

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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May 3, 2016
Start: 10:54 a.m.
Recess: 12:02 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: BRAD S. LANDER
Chairperson

COUNCIL MEMBERS:

DAVID G. GREENFIELD
DANIEL R. GARODNICK
YDANIS A. RODRIGUEZ
MARGARET S. CHIN
HELEN K. ROSENTHAL
JUMAANE D. WILLIAMS
RAFAEL L. ESPINAL, JR.
MARK LEVINE
MELISSA MARK-VIVERTO
STEVEN MATTEO

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

Debra Scotto

Resident of Brooklyn being considered for an Appointment as a member to the New York City Environmental Control Board

Joseph Douek

Resident of Brooklyn and is nominated for Re-Appointment by the Brooklyn Borough President to New York City Planning Commission

Robert Nolan

Resident of Bronx being nominated for Re-Designation and Subsequent Re-Appointment by the Mayor to the New York City Health and Hospitals Corporation Board

Carlo Silvestri

Resident of Queens for Appointment by the Mayor To the New York City Tax Commission

[gavel]

CHAIR: Good morning and welcome to the New York City Council's Committee on Rules, Privileges, and Elections. My name is Brad Lander, Chair of this committee. We're joined this morning by Committee Member's Rafael Espinal, Mark Levine, Margaret Chin, Steve Matteo, and also by David Greenfield who's not a member of the committee but we're very glad to have him this morning. I also want to acknowledge Committee Council is Elizabeth Guzman and as always thank Chuck Davis and his team; Alicia Vassell and Andre Johnson-Brown for all the work that brings us such good materials and due diligence on the folks that we're considering. We've got four candidates for appointments before us today; Deborah Scotto for New York City Environmental Control Board, after that we'll have Joseph Douek and Robert Nolan, Mr. Douek the Brooklyn Borough President nominee to the Planning Commission, Mr. Nolan for... those are actually both re-appointments from the Bronx Borough President to the New York City Health and Hospitals and finally Carlos Silvestri for Appointment by the Mayor to the New York City Tax Commission and I'll go through all of those in just... a little bit more as we

2 introduce each member but they're... I think members
3 will find four strong and straight forward candidates
4 and highly qualified for the positions to which they
5 are being appointed. So, we'll begin with Deborah
6 Scotto who's a resident of Brooklyn being considered
7 for appointment as a member to the New York City
8 Environmental Control Board as the Real Estate
9 Representative that the Charter provides for. This is
10 an appointment by the Mayor, should Mrs. Scotto
11 receive the advice and consent of council she'd be
12 eligible to serve the remainder of a four-year term
13 that expires on November 24th, 2017 so we may see her
14 back here before too long. I think folks are broadly
15 aware of the New York City Environmental Control
16 Board responsibilities so we won't go into them here
17 but if members have questions we can talk about them
18 after Mrs. Scotto gives her opening statement. I'll
19 flag just for the record that I had the honor of
20 serving on community board six with, with Mrs. Scotto
21 and, and continue to work with her in that capacity
22 and that we were provided a waiver letter by the
23 Mayor, someone is able to serve on two appointments
24 so long as only one of them has a paid stipend, the
25 Environmental Control Board does have a paid stipend,

2 community board six appointment does not and that
3 waiver letter is in your material. So, Mrs. Scotto if
4 you'd like to give your opening statement. I, I still
5 think you're not on there, the red light should be
6 on.

7 DEBRA: How's that?

8 CHAIR: Much better.

9 DEBRA: Okay. Good morning Chair Lander
10 and members of the Rules, Privileges, and Elections
11 Committee of the New York City Council.

12 CHAIR: I apologize, I forgot to ask
13 council to swear or affirm you in first, my bad.

14 CC GUZMAN: Yes, good morning. Would you
15 raise your right hand, do you swear or affirm to tell
16 the truth, the... I'm sorry, that the testimony you
17 will give will be the truth and the whole truth?

18 DEBRA: I do.

19 CC GUZMAN: Thank you.

20 DEBRA: Good morning Chair Lander and
21 members of the Rules Privileges, and Elections
22 Committee of the New York City Council. My name is
23 Deborah Scotto and I am honored and delighted to be
24 invited to appear before you today for consideration
25 as a nominee for appointment to the Real Estate seat

2 on the Environmental Control Board. I'm a proud
3 lifelong native New Yorker, Brooklynite and resident
4 of the 39th City Council District. While I was
5 briefly a public middle school special education
6 guidance counselor and a funeral director I have
7 spent most of my adult life engaged in multiple
8 aspects of the real estate industry including real
9 estate law. I was indoctrinated into the business by
10 my grandmother who due to age turned over her coffee
11 can full of keys and two shopping bags full of
12 records that included paperwork from regulatory
13 agencies I had never heard of for me to handle. After
14 learning how to manage small regulated mixed use
15 buildings I went on to buy my own and began
16 renovating and gut renovating small properties. I got
17 hands on experience acting as my own construction
18 manager and learned the subcontractor chase from the
19 inside out. I learned how to file and sign off lands
20 with architects and expeditors and to resolve
21 insurance claims with adjusters. I have dealt with
22 the buildings department, the environmental control
23 board, the fire and sanitation departments, and I
24 have navigated the interplay between them for what is
25 now decades. I brokerage sales and rental deals while

2 managing existing properties completing law school
3 later in life in the evenings propelled me into
4 larger construction projects and gave me an
5 understanding as well as the ability to arrange
6 financing for my own work. I became part of a team
7 that allowed me to engage in all aspects of the
8 development of a new 40-unit condominium project. My
9 love of land use inspired me to bring my own zoning
10 change for a double townhouse ground up construction
11 project. This project being green before most knew
12 what that meant. For the record, all my buildings
13 have been restored or built contextually and all my
14 real estate activities have, have been centered in
15 the Brooklyn community board six district where I
16 live and where I have long been a board member
17 serving on this land use committee. With the
18 extensive knowledge that I have acquired over the
19 years coupled with my love and commitment for my
20 community I think I will bring a safety conscious,
21 progressive, and yet pragmatic perspective to the
22 operation of the environmental control board and to
23 the resolution of those issues that come before it.
24 Thank you again for considering my nomination to the

2 environmental control board, I'm happy to answer any
3 questions you may have.

4 CHAIR: Thanks very much and I'll open it
5 up to my colleagues for questions but I, I will just
6 say first that I want to affirm I think what you say
7 in your statement about your ability to represent the
8 point of view of small landlords and property owners
9 in a way that is thoughtful and sensitive to the
10 issues in the community and that sometimes at the
11 community board and in our community involved debate
12 but in ways that I find you are able to contribute to
13 at the board level in ways that are much more
14 productive than sometimes those things play out in
15 the media or otherwise and you're able to be part of
16 a dialogue where some folks are pushing and saying
17 developers are destroying our communities and, and
18 you are able to say let me tell you what it looks
19 like from the point of view of a small landlord and
20 why it should be this way or that way and, and we
21 appreciate that on the community board and it
22 obviously is what we need in the real estate
23 representative on the environmental control board as
24 well. So, I'll just share that perspective having had

2 the opportunity to observe you over, over many years...

3 [cross-talk]

4 DEBRA: Thank you... [cross-talk]

5 CHAIR: Do my colleagues have questions
6 about Mrs. Scotto's nomination? Okay, seeing none
7 let, let me ask, I mean I just saw that... I mean I
8 guess if you could just say a, a little more about
9 either your own dealing with environmental control
10 board, summonses, or the perspective you... that will...
11 you will... you... I mean you've given us a broad sense
12 of your perspective but as you'll actually be
13 adjudicating there, can you give us a little better
14 sense of either from your own personal experience
15 what some of those things have been or things you've
16 heard from other owners or... [cross-talk]

17 DEBRA: Sure... [cross-talk]

18 CHAIR: ...neighbors that... [cross-talk]

19 DEBRA: I, I, I don't believe I will be
20 personally adjudicating inside the hearing division
21 however with that said I'll be involved with policy
22 and I will be involved on the appellate level when
23 appeals are brought. My own interface with the
24 environmental control board has been decades long and
25 there used to be a lot of confusion over that

2 because... now the environmental control board is part
3 of the hearing division of OATH and the, the new
4 structure is fantastic. With that said we're still
5 dealing with all the regulatory agencies underneath
6 that umbrella and that's where my focus would be
7 because we, we are... we have a fire department that's
8 going out and issuing violations for inspections and
9 whatnot and we have the building department that also
10 does a lot of this work and there are various
11 databases out there and we, we need to be able to get
12 a... get these more developed. Right now, the, the, the
13 Department of Buildings has their own system which is
14 being umbrellaed under OATH in the hearing's division
15 of ECB. The Fire Department doesn't have that much of
16 a database and it's difficult to access stuff online
17 so something like that would be something I would be
18 interested in to make this whole process more
19 transparent, more fluid, easier for people to access
20 and the, the commissioner of OATH right now has done
21 an incredible job, I mean the whole concept of OATH
22 and, and where this is going means so much. It, it
23 means so much because this is often the first
24 experience people have with government, they get a
25 garbage ticket, what does that mean, you know it used

2 to mean having to go to a hearing in a not very
3 pretty environment and sitting there for a cattle
4 call that lasted half the day and not feeling like
5 you were being heard. So, most people skip these
6 things, they threw them in the trash, they didn't
7 deal with them, we have summonses that aren't paid,
8 we have frustrated people all over the place. The new
9 system is fantastic; the new system allows online
10 hearings, you have an option for mail, you have an
11 option for a webcam, you have... it's just... it's
12 amazing, I love it but I would like to be part of
13 developing that further and, and I think I can
14 because I've been on the receiving end where the
15 public sits.

16 CHAIR: Great, alright your... that answers
17 prompted some additional interest so I'll recognize
18 Council Member Rosenthal for a question and I also
19 want to note we've been joined by Committee Member's
20 Garodnick and Levine. Council Member Rosenthal.

21 CM ROSENTHAL: Thank you. Thank you so
22 much and actually it's a point of privilege Chair
23 Lander, I'm so happy to be on this committee, it's my
24 first meeting so... [cross-talk]

25 CHAIR: Oh yes... [cross-talk]

2 CM ROSENTHAL: ...thank you for... [cross-
3 talk]

4 CHAIR: ...of course... [cross-talk]

5 CM ROSENTHAL: ...having me... [cross-talk]

6 CHAIR: ...I almost missed that, welcome, I
7 apologize for... [cross-talk]

8 CM ROSENTHAL: ...no, no, no... [cross-talk]

9 CHAIR: ...failing to welcome you... [cross-
10 talk]

11 CM ROSENTHAL: ...I'm really serious...
12 [cross-talk]

13 CHAIR: ...to the committee... [cross-talk]

14 CM ROSENTHAL: ...thank you very much...
15 [cross-talk]

16 CHAIR: ...super... [cross-talk]

17 CM ROSENTHAL: I'm looking forward to
18 learning a lot about this and I appreciate your
19 leadership. We had a nice chat the other day so it's
20 great to see you again but as the Chair said in your
21 last answer you were talking about how you've seen
22 from both sides and... [cross-talk]

23 DEBRA: Uh-huh... [cross-talk]

24 CM ROSENTHAL: You know given the
25 Mayor's... I guess the insights that I'd be interested

2 in overtime not necessarily right now but I
3 completely agree with you that the new Commissioner
4 Deval is extraordinary, he's committed and
5 understands how this process works like... [cross-talk]

6 DEBRA: Uh-huh... [cross-talk]

7 CM ROSENTHAL: ...nobody else and his
8 reorganization of OATH makes a lot of sense and I'm
9 with him that change is hard but we need to move in
10 this direction. So, I'm wondering as a... as a ECB
11 board member would you have in your mind's eye a
12 guiding philosophy as you think about the cases in
13 front of you? One thing that struck me recently, I'm
14 trying to help some constituents in my district who
15 own a small business since being in a... you know
16 really... going through a catch 22 with LPC and my take
17 away thought is gee if we had a guiding philosophy
18 that we want to support our small businesses here's
19 an opportunity where you could cut a little red tape
20 and support our small businesses and I'm working with
21 LPC to try to unravel all of that but as a
22 Commissioner you could... would you have... a board
23 member would you have a... how... what lens are you
24 looking at the cases, are you trying to say well if
25 we thought about it this way we could preserve more

2 affordable housing or not or does that just not come
3 into picture at all?

4 DEBRA: Well just to clarify because I
5 had begun my statement before you came in, I, I don't
6 actually sit as a hearing division officer so I would
7 be looking at appellate cases and that's a... that's a
8 little bit different because you're looking... you're,
9 your fact checking, you're making sure evidence was
10 presented, you're making sure that the law was
11 applied properly, it's not quite the same. Perhaps
12 that question is... you're more toward if I were a
13 board member thinking about policy and what we could
14 do to further streamline the administrative process
15 to cut back on red tape. I'm, I'm also a small
16 business owner so I'm... I, I, I'm there with you, I'm
17 also a property owner. So, I, I think OATH is going
18 there I really do. Having everything available online
19 is so important for transparency, it, it, it's... and
20 the ease of navigating that system now is also
21 getting us there. With that said you may be speaking
22 to code issues, I, I don't know and... unless you know
23 specifically what, what that particular business is
24 struggling with it, it's difficult to answer that, I
25 don't know which regulatory agency there's an issue

2 with specifically why, you know that kind of thing
3 but I, I would certainly have... promote the goals of
4 transparency, ease, navigable situations, many
5 languages, I mean people have to have a zone of
6 comfort with government and I think this Commissioner
7 is certainly taking us there.

8 CM ROSENTHAL: Got it, thank you very
9 much, thanks Chair.

10 CHAIR: Thank you very much, Council
11 Member Greenfield for a question.

12 CM GREENFIELD: It's not a question, it's
13 really a comment. I just want to say how excited I am
14 that we have folks coming into positions of
15 adjudicating decisions that are important that have
16 your background as a community board member, someone
17 who you and your family have been long time business
18 owners in your districts obviously, your local
19 Council Member vouches for you as well which is
20 fantastic but I think we need more folks who fit your
21 profile to actually be taking this positions so I'm
22 very excited about that and wish you a lot of luck.

23 DEBRA: Thank you.

24 CHAIR: Alright, Council Member Chin.
25

2 CM CHIN: Yes, I, I have a similar
3 comment because when I was looking at her background
4 I didn't realize it was your community board chair,
5 okay so you gave her an endorsement said that she's
6 been good on the community board but really having
7 that kind of experience as a, a... you know working
8 with small landlords and having that background
9 experience is so important and when you were talking
10 about OATH it's pretty amazing that I... that I see
11 that we need to continue to develop on is that we
12 recently had a community forum with the... with the,
13 the commissioner and his staff and people showed up
14 with their tickets and when they learned that there's
15 different ways of dealing with it and having the
16 language capacity to be able to provide translation
17 for them and also they translate documents for the
18 individual if they need it, it's pretty amazing how
19 far... [cross-talk]

20 DEBRA: It is... [cross-talk]

21 CM CHIN: ...we have come... [cross-talk]

22 DEBRA: ...yeah... [cross-talk]

23 CM CHIN: ...so... [cross-talk]

24 DEBRA: ...in a very short time.
25

2 CM CHIN: And then with ECB, I mean it's
3 like what is ECB because I always had a negative
4 connotation about ECB so hopefully by you being on
5 the board you can help begin to change that
6 perception and really make it more efficient and
7 transparent for the city, for the residents of the
8 city. So, thank... [cross-talk]

9 DEBRA: I hope so too... [cross-talk]

10 CM CHIN: ...you and welcome aboard.

11 DEBRA: Thank you.

12 CHAIR: Thanks very much. With that we
13 will close the hearing on Mrs. Scotto's appointment
14 and we'll leave room to reopen it if... you know if
15 there's further questions that members have but I
16 suspect there will not be. For the four folks who are
17 here in this committee we don't do the vote on the
18 day of the hearing, we have a chance for a question
19 and answer and make sure things are, are good; review
20 any information and then we will vote before our next
21 dated on the 10th of May. So, thank you Mrs. Scotto.

22 DEBRA: Thank you very much.

23 CHAIR: I misspoke before because Mr.
24 Nolan the... though a Bronx resident and sort of
25 filling the Bronx spot on the Health and Hospitals

2 Board is not an appointee of the Bronx Borough
3 President so I think I'm just going to go one at a
4 time just to sort of honor protocol here and so we'll
5 go back to what we have essentially on the calendar
6 and invite Joseph Douek up next and then we'll have
7 Mr. Nolan and then Mr. Silvestri. While you are
8 coming up Joseph Douek's a resident of Brooklyn and
9 is nominated for re-appointment by the Brooklyn
10 Borough President to the New York City Planning
11 Commission, should he receive the advice and consent
12 to the city council he'll serve a five year term, a
13 second term that begins on July 1st, 2017 and expires
14 on June 30th, 20122, I think that's the furthest out
15 that we will have appointed anyone in this.. in this
16 terms rules committee and again for members if you,
17 you know won't go into all the rules and.. rules and
18 responsibilities of the city planning commission but
19 the Chair of the Land Use Committee is here so he can
20 answer those questions and Mr. Douek you can proceed
21 with your opening statement. Thank you for being
22 here. You'll... yes, you'll first be sworn or affirmed
23 in, good catch.

24

25

2 CC GUZMAN: Would you please raise your
3 right hand. Do you swear or affirm that the testimony
4 you will give will be the truth and the whole truth?

5 JOSEPH: I affirm.

6 CHAIR: Go ahead and give your... [cross-
7 talk]

8 JOSEPH: Thank you... [cross-talk]

9 CHAIR: ...opening statement now.

10 JOSEPH: Also note that Council Member
11 Greenfield is my local Council Member, I'm lucky to
12 have him. Thank you Chairman Lander and honorable
13 council and committee members for a context and
14 background on my public service from 2001 through
15 2012. I've had the honor of representing the Brooklyn
16 Delegation of the New York City Council to the Board
17 of Directors to the New York City Economic
18 Development Corporation, EDC. Concurrent with my
19 service on the EDC Board I also had the honor of
20 serving as the Brooklyn Borough President's
21 Representative to the New York City Industrial
22 Development Agency, IDA. From 2012 through 2017 and
23 by appointment of the Brooklyn Borough President and
24 by the confirmation of this body I've had the
25 privilege of serving as a member of the New York City

2 Planning Commission. My tenure has seen a change in
3 administrations from Mayor Bloomberg to Mayor De
4 Blasio and leadership changes at the Department of
5 City Planning from Amanda Burden to Carl Weisbrod and
6 now Chairman Marisa Lago. Along with the change in
7 administrations came a varied approach to planning
8 and a reprioritization at the agency. Mayor De Blasio
9 working in tandem with the city council has made
10 affordable housing a lynch pin and priority of his,
11 his administration. Our city's pro-growth policy is
12 based on the reality of a growing population as well
13 as a successful economy. However, the growth has also
14 exacerbated housing affordability to that end and to
15 ensure more economic diversity in our city as it
16 grows and becomes denser the Department of City
17 Planning introduced mandatory inclusionary housing
18 known as MIH and the city planning commission is
19 subsequently this body, the New York City Council
20 passed MIH and the first of its kind in this country.
21 To quote Deputy Mayor Alicia Glen referring to MIH
22 and ZQA quote, "those were foundational policies to
23 help us confront the biggest crisis facing New
24 Yorkers, the cost of housing" end quote. With MIH
25 firmly in place the city has a platform from which to

2 launch its goal of attaining and retaining 200,000
3 affordable units over the next ten years. Now the
4 real work begins which is to leverage the power of
5 MIH into planning an effective role in the creation
6 of affordable housing units. At all times, we must
7 remain cognizant and vigilant to the matter of
8 community displacement. More needs to be done and I
9 look forward to working with the agency and the
10 commission. In general, the uniform land use and
11 review process otherwise known as ULERP provides for
12 robust public input from all stakeholders including
13 the local residents, community board, borough
14 president, and finally the city council which serves
15 as a check and balance. The public has multiple
16 opportunities throughout the process to comment and
17 help shape the final product. I think in the past few
18 years you're seeing a more collaborative approach by
19 the agency whether it be interagency or with the
20 council. Take for example the East Midtown Steering
21 Committee chaired by Council Member Garodnick and
22 Borough President Brewer. Ultimately at one level or
23 another all the policymakers are accountable to the
24 true stakeholders which are the residents of this
25 great city. They should know that while we are doing

2 we can do more and, and will do more and I look
3 forward to continuing to serve and being part of that
4 process. Thank you and I'm available to answer any
5 questions. Now just to... because I'm a planner I'm
6 going to anticipate Council Member Rosenthal's
7 question which is to the prior speaker what would be
8 the guiding philosophy. So, I think that the guiding
9 philosophy for me as a City Planning Commissioner is
10 to use planning to improve the lives of New Yorkers
11 and at certain stages we might need more affordable
12 housing, certain stages we might have an economic
13 crisis and might need to inset the creation of more
14 jobs but zoning and land use are, are, are tools to
15 which to better... to, to better the lives of everyday
16 New Yorkers, that would be my guiding philosophy.

17 CHAIR: Thank you very much for that
18 opening statement since Council Member Greenfield is
19 both your local Council Member and the Chair of the
20 relevant committee I'll offer him the first
21 opportunity for a statement or question.

22 CM GREENFIELD: Thank you very much. I'll
23 make a statement and ask some questions as well.
24 First I, I do want to recognize that Mr. Douek has
25 actually long provided a service to Brooklyn both at

2 the Brooklyn Delegation, the Brooklyn Borough
3 President and I will say that as a... as a Commissioner
4 on the... on the City Planning Commission to be clear
5 for those watching at home there are 13 commissioners
6 on the City Planning Commission, there's a Chair who
7 actually runs the commission, there was both a Chair
8 and a Commissioner so he's one of 13 votes but he's
9 always been very accessible to everyone but
10 especially members of the Brooklyn Delegation who
11 reach out and would like to get, get his opinion or
12 advice or try to speak to him about issues and he's
13 been very helpful on economic development issues at
14 his time at EDC and the IDA and as well as his
15 advocacy for the public library which we certainly
16 appreciate as well. My, my, my question... my question
17 is what do you... what do you see the, the future in
18 terms of the Mayor's call of continuing to build more
19 affordable housing and what, what role do you see the
20 city planning commission playing especially as we try
21 to get deeper levels of affordability?

22 JOSEPH: So, I, I think that the future
23 is... the path to the future is certainly clearer now
24 that we have MIH in place and the city planning
25 commissioner... the city planning commission rather,

2 is... they're all... everybody on the board.. I think the
3 commission is pro affordable housing, I think that
4 you're, you're seeing it... a, a very unique time where
5 the interest of the council and the Mayor are aligned
6 and the City Planning Commission are all, all, all..
7 all roads are leading to more... a creation of more
8 affordable housing units. As far as deeper
9 affordability we, we always push for the deepest
10 affordability, of course there's the economic
11 viability of a project which we must take... which we
12 take into consideration at the time of, of the, the
13 sessions. So, in as much as what I can do and again
14 you mentioned I'm one of 13, of course I'm always an
15 advocate for more affordable housing and we always..
16 we, we, we look to the applicant whether it be a city
17 agency or whether it be a, a private developer to
18 provide deeper, deeper levels but again there's a
19 sum... there is a balance between economic viability
20 and levels of affordability.

21 CM GREENFIELD: Okay, great. Once again,
22 I do want to thank you for your service, I
23 appreciate... Council Member Rosenthal actually asked
24 me how is that you do so many things while still
25 running a business, right, I mean I'm, I'm pretty

2 sure that everything that you do is either you get
3 paid for expenses perhaps but there's no salary for
4 any of those?

5 JOSEPH: For... at city planning?

6 CM GREENFIELD: Yeah.

7 JOSEPH: There's a small stipend, a
8 small... [cross-talk]

9 CM GREENFIELD: Yeah, so per diem?

10 JOSEPH: It's not a per diem, it's a...
11 it's an annual.

12 CM GREENFIELD: An annual salary, okay...
13 [cross-talk]

14 CHAIR: I can read you that I think, it's
15 in my notes here...

16 CM GREENFIELD: Okay, well in any event
17 I... my... her point to me was you give someone who's...
18 you give someone who's very busy things to do and
19 they get things done, we know you've done a lot and
20 you started a business I think at the age of 24...

21 [cross-talk]

22 JOSEPH: Well, well no I started... [cross-
23 talk]

24 CM GREENFIELD: ...and... [cross-talk]

2 JOSEPH: ...it at 19 but I bought
3 Willoughby's, the oldest camera store in New York at
4 age 24.

5 CM GREENFIELD: ...that's pretty good,
6 okay... [cross-talk]

7 JOSEPH: ...but for the record the... [cross-
8 talk]

9 CM GREENFIELD: ...yeah... [cross-talk]

10 JOSEPH: ...ten, ten years of service at
11 EDC and IDA are not paid and that's, that was done,
12 you know just as a public service.

13 CM GREENFIELD: How does... how does... my
14 final question is as a small business owner, somebody
15 who owns a storied camera and electronics store how
16 does that... how does that impact your thinking as a
17 commissioner from that perspective, how does that...
18 how does that change your perspective especially as
19 you're referring to the interest and growth of jobs
20 and affordable housing?

21 JOSEPH: So, I look at things from an
22 economy... economic development perspective especially
23 with the EDC and IDA background, I train... being my
24 training in government service and we all... again we,
25 we always look to, to things that make sense on the

2 commission and now we're doing for example many... you
3 know retail is not what it used to be so I look at
4 things differently when it comes to the creation of
5 retail establishments or retail zones and, and how
6 that's going to affect planning, you have... down,
7 downtown you have the Soho area which is all by
8 special permit, you know we... so, it, it affects my,
9 my, my... my thinking as far as... as far as... as far as
10 that I look at things from an economic development
11 perspective perhaps more than from a government side
12 perspective.

13 CM GREENFIELD: Well I will... I will
14 conclude by saying once again as I said with Mrs.
15 Scotto, I'm very much biased in favor of small
16 business owners having positions in the city so that
17 folks understand where a lot of the growth and
18 economic opportunity comes from small business owners
19 and I will just say that having spoken both to the
20 past and current share of the City Planning
21 Commission as well as the Executive Director, the
22 Department of City Planning they've all consistently
23 told me that you provide very significant insight and
24 active participation and that you take the
25 responsibilities seriously and that you attend

2 frequently and that you're very helpful with your
3 feedback and your push for affordable housing and I'm
4 grateful for that and certainly I support your
5 application.

6 JOSEPH: Thank you... [cross-talk]

7 CM GREENFIELD: ...and nomination... [cross-
8 talk]

9 JOSEPH: ...so much Council Member... [cross-
10 talk]

11 CM GREENFIELD: ...thank you... [cross-talk]

12 JOSEPH: ...thank you.

13 CHAIR: Thank you Council Member
14 Greenfield, I have two questions and then I'll
15 recognize Council Member Chin and again thank you for
16 your service and for being here today. You spoke to
17 this a little in terms of some of the challenges and
18 tensions that you face and as land use actions come I
19 think... you know I share your desire for as much
20 affordable housing as we can possibly have but it's
21 no secret that in many of the actions that we see
22 folks on the ground in communities have anxiety about
23 additional development and often those two things are
24 going together and there is some tension between the
25 density that comes with affordability and people's

2 love of their neighborhoods and context and, and I
3 just... you know that's a very appropriate debate and
4 dynamic that we have through all of these processes
5 obviously for... folks think of the borough president
6 rightly as, you know a champion of neighborhoods and
7 so folks at community board level or gratuitous level
8 are likely to come to him and to you with those
9 concerns in particular and I just... if you could just
10 say a little more about how you balance that, that
11 desire for affordability, for growth, for economic
12 development with people's anxieties about, about
13 density and their love of their neighborhoods and
14 concerns about getting growth... [cross-talk]

15 JOSEPH: I, I think that you touched on
16 the, the hardest decision, the hardest part of
17 decision making process which is to balance growth
18 which we're in growth mode, the city is growing and
19 that's a good thing, we, we don't want to stagnate
20 we'd prefer to grow so at the same time we have a lot
21 of community concerns from residents who come in and,
22 and are afraid of the changing character of their
23 neighborhoods and so we balance it by... for... I'll give
24 you a recent example, I'm not going to mention the
25 specific land use action but a developer was

1 requesting an R7A in an area that really didn't
2 warrant an R7A but again there was going to be 20
3 some odd units of affordable housing in the... in the...
4 in, in the building that would... that was proposed so
5 what we did was we, we basically stated very, very
6 loud that we're not in favor of this, you know at a
7 review session, it's all open to the public and, and
8 the developer came back with an amended proposal for
9 an R6A which would give it less height and less... more
10 in line with what the community could accept because
11 at one hand they didn't want the bulk, they didn't
12 want the height but they also wanted the affordable
13 housing so I think instead of 23 units it came back
14 at 18 units in affordable housing. So, there's,
15 there's always a balance that needs to be done and
16 needs to be looked at with a very objective eye,
17 taking into consideration the community board, the
18 borough president obviously and of course we, we, we
19 at the commission everybody sitting on the city
20 planning commission knows that at the end of the day
21 the city council is that last check and balance in
22 the system which, which will keep things always
23 working right and if no... if not every... if, if
24
25

2 everybody walks out of the room not happy then you
3 know you did something right because it was fair.

4 CHAIR: Thank you and then my other
5 question just... and I ask this of everyone that comes
6 before the committee where there's conflicts of
7 interest guidance in 2012 when you were originally
8 appointed you sought and received from the conflicts
9 of interest board some guidance on how to handle
10 potential conflicts and again just as a matter of
11 course when that's the case I ask people just to, you
12 know acknowledge the, the letter and affirm their
13 commitment to, to go... you know briefly describe it
14 and, and commit to its guidance... [cross-talk]

15 JOSEPH: With reference to a pending
16 application at the time or an application that I was
17 working on?

18 CHAIR: Yeah, so they... in, in... [cross-
19 talk]

20 JOSEPH: ...yeah... [cross-talk]

21 CHAIR: ...and I'll just remind you because
22 it's a long time ago for you but in 2012 you sought
23 and received from the conflicts of interest board a,
24 a letter given that you have some business interest
25

2 how you would handle yourself if and when... [cross-
3 talk]

4 JOSEPH: ...correct... [cross-talk]

5 CHAIR: ...issues come before the planning
6 commission in which you have some relationship..
7 [cross-talk]

8 JOSEPH: ...that was... [cross-talk]

9 CHAIR: ...in it... [cross-talk]

10 JOSEPH: ...one issue that was at the time
11 and I have no issues that I know of or that I'm
12 planning or that I'm thinking of at this... at this
13 time so that was dealt with through a third party, I
14 stayed away from it from the government side and
15 pretty much on the... well, I had an attorney in
16 between and that was... that was my... all in accordance
17 with the conflicts of interest board but as of right
18 now I can state to you that I have no plans for any
19 potential conflict of interest, no, no plans in the
20 works on, on a personal side.

21 CHAIR: Okay, so this was essentially a
22 specific... [cross-talk]

23 JOSEPH: One item... [cross-talk]

24

25

2 CHAIR: ...a specific application around
3 which you sought their guidance not an ongoing set of
4 relationships... [cross-talk]

5 JOSEPH: The only other item that I'll...
6 for the record I recuse myself on per conflicts of
7 interest board is I am a Brooklyn Public Library
8 Trustee Member, I'm on the board of the... of the
9 library and with their guidance I recuse myself on
10 all library matters which have not been coming... which
11 only in my tenure have, have, have been an issue, I
12 mean... [cross-talk]

13 CHAIR: Yes, indeed right you're... I make
14 a joke about you're being responsible for all these
15 contentious library land use issues... [cross-talk]

16 JOSEPH: Luckily, I'm, I'm... [cross-talk]

17 CHAIR: ...but... [cross-talk]

18 JOSEPH: ...I'm out of the picture on that.

19 CHAIR: Very good. Alright, so any of
20 those... [cross-talk]

21 CM GREENFIELD: We should... we should try...
22 [cross-talk]

23 CHAIR: ...yeah... [cross-talk]

24 CM GREENFIELD: ...that too Mr. Chair...
25 [cross-talk]

2 CHAIR: ...yeah... [cross-talk]

3 CM GREENFIELD: ...see if we can get away
4 with recusing ourselves when the library issues are
5 sent to be a little contentious of his buying...
6 [cross-talk]

7 CHAIR: ...we're not on... [cross-talk]

8 CM GREENFIELD: ...yeah... [cross-talk]

9 CHAIR: ...we don't have the good fortune
10 of being on the board... [cross-talk]

11 CM GREENFIELD: ...yeah, exactly.

12 CHAIR: ...but... okay and if, if such... you
13 know if such issues arise again from your board
14 service or in relationship to your business interest
15 you would seek guidance from the COI about how to...
16 [cross-talk]

17 JOSEPH: ...always email COI then get a
18 response pretty quickly.

19 CHAIR: Thank you very much...

20 JOSEPH: Thank you so much.

21 CHAIR: Council Member Chin.

22 CM CHIN: Thank you. I have a couple of
23 questions.

24 JOSEPH: Okay.
25

2 CM CHIN: One of them is you know
3 regarding city planning, right, there is a, a project
4 in my district that's going to be happening and city
5 planning... my question was that looking at zoning,
6 right, if something that was zoned in an area back
7 let's say in the 60's as an urban renewal area, I
8 mean the city planning really look at kind of
9 updating it and really see the changes that needs to
10 be done or... because right now it, it doesn't seem
11 like it's happening that way, it just seems like oh
12 the area is zoned for density so whatever the
13 developer proposed it's okay and is only... well we
14 were told it's only a minor modification but the
15 problem is that it's going to be like three projects
16 coming in at the same time and all these proposals
17 are like two, three times the buildings or two times
18 of... more than two times, almost three times taller
19 than the existing building that's there now and it's
20 also right near a flood zone so, so the whole thing
21 is the community and me, I mean we were like why, you
22 know why is city planning allowing this to happen, I
23 don't think it's gotten to the commission level yet
24 so we were pushing for a major modification because

2 minimum we thought that... I'm not sure if I should be
3 asking this question but... [cross-talk]

4 JOSEPH: No... well I'll, I'll, I'll... if
5 you don't... [cross-talk]

6 CHAIR: I just... can, can I just state for
7 the record because I think folks that are watching at
8 home may not be familiar with this, I believe you're
9 referring to the two bridges?

10 CM CHIN: Yes, the two... [cross-talk]

11 CHAIR: ...project... [cross-talk]

12 CM CHIN: ...bridges there, yeah... [cross-
13 talk]

14 CHAIR: Okay, I just want to clarify for
15 folks because... [cross-talk]

16 CM CHIN: ...thank you... [cross-talk]

17 CHAIR: ...obviously, you're familiar with
18 it and some folks may not, this is the two bridges
19 project which is based on an old urban action
20 development... [cross-talk]

21 CM CHIN: Yes... [cross-talk]

22 CHAIR: ...plan and, and you're concerned
23 about that and it's working its way currently through
24 the planning process.

25 CM CHIN: Thank you Chair... [cross-talk]

2 CHAIR: ...the changes, yes... [cross-talk]

3 CM CHIN: ...of land use.

4 CHAIR: Of course...

5 JOSEPH: So, I'll, I'll... did you want a
6 response... [cross-talk]

7 CM CHIN: Well, I mean... [cross-talk]

8 JOSEPH: ...yes... [cross-talk]

9 CM CHIN: I heard your answer earlier
10 that, you know zoning should be really about
11 improving people's quality of life and right now
12 what's happening there it seems to be totally
13 opposite.

14 JOSEPH: So, what I'll... what I'll respond
15 is that there, there is a distinction between the
16 Department of City Planning and the City Planning
17 Commission, at, at this stage I am not... I, I get
18 notified pretty much when the council gets notified
19 of a land use action and then at that time we start
20 to begin taking the input and the public process. Now
21 from the... from the agency side I think they would
22 have to speak to specifics about this, this action
23 certainly the City Planning Commission or... and I as a
24 Commissioner are very attentive to what the local
25 council member has to say during the, the hearing

2 process and, and if we had testimony from you, from
3 the community board it's always very helpful for us
4 to receive that as stating the specific objections or
5 modifications that they would like to see generally
6 we have a, a good... we have a good track record of, of
7 pushing for changes that, that, that are in line
8 with, with what is expected from, from the local
9 community board and, and, and council members
10 certainly the borough president. I've been... I'm very
11 obviously as the borough president appointee I'm very
12 in touch with the borough president's office and, and
13 I can say that many of the alter... modifications to
14 applications come through consultation with the BP's
15 office in close collaboration with land use and at
16 the end and the recommendations that, that we get we
17 take them very seriously. So, I can't speak
18 specifically to this project that's a DCP item... a
19 department item rather than a City Planning
20 Commission item but I can tell you that we always
21 look to the council members for guidance and what...
22 and when the time comes we will certainly hear what
23 you have to say on the matter.

24 CM CHIN: Well the... yeah, I mean that's,
25 that's great what... we wanted more input, its... because

2 if it had to go through a ULERP major modification
3 then it would had to go through a ULERP process which
4 means we definitely will have more of a say on what
5 can happen there and... but the department didn't agree
6 with us that three minor doesn't add up to a major
7 and we're still having to, you know organize the
8 community and, and push back because what's happen...
9 what's going to be happening there is really not good
10 for the area.

11 JOSEPH: So, to be respectful to the
12 Chairperson of City Planning, Commissioner Lago, I
13 will take that back to her and see, see if we can
14 further a dialogue between the agency and, and the...
15 and the council member on this.

16 CM CHIN: Yeah, definitely that... [cross-
17 talk]

18 JOSEPH: Sure... [cross-talk]

19 CM CHIN: ...that, that would be helpful.
20 The other question I have is that we also have this
21 whole issue about "as of rights" and that is the kind
22 of project that's happening especially in my
23 district, I represent Lower Manhattan so I have a lot
24 of, you know "as of rights" projects that's going up
25 and one thing that we were looking at and there's

2 already state legislation being proposed is this
3 whole being able to deal with impact in the community
4 like school for example, right, developers, you know
5 they market their building, they want to build and
6 they build as tall as they can and they market the
7 schools in our district and so overcrowding it's a
8 big issue down here but when they build "as of
9 rights" they don't even have to come in to consult
10 us... [cross-talk]

11 JOSEPH: Right... [cross-talk]

12 CM CHIN: ...right, they go... they file the
13 plan with city planning whatever they do, they don't
14 even have to talk to city council.

15 JOSEPH: So, on an "as of right" that
16 would even bypass the, the Department of City
17 Planning that would just go straight to the
18 Department of Buildings for an application for
19 pulling permits and, and construction. I, I certainly
20 I hear your concern, I certainly understand your
21 concerns and they're valid concerns but that would be
22 something that would have to change in the process
23 not necessarily in the... in the process... I think that
24 your only option would be to ask for a... to look... re-
25 look at your, your district for a... perhaps a, a

2 zoning modification if it warrants it and, and that
3 would... I don't know if... again you would have to take
4 that up with the agency, with, with, with the city
5 planning... Department of City Planning but there might
6 be some other options that you could look at with
7 them on how to deal with it but at this stage it
8 doesn't touch city planning or, or, or the
9 Department, Department of City Planning or the City
10 Planning Commission.

11 CM CHIN: So, the only thing you said I
12 would have to go in and do some kind of rezoning,
13 downzoning or whatever but this is Lower Manhattan so
14 I'm not sure the support is there from the
15 administration on that, I mean definitely was not in
16 the Bloomberg administration but the whole point
17 where you talked about like this Mayor is focusing on
18 affordable housing which is great, which is something
19 that... I supported MIH, CQA but there's got to be a
20 limit in terms of what, what's the impact on the
21 neighborhood, you know do we accept an 80 story tower
22 just to get 20 percent affordable housing or 25
23 percent affordable housing. So, that, that is... you
24 know issues that our community are grappling with
25 because down in the two bridges area we have one as a

2 right that providing 20 percent affordable housing
3 with an 80-story tower, they got 421A and that was
4 their only obligation and meanwhile there's three
5 other tall buildings coming in, in the neighborhood
6 that is really not... you know not supposed to meant
7 for this so that's something that we have to really
8 look into what is going to be all the negative
9 impact.

10 JOSEPH: I... again going back to my only
11 suggestion would be that you as the local Council
12 Member and working in tandem with the community board
13 could come up with a plan perhaps and, and see if you
14 can go through a, a land use application to, to, to
15 modify it to, to better suit what you and the
16 community board believe is, is, is suitable for your
17 district certainly.

18 CM CHIN: Yeah, I think going forward
19 that we have to work with city planning in terms of
20 really looking at even Soho in my district we're
21 looking at... you know there's a mix-use district how
22 do we keep that character because everyone who is
23 coming in now is asking for special... [cross-talk]

24 JOSEPH: ...right... [cross-talk]

2 CM CHIN: ...you know special... 74, 7-Eleven
3 I'm so used to that but we... so I think city planning,
4 you know with the commission also should take a look
5 at how to help, you know districts sort of like
6 update it's zoning to really meet the needs of today,
7 you know rather than what it was in the past.

8 CHAIR: And Council Member I'll just
9 remind that you know Mr. Douek is the Brooklyn
10 Borough President, you know nominee appointment to
11 the commission so obviously the Mayoral appointees to
12 the commission I think when they've come before this
13 committee, we've pushed them a little more on this
14 issue, you know what are you doing to help make that
15 body work more closely with council members earlier
16 in the process so... [cross-talk]

17 CM CHIN: Okay... [cross-talk]

18 CHAIR: ...obviously for borough president
19 appointees we tend to defer to the borough presidents
20 on how, you know their political point of view on, on
21 navigating policy issues so... [cross-talk]

22 CM CHIN: Well the Brooklyn borough...
23 [cross-talk]

24 CHAIR: ...and useful dialogue to be sure...
25 [cross-talk]

2 CM CHIN: ...the Brooklyn... [cross-talk]

3 CHAIR: ...but... [cross-talk]

4 CM CHIN: ...borough president is very
5 friendly to us, he comes to visit my district all the
6 time especially China Town.

7 JOSEPH: And I think he has a good
8 working relationship with the... with the Manhattan
9 Borough President so... [cross-talk]

10 CM CHIN: Yes, I think so...

11 JOSEPH: So, I think that collaboration
12 could bear a lot of fruit.

13 CM CHIN: Yeah, we're, we're thankful for
14 that. So, thank you very much for your answers...
15 [cross-talk]

16 JOSEPH: Thank you so much, thank you.

17 CM CHIN: Thanks Chair... [cross-talk]

18 CHAIR: Thanks Council Member, thanks Mr.
19 Douek for your service and for you time with us
20 today. We will close this hearing and if there are
21 further questions be in contact with you before we
22 reopen it for a vote next week.

23 JOSEPH: Thank you Chairman Lander and
24 thank you... [cross-talk]

25 CHAIR: Thank you very much... [cross-talk]

2 JOSEPH: ...council and committee members.

3 CHAIR: Alright, up third we have Robert
4 Nolan, resident of the Bronx who's being nominated
5 for re-designation and subsequent re-appointment by
6 the Mayor to the New York City Health and Hospitals
7 Corporation Board to serve the remainder of a five
8 year term that will expire March 20th, 2022 and the
9 Health and Hospitals Corporation Board consists of 16
10 members including five ex officio members, ten
11 appointees of the Mayor, five of whom are designated
12 by the council for consideration by the Mayor and
13 Chuck this is one of those, this is a council..

14 [cross-talk]

15 UNIDENTIFIED MALE: [off-mic] Council
16 recommendation... [cross-talk]

17 CHAIR: ...council recommendation to the
18 Mayor for a designation as the Bronx representative
19 on the Health and Hospitals Board of Directors, so
20 Mr. Nolan will you please raise your right hand to
21 swear or affirm.

22 CC GUZMAN: Do you swear or affirm that
23 the testimony you will give will be the truth, the
24 whole truth?

25 ROBERT: I do.

2 CHAIR: Thank you very much, please
3 proceed with your opening statement.

4 ROBERT: I first of all like to apologize
5 for not having a formal written opening statement for
6 you for... you will allow me to take, take about a
7 minute to explain why I'm here today... [cross-talk]

8 CHAIR: Absolutely... [cross-talk]

9 ROBERT: ...I'm speaking... [cross-talk]

10 CHAIR: ...just before you... [cross-talk]

11 ROBERT: ...speaking... [cross-talk]

12 CHAIR: ...do that I will point out for
13 members and for the public that you submitted an
14 extensive written question and answers to a set of
15 questions... [cross-talk]

16 ROBERT: ...yes... [cross-talk]

17 CHAIR: ...that the council sent you ahead
18 of time and that we have in our packet and so you did
19 meaningful preparation... [cross-talk]

20 ROBERT: ...yes... [cross-talk]

21 CHAIR: ...before the hearing and opening
22 statements whether they come orally or in writing is
23 totally the discretion of the... [cross-talk]

24 ROBERT: ...thank you very much... [cross-
25 talk]

2 CHAIR: ...of the nominee... [cross-talk]

3 ROBERT: ...Chairman Lander, Councilman
4 Greenfield, and Council Member Chin, members of the
5 Rules Committee. I am seeking a re-appointment to the
6 Health and Hospitals Board having served a previous
7 five-year appointment and having been appointed the
8 year before that to an interim spot. I had retired in
9 2008 for the Bronx Borough President's Office where I
10 served as Budget Director under Borough President's
11 Ferrer and Carrion where I sat in this room for many
12 years waiting for the city council to adopt the
13 budget to see just what was in there. So... and
14 sometimes at two or three in the morning and those
15 were just the ways that the, the council operated
16 during those periods of time but I enjoyed my career
17 in the borough president's office. When I did retire
18 I knew that that was not going to be the end of my
19 service, I went to Council Member Vacca who I had
20 known since he was a 17 year old kid when I was a 22
21 year old kid in the East Bronx running around to
22 various neighborhood community meetings trying to do
23 what we could and I, I saw an opportunity to serve on
24 one of the boards of the city and one day I got a
25 call from Council Member's Vacca and Palma suggesting

2 that I, I serve on this particular board because I
3 expressed an interest in Health and Hospitals and,
4 and they then recommended that to the full Bronx
5 Delegation and the delegation I knew very well
6 because as the borough president's budget director I
7 would be negotiating on his behalf capital projects
8 with the chiefs of staff, with the members and, and
9 that was approved so the full five year term was also
10 approved in 2012 so I'm before you now. I sit on the
11 Health and Hospitals Board as the Chairman of the
12 Equal Employment Opportunity Committee and what we do
13 is we try very, very hard to make sure that the
14 contractors who do work with the city meet their
15 responsibilities and in minority hiring meet the
16 responsibilities in the hiring of women and other
17 recognized minorities. We had a community meeting..
18 last night we, we had three companies in there and we
19 just try to nudge them along to get them to do what
20 we feel that they, they need to do. I also serve on
21 the Strategic Planning Committee of Health and
22 Hospitals, I serve on the Community Relations
23 Committee of Health and Hospitals and I attend as
24 many of the hearings that we held each year across
25 the city, in the Bronx I chair, the co-chair, the.. on

2 April 19th the Bronx hearing so that residents can
3 come and speak about any issue that they possibly
4 wanted to and they did come out, we had the largest
5 hearing in my six years on this board. I'm looking
6 forward to going to Staten Island on Wednesday and to
7 Coney Island Hospital the following Wednesday and
8 then going to the hearings in Elmhurst and Queens and
9 Harlem Hospital in Manhattan in, in, in June. So, I
10 take my responsibilities very seriously because I'm a
11 Nolan and Nolan's are dedicated to the Bronx and
12 dedicated to the service in the city of New York. I
13 enjoy service in the city and government if you
14 wanted me to tell... talk to you about Wall Street I
15 say see Council Member Greenfield or see Council
16 Member Lander because you know Wall Street is, is, is
17 a whole different world, it's not the world of
18 government that I've, I've always enjoyed working in
19 and I volunteer now as a... as a council for my local
20 neighborhood association not where I live but where I
21 grew up. I also am President of a Senior Center in
22 the Northeast Bronx, the second largest center in the
23 borough. I'm the County President of the Ancient
24 Order of Hibernians which is a Catholic men's group
25 and the best thing about that is we raise money and

2 we spend money, we get that money out into the
3 neighborhoods and the communities so local
4 organizations can benefit with, with those dollars. I
5 don't like money sitting in the treasury not too much
6 of it because I think it's important to raise money
7 and to spend money and to benefit the people of the
8 borough. With that... [cross-talk]

9 CHAIR: We have the... [cross-talk]

10 ROBERT: ...Mr. Chairman... [cross-talk]

11 CHAIR: ...same philosophy... [cross-talk]

12 ROBERT: ...I've always... [cross-talk]

13 CHAIR: ...in the city of New York.

14 ROBERT: Pardon?

15 CHAIR: We have the same philosophy in
16 the city of New York, we like to raise... [cross-talk]

17 ROBERT: Yes... [cross-talk]

18 CHAIR: ...the money and spend the money.

19 ROBERT: Right, you got to do it.

20 CHAIR: So... [cross-talk]

21 ROBERT: With, with holding a little for
22 savings of course.

23 CHAIR: Yes, some for the rainy day.

24 ROBERT: Thank you very much Mr. Chair.

2 CHAIR: Thank you Mr. Nolan, thanks for
3 your long service to the city and to the Bronx and to
4 Health and Hospitals and I think you do the... you do
5 the Bronx proud and thanks I know you're, you're
6 deference to Council Member Greenfield and I on Wall
7 Street issues is sincere although I'm not sure we're
8 the experts there really either. I guess I just want
9 to ask one question in relationship to the challenges
10 that Health and Hospitals is facing which are
11 obviously not a question of your fitness to, to serve
12 or something that we would expect necessarily one of
13 the board members to be able to solve at the same
14 time obviously Health and Hospitals well before this
15 president was already facing very significant
16 challenges financially and being the city's... you know
17 sort of both last resort and first response health
18 provider in a time of shifting healthcare
19 expenditures and is in a very challenging situation
20 financially and obviously we'll see what happens with
21 the federal budget but I think there's anxiety that
22 it could get even worse in this administration so I
23 just... you know if you could just speak a little bit
24 to how the board is involved in thinking about and

2 addressing those really critical and important
3 challenges?

4 ROBERT: As a corporation which is now
5 not a corporation since we're Health and Hospitals is
6 it's a more friendly term. We're in very serious
7 trouble as you know because I know in the Mayor's
8 budget last year he came to the city council and
9 recommended that 1.8 billion dollars be allocated
10 over several years to help us meet our payrolls and
11 other expenses and the city council was supportive of
12 that recommendation and did approve that in the
13 adopted budget in June and that money is in the
14 budget again this year. Our former president, Dr.
15 Raju has estimated that we have a six billion dollar
16 deficit in the year 2020 and those are just numbers
17 that nobody ever anticipated would ever... we'd ever be
18 faced with. We recognize that most of those problems
19 come from Washington and because of the new President
20 that has been elected we realize that we have a very
21 serious problem, a very, very serious problem gaining
22 the additional federal money that we would need. We
23 recognize that there are changes that are needed to
24 the affordable care act, changes that might benefit
25 our, our corporation and the, the, the unemployed and

2 the low-income people who primarily go to the city
3 hospitals. It's essential that the city hospitals
4 remain open, city hospitals have been open for more
5 than 100 years and, and that history you're providing
6 service to those who can't go anyplace else for
7 healthcare is essential in our city. The affordable
8 care act has made it more difficult for us and much
9 more challenging in that those people who are covered
10 under the affordable care act can take their money
11 and go anywhere. In the Bronx, they can go to
12 Montefiore which is New York Yankee's equivalent of,
13 of hospital care in the Bronx and not go to Jacobi or
14 North Central Bronx or Lincoln because they can... they
15 can go there because they have that care. So, we have
16 to compete and we've never had to really compete like
17 that before and that's, that's really good to a
18 certain degree but we are losing some of the people
19 who normally would come to our citywide hospitals
20 going to other hospitals whether it's Monte or
21 whether it's Saint Barnabus or Bronx Lebanon and
22 that's a challenge that the Health and Hospitals
23 employees need to be able to make and they're doing
24 that every day. We also have to look at our own set
25 up and make sure that the staffing within Health and

2 Hospitals is adequate staffing to provide the job and
3 we also have to look for areas of health and
4 hospitals where we're overstaffed. There were layoffs
5 that were announced earlier this year, the Mayor has
6 first of all said that there will be no hospital
7 closings, he has also said that there will be no
8 reduction or, or elimination of union jobs at
9 anyplace in the city system and that's left the
10 managerial area to be targeted and Health and
11 Hospitals working with the 11 Acute Care Hospitals
12 has targeted a certain population within those
13 hospitals that they felt leaving it to the executive
14 director to make those selections and approximately
15 70 people did lose their jobs earlier this year and
16 there's going to be a second round of cuts which was
17 reported last week. Again, it's in the hands of the
18 executive staff at the various hospitals to meet
19 their goals. It's essential and what the goals are
20 and it came up at the meeting last Thursday again
21 people who are providing services, services that are
22 duplicative so... and of course I look at this and say
23 why would you have two people at one hospital doing
24 the same thing, certainly that was never the case in
25 the borough president's office or for the city's

2 office in economic development where I worked under
3 two Mayors before coming to the borough president's
4 office, you had the staff you had and you did
5 multiple things like your own staff on the city
6 council, nobody does one thing, everybody does
7 multiple things. So, there are going to be a second
8 round of, of layoffs that are going to occur with the
9 group 11 employees who are managerial level but
10 primarily targeting if not entirely targeting those
11 people who are really performing services that are
12 also being performed over here. So, we're looking at
13 our own shop, the acting Chair Stan Brezenoff and the
14 acting President Gordon has also talked about the
15 importance of us making our own internal cuts without
16 affecting the sites or services that we're providing
17 for the people of the city of New York.

18 CHAIR: Thank you very much and that was
19 a very thorough answer, sobering to be... to be sure
20 given the challenges but reflective of a good strong
21 commitment to working with your colleagues to help
22 address those really challenging issues which the
23 council I think also shares and appreciates the board
24 and the Health and Hospitals work to do everything we
25 can to confront them in a thoughtful way. So, thank

2 you very much our... you know I'll... you're the... our
3 Director of Investigation did a thorough review and
4 found no conflicts or things that would merit further
5 questions about, about those issues that I've asked a
6 couple of the, the prior nominees so we'll thank you
7 for your time here today and thank you for your
8 service... [cross-talk]

9 ROBERT: Thank you very much Council
10 Member, I must say my wife Susan is a Brooklyn girl
11 not native of your district but she's a Gravesend
12 girl who I imported to the Bronx 41 years ago, I had
13 to get a special visa, she didn't want to leave
14 Brooklyn, she cried the night before our wedding, I
15 don't want to leave Brooklyn, I want you to know that
16 there are no residents in the city of New York who
17 love their boroughs more than Brooklynites and we go
18 down there quite often because Susan wants to make
19 sure that her, her house on Lake Street off Avenue U
20 is still there and that people... and her church is
21 still there but, but I mention that only because our
22 son also was born Brooklyn... [cross-talk]

23 CHAIR: Very good... [cross-talk]

24

25

2 ROBERT: ...because Susan had to see
3 Brooklyn on the birth certificate so I... you know we
4 Bronxites are... [cross-talk]

5 CHAIR: Well... [cross-talk]

6 ROBERT: ...and Brooklynites have, have a
7 lot in common... [cross-talk]

8 CHAIR: ...hear, hear and I... [cross-talk]

9 ROBERT: ...and so it keeps us going...
10 [cross-talk]

11 CHAIR: ...will say we do indeed have a lot
12 of borough pride in Brooklyn to be sure but I will
13 say one of the areas where I think we acknowledge the
14 great work being done in the Bronx is actually around
15 healthcare and that... I mean Montefiore network and
16 some of what Health and Hospitals has done is that
17 given, you know the challenges of having a high, low
18 income population at the Bronx is actually... you know
19 whatever working hard to rise to the challenge of
20 providing good healthcare to all it's residents so
21 we'll, we'll tip our... [cross-talk]

22 ROBERT: Thank you very much... [cross-
23 talk]

24 CHAIR: ...hats to you... [cross-talk]

25 ROBERT: ...Mr. Chair... [cross-talk]

2 CHAIR: ...in, in that regard for sure.

3 Thank you very much we'll close the hearing on Mr.
4 Nolan and move to our fourth and final candidate with
5 appreciation for his patience. So, as our final
6 nominee for the day I'm pleased to welcome up..
7 welcome up Mr. Carlo Silvestri, a resident of Queens
8 for appointment by the Mayor to the New York City Tax
9 Commission. Should Mr. Silvestri receive the advice
10 and consent of council he will replace Richard
11 Stabile and serve the remainder of a six year term
12 that expires on January 6th, 2022; 2022 is a very
13 popular year for terms expiring today and I confess
14 even though I've got some written materials on it
15 describing the work of the tax commission is not
16 actually that simple to do and we really do have a
17 genuine expert here in the work of the New York City
18 Tax Commission so I'm going to turn it over to you
19 for... to be sworn in and then give your opening,
20 opening statement.

21 CC GUZMAN: Welcome, would you please
22 raise your right hand to be sworn in? Do you swear or
23 affirm to tell the truth sir?

24 CARLO: Yes, I do.
25

2 CHAIR: Thanks very much, you can proceed
3 with your opening statement.

4 CARLO: Good morning Chair Lander and
5 members of the New York City Rules Committee. My name
6 is Carlo Silvestri and I'm pleased to be here today..
7 can you hear me?

8 CHAIR: Yes.

9 CARLO: Okay.. pleased to be here today to
10 have the opportunity to discuss with you the position
11 of Commissioner for the New York City Tax Commission.
12 I look forward to answering any questions you may
13 have. As a lifelong New Yorker with 34 years in
14 public service I have dedicated my career to
15 effective, fair, and efficient property tax
16 assessments and appeals. I began my career working
17 for a Brooklyn based bank as a staff appraiser in the
18 1970's where I spent seven years conducting
19 appraisals throughout the tristate area. This
20 foundational position gave me a knowledge of and
21 appreciation for reviewing and resolving appraisal
22 issues. I started my career in public service with
23 the New York City Department of Finance in 1982 where
24 I worked for seven years as a city assessor assigned
25 to various districts in the borough of Queens. I

2 joined the New York City Tax Commission in 1990 and
3 have been fortunate enough to have a successful 26-
4 year tenure with the commission... with the commission.

5 I am very proud of my contribution to the tax
6 commission's operation and success in processing over
7 50,000 appeals yearly. I served for 11 years as the
8 Tax Commission's Director of Appraisal and Hearings
9 Unit and have served during the past three years as a
10 part time consultant. I have also worked with other
11 city agencies during my time at the tax commission.

12 Most frequently with the Department of Finance to
13 discuss finance assessment policies and procedures in
14 relation to the tax commission practices. I also
15 worked with the New York City Law Department in
16 Condemnation Division to act jointly on various
17 cases. I have been a part of the tax commission's
18 efforts over the years to reach out to property
19 owners to help them understand the appeal process and
20 make the hearing experience informative for them.

21 During my years of service, I have personally
22 conducted tens of thousands of tax commission
23 hearings on all types of properties. I believe my
24 experience and my continued desire to help property
25 owners better understand the city's assessment and

2 review process well qualifies me for the
3 responsibilities of commissioner. In addition to my
4 experience providing property owners and independent
5 former forum for appeal I have dedicated my
6 professional career to carrying out the mission of
7 the tax commission. I believe that appropriate action
8 by the tax commission for most public confidence in
9 government and the tax system. Finally, I have a deep
10 commitment to the borough of Queens that carries into
11 my work, I have been a lifelong resident of Queens
12 residing in Middle Village, Kew Gardens and for the
13 last 38 years in Bayside. I would like to use my
14 years of experience and my understanding of property
15 tax assessments and tax commission appeal process to
16 continue serving my fellow New Yorkers. Thank you for
17 considering my nomination, I'll be happy to answer
18 any questions you may have.

19 CHAIR: Thank you very much Mr. Silvestri
20 I was joking with one of my colleagues earlier today
21 that you, you may be the most qualified or even
22 overqualified nominee for a particular appointment
23 that I've heard in my time as Chair of the Rules
24 Committee there was... we did have one sound engineer
25 for the New York City Sound Board so he might give

2 you a run but he did not actually have the length of
3 service in exactly the thing that we're looking for
4 and so I, I want to say thank you actually, you know
5 you for most of the years that you did the work on
6 the tax commission we... you know we, we paid you... the
7 city paid you a salary or a consultant and while
8 there's a stipend that goes along with this board
9 it's, it's... whatever you're showing a, a public
10 mindedness of public service that I think is, is
11 admirable and... [cross-talk]

12 CARLO: Always... [cross-talk]

13 CHAIR: ...it's a very technical
14 responsibility so... [cross-talk]

15 CARLO: ...yeah... [cross-talk]

16 CHAIR: ...having people that know it well
17 is, is great and I want to say thank you for it. I'll
18 just ask you a question or two. You've seen many more
19 people than I have who feel that their tax assessment
20 is unfair but I've seen enough in my time as a
21 council member and you know I think the reasons
22 people feel that their, their taxes are unfair often
23 I would say even generally don't really relate to the
24 kinds of criteria that the, the tax commission can

2 actually look at they feel it's gone up too quickly
3 because... [cross-talk]

4 CARLO: ...yes... [cross-talk]

5 CHAIR: ...of a set of things that are
6 based in the formula or one class of property is
7 taxed differently, it's not fair that that one is
8 taxed this way so I, I just wonder how you have
9 approached that, you know people deserve the right to
10 appeal based on the appeals criteria but... and, and
11 many cases the reasons they feel they deserve some
12 consideration aren't really related to those rules
13 so, you know what's been your approach to addressing
14 that challenge?

15 CARLO: Well it's simply to inform them
16 of the actual... you know requirements that the tax
17 commission faces. We treat everybody equally, we give
18 them an understanding of what the process is all
19 about, what the tax commission is eligible to do in
20 relations to a, a reduction to their property. So,
21 we... once they understand the process once they... once
22 they understand the system I think they, they
23 appreciate the... an explanation and, and basically,
24 they go... they, they understand what, what happens

2 with, with... during the hearing. Information is
3 important and that, that's really satisfying to them.

4 CHAIR: Sure and just because there may
5 be people watching on channel 74 when, when this
6 hearing airs who are now going to be like well what
7 are the reasons why I might be able to get my
8 property tax reduced, could you just give a, a very...
9 you know a brief summary of the... because I've given
10 an articulation of the kinds of things that you're
11 not going to get consideration for, if you could just
12 give a few examples of the kinds... [cross-talk]

13 CARLO: Well most of the people that we
14 see coming into the tax commission that represent
15 themselves are class one property owners; one, two,
16 or three family homes. The, the main objective to the
17 review is based on finding the true market value of
18 that particular property, once we know the market
19 value of the property we'll take a look at the
20 assessment, compare it to market value and that's
21 where we understand whether it's below the standard
22 or it's above it's, it's calculated maximum. Once the
23 market value is... the assessments applied to the
24 market value we can reduce it by a six percent ratio
25 which is what governs a class one property. It... the

2 process is fairly simple but we do need information
3 from the property owner when they're presenting their
4 case to help substantiate what their claim is. After
5 we receive that information we gather up additional
6 data and that's where we make a determination about
7 the proper market value.

8 CHAIR: And people can hire attorneys or
9 consultants who specialize in this kind of work but
10 they don't need to if they come pro say the
11 commission helps them get the paperwork that they
12 need to make such an appeal?

13 CARLO: Many, many people avail
14 themselves of the information sessions that we
15 conduct early in, in... well approximately the middle
16 of January. If they attend our information sessions
17 they, they receive a great deal of information.
18 Generally, they'll, they'll understand the, the
19 process better and many of them decide at that time
20 to represent themselves but certainly we advise them
21 that they should do what they... whatever they think is
22 comfortable for them. it's, it's entirely possible
23 for a regular property owner to present their own
24 case at a hearing.

2 CHAIR: Great, thank you. And then my
3 last question and you and I talked a little about
4 this on the... on the phone and it isn't really within
5 the specific confines of the... of the tax commission
6 but you know many people will have seen that there
7 was a lawsuit brought last week challenging the...
8 challenging the, the fairness essentially of the four
9 tax classes that we have... [cross-talk]

10 CARLO: Uh-huh... [cross-talk]

11 CHAIR: ...that's mostly actually state law
12 so not only is it not up to the tax commission to
13 grant someone relief based on it, it's not up to the
14 city council or the Mayor... [cross-talk]

15 CARLO: ...right... [cross-talk]

16 CHAIR: ...to change it, it would for the
17 most part require a change in Albany nonetheless you
18 must have gained a lot of experience in sort of
19 looking at these issues and I just wonder if there
20 are any reflections from your service that you have
21 in terms of... [cross-talk]

22 CARLO: Well... [cross-talk]

23 CHAIR: ...thinking about how we might
24 approach these questions of... [cross-talk]

25 CARLO: ...uh-huh... [cross-talk]

2 CHAIR: ...property tax reform in a fair
3 way for the... [cross-talk]

4 CARLO: ...well I'm not a... [cross-talk]

5 CHAIR: ...city... [cross-talk]

6 CARLO: ...stranger to that... to that type
7 of an argument at a... at a hearing but we also... we
8 always need to redirect the property owner to the... to
9 the core function of the tax commission and how we
10 apply the law equally to everyone else. So, once they
11 understand that it, it, it makes a big difference and
12 they can accept it to a degree, they may not always
13 appreciate the, the circumstance but at least when
14 they understand what we are... what we can do and what
15 we can't do it, it gives them a great deal of
16 satisfaction.

17 CHAIR: Alright, well I'm glad you have
18 found that, I have to say for myself when people have
19 complained to me about the unfairness of the... of the
20 tax code and I have tried to say Albany would have to
21 address those issues that... I can't say that many
22 people have found that as satisfying answer... [cross-
23 talk]

24 CARLO: Well we do our best in every
25 instance to, to find whatever reasonable data that we

2 can to, to reduce an assessment where, wherever is
3 possible.

4 CHAIR: Well thank you again for coming
5 here today and thanks especially for all your, your
6 years of service and your willingness to continue to
7 bring your expertise to help the city, we appreciate
8 it. Okay, with that I will close the, the hearing on
9 your appointment and the committee will stand in
10 recess until May 10th when we will resume to consider
11 and vote on these four nominations. Thank you very
12 much.

13 CARLO: Thank you.

14 CHAIR: Sure, when we recess I don't
15 always bang the gavel but...

16 [gavel]

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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

March 30, 2017