

Franchise and Concession Review Committee Public Hearing
April 11, 2016

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-----X
PUBLIC HEARING
FRANCHISE AND CONCESSION REVIEW COMMITTEE
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2 Lafayette Street
New York, New York 10007

Monday, April 11, 2016
2:48 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

Brooklyn Borough President: Andrew Gounardes

Queens Borough President: Angelina Martinez-Rubio

Staten Island Borough President: James Shipp

Clerk: Stephanie Ruiz

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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.

MR. GOUNARDES: Present.

MS. RUIZ: President, Borough of
Manhattan.

(No response.)

MS. RUIZ: President, Borough of

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Queens.

MS. MARTINEZ-RUBIO: Here.

MS. RUIZ: President, Borough of
Staten Island.

MR. SHIPP: Here.

MR. HATCH: Welcome to this Public
Hearing of the Franchise and Concession
Review Committee. 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.

We want to be sure that anyone
desiring to be heard has an 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 record.
Any written submissions must be given to
the Clerk before the close of the public

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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
seek Franchise and Concession Review
Committee approval to utilize a different
procedure, pursuant to Section 1-16 of the
Concession Rules of the City of New York,
to authorize the New York City Department
of Parks and Recreation to enter into a
Sole Source License Agreement with City
Parks Foundation, Inc. for the operation
and maintenance for a food, beverage, and
merchandise concession related to the
presentation of live events at
SummerStage, Rumsey Playfield, Central
Park, Manhattan.

MR. HATCH: Alexander Han, Deputy
Director of Concessions for the Department
of Parks and Recreation, will read into
the record the change that has been made
to the proposed agreement since its

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distribution to the FCRC.

MR. HAN: The proposed change is on page 23 of the draft agreement in the utilities section. The fourth and fifth sentences were erroneously underlined, and so the change is to remove the underline, but keep the language as is.

MR. HATCH: Thanks. Does anyone wish to testify?

(No response.)

MR. HATCH: If no one wishes to speak, will the Clerk please call the second calendar item.

MS. RUIZ: New York City Department of Parks and Recreation, Calendar Item No. 2: In the matter of the intent to award as a concession the renovation, operation, and maintenance of three snack bars and the operation of up to 15 mobile food units at Orchard Beach, Pelham Bay Park, Bronx, for an eight-year term to TAC Food Services, Inc.

MR. HATCH: Does anyone wish to testify?

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2 (No response.)

3 MR. HATCH: Will the Clerk please
4 call the third calendar item.

5 MS. RUIZ: New York City Department
6 of Parks and Recreation, Calendar Item
7 No. 3: In the matter of the intent to
8 award as a concession the development,
9 operation, and maintenance of an indoor
10 tennis facility and clubhouse at
11 Bensonhurst Park, Brooklyn, for a 15-year
12 term to MatchPoint Group LLC.

13 MR. HATCH: Does anyone wish to
14 testify?

15 (No response.)

16 MR. HATCH: If no one wishes to
17 speak, will the Clerk please call the
18 fourth calendar item.

19 MS. RUIZ: New York City Department
20 of Information Technology and
21 Telecommunications, Calendar Item No. 4:
22 In the matter of the intent to seek
23 Franchise and Concession Review Committee
24 review relating to a proposed change of
25 control of a cable television franchise

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held by Cablevision Systems New York City Corporation in Brooklyn, whereby Cablevision will be ultimately controlled by Altice N.V. and its parent entities.

Please be advised that at the request of the agency, this item will be held over to the May 9, 2016 Franchise and Concession Review Committee Public Hearing, which will take place in the 14th floor auditorium of 2 Lafayette Street, Manhattan at 2:30 p.m.

Any change to this schedule which will result in a public hearing being scheduled prior to the May 9th Franchise and Concession Review Committee Public Hearing will be noticed in the City Record and in newspapers, as required by Section 371 of the New York City Charter.

MR. HATCH: Although this item has been held over, we will take testimony if anyone wishes to testify.

(No response.)

MR. HATCH: No one else wishes to speak, will the Clerk please call the

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fifth calendar item.

MS. RUIZ: New York City Department of Information Technology and Telecommunications, Calendar Item No. 5: In the matter of the intent to seek Franchise and Concession Review Committee review relating to a proposed change of control of the cable television franchise held by Cablevision Systems New York City Corporation in the Bronx, whereby Cablevision will be ultimately controlled by Altice N.V. and its parent entities.

Please be advised that at the request of the agency, this item will be held over to the May 9, 2016 Franchise and Concession Review Committee Public Hearing, which will take place in the 14th floor auditorium of 2 Lafayette Street, Manhattan at 2:30 p.m.

Any change in the schedule which will result in a public hearing being scheduled prior to the May 9th Franchise and Concession Review Committee Public Hearing will be noticed in the City Record and in

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newspapers, as required by Section 371 of
the New York Charter.

MR. HATCH: Although this item has
been held over, we will take testimony
today if anyone wishes to testify.

(No response.)

MR. HATCH: Hearing none, 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
the proceedings.

The hearing is now closed, thank you.

(Time noted: 2:54 p.m.)

C E R T I F I C A T E

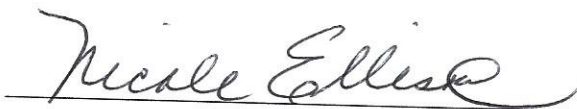
STATE OF NEW YORK)
) SS.:
COUNTY OF QUEENS)

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

I reported the proceedings in the within-entitled
matter, and that the within transcript is a true
record of such proceedings.

I further certify that I am not related to any of
the parties to this action by blood or by marriage
and that I am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto set my hand
this 12th day of April 2016.



NICOLE ELLIS

Franchise and Concession Review Committee Public Hearing

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<p style="text-align: center;">A</p> <p>action (1) 10:12 advertised (1) 3:11 advised (2) 7:6 8:14 affiliation (1) 3:21 afternoon (1) 2:2 agency (2) 7:7 8:15 Agenda (1) 9:11 agreement (3) 4:14,25 5:4 Alexander (1) 4:21 allotted (1) 3:19 Altice (2) 7:5 8:13 Andrew (1) 1:14 Angelina (1) 1:15 APPEARANCES (1) 1:8 approval (1) 4:9 approximately (1) 3:19 April (2) 1:6 10:16 auditorium (2) 7:11 8:19 authorize (1) 4:12 available (1) 9:12 AVENUE (1) 1:23 award (2) 5:18 6:8</p>	<p>clubhouse (1) 6:10 come (1) 2:3 Committee (9) 1:3 3:9 4:9 6:23 7:9 7:16 8:7,17,24 Comptroller (2) 1:13 2:9 concession (14) 1:3 3:8,12 4:8,11 4:17 5:18 6:8,23 7:9,16 8:7,17,24 Concessions (1) 4:22 concludes (1) 9:9 conducted (1) 3:10 control (2) 6:25 8:9 controlled (2) 7:4 8:12 Corporation (4) 1:11 2:11 7:3 8:11 Counsel (2) 1:11 2:11 COUNTY (1) 10:4</p>	<p>further (1) 10:11</p>
<p style="text-align: center;">B</p> <p>bars (1) 5:20 Bay (1) 5:21 Beach (1) 5:21 Benjamin (1) 1:10 Bensonhurst (1) 6:11 beverage (1) 4:16 blood (1) 10:12 Borough (8) 1:14,15,16 2:16,19,22 2:25 3:4 Bronx (3) 2:17 5:22 8:11 Brooklyn (4) 1:14 2:20 6:11 7:3 Budget (2) 1:12 2:14</p>	<p style="text-align: center;">D</p> <p>day (1) 10:16 Department (7) 4:5,12,22 5:15 6:5 6:19 8:3 Deputy (1) 4:21 desiring (1) 3:15 development (1) 6:8 different (1) 4:9 Director (1) 4:22 distributed (1) 9:12 distribution (1) 5:2 draft (1) 5:4</p>	<p style="text-align: center;">G</p> <p>given (1) 3:24 Good (1) 2:2 Gounardes (2) 1:14 2:21 Group (1) 6:12</p>
<p style="text-align: center;">C</p> <p>C (2) 10:1,1 cable (2) 6:25 8:9 Cablevision (4) 7:2,4 8:10,12 calendar (10) 4:4,6 5:14,16 6:4,6 6:18,21 8:2,5 call (6) 2:4 4:3 5:13 6:4,17 7:25 Cantor (2) 1:11 2:12 Central (1) 4:19 certify (2) 10:7,11 change (7) 4:24 5:3,7 6:24 7:13 8:8 8:21 Charter (3) 3:12 7:19 9:3 City (15) 3:12,13 4:5,11,12,14 5:15 6:5,19 7:2,17,19 8:3,10,25 Clerk (10) 1:17 2:4 3:18,23,25 4:3 5:13 6:3,17 7:25 close (1) 3:25 closed (1) 9:15</p>	<p style="text-align: center;">E</p> <p>E (2) 10:1,1 eight-year (1) 5:22 ELLIS (2) 10:6,19 Email (1) 1:25 enter (1) 4:13 entire (1) 9:11 entities (2) 7:5 8:13 erroneously (1) 5:6 events (1) 4:18</p>	<p style="text-align: center;">H</p> <p>Han (2) 4:21 5:3 hand (1) 10:15 Hatch (15) 1:9 2:2,6 3:7 4:21 5:9 5:12,24 6:3,13,16 7:20,24 9:4,8 heard (1) 3:15 hearing (16) 1:2 2:3 3:8,9 4:2 7:10 7:14,17 8:18,22,24 9:8,9,11,13 9:15 held (6) 7:2,7,21 8:10,15 9:5 hereunto (1) 10:15</p>
	<p style="text-align: center;">F</p> <p>F (1) 10:1 facility (1) 6:10 FACSIMILE (1) 1:24 FCRC (1) 5:2 fifth (2) 5:5 8:2 fill (1) 3:17 final (1) 9:13 first (1) 4:3 floor (2) 7:11 8:19 food (3) 4:16 5:21,23 Foundation (1) 4:15 fourth (2) 5:5 6:18 franchise (11) 1:3 3:8 4:8 6:23,25 7:8,15 8:7,9,16,23 Friedman (2) 1:13 2:10 Furnas (2) 1:10 2:8</p>	<p style="text-align: center;">I</p> <p>indoor (1) 6:9 Information (2) 6:20 8:4 intent (5) 4:7 5:17 6:7,22 8:6 interested (1) 10:13 Island (2) 1:16 3:5 item (14) 4:4,6 5:14,16 6:4,6,18,21 7:7,20 8:2,5,15 9:4</p>
		<p style="text-align: center;">J</p> <p>James (1) 1:16</p>
		<p style="text-align: center;">K</p> <p>keep (1) 5:8</p>
		<p style="text-align: center;">L</p> <p>Lafayette (3) 1:4 7:11 8:19 language (1) 5:8 License (1) 4:14 live (1) 4:18 LLC (1) 6:12</p>
		<p style="text-align: center;">M</p> <p>maintenance (3) 4:16 5:19 6:9 MAMARONECK (2) 1:23,23 Management (2) 1:12 2:13 Manhattan (4) 2:23 4:20 7:12 8:20 marriage (1) 10:12 Martinez-Rubio (2) 1:15 3:3 MatchPoint (1) 6:12 matter (7) 4:7 5:17 6:7,22 8:6 10:9 10:14 Mayor (4) 1:9,10 2:5,7 merchandise (1) 4:17 minutes (1) 3:20 mobile (1) 5:20 Monday (1) 1:6</p>

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<p style="text-align: center;">N</p> <p>N.V (2) 7:5 8:13 name (1) 3:21 New (18) 1:5,5,23 3:11,13 4:5,11 4:12 5:15 6:5,19 7:2,19 8:3,10 9:3 10:3,7 newspapers (2) 7:18 9:2 NICOLE (2) 10:6,19 Notary (1) 10:6 noted (1) 9:16 noticed (2) 7:17 8:25</p>	<p>record (6) 3:23 4:24 7:17 8:25 9:13 10:10 Recreation (5) 4:6,13,23 5:16 6:6 related (2) 4:17 10:11 relating (2) 6:24 8:8 remove (1) 5:7 renovation (1) 5:18 reported (1) 10:8 Reporter (1) 9:10 REPORTING (1) 1:22 request (3) 3:17 7:6 8:14 required (2) 7:18 9:2 response (7) 2:18,24 5:11 6:2,15 7:23 9:7 result (2) 7:14 8:22 review (11) 1:3 3:9 4:8 6:23,24 7:9 7:16 8:7,8,17,24 Richard (1) 1:13 roll (1) 2:4 Ruiz (16) 1:17 2:5,7,9,11,13,16,19 2:22,25 3:4 4:5 5:15 6:5,19 8:3 Rules (2) 3:12 4:11 Rumsey (1) 4:19</p>	<p>take (4) 7:10,21 8:18 9:5 Technology (2) 6:20 8:4 Telecommunications (2) 6:21 8:5 television (2) 6:25 8:9 tennis (1) 6:10 term (2) 5:22 6:12 testify (6) 3:20 5:10,25 6:14 7:22 9:6 testimony (3) 3:22 7:21 9:5 thank (1) 9:15 Thanks (1) 5:9 third (1) 6:4 three (2) 3:19 5:19 Time (1) 9:16 today (2) 3:10 9:6 today's (1) 9:9 transcript (1) 10:9 true (1) 10:9</p>
<p style="text-align: center;">O</p> <p>obtained (1) 3:18 Office (4) 1:10,12 2:7,13 operation (4) 4:15 5:19,20 6:9 opportunity (1) 3:15 Orchard (1) 5:21 order (1) 2:3 outcome (1) 10:13</p>	<p style="text-align: center;">S</p> <p>schedule (2) 7:13 8:21 scheduled (2) 7:15 8:22 second (1) 5:14 section (4) 4:10 5:5 7:19 9:2 seek (3) 4:8 6:22 8:6 sentences (1) 5:6 Services (2) 1:22 5:23 set (1) 10:15 Sharon (1) 1:11 Shipp (2) 1:16 3:6 slip (1) 3:17 snack (1) 5:19 Sole (1) 4:14 Source (1) 4:14 speak (4) 3:16 5:13 6:17 7:25 speaker (1) 3:18 ss (1) 10:3 state (3) 3:20 10:3,7 Staten (2) 1:16 3:5 STENO-KATH (1) 1:22 stenokath@verizon.net (1) 1:25 Stephanie (1) 1:17 Street (3) 1:4 7:11 8:19 submissions (1) 3:24 submit (1) 3:22 SummerStage (1) 4:19 sure (1) 3:14 Systems (2) 7:2 8:10</p>	<p style="text-align: center;">U</p> <p>ultimately (2) 7:4 8:12 underline (1) 5:7 underlined (1) 5:6 units (1) 5:21 utilities (1) 5:5 utilize (1) 4:9</p>
<p style="text-align: center;">P</p> <p>p.m (4) 1:6 7:12 8:20 9:16 page (1) 5:4 parent (2) 7:5 8:13 Park (3) 4:20 5:22 6:11 Parks (6) 4:6,13,15,23 5:16 6:6 part (2) 3:23 9:13 parties (1) 10:12 Pelham (1) 5:21 persons (1) 3:16 Peter (1) 1:9 place (2) 7:10 8:18 Playfield (1) 4:19 please (9) 2:4 3:20 4:3 5:13 6:3,17 7:6,25 8:14 Present (1) 2:21 presentation (1) 4:18 President (8) 1:14,15,16 2:16,19 2:22,25 3:4 prior (2) 7:15 8:23 procedure (1) 4:10 proceedings (11) 2:1 3:1 4:1 5:1 6:1 7:1 8:1 9:1,14 10:8,10 proposed (4) 4:25 5:3 6:24 8:8 public (12) 1:2 2:3 3:7,25 7:9,14,16 8:17,22,24 9:11 10:6 publicly (2) 3:10 9:12 pursuant (1) 4:10</p>	<p style="text-align: center;">T</p> <p>T (2) 10:1,1 TAC (1) 5:22</p>	<p style="text-align: center;">V</p> <p style="text-align: center;">W</p> <p>want (1) 3:14 way (1) 10:13 Welcome (1) 3:7 WHEREOF (1) 10:15 wish (3) 5:9,24 6:13 wishes (5) 5:12 6:16 7:22,24 9:6 wishing (1) 3:16 within-entitled (1) 10:8 WITNESS (1) 10:15 written (2) 3:22,24</p> <p style="text-align: center;">X</p> <p>X (2) 1:2,4</p> <p style="text-align: center;">Y</p> <p>York (18) 1:5,5,23 3:11,13 4:5,11 4:12 5:15 6:5,19 7:2,19 8:3,10 9:3 10:3,7 Yvonne (1) 1:12</p> <p style="text-align: center;">Z</p> <p style="text-align: center;">0</p> <p style="text-align: center;">1</p> <p>1 (1) 4:7 1-16 (1) 4:10</p>
<p style="text-align: center;">Q</p> <p>Queens (3) 1:15 3:2 10:4 Quintian (2) 1:12 2:15</p> <p style="text-align: center;">R</p> <p>R (1) 10:1 read (1) 4:23</p>		

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PUBLIC HEARING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MONDAY, APRIL 11, 2016 @ 2:30 P.M.

2 LAFAYETTE, 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, April 11, 2016 @ 2:30 P.M.*

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 1: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to authorize the New York City Department of Parks and Recreation to enter into a Sole Source License Agreement with City Parks Foundation, Inc. ("CPF") for operation and maintenance of a food, beverage, and merchandise concession related to the presentation of live events at SummerStage, Rumsey Playfield, Central Park, Manhattan, for a potential term of approximately seven (7) years. Compensation to the City will be as follows: In lieu of a license fee, CPF shall use any revenue it receives from the operation of this concession to offset the cost of free events at Rumsey Playfield and the cost of operation and maintenance of Rumsey Playfield.

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 2: **IN THE MATTER** of the intent to award as a concession the renovation, operation and maintenance of three (3) snack bars and the operation of up to fifteen (15) mobile food units at Orchard Beach, Pelham Bay Park, Bronx ("Licensed Premises"), for an eight (8) year term, to TAC Food Services, Inc. Compensation to the City will be as follows: for each operating year, TAC Food Services, Inc. shall pay to the City a license fee consisting of a flat guaranteed annual fee (Year 1: \$203,000; Year 2: \$214,500; Year 3: \$226,000; Year 4: \$237,500; Year 5: \$248,000; Year 6: \$264,500; Year 7: \$280,000; Year 8: \$283,900).

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 3: **IN THE MATTER** of the intent to award as a concession the development, operation, and maintenance of an indoor tennis facility and clubhouse at Bensonhurst Park, Brooklyn (“Licensed Premises”), for a fifteen (15) year term, to MatchPoint Group LLC. Compensation to the City will be as follows: for each operating year, MatchPoint Group LLC shall pay to the City a license fee consisting of the greater of the annual minimum fee (Year 1: \$100,000; Year 2: \$105,000; Year 3: \$110,250; Year 4: \$116,865; Year 5: \$123,877; Year 6: \$131,310; Year 7: \$140,501; Year 8: \$150,336; Year 9: \$160,860; Year 10: \$172,120; Year 11: \$185,890; Year 12: \$200,761; Year 13: \$216,822; Year 14: \$234,167; Year 15: \$252,901) vs. 15% of gross receipts.

NEW YORK CITY DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

No. 4: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee review relating to a proposed change of control of a cable television franchise held by Cablevision Systems New York City Corporation (Cablevision) in Brooklyn whereby Cablevision will be ultimately controlled in majority part by Altice N.V and its parent entities.

NEW YORK CITY DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

No. 5: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee review relating to a proposed change of control of a cable television franchise held by Cablevision Systems New York City Corporation (Cablevision) in the Bronx whereby Cablevision will be ultimately controlled in majority part by Altice N.V and its parent entities.