

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

-----X

April 14, 2010
Start: 11:12 am
Recess: 11:37 am

HELD AT: Council Chambers
City Hall

B E F O R E:
JOEL RIVERA
Chairperson

COUNCIL MEMBERS:
Christine C. Quinn
Leroy G. Comrie, Jr.
Inez E. Dickens
Erik Martin Dilan
Lewis A. Fidler
Robert Jackson
James Vacca
Albert Vann
Karen Koslowitz
James S. Oddo

A P P E A R A N C E S

Matthew W. Daus
Candidate
New York City Civil Service Commission

Diana Chapin
Candidate for reappointment
Landmarks Preservation Commission

Pablo Vengoechea
Candidate for reappointment
Landmarks Preservation Commission

Elizabeth Ryan
Candidate for reappointment
Landmarks Preservation Commission

2 CHAIRPERSON RIVERA: Good morning
3 ladies and gentlemen, my name is Joel Rivera and I
4 chair the Committee on Rules, Privileges and
5 Elections. Before we begin, let me introduce the
6 members who are here with us today. To my left,
7 we have Council Member Jimmy Vacca. We have
8 Council Member Karen Koslowitz. To my right we
9 have Council Member Lew Fidler. In front of us we
10 have Council Member Al Vann and Council Member
11 Robert Jackson. Council Member Rosie Mendez and
12 Council Member Leroy Comrie are here with us. Are
13 there any other members that I don't see as of
14 yet? We'll introduce the rest of the members as
15 they come up.

16 Today, the Rules Committee will be
17 considering the following matters: four
18 candidates for advice and consent review by the
19 Council and a Resolution approving membership
20 changes to certain committees and assigning
21 committees to David Greenfield, recently elected
22 into office as Council Member for the 44th
23 District of the City of New York.

24 We will begin with the candidates
25 before us. We have Matthew Daus, a Brooklyn

2 resident and registered member of the Democratic
3 Party. He is being considered for appointment by
4 the Mayor to the Civil Service Commission. If the
5 Council gives its advice and consent, Mr. Daus
6 will fill a vacancy formerly held by Nicholas
7 Laporte and will be eligible to serve for the
8 remainder of a six-year term that expires on March
9 21st, 2013.

10 Diana Chapin, a Queens' resident,
11 is being considered for reappointment by the Mayor
12 to the LPC. If the Council gives its advice and
13 consent, she is eligible to serve for the
14 remainder of a three-year term that expires on
15 June 28th, 2012.

16 Elizabeth Ryan, a Brooklyn
17 resident, is being considered for reappointment by
18 the Mayor to the LPC as well. If the Council
19 gives its advice and consent, she is eligible to
20 serve for the remainder of a three-year term that
21 expires on June 28th, 2011. Ms. Ryan is a
22 licensed realtor.

23 We also have Pablo Vengoechea, a
24 resident Staten Island. He's being considered for
25 reappointment by the Mayor to the LPC. If the

2 Council gives its advice and consent, Mr.

3 Vengoechea will be eligible to serve for the
4 remainder of a three-year term that expires on
5 June 28th, 2012. He is a planner and a registered
6 architect.

7 First, for Mr. Daus' position, I
8 will briefly explain the functions of the Civil
9 Service Commission. The commission consists of
10 five members, with not more than three being from
11 the same political party.

12 The Mayor, from a list provided by
13 the screening committee, makes the appointment.
14 Members have a six-year term and are reimbursed on
15 a per diem basis of \$418.77 for the chair and
16 \$384.50 for the other members for attendance at
17 scheduled meetings.

18 The commission's duties include
19 hearing and determining appeals from any aggrieved
20 person from a decision by the commissioner of the
21 Department of Citywide Services, who is
22 responsible for citywide personnel matters.

23 The commission may affirm, modify
24 or reverse such a decision. The commission also
25 has all the powers and duties set forth in the

2 State's Civil Service Law. The commission, either
3 on its own or at the request of the Mayor,
4 Council, or DCAS Commissioner may conduct reviews
5 or studies of the administration of personnel in
6 the city, including the classification of titles.

7 Welcome, Mr. Daus. Will you please
8 raise your right hand and be sworn in?

9 FEMALE VOICE: Do you swear or
10 affirm to tell the truth, the whole truth and
11 nothing but the truth?

12 MR. DAUS: I do.

13 CHAIRPERSON RIVERA: Do you wish to
14 make an opening statement?

15 MR. DAUS: Yes I do, Mr. Chairman.
16 Thank you. Good morning Chairman Rivera and
17 members of the Rules Committee. My name is
18 Matthew Daus and I am honored to have been
19 nominated by Mayor Bloomberg to serve as a
20 Commissioner of the New York City Civil Service
21 Commission.

22 I have been a public servant for 16
23 years, and have enjoyed making a difference and
24 helping people. The Commission does important
25 work in ensuring that City employees and agencies

2 are both treated fairly in decisions applying the
3 Civil Service Law. The just resolution of
4 employment and disciplinary decisions by
5 management involving the City workforce is
6 integral to agency morale and the delivery of
7 quality services to the public.

8 I have over 16 years of experience
9 in the civil service system, personnel management
10 and compensation practices. I am an experienced
11 employment lawyer who has represented the
12 interests of both City employees and City
13 agencies. I have been an attorney and member of
14 the Bar for almost 18 years.

15 I served as a Prosecutor for the
16 New York City Human Rights Commission, advocating
17 on behalf of the public interest where City
18 employees charging agencies with discrimination,
19 and actively promoted and participated in
20 mediation programs to resolve these disputes while
21 I worked at the commission.

22 Thereafter, I served as General
23 Counsel to two City agencies, the Community
24 Development Agency which is now known as the
25 Department of Youth and Community Development and

2 I was also the General Counsel for the Taxi and
3 Limousine Commission, where I was responsible for
4 overseeing disciplinary actions against employees.

5 With almost 9 years of experience
6 as an agency head and Commissioner, I broadened my
7 experience to all aspects of the hiring, personnel
8 management and compensation practices of the civil
9 service system in managing an agency of over 400
10 employees.

11 In addition, I have authored legal
12 articles and published extensively in the area of
13 labor and employment law and mediation. I also
14 attained a Masters of Law degree from New York
15 University School of Law specializing in
16 employment law.

17 The members of the Civil Service
18 Commission serve in a quasi-judicial capacity to
19 hear candidate, disciplinary and involuntary
20 medical leave appeals. I have 14 years of
21 experience supervising Administrative Law Judges
22 and tribunals, and for almost 9 of those years I
23 served in a quasi-judicial capacity deciding
24 licensing and disciplinary cases on a daily basis.

25 I believe my experience renders me

2 qualified to serve as a member of the Civil
3 Service Commission, and I welcome the opportunity
4 to remain involved in public service for many
5 years to come.

6 I thank the Committee and the
7 Speaker for considering my appointment, and would
8 be happy to answer any questions that you have.

9 CHAIRPERSON RIVERA: Thank you very
10 much. We'll defer questions from the committee
11 members until after everyone makes their
12 statements. Next, we will go on to the Landmarks
13 Preservation Commission.

14 The New York City Landmarks
15 Preservation Commission, which consists of 11
16 members, is responsible for establishing and
17 regulating landmarks, portions of landmarks,
18 landmark sites, interior landmarks, scenic
19 landmarks and historic districts and also
20 regulates alterations to designated buildings.

21 The Charter requires that
22 commission's membership include at least three
23 architects, one historian qualified in the field,
24 one city planner or landscape architect, and one
25 realtor. No professional qualifications for the

2 remaining members are delineated in the Charter.

3 By statute, the commission's membership must have
4 at least one resident from each of the five
5 boroughs.

6 The Mayor appoints members of the
7 commission for staggered three-year terms. Each
8 member continues to serve as a commissioner until
9 his or her successor is appointed and qualified.

10 The Mayor designates one of the
11 members to serve as Chair of commission, and
12 another to serve as Vice Chair. Both of these
13 appointees serve until the successor is
14 designated. Members other than the Chair serve
15 without compensation, but are reimbursed for
16 expenses necessarily incurred in the performance
17 of their duties.

18 The Chair's salary is currently
19 \$192,198. The commission appoints a full-time
20 executive director and may employ technical
21 experts and such other employees as may be
22 required to perform its duties.

23 The commission is required to
24 provide opportunities for comment in advance of
25 any hearing on a proposed designation. In

2 addition to the commission may at any time make
3 recommendations to the City Planning Commission
4 regarding amendments to the zoning resolutions
5 provisions that apply to improvements in historic
6 districts.

7 The commission's duties also
8 include determining whether a proposed alteration
9 of a demolition affecting a landmark is consistent
10 with the landmarks law. In instances where the
11 commission determines that the proposed change
12 complies with the law, it grants a Certificate of
13 Appropriateness, and otherwise the commission may
14 deny the applicant's request. Welcome, Ms.

15 Chapin, Ms. Ryan and Mr. Vengoechea. Will you
16 please raise your right hands and be sworn in

17 FEMALE VOICE: Do you swear or
18 affirm to tell the truth, the whole truth and
19 nothing but the truth?

20 CHAIRPERSON RIVERA: So we'll start
21 off with Ms. Chapin. If you have an opening
22 statement, you may make one now.

23 DIANA CHAPIN: Thank you very much
24 Mr. Chairman. Mr. Chairman and honorable members
25 of the committee, I am pleased to appear before

2 you as a candidate for confirmation of
3 reappointment to the Landmarks Preservation
4 Commission.

5 First, I would like to give you
6 just a brief personal history. I've resided in
7 New York City since 1969 in what is now the
8 Jackson Heights Historic District in Queens. I
9 have a B.A. from the University of Michigan and an
10 M.A. and PhD from Cornell University. I taught at
11 Queens College for several years.

12 I served in city government for
13 almost 25 years where I was a deputy commissioner
14 first at the Parks Department, then at the
15 Buildings Department and finally first deputy
16 commissioner at the Department of Environmental
17 Protection. At Parks I was the first borough
18 commissioner and the founder of the Historic House
19 Trust.

20 Currently I'm executive director of
21 the Queens Library Foundation and raise funds for
22 Queens Library which, as you may know, is the
23 public library system which circulates more items,
24 23 million, than any other library in the United
25 States.

2 I consider it an honor and a
3 privilege to serve on the commission and do what I
4 can to help preserve the historic treasures of
5 this great city for future generations. Each time
6 we meet to review potential designations we
7 discover new examples of wonderful historic
8 treasures from every period of this city's
9 history, from federal buildings to buildings from
10 just a few decades ago.

11 I love the multicultural fabric of
12 New York City and its architecture and I want to
13 see our city, every borough benefit from the
14 protections landmarking can offer to our cultural
15 and historic heritage.

16 As a longtime resident of the
17 Jackson Heights Historic District, I see the
18 benefits all around me every day of preservation.
19 It is a particular pleasure when whole communities
20 appear before us who want to see landmark status
21 extended to their community which they have
22 lovingly maintained over many years. This was the
23 case recently for the Addisleigh Park area in
24 Queens.

25 Finally, it is my goal to strive

2 constantly with other commissioners to do our very
3 best to help applicants before us find ways to
4 care for and restore their buildings in
5 appropriate ways. Thank you, Mr. Chairman.

6 CHAIRPERSON RIVERA: Thank you very
7 much. Next we'll move on to Ms. Ryan.

8 ELIZABETH RYAN: I don't have quite
9 as much experience in government or addressing
10 bodies like this, so I'll just tell you a little
11 bit about myself. I do earn a living in real
12 estate, which is one of the reasons I was
13 appointed to fulfill that requirement. I live in
14 Brooklyn, also in a historic district in Park
15 Slope, and have done so for 25 years.

16 The part of serving on the
17 commission for the last six years that I have
18 found very rewarding is making sure that Brooklyn
19 and its outer borough status gets a full
20 understanding by all the other members on the
21 commission of what's important, what's historic,
22 what the history is, and I look forward to
23 continuing to do that over the next couple of
24 years should you decide to reappoint me. Thank
25 you.

2 CHAIRPERSON RIVERA: Thank you.

3 Next is Mr. Vengoechea.

4 PABLO VENGOECHEA: Thank you. Good
5 morning Honorable Chairperson and members of the
6 Rules, Privileges and Elections Committee. Thank
7 you for allowing me the opportunity to make this
8 brief statement.

9 I am honored that you are
10 considering my reappointment to the Landmarks
11 Preservation Commission. I've been a longstanding
12 member of the commission. I think I've been there
13 about ten years now.

14 My name is Pablo Vengoechea. I am
15 an architect and principal of Zone Architecture,
16 an urban design planning and architectural
17 practice located in the St. George Civic Center in
18 Staten Island. I'm also a visiting professor of
19 Urban Planning in the Department of Urban Affairs
20 and Planning of Hunter College.

21 I have been involved with historic
22 preservation in both professional capacities and I
23 have presented papers on preservation in New York
24 City and the work of the LPC in Spain and
25 Argentina. There seems to be a lot of interest in

2 our approach to preservation and our processes and
3 in learning from our model here.

4 The history of this city is
5 fascinating to a lot of people and our city
6 represents the quintessential modern city and is
7 one of the first truly modern cities of the 20th
8 century. Yet regardless of its accelerated growth
9 and development and perhaps because of the
10 tenacity of its residents, it has managed to
11 preserve its most precious resources, the
12 communities and social networks found throughout
13 every neighborhood of the city.

14 On a personal note, I am also a
15 resident of St. George in Staten Island and the
16 owner of an old Queen Anne style house in the
17 district. I have experienced firsthand the
18 problems associated with maintaining and restoring
19 a historic property. But I also have experienced
20 the positive impact that the work that we have
21 done, neighbors who have restored these houses,
22 the impact that his work has had on the
23 neighborhood and the revitalization of those
24 areas.

25 In my experience, this is not a

2 unique situation. Every time that there is a
3 historic district that we are proposing to
4 designate, we have the community coming out and
5 essentially a lot of people are in support. This
6 is a grassroots movement in many ways. The
7 stories and personal histories of the residents
8 that we hear are engaging and these places make
9 the communities come alive. Each of these places
10 has a compelling and unique identity and it's no
11 wonder that many people give their time.

12 Preservation and memory arouses
13 this passion in us. If places are a value in
14 defining individual and collective identity, I
15 happily am a product of this city's culture and
16 its neighborhoods, having studied both at Pratt
17 and Columbia University. With your support, I
18 look forward to continuing to serve the city of
19 New York in this capacity.

20 CHAIRPERSON RIVERA: Thank you very
21 much. Do any members on the committee have any
22 questions for any of today's appointees? Seeing
23 none, the last item of today's Rules' agenda is
24 the committee assignments. We have a resolution
25 approving membership changes to certain standing

2 committees. A resolution that pursuant to Rule
3 7.00 and 7.20 of the Council and Sections 26b and
4 46 of the New York City Charter, the Council does
5 hereby consent to the following membership changes
6 to certain standing committees.

7 The standing committees Aging,
8 newly elected Council Member Greenfield will be
9 appointed to that committee. Education,
10 Greenfield will be appointed and Council Member
11 Recchia will be removed. Fire and Criminal
12 Justice Services, Council Member Mendez will be
13 placed on that committee. Mental Health, Mental
14 Retardation, Alcoholism, Drug Abuse and
15 Disabilities Services, newly elected Council
16 Member Greenfield will be placed on that as well.
17 Public Safety, Council Member Greenfield will be
18 added.

19 Rule, Privileges and Elections will
20 be seeing two new members, Council Member Crowley
21 and Council Member Gentile. The Committee on
22 Veterans Affairs will also have Council Member
23 Greenfield as a new member. Do we have any
24 questions from any of the committee members on
25 these new appointments? Seeing none we will move

2 on.

3 Before we moved on to a vote, I
4 just wanted to introduce a school that is up in
5 the balcony. We have P.S. 94 from the Bronx in
6 Council Member Koppell's district. We would like
7 to acknowledge them.

8 Seeing no questions for any of the
9 appointees, I urge an aye vote on all items on
10 today's Rules Committee.

11 WILLIAM MARTIN: William Martin,
12 Committee Clerk, roll calling the Committee on
13 Rules, Privileges and Elections. Council Member
14 Rivera?

15 CHAIRPERSON RIVERA: I vote aye.

16 WILLIAM MARTIN: Comrie?

17 COUNCIL MEMBER COMRIE: Aye on all.

18 WILLIAM MARTIN: Dilan?

19 COUNCIL MEMBER DILAN: I vote aye
20 and I'd just like to congratulate and welcome our
21 new colleague from Brooklyn, Council Member
22 Greenfield. Aye on all.

23 WILLIAM MARTIN: Fidler?

24 COUNCIL MEMBER FIDLER: Aye on all.

25 WILLIAM MARTIN: Jackson?

2 COUNCIL MEMBER JACKSON: Aye on
3 all.

4 WILLIAM MARTIN: Vann?

5 COUNCIL MEMBER VANN: Aye on all.

6 WILLIAM MARTIN: Dickens?

7 COUNCIL MEMBER DICKENS: Aye on
8 all.

9 WILLIAM MARTIN: Vacca?

10 COUNCIL MEMBER VACCA: Aye on all.

11 WILLIAM MARTIN: Koslowitz?

12 COUNCIL MEMBER KOSLOWITZ: Aye on
13 all.

14 WILLIAM MARTIN: By a vote of nine
15 in the affirmative, zero in the negative and no
16 abstentions, all items have been adopted. Council
17 Members, please sign the committee reports. Thank
18 you.

19 CHAIRPERSON RIVERA: We also have
20 an intern who just joined our team, Yasmine Vega,
21 from my district. I just want to welcome her to
22 the Rules Committee. Chuck Davis has sworn to
23 work her very, very, very hard and I'm pretty sure
24 he will. We're going to keep the roll open for a
25 few minutes to allow for other members to come up

2 and vote.

3 [Pause]

4 CHAIRPERSON RIVERA: We've been
5 joined by the Speaker of the City Council
6 Christine Quinn.

7 SPEAKER QUINN: I vote aye.

8 CHAIRPERSON RIVERA: And by Jimmy
9 Oddo, the Minority Leader.

10 COUNCIL MEMBER ODDO: Yes.

11 WILLIAM MARTIN: Final vote on the
12 Committee on Rules is now 11 in the affirmative,
13 zero in the negative and no abstentions.

14 CHAIRPERSON RIVERA: This meeting
15 is now adjourned.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature_____

Date April 30, 2010