



3. The facts stated in this Affidavit are true and of my own personal knowledge, except as to any matters stated on information and belief, and as to those matters, I am informed and believe them to be true.

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4. I am not a party to this litigation. Although I was aware of this proceeding, I initially had no intention of becoming involved. After reviewing Madelyn Wils's affidavit in this matter, I feel obligated to correct several factual inaccuracies.

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5. I served as Deputy Director of General Services at the City Department of Housing, Preservation, and Development from 1988 to 1990. I was first elected to the Assembly in 1990, was sworn in in early 1991, and have held office in the Assembly continuously since that time. I was appointed as the Chair of the Committee on Higher Education in 2007. I have served on the Governmental Operations committee since 2010. In addition to the above, I currently serve on the Assembly's Ways and Means, Rules, and Environmental Conservation Committees.

6. I have been involved with waterfront issues along the west side of Manhattan since before I was elected to the Assembly, and before Hudson River Park (the "Park") was formally created. In the mid 1980's I advocated against commercial development along the waterfront so that funding associated with the reconstruction of Route 9A could be used to build a bikeway and walkway alongside the highway. In the early 1990's I attended countless meetings of the Hudson River Park Conservancy, the predecessor of the Hudson River Park Trust ("HRPT"), to advocate for open space that would be accessible to the public free of cost. And I have been continuously involved with issues related to the Park since that time, including,

for example, in my role as a member of the Environmental Conservation Committee, where I have advocated for the Environmental Protection Fund to include funds targeted to the Park.

### **2013 Amendment to the Hudson River Park Act**

7. The New York State Assembly passed an Amendment to the Hudson River Park Act (Bill No. A08031) (the “Amendment”) on June 16, 2013, which the Governor signed into law on November 13, 2013. I was one of the Amendment’s two co-sponsors. In that role I participated directly and personally in the discussions that preceded its passage.

8. Ms. Wils’s testimony implies that the passage of this Amendment was an implicit endorsement of the Pier 55 Project (the “Project”). That implication is wrong. At the time the Amendment was being considered, the HRPT led myself and other legislators to believe that its plan was to make minor changes to the then-existing Pier 54. They claimed these minor changes were necessary for the continued safe use of Pier 54, as I explain below. That is the only plan that I and my fellow Assemblymembers endorsed. HRPT’s intention to build an entirely new, large structure in a different location was never discussed. I would not have voted to authorize such a project at the time. On information and belief, other legislators also would not have voted to authorize such a project.

9. Ms. Wils’s characterization of the discussions leading to the Amendment’s passage are inaccurate. For example, Ms. Wils references discussions that took place in Albany between the Trust and legislators considering the Amendment. *See Wils Aff.* ¶ 37. She claims that the Trust “engaged in extensive discussions . . . with legislative members and staff” and that the Trust “made clear that the intended use of a reconstructed Pier 54 was to continue the pier’s historic uses as a performance and event space with park open space.” She suggests that the

Legislature fully contemplated this Project when it passed the portion of the Amendment providing that “pier 54 may be reconstructed outside of its historic footprint.”

10. The “extensive” discussions that Ms. Wils references largely took place in the anteroom outside of the Assembly’s chambers. Ms. Wils and Ms. Laurie Silberfeld, an HRPT attorney, stationed themselves in that room for several days in June 2013, approaching legislators who were willing to listen to them as they walked by.

11. I participated in many of those discussions and spoke with my fellow legislators about them. In these conversations, Ms. Wils and Ms. Silberfeld provided reasons why they believed the Amendment would benefit the Park. Looking at the Project as proposed today, I do not believe my fellow legislators and I received accurate information.

12. Prior to the Amendment, Pier 54 was used for showing movies, concerts, and dances (the annual Gay Pride Dance is a notable example). But Pier 54 was deteriorating. It was widely known that Pier 54 needed repair or replacement if it was to continue to be used.

13. Ms. Wils and Ms. Silberfeld told me that if Pier 54 were to continue to be used for movies, concerts, and dances, it would make more sense to rebuild it in a short and wide configuration, rather than the existing long and narrow configuration. They offered examples of existing limitations that would be remedied by a shorter and wider configuration. They explained that a long and narrow configuration is problematic for movie screenings because many movie goers must sit far from the screen and speakers. They noted to me that turning up the volume was a partial solution, but that doing so had drawn noise complaints from surrounding communities in the past. A shorter, wider pier would solve this problem, they explained, by bringing viewers closer to the screen and sound.

14. Ms. Wils and Ms. Silberfeld also emphasized that a shorter and wider pier would be safer because it would be easier to evacuate large crowds in an emergency situation. They explained that they were considering adding a walkway alongside the pier that would serve as a second egress in an emergency. They told me this second walkway was suggested by, and would possibly be required by, the Fire Department.

15. Ms. Wils and Ms. Silberfeld showed me sketches of what the new pier might look like. They showed me a drawing of a pier that was short, wide, and centered over Pier 54's existing footprint.

16. Given these representations, my understanding, which I have every reason to believe my fellow Assemblymembers shared, was that HRPT sought authorization to build a somewhat shorter, somewhat wider pier in the same location as the then-existing Pier 54. I understood that these minor changes to the pier's shape for functional and safety reasons would make the pier protrude slightly beyond its existing footprint.

17. The portion of the Hudson River within the Park is an estuarine sanctuary, meaning that certain activities are not permitted there. I did not understand the Amendment proposed by HRPT to change this general rule. As I understood it, the activities that previously occurred at Pier 54 would continue to occur at Pier 54, which would have a slightly different shape.

18. Ms. Wils states in her affidavit that the new pier's changed location was never controversial. *See Wils Aff.* ¶ 35. If that is true, it is only because HRPT did not disclose to the Assembly its intention to locate the Project between Piers 54 and 56. The HRPT announced its decision to move the pier to the north to its presently planned location only after the Assembly passed the Amendment. Upon information and belief, no Assemblymember understood HRPT's

request to encompass the proposed Pier 55 Project. This Project exceeds what the Assembly intended to authorize in 2013, when we passed legislation allowing the Trust to reconstruct the original Pier 54 “outside of its historic footprint.”

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Date: December 10, 2015



Deborah Glick

Sworn to before me this 10<sup>th</sup> day of December, 2015.



Notary Public

ADRIENNE PARENT THACHER  
Notary Public, State of New York  
No. 01TH6253073  
Qualified in New York County  
Commission Expires December 19, 2015

My commission expires December 19, 2015.