

ESCR CAG Meeting Summary - May 6, 2021
via Zoom

CAG members present are in bold

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

(Link to presentation slides: <https://www1.nyc.gov/assets/escr/downloads/pdf/20210506-escr-cag-meeting-9.pdf>)

Overview of contracts and construction updates

Jeff Margolies (DDC): For PA 1 the second lowest bidder is challenging the first lowest bidder's potential award. Lawsuit brought against City. DDC is confident procurement was done properly and things will be worked out. Also, Parks will be granting field permits for as long as possible into the summer, including for the amphitheater and barbecue areas

Desiree Gazzo (HNTB/LiRo): PA 2 work continues in/around Asser Levy & Solar One including pile installation. Night work continues along the FDR Drive. Also, there are changing traffic patterns at E 23rd Street and the FDR; traffic advisories are issued at least two weeks before the shift.

Section 3 M/WBE & Community Engagement

(For information about job and contracting opportunities, see <https://www1.nyc.gov/site/escr/contact/work-with-us.page>)

Desiree: On April 29th we had our first event/information session. (Link for viewing the recording: <https://www.youtube.com/watch?v=IJ6OL0Fm894>) There will be additional sessions in the future, including in-person ones.

We are working on a response to the CAG letter about these issues. It's under review, and when it's approved, we'll send it to Pratt to distribute to the CAG.

There are four open employment positions (Print services, Safety officer, Senior inspector, Inspector II). Resumes can be submitted online; link for more information: <https://www1.nyc.gov/site/escr/contact/escr-job-opportunities.page>)

Trang Bui (BuiStudio): We've forwarded the job postings to Henry Street Settlement who will distribute it to the Lower East Side Employment Network, NYCHA's Resident Employment Office, and the SBS Workforce One Section 3 Manager.

Desiree: There'll be decorative informational fencing mesh in select parts of PA 2, as will be done in PA 1 (for wayfinding and information on floodwalls and resiliency). Next step is a call for art to the community; when that information becomes available, we'll pass it on to Pratt to pass along to the CAG.

Q & A

Wendy: Is the sewer-related work part of the ESCR budget?

Jeff: Yes, that it is fully funded and will be moving forward soon.

Wendy: What else can you tell us about the lawsuit?

Jeff: You can probably find more information online, unsure of the Borough. They were challenging a technical element in the contract.

Charles: Do you think the lawsuit will delay the project, and will it mean more time for the community to use the park this summer?

Jeff: We will try to keep the park open as long as possible, but I cannot speculate how the lawsuit will impact those efforts. We've told Parks that they can issue permits until the end of August. Parks will notify the leagues.

Ayo: How are you going to communicate to the Parks Department that communities of color have been negatively impacted by the grandfathering of permits for wealthy organizations? (e.g., private schools have predominated approval for permits for decades) This makes it harder for organizations that serve children of color to get prime time. Can you get back to us sooner than later on this?

Jeff: DDC will contact Parks and get back to Pratt before the next meeting.

Robin: When we talk about access to the park, can we talk about community residents and their lack of access and not make it a race issue?

Ayo: from my perspective, absolutely not. We're talking about equity here. I'm talking about a specific thing: permits for programs for kids in this community, and the majority of them are black and brown. Racial equity needs to be part of conversations about everything, from the pandemic to ESCR.

Wendy: Has the construction at Pier 42 stopped? A lower part of it has been fenced off since the beginning of the year, and I'm concerned we're losing access to public space for no good reason. Can you please clarify what's going on at the end of the park?

Jeff: That would be for EDC to answer. We'll follow up with EDC and share their liaison's contact info. so you can reach out to them directly.

Wendy: What is the plan for the wildlife in the park, such as squirrels?

Jeff: This was part of the environmental impact review, and we can pull out the relevant sections and provide that information to the CAG.

Construction mitigation, environmental monitoring, and reporting

Desiree: Thank you to the CAG for your letter outlining environmental concerns. We drafted a response, and it is currently under City review. When it's approved, we'll share it with Pratt who can then share it with the CAG. We will be answering some of the letter's questions tonight.

There are several layers to this:

- Mitigating the effects of construction (e.g., dust control plan, especially for high wind or very dry conditions)
- Inspectors (See the hierarchy of environmental monitoring on slide 17)
- Monitoring
 - Particulate matter and VOCs are the substances being monitored. There are four dust monitoring stations in PA2 and six in PA1 (the minimum required), but this could increase as determined by the engineer and team. There will be more air monitoring stations when the MGP (Manufactured Gas Plants) areas are activated. Air monitoring will also be used to meet OSHA worker requirements. When lead and asbestos abatement is involved, there will be air monitoring specific to those activities.

There's an alert system with different action levels, but they're set below permissible levels so that action can be taken to mitigate construction activities.

DDC will report findings to the public after investigation via quarterly reports at minimum. We anticipated having the first quarterly report ready for this CAG meeting, but there were some formatting issues and tweaks needed in how this info. is portrayed. Since this is the first report, it took a bit longer than anticipated to figure out a format, but once established we will use the same format moving forward. Please bear with us as we figure out this first report that we want all segments of the community stakeholders to understand. We hope to release the first report in May, and we can talk through it at the June CAG meeting.

PA1 CCLs (Community Construction Liaisons) will assist with Spanish and Chinese translations, and Google translate can be used to translate text on the website where the quarterly reports will be posted. Please reach out if you need additional translation assistance.

Q & A

Frank: There are probably a lot of experts on the CAG, so I hope the first quarterly report is translatable for laypersons.

Desiree acknowledges this and agrees.

Dianne: Can you please clarify that the upcoming first quarterly environmental monitoring report relates to PA2?

Desiree: Yes, and it will be for January to March.

Wendy: How many areas are impacted by the MGPs? (Manufactured Gas Plants)

Desiree: We can direct you to the FEIS (Final Environmental Impact Statement) where it's explained.

Wendy: Is ultra-low sulfur diesel fuel being used in the barges as well as the trucks and how many barge trips are anticipated?

Desiree: We'll have to wait for the contractor to come on board, but we will take these questions down.

Wendy: What about soil testing? It's a big concern that the future of this park be safe.

Desiree and Jeff: We can come back and present more information on soil testing.

Wendy: I encourage you to not rely on Google translate alone. It's critical to public health that people understand and know this information; it needs to be accessible.

Martin: In 5 to 10 weeks will the area around 20th Street still be open as it is now for the Stuy Cove Park Association concert series?

Ahmed: The area is available pending potential work on Ave C for Con Ed.

Jeff: You should contact the CCL Nadine Harris so you can work together to figure out where you want to hold the concert.

Charles: How is data collected from the monitors? Where does it go/how does that work?

Desiree: They collect particulate matter and weather-related data. They're set to send out alerts at different intervals that are reviewed by the environmental consultant, the

PMCM (Project and Construction Management team, and the contractor so that they're aware if they have to provide any mitigation.

Charles: Can the data be shared with the public by just putting it on a website somewhere? It would go a long way in showing that this is an open process. Is the contaminated soil moved by truck or barge?

Desiree: We will be releasing a quarterly report summarizing the findings. Hazardous soil removal will be worked out in remediation plans by the PA1 contractor.

Christine: I wanted to talk about the letter we sent (re: environmental monitoring), and thank you to Desiree for these super-helpful updates. I want to reiterate a serious concern about establishing a baseline, and in our letter we requested a grant for community-based air monitoring, and I'm wondering when we will get an answer to that.

Desiree: We don't have the baseline data for PA1 because the contractor's not there yet; the baseline data for PA 2 will potentially be provided as a response to your letter. The question about the grant is part of what the city is reviewing right now. I would hope you'll get the formal written response to your letter before the next CAG meeting or that I will be presenting the response at the next CAG meeting.

What we've heard

Ben (DSNY): Quick update about finding a suitable site for the East River compost yard; DSNY recently acquired a property from DCAS (Department of Citywide Administrative Services), a 19,000 square foot lot at Rockaway Avenue and Avenue D in Canarsie, Brooklyn. Obviously not an ideal location, and it's ½ the size of the current lot that LESEC currently operates on. But it's the best and only option that we have been able to secure so far. It's looking like it will take about 6 months to build out the site. LESEC has agreed that if this is the only site that's available, they will move their operations to that site, but it's certainly not large enough to accommodate the educational and volunteer components of their operations, so they'll need a supplementary smaller site in Manhattan.

Desiree: Several questions have been asked about the ESCR project's funding. They are currently under City review, and as soon as we get that we'll forward it to Paula and Tara. The same goes for our responses to the CAG's letters about environmental monitoring and workforce matters.

Q & A

Ayo: There's been no response to our request to increase the percentage thresholds for Section 3 beyond the federal requirements for hires in the neighborhood. The delay in response is something that we have emphasized is not OK with this CAG. We need responses to come sooner than later because things are ticking along. Going above Section 3 local hiring

requirements relates to equity, but when you get down to the numbers, to the number of people hired and the permits given to people to use the park, we need quick answers.

Desiree and Jeff: We don't have the answers right now, but we see at this issue as a priority for this project. This is a high-profile project, and this has to go through City Hall.

Frank: On the LES, we don't have as many community gardens as the East Village. Christine (of LESEC) has worked with the different developments near the water, and we're trying to bring back gardens to the area. I just want to say that it's disappointing that the site is in Canarsie. I get that you're trying to solve a very hard puzzle, but it will impact what we're trying to do here and the LESEC's compost site is intrinsically a part of that. Can people push for a magic formula to get them back closer to where they belong?

Christine: The City's pursuing the Canarsie site because it's the only one they've been able to identify, but it's far from ideal. It's very small; we're already bursting at the seams at a site that's over an acre, as opposed to a space half that size. It's critical that we find space in Manhattan so we can continue providing community services. Also, the question of temporary relocation is only half of the issue; the other half is the fact that Parks is saying that the reason a compost yard isn't included in the ESCR construction is because we had demanded that it be elevated. I want to reiterate that that issue is being skirted by the City, and it's not being addressed. We demand return of the compost yard, and we expect it to be part of the ESCR construction in PA1.

Ayo: I'm hearing that LESEC may accept the proposed site as a last resort, but they want a very robust search to see if it can be kept in the community. There is no agreement from the City to return the compost site to East River Park. Is there a site that the City has provided for LESEC to use for its training programs in the interim?

Christine: Parks has offered a space in Seward Park for environmental education, but at this point we don't have any space to move our administrative offices to. The space there is one big room, so it's not conducive to equational programming in the same space as running an office. Parks is using this offer to move to Seward Park as a condition for starting negotiations for if the park will return to East River Park, and this is totally unacceptable. Before we leave East River Park, we need to understand what our future in this park is and how we can have a robust conversation with Parks about what our role will be during construction. Since 40% of the park will be open during construction, it will still be important to have stewardship programs in the park and none of these conversations are happening.

Ayo: LESEC should be the first agenda item in our meetings until Christine's questions have been answered. We shouldn't be allowing a decades-old institution that is environmentally beneficial to our community to be moved out and not allowed to thrive as much as possible.

Damaris: I'd like to echo the sentiments regarding LESEC, and I have some questions. Christine, were you given other options as the City searched for a temporary site?

Desiree: We can continue talking about this, but there's only so much we can respond to without Parks here.

Tara: I'm going to suggest to the CAG that we move this topic to the CAG-only portion and discuss it there since we only have about half an hour left. (Nobody objects, so the meeting transitions to the CAG-only portion.)

CAG-only portion

Opening

Paula: Tara and I would like to acknowledge how difficult this process is. Not only is this important community resource being massively ripped up, but you're also a member of the CAG, overseeing what the City is doing and making sure it lives up to its commitments. We wanted to say how important it is that the CAG members work as a group while being cognizant of the fact that you all bring a somewhat different set of perspectives to the table.

Newsletter

Tara: A CAG newsletter could be a good way to inform the community of all the things that are going on in way that's more accessible than some of what the City puts out, and it could talk specifically about what the CAG is doing. We wanted to get your thoughts on that; we're able to help you put it together.

Ayo: I thought we were going to have a website or a page somewhere. Where and how would we be sending this out?

Tara: We could ask DDC to carve out a specific space on their website for CAG info. and/or we could do this newsletter, and it could go out to the same people who have signed up for DDC updates.

Damaris: Going back to the compost issue, I think it would be important to put in writing how important the compost yard is to us and its presence in the community. A website where everything is easy to navigate is fine as long as all of this info. is available in multiple languages. Also, I am also OK with a digital newsletter, but I'd like to encourage us to make a paper version to cover what's actually happening there now and then we could have quarterly updates. I think we should strongly consider doing this.

Martin: Do we have the funding for a webmaster and someone to ensure that the content doesn't get stale?

Tara: Right now, there is none; all CAG-related info. is on a DDC webpage. Maybe there could be a separate, clearly marked page that indicates where all CAG info. can be accessed at once. We're going to work on that. (*Post-meeting note: DDC created a webpage dedicated to CAG info. here: <https://www1.nyc.gov/site/escr/project-updates/community-advisory-group.page>)*

Tara: We're also going to create a Google drive so you can easily access the meeting minutes and presentations.

Archiving and sharing meeting recordings

Tara: We wanted to archive the meetings for people to access after the fact. We wanted to get your thoughts, and this will require a vote. We don't currently have quorum, so we'll have to send out a ballot via Google form.

Damaris: Going back to the previous topic, every project of this nature has to have a communications budget. It should be easy enough to reorganize the current content, but real resources need to be put toward letting the community know what's happening all the time. That will help us dispel the misinformation that's going on in the world.

Damaris: If we do this, would people be submitting their questions to you or to us? That would be a lot for CAG members to have to field questions after the fact.

Tara: Now when the public views the streamed meetings, they are directed to submit their questions to DDC's public inquiry tool:
https://pima.ddccr.com/public/comment/project-comment-dynamic?project_id=14047 We would continue to do that.

Paula: We will set up a ballot and have CAG members vote on this.

Continuing and related communications topics

Ayo: LESEC is being treated like a stepchild, and their questions are being dismissed. I'm recommending that this be the first agenda item in every presentation that they make until they answer Christine's 3 questions. Does anyone object to this strategy, in addition to the letter? (No one objects.)

Wendy: We all represent organizations and have existing ways to communicate with our members and constituencies. Can't we use some of that to help get the word out to people? There's a channel that's already in place, and maybe we can figure out a way to use that.

Tara: Yes, it can go out through those means and not just to people who are signed up to get the City's construction bulletins.

Frank: On this issue of communications, I know there was an email back-and-forth that I instigated, and I just wanted to make clear that I'm looking towards Paula and Tara to be moderators for this CAG. I don't think it's appropriate for CAG members to send out information about their own individual organizations. I would like to see much more neutral information that's being shared with the CAG. I'm specifically referring to emails from Wendy where you sent out something that linked CAG members back to ERPA's website. This is not an appropriate forum for that.

Wendy: ERPA has done some work on air quality and that's what I was sharing with people. I was pointing out the soil reporting and the soil quality data we already collected. I'm sorry you got offended by seeing the website where this info. is.

Ayo: Wendy, it was inappropriate for us to be directed to a website that talks about suing the City and asking for donations. I'd like to shift and talk about equity. Part of East River Alliance's mission for the last 2 years has been to put equity front and center of everything that we focused on. I hope that everyone in this meeting is with me that equity in this project is extremely important. I hope that this is our continued mission and commitment.

Robin: I've only been to two meetings, but I'd love to know what the goal and mission of this group is because it seems like there's a lot of personal opinions to this meeting. Are we trying to have a collective voice, and if so, what is it? If equity is at the top of that, I would like to know how we define it. I'm a little confused about some of these conversations because I thought we were supposed to be the eyes and ears of the project, so I would like more clarity.

Damaris: The definition of equity in this group isn't any different than in any other space. We should always be encouraging and practicing equity. Equity means equal access and distribution to all access goods, service, and benefits. Everyone in our community deserves the right to have the same level of power and benefits as anybody else. So, (for example) if we're talking about jobs, we want to make sure that the people who are marginalized and disenfranchised have access to those jobs.

Value engineering report and meeting attendance

Tara: We don't have time to get to the value engineering report now, but if you want to send any questions to us so we can get some action on it between meetings, let us know.

Wendy: I wanted to ask about meeting attendance. Today we're short 50% of the people; is there any process or way that we can get people to show up?

Tara: We're in a pandemic, and some people are actively helping people literally eat, so we're trying to reach out to those who haven't been attending, and we might have to

consider changing the meeting time to accommodate more people. We know that things come up, and that's why having the recordings could be helpful, but we're working on how to increase attendance.

Wendy: I'm glad to hear that. I'm also wondering if there's any move to expand the CAG to include Asian community members, youth, and others who use the park. I'm an honorary citizen of Japan. Asians represent 30% of our community, and they're not here. It'd be nice to get an answer to this question. Can we make this a balanced group that represents the users of the park?

Tara: This is something we can discuss at the next meeting since we're over time for today.

Paula: If people have thoughts about this before the next meeting, those can be shared over email.

Tara: We'll send a follow-up to this meeting, including a ballot to vote on archiving the meeting recordings.