

# BOAT BASIN BULLETIN

Issue 12

All the news that floats we'll print

April 2012

## Parks Rules Changes and Rates Increases

Ed Bacon  
S/Y Prelude

Thanks to Jim Marsten, Glen Gari, Nat Lichtwar and Steve Knee for the pictures in this issue. Anyone else with Basin pictures? Articles? News? E-mail them to [ebacon@nyc.rr.com](mailto:ebacon@nyc.rr.com) and I'll publish them in a future issue. Also email me if you'd like to be added or removed from the list.

This newsletter is emailed to 185 Basinites, Basin Alumni, Basin friends, local politicians and Parks staff and management. The past 11 issues are online at:

<http://www.iboatnyharbor.com/AOther%20Resources.htm> .

-ED-

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## PAST

The stories that you tell about your past shape your future.--Eric Ransdell (in *Fast Company*)

### **Before Boat Basin**

From Leslie Day:

<http://myinwood.net/inwoods-forgotten-houseboat-colonies/>

### **Boat Basin History: Basin pictures**



*Jim Marsten's houseboat. [It had a forward cuddy cabin in which Jim installed a water bed. When the boat was underway, it looked like a submarine preparing to dive. The water bed was removed and Jim, following Dick DeBartolo's modification of his 50' Burnsraft, removed the cuddy cabin and created a high ceiling forward salon. Notice the flybridge and fantail solarium that Jim added.-- Ed]*



*Leslie Day – Op sail '76 – from Jim Marsten*

*[Op Sail 2012 Parade will be on May 23 – Ed]*



*From Glen Gari – 1978?*



Nor'easter 1992 – Marty Schickler and Harry Wilkins – from Steve Knee

Unidentified persons in lower left image

### **Life after the Boat Basin: Richie Havens**

In the 1970's, Richie bought Connie and Andy Sferra's Drift-R-Cruz houseboat on D Dock . Richie and Mike Sandlofer, a commercial diver who became ill from Basin dive jobs [At that time, NYC was flushing 150 million gallons of raw sewage a day into the waterways – Ed] started the Northwind Underseas Institute and brought in a small commercial vessel at the head of D Dock to teach the marine environment to kids. Richie's next boat was a sportsfisherman that was dropped out of the slings at the Throgs Neck shipyard. That finished off Richie as a Basinite.

For more information on Richie, see [http://en.wikipedia.org/wiki/Richie\\_Havens](http://en.wikipedia.org/wiki/Richie_Havens)

Here's Richie performing at the Newport Folk Festival on August 2, 2008 [Richie Havens video](#)

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## **PRESENT**

"The time is now, the place is here. Stay in the present. You can do nothing to change the past, and the future will never come exactly as you plan or hope for." – Dan Millman



*Shuttle/747, Werner and Raquel Buhner-042712-by Nat Lichtwar*

### **Parks proposed rules changes for the Boat Basin**

#### **Background**

On October 14, 2011, Daniel Shinn-Krantz of Parks emailed a Notice of Public Hearing to most of the Basin permit holders and published the notice in the City Record:

<http://www.nyc.gov/html/dcas/downloads/pdf/cityrecord/cityrecord-10-14-11.pdf> p. 2336

Notice the 2012 dates throughout the document. The proposed rules changes and rate increases were to be implemented on May 1, 2012, the start of the summer season.

It gave the Basinites 30 days to provide written comments on proposed Parks rules changes and rates increases for the Basin. Testimony on the changes would be recorded at the November 16 public hearing.

Generally, when a City agency proposes changes with a 30-day timeframe for comments without addressing any of the issues with the agency's clients beforehand, it's a fait accompli. The agency can publish again in the City Record "after considering the comments and testimony" and the changes are official. We felt that an all out response was needed with legal representation, support of local politicians and a reach out to Basin alumni and friends.

Many letters of support were submitted to Parks. Thank you to those that took the time to compose and send the letters. Fifty to sixty persons were at the public hearing even though it was held in the middle of a workday away from the Upper West Side. About eighteen persons testified including Gale Brewer, our Council Member, Mark Diller, President of Community Board 7, and Norman Siegel, our legal counsel. Parks did not testify or clarify.

The BONG (Basin Optimum Negotiating Group) of 6-8 volunteers was set up to negotiate the rules changes and rate increases with Parks.

Over two months went by with no clarification of the surprising rules changes and rates changes from Parks Marina Division.

A meeting was held on February 7, 2012 with Parks, Norman Siegel, four BONG members (Gloria Weiss, Jane Clegg, Lina Mays, and Nat Lichtwar) and Gale Brewer:

NAME	PHONE	EMAIL
Gale Brewer	212-360-1387	gale.brewer@nyc.gov
Mark Diller	212-488-4422	mdiller@nyc.gov
Nat Gordon	212-488-2777	nat.gordon@nyc.gov
Lina Mays	212-360-1587	l.mays@nyc.gov
Alessandra Olsson	212-360-1573	a.olsson@nyc.gov
Norman Siegel	212-488-8066	nsiegel@nyc.gov
Gloria Weiss	212-633-4119	weissgloria@hotmail.com
Lina Mays	212-595-2445	l.mays@nyc.gov
Nat Lichtwar	212-595-2445	nlichtwar@nyc.gov
Jane Clegg	917-741-3677	jane.clegg@nyc.gov
Mark Diller	917-691-0865	mdiller@nyc.gov

to obtain clarification of the changes.

Parks informed the attendees that there would be no negotiation of the rates increases but the rates changes would be implemented a year later. Requested quarterly meetings would be set up, the requested electric pass through rates would be substituted for the 25% electric rate increases, the transient rates would be increased and the permission to carry a fuel jug in the Basin “would not be abused”.

2012 permit applications for the season starting May 1, 2012 were issued in February with the old rates instead of the proposed rates.

On February 13, a Request for Information was submitted to Parks by BONG:

## Request for Information on Proposed Basin Rules Changes

Date: February 12, 2012  
To: Seth Goodwin, Nate Grove, Allesandro Olivieri  
From: Norman Siegel, Gloria Weiss, Jane Clegg, Nat Lichtwar, Linda Mays, Larry Ash, Ed Bacon, Regina Jordan

We thank Parks for the rules changes information conveyed to us at the meeting on February 7, 2012 at Council Member Gale Brewer's office. We have talked with other Basinites since then and we have the following concerns:

### Dockage rates increases

Parks has stated that the rates increases will not be implemented until the 2013 permits cycle. Thank you for the delay.

The rate increases are the biggest concern of the Basinites. You're asking for a winter rate increase of 19.3%, a summer rate increase of 11.1% and a transient rate increase of 0%. We understand the City needs revenue and we're willing to pay our fair share but we want the same rate increase for all users of the Basin.

By our calculations, a 8.1% level rate increase across the winter slips, the winter warehoused slips, the summer slips, the summer warehoused slips, the transient dockage, the seasonal moorings, and the weekly and daily transient moorings should return about the same revenue as Parks proposed increases. The transient vessels rate would be \$2.97/ft (now \$2.75) which should not impact Parks transient business. Nate Grove should be able to calculate a more precise across the board level increase.

### Electric rate

Parks stated that the New York Power Authority pass-through rate will be used for our electric rate instead of the proposed 25% rate increase. Thank you. We need to know what was the average pass-through rate for 2011 so that we can communicate this benefit to the Basinites.

### Garage parking rates increases of 10%

Other year round marinas rates include parking making this another Basin dockage rates increase.



## Fuel containers carry-in must be approved by Dockmaster

Parks stated that this would be “reasonably” implemented.

What are the requests that would be denied permission?

## Houseboat definition change

Parks states that the dockmaster will define whether the boat is allowed.

What kind of vessels will not be allowed?

Will a picture of a new or replacement vessel suffice for approval?

## Parks liability

What has Parks added to the standard City of New York permits/contracts verbiage? We need to know what is our additional liability and why.

## Transient use of permit holder’s slip

Why can’t Parks handle this the way other marinas do? If the permit holder gives at least 24 hours notice of her arrival to the dockmaster, the slip will be vacated by the transient for the permit holder’s arrival.

## Basin over half empty in winter

In 2008, the Basinites negotiated a minimum of 52 actual vessels during the winter. This winter we have 39. The 13 warehoused slips should not count toward the 52. We want at least 52 actual vessels next winter.

## Maintenance

The facility is deteriorating. Why can’t we have a workable service request system?

Can Basinite volunteers assist in some areas of maintenance?

## Communication

In 2008, the Basinites negotiated periodic meetings with Parks. None were held. We want Parks to designate a standard quarterly meeting date, e.g., the first Monday of each quarter. Neither Parks nor the Basinites need another rules changes episode like this.

Over two months went by.

About February 25, Parks replied to Norman Siegel's status request that they wouldn't provide written response to the February 13 request for information, that they had given us all that they were going to give at the February 7 meeting and that they'd soon publish the rules changes and skewed rates increases .

Frankly, we didn't think they'd string us out like this so we are tardy on notifying the rest of the Basinites,, Basin alumni and Basin friends on the status of the rules changes and rate increases. The majority of information we receive from up the Parks management chain is "welcome to a new season" and "here's another set of rules changes and rate increases". It reminds us of a landlord having his local building staff handle all the communications with the lowly tenants.

#### **What BONG has accomplished so far**

*One saving that will be realized on future years' permits is electric.* We pay \$0.20/kilowatt hour now. Parks proposed \$0.25/kwh or a 25% increase. They have agreed to charge us the New York State Power Authority City of New York pass through rate for the City of New York agencies which we think is about \$0.15/kwh.

*The implementation of the proposed rules changes and rates changes was delayed for one year.* No dockage increase, no parking increase, no electric increase. If you've signed your year round permit, you were not charged the proposed \$29/foot dockage increase (14.8% - 19.3% winter and 11.1% summer), the \$300 parking rate increase (10%) and the electric rate increase (25%).

If you have a 40' year round vessel, have a car in the garage and your average monthly electric usage is \$100, you would have paid \$7,840 instead of the proposed \$9,000 dockage for this year. You've saved \$1610 including the \$150 electric savings and the \$300 parking saving.. Work it out for your boat length.

If you have a 30' summer season vessel and your average monthly electric usage is \$50, you would have paid \$3240 instead of the proposed \$3600 dockage for this year. You've saved \$435 including the \$75 electric saving. Work it out for your boat length.

The transients, already paying well below other harbor marinas rates, initially received 0% increases on dockage, parking and electric but will receive an increase from \$2.75/foot to \$3.50/foot . Is this a PEG (Program to Eliminate the Gap) for the new wave wall electric system?

**What we're trying to accomplish**

We have proposed an even across the board increase for year round, seasonal and transient for the next and future years rather than the skewed proposed rate increases that will once again penalize the winter season and summer season slips. We have asked for answers on the other rules changes issues.

Let's take another look at the February 13 request for information and show the Parks responses in red and our additional questions and comments in green:

*We thank Parks for the rules changes information conveyed to us at the meeting on February 7, 2012 at Council Member Gale Brewer's office. We have talked with other Basinites since then and we have the following concerns:*

*Dockage rates increases*

*Parks has stated that the rates increases will not be implemented until the 2013 permits cycle. Thank you for the delay.*

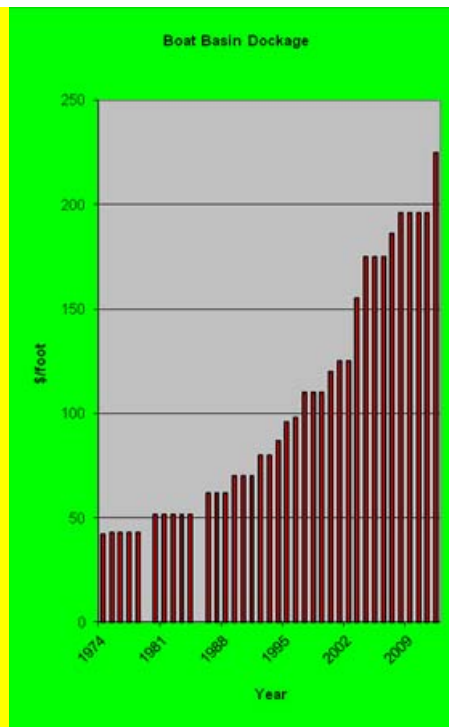
*The rate increases are the biggest concern of the Basinites. You're asking for a winter rate increase of 19.3%, a summer rate increase of 11.1% and a transient rate increase of 0%. We understand the City needs revenue and we're willing to pay our fair share but we want the same rate increase for all users of the Basin.*

*By our calculations, a 8.1% level rate increase across the winter slips, the winter warehoused slips, the summer slips, the summer warehoused slips, the transient dockage, the seasonal moorings, and the weekly and daily transient moorings should return about the same revenue as Parks proposed increases. The transient vessels rate would be \$2.97/ft (now \$2.75) which should not impact Parks transient business. Nate Grove should be able to calculate a more precise across the board level increase.*

*Parks response: The proposed rate increases for winter and seasonal will be implemented in 2013. Transient rates will be raised from \$2.75/foot to \$3.50/foot with discounts for longer terms.*

*Why can't Parks tell us why an even across the board increase was refused?*

*Why is the proposed winter rate 47% of the year round rate whereas the rest of the harbor's year round marinas winter rates are 32-42% of the year round rates?*



*This rate increase will result in quadrupling the rates via 14 rate increases since the 80's, doubling the rates in the last 13 years and increasing the rates 29% over the last 6 years. Why is Parks hitting this user segment with yet another discriminatory rate increase?*

*Why does the proposed year round rate of \$225 exceed the rates of the other year round marinas in the harbor? If parking rates are included, the Basin rate of over \$300/foot far exceeds other marinas rates since they include parking and many other benefits.*

*Why doesn't Parks fill the Basin in the winter to gain much more revenue? This winter there were 39 vessels in about 86 slips. When Parks took over the Basin in the 80's, there were 102 winter vessels. We've estimated that Parks has lost \$1 million to \$2 million dollars in winter fees during their tenure.*

*Are getting rid of the non-running boats, enhancing wave wall electric for the megayachts, and forcing out a few more long term permit holders with this increase the first steps in preparing and gentrifying for a concessionaire RFP?*

*Why were the other two Parks marinas, Sheepshead Bay and World's Fair, blessed with no rate increases on this rules change?*

*This isn't the croquet court in Central Park. When Parks quadruples our dockage, lives are affected. We will lose some of our neighbors again in this Bloomberg gentrification of another diverse and eclectic neighborhood.*

### *Electric rate*

Parks stated that the New York Power Authority pass-through rate will be used for our electric rate instead of the proposed 25% rate increase. Thank you. We need to know what was the average pass-through rate for 2011 so that we can communicate this benefit to the Basinites.

*Parks response: No rate estimate given.*

*Can't even get them to communicate a benefit.*

### *Garage parking rates increases of 10%*

*Other year round marinas rates include parking making this another Basin dockage rates increase.*

*Parks response: Proposed Parking rate increase of 10% will be implemented in 2013.*

*This raises the year round dockage rate to the highest rate in the harbor – over \$300/foot not \$225/foot..*

### *Fuel containers carry-in must be approved by Dockmaster*

*Parks stated that this would be “reasonably” implemented.*

*What are the requests that would be denied permission?*

*Parks response: “with reasonable discretion”*

*A better way of wording: “consent to bring fuel to one’s vessel will not be unreasonably withheld”.*

*For 74 years, fuel containers have been carried in the Basin. This change was made to correct a problem. What is it? Are we supposed to guess?*

*Verbal or written permission?*

*Once a permit or every time a container is carried in the Basin?*

### *Houseboat definition change*

*Parks states that the dockmaster will define whether the boat is allowed.*

*What kind of vessels will not be allowed?*

*Will a picture of a new or replacement vessel suffice for approval?*

*Parks response: None*

*How many times is Parks going to re-define "houseboat" to eliminate vessels that don't please their aesthetics? .*

### *Parks liability*

*What has Parks added to the standard City of New York permits/contracts verbiage? We need to know what is our additional liability and why.*

*Parks response: None*

*Why is there any additional liability other than the standard agency verbiage?*

### *Transient use of permit holder's slip*

*Why can't Parks handle this the way other marinas do? If the permit holder gives at least 24 hours notice of her arrival to the dockmaster, the slip will be vacated by the transient for the permit holder's arrival.*

*Parks response: Concur.*

### *Basin over half empty in winter*

*In 2008, the Basinites negotiated a minimum of 52 actual vessels during the winter. This winter we have 39. The 13 warehoused slips should not count toward the 52. We want at least 52 actual vessels next winter.*

*Parks response: At least 52 actual vessels in the winter. People will have up to 2 years to bring in a real boat.*

*Why not fill the Basin in the winter with wet storage boats and winter-only permits as other marinas do?*

*The half empty Basin in the winter reminds one of the blocks of abandoned buildings in the Bronx with the neighboring buildings being penalized for hanging on.*



### *Maintenance*

*The facility is deteriorating. Why can't we have a workable service request system?*

*Parks response: ??*

*Can Basinite volunteers assist in some areas of maintenance?*

*Parks response: ??*

### *Communication*

*In 2008, the Basinites negotiated periodic meetings with Parks. None were held. We want Parks to designate a standard quarterly meeting date, e.g., the first Monday of each quarter. Neither Parks nor the Basinites need another rules changes episode like this.*

*Parks response: Meetings will be held on the first Wednesday of each quarter beginning in June.*

### **Thank You for your support**

We thank all of you that responded with comments to Parks and all that have given donations for our legal fees. We would especially like to thank the generous donations of Boat Basin alumni Frank Marshall and Doug Morey and Boat Basin friends Sharon and Gordon Small. Many Basinites contributed and names can be obtained from Gloria Weiss.

### **Additional donations needed**

We still need additional donations to pay the remainder of our legal fees. If you've realized a current year saving for this year's permit, please consider contributing a portion of that saving. Contact Gloria at [WeissGloria@hotmail.com](mailto:WeissGloria@hotmail.com).

**Next Steps**

We have options. We can decide to accept Parks responses and do nothing further to fight the proposed rules changes. We can decide to serve Parks with an injunction. We can decide to go to the media.

A meeting of Basinites will be held on Tuesday, May 1 at 6:30 pm to determine a course of action. Norman Siegel, our legal counsel, will be present to answer questions. Location will be decided by number of positive RSVPs. An email will be sent giving the location and the location will also be posted on the Basin gates. All Basin users are invited to decide on a course of action.

Please RSVP to <mailto:weissgloria@hotmail.com> if you will attend or will not attend. We need to know the approximate number of attendees. If you will not attend, please submit your ideas on the rules changes.

**That's my neighbor? – Gary Oppenheimer**

In January, at TEDxManhattan, an independently organized TED event, Gary Oppenheimer presented his ampleharvest.org as a homegrown solution to hunger:

<http://www.youtube.com/watch?v=pnfzRMOZod4>

Gary and Marilyn were invited to the White House:



[Oh, the Basin captions I wanted to put on this photo but I didn't want to impact ampleharvest.org – Ed]

And to add to his CNN Hero Award:

Huffington Post 2011 Game Changer ([http://www.huffingtonpost.com/2011/10/10/who-is-the-ultimate-health\\_n\\_1004297.html#s405433&title=Gary\\_Oppenheimer](http://www.huffingtonpost.com/2011/10/10/who-is-the-ultimate-health_n_1004297.html#s405433&title=Gary_Oppenheimer))

Tax deductible contributions to this worthy non-profit project may be made on [ampleharvest.org](http://ampleharvest.org)

**Are the Basin's fixed docks flooding more frequently?**

According to NOAA, the tides heights are increasing. [The mean sea level trend at the Battery](#) shows an increase of 2.77mm/year. Since the Basin was built in 1938, the tide heights have increased over 8 inches and A Dock now floods more often in 2012 than in 1938.

You can forecast in the short term whether the fixed docks A and C and the wave wall will flood on an approaching nor'easter or hurricane by checking NOAA's real-time water levels at the Battery (access [iboatnyharbor.com](http://iboatnyharbor.com)'s [Currents and Tides page](#) and click on Today's water levels at the Battery). If the green forecast line tops 7 feet, A Dock will flood. If it tops, 8 feet, C Dock will flood and at about 8.5 feet, the wave wall will flood. If it tops 10 feet, look for kayakers on the promenade.

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**PFUTURE**

If you have to forecast, forecast often.

[Edgar R. Fiedler](#)

**Pfantasy Pfuture: Dredging**

Deep Boat has relayed the information that the Parks Commissioner has given the go-ahead for the dredging approach in [Boat Basin BULLETIN Issue 11](#) but the City does not have the financial resources for a dredging contractor with millions spent up front. He has asked the Marine Division to investigate a new business model for dredging Indian ports in which the cost of dredging is spread over a 10 – 15 year period on an assured depth basis rather than an excavate cubic yards basis..

<http://www.maritimeprofessional.com/Blogs/JNPT-dredging-to-take-off-under-a-new-business-mod/December-2011/JNPT-dredging-to-take-off-under-a-new-business-mod.aspx>

**Parting proverb**

My second favorite boat chore is painting. My first being hitting my head on the deck until I pass out.

- Modified Erma Bombeck quote

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