

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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March 2, 2011  
Start: 10:55 am  
Recess: 11:20 am

HELD AT: Council Chambers  
City Hall

B E F O R E:  
JOEL RIVERA  
Chairperson

COUNCIL MEMBERS:

Council Member Leroy G. Comrie, Jr.  
Council Member Elizabeth S. Crowley  
Council Member Inez E. Dickens  
Council Member Erik Martin Dilan  
Council Member Lewis A. Fidler  
Council Member Vincent J. Gentile  
Council Member Robert Jackson  
Council Member James S. Oddo  
Speaker Christine C. Quinn  
Council Member James Vacca  
Council Member Albert Vann

## A P P E A R A N C E S [CONTINUED]

Joel Rivera  
Opening Statement  
Majority Leader  
New York City Council

Chuck Davis  
Appointment Investigation Unit  
New York City Council

LaMon Bland  
General Counsel  
New York City Council

Committee Staff Member

Frank V. Carone  
Candidate for Appointment  
Taxi and Limousine Commission

Norma Constance Marino  
Candidate for Appointment  
Taxi and Limousine Commission

Albert Vann acknowledges:  
Assemblyman Sedio

Kevin Penn  
Committee Clerk  
New York City Council

1  
2 MR. NICK ECONOMOU: March 2<sup>nd</sup>, 2011,  
3 Committee on Rules, recorded by Jerry Staffieri  
4 and Nick Economou.

5 MAJORITY LEADER RIVERA: Ready?  
6 Good morning ladies and gentlemen. My name is  
7 Joel Rivera. I chair the Committee on Rules,  
8 Privileges and Elections. Before we begin, let me  
9 introduce the members who are here with us today.  
10 We have towards my left, we have Council Member  
11 Robert Jackson, Council Member Lew Fidler, Council  
12 Member Leroy Comrie; to my right we have Council  
13 Member Vincent Gentile, Council Member Al Vann,  
14 Council Member Erick Dilan. And we're also joined  
15 by Chuck Davis and LaMon Bland, Counsel to the  
16 Committee and we're just recently joined by  
17 Council Member Jimmy Vacca and Council Member  
18 Darlene Mealy just entered. And we're here with  
19 the Finance Chair Domenic Recchia as well.

20 Today before us we have two  
21 candidates for our review for appointment to the  
22 Taxi and Limousine Commission. They are Frank V.  
23 Carone, a Brooklyn resident who was recommended by  
24 the Council's Brooklyn Delegation for appointment  
25 by the Mayor to the TLC. If the Council gives its

1  
2 advice and consent Mr. Carone will fill a vacancy  
3 and serve for the remainder of a 7-year term that  
4 expires on January 31<sup>st</sup> of 2015.

5 And also Nora Constance Marino, a  
6 Queens resident who was recommended by the Queens  
7 Delegation for appointment by the Mayor to the  
8 TLC. If the Council gives its advice and consent  
9 Ms. Marino will replace Harry Giannoulis and serve  
10 for the remainder of a 7-year term that expires on  
11 January 31<sup>st</sup> of 2015.

12 We'll briefly explain the functions  
13 of the TLC. The TLC consists of nine members  
14 appointed by the Mayor all with the advice and  
15 consent of the Council. Five of said members, one  
16 resident of each of the five Boroughs of the City  
17 are recommended for appointment by a majority vote  
18 of the Council Members of the respective Borough.  
19 Commission members are appointed for terms of  
20 seven years and can serve until the appointment  
21 and qualification of a successor. And vacancies  
22 other than those that occur at the expiration of a  
23 term shall be filled for the unexpired term.

24 The Mayor may remove any such  
25 member for cause upon stated charges. The Mayor

1  
2 designates one member of the Commission to act as  
3 the Chairperson and Chief Executive Officer. The  
4 Chairperson shall have charge of the organization  
5 of his or her office and have authority to employ,  
6 assign and superintend the duties of such officers  
7 and employees as may be necessary to carry out the  
8 provisions of Chapter 65 of the Charter.

9 The Charter provides that the  
10 Chairperson shall devote his or her full time to  
11 this position and as such receive compensation as  
12 set by the Mayor. The Chair currently receives a  
13 \$192,198 salary annually. Other members of the  
14 TLC are not entitled to compensation.

15 The Commission is responsible for  
16 the continuing further development and improvement  
17 of the taxi and limousine service in the City. It  
18 shall be the further purpose of the Commission,  
19 consonant with the promotion and protection of the  
20 public comfort and convenience to adopt and  
21 establish an overall public transportation policy  
22 governing taxi, coach, limousine and wheelchair  
23 accessible van services as it relates to the  
24 overall public transportation network of the City.

25 The Commission is also responsible

1  
2 for establishing certain rates, standards and  
3 criteria for the licensing of vehicles, drivers  
4 and chauffeurs, owners and operators engaged in  
5 such services and for providing authorization to  
6 persons to operate commuter van services within  
7 the City.

8 Welcome Mr. Carone and will you  
9 please raise your right hand and be sworn in?

10 COMMITTEE STAFF: Do you swear or  
11 affirm that your statements will be truthful to  
12 the best of your knowledge?

13 MR. FRANK V. CARONE: I do.

14 COMMITTEE STAFF: Thank you.

15 MAJORITY LEADER RIVERA: Just make  
16 sure the microphone is on and--

17 MR. CARONE: [Interposing] I do.

18 MAJORITY LEADER RIVERA: --perfect.

19 COMMITTEE STAFF: Thank you.

20 MR. CARONE: Do you have an opening  
21 statement?

22 MR. CARONE: I do briefly.

23 MAJORITY LEADER RIVERA: Perfect.  
24 You may begin.

25 MR. CARONE: Chairperson River and

1  
2 the Rules Committee, I want to thank you for  
3 giving me the opportunity--

4 MAJORITY LEADER RIVERA:

5 [Interposing] Can you pull the mic for him a  
6 little?

7 MR. CARONE: I want to thank the  
8 Committee for giving me the opportunity to present  
9 myself here today for your consideration as a  
10 member of the Taxi and Limousine Commission. I  
11 want to give a special thanks to Investigator  
12 Davis who worked hard putting my background  
13 information together as well as Commissioner Gil  
14 Hearn and all the members of the DOI who helped  
15 and worked hard to bring me here today.

16 It's an honor for me to get an  
17 opportunity to work at TLC. I've come to know how  
18 important, incredibly important the function they  
19 serve with all 55% of the population not having a  
20 car, moving 1.2 million residents a day. So any  
21 chance to serve, I'll do my best humbly to confer  
22 with Council Members and the public at large.  
23 Thank you.

24 MAJORITY LEADER RIVERA: Thank you  
25 very much. Next we'll move on to Ms. Marino. Can

1  
2 you please raise your right hand and be ready to  
3 be sworn in?

4 COMMITTEE STAFF: Do you swear or  
5 affirm that your statements will be truthful to  
6 the best of your knowledge?

7 MS. NORA CONSTANCE MARINO: I do.

8 COMMITTEE STAFF: Thank you.

9 MAJORITY LEADER RIVERA: Do you  
10 have an opening statement?

11 MS. MARINO: Yes.

12 MAJORITY LEADER RIVERA: Perfect.  
13 Is your microphone on? Just press the button.

14 MS. MARINO: Oh. The one that says  
15 mic off? Okay.

16 MAJORITY LEADER RIVERA: Exactly.  
17 It's kind of backwards.

18 MS. MARINO: Off to a good start.  
19 Good morning members of the Council. I want to  
20 thank you all as well for your time and your  
21 consideration of me for this, as my colleague  
22 said, this very important position. I would also  
23 like to thank Mr. Davis. He was a pleasure to  
24 deal with and very thorough and made the process  
25 quite painless.



1  
2 I'm an attorney from Queens County.  
3 I've been a resident of the City for maybe 20  
4 years. I was a JAG officer in the United States  
5 Army. After I became a lawyer so as many people  
6 have said to me, you know, did you join the Army  
7 because they paid for college? It was no. Was it  
8 to pay for law school? It was no, I was already a  
9 lawyer.

10 So a desire to serve is actually  
11 something that I've had for quite some time. I  
12 also volunteer at the New York City Animal Care  
13 and Control Shelter for homeless dogs and cats in  
14 Brooklyn. And I walk dogs on the weekend and if  
15 anyone is considering adopting an animal we have  
16 dozens that desperately need homes. So I would  
17 like to mention that.

18 It is an honor and a privilege to  
19 be able to serve the City that I love so much.  
20 And as my colleague said, the TLC is a very  
21 important component of the City. I as well was  
22 not quite aware of the depths of importance and  
23 the service that it renders to the City and I'm  
24 quite honored to be considered for this position.  
25 Thank you.

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2 MAJORITY LEADER RIVERA: Thank you  
3 very much. At this point in time we're going to  
4 entertain questions from Committee members. We  
5 have the Assistant Majority Leader Lew Fidler with  
6 the first question, followed by Robert Jackson and  
7 then by the Deputy Majority Leader Leroy Comrie.

8 COUNCIL MEMBER FIDLER: Just not a  
9 question, Mr. Chairman, just a comment. I mean  
10 obviously we have two wonderful candidates before  
11 us here today. I just have known Frank Carone for  
12 a very, very long time. And he is one of the most  
13 philanthropic community-spirited people that I  
14 know. And I think I was just flipping through his  
15 bio here and he's involved in more things than  
16 even I knew about.

17 And I'm pleased that he's agreed to  
18 find time in his life. I want to thank your wife  
19 and kids too because they're clearly making a  
20 sacrifice to serve, to add to his service by  
21 agreeing to be on the TLC. And I just want to  
22 recommend to all my colleagues that they not just  
23 vote aye, but aye enthusiastically on these  
24 nominations.

25 MAJORITY LEADER RIVERA: Council

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Member Jackson.

COUNCIL MEMBER JACKSON: Thank you Mr. Chair and good morning to both of you. While I was sitting here I thought of a question that I would like to ask both of you. Since you'll more than likely be confirmed by this body to be members of the Taxi and Limousine Commission, I guess my question is how often do each one of you ride in taxicabs? In order to know that you're going to be setting policy, rules and enforcing things at the TLC. I'm just curious to see how often do you ride and what mode of transportation do you normally take to work, if at all. It doesn't matter who goes first.

MS. MARINO: Well this morning I took Penn Station--Long Island Railroad to Penn Station and then I took the subway. I try to take the subways as often as possible 'cause they are more cost-effective, more energy efficient and greener all around. However I do ride inside New York City taxis from time to time. If I am given this honor to serve on this Committee I think I would be more likely to take them more often to be more familiar with what's going on. Do I take

1  
2 them on a daily basis? No. But I do ride them  
3 occasionally.

4 MAJORITY LEADER RIVERA: All right.  
5 Thank you. Sir?

6 MR. CARONE: Council Member  
7 depending on where I'm going for the day or what  
8 appointments I may have will dictate really the  
9 mode of transportation I have. If I'm going  
10 downtown Manhattan or somewhere in Brooklyn, I'm  
11 forced to drive, especially if I'm going from east  
12 to west where there's no real public  
13 transportation available to me. If I'm going in  
14 multiple locations in New York City or Manhattan  
15 then I'll drive in. I'll park and I'll take a cab  
16 throughout Manhattan or take a subway depending on  
17 the weather. So depending on the weather and  
18 where I'm going it's either car, cab or subway.

19 COUNCIL MEMBER JACKSON: Okay.  
20 Thank you very much.

21 MAJORITY LEADER RIVERA: Deputy  
22 Majority Leader Leroy Comrie.

23 COUNCIL MEMBER COMRIE: I want to  
24 make a comment more than ask any questions. I  
25 just want to give you one charge. And I think

1  
2 that, number one, it's great that we're having two  
3 Commissioners that are both outer Borough, the  
4 better Boroughs than Manhattan because you both  
5 come from districts where there are no cabs on a  
6 regular basis.

7           Mr. Carone comes from, what is it,  
8 southwest Brooklyn? And there are no cabs there.  
9 And Ms. Marino comes from Bayside where there are  
10 no cabs there on a regular basis. And I hope that  
11 as part of your tenure you will push to make sure  
12 that there are more outer Borough cab spots and  
13 locations for Queens' residents to take cabs on a  
14 regular basis.

15           There is right now a challenge  
16 about whether or not black cars should pick up  
17 outer Borough residents. And I hope that you  
18 quickly get involved in that and push to make sure  
19 that actually regular taxicabs pick up those  
20 passengers. So, you know, to Robert Jackson who  
21 doesn't live--he lives in the worst Borough, in  
22 Manhattan, he doesn't understand when there are no  
23 cabs in Queens or no cabs in Brooklyn, when you  
24 would want to move around. I want to commend both  
25 of you for your desire to serve.

1  
2 Ms. Marino I've known for about  
3 five years now. And she has constantly been  
4 involved in-- I see Assemblyman Sedio just joined  
5 us, he's out there watching over his colleague who  
6 will be appointed as well. I just want to  
7 acknowledge him. But I know that both of you will  
8 want to serve with distinction and with the desire  
9 to make sure that there's more taxi service  
10 towards the outer Boroughs. So I just want to  
11 congratulate both of you. Thank you very much.

12 MAJORITY LEADER RIVERA: Next we  
13 have Council Member Jimmy Vacca.

14 COUNCIL MEMBER VACCA: I first want  
15 to say that my Majority Leader took a lot of words  
16 out of my mouth. As Chairman of the  
17 Transportation Committee I want to welcome both of  
18 you. And I'm sure you'll do a great job. And  
19 everything that I know and hear is very favorable.  
20 But I do have to also echo his remarks.

21 We cannot ask people in the outer  
22 Boroughs when was the last time that they were in  
23 a cab because there are no Yellow cabs. We have  
24 to look to livery cabs or we have to look to black  
25 car services. One thing I think that you will be

1  
2 looking at, at the Taxi and Limousine Commission  
3 is how do we get people in the outer Boroughs  
4 better transportation options.

5           It's like so many people tell  
6 people in the outer Boroughs, which I hate that  
7 term by the way, but they will tell us why do you  
8 take your car. And we will tell them well we take  
9 two buses to a train so therefore what do you want  
10 us to do, we don't have the option that Manhattan  
11 has. So I wish you luck.

12           It's a very challenging time at the  
13 Taxi and Limousine Commission. A lot of things  
14 will be coming up, some good, some you may be  
15 opposed to, always research, always vote the way  
16 you think is best for the City of New York, but I  
17 hope to be working with you because transportation  
18 policy in New York City is going through an  
19 evolution.

20           It has to go through an evolution  
21 to meet the needs that are coming up in the next  
22 10, 20 and 30 years. As a major metropolitan area  
23 we have major issues we have to start looking at.  
24 So I wish you both success.

25           MAJORITY LEADER RIVERA: Thank you

1  
2 very much Council Member Vacca. Are there any  
3 other questions or comments or statements from  
4 Committee members? Seeing none, at this point in  
5 time I just want to take care of a couple of  
6 housekeeping issues. For Mr. Carone, I believe  
7 the first one is pursuant to the Charter Section  
8 11-15, for the record, is it your intention to  
9 resign as a member of the Community Board Number  
10 18 in Brooklyn upon appointment to the Commission?

11 MR. CARONE: It is and I have  
12 already notified the District manager of my  
13 intention to do so.

14 MAJORITY LEADER RIVERA: Perfect.  
15 Second, pursuant to the Charter Section 26-04.B.12  
16 and Conflicts of Interest Board Advisory Opinion  
17 2009-6, is it your intention not to engage in  
18 political fundraising upon appointment to the  
19 Commission?

20 MR. CARONE: It is. Thank you.

21 MAJORITY LEADER RIVERA: Thank you  
22 very much. At this point in time we'll ask the  
23 Committee Clerk to please call the roll. And I  
24 recommend an aye vote, a yes vote, for both of  
25 them.



1  
2 MR. KEVIN PENN: Kevin Penn,  
3 Committee Clerk, roll call on the Committee on  
4 Rules, Privileges and Elections. Council Member  
5 Rivera.

6 MAJORITY LEADER RIVERA: I vote aye  
7 and congratulations to both of you.

8 MR. PENN: Comrie.

9 COUNCIL MEMBER COMRIE: I vote aye  
10 but I think it's ridiculous that he has to give up  
11 being on the Community Board to serve on the TLC.  
12 And also, you know, if a person wants to do  
13 something as a personal right they should not have  
14 to give up that. I don't think either item is a  
15 conflict. I think it's ridiculous and it's more  
16 nitpicking for no reason. Aye on all. Aye on  
17 both.

18 MR. PENN: Dilan.

19 COUNCIL MEMBER DILAN: Mr.  
20 Chairman, may I have a moment to explain my vote?

21 MAJORITY LEADER RIVERA: Yes.

22 COUNCIL MEMBER DILAN: I just want  
23 to say that David Yassky will be getting two fine  
24 individuals to work with on the Board of the TLC.  
25 One, I believe I'll get the chance to meet for the

1  
2 first time and the other I've known for quite some  
3 time. And I'd say with Frank Carone, the TLC is  
4 going to be getting a fine individual, somebody  
5 who is one of the most conscientious and caring  
6 persons that I've ever met.

7 And my Deputy Majority Leader asked  
8 me to enthusiastically support him. But frankly  
9 he didn't have to, I think anybody that gets to  
10 know Mr. Carone will grow to like him and love him  
11 and know that he is a conscientious person and  
12 will do right by the riders of the City of New  
13 York. So with that Frank, I welcome you. I'm not  
14 sure whether to say congratulations or condolences  
15 'cause you're going to have plenty of tough  
16 decisions ahead of you.

17 And just as a friendly challenge to  
18 my colleague from Manhattan, you know, maybe one  
19 day you should come with me to Brooklyn and we can  
20 try to hail a cab together. And then you can  
21 understand for yourself the problems that outer  
22 Borough riders face. I know in some parts of  
23 Brooklyn, Dollar vans will frequently become an  
24 issue for you. I'm not sure if Council Member  
25 Jackson has ever rode on a Dollar van. [Laughing]

1  
2 But they are issues in parts of Brooklyn and  
3 Queens.

4 So I just ask that you both  
5 conscientiously look at the duties before you and  
6 keep the outer Boroughs in mind because there is  
7 less transportation infrastructure. And we've  
8 been joined by the Republican leader who I would  
9 imagine is very interested in taxi and ferry  
10 service for his Borough of Staten Island. And I  
11 know he has his own appointee to the TLC but just  
12 please consider all these outer Borough issues  
13 including taxi, especially taxi service as you go  
14 forward. And thank you Mr. Chair and I vote aye  
15 on both.

16 MR. PENN: Fidler.

17 COUNCIL MEMBER FIDLER: First of  
18 all I'm sure that Councilman Jackson didn't really  
19 mean it. And as to Council Member Comrie's point  
20 about the Community Board, I agree, it is absurd.  
21 But on the other hand I've got a vacancy I could  
22 fill now 'cause I appointed Frank to the Community  
23 Board and I vote aye on both.

24 MR. PENN: Jackson.

25 COUNCIL MEMBER JACKSON: I have an

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opportunity to explain my vote?

MAJORITY LEADER RIVERA: To defend yourself?

COUNCIL MEMBER JACKSON: Manhattan is a great Borough. The other Boroughs are great also. And together they make up the greatest city in the world. And clearly I agree with my colleagues from, not the outer Boroughs but from Brooklyn, Queens, Staten Island and the Bronx, that there's a need for more Yellow taxis in those Boroughs. And in fact there's a need for more Yellow taxis in the part of Manhattan in which I reside and that I represent which is Harlem, Washington Heights and Inwood.

And in fact for the people up in my area, the taxis are the car services that are plentiful in our community. So that's our mode as far as a Yellow taxi is concerned. And when we see a Yellow taxi, it's heading back down the Henry Hudson Parkway going back to midtown New York. But I agree with you that we need representatives from all aspects of our great City so that they will be able to deliberate and do what's best overall for the entire five Boroughs,

1  
2 not just for Manhattan. And with that I vote aye  
3 on both of their nominations.

4 MR. PENN: Vann.

5 COUNCIL MEMBER VANN: I explain my  
6 vote. Actually Mr. Jackson's reference to the  
7 Yellow cabs reminded me of the motto of my  
8 predecessor in the Assembly was Calvin Williams  
9 who started The Black Pearl Car Service in Central  
10 Brooklyn, Bed-Sty. And their motto was we're not  
11 yellow, we'll go anywhere.

12 [Laughter]

13 COUNCIL MEMBER VANN: So. We want  
14 cabs that will go anywhere. Maybe we'll change  
15 the color but I think I know that you will be very  
16 supportive. I know that both of you served in the  
17 military. I think that's very commendable. Just  
18 meeting both of you here, you get a good feeling  
19 that you are good people and I'm sure you will do  
20 the right thing by the better Boroughs outside of  
21 Manhattan. Thank you, congratulations, I vote  
22 aye.

23 MR. PENN: Gentile.

24 COUNCIL MEMBER GENTILE: Mr.  
25 Chairman we have two great candidates here. And

1  
2 knowing one of them, Frank Carone, for many, many  
3 years, yeah it is the Frank Carone fan club here,  
4 I don't know. [Laughing] It is my pleasure to  
5 vote yes on both nominees but particularly Frank.  
6 And you know as I railed in the Brooklyn  
7 Delegation meeting before about the lack of ferry  
8 service in the Bay Ridge and Southwest Brooklyn  
9 area, and so now we come to this juncture and we  
10 talk about lack of taxi service in Brooklyn  
11 particularly.

12 So those are issues that you're  
13 going to hear from time, at least from the taxi  
14 point of view, that I hope will be addressed as  
15 you go forward. So it's my pleasure Mr. Chair to  
16 vote yes on both nominees. Congratulations.

17 MR. PENN: Speaker Quinn.

18 SPEAKER QUINN: Aye on all. Thank  
19 you very much.

20 MR. PENN: Dickens.

21 COUNCIL MEMBER DICKENS: [No  
22 audible response]

23 [Pause]

24 COUNCIL MEMBER FIDLER: Can't we  
25 just all get along?

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MR. PENN: Vacca.

COUNCIL MEMBER VACCA: I vote aye and congratulations. All the best.

MR. PENN: Crowley.

COUNCIL MEMBER CROWLEY: I vote aye. I want to congratulate both the nominees. Norma I've known you for quite a few years and I know you'll do a fantastic job.

MR. PENN: Oddo.

COUNCIL MEMBER ODDO: Yes.

MR. PENN: By a vote of 12 in the affirmative, 0 in the negative and no abstentions, all items have been adopted. Members please sign the Committee reports.

[Pause]

MAJORITY LEADER RIVERA: We're going to hold the vote open for about 15 minutes for other members to come by and vote.

[Pause]

MAJORITY LEADER RIVERA: It is now 11:19 A.M. and this meeting is now closed.

[Gavel banging]

C E R T I F I C A T E

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

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature     Laura L. Springate    

Date     March 5, 2011