

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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December 19, 2011
Start: 11:20 a.m.
Recess: 11:40 a.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
JOEL RIVERA
Chairperson

COUNCIL MEMBERS:

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

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

Susan Bellinson
Candidate for Appointment
New York City Waterfront Advisory Board

Carl Weisbrod
Candidate for Appointment
New York City Waterfront Advisory Board

Robert Yaro
Candidate for Appointment
New York City Waterfront Advisory Board

Robert Cohen, MD
Candidate for Re-Appointment
New York City Board of Correction

CHAIRPERSON RIVERA: Ladies and Gentlemen, my name is Joe Rivera. I'm the Chair of the Committee on Rules, Privileges and Elections. Before we begin, I would like to introduce the other members of the Committee who are here today. We have Council Member Leroy Comrie, Council Member Al Vann, Council Member Robert Jackson. WE also have Council member Lew Fidler, Council member Vincent Gentile and Council Member Karen Koslowitz. I believe we have others on the way.

Today before us we have four candidates for review. They are Robert Cohen, MD, a resident of Manhattan is a candidate for reappointment by the council to the Board of Correction to serve for the remainder of a six year term that would expire on October 12, 2017. We also have Carl Weisbrod, a Manhattan resident, appointment by the mayor to the Waterfront Management Advisory Board to serve the remainder of a three year term expiring on August 31st, 2014. Robert Yaro, a non-city resident appointment by the mayor to the Waterfront Management Advisory Board to serve for the remainder of a two-year

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2 term expiring on August 31st, 2013 and Susan
3 Bellinson, a Bronx resident, appointment by the
4 mayor to the Waterfront Management Advisory Board
5 to serve for the remainder of a one year term
6 expiring on August 31st, 2012. We will begin with
7 the Board of Correction.

8 The New York City Department of
9 Correction provides for the care, custody and
10 control of persons accused or convicted of crimes
11 and sentences to one year or less of jail time.
12 The Department manages 15 inmate facilities, 10 of
13 which are on Riker's Island, handles more than
14 100,000 admissions each year and manages an
15 average daily inmate population of approximately
16 14,000 individuals. The New York City Board of
17 Correction oversees the Department's operations
18 and evaluates agency performance. By law, the
19 Board or its members shall have the power and duty
20 to inspect and visit all institutions and
21 facilities under the jurisdiction of the
22 department at any time, evaluate the Department's
23 performance, establish minimum standards for the
24 care, custody, correction, treatment, supervision
25 and discipline of all persons held or confined

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2 under the jurisdiction of the Department, and to
3 establish procedures for the hearing of grievances
4 and complaints. The Board is composed of nine
5 members; three members are appointed by the mayor,
6 three by the council, and three by the mayor under
7 nomination jointly by the presiding justices of
8 the appellate division of the Supreme Court for
9 the first and second judicial departments.

10 Members are appointed to a term of six years and
11 vacancies are filled for the remainder of an
12 unexpired term. The mayor designates the chair of
13 the board from among its members. Although the
14 board members receive no compensation, they may
15 however be reimbursed for expenses incurred in the
16 performance of their duties. Welcome, Dr. Cohen.
17 Will you please raise your right hand to be sworn
18 in? At this point...

19 FEMALE VOICE: Do you swear to tell
20 the truth, the whole truth and nothing but the
21 truth?

22 DR. ROBERT COHEN: Yes.

23 CHAIRPERSON RIVERA: Perfect. Make
24 sure the microphone is on, state your name for the
25 record, and if you have any opening statements,

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feel free.

DR. ROBERT COHEN: My name is Robert Cohen. I didn't prepare any opening statement, but I just wanted to thank the City Council for the opportunity to serve for the past two years. I've made regular visits to Riker's Island on a monthly basis and participated in the board activities. I think it's a very important and historic organization and really a national model for civilian oversight of corrections. I'm very proud to be part of it.

CHAIRPERSON RIVERA: Thank you. We're going to save all questions until the tail end. We'll now move on. Next we'll explain the functions of the Waterfront Management Advisory Board. We've been joined by Councilwoman Elizabeth Crowley. The Board serves as an advisory body to the Deputy Mayor for Economic Development, the Commissioner of Small Business Services and the City Planning Commission concerning any matters relating to the industrial, commercial, residential, recreational, or other use of wharves, waterfront property and waterfront infrastructure in the city. The Board consists of

17 members, the deputy mayor of Economic development as chairperson, the commissioner of Small Business Services as vice chair, the chairperson of the City Planning and the commissioner of Environmental Protection, one City Council Member designated by the Council and 12 members to be appointed by the mayor at the advice and consent of the City Council provided that there is at least one appointed member from each borough. Appointed members shall include representatives of labor, the maritime industries, the transportation industries, the real estate industry, the hospitality industries as well as environmental advocates and community advocates. Welcome, Mr. Weisbrod, Mr. Yaro and Ms. Bellinson. Will you all please raise your right hands to be sworn in?

FEMALE VOICE: Do you swear or affirm to tell the truth, the whole truth and nothing but the truth?

MULTIPLE VOICES: Yes.

CHAIRPERSON RIVERA: Thank you very much. You may begin, if you have opening statements. Just state your name for the record,

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speak directly into the mic and you may proceed.

CARL WEISBROD: My name is Carl Weisbrod. I also have no opening prepared formal statement, but I am honored to be before you for consideration to this appointment. I've been involved professional, civically and personally in the New York City's waterfront in a variety of ways for 25 years and there is no more important natural asset that we have. Thank you.

ROBERT YARO: I'm Bob Yaro. Again, I just reiterate what Carol just said. I'm honored to be appointed by the mayor and look forward to the confirmation by the City Council to the Waterfront Management Advisory Board. This is a very important group for the future of the city. In many ways, the city's future is going to be determined by how we use this waterfront and recapture it for the benefit of residents of the city and people who live and work in the city and visit the city. I too have had—I guess I've been working as a professional planner doing waterfront planning work for more than 40 years here in New York City and elsewhere around the country and around the world, so I'm really eager to help

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2 shape the city's policies about the use of the
3 waterfront and the best possible way for the
4 present and future generations of New Yorkers.

5 Thank you.

6 SUSAN BELLINSON: I'm Susan
7 Bellinson, and I actually did prepare a little
8 speech, and I hope it's very short. I don't like
9 to read things, but I'm going to read it because I
10 think it sounds better that way. I do appreciate
11 the opportunity to come before you and I'm very
12 excited to be part of this body. I've always
13 lived near the water. I grew up in Michigan on a
14 spring-fed pond, and I've always sought out places
15 near the water and have immersed myself in the
16 waterfront activities from - - swimming, skiing,
17 boating, scuba diving, kayaking, and when I moved
18 to New York to take a job as a nurse midwife at
19 Jacoby Hospital, I was very fortunate to find City
20 Island, where I've lived since 1984. In my early
21 days in City Island, while I was in love with the
22 natural beauty that was there that you could find
23 in the middle of the largest city in the United
24 States, it was amazing how much gorgeous
25 waterfront property there was to be found. I was

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2 also struck by the human destruction that could
3 occur to that beauty and the Pelham Bay Landfill
4 was a 130 foot mountain of garbage that was
5 sitting on the edge of Long Island Sound on
6 parkland, and that just filled me with questions,
7 like how could something like this happen? And
8 that led me to start an environmental group, an
9 advocacy group for Long Island Sound called Sound
10 Watch. During the ten years of my involvement in
11 that group and also as a member of the federally
12 funded Long Island Sound Study as a board member,
13 I learned a lot about the environment, how the
14 environment becomes stressed, the politics and
15 laws surrounding the issues of water, so I feel
16 very comfortable with most of the issues regarding
17 water these days.

18 I've been fortunate to live in a
19 wonderful little house on the water, and so I look
20 out the window every day and see New York City's
21 waterfront out to the ocean, and so I'm really
22 familiar with a lot of the places in New York City
23 that a lot of people aren't familiar with because
24 I seek them out. I really do think that I can
25 contribute ideas that will help protect and bring

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2 enjoyment and appreciation to the waterfront that
3 we have here in New York City, and I'd be
4 incredibly honored to be a part of the taskforce
5 that will help to shape the future of our
6 waterfront. Thank you.

7 CHAIRPERSON RIVERA: Thank you. Do
8 any members have any questions? Council Member Lew
9 Fidler.

10 COUNCIL MEMBER FIDLER: Thank you,
11 Mr. Chairman. For the three of your who are
12 nominees for the Waterfront Management Advisory
13 Board, I represent a good swath of the southern
14 Brooklyn waterfront, but I actually have a
15 question about a different part of the Brooklyn
16 waterfront that doesn't get talked about a whole
17 lot, and that's the western Brooklyn waterfront.
18 We just had a decision made at the state level to
19 end talk of redoing the Gowanus Expressway,
20 killing the idea of burying it into a tunnel,
21 which has an enormous impact on the west Brooklyn
22 waterfront—the ability to open up the west
23 Brooklyn waterfront to jobs, development,
24 parkland. I recognize that it's a bit of an
25 obscure question to throw at you from left field,

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2 but I'm just wondering if any of you had any
3 thoughts on that general issue. If you have any
4 familiarity with it, I'd love to hear your
5 thoughts.

6 ROBERT YARO: Yeah. I'm president
7 of Regional Plan Association, and about ten years
8 ago, we proposed that the Gowanus be undergrounded
9 and felt that that would be a less disruptive and
10 ultimately over the life cycle of the expressway
11 believe it or not a less expensive way of
12 rebuilding the expressway, and certainly one that
13 would improve the quality of life and public
14 health in a whole swath of Brooklyn neighborhoods
15 affected by the Gowanus. The state put the
16 project on the backburner essentially because the
17 state has a \$10 billion gap in the state
18 Department of Transportation capital program, and
19 so they're looking to defer any project that they
20 can. I would argue that this is an idea whose
21 time needs to happen. I would hope that that
22 decision is simply a decision to defer and not
23 cancel what should be an important project for
24 Brooklyn and the City of New York. Another
25 question is how do we finance it? The federal

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2 government is cutting back on its support for
3 transportation. The state has got no free cash
4 and so forth, so I think it just needs to go high
5 up on a list of projects of national significance
6 that need to be addressed at such point as there
7 is available state and federal funding for that
8 project.

9 COUNCIL MEMBER FIDLER: Mr.

10 Weisbrod, I was going to vote for you just because
11 you're an NYU Law alum, and I'm tired of seeing
12 those second rate Columbia guys here, but I love
13 that answer, and I would look forward to working
14 with any of you who want to make that a priority.
15 I think the decision to put this project to the
16 backburner shows a complete and total lack of long
17 range vision, and it's an absolute waste of a
18 phenomenal waterfront asset that we have, and I
19 would just love to get moving on it, so thank you.

20 CHAIRPERSON RIVERA: Council Member
21 Vincent Gentile?

22 COUNCIL MEMBER GENTILE: Thank you,
23 Mr. Chairman. I just wanted to follow up on that
24 same thought 'cause Councilman Fidler and I
25 represent almost neighboring areas of the

1 waterfront in southern Brooklyn, and certainly the
2 waterfront that the Gowanus and the BQE are
3 adjacent to is very important not only to our
4 neighborhood in terms of travel, but certainly to
5 the Sunset Park and Red Hook areas and all those
6 areas that it passes through. It's just strange
7 to me that in this latest agreement where the
8 Governor on one hand outs together a \$10 billion
9 infrastructure fund. He puts it together with
10 some pension money and so on, but he puts together
11 this fund to address New York State infrastructure
12 and at the same time goes ahead—the DOT goes ahead
13 and puts this project on the backburner because of
14 lack of funds. It doesn't make sense, and when
15 you say, "hopefully in the future, we'll look at
16 it," we've been talking about this as far as I can
17 remember since 1986. 1986 we're talking about
18 making the Gowanus and the BQE into a tunnel, so
19 how much longer can we defer this, if we've been
20 talking about this since 1986?

22 SUSAN BELLINSON: I hope not at
23 all. I am in total agreement with you that this
24 is a really important project that needs to
25 happen. I can just envision a beautiful shoreline

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2 with parks and businesses that are water related
3 right there. We need to increase that, not
4 decrease it.

5 COUNCIL MEMBER GENTILE: I
6 appreciate that sentiment and I hope that's
7 something that you all take to the board when
8 you're there. The other sentiment I think Mr.
9 Weisbrod, you said in your statement about the use
10 of the waterways for a transportation system. I
11 think any other city would kill to have the
12 waterways that we have in terms of commuter
13 transport and we still are falling over not
14 getting it right on how to get it done and where
15 to put that kind of service. There's some pilot
16 project going on now. This is major communities
17 that could benefit from it. That is something I
18 hope that you can address on a broader basis as
19 you go forward, and I know Mr. Weisbrod, you
20 mentioned that in your statement.

21 CARL WEISBROD: Yes, indeed. It's
22 been an interest and a passion of mine for a good
23 number of years since my days at EDC and most
24 certainly when I was at the Downtown Alliance,
25 which Lower Manhattan would benefit tremendously

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2 by an increase in Water - - commuter ferry
3 service, particularly. We've seen how successful
4 it can be on trans Hudson routes and there is an
5 opportunity to expand it I believe at a much lower
6 cost than mass transit costs, so I really-it is
7 something I would very much like to see expanded.

8 COUNCIL MEMBER GENTILE: Great, and
9 Mr. Chairman, I just had one or two questions for
10 Dr. Cohen, if I may. Dr. Cohen, you mentioned
11 here that the Board of Correction is a national
12 model for civilian oversight of correctional
13 institutions. I'm just curious if you could just
14 flesh that out as what you mean by that.

15 DR. ROBERT COHEN: Yes, there is
16 often a question when there are problems in
17 departments of correction of how to engage them in
18 a non-court manner. Almost all activity around
19 problems in corrections in the United States is
20 done through litigation. That also occurs in New
21 York City, but the Board of Correction creates
22 this ongoing process that allows for civilians and
23 the government-particularly civilians-to
24 investigate, identify problems, create standards
25 that the department has to meet and then having

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2 the force of law, those standards can be used to
3 modify practice and people from all over the
4 country ask me about the New York standards and at
5 least they're being proposed as national models by
6 various organizations.

7 COUNCIL MEMBER GENTILE: Great.
8 You mentioned certification. Do they actually
9 certify-

10 DR. ROBERT COHEN: [Interposing]
11 No, I didn't mean certification. The board
12 develops standards and if it feels that the
13 standards are not being met, it can demonstrate
14 that and then tell the department, "you're not
15 meeting the standards. You have to change this
16 policy." Recently, New York State courts ruled - -
17 that certain practices were not in compliance with
18 the board's standards and the department refers to
19 its practice.

20 COUNCIL MEMBER GENTILE: I see.
21 Just one other thing... as they do a background on
22 each of the candidates here, you're the only City
23 Council representative to the board. Am I
24 correct?

25 DR. ROBERT COHEN: One of three.

2 COUNCIL MEMBER GENTILE: One of
3 three. Okay. One of the things in the background
4 check—and I just wanted to make sure if you can
5 correct this, if it's incorrect, that the last
6 voting history you have is 2008. Is that...?

7 DR. ROBERT COHEN: I don't remember
8 exactly. It could well be true. I do vote. I
9 certainly value more than almost any are the
10 rights... the chance people have to vote. I can't
11 give an excuse. I have voted. I will vote in the
12 future. I practice medicine three days a week,
13 and Tuesdays is one of the days I practice, but
14 that's not an excuse, but I do intend to vote in
15 the future.

16 COUNCIL MEMBER GENTILE: Thank you,
17 Mr. Cohen.

18 CHAIRPERSON RIVERA: Any other
19 questions? Seeing none at this point in time, let
20 me read a statement by Council member James Vacca.

21 Dear Colleagues, for more than 20
22 years, Susan Bellison has been a leading voice
23 seeking to protect our waterfront and natural
24 resources. Her Commitment, knowledge and
25 sensitivity to issues impacting our city's

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 2 extensive waterfront will serve New Yorkers well.
 3 As someone who has worked on such matters
 4 effecting the city - - the community where she
 5 lives, I know she will make an invaluable impact
 6 on our city's waterfront planning well into the
 7 future. I fully support her nomination to the
 8 Waterfront Management Advisory Board and I ask my
 9 colleagues to do the same. Sincerely, Jimmy
 10 Vacca.

11 At this point in time, I'll ask the
 12 clerk to please call the roll, and I recommend an
 13 aye vote.

14 CLERK: William Martin, Committee
 15 Clerk, roll call vote in the Committee on Rules.
 16 Council Member Rivera?

17 CHAIRPERSON RIVERA: I vote aye.

18 CLERK: Comrie?

19 COUNCIL MEMBER COMRIE: Aye.

20 CLERK: Fidler?

21 COUNCIL MEMBER FIDLER: Mr. Chair,
 22 may I briefly be excused to explain my vote?

23 CHAIRPERSON RIVERA: Yes.

24 COUNCIL MEMBER FIDLER: Obviously,
 25 I got my male nominees a little mixed up before

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2 for the Waterfronts Board as to one or the other,
3 but my comments stand on the last. Dr. Cohen,
4 we're all busy, I do hope you'll take the time to
5 vote in the future. We all obviously take it very
6 seriously here, but not withstanding that, I note
7 that you attend 15 out of the 16 Board of
8 Correction hearings during your tenure, and since
9 we're sending you there, that to me is the most
10 significant factor, so I vote aye on all. And I
11 do hope you'll work on that west Brooklyn
12 waterfront all of you.

13 CLERK: Jackson?

14 COUNCIL MEMBER JACKSON: I vote aye
15 on all.

16 CLERK: Vann?

17 COUNCIL MEMBER VANN: Aye.

18 CLERK: Gentile?

19 COUNCIL MEMBER GENTILE: Aye on
20 all.

21 CLERK: Crowley?

22 COUNCIL MEMBER CROWLEY: I vote aye
23 on all and I'd like to thank Dr. Cohen for his
24 years of service on the Board of Correction. As
25 the chair of the Criminal Justice Committee, we

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2 appreciate all that you do for the inmates and the
3 safety and the health of Riker's Island, and
4 inmates and all areas of correction. Thank you.

5 DR. ROBERT COHEN: Thank you.

6 CLERK: Koslowitz?

7 COUNCIL MEMBER KOSLOWITZ: Aye on
8 all.

9 CLERK: Oddo?

10 COUNCIL MEMBER ODDO: Yes.

11 CLERK: By a vote of nine in the
12 affirmative, zero in the negative and no
13 abstentions, all items have been adopted.
14 Members, please sign the Committee Reports.

15 CHAIRPERSON RIVERA:

16 Congratulations. We're also going to leave the
17 vote open for another 30 to 40 minutes as the
18 Speaker is on her way, and she would like a chance
19 to meet with all of you.

20 [background conversation]

21 CLERK: Council Member Vacca?

22 COUNCIL MEMBER VACCA: I vote aye.

23 CLERK: Current vote in the
24 Committee on Rules is now at ten in the
25 affirmative, zero in the negative and no

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abstentions.

[pause]

CLERK: Speaker Quinn?

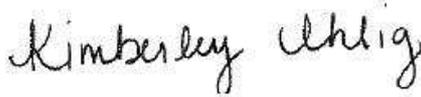
SPEAKER QUINN: Aye on all.

CLERK: Final vote in the Committee
on Rules is 11 in the affirmative, zero in the
negative and no abstentions. Thank you.

C E R T I F I C A T E

I, Kimberley Uhlig 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 _____



Date _____1/14/12_____