

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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April 28, 2011
Start: 11:05am
Recess: 11:48am

HELD AT: Council Chambers
City Hall

B E F O R E:
JOEL RIVERA
Chairperson

COUNCIL MEMBERS:

Speaker Christine C. Quinn
Council Member Leroy G. Comrie, Jr.
Council Member Inez Dickens
Council Member Erik Martin Dilan
Council Member Vincent J. Gentile
Council Member Robert Jackson
Council Member Karen Koslowitz
Council Member James S. Oddo
Council Member James Vacca
Council Member Albert Vann

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

Rudy Washington
Candidate
Civil Service Commission

Nancy Chaffetz
Candidate
Civil Service Commission

Robert Carver
Candidate
Environmental Control Board

Emily Lally
Candidate
Environmental Control Board

Douglas Swann
Candidate
Environmental Control Board

1
2 CHAIRPERSON RIVERA: Good morning,
3 ladies and gentlemen, my name is Joel Rivera, I'm
4 the Chair of the Committee on Rules, Privileges
5 and Elections. Before we begin, let me just take
6 the opportunity to introduce the Members who are
7 here with us today. To my left we have Council
8 Member Jimmy Vacca; to my right we have Council
9 Member Vincent Gentile, Council Member Karen
10 Koslowitz, Council Member Deputy Majority Leader
11 Leroy Comrie; and we also have Council Member Erik
12 Dilan and the Minority Leader Jimmy Oddo here with
13 us, as well. And of course Chuck Davis and Lamont
14 Bland are with us. And Jasmine Vega and Earnest
15 Stewart, as well. Today before us we have five
16 candidates for our review. They are Nancy
17 Chaffetz?

18 NANCY CHAFFETZ: Chaffetz.

19 CHAIRPERSON RIVERA: Chaffetz, I
20 apologize for that. She is a Manhattan resident,
21 and a registered member of the Republican Party,
22 is being considered for reappointment by the Mayor
23 to the Civil Service Commission. Ms. Chaffetz
24 will be eligible to serve for the remainder of a
25 six year term that expires on March 21st of 2017.

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2 We also have Rudy Washington, as well, with us, a
3 Queens resident and registered member of the
4 Republican Party, is being considered for
5 reappointment by the Mayor to the Civil Service
6 Commission. Mr. Washington will be eligible to
7 serve for the remainder of a six year term that
8 expires on March 21, 2015. We also have Robert
9 Carver, a Manhattan resident, is being considered
10 for reappointment by the Mayor to the
11 Environmental Control Board, as the Boards members
12 with experience in the field of real estate. Mr.
13 Carver will be eligible to serve for the remainder
14 of a four year term that expires on November 24,
15 2013. We also have Emily Lally, a Manhattan
16 resident, is being considered for reappointment by
17 the Mayor to the Environmental Control Board as
18 the Board members with experience in the field of
19 noise pollution control. Ms. Lally will be
20 eligible to serve for the remainder of a four year
21 term that expires on March 5, 2015. And we also
22 have Douglas Swann, a Brooklyn resident, is being
23 considered for appointment by the Mayor to the
24 Environmental Control Board, as a Board member
25 with experience in the field of air pollution

1 control. Mr. Swann will fill a vacancy and be
2 eligible to serve for the remainder of a four year
3 term that expires on March 5, 2013. We will begin
4 with the Civil Service Commission candidates. I
5 will briefly explain the functions of the
6 Commission. The Commission consists of five
7 members, with not more than three being from the
8 same political party. The Mayor from a list of, a
9 list provided by the screening committees, makes
10 the appointments. Members have a six year term
11 and are reimbursed on a per diem basis of \$418.77
12 for the Chair and \$384.50 for the other members,
13 for attendance at scheduled meetings. The
14 Commission's duties include hearing and
15 determining appeals from any aggrieved person from
16 a decision by the Commissioner of the Department
17 of Citywide Services, who is responsible for
18 citywide personnel matters. The Commission may
19 affirm, modify or reverse such a decision. The
20 Commission also has the powers and duties set
21 forth in the State Civil Service Law. The
22 Commission either on its own or at the request of
23 the Mayor, Council or DCAS Commissioner, may
24 conduct review, reviews or studies of the
25

1 Administration of personnel in the City, including
2 the classification of titles. I'll welcome Ms.
3 Chaffetz and Mr. Washington, will you please raise
4 your right hand to be sworn in?
5

6 CLERK: Do the two of you swear or
7 affirm that your statements will be truthful to
8 the best of your knowledge?

9 CHAFFETZ AND WASHINGTON: I do.

10 CLERK: Thank you.

11 CHAIRPERSON RIVERA: Okay, do you
12 have an opening statement?

13 RUDY WASHINGTON: Well, I just, I
14 would just like to thank the Council once again
15 for considering me and giving me the opportunity
16 to serve this great City, and to serve our City.
17 And it's good seeing some of my old friends again.
18 Thank you.

19 CHAIRPERSON RIVERA: And Ms.
20 Chaffetz?

21 NANCY CHAFFETZ: Yes, I'd like to
22 join Commissioner Washington in thanking this
23 Committee and the City Council for considering my
24 candidacy as well as my colleague's today. It's
25 been a privilege to serve on the, on the

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2 Commission for the last couple of years and very
3 excited about the opportunities to serve in
4 another term. So, I thank you for your
5 consideration.

6 CHAIRPERSON RIVERA: Thank you.

7 At, we'll save the questions for the end point.

8 Next we'll go onto the Environmental Control

9 Board. Within the New York City Office of

10 Administrative Trials and Hearings, there is an

11 Environmental Control Board that adjudicates

12 notices of violation issued by various City

13 agencies, including the Departments of

14 Environmental Protection, Police, Sanitation

15 Health and Mental Hygiene, Fire and Buildings.

16 ECB has the power to render decisions and orders

17 and to impose civil penalties under law provided

18 for such violations. ECB may apply to a court of

19 competent jurisdiction for enforcement of any

20 decision, order or subpoena that it issues. Among

21 the provisions of the law enforced by ECB are

22 those relating to the cleanliness of City streets,

23 the disposal of refuse, the provision of a pure,

24 wholesome and adequate supply of water, the

25 prevention, prevention of air, water and noise

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2 pollution, the regulation of street pedaling, and
3 the City response to emergency caused by releases
4 or threatened releases of hazardous substances.
5 ECB has the authority to make, amend or rescind
6 such rules and regulations to carry out its
7 duties. Also, ECB has concurrent jurisdiction
8 with the Board of Health to enforce those
9 provisions of the Health Code and the rules and
10 regulations relating thereto, that the Board of
11 Health shall designate. ECB consists of the
12 Commissioners of the Departments of Environmental
13 Protection, Sanitation, Health and Mental Hygiene,
14 Buildings, Police and Fire, and the Chief
15 Administrative Law Judge of Oath, as well as six
16 persons appointed by the Mayor with the advice and
17 consent of the Council. The Chief Administrative
18 Judge of Oath serves as Chair of ECB. Within its
19 appropriation, ECB may appoint and Executive
20 Director and such hearing officers including non-
21 salaried hearing officers and other employees as
22 it finds necessary, to properly perform its
23 duties. Members other than agency commissioner
24 may not be employed by the City. Five of the six
25 noncommissioned members must possess broad general

1 background and experience. One in each of the
2 following areas: air pollution control, water
3 pollution control, noise pollution control, real
4 estate or the business community; the six
5 noncommissioned member represents the general
6 public. Members other than the agency
7 commissioners are compensated and receive a
8 \$175.10 per diem when performing the work of ECB.
9 Members terms are for four years. Welcome Mr.
10 Carver, Ms. Lally and Mr. Swann. Will you please
11 raise your right hand and be sworn in?
12

13 CLERK: Do the three of you swear
14 or affirm that your statements will be truthful to
15 the best of your knowledge?

16 CARVER, LALLY, SWANN: I do.

17 CLERK: Thank you.

18 CHAIRPERSON RIVERA: Perfect. Do
19 you have, do you have an opening statement?

20 ROBERT CARVER: Sure, I've been
21 serving on the Board for the last--I've been
22 serving on the Board for the last eight years, and
23 would appreciate the opportunity to serve one more
24 term. Thank you.

25 EMILY LALLY: Good morning. Just

2 want to thank you for the opportunity to serve on
3 the ECB, enjoyed doing it and hope to continue.

4 Thank you.

5 DOUGLAS SWANN: I'd just like to
6 thank you, the Committee, for the consideration of
7 this position. I feel honored to be able to serve
8 my City, and hope that I will do it well.

9 CHAIRPERSON RIVERA: Thank you very
10 much. Do any members have any questions? Council
11 Member Gentile.

12 COUNCIL MEMBER GENTILE: Thank you,
13 Mr. Chairman. Just for the members of the ECB, I
14 would imagine that it's been the ECB's policy up
15 until now, to require the payment of a fine before
16 an appeal was allowed. Am I correct? Has that
17 been the procedure with ECB?

18 ROBERT CARVER: I'm not sure. We
19 do have--I'm not sure, but I know we do have staff
20 here that can answer that.

21 COUNCIL MEMBER GENTILE: Okay, so--
22 [background comment] Yeah, I would be curious,
23 because it's been such a burdensome, burdensome
24 administrative procedure that people have to face
25 if they want to fight any type of summons given by

1
2 the City of New York.

3 ROBERT CARVER: I should just
4 mention that our appeals are now decided within I
5 think 180 days by law. And that's been working
6 out quite well. I don't think we've missed that
7 deadline yet, which is a positive aspect.

8 COUNCIL MEMBER GENTILE: Well, the
9 Mayor's just announced, at least in terms of
10 parking summonses, that appeals will be allowed to
11 be filed without the payment of, of the fine.
12 Which is, which is the way it should have been
13 from the beginning. I'm just curious about
14 whether or not that's across the board.

15 EMILY LALLY: I do believe in some
16 cases--Oh, sorry. I do believe in some cases
17 there are waivers granted. Which I don't--there,
18 hardship waivers are granted. And I would defer
19 to my colleagues on the procedure to having that
20 done. But it is a possible avenue.

21 COUNCIL MEMBER GENTILE: Okay. I'm
22 sure, I'm not sure anybody knows about a hardship
23 waiver, if that's the case.

24 EMILY LALLY: Okay. We can work
25 on--This is Meredith.

2 COUNCIL MEMBER COMRIE: Okay, can
3 we have a staff person describe what the hardship
4 waiver is? And also if, what are the procedures
5 for prepayment, prior to the case being heard.
6 You have to, you got to speak into the mic and
7 identify yourself for the record.

8 CHAIRPERSON RIVERA: Just identify
9 yourself for the, for the record.

10 MEREDITH FEINMAN: I'm Meredith
11 Feinman, I'm the Executive Director of ECB. And I
12 solemnly swear that what I'm going to say is
13 truthful, to the best of my knowledge.

14 CHAIRPERSON RIVERA: Can you get
15 closer to the mic.

16 MEREDITH FEINMAN: Yes. What I can
17 tell you is that the appeals process does require
18 the payment of the fine or the posting of a bond,
19 which is what many respondents do. However, there
20 is also a process in place for a respondent who
21 for whom paying the fine would pose a hardship.
22 They can apply for what's known as a hardship
23 waiver, that is reviewed by attorneys in our
24 appeals unit, and they certainly are granted. And
25 they're, the process is there, what constitutes

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2 hardship? Did somebody ask that question? Well,
3 it would, the person would have to demonstrate
4 that, that it would be a tremendous financial
5 burden for them to pay the penalty in advance.
6 And that it would impede their, perhaps their
7 ability to pursue the appeal or would impact on
8 their, literally their life.

9 COUNCIL MEMBER GENTILE: Well,
10 isn't that the case? Why, why--isn't it a
11 chilling effect on anybody's right to take an
12 appeal? By asking them to pay the fine before the
13 appeal is, is taken? Why should that be in any
14 case?

15 MEREDITH FEINMAN: Well, I would
16 say that I don't think it does have a chilling
17 effect, because if anything the, the number of
18 appeals that are filed with us, the numbers are
19 going up, and they're not going down. And we
20 handle hundreds of appeals every single year, so
21 it doesn't seem to have a chilling effect. And I
22 think that perhaps that's partially because the
23 cases that are, where there really is an
24 appealable issue, the person is willing to, you
25 know, pay the money, because they, they feel that

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2 they have a very strong point that they want to
3 try and get across. I think it, arguably, sir,
4 and I, I just say this really, you know,
5 hypothetically, I think that it's possible that
6 the necessity or the requirement that there be a
7 payment of the fine actually dissuades frivolous
8 appeals, and helps the appeals that go forward get
9 the kind of attention and focus that they, that
10 they fully deserve. And I would also say that
11 because there is the ability to post a bond, and
12 it's not necessarily required that an individual
13 or respondent pay the, the penalty, out of pocket,
14 I think that that provides an option that, you
15 know, that can help, can help, can help offset
16 that so-called chilling effect.

17 COUNCIL MEMBER GENTILE: So-called
18 chilling effect, I mean, you're saying you want
19 to, you want to sort of filter the, the request
20 for an appeal, so in effect it does have a
21 chilling effect on, on, on people taking an
22 appeal. I would just ask the Commissioners to
23 really understand this problem from the
24 perspective of the everyday New Yorker who has to
25 deal with this, and has an issue, and wants to

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2 appeal, but then all of a sudden is told you have
3 to pay the fine before you can appeal. And I
4 understand that's not the case now with parking
5 summonses. I'm told that the appeal process will
6 go forward. But I'm curious and interested in the
7 other issues that ECB deals with about having to
8 take an appeal, or having to pay before taking an
9 appeal. I've never heard that anywhere, I mean,
10 it's, it's--it's just mindboggling to know that
11 that's an ECB requirement. And I'd ask the
12 Commissioner to really look at it from the
13 perspective of the everyday New Yorker who has,
14 who has to deal with these fines.

15 MEREDITH FEINMAN: Thank you for
16 your time.

17 COUNCIL MEMBER COMRIE: Okay, don't
18 leave. Council Member Vacca and then Council
19 Member Dickens has questions for the panel.

20 COUNCIL MEMBER VACCA: Thank you,
21 Mr. Chair. I wanted to speak about fines that are
22 owed ECB. I understand that we have a large
23 number of fines where ECB is not able to collect
24 what has been determined by a judgment. Of
25 course, we have a City in a fiscal crisis this

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2 year. What is the degree of this problem. How
3 much is out there that we are not able to collect?
4 What are we doing to expedite collections?

5 ROBERT CARVER: I think again
6 that's going to be a questions for, for staff.
7 Meredith?

8 MEREDITH FEINMAN: Yes. We are
9 truly mindful of the fact that it's important.
10 It's always important, and particularly in these
11 fiscally sensitive times, to ensure that we have
12 collection. I would tell you that, or like to
13 just make clear, that we are not a collection
14 agency. What happens with ECB judgments that are
15 not paid is they are docketed as judgments and
16 those are referred to the Department of Finance
17 for collection. So, at the point at which it
18 turns into a judgment because it's docketed, and
19 it's docketed I believe, well, I don't want to be
20 quoted on the number of days after the default,
21 but a certain amount of, reasonable period of
22 time, after the, after it's, the default occurs,
23 as I said, it gets docketed with State Supreme
24 Court, and then we refer it to the Department of
25 Finance. And some of our cases that are not

2 docketable, because of the nature of the service
3 that's required, we turn over to the New York City
4 Law Department, for collection efforts on their
5 part.

6 COUNCIL MEMBER GENTILE: If I, if I
7 mention to you that the number in my opinion could
8 be \$400-\$500 million, am I wrong?

9 MEREDITH FEINMAN: I, I don't know,
10 sir.

11 COUNCIL MEMBER GENTILE: I think
12 we're talking that much money. And I know, I
13 know--

14 MEREDITH FEINMAN: I, I would be--

15 COUNCIL MEMBER GENTILE: I know
16 that you defer to the Department of Finance
17 because that, because they are the Department of
18 Finance, but we're looking at draconian cuts in
19 this City.

20 MEREDITH FEINMAN: Mm-hmm.

21 COUNCIL MEMBER GENTILE: And
22 someone has to come to the realization that where
23 the City is owed money, that money should be paid
24 up rather than people not having daycare or a
25 firehouse opened. So, I know three of you are

2 incumbent commissioners, so we look to you and
3 your staff to work with Finance to make sure this
4 is done, so that at least your agency is in
5 compliance.

6 MEREDITH FEINMAN: Sir, we actually
7 work very closely with Finance and we have been
8 working hard with them over recent months. And I
9 only say months because I've only been Executive
10 Director and with the agency since November. I'm
11 sure it occurred previously. But to close up some
12 of the delays in getting the docketed judgments to
13 Finance and making sure that judgments that had
14 been paid were removed from the dockets because we
15 don't want to Fi--waste Finance's time, going out
16 to collect on a judgment that perhaps was paid in
17 fact, and rather than they're having the time and
18 resources to devote to collection. But I, I
19 understand your concern, Councilman.

20 COUNCIL MEMBER GENTILE: Was your
21 budget cut due to PEG cuts? Did you, did you
22 receive a cut from the City, or your agency? Were
23 you assessed a budget cut?

24 MEREDITH FEINMAN: Well, a PEG cut.

25 COUNCIL MEMBER GENTILE: PEG cut.

2 MEREDITH FEINMAN: A PEG cut.

3 [pause, background noise] Yeah, right. I'm
4 sorry, you know, the budgetary process occurs at
5 the level of the Office of Administrative Trials
6 and Hearings, which I don't, I am overseen by.
7 But they administer our budget. And they do all
8 the negotiations with OMB for our budget. So, I
9 really can't answer that question. I don't have
10 the correct information.

11 COUNCIL MEMBER GENTILE: Okay. My
12 only reason for asking that is because basically
13 ECB is a revenue producing entity of the City, at
14 the end of the day. If we can only collect what
15 you assess, you're revenue producing.

16 MEREDITH FEINMAN: We understand.

17 COUNCIL MEMBER GENTILE: And I
18 wouldn't want to have that cut. And that has been
19 the policy of the Mayor not to do that. From an
20 intergovernmental perspective, do you have people
21 who work in that area? Do you have, who are your
22 people who relate to community boards and relate
23 to Council people when constituents come to our
24 offices?

25 MEREDITH FEINMAN: Oh. We have a

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2 public relations/communications director, who is
3 extremely responsive. She hands--I'm sorry. She
4 handles all of the, the mail that comes in from,
5 from you folks, may come in to me, but I redirect
6 it to her. Every single constituent communication
7 is, is responded to, and responded to promptly.
8 We also get referrals of constituent mail from the
9 Mayor's Office. And we respond to absolutely
10 every piece of mail, or communication that is
11 initiated by any public officer. And, by the way,
12 by the public, as well.

13 COUNCIL MEMBER GENTILE: Just for
14 the record, what is that person's name?

15 MEREDITH FEINMAN: Her name is
16 Marissa Senigo. Her last name is spelled S as in
17 Sam, E-N-I-G-O.

18 COUNCIL MEMBER GENTILE: Okay. I
19 thank you very much.

20 MEREDITH FEINMAN: You're welcome,
21 sir.

22 COUNCIL MEMBER COMRIE: Council
23 Member Dickens.

24 COUNCIL MEMBER DICKENS: Thank you
25 so much. And good morning. On--I'm sorry, what

1
2 is your name, Executive Director?

3 MEREDITH FEINMAN: Meredith
4 Feinman.

5 COUNCIL MEMBER DICKENS: Hello, Ms.
6 Feinman. I have a couple of questions, very
7 quickly. Number one, when building owners,
8 particularly small building owners, come down for
9 hearings, I've gotten numerous complaints that
10 although appointments are given, and sent, and
11 when you're given a date that you're to come down
12 there, that frequently they're down there hours
13 before their case is even called. It's, you're
14 herded like cattle. And, and it's, yeah. I've
15 been down there. And you're herded like cattle,
16 you're sitting around, you're waiting for hours
17 for your case to be called, and, and after you've
18 spent all these hours there, then you go before a
19 hearing officer. So, I'd like to know, are you
20 working on some kind of guidelines, so that owners
21 are not, it's not incumbent upon them to be there
22 for hours, and maybe large owners have
23 representation that goes down, maybe they have
24 attorneys. But small building owners are not
25 afforded that luxury. And they come down and

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2 fight and argue these, these violations because
3 they can't afford them. Their buildings are
4 usually not paying for themselves, and so for--so,
5 it's incumbent upon them to come to try to argue
6 their case. And I'm not talking about rightfully
7 or wrongfully, I'm just talking about they come to
8 argue their case. So when they spent hours down
9 there, trying to wait for their case to be called,
10 it's unfair to them. And they're there because
11 they're not running, they're trying to pay their
12 fine, if that's what they have to do, or get it
13 cut back or whatever. Now, that's number one.
14 Number two, I was the one who raised the issue
15 about a hardship, and what constitutes a hardship,
16 and your answer did not give me any qualifications
17 as to what constitutes a hardship, except that if
18 it makes it hard on your life. Well, what, what
19 is harder on someone's life than if the building's
20 not paying and they got to get a job somewhere to
21 keep the building open. So, you know, I'd like to
22 know if, and if you don't have any guidelines I'm
23 going to suggest and ask that, that you come up as
24 the Executive Director, come up with some
25 guidelines that constitutes a hardship, that

2 becomes definitive, that can be written and given
3 to owners, as to what is a hardship that they can
4 put a case forward. 'Cause just to say that, you
5 know, it's hard on my life to pay, what does that
6 mean?

7 MEREDITH FEINMAN: May I respond?

8 COUNCIL MEMBER DICKENS: Yes, of
9 course.

10 MEREDITH FEINMAN: Okay. First of
11 all, with respect to your concern about
12 respondents having to wait, wait for their cases
13 to be called, what we are, what we absolutely
14 endeavor to do is, because as you yourself
15 acknowledge, or pointed out, I should say, we have
16 some, when we handle the buildings cases, and what
17 we, the way we do it is that each borough has a
18 buildings day during the week. So that all of the
19 cases from that borough are going to be heard on
20 one day and all, they're all buildings cases.
21 Which isn't to say that if somebody comes in with
22 a Sanitation ticket that they won't be heard. But
23 we do devote that time, we work with the
24 Department of buildings because in many of those
25 buildings cases, there has to be a hearing at

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2 which ha representative is present, from the
3 Buildings Department, who wants to prosecute their
4 notice of violation. So what happens is that
5 there are these building owners who come in and
6 they do have representation, and they have,
7 they're often, they, they're often represented by
8 representatives, sometimes they're lawyers,
9 sometimes they're, they're laypeople who
10 specialize in this. And they will hear ano--they
11 will have a number of hearings in a row because
12 they all involve the same inspector. But what we
13 very much make every effort to do is with
14 individual building owners, unrepresented ones
15 like you're talking about, we will, we will push
16 them in to get a hearing, ahead of others, ahead
17 of the ones who come in with all the represent--
18 you know, with the representative. We make every
19 effort to accommodate those people. Now you
20 talked about specific appointments. People don't
21 get specific appointments, and we don't make--

22 COUNCIL MEMBER DICKENS: You do
23 give days. I'm sorry, I've got one right now that
24 this constituent gave me, so I disagree.

25 MEREDITH FEINMAN: Well, we--well--

1 well, we don't give it to it. Okay, the, it's put
2 on, put on the Notice of Violation as the return
3 date. And that is established by the Department,
4 and that's fine. We know when their return date
5 is. But as far as the time that people show up,
6 people tend to show up as early in the morning as
7 possible, so that they can hopefully, you know,
8 get at the head of the line. It's very, very hard
9 for us to control the case flow. There's, there's
10 a load of cases we have, we do our very best to
11 organize it before people even start arriving in
12 the morning. We do our very best, and so does
13 Buildings, to coordinate that they will have
14 adequate representation of, of their represent--
15 you know, that they will be sending enough
16 representatives to appear on the cases in which
17 that is required. And I'm sorry to hear that you
18 have an impression that people are herded in. We
19 have some, we have one waiting room in particular
20 that's tight, and we're working on expanding that
21 waiting room. And to the extent that the
22 Department of Buildings issues violations, we have
23 to be prepared to deal with the crowds and, and
24 have the hearings. And sometimes people just have

1
2 to wait. But you know, I would really urge any
3 person who's there, unrepresented, a homeowner who
4 has a building violation, and has been waiting for
5 quite a while, to approach somebody in our
6 reception area, and just bring that to their
7 attention. We also have attorneys at what we call
8 "The Bridge," which is where the cases are called
9 from, and they can also approach the attorney at
10 The Bridge, and just make clear, you know, "I've
11 been waiting for a couple of hours." We really,
12 we really try to accommodate those people and I
13 will make sure that the message gets back to each
14 of our boroughs that this is an ongoing concern of
15 your constituents, and that we must do, do,
16 perhaps do better or certainly focus on the
17 individual homeowners who have been waiting around
18 for a long time.

19 COUNCIL MEMBER DICKENS: Thank you
20 so much for your answer, but I daresay that I
21 doubt that I would find one person that would
22 approach anyone at, at that hearing place, that
23 would stand up there and say, "I've been waiting a
24 long time," because they are fearful that their
25 case may be put to the bottom of the barrel.

2 MEREDITH FEINMAN: We wouldn't do
3 that. We would never do--we don't do that.

4 COUNCIL MEMBER DICKENS: Mm, yes, I
5 know.

6 MEREDITH FEINMAN: We don't do
7 that.

8 COUNCIL MEMBER DICKENS: I'm sure.

9 MEREDITH FEINMAN: We don't do
10 that.

11 COUNCIL MEMBER DICKENS: Mm-hmm,
12 I'm sure. That's nice for the public record, but
13 I don't think that anyone would really, you know,
14 feel that, that goes down there, and you, as the
15 Executive Director, would--I understand your
16 response to that, but when, when the, when the
17 constituents go there, they're not sure what the
18 employees will do. And so, you know, that's why I
19 said it. And then, to the second question, 'cause
20 I do have one third question, the second question,
21 do you have, about the, the hardship? Do you--

22 MEREDITH FEINMAN: The hardship,
23 the hardship is in the context of appeals and
24 having to pay for the, pay the penalty, or obtain
25 a hardship waiver. What I would like to do,

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2 Council Member, is I will have our, I will have
3 the, the unit leader of our Appeals Bureau provide
4 you with information about the standards for
5 hardship waivers.

6 COUNCIL MEMBER DICKENS: All right,
7 thank you. And my third and last question is what
8 is your turnaround time where someone calls in a
9 violation that's nonhazardous violation, such as a
10 signage, because I believe you hear, is that, am I
11 correct, in that if someone calls in to DOB or to
12 Landmarks, that there's a sign put on a building?
13 Because there is a law about having a sign put on.
14 And they, the assumption is, is that there's a
15 name on there that doesn't reside in that
16 building, and you have to come in to answer at
17 ECB. Is that correct? Do you hear those cases?

18 MEREDITH FEINMAN: I don't know the
19 answer to that. I don't know every single ca--I'm
20 sorry, but I don't know every single case that we
21 hear.

22 COUNCIL MEMBER DICKENS: That's all
23 right, no, all right, well, I'll answer for you:
24 Yes, yes, ECB does hear that. And what is your
25 turnaround time, if you know it, and you may not

2 know, since you're not aware that you're hearing
3 cases.

4 CHAIRPERSON RIVERA: Council--
5 Council Member. I apologize, I'm going to have
6 to--

7 COUNCIL MEMBER DICKENS: No, but I
8 got to hear, I want to hear this, 'cause I have a
9 complaint in my office--

10 CHAIRPERSON RIVERA: Okay.

11 COUNCIL MEMBER DICKENS: --about
12 this specific.

13 CHAIRPERSON RIVERA: Okay.

14 COUNCIL MEMBER DICKENS: And that
15 is that a complaint was called in, in 2009, on a
16 signage, and they got a notice in 2011, January of
17 2011, to come in for the hearing.

18 MEREDITH FEINMAN: I just would
19 like to point out that once it comes to, to us, we
20 have, if the individual comes in for a hearing
21 within a few weeks, they will have an, they will
22 have a decision and order. But what happens
23 between the time that the inspector makes the
24 observation and that's the Department of Buildings
25 and how long it takes them to get the Notice of

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2 Violation filed and to us is, is out of my
3 control.

4 COUNCIL MEMBER DICKENS: All right,
5 well that's the answer, I just wanted to know,
6 thank you.

7 CHAIRPERSON RIVERA: Perfect, thank
8 you, I just want to state that we are in a Rule
9 Committee meeting and I do appreciate the line of
10 questioning, 'cause it is very much needed, but we
11 have to focus on the appointments for the day.
12 And I think that we should probably follow up with
13 a Governmental Ops meeting, for some of these
14 questions, or the Sanitation meeting, to address
15 some of these concerns. But I know my Council
16 colleague, Jimmy Vacca, had a follow up question.
17 But is it pertaining to--Okay, perfect, 'cause I
18 want to make sure we can focus on the appointees
19 here today, and not more of the, the other issues
20 that are being presented. Thank you very much,
21 Council Member.

22 COUNCIL MEMBER DICKENS: Thank you
23 so much for allowing the line of questioning.

24 CHAIRPERSON RIVERA: Thank you.

25 [laughs]

2 COUNCIL MEMBER DICKENS: And since
3 we had 'em, we were all going to ask the
4 questions, we couldn't--

5 CHAIRPERSON RIVERA: No, exactly,
6 no, I totally understand and out of deference and
7 respect I allowed for a certain amount. Does
8 anybody else have any questions pertaining to the
9 appointees being considered for today?

10 [background comment, laughter] Council Member
11 Vann wants to know if [laughs] y'all have had--I
12 don't know if that's a requirement. Oh, you want
13 to, do you want to see the long form certificate,
14 or do you want to see the short form? [laughter,
15 background comments] Okay. Yeah. At this point
16 in time, seeing no other questions from my Council
17 colleagues, I want to thank you all. I recommend
18 an aye vote for the appointees being considered
19 today. Can the Clerk please call the roll?

20 CLERK: William Martin, Committee
21 Clerk, roll call on the Committee on Rules.
22 Council Member Rivera.

23 CHAIRPERSON RIVERA: I vote aye.

24 CLERK: Comrie.

25 COUNCIL MEMBER COMRIE: Aye. Well,

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2 I vote aye on all of the candidates. I want to
3 thank them for their service. I want to commend
4 the two Civil Service Commissioners for continuing
5 to serve. Rudy Washington is someone that has
6 given many years of service to this City in a
7 great capacity. I want to thank him for
8 continuing to want to do that. Ms. Chaffetz,
9 also, has distinguished herself as Chair of the,
10 Vice-Chair of the Civil Service Commission, and
11 I've heard good things about your sensitivity and
12 outreach and compassion to people that have come
13 before you. So I just want to thank you for
14 continuing to serve. To the members of the ECB, I
15 would also ask you to listen to what the Council
16 Members have referred to. We are getting a lot of
17 complaints about the people treated as less than
18 human when they're coming to ECB hearings. And we
19 need to look at that with the advent of
20 computerization and the idea of that you're
21 knowing who's coming in for today. People
22 shouldn't have to wait all day to be heard. And
23 especially businesspeople, small businesspeople
24 that are trying to run a business, and trying to
25 contribute to the City's tax base, should not be

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2 tied up in a hearing all day, to try to get a
3 resolution. It's unfair to small businesspeople
4 to be tied up all day. There has to be a better
5 way to do this system. With that, I vote aye on
6 all.

7 CLERK: Dilan. Jackson.

8 COUNCIL MEMBER JACKSON: Aye on
9 all.

10 CLERK: Gentile.

11 COUNCIL MEMBER GENTILE: I, I vote
12 aye on all, and just underscore the, the work that
13 ECB really has to focus on, given the questions
14 that you've heard here, and that was only the, the
15 surface of it, I think, right? But I vote aye on
16 all and wish everyone luck. Thank you.

17 CLERK: Vann.

18 COUNCIL MEMBER VANN:
19 Congratulations all, I vote aye on all.

20 CLERK: Dickens.

21 COUNCIL MEMBER DICKENS: I vote aye
22 on all. I want to congratulate and thank Rudy
23 Washington for his service. I also want to thank
24 Douglas Swann for his work on taking the lead on
25 air quality and noise analyst for EDC on the 125th

2 Street Rezoning, and helped me and City Planning
3 to develop a plan that took into account the high
4 asthma rates that are in, in the Harlem district.
5 And I apologize to my colleagues for taking up the
6 additional time, but since I had EDC before me,
7 then I took the opportunity and I hope that you do
8 not decide to take it personal, but I do have
9 constituents with complaints. Thank you.

10 CLERK: Vacca.

11 COUNCIL MEMBER VACCA: I vote aye
12 on all. Congratulations.

13 CLERK: Koslowitz.

14 [pause]

15 COUNCIL MEMBER KOSLOWITZ: I vote
16 aye, and I want to recognize Rudy Washington, who
17 I had the privilege of working with for many, many
18 years, and we had a really good relationship.
19 Congratulations.

20 [pause]

21 CLERK: By a vote of eight in the
22 affirmative, zero in the negative and no
23 abstentions, all items have been adopted. Members
24 please sign the Committee reports.

25 CHAIRPERSON RIVERA: And we're

2 going to leave the vote open for other members who
3 are going to be joining us; the Speaker, as well
4 as other Committee Members. Thank you very much
5 and congratulations on your reappointments, and I
6 hope we're going to have the opportunity to do a
7 hearing within the Government Ops Committee to
8 discuss the other issues that were presented
9 today. Thank you.

10 EMILY LALLY: Thank you.

11 [background comment] Oh, we should wait? Okay.
12 Rudy, we, we have to wait.

13 [pause, background noise]

14 EMILY LALLY: Thank you.

15 [pause, background noise]

16 CLERK: Council Member Dilan.

17 COUNCIL MEMBER DILAN: I vote aye
18 on all.

19 CLERK: Vote now stands at nine in
20 the affirmative.

21 [pause]

22 CLERK: Speaker Quinn.

23 SPEAKER QUINN: Aye on all.

24 CLERK: Vote now stands at eleven
25 in the affirmative, zero in the negative, and no

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abstentions. Thank you.

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[pause]

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COUNCIL MEMBER VANN: Meeting's

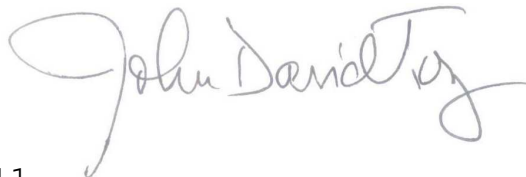
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closed, 11:48.

C E R T I F I C A T E

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

Signature

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

Date May 11, 2011