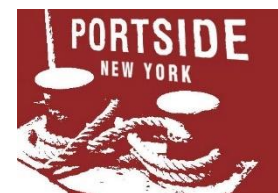


PortSide NewYork – comments to CWP

Appendix EDC

June 11, 2021

Via email to waterfrontplan@planning.nyc.gov



This report is submitted to the Department of City Planning with PortSide NewYork comments on the draft Comprehensive Waterfront Plan.

Imagine a landlord who installs dangerous electrical connections, who doesn't have a working fire suppression system in your location for most of 7 years. Imagine a builder that flubs infrastructure installations to the tune of millions of dollars. Imagine a pro-development organization that provides leases with a clause they can put your business out on 30-days notice with no explanation and that introduces a special event that obliges your business to move out or limit operations for 2 months every year. Imagine a group that pretends to act as government and makes promises to the community, doesn't fulfill those promises and makes the community fight to get what it's been promised, that fails to install your community's flood protection system, and then ignores pressure from elected officials to deliver on those promises. Imagine a group that runs a ferry service with low ridership that rejects every suggestion that will get that ridership up. Imagine a group acting on behalf of city government that responds to all of the above with a culture of no, or silence, and if it responds at all, unfurls a lot of self-justifying PR about the rightness of their behavior.

If you can't imagine such things, you do not know the NYC EDC, the Economic Development Corporation. The EDC is perceived as government, assumes the mantle of government and uses its jargon, but it is not a City agency. It is a nonprofit outside of NYC government wholly controlled by the Mayor that runs over 64 million square feet of space for the city, designs and builds the city's flood protection system, runs the NYC Ferry, is planning economic recovery from the pandemic and more.

The EDC is the landlord of this award-winning nonprofit PortSide NewYork, a group beleaguered by EDC rules, obligations, blockades and unfulfilled promises since 2008. We founded PortSide to encourage city policy to have more maritime uses in waterfront revitalization plans. We planned to inspire change by creating an innovative maritime center which would serve workboats and the general public and show how to combine the working waterfront and public access and how every form of maritime could be used for community and economic development. The EDC has denied us the space to make that maritime center since 2008, so to foment change, we now pivot from using inspiration to using exposé. Though PortSide consistently wins awards and government appointments to committees, we are so deeply constrained by space limitations and oppressive red tape to we cannot be what we want to be and cannot serve NYC fully. We are so boxed in as to not be sustainable. More on this in the Section EDC and PortSide below.

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After many years of observation from the position of EDC victim as well as from our research and advocacy work around the harbor, we conclude that the EDC is a festival of incompetence; it is the NYCHA of economic development with a better PR machine and less investigation by the media.

The following report offers a detailed analysis of the EDC's performance in Atlantic Basin, Red Hook, Brooklyn as a case study to expose the incompetence of the EDC in general. We know that their behavior at this site (where we are located) is consistent with their approach at other waterfront sites, is consistent with their treatment of other nonprofits and major businesses, and is in line with their performance in non-waterfront endeavors. This report also reveals parts of our saga with the EDC for the first time.

There are campaigns for Mayor and Comptroller now. These issues should be raised with candidates for those offices. The Mayor is the entity that controls the EDC. The Comptroller approves NYC's contract with the EDC every year, and many Comptrollers have produced audits that are critical of the EDC because one function of the EDC is "asset management," running property for the city to generate revenue (and ideally foster community and economic development), and the EDC has been holding, redirecting or not generating enough dollars for the City for a long time —and avoiding many attempts to get answers. Transparency is not the the EDC DNA.

The NYC EDC: the NYCHA of economic development

In this report, PortSide NewYork demonstrates that the EDC, like NYCHA does a poor job with infrastructure, is a bad landlord, is not responsive or accountable and covers up their failures. This report explores themes in the EDC's management in Atlantic Basin, Red Hook:

1. Competence installing infrastructure (Very poor.)
2. Correlation between EDC promises and EDC performance (Very poor. This is a metric of spin, lying and/or inability to deliver on plans.)
3. Understanding of real-world operations, needs and conditions (Poor.)
4. Quality of planning process? (Flawed in that it often doesn't deliver results, abuses respondents, and sometimes does not follow fair bidding practices.)
5. Fairness, eg are policies applied equally/consistently? (They are not; EDC plays favorites.)
6. Responsiveness? How EDC responds to tenant needs, community needs, proactively or in response to suggestions or complaints. (Dismal.)
7. Transparency? Is it possible to tell what's going on, who decides, where money comes from and goes? (No.)
8. Accountability? Is the EDC performance assessed, and controlled, by someone? (Only the Mayor, somehow. Everyone else struggles to get answers, solutions, benefits.)
9. Do benefits accrue beyond the EDC? (The EDC is colonial and extractive in their relationship to the local community.)
10. Special sauce? Do they have that special something that creates, finds, and/or fosters something unique and great? (Absolutely not)
11. Is there a tendency to be self-justifying, rebut criticisms and embellish their track record? (Definitely yes.)
12. Is there a history of abusing PortSide NewYork? (Yes, thus the EDC does not provide the community give-back that was promised to Red Hook which they also promised as an asset to the maritime community.)

PortSide comes to this topic via a lot of experience with the EDC since we responded to a 2006 RFEI and 2007 RFP for Atlantic Basin, and the EDC promised us a home here.

The EDC performance in maritime matters is profoundly inept when they do act, and often they take no physical action at all. Piers have literally fallen into the harbor because the EDC cannot figure out to use them. This poor performance (a cycle of studies, RFEIs and RFPs that lead to no result) is consistent with what we see and are told about their performance inland. Additionally, the EDC is immune to advice and suggestion, making it hard to improve their performance.

We are particularly concerned about the EDC because of their role in designing and building flood protection (resiliency) for NYC, because their assignments kept growing before the

pandemic, and now they are now increasingly assigned pandemic recovery projects, many of which land in one of their weakest areas: serving low-income communities of color, the communities (such as our own in Red Hook) they have so ignored.

PortSide is also concerned that an entity outside of NYC government (the EDC is a nonprofit, beholden only to the Mayor) has a mission this broad since this arrangement prevents transparency, accountability, Council control of the EDC budget, and Comptroller control of the amount of revenue the EDC pays to the city. In the words of NYS Senator John Liu (D-Queens) when he was Comptroller, the EDC is a “[a slush fund for whoever runs City Hall.](#)”

The EDC’s work includes a vast, diverse, growing portfolio of places and projects with a lot of impact on NYC. Here are just some:

- managing over 64 million square feet of space for the city (as of 8/19 EDC presentation)
- DockNYC portfolio of docking sites
- the NYC Ferry system
- planning and building resiliency flood-protection for NYC
- Managing the source of NYC’s perishable food supply at Hunts Point Market
- building libraries for the Brooklyn Public Library and Department of Cultural Affairs
- rezonings
- Pandemic Recovery Institute and a number of pandemic recovery initiatives

In this appendix, PortSide offers a detailed analysis of the EDC performance in one site, our home location of Atlantic Basin, Red Hook, using this facility to show EDC performance in microcosm on projects that include:

1. Infrastructure
 - a. shorepower for Brooklyn Cruise Terminal (Pier 12) and Pier 11 DockNYC wharfage
 - b. Lighting a walkway
 - c. Fire suppression (sprinkler) system in Pier 11 warehouse
 - d. DockNYC Ferry dock
 - e. Planning and installing Red Hook resiliency (flood protection)
2. Economic development (direct and indirect)
 - a. Brooklyn Cruise Terminal job count and local economic benefits
 - b. Neighborhood marketing (placemaking, wayfinding, community partnering), eg indirect economic benefits
 - c. Their performance as a landlord
 - d. Special events (the Formula E car race)
3. Community relations
4. Maltreatment of PortSide NewYork

Intro to Atlantic Basin, what is it and what's here?

Atlantic Basin is part of the Brooklyn property of the Port Authority of NY & NJ (PANYNJ). It was rented by the EDC from the PANYNJ in 2005 for the purposes of developing the Brooklyn Cruise Terminal. At the time, the EDC argued they needed all of Atlantic Basin to support the cruise terminal.

Atlantic Basin is a complicated place in terms of its physical space and diverse array of tenants and uses. It is also complicated to manage, and for suppliers and for the public to use comfortably because it is an odd duck for NYC, it is a public-access industrial park.

Uses include:

1. A cruise terminal, a ferry dock used by NYC Ferry and Governors Island ferries, diverse ships berthed on Pier 11, warehouse tenants in Pier 11, transportation tenants (mainly construction equipment and buses) using parking space, a commercial license (CDL) driving school, and nonprofit PortSide NewYork based on historic ship MARY A. WHALEN with, since the pandemic, a small PortSide park in 4 parking spaces parallel to the ship outside of the fence between us and the parking lot.
2. Atlantic Basin is a man-made, rectangular body of water, entered from the Buttermilk Channel. North of that entrance is Pier 10 of the Red Hook Container Terminal. South of that entrance is Pier 12, the Brooklyn Cruise Terminal (BCT). The inland/east side of the water space is Pier 11. The south side of the waterspace has the historic name (revived by Google Maps) of Clinton Wharf which would be the extension of Pioneer Street. The north end of the waterspace was historically bounded by India Wharf. The current waterspace is much smaller than the original Atlantic Basin that went almost to Imlay Street. See <https://redhookwaterstories.org/tours/show/7>
3. The largely-unused BCT parking lot lies west of Ferris Street and south of Clinton Wharf, running south to Wolcott Street and west of Ferris. When a cruise ship is in, this is publicly-accessible. When the cruise terminal is closed, the Homeland Security ID TWIC card is needed for entry, with clearance by the guard at the entrance that lines up with the north end of Ferris Street.
4. Ports America runs the Brooklyn Cruise Terminal (BCT) and has a lease on the parking lot south of the Pier 11 warehouse and one between Imlay Street, Pioneer Street, and the internal roadway going north to 160 Imlay Street. Ports America has a few subtenants in the latter including the US Mule commercial driving school.
5. NYC Ferry dock (in operation since 6/1/17) along Clinton Wharf.

6. Pier 11 has a diverse mix of ship types. Most are involved in maritime tourism/hospitality offering harbor cruises or party boat experiences. There are some workboats engaged in maritime training, dock building, and support the Billion Oyster Project. Some small rib boats take people on and off Governors Island once their ferries stop running. The historic ship MARY A. WHALEN at the south end is the flagship of PortSide New York and houses our offices and main program space.

PortSide experience with the EDC

The EDC is PortSide's landlord, and we occupy a small footprint of the space the EDC originally promised us and Red Hook as a community giveback from 2008 into 2011. More on that in the PortSide & EDC section below.

PortSide has dealt with the EDC as landlord, as entity planning resiliency in our neighborhood of Red Hook, via to our role on the Sunset Park Task Force advising the EDC on an RFP for the South Brooklyn Marine Terminal (SBMT), in various advocacy contexts, and programming on their Brooklyn Army Terminal pier. PortSide has responded to EDC RFPs (Atlantic Basin and Pier 42, Manhattan), an RFEI, and done a business plan at their request. We have reviewed multiple EDC RFPs and commented on some of their DEIS and EIS processes as part of our maritime advocacy work. More on that at <https://portsidenewyork.org/advocacy-1>

PortSide has the confidence of senior people in for-profit and nonprofit maritime around the port (and some inland). Many of them told us about their issues with the EDC. We refer to this group as the Commiseration Society since there is great frustration and agreement about EDC flaws. However, there is also great reluctance to take issues public for fear they will never win another RFP, get a space or vendor contract.

EDC Infrastructure fails in Atlantic Basin

We start with infrastructure because failure here is easiest to demonstrate; it either works or doesn't, is up to code or not, exists or doesn't. After reading the following, do you think the EDC should be planning NYC's flood protection (resiliency) systems?

Wrong shorepower connection installed at the Brooklyn Cruise Terminal (BCT). The EDC opened the cruise terminal in 2006 without shorepower though this technology existed at the time and local voices called for it starting in 2005. This oversight is a failure itself. For detailed info see the blog by Adam Armstrong of the blog "[View from the Hook](#)" which followed this topic deeply for years.

In 2009, the EDC promised to retrofit BCT with shorepower. It appears that around 2016 it was installed and deemed operational (hard to say; the EDC does not provide a lot of transparency on this issue). The shorepower doesn't work consistently. If it works, it only seems to work with the Queen Mary 2. Once the NYC Ferry arrived in 2017, Adam Armstrong would ride the ferry to see if the ships were plugged in and often find that they were not, despite the EDC's claims that they were. The data below is copied from an EDC 2019 presentation.

BCT shorepower use	2017	2018
Successful Connection	10	11
Failed – crane/jib	0	11
Failed - ConEd	11	0
Failed - Ship	5	5
Total shorepower opportunities	26	27

Adam Armstrong, community groups and elected officials raised the issue with the EDC regularly to get no answer or action.

Finally, in April 2019, the EDC revealed that they had installed the wrong crane/jib, the device that lifts the big shorepower cord up to the ship. The one they got was too small, AND it does not move up and down the pier on rail lines (is not a gantry crane) so it cannot move to fit the connection port on different ships.

This error is like buying size 6 sandals when you need a size 8 boot.

We have no shorepower connection info for 2019. In 2020, BCT did not operate as a cruise terminal since cruise ships were prevented from operating due to Covid. BCT was converted to an emergency Covid hospital. We have no analysis about the EDC performance on that project. That installation did lead to wifi finally being installed in BCT.

The shorepower is still not fixed. April 2021, Brooklyn Borough President Eric Adams, who is running for Mayor, announced that Borough Hall would contribute [\\$750,000 to fix the shorepower](#). That money could have been used for pandemic recovery in Brooklyn. That allocation means that more NYC funds are being spent to compensate for an EDC error.

Pier 11 ship shorepower installed in dangerous fashion: On Pier 11, the other side of Atlantic Basin, the EDC installed multiple shorepower connections for smaller ships to service their DockNYC program that manages ship berths. Normally, this kind of shorepower has the outlet at the water's edge so the boats use a short length of cable to plug in. The EDC installed the shorepower outlets on the warehouse wall, with the electrical cables lying across the roadway (string piece) of the pier, in puddles, with heavy trucks from the warehouse tenants driving over them. This is a dangerous fail. PortSide was not on Pier 11 when this installation occurred. We arrived here 5/29/2015 to find this dangerous situation and instructed our crew not to ride their bikes out the pier in that direction. Spring 2017, we heard that the Formula E car race planned to have spectators who arrived by ferry walk up this pier, and we reported the hazardous electrical cable situation to the Port Authority who got all the cables trenched.

Pier 11 warehouse fire suppression (sprinkler) not working for most of 7 years. We don't yet know when this started. We learned of this when we did a special event on the Pier 11 warehouse loading dock summer 2014 because there was a guard sitting in a car at the southeast (inland) end of the loading dock who explained that he was a fire watch. He said that if a fire broke out, he would report it. Understand that the pier is about 3 blocks long, and you can't see one end from the other very well, and you can't see through it from the inland side to the waterside. Such a guard has been in that position for most of the past seven years. There is one there now.

The EDC installed a fire suppression system that failed after the first hard freeze. This destroyed a lot of product in the warehouse. It failed because the warehouse is underpowered (the power supplied by ConEd does not reach full voltage). The EDC tried to sue the Port Authority for this, but the lease with the Port Authority is for "as is" condition (as are the EDC leases to tenants around here), and low voltage power was a known issue the EDC should have rectified before the installation. The EDC installed a system again. This one was not up to code according to the Port Authority, and the fire watch guard in the car returned.

DockNYC Ferry dock has design flaws. The canopy (roof) over the dock (which is actually a spud barge) does not work as a roof (cover the width of the barge), meaning it dumps water onto the deck when it rains. Since the barge deck was not built with camber (is not convex), the barge deck floods. During heavy rains, EDC staff come to sweep the dock and blow off the water with leaf blowers. Operational and marketing issues with the ferry are covered below.

Lights along ferry walkway are not installed up to code. November 2019, the EDC installed lights on top of the chain link fence along the sidewalk from the ferry dock to the parking lot. They are not installed up to code. They are connected to an extension cord plugged in to the ferry dock, and their connections in the series are wrapped in electrical tape. Extension cords are not supposed to be permanent installations.

Damaged street sign tied up with wire Several years ago (2016?) a large sign with stout square-pipe legs blew down in high wind. We informed the EDC. Instead of re-bolting the sign to the flanges buried in the asphalt, the EDC wired it to the chain link fence with wire that is about the thickness of a stout coat hanger. High winds may one day blow this massive sign down. They left the flanges in place where they were tripping hazards for people coming down the sidewalk from the ferry to the parking lot. We brought this tripping hazard to the EDC's attention. After a long time, they wired road cones to the top of the flanges to make them more visible. Those finally blew off. The EDC finally removed one of the flanges. One remains.

EDC and Red Hook Resiliency planning

Another EDC infrastructure project is creating resiliency (flood protection) plans for Red Hook. Note that this system goes around Atlantic Basin; it is NOT protected by this system. PortSide is on the flood side of the barriers.

Red Hook is frustrated, angry and frightened by the flood protection work of the EDC (or lack thereof) in the neighborhood. The community was frustrated by the process the EDC rolled out, and felt that token efforts were made to receive community input, that the EDC did not demonstrate expertise regarding the issues, options and the neighborhood. Almost nine years after Sandy, Red Hook has barely any flood protection installed. This is a shocking difference from the grand promises made just a little over a year after the storm.

January 2014, Vice President Biden and Governor Cuomo announced that the State and the City would create a \$200 million "first in the nation" flood management system for Red Hook as part of "Reimagining New York for a New Reality." In early 2015, it came out that only \$100MM would be available available for the "IFPS" being planned by the EDC. (The original EDC link for [Integrated Flood Protection System](#) is dead.) The gap of \$100MM and change of budget without community notification caused a lot of consternation.

PortSide followed the story closely until 2016. See this [PortSide summary](#). Here is a [2017 EDC report](#) on their IFPS work. It is beyond our capacity at this time to bring that reporting up to date and cover in detail the story of the EDC's work on the IFPS, but there is much evidence reflecting the kinds of EDC behavior we have been analyzing in this report.

For more recent updates there are other local sources. The local free paper the Red Hook Star Revue, the group Resilient Red Hook, and Brooklyn Community Board 6 can provide information.

In early 2020, the Department of Design and Construction (the DDC) informed Red Hook that they had taken over the project. They held a public outreach meeting, but the pandemic hit days later. As of early 2021, there are some HESCO barriers (cubical sandbags) installed near Atlantic Basin to the north and south, and there were prior ones installed on either side of Van Brunt Street near Beard and Reed Streets. This is far from flood protection that is "first in the nation" quality, and it covers only a fraction of Red Hook's coastline.

Economic development (direct and indirect)

Fails and successes in this area are harder to define than infrastructure fails so we did not lead with it, but it is massively important to NYC.

We start with our definition of successful economic development. It grows an ecosystem of economic activity that reverberates inward and outward from a development site, so it accomplishes community development too. It includes jobs on site (direct benefits) as well as jobs or economic activity off the development site (indirect benefits). Like an ecosystem in nature, elements large and small have a role; it is a sum of many parts and reflects the inter-relationship of all those parts. It definitely delivers benefits to the local community (not just revenue to the EDC). The word “development” means there should be an ethos of care, nurturing, fostering growth, which means understanding the operations of the tenant and host community, and of being responsive to needs and suggestions. Good economic development is more than renting a site or constructing a building.

In sum, this is not how the EDC operates in Red Hook’s Atlantic Basin where things are not up to code, where contracts allow tenants to be displaced for no reason in 30 days, where special events (Formula E car race) can displace or hinder businesses for weeks, where the landlord is unresponsive, where promises to the community are unmet, and where there is no program to actively foster relationships with or benefits to the community, and efforts by elected officials and the community board to improve things fall on deaf ears. The lack of basic, standard amenities like a wayfinding map and tenant list create many problems; for more on that see our wayfinding section below

The EDC’s relation to the community is colonial and extractive in that the EDC gets all the revenue (none is brought back to the community), does not deliver on community give-backs (such as the home promised PortSide in 2008 into 2011). The EDC does not run the various elements of Atlantic Basin in any way that deliberately develops and provides benefits to the host community. If someone or some business in Red Hook benefits, it’s catch-as-catch-can, not a program or relationship cultivated by the EDC. The community can’t even get answers out of the EDC.

As a landlord, the EDC also creates challenging situations for the tenants: RFPs can present unrealistic demands and limitations. Leases and berthing permits say the EDC can displace you on 30-days notice with no reason given. Site utilities can be inadequate; see the issues with electricity mentioned in the infrastructure section. In addition, the ships docked on Pier 11 sometimes do not get enough voltage in the shorepower for basic uses such as powering house lights. The EDC introduced the Formula E car race into a marine industrial park which is deeply disruptive to tenants for over a month every year of the race and has caused many tenants to leave. Tenants can struggle to get answers from the EDC, which offers a combination of over-control AND unresponsiveness. For example, PortSide is required to submit “ops plans”

(operations permits) for every event over 20 people on our ship, ideally 30 days in advance. This degree of overcontrol is stifling and prevents us from conducting normal operations. What's the point of our having a site contract (a "berthing permit") if we can't use the berth for normal operations? Note that PortSide's ship insurance covers us for 150 people, we have never had an accident or insurance claim, had a fight or fire or need to call the police.

At the time the EDC first promised PortSide a home in Atlantic Basin (2008), they defined project success as revenue to the EDC. This came out during the period 2008-early 2009 when the community protested that the "Water Taxi plan for Atlantic Basin" did not win the EDC RFP, and the Pier 11 warehouse was being rented for industrial uses by Phoenix Beverage.

By the time the EDC was working the Sunset Park Task Force to create an RFP for the South Brooklyn Marine Terminal (c. 2014) the EDC said their metrics for success included jobs on site. That would make a double bottom line (revenue to the EDC and jobs on site). That includes no indirect economic benefits (how renting site X would trigger benefits off-site). Triple and more bottom lines have been standards of good development by other groups for a long time.

Brooklyn Cruise Terminal (BCT) in Red Hook Timeline of promises

Below PortSide reviews benefits the EDC promised and ones we think are reasonable to expect.

1. Economic development (direct and indirect)
 - a. Brooklyn Cruise Terminal job count and local economic benefits
 - b. Neighborhood marketing (placemaking, wayfinding, community partnering), eg indirect economic benefits
 - c. Their performance as a landlord
 - d. Special events (the Formula E car race)

April 19, 2004 plans for BCT announced.

April, 2006 BCT opens

At opening of BCT, EDC promises the cruise terminal will deliver the following:

1. Benefits to Red Hook, especially retail businesses
2. 290 jobs. "The new terminal brings 290 new, permanent jobs to Red Hook" according to 4/15/06 City press release.
3. Space for overflow of conferences and trade shows in Manhattan passenger ship terminal (PST)
4. Water Taxi dock, ferries will move attendees of events above between PST and BCT
5. An active event space (run by commercial event planners)
6. Space for events of local nonprofits

Assessment of list above:

1. Little benefit to Red Hook, especially retail businesses. If the businesses get any work, it is not via matchmaking set up by the EDC. The businesses contact the cruise terminal, or a special event looks up businesses in the community. There is NO promotion of RH inside the terminal and no wifi, meaning foreign tourists arriving on the QM2 cannot use the web to search local attractions because their phone SIM cards do not work in the USA. Borough President Marty Markowitz ran a tourism kiosk in BCT in the first years, but it no longer exists.
2. 8-10 jobs not 290 at BCT according to [2007 Observer article](#)
3. No overflow of events from Manhattan passenger ship terminal (PST). This never happened.
4. No Water Taxi dock. In 2016, when the EDC was planning the NYC Ferry system, they did not want to put a dock in this location where they promised ferry service 13 years before. Red Hook fought hard to get the NYC Ferry dock located here. The EDC wanted it elsewhere in Red Hook. The NYC Ferry docked opened here on June 1, 2017, many years after the EDC opened BCT in April 2006.
5. On June 4, 2007, the EDC put out an RFP for Brooklyn Cruise Terminal Event Manager. At the site visit, [event planners panned BCT](#) for not having been built for events: no sink better than a slop sink, no kitchen, no large door to load in large objects, no windows with

waterfront views, no permission to set up tents in the parking lot to capture those views. Ceiling not suited to rigging lights from it. Around 2015, under operation by Metro Cruise, more special events began to occur. Ports America took over BCT in 2017. The EDC makes no effort to have these events benefit Red Hook. Ways that could be done:

- a. announce the special event name with a URL and describe event attendees in terms of number and demographic info to alert business to either vending opportunities on site or that there could be an influx of visitors to local stores, bars, restaurants, art galleries, etc
 - b. Have info about such Red Hook business, nonprofits and services inside the BCT building and on the ferry dock to alert visitors. Provide wayfinding and placemaking installations in Atlantic Basin that suggest the unusual and interesting Red Hook neighborhood outside this large facility. PortSide created a [virtual guide to Red Hook](#), and proposed to the EDC that we put a sign on the ferry dock about it and promo banners in BCT itself. PortSide would pay for these and the EDC could approve the design. The EDC consistently rejected the ferry dock proposal. One EDC cruise manager gave verbal approval for the terminal promo banners but left the EDC before an action plan was created, and we gave up. More in our wayfinding section below.
 - c. When the special event is educational, alert local schools. Here is an example: April 2019, an [international student business plan competition](#) was held at BCT. We learned about this on the ferry dock talking to passengers. We were headed to City Council hearing about whether the EDC should continue to operate NYC Ferry (as opposed to the NYC DOT). In our oral testimony we said the EDC missed an opportunity to tell local schools about the event. The EDC provided a typically self-justifying response, sending us an email showing that Ports America had sent their monthly alert email to tenant neighbors with the special event schedule. The student business plan event appeared as an acronym “VEI EVENT BCT.” No way to know by reading “VEI” that is a youth event, an educational event, a free event. Events at BCT are rarely free. The event starts on April 2, the email is sent March 25. Schools need much more notice to get the word out to teachers to see how this fits their curricula, and then for school administration to get permission slips signed by parents so the kids can leave school on a field trip. Then the school may have to arrange buses to attend the event if it is a school field trip. It is highly unlikely that a school in walking distance could even get students out of class on such short notice as 5 business days and 5 days is not enough time for them to enter the competition. In short, this notice is too late and too little to be useful. We provided suggestions in response. See our email of 4/19/2019 at the end of this document.
6. BCT was not readily available for local nonprofit events. At the time of the special event RFP above, the EDC wanted \$10,000 for use of the space, a fee beyond reach for most Red Hook nonprofits. The South Brooklyn Industrial Development Corp (SBIDC) had 2 or 3

fundraisers. Borough Hall, under Marty Markowitz, had 1 or 2 events. Eric Adams' office has not used it to our knowledge.

The problems with the cruise terminal shorepower installation were covered earlier in this document.

NYC Ferry marketing, operations and expansion planning

PortSide is a passionate advocate for growing maritime transportation; however, the EDC's approach to NYC Ferry prompts concern because the planning process does not seem fair, and the EDC, as usual, takes no suggestions about how to make the ferry serve this community better.

Note that there is a layering of management in the NYC Ferry system. The boats in that ferry system are run by the private company Hornblower who hires and trains the crew and places advertising on the boats. The docks are designed, built and wholly controlled by the EDC including the signs on the docks, and the EDC controls the ferry system overall.

The way the EDC ran the RFP process that created NYC Ferry (called Citywide ferry in EDC documents) suggests an evasion of fair process. The RFP description did not include providing a homeport or building boats. Two of the ferry respondents told PortSide they would have responded differently if those options were on the table, in the RFP description. Those two options, however, were offered to Hornblower, a company headquartered out of NY, which won the RFP, leading to the demise of two ferry companies local to this harbor, the East River Ferry and the New York Water Taxi. This raises questions about what kind of economic development the EDC is doing if it shuts down local companies in favor of ones headquartered elsewhere. The boats from the Water Taxi were bought by Circle Line, which we mention since so you can still see some of their distinctive yellow boats around; but the company is no more.

We mentioned a dock design issue about the poor canopy design in the infrastructure section above.

There is also a fairness issue in the dock building contract. There was one RFP to build the original docks that launched the service. (These docks are actually spud barges, barges pinned in place by spuds, removable pilings, but referred to as docks for simplicity's sake.) With expansion of the ferry service and the building of new docks, the EDC should have issued new RFPs. Instead, the EDC used "change orders" to give the original shipyard more work. That is not a fair and open bid process. Change orders are for tweaks on an existing contract, not a way to assign a wholly new contract to the business that won the first RFP.

In early in 2020, the EDC released a Draft Supplemental Environmental Impact Statement (DSEIS) to create NYC Ferry Homeport 2 in Atlantic Basin. The pandemic hit, and we have not heard the status of this since (though that may be the pandemic effect on our bandwidth.) Multiple maritime voices have expressed concern that a NYC Ferry homeport in Atlantic Basin will displace all the ships on Pier 11 without offering them new berth space, and question why this expansion is not occurring next to Homeport 1 in the Brooklyn Navy Yard or at the Brooklyn Army Terminal which has a huge, unused waterspace at a site controlled by the EDC. Many have noted that this displacement helps Hornblower since most of the boats on Pier 11

compete with their excursion boat business. There are already concerns in the maritime community that Hornblower has a monopoly on the all the berths in lower Manhattan.

At this time, even though we are passionate ferry advocates, PortSide does not recommend any expansion of NYC Ferry due to the EDC's not taking advice from anyone as we stress in this report, the dire state of the city budget, the fact that the NYC Ferry has been hemorrhaging money for many reasons, and the EDC has taken money from revenue streams that were supposed to go the city (42nd Street), reducing the city budget further. See <https://www.thecity.nyc/2020/9/29/21494763/de-blasio-plugs-ferry-service-with-times-square-dollars> and <https://cbcny.org/research/buoying-edcs-operating-budget>.

There are issues regarding how the EDC located the Red Hook NYC Ferry stop, the EDC resisted putting it in Atlantic Basin as described above, even though the EDC had promised Red Hook a ferry here as part of the Brooklyn Cruise Terminal development.

The EDC marketing (justification) for the NYC Ferry seems to represent spin or a failure on their part to take suggestions so that the ferry serves the target market the EDC promised would benefit.

As the EDC rolled out NYC Ferry, it was described as solving problems for transit deserts and for being an asset for public housing (NYCHA) residents. Within a short period of time, PortSide could see that Red Hook NYCHA residents were not big users of the stop here since the passengers were all white. Over time, we made several suggestions about how to change this.

Getting no response from the EDC, we attended the Mayor's Brooklyn Resource Fair on August 22, 2018 to propose that the EDC create a ferry promo mailer that NYCHA would insert in mail to Red Hook NYCHA tenants. We met with the Mayor, the General Manager of NYCHA and an EDC rep. Several weeks later, our proposal was approved. By the time the pandemic hit, the EDC had not produced this mailer.

April 2019, at a City Council hearing, many councilmembers expressed frustration and even anger that the ferry was not serving low-income New Yorkers; the ridership was overwhelming white and wealthy or tourists. See <https://gothamist.com/news/de-blasios-heavily-subsidized-nyc-ferry-still-wont-share-basic-ridership-data> and

<https://nypost.com/2020/01/13/johnson-stringer-demand-answers-after-post-exposes-de-blasio-ferry-scandal/>

Note that during that process, the EDC avoided providing answers about ferry ridership, another case of the EDC avoiding transparency and accountability.

The EDC has also been resistant to other PortSide proposals that would increase ridership at Red Hook.

PortSide rapidly grew a good relationship with the marketing team at NYC Ferry (with staff who have since left) and learned that Red Hook was one of the lowest performing stops in the system. The ferry marketing staff saw PortSide as an attraction on site that could boost visitation to Red Hook, and they saw our [Red Hook WaterStories](#) (RHWS) virtual guide as another attraction that could help. Despite this, the EDC rebuffed every PortSide proposal to have a sign installed on the Red Hook ferry dock. We made such overtures before the ferry service started and continued until January 2019 at the [presentation](#) of our [latest business plan](#) for a home in Atlantic Basin. We proposed a sign that would mention our ship, our URL, the URL to RHWS with some teaser images, and a link to our [flood prep info](#) to catch the eye of locals while they waited on the dock. Since the EDC was tasked with Red Hook flood protection, the latter would support that work. PortSide offered to pay for the sign and have the EDC approve it. Nothing we or the ferry team said could get such a sign accepted. More on the sign saga in the wayfinding section below.

Formula-E car race

In 2017, the EDC announced that the electric car race [Formula-E](#) would begin racing annually in Atlantic Basin. According to a Wall Street Journal reporter we talked to after the press conference, the EDC claimed that the race would have no negative effects on Red Hook because it was all in Atlantic Basin. This ignores the fact there were dozens of tenants in Atlantic Basin and that Atlantic Basin IS part of Red Hook!

The [2019 track layout](#) shows how much of this place the race uses up. 2019 was the last race held. There was no race due to Covid in 2020. This year, the race is July 10 and 11, and the set-up starts on June 15 and the removal process runs until July 17.

Problems with Formula-E car race in Atlantic Basin.

1. **The car race is not water-dependent use of a maritime facility**, and not in the spirit of Vision 2020, NYC's Comprehensive Waterfront Plan that is in effect.
2. **The race has significant negative impacts on all tenants.** These tenants include those in the warehouse, transportation and construction companies parking vehicles (the companies that were doing the Sandy recovery of the Brooklyn Battery Tunnel at night used Atlantic Basin as their staging area), and Pier 11 ships. Transportation tenants are forced to move out for 2 months, the time it takes to build the race installation, race and deconstruct. Warehouse tenants whose lease includes use of the loading dock can't use that during this time. All tenants suffer limited access for 4-5 days before the race and during race weekend. Some compensation is offered (but not to PortSide), but why would businesses in NYC's tough real estate market move to a place for 2 months and come back? So, after 2 years of this, many tenants have left for good.
3. **Tenants actively pushed out by Formula E staff.** In late 2017 or early 2018, one former pier 11 warehouse tenant said that a senior Formula E staff person told tenants that Formula E now had the Master Lease (which Phoenix Beverage had held) and that rents were going up. This tenant says they paid their rent to Formula E via a company name in the Midwest for 6 months and that their neighbor tenants left due to the rent increase. After six months, the EDC took over management of the warehouse. By end of 2018, most of the warehouse tenants have left.
4. **Road closures outside of Atlantic Basin** have negatively impacted businesses as reported to us by SBIDC. Individual retail businesses and residents have complained about road closures to PortSide and in Red Hook Facebook groups.
5. **Harm to PortSide:**
 - a. 2017, race year 1, Formula E knowingly steals a \$15,000 job from PortSide by giving space next to our ship to the group that had received our contract hours before. Site managers from Phoenix, DockNYC and the Port Authority had told Formula E about

- PortSide's relationship with this potential client, so Formula E staff knew what they are doing.
- b. PortSide visitation plummets once the race construction starts (for about 3-4 weeks of the summer), as work is concentrated between our ship and the pedestrian gate, and the south end of the Pier 11 warehouse next to our ship is their operations center with lift trucks etc coming and going. Since PortSide has no building space and the interior of the ship is so small and houses our offices, our season for public programs is the summer using the ship deck. July is thus prime time that is taken from us by the race. August is too hot, so many people leave on vacation. Many cultural organizations close the last two weeks of August.
 - c. Formula E often puts noxious uses next to us, dozens of portasans or the dumpsters. In 2019, the stench of dumpster garbage juice was so ripe that during July events we hosed down the parking lot to reduce it.
 - d. Some PortSide things get damaged or taken by race construction crew every year.
 - e. After the 2018 race, the year that PortSide is doing a business plan at the EDC's request for the building space the EDC promised us from 2008 into 2011, the EDC rented this space and more to Formula E – even though most of the warehouse is empty. PortSide has been trying to get this space since we returned here May 29, 2015. More on that below in the PortSide section.

6. Formula E mixed impacts Red Hook retail:

- a. After the first year, multiple businesses in Red Hook outside of Atlantic Basin complained that their business dropped that weekend since people stayed away due to fears of traffic. Some businesses did well with the after-race crowd or serving workers during the construction and deconstruction period. (Sunny's Bar, Brooklyn Crab, Red Hook Lobster Pound). In subsequent years, some retailers cut special deals for use of their space or creation of race-themed products (Dolce Brooklyn). However, by 2019, race year three, the race used almost no Red Hook food vendors on site, and the labor rat was protesting the race. That year, the Red Hook Lobster Pound complained that their vending booth was out of view and netted poor sales.
 - b. The race does support local hotels, airbnbs, laundromats, and bodegas, delis, pizzerias that house, serve, and feed the large construction crew.
7. **Few local hires on site:** Most of the construction labor comes from out of state. There are some short-term jobs for the weekend. In 2019, Formula E advertised 40 jobs for race weekend on flyers in Red Hook.
8. **Gifts to Red Hook are small:** The race offers comps to the "e-Village." Year one, attendees complain that they can't see the race from there. Similar complaints year two.

PortSide's experience is mixed. Year one, we suffer big negative disruptions and damages, and we are offered free design and production of some banners.

The third year, PortSide is offered booth space in the e-Village with Formula-E designing and producing a great booth display we get to keep. However, it doesn't include the tent, so we don't have an easy way to re-use it as it is based on a tent way more robust than we have. Our being in the e-Village proves useless for netting volunteers or donations, so we end up providing a lot of free activities (we become a child entertainment station) which costs us hundreds of dollars, but we are prohibited from selling any swag to compensate for that. We decide not to do the e-Village again.

During 2020, the race is cancelled due to the pandemic, but Formula-E offers small grants to local nonprofits of \$2,500. PortSide gets two of these.

Their local, year-round liaison is a very friendly party, and he lets PortSide use part of the building space for two events, one in 2019 and one in 2020, but this does not compensate PortSide for the EDC's renting the whole space to Formula-E, blocking PortSide from having year-round building space.

9. **Greenwashing.** Red Hook has many EJ issues and is focused on greening up. Many Red Hook voices complain that the race is NOT the green endeavor it and the EDC claim. The neighborhood is littered with garbage after the race. The race creates dumpster loads of waste, discarding lumber, fabric, paper, printed material and more. The carbon footprint is considerable since the race uses massive generators to air-condition tents, plus all the airfare to ship so much stuff here. There is a strong local feeling that Formula-E is a disruptive greenwashing event that benefits a few businesses that score a contract and that mostly benefits the EDC which rents Atlantic Basin to the race.
10. **Exaggerated audience numbers.** These have been exaggerated since year one according to reliable sources in security who wish to remain anonymous. We mention this as the numbers are used to define the importance of the event and benefits to local retail.
11. **No financial transparency, no direct financial benefits offered by EDC to the community.** No one knows how much money the EDC makes from the race. What local benefits exist are worked out between the race and the community, the EDC does not directly foster economic development benefits. This is a Darwinian arrangement where the economic development entity is absent.

Wayfinding – a basic but missing concept in Atlantic Basin

The following statements result from PortSide’s experience and observation and because the Red Hook community contacts us to express their concerns and frustrations about Atlantic Basin. Also, since Google Maps shows PortSide as located here, we regularly get phone calls from people and businesses trying to figure this place out.

The EDC has done no work to make Atlantic Basin easy to access, use or understand. This causes problems for tenants and also users of the ferries here. The fixes for this are easy and common knowledge for wayfinding professionals, and the lack of solutions demonstrates EDC cluelessness about real world operations, their inability to offer basic landlord and customer service attention, and their deafness to constructive suggestions, even if they are repeated.

The EDC did not install any signs that label this place “Atlantic Basin” even though that is the name of the NYC Ferry stop here since June 1, 2017.

The EDC has not installed any wayfinding map labelling tenant locations or names (making it hard to receive deliveries) nor provided any info about how to make your way through the place. The EDC installed just one place-identification sign at just one of the three 3 entrances (Bowne & Imlay). It says “Brooklyn Cruise Terminal,” but many people come here for other destinations and reasons. Industrial parks usually have a guard at the entrance who provides directions.

Delivery vehicles, taxis, and the general public are continually confused by the lack of wayfinding info.

The lack of any sign that conveys that the public is allowed also causes confusion because industrial parks are not usually public access, and everything about the site screams industrial park: the obvious industrial uses, the chain link fences with barbed wire around the perimeter. That, plus fact that the Port Authority has had red signs attached to the chain link fence saying “no trespassing” has deterred people from entering. Since the Formula E race has removed multiple fences temporarily for the race, many of these signs go away for a while, but sometimes return. It’s a jumble of inconsistencies.

Many first-time visitors to Red Hook miss a ferry as they can’t find Atlantic Basin or can’t find the ferry dock once they find an entrance to Atlantic Basin. Many visitors to PortSide have been dumped by their taxi, car service driver near the Bowne and Imlay Street entrance (3 blocks from us) when their driver says “I can’t drive into this place, it is industrial.”

PortSide has raised wayfinding issues with the EDC many times and suggested solutions.

Seeing no change, we brought the issues to the attention of elected officials; and in April of 2019, Councilman Carlos Menchaca and Congresswoman Nydia Velazquez met EDC President James Patchett to discuss multiple concerns about Atlantic Basin (BCT shorepower, benefits to

Red Hook of BCT, lack of signage, unsafe pedestrian route from the street to the ferry dock, providing the building space PortSide was previously promised).

It is preposterous that it takes a Councilman and a US Congresswoman to get the EDC to move on basic responsibilities. It is a waste of elected officials' time to have a meeting about installing signs!

This meeting prompted the EDC to install a row of 8 planters to define the walkway from the Pioneer Street gate to the ferry and to provide a safety barrier from traffic zooming around the undefined asphalt. A barrier was needed because the raised sidewalk had been removed for the Formula E racetrack. Note that planters are not a universal symbol of a ferry, signs and maps are, and these planters did not meet the DOT standard of truck-safe bollards. The planters were not watered, and one dry plant caught fire in August 2019. PortSide put out the fire. See this [tweet](#).

PortSide began maintaining the planters in Summer 2020, watering the evergreen plants and adding flowers, once we installed our Pandemic PopUp Park in June. These planters were removed soon after that around circa late June or early July. According to EDC Operations, they were moved to manage a problem with homeless people using a space in upper Manhattan, so this EDC solution for wayfinding and traffic safety no longer even exists here.

In the April 2019, these elected officials also conveyed the PortSide message that there was no sign on the ferry dock announcing our presence, PortSide was not on the WalkNYC map the EDC installed, and there was no promotion of Red Hook in the cruise terminal or on the ferry dock.

Rather than accepting PortSide suggestion to install on the ferry dock a sign about us and Red Hook designed by us (tapping PortSide's deep and compelling info in [Red Hook WaterStories](#)), the EDC PortSide added us to the otherwise useless WalkNYC map and installed cheap white signs saying "Local stores and restaurants" (with an arrow).

This is terrible destination marketing. The signs do not even say Red Hook! They are NOT inviting, compelling or located where they will inspire people to come into Red Hook. There is no URL like PortSide's www.redhookwaterstories.org for further info. At the point a visitor reaches these signs on the Pioneer Street fence, the visitor is already walking out of Atlantic Basin into Red Hook. The other signs the EDC installed, plastic sandwich boards near the ferry dock, continually blew down and the messages attached to them blew away.



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Additionally, local businesses have complained (contacting PortSide) that the arrow direction suggests everything is dead ahead on Van Brunt Street rather than also having an arrow pointing right down Conover Street towards multiple popular attractions: Steve Key Lime Pie, Sunny's Bar, Red Hook winery, Brooklyn Crab, the Museum Barge etc.



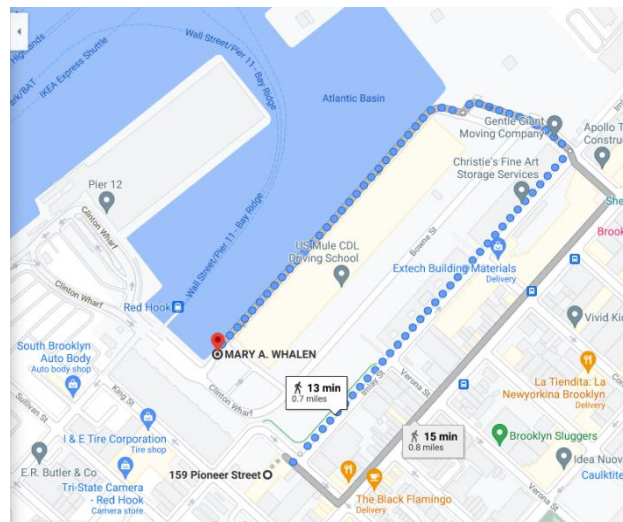
There is also poor signage about NYC Ferry outside of Atlantic Basin. A handful (two?) signs were installed that have a boat graphic that does not look like an NYC Ferry and does not include any text. In a maritime neighborhood, a sign with a boat does not equal NYC Ferry.

This inept signage effort is classic EDC tokenism.

Clear suggestions, simple to execute have been made, and ignored; but in an August 2019 follow-up meeting with Patchett, Menchaca and Velazquez, the EDC announced their “accomplishments.”

In 2021, Google Maps added to the wayfinding mess. Google Maps had been providing the only public wayfinding info, but they are misinformed and come up with their own ideas. Google decided to name the long north south internal roadway “Bowne Street” (EDC documents calls this “Commercial Wharf”) and, after the curve, Google calls the east-west portion of the roadway that aligns with the west end of Pioneer Street “Clinton Wharf.”

Sometime in 2021, Google Maps, suddenly unaware of the heavily-used pedestrian and bicycle entrance at Pioneer and Conover, decided that the way in, even for pedestrians, is to have people enter at Bowne and Imlay and walk along the water, along Pier 11. This forces people on a 6-block detour, 3 blocks north from the entrance at Pioneer and Conover, and then 3 blocks south along the pier (which is technically still closed due to Covid) to get to the ferry dock used by NYC Ferry and weekend Governors Island ferries. If the EDC installed wayfinding signs, people could correct course once they got to Atlantic Basin. PortSide reported the error to Google Maps sometime in May 2021 but has seen no change as of writing this comment. Below is the walking route from Pioneer Works at 159 Pioneer Street to the Mary A. Whalen according to Google Maps as of 6/11/21. There is an entrance to Atlantic Basin along the line of sight between the two locations.



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Corporate culture at EDC and its impact on EDC Planning efforts over time

The EDC uses flawed planning methods that lead to no action, delays in acting, and that wear out the businesses (and occasional nonprofits) that have to deal with their MO.

The EDC staff in the departments dealing with Asset Management and maritime activities turn over regularly which many believe causes many of the problems cited here. Someone should study EDC staff turnover, staff experience for the projects they are assigned, and how projects are internally managed.

Our experience is that staffers leave after 2-4 years whether they are low-ranking project managers, VPs and SVPs or even the President/CEO. This means EDC staff do not have long experience with any site they manage or with the EDC itself. Many staff don't seem to have deep operational knowledge of the matters at hand. Many staff come from a planning, real estate development or business school background, they are not COOs or site managers. The EDC deals with this lack of content expertise by soliciting expertise by issuing many of the following: RFEIs (request for expression of interest) and RFPs (request for proposal) for site development and studies. This means that people who don't know the content are making decisions about which consultant to select and then reviewing their work. This is how you get a BCT shorepower jib that is the wrong kind, or Pier shorepower that is dangerous, or a Pier 11 shed fire suppression system that does not work.

Another downside of this process is that it exhausts the market as it asks companies to create detailed plans for how they would do a project if they get a contract. The EDC adds to this work of creating the proposal with follow-up questions the respondent has to answer. The EDC has admitted that they sometimes put out these requests to harvest ideas, eg "test the market." First, this makes respondents work for free, and multiple companies have told us that they are reluctant to participate anymore because they know that the EDC may not award a contract at all and/or that the EDC may just take their ideas and give the work to their standard vendors. This process makes small companies reluctant to seek EDC contracts.

Second, this method does not realistically test the market for viable ideas because of the high number of demands and restrictions the EDC puts in their requests. The RFP does not say "what ideas do you have for this pier?" It says you must do these seven things, don't do these five things, and you must pay us X dollars. This has prevented many a pier from getting used. The piers then decay and collapse as they are not supported by any revenue stream.

A typical impediment imposed by the EDC is to ask for too-much money to use of a space. This leads to companies entering into long negotiations (remember time is money) to sometimes get no result or it drives companies to seek awkward funding partnerships. Is this why Industry City was a funding partner with Red Hook Container Terminal LLC in a bid to run South Brooklyn Marine Terminal?

The EDC culture is similar to what is criticized about the MTA in a 10/15/19 City and State article at <https://www.cityandstateny.com/articles/policy/technology/why-is-subway-accessibility-so-expensive.html>

“They have really hyper-detailed specs for everything,” said Alon Levy, a transit writer and mathematician, of the MTA’s bidding process, noting that some requirements are meant to keep contractors from taking advantage of the agency. But that also results in fewer companies wanting or being able to deal with the MTA. “If there isn’t a lot of competition, the three companies that know how to deal with the MTA can charge a premium because they have a very specific skill – namely, knowing how to deal with the MTA,” Levy said.

Contracting with the MTA may result in a big payday, but for some companies it’s not worth it. “The MTA historically has been a tough partner to work with. And when you factor in the cost of bureaucratic delay, red tape, and project risk, some companies say, ‘No thanks,’” said Colin Wright, a senior associate at the transit advocacy group, TransitCenter.

And that snowballs over the long haul:

“Overall, I think one of the problems that seems to be driving costs in New York and in other cities is that you have a project that runs long and has a very big cost overrun,” English said. “Then when the next project comes along, you base the costs of that next project on the previous project. So this project that had a lot of delays now becomes the base cost. And then, because your previous project had a lot of delays, you then add a contingency – we won’t go over budget this time because we’ll add a 50% contingency because we had a 50% overrun last time. So rather than having a lesson learned – ‘Okay, we made these mistakes, now we can do the second one much cheaper’ – you end up having the mistake-ridden project’s costs escalated further by that contingency.”

PortSide and others have noted that many former EDC staff go on to work for big companies that solicit business from the EDC. As with the first paragraph about the MTA above, these people know how to work with the EDC, and so the system perpetuates itself, serving the individuals and companies getting the work but not necessarily serving NYC well.

With the high turnover of EDC staff, there is little institutional memory of the prior studies or RFPs for a site, so RFPs disconnected from on-the-ground reality recur. PortSide finds that we are regularly helping new EDC staff by explaining the complexities of Atlantic Basin to them. We are not alone.

The EDC institutional culture is resistant to input and tends to approach the world as if the EDC is always right. This makes it hard to improve the EDC performance. The Commiseration Society believes that EDC staffers so often choose inaction because the cost of doing the wrong thing is high for them personally, and the EDC institutional culture seems to accept inaction

regarding the world outside the EDC. It is safer for the staffer to do nothing than do the wrong thing. All this leads to stasis and lots of studies and RFPs.

You can see this process in the history of EDC planning in Red Hook on Port Authority property. See our history at <https://portsidenewyork.org/edc-plans>. Since 2002, the EDC ran the following five planning processes, netting zero deals. Meanwhile, businesses are always seeking space and all forms of maritime activity in the port of NY have been straining to grow for decades.

- 2002 Piers 6-12 study
- 2006 Atlantic Basin RFEI (PortSide responds)
- 2007 Atlantic Basin RFEI (PortSide responds. In 2008, EDC says we'll get a home but don't)
- 2011 Atlantic Basin wharfage RFP (tugboats)
- 2012 Sublease for Atlantic Basin warehouse

The 2011 wharfage RFP reveals how the EDC method reverberates beyond one site.

Vane Brothers responded to the 2001 wharfage RFP above. In their response, they offered marine engineering support to PortSide as a community give-back since the EDC had been promising us a home in Atlantic Basin. Shortly after the RFP release, the EDC backs out of that promise; but PortSide and Vane now have a partnering relationship due to Vane's offer.

Vane entered into discussions with the EDC about Atlantic Basin that last almost two years. In the end, the EDC says they can't make the numbers work, eg, they don't get as much money out of the deal as they want.

After this experience, summer 2014, Vane Brothers tries again with the EDC at the Brooklyn Army Terminal (BAT), spending almost two years on that one. PortSide is simultaneously trying to get tie-up space at BAT, the dockmaster DockNYC has told us we can bring our ship there; but then, the EDC tells us we have to wait until they solve the Vane matter. This reflects EDC arrogance and cluelessness. The Sunset Park community says they want a promise of maritime programming before they will agree to the Vane Barges, and that is what PortSide offers, plus we have the partnership with Vane due to the Atlantic Basin RFP.

The EDC handles public outreach badly, the Sunset Park community does not trust the EDC due to many prior unfulfilled promises, and [they push back on the idea](#) of having Vane Barges on the community's public-access pier.

The EDC rep Lydia Downing said at a Community Board 7 (CB7) public meeting that there was no fendering on the north side of the pier, so CB7 could not get community maritime uses there until the EDC installed fendering, and the EDC needed the money from renting to Vane on the south side of the pier to install fendering on the north side. This is false. The EDC dockmaster DockNYC had just told PortSide we can bring our ship there, so there is fendering. Fendering in this case is wooden cribbing that protects ship and pier from damaging each other.

The EDC loses this fight with this community. Vane nets nothing after a total of almost four years seeking wharfage space at two sites, and PortSide does not get a space there either, so we resume efforts to get a home in Atlantic Basin. Our ship is trapped inside the Red Hook Container Terminal for most of nine years.

Note the EDC misrepresentation about the lack of fendering. There are many cases of the EDC saying what fits their goals rather than fact. The photo of BAT fendering below was taken on May 14, 2014. BAT had a lot of fendering, as evidenced by the photo, by the DockNYC approval for the MARY WHALEN to move there, by the party boats that began docking there sometime later, and by the art barge SWALE that tied up 90 degrees to the pier on the north side bulkhead.



This fendering misrepresentation is not an isolated incident. Many people feel that the EDC institutional culture uses spin.

During the period that PortSide was promised a home by the EDC, we were told to say that one of our events, the 2008 birthday celebrations for our ship Mary A. Whalen was attended by 500 people. The EDC made public presentations to that effect. Far fewer attended, somewhere around 100.

The EDC presents a façade of fair government process; but PortSide, and others, have found this is not always how they act. There is a frequent suspicion, a feeling of unease, that behind the façade the system is rigged and that if you are a bidder or a community person, you're not getting the whole truth.

During the time-period of events in this report, the EDC was investigated for three years by the NYS Attorney General's office for astroturfing, that is faking grassroots support. The key word

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here is faking. The NYS AG, led by Eric Schneiderman at the time, found that the EDC “played a behind-the-scenes role in the lobbying activities” of the other two groups to the City Council. The findings came with no civil or criminal penalties,” as reported in the New York Times on July 3, 2012 [Groups Admit to Lobbying Illegally to Aid Mayor’s Plans](#). As part of the settlement, as reported in the Wall Street Journal [City’s Economic Development Corporation Agrees to More Openness](#), the EDC agreed to restructure itself “essentially breaking into two organizations: one that can legally lobby but more transparently and one that can carry on its duties as a local development corporation.” We have seen no reporting that reveals the results of this and see signs that the EDC tendency to dissemble is not gone.

PortSide certainly found that the EDC has ways to avoid transparency and accountability. In the early days when the EDC was promising PortSide a home in Atlantic Basin, some of the Red Hook community was objecting to the larger EDC plan to reject the Water Taxi proposal for Atlantic Basin. The EDC asked PortSide for help identifying who signed a petition. We were told to do that by leaving long voice mail messages instead of sending emails since the EDC had received a FOIL request for records relating to the Atlantic Basin plans. More in the section on PortSide’s relationship with the EDC below.

EDC and PortSide

The EDC has consistently denied PortSide reasonable operating conditions, stunting our growth, and then cited our small budget as a concern. The EDC has us cramped for space, PortSide suffers like being a pot-bound plant, without light or water. The EDC fails to realize that without space to do programs, we cannot get funding to do programs. That without space, and permission, to have revenue-generating activities, we have none. The EDC has a large role, since 2008, in creating PortSide's small budget. Despite a small budget, PortSide continually creates innovative, impactful programs which receive rave reviews. We have won awards from the White House and appointments from the Governors office and Mayor's office. We merit space and know our budget will grow once constraints on us are lifted. The EDC controls most of those; the Port Authority has added a few on top of that.

PortSide's founding story:

PortSide NewYork's first business plan was completed May 2005 and funded by the Department of Small Business Services for a location on Greg O'Connell's property that included 8,500 sq ft of building space and the ship MARY A. WHALEN serving as a dock after the addition of spuds, making her a spud barge. The MARY was in this role because O'Connell's piers had all deteriorated. The ship was not envisioned as office or program space except as a dock. Her role was to enable us to offer b-to-b services to workboats and host visiting vessels the public could board. O'Connell did not make the space available many months after we submitted plan and Hughes Marine needed the MARY gone; and so we sought a temporary place for the ship with American Stevedoring, the operators of the Red Hook Container Terminal (RHCT) at the time. Our ability to program inside RHCT was highly limited due to Port Authority and then Homeland Security restrictions, and contracted over time, so PortSide was continually looking for a long-term home elsewhere. The real estate hunt sucked up bandwidth, adding to our budget issues. Also, there is little funding available for a nonprofit that is not running many programs, grants don't generally fund an organization to look for a home.

It needs to be understood that the RHCT temporary home was brutally difficult. The ship itself was in terrible condition and made for a wretch office. There was no working furnace, the plumbing had been cannibalized. We could not get an internet connection. Cellphones often did not work at low tide when our heads were at ground level. Our shorepower was on 110V outlet.

Furthermore, the Port Authority hated having us in RHCT, and let us know that, finding ever increasing way to tighten the screws on us and make our existence there difficult. It didn't help that there was a long running war between our host American Stevedoring (ASI) and the Port Authority with frequent lawsuits and stand-off. PortSide became a chit in this battle, a tough place for a small, beleaguered, start-up nonprofit. ASI caused problems too, intervening in our 2007 opera by taking over the ship and preventing us from capturing the \$60,000 gross for ticket that should have flowed through our accounts and raised our budget. That's why we fled ASI and

moved to the GMD Shipyard in the Navy Yard in 2008, but that home was only available a few months, and we went back to ASI with our tail between our legs.

We could not improve our relationship with the Port Authority as they maintained that “you are not our tenant. We don’t have to talk to you. We will talk to ASI and they talk to you.” The Port Authority used that same structure about when we were in Atlantic Basin saying they would talk to the EDC and the EDC would talk to us. The EDC is bad at comms, so this never worked well, and ASI hated the Port Authority, so they were not a great conduit either. This Port Authority crushing frostiness only began to wane once some senior people left the Port Authority. We struggled with it for years.

PortSide’s start with the EDC:

In 2006, the EDC released an RFEI for Atlantic Basin, and we responded. As proof of what we said earlier, that the EDC plays favorites, we received a call from the EDC in December 2006, telling us a follow-up RFP would be released.

In 2007, the EDC that RFP, and we responded. In spring 2008, the EDC approached us and asked us if we wanted a home in Atlantic Basin, and we said yes. That summer, they rolled out their plans publicly, and protests erupted from people who wanted the more-gentrified Atlantic Basin embodied in the “Water Taxi plan” instead of the EDC’s plan to rent the Pier 11 warehouse to Phoenix Beverage, a beer distributor. Giving a home to PortSide was presented by the EDC as a give-back to the community in uproar. At the time, that home included 600’ of Pier 11 to program, use of the parking lot south of the Pier 11 warehouse to use when no cruise ship is in (the trucks provisioning the cruise terminal wait and are inspected by Customs sniffer dogs there) and about 6,500 square feet inside the south end of the warehouse. Phoenix got their lease in March 2009. PortSide asked for one, but the EDC told us “to do interim programs... to see what you can do.” Publicly, the EDC continued making presentations around NYC, at City of Water Day, at Harbor Ops meetings and other places that they were giving PortSide a home, while we kept asking for a lease or an LOI. We couldn’t get grants unless we could promise programs in the future.

The terms under which PortSide had to do the “interim programs” were brutal and financially unsustainable. We never got a permit on more than 20 days notice (one was 9 days), meaning there was no time to seek grants or corporate sponsors, or even notify media of the events to get coverage to net a big audience. We did programs in Atlantic Basin in December 2008 with the MARY WHALEN, in spring and summer 2009 by inviting other ships, and summer 2010 with the MARY.

The summer 2010 permit had the worst backstory. We had a 1.5 hour meeting scheduled with the EDC every other Friday for seven months to negotiate that permit, with just a few meetings skipped due to holidays and such. Fortunately, our lawyer worked pro bono, but this was a

ridiculous amount of time to invest in a permit that was only 59 days long. We got that one 20 days before the permit started.

Before moving the MARY WHALEN to Atlantic Basin for those programs, we asked the EDC if the shorepower was good to go. The EDC said yes. They were wrong, a few days after we arrived, the Port Authority inspected and said it was not up to code and gave us a few days notice before it was cut off. We bought a \$5,000 generator and soldiered on.

In those days, the Port Authority fought our presence in Atlantic Basin, inundating us with permit requests for most of July. Red tape was used as passive aggression. They also locked the pedestrian gate at Pioneer and Imlay Streets at dusk, even if we had an event, locking people in and out. The EDC finally had two SVPs tell the Port Authority to back down, but we lost a lot of time dealing with all that red tape. Most of our events were pushed into August, a tough month to get an audience; but we offered dozens of events that were quality, well-curated cultural and educational programs, run without incident.

After that, the Port Authority proposed another real estate solution, but they did it by sending the proposal to the EDC, and we never got it. The idea was that the MARY WHALEN could be in Atlantic Basin, which would stay locked up since the Port Authority did not want it being a 24/7, public access facility as it is now, and PortSide could have special event access to it. The Port Authority offered us a building on Ferris Street with its adjacent parking lot. PortSide was taken on a walkout tour of this building with EDC and Port Authority.

PortSide had concerns about this offer. It did not allow us to create a real maritime center. Our building space would be landlocked, the ship would not even be in view. We had little confidence in the Port Authority at this point since they seemed to hate and not want public-access on their property at all. Our trust in the EDC was waning too.

In response, Venetia Lannon, the EDC SVP who was clearly, personally a support of PortSide, stressed to PortSide that “we will get you in there,” meaning Atlantic Basin. This was not a comfortable time, being the small entity between the regions two big titans, the Port Authority and EDC who we knew by then did not get along.

That fall in 2010, the EDC asked us to do a building code review of part of the Pier 11 warehouse space they promised us, the offices of the former Fumigation Center, to see what work needed to be done to convert them to public-access use. We did this work and submitted it. The EDC put out an RFP to get an architect to review our work, and we waited.

Also that fall, an EDC staff member Andrew Genn suggested that PortSide work with a Cornell program to develop plans for Atlantic Basin; and further he recommended Bob Balder, the person heading the program, as a potential board member. We didn't want the advice of Cornell students, we had done our own RFP plan, this offer felt patronizing; but our ED Carolina Salguero thought Balder, a former EVP at the EDC could serve as a liaison to this frustrating

organization. This split our board. Another board member strongly disagreed and quit. Balder was voted onto our board. Soon thereafter, the EDC told us they would NOT give us the home in Atlantic Basin.

PortSide's board was particularly small at the time, with Balder making the fourth. At a board meeting when one director was out of town, leaving only three directors present, Balder proposed a vote that PortSide not tell anyone that the EDC was not giving us a home and that we not grow the board the rest of the year. Salguero disapproved of this, was shocked by it, but the one other board member present voted in favor supporting Balder, and the vote passed.

PortSide had now both been screwed by the EDC and was blocked from revealing that publicly.

How could we find a home if we couldn't reveal we didn't have one? How could we grow as an organization if we could not grow our board? As the year went on, Salguero and the PortSide staff decided that Balder was acting more in the interest of the EDC than PortSide.

Balder told us the EDC would seek a home for us at IKEA and negotiate on our behalf. We already knew that IKEA wanted no maritime/ship tenants, but we were forced to do the work of the proposal documents requested by the EDC. We could see via Word's track changes function that Andrew Genn was reviewing and commenting on the documents. PortSide's future had been taken over by the EDC. We have never publicly revealed this story before.

As Salguero expected, IKEA did not want a ship tenant.

Soon after Balder's one-year board term expired, PortSide went public with the fact that we were not getting a home in Atlantic Basin, announcing on February 28, 2012 our SOS Campaign: if we did not get a home by April 30th, we would close. This led to major media coverage including the [New York Times](#), CBS TV and multiple offers of a home in NYC and Yonkers. We felt so confident that one of those offers would pan out, we did not shut down at the end of April. We also sought legal advice to find out how to protect ourselves from future destructive experiences with board members and resolved to never have on our board anyone who had ever worked for the EDC. Our 2011 board experience slowed our board growth for a few years.

Hurricane Sandy arrived October 29, 2012, drowning all our real estate negotiations. None of them returned to the table. The storm, however, galvanized us into action and gave us a new purpose to exist, helping Red Hook recovery. After a month of running an aid station, we felt motivated to continue rather than shut down.

Things, however, had gotten worse for us in RHCT starting fall of 2011. The Port Authority was not happy that the EDC had dumped us and that we were still in RHCT and had tried to evict us September 2011 when they evicted American Stevedoring. We recruited the support of Councilman Brad Lander who intervened. We got to stay, but the Port Authority deeply restricted access to the ship, only allowing Salguero to escort visitors who did not have a TWIC

card, a Homeland Security that the general public does not carry. This killed the few education programs we could do and shut down our volunteer program. The ship's condition began to deteriorate again, and our chances of funding were reduced as we lacked a robust or predictable program schedule.

Multiple elected officials representing our district and beyond tried to help us and lobbied the EDC to no avail. We had a long, two and a half year, complicated negotiation with a local, private-property owner, updating the Port Authority every step of the way. It did not pan out and ended in 2014.

In 2014, after the DockNYC program had been created, we tried to get a home at the Brooklyn Army Terminal, a site controlled by the EDC. It was not a good option, but we needed an option out of RHCT.

As described above, DockNYC said we could move there, but the EDC told us we had to wait until they scored community approval for Vane fuel barges to be docked at that pier. The EDC did not get that approval, so we lost the option there. Later in the year, the EDC needed Carlos Menchaca's approval to get a long-term lease from the City to develop the South Brooklyn Marine Terminal (SBMT) in Sunset Park. That was pivotal for PortSide.

Menchaca was frustrated by the EDC's performance in his district and refused to give the EDC his approval unless the EDC committed to fulfill some long-standing promises to the community, take community input when developing the SBMT RFP, and ensure that the SBMT RFP led to community benefits. One of the unfulfilled promises was a home for PortSide in Atlantic Basin. That is how we got our current berth for the MARY WHALEN on May 29, 2015, and how Menchaca appointed us to the Sunset Park Task Force that advised the EDC about the SBMT RFP.

What PortSide and Menchaca did not know at the time was that the Pier 11 building space we had previously been promised was empty, so that was not part of the LOI signed between Menchaca and the EDC. We found out it was available after we got here and began asking for it.

Everything about how the EDC handled our transition out of RHCT to Atlantic Basin was unhelpful to damaging.

We asked for an LOI confirming our occupancy date in Atlantic Basin, as we could no longer take the EDC at their word, so we could develop programs and apply for funding. We got the LOI just ten days before our move. The EDC did not even have our berth vacated the day we moved, and our arrival was delayed a few hours. We were prepared for that hassle; we'd been monitoring the fact that the berth was not being vacated. All this, after the machinations of the EDC for years meant that we did not invite a potential major donor or the media on the short trip from RHCT to Atlantic Basin. We couldn't trust it would happen and so we couldn't use the

move to help us grow our capacity. We arrived jerked around and aggravated instead of fully jubilant.

By August, we were asking for the space in the Pier 11 warehouse we had been promised.

Since we were members of the Sunset Park Task Force, we had occasion to talk often with EDC staff there. They clearly avoided the topic. One said “it’s complicated.” We couldn’t even get access to the defunct bathroom at the SW corner of the warehouse, near our gangway, that we had used for storage summer 2010.

Finally, a hurricane was forecast to come up the coast, and we were worried that the winds would cause plastic chairs, tables, coolers, and a kayak to blow around, a loss to us and a hazard to others. We cut the padlock and stored everything in the defunct bathroom. We continue to use the space, though we have no official EDC permit for this. It is the paint locker used by us and the training program we have with District Council 9, the painters union, and it also holds supplies for our education and cultural programs, tools for ship restoration and ship parts.

Elected officials continued to lobby the EDC to have PortSide get the building space they had promised us from 2008 into 2011.

Finally, in November 2017, Menchaca’s negotiations led to the EDC President James Patchett visiting PortSide for a meeting with us and Menchaca in the galley of the MARY WHALEN. Patchett told us that “I have consulted with our legal department and PortSide cannot not be given the formerly promised building space because too much time had passed since our RFP response” (in 2007). Given what we’ve seen the EDC do, we believed that to be false; but there’s no way to argue that point. Saying “not true” is not a winning negotiating strategy, so we agreed to do the business plan according to their timetable in 2018.

However, first the EDC wanted us to look at a Brooklyn Army Terminal (BAT) option, which if they had any institutional memory, would know did not satisfy our plans or needs at all. We had only pursued it in 2014 out of desperation. We did that work and presented them with a checklist of needs and how having only special event access to BAT building space far from the ship did not answer our needs. That process and checklist were clearly forgotten by the time the EDC responded to our business plan in 2019.

We presented our business plan in Atlantic Basin in January 2019. The lead EDC representative was Matthew Kwatinetz, SVP of Asset Management at the time. He has since left the EDC. It was clear by slide two in our powerpoint what a make-work project the business plan was. That slide referred to how PortSide had been promised a home here before. That is so obvious, that Salguero did not linger over the slide and rapidly advanced the powerpoint. Kwatinetz said “wait, what do you mean you were promised a home here before... go back.”

- PortSide was founded in 2005
- Promised a home here from 2008-2011
- Has needed building space for 13 years
- We developed program ideas and partners during that time and are ready to go!



Soon into the post-powerpoint discussion, Kwatinetz said PortSide needed to create a ramp-up plan, something Salguero refused to do, though she stayed quiet about this at the meeting. If Kwatinetz didn't know we had been promised a home here before, his remarks were not based on understanding our history and potential, his ramp-up plan was just another means to keep PortSide busy and kick the can down the road. He was clearly unaware that the business plan included some of that info; we had identified donated labor to completely building out the former Fumigation Center offices and more. After the meeting, we conveyed to Menchaca that we were not doing a ramp-up plan for the EDC.

The EDC's responses to the parts of the 2018 business plan not about the building space were appalling.

We received no to several proposals without explanation. For example, there is no reasonable reason why we should not be allowed to have the proposed commercial emergency responder vessel (compare to AAA for cars) alongside the MARY WHALEN. It would be used for educational programs when not responding to emergencies. It would be a safety amenity to the Upper Bay where there is no such boat stationed. It would net us a small docking fee. We would not be taking any revenue away from the EDC with that, the boat is too small to dock directly on Pier 11, so the EDC's DockNYC program could not host it. That rejection was a sign of how unreasonable the EDC can be. If the EDC wanted to crush PortSide, they are going about it perfectly.

The EDC counter proposal was to say they would build out the building space and PortSide could have first dibs on using it for special events. We have conveyed many times that we do not want to only have special events. Additionally, we have seen the EDC create a "community space" before and then make it so hard to use, the community doesn't get it. Pier 15 at the South

Street Seaport has such an indoor space. The roof deck on Pier 15 was also supposed to be available for community uses, but the EDC has allowed it to be commercialized for high-end entertainment events.

After our business plan presentation, summer 2019, the EDC rented the building space to the Formula-E car race even though most of the warehouse is currently empty. PortSide would have had that space serving the community year-round, it would have been a great community resource during the pandemic; but it is now dead storage for an event that occurs two days of the year.

PortSide and Red Hook deserve to have PortSide grow

PortSide consistently wins awards. See <https://portsidenewyork.org/awards-accomplishments>.

PortSide programs have impact. In just over a semester, our programs inspired Red Hook's PS 676 to become Brooklyn's first maritime elementary school. See <https://portsidenewyork.org/portsidetanke/2019/8/7/exciting-portside-ps-676-partnership>

PS 676 is now going to transition to become a maritime middle school, the first in NYC, and move into a new building the DOE is constructing in Red Hook. PortSide is uniquely qualified to develop curricula and program with that school. To do that, PortSide needs more space.

PortSide's year-round program space is just a kitchen and hallway, the ship galley and fidley, the space over the engine. Thus, we have no space for more than one program at a time. We cannot handle a school field trip of normal class sizes on anything more than a tour through the ship format; there is no space inside large enough to hold 25 students in one place doing a sustained activity. We can't have regular public tours of the ship since the public would be trooping through the office.

We can't have enrollment programs that commit a space to a regular daily use (as our meager space has to be multi-use). We have been reduced to special event programming due to lack of space, and special events do not provide the ongoing support that enrollment programs do. Enrollment programs are the most beneficial to disadvantaged communities such as Red Hook, not special events.

Our plans for building space would allow us to have a youth boat building program which we would model on [Rocking the Boat](#) (and they are willing to advise us), have a maritime library with free computers (key in a community with digital divide) and a Coast Guard-approved classroom for mariner training taught by partners (already identified), in addition to cultural and educational programs and events available to the general public.

Additionally, it has been hard to program on a historic ship while we are restoring it. Plus, working conditions are horrible in the summer where interior temperatures are only cooler than

outside by a few degrees. The deck is not even usable all summer as it gets blisteringly hot, and rain and high winds make many other days unusable.

The EDC has further stifled us by insisting that we submit ops plans for any event with over 20 people on our ship. This is ridiculous over control.

PortSide is now asking for the amount of space we merit and need, more than the original skimpy allocation the EDC promised in 2008. Here is our request:

9. 12,000 square feet at the south end of the Pier 11 warehouse and shared use of the adjoining loading dock with a 20-year lease. (handled by NYC EDC)
10. Use of the parking lot south of that space, with the approval of Ports America which uses it when cruise ships are at the Brooklyn Cruise Terminal. (handled by NYC EDC)
11. Permission to have revenue-generating activities (all are currently blocked) including vessels alongside their flagship MARY A. WHALEN that pay PortSide fees, retail (such as a museum store and café). (handled by Port Authority whose rules seem unclear and maybe NYC EDC)
12. Demand that the Port Authority of NY & NJ lift their fees on photo, TV and film shoots that make the MARY A. WHALEN too expensive for shoots to use, effectively blocking that potential revenue stream. (handled by Port Authority)
13. Relief from the requirement that PortSide submit permits for every event with over 20 people. Their lease (currently a berthing permit for the ship) should allow them to conduct normal operations without suffocating interventions like this. (This is in flux due to our negotiating. It had been NYC EDC, Port Authority, DockNYC)
14. Until we get the space in 1 above, have the EDC provide free storage space in the Pier 11 warehouse for the vintage engine PortSide acquired in August 2020, to protect it from weather and allow the crew to begin taking it apart out of the weather. (A request to the NYC EDC). It is under a tarp in the Red Hook Container Port.

Lastly, not just for PortSide's benefit, but for the sake of the City, we strongly suggest that the EDC be massively overhauled. It needs comprehensive reform and a reduced mission. It is not appropriate for so many functions that were normally handled by City agencies to be handled by an organization outside City government, especially one as incompetent and unresponsive as the EDC. The City needs better for normal times, and especially for pandemic recovery.