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FRANCHISE AND CONCESSION REVIEW COMMITTEE

REMOTE SPECIAL PUBLIC MEETING

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September 30, 2021

2:40 p.m. p.m.

REMOTE SPECIAL PUBLIC MEETING  
VIA MICROSOFT TEAMS CONFERENCE CALL

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

Mayor: Kate Cocklin

Office of the Mayor: Julie Bero

Corporation Counsel: Kenisha Sutton

Office of Management and Budget: Yvonne Quintian

Comptroller: Jennifer Conovitz

Parks and Recreation: Alexander Han

Bronx Borough President: Mirtha Camille Sabio

Brooklyn Borough President: Tonya Cantlo

Manhattan Borough President: Rosaura Mendez

Queens Borough President: Allan Swisher

Staten Island Borough President: Stephen Caracappa

Clerk: Gregg Alleyne

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THE CLERK: Hello, and good afternoon. This is Gregg Alleyne, clerk for the FCRC. Before we get started with today's proceedings, I would like to confirm that everyone can hear me clearly.

Can everyone hear me clearly?

(Chorus of yeses.)

THE CLERK: Today's meeting is being held via Microsoft Teams conference call, and we ask that all attendees announce their name for the record each time they speak on the call for ease of transcription. If you are not speaking, we ask that you mute your microphone to avoid background noises during the call. Only one person should be speaking at any given time. I will direct, should there be any conflict.

Chair, we are ready to begin.

THE CHAIR: Good afternoon and thank you all for being here. My name is Kate Cocklin, Chair of the FCRC.

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The Franchise and Concession Review  
Committee Remote Special Public  
Hearing will now come to order.

Will the Clerk please call the  
roll.

THE CLERK: Apologies. I would  
like to make a change to the record.  
This is a Special Public Meeting. And  
it will now come to order.

Mayor?

MS. COCKLIN: Kate Cocklin,  
here.

THE CLERK: Office of the Mayor?

MS. BERO: Julie Bero, here.

THE CLERK: Comptroller?

MS. CONOVITZ: Jennifer  
Conovitz, here.

THE CLERK: Corporation Counsel?

MS. SUTTON: Kenisha Sutton,  
present.

THE CLERK: Office of Management  
and Budget?

MS. QUINTIAN: Yvonne Quintian,  
present.

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THE CLERK: President, Borough  
of the Bronx?

MS. SABIO: Mirtha Camille  
Sabio, here.

THE CLERK: President, Borough  
of Brooklyn?

MS. CANTLO: Tonya Cantlo for  
Brooklyn Borough President, Eric  
Adams, present.

THE CLERK: President, Borough  
of Manhattan?

MS. MENDEZ: Rosie Mendez for  
Manhattan Borough President, Gale  
Brewer, present.

THE CLERK: President, Borough  
of Queens?

MR. SWISHER: Allan Swisher for  
Queens Borough President, Donovan  
Richards, present.

THE CLERK: President, Borough  
of Staten Island?

MR. CARACAPPA: Stephen  
Caracappa for Borough President, James  
Oddo.

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THE CHAIR: Will the Clerk  
please call the first calendar item?

THE CLERK: New York City  
Department of Parks and Recreation,  
Calendar Item Number One: 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 with Statue Cruises,  
LLC for the operation and maintenance  
of passenger ferry for the purpose of  
embarking and discharging passengers  
on a regular schedule between The  
Battery, Liberty Island and Ellis  
Island, and for the purpose of  
embarking and discharging passengers  
of vessels on sightseeing cruises and  
other ferry operations, which may  
include but are not limited to day and  
night charters of vessels owned,  
operated or chartered by Statue

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Cruises, LLC at landing slips and adjacent walkways located in The Battery, Manhattan.

THE CHAIR: Is there a member who wishes to make a statement or ask a question on this matter?

MS. CONOVITZ: The Comptroller's Office would like to make a statement.

THE CLERK: Please identify yourself for the record.

MS. CONOVITZ: Jennifer Conovitz on behalf of the Comptroller's Office.

THE CLERK: You may proceed.

MS. CONOVITZ: Thank you.

I would like to share concern on behalf of New York City Comptroller, Scott M. Stringer, regarding this Department of Parks and Recreation's new Sole Source License Agreement with Statue Cruises, LLC, as well as the path used to bring this item to the FCRC and the public for a hearing and vote.

The recent Step One approval was

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based on the understanding that the term of the City's new license agreement with Statue Cruises would begin on March 1, 2021, which is the date immediately following the expiration of the prior National Parks Service Agreement with Statue Cruises, and is also consistent with the executed second renewal agreement between Parks and Statue Cruises that our office reviewed in 2020.

We just learned that Parks submitted a new second renewal agreement to our office today. However, we do not yet know the contents of the submission, nor did we have time to review the content prior to today's 2:30 meeting. While Parks and the administration maintained that the expiration date of the second renewal has been extended to September 30th, 2021, which would eliminate a potential sum gap between the new agreement and the old one, the

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legal basis for this change is unclear to us.

We requested an additional time be taken so Parks, the public and the FCRC can thoroughly review all pertinent documents, and ensure not only the continued availability of ferry service to these very popular tourist areas, but the residents of the City are entitled to receive through the license term.

We also note that it is not clear what a minimum annual fee listed for each year in the proposed license agreement does not agree. It is important to know so that the Committee may make an informed decision and vote appropriately.

We ask that this vote be held over to the next regularly public meeting. However, if you are to push for a vote today, given the concerns our office has raised and the limited transparency to the public and the

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FCRC, we must abstain.

THE CHAIR: Thank you.

Is there another member who wishes to make a statement or ask a question on this matter?

(No response.)

THE CHAIR: All right. Will a member please make a motion to move this item?

MS. SUTTON: Kenisha Sutton. I move the item.

THE CHAIR: Will another member please second the motion?

MS. QUINTIAN: Yvonne Quintian. Second.

THE CHAIR: Thank you.  
Will the Clerk please take the vote?

THE CLERK: Mayor?

MS. COCKLIN: Kate Cocklin, yes.

THE CLERK: Office of the Mayor?

MS. BERO: Julie Bero. Yes.

THE CLERK: Comptroller?

MS. CONOVITZ: Abstain.

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THE CLERK: Corporation Counsel?

MS. SUTTON: Kenisha Sutton.

Yes.

THE CLERK: Office of Management  
and Budget?

MS. QUINTIAN: Yvonne Quintian.

Yes.

THE CLERK: On behalf of the  
Borough President, President, Borough  
of Manhattan?

MS. MENDEZ: I'm sorry. I was  
muted before. I'm going to explain  
our vote. We are abstaining for all  
the issues raised by the Comptroller's  
office. But also a great concern  
about the lack of notice to the public  
and the fact that this is not the  
first time that we've encountered this  
issue.

Having said that, we abstain.

THE CLERK: Calendar Item Number  
One, resolution is adopted.

We ask that the reporter make  
the entire remote Special Public

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Meeting agenda, which was made  
publicly available and distributed at  
this meeting, part of the final record  
of this proceeding.

That completes the Calendar.

THE CHAIR: Thank you. Meeting  
adjourned.

(TIME NOTED: 3:01 p.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)

:SS

COUNTY OF SUFFOLK)

I, Elbia Baires, 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 8th day of October, 2021.

  
Elbia Baires

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