

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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August 22, 2013
Start: 11:16 a.m.
Recess: 12:40 p.m.

HELD AT: Committee Room
City Hall

B E F O R E:
JOEL RIVERS
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)

Briana M. Thompson
Candidate
Youth Board

Philip Aarons
New York City Arts Commission

Dr. Lynne D. Richardson
New York City Board of Health

Roberta Washington
New York City Landmarks Preservation
Commission

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

2 CHAIRPERSON RIVERA: [Gavel] Good

3 morning, ladies and gentlemen. My name is Joel
4 Rivera. I'm the Chair of the Committee on Rules,
5 Privileges and Elections. Before we begin, let me
6 introduce the members who are here with us on the
7 committee. On my left we have Council Member
8 Darlene Mealy visiting the committee. We have
9 Council Member Jimmy Vacca. We have Council Member
10 Al Vann. To my right, we have Council Member Lew
11 Fidler, Council Member Robert Jackson, and a future
12 Council Member Emilio is joining us here today as
13 well. We have Council Member Leroy Comrie and
14 Council Member Karen Koslowitz, and we are also
15 joined by Chuck Davis and Emma Toolaboath
16 [phonetic] from the Committee.

17 Today, before us we have four
18 candidates for our review. They are Briana
19 Thompson. She is 16 years old and a resident of
20 Brooklyn. Briana is being recommended by the
21 council to the mayor for appointment as a member of
22 the Youth Board. If appointed, Ms. Thompson will
23 fill a vacancy and serve for an undefined term.

24 Philip Aarons, a resident of Manhattan,
25 is being considered for reappointment by the mayor

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS
2 to the Art Commission, also known as the Public
3 Design Commission, as a lay member for the
4 remainder of a three-year-term that expires on
5 December 31st of 2015.

6 Dr. Lynne Richardson, a Manhattan
7 resident, is being considered for reappointment by
8 the mayor as a member of the Board of Health to
9 serve the remainder of a six-year-term expiring on
10 May 31st, 2018.

11 And Roberta Washington, a Manhattan
12 resident, is being considered for reappointment as
13 an architect member by the mayor to the Landmarks
14 Preservation Commission to serve for the remainder
15 of a three-year-term that expires on June 28th,
16 2013.

17 Welcome, and will you all please raise
18 your right hands to be sworn in?

19 CITY CLERK: Good morning. Do you swear
20 or affirm to tell the truth, the whole truth and
21 nothing but the truth so help you? Thank you.

22 CHAIRPERSON RIVERA: Thank you very
23 much. We will first begin with the Youth Board.
24 Let me describe the position itself. The Youth
25 Board serves as an advisory body to the

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2 Commissioner of the Department of Youth and
3 Community Development with respect to the
4 development of programs and policies relating to
5 youth in the City of New York. The board consists
6 of 28 members appointed by the mayor, fourteen of
7 whom are appointed upon recommendation of the
8 council. The board must be representative of the
9 community and includes persons representing the
10 areas of social services, healthcare, education,
11 business, industry and neighbor. The board meets
12 quarterly and members serve without compensation.

13 Welcome, Ms. Thompson, do you wish to
14 make an opening statement?

15 BRIANA THOMPSON: My name is Briana.
16 I'm 16 years old. I go to Cobble Hill High School
17 of American Studies, and I'm just thankful for the
18 opportunity to be able to join the Youth Board
19 committee. Thank you.

20 CHAIRPERSON RIVERA: Next, we'll move on
21 to the Arts Commission. The New York City Arts
22 Commission also known as the Public Design
23 Commission reviews permanent works of art,
24 architecture and landscape architecture proposed on
25 or over city-owned property. Projects include

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2 construction, renovation or restoration of
3 buildings such as museums and libraries, creation
4 or rehabilitation of parks and playgrounds,
5 installation of lighting and other streetscape
6 elements and design installation and conservation
7 of artwork. The Commission's composed of the mayor
8 or his representative and the president of
9 Metropolitan Museum Of Art, the president of the
10 New York Public Library, the president of the
11 Brooklyn Museum, one painter, one sculptor, one
12 architect and one landscape architect, all of whom
13 shall be residents of the city and three other
14 residents of the city who cannot be painters,
15 sculptors, architects, landscape architects or
16 active members of any other profession in the Fine
17 Arts. The mayor and the museum and library
18 presidents serve in an ex officio capacity.

19 Welcome, Mr. Aarons. Do you have an
20 opening statement?

21 PHILIP AARONS: No statement other than
22 to say it's a privilege to be here, and with your
23 approval I look forward to continuing my work at
24 the Public Design Commission and thank you for that
25 opportunity.

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2 CHAIRPERSON RIVERA: Thank you very

3 much. And now for the Board of Health. The main
4 function of the Board is to promulgate the New York
5 City Health Code which encompasses any matter
6 within the jurisdiction of the Department of Health
7 and Mental Hygiene. The department has
8 jurisdiction to regulate on all matters affecting
9 health in the city including, but not limited to,
10 mental health, mental retardation, alcoholism, and
11 substance abuse related needs of city residents.
12 The scope of the department's jurisdiction includes
13 such diverse disciplines as communicable diseases,
14 environmental health services, radiological health,
15 food safety, veterinary affairs, water quality,
16 pest control and vital statistics. Besides the
17 chairperson, the board consists of ten members.

18 Welcome, Dr. Richardson. Do you wish
19 to make an opening statement?

20 DR. LYNNE D. RICHARDSON: Good morning.
21 I'm pleased to be here. As you know, my name is
22 Lynne Richardson. I'm a native New Yorker and I am
23 currently a proud resident of Harlem in Council
24 Member Dickens' district. I was born in Harlem and
25 it's nice to be back home. I'm a practicing

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2 emergency physician. I practice both at Mount
3 Sinai Hospital here in Manhattan and Elmhurst
4 Hospital in Queens, and I'm also a Professor of
5 Emergency Medicine as well as Professor of Health
6 Evidence and Policy at the Icahn School of Medicine
7 at Mount Sinai. I was first appointed to the New
8 York City Board of Health in 2002, and it's been my
9 privilege to contribute to that board's important
10 mission to protect and improve the health of the
11 public, and I am pleased to be here today and look
12 forward to continuing to serve in that capacity for
13 another term. Thank you.

14 CHAIRPERSON RIVERA: And last but not
15 least, the Landmarks Preservation Commission. The
16 New York City Landmarks Preservation Commission
17 which consists of eleven members is responsible for
18 establishing and regulating landmarks, portions of
19 landmarks, landmark sites, interior landmarks,
20 scenic landmarks and historic districts, and also
21 regulates alterations to designated buildings. The
22 charter requires that the Commission's membership
23 include at least three architects, one historian
24 qualified in the field, one city planner, one
25 landscape architect and one Realtor. No

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2 professional qualifications for the remaining
3 members are delineated in the Charter. By statute,
4 the Commission's membership must have at least one
5 resident from each of the five boroughs. The
6 Commission is required to provide opportunities for
7 comment in advance of any hearing on a proposed
8 designation. In addition, the Commission may at
9 any time make recommendations to the City Planning
10 Commission regarding amendments to the Zoning
11 Resolution provisions that apply to improvement in
12 a historic district.

13 Welcome, Ms. Washington. Do you have
14 an opening statement?

15 ROBERTA WASHINGTON: Yes, sure. Good
16 morning. I'm honored to appear here before today
17 as a candidate for re-appointment as a Commissioner
18 on the Landmarks Preservation Commission. As a
19 person who's awed by the fascinating and remarkable
20 histories of buildings and places in New York City,
21 I believe strongly in the preservation of historic
22 buildings and places as a way to tell the city's
23 story.

24 I'm a graduate Of Howard University
25 School of Architecture, and I came to New York to

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2 pursue a Master's degree in Architecture at
3 Columbia University. Upon graduation, I worked for
4 several years for New York City architectural firms
5 before traveling to Mozambique where I worked for
6 four years designing health facilities and schools.
7 Once I returned a couple of years later, I started
8 Roberta Washington Architects.

9 From the beginning, the majority of the
10 firm's projects were projects that involved
11 restoration and rehabilitation of existing
12 buildings. Our work includes buildings that are
13 part of Registry of Historic Buildings, the
14 National Registry such as the Cecil Hotel in Harlem
15 and Astor Row Porches. We've done, in addition to
16 that, the design of many new and rehab housing
17 units throughout New York City, and one of our
18 recent projects was the Interpretive Center for the
19 African Burial Ground adjacent to the memorial.

20 For the last thirty years, I have lived
21 and maintained my office in Harlem, and for eight
22 of those years I served on the Community Board
23 where I was Housing Chair and Co-Chair for the Land
24 Use Committee. Participation on my local community
25 board helped inform my understanding and insights

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2 into the importance of landmarking and issues as it
3 relates to community residents. I am also a member
4 and a fellow of the American Institute of
5 Architects and a former president of the National
6 Organization of Minority Architects and a past
7 member of the New York State Board of Architecture.

8 For the last six years, I've served on
9 the Landmarks Preservation Commission, and I
10 believe that their work in designating and
11 regulating changes to landmark buildings and places
12 is integral to understanding our understanding of
13 the city we live in, both us and for the future
14 generations, and I believe that my history and my
15 background have prepared me to judge the technical
16 while understanding the social aspects of landmark
17 preservations in New York City. And I welcome the
18 opportunity to continue to serve.

19 CHAIRPERSON RIVERA: Thank you very
20 much. Before we take questions was committee
21 members, I'm going to call on Council Member
22 Dickens to vote on today's appointments.

23 COUNCIL MEMBER DICKENS: Thank you, Mr.
24 Chair, and I'd like permission to vote and I ask my
25 colleagues on the committee to excuse that I have

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2 to leave early. I'd like to have a statement.

3 Thank you. Thank you, Mr. Chair. I want to first
4 congratulate and thank Dr. Richardson and Roberta
5 Washington, both in my district, for their service
6 to the city and to our community. Without people
7 such as yourselves that serve our communities
8 admirably to represent the needs of our communities
9 then we would definitely have a problem.

10 Mr. Aarons, thank you for serving on
11 the Art Commission. I'm not as familiar with you
12 but thank you for your dedicated and hard work.

13 But most importantly, I want to speak
14 to 16-year-old Briana Thompson. I'm very proud
15 that she's serving on the Youth Board, that she's
16 standing tall sitting here before a committee and
17 providing testimony. Young people are oftentimes
18 hit negatively in the press and in our communities,
19 but when we see young people such as yourself, a
20 16-year-old that's dedicated and starting already
21 to work on behalf of her community and the City of
22 New York, I stand tall to say thank you for what
23 you do. Thank you. And I vote Yes for all.

24 CHAIRPERSON RIVERA: Thank you very
25 much, Council Member. And do we have any questions

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2 on behalf of committee members. Council Member Lew
3 Fidler? Go right ahead.

4 COUNCIL MEMBER FIDLER: Let me start
5 with Dr. Richardson. You are being reappointed to
6 the Board of Health, am I correct?

7 DR. LYNNE D. RICHARDSON: That's
8 correct.

9 COUNCIL MEMBER FIDLER: At any time
10 while you were on the Board, did an issue come to
11 the Board relating to an Orthodox Jewish ritual
12 regarding circumcision called metzitzah b'peh?

13 DR. LYNNE D. RICHARDSON: Yes, I do
14 recall that.

15 COUNCIL MEMBER FIDLER: And what was the
16 Commission asked to do... what was the Board asked to
17 do, I'm sorry?

18 DR. LYNNE D. RICHARDSON: The Board was
19 asked to consider a regulation that would require
20 practitioners of this procedure to get informed
21 consent from the parents prior to performing the
22 procedure, and the reasoning behind that was a
23 series of very unfortunate infections in infants
24 that was associated with the performance of this
25 procedure, and the rationale was that parents

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2 should be aware of the risk of contracting this
3 life-threatening infection before they had this
4 procedure performed on their child.

5 COUNCIL MEMBER FIDLER: Doctor, at any
6 time did the Board consider the balance of the
7 religious freedom of the people who engage in this
8 practice? You know, it's not a practice that my
9 family or I, you know, believe in but apparently it
10 is something that is extraordinarily important to a
11 significant population in the City of New York.
12 It's been done for hundreds if not thousands of
13 years, and do you not see a chilling effect on
14 making someone sign a piece of paper saying, yeah,
15 I'm okay with this?

16 DR. LYNNE D. RICHARDSON: Well, I think
17 what the Board had to do as the Board always has to
18 do is to weigh the, you know, the burdens and the
19 responsibilities of all of the parties involved.
20 The Board did not pass any action which would
21 regulate or prohibit this procedure, but...

22 COUNCIL MEMBER FIDLER: Other than
23 requiring a signature of informed consent?

24 DR. LYNNE D. RICHARDSON: Correct. The
25 action was to make sure that parents were aware of

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2 the risk, and this was prompted in part by appeals
3 from parents who had lost a child to this infection
4 who had no idea that practicing this long-standing
5 cultural ritual would place their child at risk for
6 life-threatening infection, and so we seek not to
7 inhibit the practice of religion but simply to make
8 sure that all of the parties involved in the ritual
9 are aware not only of the important cultural and
10 religious aspects but also of the health risks that
11 may be involved because parents would have no way
12 to know of this, and the Board felt it was
13 important to put this information in front of
14 parents at the time that the procedure was being
15 performed as is the custom for any health related
16 procedure.

17 COUNCIL MEMBER FIDLER: But Doctor, I
18 have great respect for your qualification and I
19 understand how you looked at this decision, but I
20 actually disagree with it. I think it was an
21 infringement, a significant infringement, upon many
22 people's religious freedom. I think it has an
23 extraordinarily chilling effect, and I think
24 requiring people to sign a piece of paper saying
25 that they consent to something is like saying, you

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2 know, I'm going to say I told you so, and I don't
3 think the evidence is there that suggests that this
4 procedure is any more risky than any other
5 procedure. So while I have no problems with you
6 individually, I do have a problem with that
7 decision and someone's got to speak up for those
8 people and I intend to do that today.

9 Mr. Aarons, this is also not personal.
10 I've also read through your resume and, you know,
11 it's obviously impeccable, but I have a few
12 questions and I certainly have an attitude about
13 the Commission in terms of what it does and doesn't
14 do and what it should and shouldn't be doing. Do
15 you have a position on the use of prefabricated
16 material in construction say at a park if
17 recommended by the Parks Department, is that
18 something that you just will not consider?

19 PHILIP AARONS: No, not at all. I think
20 in the conversations and deliberations of the
21 Public Design Commission, there's never been a hard
22 and fast rule against prefabricated materials at
23 all. We try to look at each and every project in
24 an overall way to see whether or not the impact is
25 the best possible aesthetic impact of the project,

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2 and there are occasions when certain materials
3 appear to Commission members to be more in keeping
4 with the desired aesthetics. But to answer your
5 question directly, there's never been an overall
6 bias against prefabricated materials.

7 COUNCIL MEMBER FIDLER: Well, during
8 your tenure on the Commission, how often has a
9 project come before the Commission that has
10 included prefab materials?

11 PHILIP AARONS: We see them
12 occasionally. Again, every case is different.
13 Every project as a unique piece of architecture is
14 seen as different. We are always trying to make
15 sure that we're balancing aesthetics with
16 practicality, and with the schedule that's needed
17 for these projects to move forward, so we are
18 cognizant of those balances.

19 COUNCIL MEMBER FIDLER: And of the
20 occasions that prefab material projects have come
21 before the Commission, have any of them been turned
22 down?

23 PHILIP AARONS: I don't remember
24 specifically any of them being turned down on that
25 basis, no.

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2 COUNCIL MEMBER FIDLER: Okay. I mean
3 and is one of the inquiries of the Commission ever
4 a comparison of the cost to the taxpayer of having
5 the prefab material versus having to construct
6 something from ground up?

7 PHILIP AARONS: Yes, again, it's an
8 excellent question. We do always focus on the
9 ultimate aesthetics which is our sort of primary
10 mission. However, in the conversations with the
11 agencies making proposals we are cognizant of their
12 budget constraints, and as a consequence we are
13 frequently flexible in terms of granting an
14 approval for a project if we believe that there's
15 no possible way of it moving forward within those
16 budget constraints.

17 COUNCIL MEMBER FIDLER: And I mean you
18 are aware of the fact that sometimes an agency like
19 Parks will be coming to you with a project for
20 which a council member has given them a finite
21 amount of money, and that finite amount of money
22 will pay for say the prefab roof on a bocce court
23 or a concert venue at a park, but building it from
24 the ground up would cost the taxpayers ten times

25

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2 that amount which is not within the allocation.

3 That's something you're aware of?

4 PHILIP AARONS: Totally aware of that
5 and part of the conversation that both the
6 Commission members and the very dedicated staff
7 have with the agencies themselves, and we do try
8 and have always been successful in reaching some
9 form of compromise that attempts to improve the
10 project but allows them to move forward.

11 COUNCIL MEMBER FIDLER: I want to shift,
12 and I know, I appreciate the indulgence of my
13 colleagues, to the manner in which the Commission
14 conducts its business. Is it not a fact that most
15 of your deliberations are actually not engaged in
16 at your public meetings, that you have your
17 discussions, you know, in some private committee
18 and then come out and essentially do nothing other
19 than vote thereby denying us all of any minutes or
20 transparency as to what your reasoning was on any
21 of these decisions?

22 PHILIP AARONS: I would have to object
23 to that characterization with all due respect. The
24 deliberations we have are conducted in public.
25 I've never had a private meeting outside of the

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2 official meetings of the Design Commission. I know
3 there were practices prior to my joining the
4 Commission that had been of concern to council
5 members. I remember that at my very first hearing
6 at my nomination earlier. I think those practices,
7 as I understand them, have given way to a far
8 greater transparency, and that transparency is
9 something I support and approve.

10 COUNCIL MEMBER FIDLER: I'm very glad to
11 hear that. So you're now telling me that if I seek
12 the minutes of a PDC meeting it will be both
13 substantive as to the discussion of the issues and
14 the reasoning the members in coming to decisions?

15 PHILIP AARONS: I believe it will be.

16 COUNCIL MEMBER FIDLER: I'm glad to hear
17 that. And I have a last question, and it's a
18 little bit of a "gotcha" question, and I, you know,
19 really I apologize, this is not personal. You
20 know, to be honest with you, I'm not going to vote
21 for you but not because of you, but because I don't
22 think that the Commission on which you're asking to
23 serve should exist. But what makes you more
24 qualified than the design folks at the Parks

25

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2 Department as to the aesthetic viability of a
3 project that they have designed?

4 PHILIP AARONS: Again, I think that
5 that's an excellent question, but if you remember
6 the outline of the Public Design Commission that
7 was read by your Committee Chair just a few moments
8 ago, the Commission has representatives of all
9 major cultural institutions in New York City,
10 representatives of the Metropolitan Museum of Art,
11 the Brooklyn Museum, the Public Library. It has
12 specifically identified leaders in the field of
13 architecture, sculpture, landscape design, and
14 painting. And those are people who, I believe, the
15 founding New York City Charter fathers said should
16 take a final look at designs that will last decades
17 if not centuries here in New York City. And I
18 think to say that the individual designed
19 apartments of each agency have the same broad
20 overall view of what are the vast potential
21 aesthetics for all New Yorkers is not right. I
22 think the Commission serves an important purpose,
23 and I think it has absolutely improved the quality
24 of design for all New Yorkers over the hundred
25 years of its existence, so I believe that.

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2 COUNCIL MEMBER FIDLER: I trust you

3 would believe it if you want to serve on the

4 Commission. I would hate to think that you want to

5 serve on a commission that you think serves no

6 vital purpose. My position, however, is that the

7 founding fathers were in error, that they have

8 created a commission of a cultural elite. The

9 Parks Department vets all its projects first

10 through a scoping meeting with the local

11 communities and presents them to community boards,

12 to the council member if they have provided the

13 funding, and yet sometimes we find out that it's by

14 all of our input, all of our feelings that the

15 cultural elite has decided it's not good enough for

16 them. You know, I know there's a project that had

17 something to do with signage in Coney Island that

18 got held up to the great consternation of the local

19 community and the council member, and I do know

20 that a retired high level employee of the Parks

21 Department once told me that the process by going

22 through the Public Design Commission cost taxpayers

23 millions of dollars in both changes and in delays

24 that are unnecessary. And, you know, I respect

25 your desire and willingness to serve. I respect

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2 your capabilities and your resume. I just don't
3 think... I mean we talk about transparency and
4 streamlining government, this is agency that's got
5 to go, and if the only way I can get it to go is by
6 stopping each and every appointment so that the
7 Commission ultimately has only holdover members,
8 that's what I'm going to do because my job is to
9 protect the taxpayer.

10 CHAIRPERSON RIVERA: We're going to move
11 on because we have three other Council Members who
12 have questions as well. First, we'll hear from
13 Council Member Al Vann followed by Council Member
14 Jimmy Vacca followed by Council Member Gale Brewer.

15 COUNCIL MEMBER VANN: Thank you, Mr.
16 Chair. And, of course, perhaps prematurely I
17 congratulate all of those that have applied for
18 reappointment and in the case of Briana for an
19 appointment. Congratulations, again prematurely,
20 but I'm sure... I've looked at everybody and I'm... the
21 opposed to pass that vote. However, I'm
22 particularly pleased to support and in many ways
23 present Briana Thompson as a candidate for
24 appointment to the New York City Board. There are
25 only two seats on the Board that are reserved for

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2 young people, and it's important that those
3 representatives be strong candidates who will serve
4 with a sense of seriousness and responsibility.

5 I've reviewed Ms. Thompson's
6 application and qualifications, and I am convinced
7 that she is the right young lady for this job. Ms.
8 Thompson is 16 years old and a rising senior at
9 Cobble Hill School of American Studies. She is a
10 resident of Bed-Stuy, yeah, and an active
11 participant in the Family Dynamics SEO Beacon
12 programs at MS35. There she participates in the
13 Teens on the Move and Adolescent Action Advocates
14 programs. She is also an aspiring actress, I
15 understand. Briana was recommended to our office
16 for this role by the Beacons program coordinator
17 who has witnessed her leadership abilities and
18 commitment to service over time. Ms. Thompson gave
19 careful consideration to the questions posed to
20 Youth Board applicants. I read over them. Her
21 responses demonstrate maturity of thought and solid
22 writing skills. More importantly, they demonstrate
23 that she understands the value of service and
24 possesses a confidence and character to hold her
25

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2 own among the adult members of the Youth Board
3 which is very, very important.

4 I believe Ms. Thompson will be an
5 excellent representative of our city's youth, and I
6 encourage her to participate fully in carrying the
7 Board's important duties. Briana, I also trust
8 that you will use this experience as a stepping
9 stone to future leadership roles. Thank you for
10 your willingness to serve. I urge my colleagues to
11 vote in favor of her appointment as well as the
12 others who are reapplying. Thank you, Mr. Chair.

13 CHAIRPERSON RIVERA: Thank you very
14 much, Council Member. We've also been joined by
15 Council Member Elizabeth Crowley and Council Member
16 Vincent Gentile. Next on the question list is
17 Council Member Jimmy Vacca.

18 COUNCIL MEMBER VACCA: Yes, thank you,
19 Mr. Chair. I too am troubled by the Art Commission
20 and what is now known as the Design Commission.
21 The constant delaying of capital projects is what
22 bothers me. You know, the city agencies
23 themselves, when they say the Art Commission they
24 shiver, they don't want to go there. They know
25 that it's going to take forever to get even the

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2 smallest thing approved, and many city agencies do
3 not understand why they even have to go to the
4 Design Commission, but if they have to go to the
5 Design Commission, they themselves warn us about
6 the length of time it could take, in my district
7 I've had items that I have funded that have gone to
8 your commission and what appeared to be the most
9 miniscule of reasons taken months and months and
10 months of delay and reconvening and then minor
11 tweaks, but it's delayed the process inordinately.
12 I had the experience about a year and a half ago of
13 trying to obtain minutes of proceedings of your
14 commission, and I could not get them. They did not
15 exist I was told. You go to the website of the Art
16 Commission. The minutes are not posted. So I have
17 problems with this commission, and I know you're a
18 member seeking reappointment so I'd like to know
19 what reforms are being made? I know you did speak
20 in terms of the questions Council Member Fidler
21 posed. I too question whether or not we need this
22 commission. It doesn't mean that you're not doing
23 a good job and that you are more than qualified
24 according to your resume, but something is not
25 right here. When you have other city agencies

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2 saying what people at the community board level are
3 saying and what people at the elected official
4 level are saying. Do you need more staff? Do you
5 sometimes wade into things that you should not,
6 perhaps overextending what is the definition of
7 art? I don't know. I can read you some of the
8 things on your agendas that are on the internet,
9 and I don't know if they fall under your purview as
10 art. We're talking about benches and things like
11 that. I love art but I also want to see things
12 done in the city.

13 PHILIP AARONS: You know, as a real
14 estate developer, nobody is more sensitive to the
15 importance of timing for moving projects through a
16 process, and so I approach each and every
17 deliberation in front of the Public Design
18 Commission with a sensitivity as I tried to mention
19 earlier to make sure we're not inordinately
20 delaying. And the larger issue of whether a
21 charter mandated commission deserves to continue is
22 something that is beyond the scope quite candidly
23 of what I think I can address this morning, and I
24 am sure no one would step on the feet of those who
25 would like to take that up in a charter reform

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2 environment. I do not believe we are overextending
3 our jurisdiction. I do believe we have a history
4 of encouraging agencies to come early to the
5 Commission. We have a series of reviews. Things
6 go very, very quickly. I've seen projects from
7 start to finish in a matter of months. If an
8 agency comes to the Commission with their
9 preliminary designs, we give suggestions. If
10 they're a consistency from those designs through
11 the design process, we almost always approve them
12 and approve them quickly. So I do believe that we
13 are sensitive to the issues you appropriately bring
14 up, but I think that we are trying hard to fulfill
15 the function that we've been given under the
16 charter, and I think we are sensitive to the issues
17 and the criticisms that have been advanced about
18 greater transparency and about the ability to move
19 projects through quickly. And, you know, for an
20 organization that's been around, change may not be
21 instantaneous but I think change is coming, and I
22 think that we can provide a far greater degree of
23 responsiveness than you seem to feel exists today.

24 COUNCIL MEMBER VACCA: But only cite a
25 recent agenda where you weigh in on the

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2 reconstruction of a concession stand. There is an
3 art consideration to that, there's an art
4 consideration for construction of an addition to a
5 fire company... a firehouse engine company. There is
6 a replacement of Dexter [phonetic] tank covers,
7 installation of rooftop mechanical equipment.

8 PHILIP AARONS: Yes.

9 COUNCIL MEMBER VACCA: These are things
10 that the Art Commission weighs in on?

11 PHILIP AARONS: Yes, we look at every
12 public structure other than those under the
13 exclusive jurisdiction of Landmarks. Thank you
14 Landmarks for lessening the burden somewhat, and we
15 are required to approve all items that are part of
16 the visual life of all New Yorkers, and the
17 rationale behind the Art Commission and the Public
18 Design Commission is that people who are living in
19 New York deserve the best possible urban design for
20 their lives just as they deserve the best possible
21 public health and the best possible landmarks. I
22 think there's nothing inconsistent with having
23 someone review the aesthetics of what we see every
24 day as we walk out on the streets that the city is
25 responsible for building. We can build it so that

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2 it looks great just as easily and just as quickly
3 as building something that looks bad.

4 COUNCIL MEMBER VACCA: Complete my
5 questioning or statements, but I do think that
6 certain items as opposed to others could be fast
7 tracked, and there could be a realization that some
8 items are more important than others, and I have to
9 bring to your attention a reality of the New York
10 City capital project mechanism or reality of the
11 New York City capital project, I should say. A
12 capital project in New York City every day costs
13 more and more and more. As a council member now
14 for eight years, every time a capital project is
15 delayed, the agency comes back to me wanting more
16 money because of all the delays that I had nothing
17 to do with. So I want to encourage the city to
18 spend money that we allocate. Agencies love to
19 spend money, of course, rather than lacking money,
20 but the reality is that the delays often forced
21 upon us cost overruns and cost increases that the
22 taxpayer pays for at the end of the day, and your
23 commission, unfortunately, is a big part of a delay
24 process. What is the average time it takes for
25 your Commission to adjudicate an item, what is the

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2 average time from the day you receive it to the day
3 you get it out of your system?

4 PHILIP AARONS: Well, it varies. We
5 meet at least once a month so it's a huge
6 commitment for the members of the Commission, and
7 we review them relatively quickly, as I said, if
8 there are modest issues, and it can be done in a
9 matter of months, and if an agency is coming to us
10 early while they have their preliminary plans, I
11 would suggest to you that there's no delay
12 whatsoever, and to get back to your excellent point
13 about are there things that we should exempt from
14 our review, we recently adopted a series of
15 guidelines with respect to newsstands. Previously,
16 although it may seem hard to believe, we approved
17 every newsstand. We now have a set of guidelines
18 which require that newsstands that meet the
19 criteria we've established and which we had public
20 hearings about, are done automatically and that's a
21 great service to New Yorkers and to the people who
22 maintain them. So we are moving in directions that
23 I believe is appropriate.

24 COUNCIL MEMBER VACCA: You didn't answer
25 my question. What is the average time it takes to

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2 approve? Have projects been on your calendar for a
3 year and a half, a year, two years, and what is the
4 average time?

5 PHILIP AARONS: There's no... I can't
6 answer the question directly because there's no
7 average time. We have not delayed in our view any
8 project where a city agency has been working with
9 us on the design, no, none.

10 COUNCIL MEMBER VACCA: No, but that's
11 not answering my question either.

12 PHILIP AARONS: Projects can be delayed
13 by reasons other than our... [interject]

14 COUNCIL MEMBER VACCA: You know where
15 I'm trying to go. I'm trying to get an answer
16 about average time. You're saying that you've been
17 very nice when the city agency cooperates with you,
18 but they don't cooperate with you if they don't
19 agree with what you're trying to effectuate. So
20 that's not something... [interject]

21 PHILIP AARONS: I can't... I can't answer...
22 I can't answer an average, I'm sorry. I just don't
23 have that information.

24 COUNCIL MEMBER VACCA: Well, then there
25 has to be... then your Commission has to have a time

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2 clock mechanism in place called accountability, and
3 you have to have a turnaround for your actions.
4 The mayor has instituted this type of policy in
5 other agencies. There's a turnaround, there's
6 accountability, there's a timetable. Things cannot
7 just be on a calendar forever month after month
8 after month while people wait for improvements
9 they've been promised, and that happens at this
10 Commission too often.

11 CHAIRPERSON RIVERA: We're going to move
12 on to the next questioner which is Council Member
13 Gale Brewer.

14 COUNCIL MEMBER BREWER: Thank you very
15 much. I support the Design Commission. Let me ask
16 you a question about how you operate. I know in
17 our area we have a playground which seems to have
18 caused a great deal of consternation, and what you
19 did was you said, okay, you need to go back and
20 talk to the original architect and work it out, so
21 my question is would that be an example of where
22 the Art Commission could play a role because the
23 one group has one idea in the neighborhood, another
24 group has another idea, and I have been trying to
25 broker it but I have to be honest with you, you're

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2 brokering with some clout helps more than my
3 saying, come on people, talk to each other. So
4 would that be an example of where the Art
5 Commission could play a role?

6 PHILIP AARONS: Council Member Brewer,
7 thank you very much for that example which was just
8 the most recent example and an excellent example of
9 the positive role that our commission can make. We
10 had a proposal in front of us which was supported
11 by one group and very aggressively opposed by
12 another group who were threatening lawsuits which
13 would have been a far, far, far more significant
14 delay than anything that we could do. So we in
15 meeting with the Parks Department we arranged for
16 what we believed would be a compromise. We asked
17 them to come back very quickly. They agreed to
18 that. We expect to see them literally within 30
19 days, and we think we can, exactly as you
20 described, broker a better and more significantly
21 faster tracked project as a result of our
22 involvement.

23 COUNCIL MEMBER BREWER: Second, on
24 issues like newsstands, the original complaint from
25 the owner operators was that they wouldn't make any

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2 money because of the increased costs, so do you
3 play a role in followup to your design decisions or
4 any monitoring by the agency or is that just done
5 by the agency?

6 PHILIP AARONS: The agencies themselves
7 are primarily responsible for the monitoring, but
8 we do hear from the proponents as to whether or not
9 their suggested newsstand and its sizing is
10 economically viable and we're sensitive to those
11 issues and react accordingly.

12 COUNCIL MEMBER BREWER: So I am as you,
13 I believe in what you do. I do think that you
14 should make it clearer to the public picking up on
15 Council Member Vacca and others as to your
16 timeframe because the agencies are petrified of
17 you. I happen to think what you do is good, but I
18 think you need to be clearer on the timeframes, and
19 maybe that's something that could be posted on the
20 website. We met with PS166 on August whatever and
21 we're going to have a decision by, you know,
22 September whatever. I think that would help
23 alleviate some of these issues for everybody
24 because you get blamed for the slowness.

25

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2 PHILIP AARONS: We clearly do get blamed
3 and I appreciate that suggestion, having a timeline
4 that's posted I think would be very helpful. Thank
5 you for that.

6 COUNCIL MEMBER BREWER: Okay. And then
7 finally, because I'm a nut on technology, I could
8 be wrong but I don't see the Minutes here so you
9 need to go back to the director and if they're here
10 they need to be clearer on the website.

11 PHILIP AARONS: I will do that.

12 COUNCIL MEMBER BREWER: I've got my
13 little I-Pad right here.

14 PHILIP AARONS: I will do that.

15 COUNCIL MEMBER BREWER: Thank you.

16 CHAIRPERSON RIVERA: No other questions
17 from Council Members? Council Member... go ahead.

18 COUNCIL MEMBER FIDLER: I have no great
19 illusions about what's gonna happen here, and as I
20 indicated I do intend to vote against Dr.
21 Richardson just as a protest on that issue but not
22 personally. I do think that this committee had an
23 opportunity to make a great statement about how
24 each of us feels about PDC and the cost to the
25 taxpayers that's been documented time and again,

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2 even as Council Member Brewer talks about not
3 seeing Minutes, the lack of transparency in an
4 agency that's costing taxpayers millions of dollars
5 in delay and in cost. Council Member Brewer, in
6 all due respect, you said you like the Commission.
7 A year ago you promised me as Chairman of the Gov
8 Ops Committee a hearing on my bill to eliminate the
9 Commission which has not happened which would
10 elucidate many of the issues that we're talking
11 about here. So it's an extraordinarily unfortunate
12 thing that the forum is when poor Mr. Aarons is
13 sitting here. And I know it's very hard to sit
14 here and to vote against an applicant while he's
15 sitting here when he's so well qualified in spite
16 of the job that he's seeking. But I think if each
17 one of you looks at this city, your own Parks
18 projects and how many times Parks has come back and
19 said, sorry, can't do it, now I need another
20 \$200,000 dollars from you, if each one of you
21 decides that you have had it and you're going to
22 vote No today and send that message, maybe there
23 will be meaningful reform, maybe we'll get rid of
24 the Commission. When we talk about restructuring
25 government to save taxpayers money, alright, in all

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2 due respect, I don't think we need a cultural elite
3 to tell community boards, council members,
4 designers at the Parks Department what, in fact, is
5 good and what is bad. Beauty is in the eyes of the
6 beholder, alright, and even in your suggestion that
7 they might have more power to negotiate a
8 disagreement between two groups in your community,
9 that's outrageous to me.

10 COUNCIL MEMBER BREWER: Actually, it's
11 helping a lot, Lew.

12 COUNCIL MEMBER FIDLER: You should have
13 the power. The community boards should have the
14 power, not the PDC. [interject]

15 CHAIRPERSON RIVERA: Council Members...

16 COUNCIL MEMBER BREWER: I have found
17 every... Lew, every community...

18 COUNCIL MEMBER FIDLER: I think I have
19 the floor.

20 COUNCIL MEMBER BREWER: Every community
21 is different but we needed it and it's really been
22 very helpful.

23 COUNCIL MEMBER FIDLER: And the fact
24 that you even say that they have the power is a
25

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2 problem for me 'cause you should have the power and
3 your community board should have the power.

4 CHAIRPERSON RIVERA: Council Member
5 Fidler...

6 COUNCIL MEMBER FIDLER: I am asking each
7 of you to take an unusual step today and vote No on
8 this application. He'll continue to serve on the
9 Board as a holdover, but it will be a very powerful
10 message as to what we think about how this agency
11 operates and how it shouldn't even exist.

12 CHAIRPERSON RIVERA: Okay, seeing no
13 other questions, on behalf of the committee I'm
14 going to ask the clerk to please call the roll and
15 the Chair recommends an Aye vote.

16 COMMITTEE CLERK: William Martin,
17 Committee Clerk, roll call vote on the Committee on
18 Rules. Council Member Rivera?

19 CHAIRPERSON RIVERA: I vote Aye.

20 COMMITTEE CLERK: Comrie.

21 CHAIRPERSON RIVERA: Looks like he just
22 got warmed up.

23 COUNCIL MEMBER COMRIE: I just want to
24 say I appreciated the arguments regarding the Art
25 Commission from my two colleagues, Council Member

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2 Vacca and Fidler. I have had projects that have
3 been inordinately delayed as well and cost overruns
4 as a result, and I would hope that there is some
5 oversight and maybe we need to hold an
6 investigative hearing on this agency, you know, to
7 deal with it. There should not be a reason that
8 projects have to wait inordinate periods of time,
9 especially in this environment to get completed.
10 So I don't understand why this is even a problem.
11 With that, I also want to just congratulate the
12 other panelists for wanting to serve, and Briana, I
13 would hope that you're not just trying to become a
14 model but that you would teach other people how to
15 comport themselves and put themselves together in a
16 way because you look like you're someone that could
17 be a real role model to a lot of people and not
18 just a model but a role model. So with that I vote
19 Aye on all.

20 COMMITTEE CLERK: Fidler.

21 COUNCIL MEMBER FIDLER: First I want to
22 thank all four of you for your willingness to serve
23 and particularly to Briana. I chair the Youth
24 Services Committee and I'm very, very happy to have
25 someone like you on the Youth Board. I think

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2 that's really terrific and I thank you all. I vote
3 Aye on all except for Dr. Washington. I vote No as
4 a matter of protest on the metzitzah b'peh issue
5 and I vote No and urge my colleagues to join me in
6 voting No on Mr. Aarons.

7 COMMITTEE CLERK: Jackson.

8 COUNCIL MEMBER JACKSON: May I be
9 excused to explain my vote? Thank you. While as a
10 member of this committee I've listened to the
11 discussions and responses from the applicants in
12 front of us. I have concerns that have been raised
13 by my colleagues Lew Fidler and other members
14 regarding what they have said to be the lack of
15 transparency and things like that. But I do want
16 to express on the record my concern about that and
17 especially in today's times where everything should
18 be as a matter of record and transparent and
19 accounted for and especially where our public money
20 is being spent. So I vote Aye on all but I
21 expressed the concerns and reservations that my
22 colleague have raised and I hope that Council
23 Member Fidler's bill will at least be given a
24 hearing before our tenure expires on December 31st,
25 2001, and Brittany, congratulations. Whom, as a

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2 member of the Youth Board, let me just say what I
3 say to most people and you've met Emilio. He
4 introduced yourself to him. He's 11 years old,
5 going to the sixth grade, a very educated and
6 knowledgeable young man, and he hopes to be at some
7 future date an elected public official. But I say
8 to people make sure you know the rules and the
9 regulations so you will not be used in the process,
10 and then if you want to make changes you know from
11 a position of knowledge and strength and not by
12 someone just using you as an Aye vote or a Nay
13 vote. That's my message to you. Thank you very
14 much. I vote Aye on all.

15 COMMITTEE CLERK: Vann.

16 COUNCIL MEMBER VANN: Out of respect to
17 my colleague, I do sympathize with the concerns
18 that he raised but I disagree on using this
19 particular forum as that form of protest. I think
20 as a Council, we hold hearings, we have oversight
21 over all agencies, and there are ways in which we
22 can I think get to the bottom of things and make
23 our points known and made. I support what he's
24 trying to do and I support the reason why he's
25 doing it, but I do not support using this

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2 particular forum to do that. Therefore, I vote Aye
3 on all.

4 COMMITTEE CLERK: Gentile.

5 COUNCIL MEMBER GENTILE: Without any
6 reflection on Mr. Aarons' qualifications, I am
7 persuaded by the arguments by my colleagues Vacca
8 and Fidler, and I know my own concerns and
9 complaints and problems I've had with moving
10 projects through the Art Commission, and if there's
11 no other forum to make that kind of a protest I
12 suppose Councilman Fidler is correct that we should
13 make it here. So I will vote a Yes on all except
14 for Mr. Aarons, a vote No.

15 COMMITTEE CLERK: Vacca.

16 COUNCIL MEMBER VACCA: You know I made
17 the arguments about the Art Commission. I feel
18 that voting against someone is voting against that
19 person and saying that that person is not qualified
20 or has not done a good job, and I'm not prepared to
21 do that and I take this responsibility seriously.
22 I do think today was the right forum to raise these
23 issues because we have not had another forum, but I
24 expect reform but I'm not prepared to take it out
25 on one person who as part of the hearing today has

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2 not had his credentials or integrity questioned, so
3 with all due respect to my colleagues, expressing
4 the views that I have expressed and standing by
5 those views very firmly, I will vote Yes on all.

6 COMMITTEE CLERK: Crowley.

7 COUNCIL MEMBER CROWLEY: Can I have
8 permission to explain my vote?

9 CHAIRPERSON RIVERA: Yes.

10 COUNCIL MEMBER CROWLEY: I understand
11 the frustrations of Council Member Fidler, Vacca,
12 my various colleagues who have had situations where
13 projects have been delayed because of the Public
14 Design Commission. I, too, have experienced that.
15 It is frustrating. However, I agree with my
16 colleague Gale Brewer. I think it's important that
17 when the City invests capital dollars that we make
18 sure that that project is designed to the best of
19 its capability, and that's why the Commission is
20 important. However, we do need to make sure that
21 projects come before the Commission in a timely way
22 and that responses and any types of edits that go
23 into the design happen within a reasonable
24 timeframe because it takes so long for projects to
25 happen when it goes through the construction phase,

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2 and so often we're designing projects as Council
3 Members but we're not still in the Council when
4 it's complete so that is quite frustrating.

5 However, I'm going to disagree with my colleague
6 Council Member Fidler on using this committee as a
7 forum to express that frustration, and I will vote
8 Aye on all. Thank you.

9 COMMITTEE CLERK: Koslowitz.

10 COUNCIL MEMBER KOSLOWITZ: May I be
11 excused to explain my vote?

12 CHAIRPERSON RIVERA: Yes. I'm going to
13 say no for like just... no, just kidding. Go right
14 ahead.

15 COUNCIL MEMBER KOSLOWITZ: And I would
16 say tough. I want to connect to what Council
17 Member Fidler said about getting parental notes
18 from parents to do circumcsions. I feel that it's
19 usually the parents that schedule the circumcsions
20 and I think it's unnecessary. It's a practice that
21 has been done for way, way, way before I was born
22 and I can't say that on a lot of things, but I am
23 saying it on this and I, you know, I absolutely
24 agree with my colleague on that. I think it's
25 something that should be looked at again, though I

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2 would like to know how many people got infected as
3 a result of this. I'm sure that there are millions
4 more that didn't. So, I have that feeling about
5 that. And also PDC, I don't like the Commission.
6 I had very bad experience with them back in the
7 nineties that I went someplace else. I went at
8 that time Percent for the Art. I'm not going to
9 take my vote out on you personally, but I would
10 like to have the hearing to discuss the Commission.
11 I vote Aye.

12 CHAIRPERSON RIVERA: Really quick, I was
13 actually trying to make a correlation between the
14 circumcision and the Landmarks Commission. I
15 totally forgot that we had the other people here
16 today from the Department of Health so that was
17 just funny.

18 COMMITTEE CLERK: Oddo.

19 COUNCIL MEMBER ODDO: I vote..
20 considered that I gave the same speech Lew Fidler
21 did, but I gave mine fourteen years ago. I won't
22 make any other comments, but I vote Yes on all.

23 COMMITTEE CLERK: By a vote of eleven in
24 the affirmative, zero in the negative and no
25 abstentions all items have been adopted, with the

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2 exceptions of M1181 has been adopted by a vote of
3 ten in the affirmative, one in the negative and no
4 abstentions, and M1179 is adopted by a vote of nine
5 in the affirmative, two in the negative, and no
6 abstentions. Council Members, please sign the
7 Committee reports. Thank you.

8 CHAIRPERSON RIVERA: Congratulations all
9 four members. We're going to leave the vote open.
10 The Speaker will be up here momentarily to vote,
11 and a special message to Briana and Emilio, I was
12 elected at the age of 22. I was the youngest ever
13 in the City of New York. I hope that one of you
14 can break my record and become the new youngest
15 ever elected official in the City of New York.
16 Thank you and congrats to all.

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C E R T I F I C A T E

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



Date 09/03/2013