

**ESCR CAG Meeting Summary -- April 1, 2021**  
**via Zoom**

**CAG members present**

<b>Anthony (Tony) Rivera</b> <b>Ayo Harrington</b> Camille Napoleon <b>Charles Krezell</b> <b>Chris Collins</b> Christine Bookin <b>Christine Datz-Romero</b> Damaris Reyes Daphne Williams Dereese Huff	<b>Dianne Lake</b> Ditashiah Kohn Michael Marino Dov Goldman Felicia Cruickshank <b>Frank Avila-Goldman</b> Freddina Fulton <b>Wendy Brawer</b> <b>Robin Schatell</b> <b>Martin Barrett</b> Mercedes Harvell	Mike Arnon Kyle Athayde Nancy Ortiz Paul Burke Peter Davis Richard Heitler <b>Sam Moskowitz</b> Seth Coren <b>Susan Steinberg</b> <b>Trever Holland</b>
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**DDC presentation of updates**

1. *Pre-construction and Construction Phase Updates* – Desiree Gazzo, HNTB-LiRo  
Link to [presentation slide deck](#) with more information.
  - a. Overview of Contracts
  - b. PA2 (Project Area 2) Schedule and Phasing
    - i. Asser Levy Pool to be open during summer 2021
    - ii. Goal is to have 1 ½ park spaces open at a given time during construction. This would be half of Stuyvesant Cove Park with either Asser Levy or Murphy Brothers open.
  - c. PA2 Anticipated Construction Activities for April (see slide 8 for details)
  - d. PA2 Traffic Shift
    - i. Traffic pattern shift at East 23<sup>rd</sup> and the FDR; automobiles, pedestrians and bikers, please take extra care when crossing through the intersection. Follow signage and direction from Traffic Enforcement Agents and flaggers.
  - e. PA2 Pile driving
    - i. Daytime (7:00 – 3:30 pm) pile driving: adjacent to Solar One, in Asser Levy Park, under FDR
      1. Noise monitoring is in place
  - f. Communications
    - i. In the Community advisories we issue, we try to give you the earliest dates that work may happen, but it's a flexible sliding scale. Please understand that it could happen in the following days or week.

1. The advisories are posted on site, and we're going to add a QR code to them so people can easily access more information from our website.
- ii. We've been coordinating with Solar One and EDC as work progresses in that area.
- iii. [Website link](#) with project updates, construction notices and advisories

g. Q & A

- Wendy: Is there a threshold set to the noise monitors?
  - Desiree: Yes, there are city regulated noise levels which the contractor is being held to. If the contractor exceeds this level, they need to reassess their work and provide noise mitigation.
- Wendy: What about the plants that Solar One bagged up for the construction period. Are they being moved?
  - Desiree: I can check back with Solar One.
- Charles: Where are the noise monitors located?
  - Ahmed Ibrahim, HNTB-LiRo: They are distributed in two different areas: Asser Levy by the recreation building and by the VA hospital and WSR area; and for Stuyvesant Cove Park, there are 3-4 monitors along Ave C parallel to construction. Ahmed added that the inspectors have noise detection monitors on hand, so there is a double layer to checking noise levels. The air monitors are within the same range as the noise monitors.
- Charles: The Asser Levy outdoor pool will be open this summer; is that correct?
  - Desiree: The pool will indeed be open during the summer, and there will be air monitoring in the Asser Levy area as mentioned above.
- Trevor: Has DDC selected a bidder for PA1? When will you have more info. on that?
  - Desiree: The bidder has not been selected yet
  - Jeff Margolies, DDC: We haven't officially awarded one yet. This process is ongoing and this hopefully will be made official and public soon, probably within the next month or so.
- Trevor: Do we have a commitment from OMB or the City that any excess costs by this project will be covered?
  - Jeff: Yes
- Borough President Brewer: Is there anything in this first section that you feel is problematic or that you might do differently? We can learn from lessons. I won't bring up the compost pile, but it's always on my mind.
  - Jeff: We received letters about the VE (Value Engineering) review. I can confirm that the City is taking another look at this. We certainly understand the concerns that have been expressed about this. Regarding lessons learned, it's going relatively well so

far. The project will begin pile driving soon, starting around Solar One. We've heard concerns about nighttime pile driving at E 25th Street, which DOT needs to weigh in on. There are concerns about traffic

- BP Brewer: How do we tell people in advance re: the noise of pile driving? Some people with the means like to leave their apartments when it occurs.
  - Jeff: We had a great meeting last night with 100+ people, Waterside and Stuy Town TAs (Tenant Associations)
- Tony: Given that the higher bid comes from a contractor with more experience than the lower bid, is the decision-making on the bid driven by primarily by cost?
  - Jeff: We're generally bound by state law to select the lowest responsible and responsive bidder, but we do have the responsibility to ensure that the lowest bid is actually qualified and capable, and that is part of what's going on right now. So we will not automatically select the lowest bidder.
- Tony: Will you come back to the community if there are meaningful changes to the plan?
  - Jeff: Yes
- Wendy: Will there be pile driving on weekends and weekdays?
  - Desiree: On weekdays only. Ahmed: In the case of a future delay, we have the permits to also do it on weekends, but as of now it's only on weekdays.
  - Air quality monitoring during pile driving is 24/7, even if there's no work actually happening.
- Wendy: When is the first quarterly report on air coming out? What is process for presenting it?
  - Ahmed: It should be on our website in one week to 10 days.
  - Desiree: It should be released in April, and we'll do an overview of it at the May 6 CAG meeting, by which time we also hope to have a response to the CAG's letter about environmental monitoring.

## 2. *Workforce: Section 3/MWBE* – Trang Bui, BuiStudio

- a. Review of outreach events
  - i. First quarterly Section 3 and MWBE (Minority/Women-owned Business Enterprise) info. session at end of April, a walk-through of where we'll be recruiting from, including leveraging NYCHA and WorkforceOne.
  - ii. [ESCR website](#): another place to post contracting and hiring opportunities and include a way to directly apply for jobs.
  - iii. Webinar series with DCC's Office of Diversity and Industry Relations to talk about opportunities to do work with DDC and ESCR.

- iv. In addition to posting them on our site, we will send info. about open and upcoming employment positions to the CAG, elected officials, Community Boards, and workforce partners in the community. If you have others to add to this list, let us know. We will also post about upcoming services that are needed and help existing consultants identify local MWBE opportunities.

The [website](#) can be translated using Google Translate, and our future CCLs (Community Construction Liaisons) will be multilingual and reflect the communities they serve.

- b. Local hiring and Section 3 requirements (see [slide 17 in presentation](#) for summary of Section 3 goals)
  - i. We will work with all of the contractors and consultants involved to make sure they're good faith efforts. We'll maximize any opportunities for services and for hiring opportunities. Please keep in mind that this is not an entitlement program, so there aren't any guarantees.
  - ii. Contractors and sub-contractors and their contracts can be found on the [City's website](#). You can search by area of discipline and agency.
  - iii. We're looking into the training opportunities in the PA2 contractor hiring plan and will get back to you when we have more details.
  - iv. Desiree: This was an attempt for us to start to respond to the CAG's letter about local hiring, and a more formal response will be coming.
- c. Q & A
  - Frank: Is there any plan where we could figure out the certification and position types before they are posted so there's enough time to help prepare residents who aren't yet qualified? Are there any other plans to publicize job opportunities in non-online formats?
    - Trang: Once the city starts to reopen, our hope is to increase in-person opportunities and work with field offices, Nadine (the CCL), and Desiree to distribute pamphlets, etc. in person. Also, we're in the middle of trying to figure out what all the known job positions will be. Many positions will require very high level and specific types of previous experience as a requirement, but once people are back online with their job training, we can talk about what can supplement existing job training resources.
  - Frank: Do you have an idea of when we will receive the written response to our Section 3/MWBE letter?
    - Desiree: We currently have a decent draft of responses, but we're still trying to coordinate some responses with other parts of DDC. We should have it ready within the next two weeks.
    - Ophelia: We'll do our best to respond soon, but we also have to share this with the Mayor's Office of Resiliency, so I don't want to give a specific timeline.

3. *What We've Heard (much of this was already said earlier in the meeting)*

- a. Environmental monitoring will be DDC's focus for the May CAG meeting once first quarterly report has been issued.
- b. The value engineering letter from the CAG is being reviewed by the City.
- c. Compost area: there are no status updates.  
Ben Ireland, DSNY: The search is ongoing for a viable site in Manhattan.
- d. Q & A
  - Wendy: NYC recently signed a circularity accord; how will its principles affect this project? Also, a new EJ (environmental justice) study came out; is that affecting anything at this point?
    - Desiree: I would have to look into these studies; I haven't heard of them specifically impacting the contract. If Wendy could forward through Pratt we can review.
  - Ayo: We talked about re-use early on in this project. In terms of items that are not going to be reused such as benches and the like, are we going to make sure they are being offered to the 53 community gardens that exist in the catchment area?
    - Mellissa (Parks Dept.): The seal, turtle, and crab sculptures will be relocated to the new Pier 42 park. Parks is planning on salvaging and reusing park objects such as benches, but this is complicated as the city does not have an established mechanism for distributing these objects to the public fairly and equitably. The community gardens might be a different situation, so I'd be happy to come back to the group and report on that.
  - Ayo: Have we made sure the Section 3/MWBE letter reaches the appropriate agencies? I want to make sure the letter reaches the Mayor's Task Force on Racial Inclusion and Equity as well as the Chief Diversity Officers of the relevant City agencies?
    - Ophelia: The letter has been shared with DDC's Chief Diversity Office, and it will be shared with the appropriate channels at the Mayor's office.
  - Christine (Datz-Romero): What happened to the plans to create a compost yard in East River Park? We still have no word on the answer on the return and incorporation of the compost yard into the ESCR construction plan.
    - Melissa: The previous design of the compost yard was developed in 2017, prior to the current design. The area where the compost yard is currently located will be elevated 8 feet. The decision to raise this area of the park was made in consultation with the Lower East Side Ecology Center (LESEC) who wanted this area protected. The new elevation would require a re-design to accommodate the compost yard; this project does not have funding to design a new compost yard at this elevation. As we've

said before, future considerations would be subject to good faith negotiations with LESEC.

- Trevor: I was wondering if we could get some more information about the amphitheater – an update on the design, including the funding for the awning and covering which is essential to the design.
  - Melissa: The design is complete. We are having an additional meeting to discuss an amphitheater or bandshell-type structure, but this particular element of the design has been on hold pending funding.
    - Trevor: Where would this funding come from?
      - Melissa: I will have to get back to you.
- Dianne: Where would the funding need to come from to make the compost yard feasible in the new park?
  - Desiree: We can take that question back and provide a response.
  - Melissa: There's no funding at this time, but we can bring this question back and follow up.
- Christine: Can we include the Fire Boat house to this list of unfunded elements to follow up on?
- Wendy: Has the potential for an interim compost yard under the Williamsburg Bridge been ruled out?
  - Ben: Yes, this is one of many sites being looked at. We are waiting for a response from DOT and City Hall.
- Wendy: Another unfunded piece is the parallel conveyance, correct?
  - Desiree, Ophelia, and Jeff: No, it's part of the whole funded package, but we can double check that.

## **CAG-only portion**

### 1) *Welcome two new members*

Robin Schatell (Hillman Houses) and Wendy Brawer (East River Park Action); they are replacing previous representatives of their organizations who had to step down from the CAG.

### 2) *Draft environmental monitoring letter to DDC*

Frank: Should we have a deadline by the end of the weekend for CAG to review the draft letter so we can get it to DDC ASAP? Also, some of us have been meeting with Loisaída (the Loisaída Center) to create an independent arm for monitoring air quality. It would be great if the City could give us some funding for this.

Ayo: I would be happy to write a letter to ask that money be set aside for independent monitoring.

Wendy: I have a question about the draft letter; it talks about a barrier. My understanding is that the park slopes up down to the east side of the FDR, so there won't be a barrier per se.

Tony: They are elevating the entire park by 8 feet to create a natural barrier wall that would essentially allow noise and pollution from the FDR to bounce off it and go right to the residential area where we live.

Ayo: Maybe you should remove the word "natural" from that sentence to make clear that you're talking about a barrier, not something natural.

Wendy shares a city-produced diagram on which she drew a vertical line to highlight the downward slope – not a wall, as she understands it -- from the park to the eastern edge of the FDR that she said will essentially remove usable land from the park, unless one wants to sit on the slope and overlook the FDR.

Ayo: As it relates to the letter, what change would you recommend, Wendy? Could you suggest some language to Pratt in the next few days? Wendy agrees to.

Wendy: I'm concerned about prevailing winds and air quality in Brooklyn.

Christine: I think there will be a wall, in particular by Montgomery Street to the amphitheater. It will also exist elsewhere where the park is skinnier, such as near Stuy Cove Park.

Dianne (via the Zoom chat): DDC's flyover animations could be good for seeing what areas will have a wall. We can see if we can find that.

Ayo: To finish out on this topic: Wendy and anyone else to suggest changes to the letter to the group to be adopted on Monday. Also, I propose that we write a separate letter in support of independent monitoring to be done by Loisaida through the project. If someone has a different idea, that's fine, but I like the idea of a longstanding community group with a lot of vested interest being involved. It might be a good idea to invite Paul Garon of Loisaida to do a presentation to explain this further to us. What do people think?

Susan: I would like to second Ayo's motion regarding inviting Paul Garon.

Charles: I'm fine with engaging with Loisaida, but time's working against us so if we should write a separate letter about that specifically so we can get the current one out.

Wendy: There is a \$32 M restitution fund connected to this project, and Attorney General Letitia James talked about it in her response to the DEIS. It's to be used for targeted tree planting and greening, but maybe some of that fund could be used for this (environmental monitoring). Where does this fund fit in?

Tony: I agree with Ayo; we can have that second letter and have Paul from Loisaída do that work for us. A few of us have already been meeting with Loisaída, so I'm not sure if we need to have a separate meeting to invite them to the CAG or if a larger sub-group of the CAG could attend future meetings with Loisaída.

Ayo: Is anyone opposed to a group of people working on a second letter to ask for funding for Loisaída to do air monitoring? If not, I'm happy to get interested people together to work on it. Another idea is for us to study what the \$32 M is supposed to be spent on and to figure out how we want to divvy that up and in what areas.

Dianne, Frank, and Susan sign up to help with a second letter. Ayo will reach out to them to coordinate.

Ayo: Can we set aside time to talk at the next meeting about the \$32 M?

Tara: We should review the information about it in the meantime so we can share it with you and then add it to the agenda for next month.

Frank: I support inviting Loisaída to present to us exactly what they're planning.

Charles: They're saying they're going to build 40 bioswales in the neighborhood, but I've been trying to get 10 bioswales built for the last 5 years, and I've been met with nothing but resistance from the City because they won't agree to have someone maintain bioswales that are not part of a city agency, e.g., volunteers couldn't be in charge of maintenance. I would think we should dive into it and see what they're proposing because some of it is just not realistic.

Wendy: Trever and I sit on the ESCR Greening Committee; at the last meeting they talked about 40 bioswales, and they're looking at sites all over the neighborhood, not necessarily adjacent to community gardens.

Ayo: I'm going to suggest we talk about this at the next meeting, and maybe we need to devote more time for our discussion as opposed to the (DDC) presentation because this is just one item. Does it make sense for us to try to devote as much as 45 minutes or more to this? And further, would it make sense to have a separate meeting just to talk about the \$32M? (No one speaks up in support or against that.)



Tara: Let's talk about this next month, and if we need to go more in depth and have a separate meeting after that we can do that.

Trever: Charles, were you contacted about these 40 bioswales?

Charles: I heard about them years ago, but they never contacted me about them.

Trever: I'm going to follow up on the bioswale and maintenance issues.

### 3) *Quick baseball field update*

Tony: I received an update from the Parks Dept. that our permits will now be extended for an additional month, so the baseball fields will be available until the end of the month. I can foresee a situation where we're again told that we can have another month based on what I'm hearing with the bidding situation taking some time.

### 4) *Solar One and construction-related issues*

Chris Collins: I think we're going to be able to resolve the issues Solar One is having with the City, but I think there's a cautionary tale. We worked out a deal that if they demolished our building, we'd get a trailer for our staff until our new building is built. Our area started a year ahead of the original schedule. EDC hasn't demolished our building, but they might as well have. They've essentially evicted us from the building, and we're told that now that starting the week after next they're going to start serious, heavy drilling and we won't have access to our building for a couple months. DDC and EDC are pointing fingers at each other about who's going to pay for a trailer. It's classic city behavior when the city does wrong.

I think we're going to solve our problem ourselves with some workarounds, but I can tell you that the people who work on the ground for DDC will tell you one story and the construction manager and EDC will tell you another. You should be aware of getting mixed messages as construction progresses.

I think what's most troubling and what we should keep our eyes on is that I'm starting to hear and see changes to the scope of what's going to happen with the berm at Stuy Cove Park. It's starting to look more and more like the wall is going to get built, and we're not sure what else is going to get done and that clearly was not the original plan. We're not totally sure, but if that's the case it's a huge scope change. We're going to keep digging around and if anyone has any info. please share it with me. I'm not getting questions answered the way I thought I would be.

Ayo: Given your concerns, is there anything the CAG can do at this point? Would you like us to lend our support?

Chris: The staff seem to have come up with a solution for the next 6 months, but there's little transparency; we're getting told important things the day before they happen. I don't think I need the CAG's help right now, but the CAG could start to ask questions about what is going to be the scope of the berm in Stuy Cove Park.

Martin Barrett: The timeline they showed said that the park isn't going to be done until Spring 2024. It won't take them that long to build the wall; it will be the first part. We could ask about phasing and what will happen when during the course of the 2 ½ years.

Chris: That's what we originally thought, but now we're hearing that it might not be as much as a berm as we thought it would be.

#### 5) *Role of the CAG and individual members*

Frank: This is a non-sequitur, sorry. I would like a re-clarification of what this CAG is about because I have concerns that there are people who are promoting differing agendas, and my understanding is that this is about the current plan and about our monitoring and oversight in an advisory capacity. I just personally don't appreciate getting things that route me back to people's personal groups where there are donation buttons, and I think it's important to realize that we're all working together. This is not a lobbying effort to jettison the plan.

Ayo: You're right, and I second that. For those of you who are new, we're not here to promote the work of outside groups who have another agenda, even if that were LES Ready.

#### 6) *Closing and next steps*

Paula: It's 6:00, and we have two more agenda items we didn't get to.

Tara: I'll email the CAG with budget information (i.e., tracking and spenddown). Regarding Interim Flood Protection Measures (IFPM), we can continue that conversation through email or at the next meeting. We appreciate your time; we know these two-hour meetings are intense. Thank you all.