

Transcript of the Meeting of the  
CHARTER REVISION COMMITTEE  
held on Thursday, August 16, 2001  
at 9 Metrotech Center, Auditorium  
Borough of Brooklyn

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**P R E S E N T**

**RANDY M. MASTRO**  
Chairman

**COMMISSIONERS:**

**HOWARD WILSON**

**JONATHAN BALLAN**

**VINCENT ROBERTS**

**YVONNE LIU**

**TOSANO SIMONETTI**

**MARTA VARELA**

**HERBERT RUBIN**

**LISA LEHR**

**AMALIA BETANZOS**

**CLAUDE MILLMAN**

**MARY SANSONE**

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.       **CHAIRMAN MASTRO:** We will move immediately into the public hearing portion this evening. We'll hear first from the public officials, then we'll hear from other members of the public, so our first speaker this evening will be Herb Berman of the City Council, thank you for being here, Mr. Berman.

**MR. BERMAN:** Thank you very much, good evening, Mr. Chairman, members of the Commission. My name is Herb Berman, I'm the Chairperson of the City Council Finance Committee. I'm here to testify in opposition to some of the Charter proposals before the Commission, and especially to those provisions which would, and I quote, "streamline" unquote the process for registering contracts.

          In general, I am of the opinion that the majority of proposals before the Commission should be left to the legislative process. Proposals such as making the Human Rights Commission, the Office of Domestic Violence and the office of Immigration Charter agencies are worthy proposals. However, they have never been presented to the Council.

          Other proposals such as the restructuring of agencies and the school safety proposals are proposals whose concept are definitely meritorious. But it will be the details of the proposals which will determine how successful the initiatives are.

These details cannot be worked out and fairly judged by an electorate and ballot proposal following a month-long Charter process. To the extent some of these proposals have been pending before the Council for some time, it is because Council Members and constituents they represent are not comfortable with certain provisions or mechanisms of the proposals which would impact on the efficacy of the proposal.

For example, with regard to the school crime reporting proposal, a law that requires reporting of too many incidences will overwhelm the Police Department and undermine the entire initiative, while one that draws the line at too high a level could leave students unprotected.

The Council is reaching out to numerous groups and experts in an attempt to properly draw the line in legislation pending before it. The deliberative legislative process is the appropriate forum in which to craft such a proposal, not, again, a month-long Charter Commission. Moreover, no one in thirty seconds in the voting booth is going to be able to tell whether the proposal that makes it to the ballot is workable or not.

With regard to proposed changes in the contracting process, which I consider personally the most important, which would require contracts to be registered within 30 days of submission to the

Comptroller, I'm the first one to say that there are serious problems with the current contracting process which results in enormous delays from the time funding is allocated for a contract until a contract is finally let and registered. However, the current registration process is the tail end of the entire contracting process and the only portion of the process in which there is a possibility of some independent oversight.

As the City Council's Finance Committee Chair I'm responsible for funding initiatives that must make their way through the procurement process before the service provider can actually begin providing the desired service. I, as my colleagues, have been frustrated from time to time by agencies which take more than a year to develop an RFP, choose a bidder and negotiate a contract. Most of the providers with whom I have spoken believe that much of the blame lies with the agencies who develop the request, review the responses and negotiate the contract. In fact, for the past several years, I have insisted on the side agreement to the City budget, together with OMB we worked this out, which requires OMB to meet monthly with the Council finance staff to review the status of the contracting process with Council-funded initiatives and restorations in an attempt to speed up that

process.

The next Comptroller should certainly do everything in his power to improve the functioning of the registration process. However, I do feel that this proposal would turn a process in which there is room for some oversight into one that is solely ministerial. It is my understanding that currently many contracts come into the Comptroller's office with incomplete documentation. The Comptroller currently works with the agency to obtain complete and accurate information prior to registration. A Charter amendment that would deem contracts registered unless the Comptroller objects could result in contracts being registered that perhaps should not have been or a Comptroller who objects to every contract that has the slightest problem until the issuance of an objection becomes a meaningless act.

I respectfully suggest that the areas that I have identified, the areas that I am concerned with, are areas that should receive your esteemed consideration. I think it's matters that should be left definitely to the legislative process, although I will commend the initiatives as being good initiatives and initiatives that should be dealt with.

Thank you very much.

**CHAIRMAN MASTRO:** Mr. Berman, if I could ask you a couple of questions.

**MR. BERMAN:** Sure.

**CHAIRMAN MASTRO:** The proposal to make the Administration for Children's Services a Charter agency, that's been pending before the City Council for how many years? Five?

**MR. BERMAN:** Yes, I think that the problem, the problem as to why it hasn't yet been completed, I mean, I personally am very much in favor of creating it as a City Agency. I do, however, believe that the negotiations between the administration and the Council have not been able to reach a full agreement, and as a consequence it hasn't happened. But I believe that it can happen and should happen.

**CHAIRMAN MASTRO:** Doesn't there come a time when a proposal seems to have such overwhelming support, yet for whatever reason has not passed the Legislature, isn't it time to give the voters a chance to do something about that? When the Administration for Children's Services only exists by Executive Order, and could just as easily under the current Charter, it has to go back to HRA and be part of that morass.

**MR. BERMAN:** Mr. Chairman, I wholeheartedly agree that we should have the

Administration for Children's Services as a separate agency, a Charter agency, and I am in favor of that occurrence, I am in favor of that happening. I did indicate in my opening statement that my statement would relate to certain specific ones, not to all.

**CHAIRMAN MASTRO:** I understand.

**MR. BERMAN:** I frankly am very much in favor and I'm very much of an advocate of creating it as a Charter agency. I do, however, believe that if at all possible, whenever possible, it should go the legislative route in consultation with and collaboration with the administration.

Unfortunately, for whatever reason, it hasn't happened, but it should happen.

**CHAIRMAN MASTRO:** Okay, so maybe that's one, because five years in the legislative process it hasn't happened, it should happen, maybe that's one we should have the voters have their say.

**MR. BERMAN:** Mr. Mastro, I'm very much in favor of that happening.

**CHAIRMAN MASTRO:** How about the gun-free safety zone, no guns within a thousand feet of a school, proposed to the Legislature, the city Council, over two years ago. Nothing has happened in that one.

**MR. BERMAN:** Mr. Mastro, as you know, the legislative process, if it's going to be successful,

has to be done between the administration and the Council. So I suggest to you if in fact there's controversy and differences of opinion existing between the administration and the Council on issues of this type, on any issue, then it is strictly because of these reasons that the deliberative process has to continue.

Am I frustrated over the fact that it hasn't happened yet? Yes. That doesn't mean that you avoid the legislative process. That doesn't mean that you don't sit down with the administration and the Council that has to fund and implement the programming of such agencies and work it out to that it can be appropriately funded and it can be appropriately administered.

CHAIRMAN MASTRO: But you favor that proposal, gun-free safety zones.

MR. BERMAN: Oh, yes.

CHAIRMAN MASTRO: But yet it hasn't happened for the past two years for whatever reason. I'm not attributing blame to any party. It's been a proposal that has been aired, that it seems to have incredibly widespread support, but for whatever reason it hasn't been passed by the Legislature. Shouldn't we as a Commission, therefore, give the voters, who seem to be very supportive of this, we've got many, many comments in favor of it,

shouldn't we give them a chance to adopt that?

**MR. BERMAN:** Absolutely I'm not against that. Once again, I want to stress that my opening comments related that I am in favor of some of the proposals, I'm in opposition to other proposals. I identified specifically the proposals that I'm in opposition to.

**CHAIRMAN MASTRO:** Let me just ask one more. Do you have any views on creating a Department of Public Health? That's also been pending in the City Council for over three years now.

**MR. BERMAN:** No, I believe that the current setup is one that can be improved. I believe that with appropriate funding and the appropriate commitment by the Mayor and funded by the Council, that it is sufficient and did meet the requirements of the City.

**CHAIRMAN MASTRO:** So you don't think that, do you or don't you think that the Health Department and Mental Health Department should be merged? They've been administratively merged for the past three plus years.

**MR. BERMAN:** I am comfortable with the way it is. I don't know that we necessarily have to merge the two.

**CHAIRMAN MASTRO:** Okay, but you're aware

that they have been administratively merged under the same Commissioner for the past three and a half years.

**MR. BERMAN:** Certainly. I'm in the same Government that you are in.

**CHAIRMAN MASTRO:** I know. I just wanted to know what your views are, since they've been administratively merged for the past three and a half years. Thank you, Councilman, you've been very City's efforts to coordinate the City's domestic violence efforts.

Councilman Golden supports making these changes permanent by entrenching them in the Charter. Councilman Golden also supports the establishment of a Department of Emergency Management. OEM has demonstrated the importance of having the capability to orchestrate a coordinated response to an emergency condition. Like the other proposals, Councilman Golden supports, this would continue a successful reform undertaken by Mayor Giuliani.

There are other recommendations that are worthy of consideration. However, in order to give as many people the possibility and opportunity to be heard, the Councilman wanted the Commission to know which proposals he considered to be most important.

Thank you.

**CHAIRMAN MASTRO: Thank you very much.**

**I believe we have a representative here from the Borough Presidents Office, Frank Panizzo. Thank you, Mr. Panizzo, for being here.**

**MR. PANIZZO: Good evening, Chair, members of the Commission, I'm Frank Panizzo. I'm counsel to Brooklyn Borough President Howard Golden. I'm here this evening to present his statement to you.**

**The Charter Revision Commission will be considering changes to the Charter in several key areas, including protecting our children, enhancing public health and safety, protecting human rights and municipal Government operations. The New York City Charter is the basic document for the City's governance. It is also recognized by the Commission as a short form Charter and I believe that the Commission should keep that in mind in its deliberations.**

**Revisions to this document covering our governance should be carefully considered, as they dramatically effect our City Government. Certainly we are all concerned about our City's children, particularly those who are most vulnerable. We are concerned about the victims of domestic violence, protecting human rights and immigrant rights as well. Proposals in these areas include making the**

**Administration for Children's Services and the City  
Human Rights Commission Charter agencies as well as  
establishing in the Charter the Office of Immigrant  
Affairs and the Office to Combat Domestic Violence.**

**I certainly agree that having these  
agencies in the Charter would help to focus the  
City's resources in these areas and the issues  
affecting them. It would also strengthen the City's  
ability to make these services available to eligible  
residents.**

**School crime reporting, firearms  
possession near a school and restricting firearms,  
licenses or permits to adults 21 years or older, are  
worthy objectives and I earnestly support them as  
among our top priorities.**

**However, proposed initiatives are  
legislative in nature and do not really belong in a  
short form Charter. The Commission is doing a great  
service by concentrating the public's attention on  
the need for these initiatives and prompting the  
Council to act. By enacting legislation in these  
areas, the Council would deal with them  
legislatively in the Administrative Code where they  
belong.**

**I call upon the Council to act in these  
areas now.**

**No one would question the need to combat**

organized crime and to plan for and coordinate response to emergencies. Initiatives in these areas are being very well addressed and could continue as they are while keeping our Charter streamlined. The Commission staff's proposal to streamline the procurement process deserve our consideration. However, the latest Charter revision leads me to further suggest changes in the areas of procurement, land use review, budget and access to information. As I believe these recommendations are meaningful and also deserve your consideration, I will take the time to present them.

New York City expends approximately \$7 million in procurement each year. While most of these procurement contracts are publicly advertised and competitively bid, a growing and significant number are awarded after a request for proposals. The only public scrutiny for contracts of \$100,000 or more occurs at an agency contracts public hearing. The little notice of this hearing is published in the City Record and a few other places and of course we know the City Record is a journal few City residents receive or read. These contract public hearings are poorly attended and the agencies often ignore concerns raised.

Moreover, the current procurement process does not provide an opportunity for elected

officials to have input into the scope of services of a contract until the public hearing which takes place prior to awarding. This occurs much too late to be meaningful.

My recommendations for the procurement process give concerned residents and affected elected officials an opportunity to review proposed contracts to comment and to be heard at a public hearing.

I recommend that the Charter be amended to require agency heads to send a copy of the scope of services for any procurement of \$250,000 or more to the affected Borough President for review and comment at least 20 days before the publication of any notice of intent or notice of solicitation for such procurement, except, of course, in the case of emergencies.

I also recommend that the Charter be amended establishing a Procurement, Franchise and Concession Review Committee or PFCRC in place of the current Franchise and Concession Review Committee. The PFCRC would consist of the Mayor, who would serve as its Chair, the Corporation Counsel, the director of the Office of Management and Budget, the Comptroller and the affected Borough President. The PFCRC would approve the award of other than an open competitive sealed bid process, contracts of

**\$250,000 or more, and concessions with revenues of \$100,000 or more as well as franchises, after public hearing and upon public notice.**

**The affirmative vote of at least four members should be required to approve the award of a contract franchise concession or any other act of the PFCRC.**

**Where an item relates to or affects more than one borough, the affected Borough Presidents would select one Borough President to exercise the vote.**

**For at least 25 years, the Uniform Land Use Review Procedure or ULURP has provided affected communities and elected officials the mechanism to review and comment on land use actions effectively. While the process may not be perfect, it is an effective tool for land use decision making. It may actually avoid delay in the long run by providing a mechanism for compromise and consensus.**

**Staff suggested no land use recommendations to make ULURP a clearer and more efficient process and to reduce delay. I offer some suggestions for the Commission's consideration. One criticism of ULURP was that the process is lengthy. However, it appears that the least efficient part of the process is the precertification review of ULURP applications. Explicit precertification standards**

should be adopted and if met by applicants, the Department of City Planning should be mandated to certify a ULURP application within 60 days.

My recommendation would shorten the ULURP process without restricting review.

In order for communities and effective elected officials to have more meaningful participation in the land use planning and review process, there is an area which requires clarification. Affected communities and elected officials should be given an opportunity under ULURP to review the siting of City funded programs, which are not located on City owned or leased property. Too often ULURP is avoided by contracting out or privatization of programs which are conducted on non-City owned or leased property. Although the community may be affected, or impacted, it is thereby deprived of an opportunity for review and comment.

I therefore recommend that Charter Section 197C be amended to include the review of City funded programs within ULURP.

Similarly, I recommend that Section 203A of the Charter be amended to include the consideration of non-City facilities in addition to City facilities in determining the fair distribution among communities for the location of City

**facilities, and that Section 204A be amended to require inclusion of data and information regarding non-City facilities as well in the Mayor's Citywide Statement of Needs.**

**One of the areas that the staff offered recommendations is safeguarding Government integrity. In addition to the staff's proposals, which are certainly laudatory, one way to promote Government integrity is through open, transparent Government. I believe that the Commission has an opportunity to open City Government even more so. In many instances, independently elected officials have requested information from various City agencies, information necessary for the performance of their Charter mandated responsibilities in the areas of service delivery, land use planning or budget. At times, City agencies have not been forthcoming.**

**Open and effective Government requires the providing of information necessary to perform these mandated functions. The Charter should be amended to make it mandatory for agency heads to provide information with reasonable promptness to the elected official making such request. The failure to provide such information should be a misdemeanor.**

**Concerning the budget process, Sections**

102 and 211 of the Charter regarding borough expense and capital budget allocations should be made clearer. These sections should be amended to require the Comptroller to certify the amount which is 5 percent of the total amount of the discretionary increases in the executive expense budget and the amount, which is 5 percent of the appropriations in the executive capital budget.

I believe the adoption of my recommendations would make the City Charter a more viable document for the next century, by providing a more open Government, and by providing communities and elected officials a greater opportunity for meaningful input into our procurement, land use review and budgeting process. I trust that this Commission will give both my suggested Charter changes and my comments on the staff's proposals your due consideration.

Thank you.

CHAIRMAN MASTRO: Thank you. Please thank the Borough President for those comments.

Thank you.

Now we will hear from other members of the public. Just briefly, before we begin. Our General Counsel, Anthony Crowell, will describe the proposals that the staff has recommended the Commission give serious consideration to placing on

the ballot for this November, and we'll hear from other members of the public on any proposals on which they wish to comment.

**MR. CROWELL:** Thank you. Good evening, my name is Anthony Crowell and I serve as General Counsel for the Charter Revision Commission. The Commission staff recommendations fall into nine separate categories and the staff recommends that each category be proposed as a separate ballot proposition. It should be noted that expert testimony has been given for each of the categories at expert briefings prior to the public hearings in each borough.

This evening, at 6:00, expert testimony was given on the staff's recommendations on establishing a new Office to Combat Domestic Violence, to enhance the coordination of the various City services to combat domestic violence and assist victims of domestic violence; on creating an Organized Crime Control Commission to combat organized crime in the Fulton Fish Market, the commercial waste carting industry and the shipboard gaming industry and making the Office of Emergency Management, also known as OEM, a Charter agency.

Other staff recommendations under consideration include making the Administration for Children's Services, known as ACS, a Charter

agency;.

**Requiring that public school teachers and other Board of Education employees report information to the Police Department related to suspected sex offenses or other violent crimes committed against a public school student;.**

**Creating gun-free school safety zones and making it a crime for most persons to possess a gun within 1,000 feet of any school in the City, except police officers;**

. **Banning the sale and possession of any type of gun to any person under the age of 21;**

. **Making the Human Rights Commission a Charter agency and providing for enforcement of the City's Human Rights Law through the Charter;**

. **Making the Office of Immigrant Affairs a Charter agency and providing for mechanisms so that City agencies will keep confidential any information they may have regarding a person's immigration status;**

. **Creating a new Department of Public Health by merging the Department of Health and the Department of Mental Health, Mental Retardation and Alcoholism Services;**

. **Expanding the Board of Health from five to eleven members, including the Commissioner, to insure diversity of practice areas on the Board;**

. Insuring the integrity and improving the process concerning the City's purchasing procedures to guarantee more effective delivery of goods and services to the citizens;

. Reforming the City's Conflicts of Interest Board to expand the Conflict of Interest Board's investigative functions;

. To provide that any elected official holding an elected position when a local law is passed that would increase the salary of that office, to receive the salary increase upon reelection to that office, and, finally, empowering the Fire Department to oversee building inspections.

Thank you.

**CHAIRMAN MASTRO:** Just to briefly review the procedures that we follow here, because there are many speakers this evening. Each speaker will have three minutes to speak. You'll be called in the order in which you've signed in. Any speaker should have signed in at the front desk. We will hear from everyone.

You will be advised when you have one minute remaining on your time, and then when your time has expired. We must try to keep to those time limits because we have so many speakers.

We also accept written comments that we will review, so if you have written comments, you

can submit them to us this evening or send them to the Commission's offices at 2 Lafayette Street in Manhattan.

So let's begin. We'll also be making a transcript of this evening's proceedings, which will also be made available to the public. So let's begin.

First speaker will be Jacqueline Salit.

MS. SALIT: Good evening, Mr. Chairman and members of the Commission, thank you for this opportunity to speak to you. I wanted to actually address the issue of nonpartisan elections, which is an issue you've already determined not to place before the voters this year, but I wanted to keep the dialogue going about this issue and just share some thoughts with you about it.

I'm a State Committee Member of the Independence Party and its spokesperson and I wanted to commend your Commission on the analysis of the importance of nonpartisan municipal elections. In your report you did point out that nonpartisan elections would encourage a more diverse field of candidates with competing ideologies and visions, but in addition to involving more candidates, nonpartisan elections opens the process up for voters as well, especially those voters who are marginalized with the process under the current

arrangement and I wanted to call that to your attention.

Right now there are 809,895 registered voters in New York City who are neither Republicans or Democrats. These persons are excluded from the primaries which determine the choices, if not the outcomes of the election in November. In a nonpartisan election all registered voters, no matter what their designations, can participate from the very beginning of the process and I think that's important.

Today the voters who are members of dominant parties make up close to 25 percent of the New York City electorate. Here in Brooklyn, in Kings County, Independence Party registrants and the voters known as blanks, nonaligned independents, have a combined registration of 205,000 which is 75,000 more voters than are registered in the Republican Party.

In every borough except for Staten Island, blanks and independents outnumber Republicans by significant margins. This growing constituency, however, faces structural discrimination at every turn. For example, the City's 809,895 independent voters are not eligible to serve as election inspectors or poll clerks right now--

**STAFF: One minute remaining.**

**NS, SALIT: -- because the State rule requires they be Democrats or Republicans. I know the Commission has been concerned to find a way to put nonpartisan elections before the voters in a context that is less partisan than the current environment. That's something of a conundrum, though, because we need nonpartisan elections to make the environment less partisan.**

**What I want to give you a sense of is where the constituency for this change lives and grows. In the last ten years, Republicans added 80,000 new members, a growth of 20 percent. Democrats have grown by 28 percent. Independents have grown by an increase of 90 percent, an additional 350,000 independent voters in the last ten years. These are voters who reject partisan politics and who I think form the core of the new constituency that will support nonpartisan elections in the years to come.**

**Thank you very much.**

**CHAIRMAN MASTRO: Thank you. Lenora Fulani.**

**DR. FULANI: Good evening. My name is Dr. Lenora Fulani, and as a leader of the Independence Party, I have for many years been involved in a movement to open up the political**

process through electoral reforms. The Charter Revision Commission's work in the area of nonpartisan municipal elections is of great interest to me and I want to give you a sense of the black community's connection to the issue this evening.

Over the last several weeks, the Independence Party has been calling nonaligned voters known at the Board of Elections as blanks. We've been speaking to them about our Mayoral candidate, Michael Bloomberg, and his support for nonpartisan elections. We've targeted some of these calls into African American districts and found that in these communities, 94 percent were favorable towards nonpartisan municipal elections.

I'm not surprised by this strong support. The black community is becoming much more independent minded. 44 percent of African American youth between 18 and 25 now identify themselves as independents.

Monolithic black support for the Democratic Party is beginning to break down. With that breakdown comes the opportunity to win support for political reforms that empower ordinary people over party machines. We saw evidence of this when 65 percent of African Americans voted for term limits.

The call for nonpartisan elections has

drawn opposition from a range of Democratic politicians, Public Advocate Mark Green, for instance, opposes them on the grounds that it would be harder for black and Hispanic candidates to get elected to Citywide office, particularly if they had to face a runoff election in which two Democrats oppose each other. Without a unified Democratic Party behind them, Green reasons, the white candidate would almost certainly win. This is an odd argument to make in light of the Democratic's own history, when David Dinkins ran for reelection in 1993.

STAFF: One minute remaining.

DR. FULANI: The Democratic Party couldn't unify itself sufficiently for him to win. In fact, nonpartisan elections support the growth of the minority representation, not curtail it.

In 1997, 29 out of the 40 black mayors of cities with populations of 50,000 or more were elected in nonpartisan elections. They opened the door to the black community relating to diverse constituencies, rather than being the permanent second class partners in the Democratic coalition.

For example, right now, inner city parents who want school vouchers for their kids and largely vote for Democrats cannot escape an antivoucher influence of the teachers union. But if

partisan primaries were eliminated, black voters would be free to partner with white voters who also favor school vouchers and new candidates could emerge who are not constrained by what is acceptable to the parties. Policy would be driven more by people's interests than by partisan control which would be a welcome change in New York City politics.

Thank you.

**CHAIRMAN MASTRO:** Thank you. Okay, R. Brugger.

**MR. BRUGGER:** Good evening, my name is Robert Brugger. I'm Deputy Commissioner of the Fire Department and the Deputy Commissioner of the Building Department and I'm here to support the transfer of the responsibilities for inspection enforcement to the Fire Department.

As I think you all know, approximately a year ago, the Mayor organized a task force to analyze and examine the Department of Buildings, their management and their operational structure. The task force found that the Department of Buildings was an antiquated, overly-bureaucratic institution in need of reform and overhaul.

The essential component of the report will enable the City to significantly improve the building inspections, enforcement functions, ensure public safety and eliminate corruption at DOB, if

there is such transfer of structure and safety inspections and enforcement functions from the Department of Buildings to the Fire Department.

The Task Force observed CNP managers at DOB that created confusing supervisory titles, duplicative inspection duties and inconsistent reporting systems. Some inspection units were centralized while others were decentralized. While the structure was intended to enhance oversight, it had the opposite effect.

In an effort to address these deficiencies, the Fire Department has reviewed the operations of the Building Department and developed a process that is now--and developed a strategic implementation plan with major initiatives which are now being implemented. Through an extensive review the Fire Department has identified areas for consolidation and streamlining can occur, resources can best be utilized and technology improvements can be accomplished.

To improve management oversight and consistency throughout the Department, general construction inspectors, plumbing inspectors and electrical inspectors who are now situated in the boroughs will report through a centralized reporting structure to a central Citywide inspector--

STAFF: One minute remaining.

**MR. BRUGGER:** -- rather than the Building Commissioner, the Borough Commissioners that they now report to. In addition, the consolidation has a potential for future efficiencies and public safety gains that can only be achieved by transferring DOB inspection and enforcement functions to the Fire Department.

The Fire Department already performs a number of inspections that are duplicated in the Building Department. For example, DOB approves the construction of restaurants, but the Fire Department also reviews and permits range hoods, open flames, public assembly, fire alarms, fire safety, air conditioning as well as other equipment.

These advances must be supported so that further streamlining of the inspection and enforcement process can be accomplished and for these reasons, calls for the transfer of DOB's inspection and enforcement functions to the Fire Department should be included in the Commissioners proposal.

Thank you.

**CHAIRMAN MASTRO:** Thank you. David Warren.

**MR. WARREN:** Good evening, ladies and gentlemen. Thank you for allowing me this opportunity to speak. I'd like to speak, to say I'd

like to see the City vote to make ACS a Charter agency.

I have some personal experience dealing with this, being my former college roommate was a foster child and a former roommate of mine was also a foster child outside of New York City, but their experiences were similarly horrible. It was a game of Russian roulette where they would be placed, in which houses they would be placed in, and it affected and scarred them for the left of their lives, the traumatic experiences as a child.

Therefore, I'd like to see ACS as a foster agency to do a stellar job in terms of improving the children's lives, make them happy adult lives.

I'd also like to speak in favor of making OEM a Charter agency. I've worked as a volunteer for an agency that dealt with OEM, and they've done a wonderful job in doing that. They've coordinated different things and different disasters, natural and man made. We all know from press reports what happened at the World Trade Center, with OEM that would have been clearly eliminated. Taking little things from when there's a hurricane, there's the removal of garbage cans, it doesn't hit people in the face. These are little teeny, minute details which OEM handles and they do it superbly. It

coordinates the agency like a jigsaw puzzle into place when there is a disaster, such as a hurricane.

Just think if we had a hurricane of a 1938 or 1960 style hurricane, what the effect would be on the Rockaways. It would be a monumental task which OEM, I believe, as a Charter agency would be able to best live up to that task.

Thank you again for allowing me to speak.

CHAIRMAN MASTRO: Thank you.

Dr. Stacy Lamon.

DR. LAMON: Thank you. My name is Dr. Stacy Lamon. I'm a mental health practitioner of New York City, a member of New Era Democrats.

I'm here to speak about seeing ACS become a Charter agency. Also my interest in seeing ACS's function of foster care significantly enhanced and funded. If New York City is going to continue as subscribed under the Giuliani administration under the quality of life, I think the next step that has to be taken is to look at prevention; prevention of crime, drug abuse and mental health problems in the next generation of children, especially in children that are the most vulnerable children, those that are in foster care. By doing that, it will not only provide them with foster care, but to increase the quality of that foster care so they not only have safe, secure homes to live in, but so that they have

**the guidance and support that they need to become contributing members to the community.**

**Right now in New York City we've got two exceptionally competent Commissioners dealing with this population; Nick Scopetta in ACS and Fred Patrick appointed Commissioner of DOH. I believe for these men and their successors to have the impact on New York City that they can have, that this population and prevention have to be focused on and that ACS needs to become a Charter agency in the City.**

**Five years is too long to evade this issue. It's time now that ACS be presented to the public so that it has a chance to become a permanent agency.**

**Thank you.**

**CHAIRMAN MASTRO: Thank you very much.**

**Don weston.**

**MR. WESTON: Good evening. My name is Don Weston, and I'm here representing the Brooklyn chapter of the American Institute of Architects. I would like to speak briefly on two issues.**

**The first is the proposal to have the Fire Department oversee the building inspectors. This proposal will not accomplish the stated goals of eliminating corruption, but rather, will increase the problem. Since almost all corruption in the**

building industry is related to expediting the process, by adding another bureaucratic layer to the process will only delay it further and create more corruption, not less.

If only the excessive monies that's generated by the Department of Buildings were used for more staff and better trained staff, the process would move much more rapidly and you wouldn't have a problem in the first place, but to divide a building process into two separate city agencies is just going to increase the time involved and will cause much more corruption than exists now.

My second issue is the issue of the elimination of the Arts Commission. I'm aware of the fact that this Commission has deferred this issue. However, I think it is important that this Commission or any succeeding Commission be aware of the fact that some of the basis for putting this issue on the Charter revision itself to change the Charter was incorrect.

Number one, the prior Commission had stated that the Art Commission duplicated other City agencies, all right? Now, this is just not so. If you didn't.

STAFF: One minute remaining.

MR. WESTON: If you put it in another agency, it means that a City Agency would be

examining their own designs. Simply wouldn't work, just a waste of time. Or, if you created another panel at another City Agency, you'd be paying for a whole panel that now is a pro bono panel so it would just cost the City a lot more money.

The Art Commission, in order to function properly, must be an independent body, which is what it is now.

Secondly, they stated that the Art Commission creates delays. That's again simply not true. The Art Commission always stays within their three districts and this is especially true of waterfront districts like Brooklyn Heights, which is a prime example.

Brooklyn Heights is an area relative to the waterfront there, where all of the residential upland is in one district. The bulkhead area with no residents is in a second district, and the piers happen to be in the third district. Now, this third district is connected not to any part of Brooklyn, but to lower Manhattan. This does not make--right, you can't believe it's true, but it is true.

This does not make any kind of sense, okay? This is a disgrace and should not be allowed.

Therefore, I want to urge the Commission to recommend new laws that would require that all waterfronts be in the same Council District as the

adjacent upland residential area for at least four blocks to a quarter mile. This way, we can ensure that there will be a coordination in development of any waterfront area with the adjacent residential or commercial area.

Furthermore, on a similar note, let me talk about the development of the waterfront, because I think that it's going to be a focus that the City Government is going to have to deal with in the very near future, I hope, because clearly, this City is way behind other old industrial cities when it comes to development of their waterfront. One of the reasons may be that we are far behind is there is presently no agency specifically responsible for this work.

STAFF: One minute remaining.

MR. BADER: Years ago we had a Department of Ports and Terminals that was then incorporated into Transportation, which has too much responsibility as it is. I suggest we change this and I suggest we have a new agency responsible for developing our waterfront and coordinating the multiple of maritime uses that are appropriate for our great harbor.

All of our five boroughs have tremendous maritime potential, represent one of the greatest assets of our great City. We need to utilize them,

we need to find a way of development and I suggest that you look into creating a new entity that will be able to focus on just those issues.

I thank you very much.

CHAIRMAN MASTRO: Thank you. Robert Paterson.

MR. PATERSON: Good evening, Chairman. I also would like to commend you, as others have, for bringing several of these major issues to the public's attention, and even as Herb Berman gave you a qualified approval, I think that it is important that the public get a chance to speak on several of the issues that have languished in sort of Council debate. Particularly important, I think, is the issue of organized crime, because it has affected particularly building industry and the construction and services industries, and it's important that the success of the Police Department of ordinary crime as opposed to organized crime, be adopted with the Organized Crime Commission's procedures, and that is public support to adopt an approach with regular reporting of neighborhood conditions for organized crime.

As you well know, in some of the direct experience you've had with the fish, Fulton Fish Market, it is neighborhood by neighborhood by neighborhood, little local crime groups that

aggregate to the organized crime level. Those neighborhoods and the people who live in those neighborhoods know who the criminals are, they live with them on a regular basis, but what they don't know is what the general effect is, and that effect deters neighborhood development, deters a great deal of commercial activity that could be viable on many commercial streets because those criminal elements control the expansion and development of that commercial activity.

So if you did have an Organized Crime Control Commission.

STAFF: One minute remaining.

MR. PATERSON: It could coordinate with the Organized Criminal Control Bureau of the Police Department, you should have this Commission regularly report to the public what the organized crime activity is in neighborhoods, either by Community Boards or in police precincts.

CHAIRMAN MASTRO: Thank you very much. Leonard Silver, please.

MR. SILVER: Ladies and gentlemen, first of all, as Randy Mastro said before, if the legislators did the job of the constituents, you wouldn't need executive power from the Mayor, Governor or President. The legislators just drag everything else and, yes, then executive power is

necessary, so I agree with what you said before.

Another factor determines, I spoke on this two years ago, I spoke on this also. Almost the whole City Government leaving at the end of this December, I favored, like others favored, scattered term limits. If you let this go on for eight years, again, eight years probably the same thing will come out, where everybody would be leaving at the same time. Something should be acted on in between, it should be four years from now, don't worry about eight years, scattered term limits, some kind of amendment to it should come about.

Now, the proposals, I see, these proposals tonight were brought up. If the legislators worked on it, maybe these proposals would not be necessary tonight. Otherwise, this is what happened tonight that caused this problem.

As far as the first proposal for children. Family values have broken down. The Government is not doing enough about trying to bring back family values. Of course, the Government has, people have to do it themselves, there has to be a relationship through communities and Government to try to bring back family values. So naturally, I favor it, number one.

Number two, the Mayor should be commended on starting the Office of Emergency Management.

**STAFF: One minute remaining.**

**MR. SILVER: Such a large City, this is necessary and urgent. Organized crime, I agree with everyone that spoke on it, I just agree with what they said. Domestic violence, same thing, no family values.**

**School safety, yes, there has to be more safety patrol, more police, trying out different problems, before they come about. Some schools, the staff do a wonderful job to try to prevent it. Other schools do not. The City should work harder to try, the schools that have problems, it should not come about.**

**Well, gun control, not enough is being done in this country as far as gun control. That's it.**

**CHAIRMAN MASTRO: Thank you. Joseph Cardieri.**

**MR. CARDIERI: Good evening. Good evening, Chairman Mastro, members of the Charter Revision Commission, my name is Joseph Cardieri, I'm Deputy Commissioner and General Counsel for the Administration for Children's Services. In my role as General Counsel, I have responsibility for the ACS legal units which total over 300 attorneys, 225 of which are in the child abuse and neglect litigation units.**

**I came to speak tonight to express my deep concern that ACS be kept as an independent, free standing agency reporting to the Mayor. The record is indisputable that ACS under the leadership of Mayor Guiliani and Commissioner Scopetta has been radically transformed from an agency out of control to an agency that is now nationally recognized as a model for child welfare service delivery. In my mind, though, all the good done in the last five years since the tragic heart-wrenching death of Elisa Isquediro is threatened and will come undone if ACS not kept independent in reporting directly to the Mayor.**

**No one who is actually involved in the minute and difficult work of reforming child welfare in New York City would underestimate at all the importance of keeping ACS independent. I can tell you directly from my own experience as a practitioner how important it is.**

**When CWA was under HRA, all the problems attending going through four or five or more layers of bureaucracy were apparent. Personnel actions took forever to get internally approved, resulting in large vacancies. Budget priorities were lost amidst the clamoring of resources from different sectors of an enormous bureaucracy, important policy discussions were stalled, because one had to get the**

signoff for any change in policy from five or six different units within the larger agency.

All of these problems of being immersed within a large bureaucracy has a very real impact on children, make no mistake about it, and let me give you just two brief examples.

Having been involved with the ACS adoption program for nearly four years, I can testify that we absolutely would not have had the dramatic increase in adoptions.

STAFF: One minute remaining.

MR. CARDIERI: -- if ACS were not an independent agency reporting to the Mayor. Before Mayor Guiliani, adoption performance was never looked at or even considered important and results showed that. Barely 10,000 adoptions were completed in the five years of the early 1990's. Between 1996 and 2001 more than 21,000 adoptions were completed, double the early 1990's number. Why? Because the foster care agencies who handle the adoption knew that our Mayor and our Commissioner were watching performance and were evaluating agencies in part based upon how many children who were already freed and placed in foster homes, so they were just languishing there in foster care, that those children were adopted.

I can tell you as a front line

administrator that it was only then when the child welfare community knew that their issues had the attention of the Commissioner and the Mayor that the performance soared.

In the legal units of ACS, for years prior to the change to make ACS independent, attorneys, and I was in the units then, routinely labored under caseloads of a hundred or more. It is extremely difficult for children and families to be adequately represented with caseloads that high. Yet decisions to bring on more staff or raise the budget baselines of determinance were forever stalled or unresolved within the large bureaucracy.

After ACS was made a separate agency in 1996 attorneys were hired quickly and in unprecedented numbers. Budgeted baseline was raised by 50 attorneys staffed and caseloads dropped dramatically, which means that attorneys now have more time to prepare their cases and help case workers arrive at proper, informed decisions to keep children safe.

In my mind, there is no representation more important than that and Mayor Guiliani's structural reform of ACS allowed us to fully meet our professional responsibilities.

I've given you but two examples, but any administrator in ACS can give many, many such

examples to make the same point.

In closing, I want to say that there are a number of elected officials tonight who suggested that the ACS item can be dealt with within the legislative process. I hope, because I've been in the middle of that, that posterity will not fail to note that the legislative process utterly failed to consider the ACS question over the last few years. A hearing has never even been scheduled on the matter for the basis, most unjustified in my mind, of political reasons in what is a very real sense a life and death issue for kids.

I applaud this committee for allowing for the possibility that ACS's independence will be left for the voters to decide and I thank you for your time.

**CHAIRMAN MASTRO:** Thank you very much Mr. Cardieri.

**Karin Anderson?**

**MS. ANDERSON:** Hello my name is Karin Anderson, and I'm an immigration attorney with Catholic Migration Office here in Brooklyn, New York and I'm speaking in support of the establishment of the Mayor's Office of Immigrant Affairs and Language Services as a Charter agency in New York City. The Mayor's Office of Immigrant Affairs and Language Services should be established as a Charter agency

**in New York City. Immigrants make a vital economic and civic contribution to New York City, as has been documented in your census data, the New York City Department of Planning reports and the U.S. Immigration Coalition, to name a few among many.**

**Recognizing the contributions made by immigrants to the City and to the country, New York City is taking a brave stand in defending immigrants rights in the antiimmigrant environment that was generated in the 1990's. As the current administration considers revising immigration law to better respect the contributions made by immigrants to the United States, it is important that New York City continue its leadership position in immigration policy by making the Mayor's Office of Immigrant Affairs and Language Services a permanent part of the City Government.**

**The Mayor's office of Immigrant Affairs and Language Services offers vital assistance as a resource to immigrants in the City. As an immigration attorney, I cannot illustrate the utility of having a City agency that can help with the unique problems faced by immigrants. I know because I have called the Mayor's office myself when faced with seemingly intractable problems. The Mayor's Office of Immigrant Affairs and Language Services has assisted me with attaining medical**

assistance for a seriously ill client, with corresponding with INS for individuals whose cases have quote-unquote "fallen through the cracks" of application processes and with providing referrals for individuals who are obtaining practical hurdles in obtaining marriage licenses and non-resident identification.

Just two days ago I spoke with a woman whose green card application --

STAFF: One minute remaining.

MS. ANDERSON: Her application is in limbo. She was referred to me by the Mayor's Office for Immigrant Affairs and Language Services. The solution to her problem was simple for me, an immigration attorney, but she was lost. She had only one number, 212-788-7654 -- I've memorized it -- for the Mayor's Office for Immigrant Affairs and Language Services and was able through their assistance to get the information she needed.

You almost have to stand in an immigrants shoes or be an immigrant yourself, but it's important you try and understand the importance of being able to get such critically important information easily and without fear of exposure. The Mayor's Office of Immigrant Affairs and Language Services offers an important service for a large group of our fellow residents here in New York City.

**The interests of the city and all its residents, whether citizens or foreign born, will be best served by establishing a permanent Mayor's office.**

**Thank you.**

**CHAIRMAN MASTRO: Thank you very much.**

**Bob Conroy.**

**MR. CONROY: Thank you, Commissioner.**

**Good evening. My name is Bob Conroy. I am the Kings County Chair of the Independence Party and on behalf of the over 12,000 members of the party here in Brooklyn and the over 192,000 independents, I strongly urge the Charter Revision Commission to put a proposal for nonpartisan elections in November.**

**The staff report made an excellent case for nonpartisan elections. However, its conclusions that we can wait until the outdated problem from voting machines can be replaced is upside down. The Independence Party suggest we eliminate the partisan nature of politics and force the city to come into the 20th century, 21st century, excuse me, and New York State elections are partisan, and nonpartisan elections would force major changes in that.**

**For instance, New York State election law allows only Democrats and Republicans to be election Commissioners, poll watchers and clerks.**

**We have witnessed also being an activist, that the election inspectors coach voters, sometimes**

entering the polls themselves to assist them to pull a lever in for Democrats in a general election or the machine cabinet in a primary, and often inspectors don't set their voting machines back before Independence Party when we have our primaries and the incompetency of these patronage appointees makes it a very unpleasant experience for all of the voters.

STAFF: One minute remaining.

MR. CONROY: Thank you. Partisanship should end 100 feet from the polling place. The inspection poll workers should be civil servants and be on merit. Nonpartisan elections would eliminate the party primary system, which is one way the parties exercise control and partisan primaries, while anyone can petition, parties can challenge the petitions of deserving candidates.

They use New York's restrict technical ballot access laws to induce Commissioners and judges to choose on a partisan basis to remove names of insurgents of the ballot and nowhere is that more pernicious than in the City Council level. Council Members win support of the political clubs on party loyalty, not merit and the outcome of the primary elections, when there is one, is usually determined by a small core of prime voters.

In a one-primary town like New York, the

**winner of the Democratic primary is the winner of the election.**

**So New York City voters should have the opportunity this November to eliminate this partisan bias. Thank you very much Commissioners.**

**CHAIRMAN MASTRO: Thank you.**

**Michael Chambers.**

**MR. CHAMBERS: Good evening, my name is Mike Chambers, Senior Associate Executive Director for the Department of Psychiatric at the North Brooklyn Health Network, which consists of Woodhull Medical Health Center, Cumberland Diagnostic and Treatment Center and a number of ambulatory care clinics located in community Districts 1, 2, 3 and 4 here in Brooklyn.**

**I'm appearing before the New York City Charter Revision Commission here this evening to express my full support for the Commission's proposed merger of the Department of Mental Health, Mental Retardation and Alcoholism Services with the New York City Department of Health, creating a unified Department of Public Health.**

**The current division in the health care industry between general health and mental health services have created a perplexing problem for patients and service providers alike. Many patients with mental health and substance abuse problems have**

concomitant physical health problems. The current system frequently requires these patients shuttle back and forth between programs and services in order to receive proper care.

Many of these folks are in extremely fragile and brittle condition and are incapable of negotiating intricacies required within this fragmented system. Unfortunately, far too many of these individuals fall into the cracks and do not receive the treatment that they so desperately need. The outcome for many of these patients is often fatal.

Integration of behavioral health care services with primary health care results in a drastic reduction in duplicative and costly services. Research studies have shown that integration of behavioral health care services within the general medical sector results not only in cost savings, but in increased effectiveness and overwhelming satisfaction for patients, providers and administrators alike.

Numerous funding mechanisms are not well connected to each other or to the services they support. The current interface between primary care and behavioral health is dysfunctional and results in unnecessary fragmentation of services for patients.

An estimated 30 percent of family practice visits involve counseling for psychological stresses. A recent survey of patients visits to primary care physicians' offices revealed that 21 percent of the patients had clinically significant depression, yet only 1.2 cited depression as a reason for the visit.

STAFF: One minute remaining.

MR. CHAMBERS: Within North Brooklyn Health Network we see all too often the ravaging effects that mental illness and years of substance abuse have had on our patients' minds, bodies and spirits. Many behavioral health patients have numerous medical problems, such as HIV AIDS, diabetes, high blood pressure, asthma.

The rigid distinction between medical and mental health services creates unnecessary hurdles and obstacles for patients and for those who plan the programs and services to meet their needs. Funding streams, regulatory requirements and ongoing monitoring efforts frequently result in a duplication of effort, conflicting policy statements and burdensome paperwork for service providers.

At our Cumberland Diagnostic and Treatment Center, the Family Health and Support Center serves as a nationally recognized model of the conceptual integration of primary care with

**mental health and chemically dependent services.**

**This extraordinary care management program has proven beyond a shadow of a doubt that difficult to reach, treatment-resistant populations can be effectively engaged using an integrated approach to their multiple needs.**

**On a policy level, the Institute of Medicine has been more than explicit in its policy recommendations regarding the integration of primary care and mental health services, and identifies the reduction of financial and organizational disincentives as a critical initial step.**

**In closing I emphatically recommend that we make the necessary philosophical and organizational shifts to build a new public health system. I wholeheartedly recommend that the Department of Mental Health, Mental Retardation and Alcoholism Services be merged with the Department of Health to create a unified Department of Public Health.**

**Thank you for giving me the opportunity to speak with you this evening.**

**CHAIRMAN MASTRO: Thank you.**

**Joseph Garber.**

**MR. GARBER: Good evening, Chairman Mastro, members of the Commission. My name is Joseph Garber, the Corresponding Secretary of the**

Civil Service Merit Council and I'll continue to give testimony this evening on certain aspects of the Charter.

On page 132 of the Commission's recommendation, it states that the City Planning Commission reviews the purchase of the lease of office space by City agencies. I would suggest that this function be transferred to the Division of Public Structures of the Department of Citywide Administrative Services. In Chapter 72, Section 303 of the Charter, it states that the Commission of the Department of Records and Information Services should act as the chief reference research librarian. Having worked in two libraries, I'd like the hierarchy distinction between reference and research, perhaps this individual might be taking too much under his plate.

In Section 3007 of the Charter, it states that the Commissioner shall analyze the needs of each City Agency with respect to the establishment of any library or research facility. It's interesting to note if this is really occurring in practice.

In the New York City Police Department, the Police Academy Library exists as well as in the Office of Management Analysis and Planning of the Police Department there's a small library as well as

a research facility center for doctoral students in the fields of police science and public administration.

As this is the last public hearing, I'd like to thank Chairman Mastro for chairing this Commission as well as the one in 1999. You've shown great diligence, a keen legal analytical mind, superb management and organization skills, a human relations person and most of all a real mensch.

If the next Mayor wishes to hold a Charter Revision Commission I will heartily recommend you.

Now for some constructive criticism. I'd like to--

CHAIRMAN MASTRO: Mr. Garber -- we'll give him a few more seconds. I wanted to thank you for your kind words. Let's shoot for a better result this time.

MR. GARBER: I'd like to suggest that elected officials also be limited to three minutes or the public time limit be increased. Also perhaps public testimony should also be given in sit down possibility and at the end of this process, Chairman Mastro, I think you should give the Mayor a time and attendance report of the Commission members' attendance. If I attended all five meetings, in all honestly I have to say I've yet to see a full

**Commission attendance.**

**CHAIRMAN MASTRO:** Thank you. That concludes tonight's hearing.

**(Laughter.)**

**CHAIRMAN MASTRO:** Sheryl van Hooven.

**MS. VAN HOOVEN:** Hi, I'm Sheryl van Hooven. I'm here to support OEM becoming a Charter agency. On June 23rd, my building in Manhattan almost collapsed, and it was personally horrifying, some people had to be evacuated by the cherry pickers for the Fire Department. That evening we had I think five firetrucks on the scene, two Commissioners from the Department of Buildings, numerous police, EMS, someone had said to me, one of the fire people, that everybody was here but the Mayor's Office and then Mr. Sheirer came up.

I went right over to him. He was immediately responsive, gave me his card, said that he would talk to John Oterman in his office and gave me his card and number and said that anything we needed to call him and he proved true to his word.

Under these very scary and emotionally upsetting circumstances, we had a person, we had several people, of very, very high quality who were always attentive, and not only did we get the response that evening, but two weeks later when things kind of took a turn for the south, Calvin

Dreighton of the OEM was able to cut through the bureaucracy, get on the phone, get us some results and I think that this is one of the finest demonstrations of what a city like New York can do, and I can only say that whatever it takes to provide the clout that they have as being part of the Mayor's office, whatever it takes to continue that, would be very, very important.

Thank you.

CHAIRMAN MASTRO: Thank you. David Mandel.

MR. MANDEL: Good evening, my name is David Mandel with Orwell Home and Children Family Services. Thank you for the opportunity, and standing in this building tonight I'd like to pay homage to the entire Fire Department.

We totally support the Administration for Children's Services, we think they're doing a brilliant job.

This evening I would like to speak about the proposed merger of DMH and DOH. The average New Yorker is completely oblivious of the concept of a merger between these two departments. However, the relevance is obvious. Those in the mental health sector, client parent agencies, are concerned that DMH absorbed by DOH will forget their issues. The concern may be legitimate, but departments don't

establish priorities, people do. Systems don't delegate dollars, people do. People who are leaders with a vision, commitment and compassion, for their constituents, will insure that the constituents' needs are met.

Wall Street is not the only street where corporate mergers and spin-offs take place. This also happens on state Street, Holland Avenue and Washington Avenue in Albany and on Worth Street and William Street in Manhattan.

We baby boomers have watched these last twenty years many mergers and separations of very large departments take place. Some examples include the Department of Mental Hygiene back in 1978 when it became three agencies, OMH, OMR and OASIS. Recently New York State Department for Division for Youth and DSS became OCFS. ACS hopefully will separate from HRA. EMS merged with the Fire Department, Transit Police merged with the Police Department.

Historians will record that the single most attributable factor determining which of these mergers and separations were most successful was based on leadership.

STAFF: One minute remaining.

MR. MANDEL: If a leader with the vision, commitment and compassion that I spoke about earlier

is at the helm surrounded by other capable leaders, anything can work. A leader like Dr. Neal Cohen, Nick Scopetta.

But at times, even the best plans and intentions get sidetracked. The West Nile virus is a good example of what the DMH constituents fear most. Those are legitimate issues that need to be addressed with a strong set of internal controls such as been proposed for the merger of DMH and DOH. This is crucial, but it's all about leadership. Those who have it will successfully manage the merged department. Those who don't won't successfully manage two separate departments, irrespective of size and scope.

If internal controls can be put in place, I am in complete support of the proposed merger. We rely on those with the vested authority to select capable leaders who will remember all their constituents and its commitment and compassion will be unwavering.

We therefore support the proposed merger of DOH and DMH. Thank you very much.

CHAIRMAN MASTRO: Thank you. Elsie Richardson?

(No response.)

CHAIRMAN MASTRO: What about Morris--

MR. FAITELEWICZ: Fajtelewicz. Thank you

Chairman Mastro, members of the Commission, for this opportunity to speak.

I normally don't read from notes, but I found out very late about the topic of this meeting tonight. So I have to read from notes.

My name is again, Morris Fajtelewicz. I have multiple volunteer affiliations, professional affiliations which include being chair of transportation and co-chair of public safety for Manhattan Community Board 3, volunteer paramedic in the largest volunteer ambulance group in the country, emergency cardiac care instructor for physicians for numerous hospitals, Manhattan clearly shown in this document.

The main change I'm asking for, item C, coordinate and implement training programs, public safety and health, including emergency response drills, and right after that, that include both paid professionals and original volunteer New York City civil defense professionals, i.e., rescue services, special auxiliary police and auxiliary police patrols assigned to City agencies.

The other changes is for civil defense volunteers as far as funding. These volunteers such as Auxiliary Rescue Services Group have been anonymously subsidized for years and in many cases buying and fixing their own equipment and supplies;

they get supplementary training from the NYPD Emergency Services Division from their own private money and I've been told that County people outside New York City love those people with this training.

On some nights there are as many volunteers working as there are NYPD service officers in a particular area. As a matter of fact, Rescue, my squad, has been recommended as the first volunteer civil defense squad to be part of the automatic external defibrillator program to restart hearts, which you heard about before by a donation of funds from Assembly Speaker Sheldon Silver.

Manhattan Community Board 3 has officially supported these vitally needed changes in the OEM Charter proposal, and this very small, inexpensive show of support for volunteers who have provided over 50 years of yeoman's service would be greatly appreciated and you would be responsible for many additional lives being saved. Thank you.

**CHAIRMAN MASTRO:** Thank you very much.

**COMMISSIONER LEHR:** Excuse me, Mr. Mastro, I'd like to thank Mr. Fajtelewicz for his kind words on behalf of New York City, and I salute you as an auxiliary sergeant from patrol Borough Manhattan North.

**MR. FAITELEWICZ:** Thank you. These are all the civil defense orders.

**CHAIRMAN MASTRO: Thank you. Marilyn Davenport.**

**MS. DAVENPORT: Good evening. I am Marilyn Davenport, senior vice president of the Real Estate Board of New York. I'm here to express our strong opposition to the transfer of the inspection and enforcement authority from the Department of Buildings to the Fire Department as recommended in the staff's report.**

**I might add that we signed a letter which was sent to the Commission along with all of the major construction and real estate associations in the City making this particular point.**

**We are privileged to have the finest fire fighting force in the world in the New York City Fire Department. They deserve our appreciation for the courageous job they do, but that does not make them qualified to do construction inspections or to oversee enforcement of the Building code.**

**The Fire Department simply does not have the necessary expertise in building design, engineering or construction. Jurisdiction for inspection enforcement needs to remain within the same agency that is responsible for plan examination and approvals. Conflicting interpretations of the Code are already a serious problem in areas where the two agencies' responsibilities have**

traditionally overlapped.

This will be totally unwieldy if jurisdiction is split between two different departments in different boroughs. Record keeping will be impossible, two computer systems which do not interface with each other.

Although the Building Department does need to upgrade its computer system and we strongly support its efforts to do so, it is currently infinitely easier for an owner or professional to access Building Department records on approval or a violation than to access information in Fire Department building records. We are concerned that this will cause severe delays and significantly complicate even relatively simple inspection procedures.

Every major city in the country has a Buildings Department which oversees plan approval, permit issuance, inspections and enforcement.

STAFF: One minute remaining.

MS. DAVENPORT: New York City serves no less. As the most densely built city in the country we need a professionally staffed, fully funded Department of Buildings with Authority for the full range of issues that come up, including safety matters, construction inspections, response to complaints, enforcing permit requirements and

**improper work practices. All of these matters require specialized knowledge and experience which the Fire Department with its single purpose does not have.**

**The Buildings Department does need attention. It needs more money, more qualified personnel and a better computer system. The answer is to improve the Buildings Department, not to move pieces of it to the Fire Department.**

**We urge the Commission not to include this proposal on the ballot. Thank you.**

**CHAIRMAN MASTRO: Thank you. Gregory Calliste.**

**MS. SHERTS: Good evening. My name is Sharon Sherts, and I'm reading this testimony on behalf of Gregory Calliste, who is the Deputy Executive Director for Behavioral Health Services for the Brooklyn and Staten Island Family Health Care Network, which is one of the New York City Health and Hospitals Corporation networks.**

**VSI Network includes Kings County Hospital Center, Coney Island Hospital, Seaview Hospital and Rehabilitation Center, the Dr. Susan Smith Kinney Nursing and Rehabilitation Center, East New York Diagnostic and Treatment Center and Bedford Stuyvesant Alcoholism Treatment Center.**

**The testimony reads as follows:**

**I am pleased to offer my support for the revisions in the City Charter to merge the New York City Department of Mental Health, Mental Retardation and Alcoholism Services, DMH, and the Department of Health, DOH, to create a comprehensive Department of Public Health.**

**As a health care administrator, I have seen that many people who rely on public services have needs that cross many service systems. Arbitrary barriers between service agencies often result in duplication of services, confusion, unmet needs and people falling through the cracks.**

**In fact, the majority of patients with psychiatric disorders are seen in general medical services and not in the mental health service system, yet there is a general lack of recognition of mental disorders in general medical practice, and psychiatry and primary care for the most part are not integrated.**

**The benefit of better integration between health and mental health has been widely recognized. In December, 1999, the U.S. Surgeon General's Report on Mental Health highlighted the connection between physical and mental health. The Surgeon General's report stressed the importance of improving access to mental health services through better health and mental health care systems integration.**

Not only does integration make sense, it enhances client outcome. For example, recently, the New York City Department of Health in collaboration with Kings County Hospital Center --

STAFF: One minute remaining.

MS. SHERTS: -- Brooklyn Perinatal Network and the Caribbean Women's Health Association was awarded federal grant monies to implement a Brooklyn Health Start Program, aimed at improving perinatal care and reducing infant mortality in Bedford Stuyvesant and Brownsville.

One of the components in this program is improving women's health through screening and intervention of depression in pregnant and post partum women. This strategy recognizes the need to link a woman's physical and mental health to improve pregnancy outcome.

The merger of DOH and DMH will insure the City can build on these and other similar integrated projects. I'm also pleased that the new provisions in the Charter revision set parameters for mental health leadership and insure the integrity in the City's mental health budget and require review of the merger in the second and fourth year after its adoption.

In closing, I think the proposed changes to the City Charter will improve the health of New

**York City's citizens and I therefore urge the Commission to accept the proposal for inclusion on the November ballot.**

**Thank you very much.**

**CHAIRMAN MASTRO: Thank you. David Rodhe.**

**MR. RODHE: Good evening, Chairman Mastro, members of the Commission. My name is David Rodhe. I'm an attorney and Brooklyn resident.**

**This Commission's proposal to protect human rights for the City's most vulnerable children, and to stop guns and other violence are excellent steps to insuring that all people in the City; men, women, black, white, straight or gay have a safe and healthy environment in which to live and be educated. Therefore I enthusiastically support Charter revision.**

**But before this Commission votes on any recommendations, I urge that the school crime reporting recommendation before you be broadened to in effect better foster a hate-free school zone by explicitly requiring that suspected bias related harassment or violent crime, whether adult on student or student on student, be reported to the Police Department.**

**This language would send a clear message that any harassment or violence, especially when**

rendered in hatred, would not be tolerated or overlooked in our City's schools.

It is estimated that between 50 and 75,000 gay and lesbian students are enrolled in New York City's schools. The impact of this Charter provision is readily apparent and desperately needed to address the daily harassment and abuse gay and lesbian students face every day. Indeed, the Human Rights Watch recently published this report, "Hatred in the Hallways," which I'll submit to the Commission, which details the torture many students face from bias- related harassment and violence based on their actual or perceived sexual orientation. As a result, many of these students each year commit or attempt suicide or simply drop out of school. In fact, both suicide and dropout rates are exponentially higher for gay and lesbian students who are harassed at school than for their straight counterparts.

Although the Board of Education has policies prohibiting discrimination against students, including gays and lesbians, those policies fall short of the promise of hate-free schools, because they do not yet make bias-related harassment and violence a reportable offense.

STAFF: One minute remaining.

MR. RODHE: And although the State

recently passed the Safe Schools Against Violence in Education Act, which requires public school districts to enact and file policies cracking down on violence that State law, unlike the laws in California, Connecticut, Massachusetts, Vermont and Wisconsin, do not include language about bias-related harassment or violence.

Therefore, I urge that this Commission include my recommendation for its school crime reporting proposal that you place on your ballot.

Finally, with respect to the Councilman's comment that by reporting crimes to the police we would overwhelm them. It seems odd to me that we would consider giving the police the job of enforcing the law burdensome, and that that would be a reason why we won't want to know about something going wrong, so I wish he was here to respond to that, but he's not.

Thank you.

**CHAIRMAN MASTRO:** Very much appreciate your comments.

**COMMISSIONER VARELA:** Could I just ask the last speaker a question, sir? I just want to clarify the point I think you were making. It's not that there is not law enforcement, you're aware there is a hate crimes bill that was passed.

**MR. RODHE:** Sure.

**COMMISSIONER VARELA:** But rather what you're seeking is that there would be a mandatory reporting requirement.

**MR. RODHE:** Right, in the schools, currently, and I understand the Charter is not a vehicle that allows for the direct legislation of the Board of Ed's policies, but the Charter can compel the reporting of criminal acts, and in concert with the State laws on harassment and specifically as you were mentioning, the Hate Crimes Bill, now we have a crime that the Charter can compel reporting on, and when we start developing some statistics by the NYPD, it's my hope that that will drive the grass roots effort to stop harassment in the schools and to give kids a chance at expressing themselves and being themselves, free from the daily abuse that gay and lesbian transgendered, questioning students get. Even if they're not gay and lesbian and they're perceived to be gay and lesbian, they're ridiculed, subjected to daily abuse, and they drop out of school, they drop out of society, they turn to drugs.

They have a hard enough time without any more barriers put in their way, so let's get some workable policies in, let's enforce what's there, and let's make sure that our kids, in the words of the report, our most valued resource, are protected.

**We do more every day in this city to protect adult rights for gay and lesbian men and women in employment, housing, in access to education, than we do for our kids. We give our adults a right for economic redress in the courts, and we let our kids drop out because there's no one to protect them.**

**All I'm asking is that we report the violence that's being done and we get somebody to listen and we get things to change.**

**COMMISSIONER VARELA: Thank you for your comments.**

**MR. RODHE: Thank you.**

**CHAIRMAN MASTRO: Thank you.**

**Stuart Balberg.**

**MR. BALBERG: Thank you, Chairman Mastro.**

**I was here two years ago, and I blessed this committee and I see that they've prospered in many ways and I came here at that time that as a very ardent supporter of the proposal that was put forth then and I would also like to see that proposal passed now.**

**I'm going to leave out the merit arguments primarily because I want to be collateral and I discussed them the last time. I downloaded the preliminary recommendations of the staff and I thank you that it was on the Internet, because I was**

able to find it.

There it was on page 125 on the bottom.

It's on the additional proposals, other issues studied by the Commission, that's the wastebasket they call them. The educational initiatives, and on the bottom paragraph it says, "The 1999 Commission concluded that more debate was required to determine whether the proposal would contribute to the improvement of educational opportunities for the City's children," and then the staff adds this comment, it's an onerous comment. "We agree."

I don't think the staff should agree or disagree with what the Commission should do.

The proposal discusses 1 percent educational add on, 1 percent of the educational budget added on to take care of nonpublic school needs within the public school system, that is, if you were going through the Board of Education to the budget, that it would go through the pipeline and made available to private concerns that are not public school issues.

Let me put it like this: I have an article, you could find it in the August 15, New York Times page A23, it's entitled "School Vouchers Along the Color Line."

STAFF: One minute remaining.

MR. BALBERG: Yes. It says the vouchers

are one solution being offered that many black parents have grasped at them. Then it goes on and say the majority of blacks support vouchers, but essentially the politicians don't support it, because they have some sort of an antipathy against people with conservative traditions.

However, the voters do want it, we should go after what the voters want. When we have a question about putting something before the vote, before the public, giving them a chance to vote or not giving them a chance to vote, don't our federal laws mandate that we should sway towards giving them a choice? I think we should put it on the proposal. I don't think that it's an arbitrary choice at this point. I think we should debate it and I think the debate would be more favorable now as time shows that the support increases and that's all I'm asking that the committee reconsider it. Thank you.

CHAIRMAN MASTRO: I want to thank you for being here, Mr. Balberg. I remember the blessing you gave us two years ago, and this time your blessing will include a favorable result on election day.

That completes the sign-in list. Is there any other member of the public who wishes to be heard this evening? I want to thank everyone for coming. This was a most interesting hearing and we

**very much appreciate all of your comments. Thank  
you all very much.**

**(Time noted: 9:15 p.m.)**

**CERTIFICATION**

**I, LINDA FISHER, a Certified Shorthand Reporter and Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.**

**I further certify that I am not employed by nor related to any party to this action.**

**LINDA FISHER, CSR**