

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE JOINTLY WITH
COMMITTEE ON CRIMINAL JUSTICE,
COMMITTEE ON HOSPITALS,
COMMITTEE ON ENVIRONMENTAL
PROTECTION

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May 9, 2019
Start: 11:07 a.m.
Recess: 2:50 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: KEITH POWERS
Chairperson

COUNCIL MEMBERS:
Helen Rosenthal
Andrew Cohen
Vanessa L. Gibson
Francisco Moya
Barry Grodenchik
Rory I. Lancman
Jimmy Van Bramer
Adrienne E. Adams
Laurie A. Cumbo
Robert E. Cornegy, Jr.
Steven Matteo
Daniel Dromm
Carlina Rivera
Robert Holden
Donovan J. Richards

Diana Ayala
Mathiew Eugene
Alan N. Maisel
Alicka Ampry-Samuel
Costa Constantinides
Eric A. Ulrich
Rafael L. Espinal Jr.
Carlos Menchaca
Kalman Yeger

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

Cynthia Brann, Commissioner
Department of Corrections

Brenda Cooke, Chief of Staff
Department of Corrections

Hazel Jennings, Chief of Department
Department of Corrections

Joseph Antonelli, Acting Associate
Commissioner
Department of Correction

Patricia Lyons, Acting Deputy Commissioner
Department of Corrections

Dr. Mitchell Katz, Director
Health and Hospitals

John Ulberg, CFO
Health and Hospitals

Patsy Yang, Correctional Health
Health and Hospitals

Vincent Sapienza, Commissioner
Department of Environmental Protection, DEP

Michael DeLoach, Deputy Commissioner
Bureau of Public Affairs and Communications
Department of Environmental Protection

Joe Murin, CFO
Department of Environmental Protection

Pam Elardo, Deputy Commissioner
Bureau of Wastewater Treatment
Department of Environmental Protection

Dave Warren, Assistant Commissioner
Department of Environmental Protection

Anastasios Georgelis, Deputy Commissioner
Bureau of Water and Sewer Operations
Department of Environmental Protection

Angela Licata, Deputy Commissioner of
Sustainability
Department of Environmental Protection

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROTECTION 5

3 UNIDENTIFIED: People were looking and
4 they were laughing because they knew it was my first.
5 I was so nervous. All right. Okay. Hold on.

6 SERGEANT-AT-ARMS: This is Committee on
7 Criminal Justice and the Committee on Finance.
8 Today's date is May 9th, 2019 and this is being
9 recorded by Keith Polite.

10 [background comments]

11 CHAIRPERSON DROMM: One minute. Yep.

12 [background comments]

13 CHAIRPERSON DROMM: Okay. Good morning
14 and welcome to the City Council's third day of
15 hearing on the Mayor's Executive Budget for fiscal
16 2020. My name is Daniel Dromm and I chair the
17 finance committee. We are joined today by the
18 committee on criminal justice, chaired by Council
19 member Keith Powers. Let me introduce my colleagues,
20 Council member Barry Grodenchik, Council member
21 Carlina Rivera, Council member Bob Holden, and I know
22 other Council members will be joining us throughout
23 the hearing. Today we will hear from the Department
24 of Correction, Health-- The Department of
25 Correction, Health and Hospitals, and the Department

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 OF ENVIRONMENTAL PROTECTION. Before we begin, I
4 would like to thank the finance division staff for
5 putting today's hearing together, including the
6 Director, LaTonya McKinney, committee counsel's
7 Rebecca Chasen (sp?) and Noah Brick, Deputy Director
8 Regina Parata-Ryan (sp?) and Nathan Tau (sp?). Unit
9 heads Eisha Wright (sp?) and Crillian Francisco
10 (sp?), financial analyst Peter Butler, Lauren Hunt,
11 and John Seltzer, and the finance division
12 administrative support unit Nichole Anderson, Maria
13 Pagon (sp?), LaTina Brown, and Courtney Summarise
14 (sp?) who pull everything together. Thank you for
15 all your efforts. I would also like to remind
16 everyone that the public will be invited to testify
17 on the last day of the budgie hearings on May 23rd
18 beginning at approximately 2 p.m. in this room. For
19 members of the public who wish to testify, but cannot
20 attend the hearing, you can email your testimony to
21 financetestimony@council.nyc.gov and the staff will
22 make it a part of the official record. Today's
23 executive budget hearing starts with the Department
24 of Correction. I'm going to briefly slide several
25 areas of real concern.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION Council is troubled by the
4 level of violence in the city's jails. We are
5 worried about the rates of inmate on inmate violence,
6 as well as uses force on inmates by uniformed staff.
7 I have brought this up with OMB at our preliminary
8 budget hearing and again at our executive budget
9 hearing as a question about budgetary impact,
10 lawsuits against the city, medical costs, and over
11 time, etc., but the truth is this is also an
12 important civil rights issue. While I am hopeful
13 that closing Rikers and replacing it with borough-
14 based jails may eventually help to reduce the levels
15 of violence, I need to hear more about what DOC is
16 doing to alleviate the crisis now. Second, the
17 Council is troubled by the Department of Correction's
18 lack of transparency which impedes vital oversight by
19 the board of correction and by the Council, as well.
20 Specifically, data requests are often returned
21 incomplete. It's problematic that OMB had such
22 difficulty answering my questions about the levels of
23 violence because there are overlapping reporting
24 systems as well as inaccurate databases because
25 information from paper incident logs are not always
typed up and included. The Department of

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION, the DEPARTMENT OF Correction, and the
4 Federal Monitor have each recently commented on
5 systemic data collection and reporting challenges.
6 We are hopeful that DOC's ongoing RFP process to
7 solicit a new inmate management software system will
8 include data gathering and reporting functions that
9 can help to inform effective oversight. Given that
10 the plans for the new system have been in the works
11 for years and repeatedly delayed, I hope to hear
12 today that progress is imminent. Third, as the
13 department's lack of capital transparency. I am, of
14 course, speaking about the fact that the entire
15 borough based jails program, 3.6 billion in 2019 1020
16 23 capital commitment plan is on a single budget line
17 with the zero attempt to break down the cost by
18 borough or enter design and construction phases. We
19 spoke with the Department of design and construction
20 earlier this week about their efforts to staff up in
21 fiscal 2020 to guide the process, but they couldn't
22 tell us much about how the billions of dollars will
23 be spent. This fiscal 2020 budget may be our best
24 opportunity to impose some reasonable level of
25 transparency on the project. After all, when Council
requests additional budget lines and units of

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION and expenses that are
4 already underway, OMB often argues that doing so
5 risks disrupting the flow of funds. Let's seize the
6 opportunity before it is too late. Now, before we
7 begin, I would like to remind my colleagues that the
8 first round of questions for the agency will be
9 limited to three minutes per Council member and if
10 Council members have additional questions, we will
11 have a second round of questions that two minutes per
12 Council member. I will now turn the mic over to my
13 cochair, Council member Keith Powers for his
14 statement and then we will hear from Cynthia Brann,
15 Commissioner of DOC.

16 CHAIRPERSON POWERS: Thank you, Chair
17 Dromm, and good morning everybody. My name is Keith
18 Powers. I am the chair of the Committee on Criminal
19 Justice. I'm pleased to join here my colleague and
20 chair-- Finance Committee Chair Danny Dromm, my
21 colleagues for today's fiscal year 2020 Executive
22 Budget Hearing to review the Department of
23 Correction's budget. I want to thank the
24 Commissioner Brann and her staff for being here and
25 our correction officers and staff on Rikers Island
and throughout all our facilities for their work that

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION forward to continue our
4 conversation about the needs and unfunded priorities
5 in the fiscal year. A lot has happened since our
6 preliminary budget we had back in March. The fiscal
7 2019 to 2020 state executive budget included bail
8 reform legislation to ensure that New Yorkers aren't
9 held in jail solely because they cannot afford bail
10 and we will certainly want to know the impact on that
11 here in New York City. We released our fiscal 2020
12 preliminary budget response with the recommendations
13 to right size the department's pay-- holiday pay and
14 food budgets. We call for an administrative
15 efficiencies to the OTPS budget and, because the
16 capital budget was insufficiently funded, we called
17 on the administration to add funding to 10-year
18 capital strategy to fully finance the building of new
19 jails to close Rikers Island. Third, the
20 administration announced closing Rikers Island.
21 Jails could be shut down and replaced with borough
22 facilities by 2026, which is one year earlier than
23 the original projection and most recently, on May 1,
24 those command a held an oversight hearing reviewing
25 TOC policies and procedures for transgender
individuals within DOC facilities. There are a

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION Administration did not take
4 proposed by the Council in reforming and modernizing
5 the Department of Corrections and we are excited by
6 some of the changes that we did get, but recognize
7 that we have work ahead of us to get to where the
8 Council believes we should be in terms of the budget
9 related to the Department of Corrections. The
10 department's fiscal 2020 executive budget totals 1.36
11 billion dollars, a decrease of approximately 42
12 million dollars from last year. The department's
13 headcount totals 11,851 with 9854 uniform positions
14 on 1999-- 1997 civilian positions for fiscal 2020.
15 This decrease is largely driven by the closing of
16 GMDC and the additional housing consolidation that
17 has taken place and its aftermath. The expense
18 budget identifies three main categories for DOC to
19 meet its peg target: personal services accruals,
20 housing consolidation on Rikers, and savings from the
21 partial hiring freeze. These savings help DOC to
22 exceed its peg target, saving the city 45.4 million
23 dollars. This cut reflects three percent of the
24 budget and, with the anticipated closure of Rikers
25 Island, we will have questions about whether the
budget should be further reduced now or in the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION offered minimal changes
4 to-- other than po-- OTPS expenditures and did not
5 have any new needs. The departments capital plan
6 does not have any new additions to the plan, but has
7 allocated 3.6 billion dollars to begin construction
8 of the new borough based jails which is currently
9 going through the ULRP process with a grand total of
10 8.75 billion reflected in the 10 year strategy.
11 Additionally, a notable item is the projection to
12 complete the construction by the end of 2026, which I
13 noted earlier, was a year before the original
14 proposed plan. Additionally, the plan has pushed
15 back the construction of the training Academy by one
16 fiscal year with completion in 2021. Although we
17 have called for this and our budget response, the
18 department's budget does not have adjustments to
19 their holiday and food-- holiday pay and food
20 budgets, nor does it include saving recommendations
21 that Council recommended through administrative
22 efficiencies in the OTPS budget. So we will work
23 together, we hope, to arrive at a budget that we all
24 could be proud of. With that said, again, I want to
25 thank the Department of Correction's staff and the
Commissioner for being here today. I want to make

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON THE ENVIRONMENTAL PROTECTION Committee staff, our finance
4 analyst, Peter Butler, unit head Eisha Wright,
5 committee counsel Alana Siven, policy analyst
6 Keyshorn Denny, my staff legislative director Abigail
7 Bessler, and Chief of Staff Emily Walsh. I think--
8 I know we've also been joined by Council member
9 Richards, Council member Mateo-- I don't know if
anybody else [inaudible 00:10:56].

10 [background comment]

11 CHAIRPERSON POWERS: Cornegy. Adams.

12 UNIDENTIFIED: Van Bramer.

13 CHAIRPERSON POWERS: And Council member
14 Van Bramer. And with that being said, I'll hand it
15 back to our Chair, Danny Dromm.

16 CHAIRPERSON DROMM: Okay. And I'm
17 going to ask our counsel to swear the panel in.

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

21 PANEL: I do. We do.

22 LEGAL COUNSEL: You may proceed.

23 CYNTHIA BRANN: Good morning, Chair
24 Powers, Chair Dromm, members of the Committee on
25 Criminal Justice, members of the Committee on

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION
4 Council. Joining me today are Chief of Department,
5 Hazel Jennings, Chief of Staff, Brenda Cooke, acting
6 Deputy Commissioner Patricia Lyons, and acting
7 Associate Commissioner, Joseph Antonelli. I think
8 you for this additional opportunity to discuss the
9 department's FY 20 budget and further describe my
10 vision for the department and my goals for the
11 upcoming fiscal year and beyond. The FY 2020
12 executive budget reflects ongoing reforms and
13 initiatives that we have been implementing to make
14 our department a national leader in corrections and
15 establish procedures for long-term success. The
16 reforms and initiatives we are implementing are bold
17 and promising. When I testified before you in March,
18 I outlined meaningful reforms currently under way and
19 I am pleased to have this opportunity to update you
20 on our progress. As we discussed at the March
21 hearing on the preliminary budget, the department
22 continues to be an active partner in the close Rikers
23 discussions. Rikers Island was designed during a
24 different era when jail operations failed to provide
25 meaningful opportunities for rehabilitation or
provide the support many of those in our care need

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION into their communities.

4 Today's TOC has different priorities. My goal is for
5 those who are interested in our care leave our
6 facilities better equipped for success and when they
7 came in. The updated facilities proposed for the
8 borough based jail plan will help us to just that.

9 When the mayor took offense, there was an average of
10 more than 11,000 people in custody on any given day.

11 Today, the average daily population is below 8000 and
12 recent reform efforts at the state level have ensured
13 it will continue to decrease. My staff continued to
14 engage with the public on this plan small community
15 meanings community board discussions, and now
16 meetings with the community boards and my public to
17 discuss the ULRP process. We are listening to the
18 community's concerns and I am confident the final
19 plan will reflect that engagement. Lastly, the
20 department successfully implemented free domestic
21 phone calls for everyone in our custody. This
22 applies to everyone regardless of housing unit,
23 housing type, or infraction history. Access to free
24 calls is not based on good behavior and we have
25 nothing in place that would eliminate an individual's
access to free calls. In fact, through this

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION increased the number and
4 duration of phone calls that are sentenced population
5 previously had access to. Further, in order to
6 accommodate an expected increase in calls, the
7 department is installing over 40 new phones and high
8 density units across our facilities. Free phone
9 calls are a significant shift that represents this
10 departments in this city's commitment to the humane
11 treatment of incarcerated people. And to limiting
12 the financial burden placed on those involved in the
13 criminal justice system. Free phone calls will also
14 enhance an individual's connection with their family
15 and their communities. Finally, it's worth noting
16 that this important reform was enacted ahead of the
17 date required by law. I hope this serves as further
18 proof of the department's ongoing commitment to a
19 culture change and reform. In April, the department
20 opened a much needed and deserved staff wellness
21 center on Rikers Island. The wellness center, housed
22 in the newly renovated space within the George
23 Motchan Detention Center, is open 24 hours a day
24 Monday through Friday with additional hours on the
25 weekend. The wellness center provide staff with
combing environment to engage in fitness, other

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION, mindfulness and
4 meditation, or to simply enjoy a conversation with
5 their colleagues in a stress-free environment. The
6 purpose of the center is to provide staff resources
7 and a dedicated location where they are able to relax
8 and engage in healthy activities. Many staff choose
9 to use the center before their tours to ensure that
10 they are entering the facilities mindfully. But
11 staff also use those centers to decompress following
12 their tours before heading home. We are very happy
13 with the staff participation in the wellness center
14 activities and we have received very positive
15 feedback. In addition to the wellness center, GMDC
16 is also now home to the learning center which
17 provides dedicated space for on island classroom
18 training as well as a computer lab for online
19 courses. The men and women of the Department of
20 correction survey an essential role in the criminal
21 justice system and their daily work is performed in a
22 challenging environment. I am extremely proud that
23 we are able to offer enhanced services to support
24 their important work. Safety and security continues
25 to be this department's first priority. And as
previously discussed, the department is nearing the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION to operationalize the
4 newly installed body scanners. The ionizing body
5 scanners will be used to screen individuals in
6 custody for contraband upon their admission into our
7 facilities and may also be used if officers receive
8 intelligence or otherwise have reason to believe an
9 individual possesses contraband. These scanners will
10 be to detect nonmetallic weapons such as ceramic
11 scalpels which have become the chief drivers of
12 slashings and stabbings within the facilities.
13 Today, we have installed scanners and AMKC, GRVC,
14 OBCC, and RNDC. Our scanners have passed rigorous
15 testing from our contracted radiation this assists
16 and, as required by law, these documents are being
17 reviewed by the Department of Health and Mental
18 Hygiene's Office of Radiation Health. The department
19 has been working to support culture change efforts to
20 multi-level leadership development training
21 opportunities. In the last year, we have brought in
22 experts in leadership and critical thinking skills to
23 enhance our mid and senior-level staff members
24 problem-solving, communication, and management
25 skills. We have introduced an emerging women's
leaders program through our partners at the Moss

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL DEVELOPMENT ON non-uniform leadership
4 development program for our mid-level managers. Both
5 programs utilize principles of organizational
6 management to assist unit leaders and area heads and
7 developing their management style and growing the
8 capabilities of their staff. Our chief of
9 department, Hazel Jennings, has also taken a critical
10 look at the training available to our assistant
11 deputy wardens and captains. And she has begun to
12 meet within biweekly and to support their development
13 and overall operational growth. With regard to the
14 fiscal year 2020 executive budget and the impact on
15 DOC, as you mentioned, the department's fiscal year
16 2020 expense budget is 1.36 billion dollars. The
17 vast majority of this, 88 percent, as allocated for
18 personal services and 12 percent for other than
19 personnel services, the fiscal year 20 budget is 19
20 million dollars less than this year's budget of 1.3
21 billion. This decrease is largely attributed to
22 housing consolidation savings that will take effect
23 at the beginning of fiscal year 20. Included in the
24 preliminary budget our decreased sense of 46.2
25 million in fiscal year 20, 21.4 million in fiscal
year 21, and 20.7 million in fiscal year 22 and they

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION is the department of
4 corrections program to eliminate the gap or the peg
5 proposals included in the executive budget totaling
6 the fiscal year 20 target of 42.1 million. Personal
7 services accrual savings of 25.3 million in fiscal
8 year 20 due to the high level of correction officers
9 hired within the past five years who have not yet
10 achieved top salary level. Additional housing area
11 consolidations with a savings of 16.8 million and 209
12 uniform positions will be achieved in fiscal year 20
13 and the out years through housing consolidations that
14 have been made possible by the continued decline in
15 the size of our population. The headcount savings
16 will be achieved by reducing the size of the upcoming
17 correction officer Academy class which is scheduled
18 to begin in early fiscal year 20. The following
19 initiatives were also included in the executive
20 budget as part of the citywide savings program: a
21 hiring freeze which resulted in a reduction of 3.3
22 million and 46 civilian positions in fiscal year 20
23 and the out years. The fleet executive order
24 reduction of 1.7 million in fiscal year 20, 910,000
25 in fiscal year 21, and approximately 198,000 and
fiscal year 20 and in the out years. For compliance

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON THE ENVIRONMENT AND PROTECTION order 41 titled citywide
4 fleet sustainability, rightsizing and efficiency
5 through the New York City Clean Fleet Plan. Savings
6 will be achieved through reducing underutilized
7 vehicles identified by the department of citywide
8 administrative services, reducing the number of
9 vehicles used solely for commuting and through
10 rightsizing of vehicle types. The skilled trades
11 over time reduction of 1.3 million in fiscal year 20
12 and 2.5 million in fiscal year 21 in the out years.
13 Savings will be achieved by filling budgeted, but
14 vacant positions that have been difficult to hire and
15 retain in the past. The office of management and
16 budget and the office of labor relations are
17 assisting us in this implementation of the
18 initiative.

19 Capital funding. With regards to capital
20 funding, the fiscal year 20 executive budget and
21 commitment planned totals 10.1 billion which covers
22 fiscal years 2019 through 2029. In this plan, an
23 additional 7.7 billion was added to the department's
24 capital budget for the borough-based jail plan
25 bringing the total funding for the project to 8.7
billion distributed between fiscal years 20 and 26.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 administration's commitment to
5 the plan and we are excited to continue moving
6 forward through the planning process and the
7 construction of four new state-of-the-art facilities
8 that will vastly improve the living conditions for
9 those who are in our custody as well as the working
10 conditions for our staff.

11 Headcount. Fiscal year 2019 continues to
12 be the first year we will be fully staffed in our
13 jails for the entire fiscal year since our reform
14 agenda began in 2015 which has led to sustained over
15 time reductions and more efficient use of our
16 resources. Since May 2014, the department has hired
17 over 6500 new correction officers, including the most
18 recent class of approximately 400 recruits who
19 entered the Academy in February 2009 and are
20 scheduled to graduate in July. With the graduation
21 of this class, we expect our progress to carry
22 forward into fiscal year 20 and beyond. Over the
23 past few years, we have been able to reduce uniform
24 over time spending from 240.4 million in fiscal year
25 17 to 198.1 million in fiscal year 18. Through March
31, fiscal year 2019, uniform over time spending has
totaled 115.6 million which is down 24 percent from

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION period last year in fiscal
4 year 18. Now that we have caught up with our hiring
5 and project. Pain in our facilities going forward,
6 we expect uniform over time to level off and be
7 within the allocated budget in fiscal year 20 in the
8 out years. Though we are slightly above our target
9 at this point in the fiscal year, we are continuing
10 to scrutinize the expenditure of over time and will
11 take the necessary steps to see that the department
12 is within the overtime budget.

13 The following is a summary of the changes
14 to the department civilian and uniform authorized
15 staffing levels included in the executive plan. The
16 civilian authorized full time headcount is 2151 in
17 fiscal year 19 and 1997 in fiscal year 20 and they
18 out years. The authorized headcount decreased from
19 fiscal year 19 to fiscal year 20 is mainly due to a
20 savings initiative taken in fiscal year 20. November
21 plan that will not begin until fiscal year 20. The
22 uniform authorized headcount is 10,226 in fiscal year
23 19, 9854 in fiscal year 20, and fiscal year 21, and
24 9695 in fiscal year 2022 and the out years. The
25 authorized uniform headcount decreases from fiscal
year 19 to 22 to the additional headcount reductions

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION included as part of the
4 preliminary budget, as well as the additional housing
5 area consolidations included as part of the executive
6 budget, both of which take effect in fiscal year 20.
7 The decrease in headcount between fiscal year 21 and
8 fiscal year 22 is due to the expiration of staffing
9 funded for the Horizon detention facility with takes
10 effect in fiscal year 2022. The average uniform
11 headcount is estimated to be 10,529 in fiscal year 19
12 which represents a decrease of 183 compared to an
13 average of 10,712 in fiscal year 2018. Thank you
14 again for the opportunity to testify today and for
15 your continued support. I think the mayor and the
16 Council for their dedication to criminal justice
17 reform and their ongoing support of the reform
18 efforts taking place at the Department of
19 Corrections. I look forward to working with all of
20 you in the years to come and my colleagues and I are
21 now available and ready to answer any questions you
22 may have.

22 CHAIRPERSON DROMM: Thank you very
23 much, Commissioner. I appreciate your testimony.
24 Let me just start off with some questions on jail
25 violence as I mentioned in my opening. At the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION I requested that OMB
4 provide an estimate of how much violence in jails has
5 cost the city between lawsuits, medical costs over
6 time, etc. In OMB's response, the director noted
7 that violence is not getting worse. Additionally,
8 OMB noted that the administration has allocated over
9 200 million dollars to reduce violence. Since then,
10 two reports have been disclosed contesting that
11 assertion. So, on March 4th, 2019, DOI sent
12 Commissioner Brann, you, a memo alleging that the
13 Department of Corrections underreported the number of
14 inmate fights by more than 1000 over a three-month
15 period in 2018. On April 18, 2019, of the Southern
16 District of New York, Federal Monitor, published his
17 seventh report on the Department of correction and
18 concluded that, while use of force rates have dropped
19 in select jails, the overall use of force is 79
20 percent higher and 2018 compared to when monitoring
21 began in 2016. First, how do you explain the
22 underreporting of 1000 incidents, especially behind
23 what the OMB director told this committee?

23 COMMISSIONER BRANN: So, thank you for
24 that question. Before I let the chief of staff give
25 you the statistics that you are looking for, I would

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION- there's no way to
4 figure the cost that's been invested into the
5 Department of Corrections versus incidents of
6 violence and outcomes in a simple math formula. You
7 have to understand that, in 2015 when we began our
8 reforms, DOC had not been a priority in this city.
9 We were understaffed. We were under trained. We had
10 no financial resources. There were no programs for
11 inmates and our buildings are in a state of decay.
12 In 2014, when this administration came on, that
13 changed. We voluntarily settled the Nunez Consent
14 Decree. We started hiring staff at a rate of unheard
15 of in this city, and we are finally, as you heard,
16 fully staffed. We have hired over 6500 new officers.
17 We have implemented programs and services across the
18 agencies for our inmate population. We have
19 increased our mental health services and specialized
20 housing areas. We have been spending money on
21 increasing the facilities to state of good repair.
22 We have introduced technology into the department.
23 We have focused on staff training and leadership
24 development, and we have installed over 14,000
25 cameras that enhance safety for everyone and ensures
accurate reporting. So, I understand that the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

3 getting worse and population is going down and,
4 therefore, the cost is increasing and we are not
5 getting a bang for our buck, but I don't think it's a
6 simple math formula, taking all of those things into
7 account. And I will Chief of Staff Cooke talk to the
8 particular statistics that you are looking for.

9 CHAIRPERSON DROMM: Just before you go
10 there, let me ask you it doesn't seem to me to be too
11 difficult to understand door to see the correlation
12 between the drop in violence and a 200 million dollar
13 investment if it was, in fact, invested the right
14 way. If, in fact, the money was invested the right
15 way, you would probably see a drop in the number of
16 incidents. Yet, you didn't fully answer my question
17 in terms of the underreporting of 1000 incidents as
18 stated by the Department of investigation.

19 CHIEF OF STAFF COOKE: I'm happy to answer
20 those. With respect to our response to that issue, I
21 will provide you with our formal response to DOI
22 following this hearing which has been made public.
23 That issue of 1000 is a distinction that, in the
24 manner in which the systems are captured. The
25 department has an electronic fight tracking database

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION. The thousand that DOI is
4 referring to in that report are 1000 fights that are
5 in the fight tracking database, but aren't
6 represented in our incident reporting system or IRS.
7 IRS is a different system which captures a different
8 category of incidents and, in there, when the reason
9 for force was an inmate fight, there is a number of
10 fights that are also captured as a reason for use of
11 force in that incident reporting IRS database. So
12 it's not that we didn't, and our department's
13 response makes this clear. It's not that we did not
14 capture 1000 fights during that period. It's that
15 DOI was questioning the presence of certain number of
16 fights in one database versus the entire fight
17 database, which is the full fight count.

17 CHAIRPERSON DROMM: But the
18 representation of the number of fights did not
19 include the 1000 that the Comptroller said--

20 CHIEF OF STAFF COOKE: No--

21 CHAIRPERSON DROMM: that you now
22 admit--

23 CHIEF OF STAFF COOKE: When we--

24 CHAIRPERSON DROMM: were in there.
25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROTECTION COOKE: When we report out
3 on the fights in our public reporting and in the
4 monitors report, those reports-- that data comes
5 from that fight tracking database and that's the
6 department's official count of all sites. In DOI
7 mis-- I believe misunderstood that.

8 CHAIRPERSON DROMM: So you--

9 CHIEF OF STAFF COOKE: With respect--

10 CHAIRPERSON DROMM: contest the DOI.

11 CHIEF OF STAFF COOKE: We responded and
12 clarified for DOI that there were not any--

13 CHAIRPERSON DROMM: [interposing] Has
14 DOI responded back to you?

15 CHIEF OF STAFF COOKE: No. With respect
16 to the issue, the second issue raised, of the use of
17 force in the--

18 CHAIRPERSON DROMM: [interposing] Well,
19 I'm going to talk with DOI because this
20 miscommunication is troubling to me. Very troubling.

21 CHIEF OF STAFF COOKE: With respect to the
22 use of force and the monitor report indicating that
23 use of force has increased, I-- we agree with you
24 that use of force and that representation by the
25 monitor reflects the increase in forests, but we

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION that use of force represents
4 violence. Use of force is a broad category of staff
5 action that is not necessarily violent. Force by
6 staff in a correctional setting is, at times,
7 necessary to both maintain safety and the mere fact
8 that force was used does not mean that staff acted
9 inappropriately. A well-executed and well-timed use
10 of force, proportional to a threat, actually protects
11 both staff and inmates from harm. We've done
12 analysis of our use of force and, consistently,
13 approximately 15 percent of our force is directed to
14 save individuals who are suffering harm or injury at
15 the hands of another person in custody. And so, in
16 fact, our violence measures or violence statistics,
17 which would be stabbings and slashings, serious
18 assaults on staff or inmates causing serious injury,
19 and fights have actually been decreasing calendar
20 year-over-year as reflected also in the monitor
21 report and in our most recent PMMR.

21 CHAIRPERSON DROMM: Can you-- Have you
22 written an official response to the DOI?

23 CHIEF OF STAFF COOKE: Yes. Will provide
24 them to you following this hearing. That's when I
25 mentioned. Yes.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION: Okay. The

4 Council's preliminary budget response called for
5 savings to be derived through the holiday pay and
6 food budgets at DOC. Additionally, counsel suggested
7 savings could be found through administrative
8 efficiencies and DOC's O2TS budget. Can you explain
9 why none of these recommendations are reflected in
10 the executive budget and why the other savings were
11 chosen instead?

12 ASSOCIATE COMMISSION ANTONELLI: Sure.

13 So, as it relates to the food budget, yes, we do--
14 our food costs have gone down over the past few years
15 given that we have a lower population. One issue
16 that we do have with the food budget is that some of
17 our food budget is actually federal and state revenue
18 in regards to the younger population. The 16 and 17-
19 year-olds going to school and we have stopped
20 receiving that revenue. So there isn't necessarily
21 to be achieved there. As far as the holiday pay is
22 concerned, yes. You are correct that there is some
23 under spending there, however, that money is really
24 used to pay for over spending in other areas, so we
25 could certainly realign our personal services budget,

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION there as that money is
4 used for other shortages within the budget.

4 CHAIRPERSON DROMM: Okay. Thank you.
5 The department has a budgeted uniform and count of
6 9854 in the fiscal 2020 executive budget, but
7 historically, actual headcount is consistently over
8 this number. So, for example, in fiscal 2019, the
9 department budgeted for 10,226 uniformed positions,
10 but the actual headcount was 10,519 and that is 290
11 very above the budgeted uniformed headcount. What is
12 the department strategy for reducing the surplus of
13 positions and the budgeted headcount going forward?

14 ASSOCIATE COMMISSIONER ANTONELLI: We
15 are commonly over our budgeted headcount based on the
16 fact that, had any given point in time, we have a few
17 hundred people who are currently training in the
18 Academy. So our budgeted headcount really represents
19 the positions that we need staffing the jails. So
20 given that if we have five or 600 people in the
21 Academy at the time, those people aren't available to
22 work on our jails, which is why our active headcount
23 is over our budgeted headcount.

24 CHAIRPERSON DROMM: So, there is an
25 overlap?

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROTECTION ASSOCIATE COMMISSIONER ANTONELLI: Yes.

3 So we have-- Basically, we have people who are on
4 our payroll that are working in the jails because
5 they are in the Academy for almost 6 months.

6 CHAIRPERSON DROMM: Okay. Meanwhile, I
7 know on the civilian side, it's been hard to recruit
8 civilians to come into work with the DOC. The
9 department budgeted for 2100-- 2151 civilian
10 positions, but the actual headcount was only 1771 or
11 380 below. The executive budget for fiscal 2020
12 trims the budgeted headcount to only 1997 civilian
13 positions, but the department would remain below
14 budgeted headcount until it hires more civilians. In
15 general, how do you do the recruiting for civilian
16 staff? Do you have like job events? What is your
17 advertising strategy and what is your overall
18 strategy for hiring the civilian workforce?

19 ASSOCIATE COMMISSIONER ANTONELLI: So,
20 when we talk about civilian staff in the department,
21 it's actually less of a recruitment issue and more of
22 a retention issue. Our current rolling 12 month
23 attrition rate is over 16 percent, which is unusually
24 high, especially for civilian positions. So, really,
25 our focus needs to be more about how do we retain our

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION, working inside of a jail
4 facility is not necessarily in the most desirable
5 position, especially when you are dealing with titles
6 that are citywide titles that are hired off the civil
7 service list where people are-- you know, can do the
8 same job for different agency that may be more
9 pleasant to work for for the same pay. Makes it very
10 difficult for us to retain our staff.

11 CHAIRPERSON DROMM: So, you're asking
12 for the Council or for the administration to do in
13 contract negotiations for higher pay for those
14 positions? Is that something you are advocating for?

15 ASSOCIATE COMMISSIONER ANTONELLI: I
16 think that a com-- I just want to say that we
17 don't-- competitively, we are the same as other
18 agencies and our conditions are not as good as
19 working for other agencies. So I don't want to
20 advocate for anything in specific. I just want to
21 point out that that's-- you know, that's what we're
22 dealing with.

23 COMMISSIONER BRANN: I would just like
24 to add that we worked with all our for certain
25 positions with regard to ID and trials positions to
do just that and, to answer what of your other

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION, we have targeted

4 recruitment events for certain positions that we have
5 difficulty in hiring. We use social media to
6 advertise civilian openings and we use job boards,
7 job posting boards, as well.

8 CHAIRPERSON DROMM: Okay. All right.
9 I'm going to turn it over to my cochair to ask
10 questions and then we will have councilmember
11 questioned. But thank you.

12 CHAIRPERSON POWERS: Thank you. And I
13 just will know on that issue around difficulty in
14 hiring and whether it's being more competitive
15 through salary or titles, whatever it is, I think we
16 would be supportive of trying to help in that and
17 trying to attract and fill positions where you might
18 have a competitive disadvantage versus other
19 agencies. So, we will look forward to talking to you
20 about that in more detail. I just want to follow up
21 on the Chair's-- I know we raised this last hearing.
22 Just two questions on the answers, and some is just
23 verification for me around the violins. The first
24 one was just going back to the 1000 under reporting--
25 the allegation of underreporting, could you just go
back and explain the two systems, what you reported,

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION you what-- sounds like
4 there was two systems in place and Katie just explain
5 that again?

6 CHIEF OF STAFF COOKE: Sure. Sure. So in
7 the fall of 2015, the department operationalized an
8 electronic tracking system. So for technology. It's
9 a database that we built and it tracks electronically
10 all inmate on inmate fight data. That historically,
11 previously, had been captured only by hand in the
12 logbooks. So the department reports out of its
13 official electronic fight tracking database for
14 purposes of information on fight activity within the
15 department. There is, in a different system that
16 tracks all sorts of different types of incidents,
17 it's called the incident reporting system or IRS. In
18 that system, we track, you know-- we track-- there
19 would be serious injuries to inmates, there would be
20 escapes, there would be death. There would be use of
21 force. There would be the transcendent types or
22 disturbances of a variety and number of categories.
23 For the incident type use of force, which is captured
24 in that database in IRS where we report out on our
25 use of force numbers. When we capture the data for a
use of force in the department, we give a primary

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION, if one exists, as
4 well. The reasons for force can be: as the officer,
5 I used force to stop an inmate fight. So there are
6 uses of force that are in-- therefore in IRS which
7 have the reason for force being inmate fights. And
8 so, we capture all fights in a singular database. In
9 addition, we have fights that were resulted in the
10 use of force are a subset of those fights that are
11 also then in IRS. So that's-- if that helps--

12 CHAIRPERSON POWERS: And which one is the
13 DOI getting report-- which one is getting reported--

14 CHIEF OF STAFF COOKE: [interposing]
15 Without having the specifics of it right in front of
16 me, I'm recalling that the difference is that there
17 are-- there's a difference between the number fights
18 in the department fight tracking database which the
19 department represents is all of our fights and that
20 subset of fights which are represented in incident
21 reporting for--

22 CHAIRPERSON POWERS: [interposing] So
23 the DOI is-- and I understand you're doing a
24 recollection here, but the DOI is saying that they
25 are looking at the category of use of force and then
26 versus the database that has the just for all the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION 1000 or so inmate fight
4 discrepancy that is being reported. Is that correct?

4 CHIEF OF STAFF COOKE: Correct. Correct.

5 CHAIRPERSON POWERS: Okay. On the use
6 of force stats, can you-- I-- You know, this is
7 often the point of discussion we talk about, use of
8 force, is the definition and the reporting.

9 CHIEF OF STAFF COOKE: I just would add to
10 it, and I'm happy to direct you to these pages, the
11 Nunez Monitor's most recent report came out following
12 that a DOI report of investigation that we are
13 talking about on the department's data tracking and
14 the de-- monitor overseas, you know, obviously, the
15 department and violence and use of forest data
16 reviewed and always reviews the department's data and
17 indicated specifically, again, as they have in
18 previous reports, that they identified no issue of
19 the department undercounting nor failing to capture
20 the department's data on fights and force.

21 CHAIRPERSON POWERS: Yeah. Yeah. No.
22 I understand that. I think that the concern we have
23 is less than non-reporting on the use of force than
24 what they increase and I know that we have had
25 discussions around what that means, use of force,

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION changes and reporting. But
4 you had noted that there was a 15 percent-- I think
5 it was 15 percent, was the number you stated that was
6 somebody preventing nor keep-- you know, it could be
7 a fight and somebody having to break it up. The
8 report that--

9 CHIEF OF STAFF COOKE: No. It's actually
10 narrower than that.

11 CHAIRPERSON POWERS: Okay.

12 CHIEF OF STAFF COOKE: It's that Matt
13 number that you are describing which I would describe
14 colloquially as rescue force, like the number of
15 times that our staff are intervening with a use of
16 force in order to, you know, save someone from
17 another is larger than that percentage. That
18 percentage that I was referring to with respect to
19 how we analyze our force after it happens, we can see
20 pretty consistently around 15 percent of the force
21 used in a particular month where someone-- where a
22 person in custody was injured, that the injury was at
23 the hands of another person in custody. So we were
24 intervening with force to save them from violence by
25 another, if that makes sense.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROTECTION POWERS: Okay. Thanks for
3 that clarification. But what are the-- Can you just
4 give us the top three categories-- category alike,
5 maybe, percent of use of force that are the top three
6 categ-- if there are subcategories under that that
7 are reported, can you give us the top three?

8 CHIEF OF STAFF COOKE: In terms of the
9 reason for force?

10 CHAIRPERSON POWERS: Yeah.

11 CHIEF OF STAFF COOKE: Chief, I--

12 CHIEF OF DEPARTMENT JENNINGS: Hi. Good
13 morning.

14 CHAIRPERSON POWERS: Good morning.

15 CHIEF OF DEPARTMENT JENNINGS: So, for
16 us, our top three reasons of use of force would be
17 inmate fights, it would be refusal of a direct order
18 or resisting escort.

19 CHAIRPERSON POWERS: Could you give us
20 how much percentage of the total that those three
21 represent individually?

22 COMMISSIONER BRANN: Can we get back to
23 you?

24 CHIEF OF DEPARTMENT JENNINGS: Yeah.
25 Because I don't have the percentage of each.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROTECTION: Okay. You can get
3 back to us.

4 CHIEF OF DEPARTMENT JENNINGS: Yes.

5 CHAIRPERSON POWERS: Just because we
6 have had this conversation. I would be interested in
7 again to see-- I think we have in the past, but I
8 would like to see them again. Can it-- Just going
9 into the budget, the-- Were there new needs that the
10 department requested from OMB, but haven't received
11 in the executive budget and can you tell us which of
12 those are?

13 ASSOCIATE COMMISSIONER ANTONELLI: No
14 new needs were requested in the executive budget.

15 CHAIRPERSON POWERS: Is there a reason
16 why no requests?

17 ASSOCIATE COMMISSIONER ANTONELLI:
18 We're comfortable with the resource level that we
19 had at the time of our submission at the executive
20 budget.

21 CHAIRPERSON POWERS: Okay. I'll note
22 and I think in our hearings we've identified a number
23 of things that you guys have talked about needing and
24 the Council has agreed on. And so it's, you know,
25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION surprised to hear that
4 there was no new needs requested.

4 ASSOCIATE COMMISSIONER ANTONELLI: I
5 mean, there are, you know, things that, as an agency,
6 we need to prioritize, but we do the best we can to
7 manage within our current total resource level. You
8 know, we look at things at an agency-wide level and
9 figure out how to reprogram, as necessary.

10 CHAIRPERSON POWERS: Okay. Can you--
11 The total peg was three percent of your entire
12 budget. I think you exceeded by number of what you
13 were asked to do. Obviously, inmate population is
14 dropping. Facilities are closing. Housing
15 consolidation. Long-term discussion about the
16 Riker's Island and borough-based jails. Do you
17 foresee, and when, your budget shrinking to address
18 those facilities being able to shut down and when
19 would that happen, if so.

20 ASSOCIATE COMMISSIONER ANTONELLI: I
21 mean, I think we react in real time in terms of our
22 housing area consolidations and closings. So, I see
23 you've seen, you know, the population has declined
24 significantly. We have already closed one facility.
25 Now with these housing area consolidations, we've

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION think, as the population
4 continues to decline, that's what you will say from
5 us.

5 CHAIRPERSON POWERS: But do you have a--
6 You know, we have 2026 news when we're talking is now
7 the new date for the borough-based jails. Do you
8 see, by 2026, let's say, just using that as a date,
9 your budget decreasing as the population goes down as
10 new jails open up-- What is the expectation in terms
11 of your overall budget and as we move into new
12 borough-based jails?

13 ASSOCIATE COMMISSIONER ANTONELLI: I
14 think, as the population declines, we do anticipate
15 reductions in our budget going forward just naturally
16 because will have less people in our custody. As far
17 as the new jails are concerned, in order to determine
18 a staffing level for the new jails, you know, we kind
19 of-- we need to have a design to really kind of
20 understand. So I don't necessarily have any answer
21 to what the staffing level for those facilities will
22 look like. I can only really look at what our
23 current facilities are and how would we reduce that
24 going forward.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROTECTION: Okay. And on that
3 topic, does the department have estimates of how the
4 state law changes are going to impact the average
5 daily population? What is the expected reduction
6 based on what were the recent changes? And, by the
7 way, I understand there might be more, but what-- so
8 far. Bail reform, speedy trials. Is there a
9 projection of what the average-- the reduction in
10 average daily population?

11 CHIEF OF STAFF COOKE: So, with respect to
12 the bail reform and the city is still working through
13 the impacts of-- potential impacts of speedy trial
14 in the other potential legislative items like parole
15 reform, but with respect to the bail reform, the
16 identification presently of our population is
17 pretrial and so it's just a 5000 folks in custody who
18 are presently pretrial. The number of-- The
19 percentage of those who review their misdemeanors are
20 nonviolent felonies that would be directly impacted
21 and therefore not have come into custody under the
22 bail reform is about 43 percent of the pretrial
23 population.

24 CHAIRPERSON POWERS: 43 percent is
25 pretrial--

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROTECTION COOKE: If we looked at our
3 daily population, you know, today or yesterday are
4 generally within the last few weeks, we see 43
5 percent of our pretrial population, which is just
6 over 5000. 43 percent of those folks would have been
7 excluded under the--

8 CHAIRPERSON POWERS: Okay.

9 CHIEF OF STAFF COOKE: bail reform.

10 CHAIRPERSON POWERS: Got it. Thank you
11 for that. Just moving to the new jails, I think we
12 have a slide we are going to put up. The Capital
13 Commitment Plan executive budget has 3.6 million for
14 the new facilities. The 10 year capital strategy has
15 that number at 8.75. these are the numbers for the
16 new jails, but we didn't have a specifics related to
17 each borough facility and wanted to know the timeline
18 in terms of the lumps of sum amounts per fiscal year
19 and when we'll get-- when we will be able to see the
20 level of detail about specific boroughs. And maybe a
21 subsequent question to that is do we know which order
22 the boroughs will be prioritized in terms of
23 receiving new facilities?

24 ASSOCIATE COMMISSIONER ANTONELLI: So,
25 the total work in progress, the program management

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION Department of design and
4 construction just came on board. We had a series of
5 kickoff meetings over the past week or so. So a lot
6 of this is still a work in progress in trying to
7 refine a lot of what we have learned in the CPSD
8 program in trying to, you know, put that in the
9 practice. As far as the flow of the funding is
10 concerned, I think that this is a new endeavor for
11 the city with a design build process. So, these are
12 all really high level program level estimates and I
13 know you mentioned about not having a breakout by
14 facility and I think right now this estimate is so
15 high level, it really just looks at the program as a
16 whole and, as we get further along in the work, we
17 will be able to break out by facility.

17 CHAIRPERSON POWERS: Okay. Let me, we
18 would-- As soon as you have that information
19 available, we would be interested in seeing the
20 broken down by borough and have a more specific
21 detail put to it.

22 ASSOCIATE COMMISSIONER ANTONELLI:

23 Absolutely.

24 CHAIRPERSON POWERS: And on the--
25 Queens has been the designated as the home for a

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 on you just explain how
5 that was this chosen location amongst the four for
6 where to put the women?

7 CHIEF OF STAFF COOKE: Sure. With respect
8 to that location, cleans his presently the location
9 of where we remain in our custody to Elmhurst
10 Hospital and so we were intending to represent, as we
11 do now is one women's facility, we have one nursery
12 and maternity ward and so, we were always going to
13 represent just a singular facility-- you know, that
14 component in just one of the four borough facilities
15 which had already been selected as Queens. So then,
16 as we heard from justice involved persons and
17 advocates and, you know, members of elected officials
18 and the community about decentralizing women and that
19 they strongly requested that we put what is projected
20 before the bill reform to be only approximately 200
21 people in custody at the time these new jails would
22 open to take this less than, now less than 200 women,
23 and put them together at one facility for
24 maximization of services and have their own
25 visitation space and intake and admission process.
26 The city determined that we would to that end we
27 would put that small number of women altogether of

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION would already have the
4 nursery and the maternity ward.

4 CHAIRPERSON POWERS: Thanks. And I also
5 just was remiss to mention that we are joined by
6 Council member Cohen, Moya, and Ampry-Samuel. Just a
7 few more questions and I'm going to hand it over to
8 colleagues, as well. Just another follow-up question
9 on the Queens. I think there was discussion about
10 the DA's office would be located in the facility.
11 Can you give us a-- That's what we had heard. Is
12 there any plans to have the Queens DA's office housed
13 inside the new facility?

14 CHIEF OF STAFF COOKE: That would be news
15 to me as it's now something that I'm aware has been
16 discussed.

17 CHAIRPERSON POWERS: Okay. Thanks.
18 Just on this-- You know, they there I don't we've
19 been asking for is-- And this is across the board
20 for every agency, for what it's worth. I think it's
21 127 or 120 something units of appropriation to give
22 us a better understanding of how spending is broken
23 out. We had been asking, and I think I asked last
24 year, as well, to give us-- as the new broad-based
25 facilities open up, to give us individual units of

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION by borough. Can the
4 department commit to that?

4 ASSOCIATE COMMISSIONER ANTONELLI: So,
5 I mean, we're committed to working with the Council
6 on trying to provide the transparency level that you
7 are looking for. I think the real challenge that we
8 are facing right now is through the design build
9 process. We are really in the learning stage on how
10 to implement this and as the RFQ's and the RFP's go
11 out and the structure of the program is put together,
12 that's kind of how we will figure out how the
13 contracting has to work and how the technical aspects
14 work in terms of breaking it out into multiple units
15 of appropriation.

16 CHAIRPERSON POWERS: But do you think
17 when they open up you can provide it to us? Once you
18 have new jail facilities or even once you get past
19 ULRP and past design, whether we can have the use
20 broken out because I understand that today it's one
21 unit of appropriation. It's a--

22 ASSOCIATE COMMISSIONER ANTONELLI: Uh-
23 hm.

24 CHAIRPERSON POWERS: giant--
25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROTECTION ASSOCIATE COMMISSIONER ANTONELLI:

3 [interposing] Right. New jail facilities.

4 CHAIRPERSON POWERS: Yeah. I mean, so
5 if we are going to open new jail facilities, you
6 know, decentralize, you know, Rikers Island, it seems
7 like it would make sense to give us, you know,
8 clarity on spending in each of the different
9 facilities. And I'm curious whether you guys can
10 commit to doing that.

11 ASSOCIATE COMMISSIONER ANTONELLI: I
12 think, as we move forward in the process and we
13 figure out technically how this is going to work, we
14 are open to that and just can't commit to it
15 because--

16 CHAIRPERSON POWERS: When do you guys
17 think you can made a commitment around-- or
18 commitment or no commitment around-- when you can
19 have a final-- a reasonable final answer on units of
20 appropriation?

21 ASSOCIATE COMMISSIONER ANTONELLI: I
22 mean, I think as we go through the RFQ and the RFP
23 stage and we really fully understand what we are
24 looking at in terms of, you know, how many
25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION working on this job and

4 that type of thing, that's when we really have--

5 CHAIRPERSON POWERS: [interposing]

6 What's the timeline for that?

7 ASSOCIATE COMMISSIONER ANTONELLI: I

8 don't have a timeline for you right now on that.

9 CHAIRPERSON POWERS: Okay.

10 CHIEF OF STAFF COOKE: It's within the
11 next year. The state legislation on design build has
12 a deadline in it for the city to issue RFQ's and
13 RFP's by April 1st of 2020. And so that certainly is
14 a deadline within which we are working in order to
15 maximize our ability to use design build.

16 CHAIRPERSON POWERS: Okay. So we are
17 gonna (sic) ask-- and this is another agency, as
18 well, but certainly here. For better transparency on
19 the chart we had up around spending and how that's
20 being a better clear breakdown for the spending and
21 the money and sort of how that is being allocated.
22 And the units of appropriation for the different
23 jails took the per jail facility. And we will-- You
24 can expect were going to ask that question again in
25 the future and continue to push on that. And we
would ask for you guys to take that seriously. And

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION all across the board that
4 [inaudible 00:54:58] can tell you is a-- is
5 something we've been asking for. Just my last round
6 of questions before I handed off to folks. You note
7 in your testimony May 1st department-- actually, I
8 think it was even before May 1st. The Department
9 stopped charging inmates for phone based on our-- We
10 had-- Based on legislation passed by the city
11 Council, have restructured your contract and now
12 our-- have a new program around telephone calls.
13 Can you tell us how many-- how the calls-- how many
14 more-- can you give us a daily change in calls since
15 that's been implemented?

16 [Background comments]

17 CHAIRPERSON POWERS: If you could get
18 the microphone.

19 COMMISSIONER BRANN: There was an
20 additional 60,000 calls since implementation per day.

21 CHAIRPERSON POWERS: Per day?

22 COMMISSIONER BRANN: Per day.

23 CHAIRPERSON POWERS: 60,000?

24 COMMISSIONER BRANN: Yes. And when we
25 averaged out the minutes, it would average out.

[background comments]

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION
COMMISSIONER BRANN: Minutes.
4
CHAIRPERSON POWERS: Minutes per day. I
5 was going to say--
6
COMMISSIONER BRANN: Sorry.
7
CHAIRPERSON POWERS: for calls, that's a
8 lot.
9
COMMISSIONER BRANN: Minutes.
10
CHAIRPERSON POWERS: Yeah.
11
COMMISSIONER BRANN: That's a lot of
12 calls.
13
UNIDENTIFIED: 8000.
14
COMMISSIONER BRANN: 8000.
15
CHAIRPERSON POWERS: 8000 phone calls.
16
COMMISSIONER BRANN: Yes.
17
CHAIRPERSON POWERS: 60,000 minutes.
18
COMMISSIONER BRANN: And when we
19 averaged out the total amount of calls and minutes
20 together, it would appear, if every inmate is to the
21 phone, they would be using the phone four times per
22 day for an average of 10 minutes per call.
23
CHAIRPERSON POWERS: And I-- Okay.
24
What was the average minutes per call under-- before
25 May 1st? Do you have any data on that? 8000 more

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION if you're getting more

longer time spent on the phone. I'm just curious.

4 COMMISSIONER BRANN: We would have to do
5 that analysis.

6 ASSOCIATE COMMISSIONER ANTONELLI: We
7 looked at, really, the seven days prior and the seven
8 days after implementation. So the increase was order
9 of magnitude from around 170,000 minutes per day up
10 to about 225-- 230,000 minutes per day being used on
11 phone calls.

12 CHAIRPERSON POWERS: Okay.

13 ASSOCIATE COMMISSIONER ANTONELLI: And
14 the call volume went from about 23,000 calls a day to
15 31,000 calls a day.

16 CHAIRPERSON POWERS: And what are the--
17 You had mentioned in your testimony no restrictions
18 or no punishment around phone calls, you know, as a
19 punishment. Can you just tell us what the current
20 rules or restrictions are around placing a phone call
21 under the new post-May 1st plan?

22 CHIEF OF DEPARTMENT JENNINGS: So,
23 previously, for sentenced inmates, they were only
24 allowed to phone calls weekly and detainees had more.
25 Now, every inmate receives the same amount of phone

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 increased the amount of time
5 inmates who are in punitive sect can utilize the
6 telephone. They went from one personal phone call
7 six minutes a week to now they are making 15 minute
8 calls daily.

9 CHAIRPERSON POWERS: Got it. Thanks for
10 that. I'm going to stop there. I think I have
11 another couple questions, but I will wait until the
12 end. I think we're going to hand it over to
13 colleagues now. I think first up is Council member
14 Grodenchik with questions.

15 COUNCIL MEMBER GRODENCHIK: Thank you,
16 Chair. Thank you, Chair Dromm. Thank you, Chair
17 Powers. I was going to say good morning,
18 Commissioner, but we've past that point. So, the
19 city of New York, we finally have some answers. I
20 had asked Director Hertzog at two hearings earlier
21 this year about the amount of money that we are going
22 to spend on these two jails and we agree at this
23 point that it is almost 9 billion dollars. Can I ask
24 you came up with that estimate? Anybody?

25 ASSOCIATE COMMISSIONER ANTONELLI:

26 Sure. That estimate is, you know, a conjunction
27 between the consultant that is working on the CPSD

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION Department of design and
4 construction.

5 COUNCIL MEMBER GRODENCHIK: And how long
6 is this person been working on this estimate?

7 ASSOCIATE COMMISSIONER ANTONELLI: I
8 mean--

9 COUNCIL MEMBER GRODENCHIK: It's a lot of
10 money. It's double-- It's almost double the amount
11 of capital spending we are spending on parks, so I
12 would like to know exactly how long that we've been
13 working on this estimate.

14 ASSOCIATE COMMISSIONER ANTONELLI: I
15 mean, this estimate has been worked on, more or less,
16 since the inception of the CPSD program over a year
17 ago. But the estimate is changed over time. Or the
18 variables that go into the estimate have changed over
19 time because the size of the facilities have changed
20 over time, as well.

21 COUNCIL MEMBER GRODENCHIK: Director
22 Hertzog have indicated to us that they were hopeful,
23 based on changes in the state law, that the size of
24 the new facilities, the four of them, would be
25 smaller. Do you anticipate them getting any smaller
than you have them pegged at now?

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION ASSOCIATE COMMISSIONER ANTONELLI:

4 Well, right now, the facility you are still
5 trying to figure out how much smaller they will be in
6 terms of square footage in science. But we are
7 realizing a reduction now with the population being
8 projected to be 4000 and instead of 5000. If there
9 are more changes that can reduce the size of our
10 population, absolutely the facilities will get
11 smaller.

12 COUNCIL MEMBER GRODENCHIK: So, is it, in
13 theory, possible? Because I've been in government a
14 long time and I know that very few things can bill on
15 time and on budget that we could see a lower estimate
16 as we go forward in this process? I know you are
17 under oath, but I won't hold you to the-- I'll
18 accept a guess.

19 ASSOCIATE COMMISSIONER ANTONELLI:

20 Well, to answer your question, possible, possible
21 is yes. Possible yes.

22 COUNCIL MEMBER GRODENCHIK: I like
23 possible. So 8.75 billion divide about 4000 is a lot
24 of money per jail cell. Are these the most expensive
25 jail cells in the world?

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION ASSOCIATE COMMISSIONER ANTONELLI: I

4 would unanswered.

5 COUNCIL MEMBER GRODENCHIK: It seems like
6 a lot of money to me. I'm going to do some quick
7 math here. At 4000 minutes 2.2-- almost 2.2 million
8 dollars per jail cell. We could build each of these
9 folks a house for far less and I'd like to know if
10 the estimates that you have include design, build,
11 and savings that we could potentially ring out of
12 this. This is an enormous amount of money that the
13 Department of Corrections is being entrusted with
14 along with DDC among the 8.65. It's essentially 1000
15 dollars per New Yorker. It's almost exactly the
16 amount of money. There are 8.65 million New Yorkers
17 at 1000 dollars a head. That's 8.65 billion dollars.
18 So, I'd like to know if there's any way that we can
19 do value engineering to try to bring these costs
20 down. It seems ju-- the numbers are incredible to
21 me.

22 ASSOCIATE COMMISSION ANTONELLI: Yeah.
23 And the costs are constantly being reviewed. It
24 isn't that this is it and this is what it's going to
25 be. Now that the program management consultant has,
on board, that's a new set of eyes looking at the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ~~ON ENVIRONMENTAL PROTECTION~~ out I'm looking for ways
4 for us to be more efficient. I mean, this estimate
5 was based off of the CPSD program which is really
6 just a high level conceptual design to really
7 determine what the maximum size of the facilities
8 could be. I mean, the ULRP is based on the size of
9 a-- You know, the ULRP application is on the size of
10 a facility that is already getting smaller. So I
11 feel like, you know, every day we are actively
12 working to make these facilities smaller and less
13 expensive.

13 COUNCIL MEMBER GRODENCHIK: I think you.
14 I yield the balance of my time, Chairman.

15 CHAIRPERSON POWERS: I think it's
16 negative 40. I think we now have questions from
17 Council member Adams.

18 COUNCIL MEMBER ADAMS: Good afternoon,
19 Commissioner. Thank you for your testimony today,
20 you and your staff for being here. Everyone for
21 being here today as well as your tremendous support
22 for conaming this weekend for our fallen officer,
23 Johnathan Narain. It was tremendous and I thank you.
24 Thank you Assistant Commissioner Yalardi. I see you
25 out there. A fabulous anthem, so we thank you for

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION couple of questions related

4 to the Queens situation and we know that there has
5 been significant pushback for the location of the
6 jail in Queens. No matter what side of the fence
7 individuals are on with the position of this
8 particular location, however, how much input from the
9 community board was considered in the decision?

10 CHIEF OF STAFF COOKE: The community board
11 process is presently ongoing and the community boards
12 have been having a series of engagements, hearings,
13 and meetings to-- and the administration, the
14 Department of Correction, the Mayor's Office of
15 Criminal Justice, the city's legislative affairs, and
16 DDC and others have been participating in those
17 engagements with each of the community boards that
18 both cover the sites in each borough and community
19 boards that are adjacent to those sites. And so, the
20 engagement has been significant and ongoing and we
21 have been, even prior to the ULRP community board
22 process, we are engaged with neighborhood advisory
23 council's from individuals who lived within the
24 community boards within the areas of the proposed
25 jail facilities, plus advocacy groups interested, you
know, parties, elected officials, unlike the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION since the announcement
4 of the master plan last summer and, obviously, the
5 entire jail based-- borough jail based system is
6 derived based on significant community input that
7 lead up to the litman commission's report and then
8 former Speaker Mark Viverito and the Mayor's support,
9 as well.

9 COUNCIL MEMBER ADAMS: Okay. Thank you.
10 My concern is that-- I would just like for there to
11 be complete transparency for this decision between
12 the DOC and the community specifically so that any
13 questions that maybe left out there in the atmosphere
14 are completely answered with as much honesty and
15 transparency that you can provide our community in
16 Queens. That said, there has been a-- and we talked
17 about it. I just want to make sure that I'm
18 understanding correctly. Will this facility be a
19 women's facility? Has that decision been finalized?
20 Because I've been told it has not been finalized,
21 whether or not this will indeed be a women's
22 facility? Will it and if we don't know, when will
23 that final decision be made?

24 CHIEF OF STAFF COOKE: Presently, the
25 decision has been made. As we are moving into the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION, ultimate design build
4 for the women to be located at the Queens facility.
5 Whether or not there is, you know, a change to that
6 down the road, you know, until these facilities are
7 built, I suppose, anything is possible, but right now
8 the city has heard from the community and has decided
9 that, rather than to support the decentralization of
10 women in the communities from which they come, that
11 the small population, less-- projected less than 200
12 women will be centralized together to provide them
13 the greatest support services and access together as
14 a cohort within the Queens facility. That decision.
15 Yes.

16 COUNCIL MEMBER ADAMS: Okay. Thank you.
17 So as we stand today, the Queens facility will be a
18 women-only facility.

19 CHIEF OF STAFF COOKE: It will be a--

20 COUNCIL MEMBER ADAMS: It will not?

21 CHIEF OF STAFF COOKE: It will be a
22 facility which houses the entirety of the jail
23 population of women, but the remainder of the
24 facility will, in Queens, will be a male facility.
25 So it is a facility where the women will all be

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION of the remainder of the
4 jail will be male.

5 COUNCIL MEMBER ADAMS: Okay. Understood.
6 Thank you.

7 CHAIRPERSON DROMM: Council member
8 Holden.

9 COUNCIL MEMBER HOLDEN: Thank you, Chair.
10 To follow up on Council member Grodenchik's remarks
11 on capital, being around the city so long, I would
12 say that whatever the budget is for the jails, the
13 community jails, you could probably double it when
14 the smoke clears. I think it's prob-- I'm going to
15 go on record to say this is going to cost 5 million
16 dollars per cell. Jail cell. That's my estimate and
17 we'll see if I'm right. But getting to jail design--
18 I want to talk about jail design. Have you looked--
19 I mean, I don't know if you guys were involved in
20 this, but what model jail around the work is the city
21 of New York using as really the basis for building
22 these jails? What system exists today that we could
23 actually look at and comment on?

24 CHIEF OF STAFF COOKE: So, I'll let
25 Associate Commission Antonelli respond to-- with
respect to a jail that we did visit along with other

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION-- as part of the CPSD,
4 but certainly the program management consultant which
5 Associate Commissioner Antonelli said has just come
6 on board with in the last week or so. They have
7 identified for us, for DDC, for the Mayor's Office of
8 Criminal Justice as a group working on this RFQ's and
9 then the RFP's for this design build process, a
10 number of facilities that they would like us to see
11 portions of for purposes of just what you are
12 describing which is to see and practice, you know,
13 the manner in which, you know, something has been
14 designed to the manner in which an operation is
15 carried out in a modern facility that would bring
16 about the efficiencies that the city of New York and
17 the Department of Correction are looking for. The
18 levels of safety, the operations and opportunity for
19 programing and function in a high rise jail,
20 specifically.

20 COUNCIL MEMBER HOLDEN: So, if you identify
21 a city or a country that's doing it well, you will
22 look at that and will you-- and, obviously report
23 back to us--

24 CHIEF OF STAFF COOKE: Yes.

25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION HOLDEN: what you feel is a

4 good model for, you know, a design of jail cells.

5 Does staffing vertical jails as opposed to more
6 horizontal that are on Rikers, does staffing vertical
7 jails require more personnel just in movement up and
8 down?

9 CHIEF OF STAFF COOKE: So, the total
10 number of all of the posts within a facility is
11 still, you know, to be determined by the design, but
12 there will specific aspects of these modern jail
13 designs that will, in fact, remove posts. For
14 example, we operate our facilities with what's known
15 as an A station or a bubble. And that's a stationary
16 officer that has a windowed view to housing units.
17 To two housing units, one on, generally, either side
18 of the bubble. They don't actually, you know,
19 generally enter the floor facility. They are engaged
20 in that direct supervision of the individuals in
21 custody. So that bubble, that is a dynamic that is
22 not present and modern jail design at all. And so,
23 those posts will no longer be necessary, so we will
24 not construct facilities with A posts. We also,
25 because of direct supervision and the lines of the
site and the improvement of the design of each

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION will have better ability to
4 supervise. The housing unit maximum unit living in
5 size, so the maximum number of folks who can be
6 housed in any particular unit will be smaller than
7 our living units by and large right now. So that
8 drives the ratio of staff to detainees. And so,
9 there's a lot of efficiencies, I think, and monitored
10 jail design that will drive our staffing numbers,
11 but-- and the movement will be more limited. There
12 will be direct access to recreation for each unit on
13 each unit. And so, there will no longer be
14 escorting, you know, groups of folks from every
15 housing unit to the main yard. There will be more
16 programming space on every unit, opportunities for
17 services to be delivered to, then, those persons on
18 the unit. So, a lot of our escort posts and things
19 will be likely reduced and made-- rendered not
20 necessary. So there is a number of efficiencies and
21 modern design, but the number of posts in each jail
22 will be known as we know what the specific design of
23 the jail has been.

23 COUNCIL MEMBER HOLDEN: Okay. This is my
24 first round, so I would like to have a second round.

25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION: I'm not sure if we
4 will get into a second round, then I will put it down
5 on the list. We have now Council member Andy Cohen.

6 COUNCIL MEMBER COHEN: Thank you, Chair.
7 Good afternoon or good morning. I don't know where
8 we are at. Do you know, on a given day, how many
9 buses travel from Rikers to the Hall of Justice? Or
10 to 161st street in general?

11 CHIEF OF DEPARTMENT JENNINGS: So, that
12 depends on how many inmates we have on the court
13 calendar.

14 COUNCIL MEMBER COHEN: Do you have an
15 average? How many-- I mean, on a gi-- You know,
16 you're going to plan for next week. How many busses
17 are you going to have available for next week?

18 CHIEF OF STAFF COOKE: We transport
19 approximately 900 to 1000 individuals a day to the
20 court facility from Rikers Island. We can get back
21 to you with the particular breakdown to the Bronx.

22 COUNCIL MEMBER COHEN: Can you-- Oh. To
23 courthouses around the city.

24 CHIEF OF STAFF COOKE: Correct. Correct.
25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION COHEN: Do you know how
4 many inmates, on average, you send to 161st street a
5 day?

6 CHIEF OF STAFF COOKE: Off the top of our
7 hands, we don't have that, that we can get back to
8 you with that.

9 COUNCIL MEMBER COHEN: So you have no idea
10 how many buses you sent barreling through the Bronx
11 every day? None? No idea?

12 COMMISSIONER BRANN: We will do that
13 analysis and get it back to you--

14 COUNCIL MEMBER COHEN: I'd--

15 COMMISSIONER BRANN: before the end of
16 the day.

17 COUNCIL MEMBER COHEN: I'd appreciate it.
18 And the busses you operate are diesel busses?

19 CHIEF OF STAFF COOKE: Yes.

20 CHIEF OF DEPARTMENT JENNINGS: That's
21 correct.

22 COUNCIL MEMBER COHEN: All diesel busses
23 rumbling through the Bronx. So even if we
24 ultimately-- I know bringing down the population aid
25 that, but, ultimately, this model of these
26 corrections busses rumbling through the Bronx, that's

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 on whether we close Rikers
5 or we don't close Rikers currently, right? You
6 intend to move defendants from the new location, from
7 the new jailhouse, to 161st Street five diesel bus,
8 still?

9 CHIEF OF DEPARTMENT JENNINGS: That
10 would be correct.

11 COUNCIL MEMBER COHEN: Okay. I'd like to
12 know the numbers. I'm very curious about that. I am
13 concerned that, in addition to spending, you know,
14 trillions of dollars that this model is a really,
15 ultimately, going to still negatively impact
16 Bronxites. You know, I have observed your fleet.
17 It's not that fresh. And having these-- the idea
18 that we are going to build a jail and it's going to
19 continue to use old buses running through Bronx
20 County for the next 15 years, I really have a hard
21 time getting my head around. But I would appreciate
22 the data on the number of buses.

23 CHIEF OF STAFF JENNINGS: Sure.

24 COUNCIL MEMBER COHEN: And the numb-- I
25 guess, also just as a-- since I have a minute, and
do you know what time the buses-- what time you
leave Rikers to go to 161st Street?

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROTECTION JENNINGS: So, the buses

3 to part Rikers at various times depending on our
4 first vans for and made to are on trial versus
5 inmates who are not on trial. So, normally, the
6 earliest bus with believe approximately about 6 a.m.

7 COUNCIL MEMBER COHEN: 6 a.m. So you--
8 If you have keep on trial, you send out busses at 6
9 a.m.?

10 CHIEF OF STAFF JENNINGS: That's
11 correct.

12 COUNCIL MEMBER COHEN: You know, if I
13 could get-- I'd be interested, actually, and seeing
14 the bus schedule because I will tell you, and it's
15 anecdotal, of course, that I've been in the Hall of
16 Justice and I've seen a lot of down time waiting for
17 we are trying to get defendants from Rikers to the
18 courthouse and a lot of people standing around
19 wondering, you know, when they are going to arrive.
20 Usually, it's well past 9:30. Everybody is ready to
21 go, but we have no defendant in. So I am curious as
22 to what the schedule is. That's helpful to know.
23 I'm impressed if we really to get buses rolling out
24 at 6 a.m. That would be-- That would be useful
25 information. And again, when you get the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION appreciate a number of buses.

3 Thank you, Chair.

4 CHAIRPERSON DROMM: Council member
5 Rivera?

6 COUNCIL MEMBER RIVERA: Hi. Good
7 afternoon. I'm just going to try to be brief since I
8 know we are already over time. So the security risk
9 group or what is commonly known as the gang
10 population, I have a statistic-- well, I have a
11 percentage in front of me. 67 percent of this group
12 is involved in jail incidents. So, how much does it
13 cost the department to manage the SRG population and
14 are there any new programs or initiatives that you
15 are undertaking within the facilities themselves to
16 try to address the costs associated for the violence
17 that transpires between these individuals?

18 [Background comments]

19 CHIEF OF STAFF COOKE: I don't have a
20 particular breakdown for you and I don't believe we
21 do with respect to dollars spent on as our achieve
22 related folks in custody, that I will let the Chief
23 of Department talk about some of our initiatives and
24 the advancements that we made in department

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL AND PROTECTION RISING SR G involved
4 population.

4 COUNCIL MEMBER RIVERA: And maybe you
5 could also let us know the CO to inmate ratio for
6 those that are classified as SRG. That will give us
7 a little bit of an idea of costs in the budget.

8 CHIEF OF STAFF COOKE: So--

9 COUNCIL MEMBER RIVERA: But whatever the
10 Chief wants to talk about is okay.

11 CHIEF OF STAFF COOKE: So, that's how--
12 That's not how we house folks and so those that are
13 identified as SR G or getting involved in our custody
14 are housed throughout the department, throughout all
15 housing types including, you know, you know, mental
16 observation or, you know, young adult were, you know,
17 protective custody. And so, it would be-- We
18 wouldn't be able to tell you that there would be a
19 housing-- a housing-- a staffing ratio for that
20 population. We can get you some staffing ratio
21 information just for inmates in custody generally,
22 but that would include our SRG population.

23 COUNCIL MEMBER RIVERA: Okay. Great.

24 CHIEF OF DEPARTMENT JENNINGS: So, she
25 kind of answered my question because one of the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION that inmates who are
4 identified as security risk groups are housed in just
5 about every housing area. We have general
6 populations versus protected custody versus
7 adolescent versus ESH versus secure. So, there is
8 not one specific house in which they are housed in.
9 So the staffing ratio would really vary based upon
10 the criteria or the category of the housing, per say.

11 COUNCIL MEMBER RIVERA: Well, it's not
12 even the housing that-- I know that you're not going
13 to have like the Bloods and the Crips like in
14 separate sections. My question to you is what are
15 you doing to address some of that violence? Is there
16 a programming or initiatives that you are embarking
17 on when you're in shared spaces? Is there additional
18 COs that are there because you know that's when they
19 can-- the rival gangs can interact?

20 COMMISSIONER BRANN: So, we're very
21 conscious about the rival gangs. We use our
22 intelligence Bureau to guide us in that and when they
23 have intel about possible violence, we may staff up
24 in areas where folks are going to be in a common
25 area. For example, rec or the library. But we
26 monitor the very closely. The programs department

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROBLEMS messengers who are folks who
4 have been previously associated with gangs to speak
5 with the individuals who are in that lifestyle right
6 now. We've also put programming on iPad, tablets, so
7 that if individuals would like to engage in a
8 lifestyle change or behavior change and do not so
9 comfortable sitting in a group with others to discuss
10 how to do that, they are able to be in the South and
11 listen to podcasts and other folks talking about how
12 to get out of that lifestyle. And so when you--
13 Officers speak with individuals in the housing areas
14 about their lifestyle and where they want to go, we
15 have our program counselors who are in the housing
16 units talking about that. So, yes, we are doing what
17 we can to modify behavior and get them to want to
18 change their lifestyle.

18 COUNCIL MEMBER RIVERA: Thank you, Chair
19 Dromm and Chair Powers for the time. And a quick
20 special shout out to PS 64 who is in the balcony.

21 CHAIRPERSON DROMM: Okay. We've been
22 joined by Council member Eugene and Reynoso and were
23 going to go back to Chair Powers for our final
24 questions.

25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROTECTION POWERS: Thank you. And
3 I'll keep it short because I know you guys have a
4 long day ahead. There was a couple things that we
5 had both mentioned in our response we've asked in the
6 past. One of them was about the training Academy.
7 Council member Holden, I think, has a piece of it.
8 Speaker Johnson has another piece at John Jay
9 College. I think you mentioned the wellness center
10 on Rikers Island, as well, in terms of staff
11 resource. The can you tell us another of say on
12 where we are in terms of finding the training
13 Academy? What is the ongoing process for finding a
14 new site and can you also tell us is leaving the
15 location findings for a new training Academy?

16 ASSOCIATE COMMISSIONER ANTONELLI:

17 Sure. So, the site search is still ongoing,
18 unfortunately. For all site searches around the
19 city, the Department of City Wide Administrative
20 Services, they are kind of the real estate arm for
21 the city, so they are charged with meeting that site
22 selection search.

23 CHAIRPERSON POWERS: And what's-- You
24 know, we were here a year ago. Money is in the
25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION don't have a modernized
4 facility. We are splitting people up.

5 ASSOCIATE COMMISSIONER ANTONELLI: Uh-
6 hm.

7 CHAIRPERSON POWERS: Could you give us a
8 little bit more detail in terms of what the actual
9 search process is in terms of how or what the DOC's
10 role is in finding a site or identifying one?

11 ASSOCIATE COMMISSIONER ANTONELLI: So,
12 we gave our requirements to the Department of
13 Citywide Administrative Services, so we developed a
14 general program. You know, kind of like what the
15 CPSD program is for the jails and so square footages,
16 requirements that we have in there like we require
17 having an indoor gym, and auditorium, how many
18 classrooms, that type of information as well as other
19 general requirements like it needs to be close to
20 public transportation. It needs to have parking.
21 That type of stuff. And then, that information is
22 taken and sites are looked for.

23 CHAIRPERSON POWERS: Yeah. So that
24 means-- And by the way, the police academy is not
25 near public transportation in College Pointe. I
think it's near access points for driving, but not

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION facilities. You know, I just
4 want to stress this again--

5 ASSOCIATE COMMISSIONER ANTONELLI: Uh-
6 hm.

7 CHAIRPERSON POWERS: I think that-- I
8 understand DCAS is finding a facility for your
9 employees and they are right, I think, to say, why
10 are we getting treated differently than other
11 departments in the city when we all can agree that
12 they have a very challenging job. And we are asking
13 them to do, I think, more and asking them to take on
14 more training.

15 CHIEF OF STAFF COOKE: Yeah. And
16 Associate Commission Antonelli is correct in that we
17 put out the requirements. We also participate in the
18 review of potential sites. We've, you know, made
19 site visits. We are in active coordinated discussion
20 with the First Deputy Mayor's Office. This training
21 academy is also, if you've reviewed the Nunez monitor
22 reports, is it of interest, you know, and to the
23 Nunez monitor, as well, and-- so it's-- It is a
24 priority and it is a process that we are continuing
25 to push through, but as New York City is a highly
occupied place and so, to try and identify a space

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 and, you know, the other city property criteria is--
5 is a slower process than maybe we would all like.

6 CHAIRPERSON POWERS: Okay. I agree with
7 that. It is-- It's going too slow. And we will
8 follow up with that. Follow up with the Deputy Mayor
9 on that, as well. The last question I have is
10 officers and staff who work there have talked a lot
11 about having modernized technology to be able to use
12 tablets and smart phones. More personalized
13 equipment to be able to use so they are not sharing
14 equipment. Can you tell us-- We had-- You know, I
15 had actually, myself, talked about this in the past
16 and I think it's, you know, something that I am
17 interested in hearing the department's position on is
18 what about, you know, adding technology to-- into
19 the hands of-- so that we-- I mean, A, it seems
20 like we be better data tracking for us and for the
21 agency if we asked for information and you would have
22 it more readily available as there was, you know,
23 more technology in the hands of people who are
24 working there. They have asked for things like smart
25 phones and tablets over some sort of device for
better communication. Is there any effort to try to

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION and then, separately, to
4 personalized equipment so that people are sharing
5 equipment?

5 COMMISSIONER BRANN: So, we have
6 introduced to modern technology at a rate probably
7 slower than everybody would like. Our recruits now
8 in the Academy, they don't carry around notebooks
9 with paper anymore. Everything that they have for
10 training is on a tablet. For those in our
11 facilities, unfortunately, these facilities were
12 never wired for Wi-Fi and so, to walk around with a
13 phone to be able to do some work on a tablet or a
14 phone isn't something that we have the ability to do
15 widespread right now. We have started to develop
16 training on-- and putting them on tablets so that
17 people can sign out a tablet and do their training
18 while they are in the facility rather than be pulled
19 out and go into a classroom. We are looking at every
20 option available to make our staff have an easier
21 time doing their job through the use of technology.

22 CHAIRPERSON POWERS: Okay. And--

23 CHIEF OF STAFF COOKE: And every facility
24 has at least one, if not multiple what we would refer
25 to as a business center which is an area with, you

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION that are available to-- you
4 know, from staff to, you know, don't otherwise have
5 a-- work at a desk with a computer to access both--
6 as the commissioner mentioned, you know, training and
7 other materials. We have added electronic post order
8 folders which generally, historically, is to be on
9 paper. And that is why they sounds like. It
10 describes to you as an officer what the
11 responsibilities of that post are. And so, those are
12 available now on the computers within the E stations
13 and then throughout the facility. We have added-- I
14 know that when we testify of the Commissioner listed
15 for you and then we provided, I think, as follow up a
16 list of technological developments that the
17 department has implemented over this administration.
18 And one of them, for example, is the inmate
19 wristbands which is a tracking system where we are
20 able to electronically, much like when you get a
21 package delivered it scans the barcode and then it--
22 you know that something has arrived. So we are using
23 a barcode scanning technology and then that can
24 replace the tracking of manual logbooks and paper.
25 And so, there is technology for operations that's
been introduced throughout the department and that is

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 that officers jobs have historically relied on.

5 CHAIRPERSON POWERS: So--

6 COMMISSIONER BRANN: And--

7 CHAIRPERSON POWERS: Yeah. Go ahead.

8 COMMISSIONER BRANN: Just to finalize

9 that, with response to Council member Dromm's

10 question in the beginning of the hearing about the

11 jail management system, we expect to have our vendors

12 selected by the end of the year and begin work on

13 that project in the second quarter 2020.

14 CHAIRPERSON POWERS: And can I just

15 say-- and this is my last question. I know you have

16 a long day. Why end of the year? I mean, that seems

17 like a long time line for choosing a vendor.

18 COMMISSIONER BRANN: It's just been the

19 procurement process.

20 CHAIRPERSON POWERS: It's a procurement

21 process.

22 COMMISSIONER BRANN: Uh-hm.

23 CHAIRPERSON POWERS: An RFP has been

24 issued, responded to--

25 COMMISSIONER BRANN: Yes.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROTECTION: and now that vendor
3 has been selected and the vendor has been selected
4 and has to go through the contracting and procurement
5 process. Is that correct?

6 ACTING DEPUTY COMMISSIONER PATRICIA
7 LYONS: So this particular project is going through
8 the Do It Systems Integrator. So we're working
9 through Do It with their contract resources. So I
10 don't have an answer at this time if a vendor has
11 been selected, but we have recently submitted a
12 purchase order this past week to Do It for additional
13 procurement support moving through this process.

14 CHAIRPERSON POWERS: Okay. And we're
15 going to have some follow-up questions on the one I
16 just had about cost estimates for certain items and
17 we'll follow up in the letter. Thank you to the
18 Chair. Thanks.

19 CHAIRPERSON DROMM: Thank you very
20 much. Thank you, Commissioner. Thank you to the
21 members of your team for coming in today. We're
22 going to end it here and now and we'll leave--
23 reconvene in about five minutes with Health and
24 Hospitals.

25 COMMISSIONER BRANN: Thank you.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROTECTION

3 CHAIRPERSON DROMM: Okay. We will now
4 resume the city Council's hearings on the Mayor's
5 executive budget for fiscal 2020. The finance
6 committee is joined by the committee on hospitals,
7 chaired by Council member Carlina Rivera. We've also
8 been joined by Council member Antonio Reynoso,
9 Council member Mathieu Eugene, Council member Mark
10 Levine, and I think other Council members will be
11 joining us shortly. We've just heard from the
12 commission of the Department of Correction and now we
13 will hear from Dr. Mitchell Katz, President and Chief
14 Executive Officer of Health and Hospitals. In the
15 interest of time, I will keep my remarks brief and
16 limited to a single issue. And this is an issue that
17 it's really getting to be annoying. The consistent
18 failure of Health and Hospitals to provide this
19 Council with timely budget information. In fiscal
20 2017, my predecessor in this role Julissa Ferreras
21 Copeland, said at the Health and Hospitals executive
22 budget hearing that the request for financial
23 information was provided to staff less than 24 hours
24 before the hearing she called the is completely
25 unsatisfactory and said, in the future, I expect the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION coming with the documents
4 and data we need. At last year's preliminary, Dr.
5 Katz, you promised me you would have up to date
6 information well in advance of the executive budget
7 hearing, but this did not happen. We actually even
8 delay the hearing last year by three weeks take a
9 view more time and, again, we only received the
10 information the day before the hearing. Upon
11 questioning, the OMB Director assured me that for
12 fiscal 2020, I am guaranteeing you, quote unquote,
13 that you will have the financial plan ahead of time
14 and you will have sufficient time to review it before
15 your hearing. Yet, here we are in fiscal 2020 and
16 it's like a broken record. Every year we complain.
17 Every year H & H and OMB promises it won't happen
18 again and the next year we go through the same
19 motions. I suppose we should be grateful that this
20 time we received the financial information two days
21 before the hearing instead of just one, but this
22 remains an unacceptable and disrespectful manner of
23 doing business. Dr. Katz, I respect you and I
24 respect the work that you are doing to stabilize the
25 city's public hospital system and I fully expect that
this will be the last year that we will have to have

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION. With that being said, I'm
4 going to turn it over to my cochair, Council member
5 Rivera.

6 COUNCIL MEMBER RIVERA: Thank you, Council
7 member Dromm. Good afternoon. I'm Council member
8 Carlina Rivera, Chair of the City Council's Committee
9 on Hospitals. I would like to start by echoing my
10 colleagues, the Chair of Finance, around the
11 continued concerns over the delay of providing
12 materials that allow transparency and accountability
13 on the H & H financials. We did receive the cash
14 plan for the preliminary budget. That was the first
15 time that H & H has completed this agencies standard
16 practice well ahead of schedule. Unfortunately, we
17 did not receive the cash plan for the executive
18 budget until this week leaving our budget staff an
19 impossibly small amount of time to adequately review
20 the plan. I appreciate and admire H & H's optimism
21 for the system's financial future, however, in light
22 of the federal and state attacks and cuts on
23 healthcare, the importance of effective communication
24 and clear expectations is unquestionable. As a
25 coequal branch of government, the Council relies on
and expects to have adequate time to review all

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION the city's public hospital
4 system. The subsidy that H & H receives from the
5 city is projected to be 1 billion for fiscal year
6 2020 and it is unacceptable that we only have days to
7 review. I am hopeful that during today's hearing we
8 can receive more precise details on how H & H plans
9 to close its budget deficits in the wake of state
10 funding cuts and federal threats while handling new
11 needs in the rollout of NYC care. I'd like to, once
12 again, expressed my concerns about not including the
13 federally qualified health centers in the plan.
14 These clinics are on the ground already working with
15 the populations aimed to be served to buy NYC care
16 and it is not clear how this new program will fit
17 into the existing healthcare infrastructure in the
18 city. In addition, I feel some trepidation that
19 there is no capital budget in the 10 year strategy to
20 support the rollout and increase services expected of
21 NYC care. Nor are there any specifics about how NYC
22 care will affect other initiatives that are primarily
23 focused on generating revenue. In addition, with the
24 continued assaults on the rights of transgender,
25 gender nonconforming, and non-binary TGNCNB from the
federal government, I was disappointed not to see any

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION the training of health care
4 staff on how to adequately support those population.
5 This comes after the impassioned testimonies we heard
6 at the preliminary budget hearings for the Committees
7 on Health, Mental Health, and Hospitals. I had hoped
8 that the administration would have sufficiently
9 motivated to baseline 150,000 dollars to improve the
10 experience of TGNCNB people and the experiences they
11 have that H & H facilities, especially in light of
12 how minuscule 150,000 dollars is in comparison to the
13 full 92.5 billion dollar budget. I look forward to
14 hearing about your plans to continue opening the
15 lines of communication to ensure full transparency
16 and your plans for sustainable future for H & H
17 budgets. Now, back to Chair Dromm.

18 CHAIRPERSON DROMM: Thank you very
19 much. And, with that, were going to have counsel
20 swear the panel in and then hear testimony.

21 LEGAL COUNSEL: Do you affirm that your
22 testimony well be truthful to the best of your
23 knowledge, information, and belief?

24 DIRECTOR KATZ: I do. Good afternoon
25 [inaudible 01:36:04].

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION He needs to turn his mic
4 on.

5 DIRECTOR KATZ: I'm Mitch Katz. I'm the
6 Director of the New York City Health and Hospitals.
7 I want to say I'm deeply sorry about the Council not
8 getting the information sooner. There is a
9 disjuncture between the OMB planning of the Health
10 and Hospitals budget and these hearings and I want to
11 work to make sure that there is full transparency and
12 I'm happy to do more briefings, more hearings,
13 whatever is necessary. I certainly respect and
14 admire this branch of the government here. We are
15 making great progress on executing on the mayor's
16 transformation plan. We set ambitious targets for
17 revenue growth and we are solidly on the path to
18 achieve our goals. If you have taken us a little bit
19 longer to get going than we had hoped, but, still, we
20 are going to finish off the year with 712 million in
21 revenue generating initiatives, which is only off by
22 .5 percent of our budget and we fully expect to be
23 bringing in a great deal more revenue going forward.
24 On the expense side, we are very close, as well, to
25 our target and the difference between our actual
expenses and what we targeted had to do primarily

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION which was something that,
4 when I came here, I discovered that we were seriously
5 on the appropriate staffing at our hospitals and that
6 we needed in order to make that good to hire 340
7 additional nurses. We expect to close the year with
8 a cash balance of 781 million and we project positive
9 cash balances throughout the length of the plan. As
10 Chairperson Rivera has said, though there are
11 significant risks, and the biggest one facing us is
12 the federal disproportionate share hospital cut, the
13 city Council has been very active and helpful at
14 expressing to our federal leaders why this cut would
15 be so devastating for us. The mayor, as well as the
16 city Council, Senator Schumer, Senator Pelosi,
17 representative Angle, and the entire New York
18 delegation and Washington are working to prevent this
19 cut. If the cuts are delayed, the revenue and cash
20 balance in our plan these significantly higher and
21 the personnel reductions that are in the out years
22 that would be devastating for our organization will
23 not be necessary. We recognize that there are other
24 risks, as well. We continue to hear about threats to
25 the ACA, negative Frederick about immigrants, Jesus
said to us and New York City, the city that was built

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION now that affects they're
4 coming for care and we want to make sure that they
5 know that we are always here for them, no matter what
6 the federal rhetoric is. We were at Lincoln Hospital
7 on Tuesday with the Mayor announcing the launch on
8 August one of NYC care. In the Bronx, Bronx
9 residents will be able to use their New York City
10 care card to access their own primary care doctor or
11 nurse practitioner, preventative screening and tests
12 24 hours seven days a week customer service, and
13 clear co-pays that are affordable to each member. We
14 are building new ambulatory care locations in the
15 Queens, the Bronx, and Brooklyn, successfully rolling
16 out a single electronic health record and financial
17 system to all of our hospitals and community centers.
18 We are investing in our front-line providers and
19 staff to make our system and the patient experiences
20 great throughout our city. On a personal note, I was
21 able to move my 96 and a half-year-old father and 91
22 and a half year old mother from Rockland County where
23 they were in an isolated place to a few blocks away
24 from here so that I could take care of them, but also
25 so that they could get care at Health and Hospitals
and may have the kind of Medicare and supplementary

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION them to any facility, but
4 I know that the best care that they will get is
5 through Health and Hospitals and I'm proud that they
6 get better care, as I do and my daughter will when
7 she arrives in July. I thank the Committee for your
8 tremendous support of Health and Hospitals and I look
9 forward to taking your direction and questions.
10 Thank you.

11 CHAIRPERSON DROMM: Thank you very
12 much, Dr. Katz, and I can relate to your story about
13 your parents being here and getting care at Health
14 and Hospitals. Elmhurst Hospital saved my mother's
15 life three times, so we are very, very grateful for
16 the work that Health and Hospitals does and it's
17 lifesaving work. It's amazing, oftentimes, when I go
18 into the Elmhurst operat-- emergency room and see
19 all the traffic and the people that are there and
20 you're able to take care of each and every patient.
21 So we deeply appreciate that work. Now, that being
22 said, I do have to talk to you a little bit about
23 this budget reporting stuff that's going on. So as I
24 mentioned in my opening, it's unacceptable that you
25 only provided us with budget information less than
two days before the hearing. But even worse than

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION to get anything what you
4 provided us with is wholly unacceptable and lacking
5 in any sort of useful detail. Your entire 8.4
6 billion dollar budget was provided to us on a single
7 page. Do you think that providing that barebones
8 document is useful to the Council in terms of having
9 oversight over the funding that we give you?

10 DIRECTOR KATZ: Again, I'm sorry. It's
11 not my intention to provide an adequate information
12 and I certainly respect the Council's fiscal
13 responsibility to make sure every city dollars well
14 spent. I'm happy to and to be on these hearing to
15 provide whatever information you need. Whatever
16 information people want and a direct briefing.

17 CHAIRPERSON DROMM: What is the
18 constant delay?

19 DIRECTOR KATZ: I'm still new at New
20 York City. You know, I'm proud of the years that I
21 am spent working in healthcare, but I am still
22 learning our system. And as I understand it, the
23 timing of how OMB, the time of the year that they
24 need to the H & H budget does not comport well with
25 the timing of these hearings and so they would
normally get it done later on beyond these hearings.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ~~ON ENVIRONMENTAL PROTECTION~~- I'm still learning how
4 the process here works.

5 CHAIRPERSON DROMM: I'm glad to hear
6 that you will commit to giving us additional
7 information. What we would like to see is a
8 comprehensive budget report with each financial plan
9 that shows detailed headcount, spending, and revenue
10 information and what explains plan to plan changes in
11 your budget.

12 DIRECTOR KATZ: Understood.

13 CHAIRPERSON DROMM: So, let's schedule
14 that meeting and then we can discuss it further.

15 DIRECTOR KATZ: Great.

16 CHAIRPERSON DROMM: Okay.

17 DIRECTOR KATZ: Thank you.

18 CHAIRPERSON DROMM: New York City care.
19 The main goal of New York City care is to reduce
20 emergency department use and increase outpatient
21 preventative care. Do you have an itemized spending
22 plan for New York City care?

23 DIRECTOR KATZ: It is very much a work
24 in progress. What I can tell you is that my goal is
25 always to spend the money on patient care, and not
administration. So we have set the 80 percent of the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION, doctors, nurses, and support
4 staff in the clinics itself. 20 percent will be
5 spent on what one might broadly think of as
6 administration. The sound of that 20 percent, for
7 example, is the 24 hour seven day a week real person
8 helpline which, arguably, is a form of patient care.
9 It's just not a doctor or a nurse. We are in the
10 process of hiring seven primary care physicians who
11 will work in the Bronx and be able, therefore, to
12 expand their care. On average, primary care
13 physician would see about 1600 patients. So that
14 gives us an ability to see about 10,000 patients and
15 the initial time. We will ramp up, as necessary, and
16 we hope that as we provide more primary care which
17 has been the big hole in the system, we will see
18 decrease is an emergency room use in hospital use for
19 things that really should be cared for in the
20 outpatient area.

20 CHAIRPERSON DROMM: Recently, I met
21 with the New York State nurses Association. They are
22 major concerns that, even with the implementation of
23 New York City care, as well intended as it is, it's
24 going to impact their ratio of nurses to patients,
25 doctors to patients, as well. And that you are just

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION. People from the emergency
4 rooms to the New York City care. How do you respond
5 to that?

6 DIRECTOR KATZ: I fully intend to hire
7 more nurses. We have hired 340 in this year and that
8 wasn't--

9 CHAIRPERSON DROMM: [interposing] How
10 many left, Doctor?

11 DIRECTOR KATZ: Well, I'll have to find
12 out, but that is a net number. So, after filling
13 every nurse because, of course, people retire, we
14 netted 340 more nurses. So we are very much, I
15 think, in sync with NYSNA. I fully agree with them
16 that, unless there is sufficient nurse staffing,
17 hospitals are unsafe. And not more nursing leads to
18 better outcomes. I do think that the-- that the
19 potential for reducing emergency department use and
20 hospitalization is real because, frankly,
21 historically, if you called H & H and said you were
22 sick, you are told to go to the emergency room. So,
23 I mean, you know, that's real. And so, by now
24 directing people, we know when we have created
25 express care at Elmhurst. We've almost already
outgrown hours space and, yet, now people, instead of

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENT AND PROTECTION our waiting minutes and
4 getting care quickly and what is much more an
5 outpatient setting. So I think what we are committed
6 to and working with NYSNA and the staffing has to be
7 safe. It has to provide high quality care, whatever
8 the growths are, we will do our sentences and we will
9 do the appropriate number of nurses and it will be
10 based on patient care, not dollars. It will be based
11 on how many nurses are needed, not how many dollars
12 we have for nurses.

12 CHAIRPERSON DROMM: So, when people
13 come into New York City care and come into, let's
14 say, an emergency room and they are eligible for New
15 York City care, will you send them over to New York
16 City care? How will that work physically?

17 DIRECTOR KATZ: Right. So the goal
18 would be to-- I'll take one step back. Obviously,
19 when somebody comes into an emergency room with sub
20 sternal chest pain, right, you shouldn't mean doing
21 anything other than getting them care and I am highly
22 critical of hospitals that are, you know, asking for
23 insurance cards while people are bleeding on the
24 floor and I have seen this 100 times. So, you know,
25 in an emergency room, right. What you want to focus

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION need? But, in the
4 discharge from the emergency room, that's where we
5 want to say, you know, there is another path and part
6 of why, I think, express care is working so well is
7 that it's a hard sell if you have always gone to an
8 emergency room, to suddenly convince someone to go to
9 a different physical structure. Just like you,
10 people love Elmhurst. Right. They know somebody who
11 was saved at Elmhurst, right? So their allegiance is
12 to Elmhurst. And to get them to go to a different
13 clinic may not be so easy. To teach them, oh, but at
14 Elmhurst, we have express care where you don't have
15 to wait, right, not so difficult. And that's why we
16 have already outgrown our space in less than a year.
17 So I think-- You know, I'm very interested in how do
18 you make transitions easy. People don't change
19 health behavior overnight. They don't start going to
20 a primary care doctor because you said, you know,
21 here's the phone number. You have to help people to
22 make that transition.

22 CHAIRPERSON DROMM: And will you be
23 doing advertising for New York City care?

24 DIRECTOR KATZ: We will. I mean, again,
25 my focus is always-- I want to spend my money on

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 I want to always exceed
5 expectations. So I never want to be in a position
6 where I am advertising something that I don't yet
7 have good. So that's why we are rolling it out
8 borough by borough, area by area. I want to make
9 sure that everybody has a positive experience
10 because, otherwise, we will lose them and we will
11 lose faith in the program.

12 CHAIRPERSON DROMM: And so, yesterday,
13 the mayor was on television with the New York City
14 care card. How much will it cost to produce those
15 cards and to get people set up?

16 DIRECTOR KATZ: Do you know the cost of
17 the card?

18 JOHN ULBERG: Yeah. We don't-- We are
19 still working through that is part of the--

20 DIRECTOR KATZ: You should introduce
21 yourself.

22 JOHN ULBERG: Yeah. I'm John Ulberg.

23 DIRECTOR KATZ: CFO.

24 JOHN ULBERG: Good afternoon. Yeah. I'm
25 CFO. Thank you for having me. Yeah. These are
the-- We're still working through this as we, you
know, get ready to go live, you know, this summer.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION, the production, making sure that
4 we have the cards available, you know, at the point
5 of service and when we determine that the person is
6 actually eligible for NYC care. It's those things
7 we're working for now.

8 CHAIRPERSON DROMM: And, you know, I'm
9 the author of ID NYC and I was wondering if any
10 thought was given to including ID NYC as a New York
11 City care card.

12 DIRECTOR KATZ: So, we-- It's a very
13 thoughtful question and we went back and forth on the
14 advantages, the disadvantages. Shut it on the one
15 card? Should you be allowed-- should it be an
16 insert into that card? And I think where we landed
17 was that the fastest way was the separate card to
18 start, but look into the possibility. It has to do
19 with the, that you are more expert in, that the ID
20 card has some special features--

21 CHAIRPERSON DROMM: Uh-hm.

22 DIRECTOR KATZ: that would make the
23 adding in not so easy.

24 CHAIRPERSON DROMM: Uh-hm.

25 DIRECTOR KATZ: But, I think, going
forward it has a lot of pluses.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION: Uh-hm. I think one
4 of these shoes is the addition of a chip into those
5 cards and that is been contested by some of the
6 immigrant groups, as well. So-- All right. I think
7 that we should discuss that further. And, Dr. Katz,
8 I know when you worked in California, you were
9 supportive of a program that distributed surveys
10 allowing patients at the hospital system there to
11 self-identify as their gender identity or their
12 sexuality. What is the current process at H & H for
13 allowing people to do this? Is there a questionnaire
14 that you use that you can clarify any existing
15 questionnaires are used? I'm very interested in this
16 because I do believe that it's important for doctors
17 to know their patients sexual orientation and gender
18 identity.

18 DIRECTOR KATZ: I certainly agree with
19 you and I'll say, most broadly, since you began with
20 California, that although people think of California
21 as a progressive place, having nothing to do with me
22 but maybe perhaps your work and your colleagues, New
23 York is ahead. I mean, when I came, I mean, there
24 was some things I could look at and say New York is
25 behind, but on this issue, New York was ahead. I

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ~~ON ENVIRONMENTAL PROTECTION~~ has several pride clinics
4 and my Los Angeles system did not. New York City has
5 metropolitan, the only public hospital gender clinic
6 for people who need surgical solutions to enable them
7 to really fully be themselves. And so, I think New
8 York, because of your work and your colleagues, is
9 ahead. Yes, in the new system that we're using
10 throughout epic, there is a system of identification
11 that we worked with the advocates about to make sure
12 that all of the language is correct and that both
13 recognizes sexual preference and people who have non-

14 CHAIRPERSON DROMM: And how is that
15 asked for? Is it done on-- Like went to Northwell
16 and it was done on a separate sheet and then handed
17 to the woman, rather than asked for because I think
18 people tend not to want to say it.

19 DIRECTOR KATZ: Sure.

20 CHAIRPERSON DROMM: A lot of people
21 might not want to say it in front of somebody who is
22 standing behind them in line.

23 DIRECTOR KATZ: Right. And we agree
24 with that, right, that the right way-- so as it
25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION the exam room between
4 provider and the person.

4 CHAIRPERSON DROMM: Okay.

5 DIRECTOR KATZ: It's not done at
6 registration.

7 CHAIRPERSON DROMM: One of the
8 testimonies we heard during the preliminary budget
9 hearing expressed concern about intake forms and
10 their inaccessibility for transgender non-conforming
11 populations. Are you going to look at that form for
12 carefully? Is there any study of that form now that
13 you're on?

14 DIRECTOR KATZ: Now that you've said
15 that, I will go back immediately to the office and
16 find out what the issue is.

17 CHAIRPERSON DROMM: Okay.

18 DIRECTOR KATZ: And address it with you.

19 CHAIRPERSON DROMM: I know that there
20 have been some issues with it at Elmhurst Hospital
21 and we've dealt with them individually there, but
22 that has been an issue on occasion. The use of
23 pronouns also has been an issue.

24 DIRECTOR KATZ: Understood.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION: I complemented you
4 already on the Elmhurst Urgent Care, so I'm going to
5 skip that. I just want to ask about Elmhurst. I'll
6 take the Chair's privilege on this one to ask a
7 personal interest in Elmhurst Hospital, but I know
8 that there are plan to build the-- create or build
9 out the emergency room. Has that money been freed up
10 and are we ready to do a groundbreaking by the end of
11 the month?

12 DIRECTOR KATZ: So, yes. The money has
13 been freed up. Groundbreaking by the end of the
14 month--

15 JOHN ULBERG: I'm not-- there were
16 some delays in the design phase of Elmhurst. We
17 decided that it needed to be a little bit larger, so
18 we double the capacity there. There's also as well
19 as with the CPAP, right, we wanted to, you know,
20 replace the CPAP which treats emergency mental health
21 situations. So there could've been a delay there, we
22 can--

23 DIRECTOR KATZ: I will get back to you
24 on the date and we look forward to your being there
25 and I like the idea of city Council members taking
the personal privilege to have come out they love.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROTECTION: Well, thank you.

3 DIRECTOR KATZ: And I know several of
4 you love particular hospitals and I think that's
5 fantastic.

6 CHAIRPERSON DROMM: I think every
7 Council member who has a hospital--

8 DIRECTOR KATZ: To love a hospital--

9 CHAIRPERSON DROMM: adopts them. So--

10 DIRECTOR KATZ: Wonderful.

11 CHAIRPERSON DROMM: Because we know
12 how valuable they are. Last, let me ask you about
13 closing Rikers. We understand that H & H may create
14 or expand units to house Department of Correction
15 detainees as part of the project to close Rikers.
16 What options are you considering and what are the
17 budget implications of each option?

18 DIRECTOR KATZ: So, certainly I believe
19 that providing therapeutic units is the right thing
20 to do. It's the humane thing to do. It would
21 provide people with better, a higher level of care
22 and I think would ultimately enable rehabilitation to
23 happen more quickly. In terms of the city's process,
24 a new turn to Dr. Yang to explain. I understand an
25 RFP has been led up on that.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION I'm Patsy Yang. I'm
4 Correctional Health. We did retain a consultant
5 after a solicitation to examine feasibility in terms
6 of cost, fit, access, location, but as Dr. Katz
7 mentioned, we are looking at placing these
8 therapeutic units, which exist in the jails right
9 now, some of them within Health and Hospitals spaces.
10 So that access to the specialty care that somebody
11 might need on a regular basis is more available,
12 requires less transportation and escort by DOC, and
13 improves access to care and reentry because patients
14 become familiar with the providers in the hospitals
15 and the hospitals become familiar with the patients
16 while they are still incarcerated.

16 CHAIRPERSON DROMM: It's estimated
17 that about 40 to 50 percent of those who are on
18 Rikers are dealing with mental health issues. Is
19 there any plan for H & H to build or to deal with
20 some supportive housing for those folks?

21 DIRECTOR KATZ: Well, I'm a huge
22 supporter of supportive housing and, again, I'd take
23 a slight detour and say, because I thought it was so
24 interesting. Yesterday when I was seeing patients in
25 my primary care practice, I was about 30 minutes into

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION mentioned the time he
4 had spent in jail and prison. And part of what I
5 thought was interesting about it is I am always
6 telling people, it's the same people. Right? Right.
7 Someone-- Right. Whether they are in jail now,
8 whether they are in prison now, right, or out, that's
9 just a timeframe issue. Right. And our goal should
10 always be to take care of people in the best setting
11 possible and I was glad that he felt comfortable
12 enough to tell me that. It wasn't particularly
13 relevant to his medical care. But I think it shows
14 that we always want one standard of care. Right?
15 The best way to provide correctional health is to
16 provide healthcare. Right? It doesn't-- The fact
17 that somebody is in a jail setting should be make no
18 difference to the doctors, to the nurses, to the
19 other people. I would like to see more supportive
20 housing in general and I think that the best way
21 Health and Hospitals can do it is through land. We
22 had an opening of communal life at Woodhull and they
23 were at a-- what was once a parking lot, what a
24 great thing, turn on parking lot into supportive
25 housing. And they are interested in a second project
and they were showing me the land and they said,

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION this many units. I'm
4 like, well, why don't you use more of the parking
5 lot. And they're like, well, but you need parking.
6 I'm like, that's fine. We will build a parking
7 structure. Right? Land is too valuable. There
8 should be a New York City surface parking. Right?
9 We will build a three-level open-air parking lot.
10 You know, build-- show me what it would be like to
11 build more housing. I think there are a lot of
12 people who, if placed in supportive housing, would be
13 able to stay out of jail. And so, happy to work with
14 you in the Council on how we do more of those
15 supportive housing projects.

16 CHAIRPERSON DROMM: Okay. Thank you,
17 Doctor. And I'm going to turn it over now to Chair
18 Rivera.

19 COUNCIL MEMBER RIVERA: Hi, there. So I
20 guess we could start with NYC care. So, you
21 mentioned the hotline have been something that's
22 going to be integral in NYC care. It's 24-hour.
23 It's customer service. I imagine the language access
24 is going to be very much like what you provide now at
25 your H & H facilities. And I also imagine that there
have been some lessons learned from thrive NYC and

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 established in that program. What's
5 the anticipated costs of setting up the hotline?

6 DIRECTOR KATZ: Do you have a hotline
7 estimate cost?

8 JOHN ULBERG: No. We do not. Not yet. We
9 do not. But this is, again, part of our planning of
10 the budget.

11 DIRECTOR KATZ: So we don't have the--
12 what I do want to be clear is that my goal is that it
13 is very much a problem-solving hotline. It is not an
14 information hotline. It's not-- I don't want--
15 there are enough ways to find out how to get to a
16 clinic or what clinics are available. What I'm
17 really interested in is receiving the call of the
18 person who says, it's 9 o'clock at night. I just got
19 a prescription from the emergency room and I don't
20 have any way of paying for this prescription and the
21 pharmacy is closed. Where do I go? And being able--
22 the expansion of pharmacy hours, I mean, you know
23 this from Geuvenier (sp?). Geuvenier has a wonderful
24 pharmacy, but then what if it's closed and you need a
25 medicine? Right? I mean, there are ways and we did
this in Los Angeles of making available other
pharmacies so that people can get medicines at any

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION that's what we're going
4 for. We will tie it in. There's an obligation,
5 regardless, for any good primary care practice should
6 have a number to call. Right? Well, again, same
7 idea. What if you got your medicine on Friday
8 afternoon, but in the evening you're not sure how to
9 take it or you had an effect and you're not sure
10 whether it's due to the medicine or not. So, I see
11 the expansion of this line as part of what good care
12 should look like, but as soon as we staff it out-- I
13 will, just to tie it to another question. The site
14 of it is going to be, we're pretty sure, an empty
15 ward at one of our hospitals because we've talked
16 before about the idea of reusing hospital space.

16 COUNCIL MEMBER RIVERA: Do you know which
17 one?

18 DIRECTOR KATZ: So-- We think it's
19 going to be at NCB. NCB has a floor that's currently
20 not being used at all and so we're currently fitting
21 it out for whether or not there's enough room for the
22 number of call takers. But it's consistent with idea
23 of don't leave space empty while you're spending
24 money renting space. Use space that we already have
25 available.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 RIVERA: That's great. No.
5 and I know that we've talked about utilization of
6 space and how that could potentially, I think, be a
7 pretty important solution in terms of some of the
8 financial constraints that we're having and how
9 health care has changed. So, to NYC care, are you
10 going to roll out the service line per borough the
11 way that you're doing-- the way that you made the
12 announcement in the Bronx?

13 DIRECTOR KATZ: Yes. First, we want to
14 be sure-- This is a new program. That we get it
15 right. And that if we don't get it right, that we
16 are on a scale that we can make it right at the next
17 go live, if you will. So that's why we wanted to do
18 borough by borough. We wanted a geographic area
19 where I could make sure-- Because part of the
20 commitment here is that, when you call, you're going
21 to get a primary care appointment within two weeks.
22 It's no good to roll out the program and then you
23 call for primary care and they tell you, in six
24 months we can get you in. Right? From my point of
25 view, then it's a failure and we haven't done what we
said we're gonna do. So I need to be able to hire
enough physicians and nurse practitioners and

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION can be sure that when it
4 roll-- it opens, people get the primary care within
5 two weeks so they don't need to go to the emergency
6 department.

6 COUNCIL MEMBER RIVERA: So we're three
7 months from launch, right? More or less. And my
8 cochair, the Chair of Finance, asked a couple-- I
9 think a couple questions about NYC care. Do you have
10 a detailed roll out and, if you do, when will it be
11 available for us to look at budget lines? Will there
12 be budget lines for specific areas? We talked a lot
13 about the--

14 DIRECTOR KATZ: Sure.

15 COUNCIL MEMBER RIVERA: information and
16 communication and we want to be helpful. So--

17 DIRECTOR KATZ: I appreciate that. So,
18 yes. As we-- I mean, as we make decisions for the
19 operation, we're happy to share them. For example, I
20 mean, I already know starting by August 1, seven
21 primary care doctors and I know what their salaries
22 are and I know that-- and that equals a line item.
23 So as we're putting together the staffing plan, I'll
24 have specific dollar amounts.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 RIVERA: And you had a
5 visual of the card itself and where it says copays
6 and fees, they didn't have a number yet. So how were
7 you going to figure out some the fees and copays that
8 are going to be associated with NYC care?

9 DIRECTOR KATZ: Right. So the fees and
10 copays will fit our already existing sliding scales
11 which are quite generous. And the reason why it
12 doesn't-- it's blank on the example is, unlike an
13 insurance card that, say, you and I have as city
14 employees, we're all paying the same copay. We don't
15 intend that. Right? Some people who are going to be
16 in the program, their copay will be zero because they
17 don't have any income. Other people's copay might be
18 20 dollars. So, we're gonna follow the sliding
19 scale. The same sliding scale that we use. But,
20 again, I think part of the advantage of the card is--
21 I always think about new immigrants coming. How
22 would anybody know that these services were
23 available? How would they know that, if they go,
24 they won't get a bill? And the card will be tangible
25 proof, okay. If this is-- this is what you will pay
and you will pay no more than that. So it's not

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION, but in very different
4 in terms of transparency.

4 COUNCIL MEMBER RIVERA: When you mentioned
5 the space-- Well, in terms of the advertising
6 program, I think that something that is going to be
7 really important. You know, we have a lot of
8 concerns in terms of rollout. We want to be helpful.
9 When we have a hearing specifically on the thrive, I
10 think if the Council had been more involved, we could
11 have had a better outcome. I just feel like, you
12 know, we are on the ground and we know exactly what
13 communities need. So, when you mentioned the call
14 center for NYC care and going into a space that's
15 underutilized, very smart. It sounds very, very
16 efficient. You've mentioned in this before. You did
17 it in California, so we have high hopes. Where is H
18 & H in the process of using space more efficiently?

19 DIRECTOR KATZ: Well, you heard another
20 potential example and Dr. Yang's testimony. So the
21 possibility of putting therapeutic units that our
22 hospitals so that people who are currently
23 incarcerated would be able to get care and it's not
24 only a good use of the physical facilities, but it
25 decreases deputy time in transporting people. It

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION use the show rates because
4 people will be right there where we have specialty
5 care. It will mean people not-- inmates not waiting
6 for hours because of transportation time. So, I
7 think that's another major one. As I mentioned to
8 you at the preliminary hearing, some of the state
9 rules on reuse of buildings are a little tougher here
10 than California and, in that sense, I have found it
11 harder-- you know, had hopes of fairly quickly
12 creating therapeutic units and they are all likely to
13 work and no one has said no, but the number of steps
14 to do that is a little longer here in New York than
15 in California.

16 COUNCIL MEMBER RIVERA: I think that that
17 was always our concern for you is the rocker CU was
18 going to hold you back, but I realize procurement
19 also is in desperate need of reform. So, when we are
20 looking at-- you mentioned the state and there are
21 some in the state restrictions and the federal
22 climate is certainly no comfort when we are talking
23 about health care in helping the poor and our
24 immigrant communities and people that are
25 underinsured and undocumented, and H & H is that the
risk of 870 million dollars in loss from decreasing

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ~~ON ENVIRONMENTAL PROTECTION~~ and you mentioned that in
4 your testimony. How do you plan to make up for this
5 extreme loss of income? I know they weren't delayed.
6 2018 it was--

7 DIRECTOR KATZ: Right.

8 COUNCIL MEMBER RIVERA: delayed. We were
9 all very thankful.

10 DIRECTOR KATZ: Right.

11 COUNCIL MEMBER RIVERA: But that is some
12 serious cash. So, what is the worst case scenario?
13 Have you prepared a doomsday plan?

14 DIRECTOR KATZ: Well, the budget that
15 you have does assume that that cut happens, but then
16 it balances by having a large number of layoffs.
17 1600?

18 JOHN ULBERG: Yes.

19 DIRECTOR KATZ: Is it? So, there are
20 1600 layoffs that are attached to the loss of that
21 amount. And, frankly, I don't see how we could run
22 all of our existing facilities with 1600 fewer
23 people. So, I mean, I think that the horrible, you
24 know, loss of that cut would-- there would be a very
25 different H & H. I mean, obviously, it's our job to
always do the best we can with the available dollars,

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION would run the existing system
4 with 1600 fewer people.

4 COUNCIL MEMBER RIVERA: How would you
5 choose if you had to close a hospital? How did you
6 even go about making that decision?

7 DIRECTOR KATZ: That would have to be
8 with the administration and with the city Council,
9 but I very much hope not to be in that position. As
10 you know, coming, I think there were many people who
11 thought that was going to have to be what happened
12 and, through a lot of revenue generation, which we
13 have been very successful and when we see more
14 potential, but it's just such a large figure, the
15 dish cut, that I just don't see how we could get it.
16 Certainly it would require to not-- to replace that
17 money would be a huge strain on the city budget. You
18 know-- You and your colleagues know more about that
19 than I do.

20 COUNCIL MEMBER RIVERA: You don't think H &
21 H would be bailed out by the city if the funding is
22 cut?

23 DIRECTOR KATZ: Well, again, I'm new to
24 this. It's a very large number. And it gets larger
25 over time. I am hopeful that, with the Council

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION of Senate and Congress

4 support we have, and the fact that the dish cut
5 doesn't only affect public hospitals. So there are
6 also other constituencies who are making it clear
7 that we are talking multiple hospital closures in the
8 private sector if that were to happen.

9 COUNCIL MEMBER RIVERA: So, in your
10 testimony will also-- I'm going to ask you quickly
11 about at back and I know that some of my colleagues
12 have questions and we have been joined by Council
13 member Barron, Levine, Adams, Cumbo, Maisel, and
14 Richards. Great. So you mentioned in your testimony
15 you are successfully rolling out a single electronic
16 health record and financial system. We all know that
17 as at back, across all our hospitals and community
18 health centers. And I guess my question is what is
19 the update on the rollout? Is it still on track for
20 fiscal year 2021 completion?

21 DIRECTOR KATZ: Still on track. It
22 still successful. The doctors, nurses, receptionists
23 like it. It's working. It's a better way to chart
24 it. I chart mind now-- because my clinic switched
25 over. I can testify it's a better way. It leads to
better patient care and, as my CFO can attest, it

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION revenue capture because, in
4 order to get a fair payment from insurance, you have
5 to be able to send the bill that includes all of the
6 things that you do. So on Wednesday a patient of
7 mine needed an EKG, right? In the old system, I
8 doubt very much that that EKG would have ever made it
9 to an insurance bill because it is a separate thing.
10 But now, under at back, that EKG, because I have
11 ordered it on at back, well make it to the insurance
12 bill. And so, we are finding that were-- what we are
13 going to get paid will go up.

13 COUNCIL MEMBER RIVERA: And something else
14 you planned on-- You mentioned planning on doing is
15 hiring nurses. A net gain of 340 nurses. I plan to
16 hire more. And can you discuss a little bit the
17 strategy to ensure that there are going to be safe
18 ratios in your new nurse staffing model?

19 DIRECTOR KATZ: Sure. Well, the most
20 important thing, and my staff understand this and
21 this is why, in fact, we didn't make our expense
22 reduction. Is that nurse staffing is not a money
23 issue. It's a patient quality issue. You figure out
24 how many patients you have and you have to have a
25 sufficient number of nurses. If you don't have that

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION point of view, you
4 shouldn't be in business. Either you can run a
5 hospital safely or you can't. And there is no honor
6 in running a public hospital and safely. So, you
7 know, what my view is you look at the unit. You
8 figure out the census on any unit. Every unit is
9 different. Some-- it is true some days you have
10 higher acuity patients than other days. You may not
11 get it exactly right every single day, but that is
12 the basis. The problem we are still having, and
13 that's why you still get reports from constituents
14 that the staffing was not appropriate. We have two
15 issues. One is, in some cases, we are not able to
16 hire a sufficient number of nurses for in technical
17 areas. ICU, neonatal, operative, emergency room. M
18 we hope to work with NYSNA in a new contract
19 negotiation to reflect what we think the salaries and
20 benefits need to be in order to be competitive. And,
21 in some cases, our Health and Hospitals business
22 model may not be very good. So, for example, we hire
23 nurses who are just out of training. Just out of
24 their college and then we train them for six months
25 because we accept nurses who don't have experience.
Then, after a year or two, if we don't have the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION, they leave. So, meanwhile,
4 we have paid for the training only for a private
5 hospital to benefit from their experience. And we
6 want to work with NYSNA and we have a great
7 relationship with NYSNA. We love them. They love
8 us. We are committed together to do the right thing.
9 These kinds of issues have to be addressed in order
10 for us to have an adequate number of nurses.

11 COUNCIL MEMBER RIVERA: No. The nurses are
12 incredible and NYSNA, I know, is doing tremendous
13 work organizing and ensuring that we have a safe
14 staffing model. Just one more question, I guess,
15 before I turn it around my colleagues, is there a
16 specific budget plan to address the serious issue of
17 maternal morbidity?

18 DIRECTOR KATZ: Through your help, the
19 city Council's help, the Mayor's administration, we
20 are increasing care management specifically for women
21 focusing on Brooklyn and the Bronx and Upper
22 Manhattan and those-- which are the areas where we
23 seeing the negative maternal outcomes. And we thing
24 with-- that a lot of it could be improved by getting
25 women into care and that the best way to get women
into care is to have care managers who look like

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION ethnic groups, who can help
4 lead them into appropriate care. So it is an area we
5 are expanding. I would say our Chief Medical
6 Officer, Dr. Alan, who is an obstetrician herself,
7 has reviewed our data and our data exceeds the
8 state's data. That is, we have better maternal
9 outcomes than the state of New York as a whole. But
10 there's still more to do.

11 COUNCIL MEMBER RIVERA: But is there a
12 specific budget for this program?

13 DIRECTOR KATZ: Yes.

14 JOHN ULBERG: Yeah. I think we are in the
15 process of kind of looking at and realigning our
16 resources, you know, Ted is set for and we can, you
17 know, provide you, you know, the exact numbers that
18 we have.

19 COUNCIL MEMBER RIVERA: So you don't have a
20 number on the right now?

21 JOHN ULBERG: I don't have it right now,
22 but yeah.

23 DIRECTOR KATZ: But I know we're hiring.
24 I mean, I've--

25 JOHN ULBERG: Yes.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION I've met with Dr. Allen
and she was reviewing with me the specific positions.

4 JOHN ULBERG: Yeah.

5 DIRECTOR KATZ: So it's just a question
6 of getting you the detail. We're not waiting. We
7 have the plan.

8 JOHN ULBERG: Yeah.

9 DIRECTOR KATZ: We just have to supply
10 the dollars going into it.

11 COUNCIL MEMBER RIVERA: We're going to turn
12 it over to Chair Dromm.

13 DIRECTOR KATZ: Sure.

14 COUNCIL MEMBER RIVERA: Thank you, Dr.
15 Katz.

16 DIRECTOR KATZ: Thank you.

17 CHAIRPERSON DROMM: Thank you. Just
18 to follow up on what Chair Rivera is talking about
19 with the nurses, they were asking for about 120
20 million dollars in funding temporary staffing to the
21 level of where they feel it means to be. Do you
22 intend to include that in your request from the
23 Council? I haven't seen actually-- I haven't
24 actually even seen what it was that you have
25 submitted to the Council, so I don't know.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION Okay. Well, so the
4 current submission includes the continuation of the
5 340 nurses. My assumption is that going into
6 negotiations with NYSNA were going to make some
7 decisions together and they understand, right, the
8 whole point of it is for system to do well and they
9 are as committed to the success of H & H as anyone.
10 To Health and Hospitals. So, but I don't yet know.
11 I don't have a-- there is not a 120 million asking
12 the budget currently.

12 CHAIRPERSON DROMM: And, Doctor, when
13 do those nego-- when do those negotiations start?

14 DIRECTOR KATZ: June. The contract
15 expires June 1.

16 CHAIRPERSON DROMM: All right. Thank
17 you. Let's go to Council member Levine followed by
18 Richards.

19 COUNCIL MEMBER LEVINE: Thank you, Chair
20 Dromm, and thank you very much to Chair Rivera for
21 her great leadership on this committee and it's great
22 to see you, Dr. Katz. Always. In a very terrible
23 move, the state cut an important public health
24 funding stream called article 6 which really is
25 critical for health services to some of the most

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION am wondering whether this
4 has had any impact on the H & H system as far as you
5 know.

6 DIRECTOR KATZ: No.

7 COUNCIL MEMBER LEVINE: Okay.

8 DIRECTOR KATZ: No.

9 COUNCIL MEMBER LEVINE: That's good to
10 know. Mostly impacting Department of Health, for
11 sure.

12 DIRECTOR KATZ: Yeah. That I've heard.

13 COUNCIL MEMBER LEVINE: And also many--

14 DIRECTOR KATZ: Yep.

15 COUNCIL MEMBER LEVINE: many, many CBLs
16 working with everything from [inaudible 02:18:40]
17 epidemic to viral hepatitis and we're fighting to
18 restore those cuts. We share your passion for
19 helping undocumented immigrants' access primary care.
20 And, of course, you're been a national leader in
21 that. It is essential for the health of hundreds of
22 thousands of New Yorkers and, as you articulated,
23 it's important for the health of the public hospital
24 system. And so we want to make sure that NYC care is
25 implemented in the most comprehensive and impactful
way possible and I-- As Chair Rivera mentioned, that

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION nonprofit community
4 clinics, AKA FQHC's that are on the ground in
5 immigrant communities with decades of history with
6 language competency and cultural sensitivity and the
7 great programs you designed in San Francisco and in
8 Los Angeles, of course, included those community
9 clinics from the outset. Can you explain the
10 reasoning of why we had not included FQHC's? I know
11 that H & H has its own network, but--

11 DIRECTOR KATZ: Right.

12 COUNCIL MEMBER LEVINE: the broader world
13 of CBO nonprofit FQHC's.

14 DIRECTOR KATZ: Well, first, thanks for
15 the leadership on the article 6. It may not affect
16 us directly, but it will certainly affect us
17 indirectly.

18 COUNCIL MEMBER LEVINE: Yes.

19 DIRECTOR KATZ: Right? I mean, health
20 is not a separable issue and when the public health
21 is not well traded, then what you see is more disease
22 and more hospital costs. So thank you for your--

23 COUNCIL MEMBER LEVINE: Absolutely.

24 DIRECTOR KATZ: leadership on. You
25 know, NYC care is very much a work in progress and I

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION that is unchangeable or
4 static in any way. Certainly we value the FQHC's.
5 It seems to me that is that we want to work with
6 them. One is we have issued an RFP for outreach
7 services so that people are brought in by people
8 they, you know, feel comfortable with and are led to
9 the right clinic and the right provider. And then I
10 secondarily that four FQHC's, the-- they have
11 problems getting specialty care because the FQHC, as
12 you know well, is an expert in how the primary care
13 funding works doesn't include things like oncology.
14 Or urology, right? So, then we are faced with a
15 patient take care of and no way to get them to see
16 the urologist or the oncologist. And so we want to
17 make it-- and this is something we did in LA, that
18 the FQHC's had the same access to specialty care that
19 an LA doctor did who worked in the public system.
20 And I want that here. I want, through the consult
21 system that a patient of the FQHC's would be seen by
22 urologist just as if I had referred them. So, I
23 think there are these areas where we can work and,
24 again, I'm open to further discussions as the program
25 rolls out.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION. COUNCIL MEMBER LEVINE: Well, we have a
4 problem with, as you're well aware, with the sharing
5 of information between the community clinics and the
6 public hospitals so that when they refer a patient,
7 they know whether they arrived to their specialty
8 appointment. Whether there was follow up for
9 important--

10 DIRECTOR KATZ: Right.

11 COUNCIL MEMBER LEVINE: information that
12 was needed. And I understand you are working on
13 that. The that, even independent of the launch of
14 this program, we-- I think we need to fix the
15 communications problem.

16 DIRECTOR KATZ: Agreed.

17 COUNCIL MEMBER LEVINE: I know I am over
18 time, so just very, very quickly, if it's okay with
19 the Chair. You mentioned that outreach, and your
20 mind, showed it to avert funding from clinical care
21 and I hear you on that. But we need to reach the
22 uninsured before they show up in the emergency room
23 or may be twice. I'm not sure what the trigger is.
24 We need to reach people in communities where they are
25 with trusted intermediaries. Again, that's community
groups on the grounds and not necessarily FQHC's, but

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION community rooms that have
4 relationships and have built a trust with the
5 community that are uninsured. And some of that may
6 actually be good old-fashioned advertising on the
7 subways. I am not sure I have thought that far
8 ahead. But the idea is it takes a lot to roll a
9 program out in New York City and we want to reach
10 people proactively. Prevention is the name of the
11 game. That's really the idea behind primary care and
12 so we do encourage you to think about back kind of
13 proactive investment as the program grows. And very
14 quickly and then I'll let you weight in, if you want,
15 but the helpline that you described problem-solving--
16 I haven't heard you mention whether people can answer
17 questions like my chest is hurting, should I go to my
18 local clinic or should I come in to your emergency
19 room or other clinical questions that require someone
20 who has got different kind of training from simply
21 administrative types of questions.

21 DIRECTOR KATZ: Sure. So, first, thanks
22 for those suggestions and direction and we will
23 follow up on it. Yes. The line would-- While it
24 won't be answered by nurses and doctors, they will be
25 able to refer it in real time, not as a call back

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION and nurses on call. So
4 it, basically, ratchets up depending if your question
5 is what pharmacy do I go to? Right. You don't need
6 a registered nurse. Right. But if it's a triage
7 question, then you need a registered nurse. If it's
8 this medication causing me the problem? Then you
9 need to talk to the physician. And so, we will move
10 it up depending on what the call is.

10 COUNCIL MEMBER LEVINE: Okay. Thank you,
11 Dr. Katz.

12 DIRECTOR KATZ: Thank you.

13 COUNCIL MEMBER LEVINE: Thank you to both
14 of our Chairs.

15 CHAIRPERSON DROMM: Thank you. Council
16 member Richards?

17 COUNCIL MEMBER RICHARDS: Thank you,
18 Chairs. Just two questions. Last month we had a
19 hearing with ACS on patients being tested for
20 marijuana. What is your policy on that?

21 DIRECTOR KATZ: So, first, thank you for
22 that hearing and it has caused us to look closely at
23 all our policies and we intend, you know, to revise
24 them to reflect the direction of you and your
25 colleagues in that hearing. And then, the purpose of

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ~~ON ENVIRONMENTAL PROTECTION~~ person, right? And so,
4 any testing should be based on a medical need to help
5 the person and should be done with their full consent
6 and there shouldn't be any other testing, right?
7 Our-- We are medical care providers. Right? Our
8 need for testing should only be because it benefits
9 the person and if they have any risk in that because
10 of finding out, then they need to consent to it. So
11 I appreciate that you ran that hearing and I think
12 that the direction of the city council is correct and
13 will help us.

13 COUNCIL MEMBER RICHARDS: And Dave track
14 the amount of tests that specifically have been run
15 on patients over marijuana?

16 DIRECTOR KATZ: Right. I mean, I think
17 that the challenge that we have is we have the tests,
18 but not necessarily the reason. So, for good or for
19 bad, for example, it's a very common thing someone
20 comes to my practice and asks me to do urine testing
21 because they needed for their employer, right. So,
22 obviously, completely different scenario than what
23 you are talking about. It hasn't been easy for us
24 because we have the data on the tests done, but it
25 doesn't say, you know, was this test done because

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 Katz and said, could you
5 please do this for my employment, versus other
6 things. But what came out of, I think, loud and
7 clear, and again I think you for your leadership on
8 your committee, is we are medical providers. Testing
9 means to only be done because there is a medical
10 reason that will benefit the person and with their
11 consent. Then there is no other reason for testing.

12 COUNCIL MEMBER RICHARDS: Right. And it
13 is this information, I'm assuming-- Does ACS come to
14 you and request this information or how does that
15 work?

16 DIRECTOR KATZ: No. ACS does not. Has
17 not.

18 COUNCIL MEMBER RICHARDS: Okay. All
19 right. Okay. Last question. Just on healthcare in
20 particular I want to focus on the Rockaways
21 specifically because we are about to go through
22 another rezoning and population growth is, obviously,
23 doubling at this point. Rockaways on your radar? Is
24 there any plans to look at an H & H facility out
25 there were clinic?

DIRECTOR KATZ: Well, Rockaways are
always on my radar because I'm telling my daughter

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION New York City and give up a ways
4 of Malibu because you are going to serve in the
5 Rockaways. It's great surfing, so it's almost on my
6 daily vocabulary, the Rockaways. But, yeah. We are
7 interested in looking at them. I mean, I think
8 clinic was the right level.

8 COUNCIL MEMBER RICHARDS: Uh-hm.

9 DIRECTOR KATZ: I think that there would
10 be an opportunity for us there and, you know, it is
11 an area, as you say, you know, that we recognize is
12 growing and, as our health plan, Metro plus, grows
13 and we want to attract more city workers, we need to
14 have clinics that are available where people live.
15 And we will--

16 COUNCIL MEMBER RICHARDS: Okay.

17 DIRECTOR KATZ: be working on it with
18 you.

19 COUNCIL MEMBER RICHARDS: Thank you so
20 much, Chairs. I look forward to continued dialogue.
21 Thank you.

22 DIRECTOR KATZ: Thank you.

23 CHAIRPERSON DROMM: Chair Rivera?

24 COUNCIL MEMBER RIVERA: Just a couple
25 things and then I know we are going to wrap. The E

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION member Levine mentioned

4 and the FCHS's and CBO's having access, I just wanted
5 to ask whether you would be issuing any regular
6 reporting on that or how often would the training be.
7 I don't know if you have that information now?

8 DIRECTOR KATZ: I don't, but I would be
9 happy to work with you on that.

10 COUNCIL MEMBER RIVERA: Okay. Great. And
11 then, the other thing is you mentioned her into
12 seeing ancillary staff that leaves nurses to take on
13 additional work. And so, just making sure that you
14 all are thinking about and aware of how that impacts
15 the nurse and safe staffing ratios.

16 DIRECTOR KATZ: Oh, very much so. And I
17 view it all as staffing. For example, if you don't
18 have enough personal care attendants and, therefore,
19 the registered nurses are changing linen, bringing
20 people water, things that have to happen, then you
21 don't really have enough registered nurses anymore.
22 Right? Because they are not doing registered nurse
23 work. They are changing the bedding. So I think any
24 good staffing plan has to look at all of your
25 staffing.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION. COUNCIL MEMBER RIVERA: And then, lastly,
4 directly budget related. I know that you're looking
5 to cut what you feel is excess costs, whether it's
6 the consultants or whatever else that kind of really
7 does impact the budget. You know, we've have--
8 We've been reached out to repeatedly about temps.
9 Temps in the administrative position, temps that are
10 out, you know, in the hospital. And so, I know that
11 you are looking to cut fees and I asked that. I know
12 you've been in touch with multiple representatives of
13 these groups of certain positions and if you could
14 just keep those, that communication open and ongoing
15 because a lot of the people that have been in these
16 hospitals for many years are dedicated and in
17 commitment in a way that no temp could ever be. And
18 so I just wanted to make sure that we are
19 highlighting those committed H & H employees
20 specifically have been there a long time.

20 DIRECTOR KATZ: Totally agree. Thank
21 you.

22 COUNCIL MEMBER RIVERA: Thank you. Thank
23 you, Chair Dromm.

24 CHAIRPERSON DROMM: Okay. Thank you
25 very much. Thank you, Dr. Katz, for coming in.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION. We're going to take a

4 five minute break and then we will resume with the
5 Department for Environment Protection, DEP.

6 [background comments]

7 [gavel]

8 CHAIRPERSON DROMM: Okay. We'll now
9 resume the city Council's hearing on the Mayor's
10 executive budget for fiscal 2020. The Finance
11 Committee is joined by the Committee on Environmental
12 Protection, chaired by my colleague, Council member
13 Costa Constantinides. We just heard from Health and
14 Hospitals. We will now hear from Vincent Sapienza,
15 Commissioner of the Department of Environmental
16 Protection. In the interest of time, I will forgo an
17 opening statement, but before we hear testimony, I
18 will open the mic to my cochair, Council member
19 Constantinides.

20 COUNCIL MEMBER CONSTANTINIDES: Thank
21 you, Chair Dromm. I'm going to make sure my remarks
22 are brief. Good afternoon. I am Costa
23 Constantinides, Chair of the Committee on Environment
24 Protection and I find it unfortunate that the
25 Committee on Environment Protection, which has
purview over all citywide environmental issues, does

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION question the Mayor's
4 Office of Sustainability today during a budget
5 hearing in relation to sustainability and projects.
6 Specifically, the new implementation of the CMA which
7 has-- It's a pretty big deal. Since we are not able
8 to come to that agreement, the committee and the
9 Council will take its action to work forward on intro
10 1399 to eventually have that power. Forward to a
11 letter to talk about all things environment and
12 sustainability in the future at these hearings that
13 are so very important. Now, on to the DEP budget
14 hearing. Today, this committee will address the
15 Mayor's fiscal 2020 executive budget for the
16 Department of environmental protection. This
17 committee looks forward to hearing more about why the
18 Council's budget response recommendation for derelict
19 boats was not included in the executive budget, but
20 our saving proposals were. An update on the agency's
21 four-year capital plan and a 10 year capital
22 strategy, and efforts to bolster sustainability and
23 green infrastructure across DEP projects citywide.
24 Commissioner Sapienza, I think you for your service
25 and, although you are team, all that you do and look

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION and you and your agency.

3 Thank you, Chair Dromm.

4 CHAIRPERSON DROMM: Thank you very
5 much. And, Council, will you please swear in the
6 witnesses?

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

10 CHAIRPERSON DROMM: Okay. Please
11 begin.

12 COMMISSIONER SAPIENZA: Good afternoon,
13 Chair Constantinides, Chair Dromm, and members of the
14 Committees on both Environmental Protection and
15 Finance. My name is Vincent Sapienza. I'm the
16 Commissioner of the New York City Department of
17 environmental protection. Joining me at the table
18 today is Deputy Commissioner Michael DeLoach, our
19 Chief Financial Officer Joe Murin, and we have
20 members of the senior team in the first row to help
21 answer questions. I'm here to speak on the FY 20
22 executive budget for DEP. Before I begin, I would
23 like to acknowledge the hard work and professionalism
24 of DEP staff. This week, JD power and Associates
25 announce that, once again, DEP has been ranked number

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 customer satisfaction for
5 water utilities and we have also been ranked number
6 sex and customer satisfaction nationally, which is
7 the highest rank we have ever received. Proud of
8 this since and of the high quality service that we
9 provide to our constituents in the city and upstate.

10 Some budget highlights. DEP's vision is
11 to be a world-class water and wastewater utility
12 while building a sustainable future for all New
13 Yorkers. As I have discussed during our preliminary
14 budget hearing and large, DEP's budget, along with
15 our strategic plan, ensuring that we allocate our
16 resources effectively. Our FY 20 budget reflects our
17 critical mission to enrich the environment and
18 protect public health. The projected expense budget
19 for the current fiscal year, FY 19, is almost 1.13
20 billion dollars. For FY 20, the expense budget is
21 projected to be almost 1.37 billion dollars. More
22 than 41 percent of the expense budget is dedicated to
23 personal services. Our FY 20 executive budget is
24 largely in line with our preliminary budget, but some
25 additional funding been included. The executive
budget also includes new needs that were not in the
preliminary plan. Our expense budget new needs for

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION
4 biosolids disposal, and the installation of green
5 infrastructure. Our capital budget has 293 million
6 dollars in new needs for projects such as green
7 infrastructure in Southeast Queens, blue belts, water
8 mains and sewers, and rezoning work in Long Island
9 city. DEP's 10 year capital plan as a budget of
10 20.11 billion dollars. The majority of this budget
11 is dedicated to [inaudible 02:46:56] repair work or
12 upgrades to our facilities to keep them functioning
13 effectively and efficiently. About one quarter of
14 the capital budget is dedicated to mainly the
15 requirements of various environmental mandates. The
16 construction of sewers and water mains make up the
17 next two largest investments. All of these efforts
18 ensure that our water, sewer, and wastewater systems
19 will continue to serve the city's needs today and
20 into the future. And we have a pie chart to the side
21 that described that. On savings, DEP is responsible
22 to tax payers, ratepayers, and all New Yorkers to
23 ensure that we allocate money and resources
24 effectively. We look for ways to improve processes,
25 identify potential problems, and ensure that
investments are worthwhile. Our FY 20 budget

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION savings without eliminating
4 any programs or hurting services. And these include
5 2.8 million dollars for the current filtration plan
6 maintenance contract, 2.5 million dollars for
7 glycerol savings from our nitrogen treatment on our
8 water resource recovery facilities, one and a half
9 million dollars for fleet initiatives, and 1 million
10 dollars for residual disposal. Our investments to
11 maintain compliance with our filtration avoidance
12 determination around and the upstate watershed
13 ensures that our drinking water supply remains
14 pristine and that we do not need to build a costly
15 filtration system. New York City is just one of five
16 cities that are authorized to provide unfiltered
17 drinking water to its customers. We recently
18 launched a Trash It, Don't Flush It campaign
19 reminding people to flush only bodily waste and
20 toilet paper down the toilet. DEP spends nearly 19
21 million dollars each year to clean clogged sewers,
22 respond to sewer backups, dispose of wipes, and
23 repair damaged machinery. It can cause the property
24 owner more than 10,000 dollars to repair household
25 plumbing damaged by grace and wipes. Our Trash It,
Don't Flush It campaign aims to protect

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL CONSERVATION avoid these expenses, and
4 keep the city FAD [inaudible 02:48:57] free.

5 And just on some budget and strategic
6 plan. DEP's mission is to enrich the environment and
7 protect public health for all New Yorkers by
8 providing high quality drinking water, managing
9 wastewater and storm water, and reducing air, noise,
10 and hazardous materials and pollution. As I
11 discussed at our preliminary budget hearing in March,
12 DEP's budget aligns with our strategic plan called
13 Enriching Our Legacy, which we released last year.
14 Using our strategic plan as a budget roadmap ensures
15 that our budget is holistic and forward-looking as
16 the Council called for in the preliminary budget
17 response. In order to provide world-class and
18 sustainable water and wastewater services, we are
19 dedicating more than 1.2 billion dollars to meet
20 mandates related to the Kensico Eastview connection
21 tunnel, more than 980 million dollars to reinforce
22 the structural integrity of the Ashokan Reservoir and
23 the Catskill Aqueduct pressure tunnels, more than 600
24 million dollars or dependability projects related to
25 the expansion of city water tunnel number three, and
another 21 million dollars to the Delaware Aqueduct

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION project totaled to more
4 than 1 billion dollars overall. In addition to these
5 capital investments, nearly 13 percent of our expense
6 budget, 167 million dollars, is dedicated to paying
7 taxes on upstate watershed lands, which helps us to
8 protect our drinking water sources. In order to
9 control local sources of pollution, we are dedicating
10 more than 2.9 billion dollars to reduce combined
11 sewer overflows, or CSO's, 62 million dollars for
12 chemicals needed for our water supply and wastewater
13 treatment, and about 62 million dollars for about
14 1400 tons of biosolids that our plants manage each
15 day. We are continuing our green infrastructure
16 projects throughout the city. To date, we have
17 constructed 4500 green infrastructure assets and over
18 5000 assets are going into construction in 2019.
19 Just as important, since 2014, we have added nearly
20 100 green jobs that provide maintenance and operation
21 of green infrastructure. We just released our green
22 infrastructure annual report which contains details
23 on all aspects of the green infrastructure program.

23 In efforts to mitigate climate change,
24 DEP is actively working to reduce greenhouse gas
25 emissions as part of the One New York, the plan for a

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION's goal to reduce emissions
4 up by 80 percent by 2050. DEP reduce our greenhouse
5 gas emissions by 23 percent between 2006 and 2018.
6 About eight percent of our expense budget, 109
7 million dollars, is spent on energy. To reduce this
8 use and expense, we are investing in energy-efficient
9 equipment and expanding the use of solar,
10 photovoltaic hydroelectric, wind, geothermal, and
11 other zero mission systems. Our Port Richmond plant
12 on Staten Island has the largest solar panel
13 installation, a 1.3 megawatts system, on any city-
14 owned property. As we mentioned during the March
15 hearings, we continued into increase our productive
16 use of biogas and biosolids. More than half of our
17 digester gas will be beneficially used by the end of
18 this year. In order to increase public awareness of
19 our operations and improve service to our customers,
20 we are developing more user-friendly ways for
21 customers to access their water use and account
22 information. We continue to look at creative methods
23 to improve our customer service. For example,
24 ratepayers can track water usage and account
25 information with any Amazon Alexa enabled device.
Once users enable the New York City DEP scale on a

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION for your account

3 information. More importantly, we are investing more
4 than 20 million dollars to update our customer
5 information system. The new system will be more
6 user-friendly and improve DEP's internal system. The
7 project is progressing on time and on budget and we
8 began implementation on April 2nd and expect the
9 system to go live in early 2021.

10 DEP strives to cultivate a diverse and
11 highly qualified workforce to meet future challenges.
12 We have worked with local nonprofits and job
13 placement programs to create career opportunities for
14 historically underrepresented communities. Since
15 2014, we have held green job recruitment events. The
16 most recent event was an interview pool this past
17 February. We organized this event in partnership
18 with a number of local labor unions, job placement
19 programs, nonprofits, colleges, and other city
20 agencies. As I mentioned, and March, we project a
21 green job staffing program to have 163 people on
22 staff by FY 20, which is about twice the number that
23 we had in FY 17. The program includes about 50
24 positions for seasonal workers annually, which may
25 lead to full time opportunities for people who are

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION DEP maximizes operational
4 efficiencies by using data effectively. DEP examines
5 hundreds of thousands of data points every year which
6 childcare and water quality and can identify possible
7 issues. We use predictive analytics to identify
8 patterns and opportunities for improvement. To that
9 end, we are dedicating 72 million dollars to replace
10 old and inaccurate water meters. Many old water
11 meters undercount water use. These replacement make
12 collections more equitable and help DEP recover lost
13 revenues. Predictive analytics another technology
14 can also support our goals for optimizing
15 performance. We are expanding resource recovery at
16 our wastewater resource recovery facilities. Our
17 field teams are increasingly using tablets, improving
18 their productivity and increasing accuracy and
19 safety. We continue to identify opportunities to use
20 innovative technology and improve operations. DEP
21 provides more than 1 billion gallons of clean
22 drinking water to New Yorkers every day, plus an
23 additional 100 million gallons to elite neighboring
24 counties. Our infrastructure is vast. Our drinking
25 water comes from a series of 19 reservoirs and three
controlled lakes over nearly 2000 square miles

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 Mountains and Hudson
5 Valley. DEP has approximately 7000 miles of water
6 mains, tunnels, and aqueducts that deliver clean
7 water and approximately 7500 miles of sewer lines to
8 take wastewater to one of our 14 wastewater recovery
9 facilities. DEP is proud of the quality services we
10 provide to New York City. The city's drinking water
11 is widely considered among the best in the world. It
12 meets or exceeds every national and state quality
13 standard. Our wastewater treatment and resource
14 recovery efforts have contributed to making the
15 harbor cleaner than it has been and 140 years. In
16 addition, DEP works to improve air quality, reduce
17 noise pollution, and protect people from hazardous
18 substances like asbestos. Our success is accredited
19 to the nearly 6000 employees, nearly 1000 of homework
20 in the watershed. DEP scientist performed more than
21 650,000 analyses in 2018 throughout the reservoir
22 system and from the nearly 1000 street side sampling
23 stations across every neighborhood in the city.
24 Robotic monitoring stations perform another 1.3
25 million tests.

24 Just a little bit on the water rate. All
25 of our operation and capital water related expenses

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION sewer rate payments. The
4 water board recently announced proposed thing a rate
5 increase of 2.13 percent for the upcoming fiscal
6 year. For the average single-family home owner in
7 New York City, this would mean an increase of about
8 22 dollars per year. The proposal keeps the minimum
9 daily charge at one dollar 27 cents per day,
10 remaining consistent since fiscal year 14. The
11 proposal extends the home water assistance program
12 for low income homeowners and the multifamily water
13 systems program for units within multifamily housing
14 properties. The proposed rates would keep New York
15 City's water rate well below the national average for
16 large cities. The water board will hold a rate
17 hearing in each borough over the next several weeks
18 and will vote on whether to approve the proposed rate
19 at the next meeting. If the rates are approved, they
20 will go into effect July 1st. I think you for the
21 opportunity to testify today and my colleagues and I
22 are happy to answer questions that you may have.

22 CHAIRPERSON DROMM: Okay. Thank you
23 much and I want to start off with a thank you, also,
24 to Michael DeLoach for working with me to get fire
25 hydrants fixed in my neighborhood. And I am most

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 Thank you. Let me-- since you brought up your
5 employees, one of the things I am not aware of is to
6 you have a demographic breakdown of your employees by
7 gender and sex and by race?

8 COMMISSIONER SAPIENZA: We may not have
9 that today, Mr. Chair, but we will send it over to
10 you later today.

11 CHAIRPERSON DROMM: Okay. But you have
12 that information?

13 COMMISSIONER SAPIENZA: We do have that.
14 Yeah. And it's something we closely look at.

15 CHAIRPERSON DROMM: Okay. Do you have
16 any estimates of what that looks like?

17 COMMISSIONER SAPIENZA: Just in general,
18 staff represents the diversity of the city of New
19 York other than gender. We are heavily male weighted
20 and a lot of our blue-collar titles are primarily
21 male.

22 CHAIRPERSON DROMM: And is that true of
23 the administrative level?

24 COMMISSIONER SAPIENZA: On the
25 administrative level, I think we are more gender
balanced.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL CONSERVATION:

CHAIRPERSON DROMM: Okay. Another
4 topic. The flushing combined sewer and sanitary
5 overflow project, I think it's been delayed a few
6 times. Do you have a timeline now to design and
7 build it?

COMMISSIONER SAPIENZA: So, this is the CSO
8 tunnel.

CHAIRPERSON DROMM: Uh-hm.

COMMISSIONER SAPIENZA: For Flushing.
9 Yeah. So, it-- the Flushing Bay and Flushing Creek
10 areas yet combined sewer overflows when there are
11 heavy rainfalls. Several years ago we build a 40
12 million gallon storage tank as part of a way to
13 reduce the amount of overflows and that tank has
14 worked very well to reduce overflows into Flushing
15 Creek, but we're now looking at building an even
16 larger storage tunnel to reduce overflows into
17 Flushing Bay. I don't have the timeline with me now,
18 but it's something we've been working the New York
19 State Department of Environmental Conservation on
20 moving forward. The project will be in excess of 1
21 billion dollars.
22
23

CHAIRPERSON DROMM: How much?

24
25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL SPONTANEA: 1 billion dollars

4 to build the tunnel, but it's something we're
5 actively working with the state on.

6 CHAIRPERSON DROMM: Okay. Let me go to
7 the storm water fee. It's estimated that 72 percent
8 of the city's service area is impermeable which means
9 storm water is not retained on site, but it is rather
10 directed to our sewer system and DEP spends nearly
11 700 million dollars per year on storm water related
12 expenses. Storm water expenses are largely paid out
13 of charges levied on the volume of water consumed
14 with no correlation between consumption and the
15 quantity of water, storm water generated by the
16 property. This raises an equity concern. In
17 response, DEP is in the process of conducting an
18 impervious service areas studied to map out the
19 impacted area citywide. So do you know when that
20 report is going to be released?

21 COMMISSIONER SAPIENZA: Yeah. So, Mr.
22 Chair, so we've-- we're hiring a consultant to help
23 us with the study. And just as a little bit of
24 background, every property owner pays their water and
25 sewer bill based upon their consumption of water. So
if you've got a large box store and I will call out

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION as a parking lot, you may
4 only be paying a water and sewer fee based upon the
5 two bathrooms that you have and, meanwhile, when it
6 rains and there's thousands of gallons of runoff from
7 the parking lot into the sewer system, that has to be
8 pumped and treated. So we want to more equitably be
9 able to have those costs spread to the property
10 owners that need to pay more and potentially reduce
11 costs on those who have less permeable surfaces. So
12 that's what the study will do. We are working on
13 mind in conjunction with updating our billing system
14 for DEP because right now our system couldn't support
15 the storm water fee. But that's being done, as well.

16 CHAIRPERSON DROMM: So, after the study
17 is completed, is there a timeline for when you will
18 make a decision to impose a fee?

19 COMMISSIONER SAPIENZA: So, but something
20 we'd work with the Council and with the water poured
21 on and the administration, obviously, to look at what
22 that fee might look like and how it might be
23 potentially, you know, programmed in over time.

24 CHAIRPERSON DROMM: Do you have any
25 idea what a reduction might look like or how that
might work out?

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION. SAPIENZA: We don't have any
estimates at this time.

4 CHAIRPERSON DROMM: Okay.

5 COMMISSIONER SAPIENZA: Mr. Chair.

6 CHAIRPERSON DROMM: Within the week, as
7 a banking commission will recommend to the Council
8 the interest rate to be charged to delinquent
9 property tax owners-- taxpayers for the coming tax
10 year. Then the Council will consider what that
11 recommendation and adopt a rate. State law requires
12 that the late payment interest rate for people who
13 pay their water bills late will be the same as every
14 set by the Council for leg property tax-- taxpayers.
15 The Council is interested in learning more about how
16 the interest rates are applied at DEP. So, for
17 fiscal 2019, the late payment rate is, I think, seven
18 percent. How much did DEP collect in late payment
19 interest so far this year and what about in 2018?

20 JOE MURIN: Mr. Chair, we collect about
21 approximately 45 million dollars a year. It was
22 probably somewhat less in the previous year because
23 it was at the six percent. So it did go up when it
24 went up to about seven percent. We would say that we
25 prefer a higher rate, but we are open to, if it does

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION. We're saying that we need to look
4 out for the interest rate-- you know, the lower it
5 is, the less incentive it is for those who are late
6 payers to pay. They will go and pay other bills that
7 have-- like their credit card whereas, when that
8 happens, we have to factor that into, you know, the
9 rate setting that we're not going to get the accounts
10 receivables, you know, collections that we should be
11 getting on that.

11 CHAIRPERSON DROMM: So, how many
12 properties have delinquent payments do you know the
13 value of those payments?

14 JOE MURIN: I don't have the numbers
15 right off the top of my head, that I believe the
16 accounts receivable right now range from probably
17 about 700 million to 800 million dollars in, you
18 know, past due accounts. And those who would
19 stratify over, you know, anywhere from 30 days late
20 to up to over a year late. You know, and as you
21 know, those yearly ones start becoming, you know,
22 eligible for the lien sale process.

23 CHAIRPERSON DROMM: Do you know how
24 many are in the delinquent payment program?

25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION off the top of my head
right now.

4 CHAIRPERSON DROMM: All right. So,
5 we'll get--

6 JOE MURIN: We can get that information
7 for you. Exactly.

8 CHAIRPERSON DROMM: Based on your water
9 bill collections, would you recommend changing the
10 current seven percent interest rate? I think
11 probably not from what you just said.

12 JOE MURIN: Correct. We would say that
13 we prefer to keep it at the seven percent.

14 CHAIRPERSON DROMM: Lead service online
15 replacement grant. Lead can in turn drinking water
16 when plumbing material that contains lead corrodes
17 especially when water has high acidity or low mineral
18 content. I understand the fiscal 2020 budget
19 includes a state grant for lead service line
20 replacement of 5.2 million dollars. With this grant,
21 approximately how many homeowners are you able to
22 assist in replacing lead service lines?

23 COMMISSIONER SAPIENZA: Yeah. So, Mr.
24 Chair, you're correct. We got in 5 million dollars
25 grant from the state to do service line replacements.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION a background, water is
4 delivered to the properties through city water means
5 that our lead-free, but properties-- and these are
6 primarily residential properties. One in two-family
7 homes built in the 19 teens, twenties, and thirties
8 when lead was a popular plumbing metal can still have
9 led service lines. So we looked at a pool of
10 potential properties, and these are low income
11 homeowners, and using the 5.3 million dollars to
12 replace their lead service lines. We are guessing
13 it's probably somewhere in the order of about 350
14 homes can be serviced or have their lines were placed
15 with the 5 million dollars.

15 CHAIRPERSON DROMM: And are you looking
16 to assist them and replacing the service lines?

17 COMMISSIONER SAPIENZA: So, the way it
18 would be done is DEP would let a contract or
19 contracts to plumbing companies in the plumbing
20 companies would do the work and then be compensated
21 through the grant.

22 CHAIRPERSON DROMM: And do you know how
23 many miles or what percentage of pipes are lead?

24 COMMISSIONER SAPIENZA: We don't. What--
25 I don't have that mileage or link figure, but we

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION

4 website and interactive map of the properties that
5 potentially do have lead service lines. So that is
6 available.

7 CHAIRPERSON DROMM: And what about city
8 pipes that are lead?

9 COMMISSIONER SAPIENZA: Yeah. So all of
10 the city's DEP-managed water mains are lead-free. We
11 have, over the years, found that some city-owned
12 properties had lead service lines, but we have worked
13 with all our sister agencies to eliminate those at
14 this point.

15 CHAIRPERSON DROMM: Okay. I personally
16 like your Trash It, Don't Flush It campaign. So, DEP
17 recently launched it all around the city. This
18 campaign reminds people that certain things should
19 not be flushed down the toilet such as baby wipes.
20 Cooking oil must also be thrown away and not poured
21 down the sink. According to a recent estimate, DEP
22 spends 19 million dollars each year to clean clogged
23 sewers, respond to the sewer backups, and dispose of
24 wipes. With the launch of the campaign, have you
25 seen a reduction in tonnage of material collected
from the system at the wastewater treatment plant?

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL SPONTANEA: I think I'm going

4 to go with Deputy Commissioner DeLoach. Just give a
5 little bit of an overview and then have Deputy
6 Commissioner Elardo could come up, she could just
7 talk about monitoring quantities.

8 MICHAEL DELOACH: Sure. I think he was
9 asking specifically about the reduction at the
10 facility, so why don't you start, Pam, and then I can
11 talk about the campaign?

12 PAM ELARDO: Sure. The campaign has been
13 a fantastic. I'm glad that you brought it up. The
14 agency and all agencies-- all people, all agencies
15 in our industry, all utilities have been facing this
16 problem for years and we started talking about it a
17 lot over the last year and kicked off the campaign
18 this year. So, we measure every-- we weigh every
19 single container that comes out of each of our
20 wastewater resource recovery facilities. The tonnage
21 of the screens and do that every load every day, so I
22 do have daily figures. And if you look over the last
23 10 years, starting around 2008, it took a huge jump,
24 just about double in tonnage. And the slope of the
25 line is actually parallel to the wipes sales in the
industry. We actually got that data we have an

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION that. And since then,
4 we probably-- we're at this very high level at this
5 point and, since the campaign is started, I think
6 it's too soon to tell. There is still some
7 variability. A lot of high and low days kind of
8 scattered around. I think, over time, will be able
9 to tell if it's been actually effective in reducing
10 the amount of wipes coming into our screens and our
11 pumps and plugging our system and causing havoc. I
12 am very hopeful because random people on the street,
13 even if they don't know what I do for a job, talk
14 about it and I think that's been the experience of a
15 lot of people in this room. That it's become more of
16 an awareness. So I think that the campaign overall
17 has been very successful.

18 CHAIRPERSON DROMM: Have you done the
19 campaign in languages other than English?

20 DEPUTY COMMISSIONER DELOACH: Right
21 now, we have it in English and Spanish.

22 CHAIRPERSON DROMM: Okay. That would
23 be great-- because I have a large Asian community,
24 if we could get it in Chinese and other languages, as
25 well.

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROMOTIONS DEPUTY COMMISSIONER DELOACH:

3 Absolutely. We're trying to get that do not
4 flash posters and two bathrooms across the city and
5 so we are going to do those in 12 or 13 different
6 languages.

7 CHAIRPERSON DROMM: Yeah.

8 DEPUTY COMMISSIONER DELOACH: But, yes.
9 In future durations of the campaign, we can expand to
10 different languages.

11 CHAIRPERSON DROMM: It's amazing what
12 people throw down the toilet. I have to tell you.
13 All right. Thank you. And let me ask you just one
14 last question. The timeline for the billing system,
15 what phase are they in now and as the project fully
16 funded?

17 JOE MURIN: Yes, Mr. Chair. The project
18 is fully funded. It's both a combination of capital
19 for the new integrated system that's a computer
20 system. And then, for the related expense cost, as
21 well. So that's going to be over this fiscal year,
22 probably moving into fiscal year 21. We expect
23 that-- We just started. We kicked off at the
24 beginning of April with the contractor. They have
25 begun to do integrated-- you know, an assessment of

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION which is going on now and
4 then they will start doing the development of what
5 the program looked like. It's an off-the-shelf
6 program, so we expect that to be-- that modularity
7 to be a model work for us. So we won't be dependent
8 on consulting contracts, as we are with the existing
9 system. We expect this system to be fully functional
10 by the beginning of calendar year 2021. Hopefully
11 maybe sooner, but that's what we are targeting right
12 now.

12 CHAIRPERSON DROMM: Okay. And it will
13 be online when?

14 JOE MURIN: Well, it-- I'm sorry. It
15 will be online at that time.

16 CHAIRPERSON DROMM: At that time.

17 JOE MURIN: We expected it to allow that
18 the-- let's say the first quarter of calendar year
19 2021.

20 CHAIRPERSON DROMM: Can you give us a
21 sneak preview of what features and functioning you
22 hope to--

23 JOE MURIN: We're looking to, you know--
24 Where I think that we are benefiting because a lot of
25 other systems have gone through such integration

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION a lot of lessons learned
4 that people have had problems. And it's very lunch
5 problems in implementing such a system. So we're--
6 and this is a vendor that is done this, not just here
7 in North America, but is also very-- they are, you
8 know, predominate in Europe as well. So they have a
9 lot of experience with this and using what is a
10 Microsoft-based project-- program for this. And we
11 expect it to offer a lot more billing features for
12 customers. Be able to manage and control their
13 usage. We would be able to-- we expect to be able
14 to be-- you know, as the commissioners spoke to for
15 the rate study, we expect to be able to go to more
16 interactive and iterative process of looking at how
17 we can establish things to better manage
18 conservation, having, you know, maybe peak/off-peak
19 type rate, you know, models. So we expect it to be
20 much more comprehensive than the dated system we have
21 right now.

21 DEPUTY COMMISSIONER DELOACH: And I
22 would just add much easier to use in the clarity in
23 the billing system and the accessibility of the
24 technology of paying online, etc., will be much
25 easier to--

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
ON ENVIRONMENTAL PROTECTION DROMM: Do you know if it

3 will be able to integrate with DOF's tax system?

4 JOE MURIN: I don't believe so and, you
5 know, I don't think that there really is a need for
6 that, you know, because with two such different
7 things, in a way. But, you know, we work very
8 closely with DOF, particularly like when you come to
9 the lien sales. So we expect that, you know,
10 relation up to continue so that the-- You know,
11 we'll look at that because I know they did chest
12 rollout their system, but there may be the ability
13 to, but we haven't really explored that at this point
14 yet.

15 CHAIRPERSON DROMM: Okay. Thank you.
16 I'm going to turn it over to my cochair, Costa
17 Constantinides.

18 CHAIRPERSON CONSTANTINIDES: Thank you,
19 Chair Dromm. So, at the release of the executive
20 budget on the 25th of April, the Mayor announced 16
21 million dollars to retrofit city buildings to make
22 them more energy-efficient as part of intro 1253.
23 Are there any DEP buildings that have been impacted
24 by this funding and, if so, how many overall?

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL SPONSORSHIP

CHAIRPERSON SAPIENZA: Yeah. So, Mr.
4 Chair, we've been working with DCAS, as have several
5 other agencies to adjust to determine which buildings
6 are going to be identified for using part of that 16
7 million dollars. We haven't seen any allocation yet,
8 but I do want to point out that we've made a lot of
9 progress at DEP already, as you know, buttoning up
10 some of our facilities.

11 CHAIRPERSON CONSTANTINIDES: Uh-hm.

12 COMMISSIONER SAPIENZA: making them more
13 energy-efficient, using more of the digester gas. So
14 we've been moving forward with conservation work
15 already.

16 CHAIRPERSON CONSTANTINIDES: And so once we
17 know where DEP's role is, we'll have a larger
18 conversation with one another about that?

19 COMMISSIONER SAPIENZA: Yes.

20 CHAIRPERSON CONSTANTINIDES: Look forward
21 to it. I definitely-- You know my feeling on Bowery
22 Bay all too well. And I think, you know, if we can
23 take that opportunity to use some of those funds to
24 kick start some of the projects that we talked about,
25 the largest square footage in my district for solar
application would be a Bowery Bay. We said that in

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION. So I would-- If
4 there is dollars there, that would make sense as part
5 of the 60 million. I would love to see that be part
6 of that. I think it's something like-- What was it?
7 200,000? Some kind of large number of square
8 footage. I don't want to say it on the record and be
9 wrong. Second, derelict boats. So, how are we
10 doing? I know there is a whole program that's going
11 on now in Jamaica Bay. How is that going and, you
12 know, why was this not included in this year's
13 executive budget after we put it in our budget
14 response?

14 COMMISSIONER SAPIENZA: Yeah. So, Mr.
15 Chair, the funding that we had provided previously
16 was part of an environmental penalty that we had to
17 pay to DEC and we used the DCAS contracted, which is
18 now underway to remove derelict boats and we've got
19 some numbers. They are about 60 percent of the way
20 through that 786,000 dollars of funding that we
21 provided. We removed 53 derelict boats so far from
22 Mill Basin, Shell Bank Creek, Floyd Bennett Field, as
23 well as Coney Island Creek as well as 420 cubic yards
24 of temporary and, again, about 40 percent more to go.
25 You know, funding for derelict removal really can

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION, I think. It's just a
4 tax levy that anyone can provide funding through the
5 DCAS contract for. So, you know, again, happy to
6 continue the discussion, but it was just, you know,
7 not something that we believe should be in the DEP
8 budget, but happy to continue that--

8 CHAIRPERSON CONSTANTINIDES: I mean, you
9 guys kind of have the ball right now. I mean, that's
10 why I would love to create an Office of Marine
11 Disposal that I think would make sense that-- to--
12 you know, everyone kind of says, it's not me. It's
13 not me. While somebody-- about has to stop
14 somewhere, right?

15 COMMISSIONER SAPIENZA: Agreed. And we'd
16 also like to talk about, you know, chasing after boat
17 owners who, you know, when they are finished with
18 using their asset, just decide to cut the boat lose
19 and let somebody else pick up the cost. So we should
20 talk about that, as well.

21 CHAIRPERSON CONSTANTINIDES: No. I mean, I
22 would love to do something where we could have days
23 where, you know, much like we have the-- Yeah.
24 Yeah. We can just have a day and people can just
25 come and drop them off and crunch them men, you know,

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION they are not. And then
4 it's just sort of easy to just go into the middle of
5 the night and scratch off the VIN number and let them
6 float out, but then we're the ones that are stuck.
7 You know, it's dangerous for voters. It's bad for
8 our waterways. Like there's a myriad of reasons why
9 getting derelict boats out of waterways are good
10 policy. Just it has to be somebody's ball. Like my
11 father always taught me when everybody has the ball,
12 that means nobody has the ball. So I want to make
13 sure that somebody gets the ball here. So, FAD,
14 there is an additional 5.3 million in this year's
15 budget for the upstate FAD program. Some of the
16 funding will be going to the watershed agricultural
17 and forestry program. Other portions will be going
18 to Catskills Watershed Corporation operating costs.
19 I know DEP must continuously update its plan as one
20 day the Catskills and Delaware system may need
21 filtration, which we are always working very hard
22 against. Could you provide more details on how the
23 money will be spent to assess and update the
24 filtration plans?

24 COMMISSIONER SAPIENZA: I'll start and I'm
25 going to ask Assistant Commissioner Dave Warren to

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION a little that background.

4 So, as you mentioned, New York City is one of only a
5 handful of municipalities left in the country that's
6 allowed to have an unfiltered water system because of
7 the great work that we need to in protecting
8 reservoir system and our watershed lands. In
9 December 2017, we entered into a new 10 year
10 alteration avoid and determination with New York
11 State health and with EPA, but that FAD agreement
12 requires us to do a number of things like continued
13 land acquisition, working with upstate property
14 owners to replace septic systems, doing farmeess mints
15 (sic) and BMP's with farmers and a few other programs
16 you mentioned. We are also asked to study what it
17 would look like if we had to build a filtration
18 system. Probably a 10 billion dollar plus system, if
19 required. So, some of the money in the budget is for
20 that, as well. And, Dave, if you want to add
21 anything.

21 ASSISTANT COMMISSIONER WARREN: Yes.

22 Thank you. Good afternoon, Mr. Chair. So, from the
23 earliest filtration avoidance determination that was
24 issued in 1993, the city was required to proceed on a
25 parallel track with our source water protection

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION taking a conceptual design
4 for filtration facility if it turns out that the
5 source water protection programs were effective. In
6 2002, we were given relief from proceeding in that
7 parallel track. So we have a conceptual design at
8 this point that is almost 15 years old and we felt it
9 was prudent to go back, revisit back conceptual
10 design in the light of new technologies, as well as
11 current water quality conditions to make sure that it
12 was up to date. The money in the budget this year
13 will be used for bench scale pilot testing, and
14 alternate treatment technology and we will be using
15 actual water from the reservoir system, tested at an
16 off-site location to assess the effectiveness of
17 various treatment options.

17 CHAIRPERSON CONSTANTINIDES: How do we
18 evaluate the FAD in real time? How do we know like--
19 What sort of reporting do we have? How do we know
20 where we stand on a year-to-year basis?

21 ASSISTANT COMMISSIONER WARREN: Sure. We
22 do extensive reporting as required by the FAD. The
23 Commissioner made reference in his testimony to the
24 extensive water quality testing program that DEP
25 undertakes both in the watershed as well as in the

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION the city. We provide
4 annual reports to our regular [inaudible 03:19:11] at
5 the state Department of Health both on program
6 implementation, as well as water quality standards.
7 Those documents are found on our website. And then
8 every five years, we also do a summary and an
9 assessment document which looks the status and water
10 quality trends since we began extensive monitoring in
11 the early 90s. That was most recently completed in
12 March of 2016 and we will be doing that again in the
13 spring of 2021.

13 CHAIRPERSON CONSTANTINIDES: All right.
14 Okay. I'm just sort of checking in here. Also the
15 state mandated dam safety assessments, how routine
16 are those inspections and what's the turnaround time
17 on the analysis with the lens towards if we are going
18 to need additional capital dollars and how soon can
19 we get that into the 10 year capital plan, right?

20 COMMISSIONER SAPIENZA: I'll started and
21 then I'll let Dave take over, as well. So DEP has a
22 very robust dam safety program. We have dozens of
23 dams and 23 of them are categorized as high hazard
24 dams, so we pay particular attention, obviously, and
25 in those. There are regular assessments that are

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION. Hydrogeologic,
4 seismic, and then every 10 years we have to do is
5 state required assessment and I'll let Dave continue
6 from there.

6 ASSISTANT COMMISSIONER WARREN: Yes.

7 Absolutely right. So the state dam regulations are
8 administered by DEC. They require these 10 year
9 assessments, so we put funding in the budget for a
10 multi-year contract, I think it's a five-year
11 contract, that would allow us to undertake these
12 assessment. Then it's a two-year lead time. So when
13 we hire the contractor or the consultant to perform
14 the assessment, once we direct them to do an
15 assessment on a particular dam, it takes two years to
16 yield that report. It's done in conformance with the
17 state standards and that it is submitted to and
18 reviewed by DEC.

19 CHAIRPERSON CONSTANTINIDES: All right. So
20 we're in-- We're constantly working on this to make
21 sure that these needs are put into the capital plan
22 is required, correct?

23 COMMISSIONER SAPIENZA: Absolutely.

24 That's, you know, one of our highest priorities for
25 safety are our dams upstate. They're impounding a

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION make sure that they are
4 very stable.

4 CHAIRPERSON CONSTANTINIDES: Okay. And
5 then, sort of speaking about repairs. And keeping
6 things good and repaired, let's talk about sewer and
7 water main repair. So the executive plan includes
8 15.5 million in fiscal 2020 in the out years for
9 sewer and water main work that is not capitally
10 eligible. The work includes sidewalk restoration
11 around the fire hydrants and catch basin in sewer
12 cleanings, installation and rehabilitation of
13 collapsed catch basins. For fiscal 202, what is the
14 total budget for sewer and water main emergency
15 repair work citywide?

16 [background comments]

17 JOE MURIN: Certainly. Certainly, Mr.
18 Chair. So one of the things, just to give a little
19 background, is that what we've been going through and
20 working with both OMB and the Comptroller's office is
21 looking at our capital expenses and making sure that
22 all of those are meeting the capital eligibility
23 criteria so that they can be properly bonded. In
24 going through that review, some of these asked--
25 some of these charges, and looking at the sewer and

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENT, AND PROTECT FUND that they weren't eligible,
4 so those had to be moved over to the expense side.
5 At this point, the additional 15 million dollars that
6 was added this year brought the total to 27.9 million
7 dollars in expense. Of fact, most of that is for
8 catch basins, hydrants, and sewer lining. TVing,
9 which is looking at the-- sending the camera down to
10 look at the inspection. The sewer emergencies and
11 low water main emergency use are very small part.
12 Less than 2 million dollars of those annual charges.
13 On an annual basis, we spend about 37 million
14 dollars, which is what is budgeted for fiscal year 24
15 sewer emergencies. Water main in sewer emergencies.
16 And that money-- that amount over the 10 year plan
17 comes to 740 million dollars. So the expense
18 component is a very small portion. Less than three
19 percent over the 10 years as the overall component of
20 the emergency work we do for the water mains and
21 sewers.

21 CHAIRPERSON CONSTANTINIDES: All right.
22 And then, in recent years, have you seen an increase
23 in the amount of emergency reconstruction of any of
24 this work?

25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION would defer to Deputy

4 Commissioner Georgelis to speak to that.

5 DEPUTY COMMISSIONER GEORGELIS: Good
6 afternoon.

7 CHAIRPERSON CONSTANTINIDES: How are you,
8 sir?

9 DEPUTY COMMISSIONER GEORGELIS: Good. We
10 haven't seen an uptick. It's just the funding switch
11 from the capital to the expense site, but the funding
12 is the same as it has been for the last couple of
13 years.

14 CHAIRPERSON CONSTANTINIDES: Are we holding
15 the contractors to, you know, the quality of the job
16 and making sure that there is good work?

17 DEPUTY COMMISSIONER GEORGELIS: Yeah. We
18 have a robust team of engineers that go out every day
19 with the contractors and we hold them up to high
20 standards. We haven't seen any sort of slip or
21 anything from the contractors.

22 CHAIRPERSON CONSTANTINIDES: And how
23 involved with you on the-- I know there's water main
24 projects going on throughout my community. Are you
25 involved with DDC with those projects or it's just
DEC is sort of running the whole ship there?

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROMOTIONS DEPUTY COMMISSIONER GEORGELIS: So, we
4 identify and send the projects over to DDC to start
5 the work. DDC manages the construction of the work.
6 We'll get involved as we have any complaints or any
7 reason to go out. We will stop out periodically to
8 check up on them. We are the ones that are out there
9 performing the water main shut offs when we do-- we
10 [inaudible 03:24:43] the valves with our crews
11 instead of DDC's and then, when the work is done, we
12 generally, if time allows, will do a final walk-
13 through with them.

14 CHAIRPERSON CONSTANTINIDES: I mean, I'm
15 just bringing this up because I've had issues with
16 pitching of the street and it ends up-- the ponding
17 issues in various challenges around these DDC
18 projects and then it's, you know, DEP and others who
19 have tickets to dealing with ponding issues and you
20 guys have to come out and do a lot of that
21 evaluation. So I'm probably going to be sending a
22 case over to you that someone stopped me on the
23 street two days ago about the same type of challenge.
24 So that's why I am asking.

25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROMOTIONS DEPUTY COMMISSIONER GEORGELIS: Yeah. If
4 you have a pending issue, send it over to me because
5 that's something that really upsets me, as well.

6 CHAIRPERSON CONSTANTINIDES: And lastly,
7 about the executive capital commitment, there is
8 223.3 million for floodwater resiliency at the
9 various DEP sites. Can you please provide some of
10 the particular sites that you are targeting and then
11 the measures to protect against potential storm
12 rising, you know, sea level rise as we look into the
13 latter half of this century?

14 COMMISSIONER SAPIENZA: Yeah. So, Mr.
15 Chair, there are 21 facilities that they are
16 essentially all wastewater resource recovery facility
17 treatment plants and pumping stations. All of those
18 facilities are located near the shoreline so they are
19 all susceptible of the storm surge and sea level
20 rise. And so we are doing a variety of things with
21 the 223 million dollars to hard in those facilities.
22 Some are raising the electrical equipment to get them
23 out of the flood zones. Some are just making sure
24 that doors are hardened to keep water out of
25 facilities. We're doing a bunch of things. We are
using the guidance from the New York City climate

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 on ENVIRONMENTAL PROTECTION for you 2050 which is,
4 essentially, the FEMA 100 year flood plus 40 inches
5 or the FEMA 500 year level, whichever is greater for
6 that particular asset. So that work is moving
7 forward and we should also note that after Sandy, we
8 did get some FEMA money, as well that went towards
9 and continues to go towards hardening of those
10 shoreline assets.

11 CHAIRPERSON CONSTANTINIDES: There we go.
12 I had to push my own button. I mean, you know my
13 concerns around these aging plans and, you know,
14 where they are situated are all in and on the water.
15 So we're going to have a lot of challenges as we look
16 to the latter part of this century, especially with
17 precipitation increasing. Right? We are expecting
18 more water to go into our sewers than ever before.
19 It's been pretty miserable the last couple of days
20 here in New York City. It just continues to rain and
21 it [inaudible 03:27:24] continue to rain every single
22 day, but that's because of climate change. We live
23 in climate change. That's going to become the norm,
24 not the exception to the rule. So with all of this
25 happening, we have to recognize that they're going to
have continued investment, correct?

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL SPONTANEA: That's absolutely

4 right, Mr. Chair. And with more frequent storms,
5 more intense storms, it just is more of a challenge
6 for DEP. With sea-level rise, it just makes it tough
7 for hydrologic way to get water drained off the
8 street quickly. So these are all things that we
9 continue to focus on.

10 CHAIRPERSON CONSTANTINIDES: And I know
11 there's several members of our committee here. It's
12 Councilman Yeger, Council member Rafael Espinal, and
13 Council member Menchaca. Council member Richards was
14 here and Council member Rosenthal was here, as well.
15 So, with that, I will pass it back to our chair,
16 Danny Dromm.

17 CHAIRPERSON DROMM: And I know Carlos
18 Menchaca-- Council member Carlos Menchaca has
19 questions.

20 COUNCIL MEMBER MENCHACA: Yes. Thank
21 you. Thank you, finance Chair. I-- Welcome. My
22 question, and I know I only have three minutes, so
23 I'm going to focus a little bit about the work that
24 you are doing on the sewer system citywide. Some of
25 that is coming to Redhook. We are really excited
about that. Can you walk us through that? Also,

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION about your relationship
4 to DCP and thinking about what kind of is-- what is
5 on its way and how you make these decisions in terms
6 of investment to critical infrastructure and we will
7 keep it at that.

8 COMMISSIONER SAPIENZA: So, I'll start and
9 then we will call up the team, it's needed. But when
10 we do planning for water mains and sewers, we look at
11 a bunch of things. Just capacity, do we need to
12 increase size because there are more people living in
13 a certain area? We look at the condition. Have we
14 been, you know, making a lot of repairs on certain
15 assets frequently? And whether or not there are
16 rezonings, as well. That factors in. So, as you
17 mentioned, we work with the Department of City
18 Planning if there are rezonings and they will give us
19 estimates of what the neighborhoods may look like in
20 10 or 20 years. So we put that together. I'm going
21 to as Deputy Commissioner Licata to come up to talk
22 about that. How we get feedback from DCP.

23 COUNCIL MEMBER MENCHACA: Thank you.
24 And I'll mention in a quick-- As you settle in. A
25 place like Redhook, for example, I, almost like
flies, have to swat away the developer who come with

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION presentations of towers in
4 Redhook and every time I go tell them to go away.
5 And so, but DCP probably has some of that information
6 and so, there's-- for me, there is a discrepancy in
7 what like the market pressures are offering and what
8 a council member in their community is deciding on
9 what to accept as possible decisions. And then there
10 is DCP. So, I guess, I'm really trying to figure out
11 what-- Where is the real real and I'm only here for
12 another two and a half years. Another Council member
13 may come in with a different perspective and then
14 where we then? And so how do we reconcile all those
15 different pressure points? I'm starting at DCP, but
16 really kind of give me a better sense of the whole
17 thing. Thank you.

17 DEPUTY COMMISSION LICATA: Yeah. So just
18 really quickly, we have begun to work with City
19 Planning even and more earnest. I mean, we have been
20 working with them for as long as I've been with the
21 department, which is 30 years. But we are beginning
22 now to really focus and zero in on where the growth
23 is happening and looking at the demographics on the
24 population shifts. There is a lot of pressure. It's
25 a vibrant city. A lot of construction going on

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION city planning does a really
4 fantastic job of trying to forecast growth will
5 occur, but that doesn't always happen as anticipated.
6 So, it's important to look at those forecasts that
7 city planning does, but also for our department to
8 start to really see and look at the building data and
9 where are people pulling permits and where are those
10 housing starts, if you will, occurring. So that's
11 the type of work that we are going to begin even more
12 systematically in the next several months because we
13 actually have a contract that will soon be
14 registering for that effort.

14 COUNCIL MEMBER MENCHACA: Okay. Thank
15 you. On the Redhook side for sewers, can anyone
16 answer that question? The big mega plan for sewers?

17 COMMISSIONER SAPIENZA: Yeah. We'll bring
18 up Deputy Commissioner Georgelis.

19 DEPUTY COMMISSIONER GEORGELIS: I
20 apologize. I don't have specifics for the sewers in
21 Redhook, but we can get back to you with the project
22 details.

23 COUNCIL MEMBER MENCHACA: Okay. Please
24 do. That'd be great. Thank you.

25

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION: Okay. Council

member Espinal.

4 COUNCIL MEMBER ESPINAL: Thank you,
5 Chair. A quick question and it's in regards to
6 what's been in the news the past few days. And that
7 is garbage disposals. They have been illegal in New
8 York City until 1997. To my knowledge, the garbage
9 disposal, the ways that goes through the disposal, of
10 course, goes in through our sewage system, but it
11 becomes biosolids and the biosolids, from what I've
12 read, either get sent to be composted or they either
13 go to a landfill. What is DEP's practice and is
14 there an extra cost to the department, to the city,
15 if New Yorkers decide to install garbage disposals at
16 home?

17 COMMISSIONER SAPIENZA: You know, it's a
18 great question, Council member, because it's
19 something that we've been grappling with for forever
20 in New York City. The concept is that, basically,
21 you can take organic food waste that you'd otherwise
22 throw in the garbage and it would sit out on your
23 curb and smell and attract rodents and you could just
24 put it down your sink and it would make its way to a
25 wastewater treatment plant. The issue that we have

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION have primarily a combined
4 sewer system. So newer municipalities have two pipes
5 in the streets. One for sanitary sewer wastes which
6 includes macerated food waste from your grinder and
7 the other is a storm sewer. But in New York City, we
8 primarily have one sewer in the street that takes all
9 of the flow and, during moderate to heavy rain falls,
10 there can be an overtaxing of the system and
11 releases of that untreated wastewater into local
12 waterways which would include all of that macerated
13 food waste. So it's always been a concern for us
14 about, you know, what's happening. Are people using
15 their grinders when it's raining a lot? The second
16 concern we just had about getting more food waste
17 into our plants. If it were going straight into the
18 digestion process, that would be great because we
19 would be making more digested gas renewable, but
20 going in the beginning, the head of the wastewater
21 treatment plant says actually giving us a nitrogen
22 load. We then had to, you know, remove that nitrogen
23 which is, otherwise, a fertilizer in the receiving
24 water. So we have always had that challenge. It's
25 been a challenge. In 1997, we did allow them for
residential use some may continue to be allowed for

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION had to have a concern about
4 if it were widely spread both and residential land as
5 it ever allowed to be commercially used.

6 COUNCIL MEMBER ESPINAL: So, currently,
7 what would you say- what are the probabilities that
8 the biosolids would actually be used in a more
9 positive environmental way than ending up and ending
10 up in landfill?

11 COMMISSIONER SAPIENZA: No. That's
12 something we are definitely pushing forward with.
13 Deputy Commissioner Elardo has a whole program to do
14 that.

15 DEPUTY COMMISSIONER ELARDO: Thank you.
16 Another favorite topic of mine is biosolids. So, in
17 addition to the problems that are Commissioner just
18 mentioned, if you imagine the collection system
19 that's got about 7000 miles of sewers themselves, the
20 particulates of that macerated food doesn't travel
21 very well in there and a lot of our campaign around
22 Flush it, Don't Trash It has to do with fat berg
23 (sic) growth. And they would add to the fat bergs.
24 Not just because of the volume, but also the grease
25 that comes with people smashing food into the system.
But onto the biosolids world, currently, from our

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION biosolids and about 12 to 15
4 percent of that goes to compost facilities for
5 further refinement and ultimately fertilizer. And
6 the rest, another person, please send to another
7 solids processing unit. But the rest is mostly
8 landfilled. About 80 percent or so is landfilled.
9 We have a lot of drivers who are not to continue to
10 do that. One, it's a very valuable fertilizer
11 product. Carbon sequestration is very high
12 performance from biosolids. I came in from a utility
13 in the West Coast. We were running our operations at
14 carbon neutral because of our biosolids program.
15 Landfills is not a sustainable program long-term, so
16 we are working on getting back in the business of
17 beneficial reuse of our biosolids products. And it's
18 a long haul and some significant work needs to get
19 done.

19 COUNCIL MEMBER ESPINAL: Okay. So, for
20 the record, would you advise New Yorkers to buy a
21 composter or to buy a garbage disposal if they wanted
22 to do the right thing by the environment? By--

23 DEPUTY COMMISSIONER ELARDO: Personally,
24 not-- We are not in favor-- I am not in favor of a
25 garbage disposal. There's a number of reasons that

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION' re looking to discourage
4 people from doing that. The best thing to do is to
5 put it in your compost, the brown pins, or take it to
6 the food markets where they take it. And it goes
7 directly to be there compost. Or it actually can
8 come to our digesters, New Town Creek, right, today
9 is accepting food waste for that purpose. And we are
10 creating more green gas, which is another
11 environmental benefit.

11 COUNCIL MEMBER ESPINAL: Great. Thank
12 you so much.

13 CHAIRPERSON DROMM: Okay. Chair
14 Constantinides?

15 COUNCIL MEMBER CONSTANTINIDES: Oh, no.
16 I just want to make sure, I think, you were about to
17 gavel close. So I just wanted to thank my staff on
18 the EP team, John Seltzer, Samara Swanston, Nadia
19 Johnson, Ricky Chala. Thank you for all the great
20 work. And then my team, Nick Wosowski (sp?), for
21 helping to put this hearing together. Thank you,
22 Chair.

23 CHAIRPERSON DROMM: Okay. Thank you.
24 Thank you very much to DEP for coming in. We
25 appreciate you giving testimony and we look forward

1 COMMITTEE ON FINANCE JOINTLY WITH COMMITTEE ON
2 CRIMINAL JUSTICE, COMMITTEE ON HOSPITALS, COMMITTEE
3 ON ENVIRONMENTAL PROTECTION you. This meeting is
4 adjourned at 2:50 in the afternoon.

[gavel]

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C E R T I F I C A T E

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



Date June 12, 2019