

Franchise and Concession Review Committee Public Hearing
May 7, 2018

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PUBLIC HEARING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

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2 Lafayette Street,
14th Floor Auditorium
New York, New York

Monday, May 7, 2017
2:40 p.m.

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APPEARANCES:

Mayor:
Peter Hatch

Clerk:
Stephanie Ruiz

Office of the Mayor:
Benjamin Furnas

Corporation Counsel:
Sharon Cantor

Office of Management and Budget:
Yvonne Quintian

Comptroller:
Michael D'Ambrosio
Jennifer Conovitz

Borough President of Manhattan:
James Caras

Borough President of Brooklyn:
Tonya Cantlo-Cockfield

Borough President of Queens:
Angelina Martinez-Rubio

Borough President of Staten Island:
Lashay Young

Borough President of the Bronx:
Tom Lucania

Department of Information Technology &
Communications:
Michael Pastor

Department of Parks and Recreations:
Alessandro Oliveri

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S P E A K E R S

Jennifer Hensley

Miguel Acevedo

Bryan Lozano

Charlie Mydlarz

Greg Mays

Edward Wallace

Clayton Banks

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MR. HATCH: Good afternoon. The Public Hearing will now come to order. Will the clerk please call the roll?

THE CLERK: Mayor.

MR. HATCH: Here.

THE CLERK: Office of the Mayor.

MR. FURNAS: Here.

THE CLERK: Comptroller.

MR. D'AMBROSIO: Here.

THE CLERK: Corporation Counsel.

MS. CANTOR: Here.

THE CLERK: Office of Management and Budget.

MS. QUINTIAN: Here.

THE CLERK: President Borough of the Bronx.

MR. LUCANIA: Here.

THE CLERK: President Borough of Brooklyn.

MS. CANTLO-COCKFIELD: Here.

THE CLERK: President Borough of Manhattan.

MR. CARAS: Here.

THE CLERK: President Borough of

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Queens.

MS. MARTINEZ-RUBIO: Here.

THE CLERK: President Borough of
Staten Island.

MS. YOUNG: 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 the
record. Any written submissions must be

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given to the clerk before the close of the public hearing.

Will the clerk please call the first calendar item?

THE CLERK: New York City Department of Information Technology and Telecommunications, Calendar Item No. 1: In the matter of the intent to seek Franchise and Concession Review Committee approval relating to a proposed second amendment to a public communications structure franchise agreement between the City of New York and CityBridge, LLC that will modify the schedule and deployment of Structures to be installed, the criteria applicable to the siting of each Structure, the provision of ancillary services, and (4) the timing of franchise compensation payments.

MR. HATCH: At this time, I would like to invite Michael Pastor, General Counsel of the Department of Information Technology & Telecommunications, to make

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a brief statement regarding the proposed franchise amendment.

MR. PASTOR: Thank you very much. The New York City Department of Information Technology & Telecommunications presents the proposed amendment to the LinkNYC Franchisee.

The amendment uses critical insight gained by the city and its franchisee in the two years since LinkNYC's launch across the five boroughs. At the base for our series of proposed changes is that we're ensured the greatest efficiency and success of the initiative.

The two foundations of LinkNYC, first the number of kiosks citywide and by borough. And second, the revenue guaranteed to the city or the licensee and franchisee are untouched by this proposed amendment, which is aimed to address real world conditions and challenges that can only be discovered during deployment on our city streets.

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There also needs to be an amendment which will ensure comprehensive planning, as well as new mechanisms to achieve more equitable distributions of kiosks, solidifying the projects goal to help those individuals.

Already LinkNYC has been a tremendous value to the 3.8 million subscribers to its super fast and free WiFi and the many thousands more who utilize access to free domestic calling, access to 9-1-1 and 3-1-1, and more. The project is on track to become the largest, fastest municipal WiFi network in the world. And this proposed amendment will deliver the updates needed to get there.

Thank you.

MR. HATCH: We will take testimony from the public, but first I'd like to ask any members of the Committee if they would like to make any statements.

MR. D'AMBROSIO: Good afternoon. My name is Michael D'Ambroiso and I'm with

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the New York City Comptroller's Office.

We would like to first thank DoITT for working with our office over the past few weeks concerning the proposed amendment to the existing franchise agreements between DoITT and CityBridge for the LinkNYC program.

We have a few questions for DoITT pertaining to the proposed amendment's modified setting criteria.

The proposed amendment includes a provision that will permit CityBridge to install a LinkNYC kiosk in a bus stop zone upon written notice to and in consultation with the affected community. Can DoITT please describe the proposed amendment's clearance requirements for installing a kiosk in a bus stop zone.

MR. PASTOR: Thank you very much.

So the proposed requirements within a bus stop zone would open up the ability for the commissioner to waive the prohibition of installation in a bus

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stop zone, but still require the kiosk to be installed no less than 50 feet to the bus stop marker.

So that's the change. And if I could stress on that point, that it's not a change to a setting requirement per se, just to the DoITT commissioner's ability to waive a different prohibition.

MR. D'AMBROSIO: How is the 50 foot clearance zone from the bus stop marker established?

MR. PASTOR: Do you mean where the bus stop marker is measured from or how we chose that?

MR. D'AMBROSIO: How you selected 50 feet from the bus stop marker being, I guess, a prohibition on installing a kiosk in that area.

MR. PASTOR: Right. So, I think the policy rational behind that was staying away from a particular place of loading with the buses. We thought close to the market, so we thought a minimum of 50

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feet. And of course it can be more than 50 feet. It will only be 50 feet, would insure that that wouldn't be a problem.

MR. D'AMBROSIO: What specific accessibility issues or concerns for passengers with disabilities were taken into account by DoITT and CityBridge in establishing the clearance zone?

MR. PASTOR: Right. There were no issues raised in the discussions we had since the amendment was published until just recently. No specific analysis of that issue.

I will say though that because it's a waiver power and not an automatic power, the way it will work is that CityBridge will propose annual installation schedules where they're proposed to go. And we as an agency and the commissioners will know what waivers are required. And at that time we will be, of course, consulting with the community boards and elected officials as you mentioned, also with our sister

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agencies, DoITT, the Mayor's office, persons with disabilities, anyone we need to to ensure as a global matter that the site will not have any negative impact and we will be approving waivers if we find that they would.

MR. D'AMBROSIO: Will CityBridge be installing new kiosks in the bus stop zones or just replacing existing pay phones that are in those zones?

MR. PASTOR: It's conceivable that there will be new locations, not just pay phones that are in the zone.

MR. D'AMBROSIO: Moving forward, the Department of Transportation has an existing franchise agreement, that includes, but isn't limited to, the placement of advertisements on bus shelters, new stands, and other outdoor street furniture that are located at a bus stop zone.

Has DoITT conducted any analysis or had any discussion with DOT regarding the fiscal impact of having multiple

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ad-based revenue generating structures through separate franchises in such close proximity to one another.

MR. PASTOR: We have had that discussion with DOT about the amendment in general. We have not had any particular discussion with DOT about the particular fiscal impact, if any. But I also think that's another thing that we would look at.

Again, we would have the whole plan, everywhere they're proposed to go, and we would be consulting with DOT on these, both from the perspective of the potential impact on their franchisee, DoITT's franchisee, and on the other public safety thing that you mentioned.

MR. D'AMBROSIO: And finally, the underlying franchise agreement has a provision allowing the DoITT commissioner to refrain from authorizing a kiosk installation in order to prevent an overconcentration of franchise structures.

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Is this provision limited to just LinkNYC kiosks or would the DoITT commissioner also consider any conflicts with other structures that are covered under separate city franchise provisions?

MR. PASTOR: Are you referring to the provision in the franchise agreement itself?

MR. D'AMBROSIO: Yes. It's a provision that's in the original agreement as well as the proposed amendment.

MR. PASTOR: Would you mind repeating your question for me?

MR. D'AMBROSIO: Sure. So the franchise agreement has a provision allowing the DoITT commissioner to refrain from authorizing a kiosk installation in order to prevent an overconcentration of franchise structure.

Is that provision limited to just LinkNYC kiosks or would that include any

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other structures covered by separate franchise agreements with other city agencies?

MR. PASTOR: I believe that particular provision there, the capitalized term franchise structure there, I believe, is defined elsewhere to only be Link kiosk structures not other franchise structures.

MR. D'AMBROSIO: Thank you.

MR. PASTOR: Thank you.

MR. HATCH: Are there any other members of the committee who would like to speak?

MR. LUCANIA: Yes.

Good afternoon. I am Tom Lucania from the Bronx Borough President's Office. My comment is on the planning and -- we appreciated the new amendment that it talked about the new planning of the structures and a long-range plan.

We in the Bronx and the other boroughs want to see the process of building out these kiosks move a little

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bit faster than they have.

We met with DoITT and have gotten their assurances that this planning mechanism that they're proposing is part of this amendment will give us the opportunity to foresee where and how long it will take for the new kiosks to reach the point in the borough that we receive our full share.

We are pleased with that and look forward to working with them on that end of the rollout of the project.

MR. CARAS: I want to thank DoITT actually for -- I was on the phone with them for quite a while today for a couple of issues that we had. One is the issue addressed by the comptroller's office and over the next couple of days we'll continue discussions on that.

I do want to follow up in one regard. The new language, would that require -- would that only require a waiver if the WiFi kiosk was being placed within 50 feet of the marker or

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would a waiver be required whenever a WiFi kiosk was being placed in the bus zone because --

MR. PASTOR: 50 feet, that was your question, right?

MR. CARAS: It seems like right now a waiver would be required to place a WiFi kiosk within a bus zone. So under the new regime it wouldn't be required unless it was within 50 feet of the marker.

So it could be placed within the bus stop zone without a waiver and only if it was within 50 feet of the marker, would it require a waiver. Because that's what the language seems to say, but I'm not really --

MR. PASTOR: The required waiver to be within the bus stop zone could not be waived beneath 50 feet.

MR. CARAS: So under the new marker?

MR. PASTOR: If it can be in the bus stop zone, it still must be 50 feet or more from the marker.

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MR. CARAS: So under the new proposal, if it's less than 50 feet from the marker, it couldn't be done at all even with a waiver?

MR. PASTOR: Right.

MR. CARAS: I don't think all of us are really clear yet and are aware of the practical impacts this might have and I think we need to work on that over the next couple of days or however much time we have.

My other concern is, in the additional flexibility for the cited criteria, we had community boards express concern that we not undo some of the -- some of the Manhattan community boards weighted very heavily on the location and got locations swapped out. And now their citing requirements are going to be loose in such -- not just that they could not be at the adjacent address, but they could be across the street or within a certain number of blocks, which is sort of unspecified.

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So it seems to open up the area where new sites can be found, and I guess --

A: We want to make sure that doesn't undo the work that our active community boards have put into this. And that we're not going back and revisiting 8th Avenue in Manhattan and, you know, where a lot of time and effort was put into this.

B: That in this planning process, which we're definitely supportive of having these yearly plans put out, that the community boards received those and have a chance to, you know, weigh in with their, you know, if they have particular concerns on that in the -- so that the planning process is a planning process, and not just telling people where they're going to go.

I hope we can devote some time to those issues, however much time that we have.

Thank you.

MR. HATCH: Will the clerk please

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call the first member of the public who wishes to testify.

THE CLERK: Jennifer Hensley.

Please state your name and affiliation for the record.

MS. HENSLEY: Hi, I'm Jennifer Hensley, President of LinkNYC. Thank you for the opportunity to be here today.

In December 2014, the FCRC approved the LinkNYC franchise agreement which initiated the replacement of the city's obsolete pay phones with new state of the art kiosks that would provide free phone calls, the fastest public WiFi available, and other valuable services, all at no cost to the tax payers.

This agreement was met with global news coverage and helped place New York City in a leadership position for smart city infrastructure. Since that day, working closely with DoITT and many elected officials and community leaders, we have succeeded in establishing a

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vital and beloved new network of links, connecting New Yorkers and tourists to each other and to their communities.

A third-party survey recently found that 93 percent of New Yorkers believe that LinkNYC is a positive initiative for New York City. With over 1500 kiosks activated across all five boroughs, we have seen more than 3.8 million unique users sign-up for WiFi. We are providing more than 250,000 free phone calls per month. And in 2017, we made 26 million dollars in cash payments to the City of New York.

We have levered the tablets and advertising streams for the benefit of dozens of governmental and charitable purposes; such as informing the public about community board meetings and promoting local businesses. And we continue to work with an array of public and private stakeholders who extend the utility of these versatile resources, as well as generating revenue to fund

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programs to share with the city.

However, as you know, implementing this first of its kind has presented a number of unforeseen logistical and financial challenges. A large percentage of the old pay phone sites failed to link citing criteria, forcing us to find new sites and engineer new connections, adding significant time and cost to our deployments.

In addition, much of the city's underground infrastructure has proven to be in need of substantial reinvestment; again adding time and cost to the program.

The contract amendment before you today represents a solution that will allow LinkNYC to thrive without compromising the public services or benefits provided, or the planning processes that have been underway for the past two years.

Key elements of the LinkNYC program remain the same. As Michael pointed

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2 out, 7,500 units will be deployed and
3 the minimum revenue guaranteed for the
4 city will remain the same. The
5 requirements for the distribution of the
6 kiosks throughout the boroughs and
7 community districts will be
8 strengthened, and the amendment will
9 allow CityBridge the opportunity to
10 refer revenue payments above the minimum
11 guarantee of the city and to reassess
12 that revenue into the deployment of more
13 kiosks, paying back the city with
14 interest at the end of the program.

15 This proposed amendment will give us
16 the confidence in our route planning to
17 create a full-billed plan in addition to
18 a yearly rollout plan, helping both the
19 city and our users know exactly when and
20 where to expect the link.

21 I know we have supporters here today
22 who will be speaking about the impact of
23 our project, but I also want to direct
24 you to the 12 letters of support to the
25 LinkNYC franchise that we received from

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important community groups and initiatives including The Alliance for Positive Change, Connecting, 821 Open House New York, Stonewall Community Foundation, Jamaica Center Bid, Older Adults Technology Services, Global Kids, TechRow, Cornell Tech, CaribBeing and the LIC Bids.

We are truly grateful for the opportunity to work with all of you in your offices to ensure that this historic public partnership is a success. And we ask for your approval so that we can ensure that the public realizes the important benefits which we're committed to achieving.

We are confident that this amendment is proposed which will ensure that we can deliver on the initiative length, with absolutely no impact to any other aspect of our regular city life. I welcome any questions.

Thank you.

MR. HATCH: Will the clerk please

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call the next person who wishes to
testify.

THE CLERK: Miguel Acevedo.

Please state your full name and
affiliation for the record.

MR. ACEVEDO: Good afternoon,
everyone. Thank you for giving me this
opportunity. My name is Miguel Acevedo.
I am the Tentative Associated President
of Robert Fulton Houses, a public
housing development located in Chelsea.

Most recently, a few of these kiosks
were installed at Fulton Houses. We are
fortunate enough now to have the
opportunity to go on the internet for
families who cannot afford the internet
at Fulton Houses. Hopefully this
amendment gets approved for all the five
boroughs so those low-income families
have the opportunity to use your
services.

Thank you -- once again, thank you
for giving me this opportunity to speak.

MR. HATCH: Will the clerk please

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call the next person who wishes to
testify.

THE CLERK: Bryan Lozano.

Please say your full name and
affiliation for the record.

MR. LOZANO: Thank you. My name is
Bryan Lozano of Tech NYC. Good
afternoon to the Franchise and
Concession Review Committee.

Tech NYC is honored to support the
LinkNYC program. We are a nonprofit
trade group with the mission of
supporting the technology industry in
New York to increase engagement between
our more than 600 members, our New York
government, and a community at large.

Our ultimate goal in using this
dialogue is to demonstrate that New York
is the best place for technology
companies to grow and develop. We
believe that New York's unique business
ecosystem as a global center for so many
industries such as finance, media,
fashion, art, and real estate to

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strengthen the technology businesses that call New York home, that in turn, technology will further strengthen those incomes and industries.

With that in mind, we are proud to support a LinkNYC, a first of its kind, program that gives New Yorkers access to ultrafast public WiFi, but also connecting users of other surfaces including calling anywhere in the U.S., accessing maps and city services, and for charging their cell phones.

From the prospective of our organization, addressing the digital divide is of paramount importance. As a greater part of our lives revolve around internet access, the value of available WiFi grows. This is especially true for children as more tools for learning and growth are found through digital means. For this reason, our organization and several of our members have been front-end in support of the city's for all initiative for a program that needs

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to bring computer time and education to every school in New York City in the next decade.

We believe technology education will only grow in accordance with a future economy and it is therefore essential to provide this type of education for the children of New York City.

Also, the fast free WiFi LinkNYC provides useful services such as free phone calls, maps, and access to New York City services with the purpose of establishing a more equitable connection with the city.

Offering New Yorkers the opportunity to tap into the database with the 311 app to find food pantries, emergency housing, and healthcare, and other city services ensures that New Yorkers connect with resources they need when and where they need it.

In addition to these worthwhile benefits, LinkNYC also increases New York's profile of a city that embraces

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technology and identifies its place as one of the primary technology hubs of the United States. From the prospective of TechNYC, this is no small feat. Programs linked with LinkNYC matter because they demonstrate that New York takes technology seriously and wants to be partners with the industry.

Thank you to the city and LinkNYC for bringing this first of its kind project to New York City. We are excited to support it and see what's next. Thank you.

MR. HATCH: Thank you.

Will the clerk please call the next person who wishes to testify.

THE CLERK: Charlie Mydlarz.

Will you please state your full name and affiliation for the record.

MR. MYDLARZ: Charlie Mydlarz, New York University.

Honorable members of the Franchise and Concession Review Committee, I am a city research scientist at New York

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University working on the sounds of New York City project. For five years National Science Foundation conducted research endeavors on monitoring and mitigations of noise pollution in the city.

To give some context on our project, noise pollution is one of the top most quality of life issues for our residents in the U.S. Over 70 million people across the country are exposed to noise levels beyond the limit of what the EPA considers to be harmful. These levels of exposure have proven effects on health, including acute effects such as sleep disruptions, and long-term effects such as heart disease and hearing loss.

In addition, there is evidence of impact on educational performances, studies showing that noise pollution reduces learning and cognitive impairment of children.

The economic impact of noise pollution is significant where it was

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was studied in the U.S. and Europe, showing the relationship between the departments and the real estate market, with the house prices falling as much as 2 percent, identical to noise increases.

In short, noise pollution is not really an annoyance but an important problem with ranging vital impacts on the majority of New York City inhabitants. So to help tackle this issue, our team has created a project and specific system approach in (inaudible) mitigation of urban noise pollution.

First thing we propose is a low-cost purchase of a platform for continuous real-time noise monitoring. We currently have 50 sets that are included across the city, which we will have for around 2 years and will accumulate around 40 years of data.

Secondly, the fencing around this framework is used to improve mitigation in two ways. Firstly by database

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optimizing based driven planning
(inaudible) for inspections by the DP.
Improving the likelihood and
co-violations for protective support.

Secondly, by increasing the flow of
information to control of the admissions
of (inaudible) such as buildings,
garbage trucks, street lamps. Our work
involves collaborations with agencies
such as DEP, DOHMH, and BITs, and other
agencies such as LinkNYC.

Provided a key infrastructure
component to our project is, of course,
WiFi access and a fantastic network that
LinkNYC has. So their support has
allowed (inaudible) employment and more
diversity around the locations providing
deeper insight and understanding of the
noise conditions in the city.

Our initial network is mainly
located in the NYU building, which is
located in Manhattan. Thanks to the
access of the providers, we now have
locations in Brooklyn and Queens all

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going up through the summer.

To wrap up, the sonic network that we built can support normal academic work on noise pollution. But the project is far from an (inaudible) endeavor. By seeking to improve the quality of life issue, sonic has the right (inaudible) over cities around the world.

We are extremely grateful for what your (inaudible) has provided to our project, and (inaudible) as a whole.

Thank you.

MR. HATCH: Thank you.

Will the clerk please call the next person who wishes to testify.

THE CLERK: Greg Mays.

Please state your full name and affiliation for the record.

MR. MAYS: I'm Greg Mays, Executive Director of A Better Jamaica, Inc. It's my honor to come before you today to speak in support of the LinkNYC program. We're a community service organization

1
2 engaged in activities and design to
3 strengthen the (inaudible) communities,
4 known as Jamaica.

5 Since launching in February 2016,
6 LinkNYC kiosks have replaced pay phones,
7 that once provided our streets with
8 smart kiosks and displayed relevant
9 advertising and information, provide
10 access to super fast free WiFi, and
11 provide charging stations, for those of
12 us who inevitably get caught up with
13 dead smart phones while out and about.

14 Additionally, in A Better Jamaica's
15 case, LinkNYC has allowed us to turn the
16 kiosk in a local public art gallery,
17 which they've allowed us to use its
18 space, to present quarterly month-long
19 art exhibits which feature Jamaica based
20 focused space for local artists. We
21 presented two of these exhibitions to
22 date and the third is currently being
23 planned.

24 Thank you to the City of New York
25 and LinkNYC for bringing this first of

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its kind digital kiosk project to New York City. I am excited to see what's next for this unique digital platform.

If you have the testimony provided, on page two of it you can see the two exhibitions that we've actually done thus far.

One is from an artist, the image on the right, an 80-something year old artist whose name is Emmett Wigglesworth, and he resides in Southeast Queens. The image on the left of the veteran is by 20-something year old, (inaudible name), who he uses in his all of his exhibitions. The third submission is from a woman artist and we're currently negotiating with her, hoping that will go up in the next couple of months.

Thank you very much.

MR. HATCH: Thank you.

Will the clerk please call the next person who wishes to testify.

THE CLERK: Written testimony in

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lieu of speaking was received from Elizabeth Lusskin, Executive Director of Long Island Partnership in favor of calendar item no. 1. Written testimony has been submitted to the FCRC and for the record.

Written testimony in lieu of speaking was received from Whitney Barrat, Executive Director for Jamaica Center Bid of calendar item number one. Written testimony has been submitted to the FCRC and for the record.

Written testimony in lieu of speaking was received from Latieha Gazel Anthoine, CEO for Connectthings in favor of calendar item no. 1. The written testimony was submitted to the FCRC and for the record.

Sharon Duke, Executive Director for Alliance for Positive Change has submitted written testimony in lieu of speaking in favor of calendar item no. 1. The written testimony has been submitted for the FCRC and for the

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record.

Written testimony in lieu of speaking was received from Gregory Wessner, Executive Director for Open House NY in favor of calendar item no. 1. The written testimony has been submitted to the FCRC and for the record.

Written testimony in lieu of speaking was received from Travis Felder, founder of Techrow in favor of calendar item no. 1. The written testimony has been submitted to the FCRC and for the record.

Evie Hantzopoulos, Executive Director for Global Kids has submitted written testimony in lieu of speaking in favor of calendar item no. 1. The written testimony has been submitted to the FCRC and for the record.

Written testimony in lieu of speaking was received from Jarrett Lucas and for Stonewall Community Foundation in favor of calendar item no. 1. The

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written testimony has been submitted to the FCRC and for the record.

Written testimony in lieu of speaking was received from Tom Kamber, founder of OATS, in favor of calendar item no. 1. The written testimony has been submitted to the FCRC and for the record.

Written testimony in lieu of speaking was received from Shelley Warrell, Founder and Executive Director of CaribBeing in favor of calendar item no. 1. The written testimony has been submitted to the FCRC and for the record.

Written testimony in lieu of speaking was received from Matt Harder, Head of Consulting for D21 in favor of calendar item no. 1. The written testimony has been submitted to the FCRC and for the record.

Written testimony in lieu of speaking was received from Meghan French in favor of calendar item no. 1. The

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written testimony has been submitted to the FCRC and for the record.

Next is Ed Wallace. Please state your full name and affiliation for the record.

MR. WALLACE: My name is Edward Wallace. I am an attorney and current Counsel to Jason & Co. Jason & Co. took over some (inaudible) for street furniture franchises, which includes shelters, newsstands, and some other things.

I want to start by saying that we obviously respect and admire the WiFi program that LinkNYC produces and, indeed, we respect that the city wants to ensure that the franchisee wants to thrive economically. We are here on that same concern and it's only one narrow concern. We are hopeful that the FCRC will, in the next two days, help us resolve what's either a misunderstanding or a misperception. I don't think for the worse or I certainly hope not.

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2 With respect for the request for the
3 amendment to be modified to avoid
4 ingesting high use bus stops, inspecting
5 passenger access to buses, including
6 disabled buses. Blocking the
7 installation of new bus shelters and
8 blocking visibility of the bus shelter
9 ads, and you'll see in the illustrations
10 and the board that's here. Can we just
11 put that board up?

12 (Whereupon, a board with photographs
13 was placed on a stand.)

14 Some examples of how by pressing ads
15 too closely in negative competition --
16 remember, the city is the ultimate owner
17 of the streets, the ultimate beneficiary
18 of the economics, as well as the
19 services that both programs provided.
20 The current rule is a very sensible one,
21 and has been in business for a long
22 time, one way or another. It states, no
23 advertising or other structures in bus
24 stop zones. Bus stop zones are
25 designated by the MTA, not through the

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agency, but based by controlled agencies, and the bus stop marker is placed there by the MTA, now with the DOT, especially with regards to the bus shelter program.

Typically a bus stop zone is about 80 feet to 100 feet. New York buses serve over 2.4 million riders every day. Bus commuter income, according to a report in the office of the comptroller, is lower than that of subways. The bus stop zone is very old technology, but is a very relevant service in all the boroughs, about 78 percent of the shelters around the boroughs.

For sighting, which I'm referring to is a common problem in the street furniture business, proposed as the oldest and biggest business in the world has been the, I'd say, the most successful in the quality of its services in the delivery of the funds to the city.

The Co., taking over solutions, will

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2 pay the city or will not pay the city
3 \$1,000,000,000 in cash as a guarantee.
4 And right now, the Co. and the
5 franchiser, we have acquired to have
6 lost about \$420,000,000. We are not
7 here asking for any economic relief, but
8 we are concerned about the idea that by
9 putting an advertisement so close to a
10 bus zone, there will be two major
11 negative impacts.

12 One, it's a race to the bottom.
13 Advertisements will simply play one arm
14 against the other and revenue will go
15 down. It may be lopsided in favor of
16 the WiFi right now, but it will
17 definitely hurt the co-ability to
18 getting in close to breaking even.

19 When it comes to visual clutter the
20 reason for this rule is not only to keep
21 the bus stop zone clear for pedestrians,
22 for wheelchairs, for anybody running to
23 the bus, or anybody behind. It is also
24 there because the city has decided that
25 -- particularly the borough has decided

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that it doesn't want a lot of clutter on sidewalks. Now, we face the same issue with communities as Link does. We don't want clutter.

I just want to say one other thing. What we're asking for will not, in any way, diminish WiFi services at all. The WiFi kiosk has a 150 foot radius and can be across the street, and can even be 15 feet on the other side of the bus stop zone. If you allow it into the bus stop zone -- and I want to direct something that I think DoITT thought and which I think goes into the question of how much planning was put into it.

To our knowledge DOT, MTA, and the Mayor's Office of Disability was not in any way involved in the planning process. The 50 foot, that I guess the borough presidents (inaudible) about, is from the poles. But the bus shelter may be 20 or 30 people in the pole because of the siting of the shelter, which DOT controls, depends on a number of factors

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with the sidewalk, with the unity.
There's a retail store object right next to the pole. The idea that 50 feet is a safe haven or even some lessor amount of footage is not true, it's simply not true.

We are perfectly happy to have a discussion. We have reached out to both DoITT and LinkNYC. They have all said this was not an intended consequence. And I trust and believe them. All we ask is that the FCRC do is enshrine the planning process that the DOT, MTA, and the Mayor's Office of Disability not -- As important as community boards and the borough presidents are, it should be broader planning than that.

And second, preserve the existing rules which allows LinkNYC to (inaudible) and locate some of the smaller, so they can go in other places. They don't have to be in a bus stop zone or a bus stop, and let us continue to struggle to try to break-even as we

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provide this good service to New
Yorkers.

I'll gladly answer any questions.

MR. HATCH: Thank you.

If no one else wishes to speak, will
the clerk --

THE CLERK: One more.

MR. HATCH: Will the clerk please
call the next person who wishes to
testify.

THE CLERK: Julia Rogawski.

MEMBER OF AUDIENCE: Waived.

THE CLERK: Gabrielle Brussel.

MEMBER OF AUDIENCE: Also waived.

THE CLERK: Clayton Banks.

Please state your full name and
affiliation for the record.

MR. BANKS: My full name is Clayton
Alexander Banks and my company is
Silicon Harlem. I am very happy to be
here. I'm sorry I'm late, I'm on PT
time, politician time.

Anyway, I want to just add some
remarks and some testimony on behalf of

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Silicon Harlem. We first testified to the Franchise Committee on behalf of the LinkNYC project, emphasizing the importance of the connectivity for all citizens. We found that intersection at the time of the control group, et cetera, very much listened to the concerns we had about our particular community and specifically at a time (inaudible) on East Harlem which has been the least connected in the city.

As a result of their listening to Silicon Harlem and us having a voice at the table, Upper Manhattan Procapital has more LinkNYC kiosks than any other neighborhood in New York City. We're very proud of that at Silicon Harlem and we think it's making a huge difference.

Into this very day, I walk down 115th Street and almost every kiosk is being used. The LinkNYC kiosks represent a major message to Harlem and Upper Manhattan that communication and connectivity is for all. Many of the

1
2 households in Upper Manhattan,
3 40 percent, in fact, do not have a
4 broadband connection in the home.
5 40 percent. It's not necessarily
6 because of access, it's because of
7 affordability. What LinkNYC is doing is
8 helping bridge that gap. For many, the
9 kiosks are a vital source to connect to
10 city services, their families, and in
11 some cases even emergencies.

12 Silicon Harlem is focused on the
13 digital literacy gap and the
14 connectivity gap and it's clear to us
15 that the LinkNYC kiosk plays a
16 significant role in helping us close
17 that digital divide.

18 Imagine if you, yourselves, you
19 didn't have a computer in the home or an
20 internet connection in the home.
21 Imagine it yourselves. I had a
22 15-year-old boy in my office who was
23 interviewing me for his school newspaper
24 and said, "I'm one of those kids. My
25 parents can't afford broadband, and we

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don't have a computer at our home."
Imagine if your kids were not able to do their homework in your home. That kid had to do his homework at a Starbucks and perhaps a library from time to time.

It really breaks my heart because I have a Starbucks a block away from my office, thank God, I love Starbucks. But I see the kids that make the point to go to those locations at 3:30 and I see the kids doing that.

We also know that these kiosks have done a great job at helping some citizens actually save money, whether it's calls overseas or other parts of the world, if you will.

We've also witnessed a variety of people from a variety of backgrounds, people who are making good income. And those who are not have been able to get information from the kiosks that help them on an every day basis. There's a great civil civic messaging going on in those kiosks day-to-day.

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2 Replacing obsolete phone booths with
3 interactive kiosks that connect our
4 citizens is the best street furniture
5 the city has embraced in decades. And
6 now, New York City can make the claim
7 that no matter where you are from or
8 your social economic status, our
9 citizens have an ultra connection to the
10 world.

11 Thank you very much.

12 MR. HATCH: Thank you.

13 Will the clerk please call the
14 second calendar item?

15 THE CLERK: New York City Department
16 of Parks and Recreation, Calendar Item
17 No. 2: In the matter of the intent to
18 seek Franchise and Concession Review
19 Committee approval to utilize a
20 different procedure, pursuant to Section
21 1-16 of the Concession Rules of the City
22 of New York, to enter into a Sole Source
23 License Agreement with the Bryant Park
24 Corporation, for the operation and
25 maintenance of Bryant Park in Manhattan,

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including the operation of food concessions, special events, a carousel, newsstands, season markets, an ice-skating rink and other visitor services and events authorized by Parks.

MR. HATCH: We will take testimony from the public, but first I'd like to ask members of the Committee if they have any statements.

The Comptroller does.

MS. CONOVITZ: Thank you. First we would like to thank the Parks Department for working with us on this matter. We also appreciate the work of Bryant Park Corporation within the park.

We recommend that to the extent not already done or contemplated that moving forward Parks track the actual expenditure made by the concessionaire which are allocated towards expense items in Bryant Park and are appropriately approved by Parks.

We believed this won't (inaudible) transparency as well as the appropriate

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tracking of such expenditures. We also have some further questions for Parks that we look forward to discussing with them in the next few days.

Thank you.

MR. CARAS: I have one question.

I just wanted to know the expenses and the excess revenue. Have those definitions changed in this agreement as opposed to the prior agreement.

MR. OLIVERI: The prior agreement being the 1985 agreement?

MR. CARAS: We're operating under multiple renewals of the original.

MR. OLIVERI: I mean they were not clearly in the report to the same extent, in this case to the extent the revenues are limited to the park. If you're thinking about the 34th Street one, it's to the extent that defined the term and limited to the park itself, the four corners of the park.

MR. CARAS: What's the current practice in terms of Bryant Park? What

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are their -- are they keeping their revenues when they have excess revenues? Are they spending them --

MR. OLIVERI: Only spending in the parks. So that the concept does not change, it's just set forth in a much clearer fashion.

MR. CARAS: Okay. And they will hold onto the revenues until the end of the term? At which point if there are excess revenues they'll be turned back to the city.

MR. OLIVERI: Well, they should be spent -- they can be spent to address, it's the idea not to simply hold onto them --

MS. CARAS: But it means that they have --

MR. OLIVERI: If there are any left that are leftover at the end, then they would have to be returned to the city if they're not spent, and they have to be spent only for approved expenses. It cannot -- there's a limitation on what

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they can be spent on.

MR. CARAS: Okay. Thanks.

MR. HATCH: Does anyone wish to testify?

(Whereupon, no response was given from the audience.)

MR. HATCH: If no one 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 the proceeding.

The hearing is now closed.

Thank you.

(Thereupon, the meeting was concluded at 3:30 P.M.)

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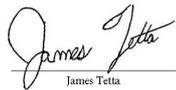
C E R T I F I C A T E
STATE OF NEW YORK)
: ss
COUNTY OF NASSAU)

I, JAMES A. TETTA, a Notary Public within
and for the State of New York, do hereby
certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and that
such an examination is a true record of the
testimony given by such a witness.

I further certify that I am not related to
any of these parties to this action by blood or
marriage, and that I am not in any way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 7th day of May, 2017.



James Tetta

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\$420000000 42:6	accumulate 31:21	adjacent 18:22	admire 39:15	amendment's 9:10,18
& 2:20 6:25 7:6 39:9,9 (5)	acevedo 3:4 25:4,7,9 (4)	admissions 32:7	agreements 9:7 15:3	amount 44:5
115th 46:21	achieve 8:5	ads 40:9,14	aimed 7:22	analysis 11:13 12:23
15yearold 47:22	achieving 24:17	adults 24:7	alessandro 2:22	ancillary 6:19
20something 35:14	acquired 42:5	advertised 5:11	alexander 45:20	angelina 2:16
34th 51:20	across 7:12 18:23 21:9 30:12 31:20 43:10 (6)	advertisement 42:9	alliance 24:3 36:21	annoyance 31:8
7th 54:19	action 54:15	advertisements 12:19 42:13	allocated 50:21	annual 11:18
80something 35:10	activated 21:9	advertising 21:17 34:9 40:23	allotted 5:19	another 13:4,10 40:22
8th 19:8	active 19:5	affected 9:16	allow 22:19 23:9 43:12	answer 45:4
ability 9:24 10:9	activities 34:2	affiliation 5:22 20:6 25:6 26:6 29:20 33:20 39:5 45:18 (8)	allowed 32:17 34:15,17	anthoine 36:16
able 48:3,21	actual 50:19	afford 25:17 47:25	allowing 13:21 14:19	anybody 42:22,23
about 13:6,8 15:21 21:20 23:22 34:13 41:7,15 42:6,8 43:21 46:9 51:20 (13)	actually 16:15 35:7 48:15	affordability 47:7	allows 44:20	anyone 5:14 12:3 53:4
above 23:10	adbased 13:2	afternoon 4:2 8:24 15:17 25:7 26:9 (5)	almost 46:21	anyway 45:24
absolutely 24:21	add 45:24	against 42:14	already 8:8 50:18	anywhere 27:11
academic 33:4	adding 22:10,15	again 13:12 22:15 25:23	also 5:23 8:2 11:25 13:10 14:4 23:23 27:9 28:10,24 42:23 45:15 48:13,18 50:15 51:2 (15)	app 28:18
access 8:12,13 27:8,18 28:12 32:15,24 34:10 40:5 47:6 (10)	addition 22:12 23:17 28:23 30:19 (4)	agencies 12:2 15:4 32:10,12 41:3 (5)	am 15:17 25:10 29:24 35:3 39:8 45:21 54:14,16 (8)	appearances 2:2
accessibility 11:6	additional 18:14	agency 11:20 41:2	amendment 6:12 7:3,8,9,22 8:2,17 9:6,12 11:12 13:6 14:14 15:20 16:6	applicable 6:17
accessing 27:12	address 7:23 18:23 52:15	agenda 53:11		appreciate 50:15
accordance 5:11 28:6	addressed 16:18			appreciated 15:20
according 41:10				approach 31:13
				appropriate 50:25

appropriately 50:23	automatic 11:16	21:6 26:22 28:5 44:12 (6)	booths 49:2	budget 2:9 4:14
approval 6:11 24:14 49:19	available 20:17 27:18 53:12	believed 50:24	borough 2:12,14,15,17,18 4:16,19,22,25 5:4 7:19 15:18 16:9 42:25 43:21 44:17 (16)	building 15:25 32:22
approved 20:11 25:19 50:23 52:24 (4)	avenue 19:8	beloved 21:2	boroughs 7:12 15:24 21:10 23:6 25:20 41:15,16 (7)	buildings 32:8
approving 12:6	avoid 40:3	beneath 17:21	both 13:15 23:18 40:19 44:9 (4)	built 33:4
approximately 5:19	aware 18:8	beneficiary 40:17	bottom 42:12	bus 9:14,20,23,25 10:4,12,15,18 12:9,19,22 17:3,9,13,20,23 40:4,7,8,23,24 41:3,5,7,10,12 42:10,21,23 43:11,12,22 44:23,24 (34)
area 10:20 19:2	away 10:23 48:8	benefit 21:17	boy 47:22	buses 10:24 40:5,6 41:8 (4)
arm 42:13	b 19:11	benefits 22:21 24:16 28:24	break-even 44:25	business 26:22 40:21 41:19,20 (4)
around 27:17 31:21,22,23 32:18 33:9 41:16 (7)	back 19:7 23:13 52:12	benjamin 2:6	breaking 42:18	businesses 21:21 27:2
array 21:22	backgrounds 48:19	best 26:20 49:4	breaks 48:7	c 54:2,2
art 20:15 26:25 34:16,19 (4)	banks 3:9 45:16,19,20 (4)	better 33:22 34:14	bridge 47:8	calendar 6:5,8 36:5,11,17,23 37:6,13,19,25 38:6,13,20,25 49:14,16 (16)
artist 35:9,11,17	barrat 36:10	between 6:14 9:7 26:15 31:3 (4)	brief 7:2	call 4:4 6:4 20:2 25:2 26:2 27:3 29:16 33:16 35:23 45:10 49:13 (11)
artists 34:20	base 7:12	beyond 30:13	bring 28:2	calling 8:12 27:11
ask 8:22 24:14 44:13 50:9 53:10 (5)	based 32:2 34:19 41:2	bid 24:6 36:11	bringing 29:11 34:25	calls 20:16 21:13 28:12 48:16 (4)
asking 42:7 43:7	basis 48:23	bids 24:9	broadband 47:4,25	can 7:24 9:17 11:2 17:23 19:3,21 24:15,20 33:4 35:6 40:10 43:9,10 44:22 49:6 52:15 53:2
aspect 24:22	because 11:15 17:4,16 29:7 42:24 43:23 47:6,6 48:7 (9)	biggest 41:20	broader 44:18	
associated 25:10	become 8:14	bit 16:2	bronx 2:18 4:17 15:18,23 (4)	
assurances 16:4	before 6:2 22:17 33:23	bits 32:11	brooklyn 2:14 4:20 32:25	
attorney 39:8	behalf 45:25 46:3	block 48:8	brussel 45:14	
audience 45:13,15 53:7	behind 10:22 42:23	blocking 40:6,8	bryan 3:5 26:4,8	
authorized 50:6	being 5:9 10:18 16:24 17:3 34:22 46:22 51:13 (7)	blocks 18:25	bryant 49:23,25 50:16,22 51:25 (5)	
authorizing 13:22 14:20	believe 15:5,8	blood 54:15		
		board 21:20 40:10,11,12 (4)		
		boards 11:24 18:15,18 19:6,14 44:16 (6)		

(17)	24:4 36:21 52:7 (5)	9:7,13 11:8,18 12:8 23:9 (7)	collaborations 32:10	competition 40:15
can't 47:25	changed 51:10	citywide 7:18	come 4:3 33:23	component 32:14
cannot 25:17 52:25	changes 7:13	civic 48:24	comes 42:19	comprehensive 8:3
cantlockfield 2:14 4:21	charging 27:13 34:11	civil 48:24	comment 15:19	compromising 22:20
cantor 2:8 4:12	charitable 21:18	claim 49:6	commissioner 9:24 13:22 14:4,19 (4)	comptroller 2:10 4:9 41:11 50:11 (4)
capitalized 15:7	charlie 3:6 29:18,21	clayton 3:9 45:16,19	commissioner's 10:8	comptroller's 9:2 16:18
caras 2:13 4:24 16:14 17:7,22 18:2,7 51:7,14,24 52:9,18 53:3 (13)	charter 5:12	clear 18:8 42:21 47:14	commissioners 11:21	computer 28:2 47:19 48:2
caribbeing 24:8 38:13	chelsea 25:12	clearance 9:18 10:12 11:9	committed 24:17	conceivable 12:12
carousel 50:3	children 27:20 28:9 30:23	clearer 52:8	committee 1:4 5:9 6:11 8:22 15:14 26:10 29:24 46:3 49:19 50:9 (10)	concept 52:6
case 34:15 51:18	chose 10:16	clearly 51:17	common 41:18	concern 18:13,16 39:20,21 (4)
cases 47:11	cited 18:14	clerk 2:4 4:4,5,7, 9,11,13,16,19,22,2 5 5:4,18,24 6:2,4,6 19:25 20:4 24:25 25:4,25 26:4 29:16,18 33:16,18 35:23,25 45:7,8,9,12,14,16 49:13,15 (37)	communication 46:24	concerned 42:8
cash 21:14 42:3	cities 33:9	close 6:2 10:24 13:4 42:9,18 47:16 (6)	communications 2:20 6:13	concerning 9:5
caught 34:12	citing 18:20 22:8	closed 53:15	communities 21:4 34:3 43:4	concerns 11:6 19:17 46:9
cell 27:13	citizens 46:6 48:15 49:4,9 (4)	closely 20:23 40:15	community 9:17 11:24 18:15,17 19:6,14 20:24 21:20 23:7 24:2,5 26:17 33:25 37:24 44:16 46:10 (16)	concession 1:4 5:8,12 6:10 26:10 29:24 49:18,21 (8)
center 24:6 26:23 36:11	city 5:12,13 6:6,14 7:5,10,20,25 9:2 14:6 15:3 20:21,22 21:8,15 22:2 23:4,11,13,19 24:22 27:12 28:3,9,13,15,19,25 29:10,12,25 30:3,7 31:10,20 32:20 34:24 35:3 39:17 40:16 41:24 42:2,2,24 46:12,17 47:10 49:5,6,15,21 52:13,22 (53)	clutter 42:19 43:2,5	commuter 41:10	concessionaire 50:20
ceo 36:16	city's 20:13 22:12 27:24	co 39:9,9 41:25 42:4 (4)	companies 26:21	concessions 50:3
certain 18:24	citybridge 6:15	coability 42:17	company 45:20	concluded 53:18
certainly 39:25		cognitive 30:22	compensation 6:20	concludes 53:9
certify 54:9,14				conditions 7:23 32:20
cetera 46:8				conducted 5:10
challenges 7:24 22:6				
chance 19:15				
change 10:5,7				

12:23 30:4	contract 22:17	current 39:8 40:20 51:24	deliver 8:17 24:20	35:2,4 47:13,17 (6)
confidence 23:16	control 32:7 46:7	currently 31:19 34:22 35:18	delivery 41:23	diminish 43:8
confident 24:18	controlled 41:2	d'ambroiso 8:25	demonstrate 26:19 29:7	direct 23:23 43:13
conflicts 14:4	controls 43:25	d'ambrosio 2:11 4:10 8:24 10:11,17 11:5 12:8,15 13:19 14:11,17 15:11 (12)	dep 32:11	director 33:22 36:3,10,20 37:5,17 38:12 (7)
connect 28:21 47:9 49:3	cornell 24:8	d21 38:19	department 2:20,22 6:6,24 7:5 12:16 49:15 50:14 (8)	disabilities 11:7 12:3
connected 46:12	corners 51:23	data 31:22	departments 31:4	disability 43:18 44:15
connectings 36:16	corporation 2:7 4:11 49:24 50:16 (4)	database 28:17 31:25	depends 43:25	disabled 40:6
connecting 21:3 24:4 27:10	cost 20:18 22:11,15	date 34:22	deployed 23:2	discovered 7:24
connection 28:14 47:4,20 49:9 (4)	could 10:6 17:13,20 18:22,23 (5)	day 20:22 41:9 46:20 48:23 54:19 (5)	deployment 6:16 7:25 23:12	discussing 51:4
connections 22:10	couldn't 18:4	days 16:19 18:11 39:22 51:5 (4)	deployments 22:11	discussion 12:24 13:6,8 44:9 (4)
connectivity 46:5,25 47:14	counsel 2:7 4:11 6:24 39:9 (4)	daytoday 48:25	describe 9:17	discussions 11:11 16:20
conovitz 2:11 50:12	country 30:12	dead 34:13	design 34:2	disease 30:18
consequence 44:11	county 54:5	decade 28:4	designated 40:25	displayed 34:8
consider 14:4	couple 16:17,19 18:11 35:20 (4)	decades 49:5	desiring 5:15	disruptions 30:17
considers 30:14	course 11:2,23 32:14	december 20:11	develop 26:21	distributed 53:12
consultation 9:16	coverage 20:20	decided 42:24,25	development 25:12	distribution 23:5
consulting 11:23 13:14 38:19	covered 14:5 15:2	deeper 32:19	devote 19:21	distributions 8:5
contemplated 50:18	coviolations 32:5	defined 15:8 51:21	dialogue 26:19	districts 23:7
context 30:8	create 23:17	definitely 19:12 42:17	didn't 47:19	diversity 32:18
continue 16:20 21:22 44:24	created 31:12	definitions 51:10	difference 46:19	divide 27:16 47:17
continuous 31:17	criteria 6:17 9:11 18:15 22:8 (4)		different 10:9 49:20	does 43:4 50:11 52:6 53:4 (4)
	critical 7:9		digital 27:15,21	

doesn't 19:5 43:2	economy 28:7	endeavor 33:7	every 28:3 41:9 46:21 48:23 (4)	express 18:16
dohmh 32:11	ecosystem 26:23	endeavors 30:5	everyone 25:8	extend 21:23
doing 47:7 48:12	ed 39:4	engaged 34:2	everywhere 13:13	extent 50:17 51:18,18,21 (4)
doitt 9:3,7,9,17 10:8 11:8 12:2,23 13:21 14:3,19 16:3,14 20:23 43:14 44:10 (16)	education 28:2,5,8	engagement 26:15	evidence 30:19	extremely 33:11
doitt's 13:17	educational 30:20	engineer 22:9	evie 37:16	face 43:3
dollars 21:14	edward 3:8 39:7	enough 25:15	exactly 23:19	fact 47:3
domestic 8:12	effects 30:15,16,17	enshrine 44:13	examination 54:10,12	factors 43:25
done 18:4 35:7 48:14 50:18 (4)	efficiency 7:15	ensure 8:3 12:4 24:12,15,19 39:18 (6)	examples 40:14	failed 22:8
dot 12:24 13:6,8,14 41:5 43:17,24 44:14 (8)	effort 19:9	ensured 7:14	excess 51:9 52:3,12	falling 31:5
down 42:15 46:20	either 39:23	ensures 28:20	excited 29:13 35:3	families 25:17,20 47:10
dozens 21:18	elected 11:24 20:24	enter 49:22	executive 33:21 36:3,10,20 37:5,16 38:12 (7)	fantastic 32:15
dp 32:3	elements 22:24	entire 53:11	exhibitions 34:21 35:7,16	far 33:6 35:8
driven 32:2	elizabeth 36:3	equitable 8:5 28:14	existing 9:6 12:10,17 44:19 (4)	fashion 26:25 52:8
duke 36:20	else 45:6	especially 27:19 41:5	exhibits 34:19	fast 8:10 28:10 34:10
duly 54:11	elsewhere 15:8	essential 28:7	exhibitions 34:19	faster 16:2
during 7:25	embraced 49:5	established 10:13	expect 23:20	fastest 8:15 20:16
each 5:18 6:18 21:4	embraces 28:25	establishing 11:9 20:25 28:14	expenditure 50:20	favor 36:4,16,23 37:6,12,19,25 38:6,13,19,25 42:15 (12)
east 46:11	emergencies 47:11	estate 26:25 31:4	expenditures 51:2	ferc 20:11 36:6,13,18,25 37:8,14,21 38:3,8,15,21 39:3,22 44:13 (15)
economic 30:24 42:7 49:8	emergency 28:18	et 46:7	expense 50:21	feat 29:5
economically 39:19	emmett 35:11	europe 31:2	expenses 51:8 52:24	feature 34:19
economics 40:18	emphasizing 46:4	even 18:5 42:18 43:10 44:5 47:11 (5)	exposed 30:12	february 34:5
	employment 32:17	events 50:3,6	exposure 30:15	
	end 16:12 23:14 52:10,21 (4)			

<p>feet 10:3,18 11:2,3,3 16:25 17:5,11,15,21,24 18:3 41:8,8 43:11 44:4 (16)</p> <p>felder 37:12</p> <p>fencing 31:23</p> <p>few 9:5,9 25:13 51:5 (4)</p> <p>fill 5:17</p> <p>final 53:13</p> <p>finally 13:19</p> <p>finance 26:24</p> <p>financial 22:6</p> <p>find 12:7 22:9 28:18</p> <p>first 6:4 7:18 8:21 9:3 20:2 22:4 27:7 29:11 31:16 34:25 46:2 50:8,12 (13)</p> <p>firstly 31:25</p> <p>fiscal 12:25 13:9</p> <p>five 7:12 21:9 25:19 30:3 (4)</p> <p>flexibility 18:14</p> <p>flow 32:6</p> <p>focused 34:20 47:12</p> <p>follow 16:21</p> <p>food 28:18 50:2</p> <p>foot 10:11 43:9,20</p>	<p>footage 44:6</p> <p>forcing 22:8</p> <p>foresee 16:7</p> <p>forth 52:7 54:11</p> <p>fortunate 25:15</p> <p>forward 12:15 16:12 50:19 51:4 (4)</p> <p>found 19:3 21:5 27:21 46:6 (4)</p> <p>foundation 24:6 30:4 37:24</p> <p>foundations 7:17</p> <p>founder 37:12 38:6,12</p> <p>four 51:23</p> <p>framework 31:24</p> <p>franchise 1:4 5:8 6:10,13,20 7:3 9:6 12:17 13:20,24 14:6,9,18,22 15:3,7,10 20:12 23:25 26:9 29:23 46:3 49:18 (23)</p> <p>franchisee 7:8,10,21 13:16,17 39:18 (6)</p> <p>franchiser 42:5</p> <p>franchises 13:3 39:11</p> <p>free 8:10,12 20:15 21:12 28:10,11 34:10 (7)</p> <p>french 38:24</p> <p>frontend 27:24</p>	<p>full 16:10 25:5 26:5 29:19 33:19 39:5 45:17,19 (8)</p> <p>fullbilled 23:17</p> <p>fulton 25:11,14,18</p> <p>fund 21:25</p> <p>funds 41:23</p> <p>furnas 2:6 4:8</p> <p>furniture 12:21 39:11 41:19 49:4 (4)</p> <p>further 27:4 51:3 54:14</p> <p>future 28:6</p> <p>gabrielle 45:14</p> <p>gained 7:10</p> <p>gallery 34:16</p> <p>gap 47:8,13,14</p> <p>garbage 32:9</p> <p>gazel 36:15</p> <p>general 6:23 13:7</p> <p>generating 13:2 21:25</p> <p>get 8:18 34:12 48:21</p> <p>gets 25:19</p> <p>getting 42:18</p> <p>give 16:6 23:15 30:8</p> <p>given 6:2 53:6 54:13</p>	<p>gives 27:8</p> <p>giving 25:8,24</p> <p>gladly 45:4</p> <p>global 12:4 20:19 24:7 26:23 37:17 (5)</p> <p>go 11:20 13:13 19:20 25:16 35:19 42:14 44:22 48:11 (8)</p> <p>goal 8:6 26:18</p> <p>god 48:9</p> <p>goes 43:15</p> <p>going 18:21 19:7,20 33:2 48:24 (5)</p> <p>good 4:2 8:24 15:17 25:7 26:8 45:2 48:20 (7)</p> <p>got 18:19</p> <p>gotten 16:3</p> <p>government 26:17</p> <p>governmental 21:18</p> <p>grateful 24:10 33:11</p> <p>great 48:14,24</p> <p>greater 27:17</p> <p>greatest 7:14</p> <p>greg 3:7 33:18,21</p> <p>gregory 37:4</p> <p>group 26:13 46:7</p>	<p>groups 24:2</p> <p>grow 26:21 28:6</p> <p>grows 27:19</p> <p>growth 27:21</p> <p>guarantee 23:11 42:3</p> <p>guaranteed 7:20 23:3</p> <p>guess 10:19 19:3 43:20</p> <p>hand 54:19</p> <p>hantzopoulos 37:16</p> <p>happy 44:8 45:21</p> <p>harder 38:18</p> <p>harlem 45:21 46:2,11,14,18,23 47:12 (7)</p> <p>harmful 30:14</p> <p>has 5:10,15 8:8 12:16,23 13:20 14:18 22:4,13 31:12 32:16,16 33:8,12 34:15 36:6,12,21,24 37:7,14,17,20 38:2,7,14,21 39:2 40:21 41:21 42:24,25 43:9 46:11,16 49:5 (36)</p> <p>hatch 2:3 4:2,6 5:7 6:22 8:20 15:13 19:25 24:25 25:25 29:15 33:15 35:22 45:5,9 49:12 50:7 53:4,8 (19)</p> <p>haven 44:5</p>
---	--	---	--	---

having 12:25 19:13 46:14	honor 33:23	identical 31:6	27:11 30:16 40:5 50:2 (5)	inspecting 40:4
head 38:19	honorable 29:23	identifies 29:2	income 41:10 48:20	inspections 32:3
health 30:16	honored 26:11	illustrations 40:9	incomes 27:5	install 9:14
healthcare 28:19	hope 19:21 39:25	image 35:9,13	increase 26:15	installation 9:25 11:19 13:23 14:21 40:7 (5)
heard 5:15	hopeful 39:21	imagine 47:18,21 48:3	increases 28:24 31:6	installed 6:17 10:3 25:14
hearing 1:3 4:3 5:8,9 6:3 30:18 53:9,11,13,15 (10)	hopefully 25:18	impact 12:6,25 13:9,16 23:22 24:21 30:20,24 (8)	increasing 32:6	installing 9:19 10:19 12:9
heart 30:18 48:7	hoping 35:19	impacts 18:9 31:9 42:11	indeed 39:17	insure 11:4
heavily 18:18	house 24:5 31:5 37:6	impairment 30:23	individuals 8:7	intended 44:11
help 8:7 31:11 39:22 48:22 (4)	households 47:2	implementing 22:3	industries 26:24 27:5	intent 6:9 49:17
helped 20:20	houses 25:11,14,18	importance 27:16 46:5	industry 26:14 29:9	interactive 49:3
helping 23:18 47:8,16 48:14 (4)	housing 25:12 28:19	important 24:2,16 31:8 44:16 (4)	inevitably 34:12	interest 23:14
hensley 3:3 20:4,7,8 (4)	how 10:11,15,17 16:7 40:14 43:16 (6)	improve 31:24 33:7	information 2:20 6:7,24 7:6 32:7 34:9 48:22 (7)	interested 54:17
her 35:18	however 18:11 19:22 22:3	improving 32:4	informing 21:19	internet 25:16,17 27:18 47:20 (4)
hereby 54:8	hubs 29:3	inaudible 31:14 32:3,8,17 33:6,9,12,13 34:3 35:15 39:10 43:21 44:21 46:11 50:24 (15)	infrastructure 20:22 22:13 32:13	intersection 46:6
hereinbefore 54:11	huge 46:19	inc 33:22	ingesting 40:4	interviewing 47:23
hereunto 54:18	hurt 42:17	include 14:25	inhabitants 31:11	into 11:8 19:6,10 23:12 28:17 43:12,15,16 46:20 49:22 (10)
hi 20:7	i'd 8:21 41:21 50:8	included 31:19	initial 32:21	invite 6:23
high 40:4	i'll 45:4	includes 9:12 12:18 39:11	initiated 20:13	involved 43:19
historic 24:13	i'm 8:25 17:18 20:7 33:21 41:17 45:22,22,22 47:24 (9)	including 24:3	initiative 7:16 21:7 24:20 27:25 (4)	involves 32:10
hold 52:10,16	iceskating 50:5		initiatives 24:3	island 2:17 5:5 36:4
home 27:3 47:4,19,20 48:2,4 (6)	idea 42:8 44:4 52:16		insight 7:9 32:19	isn't 12:18
homework 48:4,5				issue 11:14 16:18

31:12 33:8 43:3 (5)	keeping 52:2	launch 7:11	limitation 52:25	48:11 (5)
issues 11:6,11 16:17 19:22 30:10 (5)	key 22:24 32:13	launching 34:5	limited 12:18 14:2,24 51:19,22 (5)	logistical 22:5
item 6:5,8 36:5,11,17,23 37:6,13,19,25 38:7,13,20,25 49:14,16 (16)	kid 48:4	leaders 20:24	link 15:9 22:8 23:20 43:4 (4)	long 16:8 36:4 40:21
items 50:22	kids 24:7 37:17 47:24 48:3,10,12 (6)	leadership 20:21	linked 29:6	longrange 15:22
its 7:10 8:10 22:4 27:7 29:2,11 34:17 35:2 41:22 (9)	kind 22:4 27:7 29:11 35:2 (4)	learning 27:20 30:22	linknyc 7:8,17 8:8 9:8,14 14:3,25 20:8,12 21:7 22:19,24 23:25 26:12 27:7 28:10,24 29:6,10 32:12,16 33:24 34:6,15,25 39:16 44:10,20 46:4,16,22 47:7,15 (33)	longterm 30:17
itself 14:10 51:22	kiosks 7:18 8:6 12:9 14:3,25 15:25 16:8 20:15 21:9 23:6,13 25:13 34:6,8 46:16,22 47:9 48:13,22,25 49:3 (21)	least 46:12	linknyc's 7:11	look 13:11 16:11 51:4
jamaica 24:6 33:22 34:4,19 36:10 (5)	know 11:21 19:9,15,16 22:3 23:19,21 48:13 51:8 (9)	left 35:13 52:20	links 21:2	loose 18:21
jamaica's 34:14	knowledge 43:17	leftover 52:21	listened 46:8	lopsided 42:15
james 2:13 54:7	known 34:4	length 24:20	listening 46:13	loss 30:18
jarrett 37:23	lamps 32:9	less 10:3 18:3	literacy 47:13	lost 42:6
jason 39:9,9	language 16:22 17:17	lessor 44:5	litter 15:25	lot 19:9 43:2
jennifer 2:11 3:3 20:4,7 (4)	large 22:6 26:17	let 44:24	lives 27:17	love 48:9
job 48:14	largest 8:15	letters 23:24	llc 6:15	lowcost 31:16
julia 45:12	lashay 2:17	levels 30:13,14	loading 10:23	lower 41:12
just 10:8 11:13 12:10,13 14:2,24 18:21 19:19 40:10 43:6 45:24 51:8 52:7 (13)	late 45:22	levered 21:16	local 21:21 34:16,20	lowincome 25:20
k 3:2	latieha 36:15	library 48:6	locate 44:21	lozano 3:5 26:4,7,8 (4)
kamber 38:5		lic 24:9	located 12:21 25:12 32:22,23 (4)	lucania 2:19 4:18 15:16,17 (4)
keep 42:20		license 49:23	location 18:19	lucas 37:23
		licensee 7:20	locations 12:13 18:19 32:18,25	lusskin 36:3
		lieu 36:2,8,14,22 37:3,10,18,22 38:4,10,17,23 (12)		made 5:24 21:14 50:20 53:12 (4)
		life 24:22 30:10 33:8		mainly 32:21
		like 6:23 8:21,23 9:3 15:14 17:7 50:8,13 (8)		maintenance 49:25
		likelihood 32:4		major 42:10 46:23
		limit 30:13		

majority 31:10	mayor's 12:2 43:18 44:15	mind 14:15 27:6	ms 4:12,15,21 5:3,6 20:7 50:12 52:18 (8)	negotiating 35:18
make 6:25 8:23 19:4 48:10 49:6 53:10 (6)	mays 3:7 33:18,21,21 (4)	minimum 10:25 23:3,10	mta 40:25 41:4 43:17 44:14 (4)	neighborhood 46:17
making 46:19 48:20	mean 10:14 51:16	minutes 5:20	much 7:4 9:21 18:11 19:22 22:12 31:5 35:21 43:16 46:8 49:11 52:7 (11)	network 8:15 21:2 32:15,21 33:3 (5)
management 2:9 4:13	means 27:21 52:18	misperception 39:24	multiple 12:25 51:15	new 5:11,13 6:6,14 7:5 8:4 9:2 12:9,13,20 15:20,21 16:8,22 17:10,22 18:2 19:3 20:14,20 21:2,3,6,8,15 22:9,9 24:5 26:15,16,19,22 27:3,8 28:3,9,12,16,20,24 29:7,12,21,25 30:2 31:10 34:24 35:2 40:7 41:8 45:2 46:17 49:6,15,22 54:3,8 (57)
manhattan 2:12 4:23 18:17 19:8 32:23 46:15,24 47:2 49:25 (9)	measured 10:15	mission 26:13	municipal 8:15	news 20:20
many 8:11 20:23 26:23 46:25 47:8 (5)	mechanism 16:5	misunderstandin g 39:23	must 5:17,25 17:24	newspaper 47:23
maps 27:12 28:12	mechanisms 8:4	mitigation 31:14,24	my 8:24 15:19 18:13 25:9 26:7 33:23 39:7 45:19,20 47:22,24 48:7,8 54:18 (14)	newsstands 39:12 50:4
marker 10:4,12,15,18 16:25 17:12,15,22,25 18:4 41:3 (11)	media 26:24	mitigations 30:6	mydlarz 3:6 29:18,21,21 (4)	next 16:19 18:11 25:2 26:2 28:4 29:14,16 33:16 35:4,19,23 39:4,22 44:3 45:10 51:5 (16)
market 10:25 31:4	meeting 53:17	modified 9:11 40:3	name 5:22 8:25 20:5 25:5,9 26:5,7 29:19 33:19 35:11,15 39:5,7 45:17,19 (15)	no 6:8 10:3 11:10,13 20:18 24:21 29:5 36:5,17,23 37:6,13,19,25 38:7,14,20,25 40:22 45:6 49:7,17 53:6,8 (24)
markets 50:4	meetings 21:20	modify 6:15	narrow 39:21	noise 30:6,9,12,21,24 31:6,7,14,18 32:20
marriage 54:16	meghan 38:24	monday 1:13	nassau 54:5	
martinezrubio 2:16 5:3	member 20:2 45:13,15	money 48:15	national 30:4	
matt 38:18	members 8:22 15:14 26:16 27:23 29:23 50:9 (6)	monitoring 30:5 31:18	necessarily 47:5	
matter 6:9 12:4 29:6 49:7,17 50:15 54:17 (7)	mentioned 11:25 13:18	month 21:13	need 12:4 18:10 22:14 28:21,22 (5)	
may 1:13 5:17,22 42:15 43:22 54:19 (6)	message 46:23	monthlong 34:18	needed 8:18	
mayor 2:3,6 4:5,7 (4)	messaging 48:24	months 35:20	needs 8:2 27:25	
	met 16:3 20:19	more 8:5,11,13 11:2 17:25 21:10,12 23:12 26:16 27:20 28:14 32:17 45:8 46:16 (14)	negative 12:5 40:15 42:11	
	michael 2:11,21 6:23 8:25 22:25 (5)	monitoring 30:5 31:18		
	might 18:9	month 21:13		
	miguel 3:4 25:4,9	monthlong 34:18		
	million 8:9 21:11,14 30:11 41:9 (5)	months 35:20		
		more 8:5,11,13 11:2 17:25 21:10,12 23:12 26:16 27:20 28:14 32:17 45:8 46:16 (14)		
		most 25:13 30:9 41:21		
		move 15:25		
		moving 12:15 50:18		

33:5 (11)	oliveri 2:22 51:12,16 52:5,14,20 (6)	42:14 43:6,11 44:22 46:16 48:16 50:5 (24)	partners 29:9	person 25:2 26:2 29:17 33:17 35:24 45:10 (6)
nonprofit 26:12	once 25:23 34:7	out 5:17 15:25 18:19 19:13 23:2 34:13 44:9 (7)	partnership 24:13 36:4	persons 5:16 12:3
normal 33:4	one 13:4 16:17,21 29:3 30:9 35:9 36:11 39:20 40:20,22 42:12,13 43:6 45:6,8 47:24 51:7,21 53:8 (19)	outcome 54:17	parts 48:16	perspective 13:15
notary 54:7	only 7:24 11:3 15:9 16:23 17:14 28:6 39:20 42:20 52:5,24 (10)	outdoor 12:20	passenger 40:5	pertaining 9:10
notice 9:15	onto 52:10,16	over 9:4 16:19 18:10 21:8 30:11 33:9 39:10 41:9,25 (9)	passengers 11:7	peter 2:3
now 4:3 17:7 18:20 25:15 32:24 41:4 42:4,16 43:3 49:6 53:15 (11)	open 9:23 19:2 24:4 37:5 (4)	overconcentratio n 13:24 14:22	past 9:5 22:23	phone 16:15 20:16 21:13 22:7 28:12 49:2 (6)
number 7:18 18:24 22:5 36:11 43:25 (5)	operating 51:14	overseas 48:16	pastor 2:21 6:23 7:4 9:21 10:14,21 11:10 12:12 13:5 14:8,15 15:5,12 17:5,19,23 18:6 (17)	phones 12:11,14 20:14 27:13 34:6,13 (6)
nyc 26:8,11	operation 49:24 50:2	owner 40:16	pay 12:10,14 20:14 22:7 34:6 42:2,2 (7)	photographs 40:12
nyu 32:22	opportunity 5:15 16:7 20:9 23:9 24:11 25:9,16,21,24 28:16 (10)	p 3:2	payers 20:18	place 10:23 17:8 20:20 26:20 29:2 (5)
oats 38:6	opposed 51:11	page 35:6	paying 23:13	placed 16:25 17:3,13 40:13 41:4 (5)
object 44:3	optimizing 32:2	pantries 28:18	payments 6:21 21:14 23:10	placement 12:19
obsolete 20:14 49:2	order 4:3 13:23 14:21	paramount 27:16	pedestrians 42:21	places 44:22
obtained 5:18	organization 27:15,22 33:25	parents 47:25	people 19:19 30:11 43:23 48:19,20 (5)	plan 13:12 15:22 23:17,18 (4)
obviously 39:15	original 14:12 51:15	park 49:23,25 50:16,16,22 51:19,22,23,25 (9)	per 10:8 21:13	planned 34:23
offering 28:16	other 12:20 13:17 14:5 15:2,3,10,13,23 18:13 20:17 21:4 24:21 27:10 28:19 32:11 39:12 40:23	parks 2:22 49:16 50:6,13,19,23 51:3 52:6 (8)	percent 21:6 31:6 41:15 47:3,5 (5)	planning 8:4 15:19,21 16:4 19:11,18,18 22:21 23:16 32:2 43:16,19 44:14,18 (14)
office 2:6,9 4:7,13 9:2,4 12:2 15:19 16:19 41:11 43:18 44:15 47:22 48:9 (14)	offices 24:12	part 5:24 16:5 27:17 53:13 (4)	percentage 22:7	plans 19:13
offices 24:12	officials 11:24 20:24	particular 10:23 13:8,9 15:6 19:17 46:9 (6)	perfectly 44:8	platform 31:17 35:4
old 22:7 35:10,15 41:13 (4)	older 24:6	particularly 42:25	performances 30:20	
oldest 41:20		parties 54:15	perhaps 48:6	
			permit 9:13	

play 42:13	preserve 44:19	prohibition 9:25 10:10,19	9:13 13:21 14:2,9,12,18,24 15:6 (9)	quite 16:16
plays 47:15	president 2:12,14,15,17,18 4:16,19,22,25 5:4 20:8 25:10 (12)	project 8:14 16:13 23:23 29:12 30:3,8 31:12 32:14 33:6,13 35:2 46:4 (12)	provisions 14:7	race 42:12
please 4:4 5:21 6:4 9:17 19:25 20:5 24:25 25:5,25 26:5 29:16,19 33:16,19 35:23 39:4 45:9,17 49:13 (19)	president's 15:18	projects 8:6	proximity 13:4	radius 43:9
pleased 16:11	pressing 40:14	promoting 21:21	pt 45:22	raised 11:11
pm 1:2 53:18	prevent 13:23 14:21	proposal 18:3	public 1:3 4:3 5:7 6:3,12 8:21 13:18 20:2,16 21:19,22 22:20 24:13,15 25:11 27:9 34:16 50:8 53:11 54:7 (20)	ranging 31:9
point 10:6 16:9 48:10 52:11 (4)	prices 31:5	propose 11:18 31:16	publicly 5:10 53:12	rational 10:22
pointed 22:25	primary 29:3	proposed 6:12 7:2,7,13,22 8:16 9:5,10,12,18,22 11:20 13:13 14:13 23:15 24:19 41:19 (17)	published 11:12	reach 16:9
pole 43:23 44:4	prior 51:11,12	proposing 16:5	purchase 31:17	reached 44:9
poles 43:22	private 21:23	prospective 27:14 29:4	purpose 28:13	real 7:23 26:25 31:4
policy 10:22	problem 11:4 31:9 41:18	protective 32:5	purposes 21:19	realizes 24:16
politician 45:23	procapital 46:15	proud 27:6 46:18	pursuant 49:20	really 17:18 18:8 31:8 48:7 (4)
pollution 30:6,9,21,25 31:7,15 33:5 (7)	procedure 49:20	proven 22:13 30:15	put 19:6,10,13 40:11 43:16 (5)	realtime 31:18
position 20:21	proceeding 53:14	provide 20:15 28:8 34:9,11 45:2 (5)	putting 42:9	reason 27:22 42:20
positive 21:7 24:4 36:21	process 15:24 19:11,18,19 43:20 44:14 (6)	provided 22:21 32:13 33:12 34:7 35:5 40:19 (6)	quality 30:10 33:8 41:22	reassess 23:11
potential 13:16	processes 22:22	providers 32:24	quarterly 34:18	receive 16:10
power 11:16,17	produces 39:16	provides 28:11	queens 2:15 5:2 32:25 35:13 (4)	received 19:14 23:25 36:2,9,15 37:4,11,23 38:5,11,18,24 (12)
practical 18:9	profile 28:25	providing 21:12 32:18	question 14:16 17:6 43:15 51:7 (4)	recently 11:13 21:5 25:13
practice 51:25	program 9:8 22:16,24 23:14 26:12 27:8,25 33:24 39:16 41:6 (10)	provision 6:19	questions 9:9 24:23 45:4 51:3 (4)	recommend 50:17
present 34:18	programs 22:2 29:6 40:19		quintian 2:9 4:15	record 5:25 20:6 25:6 26:6 29:20 33:20 36:7,13,19 37:2,9,15,21 38:3,9,16,22 39:3,6 45:18 53:14 54:12 (22)
presented 22:4 34:21				recreation 49:16
presents 7:7				

recreations 2:22	replacing 12:10 49:2	51:9 (8)	save 48:15	serve 41:9
reduces 30:22	report 41:11 51:17	revenues 51:19 52:3,3,10,12 (5)	say 11:15 17:17 26:5 41:21 43:6 (5)	service 33:25 41:14 45:2
refer 23:10	reporter 53:10	review 1:4 5:9 6:10 26:10 29:24 49:18 (6)	saying 39:14	services 6:19 20:17 22:20 24:7 25:22 27:12 28:11,13,20 40:19 41:23 43:8 47:10 50:6 (14)
referring 14:8 41:17	represent 46:23	revisiting 19:8	schedule 6:16	set 52:7 54:11,18
refrain 13:22 14:20	represents 22:18	revolve 27:17	schedules 11:19	sets 31:19
regard 16:22	request 5:17 40:2	riders 41:9	school 28:3 47:23	setting 9:11 10:7
regarding 7:2 12:24	require 10:2 16:23,23 17:16 (4)	right 10:21 11:10 17:6,7 18:6 33:9 35:10 42:4,16 44:3 (10)	science 30:4	several 27:23
regards 41:5	required 11:22 17:2,8,10,19 (5)	rink 50:5	scientist 29:25	share 16:10 22:2
regime 17:10	requirement 10:7	robert 25:11	se 10:8	sharon 2:8 36:20
regular 24:22	requirements 9:19,22 18:20 23:5 (4)	rogawski 45:12	season 50:4	shelley 38:11
reinvestment 22:14	research 29:25 30:5	role 47:16	second 6:12 7:19 44:19 49:14 (4)	shelter 40:8 41:6 43:22,24 (4)
related 54:14	residents 30:10	roll 4:4	secondly 31:23 32:6	shelters 12:20 39:12 40:7 41:16 (4)
relating 6:11	resides 35:12	rollout 16:13 23:18	section 49:20	short 31:7
relationship 31:3	resolve 39:23	route 23:16	see 15:24 29:13 35:3,6 40:9 48:10,12 (7)	should 44:17 52:14
relevant 34:8 41:14	resources 21:24 28:21	ruiz 2:5	seek 6:9 49:18	showing 30:21 31:3
relief 42:7	respect 39:15,17 40:2	rule 40:20 42:20	seeking 33:7	side 43:11
remain 22:25 23:4	response 53:6	rules 5:12 44:20 49:21	seems 17:7,17 19:2	sidewalk 44:2
remarks 45:25	result 46:13	running 42:22	seen 21:10	sidewalks 43:3
remember 40:16	retail 44:3	safe 44:5	selected 10:17	sighting 41:17
renewals 51:15	returned 52:22	safety 13:18	sensible 40:20	signature 54:23
repeating 14:16	revenue 7:19 13:2 21:25 23:3,10,12 42:14	said 44:10 47:24	separate 13:3 14:6 15:2	significant 22:10 30:25 47:16
replaced 34:6		same 22:25 23:4 39:20 43:3 51:17 (5)	series 7:13	
replacement 20:13			seriously 29:8	

signup 21:11	sort 18:25	statement 7:2	14:23 15:7 (4)	supporters 23:21
silicon 45:21 46:2,14,18 47:12 (5)	sounds 30:2	statements 8:23 50:10	structures 6:16 13:2,25 14:5 15:2,9,10,22 40:23 (9)	supporting 26:14
simply 42:13 44:6 52:16	source 47:9 49:22	staten 2:17 5:5	struggle 44:25	supportive 19:12
since 7:11 11:12 20:22 34:5 (4)	southeast 35:13	states 29:4 40:22	studied 31:2	sure 5:14 14:17 19:4
sister 11:25	space 34:18,20	stations 34:11	studies 30:21	surfaces 27:10
site 12:5	speak 5:16 15:15 25:24 33:24 45:6 53:9 (6)	status 49:8	submission 35:17	survey 21:5
sites 19:3 22:7,9	speaker 5:19	staying 10:22	submissions 5:25	swapped 18:19
siting 6:18 43:24	speaking 23:22 36:2,9,15,23 37:4,11,18,23 38:5,11,18,24 (13)	stephanie 2:5	submit 5:23	sworn 54:11
sleep 30:17	special 50:3	still 10:2 17:24	submitted 36:6,12,18,22,25 37:8,14,17,20 38:2,8,15,21 39:2 (14)	system 31:13
slip 5:17	specific 11:5,13 31:13	stonewall 24:5 37:24	subscribers 8:10	table 46:15
small 29:5	specifically 46:10	stop 9:14,20,23 10:2,4,12,15,18 12:9,22 17:14,20,24 40:24,24 41:3,7,13 42:21 43:12,13 44:23,24 (23)	substantial 22:14	tablets 21:16
smaller 44:22	spending 52:4,5	stops 40:4	subways 41:12	tackle 31:11
smart 20:21 34:8,13	spent 52:15,15,23,24 53:2 (5)	store 44:3	succeeded 20:25	take 8:20 16:8 50:7
social 49:8	ss 54:4	streams 21:17	success 7:15 24:14	taken 11:7
sole 49:22	stakeholders 21:23	street 12:21 18:24 32:9 39:10 41:18 43:10 46:21 49:4 51:20 (9)	successful 41:22	takes 29:8
solidifying 8:6	stand 40:13	streets 7:25 34:7 40:17	such 13:3 18:21 21:19 26:24 28:11 30:16,18 32:8,11,12 51:2 54:12,13 (13)	taking 41:25
solution 22:18	stands 12:20	strengthen 27:2,4 34:3	summer 33:2	talked 15:21
solutions 41:25	starbucks 48:5,8,9	strengthened 23:8	super 8:10 34:10	tap 28:17
some 18:16,17 19:21 30:8 39:10,12 40:14 44:5,21 45:24,25 47:11 48:14 51:3 (14)	start 39:14	stress 10:6	support 23:24 26:11 27:7,24 29:13 32:5,16 33:4,24 (9)	tax 20:18
something 43:14	state 5:21 20:5,14 25:5 29:19 33:19 39:4 45:17 54:3,8 (10)	structure 6:13,18		team 31:12
sonic 33:3,8				tech 24:8 26:8,11
sorry 45:22				technology 2:20 6:7,25 7:6 24:7 26:14,20 27:2,4 28:5 29:2,3,8 41:13 (14)
				technyc 29:5
				techrow 24:8

37:12	18:20 19:16 21:4 27:13 32:16 46:13 47:10 48:4 52:2,2 (12)	thought 10:24,25 43:14	transparency 50:25	underway 22:22
telecommunicatio ns 6:8,25 7:7		thousands 8:11	transportation 12:16	undo 18:16 19:5
telling 19:19	them 16:12,16 44:12 48:23 51:5 52:4,17 (7)	three 5:20	travis 37:11	unforeseen 22:5
tentative 25:10		thrive 22:19 39:19	tremendous 8:9	unique 21:11 26:22 35:4
term 15:7 51:22 52:11	there's 44:3 48:23 52:25	through 13:3 27:21 33:2 40:25 (4)	trucks 32:9	united 29:4
terms 51:25	therefore 28:7	throughout 23:6	true 27:19 44:6,7 54:12 (4)	units 23:2
testified 46:2	thereupon 53:17	thus 35:8	truly 24:10	unity 44:2
testify 5:21 20:3 25:3 26:3 29:17 33:17 35:24 45:11 53:5 (9)	these 13:15 15:25 19:13 21:24 25:13 28:23 30:14 34:21 48:13 54:15 (10)	time 6:22 11:22 18:12 19:9,21,22 22:10,15 28:2 40:22 45:23,23 46:7,10 48:6,6 (16)	trust 44:12	university 29:22 30:2
testimony 5:23 8:20 35:5,25 36:5, 8,12,14,18,22,24 3 7:3,7,10,14,18,20, 22 38:2,4,7,10,14, 17,21,23 39:2 45:25 50:7 54:13 (30)	they'll 52:12	timing 6:20	try 44:25	unless 17:11
tetta 54:7	they're 11:19 13:13 16:5 19:20 52:23 (5)	today 5:10 16:16 20:10 22:18 23:21 33:23 (6)	turn 27:3 34:15	unspecified 18:25
than 10:3 11:2 16:2 18:3 21:10,12 26:16 41:12 44:18 46:16 (10)	they've 34:17	today's 53:9	turned 52:12	until 11:12 52:10
thank 7:4 8:19 9:3,21 15:11,12 16:14 19:24 20:8 24:24 25:8,23,23 26:7 29:10,14,15 33:14,15 34:24 35:21,22 45:5 48:9 49:11,12 50:12,13 51:6 53:16 (30)	thing 13:10,18 31:16 43:6 (4)	tom 2:19 15:17 38:5	two 7:11,17 22:23 31:25 34:21 35:6,6 39:22 42:10 (9)	untouched 7:21
thanks 32:23 53:3	things 39:13	tonya 2:14	type 28:8	up 9:23 16:21 19:2 33:2,3 34:12 35:19 40:11 (8)
their 13:16 16:4	think 10:21 13:10 18:7,10 39:24 43:14,15 46:19 (8)	took 39:10	typically 41:7	updates 8:17
	thinking 51:20	tools 27:20	ultimate 26:18 40:16,17	upon 9:15
	third 34:22 35:16	top 30:9	ultra 49:9	upper 46:15,24 47:2
	thirdparty 21:5	tourists 21:3	ultrafast 27:9	urban 31:14
	those 8:7 12:11 19:14,22 25:20 27:4 34:11 47:24 48:11,21,25 51:9 (12)	towards 50:21	under 14:6 17:9,22 18:2 51:14 (5)	us 16:6 18:7 22:9 23:15 27:11 30:11 31:2 34:12,15,17 39:22 44:24 46:14 47:14,16 50:14 (16)
	though 11:15	track 8:14 50:19	underground 22:13	use 25:21 34:17 40:4
		tracking 51:2	underlying 13:20	used 31:24 46:22
		trade 26:13	understanding 32:19	useful 28:11

users 21:11 23:19 27:10	wallace 3:8 39:4,7,8 (4)	wheelchairs 42:22	20:16 21:11 27:9,19 28:10 32:15 34:10 39:15 42:16 43:8,9 (16)	32:9 33:5 50:15 (8)
uses 7:9 35:15	want 5:14 15:24 16:14,21 19:4 23:23 39:14 43:2,5,6,13 45:24 (12)	when 5:21 23:19 28:21 42:19 52:3 (5)	wigglesworth 35:12	working 9:4 16:12 20:23 30:2 50:14 (5)
using 26:18		whenever 17:2		world 7:23 8:16 33:10 41:20 48:17 49:10 (6)
utility 21:24		where 10:14 11:19 16:7 19:2,9,20 23:20 28:22 30:25 49:7 (10)	will 4:3,4 5:19,24 6:4,15 8:3,17,20 9:13 11:3,15,17,18 ,21,22 12:5,6,8,13 16:6,8 19:25 22:18 23:2,4,7,8,15,22 24:19,25 25:25 27:4 28:5 29:16,19 31:20,21 33:16 35:19,23 39:22 41:25 42:2,10,13,14,16 43:7 45:6,9 48:17 49:13 50:7 52:9 (56)	worse 39:25
utilize 8:12 49:19	wanted 51:8	whereof 54:18		worthwhile 28:23
valuable 20:17	wants 29:8 39:17,18	whereupon 40:12 53:6		would 6:22 8:23 9:3,23 11:3 12:7 13:11,12,14 14:3,15,25 15:14 16:22,23 17:2,8,16 20:15 50:13 52:22 (21)
value 8:9 27:18	warrell 38:12	whether 48:15		wouldn't 11:4 17:10
variety 48:18,19	way 11:17 40:22 43:8,19 54:16 (5)	which 5:17,24 7:22 8:3 18:25 19:12 20:12 24:16,19 31:20 32:22 34:17,19 39:11 41:17 43:15,24 44:20 46:11 50:21 52:11 53:11 (22)	wish 53:4	wrap 33:3
versatile 21:24	ways 31:25	while 16:16 34:13	wishes 20:3 25:2 26:2 29:17 33:17 35:24 45:6,10 53:8 (9)	written 5:23,25 9:15 35:25 36:5,8, 12,14,17,22,24 37: 3,7,10,13,18,20,22 38:2,4,7,10,14,17, 20,23 39:2 (27)
very 7:4 9:21 18:18 35:21 40:20 41:13,14 45:21 46:8,18,20 49:11 (12)	we'll 16:20	whitney 36:9	wishing 5:16	x 1:2,5
veteran 35:14	we're 7:14 19:7,12 24:17 33:25 35:18 43:7 46:17 51:14 (9)	who 8:11 15:14 20:2 21:23 23:22 25:2,17 26:2 29:17 33:17 34:12 35:15,24 45:10 47:22 48:20,21 (17)	wishes 20:3 25:2 26:2 29:17 33:17 35:24 45:6,10 53:8 (9)	year 35:10,14
visibility 40:8	we've 35:7 48:18	while 16:16 34:13	wishes 20:3 25:2 26:2 29:17 33:17 35:24 45:6,10 53:8 (9)	yearly 19:13 23:18
visitor 50:5	weeks 9:5	whitney 36:9	wishes 20:3 25:2 26:2 29:17 33:17 35:24 45:6,10 53:8 (9)	years 7:11 22:23 30:3 31:21,22 (5)
visual 42:19	weigh 19:15	who 8:11 15:14 20:2 21:23 23:22 25:2,17 26:2 29:17 33:17 34:12 35:15,24 45:10 47:22 48:20,21 (17)	wishes 20:3 25:2 26:2 29:17 33:17 35:24 45:6,10 53:8 (9)	yes 14:11 15:16
vital 21:2 31:9 47:9	weighted 18:18	whole 13:12 33:13	wishes 20:3 25:2 26:2 29:17 33:17 35:24 45:6,10 53:8 (9)	yet 18:8
voice 46:14	welcome 5:7 24:23	whose 35:11 54:10	wishes 20:3 25:2 26:2 29:17 33:17 35:24 45:6,10 53:8 (9)	york 5:12,13 6:6,14 7:5 9:2 20:20 21:8,15
waive 9:24 10:9	well 8:4 14:13 21:25 40:18 50:25 52:14 (6)	wifi 8:11,15 16:24 17:3,9	wishes 20:3 25:2 26:2 29:17 33:17 35:24 45:6,10 53:8 (9)	
waived 17:21 45:13,15	wessner 37:5		wishes 20:3 25:2 26:2 29:17 33:17 35:24 45:6,10 53:8 (9)	
waiver 11:16 16:24 17:2,8,14,16,19 18:5 (8)	what 11:5,21 17:17 30:13 33:11 43:7 47:7 51:25 52:25 (9)		wishes 20:3 25:2 26:2 29:17 33:17 35:24 45:6,10 53:8 (9)	
waivers 11:21 12:6	what's 29:13 35:3 39:23 51:24 (4)		wishes 20:3 25:2 26:2 29:17 33:17 35:24 45:6,10 53:8 (9)	
walk 46:20			wishes 20:3 25:2 26:2 29:17 33:17 35:24 45:6,10 53:8 (9)	

<p>24:5 26:15,16,19 27:3 28:3,9,13 29:7,12,22,25 30:3 31:10 34:24 35:3 41:8 46:17 49:6,15,22 54:3,8 (32)</p> <p>york's 26:22 28:25</p> <p>yorkers 21:3,6 27:8 28:16,20 45:3 (6)</p> <p>you'll 40:9</p> <p>you're 51:20</p> <p>young 2:17 5:6</p> <p>yourselves 47:18,21</p> <p>yvonne 2:9</p> <p>zone 9:15,20,23 10:2,12 11:9 12:14,22 17:4,9,14,20,24 41:7,13 42:10,21 43:12,13 44:23 (20)</p> <p>zones 12:10,11 40:24,24 (4)</p> <p>311 8:13 28:17</p> <p>330 48:11 53:18</p> <p>600 26:16</p> <p>821 24:4</p> <p>911 8:13</p> <p>1500 21:8</p> <p>1985 51:13</p> <p>2014 20:11</p>	<p>2016 34:5</p> <p>2017 1:13 21:13 54:19</p> <p>7500 23:2</p> <p>250000 21:12</p>			
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PUBLIC HEARING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MONDAY, MAY 7, 2018 @ 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) 788-0010, 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, May 7, 2018 @ 2:30 P.M.*

**NEW YORK CITY DEPARTMENT OF INFORMATION TECHNOLOGY
AND TELECOMMUNICATIONS**

No. 1 **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval relating to: a proposed second amendment to a public communications structure franchise agreement between the City of New York and CityBridge, LLC ("CityBridge") that will modify (1) the schedule and deployment of Structures to be installed (2) the criteria applicable to siting of each Structure, (3) the provision of ancillary services, and (4) the timing of franchise compensation payments.

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 2: **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 enter into a Sole Source License Agreement ("Agreement") with the Bryant Park Corporation ("BPC") for the operation and maintenance of Bryant Park in Manhattan, including the operation of food concessions, special events, a carousel, newsstands, seasonal markets, an ice-skating rink and other visitor services and events authorized by Parks. BPC shall operate and maintain Bryant Park for the use and enjoyment of the general public in accordance with the terms of the Agreement and to the reasonable satisfaction of the Commissioner. All gross receipts received by BPC will be used exclusively to pay all costs incurred by BPC in operating, repairing, maintaining and managing Bryant Park and in performing BPC's obligations and providing services required or permitted by the Agreement ("Expenses"). If the gross receipts received by BPC for any Fiscal Year exceed such costs ("Excess Revenues"), any Excess Revenues shall be used exclusively to pay: i) accumulated Expenses incurred in the prior Fiscal Year that exceed gross receipts for that Fiscal Year, or ii) Expenses incurred in any subsequent Fiscal Year, subject to submission to Parks of an annual income and expense statement with a certification that all of BPC's gross receipts, including

Excess Revenues, to the extent expended, were applied solely to pay Expenses, or remain available to pay for future Expenses. Any Excess Revenues not applied to Expenses at the end of the term, shall be remitted to the City in accordance with the Agreement. The term of this Agreement shall be ten (10) years with up to two (2) five (5)-year renewal options, by mutual agreement, and shall commence on Parks' giving written notice to proceed to BPC.