

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC HOUSING

Jointly with

COMMITTEE ON OVERSIGHT
AND INVESTIGATIONS

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September 23, 2022
Start: 2:09 p.m.
Recess: 5:54 p.m.

HELD AT: 250 Broadway-Committee Room 16 Fl.
Council Chambers - City Hall

B E F O R E: Alexa Avilés
Chairperson

Gale A. Brewer
Chairperson

COUNCIL MEMBERS:

Diana Ayala
Charles Barron
Carmen N. De La Rosa
Darlene Mealy
Chi A. Ossé
Lincoln Restler
Rafael Salamanca, Jr.
Pierina Ana Sanchez
Julie Won
Rita C. Joseph

Shekar Krishnan
Nantasha N. Williams
Marjorie Velázquez
Kalman Yeger

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

Daphne Williams
Jacob Riis House President

Yesenia Vargas
Jacob Riis House tenant

Assembly Member Epstein

Lisa Bova-Hiatt
NYCHA Interim Chief Executive Officer

Eva Trimble
NYCHA Chief Operating Officer

Daniel Greene
Senior Vice President for Healthy Homes at NYCHA

Vincent Sapienza
Deputy Chief Operating Officer

Corinne Schiff
Deputy Commissioner of Environmental Health at
DOHMH

Joy Sinderbrand
NYCHA Senior Vice President for Capital Programs

Karen Blondell

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

Aixa Torres
Chairperson of Manhattan South District Council
of Presidents

Sanford Rubenstein
Riis Houses Representative

Kevin McCall
Crisis Action Center

Albert Negron
Resident Association President Vladeck Houses

Robert Sanderman
Queens Legal Services

Rebecca Perkins
Riis Resident

Laura Lugo
Community Board Three

Bridget Tuck [sp?]
Riis Resident

Elizabeth Reyes
WE ACT

Crystal Glover
Washington Houses Financial Secretary

Ramona Miner

1 COMMITTEE ON PUBLIC HOUSING JOINTLY WITH
2 COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

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3 SERGEANT AT ARMS: Good afternoon and
4 welcome to today's Hybrid New York City Council
5 Hearing for the Committees on Public Housing jointly
6 with Oversight and Investigation. To minimize
7 disruptions, we need everyone to please silence their
8 electronic devices. If you'd like to submit
9 testimony please send via email to
10 testimony@council.nyc.gov. Again, that is
11 testimony@council.nyc.gov. Thank you for your
12 cooperation. Chairs, we are ready to begin.

13 CHAIRPERSON BREWER: Good morning. Good
14 afternoon now. I'm Gale Brewer. I'm Chair of the
15 Oversight and Investigations. This hearing is going
16 to begin and I'm going to turn it over to an amazing
17 Council Member, Council Member Avilés, who's head of
18 Public Housing.

19 CHAIRPERSON AVILÉS: Good afternoon
20 everyone. Our sincerest apologies to the residents
21 who again had to experience a disruption this
22 morning. I respect and value your time and
23 appreciate you bearing with us. Welcome to this
24 joint hearing of the Committee on Public Housing and
25 the Committee on Oversight and Investigations. I am
Council Member Alexa Avilés and I Chair the Committee

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2 on Public Housing. I would like to thank my
3 colleague, Council Member Brewer, Chair of the
4 Oversight and Investigations Committee for holding
5 this important hearing with me today. I'd also like
6 to acknowledge my City Council colleagues who have
7 joined today, Council Member Rivera, Council Member
8 Barron, Council Member Ossé, Council Member Marte,
9 Council Member Velázquez, Council Member Ayala, and
10 Council Member Joseph. These committees have called
11 forth the Administration today because we expect a
12 full and honest accounting of the arsenic debacle at
13 Riis Houses. The residents at Riis have been living
14 in fear and frustration, and for large part of this
15 entire ordeal they were kept in the dark. They
16 deserve the truth. They deserve answers. It started
17 with complaints about cloudy water all the way back
18 to August 3rd, and some say earlier. NYCHA didn't
19 order testing until over a week later on August 12th.
20 On August 16th, NYCHA declared the water safe to
21 drink. On Monday, August 29th, the first results of
22 arsenic were reported to NYCHA. Around 10:00 p.m. on
23 Friday, September 2nd, the Mayor abruptly began
24 distributing water at Riis, and a little after 11:00
25 p.m. publicly revealed that residents shouldn't use

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2 the tap water to drink or cook because it had come up
3 positive for unsafe levels of arsenic. There are
4 reports that the Administration knew about the
5 arsenic two weeks before finally making this
6 announcement, two weeks. Why was NYCHA sitting on
7 this information? Why weren't residents warned as
8 soon as NYCHA knew? A few days later after more
9 testing showed that there were not unsafe levels of
10 arsenic, but these tests were conducted on samples
11 taken from different buildings at the Riis Complex,
12 and on September 8th, in another absurd turn of
13 events, the Mayor announced that additional testing
14 came up negative for arsenic, but did detect
15 legionella, the bacteria that causes Legionnaire's
16 Disease. The Administration has been casting doubts
17 on those results ever since. September 9th, the
18 Administration claimed that there had never been
19 arsenic in the water, that the testing vendor had
20 introduced the arsenic into the water samples, and
21 the next day Mayor Adams stated in a press release
22 that the water was safe to drink and placed blame
23 solely on the vendor. This timeline of events doesn't
24 even begin to describe the fear and frustration the
25 over 2,600 residents living in Riis have had to deal

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2 with. It is any wonder why they are mistrustful of
3 NYCHA, the Administration. In his press release the
4 Mayor called the vendor's error unacceptable, and I
5 say the Administration's entire handling of this
6 situation has been unacceptable. Today, the City
7 Council expects to-- expects clear answers, and we
8 expect NYCHA to have the basic decency to stay put to
9 hear out the residents who have come to speak about
10 their experience. For the record, not having the
11 former CEO, but still current Chair of NYCHA, Mr.
12 Greg Russ testifying here today is a huge disservice
13 not only to the institution, but to the residents,
14 the residents whom we all serve. Let us not be
15 confused. Chair Russ's change in status is not
16 accountability for this or any of the major
17 challenges under his tenure. We are well aware that
18 this change in position within NYCHA follows the
19 recommendations of the monitor to separate the rolls
20 of CEO and Chair, and it was very much in the making.
21 Nevertheless, electing to not have him participate
22 was a very poor decision and further validates
23 residents' suspicion of the Agency and this continued
24 skirting of accountability. NYCHA, indeed, seems to
25 be its own worst enemy. Before handing it over to

3 Chair Brewer for her remarks, I would like to thank
4 my staff, Christina Botego [sp?], Edward Cerna [sp?],
5 as well as the Public Housing Committee Staff, Senior
6 Counsel Audrey Son [sp?], and Policy Analyst Jose
7 Gonde [sp?], Vicki Choula [sp?] for all the work that
8 they've put into this hearing. And now I will pass
9 it to Chair Brewer.

10 CHAIRPERSON BREWER: Thank you very much,
11 Chair Avilés, and I want to also thank Council Member
12 Rivera who's district we are talking about. I am Gale
13 Brewer, and I chair the City Council's Committee on
14 Oversight and Investigations. And as you just heard,
15 we are holding today's hearing to find out why there
16 has been a month of chaos, fear, and confusion at
17 Riis Houses. We know why the tenants are upset. We
18 want to understand how in the world there was an
19 apparent false positive test for arsenic in August.
20 Delays, errors, miscommunication has left public
21 housing residents at Riis, and I want to say
22 elsewhere, because the residents everywhere are
23 wondering about the water that they have in their
24 building, and so they lack trust with NYCHA and our
25 city because our city is charged with maintaining
homes at NYCHA and alerting them to potential health

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2 dangers in a timely fashion. NYCHA's had many
3 challenges over the years, I think I know 40 years of
4 them. Lead paint was one of them. And this affair,
5 this arsenic situation inspires little faith in the
6 Housing Authority. Does it have its act together
7 when it come to environmental safety, which is
8 perhaps most important, your health? I understand
9 completely why the residents of Riis Houses are upset
10 and outraged. They should be. They deserve a full
11 accounting. They're also due for an opportunity to
12 express their fears and anger they felt weeks when
13 they worried that they might be poisoned by arsenic.
14 It's the most frightening feeling. NYCHA, the
15 Department of Environmental Protection, the
16 Department of Health and Mental Hygiene, and the
17 Mayor's Office must explain why Riis residents only
18 learned of the initial tests showing arsenic in Riis
19 Houses' water two weeks after the City first learned
20 of the results. That's perhaps the most important
21 issue. Why was the faulty test conducted in the
22 first place, and why did weeks go by before residents
23 finally got an accurate water quality test? And I
24 have to say, as you heard earlier, residents still
25 don't trust it. This episode raises questions about

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2 a number of city departments and functions, obviously
3 NYCHA, DEP. Why is it so hard to accurately monitor
4 environmental conditions and communicate with
5 residents? Communication is really easy. The
6 agencies need to explain why they hired this outside
7 water testing vendor in the first place. Did they
8 have any past that was challenging? And how is it
9 that the City can ensure it only engages competent
10 contractors, and making sure this contractor and this
11 subcontractor are not part of the City's payroll in
12 the future. Beyond this immediate incident, we need
13 to know how residents of sometimes dilapidated NYCHA
14 developments can be confident that the infrastructure
15 they rely on for safe drinking water and other
16 functions will not sicken them. I've been through
17 Legionnaire's in Harlem as Borough President. I know
18 what the challenges are. I hope agency
19 representatives testify today can shed light on how
20 this water testing crisis developed and making sure--
21 what are the steps-- that it never happens again. And
22 I know that the witnesses speaking on behalf of Riis
23 Houses can voice their concerns, and they need
24 answers to their questions. Just like my colleague,
25 I certainly want to thank the Oversight and

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2 Investigation Committee staff headed up by Erin
3 Mendelson [sp?], Senior Counsel C.J. Murray who's
4 right here, and Policy Analyst Alex Yoblon [sp?] for
5 their hard work, and my staff in particular. And now
6 I will turn it over to Council Member Rivera, and
7 then after that, Public Advocate Williams. Council
8 Member Rivera?

9 COUNCIL MEMBER RIVERA: Good afternoon.

10 Thank you so much. I'm Council Member Carlina
11 Rivera. I have the honor of representing the
12 residents of Jacob Riis Houses in the New York City
13 Council. I want to thank Chairs Alexa Avilés and Gale
14 Brewer, and our Speaker Adrienne Adams for calling
15 this emergency hearing to investigate NYCHA's
16 response to concerns over water safety in Jacob Riis
17 Houses and for giving me this opportunity to speak.
18 NYCHA's history of managing the environment of its
19 residents is tainted, tainted with delays, poor
20 quality output, and in many cases fraud, all of which
21 have caused issues. The City Council has confronted
22 lead in paint, mold on the ceilings, or asbestos in
23 the walls, and today we discuss the latest management
24 crisis, the basic necessity of safe drinking water.
25 Unfortunately, this history predates many of us in

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2 this chambers and has been endemic in developments
3 across the five boroughs. Too often the burden of
4 raising the alarm to fix a problem a NYCHA is carried
5 by residents and community leaders. I want to
6 especially thank them for tirelessly demanding more
7 for their families and I am proud to stand with you
8 today. The experiences of our neighbors and the
9 legacy described of a system whose challenges are
10 rooted in racism and classism we would hope would
11 push you all, public servants, to understand the
12 urgency that comes with rebuilding trust. What
13 happened at Riis Houses illustrates a lack of
14 attention to detail and quite frankly the
15 mismanagement of the basic needs of residents, water
16 quality being one of them. The confusion around this
17 particular situation also underscores the
18 inefficiency created by the siloing between agencies
19 and is a failure of interagency coordination.
20 Furthermore, with the entire city shocked when it was
21 announced that Jacob Riis Houses had elevated levels
22 of arsenic in its water, we were all stunned by the
23 subsequent retraction of the original test results
24 and the worries this situation created. For
25 residents of Riis' crisis followed weeks of raising

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2 concerns over cloudy water at the development and
3 being told repeatedly by NYCHA that the water was
4 safe to drink. The week of confusion that followed
5 asked a lot from these residents who had to balance
6 their anxieties over their own health with a need to
7 provide safe meals and potable water for their
8 families. For those of us who were there at the one
9 public meeting held by NYCHA on Avenue D at PS34,
10 outrage doesn't even begin to cover the warranted
11 emotions by the residents. At this hearing we will
12 be asking for a full accounting from NYCHA. For
13 almost a month at this point, we have deserved
14 details and answers to all of our questions and full
15 transparency from the agency and all agencies
16 involved. We expect that today. Thank you.

17 CHAIRPERSON BREWER: Public Advocate?

18 PUBLIC ADVOCATE WILLIAMS: Thank you so
19 much. As was mentioned, my name is Jumaane Williams,
20 Public Advocate for the City of New York. I want to
21 thank Chair Avilés and Chair Brewer and members of
22 both committees for holding a hearing and allowing me
23 to provide a statement. About three weeks ago, my
24 office and I released a report called "How the Other
25 Half Lives in Public Housing" named after a book

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2 Jacob Riis called "How the Other Half Lives" that was
3 written over 100 years ago, which spotlights the
4 inexcusable and dangerous conditions at NYCHA
5 developments that we witnessed during our five
6 borough tour earlier this year. We did it inside of
7 Riis, Jacob Riis Houses. Not even 12 hours later we
8 learned that NYCHA discovered arsenic in the tap
9 water at Jacob Riis Houses. Even though they knew we
10 were going to be there, we were one of the folks that
11 were never told of what was going on. According to
12 the city article, the test results that show arsenic
13 in the tap water was completely a week before any of
14 the residents were notified. After being notified
15 many of the residents informed reporters that they do
16 not drink from the tap water because it was either
17 brown or smells. To this day, residents still
18 complain about the water, and let it be known that
19 many of these complaints were happening well before
20 August. However, they have not been given a
21 reasonable explanation as to why that is. This could
22 be a result of aging pipes and we all need to know
23 what the state of NYCHA's pipes is through the five
24 boroughs. It is important to note that DEP conducted
25 tests of its water to its delivery points at Jacob

1 Riis and it came back negative for any contaminants.
2 This is clearly another example of how NYCHA
3 continues to fail their residents by creating an
4 unsafe environment. In our report, we highlight the
5 years of water damage that has ruined many apartments
6 and the constant heat and hot water outages during
7 the winter months. New issues like the safety of the
8 water supply keep cropping up while recurring issues
9 remain unabated and it appears that NYCHA is not
10 doing much to resolve these problems. I don't know
11 what is more disconcerting that NYCHA CEO has
12 recently stepped down during the midst of this
13 turmoil, or that he is still serving in the capacity
14 of Chair making a pretty good salary and is not here.
15 A Chair who resides five states away with the
16 distance of over 1,000 miles I do think is
17 disrespectful that he's not here, disrespectful to
18 the Council, disrespectful to all NYCHA and Jacob
19 Riis, in specific, and it's inexplicable that he's
20 not here to answer questions. NYCHA has had three
21 Chairs during my tenure in office, spanning 12 years,
22 which does not help to stabilize a mismanaged agency
23 greater in size than many cities. However, I feel
24 strongly that NYCHA will not be able to rectify its
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1 management problems without boots on the ground.
2 NYCHA's employees including the Chair must-- NYCHA's
3 employees must be made up of more New York City,
4 particularly NYCHA residents. With no clear
5 direction of what NYCHA will do next, how will they
6 ensure that this does not happen again. NYCHA's
7 chronic mismanagement led to the appointment and
8 oversight of a federal monitor. Our report was clear
9 that more funding was actually need for NYCHA, but we
10 were also clear that the mismanagement was not
11 necessarily attached to funding, and that
12 mismanagement was solely in the auspices of NYCHA.
13 The Federal Monitor was not notified by NYCHA
14 management of the initial arsenic test samples.
15 NYCHA has to have a process in place to expeditiously
16 notify residents, the Mayor and the Federal Monitor
17 and other electeds of emergency conditions
18 irrespective of water tests that yield a positive or
19 a false positive result. In closing, I'd like to know
20 why a contractor who was not certified with the City
21 to do this type of testing was hired to do the
22 testing. That's what we've heard, and I think that's
23 a question that needs to be answered. In addition to
24 that, why did it take so long to complete the water
25

1 testing, and why was the first test not rushed like
2 the later ones? Why would you wait so long to get
3 the test completed? There was a seven day period
4 between when the testing company had allowed the City
5 to release the results compared to when residents at
6 Jacob Riis found out. It is extremely inconsiderate
7 that NYCHA residents were the last ones to hear about
8 this, even though they are the ones directly
9 impacted. I do have to say, NYCHA was encouraged to
10 have meetings all throughout that process, and they
11 refused. We need to know what is the process for
12 informing individuals in emergency situations, and
13 whether NYCHA followed its procedures. If there's no
14 process in place, then one has to be created and
15 implemented immediately. Lastly, knowledge and
16 information is power. NYCHA cannot render its
17 residents powerless to determine what are the
18 necessary steps to take for their health and the
19 health of their family. Residents can make informed
20 decisions but they first need to be informed. I do
21 have to say as well that I know this is a systemic
22 issue. Having been through three different people in
23 charge, it is clear just removing one person is not
24 going to fix the system. It is a deeply entrenched

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2 systemic problems that are happening at NYCHA. Thank
3 you so much.

4 CHAIRPERSON BREWER: Thank you. First,
5 we're going to hear from tenant leaders. So, if you
6 could come up, the President of Riis, Daphne
7 Williams, Madam President, and then [inaudible]
8 Vargas [sic], and on the Zoom we will hear from
9 Assembly Member Epstein. And while they're coming
10 up, I want to thank for joining us, Council Member De
11 La Rosa, Mealy, Williams, and Farías. And if the
12 Assembly Member is there, why don't you join us on
13 the Zoom, Harvey Epstein. Assembly Member, are you
14 there? Go ahead, Ms. Williams, President, Madam
15 President, go ahead.

16 DAPHNE WILLIAMS: Good afternoon
17 everyone. I'm Daphne Williams, President of Jacob
18 Riis Houses.

19 CHAIRPERSON BREWER: You may testify. Go
20 ahead.

21 DAPHNE WILLIAMS: Yes. About our water
22 situation at NYCHA, to say that fear was-- that we
23 were in fear, we were more than in fear, because to
24 know that--

3 UNIDENTIFIED: Hi, this is just Assembly
4 Member Epstein's staff. We're just logging in and to
5 see what's going on at the hearing.

6 CHAIRPERSON BREWER: Okay, wait a little
7 while because the President is speaking.

8 DAPHNE WILLIAMS: Okay, to say that fear
9 is a factor is more than fear. To be called out of
10 your homes at eight o'clock at night to tell you that
11 there's a possibility that there is-- the water is--
12 has arsenic in it, it scares you, okay? And then to
13 tell you that you can't drink the water, you can't
14 cook with the water, and some people didn't even want
15 to bathe with the water because they were scared.
16 And I believe that to do something-- for us to go
17 through something like that is unacceptable. And I'm
18 very angry with how NYCHA-- how NYCHA came and showed
19 that they didn't-- it seemed like they didn't really
20 care about the residents of Jacob Riis Houses.
21 Because one minute they tell us it's not arsenic, and
22 then they have other vendors that-- as you said that
23 gave the results back to us and said there was
24 arsenic. So, that gave confusion, and confusion is
25 something that someone don't want to go through
because you don't know whether to go to the right or

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2 to the left and who's lying and who's not. And who
3 said that there is no arsenic in the water, how are
4 we to know, because lead could be in the water, and
5 we drinking that water. And then our elderly, sick,
6 and shut-in, they didn't even have the ability to--
7 someone to come out and tell them or speak with them.
8 So we had to go and talk with them and let them know,
9 okay, we trying to rectify this thing and we're
10 trying to let you know that we're going to be
11 alright. But who's to say that we're going to be
12 alright when NYCHA's not telling us that we are,
13 because they're not and we're not alright. We're not
14 comfortable with the founders [sic] of this and we
15 won't be comfortable for a long time because this is
16 unacceptable. And not only the water, but even last
17 Wednesday the structure of our building, the pillars
18 was corroded and they was going to say that they may
19 need to evacuate the building, but which they didn't
20 have to, but the tenants shouldn't even have to go
21 through that. So Jacob Riis is going through a lot
22 these times. Even the outage of the gas outage.
23 People been out of gas outages for six months. They
24 can't cook. They can't-- they have to use hot
25 plates. You go home, you go to work, and when you

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2 come home from work you got to think-- because you
3 want to function through your days at work, but you
4 can't because you got to go home wondering how you
5 going to manage, how you going to cook, what are you
6 going to do, and when you do two hot plates, one goes
7 out. Then your outage goes out. Then the lights goes
8 out. So that's a lot to go through. So, Jacob Riis
9 is going through a lot. Not only the gas outage, but
10 also the soil. There's a lot of construction going
11 on at Jacob Riis, and the turning of the soils, we
12 don't know what the air quality is at because we're
13 breathing it. We have so much dirt piles over there
14 that's going into our windows. We can't sit on the
15 benches because [inaudible] and the children can't
16 play. You know, you got to be careful that the kids
17 don't touch the dirt, because kids play and they
18 touch, okay? The ledging [sic] at home, they can't
19 touch because there's so much out in the homes, in
20 the Jacob Riis Houses in the apartments that is
21 unlivable, and it's unsafe, and the quality of life
22 is going down. And I fault NYCHA for that, and hold
23 them accountability for that and all that we're going
24 through, because as I say, not only Jacob Riis but
25 housing development all around the boroughs are going

1 through a lot. And I thank you so much for having
2 me.
3

4 CHAIRPERSON BREWER: Thank you very much.
5 We're going to hear from Assembly Member Epstein, and
6 I also want to thank Council Member Restler for being
7 here. Assembly Member, it's all yours, and then
8 we'll ask you questions if you don't mind. If you
9 could just wait, Madam President.

10 SERGEANT AT ARMS: Starting time.

11 UNIDENTIFIED: Hi, is the staff member of
12 Harvey Epstein, so I'm just taking notes.

13 CHAIRPERSON BREWER: Ms. Vargas, are you
14 hear to join? Yeah, come on up. Thank you. While
15 we're waiting for the Assembly Member. I hate Zoom.
16 Go Kimono [sp?]. Go ahead and then identify yourself.
17 Thank you.

18 YESENIA VARGAS: Hi, good afternoon. My
19 name is Yesenia Vargas, and I'm a tenant of Riis for
20 15 years. I'm sorry for the inconvenience and having
21 to move the meeting over here because of the space,
22 but honestly we do not feel comfortable at this point
23 in time to testify here, and we would like the
24 meeting to be done in our neighborhood, and that is
25 what we are recommending at this point. We

1 collectively have decided that that is what we want,
2 because this has been a huge inconvenience to us as
3 residents of Riis, and we are just pretty much done
4 this point. We are angry and we just want to be
5 considered. It's just been too much, and right now
6 my anxiety is just really-- I don't even know what to
7 say. Like, this is my day off and I'm here because I
8 care. I work for GOLES [sic] but I'm also a tenant,
9 like I said, and I've been suffering and I've been
10 sick, and you know, enough is enough. You know, to
11 have to come here today and see what I saw, and have
12 to wait outside, and have to wait outside again, it's
13 just too much. It's really too much and I'm tired.
14 I'm tired, and we demand answers and we demand to be
15 treated fairly, and we have rights. We deserve
16 answers. So we're all angry and upset, and need to
17 be treated just fairly. Everyone wants to just go
18 home and be at peace. Like, this week like I was
19 saying earlier, I went home to no light, to no
20 electricity. It's unfair. It's the arsenic, no
21 electricity, you know, repairs, it's just so many
22 things. So that is what I'm testifying today. I'm
23 saying that we don't feel comfortable, and we want to
24 have this meeting in our neighborhood where we feel
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3 that we are going to be heard, and that's what I have
4 to say. Thank you for your time and sorry for the
5 inconvenience.

6 CHAIRPERSON BREWER: Thank you very much,
7 and you spoke beautifully earlier and today.

8 YESENIA VARGAS: Thank you.

9 CHAIRPERSON BREWER: I want to say
10 congratulations. Very exceptional.

11 YESENIA VARGAS: Thank you.

12 CHAIRPERSON BREWER: Is the Assembly
13 Member there?

14 CHAIRPERSON AVILÉS: I'd like to address
15 Ms. Vargas. Ms. Vargas, thank you. Thank you so
16 much for your testimony. I hear what you're saying,
17 and I agree with you. I think we need to bring
18 government to the people and do these things in the
19 community. So I understand your request and I hear
20 your frustration and aggravation. And so I just want
21 to say that public for the record. I think I don't
22 know actually legally, because we are bound by
23 specific constraints around open government laws on
24 how we deal with that, but I just want to say that I
25 agree with you. I think we need to do more in the
community. I think having hearings during the day is

3 good for the folks that work in government and not
4 good for the people we serve who should be able--
5 who-- to whom these meetings should be accessible and
6 should be later. So I just wanted to say that for the
7 record. I thank you.

8 CHAIRPERSON BREWER: so, the Assembly
9 Member is not able to testify. I don't know if there
10 are any questions other for these two amazing
11 individuals.

12 YESENIA VARGAS: Thank you so much for
13 saying that. It means a lot. So, I just want to say
14 thank you. And I don't know government either, but
15 you know, whatever you guys can do, we, you know,
16 obviously look into it, because we would appreciate
17 for you guys to take the time and come to the
18 community. I mean, I think that after all we've gone
19 through that would mean so much. You know, what we
20 saw today obviously wasn't what we wanted to see, you
21 know, coming here and coming into a space that was so
22 small and waiting outside, that was really
23 unacceptable. But thank you.

24 CHAIRPERSON BREWER: The Assembly Member
25 is speaking. Assembly Member Epstein?

SERGEANT AT ARMS: Starting time.

1
2 ASSEMBLY MEMBER EPSTEIN: Thank you
3 Council Member Brewer and I appreciate everyone
4 taking the time. I know I don't want to repeat what's
5 been said, but this is-- this crisis that we've had
6 with Riis Houses isn't just started with the water
7 issue related to the arsenic. This is a crisis that
8 we have been in say-- in our public housing
9 developments, and what NYCHA has and has not done and
10 how they have and have not communicated to tenants,
11 and how they treat the tenants, the City Council, our
12 State Legislative leaders as a partner instead of--
13 in the work that we're doing. We all want to improve
14 public housing and we believe in the importance of
15 public housing in our city, in our state, and our
16 country, and we really need to know what happened
17 here, but we also need to know what we're going to do
18 about public housing going forward. How do we ensure
19 transparency and accountability for this? And I want
20 to just applaud the City Council for having these
21 hearings and getting to the bottom of what happened.
22 I still don't understand, you know, honestly if a
23 pump had been broken for weeks and weeks and weeks
24 what that impact has on the residents. does that
25 mean that the water isn't being pumped up to the

1
2 water tank, and if that water isn't being pumped into
3 the tank, does that mean the sludge on the bottom of
4 the tank is what's getting into people's waters. We
5 don't answers to simple questions like that. So I
6 think this oversight hearing and requiring NYCHA to
7 provide over documents is a critical important step.
8 I'm going to be working with my state and legislative
9 colleagues to be sure we understand what's happening
10 and hopefully that we'll be able to work with what
11 the amazing work that Council's doing here under the
12 leader ship-- you know, Council Member Rivera has
13 been a-- is a leader in our community and my Council
14 Member along with Council Member Brewer and Council
15 Member Avilés who has really been instrumental in
16 ensuring that we hold NYCHA accountable so the over
17 400,000 New Yorkers and the 4,000 that just leave in
18 Riis Houses know what happened and to avoid the
19 things from happening again, and know whether their
20 water is safe, their ground is safe, the communities
21 are safe, the buildings aren't going to crumble. And
22 really, we have a plan to ensure that we protect all
23 the residents in public housing. That is our
24 obligation to each other. That is our responsibility
25 to our communities, and I think the City and the

1
2 State needs to be better, but most importantly, NYCHA
3 needs to do better to be accountable and responsive
4 to the residents, not to hide information, not to
5 ignore the issues when residents raise it, to have a
6 really robust process to ensure things like this
7 never happen again. And when things are happening,
8 that they communicate clearly and thoroughly to
9 residents that live there, because what they did was
10 stoke fear, fear that wasn't necessary. So, again, I
11 appreciate taking a few minutes of your time, and I
12 appreciate all your leadership. I look forward to
13 our collaboration going forward to ensure that we
14 protect our public housing for decades to come.

15 CHAIRPERSON BREWER: Thank you, and now
16 we'd like to hear from the Administration, if you'd
17 like to come up, NYCHA, DEP, Department of Health.
18 Thank you very much.

19 COMMITTEE COUNSEL: Thank you very much.
20 I will now administer the oath to the members of the
21 Administration who are present to testify and answer
22 questions, Lisa Bova-Hiatt, Eva Trimble, Daniel
23 Greene, Vincent Sapienza, and Corinne Schiff. Please
24 raise your right hand. Do you affirm to tell the
25 truth, the whole truth and nothing but the truth

1
2 before these committees and to respond honestly to
3 Council Member questions? Thank you. You may begin
4 when ready.

5 CHIEF EXECUTIVE OFFICER HIATT: Chairs
6 Alexa Avilés, Gale Brewer, and James Gennaro, members
7 of the Committees on Public Housing, Oversight and
8 Investigations, and Environmental Protection, other
9 distinguished members of the City Council, NYCHA
10 residents, elected officials, and members of the
11 public, good afternoon. I am Lisa Bova-Hiatt,
12 NYCHA's Interim Chief Executive Officer. I am
13 pleased to be joined by Eva Tribmle, NYCHA's Chief
14 Operating Officer, Daniel Greene, Senior Vice
15 President for Healthy Homes, and other members of
16 NYCHA's team. Our partners Vincent Sapienza, Chief
17 Operating Officer of the New York City Department of
18 Environmental Protection, and Corinne Schiff, Deputy
19 Commissioner of Environmental Health at the New York
20 City Department of Health and Mental Hygiene, are
21 also with us today. I was recently appointed Interim
22 CEO of NYCHA, as part of our Transformation and
23 Implementation Plan efforts to separate the roles of
24 CEO and Chair of the Board of Directors and
25 strengthen our organization. I have dedicated my

3 entire career to public service, and I come to this
4 role after serving as NYCHA's General Counsel for
5 more than two years. We understand the recent events
6 at Riis Houses have been very upsetting and upsetting
7 to residents, and I want to begin by telling them
8 publicly that we are 100 percent committed to
9 restoring their confidence in the drinking water, a
10 vital necessity. We are also committed to providing
11 a transparent and honest accounting of NYCHA's and
12 its contractor's actions during this incident. As an
13 organization, we have taken significant steps forward
14 over the past three and a half years, and part of
15 that progress involves admitting when mistakes were
16 made and providing a plan for correcting them. That
17 is what we would like to do today, in addition to
18 answering your questions about this occurrence.

19 Before addressing Riis, I think it's important to
20 describe some of the work that NYCHA has been doing
21 over the past three and a half years. Since 2019,
22 NYCHA has been working to fundamentally transform its
23 building business model as well as its compliance,
24 operations, and management infrastructure, in tandem
25 with the critical work to improve residents' quality
of life through various preservation and capital

1
2 programs that bring comprehensive renovations to
3 their home. The foundation of this work, which we
4 are carrying out in partnership with the Federal
5 Monitor, is our Transformation Plan and the HUD
6 Agreement. They guide our efforts to improve
7 customer service and responsiveness to conditions at
8 our developments, ensure that large projects are
9 completed in a timely manner, promote accountability,
10 manage our properties better, and use our limited
11 funding more effectively, all while addressing
12 critical areas that most impact residents. For
13 instance, we instituted a Neighborhood Model to
14 create smaller property management portfolios and
15 localize decision-making. We are rolling out the
16 Work Order Reform initiative to streamline repairs.
17 We moved our janitorial scheduling to best address
18 the unique maintenance needs of each site. We
19 launched an online capital projects tracker to
20 enhance transparency. We are reorganizing and
21 strengthening our leadership structure. To date, we
22 have generated more than \$3.4 billion in capital
23 funding for top-to-bottom building renovations for
24 nearly 15,500 households through the PACT program.
25 Our Comprehensive Modernization program will bring

1 total renovations to additional sites. Through the
2 newly established, historic NYC Public Housing
3 Preservation Trust, we have the opportunity to fully
4 repair and upgrade 25,000 apartments. To improve
5 residents' quality of life, we are spending hundreds
6 of millions of dollars on HUD Agreement pillar areas,
7 an average of \$75 million a month on capital projects
8 alone. More than a billion dollars of construction
9 work is currently underway across NYCHA developments
10 to replace elevators, boilers, roofs, facades, and
11 more. Our efforts have reduced the time it takes to
12 resolve elevator and heat outages and we're
13 expediting lead-based paint abatement in homes where
14 children under six live or regularly visit. We are
15 improving our procurement practices and we
16 established an Environmental Health & Safety
17 Department, a Quality Assurance Unit, and a
18 Compliance Department. A key focus of the Compliance
19 Department is to investigate actions taken by NYCHA
20 staff that do not comply with rules, regulations, or
21 internal procedures and to then integrate a set of
22 procedural recommendations and changes into NYCHA's
23 daily work at the properties. We are making
24 communication with residents and other stakeholders a
25

1 priority. In 2021 alone, we published over 460
2 articles on our websites, drafted dozens of resident-
3 wide emails and letters, released 45 videos,
4 translated over 2,700 documents, fulfilled over 400
5 interpretation requests, posted over 3,600 items on
6 social media, and regularly distributed robocalls to
7 nearly 320,000 phone numbers. That same year, our
8 Customer Contact Center handled nearly two million
9 calls. Every time there is a relevant service
10 outage, we post flyers at developments and
11 disseminate robocalls to residents. Our monthly rent
12 inserts provide information by mail to 105,000
13 households and to over 58,000 households online. Our
14 direct mailings reach more than 162,000 households.
15 Oftentimes, we conduct direct outreach to residents
16 on important topics through door-knocking. We also
17 engage and communicate with residents extensively
18 through our Resident Services, Partnerships, and
19 Initiatives department, which ensures that residents'
20 voices are heard through a variety of programs,
21 services, and initiatives, including our work around
22 resident elections.
23

24 CHAIRPERSON AVILÉS: Excuse me. I'm so
25 sorry to do this. Can you-- can you get to the

1
2 timeframe? Your testimony is 11 pages long. Can you
3 get straight to the timeline of events?

4 CHIEF EXECUTIVE OFFICER HIATT:

5 Absolutely.

6 CHAIRPERSON AVILÉS: Thank you.

7 CHIEF EXECUTIVE OFFICER HIATT: Thank you
8 for the opportunity to discuss the water testing at
9 Riis Houses. First, we would like to apologize to
10 the residents of Riis Houses for the stress caused by
11 the investigation into the drinking water at their
12 development. Residents' health and safety is our top
13 priority. Throughout the process, NYCHA endeavored
14 to ensure residents' wellbeing while we assessed the
15 situation, as quickly and transparently as possible
16 and with regular communication to residents that
17 included in-person meetings, robocalls, flyers, and
18 emails in the covered languages of English, Spanish,
19 Traditional Chinese, Simplified Chinese, and Russian.
20 At each--

21 CHAIRPERSON AVILÉS: [interposing] I'm
22 sorry, ma'am. I was asking if you could start at the
23 timeline of events. The first bullet, page four,
24 from May 1st, if we could just get to the timeline
25 with specific events, please.

CHIEF EXECUTIVE OFFICER HIATT:

Absolutely. I would like to take this opportunity to clarify some of the public reports related to the timeline of events surrounding when NYCHA first learned about a possible exceedance of arsenic levels in the drinking water at Riis Houses and what NYCHA did about it. Please note that this reflects the facts that we have at the currently at the moment, and that this is an ongoing investigation. From May 1st through September 3rd, 2022, NYCHA received 93 complaints about cloudy water from Riis Houses residents. The bulk of these complaints started the week of July 3rd and subsided by August 27th, and most of them came from buildings serviced by the water systems flowing from Building 11. In those months, we undertook a number of strategies to address these issues, including cleaning and having our vendor re-test the water tank, eventually repairing one of the house pumps serving the Building 11 roof tank, and asking DEP to test the water mains. In addition, in responding to such complaints, a maintenance worker will respond, will go to the apartment, remove a faucet's aerator, cleaning it of any debris, and run the water. If this doesn't resolve the matter, a

1 plumber will examine the building's equipment, the
2 house pumps, to determine the source of the issue.

3 If necessary, a roof tank cleaning or re-cleaning is
4 conducted. On August 13th, LiquiTech, a vendor
5 previously retained by NYCHA, collected samples at
6 the point of entry to Building 11 at Riis Houses in
7 response to concerns raised by residents and elected
8 officials about water quality at the development.

9 This was not required by any law or regulation. This
10 was something NYCHA decided to do voluntarily to
11 gather information for our residents about water
12 quality. We worked with LiquiTech to develop a plan
13 to sample for a wide range of analytes, including
14 arsenic, and to conduct bacteriological testing.

15 LiquiTech took additional samples in other locations
16 at Riis Houses on August 16th and August 17th.

17 LiquiTech then sent the samples from the Building 11
18 point of entry to the Environmental Monitoring and
19 Technologies, Inc. laboratory, EMT, for broad-
20 spectrum testing. EMT is not a New York State
21 Environmental Laboratory Accreditation Program
22 certified lab. I understand that EMT does have
23 certifications and credentials from Illinois NELAP;
24 DOD ELAP and others. LiquiTech sent other samples to
25

1 Special Pathogens Laboratory, which conducted the
2 bacterial testing. SPL is an ELAP-certified
3 laboratory. On August 25th, NYCHA followed up with
4 LiquiTech for the test results, suggesting that
5 partial results could be sent ahead of full results.
6 LiquiTech had informed NYCHA that they hoped to begin
7 providing results within two weeks. As you can see
8 on our website, other tests by DEP were ongoing at a
9 hydrant adjacent to the property during this time and
10 results had been received by NYCHA. On Friday,
11 August 26th, EMT finalized its report, which is why
12 the report is dated August 26th. However, NYCHA did
13 not receive the report from LiquiTech until the
14 morning of Monday, August 29, after NYCHA had again
15 followed up via email with LiquiTech that morning.
16 The analysis, by EMT, reported an estimated value of
17 arsenic at 12.2 parts per billion, which is above the
18 U.S. Environmental Protection Agency's standard,
19 established in 2001, of 10 PPB. However, the report
20 also showed that the laboratory had a reporting limit
21 of 12.5 PPB, which means the smallest concentration
22 the laboratory would need to find to report with
23 precision was 12.5 PPB. To put a finer point on it,
24 this reporting limit was slightly above the actual
25

1 reported result and the lab could not confirm the
2 result with full confidence. As you can see online,
3 this value of 12.2 parts per billion was also defined
4 by EMT as a qualified "J" or estimated value.
5

6 Because this was an estimated value and there were
7 uncertainties regarding the accuracy of the result,
8 NYCHA's staff made the prudent decision based on this
9 report to try to get a confirmed result with

10 additional tests. NYCHA staff instructed LiquiTech
11 to collect additional samples at Riis Houses the
12 following morning, on August 30th. NYCHA staff also
13 reported this plan to NYCHA's executive leadership on
14 the afternoon of August 29th. On August 30th,

15 LiquiTech collected two samples at the point of entry
16 for Building 11, one sample at the point of entry at
17 Building 8, two apartment samples in Building 11, and
18 one apartment in Building 8. EMT received these
19 samples on August 31st. On September 1st, in the

20 afternoon, LiquiTech informed NYCHA that five of the
21 six samples were above the contaminant limit for
22 arsenic, and LiquiTech produced a report from EMT
23 showing levels of arsenic among these samples between
24 13.6 and 14.1 parts per billion. Within a few hours,

25 NYCHA leadership notified DEP as well as DOHMH. DEP

1 immediately coordinated with NYCHA to take samples
2 for arsenic the next morning at the point of entry.
3 On September 2nd, DEP sampled water at the hydrant it
4 previously tested twice for other parameters in mid-
5 August, and DEP also took samples from the Building
6 11 point of entry, testing for arsenic in addition to
7 other standard parameters. Also on September 2,
8 DOHMH advised NYCHA that, out of an abundance of
9 caution, it should issue a drinking water advisory
10 and tell residents to not drink or cook with the
11 water. DOHMH also advised that NYCHA should flush
12 the buildings before retesting the water. NYCHA
13 convened its executive leadership team to discuss
14 next steps and an action plan for immediately
15 implementing DOHMH's recommendations. City Hall was
16 notified of the results, and NYCHA and City Hall
17 began notifying elected officials and community
18 partners. NYCHA notified residents via flyers,
19 emails, and robocalls and the public about the
20 elevated levels. The robocall to residents was in
21 all the covered languages; the email and flyer were
22 distributed in English while the translations were
23 being completed. We notified Riis Houses' Resident
24 Association President, as well as other members of
25

3 the Riis Resident Association and the Chair of the
4 Citywide Council of Presidents, before the robocalls
5 went out. A script was provided to CCC call takers
6 with information for residents. NYCHA also began
7 distributing potable water. Water was distributed 24
8 hours a day, every day from September 2nd through
9 September 11th. In total, 46,000 gallons of water
10 were distributed, thanks to the assistance of New
11 York City Emergency Management, New York State, the
12 New York State Division of Homeland Security and
13 Emergency Services, the NYC Department of Citywide
14 Administrative Services, and community partners. In
15 addition, DEP set up two water stations that provided
16 access to water 24 hours a day. Approximately 1,200
17 households picked up water each day from the
18 distribution site, while NYCHA delivered water to
19 approximately 150 households each day.

20 CHAIRPERSON AVILÉS: Forgive me, I just
21 have to do one more interruption. I have to
22 acknowledge the residents from Goles [sp?] are not
23 able to stay at this hearing, and as you have heard
24 have requested us to bring the hearing to the
25 community. And I want to say thank you for being
here. Thank you for your patience, and I commit to

1
2 you that I will look into making sure that we get to
3 the community and do this hearing in the community.

4 So, thank you. Yeah, you may resume.

5 CHIEF EXECUTIVE OFFICER HIATT: Thank
6 you. LiquiTech later also shared with NYCHA the
7 preliminary results from LiquiTech's bacterial
8 testing conducted in mid-August. NYCHA shared this
9 information with DEP, DOHMH, and City Hall.
10 LiquiTech advised that the results were preliminary
11 and should not be relied upon to determine whether
12 water quality standards were exceeded. DEP reviewed
13 the results and informed NYCHA that the species
14 preliminarily identified are common to the NYC water
15 system and that bacterial growth can be common in
16 certain taps, especially if they have not been
17 disinfected, and as a result of flushing. DOHMH also
18 reviewed and stated that prior cleaning or removal of
19 the aerators, flushing the tap, and disinfection are
20 recommended to get representative results, which
21 LiquiTech confirmed had not happened. Some of the
22 samples also showed the presence of Legionella
23 bacteria, and so NYCHA immediately consulted with
24 DOHMH to determine next steps with respect to this
25 finding. According to DOHMH, Riis Houses did not

1
2 meet the criteria to initiate remediation protocols
3 for Legionella, which follows CDC guidance. NYCHA
4 also then had LiRo collect 22 additional samples to
5 analyze for the standard bacteria tests for drinking
6 water, including total coliform and E. coli, and 35
7 additional samples that included total coliform, E.
8 coli, and heterotrophic plate count, which apparently
9 is a method used to measure the variety of bacteria
10 that are common in water. The results did not
11 indicate that any area of concern within the Riis
12 campus and also met EPA standard-- safety standards
13 for drinking water. This timeline from August 2nd--
14 excuse me, from August 29th to September 2nd
15 demonstrates that NYCHA informed its expert agency
16 partners and the public promptly upon receiving
17 confirmed reports that there were elevated levels of
18 arsenic at Riis, reports that turned out to be false
19 positives. NYCHA acted quickly to try to confirm a
20 result that was based on an estimated value below the
21 laboratory's reporting limit by collecting additional
22 samples. In addition, as soon as a confirmed result
23 was received by NYCHA on September 1st, the Authority
24 informed experts at DEP and DOHMH. NYCHA then began
25 to work with our agency partners to implement next

1 steps that would help protect the health and safety
2 of residents at Riis Houses. From that point
3 forward, NYCHA worked to implement a plan that would
4 help ensure the water was safe to drink before the
5 advisory could be lifted. This included following
6 DOHMH's guidance regarding flushing the water
7 systems, procuring a new vendor to take samples from
8 approximately 140 locations throughout Riis Houses,
9 coordinating access so that DEP could take their own
10 samples, and working to provide potable water on a
11 regular basis while communicating with residents. Of
12 course, as we all know now, EMT would subsequently
13 retract all of their results on September 9th, 2022.
14 In addition to ongoing water testing to demonstrate
15 its safety, we've committed to holding additional
16 periodic meetings with Riis Houses residents, in
17 collaboration with the Riis Resident Association, and
18 we're issuing a reimbursement to Riis residents.
19 This had been discussed at a post-action plan meeting
20 that we held recently with Resident Association
21 members and elected officials. I'd like to give a
22 special acknowledgement to our Resident Services,
23 Partnerships, and Initiatives staff, as well as our
24 Operations and Emergency Management and Services
25

1
2 teams, for delivering water to about 150 seniors and
3 homebound residents daily, knocking on every door at
4 Riis Houses to flush the water system and provide
5 information, and providing other assistance when
6 needed. In collaboration with the Resident
7 Association, we worked with our non-profit partners
8 to provide meals to residents. For instance, ICNA
9 Relief provided initially over 500, then about 4,000
10 meals each day as well as fresh fruit. Vision Urbana
11 provided pantry items. Also, our Office of
12 Public/Private Partnerships worked with a non-profit
13 organization, Good Neighbor Collective, to provide
14 backpacks and school supplies to Riis residents.
15 Operations staff were on-site around the clock to
16 assist with water distribution and other matters, and
17 Emergency Management and Services staff were on-site
18 on a nearly 24/7 basis. We assigned a strong
19 contingent of staff on the ground so that we could
20 visit every single apartment at least three times
21 over the course of 11 days, addressing repairs or
22 services requested by the residents. In addition,
23 staff were available at the tent we set up to follow
24 up on concerns or issues raised by residents and
25 answer questions. NYCHA leadership was also on the

1
2 ground every day, from about 7:30 a.m. to as late as
3 midnight, connecting with Resident Association
4 members throughout the day in person or by phone to
5 keep them abreast of every new development in real
6 time. We also communicated regularly with elected
7 officials via in-person meetings, Zoom and phone
8 calls, and texts. NYC Emergency Management, DOHMH,
9 DEP, and the NYPD were also on-site daily for several
10 days, the latter two agencies on a 24/7 basis for a
11 portion of the time period. Spanish, Mandarin, and
12 Cantonese interpreters were also on-site to assist
13 during the flush of the water system on September 3rd
14 and during a public meeting held with residents on
15 September 9th. In addition, Spanish and Mandarin
16 interpreters were on-site daily to assist from
17 September 8th through 11th. Throughout the
18 investigation, we sent an initial email to residents,
19 disseminated nine robocalls, and posted six different
20 flyers, all in the covered languages of English,
21 Spanish, Traditional Chinese, Simplified Chinese, and
22 Russian. We also updated the script for CCC call
23 takers periodically. Resident outreach as part of
24 our Sandy recovery work has been particularly robust
25 at Riis Houses. Residents have access to a dedicated

1
2 construction liaison, email and phone hotline, and
3 interpreters. They receive bi-weekly construction
4 progress emails, and can participate in community
5 meetings. There are also weekly check-ins with
6 resident leaders, depending on their availability.
7 Since the Sandy recovery work started, there have
8 been nearly 250 meetings, 42,000 phone calls
9 including robocalls, and 12,000 flyers posted about
10 the construction work. I don't want to leave the
11 Council with the impression that I think NYCHA did
12 everything right. We did not. Since NYCHA signed
13 our Agreement with HUD in January 2019, we have not
14 been shy about calling out our mistakes and being
15 transparent about what needs to change. To that end,
16 we are committed to evaluating each step NYCHA took,
17 or did not take, at Riis Houses related to water
18 quality. This evaluation is critical to ensure we
19 improve our performance as a property manager. Our
20 Compliance Department and Environmental Health &
21 Safety Department are actively working with the
22 Federal Monitor, the NYC Department of
23 Investigation's Inspector General for NYCHA, and
24 others to evaluate what went wrong at Riis Houses and
25 what we need to do to improve. Although the

1 investigation is ongoing, we have already identified
2 four key matters we need to improve here at NYCHA.
3 First, we need to do a better job sourcing and
4 managing vendors. Clearly, the performance of the
5 vendor chosen to do and collect the first round of
6 samples, and the laboratory chosen by that vendor,
7 did not perform up to the standard we expect. But we
8 also know that it is the responsibility of NYCHA
9 staff to properly manage any vendor, including by
10 establishing a clear scope of work and by insisting
11 that all the samples be sent to a laboratory
12 certified for the evaluation and analysis we are
13 seeking. Second, we need to do a better job
14 communicating with our residents. We should be
15 informing resident leadership every step of the way
16 when we are dealing with something as essential as
17 drinking water. Third, we need to do a better job
18 assessing the performance and function of critical
19 mechanical systems. In this case, early indications
20 suggest that the failure of one of the two house
21 pumps in Building 11 that pumps water up to one of
22 the Riis Houses roof tanks may have been the root
23 cause of the cloudy water complaints. Complaints
24 were generally concentrated in a specific timeframe
25

1 where we believe the system was not functioning
2 fully, and virtually all of the complaints came from
3 the buildings that are serviced by the Building 11
4 roof tank. It is true that many of NYCHA's
5 mechanical systems are old, beyond their useful life,
6 and difficult to maintain. However, it is also true
7 that NYCHA must do better when it comes to
8 identifying mechanical system failures, and then
9 NYCHA must act quickly to remedy the problem. In
10 this case, we already know that efforts to solve the
11 problem took too long. And finally, NYCHA needs to
12 set up a standard protocol for what we do when there
13 are complaints of cloudy water. This means we must
14 define what constitutes an emergency situation, and
15 work to set up clear benchmarks for when our agency
16 partners and the public must be notified about a
17 situation at a NYCHA development, among other items.
18 This work is critical, and we look forward to hearing
19 the Council's recommendations on how NYCHA can
20 continue improve. We know this was a very disturbing
21 and upsetting experience for our residents, and we
22 are truly sorry that this happened. We are glad that
23 the water is safe. The lab issued a full retraction
24 and acknowledged its error, and that we were able to
25

1
2 get to the truth of the matter quickly. Everything
3 we do, and every decision that we make, is driven by
4 our concern for our residents' health and safety.
5 Thank you for your partnership, and we strive to
6 foster safe and healthy communities for NYCHA
7 residents while transforming our organization. We
8 will continue to keep you updated, and we are happy
9 to answer any questions you may have.

10 CHAIRPERSON BREWER: Thank you. We want
11 to thank Council Member Krishnan for being here. And
12 then Council Member Avilés, and then Council Member
13 Rivera, and then we'll take questions from others.

14 CHAIRPERSON AVILÉS: Thank you. Thank
15 you so much. I will start with the first order of
16 Council recommendations is that in a hearing like
17 this, we should get straight to the cheddar, and get
18 rid of pages of what NYCHA has accomplished through
19 the transformation plan, but really focus on the task
20 at hand. So, in-- I'm going to start big picture,
21 then we're going to dive into very specifics.
22 Obviously, at the end of your testimony mentions all
23 the places where there are faulted. We're going to
24 revisit those, of course. But in terms of-- in 2021,
25 New Yorkers went to the polls and voted in support of

1
2 New York's proposal to establishing the right to
3 clean water, air, and healthful environment in our
4 State Constitution. Does the panel agree that the
5 New Yorkers have the right to clean water, air, and
6 healthful environment?

7 CHIEF EXECUTIVE OFFICER HIATT: Yes.

8 CHIEF OPERATING OFFICER TRIMBLE: Yes.

9 SENIOR VICE PRESIDENT GREENE: Yes.

10 CHAIRPERSON AVILÉS: Can you tell us very
11 quickly the demographics at Riis? How many residents
12 live at Riis Houses?

13 CHIEF OPERATING OFFICER TRIMBLE: Thank
14 you, Council Member. At Riis Houses we have 3,700
15 residents across approximately 1,700 apartments, and
16 about just over 1,000 residents are over the age--
17 are 62 or older.

18 CHAIRPERSON AVILÉS: One thousand
19 seniors. And do you know how many of those residents
20 have children living with them?

21 CHIEF OPERATING OFFICER TRIMBLE: I don't
22 have that information in front of me, but I will get
23 it for you over the course of this hearing.

24 CHAIRPERSON AVILÉS: Do you know how many
25 of these residents have medical mobility conditions?

3 CHIEF OPERATING OFFICER TRIMBLE: I will
4 find that out for you right now.

5 CHAIRPERSON AVILÉS: Do you agree that
6 when residents do not have running water or drinkable
7 water, they are in a vulnerable state?

8 CHIEF OPERATING OFFICER TRIMBLE: Yes, of
9 course.

10 CHAIRPERSON AVILÉS: Do you agree that
11 the residents do not have-- do you agree that if
12 residents do not have running or drinkable water that
13 they are being deprived of their right to clean
14 water, air, and a healthful environment?

15 CHIEF OPERATING OFFICER TRIMBLE: Yes.

16 CHAIRPERSON AVILÉS: So, in terms of--
17 I'd like to just go through-- you've run through the
18 facts in your testimony, but I'd like to go through a
19 little bit of what's supposed to have happened. And I
20 think you started to touch upon that. So before we
21 get into this question, we want to establish for the
22 record, what's supposed to have happened when there's
23 a potential water contamination and if there is a
24 spike in water complaints at a NYCHA development. So
25 what is the standard policy and procedure NYCHA
follows when a spike in water complaints occur? Is

3 there a threshold that triggers additional actions,
4 and can you submit that policy in writing to our
5 committees?

6 CHIEF OPERATING OFFICER TRIMBLE: Thank
7 you, Council Member, and again I want to reiterate
8 how-- the unfortunate situation that the residents
9 have been through, and that we're happy that the
10 water is now safe and that the lab retracted the
11 results. So, NYCHA does not yet have a threshold of
12 the number of complaints that would trigger water
13 testing. In its portfolio of over 270 developments,
14 they vary considerably across the number of units and
15 the size and configuration. However, we are open to
16 recommendations on how we might use complaints and
17 related data effectively. As mentioned, as part of
18 this ongoing effort, there is an ongoing
19 investigation, and we are looking forward to working
20 with that investigation to see if there are policy
21 and procedural recommendations that we can consider
22 for setting up a threshold. However, when there--

23 CHAIRPERSON AVILÉS: [interposing] Excuse
24 me. Excuse me, Ms. Trimble. So are you saying there
25 is no standard policy and procedure?

3 CHIEF OPERATING OFFICER TRIMBLE: Not a
4 threshold for water complaints. However, when there
5 are cloudy water complaints, we start by having a
6 maintenance worker go to the apartment and check the
7 faucets, see what's going on in the apartment, see if
8 an aerator needs to be cleaned, or the water needs to
9 be flushed out. If that doesn't work, we will
10 recommend a plumber to come and investigate the
11 pipes, and if that doesn't work, we will also look at
12 the building systems such as things like the house
13 pumps. If it continues, we would also, as we did in
14 this case, recommend another roof tank cleaning and
15 retesting of the water.

16 CHAIRPERSON AVILÉS: Okay. After
17 multiple tests showed there is potential for
18 contamination, at what point, again, is the decision
19 made to notify the tenants not to drink the water?
20 Who makes the final decision, and what agencies
21 submit input to inform that decision?

22 CHIEF OPERATING OFFICER TRIMBLE: So, we
23 have never had this situation as we faced recently.
24 We received-- Ms. Bova-Hiatt mentioned, we received
25 the initial preliminary estimated results on Monday,
26 August 29th. When we received those results, you can

1
2 imagine, arsenic-- it was unprecedented to see, as
3 there has never been a detectable amount of arsenic
4 in New York City's water before. Upon getting those
5 results and seeing them as an estimate, we decided to
6 retest for arsenic. It was because our staff decided
7 to order a broad spectrum of testing that we got
8 those results in the first place, and that was
9 because we were concerned about the welfare of our
10 residents, given the number of cloudy water
11 complaints we were getting. When we got the first
12 results, it was based on just one sample. This is
13 like a doctor getting a-- diagnosing a patient upon a
14 first and initial test. Usually, they will go back
15 and order additional tests before they determine a
16 course of intensive treatment. That is the decision
17 process that we were looking at on Monday, August
18 29th. To that end, we ordered the vendor to go back
19 and collect additional samples on August 30th. On
20 September 1st, that Thursday, we got the results back
21 from those additional samples, and once again they
22 were showing detectable amounts of arsenic. It was
23 at that point that we called in our agency partners,
24 DEP and DOHMH, who had the expertise in both water
25 quality and health issues to help guide us in this

1
2 process of what to do with those results and how to
3 interpret them.

4 CHAIRPERSON AVILÉS: So, we'll get back
5 to those very particular steps, and we'll want to
6 inquire specifically who and how this operation moved
7 forward. But can you walk us through your process of
8 alerting tenants of a building-wide emergency?

9 CHIEF OPERATING OFFICER TRIMBLE: Sure.
10 In this case, once we had a final determination from
11 DOHMH, we needed to come up with a plan of action
12 that included DOHMH advising that we should be
13 flushing all of the apartments. So we had to collect
14 the information we needed to communicate with the
15 residents about what was happening. We drafted the
16 robocalls and the flier, as Ms. Bova-Hiatt explained,
17 and at about 7:30 p.m. on Friday, we were on-site
18 distributing water. The buildings were all being
19 fliered [sic] with fliers in English while we awaited
20 translation, and the initial robocalls went out at
21 about 9:00 p.m.

22 CHAIRPERSON AVILÉS: 9:00 p.m. what day?

23 CHIEF OPERATING OFFICER TRIMBLE: Friday,
24 September 2nd. We also reached out directly to the
25 Resident Association President, the Resident

1
2 Association Board, and the Citywide Council of
3 Presidents.

4 CHAIRPERSON AVILÉS: I'm going to--
5 there's so many discrepancies with the timeframe.
6 It's very hard to keep track of. Is there any
7 guidance provided to tenants relevant to the
8 emergency that they were confronting, in this case,
9 health guidance sent to residents indicating what
10 symptoms to watch out for that could result from
11 exposure to arsenic?

12 CHIEF OPERATING OFFICER TRIMBLE: We did
13 work with Department of Health to have a Department
14 of Health table at the site a few days later, and
15 distribute information about possible health effects
16 and to answer questions that residents may have.

17 CHAIRPERSON AVILÉS: But there was no
18 other communication provided to the residents in
19 terms of what they were potentially facing?

20 CHIEF OPERATING OFFICER TRIMBLE: Not on
21 Friday, September 2nd.

22 CHAIRPERSON AVILÉS: Was any information
23 provided at any point in time beyond the table that
24 was available, any written information, robocalls?
25

3 CHIEF OPERATING OFFICER TRIMBLE: I would
4 like to refer to our partners at DOHMH to explain
5 their efforts to communicate with residents during
6 that week.

7 DEPUTY COMMISSIONER SCHIFF: Good
8 afternoon. I'm Corinne Schiff. I'm the Deputy
9 Commissioner for Environmental Health at the Health
10 Department. So, as you've heard, we had staff on-
11 site at a table taking questions, being able to talk
12 to residents one-on-one. Your question is about
13 before we were on-site at Riis Houses, and what I
14 think is important to recognize first, of course, is
15 that the results that the lab first issued have now
16 been retracted and all of the other tests, the tests
17 that DEP did and the test that NYCHA's second
18 environmental consultant conducted, all of those
19 showed that there was no arsenic to be concerned
20 about, no arsenic in the water at Riis Houses.
21 Assuming that the levels had been correct, the ones
22 that had been initially reported, you wouldn't see
23 health effects. The health effects that you would
24 see immediately when you have exposure to arsenic
25 would be at levels thousands of times higher than
what was initially reported.

1
2 CHAIRPERSON AVILÉS: That is very
3 difficult to hear. Why then would the agency order a
4 stop-drink and don't use if it has no health impacts?

5 DEPUTY COMMISSIONER SCHIFF: So, it has
6 no immediate health impacts. What NYCHA saw, the
7 results that were then retracted was levels above the
8 EPA standard? And so the most protective thing for
9 NYCHA to do was to treat that as real and to take the
10 steps that you would take if that was a real
11 situation, which we were assuming at the time that it
12 was, and you would flush the system to remove arsenic
13 and then test again to make sure that that flushing
14 was successful. So, the threshold level set by EPA
15 is for exposure. We don't want that kind of
16 exposure. And do this was the step that was the most
17 protective to take. As it turned out, we learned
18 later, that those results were incorrect.

19 CHAIRPERSON AVILÉS: I'm going to pass it
20 over to Council Member Rivera, and--

21 CHIEF OPERATING OFFICER TRIMBLE:
22 [interposing] Excuse me, Council Member. If you may,
23 I just wanted to answer the question that you asked
24 earlier. There are 300-- 289 mobility-impaired
25

1 residents at Riis, and 319 families with children.
2
3 289 mobility impaired. Thank you.

4 COUNCIL MEMBER RIVERA: Thank you for
5 being here. And I want to thank the Chairs again for
6 their leadership on this issue and for calling this
7 hearing on something that is specific to a location,
8 but it is clearly part of larger systemic issues.

9 During a September 6th briefing hosted by City Hall,
10 we were told that the laboratory that did the testing
11 was not licensed to do testing for metals, and in
12 your testimony you said that the lab was not ELAP
13 certified. How long has this contracted company been
14 doing testing for NYCHA? How was this vendor
15 selected? And why would NYCHA select a vendor that
16 was not certified in all regards by New York State?

17 CHIEF OPERATING OFFICER TRIMBLE: Thank
18 you, Council Member for those questions. I'm happy
19 to answer them for you today. In 2019, NYCHA sought
20 bids to manage our legionella work. This vendor was
21 the lowest responsive and responsible bidder at the
22 time. So this vendor has been contract with us since
23 about 2019. On the night of Friday, August 12th, when
24 we had excessive cloudy water complaints and decided
25 to take the additional step to do additional testing.

1
2 We sought one of our vendors to do-- who was
3 available on the weekend to do this work. Our first
4 vendor that we called was not available, and so then
5 we called LiquiTech, and they said they would make
6 themselves available on an emergency basis to come
7 Saturday morning to the site to take the tests for
8 us.

9 COUNCIL MEMBER RIVERA: So you had
10 retained this vendor previously?

11 CHIEF OPERATING OFFICER TRIMBLE: Yes.

12 COUNCIL MEMBER RIVERA: Have you had an
13 issues with them before? In this case, they provided
14 a false positive. Is it possible in the past they
15 could have provided a false negative?

16 CHIEF OPERATING OFFICER TRIMBLE: This
17 vendor has been on contract with us since 2019, but I
18 want to reiterate, that NYCHA did not select the lab
19 EMT. That was selected by the vendor, and was not in
20 compliance with our contract that requires them to
21 follow, state, local, and federal rules for selecting
22 their lab.

23 COUNCIL MEMBER RIVERA: But you all
24 selected the vendor that selected the lab.

3 CHIEF OPERATING OFFICER TRIMBLE: We did
4 select the vendor, and they--

5 COUNCIL MEMBER RIVERA: [interposing] So,
6 you realize when you trace it back, it comes back to
7 you.

8 CHIEF OPERATING OFFICER TRIMBLE:
9 Understood. We-- out of caution and understanding
10 the concerns that this vendor raised, we went back to
11 everything they have performed for us since 2019. We
12 reviewed all the test results and all the labs that
13 they had previously used. They have never previously
14 used EMT before, which we were happy to find. They
15 have used two other laboratories, both of which are
16 New York State ELAP certified.

17 COUNCIL MEMBER RIVERA: Will you ever use
18 EMT again?

19 CHIEF OPERATING OFFICER TRIMBLE: We did
20 not previously choose EMT, and we will not allow EMT
21 to be used again.

22 COUNCIL MEMBER RIVERA: So what is the
23 process NYCHA follows for the selection in hiring for
24 laboratories or any other external service as a
25 provider, and can you confirm-- the laboratories that
exist in New York State are some of-- in order to

3 test water, some of the best in the country. Is that
4 correct, and if so, why outsource it to a different
5 state? Was it because of the urgent timeline that
6 you described?

7 CHIEF OPERATING OFFICER TRIMBLE: I can't
8 speak to the quality of the labs in New York State
9 versus other states, but I-- and I can't speak to why
10 LiquiTech chose EMT for this purpose.

11 COUNCIL MEMBER RIVERA: Who can speak to
12 that? DEP?

13 CHIEF OPERATING OFFICER TRIMBLE: The
14 vendor. I mean, this--

15 DEPUTY CHIEF OFFICER SAPIENZA: Thank
16 you, Council Member. I can't speak for the quality
17 of labs in other states. I was-- thank you. Thanks.
18 But I can speak to the process in New York State to
19 become accredited, which is very robust. New York
20 State Department of Health makes New York City's
21 drinking water labs go through a number of steps to
22 demonstrate capabilities every year. We're given
23 samples of unknown quantities, but the State Health
24 Department--

25 COUNCIL MEMBER RIVERA: [interposing] Can
you just give us your name and title?

3 DEPUTY CHIEF OFFICER SAPIENZA: Sure.

4 COUNCIL MEMBER RIVERA: Yeah.

5 DEPUTY CHIEF OFFICER SAPIENZA: I'm
6 Vincent Sapienza, the Chief Operating Officer at the
7 New York City Department of Environmental Protection.
8 But again, just in summary, the state's program to
9 certify and accreditate [sic] laboratories in the
10 state is very rigorous.

11 COUNCIL MEMBER RIVERA: So-- don't go
12 anywhere, please. I just want to know what-- so are
13 you the Department or is it NYCHA or is it the
14 Mayor's Office in charge of hiring providers for the
15 type of testing that would transpire over these
16 couple weeks? If so, what is the name of the person
17 who is in charge of that department?

18 CHIEF OPERATING OFFICER TRIMBLE: So,
19 again, this vendor was procured in 2019, and when we
20 got the second round of results that were, you know,
21 of course doubtful to us, considering the fact that
22 arsenic has never been present in the water. We
23 decided to continue to do a full-- another round of
24 full testing with a different vendor. That was a
25 vendor that-- an environmental consultant firm LiRo

3 that we have on contract with us also, and we called
4 on LiRo to conduct the next round of testing.

5 COUNCIL MEMBER RIVERA: I think my time
6 is up. Can I have two more questions? Oh, okay,
7 great. So, I noticed, as was mentioned by Chair
8 Avilés, that Greg Russ is not here. He is now the
9 chairman, not the CEO. So I appreciate your apology.
10 It would have been nice to hear it from him. What
11 was the active role of then CEO Greg Russ during this
12 situation?

13 CHIEF EXECUTIVE OFFICER HIATT: At the
14 time that this happened, Greg Russ was the Chair and
15 the CEO. He was included in all emails and
16 discussions regarding this matter. He was on-site at
17 Riis Houses on the Saturday and Sunday of the event
18 that Labor Day weekend, and he was also present at
19 the public meeting that was held the following
20 weekend at the request of, or sponsored by, the
21 Tenant Association.

22 COUNCIL MEMBER RIVERA: You know, I saw
23 him both those times, and I was thankful for his
24 physical presence, and in a conversation we had on
25 site on the campus of Jacob Riis, he said that
commitments were going to be made to the residents.

3 And so I'd like to hear from you all on the record,
4 what commitments have you made the residents and
5 families of Jacob Riis? Some examples, compensation,
6 medical testing, water filtration, ongoing testing,
7 regular meetings? Can you outline a list, please?

8 CHIEF EXECUTIVE OFFICER HIATT: Sure.

9 Why don't we start-- since, our Chief Operating
10 Officer was at the first meeting and subsequent
11 meetings, I will turn the floor over to her.

12 CHIEF OPERATING OFFICER TRIMBLE: Sure.

13 So, we-- as Ms. Bova-Hiatt said, we've had multiple
14 meetings with the Resident Association. We have
15 committed to provide a 200 dollar reimbursement to
16 every household at Riis Houses. In addition, we've
17 agreed to do smaller group meetings with the
18 residents. So, you know, probably a few buildings at
19 a time in order to be able to sit with the residents
20 in a small space and really answer their questions
21 and have a discussion with the residents about what
22 happened and explain the test results. NYCHA has
23 also committed to doing additional testing of the
24 water over the next few months, and I'd like to hand
25 it to Senior Vice President Dan Greene who oversees
that testing process.

1
2 SENIOR VICE PRESIDENT GREENE: Thank you,
3 and thank you Council for allowing me to speak here
4 today. So, I was at Riis just yesterday meeting with
5 Ms. Williams. We'll be doing another round of
6 testing this weekend for the same constituents again.
7 The purpose of this testing is to build confidence.
8 As we have discussed here, no arsenic was discovered
9 and the original results were retracted, but we need
10 to build confidence back with the Riis residents in
11 their water quality, because it's vital for their
12 day-to-day lives, for their health-- and for their
13 health. So we'll be doing 52 locations this weekends,
14 and then we've committed to twice monthly testing
15 frequency of a similar amount of locations. We'll
16 also be meeting pretty much at a weekly basis or more
17 if needed to walk through the results. Yesterday we
18 had our environmental contractor meet with Ms.
19 Williams so she could meet them. We put up fliers at
20 the buildings today actually to let people know that
21 we're going to be there, and I'll be there tomorrow
22 to oversee the testing with one of my team members.
23 So we'll be doing that with LiRo and then everything
24 will go to an ELAP accredited lab in New York State.
25 It's in Long Island. It's a-- just a drive away.

1
2 It's a good laboratory that we sent to DEP before we
3 chose them to make sure that we were using a good
4 quality laboratory. So that will be over the next
5 four months we'll be doing that work, and we're
6 hopeful that through these conversations we will
7 really build back confidence and also support Ms.
8 Williams as she tries to explain the situation to her
9 residents, and that's what we really want to provide,
10 that support to her. Everything will be made
11 publicly available. Everything will be posted online,
12 and we will put everything into the management office
13 for residents who do not use the internet frequently
14 so that they can review it, and then we'll also meet
15 as-needed to explain it.

16 COUNCIL MEMBER RIVERA: Thank you.

17 CHAIRPERSON AVILÉS: May I ask a quick
18 follow-up question, Council Member?

19 COUNCIL MEMBER RIVERA: Of course you can,
20 Chairwoman.

21 CHAIRPERSON AVILÉS: I'm sorry if I
22 missed it. What was the commitment, how much testing
23 will be done, the frequency?

24 SENIOR VICE PRESIDENT GREENE: Twice
25 monthly starting this weekend. So, we will be going

1 out tomorrow. We're going to do 52 locations. So
2 let me explain what's going to be included
3 specifically. Per my discussion with Ms. Williams,
4 we agree the focus should be on the high-rise
5 buildings. Those high-rise buildings are connected
6 to the roof tanks. The low-rise buildings are not.
7 There was really never any concern at all with the
8 low-rise buildings, but we applied the advisory and
9 did testing there just out of an abundance of
10 caution. But we're going to follow this testing on
11 the high-rise buildings. We'll do 48 samples in
12 apartments. We'll select them strategically so
13 they're at-- so they're on different floors, and then
14 we will also sample the roof tanks, and we will also
15 sample where the points of entry, where the water
16 enters buildings 11 and building 8. The result
17 should be received next week, and as they get
18 received we will post them on our website and make
19 sure that everyone is aware where they're posted
20 prominently so that folks can review those. If there
21 are any issues or any exceedances we will immediately
22 notify pretty much everyone at this point to make
23 sure that everyone is aware of what we've seen.
24 Don't expect that, but we're prepared with that, and
25

1 we'll keep our partners at DEP and Department of
2 Health in the loop as well. And then we provided
3 actually a written plan to Ms. Williams, and I can
4 send it to this-- Council Members, if you'd like, if
5 you'd like to. It is a draft plan and it's iterative.
6 So if things need to be added or updated, we can do
7 that. But we do want to get going. Ms. Williams,
8 specifically wanted us to come out this weekend, so
9 we have enough ready to get going. And then from
10 there we'll come out in early October. We haven't
11 selected the weekend yet. We'll probably always do
12 it on a weekend. We had less access when we did the
13 testing on the weekdays. So we want to do them on
14 Saturday's, really, try to get everything done on a
15 Saturday. So we haven't selected the next Saturday,
16 but if anyone has any suggestions, we're open to it,
17 but we'd [inaudible] two more samples in October, two
18 more in November, and then two more events in
19 December. I think at that point we will pause and
20 see what is shown by those tests and if the community
21 is comfortable, but obviously if we needed to go
22 further here-- this was obviously a very public and
23 very upsetting and hugely disturbing event. So if we
24 need to go further, we can, but you know, we're going
25

1
2 to focus on that four month period right now and
3 really have some intensive conversations about water
4 quality on the property as well. I've also asked to
5 be looped in on any cloudy water complaints and we
6 will monitor the Riis Houses' work orders to see if
7 any cloudy water complaints come in, and if they do,
8 we will schedule visits to those apartments with
9 equipment to look at the color and contrast of the
10 water. I've seen a lot of samples come out of Riis.
11 I was there for five days during this course to
12 oversee the sampling work. Everything that we saw
13 that came out from our 200 or so samples that we
14 collected was clear. I just wanted-- so it was
15 clear. We want to document that for the-- you know,
16 for everyone to see. So we'll make sure we take
17 photographs of the water as it comes out, but if we
18 do receive any cloudy water complaints, we will
19 investigate it. We will bring equipment to look at
20 the-- if it's cloudy, if it measures. There's
21 actually a machine you can use that can read the
22 turbidity in the water, they call it. Then we'll
23 investigate it with our Operations Department to see
24 if there is a valid cloudy water complaint. So we

3 want to do that over the next few months as well as
4 part of this effort.

5 COUNCIL MEMBER RIVERA: Yep. How did you
6 determine the 140 locations throughout Riis Houses
7 that you decided to test and sample for bacteria and
8 arsenic?

9 SENIOR VICE PRESIDENT GREENE: So, good
10 question. Thank you for that question. So, the
11 Sunday that we began, we wanted to do a robust
12 sampling and we wanted to cover the entire property.
13 So, our initial focus on Sunday was on buildings 11
14 and buildings 8. So the first priority of areas that
15 we wanted to sample were the apartments that had
16 tested positive for arsenic previously. The point of
17 entry in building 8, DEP at that point had already
18 resampled the point of entry of building 11 and it
19 had come back as a non-detect. Then we also wanted
20 to do the roof tanks which had never been tested. So
21 those were our first priority sites. Then,
22 consistent with DOHMH protocols and my own knowledge
23 as an Environmental Attorney, we wanted to go
24 upstream and downstream from where the positive [sic]
25 is, meaning if it was on the sixth floor, you would
want to go to the seventh, eighth, ninth, tenth floor

1
2 to test those apartments, because it's sharing the
3 same plumbing system. So if you saw arsenic in an
4 apartment, you would expect to see it above or below.
5 So we focused on buildings 8 and 11 and we did the
6 lines where the prior positives had been located,
7 plus an additional line in those buildings.

8 COUNCIL MEMBER RIVERA: So, it's
9 complaint-driven. So what are the addresses of 8 and
10 11?

11 SENIOR VICE PRESIDENT GREENE: Those were
12 not complaint-driven. I do not know, honestly. It
13 was not-- I was not involved. Eight is 466 and I
14 think 11 is 463. I know the building numbers, I
15 don't know the street addresses. I have it in my
16 notes. I can provide that, though. So, the-- I don't
17 know how the original apartments were selected. I
18 only know where they were tested positive.

19 COUNCIL MEMBER RIVERA: Does anyone here
20 know how you determined the selection of locations,
21 if they weren't complaint driven?

22 CHIEF EXECUTIVE OFFICER HIATT: I'm not--
23 I can't speak to that right now.

24 COUNCIL MEMBER RIVERA: Here's why I ask,
25 because you sent documented complaints, it responds

1
2 to the Chairs letter, and in those complaints, I
3 mean, was it that you noticed the trends and that's
4 how you determined the locations? Were certain
5 buildings calling more than others? Which ones were
6 they? When the Mayor went to Riis Houses with the
7 Commissioner of the Department of Health and Mental
8 Hygiene, they went into a building to drink water
9 directly from the tap to show that the water was safe
10 to consume. From what I understand in reporting,
11 they went into 118 Avenue D. And I know that I'm
12 getting into addresses, but this is very important to
13 the families but also for consistency, and just
14 outright honesty. So if you have them going into
15 118, but you're testing 466 and maybe 465, and I
16 certainly have complaints from 90, 11, 41, 134. At
17 the very least, I'm just wondering how you determine
18 those 140 locations and whether they were in more
19 than two buildings.

20 SENIOR VICE PRESIDENT GREENE: Yeah,
21 absolutely. No, I'm sorry. I was telling a very
22 long story. So I will try to-- I was trying to be
23 detailed, but I'll-- so, we-- so, first we focused on
24 8 and 11, but then that Sunday which is Sunday,
25 September 4th, we wanted to test every high-rise

1 building. So we did five sample locations in each
2 high-rise building varying basically by floor. We
3 wanted to alternate floors and do sampling at the
4 five high-rises-- at the high-rise buildings. So,
5 all high-rise buildings receive five samples that
6 day. The next day on Monday, September 5th, we came
7 back and sampled the low-rise buildings for arsenic,
8 because we wanted to make sure that the-- we had
9 samples from every single building, representative
10 samples from every single building. That was the
11 goal of where the 140 samples were located. We had
12 no methodology to select the different apartments in
13 the other high-rise buildings, because there had been
14 no previous test there. We did know that the high-
15 rise buildings had inter-connected plumbing with the
16 buildings 8 and 11, but the best thing that we could
17 do is go from top to bottom and pick a selection of
18 apartments there. We always use occupied apartments
19 where residents were actually living. So, I think if
20 you-- you know, probably people saw us that day and
21 we went there. For the bacteriological sampling, we
22 attempted to go into the apartments where the firm
23 had identified positive bacteriological results, but
24 we were not always successful getting access in those
25

3 apartments. So therefore, we would move to the
4 adjacent apartment or the apartment below it. But
5 we-- when we come back to the apartment-- Riis Houses
6 tomorrow, we'll make more attempts at those. I'd
7 like to make sure that we try to get back to those
8 apartments. So, we'll make more attempts at those
9 apartment with our subsequent testing, which is great
10 that we're doing it because we get to do more work,
11 and you know, this-- we want to make sure this is
12 done thoroughly. So, that's basically the
13 methodology for how we selected the locations for
14 that sampling that came back non-detect or well below
15 the limit.

16 COUNCIL MEMBER RIVERA: Alright, this is
17 my last question. I want to thank the Chairs for
18 being so gracious with the time. You mentioned that
19 you're going to test now two times a month for the
20 next four months minimum is the commitment. Doesn't
21 the Department of Environmental Protection test all
22 New York City water on a monthly basis anyway? And
23 so will this be an addition to that monthly testing?

24 DEPUTY CHIEF OFFICER SAPIENZA: That's
25 correct. DEP does sampling essentially every day
throughout the City, so this would be in addition.

3 COUNCIL MEMBER RIVERA: And this is going
4 to be by NYCHA?

5 SENIOR VICE PRESIDENT GREENE: By NYCHA,
6 by LiRo which is a New York State Engineering and
7 Environmental firm with what I would think is very
8 good reputation. They're a local New York firm, and
9 then every sample would be analyzed by an ELAP-
10 certified lab, likely Long Island Analytical which is
11 in Long Island, and that's who we're going to use.

12 COUNCIL MEMBER RIVERA: Okay.

13 SENIOR VICE PRESIDENT GREENE: I would
14 also just note, we are going to bring representatives
15 from that lab to meet the community. that's been a
16 request, so we're going to schedule smaller meetings
17 with the technical folks to really walk through how
18 the sampling is done and what it means so that they
19 have the information that they can use. I apologize.

20 COUNCIL MEMBER RIVERA: No, it's okay. I
21 just want to make sure that you're also going to--
22 you said you have your vendor retest the water tank,
23 and I know that there was a mention in the City
24 article that maintenance failure could be the reason
25 now, so I'm sure you'll discuss a little bit about
that, and Chair Brewer has questions for you as well.

3 So I want to thank you for your answers, if you could
4 elaborate on that, and I want to thank the Chairs
5 again for their leadership.

6 SENIOR VICE PRESIDENT GREENE: We will
7 sample the water tanks at every visit. So they'll be
8 sampled twice per month.

9 CHAIRPERSON BREWER: Council Member
10 Barron then Council Member Marte.

11 COUNCIL MEMBER BARRON: All I can say is
12 this is a damn shame that we sitting here talking
13 about water and the lives of people at risk, and
14 also, to Mayor Adams, he should fire Greg Russ. He
15 should not be the Chair of NYCHA. Gross
16 mismanagement, incompetency, and the insensitivity of
17 not coming to this hearing, and at least explaining
18 himself, and you shouldn't have accepted that from
19 him, and we should have subpoenaed him and made him
20 come to this hearing. But I think he should be
21 fired, and I think that the testing should happen in
22 all NYCHA developments. NYCHA has 335 developments,
23 177,000+ units, 525,000 residents, and we had a press
24 conference in my district with Pink [sic] Houses,
25 with Boulevard Houses, with Linden [sp?] Houses, with
Cypress Houses, with Brookline [sp?], Pen-Worthman

1 [sp?], and all of them said their water was
2 discolored. And you're not supposed to smell water.
3 It's supposed to be odorless. So this is a citywide
4 situation, and nobody believes you. I haven't found
5 anybody that I spoke to believes you that they made a
6 mistake. And when you tested it, oh, it wasn't that,
7 it was something else. It was the vendor. Nobody
8 believe that. You lost credibility throughout this
9 city. So I just feel that NYCHA residents are
10 disrespected because they're predominantly black and
11 brown low-income people and folk just don't care
12 enough about NYCHA. And just to listen to this
13 hearing, to listen to what you're saying and how
14 you're justifying all of this is a damn shame. And I
15 think that this body should monitor you closer. We
16 should subpoena people when they need to come
17 forward. NYCHA should test every development because
18 the same thing happened when y'all lied about lead
19 paint in the past. It was a lie that lead paint was
20 tested properly in our developments, and I was on
21 that case as well. So I don't have a whole lot to
22 say. My colleagues did a great job. I think the
23 residents, the residents should be the managers of
24 the places where they live. We need to get into
25

3 residential management, and NYCHA stop privatizing
4 and start sanitizing the water.

5 CHAIRPERSON BREWER: Council Member Marte
6 and then the Public Advocate.

7 COUNCIL MEMBER MARTE: Thank you for
8 being here. I want to thank the Chairs for the
9 phenomenal questions and dealing with all the
10 constraints that we had today with moving the meeting
11 here, and I'd also like to thank Council Member
12 Rivera for her questions. This is really
13 frustrating. We have a Chair of an agency that's not
14 willing to be here. And so my first question, off
15 the bat, is where is he? And is he in New York City,
16 or did he take the early flight back to Minnesota?
17 One other question I have is that there's a lot of
18 mistrust as Council Member Barron said. What are you
19 doing to regain the trust from other NYCHA
20 developments on the lower east side? I have
21 developments from Smith Houses to LaGuardia to
22 Ruckers [sic] asking, "Is my water contaminated? Is
23 NYCHA inspecting it? Can I see the records? Can I
24 see the data?" What are you guys doing to respond to
25 those questions, and how are you informing Council
Members that represent those people and have to

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2 answer to those people to work with us so we could
3 get the right answers to their hands? So, please
4 answer those questions.

5 CHIEF EXECUTIVE OFFICER HIATT: Thank you
6 very much for that question. I can-- I think you had
7 a couple of questions, though I'll start and then
8 I'll pass it over to my colleagues. So your first
9 question, Mr. Russ is not in New York, but I cannot
10 tell you where he is. All I can say is that he's not
11 here today. With respect to the testing that has
12 been done, I will defer to my colleague, Dan Greene,
13 who can get into that, and I would also-- with
14 respect to the water just generally, I would love to
15 have the Commissioner-- CEO, excuse me, COO Vincent
16 Sapienza talk about the water safety just generally
17 in New York City. All of the testing that we did do
18 is on our website, as my colleague Dan Greene said.
19 Any additional testing that we will do at Riis Houses
20 will also be on our website, but DEP, I defer to them
21 with respect to just generally the drinking water in
22 the City of New York.

23 COUNCIL MEMBER MARTE: I'll just add one
24 more question underneath that. As we all know, Jacob
25 Riis Houses was one of the development that were

3 affected by Sandy. There's a lot of renovation work
4 doing there for resiliency. There's other NYCHA
5 development that have those same type of repairs and
6 massive infrastructure changes. Do you think that
7 had something to do with the contaminated water, and
8 are you specifically working much closer on these
9 sites that have these massive FEMA-funded resiliency
10 projects?

11 SENIOR VICE PRESIDENT GREENE: There was
12 no contamination for arsenic in the water, and the
13 scientific results, if you review them, show that.
14 In the retraction from the laboratory which was
15 unprecedented and probably they had to put it on
16 their letterhead-- it's usually embarrassing for that
17 laboratory-- retracted all prior results. But we
18 will continue to test, to your question of rebuilding
19 back trust. I will be there tomorrow. We will be
20 testing tomorrow. We will be testing, as I said,
21 twice a month and sharing that information with
22 residents and explaining it. In terms of Sandy
23 sites, so they're-- the answer to your question,
24 there was no contamination, so there was no impact
25 for the construction. I have worked. I was-- prior
to my current role, I was a compliance director. We

3 have worked with residents at Smith Houses, at Red
4 Hook Houses to help oversee some of the Sandy work
5 and then some of the environmental components of it
6 to ensure that there is air monitoring and soil
7 management protocols that ensure that the work is
8 done appropriately. When you're doing construction
9 in New York City, you have to be careful of sensitive
10 receptors, such as residential buildings and this
11 work is, as you know, right up against a residential
12 building, so we want to make sure it's done safely.
13 But we know that we have a lot trust building to
14 build back here, a lot of credibility to build back
15 here, and that's what we hope to really do over the
16 next four months, but we got a hard road ahead of us.

17 CHIEF EXECUTIVE OFFICER HIATT: And to
18 the extent that you have specific questions about
19 your developments or the developments that are within
20 your district, I'm happy to coordinate with your
21 staff to come to your developments, hear what the
22 issues are and work together.

23 COUNCIL MEMBER MARTE: Thank you. And I
24 second the call Council Member Barron had. We should
25 fire Greg Russ. He gots to go. Thank you.

3 CHAIRPERSON BREWER: Public Advocate and
4 then Council Member Sanchez. I'm sorry we didn't
5 mention you earlier, Council Member Sanchez, but the
6 Public Advocate and then Council Member Sanchez.

7 PUBLIC ADVOCATE WILLIAMS: Thank you,
8 Madam Chair and-- both Chairs, for this hearing.
9 One, I acknowledge that people were on the ground the
10 whole time, so I do appreciate that. But I want to
11 make sure I heard clearly, because it did sound like
12 there was at least admission that this whole incident
13 was poorly managed. Is that accurate?

14 CHIEF EXECUTIVE OFFICER HIATT: well, I
15 think there were some missteps, absolutely, and right
16 now we are-- an investigation is being undertaken by
17 our Compliance Department in conjunction with the
18 Federal Monitor--

19 PUBLIC ADVOCATE WILLIAMS: [interposing]
20 I'm sorry. I got to do it quickly, because of my
21 time, but--

22 CHIEF EXECUTIVE OFFICER HIATT:
23 [interposing] Oh, I'm so sorry.

24 PUBLIC ADVOCATE WILLIAMS: No, it's okay.

25 CHIEF EXECUTIVE OFFICER HIATT: Yeah.

3 PUBLIC ADVOCATE WILLIAMS: But you--
4 missteps, I'm going to phrase it as poorly managed.
5 I just wanted to be clear--

6 CHIEF EXECUTIVE OFFICER HIATT: Okay.

7 PUBLIC ADVOCATE WILLIAMS: that those
8 poorly managed decisions were not related to funding.
9 Those missteps you spoke of, were they related to
10 funding?

11 CHIEF EXECUTIVE OFFICER HIATT: No, they
12 were not.

13 PUBLIC ADVOCATE WILLIAMS: Okay, so they
14 were just issues of mismanagement. Also, who made
15 the decision for Greg Russ not to be here?

16 CHIEF EXECUTIVE OFFICER HIATT: Mr. Russ
17 made the decision not to be here.

18 PUBLIC ADVOCATE WILLIAMS: That's
19 disgusting. I just have to say it is disgusting that
20 he is not here, and it is a disrespect to this whole
21 situation. I mean, I add to the list that he needs
22 to go, but I am clear having been through three folks
23 who head NYCHA, that just having one person rotate is
24 not the only solution that is needed. So, I did want
25 to ask-- it seemed like it took roughly 12 to 16 days
for the first test results to come. Later on, we

3 were getting the test results much quicker. Why was
4 the decision made not to rush the test earlier, and
5 who made that decision?

6 CHIEF OPERATING OFFICER TRIMBLE: So,
7 yes, the first samples were taken on August 13th, and
8 we continued to follow up with the lab multiple times
9 each week until finally on August 29th we got the
10 first results, the first--

11 PUBLIC ADVOCATE WILLIAMS: [interposing]
12 Just why was the decision not made-- was there a rush
13 put on it, the same rush that was put on later on a
14 couple weeks later?

15 CHIEF OPERATING OFFICER TRIMBLE: The
16 same rush was not put on it. We didn't have any
17 reason to expect the results that we got, and we had
18 been following up with the vendor.

19 PUBLIC ADVOCATE WILLIAMS: Whose decision
20 was it not to make a rush on those tests trying to
21 find out what's wrong with the water?

22 CHIEF OPERATING OFFICER TRIMBLE: I did
23 not ask for it to be rushed any further than
24 following up multiple times during the week asking
25 for the results.

3 PUBLIC ADVOCATE WILLIAMS: So you--
4 you're the one that made the decision to rush it
5 later?

6 CHIEF OPERATING OFFICER TRIMBLE: Yes,
7 once we got the first, we asked for the results to be
8 expedited.

9 PUBLIC ADVOCATE WILLIAMS: I would
10 suggest that if there's questions about water and
11 you're testing for something, that we should probably
12 rush it because then we might not have had those
13 weeks of people waiting thinking that they had
14 arsenic in the water, particularly later on. I also
15 wanted to know-- we had a tough time making, getting
16 NYCHA to have meetings with the tenants throughout
17 this whole process. Finally, the tenants had their
18 own meeting we actually came to. Whose decision was
19 it that NYCHA would not come to any meetings
20 throughout that whole process?

21 CHIEF EXECUTIVE OFFICER HIATT: And I
22 don't think NYCHA made the decision to not come to
23 any meetings. I think--

24 PUBLIC ADVOCATE WILLIAMS: [interposing]
25 Sorry, NYCHA absolutely made the decision not to hold
any meetings, and they weren't coming to any meetings

3 that people were saying they wanted to have. I was
4 on the ground when that was happening.

5 CHIEF EXECUTIVE OFFICER HIATT: We had
6 NYCHA on-site at Riis answering questions from--

7 PUBLIC ADVOCATE WILLIAMS: [interposing]
8 Yes, the tenants were asking for a meeting, the same
9 type of meeting that happened that Friday where Greg
10 Russ and everybody was there. NYCHA, heard they
11 called a meeting. I don't know if they did or didn't.
12 Then they cancelled it. Then they decided they
13 wanted to wait until they had more information. So,
14 who made the decision that there would not be
15 meetings during that time period?

16 CHIEF EXECUTIVE OFFICER HIATT: I think
17 we were waiting for information regarding the test
18 results and we wanted to make sure that we had
19 information to provide.

20 PUBLIC ADVOCATE WILLIAMS: Who made that
21 decision?

22 CHIEF EXECUTIVE OFFICER HIATT: I would
23 assume Greg Russ as the Chair and CEO made that
24 decision.

25 PUBLIC ADVOCATE WILLIAMS: Okay.

3 CHIEF EXECUTIVE OFFICER HIATT: But I can
4 tell you that going forward as we've previously
5 discussed, we've already had at least three meetings,
6 one on-site at Riis, one at 90 Church Street, and
7 actually I'm sorry, and another one on-site at Riis
8 Houses with the Resident Association. And we have
9 committed to smaller meetings with the residents to
10 sit and listen to their questions and answer the
11 questions as well as go through all of the test
12 results.

13 PUBLIC ADVOCATE WILLIAMS: Thank you.
14 And just so I'm clear about the uncertified lab, just
15 so I'm clear, you're saying that the chosen vendor
16 you had authority over was LogiTech and they chose a
17 vendor?

18 CHIEF EXECUTIVE OFFICER HIATT: Yes.
19 LiquiTech is the vendor that we have a contract with
20 and it requires them to follow all federal, state,
21 and local rules, and they chose the vendor that was
22 not certified.

23 PUBLIC ADVOCATE WILLIAMS: I think is
24 LogiTech is from the "40 Year-old Virgin," so I
25 apologize. But thank you for the time period. I
just wanted to say that oen of the problems is, even

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2 if this had never happened, there'd still be a lot of
3 tenants dealing with a lot of issues in terms of
4 water, heat, and hot water, electricity, and that's
5 what-- that's what one of the major problems is. So
6 this aside, we had problems and trust and issues.
7 This made it that much more worse, and that's a big
8 problem that is not necessarily just a funding issue,
9 and I want to make that clear. Thank you very much.

10 CHAIRPERSON BREWER: Thank you, Council
11 Member Sanchez, and then Council Member Farías.

12 COUNCIL MEMBER SANCHEZ: Thank you so
13 much, Chairs. Good afternoon. So, first I just want
14 to express my apologies to the tenants who had to
15 live this insecurity of not knowing whether they
16 drank water that was poisoned, whether they gave
17 water to their child that may have been compromised.
18 That, that is just something that, you know, you neve
19 wnt to live through as a parent. So thank you for
20 all of your clarifications so far. My question is to
21 the vein of Council Member Marte. For, tenants in
22 NYCHA at-large, what do we say to them? How often is
23 there water being tested? What conditions does NYCHA
24 consider emergency conditions? If you hear this kind
25 of complaint at NYCHA, DOHMH, DEP is going to take

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2 immediate actions, how do those other tenants-- how
3 can we assure them and have them feel secure? Because
4 this timeline of August 4th, the initial complaints,
5 to August 13th, the initial test, to September 2nd it
6 becoming public just seems like a very long time. So
7 how often is NYCHA checking, and what are the
8 conditions or emergency responses?

9 CHIEF OPERATING OFFICER TRIMBLE: Thank
10 you, Council Member Sanchez for that question. NYCHA
11 conducts annual testing and cleaning of all of our
12 roof tanks for standard bacterial contamination. All
13 of those results are submitted to DOHMH, and DOHMH
14 posts them on their website. So, in addition to the
15 annual roof tank cleaning, as I've mentioned before,
16 if residents have complaints about water in their
17 apartment, we send a maintenance worker to
18 investigate, and then possibly a plumber. At this
19 point, we don't have a threshold for complaints that
20 trigger additional testing. However, that's a
21 protocol and a process that we're looking to
22 strengthen as we go through this, and there is an
23 ongoing investigation. We are looking for
24 recommendations and suggestions on how to set that
25 threshold appropriately across our portfolio. The

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2 additional testing that we did here was because there
3 was a significant amount, and without a threshold in
4 place, we still decided it made sense here to order
5 additional testing for the safety of our residents.

6 COUNCIL MEMBER SANCHEZ: Thank you. And
7 how long does it take for a maintenance worker to go
8 up to the apartment and investigate, and then what is
9 the timeline to-- if a plumber is warranted-- for a
10 plumber to go in.

11 CHIEF OPERATING OFFICER TRIMBLE: It
12 obviously ranges based on issues at the development
13 at that time and staffing level at the time. But
14 typically, we are able to have a maintenance worker
15 respond to a complaint around three days, sometimes
16 two days.

17 COUNCIL MEMBER SANCHEZ: Thank you.
18 Thank you, Chairs. I was listening to the hearing in
19 the parking lot while breastfeeding the baby. So I
20 just want to thank you, Chairs, for allowing me to
21 ask my questions.

22 CHAIRPERSON BREWER: Council Member
23 Fariás and then Council Member Krishnan.

24 COUNCIL MEMBER FARIÁS: Thank you so
25 much, Chairs. Good afternoon. Thank you to all the

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2 residents who showed up today. Really a lot of my
3 questions have been answered, but I wanted to express
4 this. I'm a Bronx member who doesn't sit on any of
5 these committees, and decided to come today because
6 though I didn't-- this didn't impact my district, we
7 had-- in my community we had cases of Legionnaire's
8 Disease throughout on of our NYCHA campuses. And the
9 testing, everything similar to this other than not
10 having a positive case, I ended up having a positive
11 case and findings. But the testing takes too long.
12 There's no protocol. NYCHA fails continuously to
13 show up for the residents with the right equipment or
14 the right necessary items. I was surprised,
15 unfortunately, here to hear you folks say that you
16 had language access and you were, you know, ready to
17 respond whatever the timeline was even though-- but
18 because it was such an alarming case. You know, for
19 my Legionnaire's Disease case in on my NYCHA campus
20 at Clason Point Houses, the response was we're
21 waiting to test May 5th. We didn't find out it was
22 positive until about June 30th which is a full two
23 months, and we had people that were not given water,
24 were told to shower out of a bucket, because they
25 couldn't use their showerhead, or not to shower at

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2 all. There was no bilingual information. I mean
3 really for me what it comes down to is-- I mean,
4 there's a lot of embarrassment around timelines and
5 response and making language access available. My
6 office had to step in for NYCHA to make sure we sent
7 out a notification letter in English and Spanish. I
8 found through quick Google and some plumbing calls
9 that we can do a hose attachment in our showerheads
10 to make sure steam doesn't come out which is how you
11 actually catch Legionella, and I asked NYCHA to
12 purchase that equipment, and then I went door to door
13 with the superintendents to make sure that people
14 were opening, because the people they sent weren't
15 speaking the language for people to understand how
16 urgent the need was to change their showerhead so we
17 wouldn't have more positive cases. so even hearing
18 this horrifying experience for these residents, and I
19 guess in the end thankfully saying there wasn't
20 actually anything to be worried about even though the
21 fear and the anxiety, and as was stated prior, the
22 continued disappointment and lack of trust and apathy
23 toward government working for people and that's what
24 we're supposed to be here for, has now been
25 exacerbated by another example. I'm really

1 interested to know how we are working at NYCHA to
2 ensure that there are streamline processes and there
3 are rules and there are accountability measures put
4 in place in a hierarchal way other than us depending
5 on like, well, this might not be something, so let's
6 just wait two weeks to get the result back. What are
7 we doing right now to ensure that the agency itself
8 is equipping itself not only with translation
9 services and the proper equipment, but also the
10 streamline hierarchal processes and procedures to
11 ensure that this doesn't continue? And I know you're
12 going to answer. And I say this because when I found
13 out what a quick hose equipment that was \$4.95 on
14 Amazon and I'm sure we got for cheaper because it was
15 bought by wholesale. That was something that was
16 like, "Oh, yeah, we totally could buy this," and we
17 should already be doing this, but it's not actual
18 protocol to happen for us, and we get cases of
19 Legionnaire's Disease, hundreds of cases year
20 throughout our NYCHAs.

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22 CHIEF OPERATING OFFICER TRIMBLE: Thank
23 you so much, Council Member, for that feedback,
24 particularly about language access. I was not aware
25 of those issues, so I will be raising that with my

3 team right away, so thank you for bringing that to my
4 attention. Overall we are evaluating our existing
5 protocols as part of this ongoing investigation, and
6 we're happy to work with your office and the entire
7 City Council on suggestions of how to improve these
8 processes to make more stringent protocols in place
9 when we have water quality issues.

10 COUNCIL MEMBER SANCHEZ: That's great.
11 Thank you. I will say the Bronx team or at least the
12 team that responded to Clason Point Houses was ready
13 for me to get my hands dirty and like get involved,
14 and they were opening and willing to allow me to, but
15 I shouldn't have had to take time away from team to o
16 a bilingual letter out, to do it in a timely manner.
17 That should have come straight from your offices.

18 CHIEF OPERATING OFFICER TRIMBLE: Thank
19 you.

20 COUNCIL MEMBER SANCHEZ: Thank you.

21 CHAIRPERSON BREWER: Council Member
22 Krishnan?

23 COUNCIL MEMBER KRISHNAN: Thank you so
24 much, Chair Brewer and Chair Avilés, for holding
25 today's hearing. I have two questions. My first
point I just want to make is that I am-- it's

1 shocking yet also not shocking that we're in this
2 position with NYCHA. I-- before this job, I've been a
3 tenant lawyer for many years representing NYCHA
4 tenant associations in litigation against you all for
5 repairs, even for this, basic, for years-- mold, lead
6 paint, rats, roaches. I mean, the fact that now
7 we're talking about arsenic in water is so disturbing
8 and anyone to think about their children, their
9 parents being exposed or potentially exposed, however
10 you want to classify it, to arsenic is just utterly
11 shocking to me that we're even in this position. And
12 so I just have two questions. One is I saw in the
13 testimony a couple points, that the water-- as I
14 understand it, the water was tested two times by this
15 lab company, and both times their-- they detected
16 arsenic, and whatever the explanation as to-- it was
17 in the range of the confidence interval or it wasn't.
18 The point is there were two positive tests that came
19 back, and then they retracted later and claimed there
20 was false positive. So I'd just like to understand
21 exactly how that worked. Two positive-- not just
22 one, but two positive tests and then a retraction
23 later. What happened in that time period in between?
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3 SENIOR VICE PRESIDENT GREENE: So, when
4 we saw the lab results came in, when I first looked
5 at them on September 1st, there were oddities with
6 the way that it was reported the reporting limit they
7 were using was higher than the federal standard which
8 did make any sense from an environmental
9 practitioner's perspective. When I sent the result
10 to DEP, they immediately raised similar issues and
11 also the fact that this laboratory was not certified
12 in New York State. We then raised questions with the
13 vendor LiquiTech, which they then transmitted to the
14 laboratory about where the back-up documentation was
15 related to the samples, why they were reporting them
16 in such an odd fashion. That triggered them to
17 conduct an internal audit, the laboratory conducted
18 an internal audit of their samples, and they
19 basically screwed up the process. They basically did
20 not run the samples appropriately. They didn't do
21 the dilution appropriately, and there was
22 contamination of the samples, and they retracted
23 them, which I thought was also shocking. But it
24 shows that this lab-- we should not be using out of
25 state laboratories to analyze drinking water. They
did not-- simply did not run this test at all

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2 appropriately, full stop. So, that is what happened,
3 I think we were all surprised that they retracted it
4 so quickly, but we had concerns form day one about
5 the quality of these results. And they basically
6 born out to be true. But the actions that we took
7 were because, as you said, we had the two confirmed
8 results. We didn't want to hash out with the
9 laboratory and let the residents continue to drink
10 the water, and we fought a technical battle with this
11 laboratory. Instead, what we wanted to do us issue
12 the advisory and then take additional samples,
13 extensive samples. Over 140, the original, were only
14 at five locations. We sampled 140 locations including
15 the drinking water tanks, the points of entry, every
16 apartment in every single building, the community
17 centers, and at the same time raise questions about
18 the laboratory. So, that is why we-- you know,
19 that's why we acted in the way that we did in
20 response to that. But we were suspicious of the lab
21 results to begin with. Also, huge context point,
22 there's never been arsenic in New York City water.
23 So this was a really remarkable, unique, bizarre
24 finding, and they-- just want to note, they had
25 sampled the point of entry, which is DEP water coming

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into the system so that was even more of an anomaly that shocked DEP because they don't find arsenic ever in their water. So I now that's a long answer to your question but they basically screwed up the process. They documented how they screwed up the process. They put I ton their own letterhead and have it sign by their executives. They've retracted the results. And now, what we need to do to build back the confidence that they've destroyed by improperly running the samples is continue to sample, to continue to sample, to continue to show the community who I understand does not trust us. And we need to now show with science and meetings and being able to show them that this, there is no arsenic in the water.

COUNCIL MEMBER KRISHNAN: I mean, it's

just-- and thank you for that, for that answer, too, but it is the lack of quality of control that has to get to the point with NYCHA that their false positive test for arsenic, before NYCHA realizes working with a vendor whose standards are so low that they generate thee positives is really disturbing. And it just shows the way in which NYCHA, I think, is really

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2 failing its tenants on multiple levels. If the
3 Chairs allow, I have one more question if that's okay.

4 SENIOR VICE PRESIDENT GREENE: could I
5 ask--

6 CHAIRPERSON AVILÉS: [interposing]
7 [inaudible] clarification, if I may. Mr. Greene, I
8 just want to be sure I'm hearing you correctly. Did
9 you-- were you the person that reviewed the 8/29
10 results and identified deficiencies in the reporting?

11 SENIOR VICE PRESIDENT GREENE: No, I did
12 not. Well, I reviewed those results ultimately, but
13 I did not become involved until September 1st.

14 CHAIRPERSON AVILÉS: Who reviewed those
15 initial results of 8/29?

16 CHIEF OPERATING OFFICER TRIMBLE: The
17 original results from 8/29 were provided to NYCHA's
18 Technical Services Department that oversees the water
19 unit right now.

20 CHAIRPERSON AVILÉS: And how many
21 individuals were involved in that specific review?

22 CHIEF OPERATING OFFICER TRIMBLE: About
23 two.

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3 CHAIRPERSON AVILÉS: And what's the next
4 step? Who-- when that Department found those
5 results, where did they go next?

6 CHIEF OPERATING OFFICER TRIMBLE: They
7 shared those results with NYCHA executives, and
8 suggested as the lab suggests to re-run the tests as
9 it was, again, just one sample, and it was a
10 preliminary estimated value, and so the idea was that
11 we go back the next day and conduct additional
12 samples and additional testing to see whether, in
13 fact, this is a false positive or not.

14 CHAIRPERSON AVILÉS: Are those
15 individuals qualified to review these tests? Could
16 they not have identified a deficiency in what the
17 result was?

18 CHIEF OPERATING OFFICER TRIMBLE: One of
19 those individuals is an Industrial Hygienist and used
20 to reviewing water quality tests.

21 CHAIRPERSON AVILÉS: Mr. Greene noted
22 that when he saw the results, it was clear that there
23 deficiencies in the testing process.

24 CHIEF OPERATING OFFICER TRIMBLE: Do you
25 want to--

3 SENIOR VICE PRESIDENT GREENE:

4 [interposing] There were oddities in the way that
5 they were reporting the values. I thought one of the-
6 - the most notable one was the standard is 10 parts
7 per billion, yet their reporting limit was 12.5 parts
8 per billion. So, from an environmental perspective,
9 you typically don't set your reporting limit above
10 the contaminant level, because that would mean if the
11 sample came in like at 11, it would be a non-detect.
12 So it didn't make sense in the way that they were
13 reporting the information, which is oen of the things
14 that I had-- that was scratching my head when I first
15 saw them. And we shared them with DEP and DOHMH who
16 also had similar concerns, also given-- again,
17 because they had taken a sample. The original one at
18 building 11 was at the point of entry. So that would
19 be a D-- that would be DEP water. And again, DEP had
20 never received an arsenic result before. One point I
21 do want to make about quality assurance. I 100
22 percent agree with you. I oversee the lead paint
23 Department. We have a staff of over 30-- 30 staff
24 members that review technical reports for lead-based
25 paint inspections of which we've conducted over
130,000 lead-based paint inspections over the past

3 three and a half years. So, without that quality
4 control, the data-- there's often mistakes made in a
5 testing process. These companies that do the testing
6 are not infallible. They make mistakes. They miss
7 certain steps. They don't collect it appropriately,
8 and that's why Quality Assurance, when you get
9 environmental testing, is a critical step. It annoys
10 everybody because it delays the results, but it is an
11 important step from a technical perspective to make
12 sure that you're dealing with good data.

13 CHAIRPERSON AVILÉS: Mr. Greene, if you
14 would have received those original test results,
15 would you have went back to the same company to redo
16 those results, or would you have chosen an
17 alternative approach?

18 SENIOR VICE PRESIDENT GREENE: I would
19 have used an ELAP-certified laboratory, because
20 there's local laboratories that we work with in New
21 York City region that can analyze samples faster. You
22 don't have to deal with mailing the samples. There's
23 better quality control. If you watch us collect the
24 samples, which we're happy to show anybody how we
25 collect the samples tomorrow. We put them on ice.
We have to transport them immediately to a

3 laboratory, especially when you do bacteriological
4 sampling. The whole time is incredibly important.
5 So we wanted to make sure that we have good quality
6 samples.

7 CHAIRPERSON AVILÉS: So you would have
8 went to a different vendor as opposed to the same one
9 In short, yes?

10 SENIOR VICE PRESIDENT GREENE: In re--
11 like, I don't know what I would have done, because I
12 have-- but back-- but I would have used probably a
13 different laboratory, yes.

14 CHAIRPERSON AVILÉS: Thank you. Council
15 Member Krishnan, apologies.

16 COUNCIL MEMBER KRISHNAN: No, don't
17 worry. Thank you, Chair. I also just want to
18 register too that on a very human level I am deeply
19 disturbed like my colleague that Gregory Russ is not
20 here today to testify, and it shows an utter
21 disrespect for tenants of NYCHA, for their health and
22 their wellbeing, and what they've been through that
23 he couldn't appear to testify today. But my
24 question-- and following up on all of this, and the
25 Public Advocate's point as well, is moving forward
from here, what is the time delay in getting the

3 results for the test for next-- the testing happening
4 this weekend, when-- what is the turnaround for the
5 results on those tests from this weekend?

6 SENIOR VICE PRESIDENT GREENE: So, we
7 should have them in by like the middle of next week.
8 Typically, it takes about 18 to 24 hours to run the
9 metal sample, and the bacteriological sample actually
10 takes a full 48 hours, because they actually have to
11 plant the sample to allow them to count the bacteria
12 as part of that criteria, so-- there-- so there's
13 different timing depending on like the samples, but I
14 expect that we'll hopefully have them back by like
15 Tuesday. We'll review the results, and then I would
16 like to have them posted mid-week. So that is the
17 goal. We will prioritize the samples, definitely in
18 the course of the emergency that we had. We had a
19 lab open on Labor Day weekend, which was, you know,
20 kind of unprecedented. They had to bring in their
21 staff, too. They weren't going to be open on-- to my
22 knowledge, I don't think they were, on the Labor Day
23 weekend. I could be wrong about that. But they
24 basically had to bring-- they had to do that very--
25 as an emergency. But we'll definitely have the
results next week, and then we'll post them on the

1
2 website. We'll speak about them with the TA. And
3 that's the kind of cadence that we're going to
4 hopefully get into here going forward.

5 COUNCIL MEMBER KRISHNAN: I would just
6 urge that NYCHA use all speed, that if it's 48 hours
7 and 48 hours, those tests happen. Because every day
8 that goes by where tenants don't know the water
9 they're drinking, waiting on test results to come in,
10 especially after all that's happened, is not
11 acceptable. So, however quickly NYCHA can do this,
12 it needs to do it. Thank you.

13 CHAIRPERSON BREWER: Thank you. We're
14 still talking or trying to figure out protocol and
15 also history and why things were done when they were.
16 So I want to thank-- because you did respond to the
17 questions that we asked and you wrote us a very
18 detailed letter, and I appreciate it, and there were
19 between May 2022 and the September 3rd, there were 93
20 complaints according to your Maximo [sic] system,
21 which I guess I call the CCC system, and that doesn't
22 occur-- you know, some residents do call 311. They
23 get tired of dealing with CCC and they call 311. So,
24 what we have here is the 93. So, it looks like in
25 terms of weekly listings, May 29th to June 4th there

1 was one complaint, and then it was four, June 12th to
2 June 18th, and then 10 June 3rd to June 9th. Four-- I
3 mean, and then July 3rd to July 9th, I'm sorry. July
4 10th to the 16th there were four. July 17th to the
5 23rd there were 10. July 24th to July 30th there were
6 six, and then July 31 to August 6th there were 21,
7 and then it goes on increasingly in August as you
8 have indicated. So I guess my question is, I don't--
9 again, protocol, we don't know what it is. Is it
10 one? Is it four? It seems like 10, July 3rd to July
11 9th might have been a situation where somebody might
12 have said, "What's going on here?" So, did that--
13 did anybody pick up on that? Because I think it had
14 something to do with this pump failing, which you
15 know more about than I do. Nobody noticed it, and I
16 guess it drained, and then maybe tenants were
17 drinking whatever. I call them dregs [sic]. I don't
18 know what to call them. Maybe that's what clouded
19 the water. But it seems to me-- I know we started
20 talking in August, but it seems to me in July, even
21 earlier, there were issues. How does-- is this based
22 on this lack of protocol?

24 CHIEF OPERATING OFFICER TRIMBLE: Thank
25 you, Council Member. The complaints did increase

1
2 throughout July. The water tanks were originally
3 cleaned in June as part of the annual roof tank
4 cleaning process, and the water was tested at the
5 beginning of July and June to be potable. However,
6 the cloudy water complaints continued. We do now
7 think that that house pump was in roof tank 11, roof
8 tank in building 11, was the source of the cloudy
9 water complaints. They're in-- you know, as we've
10 kind of talked about a little bit already so far,
11 there are 19 buildings at Riis Houses. Seven of
12 those are supplied directly by DEP water mains.
13 However, there are two roof tanks, one at building 11
14 and one at building 8.

15 CHAIRPERSON BREWER: Correct.

16 CHIEF OPERATING OFFICER TRIMBLE: Upon
17 further review, it seems that most of the complaints
18 that you're seeing there in your letter are in
19 buildings associated with the roof tanks from
20 building 11. There are two pumps in the roof that
21 serve the roof tank. Typically, these pumps are not
22 intended to operate simultaneously. They operate
23 interchangeably, but the idea is that they provide
24 continuous feed of water, and in case one fails, the
25 other can take over. However, when one fails, and

3 there is a high demand, it can cause problems with
4 the other one, and problems are the-- you know, the
5 aeration and pressure in the water. So, our staff
6 discovered that the pump wasn't functioning properly
7 on July 28th. On July 28th, when that was discovered,
8 they removed a part of the pump and sent it out to a
9 vendor to be repaired right away. It was then
10 returned to service on August 15th, and so that-- and
11 after August 15th, you'll see the water complaints
12 start to decrease again, and that is why we believe
13 the water-- the house pump was the cause of the
14 cloudy water condition.

15 CHAIRPERSON BREWER: Okay. And were
16 residents apprised of all of this? Were they brought
17 up to date that these were the issues?

18 CHIEF OPERATING OFFICER TRIMBLE: No,
19 typically, residents are not informed about house--
20 building maintenance systems like that, like a house
21 pump.

22 CHAIRPERSON BREWER: Even when their
23 water is cloudy and they don't know why?

24 CHIEF OPERATING OFFICER TRIMBLE: In this
25 case, we could have better explained the situation of
the cloudy water, but again, it was not identified

1
2 until July 28th that the house pump was likely the
3 cause.

4 CHAIRPERSON BREWER: Okay. I mean, it
5 seems to me again, back to your protocols, not good
6 communication, not good-- I'd like to know why my
7 water was cloudy even before arsenic was not really
8 there, but no communication. And then I think there
9 are-- just because we're trying to think future,
10 there are water tanks across, you know, portfolio. I
11 know certainly I have them on the west side. I
12 certainly know they're in Harlem. I've been through
13 them with Legionnaire's Disease also. How do you--
14 where are the inspection reports kept for all of
15 these water tanks? You just described that, you
16 know, the tenants didn't know because there's no
17 protocol, but hopefully there will be in the future.
18 Where are the inspection reports kept on these water
19 tanks? Annual, you said, water tank review--

20 CHIEF OPERATING OFFICER TRIMBLE:

21 [interposing] 209 roof tanks across 141 developments.

22 CHAIRPERSON BREWER: 209 you said?

23 CHIEF OPERATING OFFICER TRIMBLE: 209
24 across 141 developments. They're all cleaned and
25

1
2 tested annually, and those results are supplied to
3 DOHMH and posted on the DOHMH website.

4 CHAIRPERSON BREWER: Okay, so if I went
5 to the website at DOH I would find them, but not at
6 NYCHA, or what are you telling me?

7 CHIEF OPERATING OFFICER TRIMBLE: That's
8 correct. They-- I can double check, but they may
9 also be maintained in the property management office.

10 CHAIRPERSON BREWER: Okay, because I
11 don't know that anybody would know to go to DOH. So
12 again, protocols. That would be another-- in my
13 opinion, given the heightened sensitivity of water,
14 that it would be part of an annual discussion with
15 the residents in the different development to know
16 that it was cleaned, it was safe, it wasn't safe,
17 blah, blah, blah. Something different, right? Okay,
18 because that's really challenging, I have to tell
19 you. The other thing I want to ask is-- I know
20 nothing about water pumps, but I do have a lot of
21 friend who used to work for NYCHA as Brian knows, and
22 they call me with everything. So, the other question
23 I have is regarding-- it's the-- there's another pump
24 that is used. It's in addition to the one that I just
25 described, and it is the-- I think this is more of a

3 DEP. It's a roof tank. It's the backflow prevention
4 device. And so is that checked every year? Where is
5 that information, and how would that have impacted,
6 if at all, this situation.

7 DEPUTY CHIEF OFFICER SAPIENZA: Yeah,
8 Chair Brewer, thank you for the question. The
9 backflow preventer is not actually a pump, but it's
10 just a device that prevents water from a building
11 system from backing up into the City's water mains.

12 CHAIRPERSON BREWER: Okay.

13 DEPUTY CHIEF OFFICER SAPIENZA: And so
14 there's a program for maintenance--

15 CHAIRPERSON BREWER: [interposing] And
16 would that have had any impact on this situation
17 [inaudible] was again revealed and transparent?

18 DEPUTY CHIEF OFFICER SAPIENZA: Very
19 likely not, and again, as you heard from NYCHA Chair
20 Brewer, the pumping system it's often-- and DEP has
21 experienced this over the years in other buildings
22 where pumps used for bringing water from street level
23 up to roof tanks, when they do have problems they can
24 entrain air and the air bubbles get in the water and
25 cause cloudiness.

3 CHAIRPERSON BREWER: Okay, and those are
4 checked twice a year or once a year? What's-- how
5 often are they supposed to be checked, these
6 particular back flow devices?

7 DEPUTY CHIEF OFFICER SAPIENZA: I'll get
8 back to you on those.

9 CHAIRPERSON BREWER: Okay.

10 DEPUTY CHIEF OFFICER SAPIENZA: But we
11 have a permitting and inspection.

12 CHAIRPERSON BREWER: I think that
13 according to Local Law 58 of 2019, they're supposed
14 to be checked on a regular basis.

15 DEPUTY CHIEF OFFICER SAPIENZA: It's
16 annual. I think it's annually, yeah, but we'll--

17 CHAIRPERSON BREWER: [interposing] Okay,
18 but again, people need this kind of information to
19 know what is or not possible. The other question I
20 have is the-- hold up one second. The 200 dollars,
21 which I know will be worked out with the residents,
22 does that seem like it's enough funding for what they
23 have experienced? Has this ever been done before?
24 How do you work out whatever the money will be?
25

2 CHIEF OPERATING OFFICER TRIMBLE: The 200
3 dollar figure was requested to NYCHA by local elected
4 officials, and we felt that was reasonable.

5 CHAIRPERSON BREWER: Okay, and when will
6 that be allocated?

7 CHIEF OPERATING OFFICER TRIMBLE: We are
8 working right now to have that allocated in the next
9 two weeks as promised to the Resident Association
10 during a meeting last week.

11 CHAIRPERSON BREWER: Okay. And the other
12 question we wanted to know just quickly was how much
13 did you pay LiquiTech, and are they going to be
14 reimbursing you for their mistakes?

15 CHIEF OPERATING OFFICER TRIMBLE: We have
16 not paid and will not pay LiquiTech for the work
17 performed here at Riis Houses.

18 CHAIRPERSON BREWER: You have not paid
19 them anything?

20 CHIEF OPERATING OFFICER TRIMBLE: we have
21 not paid them anything and we do not intend to pay
22 them anything.

23 CHAIRPERSON BREWER: Okay. Thank you.

24 CHAIRPERSON AVILÉS: Thank you. I'd like
25 to go back to the moment of the discovery of the

3 first test result on 8/29. Can you walk me through--
4 so two people in which Department?

5 CHIEF OPERATING OFFICER TRIMBLE:

6 Technical Services Department within Operations.

7 CHAIRPERSON AVILÉS: Received the results
8 on 8/29. They then reported those results to whom
9 and when?

10 CHIEF OPERATING OFFICER TRIMBLE: They
11 reported those results to various members of the
12 Operations Department later that afternoon, I think
13 approximately around four, four or five o'clock.

14 CHAIRPERSON AVILÉS: Who is various
15 adults?

16 CHIEF OPERATING OFFICER TRIMBLE: Various
17 members of the Operations team.

18 CHAIRPERSON AVILÉS: You're going to
19 learn why I want to understand who specifically. And
20 what happened next?

21 CHIEF OPERATING OFFICER TRIMBLE: Based
22 on their-- that recommendation seemed appropriate for
23 them to proceed with the resampling and the
24 retesting.

25 CHAIRPERSON AVILÉS: So, someone from
this Operations-- various individuals in this

1
2 Operation Department, who authorized a next set of
3 testing using the same company?

4 CHIEF OPERATING OFFICER TRIMBLE: At that
5 time, we hadn't really understood the implications of
6 the lab, and as Mr. Greene said in retrospect we
7 wished we had used a different laboratory for the
8 second round of testing.

9 CHAIRPERSON AVILÉS: Right, but someone
10 authorized a retesting using the same exact
11 laboratory. Who authorized that testing?

12 CHIEF OPERATING OFFICER TRIMBLE: The Op-
13 - we agreed with the recommendation to proceed with
14 the resampling.

15 CHAIRPERSON AVILÉS: So, we don't know.

16 CHIEF OPERATING OFFICER TRIMBLE: It was-
17 - it was agreed that we would proceed. All the
18 Operations executives, including myself, on the email
19 agreed we should proceed with that retest.

20 CHAIRPERSON AVILÉS: So, every Operations
21 executive at NYCHA said yes, let's use the same
22 company to do these results?

23 CHIEF OPERATING OFFICER TRIMBLE: Again,
24 we were not aware of the lab at that point. That

1
2 distinction of the lab came out later as we began to
3 investigate these results.

4 CHAIRPERSON AVILÉS: When was the CEO and
5 Chair informed of these results?

6 CHIEF OPERATING OFFICER TRIMBLE: I
7 believe they were informed upon the retesting on
8 September-- when we got the retesting results on
9 September 1st.

10 CHAIRPERSON AVILÉS: So, the Chair on
11 8/29 was not aware?

12 CHIEF OPERATING OFFICER TRIMBLE: No, I
13 do not believe they were aware at that time.

14 CHAIRPERSON AVILÉS: So, in terms of DEP,
15 is a six-day-- I'd love your expertise here. Is a
16 16-day turnaround for water testing standard,
17 unusual?

18 DEPUTY CHIEF OFFICER SAPIENZA: Chair, it
19 depends. If you're just saying I want my water
20 tested, send it to a lab, it could take a week, two
21 weeks. If you need a rush, you know, as you heard
22 from NYCHA, arsenic test can be turned around 24
23 hours, bacterial test can be turned around 48 hours.
24 So, if you really want it done quick, it can be done,
25

1
2 but typically, if you don't tell the lab there's a
3 rush, they may take that amount of time.

4 CHAIRPERSON AVILÉS: Can NYCHA confirm
5 whether they asked for results to be rushed from the
6 lab if clearly this was on the heels of multiple
7 complaints, ongoing complaints? They were compelled
8 to ask LiquiTech to test for arsenic.

9 CHIEF OPERATING OFFICER TRIMBLE: We had
10 followed up multiple times over the next few weeks
11 requesting results, including on August 25th when we
12 were, you know, getting somewhat impatient for the
13 results ourselves. We asked for partial results if
14 they had that even available. So we had been
15 following up, but no, we did not request explicitly
16 for them to be expedited.

17 CHAIRPERSON AVILÉS: So, no explicit
18 request for rushed results, but following up in the
19 interim and following up specifically with LiquiTech?

20 CHIEF OPERATING OFFICER TRIMBLE: Yes.

21 CHAIRPERSON AVILÉS: And is-- I couldn't
22 discern it from the contract, but is LiquiTech's
23 contract at all cover testing of arsenic?

24
25

3 CHIEF OPERATING OFFICER TRIMBLE: It is
4 not specific to arsenic. It just covers water
5 sampling.

6 CHAIRPERSON AVILÉS: Would there be
7 reason to need a specific arsenic testing entity or
8 agreement?

9 CHIEF OPERATING OFFICER TRIMBLE: Again,
10 we weren't seeking arsenic specifically. We ordered
11 a broad spectrum of testing to be performed in order
12 to understand what was causing the cloudy water.
13 This was on August 12th, and at that time, I was not
14 informed about the water pump.

15 CHAIRPERSON AVILÉS: Okay, because one of
16 the challenges that certainly we're having is that
17 this-- we understand that LiquiTech was brought in
18 actually to do these ionization systems and some
19 water testing, bacterial water testing, not arsenic.
20 So, it's very difficult to understand how you would
21 have an entity to conduct this kind of testing and
22 why they were asked in the first place to do it. So,
23 why did you decide to test for arsenic?

24 CHIEF OPERATING OFFICER TRIMBLE: Again,
25 it wasn't arsenic specifically.

CHAIRPERSON AVILÉS: Okay.

3 CHIEF OPERATING OFFICER TRIMBLE: It was
4 a broad spectrum, and that includes a wide range of
5 analytes and parameters.

6 CHAIRPERSON AVILÉS: Got it. So, in
7 terms of-- walk me through September 2nd. So, once
8 the 8/29 results were found it went to the technical.
9 The Operations team said fine, hire, re-hire this
10 entity to do a second round of results. A second
11 round of results came in 24 hours, a day later.
12 Again, confirming four out of the five test of
13 finding-- who received that result?

14 CHIEF OPERATING OFFICER TRIMBLE: so,
15 those results again were sent to Operations, and when
16 we got the second results for arsenic, which again
17 was an unprecedented result to see given that we knew
18 that arsenic is not detectable in New York City
19 water. At that point, we brought in Dan Greene, and
20 understanding that we would need help from DOHMH and
21 DEP to understand and analyze what we had in front of
22 us, we asked Dan Greene for help, as he has some of
23 that background and the contacts at DEP and DOHMH,
24 and he coordinated those conversations. So I will
25 ask him to speak to what happened next.

3 CHAIRPERSON AVILÉS: And when exactly was
4 the Mayor informed of the test results?

5 CHIEF EXECUTIVE OFFICER HIATT: City Hall
6 was informed on Friday, and--

7 CHAIRPERSON AVILÉS: [interposing] At
8 what time?

9 CHIEF EXECUTIVE OFFICER HIATT: Friday
10 afternoon, and we've been advised that the Mayor was
11 told shortly thereafter.

12 CHAIRPERSON AVILÉS: Friday afternoon at
13 what time?

14 CHIEF EXECUTIVE OFFICER HIATT: I don't
15 have the specific time, but I can--

16 CHAIRPERSON AVILÉS: [interposing] Was he
17 informed by email--

18 CHIEF EXECUTIVE OFFICER HIATT:
19 [interposing] Oh, around two o'clock.

20 CHAIRPERSON AVILÉS: by telephone?

21 CHIEF EXECUTIVE OFFICER HIATT: Email?
22 Telephone?

23 CHIEF EXECUTIVE OFFICER HIATT: We
24 emailed the Chief Housing Officer, and she alerted--
25 we were told that she alerted the Mayor shortly
thereafter.

1
2 CHAIRPERSON AVILÉS: So, the Mayor was
3 informed Friday afternoon, but showed up at 10
4 o'clock at night to distribute water. What
5 transpired in the in-between time? What was he
6 informed of?

7 CHIEF EXECUTIVE OFFICER HIATT: None of
8 us were involved in the conversation directly with
9 the Mayor, so we can't speak to exactly what
10 information he was provided.

11 CHAIRPERSON AVILÉS: Who provided that
12 information? Who was in communication with the
13 Mayor?

14 CHIEF EXECUTIVE OFFICER HIATT: I'm not
15 sure who exactly spoke to the Mayor. As I said, we
16 delivered the information to the Chief Housing
17 Officer.

18 CHAIRPERSON AVILÉS: Okay, we would like
19 to see the chain of communications, if that can be
20 provided and I'm sure the DOI and the Monitor will be
21 looking into that. Of course, this begs the
22 question, if the Mayor knew in the afternoon and
23 showed up at 10, and then I think the public notice
24 went out at 11:00 p.m. Friday night.

3 CHIEF OPERATING OFFICER TRIMBLE: Our
4 robocalls to residents went out approximately nine
5 o'clock. We were on-site as of 7:30 fliering [sic]
6 the building and talking to residents at that time.

7 CHAIRPERSON AVILÉS: That is very much in
8 contradiction to resident reporting, I will say.
9 Yeah, go ahead.

10 CHAIRPERSON BREWER: I just want to
11 understand, you're saying that protocol for the
12 future will be determined or benchmarks for the
13 future will be determined. What's your timing for
14 that? God forbid this happens somewhere else and
15 there's no protocol. So what are you thinking about
16 in terms of-- I know you asked for our input, that's
17 fine. I am no building manager. But what is your
18 timing for a protocol and how are we going to know
19 that there is a protocol when there is one?

20 CHIEF OPERATING OFFICER TRIMBLE: Is this
21 in regards to cloudy water complaints and additional
22 testing? So, we are waiting for the results of the
23 investigation in order to make any final protocol
24 changes.
25

3 CHAIRPERSON BREWER: and when do you
4 think the final results from the Monitor, I guess,
5 and the IT, when will they be available?

6 CHIEF OPERATING OFFICER TRIMBLE: I can't
7 speak to their timing.

8 CHAIRPERSON BREWER: Okay, but it does
9 seem to me that in addition to their input, you
10 should be doing your own notion of what a protocol
11 and benchmark look like.

12 CHIEF OPERATING OFFICER TRIMBLE:
13 Absolutely. We are starting to have those
14 conversations and putting together internal
15 recommendations. We just don't want to put anything
16 in place until we have their recommendations so we
17 can take them into account as well into the final
18 policy.

19 CHAIRPERSON BREWER: So, is it just water
20 that doesn't have a protocol? Does lead have a
21 protocol? Does pests have a protocol? Does--
22 etcetera.

23 SENIOR VICE PRESIDENT GREENE: Yes, lead
24 definitely has a protocol. We wrote it as a very
25 lengthy protocol that we developed over the course of

1
2 three years with HUD input. The Monitor put-- pests
3 also has a procedural manual.

4 CHAIRPERSON BREWER: Alright, so it's
5 just water that doesn't have a protocol? I'm trying
6 to understand, because to me this is a little
7 surprising.

8 CHIEF OPERATING OFFICER TRIMBLE: Right
9 now, water does not have a protocol.

10 CHAIRPERSON BREWER: And that's the only
11 issue that doesn't have a protocol. I mean, that
12 would include Legionnaire's Disease and water tanks
13 and so on.

14 CHIEF OPERATING OFFICER TRIMBLE: For
15 Legionella cases we follow DOHMH protocols that they
16 place on us as part of that process.

17 CHAIRPERSON BREWER: Okay. So it's just
18 water right now.

19 CHIEF OPERATING OFFICER TRIMBLE: As far
20 as we know, yes.

21 CHAIRPERSON AVILÉS: So, I want to go
22 back to September 2nd. I just want to make sure I'm
23 clear here. So on September 2nd-- actually I first
24 learned about this incident on the news. Can you
25

1
2 tell me who specifically was informed of this
3 situation on September 2nd?

4 CHIEF OPERATING OFFICER TRIMBLE: Sure.

5 On September 2nd, DOHMH, DEP, and NYCHA were
6 concluding discussions about what these results meant
7 and what operational changes we need to make,
8 including the water restrictions. Once that decision
9 was made to implement the water restrictions, DOHMH
10 also had guidance for us as far as the flushing of
11 all the apartments across Riis that occurred on
12 Saturday in order to clean out the water before we
13 conducted a new round of testing. So after we made
14 those decisions and had information to share with
15 residents, we created a communications plan that
16 again included the fliers and the robocalls. We
17 reached out to the Resident Association President and
18 the Resident Association Board as well as the
19 President of the Citywide Council of Presidents. We
20 started reaching out to all elected officials, and
21 then again, we were on-site with water around 7:30.
22 We implemented our emergency protocols to have water
23 distribution 24/7 at the site until the water
24 restriction was lifted.

1
2 CHAIRPERSON AVILÉS: Okay, I would like
3 for the record a more specific itemized detailing of
4 exactly the chain of communication from the moment of
5 8/29, or actually-- yeah, from the first results that
6 were received, where that communication led and at
7 what times and who exactly. Because what we're
8 seeing is, obviously it's a big agency and this is a
9 big issues, multiple gaps with no clarity around who
10 is responsible for making what decisions. The
11 residents want accountability. They want to
12 understand who is making the decisions. Groups and
13 New York is not making a decision. People are making
14 decisions throughout this process. So, you know,
15 bear with me. That's-- the timeframe is very murky,
16 the afternoon, the night, a group. You know, I think
17 the residents deserve a full accounting, an actual
18 chronology of who was communicated with when. The
19 Mayor went on record saying he wasn't informed until
20 after he did the appearance to distribute water
21 Friday night, and yet here we are understanding that
22 he was actually informed Friday afternoon. So I just
23 need you all to understand why we are hopping on who
24 was informed when and who made the decisions.

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CHIEF OPERATING OFFICER TRIMBLE: I

completely understand your questions and the need for that information. There is an ongoing investigation also seeking all of those questions, so I will defer to the investigation to provide that information. That full report will provided when it's completed.

CHAIRPERSON AVILÉS: I just want to

switch right quickly to Legionella, and it was mentioned by my colleagues, you know, the finding, this entire situation, right, begs to question all the testing, all the residents across NYCHA who experience brown water quite frequently among other things. So all NYCHA residents are wondering is this going to poison me or my children. Is this poisoning my parents? So it really does beg to question who holds the contracts. From-- are there-- are the water testing contracts hold by multiple vendors, or is it just LiquiTech? Who's responsible for testing the water?

CHIEF OPERATING OFFICER TRIMBLE: So, the

annual roof tank cleaning and testing is a different vendor. It's called American Tank and Pipe, or Pipe and Tank-- American Pipe and Tank. They are the annual roof tank cleaning vendor and testing. They

3 also use an ELAP-certified lab that they choose to do
4 the water sampling. LiquiTech is right now the
5 Legionella vendor, but we are working expeditiously
6 to have an emergency contract in place to replace
7 them.

8 CHAIRPERSON AVILÉS: So, as of right now,
9 LiquiTech remains a current vendor for the--

10 CHIEF OPERATING OFFICER TRIMBLE:
11 [interposing] Yes.

12 CHAIRPERSON AVILÉS: New York City
13 Housing Authority. And is the New York City Housing
14 Authority going to seek-- well, is there a potential
15 for a claw-back and obtain money for damages?

16 CHIEF EXECUTIVE OFFICER HIATT: We are
17 exploring our legal options against both LiquiTech
18 and EMT the lab.

19 CHAIRPERSON AVILÉS: In terms of
20 Legionella, I mean we've obviously had cases around
21 the City and certainly our colleagues in the Bronx
22 mentioned thankfully her own ingenuity at finding
23 solutions for our city and for her residents. is it--
24 - I guess, I just want to say I completely agree with
25 my colleague Chair Brewer around making results
available in places that are accessible to residents,

1 but not only making them available, because no one
2 would know to go to DOHMH. But they would also
3 probably not understand the scientificalese [sic]
4 that these results come in. So it's important that
5 these documents are both accessible in language and
6 accessible to residents, and additionally, while we
7 have data, right? NYCHA has an abundance of data on
8 its website, and that has come with years of
9 improvement, but the data is actually not usable to
10 the common person. Particularly with contracts, you
11 have a list that you can download. You can actually
12 do any analysis on all this data if you wanted to.
13 So, I would recommend that NYCHA-- and this-- I will
14 be gracious and say this is not a problem for NYCHA
15 alone. This is certainly a government problem, but
16 given the history and the constant demands for
17 transparency, and this building back of trust, you
18 need data that is downloadable, that people can do
19 analysis with to make sure, and to be a second view
20 on this data. So I would encourage whatever systems
21 you're trying to do to try to make this as user-
22 friendly, and I know there's a technical term for it,
23 because I'm not data geek I don't exactly know what
24
25

1
2 it is, but it is not usable in its current form and
3 it's very difficult to find.

4 CHAIRPERSON BREWER: I'm just thinking it
5 would even be great at every tenant meeting of
6 Resident Associations coming up to give them whatever
7 is in the management office and paper-- and boxes are
8 on the shelf, or whatever is to the residents,
9 whatever the last annual report was, if there is a
10 water tank. That would be something that would show
11 across the-- all of NYCHA, that you're serious about
12 transparency and sharing. I have a feeling that
13 nobody's looked at these, nobody even knows that
14 these reports exist. That would be a-- you know,
15 with an eye toward we're changing our protocols and
16 benchmarks. Thank you. And if you could let us know
17 if you'll do that, that would be helpful.

18 CHAIRPERSON AVILÉS: Yeah, I guess in
19 terms of-- in terms of the contracting process, when
20 will we expect to hear a determination on what
21 exactly is going to happen with the LiquiTech
22 contract?

23 CHIEF OPERATING OFFICER TRIMBLE: We are
24 working right now to review our options on an
25 emergency cont-- on a new emergency procurement to

1
2 replace them. I am hoping to have a new vendor in
3 place sometime in early November.

4 CHAIRPERSON AVILÉS: And what concrete
5 changes can be made in the contracting process?
6 We've identified a couple of deficiencies. What
7 concrete changes are you looking to make?

8 CHIEF OPERATING OFFICER TRIMBLE: I think
9 first and foremost that we require-- that we specify
10 the New York State ELAP certification. We also
11 would-- we could put in at the-- present the lab to
12 us for approval prior to doing any sampling and
13 testing. And we're happy to take any other
14 suggestions you may have.

15 CHAIRPERSON AVILÉS: I have a slew, and I
16 will tell you this issue of subcontracting and NYCHA
17 having, "Oh, it was a subcontract. We don't know," is
18 a huge problem that's come up in multiple contexts.
19 You allow a contractor-- and this is quite a large
20 contract, right? This is a 4.8 million dollar
21 contract if I'm not mistaken.

22 CHIEF OPERATING OFFICER TRIMBLE:
23 Correct.

24 CHAIRPERSON AVILÉS: And we've worked
25 with them-- is that-- that's the annual contract?

3 CHIEF OPERATING OFFICER TRIMBLE: That's
4 the total contract value since 2019.

5 CHAIRPERSON AVILÉS: Got it, okay. I
6 thought it was an annual. I was like, big contract.
7 Yeah, so I think some-- there has to be some approval
8 process that has happens with subcontractors because
9 it is a consistent problem throughout. Contractors
10 are hiring other people who doing shady stuff.
11 Residents are fed up. They have nowhere to complain
12 to. People are sent back to the contractors to
13 complain, and it's a consistent circle on and on.
14 So, I think we'd like to close that loop once and for
15 all and ensure that subcontractors have to be
16 approved and they should be monitored. How many
17 times has NYCHA actually assessed contracts? Like,
18 how many-- let's say LiquiTech. How many times
19 throughout its tenure has NYCHA done an evaluation on
20 LiquiTech services?

21 : I can't speak to the actual reviews
22 performed on LiquiTech. I do know that our
23 procurement Department, as you heard from our Chief
24 Procurement Officer earlier this week, has started a
25 more formal process of regular vendor reviews, but I

1
2 can't speak to the vendor review history on
3 LiquiTech, but I can get back to you on that.

4 CHAIRPERSON AVILÉS: Yes, because I think
5 that's another aspect of this process that we really
6 need to dig into because vendor reviews, I will say,
7 seems relatively ad-hock. There doesn't seem to be a
8 clear protocol of reporting of triggering of vendor
9 reviews. I've heard residents complain and complain
10 about vendors, and yet they continue to get
11 contracts. So there is some problem with vendors and
12 how they are monitored and how they continue to get
13 contracts through NYCHA in particular that we have to
14 solve for. I still have more questions, but I
15 understand we have-- oh, Council Member Williams
16 would like to--

17 COUNCIL MEMBER WILLIAMS: Hello. I
18 wasn't going to ask a question because my colleague
19 and Chairs have been doing such a good job. But I
20 just had a quick question about federal funds that
21 were given to the Riis Houses after Superstorm Sandy.
22 So the resiliency upgrade is still underway, I
23 believe. And so I wanted to know how much of the
24 funds were used to upgrade the plumbing.

3 CHIEF EXECUTIVE OFFICER HIATT: We have
4 our Senior Vice President Joy Sinderbrand who can
5 speak to that.

6 COMMITTEE COUNSEL: I'm sorry, before
7 your response you do need to be sworn in, so I'll
8 just administer the oath. Please raise your right
9 hand. Do you affirm to tell the truth, the whole
10 truth and nothing but the truth before these
11 committees and to respond honestly to Council Member
12 questions? Okay, you may proceed.

13 SENIOR VICE PRESIDENT SINDERBRAND: Thank
14 you. Thank you, Council Member. I'm Joy
15 Sinderbrand, Senior Vice President for Capital
16 Programs, and previously I was the Vice President for
17 the Recovery and Resiliency Department at NYCHA. We
18 administered federal funding to repair and also add
19 mitigation to the 35 developments most severely
20 impacted by Superstorm Sandy. At Riis Houses, Riis
21 One and Two were actually broken into two different
22 projects, but the scope of work very similar. The
23 focus of the disaster recovery funding was repairing
24 damage that was caused by Superstorm Sandy as well as
25 mitigating impacts from future storms and storm surge
and power outages. So, the type of work you would

1
2 see at that development include structural
3 reinforcement, flood-proofing, raising critical
4 infrastructure above the flood level, back-up power
5 generators, many of them were rooftop, and then you
6 might see eventually grounds restoration playground
7 work. There was limited work on the domestic water
8 system, but there was installation of back-water
9 valve and also there was some pump installation.

10 COUNCIL MEMBER WILLIAMS: Okay. So, to
11 the point on the pump installation, so I think it's
12 important that the Riis Houses has two pumps that
13 serve building 11, one of which stopped functioning
14 around July 15th or perhaps even earlier. Is there a
15 shelf life for the pumps? Are they insured?

16 JOY SINDERBRAND: I'm not sure the--

17 COUNCIL MEMBER WILLIAMS: [interposing]
18 And then allegation of a--

19 JOY SINDERBRAND: [interposing] I can get
20 back with that.

21 COUNCIL MEMBER WILLIAMS: a busted pump
22 until July 29th that didn't get fixed until August
23 15th. I guess the question is--
24
25

3 CHIEF OPERATING OFFICER TRIMBLE: To
4 clarify the pump she's talking about is different
5 than the roof tank pump that we-

6 COUNCIL MEMBER WILLIAMS: Yeah. I think-
7 - I think I'm still talking about the plumbing pumps.

8 CHIEF OPERATING OFFICER TRIMBLE: So, for
9 the roof tank pump--

10 COUNCIL MEMBER WILLIAMS: The roof tank
11 pump and then-- yeah.

12 CHIEF OPERATING OFFICER TRIMBLE: I will
13 find out the useful life of a piece of equipment like
14 that. I don't have that information handy, but I'm
15 happy to find it for you.

16 COUNCIL MEMBER WILLIAMS: Okay. Thank
17 you.

18 CHAIRPERSON BREWER: Okay. We want to
19 thank this panel, but we hope you stay. We do have
20 people who want to testify, so we're going to call
21 them right now. We thank you. This is an ongoing
22 discussion. It is not over. And we thank you, but
23 please do not leave.

24 CHIEF OPERATING OFFICER TRIMBLE: Thank
25 you.

3 COMMITTEE COUNSEL: Thank you very much.

4 And I understand that some of the witnesses who
5 registered to testify did have to leave because of
6 time, but I am still going to call the names of those
7 who filled out a witness slip in the instance that
8 you are still preset, and we will also be calling the
9 witnesses who are-- who have joined us via Zoom.

10 When I call your name, if you're here in person,
11 please come up to the witness panel, and if you are
12 joining via Zoom you will receive a prompt to unmute.

13 Please accept the prompt and begin your testimony.

14 And in the interest of time, we are limiting
15 individuals to three minutes each. At this time we
16 will call up Javita Santiago [sp?], Danette Chavez
17 [sp?], Albert Negrón, and Karen Blondell [sp?]. Are
18 any of those individuals present? Okay, I'll call
19 them again in a moment. Ms. Blondell, are you here
20 via zoom?

21 KAREN BLONDELL: Yes, I am.

22 SERGEANT AT ARMS: Starting time.

23 KAREN BLONDELL: Hello? Can you guys
24 hear me?

25 CHAIRPERSON AVILÉS: We can hear you.

1
2 KAREN BLONDELL: Hi. Thank you, Council
3 Member Alexa Avilés and Council Member Brewer for
4 allowing me to testify today. I do have some
5 engineering background, so I just want to bring up
6 the fact that we really had a really hot summer with
7 many days over 90 degrees. And as I'm hearing this
8 testimony, I'm also hearing that, you know, if there
9 was a pump that was needed to bring water past the
10 sixth floor in a taller building that the use of that
11 pump increases during hot weather, and so let's take
12 that into consideration as we pound on the NYCHA team
13 about what happened at Riis Houses. I also heard
14 immediately about the assumption of arsenic in the
15 Riis Houses, and my first-- my first inclination was
16 that sounds bizarre. So, even though I'm not an
17 expert, I immediately thought that, you know, we
18 should--

19 SERGEANT AT ARMS: You're muted. Just
20 hold a moment.

21 KAREN BLONDELL: Excuse me.

22 SERGEANT AT ARMS: You were muted.
23 You're good now.

24 KAREN BLONDELL: Oh, okay. That there is
25 a transformational plan at NYCHA, and it's going to

1
2 take more than just NYCHA. Like Council Member
3 Brewer said, it's going to take the Resident
4 Associations learning this stuff and becoming part of
5 the team that helps educate residents about pumping
6 and turbidity which is discoloration in water. I--
7 you know what I'm saying? There are a lot of things
8 to fear, but one thing we shouldn't fear is
9 knowledge, and so when I hear people attacking Greg
10 Russ, it sounds very personal, and it sounds like we
11 mixing the fact that, you know, he has a vision with
12 the Preservation Trust with what happened at Riis,
13 and those aren't the same things to me, and you need
14 to allow tenants like me to hear all things including
15 the options that will be set forth for tenants to fix
16 their buildings. This really speaks to years and
17 years and years of having bad pipes, not just in Riis
18 Houses, but across the campuses across the City, and
19 we going to have to make a choice, and our choice
20 can't be just to kick everybody out who comes with a
21 new idea. We have to be let out of this bill [sic]
22 pen by our politicians, too. And so I'm making that
23 statement because I want to make sure that the--

24 SERGEANT AT ARMS: [interposing] Time
25 expired.

3 KAREN BLONDELL: that the residents are
4 able to understand the difference between RAD, the
5 Preservation Trust, and waiting for a Build it Back
6 Comprehensive Modernization, and I thank you for your
7 time.

8 COMMITTEE COUNSEL: Thank you. And just
9 as a reminder to those who are present in-person, if
10 you haven't filled out a witness and are interested
11 in testifying, please fill one out and hand it to the
12 Sergeant. We will now hear from Aixa Torres followed
13 by Sanford Rubenstein and Kevin McCall.

14 UNIDENTIFIED: [inaudible]

15 SERGEANT AT ARMS: Starting time.

16 AIXA TORRES: Okay. Good afternoon
17 everyone. As the Chairperson Manhattan South District
18 Council of Presidents, I want to first thank the
19 resident leadership of Riis for standing up and
20 defending their residents, which we all took an oath
21 when we become officers, as elected officers. We
22 might not get paid, but we are elected officers of
23 our developments, and in that respect, I speak on
24 behalf of the 45 districts that we need to talk about
25 the fact that part of the issue is the contractors
that come into our developments, don't follow the

1 contract. There is no follow-up, and ultimately
2 these are the kind of issues that happen. Arsenic is
3 very high levels on all our water sites that we have
4 because of Sandy, because of 9/11 for whatever
5 reasons, but these contractors do not follow, do not
6 follow the guidelines that need to be followed,
7 covering the dirt. What happened in Riis in my
8 opinion, and no I'm not an expert, but I know enough
9 after dealing with this for eight years in Alfred E.
10 Smith, that none of the dirt was covered in the
11 buildings with a water tank. So it is and can
12 happen, and so I ask that the Council begin to look
13 at how these contracts are being done, how we, the
14 resident leaders and the residents can grade the
15 contractors for what they do. there are several,
16 several developments-- and when I say several across
17 the board, so this definitely would probably affect
18 every councilman that has public housing that are
19 complaining about the value of water and what the
20 water is and what is going on. And so I have a clear
21 picture of-- that we need to have every development
22 tested, especially those that are dealing with Sandy
23 construction because the contractors are not doing
24 what they're supposed to to protect the environment,
25

3 and because of that these are the results. Nobody
4 cares that we're human. Nobody cares that we have
5 children. Nobody cares that we have elderly people
6 who have underlying conditions and even if the water
7 is negative, the stress of having to deal with what
8 residents in Riis had to deal with is unconscionable,
9 and everybody should be accountable for this. You
made a mistake, everybody makes a mistake.

10 SERGEANT AT ARMS: Time expired.

11 KAREN BLONDELL: However, all the one--
12 everyone in Riis and in public housing has been
13 affected by this. I thank you. I thank the two chairs
14 and I thank all the Council people who were present
15 from the Lower East Side to say we're present and we
16 stand beside the residents in public housing. Good
17 evening.

18 CHAIRPERSON BREWER: Mr. Rubenstein?

19 SANFORD RUBENSTEIN: Thank you. I
20 represent 172 residents of Riis Housing, and what
21 they want me to tell you is, simply put, fear remains
22 rampant among the residents, fear of having gotten
23 sick, if in fact the water was tainted, fear of
24 really getting sick, and testing is needed on-site
25 for people who are afraid of getting sick or having

1
2 gotten sick to get tested if they want on-site, blood
3 testing, urine testing to make sure that they didn't
4 get sick. Now, today, for the first time, I heard
5 about a 200 dollar payment being made to each of the
6 residents if I heard correctly. I'd like to get
7 assurances from the New York City Housing Authority
8 that that's going to prevent them from any legal
9 remedies they have with regard to any action for
10 damages, for getting sick or fear of getting sick.
11 This is 200 dollars being paid to them outright
12 without requiring them to give up their rights, and
13 I'd appreciate it if any member of the Council might
14 address that issue with them when they come back, and
15 I thank you for the opportunity on behalf of 171
16 tenants to speak with you.

17 CHAIRPERSON BREWER: Thank you very much.
18 Go ahead, sir.

19 KEVIN MCCALL: Good afternoon, Reverend
20 Kevin McCall, founder of the Crisis Action Center.
21 First, I want to thank the City Council and all the
22 Council Members for doing an extremely wonderful job
23 for holding NYCHA accountable for their actions. As
24 I sit here and listen, I heard about this issue on
25 the news and I heard about it because of different

1 residents was calling. But when I heard-- the first
2 thing when I heard about it, it was very
3 disheartening, because I thought I was in
4 Mississippi. I thought I was in Flint. And I
5 happened to look and it said it was right here in New
6 York City, and it's appalling that NYCHA would sit
7 here and one, the CEO doesn't come, doesn't-- said
8 that there's trust issues, but you don't even-- when
9 you have trust issues with someone, you gain it back
10 by doing something. When I have trust issues with
11 someone, I gain it back by doing something. You
12 still have relationships with the same company that
13 did damage. That says a lot. Someone needs to be
14 held accountable, not only just losing their job,
15 because anybody can lose a job and get another one,
16 but there needs to be a criminal probe-- needs to
17 happen, because someone needs to be arrested for what
18 has transpired. Somebody lying here, and only way
19 that happens is when somebody is held accountable.
20 NYCHA has failed the tenants. How in the world that
21 you can you look for arsenic in the water, but you
22 can go to a tenants' apartment, and you can see other
23 repairs that need to happen, and you look beyond
24 that. Do you really care about the black and the
25

1
2 brown people that live in NYCHA? Do you really care
3 that someone has to go up a flight of stairs because
4 the elevator is constantly broke? Do you really care
5 that when you go up in someone's apartment, that the
6 apartment that you go inside to test for the water
7 that you yourself have to take the stairs, because
8 the elevator is broke? Do you really care, NYCHA? I
9 don't think so. Until NYCHA's held responsible and
10 someone goes to jail, that's sending a message.
11 That's what rates [sic] to trust and that will
12 [inaudible] to someone being held responsible for
13 their actions. It's been so many changes at NYCHA.
14 Everybody passes the buck to this one, that one. They
15 don't know what's happening. Until someone goes to
16 jail, that's when they're held responsible. Thank
17 you very much.

18 CHAIRPERSON BREWER: Thank you both very
19 much.

20 COMMITTEE COUNSEL: Thank you. We will
21 now Albert Negron, Robert Sanderman, Kelly Trooper
22 [sp?], and Bridget Tuck [sp?].

23 ALBERT NEGRON: Good afternoon. I want to
24 thank everyone for having us here today at the
25 Council and everyone aboard. My name is Ms. Albert

1
2 Negron. I'm the Resident Association President at
3 Vladeck Houses. This is very concerning to all Lower
4 East Side residents. I have a tenant in my Vladeck
5 Houses who tested for arsenic over 57 percent in her
6 urine. She's going to give me some more information
7 that I can reach out to, but I think that in Housing
8 Authority with the contractors that they allow are
9 contracted to get millions of dollars for whatever
10 job they're going to do. They should not be able to
11 subcontract to anyone else. The contractor has
12 fulfillment for the whole contract. They sublease
13 these contracts to other contractors and they're not
14 doing a good job. You see what happened with the
15 situation we have right here today. Also, I think
16 that the water testing be not twice a week, it should
17 be once a week for the Riis Houses. Also, for the
18 fact that there's no trust in that situation what
19 they're going through, and also the fact that hey,
20 bring the laboratory to the projects, because y'all
21 taking the water to the labs and the labs are not
22 working. You know, they need to be accountable like
23 the gentleman said. Dealing with people's lives, not
24 five lives, thousands of people's lives that live in
25 the project. You know, I have family members in the

3 Riis Houses, like neighborhood friends from Vladeck
4 to Riis to Wall to Baruch to every project in the
5 Lower East Side. I think this is a very serious
6 situation, and I hope this thing could get resolved
7 really soon. Thanks for having me.

8 CHAIRPERSON BREWER: Thank you very much.

9 ROBERT SANDERMAN: Hello? Yes. Thank
10 you so much for having me here. Thank you for
11 holding this meeting. My name is Robert Sanderman.
12 I'm a Staff Attorney at Queens Legal Services. I've
13 been practicing there for eight years. I'm a
14 tenant's rights attorney and I also do community
15 economic development. So we-- we're the largest
16 legal service provider around the country. We
17 represent tenants and residents in a myriad of
18 issues, foreclosure, education, particularly I do
19 eviction defense work, and I represent NYCHA tenants
20 in administrative proceedings, housing proceedings,
21 Federal Court, and State Supreme Court.
22 Unfortunately, my experience as an attorney working
23 with NYCHA is not different from what we're dealing
24 with today. Particularly, I'm working with a group
25 in a building in Queens where they were without hot
water since October 2021. They plead with NYCHA.

1
2 They sent complaints. All that went ignored, and it
3 wasn't until we filed litigation in court that the
4 ball started to get moving, but to my surprise it was
5 at a glacial pace. Those tenants have to suffer the
6 indignity and inhumanity of not having hot water, not
7 having answers, and it's just being replicated over
8 and over and over, and it's-- the benefit of having
9 hearings and having the information shed like this in
10 the public, that really helps get things done, but
11 those tenants and most tenants citywide suffered at
12 neglect and disrespect where I personally witnessed
13 misrepresentations of this is going to get fixed next
14 week, and then the tenants kept hearing it over and
15 over and over, and so they got disillusioned where it
16 was really hard for me to keep people engaged in the
17 case. And again, that's not unique. There's a
18 separate building where, as you already know from a
19 lot of constituents, a lot of people did not get the
20 repairs that they need done at all, properly or on
21 time. there's been plenty of situations where NYCHA
22 to address it and actually made it worse, and then
23 again delays in getting those repairs, and then
24 that's-- relates back to what's happening now where
25 people just have the additional stress, the confusion

1 that was ascribed all day. What was really
2 disheartening to me was having a tenant from Jacob
3 Riis call me and her only plea was that she just
4 wanted answers. She wasn't saying, like, file
5 litigation, I need money. She said, "I just want
6 answers." And this was weeks after alleged testing
7 happened, and then-- it was just very disheartening.
8 So she asked me to come here on behalf of her and
9 other residents today to speak to what was discussed
10 earlier that is well-documented, that a lot of NYCHA
11 residents who are predominantly people of color
12 suffer from environmental racism, lack of access to
13 quality healthcare. These folks will come out of
14 pocket to stay elsewhere. The fear that they have
15 about the water has not been addressed. They need
16 clear, specific answers because of the long-standing
17 distrust that they have with NYCHA and also like
18 elected officials. Thank you so much.

19
20 CHAIRPERSON BREWER: Thank you. I would
21 say that your clients are fortunate.

22 ROBERT SANDERMAN: Thank you.

23 COMMITTEE COUNSEL: Thank you. I believe
24 we called Kelly Cooper and Bridget Tuck, but if you
25 are no longer in-- oh. In addition we will hear from

1
2 Laura Lugo and Rebecca Perkins [sp?], if you'll-- oh,
3 oh.

4 REBECCA PERKINS: Hello. My name is
5 Rebecca Perkins. I live at Jacob Riis. I've been
6 living there for eight years. I have three small
7 children ranging in age 15, 13, and eight. I'm
8 sorry, but I'm not sorry. I don't trust NYCHA
9 whatsoever. It's hard for me to believe them when
10 they said that there's no arsenic in the water, and
11 then they telling me, you know, don't trust it, then
12 trust it, then don't trust it, then trust it. I
13 don't know what to believe because as of yesterday I
14 got a call back from the kids' doctor and said that
15 my two oldest children tested positive for arsenic.
16 So they not telling me-- they said that it's like an
17 organic arsenic, but I'm not too sure, but I'm still
18 scared because I don't know what to expect later on
19 down the line. I don't. I have a bad relationship
20 with NYCHA, besides the water incident. My housing
21 repair, horrible. I have to reach out to City
22 Council Members just to get repairs done, not the
23 essential of having a bathroom sink. I went six
24 months without having a proper working bathroom. My
25 kids are still scared. I'm scared. And once again,

1
2 we have no clear answers, and we just supposed to
3 believe NYCHA because they say that it's clear and
4 it's okay and it's safe. But you're saying this, but
5 at the same time you're also saying that you're going
6 back to test the water. What are you testing if
7 there's nothing in the water? How can we believe
8 y'all? This is not right. I live in housing. I
9 don't know if y'all live in housing. And I'm-- I
10 don't have the luxury of actually leaving housing and
11 not have to deal with this. So until you sit in my
12 shoes and in the residents shoes and see what we go
13 through, it's scary. And then y'all giving us cases
14 of water, and then like-- 200 dollars, what is that
15 going to do? I still buy bottles of water. I don't
16 trust it. I don't think I'll ever trust it. So I'm
17 just-- I'm sick and I'm disgusted because I feel like
18 we deserve better than what y'all giving us, period.
19 A peace of mind is really hard to come by, and I
20 don't have one.

21 CHAIRPERSON BREWER: We have a question.

22 REBECCA PERKINS: I don't.

23 CHAIRPERSON BREWER: We have a question
24 for you, if it's okay. We have a question for you.

25 REBECCA PERKINS: Okay.

3 CHAIRPERSON AVILÉS: Ms. Perkins, can you
4 tell us when you discovered this information? How
5 did you discover what was happening? And then when
6 you were receiving water, what did you receive and
7 what allotments?

8 REBECCA TAYLOR: Well, I found out the
9 night-of, not by NYCHA. I happened to go downstairs
10 around 8:30 at night to go to the store, and I seen a
11 big commotion, and I walked over and I said what's
12 going on. They said, "Well, there's arsenic in the
13 water." I said, "Arsenic, what is that?" Don't
14 drink it. Don't cook with it, but you can shower
15 with it and clean with it. I'm like okay, but what
16 is arsenic? Google it. That's what the gentleman
17 told me.

18 CHAIRPERSON AVILÉS: Was the gentleman a
19 NYCHA staff person? Was it an elected official?
20 Could you discern who they were?

21 REBECCA PERKINS: He had on a NYCHA
22 chain, and he just-- I forgot his name, but he
23 basically told me to Google it, and then he said get
24 some water. He said get a case of water. I said,
25 "Well, what is 12 bottles of water going to do? I
need-- you know, I have a large family upstairs. I

1 need more water." And he's like, "Well, there's not
2 enough to give everybody." I said, "Well, you got
3 people here with four cases of water. Can I-- like,
4 can I get another one?" He's like, "No, you can't.
5 Just come down tomorrow and get it," and then he just
6 dismissed me. And then I told everybody on my
7 building. I started-- once I found out that the water
8 was unsafe to drink and cook with, I ran upstairs to
9 my building and started knocking on everybody's door
10 on my floor. I live on the 13th floor. And I was
11 like, "I don't know if y'all know or not, but the
12 water's contaminated. You can't drink it. It's
13 arsenic in it." And they like, "What's arsenic?"
14 I'm like, "I don't know. Google it. I just heard it
15 was dangerous." That's what he told me.

17 CHAIRPERSON AVILÉS: Do you recall when
18 you first saw signage in the buildings that said what
19 was happening?

20 REBECCA PERKINS: 11:00 p.m. that night.

21 CHAIRPERSON AVILÉS: And in terms of
22 receiving water after that initial moment, what was
23 the distribution like? What were you allocated as a
24 resident?

3 REBECCA PERKINS: They said two case per
4 household.

5 CHAIRPERSON AVILÉS: So, two--

6 REBECCA PERKINS: [interposing] First it
7 was one case, and then I think two days later they
8 upgrade to two cases.

9 CHAIRPERSON AVILÉS: And so two cases per
10 day per household.

11 REBECCA PERKINS: Yeah, per household.

12 CHAIRPERSON AVILÉS: Were you bathing
13 with the water?

14 REBECCA PERKINS: I was at first. At
15 first, I'm not going to lie, I was scared to take a
16 bath in the water. I was like I ain't touching it.

17 CHAIRPERSON AVILÉS: Sure.

18 REBECCA PERKINS: So I did like a bird
19 bath, you know? But I'm grown, I can't do that, but
20 my kids, they're younger. So I'm like you guys can
21 bathe with the water. I'm still going to
22 [inaudible].

23 CHAIRPERSON AVILÉS: I understand.

24 REBECCA PERKINS: Yeah, it's scary. You
25 know, your kids feel like they going to die because

1
2 when you read arsenic, it's very scary and
3 traumatizing.

4 CHAIRPERSON AVILÉS: I hear you. Did you
5 request the testing to be done from NYCHA? Did
6 anyone tell you about arsenic testing?

7 REBECCA PERKINS: nobody told me about
8 it, but I would say we found out Friday. Saturday
9 they came to my apartment and they tested the water
10 one time, and then they didn't go to everybody's
11 apartment and do testing.

12 CHAIRPERSON AVILÉS: Right.

13 REBECCA PERKINS: They just went to my
14 apartment. And they said they did it daily. No,
15 they only did it one time.

16 CHAIRPERSON BREWER: Council Member
17 Rivera had a question.

18 COUNCIL MEMBER RIVERA: I just want to
19 say that you are right in saying how much water you
20 need for your family. Just for context, I think it's
21 estimated that the average person goes through 100
22 gallons per day. And besides the two DEP water
23 stations that were set up, which we had to advocate
24 for to remain in place, giving out-- as per the
25 testimony-- 46,000 gallons of water in a week. Even

1 if you divide that by every household is only 27
2 gallons. So just to do some math, we don't think
3 there was enough outreach, engagement, or even
4 supplies provided to the families, but I understand
5 this was an unprecedented situation. So, Ms.
6 Perkins, I just want to ask you, were you ever
7 visited in your home to have your water tested?
8 Were you ever reached out to any-- like,
9 specifically? Did you get that robocall, anything?

10 REBECCA PERKINS: No. No. No, I would
11 say that Saturday housing workers did come and said
12 run the water for three hours; don't cut it off, and
13 I did that. And they didn't come and do like a
14 sample. They didn't do any of that.

15 COUNCIL MEMBER RIVERA: That was when you
16 saw somebody come up to you and give you any sort of
17 guidance.

18 REBECCA PERKINS: Yeah, and then I went
19 to the management office, nobody knows anything
20 neither, and you have to realize this happened on
21 Friday. So from Friday night to Saturday, Sunday, we
22 are all going crazy. Who can we talk to? Then they
23 said they gave up meetings. Nobody came and talked
24 to us and give us a meeting. Nobody sat down with us
25

3 and tell us like what's going to happen. We as
4 tenants is founding out on our own. We trying to
5 come together to figure this out because we don't
6 know, and then it's sad because there's some tenants
7 that didn't find out until four days later. So they
8 still using the water. This was very unorganized.
9 And it was like-- it was disgusting. It was. It
10 really was, and it still is, because we still unsure.
11 We still don't trust it.

12 COUNCIL MEMBER RIVERA: You have a-- you
13 have every right to feel that way. so I just wanted
14 to thank you for being here and ask-- as someone who--
15 - I would say you are someone who truly cares about
16 this community, who is an engaged person, who has a
17 good relationship with your neighbors, I'm sorry that
18 you had to go through this. So I just want to thank
19 you for waiting this long and adding your voice to
20 this experience. Thank you.

21 REBECCA PERKINS: Thank you for having
22 me.

23 CHAIRPERSON BREWER: Thank you. And your
24 kids, how did they get tested, and what's the follow-
25 up, and is anybody helping you with them?

3 REBECCA PERKINS: Well, I got called
4 yesterday like I said. I found a week-- they tested.
5 We went September the 7th and the test results came
6 back yesterday that they tested positive. They do
7 have arsenic. Through the-- we did a urine sample,
8 so it did, but not the little one didn't come up.
9 They just told me that it's not a high level of
10 arsenic, so they're okay, but it is in their system.

11 CHAIRPERSON BREWER: And it wasn't there
12 before, because you've had--

13 REBECCA PERKINS: [interposing] No.

14 CHAIRPERSON BREWER: with check-ups over
15 the years.

16 REBECCA PERKINS: Yes, and my kids are
17 very up-to-date.

18 CHAIRPERSON AVILÉS: Were you offered--
19 have you heard in conversation water filter? And did
20 you receive an actual piece of information that
21 talked about the implications of arsenic or health
22 guidelines that could help you answer the questions
23 of what we were looking at?

24 REBECCA PERKINS: No.

25 CHAIRPERSON AVILÉS: Thank you.

3 CHAIRPERSON BREWER: Thank you. Go
4 ahead.

5 LAURA LUGO: Good afternoon. Good
6 evening. My name is Laura Lugo. I am a resident of
7 Riis Houses. I also sit on Community Board Three,
8 having come from District Four and sitting on the CEC
9 up there through you, Gale Brewer. I wasn't going to
10 speak, but as I was taking notes, I realized that I
11 was making a list for my son's double-digits birthday
12 party, and he crossed out every family member that
13 works for housing that he does not want invited to
14 his party, including his father who has been a
15 caretaker J [sic] for the past 21 years. We were at
16 the 34 meeting on September 9th, and I had to leave
17 because my son said that his family members are
18 killing him. Unfortunately, one of the members spoke
19 in the community and said that NYCHA is murderers.
20 And I've had to put him back on an IEP so he can go
21 back to counseling so that way he understands that
22 his Papa does not want to kill him. His father works
23 for the organization; does not want to kill him. I
24 am a huge advocate speaking positively for housing,
25 because it's not always just housing. As residents
we are held accountable. I am that person that if

1
2 there's a diaper out the window, I'm going to see
3 where that diaper came from, and I'm going to put it
4 in front of your door, because it's not the
5 caretaker's job to clean that. But all I'm asking is
6 because we no longer trust you is that that trust is
7 built back again. And by doing that is by putting in
8 simplified English, a language I had to learn when I
9 came to this country, very simple what is it that
10 you're doing, in our lobbies, not in boring white
11 paper. Put it somewhere nice and huge and telling me
12 what is it exactly that you're doing so that my son
13 can enjoy his double-digits birthday that he's been
14 looking forward to. You know, he's been looking
15 forward to being 10. As he puts it, "Mom, I've been
16 here for 10 years, and now they're trying to take me
17 out." And I'm like, nobody's taking you out. We've
18 had to thankfully, you know-- we have wonderful--
19 it's a beautiful community. I moved to Lower East
20 Side for that reason, for the community, and
21 thankfully others on Avenue A have taken us in,
22 because he will refuse to take a shower. And any
23 parents to a pre-pubescent boy knows that they need
24 to shower. So I'm just asking for full transparency,
25 accountability. As someone who-- and once again, I

1 will tell you and you can see it on every YouTube
2 video for Community Board, I speak for housing
3 because it is in my family. I chose to live in
4 housing because I do have a 16-year-old at NYU and
5 tuition is expensive. So I'm asking you to please
6 help in living in this development with just-- just
7 talk to us. Don't wait for this. I didn't want to
8 have to leave work early. My husband had to leave
9 Smith Houses to run to go get my son. I am a cancer
10 survivor. I don't want to be worried about what I'm
11 putting into my body after I already just survived
12 gastric cancer. It took a lot to get to here today,
13 and I would just appreciate if more of you with the
14 blue lanyards came to our community and spoke to us,
15 and once again, in simple English. That's all that
16 we want. We want accountability and transparency,
17 and that's all that we're asking, the same way that
18 you're asking for us to be decent residents. And I
19 will fight for [inaudible] residents as long as
20 you're fighting on your behalf. Thank you.

22 CHAIRPERSON BREWER: We have questions.
23 Go ahead.

24 CHAIRPERSON AVILÉS: I want to say happy
25 birthday to him, and it breaks my heart, right, that

1
2 he thinks that this is happening, that he is under
3 attack, because he like many other public housing
4 young people should feel loved and cared for in the
5 bosom of public housing and the residents. So it
6 truly breaks my heart and talks to the depth of the
7 harm and pain that these situations continue to
8 espouse. So, as a City Council Member it is deeply
9 heartbreaking and I am so sorry that he has to feel
10 like that for even one second of his superb 10-year
11 life, but thank you.

12 CHAIRPERSON BREWER: Thank you both, and
13 thank you for your service on the Community Board
14 Three.

15 COMMITTEE COUNSEL: We'll now call Maria
16 Forbes, Rosemary Vargas, Martha Liccano [sp?], and
17 Maribel [sp?]. Ms. Forbes?

18 BRIDGET TUCK: Good afternoon, board. My
19 name is Bridget Tuck [sp?]. I live at Jacob Riis
20 Houses. I have lived in public housing for 59 years,
21 long-time residence there. I've had in the past many
22 different issues with NYCHA with fixing my apartment.
23 Some of NYCHA's people who are here have seen it.
24 It's very inhumane. They even said that I should not
25 have been in the apartment because the ceiling has a

1
2 hole in it in the bathroom and mold and asbestos on
3 the floor, in the kitchen, loose tiles. Over and
4 over I have made complaints to many city officials
5 and letters. Now, with this water issues, I have an
6 ostomy bag and a catheter, a suprapubic catheter. I
7 have been in and out of the hospital, and I can prove
8 it, for three months straight every single day in the
9 ER for bacteria, bacteria, bacteria. They don't know
10 what's going on, but I did bring in the water, and
11 they said the water's cloudy. Listen, you know have
12 been diagnosed with opportunist [sic] infections,
13 I've been diagnosed with HIV over 40 years. I've one
14 of the long-time survivors, okay? And I also do
15 advocacy and HIV and AIDS for Alliance and other
16 organizations, Gay Men Health Crisis, and different--
17 just advocating for people. Now, I have to advocate
18 for myself with this water issue. Now, we in the
19 past know about NYCHA's stuff, but I didn't
20 appreciate the day that I found out about it was the
21 next day, okay? I asked-- now, they had the Tenant
22 Association along with a few NYCHA employees. NYCHA
23 was not all out there. Okay? They just had grounds
24 people out there, and when I asked about can I please
25 have two cases of water, it was stated from various

1
2 people, from the tenant organization at Jacob Riis,
3 not two cases, only one case. That was the day-- the
4 night before I didn't know anything about the water.
5 I found out about it in the morning when I went
6 outside. So, as the tenant that I am, I went around
7 and knocked on people's doors and spoke to them and
8 let them know, listen, don't drink the water. Don't
9 cook with it. Don't do anything with it. Don't fix
10 your babies' bottles with it either, okay? Now, the
11 questions that I have for everybody in here, because
12 it seems to me that the Board, NYCHA, other areas of
13 government, you all failed all of us at Jacob Riis
14 Houses, period. Okay? So that's where I'm at with
15 that. Then the next thing is, I've asked numerous
16 times about the levels, the vendors, the
17 measurements, how do you go about measuring? What do
18 you do? I don't have my glass on, but I just wrote
19 these questions down. Okay. One of the questions--
20 I have several questions. One of the questions-- I'm
21 trying to be cynical about this because I'm really
22 pissed off.

23 CHAIRPERSON BREWER: Can you wrap up?

24 BRIDGET TUCK: Yeah.

25

3 CHAIRPERSON BREWER: Because we're out of
4 time.

5 BRIDGET TUCK: Okay. One of the
6 questions is-- you, as the board have already known
7 that de Blasio in 2016 had two Jacob Riis Houses for
8 similar areas with this water. Here we are back
9 again with the same thing, okay? So, you guys are
10 involved. They are involved. We're suffering, okay,
11 because now it's collateral damage is what you all
12 and NYCHA and everybody else is saying. What's done
13 is done. You saying, oh, no, we use a cheaper
14 vendor. We use a cheaper this, that, or the other to
15 measure. We had problems before with these people,
16 but now we're going to change and get another vendor.
17 No. The problem is how are you doing the
18 measurements. You're not going to us tenants to sit
19 down with us. We only have had one meeting.

20 CHAIRPERSON BREWER: We know, and thank
21 you. We--

22 BRIDGET TUCK: [interposing] And the
23 other thing is-- and the other thing is when you're
24 looking at the measurements, how are you actually
25 looking at what levels as far as-- what you're
looking at what it's supposed to be, and what

3 inhumane is a far as with a baby, a senior, a person
4 with an opportunist infection, illness or whatever.

5 CHAIRPERSON BREWER: We need-- we need
6 to-- because we have many more people who want to
7 testify.

8 BRIDGET TUCK: Anybody else here?

9 CHAIRPERSON BREWER: Yeah, they're on the
10 Zoom. They're on the Zoom.

11 BRIDGET TUCK: Oh, okay.

12 CHAIRPERSON BREWER: I'm sorry.

13 CHAIRPERSON AVILÉS: Ms. Tuck, also I--

14 BRIDGET TUCK: [interposing] Well, I
15 guess--

16 CHAIRPERSON AVILÉS: Ms. Tuck, we'd love
17 to-- we'd love to talk to you and get the full scope,
18 and also we are committed looking in to see if we can
19 get a hearing in the community. So I will-- my team
20 will follow-up with you. We'll make sure that we get
21 your contact information before you leave.

22 BRIDGET TUCK: Okay, my other question
23 is-- and then I'ma [sic] go away, okay? How many
24 samples were actually taken from those apartments?
25 Because what I saw-- I went downstairs and I told the
guys, listen, come to my house. I live next to a

1
2 water treatment plant and Con-Edison. I think you
3 guys need to come on this side first and then work
4 your way back that way. So, were they just taking
5 one bottle? Because it looked like it was a plastic
6 container with one bottle that they let run for a
7 little while and then they put the top on it and then
8 that was it. They never came back for another
9 sample. I've asked numerous times, when are you guys
10 coming back? How can I get a sample kit so I can do
11 it myself at home--

12 CHAIRPERSON BREWER: [interposing] Thank
13 you.

14 BRIDGET TUCK: and send it off?

15 CHAIRPERSON BREWER: I appreciate it.
16 It's just got people who are waiting. Thank you very
17 much. I appreciate it.

18 BRIDGET TUCK: I hope, you know--

19 CHAIRPERSON BREWER: [interposing] Thank
20 you.

21 BRIDGET TUCK: this is taken care of,
22 because I still-- I'm not drinking the water and I'm
23 not taking a bath in the water. I'm in my kitchen,
24 okay? And 200 dollars is a lot for somebody, but I
25 have spent over 2,000 dollars in water.

3 CHAIRPERSON BREWER: Thank you very much.
4 I appreciate. Thank you for testifying.

5 BRIDGET TUCK: How am I gonna get my
6 money back along with the medication that I have to
7 pay for. It wasn't under Medicaid and Medicare
8 either.

9 CHAIRPERSON BREWER: Thank you very much.

10 [applause]

11 COMMITTEE COUNSEL: Thanks very much. We
12 will now return to Maria Forbes, if you're present on
13 Zoom. In addition we will hear from Elizabeth Reyes,
14 Genae Spencer [sp?], Crystal Glover [sp?], and Joel
15 Kupferman [sp?].

16 SERGEANT AT ARMS: Time starts now.

17 CHAIRPERSON BREWER: Go ahead. Yep,
18 thank you. Go ahead. The Sergeant at Arms will get
19 your copy. Thank you very much.

20 ELIZABETH REYES: Good afternoon Chair
21 Alexa Avilés and the Committee on Public housing.
22 I'm Elizabeth Reyes, a Cecil Corbin-Mark Fellow at WE
23 ACT for Environmental Justice. In my role, I work
24 around topics of toxic chemicals and lead. I'm also
25 involved in our community organizing work and with
our various working groups, including our Healthy

3 Homes Working Group and our NYCHA Working Group. The
4 NYCHA Working Group consists of members living in New
5 York City Housing Authority developments to discuss
6 and organizing around the various environmental
7 health hazards that currently exist in their homes
8 and communities. So NYCHA faces a myriad of
9 problems, most of which are tied to the fact that it
10 has been chronically underfunded for years. As a
11 result, the New Yorkers who rent apartment in NYCHA
12 development often have to endure environmental
13 challenges such as mold, lead, and pests along with
14 other substandard services in terms of repairs and
15 other basic issues. After keeping residents in the
16 dark for two weeks about potentially high levels of
17 arsenic in the drinking water at Jacob Riis Houses in
18 the East Village, New York City officials released an
19 announcement last week that there was never any
20 arsenic in Jacob Riis Houses to begin with. In spite
21 of this announcement, there's an enormous gap in the
22 City's' response to this potential water
23 contamination event. Not a single individual was
24 tested for arsenic exposure. This begs the question
25 why did city officials not begin testing residents
immediately after initial water samples showed levels

1
2 of arsenic. The city is responsible for individuals
3 who may have been exposed to unsafe levels of arsenic
4 because of negligent responses to this potential
5 contamination. In addition to immediate testing for
6 arsenic in the water, residents must also be tested
7 to assess their potential exposure to arsenic. The
8 window of opportunity for testing may have closed for
9 the residents living in Jacob Riis Houses. Still,
10 these testing procedures must be implemented moving
11 forward to safeguard the health of NYCHA residents.
12 NYCHA should focus on strengthening infrastructure
13 that prevents environmental hazards from occurring in
14 the first place. Investments in more resilient
15 infrastructure and procedures are vital to protecting
16 people's health and well-being. There should be more
17 emphasis on funding preventative actions and measures
18 that protect the NYCHA community. Future responses
19 to addressing and remediating environmental health
20 hazards should be met with better planning and
21 consideration. For example, the work order reform
22 program in Queens and Staten Island showing
23 scheduling times and allows residents to address all
24 of their infrastructure and maintenance complaints at
25 the same time. This should be afforded to all

1
2 residents of NYCHA. Thank you for this opportunity
3 to testify, and WE ACT will be submitting a full
4 written testimony as well.

5 CHAIRPERSON BREWER: Thank you and say
6 hello to Peggy for me-- Shepherd [sp?]. Crystal, go
7 ahead.

8 CRYSTAL GLOVER: Good afternoon. My
9 name's Crystal Glover. That's with a C. I am a
10 financial secretary at Washington Houses as of
11 January 1st, 2022. This particular channel, this
12 government channel, City Council channel on Spectrum
13 it's 74. I don't know what it is on Verizon, but I
14 can guarantee you that if you can get two or three
15 people from Jacob Riis Houses that are watching that
16 channel, you're lucky, and that's a lot of the
17 problem. The tenants, I remember a tenant in my
18 development, she says, "Oh, Crystal, I saw you on the
19 City Council channel." People don't even watch the
20 channel, that's number one. Number two, I'm here
21 today not to toot my horn, but I'm here in full
22 solidarity with Jacob Riis Houses. Power to the
23 people. Since people brought race up and stuff,
24 black power, okay? And what we're going to have to
25 do is, we have these council of presidents and

1
2 district councils and tenant associations and all of
3 these people, and they only meet with the presidents.
4 And a lot of those presidents don't even meet with
5 their tenants. So if there's any information that we
6 should be getting, because everybody wants to partner
7 with tenant association presidents. Everybody--
8 when I was-- I'm a former TA President for Washington
9 Houses, and how we started having elections where--
10 in my development because I would go to meetings, and
11 I requested in 2010. When was the last election we
12 had? They says, "oh, you're due elections." And
13 that's what got the ball started. And incidentally,
14 infill-- once we had the elections and I was voted in
15 2011, infill came along with Bloomberg, and we got
16 4,000 dollars of our TPA funds, which is tenant
17 participation activity funds, 4,000 dollars of that.
18 We got a lawyer with the Urban Justice Center, and we
19 were able to have the infill cancelled at Washington
20 Houses. That was under my watch. Now, what do I want
21 to say? Any of you TA of NYCHA residents at Jacob
22 Riis Houses, the Tenant Association is the conduit
23 between management and tenant. Incidentally, at
24 Washington Houses we don't even have a manager, so no
25 one's managing our development. We have construction

1
2 work going on with our roofs. There's so much going
3 on, and it's really not rocket science. TA's have a
4 lot of power, and the tenants, if you're listening,
5 whether it's at Jacob Riis, because these people
6 here-- this City Council, they have to stay in their
7 lane. Give me another two minutes.

8 CHAIRPERSON BREWER: So, [inaudible]
9 because I got more--

10 CRYSTAL GLOVER: [interposing] The City
11 Council can only stay in their lane.

12 CHAIRPERSON BREWER: Crystal, I got
13 people--

14 CRYSTAL GLOVER: And what is their lane?
15 To investigate city agencies.

16 CHAIRPERSON BREWER: Crystal I got to--

17 CRYSTAL GLOVER: [interposing] I'ma shut
18 up. Just give me one second.

19 CHAIRPERSON BREWER: I got people on the-

20 -

21 CRYSTAL GLOVER: [interposing] Just give
22 me a second.

23 CHAIRPERSON BREWER: One second.

24 CRYSTAL GLOVER: They here to investigate
25 city agencies. Are they investigating the agencies?

1 We still have bags and bags and rats in front of our-
2 - bags of garbage. There's still rat problems. The
3 list goes on and on and on and on. Anyone who wants
4 to contact me, my email address is
5 Wallaybutterfully@gmail.com [sp?]. I was the
6 President, and I'm telling you, I can help you as
7 tenants. This is not rocket science. Folks are
8 staying in their lane. What's his face not being
9 here today is no accident. This has been going on
10 since I've been in the projects since the 70s.

12 CHAIRPERSON BREWER: Crystal, thank you.
13 I mean it. I just-- I want other persons--

14 CRYSTAL GLOVER: [interposing] This is
15 nothing new.

16 CHAIRPERSON BREWER: Thank you very much.

17 CRYSTAL GLOVER: Thank you. Stay blessed,
18 Gale, because you're a blessed woman. You've been
19 around for 100 years, and you're going to outlive the
20 majority of us. Thank you.

21 COMMITTEE COUNSEL: Thank you. We'll now
22 hear from Joel Kupferman, and I believe we're also
23 joined by a Ramona Miner [sp?] on Zoom, and if you
24 would like to speak, you may do so after Mr.
25 Kupferman.

3 SERGEANT AT ARMS: Time starts now.

4 JOEL KUPFERMAN: [inaudible] Hello?

5 SERGEANT AT ARMS: We can hear you.

6 CHAIRPERSON BREWER: Joel, you're on, you
7 got to get on. Joel?

8 JOEL KUPFERMAN: Yes, can you hear me?

9 CHAIRPERSON BREWER: Joel, yep. Joel?

10 JOEL KUPFERMAN: Do you hear me?

11 CHAIRPERSON AVILÉS: Yeah.

12 JOEL KUPFERMAN: I'm sorry. Do you hear
13 me?

14 CHAIRPERSON BREWER: Joel, you're on the
15 video for the City Council.

16 JOEL KUPFERMAN: Yes, do you hear me now?

17 CHAIRPERSON BREWER: We can hear you.

18 JOEL KUPFERMAN: Hello? I'm sorry, can
19 you hear me?

20 CHAIRPERSON BREWER: We can hear you.
21 Joel, we can hear you.

22 JOEL KUPFERMAN: Okay. I'm sorry
23 [inaudible] I used to be the one to say that I've
24 been around the block. I've worked [inaudible] since
25 9/11. I've worked [inaudible] I work in the
[inaudible]

3 CHAIRPERSON AVILÉS: Joel, I'm sorry--
4 Joel.

5 JOEL KUPFERMAN: Yes.

6 CHAIRPERSON AVILÉS: This is Council
7 Member Alexa Avilés. We cannot hear you. I'm not
8 sure what the problem is, but we would be happy also
9 to receive your written testimony since we are having
10 audio problems.

11 JOEL KUPFERMAN: [inaudible] phone?

12 CHAIRPERSON AVILÉS: We still can't hear
13 you.

14 COMMITTEE COUNSEL: Ramona Miner? Ramona
15 Miner, if you are planning to speak, you may do so
16 now.

17 RAMONA MINER: Hello. Good evening.

18 SERGEANT AT ARMS: Time starts now.

19 RAMONA MINER: Hello?

20 SERGEANT AT ARMS: We can hear you. Time
21 starts now. You can go head.

22 RAMONA MINER: What it is more to say?
23 We have the same old problem going on and on and on.
24 Brown water. When we talk about the water, it gets
25 clean for a couple of days. The roof's about to cave
in. Riis, I was there. My heart goes out to them.

3 I was there in the press conference. So what are we
4 going to do about it? We just talking and talking.
5 What are you going to do about it?

6 CHAIRPERSON BREWER: Ramona--

7 RAMONA MINER: [interposing] That's all I
8 have to say.

9 CHAIRPERSON BREWER: Thank you. Thank
10 you very much, and I believe one more person. Go
11 ahead.

12 COMMITTEE COUNSEL: Danette Chavez?

13 SERGEANT AT ARMS: Time starts now.

14 DANETTE CHAVEZ: Can you all hear me?
15 Hello?

16 SERGEANT AT ARMS: Yes, we can.

17 DANETTE CHAVEZ: Okay. I think it goes
18 without saying that a terrible wrong has been
19 committed. First, by the failure to notify timely
20 the lab results which were released indicating high
21 levels of arsenic, and the blunder which had been
22 discovered when the retraction had been given.
23 Regardless to the reasons, a failure occurred where
24 tenants weren't properly notified what had been
25 found, and to allege an abundance of caution was the
basis or the reason behind the delay is a total

1 contradiction of what it means to take caution.

2 Because an abundance of caution would have compelled

3 swift notification, not delays to seek further

4 testing. It is this kind of judgement that is being

5 made every day concerning the lives of tenants who

6 are totally and utterly dependent upon NYCHA to do

7 the right thing concerning them. So, how many

8 opportunities will be permitted before correcting

9 action is taken? How many people will sit here and

10 hear the history of NYCHA repeated over and over by

11 its tenants who are continually at their mercy for

12 the basics such as heat and hot water. And when the

13 very basic element is alleged to be poison, yet

14 information is withheld for any reason, why should it

15 be taken for granted that the intended demise of

16 these tenants is what's being planned while promises

17 are made to preserve and keep their housing. Because

18 if water, a very basis element which is everywhere

19 can be allowed to be consumed while Legionella

20 exists-- no retraction given on those test results--

21 then they are perfectly capable of allowing something

22 far more deadly. And the justification given by the

23 Mayor is that no positive test results in the last 12

24 months were given without stating that you in fact

25

1 tested in the last 12 months, yet ignoring the
2 current tests which say positive because "people
3 can't catch Legionnaire's Disease by drinking water."
4 It's true, they can't, but the most common route for
5 transmission is by inhalation of aerosolized air.
6 You can catch it in the air. It is breathed into the
7 lungs through vents when bacteria is aerosolized.
8 The lack of information that is factual on these
9 positive test results for Legionella is either
10 deception on the part of the Mayor or ignorance
11 regarding scientific data being reported. I'd like
12 to think the Mayor who shows up to drink the water
13 would also drink from a cup of his own
14 misinformation, because if the science hasn't
15 informed him, maybe a personal experience will. To
16 see NYCHA once again void its obligation to its
17 tenants while the Mayor pleads ignorance, yet swift
18 action, once notified and have the Federal Monitor
19 demand all communications and data as if poised to
20 spank [sic] them and bring them into compliance while
21 they allow these development to deteriorate all
22 around us is a hocus pocus show.

23
24 CHAIRPERSON BREWER: Thank you. If you
25 could wrap up.

3 RAMONA MINER: [inaudible] tenants are
4 made to believe protection exists where none in fact
5 is.

6 CHAIRPERSON BREWER: Thank you.

7 RAMONA MINER: I don't know if you can
8 wrap your head around what this means as a tenant
9 living in NYCHA, but try arsenic in the water, no
10 retraction statement given until inquired concerning
11 those results by independent media.

12 CHAIRPERSON BREWER: Thank you very much.

13 RAMONA MINER: Because it wasn't until
14 then that the tenants were notified.

15 CHAIRPERSON BREWER: Alright. We have
16 to wrap up.

17 RAMONA MINER: So what is the message--

18 CHAIRPERSON BREWER: [interposing] Thank
19 you.

20 RAMONA MINER: I'm done, but I want to
21 say what is the message to NYCHA tenants if not sip
22 and die. Thank you.

23 CHAIRPERSON BREWER: Thank you. Thank
24 you very much.

25 CHAIRPERSON AVILÉS: Yes. That concludes
our public testimony. First I'd like to thank our

1 public housing residents, and in particular TA
2 President Ms. Daphne Williams, and all that they have
3 endured over the decades. What you've heard from
4 residents is compounding impacts of the harms they've
5 endured from decades of disinvestment and
6 mismanagement. They brought the issue-- they brought
7 this issue to life with their personal experiences,
8 and they should never have had to go through this in
9 the first place. Thank you to Chair Brewer, Council
10 Member Rivera, and all of our colleagues who have
11 been present in advocating for their constituents. I
12 also want to thank the representatives here today
13 from NYCHA, DEP, DOHMH, and DOI who were present to
14 answer questions and know-- thank you to NYCHA who
15 stayed throughout the duration of this hearing to
16 hear public testimony.

18 CHAIRPERSON BREWER: I want to also thank
19 everyone for joining us. I'll thank the residents,
20 NYCHA for remaining, as well as the other agencies,
21 the amazing Council Members Avilés and Rivera, but
22 also please-- protocols, please communication, please
23 transparency. It would be amazing if from now on, on
24 every single one of those three, no matter which
25

1
2 development we're working with, it's a new day. So
3 thank you very much.

4 CHAIRPERSON AVILÉS: Yes, and I'd just
5 like to say it is not lost on me that the failures of
6 our agencies have had real impacts on our families
7 who live in public housing. While this hearing may
8 not repair the full and immediate harm created by the
9 situation or the agony of many of the harms
10 perpetuated throughout the years, my hope is that we
11 are moving in the right direction to acknowledge and
12 repair the harm. Among the solutions and policy and
13 process changes that NYCHA committed to today, it is
14 important to get on record that NYCHA should also be
15 providing water filter for residents, medical on-site
16 testing for residents, obviously compensation with no
17 strings attached, mental health supports. You have
18 heard the anxiety, the stress, and the constant
19 questioning. This comes at a real impact for our
20 residents-- and accessible, readable information, big
21 fonts, easy language. Thank you so much to everyone
22 for your work today. We must do better by our
23 residents. Thank you.

24 CHAIRPERSON BREWER: Thank you very much.
25 Thank you. [gavel]

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COMMITTEE ON PUBLIC HOUSING JOINTLY WITH
COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

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COMMITTEE ON PUBLIC HOUSING JOINTLY WITH
COMMITTEE ON OVERSIGHT AND INVESTIGATIONS

C E R T I F I C A T E

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



Date October 2, 2022