

**CORRECTED**

NEW YORK CITY  
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS  
ENVIRONMENTAL CONTROL BOARD

BOARD MEETING

Office of Administrative Trials and Hearings  
OATH Multi-Purpose Training Room  
100 Church Street, 12th Floor, New York, New York

October 12, 2023

9:36 a.m. to 9:51 a.m.

October 12, 2023

MEMBERS PRESENT:

**Shamonda Graham - Department of Buildings (DOB)**  
**Joseph Gregory, Esq. - New York City Fire Department (FDNY)**  
**Elizabeth Knauer, Esq. - Appointed Member (Water)**  
**Madelynn Liguori, Esq. - Department of Sanitation (DSNY)**  
**Russell Pecunies, Esq. - Department of Environmental Protection (DEP)**  
**Harminderpal Rana, Esq. - Department of Health & Mental Hygiene (DOHMH)**  
**Matthew Schneid, Esq. - Appointed Member (Real Estate)**  
**Thomas D. Shpetner, Esq. - Appointed Member (Business): Remote Presence**  
**Douglas S. Swann - Appointed Member (Air)**  
**Jarrold Whittington - Appointed Member (Noise)**

ALSO PRESENT:

**Sola Best, Esq. - Assistant General Counsel, OATH**  
**Cindy Chen - Analyst, Office of Management and Budget (OMB)**  
**Madeline Halimi, Esq. - Assistant General Counsel, OATH**  
**Timothy Jones, Esq. - Senior Counsel, OATH**  
**David C. Kim, Esq. - Assistant General Counsel, OATH**  
**Peter Schulman, Esq. - Deputy Commissioner/Appeals Division, OATH**  
**Frances Shine - Secretary to the Board, OATH**  
**Amy Slifka, Esq. - Deputy Commissioner/Hearings Division, OATH**  
**Olga Statz, Esq. - Deputy Commissioner/General Counsel, OATH**

October 12, 2023

INDEX

	Page
Olga Statz, Esq.	4
David C. Kim, Esq.	4
Shamonda Graham	4
Joseph Gregory, Esq.	4
Elizabeth Knauer, Esq.	4
Madelynn Liguori, Esq.	4
Russell Pecunies, Esq.	4
Harminderpal Rana, Esq.	4
Matthew Schneid, Esq.	5
Thomas D. Shpetner, Esq.	5
Douglas S. Swann, Esq.	5
Jarrold Whittington, Esq.	7

October 12, 2023

1 (The board meeting commenced at 9:36 a.m.)

2 OLGA STATZ, ESQ., DEPUTY COMMISSIONER/GENERAL  
3 COUNSEL, OATH: I am so excited again to see everyone.  
4 So, I'm calling it is now 9:36 and we're calling the  
5 meeting to order. I'm going to ask David from GC's office  
6 to call roll and verify a quorum.

7 DAVID C. KIM, ESQ., ASSISTANT GENERAL COUNSEL,  
8 OATH: Good Morning, all. Commissioner is not here today,  
9 so I'll start with Shamonda Graham.

10 SHAMONDA GRAHAM, DEPARTMENT OF BUILDINGS (DOB):  
11 Present.

12 MR. KIM: Joseph Gregory.

13 JOSEPH GREGORY, ESQ., NEW YORK CITY FIRE  
14 DEPARTMENT (FDNY): Present.

15 MR. KIM: Elizabeth Knauer.

16 ELIZABETH KNAUER, ESQ., APPOINTED MEMBER  
17 (WATER): Present.

18 MR. KIM: Madelynn Liguori.

19 MADELYNN LIGUORI, ESQ., DEPARTMENT OF SANITATION  
20 (DSNY): Present.

21 MR. KIM: Harminderpal Rana.

22 HARMINDERPAL RANA, ESQ., DEPARTMENT OF HEALTH &  
23 MENTAL HYGIENE (DOHMH): Harminderpal Rana is present.

24 MR. KIM: Russel Pecunies.

October 12, 2023

1                   RUSSELL PECUNIES, ESQ., DEPARTMENT OF  
2                   ENVIRONMENTAL PROTECTION (DEP): Present.

3                   MR. KIM: Matthew Schneid.

4                   MATTHEW SCHNEID, ESQ., APPOINTED MEMBER (REAL  
5                   ESTATE): Present.

6                   MR. KIM: Thomas Shpetner. Matthew Smith.

7                   MS. STATZ: You're on mute, Tom.

8                   THOMAS D. SHPETNER, ESQ., APPOINTED MEMBER  
9                   (BUSINESS): Apologies. I am present, but remote. On  
10                  WebEx.

11                  MS. STATZ: You make a note of annotation  
12                  presence remote.

13                  MR. KIM: I will.

14                  MS. STATZ: Thank you.

15                  MR. KIM: Matthew Smith. Douglas Swann.

16                  DOUGLAS S. SWANN, ESQ., APPOINTED MEMBER (AIR):  
17                  Present.

18                  MR. KIM: Thank you. Jarrod Whittington. We  
19                  have a quorum, eight out of 12.

20                  MS. STATZ: Thank you very much. And so, the  
21                  first -- the first order of our business today is to ask.  
22                  I'm going to ask for a motion and a second to adopt the  
23                  minutes of August 3rd.

24                  MS. LIGUORI: Motion.

25                  MS. GRAHAM: I second.

October 12, 2023

1 MS. STATZ: Madelynn, motion. Second, Shamonda.  
2 Does anyone have any questions about the minutes? Okay.  
3 Do we approve the minutes? All -- all in favor, say aye.

4 ALL: Aye.

5 MS. STATZ: And the next order of business is  
6 adoption of the minutes of August 17th. But I want to  
7 tell you all, all of you, that there's going to be one  
8 change in the minutes of August 17th. The minutes of  
9 August 17th start with a regularly scheduled meeting, so  
10 we're removing the word regularly because it wasn't a  
11 regularly scheduled meeting, it was a special meeting.  
12 So, we're just going -- the minutes will be recorded as a  
13 scheduled meeting of the OATH Environmental Control Board,  
14 and not a regularly scheduled meeting. So do I have a  
15 motion to approve those minutes?

16 MR. SCHNEID: I approve.

17 MS. STATZ: Matt. And do I have a second?

18 MR. GREGORY: Joseph.

19 MS. STATZ: I thought Gregory and I said I know  
20 that's not his name. There's another. Second is Joseph  
21 Gregory.

22 MR. KIM: Are there any objections to the motion  
23 approving the minutes of August 17th, 2023 ECB meeting?

24 MS. KNAUER: No objection, but I'm abstaining  
25 because I wasn't present for that meeting.

October 12, 2023

1 MR. SWANN: I'm abstaining as well.

2 JARROD WHITTINGTON, ESQ., APPOINTED MEMBER

3 (NOISE): Same here.

4 MS. STATZ: So, three abstentions.

5 MS. KNAUER: And Jarrod Whittington is now  
6 present.

7 MS. STATZ: Hi. I haven't seen you in a while.

8 MR. WHITTINGTON: Yeah, it's my first time back  
9 in the actual boardroom in quite a while.

10 MS. STATZ: Wow. Nice to see you.

11 MR. WHITTINGTON: Nice to see you.

12 MS. STATZ: Anything else respecting the rules.  
13 I'm going to now ask for a motion for us to go to  
14 executive session. The Madelynn motion

15 MS. KNAUER: I second.

16 MS. STATZ: Elizabeth, second.

17 MR. KIM: Are there any objections to the  
18 board's going into executive session at this time? Seeing  
19 none. Hearing none. Now we can enter executive session.

20 MS. STATZ: Now we have two possible dates for  
21 the next board meeting. December 7th or December 14th.  
22 What are our takes? People who are indifferent don't even  
23 bother asking. It's only for the asking the people who  
24 have a problem with one of the dates.

25 MR. SCHNEID: For my preference would be the 7th

October 12, 2023

1 if that's possible.

2 MS. STATZ: Okay. So far, we have a preference  
3 for the 7th. Tom, are you -- are you muted or unmuted?  
4 Do you have a preference?

5 MR. SHPETNER: Unmuted. I'm -- I'm looking at  
6 my diary. Both are fine.

7 MS. STATZ: Okay.

8 MS. KNAUER: Seven I have a preference for the  
9 7th.

10 MS. STATZ: You have -- two preferences for the  
11 7th so far.

12 MR. SWANN: What was the other day?

13 MS. STATZ: 14th.

14 MR. SWANN: Yeah, I have a preference for the  
15 7th as well.

16 MS. LIGUORI: I have a standing commissioner  
17 meeting at 10:00 in the morning.

18 MS. STATZ: Oh.

19 MS. LIGUORI: Which I can -- I can miss if I'll  
20 bring it up to her that I have to miss it. Unless she  
21 moves it.

22 MS. STATZ: Okay. So let's hold that.

23 MS. LIGUORI: Because I have -- I'll have the  
24 same one on the 14th. So --

25 MS. STATZ: You have the same one. Okay. So,



October 12, 2023

1 if everyone prefers the 7th and you can, you can possibly  
2 move your meeting. Is everybody okay with our saying that  
3 it's 7th? Okay. Yes. So let's --

4 MR. SCHNEID: Yes.

5 MS. STATZ: Let's -- let's designate December  
6 7th as our next board meeting. Again, in person as we  
7 know now. Okay. Can't wait to see all you guys again.  
8 I'd like to have a motion to adjourn the meeting. Oh,  
9 Elizabeth, adjourn.

10 MS. KNAUER: Second.

11 MR. KIM: Are there any objections to adjourning  
12 the meeting at this time? Seeing none. Hearing none.  
13 The motion is approved unanimously.

14 MS. STATZ: Thank you.

15 MS. KNAUER: Thank you.

16 (The board meeting concluded at 9:51 a.m.)

17

18

19

20

21

**Reviewed and corrected by OATH General Counsel**  
**Office November 6, 2023.**