



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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LOWELL D. KERN
Chair

Jesse R. Bodine
District Manager

March 12th, 2020

Lorraine Grillo
President/Chief Executive Officer.
30-30 Thomson Avenue
Long Island City NY, 11101

Re: School Construction Best Practices

Dear Ms. Grillo,

This letter includes comments from the Arts, Culture, Education & Street Life (ACES) Committee of Manhattan Community Board 4 (MCB4) on our expectations for when the School Construction Authority (SCA) is renovating and/or building New York City Department of Education (DOE) public school facilities in our district. The comments were approved at the March 4th, 2020 Full Board meeting with the board voting 37 in favor, 0 against, 0 abstaining and 0 present but not eligible to vote.

Background

Manhattan Community District 4 (MCD4) encompasses the neighborhoods of Chelsea, Hudson Yards, Hell's Kitchen, and Clinton. There are 18 New York City Department of Education (DOE) public school facilities in our district, educating students in grades PK-12. The School Construction Authority (SCA) conducts the renovations of these existing buildings and is also the agency that builds new DOE facilities. Renovation of existing buildings happens regularly. The SCA is currently renovating 3 facilities in our district and scheduled to begin renovations on a 4th. These renovations are critically important, as they ensure that the facilities that students, their families and DOE staff use are safe, comfortable and conducive to learning.

However, SCA construction projects are also disruptive. Like any other construction project, they create noise, dust, debris and other inconveniences. Due to the materials many DOE facilities have been built with, projects sometimes carry the risk of exposing the public to lead asbestos. Additionally, because students attend school during regular business hours throughout most of the calendar year, construction mostly happens after normal school hours, i.e. in the evening and into the night. Timing that exacerbates the

inconvenience created by the noise that is unavoidable with major construction projects. Members of the community have repeatedly shared their concerns with MCB4 about the impact of SCA construction projects on their quality of life. These concerns have related to multiple different projects over many years.

MCB4 appreciates that SCA, and in particular Community Relations Manager Steven Tuozzolo, takes the concerns of our community members seriously. SCA representatives regularly attend MCB4 committee meetings to engage with us and concerned community members. The agency has also instituted a variety of measures to mitigate the negative impact of construction on quality of life, in our district and city-wide. Based on the community concerns that have been shared with MCB4, SCA should expand these measures and adopt the best practices outlined below when conducting work in our district. Our Board's goal is to ensure SCA can complete its critical work while also minimizing the inconvenience experienced by residents and businesses in our neighborhood.

Best Practices for SCA in Manhattan Community District 4

MCB4 expects SCA to follow the best practices below when renovating and/or building new DOE public school facilities in our district:

1. **Initial Notification** – Conduct public meetings before scaffolding is erected or any construction begins, in order to inform residents, businesses and the MCB4 District Manager of the planned work, its expected timeline and how to engage with SCA if there are questions and/or concerns. Publicize all public meetings well in advance of meeting dates, including through MCB4 website, parent teacher organizations and signage posted in the vicinity of planned work.
2. **Explanation of Construction Hours** – In SCA's communication to residents and businesses, include an explanation of the necessity of conducting work in the evening and at night. Clearly state this timing is due to the fact that students are in school during regular business hours most of the calendar year, and it is unsafe to complete construction activities when kids, their families and/or school staff are present.
3. **Ongoing Community Engagement** – Continue attending MCB4 Arts Culture Education & Street Life (ACES) committee meetings to engage with the Board and members of the general public, both to preview upcoming construction projects and to update us on progress toward the completion of current projects. Maintain a primary point of contact at each site whose information has been provided to the MCB4 District Manager to answer questions and address concerns from the public. This individual should be on-site at all times when work is being done. Provide the community with weekly summaries of what work is expected to be completed over the next two weeks, indicating work that will be noisy. When requested, SCA staff should attend block association meetings and engage with other community organizations.
4. **Continue Current SCA Practices to Mitigate Inconveniences** – Ensure that SCA staff and the vendors you contract with follow the best practices your agency has established and NYC codes require regarding: air, noise, dust, pest control, debris, vibrations, communication/outreach to community members, fencing/scaffolding,

etc. Engage in so-called “quiet work” at night as much as possible (e.g. clean-up and prep) to minimize noise disruptions.

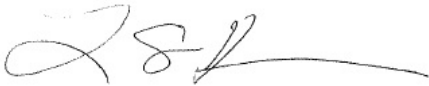
5. **Project-specific Websites** - Communicate plans, progress and other important information specific to each project via a dedicated page on the SCA website. Include information such as the project’s noise mitigation plan, air quality monitoring results, links to relevant building code requirements, contact information for the on-site primary point of contact, etc.

Conclusion:

Thank you for considering these comments and for the critically important work SCA does building and repairing DOE public school buildings to ensure that New York City public school students, their families and DOE staff have safe and comfortable spaces that are conducive to learning. MCB4 believes the best practices we have outlined will enable your agency to conduct its work successfully while also minimizing inconveniences to the general public. Enclosed are additional recommendations from the Council of Chelsea Block Associations that we ask you to take under consideration We also look forward to continued engagement with SCA on this topic and others related to their work in our district.

Thank you.

Sincerely,



Lowell D. Kern
Chair
Community Board 4



Allen Oster
Co-Chair
ACES Committee

[signed 3/12/20]
Inge Ivchenko
Co-Chair
ACES Committee

cc: Hon. Corey Johnson, Speaker, City Council
Hon. Gale A. Brewer, Manhattan Borough President
Richard A. Carranza , Chancellor, NYC DOE
Community Education Council District 2

Enclosure

Lowell D. Kern, Chair
Community Board 4 / Manhattan
330 West 42nd Street, 26th Floor
New York, New York 10036

February 29, 2020

Re: School Construction Authority's Standard Operating Procedures

Dear Mr. Kern,

The Council of Chelsea Block Associations (CCBA) is a coalition of 16 Block Associations and 3 Tenant Associations (Fulton Houses, Elliot-Chelsea Houses, London Terrace) covering 34 blocks in Chelsea. Several currently active SCA projects directly impact multiple blocks/associations within our membership.

We write to express our appreciation and support for the initiative undertaken by the Arts, Culture, Education and Street Life committee (ACES) of Community Board 4; to work with the School Construction Authority (SCA) to develop and promulgate a set of Best Practices that will improve community relations, while allowing the SCA to work to create and maintain safe school facilities for the students, faculty and staffs of our neighborhood public schools. We too recognize that this is a necessary and vital service for the community and its residents.

We also acknowledge, as we believe does the SCA, that there are, inevitably, some conflicts of interest with those living near to schools that are under repair or renovation. All construction projects are inherently disruptive to nearby residents, but SCA projects even more so, due to the fact that nighttime work, the exception in standard construction, is the norm with SCA work. All the usual problems with construction, noise, dirt, vermin, etc. are exacerbated on SCA projects.

The ACES committee has taken an important step forward by initiating this review, as described in their proposed letter to the SCA as presented to the full Community Board at the March 4, 2020 meeting. We endorse it without reservation. But we also see it as just the beginning of what we hope will be an ongoing collaboration between the SCA, the Community Board, and community representatives, to develop truly best in class practices. Key to that, we believe, is engagement with local community representatives much earlier in the process, and on a more substantive and ongoing basis.

To that end, we offer a few comments on the ACES letter, and suggestions for additional next steps:

1: Initial Notification: We suggest looking at Business License and Permit Committee protocols for meetings notifications by applicants for liquor licenses. Such applicants are expected to be very proactive in notifying locals about presentations, by reaching out to nearby block associations, housing groups, posting signage at the affected location and nearby (e.g. on lamp-posts, etc.). We would like to see the SCA take equally proactive measures in notification of any and all public meetings.

We would also like to see open community meetings become a regular part of project plans on a continuing basis, perhaps monthly, for example, and not just before work begins.

2: Explanation of Construction Hours: We agree that better communication makes for better relations in almost all things at all times. And better conveying that late night work is necessary to accommodate the education of our children during the day is a compelling argument.

But as much as we want to safeguard our children by day in school we also need to safeguard them at home at night. For younger children especially, but also for teens and adults, construction noise even to 10:30 p.m., and bright lights to midnight or later, can also be harmful. We need to protect our children in school *and* at home, as well as their siblings and adult caregivers.

Complaints associated with late-night work perennially top lists of community concerns. Historically the SCA tends to be adamant about its schedule of working till midnight, with so-called “quiet work” after 10:30. But we know that it can be changed. For example, it was changed from 10:30/12 to 10/11 in 2017 for work on Washington Irving High School.

[Washington Irving HS Community Issues]

We would like to see a dialogue begun to understand the origins of the 10:30/12 schedule, to look at the impacts of the modified 10/11 schedule at Washington Irving in 2017 and other modified schedules, if any, towards a goal of reaching a new compromise that better serves all stakeholders: the school’s students and staff, the SCA, and also the neighboring community.

3: Ongoing Community Engagement: While we endorse the specific recommendations in the ACES letter, we further suggest, as noted above, regular open community meetings. Schools have auditoriums, classrooms, etc. and meetings can easily be hosted on the premises of the projects.

4: Continue Current SCA Practices to Mitigate Inconveniences: As above, we endorse the recommendations of ACES here, but suggest they be taken a step further. In addition to calling for the SCA and its vendors to “follow the best practices your agency has established,” we would call for the SCA to actually publish and openly display its established best practices, so that (A) community members can know what to expect and so that (B) community members can effectively report violations to SCA Project Officers for remediation, if they should occur.

In a similar vein, rather than just call for the SCA to comply with all relevant NYC Codes, we would call for the SCA to publish a list of relevant NYC Code requirements, with links to the actual sections of the code. If, for example, there are requirements for noise mitigation planning, air quality monitoring, etc., that information should be readily available to all community members.

5: As a practical matter, how can we expect the SCA to do all that and more? Well it’s actually not that difficult, but as usual, the first step is the hardest.

On the SCA website, in the “Community” section, the main overview page starts with this statement:

“Communication with the schools and local communities is an essential component of every SCA project. SCA representatives meet with the school principal and custodian regularly during the scope and design phase of all Capital Improvement Program (CIP) and Resolution A (Reso A) projects. Once the project has been awarded to a contractor, a United Federation of Teachers Health and Safety protocol meeting takes place at the school. Invited to the meeting are the principal, Network leader, custodian, parent representative and the SCA project team. Details of the project are discussed and participants have an opportunity to ask questions and voice any concerns. Regular progress meetings are held throughout the duration of the project.”

What’s wrong with this picture? Ironically, absent from this self-described “Community” process is inclusion of representatives from the local community!

It continues:

“On all exterior projects, a letter is distributed to the neighbors, community board and city council member that describes the type of work involved, hours that construction will take place and an SCA contact person.”

In other words, long before work begins, and ongoing throughout the project, the SCA talks **with** people from different constituencies within the school. But it talks **at** the community via a one-time, one-way letter (and, only if requested, in special meetings such as before the ACES committee, etc.), and then only if the project involves exterior work.

So the first step, the hardest step—but possibly the most important step—is for the SCA to recognize the residents of the communities in which they do their work as stakeholders and partners in these projects, making them equal participants in all stages of the process.

We believe that many individuals working for the SCA already support the spirit of this - but we call on the SCA, on an institutional level, to embrace and act upon this way of engaging with the community.

With a seat at the table, both literally and figuratively, all things get a bit easier. Not least by undermining the currently inevitable “us vs. them” narrative of an adversarial relationship between the SCA and the impacted neighbors in the community.

6: What about the other extended proposals made above? Once again, we can turn for inspiration to the Washington Irving school project. One that apparently was innovative in its approach to community engagement, and of which the SCA seems rightfully proud, since they feature it prominently on their own website.

For that project, the SCA created a project website that is open to all. It includes many of the types of information touched on above, such as all Two-Week Look-Ahead (2WLA) schedules, posting of special project permits, environmental testing results, extensive contacts within the SCA and the school, etc. [[Washington Irving HS Project Website](#)]

Why such websites are not already SOP seems hard to understand. Just replicating the existing Washington Irving website for the current and imminent projects in Chelsea would be a significant step forward.

Once the basic website is in place, it becomes relatively easy to build out new sections for new content. For example, there might be a section on “Standards, Practices and Compliance” containing a published set of SCA Best Practices, lists of code-mandated project requirements with links to code sections, reports & test results, and other related resources. Some of those reports might be contained in another section called “Health and Safety,” covering issues such as noise mitigation, air quality, etc. And so on. Key documents should be posted at the worksite, as well as on the website.

7: Whether it’s a matter of noise, nighttime lights, dirt, dust, air quality, vibration, you name it; all are negatively affected by construction. But innovation is also a constant. So we call on the SCA to commit to an ongoing review of industrywide technology and techniques, e.g.: quieter power tools, directional lighting, sound-abating scaffold wraps, etc. The goal is to identify those that can be adopted here in NYC to elevate required minimum work standards and so mitigate the negative impacts of the SCA’s work

projects. We understand this to be a long-term process, and would look to the SCA to provide regular updates to the Community Boards, perhaps on a semi-annual basis.

Conclusion:

In a sense, all of the above can be boiled down to a few key actions:

1. Recognize neighboring community members as full stakeholders with, literally, a place for representatives at the table from pre-planning all the way through to project completion.
2. Engage in proactive outreach in the form of regular, perhaps monthly meetings at the schools that are open to all community members, to get information and voice questions and concerns – along with an open project website containing extensive relevant content on project plans, status, requirements, protocols, and communications. Also post key documents at worksite.
3. With the understanding that *all* after-hours work is already a compromise for the community, and that daytime work before about 4:pm is usually not an option while school is in session, engage in a good faith dialogue about schedules with the goal of a more equitable solution.
4. Actively seek, and implement ongoing, new and improved construction technologies and techniques that can mitigate negative community impacts of the SCA's work.

The CCBA can help by identifying local community representatives associated with the projects at PS 11, the H.S. of Fashion Industries, and the Bayard Rustin campus.

Again, we strongly endorse the actions and recommendations of the ACES committee in this matter, but also feel there is an opportunity to go further towards advancing best practices and creating an even more improved working relationship between the SCA and the communities in which it performs its necessary and important work.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brian J. Mattlin', with a stylized flourish at the end.

Brian J. Mattlin

For the Council of Chelsea Block Associations (CCBA)