

1 Charter Review Commission Public Hearing

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3  
4 Moderated by Richard Buery

5 Wednesday, April 9, 2025

6 5:11 p.m.

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9 Staten Island University Hospital North

10 475 Seaview Avenue

11 Staten Island, NY 10305

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17 Reported by: Chanyri Moh

18 JOB NO: 7214997

A P P E A R A N C E S

List of Attendees:

Richard Buery, Chair

Anita Laremont

Carl Weisbrod

Julie Samuels

Grace Bonilla

Shams DaBaron

Leila Bozorg, Secretary

Anthony Richardson

Sharon Greenberger, Vice Chair

Valerie White

Kathryn S. Wylde

Diane Savino

Clava Brodsky, General Counsel

1 P R O C E E D I N G S

2 MR. BUERY: Welcome to this public  
3 hearing of the Charter Revision Commission. My name  
4 is Rich Buery. I have the honor to serve as Chair,  
5 and we are here as New York City celebrates its 400th  
6 anniversary to take this moment to take a fresh look  
7 at the governing charter for our city.

8 Our goal is to explore how we can  
9 ensure that New York City remains a cradle of  
10 opportunity, as it was for my parents when they  
11 immigrated to New York City from Panama some 60 years  
12 ago. We want to look at how the charter can be  
13 revived to make it a more effective tool for building  
14 the more inclusive and affordable City that New  
15 Yorkers deserve.

16 It's our responsibility to review the  
17 entire charter and suggest changes for the voters'  
18 consideration. Of course, only if the voters agree to  
19 those changes at an election will any changes to the  
20 charter go into effect.

21 I know that I speak for my fellow  
22 commissioners when I say that we are committed to  
23 hearing from a broad spectrum of New Yorkers, and to  
24 pursuing the very best ideas we can find. This is  
25 just one of many public hearings across every borough

1 where we are hearing ideas from experts, from  
2 community leaders, from elected officials, and truly  
3 from any member of the public who wishes to testify  
4 and share their ideas.

5 I'll also note that this is an  
6 independent commission. In making our recommendations  
7 to the City's voters we are bound only by our judgment  
8 and our values. We will pursue ideas regardless of  
9 who proposed them or who supported them. Joining me  
10 in this task are 12 other commissioners, some of who  
11 are present, many of whom are attending today's  
12 hearing virtually.

13 And so, before we get started, I want  
14 to spend a few minutes talking about how this evening  
15 will unfold. First, we will hear from invited  
16 panelists. We will ask each panelist to testify for  
17 no longer than five minutes, and after the panelists  
18 have finished, we will have up to 10 minutes of  
19 questions for that entire panel. I'll ask  
20 commissioners to hold any questions until all the  
21 panelists on that panel have spoken, and to be mindful  
22 of the clock as we move through the hearing.

23 After we hear from invited panelists,  
24 we will then open up to members of the public.  
25 Members of the public are asked to testify for no more

1     than three minutes; again followed by any questions  
2     from the commissioners. For members of the public who  
3     are testifying, we'll first hear from those in person,  
4     and then we will move to anyone who seeks to testify  
5     virtually.

6                     If you wish to testify virtually, there  
7     is a signup form online. You can find it by going to  
8     nyc.gov/charter. nyc.gov/charter. Click on the  
9     meetings tab, and then select the Staten Island  
10    meeting. For those of you who are online, we will  
11    also drop a link to that page in the chat.

12                    And we are going to do our level best  
13    to hear from everyone. We've been able to do that at  
14    all of our prior hearings. So though we are scheduled  
15    to run until 8:00 p.m., if for some reason we don't  
16    hear from you this evening, if you can't stay, please,  
17    there are many ways to submit your testimony,  
18    including by writing.

19                    You can visit nyc.gov/charter or email  
20    your written testimony to the email address charter  
21    testimony@Citycharter.nyc.gov. That is charter  
22    testimony@Citycharter.nyc.gov. We'll review all  
23    testimony that is submitted. You can also go to that  
24    website, again nyc.gov/charter, to find information on  
25    other public hearings. And of course all of these

1       hearings will be live streamed.

2                       With that, we will get into our  
3       testimony. For our first panel, I would like to  
4       invite up Tiya Gordon of It's Electric, and Elijah  
5       Hutchinson of the Mayor's Office of Climate  
6       Environmental Justice.

7                       Welcome. Whoever would like to begin.

8                       MS. GORDON: Thank you, commissioners  
9       and members of the New York City Charter Revision  
10      Committee, for holding this public input session on  
11      government reform. My name is Tiya Gordon, and I am  
12      the co-founder and COO of It's Electric. We are a New  
13      York born curbside EV charging startup headquartered  
14      in the Brooklyn Navy yard in District 33.

15                      It's Electric is electric vehicle  
16      charging specifically designed for cities, and it's  
17      the lack of public charging which stands as the  
18      leading barrier for the adoption of electric vehicles  
19      from drivers that are looking to convert to EVs. And  
20      so we were born to enable access to the choice of  
21      clean vehicles for people who live in cities.

22                      Charging an EV is not the same as  
23      fueling your gas car. In the United States, 85  
24      percent of people who drive an EV, they charge at  
25      home. They have a garage. So at the end of the day,

1 they pull in, they plug in their car, same way you  
2 plug in your phone at night, and they wake up the next  
3 morning to a full battery.

4 And while municipalities like leading  
5 the way in setting policy targets to mandate a  
6 transition for EVs, no scalable charging solution  
7 exists for the millions of drivers, especially here in  
8 cities like New York, that park on the street.

9 We have exactly -- private drivers as  
10 well as for hire vehicles, and if we want all New  
11 Yorkers to have access to electric mobility, either in  
12 the cars that they drive or in the Ubers or the Lyfts  
13 or the taxis that they hail, we need to provide them  
14 with convenient and affordable public charging  
15 options. And that's where they already park, and we  
16 need to meet them on the street, at the curb.

17 New York City knows this, and New York  
18 City DOT together with ConEdison launched Plug NYC,  
19 the City's first curbside charging pilot. The 50  
20 chargers that New York City installed in 2021 have  
21 exceeded expectations with really high utilization.  
22 And while a great product was selected, it was, as all  
23 other EV charging companies are, reliant on those  
24 chargers receiving a direct connection to the ConEd  
25 utility, and this creates a really expensive

1 permitting timeline and a high cost.

2 Those 50, five-zero, curbside chargers  
3 installed under this pilot cost ConEdison \$13.4  
4 million, and this, at a per charger rate, would be  
5 incredibly costly to make the next 600 chargers for  
6 New York City available. That would cost the city  
7 around 160 million; or if the city hit its 10,000  
8 target, it would put the price tag at \$2.6 billion.  
9 So it was watching this high capital cost blocker for  
10 New York and other major cities that inspired us to  
11 found It's Electric and to create a charger that does  
12 not require a utility interconnection.

13 What we do instead is harness spare  
14 electrical capacity in buildings. Per the Green  
15 Building Council, 46 percent of buildings in New York  
16 City have spare electrical capacity. That means if I  
17 go into the basement of this building and I open the  
18 panel and I see two slots available, that's enough to  
19 power that charger that would be out front in front of  
20 this building.

21 And so we install small, simple, and  
22 elegant curbside charging stations at the curb. And  
23 instead of making that costly inter-utility  
24 connection, we instead pull capacity from that closest  
25 building, run the conduit below the sidewalk, and



1 erect that public charger. Think of it like  
2 arthroscopic surgery as opposed to open heart, given  
3 that we're in a hospital.

4 So our model is free to buildings; and,  
5 of greatest importance, it's free to cities. So we  
6 are a true no cost solution for cities to reach their  
7 electrification targets. It's from this City's first  
8 approach that an early-stage company such as ours were  
9 able to beat Tesla to win the contract for the City of  
10 Boston, as we just did last year.

11 We separately meter these chargers and  
12 pay the energy used directly so that buildings' energy  
13 bill doesn't go up, and then we revenue share back to  
14 that building. So we're giving money to a single-  
15 family home, we're giving money to a school, we're  
16 giving money to a library, we're giving money to a  
17 commercial storefront.

18 And because we -- pardon me. And this  
19 allows us to launch the model in Boston, and now we  
20 have seven other cities that will follow this year.  
21 Our hardware also allows us to make that traditional  
22 connection to the utility if that is requested by a  
23 city, so we're flexible. To implement home overnight  
24 charging for the million plus New York City drivers  
25 who park on the street, we have to work through the

1     revocable consent process.

2                     And as the commission contemplates  
3     changes to the charter, we put forward for  
4     consideration the reworking of the franchise process  
5     and the waiving of revocable consent fees to help spur  
6     investment from private partners such as It's Electric  
7     that can help the City reach its strategic goals,  
8     especially around urgent and crucial environmental and  
9     human health targets.

10                    We all know that new infrastructure is  
11     hard, but we work with cities 'cause we know that  
12     climate health is human health. And despite New York  
13     City's robust transit system, use of fossil fuel cars  
14     in the city increases citywide GHG by 20 percent every  
15     year. And these resulting climate impacts are  
16     flooding, from hurricanes, to droughts, creating, for  
17     example, the highest amount of brush fires in a two-  
18     week period, as we saw last year, in New York City's  
19     history.

20                    So here's how the New York City Charter  
21     Revision Commission can help. We need to review the  
22     challenges and the friction around deploying  
23     innovative infrastructure in our city. Right now, the  
24     problem is that private companies that seek  
25     franchises, because they are long-term and safe, the

1 process is burdensome to the degree that agencies are  
2 often afraid to push through franchise authorization,  
3 and therefore smaller, more innovative companies can't  
4 compete.

5 The revocable consent process is pretty  
6 constrained and expensive for a private company  
7 wanting to deploy infrastructure Citywide.  
8 Concessions and pilots do not offer long-term security  
9 or guaranteed opportunity to turn a profit, so it's  
10 hard for these companies to secure financing or  
11 investment to then invest in the city.

12 The revocable consent process right now  
13 is really intended for one-off deployments, and not  
14 something that would be a larger or network effect.  
15 Our proposed revisions are as follows. First, we  
16 propose a charter modification to section 363, which  
17 defines the city's current franchise process.

18 We propose to modify this section to  
19 make smaller deployments easier, and in our written  
20 comments we've described how such authorizations would  
21 work limited to projects that address the City's  
22 climate and social justice priorities. These flexible  
23 franchises would have longer term -- pardon me.

24 MR. BUERY: I'm sorry to interrupt.  
25 We're at time.

1 MS. GORDON: Oh. Thank you.

2 MR. BUERY: Can you wrap up, and then  
3 we'll have some time for questions?

4 MS. GORDON: Absolutely. Basically, we  
5 are looking for modifications that would help and be  
6 limited to the City's climate and social justice goals  
7 and align with agency metrics. We know that over the  
8 next 10 years, the city will need to respond to new  
9 technologies and I'm grateful for the chance to be  
10 able to present this to you today. Thank you.

11 MR. BUERY: Thank you so much.  
12 Mr. Hutchinson?

13 MR. HUTCHINSON: Thank you so much for  
14 the commission for allowing me to be here today. I  
15 truly appreciate it. Good evening. My name is Elijah  
16 Hutchinson, and I'm the executive director of the  
17 Mayor's Office of Climate and Environmental Justice.

18 MR. BUERY: Excuse me. I'm sorry. One  
19 second. I'm sorry. If you could just stay, because  
20 we may have questions when the panel ends. Thank you  
21 so much.

22 MR. HUTCHINSON: I reclaim my time.

23 New York City is in a climate crisis  
24 now. Climate threats including stormwater, coastal,  
25 and groundwater flooding continue to challenge the

1 city, while sea level rises making these types of  
2 flooding worse.

3 The New York City Panel on Climate  
4 Change, or NPCC, our local body of climate scientists,  
5 projects almost two feet of sea level rise by the  
6 2050s and more than five feet of sea level rise by  
7 2100. By the 2080s, the number of days per year with  
8 rainfall that are expected to exceed two inches are  
9 projected to double.

10 And heat is the deadliest threat from  
11 climate change in New York City with more than 500  
12 heat related deaths on average each year in New York  
13 City, and we know from our environmental justice  
14 report that black New Yorkers are twice as likely to  
15 die from heat in New York City than white New Yorkers.

16 The NPCC projects that in the next  
17 decade we could have over 50 days a year with maximum  
18 temperatures at or above 90 degrees. Nearly two  
19 months more of very hot weather, and that's like  
20 adding an extra month of summer that we're not used to  
21 and that our city is not designed for. Delivering  
22 climate infrastructure protects New Yorkers, and  
23 modernizing our infrastructure also brings significant  
24 economic benefits.

25 Climate events generate annual health-

1 related economic costs of over 4 billion and result in  
2 hundreds of deaths in New York City every year  
3 according to our VIA report released in 2024. Many of  
4 the areas of the city are vulnerable to coastal  
5 storms, as New York City has more than 520 miles of  
6 coastline, one sixth of which lies within the 100-year  
7 floodplain, exposing over 400,000 residents to high  
8 flood risks. And this area represents \$250 billion in  
9 property value at risk and includes over 14,000  
10 businesses that employ more than a quarter million  
11 people in New York City.

12 Spending money on resilience pays off,  
13 as the US Chamber of Commerce found that for every  
14 dollar we spend on resilience, 1\$3 is saved; and New  
15 York City's own resilience financing task force found  
16 that 50 billion of resilient infrastructure projects  
17 would protect New York City and avoid over \$220  
18 billion in physical, social, and economic losses  
19 projected through 2100, paying for itself many times  
20 over.

21 Over the past 15 years, New York City  
22 has led the country in building innovated climate  
23 infrastructure. Green infrastructure to capture our  
24 storm water, coastal protection projects that keep  
25 hundreds of thousands of people out of harm's way, and

1 energy efficient building systems that provide heating  
2 and cooling without polluting our neighborhood's air.

3 We have learned and are continuing to  
4 learn how to design and build projects that bring  
5 multiple benefits to our communities, but now we need  
6 to scale in order to build climate infrastructure for  
7 all of our neighborhoods that will be impacted by  
8 extreme weather, particularly our most vulnerable  
9 communities.

10 So how can the Charter Revision  
11 Commission help? First, we need to make it easier to  
12 use our streets and sidewalks, the backbone of New  
13 York City, in new ways to prevent flooding, provide  
14 shared open space for New Yorkers, and to support new  
15 public electric infrastructure that will power our  
16 cars and replace fossil fuel powered building heating  
17 systems while also providing cooling.

18 Our rights of way, or our streets and  
19 our sidewalks, are climate corridors. We are  
20 redesigning them to support healthy ways to move  
21 around our city, absorb stormwater, charge electric  
22 vehicles and keep batteries for scooters out of  
23 people's homes, and provide community space that is  
24 shaded by trees.

25 Our current system of establishing

1 legal right of ways was created long before we  
2 understood the concept of climate change, and we can  
3 no longer freeze our public space in place. We must  
4 be more nimble to respond, particularly on the  
5 waterfront.

6 But our building in our streets is  
7 complicated. First, we often have to acquire slivers  
8 of property we can to start a project. In order to  
9 acquire that property, we have to go through ULURP.  
10 If we want to raise a road to protect against  
11 flooding, again, we have to go through ULURP. And  
12 much of our waterfront is mapped streets or paper  
13 streets extending beyond the shoreline and marginal  
14 streets, such as bulkheads.

15 So almost all of this work that we have  
16 to do to build on our waterfront includes public  
17 access, and includes changing streets that may not  
18 even exist in real life but are subject to ULURP.

19 If we can speed up this process to  
20 build in our streets, reducing requirements for small  
21 acquisitions, changing our street's street grade, work  
22 on map streets that are currently underused without  
23 going through ULURP, we'll create a pathway to build  
24 shaded flood protective corridors, public curbside EV  
25 charging, and, for the district, thermal heating and



1     cooling systems of the future.

2                 Second, we also need to leverage other  
3     types of city-owned property, including looking at  
4     that we can climate infrastructure like solar panels  
5     on city-owned property. The charter requires that we  
6     go through ULURP when making changes on City property,  
7     including site selection, so it's important that we  
8     work with City facilities that are trying to install  
9     solar on their sites ULURP applies; and even when  
10    we're trying to make neighborhoods healthier, safer,  
11    and greener, like resilience project and waterfront  
12    access, that must be located on city-owned land.

13                The charter provides ambiguous language  
14    for the application of site selection ULURP that has  
15    been expanded upon through courts.

16                Finally, my office is working through  
17    dozens of stakeholders and City agencies to create a  
18    voluntary and equitable program for New Yorkers to  
19    voluntarily sell their homes when faced with  
20    insurmountable flood risks. The program is currently  
21    in development, with lessons learned from previous  
22    buyout programs and involving extensive public  
23    engagement, but of course this will involve ULURP if  
24    we need to acquire city-owned properties, we need to  
25    make any program that the city would advance

1 functionally obsolete and would not allow us to use  
2 those areas for better public uses.

3 And so we come to the CRC hoping that  
4 we can address both the ULURP, the site grad  
5 acquisition issues, and the map street issues that  
6 prevent us from using our waterfront and our streets  
7 for climate change.

8 MR. BUERY: Thank you so much for your  
9 testimony.

10 Do we have any questions for either  
11 panelist from a member of the commission, beginning in  
12 the room?

13 Commissioner Laremont?

14 MS. LAREMONT: Hi. I did have a  
15 question for you, and you guys were a good tag team I  
16 thought. Yes. But do any of the other cities that  
17 you have worked in and talked to have a better  
18 construct for how they approach the, you know,  
19 entitlement of a firm such as yours to do this work  
20 that might be an example for the city?

21 MS. GORDON: Yes. So in Boston there  
22 is a procurement process in which a contractor was  
23 awarded directly with the city, and then the city  
24 works to manage the permitting process through our  
25 coordination. But they take on a lot of that work in

1 sort of removing those barriers for us.

2 MS. LAREMONT: I ask, you know, when  
3 you submit your written testimony, but if you can  
4 provide any more sort of clarity on exactly what you  
5 would be looking for, that would be helpful.

6 MS. GORDON: Yes. Of course.

7 UNASSIGNED: First, thank you both for  
8 your testimony. You stated a number for the cost of  
9 the 50 charging stations. Now could you restate that?

10 MS. GORDON: Yes. So the current flow  
11 charging pilot, which you may see those tall blue  
12 chargers in certain boroughs of the city, it's 50  
13 pieces of hardware, and ConEd paid \$13.4 million for  
14 that pilot. That includes the hardware and the  
15 installation.

16 UNASSIGNED: And, Mr. Hutchinson, I  
17 want to make sure I have this correct. So right now  
18 ULURP is required, you said, for small lot  
19 acquisition, and for the -- if you want to change the  
20 grade of a street? Is that what --

21 MR. HUTCHINSON: Yeah. ULURP is  
22 required to give the City the authority to acquire  
23 property, to change the grades on map streets that are  
24 on the City map, to cite public facilities for  
25 infrastructure, and solar panels will count as

1 infrastructure. And so our ability to do all of these  
2 things is very limited by that.

3 When, let's say, if we launch a housing  
4 mobility program and want to give people the option to  
5 sell their home, that person would then, as a next  
6 step, decide to go through ULURP. It's not a feasible  
7 path forward for the scale at which we need to do  
8 things.

9 And I'll also add on the EV charging,  
10 the city as of last year passed the green rides, which  
11 is going to require that all rideshare vehicles be  
12 electric or handicap accessible by 2030. So having EV  
13 charging in place is going to be critically important  
14 to support that.

15 MR. BUERY: Thank you.

16 MS. LAREMONT: All right. Thank you.  
17 Just for clarity, so the two parts of the charter, or  
18 two processes that you've called out, is the franchise  
19 authorization and then the revocable consent process.  
20 With both of those -- I know I'm looking forward to  
21 reading more detail on your testimony, but is it that  
22 these need to be simplified for smaller, you know,  
23 companies like yours; or is it about the speed, and  
24 what is it that is the actual barrier to the work?

25 MS. GORDON: Thank you. So for the

1 franchise approach, we're looking for a way for the  
2 city to utilize a city-owned asset to provide a public  
3 service. And right now, for example, we want to make  
4 sure that the franchises are simplified so that  
5 smaller companies can compete to obtain such an  
6 opportunity.

7 I'm sorry, I'm just going to find some  
8 more detail for us here. And then for revocable  
9 consent, the approach would be for it to be a mass  
10 approach as opposed to a one-off. So that would be  
11 more easily repeatable across the regions that we  
12 needed to deploy in the five boroughs.

13 MS. LAREMONT: Okay. That's very  
14 helpful. Thanks.

15 And Elijah, just curious from your  
16 experience in the City on these types of projects  
17 you've called out, which are all really great examples  
18 of things that really slow down progress that needs to  
19 be made that we're behind the curve on, is some of  
20 your thinking about pulling these things out of ULURP,  
21 or having just an alternative process within ULURP?  
22 Has your office given thought to that?

23 MR. HUTCHINSON: Yeah. ULURP itself  
24 can be incredibly dissatisfying to the community when  
25 we go to them on coastal infrastructure projects. And

1     it's because, you know, it's because we will go to the  
2     community and say we're changing the elevation of a  
3     street. And that's the only thing as part of the  
4     broader coastal resilience project that is actually  
5     subject to ULURP, and so the, the public conversation  
6     gets set up to comment on specific actions that are  
7     very limited in scope to the broader project design.  
8     And that in itself creates two problems.

9                 One, you could be designing projects  
10    that are suboptimal to avoid ULURP to deliver coastal  
11    infrastructure projects, or we have extensive public  
12    other engagement processes that exist where we are  
13    socializing neighborhood plans, we are going out for  
14    communities to get their feedback and collect and put  
15    on what's happening. Is that sufficient to inform the  
16    project design at the community level versus ULURP? I  
17    don't know, but I can say that people are satisfied  
18    with the ULURP process as the means of having  
19    conversations about what these coastal infrastructure  
20    projects mean to communities.

21                And that's included with, like, east  
22    side coastal resilience, for example. Lots of  
23    contention, lots of conversations, but it wasn't about  
24    the trees, it wasn't about whatever that we went  
25    through ULURP; it was about site acquisition for an

1     easement with ConEd. And so those things can be --  
2     it's not the right process, and I think we can do  
3     better.

4                   MS. SAVINO: I was -- thank you, Leila.  
5     I was going to ask a similar question. I mean, many  
6     people complain about the ULURP process being an  
7     impediment to development of any kind. And obviously  
8     it was created at a time when it was important, and it  
9     does play a vital role in planning for the future of  
10    communities in New York City and having community  
11    input, but I don't think anyone's ever really  
12    identified the ULURP process as an impediment to  
13    coastal resiliency and/or our climate goals.

14                   So it's interesting to hear you present  
15    testimony about that, especially since we're sitting  
16    right now in a block away from the waterfront. And  
17    this entire community from the south shore of Staten  
18    Island all the way to the bridge and around were  
19    devastated by Hurricane Sandy, which is just 12 years  
20    ago. And of course the coastal communities across the  
21    way in Brooklyn, all the way out to the Rockaways.

22                   And so I'm just wondering, have we  
23    started to take into account the impact of the ULURP  
24    process on the redevelopment of these communities?  
25    Not just the housing that's there or the commercial

1 properties there, but our ability to withstand the  
2 next storms, as right here we're planning, finally  
3 after 12 years, the sea wall and the complications  
4 that go into that.

5 MR. HUTCHINSON: Exactly.

6 MS. SAVINO: So it's 12 years after  
7 Sandy, and we don't have, you know, one brick in that  
8 wall, so to speak. So can you share a little bit of  
9 how the ULURP process is actually an impediment to  
10 that kind of development? So that kind of future  
11 planning?

12 MR. HUTCHINSON: Yeah. The ULURP  
13 process itself, especially because it involves many  
14 cycles of review when we are thinking of these  
15 projects, and we even have a vision for what we want  
16 to do, we have to engage in a public conversation and  
17 neighborhood planning. You know, Staten Island  
18 included Red Hook, another area 12 years later, we're  
19 just breaking ground on coastal infrastructure there.

20 When we have to go through the ULURP  
21 process itself, we have to be very clear on what it is  
22 that we're going in for so that we don't have to redo  
23 the ULURP, and that we've met the technical  
24 requirements and done the environments reviews that  
25 support the ULURP application.



1                   And that timeline of coming up with the  
2 vision of project design, discussing it with the  
3 community, designing it, then going through  
4 environmental review, scoping out the ULURP actions  
5 that'll go through public review, and then maybe  
6 getting recommendations and changes and frustrations  
7 that might change the design, just means that we're in  
8 this constant back and forth in terms of process for  
9 moving forward a lot of these coastal resilience  
10 projects, because it creates an unknown timeline and  
11 also really complex political dynamics.

12                   We do have a Citywide waterfront plan  
13 that Department of City Planning puts out. We do have  
14 PlaNYC. We have coastal plans established in Coney  
15 Island. We have coastal plans established in the  
16 South Bronx, in Hunts Point, for instance. Moving  
17 forward this portfolio has been extremely, extremely  
18 challenging. ULURP has been one of the barriers. The  
19 cost of these projects has been another barrier. But  
20 it would be really helpful if we could find ways to  
21 not have ULURP be something that takes away from what  
22 we could do on the waterfront.

23                   Especially because much of our  
24 waterfront is mapped streets and public land that will  
25 include site selection and changing grades when we're

1 talking about elevating streets or changing curb  
2 lines; very fundamental things that any coastal  
3 project would want to do, and none of our waterfront  
4 regulations were designed with climate change in mind.  
5 None of our regulations thought about how much we  
6 would need to adjust the waterfront.

7 MR. BUERY: All right. If there are  
8 any commissioners online who have a question, if you  
9 could raise your hand on the call, we'll know who to  
10 call on.

11 UNIDENTIFIED SPEAKER 1: -- ask that,  
12 you know, in furtherance of the points that you --  
13 possible with us about types of things that you --  
14 specific about, you know, what we would do as well as,  
15 you know, targeted in sort of any little carve outs or  
16 things that -- so to the degree that you can do that,  
17 that would be helpful to us.

18 MR. HUTCHINSON: Sure. Will do. Thank  
19 you for that.

20 MR. BUERY: Do any commissioners online  
21 have their hands raised? I can't -- no? Okay. Any  
22 other questions for the panel?

23 Thank you very much.

24 UNIDENTIFIED SPEAKER 1: Thank you.

25 MR. HUTCHINSON: Thank you.

1 MR. BUERY: Next, I'd like to ask Steve  
2 Levin from Solar Wind to join us. Welcome. Good to  
3 see you.

4 MR. LEVIN: Nice to see you, everybody.  
5 Thank you very much for the opportunity to testify. I  
6 want to thank the Chair and the commissioners for this  
7 opportunity to submit testimony before their Charter  
8 Revision Commission.

9 My name is Steve Levin, CEO of Solar  
10 One, and I'm submitting this testimony on behalf of  
11 our organization. Solar One is a nonprofit  
12 organization whose mission is to design and deliver  
13 innovative education, training, technical assistance  
14 and advocacy that fosters sustainability and  
15 resiliency in diverse urban environments. We provide  
16 comprehensive solar technical assistance to building  
17 owners, affordable housing providers, and community  
18 organizations to facilitate high impact solar  
19 projects; and we advocate for policy solutions that  
20 make solar affordable and accessible to low-income  
21 communities and affordable housing.

22 Making our city more sustainable,  
23 equitable, and healthy is central to our goals.  
24 Climate change is a direct threat to residents across  
25 the city, especially frontline communities that have

1    been historically burdened by environmental injustices  
2    and continue to bear the brunt of climate impacts like  
3    storm surges and extreme heat.

4                   We believe there is a unique  
5    opportunity to mitigate these threats by updating the  
6    city charter to reflect today's climate and  
7    affordability crisis, and the need to rapidly expand  
8    affordable and resilient infrastructure like solar,  
9    while still prioritizing robust community input.

10                  First issue I'd like to talk about is  
11    expanding solar in New York City because it is  
12    critical to our city and state climate goals in  
13    improving community health. New York City has been a  
14    leader in setting ambitious climate goals. It has  
15    committed to carbon neutrality by 2050, deploying 1000  
16    megawatts of solar power by 2030 and 500 megawatts of  
17    energy storage by 2025.

18                  Achieving these goals advances the  
19    global fight against climate change while improving  
20    daily life for New Yorkers who are disproportionately  
21    burdened by air pollution and climate impacts. Local  
22    renewable energy within New York City's also critical  
23    to relieve a congested grid, mitigate increasing  
24    energy demand, and reduce our reliance on polluting  
25    peaker plants.

1                   While the City has made great strides  
2     in the deployment of solar, continued progress is at  
3     risk in the face of federal attacks on clean energy  
4     programs, dwindling New York sun rebates, and the  
5     increasing cost expected from tariffs.

6                   So this was written, you know, four  
7     hours ago. So to keep our city and state on track --  
8     and there's still an issue with tariffs because, you  
9     know --

10                  To keep our city and state on track, we  
11     ask the commission to seize opportunity to leverage  
12     city-owned land where feasible and beneficial to  
13     communities to continue our ambitious build out of  
14     local affordable renewable energy as well. Expanding  
15     community solar and storage in New York City is  
16     essential for equitable access to renewable energy as  
17     well. Community solar is one of the most important  
18     methods to ensure equitable access to the benefits of  
19     solar.

20                  For rental and building owners with  
21     roofs not suitable for solar, subscribing to a  
22     community solar array provides reliable savings from  
23     fossil fuel free electricity. While ConEd's recently  
24     proposed rate hikes and the federal cuts to the LIHEAP  
25     program, energy costs are skyrocketing and resources

1 for low-income rate payers are insufficient to address  
2 high energy burdens. Community solar can fill in the  
3 void, but the lack of space for community solar  
4 projects in New York City is a major barrier.

5           Leveraging City-owned land for public  
6 renewables and solar access is also a priority. Two  
7 new statewide programs recognize the importance of  
8 community solar as a tool for equitable solar  
9 expansion; Statewide Solar for All and the New York  
10 Power Authorities Reach program. Both programs  
11 redistribute bill savings from community solar and  
12 storage projects to low-income New Yorkers enrolled in  
13 the energy affordability program, EAP, and living in  
14 disadvantaged communities, but bill savings from such  
15 projects will only be meaningful if there's a massive  
16 build out of projects within New York City.

17           Once again, New York's lack of space is  
18 hindering beneficial savings from renewables for low-  
19 income residents. The City's real estate assets  
20 present an opportunity to leverage existing space for  
21 projects that can enroll in these affordable energy  
22 programs. We especially want to urge the charter  
23 revision process to streamline the feasibility for  
24 NYPA to work with the city on its build out of  
25 publicly owned renewables as part of the build public

1 renewables mandate.

2 Partnering with NYPA will increase  
3 public ownership of energy resources, increase bill  
4 discounts for low-income residents, and increase high  
5 paying jobs in the clean energy sector.

6 I have a few more recommendations, but  
7 I'll submit them in our written testimony.

8 MR. BUERY: Thank you so much. Any  
9 questions?

10 UNIDENTIFIED SPEAKER 2: When -- I  
11 don't know if this is in the testimony that you  
12 submitted, but it will be also good to have examples  
13 because, of course, I know of a couple, right, that  
14 we've worked on together, that you can add to show the  
15 impact, right, of equitable access to energy if those  
16 projects weren't there, how they've worked, and what  
17 they've done to allow that access to the energy. So  
18 that could -- some of that data could be included.

19 MR. LEVIN: Well, we could update our  
20 submission to include some examples, for sure. Of  
21 course. It was great to work with you.

22 MS. SAVINO: On a completely different  
23 topic, former Councilman, so as you know, this Charter  
24 Revision Commission has been charged with -- we're  
25 required to look at the entire charter, but we were

1 asked to make a particular focus on housing and to  
2 address the housing crisis that we face in New York  
3 City. And one of the things that comes up often in  
4 these discussions is the issue of member deference by  
5 the local council member, which can, you know, approve  
6 a project or kill it.

7 And so I'm just curious, now that  
8 you're no longer a council member, if you could do  
9 things differently, would you have? Particularly I  
10 think the district that you represented has grown  
11 tremendously compared to other parts of the city.  
12 Just out of curiosity, now that you no longer have to  
13 worry about going before the voters, what do you think  
14 about member deference?

15 MR. LEVIN: Right. I think there's a  
16 good balance to be struck. You know, it was not 100  
17 percent rule when I was there. There were times when  
18 -- I think my second rezoning, that I had about 45  
19 rezonings in the district when I was a council member,  
20 and the second one that we had, I, you know, I opposed  
21 up until I couldn't really oppose it anymore. You  
22 know, probably an hour before the vote was scheduled.

23 So, you know, within reason, I think  
24 that it's important to be able to maintain that  
25 there's one council member who's negotiating in their



1 district, and I think often they're very familiar with  
2 the issues at play that others might not be familiar  
3 with. But, you know, it certainly should be within  
4 reason, and if that council member's operating in good  
5 faith, I think it's important to be able to allow them  
6 to negotiate. But everything's, you know, a balance,  
7 I think.

8 MS. SAVINO: Yeah. No doubt. I mean,  
9 I've said to the group and to people internally that  
10 the local elected officials, the closest person to  
11 that community, the people trusted that person to help  
12 make decisions about the future of that district. But  
13 it is quite challenging when, you know, nobody likes  
14 change. Everybody wants change, but nobody wants it  
15 next to them.

16 MR. LEVIN: Right.

17 MS. SAVINO: We all want more housing,  
18 but we don't want it in our block. We all want more  
19 development, but we don't want it in our neighborhood.  
20 It should be over there, over there, or over there.  
21 But there's no doubt that, you know, the councils over  
22 the years, and it's not just this council or the one  
23 you served in where you give so much deference to that  
24 member and nothing ever gets done.

25 So we've seen over the past 25 years

1 some communities are bearing the burden of the entire  
2 development of housing and others, none. And how do  
3 we plan for the future of a city that continues that  
4 practice?

5 MR. LEVIN: I think the City of Yes was  
6 really inspiring to see. I mean, being out of  
7 government and being able to see, I think in the last  
8 few years, a real shift in terms of the perspective  
9 that I think a lot of elected officials have  
10 recognizing, you know, there's the whole YIMBY  
11 movement about, you know, saying, we need the housing.  
12 Everybody recognizes we need the housing. We need  
13 that supply in order to continue to grow as a city.

14 And so, you know, as a council member,  
15 I kind of largely made my peace with development  
16 happening in my district, and needing to be there,  
17 and, you know, now five years or, you know, three  
18 years out, but years down the line, I'm starting to  
19 see the benefits of it, and I think that those in many  
20 cases outweigh the impacts.

21 MS. SAVINO: That's good to know.  
22 Thank you.

23 MR. BUERY: Thank you. Any other  
24 questions from --

25 MR. LEVIN: Thank you.

1 UNIDENTIFIED SPEAKER 3: I just had two  
2 questions. You talked about wanting us to look at  
3 streamlining the feasibility of NYCHA, and you know,  
4 that's always a challenge with the charter because  
5 NYCHA has its own, you know, statutory process, but  
6 you are contemplating that there is a path for us to  
7 do that in the charter, and if you are, what that  
8 would be?

9 MR. LEVIN: I think I was referring to  
10 NYPA.

11 UNIDENTIFIED SPEAKER 3: Oh, NYPA. Oh.  
12 Okay. Got it, got it. That's easier -- property.  
13 And we can even envision it with NYPA campuses. How  
14 do these structures relate in those contexts? Are  
15 they rooftop structures? Are they on the blue ground?  
16 How do they relate?

17 MR. LEVIN: There's different  
18 modalities. So often it's a rooftop, or a canopy  
19 system that's on a rooftop. So there's different kind  
20 of modalities within building mounted, but then  
21 there's also opportunities to have it as carports, you  
22 know, so over a parking lot or in industrial spaces.  
23 So it could be a large industrial lot that can serve  
24 as a solar array or contain battery storage.

25 And so I think that the one

1 recommendation that we would put out there is to be  
2 able to streamline the process so that New York City  
3 can engage with NYPA to be able to cite specifically  
4 renewable power and renewable energy resources in  
5 communities, and not have it have to go through an  
6 extensive ULURP alert process, but be able to lease  
7 out the space specifically with, you know, to be  
8 clear, with renewable energy. So not that there would  
9 be some kind of risk of having peaker plants or  
10 polluters in the neighborhood, but ensuring that there  
11 are renewable energy resources throughout the city.

12 And that's the format that Community  
13 Solar really works. And Community solar is where  
14 renters are able to participate. So they don't own  
15 their rooftops, but they're able to participate in  
16 solar, get a 10 percent discount on their energy  
17 bills, and also be able to participate in renewable  
18 energy.

19 MR. BUERY: Councilman, one of the  
20 things that we have been talking about, just again  
21 related to housing, is potentially having processes  
22 that make it easier for certain kind of development,  
23 particularly housing that is either of limited scope  
24 or that is largely affordable. And I'm wondering if  
25 you could imagine a regime that might have similar

1 benefits for housing that is extremely energy-  
2 affordable or that has built in renewable energy, like  
3 solar arrays. I'm wondering if that's something  
4 you've thought about or looked into?

5 MR. LEVIN: To incorporate it into a --

6 MR. BUERY: Another thing that might  
7 allow you to have a more streamlined process by  
8 providing income for the public benefit, such as  
9 supporting renewable energy or supporting the energy  
10 grid.

11 MR. HUTCHINSON: I mean, we think that  
12 that would be great. You know, part of Solar One's  
13 mission is to deploy renewable energy in a distributed  
14 way, meaning have it out there on every rooftop in the  
15 City and make it as non-centralized as possible  
16 because that's the great resource that we have in New  
17 York City is, you know, our available rooftop space.

18 And so where there's new development,  
19 we think that that makes a whole lot of sense. And we  
20 engage really closely with HPD on their solar reusable  
21 program, so when there's new affordable development,  
22 we engage with that and with major capital projects,  
23 major capital improvements. But yes, to answer your  
24 question, I think that that would be something we  
25 would be very supportive of, and we be super

1 supportive of with affordable housing as well. Of  
2 course.

3 MR. BUERY: Thank you.

4 Are there any online panelists who have  
5 questions? No?

6 It's good to see you. Thank you so  
7 much.

8 MR. HUTCHINSON: Likewise. It's good  
9 to see you all. And thank you so much, commissioners,  
10 for volunteering your services.

11 MR. BUERY: Thank you. Appreciate it.

12 Our next speaker is John Ketchum from  
13 The Manhattan Institute.

14 MR. KETCHAM: Chair Buery and  
15 distinguished members of the 2025 Charter Revision  
16 Commission, thank you for the opportunity to testify,  
17 and for performing this important civic service for  
18 our city.

19 I'm John Ketchum, legal policy fellow  
20 and director of cities at The Manhattan Institute. My  
21 views today are my own. I also second the  
22 recommendations made by my colleague, Eric Cober, at  
23 the February 24th hearing.

24 Six years after adopting rank choice  
25 voting for local primary and special elections, and

1 many of the City's electoral dynamics remain largely  
2 unchanged. Only 23 percent of registered voters  
3 participated in the 2021 general election for mayor.  
4 Closed primaries still bar about a million  
5 unaffiliated voters from having a say in any primary,  
6 and Manhattan Institute polling, conducting this  
7 January, has found that 44 percent of City voters  
8 believe that local elections are effectively decided  
9 in the Democratic Party primary, not the general  
10 election.

11 To promote greater political  
12 competition, and turnout therefore, I respectfully  
13 recommend that the commission consider changes to the  
14 City's electoral structure, the details of which I  
15 will include in my extended written testimony. Today,  
16 I'd like to focus on a few caveats of nonpartisan  
17 primaries and the benefits and trade-offs of moving  
18 the City's local elections to even numbered years. MI  
19 polling shows that a 37 percent plurality of City  
20 voters supports nonpartisan primaries over open or  
21 closed alternatives. Now, by nonpartisan primary I  
22 mean an election open to all registered voters who  
23 select candidates to advance to the general election,  
24 regardless of party.

25 Nonpartisan does not, however, require

1 removing party labels from the ballot. Eliminating  
2 party labels would be problematic, as they serve as  
3 important information cues to help voters make their  
4 decisions at the ballot box. And some jurisdictions  
5 like Alaska, for example, allow candidates to choose a  
6 preferred party that appears next to the candidate's  
7 name on the ballot; but this may mislead voters if  
8 party leadership does not support these candidates,  
9 which can also occur if the label simply reflects the  
10 candidate's voter registration at the time of an  
11 election.

12               Instead, I suggest that party leaders  
13 select the candidates who will bear their party's  
14 endorsement, allowing parties to play a role in a  
15 nonpartisan system while opening the vote to all  
16 registered voters and still boosting political  
17 competition. For City Council elections, I also  
18 respectfully urge the commission to consider list-  
19 based proportional representation systems which can  
20 bypass the need for a primary election by likewise  
21 allowing internal party processes to nominate  
22 candidates.

23               Next, moving elections for New York  
24 City local offices to even years would amplify the  
25 participatory impact of a reformed electoral



1 structure. Across the US and in New York City, odd  
2 year local elections draw far lower turnout than those  
3 held alongside federal contests in even years. This  
4 dampens political competition, contributes to less  
5 representative electorates, empowers special  
6 interests, and raises election administration costs.

7 Ample evidence nationwide corroborates  
8 that moving local elections to even numbered years is  
9 the single most effective way to increase voter  
10 participation. Based on the City's historical voter  
11 patterns, holding local elections on even years could  
12 potentially double or more the recent share of New  
13 Yorkers who participate in local government,  
14 particularly if those elections were held concurrently  
15 with presidential elections.

16 Higher turnout yields important  
17 secondary benefits. It dilutes the influence of  
18 special interest groups by raising the costs of  
19 reaching a sufficient number of voters to sway an  
20 election. As a result, even your elections encourage  
21 local elected leaders to make decisions that better  
22 reflect the preferences and concerns of a majority of  
23 their constituents, and this closer representativeness  
24 does not come at the expense of one political party  
25 over the other. Studies have found that moving to

1 even year elections has no discernible partisan  
2 impact. Voters are not also more ignorant of local  
3 matters simply because they participate in a local  
4 race that coincides with federal or state races.

5 And finally, eliminating odd year  
6 elections could save between 30 and 60 million dollars  
7 every four years, and reduce the size of the City's  
8 Board of elections prompting long overdue reforms at  
9 that body. As you are all likely aware, there exists  
10 a major impediment to moving local elections to even  
11 years, and that is Article 13, section eight of the  
12 New York State Constitution, which would need to be  
13 amended before a new local election calendar takes  
14 effect.

15 But the multi-year nature of the state  
16 constitutional amendment process can allow City  
17 officials and voters to acclimate to this change and  
18 potentially align the new even year local calendar  
19 with the decennial census redistricting process. For  
20 example, allowing the first even year local races in  
21 2032. I urge you to seize this opportunity to build a  
22 fairer and more representative local democracy.

23 Thank you again, and I welcome any  
24 questions.

25 MR. BUERY: Thank you so much. I'm

1 going -- well, actually let -- Senator, you want to  
2 start?

3 Well, maybe two questions. One is --  
4 and first of all, thank you so much for your  
5 testimony.

6 MR. KETCHAM: My pleasure.

7 MR. BUERY: The first question is that  
8 you spoke about the potential of essentially misusing  
9 the ability to attach your party affiliation in open  
10 primary ballot as a reason to have party leaders  
11 approve that designation. In cities around the  
12 country that have some form of open primary, are you  
13 aware of lots of examples of candidates who have,  
14 like, intentionally misled the public by adopting a  
15 party affiliation? Is that a problem that has been  
16 seen around the country?

17 MR. KETCHAM: Thank you for the  
18 question.

19 So some jurisdictions allow for a  
20 three-word descriptor of what the candidate stands  
21 for. It doesn't necessarily have to be a party label  
22 per se, and that has led to some confusion by, for  
23 example, saying that the candidate was an independent  
24 candidate, right, which does not necessarily mean in a  
25 particular independent party or independents party.

1           I think the most important thing is  
2       that voters should have immediate information  
3       available to them on the ballots, that they can make  
4       informed decisions on the spot. We would all love to  
5       imagine that voters do ample homework before they get  
6       to the ballot box. Many do, but some don't, and we  
7       have to, in a sense, meet voters where they are in  
8       those cases. And informational cues simply provide  
9       either good or bad information, and sometimes if it's  
10      not aligned with, for example, what party leaders  
11      really want, then the voter may not know whether  
12      there's a real affinity or link between the party  
13      structure, the party leadership, and the particular  
14      candidate who's running.

15                So in order to strengthen that linkage  
16      and prevent potential misapprehensions or confusions,  
17      I think it would be important for party leadership to  
18      have some role in the endorsement that is included on  
19      the ballot.

20                And I welcome your second question.  
21      Thank you, Chair.

22                MR. BUERY: Well, actually, I'll hold  
23      my question. We'll give -- a chance.

24                MR. KETCHAM: Thank you.

25                MR. BUERY: Commissioner?

1 UNIDENTIFIED SPEAKER 4: Yes. Thank  
2 you. You mentioned increasing the cost as a benefit  
3 in terms of reaching a broader audience. I would ask  
4 in your written testimony, or you could tell me if  
5 you've thought about this, and I don't even know if  
6 this is our purview, but how does that connect or not  
7 with any -- or looking at what the campaign finance  
8 system looks like now, do you think there would need  
9 to be changes there in order to really effectuate the  
10 outcome you're talking about?

11 MR. KETCHAM: Well, thank you for the  
12 question.

13 I have not thought specifically about  
14 the interaction of the campaign finance system. I  
15 would be happy to explore that in my written  
16 testimony. My point in, you know, looking at the way  
17 that interest groups influence local election is that  
18 it's a whole lot easier for them to have influence  
19 when only 20 or 25 percent of the populace is casting  
20 the a ballot. And so it's therefore easy to get out  
21 the vote of, let's say, a membership organization.

22 Now, that membership organization may  
23 not be representative of a district's voters as a  
24 whole or deed of the Citywide electorate, and  
25 therefore we may have representatives that are skewed

1 in various ways relative to the median voter in a  
2 district. And by doubling your voter turnout, for  
3 example, it's going to be a whole lot harder for that  
4 interest group to reach enough voters to have that  
5 same level of impact.

6 MS. SAVINO: Thank you. So now I have  
7 a lot of questions, so I'm going to try and start from  
8 the top.

9 First, I think I agree with you  
10 technically on the idea that even year elections  
11 require a constitutional amendment, so we'll leave it  
12 at that. I mean, perhaps we could explore the idea of  
13 a question saying if then would we be able to move to  
14 even year elections, and that might be a question for  
15 the Charter Revision Commission to put forward to  
16 voters.

17 But on the bigger issue of the -- and  
18 let me just say this. 20-some-odd years ago I was  
19 involved in a campaign to kill the ballot initiative  
20 that Mike Bloomberg put forward. And I think it was  
21 -- it was more than that, 2003, to have non-partisan  
22 elections, which is not what you're suggesting. And I  
23 will publicly say he was right then, not for the right  
24 reason, and we were wrong. And the reason I say that  
25 is because in the past 20-some-odd years we have seen

1 the complete deterioration of the body politic, and  
2 largely because of the bitter partisanship that exists  
3 between the two major parties that essentially control  
4 our election process.

5 And having been a senator who ran on  
6 more than one party line over the years, I can attest  
7 to that we were all part of that because we were  
8 invested in the continuity of that. I think we have  
9 with us tonight two City Council candidates in a  
10 special election that will be appear on the ballot.  
11 And so I want to ask you a question. The New York  
12 City special election process for the council is a  
13 straight non-partisan election. While they can be  
14 supported by the party that they belong to, those  
15 ballot lines will not appear on the ballot. They have  
16 to create a ballot line.

17 And I should know what their ballot  
18 lines are. I don't know, but the -- and the state a  
19 vacancy in the assembly or the Senate, and they hold a  
20 special election. It is the party line that appears  
21 under because you're the party's candidate; right? So  
22 which model do you think makes more sense?

23 MR. KETCHAM: Well, the 2019 Charter  
24 Amendment applies also to special elections, and  
25 therefore you have rank choice voting in that as well.

1 Now, it's hard to -- every electoral system has trade-  
2 offs; right? Rank choice voting itself has trade-  
3 offs. And if you think about just from the voter's  
4 perspective, for example, rank choice voting imposes a  
5 pretty high informational burden on voters. It  
6 requires them to know enough about it five different  
7 candidates in a City Council election. That could be  
8 pretty difficult if they're neighborhood figures,  
9 right, that don't get a lot of press, especially given  
10 the struggles that local journalism has had.

11 And so there, you know, rank choice  
12 voting has certain upsides for sure, but in terms of  
13 how it imposes this informational burden, this  
14 knowledge burden on voters, I think it does leave some  
15 things to be desired. And therefore, by moving to a  
16 system of proportional representation, the parties  
17 become part of the process there. And all the voter  
18 needs to know is what party do I most support; right?

19 And to your comment earlier about the  
20 nationalization of our local politics and how that has  
21 had deleterious effects on our local citizenry and our  
22 local solidarity, I take your point, and I concur with  
23 it. Local matters do not really align along the same  
24 ideological spectrum or access as national matters do.  
25 Right. Your view on housing may not have a whole lot



1 to do with your view on public safety, or on transit,  
2 or on climate policy, right, and yet we are  
3 effectively putting all of our political competition,  
4 all of our political differences, through a primary  
5 process that one party dominates.

6 You know, and so I would say any  
7 electoral system that moves to a more competitive  
8 general election is the one that I would favor. And  
9 there are just so many variations that, you know, that  
10 you can pick among many. And again, it's all a matter  
11 of trade-offs and preferences, but ultimately the  
12 general election is where the voters should have the,  
13 the most say.

14 MS. SAVINO: So you did say in your  
15 testimony that -- I think that this is your testimony,  
16 not Manhattan Institute's position?

17 MR. HUTCHINSON: Yes. It's mine.

18 MS. SAVINO: That you would prefer the  
19 model of a nonpartisan primary as opposed to an open  
20 primary. And my understanding of an open primary  
21 is -- again, we have 1.1 million unaffiliated voters  
22 in the City of New York. They are effectively  
23 disenfranchised right now because, as we all know, for  
24 the most part, the Democratic primary is the  
25 equivalent of the general election in this City.

1 Decisions are made in June, and everybody else is  
2 stuck with whoever the democratic candidates are that  
3 are chosen in that party's primary.

4 So the the idea of an open primary  
5 where I'm a registered non-affiliated voter, and I  
6 live in a community where it's overwhelmingly a  
7 democratic community, I want to be able to vote in  
8 that democratic primary, but I do not want to register  
9 in that party. I have no interest in becoming a  
10 Democrat. Why not that model as opposed to a non-  
11 profit, a non-partisan primary?

12 MR. KETCHAM: Well, the general  
13 argument against what we might call semi-open  
14 primaries or fully open primaries is that it allows  
15 for interference by bad faith actors, by people who,  
16 you know, want to just register or want to interfere  
17 with the deliberations of a particular party without  
18 committing to that party.

19 MS. SAVINO: That happens now because  
20 we don't have an open. So we saw it happen, you know,  
21 allegedly, in Westchester last year, where tens of  
22 thousands of people re-registered as Democrats to  
23 participate in a congressional primary. So in order  
24 to avoid that, if you don't require people to enroll  
25 in that party so that they can vote in that primary,

1 wouldn't that solve that problem?

2 MR. HUTCHINSON: Well, that is a good  
3 counterargument to that. As a matter of fact,  
4 Manhattan Institute polling shows that about 23  
5 percent of respondees said that they're registered as  
6 Democrats because they want their vote to count for  
7 something in the general election.

8 MS. SAVINO: Exactly.

9 MR. HUTCHINSON: There are many  
10 different types of open primary, as I say, across the  
11 country. The semi-open version just allows a  
12 unaffiliated voter to pick one of the two parties.

13 MS. SAVINO: Right.

14 MR. HUTCHINSON: A fully open version  
15 allows for anyone to participate in any -- so if I'm,  
16 you know, a registered Democrat, I could participate  
17 in the Republican primary. That, some people say, is  
18 interfering with --

19 MS. SAVINO: That would be the  
20 equivalent of party raiding, right, without actually  
21 doing the reregistration. So I think, I mean, I can  
22 speak for myself, I would not support that model. But  
23 I think the -- and I don't want to take up the entire  
24 time -- but I think the open primary where people are  
25 allowed to vote in that, in one party primary, I think

1 might make more sense. But I'm certainly willing to  
2 read the rest of your testimony to get a better  
3 understanding of it. Thank you.

4 MR. KETCHAM: Thank you.

5 MS. SAVINO: And I didn't mean to put  
6 you on the spot.

7 MR. KETCHAM: Oh. No. No.

8 MS. SAVINO: That is why you're here;  
9 right?

10 MR. HUTCHINSON: Thank you. You bet.

11 MR. BUERY: Thank you, Commissioner.

12 UNIDENTIFIED SPEAKER 1: I have a  
13 question about something you said. You said that  
14 research shows that this construct doesn't have a  
15 discernible partisan impact. Could you just, you  
16 know, expound on that?

17 MR. KETCHAM: Sure. Thank you for the  
18 question. So research done by Professor Zolt Hajnal,  
19 for example, and Justin de Benedictis-Kessner, have  
20 shown that even though you are in some cases doubling  
21 the voter turnout, that that does not systematically  
22 and consistently benefit one political party over the  
23 other. So you could expect to have the same outcomes,  
24 per se, but you're increasing democratic  
25 participation. So this is not an attempt to help one

1 party over another. There's no insidious motive  
2 behind it.

3 UNIDENTIFIED SPEAKER 1: Well, thank  
4 you. And I think that's really important because I  
5 know that as we considered this, that's one of the big  
6 issues that people raise, that we are trying to ensure  
7 that democratic candidates can't win, which I think is  
8 not true in any respect. We're just considering how  
9 more people can participate. So if you could just  
10 make sure that that is cited in your testimony to us,  
11 I think that would be helpful.

12 MR. KETCHAM: I will be sure to do  
13 that. Thank you, Commissioner.

14 MR. BUERY: Well, Mr. Ketcham, just  
15 following up on that question; just as an example, you  
16 could very easily imagine a process that would lead to  
17 a general election with two Democrats, both of whom  
18 might have had more popular support than a Democrat  
19 and a Republican who had less popular support. Just  
20 that would sort of align with the sort of idea that it  
21 doesn't necessarily benefit or harm any party. It may  
22 increase the likelihood that the two most popular  
23 candidates of any party might have an opportunity to  
24 face off in a general election. Is that right?

25 MR. KETCHAM: That is right. Thank

1     you, Chair.

2                     I should say that the research on even  
3     year elections holds the other electoral structures  
4     constant, right, so they're not going to confound the  
5     variables on that. But local politics does not  
6     necessarily have to align with national political  
7     labels; right? I mean, we have many, many  
8     differences, many opinions. We all know New Yorkers  
9     have lots of opinions; right? And to think that we  
10    are making our local decisions based on whether you  
11    like Joe Biden or Kamala Harris or Donald Trump, it  
12    just defies belief in my mind.

13                    I would much rather have a more  
14    localized politics where we might have, let's say, a  
15    pro-housing growth party, right, where you have  
16    support for these policies across the City, but not  
17    necessarily in equal measures in particular districts.  
18    So you're never really going to get representation of  
19    those citywide or borough wide interests that are  
20    really important to represent through the single  
21    district paradigm that we have now.

22                    I should also say briefly that there  
23    exists proportional representation models that  
24    preserve the single seat district while also allowing  
25    for citywide seats, and that allow for proportionality

1 for parties so that you have a nice balance of  
2 district level one-to-one representation between  
3 constituent and council member, but also other council  
4 members that can represent citywide needs.

5 MR. BUERY: Thank you.

6 Are there any -- I'm sorry.

7 MS. SAVINO: Sorry.

8 Because when you mentioned the issue of  
9 national politics filtering down to local politics and  
10 primaries; and in fact, that is exactly what's  
11 happening because of the small number of people who  
12 participate in primaries now. You said yourself, I  
13 think in 2021, 23 percent of voters voted in the  
14 general election. I think a fewer percentage of  
15 voters voted in the primary in June, and you compare  
16 that to 40 years ago when you might have 70 percent of  
17 voters participating in an election.

18 So is it the -- if we were to take the  
19 party label off the ballot line, in whether the  
20 nonpartisan primary or the open primary, do you think  
21 that might help alleviate that problem where you had  
22 the far right and the far left controlling the primary  
23 process? And that's my last question. I promise.

24 MR. KETCHAM: Thank you for the  
25 question.

1           I would rather not remove the party  
2     label. As I mentioned, they provide information cues  
3     to voters to help voters decide on the spot which  
4     candidate best aligns with the voters' values and  
5     preferences and concerns. That said, I think that we  
6     should have more party competition, more options for  
7     voters to choose from, including local parties; right?  
8     So the Democratic Party of New York City should stand  
9     for something; right? But we don't know -- or the  
10    Republican Party, I should say. They should stand for  
11    something. But it's very difficult to have a coherent  
12    sense of what that is because there are many factions  
13    that make up these major parties.

14           And some of these factions, perhaps  
15    they're better suited as their own political party;  
16    right? And you can have a separate party label that  
17    means something significant to voters, and other party  
18    labels may represent very different policy matters,  
19    but the point is that you have clear, distinguished  
20    party brands that voters can appeal to and that voters  
21    can identify with. And it makes it a whole lot easier  
22    to know, I like the Green party, for example, and I  
23    will therefore vote for a Green candidate or the Green  
24    Party in a proportional representation system.

25           MR. BUERY: Are there any commissioners



1 online who seek to testify? No?

2 Thank you so much. Appreciate your  
3 testimony.

4 MR. KETCHAM: Thank you for the  
5 opportunity, and your time.

6 MR. BUERY: All right. Thank you.

7 Now we're going to move on to public  
8 testimony, and we're going to ask -- I'm going to call  
9 three people at a time, and I'm going to hold you  
10 strictly to the three minutes of testimony, if that's  
11 okay.

12 We'll invite Michael Schnall, Frank  
13 Morano, and Julius den to testify.

14 MR. SCHNALL: Evening, Chair Buery and  
15 commissioners of the Charter Revision Commission.  
16 Welcome to Staten Island. My name is Michael Schnall.  
17 I'm a resident of the West Brighton neighborhood on  
18 the north shore of Staten Island. Thank you for  
19 holding this input session to hear from Staten  
20 Islanders about the important work of the Commission  
21 and our thoughts on government reform.

22 By way of background, I'm a non-  
23 practicing lawyer who worked in the New York City  
24 Council and Bloomberg administration. I've worked in  
25 the nonprofit sector for 10 years leading government

1     affairs and community engagement. I ran for New York  
2     City Council in 2021, and I was appointed by Speaker  
3     Adams as the lone Staten Islander to the 2020  
4     Redistricting Commission.

5                     I wanted to talk about two items  
6     tonight. First, even and odd municipal elections, and  
7     then nonpartisan elections. I applaud the Commission  
8     for thinking long and hard about this issue. If  
9     voting is the most basic responsibility of each  
10    citizen participating in our democracy, our city must  
11    work to find the lowest barriers of entry. And at the  
12    time when our democracy is under assault, it's even  
13    more important for New York City to lead the way.

14                    I split this out into pros and cons.  
15    So the pros of even year voting is that it removes the  
16    revolving door between Albany and New York City due to  
17    the logistical nature of even year state and federal  
18    elections and odd year City elections. This allows  
19    elected officials to swap seats, basically creating an  
20    incumbent protection program. Presidential election  
21    years experience higher voter turnout, and the New  
22    York City Board of Election will have much less work  
23    in odd years.

24                    The cons of shifting from an odd year  
25    voting system is that voters are already bombarded by

1 print and digital television advertising causing  
2 confusion, frustration, and anger; and having hundreds  
3 of more candidates running for council citywide seats  
4 just further adds to the problem. The cost of  
5 advertising will raise higher, and the share of  
6 campaign expenses for advertising will become larger.  
7 The changes to political terms will impact sitting  
8 elected officials.

9               What will the Board of Elections do in  
10 off years? I'm not sure. Consultants will be forced  
11 during odd years to shift to advocacy and lobbying,  
12 which will further blur the lines. The whole end of  
13 this discussion, and it was mentioned before that this  
14 is really an issue for our state elected officials.  
15 If this is the goal to increase turnout, I would  
16 suggest that we look at non-partisan elections.

17               I'm going to talk really fast when my  
18 time is almost over. I strongly believe that it is  
19 better to give more, better candidates to increase  
20 voter participation. The pros of a non-partisan  
21 election is that it removes political parties from the  
22 process. Why do we give insular groups of party  
23 members the decision to vote on who we should vote  
24 for? Remove political parties from primaries  
25 altogether, much like the April 29th race that Frank

1 and Cliff are running in.

2 When voters have multiple choices in a  
3 an election, rank choice voting becomes more  
4 important. RCV tends to force candidates to run more  
5 civil campaigns as they jockey for endorsement for  
6 other candidates for a number two ranking. And when  
7 general elections are no longer a choice between the  
8 lesser of two evils, voters will be motivated to turn  
9 out to vote for their favorite.

10 I see my time is up, but in conclusion,  
11 I would trust the voters with the power to decide. By  
12 providing nonpartisan elections, you're empowering  
13 more candidates to run without political party  
14 interference.

15 Thank you.

16 MR. MORANO: Hello, everybody. Welcome  
17 to Staten Island, Commissioners. I am Frank Morano.  
18 I happen to be a candidate for New York City Council,  
19 as Michael was kind enough to allude to, but I would  
20 be here even if I wasn't.

21 I have testified before every Charter  
22 Revision Commission since 2002, including you guys,  
23 and I will endeavor not to repeat anything that I've  
24 already said. I've submitted lengthier written  
25 testimony that I hope you guys will review at your

1 convenience. And I hope everybody's aware of that  
2 longstanding Charter Revision Commission rule that  
3 whatever commissioner is hosting you in their home  
4 borough has to buy dinner that night. And fortunately  
5 for you, Diane Savino is well versed on the best  
6 restaurants on Staten Island, so you guys are in for a  
7 treat. Well, you guys can split it.

8 So in 2000 -- so I know this isn't  
9 directly related to the evening's theme of electoral  
10 reform, but indirectly it is. I want to speak briefly  
11 about the issue of Sanctuary Cities. I think it's  
12 clear from a law enforcement perspective that the idea  
13 that New York City law enforcement agencies would be  
14 expressly forbidden from cooperating with ICE detainer  
15 requests or any federal law enforcement agency, it  
16 defies logic, and most rank and file New Yorkers,  
17 irrespective of who they voted for or what political  
18 party they're registered with, they don't think that's  
19 a good idea.

20 But to paraphrase Charlton Heston and  
21 Planet of the Apes, how did such a mixed-up situation  
22 get started? Well, it's because the City Council that  
23 passed those reforms, and I mean reforms in the worst  
24 possible sense, is so much more radical than the city  
25 that they govern. For instance, you had about 30

1 percent of New Yorkers vote for a Republican for mayor  
2 in the last two election cycles, and yet you have a  
3 situation where there's only about 10 percent  
4 representation of Republicans on the City Council.

5 Additionally, the Democrats that are  
6 elected, the only thing they have to do is be the most  
7 left-wing person in 45 council districts, and that  
8 creates a body that is so much more radical than the  
9 constituents they're representing. And that's where  
10 nonpartisan elections comes in. I would prefer  
11 proportional representation, which in the 12 years  
12 that New York City had it, was the golden age of our  
13 representation.

14 Not only were there minority parties  
15 represented, not only were the parties more  
16 representative of how people voted, but it resulted in  
17 the first black council members ever being elected,  
18 the first female council members being elected. And  
19 we have had more modern experiments with it when it  
20 comes to the community school board elections.

21 I realize that's a little bit of a  
22 leap, given where you guys might be now, so let's just  
23 stick with a model that we've had, which works very  
24 well, which we've had in New York City for 30-some-odd  
25 years, which is the nonpartisan special election. If

1 you take the model in the election that Cliff Hagen  
2 and I are running in now, and just replicate that for  
3 every council election rather than some, it is  
4 something that I think would produce better results  
5 for the voters and for candidates.

6 And if you just indulge me for 40 more  
7 seconds, one thing I have to mention is the issue of  
8 community boards. Currently, as you're aware,  
9 community board members are all appointed by the  
10 borough president. Half of them are appointed based  
11 on the recommendation of a council member. I would  
12 suggest that the commission put on the ballot a change  
13 to this, where the council member gets to bindingly  
14 appoint half of the members rather than simply  
15 recommend. I'll give you case in point. It --

16 MR. BUERY: Can we hold it, because I  
17 want to make sure everybody have a chance to testify,  
18 but maybe it'll come up in our questions.

19 MR. MORANO: Very good.

20 MR. BUERY: Thank you so much.

21 Mr. Tajiddin?

22 MR. TAJIDDIN: Good evening,  
23 commissioners. My name is Julius Tajiddin, and I  
24 represent a movement known as Preserve Harlem's  
25 Legacy.

1           The first issue I want to talk about is  
2 historic preservation. A lot of our historic  
3 resources get destroyed because developers don't  
4 follow the National Historic Preservation Act or the  
5 New York State Historic Preservation Act. In short,  
6 even though a building may not be landmarked, it may  
7 still be on the registers, national and state, of  
8 historic places. But if we had on a DOB form, or  
9 Department of City Planning form, a yes or no  
10 question, is your property listed on such registers,  
11 and they answer yes, they can be made to abide by that  
12 law before anything else in regard to the City, you  
13 know, what they have to do, before anything else is  
14 done.

15           If they answer no, and we find out that  
16 it is, their permits and/or funding are or is revoked  
17 or withdrawn. Right now, they get away with murder.  
18 And this should also include a dismissal of any  
19 application for City property or rezoning. I will  
20 submit exactly where and how this should go in the  
21 relevant law.

22           Concerning the Department of City  
23 Planning, they should have an automatic inquiry or  
24 boilerplate assessment to be included with the  
25 traditional noise, dust, shadows, et cetera, and



1 environmental assessment on liquefaction potential.  
2 Here's why. We already have earthquake building  
3 codes, but what seems to be missing is the  
4 liquefaction potential issue. We have quite a few  
5 liquefaction potential areas here in New York City  
6 next to our rivers.

7 Developers have to either say there's  
8 not a concern for this issue, or it is. We're not  
9 waiting for people to get killed. Akin to the  
10 historic preservation issue is that developers or  
11 someone have to notify community boards whenever  
12 permits of any kind are issued, and the community  
13 boards must post these notices on their websites. In  
14 other words, the more people know, the more we can  
15 prevent fraud problems, et cetera.

16 And I want to, with the remainder of my  
17 time, address the deference issue. Member deference  
18 hasn't always been the rule, I.e. the Bloomberg years,  
19 but how do you deal with that statutorily? So a City  
20 Council member, if he has a good relationship with his  
21 other council members, you know, they might just go  
22 along with him. You know, that's kind of like what's  
23 working now. They have this -- it's a in-house rule,  
24 if you will. It's not something -- but, I mean,  
25 statutorily, I don't see how we can address that

1 issue. But I will submit my other concerns in  
2 writing.

3 MR. BUERY: Thank you so much.

4 Any questions for the panel?

5 MS. SAVINO: I'll be brief, but I agree  
6 with you a hundred percent. You really can't fix this  
7 statutorily. On the issue that you raised, Mike,  
8 about even year elections, even though we admit that  
9 it would require a constitutional amendment, are you  
10 at all concerned about the impact on down ballot rate  
11 on down ballot candidates?

12 Because again, if it's a year where  
13 it's a gubernatorial or a presidential year, all of  
14 the oxygen is sucked up by the top of the ticket. And  
15 I can remember clearly as a candidate trying to remind  
16 people in those years when it was just the state and  
17 the presidential, you know, start at the bottom and  
18 work your way up so you don't leave the local  
19 candidates off, or the judicial candidates, because  
20 they don't have the same type of attention paid to  
21 them.

22 So how could you avoid that eventuality  
23 where you might have tremendous drop off from the top  
24 of the ticket?

25 MR. SCHNALL: Yeah. So in my written

1 testimony, which I submitted, will discuss this, but  
2 having run in an off year election, you're pretty much  
3 the only ball game; right? So you have 200-so  
4 candidates running, and they have unfettered access to  
5 all different channels, print, digital, and so forth.  
6 If you're competing in an even year with a  
7 congressional candidate in your borough that has  
8 exponentially more money than you do, you'll never get  
9 a TV ad, you'll never be able to buy digital, you'll  
10 never get print; and then forget about the fact that  
11 the voters will never hear about you because all  
12 they're looking at is the national issues that  
13 just -- the drum beat keeps going.

14 So I think that there's legitimate  
15 fall-off in communication. And then if you think  
16 about just the format of the ballot, it could be a  
17 really long ballot, and I think people would literally  
18 just start checking off the names that they know  
19 nationally and statewide, and then not vote locally.  
20 So I think that there's a real disservice there if we  
21 go to an even year.

22 MS. SAVINO: Right. And then finally,  
23 for Frank, you started to talk about the community  
24 board proposal. So if you want to finish?

25 MR. MORANO: Yeah. I'll be very brief.

1 So right now you have a situation where the borough  
2 president gets to make all the appointees. Now,  
3 that's great if you have a situation where the borough  
4 president and the council member get along. In my  
5 case, I happen to be running against the borough  
6 president's son. We're not just in April, but in  
7 June. Now, do you think he's going to appoint anyone  
8 that I recommend, or Cliff Hagen recommends, if we win  
9 the election? Of course not, because he'll view these  
10 people, rightly or wrongly, as doing my bidding, or  
11 any council member's bidding on the community board.

12 If you made the council member  
13 recommendations binding, that would diversify the pool  
14 of people on the community board, and it would  
15 encourage diversity not only in, you know, gender and  
16 race, but in terms of opinion. And I think it would  
17 be a much better, much more active community board,  
18 and avoid a lot of the logistical difficulties we see  
19 now if someone happens to run afoul of whomever the  
20 borough president is.

21 Thank you.

22 UNIDENTIFIED SPEAKER 1: Thank you.

23 MR. BUERY: Any other questions? Are  
24 there any other questions?

25 UNIDENTIFIED SPEAKER 5: -- is that

1 right?

2 MR. BUERY: Well, we're not really  
3 responding to each other, but I'm going to see if any  
4 other questions for members the commission who are  
5 online? No? One thing --

6 Go ahead. You can take a --

7 MR. MORANO: Yeah. The way it works  
8 under the City Charter is that if the City Council  
9 member nominates, you know, that the borough president  
10 has to accept half of that nomination. So if the City  
11 Council member nominates the exact number of people,  
12 then the borough president has to take those people  
13 on. So that's how it works. So it's --

14 MR. BUERY: Thank you. One thing I  
15 would just add -- not a question, but I just want  
16 to -- not to debate the policy, but just to specify,  
17 you talked about Sanctuary City laws. Again,  
18 Sanctuary City laws don't prevent coordination between  
19 law enforcement and immigration. It sets the context  
20 in which that cooperation is possible. For example,  
21 people committing serious crimes when there was a  
22 warrant. So I just wanted to clarify. It's not a  
23 prevention of cooperation. I know it's not the  
24 substance of the testimony. It requires some degree  
25 of process for cooperation between local law

1 enforcement and federal immigration. I just wanted to  
2 clarify.

3 MR. MORANO: Not to belabor the point,  
4 I would just add that I think if the voters got to  
5 vote on it this year, if you put it on the ballot,  
6 they would reach a different conclusion than the prior  
7 City Council.

8 MR. BUERY: I understand. I again, I  
9 just wanted to clarify the point of law, not the  
10 substance of the testimony. Any -- all right. Thank  
11 you all so much. I'm going to ask -- I'm sorry if she  
12 said this before -- if Bernard O'Brien, Marianne Birch  
13 and Alan Cox can come?

14 And thank the three of you for your  
15 testimony. We appreciate it.

16 MR. COX: Thank you. Mr. Chairman,  
17 members Of the Commission, my name is Alan Cox. Thank  
18 you for the opportunity to testify this evening. I am  
19 a community health outreach worker and have worked  
20 with various organizations to promote healthy  
21 lifestyles and disease prevention in poor communities.  
22 I'm a long-time independent activist and organizer for  
23 CICA, the Committee for Independent Community Action.  
24 I also am a basketball referee for the PSAL. I just  
25 wanted to throw that in there. This is March Madness.

1           As a registered independent voter for  
2 decades, I believe it is unjust for New York City to  
3 prevent independents from voting in the all-important  
4 City Council and mayoral and Citywide primaries.  
5 There are over one million independents across our  
6 city and our tax dollars pay for the primaries. So  
7 essentially, it's a form of taxation without  
8 representation. No Americans should be forced to join  
9 a political party to be able -- and be able to vote.  
10 Let me say that again. No Americans should be forced  
11 to join a political party to be able to vote in a  
12 primary.

13           I believe it's time for New York City  
14 to open its primaries and allow all voters to have  
15 equal voting rights, as so many other major cities do,  
16 like Chicago, Los Angeles, Phoenix, Dallas, Boston, et  
17 cetera. This is especially important as young people  
18 are registering without a political party at rate of  
19 50 percent. We need to have a political process that  
20 welcomes their participation. I believe that our  
21 opening the primaries would force more participation  
22 and encourage our elected officials to represent all  
23 their constituents.

24           As a long time, New Yorker, I am here  
25 to ask you to open the primaries. I come before you

1 to ask you to let me and one million other New Yorkers  
2 vote.

3 MR. BUERY: Thank you so much.  
4 Appreciate it. And thanks for your service to the  
5 community. Appreciate it.

6 MR. COX: You're welcome.

7 MS. BIRCH: Thank you, Mr. Chairman and  
8 commissioners, for the opportunity to testify. I'm a  
9 long-time resident of New York City, a lifetime in New  
10 York City, and I became politically active in 1968. I  
11 was 12. So I've been very engaged in politics for a  
12 long time, and I've been a community organizer on  
13 behalf of independent voters for 40 years, and I  
14 worked on the issue of opening the primaries during  
15 Mayor Bloomberg's tenure.

16 I think we can all agree that the  
17 hyper-partisanship has created a dysfunctional  
18 electoral system. The ecosystem, if you will. New  
19 York City, to our great credit, has recently adopted  
20 rank choice voting. We adopted term limits and a  
21 system of public campaign financing. I think it's  
22 time we take the next step and open our primaries.  
23 Virginia has non-partisan voter registration. I don't  
24 even understand why we have to enroll in a political  
25 party. I think the parties are in the way of our



1 democracy.

2                   There are 1.1 million New Yorkers who  
3 are not registered in a party and do not want to. Our  
4 primaries are taxpayer funded. I pay taxes for the  
5 primaries, and I cannot vote. It's a bit outrageous.  
6 No New Yorker should be forced to join a political  
7 party in order to vote in our often definitive  
8 primaries.

9                   Furthermore, I don't think, contrary to  
10 what we heard tonight, that the political party  
11 leadership should be picking our candidates. I think  
12 we should, and I think voters are a lot smarter than  
13 we have been referred to this evening. Let all voters  
14 vote.

15                   I thank you so much.

16                   MR. O'BRIEN: Hello. My name is  
17 Bernard O'Brien. I'm a volunteer with both Unite New  
18 York and New York City Open Primaries. I'm sure  
19 you're eager to hear even more about election reform.

20                   As we all know, change in reform is  
21 often contentious. We're gathered on Staten Island.  
22 Let's recall that City leaders once thought it  
23 sensible and fair to haul most of the City's garbage  
24 every day to Staten Island and buried on Freshkills.  
25 Also, you're all probably too young to remember this,

1 but apparently it once made sense to charge a fair to  
2 ride the Staten Island ferry. So we did away with  
3 both those practices, so I respectfully suggest that  
4 you allow voters this coming November an opportunity  
5 to weigh in on doing away with our outmoded system of  
6 partisan enclosed primaries.

7           Despite the progress we made several  
8 years ago by integrating rank choice voting, at least  
9 into our primary elections, very significant problems  
10 remain, and 2025 may well be the year in which we  
11 dramatically bear witness to major flaws associated  
12 with our system, coupled with a general election which  
13 will not utilize rank choice voting. One obvious  
14 unfairness, as has been mentioned, is the fact that a  
15 million registered voters can't participate in the  
16 primaries.

17           We've also seen candidates choose to  
18 bypass the primaries entirely and still seek to secure  
19 a spot in the general election. My understanding is  
20 this is not the case in a great many other cities. In  
21 many other cities, a unified and open primary is held  
22 for the purpose to allow all registered voters the  
23 chance to vet and narrow down the entire field, which  
24 then moves on to general elections were typically much  
25 more competitive than most those we have here in our

1 city.

2 My understanding is that candidates  
3 seeking offices in other cities cannot bypass primary  
4 day any more than a Yankee or Met player can hope to  
5 cross home plate and score a run without first  
6 circling the bases. So also the fact that rank choice  
7 voting will not be utilized this November means that  
8 we may well be headed for an election in which a  
9 candidate may triumph with well under 50 percent of  
10 the votes cast.

11 I'm not here in support of or  
12 opposition to any candidate, but I've read that there  
13 may be at least four mayoral candidates on the ballot  
14 who can secure significant chunks of the votes cast.  
15 With no rank choice voting we may have the real  
16 possibility that the City's next mayor may be elected  
17 with 25 to 30 percent of the votes cast, and it may be  
18 the candidate that most voters see as the most extreme  
19 and thereby least acceptable of all the candidates on  
20 offer. Does that sound like an outcome which bodes  
21 well for the governor ability of the city over the  
22 next four years?

23 So I realize it's too late to change  
24 the system this year, but 2029 will be here before we  
25 know it, so I therefore respectfully request that you

1 allow voters this year an opportunity to vote on  
2 ending the partisan enclosed nature of our system  
3 primaries, and also extend rank choice voting to cover  
4 both primary and general elections for all City  
5 offices.

6 And I landed the plane right at three  
7 minutes.

8 MR. BUERY: Excellent work.

9 Before we open up to questions, I just  
10 want to alert the next subgroup of panelists. Daniel  
11 Batista, Jeremy Gruber, and Cliff Hagen, if you could  
12 be ready?

13 Are there any questions for these  
14 panelists from the commissioners?

15 MS. SAVINO: Just one. So all three of  
16 you spoke about the importance of the ability to  
17 participate in what has become the general election,  
18 which is the primary in New York City. Do you have a  
19 preference for either the straight nonpartisan  
20 November race, or an open primary, or were you open to  
21 any of three? Of the two. I'm sorry.

22 MR. O'BRIEN: Well, as the gentleman  
23 from The Manhattan Institute was speaking, I was  
24 realizing not only is he much better dressed than I  
25 am, but he is much more involved or astute on the

1 intricacies of this. So, I mean, I assume -- I'm a  
2 registered Democrat, so if I was running, I guess I  
3 would want to have Democrat next to my name, although  
4 there may be other Democrats as well.

5 I mean, you know, ironically it's my  
6 understanding, and I don't want to get into partisan,  
7 but my understanding is that the Democratic party has  
8 always sort of favored the status quo, but this may be  
9 the year where they get bit in the rear, you know,  
10 with with these multiple mayoral candidates. So I  
11 don't know.

12 Anybody else?

13 MS. BIRCH: Again, I just want to say  
14 that notion that you have to have a party label in  
15 order for a voter to figure out who to vote for is  
16 relating to voters, to citizens, as idiots, and I  
17 think we don't want to do that. It's our country. We  
18 talk a lot about democracy. The parties get in our  
19 way. And what are you going to do about all these  
20 young people who don't register in a -- they don't  
21 care what the label is. We don't need labels.

22 Anny thoughts?

23 Thank you for your question.

24 MR. BUERY: Any questions? Are there  
25 any online commissioners? Okay.

1 Thank you so much for your testimony.

2 MS. BIRCH: Thank you all.

3 MR. BUERY: Daniel Batista, Jeremy  
4 Gruber, and Cliff Hagen.

5 Why don't you start?

6 MR. GRUBER: Okay. Thank you,  
7 commissioners. My name is Jeremy Gruber. I'm the  
8 senior vice president of Open Primaries. Open  
9 Primaries is a national nonprofit organization  
10 dedicated to more open and inclusive systems. I'm  
11 also a New Yorker. I've lived in this City over 30  
12 years, and first and foremost I'm a registered  
13 independent voter, which as we've been talking about  
14 means I can't vote.

15 As New Yorkers, we see it in every  
16 election season. Candidates politicking ahead of the  
17 primaries and then seemingly on vacation after because  
18 the primary election in this city is really the only  
19 election that matters. It's taxpayer funded and  
20 government administered, and yet one million  
21 independent voters like me are shut out. The scale of  
22 that impact cannot be overestimated.

23 There are 10 states with less than a  
24 million total registered voters in their state.  
25 Imagine if every registered voter in Vermont or Hawaii

1 or Delaware or Rhode Island was denied a meaningful  
2 vote. That's the scale of impact of New York City's  
3 closed primaries. We are so far behind 35 -- actually  
4 36 states. New Mexico just passed open primaries two  
5 days ago. 36 states and 85 percent of cities like  
6 L.A. and Chicago already have open elections. It's  
7 the standard way our cities run their elections.  
8 Closed municipal primaries are such an aberration that  
9 no one even studies them.

10 As an election law expert, I travel  
11 around the country working with cities and states that  
12 are debating how to establish equal rights for  
13 independents and passing reform. They're doing so  
14 because we're facing two hard truths as a country.  
15 First, independents are the fastest growing group of  
16 voters in our city, in our state, and in our country,  
17 and we are the largest group of voters overall in the  
18 United States. Second, for most races, the general  
19 election is so uncompetitive, oftentimes to the point  
20 of races being uncontested, that the primary election  
21 is the only election that matters.

22 Yet in our city and state, recalls for  
23 equality and democracy are part of everyday  
24 conversation. The silence from the political class on  
25 this issue is deafening. We bemoan why voter

1 participation in New York City is one of the lowest in  
2 the country, and why millions of dollars in general  
3 election get out the vote efforts consistently  
4 underperform. It's because no one wants to vote in a  
5 meaningless election. All the research shows that  
6 voter participation goes up in the primaries. The  
7 Bipartisan Policy Center, among others, issues reports  
8 that consistently find that to be the case.

9           What's less appreciated is how broadly  
10 voter participation goes up, because it's not just the  
11 primaries. Studies show that voter participation goes  
12 up in the general election as well. That's because  
13 once you establish a culture of voting, every election  
14 is impacted. It's no coincidence that the two fastest  
15 growing group of voters in our City, Asian Americans  
16 and Latinos, are also the two fastest growing groups  
17 of independent voters. Over half our city's  
18 millennial and Gen Z voters are independents.

19           When you shut out New York City  
20 independents, you aren't just shutting out people that  
21 look like me. You're shutting out the full diversity  
22 of our city. Opening the primaries will create real  
23 political opportunities. As my friend David Holt,  
24 mayor of Oklahoma City and leader of the US Conference  
25 of Mayors has said, "Open primary systems foster



1 collaboration and bridge building in the service of  
2 finding solutions. Closes systems foster zero sum  
3 game competition and partisan rival rate."

4 MR. BUERY: Thank you so much.

5 MR. GRUBER: Can I just make one quick  
6 point?

7 MR. BUERY: If we can hold to the the  
8 question and answer, I'm sure --

9 MR. GRUBER: Sure.

10 MR. BUERY: Thank you so much.

11 MR. BATISTA: Thank you for this time.  
12 My name is Danny Batista. I am a lifelong New Yorker,  
13 a resident of this City for 20 years, 14 of which I've  
14 lived right here on Staten Island.

15 The topic tonight is government reform,  
16 and to quote part of the description of this hearing,  
17 "After a review of the entire charter, the CRC may  
18 recommend changes intended to help City government  
19 work more efficiently and better serve all New  
20 Yorkers." That's what brings me here this evening.  
21 "Better serve all New Yorkers." I'm one of the 1.1  
22 million registered voters in this City who, simply  
23 because of my choice not to affiliate with a political  
24 party, is completely shut out of the primary  
25 elections.

1                   This effectively omits the preferences  
2   of voters like me throughout the city who are  
3   otherwise ready and willing to participate  
4   meaningfully in our ongoing process of self-  
5   governance. This must not continue any longer. It's  
6   an election year, and here we are in the middle of a  
7   primary season. A couple of weeks ago I was out for a  
8   walk in my neighborhood, and as I neared the  
9   waterfront by the ferry, I could see someone handing  
10   out flyers and talking to people. And a few moments  
11   later they approached and questioned me directly, as  
12   many of us have experienced.

13                   "Are you a registered Democrat," they  
14   asked? "Hi. I'm not. I'm independent." "Okay."  
15   And instantly they stopped on a dime and walked away,  
16   already gone before they could even finish saying the  
17   word okay. There was no attempt or interest in  
18   introducing their candidate to me, what they stand  
19   for, why they're running, how their leadership might  
20   benefit me or our city. Perhaps this is poor  
21   electioneering, but it's deeper than that. This  
22   behavior is in fact a sad and logical result of a  
23   contorted system.

24                   In this instance, because I'm not a  
25   registered democrat, I, like so many others in this

1 City, are relegated to a second-class status, or one  
2 could even say a non-status. Not only can voters like  
3 me not vote in our publicly funded primary elections,  
4 but so profound and insidious is this dynamic that's  
5 been created over decades that has normalized  
6 excluding independent voters from the process that  
7 even speaking with an unaffiliated voter on the street  
8 is seen as futile.

9 The system we have says to independent  
10 voters, you don't matter, you don't exist, talking  
11 with you is worthless and pointless. New York City, a  
12 place I've always thought of as a beacon of  
13 possibility and progress, often referred to as the  
14 greatest city in the world, must finally join other  
15 cities and states in our country that have open  
16 primaries where people can vote without the condition  
17 of identifying themselves with the political party.

18 First and foremost, I am a New Yorker.  
19 One of all New Yorkers that you are charged with  
20 recommending changes on behalf of in the name of  
21 making things better. So please make it better, make  
22 it fair, make it right. Open our primaries and let  
23 all voters vote in New York City.

24 Thank you.

25 MR. BUERY: Thank you.

1                   Before we open up the question, I just  
2                   want to alert that the next panel will be the final  
3                   panelist of in-person testifiers, will be Julia Richie  
4                   and Justin Wood. After that we'll move it on to -- we  
5                   have several people waiting to testify online. And  
6                   just in the interest of time, to make sure that we can  
7                   get to all of our speakers, I'm going to ask the  
8                   commissioners to try to be brief so that we can have  
9                   time to speak to everybody and to hear from everyone.

10                  So are there any questions?

11                  MR. HAGEN: I'm sure you want to hear  
12                  my comments first.

13                  MR. BUERY: I'm sorry. Oh. I'm so  
14                  sorry. I apologize. I apologize.

15                  MR. HAGEN: That's understood. We're  
16                  all in rush to get home. It's a long --

17                  MR. BUERY: No, no. It's not that. I  
18                  just -- my mistake. I so do apologize. Is it  
19                  Batista?

20                  MR. HAGEN: I'm Hagan.

21                  MR. BUERY: You're Hagen. Okay. I'm  
22                  sorry.

23                  MR. HAGEN: So I'm Cliff Hagen,  
24                  candidate for City Council on the Common Ground party,  
25                  and -- but I'm not here to talk about rank choice

1 voting.

2 MR. BUERY: And please forgive me  
3 again. I apologize.

4 MR. HAGEN: That's no problem. Don't  
5 worry about it. But it is a long day, and we do have  
6 to get home. And I appreciate you all being here.  
7 I'm sure you have a long commute. I'm just going to  
8 share some brief comments, general comments, nothing  
9 very specific. It's unfortunate the folks who are  
10 here advocating for undermining ULURP have left. It  
11 says a lot. That's what I would like to address, so  
12 I'll read a few brief comments here.

13 Good evening. My name is Cliff Hagen,  
14 and I thank you for bringing Charter Revision  
15 Commission from your distant offices in Manhattan out  
16 here to Staten Island. You now know how far-removed  
17 Staten Island remains from the rest of the city, City  
18 government in particular, and it is this lack of  
19 access to City government, which brings me here today.  
20 Recently, government agencies with a city-centric view  
21 of their mission have run riot, wreaking havoc across  
22 Staten Island.

23 Heavy handed change without recourse  
24 like mandated composting, the City of Yes seems to be  
25 business as usual in Manhattan, but extraordinarily

1 disruptive out here in Staten Island. And now this  
2 Charter Revision Commission is seeking to undermine  
3 Staten Island's last bit of self-determination. This  
4 commission wishes to weaken and or negate ULURP, the  
5 Uniform Land Use Review Process. I have spent more  
6 than 20 years fighting against the overdevelopment of  
7 Staten Island, and it has been ULURP which has allowed  
8 me and our community to speak up and push back against  
9 unwanted, unnecessary, unchecked development in our  
10 community.

11 ULURP gives voice to our community.  
12 Unfortunately, this Charter Revision Commission has  
13 been tasked with stifling our voice. I am a member of  
14 Community Board 3, and I am entrusted to represent my  
15 neighbors in matters of land use. Weakening ULURP  
16 will minimize the responsibility of community boards.

17 Lastly, as a candidate for City Council  
18 representing District 51, I think it an extraordinary  
19 overreach of the mayor's office to initiate this drive  
20 to end member deference. When asked to select which  
21 is more important, Staten Islanders will always select  
22 democracy over development. This Charter Revision  
23 Commission must not minimize our voice, must not  
24 minimize the responsibilities of community board, nor  
25 minimize the strength of council member

1 representation. Rather, this commission must  
2 strengthen ULURP, not dismantle the supports within  
3 ULURP which help to preserve the true nature and  
4 character of our communities.

5 Of course, I shall submit more specific  
6 comments online in the days to come. Again, thank you  
7 for coming out to Staten Island. I know it's a long  
8 trip, and I appreciate your time.

9 MR. BUERY: Thank you for testifying  
10 again. Please do forgive me.

11 I was opening up for questions.

12 Of course.

13 MS. LAREMONT: Hello. Thank you for  
14 your testimony, all of you.

15 My question, Frank, around ULURP --  
16 well, ULURP aside, I'm just -- given your involvement  
17 in the community and in Staten Island, and given our  
18 housing crisis, I'm curious kind of what types of  
19 policies, what types of programs, you think the city  
20 should be employing to help address the housing crisis  
21 and the affordable housing crisis and the types of  
22 housing that you think is appropriate for Staten  
23 Island, given that it is incumbent on all boroughs to  
24 be contributing to our affordable housing crisis?

25 MR. HAGEN: Sure. And I think the City

1 of Yes addresses that; right? We do have a transit  
2 line on Staten Island, and there will be further  
3 development along that transit line, but the people of  
4 the south shore of Staten Island, in particular in the  
5 mid island, have been fighting over development for  
6 many, many years. The housing we do have in New York  
7 City is on the backs of the people of Staten Island.

8 If you've ever driven through Staten --  
9 if you know of the history of Staten Island, it was  
10 generally open space for many years. And over the  
11 last 30 years, 40, 50 years, there've been  
12 extraordinarily development throughout the entire  
13 island. I think we have done our part in that regard.

14 MS. SAVINO: Thank you, Cliff. I think  
15 that you bring a unique perspective as you point to  
16 Staten Island as unlike the rest of the city, for many  
17 reasons, and perhaps there's a different approach that  
18 we might have here. But I wanted to talk to the two  
19 gentlemen about the open primary issue. Particularly  
20 you, Dan.

21 You made a point in your testimony that  
22 really made me think about one of the biggest problems  
23 I think with the closed primary process is. When you  
24 build a campaign, you buy a voter list. You know, if  
25 you're a democrat, you get the van; if you're a



1 Republican, you get -- I forgot what they call it.  
2 I360, or something like that. But you build a  
3 campaign where you only talk to people who you know  
4 are going to vote.

5           You build the entire outreach to triple  
6 prime democrats in a democratic primary, or triple  
7 prime Republicans, so you're narrowing down the group  
8 of people who are eligible to vote in that primary  
9 exponentially to those you know, based on past  
10 experience, are absolutely going to vote, which means  
11 you're shutting out people who are even registered in  
12 that party.

13           You don't talk to those people because  
14 you don't think they're going to turn out, so you only  
15 talk to triple prime voters in a primary. So not only  
16 are we eliminating talking to people like you, but  
17 we're not even talking to everyone who's eligible to  
18 vote in that primary.

19           So again, I'll ask the two of you the  
20 same question I asked the other gentleman. Which of  
21 the models do you think makes the most sense for New  
22 York City? Is it the straight open primary where you  
23 get to pick whichever primary you want to vote in, or  
24 should we go to non-partisan primaries? Like, what do  
25 you think makes the most sense for someone like you?

1                   MR. GRUBER: Well, there's a lot of  
2 different forms of open primaries. I would say, as  
3 you come to a debate about this, that you stay focused  
4 on the fact that independents can't vote right now.  
5 So whatever model you choose, I hope that you don't  
6 get mired in models, but I would say that, all things  
7 considered, that a nonpartisan model is the standard  
8 model cities use. The top two system is a standard  
9 model, and the reason why is because it keeps all  
10 voters at equal states.

11                   No one voter has any advantage over  
12 another voter, and every voter has the ability to vote  
13 for every candidate. You are no longer siloed into  
14 camps, democrat or republican. You get the full  
15 panoply of candidates in front of you as a voter, and  
16 you get to choose for the best candidate regardless of  
17 party. And I think that's, in all, what democracy  
18 should be.

19                   MR. BATISTA: Thanks. I am also just  
20 personally for completely nonpartisan elections. I  
21 think all voters should get to see and consider all  
22 candidates, and I think all candidates should have to  
23 face all voters, and everyone should show up and get  
24 to vote.

25                   MR. BUERY: Thank you.

1 Any other questions in the panel from  
2 any of the online panelists? Sorry. Commissioners?

3 Okay. Great. Thank you so much for  
4 your testimony. Deeply appreciate it.

5 Julia, Richie and Justin Wood.

6 I'm sorry. There is a question? Okay.

7 MR. WEISBROD: Yes. I have a question  
8 to the two panelists that -- what is the advantage of  
9 open primaries as opposed to nonpartisan elections?

10 MR. GRUBER: So at its very basic --

11 MR. WEISBROD: Let me amend that. Non-  
12 partisan elections with rank choice voting.

13 MR. GRUBER: Yeah. So at its very  
14 basic, an open primary just lets every voter  
15 participate. And so at its basic, that's what we  
16 would need to make sure that independents can at least  
17 join --

18 MR. WEISBROD: They can vote in non-  
19 partisan elections as well. General elections.

20 MR. GRUBER: No. And that's true. I  
21 would say the advantage of non-partisan elections over  
22 a plain party open primary is that every voter gets to  
23 vote for every candidate, every voter is seen equally  
24 at the voting box, and there's full and maximal  
25 choice, particularly as they get to utilize rank

1 choice voting as part of that process.

2 MR. WEISBROD: And just to follow up a  
3 bit on that, with nonpartisan elections, general  
4 elections, and rank choice voting, do you think that  
5 overcomes the issue of independents feeling shut out?

6 MR. GRUBER: I think as long as  
7 independents can participate, that absolutely  
8 nonpartisan election is an open primary form of  
9 election, independents can vote, and absolutely they  
10 are -- that's a very positive --

11 MR. WEISBROD: Right. And I'm talking  
12 about general elections now, not primaries.

13 MR. GRUBER: I think that you need to  
14 have an open system in the primary. Whether it's an  
15 open party primary or a nonpartisan primary,  
16 independents have to be able to vote in every taxpayer  
17 funded election, primaries and general, as they  
18 already can.

19 UNIDENTIFIED SPEAKER 6: Can I follow  
20 up on Commissioner Weisbrod's question? So for the  
21 nonpartisan single primary, would you object to that  
22 nonpartisan primary where candidates are allowed to  
23 affix a party label, or when you say nonpartisan  
24 primary, do you mean a primary --

25 MR. GRUBER: Yeah. There's different

1 forms of nonpartisan primaries. I don't object to  
2 candidates putting their party affiliation on the  
3 ballot. Every state that we've looked at, city we've  
4 looked at, the truth is is that voters like it. They  
5 see it as an indicator of what that candidate stands  
6 for, and so I think that's perfectly appropriate.

7 MR. BUERY: Thank you. Commissioner  
8 Weisbrod, do you have another question?

9 MR. WEISBROD: No.

10 MR. BUERY: Any other questions from  
11 the online commissioners? No? Okay.

12 Thank you. Thank you for real this  
13 time. Thank you so much. Appreciate it.

14 All right. Julia Richie and Justin  
15 Wood.

16 MS. RICHIE: Hello commission members.  
17 My name is Julia Richie. I am 29 years old. I'm an  
18 illustrator, a teaching artist, and a substitute  
19 teacher for the DOE. I currently live across the  
20 bridge in Bayridge, but I was born and raised here on  
21 Staten Island.

22 Like 50 percent of people my age across  
23 the country, I am an independent voter and have been  
24 independent since I was old enough to register to  
25 vote. That means I have never once been able to vote

1 in a primary election in this City. I am an  
2 independent voter because I don't believe that  
3 solutions exist exclusively behind party lines. I  
4 believe that in order for our democracy to be strong  
5 and self-sufficient, it needs to reflect the diversity  
6 and nuance of its citizens.

7 For years I've been protesting the  
8 closed primary system in this city by refusing to join  
9 a party to be able to vote, frustratingly but  
10 emphatically casting my only permitted vote in the  
11 general election. This year I received a letter from  
12 an organization called Be Counted NYC that pleaded  
13 with me to re-register into the Democratic Party  
14 stating, "Many New Yorkers do not realize that the  
15 election that is almost certain to choose the next  
16 mayor is not the November general election, but the  
17 democratic primary on June 24th."

18 This manipulative line is the reason  
19 I'm here to fight for open primary elections in New  
20 York City today. Independents are the second largest  
21 coalition of voters in every borough, except for here  
22 on Staten Island where they only trail behind  
23 republicans slightly, with independents at roughly  
24 83,000 voters and Republicans at roughly 107,000  
25 voters. We are 1.1 million individuals and counting

1 that deserve to be represented fairly in a system that  
2 uses our taxpayer money to function. We are not just  
3 a nebulous resource that parties can dip into when  
4 they need to boost their numbers.

5 I am not a democrat, and I am not a  
6 republican. I will not lie on a voter registration  
7 form to participate in a bad faith primary. I am an  
8 independent, and a citizen of New York City, and I am  
9 doing what I can to be a positive part of this  
10 community, even when my rights are being held just out  
11 of reach like a carrot on a stick. I would be doing a  
12 disservice by not being honest in this moment. I am  
13 angry and desperate for some kind of change that we  
14 give myself and my fellow New Yorkers the agency that  
15 we deserve. Especially at a time when our democracy  
16 is at risk of being worn down by outside interests.

17 The commission needs to know that this  
18 isn't just a talking point to rally around. This is  
19 affecting our ability to live our lives. It is absurd  
20 that I have to come here and ask to be granted my own  
21 right to vote. Please open the primaries and let all  
22 voters have a hand in every step of the election  
23 process.

24 Thank you.

25 MR. WOOD: Good evening, Chair Buery,

1 and members of the commission. Thanks for the  
2 opportunity to testify. My name is Justin Wood, and  
3 I'm the director of policy at New York Lawyers for the  
4 Public Interest. Founded in 1976, we're a civil  
5 rights community legal organization with programs in  
6 disability justice, environmental justice, and health  
7 justice.

8 I actually wanted to draw your  
9 attention to a different area of the charter, and  
10 that's the fair share provisions that were part of the  
11 1989 Charter Review Commission and passed that year by  
12 the voters. The intent of the fair share provisions  
13 was to ensure that New Yorkers more equitably share in  
14 environmental burdens and environmental goods. Same  
15 with other forms of city service, access to  
16 healthcare, pretty much anything that's within the  
17 City's control.

18 In the decades since that reform was  
19 passed, multiple reports by the City Council in 2017,  
20 the comptroller in 2019, and again by the city  
21 comptroller recently in 2023, continue to show large  
22 disparities between community access to these goods  
23 and burdens. So we wanted to encourage the commission  
24 to look at whether there are additional changes to the  
25 charter that could be put before the voters to make



1 this fair share a lived reality for more New York  
2 communities.

3 I'll just briefly draw your attention  
4 to three examples that we're actively working on in  
5 partnership and in representation of grassroots  
6 community groups.

7 One is solid waste. I'm also a Staten  
8 Island resident. Solid waste comes up a lot here. In  
9 the years since this has passed, solid waste has  
10 remained one of the most unequal burdens in the city.  
11 There's still 75 percent of solid waste being  
12 processed in a few communities where private waste  
13 transfer stations dominate in North Brooklyn, South  
14 Bronx, and Southeast Queens. We've simply not seen  
15 the commitment in areas like waste, and those aspects  
16 of the transportation system that are within the  
17 City's control, to following through on legislation  
18 duly passed by the City Council and signed by the  
19 mayor to seeing that through to equitable development  
20 and equitable relief of burdens in these areas.

21 Another example from our disability and  
22 health justice practice would be the city's Be Heard  
23 program, the mental health crisis response. We have  
24 major issues with this program. I think it needs to  
25 be substantially reformed to be a true non-police

1 mental health crisis response. But even having said  
2 that, it's a limited program that applies to limited  
3 parts of the city. Staten Island, where we are  
4 tonight, is completely excluded.

5 We could draw your attention to many  
6 other aspects of the transportation system where we  
7 have local examples here on Staten Island; lack of  
8 access to bus rapid transit, lack of access to bus  
9 lanes which remain highly concentrated in Manhattan.  
10 We're in a borough that has zero city bike or bike  
11 share.

12 So I invite the commission to explore  
13 ways in which fair share can be bolstered. Couple of  
14 other areas -- actually, I'll leave it there, and  
15 we'll submit the other areas as a nonprofit contractor  
16 in our written testimony.

17 Thank you so much.

18 MR. BUERY: Thank you so much.

19 Any questions for this panel? Any  
20 questions from any of the --

21 MR. WEISBROD: Yes. Yes. On fair  
22 share, I can attest that it has not worked as the  
23 charter intended, and I'm just curious as to whether  
24 you have any recommendations for us about how the  
25 charter could be amended to make fair share more

1 effective?

2 MR. WOOD: Thank you for that question.

3 I don't know that we have specific  
4 language suggestions for the charter. It's something  
5 we and community partners we represent would love to  
6 be in conversation about. We're aware that there are  
7 limited types of facilities that the rules around fair  
8 share -- that I think were generated in in 1991 or so.  
9 It's a limited set of facilities and permits that they  
10 apply to. So that might be an area to look at as  
11 whether permit renewals could be part of that.

12 And also just ways in which the city's  
13 leverage can be called upon in areas like  
14 transportation or healthcare, where some of these  
15 obviously large issues of access are controlled by  
16 state or corporate entities, but it's which the city  
17 can have a true inter-agency response with the goal  
18 being lived equity and fair share in these major  
19 sectors of our economy and public services.

20 MR. WEISBROD: I just think the goal is  
21 commendable. The means of achieving it is extremely  
22 complicated, and difficult, and any suggestions along  
23 those lines via the charter would be very helpful.

24 MR. WOOD: Thank you. Yes.  
25 Understood.

1 MR. BUERY: Any other questions?

2 Thank you for your testimony.

3 I do want to say, personally, your  
4 former executive director, Michael Rothenberg, was a  
5 dear friend and mentor of mine, so always glad to hear  
6 from NYLPI.

7 Thank you both so much. I appreciate  
8 it.

9 We're going to move to the online.  
10 First, we'll hear from Ben Weinberg, Celia Hardy, and  
11 Richard Fox, in that order. Ben Weinberg, Celia Hardy  
12 and Richard Fox.

13 MR. WEINBERG: Hello. Can you hear me  
14 and see me?

15 MR. BUERY: Yes.

16 MR. WEINBERG: Great. Can I begin?

17 MR. BUERY: Please.

18 MR. WEINBERG: Wonderful. Good  
19 evening, commissioners. My name is Ben Weinberg. I'm  
20 the policy director for Citizens Union. I apologize  
21 for not being able to be with you in person tonight,  
22 but I want to expand tonight on two key issues that  
23 we've mentioned in the last government reform hearing.  
24 First is moving City elections to even years, and the  
25 second is creating a process for mayoral removal over

1 misconduct.

2                   So on even year elections, in February  
3 we represented the benefits and merits of this  
4 proposal, but as the commission considers questions to  
5 place on the ballot, we wanted to speak about the  
6 popularity of this reform among voters. After the  
7 state moved county elections to even years in 2023, a  
8 Siena poll found that it was the most popular policy  
9 of the end of that session, supported by two to one  
10 voters statewide with the highest support coming from  
11 New York City voters. A 2024 survey of City voters on  
12 this specific question showed a nearly three to one  
13 support, and that was across age, race, and party  
14 lines, importantly. And nationally, in other states,  
15 we see the same surveys. Again, again, again.

16                   That is the survey that shows 70  
17 percent of Americans support aligning local and  
18 federal elections. So it's not surprising that in the  
19 last decade this question was on the ballot 37 times  
20 in different cities across the United States, and it's  
21 passed 36 of those times, and with pretty overwhelming  
22 majority. 70percent, 60-plus percent. At the state  
23 level, it passed -- it was approved, sorry -- by blue,  
24 red, and purple legislators. So the message from  
25 voters here is clear. They do approve this change.

1           The main thing I want to talk about  
2 today is on the mayor removal proposal. So at the  
3 last hearing, we committed to coming back to you with  
4 a more detailed proposal on how to remove a mayor in  
5 severe cases of misconduct. Today Citizens Union  
6 released a report laying out such process that we  
7 believe would ensure accountability, avoid partisan  
8 abuse, and prevent prolonged disruptions.

9           So our proposal is for a locally  
10 controlled hybrid two-step system. It begins with the  
11 City Council and ends with the voters. The way it  
12 works is that the council could vote to bring charges  
13 against the mayor in a 70 percent super majority vote  
14 only for misconduct. Not for political disagreements.  
15 The mayor would then have full public hearing with  
16 legal representation, evidence, and witnesses. At the  
17 end of that 30-day hearing, the council would be  
18 required to vote and get a higher super majority, 80  
19 percent of the council, to vote to approve these  
20 charges and recommend removal.

21           The final decision would then go to the  
22 voters at what we call a special removal election. So  
23 this process is intended to be rare and fair. It's  
24 based on our analysis of dozens of removal systems  
25 around the country, and why they are applicable or not

1 to New York City. And the entire timeline would be  
2 capped at 67 days to prevent extended disruption.

3 Finally, I will say, and this is beyond  
4 the commission's jurisdiction, but our reports, I do  
5 want to note, also recommends reforms to the  
6 governor's power, kind of unchecked power today, to  
7 remove mayors, and we propose limiting this authority  
8 to misconduct, having due process and a specific  
9 timeline.

10 Thank you.

11 MR. BUERY: Thank you so much,  
12 Mr. Weinberg.

13 MR. WEINBERG: Thank you.

14 MR. BUERY: Next, we'll hear from Celia  
15 Hardy. Next, Celia Hardy.

16 MS. HARDY: Hello.

17 MR. BUERY: Hello.

18 MS. HARDY: Thank you, commission  
19 members, for letting me testify today. My name is  
20 Celia Hardy, and I'm a New Yorker and a volunteer with  
21 Unite New York, and I'm an independent voter. And I,  
22 like one million other New Yorkers, am currently  
23 barred from participating in our primary elections.

24 This system doesn't reflect a  
25 representative democracy and leaves many voters like

1 me feeling disconnected from policy being created  
2 about our community, impacting our quality of life.  
3 If we truly want a political system that reflects the  
4 values of all New Yorkers, we must embrace reforms  
5 that include the voices of all New Yorkers.

6 The current closed primary system  
7 limits participation to registered party members,  
8 excluding independents like me who don't align with  
9 the party's values or don't feel like our viewpoints  
10 can be neatly packaged into either of the current two  
11 parties. I believe this system is outdated and does a  
12 disservice to our democracy.

13 Open primaries, however, will ensure  
14 that more independent voters aren't treated like  
15 second class citizens, that more perspectives will be  
16 considered, and elected officials will be accountable  
17 to the entire electorate, not just a select few.

18 Thank you.

19 MR. BUERY: Thank you.

20 And Richard Fox.

21 MR. FOX: Hi. Thank you for giving me  
22 the opportunity to testify. My name is Richard Fox.  
23 I'm a Unite New York volunteer and Brooklyn resident  
24 testifying to suggest that New York City adopts  
25 nonpartisan primary elections to the city charter



1 through a ballot proposal in November.

2 Currently, voters are not registered  
3 party have no say in the choice of candidates that go  
4 to the general election. They are entirely blocked  
5 out of the election. A nonpartisan primary system  
6 allows all voters, regardless of party affiliation, to  
7 participate in selecting the candidates who will best  
8 represent their interests. This change will increase  
9 voter turnout and ensure a more representative and  
10 inclusive process.

11 Some additional reasons why nonpartisan  
12 primaries are necessary majority support for winning  
13 candidates. Nonpartisan primaries allow candidates to  
14 reflect the preferences of the broader electorate  
15 rather than appealing solely to party members,  
16 ultimately leading to a more diverse and well-rounded  
17 candidate. It also combats the issue of a spoiler  
18 candidate, ensures that no vote is wasted.

19 Encouraging positive campaigning.  
20 Candidates will be incentivized to appeal to a broader  
21 range of voters, fostering a more civil and  
22 constructive electoral environment.

23 Third, increased voter participation.  
24 Nonpartisan primaries would allow all voters,  
25 including voters not registered to a party, to have a

1 say in the selection of candidates, leading to greater  
2 voter engagement and a broader electorate.

3 And the last point, reduction of  
4 polarization. Holding nonpartisan primaries would  
5 force candidates to appeal to a wide range of voters.  
6 This can help reduce partisan divisions and foster  
7 more collaboration, civility, and bipartisan  
8 cooperation.

9 By adopting nonpartisan primaries, New  
10 York City can build on the success of rank choice  
11 voting and ensure that our primaries are more  
12 representative of the will of the people. In  
13 addition, by adopting nonpartisan primaries we can  
14 foster a political environment where voters' voices  
15 are heard, and the election process becomes more  
16 reflective of our collective values. This legislation  
17 represents a crucial step in enhancing democracy,  
18 fostering voter engagement, and promoting fairer and  
19 more representative elections.

20 Thank you.

21 MR. BUERY: Thank you.

22 I'm opening up for questions for  
23 Mr. Weinberg, Celia Hardy, or Richard Fox. Any  
24 questions from the commissioners?

25 MS. SAVINO: Ben, I just have a

1 question for the proposal. I don't know where he is,  
2 so I'll just speak to the room.

3 MR. WEINBERG: I'm here.

4 MS. SAVINO: The proposal about mayoral  
5 removal is built on the idea that it would be a  
6 completely apolitical process, which I don't see that  
7 as even possible in the environment we're in. I mean,  
8 if we just look at the abuse of the impeachment  
9 process in Washington on both sides of the aisle,  
10 depending on who's in charge and who the president is,  
11 how would we be able to prevent that type of, you  
12 know, political activity in a removal process?

13 Where would the fairness be if the  
14 council becomes the prosecutor and the trial body, and  
15 they made up their mind when they drew up the charges,  
16 what due process does an executive in this city have?

17 MR. WEINBERG: Thank you, Commissioner  
18 Savino. That's an excellent question.

19 The question of partisanship and  
20 political abuse was at the heart of our considerations  
21 here. We basically started from that concern, I  
22 should say, and that is why we thought the regular  
23 impeachment process would not work in this situation,  
24 because that requires two chambers. One kind of  
25 checks the other. A recall process also involves

1 problematic outside interest that do funnel, kind of,  
2 other parties' considerations.

3 We think that the high super majority  
4 proposal that we put forward, which is only to bring  
5 the charges would require 70 percent of the council,  
6 and then to approve the charges would require 80  
7 percent of the council, plus the fact that the  
8 council, if it would try to abuse the process and  
9 recommend removal to a mayor that has done nothing  
10 wrong or that would not be removed by voters,  
11 eventually voters get the final say. The council  
12 itself would put itself in a political risk.

13 So we think we inserted several checks  
14 into this process, including the super majority,  
15 including setting specific grounds for removal. Not  
16 like, you know, there are some states and cities where  
17 you can recall an executive over any reason. This  
18 would have specific reasons.

19 And finally, the fact that the final  
20 vote would be in the hands of the voters. The process  
21 as we built it, the way we see it, is pretty hard to  
22 achieve and complete, as we think it should be. This  
23 should be a very, very rare situation that only  
24 happens in the most extreme situations.

25 MS. SAVINO: I have tremendous respect

1     for you, Ben, and for the work of your organization,  
2     but I think you're assuming that there are honor among  
3     thieves. And I use that term lightly, but the idea  
4     that there would be a completely objective process  
5     where the chief executive was in an adversarial  
6     relationship 90 percent of the time with his or her  
7     local council body, I think is naive. And then this  
8     would become terribly abusive, in my opinion. So --  
9     but I do appreciate the work and the effort that you  
10    put into it.

11                   MR. WEINBERG: I appreciate it. I will  
12    just say one thing. New York is an outlier in that it  
13    doesn't have these removal processes. There are  
14    several cities that do have only even one chamber  
15    impeachment, and that is not abused over there. And  
16    there are also many recall systems that are not  
17    normally abused. That is to say I concur with the  
18    risk, but I think the fact that the system is there  
19    does not mean it will be abused at the first moment it  
20    is available.

21                   MR. BUERY: Any other questions?

22                   All right. Commissioner DaBaron?

23                   MR. DABARON: I was going to follow up  
24    on the question, but I think that my fellow  
25    commissioner basically articulated her concerns very

1 well, and I echo that as well.

2 MR. BUERY: All right. Thank you so  
3 much.

4 Any other questions?

5 All right. I want to thank the panel.  
6 The next panel will be, and please forgive me if I'm  
7 mispronounce your name, Thales Protopapas, Linda  
8 DiGusta, and Kimberly Cruz, in that order. Thales  
9 Protopapas, Linda DiGusta and Kimberly Cruz.

10 MS. PROTOPAPAS: Hello. My name is  
11 Thales, and I'm a senior at Brooklyn Tech. As an 18-  
12 year-old who's lived in the United States my whole  
13 life, I have an appreciation for the value of  
14 democracy. As I've learned more about how our process  
15 works in New York City though, I've become  
16 disappointed by the way it unfairly values certain  
17 votes over others.

18 With the current closed primary system,  
19 only registered democrats can vote in the democratic  
20 primary, and only registered republicans can vote in  
21 the republican primary. However, in New York City,  
22 republican nominees win the general elections so  
23 rarely, in some cases there is no republican  
24 challenger at all, that the democratic primary often  
25 decides the overall election.

1                   This essentially disenfranchises any  
2 voters who are not registered as democrats, which, as  
3 you've heard many times, is something that not every  
4 voter necessarily wants to do, and it's not something  
5 they should be required to do in order to have their  
6 voice heard. There's a -- with open primaries, voters  
7 can participate in the primary election, and a few top  
8 candidates move on to the general election. This is  
9 both more fair to have all voters voices heard, and it  
10 leads to more competitive elections in the general.

11                   MR. BUERY: Thank you so much.

12                   Next, Linda DiGusta.

13                   MS. DIGUSTA: Can you hear me now?

14                   MR. BUERY: Yes. We can.

15                   MS. DIGUSTA: Thank you. I'm having  
16 some technical problems tonight. My apologies.

17                   Anyway, my name is Linda. I live in  
18 Manhattan. I participate in the activities of Unite  
19 New York. I register as a democrat just to vote in  
20 the primary. I have to be honest about it. I'm not  
21 as principled as a lot of people who spoke here  
22 tonight. I would love to see open primaries on the  
23 ballot, and of course the docket.

24                   Being the only rank choice voting  
25 jurisdiction that does not hold open primaries, as New

1 York City is, this doesn't make sense to me. We need  
2 more people to vote rather than to fall into what has  
3 been called the enthusiasm gap, and I think we're  
4 getting some of that now. Unfortunately, the most far  
5 out things have the most engagement, it seems, and we  
6 have to find a way to engage more voters with an  
7 inclusive dynamic process, beginning with the open  
8 primary and carrying through to a general election.  
9 Hopefully, we'll get rank choice voting in those  
10 pretty soon too. That would be fantastic.

11 Also, I just want to throw in it was  
12 only a couple of hours ago that I found out about the  
13 removal elections initiative, and I think it's a great  
14 idea 'cause, frankly, we need all the tools we can get  
15 when the information that just goes flying around  
16 these days requires action.

17 And just following up, listening to the  
18 testimony this evening, I am struck by how important  
19 it's to act quickly to accomplish the role of the  
20 largely independent younger voters in these critical  
21 times.

22 Thank you.

23 MR. BUERY: Thank you.

24 Next, we'd love to hear from Kimberly  
25 Cruz.



1 MS. CRUZ: Hi. My name is Kimberly  
2 Cruz, and I'm the author of Hindsight is 2020: The  
3 Tree and Key to Democracy, and I am talking about  
4 things outside of open primaries because voters do not  
5 know what actually goes on in front of the Board of  
6 Elections. They do not allow new candidates to  
7 justify their signatures in front of the board,  
8 especially in this technological age.

9 There were many new candidates last  
10 year who received important documents that were  
11 straight to their spam box, and when it was stated in  
12 front of the board, they did not care. So there are  
13 barriers outside of just the labels that we have that  
14 voters should know about. So this is a problem about  
15 civics, really, and in a civil war that we're in where  
16 our federal representatives, our state representatives  
17 and our local city councilmen are creating their own  
18 propaganda, their own agendas for their own labels, we  
19 have to put civics at the center of it.

20 So I'm going to focus on housing and  
21 the new developments in our boroughs. Housing and the  
22 lack of oversight of the professionals making repairs  
23 in housing developments in apartments and houses of  
24 the people of New York, of natives who are here, that  
25 lacks oversight. So if the commission actually wants

1 to change the quality of life outside of this Charles  
2 Dickens era, post these pandemics, post measles now  
3 that it's out in the world, we have to think about  
4 housing court.

5 Does it actually have support? Does  
6 the Housing Preservation and Development Agency  
7 actually have oversight, or are they creating their  
8 own agenda as well? Is the code enforcement of every  
9 borough actually following the code in the maintenance  
10 code? That's legal code. Because there are a lot of  
11 professionals that are making corrections that are  
12 leading to collapse buildings, that are leading to  
13 fires. So in the Bronx, nearly a year after a partial  
14 building collapse in the Morris Heights section of the  
15 Bronx displaced dozens of families, and the New York  
16 City Department of Buildings released its findings  
17 that the report points to negligence by the engineer  
18 in charge, identifying a failure to recognize critical  
19 masonry as structural.

20 So you have families just the day  
21 before Christmas going to homeless shelters, and  
22 they're still in homeless shelters. In Queens, you  
23 have a contractor who attempted to remove lead paint  
24 with a blow torch. And we have people that are  
25 homeless. Our New Yorkers. So when we think about

1 the problems, we have to really think about the  
2 structures we have as well as the new developments.

3 We have three casinos that they're  
4 trying to add to our city. Think about that. One in  
5 where Bailey Lynx is, which is where the bridge is;  
6 one that's creating a red-light district in Flushing,  
7 Queens where they're trying to take away our Flushing  
8 Meadows parkland, our public land; and one in Brooklyn  
9 and Coney Island. So they're displacing native New  
10 Yorkers in front of our eyes, and the commission has  
11 to create amendments that actually put these  
12 professionals in their place 'cause there's legal code  
13 in our city to regulate our homes as native New  
14 Yorkers.

15 So when we think about that, we also  
16 have to think about the mail theft that's going around  
17 in our city. That's a federal crime. If our  
18 commission actually thinks about government structure,  
19 it's the amendments of our life. So if mail theft  
20 that's happening, all our elderly people, our  
21 children, the people that want to get higher  
22 education, they're the ones that are getting targeted.  
23 We are doing a disservice to our population if we are  
24 just talking about open primaries and our civil war  
25 that we have right now.

1                   So really take your power. I  
2 understand that my time is up, but there's local laws  
3 that are coming up May 1, 2025. Local law 157. It  
4 mandates the installation of natural gas detectors.  
5 And right now the governor is dealing with hydro  
6 fracking policies that will affect New York City  
7 people.

8                   MR. BUERY: Thank you so much.

9                   Are there any questions for the  
10 panelists? Any questions?

11                   Thank you so much for your testimony.  
12 We appreciate it.

13                   Finally, love to hear from Michael  
14 Niamehr, Reverend Conrad B. Tillard, Sr., and Jenny  
15 Radke. And again, I apologize if I have mispronounced  
16 your names. Michael Niamehr, Reverend Conrad Tilled  
17 and Jenny Radke in that order.

18                   MR. NIAMEHR: Hi. Hello. Thank you  
19 for your time. I just want to share my support along  
20 with the others for open primaries. It's very  
21 critical to be able to offer everyone visibility into  
22 primary, even when they're not registered to that  
23 party. Others have echoed the same wishes, and I just  
24 want to echo that as well.

25                   Thank you.

1 MR. BUERY: Thank you so much.

2 Reverend Tillard?

3 MR. TILLARD: Thank you, Commissioners.  
4 Thank you for allowing me to have a few moments to  
5 speak enthusiastically on behalf of open primaries.

6 I am a clergyman in New York City that  
7 has served congregations in Harlem, Bedford  
8 Stuyvesant, and Flatbush. I'm also an adjunct at City  
9 College, and I have also run for office. And it has  
10 become evident to me in talking to my young students  
11 and also voters in my last election that there is an  
12 increasing movement towards people becoming registered  
13 independents.

14 I have often said in our country we are  
15 becoming increasingly religiously tolerant and  
16 politically intolerant. But what I've noticed from my  
17 last race, as we were running against a particular  
18 organization and I was advised to tell my constituents  
19 that I am a real democrat, and because I am not as  
20 good as some of those other democratic activists that  
21 don't talk to democrats, I spent a lot of time talking  
22 to people who told me in no uncertain terms that there  
23 was frustration with both parties, and they were  
24 registered independents.

25 And I began to tell them that I

1 understood their desire to be independents, but I  
2 encouraged them to register democrat because it was  
3 very clear to me that they were disenfranchising  
4 themselves. And then I thought about it, and I  
5 realized I was contributing to the problem because  
6 people have the right to be political independents,  
7 and they should not be coerced to join a party.

8 As a registered democrat, my party has  
9 talked frequently throughout the country about voter  
10 access, and we make the argument very persuasively  
11 that the more access, the more days for voting, the  
12 more options for voting, is actually good for  
13 democracy.

14 And so I realize now that I shall no  
15 longer ever encourage anyone to become a democrat just  
16 to be able to vote, but I will recognize their right  
17 as citizens and taxpayers, who incidentally contribute  
18 to the matching funds program, I will recognize their  
19 right to be independent voters, and I will strongly  
20 advocate, and I've been working with clergy and we'll  
21 be submitting letters, to say that New York City  
22 should have an open primary system as to ensure  
23 maximum voter participation.

24 Thank you so much.

25 MR. BUERY: Thank you so much.

1 Jenny Radke? Okay.

2 Any questions for Mr. Niamehr or  
3 Reverend Tillard?

4 MR. WEISBROD: No.

5 MR. BUERY: Any other testifiers?  
6 Anyone else signed up?

7 If that is the case, I want to thank  
8 you all for being here. Thank you for your testimony.  
9 Thank you for welcoming us to Staten Island.

10 The next public hearing of the  
11 commission will be held in Manhattan on April 23rd at  
12 5:00 p.m. at New York Law School in Tribeca. 185 West  
13 Broadway.

14 Thank you so much. Have a wonderful  
15 evening.

16 (Whereupon, the meeting concluded at  
17 7:39 p.m.)

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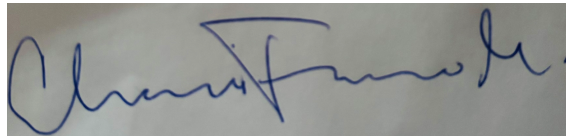
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## CERTIFICATE

I, CHANYRI MOH, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



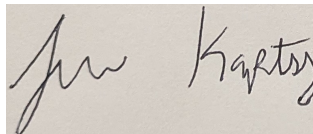
CHANYRI MOH

Notary Public in and for the  
State of New York



## 1 CERTIFICATE OF TRANSCRIBER

2 I, JILLIAN KAPOTSY, do hereby certify that  
3 this transcript was prepared from the digital audio  
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5 transcript is a true and accurate record of the  
6 proceedings to the best of my knowledge, skills, and  
7 ability; that I am neither counsel for, related to,  
8 nor employed by any of the parties to the action in  
9 which this was taken; and, further, that I am not a  
10 relative or employee of any counsel or attorney  
11 employed by the parties hereto, nor financially or  
12 otherwise interested in the outcome of this action.

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15 JILLIAN KAPOTSY  
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