

Franchise and Concession Review Committee Public Hearing
December 12, 2016

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PUBLIC HEARING
FRANCHISE and CONCESSION REVIEW COMMITTEE
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2 Lafayette Street, 14th Floor
New York, New York 10007

Monday, December 12th, 2016
2:45 p.m.

APPEARANCES:

- Mayor: Peter Hatch
- Office of the Mayor: Benjamin Furnas
- Corporation Counsel: Sharon Cantor
- Office of Management and Budget: Yvonne Quintian
- Comptroller: Richard Friedman
- Manhattan Borough President: James Caras
- Queens Borough President: Jasmine Narang
- Staten Island Borough President: Lashay Young
- Department of Parks and Recreation: David Cerron
- Clerk: Stephanie Ruiz

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TESTIMONY GIVEN BY THE FOLLOWING INDIVIDUALS:

Helah Kehati

David Rosen

Walter Puryear

Bob Towers

Lawrence B. Goldberg

Bhav Tibrewal

Reported by:

DANIELLE CAVANAGH

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MR. HATCH: Good afternoon. The public hearing will now come to order. Will the Clerk please call the roll?

MS. RUIZ: Mayor.

MR. HATCH: Here.

MS. RUIZ: Office of the Mayor.

MR. FURNAS: Here.

MS. RUIZ: Comptroller.

MR. FRIEDMAN: Here.

MS. RUIZ: Corporation Counsel.

MS. CANTOR: Here.

MS. RUIZ: Office of Management and Budget.

MS. QUINTIAN: Here.

MS. RUIZ: President, Borough of the Bronx.

(No response.)

MS. RUIZ: President, Borough of Brooklyn.

(No response.)

MS. RUIZ: President, Borough of Manhattan.

MR. CARAS: Here.

MS. RUIZ: President, Borough of

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Queens.

MS. NARANG: Here.

MS. RUIZ: President, Borough of
Staten Island.

MS. YOUNG: Here.

MR. HATCH: Welcome to this joint
public hearing of the Franchise and
Concession Review Committee and the New
York City Department of Parks and
Recreation. The hearing being conducted
today has been publicly advertised in
accordance with the New York City Charter
and Concession Rules of the City of New
York.

I want to be sure that anyone
desiring to be heard has the opportunity to
do so. All persons wishing to speak must
fill out a request slip which may be
obtained from the Clerk. Each speaker will
be allotted approximately three minutes.
When you testify, please state your name
and affiliation, if any. You may also
submit written testimony to the Clerk,
which will be made part of the record. Any

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written submissions must be given to the Clerk before the close of this public hearing.

Will the Clerk please call the first calendar item?

MS. RUIZ: New York City Department of Parks and Recreation, Calendar Item No. 1: In the matter of the intent to award as a concession for the operation, renovation and maintenance of a restaurant, snack bar and rowboat rental at the Loeb Boathouse, Central Park, Manhattan, for a 15-year term, to Central Park Boathouse, LLC.

MR. HATCH: We'll take testimony from the public. First, I would like to ask members of the Committee if they have any statements.

(No response.)

MR. HATCH: Does anyone wish to testify?

MS. RUIZ: Helah Kehati.

MS. KEHATI: Good afternoon. My name is Helah Kehati. I am one of the

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bidder for the Central Park Boathouse.

It is a pleasure to see some of you again today. I currently own and operate five Manhattan dining establishments ranging in size. I also own and operate a company called JPO Concepts, Inc. We are a full-service event and catering company that currently operates six meeting and event facilities. We also have a commissary kitchen for off-premise catering and we host approximately 400 events annually. I also have a degree in operational management. I specialize in many new developments, team building and kitchen organization. In addition to the five restaurants and six event spaces and catering commissary, I'm also a guest lecturer at several universities and colleges; I am currently working on a new non-profit concept called The Ugly Egg; and I also maintain a small organic farm in Upstate, New York.

I came here today because I believe we included many elements in our

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proposal that not only met but far exceeded the RFP requirements and I feel strongly that these are not being taken into consideration and I'd like to point out a couple of them in the short time I have with you today.

The Boathouse is not just a restaurant. It's a local and international destination. It is an icon that represents Central Park, represents New York City and represents myself. Like old brands, it needs a lot of TLC. It can't just be good. It really needs to be great.

A couple items that we felt might've been overlooked in our original proposal is our take on the menu and food. We want to create a menu that's not only approachable but has a modern twist. There is still room for traditional elements but it does need to take into account food trends and be at the forefront of New York City's food trends. It takes into account international influences, health-conscious consumers and, of course, cost to make sure

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we're not cost inhibitive to any of our communities or visiting communities.

We also take a very creative and resourceful approach to leveraging what the Boathouse already has. We think there are several elements that the Boathouse does have that are being underleveraged. One very simple example is the gift shop. We think that space is being underutilized. The Boathouse should really be the destination for gifts in Central Park. There are no other good options at the moment. We can do some very simple things like offer a picnic basket that comes with a blanket, a picnic basket, and a to-go meal coming from the take-out window.

We also want to engage the community more. We had a very large section all about community engagement and we are planning on having on staff a community liaison. This liaison would participate in all local community board meetings. They would also run all of our in-house community program, everything

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from -- the speaker you're going to hear in a couple of minutes -- doing a lot of work with disabled community members, doing programs for non-profits, using the spaces that we already have that are being underutilized during their off hours. We also have a lot of focus on eco-friendly amenities, everything from our ADA electric shuttles to, of course, pursuing LEED certification and new certifications. I don't think we should just do what should be expected at this point in time of establishments. We should also go above and beyond. WELL certification, if you're not familiar, focuses a little bit less about our time on the environment, but the environment impact on us and the people.

So thank you so much for your time today and if you have any questions, I would be happy to answer them.

MR. HATCH: Thank you.

Will the Clerk please call the next person who wishes to testify?

MS. RUIZ: David Rosen.

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MR. ROSEN: I don't think I could inhale in three minutes let alone give (inaudible). My name is David Rosen. I live at the Upper West Side. I was raised in the South Bronx across the street from the Spofford Detention Center. We had a wonderful time watching that building being built (inaudible).

For 15 years I owned the Adirondack Guideboat company. We sold boats -- actually, shipped them all over the world, mostly the northeast. They are historic boats from Upstate, New York, guides who take customers out hunting and fishing. In the first 5 years I was there, I grew the company 27 times over, mostly by getting people into the boat in the water and them discovering how wonderful they were, how different they were from other boats. The franchisee would like to place some of these boats there in addition to the boats that are currently there and create a rowing program. I've rowed with blind people, with disabled people, with

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children. It is so much fun doing those kinds of activities.

I have a few catalogs that I've brought along, if you folks would like to take one with you. In addition, there's a DVD in the back so you can get a much fuller appreciation of the boats.

That's all I have to say.

MR. HATCH: Thank you. Will the Clerk please call the next person who wishes to testify?

MS. RUIZ: Walter Puryear.

MR. PURYEAR: Hello. My name is Walter Puryear. I'm the proposed community liaison for the project at the Boathouse. My experience is I'm currently the director of the Andrew Freedman Home, very easy to find if you Google it. I've been for the last four years. I've also studied at (inaudible) Dramatic Arts in London, Tisch and Boston University. All of this has been around art programs.

So what we would like to do as community liaison is not only get a better

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understanding of the community that is around Central Park Boathouse, but also to introduce some new things that will be more inclusive to both sides of the community. Generally in the past, this typically focused on mainly Fifth Avenue. But we would like to expand this vision and also bring a more modern technique and approach to it.

Some of the ideas that we have for the program includes exhibitions from South Africa, Japan and Italy. All of these are places that I have worked in and worked with groups, artist groups, from these countries.

Another example of this would be, what we would propose, is The Witches Ball expedition. The Witches Ball is something that is more fun that would be done during Halloween time and could include all aspects of the community.

The third approach would then be fabrics, fabrics expedition, which would deal with an expedition mainly around

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fabrics and clothing and dealing with the clothing and what made New York great as far as the fashion industry.

The next approach would then be our interior design exhibition, and this is by a group called Itan (phonetic), and we also plan to include not only people who are New York-based, but from other countries.

And finally, we would like to end this with doing an exhibition that really focuses on the diversity of what New York is, and that would be the Bronx Latino Pioneers. And this would be bringing a Latin approach, an African American approach, as well as the other approaches that have currently been a part of the Boathouse.

From my perspective, I feel that the Boathouse has not been fully utilized. It's a wonderful establishment in architecture and it's something that can really bring a much more modern approach that can reach a diverse group of people,

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and not only have the people who appreciate the arts but also a wider consumer base.

Thank you very much.

MR. HATCH: Thank you.

Will the Clerk please call the next person who wishes to testify?

MS. RUIZ: Bob Towers.

MR. TOWERS: Good afternoon. I'm Bob Towers, President of Towers Hospitality, and I'm Helah's partner on the bid for the Boathouse. I could quickly talk about my background. I was president of Ark Restaurants until 2012. Ark Restaurants is a publicly traded restaurant company. I was chief operating officer as well. I decided to started my own consulting company. I represent a number of big companies. I have an undergraduate degree and graduate degree in business and finance. I've always worked for restaurant companies. We created (inaudible). We started (inaudible) on the Upper West Side, 18th Street. We did (inaudible) Station in Washington D.C., a 1,000-seat restaurant on

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the waterfront sequoia. Then we did Bryant Park in '95. And subsequent to that, we did in '97, we were the first people to go in to take over a whole casino, New York New York Hotel and Casino in Las Vegas. So I want to get past that because my background is pretty substantial and I'm not going to go into that at the moment.

We bid this contract. There were things that were supposed to be looked at favorably, in addition to what Helah spoke about, talking about David with the teaching disabled and blind, rowboats; opening gift shops and so forth and so on; using Walter's ideas on other things that we could do to engage the community. I'm going to get past this.

I truly believe based on all the percentages that were put in the RFP that we are the winner of the bid technically. I know that the Parks Department or whoever is on the Committee could pick whoever they want to pick. But what I really want to say here is that Mr. Poll may very well be

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1 qualified operationally to run a
2 restaurant, and obviously he is. I'm not
3 disqualifying that. But I do not think
4 he's a qualified bidder in New York City.
5 He went into an operation, Tavern on the
6 Green, knowing it was a union house, got
7 into a war with the union, place closed
8 down, cost the City millions and millions
9 of dollars. Then the City had to eat 7 and
10 a half percent of the rent at the Loeb
11 Boathouse because he (inaudible) all the
12 employees and they had to lower the rent
13 from 17 and a half percent to 9 and a half
14 percent, or whatever the number is. So
15 going on that basis, I find it hard to
16 understand how the City of New York allows
17 someone like Dean Poll to bid on a
18 contract. He gave the City a certified
19 financial statement saying he only made
20 \$394,000 last year, in 2015. I don't
21 understand how someone that makes \$394,000
22 is saying that they're going to put \$6
23 million into this operation. It makes no
24 sense at all. Our rent, by the way, is
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\$800,000 more a year than his on a minimum basis. And once again, I'm just at a total loss as to why he's allowed to bid. Yes, he's a qualified restaurant operator, but he's not a qualified bidder, as far as I'm concerned in New York City based on his history.

That's basically everything I have to say. My lawyer will say everything else.

MR. HATCH: Thank you.

Will the Clerk please call the next person who wishes to testify?

MS. RUIZ: Lawrence Goldberg.

MR. GOLDBERG: Hi. My name is Larry Goldberg and I am the attorney for Bob and Helah and JPO.

In this case, "There's a consistent pattern here of sexual harassment, stealing employees' tips, preventing people from joining a union. It doesn't fit the values of this city and it violates the law. We can't in good conscience say this is a vendor we should

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be doing business with." I quote Bill de Blasio, now Mayor of New York, then public advocate.

The "allegations of intimidation, retaliation and the firing of employees to stop workers from exercising their rights to unionize. The City simply should not be doing business with an operator that has exhibited such abundant problems with legal compliance and mistreatment of workers." Scott Stringer, now Comptroller of the City of New York, then Borough President of Manhattan.

The City "cannot sit idly by and continue to allow an employer operating on city-owned land to willingly and willfully violate workers' rights." I quote City Council President Mark-Viverito. At the time she was just in the Council.

That is what we are dealing with here. And I don't quite know what we are dealing with here. There is a disparity of bid proposals and Dean Poll was the lowest of the three. Over fifteen years it looks

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like he is \$19 million below my client's bid. Violation of labor rights, the lowest bid. Why are we here? In the comptroller's 2004 audit, he under-reported revenues. In the comptroller's 2012 audit, he didn't report revenues for catering, film shoots and bicycles. There was six complaints of sexual harassment. And there were ADA complaints and there were violations-of-maintenance lawsuits. That is what we're dealing with. Why are we dealing here with this bidder who should have been disqualified right off the top?

I have some real additional problems. Dean Poll is reported by JCOPE to have had a conflict of interest in which he made a \$10,000 political donation to one of the projects of Mayor de Blasio's election. What's going on here? He apparently hired a lobbyist during the restricted period. What's going on here? Why are we here? There's a history of problems, there's a bad bid. And why are we in front of this committee talking about

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this person as somebody who has won this bid? This guy is completely disqualified. That's what he is. He's disqualified, importantly, because he hasn't bid enough money. That's number one. And number two, he's disqualified on his operations.

So now let me go one more space because I think my time is almost over and I want to talk about what this committee does, because I understand that this is just your being told that there's an intent to award and an award is coming down tomorrow and nothing in the world can do anything. But I respectfully suggest that there is a fiduciary obligation on behalf of the members of this committee: One, to talk to their principals definitely; and two, to operate as a law-making body because there is a requirement on the City agency when they submit something like this to you that they have chosen to tell you in good faith they have chosen the highest and most-qualified bid, none of which has taken place.

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Thank you very much for your attention.

MR. HATCH: Thank you.

Will the Clerk please call the next person who wishes to testify?

MS. RUIZ: Bhav Tibrewal.

MR. TIBREWAL: Good afternoon. My name is Bhav Tibrewal. I'm the Deputy Political Director of the Hotel Trades Council in Local 6, which is the union for the workers at the Boathouse. As you're aware, the Boathouse restaurant is operated by Central Park Boathouse, LLC, which is controlled by Dean Poll, which is the entity that is being considered here for a re-award of the concession.

I'm here to say that this company provides excellent wages and benefits and, really, among the best all-around food-service jobs in the city. The starting wage for a fast food cashier currently is \$17.40 an hour. The starting wage for a fast food grill cook is almost \$24 per hour. I think you can compare that

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and do the math yourself to the average operation in other locations across the city. The workers at the Boathouse are also currently provided with great health care and a retirement plan. And so again, these are really exceptional jobs.

Now, the reason for that is the excellent contract that was agreed to between the operator and these employees. I've heard what the gentleman earlier said, they've raised reports of past labor issues at this property. And it's true that years ago, back in 2011, there was a strike. It was a major labor dispute with this current operator. But something that I need to emphasize here is that every single one of those issues was resolved. There's no outstanding issues, though the workers at the time had a lot of demands and a lot of issues and those were resolved after that strike was resolved in 2011. And since then, I'd really emphasize that the company's gone above and beyond in terms of just providing a good contract. The way

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they resolve issues is also exceptional.
If I gave you an example, we have a binding arbitration clause in our contract that states that if there are issues that come up during the course of the contract, and even in the course of our new very-improved relationship with the operator, that gets dealt with amicably, it gets dealt with peacefully and fairly through a private negotiation. And, you know, what I would point out is even despite having that language, we've gone to arbitration I think exactly two times since then. And that stands out compared to other employers. Typically, that clause is utilized a lot more often. Instead, in this case, we really sit down and we have a working relationship with the operator that enables us to work out those issues.

So the thing I really want to emphasize here is just how peaceful and constructive the relationship has been with the operator. They've been living up to the terms of our agreements in terms of

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those retirement benefits and the contributions to the retirement fund, contributions to the health fund. Those are paid on time and we never have any issues with those.

And finally, this restaurant really has a workforce that's proud of what they do. They work hard, and that's largely because of the respect they receive from each other and from management here. And this scenario has resulted in labor peace that eliminates the risk of strikes and labor disputes and anything else, which I think is particularly important for Central Park. It means that workers can count on a stable workplace. But it also means that visitors to the Boathouse, visitors to Central Park and to New York City can count on those services being steadily available and not disrupted, which also means no disruptions in the revenue for New York City.

So on behalf of the restaurants, the workers and the union, I want to praise

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the current operator and I want to lend our support to its selection by the City for a new contract to the Boathouse.

Thank you.

MR. HATCH: Thank you.

If no one else wishes to speak, that concludes today's hearing. We ask that the reporter make the entire public hearing agenda, which was made publicly available and distributed at this hearing, part of the final record of this proceeding. The hearing is now closed. Thank you.

(Time noted: 3:09 p.m.)

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PUBLIC HEARING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MONDAY, DECEMBER 12, 2016 @ 2:30 P.M.

2 LAFAYETTE STREET, NEW YORK, NY

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 HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.

*Franchise and Concession Review Committee Joint Public Hearing
Monday, December 12, 2016 @ 2:30 P.M.*

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 1: **IN THE MATTER** of the intent to award as a concession for the operation, renovation and maintenance of a restaurant, snack bar and rowboat rental at the Loeb Boathouse, Central Park, Manhattan ("Licensed Premises"), for one (1) fifteen-year term, to Central Park Boathouse, LLC ("CPB"). Compensation to the City will be as follows: for each operating year, CPB shall pay to the City a license fee consisting of the higher of a guaranteed annual minimum fee (Years 1 - 5: \$1,407,200/year; Years 6 - 10: \$1,547,920/year; Years 11 - 15: \$1,702,700/year), or a percentage of annual gross receipts (7.2% of annual gross receipts up to \$22,000,000; PLUS 10% of annual gross receipts from \$22,000,001 to \$23,000,000; PLUS 15% of annual gross receipts from \$23,000,001 to \$26,000,000; PLUS 20% of annual gross receipts greater than \$26,000,000) derived from the operation of the Licensed Premises.