

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON FINANCE JOINTLY WITH  
COMMITTEE ON LAND USE, COMMITTEE ON  
TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND  
RECREATION AND COMMITTEE ON  
CRIMINAL JUSTICE

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May 20, 2021  
Start: 10:05 a.m.  
Recess: 4:13 p.m.

HELD AT: Remote Hearing (Virtual Room 2)

B E F O R E: Daniel Dromm  
CHAIRPERSON - Finance  
  
Raphael Salamanca  
CHAIRPERSON - Land Use  
  
Robert Holden  
CHAIRPERSON - Technology  
  
Helen Rosenthal  
CHAIRPERSON - Capital Budget  
  
Peter Koo  
CHAIRPERSON - Parks & Recreation  
  
Keith Powers  
CHAIRPERSON - Criminal Justice

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Alicka Ampry-Samuel  
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Eric Ulrich  
Paul Vallone  
Jimmy Van Bramer  
Kalman Yeger



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

Sherif Soliman, Commissioner  
Department of Finance

Michael Hyman, First Deputy Commissioner  
Department of Finance

Jessica Tisch, Commissioner  
Department of Information Technology and  
Telecommunications

Joseph Antonelli, Deputy Commissioner of  
Management and Budget  
Department of Information Technology and  
Telecommunications

Mitchell Silver, Commissioner  
Department of Parks

Matt Drury, Director of Government  
Relations  
Department of Parks

Joy Wang, Deputy Commissioner/ Chief  
Administration Officer  
Department of Parks

Therese Braddock, Deputy Commissioner of  
Capital  
Department of Parks

David Stark, Deputy Assistant  
Commissioner of Budget and Fiscal  
Management  
Department of Parks and Recreation

Margaret Nelson, Deputy Commissioner for  
Urban Park Service and Public Programs  
Department of Parks and Recreation

Liam Kavanagh, First Deputy Commissioner  
Department of Parks and Recreation

Cynthia Brann, Commissioner  
Department of Corrections

Hazel Jennings, Chief of Department  
Department of Corrections

Brenda Cooke, Chief of Staff  
Department of Corrections

Lynelle Maginley-Liddy, First Deputy  
Commissioner  
Department of Corrections

Heidi Grossman, Deputy Commissioner for  
Legal Matters  
Department of Corrections

Lisa Richardson, Deputy General Council  
Department of Corrections

Patricia Lyons, Deputy Chief for  
Financial Facilities and Fleet  
Administration  
Department of Corrections

Judy Beale, Deputy Commissioner for  
Programs and Partnerships  
Department of Corrections

Serena Townsend, Deputy Commissioner of  
Investigative Division  
Department of Corrections

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON  
3 CAPITAL BUDGET, COMMITTEE ON PARKS AND RECREATION,  
4 AND COMMITTEE ON CRIMINAL JUSTICE 7

5 SERGEANT-AT-ARMS: There we go. Sergeants,  
6 if you can begin your recordings.

7 SERGEANT-AT-ARMS: PC recording is  
8 underway.

9 SERGEANT-AT-ARMS: Cloud recording is up.

10 SERGEANT-AT-ARMS: Backup is rolling.

11 SERGEANT-AT-ARMS: Thank you, gentlemen.

12 Good morning and welcome to today's remote New York  
13 City Council executive budget hearing for fiscal year  
14 2022. At this time, would all panelists please turn  
15 on their video? To minimize disruption, please  
16 silence your electronic devices. Thank you for your  
17 cooperation. We are ready to begin.

18 CHAIRPERSON DROMM: Thank you, Sergeant  
19 Martinez, and thank you, again, to all the sergeants  
20 for all the work that you do. Good morning and  
21 welcome to the City Council's seventh day of hearings  
22 on the Mayor's Executive Budget for fiscal 2022. My  
23 name is Daniel Dromm and I Chair the Finance  
24 Committee. I'm going to start by acknowledging my  
25 colleagues joining us. They are Council member and  
Majority Leader Matteo, Council members Rosenthal,  
Council member Adams, Council member Brooks-Powers,

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 8

Council member Moya, Council member Ampry-Samuel, and  
I'm sure that others will be joining us shortly. The  
executive budget for the Department of Finance totals  
\$340 million, up less than six percent or \$19 million  
from its preliminary budget three months ago, none of  
which comes from new federal funding. The budget  
increase is primarily due to increased spending on  
various contractual services and department expenses.  
There are \$11 million in new needs in fiscal 2022.  
The biggest new needs are for post-production support  
for both the business tax system and the property tax  
system. \$4.4 million for BTS and \$2.5 million for  
PTS in fiscal 22 with smaller amounts in the out  
years. Another new need is funding for body worn  
camera for sheriff deputies as required by the  
Council's recent comprehensive police reform  
resolution. \$1.4 million in fiscal 22 with small  
amounts in the out years. Finally, it enhanced  
security for the cities sheriff field offices and for  
DO F administration will add \$2.8 million in fiscal  
22 and similar amounts in the out years. The  
executive plan also reflects some significant  
adjustments in fiscal 21 and in fiscal 22 and in the  
out years. For example, the plan recognizes 2.5

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 9

million from the federal coronavirus relief fund and  
fiscal 21, which is being spent on administrative  
purposes. Due to cost re-estimates, the Department  
anticipates a cost reduction of 12.5 million in  
fiscal 21 only due to a reduction in spending related  
to the suspension of marshal booting in the first  
half of the fiscal year. The department also  
anticipates increases at \$7.1 million in fiscal 22  
and \$6.6 million in fiscal 23 and in the out years  
for costs associated with leased space. I want to  
say thank you to Luke Zangele, Chino Obiteri from the  
Finance Division, for the preparations for today's  
hearing. Thanks also to Noah Brick for his work on  
the hearing. We will now hear testimony from DO F  
Commissioner Soliman who is joined by first Deputy  
Commissioner Michael Hyman, Chair Joseph Macedo,  
Deputy Commissioner Jeffrey Shear, Assistant  
Commissioner Jacqueline Gold. But before we hear  
from DOF, I will turn it over to our committee  
counsel to go on some procedural items and to swear  
in the witnesses.

COMMITTEE COUNSEL: Thank you, Chair  
Dromm. My name is Noah brick and I am counsel to the  
New York City Council Committee on Finance. Before

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 10

1 we begin, I want to remind everyone that you will be  
2 on mute until you are recognized to speak, at which  
3 time you will be on muted by the zoom host. If you  
4 mute yourself after you have been on muted, you will  
5 need to be on muted again by the host. Please be  
6 aware that there could be a delay in muting and un-  
7 muting, so please be patient. During this portion of  
8 today's hearing, we will hear testimony from the  
9 Department of Finance. During the hearing, if  
10 Council members would like to ask questions, please  
11 use the zoom raise hand function and you will be  
12 called on to speak. We will be limiting Council  
13 member questions to five minutes including responses.  
14 I will now administer the affirmation to the  
15 administration witness is one time and then I will  
16 ask each witness to so affirm. Do you affirm that  
17 your testimony will be truthful to the best of your  
18 knowledge, information, I am belief? Commissioner  
19 Soliman?

20  
21 COMMISSIONER SOLIMAN: I do.

22 COMMITTEE COUNSEL: Mr. Hyman?

23 FIRST DEPUTY COMMISSIONER HYMAN: Yes.

24 COMMITTEE COUNSEL: And I believe  
25 you're the only representatives of DO F with us

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 11

2 today. So, thank you. Commissioner Soliman, you may  
3 begin when ready.

4 COMMISSIONER SOLIMAN: Thank you so much  
5 and good morning, Chair Dromm, members of the Finance  
6 Committee, and all members here with us today. My  
7 name is Sherif Soliman. I am the Commissioner of the  
8 New York City Department of Finance and I am joined  
9 by First Deputy Commissioner Michael Hyman. We are  
10 here today on behalf of the nearly 2000 Department of  
11 Finance employees who provided exemplary service over  
12 the last year to the people of the city of New York.  
13 Employees in our public facing operations such as our  
14 business centers and the Sheriff's office have shown  
15 that they are metal, continuing to serve New Yorkers  
16 throughout the pandemic. They deserve our praise and  
17 I commend them for their hard work and perseverance  
18 in the face of adversity. As the number of new Covid  
19 cases continues to drop in the court system  
20 returns for expanded operations, the Sheriff's office  
21 has already begun to shift its regular duties,  
22 including the enforcement of court orders, arrest  
23 warrants, and property seizures as well as the  
24 investigation of property and tax crimes, including  
25 the trafficking of illegal and untaxed tobacco

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 12

2 products and synthetic narcotics. The sheriff is  
3 also currently coordinating with the family and  
4 Supreme Court's on the implementation of the 2020  
5 Safe Homes and Family Act provisions which will have  
6 Deputy sheriffs proactively search and remove  
7 firearms from homes during the initial phases of a  
8 domestic violence case. We also log the efforts of  
9 hundreds of DOF employees who have been incredibly  
10 flexible throughout the pandemic in adapting to a new  
11 work environment while helping DOF to continue to  
12 meet its core mission. They met the moment and we  
13 thank them for the work they have done. After  
14 careful preparation, the Department of Finance has  
15 successfully welcomed those working from home back to  
16 the office. Our teams have methodically prepared  
17 four months to facilitate a safe return to the  
18 office, pouring over every last detail such as  
19 workspace configurations, scheduling changes, and  
20 availability of supplies. We have worked closely  
21 with DCAS, public health experts, or private  
22 landlords, and other stakeholders to ensure that our  
23 policies and protocols match the latest guidance.  
24 All in all, it has been a smooth transition back to  
25 the office and we look forward to sustained success

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 13

2 with an office work activity. We are glad to be back  
3 and taking part in the city recovery. Before we  
4 discuss the city's 2022 executive budget and fiscal  
5 position, I would like to thank the Council for its  
6 continued support and acknowledge our ongoing  
7 partnership in a few important areas. First, thank  
8 you for our joint work on supporting the New York  
9 City Advisory Commission on property tax reform. The  
10 Commission has really launched the public hearing  
11 process to solicit input from the public on its 10  
12 preliminary recommendations to achieve a more  
13 equitable property tax system. The Commission held  
14 its first virtual hearing on May 11 and received  
15 helpful input from Staten Island homeowners, elected  
16 officials, and advocates on a number of issues. The  
17 Commissioners look forward to the next hearing  
18 focusing on Brooklyn on May 27th and will keep the  
19 Council informed as future hearings are scheduled.  
20 Second, the cities tax lien-- the city's lien sale  
21 tax-- task force held its first meeting on April 30th  
22 with in attendance by both the administration and  
23 Council appointees. We had a productive conversation  
24 and left the meeting as we had hoped to with lots to  
25 follow up on. Thank you for working closely with us

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 14

2 to ensure that the lien sale process is as fair and  
3 effective as possible. And, finally, we are grateful  
4 for our continued dialogue with the Council and  
5 legislation that would require greater raw reporting  
6 on the city's dealings with the banking industry. We  
7 look forward to working with you further on these  
8 issues and on the establishment of interest rates for  
9 the next fiscal year. On all of this and more, we  
10 appreciate your partnership and thank you for helping  
11 us improve the agencies practices and policies. As  
12 Mayor de Blasio said in releasing the executive  
13 budget, New York City is on a path to recovery for  
14 all. If there were many positive signs when I last  
15 testified before you two months ago, there are  
16 undeniable signals now that we are emerging from our  
17 darkest hours as a strong, more resilient city.

18 Whether it is a direct local aid from the American  
19 Rescue Plan or the strength in personal income and  
20 corporate tax revenues, the city's fiscal outlook is  
21 much improved, enabling stimulus driven investments  
22 that will fuel New York City is recovery. Several  
23 recent key economic indicators are promising. April  
24 P IT withholding growth increased 5.6 percent  
25 reflecting increases in wages paid to the more

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 15

2 working New Yorkers. The Mortgage Recording Tax and  
3 Real Property Transfer Tax showed sharp growth in  
4 April, indicating strength and activity in the real  
5 estate market. Through the Mortgage Recording Tax,  
6 the number of residential transactions completed in  
7 the first four months of 2021 increased by 38 percent  
8 relative to the same period for 2020. For the Real  
9 Property Transfer Tax, the number of residential  
10 transactions increased by over 20 percent. The city  
11 added 100,000 jobs in the first quarter, as has been  
12 noted, with the largest gains in restaurants, hotels,  
13 and healthcare and we are poised to add even more as  
14 we continue to recover and there have been signs that  
15 the hotel occupancy and tourism rates have begun to  
16 rebound. And we are fortunate to be in a position to  
17 boost our recovery with meaningful investments,  
18 including \$100 million grant program for small  
19 businesses hit hard by the pandemic, combination of  
20 advertising campaigns designed to boost tourism, and  
21 a temporary suspension of the hotel room occupancy  
22 tax to help our hotel industry fill up rooms and put  
23 New Yorkers back to work which was announced  
24 yesterday. Underpinning all of this is the fact that  
25 approximately 7.7 million vaccinations have been

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 16

1 given in New York City, but it is also all of the  
2 attributes of New York that make it a draw for so  
3 many. Our deep talent pool, diverse industries, rich  
4 arts and culture, and so much more. While we have a  
5 lot to be optimistic about, we are clear eyed about  
6 the challenges that continue to face us. It will  
7 take some time before tourism returns to pre-pandemic  
8 levels and the revenue, leisure, and hospitality jobs  
9 supported by tourism remain a concern. It is unclear  
10 how long it will be before workers lie in the streets  
11 of Midtown again at pre-pandemic levels, though I do  
12 want to acknowledge the reason encouraging  
13 announcements from a few large private sector  
14 employers about employees returning to the office.  
15 And, as the American Rescue Plan is a one-time  
16 infusion of much-needed financial support, the impact  
17 of the city's long-term financial position due to the  
18 pandemic related shifts and traditional norms will  
19 need to be watched closely. Still, the overall  
20 picture is very encouraging for a strong recovery.  
21 Through it all, the Department of Finance has  
22 remained focused on our mission to administer the tax  
23 and revenue laws of the city fairly, efficiently, and  
24 transparently while providing exceptional customer  
25

1 service. In March, I told you about several  
2 initiatives we have launched, improvements to the  
3 rent freeze tenant access portal, and an online  
4 appointment scheduling system. The PayPal and vend  
5 model payment options for parking tickets that we  
6 have launched are now averaging 1454 transactions per  
7 day, a 17 percent increase since the preliminary  
8 budget hearing. PayPal and vend mode now account for  
9 eight percent of all parking ticket payments made on  
10 our website and 14 percent of those made on our pay  
11 or dispute mobile app. Today, I would like to share  
12 a bit more about our improvements underway and what  
13 you should expect from DOF in the coming months. We  
14 have begun using a new digital outreach platform  
15 which allows us to communicate more frequently and in  
16 a more targeted fashion with our customers. This  
17 will help us to tailor messaging to individuals or  
18 groups of individuals regarding a specific benefit or  
19 service and to promote our outreach events, including  
20 the virtual for your benefit series which focuses on  
21 topics such as property tax payment plans, homeowner  
22 exemptions, and the rent freeze program. We continue  
23 to pursue additional solutions to the problem of deed  
24 fraud, including legislation at the state level to  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 18

2 increase penalties, and enhance optical character  
3 recognition and modeling to identify suspicious  
4 activity, and we are exploring a proof of concept for  
5 introducing block changing technology to record  
6 documents related to property ownership, thereby  
7 making it more difficult for criminals to perpetrate  
8 fraud. Leveraging technological tools to ease  
9 transaction processes for New Yorkers is constantly  
10 on our mind and we hope to keep the pipeline of  
11 improvements churning to benefit customers even more.  
12 Looking ahead, we are exploring the addition of  
13 kiosks in our business centers which would provide  
14 another convenient option for customers to make cash  
15 payments. We continue to work towards a one account  
16 model whereby customers would be able to conduct  
17 DEPARTMENT of Finance payment transactions with a  
18 single account and, as I mentioned before, we  
19 continue to develop more user-friendly mediums to  
20 disseminate information, including homeowner  
21 exemption videos, a chat bot tool which we will roll  
22 out for Parking First, and a story map presentation  
23 for income producing properties. In closing, the  
24 Department of Finance remains committed to helping  
25 New York City move forward in this as we emerge from

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 19

2 the pandemic. We look forward to a vigorous recovery  
3 is benefits will be shared by all New Yorkers. Thank  
4 you for the opportunity to testify and I would be  
5 happy to answer any questions that you have.

6 CHAIRPERSON DROMM: Thank you,  
7 Commissioner. And just let me say that we have been  
8 joined by Council members Grodenchik and Powers.  
9 Okay. The Department identifies \$1.4 million in  
10 fiscal 22 four body worn cameras for Sheriff's  
11 deputies and this costs shrinks to \$432,000 in fiscal  
12 23 and \$248,000 in fiscal 24. How many body cameras  
13 does this purchase?

14 COMMISSIONER SOLIMAN: Chair, this  
15 supports 200 body cameras and there is some attended  
16 equipment like docking stations and things like that.  
17 But it would support 200.

18 CHAIRPERSON DROMM: Okay. Thank you.  
19 And what are the rules regarding the use of body  
20 cameras by deputies as well as for logging and  
21 releasing the recorded in lockstep with the NYPD?

22 COMMISSIONER SOLIMAN: So, the policy is  
23 being formulated as we speak. As you know, this is  
24 something that is new for our department, but we are  
25 having conversations with the NYPD. We are having

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 20

2 conversations with the Department of Social Services  
3 whose police officers also have body worn cameras,  
4 and we fully anticipate to be aligned with those  
5 policies.

6 CHAIRPERSON DROMM: Okay. Thank you.

7 I certainly hope that the footage in instances of  
8 concern to the public will be released as soon as  
9 possible. I know that we will be working with our  
10 Chair of the Public Safety Committee, Council member  
11 Adams, as well, on this issue and look forward to  
12 having those discussions.

13 COMMISSIONER SOLIMAN: Absolutely.

14 CHAIRPERSON DROMM: What is the  
15 lifespan of a body camera?

16 COMMISSIONER SOLIMAN: Well, the vendor,  
17 as we understand it, basically, will refresh at the  
18 30 month mark in the 60 month mark during the life of  
19 the contract.

20 CHAIRPERSON DROMM: I'm sorry. Can you  
21 just say that again? I didn't quite get it.

22 COMMISSIONER SOLIMAN: Sure. So,  
23 basically, the body worn cameras are refreshed,  
24 basically, at the 30 month mark and then at the 60  
25 month mark.

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
3 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
4 COMMITTEE ON CRIMINAL JUSTICE 21

5 CHAIRPERSON DROMM: so, between three  
6 and--

7 COMMISSIONER SOLIMAN: After [inaudible  
8 00:17:51]--

9 CHAIRPERSON DROMM: three and five  
10 years?

11 COMMISSIONER SOLIMAN: Essentially.

12 CHAIRPERSON DROMM: Okay. Okay. Thank  
13 you. The department adds seven budgeted positions at  
14 \$2.8 million in fiscal 22 for enhanced security at  
15 Sheriff field offices and across DOF administration.  
16 Can you explain why the Department of Finance and the  
17 office Sheriff need more security?

18 COMMISSIONER SOLIMAN: Sure. So, Chair,  
19 in 2019 there was an assessment done by Homeland  
20 Security for our facilities and for our business  
21 centers. Currently, lower Manhattan and our Brooklyn  
22 business centers have screening procedures for  
23 visitors and customers who are entering those  
24 business centers. The funding here will allow us to  
25 expand those screening procedures to our Bronx,  
Queens, and Staten Island facilities and that is, you  
know, essentially, carrying out the recommendations  
of homeland security.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 22

2 CHAIRPERSON DROMM: And when you say  
3 screening procedures, can you be a little bit more  
4 specific about what that involves?

5 COMMISSIONER SOLIMAN: Sure. It's,  
6 basically, the magnetometers that we have there. So,  
7 as people are passing through and it is, essentially,  
8 making sure that the queue is being managed and that,  
9 you know, people are orderly being able to enter.

10 CHAIRPERSON DROMM: Okay. That's a  
11 little concerning to me only because we don't even  
12 have magnetometers and police departments and police  
13 precincts, but you feel the security situation is  
14 that-- what is the word I should use here? The  
15 security is-- that the situation is that bad that we  
16 need that type of security?

17 COMMISSIONER SOLIMAN: I wouldn't say that  
18 the situation is bad. I think that these are  
19 precautionary measures. I think that we see it in  
20 other public buildings. I certainly understand your  
21 point, Chair, that you don't see it in other  
22 facilities like police precincts, but we do see it in  
23 other city managed buildings. And, again, it is out  
24 of an abundance of caution to ensure that our staff  
25 is, you know, fully safe and, you know, again, it is

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 23

2 in keeping with recommendations that we have received  
3 from homeland security.

4 CHAIRPERSON DROMM: And have you had  
5 any instances where it would have called for  
6 additional security in the past?

7 COMMISSIONER SOLIMAN: No. I think right  
8 now we have Deputy sheriffs that are stationed at  
9 each of our business centers and, you know, they are,  
10 as we all know, well-trained and highly skilled and,  
11 you know, if there was a situation where a customer  
12 became irate with any member of the staff, our Deputy  
13 sheriffs are there to de-escalate and to make sure  
14 that whatever it is that the customer needs is  
15 provided. Or, if not, that we would follow up. So,  
16 just like any customer service center, sometimes  
17 there are incidents where there is a flare of  
18 temperance, if you will, but I think our Deputy  
19 sheriffs are there and trained to de-escalate.

20 CHAIRPERSON DROMM: Then, Commissioner,  
21 where would the security come from? From DCAS? The  
22 same type of security guards that you have at other  
23 city buildings?

24 COMMISSIONER SOLIMAN: It would be a  
25 private security guard. I think we are hiring off of

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 24

1 the citywide contract that DCAS hires off of, as  
2 well, and then the idea here in part of the new need  
3 is also seven new Deputy sheriffs. So, the idea is  
4 to have a more hands-on approach by the deputy  
5 sheriffs at that particular location where the  
6 screening is occurring.

8 CHAIRPERSON DROMM: Okay. And,  
9 Commissioner, can you tell us do you know the titles  
10 and functions of those positions?

11 COMMISSIONER SOLIMAN: Sure. The private  
12 security contracted, you know, positions are just  
13 what you would see in the DCAS building, for example.  
14 Two per magnetometer allowing, you know, anything  
15 that would set off the magnetometer to be placed in a  
16 bucket, etc., to move forward. So, it would be to  
17 private guards there and one deputy sheriff,  
18 basically, overseeing and supervising.

19 CHAIRPERSON DROMM: Bar the guards  
20 unionized?

21 COMMISSIONER SOLIMAN: Are the guards  
22 unionized? Do we know? I don't know off the top of  
23 my head. We will have to get back to you on that.

24 CHAIRPERSON DROMM: Okay. Thank you.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 25

2 COMMISSIONER SOLIMAN: But it is off of  
3 the citywide contract, but we will get back to you on  
4 that.

5 CHAIRPERSON DROMM: Thank you. The  
6 fiscal 22 executive plan contains new needs totaling  
7 4.4 million in fiscal 22 for post production support  
8 of its business tax system. Could you please explain  
9 the costs associated with the maintenance of the  
10 business tax system?

11 COMMISSIONER SOLIMAN: Sure. So, I think  
12 the new needs, essentially, all our to go towards  
13 post production support which includes software  
14 maintenance. And software maintenance will include  
15 things, you know, in any IT system that, essentially,  
16 goes towards keeping the system updated to running  
17 the latest technology, maintaining the system  
18 performance, and sort of remediating any newly  
19 discovered security vulnerabilities which, of course,  
20 is always a top priority. And so, that, essentially,  
21 is what funds the new needs for that post production  
22 support for those two systems and those two systems,  
23 as you know, Chair, are critical to New York City.  
24 They generate, you know, close to \$40 billion a year  
25 in terms of the administration of business taxes and

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 26

property taxes. So, we do want to make sure that  
they are kept current as much as possible. So--

CHAIRPERSON DROMM: Okay. Thank you,  
again. One of the services carried out by the  
department is the intake of real property income and  
expense statements via its property tax system. I  
think you call it RPIE or something, maybe.

COMMISSIONER SOLIMAN: R P I E. But,  
yeah.

CHAIRPERSON DROMM: RPIE statements  
allow the Department to make assessments on income  
producing properties with assessed values greater  
than \$40,000. In the event to property owner does  
not file an RPIE, the Department notifies owners by  
mail, signaling the start of a window of time for the  
owner to take corrective action. The Office of the  
Taxpayer Advocate reports that, in 2019, half of all  
RPIE notices issued by the Department went unanswered  
and recommended that DO FI had greater functionality  
to the PTS which would allow property owners to  
register for specific electronic notifications  
regarding their RPIE. So, the executive plan adds  
2.5 million for the property tax system in fiscal 22.  
So, do these funds contribute to this increased

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 27

functionality and what is the funding do we to  
improve the property tax system and will it address  
OTA recommendations?

COMMISSIONER SOLIMAN: So, it will  
address-- So, that OTA recommendations and the  
annual report will be addressed and that could be  
addressed with the current functionality of the  
property tax system. We will be able to do that and  
send the targeted emails to those RPIE non-filers to,  
basically, urge them to the file so that they don't  
incur a penalty. So, we will do that. With respect  
to the broader question on the 2.5 million, but 2.5  
million, as I mentioned, is mainly for the software  
maintenance which, essentially, is done to keep the  
platforms current and to include that there are no  
security vulnerabilities. But the functionality  
exists to implement the taxpayer advocate  
recommendation. We will do it.

CHAIRPERSON DROMM: Thank you. And you  
mentioned the non-filers. So, according to the DOL  
left at all non-filers in 2019, over 16,000 owners  
did not submit an RPIE that year. DOF generated 7.4  
million in revenue from RPIE late penalties in fiscal  
2019, 9.3 million in fiscal 20, and is projected to

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 28

exceed its projected fiscal 21 adopted amount of 5  
million. Despite this, the Department predicts only  
5 million and RPIE penalty revenue in fiscal 22. So,  
how many filers-- excuse me. How many non-filers  
were issued penalties in fiscal 20 and fiscal 21 to  
date and what is the average penalty amount?

COMMISSIONER SOLIMAN: Sure. So, I just  
want to start first with, you know, our compliance  
rate for RPIE filers is very high, which we are happy  
about. It is over 90 percent of RPIE filers actually  
do file. You're correct by citing the fact that, for  
the 2019 calendar year, filing, basically, there were  
16,000 filers who did not file, however, 7300 filers  
did file-- 7300 out of the 16,000 did file during  
the cure period which, obviously, we encourage people  
to do so that they don't incur any penalties. For  
the remainder-- so, there were 59-- Just to give a  
little context, in 2018, there were 5930 penalties  
that were issued for non-filing. And for calendar  
year 2019 filing, it is about 8251. The average  
penalty is about 4530 for the RPIE in 2018 and the  
average penalty is about 4078 for RPIE 2019. I would  
note that that is the average. The median is much  
lower. The median is actually around like 1000 in

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 29

terms of the penalty, but you do have some high  
penalties that bring the average up.

CHAIRPERSON DROMM: It seems to me,  
Commissioner, that you are underestimating, though,  
the amount that you will collect from the RPIE late  
penalties.

COMMISSIONER SOLIMAN: Well, I think we  
always want to-- our main goal is to get compliance  
and to get people to file. We could, you know,  
always do better forecasting and we will look at  
that, but our main goal is to make sure that we get  
as many people as possible to the file and,  
obviously, during the pandemic, we had some  
challenges, but, going forward, we are hoping that we  
can better forecast what those penalties may be going  
forward.

CHAIRPERSON DROMM: Did you say how  
many go uncollected?

COMMISSIONER SOLIMAN: How many go  
uncollected, we don't have handy, but we can run on  
our reports and come back to you and the Committee  
with that number of how many actually go uncollected.

CHAIRPERSON DROMM: Okay. And then, is  
there any interest charged on that?

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 30

COMMISSIONER SOLIMAN: So, there is  
interest that does accrue on interest if it is not  
paid within 30 days. The interest rate that is  
charged is the same that would apply to the  
delinquencies on, you know, the delinquent payment  
interest charges for property taxes.

CHAIRPERSON DROMM: Okay. So, how does  
the DOF assess the value of properties in the event  
of an owner not filing an RPIE and would you agree  
that whatever resources are allocated to this effort  
would be better spent making PTS more accessible?

COMMISSIONER SOLIMAN: So, to derive a  
value for properties who don't file in RPIE, the  
department looks at comparable properties and then  
comes up with an evaluation based on that. You know,  
in terms of, you know, the efforts, I think we are  
always looking at the PTS system and how to improve  
it and how to make it more accessible for our  
customers and that could include a lot of  
enhancements that we are currently trying to work on,  
some of which are already rolled out like the filing  
for property tax exemptions through our, quote,  
unquote, smart file tool. And we are actually  
looking to see if we can enhance by allowing the

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 31

RPIEs themselves to be applied online through our PTS  
system. So, we are constantly looking at ways to  
enhance it and, you know, hopefully will be able to  
do that in the near future.

CHAIRPERSON DROMM: Commissioner, you  
are now collecting phone numbers of all the  
taxpayers?

COMMISSIONER SOLIMAN: We collect email  
addresses, and we do also collect phone numbers on  
some of them. I believe some of our forms have  
spaces for phone numbers. Emails, we definitely do  
collect on those forms. Which, again, will allow us  
to OTA recommendations. The Taxpayer Advocate  
recommendations.

CHAIRPERSON DROMM: Okay.  
Commissioner, I want to stop here. They are already  
a lot of Council member questions. I want to  
announce that we have been joined by Council members  
Louis, Council member Barron, Council member Cornegy,  
and Council member Dharma Diaz. I'm going to turn it  
back to my committee counsel and she will call on  
others to ask questions. I see my cochair is here,  
as well. Helen Rosenthal. Thank you, Helen.

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
3 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
4 COMMITTEE ON CRIMINAL JUSTICE 32

5 COMMITTEE COUNSEL: Thank you, Chair

6 Dromm. If any Council members have questions for  
7 DOF, please use the zoom raise hand function and you  
8 will be added to the queue. Council members, please  
9 keep your questions to five minutes, including  
10 answers. Please wait for the sergeant-at-arms to let  
11 you know when your time begins. The Sergeant will  
12 then let you know when your time is up. We will now  
13 hear from Council member Adams if she is available.  
14 If she is not immediately available, we can go to  
15 Council member Rosenthal followed by Council member  
16 Adams. Thank you.

17 SERGEANT-AT-ARMS: Your time will begin.

18 COUNCIL MEMBER ROSENTHAL: Thank you so  
19 much. Thank you, Chair Dromm. I really appreciate  
20 you already asked all the questions I wanted to ask,  
21 so I'm just going to drill down on one of them.  
22 Commissioner, so good to see you. Really appreciate  
23 all your hard work. In particular, I want to thank  
24 you for working with those of us-- and I know you  
25 share the same desire-- to understand what is  
happening with our storefronts and what we can do to  
help keep them in business. We had passed  
legislation asking you to collect a lot of additional

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 33

1 data and we found a way top all about, you know, some  
2 really important things as we tried to suss out some  
3 other pieces of it and I am excited that that data is  
4 now on the open data portal and people can-- you  
5 have synthesized that material, I think, in a report  
6 that is up on your website or will be soon?  
7

8 COMMISSIONER SOLIMAN: It will be soon,  
9 thanks to your very helpful suggestions and, yes, we  
10 will work on that and get that up within the next  
11 week.

12 COUNCIL MEMBER ROSENTHAL: Super. Super.  
13 So, but this is about identifying where vacancies are  
14 and understanding it at a much more micro level and  
15 what you have been able to do so far it show that  
16 vacancies did increase between December 2019 and June  
17 2020, but, you know, it's such a limited timeframe,  
18 were really excited to see that data that you will  
19 put out this coming June which will really give us an  
20 idea of what happened over the pandemic. So it will  
21 be year-over-year. I guess I'm wondering a couple  
22 things. One is that you mentioned that the-- I  
23 never remember the letters. RFEI?

24 COMMISSIONER SOLIMAN: The RPIE.  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 34

2 COUNCIL MEMBER ROSENTHAL: RPIE. I knew  
3 you'd know. It usually gets a 90 percent response  
4 rate, which is amazing. And then whatever. But the  
5 response rate [inaudible 00:34:42] was less. Is that  
6 right? It was like 75 percent? Not quite at 90?

7 COMMISSIONER SOLIMAN: Right. So, not  
8 everyone who filed with the storefront was a required  
9 RPIE filer. Yeah. So, but yes. We did target  
10 69,000, you know, properties that we thought had a  
11 storefront and 75 percent of those who we did  
12 outreach to actually did file. Yes. But you do have  
13 a drop off between RPIE requirements because some of  
14 them don't have a storefront or some of them are not  
15 required to file. Yeah.

16 COUNCIL MEMBER ROSENTHAL: Got it. So,  
17 did you do the second round of outreach like you do  
18 for the usual RPI filers?

19 COMMISSIONER SOLIMAN: The second round of  
20 outreach we have done. We're planning to do more I  
21 said, yeah. We are looking forward to working with  
22 you and your colleagues to, basically, helped get the  
23 word out as much as possible.

24 COUNCIL MEMBER ROSENTHAL: Okay. And  
25 then, lastly, just on behalf of my condo and co-op

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 35

1 buildings, especially the smaller buildings, you  
2 know, they continue-- I have worked for like, I  
3 think, my entire time in office, seven and a half  
4 years with one particular building that every year  
5 has to sort of relive the same mistakes of the prior  
6 year and sort of relitigate what their tax assessment  
7 value should be. Every year the Finance Department  
8 agrees with them, but doesn't baseline, sort of, that  
9 information and so every year they have to come back,  
10 relitigate this issue. It always goes, pretty much,  
11 in their favor. This last year they were promised--  
12 only because I am sort of laser focused on this  
13 particular building because I think it is an example  
14 of what is happening with many other buildings and  
15 there was, you know, promises made that this would  
16 not happen again and, yet, it did. And, you know,  
17 especially now when this building, when the tenants  
18 are-- or owners are-- you know, when all of us are  
19 sort of living on the edge, it is hard for them to  
20 even think why do they even need to pay for a lawyer  
21 to do this again? It's an unnecessary expense  
22 because, honestly--

24 SERGEANT-AT-ARMS: Type has expired.

25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 36

1  
2 COUNCIL MEMBER ROSENTHAL: And will stop  
3 here, but I think our bureaucracy somehow isn't able  
4 to keep up with accurate information somehow. I  
5 don't know what my question is. Fix it.

6 COMMISSIONER SOLIMAN: Right. There you  
7 go. Yeah. I am happy to work with you on it,  
8 Council member, as always. We can talk later. We  
9 can talk tomorrow. Whenever you want to talk about  
10 this particular property and we will see what is  
11 going on with it and decide.

12 COUNCIL MEMBER ROSENTHAL: And I think  
13 it's emblematic of what is happening the so many  
14 properties and I'm wondering if you would consider--  
15 Chair Dromm, I really promise. Last question. I  
16 know I always go down these rabbit holes. But if you  
17 could consider working with the ombudsperson and your  
18 staff to systemically integrate the changes into the  
19 database because somehow that is not happening.

20 COMMISSIONER SOLIMAN: Yeah. If we look  
21 at this building along with you and we define a  
22 systemic issue that could apply to, you know, other  
23 properties, as well, then absolutely we want to work  
24 to do that and make those changes.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 37

COUNCIL MEMBER ROSENTHAL: Thank you,  
Commissioner.

COMMISSIONER SOLIMAN: Thank you.

COUNCIL MEMBER ROSENTHAL: Thank you,  
Chair.

COMMISSIONER SOLIMAN: Thank you so much.

CHAIRPERSON DROMM: Thank you. Just  
before we go to Council member Adams, I just want to  
remind you that we did pass local law 105 of 2020 and  
the wall required DO have to use best efforts to  
collect phone numbers and emails at a minimum by  
soliciting the information on forms and applications.  
So, do you have an update on that at all? Because I  
am just-- the reason I am being so insistent about  
this is, often times, when Council members try to  
work with folks about lien sales, the only thing we  
can do is send out a letter. We don't have the phone  
numbers, so can you just give me an update on the  
problems? It is supposed to take effect July 1, 21.  
This year and that is coming up. So, can you give me  
an idea about what type of efforts you have made in  
that direction?

COMMISSIONER SOLIMAN: Sure. So, we have  
updated several forms in compliance with the laws

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
3 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
4 COMMITTEE ON CRIMINAL JUSTICE 38

5 which I believe take effect July 1 and so we have a  
6 slew all forms that have been updated. Certainly on  
7 the email address I want to just turn to our First  
8 Deputy Commissioner just to see if he knows the  
9 question about phone numbers. Again, just to triple  
10 confirm, but we have updated a slew of forms to be in  
11 compliance with local laws 105 and 106.

12 FIRST DEPUTY COMMISSIONER HYMAN: Yes. We  
13 are trying to solicit the information required by the  
14 local law. As the Commissioner said, we are going  
15 through our forms and seeing where best to kind of  
16 advertise the information. And then the email  
17 database, as he mentioned, we have also increased our  
18 software so we can have better metrics that when we  
19 contact somebody by email, is it being read? You  
20 know, is it-- so, we also want to make sure the  
21 purity of the data that is as good as possible.

22 CHAIRPERSON DROMM: Good. Well, thank  
23 you. So, I look forward to getting back to you on  
24 that after July 1 and talking more about what success  
25 you've had or what difficulties you have had in  
implementing that. But thank you.

26 COMMISSIONER SOLIMAN: Absolutely. And I  
27 would just add to that, Chair, that we are-- I mean,

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 39

we are in lockstep with the Council and our desire to  
have this information to reach out to as many  
homeowners as possible and that could be for tax  
lien. It could be for exemptions and, as I mentioned  
in my testimony, we have this click dimensions tool  
now where we do this outreach and so we need more of  
that contact information to do those personalized  
touches.

CHAIRPERSON DROMM: Thank you. And,  
you know, like I said, to see my staff sitting there  
folding envelopes, it would be so much easier if we  
had the ability to make a phone call to them and say,  
hey, you know, get in touch with us. We want to help  
you. You know? Okay. Let's go to Council member  
Adams.

COUNCIL MEMBER ADAMS: Thank you so much.  
Thank you, Chairs Dromm, Chair Rosenthal. Thank you  
so much. Commissioner, thank you. It is good to see  
you again.

COMMISSIONER SOLIMAN: Good to see you,  
too.

COUNCIL MEMBER ADAMS: We had a long,  
tough winter and I'm just going to bring it up just a  
little bit. Really, really happy about our initial

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 40

2 tax lien task force meeting on the 30th. I thought  
3 it was very productive and I really see some great  
4 things on the horizon for us there as far as  
5 continuing the work when it comes to the tax lien  
6 form. So, just to recap, the fiscal 2022 executive  
7 budget includes lien sale proceeds totaling \$135  
8 million in fiscal 2022. Additionally, the city  
9 Council has allocated \$500,000 of its discretionary  
10 spending towards outreach regarding the lien sale.  
11 If funding has since been moved to HPD, however, we  
12 still expect DOF to pursue policies that remove  
13 properties from the lien sale list when viable. So,  
14 my first question is does the administration intend  
15 to conduct a lien sale before the end of its current  
16 term or does this figure reflect a lien sale that  
17 would occur in the first half of the new Mayors  
18 administration?

19 COMMISSIONER SOLIMAN: Sure, Council  
20 member. And, of course look forward to working with  
21 you and the rest of our colleagues on the task force.  
22 So, we are currently prohibited by gubernatorial  
23 Executive Order that is in effect until June 5th from  
24 conducting any lien sales. Localities are prohibited  
25 from doing that. The executive order has been

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 41

extended several times, so it is set to expire now on  
June 5th and we will see if it is extended. If it is  
not extended, then the administration doesn't tend to  
move forward with the lien sale in full compliance  
with local law 24 that we all worked on together with  
your leadership and so we would look to move forward  
with it. I would say that we are constantly looking  
at putting more people on the exemption role so that  
they have exemptions, you know, afforded to them  
which would prohibit their inclusion on the lien  
sale. We also look forward to making sure that PT  
Aid, the program for the deferral of property taxes  
that also will make sure that you are at-- and, of  
course, they are full compliance with Covid hardship  
regulations that have been passed by state law, and  
that have been codified, as well, and local law.

COUNCIL MEMBER ADAMS: Okay. Well, I  
think that our goal should still be, as you know, to  
reduce as many properties as possible from being a  
part of that brutal lien sale. At best, we are still  
in the midst of a pandemic, so we will see what  
happens as far as an extension and the fifth is  
concerned. I'm still very concerned about the  
properties that will be on that list. So, that said,

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 42

2 how many properties would qualify for the lien sale  
3 if it were held today?

4 COMMISSIONER SOLIMAN: So, if it were held  
5 today, we haven't officially run the number because  
6 it is tied to the 90 day notice, but if it were  
7 today, we think the initial at risk pool would be  
8 around 23,000 properties. And just keep in mind that  
9 that also includes the 2020 lien sale group that  
10 was-- now that is the total at risk pool. With  
11 local law 24, however, we expect that there would be  
12 a nine percent reduction meaning that you would have  
13 29-- I'm sorry. 2100 or so fewer properties that  
14 would be on there. I would also note in those  
15 numbers that it is important to note that this does  
16 not include any of the Covid relief provisions that  
17 would be, by local law 24, that would remove people  
18 from the lien sale list. So, that is like the very  
19 top number. As people sign up for exemptions and  
20 have the Covid hardships that will command, that  
21 number will go down. And just one final point, you  
22 know, and you are a close watch her of this,  
23 obviously. The pool starts very large and it ends  
24 very small in terms of-- but, you know, we  
25 understand we don't want anyone to be on a particular

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 43

2 lien sale. We want to get them off. But it is just  
3 in terms of order of magnitude. It does go down as  
4 more people to take advantage of exemptions or  
5 hardship plans and payment plans.

6 COUNCIL MEMBER ADAMS: Understood. And  
7 thank you for that. The numbers to me, knowing where  
8 we were, knowing where we are right now, the numbers  
9 are very encouraging to me, so, you know, as you  
10 said, it is one that has been-- it's brought a lot  
11 of us to tears over when we should have been  
12 celebrating the holidays. So, for this, this news to  
13 me is very encouraging and I know to the task force  
14 that will be also. Do you know how much an  
15 outstanding property--

16 SERGEANT-AT-ARMS: Time has expired.

17 COUNCIL MEMBER ADAMS: what the charge is  
18 or how much an outstanding property charges would  
19 qualify for the lien?

20 COMMISSIONER SOLIMAN: I don't have that  
21 handy, but we can follow up with you with that  
22 number. Happy to follow up with you with that  
23 number.

24 COUNCIL MEMBER ADAMS: I will tack on with  
25 that, if you can get that to me and you can get to me

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 44

any outstanding water charges that would qualify, as  
well.

COMMISSIONER SOLIMAN: You got it.

Absolutely, Council member.

COUNCIL MEMBER ADAMS: Thank you so much  
for your partnership and thank you for your  
testimony. I appreciate it.

COMMISSIONER SOLIMAN: Thank you, Council  
member. I appreciate it.

COMMITTEE COUNSEL: Chair Dromm, do you  
have any further questions?

CHAIRPERSON DROMM: I do. Yes. Let me  
just talk a little bit about the federal Covid 19  
funding. The department received additional federal  
funding totaling \$2.5 million in fiscal 21 from the  
Coronavirus Relief Fund. Could you describe the  
purpose of this funding and what are the roles  
attached to its use?

COMMISSIONER SOLIMAN: Sure, Chair. So, 2  
million out of the 2.5 million was for over time that  
was incurred by the sheriff for all of the Covid  
related activities that his office participated in  
which are well-known, obviously, on the social  
distancing and occupancy and travel quarantined

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 45

checkpoints. The other 500,000 went towards  
purchasing laptops and towards installing plexiglass  
in our workstations. So, on a reimbursement basis,  
those were the expenses.

CHAIRPERSON DROMM: And do you expect  
to get any more funding moving forward from the  
American Rescue Plan?

COMMISSIONER SOLIMAN: So, overall, we  
don't expect get to get any direct funding, but I  
think, overall, as we all know, I mean, it really  
made the cities fiscal position more favorable, which  
allowed things that the agency can benefit from such  
as, you know, going from a three-for-one hiring  
policy to a two-for-one. That is going, obviously,  
that were discussed here today. So, we believe there  
will be an indirect benefit, for sure.

CHAIRPERSON DROMM: Okay. Thank you.  
I don't think we have any further Council member  
questions. I do want to also thank you for the  
partnership, as Council member Adams described it,  
for working with us on the lien sale and your tenure  
now as the Commissioner for DOF. I've appreciated  
our relationship and I look forward to continuing to  
work with you in the next seven or so months that we

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 46

2 have left in the city Council, for myself, in  
3 particular. So, thank you.

4 COMMISSIONER SOLIMAN: Likewise, Chair. I  
5 appreciate it very much and look forward to working  
6 with you on all these important initiatives. I  
7 appreciate it. Thank you.

8 CHAIRPERSON DROMM: Okay. Very good.  
9 You know what? I don't think I announced all the  
10 people who would joined us. So, let me just make  
11 sure that I had done that.

12 COMMITTEE COUNSEL: I think it is just  
13 Cornegy in Council member Dharma Diaz who--

14 CHAIRPERSON DROMM: All right. I think  
15 we did than two. All right. So, we are going to  
16 take about a three minute break and then roll right  
17 into the next portion of the hearing. Thank you.

18 COMMISSIONER SOLIMAN: Thank you so much.

19 CHAIRPERSON ROSENTHAL: Really? I'm the  
20 cohost? That's so exciting.

21 SERGEANT-AT-ARMS: Yes, Chair Rosenthal.  
22 You have an opening and everything.

23 CHAIRPERSON ROSENTHAL: Seriously-- What?  
24 With apologies.

25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 47

2 SERGEANT-AT-ARMS: I'm calling you. Please  
3 mute yourself.

4 SERGEANT-AT-ARMS: Yeah. This is the chief  
5 sergeant-at-arms. Be advised that we are still  
6 broadcasting live.

7 CHAIRPERSON DROMM: Okay. I think  
8 we're ready. Sergeants, we're good to go?

9 SERGEANT-AT-ARMS: Chair, we're good to go.

10 SERGEANT-AT-ARMS: We are. Yeah.

11 CHAIRPERSON DROMM: Okay. Thank you  
12 very much. Good morning and welcome to the seventh  
13 day of hearings on the Mayor's executive budget for  
14 fiscal 22. My name is Daniel Dromm and I Chair the  
15 Finance Committee. We previously heard from DOF and  
16 now we will hear from the Department of Information  
17 Technology. We are joined by the Subcommittee on  
18 Capital Budget, Chaired by Council member Helen  
19 Rosenthal, the Committee on Technology, Chaired by  
20 Council member Holden, and the Committee on Land Use,  
21 Chaired by Council member Salamanca. We are also  
22 joined by the following Council members: Adams,  
23 Brooks-Powers, Dharma Diaz, Grodnechik, Louis, Moya,  
24 Barron, Reverend Diaz, Riley, and Feliz. I think I  
25 got everyone. And in the interest of time, I'm going

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 48

to forgo an opening statement and, Chair Holden, to  
make it-- I'm going to now call on Chair Holden to  
make an opening statement followed by Chair Rosenthal  
and Chair Salamanca.

CHAIRPERSON HOLDEN: Good morning,  
everyone, and thank you, Chair Dromm, for all of your  
great work on the Finance Committee, the Marathon  
hearing. Again, terrific work and I applaud you.  
Welcome to the fiscal 2022 executive budget hearing  
for the Department of Information Technology and  
Telecommunications known as DOITT. I am Council  
member Robert Holden, Chair of the Committee on  
Technology. Today's hearing is joint with the  
Committee on Finance, the Committee on Land Use, and  
the Subcommittee on Capital Budget. I want to thank  
my fellow Chairs, Council members Dromm, Salamanca,  
and Rosenthal for cochairing today's hearing. The  
department's proposed fiscal 2022 expense budget  
totals 706.8 million including 175 million in city  
funding to support 1854 full-time positions. The  
budget also includes 531.8 million in other than  
personal services, of which 296 million is allocated  
to contractual services. Additionally, the  
Department of fiscal year 2021 through 2025 capital

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 49

1 commitment plan totals 1.1 billion. In the executive  
2 plan, DOITT's fiscal 2021 budget totals 1.1 billion  
3 and is 430 million more than its fiscal 2022 budget  
4 and that change is driven by recognizing addition all  
5 non-city funding in the current fiscal year to cover  
6 Covid 19 expenses. At today's hearing, we hope to  
7 examine how DOITT manages federal funding in response  
8 to the pandemic, including the vaccine rollout, the  
9 contracts, the 311 staff search, and much more. We  
10 would also like to hear about the Department's large-  
11 scale capital projects and get status updates on the  
12 many citywide tech projects the Department is  
13 currently working on, in particular the IT  
14 Infrastructure Modernization Project, NexGen 911, and  
15 Broadband Initiative. Finally, we would like to hear  
16 a status update on the Link NYC franchise agreement.  
17 We look forward to working with DOITT Commissioner  
18 Jesse Tish to ensure that we are making the most  
19 efficient investment in technology for our city. In  
20 closing, I would like to thank the Technology  
21 Committee and the Council staff for working and  
22 putting on this hearing including Florentine Gabor,  
23 Jon Russell, Irene Bahofski, Charles can, and my  
24 Chief of Staff, Daniel Cazaina. I will now turn it  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 50

2 over to Council members Rosenthal and Salamanca for  
3 their remarks. Thank you.

4 CHAIRPERSON DROMM: Just before we go  
5 there, let me say we have also been joined by Council  
6 members Rivera, Lander, Koo, and by Minority Leader  
7 Steve Matteo. Thank you.

8 CHAIRPERSON HOLDEN: Thank you, Chair.

9 CHAIRPERSON ROSENTHAL: Thank you so much,  
10 Chairs Dromm and Holden. My name is Helen Rosenthal.  
11 I Chair the Subcommittee on the Capital Budget. The  
12 capital budget subcommittee has been focused on the  
13 efficiency and value of our capital investments. We  
14 have joined in today's budget hearing with DOITT  
15 primarily because of our interest in the agency's  
16 central role in the city's procurement digital  
17 infrastructure. DOITT's executive capital commitment  
18 plan includes, from what we can see, 69 projects  
19 totaling more than a billion across fiscal years 21  
20 to 25. Many of these projects, as mentioned by Chair  
21 Holden, will fall in the agencies IT Modernization  
22 Project, all large-scale multitier efforts to  
23 modernize critical infrastructures and applications.  
24 This is vital work. It is important that we get it  
25 right. Unfortunately, that agencies projects are

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 51

grouped women in a large some capital project budget  
line with very little detail which makes it difficult  
to understand the scale of each project or how  
funding is divided across hardware, software, land  
acquisition and, constructing physical structures,  
leasing cloud services, etc. proposed fiscal  
infrastructure will be located, the expected pace of  
spending or how different stages of each project will  
be sequenced. These details matter. When agency  
commissioners tell us that their technology systems  
are not up to par and, therefore, they cannot  
adequately meet the needs of New Yorkers, the public  
has a right to nowhere in the city budget and when  
this agency will be able to meet the needs of all of  
our constituents. For that reason, the Council can't  
conduct effective oversight without more fine-tuned  
information. I look forward to partnering with DOITT  
to learn more about their capital project flow and to  
ensure that all is well executed. Thank you and I  
will now turn it over to Chair Salamanca.

CHAIRPERSON SALAMANCA: Thank you, Chair  
Rosenthal. In the interest of time, I will forgo my  
opening statement. Thank you.

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
3 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
4 COMMITTEE ON CRIMINAL JUSTICE 52

5 COMMITTEE COUNSEL: Thank you, Chair  
6 Salamanca. Chair Dromm? I believe you are on  
7 mute, Chair Dromm.

8 CHAIRPERSON DROMM: Sorry about that.  
9 Just bear with me one moment. Thank you, Chairs. We  
10 will now hear testimony from DOITT Commissioner  
11 Jessica Tisch, who is joined by several colleagues.  
12 Before we hear from DOITT, I will turn it over to the  
13 committee counsel to go over some procedural items  
14 and to swear in the witnesses.

15 COMMITTEE COUNSEL: Thank you, Chair  
16 Dromm and the other Chairs. My name is no outbreak  
17 and I am Council to the New York city Council to the  
18 Committee on Finance. Before we begin, I want to  
19 remind everyone that you will be on mute until you  
20 are recognized the, at which time you will be on  
21 muted by the zoom host. If you mute yourself after  
22 you have been on muted, you will need to be on muted  
23 again by the host. Please be aware that there could  
24 be a delay on muting and un-muting, so please be  
25 patient. During this portion of today's hearing, we  
will hear testimony from the Department of  
Information Technology. During the hearing, if  
Council members would like to ask questions, please

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 53

use the zoom raise hand function and you will be  
called on to speak. We will be limiting Council  
member questions to five minutes, including  
responses. I will now administer the affirmation to  
the administration witnesses one time and then will  
ask each witness to so affirm. Do you affirm that  
your testimony will be truthful to the best of your  
knowledge, information, and belief? Commissioner  
Tisch?

COMMISSIONER TISCH: I do.

COMMITTEE COUNSEL: Ms. Gilbert?

JENNY GILBERT: I do.

COMMITTEE COUNSEL: Mr. Antonelli?

JOSEPH ANTONELLI: I do.

COMMITTEE COUNSEL: And Ms. Richard?

TONYA RICHARD: I do.

COMMITTEE COUNSEL: Thank you all.

Commissioner Tisch, you may begin when ready.

COMMISSIONER TISCH: Good afternoon  
Chairpersons Dromm, Rosenthal, Salamanca, and Holden  
and members of the City Council Committees on  
Finance, Land Use, and Technologies and the  
Subcommittee on Capital. My name is Jessica Tisch  
and I am the Commissioner of the Department of

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 54

Information Technology and Telecommunications and New  
York City's Chief Information Officer. Thank you for  
the opportunity to testify today about DOITT's fiscal  
2020 to executive budget. With me is Jenny Gilbert,  
DOITT's First Deputy Commissioner, Joseph Antonelli,  
our Deputy Commissioner of Management and Budget, and  
Tonya Richard, our Deputy Commissioner of Legal  
Matters. Since my testimony a few weeks ago went  
deep into the Covid related work of the agency and  
other strategic initiatives over the past year, I  
thought it made sense to use my prepared testimony  
today to bring the committees up to speed on new  
development since last I appeared before the Council.  
First, I am pleased to report that are program to  
install Wi-Fi in all shelters that serve families  
with children will be completed ahead of schedule.  
The initial target date for this ambitious program  
was August, but I am pleased to report it will now be  
fully delivered in the month of June. Given the  
success of this program, we have also committed to  
taking on a new phase: to focus on the approximately  
30 shelters that serve families with children that  
already had Wi-Fi solutions installed prior to  
commencement of this program and ensure that they

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 55

2 have the same high quality Wi-Fi that we have rolled  
3 out elsewhere. That work has commenced and we are  
4 pushing hard to complete by September. Second, when  
5 last we testified before you, I reported that we were  
6 close to putting out a solicitation that will serve  
7 as the basis for the formation of a new set of  
8 information service franchise agreements which will  
9 ultimately allow new franchisees to use the city's  
10 rights-of-way to build out their networks and provide  
11 broadband service throughout New York City. This was  
12 made possible by the Council's passage of authorizing  
13 Resolution 1445 A which lifted constraints on our  
14 ability to promote, encourage, and attract companies  
15 to compete in the broadband space against the big  
16 cable providers. So, let's break a little news here  
17 today. That solicitation is now out as of  
18 approximately 15 minutes ago. I am ecstatic about it  
19 and I look forward to our continued collaboration  
20 with the Council as we move forward. This  
21 solicitation invites companies that seek to provide  
22 low cost broadband in New York City and others to  
23 enter the market and compete against the big three  
24 cable companies which are currently, if not the only  
25 broadband game in town, certainly the vast majority

2 of it. I think we all agree that the big three cable  
3 companies have not played that game fairly over the  
4 past decade, as New Yorkers can tell from their  
5 monthly broadband bills. Why do I think this will  
6 ultimately translate into lower broadband prices for  
7 New Yorkers? In particular and underserved parts of  
8 the city. Because, for the first time ever, these  
9 new franchise agreements are being crafted with  
10 exactly that in mind. Franchise agreements have been  
11 structured to compensate the city had a rate of five  
12 percent of gross revenue or-- excuse me one second.  
13 Your based on the linear footage of the franchisee  
14 plant installed. So, in either model, franchisees  
15 end up paying the city roughly the same price for  
16 installation of fiber in the Manhattan core where  
17 they make a lot of money on their investment in that  
18 fiber as they do, for example, the in Brownsville  
19 where they make significantly less. Given that  
20 incentive structure, which profit oriented company  
21 wouldn't focus their efforts on the Manhattan core?  
22 To increase competition and underserved areas of the  
23 city, this solicitation changes the model entirely.  
24 It contemplates counting only linear footage in  
25 Manhattan below 96th Street for a period of several

years when determining compensation requirements.

Further, the solicitation contemplates discounted compensation rates for franchisee use with less than a specified number of linear feet of fiber in the city's rights-of-way to give small providers a leg up and encourage new entrants and more competition in the market. I look forward to keeping you posted as we move this fall aggressively forward. Third, last Friday, we noticed a franchise concession review committee hearing regarding a proposed Link NYC amendment. This counsel, and, in particular, the leadership of the committees I am appearing before today have pushed me hard to ensure the city gets repaid the money owed us and the city gets the digital equity value out of the program promise to New Yorkers in 2015 when the franchise. I deeply appreciate the space, time, support, and guidance you have given us over the past year to get this done and I believe the deal that we have put forward meets the clear objectives that you have set out. The initial deal that City Bridge struck with the city six years ago contained some wildly unrealistic assumptions. Most notably, the amount of revenue that the digital advertising associated with the Link NYC kiosks would

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 58

1 bring in. Initially estimated at \$3 billion over the  
2 life of the program, gross revenue has been a mere 10  
3 percent of that halfway through the term of the 15  
4 year franchise. Now, usually it wouldn't matter to  
5 the city that the franchisee isn't hauling in as much  
6 money as they expected to. The problem here is that  
7 these anticipated revenue productions drove the  
8 dollar values in the contract for how much City  
9 Bridge was required to pay the city each year. These  
10 are referred to as minimum annual guarantees. So, if  
11 City Bridge is advertising revenue projections back  
12 in 2014 were off by little, I would call that a great  
13 deal for the city. The minimum annual guarantees  
14 would eat into City Bridge and its investors profits,  
15 but not meaningfully affect the viability of the  
16 program. Unfortunately, because the projections and  
17 2014 were off by a full order of magnitude, City  
18 Bridge and ability to bring in the anticipated  
19 revenue meant to that the minimum annual guarantee  
20 City Bridge was on the hook to pay the city  
21 represented such a large proportion of their gross  
22 revenues from advertising sales that it left them  
23 with limited operating funds that were key to  
24 building out the kiosks and keeping the lights on, as  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 59

2 they say. City Bridge was going under and it could  
3 not afford to keep the Link NYC service running, let  
4 alone pay back the money owed to the city. So, in  
5 2018, after paying the city's \$70 million up to that  
6 point, City Bridge stopped paying the city the annual  
7 payment that it owed under the terms of the franchise  
8 agreement. By March 2020, City Bridge of the city  
9 \$60 million in overdue payments and had not built a  
10 single additional link in nearly a year. At that  
11 time, I committed before the Council that I would  
12 take any and all necessary action against these  
13 multiple breaches of contract to collect the money  
14 the city is owed. And, indeed, we were in the  
15 process of drawing up the default papers in March of  
16 last year when the pandemic hit and the city shut  
17 down. In my opinion, March and April 2020 were not  
18 the time for the links to go dark. The city had so  
19 many problems, it seemed unnecessary and, frankly,  
20 unwise to gratuitously add to them. During the  
21 pandemic, we even leverage the links for public  
22 health messaging. But even good partnership during a  
23 pandemic does not wipe away a \$60 million debt and  
24 does not negate the lack of build out required by the  
25 franchise agreement. I believe my testimony to the

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 60

2 Council in March 2020 shook up City Bridge and their  
3 investors and they came to us with the proposal that  
4 formed the basis of the amendment that has been put  
5 before the FC RC. So, let me tell you about the  
6 amendment. The headline is that Link NYC will be re-  
7 envisioned as a key part of building out the city's  
8 5G network, in addition to the program as we all have  
9 known it. As a replacement to the payphone and  
10 provider of free Wi-Fi. First, the city will be  
11 repaid 100 percent of what was owed us as of the time  
12 we started negotiating the amendment in earnest:  
13 March of 2020. Of the \$60 million debt, the city  
14 will get \$25 million immediately upon FCRC approval  
15 of the amendment and the balance of \$35 million  
16 split into annual payments over the remaining term of  
17 the franchise agreement. Second, this is only  
18 possible because we are fundamentally changing the  
19 model. The amendment contemplates leveraging the  
20 links to build out 5G in New York City. The concept  
21 here is that the carriers-- AT&T, Verizon, T-Mobile,  
22 Sprint-- are desperate to build out their 5G  
23 networks by installing 5G radios and antennas  
24 throughout the city. But for 5G to work, the  
25 infrastructure needs to be more densely distributed

1 they had was required for 4G networks. This poses a  
2 challenge for the carriers. So, the key concept of  
3 this amendment is that, for the first time, we will  
4 be leveraging the links for installation of 5G radios  
5 and antennas. In order to make the links compatible  
6 with 5G technology, we will also be seeking approval  
7 from the Public Design Commission to increase the  
8 size of the links. Although taller links are  
9 necessary to transmit 5G signals, it's important to  
10 note that the advertising dimensions will not change  
11 or increase. This proposed new use of the Link NYC  
12 infrastructure has enabled City Bridge to attract a  
13 new strategic investor: Zen Phi, which has put a \$200  
14 million capital investment into the program. This  
15 investment will allow City Bridge to continue build  
16 out of the links in New York City. Under the terms  
17 of this amendment, City Bridge will double the link  
18 footprint in New York City, going from about  
19 approximately 2000 links today to 4000 links at full  
20 buildout. The buildout will guarantee the city in  
21 addition all and more reliable revenue stream from  
22 the Link NYC kiosks including an estimated \$16  
23 million for use of each link kiosks for hosting 5G  
24 infrastructure. For its part, the city has agreed  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 62

2 that on a go forward basis, we will drop the minimum  
3 annual guarantees to all more realistic level so that  
4 they are closer to what a normal and, more  
5 importantly, sustainable franchise model of five  
6 percent of gross revenue. These payments are  
7 projected to total \$27 million over the remaining  
8 nine years of the franchise term. Importantly, we  
9 have written provisions into the amendment to ensure  
10 that, should advertising revenue increase  
11 dramatically over the term of the franchise  
12 agreement, the city will participate meaningfully in  
13 the upside. Eight percent of gross revenue between  
14 100 and \$200 million, plus an additional 50 percent  
15 of gross revenue above \$200 million. That brings me  
16 to my third point that this proposed amendment  
17 doubles down on the founding principle of the Link  
18 NYC program: to promote digital equity. One of the  
19 most important components of this amendment is a  
20 requirement that 90 percent of the new links will be  
21 cited outside of the Manhattan core business district  
22 in Brooklyn, the Bronx, Queens, and Staten Island and  
23 in Manhattan north of 96th Street. That means that  
24 these areas, in addition to getting the benefits of  
25 Blank NYC as we know them today, will get massive 5G

1 build outs. We cannot repeat with 5G the mistakes of  
2 the broadband buildout more than a decade ago where  
3 the fiber and infrastructure was run profusely  
4 Manhattan and much less so in the outer boroughs.  
5 That meaningfully contributed to the digital equity  
6 issues that the city and cities around the country  
7 have long struggled with and that were so painfully  
8 brought to the floor during the pandemic. We must  
9 use 5G and the benefits of tying the 5G build out  
10 with the Link NYC program as an element of our work  
11 to right this wrong and push forward digital equity  
12 as an engine of recovery. Because 5G said to offer  
13 broadband like speeds, it's buildout through  
14 underserved areas of the city couldn't be more  
15 important to help bridge the digital divide going  
16 forward. While this new strategy itself will not  
17 solve the digital divide, the leveraging these well-  
18 placed assets will certainly be an important part of  
19 the larger 5G build out. Now, in the interest of  
20 time, I will take the committees through our 2022  
21 budget. DOITT's fiscal 2020 to executive budget  
22 provides for operating expenses of approximately  
23 \$706.9 million allocating 175 million in personnel  
24 services to support 1854 full-time positions and  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 64

531.9 million for other than personnel services or OT  
PS. From other agencies account for 139.9 million or  
about 20 percent of our total budget allocation.

Telecommunications costs represent the largest  
portion of the intercity expense, projected at \$121.3  
million for fiscal 2021. For fiscal year 2021, the  
expense budget appropriation increased by \$248.9  
million from the fiscal year 2022 January financial  
plan to the executive financial plan. The increase  
to the fiscal year 2021 executive budget is largely  
attributed to the funding that DOITT has received for  
Covid and vaccine related costs. For fiscal year  
2022, the expense budget appropriation would increase  
by 7.6 million for the fiscal year 2022 January  
financial plan to the executive financial plan. The  
increase to the fiscal year 2020 to executive budget  
is largely attributed to the funding DOITT has  
received for the extension of our IFA positions,

lease cost adjustments, and for [inaudible 01: 23:14]  
operating expenses. DOITT's fiscal 2022 executive  
budget provides for capital budget of \$1.3 billion  
over the full fiscal year 2021 through fiscal year 20  
3110 year plan window. The majority of the budget is  
in fiscal years 2021 and 2022 totaling \$666.3 million

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 65

over the two fiscal years. For fiscal years 2021 and  
2022, the capital budget appropriation increased by  
\$176.2 million from fiscal years 2022 preliminary  
financial plan to the fiscal year 2022 executive  
financial plan. This increase to the combined fiscal  
year 2021 and fiscal year 2022 budget is largely  
attributed to the continued IT modernization  
initiatives, as well as the second year of the  
Microsoft enterprise licensed agreement. With that,  
I want to thank the committees for this opportunity  
to update you on DOITT's important work and I am now  
happy to take your questions.

CHAIRPERSON DROMM: Thank you very  
much, Commissioner. It's good to see you again.  
Thank you for that testimony. Let me just start with  
a little bit about DOITT's saving program. So  
DOITT's fiscal 22 executive budget totals 706.5  
million which is an increase of 6.2 million when  
compared to the fiscal 21 adopted budget. The  
executive budget does not include any savings and  
fiscal 22. Can you tell us why the budget doesn't  
include any savings?

COMMISSIONER TISCH: I am going to defer  
to our Deputy Commissioner of management and budget,

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 66

and Joe Antonelli, who is going to answer that  
question in detail.

DEPUTY COMMISSIONER ANTONELLI: Hello.

So, for the executive budget, no additional savings  
were solicited by the Office of Management and Budget  
for us, so we didn't have any proposals for this  
particular budget cycle. However, you know, we  
continue to work with OMB to identify savings and  
come up with programs as needed.

CHAIRPERSON DROMM: That is somewhat  
unusual not to see some saving. Is there any area  
where you could identify savings?

COMMISSIONER TISCH: Chair Dromm, our  
savings, this agency's savings over the past several  
fiscal plans have been quite aggressive and it was  
feeling given all of the modernization efforts  
underway that it would have been inappropriate at  
this time to continue to cut from the agency's budget  
and so that is why you see no savings for FY 2022.  
We had really been cut to the bone.

CHAIRPERSON DROMM: I would argue a  
little bit differently. I would say that, you know,  
there is always a little bit of the fat that could be  
trimmed. But, anyway, I am going to leave it there

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 67

and let the other committee Chairs respond to that.

Maybe they know a little bit more than I do on this

topic. Let me just talk a little bit about the

vaccine rollout contracts. DOITT's fiscal 21 budget

includes additional federal funding of 100 million

for the vaccine rollout. In your preliminary budget,

you testified that DOITT worked with the Department

of Health and Mental Hygiene to replace its vaccine

scheduling system. Additionally, your Department has

created an interactive site that helps residents find

the closest vaccine provider to them. Can you talk

about any challenges you have faced with the city's

vaccine rollout?

COMMISSIONER TISCH: Sure. Thank you

for that question, Chair Dromm. Vaccinations have

become my passion and obsession, so I'm always happy

to talk about them. So I was brought into the

vaccination program in early January and the first

thing we did was we built a platform called Vax For

NYC which consolidated on one scheduling platform, in

its first instance, all of the vaccination sites run

by the Department of Health. That platform was built

in two and a half weeks. It was a very intense two

and a half weeks and it went live. The following

1 week, we announced that we were offering that  
2 platform as a service to all vaccine providers  
3 citywide. So, meaning vaccine providers beyond New  
4 York City vaccination sites. To this day, on the Vax  
5 For NYC platform, we host over 100 sites-- 100  
6 vaccination sites, including all of the mass  
7 vaccination sites, all of the mobile, all of the pop  
8 up, including dozens of different providers outside  
9 of New York City. So, for example, hospital  
10 systems-- certain hospital systems are leveraging  
11 the Vax For NYC platform, certain pharmacies are  
12 leveraging it, independent providers. This platform  
13 is the single largest platform of any city or state  
14 in terms of consolidating in one place vaccination  
15 sites. We, to date-- knock on wood-- you can't see  
16 I'm knocking on wood-- have not experienced any  
17 issues with load or the site crashing. Any problems  
18 that New Yorkers have experienced since this platform  
19 has been live has more to do with availability of  
20 vaccine rather than platform instability. I would  
21 also tell you, Chair Dromm, the platform is much more  
22 than a website or a scheduling portal. It actually  
23 manages-- it's an end to end vaccine management  
24 system, so it manages all of the operations at the  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 69

2 hundred different vaccination sites citywide so that  
3 you may your appointment on the Vax For NYC public  
4 portal, but when you show up, the people working at  
5 the sites-- the vaccinators, the flow monitors, site  
6 managers, they all have iPads and those iPad have the  
7 clinic portal of the Vax For NYC platform where they  
8 find your appointment, check you in, record your  
9 vaccination. The whole thing has run-- and again,  
10 I'm knocking on wood-- quite stably from a  
11 technology perspective and I believe it's a very  
12 important component of the fluidity that you see when  
13 you go to vaccination centers in New York City. Oh.  
14 I think you're on mute.

15 CHAIRPERSON DROMM: Thank you.  
16 Finally, just how are those vendors selected, you  
17 know, for the various sites?

18 COMMISSIONER TISCH: Sure. So, a few  
19 different sites. I was just speaking about Vax For  
20 NYC. And so, let me start there and then I'll tell  
21 you about the Vaccine Finder and also the call  
22 center. So the Vax For NYC vendor was selected  
23 because they had initially built the platform that  
24 the Department of Health had built. So the  
25 Department of Health selected this vendor, which

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 70

2 happens to be an MWBE-- it's a company called MTX--  
3 to building the initial system. When we were brought  
4 in and realized that that platform had to be replaced  
5 based on the realities of the vaccination program,  
6 the only way we could do it in two and half weeks was  
7 by working with a vendor that understood all of the  
8 business requirements associated with the vaccination  
9 program. So that's how DOITT selected that vendor.  
10 The other platform that you were referencing earlier  
11 is our Vaccine Finder which is built on the EZRI  
12 [sp?] platform. EZRI is a data platform and a  
13 mapping platform and the key thing that we wanted to  
14 be able to do was show New Yorkers all of the  
15 different sites citywide, whether they were in the  
16 Vax For NYC platform or any other program and the  
17 mapping was central to it. So people could click on  
18 a map and see where all the vaccination sites near  
19 that more and EZRI is really the leader in that type  
20 of technology. So, that was, for me, totally  
21 straightforward. That company had also built other  
22 Covid related mapping tools that we had built and put  
23 out, I think, quite successfully, including the Covid  
24 zone Finder when the governor had created different  
25 red, orange, and yellow zones so that New Yorkers

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 71

2 could go to that platform and look up whether they  
3 were in a Covid zone and what the different  
4 restrictions were. So, the Vaccine Finder was really  
5 an extension of that great work that they had done.  
6 And, finally, I think the third contract that you  
7 probably care about is the contract with-- that  
8 supports the Vax For NYC hotline. So, importantly,  
9 we didn't want to just to have the option for New  
10 Yorkers to schedule vaccination appointments online.  
11 We also have a call center, 877-VAX-4-NYC, where we  
12 reserved a lot of appointments for that call center  
13 so that people who didn't have access to an Internet  
14 connected device or weren't as comfortable with it  
15 could call a call center and make an appointment.  
16 That vendor was selected because that vendor provides  
17 are 311 surge staffing and because there was such a  
18 close relationship between 311 and the information  
19 that people call 311 about to request information  
20 about vaccinations and the Vax For NYC hotline, it  
21 made sense to do it as an extension of that with that  
22 vendor. Oh, you think you are on mute, again, Chair  
23 Dromm.

24 CHAIRPERSON DROMM: Yeah. Thank you.  
25 I need a technology expert to remind me of that, so,

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 72

2 thank you. I wanted to announce-- hold on a moment--  
3 - that we have been joined by Council members Yeger,  
4 Ulrich, Vallone, and Ampry-Samuel and I'm going to  
5 turn it back over to counsel to call on other Council  
6 members. Thank you.

7 COMMITTEE COUNSEL: Thank you, Chair  
8 Dromm. I will see if Chair Salamanca is ready to ask  
9 his questions. Chair Salamanca?

10 CHAIRPERSON SALAMANCA: Yes. Thank you.  
11 Can you hear me?

12 COMMISSIONER TISCH: Yeah.

13 CHAIRPERSON SALAMANCA: Yes. How are you,  
14 Commissioner. Thank you very much.

15 COMMISSIONER TISCH: Thanks, Chair.

16 CHAIRPERSON SALAMANCA: I will be brief  
17 here. Commissioner, at the May 6th, 2021 hearing,  
18 there was a letter to the Council Finance Division  
19 submitted and there was a breakdown on Wi-Fi services  
20 and homeless shelters. Can you speak a little bit  
21 about where are we with Wi-Fi at homeless shelters  
22 and also Wi-Fi at NYCHA residents?

23 COMMISSIONER TISCH: I can. Thank you  
24 very much, Chair, for that question. So, I am very  
25 pleased to report that our initiative to put Wi-Fi in

1 shelters that serve families with children will be  
2 done two months ahead of schedule. It will be done  
3 in the month of June. As we discussed at the last  
4 hearing, we wanted to do this the right way, so not  
5 only did we put Wi-Fi in each of those approximately  
6 200 shelters, we put it in each apartment in those  
7 shelters so that the people who live there didn't  
8 have to compete with one another for bandwidth. They  
9 all have their own Wi-Fi setup in each apartment and  
10 that was really a very important principle for us.  
11 So, we will be done by the end of June. We have  
12 completed 189 shelters so far. We had been asked  
13 recently to start a new phase of this program which  
14 we have committed to doing where we are going to be  
15 adding 30 additional shelters. And let me explain to  
16 you what the difference between those shelters in  
17 phase 2 and phase 1 are. The shelters in phase 2,  
18 before we started this effort, previously had Wi-Fi  
19 installations and when we were initially rolling this  
20 off, most of them said, you know what, we already  
21 have Wi-Fi. We will pass. Thanks so much, but, you  
22 know, we have Wi-Fi. When they saw how successful  
23 this first round was in 189 that have been completed  
24 to have individual an apartment Wi-Fi, they came back  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 74

around and asked to be completed in that program.

So, obviously, we are taking that on. It has started  
already and my great hope is that the Wi-Fi in those  
shelters will be replaced with the Wi-Fi that we had  
rolled out in the other, meaning the in apartment  
model before next school year.

CHAIRPERSON SALAMANCA: Okay.

COMMISSIONER TISCH: And then I think  
you asked about NYCHA?

CHAIRPERSON SALAMANCA: Yes, but before you  
answer the question on NYCHA, I want to ask some  
budget questions about the cost of these Wi-Fi's. He  
was picking up the monthly cost for the Wi-Fi for  
these clients?

COMMISSIONER TISCH: The city is. The  
city is.

CHAIRPERSON SALAMANCA: And that cost is  
being added to the not for profits who are running  
that--

COMMISSIONER TISCH: No.

CHAIRPERSON SALAMANCA: that shelter?

COMMISSIONER TISCH: No. So, let me  
explain. That budget was put into a DOITT's budget,  
so we managed the installation and the costs

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 75

1 associated with the installation which like, probably  
2 TMI, but massive construction buildout because a lot  
3 of the shelters didn't have the physical  
4 infrastructure in place for us to run the cable  
5 through into each apartment. So, in the 189  
6 shelters-- and the reason I'm just so excited that  
7 we are as far along as we are-- we had to do big  
8 construction. So, we got 13.9 million in our budget  
9 for that construction and then, in 21, \$2.6 million  
10 for the recurring costs, you know, to pay the bills,  
11 and 2.7 million in FY 23. But that is in my budget,  
12 not in the shelter provider budgets. We pay for it.

14 CHAIRPERSON SALAMANCA: Okay. All right.  
15 I just wanted to be clear because many times the DHS  
16 may require the provider to provide additional  
17 services and there's no additional funding attached  
18 to that contract. So, they are kind of like  
19 shortchanging them and I wanted to make sure that the  
20 providers don't get shortchanged here. Thank you.  
21 Thank you, Commissioner. Can you talk a little bit  
22 about what is the status for these NYCHA  
23 developments?

24 COMMISSIONER TISCH: So, for that, that  
25 program to run Wi-Fi in NYCHA is being managed by one

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 76

of my colleagues, the city's chief technology  
officer, so that is not managed under me at DOITT  
proper, so what I can do for that is put you in touch  
with Jon Paul Farmer who is really overseeing that  
initiative. I think the thinking there was divide  
and conquer, so I did the shelters and Chief  
Technology Officer is working on the NYCHA rollout.

CHAIRPERSON SALAMANCA: All right. In this  
Chief Technology Officer reports to you?

COMMISSIONER TISCH: No.

CHAIRPERSON SALAMANCA: Who do they report  
to?

COMMISSIONER TISCH: It's the Mayor's  
Office of the Chief Technology Officer. So, they  
work out of City Hall.

CHAIRPERSON SALAMANCA: So the technology  
department for the Mayor's Office is responsible for  
Wi-Fi at NYCHA developments opposed to it being under  
DOITT's responsibility?

COMMISSIONER TISCH: That is correct.

CHAIRPERSON SALAMANCA: It doesn't make  
sense. It should be all under your responsibility.  
You are the technology guru in the city of New York,  
you know? I just don't understand how the

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 77

2 administration operates, you know? No one mentioned  
3 before-- I mean, I really don't understand why the  
4 media, right, that gives out permits, is under DOITT  
5 when it should be the opposite way around. All  
6 right. I will leave it at that. My other question  
7 is can you give us a status update on the potential  
8 new providers for the city broadband franchise  
9 agreements which I know we worked really close  
10 together on it and I am excited that we are opening  
11 it up as opposed to just three providers and now  
12 there's going to be many more. Where are we with  
13 that? When can New Yorkers start taking a new  
14 provider as opposed to the three that we currently  
15 have?

16 COMMISSIONER TISCH: Thank you very much  
17 for that question, Chair Salamanca. As you know, we  
18 worked very closely together on the authorizing  
19 resolution that would allow DOI to put out a new  
20 information services franchise agreement. Put in  
21 place new information services franchise agreements.  
22 When you hear information services, just like read  
23 broadband. So, the idea was that we want to be able  
24 to bring more entrants into the broadband market in  
25 New York City. The idea being if we increase to the

2 number of players in the market, we increase  
3 competition and costs go down. We've already seen  
4 that with the cable providers. When it area gets  
5 Fios, the charter or the LT costs come down. All  
6 right. So, we know that competition works. So,  
7 today we released the solicitations to invite new  
8 entrants into the market to put in place franchise  
9 agreements with us. So we expect to that in a few  
10 weeks we are going to get proposals back. These  
11 things have to go through the FCRC, so I would say  
12 that you could reasonably expect-- it's aggressive,  
13 but I am an aggressive person. You could reasonably  
14 expect that in six months or so, that we would have  
15 the first of our new information services franchise  
16 agreements in place which means for New Yorkers like  
17 the first new entrant into the market. And I just  
18 want to explain that these new information services  
19 franchise agreements that we are putting in place are  
20 written in a way to incentivize low cost providers to  
21 come into the market and, second, to incentivize  
22 buildout of the broadband infrastructure outside of  
23 the Manhattan core and the way we are thinking about  
24 that is normally in a franchise agreement you charge  
25 like per foot of fiber plant that the carrier has

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 79

1 installed like under the ground. Here, were thinking  
2 about not charging them for a period of several years  
3 for any plant or any fiber built in Manhattan above  
4 96th Street or in any of the outer boroughs. And so,  
5 that, I hope, among other things, will incentivize  
6 new entrants into the market to build where the  
7 digital divide is the most profound.

9 CHAIRPERSON SALAMANCA: All right. Well, I  
10 am looking forward to it. Thank you, Commissioner.

11 COMMISSIONER TISCH: Thank you.

12 CHAIRPERSON SALAMANCA: If you could just  
13 follow-up with the Chief Technology Officer from the  
14 Mayor's Office, I would really like to get an  
15 understanding of how this rollout for NYCHA  
16 developments is actually happening.

17 COMMISSIONER TISCH: I sure will.

18 CHAIRPERSON SALAMANCA: Thank you. And,  
19 with that, Thank you, Chair Dromm.

20 COMMITTEE COUNSEL: Thank you, Chair  
21 Salamanca. Chair Holden, would you like to ask your  
22 questions?

23 CHAIRPERSON HOLDEN: Yes. And thank  
24 you. Thank you, Commissioner. Nice to see you  
25 again.

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
3 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
4 COMMITTEE ON CRIMINAL JUSTICE 80

5 COMMISSIONER TISCH: Nice to see you.

6 CHAIRPERSON HOLDEN: Hopefully, one day  
7 soon, we will see each other in person.

8 COMMISSIONER TISCH: I'm here.

9 CHAIRPERSON HOLDEN: So, let me ask a  
10 few questions on my favorite subject: Link NYC.  
11 Currently, City Bridge owns \$60 million and franchise  
12 fees according to the deal you have described in your  
13 testimony. Zen Phi will invest 200 million. So, why  
14 would a company be willing to invest more than three  
15 times their debt instead of paying off their initial  
16 debt?

17 COMMISSIONER TISCH: So, you're asking  
18 with the value in it is for Zen Phi?

19 CHAIRPERSON HOLDEN: Right.

20 COMMISSIONER TISCH: Okay. So, we have  
21 multiple types of franchise agreements at DOITT. One  
22 is the Link NYC franchise agreement held by the City  
23 Bridge. Another type of franchise agreement is our  
24 mobile telecom franchise agreements where we have  
25 franchisees who install for the carriers radios and  
intent is for telecom networks. So, 4G networks, 5G  
networks for Verizon, T-Mobile, Sprint, AT&T. The  
carriers are now very eager to the rollout 5G in

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 81

2 cities across the world and, in particular, in New  
3 York City because we are the biggest and best city.  
4 And so, what happens is the carriers pay the mobile  
5 telecom franchisees to install their radios and  
6 intent as on different assets. Some of them are city  
7 owned assets. Historically, the main city owned  
8 asset that has been available has been the street  
9 pulled. So, streetlights. And so, we have started  
10 the 5G rollout where the mobile telecom franchisees  
11 are putting their radios and antennas for 5G on New  
12 York City's Street polls. What this amendment is  
13 doing is it is saying, all right. We have another  
14 asset that we can use to leverage the buildout of 5G  
15 in New York City which we all, I think, agree is  
16 going to be a key driver of the recovery of this  
17 city, in particular if we can do it in areas that  
18 suffer most from the digital divide. So, to get to  
19 the answer to your question, Zen Phi, I believe, is  
20 interested in coming and because they put up the  
21 radios and intent is that support 5G and now they  
22 will be able to do it on a new city owned asset which  
23 is the Link NYC kiosks. So, this-- I called them a  
24 strategic investor because moving the deal from just  
25 a normal link that you know the replacement of the

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 82

payphone and the Wi-Fi network to re-envision a net  
with 5G, that made Zen phi interested in coming in.

CHAIRPERSON HOLDEN: All right. Let's  
move on to the kiosks. So, there is currently, what?  
Almost 2000 kiosks. And in your current negotiation  
with City Bridge, you stated that there will be a  
total of 4000 kiosks to be built by 2030, however,  
the initial agreement was for 7000 kiosks, right?

COMMISSIONER TISCH: 7500. Yeah.

CHAIRPERSON HOLDEN: So, why is there a  
discrepancy in the proposed new deal relative to the  
additional one and how does reducing Link NYC  
requirements from 7000 structures to 4000 and help  
expand in any form broadband coverage to communities?

COMMISSIONER TISCH: Okay. To--

CHAIRPERSON HOLDEN: I mean, wouldn't  
7000 be better if were trying to--

COMMISSIONER TISCH: Well, absolutely.  
Well, let me answer the question like [inaudible  
01:49:06]. What this amendment does is it makes the  
Link NYC franchise model, for the first time in the  
program six years of existence, viable. The initial  
deal that City Bridge struck with New York City was  
unrealistic. I mean, I guess you could say hindsight

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 83

2 is always 2020, but, based on the costs for City  
3 Bridge to run the program, the costs of the  
4 installation, and the payments that they of the city  
5 where, again, they projected \$3 billion in revenue  
6 and they only made halfway through the term 10  
7 percent of that. I wanted an amendment that was  
8 viable, that made Link NYC a going concern, so I'm  
9 not back testifying in front of the Council in six  
10 months saying, oh, we need another amendment. It is  
11 not going to work. We need to give been this way.  
12 So, to make this viable, especially considering the  
13 capital costs associated with the buildout, I thought  
14 it was better to reduce the total requirement the  
15 4000. That's not to say they can't go above the 4000  
16 if the business works. I saw the value in having the  
17 Link NYC program proceed forward rather than having  
18 the links go dark and that really drove the decision  
19 making in this program. Better to have 4000 links  
20 that work that require 7500 and have no links in the  
21 city of New York.

22 CHAIRPERSON HOLDEN: Right. But still,  
23 7000 I think-- if this is a profitable enterprise  
24 for these companies-- And City Bridge, by the way,  
25 their parent company is Google. Am I correct?

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 84

2 COMMISSIONER TISCH: No. Their parent  
3 company isn't Google. Alphabet is one of the  
4 investors in a consortium. So, they over one of--  
5 may have been one of City Bridge investors.

6 CHAIRPERSON HOLDEN: So Google is not  
7 invested in City Bridge whatsoever?

8 COMMISSIONER TISCH: They are an  
9 investor. They are not City Bridge parent company.

10 CHAIRPERSON HOLDEN: Okay. All right.  
11 All right. So, let me just get to the-- I mean, I  
12 don't know if I should feel sorry for this company,  
13 but, anyway. We understand that the old kiosks will  
14 be replaced with new ones. You said they are going  
15 to be taller to accommodate the 5G equipment. Would  
16 that kiosks be equipped with better surveillance  
17 cameras? Microphones and other sensors and was the  
18 Wi-Fi routers be updated and what distance would they  
19 cover? And, again, the kiosks, because I know you  
20 said there much larger, it's almost like they are  
21 three stories high now. If you said they are 32  
22 feet, right?

23 COMMISSIONER TISCH: So, the kiosks will  
24 be the height of New York City's Street polls, but,  
25 importantly, the size of the advertising, the digital

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 85

1 advertising piece of them is not contemplated to grow  
2 or change. The reason that they need to be taller is  
3 because, for 5G to work, the radios and the antennas  
4 have to be mounted high in the air, much higher in  
5 the air than was required for 4G. So, those 5G  
6 requirements to build out the 5G networks in New York  
7 City, to get at this digital divide, drove the height  
8 requirements for the new kiosks.  
9

10 CHAIRPERSON HOLDEN: But let's talk  
11 about the new ones. The 32 foot kiosks antenna or  
12 whatever. I'm interested to see how these things  
13 would look, first of all. I know you are still  
14 working on that.

15 COMMISSIONER TISCH: Absolutely. And  
16 that will be part of a public process--

17 CHAIRPERSON HOLDEN: Right.

18 COMMISSIONER TISCH: so whatever moves  
19 forward has to be approved by the Public Design  
20 Commission which that process includes a community  
21 process, so it will get-- mockups will be sent to  
22 all the community boards, and to every Council member  
23 that is bait to what would be this next phase if the  
24 FERC approves this for, you know, this program.  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 86

CHAIRPERSON HOLDEN: And I hope either  
the community boards or connection with the Council  
officers would have something to say about where they  
are located because we only have a few hundred in  
Queens, I believe.

COMMISSIONER TISCH: Yep.

CHAIRPERSON HOLDEN: And all of Queens  
and the other boroughs, except Manhattan who got the  
lion share and that is the problem, but I know you  
said that the 2000 or so were going to go in the  
outer boroughs, so to speak. But, again, the  
location is very, very important. For an expense, in  
my district, that out under very, very edges the  
north and south, not in between and it is not ideal  
locations. But, aside from that, they will have  
better surveillance cameras and so forth and upgraded  
equipment. Is that true?

COMMISSIONER TISCH: I don't believe it  
is contemplated for any change to the camera's.  
Certainly, there are no changes to the privacy policy  
which is in place and governs a lot of the Link NYC  
program. The real big change that is contemplated  
here is just using and leveraging the links to

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 87

support and complement the 5G rollout across New York  
City.

CHAIRPERSON HOLDEN: Okay. Just a  
couple more questions on Link. And has Link NYC ever  
met its financial commitment to the city during their  
contract?

COMMISSIONER TISCH: Yeah. So, that  
they did up until August 2018. So, they had been  
paying the city the minimum annual guarantees that  
they go to the city through August 2018. They paid  
about \$70 million and then it stopped and so the \$16  
million is what they outlast from the time they  
stopped paying in August 2019 until March 2020 when  
we started renegotiating or negotiating this  
amendment that is pending before the SCR see in  
earnest. So, they have paid \$70 million in mag.  
They now have a \$60 million debt. The reason that  
the \$60 million was accrued so quickly is because, in  
the initial deal they struck with the city, the  
schedule for the minimum annual guarantees went up  
dramatically each year from something like \$20  
million in year one to that, by year 15, like \$70  
million a year. Like totally unrealistic given the  
amount of gross revenue that that company is bringing

1 in. I also want to say one more thing, just to be  
2 perfectly clear on this. And I should have included  
3 it in my testimony. The city has not shelled out  
4 assessment for the Blank NYC program. We don't pay  
5 for the kiosks and we don't paid to maintain them.  
6 We don't paid to the remove the old payphones. That  
7 is all done by City Bridge. All the costs for this  
8 program, except for mine and my franchise teams time  
9 are borne by the franchisee, so it is not like we  
10 lost for all are spending money on it. The thing  
11 that I was concerned about in the event of default,  
12 was to keep the lights on, the city most likely would  
13 have had to pay someone, another vendor, to keep the  
14 lights on on the links and that would have marked the  
15 first time that the city would have been shelling out  
16 money for the Link NYC program, which I wanted to  
17 avoid.

18  
19 CHAIRPERSON HOLDEN: My team was doing  
20 the math and I just wanted to check on this map.  
21 They said the difference between the original City  
22 Bridge contract and the current restructured one is  
23 up to about 500 million over the term of the  
24 contract. Is that kind of correct that the  
25 difference of this contract--

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 89

2                   COMMISSIONER TISCH:     Well, let me-- let  
3 me explain why that is somewhat more complicated than  
4 I would like the answer to be. So, the minimum  
5 annual guarantees are certainly decreased, right? It  
6 is \$3 million a year, but we also get eight percent  
7 of revenue at any gross revenue amount between 100  
8 and \$200 million, right? And we get 50 percent of  
9 gross revenue and any gross revenue above \$200  
10 million. So, if, for some reason, if City Bridge  
11 brings and \$400 million, that means we are getting  
12 100 million, right? Over the next term. So, I  
13 didn't want to sit here in my testimony and spout out  
14 like numbers that were totally speculative, meaning I  
15 give you the impression that this was like money that  
16 was definitely coming into the bank, but if this  
17 model works, the city will make a lot of money out of  
18 this franchise agreement and, in the current model,  
19 the city is making methane because the provider, the  
20 franchisee, is broke.

21                   CHAIRPERSON HOLDEN:     All right. So,  
22 there were many other countries that bid on the  
23 contract. The original contract, right? Am I  
24 correct?

25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 90

COMMISSIONER TISCH: You know, I was not  
around at DOITT then. It is possible. I would have  
to get back to you on how many--

CHAIRPERSON HOLDEN: No. That's the way  
it works. I mean, yeah. If Link NYC cannot uphold  
its financial obligations to the city, why would-- I  
am interested to see why didn't the city consider  
another company to provide the service and take it  
over rather than just stay with Link NYC? I am just  
curious about that.

COMMISSIONER TISCH: I believe that  
there would have been no other vendor, I'm pretty  
sure that it would have been difficult for another  
vendor, a very hard sell or an impossible style for  
another vendor to take on the commitments made up by  
City Bridge in the initial franchise agreement with  
the city. At the end of this franchise term, can we  
and will we bid this out? Absolutely. We can see if  
other providers want to commend. This was, in my  
mind, the best way to save the program and the most  
sure way to save the program and reap the digital  
equity value that was promised to New Yorkers in 2015  
when the franchise agreement first went into place.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 91

2 CHAIRPERSON HOLDEN: Okay. So, if I  
3 may, Chair Dromm, just a few more questions on the  
4 privacy policies of these kiosks and then I will turn  
5 it back to you, Chair. With the privacy policy and  
6 terms of the service change in these kiosks and I  
7 want to talk about what data could be collected from  
8 the users and, what would the data be available for  
9 the company to use or to make money off of? So, this  
10 is what we have to know about it before going  
11 forward. That has got to be spelled out initially.  
12 Do you have any information on that?

13 COMMISSIONER TISCH: I do. So, the  
14 privacy policy for the Blank NYC program will not  
15 change. The cameras don't go directly into the NYPD  
16 domain awareness system, the company cannot monetize  
17 customer data. This amendment contemplates  
18 absolutely no change to, I think, the very strong  
19 privacy policy that was put in place for this program  
20 and another thing for you to note, to ensure that  
21 City Bridge is sticking by and adhering to the strong  
22 privacy policy that has governed this program since  
23 2015 or since its inception, we are undertaking a  
24 privacy audit to make sure that the vendor is keeping  
25 to the policy and I look forward once, you know, that

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 92

2 really gets underway, and to the briefing the Council  
3 on our progress there.

4 CHAIRPERSON HOLDEN: Okay. I forgot to  
5 touch upon Jen 911. The city equipment capital plan  
6 includes additional funding of 193 million for  
7 technology refresh for the. Can you give us a status  
8 update of this project and do you still anticipate  
9 that the project will be completed by 2024?

10 COMMISSIONER TISCH: I sure do  
11 anticipate that the project will be completed by  
12 2024. There are a number of phases associated with  
13 the project and the build out and the first phase,  
14 which is the design phase, was supposed to be  
15 completed on May 27 and it will be complete on May  
16 27, so we hit our first important milestone.  
17 Additionally, all of the equipment for class I, two,  
18 and three-- basically all the equipment, is either  
19 on order or about to be ordered and all is expected  
20 into the city on time by the end of this year so that  
21 we can put it in our staging environment. Things are  
22 going really well with NexGen 911 and I am so proud  
23 of our public safety team at DOITT who have just done  
24 like the most extraordinary job so far of managing

1 the vendor and keeping this very important program on  
2 track.

3  
4 CHAIRPERSON HOLDEN: So, the current  
5 budget is sufficient to complete the project, you are  
6 saying?

7 COMMISSIONER TISCH: Yes. There were no  
8 new needs in this financial plan associated with  
9 NexGen 911.

10 CHAIRPERSON HOLDEN: All right. I just  
11 want to follow-up on the text to 911 which, you know,  
12 I applaud you on and that was a terrific on time  
13 project. It's wonderful. Previously, your agency  
14 mentioned that only Sprint customers could send  
15 pictures, video, and audio material through text to  
16 911. T-Mobile has informed me that they do not  
17 support the ability to send multimedia to 911. Since  
18 Sprint merged with T-Mobile recently, the Sprint  
19 customers moved to T-Mobile, does this mean that  
20 there is currently no multimedia support for text to  
21 911?

22 COMMISSIONER TISCH: So, you're correct.  
23 Currently, the only carrier that can support picture  
24 messages to 911 is Sprint. That has not changed,  
25 despite their merger with T-Mobile. So, two types of

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 94

2 text to 911. We have the current interim text to 911  
3 solution that, you know, thousands of New Yorkers  
4 have used productively that we worked very closely  
5 with the deaf and hard of hearing community on and  
6 survivors of domestic violence. That is up and  
7 running no issue. That is based on an analog  
8 technology. For the interim solution, the only  
9 carrier that supports picture messaging is Sprint.  
10 When we moved to NexGen 911, all the carriers already  
11 able to support it, but I agree with you that the  
12 other carriers, certainly Verizon, AT&T, and T-Mobile  
13 need to be able to support picture messaging to 911  
14 before we get to the NexGen 911. It is not just New  
15 York City who is in this boat. There are dozens of  
16 cities who have the same technology in place who are  
17 working to build out NexGen 911, but in the interim  
18 wants to be able to support picture messaging. That  
19 is why I recently sent a letter to the new Chair of  
20 the FCC to-- in collaboration with the NYPD, the  
21 Advocates for the deaf and hard of hearing community,  
22 the Mayor's Office of People with Disabilities. We  
23 sent a joint letter to the Chair of the FCC to ask  
24 the Chair to the require that the carriers supported  
25 picture MMS messaging I had Avenue NexGen 911. And

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 95

2 so, I will keep you posted on how we are doing with  
3 that, but that letter did go out.

4 CHAIRPERSON HOLDEN: That's very  
5 important. Thank you so much, Commissioner. I think  
6 this will be my last question. Since text to 911  
7 became available-- and, again, that's terrific.  
8 Have you engaged with any campaigns to inform the  
9 public about this new capability and can you tell us  
10 about the efforts and how much money was spent on the  
11 campaign?

12 COMMISSIONER TISCH: So, I don't have  
13 the dollar value in front of me right now. We did a  
14 somewhat limited campaign that was targeted at the  
15 people who would most-- or the communities that  
16 would most benefit from text to 911. So, we worked  
17 with the Mayor's Office of People with Disabilities  
18 and the deaf and hard of hearing advocates to launch  
19 a targeted campaign focused on that community and we  
20 also did targeted outreach efforts to the community  
21 of survivors of domestic violence, palm cards and all  
22 of that. I think-- I agree, if this is where you're  
23 going, that we can now up the ante a little bit and  
24 to broader outreach and messaging around text to 911.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 96

2 CHAIRPERSON HOLDEN: Yeah. I think I  
3 told you about the officer, the domestic violence  
4 police officer in my local precinct who is saying  
5 that text to 911 has been a godsend for domestic  
6 violence victims. In fact, he was telling of an  
7 incident where the woman did a text to 911 and got--  
8 the cops, you know, visited the location within  
9 minutes and saved to the woman, obviously. And the  
10 husband was very, very surprised. And this is  
11 exactly why text to 911 works and should be expanded,  
12 obviously, at least, in the ad campaigns. But thank  
13 you very much, Chair Dromm, and all turn it back to  
14 you. Thank you.

15 COMMITTEE COUNSEL: Thank you, Chair  
16 Holden. Chair Dromm, I think we have questions from  
17 Chair Rosenthal.

18 CHAIRPERSON DROMM: Do you want to call  
19 them, counsel?

20 COMMITTEE COUNSEL: Yes. Chair  
21 Rosenthal?

22 CHAIRPERSON ROSENTHAL: Thank you so much.

23 SERGEANT-AT-ARMS: Your time will begin.

24 CHAIRPERSON ROSENTHAL: Thank you to all  
25 the Chairs and, Commissioner, always great to see

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 97

1 you. I guess I want to start with the links. I  
2 understand they are taller. I understand they are  
3 going to get the same amount of advertising space.  
4 Could we use the extra space for public education  
5 campaigns and what I am thinking about is, you know,  
6 DOH is talking about creating a public health corps  
7 whom I guess would want to use the space and what we  
8 just talked about with Council member Holden. You  
9 know, getting the word out about text to 911.

10 Although I also have a question about that as to  
11 whether or not that has been-- is at capacity, you  
12 know, whether it is at capacity your it is okay if  
13 more calls came in. So, but those two things first.

14  
15 COMMISSIONER TISCH: Great. So on the  
16 links, I am sorry I neglected to mention this in my  
17 testimony. It was a real oversight. To answer your  
18 question about public messaging is absolutely and  
19 emphatically yes. So, part of the amendment that we  
20 struck took of the free advertising that the city  
21 gets as part of the Link NYC franchise agreement from  
22 five percent to 25 percent which means that we will  
23 have meaningfully more free digital advertising--

24 CHAIRPERSON ROSENTHAL: Oh, that's great.  
25 Got it. And who is it that chooses where and when?

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 98

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COMMISSIONER TISCH: Where and when--

CHAIRPERSON ROSENTHAL: And what goes up on  
Link for public.

COMMISSIONER TISCH: You know, I have to  
get you a precise answer to that question. I don't  
want--

CHAIRPERSON ROSENTHAL: Great. Great. I  
look forward to it. I want to get back to something  
that Council member Salamanca brought up where the  
Chief Technology Officer is managing the wireless  
expansion access expansion.

COMMISSIONER TISCH: For NYCHA. Yep.

CHAIRPERSON ROSENTHAL: Oh. For NYCHA.  
So, obviously, but just to confirm, you are working  
in coordination with the CTO?

COMMISSIONER TISCH: We work  
collaboratively. Yes.

CHAIRPERSON ROSENTHAL: Is there a reason--  
what is the functional reason for your office and him  
to work collaboratively? I'm trying to discern  
why-- it just sounds, to the Salamanca's point, it  
sounds a little bizarre. I'm trying to figure it  
out.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 99

COMMISSIONER TISCH: That was a  
structure that was put in place before I came--

CHAIRPERSON ROSENTHAL: Yeah. But does  
that-- I know that. But your you. You can change  
things. Does that work for you? Does that work for  
the city of New York?

COMMISSIONER TISCH: I think that the  
work that the Chief Technology Office-- that the  
Office of the Chief Technology Officer has done in  
terms of putting out the Internet master plan which  
contains a lot of very important information about  
where specifically the digital divide is and sets out  
an overall approach to how the city is going to  
tackle it is very important work.

CHAIRPERSON ROSENTHAL: Okay. I heard what  
I didn't hear. So, I'm not sure if Council member  
Salamanca ass this last question, so I just want to  
get it on the record. Could you provide a status  
update on the project and the timeline for completion  
or are you going to kick me over to the CTO?

COMMISSIONER TISCH: On which project?

CHAIRPERSON ROSENTHAL: The--

COMMISSIONER TISCH: The NYCHA?

CHAIRPERSON ROSENTHAL: Yeah.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 100

2 COMMISSIONER TISCH: I am going to put  
3 you in touch with the CTO's office and they can  
4 provide a full update on it.

5 CHAIRPERSON ROSENTHAL: Okay. Did you--  
6 Gosh. Just to answer questions that, may I recommend  
7 to City Hall who is listening to this that it would  
8 be amazing if the Commissioner could be aided by  
9 having the CTO available to answer some of these  
10 questions given that the CTO is integral to  
11 implementing technology, so, perhaps, that can be  
12 done even before the end of this hearing. Real  
13 quickly, can you send over to our office a separating  
14 out of the capital project lines-- you know, it's  
15 sort of meaningless to the public when a lines is 254  
16 million for electronic data processing projects, 115  
17 million-- I mean, I get how you might have to slice  
18 and dice said a certain way for one audience, but  
19 from the public's perspective, we would really like  
20 transparency.

21 COMMISSIONER TISCH: Noted and agreed  
22 and what I can get you is an itemized breakdown by,  
23 you know, network, storage-- like all the different  
24 certificates to proceed that we are working on that  
25 will give you exactly what you are looking for

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 101

2 because it is very difficult also for me just looking  
3 at the--

4 CHAIRPERSON ROSENTHAL: Of course. But  
5 the specific categories and staff will reach out to  
6 your staff that I am seeing our hardware, software,  
7 physical structures, land, cloud service--

8 COMMISSIONER TISCH: You will get  
9 detailed breakdowns of it.

10 CHAIRPERSON ROSENTHAL: Great. Great. So,  
11 lastly, on the IT modernization initiative,  
12 similarly, the could we get some transparency around  
13 the 100 million--

14 COMMISSIONER TISCH: Yeah. That's  
15 exactly what I was talking about.

16 CHAIRPERSON ROSENTHAL: Okay.

17 COMMISSIONER TISCH: Would you like me  
18 to speak to it now little bit?

19 CHAIRPERSON ROSENTHAL: No. Definitely  
20 not. I see my colleagues have their hands up. In  
21 terms of free to those, as well, we are looking for  
22 specific locations for the physical--

23 COMMISSIONER TISCH: You will get it.

24 CHAIRPERSON ROSENTHAL: In the timeline--

25 COMMISSIONER TISCH: Yep.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 102

CHAIRPERSON ROSENTHAL: for the overhaul  
sort of like strategic mapping, you know, over time?

COMMISSIONER TISCH: Yeah. I have it.  
Yep.

CHAIRPERSON ROSENTHAL: Great. And then,  
Council member Dromm started to talk about this. The  
efficiencies that would be created from a project  
like this, my guess, does not show up and DO ITT's  
budget. They would, in fact, show up in the budgets  
of those agencies that are getting these  
modernizations.

COMMISSIONER TISCH: Yes.

CHAIRPERSON ROSENTHAL: Could you are  
office, and it's detailing and its transparency,  
include a call on that at least indicates to us if  
you don't know the expected savings, although, it  
would be great if you could know the expected  
savings, but sort of, you know, which agency--

COMMISSIONER TISCH: Benefit?

CHAIRPERSON ROSENTHAL: Yeah. Should  
benefit and if you don't know exact numbers, ranges  
are finding. You know, zero to 1 million, one to 10,  
10 to 100. I don't know.

COMMISSIONER TISCH: Yep.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 103

2 CHAIRPERSON ROSENTHAL: That would be very  
3 helpful. Thank you so much, Commissioner, and thank  
4 you, Chairs.

5 COMMITTEE COUNSEL: Thank you. We  
6 have-- If any Council members have questions for  
7 DOITT, please use the raise hand function and you  
8 will be added to the queue. Council members, please  
9 keep your questions to five minutes, including  
10 answers. Please wait for the sergeant-at-arms to  
11 tell you when your time begins. The Sgt. will then  
12 let you know when your time is up. We will now hear  
13 from Council member Adams followed by Council member  
14 Louis.

15 SERGEANT-AT-ARMS: Your time will begin.

16 COUNCIL MEMBER ADAMS: Thank you so much  
17 to our cochairs who are doing a phenomenal job, as  
18 always, during this hearing. Commissioner, good to  
19 see you. Thank you for your testimony so far. My  
20 questions are going to be brief. I am first going to  
21 mirror the request by Council member Salamanca and  
22 Rosenthal with regard to the NYCHA information and  
23 Wi-Fi. Representation of District 28 and South  
24 Jamaica Houses and Bay [inaudible 02:18:30] Houses  
25 representation there. It is very interesting because

1 I had an extreme information would for him for my  
2 constituents in Rochdale Village. Over 1200 people  
3 registered for forum that I officiated last night and  
4 one of the questions that came up in the forum had to  
5 do with Link NYC. And my response after hearing your  
6 testimony today was totally not sufficient because  
7 there is a whole scenario and a whole drama, you  
8 know, that has gone on around Link NYC. So, I guess-  
9 - I will just put in a pitch for my constituents  
10 because I don't know what the plans are. I am  
11 really, really glad to hear that the digital divide  
12 will be closed and that the inequities have been seen  
13 brightly through this pandemic and we know that the  
14 outer boroughs have always been left behind in New  
15 York City. So, I am really, really thankful to hear  
16 that the outer boroughs will be represented. So, I  
17 am going to put in a pitch because I don't know,  
18 again, what the plans all are for the provision of  
19 the service for Link NYC. My constituents in  
20 Rochdale Village are requesting that the perimeter  
21 around the Rochdale Village area should have Link NYC  
22 provided at all of the major bus stops around that  
23 perimeter in district 28 in that area. So, that  
24 said, is there any commitments so far for placement  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 105

of Link NYC in Queens? So, do we know the area has?

If so, I would love to hear it and I would love to  
hear that my district is a part of that.

COMMISSIONER TISCH: Okay. So, first, I  
look forward to working with you to roll out new  
links in your district. I want to be really clear  
about that. So, of the 2000 additional links, we  
picked-- there are a number of community districts  
where 750, let's say, of them have to be placed.  
Those community districts were selected based on,  
one, lack of broadband options, too, lower median  
annual income, three, lack of Link NYC kiosks, and,  
four, high levels of pedestrian street traffic. So,  
I can get you a list of those community districts.  
In Queens, I know the ones I have here are Rockaway,  
and Jamaica, and Hollis, but I will get you the full  
list. There is a balance, though, I have over 1000  
additional links that we can work with video to--  
obviously not all of them. When thousand in your  
district, but there is flexibility built in for that  
reason. Generally, we site links or, in the past, we  
have cited links where old payphones have been, so  
where the payphones have been removed from. So, the  
any of those locations is a potential Link NYC

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 106

1 location. If we want to use a location that was not  
2 a former payphone location, we can still do that, but  
3 there is more of a process towards doing it. But,  
4 either way, look forward to working with you on it.  
5

6 COUNCIL MEMBER ADAMS: Thank you so much,  
7 Commissioner. I am so glad that you brought up the  
8 payphones because my constituents at Rochdale  
9 actually brought the payphones up also and said,  
10 where is that our placement we were promised?

11 COMMISSIONER TISCH: It's coming.

12 COUNCIL MEMBER ADAMS: So, we will  
13 continue our dialogue on that. Thank you so much.  
14 Thank you, Chairs.

15 COMMITTEE COUNSEL: Thank you, Council  
16 member. We next have a question from Council member  
17 Louis.

18 SERGEANT-AT-ARMS: Your time will begin.

19 COUNCIL MEMBER LOUIS: Good afternoon,  
20 Everyone. Thank you, Chair Dromm, for the  
21 opportunity to ask a few questions and, Commissioner  
22 Tisch, I just want to start off by thanking you for  
23 your leadership and for your team providing all the  
24 support they did to our district during the pandemic.  
25 Two quick questions. The first one is regarding the

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 107

1 City Bridge program that you referenced earlier. I  
2 wanted to know how does DOITT plan to use the \$70  
3 million recouped from City Bridge to address the  
4 digital divide in black and brown communities such as  
5 may be possibly providing Internet ready laptops for  
6 public school students. So, that is the first one.  
7 And the second one is regarding what DOITT is  
8 thinking about or what progress is being done with  
9 community outreach for the proposed five Jeep hold  
10 Design installation.  
11

12 COMMISSIONER TISCH: Okay. So, Council  
13 member Louis, etc. answer the first question, I think  
14 it is a great idea to use the revenue that comes in  
15 from the Link NYC amendment to address digital  
16 divide, digital literacy, all that stuff. I would be  
17 happy to facilitate a meeting with you and the Office  
18 of Management and Budget. They really decide where  
19 the revenues that come in from franchise agreements  
20 go. The second question on the community outreach  
21 related to 5G is a great one. So, we started the  
22 community outreach process when we were working on  
23 the installations that would go on city street polls.  
24 So, the 5G radios and intent is there. So, as part  
25 of that effort, we noticed the design and what we

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 108

were planning to do to every community board and, I  
believe, every Council member. Now that we are  
layering this Link NYC program in, I think it makes  
sense to go back to the community on another tour all  
around and explain the overall picture because it has  
evolved since we initially described it. I think you  
are on mute.

COUNCIL MEMBER LOUIS: Sorry. Thank you  
for that. And if you guys do another iteration, I  
know all my colleagues that are on here would  
appreciate it and so would be in Council District 45.  
In the last quick question. In the proposed FY 22  
budget, can you share with us if there are any funds  
allocated to educate and inform predominately  
underserved communities about the installation of the  
Link NYC kiosks? So, I know you mentioned earlier  
the outreach efforts that you will put in place, but  
is there any funds for marketing campaigns about  
that--

COMMISSIONER TISCH: No specific funds  
for that in this budget.

COUNCIL MEMBER LOUIS: Thank you.

CHAIRPERSON DROMM: And just before we  
move on, let me say that we have been joined by

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 109

Council members Cabrera, Dinowitz, Koo, Miller and  
Barron. And Council member Dharma Diaz has a  
question and then we are going to and there and then  
we are going to move into Parks.

COMMITTEE COUNSEL: Thank you. Council  
member Diaz?

COUNCIL MEMBER DIAZ: Yes. I want to  
first thank you, Councilman Dromm. You are fierce  
and I know how you're holding up. It has been a  
tough couple of days, but you are on point. I want  
to thank you for being on it. And so a couple of my  
questions have been answered about NYCHA and also the  
shelters. I want to thank the Commissioner for  
speaking truth to power. Before coming on to the  
Council, I worked for the shelter system and my  
provider was a non-contractor site and often we  
didn't get the fair share. As I was waiting, I did  
call back to the provider and it was pleasing for me  
to hear that they were up and running. So thank you  
for your testimony. I put it to the test, so I thank  
you. I would like moving forward after today's  
conversation in reference to Brownsville and equity.  
I share the 37th Council [inaudible 02:27:20]  
District, which is Brownsville with Alicka and I'd

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 110

2 really like to know what your next steps are. Those  
3 are my questions and thank you.

4 COMMISSIONER TISCH: I'm sorry. I don't  
5 think I fully understood the question.

6 COUNCIL MEMBER DIAZ: The question was  
7 just you mentioned Brownsville--

8 COMMISSIONER TISCH: Yeah.

9 COUNCIL MEMBER DIAZ: And the lack of  
10 equity.

11 COMMISSIONER TISCH: Yeah.

12 COUNCIL MEMBER DIAZ: So, I don't want  
13 to take out more time here today, so I'm asking the  
14 support that you are going to share with my  
15 colleagues in reference to NYCHA units to also share  
16 with me when it comes to Brownsville.

17 COMMISSIONER TISCH: Got it.

18 COUNCIL MEMBER DIAZ: Thank you.

19 COMMISSIONER TISCH: 10-4.

20 CHAIRPERSON DROMM: Well, actually,  
21 that will give me the opportunity to ask my last  
22 question. Thank you, Council member Diaz. Thank you  
23 for your kind words also. Seesus [sp?]. You know, I  
24 used to be a teacher. New York City Department of  
25 Education teacher. We're supposed to be phasing out

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 111

2 Seesus. Can you give me an update of what is going  
3 on with the old Seesus system?

4 COMMISSIONER TISCH: I am embarrassed.  
5 I can't, but I will follow up with you on it. I like  
6 to be able to answer all of the questions here. I  
7 can't answer that one. I'm so sorry.

8 CHAIRPERSON DROMM: That's okay. All  
9 right. Thank you, Commissioner, for your honesty  
10 and, but, you know, it's something DOE never wanted  
11 to leave and, fortunately, now I believe we are  
12 leaving it. I'll follow up with them some written  
13 questions about that with you.

14 COMMISSIONER TISCH: Please. Thank you.

15 CHAIRPERSON DROMM: All right. So, let  
16 me say now thank you, again, for coming in. We  
17 appreciate your testimony and this will conclude this  
18 portion of today's hearing. We will now take a-- We  
19 are already way past noon and were going to move  
20 right into our next session. So, thank you, again,  
21 Commissioner, and let's move into Parks if everybody  
22 is ready. Okay. Great. I see the Commissioners  
23 here and Chair Peter Koo is here.

24 COMMITTEE COUNSEL: Yes. I think we're  
25 ready to go.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 112

1  
2 CHAIRPERSON DROMM: Okay. Good. So,  
3 good afternoon and welcome to the seventh day of  
4 hearings on the Mayor's Executive budget for fiscal  
5 2022. My name is Daniel Dromm and I Chair the  
6 Finance Committee. We previously heard from DOITT  
7 and now we will hear from the Department of Parks and  
8 Recreation. We are joined by the Committee on Parks  
9 and Recreation. Chairperson Peter Koo. In the  
10 interest of time, I will forgo an opening statement  
11 and asked Chair Koo to make his opening statement.

12 CHAIRPERSON KOO: Chair Dromm, can you  
13 hear me?

14 CHAIRPERSON DROMM: Yes. I can.

15 CHAIRPERSON KOO: Good. It has been a  
16 long day for you, especially. Yeah. Good afternoon.  
17 I am Peter Koo, Chair of the Parks and Recreation  
18 Committee. I want to thank my cochair, Council  
19 member Daniel Dromm and the members of the Committee  
20 on Finance and the Committee on Parks and Recreation  
21 for holding this virtual hearing today. I would also  
22 like to welcome, all of our parks advocates and  
23 supporters who are watching today's live stream. The  
24 Department of Parks and Recreation fiscal 2022  
25 executive budget [inaudible 02:30:44] \$587.6 million

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 113

which represent and \$84 million increase when  
compared to the fiscal 2021. Adopted budgeted  
amounts to \$503.1 million. While this is a big  
improvement, the total amounts do represent less than  
one percent of the city's executive budget of \$98.6  
billion. The major contributor to the increase in  
agencies fiscal 2022 budget is the addition of \$41.9  
million in federal funding for the cities cleanup  
costs initiative. That rose up on 2500 full-time  
past staff to claim and beautify public spaces  
throughout the city. The number of park visitors at  
an all-time high, this is great news for our city  
parks, however, my big concern is how the city will  
fund maintenance services and cleanup for our local  
parks after fiscal 2022 when they use federal funding  
zone work on. The fiscal 2022 executive budget  
includes new needs of \$9.8 million and \$45.1 million  
in fiscal 2022 and not propose any new savings for  
the Department of Parks. Parks and fiscal 2022  
executive commitment plan totals \$5.7 billion in  
fiscal years 2020 through 2024 with \$848 million in  
fiscal 20-- this represents approximately 6.1  
percent of the city's total \$93 billion capital  
budget for 2021 through 2025 and reflects an increase

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 114

2 of \$739 million or 14.8 percent from the \$5 billion  
3 scheduled in the preliminary commitment plan.

4 Unfortunately, the fiscal 2022 executive plan does  
5 not directly address any of the priorities of the  
6 Council included in its preliminary budget response.

7 The Council called for the registration and

8 baselining of the following Park services: \$20

9 million for 300 maintenance workers, \$3 million for

10 50 urban park rangers, \$6 million for ADA Parks

11 enforcement patrol officers. PET officers, \$3.4

12 million for 15 Green Thumb staff and materials for

13 community gardeners and \$4.5 million for our natural

14 forests and trails and \$2 million for tree stump

15 removal. As always, the Council will make every

16 effort to include this funding at adoption, however,

17 it is critical for all to understand that no matter

18 how much funding is included in the past budget, it

19 will never be enough if we do not do our part to

20 clean up after ourselves and to [inaudible 02:35:02].

21 We got through this past year thanks to a lot of help

22 from our dedicated workers and [inaudible 02:35:12]

23 park. Parks were critical to get a New Yorkers

24 through the pandemic and a key to our cities recovery

25 as we take steps to reopen. We need to keep in mind

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 115

2 the importance of our green spaces and all the great  
3 benefits our parks provide us with and that is why I  
4 hope we will be able to restore and baseline the  
5 essential funding for the Department of Parks. Thank  
6 you so much to my committee team, Monica Chamber,  
7 Chris Patrick, Walter Fran, Rose Nick, and to my own  
8 chief of staff, Elaine, for their efforts in  
9 preparing for today's hearing. I will now turn it  
10 back over to Chair Dromm. Thank you.

11 CHAIRPERSON DROMM: Thank you very  
12 much, Chair Koo. I also want to just take this time  
13 to thank you for being such a good friend and  
14 colleague. We have been together for 12 years in the  
15 city Council and I really appreciate all that you  
16 have done, particularly around the Parks issue.

17 CHAIRPERSON KOO: Thank you.

18 CHAIRPERSON DROMM: Are we going to  
19 move to the next-- any other statements from Council  
20 members at this point?

21 COMMITTEE COUNSEL: No, but if you want  
22 to toss it to--

23 CHAIRPERSON DROMM: Yes. Okay. What I  
24 would like to do now is to just announce the other  
25 Council members who are here. Ampry-Samuel, Adams,

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 116

Barron, Brooks-Powers, Cabrera, Dharma Diaz,  
Dinowitz, Gjonaj, Grodenchik, Levine, Louis, Miller,  
Moya, Riley, Rivera, Vallone, and Rosenthal. And I  
just want to, before Commissioner Silver begins,  
thank you, Commissioner Silver for your services to  
the city and your dedication to our parks, all of the  
improvements that you have made I noticed and  
appreciated and I want to thank you for everything  
that you have done for our city. Thank you again.  
Commissioner Silver-- And let me also give a shout  
out to Matt Drury who has also been very responsive  
to our need and I really deeply appreciate you  
getting back to my staff very quickly all the time  
and I know we pester you, but thank you very much for  
all that you have done. And, with that, I am going  
to turn it over to our counsel to us away. The  
Commissioner and the members of the Department of  
Parks who are here.

COMMITTEE COUNSEL: Thank you, Chair  
Dromm. My name is no up brick can I am counsel to  
the New York City Council Committee on Finance.  
Before we begin, I want to remind everyone that you  
will be on mute until you are recognized to speak, at  
which time you will be on muted by the zoom host. If

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 117

2 you mute yourself after you have been on muted, you  
3 will need to be on muted again by the host. Please  
4 be aware that there could be a delay in muting and  
5 un-muting, so please be patient. During this portion  
6 of today's hearing, we will hear testimony from the  
7 Department of Parks and Recreation. During the  
8 hearing, if Council members would like to ask  
9 questions, please use the zoom raise hand function  
10 and you will be called on to speak. We will be  
11 limiting Council member questions to five minutes,  
12 including responses. I will now administer the  
13 affirmation to the administration witnesses one time  
14 and then ask each witness to so affirm. Do you  
15 affirm that your testimony will be truthful to the  
16 best of your knowledge, information, and believe?  
17 Commissioner Silver?

18 COMMISSIONER SILVER: I do.

19 COMMITTEE COUNSEL: Mr. Wang? I'm  
20 sorry. Ms. Wang?

21 JOY WANG: That's all right. Sorry. I  
22 was working-- I do.

23 COMMITTEE COUNSEL: Thank you. Mr.  
24 Fox?

25 FOX: I do.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 118

COMMITTEE COUNSEL: Mr. Drury? Can we  
unmute Mr. Drury? Oh. I saw you mouth it.

MATT DRURY: I do.

COMMITTEE COUNSEL: That counts. Mr.  
Biederman? Can we unmute Mr. Sam Peterman? I will  
counted. Ms. Braddock?

THERESE BRADDOCK: I do.

COMMITTEE COUNSEL: Mr. Cavanaugh? I  
apologize with the delay for un-muting. Mr. Liam  
Cavanaugh? Can we unmute him? There we go.

LIAM CAVANAUGH: Yes.

COMMITTEE COUNSEL: Ms. Nelson?

MARGARET NELSON: I do.

COMMITTEE COUNSEL: And, finally, Mr.  
Stark?

DAVID STARK: I also do.

COMMITTEE COUNSEL: Thank you all.  
Commissioner Silver, you may begin when ready.

COMMISSIONER SILVER: Thank you. First,  
Chair Dromm, thank you so much for those remarks.  
Good afternoon, Chairs Dromm and Koo, members of the  
Finance and Parks Committee, and other members of the  
city Council. I am Mitchell Silver, Commissioner of  
the New York City Department of Parks Recreation and

1 I am joined virtually here today by a number of  
2 senior staff, including First Deputy Commissioner  
3 Liam Cavanaugh and several other deputy  
4 commissioners, as well as Matt Drury, our Director of  
5 Government Relations. As you are aware, New York  
6 City's primary responsibility is the stewardship of  
7 more than 30,000 acres of green and open space  
8 encompassing 5000 individual properties from  
9 playgrounds, beaches, to the community gardens and  
10 natural areas. Thank you for allowing me the  
11 opportunity to discuss the agency's fiscal year 2020  
12 to executive budget and to provide an overview of our  
13 agencies recent efforts to build and care for park  
14 spaces as we recover from a challenging time for all.  
15 I will be cutting my testimony short with some  
16 excerpts, but you have the full testimony before you.  
17 This year's executive budget reflects the growing  
18 confidence in many of the budgetary cuts implemented  
19 during the height of the Covid pandemic are now being  
20 restored. Covid demonstrated that New Yorkers along  
21 on our cities green open spaces for physical,  
22 emotional, and mental health benefits that they  
23 provide. This administration is investing in the  
24 care and maintenance that our parks need and deserve.  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 120

1 The agency's executive expense budget represents an  
2 all-time high for the agency's operating budget,  
3 including \$587 million in Mayoral funding this year  
4 for operational needs-- a \$55 million increase over  
5 proposed FY 22 preliminary budget and 84 million more  
6 than last year's adopted budget. The executive 10  
7 year capital plan including the current fiscal year  
8 provides for a total Parks capital budget of \$6.4  
9 billion. This reflects the importance of keeping our  
10 spaces and infrastructure in the state of good  
11 repair. We are pleased to announce a number of  
12 expense and capital additions to this year's budget  
13 will assist in bridging some of the gaps in last  
14 year's budget empathy agency on strong footing going  
15 forward. Our seasonal staff hiring program and our  
16 workforce development program have been fully  
17 restored for FY 22. This restoration will supplement  
18 the hiring of 2500 Park workers that will serve as  
19 part of the cities cleanup core thanks to the 42  
20 million in funding to support our maintenance and  
21 operation efforts. The city has invested over 1  
22 billion in capital dollars and key infrastructure.  
23 We are partnering with the Department of  
24 Transportation to repair and renovate 15 pedestrian  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 121

2 bridges around the city and assisting the Economic  
3 Development Corporation in the completion of the  
4 Manhattan Greenway loop. These investments represent  
5 a continued commitment to our parks systems and a  
6 commitment that this administration has supported and  
7 strengthened throughout my seven year tenure as Parks  
8 Commissioner. I am saddened to be leaving this phase  
9 of my life as a public servant, but immensely  
10 gratified and proud of the work we have accomplished.  
11 In the months since announcing my resignation, I have  
12 not been able to stop thinking about the many men and  
13 women who come before me to serve as Commissioner for  
14 New York City Parks. And whose footsteps I follow.  
15 When I came back home to New York City in 2014 to  
16 take on this position, I knew I would eventually have  
17 to reckon with the legacies they have left and the  
18 people they have impacted. I hope that, in the years  
19 following my tenure, people will be able to look back  
20 and truly see the transformative nature of what we  
21 have been able to accomplish over the past seven  
22 years. My goal is to make sure that Parks are for  
23 all people. Every single person no matter your age,  
24 color, income, or ability to serve an opportunity to  
25 access green open space. Every day we work closer to

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 122

1 this goal promoting diversity, equity, inclusion,  
2 access, and all of our Park operations, moving the  
3 agency forward through innovation, new technology,  
4 and thoughtful planning and place making and, in the  
5 process, leading global conversation about equity in  
6 the public realm. Equity has been the cornerstone of  
7 my work throughout my career in the Community Parks  
8 Initiative was the first major initiative in my  
9 tenure as Parks Commissioner and is one of the most  
10 important, as well. We had to write the start wrong.  
11 For decades, scores of. These neighborhoods, many of  
12 them underprivileged, were isolated. It was  
13 unacceptable and we had to make it right. We reached  
14 out and empowered members of many underserved  
15 communities around the city to join the agency in  
16 rethinking what their parks could be. We made  
17 efforts to expand public input. We tried to meet  
18 people where they were by offering more convenient  
19 times and locations for meetings and in improving our  
20 scoping process. 58 of the 67 projects that  
21 constitute this internationally recognized  
22 multibillion-dollar initiative are complete and  
23 remaining projects are slated to be completed soon.  
24 However, we are not done trying to create more  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 123

2 inclusive parks. Both the Parks Without Borders and  
3 [inaudible 02:45:54] initiative sought to reimagine  
4 how our parks are designed and operated. A public  
5 amenity in the neighborhood must be in writing and  
6 attractive. For Parks Without Borders, we created  
7 public process to determine which sites could be  
8 enhanced with simple design to ensure seamless  
9 interaction between Parks and the neighborhood,  
10 introducing a new design philosophy for all capital  
11 projects going forward. This \$50 million project  
12 includes eight showcase sites and now most of our  
13 capital projects incorporate these design principles.  
14 The Cool Pools project revitalized drab and  
15 unappealing pool sites into the vibrant places that  
16 some residents now call resorts. 11 outdoor pools  
17 gain colorful new murals, planters, and lounge chairs  
18 in order to provide an inviting and welcoming space  
19 and it was a great success. We continue to focus our  
20 re-designing and developing an inviting spaces and  
21 making sure that underserved communities have world-  
22 class spaces to call their own with our Anchor Parts  
23 Initiative. The \$150 million project invested in  
24 five large parks, one in each borough and ensured  
25 that neighborhoods that had previously suffered from

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 124

2 disinvestment would have access to thriving flagship  
3 parks. One of the accomplishments I am most proud of  
4 is streamlining the capital process. Over my tenure,  
5 we have completed over 850 capital projects,  
6 including 130 projects that were stalled during the  
7 previous administration and that we eventually  
8 completed or have been active construction. This was  
9 achieved by a major effort by our capital team led by  
10 Commissioner Therese Braddock. It helped streamlined  
11 design, procurement, and construction processes so  
12 that we can do more on time and on budget projects.  
13 Rebuilding Parks is one facet of our responsibility  
14 and we need to make sure that our parks and open  
15 spaces are maintained properly. Important to do  
16 that, we closely examine our maintenance and  
17 operation portfolio and brought on a chief operating  
18 officer to oversee all borough operations and  
19 standardize best practices. The head of our  
20 Innovation and Performance Management Team was  
21 elevated to the Commissioner level title and we  
22 designed more data-driven approaches to manage our  
23 finite resources. We found more ways to do work in-  
24 house. For example, by creating a synthetic turf  
25 team to improve the longevity of artificial turf

2 fields, saving money and avoiding unnecessary wear  
3 and tear on our fields. The Covid pandemic has been  
4 challenging in a complicated time for New York City  
5 Parks. The death toll in this city was staggering  
6 and while, at times, conditions look to Graham,  
7 parking's were on the front lines, handing out masks  
8 and food distribution and helping coordinate various  
9 relief efforts with federal, state, and local  
10 partners. I have made this position quite known, but  
11 I would like to, once again, thank our Parkees  
12 everywhere, and especially Commissioner Bart Nelson  
13 in public programs and the Urban Park Service Team  
14 who did an immense amount of tireless work to support  
15 the city in its darkest moments. Even as sirens  
16 blared through the streets, our offices, our schools,  
17 our arenas, our theaters, our places of worship lay  
18 empty, our parks were full of life. Our flowers  
19 bloomed, colorful birds began, stars on social media,  
20 and our green spaces were packed with people seeking  
21 fresh air. But the trauma of this time. Will not be  
22 forgotten. Care and respect are some of the most  
23 basic and fundamental tenets of our society. Their  
24 acknowledgment that, as a human being, your life  
25 matters is as precious as anyone else's. It's the

1 reason why I decided to take a meaningful step to  
2 address systemic racism in our city by creating  
3 Juneteenth Row at Cadman Plaza in Brooklyn.  
4 Launching the effort to name several New York City  
5 park properties after prominent black Americans and  
6 beginning the consideration of other Park renaming's  
7 to better reflect the contributions of other  
8 represented minority groups. It is also why I  
9 elevated our equal employment and opportunity  
10 coordinator role to a Commissioner level title  
11 because it is important to me that everyone in our  
12 Park staff knows how much I deeply care for them and  
13 want to provide the resources for them to thrive. As  
14 a black man in a Commissioner of the Parks  
15 Department, the events of the past year have weighed  
16 heavily on me, but I knew that I was in a unique  
17 position to uplift members of the black community.  
18 Representation matters, but what you do once given  
19 that opportunity will wield your influence matters  
20 much more. When history looks back at my time at New  
21 York City Parks, I hope you will note that not only  
22 my ability to continue on the impressive path laid  
23 out ahead of me by my predecessors, but also to  
24 respond to the complex issues of the past and will  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 127

1 lay the groundwork for my successors. I want to  
2 thank the Council and for the support of Parks and  
3 open spaces for all New Yorkers during my tenure and  
4 I also want to thank Mayor Bill de Blasio for  
5 granting me the privilege to help transform this  
6 agency and for its commitment to our parks system and  
7 making them more equitable, inclusive, and resilient.  
8 And, most of all, I want to thank my incredible team  
9 of dedicated Park staff who keep our parks safe,  
10 clean, and accessible because serving alongside them  
11 as Commissioner has been the highest honor of my  
12 career. Though my time with this agency is drawing  
13 to a close, New York City Parks looks forward to  
14 continuing alongside the city Council to create a  
15 bright green premature with more equitable and  
16 inclusive park systems and, now, I would be happy to  
17 answer your questions. That was my 10 minute timer.  
18 I'm very pleased I kept it to the 10 minutes.

19  
20 CHAIRPERSON DROMM: Thank you very  
21 much, Commissioner, and we deeply appreciate all of  
22 your work, again, as I said in the beginning and we  
23 wish you luck in the future as you move on to your  
24 next phase in life, as well. I just want to just  
25 mention also I think one of your greatest

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 128

1  
2 accomplishments was, in fact, the Parks Without  
3 Borders and I am working that, in my district, we  
4 have received the benefit of that with Traverse Park  
5 and Traverse Park, as you know, is right on 34th  
6 Avenue and 34th Avenue now is one of the Open  
7 Streets. And so, between the Open Street and  
8 Traverse and the entranceway into Traverse which used  
9 to be a fence and prohibitive, you know, now it just  
10 flows so beautifully. And the closure of 78th  
11 Street, just came together really, really well and I  
12 want to thank you for that concept in that idea. I  
13 think it has made such a difference in our community.

14 COMMISSIONER SILVER: And I apologize,  
15 Chair Dromm. More people are going there. As I  
16 present both here in the US and around the world, I  
17 feature Traverse Park and all of my presentations and  
18 all you hear is the sonatas. And so, I think now  
19 people understand you make the sidewalk the outer  
20 Park. Sidewalks-- you know, if parks close,  
21 sidewalks never close and now you have this beautiful  
22 outdoor living room. So, congratulations for having  
23 that right here in your district. It is a gem.

24 CHAIRPERSON DROMM: Well, I know that  
25 is true because people have told me that you bring

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 129

1 your iPad along with you and show them pictures of  
2 it. So, thank you for that. I really deeply  
3 appreciate it. Let me also just give a shout out to  
4 two other folks, as well: Commissioner Docket and to  
5 JoAnn Amagrande in the Queens Office who have done a  
6 tremendous job in terms of helping me last year. We  
7 had a problem with our great [inaudible 02:53:53] and  
8 they were very quick to respond to it and I just want  
9 to acknowledge their help, as well. Commissioner,  
10 let's just talk a little bit about parks maintenance.  
11 Chair Koo brought up some of that in his opening, but  
12 in fiscal 21, BPR did not hire almost 2000 seasonal  
13 workers. As a result, many of the city's parks were  
14 left in an unsanitary condition over the 2020 summer  
15 months. In our budget response, we called on the  
16 administration to baseline the one time funding of  
17 \$10 million that the Council fought to include in the  
18 fiscal 21 adopted budget for 150 maintenance staff or  
19 maintenance workers and to include \$10 million more  
20 for another 150 maintenance staff. The executive  
21 plan does not directly add any funding to support  
22 this concern. Can you explain why this funding is  
23 not included in the executive budget and has there  
24  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 130

2 been any discussion with OMB about adding it at  
3 adoption?

4 COMMISSIONER SILVER: Thank you for your  
5 question. There is always going conversation about  
6 the one shots that you are referring to, but I do  
7 want to commend the Mayor. It was a tough, tough  
8 summer last year and during the pandemic when more  
9 people were coming to our parks, you're correct. We  
10 were down about 1700 workers. This is going to be a  
11 very different summer. All those cuts have been  
12 restored and, as I stated, we will have about 25  
13 additional staff out there for the cleanup core in  
14 addition to the summer youth employment program. So,  
15 you are going to see a very different summer this  
16 year going to the fall of having much cleaner parks  
17 than we did last year, but I am sure we will continue  
18 to have the conversation about those positions that  
19 were one shots that were not baselined. But this  
20 Mayor is committed to make sure we do not have the  
21 same park experience last year and we want to make  
22 sure that people will see the recovery and it will be  
23 evident in how clean our parks will be maintained to  
24 this summer. But I am confident that there will be  
25 an ongoing conversation about the OCPW positions, as

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 131

2 well as the gardener positions and some of those PEP  
3 positions as we move towards the final adopted  
4 budget.

5 CHAIRPERSON DROMM: Thank you,  
6 Commissioner. I just wish that the Mayor didn't not  
7 put it in the budget, so to speak because it becomes  
8 like a bit of a budget dance for IRS back-and-forth.  
9 At least the four years that I have been Chair of the  
10 Finance Committee. I really would just like to have  
11 seen it put in there, but I look forward to those  
12 discussions and hopefully we will come to, you know,  
13 a good conclusion at the end. Let me move on to my  
14 next question. Just one moment. I'm just trying to  
15 bring it up. Okay. Street tree planting. Another  
16 pet peeve issue for me is, in our budget response the  
17 Council called on the administration to add \$10  
18 million in capital funding to plant more street trees  
19 because the number of street trees planted has been  
20 dramatically declining recently. This concern is not  
21 directly addressed in the executive budget plan. Has  
22 there been any discussion with the administration to  
23 include additional funding to plant on our streets?  
24 And I also have a particular issue, Commissioner, and  
25 my district with the wires that are underneath those

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 132

1 tree pits. I think I brought it up last year to you.

2  
3 It still remains an issue in ways will need to figure  
4 out a way that if we are not going to put trees and,  
5 we have to do something else with those pits. So,  
6 can you address all of that for me?

7 COMMISSIONER SILVER: Well, I'm going to  
8 go to our in-house resident expert, Commissioner  
9 Cavanaugh to respond to your questions. I do know  
10 that there was some slowdown during Covid and some  
11 high prices for a tree plant and we worked hard to  
12 make sure we could move forward to get those  
13 necessary trees planted, but I will refer to that  
14 question now to Commissioner Kavanagh.

15 DEPUTY COMMISSIONER KAVANAGH: Thank  
16 you, Commissioner Silver, and good afternoon, Council  
17 members and Council member Dromm. Currently, we have  
18 approximately hundred million dollars in our capital  
19 budget for tree planting it is primarily directed  
20 towards the Cool Neighborhoods program. Those are  
21 communities that are most impacted by high heat and  
22 are subject to keep vulnerability index. The  
23 majority of it is for Street tree planting in those  
24 communities, but a substantial amount is also  
25 targeted-- approximately \$17 million-- four park

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 133

2 plantings in those communities, as well. In addition  
3 to that, we have funding through the regular baseline  
4 funding for Street tree planting and money to support  
5 some other programs that are, you know, specifically  
6 designed plant trees. We have had some disruptions  
7 to our planting program over the last couple years.  
8 Most notably, of course, was the suspension of most  
9 of our capital projects due to the pandemic last year  
10 which severely impacted the number of trees that we  
11 were able to plant. And then, prior to that, we did  
12 wrestle with some unusually high bid prices that we  
13 had for contracts that we put out to bid that caused  
14 us to pause and reassess what we were doing and try  
15 to understand what was driving those cost increases  
16 and tried to find some ways to minimize the increase  
17 in costs. So far, we have had some success that is  
18 making us optimistic using the new MWBE contract  
19 mechanism that allows us to award contracts of up to  
20 \$500,000. We put out six of those contracts,  
21 actually. We have six new bidders, people who have  
22 never bid on our contracts before which is always  
23 important to increase, you know, the competition for  
24 our work. It is very desirable work to be had and  
25 more competition is better and we adjusted a number

1 of the specifications that we thought might be  
2 contributing to the higher prices. So far, we have  
3 seen the fairly significant reduction in the bid  
4 prices, approximately \$1200 per tree or third less  
5 than what we were receiving from our prior contract  
6 bids. It doesn't mean that we have solved the  
7 problem by any means, but it is an indication that we  
8 do see some ways in which we can bring about lower  
9 pricing. We also have some of our contracting  
10 mechanisms that we are trying and very large  
11 contracts to attract even bigger contractors who  
12 might be able to be interested in bigger sort of jobs  
13 than we had previously made available and we are  
14 going to continue to try to target smaller contracts  
15 to engage smaller contractors to, again, expand the  
16 pool. There is a lot going on. You can see a lot  
17 more trees going into streets over the next couple  
18 years, thankfully. We all want to see that and we  
19 are hopeful that you will be able to, you know, bring  
20 about more certainty to the cost. As to the wires,  
21 we do plant trees under wires. It's not the greatest  
22 situation, but there are trees and smaller stature  
23 trees that can do well in those circumstances and  
24 they do provide many of the same benefits that a  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 135

larger tree will provide. So, if there are locations  
that are in your district or in any district that  
fall into that category, we can certainly look at  
them and tried to include them in future contracts.

CHAIRPERSON DROMM: Okay. That would  
be great because we have been turned down on a number  
of occasions regarding the planting of those pits.  
So, I am going to have my staff reach out. Should  
they reach out to you?

DEPUTY COMMISSIONER KAVANAGH: Yes.  
They can send it to me and we will make sure they get  
into the right hands.

CHAIRPERSON DROMM: Okay. With Forest  
Street, to be honest with you. Okay. And you  
mentioned what did you say? I think you said \$100  
million in new trees?

DEPUTY COMMISSIONER KAVANAGH: That's  
the current funding in our capital budget.

CHAIRPERSON DROMM: What does that  
translate to terms of the number of trees? I guess  
that depends somewhat on Fridays, but it--

DEPUTY COMMISSIONER KAVANAGH: In rough  
terms, it would be about 30,000 new trees.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 136

2 CHAIRPERSON DROMM: 30,000. Okay.

3 Thank you. And the 10 year strategy includes 28--  
4 78.7 million for land acquisition and tree planting.

5 Are these planting street tree or trees with in  
6 parks? I know you mentioned a little bit of that  
7 before, but can you just elaborate further on it?

8 DEPUTY COMMISSIONER KAVANAGH: That  
9 includes both Street and Park trees. The majority is  
10 dedicated to Street tree planting, but thanks to both  
11 the Cool Neighborhoods Initiative and support from  
12 the administration, we are able to begin replacing  
13 the canopy within Parks. That has not been a focus,  
14 unfortunately, for some time and, as a result of  
15 senescence and storms, you know, we are seeing and  
16 have seen fewer trees in our parks where they are  
17 really valued and appreciated and, for the first  
18 time, we are going to be able to tackle that in a  
19 systemic way.

20 CHAIRPERSON DROMM: And not just to  
21 continue focusing on my district, but let me ask I  
22 understand that you are going to be planting-- I  
23 think it was something like at least 60 new trees  
24 along 34th Avenue. Do you know when that is going to  
25 actually happen?

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 137

DEPUTY COMMISSIONER KAVANAGH: I don't  
have that information with me right now, Council  
member, but we will make sure we get it to you.

CHAIRPERSON DROMM: Okay. It's in the  
median along 34th Avenue, I believe.

DEPUTY COMMISSIONER KAVANAGH: Yes.  
Yes.

CHAIRPERSON DROMM: Okay. Thank you.  
That's a great thing, so thank you for that. All  
right. And then the last thing I want to ask about  
and then I will turn it over to Council member Koo,  
to Chair Koo, is about school playgrounds. In our  
budget response, the Council called on the  
administration to the rose stored \$2.2 million to  
keep school playgrounds open and available for  
community use during nonschool hours. Has there been  
any discussion between parks and the Department of  
Education to address this concern?

COMMISSIONER SILVER: Well, thank you for  
your question. I will have to get back to you, I  
know there is ongoing conversations. One of the ways  
that we close the gap-- we have gaps in our city and  
we want everyone to be within a 10 minute walk is the  
school yards and playground program. I'm not sure

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 138

1 what happened during Covid because many of our  
2 playgrounds the national you were closed, but we have  
3 to have a cooperation about how the school yards  
4 remain open, but let me get back to you on that one.  
5 I do know it is an ongoing conversation about which  
6 school yards can be converted to playgrounds. I just  
7 don't have that answer with me, but my staff will get  
8 back to you.  
9

10 CHAIRPERSON DROMM: And,?, I think the  
11 issue is also in the extension of contracts, often  
12 times, if I'm not mistaken, they originally were  
13 given funding to the custodian of the school--

14 COMMISSIONER SILVER: Correct.

15 CHAIRPERSON DROMM: for three years and  
16 then it needs to be continued. I have at least three  
17 or four of them which are great in my district. They  
18 are a great supplement to the parks. The larger  
19 parks.

20 COMMISSIONER SILVER: it has been our way  
21 of closing that gap because there are a lot of places  
22 where there are no places to provide parks and  
23 schoolyards provide that purpose. I absolutely agree  
24 with you, but I will get back to you. But that is  
25 the program we need to have funding for of doing

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 139

those conversions, but I want to make sure I respond  
to your question accurately.

CHAIRPERSON DROMM: Okay. Thank you  
very much. We will follow up with you on that. Let  
me turn it over now to Chair Koo.

CHAIRPERSON KOO: Thank you, Chair Dromm.  
Hi, Commissioner. Yeah. We're going to miss you.  
Yeah. I wanted to thank you for your many years of  
service to our Parks Committee and the people of New  
York. So, I wanted to ask you about questions about  
the Council's preliminary response. In the Council's  
response, the Council asked the administration to  
restore and baseline funding for \$6 million for  
additional 80 Parks Enforcement Patrol Officers.  
[inaudible 03:06:09] addressed in your executive  
budget. Is this something that you would support?  
Is this something that you will be asking for at  
adoption?

COMMISSIONER SILVER: As I've always  
stated, I'll always welcome additional staff to both  
enforce park rules as well as take care of our parks.  
I want to reiterate what I said before. I'm very  
proud of the mayor for restoring \$84 million dollars  
and restoring the cuts in our budget from last year

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 140

1 which shows his commitment to how important green  
2 spaces are to our citizens. I am confident this will  
3 be ongoing conversation. We have all those positions  
4 restored and we have the cleaning crew of 2500 and  
5 then the summer youth employment. I am confident  
6 will continue to have the conversation about some of  
7 the requests you have made on the one shots before,  
8 both the PEP, CPW, and gardeners, but right now you  
9 are correct. It is not in this budget, but I am  
10 confident that conversation will continue as we move  
11 forward towards the adopted budget.

12  
13 CHAIRPERSON KOO: Okay. So, the Council's  
14 response, the Council also asked the administration  
15 to include \$3 million for 50 positions in the parks'  
16 budget for additional urban park rangers. So, how  
17 many urban parks rangers are currently on staff now?

18 COMMISSIONER SILVER: I usually have the  
19 PEP. Give me a second. Commissioner Nelson, do you  
20 know how many of the rangers-- I have all the  
21 numbers on the PEP. So if you give me a second, I'll  
22 find the number on the--

23 CHAIRPERSON KOO: Yeah. Yeah. Sure.

24  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 141

DEPUTY COMMISSIONER NELSON: I don't have  
the number in front of me, but it's between 40 and 50  
now.

CHAIRPERSON KOO: So, do you believe that  
you need more than you currently have?

COMMISSIONER SILVER: Well, again,  
Council member Koo, we always welcome more, but at  
the same time, we know that, when this budget is  
going forward, the goal right now is restore many of  
the cuts we had before and that has been done. As we  
go forward, park enforcement and I know this will be  
an ongoing conversation as we move towards the  
adopted budget. So, as the Commissioner, I will  
always welcome more, but I also know that I am very  
pleased about what the Mayor had restored in this  
budget and how we going to be very focused on making  
sure our parks are safe and clean.

CHAIRPERSON KOO: Yeah. I want to make  
sure you ask the administration for additional urban  
park rangers because they are important to maintain  
our parks. Yeah. So, I will move on to another  
subject. The city cleanup. The park city executive  
budget includes federal funding of \$9.2 million in  
fiscal 2021 and \$41.9 million in fiscal 2022 to so

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 142

1 poor 2500 full-time staff as part of the city cleanup  
2 initiatives. Their duties are supposed to be  
3 including cleaning program support and beautification  
4 of public spaces for the city. So, I want to know  
5 what kind of maintenance and support will the city  
6 cleanup provide? What kind would they do?  
7

8 COMMISSIONER SILVER: Well, I'll refer  
9 to Commissioner Focht in a second. But, first, we  
10 are so grateful that we have these additional staff  
11 members to help keep our parks clean. If you recall  
12 last year was a very, very difficult time. We do  
13 expect people to come out to our beaches, tomorrow  
14 will, to our parks and the cleanup coil will be  
15 working alongside our staff to make sure we hit some  
16 of the places, sporting events, hotspots and work to  
17 the end of the calendar year, but we are so that we  
18 are able to bring them on. I think we have already  
19 hired well over 1000. I will defer to the  
20 Commissioner Focht if you wanted an answer more, but  
21 they will work alongside our staff, although  
22 different shirts, but nevertheless, they will be  
23 doing the same work side-by-side our Park employees.

24 DEPUTY COMMISSIONER FOCHT: Good  
25 afternoon, Chair Koo, and members of Council. Yes.

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
3 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
4 COMMITTEE ON CRIMINAL JUSTICE 143

5 As Commissioner Silver said, we've actually hired now  
6 close to 1500 of our 2500 allocation of the cleaning  
7 core members. We are thrilled to welcome them to  
8 Parks. They will be doing all the tasks that hours  
9 seasonal maintenance staff would. So, removing  
10 trash, helping with the turf maintenance, covering  
11 graffiti, mowing ballfields, addressing horticulture  
12 beds, addressing needs. So, basically, everything--  
13 and help with our comfort stations. So, basically,  
14 everything you can imagine park staff doing on a  
15 daily basis during our peak season, the cleaning core  
16 staff will be supporting doing.

17 COMMISSIONER SILVER: I was going to  
18 mention comfort stations. I know how important that  
19 is to Council member Koo.

20 CHAIRPERSON KOO: Yeah.

21 COMMISSIONER SILVER: So, thousands more  
22 employees out there making sure parks look great this  
23 summer and fall.

24 CHAIRPERSON KOO: Great. Yeah. But the  
25 cleanup core are entirely federal funding. So how  
will the city fund cleanup and sanitation of our  
parks after fiscal 2022?

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 144

COMMISSIONER SILVER: Well, as was  
stated, this budget is for 2022, so that is what we  
are talking about right now. The cleanup core, the  
\$42 million is just to be in the calendar year, but  
as I stated, our seasonals were restored. So when we  
use our seasonal positions when our peak periods, you  
will see that same level of service. This is an  
agency that meets or exceeds the Mayor's target each  
and every year. Last year was an exception because  
we just weren't down 1700, so this budget does  
represent going to June 30th and so I can share with  
you that this budget, both with the cleanup core, but  
then after that, as we go into our seasonals for  
spring and the beginning of summer next year, that  
our seasonal staff are basically in place and being  
restored.

CHAIRPERSON KOO: So, Commissioner, as I  
mentioned in my first question, if the administration  
does not provide \$10 million in funding for  
currently working 150 maintenance staff, but their  
fate is unclear starting July 1st. At the same time,  
the agency hired 2500 of staff who would provide  
maintenance support. So, could you please explain to  
the committee the logistics of this operation and the

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 145

2 logic behind it? Why, with all the federal funding  
3 the agency received, none of the Council's concerns  
4 were addressed in the executive plan?

5 COMMISSIONER SILVER: Well, first, let me  
6 just say we have an amazing team both in our chief  
7 operating officer, our chief of operations, our park  
8 commissioners, first deputy-- we always know how to  
9 make do with what we have. There's no question that  
10 the cleanup core of 2500 is a huge help. Last year,  
11 as you all know, all those one shots ended on June  
12 30th. We had the pandemic, so it was a different  
13 situations, but we adapt. We adapt to make sure that  
14 we meet those ratings. We meet on a monthly basis,  
15 so we make tweaks to our operations. And so, as I  
16 said, we will always welcome more staff. If we don't  
17 have them, we make adjustments to make sure our parks  
18 are clear. I'm here to discuss the FY 22 budget.  
19 And so, what I can tell you is those 2500 will help  
20 us with some of the gardening, some of the things  
21 that some of our gardeners will do. They certainly  
22 don't have the same skill set, but at least they can  
23 do some of the weeding, some of the light touches to  
24 make sure our parks are maintained. So I hear you  
25 loud and clear and I am confident, as I stated, we

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 146

2 will continue to have this conversation as we move  
3 towards the adopted budget of those 150 positions  
4 that you mentioned.

5 CHAIRPERSON KOO: So, what happened to  
6 these 2500 persons once the federal money is used up?  
7 Are they being hired as part-time or temporary  
8 workers or--?

9 COMMISSIONER SILVER: The funding will  
10 expire at the end of the calendar year and,  
11 Commissioner Focht, you can correct me if I'm wrong.  
12 So they will be on board to help assess the parks  
13 until that time. That is what the funding will  
14 provide. Them, we are in the winter season. We  
15 usually don't have our seasonals where most of them  
16 were working at that time. We start hiring new  
17 staff, again, or seasonals, in March to prepare for  
18 the spring and summer seasons. So, that is the cycle  
19 we work with. We don't have as many staff typically  
20 in the cold months. We don't have many people going  
21 to parks. Not as much litter, but we always are  
22 prepared for what we call our peak season. We start  
23 hiring in March to prepare for spring and summer and  
24 then they start leaving the agency around October--  
25 September/October.

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
3 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
4 COMMITTEE ON CRIMINAL JUSTICE 147

5 DEPUTY COMMISSIONER FOCHT: That's  
6 correct, Commissioner Silver. Thank you.

7 CHAIRPERSON KOO: Yeah. So, I have a  
8 question on the concessions, too. Mayor de Blasio  
9 order closed on all concessions last year, however,  
10 Central Park Conservancy has a procurement contract  
11 that determines city funding to the parks based on  
12 the percentage of the concessions from the previous  
13 year. So, for fiscal 2019 was the last full year of  
14 operation for concessions. Will the city use fiscal  
15 2019 to determine the city's contribution to  
16 essential park for fiscal 2022?

17 COMMISSIONER SILVER: Well, I don't know  
18 the specifics but what I can say is that we worked  
19 very closely with all of our concessionaires and did  
20 not charge any rent during the pandemic when they  
21 were shut down. So that was first and foremost.  
22 Those that could open, we worked with them to make  
23 sure they operated in a fair manner and was with and  
24 talked to them on a regular basis. Central Park is a  
25 bit unique. Their arrangement is based on certain  
fees and they get a percentage.

CHAIRPERSON KOO: Yeah.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 148

2 COMMISSIONER SILVER: And since so many  
3 of the operations in the parks were closed, Covid  
4 actually impacted their ability for those  
5 concessionaires to be there and generate the fees to  
6 go back to Central Park. We're in conversations with  
7 them. They are reaching out to use on a regular  
8 basis to see what we can do, but for our concessions  
9 in general, our staff worked very closely to make  
10 sure that they were held harmless because of Covid  
11 and as they are coming back, to make sure they can  
12 operate. Central Park conservancy is a separate  
13 situation and we have been in dialog with them about  
14 what other opportunities exist. So that's kind of  
15 the nature of the agreement that we have with them  
16 which is different than some of the other parts. And  
17 concessions.

18 CHAIRPERSON KOO: So, the department or  
19 the administration, have you ever considered to  
20 allocate further stimulus funding to help them? To  
21 help Central Park?

22 COMMISSIONER SILVER: That is an idea  
23 that just surfaced and so that is a conversation we  
24 will have, but I do not have a response like that at  
25 this point. I personally don't know what the

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 149

2 limitations on the stimulus dollars, but I do know  
3 that the suggestion had been made. I do not have a  
4 response to you at this time regarding whether it's  
5 possible to do it or not do it.

6 CHAIRPERSON KOO: Okay. My next question  
7 is on outdoor pool maintenance. We want to make sure  
8 that maintenance is finished before summertime. So  
9 fiscal 2022 executive plan includes funding of  
10 968,000 in fiscal 2021 only too repair and overhaul  
11 pools that were in the state of disrepair due to  
12 their closing during the 2020 season. So, how many  
13 pools exactly require repair and where are these  
14 pools located?

15 COMMISSIONER SILVER: I can get you the  
16 list. What I can say is when it comes to our pools,  
17 we probably have the best staff and engineers-- I'd  
18 have to say-- in the country. We start our work  
19 back in March. Back when it closes, we start doing  
20 our analysis of all of our filter plants. They start  
21 paying the pools masons to do repairs. So all of our  
22 pools, all 53, should be ready to open. There are a  
23 couple that will be offline for repairs. I think  
24 Tony Dapaletto [sp?] may be one. I'm trying to think  
25 of some of the others. I'll defer to Commissioner

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 150

1 Focht that may have better insight on specifically  
2 those pools, but all of our pools have to go through  
3 all Department of Health checks, safety checks, and I  
4 can proudly say that they will be open and gorgeous,  
5 including some of our new cool pools that will be  
6 added to our portfolio this year. So, I'll now defer  
7 to Commissioner Focht to share with you some of the  
8 pools that are closed for construction or repairs,  
9 but our pools will be open this year by June 26th.  
10 Commissioner Focht?  
11

12 DEPUTY COMMISSIONER FOCHT: Thank you,  
13 Commissioner Silver. Chair Koo, this year we will be  
14 opening 49 of our 53 outdoor pools, four of them are  
15 under capital construction. That's Playground 174 in  
16 the Bronx and then in Manhattan, it's Abe Lincoln,  
17 Lassiter, and Tony Dap. So, three pools in Manhattan  
18 and one in the Bronx are all under capital  
19 construction and the other 49 will open on time on  
20 June 26th for our full season. The repair, as you  
21 mentioned, we do repairs every year. OMB and the  
22 Mayor fund seasonal maintenance at our pools every  
23 season. This year, we were provided with a bit of  
24 additional funding because last year, as you recall,  
25 we only opened 15 of our 53 pools. So the balance

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 151

2 were closed for two seasons and so they required a  
3 bit more repair and replacing of pumps and other  
4 things like that. So that funding was provided  
5 earlier this calendar year and work has been ongoing  
6 since January and we are right on schedule and on  
7 pace to open all 49 pools on June 26th.

8 CHAIRPERSON KOO: So will all the pools be  
9 completed and ready to use this coming summer season?

10 COMMISSIONER SILVER: Yes. And I'll be  
11 jumping in a pool for the last time the last week of  
12 June and so, yes, all the pools-- we always meet our  
13 mark and have those pools open on time. So the  
14 answer is yes.

15 CHAIRPERSON KOO: Oh, good. So, a program  
16 of particular importance to my constituents is swim  
17 time. Is dedicated time or space for lap swimming  
18 going to be available this year?

19 COMMISSIONER SILVER: That determination  
20 has not been made. We are working very closely to  
21 make sure we have the life guards for both pools and  
22 beaches to make sure we can accommodate that program.  
23 That determination will be made at a later point. I  
24 don't have that answer for you right now. But our

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 152

2 goal is to do it and we want to make sure we have the  
3 proper coverage that people can enjoy laps soon.

4 CHAIRPERSON KOO: Okay. Fiscal 2022  
5 executive plan includes funding for \$1 million in  
6 fiscal 2022 only to purchase vehicle attachments such  
7 as snow plows and [inaudible 03:22:10] for new  
8 department work vehicles in fiscal 2021 and fiscal  
9 22. What kind and how many vehicle attachments the  
10 agency is planning to purchase with this funding?

11 COMMISSIONER SILVER: I'm going to defer  
12 that one to Commissioner Focht who seems to have this  
13 on the back of his head any moment I ask him.  
14 Commissioner Focht?

15 DEPUTY COMMISSIONER FOCHT: Thank you,  
16 Commissioner Silver. Chair Koo, as you referenced,  
17 that money is to purchase attachments for new  
18 vehicles being purchased through the capital budget.  
19 So the attachments include things like snow plows,  
20 salt boxes, etc. Items like that that don't come  
21 with the vehicle that we buy separately and attach to  
22 the vehicles. I don't know the exact total of which  
23 or how many of each type we'll be purchasing, but I  
24 will certainly get that information to you and your  
25 staff.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 153

CHAIRPERSON KOO: Okay. Chair Dromm, we  
will have a second round of questions, so I will let  
other Council members ask some questions first.

CHAIRPERSON DROMM: Okay. Thank you  
very much, Chair Koo. Counsel, will you call our  
next person? I believe it's Council member  
Rosenthal. Chair Rosenthal.

COMMITTEE COUNSEL: It is Council  
member Rosenthal. First, I'm going to invite that if  
any other Council members have questions for the  
Department of Parks and Recreation, if you'll please  
use the zoom raise hand function so that you will be  
added to the queue. Council members, please keep  
your questions to five minutes, including answers.  
Please wait for the sergeant-at-arms to tell you when  
your time begins. The sergeant will then let you  
know when your time is up. We will now hear from  
Council member Rosenthal.

SERGEANT-AT-ARMS: Time starts now.

COMMITTEE COUNSEL: Council member  
Rosenthal, are you available at this time or should  
we continue to round two with the Chairs? I think at  
this time we should continue to round two and we can  
circle back if--

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 154

2 CHAIRPERSON KOO: Okay.

3 COMMITTEE COUNSEL: Council member  
4 Rosenthal is available.

5 CHAIRPERSON DROMM: Let's go back to  
6 Chair Koo if you have round two questions, Chair.

7 CHAIRPERSON KOO: Yeah. I have some  
8 questions on the capital side. On the 10 year  
9 capital strategy, Commissioner, on your 10 year  
10 capital strategy which totals \$5.6 billion dollars,  
11 but the majority of the funding, \$5.2 billion dollars  
12 to be exact-- or 95 percent-- is planned to spend  
13 in the first five years of the plan. In fact, this  
14 is unchanged when compared to preliminary 10 year  
15 strategy. Does this reflect realistic capital  
16 spending plan for the agency?

17 COMMISSIONER SILVER: Well, my answer is  
18 yes. this is a very generous capital budget, really  
19 focusing on some critical areas of a state of good  
20 repair. As I mentioned, 15 bridges being repaired,  
21 the overbuild at Riverside Park. This is a very old  
22 and aging park. Of course, a big one we had  
23 mentioned about closing the gap around Manhattan to  
24 complete the entire 32 miles. So the answer is yes.  
25 And going onto our rec centers, our headquarters in

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 155

1 the Bronx operations [inaudible 03:25:50]. So the  
2 answer is yes. I was very pleased with what we  
3 received in terms of the capital budget.  
4

5 CHAIRPERSON KOO: So, did you anticipate  
6 the [inaudible 03:26:01] million dollars in the first  
7 five years of the plan?

8 COMMISSIONER SILVER: Well, we always  
9 work with OMB to rationalize how this money is spent  
10 over time. We're not the only agency. We work with  
11 our partners. In some cases it's DDC. In other  
12 cases it's EDC. So we make a determination with the  
13 administration on what is the best agency to start  
14 these projects? Very often, EDC, with a lot of  
15 experience on waterfront work tend to do those  
16 projects. DDC, when there tend to be large  
17 structures, tend to help us out. So it depends.  
18 Some of these bridges-- So, we're confident both  
19 with us and the agencies and working with OMB to  
20 rationalize the spending over time that we believe  
21 this money can be spent. Yes.

22 CHAIRPERSON KOO: So why is there almost  
23 no capital funding in the last five years of the  
24 plan?

25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 156

2 COMMISSIONER SILVER: When you say low  
3 capital funding, can you clarify? On average,  
4 parks--

5 CHAIRPERSON KOO: You used 95 percent of  
6 the funding for the first five years. And then you  
7 only have--

8 COMMISSIONER SILVER: [inaudible  
9 03:27:08]

10 CHAIRPERSON KOO: Why is it so badly  
11 distributed over the years since 95 percent is  
12 funneled for the first five years? In the last five  
13 years, you only get five percent.

14 COMMISSIONER SILVER: I'll answer and  
15 then I'll defer to Commissioner Braddock to respond.  
16 As I said, we get these allotments and then we work  
17 with OMB to see how we can rationalize. We have a  
18 design process and procurement construction. We  
19 always work with other agencies, but very often, in  
20 order to start a project, it must be fully funded  
21 because we want to make sure the funding is there so  
22 that we can proceed with the project. I'll defer now  
23 to Commissioner Braddock to see if she can amplify it  
24 but this is a process we have used as long as I have  
25 been here and projects are getting built. As I

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 157

1 stated, we completed 850. Our partners have  
2 completed even more, but this is a project we have  
3 always used to work with OMB to make sure it is  
4 rationalized over time. Commissioner Braddock?

6 DEPUTY COMMISSIONER BRADDOCK: Thank  
7 you, Commissioner Silver. Thank you, Chair Koo, for  
8 your question. The Commissioner is absolutely right.  
9 Typically, what happens is that as funding gets added  
10 into the budget, it is added in in the earlier years  
11 and then we work closely with Council members and OMB  
12 and the Mayor's Office to adequately schedule  
13 projects over time. So, typically, the full amount  
14 goes into the budget at the beginning. The fall  
15 amount of a project goes in at the beginning. Only a  
16 small portion is used for design and then, as that  
17 project continues, the construction money is then  
18 placed in the appropriate year for when that  
19 construction actually takes place.

20 CHAIRPERSON KOO: Okay. My next question  
21 is on the preliminary capital budget and commitment  
22 plan for fiscal 2021 to 2025. So, the agencies for  
23 year preliminary capital plan totals [inaudible  
24 03:29:01]. Does the Department have capacity to  
25 deliver the proposed level of projects?

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 158

2 COMMISSIONER SILVER: Well, the answer is  
3 similar to my first question. Once we get the  
4 funding, Commissioner Braddock. Her team does an  
5 analysis to find out what is fully funded and then we  
6 go through a whole process to make sure what can we  
7 do in house? What do we have to work with other  
8 agencies? What are do we have to hire a design  
9 consultant? So, there is a whole process that  
10 columns in and she kind of goes through the budget to  
11 determine what is the path forward. That is the  
12 process we have always used. Commissioner Braddock,  
13 if you want to provide more information, but this is  
14 something we are accustomed to do we know and how we  
15 always budget on capital projects.

16 DEPUTY COMMISSIONER BRADDOCK: Thank  
17 you, Commissioner Silver. Again, you're correct  
18 that, typically, the money comes into the budget.  
19 There is a process by which we work with the funders  
20 individually to determine-- we have to determine  
21 what the scope of work is for the project and does  
22 that align exactly with what the dollar values are  
23 and that is the process by which we go through each  
24 year to determine which projects can move forward and  
25 which ones are fully funded versus which ones,

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 159

potentially, were partially funded and that we might  
have to work individually to secure additional  
funding.

CHAIRPERSON KOO: So, are there any plans  
to expand that capital division of the Parks  
Department? Or you will bring in more consultants to  
provide additional support to ensure a realization of  
this ambitious capital plan?

COMMISSIONER SILVER: Well, right now, we  
have some vacancies due to both attrition, but also  
the hiring freeze. So, the goal right now is now  
that the hiring freeze is somewhat modified, there is  
kind of a two-for-one, back Commissioner Braddock is  
now going out there to hire more people in our  
capital division. So, at this point in time, our  
main goal is to start and I think that once we do  
that, we will be back to full strength.

CHAIRPERSON KOO: Okay. My next question  
is about locally [inaudible 03:31:21] Park, we have a  
tennis court there. Each year, the tennis court at  
[inaudible 03:31:27] open late due to repairs that  
need to be made. Is there a reason why and what  
repairs need to be made each year that delayed the  
opening?

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 160

COMMISSIONER SILVER: I would have to  
walk, Council member Koo. I would have to look  
specifically at what is happening with that  
particular court. I, of course, rely on our local  
team, so I don't know specifically what is the  
situation with that court. We do have our staff  
going out to do inspections if it is determined that  
there is something wrong whether it can be done  
internally with our crews or it has to bump up to a  
capital project by our staff. So, we will go out to  
find out specifically what is happening at Kessena  
[sp?] Park. I don't have an answer for you and was  
someone year on this-- I don't know whether  
Commissioner Braddock or Focht-- they know  
specifically what is happening in that park, but we  
can go out and take a look. So if staff can do it in  
house, we do it. If staff cannot do it in house,  
then it has to see whether it can be an expense  
project or a capital project to determine what is the  
dollar value that needs to be done.

CHAIRPERSON KOO: Thank you and please get  
back to us. Yeah.

COMMISSIONER SILVER: Yes.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 161

2 CHAIRPERSON KOO: My last question is on  
3 the [inaudible 03:32:37], you know? In fiscal 2022  
4 executive capital commitment plan includes funding of  
5 \$52 million dollars for the examination of structures  
6 on the [inaudible 03:32:51]. Can you please provide  
7 the committee with any specifics of the agency's plan  
8 to proceed with this project?

9 COMMISSIONER SILVER: Well, we have the  
10 \$52 million that is in the capital budget. Clearly,  
11 that has to be a full assessment about how you can  
12 take those down. It has to go off of a contract.  
13 I'm sure there will have to be barges, but the money  
14 is there to begin the demolition. At this point in  
15 time, I do not have a schedule for you about when  
16 that is going to occur, but the money is in the  
17 budget. There is now a commitment, as you know, July  
18 1, that ownership will-- jurisdiction will turn over  
19 to the Parks Department and at that point in time, we  
20 will make a determination when we will put that  
21 contract out to bid. This will be a complicated one.  
22 And it is going to be demolished. The demolition,  
23 but also barging the material back and forth. So,  
24 when we are ready, that contract will go out for that  
25 work to commence. But, in this budget, the Mayor has

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 162

2 given us \$52 million to demolish those unsafe  
3 structures.

4 CHAIRPERSON KOO: So, right now you don't  
5 know when the project will stop, right? Or what is  
6 the estimated date of completion? You don't have  
7 the--

8 COMMISSIONER SILVER: At this point in  
9 time, I do not know. We are still in active  
10 conversation with our partners about how the transfer  
11 will happen in terms of jurisdiction, but operation  
12 will continue because of the Department of  
13 Corrections. We are meeting with them to find out  
14 what happens next and so there is active conversation  
15 between the Mayor's Office and all the various  
16 agencies to make sure we have all the operations in  
17 place, but also the demolition plan is in place. So,  
18 I do not have a date certain about when that  
19 demolition will start.

20 CHAIRPERSON KOO: So, does the agency  
21 anticipate additional funding beyond the \$52 million  
22 to complete the project?

23 COMMISSIONER SILVER: Well, for now, the  
24 main concern is the 14 million. I the 52 million for  
25 demolition.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 163

CHAIRPERSON KOO: Yeah.

COMMISSIONER SILVER: There is a lot that  
has to occur. There is a contract going out about  
someone who is going to operate in terms of the  
burials, in terms of the other capital needs. But,  
right now, the critical one, which is very expensive,  
was to demolish those unsafe structures. So, it is  
very likely that more work is needed, but I do not  
have that plan for you at this time.

CHAIRPERSON KOO: So, what other agencies  
besides DDC you will coordinate with this project?  
Hello? Can you hear me?

COMMISSIONER SILVER: Okay. There it is.  
I am all in. I believe it is HRA. We still have to  
work with DOC because they are currently operating  
the facility until we can do a transition plan and I  
am sure there will be other agencies, as well. The  
Mayor's Office we are working very closely with.  
HRA, DOC. There will be Parks and DOT since they  
operate the ferry. So there are quite a number of  
agencies involved in Heart Island.

CHAIRPERSON KOO: Thank you. Now,  
Commissioner, thank you. I will turn it over to  
Council member Chair Dromm.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 164

2 CHAIRPERSON DROMM: Thank you. We are  
3 going to go to Council member Rosenthal.

4 CHAIRPERSON ROSENTHAL: Thank you so much  
5 and, again, my apologies.

6 SERGEANT-AT-ARMS: Time starts now.

7 CHAIRPERSON ROSENTHAL: My office door is  
8 open. It is lovely out and constituents are dropping  
9 by insane hello. So, apologies for not being present  
10 just before. Commissioner, nice to see you. I feel  
11 like there is going to be in elegance to this  
12 question. I want to sort of and where we began. I  
13 think the first time the first hearing where I met  
14 you and you testified at a budget hearing I asked why  
15 does it take so long to finish a capital project? We  
16 put money in the budget and I don't remember how long  
17 it was. Years later we do the ribbon-cutting and you  
18 will very enthusiastically said that this was of  
19 interest to you. I know you were assigned somebody  
20 specifically to look at this. I know you worked hard  
21 and I know there was another hearing in 2019 and, you  
22 know, there are sort of two ways to think about it.  
23 One is how many steps that are already in the process  
24 and, somehow, the number 7070 steps that you wanted  
25 to bring down. At the most recent hearing, I think

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 165

2 you talked about a two month improvement by fixing, I  
3 don't know- there were four different things. You  
4 expedited the public design committee. You fixed two  
5 weeks by automating something. You did for different  
6 things whatever they were and you sort of brought  
7 that up at the end of 2019, so you can measure it  
8 however you want to measure it, but we went from 70  
9 steps in many years to the where are we now?

10 COMMISSIONER SILVER: Well, I don't  
11 remember the 70 steps, but what I can say is our  
12 savings has been, on average, four to six months.  
13 Our improvement has been on the design side and on  
14 the construction side. Procurement has always been  
15 our challenge, but that is not controlled by Parks.  
16 That is controlled by many other entities. The  
17 comptroller, MOCS, law, local law. You know, so  
18 those were the areas that I do believe there are  
19 still some opportunity, although some innovations  
20 have been made. We cut it by four to six months and,  
21 as I stated in my testimony, we have completed over  
22 850 projects under my tenure. I believe that is the  
23 second or third highest for any Commissioner--

24 CHAIRPERSON ROSENTHAL: Listen--

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 166

2 COMMISSIONER SILVER: in terms of  
3 projects completed. And so there's still more work  
4 to be done and so the question is, you know, we have  
5 to still focus on how do we eliminate some of the  
6 steps? A great opportunity for procurement to see  
7 where more reform is needed, but we have eliminated  
8 four to six months on average and by reducing change  
9 orders and having what we call red loans--

10 CHAIRPERSON ROSENTHAL: Yeah. Yeah.

11 COMMISSIONER SILVER: We are now able to  
12 now make projects now on time in our budget and in  
13 fact, ahead of schedule. So that is something that  
14 I'm proud of.

15 CHAIRPERSON ROSENTHAL: So, and maybe  
16 Deputy Commissioner Braddock can talk about this, as  
17 well, but I guess just if you could give us some sort  
18 of context. So a production in four to six months is  
19 extraordinary and I know that all the Council members  
20 and the public are grateful for that because we love  
21 our parks. Do you have a sense of how much-- what  
22 was the baseline that you cut four to six months off  
23 of? Was it years or--?

24 COMMISSIONER SILVER: Yeah. It was  
25 mostly the design process and some on the

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 167

2 construction side. A couple things we did-- because  
3 I know the clock is running--

4 CHAIRPERSON ROSENTHAL: I'm just saying--  
5 So, what was the base? How many years was the base?  
6 Or how many months was it?

7 COMMISSIONER SILVER: On average it was,  
8 well, 30 to 45 months. That was kind of the window.  
9 30 to 45 months that we cut that down.

10 CHAIRPERSON ROSENTHAL: Fantastic. Really  
11 kudos. And do you have a plan to do more steps?

12 COMMISSIONER SILVER: I'm here for  
13 another six weeks. I'll see what I can do--

14 CHAIRPERSON ROSENTHAL: I mean in the  
15 [inaudible 03:40:24] legacy.

16 COMMISSIONER SILVER: The staff is  
17 committed. Right now there are still some  
18 opportunities because we've been working with MOCS.  
19 They have made great innovations. Procurement should  
20 be the focus and I think that's where you can really  
21 gain some more time savings. But Commissioner  
22 Braddock and her team have all of the ideas down and  
23 I'm confident we will continue to whittle away until  
24 we can knock out another four to six months.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 168

2 CHAIRPERSON ROSENTHAL: Well, I don't know  
3 that we need another public hearing about it, but I  
4 would be very interested in sort of, you know, as the  
5 Chair of the Subcommittee on Capital Budget, I'd be  
6 very interested in learning about your ideas for  
7 fixing--

8 COMMISSIONER SILVER: You can have them.

9 CHAIRPERSON ROSENTHAL: That would be  
10 awesome. Great. And then, just secondly, I want to  
11 ask again about tree plantings. What I heard was  
12 that it used to be 3600 for something and it's  
13 decreased by a third, so it's-- it decreased by 1200  
14 which was a third, so now you're at, I assume, 2400--  
15 \$2400. But that's not just one tree and tree guard.

16 SERGEANT-AT-ARMS: Time.

17 CHAIRPERSON ROSENTHAL: So, what is that?  
18 How do I think about that \$2400?

19 COMMISSIONER SILVER: Well, I'll defer to  
20 Commissioner Kavanagh, but we also require a  
21 guarantee the tree does not die, so it does require  
22 the contractor to come back to water it to make sure  
23 the tree survives so you're no planting it and you  
24 have a dead tree. I'll defer now to Commissioner  
25 Kavanagh.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 169

DEPUTY COMMISSIONER KAVANAGH: Thank  
you, Commissioner Silver. I just want to clarify  
that our average cost of planting has not dropped by  
\$1200 per tree yet. We had seven micro purchases and  
\$500,000 contracts each where we explored some new  
approaches to planting. We adjusted some of our  
specifications, reduce to the guarantee period. A  
number of things and steps that we talk and in those  
specific contracts, the bid price per tree was \$1200  
less, but it only represents about three and a half  
percent of our total budget for tree planting right  
now. We are hoping that those savings will translate  
into across-the-board savings in the future, but I  
don't want anybody to have the impression that  
suddenly the entire cost of planting has dropped by  
\$1200.

CHAIRPERSON ROSENTHAL: My goodness. I  
took off my OMB hat when I was asking you the  
question. I was more-- Well, maybe it is. But I  
was more thinking about, okay. Just trying to  
understand it, actually, because trying to understand  
your number from 100 million down to getting roughly  
30,000 trees and trying to understand the math of  
that. So, there is it challenging-- You did seven

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 170

2 micro grants of \$500,000 each. I mean, do you want  
3 to spend the remaining 900 million-- no. What are  
4 we--

5 DEPUTY COMMISSIONER KAVANAGH: \$96.5  
6 million dollars.

7 CHAIRPERSON ROSENTHAL: Thank you. Can you  
8 spend \$96.5 million by--

9 DEPUTY COMMISSIONER KAVANAGH: It would  
10 be very slow-growing if we went through micro  
11 purchases for that amount of money, but we do think  
12 that the adjustments we made to specifications which  
13 seem to drive some of the lower costs can be applied  
14 more broadly and should, we think, tracked more  
15 bidders. That was one of the great outcomes of the  
16 micro purchase process and result in lower prices  
17 going forward.

18 CHAIRPERSON ROSENTHAL: No I understand  
19 what you are saying, so I really appreciate that.  
20 Can I just ask one specific thing and then all be  
21 done, but on the same point. Hang on one second.  
22 One, two, three, four, five, six, seven, eight, nine,  
23 10. So, I put in-- We have now received about 10  
24 tree and tree guards for a total of 34,000. Does  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 171

2 that sound right to you? Because I have been putting  
3 money in my budget for plantings.

4 DEPUTY COMMISSIONER KAVANAGH: I would  
5 have to look at the specifics. It sounds, you know,  
6 based on our standard costs before we did these micro  
7 purchase pilots, that that would just cover the cost  
8 of planting, you know, an average street tree. The  
9 tree guards would be a separate expense in most  
10 cases, but if you give us a chance, we will look into  
11 the specifics and get back to you and tell you  
12 exactly how it pays out in terms of cost.

13 CHAIRPERSON ROSENTHAL: I really appreciate  
14 that. Thank you so much. Thank you, Commissioner.  
15 I appreciate the time, Chairs.

16 CHAIRPERSON DROMM: Thank you very  
17 much. I see Council member Koslowitz as her hand  
18 raised. I know she is here. I also want to say that  
19 we have been joined by Council members Borelli,  
20 Ulrich, and Ayala, as well. Council member  
21 Koslowitz?

22 COUNCIL MEMBER KOSLOWITZ: Thank you.  
23 Really, this year I have a complaint about Parks.  
24 For 31 years, I have been in touch with Parks and  
25 Parks was one of my favorite agencies. This year,

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 172

act Parks never reached out to me on capital projects  
and I'm very, very upset about that fact. I have not  
heard from Parks at all in Queens and I don't think  
it is fair that they haven't reached out. Like I  
said, 31 years I am doing this, so I was Deputy  
Borough Pres. and I was in charge of Parks. I always  
had a great relationship with Parks and now I do not  
at all. In fact, it is nonexistent.

COMMISSIONER SILVER: Well, Council  
member, that really pains me to hear that because I  
do know you have been a great supporter. I will find  
out what is going on, but, as you know, every year,  
we sit down with our capital list. I go through the  
list before we meet the Council members. So, please  
accept my apology. I will find out what is going on,  
but that is unfortunate. We want to get back on your  
list of being your favorite again and not being in  
the penalty box.

COUNCIL MEMBER KOSLOWITZ: Oh, it's going  
to be too late because this is my last term and my  
budget has already been submitted and, you know, that  
is it.

COMMISSIONER SILVER: Understood.

CHAIRPERSON KOO: I have a follow-up.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 173

2 CHAIRPERSON DROMM: Of course, Council  
3 member Koo. And then we have a question from Council  
4 member Levine.

5 CHAIRPERSON KOO: Yeah. Let him ask  
6 first. Yeah. Council member Levine?

7 SERGEANT-AT-ARMS: Your time will begin.

8 COUNCIL MEMBER LEVIN: Thank you so much,  
9 Chairs Dromm and Chair Koo, for your incredible  
10 leadership and your great work in this hearing and,  
11 Commissioner Silver, every time I see you, I'm going  
12 to continue to say that I am going to miss you and  
13 your leadership for Parks. Working with you over  
14 these years has just been an absolute pleasure and I  
15 am just grateful for the service you have offered to  
16 the park system and to the city. I know we have got  
17 you for a little over a month still and looking  
18 forward to continued great partnership with you. I  
19 just want to chat ask you about the situation with  
20 Central Park and to the unique budget situation which  
21 relies on, in part, revenue sharing with concessions  
22 which has been a very successful model over the  
23 years, but it was a model that didn't really  
24 anticipate a pandemic that led to the total shutdown  
25 of most public facilities and, of course, it was a

1 year where the use of the park was at near record  
2 levels. I mean, every Park-- and thank God we had  
3 the parks this time this year. We would not have  
4 been able to survive in this city-- in Central Park  
5 is no exception and, just anecdotally, it seems like  
6 the city's reliance on the park has been off the  
7 charts. And so you have this scenario where  
8 essentially disappeared and the usage and the  
9 staffing needs are as great as ever and I presume  
10 that that, at some point, is going to mean that they  
11 just need to cut staff. Like I think the whole is  
12 like \$7 million or something and, you know, I don't  
13 want to think what it means to cut \$7 million in  
14 staffing when usage is off the charts and it is kind  
15 of sort of an extraordinary unanticipated, hopefully  
16 one time never again scenario, we hope. Knock on  
17 wood, but I do feel like it has to be resolved like  
18 letting the staff be cut there would just be horrible  
19 for everybody.

20  
21 COMMISSIONER SILVER: Well--

22 COUNCIL MEMBER LEVINE: And I'm like Kansas  
23 City, in some way, intervened to avoid that with a  
24 onetime infusion of assistance to make sure that, you

25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 175

2 know, we maintain this amazing jewel of a park during  
3 this difficult time?

4 COMMISSIONER SILVER: Well, thank you for  
5 the question and thank you for your comments. I have  
6 equally enjoyed working with you over the years.

7 Clearly, we already have had many conversations with  
8 the Central Park Conservancy. You are absolutely

9 correct. The agreement they had did rely on a

10 percentage of fees and were already looking at their

11 next agreement which is a few years away to see how

12 there could be a failsafe. We are not looking for

13 another pandemic. I know how hectic you have been.

14 This is nothing we don't want to see again. It was

15 unforeseen, so it is something that we just are

16 trying to figure out what to do going forward. And I

17 can tell you with the leadership at Central Park

18 Conservancy, we are trying to figure out what to do.

19 So, ideas have floated. I will be speaking with the

20 head of the Conservancy again very soon to figure out

21 what it can be done. But, right now, we are looking

22 at a very different summer with some activities

23 returning to the park. The concessions are now open.

24 As you probably know, Tavern on the Green, the

25 Boathouse. So, we are looking at a very different

2 year this year than last year. The question is what  
3 to do. Those conversations are ongoing, but I hear  
4 you loud and clear and our hope going forward-- I  
5 will be here, but that that agreement will be  
6 structured differently should something ever happened  
7 for some reason, that they would not be hampered by  
8 revenue as a result of an agreement that was based on  
9 fees. So, the question is, yes. We are having  
10 conversations. We just don't have an answer now  
11 about what is the best way forward to assist Central  
12 Park.

13 COUNCIL MEMBER LEVINE: Thank you. Sorry.  
14 Just had a little issue there. I appreciate that  
15 and, yeah, going forward for the new agreement which  
16 I think is a few years off still, it is, again, in  
17 this new world, we should build in safeguards. So,  
18 that is one issue and then there is the problem of  
19 the whole that already exists and how to plug it.  
20 Great to hear that you are having discussions. I  
21 really appreciate your interest in solving this. It  
22 is just so important to the future of the city. So,  
23 thank you, again, Commissioner Silver, for everything  
24 you have done over the last few years. Looking  
25 forward to partnering with you for another month or

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 177

2 so and we are going to make the best of it. Thank  
3 you so much.

4 COMMISSIONER SILVER: Thank you. Thank  
5 you.

6 COUNCIL MEMBER LEVINE: Okay. Be well.

7 CHAIRPERSON DROMM: Okay. I think that  
8 we have come to the end of this portion. Am I  
9 correct, counsel?

10 CHAIRPERSON KOO: I had one more question.

11 CHAIRPERSON DROMM: Okay. All right.

12 CHAIRPERSON KOO: Commissioner, I have a  
13 really just follow-up question for Commissioner  
14 Kavanagh because he mentioned a reduced guarantee  
15 period as part of the costs of production. So, how  
16 much shorter is the guarantee period for the new  
17 trees and what does this mean in terms of the impact  
18 on the tree health?

19 DEPUTY COMMISSIONER KAVANAGH: Thank you  
20 for the question, Council member. We have reduced  
21 the guarantee period. We now, of course, that the  
22 establishment period a successful street tree. We  
23 thought-- we actually did achieve great success with  
24 the two year guarantee, but in looking at it closely,  
25 you know, and examining the data, we thought it was

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 178

2 worth piloting a one year guarantee period to see if  
3 we could achieve the same results while reducing our  
4 costs. It is one of the issues or the items, rather,  
5 that we are going to be evaluating going forward, but  
6 if we see, you know, success commence it with what we  
7 have achieved over the years, that it may be a way  
8 that we can save money and get more trees planted.

9 CHAIRPERSON KOO: Thank you. So, Chair  
10 Dromm. I have additional questions, but will send it  
11 by email to them because we want to save time. So,  
12 yeah.

13 CHAIRPERSON DROMM: Okay. So, let's go  
14 to Council member Rosenthal. Thank you Council  
15 member Chair Koo.

16 CHAIRPERSON ROSENTHAL: Thank you very  
17 much. I appreciate it. Hey, I just want to make  
18 sure for the record that I understand what is going  
19 on here. I can't quite understand the difference in  
20 numbers, but let's say it is for the 500,000 micro  
21 purchases it is coming in at roughly \$2400 per tree  
22 and tree guard? So, that would be labor, tree, the  
23 guard, and then the other specs you mentioned? I  
24 think the Deputy Commissioner has to be on muted.  
25 Thank you.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 179

2 DEPUTY COMMISSIONER KAVANAGH: Council  
3 member, it is only for the tree planting itself. Our  
4 contracts do not typically include tree guards unless  
5 they are specifically funded which is, I think, that  
6 case in the small project that you mentioned earlier  
7 during your questioning. But our standard tree  
8 planting contract does not include a tree guard. It  
9 includes planting the tree, the guarantee period, and  
10 a number of other things that are specific to the  
11 site.

12 CHAIRPERSON ROSENTHAL: Okay. So, you're  
13 making it even worse. I mean, how much does the  
14 guard cost if you must--

15 DEPUTY COMMISSIONER KAVANAGH: I mean,  
16 it varies depending on the size of the tree bed. I  
17 mean, you know, obviously, you know, the amount of  
18 material that you install, but a tree guard can cost  
19 upwards of \$2000.

20 CHAIRPERSON ROSENTHAL: I am gob smacked.  
21 Can you give us the route to the 2400 per tree? Like  
22 how much of that is the physical tree? How much of  
23 that is labor? How much of that is the guarantees  
24 and the specs?

25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 180

2 DEPUTY COMMISSIONER KAVANAGH: Council

3 member, I can't give you all of that right now. We  
4 do have it and we can share it with you and other  
5 members of the Council if they are interested. The  
6 tree itself cost about \$200. Everything else has to  
7 do with equipment, labor, guarantee, overhead, a  
8 whole host of things that go into any capital project  
9 that are, you know, part and parcel of our tree  
10 planting contracts, as well. And the things that we  
11 focused on in the pilot project was to reduce the  
12 guarantee period. We also changed the specification  
13 for soil amendment. Typically we replace the soil  
14 every time we plant a new tree. That became  
15 increasingly expensive because of the cost of  
16 disposing soil went up so dramatically over the last  
17 few years. So, we require contractors to amend the  
18 soil rather than replace the soil. That resulted in  
19 some savings. The other big thing is that our  
20 contracts typically ran for several years and so we  
21 could not upfront tell a contractor and every site  
22 that we expected them to plants during the course of  
23 the contract and that turns out to make a pretty  
24 significant difference in their pricing. When they  
25 knew exactly what they had to do when what it would

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 181

2 take in terms of material, labor, equipment, they  
3 were able to really hone their pricing down  
4 significantly. And that is something that we are  
5 going to try to incorporate more, even in our larger  
6 contracts so there is more surety as to what the  
7 contractor is bidding on.

8 CHAIRPERSON ROSENTHAL: I'm going to move  
9 on, but I don't know if anyone else is gob smacked,  
10 but it is-- that if a private individual calls the  
11 tree company, it costs \$500, including the tree  
12 guard.

13 COMMISSIONER SILVER: Then they should  
14 bid on our work. I hear you. We have tried our  
15 best. We put it out for a competitive bid and so--

16 CHAIRPERSON ROSENTHAL: We can move on. It  
17 is mind-boggling. Okay. Thank you so much.

18 CHAIRPERSON DROMM: Council member  
19 Rosenthal, this has been an ongoing issue. I think  
20 at one point it was almost up to \$5000 down to three  
21 down to, what? 2400 now. So Parks has made some  
22 movement in the right direction on this, but, yes.  
23 It's a very long process in a deeply involved one  
24 that is hard to explain, but I think we are at least  
25 going in the right direction. So, but still would

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 182

2 like to see cheaper. But, anyway, it has been an  
3 ongoing issue. I think that Council member Koo has  
4 our last question and then we are going to move to  
5 the DOC.

6 CHAIRPERSON KOO: Yes. I forgot the  
7 important question I needed to ask. Sorry about  
8 that. Yeah. So, Commissioner, Doreen the  
9 preliminary budget, we asked about a dedicated  
10 maintenance worker for historic houses. The  
11 department said that they were in the process of  
12 interviewing. Has that position been filled yet?

13 COMMISSIONER SILVER: Right now, we are  
14 interviewing for that position. So, we heard you  
15 loud and clear and we are in the process of hiring  
16 that person.

17 CHAIRPERSON KOO: So, will Park workers  
18 higher at the same levels as before the pandemic?

19 COMMISSIONER SILVER: The answer is--  
20 Well, let me answer this way so I understand your  
21 question. All of the seasonals will be restored. In  
22 addition, we have 2500 workers from the cleaning core  
23 and we have Summer Youth Employment, so there will be  
24 well over 3000 more employees in our parks this year  
25 than last year. So, that is the best way I can

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 183

answer your question that we are restoring the  
seasonal cats and, on top of that, we have the  
cleaning core and the Summer Youth Employment  
Program.

CHAIRPERSON KOO: Okay. So, tree pruning,  
sidewalk repair, and invasive species control are all  
line items that were cut this past fiscal year. Will  
the budgets for these be restored? These specific  
items?

COMMISSIONER SILVER: Rather than the  
looking, the if Commissioner Stark is on the call,  
you can respond to about one.

DEPUTY COMMISSIONER STARK: It was  
actually better than restored. It was never cut in  
next year's budget. So, we have a full. It was only  
a one time cut and we have our other tree money  
available. The only thing that was moved out is we  
did a swap for the trees and sidewalks program which  
is now going to be paid for out of the capital  
budget.

CHAIRPERSON KOO: What about invasive  
species control?

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 184

2 DEPUTY COMMISSIONER STARK: Yes. We have  
3 that back in next year's budget also. Once again, it  
4 was a one year cut.

5 CHAIRPERSON KOO: Okay. Thank you.

6 DEPUTY COMMISSIONER STARK: You're  
7 welcome.

8 CHAIRPERSON KOO: Thank you, Commissioner.

9 COMMISSIONER SILVER: Thank you.

10 COMMITTEE COUNSEL: Chair Dromm, there  
11 are no further questions.

12 CHAIRPERSON DROMM: Okay. We try to  
13 give you the best present yet, Commissioner, which is  
14 that , but I do appreciate--

15 COMMISSIONER SILVER: Again, I want to  
16 thank you for your partnership over the years. It  
17 has truly been a pleasure and, again, just look  
18 forward to now being a citizen here in New York and  
19 enjoy your company on the other side of the table.  
20 So, thank you all for your support in partnership  
21 over the last seven years.

22 CHAIRPERSON DROMM: Thank you know,  
23 Commissioner. Thanks to everybody at the Parks  
24 staff. We appreciate you coming in today and giving  
25 us testimony. Thank you very much.

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
3 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
4 COMMITTEE ON CRIMINAL JUSTICE 185

5 CHAIRPERSON KOO: Thank you. Thank you,  
6 Chair Dromm, for your past 12 years of leadership and  
7 friendship.

8 CHAIRPERSON DROMM: Thank you, Peter  
9 Koo. We're not done yet, Peter. We have a little  
10 bit more to go.

11 CHAIRPERSON KOO: Okay. Thank you.

12 CHAIRPERSON DROMM: All right. All  
13 right. We are now going to take about a three minute  
14 break and then we will be right back with the  
15 Department of Corrections. I asked my colleagues  
16 that will be joining us for the Parks portion-- or  
17 who will be joining us for the DOC portion of the  
18 hearing to remain in this zoom with your microphone  
19 muted until we are ready to begin. Just a three  
20 minute break.

21 COMMITTEE COUNSEL: Chair Powers, are  
22 you ready at this time?

23 CHAIRPERSON POWERS: Yes, I am. Thank  
24 you.

25 COMMITTEE COUNSEL: Sergeants, do we  
want to do a sound check with the Department of  
Corrections?

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 186

2 UNIDENTIFIED: Good afternoon.

3 Department of Corrections here.

4 SERGEANT-AT-ARMS: You're coming in loud  
5 and clear.

6 UNIDENTIFIED: Great.

7 COMMITTEE COUNSEL: Okay, Chair Dromm.

8 We can begin whenever you're ready.

9 CHAIRPERSON DROMM: Okay. Thank you.

10 Good afternoon. Excuse me. Good afternoon and  
11 welcome to the City Council's seventh day of hearings  
12 on the Mayor's executive budget for fiscal 22. My  
13 name is Daniel Dromm and I Chair the Finance  
14 Committee. We previously heard from the Department  
15 of Parks and Recreation and now we will hear from the  
16 Department of Corrections. We are joined by the  
17 Committee on Criminal Justice, Chaired by Council  
18 member Keith Powers. We are also joined by several  
19 of our colleagues. I will be announcing them  
20 shortly. And let me just start with my introduction  
21 here. In 2015, federal monitor Steve Martin was  
22 appointed to oversee a wide range of reforms to  
23 address violence in the city's jails because of the  
24 Nunez Consent Judgement. Last week, Martin released  
25 his 11th report. I want to briefly address his

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 187

2 troubled findings which may help to explain why the  
3 department struggles to manage its \$1.2 billion  
4 budget in over 10,000 employees. Martin concludes  
5 that, despite making considerable progress in some  
6 areas of reform, the Department of Correction  
7 struggles to meaningful reform-- the agency  
8 struggles to meaningfully reform the agency and that,  
9 more specifically, the department's mismanagement and  
10 dysfunctional leadership seriously undermine the  
11 agency's own reform efforts. Accepted by thousands  
12 of frontline staff and supervisors in this cannot  
13 happen under these conditions. Without addressing  
14 these issues, the department will be able to comply  
15 with the consent judgment. Martin's findings on  
16 staffing and resource management are especially  
17 alarming. He finds that the department struggles to  
18 manage its large number of staff productively to  
19 deploy them effectively, to supervise the  
20 responsibly, and to elevate their base level of  
21 skill. He also states that, in most cases, it  
22 appears the staff and supervisors are simply  
23 unwilling or unable to except and execute their core  
24 responsibilities such as to provide basic services  
25 and raise all of interpersonal conflict and, instead,

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 188

1 seek more staff to address the problem. Martin is  
2 skeptical of the department's claim that it is  
3 understaffed, concluding, instead, that there is a  
4 false perception of understaffing mostly because  
5 staff are in adequately deployed and inefficiently  
6 managed. The department's response with excessive  
7 staff presents to the most routine instances and  
8 especially undercuts any claim that it is  
9 understaffed. In that context, I am especially weary  
10 when the department's actual budgeted uniform  
11 headcount continues to be in balance in the executive  
12 budget. Not only does the department continue to  
13 maintain 1454 access positions, that the executive  
14 budget funds for hundred additional corrections  
15 officers for fiscal 22. The change the department  
16 needs most is not more correction officers. I look  
17 forward to hearing more during the hearing, but, for  
18 now, I will turn it over to Chair Powers for his  
19 opening statement.  
20

21 CHAIRPERSON POWERS: Thank you, Chair  
22 Dromm. Hi, all. Thank you for being here today. I  
23 am city Council member Keith Powers, Chair of the  
24 Committee on Criminal Justice. Thank you so much for  
25 spending some time with us today to go through the

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 189

1 Department of Corrections fiscal 2020 to executive  
2 budget which totals \$1.17 billion and increases 26.8  
3 million since adoption. The executive budget  
4 supports a headcount of 7460 uniformed positions and  
5 1827 civilian positions, approximately three percent  
6 of the city workforce and there are roughly 5600  
7 individuals who are in the department's custody as of  
8 yesterday. We will also be reviewing the  
9 department's \$6.5 billion executive capital  
10 commitment plan, most of which is supporting the  
11 borough-based jails projects. The executive budget  
12 includes relatively minor adjustments, the agency's  
13 budget does introduce some notable changes. The  
14 executive budget includes \$10.4 million for 400 new  
15 correction officers in fiscal year 2022, the first  
16 Academy class in several years. As Chair Dromm  
17 described, recent findings in the 11th federal  
18 monitor's report raise serious concerns about the  
19 department's ability to effectively manage and  
20 supervise its current staff which is already over its  
21 authorized budget. The committee here today would  
22 like the department to explain how 400 new officers  
23 will help the department address the profound  
24 challenges it now faces and also the challenges ahead  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 190

2 in the coming fiscal year. Indeed, as the monitor  
3 described, the dominant staffing models we've been  
4 the facilities appear to promote the idea that the  
5 addition of staff will solve all problems when, in  
6 fact, it appears deployed more effectively. It  
7 appears that the administration has, in fact, the  
8 taken that similar approach in this executive budget.  
9 The monitor findings are deeply troubling to many of  
10 us then, together with the recent reports about 24  
11 hour shifts and rising violence in the department's  
12 own claims of operational challenge, I and the  
13 committee members here remain concerned about the  
14 current direction of the agency. It is not apparent  
15 how the executive budget addresses many of those  
16 issues raised in today we want to hear more about how  
17 the executive budget allocates agency ample resources  
18 to address these issues and how we got to this point  
19 and where we go from here. I want to thank my staff,  
20 the Finance Division, and the committee staff for all  
21 of their hard work. Finance analyst Jack Story, unit  
22 head Aisha Wright. Deputy director Regina Parada  
23 Ryan. Policy analyst Kishorn Denny. Committee  
24 counsel Agatha Mapopolus [sp?]- I always get that  
25 wrong. My legislative director-- Sorry Agatha.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 191

Sarah Newman and my chief of staff Kate Theobald.

I'd also like to welcome and thank Commissioner Bran  
and DOC's leadership for being here today to answer  
our questions and, of course, want to recognize that  
I believe this is Commissioner Brann's last hearing  
and last budget with us. So, I want to say thank you  
to her for her service year to the city and I also  
just, on a personal note, the this is also, I think,  
the last hearing I get to do on the budget with my  
friend and chair, Council member Dromm. It's not his  
last hearing. I'm sorry to tell you that, Council  
member Dromm, but he has been an amazing steward of  
this committee over the last two years and a terrific  
Chair who asks very hard questions when they need to  
be asked, particularly in the area of criminal  
justice. And I know that you will probably love to  
have his free time back after this month, but I do  
want to say a very big thank you to him for his  
guidance and leadership here in the Council over a  
very difficult process in a very time consuming  
process. So, with that, I will handed it back to him  
to take it from there.

CHAIRPERSON DROMM: Thank you very  
much, Chair Powers, and thank you very much for your

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 192

2 kind words. I deeply appreciate it and I want to  
3 also applaud your leadership and your courage for  
4 taking on the very strong issues and for supporting  
5 the criminal justice reforms that I think are so  
6 critical and important to making sure that we treat  
7 our incarcerated individuals more fairly and justly.  
8 Thank you very much. Okay. I think we are going to  
9 go to counsel who is going to introduce the  
10 Commissioner and swear them in.

11 COMMITTEE COUNSEL: Dromm. My name is  
12 Noah break and I am counsel to the New York City  
13 Council Committee on Finance. Before we begin, I  
14 want to remind everyone you will be on mute until you  
15 are recognized to speak, at which time you will be on  
16 muted but the zoom host. If you mute yourself after  
17 you have been on muted, you will need to be on muted  
18 again by the host. Please be aware that there could  
19 be a delay in muting and un-muting, so please be  
20 patient. During this portion of today's hearing, we  
21 will hear testimony from the Department of  
22 Corrections. During the hearing, if Council members  
23 would like to ask questions, please use the zoom  
24 raise hand function and you will be called on to  
25 speak. We will be limiting Council member questions

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 193

1 to five minutes including responses. I am just going  
2 to interject, recognizing the Council members who  
3 have joined us. In addition to the two Chairs, we  
4 have Council member Adams, Council member Amory-  
5 Samuel, Council member Barron, Council member Dharma  
6 Diaz, Council member Gibson, Council member  
7 Grodenchik, Council member Holden, Council member  
8 Koslowitz, Council member Lander, Council member  
9 Levin, Council member Louis, Council member Riley,  
10 Council member Rivera, Council member Rosenthal, and  
11 Council member Van Bramer. I will now administer the  
12 affirmation to the administration witnesses one time  
13 and then ask each witness to so affirm. Do you  
14 affirm that your testimony will be truthful to the  
15 best of your knowledge, information, and belief?  
16 Commissioner Brann?

18 COMMISSIONER BRANN: I do.

19 COMMITTEE COUNSEL: Ms. Jennings?

20 HAZEL JENNINGS: I do.

21 COMMITTEE COUNSEL: Ms. Cooke?

22 BRENDA COOKE: I do.

23 COMMITTEE COUNSEL: Ms. Maginley-

24 Liddy?

25 LYNELLE MAGINLEY-LIDDY: I do.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 194

COMMITTEE COUNSEL: I'm sorry about  
that. Ms. Grossman?

HEIDI GROSSMAN: I do.

COMMITTEE COUNSEL: Ms. Richardson?

LISA RICHARDSON: I do.

COMMITTEE COUNSEL: Ms. Lyons?

PATRICIA LYONS: I do.

COMMITTEE COUNSEL: Dr. Beale?

JUDY BEALE: I do.

COMMITTEE COUNSEL: And Ms. Rinterink

[sp?]?

UNIDENTIFIED: Who? [inaudible

04:20:35]

COMMITTEE COUNSEL: I apologize. Thank  
you. Commissioner Brann, you may begin when ready.

COMMISSIONER BRANN: Thank you. Good  
afternoon, Chair Powers, Chair Dromm, and members of  
the Criminal Justice and Finance Committees. I am  
joined this afternoon by members of my leadership  
team, including First Deputy Commissioner Lynelle  
Maginley-Liddy, chief of department Hazel Jennings,  
Chief of Staff Brenda Cooke, Deputy chief for  
financial facilities and fleet administration  
Patricia Lyons, Deputy Commissioner of the

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 195

2 investigative division Serena Townsend, Deputy  
3 Commissioner for legal matters Heidi Grossman, Deputy  
4 General Counsel Lisa Richardson, and Deputy  
5 Commissioner for programs and partnerships, Judy  
6 Beale.

7 I am pleased to have this opportunity to  
8 update the Council on some of the critical issues  
9 facing the department and speak about the fiscal year  
10 2020 to executive budget. The Department of  
11 Correction is at a pivotal place and it's culturally  
12 and operational transformation. Over the course of  
13 my tenure at the Department of Corrections, I have  
14 had the privilege of realizing a number of critical  
15 reforms, including important changes that many had  
16 not thought possible. We have focused on improving  
17 conditions for both staff and those in custody and I  
18 am proud of the work we have accomplished. All of  
19 our staff now have access to a state-of-the-art  
20 wellness center where they can tend to their  
21 physical, emotional, and spiritual well-being.  
22 Training has been updated and expanded and now  
23 includes professional development courses, as well  
24 as. Of online classes that can be accessed from any  
25 network computer. For those in our custody, our work

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 196

2 resulted in an 80 percent reduction in the use of  
3 punitive segregation and a firm commitment to it and  
4 it completely this year. The provision of free phone  
5 calls and an unprecedented investment in programming  
6 and reentry support. The department is also  
7 impartial as to substantial compliance with over 90  
8 percent of the Nunez Consent Decree requirements  
9 which require building new data systems, vetting and  
10 training thousands of staff, and developing new  
11 programs and policies. We acknowledge, however,  
12 there is a lot more work to be done. While there are  
13 still significant challenges, I am confident that we  
14 are well positioned to address these matters with  
15 purpose, transparency, and, most of all,  
16 accountability. As we look to our future, it is  
17 critical that we understand the issues facing the  
18 department today and the steps we must take to  
19 successfully move forward. As compared to previous  
20 years, our current population is more likely to be  
21 affiliated with its security risk group and more  
22 likely to be incarcerated awaiting trial for a  
23 serious violent felony. However, understanding this  
24 trend is critical to devising meaningful and  
25 impactful solutions that help maintain the safety of

2 our facilities and support successful reentry. As  
3 such, the department is shifting to an individual  
4 case management model that will address the specific  
5 needs of each person in our care. Over the course of  
6 my tenure, I have been proud to partner with several  
7 sister agencies in efforts to improve overall public  
8 safety. For the safety and well-being of those in  
9 our care, it is my hope that these partnerships will  
10 be built upon in the years to come. Before turning  
11 to the department's fiscal year 2022 budget, I would  
12 also like to address the impact the pandemic has had  
13 on our staff. The Department of Corrections staff  
14 has been on the front lines of this crisis since the  
15 earliest days of the pandemic. For 15 months, my  
16 staff and I have worked to provide the public with  
17 round-the-clock updates on our efforts to stop the  
18 spread of Covid 19 and modify long-established  
19 services to provide them in a safe manner. Together,  
20 we have succeeded in managing a crisis, but,  
21 individually, our staff have also experienced the  
22 same personal and familial traumas as all New  
23 Yorkers. As the Council knows and our efforts to  
24 afford safe social distancing, the department  
25 reopened the recently closed facility and temporarily

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 198

2 halted plans to close to other jails. Although these  
3 were necessary steps to take in light of the Covid 19  
4 pandemic, it resulted in the operation of more  
5 housing units and more facilities that had been  
6 contemplated at this point in the borough based jail  
7 consolidation plan which meant that there were many  
8 more posts that needed to be filled by a smaller  
9 number of available uniform staff. As the pandemic  
10 continued, we have seen the toll that this scope of  
11 operation has had on our staff. All who have been on  
12 the front lines of this crisis since the beginning.  
13 I want to be clear that the leadership of this agency  
14 is doing everything possible to reduce overtime,  
15 eliminate instances of staff working into a triple  
16 tour, and support our hard-working officers during  
17 this difficult time. The office of administration  
18 closely monitors the length of staff chores and  
19 overseas redeployments of uniformed staffing to the  
20 facilities from every corner of the department. We  
21 have closely reviewed facilities scheduling,  
22 stationed a medical doctor at our headquarters to  
23 help clear staff who have been medically monitored or  
24 modified for full duty posts, and taken important  
25 steps to ensure sick leave guidelines are being

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 199

properly adhered to. This week, we were able to,  
once again, close EMPC, allowing for redeployment of  
staff to our remaining open facilities. In addition,  
this fall, the department will welcome him a class of  
400 new officers, all of whom will further support  
safe jail operations. As difficult as these months  
have been, I believe we are on the right path to  
overcoming our overtime challenges and creating a  
better workplace for our staff. With regard to the  
fiscal year 2022 executive budget and its impact on  
DOC, the department's fiscal year 2022 expense budget  
is \$1.18 billion. The vast majority of this, 87  
percent, is allocated for personnel services and 13  
percent to other than personnel services. The fiscal  
year 2022 budget is 38 million more than this year's  
budget of 1.14 billion and. This increase is largely  
due to the addition of a correction officer class,  
various collective bargaining funding, and  
miscellaneous adjustments for utilities. With regard  
to the capital funding, fiscal year 2022 executive  
capital budget and commitment plan totals 9.7 billion  
which covers fiscal years 2021 through 2031.

I would like to highlight several changes  
to the funding stream for the borough based jails

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 200

program. I would like to better align the projected  
cash flow based on the current procurement schedule,  
total of 147.7 million was shifted from FY 21 to FY  
24 to FY 25 through FY 27 and a total of 92.6 million  
was moved from DOC use miscellaneous construction  
lump sum to other agencies for projects supporting  
the borough based jail points of agreement. Although  
there were ambitious goals outlined in prior  
financial plans to close several DOC facilities to  
align with the projected substantial decrease in the  
average daily population in custody, Covid 19 has  
prevented the department from safely fulfilling all  
of the financial plan assumptions. We will continue  
to work closely with OMB to ensure the department and  
the city receive adequate reimbursement from the  
federal government as it relates to the costs of  
keeping facilities operating longer than expected to  
promote safety and social distancing for our staff  
and those in custody. Over the past several years,  
we have been able to reduce uniformed overtime  
spending from 240.4 million in fiscal year 17 to 180-  
- excuse me. 198.1 million in fiscal year 18, 2018,  
20 154.8 million in fiscal year 19 to 129 million in  
25 fiscal year 2022 a projected 133.8 million in fiscal

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 201

2 year 2021. Given decreased staffing levels and then  
3 need to keep open housing units and facilities that  
4 have been slated for closure in order to promote safe  
5 social distancing, the department does not anticipate  
6 a reduction in overtime this year.

7 In closing, we would like to say to all  
8 New Yorkers that it has been an honor to My 40 year  
9 career in law enforcement with four years of leading  
10 this agency. The individuals working for the  
11 Department of Corrections are among the most  
12 dedicated and hard-working people I know. Together,  
13 we have laid a foundation that will not only support  
14 the significant shift in correctional practices at  
15 our department, but will serve as a model for others  
16 across the nation. Thank you, again, for the  
17 opportunity to testify today and for your continued  
18 support are happy to answer any questions that you  
19 may have.

20 CHAIRPERSON DROMM: Thank you,  
21 Commissioner. I am going to turn it back to counsel  
22 needs to swear in another person, I believe.

23 COMMITTEE COUNSEL: Thank you, Chair  
24 Dromm. Yeah. I have been informed that I didn't  
25 swear in Ms. Townsend, so I'm going to repeat the

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 202

2 affirmation. Do you affirm that your testimony will  
3 be truthful to the best of your knowledge,  
4 information, and belief? Ms. Townsend?

5 SERENA TOWNSEND: I do.

6 COMMITTEE COUNSEL: Chair Dromm, you  
7 may proceed.

8 CHAIRPERSON DROMM: Yes. I power  
9 source here. Okay. Commissioner Brann, let me start  
10 off with a question. I wrote you a letter recently  
11 about visitation. Why is the department not allowed  
12 visitation in over a year while state prisoners are  
13 allowing visitation?

14 COMMISSIONER BRANN: So, Council member  
15 Dromm, thank you. I appreciate that question because  
16 we have been ready to reopen visitation since last  
17 fall. We had a plan. The city's Covid rate  
18 increased and we were unable to reopen to the public.  
19 I, personally, had a conversation with Dr. Choksi  
20 about a week and a half ago, explaining to him our  
21 situation and our desire to reopen not only  
22 visitation, but programs and services to all those in  
23 our custody and bring back our service providers into  
24 our jails. We are working with DOHMH every day to  
25 make sure that we can safely do this. We are waiting

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 203

2 for the green light from them, but we expect to be  
3 reopened by mid-June.

4 CHAIRPERSON DROMM: what you are doing  
5 and what state prisons are doing that doesn't allow  
6 you to open the doors for visitation and the program?

7 COMMISSIONER BRANN: Yeah. I am not  
8 familiar with what state DOC is do we know are not  
9 doing which caused them to the open for visitations.  
10 I am only aware that we need DOHMH to tell us that we  
11 are ready to reopen.

12 CHAIRPERSON DROMM: Well, I hope that  
13 somebody would educate themselves about what state  
14 DOC is doing because, if they are able to do it, I  
15 don't know why you are not able to do it and it has  
16 been over a year with no programs, no visitation and  
17 we definitely know when studies have shown that the  
18 best way to rehabilitate people is to keep them  
19 connected to family and loved ones. I mean, Mother's  
20 Day past just recently and just think of all the  
21 mothers that are there that didn't have an  
22 opportunity to meet with their families or their  
23 loved ones. I mean, it is just unconscionable that  
24 you can sit and say, well, DOH hasn't allowed us.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 204

2 Well, what are we going to do to get DOH to allow us?

3 Do you know what DOH is saying has got to be done?

4 COMMISSIONER BRANN: First, let me say  
5 that I agree with you that keeping people connected  
6 to their support system is critical to reentry. We  
7 have continued visits electronically. Folks have  
8 taken advantage of that and being able to do visits  
9 much like we have been doing zoom meetings to keep  
10 the business of the city going. People take  
11 advantage of that quite frequently and it has People  
12 in touch. In fact. It's People who would not  
13 normally have contact with their family in touch with  
14 their family. Example is people who live out of  
15 state and couldn't have in person visits. So, we are  
16 keeping people connected. I can tell you that our  
17 staff here work daily with DOHMH. We have a plan.  
18 We are ready to go. We just need them to give us the  
19 green light.

20 CHAIRPERSON DROMM: And what about  
21 packages, Commissioner? Are detainees receiving  
22 packages?

23 COMMISSIONER BRANN: You mean, packages  
24 through the mail?

25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 205

CHAIRPERSON DROMM: like packages from  
their loved ones families from the outside with--

COMMISSIONER BRANN: Yes.

CHAIRPERSON DROMM: basis essentials  
and supplies? Things like that.

COMMISSIONER BRANN: So, the delivery of  
packages and mail has not stopped throughout the  
pandemic. And to go back to your statement about  
programs, there's been no programs, our staff have  
been delivering programs, albeit, and a modified way.  
But now all of our programs staff are back in the  
jails doing work with the individuals in our custody.

CHAIRPERSON DROMM: You know, I could  
go on and on and on, but let me go to the federal  
monitor's report because that was pretty damning.  
The federal monitor's 11th report describes alarming  
and pervasive chaos and disorder in DOC's facilities  
and concludes that the department is struggling to  
manage itself and to meaningfully reform the agency.  
How does the executive budget shift resources to  
support the agency's reform and address the current  
disorder in the cities jails? And that is not me  
saying that. That is the federal monitor saying it.  
A lot of people like to say, oh, Dromm. You know, he

1 criticizes. That's not me. I feel validated and  
2 vindicated by what the federal monitor is saying  
3 because I have been saying it for 10 years.

4  
5 COMMISSIONER BRANN: So, he does say  
6 that, but I want to reiterate that we are also in  
7 partial and substantial compliance with 90 percent of  
8 the consent decree, which there are 382 individual  
9 stipulations. We acknowledge that there is much more  
10 work to do. We have not seeing--

11 CHAIRPERSON DROMM: Commissioner, can I  
12 stop you there? I think the main point of Mr.  
13 Martin's report was, basically, administrative staff  
14 who is out of control and is not in charge of what is  
15 going on. How do you respond, as the person  
16 responsible for that to what the federal monitor  
17 said?

18 COMMISSIONER BRANN: So, we work every  
19 day with our facility leadership staff to reinforce  
20 the content of the consent decree and the  
21 requirements of our duties. We provide training in  
22 the best core correctional practices. We have  
23 changed the vision and mission modern correctional  
24 practices. We are reviewing incidents daily and we  
25 have reviews to show the command staff where folks

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
3 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
4 COMMITTEE ON CRIMINAL JUSTICE 207

5 may have gone wrong and how we can do better. We are  
6 administrating discipline in cases that discipline is  
7 appropriate, and we Council staff daily. We have our  
8 compliance and safety center that, up until our  
9 recent staffing shortages, were monitoring live in  
10 the housing units guiding staff on procedural errors  
11 that could be corrected in real time. So, we are  
12 working every day to getting compliance with those 10  
13 percent that the monitor was talking about which is--

14 CHAIRPERSON DROMM: How many  
15 administrative staff have you disciplined?

16 COMMISSIONER BRANN: Excuse me? I'm  
17 sorry. I didn't hear.

18 CHAIRPERSON DROMM: How many  
19 administrative staff have you disciplined or fired?

20 COMMISSIONER BRANN: Well, we have  
21 disciplined thousands of staff throughout the tenure  
22 of the committee.

23 CHAIRPERSON DROMM: Administrative  
24 staff of the people who are responsible? The top  
25 people who are responsible for the running of the  
jail which the monitor has criticized?

COMMISSIONER BRANN: Bar discipline  
crosses all levels, so we have disciplined officers--

CHAIRPERSON DROMM: Well, then tell me  
about what I just asked which is the administrative  
staff.

COMMISSIONER BRANN: I can get those  
numbers to you. I don't have the exact number of  
people that we have disciplined. I can get that to  
you.

CHAIRPERSON DROMM: that was what the  
monitor was pointing to. And, by the way, it is this  
attitude that nothing is being done that, you know,  
needs correcting that continues this legacy of  
inefficiency, of corruption, of mistreatment of the  
detainees, and an inability to get control over it  
and I just don't understand your resistance to it.  
For the life of me, I cannot understand your  
resistance to acknowledging that. In order to solve  
a problem, you need to acknowledge it and, by the  
way, it is the top that has to acknowledge it.  
According to the PMMR, the report shows that most  
people in the departments custody have a mental  
health diagnosis. 17 percent have a serious mental  
health diagnosis and the percentage of people in  
security risk groups has increased compared to last  
year. Meanwhile, the Departments program budget for

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 209

1 health and programs remains increased by 2.5 million  
2  
3 to just 49 million or four percent of DOC \$1.2  
4 billion budget. So, why does the executive budget  
5 remain effectively flat in this area in light of the  
6 emerging challenges of managing that jail facilities?  
7 I mean, you have alluded to some of the programs  
8 where you have had success and I have seen some of  
9 them. I forget the acronym that was used, but maybe  
10 it was FAIRS in the jail where I visited where people  
11 were doing out of cell time and interacting with  
12 others and properly trained corrections officers.  
13 Why is there no interest or biddable in terms of the  
14 programmatic pieces?

15 COMMISSIONER BRANN: So, before I have  
16 the CBO talk about programs, I think you are  
17 referring to CAPS or PACE?

18 CHAIRPERSON DROMM: CAPS. I'm sorry.  
19 That's it.

20 COMMISSIONER BRANN: Yes. So, you have  
21 to recall that CHS, Correctional Health Services are  
22 our partners in this effort and so they provide the  
23 mental health treatment be reflected in DOC budget.  
24 So, I will let [inaudible 04:40:56] Beale talk about  
25 the programs that she is overseeing.

1  
2 JUDY BEALE: So, we recently implemented  
3 an individualized program plan with individuals in  
4 custody whereby in order to help an individual change  
5 their behavior, you have to first understand what  
6 their risks are. What their risks and needs are and  
7 so we implemented a needs assessment that will take  
8 place between a correctional counselor and the  
9 individual in custody as soon as they arrive in their  
10 housing units. Once that needs assessment is  
11 completed, we then move forward with establishing a  
12 program plan to address those risks. It is entirely  
13 collaborative in the effort to get this program plan  
14 altogether between the Council and the person in  
15 custody and they have to decide that they would like  
16 to partake in any of the programming that is laid out  
17 in this plan.

18 CHAIRPERSON DROMM: So, you know, used  
19 to be in the New York City public school teacher for  
20 25 years before I got elected to the city Council.  
21 One of the things that we are trying to do with the  
22 DOE in which they have, you know, taken a liking to  
23 recently has been a restorative justice program and I  
24 know that with restorative justice, you can train the  
25 teachers, but if you don't train the whole staff,

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 211

2 you're not going to get the type of response that you  
3 need. Let me give you an example of what I am  
4 talking about. As a teacher, I would try to use  
5 restorative practices in my classroom, but when I  
6 would take the kids down to lunch and come back to  
7 pick them up after lunch, there is a whole bunch of  
8 them sitting on the bench in the principal's office  
9 because other staff had not been trained to do that.  
10 Do the programs that you are talking about also train  
11 corrections officers to partake and buy into the  
12 programs that you are talking about?

13 COMMISSIONER BRANN: and how the  
14 curriculum gets delivered, but they do need to be  
15 made aware of what curriculum is being taught and  
16 they need to understand how to support the skills and  
17 thinking that goes into those programs. We are, in  
18 fact, working on training teams, interdisciplinary  
19 teams, which is a combination of uniform and non-  
20 uniform staff in the delivery of a unit management  
21 model which does provide a multidisciplinary approach  
22 to the support of the people in custody.

23 CHAIRPERSON DROMM: So, let me go to my  
24 next question which is that the executive budget  
25 continues to support DOC's reliance on excessive

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 212

2 staffing and forced to solve all problems, in the  
3 words of the federal monitor. Why, then, would the  
4 federal monitor be saying that if your programs are  
5 so successful?

6 COMMISSIONER BRANN: how I'm not sure  
7 you can connect to the chair with what you are  
8 referring to with regard to having too many staff and  
9 using force. The two don't necessarily connect. So,  
10 the--

11 CHAIRPERSON DROMM: How so? If you are  
12 using restorative or if you are using practices that  
13 are meant to support the detainees, how is it not  
14 related to then also having to resort to violent  
15 physical interactions with the detainees? One would  
16 assume that the programs that you are talking about  
17 are successful enough to prevent the violence.

18 COMMISSIONER BRANN: Well, they may be  
19 successful enough to prevent the violence with the  
20 people who are partaking of those programs. There is  
21 no mandate for anyone in our custody to participate  
22 in programs, so our counselors do whatever they can  
23 to develop a rapport and our relationship with those  
24 and their caseload to entice them, to encourage them  
25 to take advantage of those programs so that they can

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 213

2 enhance their life skills and they can return to  
3 their communities not everybody engages in those  
4 programs and I want to be clear that not everybody in  
5 our custody engages in violence were gets into an  
6 incident where there is a use of force. And those  
7 typically are the same people who do not wish to  
8 engage in programs. That is not to say that we give  
9 up on them. We never give up on anyone. We still  
10 work with them and try to encourage them to  
11 participate. And so, in a correctional setting,  
12 there is need for force at times to stop something  
13 from happening, from breaking up a fight, the to  
14 redirect someone from where they were headed to a  
15 place where--

16 CHAIRPERSON DROMM: Commissioner, you  
17 and I have argued this ad nauseam, to be honest with  
18 you, and yet, the situation never changes. And now  
19 you are asking for more correction officers and, yet,  
20 the federal monitor has said that more correction  
21 officers are not going to solve the problem that you  
22 are describing. So, what-- I know you're leaving,  
23 but what I should be saying is that I help but that  
24 the next Commissioner who comes in will be able to  
25 address these concerns of the federal monitor. I'm

2 going to leave it there because the answers go round  
3 and round. You denied the use of solitary  
4 confinement and two weeks later the Mayor makes an  
5 announcement saying he is ending solitary  
6 confinement. So, I wish we could just get a straight  
7 answer from somebody at DOC as to what really is  
8 going on and I support with the Mayor has done, but I  
9 think it should go further, to be honest with you,  
10 but, you know, it is absolutely amazing to me. What  
11 is the relationship between the departments current  
12 staff-- Oh. Can the department explain why there  
13 have been steady reports of understaffing and 24-hour  
14 shifts giving the monitors finding that it is an  
15 established practice for staff and supervisors to  
16 call on more staff in specialized units to respond to  
17 the routine incidents, not just violent incidents?  
18 Now, I was there when I saw one of the emergency  
19 squad's run in hand attack or whatever was going on.  
20 I don't know. But it was a horrible, horrible scene.  
21 I have heard of the gassing of the students and the  
22 students were there. Can you explain to me the  
23 reports of the understaffing and the 24-hour shifts  
24 and why you have to use so many specialized units to  
25 respond to the routine incidents?

2 HAZEL JENNINGS: So, good afternoon.

3 This is Chief Jennings. I want to--

4 COMMISSIONER BRANN: Can you speak up a  
5 little bit? It is hard to hear you.

6 HAZEL JENNINGS: I said, good afternoon.

7 This is Chief Jennings speaking and I want to first

8 address the talk about staffing and what we have been

9 doing to reduce and prohibit people from working a

10 triple tour. So, it is not 24 hours. We do have a

11 policy where staff are required to work overtime,

12 however, we have had to facilities open who should

13 have been closed, but due to COVID and social

14 distancing, those facilities have remained open. And

15 so, before we have spread out our population where we

16 could have a certain amount of individuals in every

17 housing area, we also had to spread out staffing and

18 so we have deploy again, up with a redeployment

19 program so that we can make sure that we deploy staff

20 into the facilities that were encouraging the most

21 over time, prohibiting staff from going into a triple

22 tour. That has happened. We have also been able to

23 successfully close EMTC this past Monday so that we

24 can deploy the staff to the facilities where they

25 have the least amount of headcount. We have also

2 seen high numbers of staff who were calling in sick  
3 and who have been sick and staff that is not  
4 available to us. I would have to say that during  
5 this pandemic, you know, we have experienced extreme  
6 conditions in which we have seen violence out what  
7 time decrease and then it has gone back up  
8 significantly. And so, the safety, security, and the  
9 well-being of our staff have been paramount and will  
10 always be important, but there are multiple reasons  
11 why we have seen varying-- either it was our  
12 population where, at one time, we have had under we  
13 were averaging 1200 people a day go to court prior to  
14 the pandemic. During the pandemic, we have only seen  
15 approximately 300 or less people being produced to  
16 the court which has created a back log of individuals  
17 in our custody. When we first did bail reform, our  
18 count was under 3900. We are back up to 5600  
19 individuals. We have a backlog of approximately 989  
20 individuals who have been in our custody for over 600  
21 days. There was also a point where we had our  
22 transfers to state custody which stopped and we have  
23 now successfully been able, since March 30, to  
24 transfer approximately 450 people to state custody.  
25 And so, where we are at detention facility, it is

2 never been designed to actually act and operate as a  
3 prison. And so, when we have people who are staying  
4 in our custody for long periods of time, when we have  
5 approximately 1800 of our individuals in custody who  
6 are gang affiliated, we are a community and so, when  
7 they act out in the community and they come into our  
8 facilities, the violence just does not stop, sir.

9 And so, when we find that our young adult population  
10 that we have predominately housed or housing in RNDC,  
11 they are all are a lot of challenges with that group.

12 And so, when we talk about the monitors report  
13 adapted the incident command system with a response  
14 to violent incidents, we have the ability to call for  
15 four levels of responses that we need in our  
16 facility. We have a level where it can be just a  
17 dispute or disruptive individual or inmate on inmate  
18 fight with no weapons where there are only a captain  
19 and for individuals show up to try to quell and de-  
20 escalate the situation. We also have a B level which  
21 is the Probe team that monitors disputes, too, and  
22 that is devised of one 10 with six officers, one of  
23 which has a video camera operator. And the only time  
24 there is a level C where the emergency response unit  
25 response to a facility when things are escalating.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 218

Violent incidents where we have multiple people  
fighting with weapons, we have barricade situations  
where the emergency response unit does respond to a  
sister facility. And so, again, it's really about  
keeping people safe. There are only responding to  
violence we have to keep them as our priority, sir.

CHAIRPERSON DROMM: Well, I would just  
be curious to know, since it is not only me who is  
saying this, but it is the federal monitor who is  
also criticizing your response to this, how you are  
going to comply with the federal monitor. Rather  
than be defensive about it, I would hope that you  
would find or look to find ways that you can correct  
the situation. With that, I am going to turn it over  
to Chair Powers. I may come back with other  
questions later, but thank you very much.

CHAIRPERSON POWERS: Thank you, Chair  
Dromm. I am going to pick up just on the staffing  
issue here and the proposed new class of 400 officers  
by the department. Can you be more specific with us  
exactly the need right now with 400 officers you're  
getting to your existing headcount and what that  
class of 400 officers will [inaudible 04:54:16] in

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 219

2 terms of filling in the challenges right now at the  
3 agency?

4 UNIDENTIFIED: Sure, Chair Powers. So,  
5 in working with City Hall and OMB and reviewing the  
6 amount of correction officer candidates on open and  
7 active lists, we came up with 10 percent of that  
8 availability and 400 would be an appropriate class to  
9 see at this time and seeing that class is to assist  
10 the department with the attrition backfill that we  
11 are experiencing and the funding was only allocated  
12 for one for the school year, so we are going to work  
13 with OMB to monitor attrition as it continues to  
14 occur to see if funding would be required again and  
15 future fiscal years. But, as of now, the funding and  
16 the headcount of those positions are only in fiscal  
17 year 22.

18 CHAIRPERSON POWERS: Yeah. I was trying  
19 to ask a little more about the actual need right now  
20 in terms of challenges that the agency is facing, but  
21 let me ask this question. The department right now  
22 maintains an active uniform headcount of 8673 which  
23 is 20 percent higher than its budgeted headcount of  
24 7219. In addition, both the budgeted headcount and  
25 actual headcount remain higher significantly than the

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 220

2 average daily population. How are we justifying an  
3 increase of 400 correction officers wall you are  
4 currently over budgeted and what is the, you know,  
5 operational challenge that the agency sees right now  
6 that requires hiring new officers when we are at a  
7 level right now which is both over budgeted and  
8 significantly higher than the current population, but  
9 certainly the population we might expect I hear Chief  
10 Jennings point about the stress is created by Covid.  
11 We are emerging, I think, out of that crisis or  
12 hopefully soon and making progress on that and seeing  
13 substantial changes in our numbers here. That might  
14 lead you to expect, as you stated, closing  
15 facilities, lowering the population as some of those  
16 challenges get salt, so, I think, again, I think that  
17 Counsel or I will ask the question here of justifying  
18 an increase of 400 officers based on the current  
19 state of the headcount both over budgeted and the  
20 actual headcount? So, I would like to hear more  
21 about the purpose and need of that.

22 COMMISSIONER BRANN: So, on any given  
23 day, we could have close to 2000 members of staff who  
24 are not available to work on in inmate [inaudible  
25 04:56:56] post and that could be for a variety of

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 221

2 reasons. Either they are on terminal leave which  
3 means they are separating from the agency, they could  
4 be on military leave, paternity leave, FMLA, some  
5 other kind of sick leave, or they could be back at  
6 work, but in such a medical condition that they  
7 cannot be on a post that has inmate contact. So,  
8 that, combined with the fact that we had to keep  
9 three facilities open that we were not planning on  
10 keeping open for a significant period of time, plus,  
11 keeping our density down around 50 percent for Covid,  
12 that has increased the stress on our staff. And so,  
13 when people are really tired and when they are  
14 working double shifts, they have to take care of  
15 themselves and some people have taken advantage of  
16 that by taking sick time and we acknowledge that  
17 working double shifts is not healthy. Certainly  
18 working triple shifts is not healthy. During this  
19 time, we continue to lose staff from regular  
20 attrition and some staff who have investigations and  
21 discipline and so hiring and vetting 400 person class  
22 that will start in the fall doesn't even put those  
23 folks on the floor until about six months later. So,  
24 we won't see and benefit from hiring this class now  
25 until sometime next year.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 222

2 CHAIRPERSON POWERS: So, sounds to me  
3 like it doesn't solve your immediate operational  
4 challenges and staffing in light of Covid. We are  
5 talking six months later, you know, which, to me,  
6 sounds like a period of time where you might have the  
7 opportunity here to-- you know, social distancing  
8 will be less needed, hopefully, with, you know, where  
9 Covid numbers are headed. You will, potentially, you  
10 know, be able to close-- I think you have closed  
11 facilities. You may start seeing some of those  
12 challenges around courts and state transfers. I  
13 think some of those have already started to be  
14 resolved. So, in six months from now, I guess the  
15 question that we have or I have it is-- is it  
16 necessary for 400 new officers in light of the fact  
17 that, if we're not talking immediate challenge right  
18 now, I would expect that we would see some of those  
19 challenges to be resolved in the next six months to a  
20 year and it feels like I am still unclear why we  
21 would hire folks to not resolve an immediate short-  
22 term challenged nor really feel necessary, you know,  
23 it in a year from now.

24 COMMISSIONER BRANN: So, I don't have a  
25 crystal ball. I sure wish I did. I did not think we

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 223

would still be here in this situation of social  
distancing and mask wearing and all of the sanitation  
that we have to do 15 months after this started. I  
would hope by next year that we would not be in this  
position, but hope is not a plan and we have to have  
a plan. We lose between 80 and 100 people a month in  
regular attrition and we still have old jails where  
the design of these facilities requires officers to  
move people to wherever they are going. If you had  
called and talked about the design of the new borough  
base jails, services will come to the housing unit.  
Recreation will be on housing units, all the  
services, all medical. Everything will happen within  
the place that you live. Now, these jails are large.  
They are sprawling, they are old. They require the  
officer to escort people wherever they are going.  
So, it is not just a one-to-one ratio of we have more  
staff than inmates, it is how the facility is  
designed. Some of the housing units require minimum  
staffing levels because of the population that are in  
that housing unit. It is very complicated.

CHAIRPERSON POWERS: I know that. No  
doubt about it and I'm not going to say that I am an  
expert in the logistics of running these facilities.

1 I think from the observer into the public, for  
2 instance-- whose money we are spending here-- I  
3 think there is a reasonable question that is asked  
4 here about what the monitor report has stated which  
5 is the management of that staff. I think there's a  
6 question about, you know, the needs and the amount of  
7 spending we are doing all and all of that and I think  
8 it is appropriate to ask those questions and I do  
9 hope the facility solves some of those problems, but  
10 we are quite staffed we will, hopefully, see changes  
11 as a part of Covid. And we are in a budget process  
12 right now, which is a little bit of a crystal ball  
13 process. Can you tell us-- and I am just going to  
14 stay on this subject. Can you tell us what is the  
15 policy around over time in the agency and how many  
16 officers right now are cheating the policy  
17 requirements?

19 UNIDENTIFIED: So, we have a policy  
20 which is broken down by officers, captains, and ADW  
21 as to how many hours per month they can work overtime  
22 in which, right now, because of the shortage of staff  
23 in the amount of people that are unavailable to us,  
24 some of them have been exceeding their overtime  
25 amounts that they can do monthly. But, as I said,

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 225

2 Monday do we have been able to successfully close the  
3 Eric and Taylor Center and we are still using our  
4 Covid housing where we are using one facility which  
5 is the oldest [inaudible 05:02:48] facility to the  
6 now house all of our new admission individuals to  
7 keep down the spread of Covid. And so, we are hoping  
8 that, if the spread and our infection rate gets to a  
9 point where we can where we are able to view our new  
10 admission processing and the three existing  
11 facilities, we can also successfully, once courts  
12 open and we continue losing people to state custody,  
13 we can also successfully close the OBCC. So, to  
14 allow them [inaudible 05:03:26], we are trying to  
15 reduce the amount of overtime which was pending and  
16 so, you know, we currently have ANKC which is our  
17 largest facility-- we were on pace and we, at one  
18 time, had 50 percent of that facility closed which is  
19 what we were mandated to do. and when Covid did hit,  
20 it made us open up the entire facility for our safe  
21 housing management.

22 COMMISSIONER BRANN: Chair Hours, I  
23 would like to respond to your comment. We absolutely  
24 believe it is reasonable to ask those questions.  
25 These are taxpayer dollars, so I hope my explanation,

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 226

we hope, brings understanding of how staffing levels  
are created. The extra steps that we have also taken  
is that the Office of Administration under Assistant  
Chief Brownburg [sp?] has now begun to [inaudible  
05:04:23] facilities schedule and we believe that  
that is going to address some of the concerns that  
the moderator has about the facilities not being able  
to do that appropriately themselves.

CHAIRPERSON POWERS: Is there a-- Thank  
you for explanation. I want to ask a follow-up  
question. You had mentioned 2000 individuals who  
might be out for various causes, whether it is about  
military leave, family leave, sick leave, medical--  
you know, a number of different-- separating from  
the agency. Can you tell us today, for instance, how  
many individuals are out in exactly what the  
breakdown would be of those different categories of  
being out of work?

UNIDENTIFIED: [inaudible 05:05:19]  
Just a moment. We have-- [inaudible 05:05:27]

COMMISSIONER BRANN: My last data is as  
of April 16 which is the most current, but I can give  
you for this month, I can send it to you.

CHAIRPERSON POWERS: Okay.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 227

COMMISSIONER BRANN: We had 88 on  
modified duty which means they cannot have inmate  
facing posts. 33 on suspension. 512 indefinite  
sick. 74 terminal leave. 63 on continuous FMLA.  
276 on intermittent FMLA. 155 on military leave and  
676 on medically monitored category [inaudible  
05:06:09]. So that's a total of 1877.

CHAIRPERSON POWERS: So, what was the  
total number? 1877?

COMMISSIONER BRANN: 77.

CHAIRPERSON POWERS: Okay. It's a big  
number. If I was, for instance, had Covid or  
symptoms of Covid or, you know, an illness, which  
category am I in for that? Is that the one with the  
512 sick?

COMMISSIONER BRANN: Yes.

CHAIRPERSON POWERS: Okay. So, on April  
16th-- Okay. 500 individuals. Okay. Does that  
number seems ordinary to you or is it-- you know,  
what in a normal day, non-Covid, is that number?

COMMISSIONER BRANN: These number look  
distinct to me over the past few months--

BRENDA COOKE: Chair Powers, this is  
Chief of Staff Cooke. I just want to correct one

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 228

2 thing. The numbers that the Commissioner provided to  
3 you, that 512 is indefinite sick which is different  
4 than staff who just call out sick on a particular day  
5 for a one off event and then they returned the next  
6 day or two days later. So, this 1877 number doesn't  
7 include those that are out just sick if they have,  
8 you know, stomachache or--

9 CHAIRPERSON POWERS: Okay. So, what  
10 would that number be on April 16th?

11 BRENDA COOKE: Yeah. So, I can tell  
12 you that yesterday's number was just over 1200  
13 individuals who were in a sick status as of just on  
14 yesterday. That is separate from this 1877. And the  
15 department has been averaging about 1300 people a day  
16 for the last four to five months and that sick sick  
17 status. We saw an uptick in the total number of  
18 daily sick, again, for people who just wake up and  
19 don't feel well and want to let us know that they are  
20 going to take a sick day. That number started to  
21 take up at the end of the year around Thanksgiving as  
22 we saw the, in particular, the Covid numbers start to  
23 pick up, as well, in the community. And so, the  
24 prior the start of the pandemic in March 2020, our  
25 department daily sick, our average sick of that

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 229

2 category was about 400 people a day and so, we see  
3 that, in the last several months, that, on certain  
4 days of the week, particularly weekends, we will see  
5 that number of daily sick rise close to 2000 people--

6 CHAIRPERSON POWERS: So, on just a given  
7 weekend, you might have a fourth of your department  
8 that is out sick. Is that correct? And that is--

9 COMMISSIONER BRANN: Correct.

10 CHAIRPERSON POWERS: That would be  
11 separate from the category that you've, Commissioner,  
12 shared with us which is all the other--

13 COMMISSIONER BRANN: Yes.

14 CHAIRPERSON POWERS: categories?

15 COMMISSIONER BRANN: Correct. That is  
16 correct.

17 CHAIRPERSON POWERS: Does that concern  
18 you?

19 COMMISSIONER BRANN: Yes. Absolutely.

20 CHAIRPERSON POWERS: But, I guess it  
21 should concern all of us for whatever reason you  
22 decide to be concerned about it. What concerns me is  
23 that 1300 is a, you know-- 15 percent of your or  
24 well, 20 percent of your entire agency is out in a  
25 given moment. Is there any step up-- I mean, it's

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 230

2 an incredible number. Are there any steps year the  
3 agency-- I guess my starting point is what-- maybe  
4 if you can tell me what you attribute the number or  
5 why that number is so high?

6 BRENDA COOKE: Well, you know, I can't  
7 speak on the motivations or the reasons behind the  
8 absences other than staffers reporting that they are  
9 not well enough on those instances to work. But what  
10 I can tell you that I absolutely know is that the  
11 department has taken aggressive measures to ensure  
12 that our policies are being used appropriately and we  
13 have created taskforces to address home visits. And  
14 so, certain staff when they have used sick leave at a  
15 frequency that triggers something called chronic  
16 aware they have used a total of 40 or more days in a  
17 rolling 12 month., When they go out sick after that  
18 event, then on the days that they are sick, they are  
19 subject to what is called recreation hours and so  
20 they can only be out of their house during  
21 permissible hours. And so, there is a group of staff  
22 who are out sick on any given day, but have that  
23 status of chronic applied to them. And so, we will  
24 do home visits to ensure that they, in fact, our  
25 where they are supposed to be when they are off on

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 231

2 sick. And so, we have increased our efforts to  
3 address the abuse of that sick policy, in particular,  
4 with those individuals and we have been identifying  
5 and disciplining accordingly with lost days,  
6 suspensions, and up to termination in resignation  
7 from staff that we have, in fact, been catching in a  
8 higher radiofrequency misusing that policy. We have  
9 also been working with, as the Commissioner mentioned  
10 at the outset, I believe that we have a medically  
11 modified status trying to get staff who were in a  
12 status that it makes them unable to work a particular  
13 post that would be most helpful to the department in  
14 a housing unit or faces persons in custody in that  
15 way or post that we have to run across stores and we  
16 are not able to shift reduce with issues of short  
17 staff. So, to get more staff eligible to return to  
18 those posts, we have to ensure that they can be  
19 medically cleared to return to a medically modified  
20 status that is permissible. And so, we have been  
21 sanctioned part of our health management divisions  
22 medical team here at the headquarters and we have  
23 been transporting staff direct delay from their  
24 command while they are at work to have them seen by  
25 our HMD staff to, in fact, see if anyone has been

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 232

eligible to be cleared for duty status that could  
work one of those eligible posts. And so, those are  
two particular ways that we have been addressing the  
use of the sick policy. And then, I know that Deputy  
Commissioner Townsend could also address matters that  
are making their way into the trials division with  
respect to medical incompetence and separation.  
Efforts to separate and terminate staff who are,  
again, in a position where they are either abusing  
our policies or incapable to perform--

COMMISSIONER BRANN: Yeah. Can you  
share with us the data on exactly how many  
individuals have gone through a process that there is  
found to be abusing that policy?

UNIDENTIFIED: So, this task force has  
been recently put together in the process of going  
through the disciplinary process is quite lengthy,  
however, there have been individuals who have already  
resigned or retired in light of these home visits and  
in light of pending discipline. And so, what happens  
is we bring them in for interviews and then we charge  
them accordingly. And so, I can get you specific  
numbers, if you would like, but this is kind of a  
relatively recent process that we have started, but

1 already relatively effective at either bringing  
2 people back to work or forcing them, at this point,  
3 to resign or charging them, in the alternative, if we  
4 do find them either out of residents or abusing the  
5 sick policy.  
6

7 CHAIRPERSON POWERS: So, you have 1300  
8 out today. Is that effective?

9 SERENA TOWNSEND: What is the question?

10 CHAIRPERSON POWERS: The question is you  
11 said it is an effective deterrent. I was asking that  
12 I think you have 1300 out today, so I am asking if it  
13 is an effective deterrent if that many individuals  
14 remain out?

15 SERENA TOWNSEND: When I say it is so  
16 effective, I am referring to the people that we have  
17 actually visited. We have seen success there.  
18 Obviously, we don't have 1300 investigators that I  
19 have the staff that I have to deal with on that  
20 front, but we have seen that those that we have  
21 visited, it has been an effective process in the hope  
22 is that the more people that are affected this way,  
23 it will be a trickledown effect and people will hear  
24 that others are being disciplined for abusing the  
25 sick leave and that is the hope that this point.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 234

2 UNIDENTIFIED: Yeah. Chair, we have a  
3 tremendous amount of staff who are working  
4 extraordinarily hard and they are coming to work and  
5 bearing the burden of the absence of a lot of their  
6 colleagues and so, I think to Deputy Commissioner  
7 Townsend's point is it is an extremely important for  
8 us and, in addition, the work we have been doing is  
9 to get the word out and to make sure that it is noted  
10 that staff can be aware that, in fact, you know,  
11 actions are being taken and, even if the disciplinary  
12 process, you know, can be more measured and paste  
13 that even, you know, we would like, we want to make  
14 sure that staff are, you know, fully appreciate that  
15 were doing, you know, all that we can through those  
16 processes and people's due process rights to pursue  
17 appropriate remedies. We have also, since the 1st  
18 of March, we have completely eliminated the  
19 operations of several support divisions and  
20 redeployed those staff permanently on a temporary  
21 basis, but permanently at this point, two facility  
22 commands in order to address adding headcount to  
23 those. And then another staff who were assigned to  
24 non-jail commands have been on a regular biweekly  
25 redeployment which means that they do their regular

1 assigned jobs that is a command that is not  
2 necessarily a jail facility and then they are working  
3 in the jails on mandatory overtime in order to  
4 support their colleagues and peers and to get the  
5 necessary relief. And so, we send thousands of staff  
6 a week on a schedule through that process, as well,  
7 and so all of those efforts are, again, aimed at both  
8 relieving the staff who need to have the ability to  
9 leave their posts and go home and rest and have their  
10 personal time, but also it is a demonstration of  
11 commitment to the department that everyone is sharing  
12 in the burden of operating these posts and extending  
13 ourselves in these jails that we have extended  
14 ourselves and because of conditions to respond to the  
15 pandemic. And that is why I think that--

17 CHAIRPERSON POWERS: Right. Can I just  
18 stop you there? Because I just want to be respectful  
19 of time, but I appreciate the answer. Have to  
20 follow-up questions. One is when was this group for  
21 this task force, I think you are calling it, convened  
22 for the first time? When was it formed?

23 UNIDENTIFIED: I don't have the exact  
24 date, but I believe that it began in late March or  
25 early April.

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
3 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
4 COMMITTEE ON CRIMINAL JUSTICE 236

5 UNIDENTIFIED: Yes.

6 BRENDA COOKE: I would just say that  
7 our home visits and the efforts to curb any abuse or  
8 misuse of the sick leave policy for those that are on  
9 chronic studies has existed always and it happens out  
10 of our health management division. This was an added  
11 support where we pulled stand out from the  
12 investigations division. The DOI has been  
13 participating and then we pulled additional staff  
14 from across headquarters and agency commands to  
15 conduct more home visits family health management  
16 division would've been able to support on--

17 CHAIRPERSON POWERS: And what is the  
18 threshold for being designated chronic, then, if you  
19 are going to go and I think that was one of the  
20 triggers of starting a process. But what is the  
21 threshold?

22 UNIDENTIFIED: 40 working days and a  
23 rolling 12 months.

24 CHAIRPERSON POWERS: So, if you've taken  
25 40 days-- So, if you've taken 40 days off, that  
triggers somebody-- that triggers a process for  
somebody to validate, I guess? Is that fair to say?

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 237

2 UNIDENTIFIED: It is a chronic status  
3 of our sick leave policy and then that person, each  
4 time that they would call in sick, they are only  
5 afforded recreation hours, which is one to five.

6 CHAIRPERSON POWERS: Okay. I mean, I  
7 think the problem is pretty clear. I mean, you have  
8 a major problem on your hands and I know you know  
9 that. You have 1500 people, 1300 people calling in  
10 sick every day and leaving-- and another 1800 or so  
11 that are out for other various reasons and that is  
12 leaving the folks who are showing up to work  
13 overburdened and over-- you know, working extremely  
14 long shifts. And I am saying that because at some  
15 point Roberts contrary to some other things we have  
16 heard and I think it should be quite concerning told  
17 us. Just in the respective time, I am going to go on  
18 to the federal monitor report. You know, I noted  
19 that you had said, you know, again, that Chair Dromm  
20 I brought this up, but May 11, the report was  
21 released and, you know, continues to raise an alarm  
22 about mismanagement of staff in shifting management--  
23 you know, use of force. It does acknowledge, of  
24 course, progress that has been made and the  
25 department's willingness to be transparent and honest

1 and had sort of discussion around what the issues  
2 are. The agency-- and I think it was in your  
3 testimony that you mentioned you were in 90 percent  
4 compliance. That other 10 percent, though, the is  
5 the whole ballgame, it feels like right now and it,  
6 you know, mentions a couple things which we have  
7 talked about earlier. One is the idea that more  
8 staff may not solve all the problems, but there is a  
9 management issue which, you know, may be related to  
10 what we also just spoke about and, you know,  
11 continued problems around use of force which have  
12 been, you know, reflected in the past report, amongst  
13 other things. Can you tell us how this budget that  
14 we are looking at today addresses that other, you  
15 know, remaining 10 percent of issues that the agency  
16 believes are still existing? And, while we are at  
17 it, can you describe to us, perhaps, what that other  
18 gap of issues that when you said-- I think it was,  
19 you know, more work to do, you know, what is that  
20 work that the agency needs to do or steps it needs to  
21 take to be in compliance for the new report to get a  
22 report that does not still continue to highlight  
23 these issues?  
24  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 239

2 COMMISSIONER BRANN: So, I think you're  
3 right in that that 10 percent is what is in the  
4 forefront and what we are talking about today in the  
5 federal monitor's report, which I just want to remind  
6 Council that that report reflects the time period  
7 that ended in December 2020, so we are in the 12th  
8 monitors. Right now which will end at the end of  
9 June. So, you know, we designed all of our new data  
10 systems. We redesigned policies. We created new  
11 policies. We trained staff. We put 14,000 cameras  
12 and all of our facilities and we revamped our  
13 training. And so, I believe what is left is changing  
14 the hearts and minds of staff in that changing their  
15 practice of reacting in a way that the monitor points  
16 out that may exacerbate the situation and trying to  
17 use all available resources to de-escalate. Now, as  
18 I said, in some cases, you can't. If there is 10  
19 people fighting, you have to do something. You are  
20 compelled. You are duty-bound to save people from  
21 each other and so we have what we call rescue force  
22 where we insert ourselves and between people who are  
23 fighting or about to fight or cause harm to each  
24 other. That is all included in that total number of  
25 use of force. It is the force that is excessive or

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 240

2 unnecessary that we need to address and that is the  
3 constant reviews with staff. This is timely  
4 investigations and discipline so that discipline is  
5 close in time to the offense. And that is constantly  
6 working with people to hone their skills in de-  
7 escalation and communication and that is what we are  
8 working on.

9 CHAIRPERSON POWERS: I understand that,  
10 but, you know, we have now saying-- I think this  
11 recommendation come out and report after report and  
12 it feels like if were even making progress, we are  
13 not. I mean, changing the hearts and minds, you  
14 know, feels very intimidating in terms of trying to  
15 actually correct that as an issue in this department.  
16 I think the report lays out some of the problems that  
17 they see when it comes to what you mentioned.  
18 Discipline way they proximity to or accountability  
19 within proximity to an issue, training, but also  
20 management and leadership and turnover, by the way,  
21 is another one from what I recall from the report.  
22 But you are leaving. You are leaving this in the  
23 hands of a new Commissioner coming in. What are the  
24 steps that you would tell that Commissioner who is  
25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 241

2 coming in to address those issues that you have just  
3 outlined? Like concrete examples and steps.

4 COMMISSIONER BRANN: So, actually have  
5 met with the incoming Commissioner we actually  
6 discussed that very point in it is a culture shift.  
7 It's a change in thinking and I think the monitor  
8 pointed out that the behavior and some of the  
9 attitudes have been passed down through generations  
10 in this agency and so, to just tell people don't do  
11 that anymore, I have always wished that that is how  
12 we stop bad behavior or inappropriate behavior and  
13 unprofessional behavior or behavior changes that have  
14 changed as society has changed their expectations.  
15 It doesn't work with the people in our custody and it  
16 doesn't seem to work with people who are engaging in  
17 excessive or unnecessary uses of force. So, I am not  
18 going to speak to the new Commissioner. He has his  
19 own ideas on what he is going to do to tackle this  
20 and I would rather leave that with him to discuss  
21 with the Council.

22 CHAIRPERSON POWERS: Okay. I'm going to  
23 leave it there for now. I have more questions, but I  
24 know members have questions here, too, so I want to  
25 respect to them and have the ability to ask

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
3 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
4 COMMITTEE ON CRIMINAL JUSTICE 242

5 questions. I will handed it back to Chair Dromm for  
6 any further questions and then we can handed over to  
7 the members, too.

8 CHAIRPERSON DROMM: Thank you. I do  
9 have some follow-up questions. So, let me just ask  
10 how many staff work in the probe teams total and  
11 during a specific shift?

12 HAZEL JENNINGS:: So, are probe teams are  
13 only consisting of one Captain with six officers and  
14 so each tour, if there is an alarm that is activated,  
15 only one Capt. and six officers respond unless they  
16 are calling for an additional level to assist with  
17 quelling and possibly presenting additional harm to  
18 any individuals.

19 UNIDENTIFIED: But those staff members  
20 that Chief Jennings just described, those are staff  
21 members who are otherwise assigned for their tour to  
22 an existing, you know, post for position. And so,  
23 when an alarm happens, they are in a posted an  
24 assignment that can be vacated and they leave their  
25 post and respond to the staging area and they will  
assemble and create, in that instance and in that  
moment in a probe team for the purposes of the alarm  
response and then, after they returned to their

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 243

2 previously assigned duties. So, it is not a  
3 stationary function for the duration of the tour. It  
4 is that folks are pulled from other jobs that can be  
5 temporarily left to serve in the response team.

6 CHAIRPERSON DROMM: Okay. So, what is  
7 the longest time or longest period of assignment to a  
8 probe team amongst the current staff? Are they that  
9 for their whole career? What is the longest amount  
10 of time?

11 HAZEL JENNINGS: So, when the alarm is  
12 activated-- so, the answer to your question is it  
13 all varies because, when the alarm is activated, the  
14 first six individuals that get to the staging area  
15 are the people who respond to the probe team. So,  
16 where we have very specific posts that has a probe  
17 team, but, hypothetically, if those assigned persons  
18 are out and we get another alarm activation, and it  
19 is the first six people that were respond. It is not  
20 a permanent job. It is only activated based on the  
21 alarms.

22 CHAIRPERSON DROMM: Okay. And what  
23 does a probe team look like? Are they the ones that  
24 then have to put on additional equipment? Do they

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 244

2 have to put on a vest or do they-- what does it  
3 actually look like when an incident happens?

4 HAZEL JENNINGS: So, yes. They have to  
5 put on personal protection equipment. They have a 36  
6 inch baton. They have a helmet. They have a vest  
7 and if they have to do, perhaps, an extraction of a  
8 person or removal of a person, they have arm guards  
9 and knee guards.

10 CHAIRPERSON DROMM: How long does it  
11 take to get the uniform on?

12 HAZEL JENNINGS: I'm sorry?

13 CHAIRPERSON DROMM: How long would it  
14 take like to get the uniform on?

15 HAZEL JENNINGS: So, what they are  
16 donning is they are donning a protective vest. They  
17 are donning a helmet and they are using a baton to  
18 put that on in and to respond down to an area.

19 CHAIRPERSON DROMM: And that is nearby  
20 where they are working more where is it stored?

21 HAZEL JENNINGS: So, when the alarm  
22 rings, there is a centralized staging area. So, if  
23 they are partaking in their meal, if they are  
24 hustling to a post that they could readily vacate,  
25 they have to run and respond to the staging area.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 245

2 They have to do on the equipment. They report to the  
3 staging area where the tour commander is the one who  
4 deploys staff to that area based on the assessment  
5 and the needs.

6 CHAIRPERSON DROMM: Okay. Thank you.  
7 How many staff work in the ESU total in during a  
8 typical shift, as well? Can you explain that to me?

9 HAZEL JENNINGS: So, the emergency  
10 service unit, their staffing calls for-- let me just  
11 get that. They have permanently assigned-- what  
12 their TO calls for is one ADW, 77 officers, and 10  
13 captains. So, on a daily basis, they have people who  
14 are doing various functions. So, they would have a  
15 team of staff members which is called their higher  
16 security escort team and they are taking people to  
17 court or possibly to state custody and that consists  
18 of about one Captain and the four officers. On the  
19 rapid response team, the team who would be responding  
20 to a facility or an incident, they have would Captain  
21 and 10 officers that would respond.

22 CHAIRPERSON DROMM: And that is  
23 different from the probe team?

24 HAZEL JENNINGS: That is different than  
25 the probe team.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 246

2 CHAIRPERSON DROMM: Do they do on the  
3 same equipment?

4 HAZEL JENNINGS: They don't on the same  
5 equipment, but they have a different baton. They  
6 have a helmet. The have a vast. They still have  
7 chemical agents. All of the staff have chemical  
8 agents in the 10 from the emergency service unit has  
9 a Taser.

10 CHAIRPERSON DROMM: And are they  
11 permanently assigned to that or into they, like you  
12 did with the probe team, are they working, you know,  
13 regular corrections officers or is this a special  
14 assignment that they are constantly ready for?

15 HAZEL JENNINGS: So, they have both  
16 permanent staff members and they also have support  
17 team members that will report on any given day if  
18 they have people who are out to vacation or out sick.  
19 These members of service, they receive additional  
20 training outside of the trained facility or the  
21 training that each facility who are in the  
22 facilities. There is additional training for which  
23 they receive.

24

25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 247

2 CHAIRPERSON DROMM: So, the 77 that you  
3 mentioned, they are permanently assigned to the ESU  
4 unit?

5 HAZEL JENNINGS: So, they have a TO which  
6 calls for 77, but I don't believe they currently have  
7 77 members. There were some members that we recently  
8 transferred out of the unit.

9 CHAIRPERSON DROMM: Okay. So, do you  
10 know about how many?

11 HAZEL JENNINGS: I do not have that  
12 actual number, sir, that they have--

13 CHAIRPERSON DROMM: But you feel it is  
14 down?

15 HAZEL JENNINGS: It is definitely down.  
16 Because we transferred out some of their permanent  
17 and we also prohibited some of their support staff  
18 members from being deployed in ESU again.

19 CHAIRPERSON DROMM:

20 COMMISSIONER BRANN: Why was that?

21 HAZEL JENNINGS: Well, we have the policy  
22 which speaks to specialized units and because of the  
23 Nunez Consent, decree, there is also provision in  
24 which speaks to discipline.

25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 248

2 CHAIRPERSON DROMM: It was related to  
3 discipline.

4 HAZEL JENNINGS: Correct.

5 CHAIRPERSON DROMM: And what would they  
6 have been disciplined for?

7 UNIDENTIFIED: So I can speak to that,  
8 sir. It mostly involved either uses of force or--  
9 and/or false reporting.

10 CHAIRPERSON DROMM: Wow. And you will  
11 get us that number, right?

12 HAZEL JENNINGS: Yes.

13 CHAIRPERSON DROMM: Okay. I look  
14 forward to hearing about that number. How many staff  
15 worked in the special search teams total and during a  
16 typical shift?

17 HAZEL JENNINGS: So, the special search  
18 teams as a unit in which we put together and their  
19 total job is going out every day once or twice a day  
20 and all they do is search. And so, we have a  
21 temporary assignment and we are budgeted for two  
22 captains and 15-- so, it's one Captain and 15  
23 officers on two tours.

24

25

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 249

2 CHAIRPERSON DROMM: So, do you do  
3 searches every day or how is the search or why is the  
4 search conducted?

5 HAZEL JENNINGS: So, they are doing  
6 searches every day, sometimes twice a tour, and so  
7 they are searching once a tour and they are searching  
8 based on information, contraband that they may have.  
9 We receive information from DOI at times where they  
10 have some sort of information based on that there is  
11 possible contraband. They are doing regular searches  
12 and so they are out searching twice sometimes wants,  
13 but definitely once a tour.

14 CHAIRPERSON DROMM: But it's definitely  
15 always-- I'm sorry?

16 HAZEL JENNINGS: I'm sorry. And they are  
17 also responding to major incidents to search for  
18 contraband.

19 CHAIRPERSON DROMM: And so, are these  
20 searches preemptive or are they based on suspicion of  
21 illegal contraband or something?

22 HAZEL JENNINGS: So, both.

23 CHAIRPERSON DROMM: So, they are both  
24 preemptive and as it pertains to suspicion of illegal  
25 contraband. Okay.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 250

2 HAZEL JENNINGS: That's correct.

3 CHAIRPERSON DROMM: Okay. Thank you.

4 And then just, finally, I think, and then I'll go to  
5 Council member Rosenthal. Public records indicate  
6 that 344 staff, 87 civilian, and 257 uniformed work  
7 in the transportation division. How has their time  
8 been used during Covid because most of the court  
9 visits have been suspended, as the Commissioner  
10 mentioned.

11 HAZEL JENNINGS: So, we've utilize that  
12 staff. We have still been running court operations.  
13 We have use them during our bill reform and Covid  
14 with discharges. The transportation division also  
15 operates our route buses on Rikers to and from the  
16 parking lot to facilities. They are also responsible  
17 for picking up of our food because we have production  
18 kitchens and not every facility housing production  
19 kitchen. They are picking up food and delivering  
20 food at other facilities. We are responding and  
21 assisting the NYPD at times when they need buses for  
22 different demonstrations. We are doing hospital runs  
23 when we are doing clinic runs. So, they are still  
24 working and we have also removed-- temporarily  
25 removed some of the staff and deployed them to

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 251

2 facilities to assist with the overtime and the  
3 staffing shortages.

4 CHAIRPERSON DROMM: Okay. Thank you.  
5 Let's go to Council member Rosenthal.

6 SERGEANT-AT-ARMS: Your time will begin.

7 CHAIRPERSON ROSENTHAL: Thank you very  
8 much. I really just-- thanks for the hearing.  
9 Thank you, Chair Dromm. You're like-- have the  
10 stamina of a camel. I don't know what the right word  
11 is. A lot of stamina. Thank you for doing all this.  
12 Commissioner, I just have a-- actually want to  
13 follow up on the questions that Council member Dromm  
14 was asking about why-- and I heard. Sir, but so why  
15 we can't close off parts of the building with fewer--  
16 with the population lower. And, of course, the  
17 answer is, gosh, there is Covid and, you know, we are  
18 trying very hard to keep people safe. So, I totally  
19 understand that and I really appreciate-- I couldn't  
20 quite tell who was talking, but I really appreciate  
21 the person who said, look, you've Artie closed one of  
22 the buildings. We are about to close the other one  
23 that was always intended to be closed. So, that is  
24 great, but it just peaked my interest. Do you have a  
25 sense or do you know how many corrections officers

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 252

1 have got in the vaccine and also for the jail  
2  
3 population, you know, when they come in are they--  
4 you know, that could be another touch point. Are  
5 they given an opportunity to get the vaccine? But  
6 sort of what has-- you know, we are now at a point  
7 where like I don't wear a mask going outside. So,  
8 are we at a point yet where it is safe inside from  
9 Covid?

10 COMMISSIONER BRANN: So, I'm not sure I  
11 can put all that together and just one response. I  
12 will let the First Deputy Commissioner talk to the  
13 numbers of staff and the number of people in custody  
14 who have got in the vaccine, but what I can tell you  
15 is we have had a significant effort and education on  
16 both our staff and that is in our custody [inaudible  
17 05:40:03] at CHS are really like a leader on this and  
18 making sure that people in custody are able to get  
19 the vaccine. In fact, they have a traveling group  
20 that go to all the housing areas over and over again  
21 to inform folks about the vaccine. And they come to  
22 our staff, as well. We made videos and we have  
23 posted them online about--

24 CHAIRPERSON ROSENTHAL: About what  
25 percentage do you think or what are the raw numbers?

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 253

2 UNIDENTIFIED: So, about 25 percent of  
3 our staff have received the vaccine as the result  
4 of our--

5 CHAIRPERSON ROSENTHAL: That's great.

6 UNIDENTIFIED: and we were not aware of  
7 the numbers of people-- you can get the vaccine in  
8 the community. We are not aware of the numbers of  
9 our staff who actually availed themselves of the  
10 vaccine in the community. But approximately also 25  
11 percent of individuals in custody have received the  
12 vaccine , as well.

13 CHAIRPERSON ROSENTHAL: And is there an  
14 opportunity to get vaccinated while you are in  
15 custody?

16 UNIDENTIFIED: So, the answer is yes.  
17 Every new admission when they come in they are  
18 offered the opportunity to take the vaccine and then,  
19 while they are still cohort it together in new  
20 admission housing, they are also offer the vaccine.  
21 We have seen more people accepting to take the  
22 vaccine. We have a schedule that we worked out with  
23 CHS so that we walk through our different facilities  
24 to offer--

25 CHAIRPERSON ROSENTHAL: I got you.

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
3 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
4 COMMITTEE ON CRIMINAL JUSTICE 254

5 UNIDENTIFIED: The vaccine to someone.

6 CHAIRPERSON ROSENTHAL: Yep. I got you.

7 I'm so sorry. I am on a clock. And is it the  
8 Johnson & Johnson vaccine that you give because  
9 people, you know, might be in one day and out, you  
10 know, out before two weeks from then?

11 UNIDENTIFIED: First staff, we have  
12 been providing the Pfizer vaccine and CHS offers  
13 individuals in custody both the Pfizer and the  
14 Johnson & Johnson vaccine.

15 CHAIRPERSON ROSENTHAL: Okay. So, I would  
16 have to ask them about that. And then, yesterday,  
17 Commissioner Choksi emphasize the importance of sort  
18 of, you know, the expression of meeting people where  
19 they are in order to get them to the point where they  
20 are willing to take the vaccine. It strikes me, you  
21 know, just describing-- 25 percent is-- if 25  
22 percent of your staff has taken the vaccine, that  
23 percentage is lower than the citywide average.

24 SERGEANT-AT-ARMS: Time.

25 CHAIRPERSON ROSENTHAL: Thank you. I am  
just wondering how you can meet your officers where  
they are in order to educate them about the vaccine  
and sort of along with that is, because role modeling

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 255

2 is so important, Commissioner, I am looking at your  
3 table. Some people are wearing math scores everybody  
4 worried masks? How many--

5 UNIDENTIFIED: We are all wearing  
6 masks.

7 CHAIRPERSON ROSENTHAL: How many people  
8 around the table of taken the vaccine?

9 UNIDENTIFIED: All but one.

10 CHAIRPERSON ROSENTHAL: So, you have a  
11 better percentage than your officers.

12 UNIDENTIFIED: Well, the 25 percent is  
13 only what is being reported as our on-site location  
14 on Rikers Island because people have the ability to  
15 take the vaccine out in the communities and we don't  
16 have or are unable to account for that. We only know  
17 from our testing site.

18 CHAIRPERSON ROSENTHAL: I see. I didn't  
19 understand that before. Okay. I mean, it would be  
20 really interesting to know because before you can do  
21 anything, you know, as the jail population comes down  
22 and as people are going to their court hearings, you  
23 know, and given the fact that, you know, staff eating  
24 it is challenging, over time is challenging, I would  
25 imagine you would want to get back to a place where--

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
3 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
4 COMMITTEE ON CRIMINAL JUSTICE 256

5 UNIDENTIFIED: Thank you. So, even  
6 when people haven't taken the vaccine, we are still  
7 doing testing. We have staff that have the ability  
8 to test at our centralized location and everyone who  
9 comes into custody has to take a test and if they  
10 refuse, then they are quarantined.

11 CHAIRPERSON ROSENTHAL: Yeah. I am just  
12 describing. That's all. Thank you very much. Thank  
13 you, Chairs. Thank you, Chair Powers.

14 UNIDENTIFIED: Thank you.

15 CHAIRPERSON DROMM: Thank you. And let  
16 me just go back. What is the overtime policy and how  
17 many people of gone over it?

18 UNIDENTIFIED: Are you asking  
19 specifically for correction officers, sir? Or in--

20 CHAIRPERSON DROMM: Yeah. The overtime  
21 policy for officers. And that is, basically, where  
22 you are seeing the absence issues and-- that they  
23 are describing to Keith Powers. Am I right?

24 UNIDENTIFIED: Yes. Yes. The monthly  
25 cap is 57 hours and that data I have in the month of  
26 March is 17 percent correction officers went over  
27 that cap.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 257

2 CHAIRPERSON DROMM: Okay. Can you also  
3 just describe for me how these special search teams  
4 coordinate with facilities staff who conduct the  
5 search is that the monitor named frequent and chaotic  
6 searches as the driver of frustration and violence?  
7 How do you respond to what the monitor said?

8 UNIDENTIFIED: So the special search  
9 team is and they have no conjunctions with the  
10 facility. And so, when they go into search, the  
11 facility is not searching at all with the special  
12 search team. They are a dedicated unit that goes in  
13 to search. So, they found significant amounts of  
14 weapons during their searches. They have proven to  
15 be very successful. When we have been short staffed  
16 at the facilities during Covid and they did not have  
17 the ability to put staff together to search, we still  
18 had the special search team searching the facilities.

19 CHAIRPERSON DROMM: Do you agree with  
20 the monitor statement that it creates frustration and  
21 resentment when people are search when there is not  
22 really a level of suspicion?

23 UNIDENTIFIED: So, I disagree and I  
24 would say that there is a need to search. We have had  
25 issues with contraband, dangerous contraband--

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 258

2 CHAIRPERSON DROMM: Yeah. But how does  
3 the contraband get in with no visits? There's been  
4 no visits.

5 UNIDENTIFIED: Right. So, we still  
6 have the system--

7 CHAIRPERSON DROMM: So, just can you  
8 answer that? How does the contraband get in?

9 UNIDENTIFIED: I am trying to, sir.

10 CHAIRPERSON DROMM: Okay. Okay.

11 UNIDENTIFIED: So, we still have the  
12 ability where we, during Covid, people are actually  
13 receiving in the mail and packages. People have the  
14 ability to the soak letters in liquid K2, fentanyl  
15 and so that comes in. We get packages in. We do  
16 have integrity issues where people have been found  
17 guilty of bringing in contraband into the facilities.  
18 So, it's something that we are monitoring, that we  
19 have the investigative division--

20 CHAIRPERSON DROMM: When you say people  
21 have been investigated for being contraband in, the  
22 referring to the correction officers?

23 UNIDENTIFIED: So, it hasn't just been  
24 correction officers. It has been nonuniform also and  
25 we do have jail made weapons that people fabricate.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 259

2 CHAIRPERSON DROMM: Yeah. But with no  
3 visitation and with your supervision of packages that  
4 come in, how much contraband has come in? What are  
5 the numbers of what you have found?

6 COMMISSIONER BRANN: So, we can get you  
7 a detailed list of all the things that we have found  
8 in the searches. I think it would take us 20 minutes  
9 to read the whole list for you. But as the Chief was  
10 saying, we have not caught everything that comes in  
11 the jails. We have drug detection dogs, but they are  
12 not always in the mailroom. Sometimes staff miss  
13 those things. Weapons are made out of things that  
14 are available in the housing unit and we do have  
15 staff, both nonuniform and uniform staff who have  
16 brought contraband into the facilities and we, along  
17 with DIY and those people who get caught are  
18 disciplined and terminated.

19 CHAIRPERSON DROMM: So, you are not  
20 going to respond positively to the monitors finding  
21 that it is one of the main drivers of the frustration  
22 and the violence that occurs.

23 COMMISSIONER BRANN: No. I think the  
24 Chief said that she disagreed with that  
25 characterization. I am not going to speak for all

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 260

2 people in custody. There were plenty of times when  
3 the search team goes into a unit and--

4 UNIDENTIFIED: [inaudible 05:49:47]

5 COMMISSIONER BRANN: But I would agree  
6 that, at times, people were frustrated that they have  
7 had their items searched-- and I can understand  
8 that-- but that is an accepted practice in a  
9 correctional facility in order to keep people safe.  
10 We don't want anyone to get stabbed. We don't want  
11 anyone to get slashed, and we certainly don't want  
12 people taking drugs while in custody.  
13 Nonprescription.

14 CHAIRPERSON DROMM: I think it depends  
15 on the frequency and the level of suspicion that  
16 really would determine how frequently those searches  
17 should be done. But if the monitor is pointing it  
18 out, I think there needs to be some correction and  
19 direction of how those searches are conducted.  
20 Anyways, Commissioner, we could argue that and I just  
21 hope that the next Commissioner will look at that, as  
22 well. I just want to go back and then I-- because I  
23 have to turn it over to Chair Powers, as well. How  
24 many are considered probe-- how many people are

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 261

2 considered probe team members across the whole  
3 department?

4 UNIDENTIFIED: So, at any given time,  
5 if an alarm is activated, consists of one Captain and  
6 six officers.

7 CHAIRPERSON DROMM: But did you say  
8 that there were others that would join the probe team  
9 if those people are in there?

10 UNIDENTIFIED: So, for every alarm,  
11 when an alarm is activated, anyone who is in earshot  
12 and can hear the alarm bell that rings, they must  
13 report to the staging area if they are partaking of a  
14 meal or if they are on a post that they can vacate  
15 it, they must report to the staging area.

16 CHAIRPERSON DROMM: So, I'm still  
17 confused about what the probe team-- the probe team  
18 members that are specifically designated people who  
19 were members of the probe team and that there are  
20 other members who are [inaudible 05:51:50]--

21 BRENDA COOKE: Yeah. Let me give it a  
22 try, Chair Dromm. This is Brenda Cooke. So, at the  
23 beginning of each tour on the schedule, staff are all  
24 assigned to work a particular post in the jail and so  
25 for staff whose posts are in the jail for that tour

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 262

2 are posts that are not-- and I'm just going to use  
3 an example. Like not a housing unit for officer,  
4 right? So, these are posts for people who may be  
5 working in the administrative posts or who work in a  
6 corridor post that can be temporary-- or an intake  
7 or other clinic or services. Those staff know that,  
8 based on their post assignment for the day that when  
9 the alarm rings, as the Chief was describing, that,  
10 if they are able to because, you know, if they are  
11 occupied and engaged in something that in that moment  
12 they cannot leave, those assigned staff, based on  
13 those post assignments, OR to leave their post and to  
14 respond to the staging area to be directed by the  
15 tour commander as to the nature of the response.  
16 Then, depending on who arrives, you may have had more  
17 staff arrived to a staging area that are necessary to  
18 assemble into that probe team. So then the tour  
19 commander will then direct a captain and four  
20 officers-- four to six officers to suit up in the  
21 protective equipment and then authorize, if  
22 appropriate, to respond to the location. So that's,  
23 I think, where your question is with respect to, you  
24 know, additional staff who may be responding. It's  
25 all staff are to respond to make sure that we can get

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 263

2 the necessary number of staff in that moment to send  
3 to an emergency response is appropriate.

4 CHAIRPERSON DROMM: Okay. Thank you  
5 for that answer. I actually have to leave for a  
6 medical appointment and I am going to turn it over to  
7 Chair Powers who will finish it up. I don't see any  
8 other Council members with questions at this point,  
9 but I do want to just take a moment to thank  
10 Commissioner Brann for your work here. I know you  
11 and I have butted heads on many occasions and I do  
12 appreciate what you have done and your work here and  
13 I wish you the best of luck as you move forward with  
14 the rest of your career or whatever it is that you  
15 are going to be doing as you move forward. And I  
16 want to thank all of the corrections staff, as well.  
17 All of the people that already in the room with you  
18 there for the hard work that they have done. I know  
19 that may have been going through difficult times, as  
20 well, especially with the Covid situation. But I do  
21 thank you for your work. And, Commissioner, best of  
22 luck to you. Thank you.

23 COMMISSIONER BRANN: Thank you, sir.

24 CHAIRPERSON POWERS: Thank you, Chair  
25 Dromm. I have a few more questions I wanted to get

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 264

1 to and then we can close out here. The first one is  
2 as we are going through the budget, we noticed or I  
3 noticed federal funding that was being used, the \$280  
4 million in stimulus funding in FY 22 out of \$280  
5 million in city tax levies. Can you tell us how the  
6 department determined how to use the \$280 million in  
7 stimulus funding and whether it is going to support  
8 any or develop any new initiatives or programs and  
9 what happens to that funding in the future if there's  
10 no stimulus funding?  
11

12 UNIDENTIFIED: Sure. Thank you, Chair  
13 Powers. So, modifications to agency budgets to put  
14 in stimulus funding was done by OMB during the  
15 executive budget, so I am still learning the process  
16 of how we are going to be utilizing the funding and  
17 claiming it and understanding the guidelines. That  
18 280 million city tax levy reduction with a  
19 corresponding increase in federal stimulus also had a  
20 corresponding funding switch for headcount. So,  
21 given that the American Rescue Plan is support for  
22 government services, my understanding at this time  
23 would be that that 280 million and is going to  
24 support 3600 uniform staff.

25 CHAIRPERSON POWERS: Existing staff.

1 COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
2 USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
3 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
4 COMMITTEE ON CRIMINAL JUSTICE 265

5 UNIDENTIFIED: Yes.

6 CHAIRPERSON POWERS: That is going to  
7 help pay for existing staff. Okay. So, do we know  
8 why OMB decided to use stimulus here versus using the  
9 city taxpayer dollars? I mean, I was just trying to  
10 better understand the sort of whole intention here.  
11 I know it is happening in other agencies, as well.

12 UNIDENTIFIED: Sure. So, I mean, the  
13 city tax levy funding did exist, so, to account for  
14 the loss of revenue the city had as a whole as  
15 related to the pandemic, they would do the city tax  
16 levy funds that would support the existing 3600  
17 positions and increase the federal stimulus. So, it  
18 is more of an offset to the revenue loss the city is  
19 experiencing.

20 CHAIRPERSON POWERS: Okay. We had at  
21 the prior hearing had, obviously, covered in talk in  
22 detail about the privileged phone conversations that  
23 we found out were being recorded and this hearing,  
24 our hearing, came right immediately after a news  
25 article that discussed, you know, would I would say  
is fairly widespread in certain places. Recordings  
occurring. We have not had a hearing since then.  
Well, we have had a hearing, but haven't had a

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 266

2 hearing on this topic since then. Can you give us an  
3 update on the status of the alleged recordings the  
4 privileged phone conversations and share with the us  
5 the final outcome or if this is the final outcome of  
6 the audit and just share with us the findings of  
7 those?

8 LISA RICHARDSON: Sure. Thank you, Chair  
9 Powers. This is Lisa Richardson, Deputy General  
10 Counsel. So, since the last hearing, Securest has  
11 completed the initial audit for all of the six major  
12 public defender organizations and we have shared  
13 those results directly with those organizations. In  
14 total, there were 1766 unique telephone calls that  
15 were recorded and accessed and that consisted of 455  
16 unique persons in custody who made those telephone  
17 calls and 148 total unique telephone numbers.

18 CHAIRPERSON POWERS: And can you share  
19 with us the steps the agency is now taking? I know  
20 we had discussed it, but can you please share with us  
21 the steps the agency is taking immediately and short-  
22 term and long-term to address what is, obviously, the  
23 act concerning an invasion of individual privacy and  
24 to protect against any further possibility that that  
25 would happen in the future?

2 LISA RICHARDSON: Absolutely. So, as  
3 General Counsel Grossman discussed at the last  
4 hearing, we immediately directed Securest to conduct  
5 these audits. We also directed them to immediately  
6 sequester the inadvertently recorded telephone calls  
7 and to immediately privatize the phone numbers that  
8 had not been properly privatized in the past.  
9 Additionally, since that time, we have directed  
10 Securest to implement a quality assurance process on  
11 their end and the department has also developed a  
12 quality assurance process on our own and. Both of  
13 those quality assurance processes have been  
14 implemented in, to date, have not identified any  
15 subsequent errors in the privatization. Securest, at  
16 our direction, has also created an online database  
17 where attorneys can check whether or not their phone  
18 number is currently set to do not record status and,  
19 if it is not, they can contact the department and  
20 request privatization. We have also modified our  
21 public facing website to include a link to that  
22 database and we have also directed Securest time  
23 modified the pre-recorded admonishment warning that  
24 plays at the beginning of any recorded telephone  
25 call. We have now modified that to include a warning

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 268

2 to attorneys explicitly warning them that their phone  
3 call is being recorded and that they need to contact  
4 the department to privatize their phone number and  
5 that they should not have any privileged telephone  
6 communications on that phone call.

7 CHAIRPERSON POWERS: If you are an  
8 individual who you believe your number should be on  
9 that database, you mentioned a way they can now check  
10 that. What is that process?

11 LISA RICHARDSON: Correct. There is a  
12 link posted on the New York City Department of  
13 Corrections website. They click on that link, they  
14 input their phone number. You have to enter it in 10  
15 digits. The area code, the first three digits, and  
16 then the four final digits of the phone number. It  
17 is, and (, no dots. It's very important that you  
18 enter old lady the 10 digits. And it will then pop  
19 up with the notification that your phone number  
20 either is private or is not private. If it is not  
21 private, it contains instructions on how to contact  
22 the department and request privatization and of that  
23 number.

24 CHAIRPERSON POWERS: And that is  
25 operational right now?

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 269

2 LISA RICHARDSON: It is. And it has been  
3 operational for at least the past month.

4 CHAIRPERSON POWERS: Okay. The-- thank  
5 you for that update. The borough base jails, can you  
6 give us an update on where we all are in terms of the  
7 construction of the borough base jails and any delay-  
8 - you know, with some delays to the 2027 and being  
9 pushed back to 2027, does that impact at all the  
10 departments planning around closing facilities and  
11 generating savings? Can you give us an update and  
12 then tell us how the delay might impact the agency?

13 UNIDENTIFIED: At present, the only  
14 contract I am aware of that is a registered for the  
15 borough base jails project is related to the Queens  
16 parking garage, but all of the work continues to move  
17 procurements forward and that DDC is moving forward  
18 for the facilities and boroughs. In terms of our  
19 closure plan, we had sustained in the budget facility  
20 closures to the total, I believe, five at this time  
21 from January 2019 to the executive budget of last  
22 year. So, we don't have any further changes to the  
23 report yet on the facility closures. That would be  
24 contingent upon how Covid 19 remains to be playing

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 270

out and also our population, which is still higher  
than expected.

CHAIRPERSON POWERS: Do you have  
concerns about the timeline being delayed any  
further?

UNIDENTIFIED: I do not at this time.  
The most recent date, I think, that was provided, I  
think, was August 31st, 2027 or something like that  
has not changed yet at this time. So, no.

CHAIRPERSON POWERS: And I just want to  
correct it. The Queens parking garage is-- are you  
saying that's the only contract that is currently  
signed and registered?

UNIDENTIFIED: Yes. To my knowledge.

CHAIRPERSON POWERS: Okay. And which  
ones-- Are there any other that they are out right  
now? Any RFPs right now for other ones?

UNIDENTIFIED: I do not have the  
breakdown of all of the specifically. I'm sure we  
can follow up with you on that because we have to--

CHAIRPERSON POWERS: Okay.

UNIDENTIFIED: [inaudible 06:03:18].

CHAIRPERSON POWERS: Okay. Can you talk  
to was just again. There's obviously been a lot of

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 271

2 discussion recently, I think even in the daily news  
3 today about the kind of uncertainty, I would say,  
4 about the future of the plan. You know, as an  
5 agency, Commissioner, you could do this in the  
6 project you know well or others, but talk to us on  
7 that one. With so many issues that we have discussed  
8 today and when it comes to staffing, programming, you  
9 know, over time I am, things like that, how are  
10 facility changes assist with changing the culture?  
11 There is, I think, in the testimony, but also may be  
12 perhaps in the-- I think certainly in the Nunez  
13 report I think there is some discussion around  
14 facilities and old facilities or challenges around  
15 facilities. Can you share with us some sort of in  
16 sites that I get in here as we are thinking about  
17 this plan about what benefits might be accrued in new  
18 facilities that are not available right now the  
19 current facilities you are in?

20 COMMISSIONER BRANN: Sure. You're  
21 right. I do know a lot about this plan. I fully  
22 support the plan. The buildings that we are in now  
23 are old. They cost a lot of money to maintain. They  
24 cost a lot of staff because we have to move people  
25 around to every place they need to go. They are not

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 272

2 conducive to rehabilitation or to program delivery.

3 They just weren't built that way back when these  
4 buildings were designed. But that was not the focus  
5 of corrections at the time. Certainly not on jails.  
6 Perhaps prisons, but not necessarily so. And so, in  
7 building a new jail-- and one, we lessen our  
8 footprint and we create modern buildings that require  
9 less staff. We [inaudible 06:05:12] for technology.  
10 We reduce the number of people that we need to manage  
11 things. They will be brighter with different  
12 materials. They won't look so institutional. They  
13 will be more efficient processes for the best city  
14 with regards to electricity and get sent all those  
15 things. Services will to the housing units. They  
16 will be bright. They will be--

17 UNIDENTIFIED: Air-conditioned.

18 COMMISSIONER BRANN: air-conditioned.

19 Everywhere will be air-conditioned when you know we  
20 have a significant challenge with now in these  
21 buildings. And they will keep people closer to their  
22 community supports. Right now, we are on the island  
23 and it takes a huge effort to get to the island.  
24 Trains, buses, our transport buses. And we are  
25 behind a water wall so to speak can we keep our work

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 273

away from the public. [Inaudible 06:06:08] more  
access to our buildings and to those who will be  
[inaudible 06:06:12] and the community should be able  
to share use of those buildings. So, I am in full  
support of having modernized facilities in this.

CHAIRPERSON POWERS: Okay. Thank you.

Were there any budget needs that the department  
requested that are not included in the executive  
budget and, if so, can you let us know what they  
were?

PATRICIA LYONS: Not at this time,  
Council member. We are very cognizant of the current  
city budget crisis, so we have been working, you  
know, as hard as we can with the resources we have,  
but I certainly keep the line of communication with  
OMB open in terms of anything we may need in the  
future, but right now we have been managing, you  
know, within our own resources.

CHAIRPERSON POWERS: Got it. Okay. I'm  
just going to go and see if there are any other questions  
from members. So, if you can raise your hand on the  
zoom. Okay.

COMMITTEE COUNSEL: Chair, it doesn't  
seem like there are any other questions at this time.

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
1 BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 274

2 CHAIRPERSON POWERS: Okay. Well, I want  
3 to say thank you to the Department of Corrections  
4 and, of course, my colleagues and staff here today.  
5 Thank you, Commissioner Brann. I think this is your  
6 last hearing at the Council which probably causes  
7 celebration and itself for you, but I appreciate your  
8 honesty and forthcomingness as we have had to work  
9 together here to acknowledge, as we have, even at  
10 difficult times to the challenges that lie ahead here  
11 in a very difficult agency that is facing, I think,  
12 lots of challenges now and going through a lot in the  
13 future. But, you know, I want to say thank you for  
14 your time and tenure here and certainly on the Close  
15 Rikers plan, your commitment to that, your commitment  
16 to close solitary confinement and ending solitary  
17 confinement and others. And thank you to, of course,  
18 always to your staff here who works with us as we  
19 have questions and the information and to get  
20 prepared for the hearing. So I want to say thank  
21 you. I hope you all can prepare your successor who I,  
22 of course, know as well for many of the big questions  
23 ahead and the way to transform the agency as we go  
24 into new places and new formats-- you know, new  
25 facilities. So, thank you and thank you to everyone

COMMITTEE ON FINANCE JOINT WITH COMMITTEE ON LAND  
USE, COMMITTEE ON TECHNOLOGY, SUBCOMMITTEE ON CAPITAL  
BUDGET, COMMITTEE ON PARKS AND RECREATION, AND  
COMMITTEE ON CRIMINAL JUSTICE 275

from the department. Thank you, everyone here at the  
Council, as well, who have been working diligently  
over the last few weeks on the budget here and,  
Council member Dromm is not here, so I think I will  
close it out and say thank you to everyone and we  
will see you at the next hearing. Thank you so much.

UNIDENTIFIED: Thank you.

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 \_\_\_\_\_ July 13, 2021 \_\_\_\_\_