

**NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP)  
BUREAU OF ENGINEERING DESIGN AND CONSTRUCTION  
CROTON FACILITY MONITORING COMMITTEE MEETING MINUTES  
THURSDAY, SEPTEMBER 12, 2013 – 7:00 PM**

The Croton Facility Monitoring Committee (CFMC) met on Thursday, September 12, 2013 at the DEP Office, 3660 Jerome Avenue, Bronx, NY 10467.

**Welcome**

The meeting was called to order by Chair Robert Fanuzzi and started at 7:20 pm. All CFMC members participated or were represented.

**Attending - CFMC Representatives – Attachment 1**

Laurence Scoones, Representative of the Department of Parks and Recreation (DPR); Mr. Fanuzzi, Chair, Community Board # 8; Adaline Walker-Santiago, Chair, Community Board #7; Wilhelm Ronda, Representative of the Bronx Borough President; Father Richard Gorman, Chair, Community Board #12; George Diaz, Office of Council Member Oliver Koppell; Shane Ojar, DEP. **Others Attending:** DEP Staff, Construction Manager, members of the press and the public.

**Adoption of CFMC Meeting Agenda - Attachment 2**

Mr. Fanuzzi explained that, in response to the request for the Comptroller to attend tonight's meeting, at the Comptroller's request, his office's appearance has been postponed to the December CFMC meeting although the topic will be briefly discussed at this meeting.

Mr. Fanuzzi said that the agenda was modified to allow the public to ask questions and make comments at the beginning of the meeting because the public's input aids the CFMC meeting. He said that much has been accomplished by the CFMC since the June 2013 meeting, citing the letter of invitation to the Comptroller in particular (*Attachment 3*).

The meeting agenda was accepted by the CFMC on a motion by Mr. Scoones, seconded by Mr. Ronda.

**Adoption of CFMC Meeting Minutes from June 6, 2013**

Mr. Fanuzzi said there was confusion in the community about DEP's press release, issued on August 26, 2013, that described the completion of construction of the Croton Distribution Chamber at a cost of \$50 million (*Attachment 4*). He said the wording of the press release led some people to conclude that \$50 million was the cost of the Croton Filter Project when it pertained to the Distribution Chamber (also known as the Shaft and Meter chamber at Jerome Park Reservoir (JPR)). He specifically asked that tonight's minutes reflect the clarification. Mr. Fanuzzi also referred to an article in City Limits by Bob Henley about costs at the Croton Filter Plant.

A motion to accept the June 6, 2013 minutes was made by Mr. Ronda, seconded by Fr. Gorman.

### **Public Comments and Questions**

Robert Press, Bronx Press, said he saw recent installation of cell towers and asked if danger from cellular phone antennae will affect the operations of the Croton Filter Plant. Bernard Daly, Croton Filter Plant project manager, said there are temporary structures for communications during construction. They will not be permanent. Mr. Press asked if there are emergency plans at Van Cortlandt Park (VCP) in the event of an explosion or other emergency. Mr. Daly said there are comprehensive emergency plans to evacuate DEP and construction workers in an emergency, and FDNY visits the site bi-weekly to coordinate with DEP. Mr. Ojar said there are no plans for general community evacuation and there is no chlorine gas on site. Mr. Press suggested a risk management analysis of dangers at the facility be performed.

Anne Marie Garti, Jerome Park Conservancy, said there will be a new Mayor with new policies on the horizon. She reiterated the community's interest in public access to JPR. Mr. Fanuzzi said he wants more information on DEP's concerns about JPR public access.

Jordan Moss, City Limits & Norwood News, asked who will clean and maintain the area around JPR. Cleanliness is a multi-entity responsibility as DEP, DPR, Lehman College and others are proximate to areas around JPR.

Gary Axelbank, area resident, said that after DEP fixed a water emergency not far from JPR, metal plates were left and the roadway has not been restored. Mr. Press said he understood that Con Ed ruptured a DEP pipe. It was also stated that when the operating bureau of DEP concluded an additional underground water investigation, the roadway would be backfilled and restored.

Mr. Axelbank referred to a prior CFMC meeting where DEP said the Croton Filter Plant Integrity Monitor (IM) was welcomed to the project. He complained that the IM pursues contractors and vendors but recommends that the IM monitor the project itself. He mentioned the original plan to construct a force main and DEP's commitment not to use explosives at JPR as two areas that merited followed up. He added the lack of funding for the VCP pedestrian bridge over the Major Deegan Expressway and parks projects not completed on time as worthy of IM pursuits. Mr. Fanuzzi said the CFMC has sought City Council funding for the pedestrian bridge.

Fr. Gorman said that all items mentioned by Mr. Axelbank should be investigated by an appropriate city or state legislative committee. He said that no major projects are completed on schedule or on budget, generally pointing out Yankee Stadium, City Time and the 911 upgrade. He reminded the CFMC about a former DEP Commissioner's unwillingness to respond to CFMC's issues about budget and costs.

Mr. Diaz said when contractors are well beyond their project bids, when fines are seen as the cost of doing business, and enforcement identifies wrongdoing, contractors should go on an "unqualified" list and forego the opportunity for future work. Mr. Ojar said, as he

has before, that contractors who break the law are penalized. Ratings of each contractor are part of the contractor's project record. If a contractor's work is substandard, the bad performance is taken into consideration prior to a new project award. He mentioned the Queens Steinway Street Bridge project where a contractor performed substandard work, leading to the engagement of a new contractor to complete the work. Mr. Ojar explained that city-wide procedures govern contracting.

Mr. Fanuzzi said the city's relationships with contractors need improvement, and the CFMC will work with other parties to publicize lessons learned on this project.

Daniel Padernacht, Community Board 8, recommended the CFMC pass a resolution asking for city and state oversight of the Croton Filter Plant and other major municipal infrastructure projects. Mr. Fanuzzi asked Fr. Gorman to assist on developing such a resolution for consideration at the December 2013 CFMC meeting.

#### **Update on DPR Jogging Path Construction at JPR**

Andrew Penzi, DPR, gave the jogging path update. He said the construction is underway in multiple areas in order to maximize the landscaping/planting. DPR has accepted Phase 1 of the project, which looks good, although DPR will request additional path compaction. He showed the CFMC construction drawings and photos of current work (*Attachment 5*). The next phase of work is at Ft. Independence Park. Mr. Scoones reported, as DPR has said in the past, that DPR will make every effort to keep the park and playground open to the public, although safety is the predominate consideration and will necessitate keeping some areas temporarily off limits to the public. In October 2013 construction will commence in the area of Gate House No. 7, with DEP and DPR coordinating at the location where the jogging path and the Croton Filter Project are in confluence. Work on the jogging path is expected to be complete next spring; however, the work is somewhat behind schedule.

In response to complaints from Mr. Axelbank about traffic summonses received on the west side of JPR by nearby residents, DPR said that the contractor must provide 48 hours' notice when "no parking signs" are installed. In the instance mentioned by Mr. Axelbank, the 48 hours' requirement may not have been met. DPR provided a letter (*Attachment 6*) that explained that possibly the contractor gave insufficient time for residents to move their vehicles. Mr. Fanuzzi asked Mr. Padernacht to give residents in the area of Giles and Ft Independence Place who got summonses the letter for their enforcement defense. Mr. Padernacht asked for the return of weekend and night parking when the contractor is not working. Mr. Penzi said he will check whether additional parking spaces can be restored, but said that the contractor needs access in the roadway and parked vehicles impede this. Mr. Penzi also agreed to see whether an additional project construction sign can be installed. [Note: Mr. Penzi reported that a minimum number of parking spaces must be kept for the contractor and that a second project sign is currently in place.]

Mr. Moss asked which agency will maintain the landscaping/planting. Mr. Scoones said DPR. In response to a further question about what will be planted in place of trees, DPR

said sod will be installed by DPR with the supervision of DEP. Mr. Moss asked when the new planting will occur. DPR said either after October 15, 2013 or during a subsequent planting period. The planting will be inside the fence.

There was a further discussion about the NYS Department of Environmental Conservation's (DEC) interaction with the CFMC regarding what can be planted on the JPR earthen dam. Mr. Fanuzzi briefly reviewed the prior discussions that included Assembly Member Jeffrey Dinowitz and Fr. Gorman, in consultation with DEC. Mr. Fanuzzi asked the number of replacement trees that will be planted and who will pay for them. He also asked for a list of locations for new trees. Mr. Penzi said that the Forestry Section of DPR has looked around the community for locations for the new trees, but DPR has no final locations yet. Mr. Axelbank and Ms. Garti further commented on their interest in the planting plan and arrangements for good future maintenance.

Mr. Fanuzzi requested the tree planting plan for the CFMC as well as for Community Board #8's Parks Committee when it is available. Mr. Fanuzzi asked to be kept informed about the status of his requests and about which agency will bear the cost of the new trees.

#### **Comptroller's Audit of Croton-Funded Parks Projects**

Mr. Fanuzzi thanked Fr. Gorman for spearheading the effort to have the Comptroller's Office perform the audit. He said that although the Comptroller could not attend this meeting, he will write to the Comptroller to ensure the Comptroller's appearance at the next CFMC meeting and to ask the Comptroller to respond to the status of the Comptroller's seven audit recommendations. (*Attachment 7*). He asked Martha Holstein, Construction Management, to send the Comptroller's audit to the CFMC which was done on September 13, 2013. David Cerone, DPR, addressed and clarified several points – in particular, regarding the number of parks projects as opposed to the number of parks contracts, and said that he and Mr. Penzi will come to the next CFMC meeting along with the Comptroller's representatives. Mr. Axelbank recommended the CFMC invite the Comptroller-elect to the December CFMC meeting as well.

Mr. Fanuzzi asked Mr. Penzi to update the April 2014 aggregated list of project funding.

#### **Tour of JPR**

Mr. Fanuzzi asked Mr. Ojar about the CFMC tour of JPR. Subsequent to the meeting December 9<sup>th</sup> was selected for the JPR tour. Comments in support of public access to JPR were made by Ms. Garti, and Messrs. Padernacht and Axelbank.

#### **Croton Construction Update, Costs and Schedule**

Mr. Daly asked if the CFMC had questions about the previously-distributed costs report through August 2013. (*see Attachment 8*) He explained the reduction related to elimination of the Force Main. There were no further questions.

Mr. Daly provided the construction update (*Attachment 9*).

Construction at the VCP site is continuing. The vast majority of mechanical process equipment inside the plant is installed. Checkout, Field Equipment Testing and Field System Testing are ongoing. Placement of filter media (sand and anthracite) is complete. Electrical, Heating, Ventilation and Air Conditioning (HVAC), plumbing and interior finish work in the plant are continuing. A small amount of concrete is being placed for perimeter retaining walls. Construction of the DEP above-grade structures, retaining and gabion walls, green roof, and site grading are proceeding at the VCP site. There was a short discussion about the materials used to construct the green roof. Mr. Daly said he would provide more details about the soil and geo-foam in the next report. In response to a question, Mr. Daly explained that the golf course concessionaire will maintain the golf course grounds. Kevin Yager, Con Edison, asked Mr. Daly about commissioning of the Croton Filter Plant and was satisfied with the information.

At JPR, construction of the Croton Shaft and Meter Chamber/Distribution Chamber is complete. Minor work on other small chambers and landscaping will be finished in the months ahead. The noise wall will be removed in late spring 2014.

As part of the Croton Filter Plant testing, the JPR North Basin will be periodically filled and drained beginning this fall, as raw water flows through the Croton Filter Plant. Water is expected in the South Basin by spring 2014, as part of the Croton Filter Plant testing.

In Goulden Avenue the connection to two high service water mains was made near Gate House 7, facilitated by a shutdown of Goulden Avenue from Sedgwick Avenue to 205 Street and detour to Paul Avenue, during the 2013 summer when schools were not in regular session. Goulden Avenue was reopened to traffic on September 8, 2013.

In preparation for work in the area of Gate House No. 7, for DPR's jogging path project and for DEP's access to Shaft 3, the agencies are coordinating so both construction projects stay on schedule and out of each other's way. Later this year, DEP will close a short portion of the right lane of eastbound Sedgwick Avenue for construction activities at Shaft 3. Transportation analyses show virtually no impact on area travelers either driving or walking, and DEP is working closely with DOT on the street closure.

In concert with DPR, DEP is performing site restoration at Gate House No. 1. Plumbing, HVAC and interior finish work in Gate House No. 5 continues. A new temporary roof was installed at Gate House No. 2.

Removal of the Microstrainer Building at the south end of JPR is awaiting approval of an EPA required Remedial Action Plan and a demolition permit from the Department of Buildings. All Microstrainer Building demolition will be done inside a temporary structure that will cover the building completely.

At the Demonstration Filter Plant site south of Gate House No. 5 on Goulden Avenue, only the floor slab and grade beams remain to be demolished. However, because the slab is coated with asbestos waterproofing on the perimeter walls, slab removal is complicated

and will be performed in stages. A demolition permit will also be required from the Department of Buildings along with approvals to perform asbestos removal.

All force main test pits were restored and roadway striping work was completed in June 2013.

**CFMC Discussion**

Because of holiday schedules, the CFMC's next meeting will be on Thursday, December 12, 2013.

Upon Mr. Diaz's motion, the CFMC adjourned the meeting at 9:15pm.

<u>Name</u>	<u>Organization / Company</u>	<u>Address</u>	<u>Phone</u>	<u>Fax</u>	<u>E-Mail</u>
Lawrence Scoones	Department of Parks & Recreation	1 Bronx River Parkway Bronx NY	(718) 430 1856		<a href="mailto:lawrence.scoones@parks.nyc.gov">lawrence.scoones@parks.nyc.gov</a>
Nicole Steward		260 E. 161st Street Bronx NY	(765) 215 6161		<a href="mailto:nikisue13@yahoo.com">nikisue13@yahoo.com</a>
Daniel Padermacht	Community Board #8	5676 Riverdale Avenue Bronx NY 10471	(718) 884-4740		<a href="mailto:dpadernachtcb8@gmail.com">dpadernachtcb8@gmail.com</a>
Robert Fanuzzi	Community Board #8	5676 Riverdale Avenue Bronx NY 10471	(718) 884-4740		<a href="mailto:fanuzzir@stjohns.edu">fanuzzir@stjohns.edu</a>
Andrew Penzi	Department of Parks & Recreation	Olmstead Center Flushing Meadows-Corona Park	(718) 760-6577		<a href="mailto:andrew.penzi@parks.nyc.gov">andrew.penzi@parks.nyc.gov</a>
Adaline Walker-Santiago	Community Board #7	229 A East 204 Street Bronx NY 10458	(718) 933-5650		<a href="mailto:awalkersantiago@cb.nyc.gov">awalkersantiago@cb.nyc.gov</a>
Gary Axelbank	Sedgwick Avenue Resident	1 Bronx River Parkway Bronx NY	(914) 740-6758		<a href="mailto:gaxinthebronx@gmail.com">gaxinthebronx@gmail.com</a>
Bernard Daly PE	Department of Environmental Protection	3701 Jerome Avenue Bronx, NY 10467	(718) 696-2000		<a href="mailto:bdaly@dep.nyc.gov">bdaly@dep.nyc.gov</a>
George Diaz	Office of Council Member Oliver Koppell	3636 Waldo Avenue Bronx NY 10463	(718) 549-7300		<a href="mailto:gdiaz@council.nyc.gov">gdiaz@council.nyc.gov</a>
Martha Holstein	Strategic Urban Solutions, Inc.	335 Adams Street Brooklyn, NY 11201	(718) 625-1005		<a href="mailto:mholstein@urbansol.com">mholstein@urbansol.com</a>
Ilona Linins	Lehman College	250 Bedford Park Blvd W Bronx NY	(718) 960-8988		<a href="mailto:ilona.linins@lehman.cuny.edu">ilona.linins@lehman.cuny.edu</a>
Robert Press	Bronx News	3155 Rochambeau Bronx NY 10467	(718) 653-6992		<a href="mailto:100percentbronxnews@gmail.com">100percentbronxnews@gmail.com</a>
Father Richard Gorman	Community Board #12	4101 White Plains Rd Bronx NY 10466	(718) 881-4455		<a href="mailto:rgorman@cb.nyc.gov">rgorman@cb.nyc.gov</a>
Wilhelm Ronda	Office of Bronx Borough President Diaz	198 East 161st Street Bronx, NY 10451	(718) 590-8087		<a href="mailto:wronda@bxbp.nyc.gov">wronda@bxbp.nyc.gov</a>
Jordan Moss	City Limits	3330 Giles Pl Bronx NY 10463	(718) 710-3382		<a href="mailto:Jordan@citylimits.org">Jordan@citylimits.org</a>

<u>Name</u>	<u>Organization / Institution</u>	<u>Address</u>	<u>Phone</u>	<u>Fax</u>	<u>Email</u>
Sarina Trangle	Riverdale Press	6155 Broadway NY	(718) 543 6065 x324		<a href="mailto:strangle@riverdalepress.com">strangle@riverdalepress.com</a>
Anne Marie Garti	Jerome Park Conservancy	3967 Sedgwick Ave Bronx, NY	(718) 884 7864		<a href="mailto:annemarie@garti.net">annemarie@garti.net</a>
Shane Ojar	Department of Environmental Protection	59-17 Junction Blvd Flushing NY 11368	(718) 595-4148		<a href="mailto:sojar@dep.nyc.gov">sojar@dep.nyc.gov</a>
David Cerron	Department of Parks & Recreation	Arsenal -830 Fifth Avenue York NY	(212) 360-3457		<a href="mailto:david.cerron@parks.nyc.gov">david.cerron@parks.nyc.gov</a>
Evan Yager	Con Edison	4 Irving Pl York NY	(607) 221 8223		<a href="mailto:yagere@coned.com">yagere@coned.com</a>
Christine Ho	Con Edison	4 Irving Pl York NY	(212) 580 6914		<a href="mailto:hoc@coned.com">hoc@coned.com</a>

**Agenda**  
**Croton Facility Monitoring Committee Meeting**

Thursday, September 12, 2013 – 7:00 PM  
DEP Office – 3660 Jerome Avenue, Bronx NY 10467 - (718) 231-8470

- |   |  |
|---|--|
| <b>I</b> Welcome  | Bob Fanuzzi, Chair   |
| <b>II</b> Consider, Adopt September CFMC Agenda   | CFMC Representatives   |
| <b>III</b> Public Questions & Comments (15 minutes)   |  |
| <b>IV</b> Consider, Adopt 6/6/13 Meeting Minutes  | CFMC Representatives   |
| <b>IV</b> Update on Jogging Path Construction<br>at Jerome Park Reservoir<br><i>Including</i><br>Status of Tree Removal on JPR Bern<br>& JPR Perimeter<br>Tree replacement schedule & locations   | Andrew Penzi, Hector Aponte,<br>Department of Parks & Recreation |
| <b>V</b> Findings of NYC Comptroller's Audit<br>re Croton-Funded Parks Capital Projects   | CFMC Representatives   |
| <b>VI</b> Discussion about CFMC Request for Tour<br>of Jerome Park Reservoir  | Shane Ojar, DEP  |
| <b>VII</b> Croton Construction Update & Croton<br>Costs Report<br><i>Including</i><br>Update on Construction in Goulden Avenue<br>& Sedgwick Avenue<br>Update on Distribution Chamber at JPR<br>Status of Permits & Demolition of Microstrainer<br>Building | Bernard Daly, DEP  |
| <b>VIII</b> CFMC Discussion & Confirm Date for<br>December 19, 2013 CFMC Meeting  | CFMC Representatives   |
| <b>IX</b> Adjourn   |  |



## BRONX COMMUNITY BOARD NO. 8

5676 Riverdale Avenue, Suite 100 • Bronx, New York 10471-2194

Telephone: 718-884-3959 • Fax: 718-796-2763

E-Mail: [bx08@cb.nyc.gov](mailto:bx08@cb.nyc.gov)

Website: [www.nyc.gov/bronxcb8](http://www.nyc.gov/bronxcb8)

Follow us on [Facebook](#)

Honorable Ruben Diaz, Jr.  
Bronx Borough President

### OFFICERS:

Chairperson  
Robert Fanuzzi

District Manager  
Nicole M. Stent

Vice Chairperson  
Maria Khury

September 25, 2013

Secretary  
Joyce M. Pilsner

Treasurer  
Philip Friedman

Honorable John C. Liu, Comptroller  
City of New York  
One Center Street, #530  
New York, NY 10007

Re: Comptroller's Audit 7E12 140A

### COMMITTEE CHAIRS:

Agling  
Andrew Cohen

Dear Comptroller Liu:

Budget  
Brendan Contant

On behalf of the Croton Filtration Monitoring Committee (CFMC), we want to express our deep gratitude to your Office for the recently completed "Audit Report on the Implementation of Croton Filtration Plant Parks Projects by the Department of Parks and Recreation." The CFMC asked for this analysis in response to persistent questions about the disposition of \$200 million intended for parks improvements under a 2003 Memorandum of Agreement (MOA) between the City of New York and New York State. Your office has completed an essential report that will assist our committee and the public to learn more about how and where parks money was spent.

Economic Development  
Sergio Villaverde

Education  
Sylvia Alexander

Environment & Sanitation  
Sergio Marquez

Health, Hospitals &  
Social Services  
Steven Froot

Housing  
Steven Balicer

At each meeting of the CFMC, we strive to keep track of the billions in dollars spent on the filtration facility, the \$200 million allocated under the terms of the MOA, and the \$40 million provided by the City Council's 1999 ULURP Resolution. This is a painstaking and often difficult task we fulfill in keeping the oversight function entrusted to us by the City Council. Your audit report lends invaluable support to this effort and brings a level of transparency that is rare and absolutely necessary in projects of this magnitude.

Land Use  
Charles G. Moerdler

Law, Rules & Ethics  
Rosemary Ginty

Libraries & Cultural Affairs  
Marvin Goodman

Parks & Recreation  
Bob Bender

To better assist the CFMC in exercising its monitoring function, we request that representatives from the Office of the Comptroller be present at the next meeting of the CFMC which will be on Thursday, December 12, 2013 at 7:00PM. Our meetings are at the DEP Office, 3660 Jerome Avenue, Bronx NY 10467. Also present at this meeting will be an auditor from the Department of Parks and Recreation, which has already contributed published comments to the Comptroller's audit report. With both the Comptroller's office and DPR experts present, the CFMC can seek clarification on several salient issues raised by the audit report, including: the expenditure of money on ineligible projects; the disputed number of projects in relation to the number of contracts; the rate and number of delayed projects; and most importantly, the amount of money still unspent.

Public Safety  
Arlene Garbett Feldmeier

Traffic & Transportation  
Daniel Padernacht

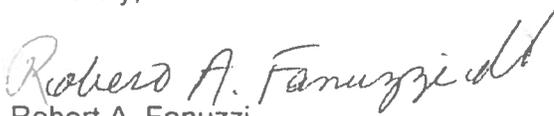
Youth  
Lamont Parker

COMMUNITY BOARD NO. 8 BRONX

PAGE 2

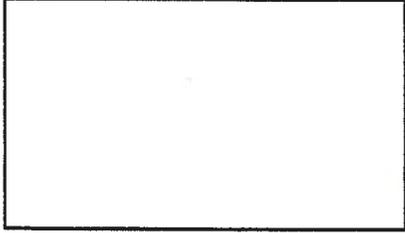
If you have specific questions about areas of the audit report of particular interest to the CFMC, please do not hesitate to contact me at Community Board #8 (718 884-3959) prior to the December 12<sup>th</sup> meeting. Until then, we thank you again for your audit report and look forward to discussing its conclusions in person with representatives of your office.

Sincerely,



Robert A. Fanuzzi  
Chair, Croton Filtration  
Monitoring Committee

Copy: Tina Kim, Deputy Comptroller



FOR IMMEDIATE RELEASE

13-90

August 26, 2013

CONTACT:

Christopher Gilbride / Mercedes Padilla (718) 595-6600

## **Department of Environmental Protection Completes \$50 Million Distribution Facility for the Croton Water Filtration Plant in the Bronx**

### **Project Will Allow for Activation of the Croton Water Filtration Plant Later This Year**

New York City Department of Environmental Protection (DEP) Commissioner Carter Strickland today announced the completion of a \$50 million distribution facility for the Croton Water Filtration Plant in the Bronx. The underground facility will receive filtered water from the Croton Filtration Plant through high and low pressure water tunnels and regulate it before it is released into the local distribution network for consumption by New Yorkers. Construction of the facility began in 2009 and its completion will allow for the activation of the Croton Filtration Plant, the largest such underground facility in the country, later this year. The Croton Filtration Plant is located under Van Cortlandt Park and will provide up to 290 million gallons of water to the city every day.

“The completion of the distribution facility, and the activation of the filtration plant later this year, will help ensure a reliable supply of high quality drinking water for New York City for decades to come,” said Commissioner Strickland. “Thorough coordination with the community, elected officials, the Monitoring Committee, nearby schools, and other stakeholders ensured that this critical construction was completed in a timely manner with minimal disruption.”

“With the completion of the Croton Distribution Chamber, more than 8 million New Yorkers can be even more certain that their drinking water is safe for themselves and their families,” said Council Member James F. Gennaro (D-Fresh Meadows), chair of the Council’s Committee on Environmental

Protection. "I want to congratulate Commissioner Strickland for his leadership in making sure that this world-class facility was built while keeping costs to the City's ratepayers down."

"I am pleased that this element in the filtration plant facility is complete," said Council Member G. Oliver Koppell. "This part of the project was completed with relatively little adverse community impact. I appreciate the responsiveness of DEP to the Croton Filtration Plant Monitoring Committee on which I serve."

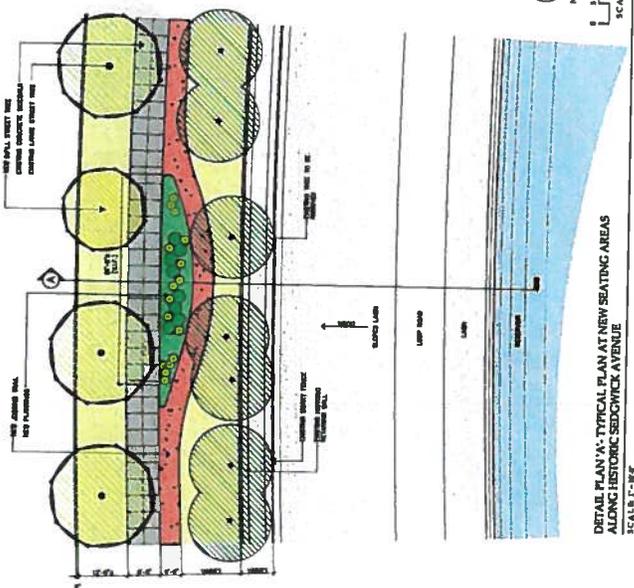
Construction of the underground facility included the excavation of 13,000 cubic yards of soil and 3,000 cubic yards of rock. To mitigate construction noise DEP built a 20 foot tall wall around the excavation site and funded the installation of air conditioners in a local school. Connecting the distribution facility to the local water mains required some traffic detours in the area and this work was completed over the last three summers, while school was not in session.

The underground distribution facility also includes a grade-level green roof that will be landscaped and open to the public. The planted vegetation and soil on the roof will absorb rainfall and reduce runoff into the city sewer system. This eases pressure on wastewater treatment plants, helps reduce localized flooding, and improves the health of local waterways. The green roof will also help lower heating and cooling costs for the building.

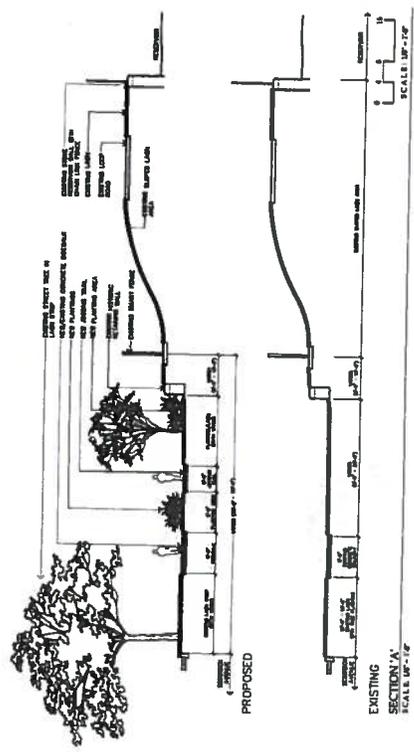
DEP manages New York City's water supply, providing more than one billion gallons of water each day to more than nine million residents, including eight million in New York City. The water is delivered from a watershed that extends more than 125 miles from the city, comprising 19 reservoirs and three controlled lakes. Approximately 7,000 miles of water mains, tunnels and aqueducts bring water to homes and businesses throughout the five boroughs, and 7,500 miles of sewer lines and 96 pump stations take wastewater to 14 in-city treatment plants. DEP has nearly 6,000 employees, including almost 1,000 in the upstate watershed. In addition, DEP has a robust capital program, with a planned \$14 billion in investments over the next 10 years that will create up to 3,000 construction-related jobs per year. This capital program is responsible for critical projects like City Water Tunnel No. 3; the Staten Island Bluebelt program, an ecologically sound and cost-effective stormwater management system; the city's Watershed Protection Program, which protects sensitive lands upstate near the city's reservoirs in order to maintain their high water quality; and the installation of more than 820,000 Automated Meter Reading devices, which will allow customers to track their daily water use, more easily manage their accounts and be alerted to potential leaks on their properties. For more information, visit [nyc.gov/dep](http://nyc.gov/dep), like us on Facebook at [facebook.com/nycwater](https://facebook.com/nycwater), or follow us on Twitter at [twitter.com/nycwater](https://twitter.com/nycwater).



SEDGWICK AVENUE



DETAIL PLAN 'A' - TYPICAL PLAN AT NEW SEATING AREAS ALONG HISTORIC SEDGWICK AVENUE  
SCALE: 1"=30'



EXISTING SECTION 'A'  
SCALE: 1"=10'

PROPOSED SECTION 'A'  
SCALE: 1"=10'



JEROME RESERVOIR PROPERTY

# The Construction of a Jogging Trail Around the Jerome Park Reservoir

Borough of The Bronx  
19 July 2011

City of New York  
Parks & Recreation



SCHEMATIC PLAN -  
HISTORIC SEDGWICK AVENUE 'B'  
Board 2/7



# FINAL SCHEMATIC PLAN - 2

FORT INDEPENDENCE PARK

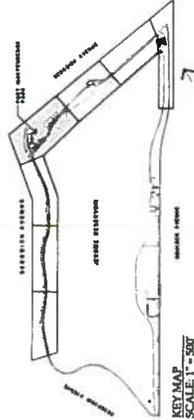


JEROME RESERVOIR PROPERTY



EXISTING CONDITIONS PHOTO IN THE VICINITY OF SECTION 'C'

EXISTING CONDITIONS PHOTO IN VICINITY OF SECTION 'C'



The Construction of a Jogging Trail Around the Jerome Park Reservoir

Borough of The Bronx  
18 July 2011

City of New York  
Parks & Recreation

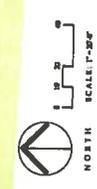
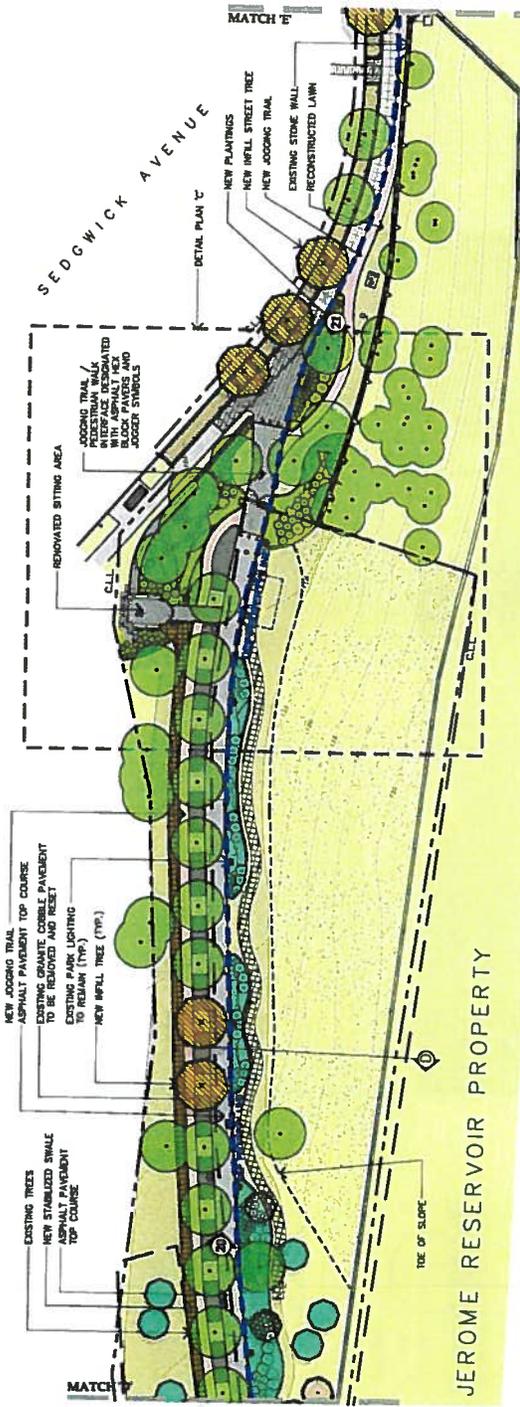
SCHEMATIC PLAN -  
FORT INDEPENDENCE PARK 'A'  
Board 3.7

FINAL SCHEMATIC PLAN - 3

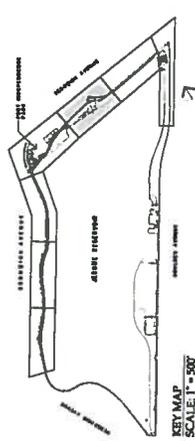
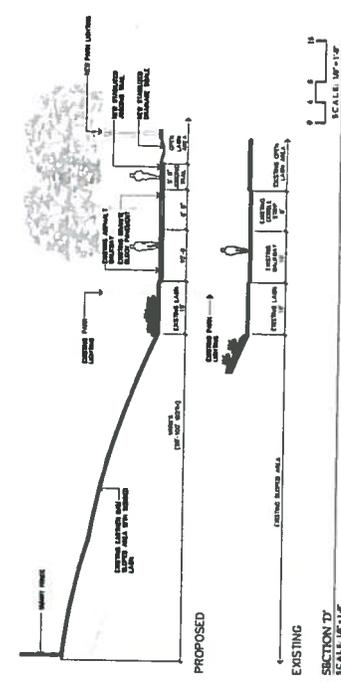


NORTH SCALE: 1" = 30'

KEY MAP SCALE: 1" = 500'



EXISTING CONDITIONS PHOTOS IN VICINITY OF  
DETAIL PLAN 'C' & SECTION 'D'



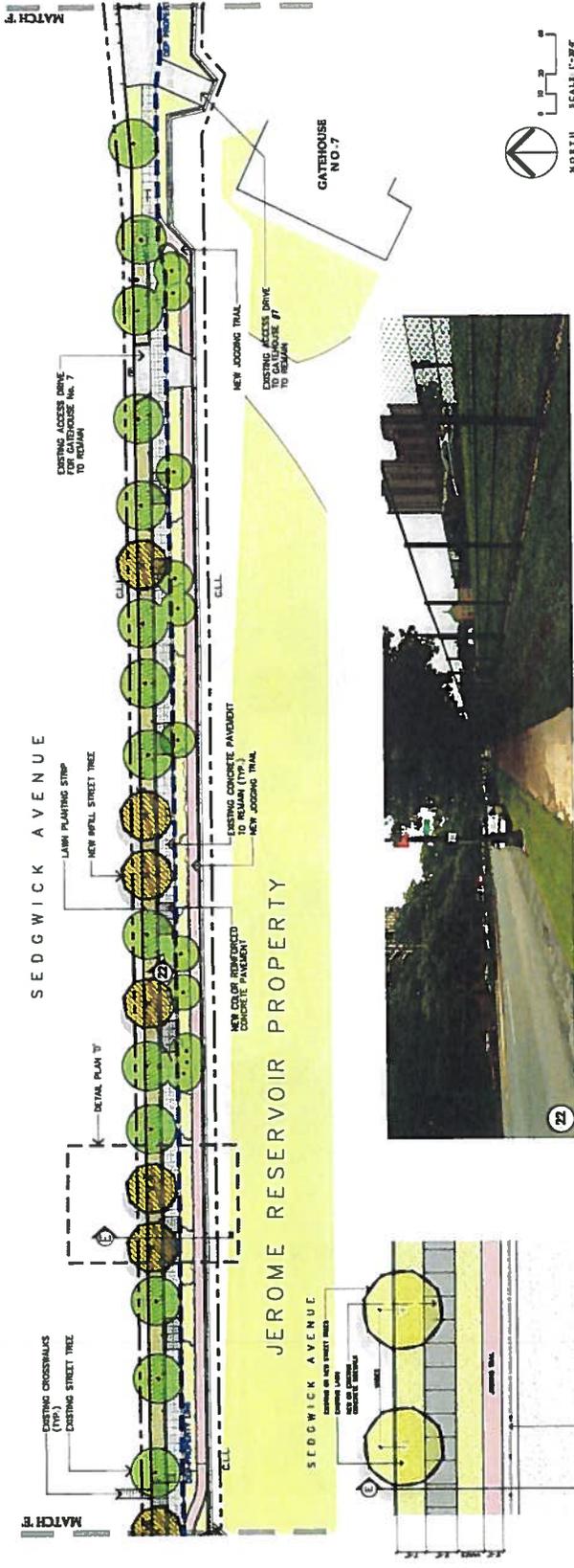

**City of New York  
Parks & Recreation**

**The Construction of a Jogging Trail Around  
the Jerome Park Reservoir**  
 Borough of The Bronx  
 18 July 2011

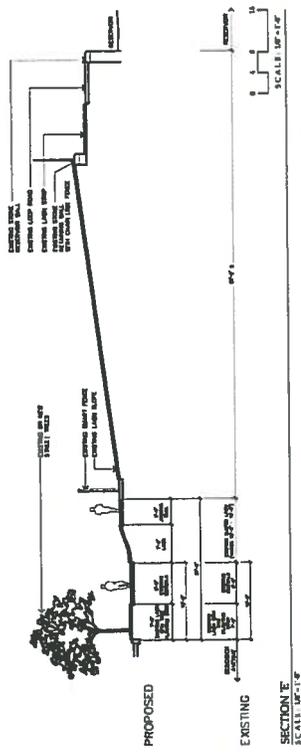
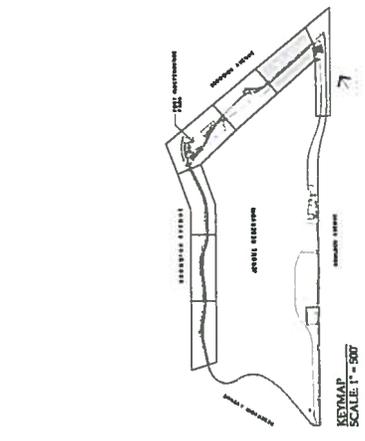
**FINAL SCHEMATIC PLAN - 4**

**SCHEMATIC PLAN -**  
**FORT INDEPENDENCE PARK 'D'**  
 Board 4/7


**MKW** ASSOCIATES, LLC  
ARCHITECTS, PLANNERS, ENGINEERS



22 EXISTING CONDITIONS PHOTO IN VICINITY OF DETAIL PLAN 'D' & SECTION 'E'



DETAIL PLAN 'D' - TYPICAL PLAN OF TREATMENT ALONG SEDGWICK AVENUE NORTH SCALE: 1"=200'

City of New York  
Parks & Recreation

**SCHEMATIC PLAN -**  
SEDGWICK AVENUE NORTH  
Board 6.7

MKW ASSOCIATES LLC  
Landscape Architecture and Planning

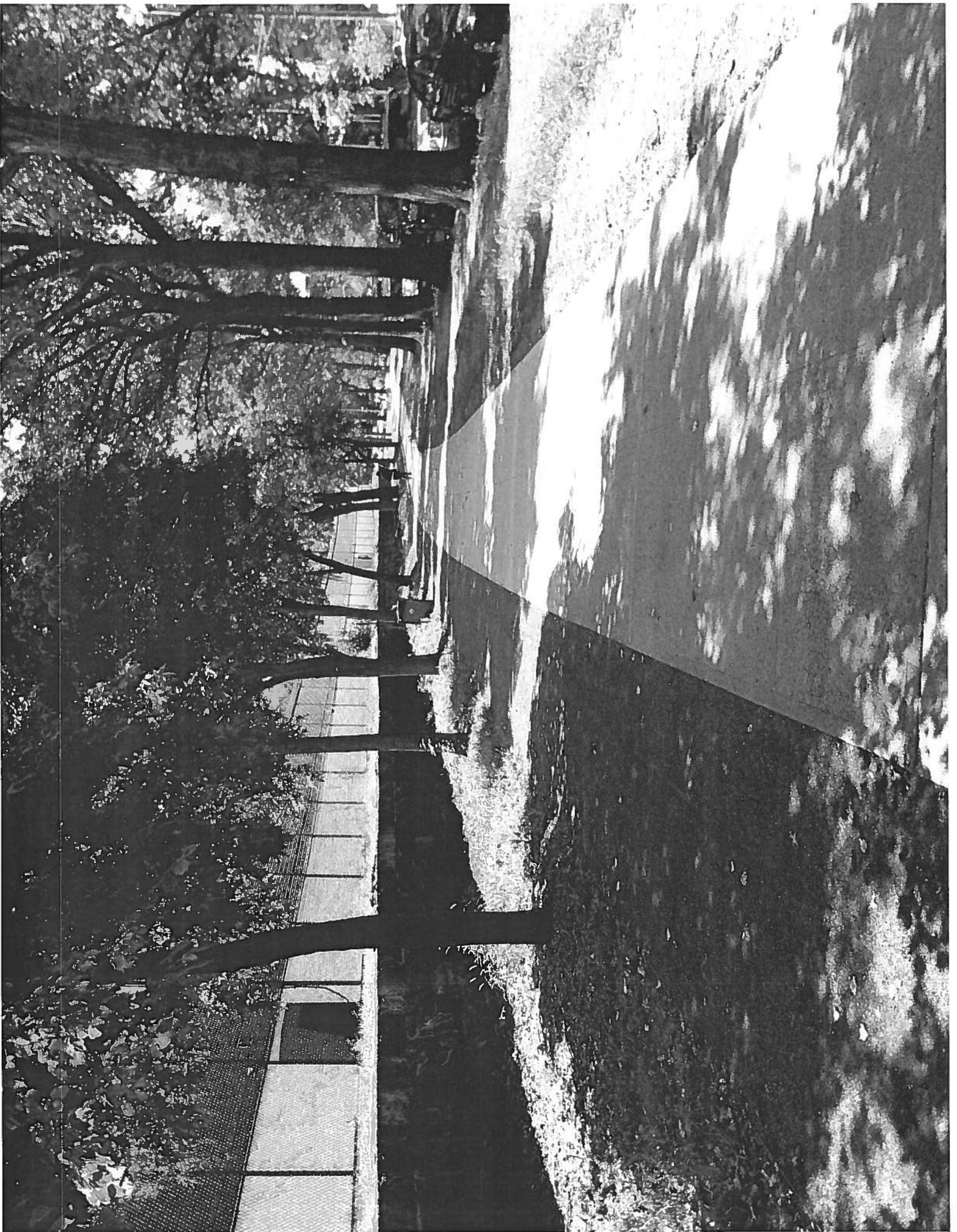
**The Construction of a Jogging Trail Around  
the Jerome Park Reservoir**

Borough of The Bronx  
18 July 2011

**FINAL SCHEMATIC PLAN - 5**



















City of New York  
Parks & Recreation

Veronica M. White  
Commissioner

The Arsenal  
Central Park  
New York, New York 10065

Capital Projects

Olmsted Center  
Flushing Meadows – Corona Park  
Flushing, NY 11368

Thérèse Braddick  
Deputy Commissioner  
(718) 760-6602  
[therese.braddick@parks.nyc.gov](mailto:therese.braddick@parks.nyc.gov)

9/11/13

To Traffic Control Agencies:

Please be advised that the NYC Department of Parks & Recreation has a construction contract (known as XG-20000-107M), including reconstructing portions of the sidewalk along Sedgwick Avenue, adjacent to the Jerome Reservoir in the Bronx. The contractor (Primer Construction Corp) was issued NYC Department of Transportation permit # X02-2013225-024 to facilitate this work.

On September 4, 2013, the contractor posted 'No Parking' signs without issuing 48hours prior notice, as stipulated within his NYCDOT permit. Thus, vehicles on the reservoir side of Sedgwick Avenue may have received parking violations without warning. Please consider withdrawing the tickets issued on Sedgwick Avenue on this date.

Thank you.

Andrew S. Penzi, RLA  
Team Leader  
Bronx Capital Projects

T 718.760.6577  
F 718.760.6823  
E [Andrew.Penzi@parks.nyc.gov](mailto:Andrew.Penzi@parks.nyc.gov)

**NYC Parks**  
The Olmsted Center, Flushing Meadows Corona Park  
117-02 Roosevelt Avenue  
Flushing, NY 11368  
[nyc.gov/parks](http://nyc.gov/parks)

Follow Parks on: Facebook | Twitter | foursquare | Flickr | YouTube | Broadcastr

## Discussion of Audit Results

The matters covered in this report were discussed with Department officials during and at the conclusion of this audit. A preliminary draft report was sent to Department officials on April 17, 2013 and discussed at exit conference on April 29, 2013. On May 29, 2013, we submitted a draft report to Department officials with a request for comments. We received a written response from the Department on June 12, 2013.

In their response, DPR officials focused on issues outside the scope of our audit rather than directly address the audit issues and accompanying recommendations. Except for one recommendation, they generally did not clearly state whether they agreed or disagreed with our recommendations. Areas of direct DPR statements that we wish to refute are included below. The full text of DPR's response is included as an addendum to this report.

The Department wrote, "The Report also states that Parks has expended up to \$146.6 million of the \$186 million in MOA funding. However, this summary does not provide a full accounting of the Department's Croton program costs because it excludes improvements that have not yet been billed to the Department and it excludes the costs that will be incurred to complete additional MOA projects. Once factoring in the costs of these projects, including \$34.6m in pipeline work, contingency amounts for the remaining projects and the cost of ULURP projects omitted by the Report, we believe the total cost of the Croton work will be \$186 million."

**Audit Comment.** We conducted our accounting of the Department's Croton program costs by reviewing the documentation that was made available by Department staff. There was no information about the cost of "improvements that have not yet been billed to the Department" and "costs that will be incurred to complete additional MOA projects."

The Department also wrote, "The Report also states that auditors initially believed that 26 contracts, not eight, were ineligible due to 'the Department's lack of controls.' In fact, the cause of this confusion was due to a lack of communication, and not a lack of controls."

**Audit Comment.** We disagree with the Department's assertion. During the course of the audit we communicated our requests to Department staff for project and contract information on November 16, 2012, December 11, 2012, February 13, 2013, and February 15, 2013. The Department, however, was unable to adequately respond to these requests. Given the shortcomings in the documentation that was available, we concluded that the Department was beset by a lack of internal controls over the entire program.

The Department also contended, "The auditors appear to have made certain assumptions about the status of these projects. Once we discussed this matter at the exit conference, the auditors reassessed many of their initial determinations regarding the eligibility of these contracts, and the Report now cites eight contracts for improvements as 'ineligible' for inclusion under the MOA. However, Parks carefully examined these projects and must strongly disagree with this mischaracterization, as all such projects are included in the MOA's scope were developed in consultation with the community and are valuable popular park amenities . . ."

**Audit Comment.** Apparently, the Department's own documentation belies the allegation that the eight projects are included in the MOA's scope. The Department provided a confirming e-mail on May 8, 2013, with an attached Departmental spreadsheet. According to the spreadsheet, Department personnel deemed the eligibility of four of the eight projects as "No" and the eligibility of the other four projects was deemed "Maybe."

Finally, the Department wrote, “While the Report may attempt to raise questions with respect to whether the public derived compensation from the Croton program, it is obvious that a great deal of public good has come out of this program. However, the Report suggests that ‘... the City may have reduced regular capital funding for Bronx parks ’ due to Croton funding. The Report makes this misleading suggestion without presenting the Agency with any written documentation or analysis.”

**Audit Comment.** The audit found that the Department used at least \$10 million of Croton funding for projects that were not eligible for inclusion under the MOA. As noted above, Department officials themselves questioned the eligibility of these projects. In these cases, ineligible projects should have been financed by funding from other sources.

## FINDINGS AND RECOMMENDATIONS

The Department is not always carrying out and overseeing required capital improvements related to the Croton Water Filtration Plant on time and within budgeted amounts. Our review found that by April 30, 2013, although the Department had started work on 65 of the MOA's 67 capital improvement projects, only 46 projects totaling \$107.4 million were completed. Moreover, 37 of the 46 completed projects were finished late based on the Department's scheduled completion dates.

The Department contended that it increased the number of eligible projects from 67 to 81 by carrying out some of them under multiple contracts or phases. However, the Department's lack of project controls led us to conclude that there was insufficient evidence to substantiate whether 26 of the 81 projects could indeed be deemed eligible. After the exit conference, the Department provided us with additional documentation by which we were able to ascertain the eligibility of 18 of the 26 questionable projects. However, eight projects, for which the Department expended over \$10 million in funding, could not be substantiated as eligible. In addition, there was no evidence that the Department had obtained approvals for the eight projects.

Moreover, even if the Department did obtain the required approvals, the Department would have expended only \$146.6 million as of April 30, 2013 thereby falling short of expending the \$186.05 million in funding that was stipulated in the MOA by at least \$39.45 million.

Additionally, of the sampled completed projects, we found that 83 percent of projects were not completed within the Department's scheduled timeframes. In addition, 21 percent of projects were not completed within their original contract and contingency amounts. As a result, the Department expended \$7.4 million in additional project costs—\$560,791 in additional staffing costs for construction management and \$6.8 million in additional construction costs.

Finally, only 29 eligible projects totaling \$48.6 million were completed by December 31, 2009. (See Appendix V.) This is approximately the date specified in the original MOU by which the citizens of the Bronx were to have benefited from over \$200 million of improvements to their parks.

These matters are discussed in the following sections of this report.

### Projects Not Done

According to the MOA, the Department was to be provided with \$186.05 million in funding to undertake 67 capital improvement projects in the Bronx. (See Appendix I.) As of April 30, 2013 our review indicated that the Department has undertaken 65 projects totaling \$135.9 million.<sup>4</sup> However, only 46 (71 percent) of these projects totaling \$107.4 million have been completed.<sup>5</sup> The remaining 19 projects are either in procurement, design, or construction. (See Appendix II.)

---

<sup>4</sup> As shown in Appendix I, some of the 65 projects were subdivided and carried out under multiple contracts.

<sup>5</sup> The two projects that were not undertaken were CROT 15 (Macombs Dam Park Track, Soccer and Ball Fields) totaling \$5,429,580, and CROT 43 (Saturn Playground) totaling \$339,349.

Furthermore, our review found that funding totaling \$10,789,553 was spent on eight projects that we determined were ineligible. (See Appendix III for a list of the eight projects.) For example, a \$2,250,325 project that was not on the eligible list (#CROT 69, Grant Avenue Park Retaining Wall) was funded by transferring a portion of funds from a \$3,158,206 eligible project (#CROT 56, Grant Park – Reconstruction of Passive Seating Area and Construction of Hard Court Game Area). In another example, a \$2,072,000 project that was not on the eligible list (#1ORCHB, Orchard Beach Erosion Control and Beach Restoration) was funded by transferring a portion of the \$6.3 million funding that was set aside for the Orchard Beach Pavilion (#CROT20). The Department could not provide evidence that it amended the MOA (and the annexed Memorandum of Understanding) to make these revisions to the list of eligible projects as required by MOA Exhibit D, Section E- Amendments, which states, “This MOU may not be amended or modified except by written instrument signed by all of the parties hereto, and ratified by the Council.”

Even if the Department did obtain the required modifications, the Department would have expended only \$146.6 million as of April 30, 2013—an amount that falls short by \$39.45 million (i.e., \$186.05 minus \$146.6 million) of the MOA’s requirement to expend \$186.05 million.

Moreover, ascertaining the status of eligible project work was hampered by the Department’s lack of controls by which to document revisions to work scopes and funding. This was apparent when, during the course of our audit review we could not ascertain from available documentation the eligibility of 26 projects whose work scopes and funding did not coincide with the list of projects in the MOA.<sup>6</sup> After the exit conference, the Department provided additional documents by which we were able to substantiate the eligibility of 18 of the 26 questionable projects.

Exacerbating the problem of ascertaining the status of eligible projects is the fact that the Department did not provide periodic, but at least annual, reports to the New York State Senate and Assembly on the progress of project funding and construction as required by MOA Exhibit D, Section E.

Providing Bronx residents with the capital improvements that were stipulated in the MOA was an important goal for ensuring that the public derived compensation for the displacement of City parkland that resulted from construction of the Croton water filtration plant. However, the Department’s apparent practice of using Croton funding for projects that were not explicitly in the eligible list and without obtaining approvals or providing documentation to substantiate their status leads us to consider whether non-eligible projects should have been funded by other means. The public has in fact, raised concerns that the City may have reduced regular capital funding for Bronx parks.

## Recommendations

The Department should ensure that:

1. All eligible projects are carried out expeditiously with the funding provided for in the MOA.

**Department Response:** “We will continue to ensure that all eligible projects are carried out as expeditiously as possible. Of the six projects currently in

---

<sup>6</sup> The Department contended that it increased the number of eligible projects from 67 to 81 (i.e., 26 additional projects) by carrying out some of them under multiple contracts or phases as shown in Appendix I.

construction, three are scheduled for completion this year. However, if an alternative or supplemental funding source becomes available as it did in the case of the Macombs Dam Park Project, the Agency may choose to use this funding toward completion of the eligible project.”

**Auditor Comment:** According to the Department’s “Croton Projects Status Summary,” two of the six projects that are currently in construction are already substantially overdue—one has been delayed by more than two years and one by almost four years. The Macombs Dam Park Project was scheduled to be completed almost four years ago.

2. Eligible projects are modified in accordance with the terms of the MOA.

**Department Response:** “As stated above, the Croton projects, and associated contracts, were in accordance with the guidelines of the MOA.”

**Auditor Comment:** As previously discussed, there was no evidence that the Department amended the MOA to make revisions to the list of eligible projects as stipulated in the MOA Exhibit D, Section E- Amendments.

3. Required progress reports to the New York State Senate and Assembly are submitted periodically or at least annually.

**Department Response:** “We will ensure that progress reports are submitted periodically or at least annually. It is important to note that progress reports on the Parks program are presented to the Croton Monitoring Committee, which has been holding quarterly meetings since the inception of the DEP Filtration Plant project, on a regular basis. Additionally, on a number of occasions the Bronx Borough President’s office and the Parks Commissioner convened Bronx delegation meetings for the purpose of presenting Parks progress on the Croton program to state elected officials.”

## Projects Not Completed on Time and/or Within Budget

### Projects Completed Late

Completing eligible projects on time is an important goal to ensure that the public derives prompt benefit from new or renovated recreational facilities as stipulated in the MOA. Of the 46 completed projects, eight were completed on time and 37 (80 percent) were completed late based on the Department’s scheduled completion dates. The completion status of one project could not be determined. (See Appendix II.)

We reviewed the files for 37 sampled completed projects to assess the causes of schedule delays and cost overruns.<sup>7</sup> (See Appendix IV for a list of the projects.)

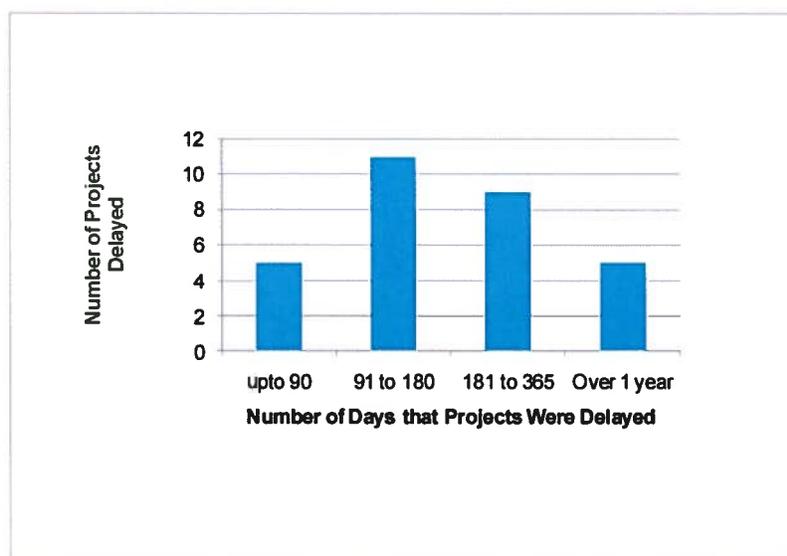
Our review indicated that 30 (83 percent) of the sampled projects were not completed within the Department’s own scheduled completion dates.<sup>8</sup> According to the “Performance Indicator

---

<sup>7</sup> Our review of completed projects was based on all projects that, according to the Department, were completed as of September 17, 2012, and that were included on the list of MOA-eligible projects.

Definitions” in the Mayor’s Management Report, projects that are “completed more than 30 days after the scheduled completion date are considered late.” Using this as a standard, project delays ranged from five to 1,115 days; the average delay was 223 days. (See Chart 1.)

**Chart 1**  
**30 Sampled Projects Completed Late**



## **Problems with Controlling Project Delays**

In accordance with the Department’s January 2010 Construction Procedure Manual, the Department is required to prepare partial and final delay analyses that examine the reasons and duration of project delays. Of the 37 sampled project files (see Appendix IV ), 30 projects that were delayed 7,458 days contained final delay analyses. Table 1 on page 13 shows the causes of the delays, the number and percentage of projects that were beset by delays, and the corresponding number and percentage of delay days.

Based on the written descriptions that were provided with the delay analyses, we concluded that the Department was responsible for delays in the following four categories:

- Permit Not Obtained in a Timely Manner
- Design Problems
- Environmental Remediation Required
- Other Agency Delays

---

<sup>8</sup> However, our examination of project files showed that one of the 37 projects (#CROT20 Orchard Beach: Portions of Bathhouse) was terminated, not completed. There was no information in Department files about the reason for the termination.

In total, these four categories represented 4,310 (58 percent) of the 7,458 days that these projects were delayed.

**Table 1**  
**Analysis of Delays for Sampled Projects**

No.	Reason for Delay	No. of Projects Impacted *	Percentage of Projects Impacted	No. of Delay Days
1	Permit Not Timely Obtained	10	33%	1129
2	Change Order Work	8	27%	1355
3	Additional Overrun Items	3	10%	193
4	Inclement Weather	5	17%	370
5	Design Problems	13	43%	1765
6	Field Conditions	4	13%	192
7	Environmental Remediation Required	2	7%	529
8	Other Agency Delays	10	33%	887
9	Other	6	20%	1038
			<b>Total</b>	<b>7458</b>

\* Number total is more than 30 because there could be multiple reasons for a delay in a given project.

As noted in a previous Comptroller's audit (Oversight of Capital Projects #7E12-067A, issued on January 11, 2013), the Department has implemented certain measures to mitigate project delays.<sup>9</sup> However, our review indicated that although the Department can identify the causes of project delays as previously noted, it has not taken sufficient steps to deal with the problems that have beset the timely completion of eligible projects.

### **Additional Construction Management Costs**

Delays in completing projects that were managed by private construction management consultants led to the expenditure of additional costs paid for construction management personnel. Of 37 sampled completed projects, 24 projects were monitored by the Department's in-house staff of engineers and 11 projects were monitored by engineers employed by private consultants.<sup>10</sup> Nine of the 11 projects were delayed 3,595 days. According to an analysis that

<sup>9</sup> Procedures were established with the New York State Department of Environmental Conservation and Con Edison to address problems with obtaining permits and coordinating project work.

<sup>10</sup> According to data recorded in the Department's Q&A system as of January 2, 2013. One project was terminated and one project was not available for review.

was prepared by the Department after the exit conference and that we reviewed the additional cost for construction management services for the projects were monitored by private consultants totaled \$560,791. This cost would not have been necessary had the projects been completed on time.

## Projects With Cost Overruns

Of 34 sampled projects for which actual construction costs were available, seven (21 percent) were not completed within their original contract and contingency amounts totaling \$20,806,331.<sup>11</sup> In accordance with this criteria, the additional costs to complete the seven projects totaled \$6,876,214. The additional costs ranged up to 77 percent above the original contract and contingency amounts.

Completing projects within their originally budgeted amounts is an important goal to ensure that funding is not diverted from other project improvements. Moreover, the Department's Construction Manual advised that, if project costs do exceed the contingency factor, "Additional funding above this amount can often be secured, but the process is time-consuming and requires submission of documents and obtaining approvals from outside the Agency (OMB and ODC)."

## Missing Project Documentation

The Department's "January 2010 Construction Procedure Manual" requires that critical documents be maintained in project files. However, many of the files for sampled projects lacked documentation including letters authorizing orders-to-work, final completion, and final payment. Of particular importance, 16 files lacked approved work schedules; 13 additional files contained schedules that had not been approved. Schedules must be submitted to the Department project manager within 10 days of the order to work date. Schedules must show the start and completion dates of each phase of work and highlight any critical equipment or material purchases required. Maintaining project documentation is an important tool for effectively managing capital projects and monitoring and reporting the progress and costs of projects.

## Recommendations

The Department should ensure that:

4. Eligible projects are completed within their originally scheduled timeframes and original contract and contingency amounts.

**Department Response:** "The Report found that 83% of sampled projects were not done within scheduled timeframes. As we stated at our exit conference for the Report, it is the Agency's goal to complete each capital project in a safe, cost effective and timely manner, and we will continue to improve our procedures in order to move closer to this goal. We also note with respect to the time required to undertake and complete large scale capital projects, there was a year period

---

<sup>11</sup> The Department's Construction Manual, Section 13, Project Cost Increases, stipulates the contingency amount to be the greater of 10 percent of the contract amount or \$200,000 for contingency funding, which includes both overruns and change orders. Any cost overruns above this threshold amount must be approved by the Mayor's Office of Contract Services and the Office of Management and Budget.



NYC Parks

Robert L. Garafola  
Deputy Commissioner  
Management, Budget & Public  
Programs

T 212.360.1302  
F 917.849.6616

E robert.garafola@parks.nyc.gov

City of New York  
Parks & Recreation

The Arsenal  
Central Park  
New York, NY 10065  
www.nyc.gov/parks

June 12, 2013

H. Tina Kim  
Deputy Comptroller for Audit  
City of New York Office of the Comptroller  
One Centre Street  
New York, NY 10007-2341

**Re: Comptroller's Draft Audit Report, 7E12-140A  
Audit Report on the Implementation of Croton Water Filtration Plant Park Projects by the  
Department of Parks & Recreation**

Dear Deputy Comptroller Kim:

This letter addresses the findings and recommendations ("Recommendations") contained in the New York City Comptroller's ("Comptroller") Draft Audit Report ("Report"), dated May 29, 2013, on the Department of Parks & Recreation's ("Parks" or "the Department" or "the Agency") implementation of Croton Water Filtration Plant Park Projects.

Parks is extremely proud of its diverse portfolio of Croton-funded park improvements across the Bronx. As a result of our Croton program work, we received a "Designing the Parks" Merit Award for the construction of a new park out of a former industrial concrete plant and received a Public Design Commission Award for the design of the Starlight Park Riverhouse (a soon to be constructed boathouse and nature classroom). Additionally, we have restored natural areas, built an amphitheater, greenhouse, playgrounds, basketball courts, bridle trails, synthetic turf fields, running tracks, cricket fields, tennis courts, recreational areas, comfort stations and planted thousands of trees, all with community input. This is a substantial accomplishment, and there are more projects in design and construction phases. The Croton projects are an ambitious and complex undertaking for the Department because of the sheer size and volume of the projects, and while some of the projects took longer to complete than initially planned, the completed projects are safe, beautiful, well designed, well constructed, heavily used and have stayed largely on budget. The sum of this work represents a significant upgrade in the infrastructure of our parks that will benefit generations of Bronx residents. The Report does not mention these important achievements.

The Report determined that Parks has completed or started work on 65 of the 67 capital improvement projects listed in the Memorandum of Agreement ("MOA") between the Department of Environmental Protection and Parks for funding of the Croton Projects. Of the 65 projects, the Report found that 46 projects were completed. The Report found that nearly 80% of its sampled projects were completed within budget and contingency amounts. The Report also states that Parks has expended up to \$146.6 million of the \$186 million in MOA funding. However, this summary does not provide a full accounting of the Department's Croton program costs because it excludes improvements that have not yet been billed to the Department and it excludes the costs that will be incurred to complete additional MOA projects. Once factoring in the costs of these projects, including \$34.6m in pipeline work, contingency amounts for the remaining projects and the cost of ULURP projects omitted by the Report, we believe the total cost of the Croton work will be \$186 million.

The Report also states that auditors initially believed that 26 contracts, not eight, were ineligible due to “the Department’s lack of controls.” In fact, the cause of this confusion was due to a lack of communication, and not a lack of controls. The auditors appear to have made certain assumptions about the status of these projects. Once we discussed this matter at the exit conference, the auditors reassessed many of their initial determinations regarding the eligibility of these contracts, and the Report now cites eight contracts for improvements as “ineligible” for inclusion under the MOA. However, Parks carefully examined these projects and must strongly disagree with this mischaracterization, as all such projects are included in the MOA’s scope were developed in consultation with the community and are valuable popular park amenities, as follows:

1. Pelham Bay Park Nature Center (Comfort Station) – The description of work for this project in the MOA is stated as “Development of waterfront area near landfill, plus greenway link and seawall repair.” Developing the waterfront includes providing basic amenities such as public restrooms, which are a necessary component of a larger waterfront redevelopment in Pelham Bay Park.
2. Mullaly Park South Section / 3. Mullaly Park Skate Building – Mullaly Park is an eligible project location in the MOA. The project was split into two phases of work, including a playground in one phase and reconstruction of the skate building (which includes a comfort station) in the second phase. Both projects are supported by the community, encourage children and teenagers to be physically active, and increase park utilization. Indeed, the Agency has exceeded the requirements of the MOA by building a Skate Park and public restrooms used by thousands of Bronx residents, with facilities intended to accommodate increased public usage of this renovated park.
4. Grant Avenue Park Retaining Walls – The description of work for this project in the MOA is stated as “Reconstruction of passive seating area for seniors and construction of hard court gaming area.” It is important to note the Report acknowledges that the passive seating area is complete. The retaining wall improvements are simply a second phase of this project, which were absolutely necessary to provide a safe and stable foundation.
5. Crotona Bathhouse Mezzanine Interior / 6. Synthetic Field At Crotona Park –The description of work for this project in the MOA is stated as “Construction of a comfort station with a maintenance and operations component in the northern portion of the park.” In consultation with the community and public officials, Parks upgraded a well-situated but underutilized existing facility within the park to serve as a comfort station and operations facility, and exceeded our commitment in the MOA by including a new synthetic turf field to meet increasing recreational demand.
7. Croton Bronx Tree Planting – The description of work for this project in the MOA is stated as “Creation of Greenstreets, improvement and expansion of horticultural plantings in parks and playgrounds, and addition of street trees in underserved neighborhoods.” In this case, trees planted by Parks supplemented the greening work assigned to the NY State Energy Research and Development Authority in a manner consistent with eligibility criteria of the MOA by greening the Bronx. This is undeniably eligible work.
8. Orchard Beach Erosion Control and Beach Restoration – The Report questions the eligibility of this contract because the auditors believe it represents a “different scope of work” from the MOA. The description of work for this project in the MOA is stated as “Stabilization of the (Orchard Beach) Pavillion.” This contract assisted, as one phase, of the stabilization of the pavilion. It is an eligible project.

The fact is that we have completed nearly 50 Croton improvement projects with over a dozen additional projects in the pipeline. These projects are valuable to the communities they serve and will enhance the quality of life for generations of Bronx residents. While the Report may attempt to raise questions with respect to

whether the public derived compensation from the Croton program, it is obvious that a great deal of public good has come out of this program.” However, the Report suggests that “...the City may have reduced regular capital funding for Bronx parks” due to Croton funding. The Report, makes this misleading suggestion without presenting the Agency with any written documentation or analysis.

As a final matter before discussing the Recommendations, we note that Appendix II of the Report found that the Macombs Dam Park, Track, Soccer and Ballfields project is not done. In fact, this project was completed with an alternative funding source (connected with construction of the new Yankee Stadium), and should be counted as such.

The Report included the following Recommendations:

**Recommendation 1** – Ensure that all eligible projects are carried out expeditiously with the funding provided for in the MOA.

We will continue to ensure that all eligible projects are carried out as expeditiously as possible. Of the six projects currently in construction, three are scheduled for completion this year. However, if an alternative or supplemental funding source becomes available as it did in the case of the Macombs Dam Park Project, the Agency may choose to use this funding toward completion of the eligible project.

**Recommendation 2** – Ensure that eligible projects are modified in accordance with the terms of the MOA.

As stated above, the Croton projects, and associated contracts, were in accordance with the guidelines of the MOA.

**Recommendation 3** – Ensure that required progress report to the New York State Senate and Assembly are submitted periodically or at least annually.

We will ensure that progress reports are submitted periodically or at least annually. It is important to note that progress reports on the Parks program are presented to the Croton Monitoring Committee, which has been holding quarterly meetings since the inception of the DEP Filtration Plant project, on a regular basis. Additionally, on a number of occasions the Bronx Borough President's office and the Parks Commissioner convened Bronx delegation meetings for the purpose of presenting Parks progress on the Croton program to state elected officials.

**Recommendation 4** – Ensure that eligible projects are completed within their originally scheduled timeframes and original contract and contingency amounts.

The Report found that 83% of sampled projects were not done within scheduled timeframes. As we stated at our exit conference for the Report, it is the Agency's goal to complete each capital project in a safe, cost effective and timely manner, and we will continue to improve our procedures in order to move closer to this goal. We also note with respect to the time required to undertake and complete large scale capital projects, there was a year period between execution of the Memorandum of Understanding and execution of the MOA, which had to be finalized before work could begin. Additionally, because of the amount of Croton funding and the number projects involved in the Croton program, additional time was required to receive certificates to proceed. While there are other causes of delays that are beyond our control, such as environmental remediation work, field conditions and inclement weather, there are certain causes of delays that the Agency needs to reduce. In particular, we have focused on streamlining our process for obtaining permits from

regulatory agencies and eliminating any construction delays due to the lack of a permit. Parks has also implemented a process for reducing design related delays by facilitating "constructability" reviews between designers and construction staff before project designs becomes final. It is important to note that these strategies and the strategies discussed in our response to the Comptroller's audit (Oversight of Capital Projects #7E12-067A), would not have been implemented during the period of time covered by this Report, which generally predates the period of time covered in the audit on the Oversight of Capital Projects.

With regard to maintaining project costs within their budget and contingency amounts, while the Report calculated that the 21% of sampled projects were over their budget and contingency amounts by a total of \$6.8 million, the Report did not take into account the savings generated by the 79% of sampled projects completed at or below their budget and contingency amounts. Indeed, this group of projects cost roughly \$5 million less than projected. As a result, the net amount by which the Agency exceeded its budget and contingency amounts is approximately \$1.8 million or 2.4% of the total cost projection. Although we believe there is always room for improvement, we also believe that we have done well in managing our capital program budgets and have adequate cost controls in place.

**Recommendation 5** – Ensure that it implements adequate measures to control delays that are specifically in the Departments' control.

We agree . Parks is acting aggressively to minimize project delays within its control. As stated above, we have already begun implementing measures to improve our permitting process by working with regulatory agencies to expedite the processes and resolve external delays. We have also implemented measures to reduce design delays by addressing potential problems in the planning process.

**Recommendation 6** – Ensure that critical documents are submitted and maintained in project files.

Parks will continue to ensure that all contract files are appropriately maintained.

**Recommendation 7** – The Department should track the progress of projects that have been slated for completion in a given time period.

Please see our response to Recommendation 1.

We thank you and your audit staff for the time and effort devoted to completing this Report.

Sincerely,



Robert L. Garafola

Cc: Veronica M. White, Commissioner  
Robert L. Garafola, Deputy Commissioner  
George Davis, Mayor's Office of Operations

WM-11 Croton Water Treatment Plant  
Cost Summary as of 8/31/2013

Croton WTP Construction Costs									
Contract	Contractor Name	Original Contract Price	Registered Change Orders	Current Contract Amount	Amount Invoiced to Date	% Contract Increase	% Complete based on Amount Invoiced to Date		
CRO-311	Schiavone Construction Co.	\$127,660,000	-\$14,445,214	\$113,214,786	\$113,214,786	-11%	100%		
CRO-312G	Skanska/Tully, JV	\$1,327,700,000	\$190,876,800	\$1,518,576,800	\$1,323,771,167	14%	87%		
CRO-312E1	Schlesinger-Siemens, LLC	\$134,680,000	\$27,848,567	\$162,528,567	\$114,351,802	21%	70%		
CRO-312E2	Schlesinger-Siemens, LLC	\$37,678,000	\$10,381,889	\$48,059,889	\$37,193,410	28%	77%		
CRO-312H	Durr Mechanical Construction	\$105,700,000	\$27,262,973	\$132,962,973	\$117,738,652	26%	89%		
CRO-312P	Picone/WDF, JV	\$58,475,000	\$15,589,136	\$74,064,136	\$68,641,409	27%	93%		
CRO-312OS-G	Picone-Schiavone, JV	\$96,842,500	\$33,115,826	\$129,958,326	\$106,804,739	34%	92%		
CRO-312OS-E	Eldor Electric	\$15,762,500	\$2,609,397	\$18,371,897	\$15,598,270	17%	85%		
CRO-312OS-H	AWL Industries	\$822,000	\$56,971	\$878,971	\$448,643	7%	51%		
CRO-312OS-P	JPP Plumbing	\$872,000	\$235,755	\$1,107,755	\$914,835	27%	83%		
CRO-312FM (1)	Maspeth Supply Co. LLC	\$18,626,745	-\$15,327,690	\$3,299,055	\$2,243,079	-82%	68%		
CRO-313	Schiavone/Picone, JV	\$212,227,000	-\$6,787,681	\$205,439,319	\$205,645,619	-3%	100%		
CRO-315G	Angelakis Construction Corp.	\$3,641,000	\$2,282	\$3,643,282	\$3,643,282	0%	100%		
CRO-315E	Interphase Electric	\$807,317	\$144,874	\$952,191	\$952,191	18%	100%		
CRO-312CE	Con Edison	\$4,074,526	\$0	\$4,074,526	\$2,716,351	0%	67%		
<b>TOTAL</b>		<b>\$2,145,568,588</b>	<b>\$271,563,884</b>	<b>\$2,417,132,472</b>	<b>\$2,113,878,232</b>	<b>13%</b>	<b>87%</b>		
Croton WTP Design / Construction Management Costs									
HED-543 DES	Metcalf & Eddy / Hazen and Sawyer, JV	\$44,226,000	\$254,423,444	\$298,649,444	\$281,396,417	575%	94%		
HED-545 CM	URS/Malcolm Pirnie, JV	\$63,400,000	\$76,195,713	\$139,595,713	\$129,389,095	120%	93%		
<b>TOTAL</b>		<b>\$107,626,000</b>	<b>\$330,619,157</b>	<b>\$438,245,157</b>	<b>\$410,785,512</b>	<b>307%</b>	<b>94%</b>		

Rehabilitation of the New Croton Aqueduct Construction Costs									
Contract	Contractor Name	Original Contract Price	Registered Change Orders	Current Contract Amount	Amount Invoiced to Date	% Contract Increase	% Complete based on Amount Invoiced to Date		
CRO-334G	Frontier-Kemper/Schiavone/Picone, JV	\$91,696,805	\$24,612,636	\$116,309,441	\$105,326,440	27%	91%		
CRO-334E	Community Electric	\$1,119,000	\$342,215	\$1,461,215	\$1,034,088	31%	71%		
<b>TOTAL</b>		<b>\$92,815,805</b>	<b>\$24,954,851</b>	<b>\$117,770,656</b>	<b>\$106,360,529</b>	<b>27%</b>	<b>90%</b>		
Rehabilitation of the New Croton Aqueduct Construction Management Costs (2)									
TCM-CRO-334	Washington/HAKS JV	\$5,952,446	\$2,161,900	\$8,114,346	\$8,081,027	36%	100%		
<b>TOTAL</b>		<b>\$6,952,446</b>	<b>\$2,161,900</b>	<b>\$8,114,346</b>	<b>\$8,081,027</b>	<b>36%</b>	<b>100%</b>		

Notes:

- (1) Costs shown for CRO-312FM are for the original Force Main Route to Hunts Point WPCP.
- (2) Design costs for CRO-334G and CRO-334E are included in Contract HED-543 DES.

WM-11 Croton Water Filtration Plant  
 Facility Monitoring Committee

Look-Ahead Schedule

September 12, 2013

Task	Current Forecasted Completion	Aug-13				Sep-13				Oct-13				Nov-13				Dec-13			
		WK 3	WK 4	WK 1	WK 2	WK 3	WK 4	WK 1	WK 2	WK 3	WK 4	WK 1	WK 2	WK 3	WK 4	WK 1	WK 2	WK 3	WK 4		
<b>CRO-312 - Water Filtration Plant Construction at Mosholu Site</b>																					
Checkout, Field Equipment Testing and Field System Testing - Plant A	10/25/2013																				
Checkout, Field Equipment Testing and Field System Testing - Plant B	11/22/2013																				
Startup and Testing of Plant A (including disinfection)	1/31/2014																				
Startup and Testing of Plant B (including disinfection)	3/28/2014																				
Plant Commissioning Testing	5/19/2014																				
<b>CRO-31205 - Off-Site Facilities at Jerome Park Reservoir and Gate House No. 1</b>																					
Rehabilitation Work and Entry Point Monitoring in Gate House No. 5	12/29/2013																				
Demolition of Microstrainer Building	1/6/2014																				
Demolition of Demonstration Building	2/5/2014																				
South Bronx Valve Chamber and Chamber C Work plus Landscaping	4/30/2014																				
Water Main Piping Outside Gate House No. 7 and Inside Shaft 3	6/30/2014																				
Begin Startup and Testing of Water Filtration Plant	10/17/2013																				
Complete Above Grade Architectural Work at DEP Area	12/31/2014																				
Complete Golf Course Clubhouse, Driving Range, Etc.	TBD																				