

Franchise & Concession Review Committee Public Hearing
May 6, 2019

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3 PUBLIC HEARING
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5 FRANCHISE AND CONCESSION REVIEW COMMITTEE
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10 2 Lafayette Street
11 14th Floor Auditorium
12 New York, New York 10007
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14 Monday, May 6, 2019
15 2:43 p.m.
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2 A P P E A R E A N C E S :

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4 Mayor: Peter Hatch

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6 Office of the Mayor: Benjamin Furnas

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8 Corporation Counsel: Sharon Cantor

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10 Office of Management and Budget: Yvonne Quintian

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12 Comptroller: Jennifer Conovitz

13
14 Bronx Borough President: Not Present

15
16 Brooklyn Borough President: Tonya Canto-Cockfield

17
18 Manhattan Borough President: James Caras

19
20 Queens Borough President: Allan Swisher

21
22 Staten Island Borough President: Lashay Young

23
24 Clerk: Gregg Alleyne

25

2 THE CLERK: Good afternoon.
3 Public hearing will now come to order.
4 Will the Clerk please call the roll
5 call?

6 THE CLERK: Mayor?

7 MR. HATCH: Here.

8 THE CLERK: Office of the Mayor?

9 MR. FURNAS: Here.

10 THE CLERK: Comptroller?

11 MS. CONOVITZ: Here.

12 THE CLERK: Corporation Counsel?

13 MS. CANTOR: Here.

14 THE CLERK: Office of Management
15 and Budget?

16 MS. QUINTIAN: Here.

17 THE CLERK: President, Borough of
18 the Bronx?

19 (No response.)

20 THE CLERK: Let the record reflect
21 that President, Borough of the Bronx,
22 is not present.

23 President, Borough of Brooklyn?

24 MS. CANTO-COCKFIELD: Here.

25 THE CLERK: President, Borough of

2 Manhattan?

3 MR. CARAS: Here.

4 THE CLERK: President, Borough of
5 Queens?

6 MR. SWISHER: Here.

7 THE CLERK: President, Borough of
8 Staten Island?

9 MS. YOUNG: Here.

10 MR. HATCH: Welcome to this public
11 hearing of the Franchise and
12 Concession Review Committee. The
13 hearing being conducted today has been
14 publicly advertised in accordance with
15 the New York City Charter and
16 Concession Rules of City of New York.

17 We want to be sure that anyone
18 desiring to be heard has an
19 opportunity to do so. All persons
20 wishing to speak must fill out a
21 request slip, which may be obtained
22 from the Clerk. Each speaker will be
23 allotted approximately three minutes.
24 When you testify, please state your
25 name and affiliation, if any. You may

2 also submit written testimony to the
3 Clerk which will be made a part of the
4 record. Any written submissions must
5 be given to the Clerk before the close
6 of the public hearing.

7 Will the Clerk please call the
8 first calendar item?

9 THE CLERK: New York City
10 Department of Citywide Administrative
11 Services, Calendar Item Number 1: In
12 the matter of the intent to award as a
13 sole source concession the operation
14 of dry boat storage, docking of no
15 more than 8 jet skis, and business
16 accessory parking, in the Borough of
17 Brooklyn to Emmons Avenue Marina, LLC,
18 for a retroactive three-year term
19 commencing on April 15th, 2015.
20 Please be advised that at the request
21 of the agency, this item will be held
22 over to the June 10, 2019 FCRC Public
23 Hearing, which will take place at 2
24 Lafayette Street, 14th Floor,
25 Manhattan at 2:30 p.m. Any changes to

2 this schedule, which will result in a
3 Special Public Hearing being scheduled
4 prior to June 10, 2019 FCRC Public
5 Hearing, will be noticed in the City
6 Record and as required by Section 104
7 of the Open Meetings Law.

8 THE CHAIR: The hearing on the
9 first calendar item will be continued
10 to the June 10th FCRC Public Hearing.

11 Will the Clerk please call the
12 second calendar item.

13 THE CLERK: New York City
14 Department of Transportation, Calendar
15 Item Number 2: In the matter of the
16 intent to award as a concession a Sole
17 Source License Agreement to the
18 Meatpacking District Management
19 Association, Incorporated, to provide
20 for the operation, management, and
21 maintenance of pedestrian plazas
22 located in the Borough of Manhattan,
23 for one six-month term, commencing
24 upon written Notice to Proceed, which
25 may be renewed for up to three

2 additional five-year terms. Please be
3 advised that at the request of the
4 agency, this item will be held over to
5 the June 10, 2019 FCRC Public Hearing,
6 which will take place at 2 Lafayette
7 Street, 14th Floor, Manhattan at 2:30
8 p.m. Any changes to the schedule
9 which will result in a Special Public
10 Hearing being scheduled prior to the
11 June 10th, 2019 FCRC Public Hearing,
12 will be noticed in the City Record and
13 as required by Section 104 of the Open
14 Meetings Law.

15 THE CHAIR: The hearing on the
16 second calendar item will be continued
17 to the June 10th FCRC Public Hearing.

18 Will the Clerk please call the
19 third calendar item.

20 THE CLERK: New York City
21 Department of Transportation, Calendar
22 Item Number three: In the matter of
23 the intent to award as a concession a
24 Sole Source License Agreement to the
25 34th Street Partnership, Inc., to

2 provide for the operation, management,
3 and maintenance of a pedestrian plaza
4 located at West 33rd Street between
5 7th Avenue and 8th Avenue, in the
6 Borough of Manhattan, for a one year
7 term, commencing upon written Notice
8 to Proceed, which may be renewed for
9 up to three additional five-year
10 terms.

11 THE CHAIR: Do any members of the
12 Committee have statements on this
13 item?

14 MS. CONOVITZ: Yes. I just want
15 to confirm that DOT has the authority
16 to require prior budget as it relates
17 to the operation and maintenance of
18 the license to the plaza.

19 SPEAKER FOR DOT: That's correct.

20 MS. CONOVITZ: And DOT will also
21 require that the 34th Street
22 Partnership have a special account for
23 all revenues from the concession?

24 SPEAKER FOR DOT: As stated in the
25 agreement.

2 THE CHAIR: Any members of the
3 public who wish to make a statement?
4 If not, will the Clerk please call --
5 if no one wishes to speak, that
6 concludes the hearing on the third
7 calendar item.

8 Will the Clerk please call the
9 fourth calendar item.

10 THE CLERK: New York City
11 Department of Transportation, Calendar
12 Item Number Four: In the matter of
13 the intent to award as a concession of
14 a Sole Source License Agreement to the
15 34th Street Partnership, Inc., to
16 provide for the operation, management,
17 and maintenance of a pedestrian plaza
18 located on Broadway at 6th Avenue
19 between West 32nd and West 36th
20 Streets, in the Borough of Manhattan,
21 for a one-year term commencing upon
22 written Notice to Proceed, which may
23 be renewed for up to three additional
24 five-year terms.

25 THE CHAIR: Changes to the

2 concession documents have been
3 distributed to the Committee. And so,
4 DOT will read those changes into the
5 record.

6 SPEAKER FOR DOT: The change of
7 the agreement A (inaudible) --

8 THE CHAIR: Do any members of the
9 committee have statements on this
10 item?

11 MS. CONOVITZ: Yes.

12 SPEAKER FOR DOT: I'm going to
13 repeat that. The change on the
14 agreement is to Exhibits A, C and D.

15 MS. CONOVITZ: Thank you. We are
16 confirming that as in the other
17 concession agreement, the terms are
18 similar and DOT will have the
19 authority and will obtain a prior
20 budget relating to the operation and
21 maintenance of the license premises?

22 SPEAKER FOR DOT: Correct.

23 MS. CONOVITZ: Again, there will
24 be a special account required for
25 revenue related to the concession?

2 SPEAKER FOR DOT: Yes. As stated
3 in the agreement.

4 MS. CONOVITZ: Thank you.

5 THE CHAIR: Anyone else?

6 (No response.)

7 THE CHAIR: If no one else wishes
8 to speak, that concludes the hearing
9 on the fourth calendar item.

10 Will the Clerk please call the
11 fifth calendar item?

12 THE CLERK: New York City
13 Department of Parks and Recreation.
14 Calendar Item Number 5: In the matter
15 of the intent to award as a concession
16 for the development, operation, and
17 maintenance of a sports and
18 recreational facility at Queensborough
19 Oval in Manhattan, for a ten-year term,
20 to York Avenue Tennis, LLC.

21 THE CHAIR: Changes to the
22 concession documents have been
23 distributed to the committee.
24 Department of Parks and Recreation
25 will read those changes into the

2 record.

3 SPEAKER FOR PARKS DEPARTMENT:

4 Exhibit C, under the other programming
5 section to reflect the appropriate set
6 forth represents the minimum a
7 licensee must provide.

8 THE CHAIR: We'll take testimony
9 from the public, but first I'd like to
10 ask if any members of the committee
11 have any statements on this?

12 MR. CARAS: Thank you. The office
13 of Borough President has received a
14 lot of e-mails, phone calls and she is
15 very happy with the fact that changes
16 were made to allow this here going
17 forward an opportunity for more
18 people -- the public to have access to
19 the tennis courts, to make it more
20 affordable, to have more programming
21 for youth and others there. She is
22 also in support that the revenues from
23 this park -- from this tennis bubble
24 be allocated by parks to other parks
25 in the CBA area. Open space is direly

2 position. I simply needed a part-time
3 job for extra money. I love tennis,
4 so it was a perfect fit.

5 As the years past, again, like
6 many of our staff members, Sutton East
7 became more of a home than a job. I
8 came to know many of my coworkers and
9 our customers as actually friends and
10 family. They were New Yorkers from
11 all over the country and all over the
12 world. From so many different
13 backgrounds, it was definitely a
14 fascinating place for a small-town
15 southern boy at work. Sutton East is
16 a true melting pot of people. As I
17 settled in, I just wanted to be there
18 more. I wanted to work more, and so I
19 did. Then I was offered the job as
20 assistant manager and then after
21 promoted as club manager. I won a 15
22 staff members who have worked at
23 Sutton East for over 15 years. Most
24 of our remaining staff has worked at
25 Sutton East for over five years. Many

2 of our newer staff members came to
3 Sutton East for their first job right
4 after college.

5 My coworkers and I are
6 hard-working, tax-paying New Yorkers
7 who contribute in many ways to this
8 city in various Boroughs and
9 neighborhoods that we call home. We
10 love the game of tennis and love
11 sharing it with our customers. Our
12 non membership facility, we offer
13 thousands of New Yorkers a convenient
14 neighborly place to gather and play
15 tennis each year. Inside our bubble
16 at Queensboro Oval, players meet their
17 friends and enjoy a game or lesson or
18 a clinic, no matter what the weather
19 is outside. As I mentioned,
20 customers, like our staff members, are
21 diverse as the City of New York
22 itself, comprised of people from every
23 race, religion, and cultural
24 background.

25 Our staff is always willing to

2 serve our customers. We are managers
3 and teaching pros and front desk staff
4 and pro shop staff and court
5 maintenance staff, and we want to
6 continue serving our customers and we
7 want to continue earning our
8 paychecks. We are thrilled that
9 Department of Parks of Recreation will
10 continue tennis at Queensboro Oval and
11 we urge you to approve their decision.
12 Thank you very much for the time.

13 THE CHAIR: You can call the next
14 member of the public who wishes to
15 testify.

16 THE CLERK: Michael Filipek.
17 Please provide your full name and
18 affiliation for the record.

19 MR. FILIPEK: My name is Michael
20 Filipek. I'm the head professional
21 and junior programs director at Sutton
22 East Tennis, following my colleague
23 here, Jerry. I'm speaking here today
24 on behalf of the over 550 children who
25 learn and play tennis, the sport of

2 tennis each week, and a staff of over
3 60 staff for tennis instructors and
4 maintenance staff, making their
5 living.

6 For over four decades, Sutton East
7 Tennis, who some call a miracle under
8 the bridge, has converted what is a
9 very restricted-use space directly
10 underneath the Queens Borough Bridge
11 into a safe and healthy place for
12 children to get exercise, make friends
13 and gain inspiration while learning a
14 wonderful lifetime sport. Sutton East
15 courts underneath the Queens Borough
16 Bridge, is not only a treasure in New
17 York City, but it is unique worldwide
18 gym. It is truly making a difference
19 in many lives every day. This is
20 particularly evident in the petition,
21 which I have here, with over six
22 thousand New Yorkers that have signed
23 and commented in strong support of the
24 continuation of Sutton East. These
25 are people from all walks of life who

2 can and do enjoy the facility on a
3 regular basis. With our new contract,
4 we are excited and proud to provide
5 even more opportunity to the public
6 including low-cost programs and
7 scholarships for children.

8 We thank you for your support and
9 look forward to making a difference in
10 the lives of even more New Yorkers in
11 the years to come. Thank you.

12 THE CHAIR: Will the Clerk please
13 call the next member of the public who
14 wishes to testify.

15 THE CLERK: Jeffrey Zuckerman.
16 Please provide your full name and
17 affiliation for the record.

18 MR. ZUCKERMAN: My name is Jeffrey
19 Zuckerman. Thank you for hearing me.
20 I'm appearing in support of Sutton
21 East Tennis as a citizen of New York
22 City, who has benefited from the
23 facility for many years, as has my
24 son.

25 I've lived in New York City my

2 entire life, resided on the Upper East
3 Side with my wife and son for many
4 years. Sutton East has been and
5 remains an important part of our
6 lives. My association with Sutton
7 goes back to the early 1980s. I began
8 playing tennis as a young government
9 lawyer. I knew little about tennis, I
10 was definitely not very good at it.
11 Nevertheless, it provided year-round
12 refuge from the daily grind of life in
13 New York City and a place to relax,
14 have fun with coworkers and friends.

15 Six of us shared a court once a
16 week for two hours. The cost was
17 extremely reasonable, even on a
18 government salary. Today, it remains
19 reasonable when compared to the
20 competition given around the city.
21 Over the years, I've observed and
22 experienced personally the benefits of
23 Sutton. As has been said, it's
24 diverse. They offer great programs
25 for kids and adults for all ages.

2 They treat everybody with respect.
3 It's safe, it's convenient. The
4 entire staff, management, pros, people
5 behind the desk, people who work
6 tirelessly to keep the bubble clean,
7 which is no easy task, do a tremendous
8 job. Topnotch. There's nothing like
9 it anywhere in Manhattan. It brings
10 vitality to a dreary part of the city.
11 As has been mentioned, the 59th Street
12 Bridge. I believe it's truly a great
13 use of a very difficult and otherwise
14 difficult place.

15 My son asked me to -- I'm going to
16 cut my remark short. My son asked me
17 to read a statement on his behalf,
18 which if you'll allow me, I'm going to
19 do. Which reads as follows:

20 "My name is Alex Zuckerman. I'm
21 23 years old. I've been training at
22 Sutton since I was three years old.
23 I'm a person who has struggled all my
24 life to overcome tremendous
25 disabilities. Sutton has helped me to

2 do this and helped me to become an
3 elite tennis player with a bright
4 future. I've known Tony, the owner,
5 Michael Filipeck, the director, Lisa
6 Graham, one of the assistants,
7 personally for many years. They run
8 terrific programs for peewees, juniors
9 and adults. They're fantastic people
10 who treat everyone fairly with great
11 respect regardless of age or
12 background. Everybody is welcomed.
13 For me, Sutton East is not just
14 another tennis facility, it's a vital
15 part of our community and a second
16 home. And the individuals who run it
17 are critical to its success."

18 And finally, he says, "I play
19 tennis at all the facilities in and
20 around New York City and I can
21 honestly say that Sutton East is by
22 far the best. Why do I say that?
23 Lots of reasons. Number one is the
24 people, on top of that, the
25 convenience," et cetera. I'm going to

2 stop and yield to the next speaker.

3 Thank you.

4 THE CLERK: Mal L. Barash. Please
5 provide your full name and affiliation
6 for the record.

7 MR. BARASH: My name is Mal
8 Barash. I'm here to speak from myself
9 and also for the others that play
10 tennis. I live at 1225 Park Avenue.
11 I've lived on the Upper East Side for
12 over 60 years. In the 1960s, I was
13 the democratic district leader in
14 district north. I served on Community
15 Planning Board number 8, served on the
16 board of the day school, still serving
17 on the board of Lennox Hill, I
18 volunteer and do work pro bono. But
19 more importantly, I've been playing
20 tennis under the bridge of 59th Street
21 for over 40 years. I started before
22 Sutton East started concession, and
23 they do a better job than --
24 (inaudible.)

25 As you might imagine, our group,

2 believe it or not, is no longer young
3 and our game is no longer great. But
4 we enjoy the hell out of it. It's a
5 part of our lives, and we don't want
6 to lose it. Most of us are over 80
7 and over 90, and there's a few places
8 that people our age can engage in
9 sport. This is a particular good one.
10 Because clay sports are easy on the
11 knees.

12 The question for you is, I submit,
13 if not tennis, then what? I think
14 someone suggested a park, perhaps a
15 ball field. But have you ever looked
16 at the site? Maybe an architect can
17 draw a pretty picture of what could be
18 done. But the reality is, you can't
19 make a silk purse out of a sow's ear.
20 And this spot is worse than any other.
21 It's dark, dreary, covered by the
22 bridge, sun never shines, you get the
23 dead of the traffic from overhead, you
24 get the noise and the exhaust of cars
25 going up one side of the bridge to the

2 bridge and down the other to the FDR
3 Drive, and you get a charming view of
4 two mammoth gray stone pillars on the
5 east and west and tall apartment
6 buildings on the north and south. In
7 a park, you want to hear birdsong, not
8 horns; see the sky, not the underside
9 of a bridge. It would be a colossal
10 waste of taxpayer money to build a
11 park. Nobody would use it.

12 The tennis courts, on the other
13 hand, are heavily used. There's an
14 average of fifteen hundred players a
15 week during the winter season, and a
16 thousand players during the summer.
17 More will come this summer as the
18 availability becomes known. The
19 players range in age from kids as
20 young as six, and it's fun to watch
21 them. The kids I say kids young to
22 people my age. When you are playing
23 in a bubble, you can barely hear the
24 traffic and the fume problem is
25 eliminated.

2 To my mind, this is a no-brainer.
3 We have a public and private
4 partnership which greatly benefits New
5 Yorkers and from which the city gets
6 paid. What could be get better?

7 THE CLERK: Marissa Miyazaki.
8 Please provide your full name and
9 affiliation for the record.

10 MS. MIYAZAKI: Hi. My name is
11 Marissa Miyazaki. I'm a tennis player
12 at Sutton. I'm grateful for the
13 opportunity today to express how
14 important to the community it is to
15 ensure that Sutton East is preserved
16 for current and future generations of
17 New Yorkers. I'll sure my thoughts
18 will be echoed by all of the others
19 who had the privilege to play at
20 Sutton. Over fifteen hundred people
21 each week. Over seven hundred
22 children and teenagers spread across
23 five teens program.

24 Sutton has come to represent a
25 special place for me. The reason

2 relates to a frightening health scare
3 with a family member last summer. My
4 father experienced chest pain and
5 other cardiac symptoms. It was
6 unexpectedly in the summer of 2018.
7 He underwent extensive testing and was
8 diagnosed with arrhythmia, fatal had
9 he not sought medical attention.

10 It was a life changing event not
11 just for my father and mother, but for
12 the rest of my family. After this, my
13 father and all of us committed
14 ourselves to embracing a healthier
15 lifestyle, one that despite being a
16 physician, that I should know better,
17 I found myself often neglecting to do.
18 Tennis has become an important part of
19 this journey. After the health scare,
20 my father relocated to New York and
21 took up tennis after decades of not
22 playing. It has become a special way
23 to enjoy an experience with my father
24 that has allowed us to not only enjoy
25 spending quality time together, but

2 ensure that we will be around for many
3 years to come.

4 My father now is approaching ten
5 months since his health scare, has
6 lost over 20 pounds, he's knocked his
7 blood pressure down to normal levels
8 and he's symptom-free without any
9 further cardiac scares.

10 Since the health scare last
11 summer, he's playing tennis almost
12 every day. I've been impressed with
13 how helpful and generous the people in
14 the tennis community have been. He
15 and his fellow senior tennis players,
16 they encourage each other and pump
17 fist and give each other pats on the
18 back.

19 It's not just about tennis.
20 Places like Sutton represents much
21 more to our citizens. It represents
22 something important to our community
23 that is frequently lacking. An
24 institution committed to public
25 health, physical fitness, social

2 bonding and giving back to the
3 community.

4 The dedicated staff, coaches,
5 facility managers, salesclerks at
6 Sutton all work together around the
7 clock, 365 days a year to devote time
8 and energy to making a brighter
9 program accessible to players from all
10 backgrounds.

11 I want to thank you for hearing me
12 today and allow me to speak. I hope
13 that you will vote to keep Sutton.

14 THE CLERK: Matt Klein, please
15 provide your full name and affiliation
16 for the record.

17 MR. KLEIN: Matthew Klein. Local
18 resident. Thank you for taking the
19 time to listen to my remarks.

20 I was a national junior tennis
21 player, so I love tennis. I have to
22 say I have a little bit of a love/hate
23 relationship with the tennis courts
24 over there. While I love the idea of
25 supporting tennis in the city, I hate

2 to go against all the fine speakers
3 here. I have to say that I actually
4 hate to receive the e-mails that I
5 receive regarding tennis programs at
6 the Sutton courts, and I'm just going
7 to say, I have a five-year-old
8 daughter and there's currently a
9 six-week peewee session taking place
10 and -- for four children. This is one
11 hour per week for six weeks, \$575.
12 It's almost \$100 for one hour. If my
13 daughter wants to have two of her
14 friends, you know, go ahead and
15 participate, get their own court with
16 instruction, it's \$755 per child. So,
17 comes up to \$2,300 per child for my
18 child and two of her friends. So,
19 it's \$377 an hour for my daughter and
20 two others. I feel like that's pretty
21 excessive to be able to use the court.
22 Anything, where you have like three
23 children, you shouldn't have to pay an
24 hour. You are probably paying about
25 \$100 an hour.

2 So, you know, the word "bubble" to
3 describe the courts is kind of
4 appropriate because I feel like maybe
5 the people who utilize the courts are
6 sort of in a bubble. For an average
7 New Yorker, I feel like that type of
8 expense is a lit bit out of reach. I
9 know that a lot of people from the
10 community and maybe even from outside
11 of the boroughs, who knows, use your
12 courts, I wouldn't just take those
13 large numbers at face value. We don't
14 know who is using those courts, and I
15 personally feel that there's a
16 responsibility to run the courts for
17 the people who live in the community,
18 for the average New Yorker and the
19 concession should be respected.

20 The city is giving the space for
21 the courts to utilize, and the courts
22 are -- you guys are doing a great job
23 doing it, but can you strike a better
24 balance with the community to welcome
25 us into your world so that we can

2 support you as an asset in our
3 neighborhood, too? Thank you.

4 THE CLERK: Arlene A. Verga.
5 Please provide your full name and
6 affiliation for the record.

7 MS. VERGA: Hello, everyone. My
8 name is Arlene Verga. I'm an
9 executive director of the Youth
10 Athletic Association. I've been doing
11 that for 26 years. And as a major
12 permit holder, for the 59th Street
13 Oval, for many, many years, I want to
14 publically say how gladly I am that
15 tennis will continue at this space
16 year round.

17 Years ago, when Central Park and
18 Randall's Island were a mess, the 59th
19 Street Oval, although dirty and
20 dangerous, was a good alternative.
21 Central Park and Randall's Island are
22 beautiful places for all with many
23 fields and amenities, tennis is the
24 perfect sport for this venue.
25 Although I acknowledge the lack of

2 open park space in the area, one must
3 recognize that the park under this low
4 lying bridge is not the best use of
5 this space. Even an artificial turf
6 field under this bridge in this area
7 would not be a good recommendation.
8 People love tennis and the fact that
9 the current concessionary has been so
10 amenable to request for more, less
11 expensive hours shows that this space
12 can work for all as a tennis
13 concession.

14 The Youth Athletic Association
15 began in 1968 to provide high quality
16 youth sports programs in New York for
17 all its residents. Today, we serve
18 over 5,000 children and families
19 through our sports, arts and other
20 school activities. We utilize the
21 space -- we utilized, we don't
22 anymore, we had utilized this space
23 all day Saturday, all day Sunday and
24 on most weekends. We can see that
25 this space is better for tennis even

2 though we lost major space in
3 Manhattan for baseball. Sutton tennis
4 was aware that we lost the place and
5 in its place gave us time for our
6 players to experience tennis on
7 Saturday evenings in the fall, winter
8 and spring.

9 Team sports may not be greedy in
10 requesting the space, but rather
11 embrace this individual sport and the
12 need for someone to be there to groom
13 the clay, administer court time and
14 provide pros and other workers for
15 this sport to exist. We are happy
16 that the major improvements have been
17 made at Central Park and Randall's
18 Island and many artificial turf fields
19 that are popping up all over the city.
20 The Youth Athletic Association stands
21 in full support of New York City
22 extending its current agreement with
23 Sutton tennis beyond its expiration in
24 August 2019. We believe that the
25 interest of the community will best be

2 served by the city contracting with
3 Sutton tennis to manage or maintain
4 the park and provide fee-based
5 programming in the form of much needed
6 indoor tennis activities during the
7 fall, winter and part of the spring
8 seasons.

9 In the remaining months, tennis
10 activities -- I only have one more
11 paragraph -- tennis activities should
12 be for those with permits issued by
13 the parks for this and other tennis
14 facilities in the city. The Youthful
15 Athletic Associations believes that
16 Queensboro Oval space offers a unique
17 experience, provides much needed
18 revenue and affects more city
19 residents when Sutton East tennis
20 utilizes this space as an indoor
21 tennis facility. Our communities
22 implore you to allow Sutton tennis to
23 continue providing its programs in its
24 space.

25 Thank you.

2 THE CLERK: Alida Camp. Please
3 provide your full name and affiliation
4 for the record.

5 MS. CAMP: Thank you for hearing
6 my testimony. My name is Alida Camp.
7 I'm with CBA Manhattan, Queensboro
8 Oval. The Queensboro Oval should be
9 returned to the community for public
10 use. If not, we ask that all revenues
11 derived from the Oval be turned over
12 to CBA parks. CBA has been calling
13 for the return of the Oval to the CBA
14 community. We are sorely in need of
15 green space. There is a debate
16 whether the Oval belongs to Parks or
17 Transportation, the Upper East Side is
18 densely populated and congested areas
19 in New York City who has the least
20 amount of green space. Therefore, we
21 need parks and open air. The Upper
22 East Side needs more playgrounds in
23 the April 2019 State of Play Report.
24 This RFP is for ten years. This
25 amount of time is excessive given that

2 the public is foreclosed from using
3 the land for baseball, soccer or any
4 outdoor game or recreation other than
5 tennis. We understand that the tennis
6 community mobilized nine thousand
7 names on a petition. That does not
8 justify granting the RFP to our
9 tennis-playing community. There are
10 more than two hundred thousand
11 residents at CBA and not enough green
12 space to go around.

13 The financials of the deal perplex
14 that too. The amount paid for rent
15 over the last few years, is below
16 market rate. While the acknowledge
17 determining rates might be difficult
18 without comparable, the evaluation of
19 the land is too low to justify as a
20 financial benefit to New York. If the
21 deal is not a financial benefit to the
22 city, we ask why the city would give
23 it to an organization that appeals to
24 few, very wealthy individuals at the
25 expense of the rest of the community.

2 We are not even sure that the tennis
3 player live in CBA. Yet this part of
4 our limited open space has been pulled
5 from our use for benefit of use.

6 Given the dramatic and increasing
7 economic inequality in New York City,
8 shouldn't this space be used by more
9 who may have fewer resources than
10 fewer with greater resources? New
11 York is for everyone. If not everyone
12 gets to use city resources which
13 includes the Oval, then at least
14 charge enough so that the financial
15 benefits the population impacted by
16 the loss of the Oval. We ask and have
17 passed a resolution that the revenue
18 of the Oval be turned over to CBA
19 parks. Our parks need improvement
20 making them more usable and greener.
21 If we cannot use the space at the Oval
22 to improve our community, at the very
23 least we should have the funds that
24 derive from it.

25 I just ask you to put yourselves

2 in the place of the kids or the
3 community who doesn't have access, who
4 have lost the space for soccer and
5 summer games and other outdoor areas
6 and they can't afford to join clubs
7 and pay fees for tennis or other
8 sports. Just think about what the
9 loss of the space might mean to them.

10 Thank you very much.

11 THE CLERK: Tricia Shimamura.

12 Please provide your full name and
13 affiliation for the record.

14 MS. SHIMAMURA: Good afternoon.

15 My name is Tricia Shimamura. I'm the
16 co-chair of the Parks and Waterfront
17 Committee for Manhattan Community
18 Board 8. I also serve as the Second
19 Vice Chair for my community board. I
20 thank you for giving me and other
21 community members the opportunity to
22 give testimony regarding the future of
23 the Queensboro Oval.

24 Taking into consideration the
25 density o our community, the Upper

2 East Side has some of the least amount
3 of open space in all New York City.
4 Preserving, enhancing, and expanding
5 our parks has remained a high priority
6 for our community board, as well as
7 ensuring that our public spaces remain
8 open and accessible to the public.
9 Our community has long made clear that
10 its recreational needs are vast and
11 varied, including tennis but also
12 other activities and more passive and
13 flexible uses for those of varying
14 strength and ability.

15 The Queensboro Oval is certainly a
16 unique space, given its proximity
17 below the Ed Koch Queensboro Bridge
18 and its red clay surface. I
19 understand that in the past, the space
20 has been used by not just tennis
21 players, but also baseball players,
22 soccer players, and others. With
23 thoughtful design, meaningful
24 community input, and the right
25 concession operator and terms, I

2 firmly believe that this unique space
3 could serve a wide range of interests
4 in our community. It seemed as though
5 the Parks Department had agreed with
6 this, as they came before the Parks
7 Committee in January of 2017 with
8 design proposals for a multisport
9 field that included public tennis
10 courts that can be rented at a much
11 lower costs to users, or an RFP that
12 allowed for 6 months of free and
13 flexible use.

14 Despite this, the Parks Department
15 has opted to award a 10-year
16 year-round contract to an operator who
17 has restricted access through setting
18 some of the highest fees in New York
19 City. It's disappointing to see this
20 operator being given this contract
21 again, when again one of our main
22 objectives has always been access and
23 affordability to our community.

24 One of the most troubling aspects
25 of this new 10-year contract is the

2 knowledge that the revenue made from
3 leasing public land to a private
4 entity will not be targeted back to
5 the local community but instead to the
6 General Fund. Since it is our
7 community that is being denied a
8 public resource, it seems only fitting
9 that the revenue from this contract to
10 be used in preserving and enhancing
11 the other parks in our district. I
12 strongly urge this committee to
13 consider our request and help us
14 preserve the critical public resources
15 we still have. Thank you.

16 THE CLERK: Sima Sheth. Please
17 provide your full name and affiliation
18 for the record.

19 MS. SHETH: Hello. My name is
20 Sima Sheth. I'm here to speak on
21 behalf of Sutton East tennis. I have
22 been living in Manhattan for over 16
23 years with my husband and daughter.
24 My fifteen-year-old daughter has been
25 playing tennis at Sutton East tennis

2 since she was around five years old.
3 My daughter's interest in tennis was
4 developed and nurtured at Sutton East
5 tennis by the caring and accomplished
6 coaches. She not only likes to play
7 tennis and enjoys a sense of community
8 Sutton East tennis provides. She will
9 be heartbroken to see it shut down.

10 Sutton East tennis has done an
11 exceptional job of providing an
12 institute that is protective and
13 productive space for children and
14 adults to be active and social.
15 Without Sutton East tennis, nearly a
16 thousand children will lose a safe
17 space, year round place to get
18 exercise and learn the sport.
19 Additionally, 65 wonderful people will
20 lose their jobs. The closing of
21 Sutton East tennis would create a void
22 in the neighborhood. There is
23 absolutely no other reasonable
24 alternatives available to residents.
25 The space under the bridge is not an

2 appropriate space for use. Sutton
3 East tennis is undeniably the best use
4 of the area underneath the bridge. I
5 request that you please keep Sutton
6 East tennis open. Thank you for your
7 time and consideration.

8 THE CLERK: Chris Lee. Please
9 provide your full name and affiliation
10 for the record.

11 MR. LEE: Hi. I'm Chris Lee. I
12 representing myself. I'm a tennis
13 player, and I guess -- I want to
14 comment on some of the things. The
15 first thing somebody said, the costs
16 are reasonable, I've lived in
17 Manhattan since '75 in the Upper East
18 Side, about 27 years ago, and Sutton
19 and one of the other facilities on the
20 Upper East Side is the most expensive
21 around. I played in Westchester, Long
22 Island, New Jersey, Queens, Brooklyn,
23 all of Manhattan, practically. And
24 Sutton East is probably one of the
25 most expensive around.

2 The other thing that jumped out to
3 me was the fact that somebody
4 mentioned it's diverse. Tennis is not
5 a diverse sport. If you look at the
6 room now, there's about ten people of
7 color. And I don't see that any
8 progress has been made for programs
9 for children of color. I know
10 Randall's Island has some sort of
11 program. I didn't see that Sutton
12 East -- that's me. I'm one person. I
13 don't know what the programs are.

14 Oh, my pet peeve or concern is
15 they mentioned all the categories,
16 sex, LGBT or whatever in terms of
17 being diverse, and there was some
18 mention that somebody who is disabled
19 or impaired. I'm impaired, but not to
20 the extend of being qualified under
21 MBA. Going back to the '80s, I worked
22 for DOC, and I was running around from
23 train to train under the ADA. I got
24 most what I learned then. The fact of
25 the matter is, I have glaucoma and I

2 have myoma. My vision is very
3 impaired. It doesn't prevent me from
4 playing tennis. But I need optimal
5 lighting. It has to be very good
6 lighting. Most of the facilities I
7 played in are adequate, but Sutton
8 East is notoriously bad in terms of
9 lighting for average play. Other
10 people that I spoke with say it's
11 difficult to see there. A ten-year
12 lease, which is a very long time, they
13 have to improve the facilities to make
14 it accessible to everyone. They can
15 improve the lighting, the lights of
16 the background where they play and
17 different things that they could do.
18 But to make it accessible especially
19 people who are older. They have to
20 improve the site. Thank you for your
21 time.

22 THE CLERK: Tammy Caress. Please
23 state your full name and affiliation
24 for the record.

25 MS. CARESS: Hi, my name is Tammy

2 Caress, and I'm a tennis player at
3 Sutton East. Thank you for asking me
4 to speak today.

5 I'm a self-proclaimed tennis
6 aficionada. I've been playing at
7 Sutton for about 16 years, and it is a
8 community in a big and impersonal
9 city. After my twins were born, I
10 started playing tennis and took a
11 variety of lessons and programs. I
12 had no idea how to play tennis.
13 Today, I run a ladies league there in
14 the morning. It's very reasonably
15 priced. You can buy a series of two
16 hours for \$46. That's \$23 an hour.
17 So, I think that's pretty good.

18 My children play tennis at Sutton.
19 I hold my practices at Sutton. For us
20 busy New Yorkers, Sutton is
21 conveniently located, it's affordable.
22 And in a population of 1.66 million
23 people, Manhattan has only 25 public
24 indoor tennis courts and only five
25 facilities in Manhattan. In the

2 wintertime, which is six, seven months
3 of the year, this is an important
4 exercise option. All total in
5 Manhattan, there are currently only 16
6 indoor public clay courts. And
7 eliminating Sutton would take away
8 half of the indoor courts, and
9 one-third of all of those public
10 indoor courts in Manhattan. If
11 anything, we need more indoor tennis
12 courts, not fewer. It's crazy to me
13 to even consider taking these courts
14 away. New York City is in desperate
15 need of preserving the 16 indoor clay
16 courts that we currently have.

17 On average, 1500 people use Sutton
18 a week. That means Sutton has been
19 visited 6,000 times a month by small
20 children, teens, adults and senior
21 citizens, were all exercising, were
22 all playing tennis and over the course
23 of the season, mid September to mid
24 June, Sutton enjoyed approximately
25 54,000 tennis players. Without

2 Sutton, thousands of children will
3 lose a safe place to play year round
4 and to get exercise and learn a
5 lifetime sport.

6 New Yorkers who play at Sutton are
7 staying healthy by exercising indoors.
8 It would be empty if it was a park six
9 months of the year. Sutton's clay
10 court are easy on one's muscles and
11 joints. Tennis fits perfectly in this
12 unique space and is busy from morning
13 to night, 365 days of the year, in all
14 types of weather. The facility is
15 open to the public and offers tennis
16 at reasonable prices for all different
17 players of all ages and skill levels.
18 And the protective bubble shields
19 people from toxic fumes and debris.
20 There are constant loud noises in this
21 area, foghorns, all kinds of crazy
22 things. And so, being outside would
23 actually be very scary and unsafe.
24 And being in a protective bubble
25 insulates us from the detriments

2 and -- it's -- really, anything under
3 the 59th Street Bridge will not be
4 safe if it was uncovered. It would
5 not be a safe space for any kind of
6 uncovered use.

7 I want to talk about something.
8 Roosevelt Island bracket is a member's
9 club with a hefty yearly membership
10 fee. It's nearly impossible to get
11 court time, as a reservation for
12 nonmembers cannot be made more than
13 two days in advance. And furthermore,
14 it's an inconvenience for busy working
15 New Yorkers to travel to Roosevelt
16 Island.

17 THE CLERK: Thank you for your
18 testimony. We will now take
19 testimonies from other members of the
20 public.

21 Joseph Kuhgen. Please provide
22 your full name and affiliation for the
23 record.

24 MR. KUHGEN: Hello. My name is
25 Joseph Kuhgen. I have been a tennis

2 professional at Sutton East for 20
3 years. But I was asked today to make
4 a statement by a member of our drill
5 play classes, Mark Pearlman, who lives
6 on the Upper East Side. His statement
7 goes as follows: "Background, I'm a
8 30-plus year resident who has been
9 active in various community
10 organizations. My family are avid
11 tennis players and use other tennis
12 facilities, including Central Park,
13 Roosevelt Island and Randall's Island.
14 Unfortunately, I'm unavailable for the
15 hearing due to business travel
16 commitments. Here is my statement.

17 Without any hesitation, I strongly
18 recommend that the Sutton Tennis
19 Management Group continue to operate
20 in the Queensboro Oval. This is based
21 on my firsthand experience over the
22 past few years. Highly professional
23 service and customer focus. I was
24 most impressed by their continued
25 commitment during the summer schedule

2 where management maintained the same
3 high level service despite the limited
4 consideration involved.

5 In summary, the courts have been
6 properly managed and the staff is very
7 professional and organized.

8 Queensboro Oval is an important place
9 for tennis players, since there are
10 few locations in our Manhattan
11 borough. Please consider offering an
12 extended license so that they can be
13 able to provide an exceptional service
14 for the community. I'm available to
15 provide more details or answer any
16 questions. Mark Pearlman."

17 THE CLERK: Wilfredo Lopez.
18 Please provide your full name and
19 affiliation for the record.

20 MR. LOPEZ: Thank you. I'm here
21 on behalf of representative Carolyn
22 Maloney, State Senator Krueger,
23 Assembly Member Dan Quart, Council
24 Member Ben Kallos and Keith Powers and
25 Manhattan Borough President Gale

2 Brewer.

3 Thank you to New York City
4 Department of Parks and Recreation for
5 taking seriously concerns raised by
6 community members and elected
7 officials about the use of the
8 Queensboro Oval playground and for
9 proposing a new contract addressing
10 many of those concerns.

11 As you are likely aware, Council
12 District 5, which together we
13 represent, has among one of the least
14 acreage of the parkland per person in
15 the city. According to the latest
16 edition of New Yorkers for Parks'
17 report, Manhattan East Side Open Space
18 Index, 170,000 residents in Council
19 District 5 share just 36 acres of open
20 space, far fewer acres than can
21 adequately accommodate residents;
22 needs. As such, East Siders cherish
23 and fight for their parks. Our hope
24 is that at minimum, the expected
25 \$1.7 million of revenue from this

2 proposed contract will be used to
3 benefit our local parks for the next
4 ten years.

5 On February 16, 2018, Parks
6 Department issued this RFP. Council
7 Member Kallos then sent a letter to
8 the Parks Department asking that it
9 reconsider the proposal to convert the
10 playground to a multipurpose field or
11 in the alternative revise the RFP to
12 weigh more heavily applications that
13 increased affordability and
14 accessibility to the park, as opposed
15 to revenue for the city. This could
16 include expanding the summer public
17 session, lowering fees, and running
18 community-based programming.

19 In April of this year, the Parks
20 Department presented to Community
21 Board 8 to announce the draft of the
22 proposal that is now in front of the
23 FCRC. That proposal includes many
24 significant improvements to previous
25 contracts which reflect the serious

2 concerns we raised and which will go
3 far toward making this park a true
4 public benefit. The changes include:
5 Doubled the public season for ten
6 weeks out of the year to 22 weeks --
7 nearly half the year, free tennis
8 during 22-week public summer season,
9 \$10 per person drop-ins for six hours
10 every day, Senior Citizen Tennis
11 Clinics for \$10, Youth Instruction,
12 full scholarships, Hunter College Men
13 and Women Tennis will get 75 hours of
14 free team practice.

15 In order to ensure the delivery of
16 these programs, we ask that the
17 following clause in Exhibit C under
18 "Other programming" that reads "Free
19 and/or low-cost public programming may
20 be subjected to change upon written
21 request from License to Parks, and
22 upon Parks written approval be amended
23 to state that if a program is
24 canceled, it must be replaced by a new
25 program of equal or greater value.

2 The winning bid on this request
3 for proposal has addressed many of the
4 concerns raised by our offices,
5 Community Board 8, fellow elected
6 officials and our residents to improve
7 public access to the Queensboro Oval
8 Playground. However, the facility has
9 for many years been used to generate
10 revenue and will continue to do so for
11 the next decade, at minimum of
12 \$1.7 million a year. Meanwhile East
13 Siders have lacked park space. The
14 additional testimony I've handed in so
15 you can review. Sincerely, the
16 undersigned, Carolyn Maloney, Ban
17 Kallos, Gale Brewer, Liz Krueger, Dan
18 Quart and Keith Powers.

19 Thank you.

20 THE CLERK: We have received
21 written testimony from Barry Schneider
22 of the East Sixties Neighborhood
23 Association in opposition of item
24 number 5. A copy of that written
25 testimony will be added to the record

2 and has been provided to the community
3 and to the reporter.

4 THE CHAIR: No one else wishes to
5 speak?

6 (No response.)

7 THE CHAIR: That concludes today's
8 hearing. I ask the Reporter to make
9 the entire Public Hearing Agenda,
10 which was made publicly available and
11 distributed at this hearing, part of
12 the final record of the proceeding.

13 The hearing is now closed. Thank
14 you.

15 (TIME NOTED: 3:35 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, Elbia Merino, a Notary Public within
and for 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
to the best of my ability.

I further certify that I am not related
to any of the parties to this action by blood or
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 14th day of May, 2019.


Elbia Merino

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PUBLIC HEARING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MONDAY, MAY 6th, 2019 @ 2:30 P.M.

2 LAFAYETTE STREET, NEW YORK, NY

NOTE: This location is accessible to individuals using wheelchairs or other mobility devices. For further information on accessibility or to make a request for accommodations, such as sign language interpretation services, please contact the Mayor's Office of Contract Services (MOCS) via e-mail at DisabilityAffairs@mocs.nyc.gov or via phone at (212) 788-0010. Any person requiring reasonable accommodation for the public hearing should contact MOCS at least three (3) business days in advance of the hearing to ensure availability. ☒

*Franchise and Concession Review Committee Joint Public Hearing
Monday, May 6, 2019 @ 2:30 P.M.*

**NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE
SERVICES**

No. 1: **IN THE MATTER** of the intent to award as a sole source concession the operation of dry boat storage, docking of no more than 8 jet skis, and business accessory parking, consisting of approximately 52,940 square feet of uplands and 1,135 square feet of lands under water property identified as Block 8844, Lot 50, in the Borough of Brooklyn to Emmons Avenue Marina, LLC. The Occupancy Permit provides for a retroactive term of one-year, commencing on April 15, 2015, and terminating on March 31, 2016 with two (2) one-year renewal options, exercisable at the City's sole discretion, which options have both been exercised. Compensation to the City, as established by a settlement, will be \$119,000 for the first year, \$125,790 for the second year and \$134,295.50 for the third year.

NEW YORK CITY DEPARTMENT OF TRANSPORTATION

No. 2: **IN THE MATTER** of the intent to award as a concession a Sole Source License Agreement to the Meatpacking District Management Association, Inc., to provide for the operation, management, and maintenance of pedestrian plazas located at 9th Avenue between Gansevoort Street and West 15th Street, in the borough of Manhattan. Meatpacking BID will be required to invest any revenue generated by this concession into the maintenance and/or repair, including reasonable administrative costs, of the Licensed Plaza. The License will provide for one (1) six-month term, commencing upon written Notice to Proceed, which may be renewed for up to three (3) additional five-year terms, exercisable at the sole discretion of DOT.

NEW YORK CITY DEPARTMENT OF TRANSPORTATION

No. 3: **IN THE MATTER** of the intent to award as a concession a Sole Source License Agreement to the 34th Street Partnership, Inc., to provide for the operation, management, and maintenance of a pedestrian plaza located at West 33rd Street between 7th Avenue and 8th Avenue, in the borough of Manhattan. The Partnership will be required to invest any revenue generated by this concession into the maintenance and/or repair, including reasonable administrative costs, of the Licensed Plaza. The License will provide for one (1) one-year term, commencing upon written Notice to Proceed, which may be renewed for up to three (3) additional five-year terms, exercisable at the sole discretion of DOT.

NEW YORK CITY DEPARTMENT OF TRANSPORTATION

No. 4: **IN THE MATTER** of the intent to award as a concession a Sole Source License Agreement to the 34th Street Partnership, Inc., to provide for the operation, management, and maintenance of a pedestrian plaza located on Broadway and 6th Avenue between West 32nd and West 36th Streets, in the borough of Manhattan. The Partnership will be required to invest any revenue generated by this concession into the maintenance and/or repair, including reasonable administrative costs, of the Licensed Plaza. The License will provide for one (1) one-year term, commencing upon written Notice to Proceed, which may be renewed for up to three (3) additional five-year terms, exercisable at the sole discretion of DOT.

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 5: **IN THE MATTER** of the intent to award as a concession for the development, operation, and maintenance of a sports & recreational facility at Queensboro Oval in Manhattan, for a ten (10) year term, to York Avenue Tennis, LLC (“Licensee”). Compensation under the License Agreement will be as follows: Licensee shall pay to City license fees for each Year, consisting of the higher of the minimum annual fee or the percentage of annual Gross Receipts derived from the operation of the Licensed Premises according to the following schedule: Year 1: \$1,700,000.00 vs. 35%; Year 2: \$1,700,000.00 vs. 35%; Year 3: \$1,785,000.00 vs. 35%; Year 4: \$1,785,000.00 vs. 35%; Year 5: \$1,874,250.00 vs. 35%; Year 6: \$1,874,250.00 vs. 35%; Year 7: \$1,967,963.00 vs. 35%; Year 8: \$1,967,963.00 vs. 35%; Year 9: \$2,066,361.00 vs. 35%; Year 10: \$2,066,361.00 vs. 35%