

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

CHARTER REVISION COMMISSION 2019

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MAY 9, 2019
Start: 6:07 P.M.
Recess: 11:51 P.M.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: COMMISSIONER GAIL BENJAMIN,
CHAIRPERSON

COMMISSIONERS: SAL ALBANESE
LILLIAM BARRIOS-PAOLI
LISETTE CAMILO
JAMES CARAS
EDUARDO CORDERO, SR.
STEPHEN FIALA
PAULA GAVIN
LINDSAY GREENE
ALISON HIRSH
REV. CLINTON MILLER
SATEESH NORI
DR. MERRYL TISCH
JAMES VACCA
CARL WEISBROD

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

JOHN MANNING, Civil Servant/Brooklyn
resident

ANDREW REIGN, President Citizens Budget
Commission

SARA LIND, Executive Committee of
Community Board 7

DELLA WANG, Chair of Voting Reform
Initiative at League of Women Voters of
the City of New York

LYNN ELSWORTH, Chair of the Human Scale
of New York City

WILLIAM ROUDENBUSH, Human Scale

ARNOLD WEISS, Civilian Review Board

KIRSTEN THEODOFF (SP?), Human Scale

CHAD ELSON, Village Independent Democrats

PAMELA MONROE, Campaign for an Elected
Civilian Review Board (ECRB)

MELISSA MITCHEO, Freedom Socialist Party

LARRYIANNE (SP?) ANGELO, Economist

DAVE SMELSH, Freedom Sociality Party

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

GAIL BREWER, Madam Borough President

MERRYL BROTSKI, Turtle Bay Board Member
and District Leader

CRAIG SEAMAN, Green Party State Committee
Member

WENDY GARCIA, Chief Diversity Officer for
Office of New York City Controller Scott
M. Stringer

TERI HAGADORN, Volunteer Member of
Represent Us

AYETTA CAMP, Chair of Community Board of
Manhattan

SEAN AHURN, Director for Center for
Advanced Research of Spatial Information

AMY JEW, Brooklyn resident, Geo Science
Lab Tech at Hunter College

HOWARD SLATKIN, Deputy Executive Director
for Strategic Planning at the Department
of City Planning

NORENE WISEL, Board Member Gismo

JORDAN WOOK, Speaker

ROXANNE DELGADO, Speaker

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

JIM MCCABE, Manhattan Resident, Secretary
of Green Part of New York State

CARMEN VEGA-RIVERA, Thriving Communities
Coalition

MICHAEL SUZITSKI, Lead Policy Council
with the New York City Civil Liberties
Union

CHARLES BRISKY, Department Director for
Expense and Capital Budget Coordination
for Office of Managing the Budget

BARBARA TURKOWITZ, 26-year veteran of
city service

DAVID SCHLECCHER

JONATHAN RABAR, Member of Land Use
Housing and Zoning Committee of Community
Board 5

TOM SPEAKER, Policy Analyst for Reinvent
Albany

CATHERINE BORNSLEIGLE

PAUL EPSTEIN

SAMMY VESQUEZ, Lifelong resident of the
lower east side

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

STEVEN ALBANESE, Municipal Arts Society
of New York

EDWARD ROSENFELD, Partner in Rosenfeld
Media

SHARONA SALOM, Mother of Usef Salom

EMILY GOLDSTEIN, Director of Organizing
AMHD

ELAINA COMPTE, Director of Policy at
Pratt Center for Community Development

MEREDITH MCNAIR, Community Planner at
Cypress Hills

JOHN BALDWIN, Green Party Member

JT FELCONE, Policy Analyst at United
Neighborhood Houses (UNH)

MICHAEL PARSONS, Acting Assistant
Professor at NYU School of Law

ED MORRIS, Philosopher of Nature

ROBERT CRIMER

DOUGLAS DAVIS

MICHAEL DARTIER

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

MOLIN METTA, Regional Plan Association
Senior Associate

BENJAMIN WETZLER, Manhattan Democratic
Party District Leader

SARA DURITY

JAKE SCHMIDT, Open New York

ELLEN MARTIN

CLINT SMELZER, Community Board 3,
Manhattan

RICHARD ASH, Community Board 7, Manhattan

CHRIS ALMSTED, Investigator at Civilian
Complaint Review Board

TEMAKI KOMOTZU

JENNIFER RAMINI

MICHAEL KELTHMAN

BRIAN WATSON

MICHAEL SHERRILL

JESSICA KATZ, CHPC

CASEY BRUKOVITZ, Open New York

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

CHRISTOPHER RODENBAUGH, Volunteer

REBECCA SOWER, Director of Policy and
Planning at the Supportive Housing
Network of New York

TAMMY DAVID

TIMOTHY LUNSFORD-STEVENS

SEEMOR READY

MELISSA PRESLEY

GLORIA MATATA, CO-Chair of the Green
Party of New York

JANE MORGRETIN

BENJAMIN YE, Democratic State
Committeeman for 66th Assembly District

BEN KALLOS, Council Member

RICHARD BARR, Manhattan Resident

JOHN REYNOLDS, Life-long New York City
Resident

FRANK MORENO

WILLIAM THOMAS, East Village resident,
member of Open New York

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

ROBERT DORF

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2 SARGEANT AT ARMS: Test, test. This is a
3 Charter Revision Commission Meeting. Today's date is
4 May 9th, 2019. This recording is being recorded by
5 Helen Delte.

6 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

7 I am silencing my cellphone as per instructions.
8 Good evening and welcome to tonight's public hearing
9 of the 2019 New York City Charter Revision
10 Commission. I am Gail Benjamin the Chair of the
11 Commission and I am joined by the following
12 Commissioners: The honorable Sal Albanese, the
13 honorable Dr. Lilliam Barrios-Paoli, the honorable
14 Jim Caras, the honorable Lisette Camilo, honorable
15 Eduardo Cordero, the honorable Stephen Fiala, the
16 honorable Paula Gavin, the honorable Sateesh Nori,
17 the honorable Dr. Merryl Tisch, the honorable James
18 Vacca and the honorable Carl Weisbrod. With those
19 Commission Members present we have a quorum. Before
20 we begin the main part of our meeting, I will
21 entertain a motion to adopt the minutes of the
22 Commissions Hearing held on May 7, at Lehman College
23 in the Bronx, a copy of which has been provided to
24 all of the Commissioners. Do I have a motion?

25 FEMALE: Motion.

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Second?

FEMALE 2: Second.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Discussion? All of those in favor aye?

ALL: Aye.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Opposed? The motion carries. Tonight, we continue our second round of public hearings throughout the five boroughs in order to solicit feedback from the public on proposals the Commission is considering for changes to the City Charter. As I have emphasized throughout our public hearings, as the City's foundational governmental document, the charter plays a vitally important role in establishing the structures and processes of City Government which in turn affect many aspects of our lives every day. It has been our task to evaluate how the current charter has performed since it was largely put into place in 1989 and to identify areas in which improvement should be made in order to best serve the city for the next 30 years. At our first round of borough hearings in September, as well as through engagement online and in person, we received hundreds of

1 suggestions for changes to the charter. The
2 Commission ultimately adopted a set of focus areas
3 which outlined those ideas which we decided to pursue
4 further and then held a series of expert forums at
5 which we were able to hear from a wide array of
6 people knowledgeable in those areas. Following that
7 months long process, the Commission staff issued a
8 preliminary staff report containing its
9 recommendations regarding those proposals which they
10 felt particularly merited further consideration for
11 presentation to the voters on the ballot this
12 November. The staff report is what brings us here
13 today. We look forward to hearing your comments
14 about any recommendations in the report that you
15 support or oppose or ideas that you may have for how
16 best to craft specific proposals. Following
17 testimony from the public, we will have some time to
18 open the floor to Commissioners so that we may
19 discuss with each other the ideas and recommendations
20 that have been raised. Now we will begin the public
21 testimony. If you wish to testify and have not yet
22 done so, please feel out a speaker slip and submit it
23 to the staff. We will limit testimony to two and a
24 half minutes per individual in order to ensure that
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1 we can hear from everyone who wishes to speak. We
2 currently have about 60 speakers who have signed up.
3 So, you can see that we will be here for quite a
4 while. So, if you hear what you are going to say and
5 it has been heard by someone else you may want to cut
6 your own testimony short so that we can get to
7 everybody in a timely manner. Uhm if you have copies
8 of written testimony that you would like to submit,
9 please hand them to staff when you are called up to
10 speak. We will also accept written testimony via
11 email until May 24th. Our email address is
12 info@charter2019.nyc. I am going to be calling
13 people up in a panel and I would like to ask in order
14 that we have an orderly hearing and we can hear from
15 all of you that we not take time out from the hearing
16 or applaud, hiss, or boo. Uhm I won't be doing that
17 so I would encourage not to do it. If you feel
18 particularly favorable towards a proposal if you want
19 to use jazz hands, if you feel particularly opposed
20 to a proposal, you can do it the other way, we will
21 know. We can look out and see who is in favor and
22 who is opposed that would be very helpful. Uhm, I'm
23 going to call people up in a panel of four. When I
24 call your name if you could please take one of the
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2 seats that are to my right uhm I will then call you
3 to speak and after all of you have fi... the panel is
4 finished, I will ask the members if they have
5 questions for you. Everybody, any questions yet?
6 Okay. The first speaker is John Manning, then Andrew
7 Reign, Sara Lind, and Della Wang. Mr. Manning if you
8 would like to begin. Thank you for coming again.

9 JOHN MANNING: My name is John Manning.

10 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

11 Is your mic on? If the red light is on your mic is
12 on.

13 JOHN MANNING: Got it. My name is John
14 Manning. I am a Civil Servant a resident of
15 Brooklyn. I testified last fall to ask the Charter
16 Revision Commission to prioritize the issue of
17 protecting our city and its communities from the
18 negative aspects of overdevelopment. Control and
19 policy input with the City's Land Use and Urban
20 Planning issues that empowers communities and
21 respects the wishes of the citizenry have become
22 major topics for the Commission. When finalizing a
23 reform proposal for the public to vote on this
24 November. Please consider historic preservation,
25 environmental protection and the sustainability for

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2 neighborhoods that working people call home to be
3 three vitally important concerns for the long-term
4 future of our city. The City of New York and the
5 Greater New York region have a rich heritage and a
6 beautiful natural environment. This is the finest
7 natural harbor on the Atlantic Seaboard. Large
8 sections of the City are still abounding with low-
9 rise historic and community-friendly blocks and
10 buildings. Lower Manhattan and Brooklyn are among
11 the places where our nation's history began. My
12 neighborhood Bay Ridge is zoned so that buildings are
13 not taller than six stories. It is a wonderful
14 community to live in or visit. Brooklyn Heights and
15 other sections of Northern and Central Brooklyn are
16 national treasures. One block from my apartment
17 building there is a small Revolutionary War Cemetery.
18 Two blocks away there is a botanical garden
19 maintained by community volunteers. Due to the
20 overwhelming political power and financial influence
21 enjoyed by the Real Estate Board of New York, the
22 General Contractors Association, other special
23 interests and their lobbyists all over town there is
24 an enormous grab box high-rise going up. Many of
25 these buildings are eye sores, working class people

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2 and small business owners are being displaced,
3 communities that contribute a lot to the City are
4 being destroyed. Apartments in these buildings are
5 being peddled to foreign investors for \$2 million
6 plus in what can only be described as a financial
7 shell game. It is absurd that government policy
8 encourages this while our mass transit and
9 infrastructure needs are neglected. In many European
10 Cities during the Post-World War II Reconstruction,
11 there was a blend of modern buildings and the
12 restoration of century old historic areas and city
13 quarters. We can do that here, historic preservation
14 is not just one building, it should be an area.
15 Constructing new buildings and blocks that are
16 esthetically pleasing, neighborhood friendly and
17 affordable for working people is something that we
18 can do. I ask the Charter Revision Commission when
19 drafting proposed City Planning and Land Use Law to
20 not be beholding to the rich and powerful but to
21 appreciate the need for a City that is enjoyable to
22 live in where people who work for a living have a
23 secure place and the importance of the legacy that we
24 will leave behind for future generations. Thank you.

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Thank you Mr. Manning. Mr. Reign and uhm before you start, I would like to welcome uhm Lindsay and ask if you would like to uhm be included in the vote on the minutes from last Tuesday in the Bronx?

COMMISSIONER LINDSAY GREENE: Uhm happy to do so.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Do you vote aye?

COMMISSIONER LINDSAY GREENE: Yes aye.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Thank you, Mr. Reign, the floor is yours.

ANDREW REIGN: I'm Andrew Reign,

President of the Citizen's Budget Commission. Thank you for allowing me to testify today. We have submitted written testimony so I will just briefly cover a few points in my two and a half minutes here. The first is that we urge the Commission to proceed with extreme caution when proposing changes to the Charter's Financial Management Structures. The current structures have served the City very well with almost 40 balanced budgets, and so extreme caution should be taken in any change to that system. Second, is that an important exception to the

1 Charter's otherwise strong framework is that it
2 doesn't support certain structures needed to protect
3 the City over the economic cycle or in the long run.
4 This Commission could rectify this with two
5 proposals. First it was wonderful to see the staff
6 report the Rainy-Day Fund, supported in that and we
7 would again highly recommend at the Commission put
8 this on the ballot for the voters to choose. A
9 Rainy-Day Fund would require savings during the good
10 times that could be used in the bad times to
11 ameliorate devastating service cuts or
12 counterproductive tax increases. We also believe
13 that a companion of that would be to charter mandate
14 the retiree health benefits trust which is now
15 defacto used as a Rainy Day Fund if that was properly
16 structured in the Charter we would save for the long
17 run and have a Rainy Day Fund properly structured
18 itself and the details of how to do that is in the
19 testimony that we submitted as well as the report
20 that we attached to that. Finally, I would like to,
21 CBC would recommend the Commission not move forward
22 with several budget related proposals that are
23 included in the staff preliminary report. The
24 Commission should not recommend modifying the process
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2 for estimating non-property tax revenues. The
3 current framework has reduced the risk of
4 overestimating revenues while still allowing for
5 substantial spending increases over time. Second,
6 the Commission should not recommend independent or
7 formula budgets for certain entities since they would
8 undercut the Council and the Mayor's power to set
9 budget priorities and third, while CBC understands
10 the impotence behind the proposal to narrow the
11 Mayor's power to impound funds, this change should
12 not be pursued since the power is rarely if not
13 singularly been abused and there is real risk that
14 narrowing these powers could have unforeseen negative
15 consequences. Finally, there is a vast set of
16 proposals being evaluated by the Commission. I would
17 suggest, CBC would suggest that when you package
18 them, when you finalize them, consider how you
19 package them for the voters and discrete small like
20 proposals would allow the voters to choose ones they
21 like rather than hold their nose and choose something
22 they didn't like in order to get something they do
23 like. Thank you very much.

24 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

25 Thank you very much Mr. Reign. Ms. Lind?

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2 SARA LIND: Hi, my name is Sara Lind.
3 I'm on the Executive Committee of Manhattan Community
4 Board 7. I am a Manhattan Borough Director for
5 Amplify Her which is an organization dedicated to
6 electing progressive women. I am a member of the
7 voting reform initiative, of the League of Women
8 Voters who you will hear from shortly and a member of
9 the Let New York Vote Coalition. So, I first learned
10 about rank choice voting in my Master's Program at
11 Columbia and the more I studied different voting
12 systems, the more I learned about Rank Choice Voting,
13 I became convinced that this is the best and most
14 democratic voting system. So, as part of the
15 leadership team of Amplify Her I implemented rank
16 choice voting for our endorsement votes. We have
17 used it several times and it has always been easy to
18 understand user friendly and also seamless on the
19 back end. We are a diverse group of women. We often
20 have varied opinions on the best candidate to endorse
21 so rank choice voting allows us all to express our
22 preferences and also to feel more bought in on the
23 final result. In fact, thinking through and talking
24 through how we would each rank the candidates that
25 why, often illuminates things about our preferences

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2 that thinking and stark winner take all terms never
3 would. So, Amplify Her supports rank choice voting
4 because we know that it is the best voting system for
5 empowering candidates who might otherwise be outside
6 the mainstream. Because by giving people the chance
7 to vote their true preferences without worrying about
8 causing a spoiler effect it is truly the most
9 democratic voting system. Also, it is the best way
10 to ensure that we elect more women which is our
11 mission but also more people of color and more people
12 who truly represent the many ways that New York is
13 diverse. Finally, I believe that rank choice voting
14 should be used for all Municipal Elections. The
15 Municipal Elections coming in 2021 will feature
16 dozens of open seats with likely crowded primary
17 fields. Rank choice voting is essential to ensure
18 that the candidates who ultimately come out of those
19 primaries have majority support in their districts.
20 Additionally, if we only use rank choice voting for
21 citywide offices, it would mean a ballot that has
22 some rank choice voting and some traditional voting
23 and this would be more confusing for voters than just
24 purely switching to rank choice voting for municipal
25 elections. And speaking of potential confusion. It

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2 is essential that the city commit to robust voter
3 education and outreach along with the implementation
4 of rank choice voting, particularly in communities
5 that already struggle with low voter turnout. So, I
6 hope and trust that this Commission will put rank
7 choice voting for all municipal offices on the ballot
8 this November and that New Yorkers will vote to pass
9 it. Thank you for your time.

10 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

11 Thank you very much Ms. Lind. Ms. Wang?

12 DELLA WANG: Thank you. If you will
13 excuse me a little bit sick so I am just going to get
14 through this. Uhm good evening Commissioner Benjamin
15 and members of the Charter Revision Commission. I'm
16 Della Wang. I'm the Chair of the Voting Reform
17 Initiative at the League of Women Voters of the City
18 of New York. Uhm just to recap who we are. We are a
19 multi-issue non-partisan political organization that
20 promotes informed and active participation in
21 government at the National, State and Local level.
22 We are glad to see that the Commission is exploring
23 Rank Choice Voting. We have supported some form of
24 it since 2010. I, other people I think tonight were
25 going to talk about its many benefits, so instead I

1 am going to spend the remainder of my two minutes
2 just talking about suggestions we have for
3 implementation. First, we believe that Rank Choice
4 Voting should apply particularly to primaries and
5 specials for all city offices. We are also
6 supportive of general but we think it is particularly
7 important for A) Special elections which historically
8 have very low turn out with many candidates and B)
9 With primaries which frequently have enough
10 candidates where it gets far less than 50% of the
11 vote. Often requiring costly low turnout run offs.
12 Uhm second, we believe that voters should have the
13 option to rank at least three and at most six for
14 candidates for a given office uhm survey of Ranked
15 Choice Voting implementation around the United States
16 suggest that the imposition of a limit is a comment
17 features of implementation. It is not necessary but
18 having a limit on a number of candidates that may be
19 ranked makes ballot design a great deal easier. So,
20 for instance, in the case of the recent Public
21 Advocate Special Election, there were 17 candidates
22 on the ballot. That could present a real challenge
23 for ballot design so we recommend having some kind of
24 cut off. Third, we noticed in the staff report a
25

1 suggestion of the possibility of a hybrid Rank Choice
2 Vote runoff physical runoff system. We believe that
3 should not be the case. We believe that Rank Choice
4 Voting should happen in lieu of any head to head
5 runoffs because one of the main importance for
6 changing this system was to reduce the costs
7 concurrent and turn out drop off effects of having a
8 physical runoff. So, we should change this for that.
9 We shouldn't have a hybrid system that maintains that
10 program. Uhm lastly to ensure that the uhm initial
11 round of Rank Choice Voting is effective and that
12 people do rank candidates we believe, strongly
13 believe that there should be adequate funding for
14 training equipment, staff, and voter education. It
15 has been run on shoestring budget in other places
16 like Maine but it is better to have more money and
17 more knowledge. Minneapolis conducted a test
18 election to try to ballot design, kick voter
19 outreach, improve ballot counting quality, that is a
20 great way to start and also the Civic Engagement
21 Commission, Campaign Finance Board and Board of
22 Elections should be required to take an active role
23 informing voters. Alright thank you so much.
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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Thank you very much Ms. Wang. Are there questions from the panelists? I see Carl?

COMMISSIONER CARL WEISBROD: Ready?

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Yeah, Carl.

COMMISSIONER CARL WEISBROD: Uhm Ms. Wang are you, are I think you made the distinction between Rank Choice Voter for in primary elections and special elections as a priority and I am inclined to think, as you do, that that is a higher priority. But could you explain why you think that it's in a sense a higher priority to have Rank Choice Voting in primaries and special elections than in general elections?

DELLA WANG: Uhm so, I think the main reason really is just the history of what has happened historically so you are much more likely to find a situation where you are in a primary with 10 candidates. Uhm, so you know, we support a general election as well but uhm if you actually look at the history, the vast majority of cases where someone might be thinking, gosh a runoff might happen, that

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2 is going to be costly. That is going to have a low
3 turnout. Its not the general where that happens.

4 COMMISSIONER CARL WEISBROD: Okay thank
5 you.

6 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
7 Uhm Jim?

8 COMMISSIONER JIM CARAS: Uhm Mr. M... my
9 first question is for Mr. Manning, uhm do you have an
10 idea of how your goals concerning reasonable
11 development could be incorporated either into some
12 kind of rationalization of all of the city plans or
13 any of the other, or do you have any other concrete
14 proposals? In terms of things we've, you know that
15 have come before, been raised before the Commission?

16 JOHN MANNING: I comprehend your
17 question. Uhm it's called zoning. In Bay Ridge you
18 can't build buildings taller than six stories. All
19 over town you know people that are putting up these
20 buildings are getting around zoning rest...
21 restrictions, changing the laws, uhm I think the, uhm
22 it's a very popular idea that we should do land usage
23 and zoning for the benefit of the city and the
24 community not the real estate interest. I don't
25 think I'm going off on a tangent. What would really

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2 impact, what would really be a game changer is to
3 mark receive vouchers, uhm our political system, our
4 government is for sale. And I mean radical left
5 wingers, conservative republicans and everything in
6 between they cow tow, they worship the real estate
7 board of New York. They've been bought and bullied
8 and with democracy vouchers which is one of the
9 things you folks are considering, we can really
10 empower the citizenry. We have elections that are a
11 level playing field, like a football game where both
12 sides get six points for a touchdown and three points
13 for a field goal. The same rules for all candidates.
14 With democracy vouchers and more or less equal
15 funding opportunities for all candidates, we can
16 really change our system for the better. It is a
17 winner idea.

18 COMMISSIONER JIM CARAS: Uhm can I, one
19 more?

20 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
21 Quick.

22 COMMISSIONER JIM CARAS: Okay, Andrew,
23 uhm how does, you don't see a need to change a
24 revenue estimating system where the Council doesn't
25 get the final revenue estimate until after the

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2 Budgets are printed and laid on the Council Members
3 desks so they have a Budget that they don't know if
4 they can pay for?

5 ANDREW REIGN: I understand uhm the uhm I
6 understand the history leading to your question. The
7 current system with the Executive Budget and then
8 negotiation between the Mayor and the Council has
9 generally served well. There are additional revenues
10 that come in and funding priorities have been decided
11 between the Executive and Adopted Budget you know
12 throughout history as you have been involved and
13 figure out what those revenues are? What those
14 funding priorities are? And coming to a final number
15 and this system has generally worked very well. The
16 risk of, of changing it would be to change the system
17 that might over estimate revenues and when the
18 economy turns everyone is really smart until the
19 economy turns and they over estimate revenues and so
20 the conservative nature, relative conservative
21 nature, not extremely conservative nature of the
22 system protects against that while we have increased
23 spending 5.4% annually over the last 18 years, on the
24 current system so I think it actually works pretty
25 well.

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2 COMMISSIONER JIM CARAS: Just to be
3 clear, though my question went to not who does the
4 revenue estimate but just that the Council should get
5 it before they finalize the budget not the day of
6 budget adoption when they have a budget set out and
7 they still don't know what that final number is.

8 ANDREW REIGN: I, I think they go through
9 the process in the negotiation from the executive to,
10 to the adoption you know in an interactive fashion.

11 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
12 Thank you, Sal?

13 COMMISSIONER SAL ALBANESE: Uhm, Mr.
14 Reign, uhm we, we've had this discussion. Uhm one of
15 my concern is uhm is the performance of our pension
16 plan where in New York City this year alone we are
17 contributing to about \$12 billion to that plan, that
18 is going to only increase. We, I know that it
19 underperforms other plans around the world, their
20 structure is better. They are more efficient and one
21 of the things that I am proposing is that we as part
22 of this Charter Revision Commission uhm we mandate a
23 blue-ribbon commission to study other plans around
24 the world, other pension plans so that we can
25 maximize the performance of our, of our plan here in

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2 New York City. We are the financial capital of the
3 world and I've described and I know that our plan is
4 a clunker. It is just not designed for maximum
5 efficiency and the tax payers and their retirees are,
6 are paying a price for that every single year and it
7 is only going to get higher. So, the question that I
8 ask is would the Citizen's Budget Commission support
9 such a proposal?

10 ANDREW REIGN: We certainly would support
11 looking at relative systems, both how it invests and
12 the structure as we have multiple systems and the
13 overhead that is you know that those multiple systems
14 cause. We certainly support you know looking at
15 other systems for models to see if there are more
16 efficient ways to organize our system and ways to uhm
17 relatively have good returns with the appropriate
18 conservative investments that our, our workers
19 certainly depend on. Uhm whether it is a blue-ribbon
20 commission I don't have a particularly, a specific
21 answer on today but I do think that some view of
22 other systems, looking at that and re-evaluating how
23 to do that would be very prudent.

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Thank you very much and I would like to thank the panel and call the next panel.

COMMISSIONER STEPHEN FIALA: Ma'am, Chair Ma'am.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Oh, I'm sorry. Steve.

COMMISSIONER STEPHEN FIALA: I don't want to let this panel go. Uhm thank you so much Madam Chair, uhm Ms. Wang, Ms. Lind and Mr. Manning thank you for your testimony, uhm Mr. Manning thank you, you've, I think you are probably number two in the record holder by this point. Commissioner Albanese has convinced me about democracy vouchers. So, I want you to know that you helped along the way.

JOHN MANNING: I don't want to blow my horn by 100 years ago my grandmother was the Brooklyn Chair of the Women's Suffrage Party and 85 years ago my grandfather was Mayor La Guardia's Corporation Council. When he was cleaning up Tammany Hall a police officer had to escort my mother to school. Democracy vouchers are a winner idea. Try they are the smartest proposal that you have.

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2 COMMISSIONER STEPHEN FIALA: I am sold,
3 thank you but my question because my number 1, having
4 said that I support that initiative along with a
5 couple of others but my number one priority is the
6 revenue stabilization fund or a Rainy-Day Fund. I
7 went back, went into my attic when we started this
8 process, Madam Chair, pulled out some boxes from
9 previous work, my time in the Council and my two
10 Commissions. Here is what I said in 1997, a
11 government which rob Peter to pay Paul can also
12 depend on Paul's cooperation. We are Paul. Paul is
13 the now. We as a society are more than willing to
14 spend the money that has yet been earned by the
15 unborn children that we don't even know of yet, I
16 said early on here in this room our work is that of
17 civic surgeons. We should take a scalpel. This is
18 one area where I think the 89 charter just left one
19 important piece out of the puzzle. I agree with you.
20 That the frame work is a good one. We have a good
21 budgetary frame work in this city and in 2005 a
22 Charter Commission that I sat on imported into the
23 Charter some of those measures to ensure that they
24 are here for perpetuity. One area where we fell
25 short and we've tried and tried over you know 25

1
2 years that I am aware of is this area. Can you
3 explain uhm Mr. Reign and by the way I just want to
4 say that he was one of the expert witnesses earlier
5 in the year and I asked CBC to submit some followup.
6 We got it a couple of days later from the President
7 and I really appreciate that and I ask all the
8 Commissioners to read the report for April because
9 this is as good of a testament as to why we should
10 move on a revenue stabilization fund as anyone could
11 make, but could you explain to all of us why we
12 shouldn't just allow the Retiree Health Benefit Trust
13 Fund to serve as a quasi, Rainy Day Fund?

14 ANDREW REIGN: Thank you for, thank you
15 Commissioner and thank you for the compliment. Uhm,
16 the Retiree Health Benefits Trust Fund was set up you
17 know smartly because current workers earn benefits
18 that are enjoyed by all of us today but those
19 benefits will behave in the future. You set up a
20 trust fund so that you can pay for those current you
21 know approved benefits today and you put them in your
22 pan later like a pension fund. We have liabilities
23 of \$104 billion for those benefits right now. It is
24 a really good structure to put money and then pay it
25 when you, you know put money in when you should and

1
2 then pay it when you need it. Uhm right now we use
3 it as a Rainy-Day Fund. Uhm it happened in the last
4 Administration. This Administration has put historic
5 amounts into that fund uhm fund which is great but
6 also talks about that it might use it if times get
7 bad. If we use it when times get bad, we are
8 basically taking money from the future as you were
9 saying and using that money today so they have to
10 pay, our children have to pay our bills. If we put
11 it in the Charter and structure it properly, meaning
12 that you put money in every year at least what is
13 called the Pay Goal Amount, the amount that you will
14 owe and a little more, save a little more and then
15 not be able to take out except to pay for those
16 benefit we would, we would use it for a stated
17 explicit purpose and then with the companion Rainy
18 Day Fund may sure the business cycle does not hit us.
19 Thank you for your consistency advocacy in this over
20 the years and for the work of uhm, uhm, the Citizens
21 Budget Commission.

22 COMMISSIONER STEPHEN FIALA: Thank you it
23 would be a real historic achievement if this
24 Commission moved forward with a Rainy-Day Fund.

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Thank you, Lindsay?

COMMISSIONER LINDSAY GREENE: Uhm one,

one, one followup question or you sir? I'd be curious to hear; I apologize I have not had a chance to read your response memo. What are the Citizen Budget Commissions thoughts on empowerment?

ANDREW REIGN: On empowerment? You know

we've thought seriously about this and we understand why people have raised this issue. Uhm, the current structure though hasn't been a problem except for potentially once in the eyes of the beholder but under... understand that. There might be risks if we start to narrow the Mayor's empowerment powers that we haven't thought through. Since the current system hasn't been a problem, we would suggest not changing it.

COMMISSIONER LINDSAY GREENE: Thank you.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Okay, I am going to try thanking the panel again and calling us the next panel. Uhm Lynn Elsworth, William Roudenbush, Arnold Weiss, and is there someone named Theodoff (SP?)?. Do we have a Mr. Arnold Weiss?

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ARNOLD WEISS: That's me.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Okay. We have Lynn Elsworth?

LYNN ELSWORTH: Yeah.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

We have Mr. Roudenbush?

WILLIAM ROUDENBUSH: Yeah.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Thank you uhm Ms. Elsworth?

LYNN ELSWORTH: Okay great, is this on?

Can you hear me? Okay.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

If the red light is on your mic is on.

LYNN ELSWORTH: Okay thank you, thank you all for your service here. Uhm I'm Lynn Elsworth, I'm Chair of the Human Scale NYC. Uhm here to talk about conflicts of interest. When representatives of a regulated industry end up ruling the agencies that they are supposed to regulate, foxes are guarded the hen house and management by recusal will not help. Such is the case with the Department of City Planning and the Board of Standards and Appeals, professional lobbies have also infiltrated our Community Boards professional, we also urge the Charter Commission to

1 repair this situation and the fix we think is simple.
2 Create rules that forbid people with systemic and
3 professionalized conflicts of interest from serving
4 either on Community Boards or on City Agencies in
5 which the industry has a stake in the outcome. It
6 means ruling out professional lobbyists, advisors to
7 the affected industry and employees of organizations
8 within the industry who regularly do business with
9 the City, consider three cases. Of the third, let's
10 take DCP, of the 13 appointed Commissioners, one is a
11 former lobbyist for a Real Estate Industry, six are
12 developers, one is a large donor to the Mayor as well
13 as a hedge fund investor working on a \$75 million
14 real estate opportunity fund in Brooklyn. Another
15 manages the Grand Central Partnership, a big real
16 estate bid that drove the heavily contested Mid-Town
17 East and Vanderbilt Up zonings. Three others have
18 prior experience as real estate developers for large
19 governmental projects that also faced substantial
20 opposition. Only two have degrees in Urban Planning.
21 Let me turn to the BSA, uhm I'll just say that the
22 current Chair is a long-time partner at the Law Firm
23 Brian Cave who advises according to their website as
24 a quote "over 50% of the world's largest real estate
25

1
2 private equity investors." The Vice-Chair from the
3 lobbying firm of Capellino. And in a scan of 2018,
4 we did a scan of Manhattan Community Chairs and
5 Executive Teams we found 29 questionable
6 appointments. These include senior lobbyists from
7 Redny, Capellino, Three Square Land Use, New York
8 Hospitality Alliance, Westside Federation for Senior
9 Supportive Housing, Inside Associates Land Use
10 Consulting and NYC Bid Managers Association, Night
11 Life Association Founders, and a consultant to the
12 Taxi Medallion Industry. We also found Senior
13 Employees to the big real estate dominated bids such
14 as Downtown Alliance, Hudson Yards, Hell's Kitchen
15 Alliance, Harlem Valley Heights Corporation. I could
16 go on, I have a full list of the 29 uhm but I think
17 you get the point.

18 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

19 And you are going to submit that?

20 LYNN ELSWORTH: We will.

21 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

22 Thank you.

23 WILLIAM ROUDENBUSH: Hello my name is
24 William Roudenbush. (clearing throat). Excuse me, I
25 am also with Human Scale and I would like to talk to

1
2 today about the ULURP process and a proposal for a
3 modest improvement. In 1976, a sociologist wrote a
4 famous essay to claim what they described as an Urban
5 Growth Machine composed mostly of real estate
6 developers and their dependent politicians.
7 Economist, Jason Barr calls the same thing a
8 "Skyscraper Industrial Complex." Some just call it
9 the Real Estate Lobby which includes architects, big
10 construction firms, and real estate's mailers,
11 advisors and lobbyists and they have a strangle hold
12 on our City Government. The problems we face
13 reforming any kind of planning in New York City is
14 that this Growth Machine has seized the reigns
15 everywhere and twisted our planning process to its
16 own ends. Its dominants the Campaign Finance System
17 and has an ideological hold on many city agencies and
18 real estate funded think tanks that have to with Land
19 Use so it is very difficult for any improvements. We
20 proposal is a ULURP tweak. Any tweak of ULURP will
21 not be a panacea because there cannot be a panacea
22 because there are so many city agencies and so much
23 broken in our local government. But what we support
24 today is the creation of a new ULURP. We dubbed a
25 notification of Intent to Consider a Rezoning. What

1
2 this will do is it will take place at least one year
3 prior to any certification. It would be a two-page
4 forum consisting of a brief statement of whatever
5 public purpose the possible rezoning might fulfill, a
6 short paragraph describing the rezoning idea and on
7 page two a map of the area under consideration and a
8 list of who requests the rezoning or brought the idea
9 to the attention of City Planning. It will
10 immediately trigger a speculation Real Estate Tax on
11 all transfers until the question is resolved. Such a
12 notification would take place before anything else
13 official is done. Before any NIAS, before any NIAS
14 scoping session, before any studies are done at all
15 in a very pre-beginning sections of ULURP there is a
16 point where you do a worst-case scenario report. I
17 mean I'm talking the very beginning here. The form
18 would be published in the DCP website and distributed
19 to Council Members, Community Boards and Borough
20 Presidents. It would allow the public time to react
21 to prepare for their own counter-proposals. As these
22 things go now, we are given a done deal and then the
23 public is asked to comment. We opposed the creation
24 of the advisor groups, working communities and their
25 adhoc planning groups under the control of the

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appointing politicians. We do support allowing 501c3 non-profit groups to prepare their own 497a plans for submission to Community Boards and support a rule change that would allow Communities to appeal the City Council or DCP, if DSP reacts negatively to their 197a plan. Right now, the parasite is killing the host and if you want to know what the consequences of our current City Government are, look no further than Amazon. That's what happens when we go so far to one edge that people put back so hard that they get rid of 25,000 good paying jobs because the infrastructures and crisis development of the City is far too dense and there is hardly any planning going on at City Planning, just rubber stamping. We need to plan better for the future. Thank you.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Thank you Mr. Roudenbush. Uhm the next speaker I only have one name, Theodoff.

KIRSTEN THEODOFF: Yeah that's my last name, my first name is Kirsten.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

You have the floor.

1
2 KIRSTEN THEODOFF: Oh, thank you, thank
3 you for this opportunity to testify this evening.
4 Uhm my name is Kirsten Theodoff. I am also part of
5 Human Scale NYC and we would like to discuss
6 conflicts of interest and campaign finance.
7 Preventing politicians who may in questionable
8 appointments to City Agencies or the Community Boards
9 cannot be solved, only through changes through the
10 conflict of interest rules. We have to help them to
11 stop feeling obligations to whatever industries
12 dominate their campaign funding which is mainly real
13 estate (clearing throat). Excuse me. The Charter
14 Commission should fix that problem by tweaking the
15 Campaign Finance Law. How so? Lower the maximum
16 donation to a tenth of a percent of a median New York
17 City household income. This year, that would make
18 the largest contribution just \$560. Such a figure
19 has a virtue of having a logic to it, and empowering
20 the middle class, rather than the wealthy. We ask
21 the City Charter Commission to take on this change
22 because the City Council is not capable of
23 legislating such a maximum on its own. It is too
24 much against our own immediate self-interest as we
25 have learned from one Council Member who was

1
2 sympathetic to our position. Therefore, the change
3 would need to come from the Charter Commission.
4 Tweaking the law would immediately weaken the
5 influence of real estate and other wealthy interest
6 groups on our politicians. The Mayor, the Mayor's
7 Charter Commission last year, brought the maximum
8 donation down to \$2000 which is merely a start in the
9 right direction. But that figure does not even
10 remotely serve its intended purpose. A lot example
11 of this, is a list of donors to Brad Landers Campaign
12 for controller. That proves, the same people who ask
13 for \$5000 are the same people you ask for \$2000. The
14 list of (clearing throat). Excuse me. The list of
15 donors to Brad Landers' current campaign for
16 controller can be made available upon request but we
17 are providing a sample below for the official record,
18 including people connected to the Gowanus Rezoning.

19 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

20 Thank you very much. Mr. Weiss.

21 ARNOLD WEISS: Thank you, my name is
22 Arnold Weiss. I've been a lawyer for 60 years,
23 during these 60 years I have also been very active in
24 Community Affairs, Civic Affairs and Political
25 Affairs just to give you a small idea of the things

1
2 that I've done. I was a campaign chairman for Ed
3 Koch, Bella Absood (SP?) and the Statewide Chairman
4 of the New Democratic Coalition. A very powerful
5 progressive organization which I am sure some of the
6 older people in this group like I am are aware of.
7 At any rate, I come here to speak about the elected
8 civilian review board which I think is important for
9 the fairness and safety of this City. In the 60s, I
10 was very active in getting that board approved by the
11 voters and put into place. Unfortunately, when it
12 got into the hands of the politicians it was severely
13 undermined. It is illustrated by the fact that we
14 went to the public and asked them to go for a
15 civilian review board emphasizing the civilian
16 participation in a review board to make it fair.
17 When the politicians got ahold of it, they called it
18 the Civilian Complaint Review Board. They dropped
19 out the public participation and just went with a
20 Civilian Complaint. Uhm, I want to talk to you today
21 about the New York Times Article which is right on
22 point here. Uhm, first of all the articles points
23 out, or the article is called Chokehold Still Being
24 Used by Police, Records Show and these are the
25 records of the Civilian Review Board itself. The

1
2 article points out that chokeholds were barred by the
3 police department in 1933 and after the Eric Gardner
4 disaster when he was killed by a chokehold in 2014
5 Commissioner Bratton, "from the article, promised to
6 retrain officers and crack down on the dangerous
7 practice." Now I'm going to read to you from this
8 article which tells you about how the Civilian Review
9 Board has terribly failed. "The Civilian Complaint
10 Review Board, Civilian Complaint not Civilian Review
11 Board anymore, an oversight agency that investigates
12 allegations of police misconduct has substantiated
13 significantly more complaints each year than it did
14 before the Gardner Case. Uhm, finding evidence that
15 40 officers have used chokeholds since the beginning
16 of 2015, just four years ago. Still, only 10 of
17 those officers, 40 officers are known to have faced
18 discipline for their actions. The board's data
19 shows. All told less than 2% of the 820 complaints
20 over the last five years are known to have led to an
21 officer being disciplined. Listen to that, 2%, that
22 suggests that 98% of the complaints were ridiculous.

23 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

24 Could you sum up please?
25

2 ARNOLD WEISS: Most officers who were
3 disciplined received either remedial training or the
4 loss of paid vacation days. In at least three cases,
5 the Police Commissioner overturned the guilty verdict
6 against the officers. We need a city that is fair
7 and safe and I urge you to turn your attention to
8 this subject and getting an Elected Civilian Review
9 Board which is not going to be tilted to the police.

10 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

11 Thank you.

12 ARNOLD WEISS: And that three main points
13 you will hear more about this from other speakers.

14 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

15 Mr. Weiss, could you sum up please, your time is.

16 ARNOLD WEISS: Yes, I'm going to sum up,
17 point #1, Elected so that they are not tilted to the
18 police. Second of all, make the Police Commissioner
19 take away his power to reject all the hearings and
20 third of all to have an independent prosecutor
21 prosecute anybody found guilty rather than the
22 attorney the District Attorneys who work with the
23 police every day.

24 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

25 Thank you very much Mr. Weiss.

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ARNOLD WEISS: Thank you.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Sateesh you had a question?

COMMISSIONER SATEESH NORI: Yes, thank you all for your testimony uhm Mr. Weiss. My questions are for you. I am attorney as well; I work at the Legal Aid Society and we were the attorneys for Eric Gardner before he was killed. What I want to know from you and from anyone else here who is going to testify about an ECRB is why an election would solve the problems that we all agree, or at least I agree are significant problems. And a followup to that if you would, did you read the staff report and the five recommendations in the staff report and can you or anyone else who follows you in detail describe why those recommendations will fail and as a final thought we elected Donald Trump so elections aren't perfect, right? And we are dealing with if we are to be honest a very powerful block of voters, police officers, there are a lot of them so how do we ensure that if we elect a Civilian Complaint Review Board that things are going to be better? So, that's what I want hear about.

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2 ARNOLD WEISS: Okay, so my uhm some of
3 the speakers will cover that. I will cover a part of
4 what you are saying. First of all, the way it is now
5 the people who serve on the board are all appointed
6 by major politicians in this City who have to work
7 with the police everyday and these people who are
8 appointed do also so and so they tilt themselves
9 toward the police. That's the main reason that we
10 want an elected civilian review board so the people,
11 people sitting in this room, responsible people can
12 be hearing these complaints. That's the main point
13 and that's why we think an elected board will =make a
14 difference.

15 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

16 Sal?

17 COMMISSIONER SAL ALBANESE: I, I want to
18 direct my question to Ms. Elsworth. Thank you for
19 your testimony. It, one of the things that we as a
20 Charter should be focusing on is how do we minimize
21 or eliminate conflicts of interest and I think what
22 you described is pretty devastating in terms of
23 conflicts that at certainly at our some of bodies,
24 particularly the City Planning Commission and
25 obviously you've done a lot of research. And I think

1
2 that the issue of campaign finance reform is
3 essential to all of that. I know you've got a
4 proposal; you know I support democracy vouchers which
5 I think will eliminate all of that stuff. What, what
6 do you specifically propose in terms of a uhm the
7 City Planning Commission to minimize such conflicts?

8 LYNN ELSWORTH: First of all, I just want
9 to just say about democracy vouchers. You know we
10 have long supported them. We interviewed you long
11 ago on a TV show about democracy vouchers. Uhm I
12 thought we had the general impression that it may not
13 fly with this particularly Charter Commission and we
14 see a second-best solution as a dramatic drop in the
15 maximum contribution, second best solution. As for
16 the conflict of interest, I think it is really easy
17 to treat the language in the Charter, the sections
18 dealing with the Conflict of Interest Board, at the
19 end of the Charter, it is toward the section, I
20 forget the name of the section and also the sections
21 when you describe how appointments are made to the
22 various commissions. You just have to insert
23 language that says you know you can't be in the
24 following categories. You know you just rule it out,

1
2 you can't be a lobbyist, you can't be from the
3 affected industry. It is pretty simple.

4 COMMISSIONER SAL ALBANESE: It can be
5 similar to the Conflict of Interest Board; I think
6 there is language to that affect. You can't be a
7 lobbyist; you can't have a business before the City
8 and so on and so forth. Although there are problems
9 with the Conflict of Interest Board, you know I would
10 like to see those donations. People on that board
11 banned from donating to political campaigns. I was
12 shock that they are able to do that but uhm, what
13 about the issue of Urban Planners on the Commission?

14 LYNN ELSWORTH: Well I think Urban
15 Planning is a degree that is wide spread. Lots of
16 people get MA and PhDs in Urban Planning. I think it
17 is useful to have a number of, it is reasonable to
18 say while the majority of commissioners ought to have
19 a degree in urban planning, that doesn't mean that
20 other people who don't have a degree, don't have a
21 huge experience to offer. This is a big City; it is
22 a big country there are a lot of different views
23 about how Planning should take place. You know New
24 York has its own internal bubble about Planning
25 equals Affordable Housing Crisis. So, there are

1
2 other views and schools of thought that are out there
3 that are legitimate both in academia and in the
4 practical planning world. I think it would be easy
5 to you know carry on without the conflicts of
6 interest.

7 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

8 Thank you Sal, Jimmy?

9 COMMISSIONER JAMES VACCA: Ms. Elsworth,
10 uhm I am doing this a long time and listening to you
11 tonight was an eye opener for me. When you mentioned
12 the City Planning Commission, I would like you to go
13 over those numbers again? How many are developers?
14 How many are lobbyist? I want to know this again
15 because I didn't write down everything. This is a
16 Commission just two nights ago when we were in the
17 Bronx, I said that they were rubberstamp. I said
18 that they do what they often do is copy and paste
19 from one development to another, they copy and paste
20 and they produce the same EIS and EAS statements.
21 And but this is a Commission that neighborhoods go to
22 in all good faith asking for their rights and their
23 issues to be addressed and for applications to be
24 modified or voted down. So, I just wanted to know
25

1
2 again what did you say is the composition of the
3 Commission right now?

4 LYNN ELSWORTH: Uhm of the 13 appointed
5 one is a former lobbyist for the real estate
6 industry, six are developers of various kinds, one is
7 a larger donor to the Mayor as well as a hedge fund
8 investor who has a \$75 million opportunity fund that
9 he is setting up to invest in Brooklyn. Uhm another
10 manages the Grand Central Partnership, all you have
11 to do is look at the Board of Grand Central
12 Partnership, it's got the real estate board of New
13 York, John Banks is on there, uhm drove the Mid-Town
14 East Re-Zoning and the Vanderbilt Zoning, uhm three
15 others are civil servants who have prior experience
16 as real estate developers, I would say for the side
17 of the City but often from the period of time when
18 sort of the big vision projects were coming out,
19 being sort of steamrolling over community opposition
20 which is deemed at NIMBYs, so you, I think that is
21 not a good profile.

22 COMMISSIONER JAMES VACCA: I think
23 especially when we are talking about neighborhoods
24 who are concerned about over development, out of
25 context and inappropriate development, this worries

1
2 me. Uhm also just for the record then I will
3 conclude, uhm when we had witnesses, expert witnesses
4 come before this Commission from the City Planning
5 Commission I mentioned how I felt about City Planning
6 Commission and uhm they said but Mr. Vacca all of our
7 votes are basically unanimous. I will leave it at
8 that. (laughter).

9 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

10 Any further questions? I thank the panel and I will
11 call the next panel. Chad Elson, Pamela Monroe,
12 Melissa Mitcheo and Larry Angelo. Mr. Elson.

13 CHAD ELSON: Good evening, uhm my name is
14 Chad Elson and of all the bonifides I might share
15 with you I am most proud of the fact that I moved
16 here 40 years ago and immediately joined the Village
17 Independent Democrats. I ran parts of Mayor Cumeo's
18 Campaign, reporting directly to Andrew. I was the
19 advanced person for Frank Barbero when he ran for
20 Mayor and I worked as a special assist Mayor Dennis
21 Cusingenic (SP?) in Ohio. I am here to talk in favor
22 of the, uhm, there are many words to use but the
23 diversity officer that we have been told would be a
24 good person to have as uhm as a Deputy Mayor. I
25 think that is exactly true in the case. I think that

1
2 probably each of our uhm, agencies should have
3 someone with that sort of a focus in addition to a
4 Deputy Mayor who would be in charge of diversity. I
5 don't want to go to far into the weeds but our own
6 controller, Scott Stringer speaks to this issue by
7 making reference to the fact that \$19 billion of our
8 city spending on goods and services, of that only 5%
9 go to Certified Women and Minority Owned Businesses.
10 And while women comprise nearly half of New York
11 City's Workforce and contribute almost \$100 Billion
12 annually to our economy, they are paid as little as
13 half of the average earnings of white men in
14 significantly high earning wages and, and uhm, and
15 businesses. I think there is no doubt that we need
16 somebody to focus on these issues. Uhm, there are
17 certainly extraordinary individuals who fall within
18 this category of Women and Minority individuals who
19 are very capable and who I think we need to bring
20 into this circle of providers of services and goods
21 to our, to our City.

22 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

23 Thank you Mr. Elson. Ms. Moore, uhm Ms. Monroe, I'm
24 sorry.

1
2 PAMELA MONROE: My name is Pamela Monroe
3 with the Campaign for an Elected Civilian Review
4 Board also known as the Campaign for an ECRB. I have
5 been present for most of these hearings and I have
6 spoken at a few and the words of Fannie Lou Hamer, I
7 am sick and tired of being sick and tired. After
8 members from the Campaign from an ECRB, our
9 endorsers, the community, elected officials and
10 others concerned with the lack of police
11 accountability have testified in all of the
12 proceeding hearings about the obvious problems with
13 the current CCRB. After we have come to you with
14 suggestions and even submitted a draft of a
15 completely revised section 18A of the City Charter
16 and its accompanying administrative code both of
17 which establishes and addresses the CCRB you oh lord
18 where did it go. You question whether the City
19 Charter can be changed to reflect an Elected Civilian
20 Review Board. How do you think the CCRB became part
21 of our Charter? Via a Charter Amendment. Can you
22 see why I'm tired. On our staff... on your staff
23 report and addressing policing accountability
24 starting on page 15 under proposal, it reads, the
25 legal framework governing police discipline in New

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2 York City is a complicated, delicate balance between
3 local laws and state laws relating both to police
4 discipline and more broadly to collective bargaining.
5 You go on to say that because of the complexity of
6 the various legal structures and risks mentioned
7 above, many of these proposals should be pursued
8 through the State Legislature rather than a Charter
9 charge." One would think that as you are providing
10 footnotes in the staff report you would reference the
11 State Law you are so concerned about contradicting.
12 But the only State Law that you reference is an 1897
13 and 1873 version of the State Legislation. Yes, I'm
14 speaking in the years of 1897 and 1873. There was
15 not even a CCRB in 1873 and 1897. Do you see why I'm
16 tired? It is because of this document titled
17 "Revising City Charters in New York State" from the
18 Governor and Secretary of State's Office and this
19 document "New York State Law Municipal Home Rule"
20 that we are here tonight and that the CCRB was added
21 into the City Charter. At the time the CCRB was
22 added to the Charter there was not and there is not
23 State Legislation that mandates a police oversight
24 board be either appointed or elected. As my
25 colleague, Jed Holt, Holt stated last Friday at the

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2 Brooklyn hearing, the City Charter giveth and the
3 City Charter taketh. New York City Civil backs that
4 up. It empowers loco authorities to determine
5 disciplined as outlined in section 75. The hearing
6 upon such charges shall be held by the office or body
7 having the power to remove the person against whom
8 such charges are preferred. Civil Service Law
9 explicitly acknowledges that a government body such
10 as a proposed ECRB or even a CCRB can have
11 disciplinary authority. With regard to the question
12 of whether the ECRB would change officer's police
13 bargaining rights. Police officers are already
14 precluded by law from addressing disciplinary
15 procedures in contract negotiation. Reference the
16 City of New York versus McDonald. I'm not going to
17 go on.

18 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

19 Ms. Monroe?

20 PAMELA MONROE: I'm going to wrap it up
21 because he asked the question. In your
22 recommendations you want to talk about the
23 recommendations. You recommend that the Police
24 Commissioner establish guidelines that establish
25 clear penalties for misconduct, why? Who is going

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2 to make the Police Commissioner enforce those
3 penalties? Our submitted revised Chapter 18a of the
4 Charter would require the Police Commissioner to
5 enforce, enforce disciplinary decisions. We
6 recommend that if the Police Commissioner does not
7 follow, or you recommend that if the Police
8 Commissioner does not follow disciplinary
9 recommendations, he or she should provide a memo to
10 the CCRB and the Deputy Commissioner of Trials, the
11 DCT with a comprehensive explanation as if that is
12 going to save some lives. Currently, the PC, Police
13 Commissioner often deviates from the CCRB. A memo
14 for every time the Police Commissioner deviates from
15 a recommended discipline is not holding the police
16 accountable. It is wasting paper, time and resource
17 and is not saving lives. You recommend the
18 empowerment of the CCRB to investigate and recommend
19 discipline when there is evidence that an officer has
20 given a false statement during a CCRB investigation.
21 Investigate the falsified statement and then what?
22 Recommend a penalty so that the Police Commissioner
23 can write a memo to deviate from that recommended
24 discipline?

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Ms., Ms. Monroe.

PAMELA MONROE: Last point, your recommendation of an appointed board by the City Council and the Public Advocate is not going to hold police accountable. Why, are you afraid to open the board up to marginalized and oppressed community members? Is it because you know that the people, the communities, the family members of those who suffer from a corrupt justice system, who are sick and tired of being sick and tired will be the vast majority of people running to fill those seats? Are you afraid of that? Are you afraid of the PBA? None of your recommendations will hold police accountable or save lives. Change the Charter to reflect an elected and empowered civilian review board where decisions are binding and there is a special prosecutor. Be bold. Be a purpose.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Thank you Ms. Monroe. (applause and cheers).
Melissa Mitcheo?

MELISSA MITCHEO: Good evening

Commissioners. My name is Melissa Mitcheo. I am with the Freedom Socialist Party and also a concerned

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2 citizen. I have come in solidarity with an ever-
3 growing list of victims. Mostly people of color
4 which we all know the issue of police brutality this
5 proportionately affects. I know a moral outrage when
6 I see one. You have heard many people testify in
7 these proceedings of the dire circumstances it has
8 yet you seem more concerned with rank choice voting
9 than with abuse and murder. The Charter Commission,
10 the Charter Revision Commission has a real solution
11 to the crisis of police accountability handed them in
12 the formation of an elected and empowered body,
13 complete with an independent special prosecutor that
14 asks only that the police be subject to the same laws
15 it is there civic duty to enforce. This simple
16 request is not radical at all. It is merely asking
17 that officers show respect and decency in their daily
18 dealings with the public. Only an Elected Civilian
19 Review Board can provide the protection that ordinary
20 citizens sorely need. Whose side are you on? When a
21 person is bleeding to death, do you hand them a band-
22 aid? You still have time to do the right thing, let
23 the people decide. I urge you to please to place
24 this sweeping change on the ballot in November 2019.
25 Think of the lives it could undoubtedly save. Let

1
2 the people of New York, don't let the people of New
3 York City down. Until there is justice, there will
4 be no peace. Thank you.

5 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

6 Sure, thank you. Uhm Mr. Angelo?

7 LARRYIANNE (SP?) ANGELO: Good evening

8 Commissioners. Thank you for giving me the
9 opportunity to speak today. My name is Larryianne
10 Angela. I'm an economist and I work for the Counsel
11 for about 15 years as your first revenue forecaster
12 and eventually as the Finance Director. I also
13 worked for OMB for about 9 years as a Deputy and
14 First Deputy Director. I had the good fortune to
15 stand on both sides of City Hall and I certainly
16 understand why each side gets very frustrated with
17 the other but I will say that with only one
18 exception, the revenue forecast is always a
19 negotiated part of the Budget. Uhm forecasting
20 revenues is both an art and a science and I can't
21 think of a negotiated budget where the Mayor and the
22 Council's forecast did not move closer to each other.
23 I've seen forecasting from both sides. Council
24 Revenue Team is a group of smart professionals who
25 can hold their own in any negotiation with OMB. The

1 OMB Revenue Staff are also accomplished professionals
2 who really do try to get the forecast right. As
3 professionals, both sides are responsible and
4 cautious in their estimates. I do not believe the
5 IBOs forecast can be the default when the Mayor and
6 the Council can't find a compromise. The idea also
7 has many talented professionals. But the problem is,
8 they are not elected. The Budget authorizes the City
9 to tax and spend and I believe only those are elected
10 and have to face the people for their choices should
11 have the authority in the Budget process. 1998 was
12 the first and the only time the Mayor and the Council
13 could not reach a compromise. The Council at that
14 time exercised its charter-given powers with skill
15 and dexterity and working within the rules of that
16 charter passed a very acceptable budget. Given the
17 City's \$2 billion surplus the Mayor's reduced revenue
18 estimates were greedy with skepticism and several
19 months later both sides found a compromise.
20 Switching to empowerment, I believe the Commission is
21 correct. The Mayor should never use empowerment as a
22 negotiating tool. But I find it difficult to
23 understand how you can craft language that would not
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2 end up handcuffing the Mayor at precisely the moment
3 he or she needs to do empowerment.

4 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

5 Thank you very much. Are there, qu... Carl? Sal?
6 Steve? And Jim.

7 COMMISSIONER CARL WEISBROD: Thank you Ms.
8 Angelo. I think you perhaps are uniquely qualified
9 to see the Budget issues that are before us. I mean.

10 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

11 If someone could turn their phone off, please.

12 COMMISSIONER CARL WEISBROD: Budget
13 issues that are before us on having been uhm on both
14 sides of, of, the aisle as it were. Uhm, on both
15 empowerment and revenue forecast, therefore, having
16 had this experience, would you recommend at this
17 point any changes in the Charter with respect to
18 revenue estimates or empowerment?

19 LARRYIANNE ANGELO: Uhm, I don't believe
20 I would recommend any changes to revenue estimates.
21 Uhm, empowerment I understand, I understand the
22 frustration, having been here in 1998 on that side.
23 Uhm I think but I think you'd have to see the
24 language. It is very difficult to craft language
25 that would be both effective but not prevent the

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2 Mayor from doing what might have to be done in an
3 emergency.

4 COMMISSIONER CARL WEISBROD: And
5 likewise, on revenue estimates, given, as you say the
6 negotiations that as a practical matter go on from
7 each side, uhm you would also recommend that we leave
8 the current Charter language as is?

9 LARRYIANNE ANGELO: I would, I would
10 leave, I would recommend that it stays as is. It
11 forces the Council and the Mayor to come to a
12 compromise. Uhm to find a way to compromise and get
13 the Budget done.

14 COMMISSIONER CARL WEISBROD: Thank you.

15 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
16 Sal?

17 COMMISSIONER SAL ALBANESE: Ms. Angelo.
18 How are you? Great to see you. I am familiar with
19 your work and I have tremendous admiration for your
20 experience and the work you did on the Council and
21 the other areas that you uhm, that you worked on.
22 So, you are uniquely qualified to comment on some of
23 these, on some of these Budget items. Would you
24 suggest any change in the Charter to make the Budget
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2 Process more efficient and, and more participatory on
3 the part of the Council?

4 LARRYIANNE ANGELO: Well, I served on the
5 Mayor's Charter Commission, the, the last one and I
6 think the addition of participatory budgeting
7 actually brings a lot of democracy to the budget so I
8 certainly supported that.

9 COMMISSIONER SAL ALBANESE: Uhm, anything
10 else? Or? A participatory budget is a nice, I think
11 it is a good thing. I don't know how many people
12 actually participate, I mean, that's, that's, uhm,
13 practically speaking I don't think anyone even knows
14 that it exists. A couple of, maybe in Parks a couple
15 of people come out but, but uhm, but in generally
16 speaking its tinkering around the margins but
17 basically your conclusion is that the Budget is
18 fluent, it is effective and it should stay as is?

19 LARRYIANNE ANGELO: It is generated for
20 the last 30 years, balanced, fiscally responsible
21 budgets that allowed spending to increase without
22 triggering a control period, uhm and there was only
23 one instance where I think most people would point to
24 the behavior of the Mayor as being less than uhm
25 appropriate in the Budget process.

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Steve?

COMMISSIONER STEPHEN FIALA: Thank you

madam Chair. Uhm Dr. Angelo I'm going to piggyback on Commissioner Weisbrod and Albanese's exertion that you are uniquely qualified. I would even go further, 20 some odd years ago I had the privilege of working with you here and you were my tutor in many respects. There are a handful of people in this city and one or two of you are in this room right now who know about as much relating to the City Budget as can be known. So, what you say will certainly mean a lot to me. Uhm. My question relates to the subject matter that I broached earlier. Uhm I find myself first of all agreeing with you in respect to the Charter I think being a good framework as it exists right now. We've had 30 years of balanced budgets. That is a great thing but could you speak to the long-term, specifically, do you think the use of the Retiree Health Benefits Trust Fund as a Rainy-Day Fund is a sound uhm fiscal management tool? And secondly, do you think the perpetual use of what we call these rolling surpluses is really a misnomer and creates a false sense of security that they are really not

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2 surpluses. The actually just roll over from year to
3 year but they don't do anything to address the long-
4 term systemic unfunded liabilities that the City
5 faces. Could you address the notion of that Revenue
6 Stabilization Fund from your perspective?

7 LARRYIANNE ANGELO: Okay I think when
8 you, when you, when you look at the current Budget
9 uhm over the last few years, you see embedded right
10 in the budget in a very open way a billion-dollar
11 revenue stabilization fund in every years of the
12 Budget. In addition to that, you see a quarter of a
13 billion-dollar capital stabilization fund also
14 sitting very openly and clearly in the budget. Those
15 are reserve funds and they are there for that
16 purpose. I must admit when I was, when I was in the
17 Council, I actually proposed several Rainy-Day Funds
18 that didn't go anywhere but I, barring that and the
19 difficulty in getting it through Albany. I think it
20 is very hard to craft language like that. Once
21 again, language that allows, allows the thing to be
22 effective but also gives you sufficient flexibility.

23 COMMISSIONER STEPHEN FIALA: Well just
24 one followup and then I will stop. Difficult to
25 craft language may be right? Would it, would it be

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2 would it be a step forward to say that the Retiree
3 Health Benefits Trust Fund should be therefore
4 retiree health matters not current fiscal downturns
5 and could you give us an example? Let's say we had a
6 typical recession, how prepared are we? And would we
7 be able to avoid service cuts and/or tax increases?
8 And wouldn't a Rainy-Day Fund help us to avoid those
9 severe measures? So, wouldn't it be a good thing if
10 we could craft the language to make sure that we are
11 thinking for the long-term so that we could weather
12 the storm as uhm as the report that I alluded to
13 earlier is titled. If it could be done, would it be
14 a better mechanism than we presently have in place?

15 LARRYIANNE ANGELA: Well, obviously you
16 would have to see the language and think about it. I
17 mean having a, I'm a budget person and we leave
18 reserves and the more and the merrier and the biggest
19 the better and it makes it feel very happy and very
20 relaxed. So, we certainly support reserves of all
21 sorts. I was, it was my impression that the Retiree
22 Healthcare Trust Fund was always used to pay for that
23 current year expense only for Retiree's Health Fund?
24 So, it's, it's, not necessarily a Rainy-Day Fund I
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2 mean it is, but it does give the, it does give some
3 form of relieve when a recession hit.

4 COMMISSIONER STEPHEN FIALA: It is always
5 good to see you. Uhm I think you for all you did for
6 me 20 years ago. I would just close by saying it
7 also gives a false sense of security in my
8 estimation?

9 LARRYIANNE ANGELO: Thank you all for
10 your very kind words.

11 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
12 We have more kind words or words from someone who
13 used to work for you, uhm Jim Caras

14 COMMISSIONER JAMES CARAS: Thank you
15 Larryianne. Uhm, I.

16 LARRYIANNE ANGELO: How are you Jim?

17 COMMISSIONER JIM CARAS: I was Larry...
18 I'm good. I was Larryianne's Finance Council for
19 many years and she taught me most of what I know
20 about the City Budget so you can actually blame
21 Larryianne when I go after OMB you know when they
22 come to testify.

23 LARRYIANNE ANGELO: And as I said you guys
24 are more than capable of holding your own in any
25 negotiation.

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2 COMMISSIONER JAMES CARAS: And I wanted
3 to you, you talked about the empowerment powers and
4 the frustration from our side and what, what would
5 you think of a very carefully crafted provision that
6 allowed the Mayor to empower for any economic reason?
7 This would be the only thing that he would be
8 prevented empowering or for policy, he didn't like
9 the program or political reasons.

10 LARRYIANNE ANGELO: Yeah, th... definitely
11 the Mayor should not empower for those last two
12 reasons. Uhm.

13 COMMISSIONER JAMES CARAS: But the one
14 time that it was used, it was ostensive for those
15 reasons.

16 LARRYIANNE ANGELO: Ye... it certainly
17 appeared that way and in the court of public opinion
18 it also appeared that way, to impound when there was
19 a \$2 billion surplus.

20 COMMISSIONER JAMES CARAS: I mean if he
21 can't point, and I make a reason, shouldn't that be
22 the reason that he shouldn't impound?

23 LARRYIANNE ANGELO: Yes, although I could
24 actually think of another reason, I mean there might
25 be a need to impound funds because you were looking

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2 at a contracting process that wasn't correct. But
3 leaving that aside its very hard though, its very
4 hard because uhm how do you measure it? So, I will
5 give you an example, so we all know that we are
6 dependent on Wall Street and so and there is
7 volatility. Now, if there is volatility in August
8 sometimes it is a signal that you are in a lot of
9 trouble and sometimes it just passes and you are
10 quite alright. Very hard to distinguish until it
11 actually, until you actually get knocked on the head.
12 So, it's, its, tough, it's a tough moment and I
13 haven't heard of a Mayor who actually tried to
14 impound because they saw volatility but, but if you
15 wait until it happens it is almost already too late.
16 So, it's, it's, difficulty.

17 COMMISSIONER JAMES CARAS: Thank, my
18 second question short, is.

19 LARRYIANNE ANGELO: Hurry Jim I need a
20 break.

21 COMMISSIONER JAMES CARAS: Do you think
22 that the, I don't know whether Giuliani actually did
23 an official empowerment or if he just held back
24 funds? I think it was the latter but let's, let's do
25 you think that holding back of funds for what

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2 appeared to everyone to be not economic reasons had
3 an effect on the Council's willingness over the next
4 many years to take on the Mayor over Budget issues in
5 significant ways.

6 LARRYIANNE ANGELO: He may have but I
7 think it may have also caused the Mayor's side to, to
8 think about taking on the Council. I thought the
9 Council did actually a pretty good job given the
10 constraints of the Charter in taking on the Mayor.
11 This afternoon I spent some time in looking at the
12 press stories around the time period and you know
13 frankly the Mayor, no one was applauding him for
14 doing this. As, as a negotiation dragged on and a
15 certain point the press was also saying the Council
16 should come to the table. But I don't, I don't think
17 that, I think if a Mayor was looking at that
18 experience, they wouldn't be very happy to jump into
19 that again.

20 COMMISSIONER JAMES CARAS: Okay thanks.

21 LARRYIANNE ANGELO: Thank you.

22 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

23 Thank you. Seeing no further questions for the panel
24 I thank you and I am calling the next panel. Uhm, I
25 would just remind everyone when the little buzzer

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2 goes off your two and a half minutes are over and you
3 need to sum up. Dave Smelsh, I think it is
4 pronounced, Gail Brewer, Merryl Brotski and Craig
5 Seaman. Thank you, Gail. I will motion that one.
6 Uhm... Mr. Smelsh?

7 DAVE SMELSH: Hi, thank you. My name is
8 Dave Smelsh, hello, hello everybody. Uhm I'm a
9 member of the Freedom Socialist Party and a 32-year
10 resident of Manhattan. I am also here tonight to
11 speak in favor of the Elected Civilian Review Board.
12 Proposal that you received. You've heard about this
13 from many people before me. The Legislative package
14 is only part of the extraordinary amount of work
15 which has been done by a broad and diverse coalition
16 of dedicated New Yorkers. For three years we've been
17 building a foundation of a movement for real police
18 oversight in New York City. In case you think we are
19 a bunch of angry people who want to vent at you, I
20 want you to know that during these three years we
21 have had regularly monthly meetings, working group
22 meetings, street outreach, done exhaustive
23 legislative research, organized fund-raising events,
24 we have spoken to students and church groups,
25 countless hours spent by ordinary New Yorkers united

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2 by their outrage of the rampant and unchecked police
3 misconduct and criminality in this City. It is in
4 the papers every day. Taking the pulse of the City
5 in this way, we confirm daily the total lack of
6 credibility in the current structure, that is the
7 Civilian Complaint Review Board. We are building a
8 movement because we know historically any major
9 reform which benefits ordinary people has only come
10 through mass organization and the process in this
11 room expresses the magnitude of our job. We also
12 know that even if our suggestions were to be wholly
13 implemented and adopted their true effectiveness
14 would only be as real as the community activism
15 behind them. We are in this for the long haul and we
16 will continue to build. Your website proclaims this
17 is a fresh start, do you really mean that? We come
18 here because you have the power to offer the
19 possibility of real change via the ballot in
20 November. Unfortunately, your preliminary report
21 disregarded all three of the essential points of our
22 Legislation. I will say them again, that the Boards
23 be elected from communities that they serve; that the
24 Police Commissioner be bound to carry out their
25 decisions and that an elected special prosecutor be

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2 in charge of cases of criminal conduct such as the
3 case of Officer Ponteleo who killed Eric Garner. So,
4 I have a couple of questions for you, 1) the
5 conclusion of your staff reports mentions that State
6 Law is a major obstacle to implication of our ECRB.
7 This contradicts the research that we have done on
8 this issue and have addressed in previous testimony.
9 If you have a basis for this conclusion please
10 explain it? And #2, do you think that the
11 recommendations on this topic are equal to the task
12 at hand which is to reduce the suffering injustice it
13 creates and Mr. Nori to your question, you seem to
14 intimate that ordinary New Yorkers can't be trusted
15 to make the right decisions regarding police
16 oversight in their own city, which, the logic of
17 which leads us to think that elections are not going
18 to be valid anywhere and when you talked about the
19 last presidential election you basically made that
20 argument. So, are you saying that? That elections?

21 COMMISSIONER SATEESH NORI: I will
22 respond.

23 DAVE SMELSH: Okay.

24 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
25 Ms. Brewer?

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2 GAIL BREWER: Thank you very much. Thank
3 you, Commission for all of your hard work and
4 congratulations on a good turnout for Manhattan I
5 am very happy about that. On Land Use in
6 particular, I am going to summarize this because
7 you have a longer version. I want to emphasize
8 the pre-planning aspect I can't tell you how many
9 times if the City Planning Commission begins a
10 discussion the ULURP is not enough time for these
11 re-zonings so you have to have a longer process.
12 And I want to add that the Charter should be
13 amended to provide that the procedure for
14 submitting amended applications during the ULURP
15 period should allow the Borough Presidents to
16 submit amended applications with their ULURP
17 recommendations. Again, to get more information
18 that is from the community. I think we have
19 discussed a citywide plan, either every 10 years
20 to see how the City is changing. We need to not
21 have an adhoc approach to neighborhood planning
22 and that does feel despite the efforts what it is
23 now. Uhm there are some issues that I think did
24 not get discussed in your recommendations. Uhm
25 we want to have a procedure for the removal of

deed restrictions that includes ULURP. We all
 know what happened in some of the cases that have
 been in the papers. 2) The Zoning Lot Mergers.
 We want to recommend amending the Charter to
 require that requests for Zoning Lot Mergers and
 Easement Agreements be made public because nobody
 knows that they are taking place. 3) The
 process and standards for modifications of CPCs
 Special Permits must be clarified. There are so
 many ways in which it is not clear to the public
 and again much of that is discussed in longer
 material that I sent to you. The Charter for
 should be amended to authorize the City Council
 to determine if modifications to Zoning are
 within the scope of the existing application and
 environmental review. I know you have heard a
 lot about the EISs, again the same issue of
 transparency, not clear in the current process.
 And I also just want to say on other issues that
 are relevant the Director of the City Planning
 should not also serve as Chair of the Planning
 Commission. I know this is not something that is
 not universally supported here tonight but it
 makes again for too much power in one person.

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The appointment of the Chair should require the advice and consent of the City Council and because the Chair and the Commissioner should be at arm's length in my opinion. 2) Uhm different topic, Rank Choice Voting. I strongly support your recommendation for that issue. Thank you very much.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Thank you very much Madam Borough President. Merryl Brotsky?

MERRYL BROTSKI: Thank you very much.

Good evening. I am Merry Brotski, a Turtle Bay Board Member. Okay, a Turtle Bay Board Member and District Leader in the area spanning the UN to Grand Central Station, north of Bloomingdale to the east 60s. I address two Land Use questions of interest to Turtle Bay and a little bit of our governance. First, should the Charter include a City Plan? ULURP a Charter amendment of 1975 devised to limit Robert Moses' mega-projects abandoned citywide planning. The Bar Associations Charter Revision Task Force states the Charter establishes a variety of planning processes under section 197a but does not require

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2 the creation of a single comprehensive plan to
3 guide Land Use. We think this ought not be
4 changed at this time, absent, careful study. And
5 while we generally agree with that, however, if
6 the disposition of land is unfair, planning
7 minded resident would ease. For example, East
8 Mid-Town Rezoning in 2017 compelled the Council
9 Subcommittee to vote on elements of the plan.
10 Complaints from Turtle Bay caused law makers to
11 nix five blocks on the east side of 3rd avenue
12 altogether. Remaining were two hotly contested
13 elements concerning the sale of unused
14 development rights by property owners include St.
15 Pat's Cathedral and how much dough the city would
16 take from each transaction. The plan proposed a
17 floor price as a guarantee that money would flow
18 into the Public Realm Improvement Fund.
19 Property owners and the Real Estate Board of New
20 York opposed the idea saying that it would stifle
21 sales in soft markets. Emanating from
22 developers' profits, the Public Realm Improvement
23 Fund would be used for infrastructure. But
24 infrastructure requires massive input from ConEd
25 and Communication, Construction and Engineering

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2 Entities, exceeding any developer's capacity.
3 Cost overrun would preclude infrastructure.
4 Planning that overhauls some developer zoning
5 rights, or mandates affordable housing might be
6 better. Second, should ULURP pre-certification
7 be extended? A 2018 Charter Commission did not
8 change the seven-month timeline. A former Chair
9 of the City Planning Commission on the expert
10 testimony people recommends 30 extra days for
11 community boards in complex cases and allowing
12 the Department of City Planning to import Zoning
13 Laws, also Grievance Procedures for too tall as
14 of right buildings which might be incorporated
15 into ULURP. Okay, I want to conclude that most
16 important part of what I had to say is since this
17 is public participation, the question of
18 Community Board participation, Turtle Bay is
19 strongly against term limits and would much
20 prefer that each Board decide whether or not it
21 wants term limits which would seem the democratic
22 way to go. So, in general, we are for a longer
23 pre-certification as I think Borough President
24 Brewer mentioned and term limits decided by
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1
2 majority vote of each Board. Thank you for
3 listening to our concerns.

4 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

5 Thank you very much, thank you very much Ms. Brotski.
6 Mr. Seaman I believe we have seen you before?

7 CRAIG SEAMAN: Yes you have, once again I
8 am Craig Seaman, Green Party State Committee Member,
9 former State Chair and former New York City Council
10 Candidate and I do support Rank Choice Voting
11 specifically to include the general elections and I'd
12 like to address some of the concerns that have been
13 raised in some of the previous meetings. One is the
14 access of information. First of all, I think you
15 would agree that the incident is probably most
16 readily available source of information, about
17 candidates. Even though candidates with limited
18 means use it as a key point to distribution. Well,
19 this February, Puy Research reported that the gap,
20 the access gap to the internet between race,
21 ethnicity and income whether low income under \$30,000
22 a year, non-white or those people with only high
23 school education still have over 80% of that group
24 has access to the internet to the access is there.
25 On understanding Rank Choice Voting because this is

1 something that also comes up, three weeks ago Social
2 Science quarterly did a study on understanding Rank
3 Choice Voting and they reported that the study, the
4 study between white and non-white and the voting
5 systems, various voting systems, they showed
6 virtually identical ease of understanding the
7 difference between white and non-white was less than
8 3% across the board and they concluded that we find
9 no apparent effects of race or ethnicity that is
10 specific to the self-reported understanding of Rank
11 Choice Voting and importantly the impact on voter
12 turnout, Kimball and Anthony at the University of
13 Missouri did a study in October 2016 on Voter
14 Participation and they found that Rank Choice Voting
15 compared in primaries, runoffs and general elections
16 which I support that showed an increase of 10% of the
17 turnout in the November elections which is one more
18 reason why I think Rank Choice Voting be included in
19 the general elections and comparing the number of
20 candidates specific to Minneapolis, one of the
21 largest cities that supports Rank Choice Voting. In
22 2005, which was the last year preceding the
23 introduction of Rank Choice Voting, they had 13
24 districts that had a total of 25 candidates. By
25

1
2 2013, their second election cycle, they had Rank
3 Choice Voting, in 10 of the 13 districts they had
4 more than two candidates, they had over 47
5 candidates. So, if you want diversity of
6 participation for the candidates and diversity of
7 choice for those voters not affiliated with the
8 dominant political party such as in Minneapolis which
9 is the DFL, the Democratic Form of Labor, Rank Choice
10 Voting in the general election will open this system
11 to more voters.

12 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

13 Thank you Mr., alright thank you Mr. Seaman,
14 questions for the panel? I have Steve and then Sal.
15 Are there?

16 COMMISSIONER STEPHEN FIALA: Thank you,
17 uhm Madam Borough President first I want to say thank
18 you for being here in so many respects this is, you
19 are one of the founders of their group, I hope we
20 deliver on, on something that benefits the City. So,
21 thank you for your vision and your leadership in
22 bringing us about. Uhm, you testified last year and
23 I talked about my priorities. I have two that are
24 important to me, that doesn't mean I don't support
25 other things. Rainy-Day Fund which I have already

1
2 spoken about extensively and the other was Borough
3 Empowerment. Could I just, in looking at my notes
4 from 2005, could you tell me if this still, in your
5 view as a Borough President and it is important that
6 we get that perspective if this is still the problem.
7 The Charter grants you as a Borough President the
8 power to propose modifications to the Budget proposed
9 by the Mayor, uhm, section 245b say you get to do
10 that but that you've got to also propose equal
11 offset.

12 GAIL BREWER: Cuts, yeah cuts.

13 COMMISSIONER STEPHEN FIALA: In your
14 Borough. The problem as I recall was another section
15 of the Charter doesn't grant you the level of
16 specificity. You don't know what the Departmental
17 estimates are so you therefore cannot fulfill your
18 duty to recommend the cuts. Is that still a problem?

19 GAIL BREWER: Absolutely, obviously you
20 are dealing with units of appropriation so it's a
21 problem when you and I were in the City Council and
22 it is a problem as Borough President, so without
23 units of appropriation it is very hard to do. I mean,
24 the Borough President and you know I look at the
25 Borough President of Staten Island who walks on water

1 as far as I'm concerned, how strongly I feel how
2 great he is and I would say the, I would say that
3 there are not only budget issues, I mean the issue of
4 course, the formula for Manhattan and I think maybe
5 for Staten Island is very skewed in terms of how much
6 Capital you get, not just on the analysis of the
7 budget but the Borough President how that is
8 allocated is also very challenging. Uhm in Manhattan
9 for instance, in terms of Borough Reference, we have
10 a certain percentage that is based on a formula but
11 it is only based on the residents. We have 1.6
12 residents and 2 or 3 million coming in every day, so
13 we don't really have the dollars for the
14 infrastructure because of the formula. But what you
15 are talking about specifically, yes, we submit this
16 is what we think should be the budget. It is a I
17 don't know happens to that material, just like the
18 District Service Material that the Community Boards
19 put together. I was worried does it really get
20 impacted? Is there some way that the OMB pays
21 attention to it and they put a lot of time into it as
22 you know, the Community Boards? So, I would say that
23 without units of appropriation it is very hard to
24
25

1
2 know what should be added to and what should be cut
3 even as a Council Member you don't know.

4 COMMISSIONER STEPHEN FIALA: So how
5 important do you deem it for this body to address
6 this particular issue of trying to find a day to make
7 this opaque process less opaque so that you could
8 discharge your duties in a meaningful way with
9 respect to Budget. I'm leaving Land Use aside.

10 GAIL BREWER: No, I think, I think Budget
11 is incredibly important. I know you've had some
12 discussion on the Mayor's side stating we need this
13 large nonunit of appropriation because he wants to be
14 able to move money around. I totally disagree. It's
15 the public's money they should know exactly what is
16 in that unit of appropriation so that you could mold
17 it toward and mirror it towards an actual program.
18 If you are talking about homeless services, you are
19 talking about mental health. Why exactly is it doing
20 for that amount of money? Specifically?

21 COMMISSIONER STEPHEN FIALA: Thank you so
22 much.

23 GAIL BREWER: That is a Jimmy Auto issue
24 also.

1
2 COMMISSIONER STEPHEN FIALA: I will take
3 that back to him.

4 GAIL BREWER: Please.

5 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
6 Sal.

7 COMMISSIONER SAL ALBANESE: Borough
8 President Brewer, welcome.

9 GAIL BREWER: Yes, Sal Albanese.

10 COMMISSIONER SAL ALBANESE: It is a good
11 to see you.

12 GAIL BREWER: Nice to see you.

13 COMMISSIONER SAL ALBANESE: Uhm I want to
14 echo what Commissioner Fiala said. You are one of
15 the prime movements behind this unique Commission so,
16 congratulations on that and thank you for your
17 thorough analysis of the different issues that we are
18 grappling with. My question is about the Conflict in
19 Interest Board. I mean, I, I, uhm quote from the
20 City Charter here that people are chosen for their
21 independence, integrity, civic commitment and high
22 ethical standards and while they are serving, they
23 can't hold any public office. They can't seek
24 election to any public office, be a public employee
25 in any jurisdiction, hold any political party office

1
2 or appear as a lobbyist before the City. My question
3 is, should we not add that people who sit on this
4 Commission should not be able to donate to can,
5 candidates for municipal office.

6 GAIL BREWER: People who sit on this
7 Commission?

8 COMMISSIONER SAL ALBANESE: Correct.

9 GAIL BREWER: Well you are talking during
10 the time period that the Commission exists or even
11 into the future?

12 COMMISSIONER SAL ALBANESE: Yes, no,
13 during the time that they sit on the Commission.
14 Obviously when they retire or they move on they can
15 do whatever they want. But you know, we set up, we
16 establish these standards to uhm obviously create
17 objectivity, independence, because the Conflict of
18 Interest Board mediates conflicts and we want to med...
19 we want to eliminate the people who are addressing
20 the conflicts from having their own conflicts and
21 we've seen a couple of auditors in the times about
22 this recently. Uhm actually a couple of days ago and
23 a piece by Willie Newman about the Conflict of
24 Interest Board. Uhm I personally don't understand
25 how they are allowed to donate to campaigns yet we

1
2 have these other standards, you can't be a lobbyist,
3 you can do... I mean you are a student, a student of
4 Government. I, I, I know how knowledgeable you are.

5 GAIL BREWER: I hope I am a Student of
6 Government. I just like you; I try to high the
7 highest ethics possible. I think if you did that
8 then you would have to have some broader situation
9 where it is not just this commission but Commissions
10 in general couldn't during a certain time period.
11 So, I don't know if it should be just for this
12 Commission. You know I would have to look at its Sal
13 to be honest with you.

14 COMMISSIONER SAL ALBANESE: I'd
15 appreciate that. But.

16 GAIL BREWER: I don't know off hand, I
17 didn't know about this particular issue so I'm a
18 little, not quite able to state but I do think in
19 general you know the way in which it would operate
20 here would operate across the board. This Commission
21 isn't going to last forever. There may be other
22 Commissions that have similar time periods and
23 sunsets and that too might be relevant.

24 COMMISSIONER SAL ALBANESE: I'm not
25 talking about this Commission.

1
2 GAIL BREWER: No, I'm talking about in
3 general.

4 COMMISSIONER SAL ALBANESE: Uhm I'm,
5 specifically the Conflicts of Interest Board.

6 GAIL BREWER: Conflicts of Interest
7 Board, okay I'm sorry.

8 COMMISSIONER SAL ALBANESE: I would love
9 you to think about it. Contemplate deeply and I'd
10 love to hear your comments.

11 GAIL BREWER: Okay, I will let you know.
12 Alright.

13 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
14 Thank you, Sateesh. Thank you, oh sorry.

15 COMMISSIONER SATEESH NORI: Alright, get
16 ready. So, I find it ironic that we are standing in
17 front of a Statue of Thomas Jefferson and debating
18 the merits of democracy. But don't get me wrong, we
19 are on the same page. I've been fighting for 18
20 years as a lawyer at Legal Aid for accountability for
21 transparency, for justice, for the underrepresented
22 but if you haven't noticed our democracy is flawed.
23 The issue other than this one that we are discussing
24 here today more than any other is whether our
25 democracy works. That's why we are talking about

1 Rank Choice Voting and Democracy Vouchers and so on.
2
3 And so, it troubles me that we are hindering this
4 discussion on an election when every other discussion
5 we are having is about how our elections are so
6 flawed. And so, I want to be convinced that this is
7 possible and at this point I am trusting the staff
8 report that it is not possible you are telling me
9 that it is possible so I'm an open-minded person and
10 I am willing to reconsider that position but I am
11 asking that you know, it be, you know, flushed out as
12 we continue tonight.

13 DAVE SMELSH: I'll take a minute to
14 respond?

15 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
16 Just one.

17 DAVE SMELSH: One minute, uhm, I love
18 being in this room. You mentioned Thomas Jefferson
19 that is really nice, you know, because it reminds me
20 how far we've come, sort of, the iconography in this
21 room in total represents a time when the only people
22 who could be on Community Boards and participate in
23 elections were white men who owned slaves. We've
24 come some way from there but what's going on in the
25 streets of New York today shows that the Civil War is

1
2 not finished. We have, we have movements to build.
3 We have a long way to go and if we can, I say it
4 again if we can't trust ordinary people with a, with
5 a subject like how they want their police to act in
6 New York City, I don't know who we can. You are
7 making an argument that we have to turn it over to
8 our betters; you know and we see where that goes.
9 The logic of it is what we have at the Federal level.
10 I think, we need to build a movement and we need to
11 trust ordinary people to do the right thing.

12 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
13 Thank you very much are there? Jimmy?

14 COMMISSIONER JAMES VACCA: Thank you
15 Commissioner Camilo and the Chair of course. Uhm
16 Borough President Brewer, first I, you know, I think
17 you are great.

18 GAIL BREWER: I think you are great also
19 Jimmy Vacca.

20 COMMISSIONER JAMES VACCA: I think you
21 are awesome. I will ahead with me. Well, no, she
22 walks on water too and uhm I wanted to comment on a
23 couple of things. I have to inject for a second on
24 the COYB, I did send out a feeling, a view today to
25 my fellow Commissioners. Uhm I don't have a number

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2 but I would guesstimate that 90% plus of the cases
3 that go to COYB are cases brought against City
4 Employees who work somewhere in the Executive Branch.
5 They work for an agency or an authority controlled by
6 the Executive Branch. It doesn't make sense to me
7 that all five Commissioners are appointed by the
8 Mayor, who is the head of the Executive Branch.
9 Whoever that Mayor is, this is nothing personal. So,
10 whoever that Mayor is, I don't understand how they
11 have the authority to, how they have been given the
12 authority to appointment COYB Commissioners in total,
13 all five, and I mention that we may want to look and
14 that we should look at another appointment method. I
15 suggested but I'm open but I suggested that the
16 Public Advocate appoint three, the Mayor one, and the
17 Controller one and I think we have an opportunity to
18 do so. I especially want to commend you for all
19 you've done Gail in advocating for Community Boards.
20 Your office, you set an example, you've given them so
21 much technical assistance and training but many
22 Community Board members throughout the City and you
23 know I'm a Community Board person for years myself.
24 They are frustrated with not feeling engaged enough
25 that they are listened to. Their powers under the

1 Charter are strictly advisory and that sometimes is a
2 difficult thing to accept. So, what do you advise,
3 uhm where do you advise that we do more with
4 Community Boards and how can we uhm get the more at
5 the table when decisions are made?
6

7 GAIL BREWER: Well, I appreciate that
8 question very much. I mean we obviously do try to
9 creating the fact that when we make our decisions in
10 the Borough President's Office we listen very, very
11 carefully. I do think that the you know the advisory
12 portion would be something to do look at. They don't
13 have, they are stuck often with that clock being hit
14 by the City Planning Commission and you know 50 or 60
15 days you know in which to respond and it is not
16 enough time. It is simply not enough time and of
17 course in my opinion with the crazy term limits it
18 gets even worse. So, it would be great if this
19 Commission would take the advice of those and have,
20 we heard a little bit about the need for people to be
21 part and trust people in terms of the CCRB. I would
22 do the same thing for the Community Boards. You have
23 to trust that their suggestions may not be just
24 advisory but they have actual really teeth. It would
25 mean a different kind of appointment process. I am

1
2 very proud of our process and I think it would have
3 to have something that was monitored in terms of
4 people having uhm you know not being absent and being
5 very, very careful and very committed to the process.
6 But I think that would be and very transparent. But
7 I would love to see the communities have a lot of
8 more input and of course you want the Community
9 Boards to be representative of the demographics of
10 the Community, that also, I know also the City
11 Council is looking at that. We do that in our, in
12 our Borough. So, you have to have some uhm I think
13 input and some monitoring and some more, as you said
14 training to go with, uhm real teeth in terms of their
15 suggestions and their recommendations. The same
16 thing with the Budget. I mean I don't know that
17 anybody takes those amazing amounts of District Need
18 Statements as seriously as they should. It is back
19 to this issue of, you know, I heard earlier what is
20 your proposal for making sure that people know what
21 is in that Budget. The Community Boards are often in
22 the dark about that.

23 COMMISSIONER JAMES VACCA: You mentioned
24 planning quickly. Are you mentioned planning? Are
25 you in support of a planner for Community Boards?

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2 GAIL BREWER: Yes, we want, we need
3 planners, we need more technology, yes, we are very.
4 I don't know quite understand the Mayor Civic
5 Commission. I wasn't supportive of it; I don't
6 understand if those planners should be selected by
7 the Community Boards and not by the Mayor's Office
8 however.

9 COMMISSIONER JAMES VACCA: Thank you.

10 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
11 Carl?

12 COMMISSIONER CARL WEISBROD: Uhm to that
13 point, Madam Borough Present, because as uhm
14 Commissioner Vacca said and I think we've all
15 recognize that you have done a really remarkable job
16 in, in, in, raising the quality of Community Boards
17 and Community Board members. Do you think and there
18 has been a lot of discussion about enhancing the
19 planning capacity of Community Boards? We as our
20 Chair noted the other night, we have no uhm
21 appropriation power here to do that but if that
22 capacity was increased, would, would it be better to
23 have planners in each Community Board? Or in your
24 view, would it be better just in terms of the role of
25 the Borough President to have an enhanced planning

1
2 capacity at the Borough level that could then
3 allocated as determined by the Borough President to
4 Community Boards as necessary?

5 GAIL BREWER: Yeah, I mean obviously I
6 think that would be fabulous. I do think that
7 Community Board however should literally have some
8 say over whom that staff is, I don't want, even
9 though I am the Borough President and I feel very
10 proud of our office, I was on a Community Board and I
11 think that they should pick the staff. That staff,
12 perhaps could work more cohesively you know from a
13 central office. We do that, for instance, when we
14 are doing technology. We have a huge technology
15 effort on behalf of the Community Boards now working
16 out of our office. Uhm as you know Scott Stringer
17 put graduate students which work a little but they
18 disappear after their academic year and that is
19 challenging in itself because you work with them and
20 then the person is gone. So yes, I think a, a staff
21 that was well trained on planning with the
22 appropriate academic qualifications but selected by
23 the relevant Community Boards. Obviously input from
24 the Borough President's Office but the final says of
25

1
2 who the persons are should come from the Community
3 Boards.

4 COMMISSIONER CARL WEISBROD: Thank you.

5 MERRYL BROTSKI: Can I ask? Gail a
6 question?

7 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
8 Yes, yes Meryll.

9 MERRYL BROTSKI: Gail?

10 GAIL BREWER: Yes, hi Meryll.

11 MERRYL BROTSKI: Hi honey, you look
12 great.

13 GAIL BREWER: So, do you.

14 MERRYL BROTSKI: Thank you. Uhm I'm just
15 wondering.

16 GAIL BREWER: I've been around a long-
17 time audience just so you know.

18 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
19 Speak into the mic more, directly into the mic.

20 GAIL BREWER: That's a good thing,
21 experience is good.

22 MERRYL BROTSKI: Uhm Gail I'm wondering
23 on the, in the report the recommendations on the role
24 of the Public Advocate?

25 GAIL BREWER: Yes.

1
2 MERRYL BROTSKI: If you could uhm give us
3 your great common sense and wisdom?

4 GAIL BREWER: Well you know it's
5 supposed; I was there for four years under Mark
6 Greene and I'm familiar with the office. I do think
7 that the Woodman's Function is not highlighted
8 enough. That function is complicated, it could, on a
9 regular basis, if done with tenacity and hm finesse
10 it needs both, could work with elected officials in a
11 more holistic fashion to get the systemic problems,
12 but that's what is not happening. Whether it is the
13 Water Bureau or the other bureau. Nobody is going to
14 share all of their lists of constituents, just turn
15 them over to the Public Advocate. But if there was a
16 situation where the, the people's person which is
17 basically what a Woodsman is, was to work with the
18 appropriate communities elected to say let's work
19 together on the systemic issues. I think it would be
20 a good counter to whatever any Mayor is trying to
21 accomplish. We are all doing it individually and
22 then you end up with the press conference and the one
23 day shot and not necessarily the systemic change.
24 Uhm the second issue of course we all, is the issue
25 of Budget and I do think it should not be the whim.

1
2 I was in the Budget Negotiation Committee for 12
3 years and I must admit that there were times when
4 money was tight and we would say cut the, cut the
5 Borough Presidents, cut the Public Advocate, we
6 didn't have any reason to do that except we didn't
7 have a lot of expense money, so it needs to be tied
8 to something so it is not at the whim of the City
9 Council and the Mayor to be honest with you. But the
10 Woodmans function and of course Subpoena Power.
11 Others can decide how that should or shouldn't work
12 but this uhm, there isn't enough teeth to be able to
13 do this kind of real systemic. Uhm these are the
14 challenges I think and City Council does some of it
15 but they do it with a hearing structure. And the
16 Public Advocate with the appropriate staffing I think
17 could really be a challenge on that front.

18 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

19 Thank you Gail. Mr. Cordero?

20 COMMISSIONER EDUARDO CORDERO: Being that
21 we are asking uhm Madam Borough President your
22 opinion on a few things. What's your opinion of the
23 ECRB?

24 GAIL BREWER: The CCRB?

25 COMMISSIONER EDUARDO CORDERO: The.

1
2 GAIL BREWER: Okay, uhm I do think, I do,
3 there are systemic changes that should be made. I am
4 now, I'll be honest with you. I appreciate very much
5 what he had to say but I am not necessarily in
6 support of the vote only because I was a school board
7 member 100 years ago and when people when they vote,
8 they don't turn out for elections that they don't
9 understand. I know that they should but they just
10 don't. So, however, there are other uhm changes that
11 could be made I think even before we talk about that.
12 Uhm changes to the appointments, the imposition of
13 certain obligations to the Police Commissioner, the
14 delegation of subpoena power, to the staff, like
15 granting the permission to the board to investigate
16 and impose discipline in cases of false
17 representations. Uhm there are lots of necessary
18 reforms, the Charter should be amended to codify the
19 MOUs, the Memorandum of Understand which I know is
20 very controversial that provide for the prosecution
21 unit and I think that the Budget should be set at a
22 certain amount, not just similar from the independent
23 budget office which is set to a percentage of the
24 Office of Management and Budget, the CCRBs Budget
25 could be set at some percentage of NYPDs Budget. Uhm

1
2 you know that's what I would, some ideas, I know, I
3 understand the need for elections generally but I've
4 just been around too long and know that people just
5 don't turn out. Now, that's not to say that there
6 might be a different process for the appointments,
7 more transparency, you know, different ways I was
8 Chair of the Manhattan Delegation and I will be
9 honest with you, the Manhattan Delegation is suppose
10 to come up with certain, in the City Council
11 appointments. Uhm it's not a great process. You've
12 got somebody you got somebody; it was very haphazard.
13 So, the appointment by the City Council of the
14 different appointments from the delegations perhaps
15 needs a different process in itself. So that might
16 be where you have hearing and you have people who are
17 more qualified than perhaps people think are on the
18 Board now. That could be discussed or even who the
19 Mayor's people are and how they are appointed but I
20 worry that in an election situation, you wouldn't
21 necessary get a good turn out and people would be
22 campaigning in some kind of weird ways. Look at, I
23 think it is good that judges go through appointments
24 and elections but it still got some challenges.

25 COMMISSIONER EDUARDO CORDERO: Thank you.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Any further questions? No. Yes? Now if not I would like to thank the panel. Thank you very much and call the next panel. I have Wendy Garcia, Teri Hagadorn, Ayetta Camp, and Sean Ahurn. And just so you can get ready the panel after that is Amy Jew, Howard Slatkin, Norene Wisel and Jordan Wook. Ms. Garcia?

WENDY GARCIA: Alright thank you to the Charter Commission Revision for allowing me to testify tonight. My name is Wendy Garcia and I am the Chief Diversity Office for the Office of the New York City Controller, Scott M. Stringer. I am here tonight because the preliminary staff report did not go far enough. Anything less than enshrining a Chief Diversity Office in City Hall and in every single City Agency in the Charter is simply not enough to tackle the problems that the City faces. We need a government that prioritizes closing the racial and economic gaps in New York and to establish real consequences when there is inequity. A Chief Diversity Officer at a top, as a top official in City Hall will be able to address the pervasive patterns of discrimination that have plagued our agency for

1 decades. They will set the tone of inclusion at the
2 very top and with support of CDOs in every single
3 Mayoral Agency they could hold City Government
4 accountable every single day by conducting internal
5 audits, assessments. A CDO could reveal new data
6 about discrimination patterns in work force and
7 procurement. They could use data to show when people
8 say we've tried our best but that simply won't be
9 good enough and they can work closely with the Mayor
10 and Agency Commissioners to implement effective
11 programs that deal with transparency, metric goals
12 and more importantly something that government lacks,
13 accountability. And as I've said before, the role
14 must be supported by Chief Diversity Officers at
15 every single City Agency. Agents and CDOs will be
16 able to take a look under the hood. They have a
17 microscopic view on how specific agencies must
18 address systemic inequities. We believe that this
19 will stop the pattern from repeating itself because
20 what we have learned from history is that we have not
21 learned from history. Of the 6,700 certified MWBEs,
22 80% of them are not getting contracts to date. Of
23 the \$19 billion that the City spends only 5% is going
24 to MWBEs. And out of all the City Agencies that we
25

1
2 have, only four have CDOs that report to
3 Commissioners. We know that this works and that it
4 is time for reform. In our office, we went from 11%
5 to 29%, we tripled that in just four years. In our
6 pension funds we grew it from \$8.9 billion to \$12.5
7 billion. We did that in four years and when we
8 looked at a Corporate Governance and I will sum we
9 made sure that we asked for diverse directors across
10 the nation and we were able to get 54 new ones across
11 the nation. This has never been done before.
12 Municipal government has never thought of this in a
13 way where we take equity into compliance. So, I ask
14 you that today you take the uncomfortable step that
15 you Charter a Chief Diversity Officer at the top and
16 at every single City Agency, thank you.

17 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

18 Thank you Ms. Garcia. Ms. Hagadorn?

19 TERI HAGADORN: Good evening thank for
20 the opportunity to speak before you tonight. My name
21 is Teri Hagadorn and I am volunteer member of
22 Represent Us which is a nonpartisan anti-corruption
23 organization. It is national but I am a New York
24 Volunteer. Uhm one of core platforms at the national
25 level is election reform and Rank Choice Voting is a

1 critical component of the reform. There is a myriad
2 of benefits to you know RCB which you have been
3 hearing about from ensuring that candidates with the
4 most votes and broadest support actually win the
5 election to eliminating vote splitting, reducing
6 negative campaigning and cutting cost of elections.

7 One concern that has been raised about Rank Choice
8 Voting is ballot exhaustion which occurs when all of
9 the candidates of Voter Ranked have lost even though
10 two or more other candidates remain in the race.

11 When this happens, the ballot is considered exhausted
12 and is no longer included in the tally of the winner.

13 This can happen when the voter chooses either not to
14 rank all of the candidates or when the ranking is
15 capped at maybe three candidates. Two points to
16 consider on that, 1) there is a difference between
17 exhausted votes and exhausted voters. Before Bay
18 Area City adopted RCV the average decline in turn out
19 was much greater in runoffs than the proportion of
20 ballots that came to be exhausted under RCV. On
21 average runoff elections saw a 23% decrease in voter
22 turnout compared to an only 12% average level of
23 ballot exhaustion for RCV elections. So put another
24 way there were nearly twice as many exhausted voters
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1
2 with runoffs as exhausted votes under RCV and it was
3 acknowledged in your Commissions report that runoff
4 turn out tends to decrease dramatically here in New
5 York City. For example, there was a 61% decrease in
6 turn out from the 2013 democratic primary to the
7 runoff for public advocate and decreases of about 35%
8 in the 2009 Democratic Primary runoffs for
9 comptroller and PA. Exhausted voters also tend to be
10 those who cannot afford to take more time off to vote
11 again, meaning runoffs unfairly disenfranchise lower
12 income people. The second point to consider is that
13 if the number of candidates a voter can rank is
14 increased from three to five or even beyond the risk
15 of ballot exhaustion naturally declines. Represent
16 Us advocates for applying RCV to all elections and
17 all offices and allowing voters to rank at least five
18 candidates. In closing, if New York City adopts RCV
19 as many other cities and states have, we will be much
20 closer as a country to using RCV for federal
21 elections. A truly positive outcome for our
22 democracy that you have the ability to impact today.

23 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

24 Thank you Ms. Hagadorn. Uhm Ayetta Camp. I'm sorry
25 I pronounced your name wrong the first time.

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2 AYETTA CAMP: That's okay it happens a
3 lot. Thank you. Thank you, Chair Benjamin and
4 Commissioners. My name is Ayetta Camp, I'm Chair of
5 Community Board 8 Manhattan. We have testified at
6 prior Charter Revision Commission hearings and have
7 attached resolutions to my testimony that I have
8 submitted. CBA is concerned that there is
9 insufficient public input into the Land Use Process.
10 We ask for more time and an earlier time to review
11 and comment. The purpose of ULURP is to allowing
12 communities' input into Land Use decisions that
13 impact our neighborhood. Therefore, we urge the
14 Commission to include a pre-ULURP review period for
15 Community Boards. In addition, we need 45 additional
16 days beyond the 60 required as part of ULURP to allow
17 us to provide public notice and have sufficient time
18 to evaluate and vote on the applications. Community
19 Boards meet once a month. If the application comes
20 in just after a board meeting, it will be
21 approximately 28 days or longer before we meet again.
22 That is simply insufficient for meaningful review and
23 comments. The clock should not begin to run until
24 whichever happens later, City Planning certifies the
25 application is complete or it does not certify the

1 application is complete until the submission of the
2 final and partially prepared EAS with a negative
3 declaration. If we discover an inaccuracy in the
4 application, we ask that the clock start again.

5 There were other concerns with ULURP, for instance,
6 an EIS written by an environmental company who is
7 paid for and engaged by the developer is not
8 impartially prepared. We ask that the environment

9 company or law firm be paid by the developer but be
10 drawn from a list maintained by the City to ensure
11 greater objectivity. Because ULURP is designed to
12 provide for public input and an analysis of the
13 various impacts of the projects at issue, upon the

14 community, we ask that as of right buildings notify
15 Community Boards of filings and that the DOB notify

16 Boards before approving plans. We ask that there be
17 greater transparency in the RFP process and that
18 communities participate in RFP development. The RFP

19 process should be treated more like ULURP because the
20 impact on communities is just as great. While growth
21 was important, there were other parts of city life

22 that have equal value, affordable housing, quality
23 education, effective and efficient infrastructure,
24 small business vitality, neighborhood preservation

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1
2 and vibrant communities. We are concerned that these
3 values have eroded in favor of an exclusive interest
4 in growth. Articulation of this values in the
5 document that governs New York City would help ensure
6 that the City remain a vibrant urban environment.

7 Therefore, we believe that a comprehensive plan that
8 recognizes the importance of issues other than growth
9 should be, is essential to a livable city. Current
10 thinking appears that the poorly coordinated reports
11 and ordinances now in place constitute a plan for the
12 City. We disagree. We need a coordinated plan that
13 addresses these and other issues. I just would like
14 to sum up by referring to Commissioner Vacca's
15 comments about the need for uhm changes potentially
16 to overdeveloped communities whose new buildings are
17 out of context and inappropriate. Community Board 8
18 would fall into that category. We can't seem to get
19 City Planning to look at altering the zoning to
20 provide for more affordable housing to small
21 businesses and to provide buildings that are more in
22 context with our neighborhood. We further support
23 comments that Borough President Gail Brewer made and
24 those provisions of the report that affect, that

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2 relate to the Borough President and thank you very
3 much.

4 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

5 Thank you very much, Ms. Camp and now Sean Ahurn.

6 SEAN AHURN: Good, good evening Madam

7 Chair and Commissioners. Uhm my name is Sean Ahurn

8 and I am Director for the Center for Advanced

9 Research of Spacial Information. Also, a professor

10 in Geography and I am here to talk about the creation

11 of the position of Chief Geo-Spacial Information

12 Office in City Government. Since the early 90s, I've

13 worked with the City of New York to build this

14 geographic information infrastructure and

15 collaboration with the Department of Environmental

16 Protection, my center for advanced research of

17 spacial information managed and conducted quality

18 assurance for the first photometric base map in 1996

19 called NYSMAP to which all the City's geographic

20 layers were referenced. We continued to manage

21 NYSMAP until 2006 in collaboration with DIOTT. The

22 9/11 crisis helped crystalize the importance of Geo-

23 Spacial information for emergency response. Under

24 the leadership of Allen Leidner, DIOTT, Assistance

25 Commissioner and Head of Citywide GIS, a 24/7 mapping

1 and data center analysis center was set up at pier
2 92. The preparatory work done prior to 9/11 to
3 establish GIS for the city and the mapping and data
4 analysis center set up during the crisis helped the
5 City get back to normal, many days, even weeks sooner
6 than without this preparation and leadership. Saving
7 the City hundreds of millions of dollars. In 2010,
8 Karsey, my lab managed and did quality assurance for
9 the first high-density light R data acquisition for
10 the City of New York. This data supported the
11 creation of the City's first solar map. A bi-product
12 of this work was the first digital surface model of
13 the City at a resolution of 1 foot. This product can
14 be used to very precisely calculate which parts of
15 the City would be flooded given different storm surge
16 levels. Despite these data being delivered to the
17 City by my lab in the fall of 2010 this work was
18 never done. Nor was the relationship between
19 flooding levels and critical infrastructure ever
20 analyzed. This oversight resulted in the ConEd
21 station blowing up, darkening lower Manhattan for
22 days and the loss of electricity at the NYU Hospital
23 to name but a few of the avoidable disasters that
24 occurred during Hurricane Sandy. In total, billions
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2 of dollars needed to be sent that could have been
3 avoided had the above analysis been done. What
4 happened? Between 1999 and 2004 and there was a Head
5 of Citywide GIS, Allen Leidner at the Assistant
6 Commissioner level. After 2004, there was no one in
7 the City with the same level of authority to
8 coordinate Geo-Spatial Activities of strategic
9 planning, data acquisition and standardization. It
10 is time to make the position of Chief Geo-Spatial
11 Information Officer in City Government and requisite
12 part of the City's management structure. It is also
13 necessary to develop a strategic plan for GIS and set
14 up a Steering Committee to develop it and provide
15 oversight for all GIS Activities in the City. Thank
16 you very much.

17 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

18 Uhm, Mr. Ahurn I understand that Mr. Leidner and
19 others may be working with the City Council uhm for a
20 bill that would do just that, are you aware of that?
21 Is that?

22 SEAN AHURN: I am.

23 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

24 And that is the case then?

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2 SEAN AHURN: I believe so but I, they
3 would have to talk. It's in early states I believe.

4 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
5 Okay.

6 SEAN AHURN: Yes.

7 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
8 Thank you. Are there other questions? Uhm Paula
9 Gavin?

10 PAULA GAVIN: I have a question. I have
11 a question, I'm sorry I didn't have, catch your name
12 about RCV and Voter Turnout. I would just you to
13 talk about other things that we might do connected to
14 RCV to really spawn the turnout that we want?

15 TERI HAGADORN: Vouchers, vouchers, I'm a
16 big proponent of voucher systems. We study that at
17 Represent Us. I mean I don't know enough to be
18 dangerous but it is something that I felt really uhm
19 inspired by. I think you know when you talk about, I
20 mean I was a big advocate for what, what came on to
21 the ballot in November about increasing the, you know
22 the public match and I think that's great, because
23 it's based on the system that we have had but if you
24 really want to change the game, I feel like that,
25 that is your way to go with vouchers.

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Uhm can I ask one related question, I'm sorry Sal.

COMMISSIONER SAL ALBANESE: I just wanted

to that uhm I appreciate the feedback on democracy

vouchers which is, if you've been at these hearings

that I'm sure a big fan of vouchers, I think that

would change the game. It is happening in Seattle,

Albuquerque, and Austin will adopt, Senator Jill

Brand just proposed it on a national level. It will

really. It is real democracy and I you know I'm a

critic of the matching system. I think it is

ineffective, I think it only helps insiders but uhm

I, your, your organization is doing good work across

the country and thank you for being here tonight.

TERI HAGADORN: Thanks.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Thank you. Carl.

COMMISSIONER CARL WEISBROD: Uhm Ahurn is

that.

SEAN AHURN: Correct.

COMMISSIONER CARL WEISBROD: I just want

to followup on the Chair's question to you which is

if in fact the City Council is talking now about

Legislation why shouldn't which can be done in a

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2 rather deliberative process through hearings and the
3 like, uhm, shouldn't that, and, and this can be
4 accomplished through Legislation. Isn't that the
5 better course of action rather than doing a Charter
6 amendment?

7 SEAN AHURN: My expertise is not really in
8 City Government to be honest. Uhm, I'm a professor
9 in a technical area. Uhm you know that is certainly
10 another avenue that could be pursued. I don't know
11 the City, New York City's Charter well enough to know
12 at what level a position like that would be you know
13 entwined in the, in the Charter so I can't quite
14 answer your question but we are certainly open to any
15 avenue to achieve that goal.

16 COMMISSIONER CARL WEISBROD: Understood,
17 thank you.

18 COMMISSIONER DR. MERRYL TISCH: Chair,
19 Madam Chair?

20 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
21 Yes.

22 COMMISSIONER DR. MERRYL TISCH: I hope
23 sir that you saw the newspaper yesterday where they
24 showed a picture of uhm years after Hurricane Sandy
25 the big solution as the large sandbags that they

1 placed on the seawall so I think you make a very
2 compelling argument and I am happy I came tonight to
3 hear you, as all of you.

4
5 COMMISSIONER CARL WEISBROD: Much of what
6 happened should not have happened if the city had
7 disposition in place and the correct organization and
8 analysis was done. The data was there and it didn't
9 happen, it's, it's truly disturbing.

10 COMMISSIONER DR. MERRYL TISCH: Truly.

11 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
12 Steve?

13 COMMISSIONER STEPHEN FIALA: Mr. Ahurn I
14 want to association my remarks with Commissioner
15 Weisbrod and Dr. Tisch. Uhm I just want to commend
16 your organization. You, like so many here on these
17 other issues have been steadfast in turning out and
18 providing a level of expertise that quite honestly,
19 uhm is difficult for me to grasp and I think
20 Commissioner Weisbrod hits the nail on the head when
21 he talks about Legislative process vehicle being
22 appropriate. I can't speak for this Commission but
23 what I can say is that I will propose as we do with
24 everything you know we may not take up things but we
25 do our best to try and farm them out and I think your

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2 organization and the nature of the topic that you
3 have presented as thoughtfully as you have would be
4 of great benefit in this room in another forum with
5 the City Council for multiple hearings where you can
6 really take a deep dive so at the very least, you are
7 on the map and I just want to thank you all for
8 coming out over and over again. I know that there
9 was a judge here the other night, and it's not lost
10 on us. That's what I want you to know.

11 SEAN AHURN: Thank for the comments,
12 being on the map for me is very important so I
13 (laughing).

14 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
15 Commissioner Vacca?

16 COMMISSIONER JAMES VACCA: I want to, I
17 want to thank you all. I especially want to thank
18 the lady for the Community Board who spoke and then
19 thank you. The Boards are very important.

20 AYETTA CAMP: Thank you.

21 COMMISSIONER JAMES VACCA: I'm sorry, her
22 name?

23 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
24 Ms. Camp.

25

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2 COMMISSIONER JAMES VACCA: Ms. Camp,
3 thank you so much.

4 AYETTA CAMP: Thank you.

5 COMMISSIONER JAMES VACCA: You know
6 something again you mentioned the Community Boards in
7 relation to the City Planning Commission, so I was a
8 District Manager for a Community Board for many, many
9 years and I want you to know something, 2002 over
10 development was ravaging my community, over
11 development out of context, we yelled and we
12 screamed, City Planning Commission did not want to
13 list to us. They did not help us until the local
14 Civic Group had a Town Hall Meeting and Mayor
15 Bloomberg came and saw hundreds of people and all of
16 a sudden, we were not subject to a contextual down
17 zoning.

18 AYETTA CAMP: That would be our goal.

19 COMMISSIONER JAMES VACCA: So, this is,
20 this is an example of, don't get me wrong. I'm glad
21 the Mayor at that time was responsive but the
22 Community Boards don't have that kind of sway. They
23 can fight for years and have every fact on their side
24 representing their neighborhoods and they will go
25 nowhere because of the current status and composition

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2 and the, the way the City Planning Commission is set
3 up and ruled and I'm glad you brought that up.

4 AYETTA CAMP: And that was to the
5 comments that were made earlier about the composition
6 of City Planning and the potential conflicts of
7 interest. It is something that affects all Community
8 Boards, all communities, not just in Manhattan but
9 around the City.

10 COMMISSIONER JAMES VACCA: I agree.

11 AYETTA CAMP: Thank you.

12 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

13 Thank you very much and seeing no further questions
14 for this panel, I thank you and ask the panel, the
15 next panel to come up and take a seat and that panel
16 is Howard Slatkin, Amy Jew, Norene Weisel, and Jordan
17 Wook. Ms. Jew?

18 AMY JEW: Good evening. My name is Amy
19 Jew and I am a resident of Brooklyn. I rise in
20 support of the GIS Charter Amendments to Chapter 48,
21 do it. I work at Hunter College at Geo-Science
22 College Laboratory Technician. I received a BA in
23 Geography from Hunter College and a Masters of
24 Geographic Information Science (GIS) degree from the
25 University of Minnesota. What attracted me to GIS

1 was the ability to model the real world inside a
2 computer system. I was fascinated with all the
3 things one could do with a GIS. Map making,
4 modeling, forecasting events, location analysis,
5 decision support, marketing, routing and
6 visualization. The need for Geo-Spatial Intelligent
7 Systems is a high priority and inherent to any
8 discussion related to the strength and resilience of
9 critical infrastructure. I concur with colleagues
10 who have testified before you and I would like to
11 add, my family owned several businesses and homes
12 throughout our lifetime, one to include a 25-year run
13 in Coney Island. I am a survivor of the great
14 Nor'easter of 1992 that washed away 100 feet of the
15 steel chassis pier in Coney Island. I also survived
16 Hurricane Sandy in 2012 with six feet of water in my
17 home. I also survived Hurricane Maria in 2017 with a
18 home that was affected on Puerto Rico. Having been
19 on different sides of the fence I can give you a
20 first hand account and ground level assessment of
21 where we can all do better but I want to testify
22 today about the vital role that City Government has
23 played in disaster mitigation, emergency management,
24 relief and recovery efforts, helping neighborhoods
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1
2 and communities rebuild and the human toil in
3 healing. 9/11 was one of the darkest days in America
4 and in spite of the horrific tragedy and the trauma
5 we endured the GIS community was rallied together by
6 a single email sent out by Gizmo asking for
7 volunteers to assist in the mapping efforts. The GIS
8 community sprang into action, accepted the challenge,
9 reached out to key stakeholders and worked together
10 towards common goals in a shared vision. We
11 collaborated at federal, state, local, regional and
12 international levels. One of the greatest lessons
13 learned from 09/11 was the absolutely critical and
14 essential need for coordination of efforts at the
15 local government level. It takes a uniquely
16 qualified individual to do the job. Someone who is
17 intimately familiar with New York City Geography,
18 protocols, Geo-Spatial Data, data acquisition and
19 dissemination, intraoperative ability, standards,
20 quality assurance and quality control processes.

21 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

22 Ms. Jew, could you begin to sum up please?

23 AMY JEW: Uhm sure, uhm all of these that
24 I mentioned usage of drones, GPS, surveying, ground
25 trooping field methods, all of these are embodied

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2 inside a New York City Chief Geo-Spatial Information
3 Officer. Such an individual would manage not only
4 technological devices but the human interactions
5 among technology constituents. Today we are nearly
6 20 years from 09/11 and local government is without a
7 Commissioner to assume this vital role and
8 responsibility at the Do It Level. Of greatest
9 concern is our safety and security. New York City is
10 the financial capital of the world and we don't want
11 to be caught with our pants down again.

12 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

13 Thank you Ms. Jew. Mr. Slatkin?

14 HOWARD SLATKIN: Good evening

15 Commissioners. My name is Howard Slatkin I'm Deputy
16 Executive Director for Strategic Planning at the
17 Department of City Planning. Thank you for the
18 opportunity to speak before you again uhm I'm going
19 to offer comments directed toward the staff reports,
20 recommendations for land use, specifically on ULURP
21 and the citywide planning. The Department is
22 sensitive to the demands that the ULURP Process
23 places on Community Boards. They are volunteers.
24 Their step is the first in the ULURP process and this
25 gives them less lead time than other parties in the

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2 process to schedule and prepare for their review. We
3 see their recommendation in the report as reasonable
4 to extend the time allotted to Community Boards for
5 their review of ULURP items by 15 days during those
6 times when scheduling can be particularly
7 challenging. The idea of requiring applicants also
8 to provide 30 days' notice of an upcoming ULURP item
9 to Community Boards and Borough Presidents we also
10 see as a reasonable one in order to help promote
11 early dialog with between applicants and Community
12 Boards and Borough Presidents without undermining the
13 core functions of the Land Use Process, the ULURP
14 process; however it is important to understand this
15 is advance notice about the basic parameters of the
16 upcoming application and not an additional formal
17 comment prior to the formal comment period that will
18 follow involving submission of drawings or other
19 detailed application materials. By design, the
20 advisory recommendations in the ULURP process are
21 delivered to decision makers, the planning commission
22 and the Council to inform their decisions. The
23 addition of a 30-day comment period before the
24 Community Board's Review would be followed
25 immediately by a 60-day comment, by the same

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2 Community Board. A formalized pre-review, review
3 stage would introduce a structural incentive to delay
4 the start of ULURP which is contrary to the purpose
5 of the process to be predictable and accessible.
6 Also, by definition, discussions prior to
7 certification really can't be performed by a verified
8 complete and accurate set of application materials
9 because this is of course what certification is, it
10 is the act of City Planning verifying that the
11 information provided is complete and ready for public
12 review. On citywide planning, regarding the
13 recommendations about the planning documents laid out
14 in the Charter, the staff reports outlines and
15 approach in which planning documents can be
16 coordinated and streamlined. This will be conducive
17 to responsive strategic planning that informs and
18 shapes further actions without presupposing the
19 future actions of the parties that the Charter
20 assigns to make those decisions. I will go quickly
21 to wrap up.

22 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

23 Okay thank you.

24 HOWARD SLATKIN: Uhm one item in this
25 section we find of concern we don't believe it would,

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2 I would say a City Planning document, a citywide
3 planning document can identify existing plans and
4 planning processes that are underway. It can also
5 describe growth trends broad needs for the future and
6 the types of strategies that can address these needs,
7 but it cannot be expected to prematurely suggest
8 potential projects that have not been the subject of
9 engagement with communities. This would be needless
10 provocative, would undermine productive engagement
11 with communities and could have unintended side
12 effects such as unwarranted and undesirable land
13 speculation. Thank you.

14 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

15 Thank you Mr. Slatkin. Ms. Wisel?

16 NORENE WISEL: Hi, thank you for having
17 us all to speak with you about uhm the Charter. I am
18 a resident of Manhattan, a researcher, archivist, a
19 teacher and an entrepreneur and I am here as a Board
20 Member of GIZMO which is a GIS mapping organization
21 where I have been leading an initiative called Cogita
22 which is a coalition. It is kind of an informal
23 coalition of information technology organizations on
24 whose behalf I am speaking today. Uhm members of
25 this coalition include a number of research

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2 institutions and major universities in the city
3 including Dr. Hernst's Laboratory. Also uhm GIS
4 professional organizations like the New York State
5 GIS Association Society of Women Geographers in the
6 Open Geo-Spatial Consortium and then civic actions
7 and meet up groups who are interested in using the
8 open data system and understanding and you providing
9 services that they can through the access to that
10 data which was made available through the 2012 open
11 data law. And these communities have grown and
12 become very robust data consumers and have added a
13 great deal to the New York City Economic Development
14 Operations and Citizen Services. While a data portal
15 has done a good job making agency data available to
16 the public, uhm and efforts are moving toward more
17 structured data formats, data standards are not
18 vigorously enforced. Most of the data produced by
19 the City is Geo coded which requires management by a
20 Central Governing Entity that can ensure that the
21 processes and data are standardized and interoperable
22 across all City Departments. And it also ensures the
23 protection of sensitive data and ensures that
24 location data, location-based data in particular is
25 not inadvertently harming citizens and their privacy

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2 when it is made available to the public. Uhm, we are
3 proposing that a Chief Geo-Spatial Information
4 Officer at Do It along with the GIS Hearing Committee
5 uhm made up of Department GIS leaders would be
6 something that we could add on to address your
7 concerns about Dr. Ahurn's testimony that the Charter
8 in Chapter 48 which describes the operations of Do It
9 and the responsibilities of Do It can actually have
10 something codified and written in there to provide
11 for a strategy, some kind of body which we are saying
12 should be a, a Commissioner, Deputy or Assistant
13 Level Commissioner and a group of people that would
14 represent the different departments in the City, so.
15 Thank you.

16 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
17 Thank you very much.

18 NORENE WISEL: Thank you.

19 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
20 Uhm Mr. Wook.

21 JORDAN WOOK: Jordan Wook, good evening.
22 Uhm I'm taking the solicit feedback literally. I'm
23 not representing anyone except that I go to a lot of
24 CCRB meetings and I make a great effort to understand
25 their material and the first item I want to talk

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2 about is page 18 which is to provide variance
3 memorandum to the CCRB. In fact, this was the first
4 question that I raised to the board when I was
5 working through an Executive Director's monthly
6 summary, I said well what are the reasons for which
7 the police department is doing this and they said
8 well we are working on that. So, I guess it is
9 taking a little bit to get here but it was obvious to
10 me on the first day that it was missing. As to the
11 matrix, yes, the matrix is needed, uhm the CCRB is
12 discussing a matrix already and ideally it will be
13 aligned. As to the details of this process, I am not
14 going to comment on this but clearly it is necessary
15 and they are working toward it at the CCRB. The
16 subpoena powers. The Charter in C3 says that a
17 majority vote of the members will be needed to
18 require the production of such records. Well, that's
19 a practical problem. If you wanted the Chair to sign
20 off on it that is practically difficult because the
21 subway ride is at least a half an hour to get there
22 and a half an hour back and they are only asking for
23 the Senior Staff members which I think is only one
24 and the police response that they want to safe, they
25 want the majority board vote as a safeguard against

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2 overly broad demands and demands for information that
3 may not be relevant is shocking to horrifying to me
4 because supposedly these two groups work well
5 together so that this would be the police objection
6 is quite surprising to me. False statements. The
7 Patrol Guide 203-08 says that if you make an
8 intention false statement in a material matter that
9 will result in dismissal from the Department, absent
10 exception conditions and you look through the data
11 that was presented by the staff it is pretty clear
12 that either there are lots of exceptional conditions
13 or not so the idea would be that the professional
14 prosecutors, lawyers who work for the CCRB would put
15 together a full presentation and case that would go
16 before the APU. And so, I'm in favor of that. On
17 the budget, uhm there is a lot that can be needed.
18 If you had been there last night in the Bronx at the
19 meeting you would have heard many people ask for more
20 outreach. Well, that cost money. I spoke to one of
21 the staff members who had had given outreach meetings
22 that day and so a lot more work can be done if in
23 fact truncations can be reduced, that means that
24 there will be more work needed to do investigations
25 and the video is very expensive. Yeah you may have

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2 five minutes of video that doesn't add five minutes,
3 that adds a lot more. I don't know the details of
4 how to do it but something must be done to address
5 the Budget issue. On a matter related.

6 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

7 If you could.

8 JORDAN WOOK: To CCRB APU trials, this
9 coming Monday the trial of police officer Panteleo is
10 scheduled to start at 10:00 a.m. in Room A at 1
11 Police Plaza. I've been to several trials in that
12 room, it holds fewer than 100 people. I personally
13 have already received to fill the court request and
14 my guess is that scores if not hundreds of people
15 will come to observe. As late at 10:45 this morning
16 room A is still the venue. I called the court room
17 to ask about overflow and was again told that seating
18 will be on a first come, first serve basis with
19 priority to family members. I have been to at the
20 courthouse, the trial of Sargeant Barry in the Bronx
21 where overflow space was provided. Possibly somebody
22 in this room or somebody listening out there can
23 community to the New York Police Department that they
24 are heading for a public relations disaster as
25

1
2 hundreds of people stand in the building because they
3 cannot be admitted to observe.

4 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

5 Thank you. Uhm I have Steve Fiala had a question?

6 COMMISSIONER STEPHEN FIALA: Thank you

7 Madam Chair. Mr. Slatkin I uhm I just want some

8 clarification. This is one area quite honestly; I

9 will start by saying this. I believe 99% of the

10 reforms that we hear about start out with the best of

11 intentions, you know, uhm but they often can have

12 serious, serious unintended consequences. There is

13 one area that we are dealing with that quite frankly

14 I find very difficult to tinker with and that's

15 ULURP. I realize that we are often not happen. As a

16 Councilman I was often at odds with City Planning,

17 very, very often. Uhm but that didn't necessarily

18 equate to ULURP being a bad structure. I just want ot

19 make sure since we are talking about City Planning's

20 perspective that I understand what City Planning

21 things would be an okay measure for us to look at

22 because I don't want to do anything that undermines

23 what is a carefully calibrated structure. Again, we

24 might not like outcomes but in terms of the level of

25 complexity of ULURP this was something given a

1
2 tremendous amount of time on when it was crafted and
3 it is one of those things like that game with all the
4 blocks. I don't know what it is called you pull one
5 out and the whole thing comes crumbling down so could
6 you clarify specifically what you think would be an
7 acceptable tweak to the existing process that does
8 not undermine the process itself.

9 HOWARD SLATKIN: I think you make,
10 excellent points. Commissioner, the uhm the
11 fundamental structure and procedure and order of
12 operation of the process is not something that we are
13 suggesting to modify. There are and I think you
14 heard actually from even some speakers tonight there
15 can be some challenges for Community Boards to
16 execute the view in the time allotted and I think the
17 staff reports highlights in particular, the summer
18 months when we do hear, we frequently hear concerns
19 from Community Boards about the difficulty they may
20 have in scheduling Committee Meetings, Public Hearing
21 Vote, you know Committee Votes and then full Board
22 Votes within the allotted 60 days, depending on when a
23 certification lands within their, their schedule and
24 so we think that we wouldn't want to undermine the
25 predictability or the finiteness, or the overall

1
2 length, modify the overall length of the process but
3 allowing in those circumstances an additional 15 days
4 for a review of an application is a, seems a
5 reasonable measure.

6 COMMISSIONER STEPHEN FIALA: And what
7 about the, this notice of advance notice. His 30-day
8 advance notice. Isn't there likelihood that it would
9 just evolve into a comment period anyway. I mean how
10 do you, how do you keep it from being what you don't
11 really want it to become. I that's an important
12 question as well. I think the transparency of the
13 process and the flow of information in order to help
14 the public and Community Boards equip themselves to
15 be prepared for the process when it does formally
16 begin is, is important and in addition, uhm while we
17 would not suggest formalizing a specific type of
18 engagement between applicants and, and Community
19 Boards. We do, as a matter of practice at the
20 Department encourage applicants to reach out to
21 Community Boards beforehand. There should not be
22 Community Boards that are only aware of the existence
23 of a proposal the moment that the certification
24 notice arrived. It is on their desk; we think it is
25 reasonable that they be given some heads up or lead

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2 time to understand that that is coming. The majority
3 of applicants we think today do already do this and
4 adhere to this process and reach out during the
5 earlier stages of their, the pre ULUP portion of the
6 process. Certainly, the Department on our own
7 proposals spends extraordinary amounts of time
8 engaging within Communities on actions that we are
9 proposing locally but this seems to be something that
10 is reasonable and could be helpful to capture those
11 instances when applicants are not doing so already of
12 their own volition. Thank you very much.

13 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

14 Seeing no further questions, I thank the panel. And
15 call the next panel, uhm Roxanne Delgado, Jim McCabe,
16 Carmen Vega-Rivera, Michael Suzitski.

17 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

18 Yeah, hi Roxanne, you can begin when you are ready.
19 Good to see you again.

20 ROXANNE DELGADO: Thank you. I would

21 like to say first; I am not sure how I feel about the
22 electable CCRB or Rank Choice Voting but there have
23 been so many people who have been asking for that to
24 be on the ballot. It is not about me and it is not
25 about anyone on the Commission. It is about the

1
2 people. If they want it on the ballot, let it be on
3 the ballot and we could decide on the issues
4 (clapping). So, and seeing this movement and we
5 should not be quashing the movement based on our
6 bias, based on unfounded fears. You could vote
7 against it on the ballot but it belongs on the
8 ballot. They have made their point several times so,
9 I, kudos to them. I like to say first that uhm
10 regarding term limits. Again, the will of the
11 people. There are valid points for and against term
12 limits, nonetheless, people have a say on how they
13 want the government to be run and they have said
14 three times loudly that they want two four terms for
15 the elected officials. But some people want even on
16 the Commission decide to go against the will of the
17 people and give themselves third term. Now I don't
18 like is that we have musical chairs while elected
19 officials' term now, go to another office and then
20 return back to the same seat that they were termed
21 out. That is against the spirits of the term limits.
22 That has to be addressed. Because this, this
23 basically people wanted term limits because they
24 wanted change. How is that change when you, you use
25 the same dirty diapers? That is not change. Sorry.

1
2 Last, Community Boards. I do not want Community
3 Boards in power for several reasons. This is why I
4 was very vocal for term limits for Community Boards
5 as well. First of all, Community Boards are advisory
6 and they are appointed by the elected officials and
7 many I have issues with. Second, Community Boards
8 are a barrier shield for the elected officials.
9 While they are actually the ones that take the bad,
10 the heat from the public and shielding the elected
11 officials, pulling the strength behind, behind closed
12 doors. Lastly, Community Boards which recently
13 received \$42,000 Community Enhancement money didn't
14 use that to do outreach to get more people involved
15 with the Community Meetings, instead they used it for
16 a breakfast and luncheon and a half of the requests
17 and it is shameful and OMB needs to look into that.
18 Lastly, regarding Community Boards. Community Boards
19 basically are using city services allocated to their
20 block where they have their block and they have extra
21 trash cans and they have police presence while the
22 rest of the service area is neglected because we are
23 not on the board. So again, this need, I don't
24 believe in empowering Community Boards because do not
25 elect them and let them be. I don't say abolish

1
2 them. But that's not and lastly Public Advocate. If
3 you are going to put it on the ballot that you want
4 to uhm empower, provide him with more power and more
5 responsibility you should also have the flip coin if
6 you want people to decide if they want to eliminate
7 it or strengthen the office, that's it. Thank you so
8 much.

9 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

10 Thank you Ms. Delgado. Uhm Mr. McCabe?

11 JIM MCCABE: Good evening, my name is Jim
12 McCabe, I'm a 24-year resident of Manhattan and I
13 current serve as Secretary of the Green Party of New
14 York State. I am here today to support Rank Choice
15 Voting. Rank Choice Voting should become the
16 standard for all Municipal Elections in New York
17 City. It makes no sense and would complicate
18 tabulations to have one set of rules for special
19 elections and party primaries and another for general
20 elections. This is a matter of expanding voter
21 choice, of moving beyond the current Winner Take All
22 System where voters often feel their choice is
23 limited to voting for the lesser of two evils rather
24 than the candidate who has the policy positions, they
25 agree with most. If you want to move away from

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2 cynicism and voter apathy toward increased civic
3 engagement, voter turn out and voting our hopes and
4 not our fears, Rank Choice Voting is the way to go
5 for all elections, especially general elections. RCV
6 will incentivize candidates to appeal to the elect
7 more broadly while campaigning. It will demonstrate
8 stronger consensus support for the eventual winner
9 and it will eliminate the cost of holding separate
10 run off primaries. On the issue of ballot exhaustion
11 there is no compelling reason to limit the number of
12 candidates that a voter can rank. Voters should have
13 the right to rank the candidate they most prefer and
14 all other candidates who are acceptable to them in
15 order of preference. Limiting the voter's ability to
16 rank all candidates is undemocratic and only
17 increases the chances that ballots may be exhausted
18 before any candidate surpasses the 50% threshold.
19 That defeats the value of Rank Choice Voting. With
20 respect to electoral fusion, the Green Party runs its
21 own candidates and offers an independent electoral
22 alternative. We would actually like to see an end to
23 Fusion Voting in New York State. However, the
24 existence of fusion is not a valid justification for
25 keeping Rank Choice Voting out of general elections.

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2 Voters are used to already seeing a ballot that lists
3 some candidates on only party line and other
4 candidates on multiple party lines. It would greatly
5 simply matter if the municipals elections ballot were
6 reconfigured so that a candidate is listed only once
7 and all-party line endorsements are listed underneath
8 the candidates name. this was once the case here in
9 New York City. Rank Choice Voting ought to be
10 implemented for the 2021 municipal elections after
11 any special elections before that that could be a
12 test bed. I have additional points in my original
13 testimony in support of lowering the signature
14 requirements to get on the ballot and opposing
15 nonpartisan elections. Thank you.

16 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

17 Thank you very much Mr. McCabe and right under the
18 wire. Ms. Rivera?

19 CARMEN VEGA-RIVERA: Good evening. My
20 name is Carmen Vega-Rivera and a conselido with the
21 thriving community's coalition here tonight. I
22 witnessed first hand through the Jerome Avenue Re-
23 Zoning how broken the current system is and the need
24 to change it to better serve communities like mine in
25 the South Bronx. The City's current Land Use Process

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2 under estimates displacement. For example, the EIS
3 projected in our community that only 18 residents
4 will be directly displaced in a 92-block rezoning.
5 Rent stabilized tenants, tenants with section 8 or
6 other vouchers are not considered in this assessment
7 when often we are the most impacted. We know that
8 previous rezonings have displaced black or brown
9 resident. After the Williamsburg Rezoning the Latino
10 population decreased from 59% in 2000 to 34% in 2014
11 while the white population increased from 37% to 54%.
12 In the 125th Harlem Rezoning the black population
13 decreased from 73 in 2000 to 56 in 2010 while the
14 white population increased from 4 to 16%. Despite
15 the number, the City continues to rush through the
16 rezoning and refuses to acknowledge the valid
17 concerns of the communities. Throughout the ULURP
18 process hundreds of Bronx residents testified to
19 voice strong oppositions and concerns to the Jerome
20 Avenue Rezoning; however, we were repeatedly ignored
21 including in public hearings while the process was
22 fast tracked. Communities need a substantial
23 accountability process that doesn't allow the City to
24 ignore concerns. Lastly, after the rezoning was
25 passed, the majority of the housing that will be

1
2 built is not affordable to the majority of the
3 residents. Many who are already paying 50% or more
4 of their income in rent. We were promised only two
5 schools in an already overcrowded school districts.
6 The commitments are not enough and should not only be
7 given in exchange for rezonings. We need the City to
8 take responsibility for its Land Use Actions and the
9 time is now through the City Charter Revision
10 Commission. The Jerome Avenue Rezoning is a perfect
11 example of how of flaw the current system is due to
12 the lack of responsible displacement, assessment,
13 transparency, community engagement and substantial
14 commitments. The City needs to and most
15 intentionally plan and invest in a community if it
16 wants to assure an equitable, diverse and thriving
17 future for the City. The City will get when it plans
18 accordingly with the voices of communities needs.

19 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
20 Thank you very much Ms. Rivera. Uhm Mr. Suzitski?

21 MICHAEL SUZITSKI: Thank you, m name is
22 Michael Suzitski, Lead Policy Council with the New
23 York City Civil Liberties Union. We testified at the
24 hearing on Police Accountability so I will try to
25 keep my remarks brief. I just want to reiterate the

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2 recommendations that we made back in March and
3 respond to some of the recommendations that were part
4 of the preliminary report that came out last month.
5 With respect to Police Accountability and Discipline,
6 you know the proposals that were included in the
7 preliminary report may lead to some modest increases
8 in transparency and make some CCRB operations uhm go
9 a bit more smoothly but they really with one
10 exception don't alter the structural imbalance of
11 power between the NYPD and the CCRB. So there was
12 one recommendation to give the CCRB jurisdiction over
13 cases where an officer is found to have lied in the
14 course of a CCRB Prosecution or Investigation but
15 beyond that, the recommendations don't fundamentally
16 address the root problem, police discipline in New
17 York City which is that the Charter gives complete
18 plenary discretion to the Police Commissioner to
19 decide the outcome in all disciplinary matters. Uhm
20 and if the Charter Revision Commission is going to
21 take on the issue of police accountability in New
22 York City that discretion needs to be addressed head-
23 on, removed, transferred, cabined in some way, we
24 can't allow the NYPD to continue operating in an
25 environment in which it is accountable on to itself.

1 Uhm, and the last issue that I want to address uhm
2 actually came up in the preliminary reports section
3 on Budget Transparency, which really used a great
4 example of just how the NYPD evades accountability to
5 the communities for how the police New Yorkers and in
6 particular, how they police New Yorkers using
7 invasive expensive and really troublesome
8 surveillance technologies. So, the NYPD acquires and
9 deploys surveillance technologies, things like cell
10 site simulators that mimic cellphone towers and sweep
11 up personal information, uhm mobile x-ray vans that
12 can be deployed to literally look through walls, uhm
13 and expose New Yorkers to radiation and countless
14 other forms of technologies known and unknown because
15 they evade any real public transparency and
16 oversight. They acquire these technologies in
17 secret, using loopholes in the procurement and
18 contracting process where they seek private sources
19 of funding from groups like the Police Foundation.
20 They register contracts with the controller in secret
21 and they push back on any kind of public request for
22 access to information on what the tools are, their
23 capabilities and how much public funds are being
24 spent on these technologies. This Legislation and
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2 the City Council that would require transparency on
3 what those technologies are and basic information on
4 what policies are in place, but we urge the Charter
5 Revision Commission to change the way that the NYPD
6 actually gets approval for purchasing these
7 technologies, places like Oakland, California;
8 Seattle, Washington; Cambridge, Mass.; Nashville,
9 Tennessee all require their police departments to
10 seek specific and individual approval from their
11 local City Councils before those police departments
12 can acquire and use technologies to allow the
13 Councils to exercise evildo over those acquisitions so
14 we could encourage the Revision Commission to pay
15 attention to those issues in budgeting and
16 transparency as well.

17 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

18 Thank you very much. Are there questions for the
19 panel members? Sal?

20 COMMISSIONER SAL ALBANESE: Ms. Vega is
21 it, I wanted to get your view on what specifically
22 you would like to see amended in the City Charter to
23 make those zonings fairer and more responsive to
24 communities.

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2 CARMEN VEGA-RIVERA: I spoke at the panel
3 with the Commissioners by my side and at that time I
4 specifically mentioned the Secret Technical Manual is
5 one of the things that has to be addressed and we the
6 community should be there to help modify that manual.
7 It is 30 years old. I understand that there have
8 been a number of revisions and hopefully they will be
9 another one. The revisions that exist right now and
10 the reforming of it is insufficient so in order to
11 level that playing field and so that I'm not thinking
12 every day if I'm being displaced is that Secret
13 Manual had to speak truth to the community's interest
14 and the communities vested concerns. Now I would
15 start with that. Also, the ULURP Process. Once it
16 is in their process it is fast tracked as I
17 indicated. It is moving so fast that you have very
18 little opportunity to have any voice or input. I
19 spent my entire three and a half years in the
20 rezoning of Jerome Avenue. I gave data. I give
21 testimony. I helped develop a lot what was in the
22 Bronx Coalition for a Community Vision, yet it went
23 to dust here. For us to get 5% of affordable housing
24 when our Community, 45% are making less than \$20,000
25 another 78 are making \$50,000 or less speaks to the

1 fact that no one listen, fast track was moving ahead
2 and the Secret Manual, they hid behind it as the
3 reason and the excuse of why things couldn't get done
4 differently. So, specifically by amending the, the
5 manual by would it be feasible to say that when it
6 comes to affordable housing it should be affordable
7 to the people who live there instead of.

9 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

10 I recall again at that same hearing or a presentation
11 surrounded by CPC and the CDP Executive Director that
12 they kept referring to that they were thinking and
13 prioritizing the influx of people coming into the
14 City, well I, I differ with that. You need to
15 prioritize with that. You need to prioritize the
16 folks that stood there. In the south Bronx we didn't
17 burn it, so the new burning of the Bronx is exactly
18 what is happening to us. It is the rezoning, it is
19 the gentrification, it is all the rent laws that is
20 displacing us. So, it's a fast track and to say less
21 focus on the influx is coming, speaks to the fact
22 that we don't count and well I count. I am educated.
23 I work. I contribute. I still contribute as a
24 person with disability and on my social security
25 income. So, you have to be fair minded that when we

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2 were asking for 50% of affordable housing based on
3 the number and the problems in my community and we
4 got 5%, there was fuzzy math going on.

5 COMMISSIONER SAL ALBANESE: Thank you.
6 Thank you.

7 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
8 Thank you, any other questions? Thank you very much.
9 Uhm the next panel. I have a question? Is Stanley
10 Richards here? If you are please raising your hand,
11 uhm Robert Cohen, or Martha King? The next panel is
12 Charles Brisky, Barbara Turkowitz, David Schleccher,
13 I probably mangled that. Is there is a David
14 Schleccher? Are you David? Okay we are going to,
15 Jonathan Rabar or Rabar from Manhattan Community
16 Board 5, are you here David? Okay. And Tom Speaker,
17 Tom Speaker are you here? Come on down. Mr. Brisky?

18 CHARLES BRISKY: Good evening, my name is
19 Charles Brisky is a am the Deputy Director for
20 Expense and Capital Budget Coordination for the
21 Office of Managing the Budget. Charter Commission
22 proposals must be evaluated in light of the City's
23 financial history and the potential impact on our
24 Fiscal stability. The Legislature passed the
25 Financial Emergency Act in the 1970s to impose fiscal

1 discipline on the City. The City then revised the
2 Charter to strengthen the executive, yet maintained a
3 balance in power between the Mayor and the City
4 Council. These changes were made to increase Mayoral
5 Accountability or based on principals of sound;
6 fiscal management that have been proven over 40 years
7 of practice. Rating agencies have praised our strong
8 fiscal management. In March, Moody's Investor
9 Services upgraded the City's General Obligation bond
10 rating to AA1. This is the first rating upgrade in
11 nearly a decade and it is the highest rating in the
12 City's history. I would like to now address three
13 Commission proposals that impact the City's Budget.
14 First regarding units of appropriation, OMB believes
15 the definition should remain the same. Changing the
16 number of units of appropriation should resolve
17 cooperatively by the Council and the Administration.
18 And this process can work as the Speaker announced
19 Monday, we agreed with the Council prior to any
20 adoption to add more than 30 units of appropriation
21 to the upcoming adopted Budget. Second, the Mayor's
22 authority to impound funds should not be altered.
23 Changing empowerment authority prevents
24 implementation of immediate fixes in response to
25

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2 severe shortfalls. The public and investors rely on
3 our ability to take quick action in response to
4 crises. The empowerment power has only been invoked
5 once formally, nearly 20 years ago and two
6 Administrations ago. There is no reason to tamper
7 with this today. Third, the Mayor must be solely
8 responsible for setting the revenue forecast as he or
9 she is legally responsible for balancing the budget
10 and accountability to the citizens in vital services
11 are not delivered. Shifting the responsibility
12 leaves the Mayor accountable to an external and
13 possibly flawed process and the consequences are
14 severe. The City could lose control of its finances
15 to the Financial Control Board if the budget is
16 imbalanced by even 1/10 of 1% at our current revenue
17 and spending level. The Charter Provisions regarding
18 fiscal management of service while making fundamental
19 change now puts financial stability and progress at
20 risk and will be critically received by our physical
21 monitors and rating agencies. Thank you.

22 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

23 Thank you. Ms. Turkowitz. Would you take the mic?

24 BARBARA TURKOWITZ: I am here.

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Make sure it is red.

BARBARA TURKOWITZ: I am here as a 26-year veteran of city service having worked at the City Council and then at NYCHA. I worked in management analysis, in policy and planning and in change management. I am here today to oppose the staff recommendation to give the Public Advocate subpoena power. I believe that it is incredibly costly and time consuming to do a lot of these audits and that there really are a lot of places that do these audits that are doing oversight now including the City Council both in its substantive committees and during budgeting hearings, DOI, we have State and Federal Agency oversights and then there are news organizations. In addition, I think these are often politically driven. So, I would like to support what Gail was saying earlier which is that the role of budgetment or advocate is really an important one and really the idea of this person being a watch dog should be struck from the role. The real reason I am here today or at least my primary reason is to talk about planning. Uhm I've learned from years in government how expensive and time-consuming planning

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2 can be. I thin it is critical to plan well but
3 equally important to have planning activities that
4 result in plans that can and will be realistic. For
5 this reason, I recommend that in lieu of a master
6 plan the Charter explicitly include priority city
7 goals and require an assessment of the impact of any
8 proposed plan, land use or local law on these
9 priority goals. I would like to even tell you what I
10 think the goals should be. I think they should be;
11 they reflect what other people have been saying here
12 also, improving environmental sustainability,
13 advancing economic and environmental justice and
14 expanding housing. Especially for those with low
15 income below 50% of AMI. I think it is important to
16 provide a road map of how to do that and I think in
17 order to do that there should be an assessment done
18 by each person who is coming up with a plan or local
19 law. It should include a stakeholder analysis, true
20 risks and benefits and these should be in comparison
21 to the existing status quo and it pertains to these
22 goals and for laws and regulations I think it should
23 also include a risk assessment. Something more likes
24 an actuarial assessment with weighs in the
25 probability of something happening as opposed to

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2 simply saying something can happen. For example, I
3 think a strategy like this would make a change in
4 terms of the use of basements as living units. Right
5 now they are not allowed because of our fear of fire
6 and lack of fresh air but I think if we evaluated
7 this and looked at the real likelihood of those
8 events and compared it to the benefits of having
9 better health outcomes and more housing for people
10 you might see a very different solution and with
11 that, I close. Thank you for hearing me.

12 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

13 Thank you very much Ms. Turkowitz. Uhm the next
14 speaker is Mr. Rabar or Rabar.

15 JONATHAN RABAR: Good evening my name is
16 Jonathan Rabar and I am a member of the Land Use,
17 Housing and Zoning Committee of Community Board 5 in
18 Manhattan. Thank you for the opportunity to testify.
19 We support a number of recommendations and we will
20 focus on the ones that we believe should be
21 prioritized. Community Board 5 supports the proposal
22 for the ULURP Precertification Notice and Comment.
23 It is essential that Community Boards have an
24 opportunity to be notified and involved ahead of
25 ULURP Application being certified. The current ULURP

1
2 process provides insufficient opportunity for
3 meaningful community engagement. Community Boards
4 should be notified of ULURP intention when an
5 applicant initiates the process with the Department
6 of City Planning. It would allow true engagement,
7 give the board an opportunity to make meaningful
8 recommendations and offer more transparency for the
9 Community. Community Board 5 also supports
10 additional ULURP review time. The time period for
11 Community Board Review under ULURP for those
12 applications certified by DCP must be extended when
13 Community Boards Review Period falls within the
14 months of July and August as our Community Board does
15 not hold meetings in August. Surprisingly CB5 has
16 noticed that a large number of ULURP applications uhm
17 (clearing throat) excuse me, we review get certified
18 at the beginning of summer rendering our opportunity
19 to review the complicated components and issuing an
20 educated recommendation difficult. The Charter
21 should be revised to allow more time for the ULURP
22 applications. We believe that the Commission should
23 also consider the following recommendations, Access
24 to Air and Light is a right that should be strongly
25 protected by our City Charter. The Zoning Resolution

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2 unfortunately has no mechanism to protect our parks
3 and open space against shadows cast by tall
4 buildings. In our District, Central Park as well as
5 Madison Square Park have been devastated by shadows
6 cast by luxury towers. The Charter should guarantee
7 that sunlight belongs to all and should not become a
8 scarce commodity in New York City. We also recommend
9 that the scope of a Land Use Application should be
10 modifiable by the City Council, often Community Board
11 5 reviews Land Use Applications for which there was
12 no scope in session. The scope is single handily
13 determined by the Department of City Planning without
14 consultation with other stakeholders. Currently the
15 scope of a Land Use action can only be altered at the
16 discretion of the DCP. It is crucial that the City
17 Council be given the power to make minor
18 modifications to the scope of an application and the
19 Charter should be modified as such. On other topics,
20 Community Board 5 supports enhancing the ability of
21 the Borough Presidents to obtain information and
22 meaningful engagement from City Agencies and then
23 just to wrap up, uhm Community Board 5 also supports
24 Rank Choice Voting. We support the Commission
25 looking further into establishing RCV in New York

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2 City for municipal elections as well. Thank you for
3 the opportunity to testify.

4 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

5 Thank you Mr. Rabar and Mr. Speaker.

6 TOM SPEAKER: Hi, good evening Chair
7 Benjamin and members of the 2019 Charter Revision
8 Commission. My name is Tom Speaker and I am a Policy
9 Analyst at Reinvent Albany. Reinvent Albany is a
10 watchdog organization that advocates for open and
11 accountable government in New York. Reinvent Albany
12 urges the Commission to propose a robust Rank Choice
13 Voting Process in New York City, one state and 11
14 cities including San Francisco already have Rank
15 Choice Voting and it is proven and effective. New
16 York City voters should have the same opportunity to
17 make their preferences known. We believe a robust
18 Rank Choice Voting process will apply out city to all
19 offices, all elections, limit the number of rankings
20 on the ballot to three, implement an instant runoff
21 rather than a hybrid version of Rank Choice Voting.
22 Reinvent Albany support RCV for many reasons, RCV
23 will save voters millions of dollars by sparing the
24 cost of runoff election. It may reduce polarization
25 by encouraging candidates to run more positive

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2 campaigns but we believe the RCVs greatest benefit is
3 that it creates a democracy in which voters have a
4 say, more voters have a say in who becomes their
5 elected representative. Given the limited time we
6 are going to skip ahead to the rankings. Since Rank
7 Choice Voting will be a significant change for New
8 York City to ensure that the new ballot process does
9 not overwhelm voters, the Charter Commission should
10 allow voters to rank a maximum of three candidates,
11 one consistent theme in RCV Ballot Designed Research
12 is that new voters for RCV favor simplicity. A 2017
13 study by the Center of Civic Design gave voters the
14 option of using a rank 3 system, a rank 6 system, a
15 grid system or handwritten ballots. Among the
16 optical scan ballots voters overwhelmingly preferred
17 to rank 3. More recent research from the Center
18 suggest voters are open to ranking 5 to 8 candidates,
19 Reinvent Albany believes that in the early going it
20 is better to be on the safe side and limit the number
21 of choices to three in future elections so that
22 number could be raised as is about to happen in San
23 Francisco but keeping the system simple in its
24 initial stages will help ensure its future success.
25 More than anything we strongly oppose the use of a

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2 grid ranking system which voters and studies have
3 consistently found frustrating and another 2017
4 Center for Civic Design Study 63% found the grid
5 system the most difficult to use, so we urge the
6 Commission to be bold in its proposals and create a
7 Rank Choice Voting System that applies to all
8 elections and offices. The 2010 and 2018 Charter
9 Revision Commissions reviewed the idea and did not
10 act. One of the aims of the Charter Revision
11 Commission is to build a City that allows for more
12 New Yorkers to have a say in the decisions that
13 impact our lives the most and Rank Choice Voting is
14 one of the best ways of achieving this goal. We
15 thank you for your time and welcome any questions you
16 may have.

17 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

18 Thank you very much. I have questions for two of you,
19 maybe three. Mr. Rabar, I have a comment for you
20 which is just that your concern about modifications,
21 uhm the City Council can and does make modifications
22 as you know. They go back to City Planning for a
23 determination as to whether they are within the scope
24 of the environmental review and within the scope of
25 the action that was certified into ULURP. Whether

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2 the application goes back to the City Council to the
3 City Planning Commission or not they would still be
4 held to that same standard. City Planning's role
5 onto the Charter is they may comment on whether they
6 like it or dislike it and in fact they have a time
7 set while this is within scope, we think it is a bad
8 idea. But the City Council, irrespective of whether
9 the gatekeeper was the Planning Commission would be
10 bound by the exact same rules in considering the
11 modification. And I wanted to ask Mr. Speaker about
12 ballot exhaustion which is something that has come up
13 on several occasions, particularly within three
14 choices. One of the earlier speakers spoke to that
15 question and I look to the last Public Advocate
16 election as to whether too many ballots would have
17 been exhausted with 17 candidates and we would not,
18 we have still had to have had a runoff, how would you
19 respond to that with three choices since your are
20 advocating not six or others of that, it is
21 relatively small number?

22 JONATHAN RABAR: Uhm so yeah as others
23 have noted when you just have plurality voting and
24 then you are going from you know from a primary to a
25 runoff there are less votes that get counted. Like

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2 there is altogether more exhaustion than there would
3 be in a process where you are just ranking three.
4 So, ideally you can have a system where you could
5 have a write in ballot. There has been a positive
6 response to that type of ballot but because of the
7 legibility issue it doesn't really seems feasible.
8 We think that if you had a grid where you are ranking
9 up to 17 candidates it would be overwhelming for
10 voters and possibly like endanger to the reforms
11 because it could be too frustrating to look at.

12 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

13 Although presumably voters as they do now could stop
14 before they get to 17. I mean right now I live in
15 Kings County we frequently have elections for judges.
16 There are 12 people on the ballot. They tell you to
17 choose six. I certainly don't always get to those
18 six.

19 JONATHAN RABAR: Uh-huh.

20 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

21 People stop when they run out of people, they have
22 any interest in. I don't think they necessarily have
23 to go to the 17 but there would be a more potentially
24 robust ballot so that if you are number 1 and number
25

1
2 were dismissed you wouldn't just end up with a
3 number 3 because that is all that's left.

4 JONATHAN RABAR: Right so, like I haven't
5 seen, we haven't seen any types of ballots that would
6 allow for 17 candidates to be ranked other than a
7 grid system and as I have said, most research on Rank
8 Choice Voting Ballots, people, voters seem to find
9 those types of ballots to be the most overwhelming
10 and we think that might using that type of ballot
11 might ultimately be counter productive to importing,
12 right.

13 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
14 But you have, do you have an opinion on three versus
15 six? Is?

16 JONATHAN RABAR: Uhm.

17 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
18 The League of Women Voters suggested five or six as
19 the number.

20 JONATHAN RABAR: Right, we are not
21 necessarily opposed to using five or six, we just
22 think in the early going it is better to be on the
23 safe side as entered in the testimony. Most of the
24 cities that implemented Rank Choice Voting
25 successfully uhm three I would say is the most common

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2 number but some have gone up to five or six. So, we
3 don't think it would be uhm back for Rank Choice
4 Voting altogether we just think it would be simpler
5 in the beginning.

6 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

7 Thank you Sal and then Steve and then Jimmy.

8 COMMISSIONER SAL ALBANESE: Okay uhm

9 thank you all for being here. Mr. Britsky thank you
10 for being here. Last week in Brooklyn uhm the Deputy
11 Director, colleague of yours and the general Council
12 of OMB testified and we had a dialog about this
13 subject. Units of appropriation have gotten a lot of
14 attention with this Commission. It's one of those
15 complex things you know trying to get just, it's the
16 Goldilocks things. Right it can't be too hot, can't
17 be too cold you got to get it just right and getting
18 it just right is very, very hard. Uhm what I
19 questioned a week ago was, was there dialog? And the
20 answer was it is under way. You've brought some from
21 my perspective in a big news you said there are 30,
22 are there 30 units of appropriation that are new that
23 have been agreed to between the speaker and the
24 Administration?

25 CHARLES BRISKY: Yes, and this.

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2 COMMISSIONER SAL ALBANESE: Could you
3 tell us for example, how many department or agencies
4 are those 30, spread out over and is one of them the
5 police department for example?

6 CHARLES BRISKY: I can't go into the
7 details because it's confidential between the speaker
8 and the Mayor at this point. We haven't released
9 beyond just saying that we've agreed in concept that
10 we need more units of appropriation and that will be
11 included in the adopted budget. President here is
12 that the Adopted Budget doesn't come out until June
13 6. We are now in May and we are beginning this
14 discussion of units of appropriation a month early
15 and have already reached agreement on that. That is
16 major progress in this area? And the number 30 at
17 this point is, is a substantial amount compared to
18 what has happened in the past.

19 COMMISSIONER SAL ALBANESE: Is that
20 conceptually? There is an agreement conceptually
21 between the Administration and the Council that there
22 is a legitimate need for additional units of
23 appropriation and that both parties are undertaking
24 efforts to facilitate that?

25 CHARLES BRISKY: Correct.

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COMMISSIONER SAL ALBANESE: Thank you.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Jimmy.

COMMISSIONER JAMES VACCA: Thank you

Gail. Uhm Turkowitz I very much appreciated your testimony. You did talk about the public advocate.

You do oppose subpoena power and so do I. I

expressed my concern about it. I take your concerns

seriously but I do have to tell you I think the

Commission has to look at the Public Advocate in a

serious way. What do we do with the office? Many

people feel that we should do something with the

office or eliminate the office? Uhm I think we have

an opportunity and I wanted your opinion on this to

look at the Public Advocates Office in terms of

dealing with issues about open government, community

engagement and I did recommend more involvement in

the COYB and Ethics. If we look at that framework

for the Public Advocate it may be that we have to

recreate the office a little bit but I think many of

us are looking for something for that office to

really have something that they can have something to

put their teeth into. My concern is that you mention

here about the Public Advocate where you recommend

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2 that when you say the Public Advocate take
3 complaints, investigate the complaints and work with
4 Agencies to ensure residents receive needed services.
5 Well you know you just described the Community Boards
6 and their function under the charter. Basically, you
7 described what the Borough Presidents do and you
8 describe what the City Council Members do but more
9 than anything else the Community Boards are charged
10 with that responsibility and the Public Advocate is
11 supposed to be a Citywide Ombudsman that looks into
12 problems that relate to multiple agencies and
13 multiple communities. So, I wanted your opinion on
14 my comments?

15 BARBARA TURKOWITZ: So, I think that what
16 uhm Gail said earlier this evening in calling it an
17 Ombudsman person I think that in some of the earlier
18 incarnations what that office did is it took
19 complaints from people who were calling them as a
20 last resort or in lieu of one of the other groups
21 that you have said and it can look and see patterns
22 of what is going on and then try to work to resolve
23 patterns of problems within that office. I think you
24 know ever elected official at the end of the day does
25 constituent services. So, it doesn't make it unique

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2 but if you say this is a place you can go
3 specifically for this and you can pull together you
4 know these sort of systemic problems and try to help
5 address them I think that is a real thing that that
6 office can do. It doesn't mean that I think that
7 some of the other things that you have outlined
8 aren't also reasonable things for that office to do.
9 What I don't think it should be doing is going out
10 and doing all of these individual investigations. I
11 think that it is cost prohibitive for agencies to
12 have so many people investigating them. I know when
13 I was at NYCHA we spent thousands and thousands of
14 staff hours putting together materials and often my,
15 my, the way that I feel about this is that office it
16 didn't necessarily find if there were problems. They
17 just substituted their own business decisions for our
18 business decisions. It is a tug of war and it was
19 used to be able to say there are these problems with
20 the Administration. I think if you are going to have
21 a Public Advocate be the number 2 person to take over
22 for the Mayor you want them to be closer to the same
23 page. You don't want somebody who is there trying to
24 figure out what can I do to get this position next?
25 It is not a helpful way to actually work from that,

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2 from that office. I don't think it would be horrific
3 if you got rid of the office, but if you keep the
4 office, I think that the office should be changed to
5 be less confrontational and more supportive.

6 COMMISSIONER JAMES VACCA: Thank you.

7 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

8 Thank you, are there any other questions from this
9 panel? Seeing none I thank the panel and I called
10 the next panel. Catherine Bornsleigle, have I said
11 that correctly? Catherine are you, are you here?
12 Paul Epstein, Sammy Vesquez, of the good old Lower
13 East Side, Steven Albanese, Steven Albanese are you
14 here? Okay who am I missing? Mr. Epstein, please
15 raise your hand? Mr. Vesquez please raise your hand?
16 Mr. Albanese please raise your hand? Uhm Mr.
17 Albanese's first name is Steven. Edward Rosenfeld,
18 are you here? Please step right down. Mr. Epstein
19 the floor is yours.

20 PAUL EPSTEIN: Thank you, my
21 qualifications are on the handout you should get so I
22 won't go into that. I will jump right into my
23 affiliation. So, I'll jump right to business, and by
24 the way I think what my proposal will address some of
25 the things raised at least partly raised by Gail

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2 Brewer, raised from the woman from the Dromm Avenue
3 area of the Bronx and others I think it will help,
4 uhm empower communities and Borough Presidents a
5 little more. So, I am pleased that your staff report
6 attempts to address flaws in Land Use engagement that
7 I and others raise in earlier testimony. However,
8 the recommendation for ULURP precertification is too
9 weak. It may suffice for private developments in
10 which the City Administration takes no interest but
11 for Projects later supported by the City it is
12 totally and wholly inadequate. Excuse me. It would
13 not fix the way the City rigs the system against
14 Community alternatives. It would not. For example,
15 in a rezoning a Community Board or Borough President
16 may want to add limits in one part of a neighborhood
17 to balance increased development proposed nearby. In
18 our separate testimonies we didn't consult with each
19 other but we said the same thing, both Borough
20 President Brewer and I, this was back in September,
21 used examples of store size restrictions to help
22 preserve locally owned small businesses consistent
23 with City Council's Retail Diversity Report. Another
24 example could be tailor zoning limits to match
25 conditions for a few buildings to maintain

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2 neighborhood character while many other sites are
3 redeveloped. So, it still allows for lots of
4 development but it allows certain limitations where
5 the Community knows best, not necessarily the
6 proposer EDC, the CPC, the CDCP or other proposers.
7 What the problem is, if the City does not want such
8 community proposed limits no amount of added
9 precertification time will help. Once the proposed
10 action is certified without those alternatives they
11 cannot be considered by CPC or City Council in their
12 Land Use decisions as they will be ruled out of
13 stealth which is an issue that just raised Madam
14 Chairman. To give communities and Borough Presidents
15 a little leverage in Land Use I proposed that their
16 alternatives whether full fledged plans or just
17 limited changes to proposed actions, also go to DCP
18 for a limited review. Not as much review as they do
19 the proposed action and as long as DCP finds their
20 legal, go forward in ULURP along with the certified
21 proposal, I've used the phrase here qualified
22 alternative options. Then no parts of those
23 alternatives would be considered out of scope. The
24 CPC or City Council may choose any elements of those
25 alternatives to modify the action. In earlier

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2 testimony I asked that alternatives to get enough
3 signatures from residents be included but if the
4 Commission feels that would not work, I will accept
5 an only alternative proposed by a Community Board or
6 Borough President be included. To enable a Community
7 Board to hold meetings and vote on alternatives,
8 probably a little more than the 30 days proposed
9 would be needed but 45 days would probably do it.
10 This may not add more time to the overall process as
11 most cases, DCP is already reviewing projects before
12 certification. Finally, for projects with a positive
13 declaration all qualified alternative options must be
14 considered in the EIS at least in the alternative
15 section of the final EIS if not earlier. So, I urge
16 you to please give communities and Borough Presidents
17 more leverage in Land Use by added formal
18 consideration of their alternatives to ULURP. Thank
19 you.

20 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

21 Thank you Mr. Epstein. Mr. Rosenfeld.

22 EDWARD ROSENFELD: Yes, good evening. My
23 name is Edward Rosenfeld. I am a partner in
24 Rosenfeld Media, small 8-person company that works on
25 an international scale publishing high-quality books,

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2 producing corporate conferencing and doing corporate
3 training for people in user experience design world.
4 I've had a long business career, including 15-years
5 as second-generation CEO for a furniture rental
6 business that we sold to Warren Buffett's Brookshire
7 Hathaway Corporation, 15 years as a growth and
8 succession consultant to family owned businesses and
9 six years for the New York City non-profit Consulting
10 Firm focused on small New York City manufacturing
11 businesses. Uhm I'm here today to speak in support
12 of three revisions to the New York City Charter.
13 First, I'm here in favor of implementing Rank Choice
14 Voting. I think there has been quite a bit of talk
15 about that and so my written submission uhm should be
16 sufficient for that. Uhm related to that though is I
17 am also here to speak in favor of repealing term
18 limits. With the trends toward greater openness,
19 greater democracy, including implementing Rank Choice
20 Voting. I, I think that uhm the uhm that we need
21 more democracy and participation in our political
22 process and uhm you know there is a common
23 misconception that Term Limits are the solution to a
24 corrupt anti-democratic election process that if
25 voters can't be heard or have their votes count, the

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2 chance toward electing a candidate who is in favor of
3 representing the public interest rather than special
4 interests then why not throw the bums out by term
5 limits rather than voting them out? And then uhm
6 term limits were really put in with a campaign by
7 wealthy activists Ronald Lauder and Richard Persons
8 and uhm I think they only uhm the only effect they
9 have is to turn government and guarantee that the
10 first term public servants are inexperienced and the
11 second term public servants are just reacted by their
12 focus on their next campaign. For another officer
13 trolling for private sector, a private sector
14 position. I have more comments on that but given the
15 time I've run out anyway. I just want to say briefly
16 and if you just look at the uhm, at the comments I am
17 in support of directing the Charter Revision Staff to
18 study appointing a Deputy Mayor or other individual
19 as a direct report to the Mayor to advocate for both
20 small business and minority in women and business
21 owned enterprises. As I said I'm out of time, please
22 read my comments. Small business is the heart of
23 economic development. It is the democratic way of
24 achieving the American dream and it needs to be
25 elevated to a level in the City that is addressed in

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2 the same way as all the small business services has
3 really given short drift to that, to that mission and
4 I thank you for your endurance tonight and that's the
5 end of my comments. Thank you.

6 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

7 Okay thank you. Mr. Vesquez from good old Lower East
8 Side. Uhm, got to turn the mic on. When its red it
9 is you.

10 SAMMY VESQUEZ: Good evening Madam Chair,
11 good evening to the City Commission Charter Members.
12 My name is Samuel Vesquez I'm a lifelong resident of
13 the Lower East Side and I'm here to speak to you
14 about changes to the New York City Charter. I want
15 to thank good old Lower East Side and a driving
16 community coalition for having me to speak with you
17 here today. We are all here to demand that the
18 proper amendments occur within the newly revised New
19 York City Charter. It is an honorable document and
20 any modification made to it should benefit all New
21 Yorkers. The New York City Charter is supposed to
22 represent the best in written social policies so we
23 feel obligated to hold the Charter Mission to shut
24 the Charter Mission Accountable to it. Our message
25 to, our message is to the Mayor of New York City and

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2 to our Manhattan Borough President and to our local
3 city representatives, we the citywide members of
4 Driving Community Coalitions are here to remind you
5 that we are the driving forces of neighborhoods
6 across the New York City region. The organization is
7 here with us today, have indicated a need to create
8 an update to what this distinctive document was
9 originally intended to do. Organizations
10 representing all New York City came together to
11 collectively create a 7-point principal to recommend
12 to the Charter Commission to add to the City Charter.
13 These changes are what New Yorkers wanted to see.
14 From the moment they became aware that the Commission
15 was revising the New York City Charter, for the last
16 over the last 30 years. We provided input, we
17 expected to be acknowledged within the Revised City
18 Charter Provisions. This will increase inclusivity
19 of Community Members in the decision-making process
20 in the City Government that required a process. This
21 is what we expect of the Commission. Groups went
22 into communities for input from New York City, from
23 all races, all religions and all affiliations. So,
24 there is no reason to assume that we, the people will
25 forget if you turn your backs on us. We are 7

1 million New Yorkers strong. The 7 principals
2 developed by the Driving Community Coalition will
3 improve the lives of countless New Yorkers if added
4 to the City Charters. Help us make this land, this
5 law of the land a driving force for economic reform
6 that benefits people first before the profits of
7 Corporations and big government. It is supposed to
8 be about the people always. We are here to remind
9 you to take the appropriate actions. Don't
10 perpetuate the status quo but the changes be, be the
11 changing force that we believe you all can be as
12 representatives of New York City Communities. To our
13 elected officials, to the City Charter Commissions
14 and the ones who appointed them. I have a couple of
15 questions and this is my, these are my final
16 comments. Where are our public officials at?
17 Especially here in lower Manhattan. One of, why
18 aren't they standing here by my side? Why aren't
19 they standing behind me? Who are they representing?
20 Corporate interest and I hear over and over tonight
21 sitting here in the front row that it is the people
22 who make the government run and I hope that the right
23 thing is done by this City Charter by. Thank you for
24 allowing me to speak here tonight.
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MAN: Very well said.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Okay, thank you Mr. Vesquez. Mr. Albanese?

STEVEN ALBANESE: Good evening, Madam

Chair and Commissioners, my name is Steven Albanese

and I am with the Municipal Arts Society of New York.

MAS has provided input on the City's Charter Revision

since our inception in 1893. From this historic

perspective and through our advocacy, we see an

increasing number of neighborhoods facing impacts of

unsound and inequitable Land Use Policy. Many New

Yorkers believe they do not have a true voice and

decisions regarding the allocation of, of funds,

changes to zoning regulations and overall

development. We see an opportunity to effective

meaning changes to remedy these issues and we have

the following comments and recommendations regarding

the positions taken in the staff report that we urge

the Commission to consider. Public Advocate, we

agree with the staff's view that the Commission

should expand the power of the Public Advocate. More

specifically, we recommend that the Commission

increase the Public Advocates responsibilities on

issues related to equity and planning processes. MAS

1
2 firmly believes that incorporating the voice of the
3 Public Advocate into these processes will empower the
4 Public Advocate to better serve as an Ombudsman
5 person for all New Yorkers. Borough Presidents, MAS
6 recommends that the Commission amend the Charter to
7 require that agencies provide Borough Presidents
8 offices with documents and records relating to
9 matters in their jurisdiction. This is especially
10 important for projects subject to ULURP where Borough
11 Presidents' input often carries significant weight
12 and frequently results in modifications to rezonings
13 and other projects that require discretionary
14 approvals. With this in mind, we recommend that the
15 Commission give Borough Presidents power to make
16 binding recommendations on Land Use Applications
17 subject to ULURP and certain zoning actions not
18 subject to ULURP such as Text Amendments, Land Use,
19 we strongly recommend that the commission establish a
20 precertification engagement process to provide more
21 time and an earlier opportunity for Community Boards
22 and Borough Presidents to weigh in. We recommend a
23 60-day, a minimum 60-day process which much include a
24 public hearing hosted by the affected Community Board
25 and Borough President. Along with improving ULURP

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2 process we strongly recommend strengthening the SECA
3 process, especially mitigation requirements for
4 projects. And finally Planning. A clearly defined
5 comprehensive planning process that represents a
6 shared vision for the entire City should be
7 undertaken every 10 years. It should include
8 citywide policy recommendations with coherent
9 borough-based plans for achieving these goals and
10 targets. Furthermore, it needs to consider issues on
11 a community, county, city and regional level in
12 conjunction with the capital budget. It must take a
13 balanced approach to limited Citywide Resources and
14 unique neighborhood challenges. Thank you.

15 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

16 Thank you very much Mr. Albanese. Are there
17 questions? Then I thank the panel and I will call
18 the next panel. Sharona Salom, Sharona are you here?
19 Okay. Emily Goldstein. Elaina Compte and Meredith
20 McNair. Yes. Sharona, uhm Ms. Salom if you would
21 like to start?

22 SHARONA SALOM: Good evening everyone.

23 I'm really pleased to be here this evening and I am
24 even more pleased that I am still awake because it is
25 past my bedtime. Let me just say I am Sharona Salom.

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2 I am the mother of Usef Salom from the Central Park
3 5. I have been on the Community Board 10 for a
4 number of years. I am no longer on the board at this
5 moment. I have worked diligently in this Community
6 on behalf of children and their children and their
7 families who have been caught up in the system and
8 what I really was planning on talking about this
9 evening in terms of the Elected Civilian Review
10 Board. I really want to change it up a little bit
11 because I only have a few minutes and talk about
12 police accountability, because no one was held
13 accountable when my son and the other boys went to
14 jail. And I'm saying that because that is a very
15 normal thing that no one is ever held accountable.
16 Crimes are committed by police officers and is no
17 system in place to punish them for the most part for
18 their crimes other than just to put them a slap on
19 the wrist and if they uhm retire with pay from their
20 jobs because of their action, they just move on to
21 another jurisdiction where they continue to do the
22 same types of behavior that exists before. I am
23 pleased that our government has decided to retrain
24 the police force even though in my pleasure I see
25 that their crimes have not diminished because of

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2 their retraining. I don't know if it means that they
3 are addicted to this type of behavior because of the
4 racial implications involved because I notice that
5 white people don't suffer in the same way as people
6 of color and it seems to be that the darker you are
7 the more you suffer. We in our Community of black
8 and brown people are being terrorized by police,
9 terrorized by their actions. We have no confidence
10 in their ability to police us, protect us or evaluate
11 their negative behavior with a Civilian Complaint
12 Review Board with the DAs office or anyone else. All
13 they get is a slap on the wrist for their actions.
14 We need to fix this system so that our communities
15 have a respect for police which doesn't exist today.
16 Even now I have grandchildren and I wonder if they
17 will make it home alive and they are just 7, 8 and 9.
18 Will the police kill them for some strange reason
19 because they were holding a silver candy bar wrapper
20 in their hand and they were frightened in they shot
21 them in the back? We must fix this system and you
22 all are in a position to do it because they are not
23 going to listen to me because I'm the mother of, of
24 a, of a convict that was, a rapist who was and who
25 became part of a group that never raped anybody but

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2 in many people's minds they are still guilty and you
3 wonder well why were they paid compensation? You can
4 never pay compensation for the crimes that was done
5 to us? People sent me death threats and I know my
6 time is up but I've been waiting here all night to
7 let you know how it feels to be on my side of the
8 situation because I was counting the number of white
9 people I saw up there and was saying to myself, those
10 people will never know how it feels to have police
11 brutality or police unaccountability because they are
12 not the right color to experience it. I feel sorry
13 for you all because I'm talking about something you
14 don't have no idea on what's happening and I'm trying
15 to make it real so that you can see that a change
16 needs to happen and it needs to happen right now.
17 Excuse me for going over my time.

18 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

19 That's fine Ms. Salom. Thank you very much.

20 (applause) And I am. Ms. Goldstein.

21 EMILY GOLDSTEIN: That's hard to follow.

22 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

23 Yeah.

24 EMILY GOLDSTEIN: Good evening, my name

25 is Emily Goldstein and I am the Director of

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2 Organizing AMHD. Thank you for the opportunity to
3 testify before you again tonight. For the past nine
4 months I have also coordinated the Thriving
5 Communities Coalition. Uhm you've heard from some of
6 our members already and you will hear from others.
7 And, in reviewing the preliminary staff report AMHD
8 was disappointed to see that several recommendations
9 we believe are necessary to address problems within
10 the ULURP System were left out. However, we think
11 the preliminary staff reports recommendations
12 regarding comprehensive planning are promising and
13 specifically appreciate and endorse the following
14 ideas. Coordination of the City's various needs
15 statements, policy statements, agency plans, Land Use
16 Plans and spending plans and to take stock of
17 indicators reports when planning. Inclusion of
18 statement of need as documents that should impact
19 planning and budgeting, alignment of planning and
20 budgeting processing, disclosure of Future Land Use
21 and development plans for communities and indicators
22 measuring progress over time. However, we strongly
23 believe that in its present form the recommended
24 version of comprehensive planning to accomplish the
25 depths of changes or city needs. The Charter must

1
2 spell out clear goals of reducing neighborhood based
3 racial and socioeconomic inequality, a comprehensive
4 planning from our perspective should be intended to
5 address. Without explicit clear goals it is
6 impossible to measure progress. You have to know
7 what direction you are trying to go in. It is also
8 crucial that any process of identifying needs
9 specifically separate out assessment of existing
10 residents needs from projected future needs of
11 residents. Without this clarity, less powerful
12 communities will continue to risk having their
13 existing needs met only in exchange of future growth
14 or in relation to planning for future populations.
15 Finally, the Charter must make clear that the public
16 and stakeholders not only have an opportunity to weigh
17 in but that people with a wide range of perspectives
18 and experiences representative of our City's
19 population have actual seats at the decision-making
20 table of the comprehensive planning process. Too
21 many communities have participated in too many
22 processes that encourage but then ignore their input
23 from their perspective. We have been using the
24 current process for Land Use and planning are not
25 quite planning for 30 years. The outcome has been

1
2 increasing inequality and decreasing affordability
3 and diversity. The outcome has consistently been
4 that DCP and developers run rough shot over the
5 priorities and needs of low-income communities of
6 color. The outcome has been distrustful and
7 disillusionment on the part of most New Yorkers whose
8 experiences with rezonings tell them that they are
9 not the people who matter, in this, in this process.
10 At some point the process can't be divorced from the
11 outcomes. It is time we adopt a new process, a
12 comprehensive planning process with realities
13 requiring that future budget and plan use, and Land
14 Use decisions move our cities towards the outcomes,
15 toward outcomes that align with the values and
16 principals we espouse. Thank you.

17 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

18 Thank you. Sorry thank you very much Ms. Goldstein.
19 Elaina Compte?

20 ELAINA COMPTE: Good evening, thank you
21 for the opportunity. I am Elaina Compte, Director of
22 Policy at Pratt Center for Community Development.
23 Part of the Thriving Communities Coalition. First
24 off, I really want to thank the Commissioners and the
25 staff for the inclusion of the topic of Comprehensive

1
2 Planning in the Preliminary Staff report or whatever
3 name it may go under. Uhm our inclusion of that is
4 recognition that there has been major public outcry
5 that the current planning system is failing to
6 support the New Yorkers of today and that is not set
7 up to meet our increasing future needs. The status
8 quo just cannot stand with regard to planning and
9 with regard to the outcomes of planning. I have had
10 the privilege of testifying on multiple arenas on
11 this topic and I look very much forward to
12 participating in upcoming working meetings to address
13 the details of operationalizing the recommendations
14 but for tonight and in respect to all the members of
15 the public who are still waiting for your attention.
16 The most important point I want to raise is that as a
17 City we can and must build on your preliminary
18 recommendations and go deeper to making meaningful
19 changes. We are prepared to work closely with you to
20 do so and to arrive at the best, most feasible
21 outcome that goes for the big thing, right. Uhm to
22 your question of whether those who are united in
23 their call for comprehensive planning are clear in
24 their vision for it. We have submitted an 8-point
25 summary that aims to clarify the major components for

1
2 you. There could be lots of different road maps to
3 those components and again we would love to work on
4 it along side you. I will touch on point 3 through 6
5 right now. Number three is citywide and localized
6 analysis. These are cohesive data analysis well
7 within the existing capacity of the Department of
8 City Planning and many aspects of it are currently
9 being performed by just an adhoc and distributed
10 ways, streamlining it and adding a few key measures
11 that don't yet exist, such as the citywide
12 displacement risk analysis. Will strengthen existing
13 systems as well as make it easier for communities to
14 get the information they want to know at intervals
15 when they need it for planning not just when
16 considering development proposals. Number four,
17 process for balancing local and citywide needs. The
18 local engagement and investment in planning will
19 build buying to the entire process and allow for
20 communities to choose the ways they want to move
21 forward, squarely in the context of being part of a
22 larger whole to whose goals they also contributed
23 instead of being told what this citywide goals are
24 from down from on high, right? The next piece is
25 equitable distribution of resources to achieve it.

1
2 All the goals and targets need to be in one place and
3 need to speak to each other as well as being measured
4 and reported on and then coordinating with capital
5 budget I could say more about that but in sum, a
6 comprehensive planning cycle must result in a single
7 easily identifiable framework to repair a broken
8 piecemeal system integrating and aligning the
9 planning policy making it in the budget and an
10 intentional way is need to achieve this. Let's
11 discuss it together, you are brilliant, the staff is
12 brilliant, advocates are brilliant, we can challenge
13 ourselves to strive more and let's just get to work,
14 thank you.

15 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

16 Thank you Ms. Compte. Meredith McNair.

17 MEREDITH MCNAIR: Good evening, thank you
18 for the opportunity to testify tonight. My name is
19 Meredith McNair I am a Community Planner at Cypress
20 Hills local development corporation uhm I'm here
21 tonight to ask the Commission to think big on
22 comprehensive planning. Comprehensive planning is
23 not an advanced concept. It is not so complicated.
24 It is well studied and practiced in cities all over
25 the country. New York is an outlier for not having

1
2 such a plan and it shows. When East New York was
3 rezoned three years ago residents got organized and
4 put a tremendous amount of effort into negotiating
5 with the City for infrastructure investments and
6 anti-displacement policies to help the neighborhood
7 withstand the added density. But it shouldn't take a
8 rezoning for neighborhoods to get the investments
9 they needed for decades. These resources should be
10 distributed to communities based on their current
11 needs regardless of future growth. East New York has
12 witnessed first hand how this city's current rezoning
13 process leads to rampant speculation, rapid increases
14 in housing cost and displacement. We don't want to
15 see one more neighborhood undergo this type of top
16 down planning seat. What we need is a coordinated
17 system that distributes growth across all types of
18 neighborhoods not just low-income communities of
19 color that uses both data analysis and deep community
20 engagement to shape priorities and that promotes
21 equity and access to opportunity for all New Yorkers.
22 In order to work, the plan must be enforceable,
23 measurable and tied to the capital budget. This
24 would result in better outcomes for communities and
25 also greater clarity for developers. This is a one

1
2 in a generation opportunity to set in place a
3 comprehensive planning process that would finally
4 give New York City a vision for its future, one that
5 is shaped by residents and responsive to both
6 citywide and community needs. Let's make the most of
7 this opportunity, thank you.

8 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

9 Thank you very much. Sal?

10 COMMISSIONER SAL ALBANESE: Uhm Ms.

11 Compte did you say that you are working with staff,
12 our staff on comprehensive planning.

13 ELAINA COMPTE: I said that we are ready,
14 willing and able and we have multiple requests in and
15 I anticipate by the positive initial response will
16 result in sitting down to do that work.

17 COMMISSIONER SAL ALBANESE: So, you
18 haven't gotten any response yet?

19 ELAINA COMPTE: No, no, no we have,
20 we've, we just have not sat down yet.

21 COMMISSIONER SAL ALBANESE: Thank you.

22 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

23 Were there other questions? I would just like to
24 thank Ms. Salom for sharing with us. I know how hard
25

1
2 it is and I know the kind of pain that you must have
3 and I am very sorry.

4 SHARONA SALOM: Yes.

5 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
6 I believe this panel is finished and I will call the
7 next panel. John Baldwin are you here? JT Felcone,
8 Michael Parsons, Michael Parsons are you here?

9 MICHAEL PARSONS: Yes.

10 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
11 And Ed Morris. Mr. Baldwin.

12 JOHN BALDWIN: Yes.

13 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
14 You have the floor.

15 JOHN BALDWIN: Thank you very much. My
16 name is John D. Baldwin I am a Green Party Member and
17 I support Rank Choice Voting including in general
18 elections. This sheet that I have received when I
19 came in seems to present RCV as a cost saving
20 measure, I think it is a democracy saving measure.
21 The plurality system of voting, the system that is
22 currently in place in most of America is a fear-based
23 system. People very often don't vote for what they
24 want, but only against what they don't want. A
25 system in which voters vote defensively rather than

1
2 freely distorts democracy. Let's give a hypothetical
3 example of how the system as it now exists, works.
4 Say that there are three candidates in the local
5 election, a third-party candidate X and the
6 mainstream party candidates Y and Z. Say that
7 candidate X is fighting for innovative new policies
8 and Voter Tom Smith would very much like to vote for
9 her as those proposals would positively impact the
10 low-income community in which he lives. But under
11 the more abundant plurality system, Smith doesn't
12 dare give his vote to X because candidate Y might
13 lose to candidate Z whose policy positions are
14 furthest from what Smith wants. Because many people
15 think like Tom candidate Y wins, the third-party
16 candidate gets only 2% of the vote and her ideas
17 which deserve a proper hearing get buried. Now say
18 that the election had happened with Rank Choice
19 Voting in effect. Under the RCV system, Smith votes
20 for X as his first choice and Y as his second choice.
21 X the third-party candidate now received 19% of the
22 total vote and neither Y nor Z gets a majority. So,
23 all of the votes for X, the least successful
24 candidate are transferred. Most of Xs voters did
25 what Tom did and voted for Y as their second choice.

1
2 So, candidate Y easily wins the election on the
3 second round. Now a cynic might say what's the
4 difference, the same guy won in both scenarios but it
5 doesn't escape the winning candidates notice that the
6 third-party candidate received nearly a 5th of the
7 total vote by championing innovative proposals. So
8 now that he is in office, he embraces those proposals
9 to capture the support of those voters. Having RCV
10 in primaries and special elections but not general
11 elections doesn't make any sense. To do so would be
12 empowering the parties that already have power and
13 disempowering the third parties and their innovative
14 ideas. The Green support RCV for all elections. It
15 will not bring chaos but true order to the electoral
16 process.

17 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

18 Thank you very much Mr. Baldwin and the next speaker
19 is JT Felcone.

20 JT FELCONE: Thank you Chair Benjamin and
21 members of the Charter Revision Commission for the
22 opportunity to testify today. My name is JT Felcone
23 and I am a Policy Analyst at United Neighborhood
24 Houses (UNH). For over a century, UNHs members
25 settlement houses have strengthened communities

1
2 across New York offering a wide variety of
3 programming for New Yorkers of all ages and
4 background and leading social reform movements. UNH
5 was disappointed in the Charter Revision Commission's
6 decision to walk away from addressing Land Use and
7 Procurement Reform such as implementing ULURP for
8 NYCHA Land Dispositions and contracting reforms for
9 the City's Human Services Sector that deliver vital
10 services for New Yorkers. Unfortunately, the
11 Commission has missed an opportunity to make positive
12 long-lasting changes at a time when they are
13 desperately needed but I am here today because the
14 Commission has chosen to consider comprehensive
15 planning and I am, I would like to urge you to put a
16 meaningful comprehensive planning proposal on the
17 ballot in November. Along with fellow member
18 organizations of the Thriving Communities Coalition,
19 UNH is concerned that the staff report outlines only
20 modest changes to the city's Land Use Processes when
21 what is needed is real reform to empower
22 disenfranchised communities and fight deeply
23 entrenched racial and socioeconomic inequality.
24 While the alignment of existing planning mechanism
25 and the creation of a planning cycle, would

1
2 streamline the process, it would not affect the
3 underlying mechanisms themselves and would therefore
4 do little to disrupt the status quo that has seen
5 astronomical increases in rents, continue divestment
6 in low income communities of color and low density
7 preference shown for wealthy white communities.

8 Because of the sheer number of complicated mechanisms
9 involved in the City's existing Planning Process it
10 is easy to be overwhelmed and overlook the fact that
11 all of this planning is currently being done
12 piecemeal. As the staff report shows, the Charter
13 asks only that our elected representatives who are
14 creating and operationalizing these various plans
15 consider, consult or reference each other and many of
16 the plans require no meaningful community input
17 whatsoever. This process allows too much to slip
18 through the cracks. Despite the fact that the staff
19 report also recommends amending these processes to
20 give the public and other stakeholders an opportunity
21 to meaningfully weigh in on the plans, your average
22 New Yorker would need an advanced degree to
23 meaningfully and proactively engage in the myriad
24 proposal is currently laid out in the Charter and
25 even the most knowledgeable New Yorkers likely lack

1
2 the time to engage with so many concurrent processes.
3 While the mechanisms of a comprehensive plan might be
4 complicated, the concept is not. A comprehensive
5 plan should be a road map for growth and priorities
6 for New York City that exists outside of any one
7 particular administration. While the staff
8 recommendations for inclusion of short-term
9 intermediate and long-term issues got the timing
10 right, I am here to urge the commission to get the
11 questions right too. And there is more but I will
12 let you read it; I don't want to take up everyone's
13 time. Thank you.

14 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
15 Thank you Mr. Felcone. Next speaker is Michael
16 Parsons.

17 MICHAEL PARSONS: Good evening
18 Commissioners. My name is Michael Parsons I am
19 acting Assistant Professor at NYU School of Law and
20 an Adjunct Fellow at Fair Vote which advocates for
21 Rank Choice Voting. The Commission has already heard
22 about RCV benefits so I would like to focus on the
23 concerns raised in the report. I brought a
24 presentation that addresses several but for my
25 remarks I will focus on two. First, Ballot

1
2 Exhaustion which we have heard about. The second
3 concerns that unpopular and unexpected candidates
4 might somehow win. With the first, as other speakers
5 have noted, New York City primary runoffs entails
6 steep drop offs in voter participation, 61% in 2013.
7 These are voters who have no impact on the final
8 round in our current runoff system. By comparison in
9 Santé Fe, 2018, RCV Mayoral Race only 4% of ballots
10 were exhausted by the final round. In Maine's 2nd
11 Congressional District Race, this was only 3%. In
12 short, RCV would ensure far more New Yorkers have
13 their voices heard in the final round than under our
14 current system. The Staff report does raise one
15 outlier worth noting, a 2010 San Francisco Board of
16 Supervisors Race where 57% of ballots were exhausted
17 by the final round. Interestingly this race offers
18 an example of RCV performing well under highly
19 unusual circumstances that would have taxed
20 legitimacy of a traditional runoff. That race had 21
21 candidates and voters were only allowed to rank 3 and
22 there was a virtual tie among the top three
23 candidates in the first round with all earning
24 roughly 12% of the vote. Under traditional runoff
25 system, the third candidate, Malea Cohen, a woman of

1
2 color who has since gone on to win higher office in
3 California would have been excluded from the runoff
4 entirely despite earning comparable first choice
5 support in the first round. Instead, she went on to
6 win in the final round and allowing voters to rank
7 more choices would have dramatically curtailed ballot
8 exhaustion in that rate. It doesn't need to be 3 or
9 17, we would recommend at least five, that it be five
10 or six. Uhm second, the San Francisco Race is also a
11 good example to address the second concern that
12 candidates without widespread support might somehow
13 prevail under our RCV. The exact opposite is true.
14 RCV produces candidates with broad support. A
15 candidate cannot win under RCV with 4th, 3rd, or even
16 2nd choice rankings alone. A candidate must have
17 strong first choice support to win. In all multi-
18 round RCV elections on record, the candidate who is
19 leading in the first round, won in the final round
20 86% of the time. In all but one of the remaining
21 races, the candidate who is second in the first
22 round, prevailed in the final round, only in the 2010
23 San Francisco race I discussed before did a candidate
24 who was ranked 3rd in the first round go on to win
25 and as I said this result makes sense. Each of the

1
2 top three candidates in the first round got roughly
3 12% of the vote, each had an equivalent base of first
4 choice support. In short, an RCV will always be a
5 candidate who would have a reasonable chance of
6 prevailing in a traditional plurality election.

7 Thank you for your service on the Commission, I would
8 be happy to answer any questions that you might have.

9 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

10 Thank you. Uhm the next speaker is Ed Morris.

11 ED MORRIS: Hi, I'm Ed Morris, I'm a
12 Philosopher of Nature and I like to share with you a
13 crisis that is going on right now and hopefully in
14 your New Charter this won't happen again but it is
15 happening right now. I refer to the Elizabeth Street
16 Garden, the Nelson Mandela Garden in Harlem and the
17 Pleasant Village Garden in East Harlem. They are all
18 under siege by the City. Now what is the use of the
19 excuse. The excuse is affordable housing. Well I
20 live across from Essex Crossing and it is obscene.
21 The garden where I volunteer, the Elizabeth Street
22 Garden is one acre. There is a football field of
23 acreage across the street at Essex Crossing. Chris
24 Marty who ran against Margaret Chin said that it was
25 originally slated at 50% affordable. That is a joke.

1
2 It is sickening. Well, they have a home there for
3 Trader Joe, good old homeless Trader Joe, Regal
4 Cinema gets four theatre in its home, disgusting.
5 The Mandela Garden is a beautiful asset and Nelson
6 Mandela's grandson came and he plugged it. Well,
7 it's padlocked right now. HBD has put the bead on
8 the Pleasant Avenue 116, East 116th Street Garden and
9 now it is going to shade the rest of this tiny bit
10 that is left. We cannot allow this. There are, I
11 would like to mention three dirty words, one is the
12 Essex Crossing, the other is Extol Towers and the
13 other is Hudson Yards. These are obscene. When
14 there are 700,000 requesting housing why is the City
15 not looking at them. Why is it looking at these poor
16 little communities who all they have is a little
17 patch of green and stealing from the poor and not
18 from the rich. So, I want to say that I hope this
19 doesn't happen in the future, but right now I would
20 like to share my anger with what is happening to
21 nature right now. Thank you very much. (applause).

22 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

23 Thank you Mr. Morris. Any questions? Uhm, Paula.

24 COMMISSIONER PAULA GAVIN: This is first,
25 excuse me, this is first to thank you to everybody

1
2 who is testifying particularly for the areas they
3 care so much about. I particularly am interested in
4 the planning and thank the multiple groups who have
5 come together. It would be great to know all the
6 different organizations, I know that UNH represents
7 but all of the other coalitions. It would be
8 excellent for us to understand how many and what
9 different types of organizations have been involved
10 in thinking about planning which obviously you know
11 we all care about. So, if you all could come
12 together and get us that, that would be great, thank
13 you all.

14 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

15 Sal?

16 COMMISSIONER SAL ALBANESE: Uhm thank you
17 for your very, very good testimony and Mr. Morris, I,
18 I visited the Elizabeth Street Gardens a couple of
19 times. It is just a beautiful oasis and hopefully,
20 hopefully the City will see the wealth.

21 ED MORRIS: Well it is really what Mr.
22 Vesquez said. If the City doesn't, the 7 million
23 people are going to. One old lady from Chinatown
24 told me, she said Ed, this is my garden, if they come
25 with a bulldozer I'm going to be padlocked to the

1
2 front gate. So, I would also like to tell if anyone
3 doesn't know because it has often come up in
4 tonight's hearing, the role of the community. The
5 Community Board has voted unilaterally not to have it
6 quadrupled or split in any way; 100% we want to keep
7 it. Oh, the Community, what's that.

8 COMMISSIONER SAL ALBANESE: I, I would
9 urge that anyone who hasn't visited the Elizabeth
10 Street Gardens go and visit.

11 ED MORRIS: Do you know who hasn't?
12 Margaret Chin and De Blasio and they boast that they
13 haven't.

14 COMMISSIONER SAL ALBANESE: Well, that's,
15 I'm not going to comment on those people. Mr.
16 Felcone. Just are you engaged with the staff as well
17 on the comprehensive planning?

18 JT FELCONE: Very happy to be. I uhm
19 Thriving Communities Coalition, I, we heard the
20 request to get the information on which groups are
21 working together and coordinating on that and would
22 love to be in conversation about comprehensive
23 planning and what that could look like.

24 COMMISSIONER SAL ALBANESE: Have you
25 reached out to? You've reached out to staff?

1
2 JT FELCONE: In the, in the same sense as
3 Elaina. Yes. By which I mean through Elaina not
4 myself. No purgering up here.

5 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
6 Are there any other questions? I thank the panel and
7 call the next panel. Uhm, Robert Crimer, are you
8 here? Douglas Davis, are you here? If you are
9 please raise your hand. Okay. Michael Dartier, I
10 know he has gone I saw him earlier. Molin Metta,
11 from the Regional Plan Association just in case I
12 mispronounced, Benjamin Wetzler from the Manhattan
13 Democratic Party are you here? Excuse me? Oh, okay.
14 Sara Durity, Jake Schmidt, and Ellen Martin, Ellen
15 Martin are you here? Sorry, I have to take my
16 glasses off to read but then I can't see anything
17 else. (laughter). Clint Smeltzer. Okay. Yeah.
18 Mr. Metta.

19 MOLIN METTA: Good night I guess
20 Commissioners and thank you for the opportunity to
21 respond to the Staff Report. Uhm my name is Molin
22 Metta and I am a Senior Associate at Regional Plan
23 Association uhm we are also a member of the Thriving
24 Communities Coalition. And we are here today to
25 respond to the Staff Reports recommendation around

1
2 Comprehensive Planning. Uhm we are glad that the
3 preliminary report took the step in calling for
4 coordination among the dozen planning processes
5 currently in the Charter; however, we do share our
6 partner's frustration that given this once in a
7 generation opportunity bolder steps are not being
8 taken. The eight key elements that member of the
9 coalition and the progressive caucus have discussed
10 around comprehensive planning should be a guiding
11 framework for developing a more robust planning
12 process and we should not take for granted that we do
13 have some progressive momentum in this City. As we
14 stated before in previous testimony a value driven
15 approach in the Charter would help put equity up from
16 in the planning process regardless of any
17 administration that might be in charge. Uhm as
18 Elaina had stated earlier there are many roots for
19 how the A elements play out and I will be focusing
20 also on the third element which is the City and local
21 analysis and specifically on an idea of some form of
22 an equity index that we have been thinking about at
23 RPA which speaks to the data driven needs assessment
24 process of Comprehensive Planning, an equity index
25 that evaluates infrastructure services, economic

1 conditions and growth opportunities across the City.
2 Should be tied to the planning process and used in a
3 way to prioritize investment. Such an index could be
4 used to place neighborhoods on a spectrum, looking at
5 the comprehensive nature of what makes communities
6 thrive and assets that need to be protected, things
7 like diversity, its people, sustainability, community
8 centers, parks, etc. Development of the index could
9 also include community engagement in a process to
10 evaluate more nuance measures such as social
11 networks. The index could in turn be used to
12 identify areas for city initiatives to improve access
13 to opportunity. Those that have the capacity to
14 absorb new growth, areas for which transit expansion
15 should be a priority, more holistic investment in
16 protecting against climate change. Areas with a lower
17 score would indicate another type of prioritization,
18 one that would push investments in foundational areas
19 to meet existing needs. Of those communities that
20 have been historically underserved or those that are
21 at high risk of displacement. Each indicator used in
22 developing and index would also have further scrutiny
23 to make sure that they are capturing something more
24 than a binary yes, no and I'm almost done. Uhm for
25

1
2 example, access to transit would not just be about
3 station proximity but also looking at things like
4 service levels, ADA accessibility and capital needs.
5 Cities across the country use this kind of an index.
6 In Denver for example, it has been used to help build
7 their 20/40 comprehensive plan and has been used in
8 their 10-year bond program to target specific dollars
9 to communities with the highest level of inequality.
10 We are, I know New York City is doing better than
11 many municipalities in moving some progressive
12 policies forward, but we cannot take for granted this
13 momentum. A comprehensive planning process guided by
14 sound analysis and equity principals only works if
15 our City's Constitution requires it to be undertaken
16 and provides mechanisms for enforcement and
17 budgeting. So, thank you again for your time and as
18 always RPA and the coalition stand ready to serve as
19 a resource.

20 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

21 Thank you very much Mr. Metta. Uhm Benjamin Wetzler.

22 BENJAMIN WETZLER: Wetzler.

23 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

24 Could you spell that for me so I can?

25 BENJAMIN WETZLER: Wetzler.

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Okay. Thank you.

BENJAMIN WETZLER: Thank you my name is

Ben Wetzler, I am an elected Democratic Party District Leader for the 76th Assembly District covering the upper East Side in Roosevelt Island. I am here to testify in favor of changes to the City's Land Use Process outlined in the preliminary staff report and make suggestions for their improvement. New York is in a crisis of housing affordability and it is an open secret that this is due to poor planning. This makes it ultimately a political rather than an economic problem. Last year, New York was dead last in per capita housing construction relative to other major cities. This failure to meet our needs has caused a crisis of homelessness, displacement and overcrowding due to the lack of affordable housing. As the staff report made clear, New York has no planning process to address this in a comprehensive way. Instead we have a system of adhoc rezoning negotiated between the Mayor, the City Council and Developers which guarantee development decisions will be guided by politics rather than need. A 2010 Firm Center Analysis of zoning changes

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2 during Mayor Bloomberg's first term show that the new
3 housing made possible by City Initiated Rezoning's
4 was nearly entirely off set by new restrictions put
5 in place elsewhere. With new development being
6 limited in wealthier whiter neighborhoods and pushed
7 into lower income predominantly minority ones. This
8 reluctance to up zone wealthy neighborhoods has
9 continued in Mayor de Blasio's tenure. I say this
10 knowing that I represent one of the wealthiest
11 communities in the City and all of the things being
12 equal, my constituents would probably prefer that
13 this practice continue but we are going to solve the
14 houses crisis, this desperate treatment by
15 neighborhood must end. I believe this can be done in
16 the following ways. First, the staff report called
17 for clear instructions on how the myriad City
18 Planning documents relate to one another. The
19 updated Charter should require that these plans begin
20 with the assumption that population growth is a
21 natural part of neighborhood planning and therefore
22 spills into other neighborhoods when it is not met
23 with a commencer growth and housing. This is
24 consistent with academic literature on housing
25 affordability and would make clear that it is

1
2 ultimately the City Government's responsibility when
3 neighborhoods end up overcrowded, gentrified or
4 experience significant displacement when the City
5 does not adequately plan for growth or does so
6 unevenly between neighborhoods. Second, the Charter
7 should mandate that the CPC initiate rezoning in any
8 neighborhood that consistently fails to meet a fair
9 share of the City's anticipated housing need. It
10 should further state that these rezoning will go into
11 effect within some reasonable amount of time if the
12 Council, Community Board or Borough President does
13 not offer a comparable alternative. Community groups
14 and their elective representatives should be an
15 interval part of determining how their neighborhoods
16 will grow but they should not have the authority to
17 simply say no and walk away from helping meet the
18 City's Housing needs and pushing them entirely on to
19 lower income communities. Allowing them to do so is
20 incompatible with good planning and only ensures our
21 crisis of affordability and our history of exclusion
22 and gentrification will continue indefinitely, thank
23 you.
24
25

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Thank you very much Mr. Wetzler. The next speaker is Mr. Schmidt.

JAKE SCHMIDT: Hello my name is Jake Schmidt. I am a member of Open New York which is an all-volunteer group that advocates for building more homes in New York especially in high opportunity neighborhoods. I want to talk about Land Use and specifically the recommendation around comprehensive planning regardless of the comprehensiveness of the process that we recommend. I think it is critical that the planning process acknowledge that New York has a housing shortage, for five decades now we've failed to build enough housing for everyone who wants to live here and the humanitarian and economic consequences have been disastrous. Zoning pretends the City doesn't need to grow which means we push people out. This exclusionary system has to change. One of the earlier speakers talked about conflicts of interest in Community Boards and City Planning and that got a lot of attention. I want to talk about a type of conflict of interest that is absolutely endemic and which goes pretty overmarked in discussions like this. I hope this can shape how we

1 think about the issue because I think it is
2 underdiscussed. The problem is the Power of
3 Homeowners. When we say real estate lobby, we don't
4 include homeowners even when they are lobbying on
5 real estate issues. The problem with that is the
6 people who own real estate have a financial interest
7 in housing scarcity because they own the scariest
8 asset. Like anything else in high demand if you
9 restrict its production which you have the price goes
10 up. It is as simple as that. It's a homeowner
11 benefit and renters like me get screwed. So, against
12 that background the current system for Land Use in
13 New York is at its core, we have very tight zoning,
14 coupled with adhoc exceptions that are approved by
15 the local community boards and City Council Members.
16 And let me tell you my group spends our time
17 advocating for more housing in front of Community
18 Boards and in front of the City Council and it is
19 wall to wall homeowners. We don't usually describe
20 it as such but they form a real estate lobby of a
21 kind and we have to stop allowing them to restrict
22 the construction of new homes. Now, I want to be
23 clear. I am sure a lot of people are feeling a
24 little attacked right now. I don't think these
25

1
2 homeowners are bad people. I think they are just
3 advocating for their interest. I think everyone
4 should be able to do that. That's why this system of
5 adhoc acceptance that we have doesn't work. We need
6 to ensure that the Charter sets up our Land Use
7 Processes that actually produce enough housing for
8 everyone who wants to live here in the greatest City
9 in the world. Because the current system privileges
10 a very specific set of voices and by any metric it is
11 failing. Uhm I have some specific proposals for how
12 we can incorporate this into the current language of
13 the staff recommendation but I appear to be out of
14 time. I would be happy to go into detail if anybody
15 would like and I will include it in my written
16 testimony when I submit it online. Thank you.

17 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

18 Thank you very much Mr. Schmidt and I would
19 appreciate you submitting your suggestions on line as
20 you said. Uhm Clint Smelzer.

21 CLINT SMELZER: Yes, hi I'm here
22 representing Community Board 3. We put together.

23 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

24 In what, what location? Manhattan, Bronx, Queens or.

25

1
2 CLINT SMELZER: Oh, I'm sorry, Community
3 Board 3 Manhattan and after reviewing the report we
4 have some recommendations. First thing is we
5 recommend that Community Boards have independent
6 baseline budgets with a guaranteed minimum level of
7 function. These baseline Budgets would allow the
8 reports to responsibly plan for future years and not
9 have the constant threat of their offices being
10 reduced. Second, we would fully support that
11 services be assigned and codified to specific
12 agencies and include personnel support for staffing
13 issues, benefits, technical support, etc. The
14 Borough President's Office provides payroll support
15 and other administrative and technical support is
16 lacking. The Community Board Managerial Staff are
17 the only City Employees in New York without personnel
18 services in support. The newly established Civic
19 Engagement Commission should not be under Mayoral
20 control. One of the things that addressed many
21 times, Urban Planner Staff positions for Community
22 Boards. They should have a full-time urban planner
23 on staff and the Budget Appropriation to fund this
24 position. Right now, the City Charter does mandate
25 the Community Boards having an Urban Planner but does

1 not actually fund that position. Second, one of the
2 things that mentioned is the Charter mandated time
3 for notification periods, this had been mentioned in
4 regards to the ULURP process and other things. Right
5 now, the mandated process is to take into account the
6 Community Boards Schedules by giving notice in an
7 earlier stage or lengthening that notification time
8 this would be extremely beneficial for public
9 notification and public input. One thing that was
10 briefly mentioned earlier today, the periodic
11 revision process for the seeker which is the Civil
12 Environment Quality Review process and the technical
13 manner. Currently the Charter has no requirements
14 regarding updates to the Secret Technical Manual.
15 This manual should be revised to address flaws in a
16 current method of analysis for indirect residential
17 displacement and neighborhood demographic changes.
18 The universe of dwelling units considered in the
19 indirect residential displacement analysis should be
20 expanded to include rent regulated units and a racial
21 impact study should be required to accurately
22 disclose the demographic changes and compliance with
23 Fair Housing Allegations. We also recommended the
24 NYCHA Housing Authority Land go through the ULURP in
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1
2 order to promote transparency and give residents and
3 local officials input into the process. The NYCHA
4 land should follow the same public review process as
5 City Owned land when it is disposed of to a private
6 entity and the last thing was just measures to
7 promote representative Community Boards. We
8 recommend they consider creating standards and
9 promoting transparency by publishing Board
10 Demographics and vacancy status. This would promote
11 more representative and effective boards and that is
12 pretty much it, so thank you for your time.

13 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

14 Thank you very much Ms. Smelzer. Are there any
15 questions? Jim?

16 COMMISSIONER JAMES VACCA: First I wanted
17 to thank uhm CB3 but also CB8 and..

18 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

19 6.

20 COMMISSIONER JAMES VACCA: CB5 for the
21 work that they have done and for testifying. I know
22 a lot of Manhattan Community Board it is not just the
23 person that has testified but they have had task
24 forces or subcommittees working on Charter issues and
25 I just wanted to thank you all for that. My question

1
2 though is for Mr. Metta, of RPA. Uhm in your
3 proposal, how do you conceive who sets the general
4 goals for the comprehensive plan? Are those set by
5 us? Are those set by some kind of community planning
6 process? Are those set by the Mayor?

7 MOLIN METTA: So I mean, in, in talk
8 about the index, the idea is that there is some
9 objective analysis that is not done at the City Level
10 but that the community has components of that that
11 they can then feed in to so right now we have
12 community for district needs assessment that are not,
13 they are not, the Community Boards can just sort of
14 pitch what they want and it, it doesn't really allow
15 for this uhm alignment with citywide goals and there
16 is the investments that are made in Community Boards
17 are not tied to you know citywide priorities so by
18 for example if we, if we were to do some sort of
19 index that outlined citywide needs and, and, and
20 whats, what Community Boards are in distress about,
21 we, you could then mandate for example that a
22 Community Board Needs Assessment speak to some of
23 those challenges that are identified by citywide
24 process and then also tie that to some, some Capital
25

1
2 Budgeting process so that there is an alignment
3 there.

4 COMMISSIONER JAMES VACCA: But who
5 creates that, that, uhm, the, you know the equity
6 principals, who?

7 MOLIN METTA: So, we have equity
8 principals that the coalition has put together that
9 we would like to see embedded into the Charter but.

10 COMMISSIONER JAMES VACCA: Okay that's
11 what I'm asking. So, you want those in the Charter
12 from us, you don't want the Mayor to decide one?

13 MOLIN METTA: No.

14 COMMISSIONER JAMES VACCA: Or the, the,
15 whatever the planning body that is going to
16 coordinate these plans.

17 MOLIN METTA: Right, like and this has
18 been going up at other hearings that you know
19 planning is a political process but having the values
20 actually embedded in Charter would then force any new
21 Administration to say okay like I have my own
22 priorities but I have to meet these certain value-
23 driven processes that have been identified.

24 COMMISSIONER JAMES VACCA: Okay thanks.
25

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Are there any other questions? I thank the panel and I am calling up the next panel. Uhm Richard Ash, Chris Almstead, Mr. or Ms. Komotzu. Okay Jennifer Ramini. Thank you very much we will start with you, Mr. Ash.

RICHARD ASH: Thank you, first I just want to say that I am absolutely amazed at the staying power of the Commissioners. I've been here for 4-1/2 hours but I haven't had to pay attention the way you all have, so congratulations to you. My name is Richard Ash, I am a member of Community Board 7 in Manhattan. I was, I don't know exactly how long I've been a member but I was appointed by Andrew Stein if that gives you any sense. For most of the time I was the chair of the, Co-Chair of the Land Use Committee and so I have some familiarity with ULURP. I think the problem is not so much with the ULURP Process. I agree with the Commissioner who said that you don't want to tinker too much with the process. I do however think that a precertification requirement of 60 days would be a tremendous benefit to Community Boards who don't ordinarily have it. It has been our experience that developers are anxious

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2 to come to us and even the City is anxious to come to
3 us in the pre-ULURP phase to try to iron out any
4 differences, sometimes we can, sometimes we can't but
5 it is a very worthwhile process uhm it is, the
6 developers obviously have a pretty good idea of what
7 they want to build, more than 60 days before it gets
8 certified at ULURP so I would strongly recommend the
9 60-day rule. I would also recommend that rather than
10 expanding ULURP because we always like to, one of the
11 things that we don't want to do is to stall the
12 process, but I do believe that August should be
13 excluded from any ULURP clock permanently. We don't
14 meet in August and most Community Boards don't meet
15 in August and there is no reason to count the 31 days
16 in August toward the ULURP clock. I think that the
17 problem, we've recently had enormous difficulties
18 with the City Planning Commission most recently with
19 respect to the too tall buildings that were up around
20 central park. So much so that we have had to against
21 our better judgment approve a state proposal to
22 address the issue. And that shouldn't happen. I
23 agree with the speakers who said that there should be
24 an address the composition of the panel, I don't know
25 of the condition. I don't know exactly what the

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2 arithmetic should be but I would suggest that more
3 than half of the Commission should not be in the real
4 estate development business. I think there should be
5 a separation of the Department, the Head of the
6 Planning Department and the Head of the Planning
7 Commission. I think that NYCHA should be if you have
8 the power, I don't know that we have the power but if
9 we do, NYCHA should be included within the ULURP
10 envelope. We, we have submitted. My time is up,
11 we've submitted something in writing that addresses
12 other issues. I just if I can just touch on two.

13 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
14 Quickly.

15 RICHARD ASH: To the BSA, uhm we don't
16 believe that we should have the power to overrule BSA
17 but we do believe that if BSA overrules us, they
18 should be required to put their reasoning in writing
19 and transmit it to us. I think it adds a certain
20 amount of discipline to the process. And will, our
21 written submission has a few other points but I am
22 out of time and it is almost late.

23 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
24 Thank you very much Mr. Ash. The next speaker is
25 Chris Almstead.

1
2 CHRIS ALMSTEAD: Good evening, thank you.
3 My name is Chris Almstead and on April 1st I began
4 working as an investigator at the Civilian Complaint
5 Review Board. I do not speak on behalf of the CCRB
6 in this or any other capacity. My views here are my
7 own and don't necessarily reflect those of the CCRB.
8 I come before you as a member of the public because I
9 have an uncommon perspective which is the view from
10 my desk. I hope in sharing it to amplify the need
11 for and benefits of advancing the proposal to make
12 the CCRBs budget proportional to that of the NYPD.
13 As a new hire I am an investigator level 1 assigned
14 to an investigative squad. Investigators are
15 designated as level 1, level 2 and level 3. Those
16 are the experience and demonstrated investigative
17 abilities to receive the most complex of cases. One
18 of these level 3s has been assigned as my mentor. I
19 would say that he is doing a great job. Still, as I
20 have been learning about my new role, I've become
21 worried. Recently my mentor had 24 cases. The level
22 3 at the desk next to mine had 20. To put that in
23 perspective for you, I once heard an investigator
24 fantasize about a docket somewhere near 10. In the
25 month that I've worked at the CCRB I've seen every

1 member of my squad put in overtime. My level 2 and 3
2 colleagues are often in the office when I arrive and
3 they are often in the office when I go home. I've
4 heard level 2 and 3s across the agency describe
5 nights and Sundays in the office and my experience
6 every two weeks and often more frequently
7 investigators catch an average of three cases per
8 person and further perspective several level 3
9 investigators have told me this week that when they
10 request body worn camera footage from the NYPD they
11 wait an average of three months to receive it. An
12 investigator could catch 18 new cases while waiting
13 on crucial evidence for one. The preliminary staff
14 report does not include the CCRBs request for direct
15 access to body worn footage but I cannot overstate
16 the positive effect that would have on their work but
17 I digress. Since 2017, the NYPD has equipped
18 thousands perhaps 10s of thousands of members of
19 service with body worn cameras and that is an
20 excellent step forward but as far as I can tell the
21 resources available to the CCRB have yet to adjusted
22 to reflect the effects more body worn camera footage
23 would have on investigations. Footage is key
24 evidence and I am told that it takes hours to review
25

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2 let alone to analyze and transcribe and I haven't
3 even gotten to the right to know act. This past
4 month my experience as an employee has convinced me
5 as a tax payer that the CCRB is worth the investment.
6 The CCRB is asking for their budget to be set at 1%
7 of the NYPD's and that light it is a small ask but
8 that change would more than triple their budget,
9 providing better, faster investigations benefiting
10 civilians and officers alike. I submit that the
11 people of New York City deserve to vote on the issue.
12 It is a measure I would support whether I worked
13 there or not.

14 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

15 Thank you very much. Could you give us a copy of,
16 of, what you are reading from or would you be willing
17 to provide us with your comments after the meeting,
18 uhm either by email or any other.

19 CHRIS ALMSTEAD: Yeah, I'll take it up.

20 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

21 Okay thank you. Uhm Mr. Komatzu.

22 TAMAKI KOMATZU: I am Tamaki Komatzu and
23 a Navy veteran with a federal law suit against the
24 City. I filed papers in it earlier today to greatly
25 expand its scope. I am here to tell all of your how

1
2 useless the NYPD, CCRB and Public Advocate office
3 are. Since you let someone else greatly exceed the
4 time limits I may minimally do so in accordance with
5 my 14th Amendment equal protection and due process
6 rights. Both Latisha James and Jumaane Williams are
7 useless because I apprized both of them face to face
8 about the NYPD illegal acts against me at public
9 forums that the Mayor held and they have done nothing
10 about that after the CCRB stupidly exonerated
11 defendant Redman and more NYPD officers for their
12 illegals acts against me that were whistleblower
13 retaliation, view point discrimination and voter
14 fraud. On August 30, 2017, Mr. Albanese and I had a
15 chat outside of the Mayor's Town Hall in Brooklyn
16 after Defendant and other NYPD trash illegally kicked
17 me out of that meeting in response to my having told
18 members of the public about Defendant's Redman's law
19 suit by Mr. Sharod. On September 26, 2017 and
20 September 28, 2017, I briefed Gail Brewer that I was
21 illegally prevented from attending Town Hall meetings
22 that the Mayor held on those nights outside of those
23 events. She told me on those nights that she would
24 look into that, it appears that she lied. On
25 November 27, 2017, Mr. Vacca, Margaret Chin and I had

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2 a chat that was recorded by NYPD Security Cameras as
3 members of the NYPD illegally prevented from
4 attending a public hearing that the Mayor held in
5 City Hall that was about privacy rights. I have that
6 video recording. Defendant Nieves told me on that
7 day that Defendant Redman threatened him to prevent
8 me from entering City Hall. On a same date, a legal
9 filing was filed in Colon Chard Federal Law Suit
10 against Defendant Redman that stem from him having
11 illegally caused Colon to be stopped near Civil Court
12 in Manhattan while he was lawfully riding a bike in
13 construction causing an adjacent sidewalk to be
14 closed to pedestrians. I have the video recordings
15 that the New York City Law Department used and didn't
16 use in that case before the jury was too stupid to
17 find Defendant Redman guilty. On March 18, 2018, a
18 member of the Mayor's NYPD Security Gang illegally
19 assaulted me and kicked me out of the Mayor's Public
20 Hearing on video while the Mayor illegally triggered
21 my ability to expose the fact that he and his
22 administration condoned wage theft by partnering with
23 a firm named Entity Data that has been subjecting me
24 to that for some years that I talked to Mayor about
25 on March 15, 2017 and July 18, 2017 during chats that

1
2 were recorded on video. He is a video that was
3 recorded on April 27, 2017 at the Mayor's Town Hall
4 in Long Island City of my chat with Defendant Raymond
5 Jarolla of the Mayor's NYPD Security Detail as he
6 told me that the Mayor Staff were to blame for
7 illegally preventing that public forum, me attending
8 that public forum that Defendant NYPD, Inspector
9 Howard Redman implemented with other members of the
10 NYPD and members of the Mayor's office before NYPD
11 officer illegally assaulted me on a public sidewalk
12 while I tried to alert the Mayor about that as he
13 left that meeting from a sufficient distance away.
14 This is going to be very quick. (background noise).

15 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

16 Okay.

17 TAMARI KOMOTZU: That's the Mayor's
18 Staff. I don't do anything with that. So.

19 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

20 Thank you very much. Ms. Ramini.

21 JENNIFER RAMINI: My name is Jennifer
22 Ramini.

23 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

24 When the light is red the mic is on and you want to
25 pull it closer to you.

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JENNIFER RAMINI: Thank you.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Then push the button. Okay, that's it. Okay.

JENNIFER RAMINI: Okay my name is

Jennifer Ramini. I am here as a lifelong Manhattan Resident, resident, I grew up on the upper West Side with a mother who taught in the Public School System both on the upper west side and in Harlem who was very active in the fight to save Public School System for our city's most vulnerable kids and a father who was a broadcast journalist who month other things worked with Edward Gar Morrow to bring down Senator McCarthy. I moved to Little Italy in 1997 and it was much like the upper west side of my youth which was it wasn't the same people but it was similar uhm the upper west side was black, it was Puerto Rican, it was Dominican, there were a lot of immigrant, particularly Jewish immigrants. Uhm Little Italy is actually still made up of uhm Chinese, Italian, Dominicans, there are blacks contrary to what is said and uhm I what I am here to speak about is my vantage point, I live at 21 Spring Street which is affordable housing though it is expiring in 2-1/2 years and I. 21 Spring Street is on the same lot as the Elicia

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2 Street Garden and though Margaret Chin divided the
3 lots, uhm and they a deal was made in 1981, the 1981
4 Land Use Disposition promised to preserve 20,000
5 square feet exclusively for recreational use by the
6 Community. I was in this room on May 2nd for a
7 Council Hearing which I have to say I can only call
8 it a charade and I am deeply concerned about this
9 Mayor, the Borough President and the Speaker and the
10 Planning Board and I will end with I can't, there are
11 other concerns I want to say but before I came here I
12 emailed Eric Botcher at the Speaker Johnson's Office
13 to let him know about the investigations that are
14 being submitted tomorrow to the Attorney General, to
15 the Attorney General, to the Controller, to the
16 Public Advocate. There are 17 investigations in
17 total and I mentioned just 5 of the 28 evidentiary
18 documents and I urged him to consider halting the
19 Council Hearings on the Haven Green Development until
20 those investigations are concluded. Uhm thank you.

21 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

22 Thank you very much. Are there any questions? Okay,
23 I would like to thank the panel and thank you for
24 your endurance. Uhm. Uhm. The next panel is
25 Michael Kelthman, are you, if you are here when I

1
2 call your name raise your hands or otherwise indicate
3 to me that you are here. Uhm Brian Watson, Mr.
4 Watson? Michael Sherrill or Sherrill, Jessica Katz,
5 Casey Burkovitz, Christopher Rodenbaugh, Rebecca
6 Sower. She spoke. Wait a minute just a little bit
7 of housekeeping. Uhm Ms. Katz. Yes. You've got the
8 mic, great.

9 JESSICA KATZ: Thank you so much for
10 allowing me to testify. Uhm I'm going to go off
11 script for one minute and just say that I have myself
12 a Masters Degree in City Planning and I worked very,
13 very hard to get it but everything that I learned
14 about actual planning all happened kind of in the
15 halls of going to Community Boards night after night
16 after night and kind of meeting with the lay people
17 and some of the elected officials that do this work.
18 So off script for CHPC but I think we wouldn't be in
19 favor of a requirement for Masters in City Planning
20 for City Planning Commissioners. Uhm but we do want
21 to make sure that New York, as a City so huge and
22 diverse as it is that that requires a decision driven
23 Land Use Process that balances both local and
24 citywide needs. Uhm there is no process that can
25 guarantee that all parties could be happy but we can

1 do better to ensure that all parties are heard. But
2 I also want to point out that it is impossible to
3 Legislate consensus and that even small changes to
4 this process could disrupt the delicate balance that
5 ULURP was created to achieve. You've heard a lot of
6 concerns about ULURP, communities want more
7 information sooner on the projects in their
8 neighborhoods and more time to meaningful influence
9 them. Any changes should directly address those
10 concerns by advancing transparency and meaningful
11 Community engagement. Uhm CHPC is in support of
12 requiring Community Boards be notified of ULURP
13 Applications prior to their certification, building
14 discourse and trust early on is beneficial both for
15 applicants and for communities and local stakeholders
16 can have more time to prepare for the ULURP process
17 to begin; however, duplicating a comment period
18 during the pre ULURP process will only add opacity,
19 confusion and conflict. The certification process
20 that precedes ULURP is so that applications can reach
21 technical compliance before undergoing a public
22 review and if a community were to spend time and
23 energy commenting on an uncertified applied
24 application, they will only encounter more
25

1 frustration if it is then significantly revised.
2 Residents will only have that very short period of
3 time to comment and so the pool of voices
4 contributing to that process will be narrower and
5 more exclusive during that precertification period.
6 That precertific... so we support a notification but
7 not necessary a comment period prior to ULURP. But
8 that, in that spirit we do support an extension of
9 the Community Board Comment Period from 60 days to 75
10 days. We would believe in that throughout the entire
11 calendar year, leaving the August matter aside, that
12 extension can give Community Boards more time to host
13 multiple meetings or hearings to diversify who gets
14 to participate and how and how to participate to us
15 is the critical question. The current means is to
16 participate in Hearings just like this but obviously
17 these hearings can be long and crowded and you really
18 only clearly a certain number of voices who have the
19 stamina, the time and the temperament to participate
20 are around so uhm having more time would give more
21 people the options to participate and also make sure
22 that there is a voice for people who have questions
23 about a process as opposed to just who wanted to
24 testify in opposition or in favor of something.
25

1
2 There is relatively little voice in our system for
3 people who have legitimate questions or who just want
4 to learn more about a project. You really only go if
5 you already have a preformed opinion and then again,
6 I will just put in a plug for experimenting with ways
7 to capture the voices of those who are not well-
8 served including future residents and people who are
9 homeless, thank you.

10 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

11 Thank you very much Ms. Katz. The next speaker is
12 Casey Burkovitz.

13 CASEY BURKOVITZ: Hi there, my name is
14 Casey Burkovitz. I am here with Open New York which
15 has been previously mentioned but I do not speak on
16 their behalf. First, I would like to speak about
17 some general principles that I hope will guide your
18 process moving forward then if I have time get into
19 the specific recommendations. I am here frankly
20 because the public engagement process in New York
21 City and in Cities across the country is broken. I
22 am also here still despite the fact that the public
23 engagement process in New York City is broken. Uhm
24 this hearing is for example, I have been here for now
25 over four hours, if I had to work, if I had children,

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2 if I was sick, if I was disabled, I would not be able
3 to be here. I'm sure that there are hundreds of
4 thousands if not millions of New Yorkers who
5 similarly would like to have input if I even knew
6 that this was happening which I am sure that many of
7 them do not. This is true not just for this revision
8 hearing, I don't mean to blame all of you, it is true
9 for public engagement in the City, it is true
10 especially at Community Boards which by nature of the
11 fact that they meet every month, more than one time a
12 month because they have Committee Meetings. They are
13 not representative bodies, they are older, they are
14 whiter, they are richer. Community Board Members are
15 more likely to own homes, they are more likely to own
16 cars. I wish that I had specific statistics on all
17 of this to share with you but there aren't any
18 because the data is not public. Borough Presidents
19 have promised transparency and frankly have not lived
20 up to that promise. In just one analysis, of Queens
21 Community Boards, 55% of Community Board members were
22 white, compared to just 26% of Queens as a whole.
23 New York Voters showed that they knew that this was a
24 problem when they voted for term limits. You can do
25 your part by not upholding Community Boards as a

1 method of public engagement. At the very least, if
2 Community Boards are given more power in the public
3 input process particularly in ULURP that should be
4 very, very strictly tied to more requirements for
5 public engagement so that people who are not on the
6 website where Community Boards post their agendas who
7 have maybe not necessarily been to a meeting before
8 are able to give their input. One way is to move
9 that up the City Government ladder, every City
10 Council Member, every Mayor, every citywide elected
11 knows how to do that deeper engagement I know because
12 they won their elections. To get into some more
13 specific proposals, the Land Use section as has been
14 mentioned some by people who are more expert by me,
15 earlier engagement could confuse the process and I
16 oppose that. I also actually would support plans to
17 simplify the many overlapping Zoning Requirements and
18 systems. People have mentioned quite frequently that
19 they would like large developers to have less input
20 in the ULURP process. The current system is
21 extremely opaque. It is extremely long and drawn
22 out. That raises the bar for entry, it means that
23 large developers who can afford expensive legal
24 battles, lawyers, consultants are have are able to
25

1
2 navigate the system in a way that smaller developers
3 and nonprofit housing developers are not. I think
4 that simplifying the many systems in place would go a
5 long way in lowering that part. Thank you.

6 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

7 Thank you very much. Uhm Mr. Burkovitz. And the
8 next speaker is Christopher Rudabaugh.

9 CHRISTOPHER RODENBAUGH: Yep, that's me.

10 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

11 Okay, go right ahead.

12 CHRISTOPHER RODENBAUGH: I am here as a
13 volunteer to support Rank Choice Voting in both
14 primary and general elections because I am a public-
15 school teacher, a social studies teacher that spends
16 every day in my classroom hoping that a better
17 knowledge of history will create more civic
18 participation and I will be in that classroom
19 tomorrow at 8:00 a.m. This is the first time I've
20 ever done anything like this so thank you for
21 sticking around to, to hear my voice. Uhm I support
22 particularly goal #3 of the Commission. It states
23 "focus on ideas and proposals that would A) improve
24 government effectiveness, transparency,
25 accountability and efficiency. B) Encourage

1
2 meaningful participation by New Yorkers." As a
3 teacher in East Harlem I spend a lot of my time
4 trying to engage students in the Democratic process.
5 Yet, what do they find when they start following
6 politics more closely, a system in which to get
7 support or attention in election you must first be
8 considered electable. That means different things in
9 different places. In our National politics it might
10 be white and male, a 21st century veil for
11 discrimination. In our local politics, it often
12 means having friends with a lot of money or political
13 connections. Therefore, the doors of the political
14 world feel shut to many of my students. I want our
15 politics to focus on the exchange of ideas and the
16 empowerment of all citizens of our City. I came here
17 today because I think Rank Choice Voting will do
18 that. In cities where Rank Choice Voting has been
19 implemented, many women and people of color have won
20 elections making local governments more
21 representative. The most frequent question I get in
22 my classroom when I encourage students to register to
23 vote when they turn 18, or get their family members
24 to vote is does my vote really matter? In our
25 current system, I genuinely feel insincere at times

1
2 telling young people that every vote matter. With
3 our current plurality and runoff structure it is
4 impossible to determine the actual preference of
5 voters. Rank Choice Voting will end the concerns of
6 throwing away a vote or my vote doesn't matter and
7 replaced them with a reality in which every vote
8 expresses an idea or a vision for our City. After
9 each election, parties and candidates will be able to
10 see which candidates gained a lot of enthusiasm in
11 addition to the eventual winner. Rank Choice Voting
12 will allow me to tell my students that you can share
13 your passions and beliefs with your first choice but
14 still protect and make sure that the candidate who
15 wins will respect your human dignity. With that in
16 mind, I would be remiss if I didn't represent my
17 students and say that they are deeply concerned about
18 the lack of accountability for police officers in our
19 City and I think Rank Choice Voting would be a
20 powerful way to empower more young people of color to
21 participate in the political process. Thank you so
22 much for your time.

23 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

24 Thank you very much Mr. Rodenbaugh. Excuse me? The
25 next speaker is Barbara Sower.

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REBECCA SOWER: Rebecca Sower, thank you.

Hi, uhm.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Rebecca I'm sorry.

REBECCA SOWER: That's okay, it's 10:30

so that's totally fine. I'm the Director of Policy and Planning at the Supportive Housing Network of New York so thank you to all of the Commissioners for staying so late. Uhm I will be testifying on Land Use specifically ULURP so for those that aren't aware, although I think most people might be, supportive housing is permanent affordable housing with social services for vulnerable individuals and families. Thousands of New Yorkers who live with mental illness, substance use disorders and chronic health conditions rely on supportive housing. In fact, there is 32,000 units here in the City. At the same time, thousands more are languishing in shelters and on the streets until more units become available. The Network is extremely grateful for NYC1515 which is the City's initiative to create 15,000 units of supportive housing in 15 years and we were thrilled when the City Council requested the Administrative accelerate implementation of the plan by fast

1 tracking development from 500 to 700 units of New
2 Construction per year. So, how do we do that? Well,
3 our members have to go out and find sites and, in
4 many cases, our members then have to go through ULURP
5 because a spot rezoning is needed or it is a public
6 site which adds one to two years to the development
7 timeline. Our members enter ULURP willing to engage
8 with neighborhood stakeholders and we understand the
9 desire for a longer and more robust feedback period
10 but we are very cautious of proposals to lengthen the
11 formal timeline. A significant portion of the
12 current supportive housing pipeline will be going
13 through ULURP so any addition to the timeline will
14 have a collective impact on reducing the homeless
15 census. Both expert testimony and the Commissions
16 Report advise that ULURP be left largely unchanged
17 with the exception of precertification review. We
18 recommend that any changes to precertification also
19 incorporate a set time limit for agency review.
20 Additional Agency staff capacity may be necessary to
21 meet a mandated timeline but we feel it is essential
22 to make progress on reducing the homeless census.
23 Kindly, we believe that there should be expedited
24 precertification system for 100% affordable housing
25

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2 projects that would allow them to move to the front
3 of the line or enter a separate line entirely. If
4 the Commission is considering altering
5 precertification review to include Community
6 feedback, the participants should be truly reflective
7 of the entire Community. Too often at Community
8 Boards and other public meetings, discussions are
9 dominated by a few voices. Anyone affected by a
10 project, yet absent from the hearing is excluded from
11 consideration, including people who are homeless,
12 future residents of the project in question and
13 evening workers among others. So DCP hosted public
14 meetings or focused groups specifically addressing
15 representation could be a better alternative. I'm
16 going to wrap up now, thank you so much for your
17 time.

18 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

19 Thank you very much are there any questions?

20 COMMISSIONER CARL WEISBROD: Madam Chair.

21 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

22 For the panel? Carl?

23 COMMISSIONER CARL WEISBROD: Yes, first

24 of all with the three of you, I, we have been

25

1
2 testimony from Ms. Katz but could the three of you
3 submit testimony in writing to the staff.

4 REBECCA SOWER: I will and as a testament
5 to the democratic process here I would like to revise
6 my testimony based on some things that I have learned
7 tonight so I will be submitting that tomorrow.

8 COMMISSIONER CARL WEISBROD: That's fine
9 and I have a very specific question for you. You,
10 uhm, you really are, represent the most sympathetic
11 of, of constituencies and the populations that really
12 need housing the most in the, in the City of New
13 York. Uhm, do you find generally speaking that when
14 you are going through the ULURP process that
15 communities are resistant to your clientele and to
16 your projects, or? And that's one question and a
17 related question is do you usually, because we've
18 heard a lot about Communities, Community Boards not
19 hearing uhm not getting advanced notice of, of ULURP
20 projects, do you usually in fact, provide advanced
21 notice before the ULURP Process starts and do you
22 speak to Community Boards, Borough Presidents and
23 other elected officials well in advance of the formal
24 beginnings of the ULURP Process?
25

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2 REBECCA SOWER: Uhm thank you for the
3 question, so I'll say we are a membership
4 organization so we represent 200 nonprofits across
5 the state that develop, own and operate supportive
6 housing. So to the second question, uhm our members
7 are very good at engaging with the Community at all
8 levels, Community Boars, elected officials, any
9 relevant community stakeholders and we actually the
10 network, you know we conduct trainings and technical
11 assistance with our members to ensure that they are
12 doing that in a matter that is going to be conducive
13 to the best possible project in the end. Uhm for
14 your first question I think, you know you mentioned
15 that it is a very sympathetic population but I will
16 say that there is a lot of stigma around homelessness
17 and mental illness and other kinds of disabilities
18 and I think it doesn't always necessarily present
19 itself in the most direct way but I think that it
20 does bleed in to some of the processes that we have
21 for engaging with Community members and they may not
22 always say outright you know I'm opposed to
23 supportive housing in my neighborhood but I think
24 there are many tactics that some communities do use
25 to delay or uhm the process of approving supportive

1 housing or try to change the nature of the project in
2 some substantial way.

3
4 COMMISSIONER CARL WEISBROD: Thank you
5 Madam Chair.

6 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
7 Yes. Mr. Fiala.

8 COMMISSIONER STEPHEN FIALA: Uhm let me,
9 let me thank the entire panel, Christopher, forgive
10 me I tried to listen to the name twice so I didn't
11 get it so that's why I'm calling you Christopher.

12 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
13 Rodenbaugh.

14 CHRISTOPHER RODENBAUGH: Yes, that's
15 exactly right, Rodenbaugh.

16 COMMISSIONER STEPHEN FIALA: Okay
17 Rodenbaum.

18 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
19 No Rodenbaugh, Baugh.

20 COMMISSIONER STEPHEN FIALA: I need a
21 hearing aid, okay. Let me just say uhm it's really
22 inspiring to see a teacher here at this late hour and
23 your students, the school you work in, not knowing
24 you but they, I can just tell you know you have a
25 passion for your vocation and those students are

1
2 really fortunate to have at the helm. I'd love to be
3 a fly on the wall, because the idea of civic literacy
4 is so important and it is so lost in today's world so
5 thank you for what you do.

6 CHRISTOPHER RODENBAUGH: Thank you.

7 COMMISSIONER STEPHEN FIALA: My question
8 is for Ms. (coughing) excuse me, Ms. Katz. Am I
9 correct? I don't know if you were here earlier but
10 the Deputy Executive Director of City Planning, Ms.
11 Slatkin was here, and offered testimony. There
12 appear to be a congruency of thought between your
13 organization and the position City Planning took.
14 You are advocating for an advanced notice period. I
15 guess the question I have is you are confident that
16 there is enough of a distinction with a different
17 between you now advanced notice and a comment period
18 that it wouldn't upset a fairly delicate uhm apple
19 card.

20 JESSICA KATZ: Uhm I think in the vast
21 majority of cases; the stakeholders are already aware
22 that an ULURP application is coming and so for that I
23 don't think that it is going to upset the apple cart.
24 In the rare cases where that is not the case, I
25 absolutely think that it shouldn't be surprised on

1
2 the first day of the ULURP process that a project is
3 coming fruition. So, I do think that uhm I think in
4 most cases, notifying people early already happens
5 and when it doesn't it definitely should. I think
6 that a Community Board or a Council Member would
7 start thinking about what their response would be to
8 such a project is reasonable. I don't think that
9 there should be any expectation of getting comments
10 responded to within that 30-day window but just to
11 let people know that the project exists which I
12 believe happens the vast majority of the time.

13 COMMISSIONER STEPHEN FIALA: Okay thank
14 you but, it would have to in your view be really
15 distinct from a comment period because did I hear you
16 correctly, commenting would impede the process in
17 your view.

18 JESSICA KATZ: I think the idea that a
19 land disposition action or rezoning is coming at a
20 certain location should be well known prior to a
21 ULURP project being certified. I think most of the
22 time that's the case and so it shouldn't do any
23 damage to create that notification. If it is not
24 happening at sometimes which it feels like we've
25

1
2 heard through this process that sometimes it doesn't
3 and it should and so we can codify that.

4 COMMISSIONER STEPHEN FIALA: Thank you so
5 much.

6 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
7 Sal?

8 COMMISSIONER SAL ALBANESE: Uhm, I,
9 Chris, Christopher, right? I want to echo what
10 Commissioner Fiala said, I am impressed that a
11 classroom teacher actually came.

12 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
13 You may know that Sal used to be a teacher so he is
14 very attached to teachers.

15 COMMISSIONERS SAL ALBANESE: I spent 11
16 years at public schools teaching so I know what, it
17 is a very rewarding job especially when you, when you
18 are engaged with young people who are interested and
19 this is an area that they really need to get more
20 involved in, in terms of political engagement, in
21 terms of the history of the city and you could spend
22 an awful lot of time talking to him about this and
23 maybe at some point you can actually get them to go
24 on the website and view what we do as a Commission,
25

1
2 as a lesson. By the way did you plan your lesson
3 plan for tomorrow?

4 CHRISTOPHER RODENBAUGH: Luckily, we have
5 some tests tomorrow so I am just blocked.

6 COMMISSIONER SAL ALBANESE: Alright that,
7 thank you for coming.

8 CHRISTOPHER RODENBAUGH: Thank you sir.

9 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:
10 Thank you, are there other questions? Then I would
11 like to thank the panel and call the next panel.

12 Tammy David are you here? Okay, thank you. Timothy
13 Lunsford-Stevens, uhm if someone could sign. Is

14 someone here who can sign. I understand that Mr.

15 Stevens is hearing challenged. The signers have

16 gone. Uhm, Mr. Lunsford-Stevens is profoundly deaf.

17 Well but I can't, if he is here, he doesn't. Okay.

18 Uhm Seemor Ready, Seemor Ready are you here? If you

19 are please raise your hand. Council Member Kallos if

20 you are here? Please so that's two, who else have we

21 got, Melissa Presley, are you here? Sorry. Gloria

22 Matata. Okay, and Jane Morgretin. Benjamin Ye. Mr.

23 Ye is this you? Thank you. Ms. David. I when the

24 mic has the red light on it is on push the button if

25 it is not.

1
2 TAMMY DAVID: So, I stop thanks for
3 everyone here who is testifying. You know civic
4 participants, community leaders, I really appreciate
5 all of you guys coming out because as you know and as
6 has been mentioned not everyone has the opportunity
7 to come out today and speak on their own behalf like
8 this gentleman, Sahid Basil. Commissioners, I'm not
9 thanking you for your time tonight because it is your
10 job. It is your job to sit here and listen to what
11 the public demands and in my opinion there hasn't
12 been a good job done at all. The recommendations for
13 a CCRB are horrendous. The are an insult to every
14 black and brown person in the room, in the City, they
15 are an insult to mentally ill individuals who get
16 targeted by the police every single day and it is an
17 insult to everyone in our campaign who has stayed up
18 all night doing Legislative research that you guys
19 haven't even had the gall to read, it is an insult
20 and I'm over it. I'm tired. We've been here for
21 almost actually six hours almost, almost six hours
22 and we get Mr. Nori saying you know democracy doesn't
23 always work so why should it be elected? We have Mr.
24 Vacca who left checking his phone 8 to 12 times per
25 panel. It is an insult. The ECRB is the only

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2 proposal I have ever seen in my very young life that
3 actually holds police accountable. That has a
4 potential to change so much in this city. It is not
5 even about just life and death and safety but it is
6 about community trust. It is about rebuilding. It
7 is about getting people involved in civic projects.
8 It is all of that and more and if you guys don't see
9 that you are not doing a good job. We've dropped off
10 stacks of legislative research. We have sent emails
11 begging for correspondence. At first, this wasn't a
12 topic until we mobilized and now, we are talking
13 about the CCRB. Like Roxanne mentioned earlier, a
14 lady who was speaking before, all you have to do is
15 put it on the ballot. This isn't your choice. I
16 find it ironic that I am sitting here in front of an
17 appointed board complaining about another appointed
18 board. It is okay Mr. Nori if you don't believe that
19 it would work and it is okay if you guys have doubts.
20 What we are asking is for the opportunity to prove
21 that it is well researched, that it is publicly
22 supported and that it has a shot on the ballot in
23 November. For everyone out there in the room or who
24 is listening, this testimony isn't really for the
25 Commissioners it's not, they have shown us time and

1
2 time again what they think of our proposals and
3 that's fine. Believe me, that's okay. Its for the
4 people not in this room and in this room, who think
5 that they don't have a choice in the matter. Join
6 us. Go to stoppoliceviolencenyc.org follow us on
7 twitter, follow us on Instagram. If we are canvassing
8 in your neighborhood, pull up. If we are talking to
9 boys on the block, pull up, because ultimately this
10 is an issue that is way, way, way bigger than this
11 Charter and I wish you guys would understand the
12 urgency. The last thing that I will say, Saheed
13 Basil, his father is now an activist. He was
14 murdered April 4, 2018, when three police officers
15 from the 71st precinct pulled up, took one look at
16 him and decided that he wasn't worth deescalating.
17 He was mentally ill and having an episode. If his
18 life or any New Yorkers life means anything, join the
19 movement, join us because with or without this
20 Commission we will get it done. Police violence
21 needs to be curbed urgently. Thanks.

22 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

23 Thank you. Council Member Kallos.

24 COUNCIL MEMBER BEN KALLOS: I'll wait for
25 the panel.

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Wait for what panel?

COUNCIL MEMBER BEN KALLOS: Thank you

Commissioners, more of you have stayed longer than
uhm many of my colleagues would have and have in the
past and to the public, please stay involved after
all we will need you at the ballot. I'm Council
Member Ben Kallos. The best part of democracy is
that there is always room for improvement. Last
September's hearing I proposed some issue
recommendations for amendment to the Charter for this
Commission's consideration. Now this Commission has
identified nine of my recommendations in whole or in
part for further discussion, the preliminary staff
report, I'll be submitting only 15 recommendations
across five categories of Conflict of Interest, City
Budget, Land Use, Elections and Empowering the
offices of the Public Advocate and the Borough
President. Americans are losing faith in government
with concerns of corruptions emanating from Conflicts
at Interest at every level. This is why I support
the staff's reports recommendation of extending the
lobbying ban in New York City from a laughably short
one year and once again call for a lifetime ban on

1 lobbying for elected officials and agency heads.

2 Conflicts of interest are a particular problem for

3 the City's Attorney and the Corporate Counsel who can

4 frequently find themselves caught between the checks

5 and balances of the city government that is their

6 client. I support the staff report recommendation

7 for advice and consent for this important condition

8 along with notification of conflicts but go further

9 to require renewals every two years and dedicated

10 funding for outside Counsel that won't come out of an

11 elected official or independent agency's budget.

12 Since the staff report is considering widening advice

13 and consent, the Commission should also consider

14 expanding to all agency heads or at least over the

15 police, uhm building, sanitation, parks, homeless

16 services, children's services, HPD and DCAS, there is

17 the number of folks in the audience here who think

18 would want the City Council to have advice and

19 consent over a police commissioner. I support Rank

20 Choice Voting as proposed by the staff report, in

21 particular a top 5 system as proposed by common cause

22 and implemented for citywide elections that current

23 require a 40% threshold preventing a costly runoff

24 election. Communities must have a stronger voice in

1
2 Land Use process, when it is a done deal put forth
3 for an up or down vote. That is why I proposed to
4 support the staff report and begin public engagement
5 at the City Planning Community Board as well as
6 anyone files preapplication at City Planning,
7 Landmarks, HPD, BSA or DOB. The previous panel
8 suggested that changes would frustrate the Community.
9 I would say that is actually the point. Uhm when
10 managing, I'm just going to skip down. You have 16
11 pages of testimony, uhm I think I propose fixed
12 budgets for all of the independently elected
13 individuals that should include Council Members so
14 that they are not subservient to a speaker. Uhm
15 Public Advocate could be funded at \$0.50 per resident
16 similarly for other elected officials. I just want
17 to focus a really quick 30 seconds or on the Public
18 Advocate and Borough President, uhm they remain as
19 additional check in government who should be further
20 empowered in the delivery of City Services, holding
21 public hearings, obtaining documents and records and
22 recommending Capital Project. The Commission just
23 give the Public Advocate and Borough President power
24 to ask questions under Oath, whether at public
25 hearings and contracts hearings as well as compel

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2 appearances and providing documents for the forgoing
3 as well as the borough service cabinet. As the new
4 Chair of the Contracts Committee in the City Council
5 I'm excited about the prospect of collaborating with
6 Borough Presidents, using their contract powers,
7 further, all elected officials should have a standard
8 right to visit any city facility. Thank you.

9 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

10 Thank you Council Member Kallos. Is Jane Margretin
11 here? Okay. Uhm Benjamin Ye.

12 BENJAMIN YE: Hi my name is Ben Ye I'm
13 the Democratic State Committeeman for the 66th
14 Assembly District. I am also secretary of the
15 Manhattan County Democratic Party, or New York County
16 Democratic Party and I've been an activist and
17 organizer in New York for over a decade. I've lived
18 here my entire life and I teach civics and government
19 workshops all around the City. There are a lot of
20 issues before the Charter Revision Committee, many of
21 which are important but most of which have been
22 spoken on much more eloquently than I could, such as
23 the CCRB and Rank Choice Voting. What I would like
24 to talk to you about tonight is the Land Use process.
25 And I do appreciate the time and effort that the

1 Commission has put into the Land Use process already
2 but I would like to make the point that the operative
3 problem with the Land Use Process is not that people
4 don't have enough knowledge or foreknowledge of
5 impending changes. It is the fact that almost
6 stakeholders have any voice in the process. It is a
7 virtually one-sided Monopoly of power and so while
8 the ULURP Process might be carefully tailored as a
9 timeline it is incredibly unbalanced as a decision-
10 making process. So, I would ask of Commission to
11 consider a few ideas for how to rebalance this so
12 that communities can actually have a voice in the
13 Land Use Process. So, first I agree with the idea
14 that Borough Presidents and Community Boards and City
15 well, I agree with the idea that there should be
16 alternative plans put forward to the CPC so that they
17 have alternative ideas for which should happen in a
18 Land Use decision-making process. Whether that idea
19 comes from the Borough Presidents or the City Council
20 or the Community Boards themselves, I leave to you
21 but I think it is important that somebody who better
22 represents the community be able to offer an
23 alternative to what is proposed. Second, I would
24 propose an idea which would change that dynamic of
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1
2 power and the decision-making process by doing the
3 following 1) it is a two-part process. First allow
4 Community Boards to have a vote in the, City Council
5 Land Use Subcommittee when issues regarding their
6 district are before the council and then if and when
7 a Community Board loses a vote in the Council give
8 it an additional vote in the Land Use Committee to
9 use at its discretion and to introduce any proposal
10 it likes. A system like this will markedly improve
11 the incentives in the Land Use Decision Making
12 Process in three ways. First, it will provide an
13 incentive for decision-makers to listen to
14 Communities without giving those communities veto
15 power over all changes, because ultimately, we want a
16 dynamic process that isn't constrained by some rubric
17 that's stuck in the Charter. We want something that
18 allows for give and take but also empowers
19 communities. Second, we this is a process like this
20 would ensure that the more a community loses the more
21 influence it will accrue. Making it harder to
22 override them and increasing their leverage over time
23 and third it will encourage communities to work
24 together and pull votes over time, incentivizing them
25 and elected officials to think of development across

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2 districts and work toward a Citywide plan. The staff
3 report has spent time envisioning a comprehensive
4 planning program but it doesn't include or provide
5 any political mechanisms to support it in the face of
6 a short-term electoral system. A 10-year plan will
7 outlive any city-elected official, a process like
8 this would help provide pressure for a consensus.
9 So, none of these proposals are mutual exclusive to
10 the other ideas which have been put forward but
11 instead it creates a political dynamic that supports
12 those ideas. Thank you for your time.

13 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

14 Thank you very much Mr. Ye. The next speaker is
15 Gloria Matata.

16 GLORIA MATATA: Uhm thank you, good
17 evening, my name is Gloria Matara I am currently Co-
18 Chair of the Green Party of New York, a lifelong
19 Brooklyn resident and a former Green Party Candidate,
20 twice for City Council, 2001 and 2003, both against
21 now Mayor Bill de Blasio, placing second in 2003 and
22 then for Brooklyn Borough President and Lieutenant
23 Governor. I want to thank the Commission for
24 including Rank Choice Voting as a potential Charter
25 Revision and for holding hearings in all five

1
2 boroughs. The Green Party supports Rank Choice
3 Voting for all general elections. RCV along with
4 more substantive electoral reforms have been an
5 anchor in the Green Party platform since our
6 formation. We have a strong history of advocating
7 for and campaigning on democratizing elections
8 including RCV, proportional representation, full
9 public financing and equal access to the media and
10 the debates. From the Federal to the local level
11 every aspect of elections, ballot access, campaign
12 contribution, media attention have favored the two
13 corporate parties, democrat and republican.
14 Instituting Rank Choice Voting for only primaries and
15 special elections just perpetuates that advantage.
16 Smaller party and independent candidates and those
17 who choose to vote for them deserve equal election
18 opportunity. We know from previous testimony and
19 probably your own research that Rank Choice Voting
20 results in more diversity of candidates, more choices
21 for voters and increased voter turnout. It is well
22 liked and working in the cities and states that are
23 using it. What possible reason could there be for
24 limiting a voting method that adds more diverse
25 candidate voices and offers more voter choices. As

1
2 to my own experience, campaigning as a Green Party
3 Candidate, also as a well-known community activist
4 and long-time Green Party Leader. This is what I
5 have heard from voters. I like what you and the
6 Green Party stand for but I don't want to waste my
7 vote. I want to vote for you but what happens if the
8 candidate I don't really like ends up winning and you
9 are an explicative, explicative spoiler. From some
10 elected officials, democratic clubs and community
11 leaders I have come in contact with when campaigning.
12 We need you in office. You should run as a democrat
13 so you can win. In this city, primaries determine
14 the winner so independent and small party candidates
15 do not have a chance. There is a lot of jingoism
16 about the US being the most democratic nation but
17 there is also a history of voter suppression, voter
18 disenfranchisement, voter apathy and vote tampering.
19 The right to vote is often equated with democracy but
20 it is not really democratic when voters' choices are
21 limited from the start because of a winner take all
22 system that declares a winner without a majority of
23 the vote in a low turnout election. I urge the
24 Commission to recommend Rank Choice Voting for all
25 New York City elections and I will close by saying to

1
2 the Commission and my comrades here in the room, the
3 Green Party strongly supports and elected community.
4 A review board and if we open up voting with Rank
5 Choice Voting we will elect more black, brown, LGBTQI
6 women who will be able to stand up and fight for
7 this. Thank you.

8 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

9 Thank you very much Ms. Matata. Are there questions?
10 Seeing no questions, I thank the panel and I will
11 call the next panel. Richard Barr, John Reynolds,
12 Frank Moreno, William Thomas and our fifth and final
13 person, could we put another chair, is Robert Dorf if
14 he is here. Robert Dorf are you here? Mr. Dorf?
15 So, Mr. Barr we will start with you.

16 RICHARD BARR: Good evening and thank you
17 for taking my testimony. My name is Richard Barr, I
18 live in Manhattan. I have over the years worked for
19 two city agencies, one state agency and I have also
20 been an advocate for tenants, Campaign Finance
21 Reform, Public Education and other issues. I have
22 always followed city and state affairs carefully and
23 what I will mention in some cases are issues which
24 could fit into your revision proposals. Whichever
25 issues I mention that don't belong there, I also

1 think they are important and I would appreciate if
2 you would forward them to the appropriate areas of
3 the City Council for consideration and other
4 Committee processes. In the area of Land Use Zoning
5 and Planning I think there is too much power in the
6 hands of the Mayor and Mayoral appointed agencies
7 which don't allow other points of view such as the
8 Council or Controller, the Public Advocate, the
9 Borough Presidents to have enough say in the process.
10 In the, in these last two Mayoral Administrations
11 large scale neighborhood rezoning were pushed
12 throughout giving the points of view of Community and
13 other interest much say. The fact that just the
14 local Council Member theoretically has a lot of say
15 on whether these proposals go forward is faulty
16 governance in my view. The Mayor should not be the
17 only one in government to whom the Department of
18 Buildings, the Board of Standards and Appeals, the
19 City Planning Commission and the HPD answer for their
20 decisions. We've seen recent instances where
21 decisions of these agencies have been opposed by
22 local and borough wide elected officials and their
23 constituents and yet those oppositions have been
24 ignored by those agencies because they only answer to
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1
2 the Mayor. When public hearings of these agencies
3 are held, they are often in a tiny room on Reed
4 Street, too small for most of the public who show up
5 to even enter the room. I think of, I think that as
6 of right designations should be eliminated and
7 building projects should always be more carefully
8 regulated. I think sale of air rights should be
9 eliminated. No one should be allowed to sale the air
10 and certainly not for profit entities which don't pay
11 real estate taxes should not be allowed to sell off
12 air rights for \$50 million which with we the people
13 having to live with enormously high buildings
14 uninhabited by foreign purchases who are laundering
15 their money and not paying real estate taxes. I have
16 just a little more. I think the Public Advocate to
17 make the office more impactful should have a larger
18 budget, not determined by the Mayor and should have
19 subpoena power and have standing to sue. I think the
20 Campaign Finance Board should allow primary and
21 general election candidates to participate in public
22 TV debates based solely on collecting enough petition
23 signatures and not require them to raise enough money
24 as well. The public should be able to hear other
25 ideas even if the candidate is not likely to end up

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2 the winner. I think the Department of Education
3 ought to be moved back to at least partial
4 decentralization with the local school districts
5 regaining at least limited self-governance and
6 decision making ability and the current iteration of
7 the Panel for Education Policy ought to have voting
8 members appointed by the Council, Public Advocate,
9 Controller and school parents with the Mayor not
10 controlling the majority of voting members and lastly
11 I think we need more home rule over taxation, over
12 our rent laws, our public education system for
13 example and not have so much set by Albany and thank
14 you all again for listening.

15 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

16 Thank you Mr. Barr. The next speaker is John
17 Reynolds.

18 JOHN REYNOLDS: Uhm thank you
19 Commissioners, thank you staff, thank you to the
20 members of the audience who made it through the
21 night. I testified two days ago in the Bronx hearing
22 and my testimony was focused on uhm the uhm Rank
23 Choice Voting. By the way, let me say that I'm John
24 Reynolds. I'm a life-long resident of the City of
25 New York and for 50 years a social justice activist,

1
2 I've also run for elected office twice. Uhm and I
3 have that viewpoint. Let me just, let me just, I
4 don't want to go on too long. My testimony on Rank
5 Choice Voting was that I am in favor of Rank Choice
6 Voting in all elections and uhm I recommended this as
7 a good governance measure solely and yes it will
8 bring some more democracy and it should. But in my
9 testimony and I want to reiterate, I am recommending
10 this as I would recommend it to any big corporation.
11 The City of New York is a corporation. This is a
12 good governance measure. It will save money too. In
13 fact, I'm, I'm a socialist actually and I'm a bit
14 embarrassed that I could find anything in this whole
15 agenda that I can really give a radical uhm advocacy
16 for because everything here is corporate liberalism
17 and reform which are good so I favor these things.
18 On the matter of the Campaign Finance Board which I
19 have haven't spoken about. Yes, the Campaign Finance
20 Board should sponsor debates for any candidate that
21 is on the ballot across the board. All candidates
22 that make the ballot should be in the debate that is
23 just standard liberalism. On the elected, uhm,
24 community uhm flee... Community Review Board, I am
25 totally in favor. They should be elected by the

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2 communities and be diverse. I also favor the
3 election of a special prosecutor in an independent
4 election in all cases of police violence against
5 unarmed civilians. And finally let me say this that
6 something should be placed in the City Charter. So
7 that when they are unfunded mandates for social
8 justice matters like a very important reform that was
9 enacted by the City Council for the Right of Tenants
10 and eviction cases in housing court, was past and not
11 fully funded so then now this right only exists in
12 certain zip codes. This is the responsibility of the
13 City Council and the Mayor but it should be enshrined
14 in the Charter that unfunded mandates should receive
15 top priority in the Budget Process, thank you.

16 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

17 Thank you very much Mr. Reynolds and once more you
18 are speaking right before Mr. Moreno which you did
19 last time.

20 FRANK MORENO: Thank you uhm Madam Chair,
21 being here again for the seventh or eighth time I
22 think it is important for me to reiterate that the
23 reason I come to all of these hearings is not because
24 I have nothing else to do and it's not because I
25 think you have nothing else to do and trust me other

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2 than my girlfriend there is nobody who has a better
3 appreciation for how irksome I can be upon being
4 heard repeatedly than me. And I don't come here just
5 to hear myself speak. The reason that I have come
6 here repeatedly is 1) on I believe it or not I do try
7 to limit my comments on each of the items mentioned
8 in the preliminary staff report to three minutes,
9 although tonight it is 2 minutes and 30 seconds and
10 because I really do have an interest in moving the
11 ball forward in terms of public awareness on a lot of
12 these different issues. And the, the bucket that you
13 focused on, the preliminary staff report that I have
14 spent the most time looking at, and working towards
15 is elections. And I had intended to come here in
16 anticipation of speaking about special elections and
17 the timing of special elections which in the
18 aftermath of the preliminary staff report that's one
19 of the areas that I think has gotten the least amount
20 of attention from the public and I wanted to come
21 here and say that I think that it makes absolutely no
22 sense to conduct special elections in the manner in
23 which we have conducted them. To have someone
24 immediately run for reelection after they are elected
25 not only cost the tax payers in some cases 10s of

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2 millions of dollars because of the matching funds
3 program but it means that that elected official is
4 not at all going to be focused on their job but in
5 coming here to all of these hearings and hearing the
6 most well organized contingent of the public come
7 before you I really feel compelled to address the
8 elected Civilian Complaint Review Board issue because
9 I don't know that the people coming before you
10 advocating for an elected Civilian Complaint Review
11 Board have a full comprehension that unless we fix
12 our City's elections that a Civilian Complaint Review
13 Board really won't do all that much and you know Mr.
14 Nori was exactly right, right, so if we don't fix our
15 electoral process and we still have special interest
16 dominating elections on the local level whether it is
17 for City Council or the CCRB and every neighborhood
18 comes down between a contest between Black Lives
19 Matter and the Police Union. I am not sure what good
20 that is doing the public so I want to urge you before
21 you take the CCRB issue you have to look at
22 nonpartisan elections, democracy vouchers, Rank
23 Choice Voting ideally through Star Voting and the
24 last thing that I will say is because no one else has
25 said it in this round of hearings and maybe this is

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2 controversial and I don't know why it should be but
3 the police of the City are doing a remarkable job,
4 crime is at a 50-year low. Now the police in New
5 York City are not terrorizing the public, they are
6 serving the public. They are not terrorizing
7 minority communities. The police are an agency
8 that's majority minority. There is almost no other
9 job in this City where you literally put your life on
10 the line and get targeted by being murdered just for
11 going to work and I have to say and I'm very
12 respectful of all of the arguments that you have
13 heard about better police accountability and many of
14 them are right on the money but aside from the legal
15 aspect which the staff report does a brilliant job in
16 laying out, the, the, moral aspects, the ethical
17 aspects and on the merit the police are doing great
18 and the solution to helping the police serve the
19 community better is not another layer of oversight
20 you already have five DAs, two US Attorneys, the
21 Civilian Complaint Review Board, the Department of
22 Internal Affairs and a federally appointed monitor to
23 I'm sure missing a few but the solution is to elect
24 better people. If you don't like the job the police
25 department is doing, the police are accountable to

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2 the Mayor and we need to reform our electoral process
3 to make the Mayor and all of our City's Public
4 Officials more accountable through nonpartisan
5 elections, Rank Choice Voting, Democracy Vouchers and
6 please, please understand that until we fix our
7 City's election everything else is academic, thank
8 you.

9 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

10 Thank you, Frank, will we see you in Staten Island on
11 Tuesday?

12 FRANK MORENO: I'll see if I have

13 anything else to do.

14 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

15 (laughter). Uhm Mr. Thomas.

16 WILLIAM THOMAS: Uhm good evening Mayor,

17 my name is William Thomas and I live up in east in
18 the East Village. I am also a member of Open New
19 York, an independent all volunteer housing
20 organization. I am here tonight because I have some
21 thoughts about the ongoing review, specifically the
22 Land Use Section. I would like to start by noting
23 that New York is in the midst of a historic housing
24 shortage and any change that the Commission recommend
25 should be grounded in that perspective. According to

1
2 the Controller Stringers latest report, since 2009
3 the City has added half a million residents but only
4 100,000 homes sending rent skyrocketing. The city
5 has had an emergency vacancy rate since the 1970s and
6 yet builds less per capita than both Baltimore and
7 San Francisco. Last year, Jersey City built almost
8 four times as many homes per capita as the entire
9 city of New York and Hudson County, New Jersey build
10 more on absolute basis than the entire island of
11 Manhattan. With no growth, when someone moves into
12 the City, they have to displace someone poorer than
13 them. This has unsurprisingly resulted in historic
14 rates of displacement and left one in seven school
15 children in the City sleeping in a shelter. We
16 desperately need to get to a point where we provide
17 enough homes for everyone who wants to live here. As
18 such, I would like the Charter Commission in this
19 Land Use dealings consider how their proposals might
20 affect this dynamic. Please don't make the problem
21 worse. That said, I'm an optimist about certain
22 proposals, namely comprehensive planning. So far,
23 under this administration all rezoning have occurred
24 in an adhoc manner and namely in poorer communities.
25 This is frankly unfair. Their burdens that come with

1 growth. It is wrong for the City to shunt it all
2 into low income communities. More comprehensive
3 planning will allow our City to plan our growth in an
4 equitable manner. I believe development as a whole
5 will be seen as much less toxic when rich
6 neighborhoods take on their fair share, if not most
7 growth. Up that ally, I would also ask that any
8 comprehensive plan come with teeth because again many
9 rich neighborhoods fight proposed development tooth
10 and nail. I will give you an example, CB2 in
11 Manhattan is one of the wealthiest community boards
12 in the city but built substantially less housing than
13 every district surrounding it. It has only allowed
14 93 units of affordable housing since 2014 and I've
15 watched the board vietametially oppose 123 units of
16 deeply affordable senior housing in the time since.
17 This is not limited to CB2. By median income, Staten
18 Island is the wealthiest borough yet it permits far
19 less housing than any other borough. Currently, I do
20 not trust these places to ever welcome more growth
21 than their less wealthy neighbors and so would like a
22 comprehensively plan to actively zone for more growth
23 if they are their Council Member continue to block
24 housing. For me, this is personal, every wealthy
25

1
2 person who does not live in a condo in Granch Village
3 is some with the funds to gut renovate my apartment.
4 My lease is up in June and I would like any
5 comprehensive plan to zone for growth so I don't end
6 up another cog in the displacement machine. Thank
7 you.

8 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

9 Thank you very much. Are there any questions?
10 Stephen Fiala.

11 COMMISSIONER STEPHEN FIALA: I'm sorry

12 everyone, I know the hour is late but I want to again
13 thank you to the entire panel. Uhm I'm going to
14 direct my question surprisingly to Mr. Moreno. I'm
15 going to preface it by saying you are not irksome.
16 What time do you have to get to do the show?

17 FRANK MORENO: 3 o'clock.

18 COMMISSIONER STEPHEN FIALA: Okay three

19 o'clock so you know what y'all are is like that
20 school teacher that is here, you are displaying a lot
21 of passion and I think in each meeting you have been
22 tough in some instances, you have been direct but you
23 have always been informed and thoughtful and I really
24 appreciate that. And I think Commissioner Nori

1 started the discussion earlier today about democracy
2 being, we could really use a booster shot.

4 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

5 From my perception it is infected. Democracy is
6 infected is what he said.

7 COMMISSIONER STEPHEN FIALA: Yes. And,

8 and you know we could use a booster shot and your,
9 your argument aligns with his and I think that is,
10 and I don't mean to speak for either of you that
11 reforming that is the gateway through which other
12 forms have the potential to come about. Is that
13 right?

14 FRANK MORENO: Well, in my view, first

15 aside from the fact that it is not at all clear that
16 State Law permits the kind of changes to the Civilian
17 Complaint Review Board and to the police department
18 that a lot of the advocates of an ECRB are proposing.
19 Uhm that's exactly right. I mean Commissioner Vacca
20 who was here earlier expressed some concerns with the
21 manner in which Community School Boards were elected
22 and the funda, the fundamental problem with Community
23 School Boards wasn't that they were elected through
24 proportional representation it is that no one
25 understood who the candidates were, nobody showed up

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2 to vote in the elections and that is exactly what
3 would happen in elections for a Civilian Complaint
4 Review Board so I think until we can tackle problem A
5 the solution is not more elective offices. The
6 solution is better elections. Elections that are
7 actually more representative of the public and while
8 you don't have the power to actually make some of the
9 police reforms that the public has been asking you
10 to, you do have the power to make the electoral
11 reforms that I am asking you to or at least move the
12 ball forward on studying some of the areas that you
13 may not be ready to move the ball forward in. When
14 it comes to Rank Choice Voting around the country and
15 around the world, we have seen a world of difference
16 made. When it comes to nonpartisan elections, we've
17 seen even the Public Advocate Jumaane Williams, New
18 York City's only citywide minority wide elected
19 official asking you please implement nonpartisan
20 elections and until we get there. Until we reform
21 our electoral process, I, I really don't think that
22 it matters what those elected officials do.

23 COMMISSIONER STEPHEN FIALA: So, on that
24 point then, Frank. With Rank Choice Voting there is
25 one element of it where there has been a divergence

1
2 of view point and that is with respect to the number
3 that voters should be permitted to rank. You've
4 spoken on this but could you revisit that and, and
5 with respect to your advocacy, what is the magic
6 number, is it three? Is it five? Is it six or is it
7 endless? And why?

8 FRANK MORENO: So, I think the two terms
9 that have been used by the people coming before you
10 and by the Commissioners themselves that have been
11 used interchangeably and they really are not are
12 ballot exhaustion and voter fatigue. They are really
13 not the same thing, so ballot exhaustion as the
14 staff, very, very articulately points out means that
15 the number of choices that a voter makes gets
16 exhausted, meaning there is no choices left for them.
17 Once their first choice, second choice, third choice
18 gets eliminated. Voter fatigue as Susan Learner and
19 others have pointed out means voters just simply
20 can't keep track of ranking 1, 2, 3, 4, 5, 6, 7, 8,
21 9, 10, 13 candidates. The solution of that is have
22 the voters give all the candidates a score. That's
23 why the star voting system works so well. Have all
24 the voters rank the, the candidates and give them a
25 score of 1 to 5 and then the top two scores advance

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2 to the runoff which would be an instant runoff,
3 that's what STAR stands for, Scoring then Advance
4 Runoff. And I really think that that is the best of
5 all worlds. It's the simplest, it avoids the problem
6 with ballot exhaustion and it avoids the problem with
7 voter fatigue and I would encourage you to look at
8 that.

9 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

10 What you do with, I'm sorry.

11 COMMISSIONER STEPHEN FIALA: No thank

12 you.

13 FRANK MORENO: Thank you.

14 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

15 What would you do with the situation that was
16 described by one of the panelists earlier from
17 California where the person who was actually the
18 third which they all got about 12% but she was the
19 third, ultimately was the winner.

20 FRANK MORENO: Well so, we.

21 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

22 And in your scenario since she was third, she would
23 not advance to the uhm, the runoff.

24 FRANK MORENO: So, with STAR Voting, I
25 think that the first aspect of it is that it is

1
2 simpler. You wouldn't be asking voters to keep track
3 of who they like better, their 12th of 13th choice and
4 it would allow the opportunity for, uhm the, better
5 scored candidates among everybody to, to advance. So
6 I don't see, you almost have the best of both worlds,
7 you have all the benefits of Rank Choice Voting, you
8 save the cost of a runoff election but you also have
9 all of the benefits of minimized choices in that you
10 are not asking folks to rank 14 places, so I don't
11 think you would see a candidate that was the third
12 choice of everybody winning a STAR Voting election.

13 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

14 But it did happen.

15 FRANK MORENO: Well, they didn't have
16 STAR Voting there.

17 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

18 That is correct.

19 FRANK MORENO: It was, it was
20 conventional rank choice voting with instant runoff.
21 So, that's why and I really applaud the staff so much
22 in asking and soliciting public input in how the
23 votes should be tabulated. Because with STAR voting
24 you wouldn't see someone that was the preferred
25 choice, the third preferred choice of the public

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2 winning an election. Uhm, that, that's what is so
3 great about STAR voting because it's only the first
4 two. It's, you score everybody and then it is out
5 and then it is out of the first two, simply the
6 preferred choice out of the first two candidates wins
7 the election and..

8 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

9 Right but what that leads, I mean I don't want hold
10 everyone here but that leaves open the possibility
11 that in a race with 10 candidates that "top 2
12 candidates get 10% or 20% for both of them." So, 80%
13 of the people didn't choose them. 80% of the people
14 chose some other candidate and they no longer have
15 any cho... their choice.

16 FRANK MORENO: I think the scenario that
17 you've laid out points out exactly the problem with
18 conventional instant runoff voting and points out
19 exactly the benefit of STAR Voting. If I were rank,
20 if there were four choices for election and..

21 CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

22 No but I'm talking about like the Public Advocate
23 race.

24 FRANK MORENO: Right.
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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

There were 17 choices.

FRANK MORENO: Right, so let's say that

there are 13 of you sitting here now. Now you know

and I could score all of you on a rank of 1 to 5 I

would obviously as a Staten Islander and a South

Shore Resident I would score Commissioner Fiala 5.0

and as somebody that has been an advocate of

democracy vouchers I would score Sal Albanese 4.0 and

as somebody that is put up with my testimony eight

times, I would score Chair Benjamin you know 3.0.

The problem with conventional rank choice voting is

that if I would have just ranked you 1, 2, 3, I mind

find Steve Fiala the greatest choice possible and Sal

Albanese just a little bit worse than that and then I

might find the third choice just terribly falling

short of that but with scoring that.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Me the third choice.

FRANK MORENO: No but that.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

No, no, I'm the one with three.

FRANK MORENO: That's why I would give

you a high school.

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CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

It's almost midnight and I don't want to be told that I'm your third choice. I want them.

FRANK MORENO: But understand so that's why scoring matters as opposed to ranking. So that's why scoring the voters, scoring the candidates, it presents a much clearer, much fairer representation of the will of the voters than simply ranking them. So, you wouldn't.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

I hear you but I'm not convinced.

FRANK MORENO: Okay well.

MALE: You got one more meeting to convince her.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

(laughing).

FRANK MORENO: I'll work on it.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

As long as Steve is still getting five sorry.

COMMISSIONER STEPHEN FIALA: I kind of feel bad myself. Like.

FRANK MORENO: Staten Island, you know Staten Island is strong. I thought I was tied with Fiala. (laughing).

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

We have scheduled discussion amongst the Commissioners; however, I am going to take that off of the agenda. I don't know if anybody would like to stay and discuss, but. With that the business of today's meeting has concluded. Our next hearing will be on Tuesday, May 14th at 6 p.m. at the College of Staten Island. Commissioners while you are more than welcome to take your written materials with you, please remember to leave your folders and name cards behind so that we can recycle and reuse them. Do I have a motion to adjourn, Carl?

COMMISSIONER CARL WEISBROD: You do.

MALE: Second.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

Any discussion. All in favor aye?

ALL: Aye.

CHAIRPERSON COMMISSIONER GAIL BENJAMIN:

All opposed. This meeting is adjourned. I would like to thank all of you who have stayed to express your opinion to us. It really does matter; I may be getting silly right now but I just wanted to thank you all and let you know that your opinions and your

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thoughts really do matter to us. Thank you all.
Goodnight.

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 June 10, 2019