

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE

Jointly with

COMMITTEE ON FIRE & CRIMINAL
JUSTICE SERVICES,

SUBCOMMITTEE ON SENIOR CENTERS

&

COMMITTEE ON ENVIRONMENTAL
PROTECTION

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May 9, 2016

Start: 10:06 a.m.

Recess: 5:00 p.m.

HELD AT: Council Chambers - City Hall

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Elizabeth S. Crowley
Chairperson

Paul A. Vallone
Chairperson

Costa Constantinides
Chairperson

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CHAIRPERSON FERRERAS-COPELAND: Good morning and welcome to the City Council's second day of hearings on the Mayor's Executive Budget for Fiscal 2017. My name is Julissa Ferreras-Copeland, and I Chair the Finance Committee. We are joined by the Committee on Fire and Criminal Justice, chaired by my colleague Council Member Elizabeth Crowley. We've been joined by Minority Leader Matteo and Council Member Rory Lancman. Today we will hear from the Fire Department and the Emergency Medical Service, the Department of Correction, the Board of Correction, the Department for the Aging, and the Department for Environmental Protection. Before we begin, I'd like to thank the Finance Division Staff for putting this hearing together, including Director Latonya McKinney, Assistant Counsel Rebecca Chaison [sp?], Deputy Director Regina Perada-Ryan [sp?] and Nathan Toth, Unit Head Eisha Wright [sp?], Unit Head Doheni Sampora, Unit Head Crilleen Francisco, Finance Analyst Steve Reister [sp?], Finance Analyst Brittani Moresi [sp?], Finance Analyst Johnathan Seltzer [sp?], and the Finance Division Administrative Unit, Nicole Anderson, Maria Pargon [sp?] and Roberta Caturano [sp?] who put everything together. Thank

2 you for all your efforts. I'd also like to remind
3 everyone that the public will be invited to testify
4 on the last day of budget hearings on May 24th
5 beginning at approximately 3:00 p.m. in this room.
6 For members of the public who wish to testify but
7 cannot attend the hearing, you can email your
8 testimony to the Finance Division at
9 Financetestimoy@council.nyc.gov, and the staff will
10 make it a part of the record. Today's Executive
11 Budget kicks off with the Fire Department and the
12 Emergency Medical Service. The FDNY's Fiscal 2017
13 Executive Budget totals 1.9 billion dollars which
14 represents a 105.7 million dollar increase from the
15 Fiscal 2016 Adopted Budget. On the capital side, the
16 Capital Commitment Plan includes 753.7 million
17 dollars in funding over the life of the plan. The
18 FDNY's budget includes 4.9 million dollars in Fiscal
19 2017 and 9.8 million dollars in Fiscal 18 for 50
20 additional ambulance tours scheduled to begin in
21 January 2017. These tours are intended to lower
22 response time to high-priority life-threatening
23 emergencies in Queens and the Bronx. While this is a
24 welcomed news, which will bring much-needed relief to
25 these underserved areas of the City, there is still

uncertainty about the coverage of the 81 ambulance
tours that were left vacant following the bankruptcy
of TransCare earlier this year. The FDNY has
informed the Council that it plans to continue to run
those tours on overtime and then to eventually have
the other private entities take them over. However,
the Council is concerned about the strategy to
outsource these ambulance tours and jobs rather than
having the FDNY implement a long-term plan that would
allow them to ultimately operate those tours in-
house. I also look forward to hearing testimony
regarding the Department's requirement efforts
particularly with respect to programs to increase
diversity within the Fire Department and the EMT
ranks, the plan to relaunch the Cadet Program and
steps to build a pipeline into the workforce by
recruiting our City's youth through the FDNY high
school and other initiatives targeted students. In
addition, the council is pleased that the
Administration included funding for the renovation of
additional firehouses and the implementation of
additional EMS tours as was called for in the budget
response. However, no funding was added for the three
other items that the Council called for, specifically

expanding career and technical education programs for high school students for EMT training, renovation of the EMS Academy at Fort Totten and beginning three additional EMS stations--building three additional EMS stations. I would like to hear testimony from the agency regarding the factors that were considered and the decision to not include these items in the Executive Budget and whether the Administration believes there's any worthwhile project to pursue. Before we begin I'd like to remind my colleagues that the first round of questions for the agency will be limited to five minutes per Council, and if Council Members have additional questions, we will have a second round of questions at three minutes per Council Member. I will now turn the mic over to my Co-chair, Council Member Crowley, for her statement and we will then hear from FDNY Commissioner Daniel Nigro.

CHAIRPERSON CROWLEY: Thank you. Good morning. My name's Elizabeth Crowley. I am the Chair of the Fire and Criminal Justice Services Committee. It is a pleasure to join Finance Committee Chair Ferreras-Copeland and my colleagues for today's Fiscal Year 2017 Executive Budget hearing to review

2 the agency's budget for the Fire Department. After
3 the Fire Department announced in February that
4 TransCare, a private company that operated 81
5 ambulance tours in the Bronx and Manhattan went into
6 bankruptcy, the Council called on the Fire Department
7 and the Administration to allocate funding in the
8 budget to take over 45 of those tours with FDNY
9 ambulances. To date, no such funding has been
10 included in the budget. The committee would like to
11 know why. We also would like to know what the
12 Department's long-term plans are for the operation of
13 these tours that were once operated by TransCare.
14 Also not included in the Executive Budget are capital
15 funds to renovate and upgrade the outdated and
16 overcrowded EMS Academy at Fort Totten and funds to
17 build additional EMS stations. As the City
18 experiences substantial increases in call volume for
19 medical emergencies from one year to the next, the
20 Department has added additional tours and increased
21 EMT classes, but has not addressed the capital needs
22 to adequately support the growing demands for EMS
23 services. The committees would like to know what the
24 Department plans to do to address these deficiencies
25 as well as the committee would like to have an update

2 on the Department's recruitment plan, firehouse
3 renovations for women's bathrooms and changing
4 facilities and the outfitting of ambulances with
5 navigation systems. I'd like to thank Commissioner
6 Nigro for being here today and the Fire Department,
7 and I'd like to now turn it back over to Chair
8 Ferreras-Copeland.

9 CHAIRPERSON FERRERAS-COPELAND: Thank
10 you, Chair Crowley. Commissioner, you may begin as
11 soon as we swear you in.

12 COMMITTEE COUNSEL: Do you affirm that
13 your testimony will be truthful to the best of your
14 knowledge, information and belief?

15 COMMISSIONER NIGRO: I do.

16 COMMITTEE COUNSEL: Thank you.

17 COMMISSIONER NIGRO: Well, good morning
18 Chairwoman Ferreras-Copeland, Chairwoman Crowley and
19 all Council Members present. Thank you for the
20 opportunity to speak with you today about the
21 Executive Budget for FDNY for Fiscal Year 2017. I'm
22 joined this morning by Chief of Department James
23 Leonard, Chief of Staff Robert Sweeney, Commissioner
24 for Government Affairs and Special Programs Laura
25 Kavanagh, and Assistant Commissioner for Budget and

Finance Stephen Rush. As I noted when I was here several weeks ago to discuss the Preliminary Budget, 2015 marked a year of many accomplishments for the Fire Department. While celebrating our 150th Anniversary, we experienced one of the safest years in the Department's history. For the last decade we have seen fewer than 100 fatalities a year. This trend continued in 2015 when we experienced 59 deaths due to fire, the second lowest ever recorded, and a 17 percent decrease from the previous year. We were able to achieve this historic accomplishments in the midst of the busiest year in the Department's history, due to the dedication of our hardworking members focused on achieving the Department's ultimate goal, saving lives. We are appreciative of the support that we receive in upholding that mission. Mayor de Blasio's Executive Budget for this fiscal year includes unprecedented levels of funding for the Department, particularly with respect to the area of Emergency Medical Services. We are grateful for the financial support that we have received and continue to receive from the Mayor and his Administration as it provides us with resources necessary to address the increasing number of

emergencies facing the FDNY at levels far exceeding what we have experienced in the past. The Executive Budget provides over three million dollars in fiscal year 17 and beyond to fund our Fire Marshalls in the Bureau of Investigations. This fulfills a longstanding request to restore funding that was lost during a prior reduction in staffing under the Bloomberg Administration. With these funds, the Department will be able to add 36 Fire Marshalls, significantly improving daily staff coverage in the field so that our elite bureau of fire investigations will be able to complete a greater number of investigations and decreased overtime. 2015 was the busiest year in the history of the Department. The Fire Department responded to a record number of emergencies, more than 1.7 million incidents in all. In the area of emergency medical services we experienced substantial increases in call volume throughout the City. In particular, the Department experienced a significant increase in the number of segment I to III calls, our highest priority calls. I am happy to report that the Executive Budget for fiscal year 17 addresses this rapidly expanding workload and provides additional resources to assist

in meeting these growing challenges. When I testified at our Preliminary Budget hearings I discussed two EMS pilot programs that we are excited about, our Fly Car program, which will be rolled out in the Bronx later this spring, will involve redeploying paramedics from advanced life support ambulances to non-transport EMS Fly Cars. It will increase ALS availability and is therefore expected to reduce response time to life-threatening calls. Another pilot program in the Bronx is our tactical response program. We have added five additional life support ambulances for a total of 10 tours in the borough. These 10 tours are organized and deployed as a tactical response group, shifting them to the areas of the heaviest call volume in order to supplement the units already deployed. In addition to these pilot programs, the Executive Budget provides resources necessary to deploy 50 new ambulance tours. Funding is provided is the Executive Budget in the amount of five million dollars in fiscal year 17, almost 10 million dollars in each of fiscal years 18, 19, and 10.4 million dollars in fiscal year 20. We expect to deploy the additional tours starting in January 2017. It is

2 important to us that we make all necessary
3 preparations in order to deploy these new tours on
4 time. New funding received in the Executive Budget
5 in the amount of 607,000 dollars in fiscal year 16
6 and 2.2 million dollars in fiscal year 17 will go
7 towards the administrative costs associated with
8 adding tours. This money will pay for additional
9 instructors, staff needed to complete background
10 investigations and process these new hires and to pay
11 for uniform and equipment costs and medical
12 equipment. Between now and the date of deployment,
13 we will perform the necessary hiring to staff all 50
14 tours on straight time. In addition to our usual
15 cycle of replacing ambulances, we will purchase 35
16 additional ambulances taking delivery of the first
17 installment this month. We will continue to receive
18 them at a rate of four per week until delivery is
19 completed. By spring of 2017 we will have over 200
20 new ambulances in our fleet. The Mayor's Executive
21 Budget also provides funding for us to add a number
22 of supervisory EMS positions. We will hire four new
23 EMS Captains and 24 EMS Lieutenants to complement the
24 additional ambulance tours. The Executive Budget
25 provides significant funding for EMS apart from the

new ambulances. It includes approximately 1.4 million dollars in fiscal year 16 including tours taken on after the failure of private ambulance provider TransCare. The Department was operating approximately 50 percent of the lost TransCare tours, but that will phase down to zero by the start of the new fiscal year. We are always looking for ways to innovate and improve our EMS procedures. When we have the ability to use technology to provide better service to the public we seize the opportunity and we are grateful that this budget affords us the opportunity to do so. Funding provided in the Executive Budget will go toward the purchase of one thousand new iPad tablets for responding EMT's and paramedics to generate mobile ambulance call reports. We also sought and received funding in this Executive Budget of nearly 800,000 dollars for ambulance charging stations. We will use this pilot program to explore the use of sure-power [sic], which will allow ambulances to plug into outlets in order to maintain the necessary conditions inside the vehicle without leaving the engine running. In this way, we hope to do our part to reduce carbon emissions while maintaining the highest levels of care. The

Department will also use existing funding to build new data warehouse and expand our existing database infrastructure, allowing us to improve the way we store, analyze and report data. The Executive Budget provides nearly a quarter of a million dollars in fiscal 17 and beyond for diversity training for the Department. This is the second phase in our ongoing plan to train all uniformed and non-uniform personnel in diversity and inclusion. All fire officers have received this training as have nearly 50 percent of fire officers. We are also instituting training for EMS personnel and civilians. This funding is for overtime required to train EMS personnel on off-days so that we are able to train our workforce without having a negative impact on field coverage. The Executive Budget also provides funding to establish equal employment opportunity liaisons who can act as intermediaries to resolve lower-level conflicts in the field. Funding at a rate of more than 200,000 dollars a year, this program will provide specialized training in equal employment opportunity laws, regulations and policies to a number of uniformed and civilian FDNY employees, both managerial and non-managerial. They will be responsible for providing

guidance, information and other resources on behalf of the EEO office, further extending the Department's EEO efforts into the field on a regular basis. It is a top priority of my Administration to improve the diversity of the Department, and the recruitment campaign for the 2017 open competitive firefighter exam is a key opportunity to advance that goal. This campaign will be intensely focused on recruiting candidates who reflect the gender and ethnic composition of the city that we serve. The budget for those efforts will total approximately 13 million dollars. These efforts also continue well beyond the exam. We offer a complement of programs to mitigate attrition throughout the hiring process, including our CPAT and fitness awareness physical training programs which help candidates to prepare for the physical challenges involved with the CPAT and the Fire Academy. We also organized a firefighter candidate mentorship program that matches candidates with seasoned firefighters who provide support and guidance from the point at which the candidate is called for processing through his or her graduation from the Fire Academy. We are proud of these efforts and we are optimistic they will continue to pay

dividends. In addition, the Department is looking to ensure that these recruitment efforts will continue to succeed in the long-term by creating a pipeline for youth into the FDNY. A key part of those efforts is the creation of a cadet program for which there is funding in this budget. We are also continuing to grow our Explorer's Program and working with the Department of Education to improve the FDNY high school program. The Executive Budget also provides significant capital funding for critical Department projects. Highlights of these include 1.3 million dollars in fiscal 16 for EMS trailers to supplement current EMS facilities and 3.2 million dollars in fiscal 17 to upgrade supervisory vehicles. It is the mission of the men and women of the FDNY to provide exceptional service to our fellow New Yorkers in every area of the City as well as to the millions who visit our city every year. We relish this challenge and we strive every day to improve the manner in which we serve the public. We thank the Committee and the entire City Council for its ongoing support for our mission. My colleagues and I will be happy to answer your questions at this time.

2 CHAIRPERSON FERRERAS-COPELAND: Thank
3 you, Commissioner. We've been joined by Council
4 Members Vallone, Rosenthal and Levine. I have a few
5 questions and then I'm going to come back with some
6 additional ones in the second round, but I wanted to
7 start with TransCare. It has been over two months
8 since the bankruptcy of TransCare left the 81
9 ambulance tours vacant across the City. What is the
10 Department's long-term plan to cover these 81 tours,
11 and if you plan on using private providers, how will
12 the Department make sure--ensure that the other
13 TransCare issue doesn't arise in the future?

14 COMMISSIONER NIGRO: Well, a few things
15 we can say about that. Certainly the TransCare
16 bankruptcy caused some issues for the Department.
17 Not all were unexpected. We knew for some period of
18 time TransCare was having problems, and we had
19 discussed how we would handle that, and part of it
20 was through the voluntary hospitals who would put on
21 additional ambulances and covered some of them. So
22 we did not have to cover the full 81 tours when they
23 went bankrupt. We covered approximately half of
24 those. So what are we doing now? Additional third-
25 party providers are coming into the system replacing

part of those, and the Department is gearing up through the 50 tours that you heard about and through our hiring of 180 people in each four upcoming classes to staff up. So, in January, we will have 50 additional tours on the street. We will evaluate the system at that time, how the new third-party providers are doing, how the hospital providers are doing, and go forward from there as we see what our response times are. We've also taken steps to ensure that in the future no third-party provider will ever have as big of piece of the ambulance system as TransCare had.

CHAIRPERSON FERRERAS-COPELAND: So why have the third-party providers in the first place? Walk us through that process.

COMMISSIONER NIGRO: Well, they've always had--you know, the voluntary hospitals have been a part of the system for quite some time. We merged 20 years ago. They were part of the system then. Some of the hospitals chose instead of running their own ambulances to engage third-party providers, TransCare being one of them. So, this is not new to the system. When the Fire Department had to pick up those tours, we picked them up on overtime, which would have to

have continued throughout the year, throughout the summer until our new people were hired. That did not seem to be a proper option considering response time, the need to improve our response time statistics.

CHAIRPERSON FERRERAS-COPELAND: So, and we just got these numbers today, but 331 of the tours are run by the volunteers?

COMMISSIONER NIGRO: Approximately a third of the tours in the City are run non-FDNY tours. So they're either directly under a hospital such as the way New York Hospital runs their ambulance system, or a hospital contract with a third-party provider.

CHAIRPERSON FERRERAS-COPELAND: Now you just mentioned that you're going to be taking steps to ensure that such a large portion isn't part--or I guess in the responsibility of a third party. How do you go by that process, because it seems, you know, this is a pretty large portion? This was just 80-- this was 80 tours, but in the event that we have two third parties go out of business or bankruptcy, how do you avoid that in the future?

COMMISSIONER NIGRO: Well, certainly we wouldn't expect two third-party providers to go out of business on the same day like TransCare did. So

what we're doing is limiting the number. Right now I think Senior Care would be the biggest third-party provider, and they're running fewer than half of the tours that TransCare provided.

CHAIRPERSON FERRERAS-COPELAND: Can you share with this committee the breakdown of all of the third parties and how many tours they have?

COMMISSIONER NIGRO: I can provide that with you--

CHAIRPERSON FERRERAS-COPELAND:
[interposing] Yeah.

COMMISSIONER NIGRO: I don't have that, but we can certainly give you an accurate breakdown.

CHAIRPERSON FERRERAS-COPELAND: We would appreciate that. Wanted to talk about, kind of pivot into the overtime, and I'm sure that my Co-Chair will have additional questions. In the Executive Budget, the Department's budget included 19.3 million in fiscal 16 for additional overtime costs. Why is the Department increasing its overtime budget even as its budgeted headcount is increasing in order to reduce overtime?

COMMISSIONER NIGRO: I think Commissioner Rush can answer that very accurately.

2 COMMISSIONER RUSH: Okay, there's several
3 elements that go into the increase in the overtime
4 budget this fiscal year and next fiscal year. So, if
5 we look at the budget in FY 16, the Adopted Budget
6 was 202 million dollars. We added 39 million dollars
7 that were Homeland Security related overtime costs.
8 There is 15 million dollars in funding for the UFA
9 Collective Bargaining Settlement, three million for
10 the OFA Collective Bargaining Settlement, and then an
11 additional 15 million dollars was added in funding to
12 meet our year-end projection, and that is because we
13 are still as we hire up firefighters and we are
14 getting closer to full headcount, we are still below
15 full headcount and therefore, the vacancies generated
16 mandated fixed post coverage overtime.

17 CHAIRPERSON FERRERAS-COPELAND: And don't
18 you also expect that when you open the new FDNY
19 classes that kind of empties out your EMS,
20 traditionally?

21 COMMISSIONER RUSH: That does, and that's
22 why we are anticipating hiring large classes in EMS
23 in advance of the firefighter promotional exam and
24 the open competitive exam so we're ahead of the
25 curve, so to speak, on our staffing.

2 CHAIRPERSON FERRERAS-COPELAND: IN the
3 Council's Budget Response, the Council called upon
4 the Administration to renovate the EMS Academy at
5 Fort Totten, and I know that you're wrapping up, but
6 funding for such a renovation was not included in the
7 Executive Budget, yet in the budget alone, the
8 Department increases EMS headcount to over 200
9 positions. With the expectation of these additional
10 recruits, why wasn't the funding including for
11 renovations of the Academy to fully accommodate the
12 new recruits, and how does the Department plan to
13 accommodate training for so many new people?

14 COMMISSIONER RUSH: Actually, it's a two-
15 fold answer. The short term is that we are entering
16 into a lease with the US Army to use some additional
17 space that they have at Fort Totten. That should be
18 in place. It's an MOU that we're putting in place
19 soon. The longer term plan with capital funding is,
20 the first step is that OMB and the Department of
21 Design and Construction are working with both Fire
22 Department and the Department of Corrections on
23 facilitating the review by hiring outside architects
24 and engineers that are consultant firms. The OMB
25 uses, they do a complete scope analysis and

2 requirements analysis. So, that will hone in what
3 exactly we need. We have a general idea of what we
4 want, but OMB conducts this exercise to ensure that
5 the costs are effectively utilized for the project.
6 So in the long term, there will be funding for the
7 Fort Totten expansion. We're was just during the
8 first step of that process right now.

9 CHAIRPERSON FERRERAS-COPELAND: So, is
10 there no budget implications for this process?
11 Because usually when these need assessments are done,
12 there's a budget implication.

13 COMMISSIONER RUSH: Thereafter, there
14 will be. I mean, we had projected in our budget
15 about 60 million dollars. That will be looked at by
16 the outside consultants, engineers and architects to
17 make a final determination.

18 CHAIRPERSON FERRERAS-COPELAND: Okay. So
19 you do agree with the Council that you need a new
20 facility?

21 COMMISSIONER RUSH: Oh, absolutely.

22 CHAIRPERSON FERRERAS-COPELAND: Okay. I
23 wanted to just briefly ask about some update. Last
24 year, during the Executive Budget hearings, we talked
25 about re-routing inmates in head of--that needed

2 medical attention to Bellevue which has a secure
3 facility rather than Elmhurst Hospital. I understand
4 that such a re-routing is scheduled to begin, so I
5 thank you, and my constituents thank you and all
6 those that go to Elmhurst Hospital. When do you
7 anticipate that this transfer to Bellevue will begin?

8 COMMISSIONER NIGRO: We believe it'll be
9 up and running this fall, and there's been a--reason
10 for the delay is the trailers aren't in place yet on
11 Rikers Island, so as soon as we can get that done
12 we're ready to move forward with that, and we think
13 it'll be an advantage to us and to the community as
14 well.

15 CHAIRPERSON FERRERAS-COPELAND: Okay. So
16 we will push at the Council to get those trailers to
17 moving.

18 COMMISSIONER NIGRO: Thank you.

19 CHAIRPERSON FERRERAS-COPELAND: So, I
20 have additional questions, but I do want to give my
21 Chair an opportunity to ask her questions. Chair
22 Crowley? Thank you, Commissioner.

23 CHAIRPERSON CROWLEY: Thank you, Chair.
24 Good morning, Commissioner. I have a question about
25 the voluntary hospitals and the voluntary tours.

Some of them are run by--they're not hospitals. Some are run by, you know, a group called Senior Care, right?

COMMISSIONER NIGRO: Correct, yeah.

CHAIRPERSON CROWLEY: So how many are not hospitals? How many tours are run by non-hospital entities?

COMMISSIONER NIGRO: Does anybody have the exact number? I know there's over 300 tours that are run by the voluntary hospitals either themselves or through third-parties. We will provide a breakdown of how many are provided by companies such as Senior Care. We can give you that number.

CHAIRPERSON CROWLEY: When Senior Care and other voluntaries are in your system, do they have to pay for the adaption of the various different computer systems that are put into these ambulances to make them a part of your 911 system or does the City pay for that?

COMMISSIONER NIGRO: They pay. We provide the equipment that they later pay for. I'm told there are 60 tours right now that are being provided out of those 330 by third parties such as Senior Care, which is the largest.

2 CHAIRPERSON CROWLEY: So would Senior Care
3 have that many tours, 60, because that's almost--

4 COMMISSIONER NIGRO: [interposing] No,
5 they have 36.

6 CHAIRPERSON CROWLEY: Okay. So, now back
7 to these voluntaries. I've heard complaints, and I
8 don't know if you've looked into this or whether
9 there's any truth to it that the voluntary hospitals
10 sometimes do dumping when people don't have health
11 insurance and they bring those people who need
12 services to public hospitals rather than the private
13 hospital they work for? Has that ever happened?

14 COMMISSIONER NIGRO: Well, there's always
15 talk about either dumping or steering when it comes
16 to providers. Whether there's evidence of that,
17 we're not aware of it. It's not--there are rules
18 against it, but certainly those rumors persist.

19 CHAIRPERSON CROWLEY: But are there
20 penalties if a company was found to be doing that?

21 COMMISSIONER NIGRO: It's regulated by the
22 State Department of Health. So--

23 CHAIRPERSON CROWLEY: [interposing] So any
24 complaints--
25

2 COMMISSIONER NIGRO: [interposing] They
3 would have to investigate that and--

4 CHAIRPERSON CROWLEY: [interposing] should
5 be sent their way?

6 COMMISSIONER NIGRO: issue any penalty,
7 yeah.

8 CHAIRPERSON CROWLEY: Right now in the
9 budget you have 50 tours that are supposed to come
10 online in January, is that correct?

11 COMMISSIONER NIGRO: That's correct.

12 CHAIRPERSON CROWLEY: Are there no tours
13 coming before January? For those of us in areas,
14 most of the entire city actually is waiting too long
15 at any given moment in an emergency for an ambulance.

16 COMMISSIONER NIGRO: Well, right now
17 those--the bulk of those tours will start in January.
18 The pilot program in the Bronx that applies to Fly
19 Cars will start later this spring, and any additional
20 tours that we may put in, and some are enhancement
21 tours, are usually covered by overtime.

22 CHAIRPERSON CROWLEY: So, the enhancement
23 tours, there's no science to that right now?

24 COMMISSIONER NIGRO: There's no scien--
25 what'd you--

2 CHAIRPERSON CROWLEY: [interposing] In
3 terms of bringing down the response times.

4 COMMISSIONER NIGRO: Well, we placed
5 those in specific areas that become busier in the
6 summer time, but not--I think what you're talking
7 about is the tours we plan to add in Queens to bring
8 overall response time down in the borough. Once our
9 people are trained, the additional people that we're
10 hiring, they will be added.

11 CHAIRPERSON CROWLEY: Now, do you know how
12 many high schools and community colleges are giving
13 you trained EMT's that you could draw from for your
14 future EMT's?

15 COMMISSIONER NIGRO: Well, certainly there
16 are programs throughout the City. I don't have the
17 number right now, but colleges and other facilities
18 provide training for EMT's that come into our system.

19 CHAIRPERSON CROWLEY: And has the
20 Department looked into enhancing those programs,
21 because it appears that you're dire need of trained
22 EMT's?

23 COMMISSIONER NIGRO: We have. We have
24 the Fire Department High School that trains people.
25

2 We're also looking at the possibility of training
3 people ourselves.

4 CHAIRPERSON CROWLEY: And you're just
5 looking at it, there's no real plan?

6 COMMISSIONER NIGRO: We'll we're moving.
7 We--it's not in place yet, and it can't be done
8 unilaterally by the Fire Department, but that is an
9 option we have for the future that we think will be
10 productive.

11 CHAIRPERSON CROWLEY: Now, how are you
12 doing in terms of your fire exam recruitment? Are
13 you meeting the goals that you have? Are you
14 analyzing that month by month?

15 COMMISSIONER NIGRO: I'm going to ask
16 Laura to answer that. We just begun in March.

17 LAURA KAVANAGH: We are. We are
18 analyzing the month by month. Our busiest time is in
19 the summer and forward, but we are already doing
20 about 250 to 300 events a month.

21 CHAIRPERSON CROWLEY: And somebody has to
22 be no older than 29, correct? Unless you take the--

23 LAURA KAVANAGH: [interposing] There are
24 some exceptions for veterans, but generally, yeah.
25

2 CHAIRPERSON CROWLEY: we've heard some
3 complaints and concerns about that because the Police
4 Department you're able to be 35.

5 LAURA KAVANAGH: Correct.

6 CHAIRPERSON CROWLEY: How does the
7 Department feel about the possibility of raising the
8 age to 35?

9 LAURA KAVANAGH: I don't think we have an
10 opinion on it at this time.

11 CHAIRPERSON CROWLEY: Okay. I have no
12 further questions at this time. Thank you.

13 CHAIRPERSON FERRERAS-COPELAND: Thank
14 you, Chair. We will now hear from Minority Leader
15 Matteo followed by Council Member Lancman, followed
16 by Council Member Rosenthal.

17 COUNCIL MEMBER MATTEO: Thank you, Madam
18 Chair. Welcome, Commissioner. I want to just hit on
19 a few issues. First, I just want to talk about
20 Narcan. Is FDNY, do they have Narcan with them? Have
21 they undergone training, and if not, how can we--

22 COMMISSIONER NIGRO: [interposing] We
23 have. All of our EMT's and paramedics of course do,
24 and all of our CFR, over 200 fire companies have it,
25 and we've used it successfully hundreds of times.

2 COUNCIL MEMBER MATTEO: So, is that
3 expanded to everyone, or just from--

4 COMMISSIONER NIGRO: [interposing] It's on
5 every CFR engine and every--which is every engine in
6 the system.

7 COUNCIL MEMBER MATTEO: Every engine?
8 Good, alright. I just wanted to double check. I
9 appreciate that. I also wanted to talk about Squad
10 Company on Staten Island. Elected officials, we've
11 asked for Squad Company. We're the only borough
12 without one. You know, we believe that it's
13 warranted on Staten Island. I wanted to ask for your
14 opinion on a squad company and where we can go to get
15 a Squad Company?

16 COMMISSIONER NIGRO: We certainly see the
17 value of our Squad Companies. They provide a great
18 service to the people. We've done some research into
19 the needs on Staten Island, and we're currently in
20 discussions with the Administration about that.

21 COUNCIL MEMBER MATTEO: That's good to
22 know. I appreciate that, and I'm sure all of our
23 selected officials would love to get together at
24 Borough Hall to discuss your findings and how we can
25 move forward together.

2 COMMISSIONER NIGRO: Absolutely.

3 COUNCIL MEMBER MATTEO: Thank you. I
4 have some capital project requests from the FDNY for
5 my fire houses, 159, 161 and 163, and as we discuss
6 how we can get full funding for them, there's a few
7 questions I want to know about them. Does FDNY have
8 its own funding at all for some of these projects,
9 not only my district but everyone's district, or are
10 these requests for floor replacements, kitchen
11 replacements, you know, and so on? Are they just
12 requests that you need in full funding, something
13 that we can partner with? 1.5 million, obviously,
14 you know, is a big lift for one year from any Council
15 Member. So, I'm just--I want to get these projects
16 done.

17 COMMISSIONER NIGRO: Sure.

18 COUNCIL MEMBER MATTEO: So if you,
19 whatever you could get, we could talk about it now
20 and then I would love to set up a meeting offline so
21 we could discuss the capital projects in my district.

22 COMMISSIONER RUSH: We are--I think we
23 provided a list of all the fire houses in the City
24 that are currently in the renovation plan facilities
25 unit and we also laid out the cost, the prices, and

2 the prices as you noted are quiet expensive, but we
3 have historically worked with the Council. The
4 Council has provided even partial funding that we
5 could use and then we could work with OMB to see what
6 the funding, additional funding need would be.

7 COUNCIL MEMBER MATTEO: So then I would
8 like to follow up offline so we could discuss where
9 we can work together to start funding some of these,
10 and when these start getting funded, what is the plan
11 for, I guess, for the crew might have to move, or if
12 the kitchen's going to be redone, I mean, what is the
13 plan? It's relocation or work within the fire house
14 to--

15 COMMISSIONER NIGRO: [interposing] Some of
16 them, you know, some of the major, major renovations
17 where we redo floors and such, we require moving the
18 company out. Most of the work we do, units can stay
19 in the fire house, which is preferred.

20 COUNCIL MEMBER MATTEO: Okay. Well,
21 again, and I'd like to set up a meeting to discuss
22 especially the three that--

23 COMMISSIONER NIGRO: [interposing] Sure.
24
25

2 COUNCIL MEMBER MATTEO: you sent me so
3 that we can work to start prioritizing and figuring
4 out, you know, which one we need to start with first.

5 COMMISSIONER NIGRO: We'll do that.
6 Thank you.

7 COUNCIL MEMBER MATTEO: Alright, I
8 appreciate it. Thank you, Madam Chair.

9 CHAIRPERSON FERRERAS-COPELAND: Thank
10 you. Council Member Lancman followed by Council
11 Member Rosenthal.

12 COUNCIL MEMBER LANCMAN: Thanks. Good
13 morning, Commissioner. I have three quick questions.
14 One, the additional 50 new ambulance tours, you might
15 have discussed this at the Preliminary Budget, but I
16 just want to know how those are going to be
17 allocated, and you know, obviously I have particular
18 interest in Queens.

19 COMMISSIONER NIGRO: Well, right now we
20 see the majority of them going to Queens and some to
21 the Bronx. They will be similar to the taskforce
22 pilot that's in effect now in the Bronx where they're
23 assigned to the borough and they can be moved around
24 strategically as needs during the tour during the day
25 shift within the borough. But as we're looking at it

2 now, the needs, response time needs in our city,
3 Queens will get a large percentage of that 50
4 initially.

5 COUNCIL MEMBER LANCMAN: Do you know what
6 that percentage is now?

7 COMMISSIONER NIGRO: I think--I believe
8 the last I saw was 34 of those tours would start out
9 in Queens.

10 COUNCIL MEMBER LANCMAN: Got it. Thanks.
11 My second question has to do with the TransCare
12 situation. Going forward, what monitoring if any does
13 the Department plan to do of these private ambulance
14 companies to make sure that they are financially
15 viable and that they don't get too large where a
16 collapse would have such an impact on this system?
17 That was something that was also, I think, talked
18 about during the Preliminary Budget Hearing.

19 COMMISSIONER NIGRO: Sure. Well, they're
20 under contract now. It's a six-month contract. The
21 Department is going to take a very serious look at
22 this at the end of the six months and see how they're
23 doing, see how they're functioning within the system,
24 and we'll evaluate it at that point when we have
25 extra--our extra tours in place, and we have some

2 data go with, but certainly we will not allow any of
3 these companies to in the future take a chunk of the
4 business as TransCare did.

5 COUNCIL MEMBER MATTEO: Well, the
6 contracts that exist now, they're between the FDNY
7 and the hospitals, right? And then the hospitals
8 have contracts with the ambulance companies?
9 Basically--

10 COMMISSIONER NIGRO: [interposing] The
11 hospital has a contract with the provider, and the
12 FDNY agrees to accept that.

13 COUNCIL MEMBER MATTEO: Right. Well, do
14 you plan requiring that the hospitals in their
15 contracts with the providers, that the providers open
16 their books to the FDNY? I mean, what I'm looking
17 for is that the FDNY itself has some level of
18 monitoring of the viability of these companies and
19 not just rely on the hospitals to make sure that the
20 entity they're contracting with is going to be around
21 a month from now or two months from now. We'd like
22 to see that--

23 COMMISSIONER NIGRO: [interposing] Yeah,
24 we are--
25

2 COUNCIL MEMBER MATTEO: kind of active
3 engagement.

4 COMMISSIONER NIGRO: The Fire Department
5 right now is working with the hospitals, with the
6 Greater New York Hospital Association to ensure that
7 all of that is done, that we don't have someone
8 that's so financially tenuous that comes into the
9 system and three months later they can't pay their
10 bills and we're looking at another hole in the
11 system. So we want to be very careful about that,
12 learning from the experience of TransCare.

13 COUNCIL MEMBER MATTEO: Okay. And then my
14 last question has to do with what we traditionally
15 associate the Fire Department with doing, that's
16 fighting fires. Are there any areas in the City
17 where you have identified either because of response
18 times or just an increase in volume of calls that
19 would benefit from or need, you know, another engine
20 company, another ladder company, etcetera?

21 COMMISSIONER NIGRO: We have done a
22 preliminary study which we're digging deeper into
23 now, drilling down into as to the growth of the City.
24 As you know, the City had seven million residents 15,
25 20 years ago. It's now over 8.5 million people. Our

response times have not suffered, but our workload is in some areas extremely high. So we have identified some areas that need further study, but we do believe that going forward our Department will need additional resources.

COUNCIL MEMBER MATTEO: And can you share that preliminary report or preliminary analysis with the Council?

COMMISSIONER NIGRO: Yeah, we'll do a little more work on it and we'll discuss it, certainly.

COUNCIL MEMBER MATTEO: Okay. Well, Madam Chairwoman, you know, I'd love to follow up on that and see what those numbers and that analysis looks like. Thank you very much.

COMMISSIONER NIGRO: Pleasure.

CHAIRPERSON FERRERAS-COPELAND: Thank you, Council Member. Council Member Rosenthal followed by Council Member Levine, followed by Council Member Cumbo.

COUNCIL MEMBER ROSENTHAL: Thank you so much, Chairs, and thank you, Commissioner. It's always a pleasure to see you and your team. I wanted to ask you about two things. One this is overtime

2 and the second has to do with revenue, the
3 efficiencies that OMB has asked each agency to do.
4 I'm seeing that one of the efficiencies that FDNY has
5 come up with revenue maximization one, which is an
6 increase of 1.9 million to negotiate with the State
7 for increased Medicaid payments. Is that accurate?

8 COMMISSIONER NIGRO: That is. That is
9 accurate.

10 COUNCIL MEMBER ROSENTHAL: Okay, and yet,
11 I'm also seeing that the Fiscal Year 17 Executive
12 Plan adds 28.7 million in city funding to cover EMS
13 Medicaid revenue loss in FY 16 and 17, and I'm just
14 wondering how one is connected to the other?

15 COMMISSIONER NIGRO: And Steve will
16 explain that.

17 COMMISSIONER RUSH: It's a good question.
18 The source of money that comes for the direct
19 Medicaid, what we call Medicaid fee for service is
20 via Health & Hospitals. We always--when EMS was part
21 of HHC, H&H as it's now called, they received a
22 portion of the Medicaid direct patient, in-patient
23 discharges that were Medicaid covered. EMS received
24 a portion of that. Traditionally, that number was 60
25 million dollars at the time of the merger and stayed

that way until about 2012. The State has been moving
people out of traditionally Medicaid managed--

COUNCIL MEMBER ROSENTHAL: [interposing]
Sure.

COMMISSIONER RUSH: into Medicaid managed
care.

COUNCIL MEMBER ROSENTHAL: Of course.

COMMISSIONER RUSH: And as they've done
that, the flow of cash from Medicaid fees of service
to both H&H and EMS Fire Department--

COUNCIL MEMBER ROSENTHAL: [interposing]
Right.

COMMISSIONER RUSH: has decreased
greatly, and our numbers--

COUNCIL MEMBER ROSENTHAL: [interposing]
No surprise there. I'm just wondering about why you
think you're now going to be able to--at the same
time you're losing a very specific number, 28.7 or
whatever, and then you're picking up in an efficiency
1.9. It just--it just smells.

COMMISSIONER RUSH: Well, it's--

COUNCIL MEMBER ROSENTHAL: [interposing]
But look, I have a minute. I have two minutes left
and I just want to ask about overtime. If we could

2 separate out EMS overtime with FDNY or firefighter
3 overtime and let's only talk about firefighter
4 overtime. What's the firefighter overtime number in
5 fiscal year 15, 16 and 17?

6 COMMISSIONER RUSH: I have 16 and 17

7 COUNCIL MEMBER ROSENTHAL: Okay.

8 COMMISSIONER RUSH: In 16 we are
9 projecting to spend between 275 and 280 million
10 dollars.

11 COUNCIL MEMBER ROSENTHAL: Two hundred and
12 75, 280 million in overtime, uh-huh, and for 17?

13 COMMISSIONER RUSH: In 17 the budget calls
14 for 209 million.

15 COUNCIL MEMBER ROSENTHAL: Two hundred
16 and nine million. Sounds to me like if you could
17 bring that overtime number down by--you'd get to your
18 efficiency savings. Let me ask you--what is--when we
19 think--I've always had trouble with the word
20 overtime. Overtime, by definition in my mind, means
21 unexpected. Is it unexpected overtime, or what does
22 overtime mean? Or let me ask it in a different way.
23 How many firefighters, how many additional
24 firefighter do you need in order to get to stasis
25

2 where overtime would mean unexpectable [sic] runs?

3 So how many more firefighters would you need?

4 COMMISSIONER NIGRO: Well, certainly a--I
5 don't know if Steve has an exact number, but there is
6 a figure where it becomes say fiscally irresponsible
7 to have so many people and pay the benefits rather
8 than pay some number of overtime. Now, where that
9 line is between a number of firefighters on hand to
10 eliminate all but the most unusual, unexpected
11 overtime tours and pay all of those firefighters the
12 full salary and benefits becomes less cost-effective,
13 and OMB has always, I think--

14 COUNCIL MEMBER ROSENTHAL: [interposing]
15 Or OLR, too.

16 COMMISSIONER NIGRO: OLR.

17 COUNCIL MEMBER ROSENTHAL: Right.

18 COMMISSIONER NIGRO: Or some figure. You
19 know, most of our overtime if not all of it is
20 contractual with minimum staffing and officer
21 assignment overtime that we are required to do.

22 COUNCIL MEMBER ROSENTHAL: When you say
23 most of our overtime is that, what's that number?

24 COMMISSIONER RUSH: It's probably about,
25 if we looked at the overtime outside of what we call

2 support and administrative overtime, it's probably
3 about 75 percent to 80 percent of it.

4 COUNCIL MEMBER ROSENTHAL: Of the number.
5 So, 75 percent--I'm going to make this up--is 150
6 million is your--

7 COMMISSIONER RUSH: [interposing] It's
8 higher than that.

9 COUNCIL MEMBER ROSENTHAL: Okay, so say
10 it's 180 million, that's contractual?

11 COMMISSIONER RUSH: That's right. It's
12 mandated, a fixed staffing coverage that we're
13 required to fill and change of tour overtime. If
14 they work past the end of the tour they get overtime,
15 and there are associated contractual benefits with
16 that.

17 COUNCIL MEMBER ROSENTHAL: Okay. So,
18 hypothetically with more staff you could get rid of
19 the I'm going to say 20 plus nine, 20, 30 million
20 dollars of unplanned overtime, uncontractual [sic]
21 overtime, non-contractual overtime.

22 COMMISSIONER RUSH: We're seeing a
23 significant reduction as we move forward, what we
24 call the fixed staffing overtime, and that's to
25 continue over the next several years.

2 COUNCIL MEMBER ROSENTHAL: So,
3 hypothetically--this is the last question, Chair,
4 sorry. Hypothetically, is your FY 18 and 19 number
5 then the 180 million?

6 COMMISSIONER RUSH: The number will sig--
7 as you know, the number goes to 209 million FY 17.
8 We expect it will be lower in FY 18. That does not
9 include homeland--

10 COUNCIL MEMBER ROSENTHAL: [interposing]
11 No, no, no, but just given that you have to put the
12 budget, it's a four year plan, what number did you
13 stick in there for 18?

14 COMMISSIONER RUSH: I believe right now
15 the baseline would carry the same number.

16 COUNCIL MEMBER ROSENTHAL: Two hundred
17 and nine?

18 COMMISSIONER RUSH: But I'm not really--
19 have to--I would have to check and get back to you on
20 that.

21 COUNCIL MEMBER ROSENTHAL: Thank you very
22 much, Chairs.

23 CHAIRPERSON FERRERAS-COPELAND: Thank
24 you. We will hear from Council Member Levine
25 followed by Council Member Cumbo followed by Council

Member Vallone. We've been joined by Council Member
Cabrera and Eugene.

COUNCIL MEMBER LEVINE: Thank you, Madam
Chair. Good morning. Wonderful to see you all.
Great to see you, Commissioner. I want to commend you
on your outstanding judgement in elevating my good
friend Laura Kavanagh to be Deputy Commissioner.
Wonderful choice.

COMMISSIONER NIGRO: Absolutely.

COUNCIL MEMBER LEVINE: I want to talk
about the way the city's growing and the impact it
could have on the long term capital plan for the
FDNY. We've added 500,000 residents since about 2000
in New York City, and in some neighborhoods the pace
of growth has been remarkable. That's only going to
continue as we're upzoning neighborhoods.
Potentially 15 different neighborhoods will be
upzoned, many tens of thousands of additional
residents in some of those areas. East New York,
that zoning has already passed. Can you talk about
how that impacts your planning for new FDNY and EMS
facilities?

COMMISSIONER NIGRO: Well, you know,
that's--if you need a facility five years from now,

you should have started five years ago the way things operate here in the City. So what we are trying to do, borrowing from a plan that we learned from the US Army last year, they said they had a plan called US Army 2040; they're looking 25 years in the future. We're trying to do the same thing for the Fire Department in order to ensure that we are--provide the same level of service 25 years from now that we do today, and I think part of that is to have the Administration take a hard look as to where we are going to need facilities and how are we going to secure land, and as difficult as that is, no one likes our noisy stations in their backyard. It's not always that easy. There's not great tracks of unused land in our city. So, we are looking very hard, as I spoke before, to that and to see where in our city our Department will need to grow.

COUNCIL MEMBER LEVINE: Given that we just passed these New York rezoning, presumably building will start relatively soon, takes a couple years to build residential buildings as well, have you started to look for parcels that could work in East New York.

2 COMMISSIONER NIGRO: We should be looking
3 for that property now, you're correct.

4 COUNCIL MEMBER LEVINE: Do you have a
5 rubric or some standard by which you decide whether
6 you need an additional station? Is it number of
7 residents, for example, every x 10 thousands of
8 residents?

9 COMMISSIONER NIGRO: It turns out the
10 calculations that we're doing have all of those
11 factors and more involved in them as to fire deaths
12 as to the number of responses, as to the age and the
13 diversity of the populations and all sorts of factors
14 like that in the programs our people have now
15 developed, and looking at that, we have a preliminary
16 shot as to the areas of the City that are most at
17 need today, and we need to look at the trend then
18 going forward. Is that trend going to continue in
19 that area or does it move to another area like East
20 New York and that becomes even more of need for us.
21 So it is all part of the equations that are being
22 done.

23 COUNCIL MEMBER LEVINE: You identified in
24 your statement 1.3 million dollars for EMS trailers
25

to supplement current facilities. Is that for growing neighborhoods?

COMMISSIONER NIGRO: That's pretty much a stop-gap for these extra tours that we're adding. You know, we don't have the additional stations right now, and we won't be able to get them too quickly. So, in those areas that we have space we can provide these trailers in order to increase our staffing.

COUNCIL MEMBER LEVINE: Does the 10-year capital budget have money in it for construction of new fire houses and EMS stations?

COMMISSIONER NIGRO: I believe the only one is Rescue Two in Brooklyn right now that's funded.

COUNCIL MEMBER LEVINE: The only two are in Brooklyn, is that what you said?

COMMISSIONER NIGRO: Rescue Company Two in Brooklyn is the only one that's currently funded. Rockaway, okay, I'm hearing new--it's a new fire house for existing companies in Rockaway.

COUNCIL MEMBER LEVINE: Got it. So--

COMMISSIONER NIGRO: C [sic] Street.

COUNCIL MEMBER LEVINE: So it's a replacement--

2 COMMISSIONER NIGRO: [interposing] It's a
3 replacement, yes.

4 COUNCIL MEMBER LEVINE: for destroyed--

5 COMMISSIONER NIGRO: [interposing] As is
6 Rescue Two's fire house, a replacement--

7 COUNCIL MEMBER LEVINE: [interposing]
8 Right.

9 COMMISSIONER NIGRO: station for an
10 existing unit.

11 COUNCIL MEMBER LEVINE: So there's no
12 money in the capital plan currently for creation of
13 new facilities in growing neighborhoods.

14 COMMISSIONER NIGRO: There is not.
15 Correct.

16 COUNCIL MEMBER LEVINE: Okay, well
17 considering your admonition that it takes 10 years,
18 it seems like the time is now to start funding those
19 projects, correct?

20 COMMISSIONER NIGRO: I think the time is
21 now to start getting agreement that we need to fund
22 them and then we can move forward that way, yes.

23 COUNCIL MEMBER LEVINE: Okay. Well, it
24 looks like my time is up, but add my voice to those
25

2 saying that the time is now to put money in the long-
3 term capital plan to solve this problem--

4 COMMISSIONER NIGRO: [interposing] Sounds
5 correct.

6 COUNCIL MEMBER LEVINE: before it's too
7 late. Thank you.

8 CHAIRPERSON FERRERAS-COPELAND: Thank you,
9 Council Member. We will now hear from Council Member
10 Cumbo followed by Council Member Vallone followed by
11 Council Member Cabrera.

12 COUNCIL MEMBER CUMBO: Thank you, Chair
13 Ferreras-Copeland. Thank you, Commissioner Nigro and
14 all of you for being here today. Also, I wanted to
15 thank you very much for your participation in our
16 Women's Her-story [sic] Month event and highlighting
17 the many great women of the FDNY. Wanted to ask you
18 a question in terms of the retrofitting of the
19 firehouses as it pertains to women. In past
20 testimonies we had heard a great deal about there not
21 being bathrooms for women or locker rooms or
22 appropriate changing centers, and wanted to see where
23 we were in that timeline of completion.

24 COMMISSIONER NIGRO: Yeah, this is a--it
25 was a never-ending saga, now the end is in sight. We

2 have 29 stations yet to be completed. Ten are in the
3 process. The remaining 19, the completion date is
4 the end of this calendar year. So, there is light at
5 the end of this very long tunnel that we've been
6 looking at. We hope to have all of these facilities
7 online at the end of the year.

8 COUNCIL MEMBER CUMBO: Fantastic. That's
9 definitely great news.

10 COMMISSIONER NIGRO: Absolutely.

11 COUNCIL MEMBER CUMBO: And it's leading
12 us into my next question, but I want to take a step
13 into learning more about minority and women-owned
14 business enterprises. Can you talk to the Committee
15 about the number of MWBE's the Department currently
16 contracts with?

17 COMMISSIONER NIGRO: Sure. We do take
18 this very seriously, and I know Steve's been working
19 very hard on our people to ensure that we're making
20 improvements, and we have. So, he can tell you a
21 little bit more.

22 COMMISSIONER RUSH: The City sets goals
23 across a variety of services, professional services,
24 standard services, goods and equipment, and below
25 20,000 dollars there's no bidding required. So,

we're doing a much better job. In goods and services in general, we're in the range of about 30 percent in goods, I should say. In services we need to do a better job, but we will be awarding hopefully a contract of approximately 18 million dollars to a vendor soon that is a minority vendor, and that should be starting in the next fiscal year. We also do subcontracting where we use a prime contractor and the subcontracting is very--is minority firms and we're doing very well there. I think the number is approximately 66 percent of our subcontracting goals. So we're doing quite well on a couple of areas. We need improvements in others.

COUNCIL MEMBER CUMBO: What do you think are some of the strategies that you're utilizing to do better, and then the second question with that, do you find that in your MWBE participation that it's more women-led, or do you find that it's more minority, black and Latino, Asian-led?

COMMISSIONER RUSH: Yeah, I think it's more the latter, but in terms of what we're doing, we work with the Small Business Services and we participate in ongoing fairs. We also have our own fair where we invite vendors to come in from the MWBE

2 community. We've made suggestions to SBS about
3 putting out different procedures that will also
4 improve our ability to reach out to these
5 communities, and we're working with a recruitment
6 unit that does outreach on those--in that regard to
7 communities and trying to partner with them on
8 getting our message out about opportunities at the
9 Fire Department.

10 COUNCIL MEMBER CUMBO: Okay, thank you,
11 because that's a very important issue that this
12 Council has certainly addressed and the entire
13 Administration. So I want to make sure that our
14 MWBE's are as well-represented in all city agencies
15 to advance all New Yorkers. Wanted to focus on your
16 testimony in terms of the diversity of the
17 development and the recruitment campaign for the 2017
18 open competitive firefighter exam, and I understand
19 here that the budget for those efforts will total
20 approximately 13 million dollars. Can you tell us
21 how that money is being spent? What are the ultimate
22 goals in terms of diversity and recruitment? What do
23 you want to see as a result of this 13 million dollar
24 investment?

2 COMMISSIONER NIGRO: Sure. Some of it of
3 course is for advertising, especially this day and
4 age in social media, which we need to expand greatly
5 because that's our young people that take our exam,
6 that's their focus. Some of it is for these many,
7 many recruitment activities that we have, a few
8 hundred a month where we go out to recruit folks, and
9 we have set a goal. We'd like to reach--of the
10 people that will take the next test, I believe our
11 goal is 10 percent of them should be women, 28
12 percent African-American, 26 percent Hispanic, and
13 five percent Asian of the community that will
14 actually sit for the exam in 2017. So that is our
15 pre-set goal, and--

16 COUNCIL MEMBER CUMBO: [interposing] I'm
17 sorry, that goal is to ensure that that percentage
18 are applying or that that percentage is what's
19 accepted into the FDNY?

20 COMMISSIONER NIGRO: That's the percentage
21 that we want to sit for the exam, to take the exam,
22 and with those numbers taking the exam, then we're
23 moving forward the diversity of the people being
24 hired we're sure will be what we'd like to see.

2 COUNCIL MEMBER CUMBO: And just in
3 closing, Chair Ferreras-Copeland, in addition to
4 that, so those are the numbers, but is there some
5 other particular level of support that you're
6 utilizing to give those communities an opportunity to
7 apply with additional support in those areas to make
8 sure that they're prepared for the test and that
9 they're ready other than the recruitment? And I hope
10 that a lot of the advertisement does happen at local
11 ethnic-specific papers as well.

12 COMMISSIONER NIGRO: Laura, you want to--

13 LARUA KAVANAGH: Yeah, we have a fairly
14 significant attrition mitigation unit that does
15 exactly that, but with, you know, training for the
16 fitness portion of the test as well as the academic
17 portion of the test.

18 COUNCIL MEMBER CUMBO: Okay, alright.

19 Thank you.

20 CHAIRPERSON FERRERAS-COPELAND: Thank
21 you, Council Member. Council Member Vallone followed
22 by Council Member Cabrera.

23 COUNCIL MEMBER VALLONE: Thank you, Madam
24 Chairs. Good morning, Commissioner. First off, I'm
25 looking forward to the open houses this Saturday.

Unfortunately I can't get to every one of the houses this Saturday. Always becomes an issue because someone's always mad, made the College Point [sic] a little mad [sic], but I think that's 151st Anniversary. That's always a good thing. Could you give--I saw a couple of questions and you had a couple of responses on Fort Totten which we're always excited about, but there's always issues at Fort Totten because we have landmarked areas, we have parkland, we have leases, and now we have the expected expansion for the EMS services there. So, you said the first step was, I believe Steve was saying, about the agreement with the Army base, and then the second step was with OMB to get some funding.

COMMISSIONER NIGRO: Right. We have--right now have the memorandum of understanding with the Army for an additional building that they had control of that they no longer are using that we will be able to use. A longer range issue in our expansion is being looked at now by these outside architects and engineers. As you stated, Fort Totten's rather complicated, so we can't just start shoveling the dirt and say we're going to build on this spot or

2 improve this building without some series of
3 processes to begin with. So the initial stage is
4 taking place now to see where it is we can expand and
5 what we should do, because it is such a difficult
6 area to work in.

7 COUNCIL MEMBER VALLONE: So that's good
8 news with the memorandum of understanding. Do you
9 have a foreshadow of when that building may be able
10 to be used or occupied?

11 COMMISSIONER NIGRO: Bob, do you--

12 ROBERT SWEENEY: The discussion in the
13 paperwork has been going back and forth between the
14 US Army and the Fire Department and the Fire
15 Department Legal Bureau, and we're pretty much down
16 stage. We have just a few minor issues to resolve.
17 We expect it to resolve probably in the next month or
18 so.

19 COUNCIL MEMBER VALLONE: If you could
20 please, if there's any issues, let any of our
21 offices--we'd love to help in negotiating that since
22 it's critical that we get this done. It's nice to see
23 the Army step up and finally get access to some of
24 those buildings in the parking lot. Is there any
25 options for expansion of the existing buildings, or

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES,
AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS 61

2 is it just retrofitting them with technology at this
3 point?

4 COMMISSIONER NIGRO: Well, some of it, I
5 think has a considerable amount of construction would
6 have to take place in some of those buildings in
7 order for them to be workable for us. So--

8 COUNCIL MEMBER VALLONE: Yeah, that
9 island's got some--between the existing constraints
10 of the landmarks and where you're at, plus the
11 community wanted to keep it as pristine as possible.
12 It's always tricky. So what we could try to do to
13 help facilitate that is make sure there's any
14 meetings there between the Parks Department and our
15 office and you even the Police Department and the
16 Army bases to make sure that the best plan is put
17 forward. Thank you, Commissioner.

18 COMMISSIONER NIGRO: Thank you.

19 COUNCIL MEMBER VALLONE: Thank you, Madam
20 Chair.

21 CHAIRPERSON FERRERAS-COPELAND: Thank
22 you, Council Member. Council Member Cabrera?

23 COUNCIL MEMBER CABRERA: Thank you to
24 both of the Chairs, and Commissioner, welcome. I have
25 just a couple of questions. The first one is

2 regarding the possible new technology. It's my
3 understanding that whenever there's a fire--you know,
4 most people think when there is a fire they thing of
5 Backdraft [sic] the movie. They just walk in. They
6 can see things. My understanding that many of the
7 fire [sic] and talking to the fireman, you can't see
8 anything. There has to be somebody in the top of the
9 building who's looking down and basically telling you
10 turn to the left, turn to the right. Many times
11 they're crawling because of the temperature rises as
12 you're standing up. I understand it. Is there--is
13 there new technology to--I know this is kind of a
14 strange question, but new technology in the works
15 that fireman are able to see or detect what's in
16 front of them rather than just relying on the guy on
17 the top because, you know, they make the wrong turn,
18 you know, possibly injuries and fatalities have
19 occurred in the past.

20 COMMISSIONER NIGRO: Well, certainly all
21 of our ladder companies use and our special
22 operations units have thermal imaging cameras which
23 are devices that see through the smoke. All of our
24 engine companies going forward will have them also.
25 So that way every engine, every truck, every rescue,

2 every squad will have access to that technology.

3 Another technology that you've heard about is drones.

4 So tethered drones is an option of devices with
5 cameras that could be used above to see things that
6 people couldn't see.

7 COUNCIL MEMBER CABRERA: So, when--

8 COMMISSIONER NIGRO: [interposing] These
9 are things we are expanding into.

10 COUNCIL MEMBER CABRERA: That's very good.
11 I'm glad to hear of it. When do you expect for all
12 the fire engines to have the thermal technology?

13 COMMISSIONER NIGRO: Right now we have
14 begun the process of selecting a vendor for the
15 thermal imaging cameras for all the engines, and as
16 soon as that is decided upon as to which company
17 should provide them, they'll be in the pipeline. So
18 we think by the end of the year.

19 COUNCIL MEMBER CABRERA: Fantastic. I
20 mean, I just--it's a better response than I expected.

21 COMMISSIONER NIGRO: Well, good.

22 COUNCIL MEMBER CABRERA: So it's very,
23 very good. My other concern is, you know, we have in
24 New York City still we have sweatshops. Some of
25 these sweatshops you have people still living in

2 there. You have 20, 30 people living sometimes in the
3 attics. The fireman have found beds, and I know that
4 there's a difficulty when the inspectors, the FDNY
5 inspectors come in, they knock on the door, and
6 unless they have--you know, the person says no, you
7 can't come in for whatever reason they're giving.
8 Then you have to go to court. Is that usually the
9 procedure?

10 COMMISSIONER NIGRO: Well, I think we--we
11 don't have too much trouble getting access to
12 commercial inspections, and we have a very vigorous
13 and aggressive inspection program. Where we do have
14 difficulty, where you may have described is in
15 dwellings, because we can inspect the public areas,
16 the halls the roof, the cellar, but we can't enter
17 the living spaces understandably. So, if someone is
18 illegally using their apartment as an SRO or a
19 private home as a multiple dwelling, it would be
20 difficult for our Department. We get complaints
21 about it. We give those complaints to other
22 agencies. There are housing taskforces that can go
23 out and look for such problems, but that's the more
24 difficult aspect because of privacy laws actually.

2 COUNCIL MEMBER CABRERA: My last
3 question, because we're running out of time here, is
4 in regards to minority hiring. In terms of--I know
5 as the Latino population you're looking for 26
6 percent. Are we having a difficulty recruiting from
7 the Latino community? What's the pattern?

8 COMMISSIONER NIGRO: I think certainly
9 with our EMT's, paramedics and firefighters, the
10 percentage of Latinos is ever-growing. Every class
11 we have, it seems to be more and more Latinos in the
12 class. So I don't think we're having too much
13 difficulty, but we're going to continue recruiting in
14 all of the communities in the City.

15 COUNCIL MEMBER CABRERA: And I know that
16 you're aggressively going to our communities. I know
17 in my community I see them at--I know some of the
18 fireman themselves who are going out there. But you
19 gave the number of 26 percent as I recall, I think
20 African-American 20 percent. Why the Latino number a
21 little higher? Is it because you're trying to have
22 some kind of an equity, and if so that means that
23 their numbers might be lower in the Latino community?

24

25

2 COMMISSIONER NIGRO: I think the goal was
3 for the people sitting for the exam was 28 percent
4 African-American and 26 percent Latino.

5 COUNCIL MEMBER CABRERA: Okay. I must
6 have misheard the numbers for the sitting. Thank you
7 so much. Appreciate it. Keep up the fantastic work
8 that you guys are doing.

9 CHAIRPERSON FERRERAS-COPELAND: Thank
10 you, Council Member. We will now start the second
11 round. I wanted to talk about specifically an
12 initiative that the Chair and this committee worked
13 on which was the smoke-detector initiative that we've
14 been working collaboratively with the Fire
15 Department. Is there an update, you know, how many
16 have we rolled out?

17 COMMISSIONER NIGRO: Sure.

18 CHAIRPERSON FERRERAS-COPELAND: Is it
19 successful? Is it something we should do for next
20 year?

21 COMMISSIONER NIGRO: It's extremely
22 successful, and we thank you for your support in
23 that. We have set a goal of 100,000 smoke alarms in
24 two years, and to date, we have already distributed
25 and installed 33,000 within the City. So, moving

2 forward, we see it as such an extremely valuable
3 program. We probably will ask to.

4 CHAIRPERSON FERRERAS-COPELAND: Okay,
5 great. And kind of piggy-backing on some of the
6 concerns as is mentioned I think a little bit
7 differently, though. In particular in my district
8 and in many areas of Queens where we have
9 overcrowding, we have illegal conversions, and that
10 often times could be the worst situation for a
11 firefighter to walk into. So, while I know that you
12 have challenges in getting access, what do you have
13 or what are you able to do if community residents are
14 identifying or know, look, there's 10 mailboxes on
15 this one family house or there's three buzzers?
16 Usually the community knows. It just seems that we
17 can't get the agencies to respond in the same way.
18 So what tools do you have in the event a resident
19 knows if there's overcrowding or illegal conversion.

20 COMMISSIONER NIGRO: I believe the best
21 tool in that is this Housing Taskforce right now in
22 which the different agencies of the city combine to
23 go out and investigate these complaints, and there
24 are frequent complaints in our city. Like you say,

many areas are very overcrowded. Your area is in particular is one of frequent complaints.

CHAIRPERSON FERRERAS-COPELAND: Right. So just because we have people viewing these hearings, what are the kind of--the problems? So, I know sometimes it's if you're plugging five different things into one outlet or, you know, the hot plates. What are the issues if you're living in a condition like this, what are things you shouldn't be doing?

COMMISSIONER NIGRO: Well, one of the things is, you know, houses are built for certain number of occupants on average. There's a certain number of exits. People seal off exits. If you turn a home into a hotel-like facility and it doesn't have the proper exits, it's just not built for that. It doesn't have all of the required whether it's sprinkler systems, whether it is the electrical services built for a family, not for an army of people. So all of the things you say create problems for us. We call things Collier's [sic] Mansions. What they are is just examples of what you might see on TV of hoarding. That many people living in tight spaces create fire problems for us, create exit problems for the occupants.

2 CHAIRPERSON FERRERAS-COPELAND: Great.

3 And I wanted to talk about the Fire Cadet program,
4 since this has been a priority for the Council, and I
5 think it's one of the best tools to help diversify.
6 In the Executive Department, the Department received
7 funding to launch a Fire Cadet program. When do you
8 anticipate the program to be fully implemented, and
9 can you walk us through what the program will look
10 like once it's up and running, and how can the
11 Council be involved in promoting or supporting the
12 program?

13 COMMISSIONER NIGRO: Laura?

14 LAURA KAVANAGH: So we're still waiting
15 on approval from the State Civil Service Commission
16 for the cadet titles. We are hoping to have it up
17 and running as early as September, but we will have
18 it up and running whenever we get that approval if
19 that approval does come. Once we have cadets on
20 board, they will be doing a number of things to sort
21 of get acquainted with the Department, both the
22 actual job and the culture including physical
23 fitness, academic training, etcetera. It'll be a two-
24 year program.

2 CHAIRPERSON FERRERAS-COPELAND: And if
3 you don't get the approval, what's the plan?

4 LAURA KAVANAGH: We are going to look at
5 expanding a number of our other youth programs,
6 including the high school and the Explorer Program,
7 and we're actually looking at that now.

8 CHAIRPERSON FERRERAS-COPELAND: So, the
9 high school program, and it might not be--might not
10 have anything to do in particularly with the FDNY,
11 but we know it's a failing high school.

12 LAURA KAVANAGH: Yep.

13 CHAIRPERSON FERRERAS-COPELAND: So, at
14 what point do you just take the program and expand
15 the program not necessarily have it based in a school
16 rather kind of, you know, like ROTC maybe or have
17 some type of program similar where everywhere not
18 necessarily in one school that may be struggling, and
19 if the school is struggling, then maybe what we're
20 producing out the school is a problem.

21 LAURA KAVANAGH: Yeah, that's exactly what
22 we're looking at now. It is, or it was a failing
23 high school actually. I believe it was upgraded, but
24 that's based on their state score, so it has nothing
25 to do with our program, but it does make it hard for

us to run the program there. So, we're looking and working with the DOE on both where we could move the program if that was an option or we wanted to do that, but particularly on expanding the Explorers Program, that program can be run out of a high school as a post. So it's a similar type program if we expand it to certain schools where there's interest in the students.

CHAIRPERSON FERRERAS-COPELAND: And what would be the cost to expand this program?

LAURA KAVANAGH: I don't know at that point, but we're actually working up those numbers now. So we'd be happy to share them next time we come back.

CHAIRPERSON FERRERAS-COPELAND: If you can, especially since we're negotiating on this budget, and we'd like to perhaps see it reflected in the DOE's budget so that we're able to advocate. And we know that being an EMT is a steady well-paying job that is available to someone without a college degree when they turn 18 years old, and we should be encouraging the City's youth to move into that position. Will you commit to the council today to have the appropriate person at EMS sit down with the

2 appropriate person of the Department of Education to
3 discuss expanding the career technical education
4 programs that we can prepare our high school students
5 for?

6 LAURA KAVANAGH: Yes, we're already doing
7 that, but we'd be happy to do it further.

8 CHAIRPERSON FERRERAS-COPELAND:
9 Excellent. We just want it on the record.

10 LAURA KAVANAGH: Absolutely.

11 CHAIRPERSON FERRERAS-COPELAND: Great.
12 Thank you very much, and now we will hear from Chair
13 Crowley followed by Council Member Eugene.

14 CHAIRPERSON CROWLEY: Thank you very much,
15 Madam Chair. Commissioner, just to piggy-back on the
16 question raised by the Chair, regarding to the
17 illegal conversion which is a very big problem in New
18 York City, and we know that so many people lost their
19 life due to this critical situation, and that could
20 be the result of economical pressure by certain
21 landlord or certain people who own one or two family
22 house. They're trying to create an income. I'm not
23 trying to support them, but I think we do also
24 because of the people, certain people they don't
25 know, they're not aware of the seriousness of this

situation. Is there any type of program or outreach education, you know, affordable to the owners just to prevent catastrophes who happen, because this is a very, very serious issue; is there any type of prevention, outreach or education affordable to those people who are making illegal conversion, just to prevent, you know, the worst to happen?

COMMISSIONER NIGRO: It is part of what we teach in our Fire Safety Education Programs as to what, you know, whether it's smoke alarms, whether it's electrical or cooking safety, what you can and can't do as far as illegal conversions, but I don't think there's a specific educational program that we have right now that addresses illegal conversions.

COUNCIL MEMBER EUGENE: I want to commend you and also all your staff for the fact that they're distributing fire alarm, detectors, because I've been part of a very aggressive program in my district where fire alarm detectors have been distributed, but I believe that also we should have some type of education, you know, workshop with the homeowners to let them know. You know, I see this situation to make sure that they're aware of what can happen because of the illegal conversion, and what, you

2 know, step they should take to make sure they can--
3 they're not in the situation. You know, very
4 difficult for them and also a situation where people
5 can lose their life.

6 COMMISSIONER NIGRO: Well, maybe we'll--
7 you know, we have an upcoming open house on the 14th,
8 and we intend to continue that kind of program in the
9 future. We can include this type of notification and
10 what we do in all of our communities, because it is
11 such a serious problem for folks and for us. Thank
12 you.

13 COUNCIL MEMBER EUGENE: Thank you very
14 much, and I want to take the opportunity to commend
15 you and to thank you for the wonderful job that you
16 are doing on behalf of people of New York, because
17 you are saving lives every single day. Thank you
18 very much.

19 COMMISSIONER NIGRO: Thank you. Thank
20 you, Madam Chair.

21 CHAIRPERSON CROWLEY: Thank you. So,
22 we're just going to wrap up because we're half an
23 hour behind. I do want to of course thank your
24 agency, the firefighters and our emergency medical
25 workers for doing an exceptional job, because they're

working harder than ever before. And Commissioner, you talked about the accomplishments, this being one of the lowest years for fire fatalities in 2015. I just want to make sure that you express my concerns to Deputy Mayor Shorris, because I've had two conversations about response times with him, and based on the numbers in terms of the medical services, our response times are going up. He doesn't seem to think that, and this is just based on the Mayor's Management Report. Every single area response times are too high and they've been going up. And while I appreciate that this budget has 50 additional tours, it's planned for January and it's too late. That is not bringing any answer to the response time needs that we have today. And in addition to that, I do want to point to the Mayor's Management Report when it looks at the number of people who are resuscitated when they go into cardiac arrest, and if you look at the first four months of this fiscal year compared to the first four months of last year, you had--the first four months of fiscal year 2015 you 8,800 people go into cardiac arrest. In this year, you had 30 percent increase to 11,379, and when you look at last year, you were able to bring

back 28 percent of those, and those are lives saved. That's nearly 2,500 lives saved, but this year it's gone down to 23 percent, and had we had the same response in bring that percentage of people back to life, we would have had a difference of nearly 600 people, and that's why it is so important that we look at increasing ambulance services as quickly as possible, because we need to save more lives, and every single second counts, and I am concern about the number of EMT's getting promoted to become firefighters, and while it's very important to diversify, I just don't know that we have enough EMT's, and we have to do more, and we have to expedite our programs with our schools, because I'm worried. I'm worried about us being able to staff those 50 tours, and I'm worried about the voluntary hospital tours as well. And so I have no questions other than if you want to address just those statistics, and if you could continue to bring this message that I've been bringing into the Mayor's Office, you know, to alert them that there's no improvement I'm seeing, and I'm concerned about these numbers.

COMMISSIONER NIGRO: Well, I--

2 CHAIRPERSON CROWLEY: [interposing] We
3 need to do more and we must do more.

4 COMMISSIONER NIGRO: I think you will
5 start seeing an increase, a decrease in the times.
6 The numbers are improving. Some of the cardiac
7 arrest numbers you'll have to note that those are
8 reports of cardiac arrest. When we get in, it's kind
9 of a tough area to measure. They're not--these are
10 the 11,000 versus 8,000. It's not exactly accurate
11 that all of those people were in cardiac arrest.
12 Those are people reported to have been. So, the
13 numbers might not be as accurate a test as possible,
14 but we are hurrying as fast as we can and training as
15 fast as we can. Right now, there's a 180 people.
16 It's the largest class we've had ever, and those next
17 three classes of 180 to follow will continue to staff
18 this Department up. We now have over 4,000 EMT's and
19 paramedics in the Department where when we merged
20 this number was under 2,500. So, it continues to
21 grow. We continue to work very hard with that, but
22 we will certainly express your concern to the Deputy
23 Mayor. Thank you.

24 CHAIRPERSON FERRERAS-COPELAND: Thank
25 you, Commissioner. Thank you for coming to testify

2 today. We may have additional questions, so we'll
3 get them to you. If you can get responses as fast as
4 possible we'd greatly appreciate it.

5 COMMISSIONER NIGRO: We will.

6 CHAIRPERSON FERRERAS-COPELAND: Thank you
7 for coming to testify today. We will take a five
8 minute break before we hear from the next agency.

9 [break]

10 CHAIRPERSON FERRERAS-COPELAND: We will
11 now resume the City Council's hearing on the Mayor's
12 Executive Budget for Fiscal Year 2017. The Finance
13 Committee is joined by the Committee on Fire and
14 Criminal Justice Services, chaired by my colleague
15 Council Member Crowley. We just heard from the Fire
16 Department, and now we will hear from Commissioner of
17 the Department of Corrections, Joseph Ponte. In the
18 interest of time I will forgo making an opening
19 statement, but before we hear testimony, I will open
20 the mic to my Co-Chair Council Member Crowley.

21 CHAIRPERSON CROWLEY: Thank you, Co-
22 Chair, Finance Chair Julissa Ferreras-Copeland. Good
23 morning, Commissioner. I understand that the
24 Department has an aggressive capital plan, and within
25 it I hope to hear today a real plan for new

2 adolescent facility located off of Rikers Island. It
3 has been nearly two years since the Department of
4 Justice's scathing report on their treatment of 16
5 and 17-year-olds on Rikers Island, and then and many
6 of my colleagues back then too called on the
7 Administration to remove the 16 and 17-year-olds to a
8 place off the island. So, I'm pleased to see that
9 the Administration put aside 170 million dollars, and
10 I'm eager to hear more plans about that. I am
11 disappointed that yet again funding for a proper
12 professional training academy was not included in the
13 budget. In January the Mayor said that the lack of
14 an adequate training facility was something the
15 Administration intended to address. It was also a
16 priority for the Council's budget in our budget
17 response, yet it is not in this Executive Budget.
18 For a department that needs to increase its
19 professionalism, I continue to question how we can
20 achieve this in the space that we currently have,
21 which is certainly not adequate. Additionally, the
22 DOC is 1,000 officers below headcount. During this
23 hearing I'm interested in learning of the
24 Department's attrition rate and how we can improve
25 training and encourage more correction officers to

stay on the job. I'm also very much interested in hearing about your Cadet Program, which you're planning with John Jay College. And lastly, I'd like to discuss the possibility of the closing Rikers Island. I saw that there was an alternative to Rikers Island report put out by a number of city agencies. I'm eager to know more about what you think that plan would like and I am concluding my opening, and I think that the team here needs to be sworn in.

COMMITTEE COUNSEL: Do you affirm that your testimony will be truthful to the best of your knowledge, information and belief?

CHAIRPERSON FERRERAS-COPELAND: You may begin your testimony.

COMMISSIONER PONTE: Good morning, Chairman Crowley and Chairman Ferreras-Copeland and member of the Fire and Criminal Justice Services Committee, excuse me, and members of the Finance Committee. For the last two years I've come in front of the Committee and talked about the transformations that we were working on in the New York City Department of Corrections. I spoke to you about the progress that had been made and the fact that much of the cultural changes in our organization would take

time. Today, I wanted to talk to you about how our reforms are working and what we've already done and how that's made a difference, but we are not done yet and continue to work hard on the reform and the culture within the New York City Department of Correction to promote safety and security for all of our staff and inmates. Serious violence is down. I'm here to tell you that serious violence in the New York City Department of Correction from 2014 calendar year to 2015 uses of forces resulting in serious injuries decreased by 24 percent. Assaults on staff with any injury went down four percent, and more importantly, assaults on staff with any serious injury decreased by 11 percent. Comparing the first few months of 2016, January to April, to 2015 reductions continue to show: 50 percent fewer uses of force resulting in serious injury, 17 percent fewer use of force resulting in minor injuries, 41 percent fewer assaults on staff causing serious injury, 25 percent fewer assaults on staff causing any injury, and 17 percent assaults on staff overall reduction. While all of this is going on and reduced violence in our jails, we've also achieved milestones in the use of punitive seg. When I came to New York City two

2 years ago there were approximately 600 inmates in our
3 punitive segregation units. Today, there are around
4 163 in what is currently known as punitive
5 segregation. That is a decrease of over 70 percent.
6 This complements the fact that we've already
7 eliminated punitive segregation for adolescents and
8 will do so for young adults. Using punitive
9 segregation means using it more mindfully, but also
10 using it less. Inmates no longer serve any time that
11 would accrue during their prior incarceration widely
12 [sic] known as historical [sic] time. There is now a
13 tiered system. Only serious violent infractions will
14 go to punitive seg, while those committing less
15 infraction will be restricted to their cells about
16 half a day, seven hours. Most minor infractions no
17 longer go to punitive seg. With few exceptions, we
18 have capped a maximum sentence to segregation to 30
19 days in any one length of stay. The model facility
20 format that we've been working on for the last two
21 years was taking all the strategies that we developed
22 in the 14-point plan and put those into a model
23 facility working on the physical plan, working on the
24 staff training, reclassifying inmates, rehousing them
25 according to a new classification system. GRBC

2 became our first facility in September of 2015 under
3 the leadership of then Warden Augustus who was an
4 Assistant Chief and Warden-in-Command Caputo have put
5 in countless hours to change the culture there at
6 GRVC. Starting in September, GRVC has been a
7 tremendous success. Twelve medium-high
8 classification--medium to high housing units have
9 been restarted. That's emptying them, rehabbing
10 them, putting them back in good working order,
11 reclassifying the inmates, training of the staff,
12 putting the inmates back in and restarting the
13 housing units. In those units since September we've
14 had one A use of force, our most serious use of
15 force, and only 25 incidents overall. In similar
16 housing units there may have been 100 incidents with
17 the same numbers of inmates. As jails become our
18 model facility taking one facility at a time, we'll
19 next move to AMKC, our larger facility. We'll do
20 infrastructure upgrades, and we talk about upgrades,
21 we're talking about getting the systems in the
22 building to work as they were designed, cell doors,
23 cell door closings, ventilation, heating, lighting,
24 all those pieces are part of secure of housing.
25 Reclassifying the inmates, improving the program

2 availability to five hours offered per day, changing
3 the way we respond to incidents in these new
4 commands. Critically, staff are steadied, meaning
5 the same staff are working the same posts every day,
6 and the training is increased to make sure that
7 they're effective in these new assignments. The
8 effect on the reforms in these areas have been
9 notable. The most violence reduction and staff
10 satis--in both violence reduction and staff
11 satisfaction. Staff are the most important part of
12 these reforms. Officers feel empowered to run their
13 housing units using basic correctional practice, and
14 ultimately the combination of policy, resources and
15 support will change the culture of our department.
16 Before I turn the floor over to Deputy Commissioner
17 Doka [sp?] to talk about the budget specifically, I
18 wanted to touch on a few other issues as the Chair
19 has already mentioned, hiring and training. All
20 reforms I have just discussed depend on having the
21 highest caliber of qualified, trained, dedicated
22 staff in place and enough of them. Expanded
23 programming such as five hours of programming for
24 adults requires additional programming staff. Many
25 of our new units including CAPS, BASE [sic],

adolescent's areas and young adults require additional--require higher to--higher inmate--higher staff to inmate ratios. We are happy the news posts have funded for the upcoming years, and these posts are critical. However, there are considerable challenges to bring these officers on. Doctor Johnson and Deputy Commissioner Toulon [sp?] and Warden Jones [sic] from our training academy are moving mountains to get good staff in the door and get them trained. Years of neglect have left large deficits of staff relying on overtime which has never been a substitute for adequate staffing numbers. Higher ratios for specialty population has increased the burden of an already overburdened staff. Recruitment is focused in our applicant investigators unit. We raised our vetting standards to match NYPD's. We're also in the last training classes set new records. Every class we've run since the last two have set new hiring records and new recruits and training and we'll have more than 600 in our next class coming in June. As we train more recruits we are also providing more training to our current staff. Over the next few years we'll improve our use of force training, crisis intervention, defensive

2 tactics, direct supervision, PREA, and direct
3 supervision of safe crisis management for adolescent
4 and young adult staff. As mentioned, the academy
5 space has always been a critical need for our agency.
6 We've added trailers on island to help us to do some
7 of the training, but as you're aware the academy
8 space for our agency has been a constant problem for
9 us to overcome and we're working closely with City
10 Hall, and I believe as the Fire Commissioner just
11 commented, working on a academy on Totten Island.
12 So, at this time we'll turn it over to Frank Doka to
13 talk about the budget specifically.

14 FRANK DOKA: Good morning, Chair Crowley,
15 Chair Copeland, members of the Fire and Criminal
16 Justice Services Committee, and members of the
17 Finance Committee. Thank you for the opportunity to
18 report on Department's fiscal year Executive Budget
19 for both expense and capital. The Department's
20 fiscal year 2017 expense budget is 1.37 billion. The
21 vast majority of this, 88 percent, is allocated for
22 personnel services and 12 percent for other than
23 personnel services. The Fiscal Year 2017 budget is
24 24.7 million, more than this year's budget of 1.34
25 billion. This increase is mainly due to initiatives

that were funded at beginning of fiscal year 17 and incremental increases to collective bargaining funding. Included in the Executive Budget is an additional 28.7 million in fiscal year 2016, 61.1 million in fiscal year 2017, 85.1 million in fiscal year 2018, 108 million in fiscal year 2017, and 109.4 million beginning in fiscal year 20. The following are some highlights of the major programs that were funded. Correctional health initiatives: Funding has been provided to both DOC and Health & Hospitals to roll out two additional programs for accelerated clinical effectiveness, PACE units, per fiscal year for the next five years. This funding also includes the use of telehealth [sic] system which will enable inmates to teleconference directly with healthcare providers and also will fund the creation of additional mini-clinics within our facilities. Staffing and funding was provided as follows: FY 17, 70 positions at 6.6 million. FY 18, 108 positions at nine million dollars. FY 19, 147 additional positions at 12.6 million, and in fiscal year 20, 163 positions at 13.9 million. We also received additional funding for the 14-point plan, anti-violence reform agenda. We received 1.6 million in

fiscal year 16, 6.7 million in 17 and 4.2 million beginning in FY 18 was provided for additional 42 uniformed and 15 civilian positions to further support three of our critical initiatives, keeping weapons and drugs out of Rikers, targeted training and creating a well-defined supply distribution process. Limiting the entrance of contraband into Rikers Island has been paramount to ensure safety for both our staff and inmates in our care. These additional positions will be allocated to DOC central visit facility to allow that the command to establish steady staffing to support greater search capabilities via both line scan and magnetometers. The Learning Management System estimated at 2.5 million will be procured to replace existing Legacy system currently used by the DOC Training Academy. This new system will be able to manage course administration including core scheduling, participant enrollment, monitor attendance, tracking qualifications, and recertifications. Profit supply distribution with the Department's facilities to their respective housing areas has been identified as a key measure towards reducing violence. Each department facility has been establishing and/or

bringing order to their current facility-based store houses to work in conjunction with the Department essential warehouses. The additional staffing resources provider will enable facility-based store houses to electronically documents inventory received from the central warehouses of needed supplies on-hand and fulfil requests to housing areas on a daily basis. Correction Intelligence Bureau: 17 positions, five uniformed and 12 civilians were funded at 200,000 in fiscal year 16, 1.4 million beginning in FY 17. This enhancement of staffing for CIB will support the expansion of both the central RES [sic] and Intelligence Research Units as well as the establishment of the Department's first Evidence Collection Unit. Expansion of CIB will support the Department's commitment to working alongside the new Bronx District Attorney to bring swift justice to cases involving violence conducted within our jail facilities. Inmate--institution inmate uniforms: Additional funding in the amount of 500,000 in 17, 200,000 in 18, 700,000 beginning in 19 was allocated to support the replacement of inmate uniforms. Correction officers, Cadet and Captain training program: 1.3 million in FY 17, 3.9 million FY 18,

5.6 million beginning in FY 19 was provided to establish a cadet program through John Jay College. We also received funding for COBA [sic], Collective Bargaining, 34.6 million in 16, 49.7 million in 17, 71.6 million in 18, and 88.9 million beginning in FY 19. In regards to capital funding, the Fiscal Year 2017 Executive Capital Budget and Commitment Plan totals 2.2 billion which covers fiscal year 2016 to 2020. In this plan, the Department was granted an additional 435 million in city funds for various facility renovation and improvement projects as follows: 170 million to build a new facility for adolescent inmates currently housed at Rikers. This allocation of funding by the Administration demonstrates the commitment to make the best efforts to move the adolescent population as stipulated by the DOJ Nunez [sic] Consent Judgement. Received 168 million dollars was provided to replace deteriorating temporary wood modular structures located at GRVC and RNDC that have long exceeded their life expectancies. These housing units will also provide swing space for various major facility renovation work. Seventy million dollars was provided to build new 400-seat schools at GNBC for young adult inmates and at GRVC

for the male adult inmates. A total of 21 million dollars was allocated to allow for the renovation of classroom and program space for the adult inmate population, AMKC, EMTC and ARM SC [sic]. The following is a summary of the changes of the Department's civilian uniformed authorized staffing levels including the January Plan. The fulltime civilianized authorized headcount increased by 27 positions in FY 16, 28 beginning in FY 17. The number of authorized fulltime civilian positions is 2,172 in fiscal year 16 and fiscal year 17, and decreases to 2,157 beginning in FY 18. The decrease of the 15 positions beginning in FY 18 reflects the reduced level of staffing required to implement the Department's centralized fitness center on Rikers Island which was funded in FY 16 Executive Budget. The uniform authorized healthcare is increased by 47 positions to 10,242 in FY 16, 116 positions to 10,336 for fiscal year 17, 154 positions to 10,374 in fiscal year 18, and 190 positions to 10,413 FY 19, and 209 positions to 10,429 beginning in fiscal year 20. The average uniform headcount is estimated to be 9,228 in fiscal year 16, which represents an increase of 432 compared to the average of 8,796 in fiscal year 2015.

2 The fiscal year 16 third quarter civilianization
3 report provided to the City Council identified 98
4 uniformed staff working with civilian titles. The
5 Department is committed to bring that number down by
6 backing [sic] previously funded vacated civilianized
7 positions. Additionally, the Department will
8 continue working to identify positions that could be
9 civilianized and address funding requirements--and
10 will address funding requirements with OMB at
11 appropriate time. Thank you again for the
12 opportunity to testify today and for the continued
13 support. Commissioner and I are happy to answer any
14 questions that you may have.

15 CHAIRPERSON FERRERAS-COPELAND: Thank you
16 and we appreciate that that was the short version.

17 FRANK DOKA: I didn't get a chance to do
18 it in the preliminary.

19 CHAIRPERSON FERRERAS-COPELAND: Okay.
20 So, I wanted to--I have a couple of questions. We're
21 going to start the first round, then we're going to
22 go to the second. We've been joined by Council
23 Members Crowley, Matteo, Cabrera, Lancman, Cornegy,
24 and Rosenthal. The Speaker initiated [sic], the City
25 called on the Administration to consider closing

2 Rikers Island. Recently, an article was released
3 that indicated that the Administration had been
4 considering the cost associated with closing down the
5 facility. In fact, it was noted that the estimated
6 cost would be between 3.1 billion and 3.5 billion
7 over seven fiscal years. Is this still an estimated
8 cost for shutting down Rikers? Have you conducted an
9 additional analysis since the release of this article
10 in April?

11 COMMISSIONER PONTE: There really has not
12 been any additional work done. It was more of a kind
13 of a think tank thinking about what-ifs. There was a
14 little bit of work done on budgeting and time frames,
15 and but no real work. I mean, no really designing
16 what a facility should be, where would it be sited,
17 but it was just looking at the census, where the
18 census was headed and what would be possible if we
19 continued, you know, with the current levels of
20 numbers of inmates. So, there's been no additional
21 work done. In fact, we haven't had even a
22 conversation about this probably in months.

23 CHAIRPERSON FERRERAS-COPELAND: Okay. And
24 where did the conversations end up?

2 COMMISSIONER PONTE: Basically because a
3 lot of the numbers were, you know, just numbers we
4 picked, so to speak. They weren't vetted like the
5 cunts. What's the inmate count going to be in five
6 years and ten years? It takes a lot of work to get
7 to those. So, it really was guestimates on if we
8 were here, what would it look like. If we were here,
9 what would it look like? Would it make sense to try
10 to move off of Rikers, stay on Rikers? But whatever
11 we talked about, the complexity of the problem always
12 was that in the best scenario on time if we decided,
13 if the city decided okay, we're going to move off
14 Rikers, you're going to have Rikers for 10 or 15 more
15 years while you build whatever you're going to build.
16 So, it becomes a very, as City Hall said, a complex
17 problem that needs probably everybody in the room to
18 take a look and see what's real and what's not. So,
19 it--you know, I don't think as we looked at it and
20 looked at it from a sense of what's possible, that we
21 really vetted things enough to say, okay, that's real
22 or not. It ws more just looking at possibilities. I
23 think like any agency would to say okay, look ten
24 years down the road and what could it be. So there
25 was no, in my opinion, serious vetting of the

numbers, any vetting of sites anywhere at that point
in time.

CHAIRPERSON FERRERAS-COPELAND: Okay,
thank you. I wanted to talk about your 14-point plan.
The Department's budget has significant growth, has
seen significant growth since the announcement of the
14-point plan reform agenda in March of 2016.

However, the Department has been weary of sharing any
metrics with the Council. When will the Department
be ready to share detailed metrics on the 14-point
plan and how it's performing?

COMMISSIONER PONTE: We will be able to
in early fall have a follow-up kind of status report.
We're collecting that data as we speak. Some of it's
already reported out in different venues, but we'll
have a reasonably complete update by this fall.

CHAIRPERSON FERRERAS-COPELAND: So are
you confident that you'll have this updated before
the November Plan, which is when we begin--when we
have another opportunity to evaluate the budget
again? Since we don't have it for this fiscal year,
will we have it before the November Plan?

COMMISSIONER PONTE: Yes.

2 CHAIRPERSON FERRERAS-COPELAND: Okay, I'm
3 going to hold you to it. The Cadet and Captain
4 training program, in the Executive Budget the
5 Department's budget included Department of Design and
6 Construction funding for 548,800 dollars in fiscal
7 2017 to launch a cadet program in partnership with
8 John Jay. When will this program be up and running,
9 and how many cadets will go through the program every
10 year, and do you anticipate this program will provide
11 a steady course of correction officer recruits?

12 MARTIN MURPHY: Yes, we look at filing
13 this--

14 CHAIRPERSON FERRERAS-COPELAND:
15 [interposing] I think--is your mic on?

16 MARTIN MURPHY: Yes, hello?

17 CHAIRPERSON FERRERAS-COPELAND: Okay,
18 there you go.

19 MARTIN MURPHY: So, for fiscal year--

20 CHAIRPERSON FERRERAS-COPELAND:
21 [interposing] I'm sorry, can you just state your name
22 for the record?

23 MARTIN MURPHY: Martin Murphy, Chief of
24 Department.
25

2 CHAIRPERSON FERRERAS-COPELAND: Thank
3 you.

4 MARTIN MURPHY: So for fiscal year 17 we
5 look to have 25 candidates at the onset selected by
6 John Jay, and the reason we chose John Jay is exactly
7 what you--the second question was, to have a
8 continued pipeline of individuals who are highly
9 motivated students who are seeking a career in
10 criminal justice, particularly in the correction
11 field.

12 CHAIRPERSON FERRERAS-COPELAND: Okay.
13 The Executive Budget also included funding to partner
14 with John Jay to develop a Captains training program.
15 What will this program look like and why was a
16 partnership--I guess as you mentioned before. Do you
17 feel the same way about having the Captain training
18 program also come out of John Jay?

19 MARTIN MURPHY: So, we've had issues as
20 an agency as promotional exams to the rank of
21 Captain. I think about one percent of the candidates
22 that applied actually passed the exam. So, in our
23 partnership with John Jay we want to choose those
24 candidates who have gone through the correction cadet
25 core, 25 individuals, and then 25 individuals

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES,
AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS 98

2 selected by supervisors in the facilities that would
3 nominate a correction officer to be part of this
4 program so again we can get individuals who are
5 highly motivated to now move onto the next step in
6 their correction career.

7 CHAIRPERSON FERRERAS-COPELAND: And what
8 do you expect your increase to be from one percent to
9 what after--

10 MARTIN MURPHY: [interposing] Well, the
11 onset is going to be 50 candidates. So that would--
12 it'll be based on the number of individuals that
13 applied for the exam.

14 CHAIRPERSON FERRERAS-COPELAND: And how
15 many Captain's positions do you have available to
16 fill?

17 MARTIN MURPHY: We have about 750
18 Captains and we're about 160 short there about.

19 CHAIRPERSON FERRERAS-COPELAND: So you're
20 160 short.

21 MARTIN MURPHY: Yes.

22 CHAIRPERSON FERRERAS-COPELAND: This
23 program would, I guess, help 50 of those candidates?

24 MARTIN MURPHY: Well, it would help 50
25 candidates prepare for the exam.

2 CHAIRPERSON FERRERAS-COPELAND: To
3 prepare for the exam.

4 MARTIN MURPHY: We do separate study
5 groups, any agency for candidates who want to take
6 the exam. So we want to apply this to those
7 individuals who have been selected by their
8 supervisors and those who have gone--25 who have gone
9 through the--

10 CHAIRPERSON FERRERAS-COPELAND:
11 [interposing] And why just 50 and not 460 if that's
12 your capacity?

13 COMMISSIONER PONTE: The effort here is
14 to really identify quality staff early and attempt to
15 fast-track them.

16 CHAIRPERSON FERRERAS-COPELAND: Okay.

17 COMMISSIONER PONTE: So it is the
18 beginning of a program that really identifies future
19 leaders early and then put them through a specific
20 level of training and education so it will become,
21 you know, at some level the Chiefs and Wardens in the
22 years to come.

23 CHAIRPERSON FERRERAS-COPELAND: And we
24 have such a need for correction officers, why is the
25 program at John Jay for the Cadets, just 25 cadets?

2 COMMISSIONER PONTE: It's just a starting
3 point. We'd honestly like more. It's the beginning
4 of a program. We wanted to start off with a number
5 that was manageable and hope to build on that.

6 CHAIRPERSON FERRERAS-COPELAND: So,
7 ideally what's the right number of cadets that you
8 think would be able to be the feeder program?

9 COMMISSIONER PONTE: I don't have any
10 facts to go on, but we'd probably like to have a
11 hundred or so in the pipeline at all times.

12 CHAIRPERSON FERRERAS-COPELAND: Okay.

13 MARTIN MURPHY: We have our phases, year
14 one, year two, year three as Commissioner Doka said.
15 So, year one is the 25 candidates. Year two we
16 increased to 100, and then in year three up to 150.

17 CHAIRPERSON FERRERAS-COPELAND: Okay,
18 that makes sense. Okay. I wanted to pivot to
19 correctional health. In the Executive Budget, the
20 Department's budget included additional funding of
21 6.6 million in Fiscal 2017 and increasing to 14
22 million in fiscal 2020 to open up two programs,
23 accelerating clinical effectiveness, or known as
24 PACE, units a year for the next five years. Is this
25 realistic considering all the Department's capital

2 projects currently underway, and can you share some
3 metrics on why the Department believes more PACE
4 units are needed?

5 COMMISSIONER PONTE: I'll have Doctor
6 Adams answer that.

7 NICOLE ADAMS: Good afternoon. Good
8 afternoon. I'd like to introduce myself. My name is
9 Doctor Nicole Adams. I am the Deputy Commissioner of
10 Health Affairs with the Department of Corrections.
11 I'm a Board Certified bilingual licensed
12 psychologist. And just to tell you a little bit
13 about my expertise and why I can speak to this, I
14 actually worked in Rikers Island and I opened the
15 PACE, the Forensic Psychiatric Assessment Unit. I
16 also worked on the Acute Care PACE Unit at GRVC, and
17 then I also did support for the third PACE Unit.
18 Prior to that I also worked in the Mental Observation
19 Unit and I did a lot of work with the actual patients
20 in those units. So when talking about why we want to
21 open more units, what we've really been able to find
22 is when you have people that are seriously mentally
23 ill and you address their needs in a very small
24 setting, giving them support, giving them good care
25 and good treatment, it really enhances the quality of

their experience. We're able to provide them with support so when they're frustrated they're not as likely to act out or engage in inappropriate, dangerous or unsafe behavior, and it also gives us an opportunity to support them getting the resources they need so that when they are released they continue to get those sources outside in the community. We're really hoping it minimizes the rate of recidivism as well in the longer term. So, the units are small and they are growing, but we do see a need. So, for example, the fourth unit which is on track to open is specifically for those individuals that have failed their 730 and are waiting to be sent Upstate to restore competency. Right now, there's 160 individuals that are identified as seriously mentally ill that are waiting to go into that unit. Similarly, what we're finding across the other three units that are currently open and running, each unit has a specific cohort, a specific type of individual that we're offering service to. So what we're finding is that as people become better educated about mental illness and about individuals that really need those services, we're finding they really need the services that the smaller case units offer.

Culturally, understanding mental illness is something that everyone struggles with. So when we kind of meet with an inmate and we talk to them about we have an opportunity, we have a unit that might really meet your needs or we talk about moving people there, sometimes it takes people--they don't necessarily want to go all of the time, but when they arrive and they get the services and they get the treatment and they really see changes in behavior and they realize the units are safe, we can't get them out. They want to stay. They don't want to leave because they want to be in that space because they really understand the value of getting real treatment for their mental illness.

CHAIRPERSON FERRERAS-COPELAND: Thank you, Doctor. I wanted to ask--and I know that this was part of last year's Executive Budget hearings. We talked about rerouting inmates in need of medical attention to Bellevue from Elmhurst Hospital, which happens to be in my district, and you've been working with the Health & Hospitals. So, I want to thank you. Between you, FDNY and Health & Hospitals you found a solution. However, we've hit a bump on the road because the trailers that were provided are not

2 in appropriate condition to, I guess, house the
3 EMT's, thank you. So, the trailer that they were
4 provided on Rikers are not adequate. So that has
5 caused a delay in getting inmates to Bellevue as
6 opposed to Elmhurst. So, can you speak to me on what
7 the challenge is and why were these trailers assigned
8 if they were in bad conditions?

9 COMMISSIONER PONTE: There were some
10 concerns about the trailers that were first offered.
11 I believe the Fire Department wanted to offer their
12 own, and that's kind of where we're at now. Correct?

13 FRANK DOKA: That is correct. So we're
14 actually meeting with the EMS today on the island.
15 They are bringing their own trailer. We found a piece
16 of land for them to place their trailer. We already
17 ran the sewer and electrical lines to the trailer.
18 They're bringing their vendor to design the trailer
19 that they want, and in a couple of months I believe
20 that trailer will built then on the island.

21 CHAIRPERSON FERRERAS-COPELAND:
22 Excellent. Thank you very much. I will leave some of
23 my other questions for the second round, and now
24 we'll hear from Chair Crowley followed by Council
25 Member Cabrera, followed by Council Member Lancman.

2 CHAIRPERSON CROWLEY: Good afternoon,
3 Commissioner, and good afternoon to your staff. I
4 want to thank you for being here today and for your
5 testimony. First, it was our last budget hearing
6 that we had more time to go over the Mayor's
7 Management Report, and I have to say that's the only
8 numbers we can really look at when we evaluate the
9 Executive Budget. And just, you know, although
10 you've showed us today in your testimony indicators
11 that crime and incidents of violence, the numbers
12 that we actually have are quite different. So, just
13 so you know, we have to go on these four-month
14 actuals. So when we look at fiscal year 15 and
15 compare fiscal year 15 to fiscal year 16 in every
16 area on violent inmate on inmate incidents we see a
17 major increase. So, it's hard to look at what you're
18 saying here in your testimony, but that said today is
19 a budget hearing and we're not going over the Mayor's
20 Management Report. I'm going to keep my questions to
21 the budget. I want to talk to you about a facility
22 that we have funding for, 170 million dollars for a
23 new adolescent facility. Can you please tell me
24 where that facility will be and when will it be
25 ready?

2 COMMISSIONER PONTE: I don't have actual
3 site information at this point. We've looked at
4 several sites over time. There are a lot of commits
5 and planning that has to go into the actual final
6 sites to make any decisions as to where they're going
7 to be, and we've looked at sites, we've talked about
8 sites. We don't have the final information as
9 exactly where these facilities are going to be.

10 CHAIRPERSON CROWLEY: When do you think
11 that Department will have that information? When can
12 we anticipate that the 16 and 17 year olds will no
13 longer be housed on Rikers Island? There has to be a
14 goal. I imagine you have a set amount of money, so
15 there has to be a plan, and there has--you know,
16 where--are we talking a year from now? Are we
17 talking two years from now?

18 COMMISSIONER PONTE: I think any building
19 of anything in the City will take a year or two at
20 the best and sometimes longer. Again, we haven't
21 finalized the plan exactly where we're going to site
22 these, where this location's going to be sited. So,
23 it's going to-- I would guess in the next few months
24 we'll at least have that information completed.

2 CHAIRPERSON CROWLEY: But you already know
3 how much money it will be?

4 COMMISSIONER PONTE: It's not an actual
5 dollar figure built on added data. It's a best guess
6 at this point.

7 CHAIRPERSON CROWLEY: In your Executive
8 Budget you have funding for more what you call PACE
9 Units, which I'm going to call like Clinical Housing
10 Units, because they're for those with mental health
11 needs. You currently have 76 of these type beds
12 between three different facilities. Is that number
13 correct?

14 NICOLE ADAMS: Yes.

15 CHAIRPERSON CROWLEY: So, I see that 14
16 vacancies are currently happening. Why do we have
17 the need to build more space if we have current
18 vacant space?

19 NICOLE ADAMS: So the three units that
20 are currently open each has a very specific cohort to
21 which they're addressing. So, the first cohort, the
22 first unit are for individuals that are potentially
23 decompensating and need to go to the hospital. The
24 second unit specifically are for individuals that
25 were housed in Bellevue and are returning back to

2 Rikers Island, and the third unit are for those
3 individuals that have a difficult clinical condition
4 that we're looking to diagnose. We're looking to
5 provide specific treatment for them and they're
6 actually participating in a forensic testing process.
7 So, the reason why you're seeing some vacancies in
8 the various units is because they're for very
9 specific kinds of populations.

10 CHAIRPERSON CROWLEY: That you have
11 nearly 850 people waiting for these units?

12 NICOLE ADAMS: Well, throughout Rikers
13 Island we have--40 percent of our entire population
14 are those individuals that are mental ill. About 11
15 percent of that are individuals that are seriously
16 mentally ill. So there are people that we could
17 potentially put in some of the units, but it's really
18 about making sure they're a good fit with the
19 population that's currently there and making sure we
20 can appropriately meet their needs in that space.

21 CHAIRPERSON CROWLEY: Right, right. From
22 the numbers I'm looking at--we passed a bill in the
23 City Council, a law that I sponsored, that asked for
24 you to report to the Council how many people are
25 waiting, you know, people who have received

2 infractions who are in need of housing units where
3 they're separated from the general public, housing
4 units where they'll get medical attention, and
5 currently you have 14 vacancies and nearly 850 people
6 waiting for slots like that. To me, it doesn't make
7 any sense why you would have 14 vacancies.

8 NICOLE ADAMS: Fair enough. I think
9 that's one of the reasons why we're proposing to open
10 more units because we do recognize there is need for
11 more of this type of support.

12 CHAIRPERSON CROWLEY: Right, which you're
13 asking for more money to do, which I support because
14 there's 850 people waiting, but I just don't
15 understand your logic.

16 COMMISSIONER PONTE: Can I just respond,
17 Councilwoman? The issue is the PACE units were set
18 up to treat clinically inmates who had serious mental
19 illness but had not committed infractions. CAPS,
20 which we have fewer of, were the units where the
21 inmate committed an infraction, but couldn't go to
22 punitive seg, going to be going to CAPS. So there is
23 a waiting list for CAPS, and there's also a waiting
24 list for PACE, but in much different reasons for
25 that. So, the CAPS are the clinical alternative to

punitive seg. There is a waiting list for that, but those are the inmates waiting because they committed infractions, not because they're waiting for clinical care.

CHAIRPERSON CROWLEY: In your budget you have 500 million dollars set aside for a new jail on Rikers Island. Is that really something you see happening, or is it just a space holder to keep certain amount of money in the budget?

FRANK DOKA: Well, the project is currently in the design phase. They actually did start site prep back in December of 2015, which is anticipated to be completed by the end of December of 2016. However, the--

CHAIRPERSON CROWLEY: [interposing] Sorry, how long has it been in the design phase?

FRANK DOKA: Twelve--no. Site preparation, still in design.

CHAIRPERSON CROWLEY: No, when did the design phase start on that project?

FRANK DOKA: Well, it depends which facility you're looking at. The prior Administration and then, you know, the design stopped. It was redesigned a little bit, and now--

2 CHAIRPERSON CROWLEY: [interposing]

3 Alright, so it's been in the works for going back--

4 FRANK DOKA: [interposing] It's been in
5 the works for a while.

6 CHAIRPERSON CROWLEY: to the previous
7 Administration.

8 FRANK DOKA: Absolutely.

9 CHAIRPERSON CROWLEY: Which brings me to
10 the question of this Alternatives for Rikers Island
11 Report. I don't understand why the Department has a
12 plan to build a new facility on Rikers Island if
13 you're looking at alternatives. Now, would it--it
14 doesn't necessarily make sense. I mean, look, this
15 whole plan would cost the City 3.5 billion dollars,
16 yet the Department has a plan to spend half a billion
17 dollars on a new jail.

18 FRANK DOKA: So, I don't know where the
19 3.5 billion dollars come from. If I was looking at
20 it, the dollar amount would probably be a lot higher.

21 CHAIRPERSON CROWLEY: Well, what is
22 Rikers Island worth? What if you were to sell the
23 400 acres? Has the Department looked at that when
24 you're putting a cost estimate together for--
25

2 FRANK DOKA: [interposing] No, we have
3 not, and that's not my call.

4 CHAIRPERSON CROWLEY: Commissioner, when
5 you were working with the other agencies in putting
6 together ideas for closing Rikers Island, did you
7 consider the worth of the island?

8 COMMISSIONER PONTE: Not in any meeting
9 that I attended. There may have been some discussion
10 about that.

11 CHAIRPERSON CROWLEY: I have to compliment
12 you on this cadet program and the plan to build an
13 opportunity for more Captains to be trained. I think
14 that's a brilliant idea. There certainly is a need
15 for more Captains. Now, my concern would be because
16 of your attrition rate, which is rather high for a
17 uniformed agency, how are you going to guarantee that
18 these cadets that you're paying through the John Jay
19 program are going to remain with the Department of
20 Corrections and not go to another agency, public
21 safety agency?

22 MARTIN MURPHY: So, the candidates will
23 get a loan of 5,000 dollars up to four semesters, and
24 if they complete two years, they take the correction
25 officer exam, pass and become a correction officer,

2 and if they complete two years, then those loans will
3 be forgiven. So, they would have to remain with us
4 for a minimum of two years.

5 CHAIRPERSON CROWLEY: Now, that's a
6 pretty good program. I hope they stay after two
7 years. The academy, I've been calling for you to
8 build a free-standing academy similar to the other
9 public safety agencies. The Fire Department has one,
10 the Police Department. Can--We, the Council, asked
11 for it in our response to the Preliminary Budget, but
12 it's not in your budget. Commissioner, can you give
13 us an update on what's happening with the training
14 academy?

15 FRANK DOKA: So, in regards to the
16 training academy, we are currently--we looked at
17 several spaces. We looked at schools. We looked at
18 Police Departments, old academy [sic]. We sent out
19 letters to the archdiocese, DCAS and New York City
20 School Construction to help us find additional space.
21 We also currently now looking at Fort Totten as a
22 possibility to build an academy out there.

23 CHAIRPERSON CROWLEY: Would you exercise
24 imminent domain if there was an underutilized
25

2 building and the owner wasn't interested in selling,
3 would you do that?

4 FRANK DOKA: I'm sorry--

5 CHAIRPERSON CROWLEY: [interposing] Has
6 the Department of Corrections done that before?

7 FRANK DOKA: Not that I'm aware of, no.

8 CHAIRPERSON CROWLEY: My last question--
9 well, just back at the academy. You said you reached
10 out. What happened with the NYPD's old academy,
11 wasn't good enough? Your mall in Queens is better?

12 FRANK DOKA: It was denied.

13 CHAIRPERSON CROWLEY: Oh, it was denied.
14 So the Department of Correction wanted it, but the
15 Police Department did not want to give it and the
16 Mayor's Office didn't want it to be. And all those
17 other efforts, they're just out there? Nothing's
18 fruitful?

19 FRANK DOKA: A lot of the places we
20 looked at didn't meet the specification and
21 requirements to build a police academy of what we
22 want.

23 CHAIRPERSON CROWLEY: The Department has
24 funds to hire people who would be PREA. This is
25 Prison Rape Elimination Act that the Federal

2 Government has instituted that the Department follow
3 the compliance and hire a Compliance Manager. What
4 is the status of the position?

5 CYNTHIA BRANN: Good afternoon. Cynthia
6 Brann, Deputy Commissioner. We have three PREA
7 Compliance Managers on board already assigned to the
8 first three facilities going through PREA compliance
9 audits. We have four in the hiring process and we
10 are continuing to interview for the remaining five.

11 CHAIRPERSON CROWLEY: When do you think
12 the Department will be fully compliant?

13 CYNTHIA BRANN: PREA compliance is a
14 process and many practices are in place now. The
15 directive is in place. We have over 300 line staff
16 already trained, all of our executive leadership has
17 been trained. Close to a hundred--

18 CHAIRPERSON CROWLEY: [interposing] Okay,
19 can you walk me through the process? There's a
20 compliant of a rape, a female inmate accuses a male
21 guard of rape. Is that--how do you hand the
22 investigation?

23 CYNTHIA BRANN: There are first responder
24 duties for the person who receives notice of that
25 allegation. Supervisors are notified. DOI is

notified. ID is notified. There are PREA compliance manager duties that make sure that the facility is documenting everything that takes place. The victim and the alleged perpetrator are separated, and then the process goes from there.

CHAIRPERSON CROWLEY: And if the complaints are substantiated, what happens with the officer? Are they still working with other inmates? Are they removed until the case is concluded?

CYNTHIA BRANN: If the complaint is substantiated, that officer is not working with inmates.

CHAIRPERSON CROWLEY: Okay, thank you. I have no further questions.

CHAIRPERSON FERRERAS-COPELAND: Thank you, Chair Crowley. We've been joined by Council Members Gibson, Johnson and Rodriguez. We will now hear from Council Member Cabrera, followed by Council Member Lancman, followed by Council Member Matteo.

COUNCIL MEMBER CABRERA: Thank you to both of the Chairs again. Commissioner, welcome. I wanted to focus in on the security cameras. I see here that you will have development and wide coverage by the end of the calendar year. Can you talk to us

2 about the effectiveness of these cameras? So far,
3 what have you seen that lent to the initial idea that
4 we're going to be effective?

5 COMMISSIONER PONTE: I think it's been
6 extremely effective where we have cameras. While it
7 helps greatly in our investigative approach because
8 it really puts a little doubt in what happened. It's
9 been more effective as a training tool where we can
10 actually show staff what you did right and what you
11 did wrong, how to improve on your performance. So,
12 it's a teaching tool, because we review every event,
13 and that facility manager with their staff sits down
14 and looks at, you know, what happened and how you can
15 improve on the outcome. So it's been really great.
16 It cuts down on investigative time because you really
17 don't have to establish what occurred. You can look
18 at the video and see it.

19 COUNCIL MEMBER CABRERA: Has it raised
20 also the level of consciousness among the inmates
21 that, you know, it's not going to be one word against
22 another now, they're going to be on candid camera?

23 COMMISSIONER PONTE: Absolutely. The
24 inmates are well aware that the cameras are there and
25

2 we use that footage in prosecution where there's
3 crimes committed in our jails.

4 COUNCIL MEMBER CABRERA: I want to tell
5 you, I'm a big fan of security cameras, even in my
6 district. I think I placed over three million
7 dollars in street, and everyone's asking for them. I
8 can only imagine how happy you are to have those
9 camera, and I'm happy to hear by the end of the year
10 it will cover every single facility in Rikers Island.

11 COMMISSIONER PONTE: Yes, we'll have all
12 facilities covered by the end of the calendar year
13 2016.

14 COUNCIL MEMBER CABRERA: Fantastic.
15 Also, I wanted to ask you. It's my understanding now
16 the Bronx DA in cases where there's an inmate to
17 inmate altercation that the Bronx DA is the one who
18 comes in. Prior to recently, they will have to go
19 outside of Rikers to deal with the cases. Now the
20 Bronx DA comes in and [inaudible]. So, I hear there
21 was announcement regarding that data [sic]. So, how
22 is that functionally going to work out?

23 COMMISSIONER PONTE: So, DA Clark has
24 indicated she'll establish an office on Rikers
25 Island. We have space dedicated for her, and she'll

2 have a bureau for Rikers Island dedicated to the
3 criminal activity on the island.

4 COUNCIL MEMBER CABRERA: I just wanted to
5 get a point of clarification regarding, you know, the
6 possible talks of moving out of Rikers and so forth.
7 Help me out here. Were there any discussion as to
8 which borough the inmates in the facilities that
9 would have [sic] been built? And I'll tell you in a
10 second why this line of thought.

11 COMMISSIONER PONTE: There was no--we had
12 talked about the possibilities depending on the size
13 of the population what was possible. I mean, the
14 population was 5,000 it was possible, if it's at
15 7,000, if it's at 9,000. So, in the--in those kinds
16 of discussion it was talked about what was possible,
17 but no--there ws no meaningful discussion on okay,
18 let's site here or let's site there. We all
19 understand that siting jails anywhere is part of that
20 process to make a decision on what do you do on
21 Rikers Island because that's got to be part of that
22 discussion. So, there was no real discussion on
23 where.

24 COUNCIL MEMBER CABRERA: So there was no
25 criteria put in place, possible criteria as to where

2 the site that they will end up. And let me tell you
3 why I'm asking, because some of our district usually
4 end of with the most undesirable facilities,
5 including mine, and so that's one of my greatest
6 fears is that that pattern will continue versus
7 Rikers needs to be like a neutral zone where you have
8 everyone in the city in one particular place who's
9 doing their time. So, with that what I hear between
10 the lines today is that there are no plans, serious
11 plans, and discussion to moving out. I just wanted
12 clarification on that, and that you're looking more
13 to see how we can rehabilitate the buildings making
14 them more functional so you could do a more effective
15 job. Is that what I hear--

16 COMMISSIONER PONTE: [interposing] That's
17 the only active plan we have is rehabbing buildings
18 on Rikers Island, and the capital plan is additional
19 cell blocks in the capital plan, because some of the
20 physical plans are in such bad condition they have to
21 be torn down so the replacement housing planned for
22 Rikers Island.

23 COUNCIL MEMBER CABRERA: My last question
24 in the last 10 seconds. There's always talk about
25 global warming and the rising of waters. Is there

2 any concern in the future regarding the levels, sea
3 levels, and having an impact on the island?

4 COMMISSIONER PONTE: So we've done some
5 work on Sandy. I'm not sure if Frank can answer that,
6 but because of Super Storm Sandy we've done some
7 work. Frank?

8 FRANK DOKA: Yes, we received close to 50
9 million dollars to redo the shoreline of Rikers
10 Island, which will help prevent the water from coming
11 up.

12 COUNCIL MEMBER CABRERA: Thank you so
13 much to both of the Chairs. Thank you, Commissioner.

14 CHAIRPERSON FERRERAS-COPELAND: Thank
15 you, Council Member. Council Member Lancman followed
16 by Council Member Matteo followed by Council Member
17 Johnson.

18 COUNCIL MEMBER LANCMAN: Good afternoon,
19 Commissioner.

20 COMMISSIONER PONTE: Afternoon.

21 COUNCIL MEMBER LANCMAN: So, I just want
22 to follow up in a little more detail on the issue
23 that was raised by Council Member Cabrera, and that
24 is the new District Attorney of the Bronx Darcel
25 Clark and the plans that she has to more efficiently

2 and more fairly prosecute crimes that are committed
3 on Rikers Island, and in particular, her intention to
4 establish within her own office a unit dedicated to
5 focusing on those cases, but of particular impact and
6 requiring coordination with you is the possible
7 placement of a satellite District Attorney's office
8 on Rikers Island as well as the possibility of having
9 a functioning court, at least to hear arraignments on
10 Rikers Island. Can you update us on the status of
11 those plans, at least as it relates to the actual
12 physical presence on Rikers Island, what you
13 anticipate the added cost might be to the Department
14 of Corrections to provide that space and support
15 staffing if necessary?

16 COMMISSIONER PONTE: So, it'd be very
17 minimal cost to us. We already have space. We've
18 dedicated a trailer for her staff, because some
19 renovation that have to be accomplished. Added
20 security staff to her office would be minimal. We'd
21 probably have a few officers assigned directly. So,
22 the actual cost to us is pretty limited. The running
23 a court on Rikers Island has not been flushed out
24 completely as to where would we have it. That would
25 cost obviously a little more funds than our trailer.

2 COUNCIL MEMBER LANCMAN: Can you just
3 update us on the status of those conversations about
4 the court and when you think that those issues will
5 be flushed out?

6 COMMISSIONER PONTE: I don't have any
7 additional information on the progress with the
8 court. Obviously, we need to bring judges into the
9 conversations. So it's a little more complicated
10 than just establishing a bureau on Rikers Island.

11 COUNCIL MEMBER LANCMAN: Okay, but are
12 those conversations going on?

13 COMMISSIONER PONTE: Yes, they are.

14 COUNCIL MEMBER LANCMAN: And, you know,
15 another aspect of addressing this problem had to do
16 with the way that the Department of Corrections
17 handled these cases. Are you able to discuss what
18 changes if any the Department has made in order to
19 facilitate the investigation and prosecution of these
20 cases? I know at the time there were a lot of
21 concerns that were raised about the Department itself
22 handled these cases and presented them to the
23 District Attorney. In fact, I think the prior
24 District Attorney, you know, in the back and forth of
25 who was to blame for the lack of prosecution in these

cases assigned some of that blame to the Department and its ability to gather evidence and present it to the District Attorney in a way that he felt he could bring a case. So what changes if any have the Department made about prosecuting these cases? Does it require more personal? Is that reflected in the Mayor's Executive Budget?

COMMISSIONER PONTE: I don't believe it's going to require additional personnel. It'll be a reassignment of personnel and be working in partnership with the Bronx DA's office on island. We've established an evidence unit, the same as you would see anywhere else. We have evidence tech. We have actually stuff sent out to crime lab. We've had DNA evidence collected off of weapons and added in prosecutions. So we've gotten much more sophisticated in our collection of evidence and our presentation of evidence, and the best part is once the DA's office is on island, we'll be in partnership working on cases rather than u submitting cases. We'll have teams working with in this case DA Clark's office to make sure that whatever they need in the way of material evidence, reports are done and done in a way that meets their satisfaction.

2 COUNCIL MEMBER LANCMAN: Alright. Well,
3 that's all good to hear, and going forward it's
4 something that I intend to follow very closely. I
5 know our Public Safety Committee Chair is going to
6 have the DA's back again this month as well, and
7 we'll be asking DA Clark for her take on those
8 things. Thank you very much.

9 COMMISSIONER PONTE: You're welcome.

10 CHAIRPERSON FERRERAS-COPELAND: Thank
11 you, Council Member Lancman. Minority Leader Matteo
12 followed by Council Member Johnson, followed by
13 Council Member Gibson.

14 COUNCIL MEMBER MATTEO: Good afternoon,
15 Commissioner. I just want to follow up on the point
16 that Chair Crowley brought up, the Alternatives for
17 Rikers Island Report. I know there's been
18 discussions from the Administration about, you know,
19 the siting's and there are two on Staten Island,
20 Arthur Kill Road and Teleport [sic] in my district.
21 Council Member Borelli and I both came out against
22 it, and I know you spoke about it, but I just want to
23 ask the simple question, are you actively looking at
24 these sites at this--for potential off-site areas in
25 the outer boroughs?

2 COMMISSIONER PONTE: We have not. I have
3 not been to any of those sites. We are not actively
4 looking as an agency. As Chairman Crowley indicated,
5 we have plans to build a facility on Rikers. That is
6 proceeding. So, we are not at this point at all.

7 COUNCIL MEMBER MATTEO: Thank you. That
8 was my question. I appreciate it.

9 CHAIRPERSON FERRERAS-COPELAND: Thank
10 you. Council Member Johnson followed by Council
11 Member Gibson.

12 COUNCIL MEMBER JOHNSON: Good afternoon,
13 Commissioner. Good to see you. I wanted to ask about
14 what was in, I believe, your capital budget. I
15 believe 140 million dollars you testified is set for
16 adolescent facilities. Is that correct?

17 COMMISSIONER PONTE: 170 million.

18 COUNCIL MEMBER JOHNSON: 170 million
19 dollars. So, I think it's that the Council's
20 understanding that ACS, the Administration for
21 Children's Services, has been seeing a declining
22 juvenile population, and they have two facilities
23 right now. Is there any exploration in DOC
24 potentially taking over ACS facilities that are being
25

2 underutilized? Have those conversations happened at
3 all?

4 COMMISSIONER PONTE: we have had
5 discussion with Commissioner Carrion. We've met and
6 talked about declining populations. We've talked
7 about our population, and so it doesn't match up
8 number-wise like we'd like to see, but we are
9 continuing that dialogue as to, you know, what's
10 possible. We haven't finished the discussion on
11 sites as of yet. So, we're still continuing that.

12 COUNCIL MEMBER JOHNSON: And is there
13 still 500 million dollars in the budget for a new
14 jail on Rikers Island?

15 COMMISSIONER PONTE: Yes.

16 COUNCIL MEMBER JOHNSON: And what's the
17 status of that project?

18 COMMISSIONER PONTE: We've--doing site
19 work. So we actually have the moving around and
20 doing the resources to the site, and we're continuing
21 the planning process.

22 COUNCIL MEMBER JOHNSON: So what's the
23 timeframe on actual construction beginning on a new
24 jail?

2 FRANK DOKA: Well, if we're going to move
3 forward, design would probably--we're in schematic
4 design. That's probably another two years for just
5 the design work, close to it. Then construction.

6 COUNCIL MEMBER JOHNSON: Another two years
7 just for design work?

8 FRANK DOKA: That's correct.

9 COUNCIL MEMBER JOHNSON: And
10 Commissioner, I believe in the Preliminary Budget
11 hearing there was a conversation with multiple
12 Council Members given at the time the relevant
13 conversations that were happening related to
14 potentially closing Rikers Islands, and I know that
15 there are differing opinions on that. You aren't
16 fully opposed to closing Rikers Island, right?

17 COMMISSIONER PONTE: I'm not opposed to a
18 plan that would take into account all that needs to
19 be done in the City Department of Corrections.
20 Whatever we do, and we've always cautioned that it
21 takes years to build facilities in any scenario. So
22 you're going to be running Rikers Islands for a
23 number of years no matter what we do, and we're going
24 to have to put money into these buildings while we're
25 talking about a planning for, you know, what the

2 future looks like. So, we're delighted to be at the
3 table to have that discussion.

4 COUNCIL MEMBER JOHNSON: So, if even
5 under that scenario that you just laid out, is it
6 still prudent and responsible to be spending half a
7 billion dollars on a new jail facility if there are
8 going to be potential conversations about
9 transforming our corrections and how we handle them
10 citywide?

11 COMMISSIONER PONTE: So, there's been a
12 slow-down on the project. Some of the work that's
13 already been allotted like site prep was already
14 under way. Contracts were awarded to do that, but
15 you're right, we'll need to probably pause while we
16 have that conversation on what to do next.

17 COUNCIL MEMBER JOHNSON: So, with the
18 transition of correction healthcare services to New
19 York City Health & Hospitals, the Council's concerned
20 with the continuity of care that's being provided to
21 inmates on Rikers Island. On a recent report on your
22 website, we noticed a number of requests made for
23 medical or mental health treatment was significantly
24 higher than number of inmates that have actually been
25 seen or received treatment, and I wanted to see what

2 procedures that you have in place to ensure that
3 those that seek medical attention are fulfilled and
4 not delayed by the lack of escort or an alarm or
5 lock-down or cancelled by DOC.

6 COMMISSIONER PONTE: Doctor Adams?

7 NICOLE ADAMS: So, in speaking about
8 those numbers, it's--from having actually worked in
9 the jails, what often happens is when we have a sick
10 call sheet that goes out, it's given to the inmates
11 the night before and they all sign up to go. Then the
12 morning of when we announce the call and they're
13 offered the ability to come down and get the service,
14 many times they refuse. They say, "I had a headache
15 yesterday. I don't want to go today. Maybe we'll go
16 a little bit later." And at any point during the day
17 itself they can ask to go back or they can ask for
18 additional services, but the numbers don't reflect
19 that people aren't getting a service. It's a little
20 bit more accurate to say that they haven't gone when
21 they've asked to go previously. But when you talk
22 about what specific procedures do we have in place
23 now to maybe rectify that is we're exploring options
24 about when we're offering sick call, making sure that
25 they get to the clinic much more quickly from the

2 time they actually make the initial request. So, as
3 opposed to giving it the night before, we're
4 exploring options looking at are we going to give it
5 to them, give them the opportunity to go like in the
6 next--shortly after they make the initial request.
7 So for example, right now people are going to sick
8 call for things like if they like Tylenol or if they
9 need--they don't necessarily need a medical procedure
10 or actually need to sit with a doctor, but for
11 anything that might fall under the realm of health.
12 So I don't know if those numbers are actually
13 reflecting that they're not having an escort or
14 they're not being produced or things like that. It's
15 just not necessarily--but we are looking at that,
16 because we do want to make sure people are getting
17 what they need and they're getting it quickly, and
18 they're getting in a way that they feel supported and
19 taken care of.

20 COUNCIL MEMBER JOHNSON: Are we going to--
21 -Madam Chair, are we going to have another round of
22 questions? Can I ask a couple more questions, or
23 should I wait for an additional round? Okay, great.
24 Thank you.

2 CHAIRPERSON FERRERAS-COPELAND: Thank you.
3 Council Member Gibson?

4 COUNCIL MEMBER GIBSON: Thank you very
5 much, Chairs. Good afternoon, Commissioner, to you
6 and your team. Thank you so much for being here, for
7 your testimony. I just have two quick questions, and
8 I guess first I want to add my voice to my colleagues
9 who have talked about Bronx DA Darcel Clark, of
10 course, my borough and a good friend of mine, and her
11 ambitious plan to establish the Rikers Island
12 prosecution unit. Overall, I think it's a great step
13 of progress, but I want to say that it's not just
14 about prosecuting cases on Rikers Island. I think
15 overall the Bronx DA is trying to change the culture
16 in her office around alternatives and prevention
17 programs so that we really don't have to have a need
18 for individuals to go to Rikers Island in the first
19 place. But we do recognize that while we do have
20 young people going to Rikers Island. It's important
21 to make sure that we address an overall culture of
22 nonviolence, and that's from everyone. So, I am very
23 supportive, and we will be very supportive during
24 this budget process, but I wanted to make sure you
25 understood your partnership with her office as well

2 as OCA, which has a huge role in this, and what I'm
3 further learning is really critical. So, I wanted to
4 just make sure that I added my voice so that you knew
5 that we in the Bronx are very supportive of DA Clark.

6 COMMISSIONER PONTE: Very good.

7 COUNCIL MEMBER GIBSON: Okay? And the
8 second question I wanted to ask was about headcount,
9 headcount for both uniformed and civilian staff. It
10 seems like your attrition rate is fairly right. I
11 have in my notes almost 13 percent, and I wanted to
12 find out in terms of recruitment efforts and new
13 classes in the academy what numbers we're looking at
14 in terms of hiring and what's the timeline of hiring
15 more uniformed officers. Obviously, I know the
16 challenge is not being able to hire enough officers
17 as much as they are retiring, but does the DOC have a
18 plan at this time?

19 COMMISSIONER PONTE: So we set new
20 records for every recruitment and training class
21 we've run in the last three classes, but you're
22 right, it still isn't enough as Chairman Crowley
23 points out. Our limit is space. So we don't have
24 trouble recruiting. We're processing the list, the
25 test that the staff take to become correction

2 officers in a timely way. We're limited by the space
3 to train our recruits. So we're getting better. We're
4 catching up to the deficit that we've had, but even
5 at 700 in June we still won't be there until the end
6 of the calendar year.

7 COUNCIL MEMBER GIBSON: Okay, and what's
8 the typical class size of your recruits?

9 COMMISSIONER PONTE: We've been running.
10 I mean, prior to these last classes was about 300.
11 We run 600. We'll run 700 in June, and again, if we
12 have the space, we'll run bigger numbers in the fall.

13 COUNCIL MEMBER GIBSON: Okay, and in
14 terms of the Nunez [sic] settlement, is that also a
15 part of the conversation in terms of the workforce
16 that would be needed to comply with the settlement?

17 COMMISSIONER PONTE: Right. So, the
18 Nunez is built in. The staffing is built in, but
19 everything we do, be it PACE units, the CAPS [sic]
20 units, young adult programming, all puts more
21 pressure on our staff that's already using a lot of
22 overtime to keep up. So we have to get the officers
23 in the door in order to make the changes that we'd
24 like to see.

2 COUNCIL MEMBER GIBSON: Okay, thank you
3 very much. Thank you, Chairs.

4 CHAIRPERSON FERRERAS-COPELAND: Thank
5 you. Council Member Crowley followed by Council
6 Member Johnson.

7 CHAIRPERSON CROWLEY: Oh, I have no
8 questions.

9 CHAIRPERSON FERRERAS-COPELAND: Council
10 Member Johnson?

11 COUNCIL MEMBER JOHNSON: Thank you.
12 Thank you, Madam Chair. I wanted to get back to the
13 facility question. The 500 million dollars facility,
14 what population will be housed there? How many beds
15 and what population?

16 MARTIN MURPHY: So, the design actually
17 calls for MO's, approximately 800 MO's and some
18 general population also be put in there, but it could
19 change as we move forward because the population
20 changes, but the bulk of it is basically for MO's.

21 COUNCIL MEMBER JOHNSON: MO's?

22 MARTIN MURPHY: Mental observation.

23 COMMISSIONER PONTE: And you've expanded
24 PACE units in this budget. Are there any other
25 clinical units that you think should be expanded in

2 the future? Should CAPS and PACE be expanded even
3 further?

4 MARTIN MURPHY: Well, we might be
5 thinking about it in the new facility that's moving
6 forward to have some of those units in there as well.

7 COUNCIL MEMBER JOHNSON: Okay.

8 COMMISSIONER PONTE: Doctor Adams answer
9 that on expansion.

10 NICOLE ADAMS: When we're talking about
11 expanding both PACE and CAPS what we're finding is
12 that specifically in the PACE units you know there's
13 that clinical model. We're finding that in those
14 units we're finding that there is a lower number of
15 use of force that people are becoming engaged in
16 treatment and the behavior, the mal-adaptive or
17 violent behavior that we sometimes see in some of
18 those patients previously we don't see anymore, and a
19 lot of it is because we're using a lot of evidence-
20 based very specific treatment methods in addressing
21 concerns that the patients might exhibit.

22 COUNCIL MEMBER JOHNSON: How many suicides
23 took place on Rikers Island over the past year?

24 NICOLE ADAMS: In the last fiscal year?

25 COUNCIL MEMBER JOHNSON: Yes.

2 NICOLE ADAMS: There were two.

3 COUNCIL MEMBER JOHNSON: Two.

4 NICOLE ADAMS: Yes.

5 COUNCIL MEMBER JOHNSON: Were either one
6 of those individuals in solitary confinement at any
7 time before committed suicide?

8 NICOLE ADAMS: Not that I'm aware of?

9 COUNCIL MEMBER JOHNSON: So,
10 Commissioner, I'm really happy to see as part of your
11 testimony that the use of solitary confinement,
12 punitive segregation has decreased substantially.
13 Your numbers show that it's decreased close to 70
14 percent I think which is really significant, and I'm
15 really happy to see these numbers. The people that
16 are in solitary confinement though, they're there
17 because they've engaged in violent incidences, and
18 this is sort of a last resort punishment, is that
19 correct?

20 COMMISSIONER PONTE: That's correct, yes.

21 COUNCIL MEMBER JOHNSON: And what
22 percentage of those people are people who suffer from
23 mental illness?

24

25

2 COMMISSIONER PONTE: So if somebody's
3 seriously mentally ill, they do not go to punitive
4 seg.

5 NICOLE ADAMS: Yes, that's correct. We
6 do not put seriously mentally ill--

7 COUNCIL MEMBER JOHNSON: [interposing] No
8 one in punitive segregation right now has a mental
9 health diagnosis?

10 NICOLE ADAMS: They're not designated
11 seriously mentally ill, no.

12 COUNCIL MEMBER JOHNSON: What diagnosis
13 do they have if they're not seriously mentally ill?

14 NICOLE ADAMS: That's not how we--people
15 that have mental illness, we don't put--that's not
16 helpful. Like, that doesn't work to support them
17 being safe or productive. You know, the research
18 that talks about putting people in punitive
19 segregation, you know how it changes the brain and
20 changes what happens to them as a response. So,
21 people that are mentally ill--

22 COUNCIL MEMBER JOHNSON: [interposing] But
23 even people who aren't mentally ill, punitive
24 segregation's not very helpful I think when it comes
25 to their own mental state, and as I've respectfully

2 pestered the Commissioner in past budget hearings, I
3 would just put forward that I believe that punitive
4 segregation is torture. The United Nations has said
5 that, and it's my hope that one day given what we've
6 seen President Obama do in eliminating punitive
7 segregation amongst juveniles, the work that you've
8 done, I hope that one day we don't have anyone in
9 punitive segregation on Rikers Island. I believe that
10 it is torture and it's something that makes things
11 worse. I understand for incidents of last resort for
12 violent inmates you have to protect your officers and
13 other inmates, but I will continue to put that
14 forward as my own belief. Thank you to the Chairs
15 for allowing me to ask questions today, and thank
16 you, Commissioner, for all your hard work.

17 COMMISSIONER PONTE: Thank you.

18 CHAIRPERSON CROWLEY: One last question.
19 Last year, Tish James reported that there were 28
20 complaints of rape and serious sexual assault, but
21 there were none that were investigated by the Police
22 Department. At what point do you involve the police
23 and the District Attorney?

24 COMMISSIONER PONTE: So, they are
25 automatically forwarded to DOI, and DOI would then

forward to the DA's office. So, any of those complaints, and DOI would then look at it to see if there's any merit for them taking the case, but it's up to the DOI and the DA to do--to take them into our decline and that's the process. So we don't make judgements as to well, there's a sexual allegation and we decide we'll refer this one or not this one. If we believe there's criminal behavior, we refer the case.

CHAIRPERSON CROWLEY: But people who work for DOI aren't on call 24/7, are they like they are--

COMMISSIONER PONTE: [interposing] Yes, they are. They absolutely are, absolutely.

CHAIRPERSON CROWLEY: Alright. We'll look into that further. Thankyou. No further questions.

CHAIRPERSON FERRERAS-COPELAND: Thank you very much, Commissioner, for coming to testify. Both committees will have additional questions, if you can get them back to us expeditiously so that we can use them for our negotiating I'd greatly appreciate it.

COMMISSIONER PONTE: Thank you very much.

CHAIRPERSON FERRERAS-COPELAND: Excellent. Thank you for coming to testify. We're going to take

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES,
AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS 141

2 a two minute break while we change documents here and
3 then we will hear from the Board of Corrections.

4 [break]

5 CHAIRPERSON FERRERAS-COPELAND: we will
6 now resume the City Council's Hearing on the Mayor's
7 Executive Budget for Fiscal 2017. The Finance
8 Committee is joined by the Committee on Fire and
9 Criminal Justice Services chaired by my colleague
10 Council Member Crowley. We just heard from the
11 Department of Corrections, and we will now hear from
12 Martha King, Executive Director of the Board of
13 Corrections. In the interest of time, both myself
14 and my co-chair will forgo making an opening
15 statement. You will be sworn in and then you can--
16 then you may begin your testimony.

17 COMMITTEE COUNSEL: Do you affirm that
18 your testimony will be truthful to the best of your
19 knowledge, information and belief?

20 MARTHA KING: I do. I'll begin. Thank
21 you. Good afternoon Chair Ferreras-Copeland, Chair
22 Crowley and Members of the Committee on Finance and
23 the Committee on Fire and Criminal Justice Services.
24 My name is Martha King. I am very, very pleased to be
25 speaking with you today for my first time as the

2 Executive Director of the Board of Correction.

3 Today, I am joined by one of our Board members who
4 was appointed by the City Council, Stanley Richards.

5 This afternoon I'd like to explain the Board's
6 Charter mandates, history, and then our exciting
7 expansion and new resources. These new resources will
8 strengthen the Board's effectiveness and re-position
9 the Board as a national model for jail oversight and
10 one of the City's important levers in creating
11 smaller, safer, fairer, and more humane jails. The
12 New York City Board of Correction is a nine person,
13 non-judicial oversight board, which regulates,
14 monitors and inspects the correctional facilities of
15 the City. The Mayor, City Council and presiding
16 justices of the Appellate Division of the Supreme
17 Court for the First and Second Judicial Departments
18 in joint nomination with the Mayor appoint its
19 members. Our chair, currently Stanley Brezenoff, is
20 selected by the Mayor. Our dedicated Board members
21 are appointed to terms of six years with staggered
22 expiration dates and are not compensated. The Board
23 is one of, if not the, earliest civilian oversight
24 board of adult jails. The Board's original
25 appointees began in 1957. In 1977, the Board's role

was expanded, and it became more independent gaining its own staff and budget. Chapter 25, Section 626 of the City Charter details broad powers for the Board. We have unfettered access to the Department of Correction's records, as well as the power to inspect and visit any part of the facilities under the Department's jurisdiction. The Board also has the authority to issue subpoenas, conduct hearings, require the attendance of witnesses, and compel production of documents. The City Charter outlines the Board's central functions: To establish and ensure compliance with minimum standards for the care, custody, correction, treatment, supervision, and discipline of all persons held or confined under the jurisdiction of the DOC; to investigate any matter within the jurisdiction of the Department; to establish procedures for hearing inmate and staff grievances or complaints; to evaluate the performance of the Department of Correction; and to make recommendations on areas of key correctional planning. The Board established its Minimum Standards on conditions of confinement in 1978, on mental health care in 1985, and on health care in 1991. When I arrived at the Board at the end of June 2015,

2 there were 16 staff and it had been operating for six
3 months without any management team. The Board
4 currently has 18 people on staff spread across its
5 lower Manhattan and Rikers Island offices. Our
6 fiscal year 16 budget authorizes a headcount of 30
7 and the fiscal year 17 budget authorizes a headcount
8 of 38 and an overall budget of approximately three
9 million. With new resources in fiscal year 16 we
10 revised the organizational chart and hired four
11 people. We currently have open postings for five
12 different roles corresponding to a total of ten
13 positions: a Deputy Executive Director for Monitoring
14 and another for Research, a Program Associate for our
15 monitoring team, an Information Technology Associate,
16 and Monitors or Standards Specialists. With new
17 staff leadership, funding, and Board members, along
18 with increased public attention and significant jail
19 reform efforts underway, we are in a period of
20 welcomed growth and change toward creating a
21 stronger, more effective Board of Correction. The
22 additional funds have allowed us to re-organize and
23 create three divisions to ensure that we effectively
24 meet our mandates. These three divisions are the
25 Office of General Counsel, Monitoring, and Research.

The additional funding and support of the Council and Mayor's Office will allow the Board to excel in three major ways. First, with updated, tailored and expanded regulations. Fiscal year 17 funding includes two new staff for our General Counsel. This expanded team will carry out our Board's active regulatory agenda. We recently released a fiscal year 17 regulatory agenda in the City Record. We will release regulations intended to prevent sexual violence shortly. Then we will address and regulate restrictive housing in the jails. We will also comprehensively revise our mental health standards. These are each major important oversight efforts that will ensure the Board's regulations are forward thinking and tailored to today's reforms in the jails. Two, more research, data analysis and public reporting. New funding includes four additional staff to support our analytical capacity. We have created a new and stronger research department led by a Deputy Executive Director to carry out our commitment to evaluating and analyzing operations and outcomes in the jails, increasing transparency, and sharing data. We believe this is crucial to successfully maintaining compliance with Board

Standards and other regulations. For instance, over the past year we have issued quarterly reports on punitive segregation reforms. This month we issued our first monthly report on visit restrictions and the results of our own visit appeal responses. Our new staff and approach will also involve relying on H&H and DOC to work with us to release regular monitoring and progress data reports, which will show compliance success or challenges. For example, this summer the Board will release its first Key Performance Indicator Dashboard. The Dashboard will monitor compliance with 12 Standards in the adolescent and young adult jails including areas such as behavioral health and health services, law library, recreation, education, and programs. We hope this will be an unparalleled tool for transparency and for the Board, H&H, DOC and other partners to use in management and quality improvement. Another example of this work is a new monthly report on health and mental health care access delivered by H&H starting this month. Third, strengthened and structured monitoring. New funding will grow our staff in the jails by at least seven. It also allowed us to create a new structure with a

Deputy Executive Director dedicated to this work and bringing our management and Board closer to our daily oversight activities. Our monitoring staff working in the jails has a combined 146 years of expertise and experience. They conduct daily site visits at all jails on Rikers and the major borough facilities. These staff resolve and refer inmate and staff complaints, monitor compliance with the Minimum Standards and other regulations, investigate and intervene on deviations from regulations, and help to smooth the delivery of basic services and calm tensions in the facilities. These new staff will allow us to conduct random monitoring on off hours and weekends. It will also support more consistent visits to the courts pens and hospital wards and more coverage of the largest jails. With this increased number of staff we will also create a comprehensive new training program unique to the Board and conduct topic-driven surveys and audits. Independent civilian oversight of our jails is critical, even in this moment of reform. There are few governmental institutions that are as closed and opaque as jail and prison. As the Board's 60th anniversary approaches in 2017, this Administration and City

2 Council have shown increased commitment to a strong,
3 active, and effective Board of Correction. With these
4 new resources and our broad access, oversight and
5 regulatory powers, the Board is poised to play an
6 important role in reform, and we look forward to
7 collaborating with the City Council and its many
8 members who are engaged on these issues. Thank you.

9 CHAIRPERSON FERRERAS-COPELAND: Thank you
10 very much for coming to our hearing today and for
11 testifying. Many members are saying, "BOC, who are
12 they? They've never come to testify before." So I
13 think it appropriate and important that you come
14 today. I actually have two questions. One is--well,
15 three questions. Does the Board expect to revisit
16 any of the Board's minimum standard or engage in any
17 rule-making on when it comes to mental health
18 standards?

19 MARTHA KING: Sure. So the Board will
20 engage in probably three rounds of rule-making in
21 fiscal year 17. The first will be focused on the
22 restrictive housing in the jails. So, that's--we're
23 basically not looking at punitive segregation, but
24 everything besides that that has any associated
25 restriction with it, including ESH. And then we will

2 look at and revise our mental health standards, which
3 is a whole chapter, and then we're also going to
4 revise some internal procedures which are laid out in
5 our standards elated to variances from the minimum
6 standards.

7 CHAIRPERSON FERRERAS-COPELAND: Have you
8 seen a decrease since the implementation of the 14-
9 point plan of complain [sic]?

10 MARTHA KING: No.

11 CHAIRPERSON FERRERAS-COPELAND: No,
12 there's been none, okay. And in your opinion, do you
13 think the Board is sufficiently funded to provide
14 comprehensive oversight of DOC?

15 MARTHA KING: I think we're very, very
16 excited about the expanded funding, and you know, I
17 said we have 18 now. We're trying to get to 38 in
18 fiscal year 17. We're hiring for 10 roles right now.
19 So, I think, you know, we need to grow into that new
20 ORB [sic] chart, use the resources and of course
21 maybe reassess down the line, but we're really
22 appreciative and excited about what we can do with
23 the new money we have now.

2 STANLEY RICHARDS: Right, and some of
3 those positions, some of the newer positions will
4 allow us--

5 CHAIRPERSON FERRERAS-COPELAND:
6 [interposing] Can you just state your name for the
7 record?

8 STANLEY RICHARDS: Stanley Richards.
9 Some of those new positions will really allow us to
10 monitor the new rules, the PREA rules that we're
11 working on now. We'll have two PREA specialists
12 that'll be monitoring those rules in all of the
13 facilities. So, it would really allow us to dig in
14 on the standards, like to call the standards, not the
15 minimum standards, but the standards, and making sure
16 that the Department is in compliance.

17 CHAIRPERSON FERRERAS-COPELAND: And
18 what's your oversight of PREA?

19 STANLEY RICHARDS: Well, we're
20 establishing. We're in the middle of PREA rule-
21 making right now. We're hoping to finalize those
22 rules, and they're going to be comprehensive and
23 inclusive for the whole Department. So, we're
24 excited about that.

2 CHAIRPERSON FERRERAS-COPELAND: So how do
3 you share that with the public or how can you share
4 that with the committees, both the committees, on
5 once you've established your rules, you know, what is
6 the--what is the process of engaging so that people
7 know? At least the Council if not, if you can't do
8 it publicly.

9 MARTHA KING: So, the Public Advocate
10 petitioned the Board a year ago to create a new
11 chapter essentially of our standards which would
12 incorporate the federal PREA standards, and so that's
13 what the Board's been working on for the past three
14 or four months. It might not look exactly like PREA,
15 but it'll look something that. I think we're happy to
16 speak with interested Council Members now.

17 CHAIRPERSON FERRERAS-COPELAND: Right.

18 MARTHA KING: And certainly once the
19 regulations are established, there would be some type
20 of formal reporting out, both by probably the
21 Department and by us. I think our regulations, the
22 way we'll write them into the standards will require
23 a lot of public reporting along the way.

24 CHAIRPERSON FERRERAS-COPELAND: Okay,
25 very good. Thank you very much. Chair Crowley?

2 CHAIRPERSON CROWLEY: Good afternoon. I
3 want to thank you and the Board, both of you, for
4 being here, for the work that you do. You spoke
5 about PREA compliance and how you're putting your
6 rules together. What happens now when your employees
7 of the Board are out there, and are they reporting
8 back that they're--people are getting raped and
9 they're not, you know, getting investigated or, you
10 know, that staff is just not brought to justice in
11 terms of treatment of inmates? Are you seeing that
12 as it relates to sexual abuse?

13 STANLEY RICHARDS: I think our field staff
14 if they see it, they're definitely reporting it to
15 us. They're reporting it to DOC, but right now
16 there's not a specific rule or process in place that
17 clearly defines BOC's role in ensuring that justice
18 is obtained for those who have been victimized
19 through sexual assault, and the new rules will lay
20 all of that out, both our protocol and our process
21 for responding to that and the Department's. And
22 part of the public conversation and the final rule-
23 making will be negotiated what that would look like,
24 but it would clearly define what our response ought
25 to be.

2 CHAIRPERSON CROWLEY: Are you having
3 trouble? Is your staff having trouble gaining access
4 to areas that they want to be in contact with inmates
5 within Rikers' facilities?

6 MARTHA KING: Thankfully not, no.

7 STANLEY RICHARDS: No.

8 CHAIRPERSON CROWLEY: And was there a
9 problem with some state law that was preventing you
10 from hiring up?

11 MARTHA KING: Yes, it--

12 CHAIRPERSON CROWLEY: [interposing] Is
13 that still--is it still in the way?

14 MARTHA KING: No longer a problem. We
15 started that process. We need approval from the New
16 York State Civil Service Commission to add at least
17 five more. We're asking for more than that--titles
18 for our Correctional Standards Review Specialist in
19 the field. We've started that process and we were
20 subsequently advised that we could hire in temporary
21 roles and temporary titles. So that's what we're
22 doing and that's why we posted for that job, and I
23 hope to have those people on board soon.

24 CHAIRPERSON CROWLEY: [off mic]
25 questions. Thank you.

2 MARTHA KING: Thank you.

3 CHAIRPERSON FERRERAS-COPELAND: Council
4 Member Gibson?

5 COUNCIL MEMBER GIBSON: Hi, good
6 afternoon. Thank you for being here. I just had a
7 quick question. I think a lot of New Yorkers don't
8 really understand as the Chair alluded to the
9 distinction between DOC and BOC, and BOC has a number
10 of obviously public meetings and hearings throughout
11 the course of a year. I wanted to highlight a concern
12 that was raised to me by several constituents
13 recently. In your partnership and work with DOC, and
14 obviously the challenges we face around the level of
15 contraband that has been going in and off the island,
16 Rikers Island, BOC had made a series of
17 recommendations around visits to the island, loved
18 ones, family friends and some of the different
19 changes, the interaction and the level that you can
20 actually touch and communicate with your loved one.
21 So, I wanted to find out where we are in any of that
22 conversation. Has anything been finalized? Are we
23 still in the preliminary stages? And the process for
24 someone to visit someone on Rikers Island is
25 extremely challenging and burdensome, and while I

2 know we talk about reform and efforts to make
3 changes, overall how are we going to make it easier
4 for someone to visit their family's friend or loved
5 one on Rikers Island?

6 STANLEY RICHARDS: Yeah, it is
7 challenging, and thank you for raising that. As a
8 Board Member, I'm part of the Visit Work Group that
9 was initiated by some advocates with Jeff who is the
10 Chief of Staff of the Department, and over the last
11 10 months we've been regularly meeting to really
12 examine both how much time it takes for people to get
13 in to see their loved ones and their experience. We
14 are going to be reporting out tomorrow on some of the
15 progress that's been made, some of the challenges
16 that we still face and some of the barriers. We're
17 still having way too many challenges with respect to
18 people getting access to their loved ones. The visit
19 tables have been rolled out in GRVC and I think in
20 GMDC, and I've heard complaints about the way the
21 table was situated. The original pictures that we've
22 seen in the description doesn't seem like it's lining
23 up with peoples' experience going to visit and
24 children's' ability to engage with their parents.
25 So, this is something we're talking to the Department

2 about. We're giving them the feedback that we're
3 getting with respect to visits, and the Visit Work
4 Group will take those issues up to try to resolve
5 them.

6 COUNCIL MEMBER GIBSON: Okay, I appreciate
7 that, and certainly a lot of the conversation you're
8 having to the extent that you visit the island and
9 see for yourself and hear from those who are impacted
10 by the rules that we're making I think is extremely
11 important. One of the other parts of this
12 conversation was also about individuals who were
13 going on Rikers Island, then going through a
14 background check as well. And so someone who may
15 have a felony or a misdemeanor on their record would
16 ultimately be prohibited or denied access onto the
17 island. So is that still a conversation, or is that
18 off the table, or?

19 STANLEY RICHARDS: That's off the table.

20 COUNCIL MEMBER GIBSON: Oh, okay, okay.

21 STANLEY RICHARDS: That's been--yeah.

22 COUNCIL MEMBER GIBSON: Okay. I can't say
23 that I'm pleased to hear that. I am. I think
24 that's--I was totally opposed to hearing that even as
25 an idea. I don't--we don't want to penalize

individuals for going to visit their loved ones. So, I thank you for that. So, do you have a timeframe on when we would see anything being implemented, or when is this process going to conclude?

STANLEY RICHARDS: It's in--we've seen some drawings of--so part of the challenge with getting people to the visits, in the visit house there are like three or four things that are happening. There are people being released. There are people coming to visit. There are people paying bail. There are people picking up their clothes, all in the same building. What the Department is proposing to do is to separate out those functions so that the visit house is just for visits. It's not about controlling people when they come out getting released on bail. We've seen the preliminary drawings of what it would look like. I'm not sure how long it's going to take for that to actually happen going through procurement and that sort of thing. But rest assured, the Department with the advocates and myself, we're working really hard to make sure that the visitor's experience is right and they get quick access to people.

COUNCIL MEMBER GIBSON: Okay

2 STANLEY RICHARDS: We're also going to be
3 looking at trying to time, measure how long it takes
4 people to get from the one-on-one to the visit house.

5 COUNCIL MEMBER GIBSON: Great. In real
6 time, right?

7 STANLEY RICHARDS: In real time.

8 COUNCIL MEMBER GIBSON: Okay, good.

9 STANLEY RICHARDS: We're trying to figure
10 out how to do it.

11 COUNCIL MEMBER GIBSON: Okay. Thank you
12 very much, and I look forward to working with you and
13 all of the members of BOC. Thank you very much,
14 Chairs.

15 STANLEY RICHARDS: Thank you.

16 CHAIRPERSON FERRERAS-COPELAND: Thank
17 you, Council Member Gibson. Thank you very much for
18 coming to testify today. If we have additional
19 questions our committees will get them to you. If
20 you can reply to them as soon as possible, because
21 we'll be using them for budget negotiating purposes.

22 MARTHA KING: Thank you.

23 CHAIRPERSON FERRERAS-COPELAND: Thank
24 you. We will now adjourn this portion of today's
25 Finance Hearings, and we will resume in 15 minutes,

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES,
AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS 159

2 take a 15-minute break for lunch, and we will be back
3 with the Department of Aging.

4 [break]

5 CHAIRPERSON FERRERAS-COPELAND: We will
6 now resume the City Council's hearing on the Mayor's
7 Executive Budget for Fiscal 2017. The Finance
8 Committee is joined by the Committee on Aging chaired
9 by my colleague Council Member Chin and Subcommittee
10 on Senior Centers chaired by my colleague Council
11 Member Vallone. We just heard from the Board of
12 Corrections and we will now hear from Donna Corrado,
13 Commissioner of the Department of Aging. In the
14 interest of time, I will forgo making an opening
15 statement, but before we hear testimony, I open the
16 mic to my co-chairs Council Member Chin followed by
17 Council Member Vallone.

18 COUNCIL MEMBER CHIN: Thank you. Good
19 afternoon, and welcome to the fiscal 2017 Executive
20 Budget hearing for the Aging Committee held jointly
21 with the Committee on Finance chaired by Council
22 Member Julissa Ferreras-Copeland and Subcommittee on
23 Senior Center chaired by Council Member Paul Vallone.
24 Today, we will hear testimony from the Department for
25 the Aging, also referred to DFTA, on its proposed

budget for fiscal 2017 and general agency operation
with this proposed 295 million dollar budget. First,
I want to thank the Administration for including
three new items in DFTA's Fiscal 2017 Executive
Budget. 4.8 million for Case Manager salaries, 1.3
million to improve vendor oversight and 800,000 for
senior center rent increases. These additions are
sign of small progress, but I cannot ignore the fact
that up to 55 million in cuts to DFTA instituted by
the Bloomberg Administration. Only 33 million has
been baselined by the current Administration. Still
way below what was lost and not meeting growing
needs. In this context, we cannot consider an
additional 6.9 million for fiscal 2017 and 9.4
million in the out-years as significant gains for our
seniors. In this Fiscal 2017 Preliminary Budget
Response, the Council called upon the Administration
to fully fund about 11 items of which only three were
included in the Executive Budget, and of those three
items, including money for NYCHA-managed senior
centers, this Administration only partially funded
and failed to baseline. The item in the Council's
Preliminary Budget Response that were not included in
this Executive Budget include 4.25 million to address

the home care waitlist, three million to alleviate the case management wait list, 5.3 million to support core senior center operation, 1.9 million to establish a neighborhood naturally occurring retirement community program, and 1.95 to increase support for naturally occurring retirement communities, and four million to expand caregiver support services. And finally, these items alone make up over 20 million that is missing from DFTA's budget. The Department's Fiscal 2017 Executive Budget is still nearly 15 million less than its Fiscal 2016 Adopted Budget, a gap that results primarily from the absence of council discretionary funding. This is unacceptable considering that seniors are the fastest growing group in our city whose needs are only increasing with time. In fiscal 2016 the Council supplemented 33.8 million of DFTA's budget. As the mayoral agency, DFTA cannot continue to depend on the Council to perpetually fund programs and services that should be supported through baseline funding. As we enter the final months of fiscal 2016, we need the Administration to step up and help us address these gaps. Although seniors represent over 12 percent of the City's entire

2 population, the budget for the agency that exists
3 solely to assist seniors, DFTA, represents less than
4 one half of one percent of the City's entire 82.2
5 billion dollar budget. The budget that we will
6 discuss today doesn't make seniors a top priority,
7 but there's still time for us to change that. Before
8 I introduce Council Member Vallone, Chair of the
9 Subcommittee on Senior Centers, I'd like to thank the
10 Committee staff for their work in preparing for this
11 hearing, Brittany Moressi [sp?], the Legislative
12 Finance Analyst, Doheni Sampora, the finance Unit
13 Head, and our two new additions, Emily Runee [sp?],
14 the Policy Analyst, and Alex Pollenoff [sp?], the
15 Counsel to the Committee. And now we will hear from
16 Council Member Vallone, and then we'll follow by the
17 DFTA Commissioner Donna Corrado. Thank you.

18 CHAIRPERSON VALLONE: Thank you to my
19 super Chairs, Council Members Ferreras-Copeland and
20 Margaret Chin. Good afternoon now, Commissioner
21 Corrado. It's good to see you. My name is Paul
22 Vallone. I am Chair of the Senior Centers
23 Subcommittee, and I'm pleased to hear that the
24 Administration has made some significant investments
25 into DFTA's Executive Budget. I applaud these

additional investments; however, the 800,000 is not enough to realize the real needs for our senior centers. However, as Council Member Chin has stated, an additional 6.9 million in fiscal 2017 and 9.4 in fiscal 2018 is also simply not enough. The Council's fiscal 2017 Preliminary Budget Response called upon the Administration to increase baseline funding for DFTA, including the fiscal 2016 City Council allocation of 5.3 million for core senior center operations expenses which supported underfunded senior centers and enhanced funding for space and transportation costs. We see a growing demand for the services that our senior centers and our naturally occurring retirement communities, NORCs, and neighborhood naturally occurring retirement communities provide, but not an appropriate increase in funding. The Council repeatedly calls upon the Administration to baseline vital senior centers in DFTA's budget. We argue that forcing DFTA to rely on one-time council funding year after year compromises the consistency of services that senior centers provide, as this funding is not guaranteed. The Council wants to work with DFTA to fight for more resources that will allow the City to better serve

2 its seniors, but we need to see the same fervent
3 advocacy from you. It is my hope that there is still
4 time to work with the Administration to include much-
5 needed additional funding for DFTA before this budget
6 is adopted. Thank you to my Chairs.

7 CHAIRPERSON FERRERAS-COPELAND: Thank you,
8 Chair Vallone and Chair Chin. We've been joined by
9 Council Members Rose, Koslowitz and Miller. After
10 you're sworn in, Commissioner, you may begin your
11 testimony. Oh, and Majority Leader Matteo--and
12 Minority Leader Matteo who's been with us all day.

13 COMMITTEE COUNSEL: Do you affirm that
14 your testimony will be truthful to the best of your
15 knowledge, information and belief?

16 COMMISSIONER CORRADO: I do. Good
17 afternoon Chairpersons Ferreras-Copeland, Chin,
18 Vallone, members of the Finance and Aging Committees.
19 I am Donna Corrado, Commissioner of the New York City
20 Department for the Aging, and I'm joined today by Joy
21 Wang, Associate Commissioner of Budget and Fiscal
22 Operations, and by Deputy Commissioner Caryn Resnick,
23 Deputy Commissioner of External Affairs at DFTA. The
24 Fiscal Year 17 Executive Budget projects 295 million
25 in funding. The budget includes allocations of 122

million to support senior centers, 36 million for home-delivered meals, 29 million for case management services, 18 million to support home care for home-bound seniors who are not Medicaid eligible, six and a half million for NORC programs, and four million for caregiver support services. Furthermore, the Fiscal Year 17 Executive Budget includes additional funding to increase salaries for case management staff and to address senior center rent needs. The Executive Budget reflects 4.8 million and 7.3 million starting in fiscal year 18 to stabilize staffing for case management programs by significantly raising salaries of case managers and their supervisors. As high turnover rates among DFTA contracted case management staff have impeded service delivery, meeting this acute need was a top priority. Due to non-competitive wages, approximately one-third of case managers and supervisors leave within 12 months of employment, and about half of case managers and supervisors leave within two years. This increase funding will result in more competitive salaries as well as help reduce high turnover rates and improve service delivery by hiring and retaining professionally qualified staff to ensure greater

2 continuity of care. In addition, DFTA received
3 800,000 in baseline funding to cover senior center
4 rent. This investment is critical for our contracted
5 providers to continue to carry out their core
6 services. As you know, Mayor de Blasio and First
7 Lady McCray released Thrive New York City: A Mental
8 Health Roadmap for All last year. Thrive New York
9 City includes two initiatives that focus on geriatric
10 mental health. One initiative is to embed mental
11 health practitioners in up to 25 senior centers.
12 These mental health professionals will assist senior
13 center members with issues ranging from depression
14 and anxiety to highly disruptive behaviors. The
15 program is slated to begin this summer with
16 enrollment commencing in the fall. DFTA's budget
17 includes 1.4 million annually for the geriatric
18 mental health program in senior centers. In addition,
19 DFTA is establishing a friendly visiting program
20 within our case management agencies. Through this
21 program, DFTA is investing 1.8 million to reduce
22 social isolation and enhance vital social connections
23 as well as to help identify possible social help and
24 mental health needs which in some cases connections
25 will be made for a higher level of intervention.

Case management clients who are socially isolated will be paired with trained volunteers who will visit the clients regularly. These regular home visits will provide meaningful social contact and identify possible issues requiring follow-up. The program is expected to begin in October of 2016. Seniors represent the fastest growing segment of New York City's population, and increasing the supply of affordable housing will become even more important. The Mayor's Housing New York five borough ten year strategy includes a plan for more than 1,500 affordable senior units. As you know, two important city initiatives have gone through the public review process and were approved through the tireless efforts of Council, Borough Presidents and Community Boards. Mandatory Inclusionary Housing and Zoning for Quality and Affordability, MIH is a pioneering initiative to ensure that affordable housing is mandatory and permanent wherever the new housing capacity is approved through land use actions. Together, with our broader housing plan, it will yield tens of thousands of affordable apartments in high quality neighborhoods while stabilizing those neighborhoods for years to come. Through ZQA, the

targeted changes to updating zoning regulations will support the creation of senior and affordable housing, making it easier and less expensive to build the affordable housing and improve the ground floor spaces to enhance the neighborhood quality of life.

DFTA received a three-year grant totaling 1.8 million from the Federal Transit Administration to provide an app-based on demand transportation services for seniors and people with disabilities living in high-need areas. The membership-based service will use mobile technology to facilitate point to point trips in real time, similar to E-hail, through a smart phone application or through a 24/7 dispatcher services. This service will guarantee round-trip availability and users will have several options for requesting a ride from any location in the target area to any point in New York City. Rides will be approved by drivers from commercial transportation businesses. The Mayor's Office for People with Disabilities is a program partner for this grant, and we are consulting with the New York City DOT on various program elements. Also DFTA will be using a solicitation for the agency's transportation services program later this month. DFTA launched a bus and

2 subway advertising campaign to increase elder abuse
3 awareness and is developing another campaign to
4 promote New York Connect System. The elder abuse
5 awareness campaign focuses on how all New Yorkers can
6 recognize the physical, emotional and financial signs
7 of elder abuse and report these incidents to 911 or
8 311. The elder abuse awareness subway and bus
9 advertisements were placed throughout the public
10 transportation system beginning in April and we run
11 through May of this year. This advertising and
12 awareness campaign complements the City's significant
13 recent investments in elder abuse prevention. The
14 fiscal year 17 Preliminary Budget added 3.5 million
15 in baseline funding for elder abuse prevention,
16 increasing the annual commitments from 800,000 to 4.3
17 million, which will support existing elder abuse
18 contracts and established multidisciplinary teams.
19 New York Connects: Choices for Long Term Care is a
20 statewide system that provides comprehensive
21 information on long term care services and supports
22 regardless of age, income, disability, or diagnosis.
23 DFTA has oversight and monitoring this responsibility
24 as the local administrative agency for New York
25 Connects in New York City. The New York Connect

advertising campaign will highlight the population
swerved by the system, the types of services provided
and how to contact the program. We expect the bus
and subway advertising for New York Connects to run
in the late summer through early fall. Both
campaigns, posters will be placed in 25 bus shelters
and 25 kiosk panels citywide. As you are aware, SU-
CASA is a community-based arts engagement program
sponsored by the Council, DFTA and the New York City
Department of Cultural Affairs. We thank the Council
for their one million dollars in discretionary
allocation in fiscal year 16, which supported this
program. Through the SU-CASA initiative artists and
nonprofit arts organizations are placed in residence
at senior centers across the five boroughs to provide
arts programming for older adults. Artistic partners
work in a wide variety of disciplines including
music, theater, dance, poetry, ceramics, photography,
writing, and many more. Each SU-CASA program engages
participating seniors in an art project or a series
of cultural programs throughout the course of a six-
month residency. Each residency culminates with a
program at the senior center, which is open to the
public such as exhibits, readings, performances, open

houses, and all the cultural interactions.

Continuing in the tradition of this highly successful seniors partnering with artist programs citywide, SU-CASA greatly expanded arts opportunities for seniors.

In fiscal year 16, 102 artists and art organizations were placed in senior center, which is more than

double the number of placements from the previous

year. We look forward to continuing this successful

partnership with the Council and the New York City

Department of Cultural Affairs in the years to come.

Thank you for this opportunity to testify, and I look

forward to our continued collaboration with the City

Council and these efforts. I'm pleased to answer any

questions that you have.

CHAIRPERSON FERRERAS-COPELAND: Thank

you, Commissioner. We've been joined by Majority

Leader Van Bramer, Council Member Treyger, and we

will begin questions. I know that you had mentioned

this in your testimony, but I just want to get some

clarity for the record on the senior transportation

services. According to HHS Accelerator, DFTA is set

to release the RFP for its transportation services.

How will the transportation RFP fill the gaps for

2 community districts not currently served by
3 transportation programs?

4 COMMISSIONER CORRADO: Okay, this will be
5 a citywide, so we hope to cover every community
6 district throughout the City. So, there's an
7 expansion.

8 CHAIRPERSON FERRERAS-COPELAND: Okay,
9 and--

10 COMMISSIONER CORRADO: [interposing] And
11 some of those boundaries were artificial boundaries
12 that were established basically through the RFP. So
13 with the two separate RFP's with transportation
14 initiatives will cover the whole city, but
15 specifically, there are no more of those artificial
16 boundaries about which community districts can be
17 served or not served. So, we've made those
18 improvements.

19 CHAIRPERSON FERRERAS-COPELAND:
20 Excellent. And do you--does DFTA anticipate a wait
21 list for the transportation services, and if so, how
22 does the agency plan to address its wait list?

23 COMMISSIONER CORRADO: We don't anticipate
24 a wait list. What it's not is--it's not the para
25 transit system. It's a service, but it's a very

2 small piece of the puzzle. So far, we do not
3 anticipate a wait list, and if there is one we'll
4 address that--we'll see and we'll address that when
5 the time comes.

6 CHAIRPERSON FERRERAS-COPELAND: So can
7 you just walk me through why you don't anticipate a
8 wait list? Because it seems that every other services
9 for senior services there's a wait list that we're
10 constantly trying to address.

11 COMMISSIONER CORRADO: Because we built
12 in capacity. So we're hoping based on the current
13 needs and our current experience, we expanded, we
14 built in some capacity, and we're hoping that this
15 will be sufficient for the time being, but we'll wait
16 and see.

17 CHAIRPERSON FERRERAS-COPELAND: Okay.
18 And when you built the capacity, were you thinking
19 from now to two years, not a five years? What is
20 your timeline?

21 COMMISSIONER CORRADO: It's a three-year
22 projection.

23 CHAIRPERSON FERRERAS-COPELAND: Three-
24 year projection, okay. Does--how will DFTA's
25 transportation program differ from the current

2 services offered to seniors, in particular Access-a-
3 Ride? How is this different?

4 COMMISSIONER CORRADO: Oh, this is not
5 Access-a-Ride. This is not a para-transit system.
6 This is simply a small transportation system that was
7 designed for two reasons. One of them is to
8 supplement the para-transit system that we all know
9 is lacking.

10 CHAIRPERSON FERRERAS-COPELAND: Right.

11 COMMISSIONER CORRADO: Throughout the
12 city it's the number one complaint that we get. So,
13 it's to address some of those issues, but primarily
14 it was to address the senior center needs. So,
15 transporting seniors to senior centers, for example,
16 and transportation. So, it was--you know, the
17 history of it, it was a piece meal program. So, in
18 no way is this meant to in any way even approximate a
19 true paratransit system. It's basically augmenting a
20 service.

21 CHAIRPERSON FERRERAS-COPELAND: Okay.

22 And the--some senior centers have their own
23 transportation, right?

24 COMMISSIONER CORRADO: Some of them do,
25 yes.

2 CHAIRPERSON FERRERAS-COPELAND: So, do you
3 see those sites being enhanced or will--does that
4 mean that these senior centers would not be
5 benefitting from this?

6 COMMISSIONER CORRADO: I think the whole
7 system will be benefitting from it, because certainly
8 that's a piece of it, and it's a very important and
9 integral piece that they're able to access a senior
10 center. So that will always be a piece of it, but
11 the way it is because everything within senior
12 services is sort of hodge-podge. So many of those
13 transportation vehicles, for example, also do other
14 things. They pick up seniors and they drop them off
15 to senior centers. They may take seniors on medical
16 appointments. They may, for example, in one senior
17 center that I know of they use the same van to go and
18 pick up clothing so that they can bring the clothing
19 to their thrift shop, and the thrift shop they sell
20 the clothing and that supports the senior center. So
21 it's sort of a mixed bag. So, by having dedicated
22 transportation services it's just used for
23 transportation, and it's not used, for example, to
24 deliver a meal drop-off and all these other things
25

2 during a day that they do to use that particular
3 vehicle.

4 CHAIRPERSON FERRERAS-COPELAND: And do you
5 see this transportation--one thing is, you know, we
6 always tell--our seniors like to feel that they can
7 trust the drivers. They know the same people. They
8 see the same faces. The drivers in a particular
9 senior center, I thinking Elmcors Senior Center,
10 everybody knows that driver. He's been there
11 forever.

12 COMMISSIONER CORRADO: Right.

13 CHAIRPERSON FERRERAS-COPELAND: He comes
14 and he honks the horn, and they can come out. Do
15 you--now that you've created this citywide network,
16 will it be the same people serving or the same
17 drivers serving the same area, or do you see it
18 moving about? What do you envision this--

19 COMMISSIONER CORRADO: [interposing] We
20 envision that one of the existing senior center
21 transportation providers will procure this contract,
22 and using their experience either A., through their
23 own drivers that are staff drivers, or through an
24 actual transportation services like many of them do
25 currently in our transportation programs. They

2 subcontract out to car services, for example. This
3 would be on an existing transportation provider
4 network that we'll be building on. So it's a
5 combination of both.

6 CHAIRPERSON FERRERAS-COPELAND: Okay. I
7 just wanted to now pivot to contracting and then my
8 co-chairs will ask their questions. The Council has
9 been made aware of several issues in DFTA's
10 contracting process, particularly with regards to
11 Council Discretionary Awards. Award letters are sent
12 out late into the fiscal year and it takes a long
13 time for groups to receive funding. How long does it
14 take DFTA on average to process contracts after
15 they've been cleared by MOCS, and if there is--and is
16 there a significant lag time, why is the lag time?

17 COMMISSIONER CORRADO: There is several
18 components to contracting actually, as you know.

19 CHAIRPERSON FERRERAS-COPELAND: Yes.

20 COMMISSIONER CORRADO: Right? So, this
21 past year, we've actually done a lot of work about
22 tracking exactly how long and where in the process in
23 where those bottlenecks are. So there's bottlenecks
24 all around that route. So one of the things that we
25 suggest, and internally we're trying to improve our

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES,
AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS 178

2 turnaround time. So what was it, 30 days or 60 days
3 within DFTA?

4 COMMISSIONER CORRADO: Yeah, and our--so
5 in our--while DFTA's, it's in DFTA's purview--

6 CHAIRPERSON FERRERAS-COPELAND:
7 [interposing] Right.

8 COMMISSIONER CORRADO: We needed to bring
9 down that time. So we've made some improvements in
10 the time where DFTA actually has some control over
11 that process. So we would really like to work with
12 the Council and OMB to get their time periods
13 improved as well. One of the things we noticed at
14 Council is that, you know, the time--there's a lag in
15 the time that they actually approve funding and that
16 we learn of it. So, the process doesn't begin until
17 later. So, by having those allocations actually--
18 there's a word for it. What's the actual paperwork
19 that they get in? The allocation process, sooner
20 rather than later that begins the process, the
21 transparency--

22 CHAIRPERSON FERRERAS-COPELAND:
23 [interposing] Right, so I think for us one of the
24 things that we're trying to get more efficient at is
25 when we pass the budget, then we have to assign.

Like, SU-CASA members get to assign those groups later in the process. So that might be in August. But the challenge that we've also found--so we're trying to figure out how we can make this entire process shorter from the Comptroller's Office to MOCS to the City Council, but in your agency in particular it was taking--it is taking a lot longer after it goes through all those delays and all those obstacles and it finally gets to your agency, it then takes a whole new length of time where other agencies don't seem to have that. So I'm asking, you know, what are the policies that are hap--what's happening--

COMMISSIONER CORRADO: [interposing]

Right.

CHAIRPERSON FERRERAS-COPELAND: and is it a need for staffing?

COMMISSIONER CORRADO: That may very well--

-

CHAIRPERSON FERRERAS-COPELAND:

[interposing] You need addition--

COMMISSIONER CORRADO: [interposing] We would like to sit down with you and look at that. One of the things that we experienced, and I'm sure many other agencies don't, it's just a significant number

2 of discretionary contracts. We're get--for example,
3 this SU-CASA contracting thing, a number of very
4 small amounts to different city agencies. So, the
5 number--it's a same amount of work whether we have a
6 2,000 dollar discretionary contract to process or a
7 25,000 dollar discretionary contract to process. So
8 it's just sheer volume. So--

9 CHAIRPERSON FERRERAS-COPELAND:

10 [interposing] So perhaps we can sit with OMB, and we
11 can get a team of people to sit down with--

12 COMMISSIONER CORRADO: [interposing]

13 Right.

14 CHAIRPERSON FERRERAS-COPELAND: to go
15 over this process and create spaces where a 25,000
16 dollar contract isn't the same as a 2,500 dollar
17 contract.

18 COMMISSIONER CORRADO: Right.

19 CHAIRPERSON FERRERAS-COPELAND:

20 Especially if it's already been cleared by so many.
21 We do our own clearing, then MOCS, then the
22 Comptroller, and then you're doing a new set of
23 clearing--

24 COMMISSIONER CORRADO: [interposing]

25 Right.

2 CHAIRPERSON FERRERAS-COPELAND: which by
3 the time--some organizations are just getting their
4 funding now for fiscal 16.

5 COMMISSIONER CORRADO: Right.

6 CHAIRPERSON FERRERAS-COPELAND: So,
7 that's a big challenge.

8 COMMISSIONER CORRADO: So, we would love
9 to work with you to improve that process.

10 CHAIRPERSON FERRERAS-COPELAND: Okay,
11 thank you. Chair Chin followed by Chair Vallone.

12 CHAIRPERSON CHIN: Thank you.
13 Commissioner, when we had the Preliminary Budget
14 hearing you testified that the total need for the
15 case management salary increases, the pay parody, was
16 12 million, and that would bring case manager
17 salaries from 35,000 to 55,000 and supervisors from
18 55 to 65. Now, we asked for 12 million. You asked
19 for 12 million and we also put it in our budget
20 response, and I remember when you asked for that 12
21 million you said, don't forget the three million that
22 the Council put in. So that is total of 15 million,
23 but in the Executive Budget only 4.8 was allocated.
24 So, what was the rat--and also, what's the rationale
25 behind increasing case manager salary by 15,000?

2 That was the proposal from OMB to 50,000, and then for
3 the supervisor they were only going to raise 5,000 to
4 60,000. And how do you see this salary increase
5 helps staff retention, and is DFTA concerned about
6 retaining case manager and supervisor? You're seeing
7 such a small difference between the salary.

8 COMMISSIONER CORRADO: Okay. There's a
9 number of issues involved. You know, out of the 23
10 or 22 case management programs, all of those have
11 different staffing patterns. They have some, a
12 combination of Bachelor level. They have combination
13 of Master's level, supervisors. We try to set some
14 regulations around caseloads and around how many case
15 managers a supervisor needs to oversee, but there is
16 a big conglomeration, right? So we had to start
17 somewhere. So we made projections based on average
18 salaries. So what we'd like to do is we'd like to
19 sit down with every case management agency, look at
20 their staffing pattern, and give them some
21 flexibility about what makes sense to them, either A
22 in the context of their own collective bargaining
23 agreement, and that really--that does--it is relevant
24 to one of our largest service providers, and to their
25 particular needs of their larger agency and their

2 salary scales within their agency, and we're going to
3 give them the greatest amount of flexibility. So
4 what we don't really want to do, we want to set the
5 floor, but we don't want to dictate what it is that
6 they can pay their employees. They have to come to
7 us with recommendations. We'll work with them. We'll
8 be flexible. We know there are longevity issues for
9 some supervisors and managers that have been there
10 for years. We'd like to capitalize on that and
11 really honor and respect that they've been retained
12 by the agency, and they have the knowledge and
13 experience that only brings quality to the network on
14 overall. So we'd like to be very flexible in how we
15 roll this out and how we work with different case
16 managers. I don't want it to be a one-size-fits-all,
17 and I certainly don't want to dictate salary levels.

18 CHAIRPERSON CHIN: But when you, when you
19 have your discussion with OMB and when you came up
20 with a number of 12 million, it had to be based on
21 something, right? And what they put in, OMB put in
22 the Executive Budget was only 4.8, and then they put
23 in on the out-year, they increased it to 7.3.

24 COMMISSIONER CORRADO: Right.
25

2 CHAIRPERSON CHIN: It's still not anywhere
3 close to 12 million.

4 COMMISSIONER CORRADO: Well, the 12
5 million also included the NORC programs and things
6 that are not necessarily within the 22 case
7 management programs, but we feel it's an excellent
8 start. It'll help us retain staff. They will reduce
9 the turnover and really building infrastructure of
10 the case management programs so they can really hire
11 professional staff, keep professional staff, keep
12 caseloads down and really bring the quality of care
13 and the continuity of care over the next two years.
14 You know, we hope to see a much stronger case
15 management network over the next two years.

16 CHAIRPERSON CHIN: Now--

17 COMMISSIONER CORRADO: [interposing] So--

18 CHAIRPERSON CHIN: [interposing] So, 4.8,
19 I'm just trying to drill it down that in the out-year
20 they put in 7.3. Couldn't you use that 7.3 now
21 instead of just 4.8?

22 COMMISSIONER CORRADO: We're going to
23 look at each case management program, as I said,
24 individually and try to meet their needs by giving
25 them the greatest flexibility. So, I'm not as

2 concerned as you are. I think we'll be able to manage
3 this and roll this out, because in all truth be told,
4 you know, on day one not everybody's going to be able
5 to hire up. So, as they bring staff on, we're really
6 hopeful that we'll be able to work with them to meet
7 their needs.

8 CHAIRPERSON CHIN: Well, relating to
9 that, then I'm going to ask you the question about
10 our concern. This whole discussion started with wait
11 lists. The principle is that no senior should be on
12 wait list, right? So, last year, we were successful
13 in getting the home care wait list down, and we put
14 in 4.--got the Administration to put in 4.3 million.

15 COMMISSIONER CORRADO: Right.

16 CHAIRPERSON CHIN: Now, that money is not
17 in the Executive Budget. So, how are we going to
18 deal with seniors that got off the wait list last
19 year because we were able to put that money in, and
20 what about, fiscal, you know, 2017.

21 COMMISSIONER CORRADO: [interposing]
22 Right.

23 CHAIRPERSON CHIN: At the same time, the
24 Council put in three million last year to take care
25 of the case management wait list, but that money was

not added in by the Administration either. So, what happened to the seniors that got off the wait list in case management last year, and going forward, are they going to go back on the wait list again?

COMMISSIONER CORRADO: Well, DFTA and our seniors, we've been very fortunate. In the historical context and we hope that we would have a continued partnership in funding the needs for older New Yorkers. So we're counting on Councils continuing to partner with us to meet those needs, and I would hope that no senior that's currently on our case management rolls will fall off those rolls. We've been fortunate enough to meet the needs of our home care list. So there's no longer a wait list for home care services. It's a point in time today. There's no wait list for home care services, and people will hopefully be able to better manage those case management roles as we solidify the staffing in our case management programs.

CHAIRPERSON CHIN: I mean, Commissioner, we are always happy to partner. DFTA is one of the agencies that the Council has always loved, but you are a mayoral agency. You're not a council--

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES,
AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS 187

2 COMMISSIONER CORRADO: [interposing] And
3 we hope you'll continue to love us, but more
4 importantly that you continue to support the seniors
5 in our community.

6 CHAIRPERSON CHIN: We do, and--

7 COMMISSIONER CORRADO: [interposing]
8 Because we cannot do this without the City Council.

9 CHAIRPERSON CHIN: Yeah, but we need the
10 Administration to step up.

11 COMMISSIONER CORRADO: And the
12 Administration has stepped up in a way that they've
13 never stepped up before, and there's unprecedented
14 support for senior services, not only through the
15 Department for the Aging, but through other city
16 agencies and it's really our affordable housing plan,
17 and they--

18 CHAIRPERSON CHIN: [interposing] Well,
19 yeah, I know--

20 COMMISSIONER CORRADO: [interposing] They
21 have--they do support seniors.

22 CHAIRPERSON CHIN: Yeah, I mean, you
23 mentioned--

24 COMMISSIONER CORRADO: [interposing] So, I
25 think the 30 million dollars in baseline funding, or

2 actually 40 million dollars in baseline funding that
3 this Administration put it in is a 25 percent
4 increase. So, I think that that's an unprecedented
5 commitment on behalf of the Mayor and this
6 Administration to support senior services, but we
7 cannot do it without the City Council support, and we
8 really rely on that support in the future.

9 CHAIRPERSON CHIN: Yeah, and the Council
10 has always been there. The increased amount that
11 this Administration have put in, and we appreciate
12 that, and we fought very hard with the advocates to
13 make sure that every single year we have gotten an
14 increase in DFTA's funding, but this has not--this
15 doesn't even equal to what we had before, right? In
16 the last Administration, the cut that was done, we
17 still, DFTA still has not been made whole since 2008.
18 So, we still got a long way to go, but at the same
19 time the senior population is growing, so the need is
20 growing. So we got to--we got to do more than catch
21 up, and I know that it's, you know, it's great that
22 the Administration is putting new funding in and
23 we're trying to address the pay parody to meet--to
24 eliminate wait lists, but we just got to make sure
25 that we have sufficient funding to do that. When I

2 see, you know, other agencies, they're doing a lot
3 more, and the senior population is growing, and we
4 need to make sure that the funding is there. So,
5 when I'm looking at your request for 12 million, and
6 then the Administration only give us 4.8, that's a
7 big--that's still a big gap. And we still have to
8 address the wait list question, because the home
9 care, you know, you in hearing previously you said we
10 eliminated it, but I don't want it--I just don't see
11 how you are going to not have a wait list if that
12 money is not put back in for this year for the home
13 care and case management, and if you're asking the
14 Councils to do it, that's a lot. Council put in
15 three million last year, and the 4.25 for home care,
16 that was put in by the Administration. So, we're
17 going to continue with OMB discussion on that. The
18 other question I have is that I didn't see any budget
19 included for oversight of the social adult daycare,
20 because the Council, you know, we passed the
21 legislation in terms of providing oversight to all
22 these social adult daycare program that's been
23 popping all over the city, and you got a list of
24 registration and there's over 200 of them, and we
25 are, you know, expecting DFTA to make sure that these

2 social adult daycare are providing critical service,
3 are providing services that they should be providing,
4 and making sure that our seniors are safe and
5 protected. So, what would be the amount that you
6 need to perform, you know, onsite evaluation and
7 oversight of these social adult daycare?

8 COMMISSIONER CORRADO: Well, this is
9 something that we've currently evaluating and writing
10 the rule still but we are in conversation and will be
11 in conversation with City Hall and with OMB to ask
12 for additional resources when the time comes and we
13 have a better understanding of exactly how much and
14 what the resources involved will be, but certainly
15 futuristically I do anticipate asking OMB and City
16 Hall for more resources to follow up in a responsible
17 way with the social adult daycare oversight.

18 CHAIRPERSON CHIN: But what is your
19 timeline? I mean, the law's been passed--

20 COMMISSIONER CORRADO: [interposing] I
21 would say--

22 CHAIRPERSON CHIN: almost a year now.

23 COMMISSIONER CORRADO: We will be in
24 conversation very shortly.

2 CHAIRPERSON CHIN: Okay. I mean, we just
3 got to make sure that gets going. The last question
4 I have then I'll pass it on to my colleague. The
5 Administration put in the three million for NYCHA
6 senior center, but is not in the out-years. So, it's
7 not baselined, and so has DFTA identified any NYCHA
8 senior center that's located in NYCHA building that
9 are seniors only or that house a majority of senior
10 that could possibly potentially turn into NORC
11 programs, because when I asked Director Dean Fuleihan
12 on Friday when we had the hearing with OMB he assured
13 me that that discussion is going on, because I said,
14 well how come it's not baselined? It's only for one
15 year.

16 COMMISSIONER CORRADO: Well we do have--
17 we do have our baseline funding for NYCHA. The NYCHA
18 centers that we already took responsibility for and
19 sponsorship for. So, that is baselined. We heard
20 yesterday that NYCHA--or on Friday--that NYCHA will
21 continue oversight of the 17 NYCHA programs that
22 they're currently overseeing. They will continue that
23 for at least one year. So those conversations are
24 ongoing, but as it--we do have baseline funding for
25 our previous commitments.

2 CHAIRPERSON CHIN: But then I think the
3 issue that, is that Administration put in three
4 million. It's for that 15--oh, it was 17 now, 17
5 NYCHA center? So that is for NYCHA to run those
6 centers for one year?

7 COMMISSIONER CORRADO: No, that's the
8 other way around. We originally took over 12 senior
9 centers. So, that money was baselined. We will
10 continue that oversight. There is 17 in question
11 that NYCHA currently oversees. So we're reviewing
12 that with NYCHA, with OMB and with City Hall to come
13 up with a plan, but for the time being that plan for
14 DFTA to assume sponsorship of those programs is on
15 the back burner. NYCHA will continue for the next
16 year to oversee those. So, as far as baseline funding
17 goes, we have what we need to currently meet the
18 commitments with baseline funding.

19 CHAIRPERSON CHIN: Okay, so the three
20 million that was in the Executive Budget, that is for
21 these 17 centers.

22 COMMISSIONER CORRADO: That we're already
23 overseeing that are up and running, yes.

24 CHAIRPERSON CHIN: So, these are the 17
25 that you have to have a discussion what's going to

2 happen to them because the funding is only available
3 for one year. Decision--

4 COMMISSIONER CORRADO: [interposing]
5 That's not my understanding.

6 CHAIRPERSON CHIN: have to be made.

7 COMMISSIONER CORRADO: So we'll have an
8 offline conversation, because my understanding is
9 different than yours.

10 CHAIRPERSON CHIN: Okay, we should get
11 that cleared up, because--

12 COMMISSIONER CORRADO: [interposing] But
13 Joy may--

14 JOY WANG: [interposing] Yeah, for NYCHA
15 we received 5.7 million in the last executive plan
16 and we're currently funded for all our NYCHA's in
17 baseline funding.

18 CHAIRPERSON CHIN: But there was three
19 million in this Executive Budget.

20 JOY WANG: Not for us that I'm aware of.

21 CHAIRPERSON CHIN: Okay, so that three
22 million is in NYCHA's budget and it's only for one
23 year. So, in that one year something is going to
24 happen.

2 COMMISSIONER CORRADO: So that's in
3 NYCHA's budget. So--

4 JOY WANG: [interposing] Yeah, we're not
5 a--currently DFTA's funded for all our NYCHA, all our
6 centers in NYCHA sites. We're fully funded.

7 CHAIRPERSON CHIN: Okay. So, we'll follow
8 up with you regarding those. Okay, I'll pass it on to
9 Council Member Vallone, and I can come back later on
10 that question. Than you.

11 CHAIRPERSON VALLONE: Thank you to my
12 Madam Chairs. Commissioner, you're coming with--I
13 come in with questions and then I hear testimony and
14 then I see numbers, and then I keep coming back to
15 math, and I hate math. But this is what--this is
16 your estimates, and back in our Fiscal 2017
17 Preliminary Budget you testified that we had a 20
18 million dollar funding gap. Case management salary is
19 12 million, case management wait lists, three
20 million, home care wait list, 4.25 million. Not one
21 of those were met, not one, in full. The Mayor or
22 the Administration put in some, but not all. So, we
23 have a gap that we're trying to explain to the rest
24 of the City and the largest demographic base that
25 this is okay, and it's not. My Chair, sense her

2 frustration. Our Finance Chair has her frustration.
3 I'm Chair of Senior Centers, and I haven't even
4 touched senior centers yet. It's like every year we
5 have to try to make do with funds that we don't have
6 for our most critical demographic. I'll just give
7 example [sic]. In today's testimony you put in that
8 due to non-competitive wages, approximately one-third
9 of case managers and supervisors leave within 12
10 months of employment, and about half of case managers
11 and supervisors leave within two years of employment,
12 and like Chair Chin said, we give a 5,000 dollar
13 raise to our supervisors, and in answer to that you
14 said we're giving flexibility.

15 COMMISSIONER CORRADO: We're giving
16 flexibility, and I don't--

17 CHAIRPERSON VALLONE: [interposing] But
18 how is flexibility 5,000 dollars?

19 COMMISSIONER CORRADO: That's not--that's--
20 --first of all, I don't know where you got the 5,000
21 dollar figure, because that's not what we use in
22 order--

23 CHAIRPERSON VALLONE: [interposing] It
24 says 55,000 to 60,000 for a salary for supervisors.

2 That's what we have. We'd love to see that go up.

3 If it goes up that's great.

4 COMMISSIONER CORRADO: No, it's--see, I
5 don't want to put out salaries, because then what
6 happens is we go out--

7 CHAIRPERSON VALLONE: [interposing] Well,
8 is--

9 COMMISSIONER CORRADO: [interposing] and
10 then one supervisor will call up and say, well, what
11 about me because you're not raising my salary to the
12 specific thing, and it's going--the specific salary
13 numbers are going to be really very specific to a
14 particular program, but the number that we use to at
15 least come up with an average, because you have to
16 start somewhere, was 48 to 60. So that's a 12,000
17 dollar increase for supervisory salaries. So the
18 numbers that you seem to be quoting in terms of the
19 spread between a case worker's salary and that
20 person's supervisor just off the top of my head that
21 5,000 rings true for what currently exists and what
22 we're trying to correct.

23 CHAIRPERSON VALLONE: It just doesn't
24 seem there's a lot of room.

2 COMMISSIONER CORRADO: So, if the spread
3 is 5,000 now, we're trying to make that 12,000.

4 CHAIRPERSON VALLONE: Well, I can
5 understand. Based on somebody's--any resume that
6 comes in front of me, based on their experience and
7 everything else is going to be dependent, but we have
8 to look at the numbers we're given, and that's what
9 we were given. So it didn't look like you had a lot
10 of--

11 COMMISSIONER CORRADO: [interposing] I
12 didn't--did I give those to you? That's not correct.

13 CHAIRPERSON VALLONE: If I knew where
14 each one of these came from, I'd be--

15 COMMISSIONER CORRADO: [interposing] That
16 was not my numbers, I can assure you.

17 CHAIRPERSON VALLONE: Alright, so then
18 with--for another example. I did another a little
19 searching in my district just to find out, because
20 last year at last year's budget I brought up the more
21 realistic core services budget that each one of our
22 senior centers has to rely on and how much they
23 actually have to put in, and I'm happy to an extent
24 that you put in this year's budget an extra 800,000
25 for fiscal 2017 for increased rent. Rent is just one

2 portion of the whole operating budget. So my first
3 question is why did we target just rent, and the
4 second is where did get the numbers from? Because
5 800,000 for rent just one, and I'll leave them
6 unnamed, one of my senior centers in my district
7 their operating cost is 475,000 for the year, and
8 it's 800,000 for the entire City.

9 COMMISSIONER CORRADO: Right. And those
10 are just rental gaps. So that doesn't include the
11 whole rental cost and what's expensed in rent
12 throughout the City naturally. That's just based on
13 the actual gaps, based on real lease commitments for
14 the future. So it's based on actual. It's not based
15 on some other methodology that was used in the past
16 where it's 30 percent. They shouldn't spend more
17 than 30 percent of their total budget. We used
18 actual rental commitments and existing leases for
19 next fiscal year. So that, that covers that gap.

20 CHAIRPERSON VALLONE: So this will make
21 them all whole for the rental gap.

22 COMMISSIONER CORRADO: Yes, based on
23 actual.

2 CHAIRPERSON VALLONE: Is there any talk
3 at some point to have the additional operating cost
4 included in beside rental?

5 COMMISSIONER CORRADO: This--

6 CHAIRPERSON VALLONE: [interposing] Well,
7 that's what we'd like to see.

8 COMMISSIONER CORRADO: This is very
9 specific to rent, right? So, certainly that rental
10 cost is significant part of the budget.

11 CHAIRPERSON VALLONE: Well, I mean, I've
12 got stats that say our senior centers spend over 30
13 percent of their budgets on rent, right? And as a
14 result of something like that they'll have
15 programmatic problems, staffing problems. So any
16 increase for operating cost for our senior centers
17 will go a huge way to helping out them meet their end
18 goals by each month. I mean, for example, ACS, our
19 Administration for Children's Services, is currently
20 implementing the expense based payment system to
21 replace their rate-based payment system for childcare
22 providers. Has DFTA thought about implementing an
23 expense-based system for senior centers?

24 COMMISSIONER CORRADO: We currently have
25 an expensed-based system. That's why we thought it

2 was very important when we asked for rent that we
3 based on actual costs. So, it's an--most of our
4 contracts are expense-based contracting, and as you
5 know, every senior center based on the history of the
6 senior center, based on procurement, based on past
7 rental situations, many of them were, for example, in
8 church basements where at one time they got free
9 rent. So they may not have had a rental cost in their
10 particular contract, and then all of a sudden they
11 sell the church and now they have to pay at a
12 commercial rent. So we tried to work with our
13 providers within individual situations, but those
14 situations change. So that's why you'll see such a
15 variance in the amount of the bottom line of
16 contracts with our senior centers and our case
17 management programs, because they're all different
18 and they all have different circumstances.

19 CHAIRPERSON VALLONE: Well, I'm following
20 that. Do you have a list of the unmet needs for
21 senior centers in the City on how each senior center
22 realizes their goal? For example, which ones are not
23 adequately funded less than 100 percent? Sounds like
24 what you're saying is they're all funded and
25 everyone's doing fine, but that's not the case.

2 COMMISSIONER CORRADO: But we're trying--
3 we try to meet those needs and those gaps on an
4 individual basis, and we advocate. We advocate with
5 the OMB and with City Hall for additional funds. We
6 try to work within our own agency and try to use
7 accruals and help them really manage their budgets
8 more efficiently, and yes, we try to work. It's a
9 partnership and we'll certainly rely on the City
10 Council to help us year after year, and we continue
11 that support.

12 CHAIRPERSON VALLONE: No, I know, but
13 there's a list of meals, rents, programmatic costs,
14 transportation costs that each senior center
15 provides.

16 COMMISSIONER CORRADO: Right. So, if we
17 have 270 senior centers, we have 270 scenarios. So
18 some are managing better than others. Some are
19 managing--

20 CHAIRPERSON VALLONE: [interposing] So
21 where is that line in DFTA's eyes of those that are
22 managing better than others?

23 COMMISSIONER CORRADO: Those that
24 naturally get free rent, so they have more
25 discretionary monies for programming. That's one

2 situation, but not everyone enjoys that situation.

3 Some of them get outside support and can raise
4 philanthropic dollars that are discretionary and they
5 can use that enhance programming. Some can't. Some
6 centers are more efficient than others, and we
7 provide a tremendous amount of technical support and
8 assistance to help them maximize whatever dollars
9 they have. So, I cannot make a one-size-fits-all
10 thing. I do know that for example the cost of
11 insurance keep going up and up and up every year.
12 So, I can make a generalization that if you don't
13 advocate for increases and cost of living increases
14 that relates to OTPS, at somewhere along the line
15 even the best of centers and the best scenarios are
16 going to get into some snafu, right? So, but there's,
17 as I said, there's, you know, 270 senior centers.
18 They're funded not only by DFTA funds, but by--you
19 know, there's state funding. There's philanthropic
20 funding. There's federal funding. Some of them are
21 multi-service agencies so they can piece together
22 funding. There's no one center that's the same as any
23 other center.

24 CHAIRPERSON VALLONE: Well, I mean, I
25 think--

2 COMMISSIONER CORRADO: [interposing] So
3 that complicates matters.

4 CHAIRPERSON VALLONE: It does, but we'd
5 like--I'd like to help you advocate on senior centers
6 that aren't being as most sufficient as other ones.
7 There's some that aren't following the better
8 procedures that others do that maybe can help get to
9 these standards at certain senior centers. I mean, I
10 would be the same as you, just like any employers
11 saying, "Hey listen, this group's doing it for this,
12 why can't you, and give me those numbers?" But we
13 don't have that. So I think going forward I think
14 that would be a good way for us to work together
15 after seeing that list on how we're each--within each
16 borough where they all fall, where who needs more
17 assistance than others.

18 COMMISSIONER CORRADO: Right.

19 CHAIRPERSON VALLONE: And because
20 sometimes I'm given stats, statistics that a senior
21 center's in need, or the in need question can be for
22 any committee, and I always ask, "Who determines
23 need?" And I get 17 different answers on who
24 determines need.

25 COMMISSIONER CORRADO: Right.

2 CHAIRPERSON VALLONE: But when I--each one
3 of the Council Members are going to advocate for
4 their districts and say, "Our senior centers are in
5 need."

6 COMMISSIONER CORRADO: Right.

7 CHAIRPERSON VALLONE: Who's to say any
8 one of us is wrong. You know, we don't have that.
9 So I think that's where we have to work better as to
10 determining if senior centers in need. I mean, the
11 Council gives the additional space cost [sic]
12 funding. So, where would senior centers be without
13 that?

14 COMMISSIONER CORRADO: Well, as I said,
15 the baseline funding is in this Executive Budget. To
16 me, the actual expenses of rents for this upcoming
17 year. So, another thing that we do, and I think--

18 CHAIRPERSON VALLONE: [interposing] I
19 mean, it's that partnership that--

20 COMMISSIONER CORRADO: in terms of our
21 oversight is that regularly, you know, I meet with my
22 program staff and I meet with my fiscal staff, and we
23 come up with a short list of centers and programs
24 that we think are struggling for one reason or
25 another, and we try to provide the support, whether

it's financial support or they're inefficient, or they're not properly managed, or for whatever reason there's some extenuating circumstances. For example, they have no director and they can't afford to hire a director or they have a board that's inefficient. We try to go by a case by case basis and strengthening that center, and when we can't strengthen the center, we work with the City Council and the community and our other providers to sort of sunset that program where we can or find a sponsor who can run it responsibly. So, we--

CHAIRPERSON VALLONE: [interposing] Well, I think that's important.

COMMISSIONER CORRADO: We do a--

CHAIRPERSON VALLONE: [interposing] I mean, the senior centers is one component of DFTA's entire future outlook for seniors, but I think just stabilizing our senior centers isn't enough. I mean, the future of our seniors isn't at the senior centers for a larger part. A lot of them are home or can't make it to the senior centers or are aging in place, and I think we need to see budgets that reflect--

COMMISSIONER CORRADO: [interposing] Right.

2 CHAIRPERSON VALLONE: the reality of where
3 our seniors are going to need these needs, and you
4 had mentioned in the beginning when you were
5 answering Chair Ferreras-Copeland's questions about
6 transportation, isn't there an RFP that's being
7 released within a week or two?

8 COMMISSIONER CORRADO: Yes.

9 CHAIRPERSON VALLONE: Was that--

10 COMMISSIONER CORRADO: [interposing] So
11 we're looking--

12 CHAIRPERSON VALLONE: [interposing] What
13 is that transportation dialogue about that RFP, was
14 that something separate?

15 COMMISSIONER CORRADO: That was about that
16 RFP and also an additional programming. So, to your
17 point exactly, it's not only about senior centers.
18 So, this Administration has made an unprecedented
19 commitment to add money to DFTA's budget to provide
20 services that we never provided before. For example,
21 elder abuse services is an expansion. There's an
22 expansion in geriatric mental health, which we never
23 had, and quite frankly I don't know--

24

25

2 CHAIRPERSON VALLONE: [interposing] Yeah,
3 but the Council put in the elder abuse last year. We
4 advocated--

5 COMMISSIONER CORRADO: [interposing] And
6 yes, so thank you for that. I mean, that's very
7 important. It's a commitment for elder abuse, but
8 within DFTA's structure, we're now building capacity
9 on elder abuse prevention and services, and there's a
10 commitment on the Administration's side as well. So,
11 yes, it's a continued partnership. Geriatric mental
12 health, we never had geriatric mental health
13 programming before. So, this is a new commitment, and
14 we're looking at how can we provide services in the
15 future based on new technologies. In addition, we
16 have a federal grant for transportation that's going
17 to be using new technology, and now it's probably old
18 technology, but to the senior center world and our
19 world it's new technology that seniors can access
20 services based on an app. It's not for everyone, but
21 for a segment of the population that may be helpful.

22 CHAIRPERSON VALLONE: I know I care--

23 CHAIRPERSON FERRERAS-COPELAND:
24 [interposing] Commissioner, I just--and I've heard
25

2 this in your testimony, and I think we've engaged in
3 this, this is our time of the year.

4 COMMISSIONER CORRADO: Right.

5 CHAIRPERSON FERRERAS-COPELAND: I want to
6 be clear, no one is saying that this Administration
7 isn't partnering or doesn't believe in senior
8 services. We get it. Yes, it's great that they're
9 doing, you know, all this mental health support what
10 we're saying is when we go to senior centers and our
11 senior center directors are saying, "We have
12 challenges. The facilities need improvement. We'd
13 like to do more with our seniors. We don't have
14 enough money. We wish we had two more staffers."
15 Those are all things that we would hope to see
16 reflected in the budget. That's all that we're
17 saying is--your perspective, and granted, I think it
18 is responsible and you're doing the right thing as a
19 Commissioner to acknowledge everything that was put
20 in the Executive Budget by this Administration. What
21 we are saying is that it's not enough, and what we
22 want to hear from you, Commissioner, is for you to
23 say, "Yes, you're right. It's not enough. We need
24 more." That's--it's very challenging for us to
25 continue to create these initiatives for you to

support the agency and for you to say everything's great, and that is--that's the challenge that we have as Council Members, and we can go around in circles here all afternoon. We want to support you. We want to respond to those directors of our senior centers that are saying, "We need a new kitchen. We don't have enough staff. We have too many seniors coming. We want to give them more. DFTA tells us we can't that additional funding." We need you to partner with us, but we need you to acknowledge that no, what's happening right now is not enough. What the Executive Budget included is great. We're going in the right direction, but it's not enough.

COMMISSIONER CORRADO: Right, and I hope that we gain the momentum that we're going in, because the Administration has been going in the right direction and made some momentum around supporting senior services in a way that they haven't in a very long time, and we--

CHAIRPERSON FERRERAS-COPELAND:
[interposing] I got that talking point, Commissioner.
We got it.

2 COMMISSIONER CORRADO: And we need more
3 money and we rely on your partnership to work with us
4 to get there.

5 CHAIRPERSON FERRERAS-COPELAND: Okay.

6 COMMISSIONER CORRADO: We cannot do this
7 alone.

8 CHAIRPERSON VALLONE: Yeah, I'll give you
9 an example why Chair Copeland is exactly right. We
10 came up with the Council an initiative for 45,000 for
11 SOS. It was something like Support Our Seniors. I
12 think of the 51 Council Members, every one of them
13 used as something different, because the needs like
14 you said are different in every one of the Council
15 Members' districts.

16 COMMISSIONER CORRADO: They are.

17 CHAIRPERSON VALLONE: And it just goes to
18 show, I guess, really the dire strait of where the
19 funds are needed in every particular district.
20 There's different--

21 COMMISSIONER CORRADO: [interposing]
22 Right, which brings us to another point, that even in
23 the best case scenario that all the funding was
24 baselined, we have no way to procure probably around
25 80 percent of the discretionary funding, because it

2 is so particular to individual senior centers and
3 individual groups that you support. In terms of the
4 way our contracting process works currently and our
5 RFP process, we'd have no way to procure those
6 discretionary contracts. So, that is a real
7 challenge. So, even in the best case scenario, we'd
8 have to overcome that huge obstacle.

9 CHAIRPERSON VALLONE: Well, that is. I
10 know we have many Council Members here who have some
11 questions. So I'd like to turn it back over to my
12 Chairs, and then we'll jump back.

13 COMMISSIONER CORRADO: Thank you.

14 CHAIRPERSON FERRERAS-COPELAND: Thank
15 you, Chair Vallone. We've been joined by Council
16 Members Rosenthal and Salamanca. We will hear from
17 Council Members Rose followed by Council Member
18 Miller followed by Council Member Treyger.

19 COUNCIL MEMBER ROSE: Good afternoon,
20 Commissioner. I'm really concerned about caregivers
21 and the services that are provided for them so that
22 there is a continuum of care and that's for the
23 formal caregivers as well as the informal caregivers.
24 So, could you tell me if DFTA actually asks, because
25

2 I don't see that in the budget, to include city
3 funding for caregivers, and if not, why?

4 COMMISSIONER CORRADO: Naturally,
5 caregivers, you know, there's a tremendous need for
6 caregivers and we have a number of priorities. Our
7 priorities this year didn't necessarily match up with
8 your priorities. I know that it is a priority of City
9 Council. We did received four million dollars in
10 Title 3E National Family Caregiver money that's
11 outside of the City support for caregiving, and it
12 allows us to fund up to 10 programs throughout the
13 City serving LGBT, Asian, blind, visually impaired,
14 and regular caregiving populations. So, there is
15 some support, and I know and would love to continue
16 this dialogue and this partnership about how we can
17 improve caregiver services in the future, because
18 this is one of that the need will only continue to
19 grow.

20 COUNCIL MEMBER ROSE: You know, but you
21 didn't ask for it from the Administration. You seem
22 to be relying only on the four million dollars from--

23 COMMISSIONER CORRADO: [interposing] And
24 the reason why I didn't ask--

25 COUNCIL MEMBER ROSE: the federal side.

2 COMMISSIONER CORRADO: Given the myriad
3 of priorities was that the city agencies did get a
4 significant bump up from state, from New York State
5 Office for the Aging this year in the tune of 7.5
6 million dollars to existing caregiver support
7 services. So, we felt that in the scheme of things,
8 given that we had other priorities, so we did not ask
9 for the money because they have to implement programs
10 and spend down that 7.5 million and build the
11 infrastructure and the capacity to spend that money,
12 and provide responsible caregiver services. So,
13 just--

14 COUNCIL MEMBER ROSE: [interposing] But
15 that's only the 10 that are existing now, right?
16 That doesn't address--

17 COMMISSIONER CORRADO: [interposing] No,
18 that--

19 COUNCIL MEMBER ROSE: any additional
20 services.

21 COMMISSIONER CORRADO: It does address
22 additional services because they will build capacity.
23 It's funding agencies outside of the DFTA network as
24 well. So there is a significant increase in what is
25 available in caregiver services. That's not to say

that it isn't a priority. It's just not this year given everything else that we have going on, but certainly we are committed to caregiver services, and we will be advocating in conversation with both the Administration and with the City Council about supporting caregiver services in the future.

COUNCIL MEMBER ROSE: And the Council requested that the Administration put in 150,000 dollars for the informal caregivers to do a demographic assessment of not only the demographics but also to create comprehensive plan. That was not addressed--

COMMISSIONER CORRADO: [interposing] And we're looking forward--

COUNCIL MEMBER ROSE: either.

COMMISSIONER CORRADO: And we're looking forward to planning for that particular survey. We think that that's a wonderful idea, and it's something we want to do. We want to work with you to do it in the most responsible way.

COUNCIL MEMBER ROSE: And the money is there--

COMMISSIONER CORRADO: [interposing] So that we could come up with a plan--

2 COUNCIL MEMBER ROSE: [interposing] The
3 money is there to do that? Is the money there to do
4 that particular survey?

5 COMMISSIONER CORRADO: When the bill
6 passes--

7 COUNCIL MEMBER ROSE: [interposing] The
8 150,000 dollars that the Council asked to be
9 allocated for, is--

10 COMMISSIONER CORRADO: [interposing] It's
11 not there.

12 COUNCIL MEMBER ROSE: Has that been?
13 Okay. My other passion is neighborhood NORCs. So, I
14 might have missed it, but I didn't see funding
15 baselined for neighborhood NORCs in the DFTA budget.
16 Did I miss it? Oh, oh. So, I know you--I don't know,
17 for the record, if you said it. Commissioner, it's
18 not there. I didn't miss it, right?

19 COMMISSIONER CORRADO: You did not miss
20 it.

21 COUNCIL MEMBER ROSE: Okay.

22 COMMISSIONER CORRADO: It's not baseline,
23 no.

24 COUNCIL MEMBER ROSE: So, you know, the
25 Administration, I'm not sure why they continue to not

2 support the neighborhood NORCs, especially since, you
3 know, this is a model that's, you know, most viable
4 for, you know, boroughs outside of Manhattan.

5 COMMISSIONER CORRADO: So, there are
6 significant number of NORCs that are supported in
7 baseline by the Administration. The additional
8 NORCs, again, the Council added discretionary monies
9 was because we have no way of procuring those
10 contracts. So, even if they were baselined, we'd
11 have no way of administering those contracts. So, in
12 essence, that's really the reason. So, we need to
13 work with you and partner with you, and
14 unfortunately, until we release another RFP and then
15 everything's up for grabs. You realize that when
16 that happens. We have no way of procuring that. So
17 we're going to, you know, rely on the City Council
18 and their discretionary funding to fund those
19 programs that they funded in the past.

20 COUNCIL MEMBER ROSE: When will this RFP
21 come out, and--

22 COMMISSIONER CORRADO: [interposing] At
23 this point in time, we don't have plans to reissue an
24 RFP for the neighborhood NORCs.

2 COUNCIL MEMBER ROSE: So, there is no
3 neighborhood NORC plan unless City Council funds it?

4 COMMISSIONER CORRADO: For those
5 contract--for those providers that didn't, were not
6 awarded contracts through the regular RFP process,
7 that's correct.

8 COUNCIL MEMBER ROSE: And so the--okay.

9 CHAIRPERSON FERRERAS-COPELAND: But
10 Commissioner, in the scenario that the Council
11 doesn't fund what they traditionally fund for DFTA,
12 where would that put your agency?

13 COMMISSIONER CORRADO: There would be
14 programs that are fully discretionary funding that
15 are 100 percent reliable on City Council funding so
16 that they would either A., they would have to close
17 or B., that we would have to find a mechanism to
18 procure for those particular programs, because we
19 don't--in our current structure of how we procure
20 contracts, we cannot do that.

21 COUNCIL MEMBER ROSE: Thank you. So,
22 could you tell me what the status of the neighborhood
23 NORC first that was planned for Staten Island is?

24 COMMISSIONER CORRADO: So, there are I
25 believe Cask [sic] is now doing a needs assessment,

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES,
AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS 218

2 and they've subcontracted out with VNS Services to
3 come up with a plan to serve that specific area in
4 Staten Island. So they're doing a needs assessment,
5 and they have to report to us.

6 COUNCIL MEMBER ROSE: Will there be funds
7 to support whatever the needs assessment, you know,
8 determines?

9 COMMISSIONER CORRADO: Currently there
10 are not funds available within the baseline
11 contracting of the NORCs.

12 COUNCIL MEMBER ROSE: And of the existing
13 NORCs, are there funds provided to assist seniors
14 with mental health issues such as dementia and--are
15 there appropriate resources that are funded to help--

16 COMMISSIONER CORRADO: [interposing]
17 Within the actual NORC--

18 COUNCIL MEMBER ROSE: exist [sic] within
19 the NORC?

20 COMMISSIONER CORRADO: contracts
21 themselves, they do not provide mental health
22 services. That requires--but they do make connections
23 with Article 31 clinics that are nearby and hopefully
24 with the geriatric mental health initiatives that we
25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES,
AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS 219

2 will futuristically build capacity within the NORCs
3 to provide mental health services.

4 COUNCIL MEMBER ROSE: Okay. Thank you--

5 COMMISSIONER CORRADO: [interposing] Thank
6 you.

7 COUNCIL MEMBER ROSE: for extending my
8 time. Thank you, Commissioner.

9 CHAIRPERSON FERRERAS-COPELAND: Thank
10 you, Council Member. We'll follow by Council Member
11 Miller followed by Council Member Treyger followed by
12 Council Member Salamanca, and we've been joined by
13 Council Member Lancman.

14 COUNCIL MEMBER MILLER: Thank you, Madam
15 Chair. I'll be brief. So there is a number of--have
16 been a number of reductions in this Executive Budget
17 that we see here, in particular in the senior centers
18 and Meals on Wheels. Are there any other that we
19 should be aware of, as well as what kind of reduction
20 of service if any will we see because of this
21 reduction?

22 COMMISSIONER CORRADO: Okay. There is no
23 reduction in services as it relates to baseline DFTA
24 contracting, neither in home-delivered meals, case
25 management or any core services, and certainly no

2 reduction in senior center funding. The question
3 here is the discretionary contracts, whether or not
4 Council will continue to work with the Department for
5 the Aging and the Administration in subsidizing and
6 supplementing core services, which they have done
7 traditionally. So, while the glass may be half full
8 for us, it's half empty for you, but the truth be
9 told that there is no core cut in services and
10 funding.

11 COUNCIL MEMBER MILLER: So, if the
12 Council does not fund, what deductions in services
13 can we expect?

14 COMMISSIONER CORRADO: I don't expect that
15 Council will not fund the core services for the
16 Department be they remain committed to senior
17 services, and this is a true partnership.

18 COUNCIL MEMBER MILLER: Really?

19 COMMISSIONER CORRADO: I really don't. I
20 mean, I would hope that that would not happen.

21 COUNCIL MEMBER MILLER: I would hope
22 that--

23 COMMISSIONER CORRADO: [interposing]
24 Because--
25

2 COUNCIL MEMBER MILLER: [interposing] I
3 would hope that your budget reflects your resources
4 and not the resources of the Council, considering
5 that we have multiple agencies that we have to be
6 concerned with as well. Thank you.

7 COMMISSIONER CORRADO: Okay.

8 CHAIRPERSON FERRERAS-COPELAND: Thank you,
9 Council Member Miller. Council Member Treyger
10 followed by Council Member Salamanca followed by
11 Council Member Rosenthal.

12 COUNCIL MEMBER TREYGER: Thank you to all
13 the Chairs. Thank you, Commissioner, for being here
14 today, and to the team. I just--my question is kind
15 of broader, but it hits to the heart of what my
16 colleagues' frustrations are. Recently, this City
17 Council passed ZQA. We were told by many advocates
18 in this room who are sitting here, we were told by
19 many people in the Administration that we have to do
20 something to respond to the--there is a tremendous
21 need for senior housing in New York City, and I
22 supported it because I understand that there is an
23 urgent need to provide more senior housing, and we
24 asked--I remember asking this question, and my other
25 colleagues asked this question last year about is

2 there coordination amongst the agencies with regard
3 to the housing plans? We were told yes, there's
4 always coordination. I think those were your answers
5 even last year. But how are we to interpret the
6 answer of yes when I'm reading from the Council
7 Finance briefing paper that there is a 15 million
8 dollar cut to your expense budget for this year, and
9 I'm reading--and I'm also listening to my colleagues
10 and feedback that you're giving that you're counting
11 on monies from the City Council. So clearly the
12 Executive branch did not budget for the expansion and
13 really the implementation of ZQA, because if we're
14 going to be building more senior housing across New
15 York city, we're going to see increased capacity
16 needs in existing centers, existing facilities,
17 existing NORCs, and we'll be seeing new needs pop up
18 across the five boroughs. So, how can we interpret
19 this, Commissioner, that we're being told that there
20 was coordination on the senior housing plan, but
21 we're seeing cuts to vital senior services?

22 COMMISSIONER CORRADO: So we don't see
23 cuts to vital senior services during this budget
24 process. Actually, we see it as an expansion of
25 senior services and an expansion of the

Administration's commitment to baseline funding. With that said, the ZQA funding we realized that in every senior new senior housing building that goes up that there is a wish and there should be some supportive services attached to that. The ZQA funding is not in DFTA's budget, but we would be in conversation with OMB and City Hall around building support and capacity as those buildings go up, and where we have opportunities perhaps to put in centers and expand services or enhance services by relocating existing senior centers that may be in substandard facilities that we can have opportunities where there's new community space that becomes available, we'd like to seize that moment.

COUNCIL MEMBER TREYGER: So, Commissioner, I believe, I truly--I know. I know that you are an advocate for seniors, passionate advocate for seniors. I have the utmost confidence in your vision and plan, but I just--I have to respectfully disagree with the Administration's portrayal of things, because we were told that there will be planning and coordination with regards to the implementation of ZQA and quite frankly I am not seeing that, and that is a glaring problem that the

City Council needs to take up, because that's just not acceptable. If we're going to be building senior housing and we're not going to be meeting needs of those seniors, I have a problem with that and this council should have a problem with that. The other issue is that there is a reliance on the Council to fill some gaps here. Just so you know, the City Council is going to have an internal process led by our Speaker and our members with regards to making sure that the rest of the city's needs are being met, and we should not subject this critical issue to a process of hunger games. This is a serious, serious issues and the care for seniors should be non-negotiable. The last point I want to stress before my time is up is making sure that the budget is again reflective of the growing immigrant senior population. I again have to speak for my district in southern Brooklyn, groups like Home Crest which has-- and your staff has been responsive to my office with regards to trying to help them in some ways, but the need is still real. They have two large centers, only a contract for one of them. We have to do all that we can to support, supplement the services for the other. So we need to see a budget that's more

2 reflective of the growing population of immigrant
3 seniors in our cities as well. Thank you.

4 COMMISSIONER CORRADO: Thank you.

5 CHAIRPERSON FERRERAS-COPELAND: Thank
6 you, Council Member Treyger. Council Member
7 Salamanca followed by Council Member Rosenthal.

8 COUNCIL MEMBER SALAMANCA: Thank you,
9 Madam Chair. Commissioner, how are you? I have to
10 very basic questions. I cover the South Bronx 17th
11 Council District, and I have the third largest NYCHA
12 development in the City of New York. With that I have
13 four NYCHA senior centers. I'm noticing here that
14 there were about 15 senior centers that were slated
15 in terms of that could face closure. Any of these 15
16 were within my Council District?

17 COMMISSIONER CORRADO: The--we have 95
18 centers that DFTA sponsors currently, and there's no
19 change to that funding or the sponsorship of any of
20 those. We did assume sponsorship from NYCHA of was
21 it 12 centers? Seventeen, they're not full blown
22 senior centers. They're NYCHA clubs that were either
23 A., building capacity, trying to build capacity, or
24 where there is no need for a center--work with them
25 to sort of meet that particular NYCHA development's

2 needs in terms of senior services. So we're working
3 very closely with them. I'm not familiar with the
4 four in particular, but if they're existing senior
5 centers there should be no change to that.

6 COUNCIL MEMBER SALAMANCA: Okay, great.
7 Then my final question is, just last week I believe
8 all of my other colleagues also received an email
9 from the Finance Department about the SCRE 90-day
10 notice list in terms of seniors who did not renew
11 their SCRE applications in which they would be at
12 risk of their rent increasing. Does DFTA work with
13 the Finance Department to number one, help seniors
14 apply, and number two, remind seniors to reapply when
15 their lease is up?

16 COMMISSIONER CORRADO: We work very
17 closely with the Department of Financial Services and
18 also with HRA to help change some of those rules to
19 make it easier for seniors to have renewals met and
20 have--talking some, you know, with Commissioner Banks
21 around automatic renewals and doing whatever we can
22 to make it easier and sort of have an opt-out option.
23 There's a whole slew of legal issues and barriers,
24 but we do work with those agencies, make suggestions,
25 and we also assist seniors with filing for those

2 applications, both within DFTA within our Housing
3 Department and through our community-based provider
4 network.

5 COUNCIL MEMBER SALAMANCA: Alright. So
6 you're aware that currently right now there's 236
7 people that were part of this email list that need to
8 renew their SCRE? So how is DFTA actually helping in
9 terms of getting these applications renewed? What
10 exactly is the process?

11 COMMISSIONER CORRADO: Well, if they come
12 to our attention and to our housing we'll actually
13 sit down with them and help them through that
14 process, but we work very closely with the Department
15 of Finance.

16 COUNCIL MEMBER SALAMANCA: But does the
17 Department of Finance provide you with this list? I'm
18 just trying to understand how do you work closely
19 with the Department of Finance?

20 COMMISSIONER CORRADO: They're the ones
21 that actually administer the SCRE program for New
22 York City.

23 COUNCIL MEMBER SALAMANCA: Yes. So they
24 provide you with this list so that DFTA can help and
25 reach out to these seniors?

2 COMMISSIONER CORRADO: I believe they
3 reach out directly.

4 COUNCIL MEMBER SALAMANCA: Alright,
5 because I--alright. The reason I ask is because my
6 office was reaching out to my seniors in my Council
7 District. I believe my colleagues are doing that as
8 well. Just trying to figure out how can DFTA be of
9 assistance so that their applications cannot fall
10 through the cracks, and hence--

11 COMMISSIONER CORRADO: [interposing]
12 That's a very good point. So we'll have another
13 conversation about that, because we'd like to assist
14 you in any way that we can.

15 COUNCIL MEMBER SALAMANCA: Alright, thank
16 you.

17 COUNCIL MEMBER ROSENTHAL: Thanks so
18 much. Can I have Council Member Salamanca's minute?
19 Oh, alright. Commissioner, it's really good to see
20 you as always. Thank you for the work that you do.
21 I'm going to ask you specifically about your
22 contracts with providers. You know, as Chair of the
23 Contracts Committee, I just had a hearing with the
24 social service providers throughout the City who are,
25 who have many contractual problems. They've paid 80

2 cents on the dollar in general and they're paid, you
3 know, a month late. So, I want to ask you
4 specifically about DFTA contracts. So, how many
5 contracts excluding the City Council add-ons? So,
6 don't even--set aside the discretionary money that
7 the Council gives. How many contracts do you have?

8 COMMISSIONER CORRADO: Four hundred
9 providers and about 600 contracts.

10 COUNCIL MEMBER ROSENTHAL: Four hundred
11 providers and 600 contracts, roughly, which is fine.
12 I'm not holding you to anything. The Mayor last
13 year--

14 COMMISSIONER CORRADO: [interposing] And I
15 also--

16 COUNCIL MEMBER ROSENTHAL: [interposing]
17 Yep?

18 COMMISSIONER CORRADO: like to commend
19 you for holding that hearing. I did watch the full
20 hearing. It was excellent, really bringing to light
21 some of the issues that have been longstanding in
22 terms of contracting and the provider community in
23 general. So, thank you for that.

24 COUNCIL MEMBER ROSENTHAL: Thank you. I
25 appreciate that. It was a great hearing. We learned

2 a lot. So, starting with the \$11.50 an hour that the
3 Mayor put in to start to raise salaries for contract
4 workers. At the OMB hearing last week, the director
5 said that he is with some agencies starting to put
6 the money in the agency budget to pass along to the
7 service providers. Has he done that with DFTA?

8 COMMISSIONER CORRADO: Yes, he has.

9 COUNCIL MEMBER ROSENTHAL: How much in
10 total?

11 COMMISSIONER CORRADO: 3.4 million.

12 COUNCIL MEMBER ROSENTHAL: And have you
13 started allocating that to the providers?

14 COMMISSIONER CORRADO: They're working on
15 reconciliating [sic] those contracts, yes.

16 COUNCIL MEMBER ROSENTHAL: Reconcili--
17 okay. So, let me ask you just a very simple, "which
18 comes first, the chicken or the egg?" So, usually in
19 contracts you have to invoice in order to get paid
20 for work that you're doing. In the case of the salary
21 increases, will they have to have already be paying
22 their workers at \$11.50 an hour in order to draw down
23 the funds, and they would have had to have done this
24 this whole year as well as the 2.5 percent increase,
25 which I don't know if that's melded into this 3.4

2 number or if there's an additional amount? Which
3 comes first? Do you give them the money to do it, or
4 did they have to do it already?

5 COMMISSIONER CORRADO: So, the contracts
6 are amended, right, with the additional money. So
7 that increases the bottom line of the contracts, but
8 as far as DFTA contracting goes, they're expense
9 based budgeting. So, yes, they have to expense it,
10 but how the agency actually pays it if they have
11 enough cash flow and enough money to front and those
12 increases, they could do that and give retrospective
13 payment to their employees, expense it and then
14 invoice DFTA. So, it's a balancing act and I would
15 assume that every agency handles it differently based
16 on their cash needs.

17 COUNCIL MEMBER ROSENTHAL: Okay. So, I
18 have an agency that as a community provider provide
19 senior meals and they have staff who do that work who
20 had been paid--I'm making this up completely--nine
21 dollars an hour. All year they've been paying them
22 nine dollars an hour, but today is second week in May
23 and they would have to retroactively pay them the
24 increase to \$11.50 and then invoice you for that
25 cost, DFTA, and then DFTA will pay.

2 COMMISSIONER CORRADO: Correct.

3 COUNCIL MEMBER ROSENTHAL: Okay, alright.

4 I've got a lot of social service providers asking me
5 what's going on with that. Have you--what's--what way
6 do you--

7 COMMISSIONER CORRADO: [interposing] It's
8 a problem for them--

9 COUNCIL MEMBER ROSENTHAL: communicate
10 this information to your 400 providers? Do you send-
11 -have you sent them a letter?

12 COMMISSIONER CORRADO: Yes.

13 JOY WANG: So, DFTA right now, we're
14 calculating the COLA along with a state direct
15 service worker increase. So DFTA providers would
16 benefit to receive both. So, once that calculation
17 is done, then we're going to send the memo out to the
18 providers to give them eligibility guidelines.

19 COUNCIL MEMBER ROSENTHAL: Does the 3.4
20 million include the COLA?

21 JOY WANG: The three point million is a
22 100 percent city COLA.

23 COUNCIL MEMBER ROSENTHAL: Oh, does it
24 include the wage increase to \$11.50 an hour?

25 JOY WANG: Yes.

2 COUNCIL MEMBER ROSENTHAL: Okay, so it
3 includes both. It's not 100 percent the COLA?

4 JOY WANG: Yes. I always--

5 COUNCIL MEMBER ROSENTHAL: [interposing]
6 They're two separate things.

7 JOY WANG: Yes, that's right. I consider
8 \$11.50 as part of COLA, but you're right.

9 COUNCIL MEMBER ROSENTHAL: Okay. I just
10 want to say on the record I express my disappointment
11 not with you but with OMB for getting this money to
12 the agencies so late in the game. It's May, and I
13 guess my last question for you would be how quickly
14 do you think the providers will see this money?

15 JOY WANG: I think it's most likely next
16 fiscal year.

17 COUNCIL MEMBER ROSENTHAL: Sure, it'll be
18 the next fiscal year, but do you have a sense of
19 when?

20 JOY WANG: I think we're hoping to start
21 amendments in July. We're doing calculations. We
22 just started calculations recently, so we'll
23 probably--we're hoping to finish calculations by the
24 end of June, and then July we'll start the
25 amendments.

2 COUNCIL MEMBER ROSENTHAL: And does the
3 Comptroller have to--can I keep? Okay. Does the
4 Comptroller have to approve the amendments?

5 JOY WANG: Yes, they have to be
6 registered.

7 COUNCIL MEMBER ROSENTHAL: So they have
8 to be re-registered, okay.

9 JOY WANG: They have--yes.

10 COUNCIL MEMBER ROSENTHAL: And--

11 JOY WANG: [interposing] But the monies
12 will be retroactive to this fiscal year. So, the
13 money--

14 COUNCIL MEMBER ROSENTHAL: [interposing]
15 But they won't have to start paying it until they
16 bill you?

17 JOY WANG: That's right.

18 COUNCIL MEMBER ROSENTHAL: Okay. Is there
19 a second round of questions? Can I be put on the
20 list? Yes, thank you. Thank you.

21 CHAIRPERSON FERRERAS-COPELAND: We'll
22 begin the second round now of questions. This is the
23 three-minute clock except for the Chair.

24 CHAIRPERSON CHIN: Thank you. I wanted to
25 go back and really get it on the record. Now, wanted

to know what is the projected fiscal 2017 wait list
for home care and case management? Because the
funding right now is not in the Executive Budget.

COMMISSIONER CORRADO: We don't have a
projected wait list for home care that I can--because
we just haven't been tracking it right now, and there
is none. And in terms of case management, currently
we have 1,440 people on a wait list. I'm hoping that
number will be reduced in the next year because we
have staff and it's a backlog pretty much, and I
think we have capacity to serve those 1,400, and then
we'll take it from there. So, I would see a
reduction in case management, and I think home care
will probably remain the same.

CHAIRPERSON CHIN: How come you haven't
track--I mean, how come you haven't been tracking--

COMMISSIONER CORRADO: [interposing]
Because they're--

CHAIRPERSON CHIN: the wait list for home
care?

COMMISSIONER CORRADO: Because not every
agency keeps a wait list, and we can banter back and
forth, and I do this because, you know, I understand
in terms in an advocacy perspective to keep a wait

2 list, but in terms of care management and client
3 care, it's always good to meet those needs in some
4 other way. So it's a balancing act. So it's not
5 always a true picture, but that's a philosophical and
6 a clinical difference. So, but we will once we meet
7 the need, we'll start asking our programs to keep a
8 wait list and make that as accurate as possible.

9 CHAIRPERSON CHIN: Because that's going to
10 be very difficult for us to advocate for the
11 additional funding or the same amount of funding that
12 we got last year when we were able to eliminate the
13 wait list--

14 COMMISSIONER CORRADO: [interposing] And
15 we--

16 CHAIRPERSON CHIN: and even increase some
17 hours with some seniors.

18 COMMISSIONER CORRADO: You eliminate a
19 wait list, but the number of service remains the same
20 if those people continue to get services, and whoever
21 attrites [sic] those services, another person is put
22 on. So at least there'll be a base level of service
23 needs that we'll still have and continue to have. A
24 wait list is above and beyond that.

2 CHAIRPERSON CHIN: Yeah, because and also,
3 I mean, I thought I was always very good at math, but
4 I just still cannot figure out how we put 4.25--the
5 Administration put in that amount of money, and we're
6 able to buy home care services for--last year when
7 the number was like 500 seniors on the home care wait
8 list, and how can we still continue to provide the
9 service to these seniors that we got off the wait
10 list without putting in the funding?

11 COMMISSIONER CORRADO: You couldn't
12 without the same amount, the same investment.

13 CHAIRPERSON CHIN: Yeah.

14 COMMISSIONER CORRADO: In years [sic].

15 CHAIRPERSON CHIN: So, that--

16 COMMISSIONER CORRADO: [interposing]
17 [cross-talk] on that, that's math.

18 CHAIRPERSON CHIN: Yeah, so we're still
19 missing 4.25 million dollars for home care.

20 COMMISSIONER CORRADO: Right.

21 CHAIRPERSON CHIN: So I got to make sure
22 that the Director Dean Fuleihan hear that, because he
23 did not deal with the wait list, I mean, or the home
24 care service for seniors. I mean, we, we understand
25 the priority in the Preliminary Budget about the pay

2 parody and why we need to raise the salary. So we
3 were all for it, and together with the advocate, and
4 we were happy to see, you know, money put in this
5 year, the 4.8, which is not enough, and they put
6 extra money in the out-year which is good, but we
7 want to move it into this year. But it was never--
8 the wait list question was never addressed. So we
9 need to continue to have that discussion with OMB and
10 with DFTA to make sure that no senior falls through
11 the crack, that we don't want anybody not getting the
12 services that they need. They got this year, and
13 then we want to make sure they get next year. The
14 final question I have--whatever question we didn't
15 get to, we'll send it to you. In terms of the
16 oversight there was 1.3 million that was put in, the
17 new item that was put into this budget for seven
18 fulltime positions, allowing DFTA to improve its
19 contract and audit and oversight capacity. So how
20 would you be doing that with the extra staff? Is
21 that enough?

22 COMMISSIONER CORRADO: Okay, that's
23 related to a DOI investigation to build capacity
24 within our fiscal office to do an auditing function.
25 So we'll do that. We'll hire additional staff, and

with that there's a plan to provide greater oversight as it relates to our own flash audits and it's really looking at the finances of our service providers and doing flash audits and doing a more robust type of audit. So, it goes from one day to two-day and increases the number of CPA audits that we do. So, once every three years as well as looking at, I believe, the discretionary contracts as well. So, that'll be improved oversight.

CHAIRPERSON CHIN: That's good. So while you're doing that, I think also to really consider the responsibly that you will have in terms of all these social adult daycare program that have registered with the City to see how--

COMMISSIONER CORRADO: [interposing] What additional support we need, and yes.

CHAIRPERSON CHIN: Yeah, you could--

COMMISSIONER CORRADO: [interposing] Those conversations are ongoing, yes.

CHAIRPERSON CHIN: Okay, alright. Thank you.

COMMISSIONER CORRADO: Thank you.

CHAIRPERSON FERRERAS-COPELAND: Thank you, Chair. Commissioner, we are wrapping up. We're

going to send you any additional questions that you may have. Again, this Council prides itself in partnering and providing services for our seniors, but when 29 million dollars, approximately 29 million dollars that this Council puts in to your agency to support programs in your agency is considered kind of it's just going to happen. It's incredibly problematic for us. So we just want you to be the great advocate that you've always prone to be and to push OMB and to demand that your agency is properly funded, because this Council may not always be here to put that in, because we have other priorities that we also have to mitigate. So, you know, I hope that we were clear and that we've given you the tools necessary to go back and push OMB to give you what you rightfully deserve as an agency.

COMMISSIONER CORRADO: Okay.

CHAIRPERSON FERRERAS-COPELAND: Thank you.

COMMISSIONER CORRADO: And I thank you for that support.

CHAIRPERSON FERRERAS-COPELAND: And we're going to have Council Member Rosenthal--

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES,
AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS 241

2 COUNCIL MEMBER ROSENTHAL: [interposing]

3 Just three minutes.

4 CHAIRPERSON FERRERAS-COPELAND: follow
5 up.

6 COUNCIL MEMBER ROSENTHAL: I just want to
7 continue on the questions I was asking before. For
8 your 600 contracts, what is the average length of
9 time when a contract is signed and already first
10 payment has--

11 COMMISSIONER CORRADO: [off mic] You want
12 to answer that?

13 COUNCIL MEMBER ROSENTHAL: After a
14 contract is registered, what's the average--no.
15 Sorry, rewind.

16 COMMISSIONER CORRADO: The turnaround--

17 COUNCIL MEMBER ROSENTHAL: [interposing]
18 Yeah.

19 COMMISSIONER CORRADO: from beginning to
20 end.

21 COUNCIL MEMBER ROSENTHAL: What's the
22 turnaround between--what's the amount, average amount
23 of time and also the mean and the low and the worse
24 it is between the provider starting to give the
25 service and getting paid, getting their first check.

2 JOY WANG: So, DFTA's average turnaround
3 time is two weeks. So, from the moment which a
4 provider submits it--

5 COMMISSIONER CORRADO: [interposing]
6 That's in our world.

7 JOY WANG: Yeah, when they submit an
8 invoice--

9 COUNCIL MEMBER ROSENTHAL: [interposing]
10 Nope, I'm sorry. I rephrased the question.

11 JOY WANG: Okay.

12 COUNCIL MEMBER ROSENTHAL: When a provider
13 starts providing the service, often it's prior to a
14 contract even being signed or registered with the
15 Comptroller, and I'm wondering what is the average
16 amount of time between a provider starting to give
17 the service and getting their first check? We've
18 heard eight to 18 months.

19 JOY WANG: No, that is not true for our
20 agency.

21 COUNCIL MEMBER ROSENTHAL: Okay.

22 JOY WANG: Majority, for baseline
23 contracts for contracts that DFTA RFP have ongoing
24 services for, I think like 90 percent basically are
25 registered before services begin July 1.

2 COUNCIL MEMBER ROSENTHAL: Well, those
3 are for the three-year contracts--

4 JOY WANG: [interposing] Yeah.

5 COUNCIL MEMBER ROSENTHAL: where it's just
6 rollover. I'm asking for--

7 JOY WANG: [interposing] Discretionary.

8 COUNCIL MEMBER ROSENTHAL: No, set aside
9 discretionary. So, let's say you put out a new RFP.

10 JOY WANG: Okay.

11 COUNCIL MEMBER ROSENTHAL: Okay? It's
12 the end of the three years. You've got a new RFP.

13 JOY WANG: Right.

14 COUNCIL MEMBER ROSENTHAL: And you're
15 asking the providers to start providing the service
16 July 1st, but you haven't signed a contract with them
17 yet.

18 JOY WANG: That's not--

19 COUNCIL MEMBER ROSENTHAL: [interposing]
20 Never happens?

21 JOY WANG: Yeah.

22 COMMISSIONER CORRADO: We try not to work
23 that way.

24 JOY WANG: No, we, DFTA has a very high--
25 usually most contracts are registered when service

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES,
AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS 244

2 starts, majority, like overwhelming majority. We
3 don't--

4 COUNCIL MEMBER ROSENTHAL: [interposing]
5 How many don't? I mean, if 90 percent--90 percent of
6 600 contracts leaves 60 out--

7 COMMISSIONER CORRADO: [interposing] When
8 we--

9 COUNCIL MEMBER ROSENTHAL: [interposing]
10 in the cold.

11 COMMISSIONER CORRADO: When we issue an
12 RFP-- Council Member Rosenthal, when DFTA issues an
13 RFP there's quite a bit of planning that goes in. So
14 we try to time it where we'll issue the proposal.

15 COUNCIL MEMBER ROSENTHAL: Okay.

16 COMMISSIONER CORRADO: We'll have a
17 timeline where we can make the awards.

18 COUNCIL MEMBER ROSENTHAL: Okay.

19 COMMISSIONER CORRADO: Then we build in
20 enough time, hopefully, that we can register those
21 contracts prior to the beginning of the contract
22 cycle. So more often than not--

23 COUNCIL MEMBER ROSENTHAL: [interposing]
24 Does the Comptroller--
25

2 COMMISSIONER CORRADO: they get a--they
3 also get an advance of the contract.

4 COUNCIL MEMBER ROSENTHAL: Has the
5 Comptroller ever denied one of those contracts or
6 slowed down approving it?

7 COMMISSIONER CORRADO: Not--generally not
8 for new contract awards, because they--with RFP's we
9 choose and do a good job of looking at the viability
10 of those sponsors.

11 COUNCIL MEMBER ROSENTHAL: Okay. Okay.
12 And you were going to answer. How many are the 10
13 percent?

14 JOY WANG: This is on just--

15 COUNCIL MEMBER ROSENTHAL: [interposing]
16 Off the top of--

17 COMMISSIONER CORRADO: [interposing]
18 Mostly--

19 JOY WANG: [interposing] estimate, but 90
20 percent of contracts are registered before service
21 starts.

22 COUNCIL MEMBER ROSENTHAL: Okay.

23 JOY WANG: We're on it [sic] when service
24 starts.

25 COUNCIL MEMBER ROSENTHAL: Okay.

2 JOY WANG: If you go on--

3 COUNCIL MEMBER ROSENTHAL: [interposing]

4 Alright, if you could get back to us about the other
5 10 percent, because that means 60 of the 600 are
6 registered late. I'm interested in those 60.

7 JOY WANG: Okay.

8 COUNCIL MEMBER ROSENTHAL: Sounds like
9 you'll have a positive answer.

10 JOY WANG: Yeah, sure.

11 COUNCIL MEMBER ROSENTHAL: Thank you.

12 CHAIRPERSON FERRERAS-COPELAND: Thank
13 you, Commissioner, for coming to testify today. We
14 will call this portion of these hearings closed.
15 We'll take two minute break before we hear from the
16 Department of Environmental Protection.

17 [gavel]

18 [break]

19 CHAIRPERSON FERRERAS-COPELAND: We will
20 now resume the City Council's hearing on the Mayor's
21 Executive Budget for Fiscal 2017. The Finance
22 Committee is joined by the Committee on Environmental
23 Protection chaired by my colleague, Council Member
24 Costa Constantinides. We just heard from the
25 Department for the Aging, and now we will hear from

2 Steve Lawitts, our Acting Commissioner of the
3 Department of Environmental Protection. We send our
4 best to Commissioner Lloyd while she's out on leave.
5 In the interest of time I will forgo making an
6 opening statement, but before we hear testimony, I
7 will open the microphone to my co-chair, Council
8 Member Constantinides.

9 CHAIRPERSON CONSTANTINIDES: Thank you,
10 Chairperson Ferreras-Copeland. Thank you for your
11 continued excellence despite the long day. I do have
12 a prepared statement, but I will forgo that in the
13 interest of time. I will say I'm looking forward to
14 hearing from DEP. I wish the Commissioner well, and
15 definitely look forward to hearing more about the
16 third water tunnel amongst other things today. Thank
17 you very much.

18 CHAIRPERSON FERRERAS-COPELAND: Deputy
19 Commissioner--Acting Commissioner, I'm sorry. My
20 Counsel will swear you in, and then you may begin
21 your testimony.

22 COMMITTEE COUNSEL: Do you affirm that
23 your testimony will be truthful to the best of your
24 knowledge, information and belief?

25 COMMISSIONER LAWITTS: I do.

2 COMMITTEE COUNSEL: Thank you.

3 CHAIRPERSON FERRERAS-COPELAND: If you
4 want to abbreviate your opening statement, that would
5 be amazing, too, but whatever. No pressure.

6 COMMISSIONER LAWITTS: Okay. Now? Okay.
7 Our opening statement is shorter than usual, so with
8 the Committee's indulgence, I would like to read it,
9 and thank you Chairs Ferreras-Copeland and
10 Constantinides. I am Steve Lawitts, First Deputy
11 Commissioner New York Department of Environmental
12 Protection, and as you just acknowledge, serving as
13 Acting Commissioner for the next month while
14 Commissioner Lloyd is on a brief medical leave, and
15 Commissioner Lloyd appreciates your well wishes and
16 looks forward to returning to DEP in June. I am
17 joined by several of my colleagues at the table, and
18 I will start on my right, your left: Deputy
19 Commissioner of Sustainability, Angela Licata; Deputy
20 Commissioner of Engineering, Design and Construction,
21 Vincent Sapienza; Acting Deputy Commissioner of
22 Public Affairs and Communications, Eric Landau; and
23 on my left--that's correct--Deputy Commissioner of
24 Water and Sewer Operations, Jim Roberts, and
25 Assistant Commissioner of Budget, Joseph Murin. And

we have other staff that we may call on as the case dictates. So, I appreciate the opportunity to testify about the fiscal year 17 budget. As you know, DEP has overall responsibility for the City's water supply and sewer system, including providing drinking water to all New Yorkers, maintaining pressure to fire hydrants, managing storm water, and treating wastewater. In addition, DEP also regulates air quality, hazardous waste, and critical quality of life issues, including noise. Before I review our Expense and Capital budgets I would like to review with the Members the water rate increase proposed for Fiscal Year 17. Although we understand that no increase is ever welcome, the need to maintain and improve the delivery of water and sewer service is critical. In the absence of state and federal assistance for drinking water and wastewater infrastructure, water and sewer rates paid by our customers are the only source of revenue to support this service, which is essential for local public health, quality of life and economic development, and which is highly regulated at the state and federal levels. On April 8th, we proposed a 2.1 percent increase to the New York City Water Board, which, if

2 adopted would represent the lowest increase in 16
3 years. Factors that allowed DEP to slow the growth in
4 the proposed rate, while ensuring funds are available
5 to advance all major programs on schedule in fiscal
6 year 17, include internal cost controls, strong
7 revenues, interest rate savings, and the
8 Administration's return of the rental payment. On
9 internal cost controls, our operations and
10 maintenance expenses for FY 16 are 126 million below
11 projections. Expenditures on needs like contracts,
12 energy and fuel oil, and real estate taxes on
13 watershed lands were not as high as anticipated,
14 adding additional one-time savings. In addition,
15 through efficiencies in procurement and in
16 technological improvements, DEP has created targeted
17 savings that are not expected to affect current
18 services. We've had strong revenues. Strong
19 collections are due, in large part, to DEP's
20 substantial completion of the installation of the
21 wireless meter reading system, also known as
22 automated meter reading or AMR. Over 820,000 AMR
23 devices have been installed on 97 percent of those
24 properties citywide. This has resulted in an 83
25 percent reduction in estimated bills since 2009 and a

62 percent reduction in billing disputes since 2011, which have been accompanied by improved revenue collection since bills are reflective of actual readings. We benefit from interest rate savings due to continued low interest rates. That service was 121 million lower than projected for FY 16, and the return of the rental payment building on Mayor de Blasio's commitment to reduce the rental payment. The FY 17 rental payment was lowered by 50 percent from 244 million to 122 million. Under the proposed rate, a typical single-family homeowner will see an increase of \$1.85 per month, on average, and a typical multi-family home with metered billing will see an increase of less than \$1.20 per month per unit. In addition, as part of this year's rate proposal, DEP continued, expanded, and introduced a number of progressive changes to the water and wastewater rate schedule for FY 17, including: freezing the minimum charge for the third consecutive year for close to 150,000 customers who use fewer than 100 gallons per day, which a quarter of all single-family homeowners do, many of them seniors. Those customers are currently billed at the minimum water charge of \$1.27 per day, including wastewater;

2 expanding the Home Water Assistance Program, which
3 currently provides a 116 dollar credit to almost
4 52,000 New Yorkers who are recipients of the federal
5 Home Energy Assistance Program, or HEAP, and low-
6 income seniors and disabled homeowners who receive
7 the City Department of Finance Tax exemptions. This
8 year the program will be expanded to include an
9 additional 68,000 senior homeowners who make less
10 than 50,000 dollars per year, based on income
11 eligibility confirmed by the Department of Finance.
12 We are creating the Multi-Family Affordable Housing
13 Credit, which will provide a 250 dollar credit per
14 unit to any multi-family residential property that
15 meets affordability criteria and signs, at a minimum,
16 a 15-year affordability agreement with New York City
17 Housing Preservation and Development Department
18 and/or the New York City Housing Development
19 Corporation. In total this program will provide 10
20 million dollars of assistance to affordable housing
21 projects serving as many as 40,000 units, and will
22 have the effect of reducing most of their annual
23 bills by about 25 percent. As you all know, Mayor de
24 Blasio made an announcement on April 25th of this
25 year, when he decided not to collect the remaining 50

percent or 122 million dollars of the rental payment,
five years sooner than originally projected.

Returning this payment to DEP will provide for a one-
time credit of 183 dollars to all Tax Class 1

properties, which includes one, two and three-family
homeowners. If adopted by the Water Board, DEP will

be able to issue these water and sewer bill credits

by the end of the summer to all 664,402 properties in

Tax Class 1. The full elimination of the rental

payment will also result for all of our ratepayers in

a total savings of seven percent or 1.1 billion

dollars through fiscal year 2020. The New York City

Water Board is currently holding public hearings on

the rate, one in each borough with tonight's hearing

being in Queens, and is scheduled to meet and adopt a

rate for fiscal year 17 on Friday, May 20th. Moving

on to City Water Tunnel Number Three. I want to

address this. As you know, the City began

construction of the tunnel in 1970, and it is one of

the largest, longest-running public works projects in

the City's history or the nation's for that fact.

While work on the tunnel has already taken 46 years

and around four billion dollars, it is a crucial

conveyance that moves water from Hillview Reservoir

2 into the city, and will provide redundancy for City
3 Water Tunnels Number One and Two. In 2013 we
4 activated the final leg of the Manhattan portion of
5 Tunnel Number Three and laid the groundwork to get
6 water flowing into the Brooklyn/Queens leg of the
7 tunnel. The tunnel and most of the infrastructure for
8 the shafts that supports it are complete. Just two
9 shafts remain to be designed and constructed. As you
10 know, Mayor de Blasio has prioritized the
11 construction of the remaining two shafts, and has
12 included 685 million in the Executive Budget and the
13 upcoming 10-year strategy, allowing for an
14 accelerated construction of the shafts to begin in
15 2020, one year earlier than previously projected, as
16 well as ensuring that the tunnel is activation-ready
17 by the end of 2017. Specifically the budget includes
18 357 million dollars for the Four-Year Capital Plan
19 for site acquisition, design, excavation, and
20 construction of shafts 17B and 18B, the two remaining
21 shafts, and 300 million will be added in the upcoming
22 Ten-Year Capital Strategy in January 2017 for the
23 installation of mechanical and electrical equipment.
24 Twenty-one million dollars is for the immediate
25 disinfection to test the Brooklyn/Queens section of

2 Tunnel Number Three, making it activation-ready,
3 contingent upon regulatory approvals, by the end of
4 2017. This means that the tunnel will be ready as a
5 backup to deliver potable water within 48 hours,
6 should the City confront an emergency that would
7 require additional redundancy to existing Tunnel
8 Number Two, and seven million dollars to construct a
9 new connection between Water Tunnel Number Three's
10 Brooklyn/Queens section and the Richmond Tunnel to
11 Staten Island, which will ensure that Staten
12 Islanders have yet another back-up connection. These
13 efforts are essential to our City, and they come on
14 top of multiple layers of redundancy already built
15 into our water-supply infrastructure. Our drinking
16 water is frequently renowned as the best in the
17 country, exceeding all Federal and State standards
18 for quality. The system that delivers it is safe,
19 reliable and secure. I thank the Mayor for
20 prioritizing this essential project and ensuring that
21 the kinds of water crises happening elsewhere around
22 the country and the world, could not happen here in
23 New York City. On the Expense Budget, the projected
24 Expense Budget for the current fiscal year, FY 16, is
25 1.48 billion. This includes approximately 221 million

2 in Community Development Block Grant or CDBG funds
3 for which DEP serves as the contracting entity for
4 the City. For FY 17 we expect DEP's Expense Budget to
5 be 1.44 billion, including 175 million in CDBG
6 funding for the Build It Back program. Highlights of
7 net changes are under new needs: An increase of 28.7
8 million to fund the dredging and removal of CSO-
9 impacted sediments from Flushing Bay; 21.3 million
10 for the continuation of various programs related to
11 the Filtration Avoidance Determination, or FAD, in
12 the upstate watershed areas; 14.8 million in
13 collective bargaining for Sewage Treatment Workers,
14 Environmental Police Officers, marine titles and
15 Painters; 10.1 million for treatments and additives
16 used to keep our drinking water safe and of the
17 highest quality; 7.2 million for spare parts and
18 equipment needed for operations; 5.2 million for
19 higher-than-anticipated contract prices for the
20 removal of biosolids at wastewater treatment plants;
21 2.7 million to fund 18 engineering positions,
22 contracts, and software licenses for the city-wide
23 Drainage Plan; and one million to fund six positions
24 for Forestry Program staff and Timber Harvest
25 Contracts Upstate. And on the savings side,

decreases of 18.5 million for targeted OTPS reductions; a one-time decrease of 4.2 million as a result of funds received from the Demand Response Program for energy usage reductions at our Wastewater Treatment Plants at peak times; and due to lower-than-forecasted prices for heat, light and power and various fuel oils, DEP expects to see price reductions in those areas. DEP has also been using digester gas, where practical, in lieu of heat, light, power or fuel oils. Combined, these savings are expected to be 21.3 million. The Expense Budget breaks down into the following large categories: Personal services, 520 million or 36 percent of our total Expense Budget to pay the salaries for our nearly 6,000 funded positions. As with other agencies, changes in employee benefits are not shown in the agency's budget. Taxes on Upstate watershed lands are 167 million or nearly 12 percent of the Expense Budget. The ownership of the watershed lands represents a critical investment in maintaining the--

CHAIRPERSON FERRERAS-COPELAND: Excuse me, Commissioner, I hate to interrupt you. I just wanted to acknowledge because I know they're here on a school trip. We have IS 171 from Brooklyn in

Council Member Espinal's district up in the balcony.

So, today, we're doing oversight. Hello. We're doing oversight on the City's budget, and this is your budget. So thank you for coming to your house. You may continue.

ERIC LANDAU: If you bear with us for one second, in an attempt to even shorten our testimony further, we're going to--obviously, we submit the entire testimony for the written record, but we'll highlight a couple key--further key points. Thank you, Chairman.

COMMISSIONER LAWITTS: So, highlights for our Capital Plan. On the East Side Coastal Resiliency Project we'll invest 505 million, or the City will, we the City, of which DEP's component is 170 million to integrate the coastal flood protection system along the eastern shore of Manhattan, from 23rd Street to the Manhattan Bridge. In Southeast Queens, as you know, alleviating flooding in Southeast Queens is a major priority for us. In 2015, as part of OneNYC and our Ten-Year Capital Plan, Mayor de Blasio announced a 1.5 billion dollar program to substantially accelerate relief in Southeast Queens by pairing traditional sewer

2 construction with green infrastructure throughout the
3 region. The FY 16/20 Four-Year Plan includes 778
4 million of this funding. And under reservoirs and
5 dams: over the next five years, the Administration
6 is proposing to invest an additional three billion in
7 protecting the quality of our reservoirs and the
8 integrity of our dams, providing for treatment where
9 necessary, and maintaining and repairing the water
10 main system conveying potable water to all New
11 Yorkers. We have budgeted 276 million dollars for the
12 reconstruction of dams in our three watersheds,
13 Catskill, Delaware and Croton. And on sewers,
14 everyone's favorite topic, the Executive FY 16/20
15 Capital Plan projects three billion of spending on
16 sewers, including: 1.1 billion for replacement of
17 sewers, storm, sanitary or combined, including the
18 Mayor's initiative for accelerated replacement of
19 some of our oldest infrastructure; 1.6 billion for
20 new sewers of all types of which storm sewers as a
21 category by itself, either new or reconstructed,
22 accounts for 1.3 billion of projected spending, of
23 which 209 million is for high-level storm sewers, and
24 359 million of the total is for both the conventional
25 sewers and the lands necessary to create Bluebelt

2 systems, which are being extended beyond Staten
3 Island to Springfield Lake in Queens, Van Cortlandt
4 Park, the New York Botanical Gardens in the Bronx,
5 and other locations. On behalf of the almost 6,000
6 employees of DEP who make a difference each and every
7 day for our environment, I want to thank the Chairs
8 and committee members for their support of our agency
9 and express our continued commitment to work with the
10 Council and your committees going forward. This
11 completes my prepared statement, or most of it.
12 Thank you for the opportunity to present my
13 testimony. I look forward to answering any questions
14 that you might have.

15 CHAIRPERSON FERRERAS-COPELAND: Thank you,
16 Commissioner, and thank you for abbreviating your
17 opening statement. I unfortunately just got the
18 hick-ups, so that's part of--so bear with me. A
19 longstanding issue in the neighborhood surrounding
20 Flushing Bay is the bad smells and we've been
21 partnered and you've been able to support us, in
22 particular in this part of the district with the
23 dredging project with the 28.7 million budgeted for
24 fiscal 2017 to dredge the bay. What kind of relief
25 can residents expect from their nuisance odors?

2 COMMISSIONER LAWITTS: Yes, so the
3 dredging project when completed is expected to
4 provide significant mitigation to the odors created
5 by the sediments that are left by the combined sewer
6 overflows, and while we are commencing this work in
7 fiscal 17, we expect it to last approximately three
8 years, the construction period.

9 CHAIRPERSON FERRERAS-COPELAND: And in
10 your experience, will the mitigating of the--or the
11 dredging of the bay, could it potentially raise the
12 odor, or can it make it worse while you're mitigating
13 it?

14 COMMISSIONER LAWITTS: Well, when the
15 sediments get dredged and get moved to the surface,
16 that yes, can--that can cause odors. So, there could
17 be a period in fact where the perception and the
18 reality might be that the odors are worse than on
19 some other days that you've already experienced.

20 CHAIRPERSON FERRERAS-COPELAND: So, can we
21 expect that consistently for three years or?

22 COMMISSIONER LAWITTS: No, I would think
23 not consistently, but at times, and so--and we have
24 Vincent Sapienza, our Deputy Commissioner of
25

Engineering, Design and Construction, who can address this more.

VINCENT SAPIENZA: Yes, just regarding the periods of time when dredging is going to be done, there are certain windows when the New York State Department of Environmental Conservation allows us to dredge because there are fish spawning at certain times of the year. So, we can get to that information as to what specific months we will be dredging.

CHAIRPERSON FERRERAS-COPELAND: That would be great just so we can give a heads up to constituents, because right now we know the smell happens only after very hard rains, and that'll last about two days usually. What measures are being taken to control the combined sewer overflow discharge in the bay? Because we also understand that it's old sediments. It's new. I know that we created some new systems over at Willet's Point. So, what are we doing so that we're not in this situation 15, 20 years from now?

COMMISSIONER LAWITTS: Yes, ma'am, Chair. So, a project is underway to modify five of the regulator weirs along the high-level sewer system.

that's projected to be completed in about two years,
in June 2018, and it's projected to reduce the
combined sewer overflow discharges by about 167
million gallons per year of which a small portion
will be attributable to the longer term green
infrastructure program in this drainage area, and we
have additional CSO mitigation alternatives that
we're currently evaluating under the Flushing Bay CSO
long term control plan.

CHAIRPERSON FERRERAS-COPELAND: Thank
you. And I wanted to specifically, now that you
mentioned the CSO's--specifically, under the first
amended Nitrogen Consent Judgement and various
regulatory requirements, DEP needs to comply with new
stringent nitrogen limits in the East River and
Jamaica Bay. What impact if any does the current
state of the nitrogen have on the water body and
local residents, and how does the DEP plan to address
and comply with the new regulatory requirements?

COMMISSIONER LAWITTS: Right. So, we've
already attained significant reductions in the
nitrogen discharges affluent from our wastewater
treatment plant. The nitrogen in the East River has
been reduced from almost 96,000 pounds per day down

to about 37,000 pounds per day, and in Jamaica Bay,
the affluent nitrogen discharges have been reduced
from 45,000 pounds per day down to about 25,000
pounds per day. So, those are both significant
percentage reductions.

CHAIRPERSON FERRERAS-COPELAND: Thank you.
My second round of questions I'll ask about flooding.
I'm sure many of my colleagues have questions about
the water rates. I wanted to talk about the water and
sewer billing system before I have my Co-Chair ask
his questions. The Executive Plan includes 1.1
million in fiscal 2018 and 2.9 million in fiscal 2019
to conduct a study for the replacement of the--excuse
me--current water and sewer billing system. What are
the deficiencies in the current billing system? For
example, it's certain information not being captured
properly. Is this impacting service delivery to
customers in any way, and who will conduct the study
once an RFP has been issued to build the system? Is
the Department open to discussing specifications for
the system within the Council, from the Council?

COMMISSIONER LAWITTS: So, I'll answer the
last question first, and we're certainly open as we
go ahead and specify what this system will be to any

2 suggestions that the Council might have. The current
3 billing system which was installed in the 1990's at
4 the time that we began installing meters citywide and
5 converting from flat-rate billing to metering system
6 is the billing system that's still in use, and while
7 it bills and accounts for collections accurately, and
8 there's no question about that. It's an accurate
9 system, but because of its age and because it was
10 developed in Cobalt [sic] which is a--was a widely
11 used computer programming language at the time, but
12 is no longer, and yes--so it's very inflexible, and
13 the reason we've been able to roll out a number of
14 customer service improvements over the last several
15 years when we installed automated meter reading and
16 we gave our customers the ability to see their water
17 consumption online and to see their bills online is
18 because we've been able to layer internet web
19 applications on top of this very old system. So, any
20 time we want to roll out a customer service
21 improvement, it takes a lot more programming
22 resources than if we had a modern system in place.
23 So, the money that you referred to in your question
24 is to get what we call in the industry a trusted
25 advisor, and this is a consultant who is going to

2 help us assess what's out in the market in terms of
3 widely used customer care systems or billing and
4 collection systems, and they will help us write the
5 request for proposals for the system, and they will
6 help us when we receive proposals from a software
7 vendor and a system integrator to evaluate those
8 proposals and eventually select a firm or firms to
9 deliver the system.

10 CHAIRPERSON FERRERAS-COPELAND: Thank you
11 very much, Commissioner. Now we will hear from Chair
12 Costa followed by--where's my sheet? Oh, okay,
13 alright.

14 CHAIRPERSON CONSTANTINIDES: Council
15 Member, I'm going to let my colleague from Queens,
16 Rory Lancman, ask one question before I go into a
17 deeper dive, so.

18 COUNCIL MEMBER LANCMAN: Thank you,
19 Chairs. I have to run, and we started a bit late.
20 My question is regarding the water rates, and we're
21 all very glad to see the Mayor finally doing away
22 with the rental payment. But I don't understand why
23 we are proceeding with a water rate increase if we
24 are not collecting--if DEP does not have an
25 obligation to make a rental payment. Very simply,

the original rental payment was 244 million dollars.

Cut that in half with a rebate, to 122 million dollars, the 2.1 percent increase was going to raise

about 75 million dollars. So the entirety of the

rate increase was going to be spent on the rental

payment. Now we don't have the rental payment. DEP

has bragged deservedly that you don't need any

additional revenues other than what you were going to

raise from the rate increase, and again, all of that

was going to go to the rental payment. So, without

the rental payment, why are we still raising the

rates? Why are we still collecting this

approximately 75 million dollars? What are you going

to do with that money that you didn't need to do two

months ago?

COMMISSIONER LAWITTS: Yes. So, Council

Member Lancman, it's--even without the rental

payment, it is important for us to continue to

maintain a strong revenue base, and it's very

important to us. It's important to our bond holders

to see the base continue to grow, even by small

percentages over the years. The 183 million, as you

observed, will go to Tax Class 1. Almost--

2 COUNCIL MEMBER LANCMAN: [interposing]

3 That's the 183 dollars rebate you mean.

4 COMMISSIONER LAWITTS: Yeah, 183 dollars.

5 COUNCIL MEMBER LANCMAN: What's the
6 total? What's the total value of that, total cost of
7 that?

8 COMMISSIONER LAWITTS: It's 122 million
9 just as you said.

10 COUNCIL MEMBER LANCMAN: So the total
11 cost of the rebate is--

12 COMMISSIONER LAWITTS: [interposing] Is a
13 hundred--

14 COUNCIL MEMBER LANCMAN: [interposing] is
15 the same as the rental payment.

16 COMMISSIONER LAWITTS: It's exactly the
17 same, got it. It's 122 million dollars spread over
18 664,000 Tac Class One homes and that equals
19 approximately 183 dollars per home, and the other
20 rate payers, all rate payers, will benefit by the
21 perspective elimination of the rental payment. So
22 between now and 2020, the elimination of the rental
23 payment will save the water system 1.1 billion
24 dollars.

2 COUNCIL MEMBER LANCMAN: Yeah, no, no,
3 no. We're all in favor of that. We're happy with
4 the--

5 COMMISSIONER LAWITTS: [interposing] Okay.

6 COUNCIL MEMBER LANCMAN: elimination
7 rental payment.

8 COMMISSIONER LAWITTS: Okay.

9 COUNCIL MEMBER LANCMAN: I just want to
10 know why you're continuing. You're still raising the
11 rate this year, and as I understand your explanation,
12 it's to pay for the credit that you're going to give
13 to the Class One property owners. So, basically, all
14 the--the non-Class One property owners, multiple
15 dwellings including many in my district, Briarwood in
16 particular, they're going to be charged a 2.1 percent
17 increase to fund the rebate that's going to be given
18 to the other--the Class One homeowners. Whereas, if
19 you simply did not raise the rate at all, which you
20 don't need to do to fund the operations of DEP,
21 everybody would--rates would remain the same and not
22 one class of homeowners is being charged a rate
23 increase to have a credit to another class of
24 homeowners. I just don't understand the whole--the
25 machinery of it seems pointless to me.

2 COMMISSIONER LAWITTS: We take--yes,
3 Council Member Lancman, we take a long term view on
4 the rates, and our long term objective on the rates
5 unlike some other water utilities around the country
6 are--you know, we want to look at what our needs are
7 five and 10 years out in the future, what our debt
8 service is going to be, what payments we have to make
9 many years in the future, and looking at those long
10 term obligations we want to smooth out the rates over
11 that five to ten year period so that we don't subject
12 our customers, our 835,000 customers, to a decrease
13 in one year followed--only to be followed by a larger
14 than normal increase in the next year.

15 COUNCIL MEMBER LANCMAN: Well, I don't
16 know--

17 COMMISSIONER LAWITTS: [interposing] But
18 if I can just finish Council Member? So, if we did
19 forgo the 2.1 percent rate increase, all other things
20 being equal, we would be looking at a larger increase
21 for next year, versus the one that's currently
22 projected for next year. We would have to make up
23 for that loss in revenue in the following year, and
24 we don't want to subject our rate payers to an up and
25

2 down, year after year surprise on rates. We want to
3 keep them as level as we can over the long term.

4 COUNCIL MEMBER LANCMAN: Okay. Thank you
5 very much.

6 COMMISSIONER LAWITTS: Thank you.

7 CHAIRPERSON CONSTANTINIDES: Council
8 Member Lancman, we are joined by Council Member
9 Matteo from Staten Island, Council Member Johnson
10 from Manhattan, Council Member Miller from Queens,
11 Council Member Rosenthal from Manhattan, Council
12 Member Donovan Richards from Queens, and Council
13 Member Dan Garodnick from Manhattan. So, very
14 quickly, regarding city Water Tunnel Number Three. So
15 there's been a lot of discussion about that. Let's
16 do a little bit of a deeper dive. Can you please walk
17 me through your Council Member, and more importantly,
18 you know, specific benchmarks and deliverables that
19 we can sort of be aware of moving forward, that we
20 can see what progress looks like as we're moving
21 towards the date to one, start construction a year
22 earlier, but also its finally, but also its final
23 completion date. Sort of walk this committee
24 through, you know, from soup to nuts how we get from
25

2 where we are to where we need to be and what that
3 timeline looks like.

4 COMMISSIONER LAWITTS: Sure, Mr. Chair,
5 and if I could just start by saying that
6 acknowledging that in our last hearing, perhaps we
7 could have been a little clearer about the status of
8 the tunnel--or a lot clearer, but--

9 CHAIRPERSON CONSTANTINIDES: Thank you
10 for that.

11 COMMISSIONER LAWITTS: But so I--if--and I
12 just want to make it clear for everyone that even
13 going back to the last hearing. The tunnel itself
14 was never delayed from the original projections that
15 were discussed in 2013 as we opened up the final
16 Manhattan leg of water tunnel Number Three. And it
17 was our intention and commitment to commence the
18 construction on those two remaining shafts, in 2021,
19 but we did temporarily remove the funding for that
20 form our ten-year plan because we were trying to
21 balance our 10-year plan. We knew we weren't going
22 to have to bring that money back I until we were
23 ready to construct those shafts in 2021. And so we
24 didn't lose any time by temporarily removing that,
25 and I mean unfortunately it's--that's one of the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES,
AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS 273

2 aspects that often arises in the development of the
3 10-year plan is that we have more needs than we have
4 funding available temporary, but it was always our
5 intention as it is right now to bring that funding
6 for the out-years back in. So now--

7 CHAIRPERSON CONSTANTINIDES: But you had
8 52 million dollars, and we sat here--

9 COMMISSIONER LAWITTS: [interposing]
10 Right, we had 52 million dollars--

11 CHAIRPERSON CONSTANTINIDES: [interposing]
12 when we sat here in the Preliminary Budget.

13 COMMISSIONER LAWITTS: We had 52 million
14 dollars--

15 COUNCIL MEMBER CONSTANTINIDES:
16 [interposing] You're talking like 52 million dollars
17 for engineering and for site--

18 COMMISSIONER LAWITTS: [interposing]
19 Right.

20 CHAIRPERSON CONSTANTINIDES: of
21 acquisitions--

22 COMMISSIONER LAWITTS: [interposing]
23 Right.

24 CHAIRPERSON CONSTANTINIDES: and now we're
25 at 300 and--

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES,
AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS 274

2 COMMISSIONER LAWITTS: [interposing] WE
3 have 357 million now.

4 CHAIRPERSON CONSTANTINIDES: Right. So
5 now--

6 COMMISSIONER LAWITTS: [interposing] In
7 the Four-Year Plan.

8 CHAIRPERSON CONSTANTINIDES: So what does
9 that get us, and how do we--

10 COMMISSIONER LAWITTS: [interposing]
11 That's right [sic].

12 CHAIRPERSON CONSTANTINIDES: walk me
13 through as I asked.

14 COMMISSIONER LAWITTS: Sure.

15 CHAIRPERSON CONSTANTINIDES: How we go
16 from where we are now--

17 COMMISSIONER LAWITTS: [interposing]
18 Right.

19 CHAIRPERSON CONSTANTINIDES: where we
20 need to be.

21 COMMISSIONER LAWITTS: So, and as has
22 been publicized over the last few weeks, so we found
23 a way to accelerate the construction schedule from a
24 2021 start to 2020 start. That's the 300 million
25 dollars additional is for the construction of the two

staffs, 17B and 18B, and then we will add an additional 300 million when we next update our Ten-Year Capital strategy this coming January, and that second 300 million will be for the mechanical equipment in the shafts, and in the preparation of the tunnel to go into distribution following the completion of the shaft construction and the equipping of those shafts. In the meantime, we are also on course to activate the tunnel by the end of 2017, and as we indicated in the written testimony. We are on a course to prepare it to have potable water available for distribution within an approximate 48 hour lead time if we needed to put that water into distribution. We are committed to having that ready by the end of 2017. We are currently in discussions with our regulators, the City Health Department and the State Health Department on how to best disinfect the tunnel before filling it up with water that could go into distribution, and the way in which it would go into distribution in this interim period, if we needed to, is we can do that without having constructed shafts 17B and 18B, but we need shafts 17 and 18B for the long-term. Just like many other things we do for the

long term, we need those shafts not only to provide connection to local distribution network in the future, but for the longer, longer term to eventually connect to city water tunnel stage four which would provide additional redundancy between our Hillview reservoir in Yonkers [sic] and Queens, and the Queens' section of City Water Tunnel Number Three.

CHAIRPERSON CONSTANTINIDES: So, let's say you're disinfecting the tunnel by the end of 2017, so if the possibility arose between the time that the shafts were, you know, fully operational and, you know, now you'd be able to get water through there beginning in January of 2018. How long does that disinfecting process take? What is that, you know, if we have a problem in 2019, 2020, the water-- the tunnel's not being used, how does that sort of age over time without water being in the system? Like, how does--walk me through again, you know, how that money is spent.

COMMISSIONER LAWITTS: Right.

CHAIRPERSON CONSTANTINIDES: And why that's important we spend this money for the end of 2017, and how does that work?

2 COMMISSIONER LAWITTS: Right. So, I'll
3 try to answer. There was so many part question.

4 CHAIRPERSON CONSTANTINIDES: Yeah.

5 COMMISSIONER LAWITTS: I'll try to answer
6 some of that, and then I'm going to turn to Jim
7 Roberts for some of this. But, so one--how long it
8 takes to disinfect will depend on--there's two
9 potential methods of disinfection. One is flushing
10 the tunnel with water. The other would involve a
11 longer cleaning of the tunnel. Those are the
12 discussions we're currently having with the City
13 Health Department and then the State Health
14 Department. And just to add to what you were saying
15 about when we do that and we have potable water
16 between 2018 and the completion of the shaft
17 construction, there will come a time when during the
18 shaft construction when the excavation of those
19 shafts reaches a point where it's close enough to the
20 water tunnel itself, we would empty the tunnel at
21 that point, because we don't want to take the risk
22 that the full and pressurized water tunnel would be
23 subjected to the additional vibrations and blasts and
24 so on associated with the continued excavations of
25 the shafts. And for more, I am going to turn to

2 Deputy Commissioner of Water and Sewer Operations,
3 Jim Roberts, who will--who is operating the tunnels
4 now.

5 JIM ROBERTS: Council Member--[off mic]
6 First I'll turn the mic on. I think the part of the
7 question that Commissioner Lawitts didn't get to is
8 the--how we keep the future tunnel in operation, how
9 we keep it in readiness, and that basically is a
10 process that we are going to work through with the--
11 to the satisfaction of both Health Departments, City
12 and State, but it essentially means cycling water
13 through and keeping it fresh. We do--we are actively
14 looking at the possibility of being able to actually
15 move it into distribution if that--you know, to be
16 using it as opposed to a state of readiness, but
17 right now our posture on it is that we would bring it
18 to the state of readiness, keep it through--bless
19 you--through testing and basically turning it over to
20 keep it fresh so that we'd be able to put it in
21 service at a notice.

22 CHAIRPERSON CONSTANTINIDES: I guess the
23 last question I have on this particular topic, what
24 is the anticipated completion date for Water Tunnel
25 Number Three, shafts and all?

2 COMMISSIONER LAWITTS: So, with
3 everything we just described including the
4 construction, the equipping of the two shafts, the
5 subsequent disinfection of the tunnel before it
6 refills with water, we're looking at 2025.

7 CHAIRPERSON CONSTANTINIDES: That's
8 everything? It'll be operational? It'll be up and
9 running? All the shafts?

10 COMMISSIONER LAWITTS: Yes, and also--
11 yes, that's everything.

12 CHAIRPERSON CONSTANTINIDES: Okay. And
13 in the interest of time I'm going to move onto
14 another topic. I'm sure some of my colleagues are
15 probably going to follow up on this. Looking at
16 biosolid contracts--

17 COMMISSIONER LAWITTS: [interposing] Yeah.

18 CHAIRPERSON CONSTANTINIDES: I'm going to
19 give them a moment to get your notes out, but the
20 Department relies on landfill sites close enough to
21 New York City to allow for two truck trips a day to
22 dispose of biosolids. Recently two landfills
23 significantly reduced the tonnage of material they
24 would accept from two times a day to one trip a day,
25 which increased the cost of its disposal. Biosolid

2 contracts were budgeted for 39.9 million in fiscal
3 15, 41.5 million in fiscal 16, and in this budget
4 we're looking at 50.6 billion. I know you had added
5 an extra 5.2 as part of that. Has the study--has the
6 Department conducted a study on this costly but very
7 critical program to control expenditures of things we
8 can do to either site--you know things we can do here
9 in the neighbor--in New York City? If you have,
10 please share that with committee and which tests you
11 have done, studies you have done, and if not, do you
12 plan on doing a study?

13 COMMISSIONER LAWITTS: No. So, we have
14 not conducted a formal study, but we are in the
15 process of evaluating additional options for
16 biosolids removals and their eventual use, whether it
17 is to continue to go to landfills or to provide some
18 beneficial reuse. Typically, if we put out a
19 contract that provides for a beneficial reuse option,
20 that tends to be a significantly higher cost per ton
21 as opposed to a contract to simply dispose of the
22 biosolids in a landfill. It is getting more
23 difficult to find capacity in nearby landfills. We
24 had contracts for landfills that were closer by like
25 Tullytown, Pennsylvania, but over the years because

2 of changing state regulations, we are not able to use
3 those landfills to the extent that we could in the
4 past. So, the trend has been as we put out new
5 contracts for biosolids, we have to take them to more
6 distant landfills, which as you just observed,
7 increases our transportation costs, reduces the
8 transportation productivity, and I'll just say I--
9 before coming to DEP I spent 10 years at the
10 Department of Sanitation. So, I know it's difficult
11 to find landfill capacity, and for some reason
12 there's a bit of a stigma out in the landfill
13 industry about accepting waste, whether it's
14 municipal waste from Department of Sanitation or from
15 us, that comes from New York City, but our sludge is
16 certainly no worse than anyone else's.

17 CHAIRPERSON CONSTANTINIDES: I guess I
18 would agree with that, but I will say that we do need
19 to start looking at other solutions here and being
20 more creative, because it looks like we're in two
21 years our costs have increased by 11 million. It
22 doesn't look like they're going to be going down
23 anytime soon. So I hope that the Department will
24 take a strong look at either a study for beneficial
25 use or trying to come up with some sort of creative

2 solution, because at some point it's going to become
3 extremely cost-prohibitive for us not to have that
4 type of plan in place.

5 COMMISSIONER LAWITTS: Yes, we will.

6 CHAIRPERSON CONSTANTINIDES: And I will
7 come back on a second round for filtration avoidance
8 determination questions, but I will, in the interest
9 of time and respect of my colleagues, I'll let them
10 take a round first.

11 CHAIRPERSON FERRERAS-COPELAND: Thank
12 you, Chair. We will hear from Minority Leader Matteo
13 followed by Council Member Johnson followed by
14 Council Member Miller.

15 COUNCIL MEMBER MATTEO: Commissioner,
16 welcome. I just--

17 COMMISSIONER LAWITTS: [interposing] Thank
18 you.

19 COUNCIL MEMBER MATTEO: want to start off
20 by reiterating some of the comments I made at the
21 hearing the other night, and I do believe it's
22 important to recognize your staff Jim Roberts and
23 Eric Landau, and Mario Bruno, and your wonderful
24 staff that are on site on Staten Island, Steve Sforza
25 and Jason Siminara [sp?]. They respond to me 24/7,

2 and it's a testament to DEP, and I do want to make
3 sure that's said and it's appreciated especially on
4 my end and from my constituents. So, thank you.

5 Some quick questions I just want to run over. The 35
6 schools with the increased lead over the past year. I
7 was wondering if we can go over the status of those
8 schools. What is the protocol for testing, and when
9 you find out that a school may have some elevated
10 levels, what are the precautions that are taken place
11 and what is the reality at the schools? Should they
12 not be drinking the water? What is DEP exactly
13 doing? Just protocol and just to go over the system
14 and the system that's in place basically.

15 COMMISSIONER LAWITTS: Right. So we've
16 been working very closely with the Department of
17 Education and the School Construction Authority, and
18 so schools that have higher levels of lead have been
19 following a flushing protocol where at the beginning
20 of the school day before the students arrive, they've
21 been flushing the water that by the time the students
22 arrive and hopefully most of the faculty arrives, the
23 water is running clear, so to speak, and that the
24 lead levels are significantly reduced from what they
25 otherwise would be on that first flush. The

2 Department of Education also has created a website
3 where anyone can go and look up a school that they're
4 interested in and see what the lead results have
5 been, and--

6 COUNCIL MEMBER MATTEO: [interposing] So
7 the 35 schools there are deemed safe? The 35 schools
8 that were--the Staten Island schools, they're deemed--
9 --the water level is safe now, and--

10 COMMISSIONER LAWITTS: [interposing] Yes.

11 COUNCIL MEMBER MATTEO: And so the
12 Department is--of education--is giving you the list
13 of schools that you follow up with testing or testing
14 just occurs across the board? I'm just trying to
15 figure out where the testing is. You're just going
16 around and testing, or now that these--

17 COMMISSIONER LAWITTS: [interposing] And
18 Eric Landau will--

19 COUNCIL MEMBER MATTEO: [interposing]
20 Please.

21 COMMISSIONER LAWITTS: amplify.

22 ERIC LANDAU: Thank you. So, as we
23 testified in the past, it's also important to just
24 sort of start a little globally that New York City's
25 water is virtually lead-free. We have a thousand

sampling stations across the City. Between those
sampling stations and the water Upstate in the
reservoirs the water is tested accumulatively about
500,000 times a year. When it gets to the property,
there can be some lead intrusion if there is internal
lead plumbing in the building, whether it's your home
or a commercial property. In 2002, DEP worked with
the Department of Education to develop a testing
protocol for all schools that DOE implements. We
then by 2010 worked with all city agencies to replace
any known lead service line, which can be a primary
cause of lead intrusion, which were banned. All lead
service lines were banned in 1961, but any building
built before that. And so we worked with all those
agencies across the city for any city-owned building.
We're going back through those properties now, going
back working with those agencies to ensure any new
building saying [sic] that has been added on as a
city property that was not previously, say a new
school or a pre-k facility that was not part of the--
not a city-owned building pre-2010 is also checked,
and any lead service line found is immediately being
removed working with the School Construction
Authority. Any school that does test for using that

protocol we helped DOE develop back in 2002, any school that does test with a high level of lead or an elevated level of lead, as Commissioner Lawitts said, they're immediately put on a flushing protocol. They determine where that elevation level is coming from. Say it's coming from a water fountain, for example, that fountain is removed or it's marked to not use until it can be replaced again by combination of DOE or School Construction Authority. So, any of those 35 schools, for example, would be on a flushing protocol. They would be identifying, DOE and SCA would be identifying where the specific issue of lead in the building is and then working to fix it as quickly as possible, and again, the Department of Education announced in March with the Health Department a new online web portal where anyone in the City can go and find out any school and whether or not--what the results of the testing are and whether or not they're on a flushing protocol.

COUNCIL MEMBER MATTEO: And notification, I assume from the parents, would just go from DOE, right?

ERIC LANDAU: That would be my assumption, yes.

2 COUNCIL MEMBER MATTEO: Alright, thank
3 you.

4 ERIC LANDAU: Thank you.

5 COMMISSIONER LAWITTS: Thank you.

6 CHAIRPERSON FERRERAS-COPELAND: Thank
7 you. Council Member Miller?

8 COUNCIL MEMBER MILLER: Thank you, Madam
9 Chair. So, let me just piggy back on my colleague
10 over there. How--I certainly agree with you,
11 Commissioner, that we have the best water anywhere in
12 the country, but how do we kind of get that message
13 out and where does the public go to get the
14 information that validates that fact, that we do have
15 the safest water anywhere in the country?

16 COMMISSIONER LAWITTS: So, there are
17 several places. You can go to our website,
18 nyc.gov/DEP. We publish, as all water utilities are
19 required to do in this country, an annual water
20 quality report. We recently published the report for
21 the last year, and that will show in great detail
22 actually tables of all of the elements of concern
23 that might be in a drinking water system, and you'll
24 see on row after row after row of that for almost
25 every element that might be of concern. We have non-

2 detect. In other words, there's not a presence of any
3 of those elements in our drinking water. Besides
4 that annual report, there's a lot more information
5 about water quality on our website--

6 COUNCIL MEMBER MILLER: [interposing] So
7 we can go right to--

8 COMMISSIONER LAWITTS: [interposing]
9 throughout the year.

10 COUNCIL MEMBER MILLER: DEP website?

11 COMMISSIONER LAWITTS: Yes.

12 ERIC LANDAU: And in addition, Council
13 Member, we, every year when we publish the water
14 quality report, we work with the Health Department to
15 advertise and publicize that information, and this
16 year we're currently working with them on a marketing
17 campaign that they're launching about drinking tap
18 water in general, which--

19 COUNCIL MEMBER MILLER: [interposing] So--

20 ERIC LANDAU: addition link to the water
21 quality report. Following the events in Flint,
22 Michigan this year, we immediately got word out to
23 all the elected officials in the City and all of the
24 Community Boards about the quality of New York City
25 drinking water, and then for lack of a better term,

2 we took that show on the road a little bit and have
3 done presentations before every district service and
4 borough service cabinet in the City to inform people
5 that the water quality is of the highest standard,
6 that it is tested 500,000 times a year, and that any
7 property owner that would like a--to test their own,
8 the water coming out of their tap can call 311 for
9 free lead test kit.

10 COUNCIL MEMBER MILLER: Good, thank you.
11 That is precisely what we were looking for there.
12 So, we're talking about some of the one and a half
13 billion dollars of infrastructure work that is being
14 done in southeast Queens. I thank the Commissioner
15 Lloyd for coming out and a speedy recovery, and
16 really updating us on some of the projects that are
17 going on. One of the things that we talked about is
18 how do we then get that information out to the public
19 that they see number one, that the construction, that
20 there's a timeline on the construction that is
21 occurring in front of their homes and on some of the
22 construction that is not occurring that they've been
23 waiting for a while. How do--where do they go to find
24 this information? How do we kind of oversee the
25

2 projects and make sure the projects are doing what
3 they said they were intended to do as well?

4 ERIC LANDAU: So, thank you. It's
5 actually through a variety of ways. As you know, not
6 only have we briefed you, Councilman, but we've
7 briefed many of your colleagues, both at the city and
8 the state level about those, about the large plan and
9 about individual projects, and we'll continue to be
10 working with your offices along with the Community
11 Boards to get that information out. All of these
12 projects get managed by the Department of Design and
13 Construction, and so obviously when DDC does a
14 project they employ a Community Construction Liaison
15 who works very closely with the community,
16 publicizing it. We'll be working very closely with
17 them, and again, to make sure that all of your
18 offices know well in advance of the work so that you
19 can also publicize it and answer any questions that
20 you may receive.

21 COUNCIL MEMBER MILLER: As well as
22 notifying homeowners that it'll be a disruption not
23 just in services, but you know, parking and stuff
24 like that. We need to get that information out.

2 ERIC LANDAU: Certainly, and when the
3 CCL's actually hit the ground in a neighborhood where
4 water or sewer main work is happening, they go door-
5 to-door and post notices about any potential impact.

6 COUNCIL MEMBER MILLER: So, the
7 Comptroller's interpretation of the Capital, DEP's
8 Capital Budget and what qualifies, would that--in
9 terms of in southeast Queens, the groundwater was
10 disqualified, would that have an impact on any of the
11 work that is being done there? He basically said
12 that the groundwater was outside of the Capital
13 Budget and outside of the purview of DEP and it
14 should not be paid for with DEP dollars. Does that
15 impact, have an impact on any of the work? And then
16 my last question is about the MWBE's on these
17 contracts.

18 COMMISSIONER LAWITTS: No, it doesn't
19 impact any of our other programs, if that was your
20 question.

21 COUNCIL MEMBER MILLER: Yeah, so the 1.5
22 is going to move forward?

23 COMMISSIONER LAWITTS: Oh, yes.

24 ERIC LANDAU: Yes, and in fact there's
25 close to 800 million dollars in this Four-year

2 Capital Plan that we're talking about today of that
3 1.5.

4 COUNCIL MEMBER MILLER: Okay. So, and
5 that final question was about in the DEP's
6 contracting, could you talk about your MWBE
7 participation?

8 COMMISSIONER LAWITTS: Yes, Council Member
9 Miller. So, we currently--sorry, just bear with me a
10 second. So, so far this fiscal year we have awarded
11 53 million dollars to MWBE subcontractors. The vast
12 majority of that, about 50.5 million being for city
13 certified contractors, and because we also do a lot
14 of capital work upstate, about two million for state
15 certified contractors who are doing work for us
16 upstate, and in terms of prime contractors so far
17 this year, and you know, generally our prime
18 contracts are so big that they often exceed the
19 capacity of most MWBE firms, but we have awarded
20 nearly 14 million dollars of prime contracts to MWBE
21 firms. Our--when we ended the last fiscal year our
22 total percentages awarded to MWBE's were about 38
23 percent of the dollars that we award--

24 COUNCIL MEMBER MILLER: [interposing]
25 Okay.

2 COMMISSIONER LAWITTS: to subcontractors
3 went to MWBE subcontractors, and we're hopeful to
4 reach a similar percentage this year. We seem to be
5 on track to--

6 COUNCIL MEMBER MILLER: [interposing] So
7 that's your target, but what's the total number of
8 contracts? What's the total amount?

9 COMMISSIONER LAWITTS: So, the total
10 number of contracts for subcontractors is 90, 90
11 subcontracts, and seven prime contracts.

12 COUNCIL MEMBER MILLER: [off mic]

13 COMMISSIONER LAWITTS: Oh, I said--

14 CHAIRPERSON FERRERAS-COPELAND:
15 [interposing] If you don't turn on the mic, it
16 doesn't mean you can continue to ask questions.

17 COMMISSIONER LAWITTS: Right. Again, so
18 far this year, 53 million in--53 million dollars in
19 subcontractor value has been awarded to MWBE's, 14
20 million in prime contractor value.

21 CHAIRPERSON FERRERAS-COPELAND: Thank you,
22 Commissioner. Thank you, Council Member Miller. I
23 know you have somewhere to go you said. Council
24 Member Rosenthal followed by Council Member Richards
25 followed by Council Member Garodnick.

2 COUNCIL MEMBER ROSENTHAL: Thanks so
3 much, Chairs. Nice to see you. Is this thing
4 working? Yes. First of all, don't tell anyone this,
5 but your intergov [sic] guy gets back to me faster
6 than any intergov guy in any agency, and like, huge
7 props to Eric Landau.

8 COMMISSIONER LAWITTS: Okay, I won't tell
9 him.

10 COUNCIL MEMBER ROSENTHAL: Well, don't
11 tell--you can tell Eric, but don't tell other agency
12 intergov guys or gals, who I like, but I'm just
13 saying Eric is like--I've never seen that kind of
14 response and it's very much appreciated. He's
15 blushing.

16 ERIC LANDAU: Thank you. Thank you very
17 much.

18 COUNCIL MEMBER ROSENTHAL: Does that mean
19 it's going to get worse for me going forward [sic]?
20 Anyway, so I have this question, and it actually has
21 to do more with issues that I work on with Eric,
22 which is constituent, what I call constituent
23 services, my offices--in my office. So, how many
24 inspectors do you have at DEP who do the work of
25 responding to the public?

2 ERIC LANDAU: So, for the Air and Noise
3 Unit we have a total of 57 inspectors.

4 COUNCIL MEMBER ROSENTHAL: Fifty-seven to
5 respond to, like, DEP concerns?

6 ERIC LANDAU: So that's--

7 COUNCIL MEMBER ROSENTHAL: [interposing]
8 311?

9 ERIC LANDAU: 311 concerns related to
10 something to do with the air code or the noise code.

11 COUNCIL MEMBER ROSENTHAL: Got it. Fifty-
12 seven--do you have any vac--

13 COMMISSIONER LAWITTS: [interposing] See
14 how quickly he responded?

15 COUNCIL MEMBER ROSENTHAL: Very fast.

16 ERIC LANDAU: And Deputy Commissioner
17 Angela Licata, who actually oversees that team, can
18 provide more specific details.

19 COUNCIL MEMBER ROSENTHAL: Great. I'm
20 wondering how many vacancies there are?

21 ANGELA LICATA: Sure. Actually we were
22 at minus one. So we were at 56, but we've been
23 trying very hard to maintain a full complement--

24 COUNCIL MEMBER ROSENTHAL: [interposing]
25 Great.

2 ANGELA LICATA: of air noise inspectors,
3 and just to mention that we added a total of 11
4 inspectors--

5 COUNCIL MEMBER ROSENTHAL: [interposing] I
6 was just--

7 ANGELA LICATA: over the past year. So we
8 have responded to the uptick in the complaints that
9 we've received. So there are a total of eight
10 additional positions and three positions that we
11 funded internally by reassigning folks that were
12 doing some clerical work to inspector titles, and in
13 addition to that, I just wanted to mention also that
14 we currently have 13 asbestos inspectors as well with
15 one vacancy.

16 COUNCIL MEMBER ROSENTHAL: In addition to
17 the 57.

18 ANGELA LICATA: Yes.

19 COUNCIL MEMBER ROSENTHAL: So no wonder
20 you can respond so quickly, Eric. There's like a
21 great team. Do you expect an increase in inspectors
22 next year? You're now good at the 57 plus the 11?

23 ANGELA LICATA: We're doing quite well--

24 COUNCIL MEMBER ROSENTHAL: [interposing]
25 Okay.

2 ANGELA LICATA: with the air and noise
3 inspectors. I may consider putting in for some
4 additional asbestos inspectors. Did I say air and
5 noise? Yeah, we're doing fine with the air and
6 noise, and I would consider maybe asking for a few
7 asbestos inspectors.

8 COUNCIL MEMBER ROSENTHAL: Okay. Is there
9 a way for the public--do you have any thoughts about
10 your putting some money into your IT system so that
11 the public could track what's going on with concerns
12 they have by address?

13 COMMISSIONER LAWITTS: Are you speaking
14 now about air and noise concerns?

15 COUNCIL MEMBER ROSENTHAL: Yes.

16 COMMISSIONER LAWITTS: So--

17 COUNCIL MEMBER ROSENTHAL: [interposing]
18 In other words, so a complaint comes into 311 or we
19 call. We get a very speedy response, but there's
20 certainly times when, you know, we don't know the
21 outcomes, a resident doesn't know the outcome, and
22 I'm just wondering how the public can know what's
23 going on in the same way at DOB where, you know, we
24 just type in the address and we can see some degree?

2 COMMISSIONER LAWITTS: Well, one way
3 constituents can find out as they can learn about
4 most types of complaints that they communicate to 311
5 is to then use their complaint number--

6 COUNCIL MEMBER ROSENTHAL: [interposing]
7 Right, and in 30 days it'll say closed. There's no--
8 there are two options with those complaints. It's
9 either open or closed. So, it could be closed
10 because you've passed the complaint on to DOT.

11 COMMISSIONER LAWITTS: Yeah. So, we'll
12 certainly take a look at that and see if there's
13 something that we could fashion that would supplement
14 what's available on 311.

15 COUNCIL MEMBER ROSENTHAL: So you have no
16 plans to do something, have an online resource at DEP
17 telling residents what's going on at certain
18 addresses?

19 COMMISSIONER LAWITTS: We don't have that
20 currently, but as I said, we can see what we would
21 need to do in our existing system to use the data
22 that--the complaint data that come to us through 311
23 and see if there's something we can build that would
24 provide more information and give--
25

2 COUNCIL MEMBER ROSENTHAL: [interposing]

3 Great.

4 COMMISSIONER LAWITTS: you and your
5 constituents better access.

6 COUNCIL MEMBER ROSENTHAL: Great. Thank
7 you very much.

8 CHAIRPERSON CONSTANTINIDES: Thank you,
9 Council Member Rosenthal. Council Member Richards?

10 COUNCIL MEMBER RICHARDS: Thank you so
11 much, Chairs. Thank you once again. DEP's done a
12 phenomenal job certainly at working with our
13 community. I just want to commend the staff just as
14 other members have done for your responsiveness.
15 Alrighty, we'll get right into questions now. So,
16 with the 10-year 1.5 billion dollar capital
17 commitment to build out southeast Queens' sewer
18 infrastructure, how does that commitment break down
19 for fiscal year 17?

20 COMMISSIONER LAWITTS: Just a minute.
21 Thank you. So, Council Member Richards, so of the
22 1.5 billion dollars, we are, in the Executive Budget,
23 planning to commit about 242 million dollars in
24 fiscal 2017. Do you want the remaining years also?

25 COUNCIL MEMBER RICHARDS: Yes, sure.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES, 300
2 AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS

3 COMMISSIONER LAWITTS: Almost 139 million
4 in 18. Almost 220 million in 19, and then in 2020,
5 116 million.

6 COUNCIL MEMBER RICHARDS: Okay, so that's-
7 -

8 COMMISSIONER LAWITTS: [interposing] And
9 that's a four-year total of--well, five-year total
10 including 2016 of 778 million.

11 COUNCIL MEMBER RICHARDS: Okay. Alrighty,
12 and we expect a lot of these projects that have been
13 on the books to now drum up and start, or can we just
14 go through that a little bit now? So, projects like
15 the Brookfield Triangle, you know, projects that
16 people have been waiting for for a long time.

17 COMMISSIONER LAWITTS: Right, so--

18 COUNCIL MEMBER RICHARDS: [interposing]
19 Don't all be shy. Jim Roberts?

20 COMMISSIONER LAWITTS: And so we would be
21 working through the Department of Design and
22 Construction who would actually do the work designing
23 the fixes and putting it out to contract and
24 overseeing the construction and--

25 COUNCIL MEMBER RICHARDS: [interposing]
Okay. Okay, we can have a conversation as we move

forward, and I think just in the future, maybe this is a good recommendation, we should probably have representation from DDC here so they can probably answer some of these questions.

ERIC LANDAU: Sure, and you know, as we've discussed with you over the last several weeks, Councilman, there are a series of projects that-- there are some projects underway. There are some that are going to sort of go into construction this year, next year as others come through design, but there's a series of project that are rolling including a lot of green infrastructure work, as you know about, certainly in southeast Queens. We will be constructing--the construction will include 450 miles of new storm sewers, upgrades to 260 miles of sanitary sewers, 30 miles of combined sewers. There's Bluebelt work at Springfield Lake, Twin Ponds, Baisley Pond, Brookfield Edgewood Triangle. So, as you know--

COUNCIL MEMBER RICHARDS: [interposing] So we expect those this fiscal year or?

ERIC LANDAU: Over the next--some this year and some over the next couple.

2 COUNCIL MEMBER RICHARDS: Okay, got you.

3 So I'm interested definitely in the Brookfield. That
4 is one even this past weekend which was really in bad
5 shape. So I'm definitely interested in hearing--

6 ERIC LANDAU: [interposing] We'll
7 certainly follow up with all the project specifics on
8 that one.

9 COUNCIL MEMBER RICHARDS: Alright,
10 perfect. Can you also go through bio swells? So,
11 how many, how much bio swells do we foresee being
12 dedicated in this fiscal year for southeast Queens?

13 ANGELA LICATA: Sure, I'd be happy to
14 provide you with an update. In fact, we just released
15 our annual report that we do every April 30th, and we
16 have now reached a point citywide where we have
17 constructed what we're calling assets, green
18 infrastructure assets. So we have 3,830 assets that
19 have been constructed at the end of fiscal year 15,
20 and we anticipate that by the end of fiscal year
21 2017, we'll have built another 1,100 to 1,200. So
22 somewhere in the vicinity of 5,000 of these green
23 infrastructure assets which are primarily going to be
24 located in the priority water bodies. Those are the
25 water bodies that we're preparing long term control

plans for with respect to achieving more CSO control,
and we have now been rolling out our green
infrastructure program also into areas that are
served by separate sewers. So we will be looking in
southeast Queens, for example, at installing an
additional 200 right-of-way bio swells or rain
gardens, and we are looking at targeting two schools,
the South Jamaica Houses and two park lands.

COUNCIL MEMBER RICHARDS: Right, I
remember that. Okay, so, one thing just to note, and
I want to thank you for the work that you've done,
and obviously I, you know, really am thankful for the
commitment of DEP to southeast Queens and the Mayor
in particular for ensuring that this is a priority.
So, I want to thank you for the work you do on the
record, and we look forward to continue the
conversation with you, and I just want to add that
DDC's website isn't really an updated--it's not
updated as often as it should be. So, we would love
to be able to tell our constituents to go to DDC's
website to look at particular projects that are up
and coming and for these particular plans to be
updated in particular, and it's something, you know,
I go on the website myself just to point

2 constituents, you know, in the proper direction, and
3 how you go to follow because the plan still reflects
4 something from the Bloomberg era. Just my--not
5 unless they changed over the past month or so. So I
6 would just recommend we do that as we move forward,
7 but I look forward to continuing to work with you,
8 and I want to thank you for all the work you're doing
9 around keeping our catch basins clean as well. I see
10 a significant presence in our community in keeping
11 storm--as of yesterday, too, or the day before I saw
12 a truck actually out cleaning out some catch basins,
13 pretty hefty trucks. I want to thank you for that as
14 well. Thank you.

15 COMMISSIONER LAWITTS: Thank you, Council
16 Member Richards.

17 CHAIRPERSON FERRERAS-COPELAND: Thank
18 you, Council Member Richards. We will now hear from
19 Council Member Garodnick followed by Council Member
20 Levin.

21 COUNCIL MEMBER GARODNICK: Thank you very
22 much, Madam Chair. Speaking of Bloomberg era, I
23 wanted to follow up a little bit on the third water
24 tunnel. I understand from the answer to the Chair's
25 question that the completion date is now expected to

2 be 2025. There is a question that we raised by
3 letter of April 6th, which we by the way do not yet
4 have a response to, which was why the disparity
5 between the dates that were cited by the Bloomberg
6 Administration which were completion of these two
7 additional shafts by 2021, and the comments today
8 that this was never delayed? Can you address that?

9 ERIC LANDAU: Yes, happy to, Councilman.
10 Thank you. So, as Commissioner Lawitts said earlier,
11 you know, this is a--this whole conversation has been
12 an unfortunate lack of clarity from the agency's part
13 to the members of the City Council and to the
14 community at large about communicating sort of the
15 schedule of this project. In 2013, when the
16 Manhattan/Queens leg was turned on, there was a press
17 release that was issued at that time, and that press
18 release did have a line in it that said that the
19 project would be completed in 2021. However, if you
20 go back and you check the budget documents that also
21 were submitted during that same period, that that--
22 those fiscal year budget documents, they have the
23 construction money for those two shafts committed for
24 2021, and so we believe that unfortunately, and this
25 is going to sound really, really simple, but

2 unfortunately there was a typo in the press release
3 that instead of saying the project would be completed
4 in 2021, it should have said the project will be
5 committed in 2021 as all of those budget documents
6 since that time have supported the 2021 start date
7 and funding.

8 COUNCIL MEMBER GARODNICK: Okay. So we
9 will obviously take a look at the typo that resulted
10 in the grand miscommunication, and we'll be sure to
11 follow up with you. We also would like the formal
12 response to our letter, however. Can we expect that?

13 ERIC LANDAU: Yes, we are working on that
14 with our colleagues at City Hall.

15 COUNCIL MEMBER GARODNICK: Okay. Now we
16 have a start date of 2020, which by the testimony
17 here and from what I have read in the press, that
18 you're moving up the start date from what was always
19 apparently going to be 21 to 2020. Explain to us why
20 in the last budget, the last--in the Prelim round,
21 the last time you all were here--by the way, I'm not
22 a member of this committee. I'm here just as a
23 visitor. You had 52 million dollars in for a 2021
24 anticipated start, but now 685 million dollars in for
25 a 2020 start. Again, what am I missing here? It

2 seems like if you were always on the same path for
3 2021 start, you would not see a 600 million dollars
4 delta between what you were planning a couple months
5 ago and what you're planning now.

6 COMMISSIONER LAWITTS: Well, so the--let
7 me go back to--and break down as I thought I had
8 earlier. There's the first 300 million which is for
9 the construction of the shafts, and so that's what
10 was accelerated from 21 to 20, and then there is a
11 second 300 million which is for the mechanical
12 equipment that has to go into those shafts, and then
13 for the--

14 COUNCIL MEMBER GARODNICK: [interposing]
15 The 21 million and the seven, yes, you did go through
16 that.

17 COMMISSIONER LAWITTS: Right. And so that
18 second 300 million was never included in the 10-year
19 plan for the equipment, and it will be reflected in
20 the 10-year capital plan for the first time when we
21 do our biannual update of the Capital Plan this
22 coming January. That will be the first time that
23 equipment-related 300 million has ever appeared.

24 ERIC LANDAU: So, in addition to that,
25 the 52 million that you're referencing was

2 specifically for the site acquisition and the design
3 work of the shafts which is a critical first step,
4 which was, as we testified in our Preliminary Budget,
5 what was there. A lot of this conversation also
6 stems from last year's executive testimony where
7 Commissioner Lloyd mentioned the deferral of 300
8 million dollars which is the additional 300 million
9 that's been put back into this year's Executive
10 Budget. Where we as an agency were not clear when we
11 testified last year was that the deferral of that 300
12 million was a deferral of the money with the plan
13 always to be that once we got past the critical step
14 of the design and site acquisition of the 52, that
15 300 million would come back in the budget in time for
16 us to start construction in 2021. Doing it--the
17 money's been put back in the budget now with a plan
18 from our design and construction and our water and
19 sewer operations folks to actually accelerate that
20 project to construction start in 2020.

21 COUNCIL MEMBER GARODNICK: So, the apples
22 to apples comparison here, the 52 million to a
23 particular number is 52 million to 357 million?

24 ERIC LANDAU: So, the 52 million is still
25 in the--is still there in the budget with the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES,
AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS 309

2 additional 300 million for the construction of these
3 two shafts is also in the budget.

4 COUNCIL MEMBER GARODNICK: Right. That's
5 the--is that the 357 million dollar total number?

6 ERIC LANDAU: Yes. Yes.

7 COUNCIL MEMBER GARODNICK: So, 52 became
8 357 by--

9 ERIC LANDAU: [interposing] And there was
10 an additional five million dollars added for the
11 acceleration from 2021 to 2020.

12 COUNCIL MEMBER GARODNICK: Five million?

13 ERIC LANDAU: Yes.

14 COUNCIL MEMBER GARODNICK: So that was
15 really--so five million is all you needed to
16 accelerate it for--

17 ERIC LANDAU: [interposing] That one year,
18 yes.

19 COUNCIL MEMBER GARODNICK: Okay, Mr.
20 Chairman, one last question if I may, or Madam Chair?
21 The disinfection, I am deeply confused about the
22 benefit of the disinfection and testing of Tunnel
23 Three and what benefit it will serve and if it does
24 serve a benefit, why it has not really been on the
25 table before the last few weeks? So, if you fill

2 that, disinfect and fill that portion of the tunnel
3 before you have the two connectors, what exactly--you
4 say within 48 hours we can have emergency potable
5 water. How exactly do you do that without the
6 connections? That's the point that I'm missing here.

7 JIM ROBERTS: As Commissioner Lawitts
8 said earlier, the tunnel itself is constructed. All
9 of the other shafts, except for the two that have
10 been the subject of a lot of the conversation are
11 constructed, and the appurtenances that attach those
12 shafts to the active distribution system are
13 constructed in four of the other five, and one is in
14 construction with DDC now. So, the ability for us to
15 put the tunnel into service once it's been
16 disinfected, again, our target is no later than the
17 end of 2017. We would be able to activate it through
18 the utilization of the shafts that are constructed
19 and the piping that does connect it to the
20 distribution system.

21 COUNCIL MEMBER GARODNICK: How many shafts
22 did you say are already constructed?

23 JIM ROBERTS: 20B [sic], 20, 21, 22, and
24 23, and 19. So, 19, 20, 21, 22, and 23B are all
25 constructed. 19B has some piping work that's

2 outstanding that's in--it's with DDC now. The other
3 four are actually have the piping in place.

4 COUNCIL MEMBER GARODNICK: Okay. Thank
5 you. So, I understand that you already have some
6 connection for which that could serve as a
7 redundancy. It's just the two 17--it's 17A and B, is
8 that the--

9 JIM ROBERTS: [interposing] 17B and 18.

10 COUNCIL MEMBER GARODNICK: Those are the
11 biggies [sic]. They're more relevant because they're
12 more significant in size, is that an accurate
13 statement?

14 JIM ROBERTS: Right, and they're planned
15 for the future connection to another phase of the
16 tunnel that's really further out in our planning, and
17 the, you know, the activation with all of the shafts
18 here is not different than, for example, what we did
19 in City Tunnel Number Three in Manhattan. We still
20 have construction ongoing with legs of the--of some
21 of the shafts being connected as we speak.

22 COUNCIL MEMBER GARODNICK: And if you
23 don't make use--this is it, I'm sorry. And if you
24 don't make use of the--the emergency use of that
25 portion, will that mean that we will need to

continuously disinfect and fill it, or is this a one-shot, one-time situation?

JIM ROBERTS: The intent is to keep--the intent is to keep the--once the water is brought to what we consider to be potable status, the intent is to keep it at that status by cycling through potable water.

COUNCIL MEMBER GARODNICK: Thank you very much.

COUNCIL MEMBER LEVIN: Thank you very much, Chairs. Commissioners, thank you for testifying today. In regard to the water tunnel issue, I have to say that I've been a little bit frustrated that what seems to be a pretty innocuous situation here, there was a one press release at one time that said one thing that was not accurate became an entire series of newspaper articles, significant newspaper articles, became reported then secondarily. It got kind of out there into the ether as a major issue, and so I just--you don't have to respond to this, but I do think that--I was a little bit frustrated to see that, you know, as you said, this was not reflected in any budget documents. There was no budget document or anything other than a single

press release that said that 2021 was going to be the
date of completion, correct?

ERIC LANDAU: So, Council Member, again,
it was a combination of factors. It was the
testimony from--the Executive testimony last year
that acknowledged the deferral of money but did not
clarify that the deferral of money did not have an
impact on the construction scheduled because the plan
was for that money to come back into the budget. So,
that was one piece. Another piece of it was this
year's Preliminary Budget testimony which only talked
about the 52 million dollars in the budget for site
acquisition and design of the two shafts, but did not
further make the point that the needed construction
money was going to be coming back in at the time
ready to begin construction on 2021, and then as
digging was done presumably by the reporter who wrote
the initial story, that was when the press release
from 2013 was discovered.

COUNCIL MEMBER LEVIN: Got it.

ERIC LANDAU: Which is also when some of
us discovered it as well--

COUNCIL MEMBER LEVIN: [interposing] Got
it.

2 ERIC LANDAU: had not been there at the
3 time.

4 COUNCIL MEMBER LEVIN: Okay, but all in
5 all this is all within the way that capital budgets
6 are allocated as part of five or 10-year capital
7 plans where the money is allocated when it's needed
8 in any particular budget hearings, correct?

9 ERIC LANDAU: Yes, that is correct.

10 COUNCIL MEMBER LEVIN: Okay, thank you. I
11 wanted to--I don't know if you had spoke about this
12 in your testimony, and my apologies for missing it,
13 but the issue in Gowanus around the re--the capturing
14 tanks, CSO tanks, retention tanks. Can you give us an
15 update as to what the latest is with regard to the
16 EPA, and then how that relates to your FY 17 budget
17 and your long term capital plan budget.

18 ERIC LANDAU: So, I'm going to start, and
19 then on some of the budget stuff, I'm sure Assistant
20 Commissioner Joe Murin will jump or Deputy
21 Commissioner Angela Licata. So, as was announced I
22 believe the end of last month, EPA did announce that
23 they--that the CSO, the eight million gallon CSO
24 retention take at the north end of the canal, what we
25 refer to as the head of canal, that those--that that

tank would be sited and the property's known as the head-end properties, the ones across the street from the Thomas Green park, which is what the City, both the Department of Environmental Protection and the Parks Department have long been advocating for as the loss of park land both in time and final size after the above ground operational facility needs to be built, that both the loss of time and space would put a real hardship on the community, and so we had long advocated for the properties across the street, which is also right next to the flushing tunnel and the pump station, the existing DEP infrastructure that the CSO tank will need to work with. EPA, at the request of the community, is holding a now 45-day comment period on this what they are calling this draft consent order, which is an agreed upon order that would be signed by both DEP and the EPA. That period of time, that comment period, concludes the end of this month at which point we're hopeful that the order will be signed. And--

UNIDENTIFIED: [interposing] Yes.

ERIC LANDAU: We've already signed that order and are just waiting for EPA to sign as is process with this public comment period, and I know

2 that this four-year plan has in it, and I believe it
3 is in our testimony, but this four-year plan does
4 have over 500 million dollars, 560 million dollars
5 total for improvements to reduce CSO discharge into
6 the Gowanus canal.

7 COUNCIL MEMBER LEVIN: That would be
8 inclusive then of these tanks, or is that--are those
9 outside of the four-year capital plan?

10 ERIC LANDAU: So, certainly that will go
11 to funding. There are two tanks that we'll be
12 building, an eight million gallon tank at the head of
13 canal and then a four million gallon tank at the
14 south end of the canal. That 560 million dollars
15 will not cover the entire cost of both of those
16 tanks.

17 COUNCIL MEMBER LEVIN: Right. Just for
18 the record, I know you said it, but these are eight
19 million gallon tanks.

20 ERIC LANDAU: The one tank is an eight
21 million gallon. The other is a four million gallon
22 tank below ground.

23 COUNCIL MEMBER LEVIN: Right. So, this is
24 extraordinary cost that the City is bearing. I mean,
25 just to put them into some kind of context, this are

2 mandated by the EPA under the Super Fund Program,
3 and--

4 ERIC LANDAU: [interposing] That's
5 correct.

6 COUNCIL MEMBER LEVIN: It's a--these are
7 extraordinary costs that the City is bearing in order
8 to make the Gowanus Canal a clean waterway for future
9 generations.

10 ERIC LANDAU: That's correct, that this is
11 all part of the Super Fund cleanup of the Gowanus
12 Canal.

13 COUNCIL MEMBER LEVIN: Thank you very
14 much. Thank you, Chairs.

15 CHAIRPERSON FERRERAS-COPELAND: Thank you,
16 Council Member. We will now hear--I have one
17 question, and then we'll have Chair Constantinides
18 for his second round. I wanted to talk about flooding
19 control in fiscal 2016, 2020 Executive Budget Capital
20 Plan includes three billion dollars for sewers, sewer
21 projects citywide. How does DEP prioritize areas in
22 the City to focus on, and what investments are being
23 made to address flooding issues citywide, and in
24 particular after a rain storm homeowners in my
25 district in east Elmhurst and Costa's District--we

2 share the same area--at times experience flooding in
3 their homes. What is DEP doing to address flooding
4 in these particular areas of Queens?

5 COMMISSIONER LAWITTS: Right. So, we
6 prioritize the areas of the city where systems
7 haven't been built out like Staten Island and
8 southeast Queens. We talked a lot about southeast
9 Queens earlier, and we monitor the calls that come
10 into 311 to look for trends, and we combine those
11 with our own insight and experience about where we
12 need to improve our infrastructure, and then we work
13 with our partner agencies, DDC, DOT to coordinate
14 street work, in some cases, the Economic Development
15 Corporation to coordinate both traditional sewer
16 projects and the Bluebelt, and we also coordinate
17 with the Mayor's Office of Recovery and Resiliency.
18 So, we have in the Capital Plan three billion dollars
19 projected over the four years for sewers, including
20 1.1 billion for replacement of sewers and including
21 an accelerated replacement of some of our oldest
22 infrastructure, and 1.6 billion for new sewers of all
23 three types, storm, sanitary and combined. And, you
24 had asked about Elmhurst--

2 CHAIRPERSON FERRERAS-COPELAND:

3 [interposing] Uh-hm, East Elmhurst.

4 COMMISSIONER LAWITTS: specifically. So,
5 in response to inquiries from the communities and
6 elected officials, we've reviewed the current sewer
7 system and how it functions as well as the complaints
8 for sewer back-ups and flooding and compared them to
9 other data citywide, and so we've concluded from this
10 data review that the sewers are mostly functioning as
11 designed, and don't generally need to be--we don't
12 need to replace existing sewer mains with larger ones
13 at this time, and the data bears this out. We looked
14 at the east Elmhurst zip code and compared that to
15 all of Queens, and so we--for instance, in east
16 Elmhurst we saw sewer back-ups go from 14 two years
17 ago to eight last year to three for this fiscal year
18 to date. Clogged catch basins, again in east
19 Elmhurst, we saw go from one in 2014 to two last
20 year, and so far this year we've had zero, but we'll
21 try to do better.

22 CHAIRPERSON FERRERAS-COPELAND: You
23 better. No, actually, I think what's happening with
24 all due respect, and I do understand that these
25 numbers--one thing with east Elmhurst it is the one

zip code in the city that has the most residents that have lived there for 50-plus years, larger--in the state there isn't a zip code like this. So, many of the constituents are tired. They're fed up. They just have given up and they don't think that they need to report or call 311, but they very, very are very much engaged in our civic conversations, and they bring me the pictures of the back-up in the house and when it rains and what happens in the yards, and I think we had a town hall meeting, and what was suggested was perhaps considering doing bio swells on Astoria Boulevard. I think the issue is probably more complicated. You're the experts. I'm not, and while the numbers, you know, you can't respond to zero. If there's no complaints, there's no complaint, but I think that it doesn't speak to the issue. I just think that there's just more residents that have given up in calling 311 and have tried to--they came out. We had 200 residents that complained to your agency at a town hall meeting recently that I attended a couple of--well, recently in my world is like six months ago. So, the problem is still there. I don't know what the other tools are. If you feel that after studying these sewerage

2 systems we don't need any other sewerage, then there
3 has to be another option, because the problem is
4 existing.

5 JIM ROBERTS: So, Council Member, if I
6 could? As both Eric and Commissioner Lawitts have
7 said, you know, we do rely heavily on the data to
8 sort of inform at least one of our views. We
9 obviously have our people in the field on a regular
10 basis, and then, you know, we do the engineering
11 analysis as the case may be. Some of the things they
12 get asked, you know, frequently citywide, if there
13 are new developments going up or new builder. You
14 know, the agency does sort of track and keep their
15 eye on those submissions and what's coming in
16 relative to what's being constructed, and I guess the
17 thing that I would say perhaps might be most
18 beneficial in these circumstances that we're
19 discussing now and what has proven to be, I think,
20 beneficial in some of the other areas of the city
21 where we've had, you know, is a lot of complaints is
22 maybe some informational sessions there. We do find
23 that there are a lot of cases where property
24 configuration can sort of lend to the problems that
25 are happening on the property that might not be

directly related to the municipal system per-say, but
you know, again, as you note, not the average--the
average homeowner may not understand sort of the
implications of the way their properties are set up
and so on and so forth. So, I mean, I would suggest
that perhaps Eric and his team and some of my folk
might be able to work with your offices and see if
that might not, you know, leave some benefit and sort
of some informational, and us better understanding
the details because--

CHAIRPERSON FERRERAS-COPELAND:

[interposing] Right.

JIM ROBERTS: the devil is always in the
details with--

CHAIRPERSON FERRERAS-COPELAND:

[interposing] Yes, it is, and I appreciate that. I
think that--you know, we'll take advantage of that
opportunity, and I think there'll be constituents
that'll be--feel a lot more comfortable in talking
one-on-one and not necessarily in a town hall
setting, but just to be able to talk on a case by
case basis. Thank you very much. Now, we will hear
from our co-chair Costa Constantinides.

2 CHAIRPERSON CONSTANTINIDES: Thank you
3 [off mic]. Thank you, Madam Chair. I have a few
4 questions related to the FAD. First, in the
5 Executive Plan you've set aside 1.7 million as DEP is
6 committed to work with Ulster County to create a
7 trail to protect city land as well as our water
8 supply. Have we done something like this in the
9 past? Like, is this based on our FAD needs or is
10 this, you know, some other critical expense that we
11 have to incur?

12 COMMISSIONER LAWITTS: Right. So, we--so
13 that 1.7 million is part of a total of 2.5 million,
14 which is the amount, the total amount that we
15 committed to building this trail in the agreement we
16 reached with Ulster County with the 0.8 million
17 dollars being in the current year's budget. And so
18 we felt that constructing the trail was going to
19 provide a better benefit at protecting the
20 surrounding watershed than letting that right-of-way
21 continue as a tourist railroad use, because
22 continuing to run a railroad on that has the
23 potential to contaminate the water system. A trail
24 is a much more benign use of that. We've worked with
25 partners throughout the watershed in the past to

construct trails, hiking trails. I think this is our first rail trail, but we've worked to construct miles of other hiking trails in other locations throughout the watershed.

CHAIRPERSON CONSTANTINIDES: This trail is just to facilitate tourists in hiking and others in that area that allows them to still utilize their property while protecting our watershed. It's a critical--

COMMISSIONER LAWITTS: [interposing]
Right, and it provides a benefit to the tourists in the community and helps us to further protect the watershed.

CHAIRPERSON CONSTANTINIDES: So, further, moving further into the FAD, the forestry program as staffed is one forester for every 31,000 acres, whereas the public water supply average in the northeast is one forester for every 12 to 15,000 acres. The Executive Plan has--includes 482,000 in fiscal 2017, and in the out-years to hire six employees for this program. Do you think that this increase in headcount will get us in line with that northeast standard, and if not, how many do you think

individuals you'd think we'd have to hire in order to
get us there?

COMMISSIONER LAWITTS: So, the short
answer is yes, we do think that this will get us in
line. When we were looking at other ratios of how
other water systems in the northeast in places like
Boston and New Haven and Portland, Maine protect
their forests, we will now be coming in line with
those ratios. And I also--we also have David Warren
who's our Assistant Commissioner of Water Supply and
is very knowledgeable about the FAD as a whole, and
he can supplement.

DAVID WARREN: Sure, good afternoon, and
thank you. Just to take the long view, in 97, 1997,
we owned approximately 42,000 acres of land,
primarily immediately around our reservoirs. Through
our land acquisition program we've acquired another
80,000 acres in the last almost 20 years, and that's
increased our portfolio of land to manage and
increased our portfolio of forest to manage. We do
think of forest as the green infrastructure of the
watershed. It's a little different than when you talk
about green infrastructure in the City, but healthy
forests are incredibly important to maintaining our

2 water quality, and so the requested staffing would
3 bring us in lien with other comparable water
4 suppliers here in the northeast, and I think give us
5 a better ability to manage those forests for long
6 term health and water quality protection.

7 CHAIRPERSON CONSTANTINIDES: How are we
8 doing? I mean, next year, is it next year the date
9 that we're up for renewal? Is that--

10 DAVID WARREN: [interposing] Right, so
11 the--

12 CHAIRPERSON CONSTANTINIDES: [interposing]
13 I'm trying to remember from earlier hearings. I'm
14 doing this from memory, but that's an accurate--

15 COMMISSIONER LAWITTS: [interposing]
16 Right, we received what at the time was an
17 unprecedented 10-year extension of the FAD in 2007.
18 It's up for renewal next year. We've begun
19 discussion with our regulators, the State Department
20 of Health and the Federal Environmental Protection
21 Agency about what conditions we'll need to fulfil in
22 order to get another hopefully 10-year FAD.

23 CHAIRPERSON CONSTANTINIDES: And I'm
24 looking--I'm not going to--in the interest of time,
25 I'm not going to sort of go point by point here, but

2 we're spending, you know, money on new septic
3 remediation and replacement programs, monies to
4 improve streams and flood plains, 4.1 million; six
5 million for a precision feed management program, and
6 all these dollars are--is that enough? I mean,
7 really that's, like, are we doing enough to make sure
8 that we will be in compliance next year and that we
9 will be able to get that renewal, because we know the
10 cost isn't what the tens of hundreds of billion is
11 to, you know, hundred billion dollars to build a
12 filtration plant, a billion to run it?

13 COMMISSIONER LAWITTS: Well, yeah, so
14 you're right. I mean, the stakes are rather high,
15 Mr. Chair, because as part of the conditions for
16 renewing the FAD we do have to update our estimate of
17 what it would cost to build a filtration plant to
18 filter the west of Hudson water, which is currently
19 supplying about 85 percent of New York City's daily
20 consumption. We've spoken in the past about an
21 estimate on the capital side of 10 billion dollars to
22 construct a filtration plant, 10 billion, and annual
23 operating costs because of the energy, the security
24 and just having operational people to run the plant,
25 an annual operating cost of 100 million dollars.

2 CHAIRPERSON CONSTANTINIDES: A hundred
3 million, okay. So I was a little--I knew I was a
4 little off on my guestimate, but--

5 COMMISSIONER LAWITTS: [interposing] So
6 the stakes are very high.

7 CHAIRPERSON CONSTANTINIDES: Right.

8 COMMISSIONER LAWITTS: And we believe the
9 expenditures we're making at this time are right. As
10 I said, we're at the beginning of discussion with our
11 regulators, and they could impose additional
12 requirements on us which as those discussion progress
13 we'll keep coming back to the committees and
14 informing you, and certainly if we need additional
15 resources in order to obtain the FAD, but from
16 everything we know now, we believe we're making the
17 right level of commitment.

18 CHAIRPERSON CONSTANTINIDES: Well, we're
19 always open to having those discussions, and if
20 there's additional dollars that are needed, those are
21 dollars that are well spent. I think no one on either
22 side of this aisle is interested in spending 10
23 billion dollars on a filtration plant. So, we are
24 equally committed to working with you to finding the
25 right level of funding--

2 COMMISSIONER LAWITTS: [interposing] We
3 certainly will work with you on that.

4 CHAIRPERSON CONSTANTINIDES: to secure our
5 FAD.

6 COMMISSIONER LAWITTS: Yes.

7 CHAIRPERSON CONSTANTINIDES: And lastly--I
8 could go all day, but I won't.

9 CHAIRPERSON FERRERAS-COPELAND: Thank you.

10 CHAIRPERSON CONSTANTINIDES: I know that I
11 was looking forward to hearing some good news about
12 the Bowery Bay Wastewater Treatment Plant. I know
13 that we've been working very diligently to meet that
14 deadline of Memorial Day to see these tanks sealed
15 and the odor mitigated. How is that project going?
16 Are we going to be able to have good news in time for
17 Memorial Day?

18 ERIC LANDAU: So, we can have good news
19 right now if you'd like, that today is the last day
20 of the project to cover the tanks at Bowery Bay, and
21 so the project is, now that it's I see five o'clock,
22 the project's completed.

23 CHAIRPERSON CONSTANTINIDES: Alright, and
24 when are we testing on the--
25

2 ERIC LANDAU: [interposing] So we're going
3 to test tomorrow, and then we should talk about doing
4 some public announcement about it in the next week or
5 two.

6 CHAIRPERSON FERRERAS-COPELAND:
7 [interposing] [off mic] I think is the public
8 announcement.

9 CHAIRPERSON CONSTANTINIDES: Yeah, we are
10 very--you know, the residents--

11 ERIC LANDAU: [interposing] Some further
12 public announcements.

13 CHAIRPERSON CONSTANTINIDES: of northern
14 Astoria, Jackson Heights are very excited about the
15 prospect of not having that odor every time it rained
16 in their area. So, looking forward to that test
17 tomorrow, making sure things are online and very
18 excited. Thank you for working with us to get that
19 done.

20 ERIC LANDAU: Thank you.

21 CHAIRPERSON CONSTANTINIDES: Madam Chair,
22 I'll turn it back over to you.

23 CHAIRPERSON FERRERAS-COPELAND: Thank you,
24 Co-Chair. We have additional questions. We're going
25 to get them out to your agency. Just ask that you

respond expeditiously so that we have a short window for negotiating on the budget and we'd like to use those answers for negotiations. This concludes our hearing for today. The Finance Committee will resume Executive Budget hearings for fiscal 2017 tomorrow, Tuesday, May 10th at 10:00 a.m. in this room. Tomorrow the Finance Committee will hear from the Health & Hospitals, the Department of Health and Mental Hygiene, the Office of the Chief Medical Examiner, the Department of Small Business Services, and Economic Development Corporation. As a reminder, the public will be invited to testify on Tuesday, May 24th, the last day of budget hearings at approximately 3:00 p.m. in this room. For any member of the public who wishes to testify but cannot make it to the hearing, you can email your testimony to the Finance Division at financetestimony@council.nyc.gov, and the staff will make it a part of the official record. Thank you, and this hearing is now adjourned.

[gavel]

1	COMMITTEE ON FINANCE JOINTLY WITH COMMITTEES ON FIRE & CRIMINAL SERVICES, AGING, ENVIRONMENTAL PROTECTION & SUBCOMMITTEE ON SENIOR CENTERS	332
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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 31, 2016