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Transcript of the Public Hearing of the
CHARTER REVISION COMMISSION
held on Monday, March 7, 2005
Queens Borough Hall - Room 213
Borough of QUEENS

TANKOOS REPORTING COMPANY, INC.
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1 Meeting convened at 6:20 p.m.

2 P R E S E N T

3 DR. ESTER FUCHS, Chair

4 COMMISSIONERS:

5 DR. ESTER FUCHS, Chair

6 COMMISSIONERS:

7 ROBERT ABRAMS

8 CURTIS ARCHER

9 LILLIAN BARRIOS-PAOLI

10 AMALIA BETANZOS

11 STEPHEN FIALA

12 DALL FORSYTHE

13 ANTHONY CROWELL

14 MARY McCORMICK

15

16 Also Present:

17 TERRI MATTHEWS, Executive director

18 BRIAN GELLER, Analyst

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1 CHAIRPERSON FUCHS: I'd like to call this
2 meeting to order. Please come to the table.

3 Good evening. I'd like to welcome everybody
4 to our public hearing of the New York City Charter
5 Revision Commission and welcome you all to the beautiful
6 borough of Queens. We just completed expert testimony
7 from a forum that we put together on the issue of
8 administrative judicial reform and we are now set to
9 start our first public hearing.

10 My name is Ester Fuchs and I am the Chair of
11 the Charter Revision Commission and it is with great
12 pleasure that I introduce to you the other members of
13 the Charter Commission who are here with us today.

14 On my right is the Vice Chair, Dr. Dall
15 Forsythe, who is the Chief Administrative Officer of the
16 Episcopal Diocese of New York. He is a former budget
17 director of New York State and the New York City Board
18 of Education.

19 On my left is Steven Fiala, who is Secretary
20 of the Charter Revision Commission and he is the Deputy
21 Clerk and Commissioner of Jurors for Richmond County.
22 Some of us know that fondly as Staten Island. He is a
23 former member of the New York City Council.

24 On my far right is Robert Abrams, a partner
25 at Stroock, Stroock & Lavan, and he was formerly the New

1 York State Attorney General. He also served as the
2 Borough President of the Borough of the Bronx and was a
3 member of the New York State Assembly.

4 Next to Commissioner Abrams is Commissioner
5 Curtis Archer, who is currently Executive Director of
6 the Rockaway Development and Revitalization Corporation
7 and a former director of small business development for
8 the Upper Manhattan Empowerment Zone.

9 On my left is Amalia Victoria Betanzos.
10 Even though the Mayor mispronounces her name, I'm going
11 to get it right. It's Amalia Victoria Betanzos, is
12 president of Wildcat Services Corporation, a non-profit
13 employment program. Formerly Ms. Betanzos was a
14 Commissioner for the Department of Youth Services and an
15 Executive Secretary to Mayor John Lindsay and a member
16 of two previous Charter Revision Commissions.

17 To my right and to the right of Dr. Forsythe
18 is Anthony Crowell, who is Special Counsel to Mayor
19 Bloomberg and a former executive director and general
20 Council to several previous Charter Revision
21 Commissions. He is adjunct professor at Brooklyn and
22 New York law schools.

23 And way to my left is Dr. Lillian
24 Barrios-Paoli. There really isn't anybody way to my
25 left, is there?

1 COMM. BARRIOS-PAOLI: Maybe, maybe.

2 CHAIRPERSON FUCHS: Maybe, maybe. She is
3 currently CEO and president of Safe Space and she
4 formerly was Vice President and Chief Executive of
5 Agency Services of United Way of New York City. She has
6 also served as Commissioner of New York City's Human
7 Resources Administration, Commissioner of the Department
8 of Housing Preservation and Development and Commissioner
9 of the Department of Personnel and Commissioner of the
10 Department of Employment. You get the award for
11 greatest service to the City of New York.

12 COMM. CROWELL: She's got a lot of
13 Commissions.

14 CHAIRPERSON FUCHS: It is a pleasure for me
15 today to introduce to you the members of our Charter
16 Revision Commission.

17 COMM. ARCHER: What about Mary?

18 CHAIRPERSON FUCHS: Mary's gotten here, I
19 didn't see you. Okay. Dr. Mary McCormack, last but not
20 least, who is president of the Fund for the City of New
21 York and former special assistant to New York City's
22 Deputy Mayor for Labor Relations and Personnel, and a
23 professor at Columbia University and, I might add, a
24 valuable partner at the City's Out of School Time
25 initiative, without which I certainly would not have

1 been sitting here today if Mary had not been working on
2 that with me.

3 So it's a pleasure for me to introduce all
4 the members of the Commission today, to those of you who
5 are here for the public hearing, and what I would like
6 to do quickly is just to outline the rest of the public
7 hearing schedule before I call on the Borough President
8 of Queens, my favorite borough, the borough of my birth,
9 my favorite Borough President.

10 BOROUGH PRES. MARSHALL: We'll just keep it
11 in this room.

12 CHAIRPERSON FUCHS: Yes, on New York City
13 TV. I'm not the Mayor, I can say what I want. Okay.
14 Oh, God, I think it must have been the Entenmann's
15 cookie. It's gone to my head, I've been so good.

16 Okay, Wednesday, March 16th is our next
17 public hearing. It will be in the Bronx, in the Bronx
18 Borough President's Hearing Room at 198 East 161st
19 Street. The time is 6 p.m.

20 Wednesday, March 23rd, we will be having a
21 public hearing in the Brooklyn Public Library, Grand
22 Army Plaza. The expert forum begins at 4:30 and the
23 public hearing will begin at 6 p.m.

24 Wednesday, March 30th, next public hearing
25 will be in Richmond County at the Juror Assembly Center,

1 courtesy our colleague over here, at 126 Stuyvesant
2 Place, St. George and it will begin at 6 p.m.

3 Monday, April 4th, we will be holding a
4 public hearing at Hunter College. Our Commissioner
5 Jennifer Raab unfortunately couldn't be here today, but
6 she is hosting that for us. Hunter College of the City
7 University of New York in Manhattan at 645 Park Avenue.
8 Expert forum begins at 4 p.m. and public hearing begins
9 at 6 p.m. and if you couldn't follow all of that, we
10 actually have a schedule in the back which you can pick
11 up. We also have all this information on our website,
12 www.nyc.gov/charter. You can also call (212) 676-2060.
13 I sound like a telethon, don't I?

14 In addition, I would also like to note that
15 at this point our first report is available today. It
16 is up on our website and it is here in hard copy,
17 Commissioner Abrams is holding up a copy -- you can hold
18 one up for the camera and for the public -- entitled
19 "Summary of Issues Under Consideration for Charter
20 Revision." And if you don't pick one up this evening,
21 you can get it, again, on the website or you can call
22 for a hard copy at 676-2060.

23 I'd just like to outline for you very
24 briefly the rules of the public hearing. This is a
25 public hearing and at public hearing members of the

1 public may testify to the Commissioners on any topic
2 they choose related to the New York City Charter, so
3 even though we've just heard testimony about judicial
4 administrative reform this evening, we are welcoming
5 testimony on any aspects of the Charter. There is a
6 signup sheet in the back of the room and those of you
7 who wish to speak who have not signed up, please sign up
8 now.

9 People will testify in the order in which
10 they've signed up. We will, if there are any other
11 elected officials, we will certainly extend the courtesy
12 of rotating them in among members of the public.

13 Each person is asked to testify for about
14 three minutes and also to submit written testimony.
15 When you have 30 seconds left, the person testifying
16 will hear the 30-second bell. At the conclusion of two
17 minutes, another bell will ring, so I guess we're going
18 to stay on schedule this evening.

19 When you've finished your oral testimony,
20 please stay at the microphone so that the Commissioners
21 can ask followup questions to you.

22 So that is the rules of engagement in a
23 Public Charter Revision Commission. I expect that we
24 will probably have a little bit more time for people to
25 testify if we need it, but at this point, I would like

1 to ask our Borough President, Helen Marshall of the
2 Borough of Queens, who has graciously allowed us to be a
3 guest in her chambers this evening, to testify before
4 the Charter Revision Commission.

5 It's really a pleasure to have you here with
6 us this evening.

7 BOROUGH PRES. MARSHALL: Thank you, Chairman
8 Fuchs. As I tell everyone, this is your house. You pay
9 the rent, you pay our salaries. We welcome you. We're
10 delighted to welcome you.

11 I see so many friends on this board. I see
12 a real activist in this borough, Curtis Archer, who used
13 to work in this office, actually, and I see Bob Abrams,
14 an old friend in Government. In fact, we were at the
15 1972 you-know-what-kind-of convention in Florida. It
16 was when they wanted people, you know, they wanted grass
17 roots people he and I were two of those grass roots
18 people and nearly everyone there now holds one kind of
19 office or another or has held an office.

20 Of course, to my old friend, my former
21 colleague, Steven Fiala from the City Council, it's
22 great to see you here. You're the Secretary, great.

23 Amalia Betanzos, my heroine, one of the
24 ladies who has really helped to make the City a great
25 place that it is and someone I've looked up to for many,

1 many years and many others around the table who I'm not
2 so familiar with, but thank you very much for giving
3 your time to this effort.

4 You have to take the time out of your life
5 and your busy schedules to attend to hearings around the
6 City and of course this hearing is not going to be one
7 where you're going to get battered over the head, but I
8 can't guarantee that for the rest of the City.

9 Three specific areas -- and of course, Ester
10 Fuchs, who I have admired time and time again. Mostly I
11 watch her on television. She's usually there to analyze
12 Government or whatever she says, she always speaks the
13 truth and she speaks it so eloquently. So the Mayor has
14 chosen an excellent panel and certainly its leadership
15 is at the top of the list.

16 CHAIRPERSON FUCHS: Thank you.

17 BOROUGH PRES. MARSHALL: Three specific
18 areas on which you have chosen to focus this year;
19 fiscal stability, administrative judicial reform and
20 Government efficiency and accountability are of course
21 all vital components of good Government. Our City
22 Government is becoming more and more centralized, and
23 our people are feeling more helpless and isolated in a
24 number of areas, more so than they have felt in the
25 past.

1 Even if we talk about the schools, our
2 parents, instead of having locations throughout the
3 borough, they have two places they can go when they have
4 a problem, and problems are arising and they always
5 arose, with their children's placement or lack of
6 placement. That really is not so good. We need to
7 allow people the ability to reach out to someone who is
8 not so far away from them.

9 In Queens, we don't have the best major
10 transportation system, and getting around is difficult.
11 And all parents work; fathers and mothers, and when it
12 comes to their children's schooling that's something of
13 prime interest to them. We should make that far more
14 accessible than we do. All right?

15 Queens is undergoing a major, major
16 development, from Long Island City out to the Rockaways.
17 Cries of overdevelopment are coming from all of our
18 traditional one and two-family home owners. They're
19 concerned with overdevelopment.

20 Our population is growing faster than our
21 residential development, giving rise to illegal
22 conversions. We have people when we have a fire and
23 it's a three-family house, we go to follow up where the
24 Red Cross has taken them to stay because their homes
25 have been burned out, 26 people are registered in that

1 hotel coming out of that building. We do lose people
2 because of all the different partitions and things that
3 are built up.

4 We need some portion of that affordable
5 housing dollar. Many of the houses that are built, I
6 mean, it's \$2,000 for a two-bedroom apartment, way out
7 of the reach of our people.

8 The ECB Board, that's the Environmental
9 Control Board, newly housed in Jamaica, receives
10 hundreds of people responding to violation notices.
11 They're overloaded with people and of course if somebody
12 hires an attorney -- one attorney said to me, "You know,
13 I hate to charge people for the hourly rate that I'm
14 supposed to get, I have to sit here all day to be
15 heard." People are responding to those complaints,
16 which was not always the case.

17 I had followed up, I served in the Assembly
18 for nine years, ten in the City Council, following up on
19 complaints that were major. I've gone even out to the
20 Administrative Law Judge in Nassau County, which I
21 didn't understand why Nassau County, because that was
22 really far, but again, a very problematic situation,
23 person who should have responded didn't even respond.
24 I'm proud to say that while both Steven and I were in
25 the Council, we were able to introduce legislation to

1 tighten up our whole respondents and our ECB Board
2 respondents and make sure that people did respond to
3 them properly.

4 We still need to fortify the Department of
5 Buildings with more code enforcement officers and
6 cyclical inspection. Cyclical inspections. Right now
7 it's complaint-driven. I don't believe that's the only
8 answer. We need to really have enough, more enforcement
9 officers on duty and they should have a definite area of
10 service delivery area. They are experts. When they
11 walk the streets they see things that we don't see.
12 They know the rules and regulations. Many of them even
13 informally in the construction, they know what to look
14 for and they know what the rules are, and we need them
15 really scouting our districts and knowing when something
16 is right and something is wrong. They could see it,
17 okay?

18 Whatever actions the Commission recommends
19 today, please insure that all City agencies are given
20 the resources needed to fulfill their Charter mandates;
21 the Borough Presidents, the Community Boards who are
22 directly responsible for being advocates for their
23 respective boroughs or their neighborhoods. We must
24 have the resources to assure all New Yorkers, make sure
25 that they have a real voice in New York City Government.

1 At the last Charter revision, we saw the
2 importance of what happened with the IBO, that's the
3 Independent Budget Office and that's something that came
4 out of Charter revision. What they did is they
5 protected their future by mandating -- the Charter
6 revision protected their future by mandating that the
7 IBO be funded with 10 percent of OMB's budget. Since
8 that Charter revision has passed, of course, they have
9 now received more money and the Independent Budget
10 Office, anyone who is in Government at all knows the
11 function they have and they are very, very good and it
12 allows everyone to get a good, clear picture of what the
13 budget is all about. I sat through many budget
14 orientations and at the end I had to say to whoever was
15 there, "Put somebody next to me and explain these
16 details." When they explained the details, boy, they
17 were astounding.

18 This Borough President's office, we started
19 off with a staff of 145. I now have 62 staff members.
20 Yes, we are doing more with less, but it's not easy.
21 And we could even be doing more if we had enough
22 support. At one time everyone on my staff who was
23 eligible, that's when we took a really big drop,
24 everybody who was eligible to retire had to retire. And
25 that cut us down miserably.

1 We have many Charter-mandated revisions,
2 especially around land use, but many others, we have the
3 TOPO unit, and we've even raised money for the
4 Government, we found ways to do that.

5 It's not only hitting me, it's hitting all
6 the Borough Presidents, our budgets are really terrible.
7 I would like to see us taken out of the range for the
8 Mayor to cut our budgets. He does have the power to cut
9 our budgets, and we get those cuts just like all City
10 agencies do and yet -- I'm not saying that we need to
11 continue to cut City agencies, but all of it is talking
12 about shrinking Government and we need our City
13 Government to function well, but certainly it's very
14 difficult for us here.

15 Last, please take notice of the Queens Civic
16 Congress, which will also talk about this same -- it's
17 an umbrella organization of civic and residential
18 groups, 105. They have echoed these concerns.

19 In Queens the Borough President's Office
20 plays a major role in this borough. We don't do
21 miracles -- but we look forward to -- certainly, we
22 don't want to lose that vision, and we're living up to
23 it as hard as we can every day.

24 The last thing, Charter revision should not
25 take place via budget cuts. We don't want to see budget

1 cuts come out of here. If anything, we need to
2 strengthen.

3 I want to thank you for giving me the
4 opportunity to share my thoughts on these important
5 matters. I haven't really received enough notification
6 about what you're proposing. We will be looking that
7 over and studying it. We will send you in writing any
8 other concerns that we have, as related to the specific
9 items that you have listed. But thank you very much for
10 starting off with Queens. We love that. Thank you very
11 much.

12 CHAIRPERSON FUCHS: Thank you very much,
13 Borough President. Do the Commissioners have any
14 questions for the Borough President?

15 BOROUGH PRES. MARSHALL: Okay.

16 CHAIRPERSON FUCHS: This has been helpful.
17 We appreciate your comments and your time. As we said,
18 we're beginning the public hearing process and we expect
19 to be engaging with you and your office further.

20 BOROUGH PRES. MARSHALL: One of the things
21 that is a concern is many people really aren't aware
22 that you had the hearings today. I know it's always a
23 tough one to get the word out, but even I didn't really
24 realize that you were going to be meeting here today,
25 but of course we snapped in and we jumped in. I'm able

1 to do that, I'm right around the corner in this same
2 building.

3 I know there would be many more people from
4 Queens, they have a lot to say, and some of them will
5 come forth and say it to you and say it to you nicely,
6 but there are a number of concerns about Government that
7 everybody has. So I think when you're moving to the
8 other boroughs, you really need to make sure the word
9 gets out.

10 We have a Queens section, Brooklyn section,
11 Manhattan section, in all of our newspapers. The local
12 newspapers, the weeklies are a big group here, but we
13 would even do more to help you to publicize it.

14 CHAIRPERSON FUCHS: That would be very
15 helpful, to have the Borough President's office help us.
16 We did advertise in all the newspapers, we sent out our
17 mailings, we're up on the website, we sent the press
18 releases to all of the newspapers. But it's interesting
19 when you do good Government and you don't have some kind
20 of contentious issue and it's not controversial per se,
21 there's less interest on the part of the media to cover
22 that, unless they can create a controversy.

23 So we're of two minds. We would like them
24 to help us get out the word so we can have as much
25 public engagement because we really want that. We're

1 out there really to get the public engagement, but when
2 you're not -- let's put it this way, engaged in the
3 kinds of controversy that the media likes, they're not
4 that interested in helping you get the public engaged.

5 So we're working very hard on that and we're
6 going to take up your offer about assistance from the
7 Borough President's offices to get out the word.

8 BOROUGH PRES. MARSHALL: One of the things,
9 you could use the District offices of our Community
10 Boards to make sure, they will put the announcements in
11 the mailings for their monthly meetings because they do
12 that with a lot of different things. That could be a
13 help and it might be a help in other boroughs, too.
14 Thank you very much.

15 CHAIRPERSON FUCHS: Thank you.

16 Steven Seltzer, please.

17 MR. SELTZER: My name is Steve Seltzer. I'm
18 a retired taxi driver, long retired.

19 Over the summer and the fall and the winter,
20 I dropped in from time to time on the seven-month long
21 Lynn Stewart trial and I was surprised at how chilly
22 they kept the courtroom. When I saw they were showing
23 the jury screen after screen of transcripts of phone
24 calls and her prison conferences, I speculated that they
25 kept it cool to help the jury stay awake. So when I

1 walked in here at 4:00 and found it very, very chilly, I
2 said to myself, uh-oh, they don't expect this to be very
3 exciting.

4 Well, you closed the windows and it's warmed
5 up, but aside from the merits, I think you should
6 consider how exciting or not this will be for the public
7 for a ballot consideration if other approaches are
8 accessible or possible. It almost seems as if it might
9 have been designed to keep other issues off the ballot.

10 When I hear the recommendation for a Civil
11 Administrative Justice Coordinator, I suppose it goes
12 without saying that any administrative judge should not
13 be made aware of an accused's violations or convictions
14 by other agencies before he reaches a decision.
15 Considering penalties, that's perfectly all right, but
16 before he reaches a decision, shouldn't know what
17 another person has been convicted of.

18 Finally, when I heard more specifically
19 about what the subject would be tonight, I notified the
20 New York Taxi Workers Alliance, because I was sure they
21 would have something to say about the Taxi and Limousine
22 Commission's tribunal. They haven't shown up, but they
23 told me that 99 percent of the TLC verdicts were guilty.
24 Obviously, "TLC" does not stand for tender, loving care.
25 I can't verify that figure, but it's something to look

1 into.

2 Also, I know there's been a legal battle to
3 open the TLC hearings to the public, and I don't know
4 where that stands at now, but you might look into that,
5 and that's what I have to say tonight. I'll keep track
6 of you.

7 CHAIRPERSON FUCHS: Thank you very much.

8 Wait, hold on a moment. Do we have any
9 questions for Mr. Seltzer from the Commission?

10 Thank you very much for coming out this
11 evening and for warming up the place.

12 I'd like to call on Alonzo Jordan next,
13 please. Please identify yourself.

14 MR. JORDAN: Good evening. My name is
15 Alonzo Jordan and I serve as a volunteer liaison for
16 State Senator Malcolm H. Smith, whose District we happen
17 to be in this evening. We didn't prepare any formal
18 testimony, as the Borough President said, it was kind of
19 spur of the moment, but we wanted to be in observance
20 especially for the expert forum on the administrative
21 judicial reform.

22 As many of you may or may not know, Senator
23 Smith serves as a ranking member for the Senate
24 Judiciary Committee, so we're interested in any changes
25 within the judicial system. One of the things that

1 we've kind of reached out and collaborated with is with
2 a candidate for Public Advocate by the name of David
3 Caperstar, who resides in Brooklyn, and what was brought
4 to our attention is some changes that may have to be
5 made within the Grand Jury selection process, and
6 certain quote-unquote "biases" that may reside there, so
7 we're looking to do some research into that as far as
8 judiciary changes and other than that, we're simply here
9 in observance today and for other testimony, so we thank
10 you for having us.

11 CHAIRPERSON FUCHS: Thank you very much.

12 Are there any other members of the public
13 who would like to testify this evening? If not, I'd
14 like a motion to call this hearing to -- excuse me, any
15 new business from Commissioners?

16 Okay. Then I'd like a motion to call this
17 hearing to a close.

18 COMM. FORSYTHE: So moved.

19 COMM. BETANZOS: Second.

20 CHAIRPERSON FUCHS: I hereby close the first
21 public hearing of the New York City Charter Revision
22 Commission year 2005. Thank you very much.

23 (Time noted: 6:47 p.m.)

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C E R T I F I C A T I O N

I, LINDA FISHER, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

LINDA FISHER,
Shorthand Reporter