

CHARTER REVISION COMMISSION PUBLIC HEARING

ST. FRANCIS COLLEGE, FOUNDERS HALL

180 REMSEN STREET

BROOKLYN, NEW YORK 11201

APRIL 20, 2010

4:09 P.M.

CHAIR: DR. MATTHEW GOLDSTEIN

COMMISSION MEMBERS:

JOHN H. BANKS, VICE CHAIR

ANTHONY PEREZ CASSINO

BETTY Y. CHEN

DAVID CHEN

HOPE COHEN

ANTHONY W. CROWELL

STEPHEN FIALA

ANGELA MARIANA FREYRE, SECRETARY

ERNEST HART

REV. JOSEPH M. McSHANE, S.J.

KENNETH M. MOLTNER

KATHERYN PATTERSON

CARLO A. SCISSURA

BISHOP MITCHELL G. TAYLOR

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CHAIRMAN GOLDSTEIN: Ladies and gentlemen, good afternoon. We have a quorum, so I'm going to start these proceedings.

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I'm Matthew Goldstein, the Chairman of the New York City Charter Revision Commission. I'm pleased to welcome all of you to St. Francis College, and I want to thank everybody connected with the college for their graciousness and their help in putting this important event together.

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There will not be a public hearing after the meeting this evening, because I suspect that we're going to have many people that wish to be heard and so I want to give everybody an opportunity to participate.

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Today's gathering will be dedicated to hearing from the public. Now let me ask all of the Commissioners who are here, and there

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are some that are still in transit,
to introduce themselves. So let me
start all the way down on the left
with Father McShane and we'll
continue through the group.

COMMISSIONER McSHANE: Good
afternoon, I'm Joe McShane.

COMMISSIONER HART: Ernie Hart.

COMMISSIONER CASSINO: Tony
Perez Cassino from the Bronx.

COMMISSIONER SCISSURA: Carlo
Scisscura from Brooklyn.

COMMISSIONER FREYRE: Angela
Mariana Freyre.

COMMISSIONER BANKS: John Banks
from Park Slope.

COMMISSIONER CROWELL: Anthony
Crowell.

COMMISSIONER DAVID CHEN: David
Chen from Brooklyn.

COMMISSIONER FIALA: Steve
Fiala, Staten Island.

COMMISSIONER MOLTNER: Good
afternoon, Ken Moltner.

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CHAIRMAN GOLDSTEIN: I wondered if I could call on Commissioner Carlo Scissura to give us a little background on the great Borough of Brooklyn and tell us some of the things that he's deeply proud of -- of course all of us are proud of -- so Carlo, why don't we start with you.

COMMISSIONER SCISSURA: Thank you. Thank you, Chairman.

First of all, Chairman, I must say in the five meetings we've had so far it's been a pleasure working with you. I think you're doing an immense job as our Chairman.

CHAIRMAN GOLDSTEIN: Thank you very much. I appreciate that.

COMMISSIONER SCISSURA: And of course you've heard there are a few other Brooklynites. Let's see, Anthony Crowell who is a Downtown Brooklyn resident. John Banks who of course said Park Slope. He only said

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Park Slope because it was ranked No.
1 in New York City. And David Chen.

David, what part of Brooklyn?

COMMISSIONER DAVID CHEN: Park
Slope also.

COMMISSIONER SCISSURA: Park
Slope also.

I come from a neighborhood
called Dyker Heights, which is the
southern portion of Brooklyn, and as
Marty likes us to say, "Brooklyn is
not just one place. Brooklyn is
really a city of many, many
neighborhoods, many people, many
groups, many religions, and that's
really what makes it probably the
best place to live in the entire
world, I think for those of you who
lived in Brooklyn in the '50s you
remember when the Dodgers left. And I
think people said when the Dodgers
left Brooklyn is over. There's
nothing left in Brooklyn. And then
for the next 20, 30 years you had

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this mass exodus of people leaving

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Brooklyn for the suburbs. And they

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moved mainly to Long Island but to

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New Jersey and the south and

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everything. And the statistics show

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that Brooklyn lost about 400,000

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people between 1950 and 1980. And

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people thought it was over. And then

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about two weeks ago "New York"

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magazine does a great edition on top

12

20 places to live in New York City.

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Ten of the top 20, 50 percent are in

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Brooklyn. Number 1 was Park Slope.

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Three of the five were in Brooklyn.

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The best thing I think is that

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the grandchildren of all those people

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who left in the '50s are now moving

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back to neighborhoods where their

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grandparents lived, especially when

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they came from Italy and Poland and

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Germany and Eastern and Southern

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Europe, and they're paying crazy

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amounts of money to live in these

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neighborhoods that their grandparents

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said we would never live in. But
that's Brooklyn.

Brooklyn is yesterday, Brooklyn
is today, but Brooklyn is also
tomorrow. When you look at what's
happening in Brooklyn from Coney
Island to Brooklyn Bridge Park to the
waterfront in Williamsburg to
Atlantic Yards. Whether we agree or
disagree, we know that Brooklyn is
getting professional sports after
over 50 years.

When you look at the investment
of not just money, because money is
easy to invest, but when you look at
the investment of capital of mind, of
brain power, of arts, of music, of
theater, and when you look at the
future of where new hip places are
opening, they're all in Brooklyn.

It used to be that when you
lived in Brooklyn and you went to
school you said, "Boy, I have to go
live in Manhattan when I graduate

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2 college or grad school." Now, when
3 you graduate college or grad school
4 you make sure you live in Brooklyn
5 because that's where the creative
6 talent is.

7 Most importantly, I think of
8 what makes Brooklyn such a
9 fascinating place are the people. The
10 ethnic groups. The languages.
11 Brooklynites speak more than 136
12 languages. Almost 50 percent of
13 people that live in Brooklyn speak a
14 language other than English at home.

15 If Brooklyn were its own city
16 we'd be the fourth largest in
17 America. Tourists from all over the
18 world are not just coming to New York
19 City to go to Manhattan anymore.
20 They're coming and they're staying in
21 Brooklyn, which is amazing.

22 We have the largest, and almost
23 the largest populations, in the
24 United States from Jewish population
25 to Turks, Caribbean's,

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African-Americans, Russian-speaking, Pakistani, Chinese, and of course the old Irish and Italians that still live in Brooklyn.

And really I think when you look at where Brooklyn is headed, it really is the model for diversity in the world, and I think if the world acted and lived the way Brooklyn lives, we'd really be at peace. So I think it's a great place to live and I'm proud to be a Brooklynite.

Thank you, Chancellor.

CHAIRMAN GOLDSTEIN: Thank you, Commissioner Scissura.

Just for the record, I'd like you to note that the Chairman also hails from Brooklyn.

COMMISSIONER SCISSURA: I didn't know that.

CHAIRMAN GOLDSTEIN: I went away to college in Harlem, but I grew up in Brooklyn, and I have very fond memories of my childhood there.

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Let me get back to some of the parameters of where we are just to circumscribe some of what we've done and of where we will be going.

This is the fifth and final public hearing held during the month of April. There will be many more opportunities for public engagement over the months to come. As we have said before, this Commission is deeply committed to an open and welcoming process of public engagement.

A critical part of the Commission's work is to ensure that the public is afforded extensive opportunities to truly participate. And I just want to emphasize that the more people that we see expressing their views, the more we feel that you are engaged, and that's something that we hold quite dearly.

To that end, a comprehensive outreach effort has been developed in

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order to gather input from New Yorkers throughout the five Boroughs. We invite all New Yorkers to participate in this important review process.

The first public hearing took place in Manhattan on April 6th. The second was in the Bronx on April 12. The third was held in Staten Island. Last night we held our fourth in Queens, and now we find ourselves in Brooklyn.

Public Hearings in April will be followed by a series of issues forums which will be held throughout the City in May and in June. These will be followed by additional public hearings and other meetings throughout the summer.

Information about the Commission and its members can be found on its Web site, NYC.gov/charter. Hearing schedules, transcripts and videos are available

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on the site along with downloadable copy of the current city Charter and directions to all of our hearings.

Translations are offered in Mandarin, Korean, Spanish and Russian, and members of the public may also send written communication to the Commission via our Web site.

This public hearing is available to the public through webcasting, an innovation first in the history of Charter Revision Commissions, and that's webcasting at NYC.gov/Charter. A link has also been posted on the New York City Home Page and notifications of hearings and meetings include notes about webcasting. Notices of hearings and forums will be accessed through the City Record.

Commission staff will continue to send notices of major hearings to media, community and ethnic news outlets in appropriate languages,

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Community Boards and community groups, civic groups, elected officials, citizens, and many others across the City.

We are privileged to have a very smart, intelligent, experienced, highly-skilled group of individuals who have accepted the Commission's invitation to serve as staff to the Commission. Many of them are here with us tonight. Lorna Goodman, our Executive Director; Joseph Viteritti, our Research Director; Rick Schaffer, our General Counsel; Lisa Grumet, our Senior Counsel; Jeff Friedlander, Special Advisor; Matt Gorton who is outside greeting you as you come in, our Communications Director; Jay Hershenson works with Mat Gorton in communications; Ruth Markovitz our Deputy Executive Director. We even have a parliamentarian in Dave Fields; and Lisa Jones is our Director of Administration. The

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Commission's work is also available on Facebook at "NYC Charter Revision Commission" and Twitter at "CityCharterNYC". Links to the live webcasts will also be available there and comments from the public can be received on Facebook.

The Commission will continue to ensure that its outreach is as broad and deep as we possibly can deliver. We very much appreciate the interest and involvement of all New Yorkers whose input will be fully considered as we think about the next stages that this Commission will deliberate upon.

Before I turn this meeting over to those of you who have signed up to be heard, I'd like to bring to the podium the very distinguished Borough President of the Borough of Brooklyn, the best, Marty Markowitz.

BOROUGH PRESIDENT MARKOWITZ:

Thank you, thank you, Chairman

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Goldstein. Always a pleasure when you're in Brooklyn. And members of the Charter Revision Commission. Certainly I want to recognize our Brooklyn contingent on the Commission as Carlo -- you did pretty good there, by the way -- John Banks, David Chen, Anthony Crowell, and of course my Chief of Staff, Carlo Scissura. And to thank you, thank you for all of your dedication. I know it's taking a lot of time away from friends, family, and your dedication is, believe me, very much appreciated, and for listening to all voices on these important issues.

I also want to thank our Community Boards, and please stand for a second. Our Community Board members and Chairs in Brooklyn. Thank you very, very much. Thank you, our great Community Boards, for taking the time to come and giving testimony on essential community

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involvement in government and for their dedication everyday. They don't get paid a cent. And they devote almost all their lives to making their communities and our City a better place for all.

Over the years the New York City Charter in its numerous permutations has allowed for many changes in the roles and powers of City agencies and offices. This has been true regarding the office of the Borough President. With no single Charter Revision doing more to dilute the power of the Borough President than the one in 1989. With all due respect, if you add the budget cuts imposed over time our offices have been just about decimated. But one thing has remained certain throughout the history of the City. The Borough voice remains vital to our municipal governance.

Let me make this very clear. I

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support a strong mayoralty; however, our Boroughs need a stronger voice as well. Why is that? Because in this city of nearly 8.4 million, the Mayor must always consider the big picture and our City Council members and state legislators' concerns begin and end primarily within the borders of their own Districts, which is understandable.

So when it comes to things like land use, economic development, affordable housing and ensuring equitable distribution of city resources, Borough Presidents are truly the only elected official charged with considering the needs of each Borough as a whole. We're elected with more votes than any office other than the three citywide offices in the City, and sometimes Borough Presidents get even more votes than those running citywide in each of our Boroughs.

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These voters elect us expecting their Borough Presidents that we have the power to help them to be ombudsmen, ambassadors and, most importantly, to be a voice of independence of City Council and of City Hall. They look at us as the chief executive of the Borough with the powers to plan and implement and to truly fight for their interests.

Consider this. Brooklyn is home to 2.6 million residents. As you know, if it was its own city it would be the fourth largest in the United States. As it stands, I absolutely view my office as the nerve center of Brooklyn. And I leverage our land-use powers and capital budget as well as the power of the press and bully pulpit to forge partnerships that result in economic development and more responsive, better city services and, of course, to make Brooklyn gets its fair share, which means whatever

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we get it's not enough.

Some might say that I've been effective. Well, those that like what I've done say that. But frankly, to be truly effective, to be able to do what voters entrust us to do, to be the independent voice and essential check and balance in a strong mayoral system, the position of Borough President must be enhanced with a stronger voice on land use issues, a more robust executive role with regard to Borough Commissioners and agencies. And an independent budget determined by formula not as it is now, by the subjective yearly decisions of the City Council and the Mayor.

This Commission has the power to bring this necessary balance to City governance and as it stands this is far from the case. While I believe our current Mayor has a good understanding of the needs of the

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outer Boroughs, all past Mayors have not, or may not, in the future.

What does this mean for our City in our current structure? Let's say a Mayor is elected with a strong support from one Borough and that Mayor chooses to reward and favor that Borough over others. There is absolutely no force suitably empowered to bring that back into balance.

As it stands, unelected Commissioners, Deputy Commissioners and Borough Commissioners, agents of a single mayoral vision, have vastly more power than an elected Borough President. This creates the potential for unfair dominance of one voice and one vision. And should simply not be so.

Let's talk about the budget. Anyone who knows me knows that I'm not shy for sure. I speak my mind in Brooklyn's interest. But I will be

1
2 honest. In this current structure,
3 there's simply no way for a Borough
4 President to be a truly independent
5 voice. For those of you who don't
6 know, Borough Presidents have no seat
7 at the budget table at all. We do
8 take a back seat to City Council
9 members who, though they represent
10 far fewer voters and far more narrow
11 interests, gets a vote on the City
12 budgets while Borough Presidents do
13 not. And instead of having our
14 operating budget determined by
15 formula, a separate centers of the
16 City's budget each year subject to
17 the same percentage cuts and
18 increases that the City Council
19 budgets are, Borough Presidents are
20 required, believe it or not, to pitch
21 the City Council every year for our
22 basic operating fund. That's right.
23 We go in and pitch. Just as we were a
24 non-profit community group or a
25 cultural organization hoping upon

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hope that in the end we get the funding we need for the staff and resources to do our Charter mandated jobs. We're government and we have to do this.

We've been fortunate to work with many City Council members who understand the benefits of funding our office each year. But certainly Council members must ask themselves, as they do, Chancellor, which is more important? Funding the office of Borough President or getting more funds to their popular base in their individual districts? Well, you know what the answer's going to be. I ask you how in that budget climate can a Borough President truly be an independent voice?

To remedy this once and for all, this Commission should advocate for formula-based yearly budgets, the Public Advocate and Community Boards. A mechanism for budget allocation

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akin by which the Independent Budget Office is funded. And similar to the way the Borough President's capital budgets are already done in the Charter. Five percent of the City's capital budgets is divided among the five Borough Presidents. This kind of formula applied to operating funds would allow these offices to function as they are intended, as independent advocates for those we represent.

Of course, at the center of any discussion of a Borough President's power is our role of land use within our Borough or, in particular, our place in the Uniform Land Use Review Procedure. No one has a better vantage point on land use than the Borough President's office and frankly, although land use is an executive power it is not a legislative one. Our legislative body, the City Council, wields the greatest land use power and they get

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the final say. Indeed, the parochial interest of one Council Member can easily hold up actions that would benefit an entire Borough or an entire city. And since the current extent of a Borough President's power in the ULURP process is limited just to our recommendation, our views can simply be ignored by both the City Planning Commission and the City Council.

To rectify this imbalance, Charter language should change from recommendation to determination. When such a land-use determination is made, including a conditional determination, overriding it should require a super majority vote of the nine members of the City Planning Commission as well as a super majority in the City Council. This would restore to Borough President the power commensurate with their electoral mandate and their level in

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City government.

Because planning is such a critical function in the Borough President's role, both currently and should the role be expanded, I believe there should be commensurate funding to maintain a staff of professional planners at the Borough level. This expanded planning staff would also provide much needed dedicated assistance to Community Boards, both for research purposes and as projects come through their Boards in the ULURP process.

Now, there was a time, Chancellor, when Borough Presidents had the ability to allocate funds to organizations providing youth, senior services, as well as cultural groups in each Borough. All that remains today is that senior center funding, which has not been increased since 1997 and has decreased by 30 percent. I ask that Borough Presidents again

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assume that executive role and be given the ability to fund groups in our Borough as executive levels do in any organization.

Similarly, Borough Presidents once had jurisdiction over things like highways, sewers and streets within each Borough. And while I take no issue with the control of such operations remaining in the Mayoral agencies, I do believe that Borough Commissioners of any city agency should have some level of accountability to the chief executive office of the Borough: Office of Borough President.

I've been very fortunate to work with some wonderful Borough Commissioners. But in the City Charter there is nothing ensuring any required working relation whatsoever. That means, Chancellor, if a Borough Commissioner wants to ignore me, absolutely has the right, because

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they don't report to me, only to the Mayor.

To this end, Borough Presidents should be given advice and consent powers in the appointment of Borough Commissioners of mayoral agencies. Perhaps with the Mayor submitting three choices for the Borough President to choose among. Borough Commissioners should also be required to attend Borough Service Cabinet Meetings with Community Board leadership, and the Borough President should be able to require the attendance and testimony of Commissioners at meetings on matters pertinent to the Borough.

And finally, I ask the Commission to advocate enhancing our hard working Community Boards. Community Boards are indeed the heart and soul of local governance in this City, and it is certainly an honor to be entrusted with their appointment.

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They are the entry point for New Yorkers who love their neighborhoods and wish to be involved in the planning and development process.

When you look at all the growth in this city the truth is we need them more than ever. We must find what works, and these Boards should have the peace of mind that comes from a consistent budget that allows them to plan ahead.

I'm excited that you hold issue hearings and ask that one specifically address Community Boards and community involvement process. And I thank you for your time today.

I've offered my suggestions and truly believe that not only will a more robust Borough President lead to more equitable governance in this City and responsive government, it would also encourage more of our best and brightest to aspire to the Office of Borough President. To view it as a

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place where they cannot only have a powerful role in residents' lives but truly have a voice in running the greatest city on Earth. To create a meaningful record of achievement that primes them, if they wish, for greater responsibility of higher office, locally and nationally. And you can get that from the level of Borough President.

We have a chance to revisit the Charter changes of 1989 to bring City government back into the balance and ensure that it's as responsive as it can be to all the residents of all five Boroughs in this great City in the days ahead.

Thank you all for listening.
Thank you for being here in Brooklyn, Chancellor.

CHAIRMAN GOLDSTEIN: Thank you, Mr. Borough President.

We have set a pattern in our hearings to give some opportunity to

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2 elected and appointed officials to
3 talk briefly before we get to the
4 main event, which of course are
5 hearing the people here in this room.

6 I'd like to ask that John Keefe
7 come up to the microphone who is
8 representing Assemblyman James
9 Brennan.

10 We will be holding very close
11 to a three-minute time frame, so
12 you'll be hearing this buzzer as it
13 goes off.

14 Mr. Keefe, thank you.

15 MR. KEEFE: I have copies of
16 testimony. Okay. Good afternoon. My
17 name is John Keefe. I'm the
18 Legislative Aide of Assemblyman James
19 F. Brennan in the 44th Assembly
20 District here in Brooklyn. Today is
21 a legislative day and Mr. Brennan is
22 up in Albany. I am presenting
23 testimony on his behalf.

24 Thank you for giving me the
25 opportunity to testify. I'm going to

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summarize the written testimony.

First, I reiterate my concern that the Charter Commission not rush to place questions on the ballot this November. 2011 or 2012 would provide time for better publicized hearings. And more adequate deliberation.

Tonight concludes a two-week period which the Charter Commission has held public hearings to solicit public input into the processes of amending the City Charter.

The public received six days' notice of the first hearing on April 6 in Manhattan. Two weeks for 9 million people to have input into the City's Constitution. What a disgrace. And a shame.

The fact that you have round tables with experts in May does not change the fact that your process is hopelessly flawed.

The New York Times in an April 10th editorial stated there are

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already uncomfortable signs that

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issues of particular interest to Mr.

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Bloomberg, like term limits and

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nonpartisan voting, would be hurried

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through in an effort to get them onto

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the ballot in November. This would

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be a serious mistake. Any broad

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recasting of the City Charter has to

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be done methodically and fairly.

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This cannot possibly happen in time

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for November. The failure to -- all

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right.

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Nonpartisan elections are a

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blatant effort to undermine the

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Democratic party in New York City. It

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is also an effort to overturn the

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result of the 2003 referendum, which

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was a previous effort to impose

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nonpartisan elections, which was

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defeated overwhelmingly despite Mike

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Bloomberg's spending an unprecedented

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\$7 million to promote it.

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What has changed since 2003?

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What has changed is that New York has

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become more Democratic. In November 2003 Democrats were 67 percent of the registered voters in this City. As of April 1 Democrats are now 68.9 percent of the registered voters. And approximately 2,750,000 of the 400 -- or the 4 million -- 2,750,000 of the 4 million active voters are Democrats.

While Democratic enrollment has increased, the enrollment of Independent voters has actually declined from 6,087 in November 2003, to 6,063 in April 2010.

What has changed since 2003 is that partisan Democratic primaries have become even more representative of New York City voters. Suggesting that the current primary structures are unrepresentative or the Democratic primaries are unrepresentative especially of African-Americans or Latinos is absurd. The turnout in Democratic

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primaries in minority districts
sometimes exceeds the turnout for the
same office in the general election.

Democratic primaries have
produced a City Council of which a
majority of its members are
African-American, Asian, Latino, gay
and lesbian. All the women on the
City Council were elected as a result
of the Democratic primary. Democratic
primaries are unquestionably broadly
representative of New York City.

Changing this would require a
preclearance under the Voting Rights
Act.

California voters supported
open primaries in a referendum. The
Supreme Court held an opinion written
on First Amendment grounds by Justice
Scalia that open primaries were
unconstitutional. Democrats have a
right of free speech and assembly in
their own party.

There are real differences

1
2 between political parties in New York
3 City. Differences that voters are
4 well aware of. The Democratic Party
5 has a strong base amongst working
6 people, African-Americans, Latinos,
7 the LGBT community members and
8 immigrant communities. It is a really
9 different entity from parties like
10 the Independence Party, which is
11 funded by the Real Estate Board --
12 and Mayor Bloomberg.

13 CHAIRMAN GOLDSTEIN: Mr. Keefe,
14 I ask you to finish up, please. We
15 have a large number of people with
16 respect to them. We do have your
17 written testimony and I'd like you to
18 complete your testimony now, please.

19 MR. KEEFE: All right. Okay.

20 Mixing nonpartisan first-round
21 elections for the City Council and
22 municipal elections with partisan
23 elections for District Attorney and
24 judicial offices involves having
25 separate ballots for different types

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2 of voters. Remember there are going
3 to be partisan elections held every
4 September for judges and having Board
5 of Elections personnel figure out who
6 gets the right ballot virtually
7 guarantees that some elections will
8 be compromised.

9 CHAIRMAN GOLDSTEIN: Thank you,
10 Mr. Keefe, we really appreciate your
11 testimony. We will read it
12 thoroughly, and we appreciate the
13 time representing James Brennan this
14 evening.

15 I'd like to call up Council
16 Member Lou Fidler, please.

17 COUNCIL MEMBER FIDLER: Thank
18 you all, and thank you for so many of
19 you actually coming and I hope paying
20 attention to what my fellow
21 Brooklynites have to say today. And
22 apropos of some of the comments I
23 heard from Borough President
24 Markowitz, many of us were stunned to
25 hear today that the only Brooklyn

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Parks Commissioner we have known in our lifetime, Julie Spiegel, has resigned today effective September. So I only hope that whatever process there is for replacing him, if it's the advice and consent of the Brooklyn Borough President, whatnot, that we find somebody that meets his high standard. And notwithstanding the fact that the Borough President smacked the City Council around a little bit, I certainly want to suggest to you that maintaining the role of the Borough President is important in City government, that's how I feel. And really for me, this entire Charter Revision process should be largely about balance of power. And, you know, balance of power is a great thing to talk about in a political science classroom but its effect and practical effect here, in the reality of government, is much different than when things are looked

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at theoretically.

So I want to suggest to you that while we have a strong mayoral system in this City that there still need to be checks and balances on that executive. So I want to suggest to you without going into great detail about each, a few ideas that I hope you will look at.

First, the power to make the revenue estimate, which is now vested exclusively in the Mayor, perhaps the Comptroller can play a role in. Maybe the Comptroller needs to sign off on the Mayor's revenue estimate so the Mayor cannot totally control the budget process from top to bottom.

Why can't the City Council have the right to initiate and modify budget modifications? Right now the Mayor proposes it. He's the only person can propose it. We can't change it. We either vote it up or

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vote it down. That's an incredible power to be given to one man. Why can't the Charter specifically say that when the Council passes a law, whether it's with the Mayor's signature or over his veto, that the Mayor must enforce it? As opposed to giving the judicial power to the Mayor, as the Court of Appeals has done, which says if the Mayor doesn't want to enforce a law that has been properly passed he can just decline to do so and wait to be sued. Why shouldn't the Mayor, instead of making him both judge and jury, have to bring that law to Court himself? And let the judges be the final arbiter and not the Mayor? Why can't we do that?

Certainly on the most grassroots level, empowering and maintaining Community Boards is a critical thing to do as well. As a former Community Board Chair, I know

1
2 the disrespect that Community Boards
3 often receive in the process in which
4 their powers are almost always
5 recommendation. They should not, as
6 the Borough President pointed out,
7 have to come hat in hand for a
8 miniscule budget and beg to be kept
9 in at some level of support that
10 allows them to function when they are
11 an essential part of our government
12 process.

13 On education. Now, the State
14 has, unfortunately, in my view,
15 passed a law that has put a hundred
16 percent of our school control in the
17 hands of the Mayor. I think that is
18 too much power to give to any Mayor,
19 any one person, whether or not you
20 like them or don't like them. I think
21 it be would appropriate for two
22 things to happen:

23 1. That the Chancellor should
24 be appointed only with the advice and
25 consent of the City Council so that

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there is some check and balance on who is being put in charge. In effect, the Commissioner of that agency, that one agency, so that that individual knows that he answers to the people of the City of New York and not just to the Mayor.

And second, to require in the Charter explicitly something that the Independent Budget Office already says is there but in fact has not been done, which is to require the Department of Education to have their budget in units of appropriation of less than multiple billions of dollars with one power left to the City Council in the education field is the power of the budget. But the budget of the Department of Education has presented to the City Council is unintelligible, unusable, and permits budget modifications to happen in the multiple hundreds of millions of dollars with the mere stroke of a

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pen. That's wrong.

And last, on a different topic, and this is something that I've introduced a piece of legislation to Counsel, if we don't get it done I hope you will get it done, and that will be once and for all the elimination of the Public Design Commission, otherwise known as the Arts Commission. I have been told by people in the Parks Department, for example, that over one-third of the cost overruns on capital projects in the City of New York are the direct results of this Commission that operates in some top-floor office that no one knows about and is often arbitrary and irrelevant. Their functions can be handled by the City Planning Commission, by Borough Presidents, by any other agencies. They're costing taxpayers millions of dollars a year.

So please consider those

1
2 things. And the other suggestions
3 you're going to hear from my
4 colleagues today.

5 CHAIRMAN GOLDSTEIN: Thank you,
6 Mr. Fidler.

7 Mr. Fidler, you have a
8 question.

9 COUNCIL MEMBER FIDLER: I hope I
10 can answer.

11 COMMISSIONER CASSINO: This
12 could apply to the Borough President
13 as well. Both of you have touched on
14 Community Boards, and there's strong
15 Community Board representation here.
16 Could you elaborate? There's often
17 talk about empowering Community
18 Boards and the budget. Putting aside
19 the budget issue, do you think that
20 the role of Community Boards,
21 specifically what should be changed
22 to empower a Community Board? I know
23 the Borough President talked about
24 going from advice to determination.
25 What specific changes would you

1
2 recommend to empower Community
3 Boards? I'd ask you or the Borough
4 President on this one.

5 COUNCIL MEMBER FILDER: I think
6 the Borough President had an
7 extremely good suggestion, which that
8 when a Community Board makes a
9 recommendation if it's going to be
10 disregarded that it require a super
11 majority to be disregarded. I don't
12 think that it is always the case that
13 a single parochial member of the
14 Council can overturn a land-use
15 decision that's in the better
16 interests of the City of New York.
17 And I've seen time and time again
18 where that argument's been made and
19 defeated.

20 But when a Community Board who
21 is appointed to speak for the
22 neighborhoods says they don't want
23 something, that ought to carry more
24 weight than a piece of paper. And,
25 you know, to require the super

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2 majority, to require a super majority
3 I think is a very logical step that
4 would allow the Board a little bit
5 more respect in the process.

6 COMMISSIONER CASSINO: How would
7 that work? Just one follow-up. How
8 would that work vis-a-vis the Borough
9 President that the Community Board
10 objected and voted something down or
11 in favor? How does that work for the
12 super majority if you include the
13 Borough President and maybe --

14 COUNCIL MEMBER FIDLER: I think
15 it can be an either/or, and I don't
16 want to speak for Marty Markowitz's
17 proposal, and honestly the first time
18 I heard it was sitting right there.
19 I think it was a very a good idea.
20 But I think it probably would be a
21 good idea if either the Community
22 Board or the Borough President or the
23 Borough Board, or some combination
24 thereof, votes against the project;
25 or it attaches conditions to an

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2 approval of a project, and we all
3 know how frequently those are
4 listened to, all right, that it takes
5 a super majority to override that or
6 disregard that.

7 CHAIRMAN GOLDSTEIN: Let me
8 acknowledge Councilman Vice Chair
9 Banks who has a question as well.

10 COMMISSIONER BANKS: Hi, Council
11 Member. How are you?

12 COUNCIL MEMBER FIDLER: You know
13 a little bit about the City Council,
14 right, John?

15 COMMISSIONER BANKS: Probably
16 more than most people want me to.

17 Let me ask you a quick
18 question. You mentioned the Court of
19 Appeals decision with regard to the
20 Mayor's ability to ignore a
21 legislative act by the Council, and
22 you also mentioned the state
23 legislation on education. Can you
24 tell me whether or not you're aware
25 of whether the Charter Commission can

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overrule those decisions?

COUNCIL MEMBER FIDLER: Well,
you can never overrule a Court of
Appeals decision but you can change
the law that leads you there. I don't
believe the Court of Appeals would
say that if the Charter of the City
of New York specifically took away
from the Mayor the power to be judge
and jury that the Court of Appeals
would supercede that. I think they
would be obligated to interpret the
Charter as has been passed. That's
what they did in the existing case.
I think they were wrong. All right?
I'm not on the Court of Appeals. I
don't get to make that call, all
right, but I think it is incredibly
wrong to have the executive also have
the judicial power in the first
instance.

If the Mayor doesn't believe
that a law is legal, he should have
to go to Court like any other citizen

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and prove it. And not just take it into his own power. So I do believe that if a Charter section is written properly that that in fact would become the law and the Court of Appeals would accept it.

COMMISSIONER BANKS: Would that be subject to judicial review?

COUNCIL MEMBER FIDLER: Everything is subject to judicial review.

COMMISSIONER BANKS: Then do you want to speak to my question on the ability to change state legislation with regard to education?

COUNCIL MEMBER FIDLER: I don't think you're changing state education law to require either of the two things that I mentioned, the first of which is requiring that the Chancellor be approved with the advice and consent of the City Council. I don't think that is inconsistent with the state education

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2 law. That's number one. And
3 certainly I know the Independent
4 Budget Office has taken the position
5 that the Charter already requires the
6 Department of Education to place
7 their budget in units of
8 appropriation that are compact,
9 intelligible, speak to actually what
10 they are. And we have, I forget what
11 the figures are, there's maybe 180
12 pages of expense budget in the City
13 of New York. As you know, over half
14 of it are fixed costs of one kind or
15 another, so there's maybe \$30 million
16 in those pages. \$20 million of it is
17 the Department of Education and it's
18 18 pages. Because you have units of
19 appropriation in the billions, up to
20 \$5 billion in a single line
21 appropriation. That's not budget.
22 That's giving someone a blank check.
23 And so I think if the Charter was
24 clear that that could not happen
25 along with it the consummate power

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2 that comes along to move items less
3 than 5 percent of a line with a
4 stroke of a pen, 5 percent of a line,
5 it's \$5 billion, is a heap of money
6 that they're moving around without
7 any transparency, without any
8 consent, without any proper budgeting
9 process.

10 I think if you made it clear
11 they could not do that in the Charter
12 this would be very helpful.

13 COMMISSIONER BANKS: Thank you.

14 CHAIRMAN GOLDSTEIN: I'd like to
15 acknowledge Councilman Steve Levin.

16 COUNCIL MEMBER FIDLER: Am I
17 dismissed?

18 CHAIRMAN GOLDSTEIN: You're
19 dismissed.

20 COUNCIL MEMBER FIDLER: Thank
21 you.

22 CHAIRMAN GOLDSTEIN: Thank you,
23 Mr. Levin.

24 COUNCIL MEMBER LEVIN: Thank
25 you. I'd also like to announce

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Council Member Fidler is going to be on ESPN tonight on a program on the history of baseball. Anyone watching tonight, 8:00 P.M.

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Thank you very much for allowing me the opportunity to speak this evening. I'll keep my remarks very brief.

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As you have heard from the other Borough hearings, and I'm sure you will hear tonight, there are numerous areas in which the City Charter can be improved. I would like to highlight four of those areas that I believe to be the most crucial.

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The structure of the Uniform Land Use Review Process, the role of Community Boards, the position of Borough Presidents and the budgetary powers of the City Council.

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The Uniform Land Use Review Procedure, or ULURP, is an area that I have had a decent amount of

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1
2 experience with in my short tenure as
3 representative of the 33rd Council
4 District and as Chair on the
5 Commission on Dispositions and
6 Concessions.

7 As you are aware, ULURP has
8 greatly evolved since its inception
9 in the 1970s; however, as our City
10 cedes to increased development, we
11 need to ensure that land use
12 applications are not only considered
13 as individual projects but also
14 within a larger context. We must have
15 a broad view of urban development and
16 planning. ULURP must reflect the
17 effect that each project has on a
18 neighborhood Borough and a citywide
19 level. The Council, I believe, should
20 be given greater authority to modify
21 land-use applications and maintain
22 the ability expressly written to
23 strike applications down if those
24 applications cannot fit within the
25 context of a neighborhood in which

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they are situated.

Community Boards are also an essential component of fostering civic engagement in our city. Community Districts are, I believe, are our building blocks of our neighborhood structure. As a Council Member, I look to the Community Boards in the 33rd Council District for guidance when I make critical policy decisions. Those include Community Boards 1, 2 and 6 here in Brooklyn.

I urge you not just to save Community Boards but also to strengthen them. Their role in the Land Use Review Process is absolutely essential. Again, it gives, from my perspective, the Council Member, a tremendous amount of guidance to know what the community is thinking and how they see a particular application. It is the Community Boards who urge us elected officials

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to require more parks, more affordable housing, more benefits to the local community. Community Boards take their roles seriously and their recommendation should be given full consideration.

Borough Presidents are also critical to the City government here in New York City. As the only Borough-wide elected officials, aside from judges, the Borough Presidents are able to look more broadly at issues that affect more than just a single Council District. Having an advocate for our Borough has certainly been a great asset to Brooklyn where Borough President Marty Markowitz has helped organize elected officials as we fight to save our daycare centers and many, many other battles.

I want to also acknowledge the Borough President's role in land-use decisions. Again, these are although

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currently advisory, they give a tremendous amount of guidance. He has in Brooklyn here a stellar land-use staff that always provides a great amount of insight and balance in his recommendations.

Finally, I urge the Charter Commission to examine the scope of the Council budgetary powers. Following up on what Councilman Fidler said, it is essential the Council have greater authority to modify the executive budget. As it stands, the Council can vote down the budget if it is not satisfactory but we have little authority to fine-tune it or essentially approve it with modifications.

In order to ensure that our City's dollars are being spent appropriately, the Council should be able to provide greater checks and balances. Thank you very much.

CHAIRMAN GOLDSTEIN: Thank you,

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Mr. Councilman.

Councilman Lander.

UNIDENTIFIED VOICE:

Mr. Chairman, what would happen if you interspersed with elected officials --

CHAIRMAN GOLDSTEIN: We're finished at this point and we're going to get right to the public.

UNIDENTIFIED VOICE: Thank you.

COUNCIL MEMBER LANDER: I'm the last one, so right after that we can get to the popular public testimony.

Chairman Goldstein, Members, members of the public, thank you for the opportunity to present testimony on potential changes to the City of New York Charter. As Alexis de Tocqueville wrote more than 180 years ago, "Democratic practice in our cities is really the foundation of American Democracy." And I urge you to keep that spirit in mind when making changes to the City's

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2 Constitution. At its best,
3 deliberative changes to the Charter
4 can contribute to the centuries-old
5 tradition of grassroots municipal
6 Democracy of engaged citizens
7 committed to promoting equality,
8 inclusion and participation in
9 government, thoughtful debate and
10 Democratic practices that it engage,
11 and balance the extraordinary range
12 of interests that make up New York
13 City and the United States.

14 But the opposite is also true.
15 An inadequate process risks real harm
16 to our local Democracy through a
17 process in which people of this city
18 lose faith in government, become more
19 cynical and less likely to
20 participate as less Democratic and
21 more managerial processes are adopted
22 and its core Democratic values are
23 eroded.

24 To be blunt, while I have very
25 deep respect for many of the

1
2 individuals on this panel and your
3 service to our City, really quite a
4 few of you, I believe this Commission
5 poses a real risk of falling into
6 that negative cycle and doing
7 concrete harm to our local Democracy.

8 As I think you're aware, the
9 public perception is that this
10 Commission was created in a cynical
11 backroom deal by the Mayor to win a
12 third term around the twice expressed
13 will of the people on term limits;
14 that the timing of the Commission has
15 been subject to manipulation, and
16 that it will primarily consider
17 changes that are pet projects to the
18 Mayor.

19 Now, I'm not saying this to
20 score political points but simply to
21 urge you as citizens who I think care
22 very deeply about the quality of our
23 local Democracy to be mindful of the
24 process challenges and the risks that
25 you face in this process. And I don't

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think, unfortunately, that the timetable or the rushing has helped us thus far.

So here are my recommendations. First, based on what I've just said, I think that the sole issue that is appropriate to consider this November is term limits. People have had time to think about it and consider it. There's been an opportunity for people to reflect on it. While there'll be some arguments even there, I think to wait on this one. I think you would do better to provide clarity and to submit something to the will of the voters. And I won't even express an opinion on what that should be, because I think there's no way I could do it without it being perceived as a self-interest.

In particular, I think you absolutely should not put on the ballot paired with term limits a

1
2 couple of critical items which have
3 been discussed for your
4 consideration, especially nonpartisan
5 elections, but also any diminishment
6 of other elected officials, whether
7 that's the Borough Presidents or the
8 Public Advocate. I really think it
9 be would the height of cynicism to
10 build on upon the language around the
11 repeal of term limits to tie that to
12 one of these, in my opinion,
13 anti-Democratic and more cynical
14 processes.

15 I ran in a primary that had
16 five candidates and a general
17 election that had five candidates:
18 Green, Working Families, Democrat,
19 Republican, Independent, Conservative
20 and Right to Life. There's enough
21 choice. The Democratic primary was
22 essential to enfranchising the
23 substantial number of voters in my
24 District. So I think it be would
25 inappropriate to pair either that

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diminishment of powers or nonpartisan elections with term limits this fall.

Finally, on the last page of my testimony, I do think it be would great for 2012, when we'll again have a lot of people voting, to look at a genuine and comprehensive view of the Charter, building on the work that was done in 1989. I think the Borough President, Council Members Fidler and Levin, have presented some of the things you should think about there:

A better balance of appointment powers; strengthening and making more accountable the role of Community Boards, which I would be happy to talk about in response to a question. And in particular one other change I would urge when you get to that more comprehensive review is to think about putting up a proactive and comprehensive ten-year land-use plan, citywide infrastructure and land-use plan into the Charter. Our land use

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process has become too reactive, so every single fight is a polarized battle between developer and community.

The way to get better and inclusive community and Community Board process into that while not further poisoning the well is to give us a ten-year proactive look that links land use and infrastructure development and provides us the chance to have a conversation about Fair Share participation, infrastructure and growth in a comprehensive way before we wind up in a fight site-by-site.

Thank you very much for the opportunity to testify.

CHAIRMAN GOLDSTEIN: Thank you.

I'm going to start the engagement with the public that has waited to be heard. I'm going to call in triplets, because the way this auditorium is structured, for

1
2 those of you who are in the center of
3 the auditorium it may take you a
4 little while to get to the
5 microphone. So as the person
6 finishes in front of you, you should
7 be ready to come to the mike so that
8 we can get the process moving
9 quickly.

10 We're going to start with
11 Elizabeth Yeampierre, followed by
12 Eddie Batista and then Maria
13 Santangelo.

14 MS. YEAMPIERRE: Buenas tardes,
15 Commissioners. My name is Elizabeth
16 Yeampierre. I'm Executive Director
17 of UPROSE, Brooklyn's oldest Latino
18 community-based organization founded
19 in 1964.

20 My organization is an
21 organization dedicated to
22 environmental and social justice. And
23 we've been around long enough to
24 represent those people who stayed
25 that were not part of that flight,

1
2 those people who were here when there
3 was disinvestment, plant shrinkage,
4 bankruptcy in New York City. The
5 same people being displaced by the
6 grandchildren who have rediscovered
7 what we stayed in. And so these
8 communities are the communities that
9 are faced with the siting of the
10 environmental burdens, and you're
11 going to be hearing today, and you've
12 probably been hearing about slowing
13 down this process. And we're going
14 to tell you, and I'm going to say on
15 behalf of my organization, which is
16 an environmental justice
17 organization, that you cannot slow it
18 down when it comes to Fair Share and
19 197(a) reform. You can slow it down
20 for anything you want. But this is
21 something that these communities that
22 are living as hosts to all the
23 environmental burdens that are
24 killing them deserve to have Fair
25 Share and 197(a) reform.

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Fair Share was gutted by the regulatory rulemaking that followed the 1989 Charter Revision, and as a result Fair Share has failed New Yorkers. Particularly those in overburdened, environmentally overburdened communities.

The 2010 Commission can restore the broken promise by mandating that city facilities, siting's, expansion, reductions be properly identified in the annual Statement of Needs without exception.

The post-Charter regulatory loophole allows the City to propose any facility siting or expansion, whatever it chooses, by filing amendments to the Statement of Needs making the process meaningless. If the City decides to site a facility after the Statement of Needs is produced it should wait for the following year. Including polluting infrastructure facilities in the

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Atlas, not just city-owned.

Many communities reluctantly host stay, and private facilities assessing communities' burdens means recognizing all burdens. Include true indicators of burdens including relevant health data, numbers of brown fields, highways, air quality.

Technology advances made since 1989 make such indicators readily available and vital in assessing burdens.

Number 2. The 197(a) empowers Community Boards to develop local land-use plans; however, Boards denied resources and their plans aren't taken seriously. The Commission should prevent City Planning from trumping current and pending 197(a) plans when evaluating zoning changes or amendments under ULURP.

Initiate Community Board reform by mandating annual funding, Board

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Member appointments that reflect the
diversity of respective Districts and
the provision of land-use training.

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Mucho gracias.

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CHAIRMAN GOLDSTEIN: Thank you
very much.

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Eddie Batista.

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MR. BATISTA: Hi. I'm Eddie
Batista, the Executive Director of
the New York City Environmental
Justice Alliance, which is a citywide
coalition of community-based
organizations committed to fighting
for environmental equity and against
the disproportionate impacts of
environmental burdens for low-income
communities and communities of color.

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By the way, NYJA, and the
Environmental Justice Alliance, is
citywide, we're based in Brooklyn.
So welcome to Brooklyn.

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By the way, there is one
statistic that you're not going to
hear from folks, because it's not a

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pretty one, but it's an important one

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for this Commission to consider. 35

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percent of the City's solid waste is

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handled right here in Brooklyn. In

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addition to pockets of neighborhoods

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in the City, some in this Borough,

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some of which are subjected to

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grinding poverty, but also some

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communities that also have the

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clusters of brown fields, clusters of

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power plants and other polluting

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infrastructure.

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We want to make sure that this

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Commission understands that you guys

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have the ability to be able to

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rectify what the '89 Charter

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Commission tried to get done. The '89

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Charter Commission passed the Fair

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Share provisions, passed 197(a) in

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order to rectify some of these

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environmental burdens that these

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communities have been subjected to.

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It was in the post-Charter

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Revision period when the City,

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2 successive City administrations,
3 gutted, eviscerated the Charter
4 Commission's intentions that Fair
5 Share and 197(a) were rendered
6 meaningless.

7 This Commission can fix that
8 and it can fix that along the ways of
9 what my colleague Elizabeth just
10 mentioned, which is mandating City
11 facility siting's being properly
12 identified in the annual Statement of
13 Needs, including all polluting
14 infrastructure in the Atlas,
15 including true indicators of burdens,
16 such as relevant health data, numbers
17 of brown fields and air quality.

18 197(a) pledges another area
19 where this Commission could rectify
20 some of the damage done by the
21 post-1989 Charter Revision.
22 Preventing City Planning from
23 trumping current and pending 197(a)
24 plans would help empower and
25 recognize what the Community Boards

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do in terms of working on 197(a)
plans.

And we should also look at
initiating Community Board reform by
mandating annual funding for
Community Boards, making sure the
Community Board appointments reflect
the diversity of their Districts, and
making sure that provision of
land-use training and land-use
resources are given to Community
Boards.

You're going to hear from some
of our colleagues in the social
justice movement, as well as some of
the elected officials, about going
slow and getting it right. As
Elizabeth Yeampierre mentioned, we
agree with that, with everything,
except Fair Share and 197(a)
Community Board reform.

We've been waiting for 20 years
for the promise of that Charter
Revision to be realized. And as we

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all know, justice delayed is justice denied. Especially in this case, environmental justice delayed is justice denied.

This Charter Commission cannot, should not, has the moral imperative to ensure that Fair Share and 197(a) gets addressed this year. Community Board reform this year. Everything else, yes, can wait till next year.

CHAIRMAN GOLDSTEIN:

Mr. Batista, do you have any written testimony? I found some of your comments to be quite compelling. Do you have it?

MR. BATISTA: We have some but there are a couple of other things. Sorry.

CHAIRMAN GOLDSTEIN: Thank you again for your testimony.

Marie Santangelo.

MS. SANTANGELO: Good afternoon. My name is Maria Santangelo and I'm an Academic

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Counselor at the College of Community Fellowship. CCF's mission is to eliminate individual and social barriers to education and civic participation of formerly incarcerated women and their families. Through our activities and programs, CCF addresses the education, economic and civic participation needs of formally incarcerated women in the New York Metropolitan area. CCF works in concert with other organizations and government entities, such as the Mayor's Office of Adult Education, to ensure a successful reentry for these women.

I stand before you today to request that you accept the Mayor's Office of Adult Education into the City Charter. It is with the support of government entities like the Mayor's Office of Adult Education that CCF is able to provide services

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to this vastly underserved
population.

At CCF the average age of our
fellows is 43. 70 percent are
mothers. 55 percent are GED
recipients. There is a critical need
for adult education among the reentry
population. 95,000 individuals return
to our communities from Rikers Island
and New York State prisons each year.
In 2009, 80 percent of the students
served in Rikers Island schools were
unable to read at high school level.
And 50 percent of people in New York
State prisons did not have a GED.
These percentages are staggering,
because research shows that simply
attending school reduces the
likelihood of re-incarceration by 29
percent.

Our experience at CCF has been
much greater. In our 10 years of
operation, less than 2 percent of our
participants have returned to prison.

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This is truly remarkable considering that the national recidivism rate is 63 percent within three years. Adult education from ABE to Ph.D. is keeping individuals from returning to prison and allowing them to move forward with their lives. Since its inception in 2000, CCF fellows have completed 24 Associate's, 71 Bachelor's, 41 Master's and one Doctorate degree. This June an additional 30 fellows will be receiving their college degrees.

We are now living in an age where more jobs entering our economy are requiring a college degree. Unskilled jobs are dwindling and with them is the opportunity for adults who do not hold at least a GED to earn a living. 70 percent of CCF fellows work full or part-time while attending college. 85 percent of our graduates report a significant career advancement upon obtaining a college

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degree.

There is an age-old adage that says "Children are our future." This is true. But we must not forget the adults that are charged with their care: Mothers, fathers, aunts, cousins. They are our future, too. Thank you for considering my request today.

CHAIRMAN GOLDSTEIN: Thank you, Miss Santangelo.

The next three speakers, so get prepared, are Fran Miller, Josh Kellerman and Frank Morano.

Welcome, Miss Miller.

MS. MILLER: Thank you. Thank you, Commissioners. I'm an attorney. I've lived in Brooklyn for about 10 years and have been in New York City my whole life. I stand here just as an individual. I don't represent an organization. I support giving citizens the right to vote for nonpartisan elections in the upcoming

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election or shortly thereafter.

Contrary to what some of the Council people said, I don't think nonpartisans is an attack on the Democratic Party. I think there's a million independent voters in New York City who just want the right to vote in the first and decisive round of voting.

As an Independent my whole adult life voting in New York City, I've never been able to vote in a decisive round for City Council, for example, which is always decided, or 99.9 percent, in the initial primary.

What's changed between 2003 and now? Much has changed. The whole political landscape has changed. We have Barack Obama as President. He energized and excited an enormous amount of young people and others who hadn't been participating. 2003 is seven years ago. People were eleven and now they're eighteen. And they

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can vote and they couldn't vote then.
And there's many, many more young
people who are Independents. There's
people who have moved into the City
who haven't had the opportunity to
vote on it. So I just, I think it's
very self-serving for the party
people who are in office to say we
shouldn't have the right to vote on
this. I feel strongly that I'd like
the right to vote on it, as would
many of my friends, family,
colleagues, people I speak with
throughout the City. So thank you
very much.

CHAIRMAN GOLDSTEIN: Thank you,
Miss Miller.

Josh Kellerman.

MR. KELLERMAN: Chairman
Goldstein and distinguished members
of the Charter Review Commission,
thank you for the opportunity to
present testimony today. My name is
Josh Kellerman. I'm a Policy

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Researcher at Urban Agenda. I'm here today to testify on behalf of both Urban Agenda and New York Jobs With Justice and the impact that the Charter Revision will have on our City.

Urban Agenda engages in policy development, action, research and coalition building to advocate for policies that make our City more sustainable, prosperous and just. New York Jobs with Justice is a permanent collation of worker and community organizations building power to secure good jobs and strong communities for all New Yorkers.

Urban Agenda and New York Jobs for Justice have formed a strategic partnership to better advocate for and build a New York that was equally prosperous for workers, communities and businesses.

The City last took up major changes to our Charter over two

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decades ago, and we urge the Commission to consider how the Charter can be updated to meet our City's needs in the 21st Century. Where community voice is not clear and loud like was represented by UPROSE and NYJA, the Commission will have to go slow and get it right.

1989 Charter revisions were the culmination of a three-year process that began in 1986. This current Charter Revision Commission was appointed not quite three months ago and hopes to complete its mandate by September. For most issues, this time frame is untenable, both for the Commission and the community. As evidenced by the first series of public hearings that have taken place in less than a month and with minimal public notice.

We are at a crucial point in our City's development. As we come out of the current economic crisis,

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we must recognize that maintaining the status quo will lead only to the same undesirable outcomes we've seen over the last decade. Increasing income and inequality, decreasing affordable housing stock and a shrinking voice for the community.

On the other hand, a few well-placed adjustments to our Charter can move us further down the path towards a more sustainable, prosperous and just City. I urge the Commission to take this opportunity to do as much as possible with its mandate, particularly given this moment in time. There is no shortcut to understanding how the Charter impacts the economic, environmental and social well-being of our City and residents. Rushing through with a Charter revision or to place something on the fall of 2010 ballot only diminishes the ability of New Yorkers to engage in this process. It

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will undermine the legacy of the
Commission.

I strongly urge the Commission,
at the very least, to take its full
two-year tenure of its appointment to
review and revise these important
issues except for those issues where
community voice is loud and clear.

I commend the Commission for
taking the first steps towards
including public input by holding
this first series of hearings;
however, I strongly urge you to
expand your time frame to ensure
proper public participation and
consultation. Thank you for your time
and consideration.

CHAIRMAN GOLDSTEIN: Thank you.

Frank Morano.

MR. ALLAGRETTI: (Phonetic
spelling) Chairman and distinguished
members of the Commission, first of
all, to set the record straight I'm
not actually Frank Morano. I'm

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Michael Allagretti. Frank was kindly to lend me his spot as I have a lecture I'll be speaking later.

CHAIRMAN GOLDSTEIN: Where are you lecturing?

MR. ALAGRETTI: Fordham.

Quickly. But a common theme of these hearings over the past few weeks has obviously been that of decentralization, and as a proud Brooklynite turned Staten Islander, I think it's fair to say that decentralization of power to our Borough leadership is critical so as to empower our Boroughs.

But today I rise as a voice on behalf of empowering our electorate. Frankly, our current election system in the City of New York is a broken one, and as you heard only I guess five and a half minutes ago, so many voters across the political spectrum feel shut out from the municipal election process and it's for a very

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simple reason. So many of our
municipal elections are decided in
closed Democrat primaries. So many
elections to the City Council in '09,
year or two before that, and to this
day, are decided in such primaries.

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But to be clear, the fight for
nonpartisan municipal elections is
not about empowering one political
party over another. In my opinion,
it is about empowering people and
about empowering the electorate to
participate.

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The City Council has 46

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Democrats and five Republicans. In no
way does that representation match
the vote totals that we see each year
for elected officials across the
party lines, and this isn't just
Democrats and Republicans.

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We can do better and

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nonpartisan municipal elections can
help us correct such disparity simply
by opening up the process. More

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2 parties and more people will be
3 involved, interest would rise,
4 competition would rise, corruption
5 would drop and, most importantly,
6 voter turnout in primaries and
7 generals would increase. Nonpartisan
8 municipal elections could serve as an
9 onramp to perhaps other proposals in
10 that increasing voter participation
11 in our electoral system and better
12 balancing how we're represented in
13 government. Thank you.

14 CHAIRMAN GOLDSTEIN: Thank you
15 very much.

16 I'd like to acknowledge Council
17 Member Letitia James.

18 Miss James.

19 COUNCIL MEMBER JAMES:

20 First let me thank you for
21 giving me the opportunity to speak
22 and for allowing me to voice my views
23 concerning how best to strengthen our
24 City's structure of government and to
25 enhance our system of checks and

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balances from top to bottom as was originally envisioned by the Mayor of the City of New York.

Let me begin by indicating that I hope that you do not limit your review to simply nonpartisan election and term limits and that you expand the purview, and that you review government from top to bottom, including but not limited to the following:

1. Land-use powers of the City Council. I am of the opinion that the Mayor has too much power in the City of New York, particularly as it relates to land use. I have witnessed it personally in my District, particularly over one particular project of note. I believe the issues should be related to -- we should expand the issues of the City Council relating to certification and scope and the ability to give away City land, particularly as it relates

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to State-Owned land.

2. The budgetary powers of the Council. I believe that the City Council should be in a position to estimate revenues prior to budget adoption, including the timing and the triggers for budget modification.

3. I believe that the heads of certain agencies should be subject to the advice and Counsel -- and consent, excuse me, of the City Council. Unfortunately, the administration that we currently have is not diverse. There are only three African-American men in the entire leadership of this administration. And I believe in a city as diverse as New York City that is an indictment of this administration.

3. [Sic] the Charter provisions I believe result in the curtailment of certain concerns, particularly as it relates to CCRB and NYPD. We are limited in the City Council to stop

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2 the police abuse of stopping and
3 frisking particularly
4 African-American men in the City of
5 New York. We do not have that
6 jurisdiction because of the Charter
7 Revision. I also believe that with
8 respect to land use that the office
9 of EDC and IDA should be City
10 agencies under the jurisdiction of
11 the City Council.

12 Let me also agree that Fair
13 Share issues should be reviewed by
14 the City Council. There are certain
15 communities in the City of New York
16 which are consistently dumped on.
17 And Community Board 8, they have done
18 a review, and Community Board 3,
19 which covers Bedford-Stuyvesant and
20 North Crown Heights, they have more
21 social services than any Community
22 Board in the entire City of New York.

23 Those two Community Boards are
24 predominantly African-American and
25 those communities should not allow --

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should not be the dumping ground for
the rest of the City.

 Last but not least, I believe
Community Boards should be
strengthened and should be better
staffed so that they too can be in a
position to address the abuse of land
use in the City of New York.

 My last comment is do not rush,
do not rush to judgment, review the
entire City government from top to
bottom for the next three years and
allow the community to make comment,
and we should have hearings in all
corners of the City of New York. I
believe to have limited hearings just
in certain communities is a violation
of the Voting Rights Act, and I would
encourage you to give serious
consideration to these comments.

Thank you.

 CHAIRMAN GOLDSTEIN: Thank you
very much. Yes -- oh, I'm sorry.

 COMMISSIONER COHEN: I have a

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question for the Council Member.

COUNCIL MEMBER JAMES: Yes.

COMMISSIONER COHEN: I'm going to take a flier here and guess that you are referring to Atlantic Yards.

COUNCIL MEMBER JAMES: How did you guess?

COMMISSIONER COHEN: Okay. So I want to ask you, because you did reference the particular problem of a State property in the land use review.

COUNCIL MEMBER JAMES: Let me just say the Atlantic Yards Project is not a wholly state property. The only part the State owns is the rail yards. The City unilaterally decided to give away the City streets in an agreement with the Governor of the State of New York without any consultation of any of the local elected officials and/or the community.

COMMISSIONER COHEN: Okay.

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You're jumping ahead. I wanted to get to that.

COUNCIL MEMBER JAMES: I anticipated your question.

COMMISSIONER COHEN: But -- so of course the particular problem with Atlantic Yards, as with the other State properties, is that it is not subject to ULURP.

COUNCIL MEMBER JAMES: Correct.

COMMISSIONER COHEN: It's not actually a problem with ULURP, it's a problem with State and, for that matter, Federal properties not being subject to City jurisdiction.

COUNCIL MEMBER JAMES: Let me just stop --

COMMISSIONER COHEN: So I want to understand what your suggestion would be about how to deal with situations like that. With the Charter.

COUNCIL MEMBER JAMES: The rail yards, which is State owned, is only

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one part of Atlantic Yards. It's a significant number of City streets and City-Owned property that the Mayor of the City of New York unilaterally decided to enter into an agreement with the State of New York. That was not subject to any review by the City Council, the Borough Presidents, or any -- it was not subject to any consent or comment by the public.

COMMISSIONER COHEN: So that was a transfer of City-Owned land --

COUNCIL MEMBER JAMES: Yes.

COMMISSIONER COHEN -- to the State?

COUNCIL MEMBER JAMES: Correct. And the State in turn gave it to this developer to operate previously City-owned streets as its own.

COMMISSIONER COHEN: So now we are stretching my understanding of ULURP but just bear me out. Normally in a disposition of City-owned

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property that would have to go
through ULURP?

COUNCIL MEMBER JAMES: Correct.

COMMISSIONER COHEN: Are you
saying that if the form of the
recipient of the disposition is the
State then it does not go through
ULURP?

COUNCIL MEMBER JAMES: What I'm
saying is that in a case where you
have State-owned property and
adjacent to City-owned property and
the Mayor of the City of New York
would like to dispose of that
City-owned property, it should be
subject to the City Council as well
as Community Boards as well as --

COMMISSIONER COHEN: So it was
not, you're saying --

COUNCIL MEMBER JAMES: It was
not.

COMMISSIONER COHEN -- in this
particular case the disposition of
City-owned property which would

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normally go through ULURP.

COUNCIL MEMBER JAMES: Was not.

COMMISSIONER COHEN: Did not go through ULURP --

COUNCIL MEMBER JAMES: Correct.

COMMISSIONER COHEN: It was a transfer of the State.

COUNCIL MEMBER JAMES: Correct.

CHAIRMAN GOLDSTEIN: Thank you very much.

We are joined by New York City Comptroller John Liu.

COMPTROLLER LIU: Thank you very much, Chairman Goldstein, and members of the Commission. I want to thank you for your hard work and all of your efforts to make New York City government more effective.

It's been 110 days I've been on the job as New York City Comptroller. I'm gratified every day for the opportunity to serve. I've become intimately familiar with the workings of the Comptroller's office and so

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today I present with you five suggestions on how the capabilities of the Comptroller's office can be better utilized to make New York City government more effective for all of the people of this great city.

I'm not going to go into all five of them. I have written testimony for you. I'd like to defer as much of my time to the public as possible, because I know we have a lot of people to hear from.

One of the five recommendations I will briefly summarize for you was already in a letter that I handed out at the very first hearing and that has to do with our overall budget process in this City. A budget process that is dominated by negotiations between the Mayor and the City Council on how to spend the money. But the other side of the equation, setting the expected revenue for the following fiscal

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year, that is completely one sided.
It happens to reside with the Mayor's
office. They have the complete
authority to estimate the revenues.
And that determines how much can be
spent. But so long as one side of
those negotiations -- and whether
that's the Mayor or the City
Council -- so long as either side of
the negotiations have the unilateral
authority to set that revenue
estimate, it is inevitable that there
will be this annual "budget dance"
that goes on. This "budget dance"
results in a budget process that is
far less than efficient, it's less
than effective, and it results in
some waste of taxpayers' money. So I
ask you to take that authority to
estimate the following year's revenue
and put that in an independently --
in a separate, in a separate entity.
And of course I would humbly suggest
that that be put into the

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Comptroller's office, because we already have the tools and the capability and the skills to make those kinds of economic projections and revenue estimate.

And with that I want to thank you once again for your hard work. And I want to thank the public. We have yet another great turnout, and let's hear what they have to say. Thank you.

CHAIRMAN GOLDSTEIN: Thank you, Mr. Comptroller.

I'd like to hear from some of the public here. I'd announce the next triplet: Stacie Sanchez, Stacie Evans and Joyce Weisberger.

Stacie Sanchez.

MS. SANCHEZ: That's me.

CHAIRMAN GOLDSTEIN: Welcome.

MS. SANCHEZ: Thank you. Good evening. My name is Stacie Sanchez and I'm here today to urge the Charter Revision Commission to revise

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the New York City Charter to include the Mayor's Office of Adult Education.

Currently I work as the Director at the Sunset Park Alliance for Youth in Sunset Park, Brooklyn. And as my role of the Director I can testify to the critical importance that the Mayor's office plays and why I feel it should be a permanent fixture of the City Charter.

The Alliance consists of six community partners in Sunset Park: Brooklyn Workforce Innovations-Fifth Avenue Committee, Center for Family Life in Sunset Park, Lutheran Family Health Centers, Opportunities For a Better Tomorrow, Southwest Brooklyn Industrial Development Corporation and Turning Point.

Our collaborative framework and network provides a safety net to help the participants of our adult literacy program advance their

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education.

 If the participants that I work with on a daily basis were here today, many of them would not be able to say more than "welcome" or "hello." That's because 49 percent of Sunset Park residents are foreign born. Census data shows that 80 percent of residents speak a language other than English at home and 48 percent report that they don't speak English well. The data begins to illustrate not only the need for services but also the need for a coordinated approach to addressing service gaps in the community.

 The Mayor's office works with community-based organizations in all five Boroughs to provide a vast array of services. These include technical assistance, funding, we receive funding from the Mayor's Office of Adult Education, resources, training, and to help their children with

1

2 homework and to continue to make
3 meaningful contributions in the city.

4

Each of the four agencies in the

5

Alliance currently offer English

6

classes consistently carry waiting

7

lists for classes some as long as 800

8

community members. With funding from

9

the Mayor's office the Alliance

10

partners were able to create 226

11

additional pre-GED slots in the last

12

fiscal year, and through capacity

13

building we've also been able to

14

place more adult learners in ESOL

15

classes and create partnerships that

16

provide vocational curriculum that's

17

so vital to our community.

18

My agency serves young people

19

ages 16 to 24, disconnected youth.

20

By this we mean young people who

21

aren't working and who aren't in

22

school.

23

The typical Alliance youth

24

presents with low literacy levels

25

compounded with an array of life

1
2 obstacles, including gang violence,
3 teen pregnancy, immigration status
4 and interaction with the juvenile
5 justice system.

6 Thanks to funding from the
7 Mayor's office, our six agencies work
8 collaboratively to make sure the
9 doors to our agencies are open and
10 ready to help these young adults and
11 their families.

12 We strongly advocate for the
13 Mayor's Office of Adult Education to
14 continue to provide these vital
15 services for all of New Yorkers.

16 Thank you very much.

17 CHAIRMAN GOLDSTEIN: Thank you
18 very much.

19 Stacie Evans.

20 MS. EVANS: It's always good to
21 keep all the Stacie's together.

22 Hello, everyone, my name is
23 Stacie Evans. I'm the Director of
24 Lutheran Health Family Centers
25 Community Empowerment Program, which

1
2 is our adult education and training
3 program. Thank you for the
4 opportunity to advocate for the
5 inclusion of the Mayor's Office of
6 Adult Education in the City Charter.
7 In my role as the Director of Adult
8 Education and Training and also as a
9 GED instructor in that same program,
10 I see firsthand the important role
11 that adult education plays in
12 strengthening and sustaining families
13 and communities. In Sunset Park,
14 nearly half of adults over 18 lack a
15 high school or GED diploma. 49
16 percent of adults in the community
17 have limited English proficiency. 54
18 percent of residents have incomes
19 below 200 percent of the income
20 poverty level. The difficulty
21 community members have finding and
22 keeping jobs that adequately support
23 them and their families. The
24 statistics also show that there's a
25 strong impact on the educational

1
2 attainment of children in the
3 community. Children's school success
4 is directly tied to parents' literacy
5 level. Children whose parents read
6 to them at home, teach them how to
7 write and use complex sentences in
8 everyday conversations, achieve
9 literacy sooner and score higher on
10 literacy-related assessments. Sunset
11 Park's data shows our children are at
12 risk of school failure. City funding
13 for adult education supports
14 communities by providing English
15 classes, GED exam preparation, job
16 training services, and supportive
17 counseling that helps participants
18 overcome barriers that might
19 otherwise pull them out of class and
20 derail their education and employment
21 plans.

22 Our program provides all of
23 these services in Sunset Park in
24 addition to the other programs that
25 are part of the Sunset Park Alliance

1

2

for Youth. Our job training program

3

helps prepare residents with low

4

educational attainment for entry

5

level health care positions. This

6

program, which is called the Bridge

7

to Health Careers program, was

8

developed with direct and ongoing

9

support and technical assistance from

10

the Mayor's Office of Adult

11

Education. Without that support our

12

program would have been de-funded and

13

closed its doors three years ago.

14

While data provides insight into

15

community needs, I actually prefer to

16

talk about our participants whose

17

stories provide the most compelling

18

evidence with the need to support

19

adult education by including the

20

Mayor of a Education in the City

21

Charter.

22

One of our students, an

23

Algerian man named (inaudible) came

24

into the program looking for English

25

classes and job training. In his

1

2

home country he had worked as a

3

nurse, but once he arrived here he

4

found that his credentials weren't

5

immediately transferable and had

6

begun working as a cab driver in

7

order to support his family. He had

8

missed working in health care, found

9

out about the Bridge program, and

10

enrolled in one of our vocational

11

ESOL classes. He recently became a

12

Certified Nursing Assistant and was

13

immediately hired by Lutheran where

14

he uses both his nursing experience

15

and fluency in Arabic, making him an

16

invaluable asset in his department.

17

Yolanda enrolled in our Family

18

Literacy Program. She spoke no

19

English. She was culturally isolated,

20

unemployed. She had two small

21

children and was completely

22

disconnected from their formal

23

education. In her work in our program

24

she has become an incredibly

25

proactive and involved parent. She

1

2

is now currently working for the

3

Department of Ed as a Parent

4

Coordinator and works continually

5

with both of her children to help

6

them improve their educations as

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well. The Mayor has been a champion

8

for community development and

9

economic empowerment. And adult

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education services are a vital part

11

of that mission. We urge you to

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support that mission by including the

13

Mayor's Office of Adult Education as

14

permanent part of the New York City

15

Charter.

16

CHAIRMAN GOLDSTEIN: Thank you,

17

Miss Evans.

18

MR. CONROY: Hi, I'm taking

19

Joyce's place.

20

CHAIRMAN GOLDSTEIN: You don't

21

look like Joyce.

22

MR. CONROY: Good afternoon

23

Chairman Goldstein and members of the

24

Committee, Commission. My name is

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Bob Conroy. I'm the Brooklyn Chair of

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the Independence Party.

There are over 27,000 Independence Party members and another 250,000 non-affiliated voters here in Brooklyn. Currently, these Independents are excluded from participating in the primary election where almost all of our elected officials are chosen. New York City is behind in the way it conducts municipal elections. 41 of the countries 50 major City's already have nonpartisan elections. Nonpartisan elections were part of a package of reforms advocated by progressives in the early 1900s but New York City missed the boat on them. Let's not miss the boat now. As Mayor La Guardia said seven decades ago, "There's no Democratic or Republican way to clean streets." Some critics say nonpartisan elections weaken the party structure, but there's no evidence of that.

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Take, for example, Chicago. They switched to a nonpartisan system for Mayor in 1995. And the Democratic party is alive and well in Chicago.

3

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Trust me. Here in Brooklyn, in the 2009 election cycle, only 8.4

8

9

percent of Democrats voted for City Council candidates in their primary.

10

11

This is only 6.1 percent of all voters in Kings County, and this

12

13

party primary determines City Council members because all the women of the Democratic primary won the election.

14

15

Not only did they win the election in a general election, it wasn't even

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17

close. The Democratic nominees won a total of 82 percent of the vote. The

18

19

closest contest was a margin of victory of 22 percent.

20

21

The general election is when

22

Independents get their opportunity to

23

vote. But these elections are not

24

competitive. We are relegated to

25

being a rubber stamp. The current

1
2 system leaves out tens of thousands
3 of voters from being engaged and
4 cultivated in the political process
5 and produces uncompetitive elections.
6 The partisan primary election is not
7 fair because it creates two classes
8 of voters. The first class is the
9 prime Democrats who determine the
10 City Council members, and the second
11 class is the rest of the voters.

12 In closing, Independents see
13 the only way for progress is to make
14 our elections fairer. Now is the
15 time to have election structure where
16 all the voters can participate
17 equally. I would urge the Commission
18 to take up the issue of nonpartisan
19 elections. Thank you for your time.

20 CHAIRMAN GOLDSTEIN:
21 Councilman Jumane Williams.
22 Welcome, Councilman.

23 COUNCILMAN WILLIAMS: Thank you
24 very much. Chancellor, as a CUNY
25 graduate, very proud, the community

1

2

is proudly represented. So thank you
for this opportunity. I'm going to be
brief, also allowing the public to
speak.

5

6

1. I just want to make sure
there is more community involvement
and I think we may not be off at the
best start, because I think the time
this was organized around the City
from 4:00 to 6:00 doesn't avail a lot
of people. I know we have a great
turnout and great to see this. I
think we can get some more if we can
get the time a little better period
when people can come after work and
things of that nature.

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Also and I think it be would
worth to try to have something on the
ballot this year. I think we need to
give some more time to have people
think about what it is they want to
see. Shoving it through 2010 I don't
think will give a good appearance of
trying to get the community involved.

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I think at the earliest we should

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have 2011. It's an off-year and

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sometime even maybe 2012. I want to

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be make sure that we just don't put

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the big issues in there, like term

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limits, and then leave smaller ones.

8

I think the public really wants to be

9

engaged of what's going on -- even to

10

the minutia -- as much as possible.

11

The Community Boards are very,

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very important. Be great if we can

13

give them some more power instead of

14

taking away the power. I think very

15

slowly we're eroding their power.

16

They should have a vote on the ULURP.

17

If it was up to me in terms of

18

security in schools, I think it would

19

be great to take security away from

20

NYPD so we don't have police in the

21

schools. We can give it back to the

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BOE or create another office who can

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oversee it. It would be great if the

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City Council could have more

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oversight on the CCRB. There's just

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no teeth to them right now and we really have to give some teeth to that institution.

I would like to see some more powers given to the City Council, particularly in terms of budget oversight, and in particular when it comes to contracts there's a lot of no-bid contracts. I think one side of government is allowed to give right now and the City Council just has no oversight on that. I think it's a lot of wasted money in terms of that.

Lastly, and I'm not sure if the Charter can do this, but there are certain committees that the City Council also has no power over, like the Rent Guidelines Board, and it's left up to one individual who is appointed to that. And I think those kind of committees, like the PEB, like the Rent Guidelines Board, if at all possible the Charter should make

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it so those appointments have to go
through the City Council and not just
one person.

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And I think with some more time

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it would be great to have a

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discussion on this and not shove

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through things. I think that's the

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biggest point I want to make sure,

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make sure this is not a rushed

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process. And I want to say thank you

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very much. I'm also very happy to

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see my Borough President represented.

14

Thank you very much.

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CHAIRMAN GOLDSTEIN: Thank you

16

councilman Williams.

17

The next three speakers are Ed

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Jaworski, Allen Bortnick and Nizjoni

19

Granville. If I mispronounced one or

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more I apologize.

21

MR. JAWORSKI: Good afternoon.

22

I'm Ed Jaworski, Executive Vice

23

President of the

24

Madison-Marine-Homecrest Civic

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Association located inside the

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southern end of Brooklyn Community Board 15. Representatives from the Mayor's office right down to the Community Board have my contact information and were advised that our civic association was meeting last Thursday. Absolutely no attempt was made to tell us about today's hearing. The same thing happened in 1998 when a new zoning rule came into being: ZR73-622, Special Permits. Only two people showed up at City Planning's hearing. All Borough Presidents at that time said the special permit idea should be scrapped, but Mayor Giuliani saddled it on 3 1/2 Community Boards in Brooklyn. I fear the public will also find out too late about Charter revisions.

Now here are four personal observations.

First, chapter 26 on Department of Buildings, 655, refers to the DOB

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Commissioner allowing exceptions for certain situations as long as the spirit of the law is observed. But he can't allow variances from BSA rulings. Yet we've seen DOB grant variances from what the BSA has approved by a Post Approval Amendments, PAA's. Last year Commissioner LiMandri acknowledged misuse of the PAA. So I think you should add a chapter, a section that if someone wants a PAA, they should go back to the BSA. As for Section 646 and 649, DOB needs significant help for investigation, enforcement, and conducting inspections, Criminal Court sentences of 30 days in jail and up to a hundred dollar fine should be increased to, say, 60 days and of \$20,000 fine.

Also I think adding a section is necessary on the modified use of, say, eminent domain. For a long time Stop Work Order sites before they

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lead to blight.

Second, chapter 27 on the Board of Standards and Appeals. In Section 659 the number of commissioners needs review and there must be appointments by someone besides the Mayor. A financial analyst is needed as is a known preservationist citizen advocate, something like parent representatives at schools. I'd like to see Tony Avella as a BSA commissioner. Section 663 says oaths may be administered. They aren't but should be. People at BSA hearings lie. Section 666 says the BSA has the authority to make and repeal rules but it doesn't. We've heard developer agents demand a permit "because you've given it to me in the past." The BSA should represent the public and not just developers.

Third. Chapter 70 on Community Boards. The Community Board appointment process needs to be

1

2 depoliticized. Basically, the
3 current process excludes
4 participation by all segments of
5 ordinary citizens and legitimate
6 civic associations favoring those
7 with political clubhouse ties.

8

Nominees from my civic group get
9 rejected because we are independent.

10

We are told there are no vacancies,
11 but then someone shows up who we've
12 never seen before. Community Boards
13 should exist, and I don't mean

14

privatizing them by throwing the
15 function within the Bloomberg

16

Corporation down the road, but the
17 selection process needs study. I

18

don't know if the answer is a lottery
19 or election, but there must be a term
20 limit also for appointees.

21

Finally, while you can't

22

legislate ethics, consider a chapter
23 that includes definitions such as

24

ethical behavior, accountability, the
25 spirit of the law, good of the

1
2 public, quality of life, character of
3 neighborhood, citizen input, and
4 proceeding in good faith. Thank you
5 very much.

6 CHAIRMAN GOLDSTEIN: Thank you,
7 Mr. Jaworski.

8 Allen Bortnick.

9 MR. BORTNICK: Before you throw
10 the timer, a wanted professor once
11 told me, "Everything is related to
12 the comfort of the gluteus maximus."
13 So for those of you who haven't been
14 able to budge behind the table feel
15 free to stand up when I talk. I'm
16 loud enough they can hear me. Just
17 push your chairs back and rest your
18 butts.

19 CHAIRMAN GOLDSTEIN: We've been
20 doing just that.

21 MR. BORTNICK: When the previous
22 Charter Commission met, I attended
23 the meetings, I was shocked to see
24 the people on the dais outnumbered
25 the audience and included the media

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at the same time. At that time, the big issue was the lack of publicity and worse yet, difficulty in locating the facilities where the meetings for public input were being held. Much of what is being repeated here today is the truth about the same situation. It's almost as if privacy for yourselves is more important than giving the public an opportunity to speak.

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I was disheartened by the results of the previous Commission and can only hope for better luck this time around. Thanks to Marty Markowitz, we have a better turnout than usual here tonight. New Yorkers deserve a better opportunity to have input when it comes to their government and the agencies we have to deal with. Thanks to 311, we have become as compartmentalized as possible. We have to explain to a representative what should be put

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into an E-mail that they send. And

3

then hope that some person within 10

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days to two weeks will respond to

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that in some fashion.

6

The Mayor is supposed to run

7

the City but when he seeks the power

8

to appoint agency heads who have no

9

experience in the field or agencies

10

oversees government ceases to

11

function properly. It takes more

12

than being a paper pusher or a budget

13

specialist to run DEP, DOT, DOS, and

14

many of the other agencies under the

15

letter "D". As a matter of fact, if

16

you check their statistics and how

17

they work, I rate them below D in

18

most cases when I have to give out a

19

grade.

20

The issue of term limits has to

21

be corrected and addressed so that

22

the City Council cannot raise their

23

own salaries, extend their terms in

24

office, and otherwise play footloose

25

and fancy free when laws are passed

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to keep them from acting in their own

3

interest, and to hell with the rest

4

of the people. Voter memories are

5

not short. It is apathy that keeps

6

them away from the polls because of

7

the trickery and deceit of how City

8

Hall operates. For your information,

9

everybody talks about statistics.

10

Let's use numbers. There are almost

11

five million voters. Four hundred

12

thousand people turned out in the

13

primary. They elect the officials we

14

see. And the City runs the basis of

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the election because of over a

16

hundred years ago they had to take it

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away from the politicians because the

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politicians had subverted the

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decisions and situations to such an

20

extent. What I would strongly suggest

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to you is that something be done

22

about that.

23

When I was going to college

24

there was a routine called "Trust Me"

25

that I heard. Saturday night all the

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2

guys are hanging out in front of the

3

candy store in their zoot suits,

4

porkpie hats and five-foot chains,

5

bragging about what they were going

6

to date and where they were going to

7

go and the wild sex that would follow

8

et cetera, et cetera. But there was

9

always one little pipsqueak who would

10

pipe up and say, "Fellows, tonight,

11

for a change, let's really do

12

something instead of getting together

13

in Dubrow's at 4:00 in the morning

14

and lying to each other over cold

15

cups of coffee."

16

I'm going to ask the same of

17

you people. You're going to hear a

18

lot of comments, a lot of criticisms,

19

and a lot of suggestions. I would

20

like you to really put your minds to

21

getting something done about it.

22

Carlo, I know you a long time.

23

You're a fighter. And perhaps you can

24

help put some feet to the fire.

25

Just two other little remarks.

1

2

In our judicial system we have two
3 appointed branches: Criminal Court
4 and Housing Court. I suggest they be
5 put into the elective form. You
6 people know what has to be done,
7 let's do it.

8

In addition to that, something
9 should be done about how the City
10 treats its residents with regard to
11 elections and gerrymandering within
12 the City. Outside of that, good luck
13 to all of you. And to the people
14 here tonight, thanks for coming.

15

CHAIRMAN GOLDSTEIN: Thank you.

16

Miss Nizjoni Granville.

17

Welcome, Miss Granville.

18

MS. GRANVILLE: Good afternoon,

19

Chairperson Matthew Goldstein,
20 Executive Director Lorna Goodman, and
21 other members of the Charter Revision
22 Commission. I'm Nizjoni Granville and
23 I'm Chairperson of Community Board 8.

24

As the New York City Charter is
25 tended to only sporadically, it is

1
2 imperative for certain elements that
3 residents of New York City have come
4 to rely on are maintained. As the
5 powers responsible for updating the
6 Charter, you have a fiduciary
7 responsibility to all of New York
8 City to ensure that the voice of the
9 community and the power of its
10 citizens is maintained via the local
11 government level as found in the
12 Community Board. New York City's 59
13 Community Boards are vital liaisons
14 between government, city agencies and
15 their respective communities. Our
16 effectiveness in handling and
17 mediating a wide variety of problems
18 cannot be overemphasized and should
19 be remembered during the Charter
20 review process. We are the link
21 between ordinary residents, their
22 local elected officials and
23 governmental agencies. We advocate
24 on their behalf and for the benefit
25 of the community at large. Our role

1
2 is many and varied and should not be
3 reduced to nonexistence because of a
4 desire of an individual, or
5 individuals, to pursue their
6 political agendas.

7 Additionally, we ask the
8 Charter Review Commission to
9 strengthen the Board's role in ULURP
10 to ensure that our residents' desires
11 are not brushed aside and discounted
12 as irrelevant. Too often developers
13 seek loopholes to avoid the input of
14 the community they are attempting to
15 infiltrate. Currently, ULURP is not
16 being optimally utilized as
17 developers are able to circumvent the
18 process if they receive government
19 funds that are not obtained from New
20 York City. This opens the door for
21 damaging construction and development
22 projects as well as an
23 over-saturation of social service
24 facilities with little or no
25 community input, no disclosure

1
2 information for residents, and
3 culminates in haphazard approach to
4 obtain amicable community relations.
5 Ideally, Community Boards should be
6 able to a review and approve all
7 government-funded use of real
8 property within their respective
9 Community District regardless of
10 purview.

11 While we realize this lofty
12 goal may not be sustainable based on
13 the small stature of Community
14 Boards, we would request, at the very
15 least, that ULURP be expanded to
16 require Community Board review and
17 approval of all projects and/or
18 contracts designed to provide
19 residential and supportive services
20 and also those projects designed to
21 provide affordable housing with or
22 without residential supportive
23 services where the funding source for
24 either is governmental or quasi
25 governmental entity or not-for-profit

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corporation dispensing funds from governmental or quasi governmental sources.

It is unfortunate that the quality of life in Community Boards of New York City's residents is being stifled and even ignored. The benefits of Community Boards' presence far outweighs the cost.

Consequently, we strongly urge you to maintain our presence and enhance the scope of ULURP and our role in the ULURP process in the City Charter.

Moreover, because the Charter is reviewed and revised only sporadically, it is imperative that voters are fully aware of what they are voting on come the November election. Consequently, we call upon the New York City Charter Revision Commission to meaningfully engage the public in its revision process, allowing residents to comment on the process as it unfolds and ensuring

1
2 that any question it places on the
3 ballot is clearly and concisely
4 written and conduct an extensive
5 public education campaign about the
6 ballot questions that voters will see
7 on Election Day. Thank you.

8 CHAIRMAN GOLDSTEIN: Thank you.

9 Next three speakers are Alvin
10 Berk, Tom Angotti and Glen Wolin.

11 I would ask that each of you
12 please pay attention to the
13 three-minute time limit because we
14 have a very large group of people.
15 That's the good news. But I want to
16 give everybody an opportunity.

17 MR. BERK: Thank you, Mr.
18 Chairman. I'm speaking on behalf of
19 Brooklyn Community Board 14, which is
20 Flatbush and Midwood, which I Chair
21 and because the Board has its own
22 deliberative process, which it hasn't
23 been able to complete, I have to
24 limit my testimony to those matters
25 about which the Board has had a

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chance to discuss, and I'm just going

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to zero in on one thing.

4

There have been numerous

5

suggestions that the Boards',

6

Community Boards' roles in land use

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be strengthened. And I am all for

8

strengthening the Community Boards.

9

I'm am a devotee of Community Boards,

10

having served on this one for 30

11

years and having chaired it for 20

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despite a one-year term limit

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provision in our own bylaws. Don't

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ask me how that happens, but I'm a

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very skilled chairman.

16

At any rate, the presumption

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behind the strengthening the Board's

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role in land use needs to be

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implemented in a way that recognizes

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the distinctiveness of each Community

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Boards and the distinctiveness of the

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neighborhood that that Community

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Board represents.

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The opportunities for

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development differ from Community

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Board to Community Board throughout the City. The opportunities for the utility of 197(a) plan differ from Community Board to Community Board depending on many things, including the amount of undeveloped land, the market value of the land, the extent to which the land is, let us say, preserved and conserved by its existing residents and many such things. So it be would a mistake for the Charter Revision Commission to accede to the requests of some of the speakers you have heard at this hearing, and others, to try to put in a planner in each Community Board.

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There's another reason that that may not fit. I mean, I'm speaking for Community Board 14 in Brooklyn. I'm just not sure that we could discover the utility of such a planner at this time given the way our Board is configured. However, we would be very much for strengthening

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the Borough Presidents' offices'

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planning capabilities and putting a

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planning team into the Borough

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Presidents' offices and have such

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planning teams available as a

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resource for Community Boards who

8

need to draw on them. I think it

9

would be more cost effective than

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putting a planner in each Community

11

Board. I think it also would allow

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Community Boards that do not want to

13

have a current focus on planning to

14

abstain from that focus.

15

Finally, with respect to the

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Community Boards, I'm just going to

17

give you an anecdote. And today, our

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District Manager, Doris Ortiz, met

19

with the police precinct, the Fire

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Department and the Sanitation

21

District and the Transit Authority to

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ensure that their involvement with

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the upcoming public celebration of

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the religious holiday Lag B'Omer

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would be fully understood and

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supported by local community and religious leaders.

The function of the District Manager in coordinating the local service activity should not be subordinated to the Community Boards land-use role. It's a vital function. It cannot be replaced by 311. Thank you very much.

CHAIRMAN GOLDSTEIN: Thank you very much.

Tom Angotti.

MR. ANGOTTI: Hi. My name is Tom Angotti. I'm a professor of urban planning at Hunter College, City University of New York, and I have a long history of community planning in New York City and, in fact, wrote the book on community planning, which I'm glad to share with you if you'd like to see it.

I want to talk about planning the City, which is a Charter mandated activity. And there are two parts of

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planning: Bottom up and top down
planning. And without both they're
really -- it's hard to conceive of
good planning in New York City.

The bottom up planning is
broken. In the 1989 Charter revision
there were changes that facilitated
the ability of communities through
Community Boards to present their
plans for approval, for official
approval. There are between 70 and a
hundred community-based plans. In
the last -- since 1989, only eleven
of those plans have been officially
approved and there's one good reason
for it. The City does not support
community planning, does not provide
resources, forces communities to go
through a long and endless process of
discussion and debate. And then when
the community plan is finally
approved, after the City Planning
Commission and City Council review
it, it is termed advisory. And that

1
2 in reality translates to mean
3 meaningless. It's a way of
4 discarding the plan, and that is why
5 people are not doing community plans
6 today, because they realize that all
7 of that time and effort is a waste of
8 time.

9 The City Planning Department,
10 which also does not do planning, does
11 rezoning's, and they brag about
12 having done a hundred rezoning's
13 since 2002. Zoning is not planning.
14 Zoning is changing the regulatory
15 environment. And the City Planning
16 Department has put all of its effort
17 into the rezoning's and does not put
18 its effort into planning.

19 Now, top down planning is also
20 broken. So this is something the
21 Charter can fix. The Charter can put
22 teeth into 197(a) planning, community
23 planning.

24 Now, one other thing that it
25 can fix is the top down planning.

1
2 Because there is no citywide
3 comprehensive City Planning
4 framework. It's open game and it's
5 open game for developers, it's open
6 game for communities, there's no
7 framework. That framework is
8 missing. In the absence of such a
9 framework, it was really praiseworthy
10 that Mayor Bloomberg in 2007
11 presented the long-term
12 sustainability plan, the 20/30 Plan.
13 This was a major step forward because
14 it was the first attempt to provide a
15 framework. There's some very good
16 things in that plan and there are
17 some things that are not so good.
18 That's another question for
19 discussion. But that plan was never
20 officially presented under Section
21 197(a) of the Charter for discussion
22 and approval by Community Boards, by
23 the City Council, by the City
24 Planning Commission and the Borough
25 Presidents; that in order for top

1
2 down planning to work it has to be
3 shared and discussed and open among
4 all levels of government.

5 And let me just end with one
6 note about the process that echoes
7 some of the things you've heard. I
8 think it really would be great if you
9 could get out to the neighborhoods
10 and the communities -- this is a city
11 of communities and neighborhoods --
12 and have your discussions. But also
13 there's another thing that's broken
14 about our public process.

15 CHAIRMAN GOLDSTEIN:
16 Mr. Angotti, I would like you to
17 finish.

18 MR. ANGOTTI: And that's the way
19 we conduct public hearings, which is
20 a one-way discussion. It would be
21 great if we could have a two-way
22 discussion. Thank you.

23 CHAIRMAN GOLDSTEIN: Thank you
24 very much.

25 Our next speaker. Are you Glen

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Wolin?

MR. WOLIN: I am.

CHAIRMAN GOLDSTEIN: Welcome,
Mr. Wolin.

MR. WOLIN: Thank you. And
thank you for this opportunity to
speak. I'm here as a member of
Community Board 14, and I'd just like
to give a little different
perspective.

The reason that I was picked to
be a member of the Community Board is
because of my neighborhood
activities. I'm on my neighborhood
association committee. I'm a CERT
Team Chief, that's Community
Emergency Response Team, and I had a
bit part in the rezoning of Flatbush.

Because of these activities I
was picked to be on the Community
Board. I think I represent a lot of
the members, volunteer members, of
the Community Boards throughout the
City. And what I'm here to advocate

1
2 is the strengthening of the Community
3 Boards and the increase of their
4 budgets.

5 There's very few things in the
6 City where you get bigger bang for
7 the buck when you get so many
8 volunteers who are willing to give
9 their time. I'm leaving here to go
10 to a committee meeting this evening
11 on our Community Board. So please
12 just keep in mind the importance of
13 the Community Boards and how we
14 represent the populations in our
15 neighborhoods. Thank you.

16 CHAIRMAN GOLDSTEIN: Thank you
17 very much. I didn't realize that we
18 were going to have a musical
19 accompaniment of our testimony.

20 I'm going to ask a few more
21 speakers and then we're going to take
22 a short break, because we have a
23 very, very long list of speakers and
24 I want to give people an opportunity
25 to stretch a little and to do

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whatever you need to do to get back into the room.

Theresa Scavo, Nadine Whipple and John Tyus.

I have, is it Whittle or Whipple?

MS. WHITTE: Whitte.

CHAIRMAN GOLDSTEIN: Oh, Whitte. So it's with a "T" so those are it. Theresa Scavo, welcome.

MS. SCAVO: Thank you. Good evening. I am Theresa Scavo, Chairperson of Community Board 15. I would like to thank the Commission tonight for giving me the opportunity to share some of my thoughts.

Our government has always been a system of checks and balances. We must never, ever, allow an individual to possess ultimate power, as I see is going on today. Community Boards are the core of local government. The members of my Board know our District better than anyone else. We provide a

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platform for area residents to voice their opinion about anything from alternate side of the street parking to zebra stripes.

Community Boards are the human element needed when a resident has a service delivery complaint. We are not the robotic 311 operators but rather a sympathetic, understanding and concerned listener.

Several months ago, a special permit application was filed for a house that was illegally constructed 11 years ago. As is the rule of our Board, all the adjoining property owners were notified of the public hearing. The next-door neighbor, an elderly 89-year-old woman, came to the public hearing to voice her dismay over this stalled construction site. She went on to say how she has endured rodent infestation and years of blocked sunlight hampering her quality of life.

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When the Board of Standards and

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Appeals had their public hearing at

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40 Rector in Manhattan, this woman

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could not attend due to her frail

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condition. Our Community Board

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provided the only forum for her, and

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so many others like her, who could

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not travel long distances to testify

10

and vent their years of pent-up

11

frustration.

12

I ask this Commission to give

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Community Boards a louder voice

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rather than trying to shut us down.

15

Thank you.

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CHAIRMAN GOLDSTEIN: Thank you,

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Miss Scavo.

18

Nadine Whitte.

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MS. WHITTE: Thank you.

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CHAIRMAN GOLDSTEIN: Welcome,

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Miss Whitte.

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MS. WHITTE: Thank you,

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Chairperson Goldstein and Members of

24

the Charter Revision Commission.

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Congratulations on your appointment

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to this most important position that
will shape the future of our City for
decades to come.

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Like many volunteer Community
Boards, this extremely important body
will shape the City's capacity to
confront issues and challenges.

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Currently, as District Manager of
Community Board No. 4 in Brooklyn, I
have gained much respect and
appreciation for the valuable
contributions made by Community
Boards that have made the interests
of local neighborhoods valuable and
effectively represented in the
municipal decision-making process,
though advisory.

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I implore the Commission not to
take action that will diminish the
role of Community Boards performed
under the current structure. On the
contrary, Community Boards' budgets
should be increased so that they
could continue performing their

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vitally important role in local

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government. The capital and expense

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budget priority process has provided

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the Boards with the opportunity to

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ensure that the allocation of these

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resources reflect the needs and

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interests of local communities. This

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has been true with regard to both

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major projects where the impact upon

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the local neighborhoods is obvious

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but also for those local endeavors,

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such as renovations of neighborhood

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parks, where the Boards' input in

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determining project design priorities

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has been especially valuable.

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The Commission should do

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nothing to diminish the Community

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Board's role in this vital area. If

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anything, it should consider

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implementing procedures that would

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require mayoral agencies to be more

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responsive to Community Boards'

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priorities. Working under a bare

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bone budget, Community Boards have

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2 provided valuable and extremely cost
3 effective services to communities
4 that they serve for over one-third of
5 a century. The cooperation
6 maintained between the District
7 Managers and the local Service Chiefs
8 in the District Service Cabinets has
9 also promoted the efficient and
10 community sensitive delivery of
11 neighborhood-based municipal
12 services. This resource must be
13 maintained.

14 While the difficult fiscal
15 times within which we now live
16 require a sharing of burdens, the
17 fact is that the Boards' miniscule
18 budgets simply do not contain the
19 economies of scale that would
20 mitigate the impact that proportional
21 budget cuts have on large city
22 agencies. In the Boards' case, the
23 loss of one staff person, or even
24 part-time worker, will have immediate
25 and substantial effects that cannot

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otherwise be mitigated.

For these reasons, the Commission should ensure that Community Boards' budgets continue to possess those resources that would enable them to serve their communities in the future as they have done in the past. Thank you very much.

CHAIRMAN GOLDSTEIN: Thank you, Miss Whitte.

John Tyus.

Welcome, Mr. Tyus.

MR. TYUS: Good afternoon. I hope you guys had a great day. I had a great day. The weather was lovely. As usual in New York, when it's sunny outside the folks come out, as you can see. In any case, I just wanted to address you because I am a member of Families United For Racial and Economic Equality. I'm also through them a member of an alliance called Right to the City, and we have a few

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requests that we would like to put forward with regard to your work.

Now, one of the things that you've been hearing, a running theme, is slow it down. The reason we want you to slow it down is because the government that we have in this country and in this City is supposed to be for the people, by the people. But you will be ignorant of what the people want unless you go out and meet the people. So one of the first steps I think you should take is not just in an effort to make it transparent, but in an effort that you hold yourselves accountable is go to the communities and visit the schools and see how they're running. Go to a City Council meeting and see how it's running. Go to a Community Board meeting and witness what is taking place there.

I was recently at a Community Board meeting in District 3. A

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developer got up and presented four

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properties that were priced at

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\$500,00 and two properties at

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\$635,000. That community has average

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income of its representation of the

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entire community of about \$14,000 to

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\$18,000. Now, that does not reflect

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properties that were built for that

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community. That is a gentrification

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tool to bring in higher earners with

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greater income and stronger

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taxpayers. So as a member of that

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community, it disappoints me to see

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that the government is not acting in

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the interests of the people.

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And recently we had an election

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for Mayor. I'm sure you're all aware

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that the numbers were very, very

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disappointing, particularly on the

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heels of an election for president,

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where we saw almost 5 million New

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Yorkers vote. Well, the apathy in our

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voters, the apathy in the community,

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the disengagement of the process

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comes as a result of government

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officials coming in with developers

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and making announcements to the

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community where the Community Board

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and the members of the community have

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no say or authority over what is

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going to happen in their

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neighborhood. And that is quite

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unfortunate, and in many cases it may

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be criminal.

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Another point that I want to

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make is that we speak in a language

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in City government that the community

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doesn't understand. What is the IDA,

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CDC, CRC? Are they authorities? Are

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they agencies? What the hell are we

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talking about?

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We want in the community a

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balance of power. A fair balance of

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power. Transparency, accountability.

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We want the opportunity to speak as

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long as an elected official. Any race

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that you've ever witnessed in your

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life was no fun when you knew who the

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winner was going to be before the

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race started. Okay? And we're asking

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you that you have this opportunity to

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exercise your powers of authority,

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your powers of engagement, your

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powers of intelligent. And I can

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assure you, I'm not familiar, with

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all your careers, but many of you I

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know and I know you have worked for

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the City for many, many years, and I

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know you want to leave this City in

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better condition than it is. And if

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you do not use your powers

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effectively it would be ridiculously

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criminal that you did not exercise

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the greatest power while this

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opportunity was on your watch. Thank

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you.

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CHAIRMAN GOLDSTEIN: The next

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three speakers will be Jose Lopez, Ed

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Eisen and Deanna Bitetti.

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Mr. Lopez is not here?

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Ms. Lopez. Is it Ms. Lopez.

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Mr. Lopez.

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MS. FAJARDO: I'm --

CHAIRMAN GOLDSTEIN: You're to provide testimony.

MS. FAJARDO: Yes.

CHAIRMAN GOLDSTEIN: Just please identify yourself.

MS. FAJARDO: Hi. My name is Yesenia Fajardo. I'm 16 years old, a member of the Right to the City Alliance and Make the Road New York.

The Right to the City Alliance is made up and led by grassroots organizations working in low-income immigrant and other communities of color throughout New York City to achieve community social change.

First, I want to urge the Commission to slow down the Charter revision process. The last time this process happened it took three years. I know that the elections are coming up in November and that six months is not enough time to review the City Charter with substantial community

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participation.

Second, community participation means participation from the entire community. One way to make Community Boards reflective of the entire community is to have young people, people like me, 16 years old, on the Board to talk about youth issues.

I think it is unfair to say that Community Boards represent whole communities when youth truly left out. Thank you.

CHAIRMAN GOLDSTEIN: Thank you.

Ed Eisen.

MR. EISENBERG: Eisenberg.

CHAIRMAN GOLDSTEIN: Eisenberg.

MR. EISENBERG: Right. Very proud of that.

MR. CHAIRMAN GOLDSTEIN: I have to put "berg" at the end there.

MR. EISENBERG: My name is Ed Eisenberg and I speak for myself but I also speak from the heart. I'm a member of Community Board 15 for 35

1
2 years. Borough President Sebastian
3 Leone pointed me. My wife said she
4 met an outgoing guy. Every night I
5 go out.

6 But I just want to say how
7 important Community Boards are. They
8 are the first thing that the public
9 comes to. I'm with Community Board
10 15. And I'm so proud of it, because I
11 can see what we can accomplish and I
12 can see what we can't accomplish. And
13 we can accomplish a lot more if our
14 funding are increased. If we got
15 more publicity about the good things
16 we did, not the bad things we did.
17 We all work hard. We all attend
18 meetings. I think we have a wonderful
19 Chairperson. I also do volunteer
20 work for the local media, and I try
21 to publicize our meetings. Our
22 meetings are always publicized,
23 everybody's welcome. Sheepshead Bay,
24 Manhattan Beach, the capital of New
25 York. I hope you come down to visit

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us. Come to one of our meetings.
See what we can accomplish and what
we could accomplish with a lot more
money. Thank you so much.

CHAIRMAN GOLDSTEIN: Thank you,
Mr. Eisenberg.

Deanna Bitetti. Welcome.

MS. BITETTI: Thank you,
Chairman Goldstein, members of the
Commission, members of the public.
Thank you for this opportunity to
speak. And actually I have to say I
may work in Manhattan but it's always
good to come back to Brooklyn. So
thank you, thank you.

Actually, I'm here today
representing Common Cause. My name
is Deanna Bitetti, the new Associate
Director of Common Cause/New York,
for those of you who don't know, is a
nonpartisan advocacy organization
founded as a vehicle for citizens to
make their voices heard in the
political process and to hold

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government accountable.

As an organization that has long advocated for meaningful government reform, we look forward to working with this Commission to further strengthen the time New York City Charter and the Charter revision process. As we all know, the Charter Commission plays a key role in structuring how our City government is going to be made up. A lot of the things that this Commission is charged with reviewing will be assigning power among agencies and officials, setting the rules for legislating official conduct, oversight and approval of City practices and contracts, community participation, the formation and expansion of Community Boards, approval of the City budget, land-use processes/procedures as well as the financing of campaigns for elected city office as well as lobbyist

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2 disclosure conduct, among a plethora
3 of other areas, including term
4 limits, which we've all seen the
5 controversial effects of what
6 recently has happened and why so many
7 New Yorkers are deeply invested in
8 this decision.

9 I'll reiterate on behalf of
10 many speakers, everybody before me,
11 besides reading my own testimony,
12 there is no rush in this process. The
13 complexities of the nature of the
14 things the Commission will be looking
15 at, the importance of these issues,
16 are just too important to rush
17 through this process.

18 The Mayor also charges this
19 Commission with conducting an
20 extensive outreach campaign that
21 solicits ideas and recommendations
22 and from a variety of civic and
23 community leaders. As we've also
24 heard today, not to be redundant,
25 there needs to be more outreach.

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Perhaps using different types of
media and technology. There also must
be a solicitation from the
communities of the timing of these
meetings.

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I will be very real with this
Commission. I get paid to be here.

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I was able to leave my office at 3:00
o'clock to come here and sign up. I

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cannot say the same thing if I didn't
work for an organization that was so

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heavily involved in government. I

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can't say the same thing. Prior to

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this I worked for an elected

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official, so I know what that's like.

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So I would ask the Commission,

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please, going forward, moving

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forward, look out for your

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communities. Allow people that work

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to have a say in this.

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On the issue of term limits,

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which I will have to go into in the

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short time I have left, Common Cause

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has traditionally been against term

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limits. However, if we were going to

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have a look at term limits, revision

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of the current term limits law is too

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important, too nuanced to be rushed

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through. What is needed is broad

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public discussion initiated by

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elected officials. By the public-at-

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large. By an education campaign. By

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putting this to term limits on the

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ballot. By allowing the public, the

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people that you have invited out

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here, to make that decision. And

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unfortunately I have run out of time

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and didn't even get through half my

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testimony.

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CHAIRMAN GOLDSTEIN: We have

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your testimony.

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MS. BITETTI: I do.

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CHAIRMAN GOLDSTEIN: We will

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read it and thank you.

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We'll do three, and then we're

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going to take a break.

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Theo Moore, Chris Keeley, and

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David Casavis. If you all get ready

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to come up.

Mr. Moore.

MR. MOORE: Hello.

CHAIRMAN GOLDSTEIN: Welcome.

MR. MOORE: Thank you. My name is Theo Moore, also from Common Cause/New York. I just want to talk briefly -- I also have submitted testimony -- about Community Boards.

Community Boards, as we all know, are unique as they are one of the only offices as it's mandated to act as a vehicle for citizens to engage their local government and increase participation in the legislative process basically by empowering residents to stay informed, impose recommendations on the broad range of pressing issues affecting their communities.

Broadly assigned by the City Charter to consider the needs of the District in communities in which it serves, the Boards have often been

1
2 limited by their ability to do so by
3 the ineffective communication tools
4 at their disposal, shrinking budgets,
5 and lack of access to proper funding
6 for all of the things that they need
7 to do.

8 ULURP, the input of Community
9 Boards on the NYS Liquor Authority
10 regarding the issuance of liquor
11 licenses and the Community Boards'
12 roles in recommendations for zoning
13 adjustments in their neighborhoods as
14 well as their advisory position on a
15 whole host of issue areas help to
16 shape the communities by the people,
17 for the people, who live in them.

18 We at Common Cause/New York
19 believe in the importance of
20 Community Boards. We do not agree
21 with those that, you know, say that
22 Community Boards should be abolished
23 or limited in their roles. In fact,
24 exactly the opposite. We want to see
25 changes in the Charter that would

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allow for Community Boards to have more power.

One impediment of Community Boards that Community Boards face engaging the public to participate is the fact their recommendations are solely advisory in their nature.

Their powers should be clarified and strengthened in any revision of the Charter. First and foremost, the way in which Community Board members are chosen should be revisited. By tilting the process towards or toward Borough Presidents' control and the independence of Community Boards are compromised. We believe that a system of appointments should be changed to ensure that Community Boards are completely independent entities. Members should not fear reprisals or ouster from any Board for disagreement on policy issues between either them or other members of the Board or with any elected

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officials or the Borough President,
as they sometimes do.

The current structure as it is
discourages citizen participation and
hurts the credibility of Community
Boards in general. Further, Community
Boards should be given the support
and resources needed to fulfill their
mandate. Members should be provided
with adequate and meaningful
training. Boards should be assisted
in using new media devices such as
Web site creation, E-mail and other
technological resources in order to
reach as broad a population within
their communities. This should
include a thorough review of the
consideration of budgets of the
Boards to ensure they are properly
funded to carry out such endeavors.
Consideration should be given in
providing a guaranteed annual budget
to Community Boards. Greater access
to the Mayor's office and other

1
2 government offices are also integral
3 in ensuring that Community Boards
4 have assets to pertinent information
5 that can be shared and reviewed by
6 the communities. You guys have the
7 rest of my testimony.

8 CHAIRMAN GOLDSTEIN: Thank you
9 very much, Mr. Moore.

10 COMMISSIONER CASSINO: One
11 question. Can you tell me for the
12 past, the speaker?

13 MR. MOORE: Yes.

14 COMMISSIONER CASSINO: Can you
15 tell us if Common Cause has a
16 position? You were speaking on
17 behalf of Common Cause, correct?

18 MR. MOORE: Yes.

19 COMMISSIONER CASSINO: Do they
20 have a position on -- you mentioned
21 reforming the appointment process to
22 Community Boards. What's the
23 position on that?

24 MR. MOORE: We're still working
25 on a very formal position. But we

1
2 just know right now the appointment
3 process as it currently stands just
4 is not working. So if this is
5 something that you guys will look
6 further into by the time you come
7 around to the next round of hearings
8 in May and June then we'll have a
9 formal recommendation.

10 CHAIRMAN GOLDSTEIN: Chris
11 Keeley.

12 MR. KEELEY: Thank you, Mr.
13 Chairman. My name is Chris Keeley.
14 From the way we walked in it seems
15 like it's the Common Cause lineup
16 here. Until recently I was with
17 Common Cause. Currently I'm the
18 coordinator of the New York Stimulus
19 Alliance and serve on the Municipal
20 Affairs Community, Citizens Union,
21 but I'm testifying in my personal
22 capacity today. And what I wanted to
23 talk about a little bit is the
24 process that a lot of people have
25 already talked about. And we heard

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Councilman Lander talk about, he actually quoted, I think it was the de Tocqueville when he first walked in, so maybe this will be our almost municipal version of de Tocqueville. I'm going to quote from Fritz Schwarz, Chair of the 1989 Commission. What he wrote with Eric Lane about 10 years ago was that the "...legitimacy of government efforts in democracies is anchored in the processes for Charter Revision Commission process is particularly important. Its members are not elected and, once appointed, they can not be removed or replaced. Its budget is protected against legislative interference; certain type of competing commissions are prohibited. While the public's right to reject the Commission's proposal at referendum means the Commission may not simply dictate that public right is only to say Yes" or No. This

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2 together with the great power and
3 responsibilities of a Charter
4 Commission create an obligation for
5 them in 1989 to be open and engaged
6 in a meaningful and extensive
7 dialogue with the public throughout
8 their work.

9 I think that you all understand
10 that that's still your charge here
11 today. But what I wanted to offer
12 from this writing was some of the
13 suggestions that they offered in
14 terms of that outreach. What they did
15 in 1989 was an outreach program that
16 included placing posters about the
17 Charter process in the subway system;
18 putting notices about the Charter
19 change in telephone bills;
20 distributing a booklet of games and
21 puzzles explaining the City's
22 government systems to libraries,
23 unions, literacy programs and
24 schools; distributing fliers to every
25 city worker -- at that time 385,000

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-- and making public service announcements.

I heard at the first public meeting that you had about a month ago now, someone had asked will people be able to submit testimony via 311. I'd also like to flag that as an opportunity for us going forward.

I think that this is moving very quickly. I think we do need to slow it down, and I'd like to submit the final 52 seconds of my time, Mr. Chairman, for you to actually talk a little bit about what you think the next round is going to look like, these expert committees, these expert panel hearings. I'd be interested to hear about how they're going to take shape and what the discussions have been so far in terms of the likelihood of things going on this November's ballot versus following out through a two-year

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process.

CHAIRMAN GOLDSTEIN: Well, I think it's still premature for us to take positions on some of the process that you're referring to. Obviously we have some time now after five public hearings to absorb a tremendous amount of information, and our staff is going to work very closely with the members of the Commission to pull out from that enormous set of very, very interesting ideas and suggestions what we think are really the substantive kinds of issues, and many of them have been repeated over and over again. And again they're being repeated tonight.

At some point we will impanel several groups of experts to really drill deep into the bedrock of these issues to help us understand not only nuance but great substance in history. And from there that process

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will take some time. And from there

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obviously we're going to need to come

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to some ideas ourselves and then

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share these ideas with the public and

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get them to respond in ways that

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they're responding tonight, so we

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have a long way to go.

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I don't think we're rushing the

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process at all. We do have an

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election coming up but there are

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elections in 2011 and elections in

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2012. And the Commission at some

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point will need to determine when

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they're going to make decisions about

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when they're going to bring ideas to

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the public and that is not nearly

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ready for that kind of disclosure.

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MR. KEELEY: And those expert

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panel discussions in the next section

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will be closed discussions for

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"invite only"?

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CHAIRMAN GOLDSTEIN: No --

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MR. KEELEY: Excuse me, not

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closed, they'll be open to the public

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but "invite only."

CHAIRMAN GOLDSTEIN: All of our discussions, all of our discussions to the public, we made that commitment when we had our initial meeting and will continue.

MR. KEELEY: And speakers will be "invite only."

CHAIRMAN GOLDSTEIN: I'm sorry?

MR. KEELEY: The speakers will be "invite only" for that expert panel round, just to be clear?

CHAIRMAN GOLDSTEIN: This is something we have to discuss among ourselves first.

MR. KEELEY: Thank you.

CHAIRMAN GOLDSTEIN: David Casavis.

MR. CASAVIS: My name is David Casavis. And I ran for Manhattan Borough President in 2009. I've been in contact with Barry Poppick who ran for Manhattan Borough President in 2005.

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I've come here to Brooklyn to

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Speak for two majorities in the City.

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The first majority are the number of

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people who do not know what the

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Borough President does. It's amazing

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how many people cannot tell you and

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how many people are active in

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government who come up to me and ask

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me, "Can you finally tell me what the

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Borough President does?" Barry

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Poppick has some interesting things

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to say about it which are not

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entirely printable. The second group

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majority I would like to talk about

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who do know what the Borough

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President does, and they would be in

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favor of eliminating the Borough

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Presidency.

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I wanted to talk a little bit

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about the legal backgrounds of this

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because we have two governments in

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this City. We have a lawful

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government, the City Council. The

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City Council is the lawful government

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of the City of New York. We have an
unlawful government, declared illegal
by the U.S. Supreme Court in 1989,
and that was the Board of Estimate.

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We have a leftover from that period
and ask in anyplace where there are
two governments you get pushback, and
that's what we're seeing. We're
seeing an awful lot of pushback from
the Borough Presidency and we're
seeing a lot of anxiety.

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I want to say that the

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Community Boards are very responsive

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and they don't entirely understand

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their position in that they're in

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both worlds. They're in two

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governments. A lot of people don't

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realize half of the appointees to any

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Community Board come out of the

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lawful government, come out of the

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councilmanic districts. And the other

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half come from the old government,

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the illegal government, that is

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what's left over from the Board of

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Estimate. So some of the anxieties that our Community Boards suffer are not warranted at all. They just have to look at themselves as having a foot in both worlds.

Now, I also want to say that there are problems I've encountered in my campaign and over the year, and that is that there are sovereignty issues, and I'm glad I'm coming here to Brooklyn because Brooklyn does have a sovereignty issue. It was once a city, and there are a lot of Brooklynites who remember that. And I know that places like Staten Island and Brooklyn have intertwined their feelings towards the Borough Presidents. These old feelings that predate the Borough Presidencies, and I wish to say to you legally, when you think about this, remember the Borough President was never the Mayor of Brooklyn. The Borough President was never the Mayor of Staten Island.

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It's just an urge. And it's

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legitimate too. There are many

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people who would love to have the

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Dodgers again, and I like them too,

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but you can't repair it by saying

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that you have a Mayor of Brooklyn or

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that you have a Mayor of Staten

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Island. You have to look at this and

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say we have two -- okay, let me just

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say -- okay. You have two

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governments and you have to make a

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decision. It's a big bullet. And you

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can't dodge this. That's what this

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is about. That's what Charter

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revision is about.

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I have one quote I do want to

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read in this. "When you do listen to

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many voices it is difficult for a man

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to understand something when his

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salary depends on his not

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understanding it." That's Upton

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Sinclair, it's not me. Thank you

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very much.

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CHAIRMAN GOLDSTEIN: We will now

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take a very short break for several minutes and then we will reconvene.

(Whereupon, between 6:36 P.M. and 7:03 P.M. a short recess was taken.)

CHAIRMAN GOLDSTEIN: Okay. Let's get back to the list of speakers and again I'm going to do this in groups of three so that there's no clogage in the arteries coming up to the microphone.

Starting with Joan DeCollibus, Julie Menin and Mel Wymore.

Is Joan DeCollibus here?

MS. DeCOLLIBUS: Yes.

CHAIRMAN GOLDSTEIN: Yes, she is. Welcome, Miss DeCollibus.

MS. DeCOLLIBUS: Thank you. Got my name straight on.

CHAIRMAN GOLSTEIN: Did I pronounce your name correctly?

MS. DeCOLLIBUS: Yes, perfectly.

Good afternoon, Commissioners, or good evening Commissioners, and

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Chairman Goldstein. Thank you for this opportunity to testify. My name is Joan DeCollibus. I'm a Manhattan resident. I am a visual designer by trade. I work primarily in the field of Web development as a business owner and corporate executive for the past 25 years.

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In 2009 I relocated to New York City from Massachusetts. And when I arrived I was very surprised and very disappointed to learn as an Independent I could not vote in the primaries. This was not the case in Massachusetts where Independents have the right to do so.

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When I moved to New York City I enthusiastically joined the Independence Party. And while there's not an official party in Massachusetts for Independents, I was an unaffiliated voter for years and my right to vote in the primaries was guaranteed for all elections.

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Being a member of a party that represents my views is very meaningful to me and I want to live in a city that does not exclude me from elections and one that supports basic Democracy for its residents.

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Therefore, I urge the

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Commission to put an initiative for nonpartisan elections on the ballot so that I and other Independents can fully participate in the political process of this City.

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Thank you very much.

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CHAIRMAN GOLDSTEIN: Thank you.

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Julie Menin.

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MS. MENIN: Thank you, Mr.

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Chairman. I'm Julie Menin, I'm Chairperson of Community Board 1 in Lower Manhattan, and I'm here to testify tonight on ULURP, which we all know stands for the City's Uniform Land Use Review Process. My personal opinion of it is absolutely not uniform. It's a complete

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1
2 misnomer to call ULURP uniform, and I
3 say that because there are absolutely
4 no clear standards that guide the
5 ULURP process. This is in stark
6 contrast to what exists in cities
7 across the United States.

8 For example, if you look at the
9 City of San Francisco, they have a
10 land-use process where there are
11 mandated set-asides for affordable
12 housing, for school seats, for
13 transit fees, for open park space,
14 and there are many other cities that
15 use variations of that.

16 What I'm recommending that this
17 Commission consider is specifically
18 revamping ULURP by looking at the
19 best of what other cities are doing.
20 We don't really have comprehensive
21 land use planning here in New York
22 City, and where I think it is most
23 problematic is in the area of school
24 overcrowding. So, for example,
25 projects are approved all throughout

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the City and it leads to the

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overcrowding of our schools. Why?

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Because there's no nexus between the

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development that is on the table and

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then the school overcrowding that

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usually ends resulting.

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At Community Board 1 we had

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just passed a resolution to address

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this, and specifically what we're

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recommending is that there be eight

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different considerations be given in

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the ULURP process.

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First and foremost, whether the

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proposed project places significant

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demand on local schools and

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infrastructure.

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Second, whether the proposed

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project makes a positive contribution

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to community infrastructure.

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Third, whether the proposed

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project impacts either positively or

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negatively affordable housing in the

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community.

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Fourth, whether the proposed

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project contributes to environmental sustainability.

Fifth, whether the project provides open space for public use.

And six, whether the proposed project assists in the creation of an active street scape.

Seven, whether the project design and building materials relate appropriately to surrounding buildings and neighborhood context, i.e., is it contextual? And eight, whether construction will cause significant disruptions.

If we could once and for all actually get a comprehensive land use planning for New York, especially given the fact there'll be one million new residents in our city over the next coming years, this is quite frankly what we need to address: School overcrowding, the infrastructure, problems we have with open space, and I really think that

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it's absolutely high time that New York have comprehensive planning.

It's in my opinion, having been a Community Board Chair for the past five years in the fastest growing residential neighborhood, Lower Manhattan, I think it's a travesty that we have not adopted the best principles that other cities have done.

COMMISSIONER CASSINO: Thank you. Thank you for your comment. Your Board's proposal is very thoughtful and will be very helpful to us.

Did your Board take a position -- in addition to these items -- any position on your role in the process vis-a-vis your recommendations should they be -- is the Board fine with its current role as advisory? Was there any discussion of that?

MS. MENIN: Yes, there was. No,

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we are not okay with being advisory.

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I mean, I think the real problem

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emanates from the fact the Community

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Boards are advisory and, again, they

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have no standards. Community Boards

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are left willy-nilly to be grappling

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with these large issues. There are

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no standards on Community Benefit

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Agreements, for example. Are they a

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good thing? A bad thing? There

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should be standards. Why in one

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community should there be a giveback

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in terms of a school or park and

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another community then loses out? I

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mean, if you really look at all the

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major projects that have been

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approved, particularly in the last

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eight years, you will see absolutely

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uneven results and this is a problem

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for that I think exists because of

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ULURP. It's an unintended

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consequence.

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ULURP was passed, as you know,

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to try to give communities a larger

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voice. It had, in my opinion,
absolutely the opposite effect. So,
no, we don't believe it should be
advisory. We think that Community
Board's role quite frankly should be
strengthened and it should be
codified.

CHAIRMAN GOLDSTEIN: Thank you.

MS. MENIN: Great. Thank you.

CHAIRMAN GOLDSTEIN: Mel Wymore.

MS. MENIN: She's not here. She
had to leave.

CHAIRMAN GOLDSTEIN: Okay. The
next three speakers are Sienna
Blanchard, Meredith Stan and Raphael
Mendez.

Miss Blanchard?

MS. BLANCHARD: Yes.

CHAIRMAN GOLDSTEIN: Welcome.

MS. BLANCHARD: Thank you.

My name is Serena Blanchard.
I'm here this evening to speak on
behalf of the Kings County Democratic
County Committee.

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We are strongly against revising the City Charter to establish nonpartisan elections, as we believe they would undermine the Democratic process in New York City.

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We believe that our current Democratic process is very representative. One need only look at the diversity among our District leaders and other elected officials from Brooklyn to see how they represent all the communities within Brooklyn. We believe it be would a serious mistake to make such a major change that would have such a broad impact without more time to review and consider the consequences.

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Further analysis and research must be conducted, and having this change go into effect for the November election would make such a study impossible. Thank you.

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CHAIRMAN GOLDSTEIN: Thank you very much.

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Meredith Stan. Do I have it reversed? Stan Meredith?

MR. STAN: I know. It's Meredith Staton.

Good evening, Commissioners. I'm a member of Community Board 8. I'm also a member of CRHHS, the Crown Heights Historical Association, and I'm a member of CERT, and I'm the Captain of the 77th Auxiliary Police Unit in my precinct.

I've been on this Community Board since Community Boards were existing, so I have a long history of a lot of things that people are talking about.

I hear people make statements that I don't quite agree with. For instance, we need a strong Borough President's office. It's a shame that the Borough President has to run to someone and say, "I need funding." Cuts by death by a thousand cuts is one of the things that I resent.

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What any one person can cut an agency like the Borough President or Planning Board or even -- not the Comptroller's office, but I was getting ready to call it "Vice Mayor."

You can change that. You can give them a baseline in which all agencies that under the City Charter have a base operating expense and you can't just willy-nilly cut it. It's not fair to the Community Boards or the community operating the people, or whatever. It becomes a situation where you're begging for someone to give you funding.

Many -- like, take the Borough President's office. Many City Council people are from different districts in this community.

Community Boards in Brooklyn is very diverse. And all Community Boards are not equal. People say "Well, Community Board" -- every

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Community Board does not have the resources to do the planning. To do the research. We have to reach out to someone else. Fortunately we have reached out to St. Francis here, Pratt Institute, as well as Medgar Evers, so we had an opportunity to reach out to get some resources back to us.

But if you think that all Community Boards are equal, it's not correct. There was a statement made about why the Board of Estimate was cut out. It was cut out mainly because each Borough President had the same vote regardless of how many people lived in that Community Board. So that's one of the reasons why I think we ought to understand why the Board of Estimate was thrown out.

The other part about people not having a chance to vote. I'm for open primary. We need everybody to be able to get up and vote. To say that only

1
2 one party can do this and then they
3 say we need to examine it. Believe
4 me, all other states -- I think it's
5 41 states -- have an open primary.
6 So it's not that you can't have --
7 I'm for people to be able to come out
8 and vote. I'm open to any questions
9 that you may have whether it's
10 Atlantic Yards or anything else.

11 CHAIRMAN GOLDSTEIN: Thank you
12 very much. Appreciate your testimony.

13 MR. STATON: No questions?

14 CHAIRMAN GOLDSTEIN: Raphael
15 Mendez?

16 MR. MENDEZ: Good evening,
17 Commissioners, and thank you for this
18 opportunity. I am a professor of
19 psychology at City University. I am
20 the coordinator of psychology at
21 Bronx Community College.

22 CHAIRMAN GOLDSTEIN: Yea.

23 MR. MENDEZ: Yes, I just wanted
24 to get to that. I'm also a
25 psychotherapist. I helped build a

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therapy practice here in Brooklyn,

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where I'm a homeowner and resident,

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and I wanted to speak on behalf of

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nonpartisan elections on behalf of

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our young people.

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I teach a variety of psychology

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courses where I believe that the best

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learning process is outside the

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University and give my students many

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opportunities to go to psychology

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conferences, cultural events, and

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particularly to youth development

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programs. I was one of the founding

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members and board member of the All

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Stars Project, one of the country's

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most successful, independently funded

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youth development programs.

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Our young people don't vote.

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They're not interested in politics

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and they're quite cynical about it. I

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just want to share this with you,

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because I invite my students to come

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to many different things, but when I

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told them today that I was coming to

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2 this hearing to speak about
3 nonpartisan elections the air went
4 out of the room. They could have
5 cared less. They started to mumble,
6 "I don't vote. Who gives a shit
7 about that?"

8 These are the best and
9 brightest of our city and they don't
10 care about the electoral process.
11 They have been socialized by our
12 institutions to be cynical about
13 participating in a meaningful way in
14 our government. They are our future.
15 And if they don't care, we are in big
16 trouble.

17 You have to represent them. You
18 will have many meetings. You will
19 have many public opportunities and
20 who will come are the ones who are
21 already in the process, that narrow 8
22 percent, who want you to slow down
23 the process. We can't slow it down.

24 We need to figure out as many
25 ways as possible to examine the

1
2 institutional arrangements that
3 create and perpetuate cynicism and
4 apathy so that we can get rid of
5 them. We need our young people to
6 participate. We need to reorganize
7 the conditions that produce cynicism
8 and our electoral process does that.
9 Thank you.

10 CHAIRMAN GOLDSTEIN: Thank you.

11 Our next three speakers will be
12 Gene Russianoff, Barbara Sheeran and
13 by Byron Puertas.

14 Mr. Russianoff, welcome.

15 MR. RUSSIANOFF: Good evening,
16 Mr. Chairman and members of the
17 Committee. I feel a need to
18 establish my Brooklyn credentials. I
19 grew up in Sheepshead Bay, Brooklyn,
20 went to Brooklyn Community College
21 and now live in New York City's No. 1
22 neighborhood, Park Slope.

23 I'm Gene Russianoff with the
24 New York Public Interest Research
25 Group, and I have the dubious

1
2 distinction of having been involved
3 as a government reform advocate in
4 eight City Charter revisions since
5 1983.

6 Based on that experience, I
7 offer the following three
8 suggestions:

9 First, I urge you not to bite
10 off more than you can chew. If the
11 Commission wants to place proposals
12 in the November 2010 ballot, I urge
13 you to have a moderate agenda, for
14 you only have the next five months to
15 craft proposals and get feedback --
16 perhaps tackling the already serious
17 issue of term limits would be
18 impossible to do in that time. If
19 instead we were talking about
20 proposals for 2011 or better yet,
21 2012, as the Times suggested, the
22 time to have more needed citywide
23 conversations about broader change.

24 Now, there are some at City
25 Hall who see calls for adequate

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public deliberations as a cynical way to block change. But it is they who are the cynics. Their hasty and often politically inept past Charter proposals who fuel needless political turmoil, hurt reputations and poison the atmosphere for progressive change. You don't have to rush things. Just look at the last Charter revision headed by Columbia professor Ester Fuchs. She spent more than a year studying portions of the budget process. That's the ticket for a Charter process that builds consensus rather than force feeds the public.

Second, don't revive the divisive issue of nonpartisan elections. Instead, give more study to other ways to foster turnout. We can all agree here in New York City has low voter turnout that challenges our local Democracy. But nonpartisan elections are not the solution. There are many reasons why the entire good

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government community in 2003 opposed the proposal, including Citizens Union, Common Cause, the League of Women Voters, the New York Public Interest Research Group, the City Bar Association, the City Club, the Women's City Club and the Brennan Center for Justice.

As the Times editorialized recently: "Nonpartisan elections are another lofty-sounding idea that create more problems than they solve. Winners of nonpartisan elections often turn out to have only one real asset: Loads of cash. Nonpartisan elections could also undermine New York's model campaign finance laws."

We would suggest that instead of looking at nonpartisan elections you take a look at what kind of authority the City has to foster voter participation.

For example, can and should the City offer voting by mail in city

1
2 elections? Does it have the
3 authority to do so? Or provide some
4 form of same-day registration? Or
5 further liberalize ballot access
6 laws? Or require greater disclosure
7 of independent expenditures? Those
8 issues really cut to the heart about
9 what makes people cynical to the
10 political process. And its true
11 state regulations and laws govern a
12 lot of this area. But the City has
13 shown remarkable ability to have the
14 jurisdiction.

15 Last thing I would say is on
16 term limits. My organization is
17 resolutely and firmly ambivalent on
18 the topic of term limits. They have
19 taken a position on it before. But
20 whatever you do, it should be in the
21 law in the Charter that whatever is
22 in the Charter can only be undone by
23 a vote of the people. I think the
24 public has views on the subject but
25 that all are united under the view

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the people are in charge. Thank you.
Very much.

CHAIRMAN GOLDSTEIN: Mr.
Russianoff, I have a question. I
think everybody would agree that
finding ways to enhance voter
participation is a good thing. It's
good for democracy, it's good for
engagement, and it dives deep, deep
into the very core of the people's
views. And so I think that is
something that everybody would get
their arms around.

Has NYPIRG written anything on
that particular subject?

MR. RUSSIANOFF: There's
Commissioner Crowell's smile.

I have brought a list with me
of what I think they're not as global
as the ones I mentioned in my
testimony. But things like giving
city employees a comp day for working
as a poll inspector at the polls
would be a way of increasing that

1
2 army of 25,000 people who do the
3 election system. So we do have a
4 bunch of ideas. I'd be happy to
5 leave them all and certainly talk
6 with your staff and any members that
7 are interested.

8 CHAIRMAN GOLDSTEIN: Any
9 consideration on utilizing technology
10 tools that would add to the voter
11 base?

12 MR. RUSSIANOFF: Well, there are
13 some experiments around the country
14 to try and enable people to do as
15 much or all voter registration over
16 the Web, filling out forms
17 electronically, and then getting
18 their signatures off of databases
19 that are like driver's licenses and
20 the like. And I think that would
21 greatly -- you know, it's not easy to
22 figure out how to register to vote in
23 this day and age, and try -- that
24 kind of approach would be one of the
25 ways that we would use technology.

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MR. BANKS: Mr. Chairman?

CHAIRMAN GOLDSTEIN: Yes.

MR. BANKS: Hi, Gene. Is there no circumstance where you can see the legislature's power to amend the Charter?

MR. RUSSIANOFF: You mean the Council's?

COMMISSIONER BANKS: Yes.

MR. RUSSIANOFF: You know, in all honesty, the ideas that I suggested, I don't know if they -- a couple of years ago the City extended its campaign contribution limits to candidates for city offices that were not participating in the Campaign Finance Program who were voluntarily subjecting themselves to lower limits. So there are state legislation laws say this is how much you spend running for this office, this local office, and so far nobody's sued. So the program is, you know, I think very effective that

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2 way. But I don't know as a specific
3 fact whether some of the ideas I
4 suggested like mail-in in
5 registration --

6 COMMISSIONER BANKS: It's a more
7 general question as to whether or not
8 you think there are justifiable
9 circumstances when the legislature or
10 City Council should be allowed the
11 power to amend the Charter? I seem
12 to take from your comment that the
13 only way to change a referenda vote
14 is by referendum.

15 MR. RUSSIANOFF: No. No. I spent
16 a lot of time studying this issue
17 during the term limits debate. It
18 was pretty clear to me. We lost a
19 lawsuit on this -- we were
20 Plaintiffs -- that the Council did
21 have the power to overturn term
22 limits. It was --

23 COMMISSIONER BANKS: I'm sorry
24 to interrupt you. But are you
25 proposing that that power be taken

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away from the Council?

MR. RUSSIANOFF: Correct. I think the matter is strong for the public interest that it should be subject only to change by referenda. There are things in the Charter that are subject to only change by referenda.

COMMISSIONER BANKS: My concern --

MR. RUSSIANOFF: I would take it away in this case.

COMMISSIONER BANKS: My concern is that if we do that, then some group might put a Charter proposal on the ballot, get it passed; that people in general find the Board for whatever reason and, therefore, by virtue of the circumstance that you can't get it off by referendum. You would forever handcuff the Council from enacting that unjust law.

MR. RUSSIANOFF: Several speakers have already said this. But

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things that really directly affect a

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Council Member's life, like, whether

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they have a two-year term or

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four-year term, you can't change that

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except by referendum. The Council

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does not have the power to pass a law

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limiting its terms to only two years,

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because it so directly affects their

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own political lives. So to me, term

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limits falls into that category. But

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it does not currently under the law.

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But I believe that this Commission

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would have the power to make sure

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that it could not be changed except

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by a referendum. And again, there

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are examples where it's done now

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under the State's General Municipal

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Law.

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COMMISSIONER BANKS: Thank you,

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Gene.

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CHAIRMAN GOLDSTEIN: Thank you,

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Mr. Russianoff.

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Our next speaker is Barbara

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Sheenan.

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Barbara Sheenan here?

Byron Puertas.

MR. PUERTAS: That's Bryan.

CHAIRMAN GOLDSTEIN: Bryan.

Sorry, Bryan.

MR. PUERTAS: Yes. I will be presenting joint testimony with myself, Laiza Garcia, Tracy Thomas and Franceli Chapman. It shouldn't take more than three minutes.

MS. GARCIA: Hello, my name is Laiza Garcia. I'm 27 years old and recently moved to New York City from California, where as an Independent I could vote in local city primaries. And I live in Park Slope.

MS. THOMAS: Hi. My name is Tracy Thomas, and I'm 21 years old. I live in Brooklyn and I attend Brooklyn College.

MS. CHAPMAN: I'm Franceli Chapman. I'm 23 years old, and I was raised in Bronx, and I'm a current graduate of Norfolk State University.

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MR. PUERTAS: Hello, Commission.

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My name is Bryan Puertas, and I

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testified before you last week in the

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Bronx. I am 25 years old and from

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Flushing, Queens.

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Since last Monday, we have been

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busy talking with young New Yorkers

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across the City, and 1,084 of us have

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signed an open letter to all of you,

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the Commissioners.

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MS. GARCIA: We have gathered

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signatures in all five boroughs and

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at Baruch College, the Borough of

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Manhattan Community College, Brooklyn

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College, the College of Staten

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Island, Frank Sinatra High School,

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Hostos Community College, John Jay

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College, St. John's University, Bronx

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Community College and here at St.

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Francis.

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And we would like to read the

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letter to you this evening.

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"We the under signed are

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residents of New York City. We are

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under the age of thirty. We do not have the same level of commitment or connection to political parties that many in older generations do. Increasingly, we identify as Independents and do not feel we should be excluded from the first and often critical round of primary voting.

MS. CHAPMAN: We ask the Charter Revision Commission to put a proposal before the voters to change our primary election system to a nonpartisan system of elections. This system allows all candidates to appear on the same ballot in the first round of voting and allows all registered voters to vote in that round. The top two vote getters would then appear on the November ballot. This type of system is employed in the most major municipalities throughout our country and it is time for New York City to catch up.

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MR. PUERTAS: 897,180 voters in our city are not registered in either the Democratic or Republican parties.

751,442 of us are unaffiliated with any political party.

25 percent of those unaffiliated voters are under the age of 30.

20 percent of us are African-American.

24 percent of us are Latino.

And 11 percent of us are Asian-American.

MS. GARCIA: "We want the right to vote in the primaries for City Council, Mayor, Public Advocate and Comptroller. We want to participate in deciding what candidates will be on the ballot in November. And we should not have to join a political party in order to exercise our political rights."

MR. PUERTAS: Commissioners, I would like to present to you with

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this open letter from 1,0084 young
New York City voters.

CHAIRMAN GOLDSTEIN:

Commissioner Cohen.

COMMISSIONER COHEN: Yes. I
have a question for -- I'm trying
to figure your name was Laiza, the
former Californian, right?

MS. GARCIA: Yes.

COMMISSIONER COHEN: Is the
previous witness still in the room?
Is Mr. Russianoff still here? Okay.
I see the lady from Massachusetts.

So I'd like to know where in
California you voted and how it
works.

MS. GARCIA: Sure. Well, I
lived in Sacramento, California,
which is the capital of California.
And really the way it worked is all
of the people who are running for
office are placed in a general
ballot. And then the voters go on a
first run and vote for whoever they

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want. And the top two get placed on

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a run-up election and the voters get

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to decide.

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COMMISSIONER COHEN: There are a

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bunch of different mechanisms that

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places could have for -- I think the

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lady from Massachusetts had talked

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about being an Independent but being

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able to vote in a party primary. And

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you're talking about something kind

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of more of a kind of run-off scheme.

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But in any case, it did ultimately

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yield elected officials?

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MS. GARCIA: And that's

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correct.

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COMMISSIONER COHEN: Is there

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any reason that any of us think that

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couldn't happen in New York? I have

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to say that nonpartisan elections is

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not one of my issues on this

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Commission. But I know that I have

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been struck in these hearings at the

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range, extent and passion of

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testimony on this subject. And I

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think that while the Commission may

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very well ultimately decide not to

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put something about this on the

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ballot, it be would seriously remiss

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of us not to explore it, considering

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the range and passion that we've

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heard about it. And so I'm now

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starting, now that we're starting to

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hear witnesses tell us that they come

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from other places where they have

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these systems, I think, you know,

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we'd like to know how that worked for

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you.

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MS. GARCIA: Yes. Well it

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wasn't even -- I didn't have to think

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about it. I just had to choose for

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the best person that I thought had --

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the best ideas for the city. And I

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don't think I should have to register

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into a political party to do that

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here. So thank you for considering

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that change.

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COMMISSIONER COHEN:

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Mr. Russianoff is still in the house?

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I would love to hear why he thinks it

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can't work in New York if it works in

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41 other states and many

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municipalities.

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MR. PUERTAS: While we're

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waiting for that could I just add

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some additional. 85 percent of U.S.

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cities already have nonpartisan

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municipal elections. Washington

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State already has municipal

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elections, but the state-wide

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elections and California will have an

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initiative on the ballot this summer

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to implement the same thing,

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Proposition 14.

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CHAIRMAN GOLDSTEIN: Yes.

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Commissioner Patterson.

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COUNCIL MEMBER: PATTERSON: A

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quick question for those of you

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before you depart, which does not

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have anything to do with nonpartisan

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elections.

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One of the things that keeps

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being mentioned is that voters,

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particularly younger voters, are disengaged from the process.

Where do you -- and you obviously are engaged in and interested in politics. Where do you and your contemporaries get their -- get access to local news? Where do they find out who is running, what the issues are and so on? Because I know you don't read the same newspaper as I do.

MR. PUERTAS: Well, I actually get most of my news from "The Hankster" which is one of the preeminent blogs for independent politics.

MS. PATTERSON: Okay.

MR. PUERTAS: Nancy Hankster is right there. She's the one who runs that and taking video of me at the present.

MS. PATTERSON: I'll look for you tomorrow morning.

MR. PUERTAS: Yes. Google "The

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Hankster." It's right there. I'd say

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mostly through the Internet and

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mostly through our friends. I would

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also say that a lot have been said

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that the hearings have not been

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publicized, there has not been a lot

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to do that, but yet NY1, the

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newspapers, they haven't done

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anything to publicize this. They

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have so much power to bring people

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here and yet they have chosen for

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whatever reason to not do that. So

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before the blame gets put on the

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Commission that for whatever reason

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you're not doing your job to bring

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people here -- which I disagree with,

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I say you are doing that -- the blame

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should be put more strongly on the

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media and the newspapers, for if

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they're going to complain that people

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aren't coming they should at least

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put the schedule for the hearings on

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television or in their paper.

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MS. PATTERSON: Thanks.

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MR. PUERTAS: Thank you.

CHAIRMAN GOLDSTEIN: Any questions? Thank you all, appreciate your testimony.

Franceli Chapman.

MS. CHAPMAN: Oh, we all went together.

CHAIRMAN GOLDSTEIN: Oh sorry. Thank you.

Joan Miller. Millman on behalf of Assemblyman Paul Nelson.

MR. NELSON: Other way around.

MR. GOLDSTEIN: Oh, I'm sorry.

MR. NELSON: It's a good thing she's not here. She'd be a little annoyed at me.

COMMISSIONER SCISSURA: It's a good thing she's up in Albany. She'd forgive you, Paul.

MR. NELSON: I hope so. I'd like to think so.

Good evening. My name is Paul Nelson. I'm Assemblywoman Joan Millman's Chief of Staff. Thank you

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2 for this opportunity to testify. And

3 I want to thank the members of the

4 Commission for their service and

5 time.

6 Time. That's the main point I

7 want to make. Take your time. Hold

8 more hearings. Listen to what we

9 have to say. The City's Charter is

10 too important to rush and too much is

11 at stake.

12 As our constitution, the City

13 Charter is an imperfect document that

14 must grow and evolve as our city

15 grows and evolves. However, while it

16 functions well, it is a work in

17 progress, and this does not mean we

18 should make hasty changes simply to

19 comply with an artificial deadline of

20 November 2nd. This unfortunately will

21 only reaffirm the public's suspicions

22 that this Commission is unable to

23 undertake a fair, open and

24 comprehensive study of the City's

25 governance.

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I strongly advise the

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Commission to wait until the 2012

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elections. There are many issues that

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should be addressed by this

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Commission: Term limits, the role of

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the Borough Presidents and Public

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Advocate and the land-use system, to

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name just three. These are serious

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issues that necessitate a thoughtful

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and deliberate process. This may

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require the Commission's term be

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extended, but I am sure that you

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appreciate the monumental task before

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you and while taking the time to do

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this right is so important.

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There are some who have

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impressed you to abolish the Borough

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President and Public Advocate because

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they hold no real power. I disagree.

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Our federal and state governments are

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built on a series of checks and

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balances. Yet, in the City too much

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power is placed in the hands of the

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executive branch. For that reason

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alone their existence is necessary.

In addition, the Public Advocate works to ensure government is acting in the interests of all New Yorkers. Likewise, the Borough Presidents serve a vital role as advocates for their entire Borough and are an important voice in land-use decisions. Their knowledge of their Borough places them in a unique position to advance a vision for the Borough.

The response to their criticism of their supposed inefficiency should not be to abolish the office.

Rather, I hope the Commission will identify what steps need to be taken to strengthen and formalize their roles.

The Commission must also proceed with caution regarding the much needed overhaul of the City's land-use system. The Community Boards and the Borough President need more

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input. And the secretive and capricious Board of Standards and Appeals needs to be reigned in.

This is the opportunity to perfect the land-use process and we must not squander it.

Lastly, I want to discuss term limits. When the voters of New York City were allowed to vote on term limits, both times they voted in support of it. It is, though, the voters' responsibility to reject an officeholder who is not holding their job I believe. The most recent City Council election showed that our nationally recognized campaign finance system works. I would, though, suggest to the Commission that perhaps you would consider extending the term to three full terms or even two five-year terms.

Again, thank you for your time and for your dedication to this great City of ours.

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CHAIRMAN GOLDSTEIN: Our next three speakers, Jeff Kunzon, Eric Weltman and Duane Bentley.

MR. KURZON: Thank you, Mr. Chairman. My name's Jeff Kurzon. Point of parliamentary procedure. Is it permissible for me to ask the Council or the Commission, each Commissioner, to individually answer a "Yes" or "No" question?

CHAIRMAN GOLDSTEIN: We would prefer that you make your testimony rather than -- this is not a Q and A.

MR. KURZON: Okay. Well, I object to that, because I would really like to know what each individual Commissioner is thinking with regard to the 2009 elections.

And my question to you and to the general public of New York City, what I hope each Commissioner goes home and tonight and thinks about was, was there anything wrong with the 2009 election? And is there

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2 anything wrong with your appointment
3 by the City Council and the Mayor?

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5 And what I would submit is that
6 this is a bit of a banana republic
7 hearing. And the reason is you all
8 really well know for sure, which is
9 that the City Council members passed
10 a law in their own interest and the
11 Mayor signed a law in his own
12 interest because they wanted to stay
13 in power. And throughout history, we
14 know that people do not willingly
15 give up power. And we saw an example
16 of this is New York in 2009 that was
17 shameful and embarrassing for our
18 City, and not something that should
19 happen in our country, in the United
20 States, which is a Democracy, which
21 we try to spread around the world and
22 occasionally invade other countries
23 for it, so let's hope that we don't
24 get invaded because we're not
25 Democratic enough.

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You know, maybe the Commission

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wants to resign or maybe some of you

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want to resign out of protest,

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because what Mayor Bloomberg did and

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what the City Council led by speaker

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Christine Quinn did was wrong. It

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was simply wrong. And it was wrong

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any way you define it.

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And now I look at this

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Commission as well, who doesn't want

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to answer a simple question, and I

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know why. Because you either answer

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the question honestly or you answer

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it the way you think Mayor Bloomberg,

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who is one of the richest men in the

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world, thinks you should answer it.

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What was really wrong about

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2009 was that there's a principle of

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law called the theory of parallel

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form incompetencies. There was no

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point in the two referendums that the

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people had, if the -- if the people

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who had applied to could simply

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change it. So I think you all need to

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go home and think about that tonight.

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And what are you going to do about

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it? If we just put another term

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limits referendum on the ballot, when

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someone like Mayor Bloomberg or

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Speaker Quinn wants to do another

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four years in office, they could just

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simply change it again. So the

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Charter needs to be a charter and it

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needs to have full constitutional

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effect.

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Furthermore, I'm saddened to

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see there are only four women out of

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15 people on this Commission. And

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something needs to be done about that

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too, because when we talk about

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participation in politics we are

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underrepresented -- women are

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underrepresented in government, and

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here's another example where the

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Bloomberg administration has

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inadequately portrayed what it means

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to be Democratic in our good country,

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United States of America. Thank you.

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CHAIRMAN GOLDSTEIN: Eric

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Weltman. Welcome. Is that correct?

MR. WELTMAN: Thank you.

Good evening. My name is Eric Weltman and I'm testifying as a Brooklyn resident and concerned citizen. I would like to briefly discuss several key principles and specific topics. However, my most fundamental message is this. Please don't rush the Charter review. Please don't forgo a fair and deliberative process in order to place amendments on the ballot this fall. Our City's Charter is too important and Democracy is too essential for a hurried process.

Government is both a means and an end. The ends are of course fairly obvious: The provision of essential services, law enforcement and so forth. But means are important too. Government can and should be a mechanism for engaging and empowering people, for strengthening communities

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and for sustaining faith in our

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system.

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There are some principles

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relating to government that I believe

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we all share, including public

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participation, representation,

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transparency, efficiency,

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effectiveness and responsiveness.

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But since power is necessary to

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fulfill all these principles, I

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believe we need principles for power

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itself. And I propose at least two.

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Power should be accountable and

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it should be distributed. Meaning,

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it should be shared, not concentrated

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and not removed, checked and

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balanced.

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With that in mind, I would like

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to touch upon three specific topics.

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First, government organization.

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I believe that we should maintain the

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position of the Public Advocate as

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well as maintain and strengthen the

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authority of the Borough Presidents

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and the Community Boards. These bodies serve as important advocates for our communities as vehicles for both reflecting and responding to neighborhood concerns.

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Second, nonpartisan elections.

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This is a terrible idea. Political parties play a vital role in engaging and informing people in holding elected officials accountable and energizing our elections. Nonpartisan elections would weaken our civic capacity while empowering those with the money to buy their campaign machinery.

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Third, and finally, land-use

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policy. The Charter should contain provisions that would promote

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responsible development and ensure

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that polluting facilities are fairly sited around the City. Green jobs,

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clean energy and sustainable

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development are necessary for both

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protecting our public health and

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helping preventing climate change.

Thank you for your consideration.

CHAIRMAN GOLDSTEIN: Thank you,
Mr. Weltman.

Duane Bently.

MR. WELTMAN: By the way, as a
former Massachusetts resident, one
thing I will note is I believe that
unenrolled voters who vote in a
primary are then automatically
enrolled in the party in which
primary they voted.

UNIDENTIFIED VOICES: No, no.

CHAIRMAN GOLDSTEIN: Is Duane
Bentley here?

The next speaker, I'm sorry if
is this is a little illegible to me.
Culcleasure.

MR. CULCLEASURE: Culcleasure.

CHAIRMAN GOLDSTEIN: Thank you.
You want to come up?

How do you spell your last
name, please.

MR. CULCLEASURE: C-U-L-C-

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L-E-A-S-U-R-E.

CHAIRMAN GOLDSTEIN: U-R-E.

Thank you very much.

MR. CULCLEASURE: You're
welcome.

And I just wanted to talk about
one small detail. The debate program
that the Campaign Finance Board puts
on. At this point -- at this time
the debate program is closed to, I
guess, you know, it only includes two
people. It's not very inclusive. And
to meet voter education goals of
debates, the debates staged under the
Campaign Finance Board program would
be open to all opposing candidates
based on objective and non-financial
criteria.

The Board's mandate to publish
a voter guide is relevant both as
analogy and authority. This is out of
the "Debate-Debate," a report by the
New York City Campaign Finance Board
back in '94 after there was no debate

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between Giuliani and Mayor Dinkins.

One last point from the Charter. Under the City Charter the Board is authorized to take such actions as it deems necessary and appropriate to improve public awareness of the candidates in all elections which there are contested elections for the offices of Mayor, Public Advocate, Borough Presidents, Comptroller or City Council. So I would just humbly ask the Board to look at the debate law.

And to me, intuitively, I question the constitutionality of, you know, having, requiring a candidate to have raised \$50,000 before they can participate in the debate program. Thank you.

CHAIRMAN GOLDSTEIN: Thank you, Mr. Culcleasure.

The next three speakers are Barbara Zucker, Dick Dadey, and Michael Hall.

1

2 Is Ms. Zucker here?

3 Take your time, don't run,

4 please. Take your time.

5 MS. ZUCKER: Hello. I'm Barbara

6 Zucker. I'm Vice President for

7 Public Policy for the Women's City

8 Club of New York. We are a well-

9 established, nonpartisan, multi issue

10 organization.

11 We're very pleased to see the

12 vigorous start by this Commission.

13 But as other people said also, we

14 regret the short notice given the

15 public for this round of hearings.

16 We've already written to Chairman

17 Goldstein. We had a coalition letter

18 with other groups listing a number of

19 issues that we thought you might want

20 to take up. I want to just mention a

21 few others briefly in the three

22 minutes.

23 Pay equity. Nobody has

24 mentioned that. The Women's City

25 Clubs believes that the pay equity

1

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for employees of New York City should

3

be incorporated into the City Charter

4

as another nondiscrimination

5

standard. Strides have been made in

6

equal employment opportunities but

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pay equity has not been instituted in

8

the City.

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City Council. We propose that

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you consider making membership of the

11

City Council a full-time job. At the

12

very least, there ought to be limits

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on outside income and public

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disclosure on the sources and amounts

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of the outside income.

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The Commission also needs to

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consider how member items are

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allocated and reevaluate stipends

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that are awarded for serving as

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committee chairs.

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Public Advocate. We support

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the Office of Public Advocate and

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feel the position warrants its own

24

separate chapter in the Charter. We

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believe the role needs to be better

1
2 defined and the office adequately
3 funded. We urge you to find a
4 reasonable income stream for the
5 Public Advocate, preferably
6 calculated by a reference to an
7 outside amount such as the formula
8 for calculating income for IBO. The
9 budget allocation should be
10 commensurate with the duties and
11 powers of the office.

12 Districting. City Council
13 Districts have to be redrawn in 2011.
14 We urge you to strive for the
15 fairest, most nonpartisan procedure
16 for redistricting. Chapter 2(a) of
17 the Charter, which covers the rules
18 for the Districting Commission,
19 requires one public hearing prior to
20 submission of the plan to the City
21 Council. We think there should be
22 several public hearings and coverage
23 available on the Internet. Try to
24 publicize this as much as possible.
25 We do commend the Commission for it's

1
2 excellent use of the Internet. I
3 think it's wonderful we don't have to
4 sit here. We could actually watch on
5 TV. And your attempts to educate and
6 inform the public. Where possible,
7 we hope you will require City
8 government to be equally transparent
9 and make full use of the technology
10 that's now available.

11 Education. Charter section 20,
12 education is obsolete and needs to be
13 rewritten. It talks about the Board
14 of Education. With respect to budget
15 and oversight, the Department of
16 Education -- oh my goodness -- should
17 be subject to the same oversight and
18 accountability and other agencies. We
19 also had something about Charter
20 versus statute. What should be in
21 the statute, what should be in the
22 Charter.

23 And finally, please, other
24 people have said it also. It's so
25 important. It's important that

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2

there's adequate public feedback to

3

prepare for the ballot proposals.

4

2010 is so soon. There has to be

5

provision for a really full public

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education campaign about the issues

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if we're going to get more than

8

minimal turnout. We think presenting

9

proposals to the voters of the 2011

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is an a more reasonable goal for

11

those provisions.

12

CHAIRMAN GOLDSTEIN: Thank you

13

for your testimony.

14

Dick Dadey.

15

MR. DADEY: I have a copy of my

16

testimony if it's helpful to you.

17

Good evening, Chair Goldstein,

18

and members of this Commission.

19

Thank you very much for your

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commitment to the Commission and your

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service to the City of New York.

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My name is Dick Dadey. I'm the

23

Executive Director of Citizens Union

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and as many of you know, Citizens

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Union is taking an active role in

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looking at the Charter and reviewing the process.

We have over 60 of our members working together with the staff at Citizens Union and the Board of Directors in looking at any number of issues. Though we have not yet formulated any specific recommendation to changes to the Charter, we do plan to share those recommendations very soon with this Commission.

But let me just offer some overall observations. Citizens Union believes that the City of New York has largely benefitted from the changes made to its form and function in City government through the Charter changes of '88 and '89. The net result of a strong mayoral form of government has contributed to the revival of New York City as a vibrant urban center for its residents, businesses, neighborhoods and

1
2 communities. Each successive Mayor
3 has learned how to handle the
4 tremendous powers afforded the
5 office. Much of it to the benefit of
6 the City itself. But that doesn't
7 mean that some fine-tuning is not in
8 order.

9 There is need for change and
10 improvement particularly given all
11 the advances made in information
12 technology. The City Council over
13 this period of time has become a more
14 deliberative and serious legislative
15 body. But arguably, given its
16 importance in representing
17 neighborhoods and communities and
18 their residents could and should be
19 provided some more appropriate but
20 limited level of greater authority
21 and responsibility for governing the
22 City.

23 New York City needs to find a
24 better way as well to conduct its
25 planning that is more inclusive and

1
2 sensitive to the historic fabric of
3 its neighborhoods and the current
4 needs of its communities, while still
5 encouraging and supporting the kind
6 of economic development that this
7 city needs in order to thrive and
8 maintain its appeal to immigrants,
9 current residences and businesses.

10 What is needed to balance this
11 and that this Charter Revision
12 opportunity can possibly help us
13 achieve, that the powers of the
14 Borough President were curtailed and
15 the office of Council President
16 reconfigured into the less important
17 Public Advocate. Citizens Union is
18 looking at those offices well. While
19 311 has been a welcome resource and
20 access to city information is
21 greater, it doesn't mean that City
22 government shouldn't be more
23 transparent and provide for a greater
24 ease of access to all New Yorkers'
25 access to vital information.

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Voter participation in our elections is declining and we need to find ways to enfranchise voters once again to return vibrantly to their civic duty. While communication has changed dramatically over the last 60 years, New Yorkers vote in 2010 much in the same way we did in 1950. We need to change that. And we need to look at ways in which we can reengage voters and remove the barriers to voting. This is why Citizens Union, which opposed nonpartisan elections the last time, is revisiting this issue of nonpartisan elections and other such election reform measures as part of our overall Charter review.

We're looking at 10 major areas in our review. Oversight role of the City Council and fiscal and agency affairs. The role of the Mayor, Borough Presidents and Public Advocate. The way in which some of

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our city agencies function and of course, term limits.

Citizens Union has historically opposed the enactment of term limits and opposed the Mayor and the Council's move a year and a half ago. But we have revisited this issue and have determined that term limits does work for the City of New York and, therefore, we are recommending changes to the Charter that will essentially -- we're recommending that there be two four-year terms for all citywide office holders and three four-year terms for City Council. We believe there needs to be improvement in ethics and quality oversight. We need to take a look at the laws that subject to mandatory referendum.

Obviously, land use and zoning needs to be a big part of, and will be a big part of, our work. We need to look at how the City Council is compensated and competitive

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elections, in the way the City provides services and acts fiscally in its affairs.

Thank you again for providing this opportunity to speak to you.

One last thing. I think it's important that the City of New York, and particularly this Commission, get its changes right and take the time necessary to do it right and win. We cannot afford to rush this process only then to have the voters be cynical about the intent of the proposals being put before them and vote them down not based on the merits and the needs of the City, but by the process that was used to get us there.

CHAIRMAN GOLDSTEIN: Mr. Dadey, do you have a timeline when the various areas that you just delineated you will come public with from the analysis that is now going on?

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MR. DADEY: No later than June
18.

CHAIRMAN GOLDSTEIN: June 18.
Thank you very much.

Michael Hall.

MS. MARCELLIN: I'm not Michael
Hall. I was here with Michael Hall
and he's left, so I don't know if...

CHAIRMAN GOLDSTEIN: Are you
representing Michael Hall?

MS. MARCELLIN: No, he's gone
now. Yes, I am.

CHAIRMAN GOLDSTEIN: Give him
our best.

MS. MARCELLIN: I sure will.

My name is Lorraine Marcellin.
And to the members of the 2010
Charter Revision Commission, thank
you for taking the time to hear
testimony and to deliberate on the
changes to the New York City Charter.

I'm an Executive Member of the
County Committee for the Independence
Party in Brooklyn, and I served for

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many years on the Needs Development Area No. 5 of Brooklyn's Neighborhood Advisory Board and on the Miller Avenue Community Block Association. I've also been involved in many other community enhancement endeavors.

I'm the mother of two, the auntie of six, and the neighbor of many young people and others that are independent minded voters who have registered with the Independence Party or chose to be nonaffiliated. As you are aware, we are currently locked out of partaking fully in the elections of our officials. This was a hurtful reality that clearly came to bear not only in the 2008 presidential primary election, but more directly when our right to participate in the full Democratic process took those officials that most closely affect our immediate community and that was usurped by an antiquated political structure. It

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was like discrimination in a post Jim Crow age.

One question is, our question is how balanced is the governmental structure that continues to punish a vast and growing population of its voters merely for their choice of political affiliation or ideological anonymity? This is the intolerable discrimination by the current Charter against the very citizens its designed to serve. We feel that it stifles any possibility of a pristine Democracy in action or a democratic process that is generative and all inclusive.

Just as maligned discriminations of the past served to agitate the discriminated into calls for redress of the status quo, such is the case here. So I urge the Commission to, I urge the Commission to look closely at all policies that lead to partisan predominance in

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public governing. Thank you.

CHAIRMAN GOLDSTEIN: Brian
Kieran. Is Brian Kieran here from
Community Board 1?

Theopia Green? Theopia Green
from Community Board 9?

Matt Klein, 5th Avenue
Committee? Is Matt Klein here?

Joanna Simon?

Welcome, Miss Simon.

MS. SIMON: Thank you. It's a
pleasure to be here. Thank you very
much. And thank you to all of the
Commissioners. I'm going to just make
a few comments. I'm going to submit
something in writing thereafter. I
wasn't able to get that together
today. I want to make a few basic
points about what I think the Charter
Commission needs to look at.

First of all, I think that it's
very important at this 20-year mark
really from our last Charter to have
an active civic dialogue, one that is

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really truly engaged. And I think in

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order to do that you do need to take

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more time, because we learn so much

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more by active conversation. I've

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been to tons of these hearings. They

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have can be very helpful in many

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ways. It's helpful for me as a

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citizen to sit and listen to other

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peoples' opinions. I know that you

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feel that way as well. But it's also

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overwhelming to just listen to people

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talk to you. It's really important

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if you can have those conversations

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and I'd like to encourage a more

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lengthy, thorough and accountable and

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transparent process by which we can

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have that active civic dialogue.

19

If in fact the Commission

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believes that it can only handle

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something that goes on the ballot

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this year, I think you really have to

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limit what it is your focus is,

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because I don't think you can do

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justice to really the broad nature of

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what people are talking about this evening. Unless you do that.

I think it's extremely important that land use be modified so that there's meaningful participation of the public. What we have right now very often are proposals where by the time the public gets the proposal the lines have been drawn, heels have been dug in, and then the public participation is really a very frustrating process for everybody. The public doesn't feel that they're listened to. The public often has good suggestions that could make those projects better. But they're dismissed in many cases because they were not really part of the dialogue in the beginning.

And where we've had community-based development where we looked at it from a community basis, we have successful development that works. So

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if we want smart growth we really need to engage the public at a fundamentally different level.

I think one way to do that is to give access to Community Boards so that they can avail themselves of good planning advice. The Community Boards are very often called upon to make decisions that they're really just not able to absorb in the amount of time. Many people don't have the training and the ability to make those analyses. And if there was a pot of money that a Community Board could apply to, to get that kind of resource, they wouldn't need it necessarily as a regular full-time position, wouldn't need it allocated on a regular basis. But there are certain Community Boards that are under tremendous development pressure, and that development being linked to transportation is a critical issue. And you can't do good

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land-use planning unless you're doing

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transportation planning. And one of

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the big problems we've had, and a

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number of the rezoning's in this

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area, and I'm the District leader

7

here in the 52nd, but I also ran for

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office in the 33rd, so I'm very

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familiar with North Brooklyn as well,

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and testified in that rezoning is

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that there was no connection to

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getting people anywhere in many of

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these rezoning's. And so there

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really has to be a very direct

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connection to how the people will use

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the facilities that are being

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developed.

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And I'll stop there because my

19

time is up, and I will submit

20

something in writing.

21

CHAIRMAN GOLDSTEIN: Thank you,

22

Miss Simon.

23

Charles Ladson.

24

Welcome, Mr. Ladson.

25

MR. LADSON: Thank you very

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much. First of all, I give honor to

3

my lord and savior, Jesus Christ, is

4

the head of my life.

5

Okay. I'm from Board 16 from

6

the Planning Board. I'm a new member

7

on the Board for, like, two years,

8

and I'm a former School Board member

9

from 1999 to 2003. And now I'm on

10

the Community Educational Council

11

Board. And that's for seven years.

12

Excuse me for being a little hoarse,

13

because I've been here for a minute.

14

But my concern is that we need

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our Planning Board and we need it to

16

function, because the Planning Board

17

helps the whole community at-large

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and they also help the schools and

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they also help building, and they

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help our children, okay? That's No.

21

1. Because, you know, they always

22

say "It takes a village to raise a

23

child." And that concept is still

24

here. Okay.

25

Our Borough President,

1

2

Mr. Marty Markowitz, or Viola Green,

3

our Manager of Board 16, our Public

4

Advocate, these people we need in

5

office and we need them to stay in

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office because they help everybody as

7

a team.

8

I never seen such things in New

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York City, and I'm from Charleston,

10

South Carolina. I've been in New

11

York City ever since the fifth grade.

12

And New York City used to be the No.

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1 in education. We have failed our

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children. And it's saddened my heart

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because our children out here is

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killing up each other. Our children

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out here is in gangs, Crips, Bloods,

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Latin Kings, MP13s, you know. And it

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really saddened me because I was on

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Pickett Avenue one day. I have four

21

liaison schools: 327, 323 and 284

22

and Teachers Prep and FDA. Teachers

23

Prep is from the sixth grade all the

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way to twelfth grade. FDA is

25

Frederic Douglas Academy, come from

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Harlem. That's from ninth grade to

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twelfth grade. And those same

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principals that we have in those

5

schools, they came from Paul Robeson.

6

That was Alexander Hamilton.

7

I fought hard for them not to

8

close the school. And Brooklyn Tech.

9

We went down to Mayor Bloomberg's

10

house, UFT and everybody, okay, and

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we fight because I believe that the

12

Mayor's trying to manipulate, close,

13

and everything is charter, charter,

14

charter, charter schools, okay?

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Charter schools are not miracle

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schools. It's not fantastic schools.

17

I mean, whoever on a Charter school,

18

like a Charter school, so be it. But

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our public schools had worked. Our

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middle schools had worked and our

21

high schools had worked.

22

But then they want to take

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everything from our children. They

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want to take the bus pass from them.

25

You got poor people that can't even

1

2 afford a bus pass.

3

Now you need a high school

4

diploma to work in McDonald's and

5

whatnot. And if we don't concentrate

6

on our youth and try to give these

7

young people jobs in New York City,

8

and that's the whole thing, try to

9

give them jobs and stuff, it ain't

10

gonna work, because our young people

11

out here, they say -- I want to talk

12

about the voting. Why do you vote?

13

You know what the young people tell

14

me? "What is the politician gonna to

15

do for me? Is they gonna give me a

16

job?"

17

You got babies having babies.

18

My daughter, 16 years old, she had a

19

child. And I support my daughter. You

20

know, and, you know, I went through a

21

whole lot of fight for my children.

22

I have eight kids. And my kids are

23

grown. But my last one is my son, is

24

14, and they go to my District

25

school. And my daughter's 16. I don't

1

2

believe in abortion. She said,

3

"Daddy, I made a mistake. But I want

4

to have my baby." I said, "Go ahead,

5

because your father supports you,"

6

you know."

7

And it hurts my heart to see

8

our young people constantly kill each

9

other. I was on Pickett Avenue with

10

a walkie-talkie picking in Chester

11

Street, volunteer my time out at the

12

school, right? 15 girls, 15 boys

13

making signs of Crips and Bloods.

14

Next thing you know, them kids tear

15

into each other, and I grabbed the

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girl. I'm on the ground with them

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now. One guy -- one girl tried to

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kick the other one. I slapped the --

19

kick away. One guy tried to punch

20

the other one. I slap him away. The

21

only one come to my aid I said, "Call

22

NYPD," because my son is a police

23

officer in the 69th Precinct. My

24

niece is a police officer in PSA-2.

25

My nephew's a police officer in 73rd

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Precinct in my neighborhood as a
Sergeant. So I go to the Police
Council meetings.

I fight hard for our community.
I fight hard for our children. And
they always say, "When are we gonna
get paid? 7.25 a hour is not gonna
do nothing for nobody." We need to
raise minimum wages. We need to give
these kids -- everybody can't go to
college. That's well done. But some
of our kids need trade schools, learn
a trade so they can make it in life,
and it ain't always about test, test,
test. You understand what I'm
saying? I really feel compassionate
about that because I risked my life
that day. I was on, with suit on,
I'm on the ground. And the guys, the
Muslim brother that do with McDonald
and Bristol, he came to my aid. He
grabbed one of the girls and I
grabbed the other one. If I didn't,
somebody said they had guns in the

1

2

process, somebody had a knife, and

3

they do that. They stick you before

4

you look. You're gone. Either shot

5

and nobody know. Okay? I believe

6

that they should have surveillance

7

cameras working with -- I'm working

8

with Assemblyman Boylan, because the

9

politician Major Owens used to be

10

here, Yvette Clark, put surveillance

11

cameras around all our schools,

12

because they're robbing the

13

neighborhood. They rob the kids,

14

take their cellphones, sell it on

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Pickett Avenue and Rockaway. I'm very

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with the police all the time. Okay?

17

And they stick their laptops

18

gunpoint.

19

The kids, eleven years old,

20

sir, carrying guns. Eleven years old,

21

12 years old, 13 years old, girls and

22

boys. And they're scared. You be

23

frightened to come out your own

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house. We have a light on our block.

25

We have four lights on the block.

1

2 The streetlight went out. I called
3 the Deputy Mayor, Dennis Wallcot. I
4 called the Assemblyman's office.
5 Some people call Yvette Clark's
6 office and whatnot. And the lights
7 still haven't been fixed.

8

9 Now, I heard gunfire right on
10 my block about 3:00 in the morning,
11 was bap-bap-bap-bap-bap, shots around
12 the corner, bap-bap-bap. So I called
13 it in because a lot of people don't
14 like to call the police when they
15 hear gunshots. I'm trying to save a
16 life. I'm trying to see that nobody
17 get hurt. We got seniors living on
18 our block. We got children living on
19 our block. I'm a warrior.

19

20 Like I said, give to school,
21 high school, libraries, computer
22 labs, science lab, school safety,
23 crossing guard. That's my fight.
24 Brand-new bathrooms for the children.
25 I'm the only Board member in District
23 that won three Superintendent

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award and (inaudible).

CHAIRMAN GOLDSTEIN: Mr. Ladson,
come here. I have something for you.

MR. LADSON: And I gave you my
E-mail. Why don't you call me
tomorrow?

CHAIRMAN GOLDSTEIN: You have my
E-mail. Get in touch with me tomorrow
and we'll talk some more about this,
okay?

MR. LADSON: Let me have one
more comment, please? My last
comment is that --

COMMISSIONER BANKS: Could I
interrupt you? If you'll give me
your address. I work for Con Ed.
We'll get your lights on.

MR. LADSON: Okay. Thank you
very much, sir.

My last comment. My father is
half Egyptian, German, Italian.
Okay? That's a hell of mix. My
mother is Blackfoot Indian,
Portuguese and a little West Indian.

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2

My granddaddy from Montego Bay. My

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mother say people ain't nothing but

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people. Okay? And my father said

5

there's only one race, and that's the

6

human race, because God made us all.

7

We got to stop this hating from all

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of us. Let us love one another. Let

9

us help one another. Let's bring New

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York back up.

11

In my neighborhood the houses

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are seven hundred thousand, eight

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hundred thousand, nine hundred

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thousand. In Queens it's five

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hundred thousand. Something wrong

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with that picture. You understand

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what I'm saying? I respect

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politicians, all that. But when you

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gonna to take everything from the

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children, what they have left? You

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understand?

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And then we got Mr. Mayor. He

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got charter schools because his

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daughter is the chairperson of

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charter schools, okay. And Mr. Mayor

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is not an educator. Mr. Mayor is a
businessman. And Joe Klein, our
Chancellor, is a lawyer.

CHAIRMAN GOLDSTEIN: Mr.
Ladson --

MR. LADSON: You understand?

CHAIRMAN GOLDSTEIN -- I
appreciate your comments. We've been
listening intensely to you, and we're
very touched by so much of what you
said. We do have a number of
speakers.

MR. LADSON: I know. I'm sorry.
I'm sorry.

CHAIRMAN GOLDSTEIN: Take that
mint I gave you. It will help your
throat. And we look forward to
hearing from you again.

MR. LADSON: Okay. Thank you,
sir, I appreciate it.

CHAIRMAN GOLDSTEIN: Our next
speaker is Mr. Spitz.

MR. SPITZ: I fractured my hip.
This is not a congenital problem. I'm

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here.

CHAIRMAN GOLDSTEIN: Mr. Spitz,
five for five.

MR. SPITZ: Yes, that's right.

CHAIRMAN GOLDSTEIN: You broke
the record.

MR. SPITZ: Thank you. I was
once the oldest person to ever run up
the top of the Empire State building.
That's another.

My main testimony today is, and
I'll just give excerpts from it
because I know it's too large to read
the whole thing, billions can be
saved in pensions and contracts. But
before I start, what I usually do
with each Charter revision, make a
proposal, and I hope you consider it,
that the Human Rights Commission
accept complaints from people whose
civil liberties have been violated as
well as civil rights have been
violated. Can't do that now. And I
would hope that you will consider,

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seriously consider amending the

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Charter so civil liberty complaints

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can be registered before the Human

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Rights Commission.

6

Now, my testimony today is

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billions can be saved in pensions and

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contracts. And unfortunately I had a

9

computer breakdown today -- a printer

10

breakdown today, so the spreadsheet

11

accompanying it I'm going to have to

12

send in, which the gentleman here

13

said I could. I'll send it in to

14

Lisa tomorrow, the spreadsheet.

15

I am proposing that billions

16

can be saved in pension and contract

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costs. New York City pension costs

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have risen nine fold from \$698

19

million in 2000 to 6.2 billion in

20

2009. That's roughly nine fold. Over

21

the same period, New York City

22

contracting costs rose from 5.6

23

billion in 2000 to 10 billion, a

24

little over 10 billion, in 2009.

25

Now, these figures you'll see

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in the spreadsheet that I'm

3

submitting and was done with the

4

cooperation of the Independent Budget

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Office.

6

Now, with respect to pensions,

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Times Reporter Mary Williams Walsh

8

wrote an article November 28, 2004.

9

I've written on this subject too, but

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this is the best one out of all.

11

Consider the contrast between

12

two pension funds for government

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workers in Texas. One fund uses the

14

same approach as most pension funds,

15

including New York City's and

16

New York State, investing in a

17

combination of stocks and bonds. Some

18

actively managed by professional

19

investment advisors. The other

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invested entirely in government debt,

21

which is what I'm going to propose.

22

I propose that the New York

23

City Charter be amended to require

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the Comptroller be either a certified

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public accountant or have a degree in

1
2 accountancy and worked at least three
3 years in private or public
4 accounting. I'm also putting forth
5 the proposition to amend the City
6 Charter requiring that pension funds
7 be invested exclusively in New York
8 City debt. This should save the City
9 not only pension costs but also the
10 expense of financing New York City
11 borrowing.

12 Now, with respect to contracts,
13 I call attention to New York Times
14 Article November 16, 1992 "Parks
15 Workers --" Betsy Gotbaum made a
16 study that proved -- she was told to
17 lay off, by the way, she told me so,
18 having tree-ers and pruners, civil
19 service tree-ers pruners do work that
20 they were contracting out. The
21 savings were roughly 70 percent. So
22 I'm recommending that the Charter be
23 amended to require before any
24 contracts be let, that the
25 contracting officer and relevant

1
2 commissioner certify that the work
3 cannot be done at a lower cost by
4 civil servants. New York City might
5 save roughly \$9 billion if my
6 proposals are included in the
7 Charter.

8 CHAIRMAN GOLDSTEIN: Thank you
9 very much, Mr. Spitz. I appreciate
10 your testimony.

11 Our next three speakers, I'm
12 not sure of the spelling of this. Is
13 it David Rybstein? Lorraine
14 Marchellin and Owen Monks.

15 Is David Rybstein here?

16 Lorraine Marchellin.

17 MS. MARCELLIN: That's Marcellin
18 and I did it --

19 CHAIRMAN GOLDSTEIN: You did it
20 already. Okay.

21 And Owen Monks?

22 Welcome, Mr. Monks.

23 MR. MONKS: I'm sorry,
24 Mr. Chairman, it's Monk, Sr. My name
25 is Owen Monk, Sr. I'm a Brooklyn

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resident. I'm just speaking as a

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concerned citizen. I'm thankful

4

again for the Commission to have this

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hearing, open forum. I'm not going to

6

speak on term limits. I think

7

Mr. Nelson did a fine job on that.

8

I'm hoping that we -- I'm appealing

9

that we do not make any reductions to

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our Community Boards, because it's

11

the eyes and ears for the people,

12

that's watchdog agencies, and for

13

those of us that are not really in

14

the -- we're not in the jargon or

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we're not in the mix of what goes on

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in the political arena.

17

We need people like our Public

18

Advocate. We need people like our

19

Borough Presidents. We need folk that

20

speak up for us. And we're thankful

21

for Mr. Markowitz and our Public

22

Advocate, Mr. DeBlasio, and others,

23

we're thankful for this.

24

I'm thankful that the

25

Commission is also having this forum

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2

because we need to make sure we do

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not close any more firehouses. We

4

need these kind of things. And I'm

5

hoping that the independence of our

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Comptroller budget, that he's able

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to -- I'm hoping that he's able to

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get an independent budget so that he

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can do his work without being a

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watchdog but at the same time

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controlled by the one as he's

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supposed to be watching.

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I think part of our problem

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with finances is the one that leads

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us to the continual taxing and it's a

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hardship on the citizens that do live

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here. We're citizens and we love

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this City too, and we're hoping that

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a committee like your Commission, a

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Commission like yours, would hear us

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and make sure that we are taken care

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of and that we are looked upon

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seriously. Because if not, we will

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fall into the what we call, or what I

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call, the problem of selfishness and

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then we become very, very greedy and then taxes go up and up.

So I'm thankful again and I'm sorry if you couldn't hear me in the back, and so thank you again for the Commission.

I thank you for your time.

CHAIRMAN GOLDSTEIN: Thank you, Mr. Monk.

Is Gail George here?

CHAIRMAN GOLDSTEIN: Welcome, Miss George.

MS. GEORGE: Thank you. And thank you for convening the hearings. Many people have stated it previously but I'll say it again. I think they need to be advertised more wisely. I myself just found out a couple of days ago because I ran into a colleague of mine who informed me, and now I hear you've already had -- this is the fifth one, so I was very much surprised by that.

I'm testifying as a concerned

1

2 Brooklyn resident. Although I belong
3 to many organizations and I don't
4 know what your proposals are, but I
5 have some concerns.

6 First of all, in the area of
7 term limits. I would strenuously
8 object to any attempt to eradicate
9 term limits so that this Mayor can
10 become the Mayor for life. As a
11 Brooklyn resident and homeowner, I
12 don't want to be governed or
13 represented by one who prefers one
14 constituency over the other, as is
15 evidenced by the homeowner having to
16 now pay for the upgrade to sustain
17 the infrastructure. We're facing
18 another 12.9 percent hike in the
19 water bill this coming fiscal year,
20 July, on top of the 12 percent hike
21 last year. And the one this year is
22 because the infrastructure cannot
23 sustain this explosion of growth due
24 to all of this luxury development. So
25 I definitely do not want a city where

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one person because of financial power

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can remain in office for life. That's

4

the first thing with the term limits.

5

In conjunction with that and

6

directly related to that, I read a

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few months ago that Mayor Bloomberg

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was going to attempt to abolish the

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office of Public Advocate. I'm

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definitely opposed to that. The

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office of Public Advocate is usually

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a last resort for citizens who have

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been stonewalled by the bureaucracy

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and have nowhere else to turn.

15

As far as the Comptroller's

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office, I think the budget should be

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independently. They should not be

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constrained by the Mayor's office

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dictating what their budget should

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be. The oversight of any office

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advocate, Public Advocate, as well as

22

the Comptroller's office, I'm against

23

anything that would hinder, hamper,

24

or impede them of having oversight,

25

especially this particular Mayor, and

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2 eradicating what little transparency
3 we do have at this point. Because it
4 seems like in order to get any
5 information, many times the only
6 resort we have is to wind up in Court
7 with the lawsuit.

8 So I thank you for your time
9 and attention. And I'm looking
10 forward to hearing what your
11 proposals are.

12 And everybody else talked about
13 rushing it through. I wasn't even
14 aware of the fact that it might be
15 coming up this November. But in view
16 of the fact that we have had so many
17 problems with this administration in
18 getting them to abide by the laws
19 that are enacted for everyone, I
20 would definitely urge you to take
21 your time and not be hasty in your
22 deliberations. Thank you.

23 CHAIRMAN GOLDSTEIN: Thank you,
24 Miss George.

25 Marcos Mesri? Is Marcos Mesri

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here?

Josefina Sanfeliu?

MS. SANFELIU: Good evening. My name is Josefina Sanfeliu. I'm the founder of Latinas Against FDNY Cuts. We have an annual event in May.

Good evening, Commissioners, and public.

The Chair of CB 1 tonight said one million are expected to be added to New York City. Residents. A recent Columbia University study found that in 2008 FDNY, the New York City Fire Department, prevented \$8 billion worth of property loss. I repeat, 8 billion.

At a March 2010 hearing of the City Council Fire Committee, Fire Department Commissioner Cassano discussed potential closing of 62 fire companies. And potential layoff of 1,550 Firefighters, which would absolutely delay response times to fires and medical emergencies.

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City state and utility budget

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cuts, mortgage and insurance fraud,

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will create deteriorating and

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hazardous infrastructure conditions.

6

Currently, FDNY must give only

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45 days before closing even one fire

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company, let alone up to 62

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companies, near educational, health

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facilities, tunnels, bridges,

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airports; locations of dense

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populations or working population,

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office space, et cetera.

14

I propose a change in the

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Charter or city law to establish

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impact studies of ecological,

17

environmental, economic social,

18

health diversity and population

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density before the City executive

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agency can close or relocate even one

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fire company which affects life and

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health of the Bravest and civilians,

23

their pets, property and homes.

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I thank you.

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CHAIRMAN GOLDSTEIN: Thank you

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very much, Miss Sanfelio.

Joseph Garber.

RABBI GARBER: Good evening,
Chair Goldstein, Commissioner
Crowell, Executive Director Goodman
and other members of the Commission.
My name is Joseph Garber. I'm a
civic activist and a Director of the
Civil Service Mayor's Prayer Council.

I'd like to ask Commissioner
Crowell, he can attest I usually have
much better attendance at meetings I
want the record to state why I've
only been to two out of five. April 6
was Passover. I had no idea when I
did put on NY1 when it was going to
end. April 12 I was present in the
Bronx. April 13 was Marty
Markowitz's Jewish Heritage Day, and
I was on the committee, so I had to
be there. The last night, John Jay
College honored me for my 40th --
43rd -- excuse me, 40th anniversary
of receipt of my Bachelor's degree

1

2 and 43rd year of my Master's degree,
3 so I had to be at John Jay. Okay.

4

5 Good evening. I'd like to
6 present some ideas and comments. An
7 evaluation should be conducted by
8 members of the Commission to
9 determine if NYCHA could be codified
10 in the City Charter. There's a
11 Great nexus that shows that
12 connection to the City of New York.

13

14 Number one, the Mayor appoints
15 the three Board members. Civil
16 service DCAS exams and lists are
17 announced by NYCHA. Deputy Mayor
18 Dennis Wolcott have staff supervision
19 over NYCHA. The City Council has the
20 Public Housing Committee, which
21 recently was upgraded from a
22 subcommittee. The mandated narrative
23 in the preliminary Mayor's Management
24 Report in the Mayor's Management
25 reports by NYCHA exists in McKinney's
Consolidated Laws, the Public
Authority's laws references made to

1

2 New York City government relative to
3 NYCHA, and in the official green
4 book, the City directory of NYCHA, is
5 listed.

6 Okay. Other comments. I would
7 suggest that a citizens suggestion
8 program based on the same way as an
9 employee suggestion program be
10 codified. I think it be would a good
11 idea. I recall that Mayor Dinkins at
12 the height of -- asked citizens to
13 come to City Hall, and I still have
14 my copy of a five-page letter that I
15 gave him and received a reply from
16 Deputy Mayor Milton Mollen.

17 I disagree with Comptroller
18 Liu's proposal that the IBO should be
19 consolidated. Even though it may
20 look apparently at the outset it's
21 redundancy, I don't believe it is
22 redundancy because it's independent.

23 Now, if we're concerned about
24 redundancy, I would suggest a study
25 be done of the City green book, which

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2

I have done haphazardly, and you could look at duplicate functions. I know the Mayor appointed Ed Skyler as Director of Mayor's Office of Operations to do a study in fleet service and other commonalities in City agencies, which is a step in the right direction.

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Okay. On page 145 dealing with the Police Department. In Section 432 it states that the police commissioner shall appoint seven deputy commissioners. However, whenever one looks at the current green book, as I think I counted 15. Okay. Then also section 425 I suggest that the Commission get a copy of the organization guide, not the chart, the organization guide of the Police Department, go through each function delineated in all it's nuances, and I think Section 435 can be expanded.

Now, being I know now where

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your office is located, so I will --
till the next hearing I will go
through sections of the Charter and
I'll bring my comments. Thank you
for listening.

CHAIRMAN GOLDSTEIN: We look
forward to that.

RABBI GARBER: Thank you, thank
you.

COMMISSIONER CROWELL:
Mr. Garber? Thank you. And thank you
for the matzoh for Passover. We
appreciated that.

RABBI GARBER: Thank you. Thank
you.

COMMISSIONER CROWELL: I don't
know if I properly thanked you.

CHAIRMAN GOLDSTEIN: Frank
Morano.

MR. MORANO: Thank you.

CHAIRMAN GOLDSTEIN: Welcome
again, Mr. Morano.

MR. MORANO: Thank you very
much. Thank you. I'm going to

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endeavor to be brief because I know you've had an incredibly long day and incredibly long set of hearings. And there are a number of policy proposals that I've outlined in my written testimony that I hope you'll review whenever you get a moment. But primarily I wanted to thank you for all the time and effort and the intensity into which you've been attentive to the public hearings.

I have testified before I think four Charter Revision Commission hearings. I can say with certainty this has been by far the most, you know, the most respectful to public input thus far. I know that whatever you come up with you're going to be derided with criticisms from every quarter, and you'll hear a hundred different ways how you did things incorrectly. And I wanted to thank you and know that your hard work does not go unrecognized and

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unacknowledged. And I want to thank

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you on behalf of all New Yorkers who

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recognize that you're doing this for

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no additional pay and putting in an

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enormous amount of effort and time

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into this.

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Once again, we've heard today

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that we're rushing this process and

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I've heard yet again that this is the

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City's constitution, so we can't deal

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with it haphazardly. The

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Constitution, I double-checked this

14

today, was written in only four

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months, which is a lot less time that

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you've outlined for making some

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alterations to the Charter which

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ultimately the voters will approve.

19

The constitution of Japan,

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which has endured for about 650

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years, was written in five days.

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Five days by two assistants to an

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American general with no public

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input. And that seemed to serve

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pretty well. So I think the whole

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notion that talking about how to form government improves it is really erroneous.

That being said, I want to definitely agree with everything that the young man Bryan said about nonpartisan elections being a key in reaching out to young New Yorkers. New Yorkers really are turned off by partisanship and the extent to which it is so pervasive in the political process. I'm very respectful to everyone who said the crucial role that parties play in our Democracy in our City. And you know what? Under nonpartisan elections they can still play it. Republicans can still be Republicans, Democrats can still be Democrats and Independents can be Independent. We just stop recognizing them as these quasi governmental agencies whose voters get special rights. That's, you know, we're going to stop treating Independents as

1
2 second class citizens. That's all
3 nonpartisan elections would do. And
4 in my view, nonpartisan proportional
5 representation goes one step further.
6 But undoing this gerrymandering
7 process which every 10 years the City
8 Council Districts have to endure.

9 Commissioner Fiala, you said
10 publicly in 2008 that you didn't want
11 to run for Congress. One of the two
12 reasons was because of redistricting.
13 You were afraid of getting
14 redistricted, of not getting
15 reelected. Why should any politician
16 or any prospective great elected
17 official have any sort of fear of
18 politicians redrawing who their
19 voters are? It shouldn't be the case.
20 Voters should get to choose who elect
21 them. Congressman Scissura, in 2001
22 I was standing next to you and four
23 other City Council candidates in
24 different Districts, all Democrats,
25 as you went to a senior center and

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the four of you went around to 40 different seniors, all of whom were much more concerned with their bingo game than who these politicians were trying to greet them, and they all had six separate pieces of campaign literature in front of them. No one knew which District they were in, and you even remarked to one of the Council candidates afterwards, "Ah jeez, they don't know what Districts we're in. They don't who I am." Why shouldn't all those voters have the opportunity to vote for you? They should have, because their taxes would have paid your salary had you been elected.

The last thing I'll say with respect to the Community Boards, I agree wholeheartedly about the importance of the Community Boards and the impact that they play at the local level. That being said, I think they could be so much more reflective

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of the composition of the communities

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they represent. Mr. Casavis indicated

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that they were -- they had a foot in

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both governments: Half Borough

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President, half City Council. That's

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really not the case under the current

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Charter. Well, Councilmen can

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recommend half of the appointees, all

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of the appointees are from the

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Borough President. They're free to

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disregard the recommendations of

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Council Members. In Staten Island,

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where I live, for instance, my

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Council Member has recommended me for

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the Community Board for four years

17

straight. But because the Borough

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President and I disagree, he just

19

doesn't put me on.

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I would encourage the

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Commission to, as Councilman Ignizzio

22

suggested, explore making Council

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recommendations binding. Because it

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could be argued that if you keep the

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single-member District plurality

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system, which I hope you don't, but

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if you do, then those folks are much

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more in tune with their local

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neighborhoods than a Borough

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President is responsible for

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representing the entire Borough. One

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might also consider Senator Espada's

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recommendation of electing Community

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Board members, or some hybrid

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approach, where some members are

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appointed by the Borough President,

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some by a Council Member, and some by

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election.

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The last thing, even more

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important than my testimony, I do

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hope you do read Mr. Barry's book the

18

"Scandal of Reform." It illustrates

19

perfectly the need for voter

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empowerment in this City if you

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haven't already. It's the greatest

22

nonpolitical book. Thank you.

23

CHAIRMAN GOLDSTEIN: Thank you.

24

Guess what, ladies and

25

gentlemen? One last speaker.

1

2 Mercedes Narrus. Did I pronounce that
3 right? I mean, it's so lyrical.

4 MS. NARRUS: Thank you. Narsees
5 (phonetic spelling).

6 CHAIRMAN GOLDSTEIN: Narsees.
7 That's even better. Nice to see you,
8 Miss Narsees.

9 MS. NARSEES: Thank you. Well,
10 good evening everyone, and thank you
11 for the time. And one thing I would
12 like to say, I like the Mayor. I
13 think he's done some good jobs with
14 decision for the City. But one
15 decision that I disagree, and many
16 New Yorkers disagree, is how he get
17 himself reelected for four extra
18 years. And one of the thing I would
19 like to see that since I'm from --
20 not from here, from Haiti and come
21 here, is Democratic Party. If you
22 call it Democratic Party you should
23 let the people decide, not for you to
24 decide.

25 Just for me, it's just like you

1

2

ask a cat to watch cheese for you to

3

make decision whether to eat the

4

cheese or let the cheese go, and you

5

know what's going to happen. And

6

that's exactly how I feel how the

7

Councils and the Mayor did. Well, to

8

that I'm hopeful that you men and

9

women, gentlemen and ladies, to see

10

that the New Yorkers -- and I believe

11

you've been watching channel 1,

12

channel 12 -- all the process, how we

13

all disagree. And I know in the time

14

of we talking about how we have to

15

make the right decision, the Mayor

16

have the background. I'm a

17

businesswoman. I'm a Registered

18

Nurse for over 19 years, and I own a

19

business for over 10 years. And for

20

me to see the decision have to be

21

made like that. When you come to

22

decision for the people, when you

23

believe the people cannot

24

knowledgeable enough to decide, so

25

you should give them the chance to

1

2

decide. But after two referendum we

3

had said no. So before any decision,

4

before any other decision should have

5

been coming to us. And I believe they

6

had time to do it. They did it on

7

purpose. They did it their way,

8

because they believed that they would

9

not come through. They would not be

10

reelected. And we had some great

11

elected official from my District. I

12

love them. I think they're doing, a

13

lot of them are doing a great job.

14

But you have to believe in the people

15

that you represent.

16

And for as far as Community

17

Board, I heard someone prior touch on

18

it. I believe that the Community

19

Board should be revised and it should

20

be based on the population that they

21

represent. Some of them associated

22

with probably more likely with the

23

precinct. And if it goes that way I

24

believe this will serve a better

25

purpose. And I'm a Community Board

1

2 member myself. But based on the
3 tight budget they're dealing with,
4 they don't have enough resources to
5 serve the people they probably
6 represent, because population is
7 expanded and we're having a lot of
8 people in our area, which I've been
9 pushing a lot for census so we can
10 know how many people actually live in
11 the District that we live in. And I'm
12 not taking long, we talked about
13 Public Advocate.

14

I believe in check and balance.

15

And if we can push that, keep it, and

16

so we can know what the Mayor, to

17

check the Mayor. I'm not saying --

18

hopefully we're not having that

19

fiasco again with your help.

20

So I'm going to leave it with

21

that and good evening everyone.

22

Thanks.

23

CHAIRMAN GOLDSTEIN: Thank you

24

very much. This concludes the public

25

hearing tonight.

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2

The Commission has much to absorb after five public hearings, one in each Borough.

3

4

5

There's been an enormous amount of material for us to absorb, and we're going to take a pause for a bit to think about what was said and analyze it and then come back with another series of public events that will extend probably through the summer. And we look forward to coming back to Brooklyn.

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We want to thank all of you who sat patiently through these many hours this evening. And again to thank the wonderful people here at St. Francis College for providing these wonderful facilities for us.

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I wish you all safe passage home and look forward to seeing you again when we return.

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23

I make the motion to adjourn.

24

COMMISSIONER SCISSURA: I

25

second.

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COMMISSIONER BANKS: I second.

(Whereupon, at 8:41 P.M., the
public hearing concluded.)

I, NORAH COLTON, CM, a Notary
Public for and within the State of
New York, do hereby certify that the
above is a correct transcription of
my stenographic notes.

NORAH COLTON, CM