

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS

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April 16, 2012  
Start: 1:12 p.m.  
Recess: 4:00 p.m.

HELD AT: Council Chambers  
City Hall

B E F O R E:  
ERIC MARTIN DILAN  
Chairperson

COUNCIL MEMBERS:

Council Member Gale A. Brewer  
Council Member Leroy G. Comrie, Jr.  
Council Member Lewis A. Fidler  
Council Member Robert Jackson  
Council Member Letitia James  
Council Member Brad S. Lander  
Council Member Melissa Mark-Viverito  
Council Member James S. Oddo  
Council Member Joel Rivera  
Council Member Eric A. Ulrich  
Council Member Peter F. Vallone, Jr.  
Council Member James Vacca  
Council Member Jumaane D. Williams

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

Robert LiMandri  
Commissioner  
Buildings Department of New York City

Harry Vyas  
Elevator Division Technical Director  
Buildings Department of New York City

Chris Santulli  
Assistant Commissioner of Emergency Engineering and  
Safety Operations  
Buildings Department of New York City

Steve Ritowski  
Chapter Chairman/Grievance officer, Elevator Group and  
DCAS  
Teamsters Local 237

Travis Mastradi  
Legal Counsel  
Local 237

Maryann Rothman  
Executive Director  
Council of New York Cooperatives and Condominiums

Sylvester Gustino  
Director of Legislative Affairs  
Building Owners and Managers Association of Greater New  
York

Lou Colletti  
President  
Building Trades Employers Association

Nick LaGuardia  
Director of the Elevator Division  
Joint Committees of the Elevator Industry

Elizabeth Serillo  
Labor Relations and Government Affairs Manager  
Otis Elevator

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

Jim Duffy  
President, Richmond Elevator  
Elevator Code Representative, Elevator Conference of  
New York

George Niborg  
Elevator Contractor  
TriState Elevator

Kent Lorry  
Chairman  
Able Roof Systems

Doug Boydston  
President  
Handy Lift

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2 CHAIRPERSON DILAN: Okay, I'd like  
3 to call this Committee Hearing to, to order. Good  
4 afternoon, everyone, and my name is Eric Martin  
5 Dilan, and I'm the Chairperson of the City  
6 Council's Committee on Housing and Buildings.  
7 Today the Committee will conduct an oversight  
8 hearing on elevator safety. In addition, then  
9 I'll be, we'll also be hearing two legislative  
10 items related to elevators, the first of which is  
11 Intro 407 which is sponsored by myself, would  
12 require existing elevators in buildings with  
13 residential occupants to be equipped with  
14 additional safety devices, as well as a  
15 preconsidered item sponsored by Council Members  
16 Vacca and Vallone, who are present, as well as, as  
17 well as Council Member Eric Ulrich, of Queens.  
18 And that's related to elevator agency director  
19 elevator technician licenses. Today's hearing  
20 comes after two recent fatal incidents involving  
21 elevators in New York City, including the death of  
22 Ms. Suzanne Hart in December and in March it was  
23 Mr. Edward Bradley, an elevator repairman. By  
24 holding a combined oversight hearing on the two  
25 proposed bills, the Committee hopes to take a

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2 deeper look at the issue of elevator safety within  
3 the City of New York, and hear from the public on  
4 legislation that has been introduced in an effort  
5 to improve overall safety in the City of New York.  
6 As you probably know, the Department of Buildings  
7 is the City agency that oversees the inspection,  
8 maintenance, repair of elevators throughout New  
9 York City, and today the Committee as well looks  
10 forward to hearing from the Department of  
11 Buildings on the oversees--administrative  
12 oversight of elevator safety in the following  
13 areas: we're interested in the Department of  
14 Buildings' current procedures for inspections,  
15 maintenance and repair of elevators, obviously;  
16 we're interested to find how the Department  
17 oversees private entities are charged with  
18 performing the tasks that I just mentioned; we're  
19 interested in licensure and certification  
20 processes for elevator companies and changes in  
21 the elevator accident and injury rates over the  
22 past several years. Regarding the legislative  
23 items before us today and in short, Intro 407 will  
24 require elevators and existing residential  
25 buildings to be equipped with an additional safety

1 device known as an overspeed protective device.  
2  
3 In regard to Preconsidered Introduction on  
4 licensing, I'll defer to responses to say a few  
5 words. I would, though, and would like to ask  
6 anyone at this time, I know it was said at the  
7 outset, if you do wish to testify on this item,  
8 please see the Sergeant-at-Arms and indicate  
9 whether you are opposed or in favor of any of our  
10 items on today's calendar. And at this time, if  
11 we can keep it brief, I'd like to call on Council  
12 Member Vacca followed by Council Member Vallone,  
13 for - - to introduction on their bill.

14 COUNCIL MEMBER VACCA: Thank you,  
15 Chairman Dilan, and thank you for holding this  
16 hearing on this, on this very important topic. In  
17 this City of high rises, we have to ensure the  
18 safety of our elevators. We require licensing of  
19 our plumbers, we require licensing of our  
20 electricians, and the lack of elevator, of  
21 elevator licensing is a major loophole. It is  
22 also a threat to the safety of millions of New  
23 Yorkers who use any of New York's 60,000 elevators  
24 daily. Of all the elevators in the entire  
25 country, ten percent of them are in New York. And

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2 yet, we are 14 to 17 percent more likely to be  
3 involved in an elevator accident here, than in  
4 states that already have enacted strict licensing  
5 standards. My bill, cosponsored by Councilman  
6 Vallone, would, would require all elevator workers  
7 to be licensed in order to work on any elevator in  
8 our City. It would require elevator workers to  
9 have at least five years of work experience with  
10 at least 1,750 hours of work per year, working on  
11 elevators. It would require completion of an  
12 approved apprenticeship program, or completion of  
13 an approved educational instruction program, in  
14 addition to the experience required. My bill  
15 would also require all elevator workers to pass a  
16 test and obtain a certificate that proves they are  
17 qualified to work on elevators. I want to state  
18 explicitly and for the record that this bill is  
19 not intended to raise revenue. It is intended to  
20 make our City elevators safer. As written today,  
21 this bill waived the examination fee for anyone  
22 currently working as an elevator technician in the  
23 City. As long as our City's experienced elevator  
24 workers pass the test, there will be no financial  
25 impediment to making sure they can do tomorrow

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2 what they did yesterday. All they have to do is  
3 take and pass the test. I also want to make clear  
4 that in order to prevent a shortage of available  
5 qualified elevator workers in this City, that the  
6 licensing credentials should be turned around as  
7 quickly as possible. We know too well how long it  
8 can take to obtain permits and licenses for  
9 construction in, in this City. An elevator work  
10 is too critical to the safety of New Yorkers for  
11 the permits to take months and months to obtain.  
12 Now the State is currently looking at their own  
13 version of licensing and I applaud them. However,  
14 I want to make sure that we reserve the right for  
15 the City of New York to set more stringent  
16 standards for licensing than any other part of the  
17 State, if we determine that stronger standards are  
18 indeed necessary, and I say they are. The state  
19 has consistently recognized that this City is more  
20 difficult and demanding to build, to build them,  
21 and they've given a - - out on these legislatively  
22 over the course of many, many years. There is a  
23 fundamental difference between working on a 15  
24 story building in Buffalo and an 80 story  
25 skyscraper in Manhattan. Our licensing standards



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2 should reflect that. So I thank you, Chairman  
3 Dilan, I think the time is long due that we act on  
4 legislation as I've introduced. Thank you.

5 CHAIRPERSON DILAN: Thank you,  
6 Council Member Vacca. Council Member Vallone.

7 COUNCIL MEMBER VALLONE: Yes, thank  
8 you, Chair Dilan, for holding a hearing on this  
9 bill before it's even been introduced, and for  
10 moving so quickly on this; and also Council Member  
11 Vacca for cosponsoring this important bill. Two  
12 of the Council Members I respect the most and it's  
13 - - to be working with you guys. Right now, my  
14 cousin Vinnie could be inspecting the elevator in  
15 your building. He would need a license to work on  
16 the lights, to fix the paint and the walls, but  
17 not to work on the elevator. And as we learned  
18 too tragically recently, that may have life or  
19 death consequences. That makes no sense, and  
20 that's what we're here to fix today. We need to  
21 license people who work on a piece of equipment  
22 that literally holds your life in its hands. And  
23 Council Member Vacca went into in detail what the  
24 bill does, so I'll be brief and - - Very quickly,  
25 though, one of the other things it does is right

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2 now, the operat--the, these private elevator  
3 inspection companies have to be under the, the  
4 auspices, the supervision of an elevator agency  
5 director. But that director could be involved  
6 with a bunch of different companies. Which makes  
7 it very difficult to supervise, but it makes it  
8 easier to get a license that way. So this bill  
9 would say one, one inspector, one licensed  
10 inspector, one company. And that makes sense,  
11 too. Again, I want to thank the Chair and  
12 Councilman Vacca, and I wanted to be brief, so  
13 thank you both.

14 CHAIRPERSON DILAN: And we'll give  
15 a moment for the Speaker of the Council to settle  
16 in, and when she's settled in, she can make her  
17 statement. And--

18 [pause]

19 SPEAKER QUINN: --I had to  
20 filibuster. [laughter, background comment]

21 CHAIRPERSON DILAN: Well, I can't  
22 control that. [laughs]

23 SPEAKER QUINN: [laughs] Well,  
24 sorry guys, thank you very much, Commissioner and  
25 the other staff. Excuse me for being here, thank

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you, Chair Dilan and the other Council Members.  
I'm sure it's been said already, but on December 14th, 41 year old Suzanne Hart was killed when an elevator unexpectedly accelerated upwards from the lobby of 285 Madison Avenue. This was the result of a failure to reengage the elevator safety circuit following repair work, which allowed the elevator to move while its doors were open--the kind of a think that all of us fear will happen when we enter an elevator. Another elevator related fatality occurred on March 28th, when 45 year old Ed Bradley, an elevator repairman, was electrocuted while working on an elevator in Manhattan, midtown Manhattan office building. These are just two of the most tragic elevator related accidents to occur in recent months. We're here today to explore ways to improve safety for elevators and elevator repairs all throughout the five boroughs. The Department of Buildings, the elevator industry and the union have all worked to make elevators safer. And the City Council has taken action in the past most recently through our work to modernize the City's building code. But when New Yorkers continue to lose their

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2 lives, it's clear that more needs to be done. So,  
3 today we will start the discussion and serious  
4 consideration on two important pieces of  
5 legislation. I also hope that today's discussion  
6 in the Vallone and Dilan bill as a foundation lead  
7 us towards other pieces of legislation that could  
8 add an even more robust package on this issue. I  
9 will just say in closing, thanking both the Chair  
10 and the sponsors of these two pieces of  
11 legislation, one which deals with what type of  
12 technology is needed around elevators surging up  
13 and surging down, and I think making sure that we  
14 are as up to date on technological issues as  
15 devices that can prevent the severity of  
16 accidents, Chair Vallone has a very good idea.  
17 Also, I think if you ask most New Yorkers, is  
18 there a license, is there a standard, is there a  
19 national level of requirement for given how  
20 important and technical elevator repair is, most  
21 New Yorkers would look at you like you were crazy,  
22 and say, "Of course there is." That there isn't  
23 and that so many other jurisdictions have that,  
24 jurisdictions which probably have fewer elevators  
25 and more smaller buildings than we do, really does

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2 beg the question, "Why don't we have that in New  
3 York? And why haven't we been moving in that  
4 direction?" So I'm very glad that we are having  
5 this conversation today. I'm sad that the  
6 tragedies predated this conversation and look  
7 forward to work on both of these pieces of  
8 legislation which through technology in the case  
9 of the Chair and common sense in the case of the  
10 Vallone bill, will keep New Yorkers safer. Thank  
11 you.

12 CHAIRPERSON DILAN: Thank you,  
13 Madam Speaker, and thank you for joining us. At  
14 this time I'll briefly introduce the members of  
15 the Committee. And then we'll turn it over to the  
16 Buildings Department. To my far left, Council  
17 Member Gale Brewer of Manhattan; Council Member  
18 Robert Jackson of Manhattan; next to Council  
19 Member Jackson is Ben Goodman, the Policy Analyst  
20 to the Committee; seated to him is Laurie Rogers,  
21 the Counsel to the Committee; as well as the  
22 Assistant Majority Leader Lew Fidler seated right  
23 beside Speaker Quinn; Council Member Peter  
24 Vallone, who we've heard from; Council Member Eric  
25 Ulrich, a member of the Committee; as well as

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2 Council Member Jimmy Vacca. We were briefly  
3 joined by the Republican leader Jimmy Oddo--oh, he  
4 is still here in the crowd; and there'll be some  
5 members who will I'm sure fill in as the  
6 proceedings are underway. At this time, we'd like  
7 to turn it over to New York City's Building  
8 Commissioner, Mr. Robert LiMandri for his  
9 testimony.

10 ROBERT LIMANDRI: Thank you, good  
11 afternoon Chair Dilan, Members of the Committee,  
12 Council Speaker Quinn. I am Robert LiMandri, the  
13 Commissioner of the Buildings Department of New  
14 York City, and joining me today are Assistant  
15 Commissioner of Emergency Engineering and Safety  
16 Operations, Chris Santulli to my left, and then  
17 Elevator Division Technical Director, Harry Vyas  
18 on the right. Thank you today for this hearing  
19 and the opportunity to testify on these bills. I  
20 really think we're moving in the right direction  
21 in the tone of these bills. In New York City,  
22 there are approximately 60,000 elevators, and for  
23 context as we've heard earlier, ten percent of  
24 them are in New York City, of elevators  
25 nationwide. Each day, millions of New Yorkers

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2 ride in our elevators, which make about 40 million  
3 daily trips, or about 500 trips per elevator, per  
4 day. In 2011, there were 43 elevator accidents.  
5 That is down over 60 percent since 2007, when  
6 there were 105. And year to date, there have been  
7 12 accidents so far involving elevators. Each  
8 year, approximately 155,000 elevator inspections  
9 are conducted in New York City. Under the new  
10 building code, each elevator device must be tested  
11 and inspected annually. These are called category  
12 one inspections, and these tests, and inspections,  
13 are conducted by an elevator maintenance company  
14 that are hired by building owners. These category  
15 one inspections constitute 60,000 of the 155,000  
16 inspections per year. In addition, each  
17 elevator's inspected once a year by a private  
18 elevator inspection agency under contract with New  
19 York City. There are 60,000 of these inspections  
20 each year. DOB also conducts audit inspections,  
21 accident investigation, acceptance, tests for new  
22 and modernized elevators, and responds to  
23 complaints. Together these result in an  
24 additional 25,000 inspections per year. This  
25 means that each elevator is tested at least once

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2 and inspected at least twice during the course of  
3 one year. There is also a separate category file,  
4 as we call it, which must happen every five years,  
5 and that allows for the category five is about  
6 10,000 a year, and I'll explain later what that  
7 means. A building owner hires a licensed elevator  
8 agency director, and that company staff of  
9 inspectors to conduct installations, inspections  
10 and tests, and the agency director has a minimum  
11 of ten years of experience in the supervision,  
12 assembly, installation, maintenance, repair design  
13 or inspection of elevators, and acts in a way  
14 similar to that of the general contractor at a  
15 construction job. The elevator inspectors that  
16 work under him have a minimum of five years of  
17 satisfactory experience. A category one test of  
18 inspections completed every calendar year. During  
19 the category one inspection, the elevator is  
20 tested without a load and inspection speed. The  
21 inspection is performed and witnessed by two  
22 separate and unrelated approved elevator agencies.  
23 This allows for a second, objective company to  
24 record the device's performance, or more bluntly,  
25 what we call a peer review. The witnessing agency



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2 is a new requirement mandated in the 2008 building  
3 code as the Speaker indicated earlier. The  
4 category five inspection consists of a test of  
5 full load at a rated speed. Like the category  
6 one, this is, has--excuse me. Like a category  
7 one, this has an inspecting elevator agency and a  
8 witnessing elevator agency, as well. The  
9 supervising agency director may either witness  
10 this test or audit the results of his inspectors.  
11 The Department elevator inspectors perform all the  
12 inspections, spot checks, unscheduled inspections  
13 and tests for both category one and five  
14 inspections and tests. Also, the Department of  
15 Buildings' inspectors perform acceptance  
16 inspections at newly installed devices and  
17 modernizations. The Department of Buildings'  
18 elevator inspection unit currently consists of 22  
19 inspections, inspectors, down from 33 in 2007.  
20 And the Department has received approval to hire  
21 four additional inspectors who should be on board  
22 the first week of May, and we are actively  
23 recruiting an additional six to bring our  
24 headcount up to 32. Each inspector in the  
25 Department receives qualified elevator inspection

1 certification, what we call in the industry QEI  
2 certification, from the American Society of  
3 Mechanical Engineers, ASME, in addition to 800  
4 hours of core training, both classroom and field,  
5 and 320 hours of continuing training. The  
6 Department writes ACB violations, which have a  
7 monetary penalty and require a certificate of  
8 correction with the Department. Also, we can  
9 immediately shut down an elevator with what we  
10 call a "cease use," much like a stop work order in  
11 the construction industry. We also can issue what  
12 we call buildings violations which put owners on  
13 notice of deficiencies. The penalties for failing  
14 to file any test or inspection report with the  
15 Department is a category one violation, for  
16 \$3,000, or category five violation for \$5,000, and  
17 the late filing - - is a penalty of a \$150 or \$250  
18 per month. In addition to violations, elevator  
19 unit has what we call a major offenders  
20 enforcement program. It targets the 25 worst  
21 buildings in the City. Once a building reaches  
22 such major offender status, a Department viol--a  
23 buildings violation is written with instructions  
24 to repair or correct the device. We use this  
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1 violation as a precursor to criminal court, and in  
2 cases of noncompliance. Each year, the Department  
3 participates in a National Elevator and Escalator  
4 Safety Awareness Week. Since 2004, inspectors  
5 from the Department of Elevators Unit have taught  
6 more than 10,000 public school students how to  
7 safely ride on elevators and escalators, and what  
8 to do in the event of an emergency. With this  
9 background in mind, I'd like to turn now to the  
10 legislation intros for discussion today. Intro  
11 407 will require adding an ascending car overspeed  
12 and unintended car moving protection to elevator  
13 devices. These brake plates are added to the  
14 hoist cables overhead the elevator car to prevent  
15 a drift up or sudden movement, while the car or -  
16 - way doors are open. Currently, the new 2008  
17 building code mandates that these protections be  
18 added to elevators in newly built buildings and  
19 where elevators are modernized by adding an  
20 entirely new control panel. It is estimated that  
21 of the 60,000 elevator devices, roughly one-  
22 quarter of them have this protection in place so  
23 far. This bill is aimed, this bill that you're  
24 introducing, is aimed at retrofitting all the  
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1 remaining elevators and will require that work to  
2 be completed one year after enactment. The  
3 Department fully supports the intent of this bill.  
4 There are some logistical difficulties outside of  
5 our control with the drafted language of the first  
6 bill. First, it is unclear if all the buildings  
7 in the City would have the necessary space or  
8 structural feasibility in the shaft way and the -  
9 - of existing elevators to house the equipment.  
10 Second, as each piece of equipment may need to be  
11 custom manufactured to fit each device, there is  
12 some concern that there may not be enough of this  
13 equipment available over the course of the next  
14 year to comply. And finally, this device is only  
15 applicable to traction type elevators and not  
16 applicable to drum and hydraulic type machines.  
17 However, we think that there may be some other  
18 solutions that we can require that can shut down  
19 an elevator in cases where an unsequenced event  
20 such as a door not opening or closing properly  
21 occurs. Regarding the preconsidered introduction,  
22 it mandates that elevator mechanics receive a  
23 license from our Department to perform maintenance  
24 work on elevators in New York City. The bill  
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1  
2 seeks to amend the provisions of Section K101.1,  
3 Chapter K1, of Appendix K, and DOB licensing rule  
4 101-07. The Department licenses 153 elevator  
5 agencies and 112 co-directors [phonetic] and 721  
6 elevator inspectors. This bill would add the  
7 title of elevator technician as "an individual who  
8 engages in altering, inspecting, maintaining,  
9 repairing, servicing or testing elevators." But  
10 we would also, I would suggest, need to include  
11 installation as a word in that, in that construct.  
12 Currently, the work described here is done by a  
13 person simply called a mechanic. It is estimated  
14 that there are roughly about 5,000-7,000 mechanics  
15 working in this City today. Some of these are - -  
16 apprenticeship programs already. When discussing  
17 licenses, it is important to know that we stress  
18 the strong relationship between training, work  
19 experience and education. We are undertaking  
20 analysis of this proposed licensing construct, and  
21 are anxious to hear from the industry and  
22 stakeholders. We do know that these mechanics  
23 need to be adequately and periodically trained, as  
24 well as being able to provide the health and  
25 fitness to carry out their duties. We envision a

1 structure where these workers would not only  
2 receive initial training, but also complete  
3 continuing ed, or education, in the form of an  
4 annual or biannual course credits. The agency  
5 director for whom these mechanics work should be  
6 required to maintain those records of training on  
7 mechanics, and have available to the Department  
8 upon request. This is similar to the regulatory  
9 construct we currently utilize for scaffolding  
10 companies and workers. As you may remember, we  
11 work very closely together with the Council and  
12 the industry to create what was ultimately Local  
13 Law 24 of '06. This required the workers erecting  
14 a scaffold are required to take a 32 hour approved  
15 training course, getting a certificate, which they  
16 must carry at the jobsite at all times. And  
17 subsequently, take an eight hour refresher every  
18 four years after. We believe this model may be an  
19 appropriate model for elevator mechanics, as well,  
20 and welcome the opportunity to work with the  
21 Council and industry to determine the best way to  
22 - - this new regulatory construct, like the one  
23 proposed above. I really want to thank you for  
24 the opportunity for us to testify today, and I'll  
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be happy to answer any questions.

CHAIRPERSON DILAN: Thank you, Commissioner. Before we get to the questions, there is some housekeeping that I do have to do. We've been joined by the majority leader of the Council, Joel Rivera, as well as Council Member Brad Lander of Brooklyn. And I don't believe I missed any of the members. So, we'll start with just some general oversight questions, on elevator safety and then we'll get into details about the two legislative items before you. You stated in your testimony that there's currently 60,000 elevators in operation in New York City. How is this number estimated and are owners required to register their elevators with the Department? And then since the count at the last - - oversight hearing for elevator safety in 2003, can you give us the number of accidents that have occurred each year since then? And how does the Department report accidents, fatalities and industries, and injuries? We'll start with that there.

ROBERT LIMANDRI: Okay, so, that's a long question.

SPEAKER QUINN: [laughs]

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ROBERT LIMANDRI: I apologize.

CHAIRPERSON DILAN: Well, it's three, it's three questions wrapped into one sort of--

ROBERT LIMANDRI: Right, so [crosstalk] let me start with the last and I'll maybe work my way backwards.

CHAIRPERSON DILAN: Sure.

ROBERT LIMANDRI: So, we record the number of fatalities each year from 2003 to 2011. And I can rattle off those numbers. In 2003 and '4 we had four fatalities; in 2005 we had five; in 2006 we had two; in '7 and '8 we had five; and 2009, '10 and 11 we had three. So each year we've had approximately three to four elevator fatalities, and that's typically a mix between both civilians and mechanics.

CHAIRPERSON DILAN: And who do you have to report them, is the other part of that question, who do you have to report this data to? On the accidents.

ROBERT LIMANDRI: The accidents, these, these numbers are fatality numbers that we record, as well as OSHA. We don't report them, we



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globally - - the internet--

CHAIRPERSON DILAN: So, you're not required to put 'em in the Mayor's Management Report or any other items like that, not required to report 'em to--

ROBERT LIMANDRI: No.

CHAIRPERSON DILAN: --a supervisor of any sort, like a Deputy Mayor at this point?

ROBERT LIMANDRI: No, I don't believe so.

CHAIRPERSON DILAN: Oh, okay. Okay, that was part one of the question. That was parts one and two. Then you, you mentioned--

ROBERT LIMANDRI: So, so, in the concept of discussion, what we could do is we could post this data as we do for some of the other parts of data, either in the Mayor's Management Report or we could post it in--

CHAIRPERSON DILAN: On the website.

ROBERT LIMANDRI: - - on the website, like we did with - -

CHAIRPERSON DILAN: Like you do with the safety data.

ROBERT LIMANDRI: Mm-hmm.

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2 CHAIRPERSON DILAN: And I think  
3 that would be helpful, I mean, I don't believe  
4 it's part of any, any legislative language, before  
5 us today here, but you certainly can take that  
6 into consideration.

7 ROBERT LIMANDRI: That makes sense.

8 CHAIRPERSON DILAN: To include  
9 them. Okay, and then, okay that, that actually  
10 covers a lot of my questions. So, we're--we'll  
11 skip to, for a second, safety features. I'll go  
12 to safety features. Since the last oversight  
13 hearing on elevators in this Committee in 2003, we  
14 worked together to, to do a building code, and the  
15 revision took place in 2008. Can you walk us  
16 through the kinds of safety features the  
17 Department has added since 2003, including,  
18 including what we've worked together to add into  
19 the new code.

20 ROBERT LIMANDRI: Well, one of the  
21 most important things that I touched on in the  
22 testimony, is requiring a, this peer review of an  
23 outside witnessing agency. One of the things that  
24 we talked about in the '08 adoption, was for there  
25 to be someone else and there to be a challenge

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2 opportunity. And that's required now, and we do  
3 think that it's making a difference. In other  
4 words, if I'm witnessing an actual elevator  
5 inspection, I have the ability to report what I  
6 see. And it might not necessarily be in my best  
7 interests to report everything. So, the thought  
8 was, was to have this witnessing agency there, so  
9 now you have two, basically two separate entities,  
10 and they're going to be on the hook for what's  
11 going on on that elevator. And because they're so  
12 technical, we thought that this was a great  
13 construct to provide, so that you create this  
14 opportunity for peer review. So you basically are  
15 getting two people with set of eyes looking at the  
16 same elevator in the same conditions. And we  
17 think that that is one of the biggest, biggest  
18 changes. The, the other item that we've focused  
19 on is, is to look at the reference code standards  
20 that are available to the City. And what we've  
21 done is, is we've included ASME A17.1 with the  
22 2002 and '3 supplements. And these are what you  
23 call some reference - - that go into lots of  
24 detail in what's required on an elevator. And we  
25 think that that's an enhancement. As well as

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ASME, which is, I'm sorry, stands for the--

CHAIRPERSON DILAN: Yes, it's the--

ROBERT LIMANDRI: - -

CHAIRPERSON DILAN: --very  
technical for the audience, but--

ROBERT LIMANDRI: [laughs] The, the  
American Society of Mechanical Engineers. I'm  
sorry, it's A17.3, 2002. So, these, the codes  
overall, and when we did the adoption, in many  
areas we adopted reference standards that bring it  
up to date. And this is another area where we've  
done that.

CHAIRPERSON DILAN: Okay, so, just  
in general, we've had two recent high profile  
accidents, and I agree with the outset of your  
testimony, is that with the amount of elevator  
runs that we have as a City per day, most people  
don't think twice about getting into an elevator.  
They largely work and they're largely safe. And  
New Yorkers and people who visit the City expect  
them to work every time they get in an elevator  
accident, and they do. But in the event that an  
injury or fatality occurs, what protocols does the  
DOB have to do a, what type of investigation and -

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ROBERT LIMANDRI: Well, we, whenever there's a fatality, we do a joint investigation with the Department of Investigation--

CHAIRPERSON DILAN: Oh, explain your--

ROBERT LIMANDRI: Sure, sure. So, we, we get reported injuries and also fatalities, and we, we get those through phone calls, through 311, sometimes the Fire Department will call. We get those and we do an investigation. If there's a fatality, we do that with the Department of Investigation, and typically other law enforcement agencies are involved. And based on what we find with our team of forensic engineers, we'll--the other agencies, the other law enforcement agencies, decide the path that we follow. So, for example, when we did the most recent investigation of 285 Madison, it was an joint inspection and report that was done by the Department with our people who have a lot of deep knowledge of how it is an elevator works. But we work very closely with the Department of Investigation who has the

1  
2 ability to investigate, understand how to  
3 question, and those kinds of investigation type of  
4 scenarios, so that we can get the best  
5 information. What, and in that case, and we have  
6 done this in many of our forensic engineering  
7 investigations, we don't just leave it to our own  
8 people, many times we use an outside group,  
9 consulting group that we hire, that has no  
10 interest in the actual performance of what they  
11 find, and the idea there is to peer review and to  
12 give us some suggestions. So, in the case of 285  
13 Madison, we hired an additional company at, at the  
14 City's expense, and we let that, trying to figure  
15 out what happened. And they were able to perform  
16 tests with us and create the testing protocols  
17 with the Department of Investigation and  
18 ourselves, and OSHA, which I neglected to mention  
19 earlier, and that we can do this joint  
20 investigation. And then when we issued our report  
21 to DOI, and then that's when - - was, which was  
22 the technical advisor to us, we determined that  
23 there was no other way that this condition  
24 could've existed unless there was a jumper in  
25 place. And that's what occurred. So, you know,

1  
2 getting back to the legislation today, we do feel  
3 that licensing or registration and a requirement  
4 for training of these individuals on a regular  
5 basis, is something that we should be doing. And  
6 we think that we should be doing that in the  
7 construct of the way you've laid it out so far.

8 CHAIRPERSON DILAN: All right,  
9 since you jumped to it, I'll jump to it. What--  
10 your testimony's saying it's supportive around  
11 licensing in and around the inspection of these  
12 professionals. To your knowledge, how many other  
13 jurisdictions, if you have the answer, require  
14 licensing? And what has been your experience in  
15 New York City in the past as to why this set of  
16 professionals aren't licensed.

17 ROBERT LIMANDRI: Well, we did some  
18 research in, in reviewing - - , and we've  
19 identified 36 jurisdictions across the country.  
20 Predominately it's a state function, but we know  
21 that in New York City it's - - and New York City  
22 takes a lot of licensing requirements on, as well.  
23 We do know that there are some state bills that  
24 have been in Albany for a number of years. Most  
25 of the jurisdictions require a three to four year

1  
2 experience requirement, and the passage of an  
3 exam. And there's really only two city's that  
4 I've been able to identify, or municipalities:  
5 Los Angeles and Detroit. So, essentially the  
6 construct is it's statewide in most, in most of  
7 the country, 36 out of the 50 states; and two  
8 major municipalities. So, we, we would be similar  
9 to that. So, in this local area, Connecticut  
10 licenses journeymen and contractors; New Jersey  
11 licenses inspectors and contractors, but not  
12 mechanics; and for example, when you think, we  
13 always think of like cities, we think of Chicago,  
14 Boston. So we looked at Illinois, Illinois does  
15 the mechanics and the contractors. So, the one,  
16 the one thing that I would stress is that if we're  
17 going to do this, then the City should have the  
18 ability to take away the right to work, if you're  
19 found to have committed a problem. So, like with  
20 other areas that we've worked on together, one of  
21 the most important things that we have to do is we  
22 have to have the ability to, this agency must be  
23 capable, but also the people that we license, that  
24 we can make them accountable. So, if we license  
25 someone then we want to have the ability to take



1  
2 away their license, suspend or revoke based on the

3 - -

4 CHAIRPERSON DILAN: And that's,  
5 that's great to, to ask for, but I mean, current  
6 standards now don't prohibit you from removing  
7 anyone's ability to work. I know this is not, I  
8 don't want to get into a debate on this, but I  
9 certainly think this, this is a positive first  
10 step in order, in order for the agency to at least  
11 keep track of exactly who's working on elevators.  
12 'Cause I would imagine right now, you might know  
13 the companies, but in terms of qualifications of  
14 individuals, there's no way for you to keep  
15 record.

16 ROBERT LIMANDRI: That's right.

17 CHAIRPERSON DILAN: Yeah.

18 ROBERT LIMANDRI: You're absolutely  
19 right.

20 CHAIRPERSON DILAN: Okay. So,  
21 yeah, certainly the State does have the right and  
22 I haven't researched the State bills at this  
23 juncture. My Committee staff's just begun that  
24 work last week. We certainly work collaboratively  
25 with the State on getting a package done at the

1  
2 State levels, because I believe certainly being in  
3 New York City, we need to know that the people  
4 that are working on the elevators that we get in  
5 are qualified to work on elevators. So, you have  
6 great data on the jurisdictions, other  
7 jurisdictions that require professionals to be  
8 licensed. In my mind, it appears to me that the  
9 elevators and elevator fatalities, at least in,  
10 with these last two incidents. Seems to be most  
11 vulnerable, most accident prone during the time  
12 the elevators are being repaired. In the general  
13 sense, is that what your findings have shown you  
14 since 2003?

15 ROBERT LIMANDRI: Yes, we, we, when  
16 we've looked at these type of fatalities, it's  
17 like with anything else, you, when you go through  
18 and you're repairing something, elevators are very  
19 safe to ride in, they are engineered with lots of  
20 what we call safety devices. Many times when we  
21 get stuck in an elevator, it is on purpose to get  
22 stuck because there's a problem. Whether it's a  
23 control problem or it's some sort of a mechanical  
24 problem. So, you know, I know that New Yorkers  
25 don't like it when they get stuck in an elevator,

1  
2 but these devices are built for a reason. So,  
3 when, when you do mechanical work on such a  
4 technical device, these are the opportunities  
5 where you have to put them into what we call  
6 inspection mode, you have to, you, in some cases  
7 you do actually have to - - out certain safety  
8 devices in order to make a test, because you want  
9 a real test, you don't want a simulated test. And  
10 that's the time when something can go wrong. And  
11 we do think that the people that do that work, the  
12 agency directors who are ultimately responsible to  
13 make sure that that person's trained, but when  
14 you're on the jobsite, we think that those people  
15 need to have the, certainly the training and the  
16 refresher and ultimately a set of requirements  
17 that we all, as New Yorkers, agree, that is strict  
18 enough to work on them.

19 CHAIRPERSON DILAN: And so for, for  
20 purposes when an elevator is being repaired, are  
21 there any protocols in place right now in  
22 commercial buildings? I read NYCHA residential  
23 buildings would be a little bit more difficult.  
24 But what is the most appropriate time, and I would  
25 imagine it'd be after hours, for an elevator to be

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tested in a commercial facility?

ROBERT LIMANDRI: Well, most of our, most of the owners should decide when the testing occurs based on occupancy. So in a commercial office building, many of the tests are going to go on in the evening, when, when people are not actually with the main office using the elevators--but they make these choices depending on the number of elevators, the number of occupants, the type of the load, what they call the load of the building. So, for example, if you have, you know, three elevators, but you have a large number of people versus a small number of people, and many more elevators, that can dictate the actual volume of who's moving up and down. So, the actual schedule is really dictated by the owner. When they need the City, they can call us and we can do those inspections, and those primarily happen during the day. But they do a lot of tests in the evenings, in those - - buildings, it's the, usually the opposite, they do a lot of inspections during the day.

CHAIRPERSON DILAN: During the day.

ROBERT LIMANDRI: So it depends.

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2 CHAIRPERSON DILAN: And that's the  
3 kind of--so, has there ever been an incidence of  
4 injury or fatality anywhere in a building where  
5 the elevator wasn't being serviced?

6 ROBERT LIMANDRI: I'd have, I'd  
7 have to get back to you. Certainly there are, I  
8 don't know the exact number.

9 CHAIRPERSON DILAN: All right. So,  
10 but the large part is human error during the  
11 period of service, or inspection on an elevator?  
12 Is that--

13 ROBERT LIMANDRI: We, we think that  
14 that is an accurate statement, yes.

15 CHAIRPERSON DILAN: Okay. Now, in  
16 terms of--and then I'll open to questions, I have  
17 Vallone and Jackson after me--in terms of  
18 inspections for DOB, you referenced in your  
19 testimony that you have outside companies conduct  
20 testing. Does DOB do any in-house testing on its  
21 own?

22 ROBERT LIMANDRI: Yes. So, we  
23 supplement our workforce using an outside  
24 contractor. And we do audits of those  
25 inspections. And then we also do our own

1  
2 inspections. So for example, if you go into do an  
3 inspection on a new device, we actually go in and  
4 do that inspection. So we do some exclusively  
5 ourselves, and others we do on sort of what we  
6 call the private elevator companies working on our  
7 behalf.

8 CHAIRPERSON DILAN: Okay, thank  
9 you, Commissioner. I have Council Member Vallone,  
10 followed by Council Member Jackson.

11 COUNCIL MEMBER VALLONE: Thank you,  
12 Mr. Chair, and Commissioner, I commend your safety  
13 record. 60 percent fewer accidents since '07 is  
14 very impressive and you deserve credit for that.  
15 On page two you said if - - recognize the licensed  
16 elevator agency director, and that company staff  
17 of inspectors to conduct installations,  
18 inspections and tests. Is there any limit to the  
19 amount of companies that are licensed elevator  
20 agency direct - -

21 [background comments]

22 HARRY VYAS: My name is Harry Vyas,  
23 Director of Elevators. - - all right now, agency  
24 director only work with one elevator company and  
25 one agency. But then they worked with multiple

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agency, - -

COUNCIL MEMBER VALLONE: And can they have multiple--

HARRY VYAS: No, there's no need for the--we let people work under one, one director.

COUNCIL MEMBER VALLONE: There's no limit to the amount of people who work under one director. How about the amount of, amount of companies that that director oversees?

HARRY VYAS: Only one - - company.

COUNCIL MEMBER VALLONE: And that's per year right now?

HARRY VYAS: Yes.

COUNCIL MEMBER VALLONE: Okay. It says that the building owner hires this company, they, do the mechanics work for that company, also? I mean, do the mechanics work for--

HARRY VYAS: Yes, mechanics also work for - - agency, but it's not required, and - - agency only required when you do the maintenance - - elevators, or in the modernization work, or in the inspection and testing, you do. As per Category One and Category Five - - .

1  
2 COUNCIL MEMBER VALLONE: I'm going  
3 to try and understand that. The mechanic who  
4 repairs an elevator, who does that person work  
5 for?

6 HARRY VYAS: Mechanic he works, he  
7 works for agency director.

8 COUNCIL MEMBER VALLONE: So is  
9 that, that's the same company that is doing the  
10 inspections in the installations apparently.

11 HARRY VYAS: Not necessarily.

12 COUNCIL MEMBER VALLONE: Okay. If  
13 it's not working for that company, what sort of  
14 company would it work for? Would that mechanic  
15 work for?

16 HARRY VYAS: Mechanic work for the  
17 private company that's not licensed by the DOB.

18 COUNCIL MEMBER VALLONE: Yeah,  
19 that's, that's why we're here, that's the problem.  
20 It says here that elevator inspectors have to have  
21 a minimum of five years of satisfactory  
22 experience, but then on page five you say that the  
23 mechanics have to be periodically trained, as well  
24 as be able to provide the health and fitness to  
25 carry out their duties. That may be the most



1  
2 minimal requirement I've ever heard of for a, any  
3 position, let along an, a mechanic. I think  
4 everyone in this room has the health and fitness  
5 to carry out their duties, or they wouldn't be  
6 here right now. And you know, that's what we're  
7 dealing with, we've got mechanics who have,  
8 there's no requirement for any sort of training,  
9 other than we have to hope they carry out their  
10 duties. You mentioned, you did give us some  
11 guidance on the Vacca/Vallone law, regarding  
12 licensing, you said that perhaps we should do  
13 something similar to scaffolding, which is  
14 something we can discuss. You didn't give us any  
15 guidance then on the other bill, the Dilan bill,  
16 requiring the different--administration of the  
17 safety devices. You pointed out a bunch of  
18 logistical difficulties, which seemed legitimate.  
19 Do you have any, any guidance regarding how this  
20 bill would deal with those?

21 ROBERT LIMANDRI: Yeah, so, what we  
22 would, we would suggest is, is we would like to do  
23 some technical research with some industry  
24 professionals, because we wanted to determine how  
25 many of the elevators could not achieve what

1  
2 you're requiring them to build. So, one, one of  
3 my concerns is there's a whole set of waiver  
4 provisions that would allow me or the Commissioner  
5 to waive the requirement. So, in, in the new  
6 code, any new building or any new modernization is  
7 required to do this work. So, those are covered  
8 going forward. The idea is what I think the  
9 Council wants to do is accelerate all the existing  
10 renovation regardless of whether you're going to  
11 do a major renovation. So, what we, we want to  
12 determine is how many of those elevators that are  
13 in an existing condition, how many of them we  
14 cannot solve by the suggestion that's in the bill  
15 today. We do think that there are opportunities  
16 in control panel logic that would allow for us to  
17 have some additional safeties, instead of a  
18 mechanical safety. So, in lieu of the suggestion  
19 by the Council, it might be an opportunity to do  
20 something different. Unfortunately, we haven't  
21 had, we ought to meet with industry professionals,  
22 we'd like to talk with some mechanics, we'd like  
23 to figure out what the other opportunities are.  
24 And we do think that there's an option. So, and  
25 I'm, I'm reluctant to, the way it's written, there

1  
2 are similar waiver provisions, that, you know, it  
3 leads to too many opportunities to waive the  
4 requirement, I think.

5 COUNCIL MEMBER VALLONE: That makes  
6 sense, you're the expert, so we look forward to  
7 working with you on these. I'm not an elevator  
8 mechanic, although I'm apparently trained to be  
9 one. I'm breathing and I'm here, I could do that  
10 work. But back to that, though, and I want to be  
11 brief, 'cause I know a lot of people have  
12 questions, so this'll be my last question. Again,  
13 you gave us some guidance regarding the  
14 scaffolding as an example. So, you do agree,  
15 though, then, that there needs to be some sort of  
16 increased training and some sort of increased  
17 certification process, elevator mechanics.

18 ROBERT LIMANDRI: The sort answer  
19 is yes.

20 COUNCIL MEMBER VALLONE: I'm going  
21 to leave it that, and again thank you for your  
22 work on this. We look forward to working with on  
23 both bills. Thank you, Mr. Chair.

24 CHAIRPERSON DILAN: Okay, thank you  
25 Council Member Vallone. We have Council Member

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Jackson, followed by Vacca.

COUNCIL MEMBER JACKSON: Thank you, Mr. Chair and Commissioner and staff. I have a couple of quick questions. So, in essence, to go back to our colleague, Peter Vallone, Jr., speaking about the mechanics, they report to the agency director. In essence, what I gathered from your response, Deputy Commissioner, is that that the agency director can contract out work to other companies that would still be under his jurisdiction. Am I right or wrong?

HARRY VYAS: We don't know internally that they contract out other work but what we need is a--one agency, only one director should be--

COUNCIL MEMBER JACKSON: I understand that. You made that clear. But you're telling me, you don't know if they can contract out? If that's what I'm hearing from you, that is totally unacceptable, because what I heard in the explanation is that mechanics can work for a company, and that company, or the mechanic, would be under the jurisdiction of the agency director. And you said earlier that agency director can only

1  
2 be a director of one company. And they can have  
3 as many employees as they wish. So, if I'm a  
4 company, ABC Company, and I work under your  
5 jurisdiction under your jurisdiction, but I'm not  
6 employed by you, then somebody's, something's  
7 missing here. You're either contracting out the  
8 work of someone else--or explain it to me. You  
9 need to explain it, because you're this, you're  
10 the, you're the technical director, or if not,  
11 then I'm going to ask the question of the acting  
12 Assistant Commissioner for Safety Operations, are  
13 we running a safe business, if in fact y'all can't  
14 answer my simple question. I want an answer. Are  
15 you contracting out work under that scenario you  
16 just described and I brought to your attention.

17 ROBERT LIMANDRI: So let me, let me  
18 try this on. So, if we're talking about the work  
19 that the City's doing, or are we talking about the  
20 work that agency directors do for inspections,  
21 there's two different kinds.

22 COUNCIL MEMBER JACKSON: Right. I  
23 understand that.

24 ROBERT LIMANDRI: So--

25 COUNCIL MEMBER JACKSON: And our

1  
2 colleague Peter Vallone, Jr., was asking a  
3 question, how many companies can an ABC director  
4 work for? Your Assistant Commissioner said one.

5 ROBERT LIMANDRI: That's right.

6 COUNCIL MEMBER JACKSON: He also  
7 asked about mechanics, and your Assistant  
8 Commissioner said that the mechanics do not have  
9 to work for that company director, but that they  
10 can work for another company and be under the  
11 jurisdiction of the agency director. And my  
12 question is, that in my opinion, somebody's  
13 contracting our work, subcontracting out work.

14 ROBERT LIMANDRI: Right, and this  
15 is--

16 COUNCIL MEMBER JACKSON: Am I right  
17 or wrong?

18 ROBERT LIMANDRI: You're right, and  
19 that's--

20 COUNCIL MEMBER JACKSON: Well, then  
21 why come he didn't say that, then?

22 ROBERT LIMANDRI: Well--

23 COUNCIL MEMBER JACKSON: That's a  
24 very--I mean, - - to say, that was a very simple  
25 question that demanded a simple answer. That

1  
2 subcontracting out takes place. And that, our,  
3 well I don't want--I don't want any legalese  
4 stuff, just give me a direct answer, that's all.

5 ROBERT LIMANDRI: I think, I think,  
6 I can appreciate your frustration. Unfortunately,  
7 sometimes when we're experienced, we can sometimes  
8 get fouled up in the way we're delivering the  
9 answer, and I apologize. And I will not give you  
10 legalese, 'cause I'm not a lawyer.

11 COUNCIL MEMBER JACKSON: Okay, I  
12 believe you.

13 ROBERT LIMANDRI: I will tell you,  
14 I will tell you that, you know, this is exactly,  
15 hits at the heart of what we're talking about.

16 COUNCIL MEMBER JACKSON: Okay.

17 ROBERT LIMANDRI: What we're  
18 talking about is, is if you're going to work on an  
19 elevator, you need to know what you're doing, and  
20 you need to be trained. And the City of New York  
21 is going to give you that impromptu to do that.  
22 And so what--imprimatur. So what you can do is  
23 just, we think that licensing or registration,  
24 depending on how the Council wants to do it, makes  
25 sense, where we actually list what's required, we

1  
2 approve the agency or apprenticeship program so  
3 that we'll give that training, require a  
4 refresher, and one of the most important things  
5 that people sort of gloss over, which I've talked  
6 about, is a fitness exam, that has to happen - -

7 COUNCIL MEMBER JACKSON: I got it  
8 in your explanation, and I appreciate that. So, I  
9 guess I have a couple of quick questions, and I  
10 know there's a lot of other people. Now, you  
11 talked about the major offenders. Is that one  
12 your website, the 25 major offenders?

13 ROBERT LIMANDRI: We've announced  
14 it, we've announced it in the past, yes, there are  
15 25 buildings that are our target, and we can send  
16 that - -

17 COUNCIL MEMBER JACKSON:  
18 [interposing] Are they buildings or major  
19 offenders? So for example--

20 ROBERT LIMANDRI: Buildings.

21 COUNCIL MEMBER JACKSON: --is NYCHA  
22 on one of those lists? Did you--NYCHA, New York  
23 City Housing Authority.

24 ROBERT LIMANDRI: New York City, so  
25 the major offenders program, is targeted for our



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private ownership--

COUNCIL MEMBER JACKSON: Okay, so it does not, so, in essence, since that's not private, it would not be on that list, is that correct?

ROBERT LIMANDRI: The, the way we handle NYCHA buildings and the worst offenders of those buildings, you may recall we require now a quarterly meeting with our department and NYCHA and we've added additional requirements on NYCHA, to fall in line with the rest of the way elevators - -

COUNCIL MEMBER JACKSON: [interposing] Okay, but these requirements, are they following right now, then?

ROBERT LIMANDRI: They're following the New York City Building Code.

COUNCIL MEMBER JACKSON: Well, then--

ROBERT LIMANDRI: And, and they are following, as if they were a private owner.

COUNCIL MEMBER JACKSON: Okay. And so, who, who oversees them? Is that the Department of Buildings, do you oversee them, or

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do they oversee themselves?

ROBERT LIMANDRI: They do their own inspections, but we oversee their inspections.

COUNCIL MEMBER JACKSON: Okay, okay. Fine. So, and, and I have a lot more questions, but I know there's other people. So, I just want to, if you don't mind, Mr. Chair, just two more minutes?

CHAIRPERSON DILAN: Well, it sounded like you were wrapping up, so--

COUNCIL MEMBER JACKSON: Yeah, I am, but--

CHAIRPERSON DILAN: You got quite warmed up for a wrap up.

COUNCIL MEMBER JACKSON: Yeah, okay, very good. [crosstalk] I guess, I want to ask--

CHAIRPERSON DILAN: Doesn't stop--

COUNCIL MEMBER JACKSON: Just one more minute. With respects to, I know a private elevator that had the sign that says, "12 people, 1,800, or ten people, 1,800 pounds." And now all of the sudden I see it says "Up to 2,000 pounds." And I know for a fact that that elevator cannot

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2 hold no more than five adults, which is about  
3 1,200 pounds.

4 ROBERT LIMANDRI: - - let me do a -

5 -

6 COUNCIL MEMBER JACKSON:

7 Something's wrong there. And so my question to  
8 you is, based on what I've read in your testimony,  
9 what you gave, as far as the different inspectors,  
10 one, I mean, inspections, one, and three and five,  
11 there needs to be a backup system where an  
12 independent company is basically an appeal system,  
13 and everybody, everyone, is supposed to be telling  
14 the exact truth. Is that correct?

15 ROBERT LIMANDRI: That's right.

16 And so--

17 COUNCIL MEMBER JACKSON: Okay, so  
18 my question is, if someone commits fraud and  
19 falsifies the documentation, what's the penalty?

20 ROBERT LIMANDRI: Well, what we'll  
21 do, what we do, and we've give--given this  
22 opportunity from the State, when, when someone  
23 files a false document, we take away their license  
24 or their right to file documents with the City.  
25 If you go on my website, you look up the New York

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State--

COUNCIL MEMBER JACKSON: Yes.

ROBERT LIMANDRI: --architects and engineers, and I take this very seriously, and we do do enforcements against those who do that. And so we really do it. So, if this elevator that you're talking about has not been modernized, because when you're doing modernization, it's possible that the load limit has increased.

COUNCIL MEMBER JACKSON: Sure.

ROBERT LIMANDRI: But if that's not possible, there's a filing for that, and we're going to get to the bottom of it. Just give me the address.

COUNCIL MEMBER JACKSON: You're talking about modernization includes the, you said the control panel. I think you testified the control panel is considered a modernization, is that correct?

ROBERT LIMANDRI: Well, a control panel to us, doesn't necessarily mean the thing that you see in the elevator. It's possible that it's up in the control room.

COUNCIL MEMBER JACKSON: Okay,

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okay.

ROBERT LIMANDRI: So if you give me the address, I'll look to see if they've actually done that. And if they haven't, and they're lying, we'll get them.

COUNCIL MEMBER JACKSON: Okay, but can an, can an individual go on your department, Building Department website and--

ROBERT LIMANDRI: We are the most transparent agency--

COUNCIL MEMBER JACKSON: No, I understand.

ROBERT LIMANDRI: --in this City -  
-

COUNCIL MEMBER JACKSON:  
[interposing] Can I go on there and put in the building number and see when the last time that elevator was inspected?

ROBERT LIMANDRI: And you can see what violations what written--

COUNCIL MEMBER JACKSON: Okay.

ROBERT LIMANDRI: --you can see whether they certified correction, and you can see whether they paid their bill to the City.

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2 COUNCIL MEMBER JACKSON: Thank you,  
3 sir. Thank you, Mr. Chair.

4 CHAIRPERSON DILAN: Thank you,  
5 Council Member Jackson. I just want to, just jump  
6 in before I get to Council Member Vacca. You  
7 mentioned in one of your answers to Council Member  
8 Jackson about continuing ed and continuing  
9 training for the mechanics. Is there anything  
10 that prevents you from implementing this by law?

11 ROBERT LIMANDRI: For elevator  
12 mechanics? We don't license them, we don't have  
13 any jurisdiction or requirements, and we must have  
14 a law for that. And then I would just think that,  
15 you could either do it by law, I can do it by law  
16 after you promulgate; or--

17 CHAIRPERSON DILAN: So short, short  
18 of, short of having a license structure, you can't  
19 do anything by law to require training?

20 ROBERT LIMANDRI: To require  
21 training for elevator technicians, no.

22 CHAIRPERSON DILAN: No, okay.  
23 Thanks. Council Member Vacca, followed by Brewer.

24 COUNCIL MEMBER VACCA: Okay, thank  
25 you. I appreciate this discussions, Mr. Chair and

1  
2 Commissioner. I think it's constructive. You  
3 know, I introduced this bill because I think that  
4 people in our City are entitled to the knowledge  
5 that the elevator inspector is the most qualified  
6 they possibly can be. Licensing would give that  
7 assurance to people. We license so many other  
8 things in this City.

9 ROBERT LIMANDRI: Well, I license  
10 27 license tests, yes.

11 COUNCIL MEMBER VACCA: Well, you  
12 have 27 in your agency.

13 ROBERT LIMANDRI: That's right.

14 COUNCIL MEMBER VACCA: I know we  
15 license in Consumer Affairs, and we license in  
16 agency after agency. Porn dealers are licensed.  
17 And here we are. Did your agency ever consider  
18 licensing this important sector before the  
19 legislation was introduced that we're hearing  
20 today? And what are the pros and cons? And what  
21 did you assess, did you ever give consideration to  
22 doing this?

23 ROBERT LIMANDRI: We know that  
24 there have been for many years a proposal at the  
25 State to license or require licensing of elevator

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2 technicians. You keep saying inspector, I just  
3 want to make sure you understand there's a  
4 difference.

5 COUNCIL MEMBER VACCA: Yes.

6 ROBERT LIMANDRI: So we're talking  
7 about the mechanics, technicians, whatever you  
8 want to call them. And we, the State, many other  
9 states, have done this. So, one way, one way to  
10 look at it is, is that if the State is possible  
11 that they could do it, then we'd have a very  
12 elaborate construct. But like we've said before,  
13 on this Committee, the Housing and Buildings  
14 Committee, has taken on these types of issues  
15 before, and has done, and given me the ability to  
16 enforce against. And we would like to see that  
17 here.

18 COUNCIL MEMBER VACCA: When you  
19 indicated before, you now have 22 mechanics that--

20 ROBERT LIMANDRI: Don't use  
21 mechanics, inspectors.

22 COUNCIL MEMBER VACCA: Inspectors  
23 now.

24 ROBERT LIMANDRI: Mm-hmm.

25 COUNCIL MEMBER VACCA: You have 22



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inspectors that inspect elevators.

ROBERT LIMANDRI: We have 22 inspectors, and then we hire private contractors to do the balance of the work.

COUNCIL MEMBER VACCA: How many private contractors now work for your agency doing this work?

ROBERT LIMANDRI: We have two different contractors.

COUNCIL MEMBER VACCA: How do you evaluate the work of those two contractors and their employees? What evaluative tool do you have? And how does it differ from how you evaluate your own employees?

ROBERT LIMANDRI: We, we do audits of the inspections. There are, are basically two kinds of audits that we do. One is an unannounced, and, and the other is a review of their documents. And those two together give us a picture of how we believe that they're doing. Which is similar to what we do with full on inspectors, our quality assurance program.

COUNCIL MEMBER VACCA: The 22 you have are in--and on the outside. So it's 22 on

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the outside, how many--22, and then you hire two firms to supplement the 22.

ROBERT LIMANDRI: Right, and they are hired not by number of people, they're hired by number of inspections. We hire by, we hire by inspections. So the amount of work we give them, their workload can fluctuate from month to month.

COUNCIL MEMBER VACCA: Do you look at buildings that have a history of higher violations, and that they get more inspected, inspections than the two that seems to be the citywide average? The two year?

ROBERT LIMANDRI: What, what we do is, is we look at, we look at the major offenders, and we look at the number of inspections. Remember now, each elevator is looked at twice a year by--and each time, two different people. Right? So, at the same time. So, there's, there are a number of lines on each--I don't want to lose track of what we're doing here. To me, what I think, what I think what we want to do is just we want to make sure that elevators can be as safe as possible. We all have to understand that New York City has some of the strictest inspection

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2 requirements in the country. That said, it does  
3 not have the strictest requirements for mechanics.  
4 And I would focus on that as part of the  
5 discussion.

6 COUNCIL MEMBER VACCA: Certainly, I  
7 agree. And that's the focus of the legislation  
8 we're considering. Thank you.

9 CHAIRPERSON DILAN: Thank you,  
10 Council Member Vacca. Council Member Brewer,  
11 followed by Lander.

12 COUNCIL MEMBER BREWER: Mr. Chair,  
13 I think they should license elected officials.  
14 I'm sorry. [laughter]

15 ROBERT LIMANDRI: And how, and what  
16 kind of requirements would there be for that?  
17 [laughter]

18 COUNCIL MEMBER BREWER: Oh, you  
19 don't want to--

20 CHAIRPERSON DILAN: That is more  
21 appropriate for the Committee that she chairs.

22 COUNCIL MEMBER BREWER: I--  
23 [laughter] I would be glad to give you that list.

24 COUNCIL MEMBER DILAN: - - and her  
25 - - discretion because she's the Chair of that

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Committee, which would handle that. [laughter]

COUNCIL MEMBER BREWER: Offline, Commissioner, I'll give you the list.

COUNCIL MEMBER DILAN: And we have done some things to--

COUNCIL MEMBER BREWER: Yes, we have.

CHAIRPERSON DILAN: --require stuff. [laughs]

COUNCIL MEMBER BREWER: I'm sorry, I couldn't help myself.

CHAIRPERSON DILAN: - -

COUNCIL MEMBER BREWER: A couple questions. One is, when you, I was just wondering, the number of applications for private elevator inspections, do the people who manage these residential and commercial properties, do they know when you're coming? Are they requesting time? How does that work, just in terms of the process? Or is it different for residential and commercial?

ROBERT LIMANDRI: I'm going to turn it over to Mr. Santulli.

CHRIS SANTULLI: So, I'm sorry,

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could you just clarify which piece of the inspection--

COUNCIL MEMBER BREWER: Well, I guess, I think, following up on what others have stated, in terms of the mechanics and the companies. I mean, it was your--

CHAIRPERSON DILAN: - - since this is the first time you spoke, just for recordkeeping purposes.

CHRIS SANTULLI: I'm sorry.

CHAIRPERSON DILAN: Just identify yourself for the record, so that we can continue -  
-

CHRIS SANTULLI: Okay, I'm sorry. My name is Chris Santulli, I'm the Acting Assistant Commissioner for Engineering and Safety Operations, New York City Buildings.

COUNCIL MEMBER BREWER: He's a very cool guy, just so you know. With--I was wondering where you have, you know, not a lot of staffing, but soon you're going to get more, you have 20 plus the two companies, you're going to have 32, I believe the Commissioner stated has signed those on. So I just didn't know whether there was a

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2 backlog, I was just trying to see, in terms of the  
3 process, so I was just wondering, I mean, on the  
4 building elevator, we see this elevator has been  
5 inspected. But I was just wondering, does the  
6 company, management company, call? Do you say,  
7 "This is the date we're coming"? Is it an  
8 announced? I just didn't know how it worked.

9 CHRIS SANTULLI: Until--that goes  
10 through a series of steps that are in place for  
11 elevators in New York City. There's an annual  
12 inspection, and test, by the, by the building  
13 owner. And then there's--

14 COUNCIL MEMBER BREWER: And that's  
15 for commercial and residential.

16 CHRIS SANTULLI: Commercial--and  
17 this is all elevators in New York City.

18 COUNCIL MEMBER BREWER: Okay.

19 CHRIS SANTULLI: And then there's  
20 an annual inspection by the Department. The  
21 majority of those inspections are conducted by our  
22 private contractors.

23 COUNCIL MEMBER BREWER: Okay.

24 CHRIS SANTULLI: So a lot of the  
25 owners get that new inspection.

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2 COUNCIL MEMBER BREWER: Okay, they  
3 were done those, done by these two companies you  
4 mentioned.

5 CHRIS SANTULLI: And then, in  
6 addition to that, any, any elevator that undergoes  
7 a modernization or changes to that device, gets  
8 inspected before it goes back in service.

9 COUNCIL MEMBER BREWER: I see. So,  
10 and that would be by your--

11 CHRIS SANTULLI: That's by us.

12 COUNCIL MEMBER BREWER: --by the  
13 play--

14 CHRIS SANTULLI: By us.

15 COUNCIL MEMBER BREWER: --two  
16 people or whatever.

17 CHRIS SANTULLI: There's a small  
18 piece of work that gets done, it's through minor  
19 modifications, the elevator company does that  
20 inspection themselves. But for any major  
21 modification, it's five is a elevator - - emails  
22 to us an EBA [phonetic] application. And we  
23 inspect those.

24 COUNCIL MEMBER BREWER: Okay,  
25 that's helpful. And is there a backlog currently?

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Or is that something that you're mostly caught up on?

CHRIS SANTULLI: We have about a two to four week wait time on inspections.

COUNCIL MEMBER BREWER: Okay.

CHRIS SANTULLI: And then we have a, we have a system in place to prioritize those inspections for critical buildings.

COUNCIL MEMBER BREWER: Okay. And then just finally, picking up on Council Member Jackson regarding NYCHA, which is where we will have NYCHA developments get the most complaints. Just so you know, there's an endless--I mean, not just trying with somebody to get financing to fix them. So my question is in terms of the statistics for people who unfortunately died, does that include people in NYCHA? That, those overall numbers?

ROBERT LIMANDRI: Yes, that's, that's for the--

COUNCIL MEMBER BREWER: It includes the--

ROBERT LIMANDRI: --statewide jurisdiction.



1  
2 COUNCIL MEMBER BREWER: --includes  
3 NYCHA, also. Okay, thank you very much. Oh, one  
4 more que--advisory committee, I think in 2003, you  
5 indicated, or somebody did, that the Department  
6 would have a elevator industry advisory council.  
7 Does that meet? Or is there such a thing?

8 ROBERT LIMANDRI: It's for NYCHA, I  
9 think.

10 COUNCIL MEMBER BREWER: Is that  
11 just for NYCHA? I thought it was for the  
12 Department of Buildings, so is that, is that the  
13 one that you talked about earlier? The DOB plus  
14 NYCHA, or is this something different?

15 ROBERT LIMANDRI: We, we meet  
16 quarterly with NYCHA, and we go over basically all  
17 of their sort of outstanding projects.

18 COUNCIL MEMBER BREWER: Okay.

19 ROBERT LIMANDRI: And also go over  
20 all of their troubled buildings, and we also look  
21 at the number of inspections and how they're  
22 doing.

23 COUNCIL MEMBER BREWER: Okay,  
24 'cause it mentions here that in 2003, it doesn't  
25 mention NYCHA, it just said there was going to be

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2 an elevator advisory to DOB. But maybe that  
3 really wasn't something that existed? Not to the  
4 best of your knowledge?

5 ROBERT LIMANDRI: Not - -

6 COUNCIL MEMBER BREWER: Okay, thank  
7 you, Mr. Chair.

8 CHAIRPERSON DILAN: Thank you,  
9 Council Member Brewer. And I wish every elected  
10 official would ask the questions as directly and  
11 as succinctly as you just did, we'd get out of  
12 here a lot sooner and get a lot better  
13 information, if we were - - . Thank you, Council  
14 Member. Council Member Lander.

15 COUNCIL MEMBER LANDER: You're  
16 proposing that is something that's going to be  
17 part of the licensing - -

18 CHAIRPERSON DILAN: [interposing]  
19 If she wanted to take one up, I bet - - that,  
20 yeah.

21 COUNCIL MEMBER LANDER: Thank you,  
22 Mr. Chairman, and thank you for being here.  
23 Commissioner, thank you for your thoughtful  
24 testimony in response to the bills being proposed.  
25 I'd like to, I think I also want to say thank you

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2 for the thorough after accident investigation that  
3 took place at 285 Madison. I just want to make  
4 sure I understand sort of that and what it found  
5 and how that relates to today's hearings. You and  
6 Commissioner Gill Hearn, you know, issued a very  
7 stern finding that focused in that case, at least  
8 as I understand it, on Transel Elevator, and that  
9 particular elevator agency and its license. So,  
10 and--so just help me understand what you found  
11 there, what you did about it, where that stands  
12 and how you see that relating to today's oversight  
13 and - -

14 ROBERT LIMANDRI: [interposing] So,  
15 so just to back up, what we, what we found was  
16 that myself and Commissioner Gill Hearn, with the  
17 assistance of other law enforcement, is that we  
18 reviewed the date of the accident, the past  
19 history; we also reviewed the repair history. We  
20 reviewed documents, video, and we were able to  
21 determine that moments prior to the accident, we  
22 were able to determine that there was a finding  
23 onsite, to the Department, to do work on that,  
24 that elevator, and the series of elevators, to do  
25 some mechanical retrofit repair work. And that

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2 moments before the accident, there was video shot  
3 of the individuals. So we were able to determine  
4 through a series of tests that we did in - -  
5 Transel and others, that we could not recreate  
6 that without using a jump room [phonetic]. And  
7 what that allowed us to do was to identify what  
8 the--and we knew that the work to be done needed  
9 to happen, you needed this ability to do this  
10 work. You needed to do this procedure, to jump.  
11 So we were able to determine that the mechanics  
12 there that day had to do that in order to perform  
13 the work, to do the test, like before the accident  
14 happened. We also were able to determine that  
15 there were other opportunities that there could  
16 have been, and the - - base report actually goes  
17 through each one of those different scenarios and  
18 does a real live test to try to force the elevator  
19 to do that, and was unsuccessful. Since then,  
20 one, Transel, re - - the agency director that we  
21 talk about, we went forward and we suspended them  
22 prior to the final hearing, not OATH; that person  
23 has been suspended, the company is still in  
24 business, was taken over by a new agency director,  
25 a different agency director, as well as required

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2 to go through a training program for each of its  
3 employees. Specifically around maintenance  
4 procedures, looking at best practices, and using  
5 and creating what they call a jump kit, or a jump  
6 maintenance kit. And that allows us to know  
7 whether each one of their employees has been  
8 trained. In addition, Transel took the  
9 opportunity, there were five mechanics there on  
10 the site, that they released those five mechanics  
11 from its payroll. And we are waiting to go  
12 through the OATH process, to, to finalize the  
13 findings in front of an OATH, whether we can fully  
14 suspend them with that individual. An agency  
15 director is the person who's in charge. He is, if  
16 you will, construction superintendent, the one  
17 that gives direction and the oversight for all the  
18 work that's been. And in this courtroom, that's  
19 what that person is doing that day. That is, that  
20 is - - and we'll see how it goes. But as, as we  
21 do with every of our investigation, we employ  
22 technical experts like we did in this case, - - ,  
23 we worked very closely with the Department of  
24 Investigation, who understands how to interrogate  
25 and ask questions, and do the other kinds of

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2 investigation that we may not be as readily able  
3 to do. And then we also work with any other law  
4 enforcement. And so, essentially, the data that's  
5 on the table today, addresses this specifically,  
6 meaning that it is - - that you do want to replace  
7 and have a safety device. And the Council wants  
8 to accelerate the ability to do that, meaning not  
9 wait for every one of the other 40,000 devices to  
10 be replaced. And I think it's a, it's a good  
11 start. We do know that there are technical  
12 difficulties, whenever we pick up the phone, we  
13 start to talk to individuals that do this on a  
14 regular basis. And they're going to have a list  
15 of reasons "why I can't do it." So, it's the  
16 agency's responsibility to sort through all of  
17 that and figure out if there are real concerns and  
18 what they are, how can we address them. And we do  
19 think that this is something that the City will  
20 benefit as we go forward.

21 COUNCIL MEMBER LANDER: And I guess  
22 what I was thinking, I'm just, I mean, it looks to  
23 me like in this case, there were, there were, you  
24 know, obviously you found that there were sort of  
25 lapses in what Transel was doing. So, in addition

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2 to all that you've talked about in looking at  
3 individual buildings and individual elevators, and  
4 I'm glad for the bill that would license or  
5 register mechanics or technicians, but what sort  
6 of oversight or look at the elevator agency  
7 directors do you do on an ongoing basis? Because  
8 they're the ones who are setting the tone. So,  
9 it's good to make sure everybody's getting  
10 training, is getting a license, but I think we all  
11 know that that tone of how important it is not to  
12 cut corners and to do everything's, got to come  
13 from the top. So, how are, how do we monitor, you  
14 know, once you give 'em a license, whether the  
15 elevator agency directors are really staying at  
16 that, you know, level of emphasizing it, what kind  
17 of, you know, annual or other sort of oversight or  
18 monitoring is there? Are there a few that have  
19 most of the business in the City? I guess there  
20 was this question before about if you've got 1,000  
21 people and just one of them, in this case it looks  
22 like it was 150. So, what are we doing to make  
23 sure that the, the companies and particular the  
24 elevator directors--

25 CHAIRPERSON DILAN: Great question.

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And if you could also add how many there are.

ROBERT LIMANDRI: Sure. I think I identified in my testimony some of the--

COUNCIL MEMBER LANDER: 153. But that doesn't tell us, you know, do ten of them have most of the work in the--I mean, if somebody's got ten working for them, or there's a 1,000 people working for them.

ROBERT LIMANDRI: No, I can't, I actually don't have that number in front of me. I'm assuming we could send that to you. It certainly would be part of a conversation. For example, someone asked us how many mechanics are there? I don't really know. I know that there are around 5,000-7,000. But it's a very big swing. We do, we do have a good response from the elevator unions, they have been helpful. But there are some people that don't belong. And so we need to determine how many of those individuals are working for nonunion, as well. So, what we need to do is just go forward is just to figure out what that number is. And I'm certain that the bill that you're talking about, requiring them to get a number from us, to show us that they've had



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2 training, allows us to regulate this area of the  
3 industry that we have not been able to.

4 COUNCIL MEMBER LANDER: So, so  
5 that's all helpful, but I guess I'm still trying  
6 to understand, is there some look that you do on a  
7 regular basis at the elevator agency directors,  
8 and the elevator agencies, to make sure that, you  
9 know, as much as we can, as possible, we make sure  
10 nobody's cutting corners, there's some oversight  
11 on a regular basis, so that if they are the ones  
12 who are found before - -

13 ROBERT LIMANDRI: [interposing]  
14 Right, so, so there's a series of kinds of  
15 enforcement we do. One of our, one of the most  
16 important things that we do is just if we go to  
17 site that's being maintained, we do know that, we  
18 do know who the owner--the elevator agency  
19 director is, and we can cite them, wither it's for  
20 a cease use, and that goes directly to the owner.  
21 But pushes the owner to take action with that  
22 agency director. So, there's, that's one form.  
23 The second is we write violations, we write  
24 violations to those companies, as well as we move  
25 forward, for example, in the wake of, of the, we

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2 did a major sweep, where we looked at, we wanted  
3 to normalize the data, we looked at every set of  
4 elevators. We didn't just look at Transel  
5 elevators, because we wanted to see is if, do we  
6 have some others that are more sort of following  
7 the, the - - corners, and we were under the - - on  
8 the sweep. That we, we did not have any outliers  
9 in that data set.

10 COUNCIL MEMBER LANDER: And I mean  
11 it looked like of the ones you inspected, that  
12 Transel had more or less the same percent of  
13 violations--

14 ROBERT LIMANDRI: That's right.

15 COUNCIL MEMBER LANDER: -as the  
16 control group. But I guess my question really is  
17 since you are doing all of these inspections, some  
18 of which lead to violations, do you then on some  
19 sort of regular basis look across the dataset and  
20 say, an undue percentage of the problems are  
21 associated with some number of the elevator agency  
22 inspectors, you've got a 25 worse building  
23 violators, but it seems like it would be a good  
24 opportunity to say, "All right, we've got this  
25 dataset." Are there some of these agencies and

1  
2 some of these elevator agency directors, who are  
3 responsible for a disproportionate share of  
4 problems and violations, in order to proactively  
5 reach out to them and threat--you know, do stepped  
6 up enforcement--it doesn't sound like that's built  
7 into the--

8 ROBERT LIMANDRI: Well, we do this,  
9 we do this across the board, in many different  
10 category. I don't have the data for you, we  
11 certainly can send it to you. But on enforcement  
12 division, runs - - in different ways in different  
13 slices. I can't - - the construct of how to slice  
14 this data, but we can do that for you.

15 COUNCIL MEMBER LANDER: Okay. And  
16 if they do cut it by elevator agency director,  
17 therefore by elevator agency, to make sure, if  
18 they do I'd love to see it and have the Committee  
19 learn about it. And I guess I'd like us to  
20 explore doing that, rather than just  
21 administratively or by agency action, because it  
22 feels like it'd be one. I mean, if there is  
23 somebody who is lax in making sure their employees  
24 do the, every safety step, the licensing of the  
25 technicians is good, but making sure the agency

1  
2 cares, you know, cares about or holds up to the  
3 safety standards would also be very important.

4 ROBERT LIMANDRI: Okay.

5 COUNCIL MEMBER LANDER: Thank you  
6 very much. Thank you, Mr. Chairman.

7 CHAIRPERSON DILAN: Okay, thank  
8 you, and I'll just close with a few, few questions  
9 that I would hope that would've come out during  
10 the questions by the members, but you mentioned in  
11 your testimony that each year your conduct about  
12 150,000 inspections. And then 60 of these  
13 inspections, 60,000 of these inspections are done  
14 by these outside contractors. Of all the  
15 inspections that you do, is it safe to assume that  
16 the re-inspections, or the, the 25,000 number that  
17 you introduced in your testimony, are re-  
18 inspections, therefore problematic? Are those the  
19 problematic inspections?

20 ROBERT LIMANDRI: Well, they, they  
21 could be complaint inspections, which would lead  
22 to your point. And they also can be for the  
23 installations.

24 CHAIRPERSON DILAN: Okay.

25 ROBERT LIMANDRI: So, so it's--

1  
2 CHAIRPERSON DILAN: How many, of  
3 all you've done, how many have come back as  
4 problematic?

5 ROBERT LIMANDRI: I don't have that  
6 number with me.

7 CHAIRPERSON DILAN: Okay - -

8 ROBERT LIMANDRI: [interposing] So  
9 I have a 25,000, I don't have the number of where  
10 we've been there multiple times. That's what  
11 you're asking?

12 CHAIRPERSON DILAN: But the  
13 problematic number will come out of that 25,000?  
14 Or would it be a different number?

15 [background comments]

16 ROBERT LIMANDRI: Yeah, it will  
17 come out of the 25,000.

18 CHAIRPERSON DILAN: It will come  
19 out of the 25. - -

20 ROBERT LIMANDRI: [interposing]  
21 Right, so think of, think about--

22 CHAIRPERSON DILAN: --represent the  
23 number of problematic inspections--

24 ROBERT LIMANDRI: No.

25 CHAIRPERSON DILAN: Okay, good. So

1  
2 we definitely would want to see the number of  
3 problematic inspections, so that we can get a  
4 better sense as to how often you guys have to go  
5 back and re-inspect because of problems. In terms  
6 of your category when violations that you issued,  
7 everybody obviously has to do this on an annual  
8 basis. How long is their compliance with the  
9 inspections? Does anybody miss, does any--is it,  
10 is it possible to miss? Or is it 100 percent  
11 compliance? Does everybody--

12 ROBERT LIMANDRI: Oh, no, well,  
13 right. So, let me give you some numbers. I think  
14 that would make sense. I have some here. For  
15 example, what we call cease use, which is what a  
16 stop work order, like on a construction site.  
17 Last year, 2011, we issued 262 cease uses,  
18 Environmental Control Board violations. Which  
19 means that we've, we've went forward and focused  
20 on those people who are not doing the right thing,  
21 they're not doing the right - - and we catch them  
22 and we shut it down. And the best way to get a  
23 reaction is to get the tenants of the building to  
24 scream, to do the right thing. So, that's one way  
25 that we do it. You were asking, I - - the

1  
2 minimum, but in 2011, we did approximately 45,000  
3 violations for, for inspections, and 4,700 of them  
4 were for not having what we call acceptable  
5 category one test. And we went back and we looked  
6 at it. I think this gets to the point that  
7 someone brought up earlier. So, approximately ten  
8 percent of those were problematic.

9 CHAIRPERSON DILAN: Okay, and then  
10 in terms of the total dollar amount, that the  
11 City's collected via ECB for, for violations as it  
12 relates to inspections, do you have that?

13 ROBERT LIMANDRI: Not just for  
14 elevators.

15 CHAIRPERSON DILAN: Oh, so you  
16 would have to disaggregate? Is it a number you  
17 collect, or--and you don't have today? Or you  
18 would have to - -

19 ROBERT LIMANDRI: [interposing] I,  
20 I could probably get the amount of ECB - - that  
21 were imposed by ECB Court for you. As you know,  
22 we, we, every year it's about 40 ECB miles, 40  
23 more. We employ about 40, impose about 49.  
24 There's a slice--collect.

25 CHAIRPERSON DILAN: Yeah, in total.

1  
2 ROBERT LIMANDRI: So, so I'd have  
3 to get you the breakdown, I don't have it with me.

4 CHAIRPERSON DILAN: Okay, that's  
5 fine. We'd like to see that, also. Seeing no  
6 further questions, Commissioner, I'd like to thank  
7 you for your time, and your testimony here today.  
8 At this point, we will allow you to exit, and we  
9 can turn the hearing over to the public portion.  
10 Thank you, Commissioner.

11 ROBERT LIMANDRI: Thank you.

12 [pause, background noise]

13 CHAIRPERSON DILAN: Okay, so the  
14 first panel I'll call up is Mr. Vincent Montalbano  
15 [phonetic], Mr. Stephen Ritowski [phonetic], and  
16 Travis Mastradi [phonetic]. And if I pronounce  
17 the names wrong, you can please correct my, my  
18 pronunciation. You'll be followed by [pause,  
19 background comments/noise] Okay, and then they'll  
20 be followed by Maryann Rothman [phonetic],  
21 Sylvester Justino [phonetic] and Louis Calabri  
22 [phonetic], that'll be the next panel.

23 STEVE RITOWSKI: Good afternoon.  
24 My name's Steve Ritowski, I'm here today on behalf  
25 of Local, Teamster Local 237. I hold the civil



1  
2 service title of Supervisor of Elevator Mechanics  
3 for the Department of Citywide Administrative  
4 Services; since January 1, 2012, and I've been on  
5 leave pending retirement. Local 237 represents  
6 24,000 city and local government employees,  
7 including employees of the New York City Housing  
8 Authority. Among other members, are  
9 approximately--among out members are approximately  
10 450 elevator mechanics, elevator mechanic  
11 supervisors, and elevator mechanic helps, who work  
12 for various city agencies and for the New York  
13 City Housing Authority. I currently serve as  
14 Chapter Chairman and Grievance Officer for Local  
15 237, for the Elevator Group and DCAS. That group  
16 includes approximately 50 employees in the titles  
17 of Elevator Mechanic Supervisors, Elevator  
18 Mechanics and Helpers. I myself come from the  
19 ranks of elevator mechanics. During my 38 year  
20 career in this City employment, I've been an  
21 Elevator Mechanic Helper, an Elevator Mechanic, an  
22 Elevator Mechanics Supervisor, Deputy Director of  
23 Elevator Mechanics for DCAS, and the Director of  
24 Citywide Elevator Repair Unit. I oversaw all DCAS  
25 employees performing maintenance and repair on

1  
2 elevators in the City. I also oversaw contractors  
3 who installed new elevator devices and controls on  
4 city owned properties. I have also served as  
5 Special Examiner for DCAS Testing. In that role,  
6 I assisted in creation, monitoring and scoring of  
7 the elevator mechanics series of exams, which  
8 includes exams for all three civil service titles:  
9 Elevator Mechanic Helpers, Elevator Mechanics, and  
10 Elevator Mechanic Supervisors. Those tests are  
11 required of applicants for employment by both New  
12 York City Housing Authority and by citywide  
13 agencies in the elevator series. First and  
14 foremost, Local 237 supports the City Council's  
15 desire to see that those who repair and maintain  
16 this City's thousands of elevators have the  
17 necessary skills and qualifications. The  
18 requirements of the City positions already demand  
19 both sufficient experience and the passage of  
20 elevator mechanics exams given by DCAS, which the  
21 City accepts as certifications of the applicant's  
22 skills and qualifications. Local 237 does not  
23 wish to obstruct the City Council's goal in  
24 assuring that private sector tradesmen in the  
25 elevator industry meet appropriate standards. But

1  
2 we do have some concerns about this bill. First,  
3 the bill, in its current form, does not seem to  
4 recognize that elevator mechanics and elevator  
5 mechanic supervisors must already meet sufficient  
6 standards for licensure in order to be employed by  
7 the City or by the New York City Housing  
8 Authority. The bill would establish two criteria  
9 for licensing as a technician. The first can be  
10 met by prior experience, five years of experience  
11 within the previous seven years. But to be hired  
12 as an elevator mechanic for the City of New York,  
13 one must have five years of fulltime experience in  
14 the prior ten years, or four-and-a-half years of  
15 experience plus six months or 600 hours of  
16 training. Local 237 is concerned that if this  
17 bill is not, does not conform to the current  
18 experience requirements for the elevator mechanic  
19 position, then current qualified employees may be  
20 required to complete an apprenticeship or undergo  
21 an educational program in order to keep their  
22 jobs. The second criteria is a testing  
23 requirement. The bill would require passage of a  
24 mechanic's exam given by certain accredited  
25 institutions. But to be hired as an elevator

1  
2 mechanic for the City of New York, or for the New  
3 York City Housing Authority, one must pass the  
4 civil service exam for elevator mechanics that is  
5 administered by DCAS. By law, the civil service  
6 exam must fairly test the person's fitness to  
7 serve in that position. Therefore, the test  
8 administered by DCAS is already recognized by the  
9 City and by the State as sufficient demonstration  
10 of qualification, it should also satisfy any new  
11 licensing requirement. In short, if incumbent  
12 elevator mechanics and elevator mechanic  
13 supervisors employed by the City or by the New  
14 York City Housing Authority are going to have to  
15 be licensed, then the qualifications applicable to  
16 their civil service positions should qualify them  
17 for that license. Our proposed amendments: a)  
18 adjust 28-421-4-1-2 to conform to the current  
19 civil service requirement of five years fulltime  
20 experience in the last ten years; b) add language  
21 to 28-421.4.2 recognizing that passage of the  
22 elevator mechanics exam administered by DCAS will  
23 satisfy the requirement. Second, we want to make  
24 sure that this bill would allow current City  
25 employees to continue working. This bill should

1 not put qualified City employees on the street.  
2 For elevator mechanics and supervisors, the  
3 legislation would make it unlawful to continue  
4 performing the job unless the person is an  
5 elevator agency director or employed by either an  
6 elevator agency director or the Department of  
7 Buildings. Most of the City or New York City  
8 Housing Authority employ elevator mechanics are  
9 not directors, and none is employed by a director  
10 or the Department of Buildings. They do work  
11 under the general supervision of a director, but  
12 they are not employed by a director. Since under  
13 this bill the mechanics can only continue working  
14 if they are employed by an elevator agency  
15 director, it seems that this could be read to  
16 disqualify the hundreds of City and New York City  
17 Housing Authority employees who do this work every  
18 day without incident. We trust this is a  
19 technical matter that is easily adjusted. This  
20 bill will also disqualify the elevator mechanic  
21 helpers currently employed by the City, and by New  
22 York City Housing Authority. Under this bill,  
23 someone who is not a director or a technician, can  
24 perform elevator repair or maintenance only as  
25

1 part of a State approved apprenticeship program.

2 If adopted as is, this bill will put the City and

3 New York City Housing Authority qualified helpers

4 on the street. Like apprentices, the hundreds of

5 currently employed elevator mechanic helpers are

6 required to work under the direct supervision of

7 mechanics as is stated in the job specification.

8 In addition, before one can even be hired as a

9 helper, the person must have three years of

10 experience, two years of experience plus 600 hours

11 of training, complete a training program sponsored

12 by New York City Housing Authority. Applicants

13 for the elevator mechanic helper position must

14 also take and pass a civil service exam sponsored

15 by DCAS. The bill would be amended to allow the

16 current helpers to continue in employment. This

17 bill should be amended. Our proposed amendment:

18 add a paragraph to 28-421.3 that would authorize

19 people currently employed by the City and New York

20 City Housing Authority as elevator mechanic

21 helpers to perform the work at issue under the

22 direct supervision of the elevator mechanics.

23 Thirdly, City employees should not be required to

24 pay a licensing fee to continue in their

25

1  
2 positions. The bill includes a waiver of the  
3 application fee for persons certified as private  
4 elevator agencies' inspectors, and as directors.  
5 It should also include a waiver for persons  
6 currently employed by the City and the New York  
7 City Housing Authority in the elevator mechanic  
8 titles. Four. The bill potentially requires  
9 additional training and/or certifications. If  
10 this bill ultimately requires any City employees  
11 to obtain any kind of additional training or  
12 certification, the employees should be allowed  
13 sufficient duty time to obtain it. And where it  
14 will cost City employees money to obtain  
15 additional training certifications just to keep up  
16 with their job, the City, the City should cover  
17 that cost and not demand it out of the employee's  
18 pockets. Fifth, the bill's provision regarding  
19 qualifications by past experience is too rigid, it  
20 states that one must have 1,750 hours of  
21 experience in each of the five years that would  
22 qualify the person. That is 35 hours per week for  
23 50 weeks. It doesn't even contemplate sick day  
24 here or there. Rather than establish 1,750 hours  
25 per year, as the legal minimum, we suggest

1  
2 adopting the requirement as stated in the elevator  
3 mechanics specifications: five years of fulltime  
4 satisfactory experience. On behalf of Local 237,  
5 thank you for the opportunity to address this  
6 legislation.

7 CHAIRPERSON DILAN: Okay, do any  
8 other members of the panel wish to speak, or is it  
9 just--? Just you that--

10 TRAVIS MASTRADI: Only in response  
11 to any questions. Travis Mastradi of - - and  
12 legal counsel to the 237 [crosstalk]

13 CHAIRPERSON DILAN: So no  
14 additional testimony--

15 TRAVIS MASTRADI: No additional  
16 testimony unless there are questions.

17 CHAIRPERSON DILAN: All right, and  
18 look, the sponsors of this bill are, are currently  
19 not in the room. The legislative intent here was  
20 to look at how private sector employees were going  
21 to be licensed. Certainly in the public sector,  
22 and I represent plenty of management facilities,  
23 who happen to work in safe elevators. And we want  
24 them to be able to have safe elevators, as well.  
25 And we've had issues in the past with NYCHA



1  
2 elevators specifically. So I think what we would  
3 do, is you cited some requirements and some  
4 training that I believe are solely NYCHA reg and  
5 not Department of Buildings regulations. We'll  
6 pass the legislation onto NYCHA, see if they have  
7 any concerns or questions. I understand they may  
8 have, but - - we did, we did do that. So, we'll  
9 wait for NYCHA's input on that, and we'll also  
10 take a closer look as to the requirements the  
11 inspectors have. But unlike public sector, or  
12 private sector mechanics, your mechanics at least  
13 have some sort of, some sort of oversight and  
14 requirement structure, that the private sector  
15 does not, so that' the main concern. But we will  
16 take a look into what those requirements are, as  
17 well as your memo had said, the Committee Counsel  
18 will get back to you in due time. Do I have any  
19 questions from my colleagues? Council Member  
20 Jackson.

21 COUNCIL MEMBER JACKSON: Thank you,  
22 Mr. Chair. And first let me thank you and your  
23 team for giving testimony. Obviously, as a union  
24 representative, you're looking after the best  
25 interests of the employees that you represent.

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STEVE RITOWSKI: Yes, sir.

COUNCIL MEMBER JACKSON: Which I know are part of your duties and responsibilities, so--and I appreciate that. Let me ask a couple of questions if, if I may. I don't know if you were here when I asked questions of the Commissioner and his acting, or his Deputy Commissioner's equivalent thereof, with respects to the issue that my colleague Peter Vallone, Jr., raised as far as, I think it was mechanics, if I'm not mistaken. So, I'm trying to understand, maybe I can hear it from a different perspective from you, what I heard them saying was that mechanics could work under the jurisdiction of the director and not be employed by the director, in essence they're subcontracting out work, or overseeing individuals that don't report directly to them. Can you clarify, you know, or give me some clear understanding from their perspective, as someone that's involved in this for the, from the City of New York.

STEVE RITOWSKI: Right.

Basically, our division's just Department of Citywide Administrative Services, we have those

1  
2 three titles, which is the Elevator Mechanic  
3 Helper, Elevator Mechanic and Elevator Mechanic  
4 Supervisor. It's basically an elevator company in  
5 itself, that we fix, we work for the City of New  
6 York, we're employed by the City of New York. And  
7 we fix the city jurisdictional elevators, the  
8 courthouses, the municipal buildings. We maintain  
9 service, repair, we do soup to nuts on this. We  
10 do contract out some work, and some of the work we  
11 contract out is the compliance inspections.

12 COUNCIL MEMBER JACKSON: Which--are  
13 those inspection ones.

14 STEVE RITOWSKI: That's correct.

15 COUNCIL MEMBER JACKSON: Okay, go  
16 ahead, continue.

17 STEVE RITOWSKI: Cat ones and Cat  
18 fives.

19 COUNCIL MEMBER JACKSON: Uh-huh.

20 STEVE RITOWSKI: We, we contract  
21 out with two different companies. One we contract  
22 out with a performance company. Those are  
23 mechanics that are going to actually perform to  
24 test. Then we contract out with a witness  
25 company. The witness is going to actually witness

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the elevator company, the outside company's out there [crosstalk]

COUNCIL MEMBER JACKSON: --certify that the work was done according to whatever they're supposed to be done. Is that correct?

STEVE RITOWSKI: Yes. And that outside company who is the witness company has the licenses of the agency director. It's basically their inspector--

COUNCIL MEMBER JACKSON: The witness company.

STEVE RITOWSKI: The witness company.

COUNCIL MEMBER JACKSON: But what about their mechanics, that--

STEVE RITOWSKI: I'm sure many of the updates come from the elevator companies, they have licenses also. They know the procedures.

COUNCIL MEMBER JACKSON: Do you-- so, now, you basically said as the people that you represent--

STEVE RITOWSKI: Yes.

COUNCIL MEMBER JACKSON: Of Local 237, am I correct? They are sort of like an

1  
2 elevator, a public elevator company that services  
3 City, DCAS and NYCHA and what have you, and so  
4 forth.

5 STEVE RITOWSKI: That's correct.

6 COUNCIL MEMBER JACKSON: Let me,  
7 let me just say to you that I hear a lot of  
8 complaints, obviously, from NYCHA, that a elevator  
9 goes out, for a particular reason, and that the  
10 elevator's repaired. And then the elevator goes  
11 out again, and with the appearance, it's the same  
12 issue. And, and from my constituents, our  
13 constituents, that's a problem. And there may not  
14 be, I understand from a technical point of view,  
15 it may not be the same issue, but it's the same  
16 effect. The, the effect is the elevator, the same  
17 elevator that was not working before, is now not  
18 working again. And there may be a different  
19 issue, it may be the same issue, so I'm just  
20 raising that, and the Chair raised that. I just  
21 think that, but obviously that's a concern for all  
22 of the constituents that we represent, throughout  
23 the City of New York. But I do know that NYCHA is  
24 replacing a lot of those elevators, obviously the  
25 ones that are worse. But with respects to

1  
2 mechanics, that was referred to, what is the  
3 average salary of a mechanic working for the City  
4 of New York versus private industry?

5 STEVE RITOWSKI: Well--

6 COUNCIL MEMBER JACKSON: And do you  
7 think that the salary could make a difference as  
8 far as the quality of work or the requirements  
9 that are necessary to be licensed.

10 STEVE RITOWSKI: Well, of course,  
11 I, in my position, when I was fulltime with the  
12 City, I would look for the best person available  
13 that's out there. And usually those best--we are  
14 prevailing wage employees.

15 COUNCIL MEMBER JACKSON: So  
16 prevailing wage is scheduled by the Comptroller,  
17 is that correct?

18 STEVE RITOWSKI: That, that is  
19 correct.

20 COUNCIL MEMBER JACKSON: Okay,  
21 continue.

22 STEVE RITOWSKI: And basically the  
23 prevailing rate has been either a Local 3 or a  
24 Local 1.

25 COUNCIL MEMBER JACKSON: Local 3 is

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electricians, Local--

STEVE RITOWSKI: IBW.

COUNCIL MEMBER JACKSON: Okay.

STEVE RITOWSKI: For Local 1, which is the constructors union.

COUNCIL MEMBER JACKSON: Okay.

STEVE RITOWSKI: And we look for the best people for the City, because years ago the people who wrote up the, for the Civil Service test, the requirements for the Civil Service test, the examiner, he wanted the best people available for the City of New York. That's what the City of New York wanted, the best people, tradesmen available. So we would go out and try to get those best people and the prevailing rate is the Local 1 or the Local 3 contract, depends on, you know, the prevailing rate at the time. And so we have a lot of people on our staff from those entities.

COUNCIL MEMBER JACKSON: So, is there--I asked the question, what is the average salary as a, of a mechanic as far as within your, within--

STEVE RITOWSKI: The standard

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salary is about \$60 something thousand dollars.

COUNCIL MEMBER JACKSON: And in private industry?

STEVE RITOWSKI: It's the same, it's prevailing rate, it's exactly the same.

COUNCIL MEMBER JACKSON: It is, it's the prevailing rate.

STEVE RITOWSKI: Yes.

COUNCIL MEMBER JACKSON: Okay. And so, with respects to private elevator companies, that basically inspect and overhaul and what have you, private buildings, and, and more specifically, commercial private--you don't ever see, though, that NYCHA--

STEVE RITOWSKI: No, not at all.

COUNCIL MEMBER JACKSON: That's a Department of Buildings team, is that--

STEVE RITOWSKI: That's correct.

COUNCIL MEMBER JACKSON: Okay. Well, thank you very much.

STEVE RITOWSKI: You're very welcome.

TRAVIS MASTRADI: If I may, just as counsel, I just want to make sure that we're clear



1  
2 that Mr. Ritowski is here as representative of  
3 Local 237, and his experience with DCAS, but he's  
4 not here to speak for that - -

5 COUNCIL MEMBER JACKSON:

6 [interposing] I, I totally understand, he's--I'm  
7 just asking him based on years of experience.

8 CHAIRPERSON DILAN: - - [laughter]

9 [crosstalk] We understood that, but we understand  
10 why you - - Council Member, Council Member Brewer.

11 COUNCIL MEMBER JACKSON: Thank you.

12 [laughter]

13 COUNCIL MEMBER BREWER: Very

14 quickly, thank you very much. So, since you  
15 obviously do have some of the best employees, does  
16 the union do training also? Or do you rely on  
17 others? Just because I'm trying to think of this  
18 training issue.

19 STEVE RITOWSKI: The union does

20 some training, actually - - training centers. And  
21 I must speak - -

22 COUNCIL MEMBER BREWER:

23 [interposing] No, but, but the union does some on  
24 your own?

25 STEVE RITOWSKI: We - -

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COUNCIL MEMBER BREWER: 'Cause often the union does, other unions I know they do extra, a lot of extra training goes on.

STEVE RITOWSKI: Yes. It's, it's not, it's not the same as the outside, it's a different training, it'd be health and safety training, and stuff.

COUNCIL MEMBER BREWER: Okay.

STEVE RITOWSKI: Of that nature.

COUNCIL MEMBER BREWER: Right, which is incredibly important. You talked a lot about helpers, which was helpful, that we talked about them. So, and the waiver free [phonetic], a similar process, in terms of you'll do a selection and, you know, you're always looking for the best, and so on and so forth.

STEVE RITOWSKI: Of course.

COUNCIL MEMBER BREWER: So in the same kind of process.

STEVE RITOWSKI: Yes. And there is a civil service test for that, you know, also.

COUNCIL MEMBER BREWER: Okay. And this is my ignorance, 'cause I don't know, all we do is get the complaints, so, I'm not the expert

1  
2 on this elevator issue at all. But does, to the  
3 best of your knowledge, does, does Department of  
4 Buildings also have the helpers? Or is it just  
5 the City agency, I mean just DCAS?

6 STEVE RITOWSKI: Well, no, there's  
7 helpers all throughout the industry.

8 COUNCIL MEMBER BREWER: Throughout  
9 the industry, okay.

10 STEVE RITOWSKI: It's a title - -

11 COUNCIL MEMBER BREWER: It's a  
12 title, it's not--and it's interesting that the  
13 Commissioner didn't mention that, just for--he  
14 didn't mention that at all, as a--and that's why  
15 it was helpful to hear it from you. So, expand on  
16 the understanding. Thank you very much, Mr.  
17 Chair.

18 STEVE RITOWSKI: You're welcome.

19 CHAIRPERSON DILAN: Okay, thank  
20 you.

21 STEVE RITOWSKI: Thank you.

22 TRAVIS MASTRADI: Thank you.

23 CHAIRPERSON DILAN: Okay, next we  
24 have Mr. Luko [phonetic] and Ms. Maryann Rothman,  
25 Luko - - and Sylvester Gustino [phonetic]. I'm

1  
2 pretty sure, gentlemen, you'll allow the lady to  
3 go first. As well as [pause] Mr. Robert Orenick  
4 [phonetic], Nicholas LaGuardia, and Gary Rine--  
5 Rinehauser, that'll be the next panel.

6 COUNCIL MEMBER BREWER: Mr. Chair,  
7 could I just point out that for the first time in  
8 history, this entire proceeding has been, is being  
9 webcast. Just so you know. We're very excited.

10 CHAIRPERSON DILAN: Love to make  
11 history. Good to see--

12 MARYANN ROTHMAN: Now, now I'm  
13 nervous.

14 CHAIRPERSON DILAN: No, don't be  
15 nervous. [laughter]

16 MARYANN ROTHMAN: My name is  
17 Maryann Rothman--

18 CHAIRPERSON DILAN: And, yeah more  
19 directly into the mic.

20 MARYANN ROTHMAN: Oh, well maybe,  
21 when it's on it's off?

22 CHAIRPERSON DILAN: When the light,  
23 no, when it's on it's on, in this case.

24 MARYANN ROTHMAN: Oh, good, look at  
25 that.

1  
2 CHAIRPERSON DILAN: There are also  
3 other mics where it's off it's on, but this is on  
4 is on.

5 MARYANN ROTHMAN: First of all,  
6 thank you very much for this opportunity. My name  
7 is Maryann Rothman, I'm the Executive Director of  
8 the Council of New York Cooperatives and  
9 Condominiums, which is a membership organizations  
10 for housing co-ops and condos, located throughout  
11 the five boroughs of New York City. I speak also  
12 for the Federation of New York's Housing  
13 Cooperatives and Condominiums, which is a sister  
14 organization with similar membership. In our  
15 City, more than 500,000 families live in housing  
16 cooperatives and condominiums. The shareholders  
17 and unit owners who own these, each have an  
18 ownership, each have ownership of a portion of the  
19 buildings where they live. They share the costs  
20 of maintaining their buildings and of meeting all  
21 the mandates established by the City. Quite  
22 naturally, these resident owners want the various  
23 systems in their buildings to be safe and well  
24 maintained. But the cost of meeting the many  
25 unfunded mandates imposed by City laws, rules and

1 regulations, is becoming increasingly oppressive  
2 for New York City cooperatives and condominiums.  
3 Intro 407 is the most recent example. It seeks to  
4 impose on building owners extensive and expensive  
5 elevator modifications, all to be performed within  
6 one year of the passage of the legislation. We  
7 object on a number of grounds. One, it's another  
8 unfunded mandate. Property owners, and most  
9 particularly those who own their property in  
10 cooperative or condominium ownership, need time to  
11 plan for the upgrading building systems, analyzing  
12 and prioritizing needs of the building, and then  
13 find a way to fund the necessary work. The  
14 timeframe is impractical. Requiring compliance  
15 with a costly and complicated set of changes in a  
16 tight timeframe is a formula for problems. Intro  
17 407 mandates that in the course of one year, all  
18 existing elevator buildings engage qualified  
19 engineers to examine their elevators, and help  
20 them determine what work is needed and how it will  
21 be undertaken. Send the proposals out for bids,  
22 contract for the work, arrange for its execution  
23 in a building that's used 24 hours a day, and do  
24 so in a way that will create the least possible  
25

1  
2 disruption for residents. Finally, secure  
3 necessary inspections and file necessary reports  
4 when the work is completed. How will the elevator  
5 engineers find time to provide good, carefully  
6 planned specifications for the hundreds and  
7 hundreds of clients who will suddenly need this  
8 work done in this tight timeframe? When the  
9 elevator contractors are overwhelmed with more  
10 jobs than they can possibly do well, how will they  
11 cope? Where will they find the trained workers  
12 they need? Or will their prices go up and their  
13 standards go down in order to meet this impossible  
14 deadline? CNYC and FNYC do not have the technical  
15 expertise to comment on the need for these  
16 measures, though it seems to us that the extensive  
17 inspection program currently required should  
18 reveal potential problems and could lead to  
19 recommendations rather than mandates when  
20 particular cars show evidence of ascending  
21 overspeed or unintended car movement,  
22 recommendations for appropriate repairs or perhaps  
23 for installation of these devices. I have to say  
24 I was pleased to hear Commissioner Limandri say  
25 similar things, that there are some elevators that

1  
2 don't appear to need this, and that it would take  
3 a long time to do the work, to analyze and do the  
4 work properly. It's difficult--it's difficult for  
5 us to believe that all elevators are immediately  
6 in essential need of these changes. We urge the  
7 City Council not to pass this legislation or at  
8 the very least to greatly expand the timeframe for  
9 compliance. We further request that the J51  
10 program of tax incentives for capital  
11 improvements, which was allowed to sunset on  
12 December 31st of last year, be reinstated and that  
13 it be expanded to make any and every building in  
14 the city eligible for its benefits on any work  
15 required as an otherwise unfunded mandate by the  
16 City. Thank you.

17 SYLVESTER GUSTINO: Good afternoon,  
18 Chairman Dilan, members of the City Council, my  
19 name is Sylvester Gustino, Director of Legislative  
20 Affairs for the Building Owners and Managers  
21 Association of Greater New York. We represent  
22 more than 700 owners, property managers, and  
23 building professionals who either own or manage  
24 400 million square feet of commercial office  
25 space. We're responsible for the safety of over



1  
2 three million tenants, generating more than \$1.5  
3 billion in tax revenue, and oversee annual budgets  
4 of more than \$4 million. And as responsible  
5 stewards of millions of tenants who use vertical  
6 transportation in commercial buildings, we are - -  
7 for the New York City Department of Buildings to  
8 enhance and modernize the elevator code for  
9 safety. While Intro 407 sets regulations for  
10 residential buildings, our members in the  
11 commercial real estate sector want to address the  
12 preconsidered proposal sponsored by Council  
13 Members Vallone and Vacca. The bill would  
14 implement an elevator mechanic technician testing  
15 and licensing requirement by making license agency  
16 director of elevator contractors more directly  
17 responsible for the work being done by those  
18 mechanics, without relying on intermediate  
19 supervision. The law states that it should be  
20 unlawful for any person to alter or maintain,  
21 inspect, repair, service or test elevators, unless  
22 such person is either an agency director, or  
23 licensed elevator technician, or an apprentice  
24 under personal supervision of a licensed  
25 technician. It is not clear what this could mean

1 for third party witnessing agencies.

2 "Witnessing," is not the same as inspecting, in  
3 the building code. Technically, it is the  
4 elevator contractor that performs the inspections  
5 and the tests. And the third party witness is  
6 only witnessing those inspections and tests. But  
7 if the word inspect is intended to incorporate  
8 witness and inspectors, this could be problematic  
9 for all parties. Many licensed inspectors do not  
10 have the professional qualifications or experience  
11 as elevator mechanics, and we believe that this  
12 proposal would negatively impact elevator  
13 passenger safety. We're also concerned that if  
14 this is enacted, it would not only be confusing to  
15 building management professionals, as to who is  
16 responsible for the proper testing and servicing  
17 of elevators, but could contribute to higher  
18 elevator maintenance costs. BOMA New York urges  
19 the City Council to keep the current elevator  
20 testing and repair regulations in place. We are  
21 ready to assist the New York City Department of  
22 Buildings to develop ways of working within the  
23 building code to make sure that accidents and  
24 fatalities do not happen in our city's elevators.  
25

1  
2 And we thank you for allowing us to comment on  
3 this legislation. Thank you.

4                   LOU COLLETTI: Chairman Dilan,  
5 Members of the Committee, thank you for the  
6 opportunity to give some brief comments this  
7 afternoon on these two bills. My name is Lou  
8 Colletti [phonetic], I am President of the  
9 Building Trades Employers Association, an  
10 organization representing 27 different union  
11 contractor organizations and 1,800 companies,  
12 including elevator manufacturers. And we employ  
13 over 100,000 members of the building and  
14 construction trades council. I'm going to defer  
15 the real technical elements; later on, you're  
16 going to hear it from someone from the national  
17 elevator industry, with more specific concerns  
18 about some of the legislation, but I'm here to  
19 tell you that the entire industry is supportive of  
20 the actions that you are considering today. And  
21 we think that's important. Not just, just on the  
22 elevator portion of it. I think with respect to  
23 Intro 407, there are some new national standards  
24 that I think I would ask you to take a look at.  
25 And with the, the pre-bill, with respect to the

1  
2 licensing, just to make sure that we capture, as  
3 the questions were coming from the Council Members  
4 today, capture the right people. And make sure  
5 that they have the right criteria, in terms of  
6 moving forward. I want to say that the provision  
7 that talks about the requirement for the  
8 apprenticeship program, I believe is an  
9 outstanding one. Apprenticeship programs are  
10 funded, they have very strict requirements, the  
11 training's very detailed. Councilman Dilan, you  
12 asked a very, I think, appropriate and insightful  
13 question about, to the Commissioner, about should  
14 it be in the law, the training, should it be a  
15 regulation. I would suggest to you that when you,  
16 you keep it in the law, because what happens when  
17 it gets to a regulatory standpoint, if you don't  
18 have a New York State approved apprentice program,  
19 they say, "or equivalent." And that equivalent  
20 becomes less than what's in the apprenticeship  
21 program. So, what I would suggest to you is that  
22 you spell out if it's not an apprenticeship  
23 program, minimum requirements that DOB would have  
24 to get from everybody. Because I think one of the  
25 concerns we have is using contractors, and again,

1  
2 you heard the Commissioner saying it. You know  
3 where we are. You won't have any problems finding  
4 out how many licensed mechanics there are, how  
5 many licensed elevator constructors there are on  
6 the union side. The problem becomes on the  
7 nonunion side. Maybe they'll register, maybe they  
8 won't. You don't find out until a problem occurs.  
9 And then everybody goes backpacking. And then the  
10 last point I want to make is, is that there were a  
11 lot of discussion today and questions about using  
12 ECB violations to identify the worst 25 offenders.  
13 I would urge you to use caution, by using ECB  
14 violations. Because what it does, in and of  
15 itself, is the larger the contractor is, the larger  
16 their job is, the more violations that are going  
17 to appear. You're not necessarily going to be  
18 able to identify the worst performers using the  
19 ECB violations. Let's face it, inspectors get  
20 paid to write violations. So it's problematic.  
21 It may be one factor of many. And it's a very  
22 difficult process in trying to identify how do you  
23 get your arms around what is a safe contractor?  
24 And in all the research that I think that we've  
25 been looking at as an industry, you're going to

1  
2 find out that the industry will become safer by  
3 doing the kinds of things that you're doing today:  
4 requiring the training up front. That is the best  
5 way to prevent the accident. We always seem to be  
6 operating in an environment after an accident  
7 occurs. So I'd ask, I'd ask you to just be  
8 cautious when you're looking to identify those  
9 worst performers, 'cause you're going to find  
10 them to be union contractors, 'cause we're doing  
11 most of the work. So, that's really not a good  
12 indicator. But the apprenticeship language, like  
13 the equivalent minimum standards in the bill.

14 Thank you.

15 CHAIRPERSON DILAN: Thank you, Mr.  
16 Colletti. I failed to mention earlier we've been  
17 joined by Council Member Melissa Mark-Viverito.  
18 We are now joined by Council Member Tish James of  
19 Brooklyn. And I will start by saying that my  
20 portion to the Commissioner around the rulemaking  
21 process wasn't intended to be linked to the  
22 apprenticeship process, the intent was to see if  
23 he had any regulatory ability to stop it, or  
24 create, - - safer environment, short of  
25 legislation. And his answer was short of

1  
2 legislation, he had no authority by rule or any  
3 other means to improve safety. Had he said he  
4 could've done it, well he would've been exposed,  
5 because there's been several accidents over a  
6 number of years and he had at least the rulemaking  
7 authority to do something about it, and he didn't  
8 do it. But his answer's correct, about, about  
9 well he's covered by saying, you know, short of  
10 legislation we have no way of improving safety  
11 standards. So, we'll go back and we'll, we'll  
12 look to create reasonable safety standards that  
13 work for everybody, and that's inclusive of  
14 everybody. That'd be our goal. To, to Ms.  
15 Rothman and Mr. Gustino, definitely heard your  
16 concerns. We'll take them under consideration.  
17 You guys both know in my experience that I've  
18 proven to be reasonable. I would like to, though,  
19 before I leave this Council, one way or another  
20 find a bill that you do approve of, Ms. Roth.  
21 [laughter] And that you say you like. I  
22 certainly don't mean to put you on the spot in  
23 that public manner, in the way I've done it. But  
24 I think I'm, I think we have a great relationship.  
25 But I just find that you say no a lot. [laughter]

1  
2 And that, and that's rightfully so, you're serving  
3 the, the--well, the people you represent, and  
4 you're here to do a job. I just want to find more  
5 consensus with you, I want to agree with you on  
6 something.

7 MARYANN ROTHMAN: - - 51 bill.

8 CHAIRPERSON DILAN: Oh, that's the  
9 [background comments] I have to go to the, I have  
10 to go to the State, the State said it has to be  
11 done by the State, I certainly agree with you on  
12 it. If I had the authority to do it, I would do  
13 it. But the state, it's now of, the State  
14 Legislature passing it. If you want, I could do a  
15 resolution for you, then you can come in and  
16 testify and be supportive and not - - [laughter]

17 MARYANN ROTHMAN: It would be my  
18 pleasure. [laughs]

19 CHAIRPERSON DILAN: And I certainly  
20 didn't mean to embarrass you, I was certainly  
21 playing with you.

22 MARYANN ROTHMAN: I know.

23 CHAIRPERSON DILAN: Do any of my  
24 parties have any--Council Member Jackson.

25 COUNCIL MEMBER JACKSON: First let



1  
2 me thank all of you for coming in. Clearly there  
3 are many sides on this particular matter, but what  
4 I'm hearing loud and clear is, there's a, as you  
5 indicated, Miss, there's an unfunded mandate.  
6 Quite frankly, as you know, it's not our  
7 responsibility to fund whatever laws we pass,  
8 especially when we're passing laws that we feel  
9 are in the best interests of the City of New York  
10 and the people that we serve. I'm sure you  
11 clearly understand that. Right?

12 MARYANN ROTHMAN: Yes, I do.

13 COUNCIL MEMBER JACKSON: Okay,  
14 okay. But also, I truly understand the concerns  
15 that you raise, as far as cost factors involved.  
16 Because I think that all of us, no matter what we  
17 do, involved as private individuals in our homes,  
18 and anything we do, at least 99.9 percent of us,  
19 we look at the cost factor. You know, that's very  
20 important. And I do understand the importance of,  
21 if in fact a bill is going to be passed, there be  
22 more time given. Because obviously, it'd be so  
23 unwieldy and as you indicated, those that have the  
24 power, well there's a higher demand, the cost goes  
25 up, as you know, like anything else. So, as the

1  
2 Chair said that he's, we will clearly take into  
3 consideration, through those sponsors of the  
4 bills. But I do understand the concerns that are  
5 being raised. But obviously, from my perspective,  
6 as a member of the City Council, I'm concerned  
7 about the safety and security of the people that  
8 we represent. That's my primary concern. And  
9 obviously, I know that some industries look at  
10 certain fatalities, are just part of the cost of  
11 doing the job. And some people would say that's  
12 not true, but you and I know that any time that  
13 they're building a World Trade Center or an Empire  
14 State Building, there's always fatalities. And  
15 that's a given. In the industry, there's going to  
16 be one or two people that are going to die.  
17 They're going to fall, they're not going to have  
18 their safety harness, something's going to happen,  
19 the wind may knock them over. And I understand  
20 that, but I think that looking at these bills, I'm  
21 looking at whether or not the people that are  
22 hired, mainly the private people involved, you  
23 heard me raise issues about the NYCHA. Because  
24 obviously NYCHA's a huge concern, with about  
25 almost a half a million people living in NYCHA

1  
2 that we represent. But the safety and security  
3 and making sure that the people that are doing the  
4 job are qualified and trained in order to carry it  
5 out. And I raise specifically without mentioning  
6 any details, of particular buildings where the,  
7 the load is 2000, and I know it cannot handle more  
8 than 1,300. And whoever's certifying that, in my  
9 opinion, they're not certifying it correctly. And  
10 I have a problem as an elected public official,  
11 when there's, in my opinion, false certification.  
12 Because you're putting the safety and security of  
13 the people that we represent at stake. Which is  
14 totally unacceptable by anyone's standard, by the  
15 employers, by the unions or anyone else. But I do  
16 understand the concerns that all of you raise, and  
17 hopefully, you know, the sponsors of the bills  
18 with the Chair and the City Council, will be able  
19 to hopefully come to some sort of consensus one  
20 way or the other on it. Just wanted to make that  
21 statement. Thank you, Mr. Chair.

22 CHAIRPERSON DILAN: Thank you,  
23 Council Member Jackson. I'd like to thank you all  
24 for your time and your testimony.

25 PANEL: Thank you.

1  
2 CHAIRPERSON DILAN: Okay, next, Mr.  
3 Nicholas LaGuardia, Robert Ulnick [phonetic] and  
4 Gary Rufenhoff, Rufenhauser [phonetic]. And to be  
5 followed by Elizabeth Serillo [phonetic], James  
6 Walker, Kevin Fullington and Jim Duffy. That's be  
7 the next panel. [pause, background noise]

8 COUNCIL MEMBER JACKSON: So whoever  
9 was called up first can introduce yourself and  
10 begin your testimony. Pull the mic up a little  
11 closer to you, so you're loud and clear.

12 NICHOLAS LAGUARDIA: Thank you,  
13 Council Member Jackson. I want to thank the  
14 Council for allowing us to present to you our view  
15 on the proposed legislation before the Committee.  
16 My name is Nick LaGuardia, I am the Director of  
17 the Elevator Division, Joint Committees of the  
18 Elevator Division, that employ all of the  
19 mechanics in the City of New York and the  
20 surrounding communities. I submit this testimony  
21 on behalf of the Joint Apprentice and Training  
22 Committee of the Elevator Industry, and the joint  
23 employment efforts of the elevator industry.  
24 These two organizations were created under joint  
25 labor management trust agreements, that related

1  
2 into, made and entered into pursuant to the Joint  
3 Labor Management Association of Elevator Industry  
4 Association and the International Brotherhood of  
5 Electrical Workers, Local Union No. 3, Elevator  
6 Division. The Elevator Industry Association is a  
7 trade association formed for the purpose of  
8 representing the elevator contractors who employ  
9 and perform the majority of the work required for  
10 the modernization, repair and service of  
11 elevators, escalators and other people moving  
12 conveyances, in New York City. Individuals who  
13 perform this work are employed by the elevator  
14 contractors, represented the elevator industries,  
15 and do so under a collective bargaining agreement  
16 with the National Brotherhood of Electrical  
17 Workers. As Director of the Joint Committees of  
18 the Elevator Industry for more than 19 years, I am  
19 responsible for the administration of all benefits  
20 programs being provided, joint apprentice and  
21 training committee in the elevator industry and  
22 the joint employment office of the elevator  
23 industry. These two trusts were created for the  
24 benefit of persons working in the elevator  
25 industry and those desiring to become skilled and

1  
2 competent employees. The - - was created for the  
3 purpose of financing the creation and maintenance  
4 of a joint apprentice and training program, and  
5 the administration of all safety and other formal  
6 educational training programs offered to benefit  
7 the employees throughout their career. The JEO  
8 was created for the purpose of financing the  
9 creation, maintenance and administration of job  
10 referral and hiring of all services that were  
11 designed to benefit the employees working in the  
12 industry, including apprentices, who are - - to  
13 all the elevator industry association elevator  
14 contractors. The JET [phonetic] is a New York  
15 State Department of Labor registered apprentice  
16 and training program, titled Elevator Service and  
17 Repair, is one of the oldest continually operating  
18 apprenticeship and training programs in New York  
19 State. Originally approved in 1956, it maintains  
20 the third oldest program out of the 697 programs  
21 currently in operation and one of only three  
22 program sponsors providing registered apprentice  
23 and training involving elevators and escalators in  
24 the New York State area. In the district  
25 administering the JET's registered apprentice and

1  
2 training program, I have for the past 19 years  
3 continued - - occupational safety health hazard  
4 abatement safety grant for New York State that  
5 provides the JATC with financial assistance to  
6 support our efforts to maintain one of the best  
7 safety training programs for individuals working  
8 in the elevator industry. The JATC also provides  
9 continual education and training programs to  
10 benefit all our industry employees which is to  
11 maintain the highest level of competency and to  
12 assist these individuals in their desire for  
13 achievement. My reasoning for providing this  
14 information to you is based on my belief that my  
15 more than 19 years' experience as a director of  
16 the JATC, responsible for the different  
17 educational and training programs, for which I am  
18 under the responsibility of both the elevator  
19 industry association and local union no. 3, but as  
20 an independent association or committee, I  
21 administer, maintain and continually upgrade all  
22 of the programs who are mandated to provide, based  
23 on new technological advances and equipment and  
24 system designs. This has provided me with a  
25 unique perspective in the elevator industry.

1  
2 While I certainly applaud your efforts to improve  
3 elevator passenger safety in light of the recent  
4 elevator accidents, which has occurred in New York  
5 between December 2010 and March 2012, especially  
6 the tragic death of an ad executive at 285 Madison  
7 Avenue, December 2011. Unfortunately, the  
8 licensor of all elevator technicians would not  
9 have prevented these accidents, since under the  
10 proposed legislation those currently evaluated  
11 elevator technicians involved would have met all  
12 of those qualification requirements necessary for  
13 them to be licensed. Of even greater concern is  
14 the fact that these licensed elevator mechanics  
15 would also be allowed to perform elevator  
16 inspections. This legislation, if enacted, would  
17 not produce any improvement in elevator safety,  
18 however it would only provide a false sense of  
19 security to the riding public, and those  
20 individuals in the New York State community who  
21 are responsible for hiring the best and most  
22 qualified elevator contractors to provide the  
23 maintenance repair and the modernization work  
24 necessary in order to provide the safest and most  
25 reliable elevators and escalators possible. All



1  
2 elevator contractors who perform work on elevators  
3 and escalators in New York City must meet a very  
4 stringent set of rules and regulations to perform  
5 such work. In fact, all elevator contractors who  
6 perform this work must have two licenses: a  
7 private agency elevator inspection license and a  
8 master electrician license. The licensing of  
9 elevator technicians to modernize, maintain,  
10 repair, install and inspect elevators, will have  
11 no effect whatsoever on improving the safety of  
12 elevators and escalators. It will however allow a  
13 vast number of unqualified and inexperienced  
14 individuals to be licensed. In the elevator  
15 industry today, has become very specialized. Many  
16 of the employees only performed certain and very  
17 specialized tasks based on the complex nature of  
18 the elevator systems, that have been recently  
19 installed, upgraded and modernized. Elevator  
20 contractors have - - special teams, such as  
21 elevator mechanics, to repair or replace cables;  
22 repair or replace elevator doors; perform the  
23 necessary service maintenance or troubleshooting  
24 required on every installation of computerized  
25 elevator controllers. Retrofitting the existing

1  
2 installations with modern security systems and/or  
3 allowing them the ability to redirect or  
4 reconfigure the elevator system, during the - -  
5 peak hours of demand, places an inordinate amount  
6 of effort on these specialized individuals. This  
7 requires highly specialized different elevator  
8 employees who perform this work when you take into  
9 account that there are different elevator  
10 installations currently in operation, including  
11 but not limited to the age of the equipment and  
12 the number of times these elevators have been  
13 upgrade, or modernized. The individuals who  
14 perform this highly specialized work the elevator  
15 contractors are required to provide, especially  
16 here in New York City on more than 60,000  
17 elevators and escalators, and many of the other  
18 people moving devices currently in operation, are  
19 quite simply not qualified to perform all of the  
20 job tasks required on all of the different parts  
21 of an elevator or escalator. To enact this  
22 legislation based on the false ideology that  
23 elevator technicians employed in New York City and  
24 they have met the requirements necessary for  
25 licensure, is in my opinion a recipe for disaster,

1  
2 and that, and one that shouldn't be considered at  
3 this time, without careful oversight. All of the  
4 work being performed by elevator contractors is  
5 already subject to regular inspection and  
6 monitoring by the Department of Buildings. In  
7 fact, other than routine maintenance, all elevator  
8 contractors are required to file for an  
9 appropriate work permit issued by the Department  
10 of Buildings. In addition, the Department of  
11 Buildings also inspects new or substantially  
12 altered buildings and elevator systems. And once  
13 its work is completed, they must ensure the work  
14 has been done in full compliance with all  
15 applicable codes and regulations. Certain types  
16 of electrical work performed with respect to an  
17 elevator system or an escalator must be done under  
18 the license of a master electrician, also held by  
19 the elevator contractor. New York City has the  
20 most comprehensive set of rules, code  
21 requirements, oversight, inspection and monitoring  
22 required and which must be performed by the  
23 Department of Buildings. New annual inspections  
24 are now required on all elevators. And have  
25 continued to require the mandatory five year

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2 comprehensive tests to be performed and witnessed  
3 by a licensed private inspector. - - that have  
4 these New York City Department of Building  
5 licensed private agency elevator inspector  
6 licenses, successfully passed the current City of  
7 New York Department of Building private agency  
8 elevator inspection licensing examination. They  
9 must meet the requirements that they have at a  
10 minimum of five years of satisfactory experience  
11 within the seven years immediately preceding the  
12 date of the application for the exam, in the  
13 assembly, installation, repair, design and  
14 inspection of elevators. Or as an elevator  
15 mechanic - - successfully demonstrate to the  
16 Commissioner's satisfaction that they are of good  
17 moral character, so not to adversely affect his or  
18 her fitness to conduct elevator inspections. The  
19 City of New York Department of Buildings is  
20 currently in the process of creating an elevator  
21 safety committee, consisting with individuals from  
22 all the different organizations directly involved  
23 in the elevator industry, in an effort to  
24 formulate whatever individual safety procedures  
25 could be deemed necessary to provide safer and

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2 more reliable passenger elevator, escalator and  
3 other people moving devices to the riding public.  
4 This process should be allowed to proceed as a  
5 fully transparent and all inclusive form of  
6 undertaking involving all of the industry's most  
7 experienced and highly qualified experts. In this  
8 way, whatever is decided as a result of this  
9 Committee, and ultimately agreed upon by the  
10 majority of those who actively participated in  
11 this process, will hopefully accomplish the best  
12 results possible without bias or influence by any  
13 one entity. While there are new safety devices  
14 being considered, requiring that they be installed  
15 on existing elevators, and all buildings with  
16 residential occupants, this is not the perfect  
17 solution either. These devices are already  
18 installed on new installations during the past  
19 several years, these devices currently under  
20 consideration I believe are known in the industry  
21 as road proofers. They are a viable addition  
22 since they prevent the car from overspeeding in  
23 the up direction, and also prevent the elevator  
24 from moving if they sense the doors remain open.  
25 They require an investment of anywhere from \$4,000

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2 to \$5,000 per elevator. It also will take an  
3 inordinate amount of time to install such devices  
4 because of all require different mounting  
5 brackets, hardware and special railing [phonetic]  
6 designs. And has to function in the way that  
7 these different types of elevator safety devices  
8 have been designed. The tragic accident or death  
9 of even one person is not acceptable based on any  
10 cost factor, and that is not what I intend to say.  
11 However, this decision to install these devices  
12 must be carefully considered, since the amount of  
13 time given in the proposal is far too short to  
14 accomplish this end. Therefore, my conclusion is,  
15 based on what I have described above, I firmly  
16 believe this proposed legislation must not be  
17 enacted as it is currently written, nor prompted  
18 by the recent media coverage to force the public  
19 to demand something be done. And must not be  
20 driven by attempt to prevent political backlash or  
21 bad press. And I say that with all honesty and  
22 respect, to all of the Council Members. The  
23 apprentice program we provide allows us to conduct  
24 the apprentice program in accordance with the New  
25 York State Department of Labor. They are required

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to maintain 8,000 hours of - -

CHAIRPERSON DILAN: [interposing] -

- we got a lot of people that still want to--

NICHOLAS LAGUARDIA: That's okay.

So--

CHAIRPERSON DILAN: - -

NICHOLAS LAGUARDIA: --in that

regard, I believe the bill in its present form to

license people that, simply because they have the

experience or have completed an apprentice

program, I believe is not in the best interest and

should be only provided when private agency

elevator inspectors complete the examination

process and backgrounds by the Department of

Buildings.

CHAIRPERSON DILAN: Thank you.

Hi, I'd like to thank the Council

Members for having this open forum. Knowing - -

was--

CHAIRPERSON DILAN: You have to,

you do have to introduce yourself.

GARY RIEFENHAUSER: Oh, I'm sorry,

my name's Gary Riefenhauser, Vice President of

Business - - Local One Elevator Constructors.

1  
2 Right now, we're experiencing a major problem with  
3 getting a license for those of us that do qualify.  
4 It's, the background check we're running is  
5 running from 12 to 18 months. And then after 18  
6 months, some people are going in and they're  
7 telling 'em, "Now you're being turned down." And  
8 in the beginning they were saying, "You were  
9 accepted." So now they go through the whole  
10 process of a background check, and it's taking 12  
11 to 18 months. Which is, I can't see now, in this  
12 new bill, if you're going to have 5,000 people go,  
13 there has to be another way to do this. So, just  
14 like if you could address the background check as  
15 it stands today.

16 CHAIRPERSON DILAN: Just - - before  
17 we go to passage I'll bring it up in our  
18 deliberations with the Buildings Commissioner.  
19 That - - said that was, that we failed to ask  
20 Building, the, the question and answer portion.  
21 So we'll follow up in writing with the  
22 Commissioner and see what comes out of that.

23 GARY RIEFENHAUSER: Thank you.

24 CHAIRPERSON DILAN: All right, is  
25 that it?



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GARY RIEFENHAUSER: That's it,

3

that's all - -

4

CHAIRPERSON DILAN: Great, this is

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great. [laughter] Thanks. [laughs] Okay, so

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next we have Elizabeth Serillo, let' see, James

7

Walker, Mr. Kevin Fillington and Mr. Jim Duffy.

8

And ... [pause, background noise] The last panel

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is, let's see, George Mamlerg [phonetic], Kent

10

Laird [phonetic] and Doug--can't read this, but

11

Doug what looks like Baston [phonetic], Doug

12

Baston, that'd be the final panel.

13

ELIZABETH SERILLO: Thank you, Mr.

14

Chairman, and members of the Committee. My name

15

is Betsy Serillo, and I'm a Labor Relations and

16

Government Affairs Manager, for Otis Elevator.

17

But the role that I'm here in today is with NEII,

18

which is the National Elevator Industry

19

Incorporated, or NEII for short. That's the

20

national trade association for the building

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transportation industry, much of which we've been

22

talking about here today. Our membership includes

23

the top elevator companies in the U.S., as well as

24

smaller companies, and does about 80 percent of

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the work for the industry. Today, joining me - -

1 from Otis Elevator, - - and Abel in the room  
2 today. Since I am not a building code expert, I  
3 am not going to address the safety device  
4 legislation, I'm going to focus on the licensing.  
5 Safety for the riding public and industry  
6 personnel is NEII's top priority. A robust and  
7 well enforced licensing program is a key and  
8 direct way to protect all those individuals. For  
9 that reason, NEII does support licensing of  
10 elevator contractors, mechanics, and inspectors.  
11 For the past ten years, NEII has worked closely  
12 with many stakeholders, legislators like yours,  
13 legislatures like yours, agencies, building owners  
14 and unions, around the country to enact licensing.  
15 As a result today, I think the gentleman from the  
16 Department of Buildings said it's about two-thirds  
17 of the states has some form of licensing of  
18 elevator mechanics, contractors and/or inspectors  
19 in various forms. I can provide that list to you  
20 if you do need that. After reviewing the proposal  
21 that is here today on licensing, we have two  
22 concerns. One is the way the roles and  
23 responsibilities are in the legislation really  
24 don't reflect the industry definitions and  
25

1  
2 practices. So, for example, and I think this was  
3 mentioned earlier, the, the requirements for the,  
4 what's called the agency director, the inspector,  
5 seem to overlap substantially with the elevator  
6 technician, which I could tell by the questions  
7 that were coming from the Committee Members, you  
8 could see this confusion as to what role people  
9 played. And that does need to be clarified. What  
10 we would recommend are three distinct and separate  
11 licenses. And this is what you find in those, the  
12 other jurisdictions. One for contractors, that  
13 would be kind of like what you call agency  
14 directors here; one for inspectors, which would be  
15 the same; and one for mechanics which in this bill  
16 is called the technicians. But each of them would  
17 have to have appropriate and separate education  
18 and training to ensure they're competent in each  
19 of those areas, 'cause they do have different  
20 roles and responsibilities. So you have to amend  
21 some of the, the definitions that occur in the  
22 law, and it's somewhat detailed in my, in the  
23 written comments, which submitted to, to the  
24 Committee staff, and they also just passed out  
25 now. I do want to make one comment on the

1  
2 qualifications, 'cause you do have different  
3 qualifications that can - - up to these different  
4 things. For the, you, I think you were asking,  
5 Mr. Jackson, the, what kind of requirements or  
6 qualifications from the private sector industry  
7 elevator companies. Presently, for the companies  
8 that are mostly members of NEII, there's the  
9 National Elevator Industry Education Program,  
10 which has quite high standards, it's, I think best  
11 practice, world class, education program. It's  
12 been around for decades, it is now in New York,  
13 part of the Department of Labor federal approved  
14 apprenticeship program. It's a four year  
15 education program which is done after hours.  
16 There are 600 classroom hours and 6,800 on-the-job  
17 training hours, that are required in order for one  
18 to sit and take the exam, which they have to pass  
19 to become an elevator mechanic and work for one of  
20 our, our member companies. It's overseen by Local  
21 JEC, Joint Apprenticeship Committee, and also the  
22 national organization. So, there's a lot of  
23 oversight for the education and it's quite a  
24 robust education program. The second concern that  
25 NEII has is that the door is narrowly focused to

1  
2 meet the concerns that have been stated here  
3 today. The bill references maintenance, repair  
4 and servicing, and I think the gentleman from the  
5 Department of Buildings mentioned this, but it  
6 doesn't seem to address new construction or  
7 modernization, at least for all of the licenses.  
8 If you're going to do it, you want to be  
9 comprehensive for every elevator technician  
10 working on all different kinds of job sites, not  
11 just those for maintenance. And as drafted, it  
12 doesn't appear to include near [phonetic]  
13 standards, revocation procedures, emergency or  
14 temporary licenses or reciprocity with other  
15 areas, as you can imagine you were talking about  
16 the New York State Buildings, so you want to have  
17 some commonality; otherwise, people will have to  
18 get perhaps different rules in different  
19 jurisdictions. We do have an alternative proposal  
20 with very specific language, which - - with the  
21 staff, it's called the Model Elevator Law. It was  
22 developed by NEII ten years ago, working with the  
23 International Union of Elevator Constructors,  
24 which is Local 1 here in New York. And NEII was  
25 designed to assist jurisdiction to develop their

1  
2 own elevator programs. It concerns resource - -  
3 to meet with you and know there are differences  
4 between that model law and either of your existing  
5 laws here, which we, people talked about, or the  
6 unique circumstances here in New York. We'd be  
7 glad to sit down and help work with you to see how  
8 you can make it work so you meet the standard  
9 there. These are very complex issues, and it  
10 really does require - - stakeholders that have  
11 spoken. A lot of consideration. And we would  
12 like to have an opportunity in New York to meet  
13 with you to, to review this in further detail.  
14 So, thank you very much.

15 CHAIRPERSON DILAN: Thank you.

16 JIM WALKER: My name is Jim Walker,  
17 and I'm with the Elevator Manufacturers  
18 Association here in New York.

19 CHAIRPERSON DILAN: Just, just  
20 restate your name, please.

21 JIM WALKER: My name is Jim Walker.  
22 I'm with the Elevator Manufacturers Association of  
23 New York. We share common membership with NEII,  
24 and to keep this brief, I'll defer all of my  
25 remarks to my colleague from NEII. [laughter,

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crosstalk]

KEVIN FULLINGTON: Chairman Dilan, Council Member Jackson, staff, thank you all for sitting - - for this. I'm Kevin Fullington from the law firm of Herrick Feinstein. We represent the Elevator Industries Association. We are a trade group repre--of companies that do the majority of repair and modernization on elevators in New York City. Bob Martin is the President of the group, would have liked to have been here today, but he's out of town. And I too would like the opportunity to come meet, bring him or appropriate other representatives to meet with the Council and the Administration to talk about some of the technical details. You've had many people talk about the technical objections to the licensing bill, so I just want to make just a couple of general comments about that bill. Let me start by saying that, you know, we've seen a lot in the media recently about some elevator accidents. And one accident is one too many. One fatality is one too many. But elevators remain an incredibly safe way to travel. There are billions of elevator trips in New York City each year, the

1  
2 odds of there being a fatality in one of those is  
3 somewhere on the order of magnitude of 15 million  
4 to one percent. So, it remains an incredibly safe  
5 way to travel, but it is important, though, to  
6 make sure it is, it is perfectly safe, if that is  
7 possible. So, how do you do that? It is our  
8 belief that any effort to come up with a licensing  
9 scheme is an effort that distracts from the real  
10 way to ensure more safety. And that is through  
11 proper inspections. You heard the Commissioner of  
12 Department of Buildings sit here and tell you they  
13 have 22 inspectors that work for the City of New  
14 York, inspecting elevators, that provide billions  
15 of trips a year. It is shocking that they have so  
16 few staff doing this. So, if you really want to  
17 improve safety in elevators, you got to talk about  
18 inspections and you have to talk about  
19 enforcement. Coming up with a licensing scheme  
20 will do little to improve safety and - - going  
21 after the inspectors is what you really need to  
22 do. And one recommendation that we would make is  
23 that you require building owners that have  
24 elevators, that they be required to have an  
25 elevator maintenance contract. Right now they are



1  
2 now they are not required to do that. That'd be  
3 one simple step to take, require building owners  
4 to have a maintenance contract. And there's a  
5 couple of other points on the licensing that I'd  
6 like to make. You know, lots of people say,  
7 "Well, all the other trades in New York City are  
8 licensed, you have plumber that are licensed and  
9 electricians that are licensed, why not elevator  
10 operators? Or elevator mechanics." Well, the  
11 reality is, elevator repairmen have the same exact  
12 scheme of licensing as do plumbers and  
13 electricians right now. The master is the one who  
14 is licensed and the people that work under him are  
15 frequently not licensed. And as a matter of fact,  
16 to your point, even elevator installers are not  
17 licensed currently, nor are they contemplated to  
18 be licensed in this bill. So, in summary, there  
19 are many issues that we have, that we'd like to  
20 talk about, the technical issues with licensing,  
21 but if you really want to get to the proximate  
22 cause of making elevators more safely, you have to  
23 get to more inspection, more monitoring and more  
24 enforcement from the Department, and not be  
25 focusing your time and energy on coming up with a

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licensing scheme.

[background noise]

CHAIRPERSON DILAN: Okay, I did call, I did call for, I'm sorry. [laughter]

JIM DUFFY: -- try harder.

CHAIRPERSON DILAN: I just say you sitting there, and you just came in to right field, you--

JIM DUFFY: I'm being left out.

CHAIRPERSON DILAN: I thought Kevin went to the break room or something. [laughter]

JIM DUFFY: Okay, my name's Jim Duffy, I'm President of Richmond Elevator, and also the Elevator Code Representative for Elevator Conference of New York, which is a local organization that has a diverse membership of contractors, suppliers, consultant and anybody else that want to join. And we're the purveyor of a lot of code information, seminars; we work in conjunction with the Building Department to disseminate all the positive information that the industry should know. But having said that, speaking to the two issues that were, that are proposed, and I'll read this, "It is my personal

1  
2 opinion that I welcome all proposals that improve  
3 the safety of elevator riding public and the  
4 elevator industry service personnel. Speaking  
5 specifically to INT 407, the proposed additional  
6 safety devices is a good idea, but due to the age  
7 and obsolescence used in the design of all the  
8 elevator controls, traction machines and door - -  
9 equipment, the most logical decision would be to  
10 replace them entirely. The alternative would be  
11 long lines and applying for movers. Speaking to  
12 the second issue, the preconsidered about  
13 licenses. The licensing of elevator technician is  
14 an important step to ensure the safety of the  
15 elevator riding public. There are too many  
16 questions from ECNY [phonetic] membership of which  
17 I don't have answers. There are various versions  
18 floating around causing a lot of angst. On both  
19 issues, I urge the New York City Council to refer  
20 both issues to an elevator technical safety  
21 committee, for a thorough analysis, so the Council  
22 can make an informed decision. These bodies exist  
23 today, and they're vetted through the New York  
24 City Building Department, and are a true  
25 representative of the elevator industry. And the

1 beauty of them, they're local, they're here.

2 Thank you.

3  
4 CHAIRPERSON DILAN: Thanks. And  
5 just to, just to clarify, I believe there's only  
6 one proposal that we've put publicly. There may  
7 be some other proposals in the street, but  
8 certainly people with the everyday practical and  
9 technical experience, we certainly love to hear  
10 from, before we enact any legislation, not just  
11 this one. And another clarification is that a lot  
12 of the penalty and fine structures that you  
13 mentioned during your testimony, while not written  
14 in the bill, are included in the building code,  
15 and therefore would capture, would capture all the  
16 things that you suggested regarding the licensing.  
17 So with that, if my colleague doesn't have  
18 anything, and seeing that he doesn't, we'd like to  
19 thank you all for your time and testimony, and I  
20 can commit to the people who did ask, if they want  
21 to do it, come in and sit down. Obviously, we're  
22 open to doing that, whether it's with myself or  
23 with legislative staff, before we go to  
24 disposition of the bills, if we get there. Thank  
25 you for your time and testimony. [background

1  
2 noise] Okay, the final panel will consist of Doug  
3 Bradsden [phonetic], Kent Lorry [phonetic] and  
4 George Niborg [phonetic]. [pause, background  
5 noise] Okay, you can begin with, with Mr. Niborg.

6           GEORGE NIBORG: My name is George  
7 Niborg, and I'm an elevator contractor, TriState  
8 Elevator. I have 23 years of industry experience.  
9 I applaud all efforts to improve the public safety  
10 riding in elevators. It's already been testified  
11 today that they are already the safety modes of  
12 transportation. Elevator safety is paramount in  
13 our industry, and is not taken lightly, which is I  
14 think why you see such a cross reference from our  
15 industry here today. I approve more safety for  
16 all people, including my employees and the public.  
17 I have concerns about the existing proposal for  
18 licensing mechanics. In a need to help, an issue  
19 I've noted has already been brought before you,  
20 I'm not going to belabor the point right now. I'm  
21 willing to donate my time to help the Council come  
22 up with a resolution that meets as many needs as  
23 possible. Thank you.

24           CHAIRPERSON DILAN: that's in terms  
25 of licensing, you said.

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GEORGE NIBORG: Correct.

CHAIRPERSON DILAN: Okay.

KENT LORRY: Yes, I would like to -  
- the Chair, the honorable Council, name's Kent  
Lorry, Chairman of Able Roof Systems, - - if you  
all would bear with me just a second, I'm going to  
read, you have my documents in front of you. I  
sit on the existing installation committee of  
American Society of Mechanical Engineers. For 25  
years many of the things that you've been  
confronted with here, you know that the building  
owners have made their position clear. The  
building commission has indicated they're still  
reviewing some of the possible safety features to  
be added. I'd strongly recommend that they look  
at the - - very carefully, it's going to have a  
tremendous impact on the building situation here,  
from a cost standpoint. There are other ways to  
approach, maybe accomplish something that's a  
little quicker, a little more cost effective.  
They've only addressed some of that. As far as  
the - - the licensing I've testified before many,  
many state committees over the last, well since  
19--2001 when it really started. It's a very

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2 complex situation. One of the issues you have  
3 right now, you hear a lot about the apprenticeship  
4 programs, there's - - contractors have, which is  
5 also part of your bill written in there. Only  
6 things you have to be concerned about is that  
7 there's a lot of the apprenticeship programs who  
8 have no membership now, because of the economy.  
9 I've made a proposal in there to try to  
10 accomplished some of that based on education.  
11 Somebody has an associate degree or some other  
12 related discipline, they certainly should be  
13 considered with regard to the experience factor  
14 involved, because if you don't do that, where are  
15 you going to generate somebody. If you don't have  
16 an apprenticeship program, a feeder system to feed  
17 you raw, how are you going to accomplish providing  
18 these skilled tech mechanics with the five year  
19 experience? So, you put yourself in a box you  
20 can't get out of. I'm been - - glad to answer of  
21 your questions. I came here today because this  
22 license is a very critical thing to the industry,  
23 if the Big Apple agrees, the rest of the country  
24 sighs, a fact. So, that's the reason we're here,  
25 and I, we do have equipment here, again, New York,

1  
2 which we're very thorough review by the Building  
3 Department, okay, so you do have a very top notch  
4 building commission, much like--we submit our  
5 equipment to many, many states, and this was one  
6 of the most thorough and complex. So you do have  
7 something, - - I'm going to - - want to come help.  
8 So, - - if you don't mind, and I'll answer any  
9 question.

10 CHAIRPERSON DILAN: No problems.

11 You said about cattle in the moment? [laughter,  
12 background noise] I'm definitely not licensed for  
13 that one. [laughter] But I'd like the new  
14 experience, maybe I can apprentice with you.  
15 [laughter]

16 KENT LORRY: Well, I'll change my  
17 clothes [phonetic]. [laughter]

18 CHAIRPERSON DILAN: Yeah, that's a  
19 good start, right? [laughter]

20 KENT LORRY: Thank you, Mr. Chair.

21 CHAIRPERSON DILAN: I believe there  
22 is one question.

23 KENT LORRY: Sure. [crosstalk]

24 COUNCIL MEMBER JACKSON: I can  
25 appreciate that--



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CHAIRPERSON DILAN: Well, Mr. Jackson, is your question intended--

COUNCIL MEMBER JACKSON: Yeah, I do, and--

CHAIRPERSON DILAN: --if it's intended for him--

COUNCIL MEMBER JACKSON: Sure.

CHAIRPERSON DILAN: You have a question intended for--

COUNCIL MEMBER JACKSON: Yeah. With respects to the whole issue of, that I raise as far as what the Commissioner and his deputies as far as, you know, the agency person that's one company, and then other employees that are not employed by him, I consider that subcontracting out work. Am I right or am I wrong in that?

MALE VOICE: I've - - based service in this.

MALE VOICE: Yeah, it's a very convoluted system, the way they established it in other laws, and you'll see it part of the bill that's been submitted. They hold the contractor responsible. We are the ultimate people, with design. They've added another layer in there, I

1  
2 forget what they call it now, the great guru of  
3 oversight elevators. Okay, but the idea is that  
4 you should hold the contractor responsible. :And  
5 then license your elevator mechanics, and you see  
6 that proposed there, license your elevator  
7 mechanic, hold them accountable, have them see  
8 you're certified, education - - they have to  
9 perform every year. But you got a very good  
10 point. The way the system's set up now, is  
11 extremely difficult. And I think you're hitting  
12 right on the target, and--

13 COUNCIL MEMBER JACKSON: And I  
14 guess my final question to you is with respects  
15 to, you talked about you've testified all over the  
16 country in different states and cities and  
17 municipalities. Is there any municipality that  
18 has more stringent laws or rules and regulations  
19 regarding elevator safety than New York City?

20 KENT LORRY: They all adhere to--  
21 it's not an easy yes or no question. [laughter]

22 COUNCIL MEMBER JACKSON: Okay,  
23 it's--do the best you can.

24 KENT LORRY: But anyway, the, the  
25 answer is that you, they adhere to 2003 code which

1  
2 you guys passed in 2003. The Council, excuse me,  
3 the Council passed in 2003. Then there's new code  
4 rule information that's come to 2007. It's very  
5 critical, many authorities having jurisdictions,  
6 have instituted the latest code requirements.  
7 Strongly recommend this be part of your  
8 consideration. Okay, along with the licensing.  
9 Okay, and so you should bring it up as a NEII, and  
10 I'm also a member of NEII, that they, they suggest  
11 bring it up to 2007 code requirements. And I  
12 think this would help overall. But overall,  
13 again, I think New Yorkers have done an excellent  
14 job with their inspection.

15 COUNCIL MEMBER JACKSON: But I hear  
16 you saying and others saying that basically  
17 committee's a, sort of like a committee should  
18 review all of this, and come up with a workable  
19 solution. That's what I'm hearing.

20 KENT LORRY: Please, sir, because  
21 it's very complex.

22 COUNCIL MEMBER JACKSON: Okay, all  
23 right, thank you.

24 DOUG BOYDSTON: May I be excused,  
25 Mr. Chair?

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CHAIRPERSON DILAN: Yeah.

[laughter] That is so funny. I think you  
[crosstalk]

DOUG BOYDSTON: --about 20 minutes,  
so if you want to take a plane, go now.

CHAIRPERSON DILAN: [laughs] Well,  
I wouldn't - - [crosstalk, laughter]

DOUG BOYDSTON: And I'll try not to  
repeat anything that'[s been said, there's been  
some great, great comments. My name is Doug  
Boydston, I'm the President of Handy Lift, I'm a  
contractor, an accessibility contractor, to be  
specific. For the last 35 years in the New York  
Metro area. Also, I'm the Chairman of ASME,  
American Society of Mechanical Engineers, A18.1  
Committee, and we write the safety standards for  
platform lifts and stairway chair lifts. Perhaps  
you've seen some of the seats that go up the  
stairs, and also platform lifts in the public  
space that accommodate folks with no building  
permits. And I belong to a ton of other  
associations, and I've worked all my life to stay  
up to date and then to take safety seriously and  
train seriously. And boy, I know I can speak for

1 every contractor in the room that we do not want  
2 to get the kind of phone call that a couple of  
3 companies have gotten this year. And we want to  
4 do everything we can to make sure we don't get  
5 those kind of calls. Our insurance companies  
6 would like us to do everything we possibly could  
7 so we don't get those kind of calls. So we  
8 support any effort that's going to take us in that  
9 direction, to, to toughen up the standards, to  
10 improve education, training for safety. And we  
11 participate in that. I thought one thing I could  
12 do is just maybe make the Council aware of one  
13 other stakeholder that might be left out of this  
14 process a little bit. The State of Connecticut  
15 was mentioned, and I'm a license holder in the  
16 State of Connecticut. Never had a problem with  
17 occupational licensing. I have a bunch of other  
18 licenses that relate to other work. But in  
19 Connecticut, they actually have in the elevator  
20 trade more than one license. They have a master  
21 license, so then they have limited licenses, which  
22 focus on specific subtrades of the elevator  
23 industry. And I just wanted to throw that out  
24 there, I think that's, there's some stakeholders

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2 out there and other equipment in my field, it's,  
3 it's vertical and incline platform lifts in the  
4 public space. I have over 1,000 customers that I  
5 maintain that equipment in New York City  
6 jurisdiction. And I don't want to see them  
7 disenfranchised, or my technicians disenfranchised  
8 from being able to, to meet your requirements for  
9 licensing. So, again, I would donate my time like  
10 many of us in the room, to really just work  
11 through those details, to see if there's a way we  
12 can come up with a tough requirement, but one  
13 that's fair and really takes into account  
14 experience in a broad range. I don't want to know  
15 how to do escalators and traction machines and put  
16 on those rope breaks. I don't want any of my guys  
17 to be involved in that work. Also, I wanted to  
18 let you know, I'm one of those companies that does  
19 not have an agency director license, and I do not  
20 do my own inspections, with a third party witness.  
21 I have two companies looking at everything I do,  
22 that are not employed by me, and have nothing to  
23 do with me. Plus the City. So I'm inspected by,  
24 currently everything I do is inspected by three  
25 outside departments. I don't really want to

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2 become an agency director, frankly I don't want  
3 the liability of it. I'd like to be a contractor,  
4 and I'd like somebody else to do the inspecting.  
5 So, that said, and where'd everybody go? [laughs]

6 CHAIRPERSON DILAN: Thanks, and  
7 thanks for your testimony, and again the, the  
8 offer that I extended to the other gentlemen, in  
9 terms of a technical expertise being brought to  
10 the table, before and if we close on the bills,  
11 would be good, we'll appreciate it, glad that you  
12 offered. If there's nothing from my colleague,  
13 Council Member Jackson, you're free to go. And we  
14 do have some housekeeping items that we have to  
15 attend to before we close. We have testimony for  
16 the record from the Merit Elevators Contractors  
17 Association of America, which seeks amendments to  
18 the bill, and can't tell from the outset reading  
19 it whether they're in favor or against, but they  
20 certainly seek amendments, and their testimony  
21 will be entered into the record. Testimony from  
22 the - - Association in opposition to Intro 407.  
23 That will be entered into the record in full. As  
24 well as testimony from, I thought there was one  
25 more, ah yes, from the Real Estate Board of New

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2 York, I believe ... I believe also looking for  
3 amendments on Intro 407, can't tell on the outset  
4 if they're opposed or against, but definitely  
5 looking for amendments. And with that, I'm going  
6 to close out, I don't see any other ... I'm going  
7 to close it. With that, Intro 407 and the  
8 preconsidered item, which is the elevator safety  
9 technician bill will be laid aside, and this  
10 hearing is now closed.

11 [gavel]

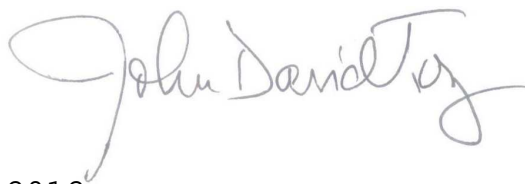
12 [background noise]



C E R T I F I C A T E

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

Signature

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned to the right of the printed word "Signature".

Date May 4, 2012