

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CULTURAL AFFAIRS, LIBRARIES, AND
INTERNATIONAL INTERGROUP RELATIONS

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B E F O R E:
JAMES G. VAN BRAMER
Chairperson

COUNCIL MEMBERS:

ANDY L.KING
COSTA G. CONSTANTINIDES
ELIZABETH S. CROWLEY
HELEN K. ROSENTHAL
JULISSA FERRERAS
LAURIE A. CUMBO
PETER A. KOO
STEPHEN T. LEVIN

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

Tom Finkelparl
Commissioner
New York City Department of Cultural Affairs

Karen Atlas
Arts and Democracy

Sheela Lewandowski
Citizen

COMMITTEE ON CULTURAL AFFAIRS, LIBRARIES, AND
INTERNATIONAL INTERGROUP RELATIONS

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[gavel]

CHAIR: Good morning and welcome to this very important hearing of the cultural affairs libraries and international intergroup relations committee. My name is Jimmy Van Bramer, Jimmy Van Bramer and I'm very proud to be the chair of this committee. And I'm thrilled that we're joined by our finance chair member of this committee Julissa Ferreras. And given that it is a rainy Monday morning I'm sure we have many other folks in route. But we have the chair, the commissioner of the Department of Cultural Affairs Tom Finkelppearl who'll be testifying in a few moments. But first let me talk a little bit about why we are here today. The percent for art law, an incredibly important law that ensures that a portion of our city's budget for city funded construction projects be used on public artwork was passed over 30 years ago in 1982. Few people know this law and know public art better than our Commissioner of Cultural Affairs. And it is a great program, on that, that I support whole heartedly and getting more public art into the city of New York is something I think all of us can support. And the Department of Cultural

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2 Affairs manages this program. Commissioner
3 Finkelpearl at one time ran this program and he has
4 written extensively about public art. I have a copy
5 of one of his books here, dialogues in public art,
6 an incredible book that I am honestly reading
7 Commissioner Finkelpearl. So I want to thank you
8 for giving that to me. Now a number of incredibly
9 worthy and, and, and incredibly good projects have
10 taken place over the years. The Flushing library
11 is, is one that I am extremely familiar with, a
12 number of incredibly beautiful pieces are in that
13 library as a result of the percent for art program.
14 And while these projects enjoy widespread support
15 occasionally a project comes along where it is less
16 universally well received and the Sunbather in my
17 district has certainly received a lot of attention
18 over the last few months. But there have been a few
19 others. And while I have said time and time again
20 that elected officials should not decide what is or
21 is not good art, and I stand by that, I do believe
22 that increasing dialogue community input, community
23 engagement is essential for the building of more
24 support for public art and the percent for art.
25 That is my intention, that is my motivation. I want

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2 to make that perfectly clear. We are not talking
3 about the, the public necessarily voting up or down
4 projects and, and deciding on art based on
5 popularity but having a more robust community
6 engagement piece in the percent for art project is
7 a worthy goal and is I believe something we should
8 do particularly because we are talking about tax
9 dollars after all. And when tax dollars and the
10 public's money is being spent they certainly should
11 be engaged and I think that we can and hopefully
12 will agree with the Department of Cultural Affairs
13 to include more robust community engagement piece
14 which brings us to Intro 742, a local law that I
15 drafted and am proud to have Council Members Cumbo
16 and Lander as prime co-sponsors. And this bill
17 would simply require that reasonable advance
18 notification be provided to the public of the
19 intention to include a work of art in a percent for
20 art project. It would require one or more public
21 hearings on the proposed work of art before its
22 inclusion in the program. And I want to say that I
23 believe if we do this we will be able to build more
24 support for public art and be able to handle those
25 rare cases where controversy or dissatisfaction may

1
2 exist about a certain piece. We saw that with the
3 Sunbather when Commissioner Finkelparl and I had a
4 town hall meeting it was incredibly well attended..
5 close to 300 people. Many folks thought that it
6 would be simply about the Sunbather, that it might
7 be a blood bath, the artist and sculpture came to
8 that meeting. I made sure that he was recognized at
9 the beginning of it. And though many many folks
10 rose and talked that night very few decided to talk
11 about Sunbather and the criticisms were minor and
12 very infrequent. And we actually by having that
13 town hall meeting, having the artist there who
14 didn't speak but simply listened to the public we
15 were able to build more support for Sunbather and
16 actually quell what, what happened there. So that
17 project continues and will continue and by having
18 that town hall meeting we increased support and
19 awareness of the program. We engaged the community
20 which often times is all it takes. And when there
21 is dialogue we are able often to move forward.
22 Where we're not able to move forward is, is when
23 there is no dialogue. And, and so I'm very very
24 proud to be the sponsor of this legislation and
25 very very proud to have this hearing and look

1 forward to passing this legislation very very
2 swiftly. Now some housekeeping. We have a change of
3 the guard in our committee, Tanya Cyrus has been
4 serving this committee as our Policy Analyst for
5 the past seven years and she's moving on to a new
6 assignment with the General Welfare Committee. And
7 I want to thank publically Tanya for all of her
8 amazing work on behalf of this committee and the
9 cultural community in the city of New York. And I
10 know that she's going to do great work on this
11 incredibly important committee, the general welfare
12 committee. So thank you very much Tanya for all of
13 your hard work and you will still occasionally get
14 invited to those fancy galas and things like that.
15 So, so thank you. And to my left we're joined at
16 her very first hearing of the Cultural Affairs
17 Committee Chloe Rivera who started her career as an
18 intern in my office five years ago I think it was.
19 And she is joining us at this committee at this
20 very exciting time. So I want to also publically
21 welcome and recognize Chloe who impressed us as an
22 intern five years ago and we're so thrilled that
23 she could join our committee at this time. So with
24 that I'm going to ask Commissioner Finkelparl to
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2 raise his right hand and we'll do the
3 administration of the oath as we do with
4 administration officials before these hearings. And
5 I think you, you in accordance with the rules of
6 the council we will no administer... Do you affirm to
7 tell the truth, the whole truth, and nothing but
8 the truth in your testimony before this committee
9 and to respond honestly to council member
10 questions.

11 TOM FINKELPEARL: I do.

12 CHAIR: I assumed you would say that.

13 Thank you very much Commissioner Finkelpearl. And
14 if you would please commence with your testimony.

15 TOM FINKELPEARL: Thank you very much.

16 Good morning. I am Tom Finkelpearl, Commissioner of
17 the New York City Department of Cultural Affairs.

18 I'm here to testify with regards to percent for art
19 program managed by my agency and the council's

20 proposed legislation related to the program. I'm

21 joined by a number of my staff members who have

22 worked with your staff to finalize the language.

23 I'd like to start with a brief look at the history

24 of New York City's percent for art program. As you

25 may know as the director of the program for six

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2 years from 1990 to 96 the program was created and
3 signed into law, I have a slide of the actual
4 signing, Mayor Ed Koch in the city council in 1982.
5 The first completed project was installed in East
6 Harlem three years later. Since then 300 projects
7 have been installed across the city with another 80
8 commissions currently underway.

9 CHAIR: Tom can I just interrupt you for
10 one second. That picture is fascinating. You
11 wouldn't happen to know who the sponsors of the,
12 the bill.

13 TOM FINKELPEARL: I do not, no.

14 CHAIR: Because to the right of Mayor
15 Koch is one of my predecessors Tom Manton [sp?] who
16 was the council member from my district for many
17 years. And to his right is, it's... who was the
18 finance chair and who is now a constituent of mine
19 in Long Island City. So I was just wondering..

20 TOM FINKELPEARL: Interesting that you
21 know that and I know that Rona Minshell [sp?] is
22 right behind the mayor to the right there. Because,
23 so we sort of recognize our equivalent.

24 CHAIR: Yes.

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2 TOM FINKELPEARL: Yeah, yeah
3 interesting.

4 CHAIR: I'm the politician you're the...

5 TOM FINKELPEARL: I'm the city official
6 yeah.

7 CHAIR: Yeah.

8 TOM FINKELPEARL: And so there, there
9 were, these were the parents of percent for art.
10 And I believe right behind the mayor in the bowtie
11 is the Commissioner of Cultural Affairs Henry
12 Gultzaller [sp?] right? So yeah. We should identify
13 who the people are. It was a really great moment
14 in, in the history. Okay. Okay percent commissions
15 come in a great many shapes, sizes, media, and
16 locations while the city's collection includes
17 murals, mosaics, and sculptures that the term
18 public art often brings to mind a percent for art
19 project can also be a fence in the case of the
20 Donna Dennis 1988 commission Dreaming of Far Away
21 Places right down the street on Chamber Street, a
22 window such as... etched glass of the Flushing
23 Library and David Wilson's Stein Glass Widow at the
24 St. George Library in Staten Island. Or it could be
25 an interactive installation like Janet Zweig's

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2 Bronx Voices at Walton High School in the Bronx, or
3 an LED chandelier like Ben Ruben's Shakespeare
4 Machine at the Lobby of the Public Theatre. So let
5 me just run through a quick slide show. This is the
6 Donna Dennis piece right down the street. It was
7 one of the first really popular commissions. When I
8 started a percent for art everybody wanted a fence
9 because that was such a great piece. Here is a
10 piece by Lane Twitchell Department of Homeless
11 Services. These are windows where you don't want to
12 be able to look through and see what's going on on
13 the other side but you want light and luminosity.
14 Alison Sarr up on 122nd Street. Ellen Harvey's
15 piece Mathematical Star out in Brooklyn. This is
16 also in your district at IS/HS 404. A piece by Jane
17 Benson at another school in Queens which sort of
18 makes the viewer into mosaic, it's Mosaic of
19 Mirrors. Sanford Biggers up in the Bronx. This is
20 sort of a very beautiful and very depressing piece
21 simultaneously. Those are, it's a lotus flower made
22 out of the image of slave ships. Penelope Umbrico
23 in Staten Island. This is that interactive piece by
24 Janet Zoeye [phonetic]. Got them the school in the
25 Bronx where people can put notes in there and they

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2 make a newsletter out of it periodically. So it's
3 an interactive piece for the students and staff and
4 faculty at the school. It's also, we can do just
5 straight, straight forward memorials. This is a
6 piece by Ogundipe Fayomi, it's right next to the
7 Brooklyn Museum. It's a memorial to a gentleman who
8 died in space, the challenger disaster. It could be
9 at a sewage treatment plant like this one by Vito
10 Acconci in the Green Point. This is a carousel by
11 Milo Mottola up in State Park in Harlem. And this
12 is the Shakespeare Machine at the entrance of the
13 Public Theatre. Toshio Sasaki's Piece in Long
14 Island City also... got a lot in here. I wonder if
15 that's a coincidence. This is a piece by Inigo
16 Montoya... up in the Bronx. A piece by Peter... out in
17 Bed-Stuy in Brooklyn. There's that stein glass,
18 very simple piece in a library in Staten Island.
19 Wonderful piece by Sarah Zay [sp?] who represented
20 the United States at Venus Beanali [phonetic] last
21 time at a school in the Bronx. So those are, I'll
22 leave that slide up. Those are just examples. There
23 are hundreds more like that. Okay the percent for
24 art movement in this country started in response to
25 a need to standardize and professionalize how money

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2 was being spent on public art. The money was
3 already being spent but often through an ad hoc or
4 murky mechanism. Percent program started in the US
5 in Philadelphia we're intended to make the process
6 more fair and transparent. This model, this is the
7 model that was followed in New York City when we
8 designed the percent for art program which in turn
9 influenced others including MTA's art for transit
10 program. I'd now like to give an overview of how
11 percent for art commission, commissioning process
12 works pursuant to the laws and regulations that
13 govern it. New York City's program is tied to
14 eligible city funded capital projects. When a
15 percent eligible capital project is approved by the
16 city agency a liaison informs cultural affairs
17 staff. First advanced notice of intention to
18 include artwork, works of art at an eligible
19 project is made to the borough president, community
20 board, and city council member as mandated by law.
21 These three groups are invited to send
22 representatives to the panel advice, as advice
23 remembers. We then convene a panel comprised of
24 representatives of cultural affairs, the relevant
25 sponsor and design agencies, and three

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2 representatives of the public knowledgeable in the
3 field of public art. These three arts professionals
4 are typically selected from the community where art
5 is, will be installed. At each panel meeting
6 representatives from the community are invited to
7 discuss the proposals and comment on their
8 concerns. To illustrate how this process works
9 let's look at the panel process that recently took
10 place for Westchester Square Library in the Bronx.
11 Advanced notice was sent to council members James,
12 Council Member James Vacca's office, Borough
13 President Ruben Dies' office, and Bronx Community
14 Board 10. The community board contributed an
15 advisory member to the panel. The panel also
16 consisted of voting members from my agency
17 represented by percent for art staff, New York
18 Public Library which is a sponsoring agency, the
19 Department of Design and Construction which is the
20 design agency, and three professionals from the
21 company were representatives from the Bronx Museum,
22 Bronx Council on the Arts, and a local artist. I'd
23 like to clarify that these are artist selection
24 panels and not art work selection panels. While
25 design proposals may be submitted to the panel

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2 ultimately the decision is made based on the merits
3 of the artist, her or his body of work, experience
4 working in public art, and ability to work in the
5 unique constrictions of a city capital project.
6 Together with consideration of the facility is
7 architecture and function and the community it
8 serves. This allows artists to be responsive to the
9 site and to incorporate stakeholder feedback in
10 their design, something that wouldn't be possible
11 if the panel were selecting artwork instead of an
12 artist. Following artist selection for a particular
13 project the artist provides conceptual designs for
14 the proposed art project. The conceptual designs
15 are then presented to the community board before
16 being submitted to the public design commission for
17 approval. After preliminary design approval is
18 received from the PDC the process of shop drawings,
19 fabrication, and installation begins. The challenge
20 of the center of every publically funded art
21 program is finding the right approach for the
22 engagement with a goal of yielding extraordinary
23 work of art that have the support of the community.
24 Under current law and practice the city's percent
25 for art commissioning process includes multiple

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2 opportunities for a public engagement from the very
3 start including community representative,
4 representation on the panel, at least one community
5 board presentation for each commission, and public
6 review hearings in front of the public design
7 commission. My staff and I have been working with
8 council member on the legislation introduced by
9 Council Member Van Bramer, Cumbo, and Lander to
10 enhance the community's involvement in the percent
11 for art commissioning process and I think we are
12 largely in agreement on what needs to be done. To
13 this end I believe that we can work together to
14 keep residents engaged and informed about percent
15 commissions underway in their neighborhoods in
16 order to foster dialogue and build consensus. Over
17 the past 30 years this program has given New
18 Yorkers a collection of incredible quality and
19 diversity, invigorating public spaces and
20 neighborhoods throughout the boroughs while
21 directly supporting the artists who contribute so
22 much to make the city's vibrant, a vibrant place to
23 live, work, and visit. I applaud the council for
24 working with us to find ways to improve the process
25 that will ensure broad support for this critical

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2 program over the next 30 years. Thank you. And I'm
3 happy to take any questions at this time.

4 CHAIR: Thank you very much Commissioner
5 Finkelpearl. I want to recognize Council Member
6 Elizabeth Crowley from Queens, a member of this
7 committee for being here. I want to thank you for
8 that slide presentation. Indeed those are
9 staggeringly beautiful pieces of public art that
10 have really enhanced a number of city owned
11 buildings including lots of libraries which I'm
12 particularly excited about. And while you did have
13 a number of projects in my district to be fair some
14 of them happened before I was the council member.
15 So, but we're thrilled with all of them. And you
16 know I wanted to say and then ask if you're in
17 agreement... your, your testimony states that there
18 is a significant amount of community engagement
19 already build into this law but I, I think we are
20 in broad agreement that we can do even more right,
21 that is not to suggest that what is being done is,
22 is, is good, we're done close up shop, we could do
23 more here.

24 TOM FINKELPEARL: Agreed, yes.

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2 CHAIR: And some of the, the, the public
3 and I did quotation marks there engagement pieces
4 to be fair are, are less public. I think the public
5 design commission presentation for example is, is
6 certainly open to the public but if we polled my
7 constituents probably relatively few are, are aware
8 of those opportunities. I think part of the, the
9 goal of this legislation, and I think again we're
10 in broad agreement so this is one of those times
11 where we're not fighting so much as agreeing which
12 is a good thing and is a, a good sign for this
13 legislation but you know what we want to do is
14 create a much more broad notification and, and
15 awareness piece to this. And being the expert on
16 dialogues and public art you know I wonder how you,
17 how you feel generally about increasing public
18 engagement. And you know, and I know that there's,
19 there's a, there's a line right where there's
20 community engagement and then there's sort of the
21 integrity of the art and the artist vision but
22 maybe you can speak a little bit to that.

23 TOM FINKELPEARL: Yeah. No and I want to
24 thank you also. I mean I think that the, having
25 that pre-meeting in the community sort of the heads

1
2 up meeting, we're planning to do this... I think
3 it'll be a very rare situation in which people say
4 no no we don't want public art in our community.
5 It's a heads up. It's at the right time before the
6 artist selection's even begun and we're fully
7 embracing it. So I think the, the worry is,
8 especially these days with social media that there
9 can be this sort of riled up public perception of
10 public controversy maybe doesn't even really exist.
11 And maybe that was what one of the really
12 interesting takeaways of our meeting in Long Island
13 City because there have been lots of them, in fact
14 even major press stories too in the New York times
15 about outcry. But really what was the outcry. It
16 really wasn't that much it seemed to me. But you
17 only get to know that if you have that public
18 meeting as you said before. So there is this
19 balance between saying you know every single person
20 must love every single piece of public art is never
21 going to happen. But if you don't get to the point
22 of really understanding what community sentiment is
23 through a vibrant and you now community process
24 then that's unfortunate. So I, I think yeah again
25 we're on the same page and there is... Oh I think we

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2 were just, wanted to point out that there is you
3 know a pretty in depth process already our
4 selection is not just some people in a back room
5 making...

6 CHAIR: Right.

7 TOM FINKELPEARL: ..making a decision.

8 CHAIR: Correct. And, and while your,
9 your point about social media is, is well taken
10 because I think, and I certainly value many of the
11 blogs that are out there. But I think it's fair to
12 say that the comments section in some of, of the
13 blogs you know maybe allow for some incendiary
14 things to be said, particularly anonymously.
15 Sometimes those are the, the things that get
16 attention. And you know that can't be confused for
17 a town hall meeting where, where folks come
18 themselves, identify themselves and, and get to
19 talk, ask questions. There's gets to be a
20 meaningful exchange. It's also public that, that we
21 saw happen with Sunbather where there were some
22 comments made particularly on the internet that got
23 a lot of attention. And then when we had a town
24 hall meeting and invited everybody including on the
25 blog where some of those comments were made those

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2 folks largely didn't show up. And, but hundreds of
3 people did. And we saw almost unanimous support for
4 the artist, even if it wasn't unanimous support for
5 the piece it was for, for art in general right, and
6 for public art in particular and, and for the
7 artist ability to realize a vision. And that was
8 very meaningful I thought.

9 TOM FINKELPEARL: I thought so also. And
10 the other thing is when you're commenting on line
11 we don't actually even know where the people are
12 from. They might be from another part of town, they
13 might be from another town. What we know and I, you
14 know you, that's your district, I worked in that
15 district for 12 years, a lot of people from the
16 community showed up. These weren't just random
17 people. The community was there in force and that
18 community really was embarrassing of public art and
19 percent for art and the artist. So yeah I mean it,
20 the word public has changed since this legislation
21 was passed. And like you say you know posting
22 notice online and having a community meeting are
23 two different things but both need to be done. And
24 there are two kinds of different public discourse.

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2 CHAIR: Thank you. I want to recognize
3 we have been joined by Council Member Steve Levin
4 from Brooklyn, a member of this committee. And yeah
5 and I just want to say again 33 years after that
6 incredible moment that you showed us a picture of
7 which I would love a, a copy of I have to say it,
8 it is time to, to revisit it, to strengthen it, to
9 bolster it, to make it better. And you know I, I
10 believe in always robust community engagement and,
11 and, and, and dialogue. And with that I think we
12 will see only good things happen for public art and
13 the percent for art. And if that town hall that you
14 and I had on March 18th is replicated just about
15 every time we have a percent for art piece I think
16 that the city of New York will have more support
17 for this, more awareness of it and ultimately have
18 lots of really meaningful exchanges of people who
19 live in a community about what it is public art
20 does for their community, what it looks like. Give
21 artists an opportunity to possibly interact with,
22 with communities but at the very least appreciate
23 that public process piece of, of their work and of
24 this program. So, so I thank you for that. And

25

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2 Council Member Crowley do you have any questions
3 and followed by Council Member Levin.

4 COUNCIL MEMBER CROWLEY: Good morning
5 Commissioner.

6 TOM FINKELPEARL: Good morning.

7 COUNCIL MEMBER CROWLEY: Good to see
8 you. Thank you Chairman for this important hearing.
9 Does the one percent go far enough? And should we
10 be looking at expanding that number to two percent
11 or greater?

12 TOM FINKELPEARL: So that, as Council
13 Member Van Bramer said that you know this is 30
14 years, this is you know three decades later and
15 there has been talk of a considered approach
16 towards looking at the law. There are various
17 issues to look at, not just the percent but what
18 happens after there's maintenance issues, etcetera.
19 So I think that's not really what we're here to
20 talk about today. But I think it, maybe it's time
21 to start a dialogue at some point about looking at
22 the law in a more comprehensive way.

23 COUNCIL MEMBER CROWLEY: And I see it
24 in schools but not, I don't see it in other
25 projects as much so...

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2 TOM FINKELPEARL: It's very, very
3 present in schools but libraries, hospitals are
4 public spaces. We did you know the slide show
5 earlier, obviously we ended in a school.

6 COUNCIL MEMBER CROWLEY: I did, I did
7 see that.

8 TOM FINKELPEARL: Oh you did see it,
9 yeah I'm sorry.

10 COUNCIL MEMBER CROWLEY: But I think
11 because the schools cost approximately like 100
12 million dollars to build these days that the impact
13 of a million dollars of art and culture, really
14 public art in the building is seen in a greater
15 extent than you would in a library. Now, and this
16 is new buildings right? It's not...

17 TOM FINKELPEARL: Well newer
18 renovations...

19 COUNCIL MEMBER CROWLEY: ...renovations?

20 TOM FINKELPEARL: ...yeah, yeah it is
21 renovations.

22 COUNCIL MEMBER CROWLEY: It is for ren...

23 TOM FINKELPEARL: Yeah there has to be,
24 it has to meet, read, meet a certain threshold so
25 that the size of the project has to, we don't do a

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2 10 thousand dollar percent for art project. So if
3 there's a renovation that has...

4 COUNCIL MEMBER CROWLEY: For example I'm
5 about to embark on a three million dollar
6 restoration in a public library would that mean
7 that...

8 TOM FINKELPEARL: No that wouldn't
9 qualify because that would only, one percent would
10 only be 30 thousand dollars.

11 COUNCIL MEMBER CROWLEY: So it has to be
12 a greater than...

13 TOM FINKELPEARL: Yeah five million.

14 COUNCIL MEMBER CROWLEY: Greater than
15 five million?

16 TOM FINKELPEARL: Right.

17 COUNCIL MEMBER CROWLEY: Oh okay great.
18 Now it, it's, it's somewhat related because I like
19 that many of the times there is public art that
20 they're New York City based artists that often
21 receive the commission. Is there a partnership that
22 your city agency has with any high school in
23 particular to cultivate the arts?

24 TOM FINKELPEARL: In relation to percent
25 for art, no.

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2 COUNCIL MEMBER CROWLEY: No, no no not
3 that. In just your city agency..

4 TOM FINKELPEARL: So I mean we're very
5 tied into the Department of Education and the
6 revival and strengthening of, of arts education
7 throughout the public school system. We're
8 interacting with them very vigorously. You know
9 that's a, the number one arts agenda of this
10 administration has been that. So we're, that's
11 really D, DOE issue but we're, you know I'm on the
12 Department of Education's Arts Committee. I deal
13 with Paul King and his office at DOE all the time
14 on a weekly basis so we're very involved in, in
15 that. And the, so you know there's a, a new
16 infusion of our teachers, particularly dance music
17 teachers into the school system right now it's
18 going on. So we're very tied into...

19 COUNCIL MEMBER CROWLEY: So now that the
20 city... the Department of Education is focusing on
21 high schools to cultivate careers. I know it's
22 important for every high school and every school in
23 the city to have a good strong art program. But
24 then, now we have a focus on many of our high
25 schools becoming focused in that particular

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2 discipline, the technology or we have high schools
3 that are emergency service high schools. There are
4 some that are specific to the arts and I was
5 wondering if, if there was a strong relationship
6 with those, that, let's say Frank Sinatra School of
7 Arts in Queens or LaGuardia Arts in the Manhattan.

8 TOM FINKELPEARL: So, I mean the answer
9 is we don't have any particular partnerships with
10 any of the schools at this moment. We've been very
11 interested in career pathways partially related to
12 our diversity initiative. So we've been talking to
13 for example the Broadway League has this hidden
14 pipeline program. And there are a bunch of programs
15 in schools, in high schools that are you know high
16 school to art school etcetera, that kind of thing,
17 which are preparing students to, for fields in the
18 arts. But we don't at this moment have cultural
19 affairs a specific partnership with any particular
20 school.

21 COUNCIL MEMBER CROWLEY: Okay no further
22 questions. Thank you Chair.

23 CHAIR: Thank you very much Council
24 Member Crowley. And that first question was a
25 particularly good one as we ultimately look at the,

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2 the amount of money involved in, in the percent for
3 art program. And I suspect we'll be having a
4 hearing somewhere down the line on that very
5 important issue so thank you for raising that.
6 Council Member Levin.

7 COUNCIL MEMBER LEVIN: Thank you very
8 much Mr. Chair. Thank you Commissioner. Are there
9 any opportunities that we're missing in terms of
10 capital projects not employing the percent for art
11 program where they may be eligible to do so?

12 TOM FINKELPEARL: So, I mean there's a
13 process, an eligibility review process that we
14 undertake. Not every single project that's over a
15 certain amount of money is eligible. So for example
16 it's a underground DEP project that doesn't have a
17 public you know aspects to it.

18 COUNCIL MEMBER LEVIN: Mm-hmm.

19 TOM FINKELPEARL: We don't do percent
20 for art. We don't do it in every project. Part of
21 that relates to finding you know the best projects
22 with the agencies that have the most public impact.
23 And then they're, you know relates partially also
24 to the, that cap that was imposed by the law when
25 they passed it in 1982 which caps a certain amount

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2 of money that is you know, the amount of money
3 that, that we're going to spend on percent for art
4 per year. So you know that also could be addressed
5 when we get to the point of having a more
6 comprehensive discussion about the percent for art
7 law and modernizing it. There are other cities for
8 example where you, we don't pool percent for art
9 project. So in another city if you had a DEP
10 project, a parks project, and a library project you
11 can put them together into one commission, one
12 larger commission and do it at the library or do it
13 in the park locally. That's not something that's
14 done in New York. It may be something to consider.

15 COUNCIL MEMBER LEVIN: Mm-hmm.

16 TOM FINKELPEARL: I actually not sure
17 where I stand on that because I think there's some
18 value in saying, we showed the slide earlier of
19 Vito Acconci's work at the sewage treatment plant.
20 It's a really cool project. They use it for
21 educational work there in DEP. DEP has a big
22 educational aspect of what they do in terms of
23 water conservation, etcetera. So in another city
24 they'd say this is a sewage treatment plant let's
25 not do public art here let's move it to a park.

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2 Anyway it's a complicated question but it's one
3 that would be dealt with when we look
4 comprehensively at the law.

5 COUNCIL MEMBER LEVIN: What's the... I'm
6 sorry if I missed this before, what's the cap?

7 TOM FINKELPEARL: The cap... and, and the
8 question of whether it's actually a cap or not is a
9 legal question which we dispute but...

10 COUNCIL MEMBER LEVIN: Uh-huh.

11 TOM FINKELPEARL: ...the cap is 1.5
12 million dollars per year.

13 COUNCIL MEMBER LEVIN: In, in, in...
14 [cross-talk] programs throughout...

15 TOM FINKELPEARL: Yes.

16 COUNCIL MEMBER LEVIN: ...throughout the
17 city.

18 TOM FINKELPEARL: The cap is, a cap is,
19 the, the, it says that the city cannot be required
20 to spend more than 400 thousand dollars on an
21 individual project.

22 COUNCIL MEMBER LEVIN: Uh-huh.

23 TOM FINKELPEARL: Or 1.5 million per
24 year. Now our, the, the question of exactly what
25 that means "...cannot be required to spend more

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2 than..." doesn't necessarily mean you can't spend
3 more than right? So some projects go over but they,
4 it's a general rule of thumb and it's, it's
5 referred to as the cap.

6 COUNCIL MEMBER LEVIN: Because obviously
7 we, you know the, I, I don't know the total amount
8 of capital projects in terms of dollars every year
9 but it's you know...

10 TOM FINKELPEARL: Eight billion.

11 COUNCIL MEMBER LEVIN: ...many more than
12 100 times 1.5 million dollars.

13 TOM FINKELPEARL: Yes it is. Many, many...

14 COUNCIL MEMBER LEVIN: Many times more.

15 TOM FINKELPEARL: By the way don't,
16 don't forget that the one percent is only up to 20
17 million and then it's a half a percent from 20 to
18 60 for a total of 400 thousand dollars. So you know
19 it's called percent for art, and one percent is not
20 really that. It's often not even one percent of the
21 project.

22 COUNCIL MEMBER LEVIN: Does it, is
23 there, does it matter whether the sources of
24 funding are coming through federal grants or, or
25 state grants as well? I'm just thinking of like the

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2 Brooklyn Bridge project for example which is now
3 500 million dollar project.

4 TOM FINKELPEARL: I believe. And we
5 could check back that it's, it's that percentage of
6 the city money, yes that's correct.

7 COUNCIL MEMBER LEVIN: So okay so it
8 couldn't include...

9 TOM FINKELPEARL: No.

10 COUNCIL MEMBER LEVIN: ...pass through
11 from federal funds.

12 TOM FINKELPEARL: Mm-mm.

13 COUNCIL MEMBER LEVIN: Okay I mean I
14 think... I mean there's so many opportunities. I mean
15 I see capital projects, large scale projects, DOT
16 projects, DEP projects, parks projects that are
17 going up throughout, throughout my district
18 constantly and I think that the, the public could,
19 could you know greatly benefit with you know seeing
20 some, some cultural impact to those dollars and,
21 and obviously a percent is not, is not breaking the
22 bank. I mean I think that that's one of the reasons
23 why it's a fairly modest amount there. But it could
24 have a dramatic impact with the scale of these
25 projects so would love to work with you moving

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2 forward to make sure that we can utilize the
3 program as robustly as possible.

4 TOM FINKELPEARL: Great.

5 COUNCIL MEMBER LEVIN: Thanks
6 Commissioner.

7 CHAIR: Thank you very much Council
8 Member Levin. And it's great to hear so much
9 support for the percent for art program from my
10 colleagues. And I want to point out that Council
11 Member Levin and, and I are, are this close to a
12 cultural plan, piece of legislation that is
13 hopefully going to make history in the city of New
14 York. And so I want to say that on this day of all
15 days. While we're not here to discuss that it's,
16 it's a very exciting day on lots of different
17 levels talking about the cultural plan and this
18 percent for art piece of legislation. And it
19 wouldn't be possible without you Commissioner
20 Finkelpearl working with us on both of these pieces
21 of legislation. And I look forward to, to getting
22 both of them done. And I want to thank you for, for
23 being here, for being open to this dialogue here
24 today and then going forward with, with our
25 communities. And together I think this city

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2 council, your agency, this administration will,
3 will empower people, communities, and ultimately
4 artists who are people, who are part of those
5 communities to, to do this work, to do more of it,
6 and to build support for it. So thank you for that.
7 And I will say this portion of the hearing is, is
8 over. So you are free to go. And we will be in
9 touch I'm sure at some point today on the cultural
10 plan. So I, I look forward to chatting with you
11 later. So with that thank you again Mr.
12 Finkelparl. And we have a couple of members of the
13 public who have signed up to testify; Karen Atlas
14 Arts and Democracy and Naturally Cultural Districts
15 New York, Sheela Lewandowski Long Island City
16 Resident also with the chocolate factory. And if
17 there's anyone else who would like to testify on
18 this piece of legislation you have to fill out a
19 form with the Sergeant at arms. So Karen and Sheela
20 if you would take a place at the podium that would
21 be great. You can give your testimony if you have
22 copies to the Sergeant at Arms. And I want to
23 recognize that we've been joined by Council Member
24 Helen Rosenthal of Manhattan member of this
25 committee and we are on a bit of a time crunch

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2 today. So we're going to ask for a three minute
3 clock. And the two of you are veterans at this
4 particular process and procedure. So if, if you can
5 be as succinct as, as possible I would appreciate
6 it. And with that I leave it up to the two of you
7 to flip a coin and see who goes first. But it
8 appears that Sheela's won the, won the coin toss?

9 SHEELA LEWANDOWSSKI: I don't know if
10 it's a win or a loss. I like closing. I'm also a
11 member of Community Board 2. And so I wanted to
12 just mention that. I'm not going to read my
13 testimony in the interest of being brief. I
14 completely support the amendment to the percent for
15 culture project. I wanted to add that I think
16 community engagement is also about appropriate
17 access and so I see some other opportunities as
18 someone who sat on a percent for art panel back in
19 2012. 33 years ago you have a panel of six. Today I
20 think there's opportunity to increase that number.
21 But I do think the balance needs to remain mostly
22 artists that will protect the, the vote that it's,
23 it's done by people who understand that work. But I
24 do think the community member needs to be a vote,
25 have a vote and be from the actual community. The

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2 panel I was on the community member did not live in
3 the district. They were from a different community
4 board district and I think that, when that happens
5 it adds to the perception of lack of transparency
6 and lack of engagement and involvement. The other
7 thing I, I recommend is that they update the
8 webpage. And I know this is very specific but to me
9 this has to do with how the community can be
10 engaged. I've heard artists and community members
11 not understand the program and so I took the time
12 to go and read over it and the artists aren't even
13 mentioned on the about page really. And for me that
14 is the primary, the primary reason is to support
15 artists and the arts in the, in New York City for
16 the better of the city. And the, there's also
17 conflict on what the panel is on the about page. It
18 says there's a much greater number of voting
19 members but on the fax page it shows that they real
20 configuration is just six people. So these are very
21 minor things but I think they do affect how people
22 receive the program. And to me there's an
23 opportunity to increase awareness and that's what
24 you're doing and the Commissioner's doing and I
25 think that's great because that will help us when

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2 we're looking for support for increased funding for
3 the arts, for this project as a whole and that, and
4 then the artist will have greater engagement with
5 the community. They want that. I heard, we heard
6 that from the artist from Long Island City. They,
7 he wanted to know how the neighborhood was
8 responding to his work. So I completely support
9 your project. I came down here in this rain just to
10 say that. But, and, and also to say I agree with
11 you, politicians should not be the ones who select
12 the arts projects. Thank you.

13 CHAIR: Thank you very much for coming
14 in under time Sheela Lewandowski and for your
15 suggestions. I think these are very good
16 suggestions. And we will, we will take them all
17 very seriously. And thank you for your support of,
18 of public art in our neighborhood which is
19 incredibly important. Karen Atlas.

20 KAREN ATLAS: Hi everybody. I'm Karen
21 Atlas. Thank you for the opportunity to testify. I
22 also will try to be fast because I'm wet from the
23 rain. I just, I'm coming from the perspective, I
24 direct Arts and Democracy and Naturally Occurring
25 Cultural Districts in New York. And we work in

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2 neighborhoods. And so I'm coming from a little bit
3 of a different perspective. But you know community
4 engagement is core to our missions. And so what I
5 just want to get across is that community
6 engagement should be proactive and sustained and
7 should be seen as part of the creative process and
8 not as something that happens because something
9 happened and you have to manage it. I think that
10 for us excellence is as much about process as
11 product and that process is, this is both in the
12 case of permanent and temporary public art. Because
13 of the way that percent for art is constructed it's
14 very hard for it to, for me to talk about it in
15 terms of the kind of community engagement we do. So
16 I'm talking a little bit more broadly about public
17 art. But we know that communities care about public
18 art. You only have to look at 9/11 to see what the
19 first expression was afterwards. People made
20 memorials in the streets and they painted a mural
21 in Union Square and, and we had this incredible
22 tribute and light. It's not something that's
23 separate from communities. It's part of how we
24 respond to things that happen to us. I think a
25 great example of engaged public art where it's

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2 engagement all the way through is the great wall in
3 LA. It sparked where they employed over 400 young
4 people in the making of the wall. And the wall is
5 considered a, a monument to interracial harmony.
6 And it's, it's become a, both a symbol of that and
7 a place that continues to bring people together. So
8 I mean in saying this I want to reinforce that you
9 know art shouldn't be made by committee and artist
10 vision should be respected. But like you said a lot
11 of the artists we work with actually feel like
12 their work is enhanced by community engagement. So
13 what I would, what we propose is that we use this
14 moment and the, the cultural plan is a way to look
15 more broadly at how public art can engage with our
16 communities. And this might include supporting
17 ongoing community engagement. And not just as
18 hearings in, in town halls but actually as part of
19 the creative process, that we look at small scale
20 projects, that we look at longer term public art
21 partnerships and we look at additional forms of
22 public art such as murals being eligible. The city
23 needs to increase access to public space and reduce
24 barriers to it. And the selection process should
25 reflect the diversity of New York and further

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2 cultural equity. And then I just would close...
3 [beeping] Can I say one more thing? I just want to
4 mention that as another model and it's not the
5 percent for art model but Council Member Lander has
6 set up a public art program in Guanos and tied to
7 the bridge in Guanos planning process. And I was
8 recently on the panel to select the artist for that
9 and was really impressed by how this program
10 respects the arts organizations that were chosen to
11 implement it, how it connected artists to planning
12 going on in the community, and how enthusiastic the
13 artists were about it and how it actually paid them
14 a good commission. So I recommend that we look at
15 programs like that as well.

16 CHAIR: Thank you very much Karen.
17 Council Member Lander and I were recently talking
18 about that very project that you just mentioned. I
19 want to recognize Council Member Laurie Cumbo has
20 joined us. All others here have been introduced.
21 And want to ask if any members have any questions
22 for the panel if, if, if not we will simply say
23 thank you. And what I always love about the two of
24 you in particular is that you have suggestions,
25 meaningful suggestions, good suggestions. And I

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2 think that while this is one piece of legislation
3 it will not be the last piece of legislation I
4 suspect on the percent for art program. And as
5 Karen mentioned both with a cultural plan and with
6 this piece I think we are getting at this, this
7 real meaningful and, and ongoing community
8 engagement piece as it reflects our communities.
9 And I'm very excited about this moment because we
10 have two pretty, pretty important pieces of
11 cultural policy and legislation that are, are
12 moving and doing well and there are more in the
13 pipeline and that's incredibly exciting. And your
14 work both of you have helped to, to, to push us to
15 this place. So thank you for that. And I know that
16 we will, we will keep this dialogue going and meet
17 again as we proceed with the cultural plan and, and
18 other pieces of legislation. But I, I love
19 community engagement. I believe in it and, and I
20 think it works, I really do. We've seen that time
21 and time again. And, and it makes, it makes for
22 more public support for, for public art all the
23 time. So thank you both very much for coming down
24 here in, in the rain on a Monday morning when
25 everything looks so grey an so bleak. But, but good

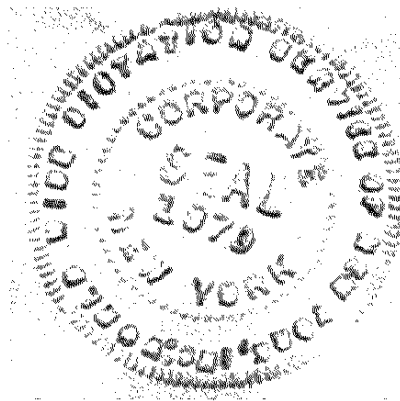
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2 things are on the horizon and you all are a part
3 of, of the great things that are happening so thank
4 you both very much for coming here today. And
5 seeing no others I believe we are about to conclude
6 this hearing. Again I want to thank Tanya Cyrus who
7 is leaving the committee. This is her last Cultural
8 Affairs, Libraries, and International Intergroup
9 Relations Committee. Thank you Tanya for all your
10 great work although your new committee's chair is,
11 is here as well. So I know that great things are in
12 store for you. So thank you again. Congratulations.
13 And I know Council Member Levin is excited to, to
14 have you join his, his team. And with that I just
15 want to say thank you to everyone. And with that
16 this hearing is concluded.

17 [gavel]

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C E R T I F I C A T E

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



Date April 29, 2015