

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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.

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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



1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1                   COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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

1                   COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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,



1                   COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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.

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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.

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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



1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1                   COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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



1                   COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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

1                   COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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,

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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



1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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

1                    COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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

1                   COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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,

1                    COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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

1                   COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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

1                    COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS  
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