI: Yeah, yeah sorry,
14 just grabbing a sip of water, yes.

15 CHAIRPERSON LEVINE: No problem. Okay,
16 good news. Of course the, the old motto trust but
17 verify applies here which is why we have this
18 legislation. And that's going to require contractual
19 agreements on this reporting ultimately. We
20 understand that these contracts aren't all up for
21 renewal necessarily this year. Give us a sense on how
22 long the conservancy agreements, what their term is
23 usually and how long it will be before we've got a
24 renewal on all of them?

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2 ALESSANDRO OLIVIERI: Generally the, the,
3 the length of the terms are between five and ten
4 years. As a general one of the more, the more recent
5 conservancy agreements and we expect that most of
6 those will be either up for renewal or, or need to be
7 modified, updated within the next couple years. As I
8 said in my testimony we are also going to seek to
9 where possible and practical to amend them prior to
10 renewal. So our goal is to get this contractually
11 obligated as soon as possible. And that's a priority
12 for the, for the agency.

13 [background comments]

14 CHAIRPERSON LEVINE: ...important way, thank
15 you, that we can begin to chip away at the parks
16 equity gap. Can you tell us about the state of such
17 agreements and possibly just for future growth in
18 this kind of work?

19 KATE SPELLMAN: So of, as you've, as
20 you've said conservancies have already begun projects
21 in support of the community parks initiative. The
22 mayor was clear in that, that he wanted the
23 conservancies to step up and play a role here. And
24 they all have been really receptive. Number of
25 projects are under way. The Central Park Conservancy

1 as you know launched a new five borough crew which is
2 doing work in our CPI zones to complete turf
3 restoration projects and train staff and partners and
4 how to maintain those projects into the future. The
5 Prospect Park Alliance has taken the lead on the
6 design work for one of our community parks initiative
7 sites... playground in Brooklyn and is engaged in
8 supporting the community engagement effort and
9 providing the actual design on the project. So a
10 number of, of, of great projects already underway but
11 a lot more that we think the conservancies can be
12 doing and those conversations are, are progressing.
13 We hope to continue to roll out specific initiatives
14 aimed at supporting the CPI zones.

16 CHAIRPERSON LEVINE: Is there somewhere we
17 could get, if, where we could get if not today an
18 actual accounting for you mentioned some, some two or
19 three but...

20 KATE SPELLMAN: Sure, yes. We're happy to,
21 to provide a, a full accounting of what's already
22 underway. We'd be happy to sit down and, and describe
23 those projects in more detail as well.

24 CHAIRPERSON LEVINE: Okay. And do you put
25 evaluation on this? Some of them are in kind services

1 but can you estimate the value of all these goods and
2 services?
3

4 KATE SPELLMAN: Yeah I mean we're, you
5 know our focus has, has frankly been developing and
6 getting the conservancies out in the field supporting
7 real tangible improvements in the CPI zones as
8 quickly as possible. I don't, off the top of my head
9 have a dollar number associate with that work. But we
10 are seeing real tangible improvements in the CPI
11 zones which I think is, is the ultimate goal.

12 CHAIRPERSON LEVINE: Is it possible for
13 you to get us in the future a dollar estimate..

14 KATE SPELLMAN: Yes.

15 CHAIRPERSON LEVINE: ...of the total value?

16 KATE SPELLMAN: Yes.

17 CHAIRPERSON LEVINE: That would be great.
18 I'm going to pause and see if any of my colleagues
19 have questions. I see we've been joined by Council
20 Member Mealy from Brooklyn, fellow Parks Committee
21 member. How would you rate the fiscal health of
22 conservancies? Are there any that are in poor fiscal
23 health?

24 ALESSANDRO OLIVIERI: Our partners vary in
25 size and complexity spanning from large to small and

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2 face varied challenges and conditions. However the,
3 I, we believe the general fiscal health of the
4 partner, of, of the partner conservancies is strong.

5 CHAIRPERSON LEVINE: But is there an alert
6 system so to speak in place that would cue you that
7 we've to intervene to protect the park with a
8 insolvent conservancy?

9 ALESSANDRO OLIVIERI: Yes. I mean most of
10 them uh we, we, we attend board meetings so we review
11 the, the auditor financial statements. We have now,
12 we're implementing as I described in the testimony
13 some additional roles for our compliance.. compliance
14 to further ensure that we're both getting the reports
15 we need and that we're spotting in a dance if there
16 are any problems in addition to the outreach that,
17 that Ms. Spellman's group is also doing stay abreast
18 of where they are we think there is an early warning
19 system in place. But we're, we're working to improve
20 what's already there.

21 CHAIRPERSON LEVINE: Okay. I'm going to
22 pause because I believe Council Member Treyger has a
23 question.

24 COUNCIL MEMBER TREYGER: Thank you Chair.
25 Just to kind of go into the extent to which there's

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2 consultation between the Parks Department and
3 conservancies when projects occur on, in these parks
4 can you describe that process when there's a proposal
5 from the Parks Department or a proposal from, whether
6 it's from state or city explain the, the
7 collaboration that exists between the Parks
8 Department and the conservancies with regards to
9 projects in those parks.

10 ALESSANDRO OLIVIERI: The ultimate
11 decision on whether a project, it, it goes forward in
12 a park rests with the, the commissioner. But, but it
13 goes without saying that we coordinate and consult
14 with and seek the advice of our, of, of the
15 conservancies as well as other partners and, and, and
16 other interested parties so it is not a, it, it is
17 not, it is not, the conservancies don't impose it on
18 the agency and nor does the agency impose projects
19 without consultation and close work with our partners
20 who in many cases have, you know very close to the
21 ground in what, on what is the you know critical
22 issues for a particular park.

23 COUNCIL MEMBER TREYGER: So are there
24 sometimes projects that are conservancy driven? That
25 are proposed at the conservancy level that reach the

1 commissioner's desks and they look to build support?
2
3 I mean is that, is that, that the case?

4 ALESSANDRO OLIVIERI: Yes I mean I, I
5 don't have a, an example off hand but yes certainly
6 there may be, there are, there are initiatives that
7 make, may spring from a conservancy that is then
8 presented to the commissioner for, for, for his, for
9 his uh determination of whether it is one that, that
10 we should go forward with.

11 COUNCIL MEMBER TREYGER: Do you have with
12 you data for example like what was the Parks
13 Department's last year spending on maintenance for,
14 for example let's say Central Park? Do you have that
15 with you from the Parks Department Budget, not from
16 the conservancy?

17 ALESSANDRO OLIVIERI: I'm not sure we have
18 the vast majority of the expenditures in central
19 park... our, on behalf of the conservancy... I can, we
20 can, we can get back to you at the specific parks
21 expenditures.

22 COUNCIL MEMBER TREYGER: So, so you
23 wouldn't have Central Park or Prospect Park here with
24 you today?

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2 ALESSANDRO OLIVIERI: The, the maintenance
3 expenditure...

4 KATE SPELLMAN: Parks expenditure... [cross-
5 talk]

6 ALESSANDRO OLIVIERI: Yeah parks
7 expenditures, right.

8 KATE SPELLMAN: We, we don't have that
9 with us today but we're certainly happy to follow up
10 with you.

11 COUNCIL MEMBER TREYGER: Yeah I'm, I'm
12 asking this because I strongly believe that if the,
13 the world famous Riegelmann Boardwalk in the Coney
14 Island Brighten Beach community had a conservancy we
15 would not be having a conversation about turning this
16 into concrete at all. And I, I, I know, I know for a
17 fact that there is a lot of collaboration between the
18 conservancies in Prospect Park and Central Park and
19 the parks agencies which it should be, that's the way
20 it should be because that's good, that's healthy. And
21 the community should have input. But we don't have
22 one in the southern Brooklyn community. And certainly
23 there's not a lot of the available financial resource
24 in, in our areas to fund a massive major conservancy
25 but it doesn't mean that our voices don't matter. And

1 I, I could tell you that we are very disappointed
2 that there has been a lack of input from the
3 community with regards to the final outcome of what
4 will happen to a section of the famous boardwalk. I
5 understand that the proposal was made back in 2009 or
6 10 but I have to tell you that and, and the
7 commissioner will say that the previous
8 administration came out to the community and met with
9 people the community board of that area voted it
10 down. So when we say that you're here to listen but
11 nothing's actually processing that is very
12 frustrating. But the reason why I'm very passionate
13 about this is because we don't have the conservancies
14 of other areas. We don't have that, those financial
15 resources, where it doesn't mean that our voices
16 don't matter. I believe that the mayor addressed this
17 issue in his campaign, a tale of two cities,
18 regardless of where you're from, how much money you
19 have, you matter. Well we matter in southern
20 Brooklyn. And this is a historic structure that in my
21 opinion needs to be saved and maintained and, and you
22 don't have data with you. Because my next question
23 was going to be what is the maintenance budget of the
24

1 boardwalk. And that you don't have probably with you
2 either.

3
4 ALESSANDRO OLIVIERI: Right.

5 COUNCIL MEMBER TREYGER: But I could tell
6 you that historically it has been shameful, shameful.
7 And I would appreciate if the Parks Department can
8 follow up with me about those data numbers, about the
9 maintenance budgets of other parks like Prospect
10 Park, Central Park, and others. And I want to know
11 that the maintenance budget of the Riegelmann
12 boardwalk as well. Because these, that, those, those
13 numbers will be very glaring I think for the public
14 with regards to the level of respect that we've been
15 seeing in southern Brooklyn, and in my opinion a
16 globally recognized iconic structure known as the
17 Riegelmann Boardwalk. Thank you Chair.

18 CHAIRPERSON LEVINE: I'm getting a sense
19 you don't want to respond to that?

20 ALESSANDRO OLIVIERI: Well I mean I
21 wasn't... I, the, the answer is of course we will
22 provide data and I think as, as you mentioned in your
23 opening remarks that chair and we are working with
24 Councilman Lander on the, on trying to move forward
25 with providing more data, even more data on

1 individual spending in parks. We will certainly
2 respond to, to the council member with you know more
3 detail, more data on it. I do not have that numbers
4 with me unfortunately so...

6 CHAIRPERSON LEVINE: I would just
7 underline a point that, that both of you alluded to
8 which is... while we may know how much we spend as a
9 park system in public money in central, in central
10 park in general we don't know that number on a park
11 by park basis. I don't know if we can even give an
12 accurate estimate of the amount of money we spend
13 exactly on the boardwalk. I would hope we could. But
14 this is because we haven't historically had the
15 accounting systems in place to do that. And it leaves
16 us flying blind when we ask some of the deepest
17 questions about equity.

18 ALESSANDRO OLIVIERI: And Chair I want to
19 very clear. I, I, Central Park is a gorgeous stunning
20 stunning space. So is Prospect Park and all of our
21 parks deserve respect and equity and, and fair
22 treatment to everyone. I, I'm just speaking for a
23 community that I, I, with many others that
24 historically has been neglected for a long long time.
25 And you know that boardwalk and, and that, and that,

1 that, that is our version of Central Park. That is
2 our version of where families go to enjoy you know
3 public space and fresh air. So that is a very
4 treasured space for many families and not just in
5 southern Brooklyn but I would say around the country
6 there's millions each year. They don't come to walk
7 on a, on a sidewalk. They come to walk on a
8 boardwalk. And I, I just, we've, had we, if we had a
9 conservancy I, I, I, I don't think that this would be
10 happening right now. Thank you.

12 CHAIRPERSON LEVINE: Okay alright. Going
13 cue my colleague Council Member Cohen who has a
14 question.

15 COUNCIL MEMBER COHEN: Thank you. Thank
16 you for your testimony. Do you know how many
17 conservancies there are?

18 ALESSANDRO OLIVIERI: Well there, there
19 are approximate... I mean the ones that have contracts
20 with us they're approximately 18 19... The, the one,
21 there are other, obviously other conservancies and
22 other groups we work closely with do, do not have
23 contracts with the agency.

24 COUNCIL MEMBER COHEN: Is there a legal
25 significance the difference... a friends of group

1
2 versus a conservancy? Is that, is that a, is that,
3 does that name difference mean anything in terms of...

4 ALESSANDRO OLIVIERI: Well I mean I think
5 in the case of this, of, of the bill it is with
6 people who have contractual relationships with the
7 agency who are then managing a portion of the, of,
8 of, a portion of a park or a park. We work very
9 closely with friends of groups and other groups who
10 provide all sorts of support, assistance with, and
11 assisting with us at sweat equity at getting
12 volunteers out. We work very closely with our
13 partners... city parks foundation in our joint project...
14 they partnership for parks which is a, which is
15 focused on sort of grassroots supports for individual
16 parks, neighborhood parks, things of that nature. So
17 I, I, I mean there are a number of conservancies,
18 there are other conservancies out there who may not
19 have an agreement with the Parks Department. We still
20 meet with them obviously and, and are interested in
21 what they have to say but they don't have a
22 contractual relationship and do not... and, and do not
23 manage a portion of, of either a park or a portion of
24 a park.

1
2 COUNCIL MEMBER COHEN: Whether they manage
3 or not though you, would you say that every group
4 that you have a contract with generally is raising a
5 significant amount of money and that you, that you
6 have contracts with I guess everybody who is raising
7 a significant amount of money associated with the
8 particular park.

9 ALESSANDRO OLIVIERI: I would say yes
10 generally if we have a contract with them they are
11 raising... I mean again it varies and we, we, and we
12 welcome support large and small but yes there is,
13 there is, I mean there is stuff that would be covered
14 by this report, would be covered under this bill that
15 would be reported on from the, from, from those
16 agreements, yes.

17 COUNCIL MEMBER COHEN: Are there groups
18 though without a contract that are raising
19 significant amount of money or you don't believe that
20 to be the case?

21 ALESSANDRO OLIVIERI: I mean there are
22 some nascent groups that are starting out and not, I
23 mean we may not have seen the, the, the, the fruits
24 of their labor yet because they're, they're starting
25 out. So I don't believe that there, that there are.

1
2 But you know I mean again there are groups that are,
3 that, that build up and eventually have... ability to
4 provide benefits to the city. Now if they are, if
5 they provide it directly to us we already, that
6 already is in the report. So if somebody else who
7 doesn't have a contract with us that you know gives
8 money to the Parks Department for a specific project
9 the report already covers the, the existing report
10 already covers that and that would also be covered by
11 this report. So if an entity that didn't have a
12 contract with us but decided to donate goods services
13 to the, you know to the, to the agency that would be
14 reported on, be covered by this report excuse me.

15 COUNCIL MEMBER COHEN: Just, just so... how
16 would you define, don't, like if, there's a, friends
17 of that donates labor that's not going to be counted
18 obviously.

19 ALESSANDRO OLIVIERI: Well we, we
20 obviously appreciate it and we, and we, we, we not,
21 but if for example someone would donate a, you know a
22 large number of basketballs for a sports program
23 that, that we would cover, that, that's covered by
24 the report and we'd have to list that as a donation
25 received for our sports program, or someone decide to

1
2 deliver a ball field clay for all the ball fields in
3 a certain area that would be covered because it, it
4 comes to the parks department. It's not just provided
5 by them. The, the, the change in this bill that, that
6 the parks is supportive of is now... done directly by a
7 conservancy who has an agreement with us. We are now,
8 that will now be reported in a way that could be, you
9 know easily compared, certainly much more easily
10 compared than previously.

11 CHAIRPERSON LEVINE: Is, is there a
12 threshold, a point at which you think the conservancy
13 should start looking toward uh helping other parks?
14 Is there any... is that, is that defined. I guess you
15 have like a policy about how you'd like to see that
16 work?

17 ALESSANDRO OLIVIERI: I mean I don't think
18 there's a magic number or a magic size. We, we, we
19 hope that all the partners who are coordinating and
20 work with each other and share their expertise.
21 There's a lot of expertise out there, there's a lot
22 of support out there. And the more they, they, they
23 communicate with us and with, with, and with each
24 other we think that will benefit certainly some of
25 the parks that may not have, that may not have a

1
2 conservancy directly working with them or a, or a, a,
3 a well-established conservancy working closely with...

4 COUNCIL MEMBER COHEN: But what about
5 sharing their dollars? At what, at what point do you
6 think that a, a conservancy has an obligation to
7 maybe as a financial obligation of the parks if
8 they're raising x amount of money, whatever that
9 number might be?

10 KATE SPELLMAN: We, we've, we to be honest
11 have never, have never kind of set a threshold as... we
12 encourage all of our partners to support smaller
13 parks at the level that they can. So we have never
14 looked at a, at a, at a threshold for, for where
15 that, that support should kick in. We expect that the
16 group of 18 should all be doing something to support
17 parks in underserved communities and that that
18 support should be in line with their resources and
19 ability to do so.

20 COUNCIL MEMBER COHEN: Is it, but is it
21 just the honor system. I mean how, do you feel like
22 all 18 are meeting that responsibility?

23 KATE SPELLMAN: I, I think that Mayor de
24 Blasio issued a strong call to action and that has
25 spurred the Parks Department sitting down with every

1
2 one of our partners and being very clear about what
3 the agency's priorities are going forward and asking
4 every one of them to think about ways that they can
5 fit into those priorities going forward. So I think
6 that we have encouraged, encouraged all of our
7 partners to step up and certainly have... they've,
8 they've been responsive.

9 COUNCIL MEMBER COHEN: I mean do you, I,
10 I, I think maybe you know as a possible outgrowth in
11 this, I mean of this legislation might be some
12 criteria as to some realistic expectations of what,
13 what a conservancy, a successful conservancy could do
14 to be supportive. I mean I guess... it sounds like
15 you're describing an internal dialogues that's taking
16 place with the agencies or a dialogue with, with the
17 conservancies as to what you think is appropriate.
18 But it, it might be good that if we could sort of
19 quantify that or maybe even have some kind of public
20 debate about what that rule should be and what, you
21 know what that kind of contribution could be. Thank
22 you very much.

23 CHAIRPERSON LEVINE: I want to acknowledge
24 we've been joined by our colleague on the Parks
25

1
2 Committee Council Member Cabrera and I believe that
3 Council Member Mealy has a question. And...

4 COUNCIL MEMBER MEALY: Thank you. I just
5 have one question. Do you have the breakdown of, with
6 all those 18 of, for, by borough how much they have
7 given so far, have, what you have tracked as of yet?

8 ALESSANDRO OLIVIERI: Can you...

9 KATE SPELLMAN: So what I would say is
10 part of why we are very supportive of this bill is we
11 do have that data but this is data that our staff has
12 analyzed from each of these organization's audited
13 financial statements. So it's required some
14 interpretation on the part of our staff. So we would
15 prefer that the conservancies report their numbers
16 directly so there's no room for error. In terms of...
17 sorry I've lost your initial question, in terms of
18 what is, what, what we suspect is being spent based
19 on our analysis of audited financials that number... so
20 for maintenance programming and capital in calendar
21 year 2013 we estimate that our partners provided
22 nearly 125 million dollars in support.

23 COUNCIL MEMBER MEALY: Could you break it
24 down each borough? Or Brooklyn...

1
2 KATE SPELLMAN: I don't, I don't have it
3 broken down by borough right now but we could
4 certainly get you the borough breakdown.

5 COUNCIL MEMBER MEALY: I think that's very
6 important because it would show that it's, it's kind
7 of unbalanced, a lot unbalanced. I would love to get
8 that information. Thank you Chair.

9 CHAIRPERSON LEVINE: Alright thank you
10 Council Member Mealy. Council Member Cabrera.

11 COUNCIL MEMBER CABRERA: Thank you so
12 much. Can you give me the 101 of this conservancies?
13 Number one, how long they have to plan around the
14 conservancies?

15 ALESSANDRO OLIVIERI: Well I mean the,
16 the, the, there have been conservancies for quite
17 some time as the chairs mentioned in his opening
18 remarks that a lot, some of the conservancies sprung
19 from a, from a, from a fiscal crisis, earlier fiscal
20 crisis for the city which saw the, the creation of
21 the Central Park Conservancy and the Prospect Park
22 Alliance in the early 80s. And that's... sort of, sort
23 of sprung the conservancy movement. Initially there
24 were not agreements with them. There were more simply
25 volunteers who, who came out with likeminded

1 volunteers who wanted to work with the, the agency.

2 Over the years there have been a, the, the, the

3 number of conservancies has grown to sort of all

4 corners of, of the city and we started to enter into

5 agreements with them to better control and understand

6 how they will work with us and support parks.

7 COUNCIL MEMBER CORNEGY: And who was the

8 last one? What was the last conservancy that was

9 made? Do you happen to know that?

10 ALESSANDRO OLIVIERI: Well some of the

11 most recent ones I would say like the Open Space

12 Alliance in, in, in, in north Brooklyn is a, is a

13 more, is a more recent conservancy...

14 COUNCIL MEMBER CORNEGY: And how recent

15 was that. Couple of years...

16 ALESSANDRO OLIVIERI: Couple years ago.

17 COUNCIL MEMBER CORNEGY: A couple of years

18 ago. And these conservancies are made of, they're run

19 by boards?

20 ALESSANDRO OLIVIERI: That's correct.

21 COUNCIL MEMBER CORNEGY: And do you happen

22 to know the racial make-up of the members on those

23 boards?

24

25

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2 ALESSANDRO OLIVIERI: I do not off hand
3 sorry.

4 COUNCIL MEMBER CORNEGY: Is that data that
5 we could get ahold of?

6 ALESSANDRO OLIVIERI: I, we could
7 certainly look for it. I'm not sure that it's
8 reported, the board's report that, that data but we
9 will certainly get back to you with whatever... we can.

10 COUNCIL MEMBER CORNEGY: Do you think
11 that's important to know, it would be important data
12 to know?

13 ALESSANDRO OLIVIERI: I think a diversity
14 of a board is, you know is an important factor in,
15 in, in determining who you're dealing with.

16 COUNCIL MEMBER CORNEGY: Anecdotally with
17 the, with the boards that you have dealt with do you
18 see like a good balance in representative of our
19 city?

20 ALESSANDRO OLIVIERI: Again I do not, I, I
21 do not sit on any, on, on these boards. I've attended
22 a few meetings so I, I would want a, you know a, a
23 few chance encounters to, to make an assumption. I,
24 I, they're, and some of them are sort of more locally
25 based...

1
2 COUNCIL MEMBER CORNEGY: But the ones that
3 you, you, it's not a, not, I'm not giving you a trap
4 question. I'm just, I'm just trying to get a, you
5 know kind of a sense. The board meetings that you
6 went to. Like for example I got community Boards.
7 When I go I'll get a pretty good sense of what's,
8 what's happening in my district. The one that you
9 went to where they diverse? Did it tend to be
10 lopsided in one side? What, what's, what's your
11 sense?

12 ALESSANDRO OLIVIERI: I have seen
13 reasonable diversity in the ones I've, in the
14 meetings I've attended.

15 COUNCIL MEMBER CORNEGY: Okay. I would, I
16 would love to see those numbers. I think that'll be
17 interesting. How much power do these conservancies
18 have over a park?

19 ALESSANDRO OLIVIERI: Well...

20 COUNCIL MEMBER CORNEGY: For example like
21 Central Park... If I, if I wanted to use the law right
22 are the, do the conservancy, I was told, I don't know
23 if this is true that the conservancies they have the
24 power to determine who uses the loan or not, is that
25 true or false?

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2 ALESSANDRO OLIVIERI: That is not, that is
3 not correct.

4 COUNCIL MEMBER CORNEGY: Okay.

5 ALESSANDRO OLIVIERI: The Parks Department
6 sets the policies for all city parks regardless of
7 whether there is a, a partnership or a conservancy
8 agreement there. And, and the, it is the Parks
9 Department that approves capital projects, determines
10 whether the concession's there, issues permits and
11 the like. So a determination of whether they're, an
12 event goes on is, is determined by the Parks
13 Department, also governed by you know applicable laws
14 of whether you know an event can, you know can take
15 place. Obviously first amendment events you know can
16 take place you know on a different level than a
17 private event.

18 COUNCIL MEMBER CORNEGY: I'm, I'm so happy
19 to hear that. And sometimes you got a religions going
20 around and I, I needed clarification of that because
21 that would be like kind of a scary scenario. And I
22 hope that will never be the scenario where we giving
23 up the decision making power as to determine who, who
24 goes by some board out there, it should be the Parks
25 Department. So alright thank you so much. I really

1 appreciate your line of work. And I will ask Mr.
2 Chair if you could add me to, to the bill. Thank you.

3 CHAIRPERSON LEVINE: Thank you very much.
4 We'd be pleased to.

5 ALESSANDRO OLIVIERI: Thank you.

6 UNIDENTIFIED FEMALE: Could I just
7 piggyback on what he just said. Under the Brooklyn
8 Brooklyn Bridge the conservatie [phonetic] conserve
9 didn't want a hip hop concert there. And that's
10 really a state park and they had a big factor in
11 whether that concert would go on or not. And only way
12 that concert was still put on is because they got in
13 contact with the elected officials and we started
14 speaking out on it. So you saying that they don't
15 have that much power the conservancies, they kind of
16 do have a lot of power. If the, that organization did
17 not get in contact with their local elected officials
18 they would not have had that hip hop concert. So
19 please be careful how you say that they don't have
20 that much power because some of them do. So just
21 keeper a, a little wrap on that.

22 ALESSANDRO OLIVIERI: I, I will, I will
23 certainly take to heart what you said although I just
24 would, would point out though that the, the Brooklyn
25

1 Bridge is not under, under the Park Department's
2 jurisdiction. So that, so right, so I, but I, but I
3 appreciate the concern that we do monitor closely the
4 events and obviously we listen to the concerns... as we
5 listen to the community boards and other interested
6 individuals in whether events can take place. But I,
7 I, I hear what you are saying and, and, and take it
8 to heart.

9
10 UNIDENTIFIED FEMALE: I appreciate it.

11 Okay thank you.

12 UNIDENTIFIED MALE: And I, I would add
13 that they also have the pleasure of having the
14 boardwalk there as well, from wood.

15 CHAIRPERSON LEVINE: Has a conservancy
16 ever defaulted on its agreement with the city?

17 ALESSANDRO OLIVIERI: Not in my, not to my
18 knowledge.

19 CHAIRPERSON LEVINE: Have you ever had to
20 take corrective action because you felt they were
21 veering towards non-compliance in some way?

22 ALESSANDRO OLIVIERI: In the course of
23 relations with entities there are obviously moments
24 when there may, where, where there... provisions in a
25 contract there may be a dispute over whether they're

1
2 being adhered to or not. We take seriously the fact
3 that they are, that, that, that they, the comply with
4 their terms in fact that is and into, to put more
5 teeth to that is why Mr. Luisi's role has been
6 created. So we have, occasionally have had to have
7 discussions to make sure that, that we feel the
8 contracts are being carried out properly but I, I
9 can't say this is a, a significant problem.

10 CHAIRPERSON LEVINE: Good news. Alright
11 well thank you all very much for your testimony.
12 Thank you.

13 ALESSANDRO OLIVIERI: Thank you.

14 CHAIRPERSON LEVINE: Going to call up our
15 next panel which will include Tupper Thomas from New
16 Yorkers for Parks as well as Jerome Barth from
17 Friends of the Highline.

18 TUPPER THOMAS: Oh yes I'm sorry. Good,
19 how are you, nice to see you too.

20 CHAIRPERSON LEVINE: I'm going to ask the
21 Sergeant to put a three minute timer on the clock and
22 Tupper the floor is yours.

23 TUPPER THOMAS: Okay great. Thanks so much
24 for having, asking me to testify. And before I read
25 this testimony I would just like to say how pleased I

1 am at the work that the council has done on this
2 topic as well as the Parks Department. I think
3 watching it today is a whole different thing from a
4 number of years ago. And it's just been terrific to
5 see how well Parks has responded to these issues and
6 that you've brought such interesting topics so often.
7 So I just want to start by saying that. I'm very
8 thankful to be invited to be speaking. We appreciate
9 all the work that conservancies have done in
10 attracting resources to parks they support and in
11 creating management methods that all parks might be
12 able to use. Conservancies combine neighbor group,
13 civic energy and the capacity for institutional
14 fundraising. New York for, New Yorkers for Parks has
15 recognized their contributions in our city's overall
16 park system with dollars that public sources cannot
17 or might not be able to provide. At the same time we
18 appreciate the council's need for thorough reporting
19 about where conservancies get their money and how
20 their funding affects the overall health of our park
21 system. This could help to spell the notion that
22 parks with conservancies funding redirect resources
23 from needier parks. New Yorkers for parks has long
24 held that organizations and public private
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2 partnerships with the parks department should report
3 annual revenues, expense, and other critical
4 financial information in a simple consistent manner
5 to be shared on the department's website. The
6 question is how can such information stay current and
7 available to the council as well as to the public. As
8 it stands conservancies create their expense budgets
9 prior to their next fiscal year. This budget and the
10 final financial statements that they provide could
11 serve to show how the money was spent and how it was
12 raised versus the 990 which is hard for everybody,
13 even the conservancies do completely comprehend.
14 There may be more user friendly formats for this
15 date, for this data which the council might explore.
16 Listing the various sources of giving from individual
17 foundation corporation and government would provide a
18 transparent information on funding sources. Gifts
19 totaling over whatever threshold is selected could be
20 listed specifically. I totally agree with the, the
21 bill that you and Brad Lander are going to be
22 proposing because the other most important thing is
23 for the city to be partnering with this in being able
24 to report how much money they spend in each one of
25 those city parks, that that is the other part of this

1 picture and that if you do not have that in place it
2 is very hard to understand what is the conservancy
3 providing and what is the city providing. Okay. Okay.

4 CHAIRPERSON LEVINE: Let's try this again,
5 there we go. So Tupper if I, If I understood you
6 correctly you generalize this to be partners of any
7 sort doing business with Parks...

8 TUPPER THOMAS: ...have the contract.

9 CHAIRPERSON LEVINE: Who have a contract.

10 TUPPER THOMAS: Yep, yep.

11 CHAIRPERSON LEVINE: So other than
12 conservancies are we talking about concession or does
13 it have hot dog stand, you talking concert promoters...
14 what, what is the...

15 TUPPER THOMAS: No. No I think we're
16 talking here about, about the conservancies who have
17 ongoing contracts with the city of New York because
18 they are actually operating in the public park and
19 therefore the public should be knowledgeable about
20 everything they have done. The concessions agreements
21 are a whole different world in which I think the
22 council does have a role in reviewing all of those
23 kinds of agreements. So I think that that, that this
24 is really about understanding what the not-for-profit
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2 groups are doing in the parks and so that the public
3 has the clearest possible view of what that is.

4 CHAIRPERSON LEVINE: It seems like you're
5 calling for even more detail than we're requiring in
6 the bill. Is that correct?

7 TUPPER THOMAS: Well it's a different
8 detail. I think that if you're looking at what you,
9 what you want, just straight information off a 990 is
10 not going to be as useful as just being able to see a
11 very simple way that the city, that conservancies do
12 their fundraising and so on. So they, they look at
13 the beginning at this is how much we think we'll
14 bring in from individuals. This is how much we think
15 from government. This is how much we think from
16 foundations and so on. And that then, and this is how
17 we would be spending our budget for the year. And
18 then you would see exactly what that was. That's
19 something they're preparing anyway. And it might be
20 that that could be incorporated into some of the,
21 some of the questions that the Parks Department is
22 asking. But I'm sure, between, the conservancies all
23 that I've spoken to at least are very enthusiastic
24 about being able to provide this information. Because
25 I think they want people to understand you know what

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2 it is they're doing as well. It's, it is terrific
3 what's been able to happen in many of these parks
4 particularly outside of Manhattan where they've been
5 able to do certain projects and, and things that are,
6 have really been good for the whole borough. And I
7 think those kinds of things are really important to
8 be known both for them and for you. So I think it, it
9 works well for letting the public know more about
10 what's going on.

11 CHAIRPERSON LEVINE: So you're, you're
12 saying that other, that conservancies that you've
13 spoken to were enthusiastic about providing even the
14 level of detail that you're describing here?

15 TUPPER THOMAS: Well I don't think that's
16 the level of huge detail. They wouldn't say every
17 individual who'd given them money, that would be
18 crazy. But they could do, you know they could list it
19 under topic so that you'd have a sense and they could
20 also if, if you're concerned about people who might
21 be giving too much money and making decisions or
22 other kinds of issues I think that's easy enough for
23 them to, for the 990 who have to state larger gifts
24 as well. So it, it isn't, I don't think that
25 conservancies were ever against doing any of this. I

1 think that they, those things are available. That's
2 what we in the old days that's what all the
3 conservancies have given to the Parks Department
4 anyway because the, somebody from the Parks
5 Department is on almost every single board of every
6 conservancy and serves ex-officio. So they always
7 know what's going on. It isn't, it isn't that
8 unusual.

10 CHAIRPERSON LEVINE: Alright.

11 TUPPER THOMAS: Yes.

12 CHAIRPERSON LEVINE: Thank you very much
13 Tupper. Mr. Barth?

14 JEROME BARTH: Thank you very much. It's
15 my first city council hearing giving testimony so I'm
16 very appreciative to be here. My name is Jerome
17 Barth. I'm the Chief Operating Officer of Friends of
18 a Highline. First I want to thank the City Council,
19 the Parks Committee, and in particular Chair Levine
20 for his strong and steadfast support of the highline
21 over the years. The city council was the first
22 governmental body to support the highline back in
23 2000 and has been a strong supporter of a project and
24 the park ever since. And for that we are very
25 grateful. We also want to express a special thank you

1 to our own council member Corey Johnson who's been a
2 fantastic supporter of highline and in particular our
3 education programs. We are fortunate to have been
4 presenting our district in the council. We also want
5 to thank Chair Levine and Council Member Brad Lander
6 sponsoring this bill and we would like to express our
7 firm and unequivocal support for the bill. Friends of
8 the highline's... not-for-profit partner in the
9 creation and ongoing maintenance of a highline on the
10 far west side of Manhattan. Over the years our role
11 has evolved with the needs of the park. Back in 99 we
12 were responsible for initiating the IG in the first
13 place. We led the grassroots community effort to
14 prevent the demolition of a structure in a position
15 to the policies of the Julianne administration. We
16 worked with the Bloomberg administration design and
17 build the park. Contributing significant and
18 critical... funding to supplement the capital funds
19 provided by the city and federal government and we
20 are now responsible through a license agreement with
21 the parks department of a maintenance and operation
22 of the highline on behalf of the city. In fulfillment
23 of our agreement to the city friends of the
24 highline's responsible for funding virtually all the
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2 operating costs for the highline. With the exception
3 of some of the parks enforcement patrol officers who
4 are also partially subsidized by us, all the other
5 costs of maintaining the highline custodians,
6 gardeners, technicians to maintain technical systems
7 and mechanical system, garbage removal, over 450 free
8 annual public programs or work class public art
9 program, all of that is funded by friends of a
10 highline at no cost to the city. That means that
11 funds that the city would otherwise have to spend on
12 maintaining the highline can be spent on other parks
13 or around New York. We are supportive of a bill being
14 proposed. It's important that the council and all New
15 York City citizens understand the contributions of
16 the conservancies are making to the park system as
17 accurately as possible. We at Friend of the Highline
18 take our responsibility to the city very seriously.
19 We are the city's agent. We operate in service to its
20 citizen and visitors and last year we had over six
21 million visitors. We have always valued our
22 partnership with the parks department, the city, and
23 the city council above all and we are pleased to
24 support this bill in support of that partnership.
25 Thank you very much.

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2 CHAIRPERSON LEVINE: Well Jerome for a
3 first timer that's a pretty impressive performance.
4 You're a natural. My colleague Council Member Cohen
5 has a question.

6 COUNCIL MEMBER COHEN: Thank you. Thank
7 you for your testimony. I, I guess just so I, I
8 understand what's going on like there's, there's a, a
9 real difference I think I, I... between the Friends of
10 the Highline say or this Brooklyn Bridge Park versus
11 the Central Park Conservancy right. They don't
12 really... like do, are you raising money through
13 charitable contributions? But isn't there also a
14 funding stream related to the development around the
15 highline?

16 JEROME BARTH: That's a, that's a, that's
17 a great and complicated question. I think the similar
18 element to all the conservancies. I think all of them
19 have... linked to wherever it started, who started
20 them, and what responsibilities we have embraced with
21 the city and all of us have different skill sets I
22 think and every park is also extremely different. So
23 every conservancy will reflect the nature of a park
24 that it's the steward of. I believe pretty much all
25 of them have a strong philanthropic activity because

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2 that remains a lion's share of a revenues that you
3 get. So we all have to be pretty arduous fundraisers
4 in support of a park that we maintain. And then all
5 of us at this time I believe also try to diversify
6 our, our sources of income. So you do that for all
7 sorts of elements depending again on your park and
8 your public and what makes sense and you agree to
9 which your relationship with the Department of Parks
10 and Recreation allows you to do that. For example on
11 the highline we operate concessions, food
12 concessions. We have a merchandise program. These
13 bring in a certain stream of income and we report
14 those numbers to parks as well so they're fully aware
15 of what's happening and they see every contract and
16 they have complete oversight of our activities.

17 COUNCIL MEMBER COHEN: I think..

18 JEROME BARTH: I don't know if that's a
19 full answer but that..

20 COUNCIL MEMBER COHEN: Well I think what
21 you were getting at is the use of tax increment
22 financing..

23 JEROME BARTH: Right.

24

25

1
2 COUNCIL MEMBER COHEN: ...which was used to
3 finance the capital, massive capital outlays. So that
4 as property values rose in the neighborhood that was...

5 JEROME BARTH: But that money never went...
6 [cross-talk]

7 COUNCIL MEMBER COHEN: That's not
8 operating money. [cross-talk] we understand.

9 JEROME BARTH: That's city money.

10 COUNCIL MEMBER COHEN: Right. I, I have a
11 question which is could you tell us about what you've
12 agreed to do for I believe it's one other park in an
13 underserved neighborhood.

14 JEROME BARTH: Correct.

15 COUNCIL MEMBER COHEN: Could you give us
16 those details?

17 JEROME BARTH: So we've been in active
18 conversations with the de Blasio administration, city
19 hall, and the Department of Parks and Recreation to
20 be able to effectively contribute to the community
21 parks initiative. These conversations are ongoing
22 and, and, and... to make any kind of announcement
23 because we, we, we, we have not yet finalized what
24 our role would be but what I would say is that just
25 like the other conservancies we, we are fully

1
2 supportive of this agenda and it's all about
3 determining what is the best use of our resources and
4 expertise in a project that also meets the needs and,
5 and requirements of the Department of Parks and
6 Recreation.

7 CHAIRPERSON LEVINE: Council Member
8 Cabrera.

9 COUNCIL MEMBER CABRERA: Let me, let me
10 play the other side of this conversation. Do you
11 think your funders would get discouraged in giving if
12 they knew that... you know let's say I give to park x
13 and then it's going to end up in park y z or a-b-c,
14 would that, you think that would get discourage?

15 JEROME BARTH: I think it's a very broad
16 question. I believe that for funders it's always
17 about the story. It's about making them understand
18 that their contribution has an impact, something
19 that's tangible, something that they believe in. So I
20 believe in the abstract if outside of any other
21 information yes funders they, they want to know
22 what's happening. However I believe that if you can
23 frame this story and, and give it context and meaning
24 and, and show results and inform and have reports and
25 pictures and all the work we do then you can probably

1
2 garner interest for projects beyond our immediate
3 projects. But you know this is new to us, we've not
4 done this before. It's... there's a way, there's a way
5 to do this work of fundraising and if you do it the
6 right way then you can have success. But if you just
7 do it outside of this process you probably would not
8 be successful.

9 COUNCIL MEMBER CORNEGY: So when they,
10 when they do give, they make a large donation right
11 do they know if that money, is there like some kind
12 of disclaimer or, or I don't know how you'd
13 communicate with your donors but that he might say
14 most likely will go to part x but you know we choose
15 the right to go to another park... I mean how do they
16 know their money end up going to that particular
17 park?

18 JEROME BARTH: They, they do and they
19 don't and it very much depends... for, for example for
20 small checks for members you know you can become a, a
21 member or friends of a highline for 45 dollars and,
22 and we really value these members because they, they
23 are the bulk of our supporters. We give them general
24 information about our activities. So they, they have
25 a sense of what they're doing. The, the more, the

1
2 larger the gift typically for larger of a donor I
3 think Tupper would confirm that is involved in
4 determining how that money's going to be used. You
5 have a certain idea of what they want to accomplish,
6 if you have certain interests you work around those
7 interests and you shape the, the use of the money
8 together.

9 COUNCIL MEMBER CORNEGY: You said
10 something really interesting and, and I would be
11 really encouraged to see if... I, I just want to double
12 check. You said the bulk of your funding comes from
13 45 dollar donations?

14 JEROME BARTH: No no no that's not what
15 I'm saying. What I'm saying the bulk of our members
16 are members of the 45 dollar... [cross-talk]

17 COUNCIL MEMBER CORNEGY: Yeah that's... so,
18 of, of your members but not of the donations. The
19 donation is usually somebody who has million dollars
20 and they're like okay I don't know where to put it,
21 I'd like to beautify this park and so forth. Okay. I,
22 I thought it was, I, I, that would have been... [cross-
23 talk] impressive if that was the case. Okay Mr. Chair
24 thank you so much.

1
2 CHAIRPERSON LEVINE: Okay Council Member
3 Treyger.

4 COUNCIL MEMBER TREYGER: Thank you Chair.
5 Just a question to the director of the Friends of the
6 Highline. Can you just tell us how this friends group
7 formed, just a little background on that?

8 JEROME BARTH: In our case it's, there was
9 a community board meeting and where plans were
10 discussed for destruction of a historic structure of
11 a highline...

12 COUNCIL MEMBER TREYGER: The destruction
13 of a historic structure?

14 JEROME BARTH: Yes.

15 COUNCIL MEMBER TREYGER: Go ahead.

16 JEROME BARTH: Yes. I can see where you're
17 going. But the, and indicates a, a local activist in
18 this case Roger Hammond and Joshua David got together
19 but didn't know each other before and they said you
20 know this is, this is a missed opportunity. Maybe,
21 maybe somebody should do something about this. And
22 they got together, they rallied local support and
23 then they rallied local funders and they were...

24 [cross-talk]

1
2 COUNCIL MEMBER TREYGER: Are you reading
3 our biography right now, please, please continue...

4 JEROME BARTH: ...and, and they created
5 this, this, this groups Friends of a Highline and to
6 its credit the city, the city gave the group enormous
7 credence and support and allowed it to be involved in
8 the development of an entirely new park of a new
9 kind.. [cross-talk]

10 COUNCIL MEMBER TREYGER: And what year did
11 this group form?

12 JEROME BARTH: 1999.

13 COUNCIL MEMBER TREYGER: 1999. Okay. And
14 since this group has formed, and you've been director
15 since when, forgive me?

16 JEROME BARTH: I, I'm, I'm the Chief
17 Operating Officer.. [cross-talk]

18 COUNCIL MEMBER TREYGER: Oh sorry.

19 JEROME BARTH: ...Roger Hammond, that's
20 alright. I just don't want you know...

21 COUNCIL MEMBER TREYGER: Since when?

22 JEROME BARTH: I've, I've join in July of
23 this year.

24 COUNCIL MEMBER TREYGER: Okay.

25 JEROME BARTH: Of 14.

1
2 COUNCIL MEMBER TREYGER: And to your
3 knowledge whenever there's any types of work going on
4 on the Highline does the Parks Department usually
5 consult with you about these types of works?

6 JEROME BARTH: Very actively. We have
7 presence from a Parks Department member, member of...
8 department of, of Parks visits or office maybe twice
9 a week and is briefed regularly about all projects.
10 We have regular compliance meetings about all revenue
11 activities. We have design regimes, commissioner...
12 Commissioner Bill Castro is in touch with us. For
13 instance in the Snow Removal Effort we, we were in
14 communications maybe six or seven times or over three
15 days. So there's an ongoing and, and what we call a
16 very meaningful communication with the Parks
17 Department.

18 COUNCIL MEMBER TREYGER: So I think you
19 know where I'm going with this because... and this is
20 no, to no fault of your own because I, I, I credit
21 you in your community for doing exactly what I think
22 should have done, been one. The unfortunate part is
23 that we don't have you know you know... maybe we should
24 talk to those individuals who form the highline,
25 bring them down to Coney island because quite frankly

1
2 that's what's going on here right now. And my next
3 question to you is that, and I'm curious to hear your
4 thoughts, you know should, should money or, or an
5 area's median income determine what type of input a
6 community gets in their public spaces?

7 JEROME BARTH: Well our role, you know
8 we're just a friends group for a local park.

9 COUNCIL MEMBER TREYGER: I hear you...
10 [cross-talk]

11 JEROME BARTH: So that's... [cross-talk]

12 COUNCIL MEMBER TREYGER: I'm just asking...
13 [cross-talk]

14 JEROME BARTH: ...for you to determine...

15 COUNCIL MEMBER TREYGER: ...I'm just asking
16 this is, I, I as an individual should, should money
17 or an area's median income determine the level of
18 input the, the public has on projects in public
19 spaces.

20 JEROME BARTH: I can tell you that as a
21 New Yorker my parks, our, an immense resource, I'm a
22 resident of Brooklyn and I think that the attention
23 that's given to parks now is wonderful and obviously
24 all parks in the city should be wonderful...

1
2 COUNCIL MEMBER TREYGER: With public...
3 Thank you.

4 CHAIRPERSON LEVINE: Jerome I don't think
5 you were telling the truth when you said this was
6 your first time testifying. You're way too good. Way
7 too good. Thank you both very much we appreciate it.
8 I'm pleased that we have been joined by my friend and
9 colleague in government and fellow parks champion,
10 state senator Daniel Squadron and I think he'd like
11 to say a few words. Alright senator thank you.

12 SENATOR SQUADRON: Thank you very much
13 Chair for your leadership on this issue which has
14 been significant and quite impressive for well over a
15 year now and also for your courtesy in allowing me
16 to, to jump the line. Thank you to all the council
17 members who are here. It's a real full vote today up
18 there which is good, I guess one short of it but I'm
19 sure we'll get the full house back. And I, I want to
20 thank you also for the introduction of this proposal.
21 As I've said many times before to this committee and,
22 and elsewhere local parks in some of the wealthiest
23 parts of the city are doing very very well. And that
24 is in many respects to the credit of the
25 conservancies and the largest conservancies in the

1 city. But the impact is that those who live near
2 these parks don't see in their daily lives the
3 broader impact of disinvestment in the park system
4 that has occurred over the last many decades. And
5 without the wealthiest and most powerful parts of the
6 city understanding the crisis that we have in parks
7 funding and parks equity it's been very difficult to
8 find the solution. I think we all agree that we
9 cannot let some parks fall behind, some parks have
10 community input while others thrive, while others are
11 true community city partnerships. And when we started
12 the focus on this nearly two years ago it was clear
13 there was limited in understanding and scant public
14 data about exactly what role it is the conservancies
15 play in the system overall. This bill would provide
16 important information to that end and, and that's a
17 big deal. Beyond the obvious benefits of transparency
18 it also would force stakeholders to truly understand
19 the costs and the stark realities of government
20 disinvestment. The conservancies are playing a very
21 important part in maintaining these parks that also
22 are not getting enough public money. And a reminder
23 of the extent to which they've been forced to fill
24 government funding gaps it is important for their
25

1
2 role and to understanding the overall parks equity
3 and parks funding crisis. And this information will
4 certainly identify some of the system's failures but
5 what it doesn't do is link individuals conservancies
6 to larger system or provide funding to make up for
7 the gap that under resourced parks are faced with.
8 Significant public dissemination and discussion of
9 the information is a crucial piece of this puzzle. So
10 it serves the goal of allowing the public, elected
11 officials, advocates, conservancies themselves to
12 understand the impact different conservancies have to
13 identify who's doing more with less, who's stretching
14 that dollar to have the most significant impact for
15 their park goers. And what are the most efficient and
16 effective ways to improve parks throughout the
17 system, rather the parks have conservancies or not.
18 However I do need to point out while this bill is an
19 important step for transparency and with true public
20 focus will also help to link the system. It need not
21 be passed for conservancies to play a more meaningful
22 role in expanding the impact of the mayor's community
23 parks initiative which the conservancies have clearly
24 expressed their enthusiasm to do. At the CPI
25 announcement on October 7th we were there together it

1 was a great day. The mayor was clearing his
2 commitment to quote turn to the major parks
3 conservancies and ask them to make a contribution as
4 part of this process. I look forward to that
5 voluntary role for large conservancies becoming a
6 reality soon and being fairly reflected in the data
7 if this proposal before us today is passed. Because
8 certainly credit and an understanding of the way in
9 which conservancies are voluntarily linking to the
10 entire system is an important part of the overall
11 picture. I look forward to working with the mayor,
12 Commissioner Silver of course you Chair Levine,
13 Council Member Cohen and others who we've been doing
14 a lot of partnership with to continue to push forward
15 the issue of park equity and to really once and for
16 all take care of the parks funding crisis so that
17 we're not trying to figure out how to rearrange what
18 is insufficient but instead how to take what is
19 efficient and spend it in the best possible way for
20 every neighborhood. Thank you.

22 CHAIRPERSON LEVINE: Thank you very much
23 Senator. Alright well... [cross-talk]

24 SENATOR SQUADRON: ...Council Member
25 Treyger, nothing, nothing?

1
2 COUNCIL MEMBER TREYGER: Perhaps you could
3 throw in a reference to the Coney Island Boardwalk...
4 [cross-talk]

5 SENATOR SQUADRON: You know the Coney
6 Island Boardwalk is one of the great treasures of, of
7 the city. I don't know if there's a conservancy out
8 there... thank you very much.

9 CHAIRPERSON LEVINE: He escaped unscathed.
10 Alright our next panel will be Jeffery Croft from the
11 New York City Park Advocates, Joanna Clearfield from
12 the Urban Wildlife Coalition, Lucy Cotein [sp?]
13 speaking on Brooklyn Bridge Park. Go ahead Jeffery
14 the floor is yours.

15 JEFFERY CROFT: Good afternoon my name is
16 Jeffrey Croft. I'm President of New York city Park
17 Advocates, show me the money. One of the main reasons
18 why New York City Park Advocates suggested non-
19 governmental park funding to be tracked in the first
20 place to see how large the, the disparity was between
21 the have and the have nots. The, the idea was also
22 based on the very basic principal that the public
23 should know where private money's being spent on
24 public property, where it's coming from and what the
25 funds are being used for. It's basically good

1 government. Unfortunately as we all know the city has
2 simply refused to comply with the original local law
3 which you mentioned in your test, your opener. I also
4 want to reiterate in beginning when the first law was
5 suggested and going down this road, the parks
6 department was actually in support of the original
7 one too. And I quote we want reiterate our shared
8 commitment to full disclosure, Liam Cavanaugh, First
9 Deputy Commissioner for parks said at the time I
10 believe in this very room. And as we know the
11 reporting is a complete joke. Depending on which way
12 the wind blew the previous administration said
13 private funds for parks was either 150 million
14 dollars or 165 million dollars.. said here that they
15 reached close to 150 million dollars in charitable
16 contributions, quote, that was in March of 2012. And
17 our partners contributed more, more than 165 million
18 to support public parks, person for the parks
19 department said on April 26th, 2013. And today we
20 heard an entirely different number of 125 million
21 dollars. The annual, the annual reports produced by
22 the Parks Department to, to day total almost a few
23 million dollars no, nowhere near what the agency has
24 claimed. As a reporting toool the current reporting
25

1 is basically useless. The, the reporting must come
2 from all expense in capital funding sources not just
3 from the ones that are, are, are currently being done
4 and the ones that are currently being proposed in
5 this legislation. We, we we also, we strongly
6 encourage the inclusion of parks that do not have
7 agreements with this city. This is very important as
8 many groups provide fund, funding to parks but do not
9 have legal agreements. BIDs, Business Improvement
10 Districts should also be included in the reporting
11 too. My first non-profit I started in 1996 we raised
12 two or three hundred thousand dollars for a, a park.
13 Under that, under the current that would not be in,
14 included. We fully support any legislation including
15 this one that closes, that closes any supposed loop,
16 loop holes to, to the 2008 reporting law language
17 including perhaps the most glaring mission the
18 tracking of all private money that parks receive, not
19 just the ones that the parks department collects.
20 The, the most important actions will come after the
21 legislation is passed. However when the city council
22 demands that the city complies and accurate numbers
23 are compiled only then will we be able to fully
24 ascertain just how large the park spending in
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1
2 equities truly are. Obviously you know in the prior
3 bill, I mean even like friends of the highline were
4 not, were not included as you mentioned in your
5 opener central park the vast majority of those funds
6 never made it into the reporting. And I just want to
7 you know highlight as I've done over many many years
8 it's not the conservancies' job to take care of, of
9 Parks. It's the city's job and once again under... and,
10 and we have a new administration but you only
11 allocated again less than a half a percent in the
12 city funds to the maintenance and operations of, of
13 parks. So we're not you know discouraging
14 conservancies from private people to, to donate to
15 parks but it is the, the city's job and it is their
16 responsibility. So...

17 CHAIRPERSON LEVINE: Thank you very much
18 Mr. Croft. No problem. So next up we'll hear from
19 Joanna.

20 JOANNA CLEARFIELD: Thank you so much for,
21 it seems to me in last couple of months I've been
22 here more than maybe most people want to see me but I
23 also am here very enthusiastic and supportive your
24 initiatives and I want to thank you. My group is the
25 Urban Wildlife Coalition and it's a, it's a, made up

1 of a lot of affiliates and friends including the
2 thousands of members that belong to Friends of
3 Animals which is a national organization that
4 strongly supports and works with me. Also we have New
5 York City Goose Watches, also a very close friend and
6 affiliate. So I'm here to speak for the animals yet
7 again. The issue that I have with, and I want to
8 support this bill on behalf of myself and my members.
9 The issue we have with these private conservancies is
10 that it becomes a, a further and further cry from the
11 democratic process and the input from the community
12 and just to give you an idea of the communities, a
13 relationship with wildlife, recently there was a
14 petition circulated to save the geese yet again and
15 the swans which, which drew more than 200 thousand in
16 signers on a online petition from our community, 200
17 thousand people signed on. And that was a petition
18 that was initiated from David, you know David
19 Coropkin [sp?]. That speaks to the public's sentiment
20 for protecting our wildlife and yet through these
21 conservancies we see a more and more hostile
22 relationship with our wildlife. For example right now
23 prospect park has a zero tolerance for geese. Zero
24 tolerance level means they're spending our money and
25

1
2 also their funders money on hiring goose busters
3 which is a, a, a group that goes after the geese in
4 the park and chases them away or, or, or addles their
5 eggs etcetera etcetera. It performs very hostile acts
6 towards the geese to make them go away. There was no
7 community consent. There was no public or democratic
8 process that said that the community did not want
9 geese in prospect park. So my issue on behalf of the
10 wildlife and on behalf of all of our friends who work
11 with us is where is the public's voice in these
12 private conservancies. I see it further and further
13 away it feels like a very distant cry. And one PS, in
14 terms of the funding I want to reiterate what Jeffery
15 said about the budget now being one half of one
16 percent which I believe is egregious, it's a crime.
17 We have in our records we've done some, some research
18 etcetera and found that the public stadiums both
19 Yanky and I think Met stadiums were built on public
20 land and originally were required to return some of
21 their profits into the park system. When they were
22 rebuilt I understand that we lose 30 million dollars
23 a year from those projects. So I guess when, when
24 Jeff was talking about follow the money to me that is
25 one very good example of where money has, basically

1
2 been stolen from the coffers of our, of our public
3 parks quietly and successfully and yet we come
4 together and say there's no money. And then we rely
5 on private conservancies to say oh here we have the
6 money plus we have this agenda. For example prospect
7 park which I love and, and which I am a steward of I
8 work lot of volunteer hours in prospect park. I just
9 say one thing. They took 70 million dollars of their
10 budget and rather than it going into the maintenance
11 of the park and there's been a huge problem with
12 wildlife injuries and wildlife issues, rather than
13 taking any of that money they took 70 million dollars
14 to build a tourist center which is called the
15 lakeside view center which rebuilt two ice skating
16 rinks. So my understanding is the community wasn't
17 really supporting that. Much, you know much of the
18 community wanted, they want permanent park
19 enforcement police. They want the park to be
20 maintained in a, in a way that protects the wildlife
21 and that's just not happening through the
22 conservancy.

23 CHAIRPERSON LEVINE: Thank you very much
24 Joanna. No, appreciate it. Appreciate it. Okay Lucy.

25

1
2 LUCY COTEIN: Thank you. My name's Lucy
3 Cotein I recently... [off mic] elected as the Brooklyn
4 Bridge Park co-chair of the [on mic] Brooklyn Bridge
5 Park CAC, the community advisory council. But I
6 actually didn't really know about the bill. I came
7 because, I only heard yesterday that there was a
8 hearing about Parks and Conservancies. So from what I
9 hear it sounds like a fantastic start and I fully
10 support bill 384-A. But what I wanted to say is that
11 parks are here to serve the public and it make sense
12 to me that they should be run by the parks department
13 with oversight from the controller's office. We
14 should not be counting on independent conservancies
15 which have to put a great deal of effort into
16 fundraising in order to run our parks. In a city as
17 wealthy as New York we should be able to fully fund
18 the public parks from our tax system. It seems to me
19 that it should be no different than paying for a
20 critical service such as the Department of
21 Transportation. When was the last time any of us
22 received an invitation to a fundraiser for DOT, and
23 parks should be no different than an institution like
24 DOT. We don't ask DOT to hold fundraisers why should
25 we ask our parks to have private entities which are

1
2 reliant on private funds and then running their
3 organizations without much government oversight. Once
4 an organization is reliant on private funds for its
5 existence it is turned into a political animal. If we
6 are giving up the running of our parks to the parks
7 department then conservancies should be fully
8 accountable to the public thus your bill which I
9 really appreciate. Without that how do we know if a
10 funder of a conservancy is being given favors such as
11 permits for their corporate events or do they have a
12 right to expect special treatment? An example would
13 be chasing other corporations giving whole areas of
14 central park for their events which lock out the
15 public. The conservancy chair is put into place and
16 the public knows nothing about that person's
17 credentials to run a park. Are they put there because
18 of political connections? We don't know the source of
19 their funding. We don't know by what authority they
20 are making decisions that impact the public. In some
21 cases they are revenue sharing from concessions in
22 the park. Is that where those revenues should go? If
23 we must have these private entities running our
24 public services and the least government can do is to
25 review all income and expenses on a regular basis and

1 share the information with the park, with the public
2 sorry. And, in, in reference to Brooklyn Bridge Park
3 I'm concerned that some questions are raised here,
4 where does this stand in terms of the legislation
5 you're proposing because they are under the Brooklyn,
6 Brooklyn Bridge Park Corporation and that's a private
7 entity or it's, or it's not a, it's this odd entity
8 more like a public authority and New York City
9 doesn't even have public authorities but acts like a
10 public authority. So I'm wondering how the Brooklyn
11 Bridge Park Conservancies interacts with this bill
12 and how they are going to be connecting to the Parks
13 Department. And as Ms. Mealy said before they had
14 problems getting an event there because there was no
15 connection to the, to Parks Department. Thank you,
16 thank you for this.

18 CHAIRPERSON LEVINE: Thank you very much
19 Lucy. I want to cue Council Member Treyger who has a
20 question or a comment I believe.

21 COUNCIL MEMBER TREYGER: Yeah it's a
22 question actually for Jeffrey first. Jeffrey can you
23 just clarify what is, what doesn't the bill cover?
24 Because I think you, you've touched upon that with
25

1
2 regards to what groups are not covered under this
3 bill.

4 JEFFREY CROFT: Well from what I
5 understand, from what the, what Alessandro testified
6 to it, it covers the 18 agreements that the Parks
7 Department has. It sounds like the Parks Department
8 is reaching out and trying to make efforts in, in, in
9 roads to you know other, other groups. But that's
10 only a team. And according to the parks Department we
11 have dozens and dozens of so called friends groups.
12 And so that's you know definitely should, should be
13 expanded. Also business improvement districts for
14 instance you know they, we, they were, enormous
15 amount of power. You know we, we, we had to go to
16 court in Union Square Park. These, you know this is
17 over a, a business improvement district and one thing
18 that, you know like came up a couple times and... you
19 had mentioned, you know you kept a couple of the
20 council members were asking about the power that
21 these groups have... absurd to even suggest that
22 certain non-profits and conservancies don't have
23 enormous power over the public spaces that they are
24 stewards over or, or of. So you know let's not, let's
25 be up, up front about that. And but I think you know

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2 this is a good step but if you... you know in, at the
3 end of the day if we're looking for an accurate
4 picture of what money is actually going to all these,
5 all these parks we need to you know vastly increase
6 the reporting mechanism of, of it. And I think you
7 know under the leadership of Mark Levine you know
8 you're certainly open to these types of things and I
9 know you guys are too because ultimately you guys
10 want what, what we want. So obviously we want to work
11 with, with you guys on, on that. But you know just
12 like the park report, you know the crime reporting
13 bill this has been on the books for a, a while. And
14 the previous administration basically you know didn't
15 feel that they needed to comply. So we, we are here.
16 This is you know déjà vu all over again. And you know
17 we do have a chance moving forward again with this
18 new administration and hopefully with new leadership
19 in the Parks Department. But we have to you know
20 start making real changes.

21 COUNCIL MEMBER TREYGER: And you would
22 agree that despite whatever private resources are
23 collected for different parks the largest contributor
24 are still, still the, the, the taxpayers?

25

1
2 JEFFREY CROFT: Oh no, no doubt about it.
3 And you know again we're, we're very happy that
4 groups like the... park you know conservancy are, are
5 doing you know other things for other parks but this
6 is I mean we're talking about a, a fraction of the
7 money. Ultimately, look you cannot have a park system
8 that gets its resources from wealthy individuals.
9 That makes no sense. And that's not a way to run a, a
10 park system. We will always be at... you know we will
11 always be, be holden to the wealthy. That's, that's
12 not what our power, our public parks were set up and
13 nor should they be. And you know you've brought up
14 multiple time you know during this about the, the
15 boardwalk. You know one of the most important parts
16 of your, your, of your question is the influence that
17 conservancies have. So you know hopefully you know
18 you would never need a conservancy. But I think you
19 raise very very good good points which says all
20 communities should be listens to. But what we are
21 seeing is that conservancies, I mean park, wealthy
22 park you know conservancies do have tremendous
23 influence.

24 COUNCIL MEMBER TREYGER: Yeah thank you.

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COMMITTEE ON PARKS AND RECREATION

LUCY COTEIN: Can I add one, just one
comment?

CHAIRPERSON LEVINE: Very, very quickly
yes...

LUCY COTEIN: Yeah it was the Central Park
Conservancy that blocked public demonstrations during
the republic and national convention. Those
demonstrations received the public permit to
demonstrate. It was the Central Park Conservancy that
blocked them.

CHAIRPERSON LEVINE: Thank you all for
your testimony. Thank you to my colleagues this
concludes our hearing. Thank you very much.

[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 January 30, 2015