

Franchise & Concession Review Committee Public Hearing  
March 9, 2020

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PUBLIC HEARING  
FRANCHISE AND CONCESSION REVIEW COMMITTEE  
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22 Reade Street  
New York, New York  
  
March 9, 2020  
2:34 p.m.

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A P P E A R E A N C E S :

Mayor: Bess Chiu

Office of the Mayor: Benjamin Furnas

Corporation Counsel: Sharon Cantor

Office of Management and Budget: Yvonne Quintian

Comptroller: John Katsorhis

Bronx Borough President: Not Present

Brooklyn Borough President: Tonya

Cantlo-Cockfield

Manhattan Borough President: Rosaura Mendez

Queens Borough President: Allan Swisher

Staten Island Borough President: Lashay Young

Clerk: Gregg Alleyne

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MS. CHIU: Good afternoon. The Public Hearing will now come to order. Will the Clerk please call the roll?

THE CLERK: Mayor?

MS. CHIU: Here.

THE CLERK: Office of the Mayor?

MR. FURNAS: Here.

THE CLERK: Comptroller?

MR. KATSORHIS: 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?

(No response.)

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

President, Borough of Brooklyn?

MS. CANTLO-COCKFIELD: Here.

THE CLERK: President, Borough of Manhattan?

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MS. MENDEZ: Here.

THE CLERK: President, Borough of Queens?

MR. SWISHER: Here.

THE CLERK: President, Borough of Staten Island?

MS. YOUNG: Here.

MS. CHIU: 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

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also submit written testimony to the Clerk, which will be made part of the record. Any written submissions must be 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 Parks & Recreation, Calendar Item Number One, in the matter of the intent to seek Franchise and Concession Review Committee approval to award the concession for the renovation, operation and maintenance of a high-quality restaurant in Battery Park, Manhattan, for a five-year term, to The View at Battery Park NYC, Inc.

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

(No response.)

MS. CHIU: Will the Clerk please

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call the next person who wishes to  
testify.

THE CLERK: Frank Raffaele. Could  
you please provide your full name and  
affiliation for the record.

MR. RAFFAELE: Hi. Thank you very  
much for allowing me to give  
testimony. My name is Frank Raffaele.

My comments right now are by no  
means a reflection on the operator  
that is potentially taking over or  
continuing at this location. I'm  
familiar with the operator and they  
are a good operator. My comments are  
a reflection of the process here and  
I'll get into it, please.

My name is Frank Raffaele. I'm a  
lifelong New York City resident and I  
have been a concessionaire for New  
York City with multiple license  
agreements. I also worked for New  
York City Parks in the 1990s for Parks  
Commissioner Henry Stern. I worked  
with Henry Stern post Parks with his

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good government New York City.

For some background on this matter right here, the past concessionaire of this site, Battery Wave LLC, potentially has a relationship with new concessionaire, The View at Battery Park, seems to have similar principals, potentially similar owners and the current entity before us right now. This site most recently paid the City of New York, as reported by the Annual Concession Report of the Chief Procurement Officer in 2018, the last year it was reported, \$1,054,630.00. 2017, \$1,179,319.00. In 2016, \$1,181,862.00, as reported by the City of New York. 2019 did not yet publicly disclose.

Right now, we have a proposal in front of us for a number that's 99 percent less than that figure. With a potential of a little bit more with an escalation above \$3 million.

On August 21, 2018, New York City

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Parks offered an RFP for the site. Dozens of people attended the site visit, including myself. Many people did not respond because Parks at the time wanted extensive capital work on the project. It was a multimillion-dollar revision. Fast forward to today, and we've learned that Parks has thrown out that RFP in exchange for this, quote/unquote, negotiated agreement, as per Section 1-14 of City Concession Rules, to allow this entity to operate at a number that is \$120,000 less.

New York City Parks is alleging that they are forced to do this because New York City Economic Development Corporation gave a report that would impair the operation. But that report came out in 2019 in March a year ago. So there was ample time for Parks to handle the matter and potentially release a new RFP and potentially reward more money to the

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City of New York.

In fact, in their communication of December of last year, for the negotiated agreement, Parks had said, and I quote, "Approximately a minimum of \$400,000 per year in annual concession fees" would be given to the City of New York. And once again, we are here with a number that is a third of that figure.

Even if we assume that Parks did not know that EDC was doing this project before it was publicly released a year ago, which is probably unwise. Parks had to have coordinated, since this is a restaurant on the waterfront, that is still to enabling them to -- between March and when it was publicly disclosed and December when the negotiated agreement was started.

I'll just wrap up. Thank you very much. In that period of time, Parks could have very easily have released

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an RFP. Many people that would have wanted to respond and many people that came on to the site visit would clearly have expressed an interest and Parks would have agreed to more money, and there would be continuity of service for the site.

Thank you very much. And one more time, this is not a reflection on the current operator, who I believe is a good operator and I see the operation in person. But more on the matter of the process that was here. Thank you.

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

(No response.)

MS. CHIU: If no one else wishes to speak, that concludes today's hearing. We ask that the reporter make the entire Public Hearing agenda, which was made publicly available and distributed at this hearing, part of the final record of the proceeding.

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The hearing is now closed. Thank you.

(TIME NOTED: 2:41 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 13th day of March, 2020.

  
Elbia Merino

<b>\$105463000</b> 7:15	<b>allow</b> 8:14	<b>between</b> 9:19	<b>clerk</b> 2:25 3:4,5,7 ,9,11,13,16,19,24 4:3,6,22 5:3,5,7,9,25 6:4 10:16 (20)	<b>current</b> 7:10 10:11
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