

CITY COUNCIL  
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FIRE AND CRIMINAL  
JUSTICE SERVICES JOINTLY WITH THE  
COMMITTEE ON PARKS AND RECREATION

----- X

January 20, 2016  
Start: 10:23 a.m.  
Recess: 12:59 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: ELIZABETH S. CROWLEY  
Chairperson

MARK LEVINE  
Chairperson

COUNCIL MEMBERS: Mathieu Eugene  
Fernando Cabrera  
Rory I. Lancman  
Paul A. Vallone  
Darlene Mealy  
James G. Van Bramer  
Andrew Cohen  
Alan N. Maisel  
Mark Treyger

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

Chris Dunn, Associate Director  
New York Civil Liberties Union

Carleen McLaughlin, Director  
Legislative Affairs and Special Projects  
NYC Department of Correction

Florence Hutner, General Counsel  
NYC Office of the Chief Medical Examiner

Matt Drury, Director of Government Relations  
NYC Department of Parks and Recreation

Melinda Hunt  
Hart Island Project

Elaine Joseph

Tupper Thomas  
New Yorkers for Parks

Charles Johnson, Vietnam War Vet  
Herbert Swet, Vietnam War Vet  
Luther Bolden

Owen Rogers  
Picture the Homeless

Rosalie Grable

Kathy Sefik (sp?)  
City Island Resident

John Yagley

Barbara Dolensek, Officer  
City Island Civic Association  
Vice President Administrator  
City Island Historical Society and Nautical Museum

John Doyle, Officer and Board Member  
City Island Civic Association

2 [sound check, pause]

3 CHAIRPERSON CROWLEY: My name is  
4 Elizabeth Crowley, and I am the Chair of the City  
5 Council's Fire and Criminal Justice Services  
6 Committee. I want to thank Council Member Mark  
7 Levine, Chair of the Parks and Recreation Committee  
8 for holding this joint hearing with us today. Today,  
9 the committees will be conducting an oversight  
10 hearing examining the future of Hart Island. We will  
11 hear intro 134, legislation that would transfer the  
12 jurisdiction of Hart Island from the Department of  
13 Correction to the Department of Parks and Recreation.  
14 I'd also like to acknowledge the committee members  
15 who are here today. We have Council Member Vallone  
16 and Council Member Vacca, Council Member Cohen.  
17 Council Member Lancman was here and we'll probably--

18 CHAIRPERSON LEVINE: [interposing] And  
19 Council Member Maisel.

20 CHAIRPERSON CROWLEY: And--and Council  
21 Member Maisel.

22 CHAIRPERSON LEVINE: And Van Bramer.

23 CHAIRPERSON CROWLEY: And Van Bramer.

24 I'd like to thank the advocates who have worked so  
25 hard to promote and protect and preserve the dignity

1 of those in our city who are buried on Hart Island,  
2 especially the Hart Island Project Picture the  
3 Homeless and the Interfaith Friends of Potter's  
4 Field. Currently, the DOC maintains and operates the  
5 city cemetery currently commonly known as Potter's  
6 Field. It is on Hart Island, which in the Bronx. On  
7 this island many unclaimed homeless veterans, AIDS  
8 victims and stillborn infants are buried. They are  
9 New Yorkers New Yorkers who passed away, and did not  
10 receive a traditional burial. It is estimated that  
11 more than one million individuals are buried on Hart  
12 Island since the city started using the island as  
13 cemetery in 1868, and each year DOC inmates bury  
14 approximately 2,000 people on the island. Hart  
15 Island is the largest tax funded cemetery in the  
16 world, and the only cemetery known to be operated by  
17 a jail facility. New York City DOC wardens, captains  
18 and officers are not trained to manage a mass grave  
19 site. DOC personnel with the needs on Riker's  
20 Island are our captains, our wardens, our correction  
21 officers should really be focusing on keeping the  
22 custody and safety and control on Riker's Island and  
23 not attending to a massive gravesite on Hart Island,  
24 which they are not trained nor have the expertise to  
25

1 do. When visitors come to Hart Island to pay their  
2 respects often to friends or family members, they may  
3 only do so when DOC permits at a certain time and in  
4 a certain way, which is often burdensome for these  
5 families. Today's hearing will focus on Intro 134,  
6 which is to call on the Administration to make  
7 necessary changes in management and transfer Hart  
8 Island's jurisdiction to the Park's Department, which  
9 is more capable of managing the grounds. In fact, it  
10 already manages a Quaker cemetery in Prospect Park.  
11 What we want to hear today from the Administration is  
12 how they would achieve this in the short-term and the  
13 long term. [pause] In doing so, in transferring the  
14 island over to the Parks Department, we could look at  
15 exploring and making reforms to the burial process,  
16 which reforms include:

18 Reducing the size of mass graves so that  
19 they can be closed more quickly; using plantings to  
20 mark where the graves are; and taking necessary  
21 measures to prevent soil erosion. The DOC again has  
22 no expertise to share with regards to such reforms.  
23 And now, I'd like to recognize my Co-Chair Mark  
24 Levine for an opening statement.

2 CHAIRPERSON LEVINE: Okay. Thank you,  
3 Chair Crowley. I had the pleasure of visiting Hart  
4 Island with you last year, and so I say from first  
5 hand experience just what a spectacular place it is.  
6 120 acres with views of the city. It's in the middle  
7 of the Long Island Sound. There are a dozen or more  
8 historic buildings dating from the late 1800s  
9 reflecting the history of the island as a--as a  
10 sanitarium for people with tuberculosis. It was a  
11 prisoner of war camp during the Civil War. It's  
12 served as a workhouse, as they called it, for--for  
13 boys at one point, a drug rehab facility. It's got a  
14 monument to world peace, and in someone's idea of a  
15 sick joke, a few feet away from it there are two Cold  
16 War era missile silos, all part of the history of  
17 this incredible island. If there's one takeaway that  
18 you call should walk away with from this hearing it's  
19 that you should want to visit Hart Island.  
20 Unfortunately, you can't. You cannot visit Hart  
21 Island. The public cannot visit Hart Island because  
22 it's run by the Department of Corrections. To me  
23 that amounts to an incredible waste of potential.  
24 This island has potential as a place where New  
25 Yorkers to go to absorb the beauty, to soak in the

2 history, to pay respects to the one million people  
3 who are buried there. People who reflect the history  
4 of New York City from how we've dealt with contagious  
5 disease, how we dealt with our war dead, the history  
6 of poverty over two centuries, the AIDS epidemic, the  
7 modern homeless crisis. It's all buried on that  
8 island. That's who's buried on that island.

9 Clearly, there are huge obstacles to opening up a  
10 place like this to public access. There is no doubt  
11 about that. It's--it's an active cemetery but, you  
12 know, there are active cemeteries all over New York  
13 City in private hands, which are open to the public,  
14 and the reason is that in any cemetery on a tiny,  
15 tiny piece of it is actually used for active burial  
16 at any time. The rest of it is essentially just  
17 peaceful, and on Hart maybe one percent is used as  
18 active burial at any given moment. The rest is just  
19 left quiet. We know that there are huge  
20 infrastructure needs there from all sorts of  
21 horticultural, forestry challenges there. There's  
22 the problem of historic buildings, which need to be  
23 shored up. There's--there's a lot to take on here.  
24 The question is what agency is best to take on those  
25 challenges? What agency is best equipped to allow



1 New Yorkers to experience this incredible place? Is  
2 it the Department of Corrections or is it the  
3 Department of Parks and Recreation? That's--that's  
4 what this hearing is about. That's the question  
5 before us. I think it's--it's obvious that the  
6 Department of Correction has major challenges on its  
7 hands in Rikers Island and elsewhere. This is not  
8 part of this core mission. The Parks Department  
9 manages 13 islands currently in New York's waterways.  
10 This will be number 14. The Parks Department manages  
11 green spaces, which are former Potter's Field. Most  
12 famously, Washington Square Park. Estimates are that  
13 as many as 20,000 bodies are still buried at  
14 Washington Square Park. And, as Chair Crowley  
15 mentioned, in at least one park--the Parks Department  
16 manages Prospect Park, there's a small active  
17 cemetery, the Quaker Cemetery. So there is some  
18 precedent here. So, which agency is best equipped to  
19 deal with the horticultural challenges there? Which  
20 agency is best equipped to develop a plan for public  
21 access? To me the answer is obvious. It's the Parks  
22 Department, and that's the intent of--of Intro 134  
23 and our topic for today. Thank you, Madam Chair.

CHAIRPERSON CROWLEY: Thank you, Chair  
Levine. I'd like to recognize Council Member Jimmy  
Vacca who represents the district in which Hart  
Island is situated in.

COUNCIL MEMBER VACCA: Thank you. Thank  
you, Chair Crowley and thank you Chair Levine. And  
as you just indicated, Chair Crowley, I'm--although  
I'm not a member of either committee meeting today,  
I'm proud to say that Hart Island is in my district,  
prior to serving in the Council, I was District  
Manager of Community Board 10, and that was in my  
district as well. So, I do know Hart Island. I go  
back with it many years, and I want to thank the  
Chairs for holding this hearing today. All matters  
pertaining to Hart Island need to be explored and  
discussed in detail, and I'm sure that that is what  
this hearing will entail. The City Island Civic  
Association, the Community Board have contacted me,  
and I know that there have been pre-arranged visits  
to Hart Island. I'd like to focus on that to drive  
home the point that my community does not want Hart  
Island to become a tourist attraction or leisurely  
destination. here there are people on both sides of  
this issue as to whether or not the park or the

2 island should be controlled by the Parks Department,  
3 I think that we have to agree on one thing, and that  
4 is that City Island would not be able to handle an  
5 influx of people wishing to visit Hart Island for  
6 future programs or attractions. The fact is that  
7 City Island during some months especially is  
8 landlocked. There is only one way on the island, and  
9 one way off, and traffic capacity exceeds the  
10 infrastructure in place, and that has been the case  
11 for many, many years, and that will be the case for  
12 many, many years to come. For those of you who don't  
13 know City Island, it's a small community of 4,000  
14 people, as I said with one way on and one way off,  
15 and there are 34 restaurants that attract people from  
16 throughout the Bronx. To have Hart Island now become  
17 an--now having unlimited public access is really  
18 something that's not physically possible. Full-  
19 fledged public access here is something that concerns  
20 me greatly. Right now, the only access to the island  
21 is via a ferry on City Island. Hart Island should  
22 stay as Potter's Field. It is the only Potter's  
23 Field in New York City, and I don't see how when we  
24 get beyond that, considering it as a tourist  
25 destination would be possible. We do want those who

1 have loved ones on Hart I--or Hart Island to be able  
2 to engage in somber reflection for who have lost  
3 their loved ones, and have them buried there.

4  
5 The island remains under DOC's control,  
6 as was--as was mentioned by both chairs. Many of the  
7 issues pertaining to the island can be mitigated in  
8 the short term with better communication between  
9 agencies as well as revisiting Island Access Policies  
10 for both family members of the deceased and  
11 interested members of the City Island community.

12 There have been many changes in the past few years  
13 with respect to visitation policies that we would  
14 like to be briefed on, particularly making sure that  
15 loved ones of those who are deceased have visiting  
16 access, and that the information is available on the  
17 Department of Correction's website. I finally have  
18 to reiterate that Hart Island is not just about the  
19 Bronx or it's about--or about my district. It's  
20 about the final resting place for many New Yorkers.  
21 These were residents who could not be identified, who  
22 did not have the names--the--the means for private  
23 burial or were stillborn infants. The issues that  
24 surround Hart Island are multi--multi-faceted, and we  
25 need to take all mitigating factors into

1  
2 consideration. There needs to be a greater  
3 understanding of the island itself, its operations  
4 and the circumstances that lead to city burial. I  
5 want to thank you for having this hearing. I've been  
6 discussing this for some time with residents of City  
7 Island, and the Community Board. I certainly have  
8 visited there years ago. I do have to tell you that  
9 I'm around a long time, and I can remember many of  
10 the crackpot schemes that were proposed for this  
11 island, and we don't want any more crackpot schemes  
12 proposed for this island. And, as long as I'm  
13 around, that will not be the case. So, I leave this  
14 hearing to you. I'm going to have to leave, but I  
15 didn't want this hearing to take place without being  
16 here, and letting you know that my community is  
17 vigilant when it comes to this historical island.  
18 Thank you.

19 CHAIRPERSON CROWLEY: Thank you, Council  
20 Member Vacca. I totally understand your concerns.  
21 I'd like to now call up witnesses who are going to  
22 testify. Before we hear from the Administration,  
23 we'd like to call up a New York Civil Liber--  
24 Libertarian union. Did I say that right?

25 HERBERT SWET: You said that right, yes.

2 CHAIRPERSON CROWLEY: New York Civil--New  
3 York Civil Liberties Union, Chris Dunn, who led the  
4 Varsao (sp?) lawsuit verse the City of New York, and  
5 he was able to get the Department of Correction to  
6 change policy and allow for gravesite visits, and not  
7 just the visit to the gazebo, which was a prior  
8 practice. He also was able to make sure that  
9 visitors did not have to produce a death certificate,  
10 and he will also talk more about what he was able to  
11 achieve with lawsuit, and where he believes the city  
12 should go from here. So, Mr. Dunn, thank you for  
13 being here today.

14 CHRIS DUNN: Oh, whoops. Good morning  
15 Chair Crowley. It is a new day in the City Council  
16 when the advocates get to speak before the City. I  
17 appreciate that, and hopefully, it will be a new day  
18 for Hart Island. I'm Chris Dunn. I'm the Associate  
19 Director of the New York Civil Liberties Union. I'm  
20 here to support your bill. Our interest, as you  
21 indicated, arises from a lawsuit that we filed in  
22 2014 against the city, which was attempting to  
23 reverse what was we thought both an illegal and a  
24 wholly unjust policy mainly barring family members  
25 from visiting the gravesites of loved ones buried on

1 Hart Island. You would have thought that that would  
2 have been a no-brainer, as they say. There was press  
3 reporting in November of 2014--2013 about families  
4 trying to get to Hart Island. We talked to the City  
5 for many, many months. The city simply would not  
6 change the policy. We sued and then to the City's  
7 credit, it did change the policy, and for the last  
8 six months families have been in a very limited way  
9 going to gravesites on Hart Island. And the limits  
10 of that visitation illustrates perfectly why these  
11 two committees need to enact Intro 134. Simply put,  
12 Hart Island as the City's Potter's Field, the final  
13 resting place for the poor and dispossessed in New  
14 York City needs to be managed as a cemetery and not  
15 as a prison facility. And as long as the Department  
16 of Correction is operating and managing Hart Island,  
17 it will be run as a prison facility, and that is  
18 wrong. And our experience with the city around our  
19 lawsuit perfectly illustrates that. We filed this  
20 lawsuit. We have a very good outcome, but let me  
21 tell you about some features of this that were driven  
22 entirely by the fact that the Department of  
23 Correction runs this cemetery. First, there's very  
24 limited visitation, as you alluded to. Once a month  
25

1  
2 up to 50 family members can go visit gravesites on  
3 Hart Island. There are over--there are approximately  
4 a million people buried there. That is inadequate,  
5 but that's the least of it. To go visit Hart Island  
6 as a family member to engage in a gravesite visit you  
7 first have to register with the Department of  
8 Correction, and many people are reluctant to do that.  
9 When you get there-- I don't know how many of you  
10 have been to Hart Island, but you get to a dock that  
11 looks like you're arising--arriving at a prison.  
12 There' razor wire, there's signs, there's security,  
13 there are armed guards. No one would mistake it for  
14 a cemetery. You were subject to search by Correction  
15 officers when you get on the ferry, and then when you  
16 go to Hart Island, every group visiting a gravesite  
17 is accompanied by an armed uniformed Department of  
18 Correction officer. I have great respect for the  
19 Department of Correction and its officers. They're  
20 trying to do the best they can. They are not in the  
21 cemetery business, and who as grieving family member  
22 wants to go on a gravesite visit and have standing 10  
23 feet away from you an armed correction officer in  
24 uniform. It is simply wrong. So, we are calling  
25 upon the City Council, as you are suggestion, to take



2 Hart Island out of the prison system in New York  
3 City. It is trying--time to treat it as a cemetery.  
4 It's time to treat it with the dignity and respect  
5 that a cemetery for the poor and dispossessed of New  
6 York are entitled to and we, therefore, urge you to  
7 adopt Intro 134. Thank you.

8 CHAIRPERSON CROWLEY: Thank you. Mr.  
9 Dunn, I have just a few questions. In addition to  
10 taking it out of the Department of Correction, we  
11 understand that and we're trying to achieve that.  
12 But in the meantime, were there goals that you tried  
13 to achieve working with the Department of Correction  
14 that you were not able to with your lawsuit?

15 CHRIS DUNN: Yes and that reflected the  
16 fact that we're working within a legal framework as  
17 opposed to a policy framework, but yes, there are  
18 some obvious things that should be happening. One,  
19 frankly the Department of Correction even though it  
20 has technical jurisdiction over the island, they  
21 ought to find somebody else to run it as a cemetery.  
22 That was--that was step number one, and the City said  
23 right from the get-go this is technically DOC  
24 jurisdiction. DOC is going to run the place.  
25 Secondly, we tried to have much more frequent

2 visitation. they said no. We tried to arrange to  
3 have civilians be the people who would escort family  
4 members to gravesites, and they said no. We tried to  
5 get them to waive some notion of searching family  
6 members before they go onto Hart Island, and they  
7 said no we have to reserve that. We tried to get  
8 them to waive their insistence that all electronic  
9 devices be barred with an attitude. Many people take  
10 pictures with electronic devices, and they are now  
11 barred, or the City reserves the right to bar them.  
12 All of this flows from one single thing, which is  
13 that DOC runs the facility and the City's position,  
14 therefore--and they were driven by their client--was  
15 that if DOC is running it, we are going to run this  
16 with the DOC mentality. And I understand that  
17 mentality when you're talking about Rikers Island or  
18 other jail facilities. It is a mentality that makes  
19 zero sense for a cemetery, and that was the thing,  
20 Chair Crowley, that we kept running into, the notion  
21 this is a DOC facility. [pause]

22 CHAIRPERSON CROWLEY: Did you feel that  
23 your clients needed to be escorted to the gravesite?

24 CHRIS DUNN: Um, I think any of us who  
25 has been to the cemetery knows the answer to that

1 question. No, they did not need to be escorted to a  
2 gravesite, and at some level getting around Hart  
3 Island, people need assistance locating graves. That  
4 is not what is happening. To be sure, DOC is  
5 locating graves, but what is happening is they are  
6 sending armed uniformed officers to accompany family  
7 members on the supposition that family members pose  
8 some potential threat to Hart Island. Specifically,  
9 the notion they will leave something there, some sort  
10 of contraband that an inmate who then later in the  
11 week is doing a burial might be able to get his or  
12 her hands on. That is crazy in terms of thinking  
13 about a cemetery, and in my experience the last thing  
14 you would think, and the last thing you would ever  
15 want to think is that a grieving family member going  
16 to a gravesite poses a security risk to the City of  
17 New York. But that's what you get when you have DOC  
18 running Hart Island.

19  
20 CHAIRPERSON CROWLEY: Any questions? No.  
21 Okay.

22 CHRIS DUNN: Okay.

23 CHAIRPERSON CROWLEY: You do? Okay. I'd  
24 like to recognize Council Member Lander for a  
25 question.

2 COUNCIL MEMBER LANDER: Thank you.

3 Thanks, Madam Chair for convening this hearing and  
4 for your longstanding push and advocacy on this. I'm  
5 proud to be a co-prime sponsor of the bill, and when  
6 I chaired the subcommittee on Landmarks, Public  
7 Siting and Maritime Uses, which has cemetery mappings  
8 under its jurisdiction, we--we had a lot of  
9 conversation. I really appreciate your continuing to  
10 push on it. This may not be in your jurisdiction  
11 because it's less about the issue of the families  
12 visiting, and just more about understanding the basic  
13 concept here. Um, it--it just--it seems so 19th  
14 Century to me the idea of having inmates from Rikers  
15 be the workforce to bury indigent people who die. It--  
16 -it--so I just am--I'm curious does any else do that  
17 any more? I mean it seems to be so straightforward  
18 that it ought to be a cemetery. If it needs to be  
19 contracted then we ought to contract it to an  
20 operator. People should be able to visit. Like  
21 we're just--we're still running this like it's the  
22 19th Century, and I'm--I'm--I'm curious whether you  
23 know if other folks are doing that. It seems to  
24 that--you know, I don't know anything about the work  
25 conditions that people are under. I'm not sure if

1 it's job training for like high growth fields. I--I-  
2 -you know, can you speak to any of the issues related  
3 to the--the inmate work portion of it, which I guess  
4 is the whole justification for preventing people from  
5 being there. But, it makes really little sense to  
6 me--it's--we--it's not how we get the roads paved any  
7 more. You know, it's just there was a time when  
8 that's--when inmate labor was--was approached in this  
9 way, and I thought we had moved on from it.

11 CHRIS DUNN: Well, I--I think you may be  
12 giving the city about 100 or 200 years too much  
13 credit.

14 COUNCIL MEMBER LANDER: The 16th Century?

15 CHRIS DUNN: This--this feel pretty far  
16 back and, you know, it's--like it's ghoulish to think  
17 of the prospect of inmates being trucked over to Hart  
18 Island to bury infants who have been abandoned or who  
19 have died in poverty. And it is from that  
20 arrangement that flows so much of the Correction  
21 mentality that pervades Hart Island. They start with  
22 the premise we put--we bring prisoners over to Hart  
23 Island to bury people, by the way, and because we  
24 have prisoners who are on Hart Island on occasion, we  
25 have to run it as if it's a prison facility. And

1  
2 everything about that is wrong and Medieval, and yes  
3 you are right, we should not have prisoners burying  
4 people on Hart Island. And yes, you are right that  
5 we should be running Hart Island not as a prison  
6 facility, but in some 20th or God forbid 21st Century  
7 notion of a cemetery, which is what it is

8 COUNCIL MEMBER LANDER: All right. I'm  
9 looking at my notes. So I wasn't wrong in the 19th  
10 Century. It was set up in 1869 at which point maybe  
11 this--this I guess the ghoulish was the way we did  
12 things. But, are you aware are there other cities  
13 that continue to operate in this 19th Century way  
14 that you're familiar with?

15 CHRIS DUNN: You're right. You're  
16 getting a little out of our bailiwick. I do not know  
17 the answer to that.

18 COUNCIL MEMBER LANDER: Okay.

19 CHRIS DUNN: Suffice it to say that if it  
20 was ever appropriate, it is no longer appropriate.

21 COUNCIL MEMBER LANDER: Thank you very  
22 much. Thank you, Madam Chair.

23 COUNCIL MEMBER VACCA: Madam Chair, I've  
24 got one question.

2 CHAIRPERSON CROWLEY: All right, yes,  
3 Chair Vacca, I mean Council Member Vacca.

4 COUNCIL MEMBER VACCA: You know, I want  
5 to make clear I'm--I'm a co-sponsor of this bill, but  
6 I also want to make clear that whatever we have to do  
7 to make the burial site more conducive has to be--has  
8 to be give voice to by the Administration. The  
9 Department of Correction or the Department of Parks  
10 are both under the Mayor's Office. So, if we're  
11 looking to look at Potter's Field and if we're  
12 looking to make sure that the burial sites are--are  
13 really in better shape, and that the buildings on  
14 Hart Island that people who want to visit the  
15 indigent who have passed are in better shape. The  
16 agency is less of an issue as--as is the commitment  
17 of the Administration to look at what we do for those  
18 who have been buried there who did not have  
19 resources. I'm sponsoring--I'm a co-sponsor in that  
20 vain because I think that there has to be a  
21 discussion about this, and that's the main purpose  
22 so--of--of the--

23 CHRIS DUNN: [interposing] Well, I--I  
24 agree with you completely although I do want to say I  
25 think it does make a difference which agency is

1 running. There could be many agencies other than the  
2 Department of Correction that could run Hart Island  
3 just fine. I think what is crystal clear is the  
4 Department of Correction cannot run Hart Island as a  
5 cemetery, and if the Council does nothing else, it  
6 must find some other agency with some other  
7 philosophy to run Hart Island. And, you know, that--  
8 that is the bottom line because--

10 COUNCIL MEMBER VACCA: I think, as I  
11 said, I've been involved in this issue many years. I  
12 think over the course of many years the Department of  
13 Correction has not been interested in doing what has  
14 to be done to renovate those buildings and make the  
15 burial sites more conducive, but--

16 CHRIS DUNN: [interposing] Well, why  
17 would they?

18 COUNCIL MEMBER VACCA: If--if--why would  
19 they, right.

20 CHRIS DUNN: Right, I mean, you know,  
21 outside Stuyvesant. (sic)

22 COUNCIL MEMBER VACCA: [interposing] They  
23 would if they were told that this is a priority--

24 CHRIS DUNN: [interposing] Yeah.  
25



2 COUNCIL MEMBER VACCA: --from the  
3 families who have deceased ones there, and from those  
4 of us on the Council who would really press the  
5 issue. Because, of course, this is my priority is  
6 the burial sites and the--and the--and the--the  
7 facilities there for those who have died.

8 CHRIS DUNN: I--I do want to say one  
9 thing, which is I would urge you and the Council not  
10 to get distracted in my view by the issue of the  
11 buildings. The City could spend a lot of money  
12 renovating those buildings. That should not be the  
13 question for this legislation because let me tell you  
14 a lot of good things can happen over on Hart Island  
15 without spending millions and millions of dollars on  
16 buildings, and it--it should not be an obstacle to  
17 getting Hart Island out of the hands of Correction.  
18 That people are talking about if it goes to Parks or  
19 some place else, that means we're spending a lot of  
20 money improving the island. The island should be  
21 improved, and the City should do that, but let me  
22 tell you it would make a world of difference in terms  
23 of that place operating as a cemetery, and grieving  
24 families being able to go and do gravesite visits if  
25 someone other than the Department of Correction were

2 running that and it were not being run as a  
3 correction facility.

4 COUNCIL MEMBER VACCA: Do you--I hope  
5 there's an appreciation. I would expect there's an  
6 appreciation of my contention that we also cannot  
7 have this island be a tourist attraction because from  
8 the transportation point of view there is not that  
9 capacity.

10 CHRIS DUNN: Well, to be sure and tourist  
11 attraction or not, that's not exactly my thing. I  
12 will say this: I have been to Hart Island. I've  
13 been to City Island many times. That is not a place  
14 that a large number of people are beating a path to,  
15 and frankly, I do not view the prospect of Hart  
16 Island being improved and being run with more dignity  
17 as reopening the door to large numbers of people  
18 beating a path to City Island. I--I personally just  
19 don't see that, but--

20 CHAIRPERSON CROWLEY: Okay. Thank you  
21 Mr. Dunn, and Council Member Vacca, earlier Council  
22 Member and Co-Chair Levine mentioned that the Parks  
23 Department runs approximately 13 islands, and many of  
24 them are uninhabited. Some are nature preserves, and  
25 most have limited or no access to the public. So, it

2 is no unheard of for the Parks Department to take  
3 over an island and for it to be in their  
4 jurisdiction, and for it not to be a tourist  
5 attraction--attraction.

6 CHAIRPERSON BARRON: I would--I would  
7 also say just as a practical matter, Council Member  
8 Vacca, and I'm sure you're aware of this, there have  
9 been proposals in the past. In fact, I think there's  
10 been service in the past of ferries from places other  
11 than City Island. So, my guess is to the extent that  
12 you're actually concerned about, and the people are  
13 actually concerned about a lot of foot traffic to  
14 City Island. There are ways to open Hart Island  
15 without necessarily having a huge impact on City  
16 Island. You're going to have to take a boat there no  
17 matter what, and that boat can be from different  
18 places.

19 CHAIRPERSON CROWLEY: Thank you, Mr.  
20 Dunn. There are no other questions for you. We're  
21 going to invite the Administration up. Council  
22 Member Lander, just to answer one of your questions  
23 you had that was unanswered by Mr. Dunn, hopefully,  
24 DOC can answer that or Parks, but from the research  
25 I've done, there's no other cemetery in the United

1 States that I know of that is operated and maintained  
2 by a jail facility. And, you know, when it comes to  
3 maintaining the island, Hart Island is expensive And  
4 we're going to ask the Department of Correction how  
5 much money they spend on trained officers who are  
6 uniformed officers of higher rank such as wardens,  
7 captains and correction officers to maintain the  
8 island. When we know what's happening each and every  
9 day on Rikers Island. And how the Department does  
10 not get the resources from the City that it needs  
11 just to maintain care and custody there. Let alone  
12 being stretched so thin, and having to go over to  
13 maintain Rikers Island simply makes no sense to me.  
14 Now, form the Administration we have three different  
15 agencies here. From the Office of Chief Medical  
16 Examiner we have Florence Hutner, who is the General  
17 Counsel there. We have Carleen McLaughlin who is the  
18 Director of Legislative Affairs at the Department of  
19 Correction, and then we have Matthew Drury--if I said  
20 that wrong, I apologize--from New York City Parks and  
21 Recreation. I'm not sure which order in which you  
22 would like to speak, but please begin when you're  
23 ready.  
24  
25

2 CARLEEN MCLAUGHLIN: Good morning, Chair  
3 Crowley, Chair Levine and members of the Fire and  
4 Criminal Justice Services Committee, and members of  
5 the Parks and Recreation Committee. My name is  
6 Carleen McLaughlin. I am the Director of Legislative  
7 Affairs and Special Projects at the Department of  
8 Correction. I am here to testify about DOC's  
9 operation of Hart Island. The department has  
10 previously testified before the Fire and Criminal  
11 Justice Services Committee about Hart Island  
12 operations and visitation in 2011 and 2012. As you  
13 know, and as set forth by the City in the  
14 Administrative Code, the Department of Correction  
15 operates and maintains the city cemetery located on  
16 Hart Island. DOC is responsible for burials of  
17 individuals who cannot provide their own, who have  
18 not been identified, or for those whose next of kin  
19 cannot be located. In recent years there have been  
20 about a thousand individuals buried each year. All  
21 of the remains come to Hart Island through the Office  
22 of the Chief Medical Examiner. OCME delivers the  
23 remains to Hart Island in individual coffins. Burial  
24 records can be accessed through our Hart Island  
25 website, [nyc.gov/hart-island](http://nyc.gov/hart-island). Burials on Hart Island

2 are performed by inmate workers who are supervised by  
3 correction officers and a captain. They travel from  
4 Rikers Island to Hart Island four days each week, and  
5 access Hart Island by the ferry that is operated by  
6 the Department of Transportation. Only sentenced  
7 inmates who have good behavior records are selected  
8 to work on Hart Island. The inmates who work on the  
9 island learn job skills, get to be outside and off  
10 Rikers for a few hours of a day, and perform a--  
11 perform a meaningful service for the community. In  
12 addition to the burials, DOC exhumes approximately 40  
13 coffins each year. About a dozen exhumations or  
14 disinterments are done at the request of OCME, and  
15 the rest are requested by a family or friend of the  
16 deceased who wants to arrange a private burial. To  
17 request a disinterment the family member or friend  
18 must obtain a disinterment permit from the Department  
19 of Health Department of Health and Mental Hygiene's  
20 Office of Vital Records. The permit must be sent to  
21 DOC with a formal request for disinterment on  
22 letterhead from a licensed funeral home. Upon  
23 receipt of these documents, we make arrangements with  
24 the licensed funeral home to transfer the remains to  
25 its custody. This process to request a disinterment

2 is also described on our Hart Island website. When  
3 they are not performing burials, or disinterments,  
4 the staff and inmates do general grounds keeping  
5 around the island, including removing debris, mowing  
6 the lawns, clearing vines and weed and repairing plot  
7 markers. These grounds--this grounds keeping is  
8 important both to maintain paths to more recent  
9 burial areas, but also to ensure that in advance of a  
10 requested visit, underbrush is cleared from the  
11 access routes to older burial sites that with the  
12 passage of years would otherwise be inaccessible.  
13 [coughs] Last year, the City expanded visitation  
14 access for family members of those who are buried on  
15 Hart Island. Since July 2015, we have offered  
16 monthly grave site visits for family members and  
17 their invited guests. These visits are in addition  
18 to the monthly gazebo visits that are open to any  
19 interested individual. To participate in either type  
20 of visit, one must schedule attendance in advance by  
21 contacting DOC through the website, or by calling  
22 718-546-0911. Calling the city's 311 line will also  
23 connect you to us. The DOC phone line is typically  
24 staffed during business hours. Anyone who calls  
25 outside of business hours should leave a message,

2 which we strive to return on the next business day.

3 Visitors are met on the City Island ferry dock by DOC  
4 staff who then escort them onto the island and to the  
5 visit areas. For safety and security reasons, D-O  
6 stuff--DOC staff remain with all groups during the  
7 visit. We want to ensure that no one is hurt by  
8 tripping on the uneven ground or walking too near the  
9 building, and staff also observe to make sure that no  
10 token is left behind to present security concerns.

11 The visitation information can be found in FAQs on  
12 our Hart Island website. So far, the feedback we've  
13 received from family members visiting gravesites has  
14 been very positive. Everyone who has reached out to  
15 us following a visit has expressed how much they  
16 appreciated the experience and have been very  
17 complimentary of the staff they met. Overall,  
18 visitors comment that they are comforted by the  
19 experience because they see that they loved ones are  
20 in a peaceful place. The City does oppose Intro 134,  
21 which would transfer jurisdiction from DOC to the  
22 Department of Parks and Recreation. DOC is capable  
23 of providing the burial and disinterment services  
24 that the city requires. It is in the city's interest  
25 to have these services uninterrupted in a city



2 cemetery. Thank you again for the opportunity to  
3 testify today. I turn the podium over to my  
4 colleagues from OCME and Parks, and then I'm happy to  
5 answer any questions that you have.

6 FLORENCE HUTNER: Good morning, Chair  
7 Crowley, Chair Levine, members of the Committees on  
8 Fire and Criminal Justice Services and Parks and  
9 Recreation. My name is Florence Hutner, and I am  
10 General Counsel to the New York City Office of the  
11 Chief Medical Examiner. I'm here to testify about  
12 the OCME's role in the burial in City Cemetery on  
13 Hart Island of decedents who cannot provide for their  
14 own burial, or whose--or whose remains are either  
15 unidentified or unclaimed by next of kin. As I will  
16 describe, the OCME transports decedent remains to the  
17 Department of Correction for burial, and occasionally  
18 transports disinterred remains from Hart Island.  
19 OCME also conducts often extensive investigations to  
20 find alternatives to city burial including  
21 coordination with public administrators and Veteran  
22 Affairs agencies. In Calendar year 2015, the OCME  
23 delivered 1,137 decedents' remains to DOC for burial  
24 on Hart Island. OCME had medical examiner  
25 jurisdiction over 30% of those remains pursuing to--

1  
2 pursuant to its medical examiner function. And  
3 jurisdiction over the remaining 70% in its capacity  
4 as the city's mortuary. As noted above, these  
5 decedents represent individuals who cannot provide  
6 for a private burial, whose next of kin specifically  
7 request burial in City Cemetery due to limited funds  
8 or other reasons, or who are unclaimed or  
9 unidentified. OCME transports decedent remains for  
10 transfer to DOC custody on Hart Island several times  
11 a week throughout the year, weather and tides  
12 permitting. In 2015, we provided decedent remains on  
13 71 separate occasions. On average, between 13 and 36  
14 individual remains are transferred at a time. Before  
15 transportation, OCME places each decedent in an  
16 appropriately sized pine casket that the agency  
17 purchases for this purpose. DOC personnel inmate  
18 workers need not handle remains directly. OCME is  
19 involved in approximately a dozen disinterments  
20 annually. In 2015, OCME arranged for 13  
21 disinterments. OCME staff do not perform the  
22 disinterments. DOC conducts the actual exhumation,  
23 and OCME transports the exhumed remains from Hart  
24 Island to an OCME facility. OCME has no role in  
25 private disinterment, which are arranged directly

2 with DOC through funeral homes. Before any  
3 individual is transported for burial in the City  
4 Cemetery unless next of kind have specifically  
5 requested burial at Hart Island, OCME's Outreach  
6 conducts extensive investigation to identify next of  
7 kin and determine their plans for the final  
8 disposition of the decedent's remains. For mortuary  
9 cases, this investigation begins by contacting the  
10 healthcare facility from which the decedent was  
11 brought to the OCME to obtain any information in  
12 their files about next of kin. The Outreach Unit  
13 also contacts the Public Administrator in the  
14 relevant county as well as the two New York City  
15 organizations that hold information about pre-paid  
16 funeral home plans. As needed, the Outreach Unit  
17 also conducts an Internet investigation including in  
18 the National Mission and Unidentified Persons system,  
19 and HHS databases. If a decedent is determined to be  
20 a veteran without known or interested next of kin,  
21 the case is referred to the Department of Veteran  
22 Affairs, which investigates the subject's military  
23 service. If a decedent is eligible for military  
24 burial, DVA makes arrangements for the final  
25 disposition of their remains. When veteran

1  
2 eligibility cannot be determined based on available  
3 information, the remains may be buried on Hart  
4 Island. OCME also works with other agencies  
5 including the Department of Homeless Services and  
6 various consulates for foreign residents. If needed,  
7 OCME coordinates with the New York City Police  
8 Department New York City Police Department, which  
9 will conduct searches of missing persons databases  
10 that are maintained by and for law enforcement  
11 agencies, and also searches restricted to Department  
12 of Motor Vehicles records. Clearly, like the  
13 citizens of New York, the OCME has a strong interest  
14 in ensuring that the burial of indigent and unclaimed  
15 individuals on Hart Island continues uninterrupted.  
16 We appreciate your attention to this issues, and  
17 thank you again for the opportunity to testify today.  
18 After my colleague, Matt Drury, has--has testified, I  
19 will be happy to answer any questions you have.

20 [pause]

21 MATT DRURY: [coughs] Good morning, Chair  
22 Crowley, Chair Levine, members of the Committee on  
23 Fire and Criminal Justice Services and members of  
24 members of the Committee on Parks and Recreation. My  
25 name is Matt Drury, Director of Government Relations

2 at the New York City Department of Parks and  
3 Recreation. Thanks for inviting us today to testify  
4 regarding Intro 134 pertaining to the transfer of  
5 jurisdiction over Hart Island from the Department of  
6 Correction to the Department of Parks and Recreation.  
7 Hart Island, as you may be familiar, 131-acre island  
8 located in the Bronx, a New York City island at the  
9 western end of Long Island Sound. The island served  
10 many roles dating back from the 1860s including a  
11 Civil War internment camp, a psychiatric institution,  
12 sanatorium, a reformatory, and as Council Member  
13 Levine pointed out, a Nike Missile launch site for  
14 the United States military. However, its primary  
15 function over the years has been that of a public  
16 cemetery for burials of indigent individuals or for  
17 those whose remains are either unidentified or  
18 unclaimed by next of kin, and is managed under the  
19 jurisdiction of the New York City Department of  
20 Correction. As you are aware, burials are conducted  
21 by inmate workers supervised by DOC who also maintain  
22 the grounds and coordinate travel to the island for  
23 staff, inmates and authorized visit from public  
24 utilizing transportation provided by the  
25 Transportation--Department of Transportation ferry

2 from a dock in City Island. Public access to the  
3 island is available twice a month through visits,  
4 which can be prearranged with the staff at DOC.

5 The bill as currently drafted would  
6 compel the transfer of jurisdiction over Hart Island  
7 to New York City Parks, which raises some concerns  
8 from our agency's perspective. New York City Parks  
9 believes that the operation of the public cemetery,  
10 which falls well outside the agency expertise and  
11 available resources. Parks does have jurisdiction  
12 over a small number of small number of historic  
13 cemeteries, but none of these involve active burials.  
14 [coughs] These tend to be less than one acre in  
15 size, and require little to no maintenance. We  
16 understand the desire to keep Hart Island in the best  
17 condition possible, and provide a pleasant experience  
18 for friends and families of deceased to visit and to  
19 pay their respects. New York City Parks has worked  
20 with DOC to provide assistance and expertise  
21 regarding horticultural management and other efforts  
22 including management of invasive species. We also  
23 recognize that Hart Island has a unique and  
24 significant presence in New York City history, and  
25 the island features several buildings and structures

1 of some historical interest, which are in varying  
2 conditions of disrepair. New York City Parks would  
3 welcome the opportunity to continue working with DOC  
4 and the Department of Buildings to assess these  
5 structures further, and assess whether any degree of  
6 historical preservation would be appropriate.  
7  
8 However, we feel that these efforts can and should  
9 continue without a change in the agency jurisdiction.  
10  
11 Further, the transferred to Parks could lead to the  
12 expectation that for the expansion of public access  
13 to the island for recreational use. As a general  
14 practice, New York City Parks had concerns about  
15 acquiring new property of this size and of this  
16 nature without a clear plan to develop it for public  
17 access, and the resources in place to do so. Based  
18 on ground settlement issues stemming from the  
19 decomposition of old graves, demolition and repair  
20 work projects that would be necessary, unclear  
21 environmental conditions, the presence of invasive  
22 plant species in its natural areas and other factors,  
23 it's fair to estimate that any renovation of this  
24 island to allow use for the general public could cost  
25 upwards of tens of millions of dollars. The agency  
feels that in this--with this allocation of resources

1 it would be difficult to justify, and by the current  
2 capital and expense budget needs for existing  
3 parkland already under New York City Parks'  
4 jurisdiction. For context, please keep in mind that  
5 New York City Parks currently hold jurisdiction over  
6 5,000 individual properties throughout the city  
7 including 1,900 parks, 1,000 playgrounds, 600  
8 community gardens, and 10,000 acres of natural areas.  
9 Developing Hart Island for broader public use poses  
10 logistical obstacles as well. Funding would need--  
11 would be needed to secure expanded public ferry  
12 access to the island. The current ferry launch on  
13 the east side of City Island, as Council Member Vacca  
14 noted, has very limited transit and parking access,  
15 which serves current visitors visiting the graves of  
16 loved ones, but would be problematic for expanded  
17 access. An alternative launch site or additional  
18 transit and parking access would have to be  
19 identified and constructed in order to accommodate  
20 park users. Additionally, the damage suffered by the  
21 island during Super Storm Sandy and the presence of  
22 significance flood plains in portions of the island  
23 not used for burials also raises questions about the  
24



2 island's potential for either active or passive  
3 recreational use.

4           Lastly, it's worth noting that given the  
5 island's' proximity to Pellham Bay Park, the largest  
6 park in New York City at 2,765 acres, it's unclear  
7 whether usership levels will be high enough and  
8 consistent enough to warrant significant long-term  
9 capital expense investment. To the degree there are  
10 challenges and issues at Hart Island, New York City  
11 Parks is committed to continue working with DOC and  
12 other city agencies to provide whatever expertise and  
13 assistance that we can. But, New York City Parks  
14 needs to remain focused on our primary mission,  
15 keeping our existing parks in the best condition  
16 possible and re-imagining and reactivating parks,  
17 which have traditionally been underfunded so that we  
18 can foster park equity and improved access throughout  
19 the city. Thanks for the opportunity to testify this  
20 morning. We'll be happy to answer question you may  
21 have. [pause]

22           CHAIRPERSON CROWLEY: Thank you to the  
23 Administration. I just--you know, recently in one of  
24 my community papers there was a story about a man  
25 Russell Platt. He was a Korean War veteran who was

2 eligible for burial in a national cemetery, but he  
3 had no next of kin, and recently he was buried there  
4 on Hart Island. How frequently are veterans buried  
5 on the island? That is the question. That's OEM,  
6 OME or OCME.

7 FLORENCE HUTNER: To our knowledge, 15  
8 cases have veteran status of those buried on Hart--  
9 Hart Island. I am not certain of the--the timeframe  
10 of those burials. As I said, we make all best  
11 efforts to ensure that veterans that did--veteran  
12 decedents who are eligible for military burial are  
13 connected with the Veterans Affairs agencies that can  
14 affect to rate that burial. There are occasions when  
15 the paperwork is not--doesn't meet their standards,  
16 and so they do not deem them eligible for military  
17 burial. So without looking specifically into the--  
18 the case that you mentioned, Council Member, I can't  
19 answer any questions about that one.

20 CHAIRPERSON CROWLEY: So it happens every  
21 year probably about 15. Is that what the number is  
22 coming from, 15?

23 FLORENCE HUTNER: No, I'm saying a total  
24 of 15. I do not know over what period of time.

2 CHAIRPERSON CROWLEY: [interposing]

3 Okay.

4 FLORENCE HUTNER: I can get back to you  
5 on it--

6 CHAIRPERSON CROWLEY: [interposing] But--

7 FLORENCE HUTNER: --but not--not  
8 annually.

9 CHAIRPERSON CROWLEY: But before OCME had  
10 started to work with veterans organizations for  
11 veteran burials in veteran cemeteries, there were  
12 many, many veterans that were buried on--and there  
13 are still many veterans buried on Hart Island. Does  
14 DOC know the--the inventory of the people that have  
15 been buried on Hart Island?

16 CARLEEN MCLAUGHLIN: We would not know  
17 that information there, and we have certain records  
18 converting the decedents that we get from the Office  
19 of the Chief Medical Examiner.

20 CHAIRPERSON CROWLEY: So it is the Office  
21 of the Medical Examiner that knows what type of  
22 person or like the age, the background, whether the  
23 person has been identified. How frequently are the  
24 people buried there not identified? Might they be  
25 homeless or for whatever reason they go unidentified?

2 FLORENCE HUTNER: So I have that  
3 breakdown for the cases that we had under Medical  
4 Examiner jurisdiction as opposed to a mortuary  
5 function for 2015. At the time of burial, 47 out of  
6 335 decedents were unidentified, which means that 288  
7 of those in the NE Case category were identified.

8 CARLEEN MCLAUGHLIN: And, ma'am, I'd like  
9 to point out, of course, that if a veteran is  
10 identified after being buried on Hart Island, a  
11 disinterment is arranged, and the person can be moved  
12 somewhere else for a correct--

13 CHAIRPERSON CROWLEY: Right, the DOC  
14 should know whether it is a person coming from the  
15 Medical Examiner's Office from a morgue or from the  
16 Medical Examiner's Office who is being buried. You  
17 keep--you keep a log so you know where they're  
18 buried. So do you know how many are unidentified and  
19 how many are veterans, how many are homeless, how  
20 many are stillborn babies?

21 CARLEEN MCLAUGHLIN: We do have the names  
22 of everyone who we've identified, of course. And so,  
23 those who are not identified, we do know that they  
24 don't have names. I don't have those numbers with  
25 me. I can see if we can get that breakdown.

2 CHAIRPERSON CROWLEY: How much does it  
3 cost DOC to operate the burial grounds?

4 CARLEEN MCLAUGHLIN: We spend about  
5 \$400,000 a year.

6 CHAIRPERSON CROWLEY: How is that  
7 possible if you have a correction officer? How many  
8 correction officers are working on Hart Island?

9 CARLEEN MCLAUGHLIN: Five officers and  
10 one captain, and one heavy equipment operator are--

11 CHAIRPERSON CROWLEY: [interposing] Okay.

12 CARLEEN MCLAUGHLIN: --on Hart Island.

13 CHAIRPERSON CROWLEY: And the average  
14 correction officer is making over \$100,000 a year,  
15 and that's not counting their benefits, and I'm not  
16 sure what a captain's salary is, but I would imagine  
17 it's more than a correction officer's, and warden  
18 supervising a captain has to be some extent of the  
19 management of what's happening on Rikers Island. So  
20 I don't believe \$400,000 is an accurate number. How  
21 do you arrive at \$400,000? Just looking at the  
22 salaries for your officers alone.

23 CARLEEN MCLAUGHLIN: That number includes  
24 the salaries of the staff who are out there. It  
25 includes the overtime for weekend visits. It

2 includes the fuel for the ferry. That's the all-  
3 inclusive total.

4 CHAIRPERSON CROWLEY: Can you provide  
5 that broken down, please.

6 CARLEEN MCLAUGHLIN: I can. I don't have  
7 it with me, but I can get that to you.

8 CHAIRPERSON CROWLEY: Now, does the DOC  
9 really want to continue managing Hart Island?

10 CARLEEN MCLAUGHLIN: We certainly can and  
11 we are happy to continue managing Hart Island. We  
12 have the expertise to do so. Um, I think--

13 CARLEEN MCLAUGHLIN: [interposing] So,  
14 when--so when a correction officer goes for training  
15 in the academy, do they learn about burials?

16 CHAIRPERSON CROWLEY: No. It's not part  
17 of the regular training for all officers, but if you  
18 were assigned to work on Hart Island--

19 CARLEEN MCLAUGHLIN: [interposing]  
20 There's training.

21 CHAIRPERSON CROWLEY: --you learn. Yes.

22 CARLEEN MCLAUGHLIN: Or you just--so  
23 there's a specific training with the Department of  
24 Correction that trains your officers on how to  
25 operate burials?

2 CHAIRPERSON CROWLEY: I don't know the  
3 details of the training, but obviously you do--

4 CHAIRPERSON CROWLEY: [interposing] I  
5 really doubt that there is. I would--I'd be shocked  
6 to see that, but you say that there are.

7 CARLEEN MCLAUGHLIN: I know that the  
8 people who work there are taught how to work there,  
9 and are taught, and are taught how to --

10 CHAIRPERSON CROWLEY: [interposing]  
11 They're taught how to--?

12 CARLEEN MCLAUGHLIN: --how to do it where  
13 their job is concerned. Yes. (sic)

14 CHAIRPERSON CROWLEY: --tell MH to dig  
15 holes, and then to carry coffins and put them in the  
16 holes. Now, how big is the master gravesite there?

17 CARLEEN MCLAUGHLIN: So the--

18 CHAIRPERSON CROWLEY: [interposing] How  
19 many people are--how many people do you look to bury  
20 in one site, and how often or how--I know how  
21 frequently you're burying based on your testimony,  
22 but how many coffins are put in one site, and how  
23 long is it open for?

24 CARLEEN MCLAUGHLIN: So the way the  
25 burials are performed the adult burials will have 150

1  
2 coffins in one long trench. The trench is dug at one  
3 time by the heavy equipment operator. The coffins  
4 are placed into the--into the trench when the medical  
5 examiner brings them up, and then they are covered  
6 that day.

7 CHAIRPERSON CROWLEY: So if the Medical  
8 Examiner's Office is saying that there's  
9 approximately 1,500 burials done a year and you're  
10 looking to 150 in one grave of adults, then I'm  
11 assuming that your grave is open for longer than a  
12 month.

13 CARLEEN MCLAUGHLIN: Well, before the  
14 entire thing is filled--I'm not sure what the  
15 timeline is--we can work that out. But the actual  
16 coffins are placed and they are covered daily. They  
17 are not left exposed.

18 CHAIRPERSON CROWLEY: So when it rains  
19 and other weather conditions or, you know, wind or  
20 other bi-products of weather don't affect the massive  
21 grave when it's open?

22 CARLEEN MCLAUGHLIN: If the open section  
23 is affected, it might have to be re-dug, but the  
24 coffins that are in there are covered with wood, and  
25 then covered with dirt every day.



2 CHAIRPERSON CROWLEY: So the--the bodies  
3 that are buried there aren't continuously disturbed  
4 when other--

5 CARLEEN MCLAUGHLIN: [interposing]  
6 Correct.

7 CHAIRPERSON CROWLEY: --graves, when  
8 other coffins are buried there? Now, with violence  
9 increasingly spiraling somewhat out of control. Each  
10 and every day I'm opening the paper and reading about  
11 it, but I also get reports from the Department of  
12 Corrections that there are more and more incidents of  
13 violence in almost every single one of your jail  
14 facilities. I am trying to comprehend why you would  
15 want to continue to maintain Hart Island that has--is  
16 not tasked with custody or control of inmates and why  
17 the Department of Correction would want to have a  
18 captain and five officers on that island when you so  
19 sorely need officers maintaining control on Rikers  
20 Island and your various jails. That's what I'm  
21 trying to comprehend why DOC would want to continue  
22 doing this if it's really not tasked with the mission  
23 of the Department of Correction.

24 CARLEEN MCLAUGHLIN: Well, actually the  
25 work detail of Hart Island does align with the

2 Commissioner's 14-Point Plan for anti-violence  
3 reform. Part of that plan does involve creating  
4 hours of programming for inmates everyday so that  
5 they can use their time valuably to earn some money,  
6 learn some skills, and also just simply to reduce  
7 idleness. The more activities the inmates have, the  
8 fewer incidents we have as a department. And so, the  
9 inmates who are on Hart Island are up there for  
10 several hours a day. It meets that goal perfectly.

11 CHAIRPERSON CROWLEY: With the oversight  
12 of how many inmates who are digging?

13 CARLEEN MCLAUGHLIN: It can vary between  
14 about 5 to about 15.

15 CHAIRPERSON CROWLEY: On average?

16 CARLEEN MCLAUGHLIN: We feel it's been  
17 it's been lower, probably around seven or eight  
18 because our census is--

19 CHAIRPERSON CROWLEY: So seven or eight  
20 inmates, five correction officers, one captain all  
21 training and giving direction to only five inmates.  
22 It just doesn't seem like a cost benefit type of  
23 program. And, the vast majority of the programs that  
24 you'll see once are contracted out where you have  
25 non-profit providers come in and provide vocational

2 or educational training because it is not the role of  
3 a correctional officer to do that. But I'm going to  
4 now recognize some of my colleagues who have  
5 questions, and then I'll come back with more  
6 questions. Council Member and Co-Chair Levine.

7 CHAIRPERSON LEVINE: Thank you, Chair  
8 Crowley. I wonder whether the Department of  
9 Correction or any other aspect of city government is  
10 priced at, what it would cost to perform the burial  
11 duties either through a private contractor or through  
12 City employees who are civilians? Would it be  
13 comparable? Would it save money?

14 MATT DRURY: We're not aware of any such  
15 price estimate.

16 CHAIRPERSON LEVINE: It seems like an  
17 important question to ask, and it's reasonable guess  
18 that we might save money because generally we spend  
19 more on uniformed and armed guards than we do on  
20 civilian employees. We may actually be able to save  
21 a few bucks here while we're opening up the island at  
22 the same time. Of course, the city also offers  
23 subsidy to individuals who cannot afford to pay out  
24 of pocket for private burial. Am I--am I correct  
25

2 about that through HRA? [pause] Ms. Hutner, do you  
3 know?

4 FLORENCE HUTNER: I am aware that--that  
5 HRA pro--provides in some circumstances--I don't know  
6 the details--a \$900 subsidy to individuals, but I  
7 don't know the details, and I don't know what the  
8 eligibility needs to be for that.

9 CHAIRPERSON LEVINE: And depending how we  
10 run the numbers it might be true that it's cheaper  
11 for the City to simply subsidize a private burial  
12 than to perform the function itself.

13 FLORENCE HUTNER: I have not--you know,  
14 we haven't costed that out. That hasn't been OCME's  
15 issues, but--but to my knowledge, private burial is  
16 considerably more expensive than that.

17 CHAIRPERSON LEVINE: Well, if you count  
18 funeral home service and the elaborate coffin, and  
19 the gravestone, yes, it--it adds up considerably, but  
20 if--but the simple cost of the burial may be a \$1,000  
21 or \$2,000, something in that range, correct?

22 FLORENCE HUTNER: I--I would want to cost  
23 it out before answering--

24 CHAIRPERSON LEVINE: [interposing] Okay.  
25

2 FLORENCE HUTNER: --that question. I'm  
3 not aware of any that are that are at that price now.

4 CHAIRPERSON LEVINE: So the people who  
5 are buried at Hart are then people who are not  
6 eligible for the city subsidy for a private burial,  
7 or people who chose not--

8 FLORENCE HUTNER: [interposing] I don't  
9 know the--

10 CHAIRPERSON LEVINE: --to pursue that?

11 FLORENCE HUTNER: --I don't know the  
12 interaction between that--that--that subsidy and the  
13 individuals who are buried in the City Cemetery. Um,  
14 I could try to look into that, but that is not  
15 something that has come through my agency. We--we--  
16 obviously we never see--that money doesn't come to  
17 OCME. It goes only to individuals, and presumably  
18 only to individuals who as you said end up having  
19 private burials for their loved ones. Not those who  
20 go to City Cemetery.

21 CHAIRPERSON LEVINE: Okay, well, these--  
22 these are really crucial questions. I hope we can  
23 get some answers on those. We've talked a lot about  
24 the challenges of using City Island as a launching  
25 point. Council Member Vacca expressed concerns of

1 the residents that are--there are plenty of other  
2 places we can launch from. Fort Totten, for example,  
3 in Queens; Throggs in the Bronx. They've got SUNY  
4 Maritime there. I presume they have some capability.  
5 Have we ever looked at other launching points that  
6 are still relatively close to the Island. [pause]

8 CARLEEN MCLAUGHLIN: Um, we have used  
9 other launching points on unique occasions, but not  
10 for any sort of long-term.

11 CHAIRPERSON LEVINE: Which ones?

12 CARLEEN MCLAUGHLIN: Um, well, this one  
13 is not closed, but a few years ago the--the dock and  
14 pier (sic) was damaged. So temporarily, the Medical  
15 Examiner had traveled from Lower Manhattan up to Hart  
16 Island.

17 CHAIRPERSON LEVINE: Okay, well there's--  
18 so there's sites closer than Lower Manhattan.

19 CARLEEN MCLAUGHLIN: [interposing] I  
20 don't know. (sic)

21 CHAIRPERSON LEVINE: I'm wondering in  
22 your vicinity. It's worth looking into. Look, I--I  
23 hear you Mr. Drury on your statement that this is a--  
24 a big project, an expensive project if you want to do  
25 this on a full scale. I mean, heck, in a world where

1  
2 it costs \$2 million to build a dog run, fixing up a  
3 131-acre island is not going to be cheap. We  
4 understand that, but there is so much we could do on  
5 the way to a full-scale renovation of the island,  
6 some of which we should urgently do now, dealing with  
7 invasive species; shoring up soil that in danger of  
8 collapsing; making it more resilient to storms;  
9 dealing with the historic structures that are in  
10 danger of falling down. There are some abandoned  
11 structures that probably should be removed. Why--why  
12 not at least proceed with alacrity on all those  
13 interim steps?

14 MATT DRURY: Yeah, I think, um,  
15 certainly, you know, New York City Parks is--is--it  
16 has worked with DOC on similar related issues on Hart  
17 Island and in the past, and its happy to continue  
18 doing so. And, we feel that those efforts involving  
19 the build--the buildings, the historic buildings, you  
20 know, fully assessing those with the assistance of  
21 DOB and DOC. And--and, you know, managing invasive  
22 species. I think these are things we're absolutely  
23 happy to continue to working towards. But again, we  
24 want to stress that those efforts can't continue  
25 without a change in jurisdiction.

2 CHAIRPERSON LEVINE: Right. So you made  
3 some strong statements about your feeling that if the  
4 island were open to the public few people would  
5 visit. Is that accurate?

6 MATT DRURY: It's unclear given its  
7 proximity to other, you know, sizeable open spaces  
8 such as Pellham Bay Park. Whether it, you know, to  
9 open it up to the public would in a broader sense  
10 would--would be justified in terms of the allocation  
11 of resources.

12 CHAIRPERSON LEVINE: Look, I love Pellham  
13 Bay Park. It's spectacular. The biggest park in our  
14 system, but there's something about being on an  
15 island in the middle of the Long Island Sound with  
16 centuries of history, and a million stories to tell  
17 that it's just unique. There's nothing like it, and  
18 at the moment very New Yorkers even know this island  
19 exists, very, very few. I'm not sure every member of  
20 the City Council knew this island existed before we  
21 sent out notices for this hearing. And part of the  
22 reason is because it is under the Department of  
23 Correction's jurisdiction. And the minute it became  
24 a Parks' property, as Chair Crowley mentioned, if at  
25 the outset there was no public access, it would



2 change the public's perception of this space. I--I  
3 think we are in a bit of a Catch 22, if we don't take  
4 that step because we don't see demand when, in fact,  
5 laying out a broad vision, changing the jurisdiction,  
6 removing the inmates from the island, doing some of  
7 the shoring up work might bring about a total change  
8 in how the public sees the opportunities there.

9 MATT DRURY: Well, first and foremost, I  
10 just want to, you know, reiterate that the Parks  
11 Department, you know, doesn't operate any active  
12 cemeteries, and the operation of a cemetery falls  
13 outside, we believe, you know, sort of the range of  
14 our agency's expertise and resources. I--I--I do  
15 want to mention there has been mention of Friends  
16 Cemetery in Prospect Park, but I should clarify that  
17 the landscape is maintained by Prospect Park Land  
18 staff in partnership with the Friends Cemetery. That  
19 is private property. It's parkland, and the Parks  
20 Department is not involved in the operation of the  
21 cemetery that is to say burials. Active burial sites  
22 are--have not and are not a part of the Parks  
23 Department purview.

24 CHAIRPERSON LEVINE: Look, I understand  
25 this is a unique function. There is only one

1  
2 Potter's Field in New York City. There's no agency  
3 that otherwise has maintenance of an active cemetery  
4 in its mission statement. There's none. The  
5 Department of Correction doesn't have that in its  
6 mission--mission statement. HRA doesn't have it in  
7 its mission statement. It's a unique function. So  
8 either it's going to be a highly specialized unit  
9 within a larger agency, which focuses on other things  
10 or it's going to be contracted out in some way. So  
11 that individuals who have expertise in this do the  
12 work, and the agency will provide contractual  
13 oversight. So then the only question is what agency  
14 is the best fit, and if you have a vision for a  
15 cemetery where there is greater access by loved ones,  
16 greater access by historians, and potentially even  
17 greater access by the general public, it's just hard  
18 to make the case with the Department of Correction as  
19 the ideal match there. It's really hard to make that  
20 case, and when we further understand that--they  
21 actually--the financial argument for changing  
22 jurisdiction so they don't have to pay the elevated  
23 cost of armed guards there every time one person sets  
24 foot on the island. And, they might even be saving a  
25 little bit of money, not to mention adding greater

2 dignity for those who have loved ones buried there,  
3 and expanding access to this direction to the broader  
4 public. That's not really a question. It's just a  
5 statement, and I'm going to wrap it up there. Thank  
6 you.

7 CHAIRPERSON CROWLEY: Thank you, Co-Chair  
8 Levine. Council Member Vacca.

9 COUNCIL MEMBER VACCA: Just quickly, the  
10 world resiliency was mentioned, and I'm interested in  
11 what are we doing to make sure that the burial sites  
12 are protected from storms? My district especially  
13 the waterfront neighborhoods are very susceptible to  
14 northeast storms especially. And I--I--I--I heard  
15 that we're interested in resiliency to protect the  
16 cemetery, but I--I don't know what--what plans are  
17 there?

18 CARLEEN MCLAUGHLIN: [coughs] Um, well  
19 the burial sites themselves are sort of inland on the  
20 island. Um, so they're not very exposed, but we are  
21 working with FEMA now. We recently received at least  
22 \$17 million to start our shoreline project to restore  
23 the shoreline and build the resiliency of the  
24 shoreline around the islands.

2 COUNCIL MEMBER VACCA: The shoreline  
3 where? On Hart Island?

4 CARLEEN MCLAUGHLIN: [interposing] On  
5 Hart Island.

6 COUNCIL MEMBER VACCA: On Hart Island.

7 CARLEEN MCLAUGHLIN: Yeah.

8 COUNCIL MEMBER VACCA: So this is a \$17  
9 million grant from FEMA?

10 CARLEEN MCLAUGHLIN: Yes.

11 COUNCIL MEMBER VACCA: Well, I--I have to  
12 tell that I want to be part of that process. No one  
13 has consulted my office on that design or scope.

14 CARLEEN MCLAUGHLIN: I'm sorry that I  
15 have not spoke to you, sir. I will remedy that. To  
16 be honest, I'm not even if we've reached the design  
17 part of the planning. So I will reach out to your  
18 office, and speak to--speak to you about where we  
19 are.

20 COUNCIL MEMBER VACCA: I would appreciate  
21 that.

22 CARLEEN MCLAUGHLIN: [interposing] All  
23 right.

24 COUNCIL MEMBER VACCA: So very honestly, I  
25 want to--I want to know everything that goes on.

2 That's it. So, make sure that that's done. I  
3 appreciate that.

4 CARLEEN MCLAUGHLIN: We will. [pause]

5 CHAIRPERSON CROWLEY: Thank you, Council  
6 Member Vacca. So the DOC has some level of expertise  
7 as it relates to landscape? You're all managing a  
8 fairly large FEMA grant. So my question is where  
9 does the management level of expertise come in to  
10 manage such a--such a sizeable grant from the federal  
11 government?

12 CARLEEN MCLAUGHLIN: Well, we certainly  
13 have the expertise to manage a grant. And for the  
14 work that we need to consult outside experts on, we  
15 do so.

16 CHAIRPERSON CROWLEY: So you would--if  
17 you could when you provide the information about how  
18 you're subcontracting to rebuild the shorefront,  
19 provide it to the committee as well as Council Member  
20 Vacca's Office.

21 CARLEEN MCLAUGHLIN: All right.

22 CHAIRPERSON CROWLEY: I am curious to  
23 know who--when--when Super Storm Sandy hit, and  
24 damage was done to the island, was it just the  
25 shoreline that was evaluated? What about the

1 historical buildings and the other infrastructure,  
2 even if some were in poor shape, I mean the storm had  
3 to impact it to a great extent as it was an island  
4 and a small island. Who assessed the damage after  
5 the Super Storm hit--Sandy?

7 CARLEEN MCLAUGHLIN: Um, FEMA did come up  
8 with our staff and assess the entire island to look  
9 at damage. Most of it, of course, was to the  
10 shoreline. Some of--

11 CHAIRPERSON CROWLEY: [interposing]  
12 Where was--where was the other?

13 CARLEEN MCLAUGHLIN: There was some  
14 damage to the buildings also that were already  
15 damaged that was--

16 CHAIRPERSON CROWLEY: [interposing] So  
17 then was the funding given to--to restore the  
18 buildings?

19 CARLEEN MCLAUGHLIN: Um, not with this  
20 particular grant. Um, I can see if there's something  
21 separate.

22 CHAIRPERSON CROWLEY: But was the  
23 application made to restore the buildings because of  
24 the damage brought on by Super Storm Sandy?

2 CARLEEN MCLAUGHLIN: I'll have to get  
3 back to you with the details of the follow up to the  
4 initial FEMA assessment.

5 CHAIRPERSON CROWLEY: A question for the  
6 Parks Department. Earlier I asked if there was a  
7 Quaker cemetery in Prospect Park, which I'm told is  
8 an active cemetery. Are you familiar with that  
9 cemetery?

10 MATT DRURY: I am.

11 CHAIRPERSON CROWLEY: So, um, you do have  
12 an active cemetery on parkland currently.

13 MATT DRURY: No, that's--well, I'm sorry.  
14 It's actually private property. It's carved out from  
15 the park. It's actually private property.

16 CHAIRPERSON CROWLEY: [interposing]  
17 Within the park. So you manage nothing? You manage  
18 nothing in that Quaker cemetery?

19 MATT DRURY: We--Prospect Park Alliance  
20 staff in a maintenance agreement that it has with the  
21 cemetery helps maintain the landscape. It doesn't--  
22 it's not a--

23 CHAIRPERSON CROWLEY: [interposing] Who  
24 else works in Prospect Park? How much of the  
25 staffing there is the Alliance staff?

2 MATT DRURY: I don't know the headcount  
3 for that portion. I--I--I assume it's a shared  
4 responsibility in terms of those units.

5 CHAIRPERSON CROWLEY: They're not Park  
6 employees?

7 MATT DRURY: No, my understanding is they  
8 are Park--Prospect Park Alliance employees.

9 CHAIRPERSON CROWLEY: So it's not unheard  
10 of for the City of New York to have a cemetery in the  
11 middle of a park. It's happening right now in  
12 Brooklyn in a very large park that is visited by  
13 millions of people each year.

14 MATT DRURY: Um--

15 CHAIRPERSON CROWLEY: [interposing] No  
16 that they're going to go visit Hart Island, but you  
17 do have--this is not unheard of. You currently  
18 operate a park with a cemetery in it, and Prospect  
19 Park Alliance employees, which maintain much of the  
20 park are maintaining that particular cemetery.

21 MATT DRURY: Maintaining the landscape--

22 CHAIRPERSON CROWLEY: [interposing]  
23 That's what you're telling me.

24 MATT DRURY: --of the--of the cemetery.

25 CHAIRPERSON CROWLEY: Say that again.



1  
2 MATT DRURY: Maintaining the landscape of  
3 the cemetery.

4 CHAIRPERSON CROWLEY: Right, right.

5 MATT DRURY: Not conducting the burials  
6 and--and all those things. (sic)

7 CHAIRPERSON CROWLEY: [interposing] All  
8 right, so, you know, it's not unheard of the idea of  
9 sub--the city subcontracting out that particular  
10 task. It's just when you look at the--the cost of  
11 five correction officers, um, which I already know  
12 that base salary plus benefits you're nearing a  
13 million dollars, not to mention a captain on top of  
14 that. And, the percentage of the warden's oversight  
15 on this in addition to materials and then the  
16 Department of Transportation's involvement, um, it's  
17 much greater than \$400,000 a year. Um, so, the idea  
18 of subcontracting out the burial of 1,500 coffins  
19 each year is not something that the Parks Department  
20 cannot do, or the City of New York cannot do in  
21 public parks. And now, earlier I stated and I  
22 repeated something that Council Member Levine said  
23 about the many island that are currently under the  
24 Parks and the Rec--the Department of Parks and  
25 Recreation's purview. You manage a number of

2 islands. How many are there? Um, I believe it's 14  
3 uninhabited islands around the city.

4 CHAIRPERSON CROWLEY: Okay. So, just  
5 because it's in your jurisdiction doesn't mean it's  
6 an area for recreation.

7 MATT DRURY: It's also worth noting that  
8 those uninhabited islands are much smaller and--and  
9 don't--and don't--future (sic) active cemeteries. I  
10 think they're a very different nature than this  
11 island.

12 CHAIRPERSON CROWLEY: Right. Every  
13 island is different, and has different needs, and so  
14 too, with Hart Island. [pause] I don't have any  
15 other questions other questions? I'm just going to  
16 call more people up from the Department to testify.  
17 I thank you the representatives from the City  
18 agencies for being here today and for your testimony.

19 MATT DRURY: Thanks very much for the  
20 opportunity.

21 [pause]

22 CHAIRPERSON CROWLEY: I'd like to  
23 recognize Council Member Mathieu Eugene from Brooklyn  
24 who has joined us, and I'd like to call up--and I  
25 asked that the adminer--the administration stay for

1 the entirety of the hearing. Melinda Hunt with the  
2 Hart Island Project, the first from the public to  
3 testify or second really. [pause]

4  
5 MELINDA HUNT: Thank you so much,  
6 Chairwoman Crowley and Chairman Levine for inviting  
7 me to speak today on the topic: Examining the Future  
8 of the Hart Island Project. My name is Melinda Hunt.  
9 I'm the founding director of the Hart Island Project,  
10 and on behalf of the many families that work with,  
11 we're very grateful that you are introducing  
12 legislation to update the Administrative Code for  
13 Operations on Hart Island. In the words of the  
14 Honorable Vernon Broderick, the judge who decided  
15 over the settlement, and in the federal lawsuit,  
16 which Chris Dunn was the--the lawyer for the New York  
17 Civil Liberties Union. "It's unfortunate, an  
18 unfortunate part," said the judge, "that Hart Island  
19 is a Department of Correction facility."

20 In 1924, the City Council discussed  
21 either building a new prison on Hart Island or  
22 turning it into a recreation park. The president  
23 returning Potter's Field into parks, Washing Square  
24 was cited, was the reason they decided to build a new  
25 prison on Rikers Island instead of Hart Island. The

1  
2 question raised today is not new. Ninety years ago,  
3 the plan was for Hart Island to become park. Hart  
4 Island remains part of the penal system because young  
5 incarcerated men still bury unclaimed bodies. We  
6 need to reform the burial process as part of passing  
7 this legislation. Each year around 1,500 of 50,000  
8 people who die in New York City are buried on Hart  
9 Island, and not all of the bodies go through the  
10 Medical Examiner's Office. Burials consist of mass  
11 graves 150 adults and 1,000 infants. Recently, these  
12 burial plots have grown into long contiguous trenches  
13 now halfway across Hart Island, one blending into the  
14 next, each section marked through GPS. Last July,  
15 relatives of the recent dead began to visit these  
16 gigantic partially filled open pit gravesites. The  
17 mother of a stillborn child delivered a year earlier  
18 was taken to her baby's still open grave. She signed  
19 a legal waiver agreeing not to sue New York City  
20 before boarding the ferry. These industrial scale  
21 burials are intimidating instead of comforting.  
22 Visitors will tell you that they are glad for the  
23 opportunity to visit even if it involves prison  
24 guards and confiscated cell phone. Captain Thompson  
25 and his officers are welcoming and courteous. The

1 public is going along with these arrangements, but  
2 Judge Broderick had his doubts. He asked,  
3 "Electronic devices are fairly common. Is there an  
4 actual consideration that the city will have  
5 concerning moderating devices?" With regard to the  
6 issue relating to access to the Civil War Cemetery,  
7 another litigation might have to be filed. The court  
8 has the concern that this continue as an issue. It  
9 is no longer acceptable to use the prison system to  
10 manage Hart Island. In 1966, the Department of  
11 Correction asked New York City to transfer  
12 jurisdiction to Parks in anticipation that they would  
13 not be able to manage the landscape. Instead, Hart  
14 Island became a home to adolescent residents of city-  
15 -of Phoenix House.(sic) When they moved away a  
16 decade later the island was continually vandalized  
17 and burial records burned. Still, the City Council  
18 did nothing to secure City Cemetery, and assign an  
19 appropriate caretaker. More than 30 years have  
20 passed and the buildings are now total ruins.  
21 Currently Department of Correction burial practices  
22 are destructive to the ecology. When the 1908--when  
23 the 1918 flu epidemic struck New York, large graves  
24 might have been necessary to bury 22,000 dead. A  
25

1 century later it is unacceptable to put people in  
2 graves as long as Olympic swimming pools. These fill  
3 with water because they are left open for months.  
4 Nothing is planted to hold the soil in place. Each  
5 time a big storm swoops the Long Island Sound, human  
6 bones are exposed along the eroded shoreline. I'm  
7 told that gold teeth are scavanged from the sand on  
8 Orchard Beach. Skulls wash ashore on City Island.  
9 We need to stabilize the landscape so that human  
10 remains stay buried on Hart Island. We can do this  
11 with smaller graves and planting vegetation. The  
12 Parks Department can supervise this. The taxpayers  
13 rightfully expect grids to be closed, and bodies to  
14 remain buried. We need a landscape strategy that is  
15 implemented as part of the burial process so that the  
16 graves don't collapse or erode in short order.  
17 Visitors should be shown to a natural landscape  
18 rather than a forbidden landscape. After decades of  
19 neglect, Hart Island must now be safe. This will  
20 require a capital plan. Without a new strategy for  
21 burying for the unclaimed dead, we are going to  
22 continue on a path of endless litigation as various  
23 interest groups demand that their needs be addressed  
24 in court. Judge Broderick could see it coming, and  
25

2 asked for further consideration prior to accepting  
3 the settlement. He hasn't actually accepted it yet.  
4 I believe the Department of Parks and Recreation can  
5 manage Hart Island. The earliest parks including  
6 City Hall Park where we are right now, were burial  
7 grounds. In 1807, the Common Council determined that  
8 Madison Square would be left open, a public square  
9 forever because it had been a burial ground. The  
10 question now is whether it is a priority for the city  
11 to revise the Administrative Code so that we can move  
12 beyond a civil war system of burials involving the  
13 penal system. Thank you.

14 CHAIRPERSON CROWLEY: Thank you, Mrs.  
15 Hunt. How long have you been running the Hart Island  
16 Project?

17 MELINDA HUNT: Well, we became a non-  
18 profit in 2011, but I started working on the Hart  
19 Island Project in 1991, re-photographing Jacob  
20 Reese's photographs of Hart Island from a century  
21 earlier. So, I was interested in the fact that we  
22 could have something in New York City that was so  
23 unchanged, and also that the landscape was being used  
24 to hide something.

25 CHAIRPERSON CROWLEY: In what sense?

2 MELINDA HUNT: Using your prison system  
3 to bury the dead is really is disappearing people  
4 because the public couldn't visit at all. And  
5 because we didn't have access to burial records, we  
6 didn't know who was buried. And so, you know, over  
7 time working with attorneys and various families we  
8 have opened up Hart Island. And so right now I think  
9 we're at this point of getting back to the question  
10 of fulfilling really what earlier City Councils  
11 intended, that Hart Island would become a park just  
12 like all the other Potter's Fields.

13 CHAIRPERSON CROWLEY: Were you surprised  
14 when heard DOC say that they did not want to transfer  
15 their jurisdiction?

16 MELINDA HUNT: I guess so, you know. I  
17 mean maybe they're not accountable for the wrongful  
18 burial lawsuits. You know, it doesn't come out of  
19 their budget when, you know, the New York Civil  
20 Liberties Union sues the city. But it still has--

21 CHAIRPERSON CROWLEY: [interposing] But,  
22 do you know how frequently that happens, and also you  
23 mentioned about bone and just clothes and parts being  
24 washed up on the shores. I haven't heard that  
25 before, and so if you--you have--



2 MELINDA HUNT: I have a photograph after  
3 Hurricane Sandy. I mean the--I assumed that's why  
4 FEMA was out there afterwards.

5 CHAIRPERSON CROWLEY: [interposing]  
6 Right.

7 MELINDA HUNT: It's a real problem,  
8 right?

9 CHAIRPERSON CROWLEY: So, you have spent  
10 25 years working on this project?

11 MELINDA HUNT: Yes.

12 CHAIRPERSON CROWLEY: How many families  
13 have you worked with over the years?

14 MELINDA HUNT: Hundreds.

15 CHAIRPERSON CROWLEY: Hundreds.

16 MELINDA HUNT: Yeah, and that--

17 CHAIRPERSON CROWLEY: [interposing] And  
18 how do they feel about the operation of Hart Island?

19 MELINDA HUNT: How do they feel? Excuse  
20 me, about what?

21 CHAIRPERSON CROWLEY: How do they feel  
22 about the current operation, the past operation by  
23 the Department of Correction of the island?

24 MELINDA HUNT: Well, they're grateful  
25 that now you can visit graves that, you know, they're

1 grateful the names are online, and that you--they can  
2 identify. They used to be told the Department of  
3 Correction couldn't--didn't know where anybody was  
4 buried, and so now that's changed just in the last  
5 few years. But this is done through litigation,  
6 right. So, it's--it's not really in the taxpayers'  
7 interest to have the Department of Correction manage  
8 City Cemetery. It may be in the Department of  
9 Correction's interest, and in the Parks Department  
10 interest, but it's not in the interest of the  
11 taxpayers.  
12

13 CHAIRPERSON CROWLEY: Now, are you  
14 familiar with the cost of running cemeteries?

15 MELINDA HUNT: Um, I'm not a cemeterian.  
16 Um, I am familiar with Hart Island, which is much  
17 different than other cemeteries. I have worked with  
18 families on disinterments, and helped them to find  
19 funeral directors and apply for burial assistance and  
20 whatnot. And I do think that the City could offer  
21 burial assistance and, you know, help families to  
22 apply for it, and that would cut down costs  
23 significantly especially if burial assistance were up  
24 to \$2,000 a month. That would cover the cost a  
25 creation for sure. Most families do want a

1  
2 cremation. They don't want a full burial. They just  
3 want the remains back, and they want to feel that it  
4 was their choice.

5 CHAIRPERSON CROWLEY: Do you think Hart  
6 Island could be the Potter's Field or the cemetery  
7 that the city runs that could be the place where  
8 people may want to one day get buried?

9 MELINDA HUNT: I--there are---there are  
10 no natural burial cemeteries in New York City right  
11 now and there is--

12 CHAIRPERSON CROWLEY: [interposing]  
13 What--what do you mean by that, natural burial?

14 MELINDA HUNT: Um, it's what happens on  
15 Hart Island is there is no embalming. It's a plain  
16 pine box. That process of a very simple burial is  
17 something that is practiced in Prospect Park. The  
18 Quaker--the Quaker Cemetery is mostly natural  
19 burials. They cost between \$1,000 and \$2,000 to put  
20 somebody in the ground, and it's a--it's a gorgeous  
21 landscape. So, I think the city could offer natural  
22 burials for people, and I think the city could even  
23 sell certain spots on Hart Island, and people would  
24 like to have a natural burial without having to go  
25 Upstate. So the closet green burial facility is in

2 Sleepy Hollow in Westchester, but the entire-- You  
3 know, cemeteries that are entire natural--natural  
4 burials are much further out. I would say the model  
5 is the City of Rochester, which has--is also an  
6 historic cemetery, Mount Hope Cemetery in Rochester.  
7 They--they have figured out that woodland burials  
8 are--are--people will pay for woodland burials.  
9 They're very low cost. And so, this--a city  
10 obviously Rochester is a much smaller city, but  
11 they're still operating in New York State with the  
12 same rules regarding public burials. And--and, you  
13 know, Frederick Douglas is buried there. It's a--an  
14 attorney (sic)--

15 CHAIRPERSON CROWLEY: [interposing] Well,  
16 it's very interesting because I'd never really  
17 thought about that before you brought it up that most  
18 cemeteries have people who were embalmed or put  
19 chemicals into them. And when they go into the earth  
20 it's not as natural as if you didn't get those types  
21 of chemicals. And--and the Office of the Medical  
22 Examiner doesn't do that. So all the burials on Hart  
23 Island have been quote, unquote "green or natural?"

24 MELINDA HUNT: Except for people who  
25 donate their bodies to medicine, and I actually think

2 those people should all get a very special spot on  
3 Hart Island where they're honored for, you know,  
4 donating their bodies for medical training. And I  
5 know other--other cities--

6 CHAIRPERSON CROWLEY: [interposing] But  
7 in addition to being a green or sustainable type of a  
8 burial, wouldn't you say the beauty of the island is  
9 its idyllic nature in the middle of the Long Island  
10 Sound could also be an attractive spot?

11 MELINDA HUNT: It's a fabulous location--

12 CHAIRPERSON CROWLEY: [interposing] A  
13 fabulous location

14 MELINDA HUNT: --and the--and the  
15 burials, Katherine Thompson will tell you everything  
16 grows really well there. They can't keep up. It's--  
17 it's a very, very fertile place probably because of  
18 these burials.

19 CHAIRPERSON CROWLEY: I have two--I have  
20 no further questions for you at this time, Ms. Hunt.  
21 I would like to recognize my Co-Chair, Council Member  
22 Levine.

23 CHAIRPERSON LEVINE: If you would, just  
24 one moment, Ms. Hunt so I want take too much longer,  
25 but I want to tap your expertise, and see whether

1  
2 you're familiar with the movement in cemeteries.  
3 There's something called green cemeteries. It's a  
4 more natural form of burial where often the--the  
5 vegetation of trees are allowed to take root above a  
6 burial site. Are you familiar with this trend?

7 MELINDA HUNT: Yes.

8 CHAIRPERSON LEVINE: It's very popular in  
9 the UK right now.

10 MELINDA HUNT: Yeah, I was--I was  
11 contacted by landscape architects in Manchester,  
12 England who were very interested in the fact that New  
13 York City has a natural burial facility, and they  
14 were interested in the type of commemoration that the  
15 Traveling Cloud Museum offers, which is not putting  
16 markers on the ground, but having Cloud-based  
17 memorialization. In Britain, they have federal  
18 funding for municipalities to arrive at--at energy-  
19 efficient green, you know, green infrastructure  
20 solutions and cemeteries are part of green  
21 infrastructure. So, they--they get funding to work  
22 on these kinds of things, and they can--they  
23 developed a plan, a strategy for New York City, and--  
24 and we submitted that to you.

2 CHAIRPERSON LEVINE: It strikes me that  
3 while only a tiny little piece of the island is being  
4 used for active burial, most of it is kept clear of  
5 significant vegetation. I don't know if there's  
6 mowing of the lawn or some--something is done so that  
7 trees don't take root and the like.

8 MELINDA HUNT: And they don't have water  
9 on the southern end of the island. There's only  
10 water on half of the island right now. So, um, they--  
11 -they need to plant the right things that are both  
12 resilient to the salt water, and also that don't  
13 require a lot of water to take hold. But, the real  
14 problem that nothing grows there is that they're  
15 constantly digging it up. They don't close the  
16 graves very quickly. They don't plant things at the  
17 right time of year. They don't know what to plant to  
18 begin with and--and because they're doing these  
19 disinterments all the time in their mass graves,  
20 they're constantly digging up the--the gravesites.  
21 So what needs to happen is--is the medical examiner  
22 needs to sort out which bodies are likely to be  
23 called back, that is the family hasn't been notified.  
24 The family didn't sign off and those need to be in a  
25 different part. And that originally was how Hart

2 Island was set up. The--the unidentified bodies were  
3 buried in individual graves separately from the mass  
4 graves so that the medical examiner could call them  
5 back for easy identification. So there needs to be  
6 that kind of sorting, and planning at the cemetery of  
7 if you put somebody in a mass grave, and you plant  
8 trees, you don't want to dig up that area for quite  
9 some time. So this is what I'm saying. You need a  
10 landscape strategy so that the graves are closed  
11 properly, things are planted at the right time of  
12 year, the right kinds of things are planted. It's  
13 all, you know, landscape design and--and  
14 implementation.

15 CHAIRPERSON LEVINE: All right, great.  
16 Thank you very much.

17 MELINDA HUNT: Uh-huh.

18 CHAIRPERSON CROWLEY: Thank you. Next we  
19 have Elaine Joseph. [pause] And then that--now,  
20 we're going to put the members of the public on a  
21 clock just because the room is needed later this  
22 afternoon. Clock, please at three minutes.

23 ELAINE JOSEPH: Good morning. My name is  
24 Elaine Joseph, and I'm a resident of Fresh Meadows,  
25 Queens. Today, January 20th is the 38th anniversary



1 of the death of my baby daughter Tamika. She was  
2 only five days old. She was not stillborn. She was  
3 not destitute. She was not indigent. In a series of  
4 unfortunate events, she died after having heart  
5 surgery at Mount Sinai Hospital during the blizzard  
6 of 1978 when the city was shut down. Her body was  
7 lost between the hospital and the Medical Examiner's  
8 Office, and it took me until 2009, when I met Melinda  
9 Hunt, to find out where she was buried. There was no  
10 grave indicated on her death certificate. I'm  
11 grateful to New York City for now permitting me visit  
12 her gravesite. I was the first person to walk to a  
13 gravesite on March 14, 2014 as a result of the  
14 settlement, which allowed seven or eight women to  
15 visit their baby's gravesites. And at that time, I  
16 was permitted to take a photograph. I have 10  
17 photographs that were taken of me at the site. In  
18 addition, I'm a retired naval officer. I would also  
19 like to be able to pay respects to the thousands of  
20 veterans buried on Hart Island since the Civil War,  
21 and to walk to a soldier's plot, which I can see in  
22 the distance during my visit. As a veteran myself, I  
23 feel it is important that military vets be remembered  
24 and memorialized. I strong urge the City Council  
25

1  
2 members to amend the Administrative Code and transfer  
3 jurisdiction over Hart Island from the Department of  
4 Correction to the Department of Parks and Recreation.  
5 I so also want to say that although Captain Martin  
6 Thompson, the captain who is in charge of the island,  
7 was very, very nice to me, and his people were all  
8 very kind and welcoming, I still wish he wasn't  
9 wearing a DOC uniform and carrying a gun while  
10 directing my visit. When the corrections officers--I  
11 later went back in September of 2015--I was assigned  
12 a correction officer who stood 10 feet from me with  
13 his hand close to his weapon as we just stood over  
14 the grave. I wanted to go look at the water, but I  
15 was not allowed to walk a few steps. This is not  
16 what myself or anyone else would expect for burial of  
17 our loved ones. I'm looking for a park, I'm looking  
18 for a bench where I can put a plaque on with my  
19 daughter's name. I urge the City Council to pass and  
20 transfer jurisdiction to the Department of Parks.  
21 Thank you.

22 CHAIRPERSON CROWLEY: Thank you, Ms.  
23 Joseph, it--I can only imagine how difficult it is  
24 for you to recount the tragedy of your daughter's  
25 death, and to share your experience here with us at

1  
2 the Council. You know, I--I understand the importance  
3 that you believe in--in changing the jurisdiction,  
4 and--and your testimony means a lot. So thank you  
5 for being here.

6 ELAINE JOSEPH: Thank you.

7 [pause]

8 CHAIRPERSON CROWLEY: Next up is Tupper  
9 Thomas, New Yorkers for Parks. [background noise,  
10 pause]

11 TUPPER THOMAS: Good morning. I'm Tupper  
12 Thomas, New Yorkers for Parks. Thank you for hearing  
13 us. You know, clearly this situation is a very, very  
14 difficult one and--and--and--just totally  
15 unacceptable in so many ways. Our issue really in  
16 the Parks, you know, in--in--in looking at this as a  
17 park, and how that would handled, I think it's very--  
18 You know, the Parks Department is already way over  
19 the top on not having enough money to do all of the  
20 important things that they're supposed to do. But if  
21 this legislation does not come with a lot more money  
22 and thought about is City Island the best place to  
23 get people there? Is this the most humane way to  
24 deal with this issue? That is the--that is what  
25 we're the most concerned about. We are very

1 concerned that Parks is fabulous. They do a  
2 wonderful job considering how little money they do  
3 have. But, this--this is the kind of thing that's--  
4 that has to come with some funding, and commitment by  
5 the Administration and the Council that this will  
6 continue to be funded in a meaningful way. Right  
7 now, about 70% of all maintenance done in the Parks  
8 Department is done by Welfare to Work recipients. It  
9 is a very limited number of people that have any of  
10 this capability, and I think obviously the Parks  
11 Department, if it did take it over would have to  
12 contract out for the actual burial portions of this.  
13 And so money would have to be allocated to that. The  
14 Parks Department has never had to handle actual  
15 burials or doing any of the things. To me, this is  
16 very interesting the idea of the natural burial, and  
17 ways that Parks could look at that issue in a much  
18 more meaningful way, and I think they'd be looking at  
19 how people would respond who might just be coming for  
20 a visit to being part of that history of Hart Island.  
21 I think a lot of the things that Parks well, they  
22 would do well there. But without the funding and  
23 more than enough funding for real staffers who know  
24  
25

2 to do that, we just believe that this shouldn't  
3 happen until that is in place. Thank you very much.

4 CHAIRPERSON LEVINE: Always wonderful to  
5 see you, Tupper.

6 TUPPER THOMAS: Yes.

7 CHAIRPERSON LEVINE: I hear you on the  
8 expense involved in renting and renovating a property  
9 of this nature and scale. If we could deal with the  
10 jurisdictional issue, and we could allocate the  
11 money, what is your vision of what this island could  
12 be and what--what kind of public access there would  
13 be?

14 TUPPER THOMAS: I--I--I think your--the  
15 vision you expressed at the beginning is a--is a very  
16 good one. I know that there is other parkland very  
17 nearby. Pellham Park is fabulous, as you said. But--  
18 but the reality is this could very wonderful quiet  
19 restorative place for people to go as well. So I  
20 think there could be ways that if it were with the  
21 Parks Department that that concept could be expanded  
22 over time. I think to begin with just to open it up  
23 and allow more families to come to visit is really  
24 important to do. And over time as the city gets  
25 wealthier and wealthier, I think it would be a very

1 exciting trip, school trips, those kinds of things.

2  
3 There's a lot of history that's very interesting that  
4 is on that island, and it's great respite. But I  
5 think you wouldn't want it to become a big tourist  
6 kind of destination because it does have a cemetery  
7 there where people need to feel that they are with  
8 their families.

9 CHAIRPERSON LEVINE: Thank you.

10 TUPPER THOMAS: Okay, and by the way,  
11 Prospect Park and the City of New York has nothing to  
12 do with those burials. The land was there for the  
13 Quakers before the park was built, and so they  
14 actually manage the whole cemetery themselves, the  
15 Quakers do.

16 CHAIRPERSON CROWLEY: So what the Parks  
17 representative said was untrue?

18 TUPPER THOMAS: No, he said that the  
19 Prospect Alliance is contracted with. So a couple of  
20 people once a week will go in for an hour or two and  
21 just do whatever horticultural things are necessary.

22 CHAIRPERSON CROWLEY: Right. He said  
23 they maintain the landscape.

24 TUPPER THOMAS: Yes, that's it.

25 CHAIRPERSON CROWLEY: Okay, thank you.

2 TUPPER THOMAS: Okay.

3 CHAIRPERSON CROWLEY: And we have four  
4 representatives from Urban Justice. We have Luther  
5 Bolden. Oh, okay. We have--then so that's the only  
6 representative from Urban Justice, but we're going to  
7 hear four different advocacy representatives together  
8 on one panel. Charles Johnson from the Veterans  
9 Action Group; Owen Rogers from Picture the Homeless;  
10 and also Herbert Sweet from the Veteran Action Group,  
11 Swet, Herbert Swet.

12 [pause]

13 CHAIRPERSON CROWLEY: You can begin in  
14 any order or, you know, I--I-I know that I called a  
15 veterans group, two representatives up. Maybe the  
16 two representatives from the veterans group go first,  
17 and then the other.

18 CHARLES JOHNSON: [off mic] [on mic]  
19 Good morning, Council. My name is Charles Johnson.  
20 I'm a Vietnam veteran and, you know, I served from  
21 '70--'69 to '71. Also, I put in 15 years in the  
22 Reserves. What I'm here to talk about is Rikers  
23 Island being, um--Look, a punt?

24 HERBERT SWET: Hart Island.  
25

2 CHARLES JOHNSON: Hart Island being  
3 changed for--from the correctional, you know, that--  
4 you know, we have better, um, better rights to serve  
5 the troops that serve in the past, Blacked color  
6 troops. But that flag up there I was looking at it,  
7 and I said that's flag didn't just come there.  
8 There's a lot of blood, sweat and tears fought for  
9 that flag to be flown here in these quarters today.  
10 What it is we--like we want to recognize, um the  
11 colored troops that fought in the Civil War. You  
12 know, they deserve a lot respect, or we wouldn't have  
13 probably been here today. We want to honor them like  
14 Veterans Day maybe go down there and place wreath or  
15 something, you know, to represent us, the future. We  
16 would like to see more our veterans like in the penal  
17 system gets the rights deserved to them. You know, I  
18 mean after all, they did fight for the United States  
19 of America, you know, and should be treated  
20 accordingly. I hear a lot--I had a couple of uncles  
21 that served in the war. I think it was Word War II,  
22 you know, that passed away. Where it--one was  
23 incarcerated. Where he is buried today, I do not  
24 know, you know, and he was a veteran. The whole idea  
25 is to get Rikers Island up, for Hart Island to



1 better, um to better re--remind ourselves of where  
2 we've been because that was the first post. Rikers  
3 Island was the first post there. Black soldiers were  
4 trained and served--

5  
6 CHAIRPERSON CROWLEY: [interposing] Just  
7 for clarification, sir, sorry. Hart Island, right?  
8 Hart Island?

9 CHARLES JOHNSON: Rikers Island.

10 CHAIRPERSON CROWLEY: Right, or no  
11 because Rikers is where the jail is right now.

12 CHARLES JOHNSON: Oh, well, no problem.

13 CHAIRPERSON CROWLEY: Okay, just to  
14 clarify.

15 CHARLES JOHNSON: Um, and they were  
16 served there. They were kept there so they wouldn't  
17 integrate with the public. That's why it's only one  
18 way in and one way in out, and like a lot of veterans  
19 are buried there, too, on Rikers Island. You know, we  
20 try to go over[bell] to pay our respects to these  
21 veterans that passed, but we weren't allowed to go  
22 inside. We weren't allowed to do many things, you  
23 know, and if you have someone, you know, anyone in  
24 this room had a--a son or a daughter who was a  
25 veteran, you would look for better respect than

2 they're giving them now. That's all I have to say.  
3 Thank you.

4 CHAIRPERSON CROWLEY: Okay. Sir, a few  
5 years ago on Veterans Day I was able to with the  
6 Department of Correction. I think it was 2011.  
7 Well, it couldn't have been 2011. It was--it was  
8 probably three years ago. So, it was 2012, I think  
9 it was, that we were able to get a number of veterans  
10 to come over to honor the veterans buried, and there  
11 was a special memorial ceremony performed on like--on  
12 Hart Island. And--and I'd be more than happy to work  
13 with your organization to do that again.

14 CHARLES JOHNSON: Yes.

15 CHAIRPERSON CROWLEY: But--but do you  
16 believe that the right city agency is handling the  
17 operation of Hart Island? Do you think that it would  
18 be better if it was in the Parks versus the  
19 Department of Correction?

20 CHARLES JOHNSON: I think it--I think it  
21 would be better in the Parks rather than Rikers  
22 Island.

23 CHAIRPERSON CROWLEY: And--and also, I  
24 understand that, you know, not only just to go on  
25 Veterans Day, but that there should be some type of

1  
2 proper memorial, and I would also be willing to work  
3 with you to--to get some better respect paid to those  
4 who bravely risked their lives for our country. Thank  
5 you for being here today. Thank you for your  
6 testimony. Does your colleague--

7 CHARLES JOHNSON: [interposing] Yes.

8 CHAIRPERSON CROWLEY: --also have  
9 testimony?

10 CHARLES JOHNSON: Um, I'd to, um, the--  
11 the remaining of my time I'd like to dedicate to him.

12 CHAIRPERSON CROWLEY: You can switch  
13 seats maybe. [background noise, pause]

14 HERBERT SWET: Good morning. I mean good  
15 afternoon. My name is Herbert Swet. I'm a veteran  
16 of the Vietnam War. I'm here today to thank the  
17 committee for establishing this time period for us  
18 ass both veterans of war and also as people of color.  
19 I sat here from the beginning of this meeting to now,  
20 and not one person, except for another veteran,  
21 thankfully, she was a female, that imposed her  
22 identify. Lying in the history annals of this city  
23 is Rikers and Hart Island being constructed in 1861  
24 as a military institution. Actually, it was 1860.  
25 Now from 1863 was when President Lincoln addressed

1  
2 the Emancipation of Proximation (sic) and allowed the  
3 United States colored troops to become members of the  
4 Union Army. In that attempt, naturally at that time,  
5 we were segregated. So, upon us training, we had to  
6 train in the facility of Rikers versus Hart Island.  
7 We had the 20th Regiment of the United States Colored  
8 Troops that were mustered in July--excuse me--April  
9 of 1863 as Rikers Island versus the situation where  
10 the 27th Regiment of the United States Colored Troops  
11 became mustered in on August of 1863. These two  
12 regiments were the first United States Colored Troops  
13 to be institutionalized on this Hart/Rikers Island.  
14 During that period of time, New York was in uproars  
15 with many racial riotings and problem due to the fact  
16 that men of color were instituted into the service.  
17 With that in mind, these brave soldiers from the 20th  
18 and 27th who served there became our inspirations for  
19 freedom here in America. With that, many of them  
20 died on Hart Island from diseases and wounds and many  
21 other situations. Upon their deaths, they were not  
22 allowed to be buried alongside of White soldiers. So  
23 we come here today, Councilwoman Chair and members,  
24 seeking the same remedies for our people of color  
25 that we've had to seek for so many years in this

1 country. Seeking recognition and honor that we all  
2 sitting here in front of you that have come here as  
3 veterans today who fought for this country. I  
4 definitely being one, and in them fights as my  
5 comrade just said, that flag means something to us.  
6 Well, when we went to Hart Island for the first time  
7 and our soldiers (sic). I instituted the first  
8 letter, October 6, 2011 when I wrote to the  
9 Commissioner about visitations and inspirations of  
10 institutionalized, memories and homage to the  
11 veterans of color there. To this day, as we know,  
12 that Commissioner is not here any more, but never an  
13 answer. So with that, we gathered ourselves,  
14 galvanized ourselves, different parts of veterans  
15 that we knew, the National Association of Black  
16 Veterans, City Vets, just the American Legions, the  
17 Veterans of Foreign Wars. We are here today to stand  
18 for these veterans of color, and to ask you to  
19 definitely, definitely understand this one simple  
20 plight of the United States colored troops: To be  
21 recognized, to be honored, and to--as my comrade  
22 said--on different occasions be able to come and to  
23 pay this special homerage (sic) that we do to  
24 veterans. We have burial sites. They're called  
25

2 national cemeteries, and when I went to Hart Island,  
3 and gathered at that Gazebo, with--as the veteran to  
4 me explaining, the--the disinteregency (sic) there--  
5 the--the feeling that I got, when I die I would like  
6 to be placed on Hart Island. Why? Because that's  
7 the first place, Chairperson. That's the first place  
8 that my forefathers became soldiers of the Unite  
9 States Armed Forces. That's where, Chairperson, they  
10 died and bled, right there at Riker's and Hart. To  
11 this day, my children, my--anyone I ask about Rikers  
12 or Hart Island, it falls on a deaf ear. It is time  
13 for Parks Department or it's time for the federal  
14 government, which if we as federal government people-  
15 - Basically, you're looking at a totally disabled  
16 veteran, but I have served my country well, and I'm  
17 only asking the city to rectify the damage that was  
18 done to our history on Hart Island.

19 CHAIRPERSON CROWLEY: You've convinced me  
20 to take action. So, I'm--and I was just sending a  
21 message to my staff. We're going to--to my office to  
22 submit a legislative request to recognize the  
23 sacrifice of your forefathers, those that sacrificed  
24 for our country that are buried and--and to recognize  
25 and honor them in some way, whether it's through a

1 monument and/or access to both islands for some type  
2 of ceremony that you see fit. So we'll continue that  
3 discussion, but know that we're going to put in a  
4 legislative request for funding for this.  
5

6 HERBERT SWET: Well, we surely appreciate  
7 at least that effort--

8 CHAIRPERSON CROWLEY: [interposing] Yes.

9 HERBERT SWET: --and--and--

10 CHAIRPERSON CROWLEY: [interposing] And--  
11 and also, you know, I'm more than happy to write  
12 letter to the federal government asking for them to  
13 recognize it from--

14 HERBERT SWET: [interposing] That's  
15 great.

16 CHAIRPERSON CROWLEY: --the National  
17 Veteran Affairs Administration. Thank you.

18 HERBERT SWET: Well, I sure appreciate  
19 that. Thank you.

20 CHAIRPERSON CROWLEY: Okay, next up.

21 LUTHER BOLDEN: Good morning. I'm ready  
22 to testify. My name is Luther Bolden. I live and  
23 was born at Brooklyn, New York City. Also, on the  
24 way of Prospect Park, I want to address the committee  
25 the Council. I was with all kinds of people,

1  
2 allowing me take their testimony to testify about  
3 this here particular situation. Let me not forget to  
4 mention, and Ms. Joseph. You brought the sense of  
5 the poor--the poor people who cause you hurt so not  
6 to allow you to, um, um, um, to visit your--your--  
7 your loved one in a respectful and honorable and  
8 decent way. I think they need not to have armed  
9 people walking around when you just want to see your  
10 loved one, and give the respect. That really caused  
11 me, um, um, um, concern as I'm sitting here. We  
12 should be concerned at New York City and aware of--  
13 Not only we should be concerned that you-- So, we're  
14 alarmed. We need to recognize that. I think one of  
15 the brothers informed me that black colors of Negroes  
16 and let's no forget Monday is Martin Luther King's  
17 birthday. We need to honor the man, and not just  
18 honor the man by the actions, we need to be leaders  
19 that's going to be-- Well, you know, well established  
20 in the heart. You know, they have to serve for the  
21 people, the people that voted them in, you  
22 understand? Um, that--that--that really, um, took  
23 me, you know what I'm sayin'? I--I'm also homeless  
24 veteran. I'm not going to take up a whole lot of  
25 time on this thing, but it's, you know, about oh,



2 oh, oh. Part of me I was looking around the room, a  
3 government of the people, by the people, for the  
4 people. People who have belief in George Washington,  
5 Theodore Roosevelt, and our presidents, even Barack  
6 Obama also. You know, we--we are the people that  
7 need some type of love in our hearts. You know, even  
8 to bless your loved ones, to bless your families and  
9 your jobs, you know. But if somebody hurt, I hurt.  
10 You know, when I feel their pain, I feel their pain.  
11 Well, know, in closing, you know, I hope I stuck with  
12 the topic, you know, the spirit of God is part of me.  
13 You know, you need not to always be into like when  
14 you say human nature. Our human nature is to  
15 neglect. Our human nature is to be lazy. You know,  
16 taking too much confidence or procrastination. [bell]  
17 I heard the bell. So I'm going to wind it down. You  
18 know today we should have gained some victory. We  
19 should have felt something, but if you did not feel  
20 something, something is wrong. There's a problem--

21 CHAIRPERSON CROWLEY: [interposing] No, I  
22 think, sir, you--you summed it up well.

23 LUTHER BOLDEN: Thank you.

24 CHAIRPERSON CROWLEY: You said, you know,  
25 it's human nature to be lazy, to procrastinate. I

1 think that in a lot of ways the City has been doing  
2 that with Hart Island, and it has just pushed it away  
3 from everyday life of the major agencies of the city.  
4 And--and that what we're doing here today is saying  
5 that we're not going to forget about Hart Island.  
6 That is important and that we need something done in  
7 the city to change the operation there, and so thank  
8 you for being here. And now, I'd--I'd like to call  
9 our last representative on the panel to speak.

11 OWEN ROGERS: Good afternoon to you,  
12 Madam Chair, City Council representatives and members  
13 of our community. I am here speaking on behalf of  
14 Picture the Homeless, and it was I guess maybe some  
15 eight years ago that I was here talking about this  
16 prison for the day. And it is critical that we  
17 understand that though there may be people buried on  
18 Hart Island who are unclaimed and unidentified, they  
19 are nonetheless critical and important parts of our  
20 history. The brothers who spoke before me I think  
21 very, very eloquently highlight the fact that we have  
22 people who have given their lives of service to New  
23 York City to the United States who are buried there  
24 on Hart Island. It goes back to the Civil War,  
25 Friedman and to some of those who were indentured

2 servants who were fighting. Actually, we had people  
3 on both sides who come--came out of our community who  
4 were buried on Hart Island. This is before the--the  
5 time that it was officially designated as a military  
6 site. We at Picture the Homeless are--have been for  
7 the last six at least years pushing for public access  
8 to the island. It should be something that is  
9 available at no cost. It is something that should be  
10 at reasonable hours, not at a schedule determined by  
11 the Commissioner or Corrections what's convenient to  
12 him or to her. There should be a free ferry to take  
13 people to the island, to--that they can honor those  
14 members of our community who have died. We want--as  
15 well as public access, we want to make sure that  
16 there is dignity and respect to those who are  
17 interred on the island. There should be appropriate  
18 markers. There should be preservation. Damage done  
19 by the weather is something that should be repaired,  
20 and we want to make sure that it is something that is  
21 multi-denominational so that ministers of various  
22 faiths can travel with the grieving families from  
23 their congregation. Additionally, we think it is a  
24 critical part that it should be an educational and a  
25 memorial site. There should be proper archiving, and

1 the work that Melinda Hunt has done is incredible.  
2 but it changed the city that a private citizen could  
3 do in two or three years what the city could not or  
4 would not do in dozens of years. We need to have  
5 publicized programs. As you mentioned with the City  
6 Council when you travel there so that the public can  
7 be invited to properly mourn people who are buried  
8 there. We need to have appropriate literature and  
9 promotion so this is not a secret and it is in many  
10 ways a dirty secret. We need to have the research  
11 done. Within Picture the Homeless, we've had people  
12 ally certainly like Eric Mink and other  
13 documentarians who have helped to--to build up the  
14 record of information. We should be having annual  
15 city program of education. We should be having  
16 perhaps whether it's the All Souls Day or the first  
17 day of winter, the Longest Night, that kind of  
18 memorial service. And certainly, we can use the  
19 Parks and Recreation Department, use them to reach  
20 out to the public, invite the public to talk about  
21 this. I have relatives who are buried on Hart  
22 Island, and I think we should publicize that and it  
23 should not be something sitting in a closet some  
24 place. Those who are unclaimed and unidentified are  
25

1  
2 nevertheless part of our family. They end up dead  
3 because they're lacking ID or the family, lacking  
4 means for a proper burial. This is where we've been.  
5 [bell] We need more than just a gazebo out there.  
6 We need access to the grave sites. We need  
7 appropriate recordkeeping. Now, it is critical that  
8 we understand our brothers and sisters who are buried  
9 there on Hart Island. They are part of us. We are  
10 part of them. I would to suggest as a base in honor  
11 of the one million plus people who are interred on  
12 Hart Island that we have a minimum of one million  
13 dollars funded to preserve and protect and publicize  
14 what is happening there on Hart Island. And that be  
15 something that is done in perpetuity through the City  
16 Council. The federal government has its role, and we  
17 believe the federal government and certainly the  
18 Parks Department can do a much better job than the  
19 Department of Corrections. It is time for us to  
20 close what has been a prison for the dead, and make  
21 it into a park and memorial site for our people.  
22 Thank you. [applause]

23 CHAIRPERSON CROWLEY: Thank you for your  
24 advocacy, and thank you for your testimony, and for  
25

2 being here today. I'm going to call up the next  
3 panel.

4 OWEN ROGERS: Any questions?

5 CHAIRPERSON CROWLEY: I, you know, I  
6 heard you testify a few years ago. I know from the  
7 work that you've done that you've been able to gain a  
8 greater access. Um, I think it's impressive that you  
9 know that you have family there--a number of family  
10 members there.

11 OWEN ROGERS: Thank you.

12 CHAIRPERSON CROWLEY: I know a lot of  
13 people here, a million New Yorkers, right.

14 OWEN ROGERS: Many New Yorkers that are  
15 related to people in this room.

16 CHAIRPERSON CROWLEY: And, um, and your  
17 point in pointing out that just because somebody is  
18 buried there it shouldn't be--somebody shouldn't be  
19 forgotten about, certainly not. So thank you, and I  
20 don't have any questions, but I know where to get you  
21 if I do.

22 OWEN ROGERS: [laughs] Thank you to the  
23 Council.

24 LUTHER BOLDEN: Thank you for having us.  
25

2 CHAIRPERSON CROWLEY: Next up we have Amy  
3 Cunningham, Fitting Tribute Funeral Services; Rosalie  
4 Curable--

5 ROSALIE GRABLE: Grable.

6 CHAIRPERSON CROWLEY: Crable. Great.  
7 Oh, it's a G, Grable, Kathy Sefik (sp?), and John--

8 JOHN YAGLEY: John Yagley.

9 [pause]

10 AMY CUNNINGHAM: Should I go ahead and  
11 begin?

12 CHAIRPERSON CROWLEY: [off mic] Yes, go  
13 ahead. You can begin. (sic)

14 AMY CUNNINGHAM: Good morning, everyone.  
15 My name is Amy Cunningham. I'm a New York State  
16 licensed funeral director, License No. 14056. I  
17 recently managed a disinterment from Hart Island, and  
18 my work currently takes me to cemeteries and  
19 crematories all over the city. I feel comfortable  
20 saying that I am New York City's leading authority in  
21 green burial, and I speak regularly on this subject.  
22 As we contemplate how to--how the City of New York  
23 might uplift Hart Island, and turn it into something  
24 New Yorkers view with pride, I do believe that in  
25 time we could draw the interest of paying customers,

1 people of means who care deeply about the  
2 environment. Who as a gesture of solidarity with the  
3 poor and the unclaimed might actually purchase Hart  
4 Island grave space for green burials instead of  
5 driving upstate to the rural burial grounds, I am  
6 currently using or paying the high costs involved  
7 with burial in the cemeteries within the five  
8 boroughs that are due to run out of affordable grave  
9 space as the Baby Boom ages. That's the main point I  
10 wanted to make, and I applaud the esteemed body for  
11 confronting the problems evident in the management of  
12 Hart Island. I know that with the can do attitude  
13 that has improved our other waterfronts New Yorkers  
14 can create out of this historic place, a peaceful and  
15 dignified sanctuary. Thank you.

17 CHAIRPERSON CROWLEY: Thank you and I  
18 think along the lines of your testimony, we also have  
19 testimony from somebody who has submitted a written  
20 that will be for the record. I'm not going to read  
21 it, but it's from a landscape architect, Ann  
22 Sherrock, and in examining the future, she shares  
23 very much a similar view as you do. Now, now how--  
24 how frequently are--are people choosing more today  
25 than in the past to have a green burial?



2           AMY CUNNINGHAM: People are confused at  
3 the moment and need to be better educated because a  
4 lot of people choose cremation with the assumption  
5 that that's the greenest way to go because it uses  
6 less land space. But actually in the conservation  
7 burial ground you're preserving property by putting a  
8 deceased person in it. So green burial is taking off  
9 quickly. It's getting a lot of press. I would say  
10 because of the price point of cremation and it being  
11 so flexible and inexpensive we need to show people  
12 that simple burial exists within a short distance of  
13 the city or within it.

14           CHAIRPERSON CROWLEY: Thank you.

15           AMY CUNNINGHAM: You're welcome.

16           ROSALIE GRABLE: Hi, I'm Rosalie Grable,  
17 and my mother is buried at Hart Island. We're not  
18 homeless. She was well loved, but the financial  
19 exigencies of today say that we could eat for the  
20 next month or we could have a subsidized burial. She  
21 wanted to be buried. I was first aware of Hart  
22 Island because I want a green burial. For me that's  
23 what I want. I do not want to be filled with toxic  
24 chemicals and I do not want to be turned into air  
25 pollution. It's a good way to go. I found out about

1 it, and for me, you know, I'd would be dead. I  
2 really wouldn't care if people could visit me or not,  
3 but I need to visit my mother. It's--it's so  
4 important to my heart, and that they treat her like a  
5 prison, and me like a terrorist. It's--it's just not  
6 good, and there's a lot of other, you know, larger  
7 family involved who are--just gutted at the thought  
8 that their sister, aunt, et cetera is buried in a  
9 pauper grave. And it would have been so wonderful to  
10 them. If I could have just filmed my talk with  
11 Captain Thompson and, you know, put it on YouTube so  
12 that her relatives could know that she's in good  
13 hands, but there's no grass. She's been there more  
14 than a year now, and they keep running this F'ing  
15 heavy equipment over the grave so that nothing can  
16 grow. This heavy equipment would be find for road  
17 building, but they do know road building, and there's  
18 big lumps where there ought to be roads. And the  
19 kind of burial that they do would be better done with  
20 a cute little bobcat to dig out the graves. Yep, and  
21 that's all I need to say.

22  
23 CHAIRPERSON CROWLEY: Well, thank you for  
24 your testimony. Next.

2 KATHY SEFIK: Good afternoon. Thank you  
3 for allowing me to speak here today, Council Members.  
4 I'm speaking to you regarding transferring Hart  
5 Island to the Parks Department. As a City Island  
6 resident, a member of the Civic Association of the  
7 Chamber of Commerce and a long-time volunteer in the  
8 community and visitor of Hart Island in June of 2015,  
9 and also many times in my youth I was over to Hart  
10 Island. The process for visiting when I went was not  
11 daunting and response and a date to visit the grave--  
12 I mean to visit Hart Island was given in two days.  
13 The island well manicured at the time of my visit.  
14 It was peaceful and serene, as it should remain to  
15 show respect for those buried there. And opposed to  
16 Hart Island becoming a public park, I realized the  
17 community board and 44 members of our civic, which is  
18 one percent of the City Island population, have  
19 approved of this. However, most of City Island  
20 residents are not in favor of this. I'm here  
21 representing the people who have signed the petition  
22 in opposition to a public park. The City Island  
23 community became aware of the proposal to transfer  
24 Hart Island from the Department of Corrections to the  
25 Parks Department when we were urged to write to

2 Community Board 10 in support of the transfer to  
3 prevent the City from using the land for prisons,  
4 homeless shelters or incinerators. We--we are a  
5 small community. When there is a major shift, which  
6 would impact the community, we have large public  
7 forums such as for our City Island Bridge, which has  
8 been published in the news later, the firehouse, et  
9 cetera. For this, we did not, and most City  
10 Islanders were caught unaware with this having  
11 already been passed by the Civic Association and the  
12 Community Board 10. Since that time, many are  
13 articles, which I introduced--um, I gave you copies  
14 of--have been published after these votes advocating  
15 for a public park or national monument comparing what  
16 could be to former Potter Fields that are now  
17 successful public parks such as Madison Square Park  
18 and Governor's Island. Which was also referred to as  
19 a Sunday picnic in the park. No, we don't want this,  
20 which would lead the public access of to Hart Island.  
21 This is what lead to the petition opposing the  
22 transfer to Parks Department since the bill has no  
23 parameters. Potter's Field is the burial ground,  
24 which we--should be considered sacred and not turned  
25 into a public park. We have no problem with access

2 granted to the site for respectful remembrance, but  
3 we have not heard how the Parks Department plans to  
4 guarantee the maintenance of the due respect that we  
5 owe these buried souls. The only viable access to  
6 Hart Island is via Fordham Street Ferry Terminal on  
7 City Island in the Bronx. Fordham Street is an  
8 extremely narrow street with no room for constant  
9 two-way traffic, and no space for public parking in  
10 the immediate vicinity of the ferry terminal. Adding  
11 traffic will only jeopardize the public safety of  
12 island residents and visitors alike as emergency  
13 access [bell] to the island is further dangerously  
14 compromised. Even the NYCLU lawsuit against the city  
15 for family access, the plaintiffs' cites because of  
16 the extremely limited street side parking available  
17 in the vicinity of Hart Island ferry dock bordering  
18 private residential area, each group of visitors will  
19 request that you coordinate travel to the City Island  
20 dock so as to bring as few vehicles to the site as  
21 possible. The amounts of funds to clean up the  
22 island and prepare for public access would seem to be  
23 enormous. It would include toxic cleanup, the  
24 abandoned missile silos and raise buildings. Why not  
25 put those funds into Pellham Bay Park, which is

1 adjacent to City Island and Hart Island. City Parks  
2 can be used for a multitude of activities, skating  
3 rinks, concert venues, which they were trying to have  
4 a concert venue on the end of Fordham Street at the  
5 dock already, ball fields, et cetera. Which are all  
6 good things, but not needed here next to the largest  
7 park in New York City. In addition, parkland can be  
8 alienated for a multitude of reasons, and our area of  
9 Rodman's Neck is an example of alienated parkland.  
10 For such a small amount of residents in favor and few  
11 requests to visit, why would the city or our  
12 community take on such a burden and expense of  
13 another public park. The people. The Petition of  
14 City Island. Thank you very much for allowing me to  
15 speak.

17 CHAIRPERSON CROWLEY: Thank you.

18 JOHN YAGLEY: Hi, my name is John Yagley  
19 (sp?). I come to you simply as a New York City  
20 resident who is interested in the history of the  
21 city, particularly in the areas of the gay and  
22 lesbian history and social justice. And incidentally  
23 I, too, am interested in green burial one day. So I  
24 just came with a prepared statement to read. The  
25 significance of Hart Island cannot be understated.

1  
2 It contains the remains and the stories of over one  
3 million souls. Its history is a microcosm of our  
4 country's many socio-economic problems in the past  
5 150 years. This is a history that has been living in  
6 the shadows. The first 16 people to die of HIV-  
7 related causes were buried on the southern tip of  
8 Hart Island away from the other mass graves, and  
9 buried quote "fourteen feet down" end quote. This is  
10 referenced in a 1985 Department of Sanitation Report,  
11 and 30 years later there's still no memorial for  
12 these individuals. The epidemic that ravaged the  
13 city is still all too--an all too recent memory for  
14 many of its residents. The fate of those 16 is a  
15 symbol of the fear that swept the nation at that  
16 time, and while much progress has been since, there  
17 is still a lot of stigma and misunderstanding as to  
18 what HIV is and isn't. Putting this burial site and  
19 others on the map, and shedding light on this story  
20 will be a significant and important step towards  
21 examining our collective past, thus making us  
22 stronger going forward. In Emma Lazarus--Emma  
23 Lazarus' poem, New Colossus, known unofficially as  
24 the Statue of Liberty Poem, she famously makes  
25 reference to the tired, the poor and the huddled

1 masses yearning to breathe free. It serves as an ode  
2 to the indomitable spirit of those longing to come to  
3 this country, and to the symbol of liberty with her  
4 beacon of light Let Hart Island serve as the  
5 ultimate memorial to those down trodden, many of  
6 whose voices remain silenced and whose stories are  
7 still untold. Hart Island needs that beacon of  
8 light, and needs to have its voices heard. Hart  
9 Island needs a vision for the future with respect for  
10 those buried there that does not involve the penal  
11 system. Thank you.

13 CHAIRPERSON CROWLEY: Thank you. I'll  
14 start questions with you, sir. How would you think a  
15 fitting tribute or memorial would--what would it be  
16 on Hart Island, and do you believe that we should  
17 move the jurisdiction out of DOC?

18 JOHN YAGLEY: I'll answer the second  
19 question. Definitely, I think it should be moved out  
20 of the DOC simply being allowed to visit the site I  
21 think would be in and of itself a fitting memorial.  
22 I don't even know--I can't even begin to say what  
23 would make a good memorial. I think the island has  
24 so much potential, and needs a lot of feasibility



1 studies obviously. There's so much there, but I'm  
2 just--

3  
4 CHAIRPERSON CROWLEY: [interposing] Have  
5 you been on the island?

6 JOHN YAGLEY: I have not. I would love--I  
7 would love to visit, but I am not a relative of one  
8 of the deceased.

9 CHAIRPERSON CROWLEY: How did you come to  
10 know about the island?

11 JOHN YAGLEY: Um, I moved out from  
12 Philadelphia a number of years ago, and I've always  
13 been interested in the cities' histories, and I know  
14 New York City has many islands. And, you know, I've--  
15 -I've been able to explore the city more than the  
16 average New Yorker and I'm always surprised. Like I  
17 mean lifelong residents that have never been to  
18 Staten Island, and so many New Yorkers are unfamiliar  
19 with Hart Island and what it is and what its history  
20 represents.

21 CHAIRPERSON CROWLEY: Before you  
22 mentioned the Department of Sanitation when it came  
23 to burying victims of HIV. Well, why were they  
24 involved from your research?

1  
2 JOHN YAGLEY: This was the report given  
3 to my by my friend Linda Hunt. It's from 1985, and  
4 it's just basically--it was an inspection report  
5 about, um, various environmental issues going on.  
6 And, they made--they made note at the end--in the end  
7 of this three-page report of those burials, and I  
8 think they were buried twice as deep, um, as the  
9 other mass graves. And it's worth--I can--I can give  
10 a copy if you're interested in seeing it.

11 CHAIRPERSON CROWLEY: Yes, I would  
12 appreciate that, and then the representative from the  
13 Civic Association--

14 FEMALE SPEAKER: [off mic] Not any more.

15 CHAIRPERSON CROWLEY: No, no longer.

16 FEMALE SPEAKER: [off mic] No, I'm not a  
17 member of this organization.

18 CHAIRPERSON CROWLEY: Oh, okay. Well, I  
19 think we have two more.

20 FEMALE SPEAKER: This is one it will be  
21 from--?

22 CHAIRPERSON CROWLEY: City Island Civic  
23 coming up both of them next. But just, you know, if  
24 this was to move to a--the jurisdiction of the Parks,  
25 it does not mean that it has to be a recreational

2 island, and, you know, from the testimony earlier we  
3 heard from the Parks Department saying that they  
4 already have 13 islands--

5 JOHN YAGLEY: [interposing] Right.

6 CHAIRPERSON CROWLEY: --that are not  
7 acceptable--accessible for--to the public. So it  
8 could be sort of a combination of what the advocates  
9 would like to see, and--and what the island residents  
10 would like to see.

11 KATHY SEFIK: I think most of the people  
12 that signed the petition that you have a copy of it,  
13 are not opposed to people visiting their relatives  
14 or--it's just a fair and natural and full open access  
15 public. And I--I think it would be desirable for a  
16 lot of people to visit there. It is an island, and  
17 our community and in--in our petition it also states  
18 maybe from another access point. Not down Fordham  
19 Street because even--there's just no room--

20 CHAIRPERSON CROWLEY: [interposing]  
21 Right.

22 KATHY SEFIK: --there's no room in our  
23 community to put all these people.

2 CHAIRPERSON CROWLEY: Okay. Understood.  
3 We're hear more from both representatives from the  
4 City Island.

5 KATHY SEFIK: Okay.

6 CHAIRPERSON CROWLEY: --who are up neck.  
7 Thank you all for your testimony. Was there a point  
8 that you would like to make first.

9 AMY CUNNINGHAM: I was just going to say  
10 I don't think any of us envisioned funnel cake or  
11 Coca-Cola. These are tours of small groups that  
12 would go with incredible reverence as you would to  
13 any other--

14 CHAIRPERSON CROWLEY: [interposing]  
15 Right, right.

16 AMY CUNNINGHAM: --place where the dead  
17 are buried.

18 CHAIRPERSON CROWLEY: Limited access?

19 AMY CUNNINGHAM: Yes.

20 CHAIRPERSON CROWLEY: We have John Doyle  
21 from the City Island Civic Association and Barbara  
22 Dolensek (sp?). [pause]

23 JOHN DOYLE: Go ahead. Ladies first.

24 BARBARA DOLENSEK: Okay. Good afternoon.  
25 Thank you for letting me testify at this important

2 hearing. My name is Barbara Dolensek. I've been a  
3 resident of City for 40 years, and an Officer of the  
4 Civic Association for 20. I'm also Vice President  
5 Administrator of the City Island Historical Society  
6 and Nautical Museum. Because I have a particular  
7 interest in local history, the subject of Hart Island  
8 has always held a special fascination for me. When I  
9 move to City Island in 1976, Hart Island was still  
10 accessible to the public. People were allowed to go  
11 there by boat, to take photographs, and to admire the  
12 historic buildings dating back to the 1880s, along  
13 with a Civil War Memorial and a chapel. One could  
14 see that there had been a real community on the  
15 island as well as a very dark and fascinating history  
16 as a potter's field, a prison, a yellow fever  
17 quarantine station, a hospital for patients with TB,  
18 a sanatorium for women, a reformatory for boys, a  
19 Nike Missile site, a drug rehab facility, and, of  
20 course, an overflow city--prison for the city. In  
21 short, Hart Island has served for over 100 years as  
22 New York City's closet for hiding unpleasant things.  
23 During the 1970s through 1991, the city proposed  
24 putting all sorts of other unpleasant things on the  
25 island: A power plant, an incinerator, a homeless

1 shelter and, of course, a prison. City Island  
2 residents fought very hard to get those projects  
3 placed elsewhere. And in response, the city closed  
4 it down to all visitors except those with special  
5 permits dispensed by the public--by the Department of  
6 Corrections. People arriving on the shore by boat  
7 today without permits are at risk of being arrested,  
8 and no photographs may be taken by any visitor, even  
9 those visiting gravesites. With no one watching, the  
10 DOC lost burial records. They allowed the landscape  
11 to deteriorate, and even today one cannot access  
12 parts of the island because of storm damage. And they  
13 let historic buildings deteriorate to the extent that  
14 no one is allowed to go inside. No one can deny that  
15 what is essentially a beautiful island that is home  
16 to as many as a million souls, most of them sadly  
17 forgotten, has become an embarrassment to New York  
18 City. No one on City Island wants Hart Island to  
19 become a recreational facility with swings and  
20 handball courts. All that and more are available in  
21 nearby Pellham Bay Park. What many of us do want,  
22 however, is for New York City to take care of a  
23 significant part of its history, and to allow it to  
24 be restored, studied, and experienced with--as such  
25

1 with the respect it deserves. This is not a  
2 responsibility that can be shouldered by the  
3 Department of Correction, but we have faith that with  
4 time, community input and, of course, the funding  
5 that must still be raised, the Parks Department can  
6 take on the challenge and do right by this important  
7 part of New York City's colorful history. Thank you  
8 for listening.  
9

10 JOHN DOYLE: Hello, my name is John Doyle  
11 and I've been an officer and board member of the City  
12 Island Civic Association for the past six years. I'm  
13 also a 25 resident of the City Island community.  
14 Over the past 12 months, I've attended many hearings  
15 and meeting where Intro 134 has been discussed,  
16 including two meetings with Bronx Community Board 10,  
17 several meetings at the Hart Island Project, and  
18 about nine meetings of the City Island Civic  
19 Association. These groups, which are made up of  
20 different people, who look at it--come at it from  
21 different perspectives, have all come to the same  
22 conclusion that the transfer of this land from the  
23 Department of Corrections to the Department of Parks  
24 and Recreation is in the best interest of our city  
25 and our local community. I am sure you will hear,

2 and you have heard powerful testimony from family  
3 members of those interred on Hart Island, and their  
4 voices deserve to be heard on a matter that has  
5 affected them so deeply. I sympathize with their  
6 struggle and ordeal, and I admire those individuals  
7 who put together this piece of legislation. But I  
8 want to give you the view and the perspective of  
9 someone from our association who works-- And our  
10 association works on a daily basis to maintain and  
11 strengthen our community. Given its proximity, City  
12 Island has, as you know, been intimately connected  
13 with the history of Hart Island for over 100 years.  
14 You may not be aware, however that Hart Island has  
15 been the source of controversy for many decades, and  
16 Councilman Vacca alluded to this in some of his  
17 comments. During the 1970s under the Beame  
18 Administration, the city selected it as a site for a  
19 700,000 kilowatt power plant. During the 1980s, the  
20 Koch Administration identified Hart Island as an  
21 appropriate site for a garbage incinerator; a prison  
22 for 48 to 400 inmates; a prison barge housing 800  
23 prisoners; and a 1,000-bed homeless shelter.  
24 Residents of the island organized protests and hired  
25 attorneys to fight off these projects, which were



1 ultimately dropped. The Department of Correction  
2 went ahead and housed between 30 to 50 inmates on  
3 Hart--on Hart Island for several years in direct  
4 opposition to the island residents. For the past 20  
5 years, the island has no resident inmates, but has  
6 continued as a potter's field where inmates are used  
7 to bury unidentified and indigent individuals who  
8 have--who have died in the city. It is clear that  
9 DOC views Hart Island not as a cemetery, but as a  
10 correction facility, and has made it a crime for the  
11 general public to access the island without special  
12 permission. Relatives who--who can prove they're  
13 related to someone buried there on the island and  
14 religious groups are allowed limited access. But, no  
15 one else can legally visit the island. Two years ago  
16 in January of 2014, our group spoke to advocates on  
17 this legislation, and started weighing in favor.  
18 (sic) Later that year, we decided that island  
19 leaders and DOC officials met to see the site for our  
20 ourselves. We saw historic buildings that had been  
21 allowed to decay beyond salvage, and a lack of land  
22 maintenance that is nothing short of disrespectful to  
23 those interred on the island. The Civic  
24 Association's responsibility is to the protection of  
25

2 public interest for bona fide City Island residents.  
3 Given this responsibility, the history of access to  
4 the site, and the facts as we know them to be, we  
5 came to the conclusion and the consensus of having  
6 this land converted to parkland would be in the best  
7 interest of our community. We are aware that after  
8 the jurisdiction changed, the Parks Department still  
9 has to go through the universal land use review  
10 procedure for it to be officially considered  
11 parkland. That being said, this legislation is  
12 important for a step towards that goal. By having  
13 this land converted to parkland, you know, I--my  
14 [bell] testimony is long. So I won't read the whole  
15 thing in the interest-- Okay, okay. By having this  
16 land converted to parkland, we would have additional  
17 protection against possible development of this site  
18 in the future. The parkland alienation process would  
19 allow making the site converted to another use are  
20 very difficult to process. Our own Council Member  
21 James Vacca was quoted as saying, quote, "I think  
22 this protects the island in perpetuity." I couldn't  
23 agree more with his assessment. I think it sums up  
24 the view of our association well. I am aware that my  
25 opinion and the views of our association might not be

1 universal, nor should they be. Some have raised  
2 concerns of increased traffic on City Island as a  
3 result of this proposal. I would like to point out  
4 that if visitation is continued along the lines of  
5 what's already been established, two ferries a day,  
6 or a few times a week as Council Member Levine has  
7 suggested, one at 9:00 a.m. and another at 12:00  
8 noon. It would not conflict with City Island  
9 traffic, which is normally during late afternoon and  
10 early evening hours on weekends. Further, the ferry  
11 that is used to transport passengers to the island,  
12 and the only means of access at this time, holds  
13 approximately 25 people. Which would in effect cap  
14 the amount of people visiting Hart Island from City  
15 Island, and minimalize the build up of traffic that  
16 some residents fear. As we wrote in our original  
17 correspondence in support of this bill two years ago,  
18 many factors would need to be worked out before the  
19 island could become publicly accessible. Even though  
20 it was accessible during these limited times during  
21 chief (sic) ethic limitations and things along that  
22 nature, to be clear, the Civic has not weighed in on  
23 the matter of Hart Island becoming a public park. I  
24 would, therefore, urge the Council that if this  
25

1  
2 legislation is approved to set up a transparent  
3 framework to bring in stakeholders from all sides to  
4 discuss the future and accessibility of the island.  
5 Similar methods have been undertaken, not only with  
6 our new City Island Bridge, but also the renovation  
7 of Orchard Beach. The Parks Department should listen  
8 to these stakeholder before any changes are  
9 initiated. An additional meeting should be held on  
10 City Island. Finally, I would like to present to you  
11 two very brief statements that are just about City  
12 Island and kind of from some of our members. As  
13 we've heard from them, one is from Tom Smith who is  
14 City Island Civic Association and a lifelong island  
15 resident. He says, quote, "It's really a shame that  
16 the incredible history of Hart Island including a  
17 Civil War monument that was built by Union soldiers  
18 to commemorate the dead they buried there cannot be  
19 visited. We need to open up that history so people  
20 can go over there and see them." end quote. And this  
21 is from Skip Giacco who is due to join us today.  
22 He's the president of the Chamber of Commerce who has  
23 also come out in support of this legislation. Quote,  
24 "As an--as a leader on City Island, I'm aware this  
25 transfer had some risk. Indeed, something could go

1 wrong, and we could end up with an unfortunate  
2 situation on Hart Island. That being said, given the  
3 nature of both agencies, I'm far more comfortable  
4 with the gravity of the mistake being made by the  
5 Parks Department than I am the gravity of the mistake  
6 being made by the Department of Corrections." Both  
7 are wise words. Thank you for your time. We also  
8 had about 15 letters from City Island residents,  
9 which I submitted with the written copies of my  
10 testimony.  
11

12 CHAIRPERSON CROWLEY: Would either of you  
13 like to comment on Kathy Sefik, who--whom spoke  
14 earlier, a representative, or not a representative,  
15 but a member of your organization.

16 BARBARA DOLENSEK: Sure. Kathy is a  
17 member. She's been a member for a long time. She's  
18 an active member. The Civic Association does not, as  
19 she pointed out, does not have 4,000 people as  
20 members, and it is a relatively small proportion.  
21 However, they are the active people on City Island  
22 that are willing to have them--have their ideas  
23 thoughts. I think Kathy is correct in that we do not  
24 want Hart Island to become a public park. Orchard  
25 Beach is right close by. It should be limited

1  
2 visitation in--in, um, in a thoughtful manner with  
3 tours perhaps, but the way we do the City Island  
4 Nautical Museum. But we do not fear this. It was  
5 open for many years really until 1985, and people  
6 were allowed to go there and to take pictures and  
7 that was fine. It was not treated like a prison, and  
8 it was also not a hor--you know, a--

9 CHAIRPERSON CROWLEY: So back in the '80s  
10 up until '85--

11 BARBARA DOLENSEK: [interposing] Up until  
12 '85.

13 CHAIRPERSON CROWLEY: --nobody was  
14 worried about contraband?

15 BARBARA DOLENSEK: [interposing] Nobody  
16 worried about it. No, that's absolutely true. Even  
17 when there were prisoners there nobody worried about  
18 it. Um, and nobody flocked there to go and have  
19 picnics on the gravesite and whatever--whatever  
20 worries those residents. Um, traffic is horrible on  
21 City Island. There's no question that the  
22 restaurants, but we're not calling to have the  
23 restaurants taken away because we've got traffic  
24 issues. I think things can be dealt with like a  
25 different access to Hart Island rather than from

1 Fordham Street on City Island. But these are all  
2 issues that can be dealt with as--as the legislation  
3 moves forward, and it's not something that I believe  
4 should hold off preventing this important  
5 legislation--  
6

7 JOHN DOYLE: [interposing] Yeah.

8 CHAIRPERSON CROWLEY: -- from taking  
9 place.

10 JOHN DOYLE: And--and I would just add to  
11 that that, and just speaking more in a general nature  
12 in any organization--I'm sure even in the City  
13 Council itself--there are, you know, there's a  
14 difference of opinions and the difference of  
15 viewpoints. I will say that, you know, again this  
16 has been discussed at nine different meetings of our  
17 association. I have not seen a groundswell of  
18 support against this, and at any time if the members  
19 want to bring this up and, you know, ask for a re-  
20 vote, they're welcome to do so, but it hasn't been  
21 initiated. And I think that based on--and this might  
22 be a little anecdotal--but based on every  
23 conversation I've had with people, long-term people  
24 sitting down willing to discuss the issue, where  
25 we're actually talking about the issues at hand.

1 This not about the transfer of jurisdiction to Parks.  
2 This is about the access, and as both you and your  
3 colleagues have--have said in your comments, and I'  
4 think they've been very thoughtful comments, we're  
5 looking--we're not looking to create something with  
6 funnel cases (sic) as I think some demonstrated.  
7 We're looking to create something very respectful.  
8 And limited access I think is something that as long  
9 it was explained to City Islanders, as I think we  
10 have tried to do--We've echoed many of your comments.  
11 I--I think you would find popular consensus. Thank  
12 you.  
13

14 CHAIRPERSON CROWLEY: And then do you  
15 have an opinion about the historical buildings on the  
16 island?

17 JOHN DOYLE: Yeah, I do--

18 BARBARA DOLENSEK: [interposing] Well,  
19 yeah, I think it's a--it's a--it's a shame that  
20 they've been allowed to deteriorate to the point  
21 apparently some are even being demolished to make  
22 room for more graves, which is not we believe  
23 entirely necessary. If they can be restored, I think  
24 that would be terrific. I think we could raise some  
25 money for that, but I don't think that allowing them,



1 allowing the island to stay in the jurisdiction of  
2 Department of Corrections is going to do anything but  
3 have them all demolished--

4 JOHN DOYLE: [interposing] Yeah.

5 BARBARA DOLENSEK: --ultimately. And I  
6 think that would be a shame. I mean this is an  
7 important part of New York City history, and we're  
8 just letting it rot, and, um, it's only because of  
9 neglect and not--not because of, you know, because  
10 nobody has been trying to save it. It's an ugly  
11 backyard for City Island, and I don't think it should  
12 be treated that way any more out of respect for the  
13 people that are buried there, and out of respect for  
14 the people who--who are interested in--in New York  
15 City.

16 CHAIRPERSON CROWLEY: And how hard did  
17 Super Storm Sandy hit City Island?

18 JOHN DOYLE: Um, portions were damage.

19 BARBARA DOLENSEK: Yeah, we--most of the  
20 damage actually came about as a result of storm  
21 surge. We dodged a bullet because the high tide and  
22 the storm surge did not occur at the same time as it  
23 did elsewhere in the city. There was a great deal of  
24 damage to one of the yacht clubs and another marina.  
25 In fact, Irene did more damage I think in some ways.

1 We used to this on City Island. You know, especially  
2 people on the east side of the island get the nor-  
3 easters and are constantly having to redo their  
4 seawalls. This is a fact of life on City Island. I  
5 don't think it's any worse--Sandy was any worse. In  
6 fact, it was as--nearly as bad as the Hurricane in  
7 1939. So we don't see this as a trend going forward,  
8 but it is something that if Hart Island is going to  
9 be completely neglected because it belongs to the  
10 City and not to a resident, I think that's something  
11 that ought to be remedied.

12 CHAIRPERSON CROWLEY: And how do you  
13 think transportation will be best?

14 JOHN DOYLE: Obviously I think as I said  
15 in my comments if you can slate visitation towards  
16 the--the morning hours or very early afternoon hours.  
17 If we are going to have some level of visitation that  
18 would not conflict with City Island traffic or  
19 Council Member Vacca's comments as well as some of  
20 the comments of those opposed. Our legitimate  
21 traffic on the island on weekends particularly in the  
22 late afternoons and evenings are--is a significant  
23 problem. People, you know, have to deal with it, and  
24 it's unfortunate. We've been at the forefront of  
25 trying to get additional police protection for those--  
-for that--conditions.

26 BARBARA DOLENSEK: But I also think that--  
-that the Parks Department ought to be considering  
another way on means of access--

2 JOHN DOYLE: Yeah, it makes sense with  
3 maritime needs--

4 BARBARA DOLENSEK: --to the--to the  
5 island. I mean there's a lot of--there's  
6 construction going on right now on Fordham Street  
7 with new buildings. There is very little parking, as  
8 Kathy pointed out, and this is not the only way one  
9 can get to Hart Island.

10 CHAIRPERSON CROWLEY: Well, the Mayor  
11 through the Department of Economic Development is  
12 planning doing ferry service throughout the city.

13 BARBARA DOLENSEK: We've been pushing for  
14 that very hard, yeah.

15 JOHN DOYLE: We've written many letters  
16 to that effect.

17 BARBARA DOLENSEK: Uh-huh.

18 CHAIRPERSON CROWLEY: So you want it just  
19 for City Island not even to mention Hart Island. You  
20 already want that for City Island, that ferry  
21 service?

22 BARBARA DOLENSEK: Yeah, yeah, and mainly  
23 because it would--

24 CHAIRPERSON CROWLEY: [interposing] And  
25 close if it stopped in the wrong--

1  
2 BARBARA DOLENSEK: --keep--it would keep  
3 traffic down, yes, but if--if a ferry coming from  
4 some other place could take people to Hart Island  
5 that would be--

6 JOHN DOYLE: [interposing] Just fine.

7 BARBARA DOLENSEK: --that would a  
8 solution.

9 CHAIRPERSON CROWLEY: But--but now, that  
10 planned service is that--

11 BARBARA DOLENSEK: It's not going to  
12 happen, by the way.

13 CHAIRPERSON CROWLEY:

14 JOHN DOYLE: It's not happening on City  
15 Island. That's not in the plan. (sic)

16 CHAIRPERSON CROWLEY: But currently the  
17 plan is--is to go somewhere in the Bronx. Is it  
18 Soundview? How far is it?

19 JOHN DOYLE: [interposing] Soundview.  
20 Soundview is about 15 minutes by car, well over that  
21 by bus or train to City Island. For City Island from  
22 Soundview it probably would take you about an hour.

23 CHAIRPERSON CROWLEY: Okay, all right.  
24 So we would have to get the ferry closer.

2 JOHN DOYLE: Yes, you would--you could  
3 say that.

4 CHAIRPERSON CROWLEY: All right, well  
5 that concludes-- Wait, before that I want to  
6 recognize that we've been joined by my colleague  
7 Council Member Cabrera. Mr. Cabrera, Council Member,  
8 do you have any questions. No. So, um, this  
9 concludes the Fire and Criminal Justice Committee  
10 Joint with Parks Committee meeting of January 20th,  
11 2016. Thank you. [gavel]

12

13

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 January 24, 2016