

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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September 8, 2016
Start: 12:26 p.m.
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HELD AT: 250 Broadway - Committee Rm.
14th Fl

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

COUNCIL MEMBERS: Inez E. Dickens
Daniel R. Garodnick
Ydanis A. Rodriguez
Margaret S. Chin
Deborah L. Rose
Jumaane D. Williams
Rafael L. Espinal, Jr.
Mark Levine
Melissa Mark Viverito
Steven Matteo

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

Indi Savitala

2 [gavel]

3 CHAIRPERSON LANDER: Good afternoon, and
4 welcome to the New York City Council Committee on
5 Rules, Privileges and Elections. My name is Brad
6 Lander. I'm honored to be the chair of this
7 committee, and we're joined this morning by other
8 committee members, Margaret Chin from Manhattan,
9 Rafael Espinal from Brooklyn, Minority Leader Steve
10 Matteo from Staten Island and Council Member Inez
11 Dickens from Manhattan, and I suspect some other
12 members of the committee will join us as well. Thank
13 to our counsel Jason Otano, and as always to the
14 staff of the Investigative Unit, Chuck Davis, our
15 Director of Investigations as well as Alicia Bussell
16 (sp?), Andre Johnson Brown and Aldo Knight for as
17 always preparing the material that members have on
18 their desks. We're joined this afternoon--and thank
19 you for your patience--by Indi Savitala. In a
20 communication dated August 10, 2016, Mayor de Blasio
21 Mr. Savitala's name to the Council of the City of New
22 York nominating him for appointment to the New York
23 City Environmental Control Board as the Noise
24 Pollution Control Member, something about which the
25 members of this Council and their constituents have a

2 lot to say, and feel passionately about. Within the
3 OATH, the New York City Office of Administrative
4 Trials and Hearings, there's the Environmental
5 Control Board that adjudicators know—adjudicates
6 notice of violations issued by various city agencies
7 include DEP, Police, Sanitation, Health and Mental
8 Hygiene, Fire and Buildings. DCB has the power to
9 render decisions and orders and to impose civil
10 penalties under law, and may apply to a court of
11 competent jurisdiction for enforcement of any
12 decision, order or subpoena that it issues. Amongst
13 the provisions, the law enforced by ECB are those
14 related to cleanliness; the city streets; disposal of
15 wastes; provision of a pure wholesome and adequate
16 supply of water; prevention of air; water and noise
17 pollution; the regulation of street peddling; and the
18 City's response to emergencies caused by releases of
19 threatening and hazardous substances; and ECB can
20 also make rules in relationship to many of those
21 issues. ECB consists of the Commissioners of the
22 Departments of Environment Protection, Sanitation,
23 Health, Mental Hygiene, Buildings, Police, Fire and
24 the Chief Administrative Law Judge at OATH as well as
25 six persons appointed by the Mayor with the advice

2 and consent of the Council, the Chief Administrative
3 Judge of OATH serves as the Chair of ECB, and ECB can
4 then have an executive director and hearing
5 officers. Five of the six non-commission members
6 must possess broad general background and experience,
7 one in each of the following areas: Air pollution
8 control; water pollution control; noise pollution
9 control; real estate for the business community; and
10 the sixth non-commissioner member represents the
11 general public. And as I mentioned, Mr. Savitala has
12 been appointed, nominated for appointment as the
13 noise pollution control member. Members other than
14 the Commissioners are compensated and receive a
15 whopping \$175 per diem stipend when performing the
16 work. The ECB member terms are for four years, and
17 we are honored to have you here today. I know you
18 have prepared an opening statement, and also a
19 response pre-hearing questions, and I would invite
20 you to make your opening statement, but first we ask
21 that you be sworn by the City Council—by our
22 committee counsel.

23 LEGAL COUNSEL: If you would raise your
24 right hand. Do you swear or affirm—swear or affirm

2 to tell the truth, the whole truth and nothing but
3 the truth?

4 INDI SAVITALA: [off mic] I do.

5 LEGAL COUNSEL: Thank you. You may
6 proceed.

7 INDI SAVITALA: [off mic] Good
8 afternoon. My name is— [on mic] Let's try that
9 again. How's that?

10 CHAIRPERSON LANDER: Much better

11 INDI SAVITALA: Thank you. I project.

12 [laughs] Good afternoon, Chair Lander, members of
13 the Rules, Privileges and Elections Committee of this
14 New York City Council. My name is Indi Savitala, and
15 I'm honored to appear before you today for
16 consideration as a nominee to be the noise specialist
17 appointed for a member on Environmental Control
18 Board. When I move to New York about a decade ago,
19 I could not imagine as a California boy I would have
20 the opportunity to directly impact New Yorkers'
21 lives. I started small by volunteering with the
22 local percussion group who needed people to assist
23 with an upcoming concert. For three days we produced
24 free concerts at the Players Theater in Greenwich
25 Village. I helped with stage setup, taking tickets,

2 even learned to operate light board. The event was
3 such a hit that I voted Vice President of the New
4 York City Chapter of the Percussive Arts Society.

5 The following five years I continued to assist with
6 producing free concerts for the community. I reached
7 out to locals artists, sponsors. I received
8 donations for the event coordinated with New York
9 University students who volunteered their time to
10 take tickets, do stage setups, conduct raffle prizes,
11 and create pamphlets and handouts. From this

12 experience I was able to see how my skills and
13 knowledge of noise and sound could be helpful to the
14 community. My work as an accoustical consultant has
15 also provided opportunities to impact the lives of

16 New Yorkers. To date I have provided accoustical
17 input on many public and private school projects. I
18 continue to work with the design teams and the School
19 Construction Authority in implementing accoustical
20 designs solutions so that each child is given the
21 best chance to learn and grow. This includes such
22 design solutions as environmental sound reduction
23 from noisy traffic and trains, and sound separation
24 from mechanical units or other adjacent classroom
25 spaces. As the population of New York increases,

2 noise pollution associated with construction,
3 mechanical units and traffic, just to name a few,
4 become a more prevalent problem. With limited space
5 available for new construction, developers build
6 taller and skinnier buildings, forcing us to live on
7 top of each other. Traditionally, quiet spaces such
8 as libraries become contaminated with unnecessary
9 noise and our safe havens can potentially disappear.
10 Further more, the number one complaint lodged with
11 311 relates to noise. It is a major public health
12 issue and needs to be addressed. These facts lead to
13 my desire to serve on the Environmental Control
14 Board. I'd like to use my years of experience and
15 understanding of noise code laws and its
16 applilcations to serve my fellow New Yorkers. It
17 would be an honor to serve alongside other members in
18 helping to resolve everday issues that are impacting
19 the people of New York City. Thank you again for
20 considering my nominatin to the Environmental Control
21 Board. I'm happy to answer any questions you have.

22 CHAIRPERSON LANDER: Thank you very much
23 for that opening statement and for your response
24 again to the pre-hearing questions. I'll just ask a
25 question or two, and then turn it over to any

2 colleagues that have them. You know, I think you
3 alluded in your opening statement to the challenge in
4 this position. We need new construction to have
5 housing and it's no fun living next to a construction
6 site. We want bars and night clubs and music venues
7 and performance venues to make that—make New York
8 City what it is, and it's no fun to live next door to
9 one of those tither, and—and that sets up this
10 constant stream, as rightly point out that typically
11 sound complaints are the number one 311 complaint.
12 They're certainly something council members hear
13 about. And then, it—it often turns into a—you know
14 the challenge of doing something about it is a big
15 one. So the people complain, you know, folks
16 complain. The process of getting an agency out to
17 measure and assess whether they're, you know, it is
18 or isn't within acceptable limits is not a simple one
19 between the police department and DEP depending on
20 the place in time, and the having that move forward
21 through an adjudication process in which both the,
22 you know, the party feels, you know, treated fairly,
23 but the complainant gets some opportunity to see
24 change happen. I would say it's pretty rarely
25 satisfying if the goal is what you rightly say, and

2 it sounds like you're doing a lot of your work,
3 trying to set up a problem solving process that does
4 the best possible under the circumstances to manage
5 and reduce noise in a way that lets the activity
6 proceed but disrupts the neighbors as little as
7 possible. So I'm just wondering if you could talk a
8 little about either things you have done in your
9 experience or things you think ECB and the City even
10 beyond ECB's purview could be doing to improve, you
11 know, do our best to improve that situation and make
12 it as much about solving problems and as little about
13 unresolved complaints and contested fees as we could

14 INDI SAVITALA: Sure, sure. There are—
15 the Noise Code that's part of the—the Noise Code Law
16 is—it covers various aspects from, you know, domestic
17 pets to vehicles that produce noise like Aspen (sic)
18 trucks, Sanitation, building code, you know, various
19 aspects of it. My role in—in wanting to be part of
20 the Board would be bringing that expertise to provide
21 a fair and just way of viewing all of those different
22 complaints. They're hard to read. It's hard to
23 understand, and sometimes the inappropriate portion
24 of the code is applied to something that's not
25 appropriate, and that's what I want to bring to the

2 table is a fair and just way of looking at, and
3 trying to provide a level playing field for those
4 types of complaints. There' 750,000 of them. Not
5 everyone can be a noise specialist and understand why
6 the measurements were taken, what they were for, and
7 what's really at the bottom of the complaint, and
8 that's what I'm hoping to bring to the table from
9 that level of expertise.

10 CHAIRPERSON LANDER: I think I'll maybe
11 ask you a slightly different question. There's no
12 doubt that to me that you're qualified to serve on
13 the ECB and that we need someone to serve on the ECB
14 in this capacity, and that fairly and impartially
15 applying the law to the facts is what you're being
16 asked to do. So I, you know, having said that, it
17 sounds like from some of—I think what—what I—my
18 experience is that that isn't necessarily the best
19 way to actually achieve the outcome of helping
20 problem solve in a community in a way that improves
21 quality of life for people, and it sounds like you
22 have some experience doing that kind of work. And
23 so--[interposing]

24 INDI SAVITALA: Yes.

2 CHAIRPERSON LANDER: --separate from your
3 obvious qualifications to serve on this board and
4 with your useful clarification that you will
5 objectively apply the law to the facts, I'm curious
6 again if just have things you have seen that help
7 move forward toward a slightly less cacophonous--
8 [interposing]

9 INDI SAVITALA: A slightly quieter New
10 York?

11 CHAIRPERSON LANDER: Yes, with yes.

12 INDI SAVITALA: Sure. So, the Office of
13 Environmental Remediation, the OER, has applied a
14 window wall attenuation to mainly new construction
15 along the west side highway. Some of the
16 documentation is based on measurements or conditions
17 that aren't going to be put in place any more. As an
18 example, Hudson Yards, which is a project that I
19 actively work on. At the time that the OER
20 evaluation was done it was with the idea in mind that
21 a ball (sic) Stadium was going to be put within the
22 area. There were evaluations of traffic noise that
23 were going to increase over a certain number of years
24 obviously for people going to the stadium. So on
25 face value looking at the attenuation that was being

2 required, one would just apply that and say this is
3 what I need to do. However, the research that we did
4 uncovered well it was based on facts that aren't
5 really going to happen. So we then have to go in
6 front of OER and present our documentation and our
7 findings and say okay, here is what we would like to
8 apply to this situation. There—that's one example in
9 which some of the attenuation mitigation laws and
10 numbers that are put in place aren't necessarily
11 what's happening in the direction that New York
12 going. And—and so, there need to be updates that
13 could possibly be made to then reflect the direction
14 that the city is moving in. That's just one example
15 of—of ways in which we were able to provide the right
16 approach to that project, and make it, you know,
17 appropriate.

18 CHAIRPERSON LANDER: And does ECB have
19 any—I mean obviously when you get a complaint you've
20 got to rule on the complaint, and there's fines
21 associated with violations. I wonder if you see
22 anywhere in the process whether before it gets to ECB
23 or after it gets to ECB where there's room for
24 problem solving?

2 INDI SAVITALA: There may be. It
3 wouldn't necessarily be a process in which I would be
4 involved with it, right. So the Department of
5 Environmental Protection or DEP has a list of noise
6 specialists. I'm one of those people on the list,
7 which is how I got the phone call. That list spans
8 multiple acoustical consultants who are qualified to
9 take those measurements from various firms out there.
10 So when a complaint is lodged with 311, often times a
11 person will also find a list that's readily available
12 online, and call one of the noise specialists and say
13 hey I've lodged this complaint, but it's taking a
14 while. Could you come out, and I'll pay your firm
15 third-party to also take the objective measurements
16 and either qualify or disqualify my claims. And then
17 those people can write their own opinions or reports
18 and submit them along with the complainant's
19 information. My role in wanting to be on the ECB
20 would be to review all of that information once it's
21 been received not to be involved necessarily in the
22 before aspect of it.

23 CHAIRPERSON LANDER: Council Member Chin
24 or Council Member Dickens, do you have any questions.
25 Good. Council Member Chin.

2 COUNCIL MEMBER CHIN: Thank you. It does
3 sound like, you know, with your expertise, this might
4 not be the right place. I mean it's just kind of
5 like maybe it should be, you know, something with E-
6 C, with the Environmental Protection Agency because I
7 guess looking at, you know, using your expertise,
8 you're—you're talking about giving a fair and just
9 way of viewing complaints. You know, that's great,
10 but it would be great in that role to really look at
11 what—based on the type of complaints what—to make the
12 recommendations I guess to the Administration and to
13 the City Council in terms of policies or things that
14 we can find some solution to. Because the biggest
15 complaint let's say in my district is helicopter
16 noise, and we hear from, you know, oh, there's not
17 that many complaints about helicopters complaints I
18 mean compared to other types of complaints. But that
19 is something that we are looking at because it is the
20 reason for actually not just the school, but like
21 playgrounds and parks and a beautiful place like
22 Governor's Island, you can't enjoy the day with all
23 these helicopters flying above you. And then, of
24 course, the next thing is garbage trucks, you know,
25 and drillings and things like that.

2 INDI SAVITALA: Sure.

3 COUNCIL MEMBER CHIN: So one thing that
4 I—I guess looking at your expertise, it would be
5 great, do you see that that could be a role that
6 looking at all these noise complaints to really kind
7 of help develop or make some suggestions about how
8 the solutions that the Administration or the Council,
9 you know, can work on. Because you're going to see
10 all this because you were talking about 750,000--
11 [interposing]

12 INDI SAVITALA: --thousand--

13 COUNCIL MEMBER CHIN: -thousand
14 complaints or summons.

15 INDI SAVITALA: Summons, yeah, summons.

16 COUNCIL MEMBER CHIN: Right, that's a lot
17 but I'm looking at it like what kind of summons they
18 are, and so—and how do we kind of like resolve.
19 We've got to try to fix it and find some solutions so
20 that we can--[interposing]

21 INDI SAVITALA: Understand.

22 COUNCIL MEMBER CHIN: Yeah.

23 INDI SAVITALA: Well, it's a—it's not
24 compliment. Thank you, though. My ability to—to—to
25 be able to—to help, and I—I greatly appreciate that.

2 I feel like starting under ECB is actually the—the
3 best course of action to understand how the summons
4 are being—from issuance all the way through hearings,
5 right, and understanding the process. In order to be
6 a policymaker, it would be great to know what are the
7 issues that are coming through, and how they're being
8 handled. And then from there, if was years down the
9 road that you still feel like I'm the expert that you
10 want to see to make policies, then absolutely. Let's
11 talk about that, but I—I do feel like my role in ECB
12 would be a great start in understanding what is
13 happening with the city, and what are people
14 complaining about, and then we can move on to figure
15 out how we can solve it.

16 COUNCIL MEMBER CHIN: Thank you.

17 CHAIRPERSON LANDER: Well, we've been
18 joined by Council Members Levine and Garodnick. I
19 think so far what we've concluded is that Mr.
20 Savitala is unquestionably qualified for this spot,
21 but that we want is actually like a commissioner of—
22 of Quiet NYC, which is not [laughter] what he has
23 been nominated for, but we still have spent all our
24 time asking him about. Council Member Garodnick.

2 COUNCIL MEMBER GARODNICK: I will say it
3 is simply extraordinary to have an expert on quiet
4 and acoustical considerations before us, and that is
5 a very, very good things, and I think actually, it
6 will be very helpful when it comes to questions about
7 noise before ECB, and as you noted in your testimony
8 that that is the number one complaint that 311 sees
9 and also that many of us see on a daily basis. I
10 really just wanted to ask one simple question about
11 how it came to be that you were appointed to the
12 Environmental Control Board by the Mayor? What the
13 process was. If you expressed interest anywhere?
14 How—how it all came to be. Just give us a sense of
15 that for the committee, and that's really my only
16 question.

17 INDI SAVITALA: I love that question.
18 Thank you. [laughs] That's a great question. I was
19 on the DEP Noise Specialist Listing that was issued I
20 want to say back in 2009. So I've been on the list
21 for a—a number of years, and received a phone call
22 from the Appointments Office to see if I was
23 interested, and it wasn't just myself. There were a
24 handful of other colleagues not just in my office,
25 but also across various offices, not that I know who

2 any of them were. I just know that there were a lot
3 that were --[sneezing]--God bless you. I know that
4 there were a lot that were considered. So, um, I
5 think I was just one of the few that said yes and
6 enthusiastically yes I'd like to move forward, and
7 when they asked me for a simple thing: Can you
8 provide us a bio. Can you provide us with a CV? I-I
9 made sure to try and return that as quickly as
10 possible understanding as my-my dad said in the Army
11 is you hurry up and wait. So, you know, get it done,
12 and then let them do their thing for as long as it
13 takes them, and just continued to press the
14 Appointments Office to make sure that any information
15 they needed was still being handled, if they needed
16 anything further, or needed me, and spending the time
17 to go down and--and do the interviews and fingerprints
18 and all that good stuff. I'm fairly boring so I have
19 really clean background. [laughs]

20 COUNCIL MEMBER GARODNICK: Terrific.
21 That's what we wanted to hear.

22 INDI SAVITALA: Okay. [laughs]

23 COUNCIL MEMBER GARODNICK: Thank you very
24 much.

25 INDI SAVITALA: Thank you. [laughs]

2 COUNCIL MEMBER GARODNICK: Boring is good.

3 CHAIRPERSON LANDER: Here, here and
4 rooted in expertise as well--[interposing]

5 INDI SAVITALA: Exactly.

6 CHAIRPERSON LANDER: --you know, it's
7 pretty good.

8 INDI SAVITALA: Exactly.

9 CHAIRPERSON LANDER: Alright, any other
10 questions from colleagues? We do not need to belabor
11 this any more than necessary. Mr. Savitala, thank
12 you very much. We don't vote on the date of our
13 hearing because occasionally they are less clear than
14 this one, and we want to have some time--
15 [interposing]

16 INDI SAVITALA: I understand.

17 CHAIRPERSON LANDER: --afterward to think
18 about whether it's a good idea or a bad idea, but--
19 [interposing]

20 INDI SAVITALA: I understand.

21 CHAIRPERSON LANDER: --I will certainly
22 recommending to colleagues on--on the day of the vote
23 that we support your nomination for this position.
24 So, thank you very much.

25 INDI SAVITALA: Thank you very much.

2 CHAIRPERSON LANDER: This hearing is
3 closed.

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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 September 8, 2016