

**MINUTES OF THE MEETING
OF THE BOARD OF DIRECTORS
OF
PUBLIC REALM IMPROVEMENT FUND GOVERNING GROUP, INC.**
December 14, 2020

The annual Meeting of the Members and Directors of the East Midtown Public Realm Improvement Fund Governing Group was held at 1:45 p.m. on December 14, 2020 via video teleconference.

Public notice of this meeting was given in accordance with the Open Meetings Law.

The meeting was chaired by Council Member Powers, Vice-Chairperson of the Governing Group, on behalf of Deputy Mayor Been, Chairperson of the Governing Group.

The following Members were present:

- Hon. Keith Powers, Council Member for District 4
- Dan Garodnick, Designee of Speaker of the Council
- Sandy McKee, Member and Designee of Manhattan Community Board Six
- Susan Chin, Representative of a citywide civic organization

The following Members acted by proxy:

- Hon. Gale Brewer, Manhattan Borough President
- Vicki Been, Deputy Mayor of Housing and Economic Development
- Marisa Lago, Director of the NYC Department of City Planning
- James Patchett, President of the NYC Economic Development Corporation
- Margaret Forgione, Acting Commissioner of the NYC Department of Transportation
- Jacques Jiha, Director of the NYC Office of Management and Budget
- Mitchell Silver, Commissioner of the NYC Department of Parks and Recreation
- Lorraine Grillo, Commissioner of the NYC Department of Design & Construction

The following Member was not present:

- Vikki Barbero, Member and Designee of Manhattan Community Board Five

The following Directors and Alternate Directors were present:

- Hon. Keith Powers, Council Member for District 4
- Dan Garodnick, Designee of the Speaker of the Council
- Sandy McKee, Member and Designee of Manhattan Community Board Six
- Susan Chin, Representative of a citywide civic organization
- Lizzette Chaparro, Alternate Director for Office of the Manhattan Borough President
- Pedram Mahdavi, Alternate Director for Deputy Mayor of Housing and Economic Development

- Bob Tuttle, Alternate Director for the Director of the Department of City Planning
- Fred D’Ascoli, Alternate Director for the President of the Economic Development Corporation
- Sallina Yung, Alternate Director for the Director of the Office of Management and Budget
- Ed Pincar, Alternate Director for the Department of Transportation
- Nicholas Molinari, Alternate Director for the Commissioner of the Department of Parks and Recreation
- Jamie Torres-Springer, Alternate Director for the Commissioner of the NYC Department of Design & Construction

The following representatives were present:

- Layla Law-Gisiko, Member and representative of Manhattan Community Board Five

The Meeting of Members commenced, a quorum being present.

1. **Directors and Alternate Directors:** It was announced that elections were in order to elect directors and alternate directors of the Corporation. There were no questions or comments. Upon a motion made and unanimously carried, a resolution was adopted for the membership sections at issue to elect the following directors and alternate directors.

Director:

Vicki Been
 Marisa Lago
 Margaret Forgione
 Mitchell Silver
 Jacques Jiha
 James Patchett
 Lorraine Grillo
 Susan Chin
 Gale Brewer
 Daniel Garodnick
 Keith Powers
 Vikki Barbero
 Sandy McKee

Alternate Director:

Pedram Mahdavi
 Bob Tuttle
 Ed Pincar Jr.
 Nicholas Molinari
 Sallina Yung
 Fred D’Ascoli
 Jamie Torres-Springer
 Tara Kelly
 Lizette Chaparro
 Marianna Vaidman Stone
 Kate Theobald
 Clayton Dean Smith
 Molly Hollister

2. **Annual Report:** Director D’Ascoli presented the annual budget report to the Governing Group. He noted that the report was a requirement of New York State not-for-profit law and served as a reiteration of the financial report approved during the September 24, 2021 meeting. He reported that the assets and liabilities were \$42,848,942, there were no operating revenues recorded, and there was investment income of \$797,151 earned through interest payments. He noted that there were no amendments to the guidelines made. He further noted that an independent audit of investments for the 12-month period ending on June 30, 2020 was completed and showed \$42,207,747 in investments.

In response to a question from Director Garodnick, Director D’Ascoli stated that audit fees

were the Governing Group's primary expense, costing approximately \$20,000, with the bank fees making up the bulk of the remaining expenses. Director D'Ascoli stated that the fee amounts are typical when viewed as a percentage of the funds in the Governing Group's account, and that he could provide more specifics about the charges in the future.

- 3. Project Updates:** It was announced that DDC and DOT would present an update on several projects within East Midtown.

Director Torres-Springer discussed Pershing Square East, noting that it provided an opportunity to align with character of Pershing Square West, while addressing site specific issues, such as the need for emergency access and that it houses the busiest Citi Bike station in the city. He noted that the design has been completed and that DDC has put out the bid for construction. He described the proposed materials, including granite and concrete blocks, louvered fencing and bronze features that would be sourced so as to avoid the delays that held up Pershing Square West. He noted that it would include similar furniture as found in Pershing Square West. A swing gate will allow for emergency access. Director Torres-Springer also noted that DDC was able to create an accelerated timeline for this project, noting that the pandemic disrupted capital projects across the city. He noted that they lost approximately six months because of the difficulty continuing with design and procurement. In terms of timing, he relayed that construction was anticipated to begin in mid-2021 and completion is anticipated in mid-2023.

Director Pincar provided an update on the Lexington Avenue thoroughfare improvements, noting that the project had been initiated. He described the safety improvements and corner improvements for ADA accessibility. He described the benefits of doing a design-build process for this priority project. He noted that procurement will begin in 2021 for a design-builder, and that there will be only one procurement and design will overlap with construction.

Director Pincar provided an update on the East 43rd Street shared street, noting some changes that DOT would like to pursue to improve functionality of the space. He relayed that DOT is conducting outreach as to how it can improve operations for the space, and will install a revised design accordingly.

Director Pincar gave a brief overview of the Park Avenue medians project, noting that MNR will be removing the medians to renovate the train shed below, which provides an opportunity to widen the medians. He noted that DOT launched their online portal for the project, which was available for public comments. He discussed some of the programming and treatments that could be implemented, from passive spaces to something more active, noting the Pike/Allen malls as examples. He noted that there could be event spaces with public art. He highlighted that DOT was excited to get public feedback on the project, and that the project had generational potential. In response to a question from Director Chin, Director Pincar noted that DOT will keep the comment portal open for several weeks, if not longer.

There were a number of questions on the Park Avenue Medians. Director Garodnick noted

that stakeholders had sent a letter to Commissioner Trottenberg, requesting that DOT hire a landscape architect for the designs. Director Pincar noted that the letter had been received and that DOT was coordinating internally with their partners in sister agencies and City Hall. He noted that the letter raised some great questions, and that DOT wanted to discuss the design of the medians over the long-term with the Governing Group and wider community. He noted some of the variables in the median design and reconstruction process. Director Garodnick asked when DOT plans to do virtual outreach to show the design options, and who is coming up with these options. Director Pincar relayed that for now, DOT is starting with the basic questions about what the function of each median would be, and that they're not going to be drilling down into the design right away. He noted that the most essential piece is the footprint, and what types of activities should the malls accommodate. Director Chin highlighted that it presented the opportunity to look at alternate transportation modes, like cycling. She noted the excellence of DOT's urban design group and that having them be involved would be of tremendous benefit to the project. Director Pincar noted that DOT has been focusing on ways to respond to the pandemic, and looking at Lexington Avenue for temporary pedestrian improvements and considering additional open streets in the area. He noted that DOT may return to the Governing Group with future proposals.

There were no further questions and the Members Meeting was closed.

The Meeting of Directors commenced, a quorum being present.

1. **Adoption of Meeting Minutes:** It was announced that adoption of the meeting minutes from the Meeting of Members and Directors, held on October 9, 2020, was in order. There were no questions or comments. Upon a motion made and unanimously carried, the meeting minutes were adopted.
2. **Treasurer's Report:** It was announced that approval of Treasurer's Annual Report was in order. There were no questions or comments. Upon a motion made and unanimously carried, the Treasurer's Report was adopted.
3. **Annual Update to the Concept Plan:** DOT presented the Annual Report for the Concept Plan, noting that it remains as it did last year. Director Pincar noted that DOT may propose changes to the Concept Plan in the 2021 report but for now it will keep the plan consistent with the previous year's plan.

Director Chin asked whether there would be any consideration in the concept plan for increased ridership stemming from the upcoming completion of LIRR's East Side Access project. Director Pincar noted that, while the Concept Plan may not be changing this year, that it can continue to be modified in light of changes in East Midtown and that DOT is always on the lookout for opportunities to improve the pedestrian experience. He noted that DOT did not move forward with a number of projects during the Covid-19 pandemic that were related to cycling and temporary sidewalk extensions on Lexington Avenue. Should it continue to be needed in 2021, Director Pincar noted that some of that work could resume in the spring of 2021.

Ms. Law-Gisiko noted that CB5 had asked the Hyatt-42nd Street applicant to create a construction task force due to the complexity and long-term disruptions associated with the building's redevelopment. Hon. Director Powers supported Ms. Law-Gisiko's comment.

It was announced that approval of the Concept Plan Update was in order. Upon a motion made and unanimously carried, the Concept Plan Update was adopted.

4. **Officers:** It was announced that elections were in order to elect Officers of the Corporation. There were no questions or comments. Upon a motion made and unanimously carried, a resolution was adopted for the membership sections at issue to elect the following Officers of the Corporation:

Keith Powers (Vice-Chairperson)
James Patchett (Treasurer)
Marisa Lago (Secretary)

5. **Audit Committee:** It was announced that elections were in order to elect members of the Audit Committee. There were no questions or comments. Upon a motion made and unanimously carried, a resolution was adopted for the membership sections at issue to elect the following members to the Audit Committee:

James Patchett (Chair)
Jacques Jiha
Keith Powers
Vicki Been (ex officio)

6. **Governance Committee:** It was announced that elections were in order to elect members of the Governance Committee. There were no questions or comments. Upon a motion made and unanimously carried, a resolution was adopted for the membership sections at issue to elect the following members to the Governance Committee:

Marisa Lago (Chair)
Jacques Jiha
Gale Brewer
Vicki Been (ex officio)

7. **Presentation by Metro North Railroad on the Train Shed Rehabilitation Program:** Metro North Railroad provided an update on their train shed rehabilitation project. Mr. Daly of HNTB and Ms. Black of FHI presented on behalf of MNR as consultants for the project. Mr. Daly emphasized the close connection between the street and the train shed, and their limited ability to protect from water infiltration. He described the current sectors of the project and their geography. Sector 1 is located between 47th and 48th streets, Sector 2 (which, he noted, was currently under design) is located between 53rd and 56th streets. Additionally, he highlighted that there are ongoing priority repairs to the train shed at Park Avenue and 48th Street, slightly east of the easterly edge of Sector 1. He noted facts concerning the train shed's usage, and described the challenges posed by water infiltration

and the difficulties sealing the shed's roof. He noted that MNR has been unable to keep pace with the rate of deterioration, leading to the need to more aggressively replace the viaduct in its entirety.

Mr. Daly noted that the project will be design-build and that the Sector 1 is more than 90 percent designed while Sector 2 is currently undergoing design. Regarding Sector 1, he relayed that the contract will be awarded in the first quarter of 2021, and will commence construction as part of the 2025 Capital Program. He noted that Sector 1 will act as a pilot for any proposed enlargements to the malls, and that it was crucial to confirm the footprints, street curb and planter curb locations, and the infrastructure requirements, including drainage and power. He briefly described the method of deck replacement, and highlighted that it would become an increasingly streamlined approach over time. He emphasized the importance of drainage and waterproofing for the future mall designs. He noted that they are providing the layout for the curb and planters with final dimensions to be finalized between their designers and DOT. He noted that JP Morgan hired an independent designer to oversee the design of the Sector 1 mall, whereas Sector 2 would be designed by a third party designer and overseen by MNR. Mr. Daly reviewed the design and construction schedule, as well as their stakeholder engagement strategy. He noted the array of public, private and community-based stakeholders that would be consulted and involved in the process.

Ms. Black briefly described the construction coordination and mitigation measures that her team would undertake, emphasizing the importance of keeping rail service running throughout the process. She provided additional detail on the stakeholder outreach measures, and whom to contact for further information.

Ms. Law-Gisiko asked for clarity around whether there was a private sector partner for Phase 2, and Mr. Daly noted that there would not be, and that Sector 2 would be overseen by MNR. Director Garodnick asked whether MNR and MTA had any constraints or concerns about the extent of above-ground interventions, and whether they could impact the structural soundness of the repairs. Mr. Daly noted that their repairs will be structurally sound in light of whatever is designed above-grade. Mr. Daly further responded that, apart from ensuring that the waterproofing system is maintained and protected, that MNR was open to however the City decides to design the malls above-grade.

Hon. Director Powers asked whether MNR planned to rely on private developers or landholders to oversee and pay for additional portions of the project, as was the case with JP Morgan and Sector 1. Mr. Daly noted that while JP Morgan was a unique situation and, due to timing, dictated the first area that would be constructed, MNR will be looking to have private funding be an ongoing part of their momentum. He noted that other buildings may approach MNR with a reasoning and argument as to why they, and their portion of the medians, should be next in line. He affirmed that JP Morgan is moving forward with Sector 1, that MNR will move forward with Sector 2 regardless of whether there's opportunity for private partnership, and that, moving forward, they'll investigate how to best incorporate future partners. In response to a question from Director Chin, Mr. Daly described the rationale and history behind their sequencing. Originally, he noted, Sector 2 was planned to be the first area of repair undertaken, but they changed course after being approached by JP

Morgan Chase, as being able to work on both 270 Park Ave and the Viaduct at the same time proved to be the most efficient path forward.

Director Chin asked about whether the structural loads could support public art, which could be quite heavy. Mr. Daly relayed that they will be providing the infrastructure to support art but that there will be limits. Director Chin asked for the guidelines and parameters for what could be structurally supported in terms of art.

To clarify a question from Ms. Law-Gisiko, Mr. Daly noted that MNR would not be working on the train shed in the area affected by the Hyatt redevelopment. He was unsure of the relationship of the 343 Madison Avenue development site and the train shed, and said that he could provide further information, pending MNR's approval. Ms. Law-Gisiko asked how MNR plans to handle repairs under existing and historic buildings. Mr. Daly relayed that repair program is substantially targeted to areas that are directly below streets and sidewalks, which is where, historically, the majority of the defects and water infiltration had occurred. The conversation returned to the Hyatt redevelopment, and Director Tuttle noted that DCP did not have a draft application yet for this proposal, and that it may be prudent to have the Hyatt applicant present to the Governing Group at an appropriate time.

A member of the public asked DOT whether there had been decisions yet on the width of the Park Avenue median. Director Pincar replied that there were defined widths in the East Midtown Concept Plan, which had been analyzed in the Greater East Midtown EIS, but that the final footprint would be something that they'd like to solicit public feedback on, and that a portal would be launched that week for input.

- 8. Business Improvement District Update:** Mr. Cerullo thanked the Governing Group on behalf of himself and the East Midtown Partnership. He praised the stakeholder collaboration on Pershing Square East and East 43rd Street. He discussed expansions of pedestrian space and sidewalks on the west side of Lexington Avenue and on the side streets in the vicinity. He noted that GCP was looking for opportunities to expand the pedestrian realm on Vanderbilt Avenue and provide opportunities for open air dining. He emphasized the critical importance of the Park Avenue medians project, and his excitement that the visioning portal would be up and running shortly. He noted that the Partnership would be assisting with outreach, and stressed the importance of the design process. Director Chin asked whether there could be an opportunity to brand the Park Avenue improvements, and whether GCP members along Park Avenue were looking toward these opportunities. Mr. Cerullo confirmed that these members were keen on such opportunities and would remain engaged throughout the process.
- 9. Adjournment:** There being no further business to come before the meeting, the meeting of the Board of Directors was adjourned at 2:57 p.m.

COMMON ABBREVIATIONS

ABO | NYS Authorities Budget Office
BID | business improvement district
CPC | NYC City Planning Commission
DCP | NYC Department of City Planning
DDC | NYC Department of Design and Construction
DEP | NYC Department of Environmental Protection
DOB | NYC Department of Buildings
EMP | East Midtown Partnership BID
FDNY | Fire Department of the City of New York
GCP | Grand Central Partnership BID
LIRR | Long Island Rail Road
MNR | Metro-North Railroad
MTA | Metropolitan Transportation Authority
NYCEDC | NYC Economic Development Corporation
NYCT | New York City Transit
NYPD | NYC Police Department
OMB | NYC Office of Management and Budget
PAAA | Public Authorities Accountability Act