

ESCR CAG) Meeting -- June 29, 2023
(via Zoom)

CAG members present

Frank Avila-Goldman
Wendy Brawer
Christine Datz-Romero
Dov Goldman
Trever Holland
Charles Krezell
Dianne Lake
Michael Marino
Sandra McKee
Damaris Reyes
Susan Steinberg

DDC Presentation of Updates

Parker MacLure, HNTB-LiRo (Melissa Johnson Associates)

[Link to June CB3 presentation](#)

[Link to Slide Deck](#)

Note: This is a shorter presentation than last month because we've now gone over the phasing approach update, and we covered the fill-related questions at the CB 3 meeting earlier this month.

- I. Hiring Compliance
 - A. July 24, 2023, Brooklyn Construction Career and Training Resource Fair – they'll be looking for people to work on ESCR <https://www.eventbrite.com/e/2023-brooklyn-construction-careerand-training-resource-fair-tickets-657621743337>
 - 1. Please share with those who might be interested
- II. Access/Signage/Safety
 - A. PA1 – E. 6th Street entrance has been improved via repaving; the flooding issues have subsided (4:10) internet went out
- III. Construction Progress / Approach
 - A. Overview of contracts
 - 1. Not much has changed since last month except for Gates 10 and 13 are new for PA2
 - 2. Stuy Cove Park has reopened
 - B. PA1 Construction activities

1. Construction is moving along and on schedule
 2. E. Houston Street on-ramp demolition has been completed, and fill materials started coming in earlier this month by barge.
- C. What we've heard
1. East River Park fill operations: see [CB 3 presentation](#)
 - a) Full response to all the question when Desiree returns
 2. Compost yard
 - a) Most up-to-date from letter from Parks to the CAG from August 4, 2021 which states that it will return once construction at the site has completed.
 3. Flyover bridge
 - a) DDC to present on the bridge to the community boards in the fall (it's a separate contract from ESCR).
- D. PA2 Construction progress
1. Updated map with construction areas (slide 11)
 - a) The area north of 20th street is open with plantings (slide 12). The area south of it is closed but is set to open this summer, possibly late July without plantings, which will go in in the fall.
 - b) Murphy Brothers Playground is still under construction.
 2. Greenway connecting to ERP (south of 18th Street) will continue to be closed until further notice due to a DOT project.

IV. Air quality monitoring

A. PA1 and PA2 monthly AQM updates

1. PA1 reporting for May (slide 15)

- a) 140 exceedances, 71 of which were pm 2.5, and 69 of which were PM 10.

- (1) Significantly higher amount in the lower area of the construction site, between Montgomery and Jackson Street. This is the area where there aren't currently many ESCR activities, but it's adjacent to Pier 42 upland construction and the FDR on-ramp.
- (2) Exceedances between Jackson St. and the Williamsburg Bridge
- (3) Exceedances ranged from 2 to 104 minutes, and there were various causes but the Project Manager/Construction Manager (PMCM) is reviewing the contractor's report from May to determine the full extent of the exceedances and ensuring the accuracy. This is why we don't have the data in the typical chart.
- (4) Due to the high exceedances, the PMCM met with the contractor in May and developed a plan to reduce the exceedances moving forward. So far, the number of

exceedances has been generally reduced in June notwithstanding the wildfire smoke.

(5) The PMCM and IPC are both committed to environmental quality and community health.

(6) The 24-hour weighted average for May still did not surpass the permissible exposure limit for the month.

2. PA2 reporting for May (slide 17)

a) One exceedance in the Solar One area

b) More exceedances in Murphy Brothers Playground area. The PMCM thinks this might be related to the location of the air quality monitors and is investigating further.

V. PC (Parallel Conveyance) construction progress

A. Location 1 – Jackson St. & Water St.

1. Water main replacement on Water Street between Jackson and Gouverneur Slip E nearly completed
2. Continuing water main replacement on Jackson St.
3. About to begin utility relocation on Water Street between Jackson and Gouverneur Slip E.
4. To begin test pits on South Street

B. Location 2 – Lewis St. & Delancey St.

1. Test pit operations

C. Location 3 – Baruch Dr. & Delancey St.

1. Test pit operations

D. Location 4 – Houston & Avenue D

1. Test pit operations

E. Location 5 – Avenue C and E. 18th

1. Test pit operations and field investigations to locate interceptor sewer

F. Location 6 – Avenue C, E. 23rd to E. 25th

1. No work at this time.

VI. Q & A

A. Frank: Regarding the permissible exposure levels at Montgomery and Jackson Street, I'm unclear about how this is integrated between the two projects. It seems like the construction team at Pier 42 is doing whatever they want. I don't fully understand what their requirements are and why they don't seem to mesh more similarly with those at East River Park. I'm confused when I see these exceedance levels because it keeps happening. How am I supposed to get this addressed so we can ensure that residents of Gouverneur Gardens and Vladeck aren't ignored? Oversight in these meetings is about East River Park.

1. Parker: EDC runs the Pier 42 project; I'm not sure what their requirements and reporting procedures are. We can reach out to them again or you can also talk to them.

- a) Frank: I'll pointedly follow up until I get an answer on that. The CCL is very nice.

- B. Frank: How is the Brooklyn Construction job fair being disseminated? Is there a change now with distributing these types of notices? I'm curious why this never crossed my desk. Are these types of notices now just being sent to building managers? If so, that's problematic because they're often not up to date, but there are other more effective communication channels.
 - 1. Parker: I'm not sure how DDC is distributing this; I'll take this back to them to see how they're publicizing the event. It was also located in the weekly email distribution.
 - a) Vanessa, ESCR PA1 Community Construction Liaison (CCL): I dropped off these flyers at the Gouverneur Gardens management office along with the bulletin.
 - b) Damri, Construction Project Manager for DDC: Let's make sure to include this type of communication to the CAG moving forward.

- C. Sandra: I passed by PA 2 Wednesday night, and the wall was wrapped in plastic. Why?
 - 1. Nadine, CCL for PA2: It's due to graffiti; it's not a permanent solution. It's just until we give it back to Parks.
 - a) Damri: The long-term solution is that the plastic will be removed, and it will be turned over to a city agency that will do maintenance and cleaning; temporary measure while construction is ongoing.
 - (1) Sandra: A more robust solution will be needed.

- D. Sandra: The tracks for the rolling gates are filled with asphalt, and that brought up some concerns about what the program is to make sure the gates are running properly.
 - 1. Damir: It's just a temporary measure; we're talking to Parks and DOT for a solution to cover the tracks so they're not a trip hazard. Those gates are not expected to be operated until the entire section of the flood protection is completed and that will possibly be towards the end of this year.
 - a) Sandra: I hope there will be a document published that says when they're going to be operating and who's going to be operating them. It seems like PA2 could be used as an example/a learning process for the rest of this work.
 - (1) Damri: We will work to give the proper notification and ensure CAG is informed.

- E. Sandra: The planting beds have fencing around them. Is that going to be the design for the whole waterfront?

1. Damri: It is for Stuy Cove Park. At this time, I can't confirm that for the rest of park, but I can get an answer for you. It's called a pipe rail system, and it's a deterrent to prevent people from walking in the beds.
 - a) Susan: It doesn't actually keep out dogs, which is more of a concern than people. It also makes it difficult to maintain the plantings, but I'm sure you've reviewed this with people at Stuy Cove Park.
 - (1) Damri: There were some changes made to the pipe rail system earlier this year to improve access to the plant beds for those maintaining the park. The Solar One folks are going to maintain Stuy Cove Park and will learn about procedures that will help them do this despite the pipe rail system.

F. Christine: I have a comment about what was shared in today's presentation about the compost yard. It was really dated information. The last we heard from the city is that we have a written commitment from Deputy Commissioner Yoshi that the compost yard will be constructed during ESCR. It's not returning after the completion of ESCR; it's part of ESCR. I want to reiterate that if indeed the southern part of ERP will open in 2024, we expect the compost yard to be opened alongside the amphitheater and other amenities that are being created. That's my comment.

1. Parker: There needs to be a meeting with Parks and DSNY because those plans have not been finalized, so it's not for DDC to answer at this time.

- a) Christine: There needs to be meeting with the Lower East Side Ecology Center (LESEC), DDC, and Parks. Sanitation has given its comments for the construction, we have given DDC conceptual ideas for the compost yard that we shared with Parks nine months ago. They have given them back to DDC, and we haven't heard anything back from DDC. We, the Lower East Side Ecology Center, need to sit down with construction people and Parks to really figure out how to get this done.

- (1) Damri: My understanding is that the compost yard is in the design phase, so I also recommend a meeting with Parks and the necessary entities.

- (a) Christine: We had a finished design that was OK'd by the Public Design Commission, so it's not like the design process is just starting.

- (i) Jeff from DDC: We understand everything you said. We didn't think it was appropriate for just DDC to meet with you since this is a collective effort. We heard your request in the past, so I will try again to get the collective team together and schedule a meeting with LESEC so your questions can be answered.

(a) Christine: I appreciate that; thanks.

- G. Dianne: I want to say that the compost yard issue is not just of importance to the LESEC. It's of concern to many other organizations, including my own (East River Alliance) who really believe in the importance of environmental and compost education and who have been advocating that this get done this all along. We strongly encourage you to get that happening. We also need the language in the letter clarified because it says that at the end of construction the compost yard will be worked on, but it doesn't seem like we need to wait for the whole park to get done before we can have the compost yard back. It would be awesome if you could clarify the dates and the meaning of that.
- H. Dianne: Desiree had previously said that the pinch point between Stuy Cove and East River Park will remain due to the DOT work. She had just heard about this before she presented it, so she was hoping to find out more information about the target date for reopening that. Is there anyone on the call who can speak to that target date?
1. Kate of Manhattan DOT: I'll double-check on that for you.
 - a) Dianne: Since there's no Parks CB3 meeting in July, can you share that info. with us or with Paula and Tara or by the latest at the next CAG meeting? That would be great.
- I. Wendy: Who is in charge of the greenway/bike lane adjacent to Pier 42? What agency will own it? I'm concerned that it's only going to be about 11 feet wide down there while in Stuy Cove it's about 16 feet wide.
1. Parker: I believe it will be turned over to DOT and Parks after construction, but I'll double-check and let you know. For right now there's the detour that's been developed in coordination with DOT for the greenway that goes up Pike Street and then around to get back into the park at Houston.
 - a) Wendy: I'm aware of this, but what can we do moving forward about this minimal bike path that is planned for there?
 - (1) Damri: Parker and I can reach out to the construction team to review the drawings to see what's anticipated for the final construction.
- J. Wendy: We now have "hazardous for some" air quality in NYC. Two years ago, we talked about how there was no limit on how bad the background air was. Has anything changed now that we're in a new era of air quality?
1. Parker: We follow the guidance from the City and the Office of Emergency Management when it comes to stopping work on the construction site. I'm not positive what the threshold is with the poor air quality coming from the wildfire smoke, but I can try to find out and get back to you.

- K. Wendy: I just went over the bridge at Houston Street, going down the north side of the ramp into the park and you're on what has become a highway for construction vehicles. They've left a very small walking space for people/pedestrians. Could this space be widened?
1. Parker: We've spoken to the contractor about widening this currently 5-foot space, which is standard. I don't think they can widen it anymore. We'll ask again and let you know.
- L. Damaris: I want to support the compost yard discussion. What can the CAG concretely do to support DDC in its effort to appeal to the other agencies to move forward with a meeting about the LESEC? If we were to write a letter, would we need a formal vote from the CAG?
1. Damri: Jeff of DDC has agreed to take this on to make sure some action is taken.
 - a) Jeff: I'm emailing and texting about this as we speak. Some people may be out this week or next (due to July 4th holiday), but I'll do my best to have us first meet as a City and then return to Christine and the CAG.
 2. Tara: We can talk about this during the CAG-only portion. A letter would require a vote.
- M. Charles: I'm concerned about the 140 air quality violations that happened in May. What can be done to help the situation, especially given the continuing wildfire situation?
1. Parker: The contractor has increased use of the water truck to reduce the amount of dust in the project area. The PMCM and the contractor are investigating every single alert as soon as it happens and are developing new protocols to mitigate dust. Right now, the majority of exceedances appear to be coming from Pier 42 which we don't have control over.
 - a) Charles: I understand you don't have control over it, but we're all breathing this air. How much does the fill delivery have to do with air quality?
 - (1) Parker: Today's report was from May, but the fill delivery began in June, and the numbers have been improving in June.
 - b) Charles: Moving forward do you feel you have this situation under control?
 - (1) Parker: The PMCM feels on top of it and is aware that May had a very high number of exceedances and is responding accordingly to ensure that this doesn't happen again. The fill delivery does not seem to be affecting air quality.
 - c) Charles: Is there a level of pollution that would force you to shut down the operation for an hour, a day?

- (1) Parker: Any time an alert goes off the contractor has to stop work to mitigate the dust. Even if the alarm doesn't go off but they see dust, they have to stop and mitigate. We follow EPA guidelines for permissible exposure limits. We have a fact sheet on our website about air quality monitoring for this project:
- <https://www.nyc.gov/assets/escr/downloads/pdf/ESCR-Air-Monitoring-Factsheet.pdf>

CAG-only Portion

- I. Tara: Let's start with the compost letter. I propose that we/Pratt Center will draft a letter, and people can vote on it.
- II. Susan: There's been plenty of time for Parks and DDC to get this compost situate straight. We should be writing a letter of support
- III. Wendy: It takes times for monies to come in and for the pieces to be in place from an organizational perspective, and it's unfair of the City to do this. I'd like to propose that the CAG have an ESCR oversight hearing. We don't know how long it will take for the fill to settle. Parts of the park are supposed to be open that are closed; we're getting close to that 42%. It's time for City Council to have a hearing about the progress of this project... We all know this has not been done before, but we're hearing about future resiliency projects in the news where they're getting a little wall, like in Battery Park City. We should have gotten a little wall on the west side of the FDR, but that was never studied. There's so much other loss for this community in terms of about open space.
- IV. Tara: We'll draft a letter for the compost yard; please vote as soon as you can and encourage others who aren't her today to do so.
- V. Tara: One of the things we wanted to talk about is shade.
- VI. Michael: I've never seen the water truck (to mitigate dust). Can we ask about a schedule for watering?
 - A. Tara: We'll email Parker and Desiree about this.
- VII. Paula: Dianne and Wendy have indicated interest in the CAG more formally advocating for faster-growing trees to be planted so that shade comes to the park sooner than later. I'll turn it over to Dianne to see how she wants to propose this to the CAG.
 - A. Dianne: People are excited to see the new street trees that have been planted as part of the ESCR mitigation, but they're bigger and faster-growing than the ones that are scheduled for all of the waterfront park. Is that really the case? Can we engage with the city to talk about this? If there is a difference and we're getting smaller trees in the waterfront parks, can we advocate for bigger, faster-growing ones? The unshaded areas are going to be extremely hot and sunny, and it would be a shame if people don't want use the park because of this. Is anyone else in the CAG hearing about this discrepancy?
 - B. Susan: I was disturbed to see the scrawny plants in Stuy Cove Park, and I wonder how long will it take for the new trees to grow. I also support Wendy; I think the

community near PA1 is getting short changed in a lot of ways; we're getting pabulum from the city agencies. I think it's time that we had a hearing to get these things out.

- C. Frank: I haven't heard or noticed about shade. I support ESCR because I support the lives of affordable housing folks over trees. Having said that, Little Island should be the barometer for the East River parks; we could get a tour and find out how they did that. They opened that park pretty shortly after doing the plantings. There's still room for growth, but it was pretty sufficient as a canopy cover in some areas right upon opening. The CAG should inquire/fact-check rather than accuse.
 - D. Trees are much more likely to thrive if they're properly watered for the first two or three years. So, to the question is what is the maintenance plan, and is it just the contractor who's going to be responsible or will it be somebody's job to take care of all these new trees?
 - E. Dianne: I was thinking that we should let Desiree know that we'd like someone from Parks who's knowledgeable about this to come and talk to us. People are reacting got the street tress that they're getting.
- VIII. Trever: I might have missed an email about the local job conversation we talked about scheduling.
- A. Tara: I'll send an email to those who indicated interest.
- IX. Wendy: I just want to reiterate that we're the only people overseeing this operation, and we have a lot of mess and no oversight. I don't know where our elected officials are; why aren't they stepping up to say how can we look at this operation and learn from it and improve going forward. Also, many CAG members don't attend the meetings. There's more misery to come, especially for those who live along Avenue D as the parallel conveyance gets put in. I would like for us to serious consider having an oversight hearing.
- X. Frank: I just want to make sure that people here are aware that a lot of us along the waterfront who have other meetings with DDC and related agencies, so I'm not sure I agree that there's no other oversight. Also, this CAG is advisory. I think there's more explanation than just simply saying that we are the only oversight body and yet people aren't actually attending.
- XI. Tara: I want to acknowledge that we have representation from Councilmember Rivera's office now and at virtually every meeting. Other electives attend as well though they generally drop off after the first half. Someone from Carlina's office always stays through to the very end. I'm sure they're taking notes back about voiced concerns. I also want to acknowledge that some people's concerns have already been addressed (so that's why they don't attend the meetings). We will share the flyer about the July 24th job fair with the CAG.
- XII. Frank: I attended another meeting recently about BMCR, and DDC said that they're only tasked with dealing with management of different housing developments with regard to notices. I was shocked and surprised by this because in the affordable housing landscape there are a lot of managers that aren't so great. Most of the time when there's something DDC/resiliency-related I have to prod my management to put those notices up and make sure it goes up on our email listserv. I'm wondering if this is the new strategy going forward, that they'll only share info. with management agents.

- XIII. Damaris: It's ludicrous that the job fair is in Brooklyn. They asked my team for feedback on the flyer, and they couldn't bring themselves to respond. We're telling them that we need to see more activity in our own community in a real concrete way around this particular project. I want to caution this body that accepting that kind of response is enough.
- XIV. Trever: Let me follow up on what Frank said with a pure example. When they did the test water shutdown related to BMCR, we didn't get the notice from management until after the fact. We did get them to notify tenant leaders, but before they were just giving it to management. We need to make sure that if they ever have a Manhattan job fair that it goes to groups of people like tenant leaders rather than just building management.
- XV. Dianne: I've heard DDC say that outside of ESCR they don't have the same formal reporting requirements because there's no official agreement, no CAG. They just have basic public messaging expectations and responsibilities. They're not doing a great job of notifying because they don't have to.
- XVI. Trever: People may say what they want about ESCR, but there are a lot of things they have to do that they don't do on any projects; not even close to it, and BMCR is a prime example.
- XVII. Wendy: How can people get training? People need OSHA training.

Due to technical difficulties, the last half hour of the meeting (from about 5:30 to 5:00 pm) wasn't recorded, but the main takeaway (that was confirmed by three of the five or six people who were there for that portion) was that there was a proposal to ask for an oversight hearing, and then a counter-suggestion that meeting with the three ESCR council members might be more productive. The thinking was that hearings can be performative, and responsibility gets diffused. A CAG delegation that would bring priority concerns directly to the council members, and figuring out for what issues they would be willing to advocate, might put pressure on the city more effectively.