

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC HOUSING

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HELD AT: Committee Room - City Hall

B E F O R E:

RITCHIE J. TORRES
Chairperson

COUNCIL MEMBERS:

DONOVAN J. RICHARDS
JAMES G. VAN BRAMER
LAURIE A. CUMBO
RAFAEL SALAMANCA, JR.
ROSIE MENDEZ
VANESSA L. GIBSON

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

Michael Kelly
General Manager
New York City Housing Authority

Brian Clark
Senior Vice President of Operations
New York City Housing Authority

Luis Ponce
Vice President of Operations Support Services
New York City Housing Authority

Patrick Wehle
Assistant Commissioner - External Affairs
New York City Housing Authority

Michael Halpin
Organizer
International Union of Elevator Constructors
Local No. 1

[gavel]

CHAIRPERSON TORRES: I'm City Council

Member Ritchie Torres and I chair the Committee on Public Housing and I'm proud to be joined here by members of the committee Rafael Salamanca, Council Member Vanessa Gibson, and the council member who represent Boston Road Plaza Council Member Jimmy Vacca. We're here for one simple reason; the fatality at Boston Road Plaza in my opinion was the result of failure and mismanagement, and in the case of a few employees, the outright indifference of the New York City Housing Authority. And so the point of our hearing is to investigate the precise nature of the communication, policy, and technical failures that led to the fatality at Boston Road Plaza as well as an injury a month earlier in Morris Houses and to see what action the housing authority has taken since then to prevent the occurrence of these tragedies in the future. We're joined here by Councilman Vacca who I imagine might have a few words to say about the incident so I want to give him an opportunity to offer his thoughts and then we'll proceed right to testimony.

COUNCIL MEMBER VACCA: Thank you. I'm City Councilman James Vacca and I represent the east Bronx and I represent the building in question Boston Road Plaza. It is a senior citizen NYCHA building in the Pelham Parkway Community in my district. I also knew Mr.... Mr. Pabon. Mr. Pobon came to many of the tenant association meetings we had convened over the course of several years. We had roof issues, we had elevator issues for years in this building. That's what made us form a tenant association to begin with. And we have complained and we have begged for help. This went on for years. And Mr. Pabon was a very nice elderly man caring for very very sickly life for a long period of time. It's unconscionable to think that what happened to him happened. It's unbearable and that it happened right near Christmas day makes it even worse. Today I know we're going to seek answers from NYCHA as to what happened. And I do know that there's been some disciplinary action taken. But I can't help but note that the history of complaints in this building is proof positive that there was a cry for help long before this happened. We do know the DOI released a report. They detailed the

malfunctioning at the building. The findings in that report were astonishing to me. There really was a perfect storm when the elevator malfunctioned. And the perfect storm was a perfect storm of incompetence. From one level to the next Mr. Pabon. Life was in danger. And all of this calls for help. Through the bureaucracy we're calling on deaf ears or on incompetence. DOI's investigation shows us that the problem we faced at Boston Road was systemic. This is a systemic problem that may well... may very well exist in other buildings throughout our city and a problem that affects our most vulnerable residents, mainly our senior citizens. On a personal basis I have to say that I, myself, have been calling for years for senior buildings that stand alone to have live-in superintendents. If this building was in the private sector... if this building was a rent stabilized building anywhere in the city of New York they would be required to have a live-in superintendent. Here we have a NYCHA building with hundreds of seniors living in apartments, many of them crippled with a variety of illnesses and they have no one to go to in the building. They're told

1 to call a central complaint number. That's
2 unacceptable. It would not be tolerated in the
3 private sector. The landlord would be given a
4 violation and called to court. And yet in NYCHA it
5 continues. DOI has put forth many recommendations.
6 I'd like to know today how they're going to be
7 adhered to. I can only tell you that to this day
8 the seniors living in this building are afraid to
9 get in that elevator. They go in the other
10 elevator... thank god there's two. But to this day
11 the seniors that I represent are petrified of
12 getting into that elevator. And that alone to me
13 represents an emotional burden that they will bear
14 for the rest of their lives knowing what happened
15 to this gentleman. Knowing that their cries for
16 help for months have fallen on deaf ears, not
17 having faith and confidence that any of their cries
18 for help in the future will be heard. And that's
19 unacceptable. And I as their representative am... I'm
20 here to speak up for them. The elevator issues at
21 NYCHA must be addressed and must be addressed now.
22 We must instill in NYCHA residents the confidence
23 that they deserve that elevator issues are going to
24 be addressed because they are life and safety front
25

1 line issues. I don't want to feel like Mr. Pabon's
2 death was in vain very honestly. And I'm fearful
3 that unless we get our act together his life will
4 have been in vain. And I think what happened here
5 is indicative of the fact that when people cry for
6 help someone should act, not delegate people to a
7 central complaint number somewhere when somebody
8 probably thinks that they're being too bothered to
9 take all these complaints from these people. And
10 then the call falls into a bureaucratic hole. I
11 want change. Systematic change has got to take
12 place. And I'm willing to work cooperatively with
13 NYCHA. I'm... I'm not here to attack. I'm not here to
14 attack people personally but I do think... I do know
15 that the time for accountability has arrived and
16 enough is enough. I never want to be here again to
17 discuss a matter like this. Thank you.

18
19 CHAIRPERSON TORRES: Thank you Council
20 Member Vacca. The most important responsibility you
21 have in government is to keep your resident safe.
22 That's the most solemn obligation of government.
23 And when it came to elevator safety at Boston Road
24 Plaza and elsewhere in the public housing portfolio
25 the residents of public housing should know that

1
2 their government failed them, that their public
3 housing authority failed them. This was not a
4 result of disinvestment. This was pure
5 mismanagement. With that said I want to allow the
6 housing authority to testify. We're joined by the
7 general manager of the housing authority, Michael
8 Kelly, as well as the Vice President for
9 Operations, Brian Clarke, and the Vice President
10 for Operation Support Services Luis Ponce. Please
11 raise your right hands. To swear or affirm to tell
12 the truth, the whole truth, and nothing but the
13 truth today?

14 MICHAEL KELLY: I do. Thank you. Chair
15 Richard Torres, members of the Public Housing
16 Committee, and other distinguished members of the
17 City Council good afternoon. I'm Michael Kelly. I'm
18 honored to serve as the... the New York City Housing
19 Authority's General Manager. Joining me today are
20 Luis Ponce Senior Vice President for Operation
21 Support Services, and Brian Clarke Senior Vice
22 President for Operations, Patrick Wehle Assistant
23 Commissioner of External Affairs for the Department
24 of Buildings and other members of NYCHA's executive
25 and operation leadership team. Before I begin I

1 want to take a moment to acknowledge the recent
2 passing of Mr. Olegario Pabon, a dedicated NYCHA
3 elevator mechanic helper for the past six years.
4 Mr. Pabon was found unresponsive in an elevator
5 machine room at Coney Island Houses last Friday and
6 could not be revived. I'd like to offer my sincere
7 condolences to his wife and his family on behalf of
8 the NYCHA community. And while we are waiting for
9 the medical examiner's findings for Mr. Pabon and
10 in full accounting of the facts surrounding last
11 Friday's incident we do have the results of a
12 thorough investigation into the tragic elevator
13 failures from December which occurred at Boston
14 Road Plaza in Morris Houses. I appreciate this
15 opportunity to explain the immediate and long term
16 corrective actions NYCHA has taken since these
17 incidences and the Department of Investigations
18 report findings. It's important for us to note... and
19 it's important for us to acknowledge the life of
20 Mr. Pabon that was lost at Boston Road Plaza. I
21 know there are no words that can comfort his
22 family, his wife, when they have experienced this
23 type of loss. But on behalf of the Housing
24 Authority I would like to sincerely express my
25

1 deepest sympathies. In addition, I would be remiss
2 if I... not to mention the injuries that Mr. Brown
3 occurred on December 2nd at Morris Houses in the
4 Bronx. As general manager I know remorse is not the
5 remedy especially for Pabon and Brown family nor
6 the elected officials here today. Be assured I am
7 personally committed to taking every precaution
8 necessary to prevent this from happening again. The
9 fatal accident at Boston Road Plaza on Christmas
10 Eve, December 24th, 2015 forced NYCHA to face
11 several troubling truths and systemic failures.
12 Beginning with the fact that I was notified of the
13 accident on December 28th four full days after it
14 took place. This is just unacceptable. NYCHA's
15 review in cooperation with the Department of
16 Investigations revealed this incident was a result
17 of equipment and part failures, also people
18 failures, communication breakdowns, and most
19 concerning a fractured culture or dismissive way of
20 thinking by some. Don't get me wrong. Our 11,000
21 NYCHA employees are among the city's finest. They
22 are the unsung heroes that have repeatedly risen to
23 the challenge when asked to do more with less. They
24 perform emergency repairs, maintain our properties,

and keep NYCHA running day to day. But the incident at Boston Road Plaza brought something to the surface that we just can't ignore. When faced with an elevator hazard that poses serious risk members of the Boston Road staff reported to the Department of Investigation things like it's not my job, I just want to go home. These casual references tap into indifference that undermines every aspect of what we are trying to change at NYCHA. This is just unacceptable. First all employees are responsible for being proactive to prevent accidents and injuries when there is a potential hazard, whether a caretaker or a general manager... if a staff have knowledge of an elevator risk that threatens the potential safety of NYCHA employees or residents. A hazard condition in our workplace and in their homes is incumbent upon every NYCHA employee to act, to communicate, and to escalate. Failure to do so and to do so without urgency is simply unacceptable. Second, this incident forced us to look inward at a way of thinking which exists beyond Boston Road Plaza that mirrors the neglect of our buildings from decades of disinvestment and broken promises. A resigned attitude by a small

few, a feeling that we can't make things better because of seemingly insurmountable challenges from decaying buildings to inadequate headcounts and budget... overtime situations or conditions that are unacceptable become accepted because it's just been that way. Low moral breeds indifference, contributing to unacceptable conditions, news grabbing headlines and just one more reason for funding to be rolled back and public housing to be dismantled. We cannot afford indifference and I will not stand for it. Over the past year I've worked with the chair to change NYCHA and reset relationships with both employees and residents that have been strained over the many years. In writing a new chapter on how we do business we are working daily to cultivate high performing culture which learns from failures and setbacks, metrics, and score cards. And while we still have a ways to go especially in changing our culture we will not tolerate the old NYCHA. We cannot come up with excuses to pass the buck or turn the blind eye to glaring mismanagement, poor judgement, or actions that do not reflect the values of the authority we continue to reform. The time for changing and the

time for ownership is right now. Before I get into NYCHA's corrective actions on elevators as a result of the events on Boston Road Plaza and Morris Houses I want to take a step back to give some important context on NYCHA and our elevators. Elevators are essential for the mobility of our residents. Considering 1,658 of our buildings are more than five stories tall our 3,314 elevators work 24/7 taking 1.2 billion trips a year. Back in 1980 NYCHA had 390 employees dedicated to elevator maintenance and spent 17 million dollars a year on elevator maintenance. More than three decades later with nearly the same number of elevators NYCHA has 503 elevator maintenance staff, a team that is experienced and well trained. Our elevator mechanics each carry an average of 15 years of elevator repair and maintenance experience. In addition, we now invest on average 80 million dollars a year in elevator maintenance. The strain on NYCHA's elevators and the attention required to keep up with necessary safety enhancements is an ongoing challenge. We are constantly updating and improving safety measures because the demands of our work require it. The history of numbers on

elevator safety and responses are striking. Between 1984 and 1991 11 youth tragically lost their lives playing elevator games which prompted the housing police to create an elevator vandalism squad and a public awareness campaign. In 2008 after a tragically fatal incident involving a five-year-old boy named Jacob Newman NYCHA completely overhauled its elevator safety with an investment of... than 250 million dollars for elevator modernization. This overhaul included more staff and the replacement of 570 elevators and 66 developments. At the time an initial 14 million dollars was also invested for staffing and resources to improve maintenance. While NYCHA's committed to taking every precaution to prevent elevator incidents and accidents the tragic loss of Mr. Pabon and the injury to Mr. Brown last December prompted another hard look at NYCHA's elevator equipment, our procedures, our emergency communications, and staff conduct. Fully cooperating with the Department of Investigations' thorough investigation of Boston Road and Morris Houses NYCHA identified systemic failures and breakdowns requiring prompt attention. Currently NYCHA has identified and has begun to implement

over 40 corrective actions across four key areas; duty and accountability, communications and systems, training, and policies and procedures. First I'll talk about our corrective actions regarding NYCHA's policies and procedures. Boston Road Plaza and Morris Houses revealed several gaps in these areas. In response I've implemented a series of protocol enhancements to improve elevator safety. New brake monitor protocols requires the inspection of brake monitors or other elevator safety devices when preventative maintenance is performed, when elevator brake systems are inspected, and when elevators are restored to service. These procedures have been adopted and are in place. We've expanded and refined the arrange of problem codes and classifications so that elevator emergencies can now be classified by customer contact center or our CCC staff more accurately and operation staff can prioritize accordingly. An emergency elevator situation that poses imminent danger requires an emergency response. Any hazardous life threatening elevator conditions that are flagged by CCC will be escalated to 9-1-1 for FDNY response no matter the time of day. This

protocol has also been adopted and staff are currently being trained. Next I'm going to discuss corrective actions to our communication systems. Through a full accounting of these instances it is clear there are several unnecessary barriers between information and emergency action. To fix this NYCHA has begun the following steps. Elevator dispatch staff are now required to share all notes captured in the complaint with the elevator mechanics so that our maintenance staff can identify all relevant data and all details of the complaint. This will provide another level of safety assurance in assessing the potential hazard and prioritizing NYCHA's response. We are creating a skill group in our customer call center comprised of specially trained customer service representatives in elevator issues with the ability to escalate concerns and questions to supervisors in our elevator program. Creating a regulation monitoring system for program compliance which will include a stakeholder working group comprised of affected apartments our operations and maintenance, capital projects, and law. Real time updates and alerts, a protocol for policy, procedures, and

training implementation, and additional staff capacity on elevator code compliance. NYCHA's also started conversations with FDNY to determine how we can communicate between 9-1-1 dispatched emergency responders and NYCHA for major incidents and accidents related to NYCHA properties. Now I'm going to go talk about our corrective actions with respect to training. We revised procedures and communication protocols and we will improve staff training and expand the materials made available to CCC staff. Elevator staff have trained CCC supervisors on elevator functionality and hazards to help better train call takers on properly identifying and coding elevator hazards. More detailed triage questions are being developed to help better match the problem with the right priority code. NYCHA is enhancing current training with onsite field training tailored for the elevator service and repair department to identify and prevent dangerous conditions related to emergency brake systems, regulations and protocols. We're also working with the Department of Buildings to explore additional training and certification options that they recommend including the National

Association of Elevator Safety Authority Certification and Manufacturer Training where possible. Finally, I'd like to talk about the actions we're taking regarding duty and accountability. As the facts of Boston Road and Morris Houses surfaced I was struck by staff attitudes and how they lacked a sense of urgency. And their failure to act proactively or at all to prevent future injury or accident. If a NYCHA employee has knowledge of an elevator risk or any dangerous condition that threatens safety whether real or rumored it is incumbent upon every employee to act to communicate and to escalate. This message is already part of our training, procedure, and code of conduct but it needs to be reinforced in numerous ways. Disciplinary actions were taken against six employees who failed to do their job. They failed to enforce the safety of NYCHA residents in connection with the Boston Road Accident. Five employees have been reassigned and the head of elevator division has been relieved of his day to day duties related to monitoring building codes and inspections a new acting director of elevators Ivo Nikolic has been

1 appointed. Mr. Nikolic holds a Master's degree in
2 engineering and has demonstrated leadership in the
3 areas of operational performance and quality
4 assurance. Elevator staff must report all elevator
5 problems to their supervisors and CCC operators are
6 to escalate those calls to their shift supervisors
7 if there is any question as to the level of danger
8 being described. We're also improving the staff
9 training at the... at the customer call center and
10 have expanded the materials made available to CCC
11 staff. What we learn from the Boston Road Plaza and
12 Morris Houses incidences is that we must change
13 NYCHA's culture so that each and every employee is
14 empowered to take ownership. A hazard condition is
15 a hazardous condition in our residents' homes.
16 Every employee at every level is responsible for
17 keeping NYCHA residents and developments safe.
18 First NYCHA's beginning to shift the culture of
19 changing the way we do business. One strategy we
20 have implemented is empowering property managers by
21 allowing them to make decisions at the local level.
22 Property managers no longer have to wait for sign
23 off from senior staff to make decisions about the
24 developments. This means that property managements

can build their own budgets, hire staff, make emergency repairs faster. It translates into more ownership resulting in property managers who take more pride in their work as well as bargaining and ingraining the type of culture of responsibility at the sites. Second, we will enhance and expand our quality assurance program. Currently as part of our elevator safety plan NYCHA quality control inspectors carry out monthly elevator inspections citywide to ensure compliance with elevator procedures and policies. Based on these inspections any inconsistencies found or adjusted and any necessary repairs are made. Moving forward we will build upon our quality assurance inspections to ensure that employees at every level from CCC call takers to development in elevator staff are following correct procedures to act, to communicate, and to escalate when there is a potential hazard that threatens the safety of NYCHA residents or employees. In addition, I've implemented the following strategies. To help bridge the gap between central office and frontline staff all senior NYCHA staff members dedicate a half day monthly to visit developments and meet

with frontline staff. This is an opportunity for senior staff to hear from employees about what goes on in the property level and discuss firsthand how with their help the authority can make NYCHA communities safe, clean, and connected for both residents and employees. To foster accountability at every level we're working to enhance workplace safety training that reinforces the basic principles of see something say something when it comes to hazards in our work place. We plan to take every opportunity to remind staff that our workplace is also the place where others call home. A hazard to staff is a hazard to residents. Throughout these corrective actions and initiatives is quality assurance. Systems for evaluating whether our new protocols, systems, or trainings are actually working. This will help us constantly approve and identify additional weaknesses in our safety and response systems. What happened in this tragedy is simply unacceptable. As gentleman... as the general manager I will ensure that we do better because we must do better and because our residents deserve better. Thank you for the opportunity to

1
2 testify today and I'm happy to answer questions
3 that you may have.

4 CHAIRPERSON TORRES: Thank you Mr.
5 General Manager. I'll have... I have questions more
6 generally about elevator safety and I guess I'll
7 leave Boston Road Plaza to the council member,
8 Council Member Vacca. How large is NYCHA's elevator
9 fleet?

10 MICHAEL KELLY: Chair if I can, just for
11 a moment before answering this and other... questions
12 I want to personally express my sincere apologies
13 and my sincere condolences to the families of Mr.
14 Begun a dedicated NYCHA employee who passed away
15 last week and to the Begun family. And to let you
16 know and to let the families know that I take
17 ownership of what happened, that I am in charge of
18 making NYCHA safer, more secure, and better in
19 every way. And I will do everything I can in my
20 power to prevent this tragedy from happening in the
21 future. Chair we have a maintenance response staff
22 of 503 elevator mechanics and employees.

23 CHAIRPERSON TORRES: How many elevators
24 are in your fleet?

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2 MICHAEL KELLY: We have 1,314 currently
3 in service... 3,314.

4 CHAIRPERSON TORRES: 3,000, okay. No
5 according to the DOI report the disconnected brake
6 monitor was a factor in the fatality at Boston Road
7 Plaza. What percentage of your fleet is equipped
8 with these brake monitors?

9 MICHAEL KELLY: I would ask... like to ask
10 my Senior Vice President for Operations; Mr. Ponce,
11 to... to respond to this question.

12 LUIS PONCE: Good afternoon Council
13 Members. My name is Louis Ponce, Senior Vice
14 President of Operations for the Housing Authority.
15 We have brake monitors on 1,121 of those cars, so
16 about a third of our fleet.

17 CHAIRPERSON TORRES: And my
18 understanding is that the building code does not
19 require installation of brake monitors but DOB
20 policy requires the maintenance of those brake
21 monitors if installed. Is that a... is that a correct
22 description of DOB policy?

23 LUIS PONCE: Absolutely, Chair. And we
24 are also outraged at... this device that we went
25

above and beyond code to install on elevators was not being maintained as it should have been.

CHAIRPERSON TORRES: Right. So even though DOB policy requires to Housing Authority to maintain a brake monitor if installed NYCHA had no policy of requiring its... of its... requiring its mechanics to maintain monitors, is that correct?

LUIS PONCE: On...

MICHAEL KELLY: That is correct Chair.

CHAIRPERSON TORRES: And you provided your employees with no training on how to monitor and maintain brake monitors?

MICHAEL KELLY: No that... there is training that was provided. The... the issue was... matter of policy it was a matter of practice. We did not inspect brake monitors as we're doing our preventive maintenance and as we're doing our annual inspections.

CHAIRPERSON TORRES: So your employees received training specifically regarding the maintenance of brake monitors?

MICHAEL KELLY: Yes. Mr. Ponce.

LUIS PONCE: Yes, they received training on all aspects, on all safety devices on the

1
2 elevators and whether they were code required or
3 not.

4 CHAIRPERSON TORRES: But you had no
5 intention of having them use that training in
6 practice?

7 LUIS PONCE: Sorry, can you say that
8 again?

9 CHAIRPERSON TORRES: So... so you trained
10 them on how to maintain brake monitors but you had
11 no policy requiring them to actually do it in
12 practice?

13 LUIS PONCE: Where the oversight was
14 chairman was we have a... on our line items for our
15 inspections and our preventive maintenance it says
16 to inspect the brakes. It did not specify the brake
17 monitor which is essentially a part of the brake.
18 So that's where we failed.

19 CHAIRPERSON TORRES: Were... were any of
20 you aware of the language in the building code or
21 DOB policy regarding brake monitors?

22 MICHAEL KELLY: I was not, Chairman.

23 CHAIRPERSON TORRES: Okay so you were
24 not aware... but you're the head of your elevator
25 division I believe sits on the committee that

recommends changes to the building code or DOB policy, is that correct?

MICHAEL KELLY: That is correct.

CHAIRPERSON TORRES: Okay do you normally keep track of the latest changes or revisions to the building code or DOB policy?

MICHAEL KELLY: I do not personally Chairman, no.

CHAIRPERSON TORRES: What about the law department? Does the law department keep track of legal changes to the building code?

MICHAEL KELLY: That is a... that is something that we have... we've enacted now.

CHAIRPERSON TORRES: But historically has the law department kept track of changes to the building code?

MICHAEL KELLY: I... not... not on a... not on a... a consistent systemic basis, no.

CHAIRPERSON TORRES: So the only person in your agency who is aware of the building code provisions regarding brake monitors was the elevator head? It was only... literally one person in an agency of 11,000 people.

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2 MICHAEL KELLY: That is my
3 understanding, yes sir.

4 CHAIRPERSON TORRES: You have multiple
5 priority levels assigned to elevator complaints.
6 Can you tell me what those priorities are and... and
7 who determines them?

8 MICHAEL KELLY: Mr. Ponce.

9 LUIS PONCE: We... we work on priority
10 levels from... from one to nine. Nine, being a
11 hazardous condition. Typically for elevators they
12 use nines and they use priority five. But again as
13 you go higher in the priority it's more of a... more
14 of a... of an issue. A five would be if an elevator
15 was dirty, if an elevator did not stop on a certain
16 floor, if a call button didn't work but there was
17 still service in the building, an elevator pretty
18 much running with a problem. Priority nine would be
19 if where there was no service in the building at
20 all and it would also be if there was someone
21 trapped in the elevator or there was what we'd call
22 an open hatch where... where a door would open and
23 you wouldn't... a resident would have access to the
24 shaft where they could fall in.

CHAIRPERSON TORRES: What's the response time for each?

LUIS PONCE: The response time... [cross-talk]

CHAIRPERSON TORRES: What's the response time for each?

LUIS PONCE: The response time for a priority nine is our... our... according to our procedure is two hours. We typically make it there in 90 minutes.

CHAIRPERSON TORRES: And priority five?

LUIS PONCE: Priority five, our response time is 48 hours. We have our response time for those is usually to do the entire repair, a little over six hours.

CHAIRPERSON TORRES: So literally a difference in priority is a difference between two days, responding in two hours or two days.

LUIS PONCE: Yes, Chairman.

CHAIRPERSON TORRES: What would have been the correct classification in the case of Boston Road Plaza? There was a tenant who was complaining about an extremely dangerous condition at Boston Road Plaza. The elevator was bouncing up

1 and down. It appeared that the regulator had
2 failed. What would have been the correct
3 classification of that? Because it was prioritized
4 at five.
5

6 MICHAEL KELLY: That was clearly a
7 priority nine. It should have been classified and
8 coded as such.

9 CHAIRPERSON TORRES: And who was
10 responsible for the misclassification?

11 MICHAEL KELLY: It was the customer call
12 center operator.

13 CHAIRPERSON TORRES: Customer call
14 center. Do you... do the customer call center
15 operators tend to have knowledge of elevators or
16 experience with elevators?

17 MICHAEL KELLY: The... there... there has
18 been training... there is training that... that's
19 provided with the customer call centers. This
20 particular incident was one in which her
21 interpretation of what was going wrong at the site
22 at the time defaulted to a code which was a lower
23 and inappropriate code. We are... we are definitely
24 looking at elevator training as the highest
25 priority moving forward.

CHAIRPERSON TORRES: And I know your CCC call takers are trained in call taking, right, but do your call takers tend to have specialized knowledge about elevators and the workings of elevators, experience with elevators?

MICHAEL KELLY: If I can... Senior Vice President Clark.

BRIAN CLARKE: Yes, good afternoon.

MICHAEL KELLY: Because... because a concern I just want to express the concern I have is that the priorities are being set by people who have neither experience with or knowledge of elevators.

BRIAN CLARKE: So good afternoon. My name is Brian Clark. I'm the Senior Vice President of Operations and I'd like to just clarify you know two things with this area. One is the call takers are... you know they do receive training on... on typical maintenance and issues that are current... developments. In addition we have scripts for elevator... elevator complaints. However, and I believe it was you that had the suggestion that we speak with 3-1-1 and look at like... look at specialized skill groups and we thought that was a

1 good... good suggestion we did that. And we are
2 creating a skill group for elevators so that if
3 there's an elevator complaint or call it'll go
4 directly... it'll be routed directly to this group.
5 These folks will have the specialized training if
6 there's any question about an issue or a concern or
7 an escalation they will be able to be in contact
8 with a supervisor within our elevator program.

10 CHAIRPERSON TORRES: So let's... what does
11 the process of communication look like? It starts
12 with a complaint from a tenant. The tenant calls
13 CCC and then CCC relays the information to whom?
14 How does that... what does the channel of
15 communication look like?

16 BRIAN CLARKE: If I can, yeah. So the...
17 so for the most part I mean work orders can also be
18 created at the development level but the route that
19 you're talking about if... if a tenant or the public
20 has a complaint regarding the elevator he'll call
21 CCC. The... the information is collected by the... by
22 the call center. A work order is created instantly.
23 With our elevator program and with our emergency
24 services program we have a live dispatch which
25 means that when the work orders come over we're

1
2 actually... they're actually able... we have folks that
3 are actually monitoring. They can see the priority
4 that comes over and we actually assign folks to
5 that live right in the system. And there's direct
6 communication with... in this case it would be
7 elevator mechanics in the field.

8 CHAIRPERSON TORRES: So the information
9 flows from the tenant to the CCC call taker to the
10 elevator dispatcher and then the elevator mechanic?
11 Is that...

12 BRIAN CLARKE: Yeah, correct. It goes...
13 yeah it goes from the... from the tenant, CCC, into
14 our system, the... the dispatchers monitor the
15 system. They see it and they communicate directly
16 with the... with the mechanics.

17 CHAIRPERSON TORRES: My understanding is
18 that the elevator dispatcher receives the work
19 order from the CCC call taker through a system
20 known as Maximo, right?

21 BRIAN CLARKE: Yeah correct. There's
22 actually two systems. The Siebel is the customer
23 relations management software that our customer
24 contact center uses and Maximo is... it's called an
25 asset management program but it's really our work

1
2 order system. And so our work in elevators and all
3 our other maintenance is done within the system.

4 CHAIRPERSON TORRES: And my
5 understanding is that in order to receive updated
6 information from Maximo you have to query the
7 system, you have to refresh the system, is that a
8 correct...

9 BRIAN CLARKE: Not for... not for elevator
10 dispatch. That is... actually goes right over to the
11 screen. High priorities are coded. I believe
12 there's even a color difference so that folks can
13 see those issues right away.

14 CHAIRPERSON TORRES: You know and since
15 elevator malfunctions can be a matter of life and
16 death what happens if there's a glitch in the
17 system? Is there a requirement for the CCC call
18 taker to directly reach out to an elevator mechanic
19 by phone...

20 BRIAN CLARKE: So the...

21 CHAIRPERSON TORRES: ...rather than simply
22 rely on the system?

23 BRIAN CLARKE: So the... the... I guess the
24 best example I can... can give you is that there's
25 times when we have to take the system down for... for

1 maintenance or if there's an electrical preventive
2 maintenance being done for our building we have to
3 go to a... you know to a manual process. The... our...
4 our CCC is housed in LIC. Also our emergency
5 service dispatch is there as... you know as well. We
6 make sure that there is direct communication you
7 know between CCC, between ESD, and between
8 elevators. And also if there is... if there is a need
9 for us to actually relocate the customer contact
10 center in the event of a power outage we can do
11 that as well. We have a backup... we have a backup
12 actually at 250 Broadway as well as over at... at our
13 Atlantic Avenue Customer Contact Center as well.

14
15 CHAIRPERSON TORRES: So whenever there's
16 an emergency, matter of life and death, a possible
17 matter of life and death the CCC call taker will
18 communicate to the elevator dispatcher not only
19 electronically but by phone as well?

20 BRIAN CLARKE: So the... the... the...
21 depending on a situation it can be escalated; you
22 know can... they can walk right over to our emergency
23 service... [cross-talk]

24 CHAIRPERSON TORRES: What if it's a
25 priority nine?

BRIAN CLARKE: The... for priority nine?

So the priority nine is as Mr. Ponce had explained so really there's... there's... you know there's two... you know really within that there are a couple of things. One is anytime a building is without... without elevator service that is a priority nine. So that's if in a single car if that goes down or

if we have a multiple car building... [cross-talk]

CHAIRPERSON TORRES: I'm not clear if you're answering my question though. So I understand that you have to... you communicate the information through the computer system but if there's priority nine is the CCC call taker required to directly call the dispatcher to let them know that there is an emergency.

BRIAN CLARKE: No. They do... they do...

CHAIRPERSON TORRES: No? So you rely solely on the system? So if it breaks down...

BRIAN CLARKE: No we don't rely solely on the system. The customer contact operator can escalate it to their supervisor and then the supervisor can... can directly contact our emergency services you know... or depending upon the hour of operation our elevator dispatcher.

CHAIRPERSON TORRES: Why not have the call taker reach out directly to the dispatcher? Why... why have this... have them go to the supervisor who then goes to someone else. Why not just streamline the bureaucracy and have... if there is an emergency I'm going to communicate to you via your computer system and I'm going to call the dispatcher out of an abundance of caution to ensure that there is no lag time an... an expeditious response time.

BRIAN CLARKE: And I'm sorry there... there's... there's one key piece that I've... I... that I... I... I left out. The... we also call 9-1-1 if there is a... an emergency situation, somebody let's say is entrapped in an elevator we call 9-1-1 as well. So they're... they're notified immediately and they're typically on the scene within six minutes.

CHAIRPERSON TORRES: I want to ask... I want to ask a few questions about training. NYCHA has over 3,000 elevators and you have multiple controllers, multiple operating systems, how many exactly do you have?

MICHAEL KELLY: Mr. Ponce do you...

1
2 LUIS PONCE: I apologize sir. Give me
3 just a second. We have seven different types of
4 controllers that we use presently in the authority.

5 CHAIRPERSON TORRES: So you have seven
6 controllers, seven operating systems... is that... and
7 my understanding is that each operating system has
8 its own manufacturer? And each one requires its own
9 specialized training? So do your elevator mechanics
10 receive specialized training in each of these
11 operating systems?

12 LUIS PONCE: We have a training center
13 in our Long Island City Office. We have set up
14 every type of controller that we have there... also
15 every type of... that we use in the authority. We set
16 it up with trouble codes where we can actually
17 cause a malfunction in that device. We test our
18 mechanics on the basic functions. We test them on
19 finding out using their trouble shooting procedures
20 to find out what is wrong to repair that elevator.
21 They are given a... sort of a test and an evaluation
22 after that to see if they're proficient in that
23 controller. We bring in the mechanic and the helper
24 at the same time because they work in a team. So we
25

do give specific training for each controller that that mechanic is expected to work on.

CHAIRPERSON TORRES: And manufacturers have certified instructors. Do... do your mechanics receive training from certified instructors in each of these operating systems?

LUIS PONCE: Chairman, right now we do not. We had a conversation with yourself and your staff and... and we are pursuing that. We have two quotes from two controllers to come in and give us specific certification for those. Also...

CHAIRPERSON TORRES: So historically your elevator mechanics have not received training from certified... [cross-talk] instructors?

LUIS PONCE: The only time they do chairman is when there is a new installation... part of the contract to the install is an abbreviated training. It's not a... it's not a... an intense training but it is a training on how that controller given by the installer, not the manufacturer, to train on how we... how we trouble shoot and how we repair those controllers.

CHAIRPERSON TORRES: Because the point of certification is quality control, is to ensure

1
2 that the instructor is actually familiar with the
3 system. So without certified instructors how could
4 you possibly know whether the instructors you do
5 have are properly training your employees.

6 MICHAEL KELLY: Chairman this is
7 something that in terms of our moving forward
8 corrective action we are working with the
9 Department of Buildings. We understand the
10 importance of getting the right training from the
11 manufacturer as well as the installer. We'll be
12 looking at developing some systems and some
13 training in place as just a matter of our... our...

14 CHAIRPERSON TORRES: And you're
15 referring to the future and I... I respect that but
16 historically without certified inspectors how could
17 you possibly know whether your employees were being
18 trained in particular operating systems.

19 LUIS PONCE: I agree that we do work
20 with the manufacturers, we do have customer
21 service. We call them, we contact them when there's
22 something that we cannot, and it doesn't happen
23 that often. Typically we can troubleshoot it and
24 figure it out. But absolutely there is no
25 certification. As opposed to an elevator company

1
2 that pretty much deals with one elevator with let's
3 say OTIS elevator all of their staff would be
4 certified to that. They would only seek maintenance
5 contracts that offer those type of elevators.
6 Because of our procurement rules...

7 CHAIRPERSON TORRES: But you don't have
8 that luxury right? You have seven systems rather
9 than one.

10 LUIS PONCE: Yes Sir.

11 CHAIRPERSON TORRES: So your employees
12 have to be familiar with all of those systems.

13 LUIS PONCE: Yes Sir.

14 CHAIRPERSON TORRES: And you need
15 certified instructors to teach your employees how
16 those systems work.

17 LUIS PONCE: Yes Sir.

18 CHAIRPERSON TORRES: And it seems like
19 without certified instructors you have no way of
20 knowing whether your employees are properly
21 trained.

22 LUIS PONCE: Yes Mr. Chairman.

23 CHAIRPERSON TORRES: I want to speak
24 about the structure of the elevator division.
25

What's the hierarchy? Describe it to me from helper upward.

LUIS PONCE: So there are 213 teams. There's an elevator mechanic that works with a helper. They answer up to a supervisor of elevator mechanics who respond to an administrator. There are two deputies in the elevator section where the administrators report to and one director.

CHAIRPERSON TORRES: And so I want to go one by one. What... what elevator experience and knowledge are required for the position of elevator helper?

LUIS PONCE: Elevator helper are required to have three years of experience working with elevators on the outside before they're eligible to take the test to become an elevator mechanic helper. The tenor amongst our present elevator mechanics helpers average of seven years' experience.

CHAIRPERSON TORRES: Is it a civil service position?

LUIS PONCE: Yes, sir.

CHAIRPERSON TORRES: So you take an exam...

1 LUIS PONCE: Yes.

2 CHAIRPERSON TORRES: You have to
3 demonstrate knowledge of elevators.

4 LUIS PONCE: So the minimum is three
5 years to... just to take the test to be hired and
6 presently our staff has a seven years' additional
7 experience working with elevators so they're right
8 now about 10 years' experience they have now.

9 CHAIRPERSON TORRES: What about elevator
10 mechanics?

11 LUIS PONCE: Elevator mechanics need
12 five years' experience on the outside before
13 they're eligible to take the test. Our presently...
14 our staff is 10 years... nine... a little over nine
15 years, 9.2 years, so it's about 15 years'
16 experience.

17 CHAIRPERSON TORRES: And that's a civil
18 service position.

19 LUIS PONCE: Yes, Sir.

20 CHAIRPERSON TORRES: And what about
21 supervisors... foreman.

22 LUIS PONCE: Supervisors are required to
23 have seven years outside experience before they
24 eligible to take the test to... it's a promotional
25

1
2 exam from an elevator mechanic. Right now our tenor
3 is a little over 10... 10 and a half years'
4 experience. So leaving to about 17 years' average
5 experience for our supervisor elevator mechanic.

6 CHAIRPERSON TORRES: And that's a civil
7 service position as well?

8 LUIS PONCE: Yes, Sir.

9 CHAIRPERSON TORRES: And next is
10 administrators.

11 LUIS PONCE: The administrators is a
12 managerial position. It's not a union position.
13 It's hired from the outside... I'm sorry it's hired
14 from within the housing authority.

15 CHAIRPERSON TORRES: So it's not a civil
16 service position so how do you assess the elevator
17 experience and knowledge of your administrators.

18 LUIS PONCE: The administrators undergo
19 the training that the staff under grows... undergoes,
20 the same training. But they do not... they do not
21 have experience working on elevators on the outside
22 or within NYCHA. They do not make repairs. It's
23 more of a management tool but they also are given
24 some knowledge... [cross-talk]
25

CHAIRPERSON TORRES: Although ideally you want both right? You want someone who has managerial skill and experience with and knowledge with elevators... and you seem to be suggesting to me that that's not necessarily a requirement.

LUIS PONCE: The supervisor of elevator mechanic is eligible to become an administrator...

CHAIRPERSON TORRES: But not his boss?

LUIS PONCE: I'm sorry?

CHAIRPERSON TORRES: A super... you said a super...

LUIS PONCE: ...visor, elevator mechanic...

CHAIRPERSON TORRES: Yeah.

LUIS PONCE: ...is eligible to become an administrator. They have not chosen to take that path, that career path. It is... it is monetarily not... it doesn't make sense for them to become an elevator administrator. The way the salary structure is and the overtime that they... [cross-talk]

CHAIRPERSON TORRES: How many administrators do you have?

LUIS PONCE: I'm sorry.

CHAIRPERSON TORRES: How many administrators do you have?

LUIS PONCE: I'm sorry they're in different titles. We have about 12.

CHAIRPERSON TORRES: 12?

LUIS PONCE: Just a quick... yeah.

CHAIRPERSON TORRES: So it's a handful of employees?

LUIS PONCE: Of the administrators, yes.

CHAIRPERSON TORRES: And you cannot pay those administrators more to attract actual expertise on elevators and management?

LUIS PONCE: That's something that we can explore... present salary structure it doesn't... it doesn't allow for those... the administrators pretty much are... the authority... make about the same salary.

CHAIRPERSON TORRES: Because it's alarming that an administrator could manage an elevator division without sufficient experience or... or knowledge of elevators. That strikes me as troubling.

LUIS PONCE: I understand Chair.

CHAIRPERSON TORRES: Historically has that been a civil service position or it was never a civil service position.

LUIS PONCE: The administrator is... is... you can take a civil service test right now. They're mostly Provisionals, they haven't given that test in years.

CHAIRPERSON TORRES: But at one point NYCHA did treat it as a civil service position.

LUIS PONCE: Yes.

CHAIRPERSON TORRES: So at one point an elevator administrator was required to have expertise on elevators.

LUIS PONCE: Oh absolutely. They would come from the supervisor elevator mechanic line and they would be required to have experience.

CHAIRPERSON TORRES: And so why the change from civil service to provisional?

LUIS PONCE: Just... just because the test has not been given in many years and the civil service people have attritted [phonetic] out. So now it's pretty much a purely... a purely... pretty much almost a provisional... purely provisional title. So we did have in the past supervisor

1
2 elevator mechanics who were administrators when
3 they got their collective bargaining raised. Many
4 of them took a step back to become supervisor
5 elevator mechanics.

6 CHAIRPERSON TORRES: I... I would... I'm
7 going to give Councilman Vacca an opportunity to
8 ask a few questions but I would urge you to ensure
9 that your employees are receiving training from
10 certified instructors. And I do believe that your
11 elevator administrators should not only know how to
12 manage a division but to actually know something
13 about elevators. That just strikes me as common
14 sense. So Councilman Vacca.

15 COUNCIL MEMBER VACCA: I want to come
16 back to my point about having superintendents in
17 these buildings, if there was an onsite
18 superintendent in this building I think he would
19 have closed the elevator down. He would have called
20 someone beyond a call center and he would have
21 gotten the elevator shut down. I think... I think the
22 fact that we didn't have a superintendent in this
23 building at the time that this happened meant that
24 we could... I think the fact that if we had one we
25 could have prevented someone's death. The

1
2 superintendent would have closed the elevator down.
3 The... the superintendent would have known who to
4 call beyond the call center. I mean do you... do you
5 agree with that. Why... We met about a week ago and
6 again I made the suggestion. Are we considering... is
7 NYCHA considering having superintendents in their
8 buildings especially where senior citizens exist in
9 large numbers, especially the senior stand alone
10 buildings. Are we putting superintendents there?

11 MICHAEL KELLY: Councilman, yes. Based
12 on the conversations we've had we think it's a...
13 it's an idea worthy of exploration and worthy of
14 follow-up and we getting back to you and the
15 committee about it.

16 COUNCIL MEMBER VACCA: Okay I'm glad you
17 are. I mean do you agree with me that a
18 superintendent would have shut down the elevator in
19 this case. That... that would be the first thing the
20 superintendent would have done. And it would have
21 been... it would have been a life we could have
22 saved. But I can think of case after case
23 especially in the senior buildings where seniors do
24 not know where to go where when they call up a call
25 center they're kept on hold for long periods of

1 time they're kept on hold for long periods of time
2 and they give up. And... and therefore they're...
3 they're the most vulnerable. So I think
4 unfortunately we've learned a lesson the hard way.
5 And I'm going to be pushing this as we go forth but
6 I want a superintendent installed in buildings like
7 Boston Road. I want them to be live-in. I want
8 NYCHA to comply with what New York City private
9 building owners have to comply with; the laws...
10 namely the laws. Mr. Kelly your testimony was
11 enlightening but I do have to say that I question
12 how it could take four days before you were
13 notified of the death of Mr. Pabon. How, in god's
14 name, did it take four days? You... you're the
15 general manager and this is a person who died in a
16 NYCHA building due to an elevator mishap and due
17 to... due to a communication and administrative
18 breakdown, and I think we all agree to that, how
19 could it be that it took four days before you were
20 notified?

21
22 MICHAEL KELLY: Council Member the
23 failures and breakdowns were around mechanical and
24 equipment... there was issues around compliance, the
25 monitors not being fixed, there's issues around

1
2 communication and accountability. The breakdown was
3 across all lines. I cannot give a reason... I cannot
4 answer that question about why I did not know
5 outside of the fact that based on the Department of
6 Investigations' review there were several systemic
7 breakdowns that we are now moving to aggressively
8 fix so it should never happen again. It should not
9 have happened. People knew about this. It was not
10 acted on. It wasn't escalated. And there is no
11 excuses.

12 COUNCIL MEMBER VACCA: But from a
13 professional standpoint you should have been told.
14 You've admitted that in your testimony... what have
15 you done about those who you feel should have told
16 you. Have you taken action at that level because
17 there are certain people high up in NYCHA who
18 should have told you about what happen personally.
19 And they did not under your own testimony. And this
20 is what bothers me... bothers me a lot, we in this
21 council insist on accountability. You're the
22 general manager of NYCHA and you not knowing means
23 that there's something that's broken down in the
24 structure of NYCHA.

1
2 MICHAEL KELLY: I agree with you. This
3 incidence exposed tremendous system failures, every
4 employee that based on Department of Investigations
5 report that showed that it had a direct knowledge
6 of this potential hazard, the hazard... what happened
7 to Mr. Pabon and did not say anything, did not
8 escalate it. There has been charges that have been
9 moved against all these employees for disciplinary
10 action including termination.

11 CHAIRPERSON TORRES: Alright you refer
12 in your testimony... on page three you talk about a
13 resigned attitude by a small few. You talk about
14 low moral breeding indifference. You talked about
15 somewhere people who just don't care... I think that
16 you did not use the term but you're... you're
17 implying burnout... what is wrong... why do we have
18 this feeling of indifference and low morale? Why is
19 there an indifference? People have a job to do.
20 They're charged with a responsibility but they're
21 indifferent. They may have low morale for whatever
22 the reason may be but they have a job to and if
23 they don't like it they can leave. So I don't
24 understand this cult... is this part of the culture
25 you're talking about, a culture of indifference,

low morale, resignation... burnout... is this part of the culture we face at NYCHA right now?

MICHAEL KELLY: As I noted in my testimony of the 11,000 plus employees at NYCHA the... the... the vast... vast majority are really committed servants to the cause. And I think we have residents and... and other staff to testify to that affect. There are a few though admittedly that do not... that we have now found that they are not doing the job that they need to do when asked to do the job. So... so we are now moving toward quality assurance when a work order is performed we go back and check on that work. If it was not done right, we proceed to either provide additional training or move toward discipline. But I think Councilman you bring up a very good point about how do you get to the root causes. In my opinion I believe it's not knowing... not just at the top level that... that... to understand the importance of what we do but it's a rank and file issue that I take ownership and responsibility of... of communicating to all NYCHA employees, how important safety is, and how important the job we do. Last week I was at a... a muster meeting, of a meeting of which we meet with

1 the... the... the maintenance and management staff to
2 just go through the... the day's priorities to remind
3 them of that... that fact. Also engaging and
4 recognizing the importance of what every individual
5 employee does as it relates to next generation
6 NYCHA and the larger vision. I believe that a lot
7 of our employees just do their job and they don't
8 realize how their job has an impact on the larger
9 mission. I think one of the things that I take
10 responsibility for... for doing a better job of is
11 communicating that to everyone.
12

13 COUNCIL MEMBER VACCA: Do we have too
14 many people at NYCHA who view their job as a nine
15 to five job, punch in a nine and can't wait to go
16 home at five and that... that's the extent of their
17 commitment? Do we have too many people who view the
18 job that way.

19 MICHAEL KELLY: Council Member I believe
20 so.

21 COUNCIL MEMBER VACCA: That's
22 frightening to me. In the world we live in there's
23 no such thing as a nine to five job. And especially
24 serving the public is not a nine to five job. And
25 that is frightening to me. I am all for training,

1
2 and I believe in training but there are some people
3 who do not want to be trained. And there are... there
4 are some people who you could train for months on
5 end and it... and it's not going to help. Those
6 people got to go. Those people got to go. We have
7 to be committed not just to training those who are
8 beyond training, not just to train those who don't
9 care about being trained but getting rid of those
10 who are not trainable or who don't care. And
11 there's got to be that commitment. This agency
12 requires that type of a turnaround in my view.

13 MICHAEL KELLY: I agree with you whole
14 heartedly Council Member.

15 COUNCIL MEMBER VACCA: You did refer in
16 page eight to giving managers more authority to run
17 their... their developments. In... in practice and
18 theory I agree with that. I... I've been around a
19 long time and I can only tell you most NYCHA
20 tenants when they go to the management office are
21 basically told by the manager, I've done all I can,
22 I submitted a ticket. The... you must have millions
23 of tickets because managers just tell tenants
24 basically I've submitted a ticket. Are we going to
25

1
2 move beyond that submitting a ticket type of
3 mentality?

4 MICHAEL KELLY: Absolutely. For decades
5 NYCHA has been governed and... and managed in a very
6 hierarchical top down manner where it was very easy
7 for the property manager to say I did my best, I
8 sent it up the chain, and I'm waiting for someone
9 to get back to me. We're now changing the paradigm
10 such by providing the training, providing the
11 resources, and providing the responsibility and
12 accountability of the property managers to make
13 decisions particularly around safety and security
14 that would allow them to honestly look at a
15 resident and say it's going to take two days or
16 it's going to take two weeks or it's going to... as
17 opposed to I put it in and I... it's not my... I will
18 not... I don't have any clue about how it will be
19 responded to. So we... we've already started that
20 initiative. We believe that that's how the private
21 sector manages. It's one that's a major cultural
22 shift as well. And we are... we have made some good
23 steps forward and then we've got a long way to go
24 though.

1
2 COUNCIL MEMBER VACCA: I respect you for
3 saying to me and to this committee today basically
4 and very much... not basically... very clearly that
5 NYCHA is a sad sack today. That's basically what
6 you're saying. But it took an incident like Boston
7 Road to bring this to the fore... there've been
8 countless newspaper articles but I think today's
9 testimony is not sensational. I think it's factual
10 that NYCHA is an agency in severe crisis and... but
11 it's in crisis for a lot of reasons. We in this
12 body were originally told that most of the reasons
13 NYCHA was in crisis was because it was a financial
14 crisis and that there were... there was disinvestment
15 from Washington. And we agreed that that has taken
16 place. But it is systemic as well.

17 MICHAEL KELLY: Yes.

18 COUNCIL MEMBER VACCA: And I don't think
19 we can hide that. And I appreciate you not hiding
20 that. But we've now got to act upon that. And if
21 that means we have to shake the place upside down
22 we have to shake the place upside down... I think we
23 have to shake the place upside down. I think
24 nothing short of that.
25

MICHAEL KELLY: Part of the solution... corrective actions is thorough review of all of our pieces. I would be remiss if I was not to... not to recognize what you've been told in the past is true. The 17 billion dollars backlog is in my estimation a conservative number. It's one that we actually have some attention at a national level about the... the... the crisis here not only in New York but across the country around the need to preserve public housing. I... I agree with you that we need to do a better job around making NYCHA safer and better through our system improvements and how we conduct business. But again in the same breath the... the realities of the financial conditions and the conditions of our... of our sites or is just very real.

COUNCIL MEMBER VACCA: Well we are talking about a basic level of confidence. A... a ground floor that has to be established. And those that don't get with the program have got to get out. If they're not with the program, if they're not with the... the vision and the mandate that NYCHA sets forth, the expectations to serve the tenants, if they're not with it they've got to get out. And

1 we have to bite the bullet and do it. And you will
2 fight resistance because in this city there will
3 be... you know we have a demonstration every day
4 about something in this place. So there's advocates
5 for everyone and everything but you will have to
6 bite the bullet and you will have to do what you
7 think is right. And I think the time is long
8 overdue that you're going to have to do it.

10 MICHAEL KELLY: I agree, Chairman... I
11 mean Council Member. But also... follow-up with the
12 conversation I had with the Chairman. Besides
13 identifying where performance isn't at the top
14 level or where attitudes aren't where they need to
15 be and the discipline that is accordingly, the idea
16 of incentives... We have hardworking employees at
17 NYCHA that just don't... no one ever says thanks. No
18 one ever recognizes their work. So I think... I think
19 in terms of your recommendations around cultural
20 changes there is things we have to do to weed out
21 the bad performers but I need to take
22 responsibility to providing the types of measures
23 that promotes and rewards employees who do the
24 right thing. So I look forward to continuing to
25 work with this committee on how we could do that.

COUNCIL MEMBER VACCA: I do agree with that of course. That is a moral issue that you have to address. Good people should be also rewarded, yes. I thank you Mr. Chair.

CHAIRPERSON TORRES: As is well known you have 17 billion dollars in capital needs. Do you know what percentage of that refers to elevators?

MICHAEL KELLY: Just back of the envelope I... we were looking at maybe a... what was... like a half... that's five or 600 million dollars. That's just really back of the envelope chairman though... We're in the process...

CHAIRPERSON TORRES: ...about 600 million dollars in capital needs relating to elevators.

MICHAEL KELLY: To the... to the elevators that are in the most... that need... that need the most help. The...

CHAIRPERSON TORRES: And what do you... and what do you invest annually in federal funding for elevator upgrades.

MICHAEL KELLY: Well up to this point we... we put in about 250 million dollars' worth of investment.

CHAIRPERSON TORRES: Every year?

MICHAEL KELLY: No, over the last several years.

CHAIRPERSON TORRES: No every year... what... what do you annually invest in elevator upgrades?

MICHAEL KELLY: There's the 80 million dollars that we invest in terms of good operations that includes the replacement of major systems like when a controller has passed its useful life or a major brake system needs replaced. But at this moment we have about I think 86 elevators that are going through complete modernization at 66 sites. I do want to say that we're in the process of doing a physical needs assessment and we'll get to answer your original question in more detail.

CHAIRPERSON TORRES: Okay.

MICHAEL KELLY: Not just the elevator systems but all the systems in public housing a... a architecture... firm is in place and we... we expect to have a report by the end of the year about specifically not only elevators what it would take for them to be brought to good repair but would also... [cross-talk]

CHAIRPERSON TORRES: What... what is the useful life of an elevator? What does it tend to be?

MICHAEL KELLY: We'll get a... it depends on the type of elevator I learned chairman that if you have an elevator that... that just does you know I... it goes up one floor for example and is not used very much it has a life of... of certain... one thing... and there's... if it's a elevator that has a lot of usage... it has another... life. I'm going to turn it over to Mr. Ponce to answer that question.

LUIS PONCE: Yes, as the general manager explained it goes by usage. Our elevators in our buildings... our buildings are typically underserved by the amount of elevators. If they would type a similar type of building today it would have at least one or two extra elevators and a freight elevator to handle those people moving in and out. But the industry is about 20-25 years... life of an elevator.

CHAIRPERSON TORRES: Your elevators have more intense use?

LUIS PONCE: Our elevators have...

CHAIRPERSON TORRES: Your elevators have more intense use than the norm.

LUIS PONCE: Yes... [cross-talk]

CHAIRPERSON TORRES: So the industry is probably fewer years or fewer decades than the industry norm right?

LUIS PONCE: Yes they do. And they work 24 hours a day, seven days a... [cross-talk]

CHAIRPERSON TORRES: Do you have... do you have... do you have an estimate of what percentage of your elevator fleet is past its life expectancy or its useful life?

LUIS PONCE: So we have... We have about 400 elevators... our past 20 years.

CHAIRPERSON TORRES: So 400 out of 600 in total. I'm sorry how many out of...

LUIS PONCE: Over... Over 3,000.

CHAIRPERSON TORRES: 3,000, okay.

LUIS PONCE: 3,000.

Chair: And 400 elevators... [cross-talk]

LUIS PONCE: The... the average... the average life you asked before about investment and just looking at the last few years it looks like average about 30 million dollars a year in elevator

1
2 rehabilitation just back of the envelope. Average
3 elevator... average age of our elevators is nine
4 years.

5 CHAIRPERSON TORRES: Average is nine
6 years.

7 LUIS PONCE: The average age of our
8 elevators.

9 CHAIRPERSON TORRES: And out of a fleet
10 of over 3,000 elevators 400 are 20 years or older?

11 LUIS PONCE: Over 20 years.

12 CHAIRPERSON TORRES: 20 years, right.
13 And you have your... you're on like a back of the
14 envelope estimate of your capital need for
15 elevators is about 500 million? And you invest
16 about 30 million a year? Is that... did I hear that
17 number correctly?

18 LUIS PONCE: So yeah... that... so if we
19 looked at... we... we have... we rate our elevators and
20 that's how we based on you know the physical needs
21 assessment also the outside firm that there's a
22 physical need. So there's... there's about 800
23 elevators that we would love to be able to replace.
24 So using... it's about a half a million dollars to
25

install an elevator and that math brings us to about 600 million.

CHAIRPERSON TORRES: Council Member Salamanca.

COUNCIL MEMBER SALAMANCA: Thank you Mr. Chairman. So I... I cover the 17th council district. I have the third highest NYCHA portfolio in the city of New York. So I... and recently I met with Brian and he did provide me with some data but while I understand that... system wide NYCHA elevators outage numbers reflected positive I'm par status with private industry. I met... I recently met with my NYCHA residents... leaders last week. And to be quite frank I'm really concerned that there's constantly at least one elevator down in each development. And one of my buildings... actually the Jackson Houses they... they had elevators installed, brand new elevators installed within the last three years. And when I met with the tenant leadership and I did a walkthrough of the building I was concerned that the floors were damaged in the elevators. They no longer had tiles, they had metal plates on them. So I just wanted to see if there's any follow-up or any conversations... turns up

1
2 actually addressing those... those floors and... at
3 the... at the Jackson Houses.

4 LUIS PONCE: So I wasn't aware of the
5 floors of Jackson Houses. But we'll definitely take
6 a look at those. They... they definitely should not
7 be damaged after three years. And Council Member
8 also we're looking at the outages and... and I was on
9 a call... phone call with you with MR.... and the
10 outages for your area are totally unacceptable. If
11 you think I didn't represent that when I spoke to
12 you I apologize as I took a deeper look into it.
13 What we're doing in those elevators and is... and the
14 one that comes to mind is... is Melrose in your area.
15 So Melrose houses... we're looking at the... the root
16 cause of the outages, it's mostly hatched doors
17 there which is the outside doors. We're actually
18 increasing the training for that house team on how
19 to do preventive maintenance on those doors.
20 Elevator doors are one of the most used parts.
21 They're the most moving... moving parts that need
22 constant adjustment, lubrication. It seems like
23 the... the team is there... is not doing a good job and
24 that seems to be the root cause of the... of the
25 outages. So that's the way we're kind of looking at

1 outages in that fashion. In the past if we went
2 there and let's say we found the fuse that was out
3 we'll replace that fuse. We're really trying to
4 find out what caused that fuse to go out rather
5 than just replace it and really address it through
6 preventive maintenance or through a little more
7 intense repair in order for that to be more
8 consistant service. So that's what we're doing at
9 Melrose and we'll definitely follow-up with Jackson
10 and follow-up with you on that.

11
12 COUNCIL MEMBER SALAMANCA: And when will
13 this training... this increased training take place...
14 for the elevator doors...

15 LUIS PONCE: ..Melrose with... if it
16 doesn't start tomorrow it will start next week.

17 COUNCIL MEMBER SALAMANCA: Okay.

18 LUIS PONCE: And I could talk to you
19 about each one in your... in your council. We... we
20 have director staff to give me a plan on each of
21 those. And your... and every elevator that is not
22 performing up to our standards. So I'd be happy to
23 sit with you. You give me a few days I could give
24 you specifics, time frames, we could do
25 walkthroughs, whatever we need to... to make you more

1 comfortable and your constituents more comfortable.
2 But I agree with you that the service is not where
3 it should be.

4
5 COUNCIL MEMBER SALAMANCA: Alright thank
6 you. Now in terms of the elevator call center
7 operations. What type of... what are the typical type
8 of calls that you normally get, at least in my
9 council district?

10 LUIS PONCE: So they get calls for
11 everything. This agency unlike some agencies where
12 they use 3-1-1 as their call center so it would be
13 everything... anything from leaky faucet to an
14 elevator out of order to mold, to a door knob, to a
15 lock... they... they run the gambit. Any... any
16 complaint...

17 COUNCIL MEMBER SALAMANCA: No in terms
18 of the elevator calls what are... what are the... the
19 top type of calls that you get in terms of the
20 elevators.

21 LUIS PONCE: Okay. I have that on a
22 citywide... It's actually the way it is... the way the
23 system is it just says elevator out of order.
24 That's pretty much the most. So unlike the one
25 where I had described where there's... the elevator

1 is dirty or it doesn't stop on a certain floor.
2 It's pretty much that the elevator has... has failed.
3 That's the top complaint throughout the city for
4 elevators.
5

6 COUNCIL MEMBER SALAMANCA: Alright. I
7 just... you know just recently as I mentioned prior
8 in my call and in... in the last hearing just
9 recently I got elected. I really walked through all
10 my NYCHA developments and I was horrified in the
11 conditions that I saw them. Staircases dark... you
12 know I felt unsafe. But something that concerned me
13 the most was that every development that I door
14 knocked an elevator was down. There was one
15 particular building in Melrose where both elevators
16 were down and I... I helped a senior with her... with
17 her food court take it up to the 10th floor. I find
18 it totally unacceptable. I am willing to work with
19 you, do walkthroughs, and see how we can address
20 this issue as soon as possible.

21 MICHAEL KELLY: ...Council Member.

22 COUNCIL MEMBER SALAMANCA: Thank you Mr.
23 Chairman.

24 LUIS PONCE: Can I just add something
25 Council Member to that? So we also have... if an

1
2 elevator is out service... if it... if that... if that
3 outage goes on beyond four hours we actually
4 contact the tenant association president, we
5 contact the fire department to know there's no
6 elevator service. And we also have the availability
7 of what we call stair climbers. So if a resident is
8 mobility impaired we can actually have staff who's
9 trained to bring them up to their floor or if they
10 have to leave the building to do that. Wherever
11 there's an outage where there's a wheelchair or
12 mobility impaired or a senior building that takes
13 priority in our Maximo system. So...

14 COUNCIL MEMBER SALAMANCA: You said it's
15 called stair climber?

16 LUIS PONCE: A stair climber, yes. So we
17 have that...

18 COUNCIL MEMBER SALAMANCA: Is it
19 possible that I can get called as well... someone in
20 my office can get called if you're going to be
21 reaching out to the tenant association president
22 when there's an elevator down?

23 LUIS PONCE: If you'd like that.
24
25

COUNCIL MEMBER SALAMANCA: So that we can monitor it. It seems that my... I feel that my office needs to monitor this as well.

LUIS PONCE: I think we can work... We can work through... and get that communication out.

CHAIRPERSON TORRES: Alright thank you. I actually would like to ask a few questions to DOB. I know your... your time constraints so... If you can please raise your right hands. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth in your testimony today?

PATRICK: I do, I do.

CHAIRPERSON TORRES: Okay. Can you identify yourself?

PATRICK: Good afternoon Chair Torres and members of the committee. My name is Patrick Wehle. I'm the Assistant Commissioner for External Affairs at the City's Department of Buildings.

CHAIRPERSON TORRES: Great. Thank you for being here. The New York City Housing Authority is a landlord in New York City and like every landlord it's required to comply with the building code. But DOB has a special relationship with NYCHA right? There's a memorandum of understanding that

governs that relationship. And I just want to read a provision in the MOU that indicates that NYCHA is authorized to perform periodic inspections in accordance with this MOU on behalf of the Department of Buildings. So NYCHA's the only landlord in New York City as far as I know that performs DOB inspections... that effectively inspects itself on behalf of DOB, is that a...

PATRICK: That's correct. The... the NYCHA employees who perform those inspections are either licensed by the Buildings Department or they're working under the supervision of someone who's licensed by the Buildings Department.

CHAIRPERSON TORRES: But NYCHA's I guess faces less scrutiny from the Department of Building than a private landlord would regarding elevator safety.

PATRICK: I would say that the same number of tests and inspections that the building code requires is required of NYCHA buildings just the same as it is required of any building... [cross-talk]

CHAIRPERSON TORRES: But instead it's conducted by NYCHA itself.

PATRICK: Conducted in some instances. They are... conducted by NYCHA employees. In other instances, they're conducted by NYCHA employees that are being supervised by a third party as well.

CHAIRPERSON TORRES: Which is more common?

PATRICK: Well there are three types of tests and inspections that occur. Two are annual. One happens every five years. The two annual inspections; one's referred to as a periodic or visual inspection of the elevator that's performed by a NYCHA employee, again who are licensed by the Department of Buildings. The second type of annual inspection is what we refer to as a category one inspection. This is performed annually and this is an inspection of the operation of the elevator without any load or speed testing of the elevator. That's performed again by the NYCHA employee and that's under the... a third party is with them when that test is being performed. And then the third type is an inspection that's performed every five years. That's another type of test but that test is performed with a full load in the elevator and at

1
2 it's full speed. And that is performed by a... a
3 NYCHA licensed employee.

4 CHAIRPERSON TORRES: Without DOB or a
5 third party supervision?

6 PATRICK: That had third party
7 supervision as well.

8 CHAIRPERSON TORRES: It has third... so
9 the first inspection has no third...

10 PATRICK: Correct.

11 CHAIRPERSON TORRES: The first type that
12 you referenced has no third party supervision, the
13 remaining two do.

14 PATRICK: That's correct, yes.

15 CHAIRPERSON TORRES: How many notice of
16 violations did DOB issue against NYCHA in 2016 so
17 far, and 2015.

18 PATRICK: I don't have 2016 data with
19 me. I can get... I'm happy to get that for you.

20 CHAIRPERSON TORRES: 2015... 23 ECB
21 violations were issued in NYCHA buildings. So
22 what's the process for correcting them if you
23 receive a violation for DOB. What... because
24 obviously NYCHA's not going to pay a fine. So
25

1
2 what's the... how do you ensure correction of those
3 violations?

4 PATRICK: They're required to... you know
5 use their mechanics to fix the work and submit a
6 report to the department that demonstrates it was
7 fixed.

8 CHAIRPERSON TORRES: Okay. Is there
9 anyone who audits the... what the... or quality
10 controls what the mechanics are correcting?

11 PATRICK: The buildings department does
12 perform audits at NYCHA properties over a five year
13 period from 2011 through 2015 the buildings
14 department performed 12,000... just about 12,000
15 audit inspections.

16 CHAIRPERSON TORRES: Okay and those are...
17 random audits?

18 PATRICK: Correct.

19 CHAIRPERSON TORRES: Okay. I have a
20 question about the... because I... I actually used to
21 work for Councilman Jimmy Vacca. I was his housing
22 director before becoming a council member. And I
23 organized tenants at Boston Road Plaza. And I
24 remember even then there were elevator challenges
25 in the building. And so I'm wondering is this... that

1
2 elevator was that one that that had a higher defect
3 rate than the norm, than the average in your
4 elevator fleet?

5 LUIS PONCE: Yes it was... yeah the... the A
6 car where the accident happened had... was one of the
7 elevators that had a higher outage than other cars.
8 We're also...

9 CHAIRPERSON TORRES: Do you have exact
10 numbers?

11 LUIS PONCE: Yes...

12 CHAIRPERSON TORRES: What's the norm and
13 then what was the defect rate at Boston Road Plaza?

14 LUIS PONCE: That had... that car had 32
15 outages last year.

16 CHAIRPERSON TORRES: Oh.

17 LUIS PONCE: So the... the norm... our goal
18 is one outage per car per month so that was at 2.8...
19 2.8.

20 CHAIRPERSON TORRES: So instead of... so
21 12 would be the norm every year, that would be 32.

22 LUIS PONCE: Yes, Chairman.

23 CHAIRPERSON TORRES: Nearly triple the
24 norm.

25 LUIS PONCE: Yes Chairman.

CHAIRPERSON TORRES: So I imagine... you have I imagine a treasure trove of data about the functioning of your own elevators right? You know which elevators are outliers in the system. Do you prioritize those elevators, like the one in Boston Road Plaza, for enhanced maintenance? Like how do you treat them differently from the rest of the portfolio?

LUIS PONCE: So we have... we have numerous reports on our... on our elevators. Actually the B car in the elevator had... was at the average, it had 12 outages. That A car was an issue. We have discovered it was also similar to Melrose Houses. It seems to be hatch door. There are a few items on the controller that we also have to address. So we are giving again that elevator mechanic additional help with preventive maintenance and to see if that will solve the problems at... at that car.

CHAIRPERSON TORRES: So what does that additional help look like?

LUIS PONCE: That additional help is... we have a special team... what we call a special teams... which is people... which is teams who are a little more trained. They're out there assisting the

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2 mechanic, also assisting the supervisor of that
3 area to make sure that they can properly identify...
4 during the preventive maintenance what's causing
5 these outages. That's the house team so that takes
6 a third of the day. The weekend and the night
7 staff... that staff will be... will be... because we're
8 at a skeleton crew would probably just make the
9 repair and carry on. We're working on getting the
10 communication. So if a mechanic leaves on Friday,
11 the house team, and the car goes out once or twice
12 during the weekend we're working on making sure
13 that they communicate that so they can follow-up on
14 Monday and do the preventive maintenance that's
15 needed to avoid that outage from happening again.

16 CHAIRPERSON TORRES: So you have a... you
17 have a special team that targets these outliers'
18 elevators? Is that...

19 LUIS PONCE: We use...

20 CHAIRPERSON TORRES: ...if I'm hearing you
21 correctly.

22 LUIS PONCE: We have a special teams
23 that will do specialized work that the house
24 mechanic may not be able to handle, yes. So it's
25

not only one team. It's... it's a group of... [cross-talk]

CHAIRPERSON TORRES: But a special team that enhances the routine preventative maintenance of those elevators?

LUIS PONCE: That's... that's one of the things we use them for, absolutely.

CHAIRPERSON TORRES: And how large is that special team?

LUIS PONCE: The special team crew is about 10... is about 10 mechanics.

CHAIRPERSON TORRES: So 10 of your best mechanics. And...

LUIS PONCE: Right.

CHAIRPERSON TORRES: And how many elevators are within their portfolio.

LUIS PONCE: So they're not... they're not assigned elevators. They... they will be assisting the teams that already work at the developments. So they're that extra... almost that mentoring, almost that tutoring kind of... [cross-talk]

CHAIRPERSON TORRES: But... but of those you said to me that you prioritize your worst elevators...

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LUIS PONCE: Yes.

CHAIRPERSON TORRES: ...for enhanced
maintenance.

LUIS PONCE: Yes.

CHAIRPERSON TORRES: Right. And there's
a special team that specifrically focuses on those
elevators right?

LUIS PONCE: They would help the house
team, absolutely.

CHAIRPERSON TORRES: So you have 10
people. How many of those elevators do you
prioritize?

LUIS PONCE: Oh so we... we use a formula
to prioritize if it's out more than two... two and a
half times a month. That's when they would get the
special team's assistance. So there are some
elevators because they're such a small group that
they would have to wait. So the other... they would
have to wait to get that special teams. So we have
also the option or we... another strategy... [cross-
talk]

CHAIRPERSON TORRES: But how big is that
number, the... the elevators you prioritize?

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2 LUIS PONCE: How many do we have, I
3 believe the last one was 185 elevators not
4 performing... [cross-talk]

5 CHAIRPERSON TORRES: So you have a
6 special team of ten mechanics providing enhanced
7 maintenance for 185 elevators?

8 LUIS PONCE: So yeah.

9 CHAIRPERSON TORRES: Is that...

10 LUIS PONCE: So that would be...

11 CHAIRPERSON TORRES: I know nothing
12 about elevators but is that a manageable caseload
13 or...

14 LUIS PONCE: In a sense. So the other
15 option that I was going to... we can also bring the
16 house team in. Like I said in our training center
17 we've set up all of the different types of
18 elevators. I would much rather have them go to the
19 site. Because each... although we have an elevator
20 set up in the training center that's an elevator
21 that's not exposed to the wear and tear and the
22 environmental factors that an elevator is. So we
23 would bring the team in, give them specific
24 training for that component in our training center.
25 And as soon as we get the opportunity to send the

team out to give them on site training we would do that also.

CHAIRPERSON TORRES: Council Member Gibson.

COUNCIL MEMBER GIBSON: Thank you Chair Torres. And good afternoon guys. Thank you for being here and for your testimony and for a lot of the work that you're doing in light of the DOI's report, the corrective action plans, increasing worker morale. It is disturbing to just see all of the things that are going on not only with the... the passing of Mr. Pabone but also the injury that happened to Mr. Brown at Morris Houses. So I represent every other part of public housing that Council Member Salamanca doesn't represent so I'm at Forest and McKinley, and Morris, and Webster, and Butler, and High Bridge, and Sedgwick, and Claremont. And when I heard about the incident at Morris I wanted to further understand what happened at Morris Houses but I know it's obviously part of a larger conversation. So just sitting here and I mean listening to all of this I'm... I'm... I'm very very scared for the residents that live in public housing. And in particular those senior buildings

which I have many of standalone. I support Council Member Vacca and Council Member Torres in asking the authority to look at making sure that senior buildings need more services. These are older New Yorkers that have lived in these buildings for many years. And many times elected officials are their only outlets. And... and we're talking about around the clock. So beyond the nine to five when workers go how there could be potential emergencies that arise and there's no one to answer those calls. So I understand what Council Member Vacca's talking about. And while I know it's a challenge I think it's something that NYCHA really needs to look into. We have too many senior standalone buildings where we've had these habitual issues with elevators and other things that really need to be looked at. And I think it's... it's okay and it's acceptable to say that seniors deserve more attention. I think that's a fair statement to say especially when they're in a building by themselves. I have a building at 1020 College Avenue which is unfortunately going through an issues with drugs in the community. And I'm working with you guys on how we can address that. Because

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2 again they are not getting a lot of support. So
3 help me understand what happened surrounding Morris
4 Houses and within the corrective action plan what
5 we are doing in that particular building itself. I
6 believe it was the building... it was on Washington
7 Avenue right?

8 MICHAEL KELLY: Correct. Council Member
9 the... the conditions around Morris Houses is... very
10 different than what happened at Boston.

11 COUNCIL MEMBER GIBSON: I'm sorry let me
12 acknowledge that for the record. Yes, they are
13 different from what happened at Boston.

14 MICHAEL KELLY: And... and so the... the
15 issues around communication and... and the other
16 kinds of major systemic things that were exposed at
17 Boston Plaza were... weren't necessarily at this
18 site. It had a failed circuit board that failed.
19 Unfortunately, Mr. Brown was entering the cab as it
20 failed. He tripped into the cab. His foot was
21 caught in the doors and he was released. Department
22 of Buildings was out there instantly with NYCHA
23 staff. After a thorough evaluation of what went
24 wrong the... the repairs were made and that... that cab
25 was put back in the service. However as was

delineated in the Department of Investigations report the brake monitor which was similar to the Boston Plaza was also not engaged at Morris Road. So that incident was one in which we began the process of recognizing that this was a problem at NYCHA systemically and we began... we began the process of checking our bake monitors at that time..

COUNCIL MEMBER GIBSON: Okay. So you know I recognize with... with any tragedy that happens obviously a loss of a life is irreplaceable but I also look at a lot of the things that happen as a learning opportunity. And I think that in light of the DOI report and you know the measures that you're taking that is a learning lesson. Sadly, there are lots of residents out there that call the CCC, call 3-1-1, call our offices about elevator issues each and every day. So what I'd like to know is in the boarder... broader capital plan of NYCHA we have elevators that may be at 15 years of useful life, 20 and 25 years, are we going to prioritize those elevators that really need to be replaced? Are we looking at our logs of how many tenants are calling? Are we looking at the sizes of some of these buildings? Morris Houses is a big

1 development. Forrest Houses... I have 13 buildings
2 there. So are we looking at the population in our
3 developments saying we need to prioritize and get
4 to some of these elevators because we have X number
5 of calls on a consistent basis, elevator
6 malfunctioning, and we're going to try to address
7 those in a priority. Is that something that we're
8 doing now and... and where are we in that process?

10 MICHAEL KELLY: Well again the... the
11 lessons learned from the tragedy is that's one of
12 them. We need to do a better job of using metrics
13 and data to identify what our problem systems are,
14 problem elevators specifically to look at where...
15 what we need to do today, not even looking at the
16 capital improvement which we need to do. But what
17 we need to do today for example on the cab A at
18 Boston Plaza to increase our servicing, increase
19 our preventative maintenance at those sites. But we
20 will be working with the architectural engineering
21 firm that's doing our capital needs assessment.
22 Our... our... and that we be... using this type of
23 analytics and this type of data to be much more
24 informed and much more tactical about how we use
25

the precious capital dollars to replace those elevators that need it the most.

COUNCIL MEMBER GIBSON: Okay. To what extent... I chair public safety here at the council and I work very closely with the NYPD with all of the housing bureaus and all of the PSAs, so in the Bronx PSA 7 when the officers are doing verticals and other sorts of patrolling of the developments they also identify some of the issues that they see with elevators. So I know there's a process by which they let the development manager which goes to the borough... there's a process. Are you also looking at though... that intake as well in terms of the number of issues with the elevators that you're getting? So what I'm asking is tenants are complaining, your local managers are also complaining, you have staff that may be complaining, tenant leaders, and also police officers so how is all of that put together to determine where we have greater issues versus other properties? Does that make sense?

MICHAEL KELLY: It makes absolute sense.

COUNCIL MEMBER GIBSON: Okay.

1
2 MICHAEL KELLY: And... and... and I... and I
3 frankly don't know the specifics around the...

4 COUNCIL MEMBER GIBSON: Okay.

5 MICHAEL KELLY: ...NYPD contributions and...
6 and notification within that system...

7 BRIAN CLARKE: Sure.

8 MICHAEL KELLY: Mr. Clark.

9 BRIAN CLARKE: Yeah so the... so NYPD they
10 can call in elevators and they do to our emergency
11 services department and we'll create a work order.
12 And when... when it comes time to decide you know
13 which... which elevators to replace as... you know Mr.
14 Ponce had mentioned earlier we... we certainly take a
15 look at you know condition, you know age, use,
16 whether or not the... you know the parts... sometimes
17 companies will go out of business and whether or
18 not we have difficulty in getting parts and if also
19 the availability of technical support. So all of
20 that is taken into consideration and when we make
21 decisions on how we're going to spend our capital
22 dollars.

23 COUNCIL MEMBER GIBSON: Do those calls
24 and those work tickets from NYPD take precedent
25 over tenant calls?

1
2 BRIAN CLARKE: No the... they would get
3 the... they would go through our same priority
4 system. So if it was... you know if it was one car
5 was out and building had service you know it would
6 go... it would be a five. If it was a hazardous
7 condition it would be nine. If the building didn't
8 have elevator service it would be nine. And I also
9 want to add... I... I believe butler houses is actually
10 scheduled for elevator modernization and that
11 should be starting this year and we can get you a
12 date for that.

13 COUNCIL MEMBER GIBSON: Does
14 modernization mean full replacement, brand new, or
15 does it mean I'm getting a polish?

16 BRIAN CLARKE: No it's... it's... it's full...
17 full replacement. We'll see whether or not we're
18 keeping the rails or not. That... that's one thing
19 that... that is assessed, whether or not the... you
20 know we make a decision whether or not we need to...
21 to replace the... the rails. But typically it's...
22 everything else is... is removed and replaced.

23 COUNCIL MEMBER GIBSON: Okay. I figured
24 who it was earlier that talked about the different
25 levels of priority of what elevator repairs we get

one versus nine. What I'd like to understand is the priority and how we assess whether something is a one, a five, or a nine. That doesn't always translate to tenants right? So I live in a building on the 15th floor. I rely on my elevator to work every time I step into it. There's an expectation that when I get in I am to arrive at my destination safely right? I think we all assume that when we get in an elevator we put a lot of faith in it that it's going to get us there safely. And so when we as tenants make phone calls about different types of elevator issues whether the door opened and we're not at the floor or it's not leveled. I mean these are dangerous conditions we're talking about. So what I want to understand further is... and as the chair asked who's making that actual decision of whether it's a five or a nine? And when the call comes into the center from a tenant is the tenant notified and told that because it's not a priority it's going to take a certain amount of time to respond to? Because I would say that as a tenant that means... and I'm going to tell you that it's dangerous. I think anything that's wrong with an elevator other than you know minor issues is

1 dangerous. The lights are out, the buttons are not
2 working. It's not leveled. Those are all dangerous
3 conditions to me. Sorry to say but they should
4 always be either a seven eight or nine. I just
5 can't because I live... I represent developments that
6 have a lot of floors. And we're talking about
7 constant traffic every day. So I know my tenants
8 will tell me it's an emergency Ms. Gibson. I know
9 it's a Friday but we have an elevator that's out
10 and we need it repaired. So when we get those calls
11 I mean we just need to understand better what the
12 priority is and how you're assessing whether
13 something's at one, five, or nine and how quickly
14 it's being responded to. So are we going to re-look
15 at the priority? And are we going to determine if
16 we need to make some changes whether it's 24/48
17 hours... okay I would love to see that happen.

19 MICHAEL KELLY: Yeah we're doing the
20 process doing it right now. We actually... we had our
21 first cutout. We're retraining our CCC operators. I
22 want to reiterate what was said earlier. A
23 hazardous condition is one in which 9-1-1 is called
24 immediately so there's an immediate response to it.
25 But we're actually looking at all the different

1 kinds of things that could go wrong and having a
2 very nuance code and classification for what those
3 are so they become brighter lines between what is
4 graffiti in an elevator or urine in an elevator
5 versus what is a true hazardous condition.
6

7 COUNCIL MEMBER GIBSON: Okay. Well
8 that's all. I know we need to wrap up. But I
9 certainly... let me just offer my support. I
10 represent a lot of residents that live in public
11 housing and the work that we do we need to make a
12 difference. Saving lives and providing public
13 safety and quality of life for residents that live
14 in public housing is our absolute priority. So I
15 encourage you in your work to continue to speak as
16 you do to your property managers and also our
17 tenant leaders. We work very closely with the South
18 Bronx Council of Presidents. I meet with them every
19 month and they give me an earful of things that are
20 going on. But I want them to be engaged because a
21 lot of times... and we know many residents do not
22 feel comfortable or they don't think anything is
23 going to be followed up. They don't call the CCC
24 number. Sometimes they go to their tenant leader.
25 Sometimes they call us. You know sometimes they go

1 to somewhere else. And you know we need to change
2 that. I mean I understand changing the climate and
3 changing the environment but the only way we can do
4 that is by better action. We can talk about it but
5 we have to demonstrate this corrective action that
6 you've outlined has to be implemented and people
7 have to see it. They can't hear it, they need to
8 see it. They need to see it by better elevators, by
9 better lighting, by all the things that we know
10 that we want. Many of us may not live in public
11 housing but if we lived in public housing we demand
12 certain things. The residents in public housing
13 deserve no less. And so I think when we understand
14 that and put ourselves in... in those positions it
15 gives us a different perspective on things. I as a
16 council member am willing to work with you. I work
17 with NYCHA quite a bit within my district, things
18 that I can do within the budget to support the
19 developments I represent so that I cannot just you
20 know criticize you but actually say no, I'm helping
21 NYCHA. I'm giving you money so that we can make it
22 better. I offer that to you because we can no
23 longer have more Mr. Pabons. The residents that are
24 out there that are crying for help that have seen
25

1 this happen to this gentleman they don't want to be
2 the next one. And so I understand your frustration
3 and I would be too. You, as a general manager
4 should never receive a phone call four days later.
5 That is unacceptable. And so I think when we put
6 things in reality and recognize that the people
7 we're talking about, the faces of NYCHA it allows
8 us to be more committed so I appreciate the work
9 you're doing and really being here. And I ask that
10 you continue to engage us so that we can understand
11 the role that we're playing so that we can be an
12 encouragement and we can help you. We don't want to
13 sit here and just criticize you back and forth but
14 we actually want to talk about what we can do.
15 We're in the middle of a budget season. There are
16 things that we need to identify in the budget
17 season. There are things that we need to identify
18 in the budget process. We need help. We need help
19 in Albany. That's always a constant fight. We're
20 working with our state legislatures to make sure we
21 can get assistance. So these are the things that we
22 need and ask of the housing authority so that we no
23 longer have to have these tragedies. Elevators are
24 extremely extremely important. As I said when you
25

1
2 get in the elevator there is an expectation that
3 you're going to be safe. We don't want people to
4 think now that they cannot get in their elevators
5 because they have to live and they have to travel
6 so I thank you all and I thank you Chair for the
7 work and really for having this important hearing.
8 And certainly I keep my thoughts and prayers to the
9 family of Mr. Pabone and to the... the worker in
10 Coney Island who also lost his life. So thank you
11 very much Chair.

12 MICHAEL KELLY: Thank you Council
13 Member.

14 CHAIRPERSON TORRES: Thank you Council
15 Member Gibson. IT seems to me the fatality at
16 Boston Road Plaza underscores the importance of
17 preventative maintenance. That if preventative
18 maintenance had been more exhausted, if NYCHA had
19 maintained the brake monitors a tragedy would have
20 been prevented. And so I want a... an honest. Do you
21 believe that the New York City Housing Authority
22 has enough resources, enough elevator mechanics,
23 enough elevator foreman to provide the kind of
24 thorough preventative maintenance and that your
25

1
2 fleet of over 3,000 elevators requires? Do you
3 honestly believe you have enough resources?

4 MICHAEL KELLY: I believe we have enough
5 resources in terms of manpower and operating budget
6 authority but the issues that this failure and
7 breakdown made... brought to my attention where there
8 are failures in systems there are failures in
9 accountability and failures in compliance and
10 failures that isn't really a dollar...

11 CHAIRPERSON TORRES: Okay. So it's not a
12 resource problem. You feel like with the right
13 policies and the right personnel we can provide
14 thorough preventative maintenance for over 3,000
15 elevators in... in NYCHA's portfolio.

16 MICHAEL KELLY: Well I know at this time
17 chairman. The... the... the... the physical needs and the
18 capital needs of the NYCHA elevator portfolio are
19 real. But we do have resources to ensure that the
20 proper safety and the proper operations is in place
21 at this time. And I am looking to personally look
22 at every aspect and open to recommendations as
23 we've talked about in terms of continued
24 certifications, continued training, and continued
25 partnerships with the Department of Buildings to

1 ensure that... that what we can do that we will be
2 doing.
3

4 CHAIRPERSON TORRES: And I know it
5 varies from case to case but what is... what is
6 preventative maintenance typically look like, how
7 long does it typically take? How intensive is it
8 in... in the day to day life of a elevator mechanic?

9 LUIS PONCE: Preventive maintenance is
10 right now we allocate about five hours per every
11 car per every month to do preventive maintenance.
12 We... part of the review of the elevator section on
13 this tragedy is to look at that preventive
14 maintenance. We're actually double checking it.
15 We're... we're reaching out to the manufacturers to
16 see if our preventive maintenance is in alignment
17 with what they would recommend considering the
18 amount of usage that our cars get. The preventive
19 maintenance fluctuates right. Our last... last year
20 we were doing about 91 percent of the preventive
21 maintenance that we had to do. We... we're a little
22 short of 100 percent. But we are now reviewing to
23 see if that is proper preventive maintenance. When
24 a mechanic comes... the day if there is not an outage
25 that day that's what they begin working on.

CHAIRPERSON TORRES: Can I press you on that? Because it's a problem whether it's policing or housing maintenance... there's always a concern about perverse incentives for quotas and numbers games. How do you distinguish... how do you quality control on your preventative maintenance. How do you ensure that someone's not simply checking boxes and is actually properly maintaining these elevators preventatively?

LUIS PONCE: So we have... we have a few things. We have... it's part of the procedure, the supervisor of elevator mechanics that's supposed to check a portion of his mechanics to make sure that preventive maintenance is done. We also have a quality assurance...

CHAIRPERSON TORRES: Do you know what portion?

LUIS PONCE: What portion? I... I could look at the... I could look at the policy and just to be...

CHAIRPERSON TORRES: Okay.

LUIS PONCE: ...just not to throw a number out there chairman. We are also just about to enter into a contract with a third party vendor... with a

1
2 third party vendor to actually look and see and...
3 and check on a portion of our cars to check the...
4 conditions of the preventative maintenance is being
5 done adequately. That's with... right now to make
6 sure that they're not just checking boxes.

7 CHAIRPERSON TORRES: So if I heard
8 correctly as part of preventive maintenance your...
9 an elevator mechanic might spend an average of five
10 cars every month... an average.

11 LUIS PONCE: And that... right if it's a...
12 if it's a 20 story building of course he's going to
13 spend more than if it's a six story building.

14 CHAIRPERSON TORRES: But on average how
15 many cars are assigned to each mechanic or what's
16 your formula for determining...

17 LUIS PONCE: It's... it depends on the
18 borough but it's between 21 and 25 cars per
19 mechanic.

20 CHAIRPERSON TORRES: Per mechanic.

21 LUIS PONCE: Yes.

22 CHAIRPERSON TORRES: Okay.

23 LUIS PONCE: There was actually an
24 analysis done.
25

1
2 BRIAN CLARKE: Yeah if I could just add
3 with... with preventative maintenance so that it's
4 also task driven... so there are certain items that
5 need to be done in the... in the motor room. There's
6 certain items that need to be done in the shaft, in
7 the pit, within the... you know within the car. A lot
8 of it's visual inspection adjustments,
9 lubrications. There's things that are don monthly,
10 quarterly, semi-annually and also annually. And
11 then the key thing is if you're having problems
12 with the... you know with the car, if you're
13 experience service issues that's when the
14 supervisor really needs to step in, do an
15 assessment, see what needs to be adjusted what
16 needs to be changed. Because when you do your
17 visual assessment there might not need to be
18 certain adjustments that are made at that
19 particular point in time or in that month.

20 CHAIRPERSON TORRES: And does the
21 supervisor... how does the supervisor do quality
22 control, does he check a random portion of... of an
23 elevator mechanic's portfolio or does he check the
24 worst elevators within that portfolio... how does
25 that quality control play out?

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2 LUIS PONCE: According to our procedure
3 that's supposed to look at the performance of the
4 elevator that was done... and how many... performance
5 of the elevator and the percentage of preventative
6 maintenance that was done the previous done and
7 those what they should be targeting. And that's
8 where... what takes away from the preventative
9 maintenance of... outages. So it's almost... it's
10 almost like a cascade. So if the mechanic comes
11 into work and he or she begins to work on
12 preventative maintenance and there's an outage
13 they're called off for that preventative
14 maintenance so of course... take care of the outage
15 or take care of the hazardous condition thereby
16 taking away some time from their preventative
17 maintenance. So if the preventative maintenance is
18 done correctly they should have enough time to do
19 it every month and... and tend to outages that
20 happens with normal wear and tear. So that's the
21 times that we ask the supervisor to come in. That's
22 when we bring the mechanics in to do training in
23 our training center or we use those special teams
24 to supplement their preventative maintenance, kind
25 of really make sure that they're concentrating on

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2 what they have to. And there are times when we have
3 to double up teams when I have to take a team off...
4 put a team on overtime to do preventative
5 maintenance because we just not getting to it. So
6 those...

7 CHAIRPERSON TORRES: Do you... do you
8 track or do you track what percentage of a
9 mechanic's time is spent on response and what
10 percentage is spent on preventative maintenance?

11 LUIS PONCE: There is a... we did a
12 formula of the amount of time that is needed but we
13 would have to look at each outage and how much time
14 they're doing the outage repair.

15 CHAIRPERSON TORRES: Because it could be
16 that the... mechanics are so overwhelmed with
17 complaints. It... it's a complaint I've heard like in
18 the NYPD right, with... in the context of Community
19 Policing if that police officer so... so preoccupied
20 with 9-1-1 calls that there's no time left for
21 community policing, for... for more proactive forms
22 of policing. And I think in a similar sense here it
23 could be that your mechanics are so overwhelmed
24 with the day to day complaints that is there enough
25 time for thorough preventative maintenance.

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2 LUIS PONCE: And we do track the time...
3 amount of time for preventive maintenance so
4 that's... that's the... we won't track how much time
5 they're spending on outages but we do report under
6 preventative maintenance that they do... and what
7 percentage they're able to accomplish on the cars
8 that they're responsible for. So we will react to
9 that... if that becomes low we'll react to that. So
10 it could be that they were doing outages. It could
11 be that they were assisting a mechanic at another
12 development that maybe did needed more time to do
13 preventative maintenance. But that's the way we
14 kind of track it to make sure that they do proper
15 amount of preventative maintenance for that.

16 BRIAN CLARKE: Chair if I could also
17 just add... so in addition to the supervisor going
18 out and... and checking cars and also you know our
19 quality assurance program there are those two key...
20 those mandated inspections that happen... had that
21 happen twice a year where they're assessing the
22 conditions of the cars as well. And I... I know you
23 said earlier that about what 20 to 25 cars per
24 mechanic. That's... that's the average. But... but as
25 you acknowledge not all preventative maintenance is

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2 equal right? Not all elevators are the same. I
3 imagine the age of the elevator is a factor. Right.
4 I imagine the number of openings is a factor. I
5 imagine that urination is a factor right. If you
6 have a building that has I think urination is
7 acidic. And so if there's more frequent urination...
8 I... like do... do those variables factor into your
9 formula for determining how many... which elevator... I
10 guess which elevator mechanic should handle which
11 elevators or...

12 LUIS PONCE: So yeah. So that would
13 reflect on... the mechanic would not be able to
14 accomplish all of his... We look at the overall
15 condition of the car. So we have all the cars in...
16 in our stock that actually the condition as well.
17 The condition is... is still good because of usage,
18 because this... different type of wear and tear on
19 those cars, different traffic going in and out of
20 the buildings. So yes we do take that into
21 consideration.

22 BRIAN CLARKE: And I'd just like to... to
23 add chair. So for example older cars have... have
24 generators, new cars don't. You... you hit the nail
25 on the head when you're talking about openings.

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2 That's one of the key factors in preventative
3 maintenance. The more openings you have the... you
4 know the more preventative maintenance you have to
5 do for those. The newer cars actually require less
6 preventative maintenance because the fact that
7 there are less components with it...

8 CHAIRPERSON TORRES: Just want to
9 provide a summary and then I think we acknowledge
10 that NYCHA should have policies for maintaining and
11 monitoring brake monitors as established in the DOI
12 report? And NYCHA's obviously committed to
13 implementing those policies as well as the training
14 right? Okay and you've acknowledge that NYCHA
15 historically has not kept track of... of amendments
16 to the building code or to DOB policy but going
17 forward the law department will keep track of those
18 developments is that...

19 MICHAEL KELLY: That's also correct
20 chairman.

21 CHAIRPERSON TORRES: Okay. You're
22 committed... you've acknowledged historically that
23 you've not provided certified training to your
24 elevator mechanics. Is there a commitment to doing
25 so going forward?

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2 MICHAEL KELLY: Absolutely.

3 CHAIRPERSON TORRES: Okay.

4 BRIAN CLARKE: If I can just... just
5 clarify there so there... there has been certified
6 training done in the past. Like we've had quality
7 elevator inspectors. We had over 100... 100 folks you
8 know certified... you know as... as quality assurance...
9 you know quality elevator inspects... QEI, it's
10 pretty much a national standard. So we have... you
11 know we have done... you know we have performed some
12 credited... you know training.

13 CHAIRPERSON TORRES: But as far as the
14 specialized training in particular operating
15 systems.

16 BRIAN CLARKE: Correct.

17 CHAIRPERSON TORRES: None right... and
18 going forward you will attempt certified training
19 in those operating systems... The... the training of
20 the CCC call takers, I have concerns about call
21 takers who have no experience with elevators
22 setting priorities. I mean how can you address
23 that, that concern of mine.

24 MICHAEL KELLY: Well again based on a
25 conversation that we had not that long ago taking

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2 a... a page off of the 3-1-1 playbook we actually are
3 in the process of having an elevator specific
4 component within our CCC system. So when a call
5 taker gets a call about an elevator it will be
6 transferred and assist... that call will be assisted
7 by a call taker who is knowledgeable of all the
8 components and all the needs of an elevator if
9 we're... appropriate response. We've also done chair...
10 we've also done increased testing and we've
11 actually done... I call it secret shopper type
12 responses... we're... we're now testing the call takers
13 on how they would respond... how they are responding
14 and we're... we're going to continue this effort of
15 building capacity and building expectations by this
16 type of QA around our CCC as well. Please?

17 LUIS PONCE: And Chairman I'd just like
18 to add... right now we've already trained over 160...
19 160 people at CCC through our elevator training
20 center. We've given them additional what they call
21 triage questions which they would ask residents
22 identifying key... key words to say oh this is
23 hazardous or this is not... we've given them a... a
24 PowerPoint presentation. We're working on a short
25 video also. So until we get... we establish that

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2 specialized team where the... those calls will go to.
3 So we have been... and I'll be happy to share that...
4 that curriculum and that PowerPoint that we've gave
5 them already.

6 CHAIRPERSON TORRES: Yeah. And it
7 concerns me as I said earlier that the
8 administrators in your division are Provisionals
9 rather than civil servants right... that there's no...
10 it seems to me that there's no requirement that
11 your administrators actually have experience with
12 or knowledge of elevators, at least knowledge
13 comparable to that of your foreman and your
14 mechanics. And so what can be done to ensure that
15 your administrators... that the administrators that
16 you hire not only have managerial experience but
17 actually have expert knowledge on... on elevator
18 safety and elevators.

19 LUIS PONCE: We would have to have... I
20 think we would have to have a conversation on that
21 because of just rules and regulations of... of what
22 we can require... we can make it desired for them to
23 have it but what is required as far as background
24 for them to do... there are some requirements to the
25 administrator usually. You have to be in charge...

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2 CHAIRPERSON TORRES: NYCHA can't set
3 those requirements? These are Provisionals... you can
4 set whatever requirements you want right? Or...

5 LUIS PONCE: They're still... because
6 they're Provisionals we still have to follow the
7 rules that DCAS has for the civil... when... if... for
8 the civil service portion of it so... But we can
9 work... there are... we... we do have the ability to have
10 desired traits right now to be an administrator.
11 You typically have...

12 CHAIRPERSON TORRES: Well I don't see it
13 as a desired trait. I see it... for me it's a
14 required trait. I would want the administrator of
15 an elevator division to have expert knowledge on
16 elevators. That's not a desirable trait, that's a
17 requisite in my opinion.

18 LUIS PONCE: So I... I understand your
19 concern. I agree with your concern. Just the
20 parameters... maybe it... maybe it's not as complicated
21 as I'm... as I'm assuming it is. I'll... I'll get back
22 to you and see exactly what we're...

23 MICHAEL KELLY: Chairman I hear exactly
24 what you're saying. We're going to be looking at
25

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2 training up and down the lines of all of our
3 elevator service providers and to ensure that the...

4 CHAIRPERSON TORRES: But specifically...
5 administrators what kind of commitment can you make
6 if any today.

7 MICHAEL KELLY: We'll be looking
8 specifically administrators and seeing what we can
9 do to increase their training and their capacity.

10 CHAIRPERSON TORRES: And what about the
11 notion of making it a civil service position again?
12 Is... what are the obstacles to making that happen?

13 MICHAEL KELLY: Chairman I don't know
14 the answer at this time but we'll be following up
15 with them.

16 CHAIRPERSON TORRES: And then just one
17 more. If... if NYCHA receives a complaint about an
18 elevator right... on average... in the emergency
19 situations it takes two hours to respond and in
20 priority five cases 48 hours. Is there something
21 that could be done in the meantime... some kind of
22 notification of the residents, warning them that
23 there... there's a complaint about this elevator...

24 MICHAEL KELLY: The... the... the big shift
25 is that during regular working hours or during

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2 evening hours if a hazardous condition is
3 identified by the customer call center through a
4 complaint. 9-1-1 will be notified and they will be
5 on the scene to... to respond to it and shut down the
6 elevators if necessary, I mean within the... whatever
7 the... the timeframe is for... for that type of
8 response.

9 BRIAN CLARKE: Chair if I could also
10 just add that you know the... the... the... whenever
11 there's an elevator out we try and dispatch the
12 team as soon as possible based on existing
13 priorities. Our average you know for... and this is
14 24/7 you know throughout the year is 90 minutes you
15 know for a nine situation. And then for all
16 elevator outages you know it's six hours. So we're...

17 CHAIRPERSON TORRES: Well what's the
18 harm in reaching out to the local property
19 management office and sending a maintenance person
20 just to put a sign on every floor telling them that
21 we have a complaint about this elevator, please be
22 mindful of that. Just some warning within... well
23 before the 90-minute response?

24 MICHAEL KELLY: We're looking into that
25 system. We've had great... a lot of discussions just

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2 over the last few days specifically about how we
3 can... how we can and... and... and provide that type of
4 immediate response from... from our... our property
5 managers.

6 CHAIRPERSON TORRES: It's literally a
7 matter of installing just a piece... you know posting
8 a paper warning people so... Okay that's the extent
9 of my questioning. So thank you very much for your
10 testimony.

11 MICHAEL KELLY: Thank you Chairman.

12 CHAIRPERSON TORRES: Yep. I would like
13 to call the next panel... Michael Halpin from
14 Elevator Constructors Local No. 1, number one.
15 Thank you no, you may begin.

16 MICHAEL HALPIN: Thank you. Hi, I'm
17 Michael Halpin. And before I start my testimony I
18 just really want to say on behalf of the Local 1
19 International Union of Elevator Constructors; our
20 hearts, our thoughts, and our prayers go out to the
21 families of Mr. Pabon and Begun who died last week.
22 Again I'm Michael Halpin. I'm here representing the
23 International Union of Elevator Constructors, Local
24 number 1. We're an organization of 3,000 workers
25 who construct, maintain, modernize, and repair

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2 elevators in New York City. I'm here today to
3 express our grave concern over a critical matter of
4 public safety. We are deeply troubled by the
5 alarming number of elevator passenger fatalities in
6 New York's recent history. The New York City Fire
7 Department reports a shocking 160 percent rise in
8 passengers need rescue from failed elevators over a
9 five year period. Many of the elevator fatalities,
10 the passenger fatalities have... haven't resulted in
11 death or injury to... to passengers. The names of
12 victims like Eran Modan and Stephen Hewitt-Brown
13 should be familiar to us from their tragic stories
14 on the evening news. This lethal threat would be
15 troubling enough on its own but the problem is
16 compounded by the fact that the administration and
17 the Department of Buildings have actually blocked
18 the solution. There is state legislation; the
19 elevator safety act which would help to reduce
20 passenger and worker accidents. Unfortunately, the
21 administration and Department of Buildings stand in
22 the way of this common sense lifesaving bill. New
23 York state is one of the few states left in the
24 nation that does not require education... training...
25 and licensing of elevator mechanics. We work in an

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2 area with the highest concentration of elevators
3 soaring to the greatest of heights and at the
4 fastest... fastest of speeds yet those who are
5 responsible to the installation, repairs, and
6 perform the maintenance are not required to be
7 educated and trained to any standard, and I mean to
8 any standard. Like today anyone in this room could
9 throw a tool bag over their shoulder and go and try
10 to fix the elevators upstairs and nothing stands in
11 the way of that. Some 34 states in the District of
12 Columbia already have such standards. They realize
13 that their residents' lives do... do not belong in
14 untrained hands when it comes to vertical
15 transportation. The administration and Department
16 of Buildings oppose giving New Yorkers the kinds of
17 safeguards those states already have in place.
18 Their troubling opposition is sadly uninformed. And
19 one opposition memo from the city of New York they
20 state, and I quote, elevator mechanics are required
21 to receive a license from DOB in order to perform
22 maintenance work on elevators in New York City,
23 unquote. That is false. The administration didn't
24 even know that the city doesn't license elevator
25 mechanics. There have been consistent and growing

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2 calls for state legislation to finally address the
3 danger of unlicensed and untrained elevator
4 workers. In 2012 Council Member Vacca introduced a
5 piece of city legislation that called for an
6 elevator technician's license. That legislation
7 quickly went away and our conversations with the
8 Department of Buildings indicated that they didn't
9 have the wherewithal to conduct such a licensing
10 program. They still oppose the state licensing
11 program. For years the elevator mechanics at NYCHA
12 have called for more and better training. The city
13 of New York stood against the... the state
14 legislation that would bring that while saving the
15 few cents an hour that time tested education and
16 training might cause. Manhattan Borough President
17 Scott Stringer called for passage of the state
18 legislation in his report; Time to Rebuild: A
19 Blueprint for Reforming New York City's Department
20 of Buildings. Former Brooklyn DA Charles Hynes
21 called for the bill while indicting an untrained
22 elevator mechanic for his role in an event that led
23 to gruesome and permanent injury to an elevator
24 passenger. In 2015 the city of New York touted what
25 a great year it was having with regard to elevator

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2 safety as it opposed the state bill that would
3 require elevator mechanics to be educated, trained,
4 and licensed. Meanwhile for the first time in US
5 History the previous indicted... the previously
6 indicted mechanic was found guilty and sentenced to
7 three months in jails... in jail. News accounts
8 stated that the convicted man would relocate to
9 Florida upon his release. It's important to note
10 here that Florida is one of the 34 states that
11 enforce standards and licensing for elevator
12 mechanics. Upon his release the mechanic did not in
13 fact go to Florida. He found employment with an
14 elevator contractor in New York City. There is no
15 standard to enforce, no license to suspend or
16 revoke. Then came the fourth quarter of 2015. On
17 October 2nd Aaron Modan died tragically at 156 Hope
18 Street in Brooklyn. That would be the second time
19 in 14 months that an elevator passenger died on a...
20 on a car... on an elevator being maintained by P&W
21 Elevator. P&W does not participate in the education
22 and training that the bill calls for. Two passenger
23 fatalities involving a single maintenance
24 contractor is nothing that I've ever heard of
25 before. On Christmas Eve there was a tragic

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2 fatality of Mr. Pabon that brought us here today.
3 That was at a NYCHA project. The elevator mechanics
4 that I speak with at NYCHA are forever calling for
5 more and better training. They work on a great
6 variety of... of equipment and they need to be
7 proficient on all of it. On New Year's Eve Stephen
8 Hewitt-Brown died tragically at 131 Broom Street.
9 Again the maintenance contractor does not
10 participate in education and training to the
11 standards that the elevator safety act calls for.
12 The administration has opposed this legislation
13 while three elevator passengers die in a matter of
14 months. We've been fighting for four years to make
15 the city and the state safer for the elevator
16 riding public and for elevator workers with the
17 elevator safety act. The administration stands in
18 the way of this legislation and people are dying.
19 Thank you.

20 CHAIRPERSON TORRES: Thank you for your
21 testimony. I have a few... So I guess when you first
22 hear that there's no licensing of... of... of elevator
23 operation it strikes... because you know for me to
24 cut hair I need a license, for me to operate a
25 hotdog stand I need a license but I could

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2 theoretically operate and maintain an elevator with
3 no license at all.

4 MICHAEL HALPIN: It is... it is truly
5 scary.

6 CHAIRPERSON TORRES: So I... I said to... I
7 indicated to NYCHA earlier that it seems to me the
8 heart of it is preventative maintenance and... and so
9 for you there's a link between licensing and
10 preventative maintenance. If your licensed you're
11 ensuring that the person maintaining the elevator
12 knows how to adhere to the highest standards of
13 preventative maintenance, is that...

14 MICHAEL HALPIN: Yes, that is... that is
15 very true. In fact, the training programs that the
16 bill recommends or the state licensing bill
17 recommends... that the state licensing bill
18 recommends. All teach how to do... there's you know
19 classes on brake maintenance... I mean all three of
20 the fatalities in the fourth quarter of last year
21 point to something with the brake. And there... there
22 are modules that... that cover that in the education
23 and training programs.

24

25

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2 CHAIRPERSON TORRES: Now there's no
3 scheme for licensing... is there some kind of
4 voluntary certification of... of elevator mechanics?

5 MICHAEL HALPIN: I mean there are... yes
6 right now that is a contractor's choice.
7 Contractors can get involved with programs... they'd
8 approve the apprenticeship programs or not... or... or
9 not. And it's a contracted choice. And 34 states
10 have found it necessary to take that choice away
11 and say you know what it's... it's not a contracted
12 choice. We want to protect our public and we wanted
13 to educate, train, and license our mechanics.

14 CHAIRPERSON TORRES: Now you represent
15 elevator mechanics in the private sector...

16 MICHAEL HALPIN: Correct.

17 CHAIRPERSON TORRES: ...but not in the New
18 York City Housing Authority.

19 MICHAEL HALPIN: Correct.

20 CHAIRPERSON TORRES: So do you... can you
21 just describe the difference between the training
22 that your elevator mechanics receive versus a
23 training that NYCHA elevator mechanics received.

24 MICHAEL HALPIN: Okay so... yes I can...
25 our... our apprentices when they come in... when they

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2 come into the industry they... they enroll in an
3 apprenticeship training program. And that... that
4 provides four years of training. It's a weekly
5 course of four hours in the classroom plus you're
6 getting on the job training. Before you even set
7 foot in the classroom you get... you get sent a
8 package of basic safety modules so before you even
9 enter an elevator... way you will have some degree
10 of... of safety awareness and... and just how dangerous
11 an elevator... can be, how dangerous a elevator
12 machine room can be and you will be working under
13 the direction of a mechanic for a period of time
14 until such time as you become a mechanic. 144 hours
15 of training per year for four years.

16 CHAIRPERSON TORRES: For four years of
17 state approved apprenticeship training.

18 MICHAEL HALPIN: Correct.

19 CHAIRPERSON TORRES: And is there a
20 comparable training program for NYCHA mechanics?

21 MICHAEL HALPIN: Not that I'm aware of.

22 CHAIRPERSON TORRES: What training are
23 you aware of?

24 MICHAEL HALPIN: I'm aware of... there is
25 a... our training program which is the... well... well

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2 the International Union of Elevator Constructors,
3 the IBW Local 3 has a training program. And there
4 is also a certified elevator technician program
5 which NYCHA probably could get involved with...

6 CHAIRPERSON TORRES: I guess your
7 impression is that NYCHA mechanics receive less
8 training than the mechanics in your union or
9 elsewhere in the private sectors?

10 MICHAEL HALPIN: I talk to NYCHA
11 mechanics frequently. In fact you know a number of
12 them have... have left our organization and gone
13 there or come... and come back. And yeah it's a night
14 and day difference between the education...

15 CHAIRPERSON TORRES: What do they tell
16 you?

17 MICHAEL HALPIN: They tell me they get...
18 you know every once in a while they get brought
19 over to the training center that they have over in
20 Long Island City and... and they get shown a piece of
21 equipment for a couple of hours but it certainly
22 isn't anyways near 144 hours and... per year for four
23 years. You know it's a... a few hours here and there.

24 CHAIRPERSON TORRES: So your sense is
25 that if we were to do a survey of elevator

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2 mechanics at NYCHA regarding their satisfaction
3 with training you would anticipate that there would
4 be a widespread dissatisfaction or...

5 MICHAEL HALPIN: I encourage you to do
6 that survey, I encourage somebody to do that
7 survey... [cross-talk]

8 CHAIRPERSON TORRES: I can't do it but
9 I'll encourage NYCHA to do it... [cross-talk]

10 MICHAEL HALPIN: They will without a
11 doubt be letting you know they do not get enough
12 education and training.

13 CHAIRPERSON TORRES: Right. Thank you
14 for your testimony.

15 MICHAEL HALPIN: Thank you very much.

16 CHAIRPERSON TORRES: Of course. Great.
17 Any testimony for the record? Great. We have no
18 more witnesses. So with that said this hearing's
19 adjourned.

20 [gavel]

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C E R T I F I C A T E

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



Date May 14, 2016