



class size matters

124 Waverly Place, NY, NY 10011

phone: 212-674-7320

www.classsizematters.org

email: classsizematters@gmail.com

Leonie Haimson, Executive Director, Class Size Matters
Testimony on Randall's Island before the FCRC
June 8, 2009

My name is Leonie Haimson, and I'm the Executive Director of Class Size Matters, a citywide parent organization devoted to achieving smaller classes and more equitable conditions for NYC public school students. When we learned in the fall of 2006 of the city's proposed no-bid contract that would give preferential access to most of the fields on Randall's Island to private schools for the next twenty years, we were horrified – and could hardly believe that such an egregious deal could even be considered no less approved.

Our opposition to the deal was based not only on our view that it was inequitable and unethical– but also that it was illegal. Because of the large amount of land involved, the project was a major concession and thus had to go through ULURP, or the Uniform Land Use Review Procedure, which means review by the Community Board, the Borough President, and the City Council. Yet at the earlier FCRC hearings, the representative from the city's Law Department made the absurd argument that because the city would convert these fields before handing them over to the private schools, the provisions for community review did not apply.

With the help of attorneys Norman Siegel and Alan Klinger of Stroock, public school parent leaders and members of the East Harlem community sued to block this deal. In January of 2008, Judge Shirley Kornreich voided the proposed contract with the private schools and ruled that the contract should have to go through ULURP. Yet the city is ignoring this decision, forcing us to file legal papers again to stop the new deal in its tracks. Clearly, the city is going to extraordinary means to evade its obligation to consult with the community before handing over 50% or more of these fields to 20 private schools for the next 20 years – which represents less than 1% of the total student population.

We also believe that there are also major environmental issues involved, and that this, the biggest park reconstruction project in the city's history, involving the cutting down of thousands of trees, the construction of new roads and infrastructure, and the installation of large amounts of artificial turf, requires a full process of environmental review, as set out in state law.

As part of our earlier legal proceedings, our attorneys filed a Freedom of Information request to determine if any environmental review had occurred, and in response, the city released a previously undisclosed Type II memo from the Parks Department, dated August 28, 2006, which claimed that no environmental review was necessary because of the extremely limited nature of the work involved. Yet the letter erroneously described the scope of the project and the amount of work involved.

For example, while before the FCRC, the Parks Department stated that twenty seven new athletic fields would be added, in their type II memo, they wrote that only thirteen fields would be added, less

than half of this number.¹ The letter also claimed that the new fields would be “located within areas currently used as playing fields,” without mentioning the many acres of picnic areas, trees, and other natural features that would be eliminated.

At the NYC Council hearings last September, the Parks Department admitted that this Type 1 letter was inaccurate, and promised to do a full Environmental Impact review, but instead they did a much more limited Environmental Assessment, in which they again claimed no significant effect on the environment.

As a result, the city has evaded its legally mandated responsibilities, both relating to environmental stewardship and to consult the community of East Harlem before this deal and the further plans for the Island are approved – which include not merely the sports fields, but also new tennis courts, the golf concession, a proposed theatre, and many other projects that will transform and privatize large areas of city-owned land that, by law, should be obligated to go through both ULURP and full environmental review.

We are concerned that there remain troubling conflicts of interest between the Randall’s Island Sports Foundation and the Parks Department, as pointed out by an audit of the State Comptroller’s office in 2002 and again in 2004, calling into question the propriety of any contract entered into between these two parties. And yet subsequent to these audits, the Parks Department refused to adopt the recommendations of the State Comptroller to disentangle its finances and governance from the Foundation.² Even more questions are raised by that the fact that the Foundation will be allowed to keep the proceeds of these concessions to subsidize its own operations.³

There are also troubling conflicts of interest between the Foundation and the private schools, and a lack of adequate representation of public school parents and other members of the local community on the RISF Board.

We urge the members of the FCRC to reject this agreement, on the grounds that it violates legally mandated community review and environmental review, and denies simple justice for public school children who deserve better. Please ensure that this invaluable park land is not hijacked for the benefit of a few.

¹ See attached “Type II memorandum,” Randall’s Island Sports Field Development Project, signed by Joshua Laird, Asst. Commissioner, Planning and Natural Resources of the NYC Parks Dept., dated July 28, 2006.

² Oversight of Public-Private Partnerships”, Office of NY State Comptroller, June 12, 2002 at <http://nysosc3.osc.state.ny.us/audits/allaudits/093002/00n16.pdf>; and letter from Frank Houston, Audit Director, Office of NY State Comptroller, April 26, 2004 at <http://www.osc.state.ny.us/audits/allaudits/093004/03f55.pdf>.

³ Patrick Arden, “City to pass bucks on Randall’s Island,” Metro NY, Jan. 31, 2007.