

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PARKS AND RECREATION

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October 30, 2009
Start: 12:00 pm
Recess: 2:12 pm

HELD AT: Council Chambers
City Hall

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

COUNCIL MEMBERS:
Council Member Letitia James
Council Member Melissa Mark-Viverito
Council Member Helen Sears

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

Michael Schnall
Director of Government Relations
New York City Department of Parks and Recreation

Tupper Thomas
Assistant Commissioner for Strategic Partnerships
New York City Department of Parks and Recreation

Carol Greitzer
Former Council Member
Founder, 250+ Friends of New York City Parks

Henry Stern
Former Parks Commissioner
Founder and President, NYCivic

Tom Reidy
Director of Park Operations and External Affairs
Madison Square Park Conservancy

Dorothy Reilly (for Kathleen Vorwick)
Director of Public Relations
Greenbelt Conservancy on Staten Island

Warrie Price
Founder, President
Battery Conservancy

Lori Brittle
Vice President for Finance and Development
Riverside Park Fund

Darren Johnson
Vice President of Strategic Initiatives and Policy
New York Restoration Project

Scott Johnson
Director of Communications/Branding
Central Park Conservancy

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

Judy Francis
President
Brooklyn Bridge Park Defense Fund

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

Julia Morrow
Assistant Director
Open Space Alliance for North Brooklyn

Henry Bunch
President
Queens Soccer Foundation

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2 COUNCIL MEMBER JAMES: --we've got,
3 oh, I've got five minutes, so I have to wait till
4 12:00. [long pause] We're ready?

5 MALE VOICE: [off mic] Yes, ma'am.

6 COUNCIL MEMBER JAMES: Okay. It is
7 now good afternoon. Good afternoon, my name is
8 Letitia James, and I am chairing this Parks and
9 Recreations Committee meeting on behalf of Council
10 Member Helen Diane Foster, who unfortunately had
11 to attend a funeral. In this hearing, we'll focus
12 on Proposed Intro number 1083-A, a local law, in
13 relation to requiring local representation on park
14 conservancies. The conservancies and other park
15 organizations are funded primarily from
16 contributions made by individuals, corporations
17 and foundations within the metropolitan area, as
18 well as project and contract revenue pursuant to
19 its partnership agreement with the Department of
20 Parks and Recreation. These amounts are used to
21 fund capital improvements, provide horticultural
22 care and maintenance, and offer programs for
23 volunteers and visitors of Central Park or other
24 parks. The purpose of this bill is to ensure that
25 conservancies that often set policy for parks

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2 contain neighborhood representation. As noted
3 above, conservancy arrangements generally are
4 license agreements between the City and a private,
5 not-for-profit entity, that permits that entity to
6 operate a public park or portion of a park. Much
7 of the staffing and programming is then provided
8 for the conservancy. While many people view
9 conservancies as important fund raiser that keep
10 public parks functioning, with less of a drain on
11 the City's budget, others see conservancies as
12 entities having no accountability, with private
13 interests governing public space. Moreover, there
14 are some concerns that conservancies do not have
15 proper representation from the geographic area
16 that they serve. Let me just do a little
17 commercial. I represent Fort Greene Park
18 Conservancy. We are looking to do something
19 similar, and most of the residents who serve on
20 the conservancy are from the community. We do not
21 currently have an agreement with the Parks, but
22 hopefully that will change in the future. And we
23 do have our own fundraising operation in place.
24 But unfortunately, at, or fortunately, depending
25 upon your position, we do not have an agreement

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2 with Parks, but we're looking to change that.
3 That's my position, but I do not serve on this
4 Committee. I'm only standing in for a friend.
5 Serving on this Committee is Council Member
6 Melissa Mark-Viverito, who has joined us, as well
7 as Council Member Helen, I mean, Helen--Jesus,
8 Helen Sears. And I don't believe there are any
9 other members. Our first two individuals to
10 testify are, is Michael Schnall, the Director of
11 Government Relations from Parks and Recreation, as
12 well as my very good friend, Tupper Thomas,
13 representing, she's an Assistant Commissioner in
14 the New York City Parks and Recreation. And now
15 you have the floor. Thank you. [pause] Excuse
16 me, my colleague Melissa Mark-Viverito would like
17 to make a opening comment. Thank you.

COUNCIL MEMBER MARK-VIVERITO:

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19 Thank you. I actually am not a member of this
20 Committee, but it is my bill, and that's why I
21 decided to join you today. And so, just to, you
22 know, make a quick statement, and I will
23 absolutely not belabor it. I want to hear the
24 testimony, 'cause I understand by looking quickly
25 at the comments that the City's not in agreement

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2 with this bill. But I believe very strongly in
3 accountability and transparency, and all that we
4 do as elected officials, but also with regards to
5 the partnerships that are created with our public
6 resources; and having said that, our conservancies
7 are public/private partnerships of sorts. And I
8 do have experience with conservancies as well, not
9 only in Central Park, which is in my district, but
10 also with Randall's Island Sports Foundation,
11 which is my experience with them, in particular,
12 is the reason that I authored this bill.

13 Although, it may be said that a lot of
14 conservancies in our City may have local
15 representation, it's not a mandate as it stands
16 right now, and there are some conservancies which
17 in fact do not have local representation of people
18 that live within the jurisdiction of those parks
19 particularly. Randall's Island Sports Foundation
20 abuts both the park Randall's Island, abuts both
21 Community Board Eleven and Community Board One in
22 the South Bronx. And although it is a park that
23 is accessible to everyone in the City, there is no
24 representation--my understanding of the Board from
25 the local community boards of those two. So

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2 that's an issue and a concern, when we're talking
3 about conservancies having a level of oversight as
4 to what happens to the park, in terms of the
5 direction of the vision of how the park is to be
6 developed or be maintained. It's important that
7 the people that live in the immediate surrounding
8 community have a level of input. And so, I
9 believe very strongly in that. I think it should
10 be a mandate that every conservancy have
11 representation of every board that it surrounds,
12 and so I'm glad to see that there are many other
13 colleagues that believe the same way. I'll leave
14 it at that. I would like to hear the testimony,
15 and then we can have a further discussion and
16 dialogue. Thank you.

17 COUNCIL MEMBER JAMES: Thomas and
18 Mr. Schnall, you may begin.

19 TUPPER THOMAS: Is that on? There,
20 ooh, ow. Hi, I'm Tupper Thomas, and I'm the
21 Assistant Commissioner for Strategic Partnerships.
22 I'm representing Mayor Bloomberg, Deputy Mayor
23 Harris, and Commissioner Adrian Benepe today, to
24 talk to you about this Introduction. As the
25 person who does strategic partnerships within the

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2 Parks Department, my primary role is to work with
3 all of the Park administrators and their not-for-
4 profit affiliates. I've been here 29 years. I
5 have worked long and hard on making Prospect Park
6 a better place. And we're very excited, and the
7 alliance that we are able to work closely with our
8 community and do a number of things. I'm not
9 going to read the entire statement here. [laughs]
10 Yes, exactly. But I would like to say that New
11 York City has been, is a national example across
12 the country of partnerships for parks in how we've
13 been able to bring many resources to New York City
14 parks over the years. So, when I first started in
15 1980, certainly our New York City parks were in
16 very, very poor condition. And I think the
17 development of places like the Central Park
18 Conservancy, Prospect Park Alliance, and then many
19 others since that time, have meant that many of
20 our parks are better places. I don't think that
21 this proposed legislation says that that's not
22 true. So, I think that it's very important people
23 understand that these organizations have really
24 made a big difference for the people of the City
25 of New York. All of our organizations currently

1 actually do have, and do represent their
2 communities in major ways. They have people on
3 their boards who are from the community, and who
4 work closely with the community. Prospect Park
5 Alliance, as an example, has a very large number
6 of our representatives. We have 20 members, we
7 have more than 20 members, who are--33 members who
8 live in the immediate surrounding neighborhoods.
9 We have our own Council Member representing, who
10 represents all of the park on the Board, and we
11 have ex-officio members, the Borough President is
12 among them, as well. So, we actually have very
13 strong representation from the community, and we
14 have developed a Community Committee, that works
15 with us as well, who are organizations from all
16 around Brooklyn that use the park. And those
17 organizations, as well as our elected officials,
18 send people to those meetings so that we can
19 discuss all issues. The other thing to
20 understand, is that conservancies are never in the
21 position where they are allowed to make policy
22 decisions for the City of New York. All policy
23 relating to the park and park management, in every
24 agreement that has been signed, lies with the
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1 Commissioner and ultimately the Mayor. The
2 conservancies do not make policy, they do rule on
3 whether there can be a dog run or a baseball
4 diamond or anything else in their park. They are
5 asked to raise money for projects that the City
6 would like to see happen. And then they have
7 fiduciary responsibilities to be sure that those
8 moneys are spent properly, under the law. So, we
9 are, on the--really, I don't believe there's a
10 single case where the City hands over policy
11 decisions about the usership of the park or how
12 things will happen in the park, to those
13 conservancies. And I think that's a very
14 important point to understand. Still and all, I
15 think it's very important to note that this
16 Introduction is clearly intended to have more,
17 that there be more and more visibility to the
18 public of what these conservancies do, and how we
19 operate. I think that we already, now, because of
20 a past bill that was passed, we already hand in
21 information to the Council to show who's on our
22 boards, and who gives to us. So those are
23 important things that I think the public deserves
24 to know. They know them anyway because of our
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2 filings with taxes, but it's been important, and I
3 think the Council is right to want to be sure that
4 none of us are doing things that are
5 inappropriate. But we do feel that, that there
6 are some issues about the word "conservancy" and
7 how it's used, and what those will mean to the
8 incorporation law. And I'm going to read that
9 portion of it. We feel that partnerships have a
10 demonstrated track record of upholding the
11 community based goals of Introduction Number 1083-
12 A. This bill would seek to add a new section,
13 18137, to the administrative code. It would
14 specify that any conservancy arrangement defined
15 in the bill as "any license or other authorized
16 authorization allowing a conservancy to operate or
17 maintain any park or portion of any park under the
18 jurisdiction of the Commissioner of Parks entered
19 into or renewed on or after the effective date of
20 the bill, be required, would require that the
21 Board of Directors of the Conservancy include as a
22 voting member an individual designated in
23 consultation with Council Members from each
24 Council district, in which the park is located, or
25 which the park abuts." While Parks certainly

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2 lauds the intent of this bill to make sure that
3 members of the local community in and around each
4 conservancy, a representative on the Boards of
5 Directors, and that local communities are involved
6 in the planning and operations of their parks. We
7 believe that Introduction Number 1083-A may
8 violate the charter of New York State law. We
9 also believe that New York State not-for-profit
10 corporation law adequately establishes guidelines
11 on the composition of boards of private, not-for-
12 profit corporations. Furthermore, we believe that
13 our conservancy partners meet and exceed the
14 requirements set forth in Introduction Number
15 1083-A, in terms of local representation on their
16 boards, and already operate with the guidance and
17 approval of parks and the Mayor's office. The
18 legislation as proposed raises other questions.
19 There's scores of small not-for-profit groups,
20 including dozens of Little Leagues, 23 historic
21 house museums, CBO youth organizations that have
22 license agreements to operate and maintain
23 parkland--would they be subject to this
24 Introduction? Some organizations such as the City
25 Parks Foundation and the New York Restoration

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2 Project offer programs and services in all five
3 boroughs--would they need representation as
4 defined in Introduction 1083-A? From every
5 Council district in which they operate? Or it
6 also is unclear about the intent of the Board
7 representation required under the bill. Board
8 members are volunteers who contribute their time,
9 talents and resources to further their
10 organization's mission. If the Board member
11 required under the bill is meant to be the City
12 Council's representative, we would concur about
13 how it might affect a Board's ability to focus on
14 its mission, particularly in a case such as
15 Prospect Park, where we might be required to add
16 four additional new Board members. Thank you for
17 the Council's interest and advocacy for our
18 conservancies. Just as the Council serves as the
19 eyes and ears for constituents across the five
20 borough, our many partnerships serve a crucial
21 role in linking the community to their local
22 parks. The universe of partnerships extends far
23 beyond those affiliated, not-for-profit
24 organizations, Partnerships for Parks, which is--
25 which is there, an organization run by the Parks

1 Department and the not-for-profit City Parks
2 Foundation, organizes, manages and encourages
3 volunteer groups to form. More than 800 groups
4 with 55,000 volunteers are beautifying the parks,
5 providing \$1.7 million hours of volunteer work.
6 Just this past weekend, thousands of New Yorkers
7 braved the rain to come out for "It's My Park
8 Day," a twice annual volunteer event. And also,
9 we have celebrated the Million Trees New York fall
10 planting day, which supports the New York
11 Restoration Project. Volunteers have planted more
12 than 20,000 trees in our City's parks and natural
13 areas. There is no single universal strategy that
14 works best for all parks. Not all parks have the
15 residential or commercial strength to establish a
16 partnership. In fact, City Parks Foundation, that
17 is founded to support the City parks without
18 access to private sources, is today the largest
19 provider of free cultural programming citywide.
20 Partnerships work best when formed by people who
21 love their park. They should be a celebration of
22 the park, and in that sense we can all agree that
23 the community of park users is essential to making
24 sure that the parks' interests are best
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2 represented. We hope that we will all work
3 together with the City Council to make that
4 happen.

5 COUNCIL MEMBER JAMES: I want to go
6 to your, the part of your testimony, Ms. Thomas,
7 which talks about the fact that this might be in
8 violation of the New York State not-for-profit
9 law. Could you elaborate on that? What is your--

10 TUPPER THOMAS: Yep.

11 MICHAEL SCHNALL: Hi. I'll just,
12 it's a discussion that we can have about the law
13 for days on end, but basically the New York State
14 not-for-profit corporation law establishes the
15 structures and the way, and the guidance and the
16 governance for the establishment of a not-for-
17 profit. Similarly, they have to abide by certain
18 federal regulations under the IRS tax code. We
19 believe that the New York State not-for-profit law
20 adequately establishes the way in which a board is
21 established, and all the rules and regs that they
22 need to follow.

23 COUNCIL MEMBER JAMES: But you
24 would agree that there's nothing in the State
25 statute which can be construed as a limitation on

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the power of the City Council?

MICHAEL SCHNALL: No, we believe that in some instance that it might actually preempt the City law, because the Boards are defined and established in the State law. Nothing that says anything about local representation; however, to do that we believe would be a possible violation of the law.

COUNCIL MEMBER JAMES: But, again, there's nothing specific in the State law which says that this, that the City Council can not impose some further requirements on the Parks and Recreations?

MICHAEL SCHNALL: No, there is not.

COUNCIL MEMBER JAMES: Okay. Now, does the Parks and Recreation have any input in determining who was named to the governing board of a park conservancy?

TUPPER THOMAS: I think each conservancy in the past has figured out what they think is the right answer. So, each one of us has a different system. When we first started we looked at the Central Park example where the mayor appointed certain people and all the rest were

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2 self-appointed. We added a Council Member in the
3 Stephen Dibrienza era. And so we added our
4 Council Member at that time, and we have a member
5 of our Community Committee serve on the Board as
6 well. So, we've done it that way, but there isn't
7 a requirement by the City of New York as to who
8 serves on our Board. It may be that if we hadn't
9 had some of those things, where the Mayor made
10 appointments and the borough president made
11 appointments, that when we went to sign certain
12 agreements--and by the way, we don't actually have
13 a full agreement either--that we would, that we
14 would have to add something. But I don't think
15 there is any requirement at this time that says to
16 any one of us when we're signing the agreement,
17 who has to be on them.

18 COUNCIL MEMBER JAMES: What's the
19 criteria for serving on a Board?

20 TUPPER THOMAS: The criteria for
21 serving on a Prospect Park's Board is that you
22 have to give, you have to come to the Board
23 meetings, you have to join a committee, you have
24 to support the park financially, in whatever way
25 that you're able to do. And there isn't a set

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2 amount of money that you have to produce. And
3 that you're expected to have fiduciary
4 responsibility for the way that we spend our
5 funds. Because that's what legally is the one
6 thing you're completely held to by law.

7 COUNCIL MEMBER JAMES: So, you have
8 to have deep pockets.

9 TUPPER THOMAS: You don't have to,
10 no, because we have a number of Board members who
11 have other kinds of things they bring to the
12 table. But you have to, each person has to make a
13 contribution at the level at which they are
14 capable of making.

15 COUNCIL MEMBER JAMES: That could
16 include in kind contribution?

17 TUPPER THOMAS: It could include in
18 kind, and sometimes does. It includes people who
19 might be the head, like the head of Medgar Evers
20 College has always served on our Board. And he
21 makes a very small contribution, but then is able
22 to help us a lot with all our educational
23 programming that we do, at our high school that we
24 operate.

25 COUNCIL MEMBER JAMES: Are--let's,

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2 okay, so let me limit my questions to Prospect
3 Park Conservancy, since I do, I border the park.
4 On that particular board, is there any
5 representation from our, from the baseball little
6 leagues?

7 TUPPER THOMAS: No, because we have
8 our Community Committee. There are some parents
9 who are involved with baseball, but in fact on our
10 Board, there is never a conversation about policy,
11 so there is not really that kind--there isn't a
12 dog owner and baseball player and a soccer player.
13 That is what the Community Committee serves as.
14 And then there is a person who represents the
15 Community Committee who serves on the Board.

16 COUNCIL MEMBER JAMES: Now the
17 Community Committee on--the Board of Directors
18 actually sets the policy and the Community
19 Committee, is it fair to say, would advise the
20 Board?

21 TUPPER THOMAS: No, the Board does
22 not make policy, the City of New York makes the
23 policy that relates to things. The Board votes on
24 capital projects it wants to raise money for, so
25 for instance on the current big project that we're

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2 working on, the Board said, "We think this is a
3 great project," the City said, "We think this is a
4 great project," so we proceeded to start to raise
5 money for it both from the public sector and the
6 private sector. But the, if only the Board wanted
7 to proceed, and the Mayor's office and the
8 borough--and the Commissioner, Parks Commissioner,
9 said "We don't want to do that project," we could
10 raise the money, but we couldn't ever spend it on
11 the project.

12 COUNCIL MEMBER JAMES: So this
13 Community Committee, which is a committee separate
14 and apart from the Board of Directors--

15 TUPPER THOMAS: Right.

16 COUNCIL MEMBER JAMES: Who serves
17 on that committee?

18 TUPPER THOMAS: That is a committee
19 that is all of the organizations from around the
20 park, the--the little league groups, the civic
21 councils, the dog owners, the bird watchers. You
22 have to represent an organization, not just be an
23 individual.

24 COUNCIL MEMBER JAMES: Are the
25 soccer teams represented on there?

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2 TUPPER THOMAS: They would be if
3 they came, they are invited to them, but they
4 often aren't at our meetings, but yes, the soccer.
5 We have a separate thing for our soccer program,
6 where all of the leagues meet three times a year,
7 and they actually help to figure out how to
8 allocate the fields and do that kind of work, so
9 that they work together.

10 COUNCIL MEMBER JAMES: And is this
11 structure limited to Prospect Park?

12 TUPPER THOMAS: I think each one of
13 us sets up a different system for relating to our
14 communities, but many, many of us have very, very
15 strong community relations and community outreach
16 efforts. I know, like, for instance, The Bronx
17 Park has got a very strong community effort, I
18 think they do.

19 COUNCIL MEMBER JAMES: And I guess
20 to Mr. Schnall, or to Ms. Thomas, do you believe
21 that there should be some consistency in the City
22 of New York, as opposed to, you know, one
23 structure in Brooklyn and another structure in
24 Manhattan?

25 TUPPER THOMAS: I don't believe

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2 that one structure fits all, at all. And I think
3 each one depends on how that park fits into the
4 community that it's in, and what the community is.
5 So, I think that what you want is a very open
6 statement about what you're particular conservancy
7 is doing, and that there be, that there be plenty
8 of--what's the word, you know, where you see
9 things well.

10 MICHAEL SCHNALL: Transparency.

11 TUPPER THOMAS: Transparency!

12 Thank you. That it be a very transparent process,
13 because I just think they're in so many different
14 places in so many different parts of the City,
15 that there's going to be no one plan fits all--

16 COUNCIL MEMBER JAMES: Right.

17 TUPPER THOMAS: --process.

18 COUNCIL MEMBER JAMES: Before I
19 turn it over to my colleagues, Council Member
20 Melissa Mark-Viverito, you do not make policy but
21 you influence policy. Yes?

22 TUPPER THOMAS: There is always
23 that possibility, I suppose, that we could
24 influence policy, but on our particular board, my
25 board members are certainly not people who get

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2 involved in conversations about where the dog run
3 should go or, you know, whether bird watching
4 should happen here or there. Or they would be
5 involved in a decision like, "Should we have a
6 cooperative effort with Audubon to run the boat
7 house?" "Should we work with Bay--with our high
8 school, and the Brooklyn Botanic Garden and the
9 Department of Education to provide better
10 education to the school?" That is a decision that
11 the Board makes, it's mostly on, not policy, but
12 rather our programming and what kinds of
13 programming we could be doing in the park.

14 COUNCIL MEMBER JAMES: How diverse
15 is your Board of Directors? Not in, your answer,
16 I don't want to limit it to Prospect Park. How
17 diverse is the Boards across the City of New York.

18 TUPPER THOMAS: I am not at all--I
19 don't, do you know that number? No, I don't know
20 that number. On the whole, board of directors are
21 representing a way of people who are very
22 enthusiastic about the community, but who also
23 have a way of helping to get more funding in the
24 door. So, there are, there are all kinds of ways
25 that you're looking for diversity, and community

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 2 representation I think is a very important aspect,
 3 but it isn't the most important thing, since they
 4 don't make policy. That's why we formed the
 5 Community Committee because that's much more
 6 about, "Should there be a dog run?" "Should the
 7 roads be closed to cars?" that kind of stuff,
 8 'cause that's the group that discusses that. That
 9 doesn't happen in the Board meeting.

10 COUNCIL MEMBER JAMES: So the
 11 Prospect Park Conservancy, how diverse is that
 12 Board?

13 TUPPER THOMAS: We have, I don't
 14 have those numbers, do you have those numbers? Do
 15 you have my Board list? [laughs] I know it's
 16 about 50/50 men and women, we have two people of
 17 Asian background, we have two people of Latin
 18 background, we have four African-Americans, so
 19 that's out of 32.

20 COUNCIL MEMBER JAMES: Melissa
 21 Mark-Viverito.

22 COUNCIL MEMBER MARK-VIVERITO:
 23 Thank you. I mean, I agree with the idea that not
 24 one size fits all.

25 TUPPER THOMAS: Mmhm.

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2 COUNCIL MEMBER MARK-VIVERITO: But
3 we have to start from the premise of, you know,
4 how do these conservancies get started? In terms
5 of the selection of the Board. Because if you
6 don't have diversity of thinking, diversity of
7 backgrounds, diversity of experience, at the
8 onset, then it becomes incestuous, you know, then
9 you start just perpetuating the same problems that
10 you're trying to, I think we're trying to avoid,
11 with regards to the intent of this bill. So, with
12 regards to when a conservancy is established,
13 between Parks, between the City, and between this
14 private entity, there has to be some basic
15 criteria of where you start from. You know? And
16 I think that there has to be some uniformity in
17 that sense, and that's what we're talking about
18 when we talk about the composition of a board and
19 what it should look like. And I think that that,
20 we do, we should, as a City, in Department of
21 Parks, in establishing conservancies, I want to
22 understand, what is the basic criteria that you
23 start off with. How is the, I mean how is the
24 board selected for this conservancy? Where does
25 that start from? Can you speak to that?

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2 TUPPER THOMAS: I can only speak to
3 a few, you know, I know a number of them and how
4 they've started. Some have started because the
5 City of New York started them. So in my case, I
6 was a City employee, and my Commissioner, Gordon
7 Davis, wanted us to get started doing some
8 fundraising. And so I started to go out to meet
9 with corporate people, mostly, to find out who
10 would be interested in serving on this board; and
11 then started to add, slowly but surely, to that
12 group. And it was being reviewed by the
13 Commissioner as to who it was. And we added,
14 slowly but surely, people who would be able to
15 bring enough prestige and fundraising capability
16 that it would actually be useful to the City of
17 New York to have that Board created, 'cause it
18 could bring in more, additional augment hours.

19 COUNCIL MEMBER MARK-VIVERITO:

20 Okay, so hold on, let me just understand, so
21 you're saying that in talk--you're talking about
22 the Prospect Park one.

23 TUPPER THOMAS: Yeah. Just, 'cause
24 that's what I meant.

25 COUNCIL MEMBER MARK-VIVERITO:

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2 You're saying that the Commissioner at the time
3 approached you individually.

4 TUPPER THOMAS: Well, no I was
5 already--

6 COUNCIL MEMBER MARK-VIVERITO: You
7 worked at Parks?

8 TUPPER THOMAS: I worked for him.
9 [laughs]

10 COUNCIL MEMBER MARK-VIVERITO:
11 Okay, so approached you--

12 TUPPER THOMAS: Yeah.

13 COUNCIL MEMBER MARK-VIVERITO: --
14 about wanting to set up a conservancy for that
15 park.

16 TUPPER THOMAS: Right.

17 COUNCIL MEMBER MARK-VIVERITO: And
18 that was it.

19 TUPPER THOMAS: And then we
20 started--

21 COUNCIL MEMBER MARK-VIVERITO:
22 There was no criteria, there was no basic--

23 TUPPER THOMAS: No, because there
24 was only one other one in the world, and that was
25 the Central Park Conservancy, and so we followed

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that example.

COUNCIL MEMBER MARK-VIVERITO: Is that still the case today? Is today, if a conservancy is to be set up, it's basically--

TUPPER THOMAS: No.

COUNCIL MEMBER MARK-VIVERITO: -- run with it, you select who's going to be on the board--

TUPPER THOMAS: No, no.

COUNCIL MEMBER MARK-VIVERITO: And start it off. How does, okay, so explain to me--

TUPPER THOMAS: In many cases, it starts from within the community.

COUNCIL MEMBER MARK-VIVERITO: Okay.

TUPPER THOMAS: So if you took like Riverside Park Fund. The Riverside Park Fund was started by a group of people in Riverside Park area who were very concerned about the conditions in Riverside Park. And so they got together, they formed a conservancy, they went to meet with the Commissioner after that. They didn't say, they didn't ask permission to form such a thing. But then they met with them, they talked to him, and

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2 there was an administrator appointed in that area,
3 but not, at that time it wasn't, they weren't
4 connected the way we are. They are now, after a
5 long period of time of working together. But it
6 was more of a self-appointing kind of group. And
7 then they, over time, and that was so many years
8 ago, it had to be in the mid-'80s or something
9 that that one started. Each one has started from
10 a slightly different perspective.

11 COUNCIL MEMBER MARK-VIVERITO: And
12 I can understand that. I mean, understand,
13 there's different experiences throughout the City.

14 TUPPER THOMAS: Yeah.

15 COUNCIL MEMBER MARK-VIVERITO: But
16 I believe that when a, if that is to happen, you
17 know, in a group coming to Parks, and saying, "We
18 want to establish a conservancy, we want to
19 establish this public/private partnership with
20 you," that there should be some basic criteria the
21 Department of Parks lays out for these entities.
22 I think that that has to be. Is there such? Are
23 there any basic criteria? Is there expectation on
24 diversity on the Board? Expectation in terms of,
25 you know, representation from the local community?

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2 Is there, I mean, I, that's what I'm getting at,
3 and I don't get, I'm not--

4 MICHAEL SCHNALL: Are you talking
5 about legally, or administra--Legally, if we're
6 just talking about sort of the legal structure,
7 obviously in, currently, there, most of these
8 groups grow out of either a "friends of" group or
9 a strong neighborhood coalition.

10 COUNCIL MEMBER MARK-VIVERITO:

11 Mmhm.

12 MICHAEL SCHNALL: That builds some
13 sort of capacity to develop a board, and
14 eventually file with the State with the not-for-
15 profit corporations law, they file IRS forms and
16 such. And so that sets forward the basic
17 guidelines of what their structure looks like,
18 what their reporting is like, and what their--

19 COUNCIL MEMBER MARK-VIVERITO:

20 Yeah, but that's outside of the City. Right?

21 MICHAEL SCHNALL: Right, but--

22 COUNCIL MEMBER MARK-VIVERITO: Now,
23 they come to the City, let me just, they come to
24 the City and they say, "We want to have a
25 partnership with the City," because basically what

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2 they're going to be doing is administering a
3 public resource. Right? That's, they're going to
4 be administering a public resource. So, what
5 level of oversight does Department of Parks have?
6 Ultimately, who is the conservancy accountable to?
7 It's a public resource, I want to keep reiterating
8 that. This is not about some individuals getting
9 together, you know, having a little fiefdom, which
10 is the way, I'm sorry, that's the way I feel that
11 Randall's Island Sports Foundation runs Randall's
12 Island, is their little fiefdom. They decide and
13 determine what's going to happen on that public
14 resource, with minimal public input. It's the
15 individuals on that Board who for the most part in
16 this experience, are very wealthy individuals, who
17 are very removed from the community in which that
18 park resides. That's my opinion, that's what I'm
19 concerned about, not only in this situation, but
20 what's happening across the City. So, there has
21 to be some level, you know, I want to know
22 oversight of the conservancies, who ultimately is
23 accountable? Is it the Board, I mean, I don't,
24 I'm really not getting clarity here about the
25 level of ultimate oversight and accountability

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2 when it comes to a conservancy. I would like that
3 to be defined more clearly.

4 TUPPER THOMAS: Yeah. I think the
5 one thing that we can say is that the Commissioner
6 and the Mayor's Office sign off on any agreements
7 that we have. So, the agreements that we have
8 would be the one way that you could say there is a
9 system in place which gets reviewed publicly, to
10 say that "Yes, these are--" and you go through,
11 depending on the kind of agreement, like we have
12 agreements on some of our concessions that we do
13 operate, and we have, go through the FCRC, and
14 they review whether or not we have the ability to
15 carry out that concession, and to produce it. But
16 there is not, in fact, anything that is written
17 down. So, if I said "I want to start a
18 conservancy," there isn't a piece of paper that I
19 then take back and say, "Okay, then I have to do
20 this, this and this," that does not--I mean--

21 COUNCIL MEMBER MARK-VIVERITO: I
22 mean, I would encourage--

23 TUPPER THOMAS: That's the - -

24 COUNCIL MEMBER MARK-VIVERITO: --
25 that maybe something needs to be, you know, there

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2 have to be some minimal--I would think--there have
3 to be some minimal standards and expectations of
4 a, if a group comes to the City, and Parks, and
5 says, you know, "We want to establish a
6 conservancy and we want--" you know, so--

7 TUPPER THOMAS: Right.

8 COUNCIL MEMBER MARK-VIVERITO: The
9 board of a conservancy, I would assume there's got
10 to some Department of Parks representation on that
11 board?

12 TUPPER THOMAS: Yes, the Commiss--
13 the Mayor appoints, usually the Commissioner
14 serves with someone from the Commissioner's
15 Office, coming to all of those meetings.

16 COUNCIL MEMBER MARK-VIVERITO: Is
17 it only on representative on a board of a
18 conservancy that is a--

19 TUPPER THOMAS: There--

20 COUNCIL MEMBER MARK-VIVERITO: --
21 Parks, you know, representative?

22 TUPPER THOMAS: --it, that again is
23 very wide ranging. So some of the, ours for
24 instance, we have the Commissioner is an ex
25 officio member, but the Mayor actually has two

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2 other appointees; the Borough President serves,
3 but he has also two other appointees.

4 COUNCIL MEMBER MARK-VIVERITO:

5 Right, that's true, mmhm.

6 TUPPER THOMAS: And the City

7 Council Member serves. So--

8 COUNCIL MEMBER MARK-VIVERITO: On

9 yours.

10 TUPPER THOMAS: On ours. So,

11 that's how we have established ours. And each one
12 of us has a slightly different system, but every
13 single one of the boards has at least one
14 representative from within the community, many of
15 them a representative from the, for instance, my
16 parks is completely in one district. So it makes
17 sense that our Council Member would be on that
18 board, even though everybody in many other
19 districts uses our park. And this is another
20 little issue that my concern is about the Council
21 appointments, is that many of us serve like the
22 whole borough, and so I understand the Borough
23 President being, having appointments and stuff,
24 but I do think it's very hard to say just the
25 abutting districts, in some of our cases. In

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2 others, it's totally clear that it's really only
3 the people on the sides that represent. So, I
4 think whatever policy you want to develop, it has
5 to have something that has flexibility within it.
6 And the main criteria that I think the
7 Commissioner and the Mayor's Office would look at
8 is whether or not this is a group that actually
9 can do what they say they want to do for that
10 park.

11 COUNCIL MEMBER MARK-VIVERITO:

12 Okay.

13 TUPPER THOMAS: And it's going to
14 be so different depending on which one of the
15 districts the parks they're talking about.

16 COUNCIL MEMBER MARK-VIVERITO: But
17 with regards to the intent of this bill, you're
18 indicating it, that some do it, some don't; in
19 your case you do have a City Council member that
20 sits, or a representative from the Council. It's
21 very lax, it's not, there's no set--you know,
22 uniformity in some aspects of representation on
23 boards of conservancies. That's the intent of
24 this bill, is that that has to happen. You know,
25 there should be some sort of understanding. You

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2 know, I believe that there's not much, you know,
3 diversity, maybe on a lot of them. But we have
4 to, you know, we could look at that individually.
5 But the issue here is about representation of the
6 local immediate community, in which the, you know,
7 that park resides.

8 TUPPER THOMAS: Yes.

9 COUNCIL MEMBER MARK-VIVERITO: And
10 in this case, you know, that's the intent of this
11 bill, as well. But, you know--

12 MICHAEL SCHNALL: I want to take
13 back a step for a second. You were saying about
14 non--not-for-profits, and the guidance that they
15 receive from Parks. But we actually set up a
16 little, about over a year-and-a-half ago, an not-
17 for-profit office that's headed by Assistant
18 Commissioner Joanne Imohiosen, who's testified
19 here before, and we've talked about all of the
20 backlog of work that's been caught up with the
21 agency on monitoring the work that they do,
22 renewing the agreements that they do, whether it's
23 a little league or a square or a group that cleans
24 their park. We've done a lot of, I guess,
25 housecleaning in terms of figuring out what

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2 exactly they do, and giving them guidance on how
3 to improve what they do. So there is a lot of
4 monitoring on non-for-profits in general. But in
5 terms of conservancies, and the way in which it's
6 defined in the bill, we're not quite sure what the
7 group is that you would capture. Would it be all
8 of the non-profits across the City that Parks
9 deals with? Or would it be what we consider
10 conservancies, which are the small group that have
11 the operation or maintenance agreement? Which, if
12 you boil down the list, would be five or six at
13 most. If you look at that small universe, and
14 some of them are here to testify today, you'll
15 find that local representation can be upwards from
16 75 percent on the low end, to almost 100 percent
17 on the high end of how many of their boards
18 members live in the Council district, or the
19 district surrounding the park. And I'm sure
20 they'll be here to talk and tell you that. But
21 there is a tremendous amount of local
22 representation. And because the conservancies
23 cannot do anything without the Commissioner or the
24 Mayor signing off on it, they really have to come
25 to Parks for everything. So, whether it's Tupper

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2 coming to the Commissioner to discuss what the
3 Board has done, or his representative reporting
4 back, there is a constant dialogue, day-to-day, on
5 what's going on. So, you know, I know that you
6 bring up Randall's Island Sports Foundation, but
7 if you look across the board, it is pretty
8 consistent in the way in which they deal with the
9 agency, and the way in which we learn from them,
10 they learn from us, and we, there's always a
11 growing relationship.

12 TUPPER THOMAS: I'd also--

13 COUNCIL MEMBER MARK-VIVERITO: But
14 then why would there be, you know, the issue here
15 is that, and let me just say this, you know, I
16 believe you guys are doing a great job in terms of
17 overall, we have a good relationship.

18 MICHAEL SCHNALL: Thank you.

19 COUNCIL MEMBER MARK-VIVERITO: But
20 there are certain things that are real sore
21 points, and this is one with me.

22 MICHAEL SCHNALL: Of course. And
23 we're well aware of it.

24 COUNCIL MEMBER MARK-VIVERITO: And
25 you're well aware of it. So, the issue I have,

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2 though, is that, you know, I've had many
3 conversations with Parks about the concerns that
4 the community keeps raising, with Randall's Island
5 in particular. And yet nothing gets done.
6 Representation of the, you know, having local
7 community board representation on that board has
8 been brought up for the past four years that I've
9 been in office. It's been cast aside as something
10 that is not taken seriously. So, and other issues
11 have not been taken seriously. So, to the extent
12 that there are community concerns that are being
13 brought up, and they're not, they're being
14 discarded and not addressed, you know, there has
15 to be some level of, you know, expectation, and
16 minimum expectations, and that's what we're trying
17 to do with this bill, again, because it's not
18 being heeded in other ways, it's not being
19 listened to, or it's not being taken, you know, to
20 heart, in other ways. So, we feel, I feel, that
21 in some, in cases where it's a public resource,
22 there has to be greater accountability, and that's
23 one of the reasons. But you're saying that in
24 terms of operating licenses for maintenance of
25 parks, there's only five in the City?

2 TUPPER THOMAS: Actually, I don't
3 think there are that many.

4 COUNCIL MEMBER MARK-VIVERITO: And
5 these operating licenses which are authorized
6 through the FCRC?

7 MICHAEL SCHNALL: Right you're--
8 Right, right, you're talking about true
9 conservancy agreements. For example, Green Belt
10 Conservancy recently signed an agreement that they
11 didn't have prior to this, that we, they sought
12 and we agreed to, signed a long range agreement
13 for their operation and maintenance of the park.
14 And they'll be here to testify and talk about
15 that, and you can ask them more about the process
16 and how that happened. But there are very few of
17 these formalized agreements.

18 TUPPER THOMAS: Yeah, even Prospect
19 Park Alliance doesn't--we have smaller agreements
20 on things, but we don't have an agreement that
21 says "we operate," and I'm not sure that anybody,
22 even in the agreement that says they operate, it's
23 only within the restrictions of the Department of
24 Parks and Recreation. So, even within that
25 license agreement, the board does not operate the

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2 park, they simply raise the money and provide the
3 staffing, to do the maintenance of the park, or
4 some portion thereof. They don't even do all of
5 it. But I just want to get back to your point, I
6 don't think that the Parks Department, at least
7 not in the conversations I've had with Adrian and
8 others, feels that this is the wrong concept, that
9 we--I think all of us agree there needs to, now
10 that we've had more and more of these, figure out
11 a way to be able to be sure they are doing all the
12 things that they say they are doing, and that
13 there is representation from within the
14 communities, and that that all is happening.
15 We're just not totally sure that this is the best
16 way to approach it. But I think that even in my
17 conversations with people at Randall's Island,
18 they have reached out to the Community Board to
19 ask them to make an appointment to the Board--

20 COUNCIL MEMBER MARK-VIVERITO:

21 Yeah, after how many years?

22 TUPPER THOMAS: I don't know.

23 COUNCIL MEMBER MARK-VIVERITO:

24 Right?

25 TUPPER THOMAS: I'm just--

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2 COUNCIL MEMBER MARK-VIVERITO: I
3 mean, it's because of the press--

4 TUPPER THOMAS: I'm sorry [laughs]

5 COUNCIL MEMBER MARK-VIVERITO:
6 Sorry, sorry.

7 TUPPER THOMAS: Yeah. [laughs]

8 COUNCIL MEMBER MARK-VIVERITO: You
9 know, I know you're just the messenger.

10 TUPPER THOMAS: Yes, yeah.

11 [laughs]

12 COUNCIL MEMBER MARK-VIVERITO: You
13 know, but again--

14 TUPPER THOMAS: Yes.

15 COUNCIL MEMBER MARK-VIVERITO: It's
16 after--

17 TUPPER THOMAS: Right.

18 COUNCIL MEMBER MARK-VIVERITO: --
19 you know, constant community--

20 TUPPER THOMAS: Right.

21 COUNCIL MEMBER MARK-VIVERITO: --
22 concern--

23 TUPPER THOMAS: Right.

24 COUNCIL MEMBER MARK-VIVERITO: --
25 criticism, barraging, you know, my concern is

1
2 being raised constantly. It shouldn't be
3 something that they decide to do.

4 TUPPER THOMAS: Yes, right.

5 COUNCIL MEMBER MARK-VIVERITO: I
6 believe it should be a mandate. That's just my
7 opinion, but I'm sorry, I didn't--

8 TUPPER THOMAS: And so I think it's
9 just, it's really a matter of really trying to be
10 sure that we don't pull in all of these little
11 leagues, all of these other groups, all of these
12 other folks who, if they had to get into the
13 middle of should a Council Member be appointment
14 one or not appointing one, there's, there could be
15 just a little confusion within the way that this
16 is actually written and done. But I think that
17 all of us are in the position where we certainly
18 want to have, there's nobody who I know who works
19 in this field that doesn't want to have the right
20 community people involved in what we're working on
21 and what we do. But there is a, I think a
22 misunderstanding of what any of these
23 conservancies do. And they do not really operate
24 in the way that is policy making. They only, you
25 know, I provide all of the people who work in the

1 natural resources crew, but I work for the City of
 2 New York. And so when I'm operating, doing that,
 3 I actually can't do anything to the trees and the
 4 shrubs and the pars of Prospect Park without
 5 reporting back to the Parks Department that this
 6 is what I'm doing. If we suddenly decided we were
 7 going to clear cut the, you know, the woodlands or
 8 something, that couldn't happen. The Board can't
 9 make that decision, nobody else can make the
 10 decision. Me as the park administrator reporting
 11 to Adrian would have to go to Adrian and say, "I
 12 really think we're going to have to cut every, all
 13 the trees done in this woods," or something.

14
 15 COUNCIL MEMBER MARK-VIVERITO:

16 Well, that happened on Randall's Island.

17 TUPPER THOMAS: Yes, did it? Well,
 18 oh, I didn't know that.

19 COUNCIL MEMBER MARK-VIVERITO: And
 20 the Department of Parks authorized it, but--

21 TUPPER THOMAS: - - [laughs]

22 COUNCIL MEMBER MARK-VIVERITO: So,
 23 --

24 TUPPER THOMAS: Okay.

25 COUNCIL MEMBER MARK-VIVERITO: But,

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2 but if I just may say, Assistant Commissioner, I
3 mean, just when we talk about, you know, some of
4 these conservancies and the diversity, I want to
5 be clear, you know, that where, I'm not, obviously
6 the importance of racial and ethnic diversity,
7 clearly economic diversity needs to be a reality.
8 'Cause you may have people that live within the
9 boundaries of a particular community board, but
10 they may all be from one end of the economic
11 strata. You know, as opposed to being more
12 diverse on that end, and that's something else
13 that has to be, you know, really taken into
14 account with regards to a representation on this
15 board. And I think that in us as Council Members
16 having a say, or being able to consult on that,
17 you know, we take those things into account,
18 because we know, obviously our districts very well
19 as well, and we want to ensure that there is that
20 diversity.

21 TUPPER THOMAS: Yes, mmhm.

22 COUNCIL MEMBER MARK-VIVERITO: And
23 so, that I just wanted to make. And I think I'll
24 just end it there, I think Tish may have a couple
25 more.

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2 COUNCIL MEMBER JAMES: Yeah, we can
3 get back to--I know you're fired up. [laughs]
4 So, Ms. Thomas.

5 TUPPER THOMAS: Yes.

6 COUNCIL MEMBER JAMES: The concern
7 is, you know, that obviously we are diverting,
8 shifting public funds to parks that do not have,
9 from parks that do not have conservancies to those
10 that have conservancies. And that is the concern.
11 For instance, in Prospect Park, which has received
12 a significant amount of capital funds, the Board
13 of Directors and your role, you went beyond
14 securing funds for Prospect Park; in fact I was
15 criticized in the paper, I believe it was last
16 year, in the renovation of Eastern Parkway, where
17 residents from Commodore Barry Park do not have
18 conservancy, they indicated, "Well what about us?
19 We're the oldest park in Brooklyn, all of the
20 capital funds are going to Prospect Park." And
21 they argued it's because of the relationship of
22 Ms. Thomas and the Mayor of the City of New York.

23 TUPPER THOMAS: I didn't know that.

24 COUNCIL MEMBER JAMES: Yeah, it was
25 in the newspaper, and they said that I was part of

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this conspiracy.

TUPPER THOMAS: Oh, I'm so sorry.

COUNCIL MEMBER JAMES: So, what do you say to that, where those argue, that those who represent parks or who live in or near parks, that do not have conservancies--

TUPPER THOMAS: Right.

COUNCIL MEMBER JAMES: --and are not getting capital dollars, claim that the reason why they're not, they're being neglected is because of your relationship with the Mayor of the City of New York. And others, not just you, I'm not trying to focus just on you.

TUPPER THOMAS: Yeah.

COUNCIL MEMBER JAMES: But because you have a, Prospect Park has a conservancy, they have a Board of Directors, all of the members have deep pockets, and therefore, other parks in and around the City that are in low income neighborhoods have been ignored, because they do not have the power, they do not have the deep pockets, and they do not have a relationship with the Mayor the City of New York.

TUPPER THOMAS: Yeah.

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2 COUNCIL MEMBER JAMES: What do you
3 say to that?

4 TUPPER THOMAS: That's a very easy
5 answer for me. Prospect Park is 580 acres in the
6 middle of the heart of Brooklyn. It is used very
7 heavily by people from all over Brooklyn, and it
8 ser--it's the only lake and the only forest in the
9 whole borough. So clearly, a lot of extra money
10 needs to come into that park. One, it was allowed
11 to go down the tubes completely, and two,
12 everything we do has to do with the entire region.
13 So, I would be happy to talk to the Commodore
14 Barry people and try to help them do whatever they
15 need to do. It's a very nice sporting area, and
16 it's got a lot of good stuff going, and it doesn't
17 mean that they shouldn't be getting City capital
18 dollars. The City capital dollars, though, have
19 to go where the need is, and when you can also
20 maintain that. So, very often, the Prospect Park
21 Alliance is able to ask our local elected
22 officials to give us funding for capital. But who
23 do you think then maintains it afterwards? So, we
24 were able to get, let's say \$9 million over a
25 number of years, to restore this only forest in

1 all of Brooklyn. It took seven or eight years.
2 It would be gone already if it weren't for the
3 Prospect Park Alliance. The City of New York
4 doesn't have the money to put into the maintenance
5 of that forest, it doesn't have the ability to
6 program and educate kids, it doesn't have the
7 ability to do all the things that that not-for-
8 profit does. And if they did have to do that,
9 then there would be no resources going out to all
10 the other parks. And so my sense is that the
11 other parks are much, you know, we get, my staff
12 complains that how come all the money goes to all
13 these other parks, and we never get anything from
14 the City, so it's always that kind of situation.
15 But because we have private dollars there, and we
16 are the signature park within Brooklyn, it means
17 that the Parks Department doesn't have to put a
18 huge number of staff and efforts, Forestry doesn't
19 have to come in and do our trees, they can do the
20 ones in Fort Greene. You know, things like that.
21 So, to me, it's fabulously better for every other
22 park in Brooklyn that Prospect Park is being taken
23 care of with a lot of private dollars.
24

25 COUNCIL MEMBER JAMES: Right.

2 TUPPER THOMAS: So that those City
3 dollars can go other places.

4 COUNCIL MEMBER JAMES: Now how is
5 it determined that a specific park will have a
6 conservancy? Fort Greene Park has a conservancy,
7 a volunteer conservancy, and they've been trying
8 to establish a relationship with Parks and
9 Recreation. Why have not, they not been in a
10 position to establish an agreement with Department
11 of Parks and Recreations?

12 TUPPER THOMAS: I have no idea.
13 I've worked with them for years. Unless, are
14 there two of them? Did they merge?

15 COUNCIL MEMBER JAMES: They, no
16 there's only one conservancy.

17 TUPPER THOMAS: Okay.

18 COUNCIL MEMBER JAMES: Right.

19 TUPPER THOMAS: So that conservancy
20 I've worked with for many, many years, and I don't
21 know why they haven't ended up with that, but I
22 know I've gone to their meetings, and I've helped
23 them with their bylaws, and talked to them about
24 those other things. It's a much smaller park, but
25 it is a very, very significant park to downtown

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Brooklyn.

COUNCIL MEMBER JAMES: Sure.

TUPPER THOMAS: And it's gotten a lot of support from the City Parks Foundation for programming and activities that happen there. Which for instance, don't come to Prospect Park.

COUNCIL MEMBER JAMES: Well, because it is a park that houses the heroes of the Revolutionary War.

TUPPER THOMAS: Yes.

COUNCIL MEMBER JAMES: That crypt--

TUPPER THOMAS: Very important.

COUNCIL MEMBER JAMES: --has been ignored, and so can the conservancy establish a relationship, a legal, establish an agreement with Parks and Recreations? Or is - -

TUPPER THOMAS: I can't imagine why that wouldn't be true. But I, I'm not, Julius Spiegel or Adrian Benepe. So, there, the usual thing would be, if there is a group in the community that has formed. I know they did a lot of work with that group on the big multi-whatever, 100th--

COUNCIL MEMBER JAMES: Yes.

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2 TUPPER THOMAS: --500th, whatever
3 year.

4 COUNCIL MEMBER JAMES: 100th.
5 [laughs]

6 TUPPER THOMAS: Yes. [laughs]
7 Celebration, and that was, a lot of people in the
8 Parks Department worked very closely with all of
9 you. So, I don't know what the story is on that
10 specific one.

11 COUNCIL MEMBER JAMES: Okay.
12 Randall's Island, I do know that there was much
13 criticism, and my colleagues were a little bit
14 perturbed, when there was a very, an event there
15 at Randall's Island, which appeared to be
16 exclusive. How does one arrange events at these
17 parks? Is it through the conservancy? Is it
18 through Parks and Recreation? Can you talk to me
19 a little bit about usage of a park?

20 TUPPER THOMAS: Yes. Usage of a
21 park, again, depending on what kind of agreement
22 each organization has, is very, they're all
23 different. So in Prospect Park it's a permit that
24 is signed by New York City Parks and Recreation,
25 as to using the Park. So if you have 20--you

1 know, you follow the rules of the Parks
2 Department. 25 or more, you have to get a permit.
3 If you do this, you get that. There are some
4 permit, there are some events that would come from
5 the main office, that have a big sponsorship type,
6 and then that money goes back to the general fund.
7 There's other things. But they all have to get--
8 the final approval has to go through Parks and
9 Recreation.
10

11 COUNCIL MEMBER JAMES: And they
12 bypass local elected officials. Is there any
13 notification process that is in place?

14 TUPPER THOMAS: We have, just in
15 Prospect Park, over 3,000 special events permits
16 that happen. I can't imagine that Bill de Blasio
17 would want to see every one of those permits, or
18 sign off on them. And my, the Board doesn't seem
19 them, and has no relationship to those permits.

20 COUNCIL MEMBER JAMES: Okay. And
21 my last two questions, so these are, these
22 agreements with the Conservancy, they're not
23 subject to any review by any regulatory body of
24 the City of New York?

25 TUPPER THOMAS: Yes, they do, they

1
2 go through the Law Department and then they go to-
3 -where else do they do to?

4 COUNCIL MEMBER JAMES: No public
5 review.

6 TUPPER THOMAS: Ultimately?

7 MICHAEL SCHNALL: I'm not sure
8 about that.

9 TUPPER THOMAS: Per Counsel--

10 MICHAEL SCHNALL: I'm not sure if
11 they're subject to FCRC, I'd have to follow up
12 with you on that.

13 COUNCIL MEMBER JAMES: Okay.

14 TUPPER THOMAS: Unless there's
15 money involved, they don't go through FCRC. I
16 think they go to the Corporation Council's Office.
17 But I don't believe there's a public meeting.

18 MICHAEL SCHNALL: We'll, I'll
19 actually follow up with you on that. I'll find
20 out for you what exactly the most recent
21 agreement, which I believe was the Green Belt,
22 what the process was, and what the parameters of
23 the agreement were. We can definitely share. I
24 think I've shared the agreement with Lyle, as a
25 matter of fact, so--

2 COUNCIL MEMBER JAMES: Okay. And
3 is there any outreach to the local elected
4 official prior to the formation of a conservancy
5 at a respective park?

6 TUPPER THOMAS: I can't speak for
7 every one of them. I know I, I certainly know in
8 the ones that, the groups that I've worked with,
9 in The Bronx and Manhattan, in all of those
10 places, there's a lot of outreach to the local
11 council member, to discuss whether or not it
12 should happen, and what should happen there. I
13 certainly think there's a very good rapport in
14 almost every case.

15 COUNCIL MEMBER JAMES: Okay.

16 TUPPER THOMAS: I guess not one,
17 there's one, there is [laughs]

18 COUNCIL MEMBER MARK-VIVERITO: Just
19 two last questions, I know people want to testify.
20 So.

21 TUPPER THOMAS: Sure.

22 COUNCIL MEMBER MARK-VIVERITO: With
23 regards, just jumping on that a little bit with
24 regards to the FCRC and once a conservancy is set
25 up, let me see how I get to the question. How,

1
2 'cause you say that there's also a lot of other
3 groups that have established relationships with
4 Parks that are not, you know, these official
5 operating licenses. So what's the difference
6 between having an FCRC, you know, operating
7 license, what is, and having, and just I guess a
8 lesser affiliated group, I guess. I don't know.
9 The smaller groups that are affiliated with
10 Department of Parks.

11 TUPPER THOMAS: Yeah, right.

12 COUNCIL MEMBER MARK-VIVERITO:
13 What's the oversight, the level of oversight more
14 rigorous with one and the other? I mean--

15 TUPPER THOMAS: With the FCRC, you
16 have to be reviewed by that whole committee, which
17 includes the Borough President's office, the
18 Comptroller's office, the--is the Council on that?

19 COUNCIL MEMBER MARK-VIVERITO: No.

20 TUPPER THOMAS: No, I don't think
21 the Council's on it. And--

22 COUNCIL MEMBER MARK-VIVERITO: Five
23 appointments from the Mayor to--

24 TUPPER THOMAS: The five Borough
25 Presidents and so on and so forth. And the Mayor.

1
2 And that has to do with revenue. So, if you're
3 going to collect revenue. So, the, where I have
4 an FCRC, so we took on the running of the tennis
5 center in Prospect Park. And then we had to make
6 an agreement through the FCRC, as to the keeping
7 of the revenue, and who's going to do what, and so
8 on.

9 COUNCIL MEMBER MARK-VIVERITO: How
10 often do you report to the FCRC?

11 TUPPER THOMAS: You report on the
12 basis of whatever your contract is. So if it's a
13 five year, a ten year, or whatever. And then the
14 City of New York Parks Department reviews your
15 revenue every, oh, well, we have to send them
16 checks every quarter. [laughs] So--

17 COUNCIL MEMBER MARK-VIVERITO:
18 Quarterly reports to the FCRC.

19 TUPPER THOMAS: Yeah.

20 FEMALE VOICE: [off mic] To the
21 City's Parks Department.

22 COUNCIL MEMBER MARK-VIVERITO: To
23 the Parks Department.

24 TUPPER THOMAS: City Parks
25 Department.

2 MICHAEL SCHNALL: City Parks, City
3 Parks.

4 COUNCIL MEMBER MARK-VIVERITO: Can
5 we get copies of those? In the conservancies--

6 MICHAEL SCHNALL: No problem.

7 TUPPER THOMAS: Sure.

8 COUNCIL MEMBER MARK-VIVERITO: --
9 that are in my district.

10 TUPPER THOMAS: They're not, a
11 number of people don't necessarily have the FCRC
12 part of it.

13 COUNCIL MEMBER MARK-VIVERITO:
14 Well, I think, I think both of mine are, right?
15 Operating licenses. Central Park and Randall's
16 Island.

17 MICHAEL SCHNALL: I know Central
18 Park. I'd have--and I bel--

19 TUPPER THOMAS: You have to go
20 through FCRC.

21 MICHAEL SCHNALL: I have to find--

22 COUNCIL MEMBER MARK-VIVERITO: I
23 think Randall's Island is as well.

24 MICHAEL SCHNALL: I believe so. I
25 believe so.

2 COUNCIL MEMBER MARK-VIVERITO:

3 Okay, so I--I mean, I would assume that those are
4 public documents.

5 TUPPER THOMAS: Oh, of course,
6 yeah.

7 COUNCIL MEMBER MARK-VIVERITO: So I
8 would like copies of the reports that are issued
9 to you, to talk with Parks.

10 MICHAEL SCHNALL: Okay.

11 COUNCIL MEMBER MARK-VIVERITO: And
12 I'll inquire about the operating license, as well.
13 Okay, so that was basically I wanted to understand
14 the reporting requirements. How about the ones
15 that are not, don't have operating licenses. Do
16 they have a reporting requirement to the
17 Department of Parks?

18 TUPPER THOMAS: Not, not
19 necessarily, depending on who is on their Board
20 and how that works. It, you know, if they are
21 just raising money and doing a little volunteer
22 effort, there's some very small ones that do
23 really lovely work in their garden or, you know,
24 there are the gardens, there are the little
25 leagues who just run a little field that happens

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to be on Parks property.

COUNCIL MEMBER MARK-VIVERITO:

That's--okay.

TUPPER THOMAS: That kind of stuff,
so.

MICHAEL SCHNALL: It's--

COUNCIL MEMBER MARK-VIVERITO:

Thank you.

MICHAEL SCHNALL: --most of them,
and just look, just from scanning the list the
other day, are programming, or you know, a little
league, for example, is going to, they're required
to clean up the field, or will provide the clay,
and they'll spread the clay, and they'll sometimes
mow the field, or they'll work with the local
Parks district to just do maintenance. So, and
those agreements are generally on average about
five years. And I'm pretty sure that the local
Parks staff has a good handle on what is and
what's not being done, and it gets reported back.
And so that type of follow up is constant.

COUNCIL MEMBER MARK-VIVERITO: And
there's some sort of written agreement between--

MICHAEL SCHNALL: Yes.

COUNCIL MEMBER MARK-VIVERITO:

Okay.

MICHAEL SCHNALL: Yeah, and that's part of what we, what was done when we, when Assistant Commissioner Imohiosen took over, was to formalize those agreements, 'cause a lot of them had expired or didn't exist. And so now, I think they're almost in 100 compliance with the ones that were, are still operating under the terms of the expired agreement. So there's a, in that, and that is a long list of groups that do small things, but are extremely helpful to us, because they, they have a vested interest in that small park, piece of parkland, because of the children that are playing there, or the adult leagues that are playing soccer. And then they are very helpful to us. And there's no money situation that--

COUNCIL MEMBER MARK-VIVERITO:

Right.

MICHAEL SCHNALL: --that crosses hands because it's really just sort of sweat equity, in essence.

COUNCIL MEMBER MARK-VIVERITO:

1
2 Right. Well, thank you for the information. I
3 believe there's--there's still a lot--I mean,
4 there's, I think there's room for another hearing
5 here with regards to the, you know, more in-depth
6 information on the conservancy structures. And
7 also on these, more, the smaller arrangements
8 between these--Because I, this is stuff that we
9 learn, I'm learning now, some of the aspects of
10 it. But thank you for your time and for your
11 testimony - -

12 COUNCIL MEMBER JAMES: So, on Fort
13 Greene, who should I get in touch with, Ms.
14 Thomas? Yes.

15 TUPPER THOMAS: I'm happy to carry
16 it with you to who it needs to go to. [laughs]

17 COUNCIL MEMBER JAMES: Thank you,
18 and there's no requirement that Fort Greene would
19 have to raise X amount, or--I just want a
20 conservancy for Fort Greene Park.

21 TUPPER THOMAS: Well, they have to
22 give quite a bit to Prospect Park, but that's
23 [laughs]

24 COUNCIL MEMBER JAMES: No. And Ms.
25 Thomas, when are we beginning construction on

2 Eastern Parkway? Soon?

3 TUPPER THOMAS: I hope so. You
4 know, I live right there, I would love to see that
5 finished.

6 COUNCIL MEMBER JAMES: Thank you.

7 TUPPER THOMAS: Thank you.

8 COUNCIL MEMBER JAMES: The next
9 panel is former Commissioner Henry Stern and
10 former Commissioner Carol Greitzer, representing
11 two--oh, former Council Member, I'm sorry,
12 representing 250 Friends of New York City Parks.
13 I hope you don't mind testifying together?

14 CAROL GREITZER: No, Henry and I
15 have been involved in parks together for more
16 years than either of us wants to remember. But I
17 think we're probably on opposite sides today.

18 COUNCIL MEMBER JAMES: That'll make
19 it more interesting.

20 CAROL GREITZER: [laughs]

21 [off mic comment]

22 COUNCIL MEMBER JAMES: What did you
23 say? Your microphone's not on, Commissioner
24 Stern.

25 HENRY STERN: Oh. No, I would

1
2 suggest you call on her first because--

3 COUNCIL MEMBER JAMES: Okay.

4 HENRY STERN: --she was a Council
5 Member before I was.

6 COUNCIL MEMBER JAMES: Council
7 Member.

8 CAROL GREITZER: I was also here
9 before you this morning.

10 COUNCIL MEMBER JAMES: [laughs]

11 CAROL GREITZER: [laughs] Right
12 now, my name is Carol Greitzer, I am a former
13 Council Member here. And I'm also currently, I'm
14 one of the founders of the 250+ Friends of New
15 York City Parks, and I'm involved with other park
16 groups as well. I am in favor of this
17 legislation. I don't think it goes far enough
18 because I don't think one person is, will have
19 much impact if there's a board of 30 people or so.
20 And I suggest you might want to look into having a
21 percentage of members from the community, rather
22 than a set number like that. But actually, I
23 wanted to talk about broader issues, because I
24 think there's a lot more, this is just the tip of
25 the iceberg as far as conservancies are concerned.

1
2 And I'm, I, what I submitted to you was not
3 testimony but a, I thought I would play games
4 with, a game with Commissioner Benepe three years
5 ago, and I did a, this little letter that was
6 published in the, my local paper, the Villager,
7 called "20 Questions for Commissioner Benepe."
8 Most, they were on conservancies. A few of them
9 had to deal with a specific thing that was going
10 on in Washington Square Park, but a lot of them
11 are very general, such as who organizes the
12 conservancies? How are they chosen? What are
13 their responsibilities to the community? If you
14 have community people who have problems, do they
15 go to the conservancy or do they go to the
16 Commissioner? Etc., etc. The first nine
17 questions deal specifically with things like that.
18 And then I get, later on it gets into more
19 philosophical questions, such as "What happens to
20 poorer neighborhoods who can't afford
21 conservancies?" And then the, the whole
22 philosophical question of whether we should have
23 such organizations and what the responsibilities
24 of the--the City charter calls on the City to
25 provide for the upkeep of parks. We would not

1
2 expect little local groups to be buying fire
3 engines or sanitation trucks so that those
4 departments could be improved. And it seems
5 peculiar to those of us who have been thinking
6 about this situation for a long time, that parks
7 has to bear the brunt of not being upgraded unless
8 you have private funds in the park, because there
9 are many parks in this City that are
10 deteriorating. And they shouldn't have to suffer
11 simply because they are located in areas where
12 there are people who can't afford to make private
13 contributions.

14 HENRY STERN: Yeah. Well [off mic
15 comment] yeah, my - - fine. Well, Carol and I got
16 along very well for, as she says, more years than
17 will tell you. But it's--[off mic comment] Yeah,
18 the red light, does that red light mean off or on.
19 [off mic comment] On, okay, well it's, it should
20 be a green light. [laughter] Let me give some
21 formal testimony and then--I'm here to testify on
22 the bill which would require park conservancies to
23 have a member chosen in consultation with the City
24 Council Member for each district that includes or
25 abuts a City park. On the surface it seems

1
2 innocuous, why not, what difference does it make
3 anyway? Closer examination reveals problems, real
4 and potential, which raise significant concerns.

5 First, the bill is totally unnecessary.

6 Conservancies derive strength from community
7 participation, as the point of it is to get people
8 involved with the park, and the more people that
9 are in a neighborhood who want to get involved

10 with a park in a constructive way, the better. I
11 don't know of any case where anyone suggested,
12 proposed by a Council Member has been excluded
13 from a conservancy. And as far as I know, the

14 Commissioner has made repeated efforts to get the
15 Council Member to submit names for the

16 conservancy. Second, the bill creates the
17 possibility of friction. While ostensibly

18 harmless, it raises issues about the definition of
19 consultant, and consultation. Is agreement

20 required on these persons, or not? If there is

21 disagreement, what will happen? The conservancies

22 are flexible on the size on the boards. This is

23 not a zero sum game where if someone is put on the

24 board, someone else will be excluded. Most of

25 conservancies are open that way, and they should

1
2 be. If people who are concerned about the
3 neighborhood want to participate, want to
4 contribute, they should be on the conservancy, for
5 most of the parks in the City. This bill
6 introduces the rigidity of the law into an area
7 which has always been amicably handled by the
8 Commissioner and citizen volunteers. The greater
9 evil is the introducing the hand of government
10 into not-for-profit charitable organizations.
11 This is again more government rather than less,
12 and it's more government power taking over for
13 private citizens, you'd think this was Congress.
14 Hundreds of nonprofits enter into contracts with
15 the City, and charitable social work. I mean,
16 most of that work is done by nonprofit
17 organizations. Should they be required to have
18 City officials on their boards? They generally
19 are not. Many of them want City officials on
20 their boards, 'cause they hope it'll help them get
21 contracts. But there's no requirement that they
22 do, and there's no requirement that they appoint
23 people to their boards who have different
24 interests in mind. In--conservancy boards usually
25 act unanimously. Everyone wants to see the parks

1 improved. You don't have conservancies formed to
2 injure the parks. When bad things happen to the
3 parks, whether it's Mullaly Park in The Bronx, or
4 other parks that have been savaged from time to
5 time, for external reasons, it's not the
6 conservancy doing it, it's the City Administration
7 that's doing it. And the Parks Commissioner is
8 generally on the side of the conservancy, to the
9 extent that he can be, to try to save the park.
10 Sometimes you win, sometimes you lose, sometimes
11 it comes down the middle. When the Central Parks
12 Conservancy was formed in 1980, some people
13 worried about what would happen if the conservancy
14 disagreed with the Parks Commissioner, there was a
15 fight between the of them. It was made clear that
16 the Commissioner makes the final decision, and I
17 want to make clear that in my 15 years as
18 Commissioner, there was never a disagreement with
19 a conservancy, except one time when the
20 conservancy cut down a wisteria tree, over pruned
21 it, which I thought was a terrible idea and would
22 not have allowed. But it was done before anybody
23 knew about it. But that's the only thing I can
24 point to in 15 years, where we disagreed with a
25

1 conservancy. And the last thing we need is a
2 bifurcated power of appointment, which I think
3 went out with the old Board of Education. If one
4 member of the conservancy is to be chosen this
5 way, why not ten members? If the Council wishes
6 to assist in the oversight of the park, that's
7 terrific. We welcome Council involvement. If
8 individual Council Members want to participate, if
9 the Parks Committee, which I was on for nine
10 years, the Parks Committee was the first Committee
11 I joined, when I became, was elected to the City
12 Council in 1973, when Walter Ward was Chairman at
13 the time. And I was excited to be on there,
14 that's where I learned how to name streets in
15 parks. The more the better, I mean, Parks is an
16 agency which normally welcomes the interest of
17 elected officials, because we depend on you for
18 half our capital budget. I mean, this is not an
19 agency which is entirely mayorally controlled.
20 The Council has a big part in choosing what we
21 build, which is very important. I urge the
22 council not to adopt the bill. If the Council is
23 interested in exploring the relationships, let's
24 do so, let's meet on it, let's talk about it, and
25

1
2 let's see how we can stimulate community
3 participation. I appoint--in 1966, I appointed
4 the first community relations person in the Parks
5 Department, who happened to be the first African-
6 American executive. That was 43 years ago.
7 Courtney Calendar. A park is named after him, in
8 upper Manhattan, it's 5th Avenue and 131st Street.
9 He was married to a woman who's a psychiatrist,
10 and tragically he died in the early 1980s. A
11 young - - . But he, that was a complete reversal
12 of fortune, because at that time, under,
13 previously under the Moses era, people of color
14 were not allowed on the third floor, much less had
15 jobs in offices then. Parks under Moses was a
16 very different place than it is now. They barely
17 tolerated Jews. They had to change their names,
18 if they wanted--

19 COUNCIL MEMBER JAMES: We're
20 getting off topic, but--

21 HENRY STERN: Sorry, well, you
22 know, discrimination rankles.

23 COUNCIL MEMBER JAMES: [laughs]
24 Right.

25 HENRY STERN: Even 40 years later.

1
2 COUNCIL MEMBER JAMES: Got your
3 point.

4 HENRY STERN: Okay, no, to
5 conclude, my attitude has always been the more
6 community participation the better. More people
7 want to come and talk, the better, an open door
8 policy. And I think that introducing formal
9 legislation like this, to sum up, would impair
10 that, which is why all the conservancies are out
11 here to oppose it. They think it should be done,
12 but they think it should be done in good faith,
13 with people working together, not required by law.

14 COUNCIL MEMBER JAMES: But aren't
15 cons--are you, have you completed your testimony?

16 HENRY STERN: Yes, yes, thank you
17 for allowing me to testify.

18 COUNCIL MEMBER JAMES: Thank you.
19 Commissioner, aren't conservancies a step towards,
20 a step in the direction of privatization?

21 HENRY STERN: Well, that's a very--

22 COUNCIL MEMBER JAMES: Or I should
23 say a form of privatization.

24 HENRY STERN: That's a very
25 interesting question.

2 COUNCIL MEMBER JAMES: Thank you.

3 HENRY STERN: It is really so much
4 to the point, that I appreciate it. That is,
5 that's, that's the nub, that's the nub of it. The
6 Parks Department over the years, since Moses left,
7 has been the one Department systematically screwed
8 by the City of New York. It has been so
9 mistreated, it's budget has been cut repeatedly,
10 it's the number of people working there has been
11 cut in half. It has, doesn't have the protection
12 that uniformed forces have.

13 COUNCIL MEMBER JAMES: So isn't
14 that the issue, the fact that we need more funds
15 for parks?

16 HENRY STERN: When I--Yes, when I
17 was Parks Commissioner, when I was appointed Parks
18 Commissioner, in 19--first time, 1973, '83, by
19 Mayor K--'73 I was elected to the Council; '83 I
20 was appointed Parks Commissioner by Mayor Koch
21 after Councilmen-at-Large were abolished. And I
22 said, "We received," I calculated, Parks received
23 73/100th percent of the City's budget, 73/100th.
24 And I had buttons printed and our slogan was, "One
25 percent by the millennium." AT the time, the

1 millennium was 13 years off. Now the millennium
2 as come and gone [laughs] it was nine years ago.
3 Listen, I remember when "1984" was a novel about
4 the future. [laughter] And during those good
5 years, we worked it up to 79/100th of one percent.
6

7 COUNCIL MEMBER JAMES:

8 Commissioner, I would love to go down memory lane
9 with you, but we have a lot of people who want to
10 testify. [laughter]

11 HENRY STERN: Oh, sorry, okay. - -
12 quick.

13 COUNCIL MEMBER JAMES: I read your
14 blogs all the time. Are you going to blog this?

15 HENRY STERN: Yes.

16 COUNCIL MEMBER JAMES: I knew you
17 were.

18 HENRY STERN: I'll write about it.

19 COUNCIL MEMBER JAMES: [laughs]

20 HENRY STERN: And my testimony.

21 But can I say this: What this comes down to is, I
22 was talking about poor parks-wise, and how badly
23 it was treated, which I think people agree to.

24 Should parks be able to accept external financial
25 assistance--

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COUNCIL MEMBER JAMES: Right.

HENRY STERN: --from private
intere--individuals, either generous individuals,
or corporations, that want to beautify the area?
Yeah, that--And I think the answer has to be yes,
maybe in theory no, but the way the world is,
that's the only way you get money to do these
things. Central Park's needs \$20-25 million a
year, to be a first class, A-level park, a world
class, that people will come and visit, and
that'll be beautiful. The City can't spend \$20-25
million a year on Central Park. They'd be
cheating every other park in the system. So, if
you want to spend the \$20 million on Central Park,
you have to have people give it to you.

COUNCIL MEMBER JAMES: But I
represent, as you know, Fort Greene, Clinton Hill,
Prospect Heights--

HENRY STERN: Sure.

COUNCIL MEMBER JAMES: --Crown
Heights and parts of Bedford-Stuyvesant. The
community of my more affluent community has a
conservancy, they're much more active, they
provide funds to the park.

2 HENRY STERN: The Fort Greene Park?

3 COUNCIL MEMBER JAMES: Yes. And,
4 yes, and in Commodore Barry Park, which borders
5 public housing, there is no conservancy. There
6 are no volunteers. There are a few, dedicated
7 few, but for the most part they can't compete.
8 They don't have deep pockets. And this is,
9 Commodore Barry is the oldest park in Brooklyn.
10 And so, I've provided capital funds, but for the
11 most part it's been ignored.

12 HENRY STERN: Well, weren't there--

13 COUNCIL MEMBER JAMES: So what do
14 you do in that case, I mean, why--

15 HENRY STERN: Weren't there some--

16 COUNCIL MEMBER JAMES: How could
17 you argue for conservancies given the disparity?

18 HENRY STERN: Weren't there some
19 gentle, middle-aged ladies--

20 COUNCIL MEMBER JAMES: No, what'd
21 you say?

22 HENRY STERN: There were some
23 gentle, middle-aged ladies who were - -

24 COUNCIL MEMBER JAMES: [laughs] I
25 thought you said that.

1
2 HENRY STERN: Gentle, I said,
3 middle-aged ladies.

4 COUNCIL MEMBER JAMES: Okay, yes.

5 HENRY STERN: Who were involved
6 with the--I'm being generous.

7 COUNCIL MEMBER JAMES: Yes.

8 CAROL GREITZER: Excuse me, could I
9 answer your prev--your question, that we got away
10 from about privat--doesn't this lead to
11 privatization?

12 COUNCIL MEMBER JAMES: Do you mind,
13 Commissioner, if she jumps in?

14 CAROL GREITZER: Yeah.

15 HENRY STERN: Not at all.

16 CAROL GREITZER: No, it's just
17 'cause we're veering off the subject, and want to
18 go to far. Yes, I think it certainly does. I
19 mean, I'm a member of the Union Square Community
20 Coalition, and Union Square Park has the most
21 commercialization of any park in the City. I
22 mean, you can--I mean, just yesterday I was there
23 with my family, I didn't even know that there--I
24 saw people lined up in some tents there. I don't
25 just--I don't even know what they were going for

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today, there are, almost every day of the week, there is something going on there, taking over large parts of the park, and that park, the park doesn't even get the revenue that is raised, it goes into the general fund.

COUNCIL MEMBER JAMES: Right.

CAROL GREITZER: So, that is another question that I think--

COUNCIL MEMBER JAMES: That's another question - - right.

CAROL GREITZER: --the Parks Committee should be exploring, what happens to those funds?

COUNCIL MEMBER JAMES: Exactly.

CAROL GREITZER: Because Parks has been under budgeted, it gets less and one, I think less than one-half of one percent now.

COUNCIL MEMBER JAMES: Right, I agree. So Commissioner, what about low income neighborhoods.

HENRY STERN: Yeah - - Wait a second, I'm going to say, I completely agree with Council Member Greitzer on that, totally--

COUNCIL MEMBER JAMES: See, I

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brought you together.

HENRY STERN: --on the issue of revenue going to parks. I've been fighting for that for at least 16 years.

COUNCIL MEMBER JAMES: Okay.

HENRY STERN: And Mayor Bloomberg promised in 2001 that he would do it if he were elected Mayor. That was one of the few things on his to-do list that she scrapped.

COUNCIL MEMBER JAMES: Well, there's a lot of to-do--Well, anyway.

HENRY STERN: Well, that was one. And we, if the Council will do that, that would be--if you want to help parks, that's the single most important thing you could do, and I beg you to do it, provide that revenue in a park--

COUNCIL MEMBER JAMES: It has been raised.

HENRY STERN: It has been raised, but the Speaker turned it down, as well.

CAROL GREITZER: But without, without cutting back on the budget.

HENRY STERN: Right, the whole, the whole model is--

2 CAROL GREITZER: The revenue should
3 be in addition, right.

4 HENRY STERN: With a hold harmless
5 provision.

6 COUNCIL MEMBER JAMES: And again,
7 low income neighborhoods that do not get the same
8 level of funding as these parks with
9 conservancies, what is your answer to that?

10 HENRY STERN: That's up, that's--

11 COUNCIL MEMBER JAMES: How do you
12 resolve that?

13 HENRY STERN: It's up to their--
14 Well, they, first of all they should receive the
15 same, or a greater level of funding, just as
16 schools in underprivileged areas receive greater
17 per capita funding, 'cause they're Title I or
18 they're special needs. They should be even more
19 supported than the others. It's up to their
20 legislators to fight for them at the budget time,
21 and to see that--I mean, wait a second, it's up
22 the Mayor to provide the funds. If there's
23 disagreement, if the legislators don't feel that
24 the Mayor has provided adequately, you have power
25 over the budget.

2 COUNCIL MEMBER JAMES: And
3 Commissioner, the argument that conservancies act
4 ultra vires, outside of government, and they don't
5 even include local elected officials. What do you
6 say to that?

7 HENRY STERN: Well, I think that
8 there are some local elected officials--I think if
9 local elected officials wanted to be on the board
10 of conservancies themselves, I don't think that's
11 a bad idea.

12 COUNCIL MEMBER JAMES: But you just
13 don't want to do it legislatively.

14 HENRY STERN: Well, yeah, and I
15 think they should. In fact, I think it's a good
16 idea, if a local elected official takes an
17 interest in a park, let 'em be on the board,
18 there's nothing wrong with her being on the board.
19 We did that. We shopped around for elected
20 officials, 'cause we wanted to find electeds to
21 get on the board of conservancies, 'cause it would
22 give them greater influence in helping fight for
23 the budget.

24 COUNCIL MEMBER JAMES: I
25 understand. And Council Member, the argument that

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2 this is in violation of the State law, what is
3 your response to that? Do you agree with that
4 position?

5 CAROL GREITZER: Well, I'm not a
6 lawyer, and I don't know what the State law is,
7 but I know that when I did try a few years ago
8 with one of your colleagues to introduce some
9 legislation, which I helped draft, and the legal
10 staff here thought that there was some violation
11 of the charter. But I didn't agree with that. I
12 mean, I think that if that is so, then you should
13 change the nature of how these conservancies are
14 set up, so that they themselves would not be in
15 viol--they would be something different from
16 whatever that State law, because I think that the
17 Parks Department ought to be able to set certain
18 guidelines, and the Council certainly should be
19 able to set guidelines for any agency of the City,
20 so that I--I really disagree with that whole
21 approach to this.

22 COUNCIL MEMBER JAMES: And the
23 argument, Council Member, that okay, the parks
24 that do have conservancy, they have ability to
25 leverage private funds, and therefore everyone can

1
2 direct their attention to those parks that are in
3 low income or less affluent neighborhoods, what do
4 you say to that? It frees up money.

5 HENRY STERN: That's a good idea, I
6 think.

7 CAROL GREITZER: Yeah, well, well,
8 I mean, that was my concern, that we, that private
9 parks are suffering. I mean, we've seen
10 photographs of potholes and broken benches and
11 ball fields that are not usable in many parks
12 around the City, which I think is a disgrace. And
13 that something ought to be done for that. I also
14 wanted to raise another point and that is that I
15 think you ought to have to differentiate, when you
16 use the word "conservancies"--

17 COUNCIL MEMBER JAMES: Yes.

18 CAROL GREITZER: --as I have, it's
19 been pointed out to me, so I'm just passing it on
20 to you.

21 COUNCIL MEMBER JAMES: Yes.

22 CAROL GREITZER: That there are
23 these conservancies that are really advocacy
24 groups or friends of parks groups, they call
25 themselves conservancies, but they're not the

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2 conservancies that have the management agreements
3 with the City. But we use the same word to
4 describe both of them. And the smaller, friends
5 of city park groups, which have the name of
6 conservancy, really don't want to be tarred with
7 the, whatever brickbats we're throwing at these
8 larger conservancies, which are ignoring the needs
9 of the community. So, it may be that we should
10 specify that we're talking about these management
11 groups, or whatever other generic--

12 COUNCIL MEMBER JAMES: I see.

13 CAROL GREITZER: --words you want
14 to use to describe them.

15 HENRY STERN: So--

16 COUNCIL MEMBER JAMES: Anything
17 further, Commissioner?

18 HENRY STERN: Yeah, yeah, I think
19 conservancies have really made an enormous
20 difference in the improvement of parks. I credit
21 them and private support, with as being the bottom
22 line reason for the improvement of many parks,
23 where they've been influential. Central, the
24 Broadway Parks Manhattan, Prospect Park, they
25 would never be where they are today if not for the

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2 conservancies. And I wouldn't want to do anything
3 to impede their operation. I think there should
4 be more conservancies, or whatever you want to
5 call 'em, in poorer neighborhoods, so that more
6 people get involved with parks. 'Cause the more
7 people there are fighting for parks, the more
8 money parks will get in the budget and the better
9 they'll be treated. It's one of the truisms of
10 government.

11 COUNCIL MEMBER JAMES: I
12 understand.

13 HENRY STERN: And we, so we, we
14 like them, and we don't want to hurt them by
15 setting up a dual system of allegiances. And as
16 far as State law is concerned, it's a violation of
17 State law to intrude in the, to require anyone to
18 be on the board of a nonprofit corporation.
19 They're not, I mean, that's the whole business is,
20 people, the theory is people outside government
21 should be the ones who are helping, and the
22 conservancy is meant to recruit citizens and
23 people like that, into the business of improving
24 parks by making them stakeholders.

25 COUNCIL MEMBER JAMES: And what is

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wrong with codifying that in local law?

HENRY STERN: Because this isn't the way to do it. As I said, if you have one member chosen by a Council Member, why not ten? It doesn't make sense because it suggests that the conservancies are improperly managed, it suggests a wrongdoing, it opens a door into even more intrusive legislation. I mean, this is a situation which is going really well, and I think it should be allowed to go well. I think this is just a little, the big guy pushing the little guy, and saying give me a bite out of your conservancy. I think you can have it, you can have a bite, but you shouldn't have a, get, you know, do it yourself, don't get the law to come down for you and demand that you be given a bite.

COUNCIL MEMBER JAMES: Thank you, Commissioner.

HENRY STERN: Thank you very much,

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COUNCIL MEMBER JAMES: Thank you. Next panel, thank you. But we all agree that more funds should be dedicated to our parks, yes?

HENRY STERN: Right. And if you,

2 and the last sentence: If you can get that law
3 passed on the concession revenue--

4 COUNCIL MEMBER JAMES: Yes.

5 HENRY STERN: --you'll be doing
6 more for parks than the City Council has for the
7 last 30 years, since I first became Commissioner.

8 COUNCIL MEMBER JAMES: I'm a
9 sponsor of that legislation, Commissioner.

10 HENRY STERN: Good.

11 COUNCIL MEMBER JAMES: Thank you.

12 HENRY STERN: From your lips to the
13 Speaker's ear.

14 COUNCIL MEMBER JAMES: [laughs]

15 HENRY STERN: Whoever she is.

16 [laughs]

17 COUNCIL MEMBER JAMES: Tom Rei from
18 the Madison Square Park Conservancy, I apologize
19 if I mispronounced your name; Kathleen Vorick from
20 the Greenbelt Conservancy; Lori Brittle from the
21 Riverside Park Fund; and Warrie Price from the
22 Battery Park Conservancy.

23 WARRIE PRICE: The Battery
24 Conservancy.

25 COUNCIL MEMBER JAMES: I'm sorry?

2 WARRIE PRICE: The Battery
3 Conservancy.

4 COUNCIL MEMBER JAMES: The Battery
5 Park Conservancy.

6 WARRIE PRICE: No. The Battery
7 Conservancy.

8 COUNCIL MEMBER JAMES: Oh, it says
9 Battery Park, I didn't--

10 WARRIE PRICE: - - they wrote--

11 COUNCIL MEMBER JAMES: I didn't
12 write this out.

13 WARRIE PRICE: I'm sorry.

14 COUNCIL MEMBER JAMES: That's okay,
15 whoever wrote this out was wrong, I didn't, I'm
16 just reading what I got. Thank you. [pause] You
17 may decide amongst us, amongst you who will begin.
18 I apologize, I have a very bad cold, and my voice
19 is closing, drying up my throat. Please begin.

20 TOM REIDY: It's Tom Reidy. Good
21 afternoon. I'm the Director of Park Operations
22 and External Affairs for the Madison Square Park
23 Conservancy. Thank you for the opportunity to
24 speak today. Since 2006, we at the Conservancy,
25 via a formal agreement, have operated Madison

1 Square Park on behalf of City of New York Parks
2 and Recreation. The park is a six-and-a-half acre
3 property, situated between 5th and Madison Avenues,
4 23rd and 26th Streets. Circa 1850, it's one of the
5 City's oldest parks, with a lot of history.

6
7 Beginning in 1998, a group of City officials and
8 neighboring businesses and corporations, under the
9 name "Campaign for the New Madison Square Park"
10 formed to drive the restoration of the park, which
11 for decades prior idled as a substandard,
12 primarily empty, unsafe space. Through intense
13 fundraising by this group, a \$5 million full
14 restoration was completed in 2002, unveiling a
15 reproduction of the park's original found
16 introduction of a 30 foot diameter reflection
17 pool, restoration of the park's five late 19th
18 Century monuments, acres of restored lawns, and
19 over 20,000 square feet of both perennial and
20 annual plantings. Complementing the park's lovely
21 infrastructure, the Conservancy since its
22 inception has introduced free cultural
23 programming, that includes revolving displays of
24 public art, music, literature and children's
25 series, as well as various food festivals.

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2 Through this combination of beautiful public space
3 and the offering of whimsical yet sophisticated
4 cultural interactions for patrons, we probably
5 view ourselves as a destination spot, here in New
6 York City. And paralleling Madison Square Park's
7 emergence, the surrounding neighborhood has
8 bloomed through an influx of new businesses,
9 development, and residence, as well. Regarding
10 Introduction 1083-A being discussed here today,
11 Madison Square Park Conservancy feels that such a
12 law is unnecessary, overly intrusive and even
13 potentially damaging. Our Board of Directors is
14 currently comprised of 21 individuals, 18 of whom
15 are either representatives of neighboring
16 businesses or corporations, or residents of the
17 area, and some are both. Given that so many of
18 our directors are already heavily invested in the
19 neighborhood, well beyond just their affiliation
20 with Madison Square Park, the more global
21 interests of the Council District with regard to
22 Madison Square Park, in our minds, are already
23 protected. A designated appointee, we feel, would
24 be redundant at this point. Regarding our
25 management of the park, the operating agreement

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2 with City of New York Parks and Recreation is
3 completely transparent, it explicitly spells out
4 the acceptable means by which the Conservancy
5 maintains the park, programs the park, and
6 generates revenue for the park. All of our
7 efforts and initiatives are only done with prior
8 approval of Parks. And Borough Commissioner,
9 Parks Commissioner Bill Castro sits on our board.
10 The Conservancy is established as a 501(c)(3) as
11 defined by an internal revenue code. The bylaws
12 of the Madison Square Park Conservancy, another
13 completely transparent document, is formatted and
14 adheres to federal law regulating the operation of
15 501(c)(3)s. The bylaws explicitly define
16 processes for electing director, electing
17 officers, establishing committees, reporting
18 conservancy finances, and handling any potential
19 conflicts of interest. Any further oversight via
20 a designated director, as this resolution
21 proposes, in our opinion, is unnecessary. Madison
22 Square Park as it exists today, unequivocally, is
23 a vibrant, beautiful, public space, that has been
24 somewhat of a nexus in revitalizing the area which
25 surrounds it. The undisputed success of the space

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2 has been achieved through this model of
3 public/private partnership, that all of the
4 conservancies represented here today employ.
5 Through much hard work, the Madison Square Park
6 Conservancy and its directors have been able to
7 cultivate an intricate matrix of relationships
8 between businesses, neighbors, cultural
9 professionals, that have brought non-tax dollar
10 revenue to the park. This has allowed us to
11 achieve what we have today. Our sole mission is
12 to provide free, beautiful, passive space and
13 offer enriching cultural programming that's
14 accessible to all. This has been mandated by the
15 City to us. All the necessary safeguards are
16 already in place to prevent any detracting from
17 this mission. I thank you for your time.

18 DOROTHY REILLY: My name is Dorothy
19 Reilly, and I'm Director of Public Relations for
20 the Greenbelt Conservancy on Staten Island. The
21 Greenbelt is a city park, nearly 3,000 acres of
22 forests and traditional parks. There is a
23 carousel, a nature center, and a very active
24 environmental education department that serves
25 thousands of children, as do all of our programs

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2 serve a diverse population. I'm here to read a
3 letter from our Board President who wasn't able to
4 be here this morning, due to a prior commitment.
5 And she addresses it to the Honorable Helen
6 Foster, Chair of the Committee on Parks and
7 Recreation for the New York City Council. "In
8 connection with the Introduction 1083-A, I would
9 like to comment on behalf of the Greenbelt
10 Conservancy Board as follows. Our board consists
11 of 16 members, 14 of whom live within each Council
12 District in which Staten Island, in which the
13 Staten Island Greenbelt lies. Our board members
14 are civically engaged in their communities and are
15 committed to the betterment of the Greenbelt. In
16 this regard, they directly represent the needs,
17 wishes and concerns of the communities surrounding
18 and throughout the Greenbelt. We are an active
19 board whose members participate in and support
20 park activities. The Greenbelt conservancy has a
21 strong working relationship with all of our
22 elected officials--federal, state and City. Over
23 the last 25 years, our elected officials have been
24 supportive of our myriad efforts in land
25 preservation, creation of active recreational

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2 opportunities, environmental education programs
3 and the like. We therefore strongly object to
4 Section 2(b), last sentence, to wit, "Such member
5 (board member) shall be designated in consultation
6 with the Council Member representing each such
7 district." This proposed provision could create a
8 partisan board that might become distracted by the
9 demands of elected officials, rather than working
10 toward the betterment of the Greenbelt and
11 fulfilling the Conservancy's mission. Very truly
12 yours, Kathleen Vorwick, President, Greenbelt
13 Conservancy. Thank you.

14 WARRIE PRICE: Good morning. I'm
15 Warrie Price. I founded and I'm the President of
16 the Battery Conservancy, a not-for-profit created
17 in 1994 to rebuild and revitalize the historic tip
18 of Manhattan, 25 acres, city owned property, under
19 the jurisdiction of the City of New York Parks and
20 Recreation. Our voting Board of Directors numbers
21 20, of which six are residents. The rest of the
22 Board are people that have owned property, that
23 owned property downtown, or work or have worked
24 downtown. They all are integral to making our
25 mission viable. In our bylaws, we have ex officio

1 presentation, representation of five government
2 officials, or their representatives. Though non-
3 voting, and that was because of State law, feeling
4 that elected officials could not be voting on a
5 private not-for-profit, so that there had to be,
6 we wanted representation. They said the only way
7 we could have that is to make them ex officio.
8 They are there, their views, their voices are
9 heard, and very seldom disregarded. It is,
10 they're there at every one of our board members.
11 I have Commissioner Castro, as well as
12 Commissioner Benepe. So, and Alan Gerson and then
13 it'll be the new Council Member as she comes in.
14 So we have Assembly Member, State, every elected
15 official is on our board. Since arriving in New
16 York in 1972, to work for the New York City Bureau
17 of the Budget, I have been involved with civic
18 life of this City for some 37 years, and I've
19 loved every minute of it. Twelve years serving on
20 Community Board One in Manhattan, and also
21 chairing the Parks Committee, and later becoming
22 the board chair. It gave me a real understanding
23 of the value of community based planning. The
24 governance of our dynamic City involves our
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2 neighborhoods. A project, it get better when it
3 goes through public review. When I decided to go
4 from community board to do one project, I chose
5 the Battery. I'd been on Ruth Messinger's
6 taskforce for waterfronts for two years, and knew
7 that this long neglected, overlooked park that
8 people thought were just for tourists and not for
9 New Yorkers. It lacked a strong constituency and
10 an inspired plan. Now 15 years later, with
11 private and public funds totaling over \$112
12 million, we're fulfilling the implementation plan
13 to rebuild the Battery. Our success has been
14 built on innovative thinking and inspired ideas
15 about how this landscape could be transformed.
16 Public review is sought after. Our motto is "Go
17 early and go often." Because that's, if we don't
18 have our public, we don't have our neighbors
19 involved, what's the use of the park? Who's going
20 to be there to ensure its continuity and that it
21 continues to be what we'd always envisioned. So,
22 our park has been important, it's a premium
23 downtown, we suffered much after 9/11, but our 9--
24 but our neighborhood is coming back and we strive
25 to give it, give everyone, our neighbors, the

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2 people that work there, the people that traverse
3 this landscape, a place of peace, cultural life,
4 and most of all, beauty. Private/public
5 partnerships were born in New York City, and are
6 now copied by cities all over the world. They
7 help government be innovative, creative, and share
8 the workload of keeping our parks beautiful for
9 active and passive recreation, and for most
10 important, public discourse, where we all come
11 together as a community. We are doing now, and
12 have always done, what Intro 1083 is intended to
13 do. Why add more bureaucracy? We already have
14 what we consider adequate, wonderful approvals.
15 We do the demands of our reviews and the process
16 of approvals through the community board, through
17 understanding budget priorities and getting our
18 community boards. It's really the community board
19 that comes together to tell you, "What are our
20 priorities?" I work with the community board to
21 be sure the Battery is on their list when they
22 make their budget priorities. So we feel that we
23 have enormous relationships with the community, we
24 respect you wanting to make this important, we
25 want you to feel it's important, we want you

1 involved, but we think we really are doing it.

2 Thank you very much.

3
4 LORI BRITTLE: Good afternoon. I'm
5 Lori Brittle, Vice President for Finance and
6 Development for Riverside Park Fund. Riverside
7 Park Fund is the nonprofit partner organization
8 for Riverside Park in Manhattan. On behalf of our
9 Board of Directors, our thousands of members, I
10 appreciate the opportunity to speak with you
11 today. 23 years ago this month, a group of
12 concerned citizens founded Riverside Park Fund, to
13 reclaim Riverside Park from years of neglect and
14 misuse, through their advocacy, volunteer work and
15 fundraising efforts. Since that time, Riverside
16 Park Fund has raised nearly \$20 million for park
17 improvements, programming, restoration projects.
18 We also manage the most extensive volunteer
19 program in any New York City park, contributing
20 more than 30,000 hours of horticultural volunteer
21 work each year, across the park's five mile span.
22 This broad and deep commitment by the local
23 community in support of the park, has enabled us
24 to work in close collaboration with City Council
25 Members, Borough Presidents, elected State

1 officials, the Mayor's Office, and the Department
2 of Parks and Recreation. And through the years,
3 helps to secure more than \$40 million in public
4 support for the improvement of Riverside Park.
5 Today, Riverside Park Fund represents more than
6 5,000 upper west side families and individuals,
7 dedicated to the ongoing care and improvement of
8 that park. We directly support the park's care
9 through the hiring of much needed horticultural
10 staff, maintenance workers, playground programming
11 staff, to better the needs of the park's thousands
12 of daily visitors. We further assist the Parks
13 Department and its operation of the park through
14 the purchase of equipment, supplies, and services
15 that otherwise would not be available. By
16 leveraging each other's resources, we have
17 together with the Parks Department and elected
18 officials, brought Riverside Park back from decay,
19 to the vibrant park you see now. As a not-for-
20 profit, non-for-profit corporation of the State of
21 New York, Riverside Park Fund's board of directors
22 is self-appointing. The voting members of the
23 board are approved by the Fund's members at our
24 annual meetings. There are currently 20 voting
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1 board members, and 19 of those members live in one
2 of the adjoining council districts, with each
3 district represented by at least one board member.
4 In addition, the board has four ex officio, non-
5 voting members, representing the City government.
6 It appears that Introduction 1083-A would require
7 a not-for-profit organization such as Riverside
8 Park Fund to appoint a voting board member from
9 each Council District in which the park lies, or
10 which abuts the park, and would require that the
11 Council Member representing that district, that
12 Council District, be consulted when that board
13 member is designated. As a grassroots
14 organization founded by community activists 23
15 years ago, Riverside Park Fund fully recognizes
16 the importance of independent, community based
17 involvement in the care and operation of our
18 City's parks. Were it not for such community
19 involvement, neither the Fund nor the park would
20 be what they are today. The composition of our
21 board and our membership demonstrate that this
22 community commitment remains strong and continues
23 to grow. We believe, however, that Introduction
24 1083-A, by attempting to regulate the makeup of
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1
2 our board, or that of any other not-for-profit
3 corporation, would take away from our members the
4 freedom to elect the board they wish to represent
5 them. As one of the oldest park conservancy
6 organizations in New York City, we also recognize
7 that every community and the needs of every park
8 and its users are unique. Hence the wide variety
9 of community based conservancy and friends of park
10 organizations across the City. While fully
11 supporting the goal of ensuring local involvement
12 in the care of our City's parks, we believe it
13 best to leave these groups to the composition,
14 leave to the groups the composition of their own
15 boards. Riverside Park Fund has a long and
16 beneficial history of working closely with our
17 City Council Members and other elected officials.
18 We're grateful for the Council's interest and
19 support of our parks, and look forward to
20 continuing to work with you to benefit Riverside
21 Park and the people who depend upon it. Thank you
22 again for this opportunity to speak.

23 COUNCIL MEMBER JAMES: Question for
24 each of the members of the panel. How diverse is
25 your board? Let's start with Ms. Price.

2 WARRIE PRICE: Out of the 20, there
3 are seven women and one African-American male.

4 COUNCIL MEMBER JAMES: Ms. Brittle?

5 LORI BRITTLE: We have--two
6 African-Americans, we have, I believe it's 50/50
7 men and women.

8 COUNCIL MEMBER JAMES: Out of how
9 many on your board?

10 LORI BRITTLE: 20 on the board.
11 And four ex officio non-voting members.

12 COUNCIL MEMBER JAMES: Any Latinos?

13 LORI BRITTLE: And that's the
14 Commissioner Benepe, the Borough President, the
15 Park Administrator, and--who am I forgetting,
16 John? Borough Commissioner.

17 COUNCIL MEMBER JAMES: Ms. Vorwick?
18 We were, we didn't know where Greenbelt
19 Conservancy was, we thank you.

20 DOROTHY REILLY: [laughs]

21 COUNCIL MEMBER JAMES: [laughs]

22 DOROTHY REILLY: I'm sorry to hear
23 that, but I'm glad you know now.

24 COUNCIL MEMBER JAMES: Well, thank
25 you for educating me.

2 DOROTHY REILLY: Yes, yes, you're
3 welcome. By the way the park is ablaze in fall
4 color, so it's a great - -

5 COUNCIL MEMBER JAMES: Is it on the
6 south side or the north side?

7 DOROTHY REILLY: It's in the
8 central part of Staten Island, in the very hilly
9 section, so we like to say it's in the heart of
10 Staten Island.

11 COUNCIL MEMBER JAMES: Excellent.

12 DOROTHY REILLY: So it's worth a
13 trip. On our board, I believe we have 17 board
14 members. It's changing at the moment. And 60/40
15 I believe is the gender breakdown, 60 percent men,
16 40 percent women. There's quite a bit of age
17 diversity, we have some charter members, still a
18 couple of charter members, the conservancy was
19 formed over 20 years ago. And--

20 COUNCIL MEMBER JAMES: Ethnic?

21 DOROTHY REILLY: One Hispanic, a
22 gentleman, and I'm not sure of a new board member
23 who I believe is Middle Eastern.

24 COUNCIL MEMBER JAMES: Mr. Reidy?
25 I'm sorry for mispronouncing your name.

2 TOM REIDY: That's correct.

3 COUNCIL MEMBER JAMES: Thank you.

4 TOM REIDY: Of the 19 voting
5 members, six women, one who's Asian, one who's
6 Hispanic, and 13 men.

7 COUNCIL MEMBER JAMES: Given the
8 fact that all of you have a great relationship
9 with the elected officials, in fact some serve ex
10 officio, why the opposition to codifying it?
11 Codifying the role of elected officials on
12 conservancies?

13 TOM REIDY: Well, as I said in my
14 remarks, I mean, we believe between the formal
15 operating agreement that we have with the City,
16 you know, our set up is a 501(c)(3), that all of
17 that--and including, you know, the fact that like
18 all the rest, much of our board members either
19 reside or their place of business is immediately
20 in the area, that it's unnecessary.

21 COUNCIL MEMBER JAMES: Any other
22 comments? Council Member Melissa Mark-Viverito?
23 Thank you.

24 DOROTHY REILLY: Thank you.

25 COUNCIL MEMBER JAMES: Thank you.

1
2 The next panel is Darren Johnson from the New York
3 Restoration Project; Judy Francis, representing
4 the Brooklyn Bridge Park Defense Fund; Dorothy
5 Reilly of the Greenbelt Conservancy from the great
6 borough of Staten Island, since I now know where
7 it is; and representing the Central Park
8 Conservancy, I believe this says "Scott Johnson."
9 [pause, background noise]

10 DARREN JOHNSON: Good afternoon, my
11 name is Darren Johnson, and I am the Vice
12 President of Strategic Initiatives and Policy for
13 New York Restoration Project. As you may be
14 aware, NYRP is the proud, sole owner of 55 of New
15 York City's community gardens, located throughout
16 the five boroughs. Also through a management
17 agreement with the New York City Department of
18 Parks and Recreation, we also manage and provide
19 free public and environmental education
20 programming at Swindler Cove Park in the
21 Washington Heights neighborhood of upper
22 Manhattan, as well as assist with park cleanup and
23 maintenance at several other City parks in
24 northern Manhattan, including Highbridge Park. On
25 behalf of our founder, Bette Midler, and our

1
2 Executive Director, Drew Becker, I want to share
3 our strong support for the spirit and concept of
4 the, of community, and its members having an
5 active role and voice in the work and programs
6 that our organization and others offer the
7 neighborhoods we serve. Community participation
8 is core to NYRP's mission and is something we
9 engage in every day. I think it's important to
10 note that the majority of programs NYRP offers in
11 our public spaces today, are a result of working
12 closely with community members and leaders,
13 because we know that green spaces will stay green,
14 clean and active when they meet the daily needs
15 and expectations of the community around them.
16 Parks and gardens must have purpose and be
17 functional or they will return to disrepair. With
18 that said, NYRP believes community representation
19 on our Board of Trustees, which primarily serves
20 fundraising and government over--governance
21 oversight functions, would not be the appropriate
22 mechanism for effective community participation in
23 the management and programming of parks and
24 gardens managed by not-for-profits and
25 conservancies. Like other not-for-profits here

1
2 today, we believe there are more effective ways to
3 ensure community participation with such not-for-
4 profits like NYRP or other conservancies managing
5 City property. And that solutions can be
6 accomplished through existing management
7 agreements with the Parks Department. From
8 designating a community liaison, which I want to
9 note NYRP currently does for all 55 of our
10 community gardens, to strengthening ties with
11 local community boards, to establishing community
12 advisory committees that would actively work with
13 the not-for-profits responsible for maintaining
14 and programming City owned parks and gardens,
15 these are solutions that make sense for both the
16 community and the organization. And I just want
17 to mention also that I think it was discussed in
18 previous testimony about the one-size-fits-all,
19 and I think NYRP is a good example of that case,
20 because when we were founded, we were founded
21 because we were the conservancy of forgotten
22 places. And when Bette first organized NYRP, she
23 brought together her friends to raise important
24 dollars for those neighborhoods that couldn't
25 afford to create their own conservancy or save

1
2 their own community garden that was going to be
3 auctioned off. And so our board, Bette has
4 brought together a group of individuals who have
5 the strength to be able to raise millions of
6 dollars which fund our work in Swindler Cover Park
7 and in our 55 community gardens. And to be able
8 to have fiduciary responsibility over our
9 organization and the properties that we own and
10 manage, and I think that that's a really important
11 point to make. But we are very much in favor of
12 community engagement, for community having a
13 voice, for being our partner in managing these
14 parks, that we are working with the Parks
15 Department in operating and maintaining. Thank
16 you.

17 COUNCIL MEMBER JAMES: Thank you,
18 Mr. Johnson, and thank Ms. Midler for the
19 wonderful park in my district, the Japanese play--
20 Japanese Park on Bedford Avenue.

21 DARREN JOHNSON: Yes.

22 COUNCIL MEMBER JAMES: It's
23 absolutely beautiful there, I've attended at least
24 ten weddings in there.

25 DARREN JOHNSON: Oh, thank you.

2 COUNCIL MEMBER JAMES: Thank you.
3 You may go for--Sheila Feinberg join us as well?
4 Representing the New Yorkers for Parks.

5 SCOTT JOHNSON: Hi, I'm Scott
6 Johnson for the Central Park Conservancy, and I'd
7 like to thank you for the opportunity to speak on
8 behalf of our organization, an organization as
9 many--[off mic comment] Oh, an organization that
10 many of you know is dedicated to restoring,
11 managing and enhancing Central Park in partnership
12 with the City of New York and the public. We
13 believe in that partnership, actively involved in
14 the citizens from the areas surrounding Central
15 Park in our planning and governing processes. Our
16 organization has already, already has board
17 representation from all four Central Park Council
18 Districts, including Districts 4, 6, 8 and 9. In
19 fact, nearly 85 percent of the Central Park
20 Conservancy's trustees reside in one of the four
21 districts. It is our view that legislation
22 requiring us to do what we already have in place
23 is redundant. The Central Park Conservancy's
24 bylaws dictate that eight of our 52 voting
25 trustees are positions set aside for people

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2 appointed by an elected official, or on our board
3 by virtue of holding a political position. These
4 eight positions include the Manhattan Borough
5 President, the Parks Commissioner, the Central
6 Park Administrator, and five Mayoral appointees,
7 all of whom hail from Council Districts that abut
8 the, abut Central Park. When adding new board
9 members, the Central Park Conservancy actively
10 seeks representation from the areas surrounding
11 our park, surrounding--searching those who want to
12 share our values and commitment to the park and/or
13 mission. We search for trustees who have specific
14 expertise or skill sets that will broaden the
15 management capabilities of our organization. This
16 criteria, when combined with the importance we
17 place on representation from the surrounding
18 community, is what we believe contributes to our
19 sound management and informed decision making
20 processes. In addition to the board selection
21 practices, the Central Park Conservancy also seeks
22 community involvement and communication with
23 Community Boards 5, 7, 8, 10 and 11. A series of
24 public advisory committees, user groups and
25 roundtables, as well as 250 regular conservatory

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2 volunteers, conservancy volunteers from
3 surrounding areas. At the Central Park
4 Conservancy, we take great pride in our work in
5 organization, and believe firmly in the concepts
6 defined in our mission statement, which outlines
7 quite clearly in partnership with the City of New
8 York and the public. And we'd like to thank you
9 for your time and consideration.

10 JUDY FRANCIS: Hi. My name is Judy
11 Francis, I'm the President of an all volunteer,
12 501(c)(3) called the Brooklyn Bridge Park
13 Development--no it isn't--Brooklyn Bridge Park
14 Defense Fund. We advocate for total community
15 participation along the waterfront and a park that
16 is planned and being built by the ESDC. Thank
17 you, all of you, for your interest in this matter.
18 There have been significant, as you know, private
19 encroachments on our public parks. Amendments to
20 the administrative code, whatever the legal
21 mechanism is, is really warranted. I don't think
22 your bill goes far enough. And I have some
23 suggestions. But let me talk about the one park
24 I'm very familiar with. As outlined in four year-
25 -almost four years ago, in April of 2006, when you

1
2 called a group together to talk about the duty of
3 park conservancies and managing parks, it was
4 pointed out then as it has been pointed out today
5 again, there are deep problems with private groups
6 running our public parks. My longstanding
7 experience with the Brooklyn Bridge Park
8 Conservancy is a case study on how good
9 intentions, really good intentions, all the people
10 who have spoken here, good intentions, can go bad
11 when one local private organization is allowed
12 free rein over our parks. It is disingenuous, and
13 I love Tupper Thomas, I think she's done a great
14 job, but to say that conservancies don't make
15 policy. We have kind of a joke in my family. My
16 husband is responsible for the big things, the big
17 policy decisions, he decides whether or not we
18 should send troops to Afghanistan, whether or not
19 we should support the public option and the
20 healthcare. I make the small decisions, like where
21 we're going to live and where we're going to go on
22 vacation, and maybe how we spend our money, and
23 what we're going to have for dinner. It's
24 disingenuous to say that policy is not influenced
25 by conservancies, and in fact if conservancies are

1
2 doing programming, as they do in Brooklyn Bridge
3 Park, and have for years and years, things like
4 hip hop festivals suddenly disappear from the
5 permitting, are not allowed, just you know, come
6 off of the programming. These conservancies wield
7 tremendous power, and in the case of Brooklyn
8 Bridge Park, the founders of the conservancy of
9 that went on to be the people who are deciding
10 what this park looks like. And as a result, those
11 five people, who by the way live within, some of
12 them on the promenade or within half a block of
13 the promenade, they are deciding that instead of
14 the pools, the year round recreational facility;
15 instead of the ice skating rink we now have a huge
16 berm that basically separates their homes on the
17 promenade from the people who may be coming to
18 this park. But there's no more year round
19 recreation, there's no more public amenity. And
20 now it is--so, not only is the decision makers on
21 who is doing the programming in that part changed,
22 but also the actual landscaping of the park, the
23 planning of the park, the capital dollars that are
24 going into this park, that are going for
25 landscaping and private housing infrastructure, as

1
2 opposed to recreational facilities that we so
3 desperately need in Brooklyn. This original group
4 did an incredible job, and my husband was part of
5 that initial group, called a coalition of
6 neighborhood associations, to get the park in the
7 first place. But when they changed their mission
8 to become a conservancy in 2002 and '3, with this
9 branding, rebranding, their focus should've
10 changed, but it didn't. The leadership,
11 representation, the desires of a much larger park
12 constituency, all the neighborhoods that surround
13 the park, should have been represented. But it is
14 hard to change your direction after 20 years, when
15 it starts with a little group that tries to get
16 the park, and they stay focused on their little,
17 you know, community. Therein lies the trouble:
18 one private group, responsible for running a large
19 public park. The public has been taken out of
20 Brooklyn Bridge Park. The--and, you know, all of
21 the local associations, actually written letters
22 and you have them in your files from that
23 testimony, and I have them again if you want them,
24 to say that they do not represent Cobble Hill,
25 Dumbo, Fort Greene, Carol Gardens, the merchants

1
2 along Atlantic Avenue, the merchants along Fulton
3 Landing, all have said the Conservancy does not
4 represent their communities in this park. Many
5 articles have been written about the programming,
6 too, how it doesn't reflect the interests of the
7 surrounding neighborhoods. Let me say, let me say
8 it, that people who live close to a public park do
9 have special interests. They do. Their homes
10 look over, in this case, the park. And so, their
11 voices should be heard, and they should have a
12 voice on conservancies if they, if that's the
13 mechanism by which the City wants to run our
14 parks. And they should have 50 percent of the
15 vote. But 50 percent of the vote should be given
16 to the people who are going to actually use the
17 park, who come from afar, you know, people in my
18 neighborhood, you know, I lived for 30 years, you
19 know, on the promenade, so I know, and I'm saying
20 while we have special interests, it shouldn't be
21 limited to one group. And I think this bill goes
22 pretty far in pushing that, but I think you need
23 to do a percentage basis. It shouldn't be all in
24 the hands of one group. I would change Section
25 118137, and I have it here, to say "Not more than

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2 50 percent of the voting rights of the Board
3 should be made up of residents who live--who
4 reside within the primary community board," I
5 would say, 'cause I think community board is the
6 place where the Battery Park lady said, a lot of
7 the decisions, a lot of the passion, a lot of the,
8 you know, the real community engagement happens.
9 And the remaining seats on the Board should be
10 comprised of individuals who reside in the
11 community boards that abut the park. This way,
12 the greater communities' voice has a chance to be
13 heard, and park governance will be broadened, and
14 more inclusive, to maximize its use, instead of
15 treating it as an enterprise for the benefit of
16 those living near it, or worse, in it, which is
17 the case of Brooklyn Bridge Park. So. Thank you
18 and please do more on managing and organizing and
19 whatever you can to conservancies. Because in
20 fact, I do applaud the fundraising efforts, I do
21 applaud the fact that, you know, our former Parks
22 Commissioner tried to get one percent of the City
23 budget. Under this Mayor, it is now down to
24 .0038, it is the lowest it has ever been in terms
25 of money going to parks. And we need the

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2 government to run our parks, we do not need
3 private individuals who kind of get together with
4 their buddies, and if they have time on their
5 hand, to run the parks. We need your hand in our
6 park management, again.

7 COUNCIL MEMBER JAMES: Thank you,
8 Ms. Francis, I should've had you on a separate
9 panel. But--and I will ask the Chair for an
10 update on Brooklyn Bridge Park, you know I've
11 expressed concerns with regards to the Park, and
12 need to get an update on where we are. So, I
13 thank you.

14 SHEILA FEINBERG: Good afternoon,
15 my name is Sheila Feinberg, and I'm the Director
16 of Government and External Relations at New
17 Yorkers for Parks, the only independent watchdog
18 for all the City's parks, beaches and playgrounds.
19 We'd like to thank you for holding this important
20 hearing today. Equitable representation. In the
21 summer of 2008, just last year, the Council held a
22 hearing on Intro 699, a bill that would require
23 more financial transparency in public/private
24 partnerships. Deputy Parks Commissioner Liam
25 Cavanaugh at the time said that the Bloomberg

1 Administration and New York City Parks and
2 Recreation have embraced initiatives that increase
3 transparency and ensure a greater level of
4 accountability in government. We are pleased that
5 Intro 699 was adopted into local law 282008
6 (right, Lyle?) We applaud this new proposed
7 legislation for continuing to expand the levels of
8 accountability and transparency in the operations
9 of management of our public parks. As evidenced
10 by recent park issues throughout the City, there
11 is insufficient community representation which
12 needs to be addressed and remedied. Intro 1083
13 attempts to address this lack of public
14 participation by mandating that at least one
15 individual who resides within each council
16 district in which a park is located, or abuts,
17 must be a voting member of the board of directors
18 of the respective park conservancy. We support
19 this principle and feel that community
20 representation on conservancy boards is essential
21 towards improving the efficiency, equity and
22 efficacy of public/private partnerships and parks.
23 However, we feel that there are some logistical
24 and legal ramifications for Council Member
25

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2 consultation, which may lead to Council Member
3 appointment. Government, especially in regards to
4 not-for-profit structure and management, is moving
5 towards increased transparency, stricter
6 regulations and oversight. We should take equal
7 care not to infuse local politics too steeply in
8 this process. To avoid the appearance of a
9 conflict of interest, we recommend broadening the
10 consultation process and appointment of community
11 representatives to the Borough President or
12 community boards. This would further enhance the
13 public's role in park conservancies by integrating
14 the larger community and many neighborhoods.

15 While some public/private partnerships make it a
16 priority to include community members,
17 unfortunately broader legislation is needed to
18 ensure that this becomes the norm, rather than the
19 exception. Sadly, community involvement is often
20 seen as an afterthought in many parks operations.
21 This bill allows for member of the local community
22 to take an active role in the oversight of their
23 park. Local leadership and participation in the
24 decision making process is vital towards
25 increasing transparency, stewardship and community

2 ownership in public parks. Finally in conclusion,
3 as stated in the Citizens Budget Commission Report
4 which came out in the summer of 2007, making the
5 most of our parks, and I quote from the report,
6 "The challenge facing our City in the next century
7 will be to create a park system that can take the
8 successes of parks like Central, Prospect and
9 Bryant, and match their managerial prowess with
10 additional public resources to provide a quality
11 park for every neighborhood in New York City." We
12 strongly support Intro 1083 for its effort to
13 ensure that the balance of public and private
14 participation is maintained in parks throughout
15 New York City. Thanks.

16 COUNCIL MEMBER JAMES: Thank you.
17 Those friendly amendments that you have made, have
18 you submitted them to the sponsor, Council Member
19 Melissa Mark-Viverito?

20 SHEILA FEINBERG: I have not yet.

21 COUNCIL MEMBER JAMES: Okay.

22 SHEILA FEINBERG: I would be happy
23 to do so.

24 COUNCIL MEMBER JAMES: Thank you.
25 Council Member, any comments? Thank you. And we

1
2 will do an oversight hearing about Brooklyn
3 Bridge.

4 JUDY FRANCIS: [off mic] Thank you
5 very much.

6 COUNCIL MEMBER JAMES: You're
7 welcome. The last two, the last panel will
8 include two members: Henry Bunch from the Queens
9 Soccer Foundation, and Julia Morrow from the Open
10 Space Alliance. And after these two panelists,
11 that will conclude this hearing. [pause] Ladies
12 first. [background noise]

13 JULIA MORROW: Hi, I'm Julia
14 Morrow, with the Open Space Alliance for North
15 Brooklyn. What we do is we improve on our
16 existing parks and help develop new parks in
17 Williamsburg and Greenpoint. We raised funds by,
18 with local community members. We link volunteers
19 and we work with our elected officials, in
20 partnership with the New York City Parks and
21 Recreation. OSA represents parks, playgrounds,
22 green spaces, and we are a Community Board One.
23 Our boundaries are such that in time luxury condos
24 developing along our waterfront and McCarron I'm
25 sorry. And OSA helps fund improvements. Excuse

1 me. I'm actually here to read a message from
2 Steve Hindi, who is our Board of Directors. And
3 he says, "I started my business, the Brooklyn
4 Brewery, many years ago in Williamsburg, when it
5 was a dangerous place to be operating. The
6 Brooklyn Brewery grew along with the community,
7 and the Brewery is now standing in Williamsburg.
8 I live near Prospect Park and have served on the
9 board of the Prospect Park Alliance and marvel at
10 the transformation Tupper and the Alliance have
11 brought to the park. McCarron is a block away
12 from the Brewery and I wanted to see the North
13 Brooklyn parks near my business similarly grow and
14 flourish. So together with some local residents,
15 we formed OSA to make it happen. Other than
16 myself, each and every board member of OSA lives
17 within the district that we serve. OSA's board
18 members' children play in the parks, playgrounds;
19 board members' dogs run in our district's dog
20 runs; and we enjoy great concerts OSA hosts in the
21 parks. Council Members Yassky, Diana Reyna,
22 Brooklyn Borough President Marty Markowitz, State
23 Senator Squadron, State Assembly Member Lentol,
24 all serve on our advisory board. Our electeds and
25

1
2 their representatives are invited and welcome to
3 each OSA board member meeting, and OSA staff
4 members and our local residents. Our diverse
5 community and its parks needs are further
6 represented within our community committee, whose
7 very active leaders meet regularly with members of
8 the Mayor's administration, parks commissioners--
9 Adrian Benepe and Julius Spiegel--as well as our
10 OSA's executive director. In other words, the
11 proposed legislation is unnecessary in North
12 Brooklyn as OSA goes far beyond the requirement of
13 having one person from the area represented in
14 local parks." [pause] That'll complete my
15 message. Thank you. [off mic comment] [laughs]

16 HENRY BUNCH: Yes, I'm sorry.

17 Yeah, my name is Henry Bunch, and I come from
18 Flushing Meadow Park. I am a president of a
19 league, - - over a league, I'm now president of a
20 new league. We accommodate about 2,000 kids
21 playing soccer during the weekend. Our fields are
22 in horrible conditions, they coming apart.
23 They've been an issue for me, that to, to have
24 them fixed, through the park, and it's a lot of
25 red tape. I work very close with foundations like

Soccer Foundation, the U.S. Soccer Foundation.

They are willing to provide funding, so we could fix the fields, and not only the field but to put lighting or whatever we need to improve and to extend the number of kids playing, because we are limited to the number of hours because of the other leagues that are involved in the park.

Those include adults leagues, which take about 75 percent of the time in the park. And kids really, for the safety of the kids, we want to, I want to start working through my foundation to be able to raise money and to--And so I want to be in partnership with the City, and I need your help to be able to accomplish such a thing.

COUNCIL MEMBER JAMES: Who's your Councilperson?

HENRY BUNCH: Myself.

COUNCIL MEMBER JAMES: No.

HENRY BUNCH: Oh.

COUNCIL MEMBER JAMES: Well, you could run one day. [laughter] Who represents, who's in, who on the City Council represents Flushing Park?

HENRY BUNCH: I have to find out.

2 COUNCIL MEMBER JAMES: Okay. I'm
3 going to introduce you to Mr. Schnall from the
4 Parks and Recreations.

5 HENRY BUNCH: Okay.

6 COUNCIL MEMBER JAMES: Parks and
7 Recreation. And so he'll introduce you to your
8 local councilperson, and perhaps submit a proposal
9 to the local councilperson for funding in this
10 year's budget.

11 HENRY BUNCH: Thanks.

12 COUNCIL MEMBER JAMES: Okay?

13 HENRY BUNCH: Okay.

14 COUNCIL MEMBER JAMES: Is that
15 fair?

16 HENRY BUNCH: Sounds fantastic,
17 yeah.

18 COUNCIL MEMBER JAMES: Okay,
19 thanks.

20 HENRY BUNCH: Thank you.

21 COUNCIL MEMBER JAMES: And thank
22 you for coming.

23 HENRY BUNCH: Thank you.

24 COUNCIL MEMBER JAMES: And thank
25 you, ma'am, for coming, and that concludes this

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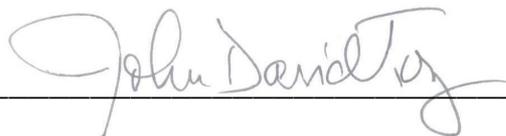
hearing. And thank you Council Member Melissa
Mark-Viverito.

[background noise, silence until
end]

C E R T I F I C A T E

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

Signature

A handwritten signature in cursive script, appearing to read "John David Tong", is written over a horizontal line.

Date November 11, 2009