

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON RULES, PRIVILEGES and ELECTIONS

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August 20, 2009  
Start: 11:26 am  
Recess: 12:00 pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
LEROY G. COMRIE, JR.  
Chairperson

COUNCIL MEMBERS:  
Maria Baez  
Gale A. Brewer  
Inez Dickens  
Lewis A. Fidler  
Daniel R. Garodnick  
Vincent J. Gentile  
Alan J. Gerson  
Vincent Ignizio  
G. Oliver Koppell  
James S. Oddo  
Speaker Christine C. Quinn  
Joel Rivera  
Larry B. Seabrook  
Helen Sears  
Albert Vann  
David I. Weprin

## A P P E A R A N C E S [CONTINUED]

## Committee Counsel

Anna H. Levin  
Nominated Candidate  
City Planning Commission

Gale A. Brewer  
Speaking on Nomination of Anna H. Levin  
New York City Council Member

Daniel R. Garodnick  
Speaking on Nomination of Anna H. Levin  
New York City Council Member

Ernest J. Cavallo  
Nominated Candidate  
Environmental Control Board

Daniel R. Garodnick  
Speaking on Nomination of Ernest J. Cavallo  
New York City Council Member

William Martin  
Committee Clerk  
Committee on Rules, Privileges and Elections

Christine C. Quinn  
Speaking on Nomination of Anna H. Levin  
New York City Council Member

2 [Gavel banging]

3 CHAIRPERSON COMRIE: Good morning.

4 I am Leroy Comrie. Today I'll be chairing the  
5 Committee on Rules, Privileges and Elections for  
6 my colleague Diana Reyna who could not be with us  
7 today. I'd like to introduce the other members of  
8 the Committee who are present: Council Member  
9 Maria Baez from the Bronx; Council Member Daniel  
10 Garodnick from Manhattan; Council Member Lew  
11 Fidler from Brooklyn; Council Member--

12 [Something breaking]

13 [Off mic]

14 CHAIRPERSON COMRIE: No I said--and  
15 I'm messing up too. Council Member Joel Rivera  
16 from the Bronx; Council Member Vinnie Gentile from  
17 Brooklyn; and I want to, and Council Member Helen  
18 Sears and Council Member Vincent Ignizio are with  
19 us in the chambers this morning.

20 Today I will be--today we have two  
21 candidates for our review. They are Anna H.  
22 Levin, a resident of Manhattan, candidate for  
23 appointment by the Manhattan Borough President to  
24 the New York City Planning Commission. If the  
25 Council gives its advice and consent, Ms. Levin

2 will succeed Angela Cavolusi [phonetic], and serve  
3 the remainder of a 5-year term that expires on  
4 June 30<sup>th</sup>, 2014. And Mr. Ernest Cavallo, a  
5 resident of Manhattan, candidate for appointment  
6 by the Mayor to the Environmental Control Board.  
7 If the Council gives its advice and consent, Mr.  
8 Cavallo will fill the Public Member vacancy and  
9 serve for the remainder of a 4-year term that will  
10 expire on March 5<sup>th</sup>, 2011.

11 We'll begin with the City Planning  
12 Commission. The City Planning Commission has 13  
13 members, 7 appointed by the Mayor, 1 by the Public  
14 Advocate and 1 by each of the Borough Presidents.  
15 The Planning Commission is responsible for the  
16 long range planning to ensure orderly growth and  
17 development, assist in developing the 10-year  
18 Capital Plan, prepares and modifies the Zoning  
19 Resolutions among another other critical  
20 functions. Commission members serve 5-year terms.  
21 There is no limitation on the number of terms that  
22 a CPC member may serve. The citizen Planning  
23 Commission members are prohibited from holding any  
24 other City office while they serve on the Planning  
25 Commission. The Chair receives an annual salary

2 of \$181,719. The member who is designated as Vice  
3 Chair receives an annual salary of \$57,573. The  
4 other members receive an annual salary of \$50,064.

5 Welcome Ms. Levin. Will you please  
6 raise your right hand and be sworn in? You don't  
7 have to stand up.

8 COMMITTEE COUNSEL: Do you swear to  
9 tell the truth--do you swear or affirm to tell the  
10 truth, the whole truth and nothing but the truth?

11 MS. ANNA H. LEVIN: Yes I do.

12 CHAIRPERSON COMRIE: Thank you. Do  
13 you have an opening statement that you want to  
14 share with us?

15 MS. LEVIN: I did prepare an  
16 opening statement. I'm happy to forego it if  
17 you'd like to get straight to work.

18 CHAIRPERSON COMRIE: Oh we'll  
19 listen. We'll--

20 MS. LEVIN: [Interposing] Okay.  
21 We'll have--

22 CHAIRPERSON COMRIE: [Interposing]  
23 We'll be attentive--

24 MS. LEVIN: [Interposing] I have  
25 copies if you like.

2 CHAIRPERSON COMRIE: --we'll stay  
3 focused.

4 COUNCIL MEMBER IGNIZIO: How long  
5 is it?

6 MS. LEVIN: Two pages.

7 COUNCIL MEMBER IGNIZIO: All right.

8 MS. LEVIN: Cut me off when you get  
9 tired.

10 [Off mic]

11 MS. LEVIN: You know, normally when  
12 I come down here I get two minutes to speak. This  
13 one might go a little bit longer. I'm very  
14 pleased to be here today as a nominee to the City  
15 Planning Commission. And I'm immensely grateful  
16 to Manhattan Borough President Scott Stringer for  
17 the honor of this nomination. I certainly hope  
18 you'll approve the appointment since I'm keenly  
19 interested in taking up this work and I do think  
20 that my eight years of Land Use experience with  
21 Manhattan Community Board 4 and the communities of  
22 Hell's Kitchen and Chelsea have provided me with  
23 some unique and very specific qualifications for  
24 the job.

25 For that I have to thank my

2 wonderful Council Member and your colleague Gale  
3 Brewer for keeping me on the Community Board,  
4 Speaker Christine Quinn for the pleasure of  
5 working with her and her committed and talented  
6 staff for all these years, and my friends and  
7 colleagues on CB 4 who taught this corporate  
8 lawyer how to be a community advocate. You have  
9 my resume and my written responses to your pre-  
10 hearing questions which lay out my experience and  
11 qualifications in greater detail but I'd like to  
12 introduce the person behind those forms.

13 Like so many New Yorkers I moved to  
14 the City fresh out of college without any real  
15 plan for what I would do. I just knew New York  
16 was the place to be. I got a job as a paralegal  
17 because I could put things in alphabetical and  
18 chronological order and the money was good enough  
19 to pay the rent. Two years later I went to law  
20 school at NYU. After law school there are  
21 basically two chapters to my legal career. Ten  
22 years of general corporate and business practice  
23 in three different law firms, the last of which I  
24 ended up as a partner, followed by seven years as  
25 the Chief Legal Officer in the US for the French

2 luxury goods group, LVMH, Moet, Hennessy, Louis  
3 Vitton. That was a great job. It was a huge  
4 variety of work for 22 separate operating  
5 companies, big and small. And being able to say I  
6 was Dom Perignon's lawyer was kind of fun. But as  
7 you can see I'm fundamentally not a luxury goods  
8 girl. And after the learning curve flattened out,  
9 I wanted to do something that was more useful at  
10 the local level.

11 At about the same time a massive  
12 development project started next to our apartment  
13 on West 60<sup>th</sup> Street. Our bedroom window faced the  
14 back wall of the Coliseum at Columbus Circle. It  
15 now faces the back wall of the Time Warner Center.  
16 In between, we and our neighbors endured four  
17 years of intensive construction activity. And in  
18 the course of that, a neighbor rounded us all up  
19 and took us to a Community Board meeting to enlist  
20 its help in getting various City agencies to  
21 enforce the work rules and other regulations that  
22 the construction manager was blithely ignoring.

23 That's how I got to know about  
24 Community Boards. It's also when I got curious  
25 about how big development projects happen and what



1           role local communities have in their planning.

2           Soon after that the same neighbor took me to meet  
3           Gale's predecessor, Ronnie Eldridge and asked her  
4           to appoint me to Community Board 4 which she did  
5           in April 2001.  
6

7                           I enjoyed the work. I enjoyed the  
8           wide variety of people and issues I encountered  
9           and I was delighted to be able to use my 20 years  
10          of legal experience in service to the local  
11          community. I became Chair of CB 4's Clinton-  
12          Hell's Kitchen Land Use Committee almost  
13          immediately, just before the Giuliani  
14          Administration issued the first report in what  
15          became, when it was enthusiastically taken up by  
16          the Bloomberg Administration, the largest rezoning  
17          in the City since 1961. That was, of course, the  
18          Hudson Yards rezoning. And it soon included  
19          related proposals for the extension of the Number  
20          7 Subway Line, expansion of the Javits Center and  
21          most infamously, a football stadium.

22                           That was also the start of what  
23          became eight years of intensive development  
24          interest in Manhattan's West Side, requiring  
25          equally intensive advocacy by the local community

2 through the Land Use review process and a variety  
3 of other public forums. The constant themes of  
4 that advocacy were finding ways to absorb  
5 inevitable growth without destroying existing  
6 communities while maximizing affordable housing,  
7 good schools and other public facilities.

8 I led CB 4's work in responding to  
9 60 ULURP applications. I read all the  
10 applications and their Environmental Statements  
11 closely and did my best to get Committee members  
12 to do the same. I chaired Committee meetings to  
13 develop community consensus, chaired the required  
14 public hearings by the Community Board and wrote  
15 up detailed reports on the Community Board's  
16 recommendations. I also made it a practice to  
17 testify on behalf of the Community Board at all  
18 Planning Commission hearings and at most City  
19 Council hearings.

20 As a result I think I know the  
21 ULURP process and the public face of the City  
22 Planning Commission fairly well. And I know first  
23 hand the opportunities and challenges that local  
24 communities have in the process and the important  
25 role that they play in informing the Planning

2 Commission.

3 I look forward to changes roles at  
4 the Commission's hearing, moving from advocate to  
5 decision-maker. I will still and always pay  
6 careful attention to all of the details and listen  
7 carefully to all points of view. Thank you.

8 CHAIRPERSON COMRIE: Any questions  
9 from members? No you can't say anything now but  
10 Gale Brewer.

11 COUNCIL MEMBER BREWER: I've said  
12 this before about Anna H. Levin but in my opinion  
13 she will be one of the best, if not the best  
14 person ever appointed to the City Planning  
15 commission. She has the intelligence, the writing  
16 ability and this innate opportunity that she uses  
17 every time to relate to community folks as well as  
18 those who have other backgrounds. And she has no  
19 problem putting the time in to deal with an issue.  
20 We've worked together with Danielle and others on  
21 many, many community issues that are complicated.  
22 And she's always the one to put the pieces  
23 together and figure out what the assets and  
24 deficits are and how we're going to be able to  
25 deal with the situation. So needless to say, I am

2 a fan. And I am delighted that she's been  
3 appointed. I told Scott Stringer, I said this is  
4 the best decision you've ever made in your life,  
5 which of course he wondered about all his other  
6 decisions. Thank you very much.

7 CHAIRPERSON COMRIE: Mr. Chairman.

8 COUNCIL MEMBER GARODNICK: Thank  
9 you Mr. Chairman, I just wanted to add my voice in  
10 support of this candidate. I have not known her  
11 for as long a period but in the time that we have  
12 worked together on a couple of issues that have  
13 come before the City Council I have found her to  
14 be extraordinarily well prepared, articulate,  
15 intelligent and I think that the Borough President  
16 made an excellent choice here and I'm very, very  
17 enthusiastic to support her candidacy today.

18 CHAIRPERSON COMRIE: Council Member  
19 Gentile.

20 COUNCIL MEMBER GENTILE: Thank you  
21 Mr. Chairman. Ms. Levin, I'm just curious, my  
22 experience has been that the Planning Commission  
23 has always--has recently been averse to creating  
24 special zoning districts. I see in your prep  
25 here, in your answers to your questions, you said

2 that you're actually in favor of creating special  
3 zoning district. I just want to be certain that  
4 that's the case.

5 MS. LEVIN: Oh absolutely. You  
6 know it's interesting for me to hear from other  
7 communities that the Department of City Planning  
8 is averse to creating special zoning districts.  
9 The reality is that we have two brand new special  
10 zoning districts. In Community District 4 we've  
11 got the Hudson Yards--the special Hudson Yards  
12 District and the special West Hill Street District  
13 and those were both created to facilitate plans  
14 that the Administration wished to advance. We've  
15 also had the very first special district, I  
16 believe, or one of the first, a special Clinton  
17 District. So basically all of Community District  
18 4 is a special district.

19 COUNCIL MEMBER GENTILE: I would  
20 caution you to think about that consideration for  
21 the outer Boroughs because the Boroughs outside of  
22 Manhattan I don't think have had the same  
23 experience when we've attempted to create special  
24 districts.

25 MS. LEVIN: Listen, I'm certainly

2 aware that--in fact one of the reasons that I'm so  
3 interested in taking up this job, I understand  
4 that no, no District is the same and every  
5 community has its own issues and concerns and they  
6 all have to be looked at individually and on their  
7 own terms.

8 COUNCIL MEMBER GENTILE: And my,  
9 are you familiar with the Yards Text Amendment?  
10 That was passed, I believe, a year ago.

11 MS. LEVIN: Oh yes I am.

12 COUNCIL MEMBER GENTILE: Okay.

13 MS. LEVIN: And included the opens  
14 space changes--

15 COUNCIL MEMBER GENTILE:

16 [Interposing] The open space--

17 MS. LEVIN: --yes I am.

18 COUNCIL MEMBER GENTILE: --changes.  
19 The other thing, my observation has been that  
20 every time that communities have tried to enforce  
21 the Yard Text Amendment, the Board of Standards  
22 and Appeals seems to find some loophole that  
23 allows the Yard Text Amendment to be disregarded.  
24 And that's something that is an issue that we're  
25 going to continue, or at least I am going to

2 continue to bring up.

3 MS. LEVIN: Understood.

4 COUNCIL MEMBER GENTILE: Thank you  
5 Mr.

6 CHAIRPERSON COMRIE: Any other  
7 members? No. Ms. Levin I hear that you're the  
8 best thing since sliced bread according to Gale  
9 Brewer and a wonderful addition to the City  
10 Planning Commission. And you were chosen by Scott  
11 Stringer who clearly understands that we need to  
12 have more advocates in the City Planning  
13 Commission so I have no doubt that you'll be a  
14 positive addition. I just want to share with you  
15 some of my concerns about city planning.

16 And I'll start with actually the  
17 last thing. The issue of Text Amendments being  
18 done without Community Boards having an  
19 opportunity to vote of them or understand them or  
20 even being given an opportunity to vet them before  
21 they're adapted by City Planning Commission. I  
22 think that's unfair after a Community Board has  
23 done all of the work, such as you have done in  
24 your capacity to understand a zoning change and an  
25 upgrade for the protection, only to find out that

2 there could be a Text Amendment that could  
3 radically change some of the areas that they're  
4 trying to--and that they've worked so hard to  
5 bring about. I think the City Planning Commission  
6 should, in all fairness, bring those Text  
7 Amendments to the Community Boards for a vote.  
8 Not that they--so that the Community Board can  
9 have an opportunity to make those individual  
10 adjustments that may be unique to a certain area--

11 MS. LEVIN: [Interposing] I agree.

12 CHAIRPERSON COMRIE: --because what  
13 happens in Community Board 4 in Manhattan doesn't  
14 happen in Community Board 12 or Community Board 7  
15 in the Bronx or Brooklyn or Queens. So, or even  
16 in similar Community Board 4 in the other  
17 Boroughs. The other issue that I would--and from  
18 your resume and from what I've heard you're a  
19 meticulous person as you know, the Chair Burton  
20 likes to walk every District. She claims when she  
21 does a zoning change. And I hope that the Board  
22 can also do as much as they can to be as public  
23 when there are zoning changes that are being  
24 requested. As you may not represent Queens and  
25 there are still many communities in Queens that



2 would like to have Zoning Text Amendments done so  
3 that they can protect the historical nature of  
4 their Districts to prevent overdevelopment of  
5 residential homes and also to create opportunities  
6 for the commercial strips to catch up.

7           So there are some very unique  
8 niches throughout Queens that want to have  
9 opportunities and they feel that they are behind  
10 as far as getting the attention and getting the  
11 zoning done as quickly as possible. We in the  
12 City Council had requested that we put in money to  
13 help City Planning hire more staff and we would  
14 like to know from you, hopefully, as soon as  
15 possible, what your opinion is of the ability of  
16 the staffing to move the Text Amendments and the  
17 zoning requests as quickly as possible.

18           With that, you have been  
19 recommended very highly and you have an impeccable  
20 record and clearly you understand zoning at a  
21 level that truly is needed to be a member of the  
22 City Planning Commission. And I look forward to  
23 hearing a lot of great things about your tenure on  
24 the City Planning Commission. Seeing as there's  
25 no one else that has requested to speak, I think

2 we can--can we call a vote? We have a quorum to  
3 call the vote?

4 [Off mic] No.

5 CHAIRPERSON COMRIE: No? Can we  
6 contact--

7 [Off mic] We can go to the second  
8 person.

9 [Pause]

10 CHAIRPERSON COMRIE: Oh we have a  
11 second person? Oh all right. So we'll wait on  
12 calling the vote after the second person, okay.  
13 All right. With that we'll got to Mr. Cavallo for  
14 the Environmental Control Board. Within the  
15 Department of Environmental Protection there is an  
16 Environmental Control Board that adjudicates  
17 Notices of Violations issues by various City  
18 agencies including the Departments of  
19 Environmental Protection, Police, Sanitation,  
20 Health and Mental Hygiene, Fire and Buildings.  
21 The Board has the power to render decisions and  
22 orders and to impose civil penalties under law  
23 provided for such violations. The Board considers  
24 matters relating to the cleanliness of City  
25 streets, the disposal of waste, the purity of the

2 water supply, the regulation of street peddling  
3 and the City response to emergencies caused by  
4 releases or threatened releases of hazardous  
5 substances. The Board may also adopt regulations  
6 pertaining to emissions into the City air and into  
7 the waters.

8 The Board consists of the  
9 Commissioners of the Department of Environmental  
10 Protection, Sanitation, Health and Mental Hygiene,  
11 Buildings, Police, Fire and Consumer Affairs, as  
12 well as six persons appointed by the Mayor, with  
13 the advice and consent of the Council. The  
14 Commissioner of the Department of Environmental  
15 Protection serves as Chair. Member of an agency  
16 commission cannot be employed by the City. Five  
17 of the six non-Commissioner members must possess  
18 broad general background and experience on each in  
19 the following areas: air pollution control, water  
20 pollution control, noise pollution control, real  
21 estate or the business community. The six non-  
22 Commissioner members represent the general public.

23 Members other than agency  
24 Commissioners are compensated and receive \$175.10  
25 per diem when performing the work of the Board.

2 Member terms are four years. Welcome Mr. Cavallo,  
3 am I pronouncing it properly?

4 MR. ERNEST J. CAVALLO: You are.

5 CHAIRPERSON COMRIE: Great. Can  
6 you please raise your right hand and be sworn in?

7 COMMITTEE COUNSEL: Do you swear or  
8 affirm to tell the truth, the whole truth and  
9 nothing but the truth?

10 MR. CAVALLO: I do.

11 CHAIRPERSON COMRIE: Do you have an  
12 opening statement you want to share with us?

13 MR. CAVALLO: Half a page.

14 CHAIRPERSON COMRIE: Half a page?  
15 Okay.

16 MR. CAVALLO: I thank Mayor  
17 Bloomberg, Deputy Mayor Carol Robles Roman, the  
18 Mayor's appointment staff and the members of the  
19 City Council for their consideration and courtesy  
20 in this process. My resume reveals a life devoted  
21 to public service. I am excited to have the  
22 opportunity to continue that service at the ECB.

23 My reputation reveals the way that  
24 I have conducted my career. I look forward to  
25 working with Judge Velez and the ECB Board and

2 staff in a spirit of good will and cooperation as  
3 ECB continues its integration into OATH. I am not  
4 a person who likes to talk about myself so I'm  
5 very happy to ask you if you have any questions  
6 and I'll do my best to answer.

7 CHAIRPERSON COMRIE: Okay. Council  
8 Member Garodnick, before we take any questions,  
9 there's a housekeeping matter, upon appointment,  
10 pursuant to Charter Section 1115; the Mayor will  
11 issue you a waiver allowing you to hold two  
12 offices, a Judicial Hearing Officer and a member  
13 of the ECB. However in order for the waiver to be  
14 granted you must forfeit the compensation you  
15 would normally receive from the ECB. For the  
16 record, will you forfeit your per diem  
17 compensation from the ECB?

18 MR. CAVALLO: Yes I will and I have  
19 already sent Mr. Davis a letter so stating.

20 CHAIRPERSON COMRIE: All right. I  
21 want to thank Mr. Davis for doing the  
22 investigation and figuring that out, to inform us  
23 that we could meet the Charter mandates. I want  
24 to congratulate him for finding out that  
25 information. Council Member Garodnick?

2 COUNCIL MEMBER GARODNICK: Thank  
3 you Mr. Chair. I know Mr. Cavallo's uncomfortable  
4 in speaking about himself. I will just highlight  
5 a couple of things from his background which I  
6 took note of. Not only was he a teacher in the  
7 Board of Education of the City of New York but he  
8 worked in the Office of Corp Counsel and was the  
9 Supervising Judge of the Housing Court in New York  
10 County from 2000 to 2006 and worked in both Queens  
11 and Manhattan in that context.

12 And Mr. Cavallo and I don't know  
13 each other well, in fact our prior interactions  
14 have been limited to shaking hands at the 86<sup>th</sup>  
15 Street and Lexington Avenue subway but I'm  
16 delighted to have him here today.

17 I really only had one question and  
18 wanted to highlight an issue which is that we  
19 frequently hear from constituents with some  
20 frustrations about the Environmental Control  
21 Board, specifically and most regularly, complaints  
22 or penalties that are issued against, I guess,  
23 summonses is the best word, summonses that are  
24 issued against someone for a noise complaint, a  
25 restaurant, a bar, and constituents who are at

2 that moment in time satisfied that something has  
3 been done in the process of government to address  
4 what is a community issue.

5 Then it goes to the Environmental  
6 Control Board and the cases frequently are  
7 adjourned and then adjourned again and then  
8 adjourned again before they are lost somewhere in  
9 Never Never Land and I think the question that I  
10 wanted to raise with you is do you see this is as  
11 a particular challenge of the Environmental  
12 Control Board. Do you have any thoughts going in  
13 here as to ways to address it? And I just wanted  
14 to see if you could comment on that as a  
15 procedural matter and certainly as a point of  
16 frustration for me and many of my constituents.

17 MR. CAVALLO: There's two problems  
18 that you've raised. One is the delays in having a  
19 resolution of a Notice of Violation. The recent  
20 amendment that was made to the rules of procedure  
21 only allow the City witness one adjournment before  
22 it would get dismissed. That should shorten the  
23 process for people who are taking time off from  
24 work to come to fight for their rights in the ECB  
25 Tribunal.

2           The other issue you raised though  
3 is the issue where there is an ongoing problem.  
4 There has been a violation that has been issued,  
5 for instance in noise, the violation has been  
6 precipitated by a complaint by a neighbor. It is  
7 the neighbor who is the real party in interest  
8 there to have that noise abated. And the neighbor  
9 is of course the one that is the loser if that  
10 neighbor has to come down continuously to be a  
11 witness and ultimately there is no follow-up as to  
12 whether or not there has been compliance if in  
13 fact the Notice of Violation has found to be  
14 correct. And there has been a fine imposed  
15 against the noisemaker.

16           I have been in discussions with the  
17 Chair, Roberto Velez, and we have two goals. That  
18 is to enhance professionalism of the judges who  
19 are now handling the cases and make them aware of  
20 some of these issues and to make it easier for the  
21 general public to come to ECB, to understand what  
22 the nature of the Tribunal is and how they should  
23 proceed in order to put their case forward.

24           We did have a discussion about  
25 enhancing means of compliance but that takes an



2 awful lot of resources and we are still looking  
3 into that. We were only in the beginning  
4 discussions as to how we could enhance compliance  
5 of the orders after there has been a finding  
6 against a person or a corporation in the ECB to  
7 make sure that there is truly a correction and not  
8 just a temporary correction. And that is  
9 something that I'm aware of and that the Chair is  
10 aware of. And I hope that we will be able to work  
11 on.

12 COUNCIL MEMBER GARODNICK: Well  
13 thank you for that and I think that you've hit it  
14 right on the head in terms of the key issues here,  
15 the increase in professionalism making it very  
16 easy for the public to see resolution and to  
17 access the Board. And then of course, you know,  
18 the overall resolution of the problem and that one  
19 of course you are correct to say that that is a  
20 far deeper issue.

21 It's not simply a procedural one.  
22 It's one that gets to the core of whatever it is  
23 that's before the ECB. But I'm very pleased  
24 you've already started having some of these  
25 conversations and we will certainly look forward

2 to working with you in your capacity on the Board  
3 and certainly hope you know that we are here to  
4 support you in ways that you try to  
5 professionalize it and make it more transparent  
6 and accessible for the public. Thank you.

7 CHAIRPERSON COMRIE: Council Member  
8 Fidler.

9 COUNCIL MEMBER FIDLER: Thank you  
10 Mr. Chairman. Judge Cavallo, I want to ask you a  
11 question of I guess judicial philosophy. Some of  
12 us believe that the Bloomberg Administration has  
13 used ticketing to raise revenue and not to support  
14 quality of life. And many of my constituents have  
15 reported to me receiving tickets for things that  
16 are violations of the letter of the law but really  
17 of very little import in terms of quality of life.  
18 And I don't even know if these are ECB issues  
19 necessarily. Moving their trash can to the curb a  
20 couple of hours early, drinking a glass of wine on  
21 their stoop.

22 I am interested in knowing as a  
23 matter of your philosophy, as an incoming member,  
24 you know, trier of issues at ECB, whether or not  
25 you believe that a violation of the law is a

2 violation of the law or whether or not you are  
3 permitted to look at how reasonable it was to have  
4 issued this ticket under the circumstances even if  
5 it is a violation. Is there room for, is there  
6 any latitude before the ECB?

7 MR. CAVALLO: Judges are always  
8 allowed to look at what the intent of the  
9 lawmakers were when they wrote the law. Different  
10 judges have different interpretations on that. It  
11 depends on the law and it depends on the  
12 individual circumstances whether or not there is  
13 any leeway involved in that kind of an  
14 interpretation.

15 The example that you gave has to be  
16 very frustrating but I will tell you think about  
17 my experience with the Bloomberg Administration is  
18 I think I am here because I appeared at a forum in  
19 which I said, you know, if the Bloomberg  
20 Administration wants to see the ECB as a revenue-  
21 raising organization then leave it exactly the way  
22 it is. If they want it to be a justice  
23 organization, there need to be many changes made.  
24 I said that at the forum. Apparently they liked  
25 what they heard because I'm here today.

2 It's my hope that the people will  
3 not feel that they are being harassed through the  
4 ECB process. But you raise a difficult issue and  
5 that is the ECB is not the issuing organization on  
6 these Notices of Violations. The Sanitation  
7 Department issues the violations, the Police  
8 Department, the Buildings Department are the ones  
9 that are issuing them. And the ECB is the one  
10 that is merely hearing the trials.

11 I was actually surprised and  
12 pleased to hear that 40% of the cases that go to  
13 trial result in dismissal. So I would say that  
14 there is already some judicial interpretation as  
15 to the spirit of the law as opposed to the way  
16 it's actually being written, if in fact ordinary  
17 citizens are finding that they can win in front of  
18 the Tribunals. And one of the things we're going  
19 to work very hard on is to make sure that the  
20 individuals have the tools they need in order to  
21 put forth a case and actually win, if they deserve  
22 to win.

23 COUNCIL MEMBER FIDLER: Judge, I  
24 appreciate hearing that sentiment and hearing that  
25 philosophy. And I'm sure that you will take it

2 with you to the Tribunal. I wish I could share  
3 your optimism about why the Bloomberg  
4 Administration selected you. I'm sure that the  
5 Director of the Office of Management and Budget  
6 probably looks at this in an entirely different  
7 way than whoever was moved by your words at the  
8 forum.

9           And I do recognize that you are the  
10 person who needs to sort out the mess after the  
11 City agency has issued a ticket that a citizen  
12 might consider to be picayune or harassing. I can  
13 assure you that I get maybe three a week in my  
14 Council office where someone has come in and feels  
15 that they may have done it but it was ridiculous  
16 that it had been issued.

17           And that sentiment I know is not  
18 unique to my Council District and my office, that  
19 many of my colleagues have heard the same thing.  
20 And a lot of people just pay the ticket. And  
21 that's unfortunate. It's not your problem. But I  
22 am glad to hear that you are sensitive to that  
23 issue because I think many of the people who will  
24 come before you have reached a level of  
25 frustration that they are actually taking time out

2 of their lives to come and contest what they  
3 consider to be a harassment of some kind in order  
4 to raise revenue. So I'm glad to hear you're  
5 sensitive to that. Thank you.

6 CHAIRPERSON COMRIE: Okay. Call  
7 the question. I just want to ask that we hope  
8 that, quickly, the ECB can do more things online  
9 with adjudication of tickets as well. I  
10 appreciate hearing that you have a 40% dismissal  
11 record. And if possible we could have online  
12 adjudication, that would clearly slow down your  
13 caseload if there was--for those common sense  
14 things that people would be able to do online as  
15 well.

16 With that I think we're ready to  
17 call the question since we have a quorum. And if  
18 we could link both votes, we'll have the vote on  
19 both candidates at this time.

20 MR. WILLIAM MARTIN: William  
21 Martin, Committee Clerk. Roll call on the  
22 Committee on Rules, Privileges and Elections.  
23 Council Member Comrie.

24 CHAIRPERSON COMRIE: Aye on both.

25 MR. MARTIN: Rivera.

2 COUNCIL MEMBER RIVERA: I vote aye  
3 on all.

4 MR. MARTIN: Baez.

5 COUNCIL MEMBER BAEZ: [No audible  
6 response]

7 MR. MARTIN: Fidler.

8 COUNCIL MEMBER FIDLER: Aye.

9 MR. MARTIN: Weprin.

10 COUNCIL MEMBER WEPRIN: Aye on  
11 both.

12 MR. MARTIN: Gentile.

13 COUNCIL MEMBER GENTILE: Aye on  
14 all.

15 MR. MARTIN: Garodnick.

16 COUNCIL MEMBER GARODNICK: Aye.

17 MR. MARTIN: Oddo.

18 COUNCIL MEMBER ODDO: Yes.

19 MR. MARTIN: By a vote of eight in  
20 the affirmative, zero in the negative and no  
21 abstentions, both items are adopted. Council  
22 Members, please sign the Committee reports. Thank  
23 you.

24 COUNCIL MEMBER WEPRIN: We're going  
25 to start Finance right next door, so if those

2 Finance members could go right next door.

3 CHAIRPERSON COMRIE: We're waiting  
4 for Speaker Quinn to come up to vote. I just want  
5 to congratulate both candidates and thank them for  
6 their desire to stay in public service at a  
7 different level.

8 MR. CAVALLO: Thank you.

9 [Background conversation]

10 MR. MARTIN: Council Member  
11 Seabrook.

12 COUNCIL MEMBER SEABROOK: Aye on  
13 all.

14 [Pause]

15 [Background conversation]

16 MR. MARTIN: Speaker Quinn.

17 SPEAKER QUINN: Now I vote aye on  
18 all but my tardiness should in no way reflect any  
19 lack of enthusiasm for the candidates. But in  
20 particular as I've said in the caucus and in  
21 leadership, we couldn't be better served on the  
22 City Planning Commission than having Anna join it.  
23 She is going to bring community perspective, deep  
24 Land Use knowledge and what is so often missing on  
25 the City Planning Commission, the ability to



2 balance both of those in a way that is fair and  
3 recognizes that the community isn't always right  
4 and developers aren't always right and it's really  
5 going to be a breath of fresh air at the City  
6 Planning Commission.

7                   So we're going to miss you at all  
8 of those late Community Board 4 meetings,  
9 particularly Danielle will but thank you Anna for  
10 your service. Thank you for taking on this new  
11 role and the City's going to be a better place for  
12 it. So and thank you for your willingness to also  
13 take on another role in City government. So I  
14 vote aye again. Hell's Kitchen tradition, voting  
15 aye twice.

16                   [Background conversation]

17                   [Pause]

18                   MR. MARTIN: Final vote on the  
19 Committee on Rules, Privileges and Elections.

20                   CHAIRPERSON COMRIE: Yeah I voted.

21                   MR. MARTIN: Final vote on the  
22 Committee on Rules, Privileges and Elections now  
23 stands at ten in the affirmative, zero in the  
24 negative and no abstentions.

25                   CHAIRPERSON COMRIE: The Committee

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2 is finally closed. Bang the gavel.

3 [Gavel banging]

4 CHAIRPERSON COMRIE: Adjourned.

5

6

7

C E R T I F I C A T E

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

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature \_\_\_\_\_Laura L. Springate\_\_\_\_\_

Date \_\_\_\_\_September 4, 2009\_\_\_\_\_