

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

CHARTER REVISION COMMISSION 2019

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September 17, 2018
Start: 6:00 p.m.
Recess: 9:41 p.m.

HELD AT: Medgar Evers College
Founders Theater
1650 Bedford Avenue
Brooklyn, NY 11226

B E F O R E: GAIL BENJAMIN
Chairperson

COUNCIL MEMBERS: Sal Albanese
Dr. Lilliam Barrios-Paoli
Lisette Camilo
James Caras
Eduardo Cordero, Sr.
Stephen Fiala
Paula Gavin
Lindsay Greene
Allison Hirsh
Rev. Clinton Miller
Sateesh Nori
Dr. Merryl Tish
James Vacca
Carl Weisbrod

A P P E A R A N C E S (CONTINUED)

Antonio Reynoso, New York City Council Member

Dr. Susan Williams, Legislative Working Group of the
Campaign for an Elected Civilian Review Board

Jabari Brisport, Racial Justice Working Group
Democratic Socialists of America

Ronald Martin

John Manning, Civil Servant & Bay Ridge, Brooklyn
Resident

Ed Jaworski, President, Madison and William Homecrest
Civic Association

Alyssa Chin, Legal Aid Society

Amaria Lennard, Community Liaison for Assemblymember
Charles Barron

Anthony Bedford, Flatbush Community Advocate Brooklyn
Copwatch Patrol Unit Leader and Candidate for New
York City Assembly

Paula Siegel, Staff Attorney, Equitable Neighborhoods
Practice, Community Development Project

Omowale Clay Appearing for: NYC Council Member Inez
Barron, 42nd Council District

Brad Lander, Council Member, New York City Council

Luza Liz Ortiz, Williamsburg Independent Community Organizer

Rob Becerra, National Animal Rights Activist and NYC WPAT Media Affiliate

David Cohen, SEIU 32BJ

David Greenfield, Former NYC Council Member and Current CEO of Met Council on Jewish Poverty

Lucy Cotine

Shelly Hagen

Catherine Gray, Co-President, League of Women Voters, City of New York

Ebony Lewis, Dog Trainer & Founder of My Pit Bull's Keeper

Nancy Sliwa, Director, Guardian Angels Animal Protection Program

Curtis Sliwa, Chairman, New York State Reform Party

2 [background comments]

3 CHAIRPERSON BENJAMIN: Everybody ready?

4 Hello. Good evening and welcome to today's hearing
5 of the Charter Revision Commission of the City of New
6 York established pursuant to Local Law 91 of 2018. I
7 am Gail Benjamin and I'm honored to lead the
8 Commission as Chair. It is my pleasure to call the
9 meeting to order. I would like to recognize that we
10 are joined by the following commissioners: To my
11 left or your right is Steve Fiala. Seated next to
12 him is Jim Caras. Seated next to Jim is Jimmy Vacca.
13 Seated next to Commissioner Vacca is Commission
14 Hirsh, Alison Hirsh. Seated next to her is Lindsay
15 Greene, directly to my left. Directly to my right is
16 Commissioner Lisette Camilo. Seated to her right is
17 Commissioner Paula Gavin. Seated to her right is
18 Commissioner Sal Albanese and last but not least is-

19 MALE SPEAKER: [interposing] Two more.

20 CHAIRPERSON BENJAMIN: Ah, Commissioner
21 Sateesh Nori and next to Commission Nori is
22 Commissioner Carl Weisbrod. Seeing that we have a
23 quorum, we will start. This is the second public
24 hearing in our ongoing effort to engage the public in
25 the generation of ideas-

2 FEMALE SPEAKER: [off mic] [interposing]
3 [background comments] [laughter]

4 CHAIRPERSON BENJAMIN: --to engage the
5 public in the generation of ideas about ways in which
6 the City Charter can help the city work better. This
7 commission was established by legislation adopted by
8 the City Council and has appointments from each of
9 the borough presidents, Public Advocate, the
10 Comptroller, the City Council and the Mayor. We, the
11 15 of us, represent a cross-section of New Yorkers.
12 We live throughout the five boroughs, we work in
13 diverse fields, we have diverse backgrounds, ages and
14 means, but what we share is the love of our city and
15 its desire to help shape our city's future and to
16 meaningfully participate in changing the document
17 that will provide the basis for that task. Given
18 that you're here today, I know that you are already
19 aware of the importance of the Charter and how we
20 live our everyday lives in the city. The Charter
21 provides the manner in which the city handles public
22 money, and provides goods and services to resident
23 throughout the city. It defines the responsibilities
24 of government officials as well as those of our city
25 agencies and it provides the framework for the use

2 and development of land in the city. We're all here
3 tonight to propose ideas that can strengthen the
4 compact between citizens and their government. Ideas
5 that can provide a transition from the City of 1989
6 to the city of 2050. These ideas may rebound to the
7 rights and responsibilities of our agency or
8 government officials. They may strengthen our budget
9 process or may redefine how the city uses its land or
10 purchases its good and services. We welcome all with
11 your ideas and thank you for sharing them. If you
12 wish to testify today, please fill out a speaker's
13 slip and submit it to one of the staff. Please make
14 your points clearly and succinctly as we want to
15 understand the issues you raise. We're also happy to
16 accept any written testimony you may either today or
17 over the course of the coming weeks and months. Our
18 web address and Twitter feed is on the pamphlets
19 located on the table and are spread throughout the
20 room. All testimony in whatever form you choose to
21 submit it will be included in the record and made
22 available to the commissioners, to the staff and to
23 the public. We will also hold Twitter and telephone
24 town halls in the coming months to provide more
25 opportunities to hear from you. We hope to gather a

2 robust set of proposals, and will be conducting
3 additional hearings in the spring to present the
4 results of our research and analysis and receive
5 further feedback. By September of 2019 we will share
6 with you a set of revisions to the Charter, which
7 will be put before all of you on the ballot in
8 November of 2019. Again, we thank you for being here
9 and taking part in this momentous task. As our first
10 order of business, however, I will entertain a motion
11 to adopt the minutes of the Commission's September
12 12th public hearing, which have been previously
13 provided to the Commissioners and are available in
14 draft form on the Commission's website. Do I hear a
15 motion to approve those minutes?

16 COMMISSIONER: So moved.

17 CHAIRPERSON BENJAMIN: Second?

18 COMMISSIONER: Second.

19 CHAIRPERSON BENJAMIN: Discussion. All
20 in favor.

21 COMMISSIONERS: [in unison] Aye.

22 CHAIRPERSON BENJAMIN: Opposed? The
23 motion carries. We will now hear testimony from the
24 public on proposals for revisions to the City
25 Charter. We will limit testimony to three minutes

2 per individual in order to ensure that we can hear
3 from everyone who wishes to speak. After you
4 testify, members of the Commission may have questions
5 for you to follow up on your ideas or the proposals
6 you've made. For the first panel I call up City
7 Council Member Antonio Reynoso and Dr. Susan
8 Williams. Council Member Reynoso.

9 COUNCIL MEMBER REYNOSO: Thank you. Good
10 evening members of Charter Revision Commission.
11 Thank you for your service first and foremost, and
12 for this opportunity to testify here today. I'm
13 Council Member Antonio Reynoso, and I will be
14 testifying on behalf of the City Council's
15 Progressive Caucus priorities for the Commission's
16 consideration. While the City Council has amended
17 the Charter from time to time, this is first time a
18 Charter Commission has convened through our
19 legislative authority. We welcome all possibilities
20 of topics that will be considered to this commission.
21 However, in this series of hearings we will be
22 focusing on the City's Land use powers and process,
23 which has wide reaching effects on critical issues
24 affecting the city including affordable housing,
25 displacement, homelessness, fresh air and equity,

2 infrastructure and growth. With issues of priority
3 for the 22 members of our caucus represent districts
4 across the five boroughs of New York City. It is no
5 secret that the city's Land Use and planning process
6 are deeply fraught with controversies and oppositions
7 to recent rezoning have made quite evident that New
8 Yorkers, grassroots organizers, elected officials and
9 skilled practitioners alike should be concerned about
10 the lack of transparency, community engagement and
11 equity happening in our land use processes and
12 outcomes. New York City's approach to planning has
13 been primarily reactive for decades. The current
14 system encourages ad hoc planning in which the city
15 positions itself to be strictly reactive to private
16 development proposals, devastating hurricanes, urgent
17 needs for school seats, weight transfer stations and
18 other infrastructure needs. This reactive approach
19 even expands itself to perhaps our most pressing
20 crisis: Housing and homelessness. We believe
21 there's a better way. Now, more than ever we are
22 experiencing growth and change on a level not seen in
23 the first half of the 20th Century. If we are truly
24 going to be a city that values equity, a city that
25 reflects the needs and priorities of its citizens, we

2 cannot continue to take piecemeal approach to
3 planning our collective future. Low-income
4 communities should not be responsible for bearing the
5 brunt of new density of infrastructure for a growing
6 city, which with this commission we have an
7 obligation to shift our planning processes away from
8 short-term political goals and towards long-term
9 planning that accounts for realities of climate
10 change and needs of a growing coastal city. We need
11 to reimagine how land use decisions are made to
12 empower communities in the planning process to
13 advance the equity distribution of city resources
14 facilities and new developments. As a first step,
15 the Caucus set forth guiding principles that reflect
16 the Caucus's value and will drive the development of
17 recommendations moving forward, equity and fairness
18 to ensure all communities are doing their fair share
19 and have equitable access to affordable housing, city
20 services and amenities and a healthy environment in
21 which to live, work and raise their families.
22 Proactive and responsible plans that account for
23 projected growth and existing conditions and
24 infrastructure needs, robust and inclusive engagement
25 to ensure that all New Yorkers have a voice in our

2 planning decision regardless of land use, age,
3 income, ability, gender. Religion, color, race or
4 ethnicity. Resiliency and sustainability to guard
5 against the future impacts of climate change and
6 mitigate the adverse conditions they bring.

7 CHAIRPERSON BENJAMIN: Council Member,
8 could you--

9 COUNCIL MEMBER REYNOSO: Wrap it up? Oh
10 my.

11 CHAIRPERSON BENJAMIN: Yes, sir.

12 COUNCIL MEMBER REYNOSO: Okay, I'm going
13 to go to--

14 CHAIRPERSON BENJAMIN: [interposing]
15 That's a little more than three minutes.

16 COUNCIL MEMBER REYNOSO: It's okay.
17 We're going to submit it--I'll submit it in writing--

18 CHAIRPERSON BENJAMIN: [interposing] That
19 would be good.

20 COUNCIL MEMBER REYNOSO: --for you guys
21 to review, and I'll be meeting with you--

22 CHAIRPERSON BENJAMIN: [interposing]
23 Okay.

24 COUNCIL MEMBER REYNOSO: --individually
25 as well, but I'll--Okay. Our current system does not

2 provide an avenue in which to have honest
3 conversations about a city's needs. Much of it is
4 done out of the public eye with outcomes reviewed and
5 often negotiated just before a final vote. We have
6 tried this method for long enough to know it is not
7 working. It is time we manifest our progressive
8 rhetoric to proactive planning work that is not
9 guided by the latest real estate speculation by data,
10 local input, a commitment to right past inequities
11 and projected long-term needs. Over the next several
12 months we'll be—we'll be refining the proposals we
13 have laid out today alongside our colleagues and
14 stakeholders. Again, thank you to the Commissioners
15 for your time. We look forward to working with you,
16 our colleagues at the Council and key stakeholders to
17 refine recommendations that reflect the principles
18 that achieve the goals we have outlined here today.
19 Again, thank you to the Commission for your time.

20 CHAIRPERSON BENJAMIN: Thank you. Can we
21 have a copy of that?

22 COUNCIL MEMBER REYNOSO: Yes.

23 CHAIRPERSON BENJAMIN: Okay, and any
24 questions? Sal.

25 COMMISSIONER ALBANESE: Thank you.

2 CHAIRPERSON BENJAMIN: Can I say one
3 thing first, Sal? I'd like to recognize that
4 Reverend Clinton Miller and Ed Cordero, Commissioner
5 Cordero has joined us. Would you—we have previously
6 voted accepting the minutes from the last meeting of
7 the September 19th. Would you like to join us in
8 approving them, Commissioner Miller? Yes, and
9 Commission Cordero.

10 COMMISSIONER CORDERO: Yes.

11 CHAIRPERSON BENJAMIN: Thank you. Sal.

12 COMMISSIONER ALBANESE: Yes. Thanks for
13 coming in, Council Member.

14 COUNCIL MEMBER REYNOSO: Thank you, sir.

15 COMMISSIONER ALBANESE: Do we have the
16 specific proposals laid out at this point?

17 COUNCIL MEMBER REYNOSO: No, we don't.
18 We have the basic principles that we want to set
19 forth. We're going to actually start engaging in a
20 more inclusive and robust conversation with
21 stakeholder, local community stakeholder to more—more
22 deeply refine our recommendations, but a lot of what
23 we're going to be pushing forward is actually
24 something that I have been able to produce alongside
25 Gale Brewer, our—our great Borough President of

2 Manhattan, Inclusive Cities Report, which you should
3 also—which you also have that I will submit to—to the
4 Commission for lack of a better word.

5 COMMISSIONER ALBANESE: I—I would urge
6 you to—to—to get to your refining process then as
7 quickly as possible because time is of the essence.
8 That's going into the spring. So, as soon as we get
9 that done, I—I think we will look to—to review it.

10 COUNCIL MEMBER REYNOSO: Absolutely.
11 Well, we're getting it done as soon as possible.

12 CHAIRPERSON BENJAMIN: Okay. Do we have
13 any other questions? Thank you, Council Member--

14 COUNCIL MEMBER REYNOSO: Thank you.

15 COMMISSIONER ALBANESE: --and I am told
16 that I did not mention that you could also go to our
17 link on Twitter in order to give us materials or to
18 tell us what you are thinking. Dr. Williams.

19 DR. SUSAN WILLIAMS: I am representing
20 the Legislative Working Group of the Campaign for
21 an elected Civilian Review Board. I am also a
22 retired physician and former delegate of Doctor's
23 Council SEIU. I want to address several questions
24 that were raised on September 12th. First, will the
25 elected Civilian Review Board provide due process

2 for accused police officers? Yes. Due process is
3 explicitly included and guaranteed. The second
4 question was asked: Does the proposed ECRB
5 infringe on police officer's right of collective
6 bargaining? No, it doesn't, but to clarify, police
7 officers are already precluded by law from
8 addressing disciplinary procedures in their
9 contract negotiations. The court determined in
10 1994 that disciplinary measures is outlined in the
11 City Charter Section 434 and in the Administrative
12 Code Section 14-115 could not be superseded by
13 contract demand. These two sections are included
14 in the changes that we are making and proposing to
15 the City Charter to create the elected Civilian
16 Review Board. A question—regarding the special
17 prosecutors, our district attorneys under
18 established—establishing the state law, the answer
19 is yes, but our reading of that legislation does
20 not preclude the creation a special prosecutor in
21 addition. Our intent is that they would handle all
22 crimes against persons including sexual assault,
23 rape, battery in addition to murder, which is the
24 only thing covered under the Governor and Attorney
25 General's appointee. Other criminal cases such as

2 for example the publicized case of officers
3 arrested last week for drug dealing and corruption.
4 Those should be under the purview of the district
5 attorney. As you requested, we will be providing
6 you with key documents and online links to our
7 research, and among these are studies of nationwide
8 civilian review boards that have show that there
9 are systemic flaws that have made it impossible for
10 these boards to meet their goal of--to police
11 accountability, but you can actually learn that
12 from talking to New Yorkers as we have on the
13 streets. They will attest that young people of
14 color or are still being arrested to meet quotas?
15 There is ongoing racial profiling. Women are
16 subjected to sexual harassment and assault. People
17 are targeted for investigations based on a
18 religious or political belief, and community
19 activists and union strikers and picketers are
20 subjected to intimidation and trampling the free
21 speech rights. The existing status quo has not
22 held police accountable. Will the elected Civilian
23 Review Board be a panacea for this? No, it won't,
24 but it will be a huge step forward toward improving
25 the lives of New Yorkers and it is doable.

2 Moreover, it is this commission that has the only
3 power to enact during the coming year by putting it
4 on the ballot for November of 2019, and our
5 question to you is do you recognize that there is,
6 indeed, a problem with police misconduct and are
7 you going to step up towards providing solutions
8 for it. [cheers/applause] Thank you.

9 CHAIRPERSON BENJAMIN: Any questions?

10 FEMALE SPEAKER: No questions.

11 CHAIRPERSON BENJAMIN: Seeing none,
12 thank you both very much.

13 DR. SUSAN WILLIAMS: Okay

14 CHAIRPERSON BENJAMIN: The next speaker
15 is Jabari Brisport from the Democratic Socialists of
16 AMARIA and Ronald Martin. [background comments,
17 pause] And we're finding tech. We're joined by
18 Commissioner Meryll Tisch. Commissioner Tisch, we
19 have previously voted on adopting the minutes from
20 the meeting last week. Would you like to vote in--?

21 COMMISSIONER TISCH: [off mic] In favor.

22 CHAIRPERSON BENJAMIN: Thank you. Okay,
23 Mr. Brisport.

24 CHAIRPERSON BENJAMIN: The floor is
25 yours.

2 JABARI BRISPORT: Okay. I'd like to
3 start by saying good evening, Commissioners and thank
4 you for your time tonight. My name is Jabari
5 Brisport. I'm representing the Racial Justice
6 Working Group of the Democratic Socialists of Amaria.
7 I'm a school teacher and I'm testifying tonight also
8 in support of the elected Civilian Review Board. I
9 remember marching about 3-1/2 years ago because I was
10 angry. I was furious that Eric Garner had been
11 murdered, and that Daniel Pantaleo had not been
12 indicated. We march through Times Square up into
13 Harlem. We were shouting "No justice, no peace." We
14 shouted, "I can't breathe." It's been about 3-1/2
15 years and there has still be no indictment and, in
16 fact, Daniel Pantaleo still has a job. I believe
17 that sends two messages: To those who are asked with
18 protect and serve, the city has your back. To
19 everyone else, the city hears your concerns, your
20 frustrations. It hears them. As for acting on them,
21 that's another story. We've all heard the build your
22 block ads on the radio. They play them ad nauseam,
23 but at some point we need more than conversation.
24 Our communities need to be heard yes, and thank you
25 to those of you purposely facilitating those

2 conversations. But our communities also need power.
3 They need agency. They need to be able to vote on
4 who polices the police. [applause] I don't know a
5 single person who doesn't wish for better
6 relationships between communities the police they
7 serve, but I also know it's very hard to trust an
8 institution when you feel powerless against it. I
9 think New Yorkers need a voice in how we interact
10 with police and not just an auditory one, but a
11 physical one as well, a ballot, and that's why I
12 support he campaign for an elected Civilian Review
13 Board. Thank you, commissioners. [cheers/applause]

14 CHAIRPERSON BENJAMIN: Thank you. Excuse
15 me. Mr. Martin. [pause]

16 RONALD MARTIN: Chairman Benjamin,
17 members of the 2019 New York City Charter Review
18 Commission. Thank you for this opportunity to
19 present that I am very confident is going to be the
20 best proposal for the New York City Charter that you
21 will encounter during your preliminary rounds of
22 public presentations. The entire New York City
23 Charter needs to be reordered from beginning to end.
24 This system is disorganized and effective adjustment
25 has the potential to adverse affect another area of

2 the government that was not foreseen because of the
3 lack of order in the Charter's design. Research and
4 development of my revolutionary ideas leads me to
5 recognize that government charters are somewhat like
6 computer programs, and that they need to be created
7 with a format and built up using strict language and
8 syntax. Although our founding fathers were more
9 sophisticated intellectuals than their
10 contemporaries, in subsequent generations the
11 politicians and statesmen have tried to adjust the
12 charters towards a more just organization of the
13 government. Ultimately they did not have the
14 necessary technology. They only had one simple
15 formula to work with, and although it accurately
16 divides the government into three part, but they did
17 not have a big formula for the subsequent divisions
18 of those three parts, and subsequently what we have
19 now is a semi-chaotic mess rightly referred as
20 political gridlock that trickles down from
21 corruption, hypocrisy, hysteria, frustration,
22 criminality and violence. But where we enjoy a
23 better standard of living than most others who
24 maintain a skewed version to the approach to social
25 justice and tranquility. The last six—the last six

2 months of Charter revision hearings has revealed that
3 most of the cities are apathetic. Otherwise, the
4 hearings would have made headlines. The unfiltered
5 testimony that has been presented at the hearings
6 reveals that some citizens are motivated, but
7 oblivious to the underlying reason for these public
8 hearings. You are looking of solutions in the form
9 of directed assistance that can be inserted into the
10 Charter that would make your job much easier. The
11 problem is the average lawyer much less the average
12 citizen does—doesn't seem to understand that need.
13 It is a poorly understood process and nothing like
14 our romantic legends of American history that only
15 revealed headlights. The guide that is published by
16 the state for revising the City Charters provides a
17 decent outline of a charter, but the guide does not
18 direct the Commissions as to how to build this system
19 of directives that make up the content of the
20 charter, and basically, what that leaves is leaders
21 and commissions in a state of wonderment as to how it
22 is ultimately going to work. Although I have no
23 formal background in government, I have designed a
24 charter that is a much better guide than the state
25 guide. My charter provides an outline similar to the

2 state guide and it guides the Commission to make
3 rules for organizing a charter convention that builds
4 the content of the outline using the citizens to do a
5 lot of the work. [bell] I figured it all out, and
6 now I have been developing this system over the past
7 ten years, and it can be referred to the Brooklyn
8 Plan. The Brooklyn Plan organizing the convention,
9 which is a testimony--

10 CHAIRPERSON BENJAMIN: [interposing] Mr.
11 Martin--

12 RONALD MARTIN: --which is a testimony of
13 the legislation for the legislative system--

14 CHAIRPERSON BENJAMIN: --you do know the
15 bell.

16 RONALD MARTIN: --to advance the Charter
17 to serviceability. Thank you for this honor to
18 present the Brooklyn Plan on this day September 17 in
19 this the 393 year of the incorporation in New York
20 and 247th year of the independence of the United
21 States.

22 CHAIRPERSON BENJAMIN: Thank you Mr.
23 Miller. Do you have the outline with you about what
24 you state that we could look at?

2 RONALD MARTIN: I have—I have a more
3 complete one, abridged, you might say, [off mic] and
4 let's see it would be on the website.

5 CHAIRPERSON BENJAMIN: Okay, thank very
6 much.

7 RONALD MARTIN: [off mic] We'll take it
8 on the following page. (sic)

9 CHAIRPERSON BENJAMIN: And that website
10 is secularlibrary.com.

11 RONALD MARTIN: Or us4cc.info.

12 CHAIRPERSON BENJAMIN: Okay, thank you
13 very much. Are there questions? Thank you, Mr.—oh,
14 yes, Mrs. Gavin.

15 COMMISSIONER GAVIN: It's a simple
16 question but complex at the same time is how would
17 you measure success of a revised Charter?

18 RONALD MARTIN: Less protest, less
19 rioting, probably—yeah, less protest. You would see
20 less of that, and nothing going specifically.

21 CHAIRPERSON BENJAMIN: Okay. Thank you,
22 Mr. Martin and Brisport.

23 RONALD MARTIN: Thank you.
24
25

2 CHAIRPERSON BENJAMIN: And now we have
3 John F. Manning and Ed Jaworski--Jaworski. I'm
4 sorry. [pause] Mr. Manning.

5 JOHN MANNING: My name--my name is John
6 Manning. I am a civil servant and a resident of Bay
7 Ridge, Brooklyn. I am speaking as a concerned
8 citizen on the pressing need for campaign finance and
9 lobbying reform. How this issue was the root core as
10 with many other problems, and to ask the Charter
11 Revision Commission to consider democracy vouchers as
12 a viable realistic alternative to status quo. Thank
13 you for the opportunity to testify this evening. The
14 Amarian system of government and politics has been
15 defined by the principle of the people, by the
16 people, for the people. Our system has been a work
17 in progress since its inception. That principle
18 still guides us. In order to address the
19 shortcomings of our system today, we have to
20 recognize the major problem that is hindering the
21 further improvement of our democratic process, the
22 corrupting influence, the tenaciousness of big money
23 and campaign finance and public policy making. The
24 difficulty of running for office without accepting
25 large sums of bundled money from special interests

2 and lobbying firms prevents honest and competent
3 people from being elected. The assumingly
4 unchallengeable power of the real estate industry in
5 New York City and state government is just one of
6 many examples of how our democratic process has been
7 thoroughly corrupted. The lobbying industry as it
8 currently exists is nothing less than legalized
9 bribery. The Mayor, governor our City Council
10 members and our State Legislators are supposed to be
11 wrestling with representing the interests of their
12 constituents, and do what is best for the society as
13 a whole. They should not be responding to whichever
14 lobby donates the greatest amount of money to their
15 campaigns or what special interests dangles lucrative
16 post-government employment in front of them. That
17 corruption, fraud and pay to play have become so
18 pervasive in New York government is just one of the
19 many negative effects created by our campaign,
20 finance and lobbying laws. What can the Charter
21 Revision Commission do? If every registered voter
22 were allocated four democracy vouchers worth \$50 each
23 to give to the candidates of their choice, it would
24 encourage high voter turnout and enable well meaning
25 people of modest means to run for office. This is

2 currently being one in Seattle, Washington.

3 Democracy vouchers are not a radical idea. They are

4 a common sense solution. What is outrageous is that

5 we allow dishonest but powerful people to come

6 control out political system. Democracy vouchers

7 limiting other campaign donations to small amounts

8 and ending third-party donations from lobbying firms

9 and bundlers could cause the current political

10 climate of cynicism and complacency to be replaced

11 with idealism, leadership and community involvement.

12 [bell] It is horrible that in many local elections

13 10% voter turnout is the norm. Voter turnout should

14 be 60% regularly. Democracy vouchers--

15 CHAIRPERSON BENJAMIN: [interposing] Mr.

16 Manning.

17 JOHN MANNING: --and an end to larger--

18 CHAIRPERSON BENJAMIN: --if you just sum

19 up.

20 JOHN MANNING: Oh, I'll wrap it. Very

21 good--and an end to large and bundled donations will

22 open up our political process giving voters better

23 choices. It will enable school teachers, police

24 officers, small business owners, retirees, all kinds

25 of citizens who care about their communities to run

2 for office or otherwise get involved in civic
3 affairs. The city of New York being the national
4 leader of honest, competent good government and real
5 progressiveness has happened before. When Fiorello
6 La Guardia took the oath of office as Mayor on
7 January 1, 1934, the city's finances were a mess and
8 corruption had practically been official policy. His
9 name became synonymous with government of, by and for
10 the people.

11 CHAIRPERSON BENJAMIN: Mr. Manning.

12 JOHN MANNING: Let's end the grip that
13 big money has on our noble democratic process.
14 Please amend the New York City Charter to create
15 democracy vouchers and end large bundled and their-
16 party donations. Thank you.

17 CHAIRPERSON BENJAMIN: Thank you, Mr.
18 Manning. [applause] Sal, would you like to-

19 COMMISSIONER ALBANESE: Well, okay, I
20 couldn't say-

21 CHAIRPERSON BENJAMIN: [interposing] Your
22 current representative.

23 COMMISSIONER ALBANESE: I couldn't have
24 said it better myself--

25 CHAIRPERSON BENJAMIN: [laughs]

2 COMMISSIONER ALBANESE: --and--and thank
3 you for coming out, Mr. Manning, and I want you to
4 know that Borough President Adams who appointed me to
5 this Commission is very supportive of democracy
6 vouchers. And as you pointed out, we're not
7 reinventing the wheel here because Seattle has that
8 in place and, of course, we do know that Connecticut,
9 Arizona, Vermont and Maine have significantly better
10 campaign finance rules than we have in New York City
11 where we're plagued with pay to play. So, thank you
12 for your testimony, and I'll convey that to the
13 borough president as well. Thank you.

14 CHAIRPERSON BENJAMIN: Alison.

15 COMMISSIONER HIRSH: Hi, thank you so
16 much for your testimony. My understanding having
17 looked into Seattle just a little bit is that
18 democracy vouchers did, in fact, increase the number
19 of low-wage workers who were able to participate in
20 the--the elections in their district that is separate
21 democracy vouchers. So, it's an excellent--I think I
22 would agree it's an excellent program. The one
23 difference, though, between New York City and Seattle
24 is that Seattle doesn't have currently as far as I
25 understand an existing public financing system. So,

2 do you have a sense of how the Democracy Voucher
3 Program would interplay with the existing 6 to 1 or
4 if the—the Mayor's sort Revision Commission caps each
5 counts (sic) each one with the Covered Financing
6 Program.

7 JOHN MANNING: The details of it are
8 going to require a lot of working out, of course, but
9 I like the idea—you know, to run for City Council or
10 the State Assembly you need to have between \$100,000
11 and \$250,000. To run a serious campaign for mayor
12 you need \$10 million. If every—there are 2-1/2
13 registered voters or so in the city. If every one of
14 them were allocated 100, 200 bucks to give—I may be a
15 liberal Democrat, but I'm impressed with the
16 Republican candidate. I may be a Republican but the—
17 the left wing guy I saw him at a town hall meeting.
18 He impresses me. He's honest, he's sincere. It
19 would really open this process up. What we have
20 right now, the Real Estate Board of New York, the
21 General Contractors Association, and the lobbying
22 industry we might as well not have a democracy. You
23 know, it is just ridiculous what we currently have.

24 COMMISSIONER HIRSH: Just—just a quick
25 follow-up question. Thank you, very much. Would

2 democracy vouchers be limited to registered voters or
3 would our residents be—like how—how would—

4 JOHN MANNING: I mean I like the idea of
5 registered voters. It's not hard to register and to
6 vote. I think it would encourage people to register.
7 So, I—I like eliminating and anybody can register.
8 When I was a child a long time ago, I remember when
9 my mother was voting, having to wait on line for half
10 an hour. I meant it—we had 50, 60% voter turnout
11 decades ago.

12 COMMISSIONER ALBANESE: Just—just before—

13 -

14 CHAIRPERSON BENJAMIN: [interposing] Sal.

15 COMMISSIONER ALBANESE: --Alison just to—
16 on your—on your question, in Seattle, anyone who can
17 contribute to a campaign will receive vouchers.
18 That's the way it works, and one of the great things
19 about New York City is that we've already allocated
20 significant amount of money through the Matching
21 system, which I consider to be inadequate. So, we
22 already allocate money for it. Seattle didn't have a
23 system. So, we have to figure out where the money
24 comes from. We have those resources already in play,

2 and as I said, I think it's the gold sort of in prior
3 years--

4 CHAIRPERSON BENJAMIN: [interposing] Do
5 you like it?

6 COMMISSIONER ALBANESE:--the gold standard
7 of campaign financing.

8 CHAIRPERSON BENJAMIN: Tell us what you
9 really think, Sal. [laughter] Mr. Jowarsky. Oh,
10 I'm sorry. I think Sateesh had a question. Sateesh,
11 Commissioner Nori.

12 COMMISSIONER NORI: Yeah. Thank you, Mr.
13 Manning. I have two questions. One is what would
14 prevent people from bundling these vouchers, and
15 number two is what is the link? I'm failing to see
16 the link between voucher and turnout. Is there a
17 link there?

18 JOHN MANNING: I--it is not within our
19 power to create a perfect God created situation.
20 What we can do is drastically, radically improve this
21 situation where our government is for sale and we
22 have 10 to 20% voter turnout. We can't move away
23 from that.

24 COMMISSIONER NORI: Oh, I see. (sic)
25 It's--Sal?

2 CHAIRPERSON BENJAMIN: Mr. Nori would
3 like you to answer it.

4 COMMISSIONER ALBANESE: Yeah, the way it
5 works--

6 CHAIRPERSON BENJAMIN: [interposing] If
7 you would.

8 COMMISSIONER ALBANESE: --the way it
9 works in Seattle is that they've got very stringent
10 anti-corruption regs in place, and to make sure that
11 that that doesn't happen. People go to jail if they
12 do that as they do here in New York City when they
13 fraudulently set straw bundles. (sic) It's the same
14 process that's in place and what--what's good about
15 the Seattle rules, is how does it increase turnout?
16 It increase turnout because if you live in the Pink
17 Houses and you're earning \$30,000 a year, you get
18 more democracy vouchers, you become somebody that--
19 that elected officials will reach out to and--and--and
20 if I'm running for--I'm running for office, I would
21 love your support. If you live in a ritzy part of
22 the city, you have the same four vouchers. At this--
23 at this juncture, if you live in the Pink Houses, if
24 you live in--in some of the poor areas of the city, no

2 one is reaching out to you, and—and basically—
3 unfortunately the money follows the policy.

4 CHAIRPERSON BENJAMIN: Sal, I think
5 you're editorializing a little bit.

6 COMMISSIONER ALBANESE: Well, yes,
7 [laughter] yes, I am, but—but that's the way you're
8 forced to engage in a way with people. You're not
9 forced to, but you can with the same voucher that you
10 get like all—I mean talk about this from experience.
11 I was there for a while because I know this fight.
12 You get on the phone with deep-pocketed folks. You
13 don't really, you don't really reach out to—to your
14 average—average individual. The Seattle system does
15 that.

16 CHAIRPERSON BENJAMIN: Thank you. Mr.
17 Reverend Miller. .

18 COMMISSIONER MILLER: Thank you, Mr.
19 Jaworski for your testimony especially--

20 CHAIRPERSON BENJAMIN: [interposing] That
21 was Mr. Manning.

22 COMMISSIONER MILLER: Mr. Manning. I'm
23 sorry—for your testimony especially in this climate
24 where there's a crisis in affordable housing, and
25 also thank you for your handout which suggests that

2 the city has not progressively collected hundreds of
3 millions of dollars in fines. How does this relate
4 with bringing to pass democracy vouchers?

5 JOHN MANNING: In Texas, Oklahoma and
6 Louisiana--

7 COMMISSIONER MILLER: [interposing] I'm
8 sorry. I'm sorry. I have the wrong handout. I'm
9 sorry.

10 JOHN MANNING: So, that's okay and in
11 Texas, Louisiana and Oklahoma, the oil companies told
12 the local politicians what to do. Quite often here
13 in New York City the--the real estate industry--
14 industry just go to the Campaign Finance Board's
15 website, and there would just--in the--in the--in last
16 year's election between Mr. de Blasio, reformed
17 Democrat Sal Albanese and conservative Republican
18 Nicole Malliotakos, the general public had three
19 clear distinct choices to select from. Mr. de Blasio
20 had \$10 million. He was just in a completely
21 different league. He--he couldn't be, you know, if
22 you're going to run for office, you got to get your
23 message out to people. You got to mail flyers,
24 you've got to have TV ads. You know, people are not
25 going to vote for something they don't know or

2 haven't heard about, and we have elections to let the
3 people decide, and it's as far as affordable housing
4 and the whole real estate situation here New York is
5 concerned the really power—I'm not one for conspiracy
6 theories, but there are really powerful real estate
7 interests and BEBNY, they essentially control our
8 democratic process, and I don't think I'm being
9 unreasonable to make that statement. And, I think
10 that if you could run for City Council or the State
11 Legislature for Mayor and, you know, with—with the
12 democracy vouchers it would just give people choices.
13 It would open up the process, and would—would defeat
14 the lobbyists.

15 CHAIRPERSON BENJAMIN: Commissioner
16 Green.

17 COMMISSIONER GREENE: I have a follow-up
18 question. We've talked a lot about the cost to put
19 on an election. Is this—are democracy vouchers a
20 tool that I guess I would love to hear you elaborate
21 on how you think democracy vouchers would lower that
22 cost is it that you just anticipate—the City
23 government and municipal government would step up to
24 refund more of that cost as opposed to external
25 parties?

2 JOHN MANNING: The bottom line here we
3 need to have a level playing field, and we need to
4 give the people choices. Let the—let the people
5 decide what's going to happen, and democracy vouchers
6 are a way of financing of campaigns, and—but if you
7 and to other candidates who are running for something
8 just the amount of the budget that you have is in the
9 same league, in the same category, you are able to
10 mail flyers to everybody within the district of the
11 city. That costs a lot of money. TV ads that cost a
12 lot of money, and we—this is like the fundamental
13 problem as far as our political or all these other
14 issues we talk about. I wish there wasn't this form
15 of unfairness. I wish there wasn't that form of
16 unfairness. By getting the big money and power and
17 control out of our process, we're going to be able to
18 address a lot of other things like corruption, fraud.

19 COMMISSIONER GREENE: Thank you.

20 JOHN MANNING: Thank you.

21 CHAIRPERSON BENJAMIN: Commissioner
22 Caras.

23 COMMISSIONER CARAS: Thank you. I'm not
24 extremely familiar with the democracy voucher system.
25 It is a—or in Seattle or what you envision, is it a

2 voluntary system or is this the only system that
3 there is?

4 JOHN MANNING: Well, it's a relatively
5 new thing, but basically I'm a registered voter.
6 Okay, it's the election season and I'm allocated for
7 vouchers worth 50 bucks each. I can give them all to
8 you or I can give one each to the four of you there.
9 I can give it to a conservative candidate, a left
10 wing candidate. I can give it to anybody I want to.

11 COMMISSIONER CARAS: But I mean from the
12 point of view of the candidate, could a candidate do
13 they have to be in this system or can a candidate
14 self-fund, for example, like we've had so many
15 officials who have self-funded?

16 JOHN MANNING: Yeah, Mr. Bloomberg he
17 just bought up the whole political process in New
18 York City. [laughter] He, I mean in Bay Ridge he
19 was Archie Bunker with an MBA. In Park Slope he was
20 the big flaming liberal and, you know, everywhere he
21 went his checkbook was open. You know, open. He
22 was—I mean I—I don't think that's what our founding
23 fathers envisioned, you know. Let the people decide
24 who they want to represent them, and you can't have
25

2 freedom of-of the press if you don't own a
3 typewriter.

4 COMMISSIONER CARAS: Okay, thank you.

5 CHAIRPERSON BENJAMIN: Thank you.

6 JOHN MANNING: You're welcome.

7 CHAIRPERSON BENJAMIN: Mr. Jaworski.

8 ED JAWORSKI: Good evening. Ed Jaworski,
9 President of Madison and William Homecrest Civic
10 Association. We're at the Brooklyn's southern end,
11 Community Board 15. I gave all on the green sheet a
12 little summary of some of the big uses that I'll be
13 referring to. Civic leaders like me have long been
14 concerned that the real estate development interests
15 hold the keys to the city, and so it was heartening
16 to see the story two weeks ago in the Daily News,
17 Wall Street Journal, Associated Press, Time, News
18 Week Cranes and elsewhere exposing the fact there is
19 some \$1.5 billion in unpaid New York City fines
20 including 500,000 building violations by the Kushner
21 Company. Indeed, New York City has nearly \$1 billion
22 in unpaid Department of Buildings and Environmental
23 Control Board violations including \$235 million
24 written off according to figures I have obtained by
25 FOIL from the New York City's OATH office. You can

2 see those figures there. A clause in the City
3 Charter allows uncollected fines to be written off
4 after eight years. That's the Environmental Control
5 Board chapter and I note the paragraph there. The-
6 the specific sentence, on sentence says: The
7 judgment and pursuant to this paragraph shall remain
8 in full force and effect for eight years. While not
9 granting permits under Local Law 47 of 2016 and
10 recent BSA reforms should help, I and other civic
11 leaders suggest that the write-off clause we
12 eliminated from the City Charter. Because of the
13 Department of Finance's failure to collect ECB fines
14 associated with the building's violations, they will
15 continue. Thereby, this endangers the public, often
16 results in tragedies and denies a significant revenue
17 source to benefit residents, as long as the
18 violations can be ignored and fines are eventually
19 erased. The fines should remain in full force and
20 effect until satisfied in full. Also needed is the
21 consequence of the lien to prevent the sale of the
22 property, and ultimately pay the debt upon sale along
23 with some interest accumulating annually. Further,
24 any attempt to legalize or recommend legalizing the
25 violation through any city agency should be denied.

2 We hear those dollars in the dream commercials to
3 lotteries. Stop dreaming. You have access right now
4 to a real billion dollars to help our real estate
5 taxes—keep our real estate taxes in check and so much
6 more. In doing research on this clause, the write-
7 off clause, obviously it was probably put in by the
8 means, forced by their means, (sic) the State
9 authorized the change in 1984 Charter Revision. I
10 have not in spite of a lot of calls and research
11 including to folks like Eric Lane, the past Director
12 the City Charter Revision when he—while he was Dean
13 of Hofstra Law School [bell] to some other
14 professors. I have not been able to find out
15 anything about the history of this thing, the context
16 of the actual authorization, and how the logic of
17 erasing a DOB fine is justified if the legal
18 condition continues. It's simply a concession to
19 meddling (sic) as is everything else. Thank you.

20 CHAIRPERSON BENJAMIN: Commission Vacca.

21 COMMISSIONER VACCA: I thank you for
22 bringing this up. I spoke at your association. It
23 has to be 12 years ago, or 11 years ago.

24 ED JAWORSKI: I—I remember you saying you
25 write down things, and you drive them all.

2 COMMISSIONER VACCA: I write down
3 problems and I drive them all, but I will say that I
4 tend to agree with you, but you should limit that we
5 should limit it at the eight-year limit, but
6 unfortunately our city is unable or unwilling to
7 collect this debt if you gave them 20 years.

8 ED JAWORSKI: Right.

9 COMMISSIONER VACCA: This has been a
10 documented problem for as long as I can remember that
11 we have money we cannot collect or will not collect
12 whether we're incompetent or whether we just don't
13 want the money. I don't get it, but I do think
14 eliminating—eliminating this clause and looking at
15 the Charter perhaps through Charter language we can
16 force—force the city to get its act together. In
17 this age of technology not being able to collect
18 this—these fines is unconscionable, and it means that
19 the—the fines we levy don't mean the paper they're
20 written on half the time because those who we're
21 fining know that we can't collect. So, I would want
22 to explore that and I—and I thank you for bring this
23 up. It's very—it's—it's an important topic. Thank
24 you.

25 ED JAWORSKI: Thank you.

2 CHAIRPERSON BENJAMIN: Alison.

3 [background comments] Sorry, you're next, Merryl.

4 COMMISSIONER TISCH: [off mic] Do you
5 have-[on mic] Sorry. Thank you so much. Do you have
6 any sense of the-I appreciate the geographic was done
7 here, but the breakdown of who is incurring the fines
8 or like there's a difference between the Kushner
9 Companies and the individual homeowner who may have
10 lost his job--

11 ED JAWORSKI: Right.

12 COUNCIL MEMBER TISCH: --and a job and
13 has a challenge in paying a bill, do you have a sense
14 of what the breakdown is on that?

15 ED JAWORSKI: I don't have breakdown on
16 it. I've tried to get some information about this.
17 To tell you the truth I mean the-the thing that
18 brought this to the forefront and I've been beating
19 my head against the wall--

20 COMMISSIONER VACCA: [interposing]
21 [sneezing] Bless you.

22 ED JOWARSKI: God bless you-for quite a
23 while to-even at the ZQAMIH hearings, I said how
24 could you talk about rezoning when you can't enforce
25 the current zoning laws, and it's not that-and it

2 wasn't until Kushner's comments came to the forefront
3 and they're just talking about, you know, \$500,000 on
4 a Kushner company. I have seen six figured problems,
5 \$200,000 a couple of blocks from me, another \$200,000
6 plus on a single-family house in Manhattan Beach area
7 of Brooklyn. So, it's not the \$100, \$1,000, there
8 are a lot of five and six figure folks out there, and
9 that's not just the big companies, it's the
10 individual single-family house construction guy.
11 Now, I defy you—do you remember the—the crane
12 collapse on the Upper East Side several years go.
13 Seven people were killed. You go try to Google that
14 address okay and find out, and there were big
15 headlines that, you know, he's going to be fined,
16 and—and so forth on the front page of the New York
17 Times. Those fines were never collected, and I defy
18 you to go into the DOB's DIS site right now to find
19 where—what the status of those fines are right now.
20 You know what, you won't—you won't do, you won't even
21 find the address in there. They've changed the
22 address of the building. So, you have to do a lot of
23 homework to find the new address, and you'll find out
24 that his fines were never paid in spite of the fact
25 that seven people were killed.

2 COUNCIL MEMBER TISCH: [off mic] I want
3 to stay out from answering questions, but I also want
4 to say, you know, I just think [off mic] every day
5 you learn something new. That is really—it's really
6 something, and I would like Alison, I'd like to know
7 that details behind the data, and I think data tells
8 us a lot.

9 ED JAWORSKI: We—we haven't been able to
10 find—Tony Bella is trying to draft a bill. I don't
11 know what the status is going to be now since he
12 wasn't re-elected, and his folks were trying to get
13 some information on the history. He couldn't get it.
14 This is just a few weeks ago. I was at BSA hearing
15 back in the spring. Sorry to divert his but—

16 CHAIRPERSON BENJAMIN: The Board of
17 Standards and Appeals?

18 ED JAWORSKI: The Board of Standards and
19 Appeals, and they were looking for an extension of—of
20 a variance, and the Chair of the—the BSA my promoter
21 said to the attorney for—for the applicant okay, you
22 know, the community is complaining about a place.
23 The site looks like a jungle, and he's got tens of
24 thousands of dollars in fines. He said I'm going to
25 give you 30 days to clear up the site and to pay the

2 fines, and then I stood up and I said, are you aware
3 of the write-off clause, and she had—there was a
4 young staffer there. He wanted just to give his—he
5 said you ain't seen—no there's going to be a couple
6 more fines written off pretty soon. So, she turned
7 around and she said to them: You've got 24 hours to
8 pay the fines. So, they weren't even aware at the
9 BSA. [background comments]

10 CHAIRPERSON BENJAMIN: Carl.

11 COMMISSIONER WEISBROD: I—I agree it's an
12 appalling situation. I have just a couple of
13 questions about what exactly you're proposing. Like
14 are you proposing that the requirements that all fins
15 be cleared after eight years be eliminated--

16 CHAIRPERSON BENJAMIN: [interposing]
17 Eliminated?

18 ED JAWORSKI: --and leave discretion to
19 reduce fines in cases where it's a not-for-profit is
20 acquiring a building or a single homeowner is trying
21 to save a building. I'm—I'm just a little unclear
22 about what you're proposing. I think the write-off
23 clause should be taken out. You could extend and
24 Tony Bella's—his original draft was, you know,
25 extended out for 20 years. That doesn't help. I

2 mean if someone from the Finance Department explained
3 to us if we don't collect it in in the first year or
4 two, we just don't collect it because now with the
5 eight-year write-off clause after two years have
6 passed and they haven't collected, well, we're half
7 way through the-the eight years.

8 COMMISSIONER WEISBROD: So, just-I just
9 want to understand the implications of it. Are you
10 saying that by eliminating the eight-year write-off
11 clause that there would be no discretion under any
12 circumstances to reduce fines?

13 ED JAWORSKI: I don't know what you mean
14 by reduced fines. If someone is-is essentially
15 violating the rule, he's just ignoring, you know,
16 stop work orders. We've got-there are people out
17 there that just-

18 COMMISSIONER WEISBROD: [interposing] I-
19 I--

20 ED JAWORSKI: --ignore stop work orders
21 and everything else.

22 COMMISSIONER WEISBROD: So, I just wanted
23 to say so-so in a case of say a building that was
24 sold to a not-for-profit that was going to develop
25 that building for affordable housing and the fines

2 still were on the property, and it was just given the
3 not-for-profit. There would be no discretion for the
4 fines or--

5 ED JAWORSKI: [interposing] There should
6 probably be a lien on--on the sale or the transfer
7 and--and, you know the other thing that recently came
8 to my attention is the fact this write-off clause and
9 let's just the write-off is \$50,000 and it's being
10 done. You know the state is, you know, eight years.
11 Let's say that someone has a \$50,000 write-off, does
12 the Finance Department noticed by the IRS that
13 essentially they've given person some untaxable
14 income? I don't know.

15 COMMISSIONER WEISBROD: Just--so under
16 your proposal every fine would--there would be no
17 discretion under any circumstances. I just want to
18 make that clear.

19 ED JAWORSKI: Well, you know, it's--it's
20 got to be studied. You know, there--and--and--and also
21 it depends on what happens with the municipal home
22 rule here. Apparently the state directed the city to
23 put this clause in the City Charter. What the clause
24 was before they--they got this direction 1984, I don't
25 know. I haven't been able to find out.

2 COMMISSIONER WEISBROD: Okay, thank you.

3 COMMISSIONER TISCH: [off mic] This came
4 from the state?

5 ED JAWORSKI: Apparently—the—the—the—a
6 spokesperson for the State Fund—the Department—the
7 City Department of Finance tells me that the State,
8 and this is her quote, "The State gave the city
9 authorization to change the City Charter to set a
10 statute of limitations of eight years to collect ECB
11 gain. Yes. The ECB 8-year statute of limitations
12 provision, and she gave me the name of the—the
13 Chapter from the New York Sessions Law of 1984,
14 Charter 944 directed them to do this. What the—and—
15 and it's not a statute of limitation because from
16 what I gather a statute of limitation, and I'm not an
17 attorney, statute of limitations is—is—is a concept
18 in—in—in law—a legal concept in prosecutorial cases.
19 This is simply a clerical write-off. This is an 8-
20 year boom.

21 COMMISSIONER ALBANESE: Ed, I know you've
22 been championing this for years. You've been pretty
23 aggressive about it and—and your stick-to-itiveness
24 is—a big part of the problem is that some of these
25 entities are LLCs where, you know, if they owe the

2 fines they just--it's hard to find out who's
3 accountable, who is not accountable.

4 ED JAWORSKI: No, you know, who some of
5 these people are. They just ignore it because they
6 know after eight years it goes away. There are folks
7 that if you go into the BISA, it's like you'll see
8 red banners under stop work orders, and--and the list
9 of tens of thousands of dollars are fined, and they
10 just ignore them and they keep on going about their
11 business.

12 COMMISSIONER ALBANESE: So--so in your
13 view, these folks know what the rules are--

14 ED JAWORSKI: [interposing] Right.

15 COMMISSIONER ALBANESE: --and they just
16 basically are vague and stalling--

17 ED JAWORSKI: [interposing] That's right.

18 COMMISSIONER ALBANESE: --until the eight
19 years expire.

20 ED JAWORSKI: Exactly, exactly.

21 COMMISSIONER NORI: [off mic] Don't worry
22 about it. (sic)

23 CHAIRPERSON BENJAMIN: Commissioner Nori.

24

25

2 COMMISSIONER NORI: So, is your primary
3 concern the revenue, or is that there are apartments--
4 there are buildings that are in violation?

5 ED JAWORSKI: Both because the write-off
6 occurs. You know, they--they don't pay the fine. The
7 question is do they ever correct the violation?
8 Probably not.

9 COMMISSIONER NORI: So, why don't we go
10 after that aspect of it? I mean what's--?

11 ED JAWORSKI: Well, it should be on both
12 ends. The--the Finance Department is responsible for
13 collecting the money. The Department of Buildings is
14 responsible for making sure that the--the--the--the
15 problem is collected. I--I was at a town hall meeting
16 last October with Mayor de Blasio, and Rich Chandler.
17 What's his last name? Chandler? Is it Shandler?

18 CHAIRPERSON BENJAMIN: Chandler.

19 ED JAWORSKI: He was there.

20 CHAIRPERSON BENJAMIN: Commission or
21 Buildings.

22 ED JAWORSKI: He was there and I
23 mentioned this thing to him and the Mayor says get
24 together with the Kushner Finance and get this thing
25 resolved. I don't think they ever met.

2 COMMISSIONER NORI: Have you heard from
3 the Mayor since?

4 ED JAWORSKI: No. I've invited
5 Commissioner Gene Hart to our meetings. He didn't
6 come. He did with--with great arm-twisting, I did get
7 a community liaison who gave me this information.

8 COMMISSIONER ALBANESE: It's an
9 experience to come to your meetings.

10 CHAIRPERSON BENJAMIN: Okay, Sal. Thank
11 you very much--

12 ED JAWORSKI: Thank you.

13 CHAIRPERSON BENJAMIN: --Mr. Manning and
14 Mr. Jaworski. We appreciate your testimony.

15 ED JAWORSKI: Thank you very much.

16 CHAIRPERSON BENJAMIN: I have a slip that
17 has two names on it. So, I'm going to ask them to
18 both come up, but someone needs to fill out their own
19 slip. Only one person per slip. The name I have is
20 Alyssa Chin and Jennifer Levy, but one of you needs
21 to fill out a slip.

22 FEMALE SPEAKER: [off mic] Is it okay if
23 I just--like I sign in if I answer question?

24 CHAIRPERSON BENJAMIN: No, no, only a
25 person who is--has been called by us can speak. So,

2 if you want to speak, you need to fill out one of
3 these. [pause] Okay. Ms. Levy and Ms. Chin.
4 [coughing]

5 ALYSSA CHIN: Thank you for the
6 opportunity to testify day.

7 CHAIRPERSON BENJAMIN: And you are?

8 ALYSSA CHIN: My name is Alyssa Chin, and
9 I'm here on behalf of the Legal Aid Society with a
10 staff or more than 2,000 and through a network of
11 borough, neighborhood and courthouse offices
12 throughout the city, the Legal Aid Society provides
13 legal services for clients who cannot afford to--

14 CHAIRPERSON BENJAMIN: [interposing]
15 Would you please speak into the microphone?

16 ALYSSA CHIN: Is that better.

17 CHAIRPERSON BENJAMIN: Yes.

18 ALYSSA CHIN: Sorry. So, the Legal Aid
19 Society provides legal service for clients who cannot
20 afford to pay for private counseling. So the Society
21 will has counsel on hundreds of cases that concern
22 the rights of tenants and rent regulated and
23 unregulated apartments across the city, and so as a
24 result we're intimately familiar with the pressure
25 experienced by tenants in the current and developing

2 housing market. So the New York Charter contains the
3 procedure that community boards, borough presidents,
4 and the City Counsel must employ when considering
5 land use decisions, ULURP. ULURP, however, does not
6 contain substantive requirements, and to the extent
7 that such requirements are imposed by other laws,
8 most noted—sorry— To the extent that such
9 requirements exists, they are imposed by other laws
10 most notably the state and city Environmental Quality
11 Review Laws. These laws omit critical considerations
12 that should inform our elected representatives, land
13 use decision making in a democracy. Most notably,
14 the ULURP review process should require an evaluation
15 of primary and secondary displacement from regulated
16 and unregulated units. It should require an analysis
17 of demographic shifts based on income and ethnicity
18 and finally, the city should track this data from
19 prior rezonings so that our predictions are data
20 driven, as opposed to conclusory as we consider
21 future rezoning. Recent history has established that
22 rezoning results in the accelerated gentrification of
23 communities and the displacement of long-time tenants
24 in both regulated and unregulated apartments. This
25 failure to look at the risks of displacement while

2 considering tenants in rent regulated apartments
3 requires that the City Council amend the Charter.

4 So, under SEQR, a detailed analysis of the
5 environmental impact-effects of indirect displacement
6 is required only if the project has the potential to
7 displace 500 residents; those residents represent at
8 least 5% of the study area population and the
9 residents to be displaced have incomes substantially
10 less than the average incomes of the study area
11 population. The objective is to determine whether
12 the proposed project may either introduce or
13 accelerate a trend of the changing socio-economic
14 conditions that may potentially displace a vulnerable
15 population. And yet this analysis is conducted only
16 in cases in which the potential impact may be
17 experienced by renters living in privately held units
18 unprotected by government regulations restricting
19 rent, or whose incomes of poverty status indicate
20 that they may not support substantial rent increases,
21 but we know that that stock of affordable rent
22 regulated housing is on the decline, and homelessness
23 is on the rise in New York City. According to the
24 New York City Rent Guidelines Board, in 2016 alone
25 7,524 apartments were deregulated across the city.

2 [bell] We know that it is not-rent regulation is not
3 enough to prevent a tenant from being displaced, and
4 rising rents are allowed by gaping loopholes in the
5 Rent Stabilization Code. The City Charter should be
6 amended to require an assessment that includes
7 displacement of rent regulated tenants, and this
8 assessment should track income and ethnicity using
9 data from previous rezonings to inform land use
10 decisions. [applause]

11 CHAIRPERSON BENJAMIN: Thank you. Ms.
12 Levy. Oh, any questions? Ms. Levy.

13 MS. LEVY: [off mic] I was just here to
14 answer questions related to--(sic)

15 CHAIRPERSON BENJAMIN: [interposing]
16 Okay. Oh, way, we have a question.

17 ALYSSA CHIN: Okay.

18 COMMISSIONER HIRSH: As part of the
19 tracking is there any accounting for assumptions
20 around what kind of displacement both on a base-based
21 both on--sorry--income and ethnicity would have been
22 absent any city rezoning action?

23 ALYSSA CHIN: So, that--that is part of
24 the current analysis.

25 COMMISSIONER HIRSH: Did you look at--

2 ALYSSA CHIN: It is statement. I'm
3 sorry. That is part of the current analysis. They do
4 look at a no-action scenario and a wave-action
5 scenario. What we are saying here is that frequently
6 they say that they don't—they can't predict and each
7 neighborhood is different because they don't track
8 the results of prior rezonings and factors, the
9 results of prior rezonings into the analyses. We've
10 seen upzonings across the city that have had
11 gentrifying effects, and we should be tracking that
12 data and incorporating it into our future analyses.

13 CHAIRPERSON BENJAMIN: Thank you very
14 much.

15 COMMISSIONER VACCA: No, wait. One
16 second.

17 CHAIRPERSON BENJAMIN: Oh, I'm sorry. I
18 didn't see you Jimmy.

19 COMMISSIONER VACCA: I like—I like the
20 idea of doing something whenever we rezone a
21 neighborhood. We rezoned, you know, the last
22 rezoning in the city was in the early 1960s and then
23 in the past ten years, we either up-zoned or down-
24 zoned a whole bunch of neighborhoods in the city, and
25 we've not had a study as to what the impact has been

2 of either type of zoning. There is no analysis
3 subsequent, and the same could be said of the 1060
4 zoning original, a zoning resolution. So, you're
5 raising a good point, and there should be an analysis
6 of some kind. Thank you.

7 ALYSSA CHIN: Thank you, Council Member.

8 COMMISSIONER VACCA: Thank you.

9 CHAIRPERSON BENJAMIN: Thank you.

10 [applause] The next two speakers are Amaria Lennard
11 and Anthony Bedford. I'm sorry if I mispronounced
12 that. [applause] [pause] Mr. Bedford, and Amaria
13 Lennard or--[background comments, pause] Ms. Lennard.

14 AMARIA LENNARD: Yes. Okay. He's given
15 his, Commissioner. Can you guys hear me?

16 CHAIRPERSON BENJAMIN: Uh-hm.

17 AMARIA LENNARD: Am I loud enough?

18 CHAIRPERSON BENJAMIN: Uh-hm.

19 AMARIA LENNARD: Okay. So, what I have
20 for you is very, very short, but I just wanted to
21 start by introducing myself. My name is Amaria
22 Lennard and I am new community-community Liaison for
23 Assembly Member Barron, Charles Barron of the 60th
24 Assembly District, out of East New York. I want to
25 say that, East New York for the record, and I am here

2 representing the Assemblyman and the Assemblymember
3 is in support of the New York City Council Member
4 Inez Barron's proposed idea of creating an elected
5 Civilian Review Board [cheers/applause] with power to
6 have the final decision on all cases before the
7 board. Thereby, removing the Police Commissioner
8 from the process. In addition, we are in the process
9 of proposing (1) The election of the police
10 commission and (2) on the community board level
11 expanded influence and control of land use in their
12 communities. Further details on these proposals will
13 be forthcoming during the 2019 hearings, but today, I
14 just wanted to make sure that I representing the
15 office, and these things are put on record for
16 everyone to hear. Thank you.

17 CHAIRPERSON BENJAMIN: Thank you very
18 much. [cheers/applause] Mr. Bedford.

19 ANTHONY BEDFORD: Good evening, ladies
20 and gentleman. My name is Anthony Bedford, Community
21 Advocate in the Flatbush—the Flatbush area. I'm also
22 the leader of the Brooklyn Copwatch Patrol Unit, and
23 I'm also a New York City Assembly candidate. I'm
24 here to basically speak and to testify on behalf and
25 my support for the ECRB, which is the Elected

2 Civilian Review Board. [cheers/applause] Now with
3 me being the leader of Copwatch, I see what most you
4 all up here don't see every day because I'm out there
5 every day I see an experience that myself as being a
6 black man in a black community. In 2016 out of the
7 518 incidences that the CCRB itself have found it to
8 be, you know, found the officers to be guilty of,
9 which one of them was me. None of those officers
10 were ever punished, fired or arrested, and never
11 charged, and that's the problem. When it comes to
12 our community there seems to be impunity, and that's
13 a big problem because if I commit half of the acts
14 that these officers commit, I'll be locked up that
15 day, and would more likely be on Rikers that night
16 and that's a great injustice. So, we do need to have
17 an elective process when it comes to the Civilian
18 Review Board. You cannot have the police policing
19 themselves because we already see how that happens.
20 We have too many hashtags for that. We just recently
21 had a hashtag in Dallas, you know, with the gentleman
22 there who had his whole—her door kicked in and the
23 officer claims that she thought she lived there,
24 which we know that was a lie.

25 FEMALE SPEAKER: That's right.

2 ANTHONY BEDFORD: We have Sahib Vassel
3 (sp?)who was murdered in Utica, Montgomery, you know,
4 by anti-crime officers and SRG officers who have no
5 accountability when it comes to them. You know, and
6 which we call the Bratton Bullies because that's when
7 they most came into effect. You know, we have Kyam
8 Livingston, Khamari Gray, Shanto Davis, and the list
9 goes on and on. As a cop watcher, everyday I record
10 and I see these instances. Just the other day when I
11 was helping protestors, which were a bunch of women
12 and children who basically had the NYPD converge upon
13 them to try to intimidate them from protesting
14 against racial injustice at a nail salon. [background
15 comments]

16 CHAIRPERSON BENJAMIN: Excuse me.

17 ANTHONY BEDFORD: [interposing] Excuse
18 me, people of privilege, people are now talking.

19 CHAIRPERSON BENJAMIN: Only the person
20 who is up here can—excuse me, sir. Only the person
21 who is seated here gets to speak. Thank you.

22 ANTHONY BEDFORD: So, just the privileged
23 gentleman there, when you live in my community then
24 you can speak on my manners. Like I said, we need
25 the ECRB to be to be into effect. We need to make

2 sure that the--the--that the Mayor and that the Police
3 Commissioner O'Neill do not have the stronghold that
4 they have had for all these years because that is
5 grave injustice to the people. We need to make sure
6 that the people receive their justice because again,
7 these officers are not being charged. They're not
8 being prosecuted. They're not being fined at all,
9 and when it come to even civilian--the civil matters,
10 there not being any type of responsibility at all.
11 Even right now you have the Mayor trying to appeal
12 the--the civil lawsuit from Ms. Bah, who's Mohamed
13 Bah's mother. Now, these are the things that I said,
14 again, and again it's insult upon injury, and myself
15 again being a man in this community who has to raise
16 sons and daughters in this community have to see the--
17 the--the--the consistent, you know, acts of violence
18 against our community. [bell] Enough is enough and
19 if you all feel that you support--if you support the
20 people then you would actually put this into effect
21 in the vote in 2019 [applause]. If not, then we know
22 which side you stand on.

23 CHAIRPERSON BENJAMIN: Thank you, Mr.
24 Bedford. [cheers/applause] Any questions. Excuse
25 me. Thank you, Mr.--Commissioner Greene.

2 COMMISSIONER GREENE: Are there any
3 specific powers that you want the CCRB to have that
4 it doesn't have already, or is it specific to
5 changing the body of people?

6 ANTHONY BEDFORD: We need that whole body
7 to be changed. We need for the people to be elected,
8 people from our communities to be elected, the people
9 who know what's going on, the people who can
10 actually, who can actually see what it is and not
11 hold any type of bias or favoritism because of
12 somebody who represented the Blue Run (sic). There's
13 a gang mentality out there that needs to be cut, and
14 when you're putting these fellow members into-into
15 the actual CCRB, that's a problem. That's like the
16 Maffia trying to-trying to basically, you know, void
17 out the Maffia. It's not going to happen. It's
18 going to continue, and these acts will continue and
19 lives will continue being lost until there's a change
20 in our city. [cheers/applause]

21 CHAIRPERSON BENJAMIN: Thank you. Thank
22 you, Mr. Bedford and Ms. Lennard. [background
23 comments] Paula Siegel. Excuse me.

24 FEMALE SPEAKER: [off mic] We need to
25 hear the CCRB.

2 CHAIRPERSON BENJAMIN: Excuse Me, excuse
3 me.

4 FEMALE SPEAKER: [off mic] We want to
5 hear about the CCRB. We want to hear the CCRB, the
6 CCRB.

7 CHAIRPERSON BENJAMIN: I'm sorry, but we
8 are here right now to try and gather information. As
9 I said at the beginning of the hearing, that is the
10 process of the hearing, and over the course of the
11 next year, we will be coming back to you after we do
12 research and analysis with proposals and maybe with
13 additional questions. Telling us now that you would
14 like us--

15 FEMALE SPEAKER: [off mic] [interposing]
16 We want to hear about the ECRB. (sic)

17 CHAIRPERSON BENJAMIN: Excuse me. I am
18 speaking. I'm not interrupting you. So, I would
19 appreciate if we have a level of consideration of
20 anybody who is speaking during the entire hearing.
21 The next two speakers are Paula Siegel and Nina--okay,
22 I'm going to try it--

23 FEMALE SPEAKER: [off mic]

24 CHAIRPERSON BENJAMIN: That's it. Can
25 you say that again, please?

2 FEMALE SPEAKER: [off mic] [laughs]

3 CHAIRPERSON BENJAMIN: And Paula Siegel.

4 Yes, okay. [pause] Ms. Siegel.

5 PAULA SIEGEL: Thank you so much. Thank

6 you so much for holding this hearing. My name is

7 Paula Siegel. I am a senior staff attorney in the

8 Equitable Neighborhoods Practice of the Community

9 Development Project. As some of you know, CDP is

10 primarily a legal services provider that works with

11 local coalition to foster—local coalition to foster

12 responsible, equitable development and make sure that

13 people of color, immigrants and other low-income

14 residents who have built our city are not pushed out

15 in the name of progress. We work together with our

16 clients to ensure that residents in historically

17 under-resourced areas have stable housing that they

18 can afford, places where they can connect and

19 organize, jobs to make a good living, and other

20 opportunities that allow people to thrive. We're

21 extremely excited to collaborate with this Commission

22 on a thorough review of the City Charter, which is

23 long overdue in the Land Use context. I have just

24 handed out a written version of my testimony, which

25 goes into detail on 18 specific recommendations that

2 I'm going to cover more broadly as I speak and then
3 I'll welcome questions. Attached to my testimony is
4 also the Inclusive City Report that Council Member
5 Reynoso referred to earlier. We worked with that--on
6 that report with the Council Member at the Manhattan
7 Borough President's Office, and more than the two
8 dozen of our clients and partners, and you'll see
9 them listed. On the second page the report contains
10 other specific recommendations, but they're not all
11 specific to the charter . The recommendations I'm
12 highlighting today, the 18 you'll see on the first
13 two pages are specific to the Charter and they echo
14 what we've heard from our clients in recent months
15 specifically from the Northwest Bronx Community
16 Clergy Coalition from St. Nick's Alliance in Brooklyn
17 from good old Lower East Side in Manhattan from have
18 --working in Manhattan and Queens among others. So,
19 the first recommendations address seeking an
20 assurance that more public land is subject to--subject
21 to approval through the city's Uniformed Land Use
22 Review Procedures including land that belongs to the
23 New York City Housing Authority, which can now be
24 disposed of without a City Council vote, and all the
25 land that is subject to irrelevant and outdated Urban

2 Development Action Area Program, a program that was
3 designed specifically to facilitate the off-loading
4 of public land at a time when the city thought it had
5 too much of it. That is—that is currently written
6 into the Charter and must go. We're also
7 recommending ways in which the ULURP process itself
8 should be streamlined and made more transparent.
9 We're asking the Commission to use the Charter to
10 leverage the city's oversight and disposition powers
11 to ensure greater and more long-term public benefits
12 including enforcing existing deed restrictions, and
13 [bell]—and encouraging the disposition of public land
14 for public good, but also recommendations were made
15 to the tax lien sale process, which currently
16 endangers community property and lets vacant
17 privately owned property flip to the private market
18 without any kind of public review. Recommendations
19 related to rights and protections for low-income
20 renters and small businesses and finally echoing some
21 of the—some of the other speakers you heard tonight,
22 recommendations to address the need for data that
23 would allow community planning that is genuinely
24 participatory, equitable and more, and actually it
25 serves our clients. Thank you so much.

2 CHAIRPERSON BENJAMIN: Thank you very
3 much. Any questions?

4 PAULA SIEGEL: And there is a lot.

5 CHAIRPERSON BENJAMIN: There is. I'm
6 sure we'll be seeing you again. Ms. Will--Wilmias--

7 MS. VILMA ZAVALA: Vilma Zavala. (sic)

8 CHAIRPERSON BENJAMIN: Say that again.

9 MS. VILMA ZAVALA: Okay. [bell] Dear
10 Members of the Commission so good evening. I am an
11 East New York community organizer as well as a
12 teacher of English as a second language, and a proud
13 New Yorker originally from Ukraine. I am here on
14 behalf of a group of inter-related organizations
15 namely and mainly the New York City Immigration
16 Office Central of the Russian and Ukrainian Culture
17 and Russian Speaking Community Council. So, we are
18 organizing and advocating for say about 200,000
19 immigrant New Yorkers coming from 15 former Soviet
20 immigrant countries with a special emphasis on
21 refugees, asylum seekers and political system from
22 also terrorist regimes. Our proposal from the
23 Linkage by the Russian-Speaking Community Council
24 President Dmitri Daniel Glinski consults and wants
25 specific articles in our City Charter in Section 18

2 of the one (sic) on the Mayor's Office of Immigrant
3 Affairs. We urge you to replace the Office with an
4 immigrant rights and a fully the Commission whose
5 members should be appointed from among their
6 candidacy. They often do not use those,
7 proportionately the number to the size of a major and
8 re-advanced in unity with the city. To be effective,
9 these commissioners must be civil servants. Also
10 they should have a lot of offices in every borough
11 and these offices should be governed by their own
12 immigrant leadership council emphasis on refugees,
13 asylum seekers and political system from Santeria
14 regions. Our proposal from the Linkage by the
15 Russian-Speaking Community Council, and here are our
16 reasons of this: Our city are 60% foreign born with
17 immigrants of all races, the white, black, brown the
18 Asians, Hispanic need most are first, representation
19 and second real economic opportunities including
20 building those professionals sowing for their
21 community and our city. The office as it is
22 captioned under this article provides none of that.
23 It has such hard-working, dedicated staff with plenty
24 of good intentions, but often have no experience of
25 being an immigrant and limited connection to

2 immigrant communities themselves. New immigrants
3 tell us and I know that from my own experience. The
4 office is not quite responsive, and at times not even
5 available with challenges and developments within-
6 between these communities. In contrast, government
7 in such a peaceful, progressive nation, Houston and
8 other major cities, as it is wide based [bell] their
9 local laws includes community leaders now on a more
10 or less representative basis, and they have much
11 broader and broader mandates than the Mayor's Office
12 of Immigrant Affairs. So, we sure that New York
13 should follow these examples of real democracy.
14 Thank you for your attention.

15 CHAIRPERSON BENJAMIN: Thank you very
16 much. Are there questions?

17 MS. VILMA ZAVALA: Thank you.

18 CHAIRPERSON BENJAMIN: Thank you very
19 much both of you. [applause]

20 CHAIRPERSON BENJAMIN: Thank you very
21 much both of you. [applause]

22 CHAIRPERSON BENJAMIN: The next two
23 speakers are Council Member Brad Lander and Oviawale
24 Clay.

25 CLEM YURAVAL: [off mic] It's Omowale.

2 CHAIRPERSON BENJAMIN: I'm sorry.

3 [applause][pause]

4 OMOWALE CLAY: Good evening.

5 CHAIRPERSON BENJAMIN: Good evening, Mr.
6 Clay.

7 OMOWALE CLAY: Okay.

8 CHAIRPERSON BENJAMIN: Sorry about the
9 mispronunciation.

10 OMOWALE CLAY: No, that's alright. It's
11 Yorubal. It means someone who returns home.

12 CHAIRPERSON BENJAMIN: Okay.

13 OMOWALE CLAY: Good evening members of
14 the Charter Review Commission and members of the
15 audience. My name is Omowale Clay and I'm testifying
16 on behalf of Council Member Inez Barron who
17 represents the 42nd Council District and the Chair of
18 the Committee on Higher Education. I would like to
19 recognize Manhattan Borough President Gale Brewer,
20 Public Advocate Letitia James, Speaker Corey Johnson
21 and Council Member Ben Kallos and Carlina Rivera for
22 introduction into 241, the bill that established this
23 Charter Revision Commission. This evening I would
24 like to request that the members consider making
25 significant changes to the Civilian Complaint Review

2 Board. According to the powers [applause] and duties
3 of the Board, excepts from Section 440 of the New
4 York City Charter states: The Board shall have the
5 power to receive, investigate, hear, make findings
6 and recommend actions upon complaints by members of
7 the public against member of the Police Department
8 that allege misconduct involving excessive use of
9 force, of use of authority, discourtesy, use of
10 offensive language including, but not limited to
11 slurs relate to race, ethnicity, religion, gender,
12 sexual orientation and disability. I join with
13 advocates who call for establishing a Civil Review
14 Board that is elected by New York City voters.
15 [cheers/applause] We have experienced, read or
16 witnessed too many accounts of misconduct, abuse and
17 police killings of New York City residents
18 particularly of unarmed persons by officers of the
19 NYPD with little or no punishment muted out to the
20 officers. I point your attention to some of the most
21 egregious: 18-year-old Ramarley Graham from the
22 Bronx who was killed in his home in front of his
23 grandmother and 6-year-old brother by Officer
24 Richards Haste; Eric Garner who was killed by Officer
25 Daniel Pantaleo by use of a banned chokehold in

2 Staten Island and Delrawn Small who was killed by an
3 off-duty officer Wayne Isaacs. The CCRB was
4 established in 1993. Twenty-five years is sufficient
5 time to give officials and the public the information
6 and data to measure their effectiveness. [applause] A
7 report released New York City Liberties Union in 2007
8 concluded: The Civilian—the city’s Civilian
9 Oversight system, which is intended to provide
10 accountability for acts of police misconduct is not
11 performing the mission it is charged with in the City
12 Charter, but examined investigations covering the
13 period 1994 through 2006. Another report released by
14 NYCLU in 2017 found that misconduct by NYPD had
15 increased in 648 substantiated cases to 1179 cases an
16 increase of 82%. Of the 518 officers who were
17 disciplined none were fired and only 4%, 20 officers
18 were suspended or lost vacation for more than 10
19 days. The CCRB continues to close [bell] and dismiss
20 most of these cases without completing and
21 investigation. These as recommendations were not
22 limited to just these. The board must be elected by
23 New York City in districts covering the five
24 boroughs. The board must have power to investigate
25 police misconduct and make findings or disciplinary

2 decisions must be binding or ECRB must be granted
3 [applause] with subpoena powers. Far too long
4 officers who have violated police policy, abuse their
5 power and harm people. They are paid to protect.
6 Have ben able to evade making restitution or receive
7 an appropriate reprimand. I think it was asked—I
8 think someone asked how would you measure the
9 effectiveness of the board with these revisions? It
10 would be by the number of police officers who are
11 arrested and incarcerated. [cheers/applause]

12 CHAIRPERSON BENJAMIN: Thank you, Mr.
13 Clay. Are there any questions? Thank you, Mr. Clay.

14 OMOWALE CLAY: Thank you.

15 CHAIRPERSON BENJAMIN: Mr. Lander.

16 COUNCIL MEMBER LANDER: Thank you Chair
17 Benjamin, and members of the Commission. I really
18 appreciate your service. My name is Brad Lander.
19 I'm a member of the New York City Council and the
20 Council's Deputy Leader for Policy. I'm working with
21 some of my colleagues and with the Speaker on
22 testimony we may bring forward in the future from the
23 Council itself, but tonight I speak only for me. You
24 have an exciting task ahead of you. Obviously,
25 looking at the entire Charter with full ability to

2 think about what's working and not working in our
3 city government is a powerful responsibility, and I
4 really appreciate your doing it. It is obviously
5 broad from strengthening transparency in the budget
6 process to thinking about advise and consent on major
7 appointments like the Police Commissioner or the
8 Chancellor to, yes, considering a more independent
9 and empowered Police Review Board, which is something
10 that I do support, but I'm not going to testify about
11 tonight. [applause] I want to speak to you about two
12 things briefly tonight. First, instant runoff voting
13 and second some changes to the land use review
14 process to achieve more fair equitable and inclusive
15 outcomes and processes. So, first on instant runoff
16 voting I know some of you may have seen the 2018
17 Charter Revision Commission appointed by the Mayor
18 received a lot public testimony from people including
19 me, but many others to consider implementing instant
20 runoff or rank choice voting in our elections to
21 avoid expensive unnecessary runoff elections in the
22 primary where people wind up with less than a
23 majority. We have to have an expensive runoff, and
24 what we've seen all around the country now is that
25 instant runoff voting is win-win-win. It increases

2 participation. It saves money. It gives candidates
3 a reason to campaign in every community and not write
4 some communities off. It discourages negative
5 campaigning, leads to more diverse representation,
6 and strengthens the majoritarian legitimacy of those
7 elected. I'm not going to go into more details now,
8 there's some details we presented to the prior
9 commission and in their report, but the evidence is
10 from all over and one of the most interesting things
11 is that in both Maine and Minnesota the candidates
12 who actually lost under instant runoff voting still
13 wound up supporting the system and believing it had
14 been better for their local and state democracies in
15 those places. I urge the Commission to explore the
16 details, review research and develop a thoughtful
17 proposal to place instant runoff voting on the ballot
18 in 2019. Second, you're going to hear a lot about
19 voting and land use process. In 1989 the Charter
20 Revision Commission made some significant changes
21 both to the Fair Share process and the ULURP process.
22 I respect the work of that Commission, and people
23 like Chair Benjamin and Chair Weisbrod who helped
24 advance it, but we face some new challenges now. The
25 level of growth and development, the pressure that

2 places on neighborhoods, the affordability crisis,
3 the sustainability and resiliency issues, our aging
4 infrastructure and I believe that in that context
5 with those challenges are highly reactive ULURP
6 process just is not getting the job done. Each
7 application is brought either by a private developer
8 of by the Administration, and it's not judged against
9 a broad set of goals we've collective agreed to for
10 sustainability or affordability or how to share and
11 distribute the challenges [bell] and the benefits of
12 growth. We've got to do some things differently.
13 So, I do think and I'm happy to talk more at a latter
14 time about what a comprehensive and proactive
15 planning process would look like that would set
16 shared goals at the beginning of that process in a
17 way that involves some dialogue data, and cross-
18 acceptance with communities, set a platform so that
19 projects are then judged since that comprehensive
20 plan in a real and thoughtful and fair way that makes
21 sense to communities that is less reactive. So,
22 that's number one. Number two, it's time to revisit
23 and reform the city's Fair Share process for siting
24 municipal infrastructure and services. They've tried
25 some creative things in 1989, but they just are not

2 getting the job done. The Council two years ago
3 published a really comprehensive report on how we
4 could address the unfairness and the siting of
5 municipal infrastructure from waste treatment
6 stations to every form of infrastructure. Every
7 community, you know, ought to have access to a good
8 public school and a library, and nobody should be
9 overburdened with those things that we all need, but
10 that folks really would prefer not to have in their
11 back yard, and we have some thoughtful proposals for
12 how to revise our Fair Share process, and then
13 finally, I joined some earlier colleagues in saying
14 please look at the disposition process for city-owned
15 land. In this day and age there is just no reason
16 for us to be disposing city-owned land for-profit
17 private developers where they need to make a profit
18 on their development projects who could put them only
19 to community land trusts or non-profit developers for
20 permanently and deeply affordable housing [applause]
21 for equitable economic development. I apologize for
22 overstaying my time, and I thank you again for your
23 service on this important issue.

24

25

2 CHAIRPERSON BENJAMIN: Thank you, Council
3 Member Lander. [applause] So, Commissioner Vacca had
4 a question for you. Commissioner Vacca.

5 COMMISSIONER VACCA: Councilman Lander
6 thank you very much. I'm interested in all of your
7 testimony, of course, but I did want to talk about
8 instant runoff voting, which I am interested in. I
9 know you said you were going back to the Council to
10 refine this and to come back with some specifics.
11 Did you—did you submit more specifics to the Mayor's
12 Panel?

13 COUNCIL MEMBER LANDER: Yes.

14 COMMISSIONER VACCA: Do you include in
15 this proposal instant runoff voting for the three
16 citywide offices or do you include borough president
17 and Council people?

18 COUNCIL MEMBER LANDER: So, the proposal
19 that I think at a minimum it should be the three
20 citywide offices, and I think City Council Special
21 Elections would be a good place to go since there's
22 no general, right? So, you've just got one long list
23 of people, and doing a ranking system there would
24 make a lot of sense, and just the—the election that
25 elected Council Member Donovan Richards there were

2 eight candidates. Nobody got over 20% of the vote,
3 and so, I'm not closed to borough presidents or
4 Council members that if we're trying something new
5 we've got to get New Yorkers aware of it. I think
6 the three citywide and Council specials would at
7 least be a good place to start though I wouldn't
8 argue with that.

9 COMMISSIONER VACCA: Do you anticipate an
10 objection from the Board of Elections? Because I'm
11 thinking of the ballot that we receive, and the
12 ballot how would that go? Technically, how would you
13 do an instant runoff on a--the common ballot we get
14 from the Board of Elections?

15 MEMBER LANDER: The good news here is
16 that there are a couple of places that use our exact
17 same elections software and machines that have
18 instant runoff voting. So, Minneapolis and one other
19 city and I'm spacing what it is--I apologize but I
20 can get back to--use our same scanning system, our
21 same one-face ballots. It's pretty simple to leave
22 the room for people to rank 1-2-3. It doesn't take a
23 lot of extra space on the ballot, and people have
24 found it pretty intuitive. I think I was worried
25 when I first learned about it that voters would find

2 it complicated, that the ballot would appear
3 complicated, but in all the places they've done it,
4 and especially in those places that have our same
5 software system, people report they found it easy to
6 use. They found it easy to rank, and it worked
7 pretty well.

8 COMMISSIONER VACCA: And this would be in
9 primary elections?

10 COUNCIL MEMBER LANDER: Yes, primaries
11 and again I think those Council specials.

12 COMMISSIONER VACCA: Okay, thank you.

13 CHAIRPERSON BENJAMIN: Sal.

14 COMMISSIONER ALBANESE: Council Member,
15 the—the rank—the instant runoff was an interesting
16 idea, but why do you think the Mayor's Commission
17 rejected it?

18 COUNCIL MEMBER LANDER: [laughs] Maybe
19 you can find out more from the Mayor's—from the
20 Mayor's commission than I.

21 COMMISSIONER ALBANESE: I'm sure you can
22 talk to the Mayor.

23 COUNCIL MEMBER LANDER: I have not had a
24 conversation with the Mayor about instant runoff
25 voting. I honestly don't know. I think it's a great

2 idea and I don't know why, you know, the Mayor-it's-
3 it's true. I don't think it's secret, but the Mayor
4 himself is not an enthusiast. I have a bill, you
5 know, I have a bill in the Council to do this. It
6 would have to go to referendum, which is why it's
7 important--

8 COMMISSIONER ALBANESE: [interposing]

9 Right.

10 COUNCIL MEMBER LANDER: --to come here.

11 We could pass a Local Law that would have to go to
12 referendum. I sought his support for that bill. I
13 have not yet secured his support for that bill. I
14 think it makes sense from a lot of points of view.
15 So, I'm not sure where that--

16 COMMISSIONER ALBANESE: [interposing]

17 Has he--has he checked?

18 COUNCIL MEMBER LANDER: --opposition was,

19 and maybe he's not opposed. Maybe we just haven't
20 yet made the case satisfactorily.

21 COMMISSIONER ALBANESE: It seems to me

22 that it's a no-brainer. What's the key objection?

23 It saves my name.

24 CHAIRPERSON BENJAMIN: I don't know that

25 you can really expect him to speak for the Mayor.

2 [laughter] He's elected in his own district with the
3 Mayor.

4 COMMISSIONER ALBANESE: I do know that
5 Council--that Council Member Lander has--has the ear
6 of the Mayor so I thought, you know, he was--

7 COUNCIL MEMBER LANDER: There are things
8 that I've been able to persuade the Mayor and things
9 I've not been able to persuade the Mayor. So, look,
10 I think it's a real question. I will say there are
11 things to pay attention to in the process, and there
12 were thoughtful questions that the Commission about
13 how to make sure that it works in a way that's
14 successful. You know, I'll--you know, one of the
15 commissioners on the prior Commission said something
16 like, you know, the 1977 Koch-Cuomo runoff was like
17 a--it's kind of a visible, important moment in
18 thinking about choices that the city had. I don't
19 think it's we're--like we're spending a lot of money
20 for something that mostly doesn't move the ball down
21 the field. Obviously, you've got some excellent
22 appointees on this Commission who are mayoral
23 appointees. I think finding out what the concerns
24 are and like let's make sure together we can address
25 them because, you know, I think the goal is to--is to

2 make our elections better, and I'm confident we can
3 all get there in pretty sensible (sic) way.

4 CHAIRPERSON BENJAMIN: Commissioner
5 Greene.

6 COMMISSIONER GREENE: Thank you. I-I
7 wanted to first thank Mr. Clay for some of the
8 additional specifics that I had alluded to in a prior
9 question beyond just elected the CCRB. That's very
10 helpful. Thank you. For Council Member Lander, a
11 question for you on your reference to more
12 comprehensive planning. I gather there are more
13 forthcoming details so, you know, please defer to
14 that if helpful, but do you have a sense for how
15 often you might like this comprehensive planning to
16 be done, and who's—who's leading it?

17 COUNCIL MEMBER LANDER: Yeah. So, you
18 know, and there's a lot of examples now from around
19 the world of cities. London does it. Seattle and
20 Portland. There are cities that have good processes
21 and we should learn from what's working—and not
22 working because it's not a simple process. I think
23 about every ten years is probably the right amount of
24 time to come back and update it. You might have a
25 process for making amendments or updates along the

2 way, but you're trying to take a big long-term look.

3 You're starting with some doubt and saying what do we
4 think the projections are for the growth in our city?

5 How do we think we are set to handle it or not? What

6 infrastructure investments would we need? You know,

7 what are the core other issues like more resiliency

8 in the face of climate change or, you know, so you

9 start there. In terms of who does it, we need a

10 process that involves multiple actors. I think

11 obviously the Department of City Planning would have

12 the responsibility for gathering that initial data,

13 but you're going to have to have a process, and I

14 used this word in the testimony that some planners

15 used of cross-acceptance. Nobody is excited about

16 having more growth in their neighborhood. Right?

17 So, the challenge is people keep coming to New York.

18 We have to think about how to handle that growth

19 thoughtfully in ways that take us forward and don't

20 exacerbate problems. So, you've got to say to

21 people, Look, if we can work together to find a way

22 to plan thoughtfully, you're going to have more

23 ability to say in your neighborhood where it goes and

24 doesn't, what else you need, what kinds of priorities

25 there are. So, what exactly does mean? Yes, we are

2 starting to do some research to try to drill down on
3 what's working and not working in other cities. I
4 don't know. I know that the prior commission picked
5 some issues and really had the opportunity to drill
6 down in more round table like sessions. I don't
7 think it's simple. I don't want to be naïve about
8 it. You know, I make this kind of joke I sometimes
9 make in the testimony that sometimes it just seems
10 like our whole land use process is just REBNY versus
11 NIMBY. You know, like developers that want to see
12 change happen and people in their neighborhoods that
13 feel like that's going to erode or destroy what's
14 best about their neighborhoods, and we just shout it
15 out, and right now we just aren't starting from amore
16 comprehensive look at what the challenges the city is
17 facing, and how we ought to try to work together
18 collectively. I don't want to again Pollyannaish or
19 naïve, but I think a process like that could help us
20 have the land use conversations in a more productive
21 and thoughtful way.

22 CHAIRPERSON BENJAMIN: Paula.

23 COMMISSIONER GAVIN: Thank you so much as
24 always Councilman. I wanted to just ask if the
25 planning process would include the shared goals. So

2 your vision is that this planning process would come
3 up with those shared goals, what then would be the
4 criteria, used going forward?

5 COUNCIL MEMBER LANDER: Yes, absolutely.

6 The idea is to use the process to figure out what are
7 the core challenges that we're—we're facing. What
8 are the goals? You get to some level of specificity,
9 right? You're trying to say alright, you know, if we
10 think one of the challenges of our city is that its
11 too segregated, how are we going to think about in
12 the course of thinking about our transportation and
13 our housing and our schools planning for the future
14 how do we set benchmarks and goals for what it would
15 look like to improve those things, and when we get a
16 plan that comes forward in the future, we're going to
17 be able to judge it against that benchmark. Does it
18 make the city more integrated rather than more
19 segregated? Does it achieve these resiliency goals
20 we've set? You're not going to set all those goals
21 in the Charter. Those goals are going to have to be
22 set through the planning process, but I think it
23 would give some ability to evaluate land use actions
24 based on whether they're achieving some of the goals

2 we set collectively rather than only the goals of the
3 individual route.(sic)

4 COMMISSIONER GAVIN: Thank you.

5 CHAIRPERSON BENJAMIN: I think Alison was
6 next, then Merryl.

7 COMMISSIONER HIRSH: Thank you, Council
8 Member. Just a question on that because I think—I
9 don't want to underestimate the challenges of the
10 current ULURP system, but the—I guess the question I
11 have is if you engage in a—or I just have two
12 questions. They are sort of compacted but, you know,
13 one assumes that the staff currently at the City
14 Planning Commission has some kind of long-term
15 planning and so, this one question is are you just
16 suggesting that whatever the sort of City Planning
17 staff currently engages in becomes sort of a citywide
18 process that others engage in but it wouldn't
19 supersede the existing ULURP process? I can clarify
20 that I mean.

21 COUNCIL MEMBER LANDER: Yeah, well I
22 think that's two different questions about how it
23 relates to the ULURP process and how it relates to
24 what planning currently goes on. Of course, the
25 department does some plan—some bigger look at things,

2 but there isn't a process that you take, that you
3 know that you do every so often. I mean again the
4 comprehensive planning that the city has done at some
5 points in the past, and other cities do, you know,
6 again on the kind of ballot ones that get the scale,
7 and yes, it-it's a-you've got a staff. The staff
8 have to do the work, but the setting of the goals
9 involves all these different actors, and just like
10 you've got a commission with multiple appointers,
11 this goes before the Planning Commission, it comes
12 before the Council, and it goes before the borough
13 presidents. So, the set of goals get negotiated, and
14 by community boards as well. So, it's always messy.
15 It always involves negotiation. You come out with a
16 documents that to the best of our ability represents
17 a shared set of goals, and then I think a really
18 [bell] important implicit set in your question-
19 implication in your question is what does that mean
20 for actions that are brought in those next ten years?

21 COMMISSIONER HIRSH: Right, that is my
22 question.

23 COUNCIL MEMBER LANDER: And yes, what I
24 would say is I'm not proposing that we undo as-of-
25 right zoning, the things that are as-of-right under

2 current zoning would presumably stay that way, but it
3 seems to me that land use proposals that comport with
4 that are aligned with that plan ought to be somewhat
5 easier to move through the process, and land use
6 proposals that don't comply with or align with that
7 plan ought to be harder to move through the land use
8 process. Exactly what that means, how much easier,
9 how much harder. Do you do a comprehensive generic
10 environmental impact statement, and if you fall
11 neatly within it, you don't have to do an additional
12 EIS because it's clearly within the goals. So, you
13 save some time in the process, or—and we have to
14 think—this is some of the more detailed thinking. I
15 do think plans that comply with the comprehensive
16 plan would need to be easier to move through the
17 process. That would be the whole point of doing
18 this.

19 CHAIRPERSON BENJAMIN: Commissioner
20 Tisch.

21 COMMISSIONER TISCH: Yes

22 COUNCIL MEMBER LANDER: [off mic] It's
23 interesting—

24 CHAIRPERSON BENJAMIN: You have to speak
25 into it. You can take it off of the thing.

2 COMMISSIONER TISCH: It's interesting
3 that people who have spoken before you spoke about
4 campaign finance reforms, and I'm curious. Do you
5 draw dot-a dotted lined between land use issues and
6 the building you tackle, appropriate campaign
7 financing in the city?

8 COUNCIL MEMBER LANDER: So, so that's an
9 interesting questions. I think that's an area where
10 we have made some progress, you know in the cycle
11 when-when we changed the law to make contributions
12 for people who do business with the city both much
13 more limited and non-matchable. The percentage of
14 contributions from people in real estate to City
15 Council members shrunk dramatically. It was mid 30s.
16 I think 35 or 36% before that, and it went down to
17 like 5 or 6% in the cycle after that. There's more
18 to do. I support the Campaign Finance Reform
19 proposal that your predecessor Commission has put on
20 the ballot. So, look, it's important to get money
21 out of politics. I think the land use challenges we
22 face are genuinely hard and I don't think they're
23 only hard. Of course, one reason they're hard is
24 that developers are profit motivated and trying to
25 make money on their development project, and it's in

2 their interest to do everything they can to get their
3 projects approved. That is absolutely one reason,
4 but there are many others, and it is genuinely
5 difficult. We have a growing city because people are
6 moving here, not because developers are driving them
7 to move here because they're moving here, and it's
8 not easy to accommodate that level of growth. Folks
9 in most neighborhoods would just rather keep their
10 neighborhoods the lovely places they are. The
11 infrastructure is old, and so it's not easy to figure
12 out. Boy today's commute was ridiculous. So, I
13 think it's a hard set of problems, and it's—it's not
14 made better by the fact that we finance campaigns on
15 private dollars, but I don't think it's the number
16 one problem in the system.

17 CHAIRPERSON BENJAMIN: Carl and then Sal
18 and then Jimmy Vacca.

19 COMMISSIONER WEISBROD: Thank you,
20 Council Member Lander. I appreciate you given
21 probably as much thought to these issues as anybody,
22 and I really appreciate it--

23 COUNCIL MEMBER LANDER: [interposing] Yes
24 that's a lot coming from you since you've—you're
25 giving the most thought.

2 COMMISSIONER WEISBROD: It really about
3 that, you know. (sic) I'm-I'm-with respect to a
4 comprehensive plan, I just want to get a sense of not
5 so much the process, which is complicated but the-
6 what-what you see as the-as the sort of magnitude of
7 the plan. As you know, the city did attempt to do
8 this about 50 years ago, and more than 50 years ago,
9 and invested a huge amount of time and effort
10 virtually the entire Department of City Planning was
11 devoted to it, and then by the time it was finished
12 it was largely not relevant any more. Time had
13 changed and it had taken four or five years to do.
14 So, that's one let's say extreme, and then what the
15 city has now been doing the last several years is
16 PlaNYC. That plan is sort of morphed into OneNYC,
17 and do you see the-the latter as a-a more robust say
18 OneNYC as sort of a level of-of-of planning that
19 you'd like to see sort of a set of-I mean obviously
20 OneNYC has not addressed all land use issues. It has
21 addressed some city goals, but I'm-I'm not so much
22 talking about the substance or the process as much as
23 I am about the level of detail and what-whether it's
24 closer to a strategy even than a plan.

2 COUNCIL MEMBER LANDER: Yes. Look, I
3 think it's a good question, and you certainly have a
4 lot more insight having led that department into the
5 magnitude of work and how much detail you get. My
6 gut is that it's something that ought to take one or
7 two years to develop, you know between kind of the
8 early stage development of the data and then the
9 moving through a process where multiple actors get to
10 give feedback on it, and it ought to be—you ought to
11 hope it's good for about ten years. So, exactly how
12 drilled down can you get? Like it's sort of guided
13 by the resources you have. I do think that the
14 general scope of the PlaNYC and OneNYC documents is
15 about the level of detail that I would imagine. I
16 think the question Alison asked about how to—you've
17 got to be able to know whether proposals comport with
18 it. So, you have to think a little more than those
19 two plans did about, you know, what you're asking of
20 an individual land use action to tell whether it
21 complies with the plan. So, I think some thinking
22 would have to go in there. It's a little easier now
23 than it was 50 years to be real time given the data
24 that we have at our—at our fingertips, but I think
25 it's important to do it with the humility that things

2 are constantly changing, and do your best to, you
3 know, on the time you have, you know, make some
4 mistakes and some things a few years later are going
5 to have to be corrected, but we'd still be better off
6 than having to finish that. (sic)

7 COMMISSIONER WEISBROD: And-and just one
8 follow up on that, and I think you answered this, but
9 I just want to be clear. It is a dynamic city as we
10 know and not-and it's not a-it's-it's a complicated
11 city and it's not-you know, the marketplace is not
12 always entirely rational-rational of foreseeable, and
13 so there are times when conceivably something would
14 have to be done that was contrary to a broad plan. I
15 understood what you were saying. You were suggesting
16 that that should just be harder to accomplish not
17 impossible to accomplish, is that correct?

18 COUNCIL MEMBER LANDER: Yes, that's fine.

19 COMMISSIONER ALBANESE: Council Member on
20 Campaign Finance, I got the sense that you-you
21 believe that under our system that we don't have that
22 much influence by lobbyists or other places. Is that
23 accurate?

24 COUNCIL MEMBER LANDER: No. I think the
25 restriction on doing business contributions that

2 reduce them from what was then, you know, \$2,750 to
3 Council Members down to \$250 and it took away a
4 match. It was found by the Campaign Finance Board to
5 have made a significant reduction in the amount of
6 money from folks who were doing business with the
7 city and seeking particular influence, and that it
8 was a very good change. I'd love to see us do more.
9 I support the new proposal, and I'm open to other
10 changes. You know, the--the--the influence of money in
11 politics is not good for us at any level. We've got
12 a lot in our system and the state does it and the
13 federal government does, but there's more for us to
14 do.

15 COMMISSIONER ALBANESE: So, you--so you
16 would say the pay to play is still a problem in New
17 York City?

18 COUNCIL MEMBER LANDER: Less than it was,
19 but still a problem. Sure.

20 COMMISSIONER ALBANESE: You mentioned--by
21 the way, I'm very skeptical with Campaign--the New
22 York City Campaign Finance Board statistics about
23 people doing business with the city, the amount being
24 lowered. We do--you do know that--that lobbyists and
25

2 developers and people who do business with the city
3 can still bundle money, right?

4 COUNCIL MEMBER LANDER: Well, they're
5 bundled and again look obviously people can do all
6 kinds of things under the table or cheap, but no we
7 changed the rule last year or two years ago so that
8 now contributions bundled by lobbyists or folks doing
9 business with the city are not matched.

10 COMMISSIONER ALBANESE: But they--but
11 they're still--

12 COUNCIL MEMBER LANDER: [interposing] You
13 can still bundle them, but you can't--

14 COMMISSIONER ALBANESE: [interposing] Of
15 course.

16 COUNCIL MEMBER LANDER: --but you
17 substantially reduce, and now if you reduce--if we
18 reduce the contribution limits even further, and you
19 can't get the match--anyway, these are good changes.
20 I'm all for more changes, but taking the match away
21 from bundled contributions was a very good step.

22 COMMISSIONER ALBANESE: It's a step
23 forward--

24 COUNCIL MEMBER LANDER: Yes.

2 COMMISSIONER ALBANESE: --but obviously
3 not enough.

4 COUNCIL MEMBER LANDER: Fair enough.

5 COMMISSIONER ALBANESE: Yes.

6 CHAIRPERSON BENJAMIN: Council Member
7 Vacca.

8 COMMISSIONER VACCA: I wanted to get back
9 again to the instance runoff. I would like you to
10 give me information, but if you cannot do it, then I
11 would like the staff at the Commission to tell me how
12 much money we spent on runoff elections in the city
13 of New York since the runoff was instituted, which I
14 think was after the 1969 Mayoral Election, and I
15 would like to know how much money the city has spent
16 in runoffs and what the level of participation in
17 those runoffs were. So, that's number one. Number
18 two, this year, if I'm correct--I'm sorry. Not this
19 year. In 2019 we do not have a major city election,
20 but we will have probably an election for public
21 advocate in March; a primary for Public Advocate in
22 September; a runoff in October; and an election in
23 November for a job, which I must say is advisory and
24 one of advocacy. Let me put it that way. So, I'm
25 looting for the taxpayer as well as the reality that

2 this runoff voting is probably more inclusive of
3 people participating in the process, and I would like
4 that information from, but if not, I would like it
5 from the staff.

6 COUNCIL MEMBER LANDER: Great. We can get
7 the details to you. I know that just for the last
8 Public Advocate runoff between Letitia James and
9 Daniel Squadron in 2013. I'm pretty sure that the
10 cost was \$13 million. Many fewer people came out to
11 vote two weeks later than had voted in the primary
12 two weeks earlier. So you had a less representative
13 election that we spent an additional \$13 million on.
14 We can gather additional data on this one.

15 CHAIRPERSON BENJAMIN: Okay. Commissioner
16 Camilo.

17 COMMISSIONER CAMILO: Thank you so much,
18 Council Member. It's fun to ask you questions now.
19 [laughter]

20 COUNCIL MEMBER LANDER: It's no doubt,
21 you have your--

22 COMMISSIONER CAMILO: I just had two very
23 quick--more--more of just pragmatic questions. Number
24 one, can you talk a little bit more about the cross-
25 acceptance process, what--what you envision that

2 looking like because I imagine every community board
3 will have very many, you know, people wanting to
4 weigh in a Council Member district. How would that
5 be broken down, and similarly for the contents of
6 plan, how granular are we talking about the plan to
7 be? Would it be by, you know, a community board of
8 Councilmanic Districts or could you just flush that
9 out a little bit for us?

10 COUNCIL MEMBER LANDER: Yes so these are
11 great questions, and I—I think they really merit
12 some—You know, we have some more homework to do.
13 We'd like to do it in dialogue with others. You
14 know, it seems to me that, you know, it's—cross-
15 acceptance is something like if you're in a community
16 board that doesn't have a sanitation garage, you
17 know, and your Sanitation garage has been in the next
18 community district over. So, they've got all that
19 traffic, and you're willing to say, you know what we
20 ought to accept that we need to put that Sanitation
21 garage in our district, you have more ability to help
22 figure out where it goes than if you say, you know,
23 we're not accepting that Sanitation garage, and so
24 it's—it's things like that and what that looks like
25 at scale, how that community gets that additional

2 ability if it has leaned into its responsibilities as
3 part of managing the needs the city has, but it has
4 more ability to put forward the things it needs to
5 make those things work. That's the idea here. What
6 does exactly that look like and how would we manage
7 it? I want to spend some more time thinking about
8 it, and I welcome other ideas, but it's--that's the
9 idea.

10 CHAIRPERSON BENJAMIN: I'm just going to
11 take a chairman's prerogative here, and ask Brad if
12 he could stick around and maybe we could ask him
13 additional questions later--

14 COUNCIL MEMBER LANDER: [interposing] Oh,
15 yes. I'll do that.

16 COMMISSIONER CAMILO: --so that we can
17 get to some of the other people in the audience.

18 COUNCIL MEMBER LANDER: Thank you Madam
19 Chair. I apologize to those people who have been
20 waiting and I will be glad to be here.

21 CHAIRPERSON BENJAMIN: Thank you. The
22 next two speakers are Rob Becerra and Anthony Medina.
23 Are they still here? [pause] And you are?

24 ROB BECERRA: I'm Rob Becerra.

25 CHAIRPERSON BENJAMIN: Rob Becerra?

2 ROB BECERRA: Yes.

3 CHAIRPERSON BENJAMIN: Okay and Mr.
4 Medina.

5 LUZA LIZ ORTIZ: Unfortunately, Mr.
6 Medina had to leave because the other one has taken
7 two hours, but I'm community organizer and I had my
8 name here.

9 CHAIRPERSON BENJAMIN: Is your name here?

10 LUZA LIZ ORTIZ: It's not on there. My
11 name Luza Liz Ortiz. (sic)

12 CHAIRPERSON BENJAMIN: Okay, then would
13 you please fill out a slip, and I will do it. I
14 promise. Let me just call—we're trying to take them
15 in order now. Bella Lopez.

16 LUZA LIZ ORTIZ: Bella is also a
17 community member who came with me.

18 CHAIRPERSON BENJAMIN: Okay. Modalia
19 Hansel.

20 LUZA LIZ ORTIZ: That's another community
21 member that came with me.

22 CHAIRPERSON BENJAMIN: Okay. So, why
23 don't you sit there. [background comments, pause]

24 ROB BECERRA: Ladies first.

25 LUZA LIZ ORTIZ: Thank you.

2 CHAIRPERSON BENJAMIN: What is your name,
3 please?

4 LUZA LIZ ORTIZ: My name is Luza Liz
5 Ortiz. I'm a community independent organizer in
6 Williamsburg.

7 CHAIRPERSON BENJAMIN: Okay.

8 LUZA LIZ ORTIZ: And so we came here for
9 a variety of reasons. That's why there was people
10 stating, you know, their point. The main point that
11 we came here for was the ULURP process, and we would
12 like to know that the main thing that we were talking
13 about was the community hearing, and so, in a
14 community hearing space we usually have the time for
15 the community, and as you can see for the last two
16 hours where was the community included. However,
17 moving forward one of the main points is that the
18 ULURP process itself needs to be revised, and so that
19 the developers don't have the monopolization of
20 creating a plan, and then just throwing it into the
21 community board. That's not fair to the community
22 themselves. [applause] Aside from that point itself,
23 we have an issue with appointees of the community
24 boards. They have, you know, a long tenure as if
25 they were Supreme Court justices and often times

2 [laughter] you know, they stay there and they are
3 very important and influential to the community but
4 often times their opinions become dated and no longer
5 serves the community. I believe that that also needs
6 to be, you know, revised and changed and so that we
7 appoint these people, and that there is a long-term
8 track of having them, you know, actually be
9 benefitting the community that they're serving, and
10 then we have an issue of public land distribution.
11 It seems to us as if the EBC just throws it out
12 there. You know, just throws the plan out, and go
13 and take the land, and that needs to change as well
14 because, you know, there should be a monitoring if
15 that land is being used for what it was planned for.
16 [bell] Sorry, but moving forward, we also have an
17 issue again of the MIH and affordability crisis. You
18 know, the HPD actually creates the formula for, you
19 know, the income, and I may be saying that wrong
20 because I wasn't the one that was supposed to be
21 here. The formula itself doesn't serve the community
22 that it's supposed to be serving. It usually serves
23 the incoming community and, in fact there's incomes
24 that did not speak to the low-income that was there
25 so, you know, often times it's affordable. It's

2 between 30K and 50K and we know that people that were
3 making minimum wage that lived there did not make
4 that 50K and they will not be able to get these
5 apartments with our affordability crisis that
6 everybody claims that they're making efforts to help,
7 and moving forward, you know, [bell] with ULURP
8 process itself, we don't have the displacement
9 analyses that is given to us by federal competition
10 being actually implemented. And so our federal
11 Constitution under the Civil Rights, and I don't
12 know, you know, where it—where [bell] the number is
13 at or anything of that sort. I'm sorry, you know, but
14 what I do know is that it gives us the ability of
15 chasing displacement and we don't have that right
16 now, and we need that. We need to be able to look at
17 our communities and not displace black and brown
18 people because we don't make enough money because we
19 don't fit the mold, and because we are no progress
20 according to these new developers. We need to change
21 these things, and that's only what we came here to
22 say, and then, you know, we can talk about the school
23 structures and how it's not fair that we have influx
24 of charter schools coming in giving a disparity to
25 the older schools that were there and not allocating

2 resources. So, you know, just—they're doing back out
3 because we're a doing a disservice to the low-income
4 community population that were here, and they created
5 the communities that are now so lucrative for
6 everyone to develop. [applause]

7 CHAIRPERSON BENJAMIN: Thank you.

8 LUZA LIZ ORTIZ: And I thank you for your
9 time truthfully.

10 CHAIRPERSON BENJAMIN: Thank you. I'm
11 glad that you were able to stay.

12 LUZA LIZ ORTIZ: Thank you.

13 CHAIRPERSON BENJAMIN: Are there
14 questions?

15 LUZA LIZ ORTIZ: I can't really answer
16 them, you know. [laughter]

17 CHAIRPERSON BENJAMIN: Okay, you did
18 good. You did good and what you said was all things
19 that have been themes from a number of people,
20 though, about how you ULURP works, and about the
21 disparity of resources throughout our city in
22 different communities, and I think that's an
23 important message. So, I'm glad you were able here—
24 able to stay and to give those messages, and
25

2 reinforce how important that is. But if you could
3 get that slip for me and so that I have your name.

4 LUZA LIZ ORTIZ: [interposing] So, I
5 would to have you and the borough people. (sic)

6 CHAIRPERSON BENJAMIN: [laughs] Okay,
7 and now Mr. Becerra.

8 Yes, good evening--

9 CHAIRPERSON BENJAMIN: It's all yours.

10 ROB BECERRA: Appreciate it. My name is
11 Rob Basso. I'm a national animal rights activist and
12 a WPAT Media affiliate in New York City. I
13 appreciate your time. I came here to speak to you
14 today about animal welfare in New York City. The
15 Department of Health and Mental Hygiene oversees the
16 Animal Care and Control in New York City. In my
17 opinion and in a lot of other people's opinion, they
18 should not be able to do so as animals are not a
19 primary concern for the DOHMH and a lot of the
20 public, a lot of the people want to have a Department
21 of Animal Welfare to oversee-an independent agency
22 oversee all animal related issues in New York City.
23 So, we can fix that issue by creating an agency that
24 will also develop jobs, that would also be beneficial
25 because the agency that we create will oversee the

2 Animal Care and Control. Right now it's the
3 Department of Health. It will have a ripple effect
4 across the country by having an independent agency
5 that will put animals as a primary concern, and being
6 part of the media, you notice that a lot of times,
7 the media covers animal stories. It's a hot topic.
8 It's very important to a lot of people, and I'm one
9 of those people. The New York Post earlier this
10 year, one of my affiliates they actually did a story
11 about the Department of Health and Mental Hygiene
12 [bell] proposing a \$1.4 billion proposal to the ACC
13 that would extend a 34-year contract to 2052. This
14 will basically halt any reform that is needed in the
15 ACC and that is why we need the Department of Animal
16 Welfare to be creative. There's a lot of atrocities
17 that go on at the Animal Care and Control. The
18 Department of Health and Mental Hygiene could
19 honestly care less because they have to deal with the
20 mental health of New York City. It's not a-it's not
21 primary to them. So, that's a big issue that we have
22 to handle and we have to address especially
23 taxpayer's money over \$1.4 billion. I'm pretty sure
24 most people would like to know where the money is
25 going to, and that's another—that's another issue.

2 The Department of Animal Welfare besides creating
3 jobs would fit within a New York City budget of what
4 would be planned by obviously the people who initiate
5 and who go through with the process. It would also
6 give adoptable animals who are being killed on a
7 daily basis an opportunity to be adopted, which is
8 very important. Some of you guys might have animals.
9 Some of you might not, but just know that adoptable
10 animals daily are being killed and they have
11 potential in the right facilities. Being overseen by
12 the right [bell] agency to become adopted, to have a
13 fighting chance because right now they don't, and now
14 they want to extend a 34-year contract with an ACC
15 that needs a complete from, and I came to you guys
16 today because I have experience working with many
17 advocacy projects. I've been in part of the New York
18 City Mayor Campaign, the Los Angeles Mayor's
19 Campaign. It's very important to get this done, and
20 it will be a ripple effect across the country. Thank
21 you.

22 CHAIRPERSON BENJAMIN: Thank you, Mr.
23 Becerra. [applause] Sal.

24

25

2 COMMISSIONER ALBANESE: Thank you for
3 your testimony, Mr. Becerra. Are you aware of any
4 cities that do this other than New York City?

5 ROB BECERRA: Austin. Austin, Texas has
6 an animal shelter that's state-of-the-art facility,
7 but as far as having Department of Animal Welfare, we
8 would actually be making history, and we would be
9 breaking ground, and I believe that will have a
10 ripple effect across the country.

11 COMMISSIONER ALBANESE: Does Austin have
12 a no-kill policy?

13 ROB BECERRA: Yes, they do. We—we do
14 not.

15 COMMISSIONER ALBANESE: Can you define
16 what that means?

17 ROB BECERRA: They're not going to kill—
18 Austin, Texas has an animal shelter where they take
19 in 20,000 animals a year, and when I spoke to the
20 Executive Director for the ACC, they mentioned they
21 had taken 30,000 animals a year. We have over eight
22 million people in New York City. We have vast more
23 resources than Austin, Texas, but they still manage
24 to be a no-kill shelter. No animal will be
25 euthanized unless if it has cancer unless if it's

2 very ill. Here they euthanize because a lack of
3 resources as they say, and a lack of space. So, by
4 getting—spinning out the Department of Health to the
5 Department of Animal Welfare, we will be able to
6 restructure and re-strategize, and we will be able to
7 come up with ideas to basically become no-kill.

8 COMMISSIONER VACCA: Your idea sounds
9 like something that we should talk about, but I would
10 like a proposal from you. I'm not aware of how many
11 people in the Department of Health deal with animal
12 issues. What—what would it mean to create a new
13 department? What would be the cost? How would it be
14 better than what have now. So, if you have an
15 opportunity to get us something a little more
16 specific than just proposed, otherwise, I appreciate
17 what you say. You're proposing a separate department
18 to highlight the needs of animals, but I think
19 administratively I'd like to see a little more if you
20 could get us something.

21 ROB BECERRA: Yes, that would be possible
22 if I can receive some information to email or come up
23 with your proposals. I like to send it in.

24 COMMISSIONER VACCA: Yes, certainly the
25 staff will see you.

2 CHAIRPERSON BENJAMIN: Yes, and if you—if
3 you look at the pamphlets down there, it has our
4 email address and a website, and a number of
5 different ways you can get in touch with us with that
6 information.

7 ROB BECERRA: Absolutely.

8 CHAIRPERSON BENJAMIN: Mr. Caras and then
9 Commissioner Greene.

10 COMMISSIONER CARAS: Hi, I just wanted to
11 take step back and thank Ms. Ortiz and the people
12 from the LaSoras (sic) and also if—if your
13 organization would think about we've at the Borough
14 President, the Manhattan Borough President's office
15 we've been working on trying to open up the ULURP
16 process and inviting stakeholders and community
17 groups in before something is certified, and we'd
18 like to hear your organization's thoughts on perhaps
19 how that can be done, you know, for, you know, should
20 it be just for projects of a certain size? Should
21 there be a mechanism but not a requirement that that
22 be done? So we are interested in looking at that
23 aspect as well, or I am interested I should say.

24 LUZA LIZ ORTIZ: [off mic] Well, I'll
25 say I'm interested in the license.

2 CHAIRPERSON BENJAMIN: You've got to be
3 closer.

4 LUZA LIZ ORTIZ: Oh, sorry, sorry. So,
5 I'll stay and I'll exchange information with you
6 because we are very interested in engaging in that
7 conversation.

8 ROB BECERRA: Okay. Thank you.

9 LUZA LIZ ORTIZ: Thank you.

10 CHAIRPERSON BENJAMIN: Commissioner
11 Green.

12 COMMISSIONER GREENE: I was just going to
13 offer a question to Mr. Becerra about--

14 ROB BECERRA: Yes.

15 COMMISSIONER GREENE: If you do put
16 forward a more detailed proposal, I would love to
17 hear maybe some specifics. It sounds like your
18 biggest issue is the no-kill policy about, you know
19 ways to institutionalize that of if there's an
20 underlying policy framework like is it just a
21 resource issue or are there other reasons that, you
22 know, you have heard that the city is doing it now.
23 I'm—I'm just to suggest that maybe independent agency
24 doesn't necessarily mean a change in policy in that
25 regard.

2 ROB BECERRA: Right absolutely. Well,
3 you know what it is, my—we have a moral obligation to
4 stand up for those who cannot stand up for
5 themselves, children and animals also included. When
6 you have volunteers from the shelter that reach out
7 to me because I do animal rights, it's very
8 disturbing when you hear some of the stories. If you
9 even Google and Scott Stringer did an audit on the
10 ACC, and he was completely astonished at what he
11 found. So, I think, you know, what the people
12 because a lot of people couldn't make it tonight I'm
13 speaking for or asking for is with a reason like Mr.
14 Vacca was saying maybe some more details would be
15 helpful to kind of go over, and I will talk with a
16 few other people who are also involved with me to get
17 you those details, but me morally I can't just sit
18 there and let people who are telling me: Oh, well,
19 they just put down and adoptable animal, and they had
20 an adopted coming all the way from Jersey, and the
21 person found out: Oh, I'm sorry, we euthanized the
22 dog and they show up. A hundred mile drive and they
23 found out the dog was dead, and the dog was taken
24 from the battered home. Yeah, it's just said. It

2 really is. So, I'll do what I can to get that for
3 you.

4 COMMISSIONER GREENE: Thank you.

5 CHAIRPERSON BENJAMIN: Thank you very
6 much. Thank you both very much for staying.

7 LUZA LIZ ORTIZ: I'm going to go. They
8 just left.

9 CHAIRPERSON BENJAMIN: Okay, thank you.

10 LUZA LIZ ORTIZ: Thank you.

11 CHAIRPERSON BENJAMIN: I now have David
12 Cohen and David Greenfield. Two Davids, one desk.
13 [background comments] Or do we have two Davids?

14 MALE SPEAKER: I see one.

15 CHAIRPERSON BENJAMIN: Okay. [background
16 comments]

17 CHAIRPERSON BENJAMIN: Mr. Cohen, the
18 floor is yours.

19 DAVID COHEN: Thank you. Thank you,
20 Chair Benjamin, and Commission members. I'm going to
21 speak fast with the time limit. My name is David
22 Cohen of SEIU 32BJ and on behalf of our 85,000
23 members in the city, thank you for holding this
24 hearing. Tonight I'll talk about revising the
25 Charter to create more transparency and

2 accountability with the city's procurement of
3 subcontracted building services. Given the city's
4 interest in ensuring that taxpayer dollars are used
5 to support family sustaining jobs, it is critical
6 that the city follow best procurement practices when
7 it comes to subcontracting for security and
8 janitorial services. Subcontracting building service
9 work creates thousands of middle-class jobs for
10 working class people particularly immigrants and
11 people of color. Higher standards in building
12 service subcontracting that take into account the
13 importance of contractor experience and capacity
14 creates good jobs for our community. Without these
15 standards low-bid contracting creates a race to the
16 bottom amongst bidders. When bid prices are driven
17 down, contractors may cut corners. Contractors may
18 even lack the capacity to meet payroll and they may
19 use lower quality healthcare, retirement plans,
20 leaving workers and their families vulnerable. The
21 following proposals are critical to ensure that it is
22 used wisely and to ensure that our city subcontract
23 building service jobs are good family sustaining
24 jobs. Currently, not all government spending on the
25 city's subcontracted security work is held to the

2 same uniform high standards. We believe that it
3 should be in to ensure—ensure quality security
4 services. The Chart—the Charter should be amended to
5 require that DCAS is the lead agency to procure all
6 security services required by agencies. Additionally,
7 the Charter should require that all security
8 procurements are issued through RFPs with good job
9 standards. All security contracts that include
10 minimum training requirements are 40-hour standards.
11 Sorry, 40-hour enhanced security training with an
12 annual refresher. All security solicitations that
13 include meaningful capacity and experience
14 requirements as well as clear indication of attempt
15 and ability to comply with prevailing wage
16 requirements and other job standards. This should be
17 the policy and not load their contracting. The other
18 data is going to be funding. I promise. [laughter]
19 Additionally when purchasing per the DCAS master
20 contract the agency should be subject to transparency
21 and accountability requirements. When non-
22 government—Flipping to city reimbursement. When non-
23 government entities such as non-public schools, city
24 funded private homeless shelters and others who
25 receive reimbursements for security service

2 contracts—interesting—these contracts should be held
3 to the same standards of accountability with respect
4 to the capacity qualifications, responsibility and
5 compliance with job standards and city contracts.
6 Ideally, the non-government entity should be required
7 to purchase off the DCAS master contract.
8 Alternatively—20 seconds. I must get that.
9 Alternatively, there should be mostly vigorous
10 vetting standards. Some jurisdictions--and I'm
11 moving now to Council Review of Contracts—require
12 City Council approval of certain subcontract
13 services. For example in Washington, D.C. the
14 Council review is required before the award of a
15 multi-year contract or contract in excess of \$1
16 million dollars during a 12-month period in order to
17 ensure adequate oversight of some contracted security
18 services. The Charter should be amended to require
19 Council approval of security contract [bel] and
20 appropriately designated threshold. So, it's pretty
21 cut and dry. Do I have 30 seconds?

22 CHAIRPERSON BENJAMIN: Thirty seconds.

23 DAVID COHEN: Okay. Additional seats on
24 the PPV. So, currently there are five members on a
25 procurement policy board. These seats are appointed

2 by the Mayor and two seats appointed by the
3 Comptroller. We recommend the Commission explore
4 adding seats to PPV in order to give Council a voice
5 on the board. This will ensure a broader range of
6 stakeholders have deeper engagement in the full life
7 cycle of our city's procurement process. Thank you
8 so much.

9 CHAIRPERSON BENJAMIN: Thank you. You
10 could do more.

11 DAVID COHEN: It's a lot.

12 CHAIRPERSON BENJAMIN: Lindsay and then
13 Sal.

14 COMMISSIONER GREENE: Thank you a
15 clarifying question.

16 DAVID COHEN: Sure.

17 COMMISSIONER GREENE: I know procurement
18 is a confusing set of laws. Changing from low bid to
19 other types of references, do we have the kind of
20 legal authority to your knowledge to do that?

21 DAVID COHEN: Yes.

22 COMMISSIONER GREENE: And the Charter
23 versus the local ledger it doesn't require the state
24 leg, as I've heard other things do.

2 DAVID COHEN: I don't believe it requires
3 state leg and it can be done through a Charter
4 amendment.

5 COMMISSIONER GREENE: Thank you. Sal.

6 COMMISSIONER ALBANESE: Mr. Cohen, I-I-
7 you probably don't remember this but I passed the
8 city's Living Wage Law in 1996 that-that mandated
9 that all of security services and food service
10 workers who are outsourced had to be paid the
11 prevailing wage. So, how does this square with what
12 you're--

13 DAVID COHEN: That would reflect that. I
14 mean living wage is probably different than
15 prevailing wage, but again contracted security
16 services purchased through the City of New York or
17 subcontracted those workers should be paid prevailing
18 wages.

19 COMMISSIONER ALBANESE: Well, aren't
20 they-they should be paid under-under the law that
21 that we passed in 1996, do the same. (sic)

22 DAVID COHEN: Yeah, and generally they
23 are. We want this to be the absolute standard, and
24 really through the procurement process that the city
25

2 has established through the DCAS Master Backtrack
3 (sic) Contract.

4 COMMISSIONER ALBANESE: You just want to
5 strike them?

6 DAVID COHEN: Uh-hm.

7 COMMISSIONER ALBANESE: Okay.

8 CHAIRPERSON BENJAMIN: Thank you very
9 much. Mr. Greenfield.

10 DAVID GREENFIELD: So, a rabbi, a priest
11 and an Imam walk into a bar-[laughter] I'm sorry,
12 wrong speech. I apologize (coughing)

13 CHAIRPERSON BENJAMIN: Well, we'd like to
14 hear the rest of the joke.

15 COMMISSIONER ALBANESE: Okay.

16 DAVID GREENFIELD: With live streaming I
17 can't really say. Good evening Chair Benjamin and
18 Commissioners. Chair Benjamin has a nice ring to it
19 I might add.

20 CHAIRPERSON BENJAMIN: Thank you so much.

21 DAVID GREENFIELD: I'm David Greenfield,
22 former Council Member, current CEO of Met Council on
23 Jewish Poverty. I'm actually here today in my
24 capacity as a non-profit CEO, and I hope if you will
25 allow me to return in the future to share some

2 observations as the former Chair of the Land Use
3 Committee. First, I want to thank you all for
4 volunteering, the members of the Charter Revision
5 Commission. I appreciate it. Your service is
6 important work that you're doing. A quick background
7 about our work. The Met Council on Jewish Poverty is
8 the largest Jewish communal social service agency in
9 America. We serve 225,000 people each year right
10 here in New York City. We have 16 affiliated Jewish
11 Community Councils, 21 affordable housing buildings,
12 the largest free kosher food program in America
13 through 35 affiliated food pantries, and a myriad of
14 other programs for seniors, people in crisis and
15 victims of domestic violence. I'm here in my
16 capacity as CEO of Met Council representing a
17 committee of non-profit CEOs that I'm co-chairing
18 with Beth Goldman of NYLAG who are concerned about a
19 specific procurement issue, which is perhaps why
20 we're on the same panel. In FY17, 81% of all new and
21 renewed contracts arrive at the Controller's Office
22 for registration after their start date had already
23 passed. That is per the Controller's Report in May
24 2018. As a real world example, I have 16 affiliated
25 JCCs that provide service to tens of thousands of

2 people everyday. They just all of us have contracts
3 with the city for a variety of social services. In
4 some cases it can take over a year to get a contract
5 registered to provide vital services. This has a
6 myriad of different effects including challenges on
7 budgeting, staffing services. When you finally get
8 the contract approved, you're then scrambling to do
9 these services, and quite frankly, they're not quite
10 as good as if you were able to plan it out to begin
11 with. Now, we're fortunate. We actually have the
12 resources. We actually loan our JCCs money at no
13 charge, but most organizations have to actually
14 borrow money, and occasionally, quite frankly, if
15 we're really not getting paid for a while, we have to
16 borrow money to cover for the money that we loaned to
17 JCCs and we pay interest for that. At any given time
18 we have around a million dollars that we're loaning
19 to our member agencies to help them pay their bills.
20 It costs us time, money and effort and that's us who
21 has resources, but quite frankly, thousands of non-
22 profits actually do not. I just want to point out an
23 important point. A lot of people ask but why should
24 it matter to me especially the hundreds of thousands
25 of people who are streaming this now online, and the

2 reason there are hundreds of thousands of people. I
3 don't know why people laugh at that. The reason is
4 that quire frankly in many cases we can do the same
5 work that's being done for cheaper and better. We are
6 Met Council are currently housing formerly homeless
7 for \$25 a night at two of our facilities in Brooklyn.
8 I want to repeat that. [bell] For \$25 a night we're
9 housing formerly homeless New Yorkers. Now, 30 more
10 seconds, Chair? May I? Thank you very much. There's
11 been a lot of hearings. The Controller put out a
12 great report. The Administration has promised to
13 make changes. Many Council Members have been great
14 advocates. Council Member Helen Rosenthal, Steven
15 Levin, and Justin Brannan. Unfortunately, we haven't
16 seen a lot of change, and that's why we're here
17 today. I want to be clear. This is not the fault of
18 any single administration. This has been going on
19 forever, and this is why it should be revised in the
20 Charter. Part of the challenge is that there are too
21 many agencies with differing standards. So, in one
22 agency you may get your money after 180 days.
23 Another, it might take you a year and a half. What
24 we're requesting is that you consider amending the
25 charter to include a provision that would require the

2 city register all contracts within 60 days of their
3 start date. Then there's an additional 30 days for
4 the Controller's Office, which means that after 90
5 days we would actually have access to those
6 resources. After 60 days--this is the critical part--
7 after 60 days the city would then have to tack on a
8 payment of twice the prime interest rate to (A) give
9 the city an incentive to actually get it done and (B)
10 to be reimbursed, those non-profits who actually have
11 to go and borrow the money at that call, and I would
12 finally add that there should be a provision for
13 transparency so that these contracts can be tracked
14 along the way. I want to thank you all for your
15 service. I look forward to hopefully returning to
16 share some observations on the land use side, and I'd
17 be very happy to take any questions or comments,
18 especially from Jimmy Vacca.

19 CHAIRPERSON BENJAMIN: Well, I know
20 you're accustomed to choosing who's is going to
21 speak--

22 DAVID GREENFIELD: Ahh!

23 CHAIRPERSON BENJAMIN: -but today I get
24 to choose who going to speak. [laughter]

2 DAVID GREENFIELD: He was just so
3 enthusiastic. Listen, Chair, be nice to me. This is
4 my first hearing on the other side---

5 CHAIRPERSON BENJAMIN: [interposing] And
6 thank you for it.

7 DAVID GREENFIELD: --outside of the
8 Council so--

9 CHAIRPERSON BENJAMIN: [interposing] This
10 is your maiden voyage?

11 DAVID GREENFIELD: So, please--yes.
12 Please be kind. Please be kind.

13 CHAIRPERSON BENJAMIN: I will, but I have
14 a question for you.

15 DAVID GREENFIELD: Let's hear it.

16 CHAIRPERSON BENJAMIN: Actually, two
17 questions. Are you suggesting that the procurement
18 problems limits the selection of vendors the city has
19 on the price that we pay? Do we pay more because of
20 this registration problem, and the length of time it
21 takes? Question Number 1. Question Number 2: Since
22 we only pay on reimbursement, are you suggesting that
23 there be a payment upfront before service is actually
24 delivered on service contracts in order to get money
25 to the agencies?

2 DAVID GREENFIELD: So, what I'm—just to
3 clarify, thank you for those questions. [music]
4 That is not my music, by the way. [laughter] I do
5 not walk around with ghost music wherever I go, just
6 for the record. It's usually more upbeat, quite
7 frankly. So--

8 CHAIRPERSON BENJAMIN: Is that a
9 telephone?

10 MALE SPEAKER: Yes.

11 CHAIRPERSON BENJAMIN: What?

12 MALE SPEAKER: Correct.

13 DAVID GREENFIELD: We're speaking about
14 procurement. It's a very spooky issue. [laughter]
15 So, to your questions, what I'm actually suggesting
16 is that standard be registration of contracts, right.
17 So, not reimbursement. The challenge really is that
18 these contracts aren't even getting registered after
19 the official start date of the contract, and by the
20 way, just a shout-out to those former Council
21 Members. If you'd like to know the worst offenders
22 are actually discretionary funding, and the irony is
23 that 98% of these contracts are actually renewals
24 right. And so these organizations have already been
25 vetted, and they already have Vindex and they've

2 already been rated. And so, the obvious question is
3 why did it take so long to actually get the renewed,
4 and the answer is there are different standards
5 across the board, and I want to repeat this. It's an
6 important point. This has been going on since the-
7 the great tragedy in the 1800s when Brooklyn decided
8 to merge with the rest of the boroughs creating New
9 York City. I have to say that because I'm a
10 Brooklynite.

11 CHAIRPERSON BENJAMIN: We didn't merge
12 with Staten Island so Council Member-former Council
13 Member Fiala is innocent of this.

14 DAVID GREENFIELD: Yes, that's true and
15 they're still working on succession. We're actually
16 pretty happy now the way things have worked out, but
17 the-the point that I'm making is that-that the key
18 part for us is the time for registration, and then I
19 think that there certainly are some opportunities and
20 we're-we're chatting about it internally, and we will
21 get you a more formal document at further date about
22 specific suggestions such as perhaps funding some of
23 those funds for some trusted partners as well. But
24 the main recommendation really is actually requiring
25 the city to register the contract within 60 days, and

2 more importantly if you don't have a hook, the city
3 doesn't actually have to pay for it, we need the city
4 to cover the cost. And to your last point, it
5 actually does end up costing us a lot more money.
6 So, what happens is that when you finally get a
7 contract registered, you have to scramble to find the
8 services and the vendors, and so what ends up
9 happening is that realistically you're paying more
10 money for services and you're not getting the same
11 quality of services, right, because you can't plan.
12 You can't budget. You can't hire the staff and so it
13 limits the ability of non-profits to provide those
14 services in an efficient way to New York City
15 residents, which I think it's a very important
16 transition.

17 CHAIRPERSON BENJAMIN: Because it limits
18 the number of not-for-profits who can respond who
19 don't have the ability that smaller--

20 DAVID GREENFIELD: [interposing] Of
21 course.

22 CHAIRPERSON BENJAMIN: --that don't have
23 the ability to curry themselves for three months or
24 six months or nine months without payment fall out of
25 the procurement system.

2 DAVID GREENFIELD: Oh, absolutely.
3 There's no--there's really no question. In fact, our
4 JCCs for example which vary in size between a half a
5 million and \$10 million tell us but the fact that we
6 float them the cash, there's no way they are able to
7 do it, and so we--we hear this all the time for small
8 and non-profits who will just say I can't go after
9 that contract because I can't just randomly hire
10 someone when the city decides to pay me. Once again,
11 I'm pointing out again because of the context of how
12 things get misinterpreted these days every
13 administration has had this problem. Future
14 administrations will have this problem as well, which
15 is why I think it is best tackled by a Charter
16 Revision Commission.

17 CHAIRPERSON BENJAMIN: Thank you.
18 Council Member Vacca, do you still have a--

19 DAVID GREENFIELD: Be kind, Jimmy.

20 COMMISSIONER VACCA: No, I--I obviously
21 agree with Councilman Greenfield, and I think that
22 also we have to understand that the non-profits
23 cannot keep and retain staff. They cannot hire, they
24 cannot retain. People don't know from week to week
25 whether they're going to be on the staff of the non-

2 profit. The smaller non-profits cannot exist this
3 way. The larger ones are keeping the smaller ones
4 afloat. I don't understand and I ask you, David, you
5 keep saying that this has been going on for years
6 through different administrations. My question is:
7 Why has this escaped solution? Do you think that a
8 revision a in the City Charter is the solution or are
9 we talking about administrative problems that really
10 can be solved, but have not been solved? I want to
11 make sure that if we do something here, that this is
12 going to be the answer.

13 DAVID GREENFIELD: First of all, thank
14 you, Commissioner. I want to actually stress your
15 point, which is something that a lot of people don't
16 realize, which is it's very difficult to attract
17 talent to critical roles when they don't know that
18 they're going to get paid, right. So, if you're
19 talented and you could be doing one of a variety of
20 things, you would much rather go work for a for-
21 profit nursing service, right, than work for a not-
22 for-profit because you know that they're getting
23 their reimbursements example for insurance companies
24 as opposed to us. So, therefore, to your point we
25 struggle actually to-to get talented folks and then

2 we scramble at the last minute, and it certainly
3 hurts the quality of these programs and projects.

4 So, thank you for pointing that out, Commissioner. I
5 think the main problem honestly to be blunt is
6 incentive, right, which is that what's the incentive?

7 In the end of the day, and this is why I think it's
8 so important that—that hook of the city reimbursing

9 the—the—the prime rate, twice the prime rate, which
10 is really the cost of what it costs us to—to borrow

11 money because if there's no incentive for the city to
12 make this change in the City Charter, then the answer

13 is what, in fact, how is it enforceable. If it was
14 an incentive, you certainly could be sure that many

15 people will start pointing out hey, it's beginning to
16 cost the city millions of dollars year because we're

17 not paying for it. Now, just to be clear, I want to
18 be clear about this. It's costing the non-profits

19 millions of dollars a year. We're paying for it
20 right now. We can't afford to pay for it, and if

21 we're paying for it, what it means is that millions
22 of New Yorkers are getting inferior services, right.

23 We don't have magical money that falls from the air.

24 So, when I look and I budget my organization, I know

25 I'm paying X percentage just this year for money that

2 I'm borrowing, which means that I'm providing less
3 services in a food pantry, less services to victims
4 of domestic violence, less services to a senior who
5 needs a place to live. All services that we
6 currently provide. So, someone has to pay for it.
7 What I'm suggesting is the City is asking us to
8 contract these services. We're doing it and I would
9 point out again an exceptional value. \$25 per person
10 per nit for formerly homeless. I think we can all
11 agree that's a fairly good deal for the city of New
12 York and then I have to float the cash. I don't
13 think that's fair, and I think it's really harming
14 New York City residents and I think that the only way
15 to get this done is through a Charter Commission.

16 But--

17 CHAIRPERSON BENJAMIN: [interposing]

18 Okay--

19 COMMISSIONER VACCA: [interposing] But I
20 understand but, I think it is sad that we are—we are
21 contemplating penalizing the city because they cannot
22 administer taxpayer funds. So, we penalize the city,
23 i.e. the taxpayer because the administrative
24 structure of the city cannot in a timely way finance
25

2 social service and related programs. So, I think
3 that's sad.

4 CHAIRPERSON BENJAMIN: [interposing] So,
5 Sal?

6 DAVID GREENFIELD: [interposing] I would
7 just add be optimistic that if that would happen the
8 city would then realize that it's--the Chair telling
9 me I'm done. See, I'm learning.

10 CHAIRPERSON BENJAMIN: Carl, you had a
11 question?

12 COMMISSIONER WEISBROD: Yes, first--first
13 of all, Mr. Greenfield, I want--just want to thank you
14 for your years of service in the Council, and your
15 role as Chair of the Land Use Committee and I can't
16 resist the opportunity to ask a few questions
17 finally. [laughter] As--as you--

18 DAVID GREENFIELD: [interposing] Is Brad
19 still here? Because we might be here for a while.
20 Okay, yes. [laughter]

21 COMMISSIONER WEISBROD: As--as you said,
22 this is a problem that's existed forever because--

23 DAVID GREENFIELD: [interposing] I want
24 to refresh you memory, Commissioner. I was fairly
25

2 kind and generous when you were sitting on the other
3 side of the table. So, please return the favor.

4 COMMISSIONER WEISBROD: I'm going to be
5 equally--

6 DAVID GREENFIELD: I'm just pointing it
7 out. Yes.

8 COMMISSIONER WEISBROD: I'm going to be
9 equally kind and generous.

10 DAVID GREENFIELD: Okay, fair enough.

11 COMMISSIONER WEISBROD: And you were kind
12 and generous. So I appreciate it. This has been a
13 problem with CVC forever and I as a former head of
14 many not-for-profit organizations believe me I share
15 your pain. I know exactly what you're saying. My
16 question to you is about the--first of all, there is a
17 history and I know the city does monitor which
18 agencies are processing their contracts to the
19 Controller on time, and by on time it's within
20 whatever, 30 days or 60 days, and there continue--
21 there are agencies that are--continually violate us
22 and there are agencies that process them very quickly
23 and that has always been true and I assume it has
24 true and I guess one question I have for you is there
25 not so much is there a difference among different

2 kinds of agencies in terms of what kind of agencies
3 do these in a reasonably efficient way? What kind of
4 agencies don't. That's one question and then my
5 second question is related to what Jimmy Vacca said,
6 which is taking the quite dramatic step of in step-in
7 a sense penalizing the taxpayers for the city's own
8 negligence. Is there any other example of the city
9 actually paying interest for untimely payments?

10 COMMISSIONER TISCH: Can I--can I just say
11 something? I--I would--sorry. I am the past Chairman
12 of Met Council. So, I am not a lawyer, but I would
13 urge David in his new capacity not to answer your
14 question about which agency does it better than
15 others. [laughter]

16 COMMISSIONER WEISBROD: I'm not--I'm not
17 asking. I'm just--I'm not--I'm not--

18 COMMISSIONER TISCH: Those points are
19 really important to Met Council.

20 COMMISSIONER WEISBROD: No, I'm--I-I
21 appreciate you saying that.

22 CHAIRPERSON BENJAMIN: Carl, I would just
23 say that there are good points.

24 DAVID GREENFIELD: [interposing] Thanks
25 for that, Madam Chair. So--

2 COMMISSIONER WEISBROD: [interposing] I
3 guess my question is generally are there—is there a
4 pattern of certain agencies?

5 DAVID GREENFIELD: Yes, so—so—so I
6 actually. So, thank you.

7 COMMISSIONER WEISBROD: And I appreciate
8 your concern.

9 DAVID GREENFIELD: Thank you. Thank you
10 Commissioner Tisch for looking out for me. I
11 appreciate that, and thank you Commissioner Weisbrod.
12 So, I will actually refer you to the excellent,
13 excellent study that was done by the Controller's
14 Office in May of 2018, and the Controller details
15 exactly every single city agency and what their
16 timeline is, and so I will refer you to that document
17 without opining it on—on it myself. So, he did a
18 very good job on that, and we thank him for that, and
19 he's been an advocate obviously for this as well. On
20 the second issue that you referenced, actually so
21 this—this is a fact and I'll expect you'll hear from
22 Beth at a later date, but this is, in fact, that
23 issue in fact the one that Beth Goldman at NYLAG
24 who's co-chairing this with me is currently
25 exploring, which is the—the other legal mechanisms

2 and the enforcement opportunities as well, and I
3 would just point out, which I think is very important
4 is that I—I don't view this as a penalty on the
5 taxpayers. I think this is a reimbursement to the
6 non-profits right? So, it sort of really depends on
7 your perspective, right. In the end of the day, the
8 city has an interest in ensuring that we can provide
9 all the services that you want us to provide, right.
10 And so essentially what's happening is you're
11 effectively—I mean you specifically, I mean you as
12 representatives of the city, your—you end up
13 underfunding the government contracts because we now
14 have to pay out of pocket not just the cost of
15 interest but also scrambling and trying to put things
16 together. And so, the way I would view it is that
17 the city is simply fully funding that particular
18 contract, and I think if you look at it from that
19 perspective it—it seems a lot more reasonable than—
20 than fining the taxpayers. I'm certainly not in
21 favor of fining the taxpayers, but I—I will say that
22 I do think that that hook will finally give the city
23 and incentive to actually make the change. And I
24 expect, Commissioner Vacca that's what you'll see,
25 which is that when there's an actual cost attached to

2 it and when, in fact, the city has to do their
3 budgeting if they hold on a second maybe we don't
4 want to pay \$100 million in interest payments every
5 year to non-profits because that's money they need. I
6 suspect that magically it will become a priority for
7 future administrations because like I said, on
8 multiple occasions challenges plague other
9 administrations and that's the final point I want to
10 make, which is I don't think we should be subject to
11 the whim of any anyone in the Administration. The
12 reality is this is a vital point. The city cannot do
13 the services that we in the non-profits are going to
14 do. With hundreds of thousands of dedicated non-
15 profit employees who provide services to millions of
16 New Yorkers, and I've pointed out time and time
17 again, we do it for a fraction of the cost and many
18 cases quite frankly it's better. So, it's not that
19 we are—we're doing something that is above and
20 beyond. These are services that the city has asked
21 us to do that essentially are farming out to us at a
22 discount, and now we have we have to pay additional
23 for—additional fees for the cost of doing that. I'm
24 simply asking that the city reimburse us for that,
25 and hopefully it won't come to that, Commission Vacca

2 and Commissioner Weisbrod and the city will simply
3 say, well, probably not we're making the payments so
4 let's get honest and let's make it uniform. And
5 that's the final point that I want to make, which is
6 to your point, your right.

7 CHAIRPERSON BENJAMIN: An excellent
8 point.

9 DAVID GREENFIELD: Some--some--some
10 agencies--

11 CHAIRPERSON BENJAMIN: You said the last
12 one was your final point.

13 DAVID GREENFIELD: That was my last final
14 point. Okay.

15 COMMISSIONER VACCA: No final points

16 DAVID GREENFIELD: Yes, Chair. Thank
17 you.

18 COMMISSIONER VACCA: Is that your point.

19 CHAIRPERSON BENJAMIN: [laughs] Paula.

20 COMMISSIONER GAVIN: One simple thing. I
21 thought the city had changed the payment and what
22 you're referring to is a registration problem because
23 now non-profits can get the first three months--

24 DAVID GREENFIELD: [interposing] Correct.
25

2 COMMISSIONER GAVIN: --when it's
3 registered.

4 DAVID GREENFIELD: Correct. The time
5 exactly. What I'm referring to is the time it takes
6 to get registered and in many cases it can take over
7 a year for the contract--

8 COMMISSIONER GAVIN: [interposing] Right.

9 DAVID GREENFIELD: --to get registered.

10 COMMISSIONER GAVIN: But one--that could
11 be--

12 DAVID GREENFIELD: [interposing] Yes.

13 COMMISSIONER GAVIN: --because we do have
14 a way that you can get the first three months paid.

15 DAVID GREENFIELD: That's right. Post-
16 registration. The problem is that according to the
17 Controller's Report, 10% of all contracts actually
18 are not registered until a year after their start
19 date.

20 COMMISSIONER GAVIN: I understand.

21 DAVID GREENFIELD: And it is very varied,
22 and that's another reason why the Charter Commission
23 should do it because different agencies do things
24 differently and you folks have the ability to
25 regulate it across the board.

2 COMMISSIONER GAVIN: Thank you.

3 DAVID GREENFIELD: Thank you. Thanks so
4 much.

5 CHAIRPERSON BENJAMIN: Thank you. David.

6 COMMISSIONER VACCA: Excellent.

7 CHAIRPERSON BENJAMIN: I would just like
8 to recognize Alex Camarda who spoke at our Bronx
9 hearing and who is here today, but will not be
10 speaking. Next, I have Lucy Cotin or Cotine, and Ms.
11 Hagen. [pause] Is that Ms. Cotin or Ms. Cotine.

12 LUCY COTINE: Yes. I'm Ms. Contine. Good
13 evening. Thank you for your patience for this long
14 evening. I actually was going to talk a little bit
15 about ULURP. So I just wrote a few things. As we
16 know, the city is controlled by the real estate
17 industry. Communities are protesting from Chinatown
18 to Inwood, from Brooklyn to Queens on out-of-scale
19 developments and upzoning that even the community
20 boards have said no to, but it doesn't matter because
21 then the hearings go to the Department of City
22 Planning, and the commissioners have never met a
23 development that they did not like. No concern for
24 infrastructure, neighborhood character or livability
25 are ever mentioned by the City Planning Commission.

2 ULURP is a sham, a bone thrown to the people so that
3 it will look like they actually have some say in how
4 their communities developed. Zoning limits that were
5 hard fought for are overthrown in an instant, which
6 leads to ever increasing cynicism from the public.
7 Why should they get involved in zoning and planning
8 when a few years later their work is undone and
9 disrespected? ULURP does not work because the
10 developers in most cases have been in conversation
11 with city planning and elected officials for at least
12 two years, and are often guided by City Planning.
13 The developers pay powerful lobbyists hundreds of
14 thousands of dollars before the public process of
15 ULURP begins to—begins to meet with elected officials
16 and City Planning Commissioners. An example would be
17 Alloy who spent over half a million dollars on four
18 different powerful lobbying companies to promote 80
19 Flatbush Avenue. The developers and lobbyists spend
20 many thousands of dollars contributing to candidates
21 and attend all their high end functions. It took a
22 court order to get the de Blasio Administration to
23 release over 4,000 emails between them and
24 consultants to verify what we all know: The
25 developers have the Mayor's ear and they work in

2 conjunction with each other, and not with the
3 community. There must be full transparency presented
4 to the public, basic communication and content of
5 discussions between developers, their highly paid
6 consultants and officials must be made available to
7 the public. Developers are forbidden—~~forbidden~~ to
8 give contributions to candidates and elected when
9 doing business with the city, but they find plenty of
10 ways to get around that. We need a better process,
11 and just something that I was thinking about is
12 another problem is when we do have hearings before
13 the zoning committee or the subcommittee, the City
14 Council members who are on those committees are
15 rarely there in attendance. They may be there for a
16 little while, but then most of them leave. I've been
17 at a couple of subcommittee hearings on zoning where
18 I believe it's Rafael Salamanca is all by himself
19 holding down the fort, and then those same City
20 Council Members vote on these upzonings or rezonings
21 and developments, but they weren't present to hear
22 the-the community speak out, and I know that
23 community members feel very offended by that because
24 they may stay around while the developers speaks and
25 talk about their projects, and then they all have to

2 run off to the other committee hearings or meetings.
3 And so, but then they go and they have to vote, and
4 what were they voting on? Because they don't listen
5 to the community. So that was most of what I wanted
6 to say. Thank you for listening.

7 CHAIRPERSON BENJAMIN: Thank you for
8 staying and presenting your testimony.

9 COMMISSIONER ALBANESE: I have a
10 question.

11 CHAIRPERSON BENJAMIN: There's a
12 question.

13 COMMISSIONER ALBANESE: Good to see you.
14 One of the prior witnesses mentioned that our
15 Campaign Finance Laws have significantly improved,
16 and there isn't that much involvement from lobbyists
17 or developers. Do you agree with that assessment?

18 LUCY COTINE: I believe you--Well, I guess
19 it was Brad that was talking--

20 COMMISSIONER ALBANESE: [interposing]
21 One--one of the prior witnesses.

22 LUCY COTINE: --he was talking about we
23 can't have their masses, their funding mass, but they
24 can still give lots of money. They can also
25 contribute in other ways. They contribute to the

2 charitable organization that elected that the Mayor
3 has set up, you know, to gain favor presumably with
4 the---the mayor or whoever. So, there's other ways
5 to contribute money. They hold fundraisers. We see
6 many--the vast developers, the big developers holding
7 fundraisers--fund raising events for the Mayor, Toll
8 Brother, Forest City Ratner for a couple of examples.
9 You know, so there's many to carry favors, the
10 lobbyists when those emails were--were released from
11 the Mayor, we found that they had--and I forget the
12 number, something like 54 lobby meetings--meetings for
13 lobbyists in a month among high--high officials in the
14 Mayor's Office. So, it's not just about the exact
15 dollars or those dollars they mention. You know,
16 sometimes people in their offices contribute money,
17 you know, under their own private name, but we know
18 those who get the money know where that money is
19 coming from.

20 COMMISSIONER ALBANESE: So, I think we're
21 in agreement that the present system isn't working.

22 LUCY COTINE: Yeah, it doesn't work and
23 the people are really not given proper--a proper
24 hearing on issues from their communities. You know,
25 like I said, they fight for zoning and then a few

2 years later a developer comes along and says oh I've
3 got this great project. Look at all the things I'm
4 giving to the community. That's awesome and like,
5 you know, it's like three-three time the current
6 zoning or whatever it is. We need to look at the
7 developers' benefit, not what they claim the benefits
8 they're giving to the community. That they then go
9 and say well look at what I'm giving, you know, 80
10 Flatbush Avenue. For those of you who are familiar
11 with that, it's a perfect example where the developer
12 says at no capital cost to the city I'm giving you
13 all these great benefits, schools or a cultural
14 center. Let's look at the developer's benefits.
15 What taxes are they not paying? What profits do they
16 expect to gain? Let's look at how much they gave to
17 the lobbyists to curry favor, as I said. Now, for
18 instance, one of the vice presidents from Kaiser.
19 I'm not sure of the say it, it's Kavra-Kacera-

20 CHAIRPERSON BENJAMIN: Kacera.

21 COMMISSIONER VACCA: Kacera.

22 MS. COTINE: Kacera. The one who was
23 called by city and state the number one lobbyist in
24 the city. The vice president is now the Chief of
25 Staff for Speaker of the City Council. That's a

2 little—that's a little concerning to me. You know,
3 someone said to me yeah, but people change, but come
4 on, he was the vice president of the number one
5 lobbyist. Now the Chief of the Speaker of the City
6 Council. They have so much influence that they, you
7 know, said initially everyone I know, people who are
8 fighting, activists who are fighting to preserve
9 their neighborhoods feel that their city is owned by
10 the—by REBNY and real estate interests.

11 CHAIRPERSON BENJAMIN: Thank you, Ms.
12 Cotine. Any other? Jim.

13 COMMISSIONER CARAS: Other than full
14 disclosure of contacts between developers and City
15 Planning in the pre-certification phase, do you have
16 any other suggestions for that period between, you
17 know, when an application is first presented and when
18 it's certified by the City Planning?

19 LUCY COTINE: Well, I think there were
20 some suggestions today. Brad was talking about
21 coming up with some goals that are shared by the
22 community and perhaps by the developer. Another
23 suggestion is that the developer comes earlier onto—
24 early to the community and talks about what his plans
25 are and how to improve them and what—what people

2 like, and what they don't like and what they like to
3 see. Like I-I'm not smart enough to know what would-
4 what would work. You know, I think a lot of people
5 have brought up the issue of ULURP tonight, and I'm
6 sure as you've gone around the city that's one of-a
7 very big issue, and I'm hoping that you all can come
8 up and hear-put it together and come up with some
9 recommendations that work for everybody. But, you
10 know, we are so tired of seeing city for sale, you
11 know, for those of you who have seen common bodies of
12 the city for sale. What was it? Brad said something
13 about REBNY versus NIMBY, you know, and that's what
14 it looks like but it's-we don't want to have that
15 contentious arrangement. It should not be that.
16 They should be working together to make the city
17 better. The Environmental Impact Statement should be
18 much more inclusive. The issue of infrastructure,
19 planning needs to start early. We don't have an
20 infrastructure. We just don't. You know, all these
21 developments where they say well this is a transit
22 rich location. Trains that begin to shadow you.
23 (sic) Transit rich. You can't-so rich you can't get
24 on the train, you know, that's how rich it is and
25 then they want to bring in another 3,000 people there

2 and surround, and it's never a comprehensive look at
3 the community. We see over and over again it's not
4 an integrate look at what's going on. You see over
5 and over again there may be in a few blocks five to
6 ten projects going on at the same time, and they only
7 look at the one project, and this is so unfair to the
8 community that bears the brunt—I'm sorry. Bears the
9 brunt of the impact.

10 COMMISSIONER CARAS: Thank you.

11 CHAIRPERSON BENJAMIN: Ms. Hagen.

12 SHELLY HAGEN: Good evening

13 Commissioners. My name is Shelly Hagen. I know what
14 Lucy is talking about. We're trying to fight for
15 some sort of inclusion in this 80 Flatbush ULURP, but
16 we—we're now being bombarded with more ULURP
17 projects. There's one at 570 Fulton. There's one
18 coming up that I'm aware on the Clinton and Atlantic
19 Avenue, and ULURP seems to be a sham. I know I'm
20 about the fifth or sixth person to bring up problems
21 with ULURP. I think the—the law is well intended,
22 but I think it's obsolete and that when it's—when
23 there's obsolescence they—they develop problems. So,
24 that's my wish that this Commission could take a good
25 hard look at ULURP. I think that Council Member

2 Lander talked about a ten year period to take-taken
3 over review and that seems reasonable to me. I also
4 would like Commission to take a look at the Business
5 Improvement District Law. It also I think was well
6 intended, but it's about 40 years old now, and the
7 way it was written, if a BID goes in commercial
8 tenants are trapped in it whether they want it or
9 not. They don't have a vote. It's highly
10 undemocratic, and I'm sure there were good reasons
11 for that because I think that the city was recovering
12 from near recession when this idea was adapted, and
13 in the beginning it was big corporations in Midtown
14 who were filling for services that the city wasn't
15 providing. Those of us who are old enough to
16 remember there was garbage piling up on the streets
17 and no security, but it's slip-slided around and now
18 the BID that I'm familiar with is the one on Fulton
19 Street, and it is-it's an alien presence, in fact.
20 The store owners have been asking to get out of it
21 for five years. Their letters are ignored. They
22 don't have a vote and the-the price of-of being
23 trapped has just gone up, and now the meaning of
24 business includes new apartment buildings that I
25 think you won't be surprised to know that the people

2 who put this particular BID together were involved in
3 upzoning so that by thee time the BID opened up,
4 which was at the end of 2008, these--these apartment
5 buildings were coming. And now, they are being
6 assessed by the BID and, of course, the store owners
7 these are attached to them, and they're rising, and
8 they have no--no voice at all, and I--I do again [bell]
9 I'm being repetitive, but I do think the intentions
10 were good, but it's all gone astray, and it's kind of
11 just floating out there and it seems to be free money
12 that nobody knows about.

13 CHAIRPERSON BENJAMIN: You can decide who
14 talks to me.

15 COMMISSIONER ALBANESE: Yeah, to Mr.
16 Vacca. He's younger than I am.

17 COMMISSIONER VACCA: I'm sorry. No,
18 probably not. A couple of questions--

19 SHELLY HAGEN: [interposing] I back you
20 for our thoughts.

21 CHAIRPERSON BENJAMIN: [laughter] So,
22 he's given up completely.

23 COMMISSIONER VACCA: A couple of things
24 quickly. I appreciate what you're saying concerning
25 BIDS. BID we may want to look at that. I tell you

2 the truth, the approval process BIDs go through is
3 short of ULURP. When a Business Improvement District
4 is proposed, the community board receives a
5 presentation.

6 SHELLEY HAGEN: Well, I-if I-if I confused
7 that, they're keeping all the--

8 COMMISSIONER VACCA: [interposing] No, no,
9 no. I know it's two different issues--

10 SHELLEY HAGEN: They don't go through
11 ULURP.

12 COMMISSIONER VACCA: --but I'm-I'm saying
13 that we may want to look at--

14 SHELLEY HAGEN: [interposing] It wouldn't
15 help if they did, though.

16 COMMISSIONER VACCA: --we may want to
17 look at BIDs because that is the only process right
18 now. They go to a community board--

19 SHELLEY HAGEN: [interposing] But they're--

20 COMMISSIONER VACCA: --and then they come
21 to the Council. They have to go to the Council, but
22 the community process is basically a BID with SBS,
23 Small Business Services going to the community board,
24 making a presentation, and then the community board
25 will issue an advisory recommendation. That's

2 basically the process on a local level. On the other
3 issue you mentioned, community boards are the vehicle
4 for local input under the City Charter now. They are
5 the vehicle for people to have input into a process.
6 I think the frustration is that community boards do
7 give input. Sometimes you may agree or not agree,
8 but they're—they're frustrated because their input is
9 advisory in nature, and they can be overridden.
10 Government on the other side looks at community
11 boards and say well if you have a NIMBY attitude as
12 Councilman Lander mentioned, some people are NIMBY,
13 that means that the—no one is going to want any
14 facilities of any type or any growth of any type if
15 you say NIMBY, but somewhere else is okay. Not here.
16 So, I think that those of us in government have to
17 reconcile the two. How do we reconcile giving better
18 input to local neighborhoods, but also not having a
19 NIMBY attitude? I'd appreciate any thoughts you have
20 on that.

21 SHELLY HAGEN: Well, before I forget what
22 I really wanted to leave you with is that the—the BID
23 legislation is undemocratic and my suggestion, my
24 hope is that there could be built-in some sort of an
25 escape hatch whereby if a BID isn't working for the

2 people who are in it and, you now, I'm not even
3 saying the every small business owner should have a
4 voice. I know there are good BIDs, and the store
5 owners who just happened to be caught up in them like
6 them. So, you know, not-not having an initial voice
7 I don't think is so-so critical although I think it's
8 good, but having no way out, no mechanism you are
9 trapped, and it's my understanding, and maybe
10 Commissioner Albanese knows better, I think that you
11 cannot dissolve a BID unless the same people who are
12 the landowners vote it out, which is probably not
13 going to happen, but I think there's some sort of
14 provision that if a BID goes in debt, it cannot be
15 resolved either, which is kind of upside down.

16 COMMISSIONER ALBANESE: Until the debt is
17 paid.

18 CHAIRPERSON BENJAMIN: Right.

19 SHELLY HAGEN: A way out is what I'm-
20 hope-I'd like to hear.

21 COMMISSIONER ALBANESE: I thank you for
22 your excellent testimony, and I think you hit on one
23 of the key issues which this Commission will be
24 tackling, the broad issues which is I'm old enough to
25 remember why BIDs came into effect and, you know, now

2 we're 30, 40 years into it, and what the Charter
3 should--what should--we should be doing is looking at
4 this and saying, you know, that--those conditions
5 don't exist any more so let--let--let's--let's review
6 this whole process. Is it still worthwhile? How do
7 we modify it? I mean that's what--that's less--

8 SHELLY HAGEN: [interposing] Abien (sic)
9 is not the president I mean the Mayor.

10 COMMISSIONER ALBANESE: That's right, I-I
11 got laid off then. I remember it well. [laughter]
12 So, I, you know, I applaud you because I think that's
13 really what the thrust--that's what we should be
14 doing.

15 SHELLY HAGEN: Thank you. Thank you all.
16 Commissioner Albanese basically said what I was going
17 to say so--

18 CHAIRPERSON BENJAMIN: I thought you
19 ladies would were kind of in the whole. (sic)

20 SHELLY HAGEN: Thank you. Thank you.

21 LUCY COTINE: [off mic] I'm not going to
22 try to write it again. I'm seldom clear with what I
23 thought. I don't have to be good, though.

24 CHAIRPERSON BENJAMIN: Thank you so much.

2 SHELLY HAGEN: Could I just say that like
3 Sal was saying we have to—it's time to re-evaluate
4 these things that were written many, many years ago.
5 Conditions have certainly changed. New York is not a
6 struggling city deeply in debt. So, situation have
7 changed so the rules need to change. So, thank you
8 so much.

9 CHAIRPERSON BENJAMIN: Than you, Ms.
10 Hagen and Ms. Cotine. [applause] Next, Catherine
11 Gray from the League of Women Voters. Is she here?
12 [background comments] Okay, and Ebony Lewis. Is she
13 here? Okay. [pause] Ms. Gray.

14 CATHERINE GRAY: Okay. Hello. My name
15 is Catherine Gray, and I'm Co-President of the League
16 of Women Voters in the City of New York. League of
17 Women Voters is a multi-issue, non-partisan political
18 organization. We encourage informed and active
19 participation in government work to increase
20 understanding of major coalition issues and informs
21 public opinion through advocacy. We congratulate you
22 all being named to this wonderful commission. We're
23 looking forward to—to the results, and this is the
24 first commission convened by the City. So
25 congratulations. The League along with other good

2 government groups like Citizen Unions and Reinvent
3 Albany [coughs] have identified four areas, which we
4 think the Commission should look at: Open government
5 and transparency, ethics, elections, government,
6 government efficiency and accountability. [coughs]
7 Today—sorry, my voice is going. Today, I will
8 introduce the initiative on voting reform that the
9 League of Women Voters of the City of New York and
10 New York State agree on. We believe that this will
11 increase voter turnout, and avoid some of the chaos
12 that could be seen at the poles this past Thursday.
13 (1) The state basically requirements would be early
14 voting, election day registration, automated voter
15 registration, no excuse absentee voting, and single
16 June primaries. The cities would concentrate on
17 improved ballot design, electronic poll book, and
18 instant runoff voting. The New York City League
19 monitors the Board of Elections' Commission at every
20 Tuesday at 1:30. We also support the recommendations
21 made by the New York City Department of
22 Investigation, which was put out in December of 2013.
23 We also support the recommendations made by the U.S.
24 Election Assistance Commission, and the work that the
25 City Council Ken Kallos has done on his Committee on

2 Government Operations. He has spent many hours
3 grilling and trying to get the Board of Elections to
4 supply us some the recommendations from those
5 following reports. I have an attachment. I will
6 have to send this to you electronically, but thank
7 you for the opportunity, and I welcome your
8 questions. Thank you.

9 CHAIRPERSON BENJAMIN: Jimmy, Alison,
10 Carl.

11 COMMISSIONER VACCA: Just quickly. I
12 thank you for your recommendations on election
13 reform. I—I would hope that—I would ask that our
14 staff give us a paper on what we could consider, and
15 what we may not be able to consider because we may be
16 precluded by state legislation.

17 CATHERINE GRAY: Sure.

18 COMMISSIONER VACCA: But many of your
19 recommendations: Same day registration, themes (sic)
20 to run off. I'm glad you support—we heard testimony
21 from Councilman Lander on that. Automatic absentee.
22 I—we just asked the staff to see what we can do, and
23 let us know legally and then we would consider
24 whatever we can do, but do you want to elaborate at
25 all?

2 CATHERINE GRAY: Well, the improved
3 ballot design, electronic poll books and instant
4 runoffs are under this city. The rest of the
5 recommendations would take cooperation with the state
6 and no excuse absentee.

7 COMMISSIONER VACCA: Oh, so you have the
8 answers. So, we are precluded from the absentee. We
9 are precluded from the same day registration?

10 CATHERINE GRAY: Yes, that is true. Yes.

11 COMMISSIONER VACCA: We're precluded?

12 CATHERINE GRAY: Yes, but there is some
13 really interesting things in the Election Law that
14 they don't follow. There's that you really have to
15 register 25 days before an election, get your voter
16 registration. In election law, it's just 10 days.

17 COMMISSIONER VACCA: What I--what I wanted
18 to ask you, something interesting that you just said
19 that we're precluded by state law, but where--if we
20 have a special election in the city of New York,
21 which we probably are going to have a special
22 election---

23 CATHERINE GRAY: [interposing] Right.

24 COMMISSIONER VACCA: --for Public
25 Advocate in March, as I mentioned before. Since

2 that's only--since that I only a city election, are we
3 precluded from doing same day registration on that
4 day?

5 CATHERINE GRAY: I believe so.

6 COMMISSIONER VACCA: Really. Even though
7 it's only a city election. No--no--nothing stated on
8 the ballot?

9 CATHERINE GRAY: I believe so.

10 COMMISSIONER VACCA: Okay.

11 CATHERINE GRAY: I will look it up--

12 COMMISSIONER VACCA: [interposing] Would
13 you?

14 CATHERINE GRAY: --because I think the
15 laws on voter registration are pretty strict in
16 election law and the Board of Elections in the city
17 does follow strictly what's in the election law, and
18 they can claim that they are only an administrative
19 arm of the New York State Election Law--

20 COMMISSIONER VACCA: [interposing] You--

21 CATHERINE GRAY: -- and not necessarily.

22 COMMISSIONER VACCA: I'm sorry. Okay,
23 thank you.

24 CHAIRPERSON BENJAMIN: Alison and then
25 Carl and then Sal.

2 COMMISSIONER HIRSH: Thank you.

3 CHAIRPERSON BENJAMIN: And Alison is
4 next.

5 COMMISSIONER WEISBROD: My question was
6 answer, asked and answered.

7 CHAIRPERSON BENJAMIN: Okay, Alison.

8 COMMISSIONER HIRSH: So, you actually
9 touched on my question toward the end of your last
10 answer, which is the role of the actual City Board of
11 Elections and Election Law reform and implementation,
12 and I'm just curious. I don't actually know and this
13 is something maybe the staff can elaborate on, and
14 what of the structure of the city Board of Elections
15 is controlled by the City Charter and what is handed
16 down by state law. I don't know if you have a sense.
17 It strikes me that a lot of the reforms, the
18 electronic poll book, even improved ballot design,
19 will be somewhat useless if the entire function of
20 the City Board of Elections doesn't dramatically
21 improve and the quality of work that the Board of
22 Elections does to dramatically improve. And do, I
23 was wondering if you could speak to that a little
24 bit.

2 CATHERINE GRAY: Well, the Department of
3 Investigation, which was done in 2013 under Rose Gill
4 Hearn had a lot of recommendations and frustrations
5 that the further system of nepotism and the lack of
6 civil-civil service job postings. Ben Kallos'
7 committee has gone through that, too, the same
8 measures. The U.S. Electronic-Election Commission
9 also recommended that there's problems that can be
10 fixed as administrative, but they don't really
11 consider themselves part of the Mayor's-under the
12 Mayor's control.

13 COMMISSIONER HIRSH: So, just one quick
14 follow-up maybe. I believe the City Council at least
15 has advise and consent for the Board of Elections
16 Commission appointments because I remember there was
17 some controversy last year or something. So, it would
18 be just helpful if the staff could pull together sort
19 of what role the Charter has in overseeing the board
20 if that's possible.

21 COMMISSIONER ALBANESE: Just A follow-up
22 on what Commissioner Hirsh just asked. I think I
23 know the answer to this. Is it possible that we
24 could set up a non-partisan Board of Elections in the
25

2 city where you—you move around. Right now it's all
3 structured through the party—the leaders.

4 CHAIRPERSON BENJAMIN: Tell him if you
5 know.

6 CATHERINE GRAY: No, the answer is no
7 because the Charter--

8 COMMISSIONER ALBANESE: [interposing]
9 What preempted it?

10 CATHERINE GRAY: It's part of the New
11 York State setup where close primaries stay.

12 COMMISSIONER ALBANESE: But--

13 CATHERINE GRAY: I mean, the—we can do an
14 instant runoff to the three basic, you know, the
15 Mayor, the Public Advocate and the Controller pretty
16 easily.

17 COMMISSIONER ALBANESE: Is it—is it
18 mandated that the Commissioners of the Board of
19 Elections must be appointed by the party hierarchy of
20 the different parties that obviously the two—that's
21 the law?

22 CATHERINE GRAY: No, I don't think, but
23 it's by precedence at least if it isn't in the law.
24 Do you know how big the Election Law is?

2 COMMISSIONER ALBANESE: Oh, I know.

3 Yeah. [laughter]

4 CHAIRPERSON BENJAMIN: We can look more
5 into this and establish this, Sal.

6 COMMISSIONER ALBANESE: Yeah, I've asked
7 the staff—I've asked the staff to research it so--

8 CATHERINE GRAY: The biggest problem I
9 have with the Election Law is that there is law for
10 the paper ballot, which was 1950, and the elect—the
11 new machine, which is the leader, and right now they
12 take out from those sections of the law what they
13 figure should be applied. There is not a real
14 election law that is created specifically for the
15 scanner.

16 COMMISSIONER ALBANESE: Just it seems to
17 me that from a—one could make a very good public
18 policy argument that something as important as the
19 Board of Elections should not be a partisan vehicle
20 for running elections.

21 FEMALE SPEAKER: Have you ever head of
22 the New York City's Council's Office. (sic)

23 COMMISSIONER ALBANESE: Yes. [laughter]
24 But, I, you know, I—it would be interesting what--

25

2 CATHERINE GRAY: [interposing] Yeah, but
3 right now the—right now the Commissioners are the top
4 two parties that vote in the state, and they get
5 equal representation. There's one Commissioner from
6 the Democratic and Republican Party from each of the
7 five boroughs.

8 COMMISSIONER ALBANESE: We know them
9 well.

10 CATHERINE GRAY: Yes.

11 CHAIRPERSON BENJAMIN: Thank you very
12 much.

13 CATHERINE GRAY: Thank your.

14 CHAIRPERSON BENJAMIN: Ebony Lewis.

15 EBONY LEWIS: Hello, my name is Ebony
16 Lewis and I am the founder of My Pit Bull's (sic)
17 Keeper. I'm here to talk about New York City ACC. I
18 know you heard a little bit about it earlier. I'm
19 here to go into detail for you guys. I am a dog
20 trainer. I've been working with dogs for over six
21 years now, and I have been advocating against New
22 York City ACC for the past six months since I adopted
23 my from death row from them. They are a shelter that
24 has been founded on lies. They say they are a humane
25 shelter when they are not, and I know our fellow

2 speaker brought it up earlier today where he said
3 it's a high kill shelter and comparing it to Austin,
4 Texas. Now, that is my biggest problem with ACC, and
5 as New York residents that should be your biggest
6 problem as well because ACC literally takes these
7 dogs in from our public when you can't take care of
8 your dogs, a stray dog or something of that matter,
9 and they give it 18 hours. Eighteen hours this dog
10 has from the minute it walks in these door and gets
11 admitted into a shelter to find a home. Eighteen
12 hours when we have three facilities for these
13 animals. I personally go into these shelters,
14 specifically Manhattan ACC undercover and I videotape
15 the open cages, the conditions of the dogs, the
16 conditions of the staff is doing, and I have
17 personally gone in there hours before the—because at
18 6:00 is when the killing starts. I've gone hours
19 before, and I have seen 12, 13, up to 20 cages open,
20 and then the next night I'm putting up RIP photos for
21 four dogs when you have 13, 14, 15 cages open.
22 That's completely unacceptable. That's completely
23 unacceptable. Now, that's strike one. Strike two,
24 when you humanely euthanize an animal. They are
25 labeling these dogs. Specifically bully breeds. Like

2 I said, I'm a dog trainer and I specifically work
3 with pit bulls, and that is what they are mainly
4 targeting. They have killed puppies, two-month old,
5 seven-month old puppies. You're telling me that
6 nobody in New York State would want a puppy. A
7 seven-month-old puppy would be killed, and how they
8 are being killed is completely unacceptable because
9 ACC is run by the Health Department and not its own
10 separate animal welfare. They get these dogs, and
11 there's no anesthesia. They just give them the drug
12 that stops their heart. That is not ethical at all.
13 If you're going to be a kill shelter, you should do
14 it right, but because it's under all these laws, it
15 is not necessary to always give the anesthesia.
16 Anesthesia is only administered when it's necessary,
17 and it's only deemed by them. That's not regulated.
18 There have been countless volunteers that will come
19 to me because volunteers are terrified to even speak
20 out against ACC. They have a gag order on all staff
21 and all volunteers where if you speak out, you're
22 kicked out. You can no longer volunteer. You're
23 blacklisted. You can't even adopt from ACC. I
24 personally got blacklisted by ACC. I don't
25 understand how that happens when I am a dog trainer.

2 I've worked with dogs for six plus years, and I got
3 blacklisted by a shelter and I have offered free
4 training. My professional training for free, and it
5 has been denied. That is unacceptable as a shelter
6 when all of sudden you're saying these dogs have
7 behavioral issues, but I have worked with multiple of
8 these dogs that have been pulled by New Hope Rescues
9 because New Hope Rescues pull 99% of these dogs that
10 see get—they have their adoption rate. They claim to
11 be 100%, 99%. I'm sorry, but most of these 99%
12 because they also group placing these dogs with
13 outside rescues that are being adopted. That's just
14 not true. These rescues, because again, I work with
15 a lot of these—I'm hired by a lot of these rescues
16 and I see the behind-the-scenes stuff that a lot of
17 these people do not see. I see countless people
18 trying to reserve one dog in 18 hours and they're in
19 three states over saying I'm willing to drive 200
20 miles, but can you give me another day? Can you give
21 me one more day? And ACC does not and the next day
22 that dog is dead, but yet, you have the space. If
23 you didn't have the space, I could understand that.
24 I've gone to shelters down south where they put three
25 or four dogs into a cage trying not to kill these

2 dogs, but yet New York City's greatest shelter that's
3 paid with our tax dollars has up to 30 plus cages
4 open, and you're still killing four plus dogs a day
5 and then claiming you're a good shelter. That's
6 unacceptable, and as New York City you need to come
7 together and change this seriously. [applause]

8 CHAIRPERSON BENJAMIN: Thank you, Ebony.
9 Can I just ask, Ms. Lewis are you suggesting that
10 there be a separate department or that the contract
11 that the city now uses with ACC should be re-examined
12 or done differently?

13 EBONY LEWIS: I think that both needs to
14 be done. If the department cannot be done in like
15 enough time, then the rules, what they have now need
16 to be changed immediately because while you debate,
17 while you talk, while you mull over the rules, dogs
18 are dying. Today there are 13 dogs on the list
19 today. Dog 3 probably died earlier today, but yet
20 I'm here talking so their deaths are not vain. I
21 propose you need people like rescuers. You need the
22 New Hope Rescuers as the head people. You need
23 behaviorists, dog trainers, professional trainers in
24 this shelter. The people evaluating these dogs don't
25 even have backgrounds in dog training or behavior.

2 The people giving these dogs mislabeled evaluations
3 are culinary students. They don't—they didn't go
4 through six years, three years of training. They
5 didn't shadow with a professional trainer for years
6 at a time. They're just thrown into this because
7 they're dog people, and they mislabel these animals
8 and this mislabeling is killing these dogs and that
9 needs to stop.

10 CHAIRPERSON BENJAMIN: Okay, thank you,
11 Ms. Lewis. Are there any other questions? [applause]
12 Thank you, Ms. Lewis, and Ms. Gray.

13 CATHERINE GRAY: Thank you.

14 CHAIRPERSON BENJAMIN: I have Curtis and
15 Nancy Sliwa next. I think they're the people in the
16 red vests. (sic) (pause) Nancy.

17 NANCY SLIWA: Hi. Okay, thank you and
18 good evening. My name is Nancy Sliwa, and I'm
19 speaking on behalf of introducing an independent
20 animal welfare agency. I'm the Director of Guardian
21 Angels Animal Protection Program. I have over a
22 decade of experience working with homeless animals
23 and cat colonies that I've set up, and I'm also
24 running for Attorney-General on the Reform Party Line
25 with an animal platform, and I just won the primary

2 last week, so I think that speaks volumes for what
3 the electorate is interested in and what their issues
4 of importance are. So, in terms of the independent
5 agency, I absolutely think that you need to remove
6 from the equation Department of Health. They really
7 have no business overseeing animal welfare. Also
8 animal care and control contracts should be
9 rescinded. You have plenty of groups out there who
10 can easily come in and do the work. Right now,
11 they're on the verge of giving them a 34-year renewal
12 contract based on an incredibly atrocious record for
13 the 20 plus years that they've been in charge.
14 Hundreds of thousands of healthy adoptable animals
15 have been killed on their watch, and they continue to
16 inflate their own success while simultaneously
17 handing off the responsibility and the costs to other
18 agencies and other people who actually know how to do
19 the job. [applause] At this point, almost every
20 single animal if it wasn't sick when it came in, it's
21 leaving sick. That's how bad a job they do at
22 actually caring for these animals, and it's not a
23 money issue. Last year they were funded over \$20
24 million in revenue with unfortunately 70% of that
25 going to salary. The issue is that they have no

2 targeted plan of action to actually address the
3 problem. There—there's no benefit to them to actually
4 solve the problem because that's actually what's
5 keeping their contract in line. So, two example of
6 what sort of synchronicity that you could have if you
7 have a singular agency that's overseeing it, and—and
8 little but two vastly different concepts. I have
9 three women who have been assisting the past month or
10 so, who live in Washington Heights in the same
11 residence for over 45 years, and they've take it upon
12 themselves to care for and spay and neuter the cats
13 that were living in their particular apartment
14 basement area. They've done that successfully
15 spending their own time, their money and the
16 landlord, you know, fantastically was actually okay
17 with it for so long, but recently got a fine from the
18 Department of Health because there was plates of food
19 outside in the landlord's area, which he had already
20 permitted that to be. He got a \$300 fine, and now as
21 a result of that, told her I'm not going to allow you
22 to feed them [bell] any more because I can't take a
23 chance with that. You can't have the same agency in
24 charge of overseeing animal welfare that's
25 simultaneously punishing people who are doing it the

2 right way. That to me is a conflict of interest, and
3 just one really quick point in terms of a recent
4 animal abuse case that—that came to light in the
5 paper, a woman had afforded a number animals. She
6 wound up being taken to court. It took a year and a
7 half, 39 court appearances. Twelve of the animals
8 were instantaneously euthanized. She could have
9 faced up to eight years in jail. They only gave her
10 three months of probation, and two months later when
11 a city official came to inspect her apartment she had
12 16 more animals, and decided that she also wants to
13 push this state person down the—down the stairs
14 because she was getting agitated with that this
15 person was there. Everyone knows that animal abuse
16 leads to abuse of people. How you address that, had
17 it been addressed, rather more seriously when it was
18 viewed as just an animal crime, then you might not
19 have crimes against people. The connection is very
20 clear. It's there, and also the Animal Abuse
21 Registry. It says that people can't own, can't
22 purchase an animal for up to five years, which is way
23 too short absolutely, but it also says a person can't
24 live in a residence where an animal resides, and yet
25 this public database is not public. You have to be a

2 shelter. You have to be part of the police force.
3 The public can't access it. So, how can you expect
4 the public to know who to keep out of their homes if
5 they don't even know who the animal abusers are?
6 Thank you for your time. [applause]

7 CHAIRPERSON BENJAMIN: Thank you for your
8 time. Questions?

9 CURTIS SLIWA: Thank you for your time.
10 This is a place I used to go to school when it was
11 Brooklyn Prep, the Jesuit High School and they
12 decided to kick me to the curb in my senior year in
13 1972. Eventually, I converted to Medgar Evers, and
14 now I've been able to reverse the roles because I've
15 been able to kick a lot of politicians to the curb
16 because I'm a little hefty. I'm a little big party
17 cheat. You know, I'm not like Crowley or Frank
18 Seddio and Frank McKay. I'm the small type. I'm the
19 New York State Chairman of the Reform Party, and boy
20 has that been an eye opening experience about the
21 corrupt ways of politics, and I'm here to speak to
22 all of you why I want to put myself out of business.
23 Non-partisan elections is the way to go so that you
24 don't have to come and kiss my tookus (sp?) to beg to
25 get on the reform party line to run and then you know

2 what the quid pro quo is: What can I do for you if
3 you're going to help me? You scratch my belly. I
4 scratch yours. Well, we know what Crowley and Seddio
5 and Frank McKay. It comes down to the skettle, the
6 mud. (sic) Because that's what politics has become,
7 but it's interesting when we went through the Mayoral
8 cycle and I was initially the Chairman, it was
9 interesting. Sal who's on the Charter Revision
10 Commission here is a true reformer. He had reform
11 stamped on his forehead. He shouldn't have had to
12 come to us and kiss my tookas, and the rest of the
13 members through a lie, but Paul Massey, you remember
14 Paul. I'm a millionaire. Massey he bought the
15 Republicans, he bought the Conservatives, he bought
16 the Independent Party alike. The guy couldn't chew
17 gum and think at the same time. I asked him what do
18 you think about term limits? Um, [makes bubbling
19 sound] What do you think about, you know, non-
20 partisan elections [makes bubbling sound]. What do
21 you think about initiative and referendum? He looked
22 to his campaign manager, What do I think about that?
23 Oh, no, I'm favor of it. The Reform Party is in
24 favor of it, and this guy was able if he stood the
25 whole nine yards to buy himself onto the line. Why

2 not non-partisan elections? I don't care. Let
3 everybody run. Now, it was mentioned here before we
4 may have a Public Advocate special election coming
5 up. If Tish James becomes the next State Attorney
6 General. The smart money boys say, yeah, under the
7 points already, she's going to be the next State
8 Attorney General. I get two calls today from people
9 I haven't heard from in a month of Sundays. Quite
10 frankly, I don't like them. They don't like me. So,
11 they ask me, Hey, you know, I'm thinking of running
12 for Public Advocate if Tish James gets elected
13 attorney general. I said, oh, that's interesting. I
14 need your help. Well, why do you need my help?
15 Well, I want the Reform Party's support. I said,
16 hey, Schmuck, no make that putz. This is a--this is a
17 non-partisan election. You don't need anyone. All
18 you got to do is stand out in the rain let's say at
19 86 feet on the R Train, get yourself about 3,750
20 valid signatures and you're good to go. You can run
21 against body. He said you're hiding. I can do that?
22 I said you don't need us. It's better this way, and
23 why not have non-partisan elections the norm? [bell]
24 In this way if all of a sudden you have 40 or 50
25 people running, okay, it becomes and instant runoff

2 where you rank your choices and maybe the top four
3 get into the final election instead of having
4 primaries in June and then in September and then a
5 general election in November, you will actually cut
6 the costs of elections, and let the best men and best
7 women vie for the position and get rid of the Curtis
8 Leewoods, the Joe Crowleys, the Frank Seddios, the
9 Frank McKays and all the other big mockers who are
10 the shot callers who you know determine who's going
11 to get the line. There are good Democrats. Good
12 Republicans. There are good other party members out
13 there who are never given the chance to run, but are
14 you going to tell me party affiliation is important?
15 What I see I say well, there's Charles Barron
16 Assemblyman, and then there's outgoing Dov Hikind
17 Assemblyman. What the hell do they have in common?
18 They're not even the same kind of Democrats, and yet
19 they say: Oh, but with Dems, you've got to have
20 Democrats. No you don't. Non-partisan elections is
21 the way to go. It will be cheaper. It promotes
22 democracy and quite frankly whether you're a homeless
23 person or a billionaire, you'll have an opportunity
24 to run. The rules will apply to everybody equally,
25 which they don't right now.

2 CHAIRPERSON BENJAMIN: Thank you, Mr.
3 Sliwa. Are there questions?

4 COMMISSIONER ALBANESE: He's a tough act
5 to follow. [laughter] Thank you for your testimony
6 and as you know, non-partisan elections are—are the
7 norm in a lot of other cities, Chicago, L.A. and so
8 on and so forth, San Francisco and that's a very—
9 thank your very thoughtful testimony.

10 CURTIS SLIWA: And it should be citywide
11 all elections. So, not just as I heard previously
12 from the Councilman or maybe the top three citywide
13 positions. No every election because this way you
14 give people an opportunity to run, and then let the
15 people.

16 COMMISSIONER ALBANESE: What's
17 interesting is we do it. You know, we do it for
18 special elections and—and it's not like something
19 that New York City hasn't experienced or hasn't--

20 CURTIS SLIWA: [interposing] If you ask
21 Gifford Miller how did he become a councilman,
22 Special elections, non-partisan election. Christine
23 Quinn, Jimmy Oddo. Let me see, McHale, Borelli. I
24 could go right on down the list. There are key
25 people who are in Council or became Speaker of the

2 Council who made their political bones by running in
3 a non-partisan election for a vacated seat. So, they
4 could do it, why can we have everybody do it. It's
5 good for the process.

6 COMMISSIONER ALBANESE: You know where
7 the opposition is going to come from.

8 CURTIS SLIWA: Excuse me.

9 COMMISSIONER ALBANESE: You know where
10 the opposition is going to come from.

11 CURTIS SLIWA: Oh, yeah, all the parties
12 including horses like me who would say: What? You
13 want to cut us out of the action here? [laughter]
14 No way.

15 CHAIRPERSON BENJAMIN: Anybody else.
16 Than you very much and thank you for saying.

17 CURTIS SLIWA: Appreciate. Thank you.
18 Thank you for your time. Thanks for having me back
19 to my old high school. [laughter]

20 CHAIRPERSON BENJAMIN: Well, I think you
21 should speak to the fathers. The last two slips I
22 have are from Brandy Flores and Judith Lustgarten.

23 [pause]

24

25

2 JUDITH LUSTGARTEN: It past my bedtime
3 and I left my testimony at home. So, I'm going to do
4 the best that I can do.

5 CHAIRPERSON BENJAMIN: Give your name.

6 JUDITH LUSTGARTEN: My name is--

7 CHAIRPERSON BENJAMIN: [interposing]

8 That's it.

9 JUDITH LUSTGARTEN: Judith Lustgarten and
10 I'm here to also speak about DOH ACC Animal Control.
11 Now, this business has really never gotten
12 acknowledge as the business that it is. There are
13 proper people to run every business that exists in
14 this world. Yet somehow or other this has not
15 happened with the animals. This business has been
16 swept under the carpet. Scott Stringer did a
17 scathing report, and audit in 2015. Swept under the
18 carpet. I would think that responsibly what should
19 have been done would have been to give ACC time to
20 cure, and then come in and do another audit to see
21 how they've done. Anyway, in any successful
22 business, and I'm a business woman, a numbers person,
23 a systems person. You put the proper people in the
24 proper position with the proper plan, but most
25 importantly, the proper motivation choice and intent

2 and my back is going out. Okay. New York should be
3 the leaders--

4 CHAIRPERSON BENJAMIN: [interposing] You
5 can stand if it helps you.

6 JUDITH LUSTGARTEN: I'm sorry.

7 CHAIRPERSON BENJAMIN: If you want to
8 stand instead just take the mic off.

9 JUDITH LUSTGARTEN: Oh, it might help.
10 Oh, I'm getting too old. I just had a birthday on
11 Saturday and I'm too old.

12 CHAIRPERSON BENJAMIN: Congratulations.

13 JUDITH LUSTGARTEN: Yes, I can't quite
14 believe it.

15 CHAIRPERSON BENJAMIN: Take the mic out
16 of the slot.

17 JUDITH LUSTGARTEN: Yeah, alright. Now,
18 New York should be the leaders, and yet we are so far
19 behind ethically, humanely. We are the furthest
20 thing from a no-from being a no-kill shelter.
21 Austin, Texas is the finest no-kill shelter in our
22 country. ACC actually discredited them in a meeting
23 with a politicians on January 16, saying they are not
24 no-kill. They send their animals to outside
25 facilities where they can be and are killed. We

2 speak to Austin, Texas, and tell you they were livid
3 that this was said, and actually Risa Weinstock,
4 President and CEO the ACC was calling them every day.
5 They said to us: Boy there's an awful lot of
6 activity going on in New York. We said, oh, really?
7 Why? What are you talking about? They said our
8 phone hasn't stopped ringing. Oh, really. Why?
9 Who's calling? Risa Weinstock. She was back-
10 peddling trying to do damage control for what she had
11 said, which was not the truth. They—they tell many
12 untruths. They discredit the advocates. They do a
13 wonderful sugar and spice, horse and pony show.
14 [bell] Oh, dear already. Hm. I have so much to
15 say, and I don't, and unfortunately like I said, I
16 left my notes at home, but they've got an 18-hour
17 kill list that—that come out a 6:00 p.m. at night.
18 The advocates go into panic mode every night at 6:00
19 and they have less than a day. They have 18 hours,
20 12:00 in the afternoon the following day, and these
21 animals are now chosen to who is going to be killed.
22 It is a crazy, crazy convoluted system. They're
23 completely hands-off. The advocates are doing all of
24 the work. The rescues are doing all of the work. I
25 have never seen and I am such a hands-on person, I

2 have never seen anything function in such a hands-off
3 manner. These people are being paid by our tax
4 dollars and they—and we're doing their work for free.
5 Advocates all over the world are vying for our
6 animals from the UK, Australia, Holland, Italy. The
7 Italian Senator Carlo Rocci sent a video to plead to
8 de Blasio, which I have no doubt he never saw, saying
9 your shelters are vile. We have a horrid, horrid
10 reputation.

11 CHAIRPERSON BENJAMIN: Ms. Lustgarten,
12 Can I ask you a quick question?

13 JUDITH LUSTGARTEN: Yes.

14 CHAIRPERSON BENJAMIN: Are you suggesting
15 that there be a separate and new independent agency?

16 JUDITH LUSTGARTEN: [interposing] Yes,
17 which definitely need to be spun out of the
18 Department of Health. If you look up Mario Morlino
19 in the Department of Health, it comes up Veterinary
20 and pest control. Those two words don't belong in
21 the same title, but they are and these animals are
22 considered a disposable commodity. They're just not
23 thought of as the sensitive beings that they actually
24 are, and as a business person, you know, proper
25 people in the proper position with the proper plan

2 and motivation. They've got writers, publishers,
3 attorneys. I have nothing against attorneys. My
4 father was a judge and a U.S. attorney. They need
5 qualified business, admin, marketing, animal
6 professionals. Sure have an in-house attorney or so,
7 but not running the organization. It's not about
8 liability. It's about saving these animals' lives
9 and putting the right people in there to run this
10 business. It's a business like every other business
11 that exists. They need the right people to be a part
12 of it. It's not happening, and one thing I know
13 about and my-my great uncle was U.S. Ambassador of
14 Siam and Bolivia, one thing I know about is
15 integrity, professionalism and responsibility, and it
16 is not happening with this institution.

17 CHAIRPERSON BENJAMIN: Thank you very
18 much, Ms. Lustgarten.

19 JUDITH LUSTGARTEN: I have so much more
20 to say, but that's okay.

21 CHAIRPERSON BENJAMIN: Well, if you'd
22 like to write it down and send it to us, or you can
23 just go on our website and-and-and send it to us.
24 You said you left it--

2 JUDITH LUSTGARTEN: [interposing] Yeah,
3 I--

4 CHAIRPERSON BENJAMIN: --your testimony
5 at home. You can certainly send it to us.

6 JUDITH LUSTGARTEN: I don't want to
7 overwhelm all of you because there are so many
8 tentacles to this. There are a lot of tentacles, and
9 they each run very deeply. It's very, very
10 convoluted. It got three AGAG contracts between
11 every employee and the DOH, between ASPCA and ACC.
12 By the way, spay, neuter and kill. They spay. They
13 are sent to ASPCA. They are spayed or neutered with
14 subsidized money delivered back to the disease
15 rattled shelter, and killed within days, sometimes
16 the following day, and please, please tell who—who
17 with a grain of humanity would put a poor defenseless
18 animal through that kind of an operation only to be
19 killed perhaps the following day. And we have the
20 list and they lied to Tony Avella when he wrote to
21 him. They lied and said—well, he asked about one
22 animal. They said it was an anomaly. We showed him
23 a list of 80 animals they've done this to. It is not
24 an anomaly, and they're killing these poor

2 defenseless animals after putting them through a
3 surgery--

4 CHAIRPERSON BENJAMIN: Thank you.

5 JUDITH LUSTGARTEN: --with subsidized
6 dollars.

7 CHAIRPERSON BENJAMIN: Thank you. Thank
8 you for coming. Thank you for caring.

9 JUDITH LUSTGARTEN: Thank you.

10 CHAIRPERSON BENJAMIN: Okay. Is there
11 anyone else from the public who wishes to testify
12 whose name I have not called? Hearing none, I'd like
13 to thank everyone for attending and sharing your
14 thoughts and ideas with us, and I encourage you to
15 continue to do so throughout this process. Remember
16 to visit our website [charter 2019.nyc](http://charter2019.nyc) and you can
17 follow us on Twitter and Facebook at charter2019.nyc.
18 Our next hearing will be this coming Thursday,
19 September 20th at 6:00 p.m. in Queens Borough Hall.
20 Commissioners, while you're more than welcome to take
21 the written materials with you, and I urge you to do
22 so, please remember to leave your folders and name
23 cards behind so that we may use them again at the
24 next hearing. I will now entertain a motion to
25 adjourn.

2 COMMISSIONER VACCA: I make a motion.

3 CHAIRPERSON BENJAMIN: Second.

4 COMMISSIONERS: [in unison] Second.

5 CHAIRPERSON BENJAMIN: All those in

6 favor?

7 COMMISSIONERS: [in unison] Aye.

8 CHAIRPERSON BENJAMIN: Is there anyone

9 opposed.

10 COMMISSIONER VACCA: No.

11 CHAIRPERSON BENJAMIN: [laughter] The

12 motion carries. The meeting is adjourned. Thank you

13 all very much.

14 COMMISSIONER: Thank you.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 11, 2018