

**PUBLIC MEETING**

**FRANCHISE AND CONCESSION REVIEW COMMITTEE**

**WEDNESDAY, AUGUST 12, 2009 @ 2:30 P.M.**

**22 READE STREET, MANHATTAN**

**NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, 253 BROADWAY, 9TH FL., NEW YORK, NEW YORK, N.Y. 10007 (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC MEETING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.**

*Franchise and Concession Review Committee Public Meeting –  
Wednesday, August 12, 2009 @ 2:30PM*

**NEW YORK CITY DEPARTMENT OF INFORMATION TECHNOLOGY  
AND TELECOMMUNICATIONS**

**No. 1:** IN THE MATTER of the intent to seek Franchise and Concession Review Committee (FCRC) approval of the proposed change of control of NextG Networks, Inc., the parent company of NextG Networks of NY, Inc., a mobile telecommunications franchisee, to new investors as described in an organizational chart that has been made available to the public and the FCRC.

**A proposed resolution was submitted relative thereto.  
RESOLUTION FOR ADOPTION.**

**NEW YORK CITY DEPARTMENT OF PARKS & RECREATION**

**No. 2:** IN THE MATTER of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate a Sole Source Concession Agreement (Concession Agreement) with the Caledonia Condominium, located at 450 West 17<sup>th</sup> Street in Manhattan (the Caledonia), to provide residents of the Caledonia with a connection to the public access area adjacent to the High Line in exchange for maintenance by the direct access to the public access area leading to the High Line in exchange for maintenance by the Caledonia of Americans with Disabilities Act compliant men's and women's public restrooms, a public staircase and a public elevator that lead to an entrance area that provides public access to the High Line. These amenities were all provided for by the Caledonia. The Concession Agreement shall commence upon receipt of written notice to proceed and the term shall not exceed twenty (20) years.

**A proposed resolution was submitted relative thereto.  
RESOLUTION FOR ADOPTION.**

## **NEW YORK CITY DEPARTMENT OF PARKS & RECREATION**

**No. 3:** IN THE MATTER of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate a Sole Source Concession Agreement (Concession Agreement) with West 30<sup>th</sup> Highline Holdings, L.L.C. to provide residents of the building being developed at 333 Tenth Avenue in Manhattan with a connection to the public access area adjacent to the High Line in exchange for an easement to be granted to the City, and possibly other public amenities and contributions. The Concession Agreement shall commence upon receipt of written notice to proceed and the term shall not exceed twenty (20) years.

**A proposed resolution was submitted relative thereto.  
RESOLUTION FOR ADOPTION.**

FRANCHISE AND CONCESSION REVIEW COMMITTEE

PUBLIC MEETING

WEDNESDAY, AUGUST 12, 2009

22 READE STREET, MANHATTAN

2:30 p.m.

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2 A P P E A R A N C E S :

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4 CAS HOLLOWAY  
Mayor

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6 BRIAN GELLER  
Office of the Mayor7 ANTHONY DELL'OLIO  
Comptroller

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9 SHARON CANTOR  
Corporation Counsel10 YVONNE QUINTIAN  
Office of Management and Budget

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12 AL RODRIGUEZ  
President Borough of The Bronx13 JASON A. OTANO  
President Borough of Brooklyn

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15 JIMMY YAN  
President Borough of Manhattan16 MARK MCMILLAN  
President Borough of Queens

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18 LEE S. COVINO  
President Borough of Staten Island19 ADAM BUCHANAN  
Clerk

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THE CHAIRMAN: Good afternoon and thank you  
all for being here. The Franchise and Concession  
Review Committee will now come to order.

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Will the Clerk please call the roll.

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THE CLERK: Mayor.

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THE CHAIRMAN: Here.

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THE CLERK: Office of the Mayor.

9

MR. GELLER: Here.

10

THE CLERK: Comptroller.

11

MR. DELL'OLIO: Here.

12

THE CLERK: Corporation of Counsel.

13

MS. CANTOR: Here.

14

THE CLERK: Office of Management and Budget.

15

MS. QUINTIAN: Here.

16

THE CLERK: President Borough of The Bronx.

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MR. RODRIGUEZ: Here.

18

THE CLERK: President Borough of Brooklyn.

19

MR. OTANO: Here.

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THE CLERK: President Borough of Manhattan.

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MR. YAN: Here.

22

THE CLERK: President Borough of Queens.

23

MR. MCMILLAN: Here.

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THE CLERK: President Borough of Staten

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Island.

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MR. COVINO: Here.

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THE CHAIRMAN: Thanks very much.

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Will the Clerk please call the first  
calender item.

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THE CLERK: New York City Department of  
Information Technology and Telecommunications,  
Calender Item Number 1.

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In the matter of the intent to seek  
Franchise and Concession Review Committee  
approval of the proposed change of control of  
NextG Networks, Incorporated, the parent company  
of NextG Networks of New York Incorporated, a  
mobile telecommunications franchisee to new  
investors as described in an organizational chart  
that has been made available to the public and  
the FCRC.

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A proposed resolution was submitted relative  
thereto. The resolution is now for adoption.

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THE CHAIRMAN: Thank you. Is there a member  
who wishes to ask a question or make a statement  
on this item?

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(No response.)

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THE CHAIRMAN: If not, can I have a motion?

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MS. CANTOR: Motion to move.

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2 THE CHAIRMAN: Is there a second?

3 MR. DELL'OLIO: Second.

4 THE CHAIRMAN: Will the Clerk please take  
5 the vote.

6 THE CLERK: Mayor.

7 THE CHAIRMAN: Yes.

8 THE CLERK: Office of the Mayor.

9 MR. GELLER: Yes.

10 THE CLERK: Comptroller.

11 MR. DELL'OLIO: Yes.

12 THE CLERK: Corporation Counsel.

13 MS. CANTOR: Yes.

14 THE CLERK: Office of Management and Budget.

15 MS. QUINTIAN: Yes.

16 THE CLERK: On behalf of the Borough

17 Presidents, President Borough of Queens.

18 MR. MCMILLAN: On behalf of the Five Borough

19 Presidents, we vote yes.

20 THE CLERK: The resolution is adopted.

21 Proposed Calender Item Number 1, resolution was  
22 adopted.23 THE CHAIRMAN: Thank you. Will the Clerk  
24 call the next calender item.

25 THE CLERK: New York City Department of

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2 Parks and Recreation, Calender Item Number 2.

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In the matter of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to negotiate a Sole Source Concession Agreement with the Caledonia Condominium, located at 450 West 17th in Manhattan, to provide residents of the Caledonia with a connection to the public access area adjacent to the High Line in exchange for maintenance by the Caledonia of Americans with Disabilities Act compliant men's and women's public restrooms, a public staircase and a public elevator that lead to an entrance area that provides public access to the High Line. These amenities were all provided for by the Caledonia. The Concession agreement shall commence upon receipt of written notice to proceed and the term shall not exceed 20 years.

A proposed resolution was submitted relative thereto. The resolution is for adoption.

THE CHAIRMAN: Thank you. Is there a member who wishes to ask a question or make a statement?

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MR. DELL'OLIO: Yes. The Comptroller's office had had several discussions with the Parks Department and there was just one little issue that hadn't be clarified with respect to control of the direct access for members; do you have any additional information on that?

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MS. ROSENBERG: Sure. My name is Sherri Rosenberg, I'm Deputy General Counsel of the Parks Department. With me is Michael Bradley, he's the Project Administrator for the High Line.

To answer your question, with regards to the Caledonia, there's a public access area. There's a gate that is closed at the staircase. There's also another gate that closes the elevator that's public access.

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With regards to the residents of the Caledonia onto the public access area, there is no gate at this time that separates the public access area from the High Line. There was at one time and when the High Line opened, it was to give the public access to the staircase, the elevator and the restroom. That gate was removed but we can certainly negotiate the reestablishment of that gate.

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2 THE CHAIRMAN: I've seen this myself. The  
3 public goes up the stairs, enters the public  
4 access area, which is a kind of vestibule  
5 courtyard to the High Line. You walk out of the  
6 public access through, cuts through the gate into  
7 the High Line?

8 MS. ROSENBERG: Correct.

9 THE CHAIRMAN: So then in terms of keeping  
10 the general public out, is the stairwell just  
11 closed at the bottom?

12 MR. BRADLEY: At the midpoint there's a  
13 roll-out gate, which puts you --

14 THE CHAIRMAN: At the midpoint?

15 MR. BRADLEY: At the midpoint of stairs up  
16 to --

17 THE CHAIRMAN: The midpoint of the stairs  
18 there's a gate so the public can't go passed that  
19 point of the stairs?

20 MR. BRADLEY: Correct. And the ground  
21 level, there's a rolling gate that goes to the  
22 entrance of the level.

23 At the vestibule level of the building, the  
24 vestibule area is an open area. That's where the  
25 elevator opens up to and the stairs open onto and

1  
2 there's an opening there that was created by the  
3 section of the High Line railing where the public  
4 comes and goes.

5 THE CHAIRMAN: Now, if I'm a resident of the  
6 Caledonia, there is a gate that actually is,  
7 right now, there's a gate there that will  
8 prevent, you don't want the public to actually go  
9 into the Caledonia?

10 MR. BRADLEY: Correct.

11 THE CHAIRMAN: So this vestibule area, I  
12 guess there's also a doorway or gate?

13 MR. BRADLEY: There's a glass doorway which  
14 leads to a set of stairs that goes down to  
15 another door inside the building, which leads to  
16 the second floor hall of the Caledonia.

17 THE CHAIRMAN: Where is the gate? The gate  
18 that blocks access to the Caledonia?

19 MR. BRADLEY: It's just a door that locks.

20 THE CHAIRMAN: If you open that door, where  
21 are you?

22 MR. BRADLEY: You're in the hall. You would  
23 be able to walk down the stairs to another  
24 interior.

25 THE CHAIRMAN: Which then opens on the?

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2 MR. BRADLEY: Then opens in the hallway of  
3 the second floor of the Caledonia building.

4 THE CHAIRMAN: Where is the access to the  
5 actual public access to the park from the  
6 Caledonia?

7 MR. BRADLEY: The access, the public access  
8 to the park is that door from their building,  
9 which is a simple glass door which leads to the  
10 vestibule area.

11 MS. ROSENBERG: Where does the public enter?

12 THE CHAIRMAN: No. We already went through  
13 that. I just want to make it clear that the  
14 glass door is the door that opens into the public  
15 access area of the park?

16 MR. BRADLEY: I think it swings.

17 THE CHAIRMAN: But it's right there?

18 MR. BRADLEY: Yes.

19 THE CHAIRMAN: So that if I'm in the public  
20 access area, if I'm in the public access area,  
21 that door prevents me from going into the  
22 Caledonia?

23 MR. BRADLEY: Yes. That door is locked.

24 THE CHAIRMAN: That door is locked?

25 MR. BRADLEY: Yes.

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2 THE CHAIRMAN: Because this is going about  
3 that this might be negotiated?

4 MR. BRADLEY: Correct.

5 THE CHAIRMAN: It is part of the  
6 negotiations that this access issue is going to  
7 be resolved?

8 MR. BRADLEY: They are certain that both  
9 ways of the Caledonia access doors lock. They  
10 don't want the public entering their building and  
11 we don't want part of the building to have access  
12 to the park hours after it closes.

13 THE CHAIRMAN: So the terms that are  
14 envisioned of the Concession as it stands right  
15 now are that they will provide for access to the  
16 vestibule of the Caledonia, same access that the  
17 general public will have in terms of the hours?

18 MR. BRADLEY: Correct.

19 THE CHAIRMAN: That's one of the issues that  
20 is going to be worked through these next couple  
21 of?

22 MR. BRADLEY: Yes.

23 THE CHAIRMAN: Are there any other questions  
24 or statements any other members would like to  
25 make?

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(No response.)

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THE CHAIRMAN: If not, can I have a motion?

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MS. CANTOR: Move to Caledonia.

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THE CHAIRMAN: Second?

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MR. MCMILLAN: Second.

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THE CHAIRMAN: Will the Clerk please take

8

the vote.

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THE CLERK: Mayor.

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THE CHAIRMAN: Yes.

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THE CLERK: Office of the Mayor.

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MR. GELLER: Yes.

13

THE CLERK: Comptroller.

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MR. DELL'OLIO: Yes.

15

THE CLERK: Corporation Counsel.

16

MS. CANTOR: Yes.

17

THE CLERK: Office of Management and Budget.

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MS. QUINTIAN: Yes.

19

THE CLERK: On behalf of the Borough

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Presidents, President Borough of Manhattan.

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MR. YAN: Yes.

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THE CLERK: Calender Item Number 2,

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resolution is adopted.

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THE CHAIRMAN: Won't you please call the

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third calender item.

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THE CLERK: New York City Department of  
Parks and Recreation, Calender Item Number 3.

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In the matter of the intent to seek  
Franchise and Concession Review Committee  
approval to utilize a different procedure  
pursuant to Section 1-16 of the Concession Rules  
of the City of New York to negotiate a Sole  
Source Concession Agreement with West 30th High  
Line Holdings, L.L.C. to provide occupants of the  
building being developed at 333 10th Avenue in  
Manhattan with a connection to the public access  
area adjacent to the High Line in exchange for an  
easement to be granted to the City and possibly  
other amenities and contributions. The  
Concession Agreement shall commence upon receipt  
of written notice to proceed and the term shall  
not exceed 20 years.

The proposed resolution was submitted  
relative thereto and the resolution is for  
adoption.

THE CHAIRMAN: Thank you. Is there a member  
that wishes in ask a question or make a statement  
about this item?

MR. DELL'OLIO: Just followup. It is the

1  
2 same concern with this item as the previous item.  
3 So I would assume the same negotiations will  
4 occur with respect to this item?

5 MR. BRADLEY: Correct. With the difference  
6 that this building hasn't been signed yet. So  
7 obviously their sign will have to incorporate our  
8 requirements.

9 MR. DELL'OLIO: Is that possible for that to  
10 happen?

11 MR. BRADLEY: Yes.

12 THE CHAIRMAN: Just for my own part, having  
13 read the materials. So my understanding is we  
14 already have an easement by right; is that right?

15 MR. BRADLEY: We would have an easement at  
16 the point where the property owner has pulled his  
17 building permit for the zoning. He is required  
18 to dedicate an easement of either 29 or 30  
19 percent of its minimum permit at that point. So  
20 we have nothing today.

21 THE CHAIRMAN: Nothing today.

22 MR. BRADLEY: Yes but we would have that.

23 THE CHAIRMAN: The reason we needed this is  
24 so that all the ADA compliant amenities access  
25 facilitators can be put in.

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MR. BRADLEY: ADA can do encoding.

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THE CHAIRMAN: So it's a little different than the 16th and 17th Street? The value is the

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actual additional easement? What is the

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Department looking at in terms of additional

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amenities or have you thought about that?

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MR. BRADLEY: We have. We're trying to

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negotiate space in the building, operations and

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maintenance for the building facility as well.

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THE CHAIRMAN: Great, good luck.

12

Any other questions or statements on this

13

item?

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(No response.)

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THE CHAIRMAN: If not, can I have a motion?

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MS. CANTOR: I'll move.

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THE CHAIRMAN: Is there a second?

18

MR. RODRIGUEZ: Second.

19

THE CHAIRMAN: Thank you. Will the Clerk

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please take the vote.

21

THE CLERK: Mayor.

22

THE CHAIRMAN: Yes.

23

THE CLERK: Office of the Mayor.

24

MR. GELLER: Yes.

25

THE CLERK: Comptroller.

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MR. DELL'OLIO: Yes.

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THE CLERK: Corporation Counsel.

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MS. CANTOR: Yes.

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THE CLERK: Office of Management and Budget.

6

MS. QUINTIAN: Yes.

7

THE CLERK: On behalf of the Borough

8

Presidents, President Borough of Manhattan.

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MR. YAN: Yes. And I want to thank the

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Parks Department for highlighting the

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negotiations to us and getting to thoroughly

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brief us on these issues and explain the public

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benefit that the City would get out of these

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concessions.

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THE CLERK: Calender Item Number 3,

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resolution is adopted and that concludes the

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calender.

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THE CHAIRMAN: Thanks everyone. That

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concludes the meeting.

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Meeting adjourned.

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(Whereupon, at 2:57 p.m., the meeting was

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adjourned.)

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C E R T I F I C A T E

STATE OF NEW YORK        )  
                                  :ss  
COUNTY OF SUFFOLK        )

I, NICOLE LIMONCELLI, a Notary Public in and  
for the State of New York, do hereby certify:

THAT the foregoing is a true and accurate  
transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set my  
hand this            day of            , 2009.

NICOLE LIMONCELLI