CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

CHARTER REVISION COMMISSION 2019

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

HELD AT:

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

BEFORE:

GAIL BENJAMIN
Chairperson

COUNCIL MEMBERS:

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

Antonio Reynoso, New York City Council Member

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

Jabari Brisport, Racial Justice Working Group
Democratic Socialists of America

Ronald Martin

John Manning, Civil Servant & Bay Ridge, Brooklyn Resident

Ed Jaworski, President, Madison and William Homecrest Civic Association

Alyssa Chin, Legal Aid Society

Amaria Lennard, Community Liaison for Assemblymember Charles Barron

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

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

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

Brad Lander, Council Member, New York City Council
Luza Liz Ortiz, Williamsburg Independent Community Organizer

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

David Cohen, SEIU 32BJ

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

Lucy Cotine

Shelly Hagen

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

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

Nancy Sliwa, Director, Guardian Angels Animal Protection Program

Curtis Sliwa, Chairman, New York State Reform Party
CHAIRPERSON BENJAMIN: Everybody ready?

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

MALE SPEAKER: [interposing] Two more.

CHAIRPERSON BENJAMIN: Ah, Commissioner Sateesh Nori and next to Commission Nori is Commissioner Carl Weisbrod. Seeing that we have a quorum, we will start. This is the second public hearing in our ongoing effort to engage the public in the generation of ideas—
FEMALE SPEAKER: [off mic] [interposing]
[background comments] [laughter]

CHAIRPERSON BENJAMIN: --to engage the
public in the generation of ideas about ways in which
the City Charter can help the city work better. This
commission was established by legislation adopted by
the City Council and has appointments from each of
the borough presidents, Public Advocate, the
Comptroller, the City Council and the Mayor. We, the
15 of us, represent a cross-section of New Yorkers.
We live throughout the five boroughs, we work in
diverse fields, we have diverse backgrounds, ages and
means, but what we share is the love of our city and
its desire to help shape our city’s future and to
meaningfully participate in changing the document
that will provide the basis for that task. Given
that you’re here today, I know that you are already
aware of the importance of the Charter and how we
live our everyday lives in the city. The Charter
provides the manner in which the city handles public
money, and provides goods and services to resident
throughout the city. It defines the responsibilities
of government officials as well as those of our city
agencies and it provides the framework for the use
and development of land in the city. We’re all here tonight to propose ideas that can strengthen the compact between citizens and their government. Ideas that can provide a transition from the City of 1989 to the city of 2050. These ideas may rebound to the rights and responsibilities of our agency or government officials. They may strengthen our budget process or may redefine how the city uses its land or purchases its good and services. We welcome all with your ideas and thank you for sharing them. If you wish to testify today, please fill out a speaker’s slip and submit it to one of the staff. Please make your points clearly and succinctly as we want to understand the issues you raise. We’re also happy to accept any written testimony you may either today or over the course of the coming weeks and months. Our web address and Twitter feed is on the pamphlets located on the table and are spread throughout the room. All testimony in whatever form you choose to submit it will be included in the record and made available to the commissioners, to the staff and to the public. We will also hold Twitter and telephone town halls in the coming months to provide more opportunities to hear from you. We hope to gather a
robust set of proposals, and will be conducting additional hearings in the spring to present the results of our research and analysis and receive further feedback. By September of 2019 we will share with you a set of revisions to the Charter, which will be put before all of you on the ballot in November of 2019. Again, we thank you for being here and taking part in this momentous task. As our first order of business, however, I will entertain a motion to adopt the minutes of the Commission’s September 12th public hearing, which have been previously provided to the Commissioners and are available in draft form on the Commission’s website. Do I hear a motion to approve those minutes?

COMMISSIONER: So moved.

CHAIRPERSON BENJAMIN: Second?

COMMISSIONER: Second.

CHAIRPERSON BENJAMIN: Discussion. All in favor.


CHAIRPERSON BENJAMIN: Opposed? The motion carries. We will now hear testimony from the public on proposals for revisions to the City Charter. We will limit testimony to three minutes
per individual in order to ensure that we can hear from everyone who wishes to speak. After you testify, members of the Commission may have questions for you to follow up on your ideas or the proposals you’ve made. For the first panel I call up City Council Member Antonio Reynoso and Dr. Susan Williams. Council Member Reynoso.

COUNCIL MEMBER REYNOSO: Thank you. Good evening members of Charter Revision Commission. Thank you for your service first and foremost, and for this opportunity to testify here today. I’m Council Member Antonio Reynoso, and I will be testifying on behalf of the City Council’s Progressive Caucus priorities for the Commission’s consideration. While the City Council has amended the Charter from time to time, this is first time a Charter Commission has convened through our legislative authority. We welcome all possibilities of topics that will be considered to this commission. However, in this series of hearings we will be focusing on the City’s Land use powers and process, which has wide reaching effects on critical issues affecting the city including affordable housing, displacement, homelessness, fresh air and equity,
infrastructure and growth. With issues of priority for the 22 members of our caucus represent districts across the five boroughs of New York City. It is no secret that the city’s Land Use and planning process are deeply fraught with controversies and oppositions to recent rezoning have made quite evident that New Yorkers, grassroots organizers, elected officials and skilled practitioners alike should be concerned about the lack of transparency, community engagement and equity happening in our land use processes and outcomes. New York City’s approach to planning has been primarily reactive for decades. The current system encourages ad hoc planning in which the city positions itself to be strictly reactive to private development proposals, devastating hurricanes, urgent needs for school seats, weight transfer stations and other infrastructure needs. This reactive approach even expands itself to perhaps our most pressing crisis: Housing and homelessness. We believe there’s a better way. Now, more than ever we are experiencing growth and change on a level not seen in the first half of the 20th Century. If we are truly going to be a city that values equity, a city that reflects the needs and priorities of its citizens, we
cannot continue to take piecemeal approach to planning our collective future. Low-income communities should not be responsible for bearing the brunt of new density of infrastructure for a growing city, which with this commission we have an obligation to shift our planning processes away from short-term political goals and towards long-term planning that accounts for realities of climate change and needs of a growing coastal city. We need to reimagine how land use decisions are made to empower communities in the planning process to advance the equity distribution of city resources facilities and new developments. As a first step, the Caucus set forth guiding principles that reflect the Caucus’s value and will drive the development of recommendations moving forward, equity and fairness to ensure all communities are doing their fair share and have equitable access to affordable housing, city services and amenities and a healthy environment in which to live, work and raise their families. Proactive and responsible plans that account for projected growth and existing conditions and infrastructure needs, robust and inclusive engagement to ensure that all New Yorkers have a voice in our
planning decision regardless of land use, age, income, ability, gender. Religion, color, race or ethnicity. Resiliency and sustainability to guard against the future impacts of climate change and mitigate the adverse conditions they bring.

CHAIRPERSON BENJAMIN: Council Member, could you--

COUNCIL MEMBER REYNOSO: Wrap it up? Oh my.

CHAIRPERSON BENJAMIN: Yes, sir.

COUNCIL MEMBER REYNOSO: Okay, I’m going to go to--

CHAIRPERSON BENJAMIN: [interposing] That’s a little more than three minutes.

COUNCIL MEMBER REYNOSO: It’s okay. We’re going to submit it—I’ll submit it in writing--

CHAIRPERSON BENJAMIN: [interposing] That would be good.

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

CHAIRPERSON BENJAMIN: [interposing] Okay.

COUNCIL MEMBER REYNOSO: --individually as well, but I’ll—Okay. Our current system does not
provide an avenue in which to have honest conversations about a city’s needs. Much of it is done out of the public eye with outcomes reviewed and often negotiated just before a final vote. We have tried this method for long enough to know it is not working. It is time we manifest our progressive rhetoric to proactive planning work that is not guided by the latest real estate speculation by data, local input, a commitment to right past inequities and projected long-term needs. Over the next several months we’ll be—we’ll be refining the proposals we have laid out today alongside our colleagues and stakeholders. Again, thank you to the Commissioners for your time. We look forward to working with you, our colleagues at the Council and key stakeholders to refine recommendations that reflect the principles that achieve the goals we have outlined here today. Again, thank you to the Commission for your time.

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

COUNCIL MEMBER REYNOSO: Yes.

CHAIRPERSON BENJAMIN: Okay, and any questions? Sal.

COMMISSIONER ALBANESE: Thank you.
CHAIRPERSON BENJAMIN: Can I say one thing first, Sal? I’d like to recognize that Reverend Clinton Miller and Ed Cordero, Commissioner Cordero has joined us. Would you—we have previously voted accepting the minutes from the last meeting of the September 19th. Would you like to join us in approving them, Commissioner Miller? Yes, and Commission Cordero.

COMMISSIONER CORDERO: Yes.

CHAIRPERSON BENJAMIN: Thank you. Sal.

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

COUNCIL MEMBER REYNOSO: Thank you, sir.

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

COUNCIL MEMBER REYNOSO: No, we don’t. We have the basic principles that we want to set forth. We’re going to actually start engaging in a more inclusive and robust conversation with stakeholder, local community stakeholder to more—more deeply refine our recommendations, but a lot of what we’re going to be pushing forward is actually something that I have been able to produce alongside Gale Brewer, our—our great Borough President of
Manhattan, Inclusive Cities Report, which you should also—which you also have that I will submit to—to the Commission for lack of a better word.

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

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

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

COUNCIL MEMBER REYNOSO: Thank you.

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

DR. SUSAN WILLIAMS: I am representing the Legislative Working Group of the Campaign for an elected Civilian Review Board. I am also a retired physician and former delegate of Doctor’s Council SEIU. I want to address several questions that were raised on September 12th. First, will the elected Civilian Review Board provide due process
for accused police officers? Yes. Due process is explicitly included and guaranteed. The second question was asked: Does the proposed ECRB infringe on police officer’s right of collective bargaining? No, it doesn’t, but to clarify, police officers are already precluded by law from addressing disciplinary procedures in their contract negotiations. The court determined in 1994 that disciplinary measures is outlined in the City Charter Section 434 and in the Administrative Code Section 14-115 could not be superseded by contract demand. These two sections are included in the changes that we are making and proposing to the City Charter to create the elected Civilian Review Board. A question—regarding the special prosecutors, our district attorneys under established—establishing the state law, the answer is yes, but our reading of that legislation does not preclude the creation a special prosecutor in addition. Our intent is that they would handle all crimes against persons including sexual assault, rape, battery in addition to murder, which is the only thing covered under the Governor and Attorney General’s appointee. Other criminal cases such as
for example the publicized case of officers arrested last week for drug dealing and corruption. Those should be under the purview of the district attorney. As you requested, we will be providing you with key documents and online links to our research, and among these are studies of nationwide civilian review boards that have show that there are systemic flaws that have made it impossible for these boards to meet their goal of police accountability, but you can actually learn that from talking to New Yorkers as we have on the streets. They will attest that young people of color or are still being arrested to meet quotas? There is ongoing racial profiling. Women are subjected to sexual harassment and assault. People are targeted for investigations based on a religious or political belief, and community activists and union strikers and picketers are subjected to intimidation and trampling the free speech rights. The existing status quo has not held police accountable. Will the elected Civilian Review Board be a panacea for this? No, it won’t, but it will be a huge step forward toward improving the lives of New Yorkers and it is doable.
Moreover, it is this commission that has the only power to enact during the coming year by putting it on the ballot for November of 2019, and our question to you is do you recognize that there is, indeed, a problem with police misconduct and are you going to step up towards providing solutions for it. [cheers/applause] Thank you.

CHAIRPERSON BENJAMIN: Any questions?

FEMALE SPEAKER: No questions.

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

DR. SUSAN WILLIAMS: Okay

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

COMMISSIONER TISCH: [off mic] In favor.

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

CHAIRPERSON BENJAMIN: The floor is yours.
JABARI BRISPORT: Okay. I’d like to start by saying good evening, Commissioners and thank you for your time tonight. My name is Jabari Brisport. I’m representing the Racial Justice Working Group of the Democratic Socialists of Amaria. I’m a school teacher and I’m testifying tonight also in support of the elected Civilian Review Board. I remember marching about 3-1/2 years ago because I was angry. I was furious that Eric Garner had been murdered, and that Daniel Pantaleo had not been indicated. We march through Times Square up into Harlem. We were shouting “No justice, no peace.” We shouted, “I can’t breathe.” It’s been about 3-1/2 years and there has still be no indictment and, in fact, Daniel Pantaleo still has a job. I believe that sends two messages: To those who are asked with protect and serve, the city has your back. To everyone else, the city hears your concerns, your frustrations. It hears them. As for acting on them, that’s another story. We’ve all heard the build your block ads on the radio. They play them ad nauseam, but at some point we need more than conversation. Our communities need to be heard yes, and thank you to those of you purposely facilitating those
conversations. But our communities also need power. They need agency. They need to be able to vote on who polices the police. [applause] I don’t know a single person who doesn’t wish for better relationships between communities the police they serve, but I also know it’s very hard to trust an institution when you feel powerless against it. I think New Yorkers need a voice in how we interact with police and not just an auditory one, but a physical one as well, a ballot, and that’s why I support the campaign for an elected Civilian Review Board. Thank you, commissioners. [cheers/applause]

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

RONALD MARTIN: Chairman Benjamin, members of the 2019 New York City Charter Review Commission. Thank you for this opportunity to present that I am very confident is going to be the best proposal for the New York City Charter that you will encounter during your preliminary rounds of public presentations. The entire New York City Charter needs to be reordered from beginning to end. This system is disorganized and effective adjustment has the potential to adverse affect another area of
the government that was not foreseen because of the lack of order in the Charter’s design. Research and development of my revolutionary ideas leads me to recognize that government charters are somewhat like computer programs, and that they need to be created with a format and built up using strict language and syntax. Although our founding fathers were more sophisticated intellectuals than their contemporaries, in subsequent generations the politicians and statesmen have tried to adjust the charters towards a more just organization of the government. Ultimately they did not have the necessary technology. They only had one simple formula to work with, and although it accurately divides the government into three parts, but they did not have a big formula for the subsequent divisions of those three parts, and subsequently what we have now is a semi-chaotic mess rightly referred as political gridlock that trickles down from corruption, hypocrisy, hysteria, frustration, criminality and violence. But where we enjoy a better standard of living than most others who maintain a skewed version to the approach to social justice and tranquility. The last six—the last six
months of Charter revision hearings has revealed that most of the cities are apathetic. Otherwise, the hearings would have made headlines. The unfiltered testimony that has been presented at the hearings reveals that some citizens are motivated, but oblivious to the underlying reason for these public hearings. You are looking of solutions in the form of directed assistance that can be inserted into the Charter that would make your job much easier. The problem is the average lawyer much less the average citizen does—doesn’t seem to understand that need. It is a poorly understood process and nothing like our romantic legends of American history that only revealed headlights. The guide that is published by the state for revising the City Charters provides a decent outline of a charter, but the guide does not direct the Commissions as to how to build this system of directives that make up the content of the charter, and basically, what that leaves is leaders and commissions in a state of wonderment as to how it is ultimately going to work. Although I have no formal background in government, I have designed a charter that is a much better guide than the state guide. My charter provides an outline similar to the
state guide and it guides the Commission to make rules for organizing a charter convention that builds the content of the outline using the citizens to do a lot of the work. [bell] I figured it all out, and now I have been developing this system over the past ten years, and it can be referred to the Brooklyn Plan. The Brooklyn Plan organizing the convention, which is a testimony--

CHAIRPERSON BENJAMIN: [interposing] Mr. Martin--

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

CHAIRPERSON BENJAMIN: --you do know the bell.

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

CHAIRPERSON BENJAMIN: Thank you Mr. Miller. Do you have the outline with you about what you state that we could look at?
RONALD MARTIN: I have—I have a more complete one, abridged, you might say, [off mic] and let’s see it would be on the website.

CHAIRPERSON BENJAMIN: Okay, thank very much.

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

CHAIRPERSON BENJAMIN: And that website is secularlibrary.com.

RONALD MARTIN: Or us4cc.info.

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

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

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

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

RONALD MARTIN: Thank you.
CHAIRPERSON BENJAMIN: And now we have John F. Manning and Ed Jaworski--Jaworski. I’m sorry. [pause] Mr. Manning.

JOHN MANNING: My name—my name is John Manning. I am a civil servant and a resident of Bay Ridge, Brooklyn. I am speaking as a concerned citizen on the pressing need for campaign finance and lobbying reform. How this issue was the root core as with many other problems, and to ask the Charter Revision Commission to consider democracy vouchers as a viable realistic alternative to status quo. Thank you for the opportunity to testify this evening. The Amarian system of government and politics has been defined by the principle of the people, by the people, for the people. Our system has been a work in progress since its inception. That principle still guides us. In order to address the shortcomings of our system today, we have to recognize the major problem that is hindering the further improvement of our democratic process, the corrupting influence, the tenaciousness of big money and campaign finance and public policy making. The difficulty of running for office without accepting large sums of bundled money from special interests
and lobbying firms prevents honest and competent people from being elected. The assumingly unchallengeable power of the real estate industry in New York City and state government is just one of many examples of how our democratic process has been thoroughly corrupted. The lobbying industry as it currently exists is nothing less than legalized bribery. The Mayor, governor our City Council members and our State Legislators are supposed to be wrestling with representing the interests of their constituents, and do what is best for the society as a whole. They should not be responding to whichever lobby donates the greatest amount of money to their campaigns or what special interests dangles lucrative post-government employment in front of them. That corruption, fraud and pay to play have become so pervasive in New York government is just one of the many negative effects created by our campaign, finance and lobbying laws. What can the Charter Revision Commission do? If every registered voter were allocated four democracy vouchers worth $50 each to give to the candidates of their choice, it would encourage high voter turnout and enable well meaning people of modest means to run for office. This is
currently being one in Seattle, Washington. Democracy vouchers are not a radical idea. They are a common sense solution. What is outrageous is that we allow dishonest but powerful people to come control our political system. Democracy vouchers limiting other campaign donations to small amounts and ending third-party donations from lobbying firms and bundlers could cause the current political climate of cynicism and complacency to be replaced with idealism, leadership and community involvement. [bell] It is horrible that in many local elections 10% voter turnout is the norm. Voter turnout should be 60% regularly. Democracy vouchers--

CHAIRPERSON BENJAMIN: [interposing] Mr. Manning.

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

CHAIRPERSON BENJAMIN: --if you just sum up.

JOHN MANNING: Oh, I’ll wrap it. Very good--and an end to large and bundled donations will open up our political process giving voters better choices. It will enable school teachers, police officers, small business owners, retirees, all kinds of citizens who care about their communities to run
for office or otherwise get involved in civic affairs. The city of New York being the national leader of honest, competent good government and real progressiveness has happened before. When Fiorello La Guardia took the oath of office as Mayor on January 1, 1934, the city’s finances were a mess and corruption had practically been official policy. His name became synonymous with government of, by and for the people.

CHAIRPERSON BENJAMIN: Mr. Manning.

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

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

COMMISSIONER ALBANESE: Well, okay, I couldn’t say—

CHAIRPERSON BENJAMIN: [interposing] Your current representative.

COMMISSIONER ALBANESE: I couldn’t have said it better myself—

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

CHAIRPERSON BENJAMIN: Alison.

COMMISSIONER HIRSH: Hi, thank you so much for your testimony. My understanding having looked into Seattle just a little bit is that democracy vouchers did, in fact, increase the number of low-wage workers who were able to participate in the elections in their district that is separate democracy vouchers. So, it’s an excellent—I think I would agree it’s an excellent program. The one difference, though, between New York City and Seattle is that Seattle doesn’t have currently as far as I understand an existing public financing system. So,
do you have a sense of how the Democracy Voucher Program would interplay with the existing 6 to 1 or if the--the Mayor’s sort Revision Commission caps each counts (sic) each one with the Covered Financing Program.

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

COMMISSIONER HIRSH: Just--just a quick follow-up question. Thank you, very much. Would
democracy vouchers be limited to registered voters or would our residents be—like how—how would—

JOHN MANNING: I mean I like the idea of registered voters. It’s not hard to register and to vote. I think it would encourage people to register. So, I—I like eliminating and anybody can register.

When I was a child a long time ago, I remember when my mother was voting, having to wait on line for half an hour. I meant it—we had 50, 60% voter turnout decades ago.

COMMISSIONER ALBANESE: Just—just before—

CHAIRPERSON BENJAMIN: [interposing] Sal.

COMMISSIONER ALBANESE: --Alison just to—on your question, in Seattle, anyone who can contribute to a campaign will receive vouchers. That’s the way it works, and one of the great things about New York City is that we’ve already allocated significant amount of money through the Matching system, which I consider to be inadequate. So, we already allocate money for it. Seattle didn’t have a system. So, we have to figure out where the money comes from. We have those resources already in play,
and as I said, I think it’s the gold sort of in prior years—

CHAIRPERSON BENJAMIN: [interposing] Do you like it?

COMMISSIONER ALBANESE:—the gold standard of campaign financing.


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

JOHN MANNING: It is not within our power to create a perfect God created situation. What we can do is drastically, radically improve this situation where our government is for sale and we have 10 to 20% voter turnout. We can’t move away from that.

COMMISSIONER NORI: Oh, I see. (sic) It’s—Sal?
CHAIRPERSON BENJAMIN: Mr. Nori would like you to answer it.

COMMISSIONER ALBANESE: Yeah, the way it works--

CHAIRPERSON BENJAMIN: [interposing] If you would.

COMMISSIONER ALBANESE: --the way it works in Seattle is that they’ve got very stringent anti-corruption regs in place, and to make sure that that doesn’t happen. People go to jail if they do that as they do here in New York City when they fraudulently set straw bundles. (sic) It’s the same process that’s in place and what—what’s good about the Seattle rules, is how does it increase turnout? It increase turnout because if you live in the Pink Houses and you’re earning $30,000 a year, you get more democracy vouchers, you become somebody that— that elected officials will reach out to and—and—and if I’m running for—I’m running for office, I would love your support. If you live in a ritzy part of the city, you have the same four vouchers. At this—at this juncture, if you live in the Pink Houses, if you live in—in some of the poor areas of the city, no
one is reaching out to you, and—and basically—
unfortunately the money follows the policy.

CHAIRPERSON BENJAMIN: Sal, I think
you’re editorializing a little bit.

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

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

COMMISSIONER MILLER: Thank you, Mr.
Jaworski for your testimony especially—

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

COMMISSIONER MILLER: Mr. Manning. I’m
sorry—for your testimony especially in this climate
where there’s a crisis in affordable housing, and
also thank you for your handout which suggests that
the city has not progressively collected hundreds of millions of dollars in fines. How does this relate with bringing to pass democracy vouchers?

JOHN MANNING: In Texas, Oklahoma and Louisiana—

COMMISSIONER MILLER: [interposing] I’m sorry. I’m sorry. I have the wrong handout. I’m sorry.

JOHN MANNING: So, that’s okay and in Texas, Louisiana and Oklahoma, the oil companies told the local politicians what to do. Quite often here in New York City the—the real estate industry—industry just go to the Campaign Finance Board’s website, and there would just—in the—in the—in last year’s election between Mr. de Blasio, reformed Democrat Sal Albanese and conservative Republican Nicole Malliotakos, the general public had three clear distinct choices to select from. Mr. de Blasio had $10 million. He was just in a completely different league. He—he couldn’t be, you know, if you’re going to run for office, you got to get your message out to people. You got to mail flyers, you’ve got to have TV ads. You know, people are not going to vote for something they don’t know or
haven’t heard about, and we have elections to let the people decide, and it’s as far as affordable housing and the whole real estate situation here New York is concerned the really power—I’m not one for conspiracy theories, but there are really powerful real estate interests and BEBNY, they essentially control our democratic process, and I don’t think I’m being unreasonable to make that statement. And, I think that if you could run for City Council or the State Legislature for Mayor and, you know, with—with the democracy vouchers it would just give people choices. It would open up the process, and would—would defeat the lobbyists.

CHAIRPERSON BENJAMIN: Commissioner Green.

COMMISSIONER GREENE: I have a follow-up question. We’ve talked a lot about the cost to put on an election. Is this—are democracy vouchers a tool that I guess I would love to hear you elaborate on how you think democracy vouchers would lower that cost is it that you just anticipate—the City government and municipal government would step up to refund more of that cost as opposed to external parties?
JOHN MANNING: The bottom line here we need to have a level playing field, and we need to give the people choices. Let the people decide what’s going to happen, and democracy vouchers are a way of financing of campaigns, and—but if you and to other candidates who are running for something just the amount of the budget that you have is in the same league, in the same category, you are able to mail flyers to everybody within the district of the city. That costs a lot of money. TV ads that cost a lot of money, and we—this is like the fundamental problem as far as our political or all these other issues we talk about. I wish there wasn’t this form of unfairness. I wish there wasn’t that form of unfairness. By getting the big money and power and control out of our process, we’re going to be able to address a lot of other things like corruption, fraud.

COMMISSIONER GREENE: Thank you.

JOHN MANNING: Thank you.

CHAIRPERSON BENJAMIN: Commissioner Caras.

COMMISSIONER CARAS: Thank you. I’m not extremely familiar with the democracy voucher system. It is a—or in Seattle or what you envision, is it a
voluntary system or is this the only system that
there is?

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

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

JOHN MANNING: Yeah, Mr. Bloomberg he
just bought up the whole political process in New
York City. [laughter] He, I mean in Bay Ridge he
was Archie Bunker with an MBA. In Park Slope he was
the big flaming liberal and, you know, everywhere he
went his checkbook was open. You know, open. He
was—I mean I—I don’t think that’s what our founding
fathers envisioned, you know. Let the people decide
who they want to represent them, and you can’t have
freedom of the press if you don’t own a typewriter.

COMMISSIONER CARAS: Okay, thank you.
CHAIRPERSON BENJAMIN: Thank you.
JOHN MANNING: You’re welcome.
CHAIRPERSON BENJAMIN: Mr. Jaworski.
ED JAWORSKI: Good evening. Ed Jaworski, President of Madison and William Homecrest Civic Association. We’re at the Brooklyn’s southern end, Community Board 15. I gave all on the green sheet a little summary of some of the big uses that I’ll be referring to. Civic leaders like me have long been concerned that the real estate development interests hold the keys to the city, and so it was heartening to see the story two weeks ago in the Daily News, Wall Street Journal, Associated Press, Time, News Week Cranes and elsewhere exposing the fact there is some $1.5 billion in unpaid New York City fines including 500,000 building violations by the Kushner Company. Indeed, New York City has nearly $1 billion in unpaid Department of Buildings and Environmental Control Board violations including $235 million written off according to figures I have obtained by FOIL from the New York City’s OATH office. You can
see those figures there. A clause in the City Charter allows uncollected fines to be written off after eight years. That’s the Environmental Control Board chapter and I note the paragraph there. The— the specific sentence, on sentence says: The judgment and pursuant to this paragraph shall remain in full force and effect for eight years. While not granting permits under Local Law 47 of 2016 and recent BSA reforms should help, I and other civic leaders suggest that the write-off clause we eliminated from the City Charter. Because of the Department of Finance’s failure to collect ECB fines associated with the building’s violations, they will continue. Thereby, this endangers the public, often results in tragedies and denies a significant revenue source to benefit residents, as long as the violations can be ignored and fines are eventually erased. The fines should remain in full force and effect until satisfied in full. Also needed is the consequence of the lien to prevent the sale of the property, and ultimately pay the debt upon sale along with some interest accumulating annually. Further, any attempt to legalize or recommend legalizing the violation through any city agency should be denied.
We hear those dollars in the dream commercials to lotteries. Stop dreaming. You have access right now to a real billion dollars to help our real estate taxes—keep our real estate taxes in check and so much more. In doing research on this clause, the write-off clause, obviously it was probably put in by the means, forced by their means, (sic) the State authorized the change in 1984 Charter Revision. I have not in spite of a lot of calls and research including to folks like Eric Lane, the past Director the City Charter Revision when he—while he was Dean of Hofstra Law School [bell] to some other professors. I have not been able to find out anything about the history of this thing, the context of the actual authorization, and how the logic of erasing a DOB fine is justified if the legal condition continues. It’s simply a concession to meddling (sic) as is everything else. Thank you.

CHAIRPERSON BENJAMIN: Commission Vacca.

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

ED JAWORSKI: I—I remember you saying you write down things, and you drive them all.
COMMISSIONER VACCA: I write down problems and I drive them all, but I will say that I tend to agree with you, but you should limit that we should limit it at the eight-year limit, but unfortunately our city is unable or unwilling to collect this debt if you gave them 20 years.

ED JAWORSKI: Right.

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

ED JAWORSKI: Thank you.
CHAIRPERSON BENJAMIN: Alison.

[background comments] Sorry, you’re next, Merryl.

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

ED JAWORSKI: Right.

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

ED JOWARSKI: I don’t have breakdown on it. I’ve tried to get some information about this. To tell you the truth I mean the—the thing that brought this to the forefront and I’ve been beating my head against the wall--

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

ED JOWARSKI: God bless you—for quite a while to—even at the ZQAMIH hearings, I said how could you talk about rezoning when you can’t enforce the current zoning laws, and it’s not that—and it
wasn’t until Kushner’s comments came to the forefront and they’re just talking about, you know, $500,000 on a Kushner company. I have seen six figured problems, $200,000 a couple of blocks from me, another $200,000 plus on a single-family house in Manhattan Beach area of Brooklyn. So, it’s not the $100, $1,000, there are a lot of five and six figure folks out there, and that’s not just the big companies, it’s the individual single-family house construction guy.

Now, I defy you—do you remember the—-the crane collapse on the Upper East Side several years go. Seven people were killed. You go try to Google that address okay and find out, and there were big headlines that, you know, he’s going to be fined, and—and so forth on the front page of the New York Times. Those fines were never collected, and I defy you to go into the DOB’s DIS site right now to find where—what the status of those fines are right now. You know what, you won’t—you won’t do, you won’t even find the address in there. They’ve changed the address of the building. So, you have to do a lot of homework to find the new address, and you’ll find out that his fines were never paid in spite of the fact that seven people were killed.
COUNCIL MEMBER TISCH: [off mic] I want to stay out from answering questions, but I also want to say, you know, I just think [off mic] every day you learn something new. That is really—it’s really something, and I would like Alison, I’d like to know that details behind the data, and I think data tells us a lot.

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

CHAIRPERSON BENJAMIN: The Board of Standards and Appeals?

ED JAWORSKI: The Board of Standards and Appeals, and they were looking for an extension of—a variance, and the Chair of the—the BSA my promoter said to the attorney for—for the applicant okay, you know, the community is complaining about a place. The site looks like a jungle, and he’s got tens of thousands of dollars in fines. He said I’m going to give you 30 days to clear up the site and to pay the
fines, and then I stood up and I said, are you aware of the write-off clause, and she had—there was a young staffer there. He wanted just to give his—he said you ain’t seen—no there’s going to be a couple more fines written off pretty soon. So, she turned around and she said to them: You’ve got 24 hours to pay the fines. So, they weren’t even aware at the BSA. [background comments]

CHAIRPERSON BENJAMIN: Carl.

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

CHAIRPERSON BENJAMIN: [interposing] Eliminated?

ED JAWORSKI: --and leave discretion to reduce fines in cases where it’s a not-for-profit is acquiring a building or a single homeowner is trying to save a building. I’m—I’m just a little unclear about what you’re proposing. I think the write-off clause should be taken out. You could extend and Tony Bella’s—his original draft was, you know, extended out for 20 years. That doesn’t help. I
mean if someone from the Finance Department explained
to us if we don’t collect it in in the first year or
two, we just don’t collect it because now with the
eight-year write-off clause after two years have
passed and they haven’t collected, well, we’re half
way through the—the eight years.

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

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

COMMISSIONER WEISBROD: [interposing] I—
I—

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

COMMISSIONER WEISBROD: So, I just wanted
to say so—so in a case of say a building that was
sold to a not-for-profit that was going to develop
that building for affordable housing and the fines
still were on the property, and it was just given the 
not-for-profit. There would be no discretion for the 
fines or--

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

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

ED JAWORSKI: Well, you know, it’s—it’s 
got to be studied. You know, there—and—and also 
it depends on what happens with the municipal home 
rule here. Apparently the state directed the city to 
put this clause in the City Charter. What the clause 
was before they—they got this direction 1984, I don’t 
know. I haven’t been able to find out.
COMMISSIONER WEISBROD: Okay, thank you.

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

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

COMMISSIONER ALBANESE: Ed, I know you’ve been championing this for years. You’ve been pretty aggressive about it and—and your stick-to-itiveness is—a big part of the problem is that some of these entities are LLCs where, you know, if they owe the
fines they just—it’s hard to find out who’s accountable, who is not accountable.

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

COMMISSIONER ALBANESE: So–so in your view, these folks know what the rules are—

ED JAWORSKI: [interposing] Right.

COMMISSIONER ALBANESE: --and they just basically are vague and stalling—

ED JAWORSKI: [interposing] That’s right.

COMMISSIONER ALBANESE: --until the eight years expire.

ED JAWORSKI: Exactly, exactly.

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

CHAIRPERSON BENJAMIN: Commissioner Nori.
COMMISSIONER NORI: So, is your primary concern the revenue, or is that there are apartments—there are buildings that are in violation?

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

COMMISSIONER NORI: So, why don’t we go after that aspect of it? I mean what’s—?

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

CHAIRPERSON BENJAMIN: Chandler.

ED JAWORSKI: He was there.

CHAIRPERSON BENJAMIN: Commission or Buildings.

ED JAWORSKI: He was there and I mentioned this thing to him and the Mayor says get together with the Kushner Finance and get this thing resolved. I don’t think they ever met.
COMMISSIONER NORI: Have you heard from the Mayor since?

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

COMMISSIONER ALBANESE: It’s an experience to come to your meetings.

CHAIRPERSON BENJAMIN: Okay, Sal. Thank you very much—

ED JAWORSKI: Thank you.

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

ED JAWORSKI: Thank you very much.

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

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

CHAIRPERSON BENJAMIN: No, no, only a person who is—has been called by us can speak. So,
if you want to speak, you need to fill out one of these. [pause] Okay. Ms. Levy and Ms. Chin.
[coughing]
ALYSSA CHIN: Thank you for the opportunity to testify day.
CHAIRPERSON BENJAMIN: And you are?
ALYSSA CHIN: My name is Alyssa Chin, and I’m here on behalf of the Legal Aid Society with a staff or more than 2,000 and through a network of borough, neighborhood and courthouse offices throughout the city, the Legal Aid Society provides legal services for clients who cannot afford to--
CHAIRPERSON BENJAMIN: [interposing] Would you please speak into the microphone?
ALYSSA CHIN: Is that better.
CHAIRPERSON BENJAMIN: Yes.
ALYSSA CHIN: Sorry. So, the Legal Aid Society provides legal service for clients who cannot afford to pay for private counseling. So the Society will has counsel on hundreds of cases that concern the rights of tenants and rent regulated and unregulated apartments across the city, and so as a result we’re intimately familiar with the pressure experienced by tenants in the current and developing
housing market. So the New York Charter contains the procedure that community boards, borough presidents, and the City Counsel must employ when considering land use decisions, ULURP. ULURP, however, does not contain substantive requirements, and to the extent that such requirements are imposed by other laws, most notably the state and city Environmental Quality Review Laws. These laws omit critical considerations that should inform our elected representatives, land use decision making in a democracy. Most notably, the ULURP review process should require an evaluation of primary and secondary displacement from regulated and unregulated units. It should require an analysis of demographic shifts based on income and ethnicity and finally, the city should track this data from prior rezonings so that our predictions are data driven, as opposed to conclusory as we consider future rezoning. Recent history has established that rezoning results in the accelerated gentrification of communities and the displacement of long-time tenants in both regulated and unregulated apartments. This failure to look at the risks of displacement while
considering tenants in rent regulated apartments
requires that the City Council amend the Charter.
So, under SEQR, a detailed analysis of the
environmental impact—effects of indirect displacement
is required only if the project has the potential to
displace 500 residents; those residents represent at
least 5% of the study area population and the
residents to be displaced have incomes substantially
less than the average incomes of the study area
population. The objective is to determine whether
the proposed project may either introduce or
accelerate a trend of the changing socio-economic
conditions that may potentially displace a vulnerable
population. And yet this analysis is conducted only
in cases in which the potential impact may be
experienced by renters living in privately held units
unprotected by government regulations restricting
rent, or whose incomes of poverty status indicate
that they may not support substantial rent increases,
but we know that that stock of affordable rent
regulated housing is on the decline, and homelessness
is on the rise in New York City. According to the
New York City Rent Guidelines Board, in 2016 alone
7,524 apartments were deregulated across the city.
We know that rent regulation is not enough to prevent a tenant from being displaced, and rising rents are allowed by gaping loopholes in the Rent Stabilization Code. The City Charter should be amended to require and assessment that includes displacement of rent regulated tenants, and this assessment should track income and ethnicity using data from previous rezonings to inform land use decisions. [applause]


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

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

ALYSSA CHIN: Okay.

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

ALYSSA CHIN: So, that—that is part of the current analysis.

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

CHAIRPERSON BENJAMIN: Thank you very much.

COMMISSIONER VACCA: No, wait. One second.

CHAIRPERSON BENJAMIN: Oh, I’m sorry. I didn’t see you Jimmy.

COMMISSIONER VACCA: I like—I like the idea of doing something whenever we rezone a neighborhood. We rezoned, you know, the last rezoning in the city was in the early 1960s and then in the past ten years, we either up-zoned or down-zoned a whole bunch of neighborhoods in the city, and we’ve not had a study as to what the impact has been
of either type of zoning. There is no analysis subsequent, and the same could be said of the 1060 zoning original, a zoning resolution. So, you’re raising a good point, and there should be an analysis of some kind. Thank you.

ALYSSA CHIN: Thank you, Council Member.

COMMISSIONER VACCA: Thank you.

CHAIRPERSON BENJAMIN: Thank you.

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

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

CHAIRPERSON BENJAMIN: Uh-hm.

AMARIA LENNARD: Am I loud enough?

CHAIRPERSON BENJAMIN: Uh-hm.

AMARIA LENNARD: Okay. So, what I have for you is very, very shot, but I just wanted to start by introducing myself. My name is Amaria Lennard and I am new community—community Liaison for Assembly Member Barron, Charles Barron of the 60th Assembly District, out of East New York. I want to say that, East New York for the record, and I am here
representing the Assemblyman and the Assembly member
is in support of the New York City Council Member
Inez Barron’s proposed idea of creating an elected
Civilian Review Board [cheers/applause] with power to
have the final decision on all cases before the
board. Thereby, removing the Police Commissioner
from the process. In addition, we are in the process
of proposing (1) The election of the police
commission and (2) on the community board level
expanded influence and control of land use in their
communities. Further details on these proposals will
be forthcoming during the 2019 hearings, but today, I
just wanted to make sure that I representing the
office, and these things are put on record for
everyone to hear. Thank you.

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

ANTHONY BEDFORD: Good evening, ladies
and gentleman. My name is Anthony Bedford, Community
Advocate in the Flatbush—the Flatbush area. I’m also
the leader of the Brooklyn Copwatch Patrol Unit, and
I’m also a New York City Assembly candidate. I’m
here to basically speak and to testify on behalf and
my support for the ECRB, which is the Elected
Civilian Review Board. [cheers/applause] Now with me being the leader of Copwatch, I see what most you all up here don’t see every day because I’m out there every day I see an experience that myself as being a black man in a black community. In 2016 out of the 518 incidences that the CCRB itself have found it to be, you know, found the officers to be guilty of, which one of them was me. None of those officers were ever punished, fired or arrested, and never charged, and that’s the problem. When it comes to our community there seems to be impunity, and that’s a big problem because if I commit half of the acts that these officers commit, I’ll be locked up that day, and would more likely be on Rikers that night and that’s a great injustice. So, we do need to have an elective process when it comes to the Civilian Review Board. You cannot have the police policing themselves because we already see how that happens. We have too many hashtags for that. We just recently had a hashtag in Dallas, you know, with the gentleman there who had his whole—her door kicked in and the officer claims that she thought she lived there, which we know that was a lie.

FEMALE SPEAKER: That’s right.
ANTHONY BEDFORD: We have Sahib Vasel who was murdered in Utica, Montgomery, you know, by anti-crime officers and SRG officers who have no accountability when it comes to them. You know, and which we call the Bratton Bullies because that’s when they most came into effect. You know, we have Kyam Livingston, Khamari Gray, Shanto Davis, and the list goes on and on. As a cop watcher, everyday I record and I see these instances. Just the other day when I was helping protestors, which were a bunch of women and children who basically had the NYPD converge upon them to try to intimidate them from protesting against racial injustice at a nail salon. [background comments]

CHAIRPERSON BENJAMIN: Excuse me.

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

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

ANTHONY BEDFORD: So, just the privileged gentleman there, when you live in my community then you can speak on my manners. Like I said, we need the ECRB to be to be into effect. We need to make
sure that the—the—that the Mayor and that the Police Commission O’Neill do not have the stronghold that they have had for all these years because that is grave injustice to the people. We need to make sure that the people receive their justice because again, these officers are not being charged. They’re not being prosecuted. They’re not being fined at all, and when it come to even civilian—the civil matters, there not being any type of responsibility at all. Even right now you have the Mayor trying to appeal the—the civil lawsuit from Ms. Bah, who’s Mohamed Bah’s mother. Now, these are the things that I said, again, and again it’s insult upon injury, and myself again being a man in this community who has to raise sons and daughters in this community have to see the—the—the—the consistent, you know, acts of violence against our community. [bell] Enough is enough and if you all feel that you support—if you support the people then you would actually put this into effect in the vote in 2019 [applause]. If not, then we know which side you stand on.

CHAIRPERSON BENJAMIN: Thank you, Mr. Bedford. [cheers/applause] Any questions. Excuse me. Thank you, Mr.—Commissioner Greene.
COMMISSIONER GREENE: Are there any specific powers that you want the CCRB to have that it doesn’t have already, or is it specific to changing the body of people?

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

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

FEMALE SPEAKER: [off mic] We need to hear the CCRB.
CHAIRPERSON BENJAMIN: Excuse Me, excuse me.

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

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

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

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

FEMALE SPEAKER: [off mic]

CHAIRPERSON BENJAMIN: That’s it. Can you say that again, please?
FEMALE SPEAKER: [off mic] [laughs]

CHAIRPERSON BENJAMIN: And Paula Siegel.

Yes, okay. [pause] Ms. Siegel.

PAULA SIEGEL: Thank you so much. Thank you so much for holding this hearing. My name is Paula Siegel. I am a senior staff attorney in the Equitable Neighborhoods Practice of the Community Development Project. As some of you know, CDP is primarily a legal services provider that works with local coalition to foster—local coalition to foster responsible, equitable development and make sure that people of color, immigrants and other low-income residents who have built our city are not pushed out in the name of progress. We work together with our clients to ensure that residents in historically under-resourced areas have stable housing that they can afford, places where they can connect and organize, jobs to make a good living, and other opportunities that allow people to thrive. We’re extremely excited to collaborate with this Commission on a thorough review of the City Charter, which is long overdue in the Land Use context. I have just handed out a written version of my testimony, which goes into detail on 18 specific recommendations that
I’m going to cover more broadly as I speak and then I’ll welcome questions. Attached to my testimony is also the Inclusive City Report that Council Member Reynoso referred to earlier. We worked with that—on that report with the Council Member at the Manhattan Borough President’s Office, and more then the two dozen of our clients and partners, and you’ll see them listed. On the second page the report contains other specific recommendations, but they’re not all specific to the charter. The recommendations I’m highlighting today, the 18 you’ll see on the first two pages are specific to the Charter and they echo what we’ve heard from our clients in recent months specifically from the Northwest Bronx Community Clergy Coalition from St. Nick’s Alliance in Brooklyn from good old Lower East Side in Manhattan from have --working in Manhattan and Queens among others. So, the first recommendations address seeking an assurance that more public land is subject to—subject to approval through the city’s Uniformed Land Use Review Procedures including land that belongs to the New York City Housing Authority, which can now be disposed of without a City Council vote, and all the land that is subject to irrelevant and outdated Urban
Development Action Area Program, a program that was designed specifically to facilitate the off-loading of public land at a time when the city thought it had too much of it. That is—that is currently written into the Charter and must go. We’re also recommending ways in which the ULURP process itself should be streamlined and made more transparent. We’re asking the Commission to use the Charter to leverage the city’s oversight and disposition powers to ensure greater and more long-term public benefits including enforcing existing deed restrictions, and [bell]—and encouraging the disposition of public land for public good, but also recommendations were made to the tax lien sale process, which currently endangers community property and lets vacant privately owned property flip to the private market without any kind of public review. Recommendations related to rights and protections for low-income renters and small businesses and finally echoing some of the—some of the other speakers you heard tonight, recommendations to address the need for data that would allow community planning that is genuinely participatory, equitable and more, and actually it serves our clients. Thank you so much.
CHAIRPERSON BENJAMIN: Thank you very much. Any questions?

PAULA SIEGEL: And there is a lot.

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

MS. VILMA ZAVALA: Vilma Zavala. (sic)

CHAIRPERSON BENJAMIN: Say that again.

MS. VILMA ZAVALA: Okay. [bell] Dear Members of the Commission so good evening. I am an East New York community organizer as well as a teacher of English as a second language, and a proud New Yorker originally from Ukraine. I am here on behalf of a group of inter-related organizations namely and mainly the New York City Immigration Office Central of the Russian and Ukrainian Culture and Russian Speaking Community Council. So, we are organizing and advocating for say about 200,000 immigrant New Yorkers coming from 15 former Soviet immigrant countries with a special emphasis on refugees, asylum seekers and political system from also terrorist regimes. Our proposal from the Linkage by the Russian-Speaking Community Council President Dmitri Daniel Glinski consults and wants specific articles in our City Charter in Section 18
of the one (sic) on the Mayor’s Office of Immigrant Affairs. We urge you to replace the Office with an immigrant rights and a fully the Commission whose members should be appointed from among their candidacy. They often do not use those, proportionately the number to the site of a major and re-advanced in unity with the city. To be effective, these commissioners must be civil servants. Also they should have a lot of offices in every borough and these offices should be governed by their own immigrant leadership council emphasis on refugees, asylum seekers and political system from Santeria regions. Our proposal from the Linkage by the Russian-Speaking Community Council, and here are our reasons of this: Our city are 60% foreign born with immigrants of all races, the white, black, brown the Asians, Hispanic need most are first, representation and second real economic opportunities including building those professionals sowing for their community and our city. The office as it is captioned under this article provides none of that. It has such hard-working, dedicated staff with plenty of good intentions, but often have no experience of being an immigrant and limited connection to
immigrant communities themselves. New immigrants tell us and I know that from my own experience. The office is not quite responsive, and at times not even available with challenges and developments within—between these communities. In contrast, government in such a peaceful, progressive nation, Houston and other major cities, as it is wide based [bell] their local laws includes community leaders now on a more or less representative basis, and they have much broader and broader mandates than the Mayor’s Office of Immigrant Affairs. So, we sure that New York should follow these examples of real democracy. Thank you for your attention.

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

MS. VILMA ZAVALA: Thank you.

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

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

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

CLEM YURAVAL: [off mic] It’s Omowale.
CHAIRPERSON BENJAMIN: I’m sorry.

[applause][pause]

OMOWALE CLAY: Good evening.

CHAIRPERSON BENJAMIN: Good evening, Mr. Clay.

OMOWALE CLAY: Okay.

CHAIRPERSON BENJAMIN: Sorry about the mispronunciation.

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

CHAIRPERSON BENJAMIN: Okay.

OMOWALE CLAY: Good evening members of the Charter Review Commission and members of the audience. My name is Omowale Clay and I’m testifying on behalf of Council Member Inez Barron who represents the 42nd Council District and the Chair of the Committee on Higher Education. I would like to recognize Manhattan Borough President Gale Brewer, Public Advocate Letitia James, Speaker Corey Johnson and Council Member Ben Kallos and Carlina Rivera for introduction into 241, the bill that established this Charter Revision Commission. This evening I would like to request that the members consider making significant changes to the Civilian Complaint Review
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3 Board. According to the powers [applause] and duties of the Board, excepts from Section 440 of the New York City Charter states: The Board shall have the power to receive, investigate, hear, make findings and recommend actions upon complaints by members of the public against member of the Police Department that allege misconduct involving excessive use of force, of use of authority, discourtesy, use of offensive language including, but not limited to slurs relate to race, ethnicity, religion, gender, sexual orientation and disability. I join with advocates who call for establishing a Civil Review Board that is elected by New York City voters. [cheers/applause] We have experienced, read or witnessed too many accounts of misconduct, abuse and police killings of New York City residents particularly of unarmed persons by officers of the NYPD with little or no punishment muted out to the officers. I point your attention to some of the most egregious: 18-year-old Ramarley Graham from the Bronx who was killed in his home in front of his grandmother and 6-year-old brother by Officer Richards Haste; Eric Garner who was killed by Officer Daniel Pantaleo by use of a banned chokehold in...
Staten Island and Delrawn Small who was killed by an off-duty officer Wayne Isaacs. The CCRB was established in 1993. Twenty-five years is sufficient time to give officials and the public the information and data to measure their effectiveness. [applause] 

A report released New York City Liberties Union in 2007 concluded: The Civilian—the city’s Civilian Oversight system, which is intended to provide accountability for acts of police misconduct is not performing the mission it is charged with in the City Charter, but examined investigations covering the period 1994 through 2006. Another report released by NYCLU in 2017 found that misconduct by NYPD had increased in 648 substantiated cases to 1179 cases an increase of 82%. Of the 518 officers who were disciplined none were fired and only 4%, 20 officers were suspended or lost vacation for more than 10 days. The CCRB continues to close [bell] and dismiss most of these cases without completing and investigation. These as recommendations were not limited to just these. The board must be elected by New York City in districts covering the five boroughs. The board must have power to investigate police misconduct and make findings or disciplinary
decisions must be binding or ECRB must be granted [applause] with subpoena powers. Far too long officers who have violated police policy, abuse their power and harm people. They are paid to protect. Have been able to evade making restitution or receive an appropriate reprimand. I think it was asked—I think someone asked how would you measure the effectiveness of the board with these revisions? It would be by the number of police officers who are arrested and incarcerated. [cheers/applause]

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

OMOWALE CLAY: Thank you.

CHAIRPERSON BENJAMIN: Mr. Lander.

COUNCIL MEMBER LANDER: Thank you Chair Benjamin, and members of the Commission. I really appreciate your service. My name is Brad Lander. I’m a member of the New York City Council and the Council’s Deputy Leader for Policy. I’m working with some of my colleagues and with the Speaker on testimony we may bring forward in the future from the Council itself, but tonight I speak only for me. You have an exciting task ahead of you. Obviously, looking at the entire Charter with full ability to
think about what’s working and not working in our city government is a powerful responsibility, and I really appreciate your doing it. It is obviously broad from strengthening transparency in the budget process to thinking about advise and consent on major appointments like the Police Commissioner or the Chancellor to, yes, considering a more independent and empowered Police Review Board, which is something that I do support, but I’m not going to testify about tonight. [applause] I want to speak to you about two things briefly tonight. First, instant runoff voting and second some changes to the land use review process to achieve more fair equitable and inclusive outcomes and processes. So, first on instant runoff voting I know some of you may have seen the 2018 Charter Revision Commission appointed by the Mayor received a lot public testimony from people including me, but many others to consider implementing instant runoff or rank choice voting in our elections to avoid expensive unnecessary runoff elections in the primary where people wind up with less than a majority. We have to have an expensive runoff, and what we’ve seen all around the country now is that instant runoff voting is win-win-win. It increases
participation. It saves money. It gives candidates a reason to campaign in every community and not write some communities off. It discourages negative campaigning, leads to more diverse representation, and strengthens the majoritarian legitimacy of those elected. I’m not going to go into more details now, there’s some details we presented to the prior commission and in their report, but the evidence is from all over and one of the most interesting things is that in both Maine and Minnesota the candidates who actually lost under instant runoff voting still wound up supporting the system and believing it had been better for their local and state democracies in those places. I urge the Commission to explore the details, review research and develop a thoughtful proposal to place instant runoff voting on the ballot in 2019. Second, you’re going to hear a lot about voting and land use process. In 1989 the Charter Revision Commission made some significant changes both to the Fair Share process and the ULURP process. I respect the work of that Commission, and people like Chair Benjamin and Chair Weisbrod who helped advance it, but we face some new challenges now. The level of growth and development, the pressure that
places on neighborhoods, the affordability crisis, the sustainability and resiliency issues, our aging infrastructure and I believe that in that context with those challenges are highly reactive ULURP process just is not getting the job done. Each application is brought either by a private developer or by the Administration, and it’s not judged against a broad set of goals we’ve collective agreed to for sustainability or affordability or how to share and distribute the challenges [bell] and the benefits of growth. We’ve got to do some things differently. So, I do think and I’m happy to talk more at a latter time about what a comprehensive and proactive planning process would look like that would set shared goals at the beginning of that process in a way that involves some dialogue data, and cross-acceptance with communities, set a platform so that projects are then judged since that comprehensive plan in a real and thoughtful and fair way that makes sense to communities that is less reactive. So, that’s number one. Number two, it’s time to revisit and reform the city’s Fair Share process for siting municipal infrastructure and services. They’ve tried some creative things in 1989, but they just are not
getting the job done. The Council two years ago published a really comprehensive report on how we could address the unfairness and the siting of municipal infrastructure from waste treatment stations to every form of infrastructure. Every community, you know, ought to have access to a good public school and a library, and nobody should be overburdened with those things that we all need, but that folks really would prefer not to have in their back yard, and we have some thoughtful proposals for how to revise our Fair Share process, and then finally, I joined some earlier colleagues in saying please look at the disposition process for city-owned land. In this day and age there is just no reason for us to be disposing city-owned land for-profit private developers where they need to make a profit on their development projects who could put them only to community land trusts or non-profit developers for permanently and deeply affordable housing [applause] for equitable economic development. I apologize for overstaying my time, and I thank you again for your service on this important issue.
CHAIRPERSON BENJAMIN: Thank you, Council Member Lander. [applause] So, Commissioner Vacca had a question for you. Commissioner Vacca.

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

COUNCIL MEMBER LANDER: Yes.

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

COUNCIL MEMBER LANDER: So, the proposal that I think at a minimum it should be the three citywide offices, and I think City Council Special Elections would be a good place to go since there’s no general, right? So, you’ve just got one long list of people, and doing a ranking system there would make a lot of sense, and just the election that elected Council Member Donovan Richards there were
eight candidates. Nobody got over 20% of the vote, and so, I’m not closed to borough presidents or Council members that if we’re trying something new we’ve got to get New Yorkers aware of it. I think the three citywide and Council specials would at least be a good place to start though I wouldn’t argue with that.

COMMISSIONER VACCA: Do you anticipate an objection from the Board of Elections? Because I’m thinking of the ballot that we receive, and the ballot how would that go? Technically, how would you do an instant runoff on a—the common ballot we get from the Board of Elections?

MEMBER LANDER: The good news here is that there are a couple of places that use our exact same elections software and machines that have instant runoff voting. So, Minneapolis and one other city and I’m spacing what it is--I apologize but I can get back to—use our same scanning system, our same one-face ballots. It’s pretty simple to leave the room for people to rank 1-2-3. It doesn’t take a lot of extra space on the ballot, and people have found it pretty intuitive. I think I was worried when I first learned about it that voters would find
it complicated, that the ballot would appear complicated, but in all the places they’ve done it, and especially in those places that have our same software system, people report they found it easy to use. They found it easy to rank, and it worked pretty well.

COMMISSIONER VACCA: And this would be in primary elections?

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

COMMISSIONER VACCA: Okay, thank you.

CHAIRPERSON BENJAMIN: Sal.

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

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

COMMISSIONER ALBANESE: I’m sure you can talk to the Mayor.

COUNCIL MEMBER LANDER: I have not had a conversation with the Mayor about instant runoff voting. I honestly don’t know. I think it’s a great
idea and I don’t know why, you know, the Mayor—it’s—it’s true. I don’t think it’s secret, but the Mayor himself is not an enthusiast. I have a bill, you know, I have a bill in the Council to do this. It would have to go to referendum, which is why it’s important—

COMMISSIONER ALBANESE: [interposing] Right.

COUNCIL MEMBER LANDER: --to come here. We could pass a Local Law that would have to go to referendum. I sought his support for that bill. I have not yet secured his support for that bill. I think it makes sense from a lot of points of view. So, I’m not sure where that--

COMMISSIONER ALBANESE: [interposing] Has he--has he checked?

COUNCIL MEMBER LANDER: --opposition was, and maybe he’s not opposed. Maybe we just haven’t yet made the case satisfactorily.

COMMISSIONER ALBANESE: It seems to me that it’s a no-brainer. What’s the key objection? It saves my name.

CHAIRPERSON BENJAMIN: I don’t know that you can really expect him to speak for the Mayor.
[laughter] He’s elected in his own district with the Mayor.

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

COUNCIL MEMBER LANDER: There are things that I’ve been able to persuade the Mayor and things I’ve not been able to persuade the Mayor. So, look, I think it’s a real question. I will say there are things to pay attention to in the process, and there were thoughtful questions that the Commission about how to make sure that it works in a way that’s successful. You know, I’ll—you know, one of the commissioners on the prior Commission said something like, you know, the 1977 Koch-Cuomo runoff was like a—it’s kind of a visible, important moment in thinking about choices that the city had. I don’t think it’s we’re—-like we’re spending a lot of money for something that mostly doesn’t move the ball down the field. Obviously, you’ve got some excellent appointees on this Commission who are mayoral appointees. I think finding out what the concerns are and like let’s make sure together we can address them because, you know, I think the goal is to—-is to
make our elections better, and I’m confident we can all get there in pretty sensible (sic) way.

CHAIRPERSON BENJAMIN: Commissioner Greene.

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

COUNCIL MEMBER LANDER: Yeah. So, you know, and there’s a lot of examples now from around the world of cities. London does it. Seattle and Portland. There are cities that have good processes and we should learn from what’s working—and not working because it’s not a simple process. I think about every ten years is probably the right amount of time to come back and update it. You might have a process for making amendments or updates along the
way, but you’re trying to take a big long-term look. You’re starting with some doubt and saying what do we think the projections are for the growth in our city? How do we think we are set to handle it or not? What infrastructure investments would we need? You know, what are the core other issues like more resiliency in the face of climate change or, you know, so you start there. In terms of who does it, we need a process that involves multiple actors. I think obviously the Department of City Planning would have the responsibility for gathering that initial data, but you’re going to have to have a process, and I used this word in the testimony that some planners used of cross-acceptance. Nobody is excited about having more growth in their neighborhood. Right? So, the challenge is people keep coming to New York. We have to think about how to handle that growth thoughtfully in ways that take us forward and don’t exacerbate problems. So, you’ve got to say to people, Look, if we can work together to find a way to plan thoughtfully, you’re going to have more ability to say in your neighborhood where it goes and doesn’t, what else you need, what kinds of priorities there are. So, what exactly does mean? Yes, we are
starting to do some research to try to drill down on what’s working and not working in other cities. I don’t know. I know that the prior commission picked some issues and really had the opportunity to drill down in more round table like sessions. I don’t think it’s simple. I don’t want to be naïve about it. You know, I make this kind of joke I sometimes make in the testimony that sometimes it just seems like our whole land use process is just REBNY versus NIMBY. You know, like developers that want to see change happen and people in their neighborhoods that feel like that’s going to erode or destroy what’s best about their neighborhoods, and we just shout it out, and right now we just aren’t starting from amore comprehensive look at what the challenges the city is facing, and how we ought to try to work together collectively. I don’t want to again Pollyannaish or naïve, but I think a process like that could help us have the land use conversations in a more productive and thoughtful way.

CHAIRPERSON BENJAMIN: Paula.

COMMISSIONER GAVIN: Thank you so much as always Councilman. I wanted to just ask if the planning process would include the shared goals. So
your vision is that this planning process would come up with those shared goals, what then would be the criteria, used going forward?

COUNCIL MEMBER LANDER: Yes, absolutely.

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

COMMISSIONER GAVIN: Thank you.

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

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

COUNCIL MEMBER LANDER: Yeah, well I think that’s two different questions about how it relates to the ULURP process and how it relates to what planning currently goes on. Of course, the department does some plan—some bigger look at things,
but there isn’t a process that you take, that you know that you do every so often. I mean again the comprehensive planning that the city has done at some points in the past, and other cities do, you know, again on the kind of ballot ones that get the scale, and yes, it—it’s a—you’ve got a staff. The staff have to do the work, but the setting of the goals involves all these different actors, and just like you’ve got a commission with multiple appointers, this goes before the Planning Commission, it comes before the Council, and it goes before the borough presidents. So, the set of goals get negotiated, and by community boards as well. So, it’s always messy. It always involves negotiation. You come out with a documents that to the best of our ability represents a shared set of goals, and then I think a really [bell] important implicit set in your question—implication in your question is what does that mean for actions that are brought in those next ten years?

COMMISSIONER HIRSH: Right, that is my question.

COUNCIL MEMBER LANDER: And yes, what I would say is I’m not proposing that we undo as-of-right zoning, the things that are as-of-right under
current zoning would presumably stay that way, but it seems to me that land use proposals that comport with that are aligned with that plan ought to be somewhat easier to move through the process, and land use proposals that don’t comply with or align with that plan ought to be harder to move through the land use process. Exactly what that means, how much easier, how much harder. Do you do a comprehensive generic environmental impact statement, and if you fall neatly within it, you don’t have to do an additional EIS because it’s clearly within the goals. So, you save some time in the process, or—and we have to think—this is some of the more detailed thinking. I do think plans that comply with the comprehensive plan would need to be easier to move through the process. That would be the whole point of doing this.

CHAIRPERSON BENJAMIN: Commissioner Tisch.

COMMISSIONER TISCH: Yes

COUNCIL MEMBER LANDER: [off mic] It’s interesting—

CHAIRPERSON BENJAMIN: You have to speak into it. You can take it off of the thing.
COMMISSIONER TISCH: It’s interesting that people who have spoken before you spoke about campaign finance reforms, and I’m curious. Do you draw a dotted line between land use issues and the building you tackle, appropriate campaign financing in the city?

COUNCIL MEMBER LANDER: So, so that’s an interesting questions. I think that’s an area where we have made some progress, you know in the cycle when we changed the law to make contributions for people who do business with the city both much more limited and non-matchable. The percentage of contributions from people in real estate to City Council members shrunk dramatically. It was mid 30s. I think 35 or 36% before that, and it went down to like 5 or 6% in the cycle after that. There’s more to do. I support the Campaign Finance Reform proposal that your predecessor Commission has put on the ballot. So, look, it’s important to get money out of politics. I think the land use challenges we face are genuinely hard and I don’t think they’re only hard. Of course, one reason they’re hard is that developers are profit motivated and trying to make money on their development project, and it’s in
their interest to do everything they can to get their projects approved. That is absolutely one reason, but there are many others, and it is genuinely difficult. We have a growing city because people are moving here, not because developers are driving them to move here because they’re moving here, and it’s not easy to accommodate that level of growth. Folks in most neighborhoods would just rather keep their neighborhoods the lovely places they are. The infrastructure is old, and so it’s not easy to figure our. Boy today’s commute was ridiculous. So, I think it’s a hard set of problems, and it’s—it’s not made better by the fact that we finance campaigns on private dollars, but I don’t think it’s the number one problem in the system.

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

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

COUNCIL MEMBER LANDER: [interposing] Yes that’s a lot coming from you since you’ve—you’re giving the most thought.
COMMISSIONER WEISBROD: It really about that, you know. (sic) I’m—I’m—with respect to a comprehensive plan, I just want to get a sense of not so much the process, which is complicated but the—what—you see as the—as the sort of magnitude of the plan. As you know, the city did attempt to do this about 50 years ago, and more than 50 years ago, and invested a huge amount of time and effort virtually the entire Department of City Planning was devoted to it, and then by the time it was finished it was largely not relevant any more. Time had changed and it had taken four or five years to do. So, that’s one let’s say extreme, and then what the city has now been doing the last several years is PlaNYC. That plan is sort of morphed into OneNYC, and do you see the—the latter as a—a more robust say OneNYC as sort of a level of—or of planning that you’d like to see sort of a set of—I mean obviously OneNYC has not addressed all land use issues. It has addressed some city goals, but I’m—I’m not so much talking about the substance or the process as much as I am about the level of detail and what—whether it’s closer to a strategy even than a plan.
COUNCIL MEMBER LANDER: Yes. Look, I think it’s a good question, and you certainly have a lot more insight having led that department into the magnitude of work and how much detail you get. My gut is that it’s something that ought to take one or two years to develop, you know between kind of the early stage development of the data and then the moving through a process where multiple actors get to give feedback on it, and it ought to be— you ought to hope it’s good for about ten years. So, exactly how drilled down can you get? Like it’s sort of guided by the resources you have. I do think that the general scope of the PlaNYC and OneNYC documents is about the level of detail that I would imagine. I think the question Alison asked about how to— you’ve got to be able to know whether proposals comport with it. So, you have to think a little more than those two plans did about, you know, what you’re asking of an individual land use action to tell whether it complies with the plan. So, I think some thinking would have to go in there. It’s a little easier now than it was 50 years to be real time given the data that we have at our— at our fingertips, but I think it’s important to do it with the humility that things
are constantly changing, and do your best to, you
know, on the time you have, you know, make some
mistakes and some things a few years later are going
to have to be corrected, but we’d still be better off
than having to finish that. (sic)

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

COUNCIL MEMBER LANDER: Yes, that’s fine.

COMMISSIONER ALBANESE: Council Member on
Campaign Finance, I got the sense that you—you
believe that under our system that we don’t have that
much influence by lobbyists or other places. Is that
accurate?

COUNCIL MEMBER LANDER: No. I think the
restriction on doing business contributions that
reduce them from what was then, you know, $2,750 to
Council Members down to $250 and it took away a
match. It was found by the Campaign Finance Board to
have made a significant reduction in the amount of
money from folks who were doing business with the
city and seeking particular influence, and that it
was a very good change. I’d love to see us do more.
I support the new proposal, and I’m open to other
changes. You know, the—the—the influence of money in
politics is not good for us at any level. We’ve got
a lot in our system and the state does it and the
federal government does, but there’s more for us to
do.

COMMISSIONER ALBANESE: So, you—you would say the pay to play is still a problem in New
York City?

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

COMMISSIONER ALBANESE: You mentioned—by
the way, I’m very skeptical with Campaign—the New
York City Campaign Finance Board statistics about
people doing business with the city, the amount being
lowered. We do—you do know that—that lobbyists and
developers and people who do business with the city can still bundle money, right?

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

COMMISSIONER ALBANESE: But they—but they’re still—

COUNCIL MEMBER LANDER: [interposing] You can still bundle them, but you can’t—

COMMISSIONER ALBANESE: [interposing] Of course.

COUNCIL MEMBER LANDER: --but you substantially reduce, and now if you reduce—if we reduce the contribution limits even further, and you can’t get the match—anyway, these are good changes. I’m all for more changes, but taking the match away form bundled contributions was a very good step.

COMMISSIONER ALBANESE: It’s a step forward--

COUNCIL MEMBER LANDER: Yes.
COMMISSIONER ALBANESE: --but obviously not enough.

COUNCIL MEMBER LANDER: Fair enough.

COMMISSIONER ALBANESE: Yes.

CHAIRPERSON BENJAMIN: Council Member Vacca.

COMMISSIONER VACCA: I wanted to get back again to the instance runoff. I would like you to give me information, but if you cannot do it, then I would like the staff at the Commission to tell me how much money we spent on runoff elections in the city of New York since the runoff was instituted, which I think was after the 1969 Mayoral Election, and I would like to know how much money the city has spent in runoffs and what the level of participation in those runoffs were. So, that’s number one. Number two, this year, if I’m correct—I’m sorry. Not this year. In 2019 we do not have a major city election, but we will have probably an election for public advocate in March; a primary for Public Advocate in September; a runoff in October; and an election in November for a job, which I must say is advisory and one of advocacy. Let me put it that way. So, I’m looking for the taxpayer as well as the reality that
this runoff voting is probably more inclusive of people participating in the process, and I would like that information from, but if not, I would like it from the staff.

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

CHAIRPERSON BENJAMIN: Okay. Commissioner Camilo.

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

COUNCIL MEMBER LANDER: It’s no doubt, you have your--

COMMISSIONER CAMILO: I just had two very quick--more--more of just pragmatic questions. Number one, can you talk a little bit more about the cross-acceptance process, what--what you envision that
looking like because I imagine every community board will have very many, you know, people wanting to weigh in a Council Member district. How would that be broken down, and similarly for the contents of plan, how granular are we talking about the plan to be? Would it be by, you know, a community board of Councilmanic Districts or could you just flush that out a little bit for us?

COUNCIL MEMBER LANDER: Yes so these are great questions, and I—I think they really merit some—You know, we have some more homework to do. We’d like to do it in dialogue with others. You know, it seems to me that, you know, it’s—cross-acceptance is something like if you’re in a community board that doesn’t have a sanitation garage, you know, and your Sanitation garage has been in the next community district over. So, they’ve got all that traffic, and you’re willing to say, you know what we ought to accept that we need to put that Sanitation garage in our district, you have more ability to help figure out where it goes than if you say, you know, we’re not accepting that Sanitation garage, and so it’s—it’s things like that and what that looks like at scale, how that community gets that additional
ability if it has leaned into its responsibilities as part of managing the needs the city has, but it has more ability to put forward the things it needs to make those things work. That’s the idea here. What does exactly that look like and how would we manage it? I want to spend some more time thinking about it, and I welcome other ideas, but it’s—that’s the idea.

CHAIRPERSON BENJAMIN: I’m just going to take a chairman’s prerogative here, and ask Brad if he could stick around and maybe we could ask him additional questions later—

COUNCIL MEMBER LANDER: [interposing] Oh, yes. I’ll do that.

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

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

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

ROB BECERRA: I’m Rob Becerra.

CHAIRPERSON BENJAMIN: Rob Becerra?
ROB BECERRA: Yes.

CHAIRPERSON BENJAMIN: Okay and Mr. Medina.

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

CHAIRPERSON BENJAMIN: Is your name here?

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

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

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

CHAIRPERSON BENJAMIN: Okay. Modalia Hansel.

LUZA LIZ ORTIZ: That’s another community member that came with me.

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

ROB BECERRA: Ladies first.

LUZA LIZ ORTIZ: Thank you.
CHAIRPERSON BENJAMIN: What is your name, please?

LUZA LIZ ORTIZ: My name is Luza Liz Ortiz. I’m a community independent organizer in Williamsburg.

CHAIRPERSON BENJAMIN: Okay.

LUZA LIZ ORTIZ: And so we came here for a variety of reasons. That’s why there was people stating, you know, their point. The main point that we came here for was the ULURP process, and we would like to know that the main thing that we were talking about was the community hearing, and so, in a community hearing space we usually have the time for the community, and as you can see for the last two hours where was the community included. However, moving forward one of the main points is that the ULURP process itself needs to revised, and so that the developers don’t have the monopolization of creating a plan, and then just throwing it into the community board. That’s not fair to the community themselves. [applause] Aside from that point itself, we have an issue with appointees of the community boards. They have, you know, a long tenures as if they were Supreme Court justices and often times
[laughter] you know, they stay there and they are very important and influential to the community but often times their opinions become dated and no longer serves the community. I believe that that also needs to be, you know, revised and changed and so that we appoint these people, and that there is a long-term track of having them, you know, actually be benefitting the community that they’re serving, and then we have an issue of public land distribution. It seems to us as if the EBC just throws it out there. You know, just throws the plan out, and go and take the land, and that needs to change as well because, you know, there should be a monitoring if that land is being used for what it was planned for. [bell] Sorry, but moving forward, we also have an issue again of the MIH and affordability crisis. You know, the HPD actually creates the formula for, you know, the income, and I may be saying that wrong because I wasn’t the one that was supposed to be here. The formula itself doesn’t serve the community that it’s supposed to be serving. It usually serves the incoming community and, in fact there’s incomes that did not speak to the low-income that was there so, you know, often times it’s affordable. It’s
between 30K and 50K and we know that people that were
making minimum wage that lived there did not make
that 50K and they will not be able to get these
apartments with our affordability crisis that
everybody claims that they’re making efforts to help,
and moving forward, you know, [bell] with ULURP
process itself, we don’t have the displacement
analyses that is given to us by federal competition
being actually implemented. And so our federal
Constitution under the Civil Rights, and I don’t
know, you know, where it—where [bell] the number is
at or anything of that sort. I’m sorry, you know, but
what I do know is that it gives us the ability of
chasing displacement and we don’t have that right
now, and we need that. We need to be able to look at
our communities and not displace black and brown
people because we don’t make enough money because we
don’t fit the mold, and because we are no progress
according to these new developers. We need to change
these things, and that’s only what we came here to
say, and then, you know, we can talk about the school
structures and how it’s not fair that we have influx
of charter schools coming in giving a disparity to
the older schools that were there and not allocating
resources. So, you know, just—they’re doing back out because we’re a doing a disservice to the low-income community population that were here, and they created the communities that are now so lucrative for everyone to develop. [applause]

CHAIRPERSON BENJAMIN: Thank you.

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

CHAIRPERSON BENJAMIN: Thank you. I’m glad that you were able to stay.

LUZA LIZ ORTIZ: Thank you.

CHAIRPERSON BENJAMIN: Are there questions?

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

CHAIRPERSON BENJAMIN: Okay, you did good. You did good and what you said was all things that have been themes from a number of people, though, about how you ULURP works, and about the disparity of resources throughout our city in different communities, and I think that’s an important message. So, I’m glad you were able here—able to stay and to give those messages, and
reinforce how important that is. But if you could
get that slip for me and so that I have your name.

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

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

Yes, good evening--

CHAIRPERSON BENJAMIN: It’s all yours.

ROB BECERRA: Appreciate it. My name is
Rob Basso. I’m a national animal rights activist and
a WPAT Media affiliate in New York City. I
appreciate your time. I came here to speak to you
today about animal welfare in New York City. The
Department of Health and Mental Hygiene oversees the
Animal Care and Control in New York City. In my
opinion and in a lot of other people’s opinion, they
should not be able to do so as animals are not a
primary concern for the DOHMH and a lot of the
public, a lot of the people want to have a Department
of Animal Welfare to oversee—an independent agency
oversee all animal related issues in New York City.
So, we can fix that issue by creating an agency that
will also develop jobs, that would also be beneficial
because the agency that we create will oversee the
Animal Care and Control. Right now it’s the Department of Health. It will have a ripple effect across the country by having an independent agency that will put animals as a primary concern, and being part of the media, you notice that a lot of times, the media covers animal stories. It’s a hot topic. It’s very important to a lot of people, and I’m one of those people. The New York Post earlier this year, one of my affiliates they actually did a story about the Department of Health and Mental Hygiene [bell] proposing a $1.4 billion proposal to the ACC that would extend a 34-year contract to 2052. This will basically halt any reform that is needed in the ACC and that is why we need the Department of Animal Welfare to be creative. There’s a lot of atrocities that go on at the Animal Care and Control. The Department of Health and Mental Hygiene could honestly care less because they have to deal with the mental health of New York City. It’s not a—it’s not primary to them. So, that’s a big issue that we have to handle and we have to address especially taxpayer’s money over $1.4 billion. I’m pretty sure most people would like to know where the money is going to, and that’s another—that’s another issue.
The Department of Animal Welfare besides creating jobs would fit within a New York City budget of what would be planned by obviously the people who initiate and who go through with the process. It would also give adoptable animals who are being killed on a daily basis an opportunity to be adopted, which is very important. Some of you guys might have animals. Some of you might not, but just know that adoptable animals daily are being killed and they have potential in the right facilities. Being overseen by the right [bell ] agency to become adopted, to have a fighting chance because right now they don’t, and now they want to extend a 34-year contract with an ACC that needs a complete from, and I cane to you guys today because I have experience working with many advocacy projects. I’ve been in part of the New York City Mayor Campaign, the Los Angeles Mayor’s Campaign. It’s very important to get this done, and it will be a ripple effect across the country. Thank you.

CHAIRPERSON BENJAMIN: Thank you, Mr. Becerra. [applause] Sal.
COMMISSIONER ALBANESE: Thank you for your testimony, Mr. Becerra. Are you aware of any cities that do this other than New York City?

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

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

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

COMMISSIONER ALBANESE: Can you define what that means?

ROB BECERRA: They’re not going to kill— Austin, Texas has an animal shelter where they take in 20,000 animals a year, and when I spoke to the Executive Director for the ACC, they mentioned they had taken 30,000 animals a year. We have over eight million people in New York City. We have vast more resources than Austin, Texas, but they still manage to be a no-kill shelter. No animal will be euthanized unless if it has cancer unless if it’s
very ill. Here they euthanize because a lack of resources as they say, and a lack of space. So, by getting—spinning out the Department of Health to the Department of Animal Welfare, we will be able to restructure and re-strategize, and we will be able to come up with ideas to basically become no-kill.

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

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

COMMISSIONER VACCA: Yes, certainly the staff will see you.
CHAIRPERSON BENJAMIN: Yes, and if you—if you look at the pamphlets down there, it has our email address and a website, and a number of different ways you can get in touch with us with that information.

ROB BECERRA: Absolutely.

CHAIRPERSON BENJAMIN: Mr. Caras and then Commissioner Greene.

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

LUZA LIZ ORTIZ: [off mic] Well, I’ll say I’m interested in the license.
CHAIRPERSON BENJAMIN: You’ve got to be closer.

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

ROB BECERRA: Okay. Thank you.

LUZA LIZ ORTIZ: Thank you.

CHAIRPERSON BENJAMIN: Commissioner Green.

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

ROB BECERRA: Yes.

COMMISSIONER GREENE: If you do put forward a more detailed proposal, I would love to hear maybe some specifics. It sounds like your biggest issue is the no-kill policy about, you know ways to institutionalize that or if there’s an underlying policy framework like is it just a resource issue or are there other reasons that, you know, you have heard that the city is doing it now. I’m—I’m just to suggest that maybe independent agency doesn’t necessarily mean a change in policy in that regard.
ROB BECERRA: Right absolutely. Well, you know what it is, my—we have a moral obligation to stand up for those who cannot stand up for themselves, children and animals also included. When you have volunteers from the shelter that reach out to me because I do animal rights, it’s very disturbing when you hear some of the stories. If you even Google and Scott Stringer did an audit on the ACC, and he was completely astonished at what he found. So, I think, you know, what the people because a lot of people couldn’t make it tonight I’m speaking for or asking for is with a reason like Mr. Vacca was saying maybe some more details would be helpful to kind of go over, and I will talk with a few other people who are also involved with me to get you those details, but me morally I can’t just sit there and let people who are telling me: Oh, well, they just put down and adoptable animal, and they had an adopted coming all the way from Jersey, and the person found out: Oh, I’m sorry, we euthanized the dog and they show up. A hundred mile drive and they found out the dog was dead, and the dog was taken from the battered home. Yeah, it’s just said. It
really is. So, I’ll do what I can to get that for you.

COMMISSIONER GREENE: Thank you.

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

LUZA LIZ ORTIZ: I’m going to go. They just left.

CHAIRPERSON BENJAMIN: Okay, thank you.

LUZA LIZ ORTIZ: Thank you.

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

MALE SPEAKER: I see one.

CHAIRPERSON BENJAMIN: Okay. [background comments]

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

DAVID COHEN: Thank you. Thank you, Chair Benjamin, and Commission members. I’m going to speak fast with the time limit. My name is David Cohen of SEIU 32BJ and on behalf of our 85,000 members in the city, thank you for holding this hearing. Tonight I’ll talk about revising the Charter to create more transparency and
accountability with the city’s procurement of subcontracted building services. Given the city’s interest in ensuring that taxpayer dollars are used to support family sustaining jobs, it is critical that the city follow best procurement practices when it comes to subcontracting for security and janitorial services. Subcontracting building service work creates thousands of middle-class jobs for working class people particularly immigrants and people of color. Higher standards in building service subcontracting that take into account the importance of contractor experience and capacity creates good jobs for our community. Without these standards low-bid contracting creates a race to the bottom amongst bidders. When bid prices are driven down, contractors may cut corners. Contractors may even lack the capacity to meet payroll and they may use lower quality healthcare, retirement plans, leaving workers and their families vulnerable. The following proposals are critical to ensure that it is used wisely and to ensure that our city subcontract building service jobs are good family sustaining jobs. Currently, not all government spending on the city’s subcontracted security work is held to the
same uniform high standards. We believe that it should be in to ensure—ensure quality security services. The Charter—the Charter should be amended to require that DCAS is the lead agency to procure all security services required by agencies. Additionally, the Charter should require that all security procurements are issued through RFPs with good job standards. All security contracts that include minimum training requirements are 40-hour standards. Sorry, 40-hour enhanced security training with an annual refresher. All security solicitations that include meaningful capacity and experience requirements as well as clear indication of attempt and ability to comply with prevailing wage requirements and other job standards. This should be the policy and not load their contracting. The other data is going to be funding. I promise. [laughter] Additionally when purchasing per the DCAS master contract the agency should be subject to transparency and accountability requirements. When non-government—Flipping to city reimbursement. When non-government entities such as non-public schools, city funded private homeless shelters and others who receive reimbursements for security service
contracts—interesting—these contracts should be held to the same standards of accountability with respect to the capacity qualifications, responsibility and compliance with job standards and city contracts. Ideally, the non-government entity should be required to purchase off the DCAS master contract. Alternatively—20 seconds. I must get that. Alternatively, there should be mostly vigorous vetting standards. Some jurisdictions—and I’m moving now to Council Review of Contracts—require City Council approval of certain subcontract services. For example in Washington, D.C. the Council review is required before the award of a multi-year contract or contract in excess of $1 million dollars during a 12-month period in order to ensure adequate oversight of some contracted security services. The Charter should be amended to require Council approval of security contract [bel] and appropriately designated threshold. So, it’s pretty cut and dry. Do I have 30 seconds?

CHAIRPERSON BENJAMIN: Thirty seconds.

DAVID COHEN: Okay. Additional seats on the PPV. So, currently there are five members on a procurement policy board. These seats are appointed
by the Mayor and two seats appointed by the
Comptroller. We recommend the Commission explore
adding seats to PPV in order to give Council a voice
on the board. This will ensure a broader range of
stakeholders have deeper engagement in the full life
cycle or our city’s procurement process. Thank you
so much.

CHAIRPERSON BENJAMIN: Thank you. You
could do more.

DAVID COHEN: It’s a lot.

CHAIRPERSON BENJAMIN: Lindsay and then
Sal.

COMMISSIONER GREENE: Thank you a
clarifying question.

DAVID COHEN: Sure.

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

DAVID COHEN: Yes.

COMMISSIONER GREENE: And the Charter
versus the local ledger it doesn’t require the state
leg, as I’ve heard other things do.
DAVID COHEN: I don’t believe it requires state leg and it can be done through a Charter amendment.

COMMISSIONER GREENE: Thank you. Sal.

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

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

COMMISSIONER ALBANESE: Well, aren’t they—they should be paid under under the law that we passed in 1996, do the same. (sic)

DAVID COHEN: Yeah, and generally they are. We want this to be the absolute standard, and really through the procurement process that the city
has established through the DCAS Master Backtrack (sic) Contract.

COMMISSIONER ALBANESE: You just want to strike them?

DAVID COHEN: Uh-hm.

COMMISSIONER ALBANESE: Okay.

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

DAVID GREENFIELD: So, a rabbi, a priest and an Imam walk into a bar—[laughter] I’m sorry, wrong speech. I apologize (coughing)

CHAIRPERSON BENJAMIN: Well, we’d like to hear the rest of the joke.

COMMISSIONER ALBANESE: Okay.

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

CHAIRPERSON BENJAMIN: Thank you so much.

DAVID GREENFIELD: I’m David Greenfield, former Council Member, current CEO of Met Council on Jewish Poverty. I’m actually here today in my capacity as a non-profit CEO, and I hope if you will allow me to return in the future to share some
observations as the former Chair of the Land Use Committee. First, I want to thank you all for volunteering, the members of the Charter Revision Commission. I appreciate it. Your service is important work that you’re doing. A quick background about our work. The Met Council on Jewish Poverty is the largest Jewish communal social service agency in America. We serve 225,000 people each year right here in New York City. We have 16 affiliated Jewish Community Councils, 21 affordable housing buildings, the largest free kosher food program in America through 35 affiliated food pantries, and a myriad of other programs for seniors, people in crisis and victims of domestic violence. I’m here in my capacity as CEO of Met Council representing a committee of non-profit CEOs that I’m co-chairing with Beth Goldman of NYLAG who are concerned about a specific procurement issue, which is perhaps why we’re on the same panel. In FY17, 81% of all new and renewed contracts arrive at the Controller’s Office for registration after their start date had already passed. That is per the Controller’s Report in May 2018. As a real world example, I have 16 affiliated JCCs that provide service to tens of thousands of
people everyday. They just all of us have contracts with the city for a variety of social services. In some cases it can take over a year to get a contract registered to provide vital services. This has a myriad of different effects including challenges on budgeting, staffing services. When you finally get the contract approved, you’re then scrambling to do these services, and quite frankly, they’re not quite as good as if you were able to plan it out to begin with. Now, we’re fortunate. We actually have the resources. We actually loan our JCCs money at no charge, but most organizations have to actually borrow money, and occasionally, quite frankly, if we’re really not getting paid for a while, we have to borrow money to cover for the money that we loaned to JCCs and we pay interest for that. At any given time we have around a million dollars that we’re loaning to our member agencies to help them pay their bills. It costs us time, money and effort and that’s us who has resources, but quite frankly, thousands of non-profits actually do not. I just want to point out an important point. A lot of people ask but why should it matter to me especially the hundreds of thousands of people who are streaming this now online, and the
reason there are hundreds of thousands of people. I don’t know why people laugh at that. The reason is that quite frankly in many cases we can do the same work that’s being done for cheaper and better. We are Met Council are currently housing formerly homeless for $25 a night at two of our facilities in Brooklyn. I want to repeat that. [bell] For $25 a night we’re housing formerly homeless New Yorkers. Now, 30 more seconds, Chair? May I? Thank you very much. There’s been a lot of hearings. The Controller put out a great report. The Administration has promised to make changes. Many Council Members have been great advocates. Council Member Helen Rosenthal, Steven Levin, and Justin Brannan. Unfortunately, we haven’t seen a lot of change, and that’s why we’re here today. I want to be clear. This is not the fault of any single administration. This has been going on forever, and this is why it should be revised in the Charter. Part of the challenge is that there are too many agencies with differing standards. So, in one agency you may get your money after 180 days. Another, it might take you a year and a half. What we’re requesting is that you consider amending the charter to include a provision that would require the
city register all contracts within 60 days of their start date. Then there’s an additional 30 days for the Controller’s Office, which means that after 90 days we would actually have access to those resources. After 60 days—this is the critical part—after 60 days the city would then have to tack on a payment of twice the prime interest rate to (A) give the city an incentive to actually get it done and (B) to be reimbursed, those non-profits who actually have to go and borrow the money at that call, and I would finally add that there should be a provision for transparency so that these contracts can be tracked along the way. I want to thank you all for your service. I look forward to hopefully returning to share some observations on the land use side, and I’d be very happy to take any questions or comments, especially from Jimmy Vacca.

CHAIRPERSON BENJAMIN: Well, I know you’re accustomed to choosing who’s is going to speak--

DAVID GREENFIELD: Ahh!

CHAIRPERSON BENJAMIN: -but today I get to choose who going to speak. [laughter]
DAVID GREENFIELD: He was just so enthusiastic. Listen, Chair, be nice to me. This is my first hearing on the other side---

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

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

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

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

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

DAVID GREENFIELD: Let's hear it.

CHAIRPERSON BENJAMIN: Actually, two questions. Are you suggesting that the procurement problems limits the selection of vendors the city has on the price that we pay? Do we pay more because of this registration problem, and the length of time it takes? Question Number 1. Question Number 2: Since we only pay on reimbursement, are you suggesting that there be a payment upfront before service is actually delivered on service contracts in order to get money to the agencies?
DAVID GREENFIELD: So, what I’m—just to clarify, thank you for those questions. [music] That is not my music, by the way. [laughter] I do not walk around with ghost music wherever I go, just for the record. It’s usually more upbeat, quite frankly. So--

CHAIRPERSON BENJAMIN: Is that a telephone?

MALE SPEAKER: Yes.

CHAIRPERSON BENJAMIN: What?

MALE SPEAKER: Correct.

DAVID GREENFIELD: We’re speaking about procurement. It’s a very spooky issue. [laughter] So, to your questions, what I’m actually suggesting is that standard be registration of contracts, right. So, not reimbursement. The challenge really is that these contracts aren’t even getting registered after the official start date of the contract, and by the way, just a shout-out to those former Council Members. If you’d like to know the worst offenders are actually discretionary funding, and the irony is that 98% of these contracts are actually renewals right. And so these organizations have already been vetted, and they already have Vindex and they’ve
already been rated. And so, the obvious question is why did it take so long to actually get the renewed, and the answer is there are different standards across the board, and I want to repeat this. It’s an important point. This has been going on since the—

the great tragedy in the 1800s when Brooklyn decided to merge with the rest of the boroughs creating New York City. I have to say that because I’m a Brooklynite.

CHAIRPERSON BENJAMIN: We didn’t merge with Staten Island so Council Member—former Council Member Fiala is innocent of this.

DAVID GREENFIELD: Yes, that’s true and they’re still working on succession. We’re actually pretty happy now the way things have worked out, but the point that I’m making is that—the key part for us is the time for registration, and then I think that there certainly are some opportunities and we’re—we’re chatting about it internally, and we will get you a more formal document at further date about specific suggestions such as perhaps funding some of those funds for some trusted partners as well. But the main recommendation really is actually requiring the city to register the contract within 60 days, and
more importantly if you don’t have a hook, the city
doesn’t actually have to pay for it, we need the city
to cover the cost. And to your last point, it
actually does end up costing us a lot more money.
So, what happens is that when you finally get a
contract registered, you have to scramble to find the
services and the vendors, and so what ends up
happening is that realistically you’re paying more
money for services and you’re not getting the same
quality of services, right, because you can’t plan.
You can’t budget. You can’t hire the staff and so it
limits the ability of non-profits to provide those
services in an efficient way to New York City
residents, which I think it’s a very important
transition.

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

DAVID GREENFIELD: [interposing] Of
course.

CHAIRPERSON BENJAMIN: --that don’t have
the ability to curry themselves for three months or
six months or nine months without payment fall out of
the procurement system.
DAVID GREENFIELD: Oh, absolutely.

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

CHAIRPERSON BENJAMIN: Thank you.

Council Member Vacca, do you still have a--

DAVID GREENFIELD: Be kind, Jimmy.

COMMISSIONER VACCA: No, I—I obviously agree with Councilman Greenfield, and I think that also we have to understand that the non-profits cannot keep and retain staff. They cannot hire, they cannot retain. People don’t know from week to week whether they’re going to be on the staff of the non-
profit. The smaller non-profits cannot exist this way. The larger ones are keeping the smaller ones afloat. I don’t understand and I ask you, David, you keep saying that this has been going on for years through different administrations. My question is: Why has this escaped solution? Do you think that a revision a in the City Charter is the solution or are we talking about administrative problems that really can be solved, but have not been solved? I want to make sure that if we do something here, that this is going to be the answer.

DAVID GREENFIELD: First of all, thank you, Commissioner. I want to actually stress your point, which is something that a lot of people don’t realize, which is it’s very difficult to attract talent to critical roles when they don’t know that they’re going to get paid, right. So, if you’re talented and you could be doing one of a variety of things, you would much rather go work for a for-profit nursing service, right, than work for a not-for-profit because you know that they’re getting their reimbursements example for insurance companies as opposed to us. So, therefore, to your point we struggle actually to-to get talented folks and then
we scramble at the last minute, and it certainly hurts the quality of these programs and projects. So, thank you for pointing that out, Commissioner. I think the main problem honestly to be blunt is incentive, right, which is that what’s the incentive? In the end of the day, and this is why I think it’s so important that—that hook of the city reimbursing the—the—the prime rate, twice the prime rate, which is really the cost of what it costs us to borrow money because if there’s no incentive for the city to make this change in the City Charter, then the answer is what, in fact, how is it enforceable. If it was an incentive, you certainly could be sure that many people will start pointing out hey, it’s beginning to cost the city millions of dollars year because we’re not paying for it. Now, just to be clear, I want to be clear about this. It’s costing the non-profits millions of dollars a year. We’re paying for it right now. We can’t afford to pay for it, and if we’re paying for it, what it means is that millions of New Yorkers are getting inferior services, right. We don’t have magical money that falls from the air. So, when I look and I budget my organization, I know I’m paying X percentage just this year for money that
I’m borrowing, which means that I’m providing less services in a food pantry, less services to victims of domestic violence, less services to a senior who needs a place to live. All services that we currently provide. So, someone has to pay for it. What I’m suggesting is the City is asking us to contract these services. We’re doing it and I would point out again an exceptional value. $25 per person per nit for formerly homeless. I think we can all agree that’s a fairly good deal for the city of New York and then I have to float the cash. I don’t think that’s fair, and I think it’s really harming New York City residents and I think that the only way to get this done is through a Charter Commission. But--

CHAIRPERSON BENJAMIN: [interposing]

Okay--

COMMISSIONER VACCA: [interposing] But I understand but, I think it is sad that we are—we are contemplating penalizing the city because they cannot administer taxpayer funds. So, we penalize the city, i.e. the taxpayer because the administrative structure of the city cannot in a timely way finance
social service and related programs. So, I think that’s sad.

CHAIRPERSON BENJAMIN: [interposing] So, Sal?

DAVID GREENFIELD: [interposing] I would just add be optimistic that if that would happen the city would then realize that it’s— the Chair telling me I’m done. See, I’m learning.

CHAIRPERSON BENJAMIN: Carl, you had a question?

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

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

COMMISSIONER WEISBROD: As—as you said, this is a problem that’s existed forever because—

DAVID GREENFIELD: [interposing] I want to refresh you memory, Commissioner. I was fairly
kind and generous when you were sitting on the other side of the table. So, please return the favor.

COMMISSIONER WEISBROD: I’m going to be equally--

DAVID GREENFIELD: I’m just pointing it out. Yes.

COMMISSIONER WEISBROD: I’m going to be equally kind and generous.

DAVID GREENFIELD: Okay, fair enough.

COMMISSIONER WEISBROD: And you were kind and generous. So I appreciate it. This has been a problem with CVC forever and I as a former head of many not-for-profit organizations believe me I share your pain. I know exactly what you’re saying. My question to you is about the—first of all, there is a history and I know the city does monitor which agencies are processing their contracts to the Controller on time, and by on time it’s within whatever, 30 days or 60 days, and there continue—there are agencies that are—continually violate us and there are agencies that process them very quickly and that has always been true and I assume it has true and I guess one question I have for you is there not so much is there a difference among different
kinds of agencies in terms of what kind of agencies
do these in a reasonably efficient way? What kind of
agencies don’t. That’s one question and then my
second question is related to what Jimmy Vacca said,
which is taking the quite dramatic step of in step—in
a sense penalizing the taxpayers for the city’s own
negligence. Is there any other example of the city
actually paying interest for untimely payments?

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

COMMISSIONER WEISBROD: I’m not—I’m not
asking. I’m just—I’m not—I’m not--

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

COMMISSIONER WEISBROD: No, I’m—I—I
appreciate you saying that.

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

DAVID GREENFIELD: [interposing] Thanks
for that, Madam Chair. So--
COMMISSIONER WEISBROD: [interposing] I guess my question is generally are there—is there a pattern of certain agencies?

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

COMMISSIONER WEISBROD: And I appreciate your concern.

DAVID GREENFIELD: Thank you. Thank you Commissioner Tisch for looking out for me. I appreciate that, and thank you Commissioner Weisbrod. So, I will actually refer you to the excellent, excellent study that was done by the Controller’s Office in May of 2018, and the Controller details exactly every single city agency and what their timeline is, and so I will refer you to that document without opining it on—on it myself. So, he did a very good job on that, and we thank him for that, and he’s been an advocate obviously for this as well. On the second issue that you referenced, actually so this—this is a fact and I’ll expect you’ll hear from Beth at a later date, but this is, in fact, that issue in fact the one that Beth Goldman at NYLAG who’s co-chairing this with me is currently exploring, which is the—the other legal mechanisms
and the enforcement opportunities as well, and I would just point out, which I think is very important is that I—I don’t view this as a penalty on the taxpayers. I think this is a reimbursement to the non-profits right? So, it sort of really depends on your perspective, right. In the end of the day, the city has an interest in ensuring that we can provide all the services that you want us to provide, right. And so essentially what’s happening is you’re effectively—I mean you specifically, I mean you as representatives of the city, your—your end up underfunding the government contracts because we now have to pay out of pocket not just the cost of interest but also scrambling and trying to put things together. And so, the way I would view it is that the city is simply fully funding that particular contract, and I think if you look at it from that perspective it—it seems a lot more reasonable than—than fining the taxpayers. I’m certainly not in favor of fining the taxpayers, but I—I will say that I do think that that hook will finally give the city and incentive to actually make the change. And I expect, Commissioner Vacca that’s what you’ll see, which is that when there’s an actual cost attached to
it and when, in fact, the city has to do their budgeting if they hold on a second maybe we don’t want to pay $100 million in interest payments every year to non-profits because that’s money they need. I suspect that magically it will become a priority for future administrations because like I said, on multiple occasions challenges plague other administrations and that’s the final point I want to make, which is I don’t think we should be subject to the whim of any anyone in the Administration. The reality is this is a vital point. The city cannot do the services that we in the non-profits are going to do. With hundreds of thousands of dedicated non-profit employees who provide services to millions of New Yorkers, and I’ve pointed out time and time again, we do it for a fraction of the cost and many cases quite frankly it’s better. So, it’s not that we are—we’re doing something that is above and beyond. These are services that the city has asked us to do that essentially are farming out to us at a discount, and now we have we have to pay additional for—additional fees for the cost of doing that. I’m simply asking that the city reimburse us for that, and hopefully it won’t come to that, Commission Vacca
and Commissioner Weisbrod and the city will simply say, well, probably not we’re making the payments so let’s get honest and let’s make it uniform. And that’s the final point that I want to make, which is to your point, your right.

CHAIRPERSON BENJAMIN: An excellent point.

DAVID GREENFIELD: Some—some—some agencies—

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

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

COMMISSIONER VACCA: No final points

DAVID GREENFIELD: Yes, Chair. Thank you.

COMMISSIONER VACCA: Is that your point.

CHAIRPERSON BENJAMIN: [laughs] Paula.

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

DAVID GREENFIELD: [interposing] Correct.
COMMISSIONER GAVIN: --when it’s registered.

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

COMMISSIONER GAVIN: [interposing] Right.

DAVID GREENFIELD: --to get registered.

COMMISSIONER GAVIN: But one—that could be--

DAVID GREENFIELD: [interposing] Yes.

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

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

COMMISSIONER GAVIN: I understand.

DAVID GREENFIELD: And it is very varied, and that’s another reason why the Charter Commission should do it because different agencies do things differently and you folks have the ability to regulate it across the board.
COMMISSIONER GAVIN: Thank you.

DAVID GREENFIELD: Thank you. Thanks so much.

CHAIRPERSON BENJAMIN: Thank you. David.

COMMISSIONER VACCA: Excellent.

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

LUCY COTINE: Yes. I’m Ms. Contine. Good evening. Thank you for your patience for this long evening. I actually was going to talk a little bit about ULURP. So I just wrote a few things. As we know, the city is controlled by the real estate industry. Communities are protesting from Chinatown to Inwood, from Brooklyn to Queens on out-of-scale developments and upzoning that even the community boards have said no to, but it doesn’t matter because then the hearings go to the Department of City Planning, and the commissioners have never met a development that they did not like. No concern for infrastructure, neighborhood character or livability are ever mentioned by the City Planning Commission.
ULURP is a sham, a bone thrown to the people so that it will look like they actually have some say in how their communities developed. Zoning limits that were hard fought for are overthrown in an instant, which leads to ever increasing cynicism from the public. Why should they get involved in zoning and planning when a few years later their work is undone and disrespected? ULURP does not work because the developers in most cases have been in conversation with city planning and elected officials for at least two years, and are often guided by City Planning. The developers pay powerful lobbyists hundreds of thousands of dollars before the public process of ULURP begins to meet with elected officials and City Planning Commissioners. An example would be Alloy who spent over half a million dollars on four different powerful lobbying companies to promote 80 Flatbush Avenue. The developers and lobbyists spend many thousands of dollars contributing to candidates and attend all their high end functions. It took a court order to get the de Blasio Administration to release over 4,000 emails between them and consultants to verify what we all know: The developers have the Mayor’s ear and they work in
conjunction with each other, and not with the community. There must be full transparency presented to the public, basic communication and content of discussions between developers, their highly paid consultants and officials must be made available to the public. Developers are forbidden— forbidden to give contributions to candidates and elected when doing business with the city, but they find plenty of ways to get around that. We need a better process, and just something that I was thinking about is another problem is when we do have hearings before the zoning committee or the subcommittee, the City Council members who are on those committees are rarely there in attendance. They may be there for a little while, but then most of them leave. I’ve been at a couple of subcommittee hearings on zoning where I believe it’s Rafael Salamanca is all by himself holding down the fort, and then those same City Council Members vote on these upzonings or rezonings and developments, but they weren’t present to hear the—the community speak out, and I know that community members feel very offended by that because they may stay around while the developers speaks and talk about their projects, and then they all have to
run off to the other committee hearings or meetings. And so, but then they go and they have to vote, and what were they voting on? Because they don’t listen to the community. So that was most of what I wanted to say. Thank you for listening.

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

COMMISSIONER ALBANESE: I have a question.

CHAIRPERSON BENJAMIN: There’s a question.

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

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

COMMISSIONER ALBANESE: [interposing] One—One of the prior witnesses.

LUCY COTINE: --he was talking about we can’t have their masses, their funding mass, but they can still give lots of money. They can also contribute in other ways. They contribute to the
charitable organization that elected that the Mayor has set up, you know, to gain favor presumably with the—-the mayor or whoever. So, there’s other ways to contribute money. They hold fundraisers. We see many—the vast developers, the big developers holding fundraisers—fund raising events for the Mayor, Toll Brother, Forest City Ratner for a couple of examples. You know, so there’s many to carry favors, the lobbyists when those emails were—were released from the Mayor, we found that they had—and I forget the number, something like 54 lobby meetings—meetings for lobbyists in a month among high—high officials in the Mayor’s Office. So, it’s not just about the exact dollars or those dollars they mention. You know, sometimes people in their offices contribute money, you know, under their own private name, but we know those who get the money know where that money is coming from.

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

LUCY COTINE: Yeah, it doesn’t work and the people are really not given proper—a proper hearing on issues from their communities. You know, like I said, they fight for zoning and then a few
years later a developer comes along and says oh I’ve got this great project. Look at all the things I’m giving to the community. That’s awesome and like, you know, it’s like three–three time the current zoning or whatever it is. We need to look at the developers’ benefit, not what they claim the benefits they’re giving to the community. That they then go and say well look at what I’m giving, you know, 80 Flatbush Avenue. For those of you who are familiar with that, it’s a perfect example where the developer says at no capital cost to the city I’m giving you all these great benefits, schools or a cultural center. Let’s look at the developer’s benefits. What taxes are they not paying? What profits do they expect to gain? Let’s look at how much they gave to the lobbyists to curry favor, as I said. Now, for instance, one of the vice presidents from Kaiser. I’m not sure of the say it, it’s Kavra–Kacera–

CHAIRPERSON BENJAMIN: Kacera.

COMMISSIONER VACCA: Kacera.

MS. COTINE: Kacera. The one who was called by city and state the number one lobbyist in the city. The vice president is now the Chief of Staff for Speaker of the City Council. That’s a
little—that’s a little concerning to me. You know, someone said to me yeah, but people change, but come on, he was the vice president of the number one lobbyist. Now the Chief of the Speaker of the City Council. They have so much influence that they, you know, said initially everyone I know, people who are fighting, activists who are fighting to preserve their neighborhoods feel that their city is owned by the—by REBNY and real estate interests.

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

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

LUCY COTINE: Well, I think there were some suggestions today. Brad was talking about coming up with some goals that are shared by the community and perhaps by the developer. Another suggestion is that the developer comes earlier onto—early to the community and talks about what his plans are and how to improve them and what—what people
like, and what they don’t like and what they like to see. Like I—I’m not smart enough to know what would—what would work. You know, I think a lot of people have brought up the issue of ULURP tonight, and I’m sure as you’ve gone around the city that’s one of a very big issue, and I’m hoping that you all can come up and hear—put it together and come up with some recommendations that work for everybody. But, you know, we are so tired of seeing city for sale, you know, for those of you who have seen common bodies of the city for sale. What was it? Brad said something about REBNY versus NIMBY, you know, and that’s what it looks like but it’s—we don’t want to have that contentious arrangement. It should not be that. They should be working together to make the city better. The Environmental Impact Statement should be much more inclusive. The issue of infrastructure, planning needs to start early. We don’t have an infrastructure. We just don’t. You know, all these developments where they say well this is a transit rich location. Trains that begin to shadow you. (sic) Transit rich. You can’t—so rich you can’t get on the train, you know, that’s how rich it is and then they want to bring in another 3,000 people there
and surround, and it’s never a comprehensive look at the community. We see over and over again it’s not an integrate look at what’s going on. You see over and over again there may be in a few blocks five to ten projects going on at the same time, and they only look at the one project, and this is so unfair to the community that bears the brunt—I’m sorry. Bears the brunt of the impact.

COMMISSIONER CARAS: Thank you.

CHAIRPERSON BENJAMIN: Ms. Hagen.

SHELLY HAGEN: Good evening Commissioners. My name is Shelly Hagen. I know what Lucy is talking about. We’re trying to fight for some sort of inclusion in this 80 Flatbush ULURP, but we—we’re now being bombarded with more ULURP projects. There’s one at 570 Fulton. There’s one coming up that I’m aware on the Clinton and Atlantic Avenue, and ULURP seems to be a sham. I know I’m about the fifth or sixth person to bring up problems with ULURP. I think the—the law is well intended, but I think it’s obsolete and that when it’s—when there’s obsolescence they—they develop problems. So, that’s my wish that this Commission could take a good hard look at ULURP. I think that Council Member
Lander talked about a ten year period to take over review and that seems reasonable to me. I also would like Commission to take a look at the Business Improvement District Law. It also I think was well intended, but it’s about 40 years old now, and the way it was written, if a BID goes in commercial tenants are trapped in it whether they want it or not. They don’t have a vote. It’s highly undemocratic, and I’m sure there were good reasons for that because I think that the city was recovering from near recession when this idea was adapted, and in the beginning it was big corporations in Midtown who were filling for services that the city wasn’t providing. Those of us who are old enough to remember there was garbage piling up on the streets and no security, but it’s slip-slided around and now the BID that I’m familiar with is the one on Fulton Street, and it is—it’s an alien presence, in fact. The store owners have been asking to get out of it for five years. Their letters are ignored. They don’t have a vote and the—the price of—of being trapped has just gone up, and now the meaning of business includes new apartment buildings that I think you won’t be surprised to know that the people
who put this particular BID together were involved in upzoning so that by the time the BID opened up, which was at the end of 2008, these—these apartment buildings were coming. And now, they are being assessed by the BID and, of course, the store owners these are attached to them, and they’re rising, and they have no—no voice at all, and I—I do again [bell] I’m being repetitive, but I do think the intentions were good, but it’s all gone astray, and it’s kind of just floating out there and it seems to be free money that nobody knows about.

CHAIRPERSON BENJAMIN: You can decide who talks to me.

COMMISSIONER ALBANESE: Yeah, to Mr. Vacca. He’s younger than I am.

COMMISSIONER VACCA: I’m sorry. No, probably not. A couple of questions—

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

CHAIRPERSON BENJAMIN: [laughter] So, he’s given up completely.

COMMISSIONER VACCA: A couple of things quickly. I appreciate what you’re saying concerning BIDS. BID we may want to look at that. I tell you
the truth, the approval process BIDs go through is
short of ULURP. When a Business Improvement District
is proposed, the community board receives a
presentation.

SHELLY HAGEN: Well, if I— if I confused
that, they're keeping all the--

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

SHELLY HAGEN: They don't go through
ULURP.

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

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

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

SHELLY HAGEN: [interposing] But they're--

COMMISSIONER VACCA: --and then they come
to the Council. They have to go to the Council, but
the community process is basically a BID with SBS,
Small Business Services going to the community board,
making a presentation, and then the community board
will issue an advisory recommendation. That's
basically the process on a local level. On the other issue you mentioned, community boards are the vehicle for local input under the City Charter now. They are the vehicle for people to have input into a process. I think the frustration is that community boards do give input. Sometimes you may agree or not agree, but they’re frustrated because their input is advisory in nature, and they can be overridden. Government on the other side looks at community boards and say well if you have a NIMBY attitude as Councilman Lander mentioned, some people are NIMBY, that means that no one is going to want any facilities of any type or any growth of any type if you say NIMBY, but somewhere else is okay. Not here. So, I think that those of us in government have to reconcile the two. How do we reconcile giving better input to local neighborhoods, but also not having a NIMBY attitude? I’d appreciate any thoughts you have on that.

SHELLY HAGEN: Well, before I forget what I really wanted to leave you with is that the BID legislation is undemocratic and my suggestion, my hope is that there could be built-in some sort of an escape hatch whereby if a BID isn’t working for the
people who are in it and, you now, I’m not even saying the every small business owner should have a voice. I know there are good BIDs, and the store owners who just happened to be caught up in them like them. So, you know, not—not having an initial voice I don’t think is so critical although I think it’s good, but having no way out, no mechanism you are trapped, and it’s my understanding, and maybe Commissioner Albanese knows better, I think that you cannot dissolve a BID unless the same people who are the landowners vote it out, which is probably not going to happen, but I think there’s some sort of provision that if a BID goes in debt, it cannot be resolved either, which is kind of upside down.

COMMISSIONER ALBANESE: Until the debt is paid.

CHAIRPERSON BENJAMIN: Right.

SHELLY HAGEN: A way out is what I’m—hope—I’d like to hear.

COMMISSIONER ALBANESE: I thank you for your excellent testimony, and I think you hit on one of the key issues which this Commission will be tackling, the broad issues which is I’m old enough to remember why BIDs came into effect and, you know, now
we’re 30, 40 years into it, and what the Charter should—what should—we should be doing is looking at this and saying, you know, that—those conditions don’t exist any more so let—let—let’s—let’s review this whole process. Is it still worthwhile? How do we modify it? I mean that’s what—that’s less—

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

COMMISSIONER ALBANESE: That’s right, I—I got laid off then. I remember it well. [laughter]

So, I, you know, I applaud you because I think that’s really what the thrust—that’s what we should be doing.

SHELLY HAGEN: Thank you. Thank you all.

Commissioner Albanese basically said what I was going to say so—

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

SHELLY HAGEN: Thank you. Thank you.

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

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


CATHERINE GRAY: Okay. Hello. My name is Catherine Gray, and I’m Co-President of the League of Women Voters in the City of New York. League of Women Voters is a multi-issue, non-partisan political organization. We encourage informed and active participation in government work to increase understanding of major coalition issues and informs public opinion through advocacy. We congratulate you all being named to this wonderful commission. We’re looking forward to—to the results, and this is the first commission convened by the City. So congratulations. The League along with other good
government groups like Citizen Unions and Reinvent Albany [coughs] have identified four areas, which we think the Commission should look at: Open government and transparency, ethics, elections, government, government efficiency and accountability. [coughs] Today—sorry, my voice is going. Today, I will introduce the initiative on voting reform that the League of Women Voters of the City of New York and New York State agree on. We believe that this will increase voter turnout, and avoid some of the chaos that could be seen at the poles this past Thursday. (1) The state basically requirements would be early voting, election day registration, automated voter registration, no excuse absentee voting, and single June primaries. The cities would concentrate on improved ballot design, electronic poll book, and instant runoff voting. The New York City League monitors the Board of Elections’ Commission at every Tuesday at 1:30. We also support the recommendations made by the New York City Department of Investigation, which was put out in December of 2013. We also support the recommendations made by the U.S. Election Assistance Commission, and the work that the City Council Ken Kallos has done on his Committee on
Government Operations. He has spent many hours grilling and trying to get the Board of Elections to supply us some the recommendations from those following reports. I have an attachment. I will have to send this to you electronically, but thank you for the opportunity, and I welcome your questions. Thank you.

CHAIRPERSON BENJAMIN: Jimmy, Alison, Carl.

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

CATHERINE GRAY: Sure.

COMMISSIONER VACCA: But many of your recommendations: Same day registration, themes (sic) to run off. I’m glad you support—we heard testimony from Councilman Lander on that. Automatic absentee. I—we just asked the staff to see what we can do, and let us know legally and then we would consider whatever we can do, but do you want to elaborate at all?
CATHERRINE GRAY: Well, the improved ballot design, electronic poll books and instant runoffs are under this city. The rest of the recommendations would take cooperation with the state and no excuse absentee.

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

CATHERRINE GRAY: Yes, that is true. Yes.

COMMISSIONER VACCA: We’re precluded?

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

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

CATHERRINE GRAY: [interposing] Right.

COMMISSIONER VACCA: --for Public Advocate in March, as I mentioned before. Since
that’s only—since that I only a city election, are we precluded from doing same day registration on that day?

CATHARINE GRAY: I believe so.

COMMISSIONER VACCA: Really. Even though it’s only a city election. No—no—nothing stated on the ballot?

CATHARINE GRAY: I believe so.

COMMISSIONER VACCA: Okay.

CATHARINE GRAY: I will look it up--

COMMISSIONER VACCA: [interposing] Would you?

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

COMMISSIONER VACCA: [interposing] You--

CATHARINE GRAY: -- and not necessarily.

COMMISSIONER VACCA: I’m sorry. Okay, thank you.

CHAIRPERSON BENJAMIN: Alison and then Carl and then Sal.
COMMISSIONER HIRSH: Thank you.

CHAIRPERSON BENJAMIN: And Alison is next.

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

CHAIRPERSON BENJAMIN: Okay, Alison.

COMMISSIONER HIRSH: So, you actually touched on my question toward the end of your last answer, which is the role of the actual City Board of Elections and Election Law reform and implementation, and I’m just curious. I don’t actually know and this is something maybe the staff can elaborate on, and what of the structure of the city Board of Elections is controlled by the City Charter and what is handed down by state law. I don’t know if you have a sense. It strikes me that a lot of the reforms, the electronic poll book, even improved ballot design, will be somewhat useless if the entire function of the City Board of Elections doesn’t dramatically improve and the quality of work that the Board of Elections does to dramatically improve. And do, I was wondering if you could speak to that a little bit.
Catherine Gray: Well, the Department of Investigation, which was done in 2013 under Rose Gill Hearn had a lot of recommendations and frustrations that the further system of nepotism and the lack of civil-civil service job postings. Ben Kallos’ committee has gone through that, too, the same measures. The U.S. Electronic-Election Commission also recommended that there’s problems that can be fixed as administrative, but they don’t really consider themselves part of the Mayor’s—under the Mayor’s control.

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

Commissioner Albanese: Just a follow-up on what Commissioner Hirsh just asked. I think I know the answer to this. Is it possible that we could set up a non-partisan Board of Elections in the
city where you—you move around. Right now it’s all
structured through the party—the leaders.

CHAIRPERSON BENJAMIN: Tell him if you
know.

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

COMMISSIONER ALBANESE: [interposing]

What preempted it?

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

COMMISSIONER ALBANESE: But--

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

COMMISSIONER ALBANESE: Is it—is it
mandated that the Commissioners of the Board of
Elections must be appointed by the party hierarchy of
the different parties that obviously the two—that’s
the law?

CATHERINE GRAY: No, I don’t think, but
it’s by precedence at least if it isn’t in the law.

Do you know how big the Election Law is?
COMMISSIONER ALBANESE: Oh, I know.

Yeah. [laughter]

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

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

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

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

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

COMMISSIONER ALBANESE: Yes. [laughter]

But, I, you know, I—it would be interesting what--
CATHERTINE GRAY: [interposing] Yeah, but right now the Commissioners are the top two parties that vote in the state, and they get equal representation. There’s one Commissioner from the Democratic and Republican Party from each of the five boroughs.

COMMISSIONER ALBANESE: We know them well.

CATHERTINE GRAY: Yes.

CHAIRPERSON BENJAMIN: Thank you very much.

CATHERTINE GRAY: Thank your.

CHAIRPERSON BENJAMIN: Ebony Lewis.

EBONY LEWIS: Hello, my name is Ebony Lewis and I am the founder of My Pit Bull’s (sic) Keeper. I’m here to talk about New York City ACC. I know you heard a little bit about it earlier. I’m here to go into detail for you guys. I am a dog trainer. I’ve been working with dogs for over six years now, and I have been advocating against New York City ACC for the past six months since I adopted my from death row from them. They are a shelter that has been founded on lies. They say they are a humane shelter when they are not, and I know our fellow
speaker brought it up earlier today where he said
it’s a high kill shelter and comparing it to Austin,
Texas. Now, that is my biggest problem with ACC, and
as New York residents that should be your biggest
problem as well because ACC literally takes these
dogs in from our public when you can’t take care of
your dogs, a stray dog or something of that matter,
and they give it 18 hours. Eighteen hours this dog
has from the minute it walks in these door and gets
admitted into a shelter to find a home. Eighteen
hours when we have three facilities for these
animals. I personally go into these shelters,
specifically Manhattan ACC undercover and I videotape
the open cages, the conditions of the dogs, the
conditions of the staff is doing, and I have
personally gone in there hours before the—because at
6:00 is when the killing starts. I’ve gone hours
before, and I have seen 12, 13, up to 20 cages open,
and then the next night I’m putting up RIP photos for
four dogs when you have 13, 14, 15 cages open.
That’s completely unacceptable. That’s completely
unacceptable. Now, that’s strike one. Strike two,
when you humanely euthanize an animal. They are
labeling these dogs. Specifically bully breeds. Like
I said, I’m a dog trainer and I specifically work with pit bulls, and that is what they are mainly targeting. They have killed puppies, two-month old, seven-month old puppies. You’re telling me that nobody in New York State would want a puppy. A seven-month-old puppy would be killed, and how they are being killed is completely unacceptable because ACC is run by the Health Department and not its own separate animal welfare. They get these dogs, and there’s no anesthesia. They just give them the drug that stops their heart. That is not ethical at all. If you’re going to be a kill shelter, you should do it right, but because it’s under all these laws, it is not necessary to always give the anesthesia. Anesthesia is only administered when it’s necessary, and it’s only deemed by them. That’s not regulated. There have been countless volunteers that will come to me because volunteers are terrified to even speak out against ACC. They have a gag order on all staff and all volunteers where if you speak out, you’re kicked out. You can no longer volunteer. You’re blacklisted. You can’t even adopt from ACC. I personally got blacklisted by ACC. I don’t understand how that happens when I am a dog trainer.
I’ve worked with dogs for six plus years, and I got blacklisted by a shelter and I have offered free training. My professional training for free, and it has been denied. That is unacceptable as a shelter when all of sudden you’re saying these dogs have behavioral issues, but I have worked with multiple of these dogs that have been pulled by New Hope Rescues because New Hope Rescues pull 99% of these dogs that see get—they have their adoption rate. They claim to be 100%, 99%. I’m sorry, but most of these 99% because they also group placing these dogs with outside rescues that are being adopted. That’s just not true. These rescues, because again, I work with a lot of these—I’m hired by a lot of these rescues and I see the behind-the-scenes stuff that a lot of these people do not see. I see countless people trying to reserve one dog in 18 hours and they’re in three states over saying I’m willing to drive 200 miles, but can you give me another day? Can you give me one more day? And ACC does not and the next day that dog is dead, but yet, you have the space. If you didn’t have the space, I could understand that. I’ve gone to shelters down south where they put three or four dogs into a cage trying not to kill these
dogs, but yet New York City’s greatest shelter that’s paid with our tax dollars has up to 30 plus cages open, and you’re still killing four plus dogs a day and then claiming you’re a good shelter. That’s unacceptable, and as New York City you need to come together and change this seriously. [applause]

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

EBONY LEWIS: I think that both needs to be done. If the department cannot be done in like enough time, then the rules, what they have now need to be changed immediately because while you debate, while you talk, while you mull over the rules, dogs are dying. Today there are 13 dogs on the list today. Dog 3 probably died earlier today, but yet I’m here talking so their deaths are not vain. I propose you need people like rescuers. You need the New Hope Rescuers as the head people. You need behaviorists, dog trainers, professional trainers in this shelter. The people evaluating these dogs don’t even have backgrounds in dog training or behavior.
The people giving these dogs mislabeled evaluations are culinary students. They don’t—they didn’t go through six years, three years of training. They didn’t shadow with a professional trainer for years at a time. They’re just thrown into this because they’re dog people, and they mislabel these animals and this mislabeling is killing these dogs and that needs to stop.

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

CATHERINE GRAY: Thank you.

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

NANCY SLIWA: Hi. Okay, thank you and good evening. My name is Nancy Sliwa, and I’m speaking on behalf of introducing an independent animal welfare agency. I’m the Director of Guardian Angels Animal Protection Program. I have over a decade of experience working with homeless animals and cat colonies that I’ve set up, and I’m also running for Attorney-General on the Reform Party Line with an animal platform, and I just won the primary
last week, so I think that speaks volumes for what the electorate is interested in and what their issues of importance are. So, in terms of the independent agency, I absolutely think that you need to remove from the equation Department of Health. They really have no business overseeing animal welfare. Also animal care and control contracts should be rescinded. You have plenty of groups out there who can easily come in and do the work. Right now, they’re on the verge of giving them a 34-year renewal contract based on an incredibly atrocious record for the 20 plus years that they’ve been in charge. Hundreds of thousands of healthy adoptable animals have been killed on their watch, and they continue to inflate their own success while simultaneously handing off the responsibility and the costs to other agencies and other people who actually know how to do the job. [applause] At this point, almost every single animal if it wasn’t sick when it came in, it’s leaving sick. That’s how bad a job they do at actually caring for these animals, and it’s not a money issue. Last year they were funded over $20 million in revenue with unfortunately 70% of that going to salary. The issue is that they have no
targeted plan of action to actually address the problem. There—there’s no benefit to them to actually solve the problem because that’s actually what’s keeping their contract in line. So, two example of what sort of synchronicity that you could have if you have a singular agency that’s overseeing it, and—and little but two vastly different concepts. I have three women who have been assisting the past month or so, who live in Washington Heights in the same residence for over 45 years, and they’ve take it upon themselves to care for and spay and neuter the cats that were living in their particular apartment basement area. They’ve done that successfully spending their own time, their money and the landlord, you know, fantastically was actually okay with it for so long, but recently got a fine from the Department of Health because there was plates of food outside in the landlord’s area, which he had already permitted that to be. He got a $300 fine, and now as a result of that, told her I’m not going to allow you to feed them [bell] any more because I can’t take a chance with that. You can’t have the same agency in charge of overseeing animal welfare that’s simultaneously punishing people who are doing it the
right way. That to me is a conflict of interest, and just one really quick point in terms of a recent animal abuse case that—that came to light in the paper, a woman had afforded a number animals. She wound up being taken to court. It took a year and a half, 39 court appearances. Twelve of the animals were instantaneously euthanized. She could have faced up to eight years in jail. They only gave her three months of probation, and two months later when a city official came to inspect her apartment she had 16 more animals, and decided that she also wants to push this state person down the—down the stairs because she was getting agitated with that this person was there. Everyone knows that animal abuse leads to abuse of people. How you address that, had it been addressed, rather more seriously when it was viewed as just an animal crime, then you might not have crimes against people. The connection is very clear. It’s there, and also the Animal Abuse Registry. It says that people can’t own, can’t purchase an animal for up to five years, which is way too short absolutely, but it also says a person can’t live in a residence where an animal resides, and yet this public database is not public. You have to be a
shelter. You have to be part of the police force. The public can’t access it. So, how can you expect the public to know who to keep out of their homes if they don’t even know who the animal abusers are?

Thank you for your time. [applause]

CHAIRPERSON BENJAMIN: Thank you for your time. Questions?

CURTIS SLIWA: Thank you for your time. This is a place I used to go to school when it was Brooklyn Prep, the Jesuit High School and they decided to kick me to the curb in my senior year in 1972. Eventually, I converted to Medgar Evers, and now I’ve been able to reverse the roles because I’ve been able to kick a lot of politicians to the curb because I’m a little hefty. I’m a little big party cheat. You know, I’m not like Crowley or Frank Seddio and Frank McKay. I’m the small type. I’m the New York State Chairman of the Reform Party, and boy has that been an eye opening experience about the corrupt ways of politics, and I’m here to speak to all of you why I want to put myself out of business. Non-partisan elections is the way to go so that you don’t have to come and kiss my tookus (sp?) to beg to get on the reform party line to run and then you know
what the quid pro quo is: What can I do for you if you’re going to help me? You scratch my belly. I scratch yours. Well, we know what Crowley and Seddio and Frank McKay. It comes down to the skettle, the mud. (sic) Because that’s what politics has become, but it’s interesting when we went through the Mayoral cycle and I was initially the Chairman, it was interesting. Sal who’s on the Charter Revision Commission here is a true reformer. He had reform stamped on his forehead. He shouldn’t have had to come to us and kiss my tookas, and the rest of the members through a lie, but Paul Massey, you remember Paul. I’m a millionaire. Massey he bought the Republicans, he bought the Conservatives, he bought the Independent Party alike. The guy couldn’t chew gum and think at the same time. I asked him what do you think about term limits? Um, [makes bubbling sound] What do you think about, you know, non-partisan elections [makes bubbling sound]. What do you think about initiative and referendum? He looked to his campaign manager, What do I think about that? Oh, no, I’m favor of it. The Reform Party is in favor of it, and this guy was able if he stood the whole nine yards to buy himself onto the line. Why
not non-partisan elections? I don’t care. Let everybody run. Now, it was mentioned here before we may have a Public Advocate special election coming up. If Tish James becomes the next State Attorney General. The smart money boys say, yeah, under the points already, she’s going to be the next State Attorney General. I get two calls today from people I haven’t heard from in a month of Sundays. Quite frankly, I don’t like them. They don’t like me. So, they ask me, Hey, you know, I’m thinking of running for Public Advocate if Tish James gets elected attorney general. I said, oh, that’s interesting. I need your help. Well, why do you need my help? Well, I want the Reform Party’s support. I said, hey, Schmuck, no make that putz. This is a—this is a non-partisan election. You don’t need anyone. All you got to do is stand out in the rain let’s say at 86 feet on the R Train, get yourself about 3,750 valid signatures and you’re good to go. You can run against body. He said you’re hiding. I can do that? I said you don’t need us. It’s better this way, and why not have non-partisan elections the norm? [bell] In this way if all of a sudden you have 40 or 50 people running, okay, it becomes and instant runoff
where you rank your choices and maybe the top four
get into the final election instead of having
primaries in June and then in September and then a
general election in November, you will actually cut
the costs of elections, and let the best men and best
women vie for the position and get rid of the Curtis
Leewoods, the Joe Crowleys, the Frank Seddios, the
Frank McKays and all the other big mockers who are
the shot callers who you know determine who’s going
to get the line. There are good Democrats. Good
Republicans. There are good other party members out
there who are never given the chance to run, but are
you going to tell me party affiliation is important?
What I see I say well, there’s Charles Barron
Assemblyman, and then there’s outgoing Dov Hikind
Assemblyman. What the hell do they have in common?
They’re not even the same kind of Democrats, and yet
they say: Oh, but with Dems, you’ve got to have
Democrats. No you don’t. Non-partisan elections is
the way to go. It will be cheaper. It promotes
democracy and quite frankly whether you’re a homeless
person of a billionaire, you’ll have an opportunity
to run. The rules will apply to everybody equally,
which they don’t right now.
CHAIRPERSON BENJAMIN: Thank you, Mr. Sliwa. Are there questions?

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

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

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

CURTIS SLIWA: [interposing] If you ask Gifford Miller how did he become a councilman, Special elections, non-partisan election. Christine Quinn, Jimmy Oddo. Let me see, McHale, Borelli. I could go right on down the list. There are key people who are in Council or became Speaker of the
Council who made their political bones by running in a non-partisan election for a vacated seat. So, they could do it, why can we have everybody do it. It’s good for the process.

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

CURTIS SLIWA: Excuse me.

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

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

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

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

CHAIRPERSON BENJAMIN: Well, I think you should speak to the fathers. The last two slips I have are from Brandy Flores and Judith Lustgarten. [pause]
JUDITH LUSTGARTEN: It past my bedtime and I left my testimony at home. So, I’m going to do the best that I can do.

CHAIRPERSON BENJAMIN: Give your name.

JUDITH LUSTGARTEN: My name is--

CHAIRPERSON BENJAMIN: [interposing] That’s it.

JUDITH LUSTGARTEN: Judith Lustgarten and I’m here to also speak about DOH ACC Animal Control. Now, this business has really never gotten acknowledge as the business that it is. There are proper people to run every business that exists in this world. Yet somehow or other this has not happened with the animals. This business has been swept under the carpet. Scott Stringer did a scathing report, and audit in 2015. Swept under the carpet. I would think that responsibly what should have been done would have been to give ACC time to cure, and then come in and do another audit to see how they’ve done. Anyway, in any successful business, and I’m a business woman, a numbers person, a systems person. You put the proper people in the proper position with the proper plan, but most importantly, the proper motivation choice and intent
and my back is going out. Okay. New York should be the leaders--

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

JUDITH LUSTGARTEN: I’m sorry.

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

JUDITH LUSTGARTEN: Oh, it might help.

Oh, I’m getting too old. I just had a birthday on Saturday and I’m too old.

CHAIRPERSON BENJAMIN: Congratulations.

JUDITH LUSTGARTEN: Yes, I can’t quite believe it.

CHAIRPERSON BENJAMIN: Take the mic out of the slot.

JUDITH LUSTGARTEN: Yeah, alright. Now, New York should be the leaders, and yet we are so far behind ethically, humanely. We are the furthest thing from a no—from being a no-kill shelter. Austin, Texas is the finest no-kill shelter in our country. ACC actually discredited them in a meeting with a politicians on January 16, saying they are not no-kill. They send their animals to outside facilities where they can be and are killed. We
speak to Austin, Texas, and tell you they were livid that this was said, and actually Risa Weinstock, President and CEO the ACC was calling them every day. They said to us: Boy there’s an awful lot of activity going on in New York. We said, oh, really? Why? What are you talking about? They said our phone hasn’t stopped ringing. Oh, really. Why? Who’s calling? Risa Weinstock. She was back-peddling trying to do damage control for what she had said, which was not the truth. They—they tell many untruths. They discredit the advocates. They do a wonderful sugar and spice, horse and pony show. [bell] Oh, dear already. Hm. I have so much to say, and I don’t, and unfortunately like I said, I left my notes at home, but they’ve got an 18-hour kill list that—that come out a 6:00 p.m. at night. The advocates go into panic mode every night at 6:00 and they have less than a day. They have 18 hours, 12:00 in the afternoon the following day, and these animals are now chosen to who is going to be killed. It is a crazy, crazy convoluted system. They’re completely hands-off. The advocates are doing all of the work. The rescues are doing all of the work. I have never seen and I am such a hands-on person, I
have never seen anything function in such a hands-off manner. These people are being paid by our tax dollars and they—and we’re doing their work for free. Advocates all over the world are vying for our animals from the UK, Australia, Holland, Italy. The Italian Senator Carlo Rocci sent a video to plead to de Blasio, which I have no doubt he never saw, saying your shelters are vile. We have a horrid, horrid reputation.

CHAIRPERSON BENJAMIN: Ms. Lustgarten,

Can I ask you a quick question?

JUDITH LUSTGARTEN: Yes.

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

JUDITH LUSTGARTEN: [interposing] Yes, which definitely need to be spun out of the Department of Health. If you look up Mario Morlino in the Department of Health, it comes up Veterinary and pest control. Those two words don’t belong in the same title, but they are and these animals are considered a disposable commodity. They’re just not thought of as the sensitive beings that they actually are, and as a business person, you know, proper people in the proper position with the proper plan
and motivation. They’ve got writers, publishers, attorneys. I have nothing against attorneys. My father was a judge and a U.S. attorney. They need qualified business, admin, marketing, animal professionals. Sure have an in-house attorney or so, but not running the organization. It’s not about liability. It’s about saving these animals’ lives and putting the right people in there to run this business. It’s a business like every other business that exists. They need the right people to be a part of it. It’s not happening, and one thing I know about and my—my great uncle was U.S. Ambassador of Siam and Bolivia, one thing I know about is integrity, professionalism and responsibility, and it is not happening with this institution.

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

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

CHAIRPERSON BENJAMIN: Well, if you’d like to write it down and send it to us, or you can just go on our website and—and—and send it to us. You said you left it—
JUDITH LUSTGARTEN: [interposing] Yeah, I--

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

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

CHAIRPERSON BENJAMIN: Thank you.

JUDITH LUSTGARTEN: --with subsidized dollars.

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

JUDITH LUSTGARTEN: Thank you.

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

CHAIRPERSON BENJAMIN: Second.

COMMISSIONERS: [in unison] Second.

CHAIRPERSON BENJAMIN: All those in favor?


CHAIRPERSON BENJAMIN: Is there anyone opposed.

COMMISSIONER VACCA: No.

CHAIRPERSON BENJAMIN: [laughter] The motion carries. The meeting is adjourned. Thank you all very much.

COMMISSIONER: Thank you.
CERTIFICATE

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

Date ________________
          October 11, 2018