

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TECHNOLOGY
JOINTLY WITH COMMITTEE
ON SMALL BUSINESS

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November 22, 2021
Start: 11:05 a.m.
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HELD AT: Remote Hearing, Virtual Room 1

B E F O R E: Robert F. Holden
Chairperson, Technology

Mark Gjonaj
Chairperson, Small Business

COUNCIL MEMBERS: Robert F. Holden
Brad S. Lander
Paul Vallone
Eric A. Ulrich
Kalman Yeger

Mark Gjonaj
Selvena N. Brooks-Powers
Eric Dinowitz
Stephen T. Levin
Bill Perkins
Ydanis Rodriguez
Helen K. Rosenthal

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

Anne del Castillo
Commissioner
Mayor's Office of Media and Entertainment

Josh Levin
Associate Commissioner of
Intergovernmental Affairs and Community
Development
Mayor's Office of Media and Entertainment

Matthew Besse
New York Police Department

Lieutenant Nicholas Minor
Movie and TV Unit
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Anthony Nunziato

Joseph DiGangi

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3 SERGEANT AT ARMS: PC recording and
4 backup recording are rolling.

5 SERGEANT AT ARMS: Cloud recording
6 underway. Good morning and welcome to today's remote
7 New York City Council joint hearing of the Committees
8 on Small Business and the Committee on Technology.
9 At this time would all panelists please turn on their
10 video. To minimize disruption, please silence your
11 electronic devices, and if you wish to submit you may
12 do so via email at testimony@council.nyc.gov. That's
13 testimony@council.nyc.gov. Thank you very much for
14 your cooperation. We are ready to begin.

15 CHAIRPERSON HOLDEN: Good morning. I am
16 Council Member Holden, chair of the Committee on
17 Technology, and I'm pleased to be joined today by my
18 good friend from the Bronx, Council Member Mark
19 Gjonaj, chair of the Committee on Small Businesses.
20 Ah, I would like to welcome you all to our hearing
21 today on the film industry. Ah, with streaming
22 demand at a record high, it looks the industry will
23 continue to grow and, ah, that's very, very important
24 for New York City and New York State. For example,
25 Netflix recently opened a new studio in Bushwick.
Ah, Apple has secured new, ah, leases space in, ah,

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Kaufman, ah, Astoria Studios for studio production
for their new content, and Steiner Studios has
declared expansions for their studio space, spaces,
to accommodate increased demand. However, while the
film industry is an important part of our city's, ah,
recovering economy, we must address how their
productions impact our communities and I'm all too
familiar with the complaints that my constituents log
and, and residents, ah, in, in the, ah, in the
district and in the boroughs, ah, regarding some
disruptive, ah, behavior or impact, ah, that
production sets can have on their lives. From
trailers blocking streets to loud generators and
glaring flood lights, our residents and small
businesses are being asked to deal with unfavorable
conditions and they get little relief, often finding
that numbers, the numbers, ah, the phone numbers that
are provided to call in case of such circumstances
lead to dead-ends and full voice mail inboxes. So,
ah, you know, in 2019 we had a hearing regarding the
film industry's expansion in New York City. We heard
directly, ah, from the public on how productions can
be negligent, ah, with their surroundings at times
and troublesome for many New Yorkers. The hearing

was primarily due to a film shoot that took over the busiest commercial, ah, strip of my district right before Christmas. And just recently the same commercial strip in my district was used as an overflow parking space for production equipment and trucks that were filming miles away, ah, in another council member's district, and that was unsettling, to say the least. Several errors were made, um, which led to this incident. Um, our small businesses are being affected by the operations of these productions at a critical time when they are still recovering from the pandemic. These conditions must be addressed as the film industry expands. So we have to really coordinate some more on, on this. And to this end we found that New York City 311 service, ah, requests, dataset, on the city's open data portal, portal, which tracks all service requests, including complaints filed with New York City 311 does not have a distinct category for complaints related to the film industry. So that's what we're gonna talk about today a little bit. Without a separate category of data for complaints related to film production, it, it is, you know, it becomes difficult to take a deeper look into the nature of

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complaints related to the film industry. We should
look at other cities to see how their policies can,
ah, improve us over here in New York City. Los
Angeles, California, for instance, has a fee schedule
that details various fees that a production studio
must be aware of when applying for a permit and has a
film permit fee of \$795 that works for up to 10
locations, while also requiring that a permit
application be submitted at least three business days
before filming. Atlanta, Georgia, ah, has a fee
schedule that includes various fees for locations,
road closures, on-site services, and more, while also
requiring an application submission of at least three
days before filming. They also require that permits,
ah, ah, permits asking for a full street closure be
submitted at least five business days before filming.
On the other hand, New York City has a singular
permit application fee of only \$300 and accepts
applications submitted at least 48 hours in advance.
So that's what, you know, we're gonna discuss today
and, and I've, I've had some, some, ah, bills that
might address some of this in the past. So,
furthermore, the MOME website does not contain clear
information on how many locations a film permit can

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3 be used for, so, ah, clearer communications, better
4 responsiveness, and more consideration are essential
5 for us to benefit from this relationship fully. Ah,
6 I will now turn it over to my colleague, Council
7 Member, and cochair, Council Member Mark Gjonaj, for
8 his opening remarks.

9 CHAIRPERSON GJONAJ: Thank you, my dear
10 friend, ah, Robert Holden, for, ah, cohosting this,
11 ah, town, this council hearing with me. Good
12 morning. I'm Council Member Mark Gjonaj, chair of
13 the Committee on Small Business. I'd like to welcome
14 you to our joint hearing with the Committee on
15 Technology, chaired by my dear friend, Robert Holden.
16 Our hearing today focuses on the film industry's
17 impact on New York City's economy, city residents,
18 and our small businesses. New York City is one of
19 the most sought-after cities for film shoots in the
20 world. From the city's iconic skyline to our
21 diversity of locations, New York City is an
22 attractive location for film and television shoots.
23 Since the early 2000s the film and television
24 industry have expanded in the city. The rising
25 popularity of streaming services, like Netflix,
Amazon, and Hulu have further increased the demand

for new content and stimulated a surge in the television production in our city. The expansion of the film industry has certainly had positive impacts on the New York City economy. It has contributed billions of dollars to the city and also provided new employment opportunities for city residents. To the associations, representatives, and members of the film industry that are here today, I thank you for choosing New York City. I hope you've had the opportunity to enjoy our great city, this vibrant culture, and contribute to the local economy. Mom and pop shops are obviously at the center of what makes New York City great. While I welcome the expansion of the film industry I want to make sure our small businesses are benefitting from this expansion, too. Our small businesses are starting to recovery from the pandemic, the most serious challenge to the small business economy in the city's history. Thousands of our small businesses closed over the past two years and our small businesses are facing more hurdles that impede their ability to succeed. The expansion of the film industry and resultant commercial activity in the city should be a major boost to the revenues of our small businesses.

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Small businesses receive a large percentage of their professors from city residents passing by on the street. Blocking a small business visibility or closing down a street can be a hindrance to daily small business operations. Similarly, small businesses are sometimes not being given proper notice of when filming will be occurring in the neighborhoods. Small businesses rely on deliveries to their stores and mom and pop restaurants depend on their customers being able to park near their store to grab food and beverages to go. Small businesses must be given sufficient notice to prepare for reduction in foot traffic by scheduling fewer staff, to arranging commercial deliveries. Without enough notice businesses may be overscheduling staff or preparing to receive deliveries that may not be able to get down a blocked street. Although many productions play, play by the rules, not all of them do. It's important that we be clear about the resource communities have when film shoots go wrong, and residents need to know what to expect from film shoots, what impacts may be anticipated, and what is not allowed. When we discussed these issues with MOME at our hearing in 2019 they promised to look

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3 into and address the negative impacts facing our
4 small businesses. I look forward to hearing about
5 the steps they're taking to ensure that both the film
6 companies and small businesses benefit from the film
7 production. Given the financial impact of the
8 pandemic on this city, I urge film productions to
9 come to New York City and to shop locally. Support
10 our local mom and pop shops. Our small businesses
11 are an essential aspect of New York City culture and
12 economy and I can promise you they will deliver a
13 good product. Allow them to benefit from your
14 expansion and small businesses and the film industry
15 can thrive together. Before concluding, I want to
16 recognize, actually, um, Bob, maybe you'll recognize
17 the council members that have joined us. I can't do
18 it from my phone. But I do want to thank you, Bob,
19 for spearheading this hearing, um, making sure that
20 we take this as a priority, and with that I want to
21 thank my legislative director, Austin Sackler, my
22 Small Business Committee staff, legislative counsel
23 Stephanie Jones, our policy analyst, Noah Mexler, and
24 finance analyst Alia Ali, for their hard work in
25 preparing for this hearing. In addition, I want to

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3 wish everyone a happy Thanksgiving and all the
4 blessings of the holiday.

5 CHAIRPERSON HOLDEN: Thank you, Council
6 Member Gjonaj, ah, and I appreciate your comments
7 and, ah, I just saw we've been joined by Council
8 Members Yeger, Dinowitz, Brooks-Powers, Rosenthal,
9 and Rodriguez. Ah, I will now turn it over to the
10 committee counsel, Irene Byhovsky.

11 COMMITTEE COUNSEL: Thank you, Chair
12 Holden, and thank you, Chair Gjonaj. I'm Irene
13 Byhovsky, the counsel to the Committee on Technology,
14 and I will be moderating this hearing. Before we
15 begin, I would like to remind everyone that you will
16 be on mute until you're called on to testify, at
17 which point you will be unmuted by the host. Please
18 be aware that there could be a delay in muting and
19 unmuting, so please be patient. We will be calling
20 on panelists to testify, I will be calling on
21 panelists to testify. Please listen for your name to
22 be called as I announce the panelists. We will first
23 be hearing testimony from the administration,
24 followed by testimony from members of the public.
25 During the hearing if council members would like to
ask questions of the administration or a specific

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3 panelist, please use the Zoom raise hand function and
4 I call on you. We will be limiting council member
5 questions to five minutes, which includes the time it
6 takes to answer the question. Also please note that
7 all panelists, aside from those from the
8 administration, will be limited to five minutes.
9 When you call to testify, please state your name and
10 the organization you represent for the record. I
11 will now call representatives of the administration
12 to testify. We will be hearing testimonies from Anne
13 del Castillo, Commissioner of Mayor's Office of Media
14 and Entertainment, as well as Lieutenant Nicholas
15 Minor from New York City Police Department's Movie
16 and TV Unit, who will be also available for questions
17 and answers. At this time I will administer the
18 affirmation of each representatives. I will call on
19 each of you individually for a response. So please
20 raise your right hands. Do you affirm to tell the
21 truth, the whole truth, and nothing but the truth
22 before this committee and to respond honestly to
23 council member questions? Commissioner Del Castillo?

24 COMMISSIONER DEL CASTILLO: I do.

25 COMMITTEE COUNSEL: Lt. Minor?

LT. MINOR: I do.

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3 COMMITTEE COUNSEL: Thank you. I now
4 invite Commissioner Del Castillo to [inaudible].

5 COMMISSIONER DEL CASTILLO: Hello. Good
6 morning, Chairs Holden and Gjonaj and members of the
7 City Council Committees on Technology and Small
8 Business. Um, I am Anne del Castillo, commissioner
9 of the Mayor's Office of Media and Entertainment,
10 otherwise known as MOME. Um, I'm joined today by
11 Josh Levin, MOME's associate commissioner of intergov
12 and community affairs, and Lt. Nicholas Minor, head
13 of the NYPD Movie and TV unit, and MOME senior
14 leadership team. Thank you for the opportunity to
15 discuss the current state of film and television
16 production in New York City with you today. I have
17 the distinct honor of leading MOME since I was
18 appointed commissioner in the spring of 2019. Our
19 agency works to strengthen New York City's creative
20 economy and make it accessible to all. MOME actually
21 has four divisions - the Office of Film, Theater, and
22 Broadcasting, which coordinates film and television
23 production throughout the five boroughs; NYC Media,
24 the city's official television and radio broadcasting
25 entity; our Programs division, which oversees
industry development and workforce and educational

initiatives in film, television, theater, music, advertising, publishing, and digital media; and the Office of Night Life, which supports the sustainable development of New York City's nighttime economy. We will also be home to the Press Credentials Office starting in early 2022. When I appeared before you all in the fall of 2019 I outlined some of the ways I had intended to change our approach to film and television production permitting and I'm proud to report that we've made significant progress on those ideas. First, we hired a new intergovernmental and community affairs team to strengthen relationships with council members and communities to establish more open lines of communication and better understand the unique characteristics of our diverse communities across the city. This has allowed for more collaborative solutions [inaudible] and troubleshooting as issues arise. For example, when a production posted signs in advancing, in advance of landing in a Brooklyn neighborhood, residents voiced concerns to their council member, who in turn reached out directly to me and my office and we were able to arrive at a mutually agreeable solution. Additionally, we have taken a more proactive approach

to anticipating impacts, filming impacts, in communities. For example, um, actually as a result, um, of conversations with had with Council Member Holden, um, following the last hearing we have limited the amount of filming during the holiday season along busy commercial shopping corridors. And finally we updated the code of conduct for film permit holders and we made it easier to find on the film permit web page so that the public knows exactly what rules apply to productions. Nevertheless, we could not have anticipated, what we could not have anticipated was just a few months after that hearing in 2019 the COVID-19 pandemic would force a shutdown of the entire creative community. The Department of Labor reported that employment in arts, entertainment, and recreation fell by 66% in 2020. Film and television production came to a standstill. But as in previous crises, like 9/11 and Hurricane Sandy, the industry quickly jumped into action to assist with relief efforts from distributing catered meals to healthcare workers providing gloves, masks, and other PPE from their medical shows, hospitals, and even producing supplies, like face shields and gowns for the cities. When New York City was in need

the industry stepped up and we thanked them for their generosity. When the state approved the return of film production and the industry began developing protocols for a safe return, MOME was very deliberate in ensuring productions returned to communities across the five boroughs safely. We imposed stricter protocols than the state guidance. For example, we limited the size of cast and crew for on-location filming and required that productions maintain minimum distances from hospitals, outdoor dining, and open streets. We provided plain language guidance and sample production safety signs. We also sent out weekly updates to keep industry stakeholders and elected officials apprised on the latest guidance and status of reopening. We've been proud to see productions take the initiative to support local businesses, using them as featured locations and for catering services and holding areas. The return of film and television production is a testament to the collaboration among industry, city and state government, and community partners. It is a shining example of New York City's recovery success stories. MOME works diligently to ensure that New York City continues to be a thriving center for film and

television production and at the same time causes minimal disruption to neighborhood, residents, and local businesses. The city's expanded uses of our streets through new bike lanes, transportation projects, pedestrian plazas, and outdoor dining requires MOME to be even more flexible, collaborative, and responsive in our approach, in our approach with communities, productions, and our sister agencies. By the time a crew lands a production in a given area, MOME has already limited that production's schedule, site, and location, according to the specific needs and characteristics of that particular community and surrounding neighborhoods because every community, every street, and every production is different. For example, when a given production was returning to film in the early days of reopening we were able to [inaudible] parking footprint by utilizing nearby hotels around lower Manhattan for holding and hair and makeup instead of using several campers. In addition to reducing the impact on parking in the neighborhood, it served to increase hotel occupancy during a time of high vacancy. The benefits of our thriving film and television production sector ripple out far beyond

the boundaries of any given location shoot. Film and television production create jobs and opportunities for New Yorkers who have never set foot on the set. We hear many stories from local business owners who tell us how business generated by production has helped them grow and thrive. For example, a given production, um, may generate over 1200 jobs and 20 million dollars in wages and beyond that they will spend over \$600,000 on [inaudible], another \$600,000 on catering and other food items, and \$500,000 on hardware and lumbar supplies. Each year in the course of doing their jobs this industry spends over 80 billion dollars right here in New York City. So they aren't just helping themselves. They are contributing to our shared success and now our city's shared recovery. Many people assume that the term production industry means big Hollywood studios. But the fact is those studios are the ones who decide to bring the productions here. The production industry itself, New York City's production industry, the ones of the ground filming in neighborhoods across the city, comprise 185,000 New Yorkers - tradespeople, actors, artisans, artists, and small business owners. They are our family, our neighbors, our friends, and

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3 they're all New Yorkers who are earning a living in
4 their city. We appreciate the tremendous impact that
5 this industry has on our city's economy and my agency
6 continues to strive to make sure that filming works
7 for everyone. We know that there is still work to be
8 done and we look forward to continuing to work
9 closely with you and every community to ensure that
10 this great New York City succeed story continues.
11 And now I'm happy to answer your questions.

12 CHAIRPERSON HOLDEN: Thanks,
13 Commissioner. Ah, I just want to, um, ah, recognize,
14 ah, Council Member Lander has joined us and um Coney
15 Island just want to give, um, the first questions,
16 ah, series of questions, to my cochair, Mark Gjonaj,
17 'cause I know he's got a number of food giveaways
18 that, ah, he's, ah, operating under today. So I want
19 to thank him for joining us and take, take, ah, take
20 the floor, ah, Chair Gjonaj. Thank you.

21 CHAIRPERSON GJONAJ: Thank you, Council,
22 thank you, ah, Council Member Holden. Commissioner,
23 can you help walk me through the process from the
24 time that there's a production notification to you
25 all? How far in advance do they have to apply for a

3 permit? When is a permit issued in advance of the
4 shoot days?

5 COMMISSIONER DEL CASTILLO: Certainly.

6 Um, thank you, ah, Council Member. Um, I want to be
7 clear that the permitting, our, our office permits,
8 um, productions that require access to location, ah,
9 public, ah, property, um, ah, so not every
10 production, but those that require access to public
11 property. Um, by the time, ah, so a permit
12 application. Um, by the time, ah, so a permit
13 application isn't actually submitted until we've gone
14 through an entire process with that production. Um,
15 ah, the production will come to us and it, it really
16 depends on the, um, ah, the type of production, but
17 they'll come to us and let us know that they're
18 intending to film in the city, that they have a
19 certain number of locations that they're looking at,
20 um, some of which may pan out, some of which may not,
21 and we have a production meeting with them and review
22 what are the goals that they're trying to achieve
23 through their filming, right, and if there are
24 certain neighborhoods that they're thinking of, um,
25 we try to inform them of the opportunities and
challenges in that neighborhood. Um, the challenges

of permitting, but also the also the opportunities to partner with local businesses. And under our code of conduct they are required to reach out to, um, ah, the elected officials, um, and, ah, work with them to, ah, coordinate activity. By the time we issue the permit, we have already limited the size of their parking. We have directed where they're going to land in a given neighborhood, um, and the duration for which they will be there. So they can't actually submit an application for a permit, um, that would get approved until we've gone through all those steps with them. Um, once they submit we check to make sure that the application, that everything that we agreed on, and then we approve it and that triggers a notification. It's all part of the citywide event, coordination, and management database, um, so it's certainly part of a larger infrastructure, um, and when they submit the application and we hit approve that's when the flash notification goes to the council.

CHAIRPERSON GJONAJ: So after the discussions and the options, ah, have gone through how long before the shoot is that typically? Is it weeks, months before?

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3 COMMISSIONER DEL CASTILLO: No, it's, um,
4 typically [inaudible] neighborhood and that is for a
5 number of reasons. Um, I want to back up for a
6 moment, though, and say that as we're in the process
7 of discussing and finalizing their permit, if we know
8 that they're gonna be in an area, um, that they're
9 looking to land in a particular area, they are
10 encouraged to, ah, do outreach to the neighborhood
11 and post signs that they will be taking parking in
12 that neighborhood.

13 CHAIRPERSON GJONAJ: No, ah, thank you,
14 Commissioner. I'm, I'm, I think I'm not asking the
15 question correctly.

16 COMMISSIONER DEL CASTILLO: Um-hmm.

17 CHAIRPERSON GJONAJ: So the question is
18 after you've gone through your initial meetings,
19 you've defined the neighborhood, the needs, the
20 wants, ah, and provided feedback and input, ah, on
21 your end, how long before they actually shoot, after
22 all that is done? So is it weeks in advance that
23 this is all complete?

24 COMMISSIONER DEL CASTILLO: No. It
25 depends on the project. If it's, ah, if it's a
television series, ah, which we have a lot of here in

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3 New York City, it will typically be within a couple,
4 within 48 hours that they will land in a given
5 neighborhood. If it's, ah, ah, at the time that
6 we're having this, the, um, when we finalize the
7 permit it can be, ah, within 48 hours of the permit
8 being issued.

9 CHAIRPERSON GJONAJ: No, no. Before the
10 permit is applied for, after your conversations and
11 the timing...

12 COMMISSIONER DEL CASTILLO: I see, right,
13 all right. Um, so after our conversations if it's a
14 feature film production it could be weeks or months,
15 because they have to determine whether or not, um,
16 ah, all the locations that they want are OK and, and
17 then they have to schedule and book hotels and book
18 the cast and all that, right. So that can be, um,
19 weeks or months. In the case of a television series
20 it could be within a week, because they're operating
21 on a more regular round-the-clock schedule, and they
22 have to deliver a series every week.

23 CHAIRPERSON GJONAJ: So at a minimum it's
24 a week before they actually apply for the permit that
25 they know when they're gonna be there, ah, and what

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3 locations they've identified and work all of the, ah,
4 particulars out with you.

5 COMMISSIONER DEL CASTILLO: It may be,
6 that's when they know that they want to go to a
7 place, but if it rains or if we discover that there's
8 a conflict with the permit they will have to move
9 their location, and that could be in as soon as two
10 days. So that's why we have two-day turnaround,
11 because it can take a lot for them to land these
12 productions and figure out where they're gonna go, so
13 it can be. They may want to do a stunt on a given
14 day and they can say that this is where we want to
15 film within that week, but if we realize that there
16 are certain things that, um, certain elements that we
17 can't accommodate during that time they will, they
18 will shift their location.

19 CHAIRPERSON GJONAJ: Commissioner, these
20 are, some of them are very large productions, some
21 are small.

22 COMMISSIONER DEL CASTILLO: Right.

23 CHAIRPERSON GJONAJ: There is [inaudible]
24 and the, the answer that I'm getting is that it can
25 happen within a week before, ah, the actual permit,
that they're going to put into play all of the moving

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3 parts, ah, to create a production. I, I don't think
4 they move that quickly. I, I just, some of these
5 productions...

6 COMMISSIONER DEL CASTILLO: I'm sure they
7 do actually. They do because they're filming it,
8 particularly with our television productions they're
9 based here year round and they have stages that
10 they're based at and it's a logistical operation, so
11 they will, they will move, especially right now in
12 time of COVID when there are limitations on people's
13 ability to travel, or they have certain contractual
14 arrangements where they won't travel, it is that
15 tight of a turnaround.

16 CHAIRPERSON GJONAJ: Commissioner, the
17 issues that we have is typically with the larger
18 productions, not the small...

19 COMMISSIONER DEL CASTILLO: [inaudible]

20 CHAIRPERSON GJONAJ: The larger
21 productions that come and they take blocks and blocks
22 of parking spaces, close off blocks at a time. Ah, I
23 don't think that type of a production is done within
24 48 hours, ah, mobilization that is, where they put
25 all the pieces in play. What I'm trying to get from
you and, and maybe I'm being a little too difficult

3 here, don't mean to. These are very complicated,
4 many moving parts for these productions. And as
5 they're going through the steps with a 48-hour
6 notice, ah, to our small business and our communities
7 that are impacted, including the community board, the
8 elected officials, ah, and the, ah, the streets that
9 are being impacted, whether they be residential or
10 commercial, I'm trying to get a, a sense of how we,
11 how can we give more advance notice. And I'm not
12 referring to the few-hour setups that are limited in
13 scope that can be done because it's a very small
14 production. The impacts that we have are from large
15 productions, where they block off, ah, streets for
16 days at a time, don't show up, ah, although they have
17 no parking permits, or they show up outside of the
18 permit and the notifications that were given and
19 businesses and residents are not able to prepare. I
20 don't know if you want to follow up on that,
21 Commissioner.

22 COMMISSIONER DEL CASTILLO: Um, I, I
23 think there's a difference between the planning of
24 the shoot and when the permit is issued, right? And
25 so as part of our code of conduct we do require the
productions to do outreach to the neighborhoods so

3 that, um, to the local officials and the community
4 boards that you are aware of what's going to land.
5 The specifics of what actually will land doesn't get
6 issued until two days before because there multiple
7 factors that have to be taken into consideration,
8 right? And so that, there, there is a difference,
9 right? So while we may know that a production is
10 going to land in a given neighborhood, exactly how
11 many trucks, exactly when their call times are gonna
12 be, those typically don't get worked until, um, ah,
13 until later in the process and all of that has to be
14 stipulated on the permit.

15 CHAIRPERSON GJONAJ: [inaudible] later in
16 the process? That's what I'm trying to get at. What
17 is that later in the process?

18 COMMISSIONER DEL CASTILLO: So in other
19 words we may know that someone wants to land in, ah,
20 Times Square, right?

21 CHAIRPERSON GJONAJ: Yep.

22 COMMISSIONER DEL CASTILLO: OK, how many
23 people they're gonna have show up on that day, how
24 many people, like that has to be specified on the
25 permit, but they may not know that until the very
last minute because, until two days before because

they have to confirm, travel, um, they have to confirm who the actors are gonna be, which actors are gonna be available, right? It, it, it actually is quite a logistical piece. The parking is one piece of many parts of the production. Um, so what I can say, and what I hear what you're saying and what we really have been trying to work on at our office is cultivating stronger relationships with the communities. It's why I hired our intergovernmental and community affairs unit. We did not actually have a dedicated unit that was focused on building relationships with you and your colleagues and the communities. That is something that we put into place immediately when I started and it's something that they have been working on and they continue to work on, is understanding, getting to know all of you, and getting to understand the various needs of the communities and part, the benefit of that is that we will, eventually, it's still a process, get to understand how the communities move and operate, where certain areas are more, um, amenable to parking, where, where we can land specific footprints. Ideally, ultimately what would we have is a level of predictability that when a production

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3 comes into a specific neighborhood we know where that
4 production is going to land consistently, so that
5 there is a predictability for the neighborhood and
6 for the productions about how they're going to
7 function in a particular neighborhood. I know, we
8 are not there yet, but that is what we have been
9 striving for, for sure. And I think we've
10 demonstrated that in some of the actions that we've
11 taken since our last hearing.

12 CHAIRPERSON GJONAJ: Commissioner, thank
13 you for giving an explanation. It's not the right
14 explanation that I'm looking for. Let's look at the
15 other [inaudible]. Our small businesses and our
16 residents, they typically make arrangements days and
17 weeks in advance for a move-in, move-out, for
18 construction, ah, for deliveries. They schedule
19 these things days and weeks and sometimes even months
20 in advance. A 48-hour notice just isn't enough when
21 we're impacting communities. And the idea is what
22 can we do to give further advance notice? So there
23 is no...

24 COMMISSIONER DEL CASTILLO:

25 [inaudible]...

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3 CHAIRPERSON GJONAJ: And the, and
4 [inaudible] perfect, I don't...

5 COMMISSIONER DEL CASTILLO: Yes, no, as I
6 stipulated, Chair, the, the, what can we do is what
7 we have been trying to do, which is to work with your
8 offices to, and encouraging the productions to work
9 with your offices so that you know what to expect
10 when that 48-hour notice goes up. You would have a
11 sense that they're going to be in your area at,
12 within a certain timeframe and once the permit goes
13 up you'll know exactly what to expect on that day.

14 CHAIRPERSON GJONAJ: Commissioner, I'm
15 sorry. I come from the small business world. I
16 cannot prepare 48 hours in advance for a major
17 delivery. That's done normally days and weeks
18 before.

19 COMMISSIONER DEL CASTILLO: No, but if
20 you know, sir, that we are going, that a production
21 is going to be coming at a particular time you would
22 be able to advise us on where parking can happen at a
23 particular time...

24 CHAIRPERSON GJONAJ: No, no...

25 COMMISSIONER DEL CASTILLO: ...and this is
what I mean about developing a sense of

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3 predictability, right? So, yes, you may schedule
4 your businesses, our businesses, our city's
5 businesses [inaudible] predictability. They know
6 that they get deliveries on X, Y, and Z day. So if
7 they know that a film production is coming on a
8 particular day...

9 CHAIRPERSON GJONAJ: How would they know
10 [inaudible]...

11 COMMISSIONER DEL CASTILLO: No, no, no,
12 that when a production comes through, please let me
13 finish, because it...

14 CHAIRPERSON GJONAJ: Yes.

15 COMMISSIONER DEL CASTILLO: ...might
16 become more clear, right? So they'll know that
17 whenever a production landscape, whatever day it is,
18 they're gonna be on a particular lot, so that when
19 they get the 48-hour notice they'll know that they're
20 gonna be on X side of the street and their deliveries
21 will come a certain way. That's what I mean in terms
22 of predictability. You know, we are not looking to
23 hurt small businesses. We are looking to develop a
24 level of predictability in neighborhoods, and it's
25 the same, it's the same challenges with accessing
public space, right? Like there may be a

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3 construction project that goes up, or a public works
4 project that has to go up, right? And they're gonna
5 schedule it at a particular time that is not going to
6 necessarily be advantageous to businesses but the
7 businesses know when that project goes up this is how
8 the traffic will be redirected, or this is where
9 their customers will be redirected to. That's the
10 level of predictability that we're looking to
11 achieve.

12 CHAIRPERSON GJONAJ: Commissioner, I'm
13 not understanding, and maybe it's me. What is the,
14 when can you predict a shoot or a, a production is
15 going to happen? When is that information...

16 COMMISSIONER DEL CASTILLO: With
17 absolute, with absolutely certainty 48 hours in
18 advance.

19 CHAIRPERSON GJONAJ: But that's what I
20 just said and you, you, I think maybe you're not, I'm
21 not asking correctly. Within 48 hours is not enough
22 notice for a small business to cancel a delivery, to
23 cancel a move out or a move in. Maybe they're coming
24 into a location for the first time. They're
25 delivering their office furniture. Maybe it's a

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3 contractor that has scheduled delivery for a major
4 project.

5 COMMISSIONER DEL CASTILLO: It is why we
6 have the notifications go out, so that if they see
7 the notification and they understand that there's a
8 problem that they can our offices. They have with
9 these other situations. There have been situations
10 where there has been an expected activity to occur in
11 a neighborhood. They've called us as soon as the
12 notification has gone out and we've worked out with
13 your colleagues' office how we can accommodate all of
14 the activity that needs to happen in that area at
15 that time. That's exactly what happened in, um, ah,
16 ah, in certain situations like the one that I
17 described in Brooklyn. The, there was a problem when
18 they saw that a production was landing. They called
19 us and we worked with the council member in that area
20 to find an alternate solution.

21 CHAIRPERSON GJONAJ: And, and...

22 COMMISSIONER DEL CASTILLO: And it worked
23 out.

24 CHAIRPERSON GJONAJ: That only
25 happened...

COMMISSIONER DEL CASTILLO: [inaudible]

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3 CHAIRPERSON GJONAJ: ...48 hours in
4 advance, correct?

5 COMMISSIONER DEL CASTILLO: Yes.

6 CHAIRPERSON GJONAJ: 48 hours?

7 COMMISSIONER DEL CASTILLO: Yes.

8 CHAIRPERSON GJONAJ: So, prior to 48
9 hours there is no notice give to a community. That's
10 what I'm trying to [inaudible].

11 COMMISSIONER DEL CASTILLO: The
12 production select the communities based on engagement
13 with the communities.

14 CHAIRPERSON GJONAJ: But they don't
15 [inaudible] prior...

16 COMMISSIONER DEL CASTILLO: That's not,
17 that's not entirely true. I, I, respectfully,
18 that's, that's not entirely true. By and large the
19 productions do reach to communities. Certainly they
20 fail in certain instances and we are continuing to
21 work to correct that.

22 CHAIRPERSON GJONAJ: But I'm asking
23 [inaudible]. How far in advance of a shoot
24 [inaudible] mandatory [inaudible]. Is that correct,
25 [inaudible] supposed to reach out?

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3 COMMISSIONER DEL CASTILLO: No, the 48
4 hours is the notice [inaudible] you when the permit
5 has been issued. The outreach has happened before
6 that, because they have to figure that that's the
7 community that they want to film in.

8 CHAIRPERSON GJONAJ: When are they
9 reaching out to the actual community to let them know
10 that on X day we expect to be in your neighborhood,
11 that [inaudible]...

12 COMMISSIONER DEL CASTILLO: It would vary
13 according to the size and scale and type of
14 production.

15 CHAIRPERSON GJONAJ: That's my point.
16 You're not giving me an answer. Maybe you can't, and
17 if you can't give an answer I'm OK with that. But
18 we're spinning our wheels here. I keep asking how
19 far in advance can a production actually do outreach,
20 and if the answer is they're not required to give any
21 advance notice more than 48 hours...

22 COMMISSIONER DEL CASTILLO: Sir, I didn't
23 say any of that. I just explained that it will
24 depend on the size, scale, scope, and type of
25 production when they will do outreach. But they are
26 required to do outreach in the communities. That's

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3 how they're able to determine whether they want to
4 film in a community is based on, like they're
5 scouting locations and so they have to do outreach in
6 the community. They're filming somewhere in that
7 community and they're working with someone in that
8 community, so they're doing outreach in the
9 communities.

10 CHAIRPERSON GJONAJ: Commissioner,
11 scouting a community is completely different than,
12 hey, I'm shutting down this street...

13 COMMISSIONER DEL CASTILLO: I just have
14 to correct something. We actually don't shut down
15 streets. Our office does not shut down streets.

16 CHAIRPERSON GJONAJ: That's not true
17 [inaudible].

18 COMMISSIONER DEL CASTILLO: We take up
19 parking, but we don't block, we, we, our permits do
20 not allow for that.

21 CHAIRPERSON GJONAJ: Commissioner...

22 COMMISSIONER DEL CASTILLO: And I'm happy
23 to show the permits that do not allow for that.

24 CHAIRPERSON GJONAJ: I [inaudible]

25 COMMISSIONER DEL CASTILLO: It might be
tighter, it might, it might be a tighter pass-

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3 through, um, and we may do intermittent closures, but
4 we do not shut down streets for film permits.

5 CHAIRPERSON GJONAJ: Commissioner, I just
6 walked through a few months ago a street that was
7 closed off entirely for production. They even
8 created rain, they put cranes in.

9 COMMISSIONER DEL CASTILLO: I'm happy to,
10 I'm happy to follow up with you on that particular
11 production and find out what the specifics of the
12 permit were.

13 CHAIRPERSON GJONAJ: I would have walked,
14 I had to wait to walk through. There was no cars
15 that can get through. They literally shut down the
16 whole street. And it was in the Wall Street section.

17 COMMISSIONER DEL CASTILLO: I'm not aware
18 of the specific production that you're talking about,
19 but I'm happy to follow up with you after this
20 hearing to look into it and see what the terms of the
21 permit were.

22 CHAIRPERSON GJONAJ: So, again, I'm gonna
23 ask the question in a different way. Scouting is not
24 the same as notifying a commercial corridor or
25 residents of a neighborhood that we will be taking up
parking, that this area will be shut off, there will

3 be limited access or limited parking. That, they
4 don't do that during a scouting process. They're
5 scouting a location, it's, they're scouting. They're
6 not notifying. I'm asking is there any way we can
7 give more notice than the 48 hour advance notice
8 which currently is in the code of conduct. You don't
9 want to answer that.

10 COMMISSIONER DEL CASTILLO: No, I can
11 answer that, sir. I think we discussed this the last
12 time, too, and we have determined that 48 hours is
13 the right amount of time inasmuch as in the event
14 that there is inclement weather, for example, there's
15 a snowstorm, that production is not gonna come, and
16 they're not gonna know that until 48 hours in
17 advance. They're gonna have to make alternate
18 arrangements, whereas if we gave a week advance
19 notice the businesses will be disrupting their, their
20 deliveries for something that's not gonna occur, and
21 so this is the balance that we're trying, so, so,
22 speaking frankly, this is the balance that we're
23 constantly trying to adopt. You want to give enough
24 notice so that people know to anticipate that there's
25 going to be a disruption, but we don't want to give
too much because they might anticipate a disruption

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3 that will ultimately not occur because circumstances
4 change and they're not going to be able to film in
5 that area.

6 CHAIRPERSON GJONAJ: Commissioner, you
7 make that decision for small business and for
8 residential neighborhoods gonna be impacted that 48
9 hours is more than enough notice. That is not fair.
10 I know small businesses. They cannot, they're not
11 that fluid.

12 COMMISSIONER DEL CASTILLO: I, I...

13 CHAIRPERSON GJONAJ: You've determine
14 that 48 hours is enough notice based on a theory of
15 [inaudible].

16 COMMISSIONER DEL CASTILLO: It's, it's
17 actually predicated on, on other types of notice that
18 are given for, um, street, um, street construction,
19 for paving. It's, it's actually grounded in that
20 similar type of notification. It's not something
21 that we made up. There is precedent for it in other
22 notifications of communities where [inaudible] will
23 be happening in their neighborhoods.

24 CHAIRPERSON GJONAJ: Commissioner, I hope
25 that we can start looking at this a little bit
differently and, I'm not attacking the movie

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3 production industry and I don't want to give them a
4 burden that they, that...

5 COMMISSIONER DEL CASTILLO: No, I know,
6 and I hope you understand I'm trying to...

7 CHAIRPERSON GJONAJ: No, I don't, and
8 that's the problem.

9 COMMISSIONER DEL CASTILLO: ...help you
10 understand why we're, why it's structured this way.
11 That is not predicated on a whim. I certainly do not
12 have that discretion. I would, I would be in a very
13 different place if I had that kind of discretion.
14 Um, but it really is grounded in practice of other
15 notification and the type of activities, um, that
16 would require notice to communities of street
17 activities.

18 CHAIRPERSON GJONAJ: By the way, street
19 activity permits are given 30 days in advance.
20 Communities can prepare. Residents know. Commercial
21 corridors know. They applied to the community board.
22 But I'm not gonna go down that avenue...

23 COMMISSIONER DEL CASTILLO: Road paving
24 is not.

25 CHAIRPERSON GJONAJ: ...and in the public
works, when there's a public works project, a large

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3 project, they're given, the community board is given
4 advanced notice and they're given, ah, notice that
5 there will be a water shutoff close to the time that
6 they're gonna do the work. But there is in it much
7 advanced notice given before that. And what I'm
8 asking you is that maybe we should be looking at this
9 in a way where how do we create a, a partnership
10 where we don't hurt film industry or small businesses
11 or residential communities, that we give them in an
12 advanced notice as much as possible and 48 hours is
13 not enough. It really isn't enough.

14 COMMISSIONER DEL CASTILLO: OK, well,
15 we're happy to continue the conversation with you...

16 CHAIRPERSON GJONAJ: How much...

17 COMMISSIONER DEL CASTILLO: ...to see what
18 other proposals are on the table.

19 CHAIRPERSON GJONAJ: I won't be here the
20 next time...

21 COMMISSIONER DEL CASTILLO: And I'm also
22 happy to meet with you so that we can explain the
23 specific logistics of how the industry is, works, so
24 that we make sure that we're, we're working together
25 at, for solutions. Because I, I do understand. It
is very difficult to understand how production works.

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3 CHAIRPERSON GJONAJ: We tried this in
4 2019. It's, you know, almost two years later...

5 COMMISSIONER DEL CASTILLO: Well
6 [inaudible] pandemic that interrupted our
7 conversations, unfortunately. And, and we are, we
8 have been working with each of you to, um, try to
9 bring back production in an equitable way, um, while
10 also attending to the economic recovery of our other
11 creative sectors, and so I welcome that for sure,
12 absolutely. We want to ensure that the economic
13 recovery of the city benefits everybody.

14 CHAIRPERSON GJONAJ: And so do I, but,
15 Commissioner, I'm going back to notice, and what
16 you're telling me is because it's so complicated that
17 it's very difficult to give out, to give more than
18 48-hour notice on a production of a movie that, or a
19 production that could impact communities, I don't
20 think is fair. I don't believe, and I know our
21 businesses don't feel it's fair, so when you say
22 you're happy to work with me, with me on this, you
23 don't have to work with me. Work with the
24 communities that are impacted. Go talk to those
25 businesses. Go talk to those residential
communities. They will share with you what their

3 issues are and why 48 hours is not enough. We've
4 just done a whole spin, it took 20 minutes, and we
5 got no answers and no commitment. 48 hours is not
6 enough. I may not like the answer. You may not like
7 what I'm asking you to do, but 48 hours and notice to
8 our community is not enough. And in many cases
9 they're not doing a 48 hour notice anyhow. They just
10 pop up. And you're gonna say, well, please let me
11 know who they are and we'll look into it, and I'm
12 sure that will just continue to spin the wheel. But
13 thank you, Commissioner. Um, Robert, I, that's the
14 questions that I have. I'm sure you have many, many
15 more, and I want to thank you for the courtesy.

16 CHAIRPERSON HOLDEN: Thank you, ah, Chair
17 Gjonaj, for the questions. And, um, I agree with
18 you, by the way. I've, I've said this over and over
19 again that 48 hours is not enough time for the
20 tremendous impact, most of these film shoots do have
21 an impact, some more than others, obviously, but just
22 48 hours is not enough for our small businesses or
23 other community and, ah, and it's done in other
24 cities, by the way, Commissioner. It's done four
25 days in other cities, three days in some cities. I
don't know it's set on two days in our communities

3 our in our city but, um, we need to look at that. So
4 I don't want to, um, ah, beat a dead horse, but it is
5 a, a concern and it has been a concern for some time.
6 Ah, I just want to recognize that we've been joined
7 by Eric Ulrich, um, and I'll ask a few questions. I
8 do have to jump off for a, a vote soon and, ah, and
9 I'll turn it over after that, um, after a few
10 questions, I'll turn it over to Council Member Yeger,
11 who has a question, or any council members that have
12 some questions. But let me begin. Commissioner, I
13 want to thank you for your testimony and for the work
14 you've been doing. There's been a tremendous
15 difference in the office and I agree with you that,
16 ah, it's, it's a difficult situation, but you've made
17 definite improvements. Um, one, of course is the
18 code of conduct, which I'm holding. Ah, it's quite
19 extensive, much improved, but I have some questions
20 on enforcement of it, because, um, I, I just want to
21 go over, let's, the staffing and operations in your
22 office. How many employees are in your office
23 currently, because, um, our, you know, just the, ah,
24 you know, check, there's 25 in the office for
25 permitting. Ah, is that correct?

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2 COMMISSIONER DEL CASTILLO: Um, there are
3 seven, there's seven permit coordinators, um, five
4 field representatives, and then administrative staff
5 that supports that activity.

6 CHAIRPERSON HOLDEN: How many, how many
7 total, ah, employees?

8 COMMISSIONER DEL CASTILLO: Um, well, so
9 MOME overall has just under 90 head count. But
10 that's spread across the five divisions that I just
11 described. So [inaudible].

12 CHAIRPERSON HOLDEN: Five. But what
13 about, just talk about, ah, just talk about
14 permitting.

15 COMMISSIONER DEL CASTILLO: Yeah, for
16 permitting specifically we have seven permit
17 coordinators...

18 CHAIRPERSON HOLDEN: OK.

19 COMMISSIONER DEL CASTILLO: ...and five
20 [inaudible].

21 CHAIRPERSON HOLDEN: OK, there, OK, there
22 lies the problem. Because LA has 180 for permitting.

23 COMMISSIONER DEL CASTILLO: LA is also a
24 nonprofit. Um, their film activity is run by a
25 nonprofit. It's not a government agency.

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3 CHAIRPERSON HOLDEN: Ah, it doesn't
4 matter. It's, um, it's...

5 COMMISSIONER DEL CASTILLO: Well...

6 COUNCIL CLERK: ...if they're overseeing,
7 and, again, this is, um, there's, obviously,
8 obviously it needs to put many more [inaudible].
9 I'm, I'm trying to get you more employees, ah,
10 Commissioner.

11 COMMISSIONER DEL CASTILLO: I appreciate
12 that. [inaudible]

13 CHAIRPERSON HOLDEN: Don't argue, don't
14 argue with me [laughs]. I'm trying, I'm trying to...

15 COMMISSIONER DEL CASTILLO: Thank you.

16 CHAIRPERSON HOLDEN: ...get you bigger
17 staff, because obviously, and, ah, I just want to say
18 this. My experience, and I know the pandemic got in
19 between your work, and, and I appreciate that. And
20 I'm just not sure if you have enough employees to
21 check on this, this code of conduct. Because I
22 believe that every film shoot there should be someone
23 overseeing it from your office, and, and I don't want
24 them juggling 50 other shoots the same day, 'cause
25 it's not going to work. So, um, you know, if LA has
a not-for-profit and it's working, I don't know if

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3 it's working, we'll do some more work, ah, ah, work
4 on that to, to look it. But we've been looking at
5 other cities and it looks like we have the smallest
6 staff, ah, out of any big city. So I'm, I'm, ah, I'm
7 concerned that we should be expanding this office
8 and, ah, having a, a liaison, because even the, you
9 know, the problem that we had in my district where
10 there, there was a mixup, there were two film shoots
11 at once, um, and one was told to go into anything you
12 could find, any commercial area you can find for
13 meter parking. Um, and they went into my district.
14 They were shooting in another district, and you know
15 about that.

16 COMMISSIONER DEL CASTILLO: Yes, I...

17 CHAIRPERSON HOLDEN: Because it was
18 Election Day there was nobody...

19 COMMISSIONER DEL CASTILLO: Yes.

20 CHAIRPERSON HOLDEN: ...to reach.

21 COMMISSIONER DEL CASTILLO: But if, if I
22 can address that for a moment, um, Council Member,
23 ah, we, it was Election Day, um, but nevertheless,
24 um, you were able to reach me directly and your
25 office did reach out to my office directly and, and I
took your call. I believe I was in Philadelphia at

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3 the time tending to my uncle in hospice. Um, but
4 nevertheless we returned, um, we jumped on the
5 situation immediately. I think, well, yes, it was a
6 mess and there are certainly things that we can do
7 better to address, which I, I want to get to. Um,
8 what I do want to point to is that my office was
9 responsive immediately to yours. Um, the local
10 precinct reach out, reached out directly to Lt. Minor
11 to assess the situation, and we were able to move the
12 correction out of that site by that afternoon. Where
13 we, where we fell down...

14 CHAIRPERSON HOLDEN: Yeah, but, but let
15 me just jump in. Let me just jump in. The, the
16 damage was done already, that's the problem.

17 COMMISSIONER DEL CASTILLO: Right...

18 CHAIRPERSON HOLDEN: You know
19 [inaudible].

20 COMMISSIONER DEL CASTILLO: But where we,
21 and that's, that's why I want to address where we
22 fell down.

23 CHAIRPERSON HOLDEN: All right, OK.

24 COMMISSIONER DEL CASTILLO: Where we fell
25 down was when we saw that there was this, and, and to
be clear what caused the problem was that when, so

3 there was production A and production B. When
4 production B entered their information into the
5 system they selected the wrong borough, so it didn't
6 immediately show up as a conflict, which had it done
7 so we would have certainly moved that production to a
8 different neighborhood. Um, but as, as soon as we
9 did discover it was a conflict what we should have
10 down was, um, to reach out to you to flag the problem
11 and see if we could troubleshoot it with you and, ah,
12 the neighboring district. And that is something that
13 we would, um, most certainly do moving forward. But
14 even before that, um, you know, in, in this case it
15 was really ultimately a data entry error that
16 triggered this problem, um, but I would, I would, um,
17 I would say that all of the pieces that we've been
18 putting into place did allow us to be responsive
19 immediately and to, um, take the necessary steps to
20 resolve the matter that day. I do recall that the
21 Council Member has a jump for a, a vote, I think, and
22 so, um, I look to the council to see how you would
23 like to proceed.

24 COMMITTEE COUNSEL: Council Member Holden
25 will be back with us in, just in a moment.

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3 CHAIRPERSON GJONAJ: Ah, do you need me
4 to jump in now to, if the other council members have
5 questions?

6 COMMITTEE COUNSEL: Council Member
7 Gjonaj, do you have a question to [inaudible]?

8 CHAIRPERSON GJONAJ: [inaudible] can you
9 call on the other council members that may have
10 questions so we don't wait for, ah, Council Member
11 Holden?

12 COUNCIL MEMBER YEGER: Hi, um...

13 COMMITTEE COUNSEL: Council Member Yeger
14 has a question.

15 COUNCIL MEMBER YEGER: Thank you. I, I
16 actually have the same...

17 SERGEANT AT ARMS: Time starts now.

18 COUNCIL MEMBER YEGER: Thanks, you can
19 turn off the clock 'cause I don't care. Um, I have
20 the same issue with the, ah, Chair Holden does. I
21 have a noon vote, um, so I don't know if there are,
22 if Council Member Ulrich, ah, has any questions and I
23 would defer to him if he wanted to, or Council Member
24 Dinowitz. I see them here. Um, ah, but if it not I,
25 I could start real quick. Um, Bob, are you still
here?

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3 COMMITTEE COUNSEL: I think Council
4 Member Holden had to jump to the vote right now. But
5 I do not see any other hands [inaudible].

6 COUNCIL MEMBER YEGER: OK, so what I'm
7 gonna to do is I'm going to try to get into the other
8 hearing and see if I could just monitor it, and then
9 if I have to jump off I'm gonna jump off. Let me
10 just, first of all, ah, Commissioner, it's good to
11 see you and I apologize, I don't do the scheduling
12 here, I seem to work for council staff. They tell me
13 where to go and we show up. Um, ah, so that's just
14 the way unfortunately it is. Um, I just, I do want
15 to state for the record, um, ah, before I go into my
16 questions or my comments that, ah, when, when we have
17 had an issue in my community with film production,
18 and I've reached out to yourself or to, ah,
19 Commissioner Levin, um, you've been incredibly
20 helpful, ah, in, in, ah, curtailing some of the
21 abuses, ah, and not using hyperbole because they are
22 abuses, ah, that the, that these film production
23 companies heap upon my community, as much as they
24 heap upon any community in the city. For my
25 community it's a little bit, ah, more salt on the
wound, um, for a number of reasons. Number one is,

3 and maybe, maybe this is the most important to my
4 community, not most important to any other community.
5 Um, my neighborhood, ah, tends to not watch movies.
6 They, many residents, most residents in my
7 neighborhood don't go to movies, they don't watch
8 movies, they don't see movies, they don't own TVs,
9 they don't even have broadband access at home. This,
10 this is not an industry that is providing something
11 new and exciting to them. So what they're getting is
12 the, is the, ah, ah, the, the unfortunate, ah,
13 aftermath of the film industry, you know, coming into
14 their neighborhood, and I'm not just referring to my
15 district, but it's also Williamsburg, ah, that has
16 the same problems, and their council member is not
17 here, but I'm going to take the luxury and
18 prerogative of speaking for a neighborhood that I
19 know very well. Um, when you come into an Orthodox
20 Jewish neighborhood, not you, and block off the
21 streets and 48 hours in advance put up a notice
22 saying get your cars out of the way, ah, by the way,
23 you know, we're putting up the notice on Thursday,
24 we're gonna do the filming on Saturday, but we can't
25 move our cars on Saturday so we have to get rid of
them on Friday. Um, these are real problems. So I

want to talk about the 48-hour notice for a minute because I, I'm clearly not gonna change your mind that, you know, I heard the exchange between yourself and, ah, Council Member Gjonaj, but what I would say is that, first of all, there are agencies that do provide with more notice, um, about, about the, ah, ah, planned work and things like that than 48 hours. But more, more to the point, it is not an impossibility to provide more than 48 hours. It's not like, you know, you're giving us the 48-hour notice because that's the best you can do. We're getting 48-hour notice because that's the determination that was made, and with respect I'm going to venture a guess as to why. If you gave us a week notice and it didn't work for us we would have a week to start ringing bells and, and going crazy and doing the things we have to do and calling you, and if that doesn't work calling your deputy mayor, and if that doesn't work calling the mayor. With 48 hours' notice we have to have literally drop everything and make this a project of the day. And there's a dice being rolled that council members don't have the time to do this in 48 hours, to spend the entire 48 hours fighting with some film crew that

wants to do this to our, their neighborhood. So
therefore it's gonna happen. It's a balancing act of
the desire to get the film done and at the same time
get, you know, ah, ah, meddlesome council members
like us to mind our business. Um, and it's the
feeling of some people, perhaps not yourself,
Commissioner, ah, you know, it's not our business
what's going on with these things because the film
industry decides where they want to go and what they
want they want to do. Forty-eight hour is not enough
and it can be more. And I have a suggestion easily
how. First of all, I've seen the notices, as you
know, 'cause I've talked to you about this, ah,
Commissioner, and also Commissioner Levin, that the
notices, I frequently find out about these because
the notices went up before I even got the flash
notice from your office. The flash notices are, are,
it's a broken system. The flash notices are not just
addressed to myself, they're also being sent to my
predecessor in the council, who's been gone for four
years. It's clear that the system could use an
update and can use an upgrade, and I'm glad that the
technology chair is here to hear this because this is
something that we're going to, I think, ah, talk to

3 DoITT about whether or not they can give you an
4 assist to get a better system. But at the same time
5 it's still a human decision made to send those
6 notices out. By the time I see the flash notice, the
7 notices from the film crews have already gone up in
8 the neighborhood, they've already seized the parking,
9 they've also started causing the chaos in the
10 community. What's an easy solution? The second they
11 identify a location as a potential location, why can
12 we just get a flash notice that says this has been
13 identified as a potential location? What would be so
14 difficult and who would get harmed? That's question
15 number one.

16 COMMISSIONER DEL CASTILLO: Um, I think
17 there are notifications that we can consider for
18 sure. I would need to, you know, I, I'm not hedging.
19 I really am a very process-oriented person. I think
20 you know this from our conversation, and so I never
21 like to commit to something that might have
22 unintended effects, so I really do like to understand
23 like how that would play out, and, and, listen, I,
24 I'm, I'm very happy to, um, engage in further
25 discussion about how the notifications, the timing of
the notifications, the types of notifications, um, to

3 see if we can arrive at something that, um, works,
4 um, for everyone, for sure. Um, and so I don't mean
5 to suggest that there are these things written in
6 stone. Um, I think there is, you know, there, it is
7 absolutely worth, um, revisiting processes, um, and,
8 yes, looking at how, ah, this information gets
9 processed in, um, the citywide events coordination
10 and management database, um, how that information
11 gets entered, how it gets transmitted, all of that,
12 um, and so, you know, if there's another layer of
13 notification, um, that we want to consider, I would
14 love to have that, I would love to pursue that, um,
15 um, exploration with you and your office.

16 SERGEANT AT ARMS: Time.

17 COUNCIL MEMBER YEGER: So, ah, Chair,
18 with your permission, if I may?

19 CHAIRPERSON HOLDEN: Of course, continue.

20 COUNCIL MEMBER YEGER: Thank you, Chair.

21 Um, so, look, I, I, you know, I'm happy to explore
22 it. Ah, 48 hours, you know, or 72 or 96 or a week or
23 two or whatever the case may be, but 48 hours is not
24 sufficient. What I will point out, ah, to you and,
25 and you know this, but I want to say it for the
record as I started, um, when, when I have seen this

3 and I've reached out to you, ah, and you've helped,
4 um, ah, get to, you know, clearing up some of the
5 mess, what I have found, and this is in every
6 instance, not sometimes, not most of the time, but in
7 every single instance the film companies were taking
8 up more than the needed. How do I know? Because
9 they gave it up. The second they got a little
10 pushback from you they gave it up. Which means that
11 somewhere in the process they're getting more than
12 they and nobody's pushing back them back at the
13 beginning. One of the reasons that I'm suggesting
14 that's it not just the notice, but it's also a more
15 proactive working with us, ah, us who are elected and
16 our community boards, who the eyes and ears on the
17 ground. I mean, the reason I have a district manager
18 in my district, ah, four of them, is because they're
19 there every single day with, they're literally
20 walking the streets of our neighborhood. They know
21 what's going on. They'll see the signs, they flag it
22 for us. Um, you know, I have a far bigger district
23 than any one of my district managers do and so, you
24 know, I, I rely on them to be my eyes and ears. Ah,
25 when they are telling us that they're seeing this,
and then we start reaching out to you and you put us

in contact with the film company and we start negotiating, the first reaction is there's no way we can do any less. When I let them know that in my neighborhood we have fleets of hundreds of privately owned school buses that belong to our community schools and I'm going to encircle the neighborhood with them and not let them in, they're immediately able to reduce the, ah, the impact of their, ah, of whatever it is that they need. I apologize, that's the hearing, ah, coming on. So, you know, it's clear that they can reduce. It's clear that, that they need to push to do it. What is also, what's also clear is that I don't have the badge and the credentials to get them to do it without your help. So when we see a notice on Friday after and we start reaching out to, to, ah, your office and, you know, helpful, yes, I, could reach Commissioner Levin and I could reach yourself offline. I, I'm not complaining that you're not responsive, that's not the case at all. But it shouldn't be the reliance an enterprising council member to go out there and do, we're legislators. This is not our job. And we're happy to do it to be sure, but there ought to be a way that we're able to, before it even, the impact

3 even hits the community to reduce the scope of what
4 these film companies are asking for. They ask for
5 dozens and dozens of blocks that they need parking.
6 I promise you, by the way they don't use any of our
7 local stores in my community, not a single one. They
8 bring in their own, I don't want them to, I don't
9 care. But they bring in their own catering, they
10 bring in their own this, they bring in their own,
11 everything they bring it in. They truck in
12 everything. They, they don't even buy so much as a
13 Diet Coke from the corner grocery store. They don't,
14 and so the idea that this is somehow beneficial to my
15 neighborhood as a neighborhood, as a, not, not
16 separating it from, as a part of New York City, but
17 as a neighborhood it's not beneficial, it's only
18 damaging. So, yes, we have to pay the price for
19 being a part of this great metropolis of New York
20 City, although I would very much have, happily, ah,
21 have Brooklyn be its own city and my neighborhood be
22 its own village again, ah, to reverse the great
23 mistake of 1898, but until that time we're stuck with
24 this being dictated to us from Manhattan. And we
25 really do need your help because I, I will
respectfully, respectfully challenge one line that

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3 you said, ah, earlier, ah, with Councilman Gjonaj's
4 questions, they do close off streets. They do. They
5 not only close off streets, they block off parking in
6 advance of when the permit is allowed for their
7 filming. In anticipation that people won't move
8 their cars, they start blocking it off a day or two
9 in advance. It's not OK. These things are not OK.

10 COMMISSIONER DEL CASTILLO: I agree.

11 COUNCIL MEMBER YEGER: And, and there's
12 no, there's no enforcement of the code of conduct
13 that we believe, you know, yes, they have a code of
14 conduct, and then what? Who's the police on the code
15 of conduct? I mean, in theory your tiny agency, but
16 you're a tiny agency. You're not running around the
17 city issuing fines. And if they, and if they violate
18 that code of conduct what happens to them? Nothing.
19 They don't get a penalty. I know, for example, that
20 if Con Ed shuts down a street, ah, in violation of
21 its permit, I can call DOT. DOT will send out the
22 [inaudible] team. They will get a significant fine
23 for shutting down a street. Film companies, they get
24 nothing, nothing, it's nothing. They, they, nothing
25 happens to them. Um, you know, I'm not gonna belabor
the points that I've made because it is in many ways

3 repetitious of my colleagues, um, and I may have
4 gotten to the point where everything's been said, but
5 just not everybody said it. So I don't want to do
6 that. But what I will do is leave you with a closing
7 thought and you and I have talked about this,
8 Commissioner, and Commissioner Levin as well.
9 Neighborhoods must be able, they must be able to
10 control their own destiny. They must. It cannot be
11 that the neighborhoods of this city have their, their
12 ability to thrive dictated to them from Manhattan.
13 It can't be the case 'cause we cannot survive that
14 way. We are, there, there is no one-size-fits-all
15 rule how New York City is run, and you know this
16 because our neighborhood is so unique that you could
17 literally lift up our community and put it in the
18 middle of Kansas as, as a wholly contained
19 neighborhood and we won't even notice the absence of
20 New York City. So, you know, we need your help to
21 rein them in and, and I do look forward to continuing
22 to work with you, but I, I just want you know that
23 Councilman Gjonaj is not alone in his feelings and
24 Council Member Holden's not alone in his feelings. I
25 know that other members, um, who may or may not come
into this hearing, who we've been speaking about this

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3 since, ah, we had a hearing when we are still at City
4 Hall on this topic, I think two and, two or three
5 years ago and it hasn't changed for the better. So,
6 ah, I'm very grateful, Chair, for, for the extra
7 time. I appreciate it. Commissioner, ah, I really
8 do look forward to continuing to work with you, but
9 we have to do better. It's not, it's not OK the way
10 things are going on.

11 CHAIRPERSON HOLDEN: Thank you, Council
12 Member Yeger.

13 COUNCIL MEMBER YEGER: Thank you.

14 CHAIRPERSON HOLDEN: And I just want, I
15 just want, Commissioner, I just want to follow up on
16 a few things that, ah, Council Member Yeger said.
17 Um, um, because, because the notification is the,
18 seems to be the issue in the oversight. And I think
19 those are the basic problems that we're seeing. And,
20 um, you know, how and when our community is notified
21 of the upcoming film, other than the, the posting of
22 the, the notice, the flash notice, or the, the
23 sending, the emailing of the flash notice. According
24 to MOME's code of conduct production studies are
25 required to notify the community boards, the council,
and the block emergency association for locations in

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3 which they are filming, like you said, at least 48
4 hours in advance. But, here's the problem. Um, how
5 does, how do you check on if they're doing that? I
6 mean, are you reaching out to all the parties? Ah, I
7 know you have a small staff, but if we need more
8 staff then we need to, you need to ask. Um, because
9 I just got off the phone with the local merchants'
10 association president in Middle Village, where those
11 shoots have occurred. He's never gotten a call from
12 a film company in advance. I'll say that again.
13 He's never gotten, and he's been president for a
14 decade. He's never gotten a call from any film shoot
15 that was happening. And, by the way, the one that
16 was happening in Middle Village, remember...

17 COMMISSIONER DEL CASTILLO: Yes, I do.

18 CHAIRPERSON HOLDEN: ...before Christmas,
19 and that was before your time, I know, but he didn't
20 get a call then and the one that was just, that
21 happened by mistake, ah, in the area, he didn't get a
22 call then, and another one that was happening on
23 Metropolitan Avenue near Christ is King High School,
24 again, that was last week or two weeks ago, they
25 didn't post anything. I had a call to get the

3 production company to post on the poles, ah, so, it's
4 not, it's not fixed yet, Commissioner.

5 COMMISSIONER DEL CASTILLO: No, I, and,
6 and I would, I'd be lying if I said that we had that
7 we had [inaudible]. As I said, I do know there is
8 more work to be done. In terms of follow-up, um, you
9 know, as you noted, we have a small staff, and so we
10 do end up prioritizing, you know, based on, you know,
11 where are [inaudible] happening, where are gonna be
12 some impacted, some of the most impacted areas, and
13 so on a given day for follow-up to make sure that
14 people have dotted their Is and crossed their Ts, um,
15 in terms of, in terms of outreach communities, and
16 that's [inaudible] about following the code of, I'm
17 not talking about the specifics of their permit, but
18 in terms of doing outreach to communities, um, we, we
19 do our best to make sure that they have done the
20 outreach that they're supposed to do, but we're not
21 able to get to every single production to make sure
22 that they've done the outreach that they're supposed
23 to do.

24 CHAIRPERSON HOLDEN: But, see, that,
25 that's the problem, because, um, I don't even think,
to me it looks like very few are being, ah, there's

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3 no oversight, or very little. Only when you get a
4 complaint, because you said to me, well, as soon I,
5 we, you know, we got your complaint, you, you moved
6 all the vehicles. It wasn't right away, by the way.
7 Like I said, the damage was done. But just the fact,
8 commissioner, that that happened that means they were
9 told, the production company was told, just go to the
10 next, ah, you know, ah, meter parking. That's got to
11 change. I, I told you this already.

12 COMMISSIONER DEL CASTILLO: Oh, yes.

13 CHAIRPERSON HOLDEN: Let me, let me just
14 finish.

15 COMMISSIONER DEL CASTILLO: Sure, of
16 course.

17 CHAIRPERSON HOLDEN: That's gotta change.
18 But I think these, and, and again, this is not your
19 fault, because I know it was before your time, but
20 they, these, these, um, film crews have gotten so
21 used to no accountability at all, I mean at all, that
22 they just do as they please. So we're, more often
23 than not we're seeing the abuses still, and we saw
24 it, I had two right in my, my district within weeks
25 that were, no signs had been posted, nothing, nothing
was done, and, um, and, and just sending out an

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3 email, in your code of conduct you have a lot of
4 rules here, a lot of rules, and maybe Josh Levin can
5 answer this, but are you checking if there's some big
6 shoot, a big shoot, I'm not saying every shoot. If
7 there's a big shoot do you really do quality control?
8 Do you check with the community board? Do you check
9 with the merchants' association? Maybe Josh, you
10 want to answer that, Josh Levin?

11 COMMISSIONER DEL CASTILLO: Josh?

12 ASSOCIATE COMMISSIONER LEVIN: Ah, yes.
13 Thank you very much, ah, ah, Chair Holden. Um, I...

14 COMMISSIONER DEL CASTILLO: I would like
15 to [inaudible] because I don't think you've been
16 sworn in, I'm not sure.

17 ASSOCIATE COMMISSIONER LEVIN: OK.

18 CHAIRPERSON HOLDEN: Go ahead, go ahead.

19 COMMITTEE COUNSEL: I [inaudible] you,
20 yes, thank you very much, Mr. Levin. Do you swear or
21 affirm to tell the truth, the only truth, and answer
22 honestly to council member questions?

23 ASSOCIATE COMMISSIONER LEVIN: I do.

24 COMMITTEE COUNSEL: Thank you. You may
25 answer questions.

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3 ASSOCIATE COMMISSIONER LEVIN: Thank you
4 very much. Ah, and thank you again, Chair Holden.
5 Ah, so directly reaching out to the, the, ah, the
6 trade, or the, the BIDs, we, we don't directly reach
7 out with them every time. Um, we do when we try to
8 get to the bottom of the situation. Um, I mean,
9 we're having the productions post signage, ah, in
10 certain cases a week in advance. Um, it's, it's a
11 work in progress.

12 COMMISSIONER DEL CASTILLO: All right...

13 CHAIRPERSON HOLDEN: All right, so,
14 Josh...

15 COMMISSIONER DEL CASTILLO: ...he missed
16 the question, though.

17 CHAIRPERSON HOLDEN: [inaudible].

18 COMMISSIONER DEL CASTILLO: All right, I
19 just want to clarify. For the bigger productions we
20 do do outreach with the, um, with the communities,
21 when we know that like there's gonna be like
22 [inaudible] or a significantly large production, um,
23 and we work with the studios to do that outreach.

24 CHAIRPERSON HOLDEN: All right, but, but,
25 but, but, here's the big but. Do we, ah, like you
said, a big production. Um, I just told you about

the Middle Village Chamber of Commerce never been notified. Um, it seems that we react after the fact. So what I'm saying to Josh, I'm saying to you, Commissioner, that wouldn't it be, just put one person in charge to start calling and do it, or send, or email, if you can't, if you don't have the personnel to call people, an email survey it and then with the checklist, this did this production company do, do these things that are on the code of conduct? Did they do it? And that's all, that's all I'm saying to you here, 'cause I don't want to keep beating a dead horse, but there, there's, again, there's this mindset, I think, in the industry that they can just like they own the streets. They come in and it's theirs. Um, I, like I said, when there's some shoots in my neighborhood, contact my office, not just through a flash, 'cause I get a flash and I sometimes, I, I can't react to it. There's so much email that we get. But if there's gonna be a film shoot, and listen, I'm the chair of technology which oversees this industry, you know, this, this office. So if I'm not really getting the information what, what about, you know, community boards and council members and, ah, and merchants' associations? So we

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3 need a quality control, that, and if they're not
4 adhering to what happens to these, like, like Council
5 Member Yeger said what happens to this, ah, these,
6 ah, these shoots, these, these, ah, ah, film
7 companies, what happens? Ah, I'd like to know how
8 many were reprimanded...

9 COMMISSIONER DEL CASTILLO: Sure.

10 CHAIRPERSON HOLDEN: ...in the past. How
11 may their permits were pulled? How many, um, had to
12 pay a fine? Is, do you have those numbers,
13 Commissioner?

14 COMMISSIONER DEL CASTILLO: Ah, no, but
15 we can, we can work on that.

16 CHAIRPERSON HOLDEN: Yeah, because I'd,
17 I'd like to see. If there's, if there are very few
18 then we have our work cut out for us and, um, like I
19 said, um, I don't know if I'm gonna be the chair of
20 technology in the next council and I don't know if
21 you're gonna be the, the commissioner, and I don't
22 know if Josh is gonna be there, but we have to
23 prepare that we, we will be here. Ah, or at least
24 our communities will be here. And we, I want to
25 leave it, this office in a better spot, and I'm still
gonna be a Council Member, so I can still

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3 participate, but, um, I, under the previous, um,
4 administration I, I saw that it's just like people
5 were sleeping at the wheel and I, and abuses are
6 still happening. That's what I'm saying to you, and
7 that we can minimize, and I, I have some ideas how we
8 could, and I, and I spoke to you, Commissioner, um,
9 before the hearing, and I appreciate you coming out
10 to my district because, um, I've never had, you know,
11 a commissioner of MOME come out to my district, um,
12 and you're the first one and you, you stayed and you
13 answered questions, and I think we could, ah, and I
14 hope you're the commissioner, you know, next year,
15 um, and that we can work together on specific
16 improvements to, to kind of minimize the impact, ah,
17 to our, especially to our commercial districts. Ah,
18 and to, and to residential for parking. But what I'm
19 saying to you and Josh is that we need, we need that
20 oversight from your office. And like a
21 questionnaire, have you done ever, have you ever done
22 a quality control questionnaire?

23 COMMISSIONER DEL CASTILLO:

24 Questionnaire, no, but direct follow-up yes.

25 CHAIRPERSON HOLDEN: OK, so direct

follow-up means that you don't have facts and figures

3 on what percentage, so I think what should
4 automatically happen going forward is that after a
5 film shoot an email goes out to the community - to
6 the council members, to the community boards, to the
7 merchants' association. Is that difficult? No.
8 Could that be, could you get a lot of information?
9 Yes. So that's what I think you, you might start,
10 um, because I bet if I ask community boards they only
11 got the flash from your office, right? They got no
12 calls and we found this out the last time. No calls
13 from the film industry. No calls to the merchants'
14 association. I just got off the phone, like I said.
15 The merchants' association president never got a
16 call. So there you go. They are violating the code
17 of conduct. And that's an important feature,
18 Commissioner, so I, I, again, I don't want to,
19 nobody's checking if the notices are going up. Um,
20 so, like I said, they're very difficult to enforce.
21 So, um, I'd like to get how many, like I said before,
22 how many violations were issued to anybody, any film
23 shoot that for taking too much spots, you know,
24 taking over, and by the way, the normal occurrence,
25 and I'll ask this to the NYPD, because, um, I got an
answer from, apparently from your office, um, the

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3 NYPD, ah, 'cause I called my, um, the CO of my local
4 precinct, Deputy Inspector Hall. I said about the,
5 um, the metropolitan, ah, shoot, the Metropolitan
6 Avenue shoot on November 2, Election Day, I said
7 there's no permits posted, can you go and summons
8 them because there's, there's no posted, there's
9 nothing posted, there was no production person that
10 could answer any of my question, no locations person
11 that could answer my questions. They were rude, ah,
12 the production company was rude to my businesses.
13 And they just like did it, did as they pleased. They
14 used us as a parking lot, and I resented them. I
15 told the Commissioner this, and I understand there's
16 a mistake that was made. Well, there's no excuse for
17 rudeness, but more importantly there was a lack of
18 communications. Um, but when I asked the precinct
19 commander to issue parking summonses, ah, I got a
20 road block from NYPD saying that the film industry
21 company that was shooting, I think it was NBC, um,
22 they had permits for the following day. And that's
23 what the deputy inspector of the precinct told me,
24 which was untrue. You, can you guys explain that and
25 NYPD what happened there?

MATTHEW BESSE: Sure.

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3 CHAIRPERSON HOLDEN: Right.

4 MATTHEW BESSE: I'll probably need to be
5 sworn in.

6 CHAIRPERSON HOLDEN: Oh, you didn't? OK,
7 you weren't sworn in? All right, go ahead. Irene?
8 You're on mute. Irene, you're on mute.

9 COMMITTEE COUNSEL: I apologize. Yes,
10 thank you very much. I did not realize I was on
11 mute. Ah, do you swear or affirm to the truth, the
12 whole truth, and nothing but the truth, and answer
13 honestly to council members' questions?

14 MATTHEW BESSE: I do.

15 COMMITTEE COUNSEL: Thank you.

16 MATTHEW BESSE: Thank you, Chair Holden.
17 Ah, I don't have any direct information about that.
18 We can follow up with, um, Inspector Hall. Um, we
19 can certainly, um, check the [inaudible] on that.
20 Lieutenant, do you know anything about this
21 [inaudible]?

22 LT. MINOR: Um, yes, but with regards to
23 some, let me just preface and I'll say good
24 afternoon, Chair Holden, Chair Gjonaj, [inaudible]
25 members of both community councils, ah, committees,
excuse me. Um, when it comes to summonses, parking

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3 summonses, um, [inaudible], um, my unit was
4 [inaudible] police officers and we have, um, in the
5 high...

6 CHAIRPERSON HOLDEN: I'm sorry, I'm
7 sorry, how many officers are, are in your unit? I
8 couldn't hear that.

9 LT. MINOR: Fourteen, 14 polices
10 officers, I'm sorry.

11 CHAIRPERSON HOLDEN: Fourteen?

12 LT. MINOR: Fourteen, and we cover the
13 city, right? Um, and all the summonses that are
14 issued [inaudible] we cover less than a fifth of
15 them, about, about 20% or so. So we covered, um,
16 [inaudible] police uniforms and uniforms [inaudible]
17 shots, using vehicles with cameras on them. Um, if
18 they're holding traffic or pedestrian traffic
19 temporarily on those, um, we're on those sets. And
20 when we're on those sets I tell my, my police
21 officers go into the code of conduct and then my
22 police officers inspect the sets themselves. If they
23 see, ah, a double-parked car, if they see a truck
24 parked in a no standing zone or a bus stop they'll
25 speak to the location manager or assistant director
and then rectify the situation. It doesn't normally

3 lead to a summons because they were pretty good
4 [inaudible] and they do what we say. However, when
5 we're not there that can be, you know, that could be
6 [inaudible].

7 CHAIRPERSON HOLDEN: So, um, your, but
8 your office doesn't approve permits other than if
9 they're shooting weapons or something, right?

10 LT. MINOR: We don't [inaudible], we
11 don't approve permits at all. The most that we do,
12 I'll go out with one my supervisors and we'll help
13 scout locations and see how feasible they are in that
14 area, to see how safe that would be, and the impact
15 to that community. You know, and that's pretty much
16 it, that's the [inaudible].

17 CHAIRPERSON HOLDEN: Is that, is that
18 automatic, ah, on every shoot or just, ah, some
19 larger ones that you do that?

20 LT. MINOR: It depends. We, I, we, um,
21 the Mayor's Office of Film and the media and I, we
22 [inaudible] everybody early, so if we feel it needs
23 to be scouted physically I will go there or I'll send
24 a member of my staff to go out there and speak to the
25 location manager and see exactly what they want to do

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3 and, and try to control them to not, um, have a
4 negative impact on that community [inaudible].

5 CHAIRPERSON HOLDEN: All right. So you,
6 did you get notification? Did you get the flash
7 notice of all the shoots around the City of New York,
8 your office?

9 LT. MINOR: Only when we're requested.
10 Only for [inaudible] to cover that. Not all of them,
11 no.

12 CHAIRPERSON HOLDEN: So you don't get
13 them all, but you get, if, if, ah, they request NYPD
14 presence?

15 LT. MINOR: Yes, sir.

16 CHAIRPERSON HOLDEN: And why would they
17 request NYPD presence?

18 LT. MINOR: Again, if they have uniforms
19 on the set, any uniform, police uniform, fire
20 uniform, EMS uniform, um, or they have weapons, any
21 weapon, a firearm, ah, a sword, a knife, a bat. Um,
22 if they're doing some sort of stunts, if they have a
23 bicycle popping a wheelie in the street, we'll be
24 there for that. If they have to hold traffic
25 temporarily we'll be there for that. If they have to
put, hold pedestrians somewhere we'll be there for

3 that. And we work in collaboration also with traffic
4 agents and productions how to, how to go [inaudible].
5 So there's different levels of oversight with that.
6 But my job is to look at the permit, um, and
7 reinforce the permit. You know, we have a copy of
8 the permit of the day and we see exactly what they're
9 doing, and if they overstep what they have on the
10 permit my, my office is there to correct them
11 [inaudible].

12 CHAIRPERSON HOLDEN: So are you, are you,
13 yeah, but are you consulted before the permit is
14 approved, or do you just, ah, do it after the fact,
15 like you're notified and then you have to get
16 involved?

17 LT. MINOR: Um, I normally, I normally,
18 I'm at all preproduction meetings with the Mayor's
19 Office, especially the big shoots, you know, if
20 there's a big movie coming in, or if there's
21 something that's very stunt heavy, or like a police
22 show, there's a lot of weapons involved, I'm
23 consulted with that. And then, um, you know, really
24 up to that day, like I said, we scout, I speak to the
25 Mayor's Office every single day, ah, you know, if
it's the film commissioner or to, um, her, um, deputy

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3 commissioner [inaudible] and we discuss whether we
4 cover something, we don't cover something, need to
5 get scouted, and we take it from there.

6 CHAIRPERSON HOLDEN: Because we know what
7 happened with the fire that time, um, and the loss
8 of, ah, ah, a firefighter. Um, so if something, so
9 since that, since that incident, ah, I guess it was a
10 few years ago, um, ah, have you gotten, has your
11 office incredible, um, the, the, you have only 14
12 members, you said. Have you gotten an increase at
13 all.

14 LT. MINOR: No, unfortunately not, no.

15 CHAIRPERSON HOLDEN: OK, so 14 to do the
16 whole city just doesn't seem like you can cover much
17 at all. But, um, do you feel that, um, and, and I
18 know, ah, to ask a police officer or, or a chief, or,
19 or anybody this question, I know I'm probably not
20 gonna get an answer, but, um, do you feel overwhelmed
21 in your office many times trying to cover all these
22 shoots?

23 LT. MINOR: Look, I, I mean, I have a
24 very good relation with the Mayor's Office and I'm
25 the liaison with the police department and the
Mayor's Office and other city agencies, so I

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3 collaborate normally with the precincts as well. So
4 if there's something I can't cover, if there's
5 something I need additional coverage for, I'll reach
6 out to the operations commander of that precinct or
7 the captain or inspector, asking for additional
8 police presence on that film shoot. If there's
9 [inaudible]...

10 CHAIRPERSON HOLDEN: Right.

11 LT. MINOR: ...if they need, you know, if
12 they have explosives and stuff like that.

13 CHAIRPERSON HOLDEN: Yeah, but it's, it's
14 just, ah, because, ah, this happens and it happens
15 sometimes very, very often, they have the film
16 company, like Council Member Yeger said earlier, that
17 they'll take over the area the day before, and I was
18 given an explanation by some of the film companies
19 why they do it. That means they'll, if they're
20 shooting, let's say on a Friday, they'll come in, um,
21 Thursday and even during the day and they'll start
22 putting their cones out and taking over the, the
23 area. And that was, I don't know if it's still done,
24 Commissioner, if you, you know about that, but
25 they'll, they'll take over the area way before their
permit sometimes, many hours before or even a day

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3 before. And, um, have you, have you given summonses,
4 ah, ah, your unit, for that violation or do you rely
5 on local precincts to do it?

6 LT. MINOR: Ah, no, sir, we don't.

7 CHAIRPERSON HOLDEN: OK.

8 LT. MINOR: Ah, because on the day of
9 filming, if we see a violation we correct it on the
10 scene, and for some reason it doesn't correct then
11 we'll issue a summons. But that's last resort.

12 CHAIRPERSON HOLDEN: OK, so, it, it
13 sounds like we need, your, your office needs to be
14 larger, too. Um, but, ah, I, I, and I know you
15 wouldn't object to it, but, ah, ah, it's still, you
16 know, what we're seeing is it's almost like the
17 industry can just, um, do as they please. Because,
18 you know, again, they are a big tax base. They are
19 obviously, you know, um, have a lot, a lot of, ah,
20 influence and they have a lot of employment,
21 obviously. But, um, there are a lot of abuses to
22 this. So, um, ah, I, I thank you, you know, the
23 NYPD, but I'd like you to investigate because we were
24 lied to, by the way, um, from somebody at NYPD when
25 they told Deputy Inspector Hall that that November 2
film shoot had a permit for the next day. It's like

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3 somebody made something up because it wasn't true.

4 It was, ah, and again, trying to get information that
5 day was difficult, because I kept getting people
6 saying they had a permit, they didn't have a permit.

7 Um, but these things are happening. If there's a
8 mixup that's when you need, everyone needs to contact
9 the community board, the, the council member, and,
10 um, the merchants' association, especially when
11 there's a mixup. That's why...

12 COMMISSIONER DEL CASTILLO: Councilman,
13 sorry.

14 CHAIRPERSON HOLDEN: ...um, you know, so
15 Commissioner, your office, um, you know, like, let's
16 say there's a Saturday night film shoot and there's a
17 problem. Is somebody working 24/7 from your office?
18 Um, I don't know, I don't know, I don't want to give
19 it to Josh, but if, ah, you know, somebody gets a
20 call, ah, you know, I'm not gonna reach out to the
21 commissioner all the time. You may not be available,
22 ah, and Josh maybe has his phone on 24/7, but, you
23 know, if there's a problem, um, is, you know, and
24 that's what I want to get to. I, I, I think I know
25 the answer to this, but if there's a problem on a,
26 2:00 in the morning, ah, that is, 'cause you're

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3 permitting to shoot at 2:00 in the morning, is
4 somebody gonna cover that from your office?

5 COMMISSIONER DEL CASTILLO: Yes. And I
6 do have my phone on 24/7 and [inaudible]...

7 CHAIRPERSON HOLDEN: So I'm not saying
8 you. You're, you're one person. I'm just saying...

9 COMMISSIONER DEL CASTILLO: No, no, no,
10 but what I'm saying is, ah, there is always a point
11 of contact at my office available in the event of a
12 situation arising off hours.

13 CHAIRPERSON HOLDEN: All right,
14 because...

15 COMMISSIONER DEL CASTILLO: It may take a
16 little bit longer, but there's not...

17 CHAIRPERSON HOLDEN: Yeah...

18 COMMISSIONER DEL CASTILLO: ...there's
19 not, yeah, go ahead.

20 CHAIRPERSON HOLDEN: I'm, I'm just
21 saying, but here's the thing, I, 'cause I, there was
22 a, like I said, a film shoot in my, in my
23 neighborhood and, ah, when, when it was, one of my
24 staff did call that number that [inaudible], ah, the
25 voice mail, like I mentioned in my opening remarks,
the, the voice mail was full and nobody picked up.

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3 Um, so those numbers that are posted many times, and
4 that's the film industry, by the way, um, but there
5 should be, is there, is there a number to your
6 office, ah, posted on those, ah, those notices?

7 COMMISSIONER DEL CASTILLO: No, and it is
8 because to have an immediate response we do want the
9 productions to deal with it when they're contacted
10 and, you know, when we discover that there are
11 problems with the number we immediately tell the
12 production that they have to update the number with a
13 number that someone will respond to immediately.

14 CHAIRPERSON HOLDEN: All right.

15 COMMISSIONER DEL CASTILLO: Um...

16 CHAIRPERSON HOLDEN: That's a problem.

17 COMMISSIONER DEL CASTILLO: Yes.

18 CHAIRPERSON HOLDEN: Because you're, you
19 know, the fox is watching the hen house, OK? You
20 can't, we can't have that. There's gotta be, and I'm
21 suggesting this, and if you, if it requires
22 legislation I'll do it, and I know, ah, Council
23 Member Yeger will cosponsor it. But we should have
24 your number posted on these, your emergency number
25 that, that's posted on these notices, um, and

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3 probably possibly NYPD, because this, these, these
4 are happening in real time [inaudible]...

5 COMMISSIONER DEL CASTILLO: Sir...

6 CHAIRPERSON HOLDEN: ...and we don't, we
7 don't want to, we want to make...

8 COMMISSIONER DEL CASTILLO: [inaudible]

9 CHAIRPERSON HOLDEN: ...it easier for the
10 general public.

11 COMMISSIONER DEL CASTILLO: Certainly,
12 certainly in cases of life-threatening situations we,
13 if, you know, we will be, like police is, are the
14 people that will be called and if it involves film we
15 will be notified. Um, but...

16 CHAIRPERSON HOLDEN: So I'm not talking
17 about only, I'm not talking about life-threatening.
18 I'm talking about a definite negative impact on the
19 community, and it could be thousands of reasons...

20 COMMISSIONER DEL CASTILLO: OK.

21 CHAIRPERSON HOLDEN: ...why we need that.
22 And if we're leaving it up to the industry to police
23 themselves then we don't need your office, all right?
24 We don't need a film, we don't need, ah, the NYPD
25 film guys, either. We don't need those units if
there's, if it's going to be that the industry's

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3 policing themselves. And, Commissioner, with all due
4 respect, we're kind of seeing that. You know, we're,
5 we're...

6 COMMISSIONER DEL CASTILLO: Sir, if I
7 may...

8 CHAIRPERSON HOLDEN: ...and it's not,
9 again, it's not your office [inaudible]...

10 COMMISSIONER DEL CASTILLO: No, no, but
11 I, but I do want to calibrate a little bit, right?
12 Because our office issues close to 10,000 permits a
13 year, um, and on balance the number of issues that we
14 have don't, don't come close to that. Um, we are
15 able to resolve the majority of issues. And I'm not
16 saying that to diminish the issues that your
17 communities are, are experiencing at all. But I do
18 want to, um, say for the record that we have been
19 managing production, um, fairly successfully.
20 There's always room for improvement. And one of the
21 things that I started to say and I think you were
22 called off by the time I, um, was able to explain
23 that in this particular instance on, on Election Day,
24 um, one of the things that, one of the places where
25 my office did fail, and I said this to you when we
met, is that as soon as we identified that there was

3 a conflict that impacted your, um, district we should
4 have reached out to you and we did not. And that is
5 definitely on us and that is something that we will
6 correct moving forward. Um, you know, it was a data
7 entry error and there were a number of like series of
8 unfortunate events. But as soon as we identified
9 that there was a conflict that we needed to fix we
10 absolutely should have reached out to your office,
11 and I think, you know, you will, you will see that
12 moving forward. Um, I think you've seen it in other
13 instances. This was to my mind an anomaly in this
14 particular case. Um, but I, I know we can do better
15 and we continue to look for ways to do, to do so.

16 CHAIRPERSON HOLDEN: All right. Just,
17 just one other question. I'm gonna throw it over to
18 Chair Gjonaj. Um, I'll ask, can I ask the NYPD this
19 also? Ah, it's illegal to drive those 53-foot
20 trailers, those long trucks, in New York City. Um,
21 you have to get a special permit. Um, do the
22 production companies, ah, have these permits and have
23 you ever issued a violation for the 53-foot-long
24 trucks? Sometimes these things are 75-feet long, ah,
25 that are coming into our neighborhoods and parking on
our streets and turning on, on our tight streets.

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3 Have there been, have there been violations issued or
4 and have, are there permits issued for the oversized
5 vehicles?

6 LT. MINOR: No, sir, but [inaudible] look
7 into it.

8 CHAIRPERSON HOLDEN: So you don't know
9 that? You're, you're in the film, you're in the film
10 unit, so go ahead, Josh, you have, you have an answer
11 to that?

12 ASSOCIATE COMMISSIONER LEVIN: Yes, I do.
13 Ah, it's [inaudible] thank you, Chair Holden. Ah, so
14 that's a DOT over-dimensional permit. That's another
15 part of the process of applying for a permit. So
16 production, if they're going to bring in the large
17 trucks, ah, 53 feet or more, they have to apply for
18 an over-dimensional permit.

19 CHAIRPERSON HOLDEN: Can I see the, can I
20 see the, um, the permits for the last shoot in Forest
21 Hills and that affected my area?

22 ASSOCIATE COMMISSIONER LEVIN: We will
23 get that you that information, sir.

24 CHAIRPERSON HOLDEN: OK. Um, but that
25 should, that doesn't go to NYPD for enforcement?

LT. MINOR: No, we [inaudible].

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3 ASSOCIATE COMMISSIONER LEVIN: If it's on
4 the permit, if it's on the permit.

5 COMMISSIONER DEL CASTILLO: No
6 [inaudible] yeah, and again that, it, it might not
7 have been on the permit for your district because
8 that was inherently the problem with that situation,
9 is that there wasn't...

10 CHAIRPERSON HOLDEN: Well, they should
11 have had, no, they should have had the permit for the
12 53-footers in Forest Hills.

13 COMMISSIONER DEL CASTILLO: Yes, well,
14 except, oh, in Forest Hills, I see what you're
15 saying. OK.

16 CHAIRPERSON HOLDEN: Did they have that
17 permit?

18 COMMISSIONER DEL CASTILLO: Ah, we'll
19 have to pull it. I don't have that available. But
20 if they, if they had over-dimensional vehicles, um,
21 then they would have had to secured a permit from
22 DOT, which would have been reflected on our film
23 permit.

24 CHAIRPERSON HOLDEN: All right. We're
25 gonna, we're gonna have, next time I'll do a
[inaudible] on this because I don't think, and again

3 I'm gonna guess, and I don't like to guess because
4 nobody can tell me how many violations were issued
5 for 53-footers that didn't get the permit. Um, by
6 the way, when I did speak to, ah, Commissioner, ah,
7 Bratton a few years ago there, they weren't issuing,
8 not many issues to 53-foot trailers in the City of
9 New York. Everybody, everyone was looking the other
10 way. Commissioner Gutman, to his credit, in DOT said
11 he's gonna make it a priority. So I want to, I'll
12 talk to Commissioner Gutman to see if these, these
13 film companies are getting the permits, and there
14 should be a cost to them, by the way, 'cause they're
15 very wealthy and they do have, these oversized
16 vehicles have a tremendous impact on our streets in
17 the City of New York. They're larger, they're
18 dangerous because their turn radius is much wider,
19 and it's a big issue. And, um, and I hope to make it
20 a bigger issue in, in the next council. But, ah,
21 Chair Gjonaj, do you have a question?

22 CHAIRPERSON GJONAJ: I do, thank you,
23 Bob, um, and thank you, Commissioner for, ah, staying
24 on this long to answer our questions. In, in trying
25 to be proactive why aren't we requiring these
productions to actually notify you that they

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3 completed the 48-hour notice to the community board,
4 the council member, ah, and the merchants?

5 COMMISSIONER DEL CASTILLO: Ah, I, I
6 think that's something we talked about. I mean, the,
7 the notification, yeah, I mean it's something that we
8 can, we can, um, we can look into moving forward. We
9 haven't, you know, we require them in the code of
10 conduct. They're supposed to adhere to the code of
11 conduct. Um, we hadn't, um, contemplated the
12 proposal that, um, Chair Holden suggested that we
13 have a checklist, that they, they, um, that they fill
14 out, ah, or even, frankly, a survey. And so there's,
15 there's multiple ways that we can consider doing
16 follow-up. Um, again, I don't want to commit to
17 anything here because I need to understand how we
18 would implement, um, such a, a process. But I, I do
19 believe there probably is a way that we can, um, ah,
20 make sure that they're doing the outreach that they
21 are required to do under the code of conduct.

22 CHAIRPERSON GJONAJ: And, and that
23 outreach would be by notifying you, obviously, and
24 your department that they have done this.
25

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3 COMMISSIONER DEL CASTILLO: That's what I
4 mean. There, there's probably some ways that we can
5 look into ensuring that.

6 CHAIRPERSON GJONAJ: OK, that's one.
7 And, two, Commissioner, are you aware of any other
8 city that can give more than 48-hour notice, that
9 does give more than 48-hour notice? I believe Chair
10 Holden, ah, mentioned four days' notice.

11 COMMISSIONER DEL CASTILLO: Ah, some of
12 the other jurisdictions do have that ability. But,
13 again, they are, um, different in composition and
14 makeup. Um, you know, some of the jurisdictions that
15 we, ah, ah, confer with have downtowns that shut down
16 after hours. They're not vibrant in the way that New
17 York City's are, and so it's, you know, they can have
18 a certain level of predictability that, that is
19 different.

20 CHAIRPERSON GJONAJ: No, but
21 Commissioner, the question is are you aware of any
22 other municipality that gives more than 48-hour
23 notice, ah, to the community, businesses, residents?

24 COMMISSIONER DEL CASTILLO: Offhand I
25 could not name any. Um, but we can circle back to
your office with that.

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3 CHAIRPERSON GJONAJ: So I think the
4 chair, Chair Holden, um, you don't have to circle
5 back to me. Chair Holden mentioned that there is a
6 city that gives four days' notice.

7 CHAIRPERSON HOLDEN: Boston and LA. The,
8 the cities that we checked, nobody gives a, a two-day
9 notice. There's, there's always longer than two
10 days. So I'm not aware of any city that does longer,
11 ah, that does shorter permits. Atlanta, Atlanta has
12 four days, right, and some other, LA three days.

13 CHAIRPERSON GJONAJ: So these are major
14 cities. The point being is their, their dynamics are
15 similar to New York City, and if they can do it
16 there's no reason why we shouldn't be able to do it.
17 Another question, Commissioner, would be 48 hours'
18 notice, is that business hours or is that just 48
19 hours in advance notice?

20 COMMISSIONER DEL CASTILLO: Um, I think
21 it's 48 hours.

22 CHAIRPERSON GJONAJ: So just imagine, so
23 just imagine this, Commissioner. Friday after 5:00 a
24 production sends out notice that 48 hours later there
25 will be a production, when that business is closed
and in Kalman Yeger's, ah, Council Member Yeger's

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3 instance, where his community, ah, for religious
4 purposes, they're not around. They wouldn't even
5 know. And they wake up to a surprise or to find out
6 that their...

7 COMMISSIONER DEL CASTILLO: Chair, I
8 think you might have been off the call when we, when
9 we discussed, um, that we would look into other types
10 of notifications. Um, you know, I, I'm not, um, I'm
11 not closed to the idea of exploring other ways that
12 we can be notifying communities, and so, you know,
13 we're happy to follow up about that.

14 CHAIRPERSON GJONAJ: Well, that, that was
15 the pushback...

16 COMMISSIONER DEL CASTILLO: And am I
17 gonna say that 48 hours is enough or not enough?
18 Again, as someone who, ah, really thinks through the
19 process and unintended consequences of how these
20 things get administered I would, I would want to have
21 a more thorough discussion about that rather than
22 commit to anything at this time.

23 CHAIRPERSON GJONAJ: Commissioner, that's
24 what I was trying to do earlier, but to be quite
25 frank you were kind of defensive on it, that 48
hours, you made the point to say that's more than

3 enough notice, that other agencies give similar
4 notices. You defended it, and I'm sitting here
5 saying hey, this is not the case. Ah, we have real
6 impacts here, that 48 hours may not be enough and
7 what can we do to give more notice? I'm not asking
8 to reinvent the wheel, but what can we do? That was
9 the idea. And in hearing some of the questions in
10 the back-and-forth, I just can't imagine why we're
11 not gonna ask the production companies to notify you
12 48 hours in advance that they've already done the
13 outreach to confirm. Then what we can do, maybe a
14 spot check, and then we know who the bad actors are,
15 and no pun intended. And I'm not here to crucify or
16 vilify the film industry. We're trying to come up
17 with a relationship and a partnership that works.
18 That's the intent. But if you're telling me there's,
19 48 hours is more than enough notice, I beg to differ.

20 COMMISSIONER DEL CASTILLO: I didn't say
21 that, sir.

22 CHAIRPERSON GJONAJ: Oh.

23 COMMISSIONER DEL CASTILLO: I said that
24 is, that is the practice right now and that is how
25 the, the system is set up, but I also said that I

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3 would be willing to explore other methods of
4 notification and other timeframes for notification.

5 CHAIRPERSON GJONAJ: Thank you. The
6 [inaudible]...

7 COMMISSIONER DEL CASTILLO: Just to
8 clarify my earlier statements.

9 CHAIRPERSON GJONAJ: For the purpose of
10 this hearing, then, I think 48 hours, business hours,
11 would be, would be fair, not after-hours, so we can
12 [inaudible]...

13 COMMISSIONER DEL CASTILLO: I'm not going
14 to commit to anything in this hearing. I'm happy to
15 explore what could work, what alternatives might
16 work.

17 CHAIRPERSON GJONAJ: For the purpose of
18 discussion and looking into it, I'd like to reflect
19 on 48 hours of business. I'm not asking you to
20 commit. I'm asking you that we can actually come
21 back with something sound. Um, and I, I guess the
22 last portion of my follow-up to, to this is are you,
23 have you ever been aware of a street closure that
24 happened for a movie production?

25 COMMISSIONER DEL CASTILLO: Yes.

CHAIRPERSON GJONAJ: Earlier you said...

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3 COMMISSIONER DEL CASTILLO: We don't
4 permit that alone. We do not permit that alone. We
5 do that in construction with PD and the Citywide
6 Events Coordination and Management. We do not shut
7 down streets on our own through a film permit.

8 CHAIRPERSON GJONAJ: OK. Um, and who can
9 answer the question, then, when there is a street
10 permit closure? What is the application process for
11 that?

12 COMMISSIONER DEL CASTILLO: Ah, I am not
13 at liberty to answer that on my own. I would need my
14 colleague from Citywide Events Coordination and
15 Management or DOT or NYPD, um, to assist with the
16 response to that question.

17 CHAIRPERSON GJONAJ: I think NYPD is on
18 with us. Aside from NYPD, I'm not sure DOT is on, or
19 that can answer this question?

20 LT. MINOR: Chair Gjonaj, I, I think I
21 can, um, answer the question and thank you for that.
22 Um, like I said before, we scout most locations that
23 are exterior, that affect traffic and pedestrians.
24 So there are times, and you're absolutely right, we
25 do shut down traffic temporarily on that block. It
could be seconds, it could be minutes, and it could

3 be a couple hours. It depends on what they do. So,
4 yes, you're absolutely right, it is a little negative
5 on the community. But we try to perform those
6 traffic controls, um, not within rush hour times, OK?
7 So they can do, depending where it is, it could be
8 from like maybe 10:00 in the morning to 2:00 in the
9 afternoon, 3:00 in the afternoon. They could have
10 pause of city blocks. And, again, city blocks,
11 excuse me, not blocks at the same time. And we're
12 there to supervise that, OK? And these pauses would
13 be very intermittent. It could be, ah, a few seconds
14 [inaudible], it could be, maybe, um, closing the
15 block temporarily to move a truck in or put a, you
16 know, or actors are on the street, or there's some
17 sort of explosion, or, like you said before, a rain
18 tower on Wall Street. We would probably block it up
19 for a few minutes for that scene to take place and
20 once they are done filming that scene we open up
21 traffic again. But [inaudible] that the scene, if
22 there's any sort of negative impact in regards to
23 traffic, if we see a backlog of cars down the block,
24 if we see, ah, pedestrians piled up at the end of the
25 street, we do open up traffic. When we're there we,
we're definitely on top of that and we make sure that

3 we're not, we try not to hinder the public too much
4 with this. Again, they have to still film, but we
5 try to balance both the community and [inaudible].

6 COMMISSIONER DEL CASTILLO: Right, so,
7 sorry, Lieutenant, that, that was not the, and sorry,
8 Chair, that was not what I understood the question to
9 be. I understood the question to be whether our
10 permits allowed, um, a production to shoot down, to
11 shut down a street entirely. Um, the scenario that
12 the lieutenant just described is permitted activity
13 under a film permit. But to shut down an actual
14 roadway, our film permits do not allow for that. In
15 the instances when we have done that, um, it has been
16 in partners with Citywide Events Coordination and
17 Management for an event. For example, like last year
18 when we permitted the Thanksgiving Day Parade as a
19 media event we shut down 34th Street to traffic. Ah,
20 that was not under our permit. That was in
21 conjunction with NYPD and Citywide Events
22 Coordination and Management. But a film permit alone
23 cannot shut down an entire, um, street to traffic for
24 a extended period of time. Um, there may be
25 intermittent traffic, um, stoppages, but the flow of

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3 traffic is allowed to continue for the duration of
4 the shoot.

5 CHAIRPERSON GJONAJ: Thank you,
6 Commissioner. So then it's the NYPD that would
7 coordinate a road closure for whatever period of
8 time, and, by the way, a few months ago it was not
9 minutes. It was hours and hours. They actually
10 brought a crane in. They shut down the street, and I
11 had witnessed when they went in for dinner, when they
12 came out that street was still shut down. So was it
13 NYPD that coordinates the permit process...

14 COMMISSIONER DEL CASTILLO: [inaudible]
15 again, I do actually have to look at the specific
16 circumstances of that permit, because depending on
17 the activity that's happening it could be multiple
18 agencies that require the coordination to shut down
19 the street.

20 CHAIRPERSON GJONAJ: So NYPD is one of
21 them.

22 COMMISSIONER DEL CASTILLO: [inaudible],
23 FDNY, DOB, those were all the entities that we worked
24 with, for example, on Thanksgiving Day Parade and on
25 New Year's Eve.

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3 CHAIRPERSON GJONAJ: OK, but let's, let's
4 ask the NYPD since they're present. NYPD coordinates
5 a street closure at times.

6 COMMISSIONER DEL CASTILLO: It's not this
7 unit that would do it. This unit is specifically for
8 the movie TV unit. They do not, and you can correct
9 me, Lieutenant, but, ah, it's NYPD Operations that
10 would shut down a street.

11 LT. MINOR: That's right.

12 CHAIRPERSON GJONAJ: Did the lieutenant
13 answer?

14 MATTHEW BESSE: That's, that's right.
15 That's my understanding.

16 LT. MINOR: Like I said, we'll
17 temporarily hold traffic or temporarily close a
18 street temporarily for traffic or pedestrians if
19 there's a safety concern. Like I said, there's
20 actors in the street, they're doing a car sequence,
21 they have rain towers, they're doing an explosion, if
22 they're shooting firearms and the loud noise might
23 bother somebody, we'll shut, you know, we'll, we'll
24 shut traffic down temporarily for that scene to take
25 place because we don't want to cause a traffic
accident or anyone be alarmed or anything like that.

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3 So, yes, temporary holds we definitely do. But
4 prolonged, prolonged street closures, giving full
5 accessibility to the film production we do not do.

6 CHAIRPERSON GJONAJ: OK. But based on
7 that explanation, ah, of actors being in the street
8 shooting a scene, which I imagine can last for
9 minutes to hours, right, is that coordinated with you
10 directly and how soon before the, um, coordination is
11 this discussed with you?

12 LT. MINOR: It's with myself and the
13 Mayor's Office, you know, [inaudible] the
14 commissioner said it depends. It depends if it's a
15 movie, and if it's a film it could be, it could be a
16 couple weeks, it could be a couple months, it could
17 be a few days. But depending where it is and
18 depending what they're doing, um, you know, like I
19 said, we'll get involved.

20 CHAIRPERSON GJONAJ: So your investment
21 on the, in those shoots that require temporary street
22 closure, it's done way in advance of the shoot?

23 LT. MINOR: The, the timing depends, but
24 yes, sir. Yes, we have a preproduction meeting. We
25 discuss it. But, again, the kinks will get worked
out to five days before the shoot. These productions

3 keep evolving what they want to do sometimes, and,
4 you know, it comes, it comes back to myself, the
5 Mayor's Office, and we have to kind of adapt to that
6 and say no, you can't do that, you can't have the
7 street, you know, you can't, you can't shut down
8 Fifth Avenue in the middle of the day from 2 or 3
9 o'clock in the afternoon. You know, so we, we, like
10 I said, we take a, we try to take a reasonable,
11 common sense approach to have what they do not
12 [inaudible] interfere with traffic and pedestrians
13 and businesses in that area. And like I said, for
14 example, lunch hour times, you know, they might shut
15 down, no, we might extend a street closure for longer
16 than a few minutes, maybe an hour or two on an
17 overnight, you know, especially if, if the area is
18 like an industrial area, it's [inaudible] there
19 aren't many cars, there are not many people going
20 down that walk. We're able to, you know, direct them
21 somewhere else. There's other access points for them
22 to get around. You know, yes, for their safety we
23 would do that.

24 CHAIRPERSON GJONAJ: My point being is
25 that if, and, and I'm sure there has to be a
coordinated effort if there's going to be a temporary

3 street closure, whether it be through the NYPD or
4 DOT, ah, for that permit. Those are the, those are
5 the productions that have the most impact on
6 residents and businesses. And my point is that we
7 should be giving them as much advance notice as
8 possible. They, I, that's all I have to say on this.
9 I want to thank you all for answering the questions,
10 and thank you, Chair Holden.

11 CHAIRPERSON HOLDEN: Thank you, Chair
12 Gjonaj, for the questions and, um, I just have a few
13 more, Commissioner. And, um, you know, you are aware
14 that there is no official designation or category for
15 311 complaints related to the film and television
16 industry, right, on 311?

17 COMMISSIONER DEL CASTILLO: We do get
18 complaints directed to us from 311, but I don't know
19 how those get classified. We, we just keep track of
20 what comes [inaudible].

21 CHAIRPERSON HOLDEN: Right.

22 COMMISSIONER DEL CASTILLO: We, they,
23 they do it based on what's directed to us.

24 CHAIRPERSON HOLDEN: Because my committee
25 oversees 311, um, and we're trying to improve 311.
We're trying to improve the app to have a category,

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3 so would you support the creation of an official
4 category for 311 complaints related to the film and
5 television industry if it was on the app, let's say,
6 or at least on a designation of the website?

7 COMMISSIONER DEL CASTILLO: Ah, I, I
8 don't see, if would help, if it would help to resolve
9 complaints absolutely.

10 CHAIRPERSON HOLDEN: Yeah, this way your
11 office would get the information, ah, you know, on a
12 timely basis as to what are some of the complaints.
13 So can you, do you have a number of how many
14 complaints you receive, let's say, from 311 in 2020?
15 Josh, I don't know if you have something, ah, you're
16 [inaudible] with that?

17 COMMISSIONER DEL CASTILLO: Um, in, in
18 2019 we had 920, ah, which was 0.3, 0.03% of the
19 total complaints for that year. In 2020 we had
20 significantly less 'cause there was no real film
21 activity until September.

22 CHAIRPERSON HOLDEN: Right, right.

23 COMMISSIONER DEL CASTILLO: Um, and to
24 day we've had, um, in 2021 we've had about 320, which
25 is 0.01% of the overall, um, complaints received from
311.

3 CHAIRPERSON HOLDEN: You know, but again
4 that's, um, because it's not easy to make a
5 complaint. Ah, ah, for instance, try to do it on the
6 app. You can't do it, it's impossible. Ah, try to
7 do it on the website. You know, so we're not, we're
8 not making it easy. That's what I'm saying to you,
9 Commissioner, that these numbers would probably
10 quadruple if I think we had more access to making
11 these complaints, especially when you, you have a
12 phone number on your permits that only go to the film
13 company, you know. So if you had a complaint on the,
14 on the, um, the posting on the, on the poles, you
15 know, that had your number or the 311 number, or
16 somebody else that we could, you know, get, get a
17 complaint through you'd probably get a lot more.
18 Just, just my observation. Um, but I, you know, I'd,
19 I'd like those numbers, um, because, um, you know,
20 I'd like to track this, how many, um, complaints
21 there were and, and the categories of the complaints,
22 'cause I'd like to know is about more about parking,
23 is it noise, is it block, you know, blocking the
24 businesses? Are the complaints coming from small
25 businesses, you know, the breakdown, if we can get
that. Again, since my office, um, can, can find it.

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3 By the way, my technology committee staff couldn't
4 get the information on the open data because there
5 wasn't a film category. Am I correct on that,
6 Committee Counsel?

7 COMMISSIONER DEL CASTILLO: There's,
8 there, there is open data. Ah, we do have permits on
9 open data. So I'm not sure where the [inaudible]...

10 CHAIRPERSON HOLDEN: No, the, the
11 complaints, the nature of the complaints, we couldn't
12 get, am I correct, Irene?

13 COMMITTEE COUNSEL: Yeah, that's correct,
14 Council Member Holden. We, we can see the number of
15 permits issued, but we do not see the complaints
16 regarding functionings.

17 CHAIRPERSON HOLDEN: So that needs to be
18 on open data so that we can, again, we have to
19 provide oversight. My committee staff could not get
20 that information. That's why I'm asking you, and we
21 have to correct that on open data, because we can't
22 provide proper oversight of, ah, of an agency without
23 seeing that. I think you would agree. Yes or no?
24 OK, thank you, Commissioner.

25 COMMISSIONER DEL CASTILLO: Sorry, yes.

3 CHAIRPERSON HOLDEN: Ah, ah, like what,
4 can you, can you, ah, just a couple more questions.
5 What is considered a hot spot, you know, [inaudible]?

6 COMMISSIONER DEL CASTILLO: Ah, so the,
7 so we, we look at, um, a variety of factors. Ah,
8 it's, it's, um, the level of activity that's been
9 happening in that area, not just production but also
10 public works, street activities, um, construction,
11 um, you know, during the pandemic we also looked at,
12 um, some of the areas that were hardest hit by the
13 pandemic, um, and, you know, or if, if there were
14 like during the pandemic, especially around
15 hospitals, like we, um, really put limitations on,
16 ah, we restricted some of those areas to filming, um,
17 at that time. Ah, so we, we look at that level of
18 activity, um, and if, ah, and we'll, and that's how
19 we make those determinations about [inaudible].

20 CHAIRPERSON HOLDEN: So is there, is
21 there a number of, ah, limit of how many shoots are a
22 particular block or area?

23 COMMISSIONER DEL CASTILLO: Ah...

24 CHAIRPERSON HOLDEN: At one time I heard
25 five, that you're not gonna do more than five in one
particular block or area?

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3 COMMISSIONER DEL CASTILLO: We don't,
4 admittedly we don't look at it that specifically
5 because it can be in a particular neighborhood, but
6 not in the same block. So we do try to be...

7 CHAIRPERSON HOLDEN: [inaudible].

8 COMMISSIONER DEL CASTILLO: Go ahead.

9 CHAIRPERSON HOLDEN: All right. But you
10 can see, um, how do you like request a hot spot or a
11 moratorium to your office? Ah, is that only through
12 the council members or is it by the community boards?
13 Um, because I don't, I don't think that a small
14 business should be able to tolerate, ah...

15 COMMISSIONER DEL CASTILLO: I mean...

16 CHAIRPERSON HOLDEN: ...10, 15 shoots on
17 their blocks in a year, do you?

18 COMMISSIONER DEL CASTILLO: I, I mean, I,
19 I will say it, it again speaks to a balance, because
20 I, I can assure you that for every business that
21 doesn't want filming there is another one that wants
22 it, sometimes in the same areas.

23 CHAIRPERSON HOLDEN: But I'd like, I'd
24 like to discuss...

25 COMMISSIONER DEL CASTILLO: Um, if
they're...

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3 CHAIRPERSON HOLDEN: ...business, by the
4 way, because my, my district...

5 COMMISSIONER DEL CASTILLO: Yeah, well,
6 well, you know, there, there, there are, um, there
7 are businesses that view it as an opportunity for
8 promotion, um, you know, there's quite a number of
9 New York City businesses that are frequented because
10 they do [inaudible] in a film and what-not, and so
11 they love the attention. They view it as promotion,
12 or they view it as additional income. You know, if,
13 if it's a, if it's a, an events piece and, you know,
14 they're able to rent out their space for a holding,
15 um, they can make a significant amount of money
16 through locations fees and so...

17 CHAIRPERSON HOLDEN: Oh, yeah, I, I know
18 that...

19 COMMISSIONER DEL CASTILLO: ...that's,
20 that's a balance [inaudible].

21 CHAIRPERSON HOLDEN: I get that, I get
22 that because, ah, on that film shoot in, ah, in
23 Forest Hills the industry called me and said you know
24 we paid that homeowner \$24,000 to use his or house,
25 ah, but I, but if it's gonna impact the commercial
district, which they park their vehicles there, so

3 they film, you know, they could film a half a mile
4 away in a residential area, give that homeowner 24
5 grand, and yet it costs maybe the businesses more
6 than that while they're taking up the, the spaces
7 collectively in that commercial district. And that
8 is the problem. And, again, this is why, you know,
9 yes, there are some businesses that get paid
10 personally because they're using their, I'm not gonna
11 talk about that because that's like, that, that's a
12 business agreed to that. But the impact on the other
13 businesses has to be measured, which I don't think is
14 being done by, by the Mayor's Office or anybody in
15 the city, um, and I think that's what Councilman, ah,
16 Gjonaj was saying, that we need a little bit more
17 sensitivity. Um, so, just a couple more questions,
18 like I said. In 2019, in the 2019 hearing,
19 Commissioner, you said you were collecting
20 information on how many, or much it actually costs
21 to, um, you know, adjudicate a permit.

22 COMMISSIONER DEL CASTILLO: Oh, yes,
23 so...

24 CHAIRPERSON HOLDEN: Did you do an
25 analysis on that?

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3 COMMISSIONER DEL CASTILLO: So we, we had
4 intended to, um, introduce new rules for permit fees
5 before the pandemic hit. Um, and then unfortunately
6 had to shift resources to focus on the recovery and
7 setting up this new press credentialing unit. Um,
8 but as well as be sensitive to, you know, the fact
9 that the industry had been shut down for all intents
10 and purposes for almost a year it really didn't make
11 a comeback until last fall, and so, you know,
12 weighing those factors, um, ah, not just those
13 factors, but the fact that we also have limited
14 resources at the moment to introduce new, um, rules
15 we, we did table that. However, we will be looking
16 at that, um, in the next, ah, year.

17 CHAIRPERSON HOLDEN: OK, all right. Just
18 one more question. This is it, all right, I'm sorry,
19 but how many hot spots are there currently in New
20 York City?

21 COMMISSIONER DEL CASTILLO: Oh, um, we
22 can send that to you. I don't, you know, I, we don't
23 do it by number. We sort of, um, have it, ah, we, we
24 can, I'll have to follow up with that. I don't have
25 it off the top of my head.

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3 CHAIRPERSON HOLDEN: Yeah, but, 'cause,
4 um, I'd like to know. This, this, these are
5 important questions. I think we [inaudible] to
6 provide more oversight and, ah, um, and so I think we
7 need to do that and get, get that information. But,
8 um, Council Member Yeger...

9 COMMISSIONER DEL CASTILLO: [inaudible]
10 because of the, the holiday, actually, we're, we're
11 about to, um, introduce a few more because holiday
12 season is getting underway this week.

13 CHAIRPERSON HOLDEN: So I just want to
14 ask any other council members have questions, ah, no?
15 OK. Ah, so I guess, ah, thank you, Commissioner,
16 and, ah, thank you, Josh. Thank you, NYPD for your,
17 ah, for your work, and, um, we'll see you at the next
18 hearing.

19 COMMISSIONER DEL CASTILLO: Hopefully
20 sooner than that [laughs].

21 CHAIRPERSON HOLDEN: We'll try, we'll try
22 to make it a few, you know, a couple more months
23 before you, but, ah, we thank you, Commissioner. I
24 know it's a difficult job when you have a very small
25 office and, um, and the new council, I know that we
should try to get more resources for your, ah, agency

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3 certainly and your office 'cause, again, I want to
4 thank you. You've been very cooperative and, ah, the
5 fact that you came out to my office, I appreciate
6 that and it shows that you do care. And Josh, thanks
7 again and, um, we'll work together and, ah, hopefully
8 have a good, ah, ah, next year, and have good
9 Thanksgiving, everyone. Thank you so much. And I
10 hope you, ah, we have only a few ah, um, people that
11 are going to testify from the community. So if you
12 could stay on, Commissioner. Not too long, I
13 promise, um, and listen to their, some of their
14 complaints. I appreciate it.

15 COMMISSIONER DEL CASTILLO: I, I may have
16 to jump. But my, my team will stay on, Chair.

17 CHAIRPERSON HOLDEN: OK. Thank you,
18 thank you, Commissioner. Back to committee counsel.

19 COMMISSIONER DEL CASTILLO: Thank you so
20 much.

21 CHAIRPERSON HOLDEN: Thank you.

22 COMMITTEE COUNSEL: Thank you, Chair
23 Holden, and thank you, Chair Gjonaj and Commissioner
24 and Lt. Minor. We will now turn to public testimony.
25 I will be calling names, so once your name is called
to testify our staff will unmute and the Sergeant at

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3 Arms will set the time to accommodate everyone who
4 registers so that you can begin your testimony.
5 Council members will have an opportunity to ask
6 questions, and now I would like to welcome our first
7 panelist to testify, and our first panelist is Mr.
8 Anthony Nunziato.

9 SERGEANT AT ARMS: Time starts now.

10 ANTHONY NUNZIATO: Thank you. I'd like
11 to thank Councilman Robert Holden and also I believe
12 Councilman Gjonaj and everyone else who's, ah, having
13 these hearings. As a small businessman it's so
14 important, ah, that to, ah, attack this, ah,
15 vigorously, because as a businessman we don't get a
16 check. We're not guaranteed a check. You know, we
17 depend on the street. We spend tens of thousands of
18 dollars on our business signs. We clean the streets
19 365 days a year. Everything that blocks us, that
20 means that we lose business for the day, two days, or
21 three days. Is it Councilman Gjonaj, I'm sorry, I
22 didn't get your title. Is it, ah, ah, Councilman
23 Holden?

24 CHAIRPERSON HOLDEN: Yes, that's
25 Councilman Gjonaj. Yes, you pronounced it right.

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3 ANTHONY NUNZIATO: Thank you so much.

4 Thank you. I [inaudible] give the correct respect he
5 deserves. Councilman Gjonaj, excellent. [inaudible]
6 we get a day's notice, two days' notice. Councilman
7 Holden, you're totally on top. We greatly, we thank
8 you for bringing this to attention. Ah, we're being,
9 um, we take care of the streets. We get the
10 penalties for dirty streets. We get the penalties
11 for no parking. Yet they come along at any time,
12 without notice, put tractor trailers in front of my
13 store, take up more space than is allotted, than is
14 needed. You have eight blocks that are blocked off
15 and two will be used. I, I gather no business. And
16 I would like to challenge the fact, I would like to
17 see what business, give me the number, you're saying
18 it's an 8 billion dollar industry for New York. I
19 want to see how much we're losing with the small
20 businesses. Does anybody have those numbers?
21 Because I know the small business along Grand Avenue
22 in Maspeth and Middle Village we're losing. We don't
23 get compensated. We don't get notice ahead of time.
24 A lot of times, like, ah, Councilman Robert Holden
25 said, some of them are quite nasty, and sometimes I
had to deal with them by calling the police because

3 they refused, they put cones two days ahead of time
4 without notification. So it's important to realize
5 and I want to resonate. We don't get a check. You
6 may have a, a glitch in the system from the
7 commissioner, from the, ah, permits. You can say
8 that, ah, the data entry went wrong. But no matter
9 what you make on your end we do not get a check. Our
10 storefront is our check. People coming into our
11 store is a check, and Councilman Gjonaj, excellent.
12 I could have deliveries. I'm in the florist
13 business. I could have something scheduled for two
14 weeks from now being shipped in for Christmas with
15 poinsettia plants coming from large greenhouses and I
16 could be blocked. And they're sensitive to the, ah,
17 the temperature outside. So it destroys my business,
18 it destroys my whole [inaudible] thing in these
19 critical times. It's something that has to be
20 addressed. Ah, I, again, ah, Councilman Holden, I'm
21 glad you brought it to the forefront. Ah, we are
22 losing business and in these times anybody who's left
23 standing during this COVID situation should be
24 applauded, because what we're going through in the
25 last year and a half, not drawing salaries,
maintaining paying rent, and trying to go forward.

3 They say how is business. Our business is like a
4 bicycle. Once we stop pedaling, legally, then we
5 falter. So we want to make sure that we have the
6 opportune time to make sure our space is open at all
7 times. I do not get one iota of business from the
8 movie industry, not one iota. All the catering
9 trucks that come outside park in front of, across the
10 street diner, which is a slap in the face, and they
11 have Jersey plates. So I want to know how New York
12 is getting money from businesses coming from Jersey,
13 selling food, and taking away from the local
14 businesses. And it definitely upsets me, and the
15 only thing I disagree with one of the councilmen,
16 which was Yeger, I do care if someone goes in there
17 and buys a Diet Coke. I'd rather buy the bag of
18 potato chips in a local store than take everything
19 off the trucks that they supply. Our business live
20 off the streets and we're being right now restricted.
21 And I would love to see a bill or something come up
22 for compensation. Like Robert Holden said, someone
23 could be getting paid \$24,000 for their house, why
24 would I lose \$10,000? I don't understand. So a
25 business, someone has to do a survey and see what
businesses are losing, not what the businesses bring

3 into New York. I don't see how \$300 permits make
4 money for the City of New York. I'll take out a
5 permit for \$300 if I could get eight blocks and use
6 it for what I want. I'll be more than happy. I'll
7 have a street for every day. So how does that help
8 me? I want to make sure that my business stays. I'm
9 a third generation of business. My family's been
10 here for 100 years, way before most of your people.
11 I know Mr. Holden has family generational like I
12 have. And I don't want to shut of the incidence
13 where people, future generations cannot stay in
14 business because of the lack of concern what the
15 movie industry is doing to us. We, we embrace them.
16 We want them to come. I'm not taking anybody's job.
17 Don't take away mine. We do not make money. Our
18 checks are what everyday, we do not get a check when
19 that movie trucks are out there. So I want to thank
20 you. If there are any questions you have or whatever
21 I'll be more than happy to give more. I don't want
22 to ramble. I don't know how much time I have. But
23 it's definitely affecting a lot of business. I'm
24 also on the Chamber of Commerce, and we don't have to
25 have a BID to be heard. We're independent people. A
BID is something that's a self-taxation on our

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3 business again to get more city agency services. I'm
4 against it.

5 SERGEANT AT ARMS: Time.

6 ANTHONY NUNZIATO: We, thank you. We
7 [inaudible] our streets.

8 CHAIRPERSON HOLDEN: You can finish.

9 ANTHONY NUNZIATO: And, thank you. We
10 maintain our streets and we want to have the respect
11 from the industry to make sure that we can still have
12 businesses. I have a, a foot doctor next door. They
13 blocked the hydrants. The people can't get out of
14 cabs or, ah, ambulances to go to the foot doctor. So
15 everything is blocked and we don't get nothing for
16 it. So I agree with all of you, the councilmen, ah,
17 Gjonaj and, um, Robert Holden. We definitely have to
18 get more notice and leave things open so we can
19 conduct our business in the right way. Thank you.

20 CHAIRPERSON HOLDEN: Thank you, ah, Tony
21 Nunziato and, ah, I just have a, before, um, ah, I
22 call on my colleague, Council Member Yeger, to ask
23 you a question, ah, I just want to stress that I
24 agree that businesses should be compensated if
25 they're blocked. You take up a, and I see it in your
district, by the way, 'cause, ah, Mr. Nunziato's

3 business is in my district on Grand Avenue in Maspeth
4 and they've been, um, they really have a lot of film
5 shoots over the years and I've seen the abuses. Way
6 before I became a council member there were abuses
7 there. Um, I think there should, each, um, ah,
8 business that is being blocked or impacted on a, on a
9 commercial strip should be compensated by the film
10 industry. In fact, I was able to get three
11 businesses compensation, ah, on the last mixup on
12 Metropolitan Avenue in Middle Village. Um, they got
13 compensated, ah, \$1000 each by the industry. But
14 that was not, they didn't do it voluntarily. They
15 did it because they were wrong. They took up the,
16 ah, the area and they're doing some damage control
17 based on, ah, some, a plea from my office. But that
18 shouldn't be. That should be automatic. You're
19 gonna take away local businesses, then you should
20 compensate them. The, the industry is very wealthy,
21 by the way, and, um, and they get tremendous tax
22 breaks. But I just want to thank you, ah, ah,
23 Anthony, ah, for your, ah, testimony. Um, and again,
24 you have been impacted over decades in your area and
25 I, and I do know it.

ANTHONY NUNZIATO: Yes.

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3 CHAIRPERSON HOLDEN: So thanks.

4 ANTHONY NUNZIATO: Yeah, thank you for
5 bring it to the forefront.

6 CHAIRPERSON HOLDEN: Council Member
7 Yeger?

8 SERGEANT AT ARMS: Time starts.

9 COUNCIL MEMBER YEGER: Thanks. I, I, ah,
10 Mr. Chairman, thank you very much. I just want to
11 clarify one thing. First of all, I do, I do care if
12 they buy a Diet Coke from the corner store. My
13 reflection was that they don't. Ah, they never do
14 any commerce in the neighborhood. They come in with
15 their own catering trucks, their own everything
16 trucks. They come in with all their stuff and they
17 leave a mess behind. But they actually do no
18 commerce whatsoever in our local neighborhoods as you
19 reflected. Um, and although it's not a topic of this
20 hearing, but I'll just reflect on, on the topic of
21 BIDs in general. Ah, in this council I vote against,
22 um, ah, increasing the amount that BIDs can charge,
23 ah, their neighbors. I view that as a tax, and I've
24 spoken out about that. You are 100% right. What the
25 BIDs are created to do, and I'm glad that you pointed
this out at this hearing, and perhaps one day we can

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3 actually have a hearing that focuses on this. BIDs
4 are a creation of people in a community to compensate
5 for services that they're already paying taxes for
6 that they're not receiving and they feel no, ah, um,
7 alternative other than to create this other entity to
8 provide these services. But they're not getting a
9 tax reduction. What they're getting is a tax hike.

10 ANTHONY NUNZIATO: Correct.

11 COUNCIL MEMBER YEGER: And so that's the
12 ultimate problem with BIDs. I'm gonna leave it that.
13 It's not a question to you, but I just do want to say
14 that on the record since you mentioned BIDs. It is
15 very important that that be known throughout
16 communities in New York, where people are being
17 charged by BIDs as a tax, um, for services that the
18 city has an obligation to provide and it's not
19 providing. Thank you very much, Mr. Chairman.

20 CHAIRPERSON HOLDEN: Thank you, Council
21 Member Yeger. Mr. Nunziato, do you have a response
22 or anything to say?

23 ANTHONY NUNZIATO: Yeah, yes, I do.
24 Thank you, ah, Councilman Yeger. You're 100% right.
25 Just, again, it's not with the BIDs, but sometimes
the, the, ah, movie industry goes to the BIDs and

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3 gives them money, not independent stores. We don't
4 have a BID. It could be anywhere from \$2000 to
5 \$4000, if not more, per store per year. And if we
6 don't pay we could have a tax, we could have liens
7 against the buildings, the person who owns the
8 building, or liens against the businesses. So it is
9 a tax, and I pay enough taxes in the City of New York
10 that I don't have to have an additional tax on me to
11 have city services that I already should be given.
12 So I'm totally, you know, we have people that
13 coordinate things, we're [inaudible] and making good
14 the neighborhood, but a BID is that. It's a taxation
15 on a business which we're already taxed. And I, I
16 would like just to say, ah, thank you for realizing
17 that. You know, none of the businesses are getting
18 anything. And they're all out of state. I would
19 like that you would look into all the out-of-state
20 plates of the catering trucks who are doing the movie
21 shoots, 'cause I'd like to see how is that bringing
22 money into New York.

23 CHAIRPERSON HOLDEN: Thank you so much.

24 Ah, back to Committee Counsel, Irene?
25

3 COMMITTEE COUNSEL: Thank you, um, Chair
4 Holden. And thank you, Mr. Nunziato, for your
5 testimony. Our next panelist is Joseph DiGangi.

6 SERGEANT AT ARMS: Time starts now.

7 JOSEPH DIGANGI: Hi, everyone. Ah,
8 thanks, Mr. Holden, for, ah, bringing this up to the,
9 to the panel here. Ah, whatever Mr. Nunziato said is
10 exactly, exactly the way we feel. Um, my business is
11 in, ah, Middle Village on Metropolitan Avenue. Ah,
12 we lose thousands and thousands of dollars every time
13 these trucks are parked outside. And like you said,
14 I have a business that, ah, offers food and, ah, hot
15 lunches and meats, and these catering trucks come,
16 servicing all their people. Nobody comes into my
17 business. So now here I am with 16 workers who are
18 standing around all day long doing nothing, which I
19 can't give them a day off because then it will hurt
20 them and their families, and we get no business
21 whatsoever, and no help from this, ah, this film
22 industry at all, at all. Ah, it's been
23 overwhelmingly getting worse for the past five years.
24 They just come in, like you guys said. They are
25 absolutely rude. Ah, if you ask them if they, how
long they're gonna take, or, ah, any questions, if my

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3 customers could park and just to pick up an order
4 they tells us flat all, call the Mayor's Office. So
5 if we're there 365 days a year and these guys just
6 decide to show up every once in a while, I personally
7 don't think that's right. We're the ones supporting
8 the community. And they come in, do their thing, and
9 then leave after they make their mess. Ah, that's
10 about it.

11 CHAIRPERSON HOLDEN: Thank you Mr.

12 DiGangi. By the way, did that, that NBC, um, film
13 shoot, were they the ones that were rude to you?

14 JOSEPH DIGANGI: Yes. That last, that
15 last film shoot was the ones that were rude to myself
16 and the guy, ah, who owns the fish store next to us,
17 another small business next to us.

18 CHAIRPERSON HOLDEN: And remember the
19 film shoot that was, ah, Christmas week a couple of
20 years ago?

21 JOSEPH DIGANGI: Yes.

22 CHAIRPERSON HOLDEN: Um, how much money
23 do you estimate that you would lose on a particular
24 shoot that, that lasted almost a whole week, right
25 before Christmas.

3 JOSEPH DIGANGI: Right before Christmas,
4 my busiest time of the year, it's at least \$5000 per
5 day, between my workers and even the deliveries that
6 we get in, it's ongoing deliveries all day long
7 during the holidays, and they were stopping my guys
8 from actually coming in.

9 CHAIRPERSON HOLDEN: And nobody offered
10 you a dime, right?

11 JOSEPH DIGANGI: Nothing, not even, not
12 even a penny. Ah, I told one, one person once. They
13 said, yes, we'll call, don't worry. By the time that
14 time happened everything wrapped up. The people left
15 and nobody ever contacted us again.

16 CHAIRPERSON HOLDEN: Right. This, this
17 is what I'm, what we've been saying, and this is,
18 they don't measure this, by the way, ah, Joe. They
19 don't measure, the city doesn't measure the impact on
20 the small businesses and, um, certainly, um, they
21 showed us, ah, again, a few weeks ago when they used
22 your, in front of your store and the whole, ah, north
23 side of Metropolitan Avenue for at least, I would
24 say, 10 blocks almost, that they just took over all
25 the parking and really without any kind of notice,
and you called my office, right?

3 JOSEPH DIGANGI: Yes.

4 CHAIRPERSON HOLDEN: Because no posted,
5 there were no messages posted, no signs posted, and
6 the only thing you got from the industry, the film
7 shoot company, called the Mayor's Office. And again
8 this is the attitude, this is the lack of oversight I
9 was just mentioning that we need to correct, because
10 yes, I did contact the Commissioner's Office of MOME
11 that day and the wheels started turning. What I want
12 to do is those, ah, those, ah, trucks, which were
13 oversized, and we're gonna check if they had permits,
14 but that blocked all those parking spaces and blocked
15 the, your, the view of your business, and you had
16 people that were picking up orders. I had, um,
17 drugstores that were giving out, um, the vaccine,
18 that people couldn't get to because there was no
19 parking whatsoever. And I think the Mayor's Office
20 needs to understand this, that we have to minimize
21 the impact, and I said this over and over again, on
22 our local businesses and our residents, because it
23 isn't, not only an impact on the businesses, but the
24 residents that, ah, frequent your stores, ah, and the
25 community. They could have come up with a different
solution than parking vehicles in front of your store

3 that day, and they had no respect for the small
4 businesses in my district, or in any district.

5 Because they see it as only a parking spot, and
6 that's where we have to correct. And we're gonna
7 change that mindset if it's the last thing we do.

8 But, again, I thank you for coming on. But, um, if
9 you or Mr. Nunziato has, ah, they have any other
10 suggestions please reach out to my office. Ah, I do
11 plan to introduce legislation that would correct some
12 of this, maybe compensate, ah, every business that
13 they block. And so I guess they might, ah, take up
14 less spots on the street than if they're gonna per
15 business, which I think they should. Ah, thank you,
16 ah, thank you, Joe. Thanks so much.

17 JOSEPH DIGANGI: Thank you.

18 COMMITTEE COUNSEL: Thank you, everyone.

19 I currently do not see any additional witnesses with
20 or questions. If we have inadvertently missed anyone
21 who has raised, who has registered to testify today
22 and has yet have been called please use the Zoom
23 raise hand function and I currently see none, and I
24 will now turn it over to Chair Holden for any closing
25 remarks and to adjourn the hearing.

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3 CHAIRPERSON HOLDEN: Ah, thank you, Irene
4 Byhovsky. Again, I want to thank the Committee on
5 Technology, the, ah, the staff. Irene Byhovsky has
6 done a terrific job, and Charles Kim and, um, and all
7 the staff, um, ah, that has really worked hard to
8 make this hearing possible. We're almost two-and-a-
9 half hours in. I think we accomplished a lot. We
10 have a lot of, ah, questions that went unanswered and
11 I hope that the, ah, Mayor's Office of Media and
12 Entertainment will get us the answers, especially,
13 um, finding out how many 311 complaints. And by the
14 way, I do plan to work with DoITT, ah, who oversees
15 or at least, ah, runs 311, um, to really make it
16 easier for the public and businesses to file
17 complaints on 311, ah, again some of these, you know,
18 the film industry, if they're abusing anything on the
19 permits. And we do have to work with NYPD to make
20 sure that they provide the necessary oversight, ah,
21 and we will do an investigation as to why my office
22 was, ah, not told the truth on a film shoot that was
23 on Metropolitan Avenue that affected, ah, Mr.
24 DiGangi's, ah, business and many other businesses on
25 Metropolitan Avenue. I am not done with that, and I
do want to get to that, ah, ah, as quickly as

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3 possible. And I want to thank everyone. Ah, thank
4 the Commissioner's office, ah, who, ah, we grilled
5 today, but it's, it's important that we get some
6 improvement, ah, in, um, the film shoots and less of
7 an impact. Thank you. Thank you so much, everyone.
8 And I'm going to adjourn this hearing. Thank you.
9 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 26, 2021