

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC  
SITING AND MARITIME USES

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December 1st, 2016  
Start: 11:14 a.m.  
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HELD AT: 250 Broadway - Committee Room

B E F O R E: PETER A. KOO  
Chairperson

COUNCIL MEMBERS:

ANNABEL PALMA  
ROSIE MENDEZ  
STEPHEN T. LEVIN  
DEBORAH L. ROSE  
INEZ D. BARRON  
BEN KALLOS

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

Kenwick Ou  
Senior Director for Real Estate Services for the  
School Construction Authority  
Brooklyn

Tamara Smith  
SCA's External Affairs Division  
Brooklyn

Robert Furman  
President of the Brooklyn Preservation Council  
Brooklyn

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND  
MARITIME USES

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1  
2                   CHAIRPERSON KOO: Good morning. I am  
3 Council Member Koo, Chair of the Subcommittee on  
4 Landmarks, Public Siting and Maritime Uses. We are  
5 joined by Council Members; Palma, Rose, and Kallos.  
6 We will be holding a public hearing and voting on two  
7 school citing applications today. We will start with  
8 LU533 and propose 646 seat intermediate school to be  
9 constructed in Council Member Ferreras-Copeland's  
10 district in Queens. The site is a privately owned  
11 33,400 square foot lot located on Astoria Boulevard  
12 between 111th street and 112th street in Corona.  
13 Council Member Ferreras-Copeland supports approval of  
14 this application. I will now open the public hearing  
15 for land use item 533 and we have Kenrick Ou and  
16 Tamara smith from SCA going to testify. Now please  
17 identify yourself and you may begin.

18                   KENRICK OU: Good morning Chairperson Koo  
19 and subcommittee members, thank you for having us  
20 this morning. My name is Kenrick Ou and I am Senior  
21 Director for Real Estate Services for the School  
22 Construction Authority. Joining me to my left is  
23 Tamara Smith from the SCA's External Affairs  
24 Division. As you had mentioned the New York City  
25 School Construction Authority has undertaken the site

1 selection process for a new public school facility on  
2 a site assemblage consisting of lots one, five, ten,  
3 and 61 on block 1705 in the borough of Queens. The  
4 site contains a total of approximately 33,400 square  
5 feet of lot area on the south side of Astoria  
6 Boulevard between 111th and 112th street in the  
7 Corona section of Queens. The site assemblage is  
8 privately owned, contains an existing commercial  
9 building and parking lot, and is located in Queens  
10 community district number three and community school  
11 district number 24. Under the proposed project the  
12 SCA would acquire the site and construct a new  
13 approximately 646 seat intermediate school facility  
14 for community school district number 24. The notice  
15 of filing of the site plan was published in the New  
16 York Post in the city record on October 9th, 2015.  
17 Queens community board number three and community  
18 education council number 24 were notified of the site  
19 plan on October 9th, 2015 and were asked to hold  
20 public hearings on the proposed site plan. Queens  
21 community board number three and community education  
22 council number 24 conducted their public hearings on  
23 the site plan respectively on October 15th, 2015 and  
24 October 27th, 2015. Community education council  
25

1  
2 number 24 subsequently submitted written comments in  
3 support of the site plan. Comments were not received  
4 from Queens community board number three or the city  
5 planning commission. The SCA has considered all  
6 comments received on the proposed site plan and  
7 affirms the site plan pursuant to section 1731 of the  
8 public authority's law. In accordance with section  
9 1732 of the public authority's law the SCA has  
10 submitted this proposed site plan to the mayor and  
11 the city council for consideration by letter dated  
12 November 18th, 2016. We look forward to your  
13 subcommittee's favorable consideration of this  
14 proposal and are prepared to answer any questions  
15 that you may have, thank you.

16 CHAIRPERSON KOO: Thank you. We are  
17 joined by Council Member Levin and also Council  
18 Member Lander. So how much, how much is project cost?

19 KENRICK OU: At this point we have  
20 negotiated a contract of sale with the property  
21 owner. The negotiated purchase price is going to be  
22 16 million dollars. We do not yet have a  
23 construction, affirmed construction estimate because  
24 we still need to design the project but based on the  
25

1  
2 typical, approximately 100,000 dollars per seat, we'd  
3 be looking at over 65 million in construction cost.

4 CHAIRPERSON KOO: Yeah, yeah. So, I  
5 presumed community board at the local school area,  
6 they, they approve... they agree to...

7 KENRICK OU: The community education  
8 council submitted written comments in support of it.  
9 The community board... I had attended the public  
10 hearing the community board had held and while  
11 verbally there, there was support, a voice we did not  
12 receive a, a written resolution or, or anything in  
13 writing confirming the community board's support.

14 CHAIRPERSON KOO: So you didn't receive  
15 anything opposing... [cross-talk]

16 KENRICK OU: Correct.

17 CHAIRPERSON KOO: Okay. Any questions for  
18 our... from committee members? No, okay. So... Yeah, And  
19 if anybody else from the public want to testify on  
20 this item, no? Okay, so we'll go to the next item.  
21 Yeah. So, I will now close this public hearing on  
22 this item, yeah. And we'll move forward to the second  
23 item. We will now start with LU534, a proposed 180  
24 seat prekindergarten facility to be constructed in  
25 Council Members Lander's district in Brooklyn. The

1 site is a 13,400 square foot vacant lot between 8th  
2 Street and 9... between 8th Street, 9th Street, 3rd  
3 Avenue, and 4th Avenue. The site will be developed  
4 with a three-story building including ten classrooms  
5 and a playground on the north side of the building. I  
6 will now open the public hearing for land use item  
7 534. We have the same speakers, Tamara Smith and  
8 Kenrick Ou from SCA, yeah.

10 KENRICK OU: Thank you again Chairperson  
11 Koo and... and subcommittee members again for the  
12 record my name is Kenrick Ou, I'm Senior Director for  
13 Real Estate Services for the School Construction  
14 Authority and I'm joined to, to my left by Tamara  
15 Smith from the SCA's External Affairs Division. The  
16 New York City School Construction Authority has  
17 undertaken the site selection process for a new  
18 public school, a public prekindergarten facility on a  
19 site consisting of lot 11 on block 11 in the borough  
20 of Brooklyn. The site possesses street frontage on  
21 both 8th Street and 9th Street on the block that's  
22 also bounded by 3rd Avenue and 4th Avenue. The site  
23 is privately owned, unimproved, and is located within  
24 Brooklyn community district number six and community  
25 school district number 15. Under the proposed project

1 the SCA would acquire the site and construct a new  
2 approximately 180 seat prekindergarten facility. The  
3 notice of filing for this site plan was published in  
4 the New York Post and the City Record on October  
5 30th, 2015. Brooklyn community board number six and  
6 community education council number 15 were notified  
7 of the site plan on October 30th, 2015 and were asked  
8 to hold public hearings on the proposed site plan.  
9 The community board and community education council  
10 jointly conducted a public hearing on the proposed  
11 site on December 1st, 2015. Brooklyn community board  
12 number six subsequently adopted a resolution in  
13 support of the proposal. Community education council  
14 number 15 did not submit written comments on the site  
15 plan. By letter dated February 29th, 2016 the city  
16 planning commission recommended in favor of the  
17 proposed site and also that the SCA consider the  
18 community board's recommendations. The SCA has  
19 considered all comments received on the proposed site  
20 plan and affirms the site plan pursuant to section  
21 1731 of the Public Authorities Law. In accordance  
22 with section 1732 of the Public Authorities Law the  
23 SCA has submitted the proposed site to the mayor and  
24 the city council for consideration by letter dated  
25



1  
2 November 18th, 2016. We look forward to your  
3 subcommittee's favorable consideration of this  
4 proposal and are prepared to answer any questions  
5 that you may have. Thank you again.

6 CHAIRPERSON KOO: Thank you Mr. Ou.

7 Council Member Lander you have a... you want to make a  
8 statement or ask a question?

9 COUNCIL MEMBER LANDER: Yes. yeah, thank  
10 you Chair Koo it's nice to be here in your... in your  
11 committee and back with my old friend, Kenrick Ou  
12 from the days when in that seat so...

13 CHAIRPERSON KOO: Yeah...

14 COUNCIL MEMBER LANDER: Thank you and  
15 have Tamara now joining him as well is very special  
16 so anyway thank you for all your work. Hooray. That's  
17 really all there is to say. This is a fantastic  
18 project uh you know we already have one dedicated  
19 pre-k building we didn't have to build in Bishop Ford  
20 which is just probably the best place in my district  
21 if not the best place in New York City, that one has  
22 like 400 four year olds and they have their own  
23 science class and music room, it's like the sweetest  
24 thing ever and so... And we need lots more school seats  
25 in, in, in our district, in the... This is right in the

1  
2 Gowanus Canal area where more development is already  
3 taking place and where there's a rezoning underway.  
4 So this is a great project and we are excited about  
5 it so thank you guys for finding it and building it  
6 and I think it's a good model, this is not a big  
7 enough site for full scale public school, but you  
8 know across the canal you're doing an annex in 32 and  
9 here we're doing this 180 seat pre-k. So I'm fully  
10 supportive and ask everyone to support it and vote  
11 yes. But I, I will ask you to respond to some of the  
12 community board concerns and in particular the issue  
13 raised by the community about the possibility that  
14 this could be the rest... that somewhere in the Gowanus  
15 area, and we don't know where, is the resting place  
16 for the Maryland 400, this heroic group of  
17 revolutionary soldiers who saved the republic in its  
18 very early days and we want to make sure we're  
19 evaluating the site and open to the possibility that  
20 some of those remains could be there and what we'll  
21 do if... if they are and then the community board also  
22 raised some additional concerns so if you can just  
23 indicate what you've done so far to address them that  
24 would be great.

2 KENRICK OU: Sure so.. there.. we certainly  
3 heard quite a bit at the public hearings, that public  
4 hearing that was held by community education council  
5 15 and also community board, Brooklyn community board  
6 number six about the concerns that there may be human  
7 remains from, from the Marylander's and so what we've  
8 done is we've completed, we've had, asked  
9 archeologists to complete a documentary, a review  
10 and, and research and they cannot conclusively rule  
11 out the possibility. There, there is very spotty  
12 evidence of, of whether the.. they're within that area  
13 where the Marylander's may have been buried. There  
14 also is the potential. But that was identified by the  
15 archeologist that a family that had owned the  
16 property and starting in the late 18th century may  
17 have had a family burial ground so.. again somewhere  
18 in the vicinity so in order to certainly be  
19 responsive to that we are committed to undertaking as  
20 soon as, you know with the approval of the Maryland  
21 city council if we get that approval and are able to  
22 acquire the property, we would move forward with an  
23 archeological study of the site under the oversight  
24 of the state Historic Preservation Office and in  
25 consultation with them to conclusively determine

1 whether there are in fact any human remains or other  
2 archeological resources on site or if an, an... or if  
3 the suspicions were unfounded.

4  
5 COUNCIL MEMBER LANDER: And then if the...  
6 you know depending on what happens and what you find  
7 you'll work with SHPO and follow all the... you know I  
8 mean if...

9 KENRICK OU: Absolutely. There, there are  
10 very strict protocols if, if human remains are  
11 identified. Certainly the medical examiner, police  
12 department are, are called in and, as well as  
13 consulting with the archeological office at the State  
14 Historic Preservation Office.

15 COUNCIL MEMBER LANDER: And I mean it's...  
16 on the one hand it seems to be somewhat unlikely just  
17 given how big the area is on the other hand we would,  
18 we would so welcome you know more certain knowledge  
19 and obviously we want the pre-k seats and also that's  
20 a very important, you know Washington called that an  
21 hour more precious to liberty than any other when  
22 those, when those 400 men gave up their lives for our  
23 young republic so... And I guess one thing the  
24 community board had asked and I think is a great  
25 idea, you know assuming that the, there's nothing,

1 that there aren't... that there aren't the remains  
2 found there still I know some SCA projects include  
3 public art type projects within the school and given  
4 that this is just close by it seems like it could be  
5 a great place to include public art project honoring  
6 the Maryland 400 so I know that was also one of the  
7 things the community board asked...

8 KENRICK OU: Mm-hmm.

9 COUNCIL MEMBER LANDER: ...to be considered  
10 so hopefully we can look into that as well.

11 [background comments]

12 TAMARA SMITH: Thank you. So... thanks that  
13 was one of the six considerations the community board  
14 gave to the SCA and we've agreed that one was worded  
15 as a, would we consider that and we would certainly  
16 consider it. Usually the percent for art is... is  
17 included in buildings over a certain... that cost over  
18 a certain amount because that's the percent...

19 COUNCIL MEMBER LANDER: Right...

20 TAMARA SMITH: ...that's dedicated but that  
21 doesn't mean that this wouldn't include such a thing  
22 and I think certainly if anything was found we could  
23 find a way to honor, you know in some way but even if  
24 it wasn't perhaps there's a way to talk about either...

1 whether it's a plaque or some kind of exhibition or  
2 whatever it is that is definitely on the table and  
3 something we would consider.  
4

5 COUNCIL MEMBER LANDER: Wonderful. Thank  
6 you very much for this work and testimony.

7 KENRICK OU: Thank you.

8 COUNCIL MEMBER LANDER: Thank you Mr.  
9 Chairman.

10 CHAIRPERSON KOO: Thank you Mr. Lander. I  
11 have a question, are you going to acquire the land  
12 before you do the archeological study or...

13 KENRICK OU: Yes, well the... the property  
14 is privately owned and ownership is not willing to  
15 provide us with access to conduct what would have to  
16 be a very extensive and time consuming study so yes,  
17 we would have to acquire the property.

18 CHAIRPERSON KOO: I see, so, so what  
19 happens if you find the human remains on the...  
20 underground? So you will stop the whole thing or...

21 KENRICK OU: Well the... the... absolutely. I  
22 mean not the whole project but the, the moment human  
23 remains are, are found the medical examiner is called  
24 in, PD is contacted, and we would contact state  
25 historic, and then move forward with the appropriate

1 guidance to, to be very sensitive to.. because the..  
2 the concern, of course, is that without knowing whose  
3 remains they, they are that we proceed in a, in a way  
4 that, that, that is not insensitive to the fact that,  
5 that these were human beings.  
6

7 CHAIRPERSON KOO: So after discovery of  
8 human remains you won't build the school?

9 KENRICK OU: Not necessarily, I mean  
10 because the.. it depends on what is, is found there  
11 is.. in.. there have been founds in, in other parts of  
12 the city fragmentary remains where you know burials  
13 may have been removed and, and not completely  
14 disinterred. There, there, there have been other  
15 parts of the city where there have been intact  
16 burials found and there.. then you have to have the  
17 appropriately qualified staff come and, and disinter  
18 the remains so I, I don't want to speculate. You know  
19 but I think the, the, the critical piece here is that  
20 as, as the school construction authority I think we  
21 have heard very loudly and very clearly the concerns  
22 and there's spotty evidence that, that there, that  
23 there may be these remains, we're committed to  
24 investigating this thoroughly.  
25

1  
2 CHAIRPERSON KOO: Yeah Council Member  
3 Lander.

4 COUNCIL MEMBER LANDER: And let me just  
5 say one more thing here just for the, for the  
6 committee. But so first I'll say you know I think  
7 it's very unlikely that this is the, the resting  
8 place of the Marylanders based on what I... the  
9 learning that I have done. It's possible and in a  
10 certain way it'll be so wonderful to know where their  
11 resting place was that you want to hope it is in a  
12 funny way but I think it's very unlikely and I think...  
13 I'm so glad they're going to do a thorough search and  
14 investigation much more thorough than would be done  
15 if this site is, is, is developed privately, right?  
16 That's the alternative is a private, some private  
17 developer acquires this site and puts housing on it.  
18 So, we're lucky to have this happen. I think in the  
19 most likely situation that this, that that's not the  
20 case they'll proceed and build the school. In the  
21 unlikely but possible situation that it is the case  
22 that this... if this you know turned out to be the  
23 burial site of the... let's say it was of the... you know  
24 and it was... the investigation was done they concluded  
25 it was the Maryland 400 as opposed to the... the family



1 plot that they had talked about that was also a  
2 question of you know then we would work together and  
3 figure out what to do if it genuinely were the.. the..  
4 the burial ground of the Maryland 400 I would work  
5 very hard to make sure we secured the public  
6 resources and... and made it... would then... probably in  
7 my opinion it shouldn't be 180 seat pre-k school,  
8 we'd still be a lot better off with the SCA having  
9 purchased it and figure out how to make it into the  
10 kind of ground that it would need to be and come up  
11 with the resources to do that. There's a lot better  
12 likelihood of that happening if, if they acquire it  
13 than if not and as I say I think that is, is highly  
14 unlikely that that is the case. But I really  
15 appreciate that they're committed to do the  
16 investigation in the right way.

18 CHAIRPERSON KOO: Thank you, yeah.

19 Council Member Palma has a question.

20 COUNCIL MEMBER PALMA: Thank you Mr.  
21 Chair my... I, I just want to follow up in terms of if,  
22 if it is... if you do find human remains would, would  
23 it... would the cost be greater than anticipated if it  
24 wasn't and has School Construction Authority dealt  
25 with this situation in other projects so is this the

1 first time you are, you are faced with this type of  
2 project and, and/or situation?  
3

4 KENRICK OU: So to answer your first  
5 question about the, the cost I think it really is  
6 going to depend on what is, is found uh so the.. there  
7 could be you know a negligible premium or there could  
8 be a, you know a more substantial one. In terms of  
9 having encountered this consideration before; we have  
10 investigated in the past a city owned site also in  
11 Brooklyn where there was a... were, were previous  
12 reports of potential burials that, that had been  
13 reportedly removed as part of our assessment of that  
14 site we conducted an extensive archeological study  
15 which, which identified a single fragmentary remain  
16 so that basically confirmed that the, the burials had  
17 been disinterred but, but incompletely so and so then  
18 the, the, the remains were returned to, to the church  
19 that had formally used that as, as a burial ground  
20 and the remains were reinterred by that... by the  
21 church.

22 COUNCIL MEMBER PALMA: Thank you Mr.  
23 Chair.

24 CHAIRPERSON KOO: Anymore questions for  
25 our members, no? I see none. Are there anymore

1 members of the public who wish to testify? Okay. And  
2 we have Robert Furman from Brooklyn Preservation  
3 Council. Thank you too.  
4

5 KENRICK OU: Thank you.

6 CHAIRPERSON KOO: Yeah. Yeah, we have  
7 one. Yeah, please identify yourself and you may  
8 begin.

9 ROBERT FURMAN: Sure. Hi, Mr. Koo and Mr.  
10 Lander and members of the subcommittee and council.  
11 My name is Robert Furman, I'm President of the  
12 Brooklyn Preservation Council which is concerned with  
13 both regular type landmark designations and the  
14 importance of history and preservation of it in  
15 Brooklyn. I personally have been involved in the  
16 issue of commemorating the battle of Brooklyn which  
17 was as most of you probably don't know the largest  
18 battle of the American revolution. And it's not too  
19 well known simply because number one, we lost, and  
20 the New York area was under British occupation from  
21 late 1776 until they evacuated in November of 1783.  
22 The other reason it's not too well known is that it  
23 was fought in an area that very quickly urbanized  
24 after the revolution. There is some preservation, for  
25 example, of the site in Prospect Park which was one

1 of the most important locations of the battle. But  
2 most of it was buried under buildings including this  
3 one. Now if you go to this site which is on 9th  
4 Street between 3rd and 4th Avenue you will see near  
5 the corner an American legion post called the Joseph  
6 Rawley post. And the members of that post have been  
7 very active in commemorating the Marylanders because  
8 they're next door and because they're veterans. So  
9 they're concerned about America's first veterans and  
10 what happened to them. In front of this post are two  
11 signs; one from 1952 and the other from 2002 both of  
12 which state this is the Marylander burial site.  
13 There's a whole long history of exploration, of  
14 research and time does not permit me to review it,  
15 but if anyone is interested I'd be glad to provide  
16 detailed research information on this. My particular  
17 concern today, is that the... according to my  
18 consulting archeologists and... we have some... I'm not...  
19 I've worked in the field a bit with archeologists but  
20 that's not my background but according to our  
21 consulting archeologists what you have to do in order  
22 to find the human remains at this particular spot is  
23 first remove a concrete slab that's there, and  
24 second, do a dig. The kind of thing that's usually  
25

1 done in these cases which is called brown penetrating  
2 radar and sonar which can be helpful is deemed by the  
3 people I've spoken to, the archeologists, to be  
4 inconclusive because this is an urban area that has  
5 seen significant use since it was developed in the  
6 late 19th century. So, what I'm asking is that the  
7 SCA and the, the city government commit itself to do  
8 a dig in writing and that that probably take the form  
9 of a letter from SCA to Council Member Lander whose  
10 district this is and who has today and previously  
11 indicated his interest and concern in this site. So,  
12 that being said, I'll take any questions you may have  
13 and hope that you are willing to do what I've asked,  
14 thank you.

16 COUNCIL MEMBER LANDER: I'm... I'm... we've  
17 had a lot of dialogue with the community board and  
18 with SCA, I'm satisfied with the SCA's plan for  
19 investigating, there's... You know you can do this a  
20 lot of different ways. They're clear on the, on the  
21 importance. I believe they're going to conduct the  
22 investigation in a way that will identify you know  
23 carefully whether they're... whether this is...

24 CHAIRPERSON KOO: So the SCA will do a  
25 archeological study after they acquire the land? No?

2                   ROBERT FURMAN: Right, that's, that's the  
3 law by the way. They don't... I mean and, and they may  
4 have to go imminent domain to obtain the land uh the  
5 way this works and I've spoken to the state  
6 consulting archeologists on this matter... actually  
7 he's not a archeologist, he's a regular bureaucrat  
8 who just works in this area. He said what happens is  
9 the city acquires the land however it does it and  
10 then they consult with the state, which has legal  
11 responsibility here by the way, to try to decide how  
12 to do it. Now the reason I mentioned the dig is that  
13 that's being left up in the air. And as I said, and  
14 I... I hope that you all will include this in your  
15 recommendations to the council that a dig be done.  
16 Because there are a lot of people in this city and in  
17 this country who are concerned about it to give you  
18 an obvious example former governor Martin O'Malley  
19 spoke to the Democratic National Convention in 2012,  
20 obviously this was in preparation for a run for  
21 president that most of you are familiar with, but he  
22 talked about the Maryland heroes buried in Brooklyn.  
23 He was interested in getting archeological work done.  
24 The veterans community groups like the society of the  
25 Cincinnati, the D-A-R, the Sons of the Revolution,

1 the Sons of the American Revolution are all very  
2 concerned about this issue. And I think it's in the  
3 issue... it's in the interest, excuse me, of the city  
4 government and of SCA to leave no stone unturned  
5 about this. In other words you don't want to be... I  
6 don't think you want to be, politically, in a  
7 situation where you've given it sure shrift and  
8 people like me or like veterans, American Legion, V-  
9 F-W all of these groups are going to come back at you  
10 and, and while this thing is being built or  
11 afterwards, and say you didn't really do the job  
12 properly. What you needed to do was a dig on the  
13 site, you know you might come up with Indian remains,  
14 you might come up with farmer's remains, you might  
15 come up with soldier's remains, you might come up  
16 with slave remains because there were slaves in  
17 Brooklyn in the 17th and 18th century. Slavery wasn't  
18 abolished until 1825 so you really don't want to  
19 leave yourself open to charges of insensitivity. So  
20 I, I hope that you will express your support for  
21 doing a dig on this site.

22  
23 CHAIRPERSON KOO: Sure, now thank you.  
24 Yeah we're...

25 ROBERT FURMAN: Thank you...

1  
2 CHAIRPERSON KOO: Your, your point is  
3 well taken, yeah.

4 ROBERT FURMAN: Thank you.

5 [background comments]

6 COUNCIL MEMBER LANDER: That's right, I...  
7 Look, you know I, I urge my colleagues to vote yes on  
8 the application, I appreciate the advocacy and the  
9 push and I think without it we wouldn't be where we  
10 are, but as I say I'm satisfied with what the SCA has  
11 already committed to do. You know we do feel deeply  
12 about this in the community just two blocks away we  
13 have a whole old stone house interpretive center  
14 dedicated here you know. And you just have to decide  
15 how much you're willing to spend, I'll say that the  
16 folks at the American legion post have made some of  
17 this testimony but they haven't conducted a dig on  
18 their own site or offered their site up for  
19 acquisition by the public to do it so... Anyway I, I  
20 believe we are expressing the relevant level of  
21 sensitivity and one that I also feel very deeply.  
22 Like I'm, I'm lucky to represent the community in  
23 which those... in those 400, those 400 men gave their  
24 lives we, we take it really seriously. We do a  
25 ceremony every year anyway. And I really appreciate



1 the advocacy and I don't think we would be here  
2 otherwise but I'm satisfied with what the SCA has  
3 committed..

4  
5 ROBERT FURMAN: May, may I, may I... just  
6 amplify that a little bit. When governor Martin  
7 O'Malley in 2012 visited the old... the old stone house  
8 and the Rawley post and I showed him the vacant lot  
9 and he said well why don't we do a dig in both... or at  
10 least remote sensing which he offered to pay for you  
11 know of ground penetrating radar or sonar, why don't  
12 we do it in the back yard of the Rawley post. And he  
13 said... I mean it... And I was shocked that a politician  
14 knew a lot about archeology but he did. And he said  
15 well you know the, the, the problem is that the area  
16 back there is so small that it... that you're not  
17 likely to find anything and that he want... what he  
18 wanted to do was do... and test the entire area. And  
19 the state government of Maryland through it's  
20 relevant agencies offered to do this but the response  
21 that they got was the same one that SCA is getting  
22 now from the owner which is no. So this has been an  
23 ongoing question and people have been concerned about  
24 it and will continue to be.

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2 CHAIRPERSON KOO: Okay, Mr. Furman, thank  
3 you.

4 ROBERT FURMAN: Thank you.

5 CHAIRPERSON KOO: Yeah. Are there any  
6 more members of the public who wish to testify? I see  
7 none. I will now close the public hearing on this  
8 item. I will now couple this to applications LU 533  
9 and 534 for a vote to approve. Counsel please take  
10 the... call the role.

11 COMMITTEE COUNSEL: Vote to approve land  
12 use items 533 and 534, Chair Koo?

13 CHAIRPERSON KOO: Aye.

14 COMMITTEE COUNSEL: Council Member Palma?

15 COUNCIL MEMBER PALMA: [off mic] I vote  
16 out.

17 COMMITTEE COUNSEL: Council Member  
18 Mendez?

19 COUNCIL MEMBER MENDEZ: [off mic] Aye.

20 COMMITTEE COUNSEL: Council Member Levin,  
21 he stepped out, okay. Council Member Rose?

22 COUNCIL MEMBER ROSE: [off mic] Yes.

23 COMMITTEE COUNSEL: Council Member  
24 Kallos?

25 COUNCIL MEMBER KALLOS: Aye.

1  
2 COMMITTEE COUNSEL: Council Member Levin?

3 COUNCIL MEMBER LEVIN: Aye on all.

4 COMMITTEE COUNSEL: The vote to approve  
5 land use items 533 and 534 is approved by a vote of  
6 five in the affirmative, zero in the negative, and  
7 one abstention.

8 COUNCIL MEMBER PALMA: [off mic] I said  
9 pass, I didn't...

10 COMMITTEE COUNSEL: Oh.

11 COUNCIL MEMBER PALMA: [off mic] abstain.

12 COMMITTEE COUNSEL: Oh you passed, oh I'm  
13 sorry...

14 COUNCIL MEMBER PALMA: [off mic] I'm  
15 getting more information...

16 COMMITTEE COUNSEL: Oh excuse me. Is she  
17 going to vote now or... yeah, okay.

18 [pause]

19 COUNCIL MEMBER PALMA: Thank you Mr.  
20 Chair and I would like to vote aye on this matter, I  
21 understand and I'm requesting and I understand that  
22 SCA will come back and give us updates on a  
23 determination on what happens in terms of the burial  
24 grounds and I look forward to hearing that  
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determination after they do more studies there and  
with that I will vote aye.

COMMITTEE COUNSEL: The vote to approve  
land use items 533 and 534 is approved by a vote of  
six in the affirmative, zero negative, and zero  
abstentions.

CHAIRPERSON KOO: Okay, thank you members  
of the public, my colleagues, council and land use  
staff, this meeting is adjourned.

[gavel]

C E R T I F I C A T E

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



Date December 13, 2016