

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON GOVERNMENTAL
OPERATIONS, STATE AND
FEDERAL LEGISLATION

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October 27, 2025
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HELD AT: 250 Broadway- 8th Fl.-Hearing Rm. 1

B E F O R E: Lincoln Restler
Chairperson

COUNCIL MEMBERS:

Gale A. Brewer
David M. Carr
James F. Gennaro
Jennifer Gutiérrez
Shahana K. Hanif
Frank Morano
Lynn C. Schulman
Inna Vernikov

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

Louis Molina
Commissioner of DCAS

Steven Caputo
Assistant Commissioner Division of Energy
Management at DCAS

Sana Barakat
Deputy Commissioner Energy Management at DCAS

Matthew Berk
Assistant Commissioner for Real Estate Services
at DCAS

David B. Golden
MOCJ Administrative Justice Coordinator

David Ansel
Save the Sound

Eric Goldstein
Natural Resources Defense Council

Darren Mack
Freedom Agenda

Zachary Katznelson
Independent Rikers Commission

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2 SERGEANT AT ARMS: Good morning, and

3 welcome to today's New York City Council hearing for

4 the Committee on Governmental Operations. If you

5 would like to testify, you must fill out a witness

6 slip with one of the Sergeant at Arms. You may

7 submit testimony at testimony@council.nyc.gov. At

8 this time, please silence all electronic devices. No

9 one may approach the dais at any time during this

10 hearing. Chair, we are ready to begin.

11 CHAIRPERSON RESTLER: Thank you so much.

12 My name is Lincoln Restler, and oh, I got to do the

13 thing. [gavel] There you go. It's now official. I'm

14 Lincoln Restler. I have the privilege of chairing

15 the Committee on Governmental Operations, State and

16 Federal Legislation. It's a special morning, because

17 we get to welcome Frank Morano to the Government

18 Operations Committee. Thank you for joining us,

19 Frank. Newly appointed.

20 COUNCIL MEMBER MORANO: Thank you.

21 CHAIRPERSON RESTLER: He's already

22 distinguished himself as somebody who's really

23 committed to government reform, and look forward to

24 having you on this committee and partnering together

25 on many good and worthy initiatives. I'd also like to

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recognize Brooklyn's own, Council Member David Carr,
and Council Member Sandy Nurse is visiting with us
this morning, as she has a great new bill. We're
holding oversight hearing on sustainability in city
government. Our city government is the largest
property owner and the largest employer in the city
of New York, so it is imperative that city government
lead the way on emissions reductions and hold
ourselves accountable to ambitious deadlines to meet
the existential challenge of climate change. With
thousands of buildings, hundreds of millions of
square feet of real estate, nearly 30,000 vehicles,
wastewater facilities, and more, our government is
the single largest entity responsible for emissions
in New York City. Since 2006, the city has been
working to reduce those emissions. Our goal-- our
original goal was to achieve a 30 percent reduction
by 2017. Local Law 97 later updated those targets
with a mandate to achieve a 40 percent reduction by
2025 and a 50 percent reduction by 2030. As the
city's landlord and backend support agency, DCAS is
the agency responsible for ensuring we meet these
emission reduction goals. In 2021, at the very height
of COVID, DCAS released a detailed action plan on how

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we would achieve the 25 target, and significantly exceed the 2030 target. It laid out \$4 billion in investments that would help us retrofit buildings, achieve cleaner energy supply and electrify our fleet. Unfortunately, the Adams administration has failed to make that-- achieve those goals. DCAS informed the Council in late 2023 that we would not meet our 40 percent reduction target by 2025, instead delaying it to FY27. Local Law 97 laid out ambitious climate targets for private buildings. And just as we are minimizing delays and exceptions for the private sector, we must hold the public sector to an even higher standard. The city also has a critical role to play in helping to advance innovation in the marketplace and leverage its significant buying power to make it more affordable for the private sector to meet their targets. This is not a bureaucratic exercise. As the federal government continues to use climate change denialism to rollback environmental protections and temperatures keep rising rapidly, the leadership roles cities must play in reducing emissions has become even more important. Delays have real impacts on childhood asthma rates that keep rising, on poor air quality in our neighborhoods and

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so much more. Yet, the city is 110,000 metric tons behind, the equivalent of 24,000 cars on the road in achieving our goals. As we look ahead to a new administration taking over in just 65 days, but who's counting, I hope we can gain a better understanding today of what progress we've made to-date and what needs to be done to get back on track. We are hearing three bills under the Governmental Operations Committee today. Intro 1038 sponsored by Council Member Nurse will require DCAS to create a masterplan for the redevelopment of Rikers Island. The Council passed the Renewable Rikers Act back in 2021 to require DCAS to plan for future sustainability and resiliency uses of Rikers. The city issued a comprehensive feasibility study back in 2024, but unfortunately, has since appeared to discontinue all planning and forward momentum. The closure of Rikers is indeed imperative and fast-approaching, and it's short-sighted to stall planning for a massive redevelopment that will take years of planning and construction. I really do appreciate Council Member Nurse's legislation and her leadership on this, and I'm eager to help move it forward within the City Council. Intro 1378 sponsored by Council Member

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Feliz will require DCAS to report on the use of vacant space in city buildings. DCAS manages over 50 buildings and hundreds of leases across the city, and this legislation will ensure elected officials and communities have more clarity on under-used space in their neighborhoods so we can work together to put it to good use. And lastly, Intro 551 which will be for a later panel is sponsored by Council Member Justin Brannan. This will establish a day fines pilot program in the Office Administrative Trials and Hearings, OATH. OATH serves as the city's administrative law court and is responsible for processing all summons issued, from not putting out your trash properly to civil summons from NYPD for things like day drinking or littering in the park. Last year, OATH process \$1,105,000 summons. That's a summons for one in eight New Yorkers. The number of summons annually has doubled, doubled since Eric Adams took office and keeps increasing every single year. And the city is currently owed over \$1 billion in unpaid fines. It's clear the current system isn't working. It's not deterring behavior, bad behavior, and unpaid debt can cause significant hardship for New Yorkers that are already struggling to get by.

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Intro 551 would establish a day fines pilot requiring New Yorkers to pay a percentage of their income. Day fine systems in Europe and pilots in the United States, including I believe in Staten Island-- for my colleagues to my left or to my right, but to my left right now-- have been successful in increasing payment rates and decreasing summons. I am hopeful that the next administration will finally work collaboratively with the Council to try this out in New York City. With that, I want to thank the Governmental Operations staff, our new Committee Counsel-- welcome to Johari Frasier-- Policy Analyst Erica Cohen [sp?] who led the preparations for this hearing, Finance Unit Head Julie Haramis [sp?] who always does a phenomenal job, for all of their work collectively in preparing for this hearing as well as my great team, my Communications Director Nieve Mooney [sp?], who's amazing, and my Chief of Staff, Molly Haley who is the best of the best. With that, I will turn it over to Council Member Nurse for remarks on Intro 1038.

COUNCIL MEMBER NURSE: Thank you, Chair.

I'm not going to speak too long, because I'm losing my voice. But the bill is simple. I mean, I had the

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liberty of looking at your testimony. It seems like
you don't disagree outright which is wonderful. But
you know, I think we have the studies. We know
there's viability for a vision for renewable Rikers,
and I think we just want to see forward motion on it.
I don't think we want to be caught flat-footed 11th
hour trying to come up with a plan, and additionally,
we want to put some resources to the plan, and so I
think that's why this bill is really important to
complete the resources to come along with the
planning. And there's just been too much musing
about not doing Rikers. We are locked in. We are
moving forward, and I think solidifying a plan would
really just put the nail in the coffin for anybody
who thinks we're doing anything else. I just want to
also thank DCAS for working on Local Law 99 on the
public solar. I'm hoping we can get the public clean
energy storage also potentially over the finish line
this year and work with you all on achieving that,
but thank you. I'm looking forward to the
conversation around this, and thank you, Chair.

CHAIRPERSON RESTLER: Thank you so much,
Council Member Nurse. I will now invite Committee
Counsel to swear in our distinguished panel, and I

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1 just want to thank Commissioner Molina himself for
2 joining us today. We really appreciate you taking
3 the time and your whole team. My last three
4 Governmental Operations Committee have been boycott--
5 committee meetings have been boycotted by the
6 administration, so we're very happy to have you.
7 Thank you for being here.

9 COMMITTEE COUNSEL: Please raise your
10 right hand. Do you affirm to tell the truth, the
11 whole truth, nothing but the truth before this
12 committee and to respond honestly to Council Member
13 questions? We may begin whenever you're ready.

14 CHAIRPERSON RESTLER: Okay, go ahead.
15 Thank you, Commissioner.

16 COMMISSIONER MOLINA: Good morning, Chair
17 Restler and members of the Committee on Governmental
18 Operations, State and Federal Legislation. My name is
19 Louis Molina. I'm the Commissioner of the New York
20 City Department of Citywide Administrative Services,
21 also known as DCAS. I'm joined by Deputy
22 Commissioner for Energy Management Sana Barakat,
23 Assistant Commissioner Steven Caputo, and Assistant
24 Commissioner for Real Estate Services, Matthew Berk.
25 Thank you for inviting us to testify today. Local Law

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97 established one of the most ambitious greenhouse gas reduction frameworks in the country, requiring the City of New York to lead by example and reduce emissions from government operations faster than the private sector. With this frame of mind, we have reduced greenhouse gas emissions from city operations by 26 percent through fiscal year 23, compared to our fiscal year 2006 baseline. We remain on track to exceed a 50 percent reduction ahead of schedule for 2030, a remarkable achievement that reflects the dedication of our teams and partners across all agencies. This progress has been the result of extraordinary citywide mobilization, one that integrates capital investment, operational efficiency and deep collaboration between DCAS and our sister agencies. Together, we are transforming how the city powers, fuels and manages its assets, and we are setting a model for large-scale urban decarbonization. Buildings account for roughly 70 percent of emissions from city government operations. In response, DCAS has led a comprehensive effort to upgrade, retrofit, decarbonize our public infrastructure. Since fiscal year 2014, we have implemented over 17,500 energy conservation measures

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across 2,500 citywide buildings, achieving a
reduction of more than 460,000 metric tons of carbon
dioxide equivalent, the same as removing over 100,000
cars from the road. These measures have generated
not only environmental benefits, but also financial
community dividends. Through improved energy
efficiency, we have reduced annual energy expense by
\$150 million per year with more than half of all
projects located in disadvantaged communities,
ensuring that the benefits of cleaner, more efficient
public buildings reach New Yorkers who need them
most. Recently, the city completed 300 direct
install lighting upgrades at schools, rapid scalable
conversions to LED lighting that yield immediate and
measurable emissions reductions. Alongside these
lower cost initiatives, we are also advancing
comprehensive retrofits at major facilities,
including the 57th Street Sanitation garage, the
Brooklyn Museum, three high-energy use facilities
operated by the Office of the Chief Medical Examiner.
DCAS also provides grant funding for agency-led
energy projects, supporting both capital and expense
work that produces verifiable savings. These
programs distribute tens of millions of dollars

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annually, and through ongoing process improvement,
we've achieved an overall 93 percent capital
commitment rate in the last fiscal year, a testament
to our agency's ability to deliver results
efficiently. Expanding the city's renewable energy
portfolio is central to our decarbonization strategy
under Local Law 99 of 2024. This city is now
mandated to develop 150 megawatts of solar power on
city properties by 2035, a bold target that will
multiply our existing capacity nearly five-fold. As
of today, the city has installed approximately 32
megawatts of solar with over 80 percent of that
capacity located on public schools. Reaching the
150-megawatt goal within the next decade is
ambitious, but DCAS is fully mobilized to deliver it
through every feasible pathway. Equally
transformative, the Champlain Hudson Power Express,
also known as the CHPE project, will provide the city
with 100 percent renewable electricity with
anticipated completion in spring of 2026. These
clean power supply will make every kilowatt consumed
by our electrified buildings fully renewable,
dramatically enhancing the impact of our energy and
electrification efforts. Public schools represent

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the city's largest and most viable building portfolios. In 2022, we launched Leading the Charge initiative, committing to complete and initiate the electrification of 100 schools by 2030. To-date, 33 schools are already in progress toward that goal. The initiative also sets targets for 800 school lighting upgrades and phase out the use of #4 fueled oil, thanks to Local Law 32 of 2023 which accelerated that phase out. These school projects not only lower emissions, but also create healthier, more comfortable learning environments for our students and teachers, reinforcing the older civic values of decarbonization. Under Executive Order 89, the city has placed Agency Chief Decarbonization Officers, also known as ACDOS, at eight of the highest emitting agencies. These ACDOS lead agency-level implementation while DCAS provides dedicated energy staff positions, technical assistance and training resources. This structure ensures sustained capacity, accountability, and alignment across city government as we deliver our climate commitments. Parallel to our work on buildings, DCAS is also driving one of the largest municipal clean fleet transitions in the country. Under NYC Clean Fleet

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Plan launched in 2015, the city committed to reduce fleet greenhouse gas emissions 50 percent by 2025 through electrification, renewable fuels and operational efficiencies, and we have achieved this goal. We are proud to report that DCAS now operates the largest electric vehicle fleet in New York State with 5,735 EVs currently in service, and 410 additional units on order. Over 1,000 of these electric vehicles are serving law enforcement functions across 15 agencies and more than 1,600 medium and heavy-duty electric trucks are in operation or procurement. To complement our fleet's transition to electric, we are currently operating the largest EV charging network in the state, featuring 2,356 charging ports, including 404 fast chargers, and 161 solar carports. As we look ahead, we recognize that electrification is only part of the puzzle. To advance our efforts, DCAS has also implemented the largest biofuels program on the east coast, transitioning all city fleet trucks and off-road equipment to renewable diesel, a complete replacement for fossil fuel diesel fuel. This renewable diesel is primarily derived from used cooking oil and waste animal fats, helping reduce

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waste and cutting the lifecycle emissions to date.

The city has used over \$34 million gallons of renewable diesel. This transition extends beyond road vehicles. DCAS is collaborating with the New York City Department of Transportation and other maritime agencies to power boats and ferries with renewable diesel. The Staten Island ferry fleet has fully transitioned and other agencies are following suit. Efficiency remains central to the fleet program. Since fiscal year 2018, we have reduced the total fleet size by 2,234 vehicles or seven percent due to fleet right-sizing and telematics initiatives launched under Executive Order 41. The city continues to operate 4,369 hybrid vehicles, including more than 1,000 new hybrid replacements for the NYPD, ensuring that the end of fiscal year 2026 60 percent of the NYPD fleet will be hybrid, electric or powered by biofuels. Collectively, these actions have resulted in a 67 percent reduction in fossil fuel use or the equivalent of \$20 million gallons annually. DCAS is grateful for the Council's partnership in advancing the policies that enable this work.

Legislation such as Local Law 32 of 2023, and Local Law 99 of 2024 exemplify how strong legislative

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direction can aid us in delivering tangible climate progress. With respect to legislation being considered today, Intro 1038 requires DCAS to lead the creation of a master plan for the redevelopment of Rikers Island for sustainability and resiliency purposes. DCAS is ready and eager to take on any new projects that will expand solar capacity or generate energy savings across large-scale city infrastructure. We agree that a master plan will be a valuable tool for long-term planning as the city transitions to the borough-based jail system. We look forward to working with the Council on assuring the plan's requirements are structured to provide maximum value and feasibility. Intro 1378 requires DCAS to report on the use and vacancy of space in city buildings. DCAS supports the intent of this bill and shares the Council goal of making data as transparent and accessible as possible. We know that much of the information is already available on the city's Open Data platform, and we are happy to work collaboratively to ensure data is published in the most useful ways going forward. Decarbonization city government requires a progressive approach fueled by ingenuity, innovation and partnership from

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transforming our public buildings and schools to
electrifying our vehicles and ferries. New York City
is demonstrating what a government can achieve when
climate action become an operational priority. We
have reduced emissions by over a quarter since 2006
and are on track to cut them by more than half ahead
of schedule. We're building clean energy future, and
while this is a marathon, we are proud of every mile
marker we've passed along the way. Because one solar
panel, one electric vehicle, one retrofit at a time,
we are making our city greener. More than that, we
are saving taxpayers money, creating a healthier
community, and leading by example for cities around
the world. Thank you for your partnership and
continued support. I'm happy to answer any questions
the city may have.

CHAIRPERSON RESTLER: Thank you so much,
Commissioner, and I do want to just note, I think
it's clear that there are a lot of areas of
significant progress, and you know, it's our role as
a Council to kind of ask why we weren't able to do
more and how can do more-- even more moving forward.
But I really do want to thank you for the thoughtful
testimony. I will-- I have lots of questions, as

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always. So, why don't I offer my colleagues the
opportunity to go first, and then I'll chime in.
Council Member Morano?

COUNCIL MEMBER MORANO: Thank you.
Commissioner, for starters, as someone that
represents Staten Island, I want to thank you for
your role in getting the Staten Island flag above
City Hall, and in a borough that often times feels
alienated from city government, I think it plays-- it
sends a very important symbolic gesture to the people
of my borough that we're just as much a part of this
city as everybody else. So, thank you.

COMMISSIONER MOLINA: Obviously, in
Staten Island we care about sustainability, but we
also care about affordability. Can DCAS quantify how
much tax payers are actually saving in dollars from
the City's sustainability initiative to date?

COMMISSIONER MOLINA: I'd have to get
back with you on quantifying the amount. We could
follow up with [inaudible] on that. I thank you for
your question, but I think it's important for
taxpayers to know how much they're saving if
possible. So, we'll work on that for you.

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COUNCIL MEMBER MORANO: Thank you.

According to the data that we've seen, the city's only achieved about 30 percent of its solar installation goal, and Staten Island lags far behind the other boroughs. In your view, why has Staten Island gotten such a small share of completed projects, and what's being done to correct that imbalance?

COMMISSIONER MOLINA: Yeah, sure. I think I'll start off, and then Sana could answer in more technical terms. But I think, you know, part of it is we've done a lot of work with our partners in New York City Public Schools to install a significant amount of solar capacity, and I think we're about at 32-megawatts of solar capacity to date citywide. I think when we look at our-- many of our buildings-- many of our buildings do also require their roofs to be replaced before we implement solar on those buildings. So, I think it goes hand in hand. Anything you want to add to that?

DEPUTY COMMISSIONER BARAKAT: Yeah. No, this is great. So, when we look at solar implementation, we always look at solar-ready sites and like the Commissioner said, at this point we were

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focusing on sites and schools that were ready to go.
However, we are in the process of, you know,
expanding the list, and I'm sure we're going to have
Staten Island included in there.

COUNCIL MEMBER MORANO: Has DCAS
evaluated smaller city buildings like libraries,
precincts, sanitation garages, maybe, for rooftop
solar potential, or do we tend to limit ourselves to
larger headquarters?

DEPUTY COMMISSIONER BARAKAT: Yeah. No,
we are-- we are looking at every possible site that's
available. As you know, it's very challenging to
find sites in the city. You know, it's such an urban
environment. So, any sites that is ready to be used
for solar we'll be looking at. So, we're not
limiting ourselves to anything specific.

COUNCIL MEMBER MORANO: Is there a cost-
benefit analysis that shows whether these solar
projects actually save more on energy costs than they
cost in installation and maintenance?

DEPUTY COMMISSIONER BARAKAT: I'm sorry,
can you repeat that question?

COUNCIL MEMBER MORANO: Is there a cost-
benefit analysis showing whether these solar projects

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actually save more in energy costs, any more money,
than they cost to install and maintain?

DEPUTY COMMISSIONER BARAKAT: We have
that? Yes, let Steven--

ASSISTANT COMMISSIONER CAPUTO: Thanks
for that question.

COUNCIL MEMBER MORANO: Sure.

ASSISTANT COMMISSIONER CAPUTO: It really
depends on the location of the solar project and how
much it costs, but we're-- you know, for a typical
solar project at schools over the lifetime of the say
20-year lifetime of the project, we're definitely
saving money. Other sites that are more expensive to
build, we're maybe breaking even in some cases. And
particularly as we develop larger sites and look at
non-rooftop sites, they're not going to be saving
city money, but we're doing it because we're mandated
by Local Law 99.

COUNCIL MEMBER MORANO: Finally, we've
all seen charging stations popping up around
Manhattan. In places like Staten Island where police
and sanitation fleets operate long routes and often
in cold weather, how realistic in your view is full
fleet electrification by 2035?

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COMMISSIONER MOLINA: I think specifically to our sedans and light-duty vehicles, I think it's realistic. We currently do have the largest charging station that work on the east coast. We would add additional chargers to that. and as we expand in more public partnerships where the public can also use that charging, that'll also be beneficial to the community as well.

COUNCIL MEMBER MORANO: Thank you.

CHAIRPERSON RESTLER: Thank you so much. Just to drill down a little bit further on what Council Member Morano was asking about. In Commissioner's testimony he references the \$150 million in reduced annual energy expenses that have resulted from the decarbonization efforts, would it be possible to provide the Council with a breakdown of kind of which-- how we've saved that money and what has been attributed to it to help provide some additional information to Council Member Morano for how we've been able to reduce those energy expenses further?

DEPUTY COMMISSIONER BARAKAT: Yes, we can.

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CHAIRPERSON RESTLER: Great. Council
Member Nurse?

COUNCIL MEMBER NURSE: Just a couple
questions. I know DEP isn't here, but you know, we
imagine in the way it's written in the bill that a
master plan for moving forward the vision for
renewable Rikers would be working strongly with DEP,
maybe even having them lead it and MOCJ, but maybe
you could talk a little bit about from what you know
post the studies being completed what has kind of
transpired since then in terms of figuring out next
steps for moving the project forward?

DEPUTY COMMISSIONER BARAKAT: So, we have
the REACT [sic] Committee, as you know. We've met
four times already, and we're now in the process of
developing the recommendations. So, those really
where the next step is, you know, what
recommendations do we want to, you know, present for
what renewables would be on the island.

COUNCIL MEMBER NURSE: Okay. And when do
you expect to have those recommend-- when do you
anticipate having those recommendations finalized?

DEPUTY COMMISSIONER BARAKAT: There is no
specific time at this point, but we will keep working

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with the React Committee to see when they'll be ready
with those recommendations.

COUNCIL MEMBER NURSE: Okay. And is there
any budget associated with this work that you've
asked for in terms of moving forward a plan?

DEPUTY COMMISSIONER BARAKAT: As far as
the master planning, is that what you're referring
to?

COUNCIL MEMBER NURSE: Yeah.

DEPUTY COMMISSIONER BARAKAT: Okay. The
master planning, it would be the natural next step.
That's why we're supporting the bill, because that's
where, you know, basically how much it's going to
cost you, what is the timeline, what's the phasing.
You know, it's encompasses all the factors that you
would look into a capital plan. So, that is the next
step that we're-- you know, that we would naturally
be looking into.

COUNCIL MEMBER NURSE: So, is it likely
or unlikely that we would see recommendations by the
end of this year? Unlikely, okay. I imagine. Okay.
Those are my questions. I'm glad you all are in
support of the bill and I look forward to having a
conversation with you all. Thank you.

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DEPUTY COMMISSIONER BARAKAT: Okay.

Thank you.

CHAIRPERSON RESTLER: Thank you so much, Council Member Nurse and thank you for your leadership on renewable Rikers and to all the folks here who've been working on renewable Rikers. I'm really grateful for your diligent advocacy. I think I'll actually start my questions there and then go a little more macro. I'm just interested-- maybe Sana, Steven, for you both. If you had a magic wand, what do you think is the most beneficial use of Rikers for decarbonization purposes to helping achieve our carbon reduction goals? Do you have a wish list of what we're able to accomplish there, specific projects that you think would be most beneficial? The report that Council Member Nurse referenced, you know, talked a lot about wastewater emissions being something that we can maximize on Rikers. I think wastewater emissions are, you know, after our buildings, second largest source of emissions. Is that what we should be focusing on, or what do you think?

DEPUTY COMMISSIONER BARAKAT: I'm trying to remember what the recommendations in the

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feasibility study, but I believe there we talked about solar being one. I believe wind was one of the other options. We haven't really looked too far knowing that we have that master plan coming, right? This is where we're going to explore all the different options. So, it is a complicated question, because you know, we could have a wish list, but it may not be feasible, and also the cost may be very prohibitive. So, I don't know if Steve you have any other thoughts on it, but yeah, this is where we are with it.

CHAIRPERSON RESTLER: Anything else? No?

DEPUTY COMMISSIONER BARAKAT: No.

COMMISSIONER MOLINA: if I can add something.

CHAIRPERSON RESTLER: Please, for sure, of course.

COMMISSIONER MOLINA: I think, you know, wastewater treatment would be generational game-changing thing if that could be possible on Rikers Island. In addition to complementing that with solar, and I think hopefully significant advancement in battery storage are the three things at the top of my mind personally and professionally that could

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replace what Rikers Island is today, and it could be
a general change in just climate action for not only
the city but this country if we were able to do that.

CHAIRPERSON RESTLER: Great. Thank you
for that. and just would like to understand a little
bit better the status of the Renewable Rikers
Advisory Committee. So, it's chaired by DCAS. It's
supposed to meet four times a year. Has it met in
2025?

DEPUTY COMMISSIONER BARAKAT: Yeah,
January 1, 2025 was the last meeting.

CHAIRPERSON RESTLER: The last meeting.
So, we've had one meeting this year. Is there
another meeting scheduled?

DEPUTY COMMISSIONER BARAKAT: Not at this
time.

CHAIRPERSON RESTLER: Not at this time.

DEPUTY COMMISSIONER BARAKAT: Because we
don't really need a meeting since we are developing
the recommendations. Until those recommendations are
developed, we didn't feel like we needed one.

CHAIRPERSON RESTLER: Okay.
Commissioner, I can't imagine a person who is better
positioned to respond to questions about the turnover

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1 of land on Rikers Island from DOC to DCAS than you
2 considering the hats that you've worn. My
3 understanding is that DOC's supposed to turnover
4 buildings and parcels of land that are not in active
5 use every six months. There are 42.5 acres and the
6 JATC facility under DCAS control that were
7 transferred in the de Blasio administration. Is that
8 correct?
9

10 COMMISSIONER MOLINA: That is accurate.

11 CHAIRPERSON RESTLER: And I understand
12 that DOC still manages access to that land that was
13 transferred over to DCAS. What role has DCAS taken
14 in managing those sites?

15 COMMISSIONER MOLINA: Yeah, so DCAS does
16 not have any real management authorization over the
17 transferred properties. Those decisions are made by
18 DOC.

19 CHAIRPERSON RESTLER: But if they were
20 transferred, why wouldn't they be in your control?

21 COMMISSIONER MOLINA: Because the island
22 is under the control of the Department of
23 Corrections. So, when DCAS has jurisdiction over
24 unused city-owned property, the agency does not
25 assume day-to-day management of those

responsibilities. Agencies do relinquish those properties to DCAS which gives us jurisdiction until new city use is identified.

CHAIRPERSON RESTLER: So, you have not considered interim uses, ways that we could start to activate these 42.5 acres of land and a vacant facility? And frankly, there's other vacant land that could have been transferred to DCAS as well, significant amounts of vacant land. but you have not considered any interim uses for the property that's technically in DCAS' control.

COMMISSIONER MOLINA: Not at this time.

CHAIRPERSON RESTLER: And do you think that DCAS should have more control over the land and property that's in your jurisdiction?

COMMISSIONER MOLINA: I mean, I think it makes it a little bit challenging when you're talking about Rikers Island, because there's still active jail operations that are happening there. So that would make it challenging.

CHAIRPERSON RESTLER: And then from a kind of decarbonization vantage point, do we think interim uses like solar or other short-term opportunities, composting, etcetera, could be

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opportunities to take advantage of these-- this large
vacant land?

COMMISSIONER MOLINA: It's possible.
We'd have to give that more significant thought.

CHAIRPERSON RESTLER: And why hasn't that
been considered to date? I mean, I just mean these
properties were transferred four years ago. This--
your-- I mean, this is not a new issue. I'm just--
is there any insight that you can share? It's just--
it's too complicated to do?

COMMISSIONER MOLINA: I don't think it's--
- I don't-- well, listen, I think a lot of Rikers
Island is just a complex situation overall. I think
we also wanted to give-- we wanted to empower our
REAC Members to be able to have a say in the future
of that, even in an interim basis. So, I await their
recommendations to see what they might come up with,
but I think the legislation before us in the master
plan is going to create significant movement in that
direction for us as a city to be fully committed to
moving forward--

CHAIRPERSON RESTLER: [interposing] And
have--

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COMMISSIONER MOLINA: with what the future
of Rikers Island will be.

CHAIRPERSON RESTLER: Have you received
any updates on potential new transfers of land, or I
mean, if DCAS doesn't even really control the land
that's in your-- that's in your jurisdiction? I
don't know if it's germane, but have there been any
conversations about transferring additional vacant
land on Rikers to DCAS?

COMMISSIONER MOLINA: We have not. I
would refer you to DOC because they make those
decisions.

CHAIRPERSON RESTLER: I would just say
from my perspective, and I-- you know, the
opportunities to activate this land on an interim
basis, the opportunities to-- for DCAS to take more
control over more of the island both advances our
renewable Rikers goals and advances our commitment to
the closure of Rikers. And so, showing that tangible
progress to New Yorkers, making this whole thing real
I think matters. And so, I really would encourage
you all in the waning days of this administration to
think about are there ways that we can demonstrate
that forward momentum and progress and the commitment

that you speak to in this testimony which I appreciate, but to make it a little bit more tangible for New Yorkers to feel. Great. Thank you again to Council Member Nurse for her leadership on this. We really appreciate it. I do want to take a little bit of a step back to just look at broader decarbonization efforts. So, you know, DCAS has I think rightly been tasked as the lead agency on our city's carbon reduction goals and has oversight of the strategies that are pursued and the project that are selected. The 2021 Action Plan at the tail end of the de Blasio administration, at the height of COVID, laid out a detailed set of steps to meet our decarbonization goals. The 2024 brief update that you all provided noted some of the challenges that DCAS has encountered. Is there a current plan for how we will reach our emission reduction targets? Is there a set list of projects that must be completed for us to achieve these goals? Is the budget and the staffing that we need to accomplish them in place? Where does that plan live? How can, you know, myself as a Council Member and the public at large do a better job of kind of grasping how we're making progress in achieving these critical objectives?

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DEPUTY COMMISSIONER BARAKAT: So, of course, we have a plan. And we have shared a list of our 10 largest projects with you, if you recall after the meeting.

CHAIRPERSON RESTLER: Yeah, after the budget hearing, yeah.

DEPUTY COMMISSIONER BARAKAT: Yeah. And we are still on-track with that list, list of projects. Of course we have-- you know, we implement over a thousand-- over a thousand projects a year, right? So, we have lot of projects in the pipeline that we're working on. If you'd like to see more projects, we can share them with you, but it's hard for me now to list all the projects here at the hearing. but we'd be more than happy to share the projects. And just to give you an idea. The way we've been looking at things, of course, [inaudible] the IEP that you mentioned, the action plan. So, the categories that we look at, they're pretty much-- they fall onto these categories that I'm going to mention: Lighting upgrades is a big one, right? That's easy to decarbonize. HVAC efficiency, that's another category that we focus our projects on. Renewable energy, obviously solar. And water

infrastructure measures. Those four categories make up most of our portfolio, but of course we do also operational improvements and develop upgrades and electrification.

CHAIRPERSON RESTLER: Okay. I'm going to just drill down on those questions that I was asking a moment ago. You know, I think for context, city was supposed to reduce emissions by 30 percent by 2017, and the first term of de Blasio failed to hit that deadline. Supposed to reduce by 40 percent by 2025 this year. We failed to hit that deadline. As of March, DCAS said, you know, at our budget hearing that we would meet the 40 percent reduction goal in FY27. Does that continue to be correct?

DEPUTY COMMISSIONER BARAKAT: Correct.

CHAIRPERSON RESTLER: And in FY25, DCAS to your credit, to your great credit, did exceed its goal of over 50,000 metric tons reduced and hit 60,000, but unfortunately, for the proceeding four years, DCAS was short on those targets. Could you lay out what are the remaining total reductions needed to hit that 40 percent threshold? Is CHPE basically the single thing that's going to hit us over that benchmark?

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DEPUTY COMMISSIONER BARAKAT: Good

question. So, we-- you know, our decarbonization project alone will be able to achieve the 40 percent by 2027, even without CHPE. With CHPE, you know, it's a guarantee, right? So, CHPE's on time by the way. It's on-- it's going to be up and running in the spring of 2026, still on track. So that's going to help us to actually achieve more than what's in the IAP [sic] targets.

CHAIRPERSON RESTLER: Okay.

DEPUTY COMMISSIONER BARAKAT: So, it's a combination of--

CHAIRPERSON RESTLER: [interposing] Yeah.

DEPUTY COMMISSIONER BARAKAT: both, but we continue to do decarbonization, of course.

CHAIRPERSON RESTLER: Why don't I do the largest projects, and then we'll dig in on CHPE a little bit? So, we did really appreciate that list of the 10 largest, kind of, greenhouse gas emission reduction projects that you shared with us earlier this year. They represented a total of 70,000 metric tons reduced by 2032. Half of that reduction comes from the Wards Island Wastewater facility. Most of these projects will reduce emissions by two to 3,000

metric tons. You know, is there a more comprehensive list than the top 10 of all projects that are underway so that we can do a better job of kind of understanding what progress we're making as a city?

DEPUTY COMMISSIONER BARAKAT: Yeah. Like I mentioned before, I mean, we do have more than the list that we provided. You know, we--

CHAIRPERSON RESTLER: [interposing] Is there a public place where that exists?

DEPUTY COMMISSIONER BARAKAT: We don't really publish that list because it is dynamic. Sometimes, you know, projects don't happen. You know, an agency could say, you know, this year I cannot do this and it gets delayed a little bit. So, we try not to publish it, leave it internal, but we can provide you with more projects, like I said that, you know, we know for sure that are-- you know, they're solid, besides the list that we provided you before. So, we could give you more if you like.

CHAIRPERSON RESTLER: More is more.

DEPUTY COMMISSIONER BARAKAT: Yeah.

CHAIRPERSON RESTLER: The-- in your testimony, the Commissioner referenced three projects. I just wanted to confirm that they are all

underway. The Brooklyn Museum deep energy retrofit, the 57th Street garage, the OCME Center for Forensic Sciences, have those all begun? Yes?

DEPUTY COMMISSIONER BARAKAT: Yes.

CHAIRPERSON RESTLER: Great. That's good to hear. Can you just-- I think it would be beneficial for me and for the-- for everyone. You know, DCAS serves as the clearing house that is helping to work I presume in partnership with the new taskforce at OMB, relatively new taskforce at OMB, to decide which projects are getting funded. And could you walk me through what's the process for how agencies are bringing projects to you for review and what the determination is, or which projects are getting funded and which are not?

DEPUTY COMMISSIONER BARAKAT: Yeah. So, we always look at projects that have the most impact, right? Most impact, you know, again, staffing. Could the agency, for example, is the agency able to provide the resources to finish the project. Because there's nothing worse than starting a project and not being able to finish it on time, right? So, we work with the agencies actually on a daily basis to figure out what project they like to be initiating. We look

1 at the metrics associated with the project. We look
2 for, like I said, the impact, you know, staffing
3 resources. Is it in a DAC [sic] area? You know, is
4 the benchmarking, you know, low so that maybe we need
5 to push that one up. So, we do look at different
6 factors as we develop the list of projects.

7
8 CHAIRPERSON RESTLER: So, you know, it's
9 always resource-dependent, right? That's the world
10 we live in. The 2021 Action Plan laid out \$3.68
11 billion in city investments that were needed from
12 2022 to 2030 to achieve our climate goals and to hit
13 these benchmarks-- comprised, I believe, of \$1.66
14 billion from 22 to 25, and \$2.02 billion from 26 to
15 30. In the 24 update, DCAS noted that there were
16 budgetary constraints that have led to delays in
17 active and pipeline projects. Could you provide an
18 update on how much was spent from 2022 to 2025, and
19 what is the funding that has been allocated from 26
20 to 30 just relative to the \$3.68 that was cited in
21 this 21 report? \$3.68 billion.

22 DEPUTY COMMISSIONER BARAKAT: Do we have
23 that breakdown now? Okay.

24 ASSISTANT COMMISSIONER CAPUTO: Thanks
25 for that question. So, the way the IAP created the

1 budget, it included actually the large-scale
2 renewables. So that kind of mixes capital projects,
3 the investment in transmission, as well as expense-
4 funded projects. But what I can-- so I'm going to
5 pivot from that to just tell you what we have spent.
6 I think we want to get the exact numbers. but it's
7 approximately around \$1.5 billion has been spent
8 since 2021. We have, as we mentioned in the
9 testimony, \$3.4 billion 10-year Capital Plan.
10 Seventy-seven percent of that is front loaded in the
11 first five years. So, your answer is about \$2.5
12 billion--
13

14 CHAIRPERSON RESTLER: [interposing] Okay.

15 Even more, yeah.

16 ASSISTANT COMMISSIONER CAPUTO: over the
17 next five years. And we have a-- our total operating
18 budget is about \$110 million and about 80 percent of
19 that goes toward direct decarbonization efforts.

20 CHAIRPERSON RESTLER: That's great.

21 That's very helpful. Thank you very much. Those are
22 positive figures. EO89 which I think was a de Blasio
23 era Executive Order directed OMB to establish a
24 Capital Plan carbon budget to report the emissions
25 impacts of capital projects valued over \$1 million to

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DCAS. Is that occurring, and is that something DCAS would be able to report on publicly? Compliance with EO89 and the carbon benefits from large capital projects-- carbon reduction benefits.

DEPUTY COMMISSIONER BARAKAT: So, we do publish EO89, right? It's coming up actually in November.

CHAIRPERSON RESTLER: Okay, great.

DEPUTY COMMISSIONER BARAKAT: You'll see our fiscal year 24. The last one was fiscal year 23. And from that, you would see that actually we are on the right track. We're still-- you will see more deductions than what is spoke about today. So, we're definitely--

CHAIRPERSON RESTLER: [interposing] That is helpful.

DEPUTY COMMISSIONER BARAKAT: [inaudible]

CHAIRPERSON RESTLER: I have some more questions, but I will pause and invite former Chair of this committee, my colleague Council Member Gale Brewer.

COUNCIL MEMBER BREWER: Thank you very much. My question has to do with-- I don't know what exactly Intro 1378 is asking. But when I go down

1
2 Broadway, I see vacant buildings that are owned by
3 the city. I know where some of them-- both side of
4 Broadway in this area. I see-- I don't know what you
5 call them, newsstands that are owned by the city all
6 over the place, etcetera. Then I called IBO, because
7 a while ago I was like, I want the list. Everything
8 could be as beautiful as City Store, everything. And
9 congratulations on that. That's my favorite store in
10 New York. But where is--

11 CHAIRPERSON RESTLER: [interposing] When
12 is it reopening?

13 COUNCIL MEMBER BREWER: where is there
14 such a list? Have you been the City Store?

15 CHAIRPERSON RESTLER: It's closed right
16 now. When it is reopening?

17 COUNCIL MEMBER BREWER: Where the hell
18 have you been? It's freaking open. We cut the
19 ribbon.

20 CHAIRPERSON RESTLER: The renovations--
21 when was the ribbon cutting? I missed that. Nobody
22 invited me. Last week?

23 COUNCIL MEMBER BREWER: Because you
24 didn't have anything to do with the scarfs.

25

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CHAIRPERSON RESTLER: I Chair this
committee, I thought I might have gotten an invite on
that one.

COUNCIL MEMBER BREWER: Hell no.

CHAIRPERSON RESTLER: I love the City
Store. I didn't know it re-opened.

COUNCIL MEMBER BREWER: No, no, no, no.

CHAIRPERSON RESTLER: Look at me. I knew
it was closed.

COUNCIL MEMBER BREWER: Wide open. Brand
new.

CHAIRPERSON RESTLER: Alright, sorry.

COUNCIL MEMBER BREWER: Fabulous.

COMMISSIONER MOLINA: We got to have you
do a video for us, Chair.

COUNCIL MEMBER BREWER: He didn't-- he
didn't-- forget it. Don't worry about him.

CHAIRPERSON RESTLER: I-- it is the
number one place I go to buy gifts for people who I
work with for many, many years.

COUNCIL MEMBER BREWER: He obviously
hasn't been there in a while.

CHAIRPERSON RESTLER: When did it reopen?

COUNCIL MEMBER BREWER: Last week.

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CHAIRPERSON RESTLER: [interposing]

[inaudible]

COUNCIL MEMBER BREWER: Because you don't pay attention. They bought scarves that are long and not square. I'm so excited. So, my question is, though, around this city you have a lot of vacant property. Is there such a list? It says it's on Open Data which is my Open Data bill, but I don't see it there. So, I want to know is there a list of the properties that you manage and that are-- some are DOT. Some are other agencies, but when I see vacant stores and it says vacant, I get-- you know, why are these not rented? So that's my question. Is there a list of DCAS stores, particularly storefronts that are vacant and not rented, etcetera? And what are we doing about it.

ASSISTANT COMMISSIONER BERK: Thank you for your question, Council Member. So, DCAS does publish data on the Open Data website in the form of the COLP dataset right now. That's the city owned and leased property data set, and that's data that we collect from other agencies with regard to the use of the property. So, there is data out there on how agencies are using the property. But with the

intentions of this bill we look forward to working with council staff in order to craft it in the right way to get the data out there for public consumption.

COUNCIL MEMBER BREWER: Because this-- what I'm looking for is the vacant data. That's not on Open Data. So, is that-- that's what you would help us work on, the vacancies?

ASSISTANT COMMISSIONER BERK: Well, there are-- there are agencies that report vacant use of properties, but specific within spaces and buildings is something that we would look forward to working on.

COUNCIL MEMBER BREWER: Are you going to be doing something about 280 Broadway and all the ones that are-- we can pass every single day along Broadway? Is somebody renting those stores at some point?

ASSISTANT COMMISSIONER BERK: The 280 Broadway retail spaces are actually under long-term lease. So, they are leased out actively to a private tenant.

COUNCIL MEMBER BREWER: But how come there's nobody there.

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ASSISTANT COMMISSIONER BERK: That is something that we would have to discuss with our tenant.

COUNCIL MEMBER BREWER: Okay. and then the second question is-- I know your fleet manager is fabulous and I know he's trying to make them all electric. Do you have enough charging stations for all those fleets?

COMMISSIONER MOLINA: Yes. So, we actually have the largest EV charging network on the east coast. I believe that number is over 2,100 easily. We have others-- installation projects underway. We have over-- we've added over 400 fast chargers to our electric charging station network, and have approximately about 161 that are solar. So, we're always looking to expand on city assets and that has been moving briskly. We've actually-- I think not long ago, about January 2023, we're only at about 1,300 EV chargers, and now we're well over 2,100.

COUNCIL MEMBER BREWER: Alright. And those are just for city, because I do get complaints from individuals' residents because there are so few

charging stations. But yours are only for city vehicles, is that correct?

COMMISSIONER MOLINA: The significant majority offers city. We do have one that's for public and city use, and we're also thinking about how can we create possibly more public use, city use, charging them.

COUNCIL MEMBER BREWER: Okay. I would love to see more in Manhattan, because people are complaining all the time. Thank you, Mr. Chair. I'd be glad to give you a tour of the City Store.

CHAIRPERSON RESTLER: I don't need a tour of the City Store. I know the City store well. But I appreciate it, and if you want to hang out at the City Store, I'll be there. I just want to go back for one moment. I appreciate you all confirming that we're on pace for FY27 targeting of hitting the 40 percent reduction. Can you clarify just how many additional metric tons do we have to reduce by to hit that FY 27 goal, and how many additional tons do we have to reduce by to hit the 50 percent goal by 2030? And just to kind of drill down, of the 10 largest projects that you shared with us earlier this year, six are scheduled to be completed by FY27, totaling

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about 17,000 tons. All 10 of those projects, I think, are on pace for FY32 to be completed. We're about 77,000 tons, mostly the Wards Island wastewater facility. But just trying to understand is it if we get those six projects done by FY27 at 17,000 tons, is that what we-- I mean, that's not going to be enough for us to hit the-- no? So, could you just lay out what's the gap?

ASSISTANT COMMISSIONER CAPUTO: yeah, I don't have the numbers in front of me, but--

CHAIRPERSON RESTLER: [interposing] If you want to do broad strokes.

ASSISTANT COMMISSIONER CAPUTO: Yeah, it's approximately 600,000 metric tons are needed by-- to hit the 40 percent goal, and another 400,000 to reach the 50 percent goal, and that would be-- we would reach that through a combination of our project cue, completed projects, as well as through CHPE. That--

CHAIRPERSON RESTLER: [interposing] But I thought what I heard Sana-- and I don't remember your title, I apologize. The Deputy Commissioner for Energy Management, sorry. Testify to was that without CHPE we would hit our 40 percent goal by FY27

just based on projects that were in the pipeline. Is that in-- do have that right?

ASSISTANT COMMISSIONER CAPUTO: That's what we're projecting. We have a model and that's what we're projecting that we can reach that by 2027.

CHAIRPERSON RESTLER: Okay.

ASSISTANT COMMISSIONER CAPUTO: So, really CHPE is getting us-- CHPE was our strategy to help get to the 50 percent reduction goal by 2030.

CHAIRPERSON RESTLER: And just for the record, assuming CHPE comes online in May of 26 or whatever the date is, what numerical impact will that have? Or is that projected to have?

ASSISTANT COMMISSIONER CAPUTO: Let me-- I think we want to get back to you. That would fully decarbonize our electric-- our electricity emissions, and I don't want to misstate what that portion is.

CHAIRPERSON RESTLER: I don't' know if you guys saw the advertisements over the weekend of Ronald Reagan and tariffs, no? This was Doug Ford, the Premier from Ontario, put up some advertisements. The President wasn't very happy about them. Things, as we all know, are challenging between the United States and Canada right now. Are

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you concerned about Canada's threat to cut off energy to New York? Do we have confidence that CHPE's going to be in place, you know, a year and a half from now? Or less, six months from now, excuse me.

DEPUTY COMMISSIONER BARAKAT: Yeah, six months. Spring of 2026,--

CHAIRPERSON RESTLER: [interposing] Six months.

DEPUTY COMMISSIONER BARAKAT: it's coming. Yeah, we are confident the project is not going to be affected by tariffs or anything like that, because also all the equipment have been purchased, right, all of that. So, we're almost there. It's almost, you know, six months away. So, there is no threat to this [inaudible].

CHAIRPERSON RESTLER: And is there any alternatives that we've had to consider as a result of the Clean Path New York project being cancelled?

DEPUTY COMMISSIONER BARAKAT: CHPE alone is going to cover our operations fully, so again, no-- yeah.

CHAIRPERSON RESTLER: Great. Thank you. Buildings-- the largest source of emissions, the public sector and the private sector and the city as

1 a whole. Planned interventions were expected to
2 deliver a reduction of 184,000 metric tons of CO2 by
3 2025. Are you able to share if we reached that
4 emission reduction target for buildings, and if so or
5 if not, how many metric tons of carbon did we reduce
6 by?
7

8 ASSISTANT COMMISSIONER CAPUTO: Yeah, we
9 can share that. That information's published in the
10 city's greenhouse gas inventory sector by sector so
11 we can see in that inventory how much building sector
12 has been reduced.

13 CHAIRPERSON RESTLER: Do you recall if we
14 hit the goal?

15 ASSISTANT COMMISSIONER CAPUTO: I don't
16 want to misspeak, so yeah.

17 CHAIRPERSON RESTLER: Okay. Planned
18 energy efficiency projects were expected to reduce
19 total building emissions by 45 percent, 128,000 tons.
20 How many of the planned energy-- if you're able to
21 share or follow up with. How many of the planned
22 energy efficiency projects noted in the 2021 Action
23 Plan have been implemented, delayed? Are we able to
24 get a status? Is that right-- should I be-- is that
25 the right thing for us to be looking at, that 2021

Action Report, of kind of the slate of projects and what their status is? Is that a helpful way for us to understand the progress that we're making?

ASSISTANT COMMISSIONER CAPUTO: it's not unhelpful. I mean, that-- at the time we looked at our total project pipeline, and looked at the likely emission reduction impact of that. The majority of those projects are likely completed by now. They were more-- mostly near-term projects. Since then, we focused increasingly on electrification projects which tend to take-- and more comprehensive HVAC projects. So, those are the bigger projects that were identified in the plan as needing to happen.

CHAIRPERSON RESTLER: And Steven, where should we be tracking our progress on those projects? Like, we as the Council and the public? Is there a way for us to do that?

ASSISTANT COMMISSIONER CAPUTO: Well, the-- I believe the-- as you mentioned before, the city's carbon capital budget would have progress on that. I believe that's public.

CHAIRPERSON RESTLER: Okay. I mean-- and forgive me if this is an ill-informed question. But if we had completed all of the projects that were in

the 21 plan, then we would have achieved our goal by 25, right?

ASSISTANT COMMISSIONER CAPUTO: So, the big challenge that we face relative to the assumptions of the plan are two-fold. One, we assume that the grid was going to get cleaner, because that this-- the assumption was that the state's large-scale clean energy projects were going to be happening. So, we assumed a cleaner grid. We also didn't fully account for the-- how negative an impact we would have from the closure of Indian Point. So, our grid has gotten 25 percent dirtier. If you actually look at our FY23 emissions what they would have been if Indian Point were still online, it's about a 33 percent reduction. So, we really took a big step back when the grid got dirtier.

CHAIRPERSON RESTLER: Fascinating. Okay, that's very helpful. Thank you for explaining. One of the largest investments the city has made to reduce building emission was the heat electrification initiative plan to account for 57 percent of the budgeted buildings emission reductions by replacing existing boiler systems with electrification. The city planned to ramp heat electrification projects at

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a pace of I believe two percent of city building square footage per year by 2030. How many square feet were electrified over the past four years? Or can you break down-- if there's a better or different way to break that down, I welcome it. But that was just what we figured.

DEPUTY COMMISSIONER BARAKAT: We're at less than one percent of the--

CHAIRPERSON RESTLER: [interposing] Okay. Total--

DEPUTY COMMISSIONER BARAKAT: [inaudible] square footage.

CHAIRPERSON RESTLER: Total.

DEPUTY COMMISSIONER BARAKAT: For electrification, yeah. However, we are working with NREL the-- I'm trying to remember the National Renewable Energy Lab. We are developing together an electrification study that will help us assess pathways to 2050 net zero and also focus on electrification.

CHAIRPERSON RESTLER: And how many projects have been completed so far? If we're at less than one percent, are you able to quantify what we have been able to accomplish?

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DEPUTY COMMISSIONER BARAKAT: So, a couple of things here. Underleading the charge, we already have 33 schools in design and construction that are being electrified. We also have more than 100 buildings operated by more than a dozen agencies that have incorporated electrified HVAC and hot water systems. And we continue to scale up.

CHAIRPERSON RESTLER: Okay. There was planned to be about \$600 million for heat electrification initiatives. Do you know how much we've actually spent?

ASSISTANT COMMISSIONER CAPUTO: So, DCAS itself put forward a billion dollars in its capital plan, about \$300 million of that has been capitally committed and is underway. The School Construction Authority put up another \$1.8 billion, and I'd have to get back-- it's in their capital plan. I'd have to get back to you on the level of commitment, but it's-- I'm sure it exceeds what we've committed to-date.

CHAIRPERSON RESTLER: That's helpful. Thank you. Is the City continuing to install new gas boilers in projects?

ASSISTANT COMMISSIONER CAPUTO: There may be some legacy projects still happening, but we've--

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starting about three years ago we've stopped funding
those projects. And we--

CHAIRPERSON RESTLER: [interposing]

Because in--

ASSISTANT COMMISSIONER CAPUTO: We've
told agencies that have come to us and said-- for
example, NYPD came to us and said we have 20 boilers
we want to reinstall, and we said no, go back to the
drawing board and let's electrify, and we have more
than a dozen NYPD electrification projects now--

CHAIRPERSON RESTLER: [interposing] So,
did the Brooklyn municipal building just predate that
policy?

ASSISTANT COMMISSIONER CAPUTO: Yeah, so
there were-- there were definitely some projects that
predated that policy, particularly a few larger
projects that took, you know, three to five years to
plan. But when agencies have come to us--

CHAIRPERSON RESTLER: [interposing] The
Brooklyn municipal building has taken longer that.

ASSISTANT COMMISSIONER CAPUTO: we no
longer-- we no longer-- yeah. We no longer fund
those projects.

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CHAIRPERSON RESTLER: Okay. My

constituents on Joralemon Street will be very happy when that project is completed. But neither here or there. Okay, that's helpful to hear. I wish we had gotten there for the Brooklyn municipal building, because that's a very large city facility. Shifting to building fuel. From 2006 to 2019, the city reduced fuel consumption by about 43 percent do you have an update on where we are today? And then, specifically, I'm really interested in drilling down on Council Member Gennaro's legislation phasing out heating oil #4. Supposed to no longer be in use in public school buildings as of July 1st of this year. Are we in compliance there? So, just again, two questions. How much progress have we made on our fuel consumption reduction goals? However, you want to lay that out for us to best understand it. And secondly what's the status on use of heating oil #4.

DEPUTY COMMISSIONER BARAKAT: So, fuel oil #4 has been phased out completely. We met that requirement in 2025.

CHAIRPERSON RESTLER: Great.

DEPUTY COMMISSIONER BARAKAT: Yeah.

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CHAIRPERSON RESTLER: Did you guys
celebrate it? Did I miss it? No?

DEPUTY COMMISSIONER BARAKAT: I don't
know we didn't--

CHAIRPERSON RESTLER: [interposing] You
should celebrate it.

DEPUTY COMMISSIONER BARAKAT: We didn't
announce it, but--

CHAIRPERSON RESTLER: [interposing]
Celebrate it.

DEPUTY COMMISSIONER BARAKAT: we should
have.

CHAIRPERSON RESTLER: Good things deserve
celebration.

DEPUTY COMMISSIONER BARAKAT: I know.

CHAIRPERSON RESTLER: Even if-- I'll say
nice things. Like the opening of the City Store
which my-- I want you to all know on the record that
my Chief of Staff knew about this. She was eager to
return to the City Store. I'm the only one who wasn't
paying attention. I apologize.

DEPUTY COMMISSIONER BARAKAT: [inaudible]

CHAIRPERSON RESTLER: I'm coming. I'll
come. I promise.

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DEPUTY COMMISSIONER BARAKAT: As far as--
you talking about oil or energy consumption, because
I was going to say that energy consumption, we're
proud to say that we're at 14 percent energy
reduction. So, that I have. In terms of oil, I'm
not sure if we have that number handy right now.

ASSISTANT COMMISSIONER CAPUTO: I can
tell you-- today, can tell you qualitatively. We
could follow up with the numbers. We had, you know,
the city's heating oil phase out program which I
worked on in previous job, really was first premised
on-- and at the time, a switch to natural gas. So, a
lot of our reductions in fuel oil were as a result of
conversions to natural gas. Currently, as I said,
we're not funding those projects anymore. We're
really focused more on electrification. You know, we
had the Leading the Charge initiative which intends
to fully electrify schools, but we're also looking to
partially electrify schools through, you know,
partial upgrades to HVAC systems as well as removing
domestic hot water from the boilers and just
electrifying those pieces. So, you know, our
strategy going forward for reducing fuel oil is going
to be electrification.

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CHAIRPERSON RESTLER: Helpful. Shifting
to Leading the Charge. My understanding was that you
were focused on electrifying 100 schools. I believe
69-- that the funding you referenced in the SCA
budget is for 69 schools. Do you know if the
additional 30 schools have been selected or if that's
in motion, or is that an SCA question?

ASSISTANT COMMISSIONER CAPUTO: They
haven't yet been selected.

CHAIRPERSON RESTLER: Okay. when were
they supposed to been selected by, or what's-- we're
supposed to do 100 schools by 2030. So, if we
haven't selected those 30 schools yet, we're not
going to hit that goal, right?

ASSISTANT COMMISSIONER CAPUTO: The
policy was to complete or initiate. So, by initiate
it meant to begin funding and design. Currently, as
was made clear in that SCA budget, there is a funding
gap. We made a significant downpayment of about \$2.8
billion to-date to fund this--

CHAIRPERSON RESTLER: [interposing] And \$4
billion is the total amount needed?

ASSISTANT COMMISSIONER CAPUTO: We have
learned that those projects are more expensive, so

there's likely a larger gap than we originally projected.

CHAIRPERSON RESTLER: Okay. I mean, I hear from parents in my schools about how excited they are to try to-- who really want to participate in this, and it's been-- I mean, working with SCA is like banging my head against the wall, so.

ASSISTANT COMMISSIONER CAPUTO: Yeah, I think-- I'm sorry to cut you off.

CHAIRPERSON RESTLER: No, I just-- it's been-- there's been no process for like how do we suggest schools or identify schools that are really eager to make this happen, and you know, deal with the challenges that can come with the work to-- and who will be supportive and helpful. So, it's-- you're-- we have a significant funding gap, but the goal-- the announcement in the plan was to only announce and initiate the hundred schools. It wasn't to complete them by 2030.

ASSISTANT COMMISSIONER CAPUTO: Well, we're, you know, looking to complete the majority of them, but again, there's the funding gap and that needs to be addressed in future capital plans. You know, one thing that-- can't speak to the process for

1 selecting the sites. That's driven by SCA. But what
2 we have learned is these are much more complex than
3 we thought they were going to be. They involve often
4 not only, you know, decommissioning the boiler room,
5 addressing prior and life-safety issues which need to
6 be addressed anyways, locating a lot of equipment on
7 the roofs which sometimes triggers structural issues.
8 So, we're-- you know, these end up being pretty
9 comprehensive renovation projects, much more so than
10 we initially understood.
11

12 CHAIRPERSON RESTLER: Specifically around
13 electrification, those projects I presume all include
14 heat pumps or, you know-- and it's just I've been
15 really impressed by the NYCHA team and the Woodside
16 Houses pilot. Have you all been talking to them. Is
17 there coordination happening? Is that-- are we
18 learning things from their pilots that we think are
19 going to be beneficial for application across the
20 city?

21 ASSISTANT COMMISSIONER CAPUTO: There's
22 definitely some-- if you're referring to the window-
23 based heat pump--

24 CHAIRPERSON RESTLER: [interposing] Yeah,
25 the window-based heat pumps--

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ASSISTANT COMMISSIONER CAPUTO:

[interposing] There's definitely-- there's definitely some application in our portfolio particularly for smaller buildings. We're very eager to see what the next steps with NYCHA's program is. They've installed. I think they've installed a few thousand of them, but they're-- you know, it's still in a phase of testing and piloting both with our residents and also the technology companies. So, we're very actively watching that program, and if it works, there's definitely application within the city government portfolio.

CHAIRPERSON RESTLER: And are you seeing any shifts in the marketplace around heat pumps becoming more widespread in the northeast that could be beneficial for kind of broader adoption in the city?

ASSISTANT COMMISSIONER CAPUTO:

Definitely, and part of what you're seeing with just increasing demand in the City, and thanks to the state's leadership and incentivizing this, you're definitely seeing increasing demand for electricity due to heat pumps. Diffusion or-- the-- we've also seen new products come to market. I think the gap is

for our largest buildings. There's still not a great kit of parts for electrifying those buildings, because the capacity of those systems doesn't really exist. So,--

CHAIRPERSON RESTLER: [interposing] What scale of buildings are you concerned about?

ASSISTANT COMMISSIONER CAPUTO: Our large office buildings and some of our, you know, process-oriented warehouses--

CHAIRPERSON RESTLER: [interposing] Are you able to give me a square footage just to ballpark?

ASSISTANT COMMISSIONER CAPUTO: Why don't we follow up with you, we can give you some more information?

CHAIRPERSON RESTLER: Okay. Solar-- so, Commissioner-- oh, and Council Member Hanif is on Zoom. It's always a pleasure to have Council Member Hanif with us. And let us know, Shahana, if you have any questions. Solar-- the city's original goal as the Commissioner noted in his testimony-- well, let me restate. The Commissioner noted in his testimony, I think you said 32 or 33 megawatts. So, we're up slightly from the 31.3 that was reported in the MMR.

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So, that's progress, little bit by little bit. I believe that there's an additional 50 megawatts under development. The city's original goal was to add 100 megawatts total. So that's gets us to about 82 or 83 of solar on city assets. Could you lay out for me what's the plan to get to the 100 megawatts, and the steps to get there? And correct me if I had anything wrong.

DEPUTY COMMISSIONER BARAKAT: Yeah, I was going to say, so 32 megawatts are completed. In the pipeline we have 41 megawatts. So, it's not 42.

CHAIRPERSON RESTLER: 41?

DEPUTY COMMISSIONER BARAKAT: Yeah, 41.

CHAIRPERSON RESTLER: Okay, thank you for clarifying.

DEPUTY COMMISSIONER BARAKAT: Yep, across 137 projects. So, we have not fully identified, you know, that-- as we mentioned before, right, there are-- it's challenging, right, to find ready-to-go sites. So, we're in the process of developing the full list. We're not there yet.

CHAIRPERSON RESTLER: What are the obstacles? What are the biggest obstacles? What's been hard?

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DEPUTY COMMISSIONER BARAKAT: You know, roof repairs is going to be a big one, and that costs a lot of money as well.

CHAIRPERSON RESTLER: You've been prioritizing buildings that are more recently constructed or have recently had roof renovation projects so as to not have a likely conflict with upcoming capital projects?

DEPUTY COMMISSIONER BARAKAT: Yeah, of course, we're looking at that, but it's not enough.

CHAIRPERSON RESTLER: Right.

DEPUTY COMMISSIONER BARAKAT: The other challenge is, you know, we cannot just look at roofs, obviously, like you said. We have to look at for example--

CHAIRPERSON RESTLER: [interposing] Rikers Island.

DEPUTY COMMISSIONER BARAKAT: Parking lot--

CHAIRPERSON RESTLER: [interposing] Just kidding. I mean, I'm not kidding, but keep going.

DEPUTY COMMISSIONER BARAKAT: Yeah. Carports is going to be another one we're looking into. So, you know, it's not easy to find sites in

the city that we can install solar on. But we're optimistic that we're going to get there. And OMB already added some funding for solar, \$295 million. And you know,--

CHAIRPERSON RESTLER: [interposing] Has there been any directive from City Hall to conduct for agencies to review their portfolios and evaluate. I mean, I know that Matt and his team have a sophisticated understanding of the city portfolio, but have we been pushing agencies to do more and to really look at what the opportunities are for solar within their footprints?

DEPUTY COMMISSIONER BARAKAT: Absolutely, yeah, we're working with agencies.

CHAIRPERSON RESTLER: But we're still not finding the sites?

DEPUTY COMMISSIONER BARAKAT: We're going to have to find sites eventually.

CHAIRPERSON RESTLER: Yeah.

DEPUTY COMMISSIONER BARAKAT: That's--

CHAIRPERSON RESTLER: [interposing] We're not going to hit this goal of 100 megawatts by 2030, right? If we have-- if we've only identified 70-- if we only have completed or identified three-quarters

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of what's needed, we're not, right? So, what should we be doing that would bring agencies to the table more and help us identify more viable locations.

DEPUTY COMMISSIONER BARAKAT: Yeah. So, just to be clear, right, the 41 megawatt when you say it's in the pipeline meaning it's been like identified that--

CHAIRPERSON RESTLER: [interposing]
Totally.

DEPUTY COMMISSIONER BARAKAT: we can go in.

CHAIRPERSON RESTLER: Yeah, no, no, I give you credit for that.

DEPUTY COMMISSIONER BARAKAT: But it-- yeah. So, it doesn't mean that there are no other sites that can be ready for solar. It just that, you know, again they have to be-- you know, the roof repairs have to be done. That's what I mean by not--

CHAIRPERSON RESTLER: [interposing] Yeah.

DEPUTY COMMISSIONER BARAKAT: We're talking only what's in the pipeline. It doesn't mean additional sites--

CHAIRPERSON RESTLER: [interposing] You don't have other ideas, right.

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DEPUTY COMMISSIONER BARAKAT: that can
get to 100, yeah.

CHAIRPERSON RESTLER: Sure. And how--
how about FDNY, have they been too stringent? Have
they been cooperative? Have they been a significant
obstacle?

DEPUTY COMMISSIONER BARAKAT: Not to my
knowledge.

CHAIRPERSON RESTLER: You sure?

ASSISTANT COMMISSIONER CAPUTO: We work
very closely with FDNY to ensure that our systems
meet all the safety requirements that are necessary
in the city, and you know, there's-- we have a strong
partnership with them.

CHAIRPERSON RESTLER: That was a very
diplomatic answer. But we do have legislation that
we've been advocating for without success to make it
easier to get more solar on rooftops, and we're going
to continue to push for that in the new
administration. Schools-- solar on schools. So,
DCAS has shared, I believe, that 90 schools have had
solar installations to date representing 19.7
megawatts and approximately 110 more schools are in
the pipeline. Chalkbeat, though, reported a few

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1 weeks ago that we're currently at 126 schools which I
2 think means that 35 of your 110 schools that are in
3 the pipeline have been completed. Please tell me if
4 we have those numbers right just for our own internal
5 tracking. You know, unfortunately, as a part of that
6 Big Beautiful Bill, Donald Trump cut federal tax
7 credits for solar-- for school solar incentives. Is
8 that going to have a meaningful impact on the city
9 solar plans on schools moving forward, and can you
10 quantify that for our benefit?
11

12 DEPUTY COMMISSIONER BARAKAT: So, just--
13 33 schools, not--

14 CHAIRPERSON RESTLER: [interposing] 33
15 schools.

16 DEPUTY COMMISSIONER BARAKAT: 33 schools
17 are currently in progress.

18 CHAIRPERSON RESTLER: In progress, okay.
19 How many have you completed? Is the Chalkbeat
20 article of 126 has completed? They got that right?

21 ASSISTANT COMMISSIONER CAPUTO: Sorry.
22 The prior number you cited was just for the portfolio
23 that we completed in the December, but it was a
24 subset of the total number of schools.

25 CHAIRPERSON RESTLER: Got it.

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ASSISTANT COMMISSIONER CAPUTO: So, it's
126 today.

CHAIRPERSON RESTLER: 126 to date, and
then the 33 number is additional schools in the
pipeline, is that what that reference is?

ASSISTANT COMMISSIONER CAPUTO: We have--

CHAIRPERSON RESTLER: [interposing] Would
you mind just speaking into the mic, Steven?

ASSISTANT COMMISSIONER CAPUTO: I'm
sorry. Let us follow up with you for the total
pipeline, I believe.

CHAIRPERSON RESTLER: Okay, that would be
great. And the impact of Trump's cut to the federal
tax credits for school solar incentives, can you
quantify what's that going to do to impact our
planning and the work we're planning for schools?

DEPUTY COMMISSIONER BARAKAT: So, you
know, we-- the BBB Act is-- does affect it in a sense
that, you know, the discounts, right, that we would
be getting from developers, you know, when we do the
PPA agreements on solar, we-- from discussions with
contractors and developers is that that cost going to
come up. So that discount that we used to get to
implement the solar is going to be now less.

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CHAIRPERSON RESTLER: Okay. Can you
quantify this?

DEPUTY COMMISSIONER BARAKAT: So, cost,
mostly cost.

CHAIRPERSON RESTLER: I mean, I
understand there's a cost. In fact, we lose a tax
incentive. Are you able to quantify this or to just
help us understand the impact?

DEPUTY COMMISSIONER BARAKAT: We've heard
20 percent increasing costs.

CHAIRPERSON RESTLER: Wow.

DEPUTY COMMISSIONER BARAKAT: 20 to 30
percent.

CHAIRPERSON RESTLER: Okay.

DEPUTY COMMISSIONER BARAKAT: But we
haven't seen yet the real numbers.

CHAIRPERSON RESTLER: I'd like to drill
down a little bit on staffing. This 2021 action plan
that I've referenced ad nauseum in this hearing
forecasted the 280 positions were needed. I believe
those were both DCAS roles and agency roles,
although, please correct me. At FY26 adoption, there
were 135 positions in the DCAS Energy Management Unit
of appropriation. So, half, approximately, of that

280 figure. So, are all of those 135 positions filled? I presume those are all positions that report up to the Deputy Commissioner. What about the other 145 positions that were forecasted in 2021 as needed? Were those intended to be DCAS roles? Do we need those roles at DCAS to get-- to achieve our climate goals? Are those positions that have been funded at other agencies? Could you just help us understand it. And are you exempted from the two-to-one hiring freeze in your portfolio, Sana, or Deputy Commissioner? So, it's a lot, but-- I mean, I can--

DEPUTY COMMISSIONER BARAKAT: We are not exempt. I think certain titles are exempt I want say.

CHAIRPERSON RESTLER: Okay.

DEPUTY COMMISSIONER BARAKAT: I believe some engineering degree-- you know, with a PE, for example, would be exempt. But for the most part, we're not exempt. So, we don't-- no, we don't have the total headcounts. You know, 125 was the number that we was in the IEP for DM [sic], and we're at 33 percent vacancy.

CHAIRPERSON RESTLER: 33 percent vacancy of those 135 positions?

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DEPUTY COMMISSIONER BARAKAT: Correct.

So, we have--

CHAIRPERSON RESTLER: [interposing] so
you've got 80-something, 90 people?

DEPUTY COMMISSIONER BARAKAT: 84. 84,
yeah.

CHAIRPERSON RESTLER: Okay. And the
forecasted figure of 280, was that intended to fully
DCAS headcount?

DEPUTY COMMISSIONER BARAKAT: No, that
includes-- I'm sorry.

CHAIRPERSON RESTLER: No, please.

DEPUTY COMMISSIONER BARAKAT: Okay. That
included the agency energy personnel, the personnel
that we would help place at the agencies.

CHAIRPERSON RESTLER: Are you tracking
how many of those positions have been filled?

DEPUTY COMMISSIONER BARAKAT: Yes.

CHAIRPERSON RESTLER: Could you share
that with us?

DEPUTY COMMISSIONER BARAKAT: Yes. They
had, I believe, the vacancy there is 47 percent.

CHAIRPERSON RESTLER: 47 percent had
vacancy.

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DEPUTY COMMISSIONER BARAKAT: Yes, for
the agency--

CHAIRPERSON RESTLER: So, of the 145
positions, you know, 70 of them are filled or
something to that affect?

DEPUTY COMMISSIONER BARAKAT: I believe
it was 106 positions allocated for AEPs.

CHAIRPERSON RESTLER: Okay.

DEPUTY COMMISSIONER BARAKAT: Agency
Energy Personnel, and we are at 47 percent vacancy
there.

CHAIRPERSON RESTLER: Okay. So, 50
something positions filled, and 80-something
positions filled for you. So, 130 out of-- so we
filled half of the 280 right now currently today,
about half of the positions that were anticipated
that would be necessary for us to achieve our climate
goals are currently filled in city government. Okay.
that is-- I appreciate the direct answers. It is not
something we always get at hearings, and I am
grateful for them. Thank you. The-- I guess I'll
just ask, you know, you can dance however you'd like.
But do we need more project managers and planning
staff at DCAS and at city agencies to move more of

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these projects forward on the timelines that we all
want to see realized?

DEPUTY COMMISSIONER BARAKAT: We always
need more project managers, so I'm not going to dance
around that.

CHAIRPERSON RESTLER: Fair. I'd like to
ask about the Chief Decarbonization Officers the
Commissioner mentioned in his remarks. I think that
you said in your testimony eight of the positions
have been filled. Is that right?

COMMISSIONER MOLINA: Correct.

CHAIRPERSON RESTLER: So, the EO-- again,
EO 89 of 2021 required 11 city agencies to appoint a
Chief Decarbonization Officer. I think as of 23 we
were only at two. So, now that we're at eight,
that's progress. What are the three agencies that
have failed to appoint a Chief Decarbonization
Officer?

COMMISSIONER MOLINA: DCLA, Parks, and
DOC.

CHAIRPERSON RESTLER: Parks and DOC.

COMMISSIONER MOLINA: To be fair to DOC,
they did have one appointed and that person left.

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CHAIRPERSON RESTLER: That was during
your tenure, though?

COMMISSIONER MOLINA: I don't know if
they left during my tenure or after.

CHAIRPERSON RESTLER: I just meant you
appointed them.

COMMISSIONER MOLINA: Yeah.

CHAIRPERSON RESTLER: I was giving you
the credit.

COMMISSIONER MOLINA: Okay, thank you.

CHAIRPERSON RESTLER: You know, on the
record. I just want to be clear. Parks really should
get on it and DCLA as well. That is really
unfortunate. We will reach out to the Commissioners
at both agencies or all agencies. That is helpful.

COMMISSIONER MOLINA: We are working with
them to try to identify candidates.

CHAIRPERSON RESTLER: Yeah, I mean, it's
been four years. I mean, have they put up postings?
I mean, have they made any effort at all? I mean,
Parks especially. It is so central to their mission.
It's kind of-- it's offensive that they haven't done
it, but we're here. I think that I asked my CHPE
questions. I do have some questions about missing

reports, but I think it's better for me to just send those over electronically, so we'll follow up in email after the hearing on that. And we-- I'd like to check in on battery storage-- well, I've got-- I don't know, four or five more topics I'd like to run through. Hopefully, I'll be able to go fast. Although, I have to say, I'm sad that Keith isn't here to take credit for all of the great work of the city fleet, but you all can hear that Council Member Brewer and I had nice things to say about it.

COMMISSIONER MOLINA: Keith and his team has done amazing work. He's at a press conference right now with DOT, so that's why he's not here.

CHAIRPERSON RESTLER: Well, good for him. He really has. He's one of the wizards of city government. We're fortunate to have him serving. Battery storage-- so, in the 2024 update that DCAS shared, the city had installed approximately 0.28 megawatts of battery storage on city properties. Is there an updated figure you can share with us today, and what are the city's goals on battery storage installations, or there's currently sites under evaluation, or kind of where are we at?

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DEPUTY COMMISSIONER BARAKAT: I don't have that number. I don't know if that number has increased since, but because usually we report only one project that's completed. So, I have to get back to you on that one. In terms of storage, we continue to look at storage as part of our portfolio. We have now under-- ongoing at Wards Island, we are installing 10 megawatts of storage there. So that's a big one. Also, at Spring Creek as well, though I don't recall the megawatts there. But we continue to look at placing storage as part of our--

CHAIRPERSON RESTLER: [interposing] Is there a north star, like, goal? Do we have a objective that we're trying to accomplish of X number of megawatts battery storage by Y date that's kind of informing our efforts, or is it catches catch can at this point?

DEPUTY COMMISSIONER BARAKAT: We don't have a goal right now.

CHAIRPERSON RESTLER: Okay.

DEPUTY COMMISSIONER BARAKAT: For storage. We're focusing on solar, mainly solar right now, yeah.

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CHAIRPERSON RESTLER: That would be a good bill. Somebody should introduce it. So, I think we have a battery [inaudible]. Don't we have a-- yeah, we do. We do have a battery [inaudible] we have that bill. Wastewater-- so, after buildings, second largest source of emissions I understand are our wastewater facilities, our wastewater treatment facilities. The largest project currently under way is the reconstruction of the Wards Island Wastewater Resource Recovery facility digester tanks-- that is a mouthful-- which will reduce carbon emissions by approximately 40,000 metric tons. Is this project still on track to be completed by January 1st, 2029?

DEPUTY COMMISSIONER BARAKAT: Yes. Yes.

CHAIRPERSON RESTLER: Great answer. DEP operates 14 wastewater resource recover facilities. Are there other projects planned for DEP facilities that are significant opportunities for us to be looking at right now?

DEPUTY COMMISSIONER BARAKAT: Yes. We have the North River co-generation and electrification project. Oh, no, that's the one that actually we finished in the MMR, right? Yeah. That's completed, sorry. I apologize. Are we

1 looking at more? There is the hydro-electric plan
2 that's in your list, too, Cannonsville [sic]. That
3 one is on track as well. That has 11,000-- almost
4 12,000 metric tons reduction. So, we do work with
5 DEP on their facilities to see what we can-- what can
6 be done in their facilities. It's not always easy
7 because there has to be like 24 hours continuous
8 operation. Sometimes gets complicated there, but we
9 do work with DEP on, you know, what next sites can be
10 used for solar.
11

12 CHAIRPERSON RESTLER: Parochially, as the
13 Council Member for the 33rd District, upgrades to the
14 wastewater treatment facility at Newtown Creek which
15 I believe are responsible for something like-- for
16 treating 16, 17, 18 percent of the poop in New York
17 City was supposed to reduce annual emissions by about
18 90,000 metric tons. Do you know if we achieve-- did
19 the project-- that was the projection. Do you know
20 if the actual project achieved those goals? Are we
21 able to kind of quantify the progress that we made
22 through that project?

23 DEPUTY COMMISSIONER BARAKAT: I'm not 100
24 percent sure.
25

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ASSISTANT COMMISSIONER CAPUTO: Are you
referring to the sludge thickening project? It's
still underway.

CHAIRPERSON RESTLER: Okay. And the--

ASSISTANT COMMISSIONER CAPUTO:
[interposing] One other thing if I could just
mention--

CHAIRPERSON RESTLER: [interposing]
Please.

ASSISTANT COMMISSIONER CAPUTO: with
regard to DEP, we do big projects like sludge
thickening like the membrane at Wards Island. We're
also looking more granularly at all of their water
resource recovery facilities for methane leaks. So
we've got, I think, 13 sites. We just funded a
capital project to look-- we first funded a study and
now we're funding a capita project to go after leaks
in the system. Those leaks, the reason those numbers
are big is methane has a significant global warming
potential. So, when we find leaks and we fix them,
it really makes a big difference. We're working
across DEP's entire portfolio to do that.

CHAIRPERSON RESTLER: That's great. And
I'm sure Commissioner Aggarwala's a great partner in

that effort. You know, I think-- I will take a moment just to say, I think it-- this conversation underscores the importance of Council Member Nurse's legislation and the master plan, which again, I appreciate your support for, but it requires so many years of planning and preparation for us, and if we're going to relocate two or three or four wastewater treatment facilities potentially to Rikers Island, then it informs what capital work we're doing today and whether we're going to spend hundreds of millions of dollars to upgrade West Harlem or wherever else or not and what's a sensible long-term investment for the City to be making and how do we maximally achieve our climate goals in as realistic a timeframe as possible. And so, I just-- I really hope that we can collectively work together to start to hash out what that plan looks like and work toward it so that we're making the smart investments today and preparing for the best investments tomorrow. I wanted to ask about geothermal. In response to questions we raised earlier this year at the preliminary budget hearing in March, DCAS shared that you've been studying geothermal at the cloisters [sic] as well as at Jacobi. Could you confirm if

either of those sites have been deemed viable for
geothermal?

ASSISTANT COMMISSIONER CAPUTO: Yeah.

Jacobi, the result of that study was that given the
hospital's critical care functionality that a partial
geothermal system was feasible. We don't have a plan
for a project there yet. It's a pretty-- it would be
a pretty big undertaking. The cloister's project is
not yet moved forward. It's sort of had a mixed
feasibility and was very expensive. We're also this
year doing a study with the New York Botanical
Garden.

CHAIRPERSON RESTLER: Oh, okay. in the
Bronx?

ASSISTANT COMMISSIONER CAPUTO: Yeah.

And we-- you know, these projects tend to work best
where there's open space and which is why, you know,
we haven't done a lot of them, because finding that
space is pretty challenging in the city.

CHAIRPERSON RESTLER: Right. I mean, I--
again, parochially, we have an 830-unit geothermal
project going up-- I think they've already started
leasing in Greenpoint, one job a street on the
waterfront. And you know, if they're able to make

geothermal work there, it's confusing to me why we're not able to make geothermal work in our large public campuses, whether those be some of the community college sites that I know you all have looked at in Queens and the Bronx, large parks facilities where we can, you know, temporarily bring space offline, take advantage of the geothermal capacity and then, you know, restore or repair things to, you know, even better than they were. It doesn't feel like we have a lot moving forward except, you know, potentially one or two sites.

ASSISTANT COMMISSIONER CAPUTO: Yeah, I mean, it-- definitely, geothermal is more viable in a new building situation like you mentioned. These are-- they're very expensive projects and they're not-- you know, in terms of decarbonization metrics, they're not the projects that you look to first. You tackle the most cost-effective projects. So, this-- which is why it hasn't been a big focus for us, but we're starting to work more and more with some of the agencies that have open space that have an interest that see geothermal as the next phase of their decarbonization effort.

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CHAIRPERSON RESTLER: Great. I do have some fleet questions. I guess, Commissioner, I get to pepper you with those fleet questions. The city fleet has been one of the highlights I think of DCAS and the City of New York's efforts to reduce emissions overall. With nearly 29,000 vehicles reducing emissions from city vehicles has had a critical impact on our air quality, and DCAS was successful in reducing fleet fossil fuel consumption by 50 percent by 2025. Our next target is to reach 80 percent by 2035. Are we on track to reach that goal?

COMMISSIONER MOLINA: Well, there's a couple of ways we're going to reach it. One is to relook forward to try to get the technology where we can electrify much more larger vehicles that are putting emissions. I mean, that's why we took an interim step to move to renewable diesel with our heavy-duty fleet in which we implemented in 12,500 vehicles. In addition to making sure that we're buying vehicles in a schedule that allows for electrification and moving away from our fossil fuel vehicles.

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CHAIRPERSON RESTLER: Great. So, I'm a bit concerned about the trajectories on EV purchasing. The MMR reported that there are 5,569 electric vehicles in our current fleet. 371 additional EVs were purchased last year. That's a decrease from 552 that were purchased in FY24, and nearly 1,200 that were added in FY23. At the time of our preliminary budget hearing in March, DCAS anticipated hitting 6,000 EVs by the end of the year. Are we on track to hit that goal?

COMMISSIONER MOLINA: we should hit the 6,000 number by the end of the year, and we're continuing to seek the restitution of these funds, including both expense and capital components, because EVs as you know dramatically save on not only fuel costs but also maintenance costs as well.

CHAIRPERSON RESTLER: So, to hit our fully electric fleet by 2038 goal and 2035 for light and medium-size vehicles, 2038 for heavy and specialized, we would have to add I think something like 1,500 electric vehicles per year. So, significantly more than what we're doing today. My understanding, and we've been pretty loud and vocal about this, especially when your predecessor was in

place, Commissioner, about the impacts of Mayor Adam's PEGs on electric vehicles. Have there been ongoing discussions with OMB on the budget needed to get back on track to be able to hit these goals?

COMMISSIONER MOLINA: Yeah, we're constantly having communications with OMB to get back on track in order to increase our ability to purchase electric vehicles. In addition to really thinking how we can possibly use capital funding in order to do that, especially for light and medium vehicles.

CHAIRPERSON RESTLER: Was or is DCAS relying on federal tax benefits for these purchases? Does the President's decision to end tax credits for EV purchases impact the City's plans or our projections on future purchasing?

COMMISSIONER MOLINA: I'm going to have to get--

CHAIRPERSON RESTLER: [interposing]
[inaudible] changes in the market?

COMMISSIONER MOLINA: Yeah, I'm going to have to get back to you on that, just to analyze how that could have impacted our fleet. But I think the grants that we did receive for fleet purchases went through.

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CHAIRPERSON RESTLER: Okay. Local Law
140 does require that the city only purchase zero-
emission, light-duty and medium-duty vehicles as of
July 1st of this year. Do you know if we're in
compliance? Have we purchased any vehicles since
July 1st? Are they all zero-emission vehicles?

COMMISSIONER MOLINA: We-- there are
exceptions to that which we would have to report out
on.

CHAIRPERSON RESTLER: Okay.

COMMISSIONER MOLINA: We would obviously
report on those we have mostly in the-- to do with
the NYPD and the law enforcement specific specialty
vehicles.

CHAIRPERSON RESTLER: Okay. That's
helpful. Charging ports-- you know what, actually
let me just pause. I'm always fixated on capital
eligibility, and I've had a lot of good conversations
with Keith about this, with the Comptroller's Office
about this, less good conversations with OMB. Have
you been able to make any progress? It's hard for me
to understand. We've got an NYPD patrol car that
costs over \$50,000. It should be capitally eligible.
Ti would make it so much easier for the NYPD to

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1 purchase these vehicles at scale if they didn't have
2 to use expense money. We'd be able to achieve our
3 goals I think much more confidently. Any traction
4 that you've been making on this or suggestions for
5 how we can work together to try and achieve capital
6 eligibility on these purchases?
7

8 COMMISSIONER MOLINA: Yeah, we're in
9 agreement. I mean, we've met with OMB, the NYPD, the
10 Law Department, city and state comptroller's office
11 to pursue this concept, especially in support of NYPD
12 and other VTL law enforcement vehicles. So, law and
13 OMB have collectively told us they're going to be
14 pursuing this for state legislation, so we move that
15 forward--

16 CHAIRPERSON RESTLER: [interposing] Do you
17 know why state legislation is needed?

18 COMMISSIONER MOLINA: Well, it's an
19 ongoing debate. I mean the Law Department at OMB
20 feels that we need it. We have a different position
21 in that, and we think that it should be capital
22 eligible, especially since the [inaudible] rate of
23 these vehicles has been over five years.

24 CHAIRPERSON RESTLER: Right. Well, I
25 agree with you, and I was even-- I talked to Council

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Member Ariola about it. We wanted to work on this together. So, I don't-- this is not a partisan issue. This is a-- I think there's broad consensus, except for the lawyers at OMB. So, hopefully we can bring them along. You know, getting the General Counsel's Office at OMB to be cooperative is not an easy thing, as I think everyone who's worked in city government knows, but I really hope we can continue to push on this together. I really-- I don't understand why state legislation would be necessary, and I do think it's a really important policy shift that we have to come to as a city. Charging ports, and then we'll try to wrap up. DCAS fell a bit short on its goals to install EV charging ports in 25. I think installing 221 in 25 down from 346 in the previous year. We're about 30 short of the goal of 2,100. The MMR noted in explaining why were just a little short, not significantly, but very modestly short, that staffing limitations were partially responsible. I was just wondering if you could elaborate on those staffing challenges and what positions are needed for us to increase the pace of installations?

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COMMISSIONER MOLINA: Yeah, so there's a handful of vacancies within fleet which we're aggressively trying to fill. We've been working with OMB to sort of fill those when we do identify a candidate as well as retention. We want to make sure we actually invest a lot in the fleet time at DCAS and want to make sure we're able to retain those individuals. But that hasn't stopped us in having, you know, one of the largest charging-- network charging systems in the east coast, and we've grown 63 percent since January of 2023. So, we have made significant impact.

CHAIRPERSON RESTLER: And just so I understand, are these charging ports exclusively for the city fleet, and are you-- we've had a lot less success-- I think DCAS has done a good job. I think DOT has not and in terms of port install-- EV port installations for the public at large. Are there any lessons that you all have learned that you think we should be adopting for the public at large, you know, on what's been working well or how we should be approaching this?

COMMISSIONER MOLINA: So, specifically, at the DOT, we just finished installing-- it's not

active yet-- but fast-chargers at 55 Water Street which is the first time we've installed city charging port systems on private property, but given we have a significant lease at 54 Water Street that allowed us the ability to do that.

CHAIRPERSON RESTLER: Just to be clear, I'm less concerned about DOT headquarters than I am DOT's responsibilities as the kind of agency in charge of getting more ports installed around the city, but sorry, I digress. It's good to see that you-- there's an example to cite.

COMMISSIONER MOLINA: We do offer-- you know, like as I said earlier, the chargers are significant for the use of the city's fleet, but DCAS just offered 22 chargers to the general public. These chargers have now been used over 140,000 times since 2021. So certainly, the need is there. Internally, DCAS is working on additional public sites including EDC, Brooklyn Marine Terminal, Pier Four, Van Cortlandt Park in the Bronx, Upper Highland Park in Brooklyn, and Forrest Park in Queens.

CHAIRPERSON RESTLER: Okay. That's helpful. And last thing I wanted to ask about, are just two District 33 construction questions. 120

Schermerhorn, this has been a-- this is the Kings County Criminal Courthouse where we do arraignment. There are supposed to be ADA upgrades to ensure that detainees can be transferred safely and smoothly between the new jail and the courthouse. The last update we received from City Hall was that a new need would be submitted in September in the September Plan for construction. Do you know if that's occurred? I don't know if there's anyone on this--

COMMISSIONER MOLINA: [interposing] Let me get back to you on that--

CHAIRPERSON RESTLER: [interposing] Okay.

COMMISSIONER MOLINA: specifically.

CHAIRPERSON RESTLER: That would be great. It's a-- for-- it's a really important project for how detainees will be transferred in the community and the success of the jail.

COMMISSIONER MOLINA: Sure.

CHAIRPERSON RESTLER: And we've gotten a commitment that it's all going to move forward and should be coterminous with the jail construction timeline, but we just want to make sure that that doesn't slip. And secondly, is 360 Adams which is one of my, like, pet-peeve priority projects.

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1
2 There's scaffolding outside of the courthouse there
3 kind of on Columbus Park, Adams and Columbus Park
4 between Joralemon and Johnson. Scaffolding's been up
5 there for 18 years. So, there are kids graduating
6 from high school that are older-- younger, I should
7 say, than this scaffolding. Construction was
8 estimated to begin in May. It's now slipped to
9 November. Do we know if that is going to actually
10 start in November and if the completion date is still
11 set for May of 28?

12 COMMISSIONER MOLINA: Let me follow up
13 with you on that.

14 CHAIRPERSON RESTLER: Fair. Council
15 Member Brewer would like to ask another question
16 before we let you all enjoy the rest of your day.

17 COUNCIL MEMBER BREWER: I hope you
18 haven't discussed this already, the 57th Street
19 Sanitation garage which is I guess on your list, and
20 I just wanted to know specifically what's being done
21 to it. You have beautiful art on it which is
22 appreciated it, and I guess there are other issues. I
23 didn't know what they are.

24 ASSISTANT COMMISSIONER CAPUTO: As you
25 know, it's a very large building.

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COUNCIL MEMBER BREWER: Very.

ASSISTANT COMMISSIONER CAPUTO: There are some envelope upgrades. I don't believe they'll impact the art. There's extensive HVAC upgrades. There's a building management system that will be installed. We'll be installing rapid roll-up doors so that vehicles-- so the doors open and close quickly so it kind of preserve the heat in the space. so, it's a very comprehensive retrofit.

COUNCIL MEMBER BREWER: Alright. Second question just quickly. I know you said that there are leases and rent is being paid on some of these vacant places. When it's a storefront, could you like tell people that? because it doesn't help the city to have this huge vacancy, and there are so many vacancies around the city. So, when the city has one, it doesn't bode well for government. So, I just didn't know if there's some way of indicating-- don't worry folks, we're getting money for this, or it's being rented, something. And I don't know if it's just around this area. I'm not talking about the offices upstairs. That's a whole different topic. I'm talking about the visual for the public to see that there's some movement. That was the list I was

1 trying to get from IBO, and IBO said there was no
2 such list. I'm just talking about vacancy store
3 fronts, or I know that over at the municipal building
4 those kiosks are owned by DOT and not you, as an
5 example. But just generally, for the public to have
6 some sense-- newsstands all over the place are
7 vacant. I know the one out here is going to be part
8 of the deliveristas. That's fine. Or whatever it's
9 going to be. But I'm just saying, let the public
10 know. I don't' know if that's something that you can
11 do, if you even have that list of the vacant
12 storefronts.
13

14 COMMISSIONER MOLINA: So, I know that
15 when we've had storefronts that were vacant that
16 we've been prepping for auction, we do put up signage
17 and a lot of advertising around just to-- so that if
18 I get people interested in doing those auctions. And
19 we recently just done an auction at Two Lafayette on
20 the Duane [sp?] Street side, I believe. Hopefully
21 we'll have a lease there soon. We also have worked
22 with SBS, right, in some vacancies to sort of-- space
23 for art--

24 COUNCIL MEMBER BREWER: [interposing] Good
25 idea.

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COMMISSIONER MOLINA: and things like
that. we've done that as well.

COUNCIL MEMBER BREWER: [inaudible] and
everybody else.

COMMISSIONER MOLINA: Yeah, so we can
engage with those that aren't leased and we have not
yet seen movement to see what type of, you know,
beautification they can do to see that something is
imminently on its way.

COUNCIL MEMBER BREWER: Do you have such
a list of vacant storefronts? Not the offices, but
do you have such that list, and could you provide it
to the committee?

ASSISTANT COMMISSIONER CAPUTO: Within
the DCAS portfolio, we can certainly put a list--

COUNCIL MEMBER BREWER: [interposing]
Yeah, DCAS, not everybody else, just you.

ASSISTANT COMMISSIONER CAPUTO: together.

COUNCIL MEMBER BREWER: You provide that
to the committee.

COMMISSIONER MOLINA: We'll provide it to
you.

COUNCIL MEMBER BREWER: Thank you.

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CHAIRPERSON RESTLER: Thank you very much, Council Member Brewer. I have been corrected. I have one final question. I apologize. Just at a high level-- I understand we're on track to meet our FY27 reduction goal. The 2021 action plan had laid out a goal of hitting 67 percent reduction by 2030. Are we on track to hit that goal, or where do you think we-- where are we anticipated to be at 2030?

DEPUTY COMMISSIONER BARAKAT: We are actually going to hit it before 2030.

CHAIRPERSON RESTLER: We're going to hit the 67 percent reduction before 2030?

DEPUTY COMMISSIONER BARAKAT: I believe from our projections right now, yes.

CHAIRPERSON RESTLER: Great.

DEPUTY COMMISSIONER BARAKAT: I'm sorry, I have a cold.

CHAIRPERSON RESTLER: No, no, no, we appreciate you being here. I have to say I am just grateful for you all coming in to testify, answering questions directly. I thought this was a helpful and didactic conversation. I've certainly learned a lot, and I really appreciate it. So, thank you,

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Commissioner. Thank you, Matthew. Thank you, Sana.
Thank you, Steven.

DEPUTY COMMISSIONER BARAKAT: Of course,
thank you.

CHAIRPERSON RESTLER: We really
appreciate it.

COMMISSIONER MOLINA: Bye-bye.

CHAIRPERSON RESTLER: Have a great
afternoon everyone. We are going to switch over to
David Goldin next. I know the DCAS folks will be on
their way. We have not one, but two administration
panels today. So, with that, we're going to call up
Mr. David B. Goldin who is representing the Mayor's
Office of Criminal Justice. You know what, Council
Member Brannan is coming, so I know he has an
opening-- does he have an opening? We're going to
try to-- we're going to pause for one minute to give
Justin a chance to join us. But get comfortable. Do
whatever you're doing. I might take the chance to
pee. We waited for the man, and here he is. And I
got a chance to pee. Do you have an opening
statement? Great. Okay, we are reconvening. I just
want to say I really love this bill that Council
Member Brannan has crafted, and when I had the

1 privilege of being appointed as Chair of this
2 committee, the first conversation I had with the OATH
3 Administrator, OATH Commissioner, was about how eager
4 I was to try to explore this. And even when I worked
5 in the de Blasio administration, talked about how
6 great an idea this was and was really excited that
7 Council Member Brannan was pushing for it. So, with
8 that, I would like to turn over to our Finance Chair
9 for an opening statement.
10

11 COUNCIL MEMBER BRANNAN: Thank you, Chair
12 Restler. Good morning everybody. Yeah, this bill is
13 a about fairness and common sense. You hear that a
14 lot, but this time we mean it. If you leave your
15 garbage out too early or your music's on too loud,
16 the fine is the same whether you make \$30,000 a year
17 or you make \$300,000 a years. \$250 ticket might
18 wreck one families' budget, but for someone else,
19 it's pocket change. So, I don't see that as a
20 deterrence. It's dysfunction, and this is a
21 situation where equality is not equity. The goal of
22 civil fines is ultimately to change behavior, not to
23 punish poverty. Yet, we have over a billion dollars
24 in unpaid fines and fees, as Gale has noted, sitting
25 in the city books, and no one's ever really studied

1 why that might be the case. Maybe it's not that
2 people won't pay. Maybe it's that they can't, and
3 this pilot would certainly help us find out. If
4 fines were scaled more fairly in line with income,
5 more people might actually pay them and we get better
6 compliance in the process. I wish I could take full
7 credit for this idea, but like a lot of good artists
8 borrow, great artists steal. Other cities have shown
9 that this works. Even Staten Island tried a version
10 of this years ago and saw positive results. Our
11 proposal is limited to a pilot to test what's
12 possible, to see if we can make enforcement smarter,
13 fairer, more effective. So, when agencies say this
14 can't be done, what they're really saying is we don't
15 want to even try. We already tailor our taxes, rent
16 relief, and payment plans to income. I believe we can
17 do the same for fines. And this is ultimately about
18 making the system fairer for everyone and finally
19 learning what actually works. If we're trying to
20 change behavior, we should be doing that, and right
21 now we're not. SO, thank you, Chair.

23 CHAIRPERSON RESTLER: Thank you so much,
24 Council Member Brannan, and it is now my pleasure to
25

turn it over to the Administrative Justice
Coordinator for the City of New York, David Goldin.

DAVID GOLDIN: Thank you. Good
afternoon, Chair Restler and members of the
committee. My name is David Goldin. I serve, as
noted, Administrative Justice Coordinator in the
Mayor's Office of Criminal Justice. I appreciate the
opportunity to testify today. You have my written
testimony, but if I may, I'd like to just briefly
summarize that. As a neutral and independent
adjudicative body, OATH cannot take position on
proposed legislation or policy. I am therefore
addressing concerns about Intro 551. In 2019, I
testify about a previous legislative proposal to
implement a day fines pilot program at OATH, and my
testimony today reiterates concerns raised then. As
background, please bear in mind that the Council took
a significant step to promote fairness and equity in
enforcement of city health and safety regulations
when it enacted the Criminal Justice Reform Act of
2016 which MOCJ supported and helped frame. CJRA
created the option of civil summonses returnable to
OATH for low-level offenses previously sent to
Criminal Court. CJRA reduced criminal summonses for

these offenses by more than 90 percent. For offenses adjudicated at OATH under CJRA, respondents found liable can participate in an educational module instead of paying any penalty at all. More than one in five individuals found liable for CJRA violations choose the educational module. The Council took another step to increase fairness and equity with Local Law 80 of 2021. That law put in place wide-ranging reductions and penalties for violations starting in 2023. Penalties were reduced for many of the violations that had been under consideration for the day fines pilot program proposed in 2019. It's been suggested that reducing penalties means increasing revenue. The theory is that if it's easier for respondents to afford penalties, they're more likely to pay. Experience with Local Law 80, however, refutes that suggestion. Revenue from the summonses affected by the law dropped significantly in and after 2023. Against that background, I have these comments on Intro 551. OATH is a complex agency that annually processes over \$1 million civil summonses issued by over two dozen enforcement agencies. On an average day, OATH conducts more than 700 hearings. OATH's sufficient management of that

1 staggering caseload is a testament not only to the
2 agency's dedicated staff, but to the integrated set
3 of rules, processes, and systems that keeps it
4 running smoothly. Requiring OATH to adopt a day
5 fines pilot program along the lines specified in the
6 Intro would wreak operational havoc on OATH. To have
7 hearing officers verify income and base penalties on
8 that income determination will require a bifurcated
9 hearing process, one hearing to determine liability,
10 and a second separate hearing to verify income and
11 determine penalty. That two-step process will be
12 necessary to avoid claims of bias by respondents
13 found in violations. Requiring income verification
14 as part of penalty determination will also entail
15 extensive IT reprogramming of already antiquated
16 systems, new rule-making, increased time to complete
17 a hearing, increased number of hearings, and delays
18 in issuance of decisions. All of that will impact
19 every respondent waiting for a hearing and a
20 decision. The proposed legislation doesn't make
21 clear whether it applies only to summonses issued to
22 natural persons or if it also applies to business
23 entities. Intro 551 does define a day fine as a
24 penalty based on a respondent's daily disposable
25

income. Since a daily disposable income implies an individual, not a business, the apparent intent is to apply it only to natural persons. But when enforcement agencies issue summonses and file them with OATH, there's no distinction between those issued to natural persons and those issued to business entities. More work would be needed to determine if and how summonses could be isolated for natural persons. A respondent's participation in the pilot program should be optional, not mandatory. A respondent should never be forced to disclose their income as a requirement to contest a violation. And a respondent who simply wants to pay a violations without contesting it, an option chosen for convenience by many people who receive enforcement summonses. Should not be unnecessarily prevented from doing so by a requirement to submit income information. A pilot program cannot raise penalties beyond those already set forth in Local Law or rule. Increasing a penalty beyond the limits set by law would require legislation, not general delegation by the Council to impose otherwise-- unauthorized penalties. And increasing already, authorized penalties to take respondent's income into

consideration would interfere with ensuring the participation is voluntary. We understand it is not intended to include in the pilot program offenses that were moved to OATH as part of the CJRA. That should be made explicit by incorporating language into the intro clarifying that CJRA offenses are not included. As I mentioned earlier, individuals found in violation for those offenses can avoid paying any penalty altogether by enrolling in an educational module. The availability of this option mitigates concerns about economic inequity. The traditional day fine model was developed in a criminal rather than civil enforcement context. That model may be too procedurally complex and time-consuming with respect to summonses returnable to OATH. It is critical that nothing in legislation dictate a pilot program that would disrupt OATH's operations, require significant new technology and additional resources, increase defaults, or give rise to public confusion. A pilot program must not undermine efficiencies that OATH, Department of Finance, and enforcement agencies achieved through the introduction of universal summons and standardized processing of both uncontested and contested summonses. I want to

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underscore that OATH is and must remain a neutral independent entity. OATH should not be charged with responsibility for designing and implementing penalty schedules for day fines pilot program. It shouldn't be required to assess the success with shortcomings of such a program. The enforcement agencies would have to play the leading role in that effort. MOCJ is prepared to support them in working with other city agencies such as the Department of Finance, Law Department and Office of Management and Budget whose input would also be necessary. MOCJ is also prepared to coordinate the reporting and analysis of the pilot program as appropriate to a neutral adjudicative agency. OATH should be responsible only for reporting data concerning the outcomes of summonses it hears. And I would just add, if I may, the point that it should be clear that there has been extensive work done on analyzing uncollected debt generated by enforcement agency summonses, especially those at the Environmental Control Board and elsewhere at the hearings division at OATH. This has been a subject of study for city agencies going back literally for decades. I started as Administrative Justice Coordinator in 2006. We had a report that was

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prepared by Bakenzie [sp?] Consulting with the
Department of Finance, the Mayor's Office of
Operations, and a host of other city agencies that
looked at the structure of ECB debt then. There has
been much work done by city agencies since. I'd
specifically reference a DOI report in 2020, and of
course, there is the annual report that the Council
receives from the Department of Finance on ECB. That
is OATH adjudicated debt which is due on November 1
of every year. So you'll be receiving that, as I'm
sure you're aware, next week.

CHAIRPERSON RESTLER: Thank you very
much. How should I refer to the Administrative
Justice Coordinator? Mr. Coordinator? Mr. Goldin?
What would you prefer?

DAVID GOLDIN: Mr. Goldin is fine.

CHAIRPERSON RESTLER: Great. I will
invite my colleagues to begin and then jump in from
there. I know Council Member Brannan has questions
followed by Council Member Brewer.

COUNCIL MEMBER BRANNAN: Thank you,
Chair. So, OATH already considers hardship and
ability to pay in some cases, right? So, why would

1 formalizing this through income-base tiers be any
2 different? And some adjudications.

3
4 DAVID GOLDIN: Well, considered in one
5 specific context at OATH, and then it's considered--
6 or you could say it's considered by the Department of
7 Finance. So, let's go through what that entails. At
8 OATH, after there is a finding of liability, if a
9 respondent takes an appeal, there is a process for
10 the respondent to submit a hardship application. The
11 point of which-- if the application is granted-- is
12 to permit the respondent not to pay the penalty
13 imposed while the appeal is pending. So, it's a
14 simple binary process, yes/no, and the only question
15 is should the penalty be paid during the pendency of
16 the appeal. That simple process is unlike what we're
17 typically talking about when we talk about a day fine
18 where there is going to be a calibration of the fine
19 to the respondents or the criminal defendant's
20 income, and the outcome for the hardship exception is
21 simply that if the appeal is granted and the finding
22 of the liability is set aside, then obviously the
23 respondent doesn't have to pay anything. And if the
24 finding below is upheld, they pay the penalty at that
25 point rather than while the appeal is pending.

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1 Separate and apart from that, there is a process when
2 we get to the collections aspect of this for a
3 respondent who has had a finding of liability in the
4 imposition of penalty to communicate with Department
5 of Finance and to demonstrate that it would be a
6 hardship for them to pay the entire penalty at that
7 time, and this could apply to businesses, not
8 necessarily confined to an individual. And there's
9 the opportunity to work out an installment plan or
10 negotiate appropriate terms given the demonstrated
11 financial condition of the individual entity to be
12 able to afford that payment. So, in certain
13 circumstances where there is typically-- we're
14 talking now about a very substantial penalty. We're
15 also talking about a commercial respondent and we're
16 talking about-- and I think this is the key point,
17 communication with the Department of Finance, not
18 OATH. There are circumstances there where there is
19 that opportunity. But that's very different from
20 what's being discussed in terms of a day fine pilot
21 which would be applied across the board to all of the
22 respondents, at least the way that it's conceived in
23 the intro for certain violation categories would be
24 handled at OAH, would require the submission of
25

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income information and whatever other information was going to be relevant to determining disposable income as part of that initial process.

COUNCIL MEMBER BRANNAN: So, AOTH already interfaces with DOF on collections and payment plans, right?

DAVID GOLDIN: Yes.

COUNCIL MEMBER BRANNAN: So, couldn't that same framework be leveraged here?

DAVID GOLDIN: Well, not as part of the hearing process, they don't. I mean, when the process is concluded and there is a finding of liability, there is a communication with finance in the sense that if there hasn't been payment then that goes to-- what payment is made through Finance. And there hasn't been payment then Finance is the agencies which is responsible for pursuing collections. Finance is also where somebody can make a payment initially if they don't want to contest the violations.

COUNCIL MEMBER BRANNAN: Yeah, but we're not suggesting that would change, and I think it's fine if it's after, you know-- after there's a

judgement on whether the person is guilty or not,
that is when this would be decided, no?

DAVID GOLDIN: Well, let me make sure I
understand your suggestion. First of all, you're
saying that you don't think that it would change,
that somebody would be able to pay without
contesting. Am I understanding correctly?

COUNCIL MEMBER BRANNAN: No, I'm saying--
you're saying it would be hard to do this in advance
of the hearing. I'm saying that fine. When the
judgment is made, that is when we decided that the
penalty would be.

DAVID GOLDIN: So, if you're having two
hearings. We're having two prrws

COUNCIL MEMBER BRANNAN: why?

DAVID GOLDIN: Because you've to do the
income determination and the termination the penalty
based on that.

COUNCIL MEMBER BRANNAN: But I'm saying,
wouldn't the income determination just be made based
on the information that you access from DOF?

DAVID GOLDIN: I'm sorry, what
information from DOF? This goes back a moment.

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Where is the respondent providing information to
either OATH or DOF.

COUNCIL MEMBER BRANNAN: How do you do it
right now? How would you do that right now? If
whether your-- for instance, something like SCRIE or
DRIE or something like that where there's parking
ticket hardship plans and that kind of thing. How
does the city right now find out someone's income.

DAVID GOLDIN: Let's be clear, we're not
talking about parking tickets at OATH, obviously.

COUNCIL MEMBER BRANNAN: Right. But I'm
just talking about in general the idea that right now
the city-- the city clearly knows what people's
income is because we have a payment plans based on if
people have the ability to pay.

DAVID GOLDIN: Not at OATH. What I'm
saying is that there is an opportunity after there
has been adjudication at OATH for respondent to go to
the Department of Finance and work out the payment
plan.

COUNCIL MEMBER BRANNAN: A hardship,
right?

DAVID GOLDIN: If they can demonstrate
that they don't have the ability to make the payment.

1 And as I'm saying these are typically cases in which
2 there's a very significant penalty and typically it's
3 a business interest which is showing that they are
4 going to have difficulty being able to make that
5 payment.
6

7 COUNCIL MEMBER BRANNAN: So, if income
8 verification is the barrier, would OATH support a
9 self attestation model with random. It's used in
10 other city programs.

11 DAVID GOLDIN: You're assuming that this
12 is voluntary I take it?

13 COUNCIL MEMBER BRANNAN: Uh-hm.

14 DAVID GOLDIN: Alright, so what you're
15 saying was that at a hearing, somebody would come in-
16 - and this is going to be the initial hearing or is
17 this going to be a subsequent hearing for purposes of
18 setting the penalty?

19 COUNCIL MEMBER BRANNAN: I mean, ideally,
20 it would be at the same hearing.

21 DAVID GOLDIN: Well, then, let's think
22 about what we're saying, because we're talking now
23 about somebody being told you have to come in, you
24 just got a ticket. You have to come into OATH. And
25 first of all, you are going to be-- if you are

contesting the ticket-- saying that you did not in fact put out your garbage outside of the required hours. Now, you're being told that you also have to be prepared at that same hearing to discuss your income, to discuss how much you're paying if we're calculating disposable income for rent, food, health care, whatever other factors may go into that. The more complicated the process is for a respondent-- if there's anything we know about what causes defaults, the more complicated that process is, the greater the likelihood that there's going to be a default, because the more stress you are putting on somebody who is coming in to appear at a hearing, typically representing themselves if we're talking about an individual, the more it's a challenge for them to be prepared and to come in to present the case. Moreover, to say to somebody that is part of their basic presentation saying I didn't do it, they also have to be prepared to talk about their income. It is now creating a separate challenge for them. So, let's say that we're not going to do it at the initial hearing. Supposed we're going to have another hearing. if we go that route, then there has to be an explanation to the respondent that there are

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1 going to be those two separate steps, and if that is
2 the topic that's being introduced only at the
3 hearing, then the hearing officer who is reviewing
4 liability has to have a separate explanation for the
5 respondent saying understand that if I find that you
6 actually did put the trash out during the wrong
7 period of time, there will have to be-- or there may
8 be another hearing at which you will have an
9 opportunity to provide information about your income
10 and what your expenses are, and at that time the
11 penalty will be determined. It's getting to be a much
12 more complicated process.
13

14 COUNCIL MEMBER BRANNAN: Yeah, I'm not--

15 DAVID GOLDIN: [interposing] And I just--
16 I just want to flag again the fact that we have
17 experience dealing with the economic impact of these
18 penalties and that's been addressed by this Council
19 through introducing in CJRA an alternative to payment
20 of any penalty and the Local Law 80 through
21 significantly reducing the level of these penalties.
22 And those are options that can be considered again,
23 because we want to avoid making a more complicated
24 process that's going to impose additional burdens and
25 create the risk of confusion for respondents.

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COUNCIL MEMBER BRANNAN: Yeah, I'm not suggesting that we do away with the hardship program, and I appreciate that that exists for folks that have the inability to pay, but that doesn't change what we're after here. I mean, is there-- is there a specific statutory or technical barrier that would prevent OATH from running a limited pilot on something like this?

DAVID GOLDIN: I'm assuming you're talking now only about lowering penalties, not increasing them?

COUNCIL MEMBER BRANNAN: No, I'm talking about the bill. I'm talking about the idea we have to attach the fine to your income. Is there a statutory or--

DAVID GOLDIN: [interposing] Well, increasing yes, there's a problem with statute, because you can't authorize increased penalties beyond what the statutes already provide for.

COUNCIL MEMBER BRANNAN: Did you review at all the pilot that was done in the 90s in Staten Island?

DAVID GOLDIN: I'm pretty familiar with it.

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COUNCIL MEMBER BRANNAN: Okay, I--

DAVID GOLDIN: [interposing] That was in
the Criminal Court context. That was not obviously--

COUNCIL MEMBER BRANNAN: [interposing]
Right.

DAVID GOLDIN: dealing with civil
penalties.

COUNCIL MEMBER BRANNAN: But everything I
read on it was that it was success.

DAVID GOLDIN: I think there are a lot
of-- it's been discussed obviously extensively in
academic literature and reviewed by a lot of people
who write about these kinds of things. I think that
at that time-- and obviously, that was-- what was it,
37 years ago? It was innovative. I think that for
misdemeanors as an alternative to custodial
supervision which was a primary focus of it, it
certainly led in the right direction, and obviously
we've built a lot on that in the city since then in
the approach that we have taken to how misdemeanors
are handled. Obviously, there was a consideration
being given before the program was terminated to
extending it to felonies. That didn't happen.
Evaluations I've seen of it have suggested that it

may, but it's not clear, have resulted in more collections. But it was not primarily designed to try to increase revenue, and that was not the focus either of the program or analysis of it. And in the work that I've seen on it, the point has been made that in analyzing the revenue implications in any event, you've got to take into consideration the additional administrative burden. So, it's not enough just to say if you can isolate what was being collected in penalties that went up, you've also-- assuming it did. You've also got to consider that it became a more expensive process because judges had to elicit more information from defendants and had to spend more time considering that impact. One other thing I just want to say about that. It's very important in the way that OATH operates that we achieve consistency across handling of similar violations for similarly situated respondents. A great deal of time and effort has gone into creating a universal summons and making sure that throughout OATH adjudications, hearing officers are as much as possible producing the same results for respondents who are in the same situation. The down side of creating individually tailored remedies is that

1 inevitably you're going to create more instances in
2 which similarly situated people are being treated
3 differently that's going to create concerns about
4 fairness. It's going to expand appeals, and it's,
5 again, going to introduce complication into a system
6 where there is I think a real question about whether
7 that's necessary to address issues that you've raised
8 as opposed to expanding CJRA and alike.

10 COUNCIL MEMBER BRANNAN: I think you
11 might be selling OATH a little short, right? I think
12 you already handle some very complex adjudications on
13 a daily basis, and what we're after here is the idea
14 that flat fines ultimately punish the poor, but they
15 barely register for the wealthy. So, I would argue
16 that the current system is inequitable greatly. I
17 understand-- and I believe that just because that's
18 the way we do it, doesn't mean that that's the best
19 way or that's the way we should continue doing it. I
20 guess my question-- and I don't want to go on all
21 day. What resources or staffing would make this
22 workable for OATH rather than saying it's impossible,
23 we can't do it. What would you-- what would you need
24 to do this?

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DAVID GOLDIN: I mean, we would have to get back to you with specifics, but it's clear that there would be a need for substantial additional technology. There would be a need for additional training. There would be a need to work with the enforcement agencies to have them do additional training. I think that if we were talking about it the way that it's been framed in Intro 551, it's hard to see how that specific approach could be captured within the universal summons that we now have. And if we are going to be disrupting universal summons and going back to undo a process that's been years in the making to try to ensure standardization uniformity across agency operations, that has tremendous ramifications in terms of record-keeping, data management, how processes would be standardized. We could get back to the Council with a more detailed cost estimate of what the consequences would be, but I think that it would be a very substantial undertaking even for a pilot program because it would be departing from the kind of uniformity and standardization that OATH has achieved.

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COUNCIL MEMBER BRANNAN: Last question
for me. Can you tell us how much unpaid civil fine
debt we currently have?

DAVID GOLDIN: I don't recall off the top
of my head. As I said, you'll be getting that report
from the Department of Finance next week, and I can
refer you back to report from last year which I have
here, but--

COUNCIL MEMBER BRANNAN: [interposing] I
mean, what was the most recent OATH's current fine
collection rate? What was it?

DAVID GOLDIN: I just don't recall off-
hand. It's in that report.

COUNCIL MEMBER BRANNAN: Okay.

DAVID GOLDIN: We can get that for you,
or you can--

COUNCIL MEMBER BRANNAN: [interposing]
Thank you, Chair.

CHAIRPERSON RESTLER: Thank you very much
to Council Member Brannan for the thoughtful
questions and Mr. Goldin for the helpful responses.
With that, Council Member Brewer.

COUNCIL MEMBER BREWER: Thank you very
much. I like Brannan and I like Restler, but I am

not convinced that this is the best idea. So, my other question, though, is Andrew Rochet [sp?] who is a technologist had a long op-ed in the Daily News this week just about the fact that technology is challenging in the City of New York. And we're all trying to figure out how to get these fines paid. One way, Council Member Brannan suggestion is different levels of income being responsive. But my feeling is that it's not so easy to pay these fines. My husband fights everything. So, he has-- he goes down, because his eyes are bad. The computer doesn't work, so he goes down to fight. And yet, I think a lot of people would prefer to use much more technology, 24 hours a day, etcetera. So, without-- it's not really bill-related, but it is-- the last report that I did with IBO, it was \$2.1 billion in unpaid, and it wasn't but three or four agencies. It wasn't all of the agencies. And then I talked to Commissioner of Finance all the time about this, and they have collection agencies, and I don't know how much they cost. I don't know how much they bring in. he thinks they are cost-effective. But people still just don't pay, and so I guess my question is, is there a other solution? Because I think Council

Member Brannan's also trying to get at this. People got to pay, and you know, if it's a situation where you have a hardship because you can't pay, is that working? What can we do? Because these numbers are escalating, I think. Is it-- I think technology--

DAVID GOLDIN: [interposing] Well--

COUNCIL MEMBER BREWER: would help.

Again, without being specific, Andrew Rochet had some good ideas.

DAVID GOLDIN: Yeah, no, he does, and I appreciate his thoughts on it. I've worked with him the past in other contexts. I think that the situation is improving. That's why I keep referring to those Department of Finance reports, because I think that as this--

COUNCIL MEMBER BREWER: [interposing]
We'll look at it.

DAVID GOLDIN: issue has been studied over the years, there have been a number of approaches to addressing it, and progress has been made, but I think that the overall question of the outstanding debt needs to be understood in terms of its full complexity, because it's not just about people not paying because the penalties are too high,

or even because there's Scoff [sic] laws. Going back to a summary back in 2020 of what the Department of Finance had been identifying then as key drivers of the un-collectability of the debt. They include responding companies no longer in business or declared bankruptcy, individual respondents that died, property owner respondents have relocated. Properties held by LLC's make it difficult for finance to aggregate the overall outstanding debt. Outside collection agencies lack legal enforcement authority to effectively collect on the debt. Summonses are written illegibly. Summonses not properly served on the respondent. Finally, approximately 80 percent of summonses referred to DOF for collection arise from default judgements. So, a couple of things there. One is very important to avoid defaults. If there's anything we've learned from this process it's that allowing people to pay quickly, soon as they have received a violation that they are not contesting or a finding of liability if they did contest is critical. Once people have lost the thread, once things have been delayed, people have had difficulty figuring out what to do, the likelihood of default increases dramatically, and

once you're into a default, it's very hard to collect. About the summonses being written illegibly or not properly served--

COUNCIL MEMBER BREWER: [interposing]
Problem, that's a big problem.

DAVID GOLDIN: or the respondent not being properly identified, that's why it's critical to have uniformity and standardization of operations, because since finance addressed the conclusions that I just mentioned five years ago, a lot of work has gone into trying to standardize processes so that technology can be deployed so that we can get a correct identification of the respondent, homeowner, let's say, or property owner, or managing agent, and properly serve the violation. That's where we have an opportunity-- enforcement agencies do-- at the outset of the process to avoid the complications that downstream are going to make it more difficult to collect the debt.

COUNCIL MEMBER BREWER: And I don't know enough about what is or is not available technologically. I do know that the Police Department is horrific. You cannot get anything but paper from them. If you have to make a complaint about some

kind of a bicycle accident, for instance, it's all paper. I have to call constantly to get paper from the Police Department. You can't call. You have to go. So, I hope that's not true elsewhere. That is unbelievable. I mean, they must have stacks to the ceiling. I mean, I'm just saying I just-- and I assume you can pay all of these things 24/7, you know, online, but you know, if you want to contest it, I assume it's not as easy. I'm just saying the technology has to improve. That's a big challenge to all of this. But the Police Department is just mind-blowing. We've been complaining about it for years. So, I hope other agencies are not as challenging. The best example I have is all over the city-- you know, it's the guy who's moving. It's the guy with the sanitation-- you can't find that guy. I went looking for him. You can't find these people, and it must be millions of dollars. So, when you say this list of you can't the LLC, for God's sake, that's-- I mean, we should be able to find the LLCs and some of these other things on your list I know you're addressing, but it does seem very slow, I have to tell you, the addressing.

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DAVID GOLDIN: Well, I read that list to say that's where the Department of Finance identified issues five years ago. Those are the issues we've been working on.

COUNCIL MEMBER BREWER: Alright, so we'll see whether they've addressed them all--

DAVID GOLDIN: [interposing] That's why there's been improvement.

COUNCIL MEMBER BREWER: how much they've addressed. Alright. I'm just saying the-- if the goal is to collect, then we have some to work to do, and if there may be some other cities that Council Member Brannan has suggested that we could look at, I don't quite know how you would do that, you know, the thing with the income. I mean, if you-- some people send somebody down, lawyers, friends, colleagues, and I don't know how that would work in terms of their income, because they're not going to know their friend's income, etcetera. So, I don't quite know how that work. That's my question-- technology and Andrew Rochet. Thank you.

CHAIRPERSON RESTLER: Thank you very much, Council Member Brewer. I keep wanting to call

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you Chair Brewer from your distinguished time leading
this committee.

COUNCIL MEMBER BREWER: Give me a break.
Give me a break.

CHAIRPERSON RESTLER: You don't want a
break, Gale. Come on.

COUNCIL MEMBER BREWER: I do.

CHAIRPERSON RESTLER: Can I just-- before
I ask a couple questions about the bill, and I think
you've been peppered sufficiently. But what is the
role of the Administrative Justice Coordinator? I
don't mean that rudely. I really don't under--

DAVID GOLDIN: [interposing] No, no, it's
a fair question. The role of the Administrative
Justice Coordinator per the Executive Order that
created the office, which is 20 years ago, is to work
with the city's administrative tribunals on areas of
shared concern. And at the time-- and I don't want
to go into a whole history lesson unless--

CHAIRPERSON RESTLER: [interposing] I'm
interested. Brief history is great.

DAVID GOLDIN: Okay. Well, you can tell
me to stop when you're tired of it. At the time that
the office was created, there was not a single

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central hearings division at OATH. OATH existed,
obviously, and had responsibility for--

CHAIRPERSON RESTLER: [interposing] That
was before the merger with DCA at the time.

DAVID GOLDIN: Right, right. So, the
first thought was that across all of these different
tribunals located within various agencies, the
Environmental Control Board was part of DEP.

CHAIRPERSON RESTLER: Right.

DAVID GOLDIN: Taxi and Limousine
Commission had their own tribunal. Department of
Health and Mental Hygiene had their own tribunal.
What was then the Department of Consumer Affairs had
their own tribunal, etcetera. The idea was that we
wanted to standardize processes and make sure that
everybody was living up to various kinds of criteria,
one of which was having a set of rules of conduct for
administrative law judges and hearing officers and
that was actually something that was incorporated
with the Charter by referendum in 2005. So, the first
order of business for the Administrative Justice
Coordinator was to work with the tribunals on doing
that, and that's been in place for the past 20 years,
but in addition to that, we then started to look at

ways in which we could improve the functioning of the tribunals. And to make a long story short, one of the obvious-- in retrospect anyway-- conclusion was if you want to have an agency tribunal with hearing officers conducting hearings and making findings of liability functioning at a high professional level, it should not be located within an enforcement agency that has an interest in winning cases. It should be located within the city's independent neutral central adjudicative body. So, moving initially that the Environmental Control Board from DEP to OATH was the start of that process. That was around 2008. That led to the creation of the Hearings Division at OATH, and then that led to the transfer of the other enforcement agency-based tribunals that I was mentioning. So that was really what the Office of Administrative Justice Coordinator focused on at that time.

CHAIRPERSON RESTLER: That's really helpful.

DAVID GOLDIN: Yeah, I'm sorry.

CHAIRPERSON RESTLER: No, I really appreciate it, and I didn't realize that you were so central to that consolidation and standardization.

1 It's helpful to understand and good work that's
2 happened over 20 years that I think is very
3 beneficial for the City of New York and for New
4 Yorkers. Policy-wise, you know, we've seen this
5 phenomenal increase in summons issued during the
6 Adams administration, double the number of summons
7 have been issued since when the Mayor came into
8 office compared to FY25, over 1,100,000 summons. I
9 find it to be a very concerning policy trend. Do you
10 and the Administrative Justice Coordinator-- OATH
11 likes to say that they don't look at these issues,
12 they just process what's come in and don't have an
13 opinion or a perspective. As the Administrative
14 Justice Coordinator, do you have an opinion or
15 perspective on the phenomenal increase in summons
16 that are being issued to New Yorkers? What-- how do
17 we explain these trends? What should we do to
18 reverse them?

19
20 DAVID GOLDIN: No, I don't have an
21 opinion. I'm not in a position to be able to say what
22 the enforcement strategies are. Obviously, there are
23 a lot of different things that drive those issuances,
24 and I think that from the standpoint of the operation
25 of the tribunals which is what I'm concerned with,

1 the issue really is with making sure that the
2 processes continue to be efficient, that people
3 continue to have an opportunity to contest those
4 violations, and that those who are making use of the
5 system, whether they are making a payment contesting
6 or just finding out information about it are able to
7 do that without impediment.
8

9 CHAIRPERSON RESTLER: I appreciate that
10 the responsibility to ensure that the process is
11 fair, but is there not a similar responsibility to
12 ensure that city agencies are issuing summonses in a
13 fair way, enforcing fairly? You know, it strikes me
14 that this isn't a situation where it's just the
15 Health Department going rogue and issuing summonses
16 to every New Yorker that they come across. This is
17 something we're seeing it across the board, the
18 Health Department, the Sanitation Department, DEP,
19 NYPD, they're all taking a far more aggressive and
20 expansive approach to enforcement, and it's a deeply-
21 troubling trend that has to-- I can't imagine it's
22 not a deliberate policy decision. Do you look-- in
23 your capacity, do you look at kind of how are
24 agencies handling this more aggressive enforcement
25 approach, and could that be done in a more fair and

equitable way, or is that not in the purview? I'm not trying to be a jerk in asking the question. I'm genuinely asking.

DAVID GOLDIN: It's a fair question, but it's really not, you know, within my purview. I mean, I think you look at outcomes in terms of contested violations at OATH, and if you saw a radical difference in terms of the number of violations being dismissed, that might be a basis for concern, but I think that what we've seen over the years is a relatively consistent pattern in terms of those cases that are contested. The enforcement agencies continue to prevail a little more than half the time. And I think that that's, you know, consistent with what we would expect of a fair system from the standpoint of what the enforcement agencies are trying to achieve.

CHAIRPERSON RESTLER: Have you considered-- or considered working with OATH to analyze are there specific city workers that are disproportionately issuing summons, or are-- and is that something that would be a trend that would be worth evaluating?

DAVID GOLDIN: I'm not sure I know exactly what you mean, but I will say that we have

1 looked at this issues, the patterns, because we do
2 have data that show for individual inspectors, down
3 to the level of the individual inspector, location,
4 the violation being issued patterns, and I don't
5 think that the concern is so much that you have hyper
6 aggressive individuals. I think the question more has
7 to do with the quality of the issuance. I mean, the
8 concern would be that somebody is issuing violations
9 that are disproportionately defective. Somebody's
10 issuing violations that are correct in being upheld,
11 because they are properly identifying instances in
12 which somebody is behaving in a way that violates the
13 ad code. That's generally I think not regarded to
14 something which is a problem. If somebody's issuing
15 violations that are disproportionately being thrown
16 out--

18 CHAIRPERSON RESTLER: [interposing] Right.

19 DAVID GOLDIN: because they were--

20 CHAIRPERSON RESTLER: [interposing] Yeah.

21 DAVID GOLDIN: That's an issue. You
22 know, and I think the data on that and working with
23 agencies to make sure that there's appropriate
24 accountability and training and increasing the use of
25 handhelds, and that's why I've been talking about

1 standardization to make sure that those who are
2 writing-- the agents who are writing the violations
3 know what they're doing and they're doing it properly
4 is an area of concern.
5

6 CHAIRPERSON RESTLER: And do you think
7 New Yorkers in a sense kind of lose-- have-- I'll
8 preface by saying, I think that the consolidation of
9 the tribunals has been a good thing for the city.
10 But just to ask the question, do you think that New
11 Yorkers have lost a mechanism of accountability to
12 DEP or DOHMH in that they're no longer the ones
13 processing these summons and these-- dealing with
14 these violations, is that a concern that you have, or
15 do you think that's-- do you think that's unfair?

16 DAVID GOLDIN: I would not view it as a
17 concern. I mean, I think that if you receive a
18 violation from an agency, what you want is to be able
19 to go to some neutral third party, and you're
20 persuaded that they're wrong. They said that you put
21 the trash out too early, and you're sure that you
22 didn't. I think you want to go to a neutral third
23 party to hear your side of the story and make a
24 determination, not go back to the agency that issued
25 the violation and try and persuade them, and I don't

1 think that any sense of being involved with the very
2 people who wrote the violation is going to offset
3 that concern. I will however say this, and I think
4 it's something that we have preserved. There does
5 need to be the opportunity where appropriate for the
6 respondent to be in communication with the agency
7 that wrote the violation, because that enters into
8 having, for example, a cure or having a settlement.
9 So there are certainly instances in which there is
10 going to be direct communication between a respondent
11 and say DOB, because they've gotten a violation for
12 certain condition and it's one that they can cure,
13 and they want to be able to talk to DOB directly to
14 say does this remedy-- I brought in the plumber,
15 whatever it is, and did the following work that was
16 required on the NOV. Does that satisfy you? Yes.
17 That's appropriate, but that's outside the
18 adjudicative context.

19
20 CHAIRPERSON RESTLER: And on this
21 legislation, I appreciate the thoughtful testimony
22 and feedback. Do you think there is a path to
23 conducting a pilot, relatively narrow, but a pilot
24 that could evaluate income and assess fees
25

1 accordingly? Do you think it is feasible for us to
2 do this?

3
4 DAVID GOLDIN: I have strong concerns, as
5 suggested, about that kind of pilot because of the
6 ramifications for OATH and because it seems like a
7 more complicated way of getting to address a concern
8 that can be handled otherwise. There is the
9 opportunity to expand the CJRA approach if we have
10 concerns that there's certain violations that are
11 onerous for individuals. If we go back to the
12 example given in the article, in the op-ed, which
13 Member Brannan started with, if you leave your trash
14 out too early, you may wind up with a ticket, and
15 does that put you in a position where you've got to
16 choose between paying the city and paying the rent.
17 Well, I mean, first of all, I just want to note that
18 I think that most instances, very close to all, that
19 ticket is being written to a property owner, not to a
20 tenant. So, we're not talking about the rent, but
21 even allowing that it could happen with a tenant or
22 that it could be a burden for a homeowner. If that's
23 an issue then giving the recipient of that ticket the
24 opportunity to participate in an educational module
25 and pay nothing which is something that we can do

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without creating all of the issues or addressing all the problems that we've been flagging in this testimony seems like the more attractive option. If it's mandatory, if it's something that the Council views as being the highest priority to do something to bring income into the picture, we would suggest going back to the hardship exception that was mentioned earlier, that using eligibility for a benefits program that's means tested is the proxy that allows you to identify individuals without getting into the details of income information. The objection to the day fines program that I'm trying to articulate is the need to calibrate it specifically to income with the complexity of calculations that is involved in looking at disposable income and the sensitivity around providing information concerning income, especially if we're talking about documentation, especially in an environment in which we want to be very careful about asking people to provide sensitive personal information. Being able to have a carve-out where we could say here are some individuals who would be financially stressed and we want to protect them from that, that's the kind of

1 thing that we think it would make more sense to focus
2
3 on.

4 CHAIRPERSON RESTLER: Okay. You know, I
5 think that the spirit of this legislation that is
6 compelling is that there's an equity lens and that,
7 you know, the goal of issuing a violation I think is
8 to impose a degree of accountability and optimally
9 change behavior moving forward. And for the person
10 who can afford to pay a little bit more and that that
11 may be a more effective way to tweak, modify, deter
12 moving forward versus the person who has a hardship
13 and cannot, and that ideally it could lead to not
14 only better outcomes in our neighborhoods, but also
15 higher rates of revenue collection which I know you
16 have raised concerns about in your testimony. But,
17 you know, when DOF is reporting a collection rate on
18 violations, it's something like 55.4 percent,
19 something isn't working. And there are improvements
20 that are needed there. I recognize that's outside of
21 the purview of your role, but I think an important
22 reality that we need to reckon with. Any other
23 questions for you? You good? Thank you very much,
24 Mr. Goldin, for coming in. We appreciate your
25 thoughtful testimony.

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DAVID GOLDIN: Thank you, appreciate it.

CHAIRPERSON RESTLER: Great. We have one more panel, I believe. We're going to have four in-person and somebody on Zoom, and it's a great panel. So, thank you all for your patience. Zachary Katznelson from the Independent Rikers Commission, David Ansel from Save the Sound-- sorry-- Eric Goldstein from the Natural Resources Defense Center, NRDC, and Darren Mack from Freedom Agenda, which I believe just celebrated an anniversary. Congratulations to Freedom Agenda on that anniversary. Did we just lose Darren? He's coming back. Alright. We didn't lose Darren for long. Was it five years, is that right? Five years? It's amazing. Congrats. I was sorry to miss it. Alright, why don't we begin. Do we have someone on Zoom? Still there? What's her name? Oh, and we have M. Ruby [sic] on Zoom who formerly worked in Council District 33. We'll start with Mr. Katznelson and make our way if that works. Three minutes, I think, on this one if that's okay. Thanks so much. Go ahead.

ZACHARY KATZNELSON: Great. Thanks so much, Chair. Thank you for all these hearings. I'm

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Zachary Katznelson, Executive Director of the Independent Rikers Commission. Appreciate the opportunity to testify. Thank you for your co-sponsorship of the Renewable Rikers Master Plan bill. Thank you, Council Member Brewer as well, for co-sponsoring the bill. Council Member Brannan, hopefully you'll be joining shortly. So our commission is in strong favor the planning bill, Master Plan for Renewable Rikers, and you know, we looked at-- our commission looked at dozens of possible uses for the island over the course of the years, and most of them are absolutely just not-- they're just feasible, and Rikers is 80 percent decaying land fill. It's isolated. It's polluted and loud because it's so close to La Guardia. There just aren't reasonable options. And as Commissioner Molina said, this is a generational opportunity to really transform the landscape, environmentally, justice-wise, and economically for the City. I mean, the feasibility studies back up. This is an excellent, excellent idea, and it will save the city billions of dollars that we would otherwise have to spend propping up these failing, aging, sewage treatment plants. But they also offer a really

transformative opportunity in Council Member
Districts like Council Member Ariola's district,
right? The sewage treatment plant there that she
has, Tallman [sic] Island, imagine a different future
where you can move that onto Rikers and open up the
possibly for community-based development there,
something better than foul sewer treatment and, you
know, marred waterways to say the least. When the
rain comes down and the sewers can't handle
everything. But there's also the opportunity for
coordination. I mean, you mentioned this, the idea of
why master planning is so critical. First of all,
we're leaving those vacant 42+ acres on the island
right now. That is megawatts of solar power, for
instance, that we're just leaving on the table,
right? JATC, that's, you know, 400,000+ square feet
that could be used for something else, something far
better. But the idea we've got-- there are other
projects in the city right now. There's a power
fossil fuel-based power plant on Rikers Island that
the City is asking to increase the allowable emission
for from the state, right? How much of that could we
replace with solar power a gallon? They're also
looking at-- there's a sewerage overflow tunnel

that's having to be built under state demand in flushing bay that could be coordinated with the Rikers Island-- Renewable Rikers Plan, but is not right now because there's not the power, the push from City Hall to say, coordinate all these, that's a billion-dollar-plus project we're talking about in Bowery Bay. Why are we not working together on all these pieces and these opportunities there. We know you understand this, but the rationale behind master planning, it should be obvious hopefully for people that really study this. Hopefully-- I'm glad to hear very much so the administration is now supportive of this effort, and hopefully we can reach resolution and pass the bill in the coming months. So, thank you so much.

CHAIRPERSON RESTLER: Thank you.

DAVID ANSEL: Thank you. My name is David Ansel. I'm the Vice President of Water Protection for the Center for Water Protection at Save the Sound. We are a not-for-profit organization that protects and restores the Long Island Sound. And just-- I don't know what your geography knowledge is, but the Long Island Sound is very much in New York City, in the Bronx and Queens and then moves all

the way out into Connecticut to the Rhode Island border. So, Rikers Island falls squarely within the Long Island Sound in the western narrows. Some people call the upper east river. We call it the western narrows of the Long Island Sound. So, we are very excited about Renewable Rikers, and we enthusiastically support 1038 and Master Plan concept. We want to thank Council Member Nurse and the 12 other Council Members for sponsoring this important bill. 1038 would require the Department of Citywide Administrative Services to create a master plan regarding the future use of Rikers Island for sustainability and resilience purposes once the jails are closed. Such a plan is crucial in preparing the City to move forward in a way that will restore water quality in New York City and maximize the environmental benefits of Renewable Rikers Island. So, obviously, a lot of potential benefit also for carbon reduction, renewable energy, but I do want to focus on water quality for another minute or so. In 2026, Save the Sound will be releasing our new report card which includes science and data-driven grades for water quality in the open waters of the Long Island Sound. Our data goes back to 2008, and every

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year the western narrows has received an F. there's a lot of work to be done to reduce the massive nitrogen pollution problem that is hindering the ecological health of the waters of the western narrows. We know where the pollution is coming from. The feasibility study released last year by the Department of Environmental Protection acknowledges it in the document. More than half the city is served by a combined sewer system, carrying both stormwater and sewerage that was not designed to handle the large volume of water generated during today's heavy rain storms, resulting in a discharge of untreated wastewater directly in the city's waterways. We're talking about 21 billion gallons of raw sewerage every year. The single-greatest opportunity to minimize that pollution is a state of the art wastewater treatment facility on Rikers Island, decreasing the burden on the four existing plants that surround Rikers, three of which will hit their 90th birthdays during the next mayoral administration. The development of such an essential facility will be complicated and expensive, but it will require years of planning before the first shovel goes in the ground. 1038 would launch the

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process of planning for the most important investment
New York City can make in restoring water quality in
the waterways in our lifetimes. We urge the City
Council to move forward on 1038 to help reduce carbon
and create renewable energy and improve New York
City's water quality for New Yorkers. Thank you.

CHAIRPERSON RESTLER: Thank you so much.

ERIC GOLDSTEIN: Good afternoon, Chair
Restler. Thank you for your leadership and holding
this hearing, and good afternoon, Council Member
Brannan, as well. I'm Eric Goldstein, New York City
Environment Director at the Natural Resources Defense
Council. I'm also a member the Rikers Island
Advisory Committee. NRDC strongly supports Intro
1038. We believe this is among the most important
pieces of environmental legislation that is before
the Council as it prepares to close out this term at
years' end, and it's also the best opportunity in
years to create a green jobs producing, modern
infrastructure, redevelopment initiative for our city
and all New Yorkers. There's a lot of talk these days
over the timing of Rikers' closure, but often
overlooked are the multiple environmental and
economic benefits expected to flow from the

1 redevelopment of Riker as a green jobs producing
2 oasis of environmental infrastructure. City studies
3 support this conclusion. The DEP study released in
4 March of 2024 noted that a modern wastewater
5 treatment plant on Rikers could transform DEP's
6 operations, would be technically feasible, and likely
7 similar in cost to the needed rehabilitation of the
8 City's nearby aging plants. Another study released
9 by the Mayor's Office of Climate and Environmental
10 Justice found that a major solar installation,
11 battery storage, and off-shore wind converter
12 station, presents a feasible and compelling
13 alternative to the city's current antiquated energy
14 infrastructure. An analysis prepared by NRDC by
15 former Sanitation Commissioner Brendon Sexton [sp?]
16 concluded that the major food and yard waste
17 composting facility on Rikers was both feasible and
18 necessary to achieve the city's ambitious climate
19 goals. But since the completion of these studies,
20 nothing has happened. The Adams administration has
21 failed to take any meaningful steps forward. It was
22 encouraging to hear the Commissioner this morning
23 talk about DCAS' seemingly expressions of support for
24 Intro 1038, but it was distressing to hear the
25

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Commissioner's statement that DCAS is acting as if it has no management over parcels of land already transferred and has taken no steps to advance interim uses that advance the resiliency and sustainability purposes set forth in the Renewable Rikers statute. The Rikers Island Advisory Committee has under the Adams administration only been convened occasionally, reluctantly, and at least that's been the vibe from the Department of Corrections, and seemingly only with a desire to utilize-- seemingly without a desire to utilize the expertise of the public members or to move the Council's vision of Renewable Rikers forward. Intro 1038, spearheaded by Sandy Nurse, is the next logical step. A friendly amendment we recommend is that the final bill require a master plan to also provide for the construction of a major composting facility on the scale of the city's existing fresh kills composting operation. In short, preparation of an official city master plan is provided for by Intro 1038. It's what is needed to turn an island of shame into a showplace of sustainability for all New Yorkers. Thank you for your attention.

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CHAIRPERSON RESTLER: Eric, thank you for the thoughtful testimony, and I want to thank you for helping my team and I figure out max indoor tempt policy stuff. So, I just am always appreciative NDRC's expertise. We really thank you.

ERIC GOLDSTEIN: Terrific. We're excited about that.

CHAIRPERSON RESTLER: Yeah, me too. And Darren, you missed me saying congratulations on five years. What you all have accomplished in relatively short time is pretty extraordinary and it's always good to have you here.

DARREN MACK: Thank you. Thank you, Chair Estler, Committee Members. My name Darren Mack, Co-director of Freedom Agenda. We grateful to the Council for holding this hearing, in particularly for the opportunity to advance Intro 2018. We're proud partners in the Renewable Rikers Coalition. Our members are survivors of Rikers and impacted family members who are organizing to make sure that the era of jailing people in Rikers Island will end. But the future of the island is also important to us. Years ago we began conversation with our members about how the island should be used once the jail is closed and

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the clear demand we hears was that the land must be used in ways that start to repair the harms done to communities that have been targeted by mass incarceration. In many cases, these are the same communities that have been harmed by environmental racism. Realizing the incredible potential to use Rikers Island for green infrastructure while removing environmental burdens in our communities, we join the environmental justice advocate to advocate for and ultimately pass three bills that we call the renewable Rikers Act. One our members, Marco Barrios, has been appointed to the Rikers Island Advisory Committee established by Local Law 1621 to guide the transition to Rikers Island for sustainable purposes. As a survivor of Rikers, he was thrilled to take on his position, but has been disappointed to find a lack of transparency and action from the high levels of the administration. The advisory committee members request the permission to tour specific areas of Rikers that could be transferred to DCAS and were denied access by DOC. They also found little coordination among agencies that could be working on this project, reflecting a lack of interest in City Hall leadership and advancing renewable Rikers.

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1 Despite the release of two official feasibility
2 studies in March 2024 that detailed incredible
3 potential of the Renewable Rikers Plan to address our
4 city's sustainability goals and deliver further
5 benefits to New Yorkers like good jobs. The city has
6 refused to move concretely forward on any aspect of
7 this plan. They've even refused to transfer the Anna
8 M. Craw [sic] Center which has been vacant for more
9 than two years to the control of DCAS, along with
10 other vacant parcels of land that should have been
11 transferred. The Council should not have to force
12 this administration to move forward on a project that
13 promises to deliver so much positive impact for our
14 communities, but we're grateful you're prepared to do
15 what's necessary. We don't know yet who the next
16 mayor will be, but we do know that anyone holding
17 that office will bound by the legal and moral
18 obligation to close Rikers Island and address the
19 twin crises of climate change and environmental
20 racism. Thank you.

22 CHAIRPERSON RESTLER: Thank you so much,
23 Darren. Really appreciate that testimony. M, I'm
24 disappointed you didn't come in-person, but it's good
25 to have you at the committee. Are you with us? Did

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we lose M? Going once. Going twice. Okay. I am
going to take this opportunity to adjourn the
hearing, unless you have any questions. Thank you
all for your testimony. We really appreciate it.
Hope everybody has a wonderful day. Thank you so
much.

[gavel]

CHAIRPERSON RESTLER: We just adjourned.
I'm so sorry, Chris. We'll get you next time.

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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 October 31, 2025