

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 9, 2018
Start: 11:32 a.m.
Recess: 12:14 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Karen Koslowitz
Chairperson

COUNCIL MEMBERS: Corey D. Johnson
Adrienne E. Adams
Margaret S. Chin
Robert E. Cornegy, Jr.
Rafael L. Espinal, Jr.
Vanessa L. Gibson
Rory Lancman
Steven Matteo
Mary Treyger

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

2 RAFAEL PEREZ: Testing one-two, testing
3 one-two. This is a test for the Committee on Rules,
4 Privileges and Elections. Today's date is May 9,
5 2018. This is test is being performed by Rafael
6 Perez.

7 [gavel] Call the meeting of the Rules,
8 Privileges and Elections to order. Good morning, and
9 welcome to the Committee on Rules, Privileges and
10 Elections. My name is Karen Koslowitz and I am Chair
11 of the Committee on Rules, Privileges and Elections.
12 Before we begin, I would like to introduce the
13 members of this Rules Committee Present. We have
14 Minority Leader Steven Matteo, Council Member
15 Adrienne Adams. Council Member Margaret Chin, Council
16 Member Robert Cornegy, Council Member Vanessa Gibson,
17 Council Member Rory Lancman, Council Member Ritchie
18 Torres and Council Member Mark Treyger is not here
19 either. And of course, our wonderful Speaker Corey
20 Johnson. I would also like to acknowledge Rules
21 Committee Council Elizabeth Guzman. I would also like
22 to acknowledge the staff members from the Councils
23 Investigative Unit, Chuck Davis, Director of
24 Investigations and Andre Johnson-Brown. First, we
25 will consider and vote on the appointments of Mr.

2 Cappelli, of the New York City Planning Commission.

3 And on the reappointment of Mr. Alfred C. Cerullo,

4 III, to the Planning Commission. We will conclude

5 with a vote on a resolution to ratify Council action

6 as a body in the filing of Council versus Carter,

7 filed April 17th, 2018. A case against the New York

8 City Law Department Corporation Counsel filed under

9 the authority invested in this Speaker. I would now

10 like to call on Speaker Johnson to say a statement.

11 SPEAKER JOHNSON: Thank you. Thank you,

12 Chair Koslowitz. I want to welcome our two fantastic

13 candidates, Mr. Allen Cappelli who currently serves

14 on the New York City Civil Service Commission and now

15 has been nominated to serve on the New York City

16 Planning Commission. And Mr. Alfred C. Cerullo, III,

17 Fred Cerullo, as I call him. Who has been nominated

18 for reappointment to the City Planning Commission. I

19 wholeheartedly support these appointments. Both men

20 have served New York City with honor, and dedication,

21 and distinction. And are well qualified to serve on

22 the Planning Commission and I urge my colleagues

23 support these outstanding candidates and vote in

24 favor. Both of these men are personal friends, and

25 that's not why they're being nominated today it's

2 just the very lucky coincidence and I am so grateful
3 for their friendship. I am grateful for their, and I
4 don't say this to make them feel old, decades of
5 service to New York City. And it's Staten Island Day
6 here at the City Council because both men are from
7 Richmond County. And both men, I really believe, are
8 total mensch's and we are tremendously lucky that
9 they have put themselves forward, Fred, and
10 continuing to serve as he has for many years in the
11 City Planning Commission. And, Allen, being nominated
12 by the Mayor to serve as one of the mayoral
13 appointees. So, I am really, really grateful and it's
14 not often you get to sit in front of two well
15 qualified nominees who are personal friends of yours.
16 And they are people that I really admire, of their
17 service in government and everything they've
18 accomplished over the years. And they are people that
19 have been incredibly kind and generous, and gracious
20 to me. So I would ask all of us on the Rules
21 Committee today to very forcefully and gratefully,
22 vote in favor of their nominations. In addition to
23 these two appointments, the Rules Committee will
24 consider a resolution asking the Council, as a body,
25 to ratify the filing of a lawsuit against the New

2 York City Law Department headed by Corporation
3 Counsel Mr. Zachary Carter. The City Council, under
4 my authorization and alongside Council Members Laurie
5 Cumbo, Alicka Ampry-Samuel, and Ritchie Torres, seeks
6 to preserve the power of Council Members to function
7 as lawmakers. To act in their legislative capacities
8 and to represent the interests of their constituents.
9 The Corporation Counsel who serves at their pleasure
10 of the Mayor, has taken the position that Council
11 Members to not have the right to file amicus briefs
12 in their capacity as elected officials. In support of
13 claimants who disagree with the policies and
14 practices of his boss, the Mayor, and the Mayor's
15 Administration. I, along with my fellow legislators
16 and colleagues, vehemently disagree with the
17 Corporation Counsel's contention which seeks to usurp
18 our powers as legislators and as representatives of
19 our constituents. The principle of separation of
20 powers in which the Executive and Legislative
21 branches of government cannot infringe on the core
22 functions of the other is well established, is a
23 founding principle of our nation. And we believe is
24 enshrined in the New York City Charter. The stance
25 taken by the Corporation Counsel subverts our system

2 of government and we believe it cannot stand. The
3 case we have filed seeks to protect the independence
4 of Council Members, our City's legislators, to speak
5 in the public square and in our courts without
6 restraint, for the people who have elected us to
7 serve them and speak on their behalf. We will not be
8 silenced by mayoral appointees. And we will fight for
9 our legislative independence and our first amendment
10 rights. This, again, is to allow Council Members in
11 their legislative capacity to file amicus briefs on
12 issues that we believe pertain to their functions and
13 duties as elected representatives. And so I ask all
14 members of this Rules Committee, and I'll ask it to
15 the full body of the City Council later today, to
16 please vote in favor of this as well. To support our
17 colleagues in this body and it could be us in the
18 future who seek to file an amicus brief on something
19 that pertains to our legislative oversight, or local
20 work that we do in our districts. And with that, I
21 turn it back to the chair. And again I just, I have
22 total glee seeing Fred and Allen sit in front of me.
23 They are two of the best guys in New York City. Thank
24 you, Chair Koslowitz.

2 CHAIRPERSON KOSLOWITZ: Before I present
3 the candidates and provide information about the
4 Planning Commission, I would like to emphasize the
5 comments made by Speaker Corey Johnson, and I'm going
6 to be repetitive a little bit because I'm going to
7 say almost the same thing. The resolution we will
8 vote on towards the end of this hearing ratifying the
9 filing of the lawsuit against New York City Law
10 Department Corporation Counsel is crucial to the work
11 of the Council and all Council Members. We were
12 elected to speak on behalf of our constituents and,
13 therefore, insist on our absolute right to speak
14 freely in the public square and in any state of
15 federal court. We should not be silenced by the Mayor
16 or any mayoral appointee. It is also essential to
17 insist on maintain our rights as legislators under
18 separation of powers principles. I firmly believe
19 that. And with that, I'm going to call on our
20 Minority Leader, Steve Matteo to say a few words.

21 COUNCIL MEMBER MATTEO: Thank you, Chair
22 Koslowitz. And yes, Speaker Johnson, welcome to
23 Staten Island Day. It's always great to have former
24 Minority Leader Frank Cerullo back in chambers,
25 former Council Member and welcome, Allen Cappelli.

2 Fred has been the Mayoral Appointee on City Planning
3 for a number of years now and has done a tremendous
4 job representing Staten Island and the City in all
5 City Planning and Land Use matters. And Fred makes
6 his decisions based on thoughtfulness, intelligence
7 and has taken his role in the City Planning
8 Commission extremely seriously and borough President,
9 James Oddo's pick, he couldn't have a better pick
10 than my good friend, Fred Cerullo. When it comes to
11 issues that affect Staten Island, Fred is always
12 communicating. Fred is always looking for the right
13 answers, looking to make sure that Staten Island's
14 interests are always forefront, and the issues of the
15 rest of the City as well. So, Fred, it's my honor to
16 welcome you back. Welcome you back to City Hall
17 Chambers, the Minority Leaders Office, your home,
18 your former seat over there. So, looking forward to
19 appointing you. Allen, another Staten Island
20 resident. We've worked together very well since I was
21 a staffer, as elected official. You certainly bring a
22 unique experience, especially in your role on the MTA
23 Board. I know you're going to do a great job for
24 Staten Island, for New York City, and I look forward

2 to your appointment. And I ask my colleagues to
3 strongly vote in favor of these two fine gentleman.

4 CHAIRPERSON KOSLOWITZ: Thank you. I'm
5 going to call on my Counsel to read about the City
6 Planning Commission.

7 COMMITTEE COUNSEL: Pursuant to the New
8 York City Charter, the City Planning Commission
9 consists of 13 Members. Seven appointments, which
10 includes the appointment of the Chair, are made by
11 the Mayor. One appointment is made by the public
12 advocate, and one by each of the borough presidents.
13 All members, except the Chair, are subject to the
14 advice and consent of the Council. According to the
15 charter, the members should be chosen for the
16 independence, integrity and civic commitment.
17 Planning Commission Members serve for staggered five
18 year terms, except for the Chair. Who, as director of
19 the Department of City Planning, serves at the
20 pleasure of the Mayor. Planning Commission Members
21 outside of the Chair are not considered regular City
22 employees and there is no limit on the number of
23 terms Members may serve. However, Planning Commission
24 Members are prohibited from holding any other City
25 office while serving on the Planning Commission. The

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2 Chair receives an annual salary of \$214,413.00. The

3 Vice Chair receives an annual salary of \$65,121.00.

4 And Members receive an annual salary of \$54,150.00.

5 Planning Commission Members have several

6 responsibilities. Some of these duties include

7 engaging in planning that is focused on this City's

8 orderly growth, improvement and future development.

9 Assisting the Mayor and other officials in developing

10 a 10 year Capital Strategy, the four year Capital

11 Program as well as the annual Statement of Needs.

12 Overseeing and coordinating environmental reviews

13 under the City Environmental Quality Review.

14 Preparing and filing a zoning and planning report

15 with the Mayor, the Council, the public advocate, the

16 borough presidents, and all of the community boards.

17 Approving, reviewing or denying any City proposal

18 involving requests to make acquisitions for office

19 space and requests for existing buildings for office

20 use. The Planning Commission also establishes various

21 rules which we will not get into right now, but we

22 can put them in the record later. I turn back to the

23 Chair.

24 CHAIRPERSON KOSLOWITZ: Thank you.

25 Welcome, Mr. Cappelli. I just met you today, but I

2 know you're going to do a great job. I have heard
3 about you, so I wish you all the best. If he says
4 you're fantastic, you are absolutely fantastic.

5 COMMITTEE COUNSEL: Welcome, Mr. Cappelli,
6 would you please raise your right hand to be sworn
7 in. Do you swear affirm to tell the truth, the whole
8 truth and nothing but the truth in the testimony you
9 are about to give?

10 ALLEN CAPPELLI: I do.

11 COMMITTEE COUNSEL: Thank you. Do you wish
12 to make an opening statement?

13 ALLEN CAPPELLI: Yes.

14 COMMITTEE COUNSEL: Please proceed.

15 ALLEN CAPPELLI: Okay. Thank you. Good
16 morning. My name is Allen Cappelli. Let me begin by
17 thanking Mayor de Blasio for submitting my name to
18 the City Council for your review. And to Speaker
19 Corey Johnson for his eloquence and his support, and
20 his friendship. Chairwoman Karen Koslowitz, and the
21 Members of the Rules, Elections and Privileges
22 Committee for the opportunity to be considered for a
23 position on the City Planning Commission of the City
24 of New York. I understand that it is a significant
25 position affecting the footprint of the City in all

2 of our five boroughs. Let me also specifically
3 acknowledge my Council Member and friend, Debbie
4 Rose, and Minority Leader Steve Matteo. A member of
5 this Committee. Both who serve this City and their
6 communities exceptionally. Thank you for your
7 service. I am a native New Yorker and have been in
8 public service for almost 40 years. 40 years, Corey.
9 Starting my service as the Land Use Chairman for
10 Community Board 1, Staten Island, back with Debbie in
11 the good old days. During my six year tenure I worked
12 with local residents, community based organizations
13 and elected officials with a goal of having as much
14 information available, and communicating it so that
15 neighborhoods could have their voices heard. I began
16 my career in government working in the Manhattan
17 borough president's office. I worked throughout
18 Governor Mario Cuomo's 12 year tenure in several
19 positions. I was appointment the Chairman of the
20 Unemployment Insurance Appeal Board at the end of his
21 administration. I served on that board until I joined
22 the staff of former Bronx Borough President Fernando
23 Ferrer whom I served with for four years as one of
24 his chief assistants until he left office in 2002.
25 More recently, I spent eight years as a board member

2 of the Metropolitan Transit Authority and have now
3 served almost two years as a member of the New York
4 City Civil Service Commission for which I received
5 the approval of this body and the full Council two
6 years. I went into the private practice of law where
7 I have spent the past 16 years doing primarily
8 criminal defense work with a significant part of my
9 practice devoted to indigent defendants. The
10 consistent thread between all of my endeavors has
11 been a commitment to social justice and reform, and a
12 desire to make government work for all of its
13 residents of our City and our state. My tenure in
14 government has always been defined by my independent
15 spirit, obliged to seek ways for the government to
16 work in a transparent way for all New Yorkers so that
17 everybody can share in the opportunities available.
18 Particularly in education, housing, transportation
19 and unemployment. If the City Council approves my
20 appointment, I pledge to do everything I can to fully
21 understand the issues and to take into serious
22 consideration, the opinions and concerns of those
23 directly affected by applications and proposals
24 balanced against the benefits offered as a

2 justification for approval. Again, I thank you for
3 your consideration and I welcome your questions.

4 CHAIRPERSON KOSLOWITZ: Thank you. And the
5 best of luck to you.

6 ALLEN CAPPELLI: Thank you.

7 CHAIRPERSON KOSLOWITZ: Out next
8 candidate, Fred Cerullo. I met Fred in 1991. He was
9 the sole Republican on the New York City Council. We
10 were 35 members and he was the Republican Candidate.
11 The 34 others were Democrats, however, however, he
12 became my friend very quickly. He was my mentor, he
13 sat with me on all of the Committees, because he was
14 on all of the Committees. He had all of the
15 Committees that he served on, and he really helped me
16 through the process. So, Fred, I am forever thankful,
17 and I wish you the best of luck.

18 ALFRED CERULLO: Thank you.

19 CHAIRPERSON KOSLOWITZ: Debbie Rose wants
20 to say...

21 COUNCIL MEMBER ROSE: Thank you, Madam
22 Chair.

23 COMMITTEE COUNSEL: Do you swear affirm to
24 tell the truth, the whole truth and nothing but the
25 truth in the testimony you're about to give?

2 ALFRED CERULLO: I do.

3 COMMITTEE COUNSEL: Thank you. And do you
4 wish to make an opening statement?

5 ALFRED CERULLO: Yes. A brief one please.

6 COMMITTEE COUNSEL: Please proceed. Thank
7 you.

8 ALFRED CERULLO: Thank you. Thank you,
9 Speaker Johnson, Chair Koslowitz. And Minority Leader
10 Matteo, the Members of the Committee and all of the
11 Council Members who are here, who are not on this
12 Committee, and a particular mention of my Council
13 Member at home, Debbie Rose. It is a real honor for
14 me to be here and to appear before you as part of my
15 nomination for reappointment to the City Planning
16 Commission. I have spent at least a part of my career
17 over the past three decades working in and around
18 this very building. Where the business of our
19 government gets done, and I've worked with our City's
20 last five mayors and five speakers in their
21 administrations. Knowing the incredible work that
22 they are responsible for each day in the lives of New
23 Yorkers and the impacts that work has on our City,
24 and our region, and beyond. I am certainly honored by
25 the nomination to this panel by borough President

2 James Oddo and his confidence in me to continue to
3 serve our City. I am also honored, and especially
4 proud to sit before this Committee, one I sat on
5 myself during my tenure as Minority Leader, and to
6 come before you as you consider my nomination in this
7 confirmation process. I have immense respect for this
8 process and the work of this Council. And I hope that
9 you will find it valuable to enable me to return to
10 the Commission, and to use my experiences as both the
11 former elected and appointed official. And as a
12 lifelong New Yorker, and in this particular process
13 as a Staten Islander in deliberating the important
14 land use matters that will come before us. So, I
15 thank you again, and I am happy to address any
16 questions that you may have.

17 CHAIRPERSON KOSLOWITZ: Thank you. I now
18 will call on Council Member Rose.

19 COUNCIL MEMBER ROSE: Thank you, Madam
20 Chair. And to my Speaker, this morning, it is indeed
21 Staten Island Day in the chambers. And I am honored
22 to be able to sit here and to extol the virtues of my
23 homies from shaolin (sic). And I am here to encourage
24 my colleagues today to cast their vote for two Staten
25 Islanders who have long standing records of service

2 to our City. Allen Cappelli, and I have to preface my
3 remarks with, both of them are my very dear friends.
4 And Allen referred to, I think, 40 years. I was going
5 to say that I knew them more than 20, but I actually
6 think Allen is closer to the mark. And so, my friend,
7 Allen Cappelli has served with distinction on the
8 Civil Service Commission, the MTA Board and the
9 Unemployment Appeals Board. And he has worked with
10 numerous labor unions and has held managerial
11 positions as well. And his work with the MTA, for
12 Staten Islanders has been above and beyond what any
13 of our expectations were. Especially since we don't
14 have a subway system, and when people think MTA they
15 thing subways, but we have transit deserts and bus
16 service. And Allen Cappelli made sure that we were
17 not left out of the equation at any time. And he has
18 also distinguished himself legally. I don't know if
19 anyone knows that he is an attorney and he has done
20 yeoman work in the field of working with clients who
21 are indigent, who are usually under represented and
22 often are voiceless in our court system. My friend,
23 Fred Cerullo, I love him. We are currently working on
24 a project, N3360 (sic) which is a program that
25 enhances our business district in the North Shore,

2 and he also has a distinguished record as the
3 President and CEO of the Grand Central Partnership.
4 He has served on the New York City Council and he has
5 been the Commissioner of Consumer Affairs,
6 Commissioner of Finance. As well as a member of the
7 New York City Campaign Finance Board. He is our
8 cultural maven on Staten Island. There is not a
9 cultural institution on Staten Island, a CIG that
10 doesn't want Fred Cerullo to not only have his name
11 on the masthead, but to be the chair of the board
12 because it means that that institution will be
13 successful. And so my friends are more than qualified
14 to serve the City on the City Planning Commission. I
15 have known, and worked, and admired these men for
16 many years. And both have the skill sets and proven
17 record of commitment that uniquely qualify them to
18 serve on the City Planning Commission with integrity.
19 They have always been an important part of the fabric
20 of Staten Island. So, I urge my colleagues today to
21 cast their votes in the affirmative for my friends.
22 Thank you.

23 CHAIRPERSON KOSLOWITZ: Thank you. And
24 with that we will now vote on the nominations of Mr.

2 Cappelli, and Mr. Cerullo. Are there any other
3 comments?

4 SPEAKER JOHNSON: I have a question for
5 you both, and I think you both mentioned this in your
6 opening statements, but I would love to hear just a
7 little bit more about, Fred, of course, you have
8 served many years in the City Planning Commission.
9 And, Allen, we talked about the ways you've served
10 the City on the MTA board where I think you showed a
11 great level of independence in advocating for what
12 you thought was right in a merit based fashion. Given
13 that rezoning's in the City and Land Use in the City
14 of New York are often controversial matters in
15 neighborhoods across the City, could you both talk
16 about the level of independence that you think is
17 important for each member of the Planning Commission
18 to have where you make interests on the merits based
19 on those individual applications that of course take
20 into consideration the person who appointed you and
21 hearing them out. But also decisions that are made
22 really based just on the merits, and Commissioners
23 having that level of independence. I would love to
24 hear about how you balance a level of independence

2 along with who appointed you to the City Planning
3 Commission. Either one of you may begin.

4 ALFRED CERULLO: I will begin since I'm
5 speaking from a place of currently sitting in that
6 position. I think it's an excellent question, Mr.
7 Speaker, I can say that I would hope that those who
8 are appointing us are doing so for a variety of
9 reasons. Obviously a sense of expertise in an area, a
10 knowledge. I know that the Charter does not identify
11 specific characteristics of a person, a career choice
12 or experience, but that overall, people are nominated
13 to a commission like this for reasons that would be
14 broad enough and perhaps specific enough to have an
15 understanding of general land use, and quality of
16 life, and development issues. But that there is also
17 a trust in the nominee by the person appointing, that
18 they will approach the process, as you described.
19 Which is open and thorough, someone who will do their
20 homework, someone who listen both to the staff who
21 very often presents the issues at the beginning of
22 the process. But also to the community that is the
23 most critical piece of the Land Use Review process. I
24 think it's hard to say, this is how it works, because
25 I certainly wouldn't want to be sitting here if I

2 believed that all I was contributing is the voice of
3 a third party. Even if it's the person appointing me.
4 I can tell you because for the past 14 years I've
5 been a mayoral appointee, I've never felt a sense of
6 pressure or undue influence in the process of my
7 deliberations on issues. I have found the dialogue at
8 the Commission level to be very open, and collegial,
9 those of you, you all appear before the Commission at
10 various times. You get a sense of the collegiality of
11 the Commission and the respect between Commissioners.
12 This is a new, obviously I'm here today as a nominee
13 of the Staten Island Borough President, somebody who
14 I know for 20 plus years at this point. Who I have
15 the utmost respect for, and I hope that I'm here as
16 his nominee because he has confidence in the process
17 that I will go through to get to the best decision
18 and the vote I can make. So, I think a lot of it, I
19 can speak from experience, I haven't felt influenced
20 by any Mayor that I've had the privilege of serving
21 in this time. I expect that to continue in this new
22 role as the Staten Island designee. But I do believe
23 that communication is very important. As you know,
24 many of you have positions where you appoint people
25 to different things and so you get this from the

2 other side. I think as long as you are approaching it
3 openly and keeping the lines of communication open, I
4 think that the process works well. But I can assure
5 you that if I felt that I was here for any other
6 reason than to contribute my own sense of
7 contribution to the process, I wouldn't enjoy this at
8 all. So, I think that's the best answer that I can
9 give. I think the proof will be in the pudding as we
10 move ahead, but I welcome, always, the contribution
11 of the Council Members and anybody who makes an
12 appointment to the Land Use Process. Because we know
13 it doesn't work without that.

14 ALLEN CAPPELLI: What Fred said. Actually,
15 I don't know the workings of the City Planning
16 Commission yet, but my experience in similar
17 situation, particularly the MTA, demonstrates a,
18 which I am no longer on. I've been off for two years,
19 which demonstrated my ability to A) get up to speed
20 as fast as I could on the issues involved so that I
21 couldn't be fooled or misled by staff who sometimes
22 have their own agenda in pursuing things. Working as
23 close as I could with the communities affected by
24 decisions we were making. I would often be at public
25 hearings until two o'clock, four o'clock in the

2 morning talking to people in the back of gymnasiums
3 or public halls, learning about the importance of an
4 across town bus route. And taking that information
5 and going back and fighting for it inside the board,
6 winning people over to the position. Pushing back
7 against staff. And in many instances either being
8 successful or when I ultimately couldn't live with
9 the proposal, I would vote against something. And I
10 would be out on the street with elected officials and
11 riders alliance groups and strap hanger groups,
12 protesting a decision that I believed was not in the
13 City's or the community's best interest. I can be
14 pretty persuasive internally. I will take the,
15 hopefully Fred Cerullo approach of disagreeing
16 without being disagreeable in dealing with my new
17 colleagues, some of which I know. And hopefully I
18 will get up to speed very quickly. I am accessible to
19 talk about issues in general, virtually any topic
20 involving government, but now particularly in terms
21 of general topics involving Land Use issues in the
22 City. I will try to maintain the reputation that I've
23 had for 40 years in doing this.

24 SPEAKER JOHNSON: And I have the utmost
25 confidence in both of you because I think you both

2 have shown that time and again over, again, decades
3 of public service so our City. And so I'm grateful,
4 again, for your testimony here today and I look
5 forward to voting in favor of your nominations. Thank
6 you.

7 ALLEN CAPPELLI: Let me just say I think
8 I'm supposed to make clear that I currently serve on
9 the Civil Service Commission, and if the Council
10 chooses to sign off on my nomination, and the Mayor
11 appoints me I will be resigning from that position.

12 CHAIRPERSON KOSLOWITZ: We have to ask Mr.
13 Cappelli one question.

14 COMMITTEE COUNSEL: Mr. Cappelli, for the
15 record, you currently serve as the Speaker has just
16 mentioned, on the New York City Civil Service
17 Commission, this is not allowed under the New York
18 City Charter. If you're a member of the Planning
19 Commission. If your nomination is approved, will you
20 affirm that you will resign...

21 SPEAKER JOHNSON: [interposes] He just
22 answered that.

23 ALLEN CAPPELLI: Yes I wil...

24 SPEAKER JOHNSON: He said he would.

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2 ALLEN CAPPELLI: I will resign if I am
3 approved.

4 SPEAKER JOHNSON: Thank you.

5 COMMITTEE COUNSEL: Thank you.

6 ALLEN CAPPELLI: Thank you.

7 CHAIRPERSON KOSLOWITZ: With that, can we
8 call roll call.

9 COMMITTEE CLERK: William Martin,
10 Committee Clerk, roll call vote Committee on Rules,
11 M-35 and 39, Chair Koslowitz?

12 CHAIRPERSON KOSLOWITZ: I proudly vote,
13 aye.

14 COMMITTEE CLERK: Gibson?

15 COUNCIL MEMBER GIBSON: (inaudible)

16 COMMITTEE CLERK: Matteo?

17 COUNCIL MEMBER MATTEO: Aye.

18 COMMITTEE CLERK: Chin?

19 COUNCIL MEMBER CHIN: I also proudly vote,
20 aye. Congratulations.

21 COMMITTEE CLERK: Cornegy?

22 COUNCIL MEMBER CORNEGY: (inaudible)

23 COMMITTEE CLERK: Espinal?

24 COUNCIL MEMBER ESPINAL: Congratulations,
25 I vote aye.

2 COMMITTEE CLERK: Lancman?

3 COUNCIL MEMBER LANCMAN: Aye.

4 COMMITTEE CLERK: Treyger?

5 COUNCIL MEMBER TREYGER: Aye.

6 COMMITTEE CLERK: Adams?

7 COUNCIL MEMBER ADAMS: I congratulate and
8 thank both of you so much for your service. I proudly
9 vote, aye.

10 COMMITTEE CLERK: Speaker Johnson?

11 SPEAKER JOHNSON: I vote aye. And for the
12 record, for the press, and for the public record. And
13 for Chuck Davis, I will vote aye. And I will say that
14 it is not, I believe, a conflict of interest for me
15 to vote in favor of my good friend Allen Cappelli who
16 gave me my first full time job as a resident of New
17 York City at the age of 20 years old. At the salary
18 of less than \$25,000.00 for full time employment in
19 2002. That is not a conflict almost 20 years later.
20 And I vote aye in favor of Allen Cappelli and Fred
21 Cerullo.

22 COMMITTEE CLERK: A vote of eight in the
23 affirmative. Zero in the negative and no abstentions.
24 Both M-35 and 39 are adopted by the Committee.

25 CHAIRPERSON KOSLOWITZ: Thank you.

2 UNIDENTIFIED: Thank you so much.

3 CHAIRPERSON KOSLOWITZ: Don't leave. We
4 have to vote on the Preconsidered Resolution before
5 the Committee.

6 COMMITTEE CLERK: Committee on Rules roll
7 call, Preconsidered Resolution. Council Member
8 Koslowitz?

9 CHAIRPERSON KOSLOWITZ: I vote aye.

10 COMMITTEE CLERK: Matteo?

11 COUNCIL MEMBER MATTEO: Aye.

12 COMMITTEE CLERK: Chin?

13 COUNCIL MEMBER CHIN: Aye.

14 COMMITTEE CLERK: Espinal?

15 COUNCIL MEMBER ESPINAL: Aye.

16 COMMITTEE CLERK: Lancman?

17 COUNCIL MEMBER LANCMAN: (inaudible)

18 COMMITTEE CLERK: Treyger?

19 COUNCIL MEMBER TREYGER: Aye.

20 COMMITTEE CLERK: Adams?

21 COUNCIL MEMBER ADAMS: Aye.

22 COMMITTEE CLERK: Speaker Johnson?

23 SPEAKER JOHNSON: I vote aye.

24 COMMITTEE CLERK: By a vote of seven in
25 the affirmative. Zero in the negative and no

2 abstentions Preconsidered Resolution is adopted by
3 the Committee.

4 CHAIRPERSON KOSLOWITZ: We are going to
5 hold the vote open for 10 minutes.

6 COMMITTEE CLERK: Continuation roll call
7 Committee on Rules, M-35 and 39. Council Member
8 Cornegy?

9 COUNCIL MEMBER CORNEGY: I vote aye.

10 COMMITTEE CLERK: The vote now stands at
11 nine and Council Member Cornegy on Preconsidered
12 Resolution?

13 COUNCIL MEMBER CORNEGY: I vote aye.

14 COMMITTEE CLERK: The vote now stands at
15 eight in the affirmative. Continuation roll call,
16 Committee on Rules M-35 and 39. Council Member
17 Gibson?

18 COUNCIL MEMBER GIBSON: I vote aye.

19 COMMITTEE CLERK: The vote now stands at
20 10 in the affirmative. Zero in the negative and no
21 abstentions. And on Preconsidered Resolution, Council
22 Member Gibson?

23 COUNCIL MEMBER GIBSON: I vote aye.

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2 COMMITTEE CLERK: Preconsidered Resolution
3 now stands at nine in the affirmative. Zero in the
4 negative and no abstentions.

5 UNIDENTIFIED: This Committee meeting of
6 the Committee on Rules, Priveleges and Elections is
7 hereby adjourned [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 _____ June 6, 2018 _____