

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

----- X

September 12, 2019

Start: 11:19 a.m.

Recess: 11:54 a.m.

HELD AT: Council Chambers - City Hall

B E F O R E: KAREN KOSLOWITZ
Chairperson

COUNCIL MEMBERS: Adrienne E. Adams
Margaret S. Chin
Rafael L. Espinal, Jr.
Vanessa L. Gibson
Corey D. Johnson
Rory L. Lancman
Steven Matteo
Deborah L. Rose
Ritchie J. Torres
Mark Treyger

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

2 [sound check] [pause] [gavel]

3 CHAIRPERSON KOSLOWITZ: I call the
4 meeting on Rules, Privileges and Elections to order.
5 Good morning and welcome to the Committee on Rules,
6 Privileges and Elections. My name is Karen Koslowitz
7 and I am Chair of this committee. Before we begin
8 this hearing, I would like to introduce the Council
9 Members of this committee who have joined us so far
10 today. We have Council Member Rafael Espinal,
11 Council Member Vanessa Gibson, Council Member
12 Adrienne Adams, Council Member Margaret Chin,
13 Council Member Mark Treyger and Council Member Rory
14 Lancman. I would also like to acknowledge Rules
15 Committee Counsel Lance Colizzi, and the staff
16 members of the Council's Investigative Unit, Chuck
17 Davis, Chief Compliance Officer and Andre Johnson-
18 Brown and Julius Carronnda investigators. Today the
19 Rules Committee will consider the nominations of
20 Everado Jefferson for appointment to the Landmarks
21 Preservation Commission Jarrod Whittigton for
22 appointment to Environmental Control Board. I hope I
23 pronounced your names right. If the Council gives
24 its advice and consent, Mr. Jefferson and Manhattan
25 resident and architect will fill a vacancy and be

2 appointed by the Mayor to the Landmark Preservation
3 Commission to complete the remainder of three-of a
4 three-year term that expires on June 28, 2020. If
5 the Council gives its advice and consent, Mr.

6 Whittington, a Brooklyn resident will be appointed by
7 the Mayor to the Environmental Control Board as
8 member for the background and relation pollution

9 (sic) control to complete the remainder of the four-
10 year term that expires on March 5, 2023. Pursuant to

11 the New York City Charter, S-3020, the New York City

12 Landmarks Preservation Commission also known as the
13 LPC, is responsible for establishing and regulating

14 landmarks, portions of landmark sites, interior
15 landmarks, scenic landmarks and historic landmarks.

16 The LPC also regulates alterations to designated

17 buildings. The LPC consist of eleven members. These

18 members must include at least three architects, one

19 historian qualified in the field, one city planner or

20 landscape architect or one realtor and must include

21 at least one resident from each of the five boroughs.

22 The Mayor also designates one the LPC members to

23 serve as Chair of the LPC and designates another

24 member to serve as vice chair of the LPC. These LPC

25 members shall serve until a successor is designated.

2 The members of the LPC with the exception of the
3 Chair serve without compensation, but are reimbursed
4 for necessary expenses incurred in the cost of
5 performing their duties. The Chair's annual salary
6 is \$212,044, \$212,000. Welcome to the candidate, Mr.
7 Jefferson. Are you ready to be sworn in?

8 LEGAL COUNSEL: Please raise your right
9 hand. Do you swear to tell the truth, the whole
10 truth and nothing but the truth?

11 EVERADO JEFFERSON: [off mic]

12 CHAIRPERSON KOSLOWITZ: Do you—do you
13 have an opening statement?

14 EVERADO JEFFERSON: [off mic] Yes. Good
15 morning Council Member--

16 CHAIRPERSON KOSLOWITZ: Can you turn the
17 mic on, the button.

18 EVERADO JEFFERSON: Hello, can you hear
19 yet? Okay. Good morning, Chair Koslowitz and members
20 of the Committee for Rules, Privileges and Elections.
21 Thank you for the opportunity to stand before you,
22 and answer your questions. I would like to thank
23 Mayor de Blasio and Speaker Johnson for the
24 opportunity to appear before the committee. It's an
25 honor for me to be nominated for a seat in the

2 Landmarks Preservation Commission. As founding
3 member, a founding member of Caples Jefferson
4 Architects, I spend the last 32 years creating
5 architecture in communities, and it happened often,
6 that often they're under-served by design
7 professionals. We started out small with local
8 projects such as adding canopies to the Housing
9 Authority buildings and creating pre-schools in the
10 former offices of the Bronx Paradise Theater. As
11 work progressed, we came more often to create
12 educational, communal and cultural anchors in our New
13 York City. Many of our—many of these factors have
14 involved work in landmarks, or in landmarks' worthy
15 context. I know first hand the importance of the
16 development that respects and enhances an important
17 historical resource. At Weeksville Heritage Center
18 in Brooklyn I'm the architect who led the team that
19 created the new Gateway Building and campus
20 extension. [background comments/pause] I'm the
21 architect who led the team that created the new
22 Gateway building and campus extension. The
23 architectural—the architectural narrative of the new
24 building celebrates the history of this Freedman's
25 Village on its rediscoveries, Freedman's views of the

2 house and reinvesting in Astoria districts. The
3 project received national press coverage and was
4 recognized by the New York City Public Design
5 Commission, the AIA, the National Organization of
6 Architects, the Municipal Art Society the Historic
7 District Council. Our new educational building has
8 new arm known in Carona Queens, helpful to anchor or
9 Lewis and Lucille Home created a strong expansive
10 place where this great artist lived and practiced why
11 enforcing the scale of the existing neighborhood
12 fabric. And yet, this new building also adds a
13 bright shiny note that points to the glorious
14 singularity of Lewis Music. I have dedicated my
15 career to architectural design because landmarks have
16 touched me personally and professionally. I came to
17 the United States at the age of 12. In my native
18 culture of Panama I was lucky to be raised in the-in
19 the Bronx down the street from the Hunts Point
20 Library. Unbeknowst to me at the time it was the
21 last Carnegie library to be built in 1927, designed
22 by Carrere and Hastings, which now is a designated
23 landmark. What it meant to me is I spent many after
24 school hours there where there was a special place in
25 the city where an immigrant boy felt welcome. I

2 still believe that stories like mine showed—showed
3 the way that landmarks can speak to everyone. To be
4 able to give back is truly a blessing. Should I be
5 approved to serve in the LPC, my experience will
6 provide a critical landing for considering new
7 buildings in the historic context. I'm a firm
8 believer that mindful combination of new and old
9 buildings in addition to existing structures within
10 old fabrics are crucial not only for the city, but
11 for all of us to leave our mark of our time and
12 place. It's been my privilege to work in these
13 landmarks context, and I'm honored to be nominated to
14 continue building that heritage in a different way as
15 part of the Landmarks Preservation Commission. Thank
16 you for your consideration of my nomination, and I
17 look forward to taking your questions. [pause]

18 CHAIRPERSON KOSLOWITZ: Thank you. I'm
19 going to open the floor. Anybody have any questions?
20 Council Member Adams.

21 COUNCIL MEMBER ADAMS: Thank you very
22 much, Madam Chair. Welcome Mr. Jefferson. It's great
23 to see you again.

24 EVERADO JEFFERSON: Thank you.

2 COUNCIL MEMBER ADAMS: When you and I
3 spoke a few weeks ago, I—I relayed to you my
4 excitement of your nomination for this position.
5 Being a person of color coming on board and lending
6 your expertise in architecture and so much more
7 throughout the city. What do you consider it, if you
8 will share with the panel your greatest asset that
9 you will be bringing to this role?

10 EVERADO JEFFERSON: My professional and
11 community experience is an asset I will bring. In
12 addition to that, I want to bring two things to the
13 commission. One is to bring a slightly different
14 lens looking at the urban fabrics, particularly the
15 boroughs and to see things that are hidden what I
16 call, you know, what I call cultural items that are
17 hidden in plain sight, and to do that, we need to
18 really look again at the fabric and expose that,
19 uncover those items. The second thing I want to
20 bring is a type of outreach that's slightly different
21 from the typical outreach. It's an outreach where the
22 community discovers these items. For example,
23 Weeksville Heritage Center is an incredible example
24 of that where the community accepts founding (sic)
25 the existing building.

2 COUNCIL MEMBER ADAMS: Well, thank you
3 for that response. I certainly welcome your
4 perspective. I welcome your incite and your nuances
5 all those good things and again, per our conversation
6 just some more things that we want to look at
7 throughout the entire city on-on every level and
8 every lens. There are districts that we know have
9 not been proportionately included. In landmarking as
10 being the chair of the committee it's been a very
11 interesting year and a half for me, and we've seen
12 some beautiful landmarks take place, by the way, but
13 I just see it as we still need more. Harlem is
14 under-represented in landmarking as is, you know,
15 parts of Queens and other places throughout Brooklyn,
16 throughout, throughout the city. So, I look forward
17 to your perspective. I look forward to sitting down
18 with you in the future, and-and taking a look at
19 similar ideas that you may have to broaden that lens
20 across the city. So, thank you for your testimony and
21 congratulations on your nomination.

22 EVERADO JEFFERSON: Thank you.

23 CHAIRPERSON KOSLOWITZ: Council Member
24 Chin.

2 COUNCIL MEMBER CHIN: Thank you, Chair.

3 Mr. Jefferson, it's a pleasure to meet you . From
4 your testimony I wanted to ask you in terms of the
5 idea of cultural landmark that some community have,
6 you know, historic value like they might not have
7 specific buildings or enough buildings to be
8 considered a historic district. In my district I
9 represent Lower Manhattan, District Number 1 and
10 that's where the city began. I have right now working
11 with the community to look at a Lower East Side
12 Historic District where a lot of tenement buildings
13 are, and then we also want to look at, you know,
14 historic areas like Chinatown, and really we have
15 seen, you know, the building gets torn down, new
16 buildings goes up, and I was really interested in-in
17 your-what you mentioned about outreach. Right now
18 we're having problem kind of explaining to building
19 owners the value of being in a historic area, and how
20 that would also enhance their property value, but
21 that is something that a lot of time individual
22 buildings they just don't want. They say, oh, no, we
23 don't want to be landmarked. There's too much
24 credit, too much problem, but these are historic
25 sites. As you said earlier, it has lot of, you know,

2 hidden value that are unknown to the general public
3 or even in their own community. For example in
4 Chinatown Dr. Samuel Sims (sic) the founding father
5 of the Republic, the first republic in Asia. He did a
6 lot of organizing in the community to get support,
7 but there's no building that he has, you know,
8 meanings with. People don't even know that he has
9 done that. I mean now we have a statue of him in a
10 park, but there's so many, you know, vast hidden
11 treasures on the Lower East Side in Chinatown. So, I
12 think my question to you is that like how to really
13 help as a Commission member to really help do that
14 outreach, and really engage the community and to
15 really dismiss, you know the mystifying with this
16 whole, you know, landmark so that they don't see all
17 the obstacles, but then they begin to see the value
18 of that.

19 EVERADO JEFFERSON: Well, the—the values
20 are very clear. It tells the history of our city, it
21 tells the history of us living here. The other issue,
22 you mentioned the landmarking of just the studied
23 objects, that's one landmarking process. The other
24 is—is—is like a—I'm stuck. Oh, cultural, cultural,
25 significant cultural landmarks are important and

2 they're both important, but like our cultural ones
3 are ours.

4 COUNCIL MEMBER CHIN: I-we look forward
5 to working with you, this-the way sometimes the
6 districts are called and then one of the questions
7 like property owner have well how come the building
8 next door is not included? So, I think from your
9 testimony earlier like how do you bring the new and
10 the old together that within the landmarking district
11 you can have a broader area that later could include
12 every building, and not so much say well this
13 building doesn't have any more. It's got so much that
14 it really doesn't qualify, and really doesn't under,
15 you know, I'm in the district. I'm in the-in the
16 boundary that my next door neighbor is not. So,
17 those are the things that I didn't really have to
18 kind of work at and get the community to understand
19 and to engage. That maybe it could be a broader area
20 that we can call the, you know, a historic district.

21 EVERADO JEFFERSON: Yes.

22 COUNCIL MEMBER CHIN: So, thank you and I
23 look forward to working with you.

24 EVERADO JEFFERSON: Thank you.

2 CHAIRPERSON KOSLOWITZ: Anyone else? I
3 have a question. On September 10, 2019, you received
4 a written waiver from the New York City Conflicts of
5 Interest Board concerning your partnership with and
6 role at your firm, Jefferson Architects. The firm
7 currently has one project before the DLPC, has had at
8 least two projects in the past, and may continue to
9 have projects before the LPC in the future. Pursuant
10 to this waiver, you have to cease work on and have no
11 personal involvement in such projects involving
12 landmark designated properties that may go before LPC
13 or its staff. This includes not participating in
14 discussions, emails, conversations, conference calls.
15 Receiving relevant documents and not being
16 compensated for the firm's work before LPC. For the
17 record, you will abide by the guidelines of the
18 waiver. Can you address that?

19 EVERADO JEFFERSON: Yes. I'll comply with
20 the waiver.

21 CHAIRPERSON KOSLOWITZ: You will comply?
22 Okay, alright. Thank you very, very much.

23 [background comments] Okay, and now Environmental
24 Control Board. Good morning, good afternoon. Within
25 the New York University Office of Administrative

2 Trials and Hearings there was Environmental Control
3 Board that ad-judicates notices of violations
4 issued by various city agencies including the
5 Department of Environmental Protection, Police
6 Sanitation, Health and Mental Hygiene, Fire and
7 Buildings. ECB has the power to render decisions and
8 orders and to impose civil penalty-penalties under
9 law and may apply to the Court of Confident
10 Jurisdiction for enforcement of any decision, order
11 or subpoena that it issues. Among the provision of
12 law enforced by ECB are those relating to the
13 cleanliness of city streets, the disposal of waste,
14 the provisions of a pure, wholesome and adequate
15 supply of water, the prevention-the prevention of
16 air, water and noise pollution, the regulation of
17 street peddling, and the city responses to
18 emergencies caused by releases or threatened releases
19 of hazardous substances. ECB consist of the
20 Commissioners of the Department of Environmental
21 Protection, Sanitation, Health and Mental Hygiene,
22 Buildings, Police, Fire and the Chief Administrative
23 Law Judge of OATH, as well as six person appointed by
24 the Mayor with the advice and consent of the Council.
25 The Chief Administrative Judge of OATH serves as

2 Chair of ECB. Within its appropriation ECB may
3 appoint an Executive Director and such hearing
4 officers including non-salaried hearing officers and
5 other employees as it finds necessary to properly
6 perform its duties. Members other than agency
7 commissioners may not be employed by the city. Five
8 of the—of the six non-commissioned members must
9 possess board general background and exposures (sic).
10 One in each of the following areas: Air pollution,
11 water pollution control, noise pollution control,
12 real estate or business. The six—the sixth non-
13 commissioner member represents the general public.
14 Members other than the agency commissioners are
15 compensated and receive \$175.10 per diem when
16 performing the work of DCB. Member terms are for
17 four years. Welcome Mr. Whittington. Would you
18 please raise your right hand to be sworn in.

19 LEGAL COUNSEL: Do you swear to tell the
20 truth, the whole truth and nothing but the truth?

21 JARROD E. WHITTINGTON: Yes, I do.

22 CHAIRPERSON KOSLOWITZ: Who you want to
23 make a statement?

24 JARROD E. WHITTINGTON: Good morning
25 Chair Koslowitz, Speaker Johnson and members of the

2 Rules, Privileges and Elections Committee of this New
3 York City Council. My name is Jarrod Whittington,
4 and I am honored to appear before you today for
5 consideration as a nominee to be the Noise Specialist
6 of the Environmental Control Board. For the past 13
7 years I have worked in New York City as an acoustical
8 consultant for one of the most well respected firms
9 in the industry. During that time I have had the
10 opportunity to be an integral part of the acoustic
11 design for nearly every type of new construction
12 imaginable from elementary schools to luxury high-
13 rises, from hospitals to laboratories to art museums
14 and to recording studios. In addition, my role as a
15 noise expert means that I'm often called upon to help
16 in situations where noise pollution has become a
17 nuisance for New York City residents. The
18 insufficient sound isolation between apartments,
19 noisy trucks idling in residential neighborhoods,
20 rooftop mechanical equipment next to bedroom windows.
21 Living in the most densely populated city in New York
22 means that these types of issues are virtually
23 unavoidable. It is, therefor, critical that our
24 city's administrative codes be fair, reasonable and
25 enforceable. People need to be able to fall asleep

2 even in a city that never does. At the same time it
3 is equally important that there be a system in place
4 whereby New Yorkers can contest issuance as a
5 violation by enforcement agencies. Every situation
6 is different, and no city agency can be expected to
7 get things exactly right 100% of the time, and that's
8 why I wish to be considered for this appointment. I
9 have a strong desire to help my city, and to help my
10 fellow New Yorkers toward more just society. I
11 believe that the system should work for all people,
12 and that everyone should have the opportunity to have
13 their voices heard, to plead their case and to be
14 treated fairly. Thank you again for considering my
15 nomination to the Environmental Control Board, and
16 I'm happen to—happy to answer any questions.

17 CHAIRPERSON KOSLOWITZ: Thank you. I open
18 the floor. Anybody have any questions. I have but not
19 many. What is your experience with projects that
20 involve the New York City Noise Code and Building
21 Code with respect to noise?

22 JARROD E. WHITTINGTON: Well, I have quite
23 a bit of experience, um, involving the Noise Code and
24 the Building Code. Almost every residential project
25 has Building Code requirements for sound separation,

2 and we work with architects and developers to ensure
3 that that is in place, and we try to push for it even
4 higher than the Building Code in most instances. I
5 have done a lot of work with E. Designations with the
6 OER or window OITC requirements, which means how much
7 sound passes from the street into the apartments, and
8 New York City Administrative Code we've done a lot of
9 environmental surveys particularly when there's a
10 complaint for rooftop equipment or, you know, street
11 noise that's excessive. We've done quite a bit of
12 that work in the last 15 years.

13 CHAIRPERSON KOSLOWITZ: Are there any
14 procedures you would seek to implement that would
15 help to modernize and improve the efficiency of
16 proceedings before DECB?

17 JARROD E. WHITTINGTON: Well, I know that
18 the ECB is an adjudicating body, and so it's very
19 important that it's properly staffed and—and that the
20 staff are properly trained. So, I think that, you
21 know, if—if I attain this position, I would—I would
22 look to see that that we are—we're doing those things
23 properly and that, you know, that I offer as much
24 guidance as I can as a noise specialist to that end.

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS 20

2 CHAIRPERSON KOSLOWITZ: Okay, any
3 comments from the public? Seeing none, I think we
4 can go to the vote.

5 CLERK: William Martin, roll call vote
6 Committee on Rules, Privileges and Elections M 178
7 and M 179. The items are coupled. Chair Koslowitz.

8 CHAIRPERSON KOSLOWITZ: I vote aye on
9 both candidates.

10 CLERK: Gibson.

11 COUNCIL MEMBER GIBSON: I vote aye.

12 CLERK: Chin.

13 COUNCIL MEMBER CHIN: Aye on all.

14 CLERK: Espinal. Lancman.

15 COUNCIL MEMBER LANCMAN: [off mic] Aye.

16 CLERK: Treyger.

17 COUNCIL MEMBER TREYGER: Aye.

18 CLERK: Adams.

19 COUNCIL MEMBER ADAMS: [off mic] Aye.

20 CLERK: Matteo.

21 COUNCIL MEMBER MATTEO: Aye.

22 CLERK: By a vote of 7 in the
23 affirmative, 0 in the negative and no abstentions,
24 both items have been adopted by the committee.
25 [background comments/laughter/pause]

1 COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS 21

2 CLERK: Council Member Espinal

3 COUNCIL MEMBER ESPINAL: I vote aye.

4 [background comments/pause]

5 CLERK: Continuation roll call Committee
6 on Rules. Speaker Johnson

7 SPEAKER JOHNSON: I vote aye on all.
8 Thank you, Chair Koslowitz.

9 CLERK: Final vite—final vote, both items
10 are now adopted by the committee 9 in the
11 affirmative, 0 in the negative and no abstentions.

12 CHAIRPERSON KOSLOWITZ: This meeting is
13 adjourned. [gavel]

14

15

16

17

18

19

20

21

22

23

24

25

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 15, 2019