

Next issue
in two weeks –
Sat., Nov. 5

The Main Street **WIRE**™

26th Year as Roosevelt Island's Independent Community Newspaper



Former RIOC President Robert H. Ryan ranged from angry to bemused Monday in testifying to a State Assembly committee about his suspension and dismissal in 2003.

RIOC Confirms Seeking Bidders for Southpoint Site and All Retail Space

The RIOC plan to offer a part of Southpoint Park for possible development, reported in the October 8 issue of *The WIRE*, was confirmed last week and again this week, albeit with denials by RIOC that its issuance of the “RFIP,” or “Request for Initial Proposals,” means anything will ever be done.

Despite the claims, RIOC is charging developers \$4,000 to submit the “initial proposals,” with an extended due date of November 30, just over a month away. The fee, according to bidding guidelines, includes processing of not only responses to the “RFIP,” but also responses to an eventual “RFFP,” or Request for Final Proposal. RIOC thus appears to be leading development and investment firms to the conclusion that something “final” will be done.

The Southpoint Park site is its northernmost 2.5 acres, essentially the footprint of a hospital that once occupied the ground. The hospital, unused and already in ruins, was torn down in the 1980s when a child died after a fall during play there. (The Smallpox Hospital, also known as the Renwick Ruin, is a separate structure farther south.)

The other development sites or investment opportunities offered are:

- 4.5 acres under the Queensboro Bridge, comprised of the sites now occupied by the Coler-Goldwater steam plant, the SportsPark, and the Roosevelt Island Racquet Club.
- One acre immediately east of the north end of Coler Hospital, and immediately south of Lighthouse Park.
- RIOC’s 61% interest in Motor-

gate.

- All or virtually all of the Island’s retail storefront space.

At Thursday’s RIOC Board meeting, during his President’s Report, RIOC chief Herb Berman said, “So that everybody understands, and everybody understands the nature of what this is, it is merely the RIOC Board of Directors seeking expressions of interest as to the five sites included in there. It is a specific responsibility of the Board to determine what type of value there is in our assets, and then ultimately the Board will decide as to whether or not they choose to market this. This is not a definitive process, there is no evaluation process called for a rating process in the RFIP. It is merely a means of gathering information to see what, if any, interest is there, and then the Board can determine at its own time, whenever it sees fit, what if anything, to do with those sites as to marketability. I will tell you that the five sites that were selected were the sites selected by the [RIOC Board’s] real-estate subcommittee to be included in the RFIP, and we are expecting and anticipating expressions of interest and returns by November 30.”

On a website dedicated to Island offerings, RIOC’s real-estate marketing firm, Jones, Lang, LaSalle, describes the 500x200-foot Southpoint Park site as “one of Manhattan’s most spectacular waterfront sites; approximately 2.3 acres on the location of the former City Hospital. The site is a vacant land parcel located in the northern potion (sic) of approximately 12 acres

See **RIOC**, page 12

Briefly...

RIOC has issued a long-awaited request seeking bids on repair of **Blackwell House**.

Today, Islanders will paint the **Blackwell House Garden Fence** from 9:00 to noon (rain date – next Saturday) in an event sponsored by RIOC, the Historical Society, and the Korean Association.

Starting November 1, the **Tramway** will have rush-hour service – every 7.5 minutes – starting at 3:00 p.m. (instead of 3:30) to accommodate school dismissal times.

State Assembly Hearing

Report on Ryan Dismissal Released; Labate, Ryan Conflict in Testimony

Robert H. Ryan got what he called his first “day in court” on Monday when he appeared, under subpoena, before the State Assembly Committee on Authorities, Corporations, and Commissions.

His sworn testimony about the circumstances that led to his early-2003 suspension, then dismissal, as President of the Roosevelt Island Operating Corporation (RIOC), was a sharp contrast – in both style and substance – with that of former DHCR Deputy Commissioner and RIOC Board Chair Mary Beth Labate, who also testified under oath.

Together with the “Hitsman Report,” which was prepared for the RIOC Board and became the basis for Ryan’s dismissal, the testimony of Ryan and Labate painted a picture of a RIOC so loosely supervised during Ryan’s tenure that alleged compensation irregularities became almost endemic. They were caught only when a routine report triggered a January, 2003, call to Labate from Nancy Reuss of the State Division of Budget asking if Labate “was aware of the increase in salary reported by the Corporation for the position of President and Chief Operating Officer.” The call, in turn, triggered a paid suspension for Ryan, the Hitsman investigation, and Ryan’s ultimate dismissal by unanimous vote of the RIOC Board on June 17, 2003.

See **Ryan**, page 12



Mary Beth Labate said Ryan’s taking raises without RIOC Board permission justified his 2003 firing.

Grannis, Brodsky Put RIOC Under a Microscope; Brodsky Calls Island’s Government “Un-American”

“I cannot think of any other State authority in which real people have to live their lives under a State authority. It’s un-American.”

So spoke Assemblymember Richard Brodsky Monday morning on Roosevelt Island, sitting next to his Democratic colleague, Pete Grannis, who represents the Island in Albany. After hearing from Mary Beth Labate, who recently left the State Division of Housing and Community Renewal and her post as designated Chair of the RIOC Board, Brodsky found it remarkable that the Island’s government is unelected and effectively not answerable to the citizenry.

“There is a truly unusual disconnect in America between the citizens in this development and every other municipal body,” Brodsky continued. “It has led to some good things, perhaps. They’ve traded subsidies... for lack of democratic participation in many ways.” Then he told Labate, “That’s not your problem, because you’re there to carry out statutes. That’s our problem [as lawmakers]. But it’s led to some things... It’s led to a very caustic and corrosive atmosphere.”

“I am not going to point the finger at either RIOC or the citizens or anybody for why that corrosive atmosphere exists, but it does, and it seems to me in everyone’s interest to end it. Now part of the pro-

cess has been this hearing because, for better or worse, getting answers to difficult questions in a forum not controlled by the governing body is what legislative committees do... I think this oversight process can be used to restore a less corrosive atmosphere. So it’s going to be my recommendation to the chairman of the [Assembly] Committee on Cities, whoever that may be in January, as well as my own committee, to continue something of an oversight role that does not otherwise seem to exist in the structures available to the people, so that where they’re right, you [RIOC] can change your ways, where they’re wrong you can inform them of that, so there’s actually a process of democratic accountability going on.

“Part of it is also style, as with any body. It seems to me people should take this opportunity to change that, and to create a better working relationship, and I urge you to leave that as one of your observations to your successor on the Board, without blaming anybody.”

Brodsky’s hearings on Monday uncovered a good deal about RIOC operations and the decade-long lurch away from State subsidies toward Island management and services supported by residential development projects.

Inside, these stories, coming out of the hearing held by Brodsky’s Committee on State Authorities, Corporations, and Commissions:

- Residents Association officers see RIOC through eyes very different from those of the ex-Chair of the RIOC Board, Mary Beth Labate.
- Grannis used the hearing to get at longstanding questions about use of the Island’s capital dollars.
- Through a series of questions, Committee Chair Brodsky worked to advance his thesis that the State’s authorities and public benefit corporations (like RIOC) have been “captured” by the Governor’s office.

- Testimony during the hearing and documents delivered to the committee tell the story of Robert H. Ryan’s coming to Roosevelt Island as RIOC President – and the story of his departure.



Assemblymembers Richard Brodsky and Pete Grannis

The Editorial Page

Trying to Believe

Toward the end of Monday’s hearing of the State Assembly Committee on Authorities, Corporations, and Commissions, Assemblymember Richard Brodsky talked with Residents Association officers Steve Marcus and Margie Smith like a dutch uncle. Smith had commented that it’s hard not to be skeptical about the Roosevelt Island Operating Corporation

“Skepticism is healthy. Cynicism is poisonous,” Brodsky said, “and there’s a line, and we just have to stay...” Then more: “I feel part of my role here... Pete [Grannis] can’t do this – he’s got to be nice to you. I don’t. I can be candid with you and help you, and I believe that the work this committee has done gives us a unique opportunity.” Optimistically, he spoke of RIOC: “It’s different now in terms of the responsiveness of RIOC. Subpoenas are wonderfully therapeutic. So let’s work together to try to turn the corner. Maybe we’ll fail. Maybe we won’t. But the only way to approach it is to try, and I’m even going to assume the best, and then be disappointed, rather than assume the worst and fail to have a good working relationship. That’s my unsolicited advice to the people of Roosevelt Island. I hope you don’t mind my offering it.”

Brodsky went on to point out that he doesn’t live here. And earlier he had talked about the appointed, unelected government of Roosevelt Island being un-American. So he sees that there are problems, and recognizes that Roosevelt Islanders must live in the environment created, managed, and sometimes even maintained by RIOC.

But, along with him...
We do want to believe.
But RIOC makes it so hard sometimes.

In the past three weeks, talking the good talk of transparency and openness, RIOC nonetheless issued an RFIP inviting developers and investors to consider five opportunities on Roosevelt Island, including one that would appropriate a significant percentage of Southpoint Park. RIOC wants residents to believe that this is a harmless maneuver, but the Corporation’s actions suggest otherwise.

- The cost for a developer to express interest and put forth an initial proposal is \$4,000. Added to all the work involved in preparing a proposal, plus the cost of informational packets about the sites, it’s not insignificant.
- Add to that the fact that the \$4,000 processing fee covers both the “initial proposal” stage and the “final proposal” stage of the process, and the protests that this is merely exploratory start to sound disingenuous.
- Consider that while RIOC published the RFIP notice in the New York State Contract Reporter in September, RIOC withheld it from *The WIRE* and the community until after the October 8 issue went to press, and originally had the proposals due before this issue would reach readers, and “transparent and open” begins to look strangely opaque.

Along with Assemblymember Brodsky, we’re trying hard to believe.

Why does RIOC work so hard to make believing so hard?
DL



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To the Editor:

I was thoroughly disheartened to read in *The Wire* (Oct. 8) that RIOC is offering additional Roosevelt Island property for development, and that several green spaces are on the auction block. I am particularly alarmed that RIOC intends to plant a giant *For Sale* sign within at least a portion of Southpoint Park. This can only be viewed as underhanded, since the Island community has shown strong enthusiasm, both in public forums and in the voting booth, for a New York City “crown jewel” destination park at Southpoint. For you folks at RIOC, that translates as zero commercial development at Southpoint Park, other than in the context of a well-considered park plan. The lack of transparency by RIOC has become so predominant that charges of cronyism and carpet-baggerism are valid considerations.

Some people walk through Southpoint Park and smell trees and grasses, and others are swayed by the overpowering aroma of money. The latter are in control here on this little Island, although they do not live here, and take pains to not let the former learn of their intentions. I myself still have great hopes for Southpoint Park, and have become involved with the proposal process, but RIOC must pledge transparency in their actions, and retreat when they are in opposition of the public good.

Thomas Templeton

To City Council
Candidate Jessica Lappin:

I live on Roosevelt Island and work in Brooklyn. I saw you greeting residents outside the Roosevelt Island subway station this morning. I suggest that you go down the escalators and see what goes on inside our station.

It was approximately 8:55 a.m. when I arrived at the platform, and it was already relatively full of people waiting for the Manhattan-bound F train. I walked to my usual spot to position myself at the very end of the train. As I waited for nearly ten minutes, the platform became filled with commuters. Finally, a train came, and I squeezed in through the last door on the last car. No one else got on with me. As the train pulled out of the station, I watched the crowd of people remaining on the platform. I was one of the very few who was able to get on the train. This happens every day.

In just over three months from now, two large apartment buildings will open their doors to hundreds, if not thousands, of new residents. They, like the rest of us, will find that subway service virtually does not exist for Roosevelt Island during the morning rush hour. The F runs express through Queens, and there are too few trains running to accommodate commuters at Roosevelt Island as well as the 63rd & Lex stop. We need more trains, or we need another subway station. We just need to rely on the subway to get to work on time. The Roosevelt Island subway congestion is already past the breaking point, and it’s only going to get worse as our population increases in coming years.

Thank you for your attention.
Amber L. Hunsinger

Letters deadline for Nov. 5 issue: Tuesday, Nov. 1
Letters received after deadline are considered on a space-available basis.

Letters

To RIOC President Herb Berman:

Through reporting by *The Main Street WIRE*, residents have learned of RIOC’s current request for proposals to develop certain areas of Roosevelt Island. One of these areas, called Development Site #3, is the northernmost approximately 2.5 acres of Southpoint Park.

RIOC may have interpreted the April decision by Judge Wetzel of the NYS Supreme Court, which allowed the Octagon Apartments development to proceed, to also allow non-open-space development of an area of Southpoint Park such as Site #3.

However, because there is no historic landmark within Site #3, the Octagon decision does not appear to allow non-open-space development there.

Referring to the 2002 New York State Open Spaces Law, Judge Wetzel wrote, “Specifically, the Octagon Project comes within the exception carved out for ‘development or construction for other than park purposes’ insofar as it ‘includes the reconstruction, restoration, rehabilitation or preservation of the historic landmarks located in such open space areas and furthers the use of the areas surrounding the historic landmarks as open space areas.’”

Judge Wetzel added, “In light of the history of the development of Roosevelt Island, as reflected in the GDP explicitly referenced by the Legislature, these words evince a clear legislative policy choice to tolerate the sacrifice of open-space area if it means being able to renovate a historical landmark and further the use of the remaining property as open space.”

The Octagon decision seems capable of supporting non-open-space development of a portion of Southpoint Park only if the portion includes the ruin of the Smallpox Hospital, the only unrestored historic landmark at Southpoint Park. (However, such a development – not currently sought by RIOC – would obstruct park development at Southpoint Park, for which RIOC last month set aside \$4 million, and possibly cause an uproar among the public and elected public officials. As you know, public opposition thwarted a 1998 proposal to build a Marriott twin-tower hotel at Southpoint Park, despite that project’s admirable proposed reconstruction and re-use of the Smallpox Hospital ruin.)

Two other points in the Octagon decision seem to support a potential legal challenge to non-open-space development of Site #3. First, it appears that the decision is relevant precedent for considering development at Southpoint Park since Octagon Park and Southpoint Park are legally equivalent as “Open Space Areas,” as defined in the GDP and recognized in the Octagon decision. Second, although RIOC challenged RIRA’s standing to bring suit in the Octagon case, Judge Wetzel found that “the interests of justice require recognition of petitioners’ standing.” RIRA would seem to have the same standing in a challenge to Site #3.

Has RIOC sought an objective legal opinion on whether development of Site #3 for other than park purposes is legal, in light of these and other points in the Octagon decision?

In addition to ruling that the Octagon project satisfied the exception defined in the Open Spaces Law, Judge Wetzel dismissed RIRA’s lawsuit for other reasons as well. Judge Wetzel found that the suit was not filed promptly enough after the project was approved and no Temporary Restraining Order was sought. With RIRA aware of these findings, if it decides to challenge development of Site #3, it would likely be prepared to file a lawsuit and seek a Temporary Restraining Order as soon as a project were approved.

The Open Spaces Law is included as an attachment to the Site #3 request for proposals. But by advising of the potential at Site #3 for “residential and community facility uses” and noting that “existing and/or currently approved building heights range from 21 to 28 stories” on Roosevelt Island, the RFP implies that the law does not prevent non-open space development of Site #3. There does not appear to be a reference in the RFP to the Octagon decision.

A second lawsuit is also conceivable, brought by a developer seeking to recover from RIOC money it spent developing and defending a Site #3 proposal. The developer could try to show that RIOC recklessly dismissed the project’s potential to violate the 2002 Open Spaces Law.

I thank you for your consideration of these concerns.
Marc Diamond

Editor’s note: Bob Liff, a public relations consultant with George Arzt Communications, Inc., recently engaged to speak for RIOC, responds: “There is no RFP issued, just a request designed to see if there are any expressions of interest in the various sites. No one should prejudge what kind of response will be generated.”



needs you!

Every “*WIRE* Friday” a jovial group of volunteers assembles to “stuff and count” *The WIRE* to prepare it for distribution. It happens from 10 to 2, and lunch is supplied. *Join us! Call Teri Sheridan at 212-319-7408.*

The WIRE also needs feature writers, reporters, and photographers able to take on specific assignments, as well as originate ideas for features and news coverage.

Letters Policy

The WIRE welcomes letters to the editor, to the community, and to/from officials. *Name Withheld* publication will be considered, but the writer’s name, address, and phone number must be provided for verification and for our records; *letters submitted anonymously will not be published.* Preferred method of submission: E-mail to Letters@MainStreetWIRE.com (plaintext e-mail format preferred, or attach a file), or on a PC-standard 3.5” disk left at the desk at 531 Main Street, addressed to *The WIRE*. Alternatives: Typed copy left at 531 Main Street, but allow extra time before deadline for typesetting. Clearly handwritten letters will be considered if brief, but we are not able to take telephone dictation of letters. All letters are subject to acceptance and to editing for length and clarity. Recommended maximum length, 300 words; longer letters will be considered if their content merits the required space.

Last Monday morning I returned to New York from a nice vacation just in time to attend the hearing conducted by Assemblymembers Richard Brodsky and Pete Grannis of the NY State Assembly looking into operations at RIOC. The testimony opened with former RIOC Chairperson Mary Beth Labate, who painted a

rosy picture of her tenure, even though it was marked by apparent corruption, spectacular giveaways to the developers, a stunning disregard for the principles of socioeconomic equality and environmental aesthetics that have served us so well for so many years, and an utter indifference to the needs or desires of the residents that she is supposed to serve.

The RIRA Column

Then Robert Ryan, the disgraced former president of RIOC shambled up to the microphone. As he droned on about how he was paid for a year in a government job in which “he did nothing”; then came to Roosevelt Island, where he helped himself to many more thousands in extra pay “because his employees insisted” that he take it, I wondered how anyone could put the well-being of a community and its residents in the hands of such a pathetic character.

We owe Messrs. Brodsky and Grannis our thanks for lifting the rock and shining some light on the seamy underside, in an attempt to perhaps improve things before next November when the whole shady operation will likely be swept away.

In the meantime however, it looks like this administration is anxious to squeeze a few more lousy deals out of this already damaged community. Too lazy to do the job themselves, RIOC has put the entire leasing of our commercial space and planning of our recreational space in the hands of a real-estate agent named Paul Mas, who will get a hefty commission for

each deal he can broker. His efforts have resulted in five different RFIP’s, for projects that have never been publicly discussed or debated. My favorites are the paving over of part of Southpoint Park, the destruction of the power plant, Sportspark, and the tennis bubble for some kind of hideous big box outlet, and the privatization of Motorgate, so that the new owners can jack up the price of our only parking facility to whatever price we suckers are willing to pay to keep a car in the City. This is government of the worst kind: destruction of priceless resources to reward political cronies, and the arrogance of replacing proven principles of community building with a random and piecemeal butchering of our neighborhood.



Steve Marcus, President
Roosevelt Island Residents Assn.
e-mail: SteveAtRIRA@verizon.net

When Pete Grannis asked Ms. Labate about the interview process and the “search for excellence”, he drew cynical chuckles from the audience. But why not demand the best leaders for the residents of Roosevelt Island? We certainly are paying for it.

In the eleven-year parade of bullies and puppets trotted out by the Pataki administration, not one has ever offered a plan, coherent or otherwise, that explains or justifies the policies they adopt. I just hope these characters leave us with a few blades of grass before they leave next November.

COMING UP

– This Weekend –

Tram out of service, Sat., Oct. 22, 6:00 a.m.-12:00 noon, for inspection.

J. Wayne Olson’s *Questions for a Fetus*▷, a series of art installations, continuing through December, Rivercross Window Gallery, sponsored by the Mother Earth Committee. October: *Introduction* (life in Century 21) – *Origins* (Darwin or Divinity?); *Evil Part I*. November: *Evil Part II*; *Language* (signs and symbols of communication). December: *Routes* (the paths of cultures and races).

GROUP SHOW continuing through Nov. 13 at Gallery RIVAA, 527 Main Street. Gallery hours Wed. and Fri., 6-9 p.m., Sat. and Sun., 11 a.m.-5 p.m.

Tram out of service, Sun., Oct. 23, 6:00 a.m.-12:00 noon, for FDNY rescue and evacuation drills.



– The Coming Week –

Toastmasters meeting, **Mon., Oct. 24**, 8:00 p.m., Westview community room, 625 Main Street. Additional information: **212-751-9577**.

Maintenance openings of the Roosevelt Island Bridge, Tue., Oct. 25 and Wed., Oct. 26, between 10 a.m. and 2 p.m. Three test openings will be spaced, each taking from 8 to 10 minutes.

Halloween Mardi Gras Fundraiser at Manhattan Park Theater Club, **Fri., Oct. 28**, 5:30-8:30 p.m., sponsored by the IS/PS 217 PTA and Manhattan Park. Admission \$3 all ages; proceeds to Katrina relief.

Tram out of service, Sun., Oct. 30, 10:00 a.m.-2:00 p.m., for FDNY rescue and evacuation drills.

– Future Events –

Residents Association Common Council meeting, Wed., Nov. 2, 8:00 p.m., Good Shepherd Community Center. Meetings begin with an opportunity for members of the public to make presentations to the Council.

The Main Street WIRE – Next issue, **Sat., Nov. 5**. (To receive e-mail bulletins between issues, send an *AddMe* message to Bulletins@MainStreetWIRE.com.) **Advertising Deadline:** Ads in the paper, Thursday, Oct. 27; decision on circulars/inserts for *The Bag*, Tue., Nov. 1; they are due Thur., Nov. 3. **Future issues:** Fortnightly through December: Nov. 19; Dec. 3, 17; then fortnightly, resuming Jan. 14, 2006. **News phone, 212-826-9055**; urgent matters **917-617-0449**. **Phone** for display and classified advertising placement and information, **212-751-8214**. **To list your organization’s Island-related event in this column**, e-mail information to ComingUp@MainStreetWIRE.com, or leave it, addressed to *The WIRE*, at the lobby desk at 531 Main Street; provide a telephone number for follow-up questions. There is no charge for such listings.

Tram out of service, Sun., Nov. 6, 10:00 a.m.-2:00 p.m., for FDNY rescue drill.

Eastwood Building Committee Bazaar, Sun., Nov. 13, 3:00-8:00 p.m., the Senior Center, 546 Main Street. Information: Fay Vass, **212-755-4089**.

RIOC Board of Directors Meeting, Thur., Nov. 17, 4:30 p.m., Chapel of the Good Shepherd. The Board’s afternoon meetings usually conclude with an opportunity for public comment, specific time uncertain.

Book Discussion Group, Thur., Nov. 17, 6:30 p.m., at the Library. *The Map of Love* by Ahdaf Soueif.

La Leche League meeting for pregnant and breastfeeding mothers, **Mon., Nov. 21**, 10:30 a.m., 536 Main Street (behind Capri Pizza). Free. Information: **212-832-1188**.

Orphans International Fourth Annual Benefit, Tue., Nov. 22, 6-9 p.m., Harvard Club, Manhattan. Tickets \$100. Information at oiww.org or (212) 755-7285.

Roy Eaton Plays at BargeMusic, Thur., Dec. 1, Brooklyn. Music of Gershwin, Chopin, Joplin, and Still. Tickets at www.BargeMusic.org.

Residents Association Common Council meeting, Wed., Dec. 7, 8:00 p.m., Good Shepherd Community Center. Meetings begin with an opportunity for members of the public to make presentations to the Council.

La Leche League meeting for pregnant and breastfeeding mothers, **Mon., Dec. 19**, 10:30 a.m., 536 Main Street (behind Capri Pizza). Free. Information: **212-832-1188**.

There is no charge to list Island events here. E-mail information to ComingUp@MainStreetWIRE.com or leave information at the lobby desk at 531 Main Street, addressed to *The WIRE*. Please provide a phone number for possible follow-up.

On Website NYC10044

with this issue of *The Main Street WIRE*:

- The Hitsman Report
- Related memo to the Inspector General
- Transcript of the Brodsky Committee Hearing

nyc10044.com

Roosevelt Island was the focus last Monday of an oversight hearing by the State Assembly Committee on Corporations, Authorities, and Commissions that turned out to be an opportunity for us to showcase the progress we have made on the Island.

Outgoing RIOC Board Chair-Designee Mary Beth Labate told committee members, including Chairman Richard Brodsky of Westchester County, Assemblyman Pete Grannis, and soon-to-be-Manhattan Borough

The RIOC Column

President Scott Stringer, about developments at Octagon, Southtown, and Motorgate. She also took the opportunity to correct misimpressions given to the committee staffers by some resident activists who either did not know, or did not understand, the degree to which the fiscal stability we currently enjoy is the base upon which we are building an Island community that promises to better serve the 9,500 residents who call Roosevelt Island home.

The truth of the matter, as Ms. Labate told the Assemblymembers, is that many of the criticisms cover topics which a fair review show to be tremendous pluses in advancing the quality of life on the Island. We remain committed to the principles outlined in the General Development Plan to keep Roosevelt Island a model community providing mixed housing opportunities.

I urge you to go to our website at www.rioc.com and read Ms. Labate’s testimony for yourself.

The real story on Roosevelt Island is the degree to which we are a model for the rest of the State in being able to continue our progress even after State and City subsidies were eliminated. The creative financing mechanisms we have used have allowed us to create a comprehensive capital plan for Island improvement.

That self-financed plan totaling \$21 million will be

used for a variety of Island improvements, including renovating the exterior of the historic Blackwell House, replacing elevators and upgrading electrical systems and waterproofing at the Motorgate Parking Facility, overhauling the Tramway, and purchasing four new hybrid electric buses. In addition to the \$21 million plan, we have been able to budget an additional \$4 million for a new Southpoint Park.

As Chair-Designee Labate told the Assemblymembers, we have had bumps in the road over the last 36 years but progress continues. With Deborah Boatright now on board to replace Ms. Labate as Chair-Designee, we are excited about prospects for making the Island even better.



Herbert E. Berman, President
Roosevelt Island Operating Corp.
e-mail: HBerman@rioc.com

Mr. Stringer about the challenges presented by the expiration of Mitchell-Lama protections on the WIRE buildings (Westview, Island House, Rivercross, Eastwood). We believe our obligation to maximize the return to RIOC must never compromise our commitment to the principles contained in the General Development Plan. We trust residents who take part in those discussions will retain an appropriate civility and attention to the complexities faced by decision makers.

We are all in this together and together, we can build a better Roosevelt Island.

Senior Center

Monday

9:30, **Yoga**
10-11:30, **English as 2nd Language**
10:30, **Blood Pressure Screening**
12:30, **“Oldies” Movies**
1:00, **Tai Chi**
7:00, **Dance Class** (Beginners)
Tuesday
10:00, **Chinese Massage**
10:30, **Shoppers’ Bus**
2:00, **Bingo**
2:00, **Painting and Sculpting**
7:30, **Games** (RISA)

Wednesday

9:15, **Stay Well**
10:00, **Heart Health Care**
10:30, **Computers**
10:30, **Shoppers’ Bus**
7:00, **Pokeno** (RISA)

Thursday

10:00, **Get Stronger Bones**
10:30, **Creative Arts**
12:30, **Movie**

Friday

9:30, **Yoga**
10:30, **Computers**
1:00, **Bridge**
7:00, **Games** (RISA)

Saturday

7:30, **Bingo** (RISA)

Special Events

Sat., Oct. 29, Atlantic City night trip
Mon., Oct. 31, 6:00, Halloween Party
Mon., Nov. 7, 9:30-11:30, Flu Shots, first-come, first-served (no appointments)

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Saturday, October 29, 2005

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JOIN US AS WE MARCH DOWN MAIN STREET WITH FUN HALLOWEEN CHARACTERS AND RECEIVE OUR TRICK OR TREAT BAGS

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HARRY POTTER MAGIC SHOW
AT 2:00PM

Game booths, moon walk, high striker, balloon typhoon, photo sticker machine, spin art, cotton candy, popcorn, music...

AND MORE!!!

Sponsors: Roosevelt Island Youth Center Roosevelt Island Housing Mgt.
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\$3.00/Per Person

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Time: 5:30 - 8:30
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For Robert H. Ryan, the Trip to the RIOC Presidency Was Easy... How It Ended: Three Accounts



How It Started: Marginalized at ESDC, then...

In Monday’s Brodsky Committee hearing, former RIOC President Robert H. Ryan talked about his pre-RIOC career and how he got the job on Roosevelt Island. In doing so in response to questions from Assemblymember Richard Brodsky, he revealed that he had been frozen out of meaningful work at Empire State Development Corporation (ESDC) before being moved here.

Brodsky, in his questions, is seeking information about the governor’s “capture” of State authorities for, among other things, patronage jobs.

Brodsky: How did you come to be employed at the ESDC?

Ryan: I had served on both the transition for the Governor, the Inaugural Committee for the Governor, and prior to that, I was the Governor’s campaign manager in the ’94 race where we defeated Mario Cuomo.

B: And in that process, at the time of the transition, who raised with you the opportunity to serve in the ESDC?

R: You know, I really don’t remember.

B: Was it the [Governor’s] Appointments Office?

R: No.

B: Who offered you the job?

R: Chairman [Charles A.] Gargano.

B: What were you doing?

R: Well, I started at Empire State Development in 1995, I had served – each State has a liaison with the Port Authority to sort of monitor their activities – I had filled that position. In, gee, I’m going to say, probably in early ’97, I switched over from that position – someone else took that and I became Vice President for Communications. I oversaw “I Love New York,” business marketing for the State, and all sorts of other publications that were put out by ESDC. I held that position through August of ’98, and then I was given a position which really didn’t have too much to do.

B: Who gave you that position?

R: The chairman of the Corporation, Chairman Gargano.

B: What was the reason he gave you that position?

R: I... You would have to ask him.

B: Did he give you a reason?

R: Uh, no.

B: Do you have an opinion as to what that reason might have been?

R: I think he had issues. I had raised issues with him about treatment of some of the employees and dismissal of one employee. Some of this was coming to the press at the time.

B: How long were you in this job that didn’t have any responsibilities?

R: Close to a year.

B: What did you do at that time?

R: I was given some odds and ends that I was supposed to be taking care of, but I was basically frozen out of any of the work I had done before, and I found this very frustrating.

B: Did you bring this to the attention of anyone in the executive?

R: I brought it to the attention of the Secretary to the Governor...

B: Who was that at...

R: ...who was Brad Race. It was brought to the attention of the Appointments Office.

B: What did you say to them?

R: Basically what I just said to you.

B: And what did they say back?

R: Let’s see what we can do about it.

B: And what did they do about it?

R: Well, after a great deal of time, I was offered the position on Roosevelt Island.

Accounts of events surrounding Robert H. Ryan’s suspension as RIOC President vary. Here are three versions, from different perspectives. First is the relatively dry, factual account that appears on an earlier page of the Hitsman Report, dated June 17, 2003:

In or about January, 2003, Assistant Vice President/Director of Human Resources Francisco Nazario, pursuant to legal requirements, submitted a personnel report to the New York State Budget Division listing existing RIOC position titles and corresponding salaries. On January 31, 2003, DHCR Deputy Commissioner Mary Beth Labate received a telephone call from Ms. Nancy Reuss of the State Division of Budget, who inquired if she was aware of the increase in salary reported by the Corporation for the position of President and Chief Operating Officer. Deputy Commissioner Labate (who serves as Chairperson Designate of the RIOC Board for Commissioner of the Division of Housing and Community Renewal (DHCR) and RIOC CEO Judith Calogero) was unaware of the increase in salary and contacted RIOC offices. Then CFO Patrick Siconolfi, who was the only administrator in the office at the time, informed Deputy Commissioner Labate that the salary for the position of President/COO had, indeed, been increased during calendar year 2002 with the authority of President Robert Ryan.

Shortly thereafter, CFO Siconolfi received the Corporation’s audit report from a routine State Insurance Fund payroll audit of the Corporation for the period October 31, 2001 to October 31, 2002. The audit submission reflected the total compensation for certain officers of the Corporation that seemed inordinately high to CFO Siconolfi. In particular, CFO Siconolfi was surprised to discover the gross payroll of President Ryan to be \$143,144 and Vice President Robert Antonek to be \$141,088. In light of their recent discussion, CFO Siconolfi reported the situation to Deputy Commissioner Labate.

Further inquiry conducted by Deputy Commissioner Labate’s office revealed that President Ryan may have approved wage increases for himself and other senior officers of the Corporation without the knowledge or consent of the Chairperson/CEO or the Board of Directors. This inquiry also revealed the likelihood that President Ryan had approved a so-called World Trade Disaster Appreciation Bonus for himself and other RIOC employees in the fall of 2001.

Thereafter, Deputy Commissioner Labate made known her findings to the RIOC Board. The Board, meeting in special session in early February, 2003, determined to request an Inspector General’s Office investigation into these (and possibly other) unauthorized personnel actions at the Corporation. President Ryan was placed on paid administrative leave for 60 days (later extended) pending further inquiry into this matter. In addition, the law firm Hitsman, Hoffman and O’Reilly LLC was retained to conduct the present Inquiry. The Inspector General’s Office investigation commenced in early February, 2003, and is currently pending. This Inquiry commenced shortly thereafter.

In a letter dated February 11, 2003, Vice President Robert Antonek tendered his resignation with an effective date of March 1, 2003. His request for the cash payment of approximately 505 hours (\$26,726) of accumulated paid leave is presently being held in abeyance pending the completion of the Corporation’s inquiry. President Ryan remains on paid administrative leave at an annual salary of \$123,191.

Here is another relatively dry account condensed from a memo to the New York State Inspector General. While there is no name on the “from” line, it appears to be an opinion questioning the legality of Mary Beth Labate’s specific actions and timing in suspending Ryan, and may have been prepared by an attorney for Ryan or one of the other RIOC staffers whose salary payments were being called into question. It is dated May 21, 2003.

On February 4, 2003, an unscheduled meeting of the Board of Directors of the Roosevelt Island Operating Corporation (RIOC) was held at the corporate offices of the New York State Housing Finance Agency (HFA) in Manhattan. RIOC’s Board meetings are usually held on Roosevelt Island and are open to the public in accordance with the Open Meetings Law. The notice was dated February 3, 2003, and was posted on RIOC’s office door after the close of business on February 3, but before the RIOC offices were opened on February 4. No notices were sent to Kenneth Leitner, as Secretary/General Counsel of the corporation, or to the President/Chief Operating Officer. The stated purpose of the meeting, to be held at 4:00 p.m. on February 4, 2003, was to enter into Executive Session to discuss a personnel matter and that no other action was scheduled. Neither the President/Chief Operating Office nor the Secretary/General Counsel attended the unscheduled meeting.

At 3:30 p.m. on February 4, 2003, the President/Chief Operating Officer received a telephone call at RIOC’s offices, in front of witnesses, from Mary Beth Labate and Cathy Johnson, both employees of the New York State Division of Housing and Community Renewal (DHCR) informing him that (i) he has been put on “administrative leave” with pay

SPORTSWIRE

Results of The Roosevelt Island Tennis Association’s Club Championships Tournament

The Roosevelt Island Tennis Association held its season-ending Club Championships Tournament over the past three weekends. Matches were held in four categories – Men’s and Women’s Singles, Men’s Doubles, and Mixed Doubles. The tournament was interrupted by the torrential rains that hit New York the first half of October.

The Men’s and Women’s Singles competitions were held Sept. 24 and 25. The Finals of the Men’s Doubles and the Mixed Doubles competitions were held Oct. 15.

Finals results were as follows (winners in boldface):

Men’s Singles Final:	Michael Kolba vs. Paul Fraccalvieri	6-4, 6-4
Women’s Singles Final:	Halina Pavels vs. Atsumi Kolba	3-6, 6-3, 6-4
Men’s Doubles Final:	Michael Kolba & John Rodrigue vs. Paul Fraccalvieri & Mathew Samuel	6-3, 6-3
Mixed Doubles Final:	Halina Pavels & Mathew Samuel vs. Atsumi Kolba & Michael Kolba	5-7, 6-3, 6-4

The new Octagon Tennis Courts, with their Plexicushion surface and multi-directional low mast lighting, are a wonderful improvement on the Island. While some elements were slow in arriving even after a delayed opening in the spring, recently some of the finishing touches have been put into place. The long-awaited benches are now in place on the courts, the drinks machines are working, and the lights are programmed to be able to stay on until 10:30 p.m. every evening when activated by the timer on the courts.

Even though the Roosevelt Island Operating Corporation’s maintenance of the courts will officially end November 30, the nets will remain up and the courts will remain open for unofficial play throughout the winter. Until then, players are working with RIOC’s grounds crew to keep the fall leaves at bay. After that, all that is hoped for is a mild winter.

-Report prepared by RITA

... But the Trip Out the Door Was No Walk in the Park

for 60 days pending an investigation, (ii) RIOC’s Public Safety Director has been requested to escort him out of RIOC’s offices, and (iii) the nature of the charges for which he was put on administrative leave could not be disclosed. Within 20 minutes, RIOC Deputy Director of Public Safety, R. Bryan, having been stationed in the lobby of RIOC’s offices earlier in the day, signed the attached advisory stating that at 3:50 p.m. Robert H. Ryan was relieved of six items of RIOC identification and denied access to RIOC’s offices. The advisory was countersigned by Robert Antonek, Vice President, and processed under RIOC’s receipted mail date stamp at 4:08 p.m. for the record. It is to be duly noted that all of these actions took place before the directors met at the unscheduled meeting and were taken in a manner which denied due process to the President/Chief Operating Officer. Pursuant to RIOC’s enabling act and the by-laws, the Chairperson/Chief Executive Officer of RIOC only has one vote on the Board, and does not have the authority without prior Board approval to put a RIOC officer elected or appointed by the Board of Directors on administrative leave.

Finally, here is Robert H. Ryan’s account, given in response to questions at Monday’s hearing of the Brodsky Committee:

Ryan: Well, I was made aware... Well, let’s put it this way. The first thing I heard about, we had about... I believe we had a meeting on the 30th (sic) of February, a Board meeting, and I sat in the very position [in Good Shepherd Community Center] you are now, sir, and the next afternoon, that would have been the 31st, I received a phone call...

Assemblymember Brodsky: We’re trying to figure out when the 30th of February was.

Ryan: It was a Friday. Oh, the 30th – I’m sorry, we had a meeting on the 29th. The 30th I received a phone call.

Assemblymember Grannis: Same problem.

Brodsky: Same problem.

Ryan: What am I...? I’m on January. I’m sorry. You know where I am, I’m sorry if I... January 29... [there are] a whole bunch of thoughts going through my head. I believe we had a meeting in the evening. January 30th, in the morning, late morning, lunchtime, maybe. Pat Siconolfi came into my office and said that Nancy Reuss of the Division of the Budget wanted information about salaries. Was it OK to give her and I said, “Of course it’s OK. It’s public information.”

Brodsky: When you received a notice that the Board...

Ryan: Well, let me finish my scenario here. I received later that day a phone call, and my memory’s a little fuzzy on this, I believe it was from Mary Beth Labate saying that would I be available at 4:00 o’clock on Tuesday afternoon, which I believe was the 1st of February, would I be available at 4:00 o’clock for a call with Diana Taylor, who was then the Secretary for Authorities. The following Monday, the 3rd, a member of the Board called me in the late afternoon and said, “Rob, I need to see you right away.” That member of the Board told me that I was going to be removed from office the next day, [that] discussions had taken place with other members, and the only question left was whether I was going to be put on administrative leave or fired outright.

Now, I, from testimony, from bits and pieces – I came in late [to this hearing] – but from bits and pieces of testimony I heard before, something isn’t jiving here.

And let me also add I found it quite amazing that... Well, that phone call never took place. The phone call instead came a little earlier. It came from Mary Beth Labate, at which time she told me to gather up my personal belongings to be escorted out of the office. I asked, “Why? What’s going on?” She would not answer the question.

I packed up my belongings under the supervision of two members of the Public Safety Department and other members of RIOC staff. A member of the staff then drove me home. So I was home shortly before 5:00. Let me just finish.

Within half an hour to 45 minutes after I returned home, I received three phone calls from members of the New York City press corps, and in those phone calls they asked me if it was true that I had been led out of the office in handcuffs and placed under arrest. OK? You know, something is awfully weird here.

The next morning, from my understanding from a member of the staff, bright and early, the letterhead had already been

changed, and Robert Ryan, President, had been removed and there was already letterhead with Pat Siconolfi’s name on it. From the [Hitsman] report and everything I read, my brief reading of it over the weekend on the train – I was visiting friends in Washington and on the ride back I read it – it seems like Hitsman was retained like immediately thereafter. I mean, it doesn’t seem like anybody went out and interviewed people, talked...

I find it amazing that we have Jackson, Lewis on retainer as a law firm they had approved, and here you had a firm that oversaw me clearing out the Javits Center of mob influence in the Javits Center, and has a great deal of experience in matters of this kind – they were not consulted. All of a sudden a firm named Hitsman, which seems to be an appropriate name, no joke intended here, arrives on the scene. And to the best of my knowledge, there was no Board action approving the hiring of the firm until much later.

its Commissioner, Judith A. Calogero, her designee, Mary Beth Labate, and the now acting President/Chief Operating Officer of RIOC, Patrick Siconolfi, with regard to their intent to deceive and defraud the Board of Directors of RIOC, their abuse of power and breach of certain State laws as improper governmental actions under the Civil Service Law of New York, as more particularly set forth in the Governor’s Executive Order No. 39.

[After two paragraphs discussing the law creating RIOC and its relationship to DHCR, the letter continues:]

The DHCR and the Vice President/Chief Financial Officer of RIOC (an employee who has dual employment status with both DHCR and RIOC) have conspired to misinform the RIOC Board of Directors and to allege egregious financial abuses attributable to Robert H. Ryan, President/Chief Operating Officer of RIOC, resulting in Mr. Ryan’s effective termination without investigation or proof of any allegations. They



Near the end of his testimony, offered a chance to add anything he might consider relevant, Ryan presented a letter to the Brodsky committee:

Ryan: This is a memo written by a member of the RIOC staff whose name is not... has been removed from the memo to the State Inspector General’s office. And what this memo dWoes is outline the removal of me, for lack of a better term, from office, and, as well as a number of other points that are covered in the Hitsman Report. The date on the memo is May 21, 2003. I would suggest that you review it because there’s quite a few very interesting points made on a very legal basis about the activities of the Board and how they acted with what I would say is disregard to the open public meeting laws, which they ignored, and I would also believe with malice toward me or at least my reputation. I find it totally outrageous how the Board acted. I want to repeat – not once, not once before any action was taken did someone come in and say, “Rob, what happened here?” You know, “Can you explain what happened here?” I never got my day in court. I never got my day in court. This is my first day in court, and that’s why I decided to attend and why I decided to attend without counsel.

The letter Ryan presented, which *The WIRE* believes to have been written by RIOC Public Information Officer John Melia, follows. Melia was subsequently marginalized at RIOC – given no work to do – and, according to sources, fired more than once, unsuccessfully. He has now left RIOC.

Complaint under Governor’s Executive Order No. 39
March 21, 2003

Dear Mr. Rossi:

The undersigned is the [identifying information removed] of the Roosevelt Island Operating Corporation of the State of New York (RIOC) and hereby submits this letter, the enclosed memorandum and its attachments and enclosures as a complaint and disclosure of information concerning the NYS Division of Housing and Community Renewal (DHCR),

have proceeded to hamper and conceal any information which would offer explanations or evidence that Mr. Ryan reasonably relied upon advice given by RIOC’s Chief Financial Officer, and that the allegations lodged against Mr. Ryan should more properly be assessed against Patrick Siconolfi as the Chief Financial Officer of RIOC. As a consequence of their deceit and fraudulent allegations, the Board appointed Patrick Siconolfi as “acting President/Chief Operating Officer” and has put him “in charge of Mr. Ryan’s investigation.” Notwithstanding advice to the contrary, the acting President/Chief Operating Officer and Chairperson and her designee’s actions have caused serious breaches of the Open Meeting Laws and the Personal Privacy Protection Law, exposing the corporation to lawsuits by the media and aggrieved employees of RIOC.

The undersigned expressly requests the protection offered under the Governor’s Executive Order No. 39 which provides that any officer or employee who reports to the State Inspector General improper governmental actions as defined in Civil Service Law Section 75-b shall not be subject to dismissal, discipline, or other personnel action, including but not limited to being put on administrative leave with or without pay.

In anticipation of your assistance in this matter, this letter, the enclosed memorandum and other materials are hereby submitted in full confidence that the undersigned has performed his lawful duty and obligation as required under the law.

[Signature removed.]

Ryan also provided the Brodsky Committee with a copy of an invoice for legal services and expenses from the Hitsman firm, saying it was copied from an original that had been removed from the RIOC files and replaced with a shorter and simpler version. He suggested that this might have been done to conceal information in the invoice showing that the timing of certain events related to his dismissal made the process illegal.

The invoice shows that the investigation cost RIOC over \$60,000.

Seeing RIOC Very Differently: In Opposing Corners,

Mary Beth Labate

The Roosevelt Island Operating Corporation appreciates this opportunity to meet with the members of the Committee on Corporations, Authorities, and Commissions today to discuss what we believe to be a continuing success story.

Our 147-acre Island in the East River is home to more than 9,000 New Yorkers living in more than 3,650 apartments spanning the economic range from low income to market rate housing. The Island has six historic landmarks, several spacious parks, and sports facilities, an aerial Tramway, numerous playgrounds, a waterfront promenade, and unparalleled views of Manhattan.

Our progress may have hit a few bumps over the past 36 years, but it has been constant, and we remain committed to continuing that progress as we develop additional housing in Southtown and Octagon, a new park at Southpoint, and continuing to maintain and upgrade our infrastructure.

We are meeting here today in response to a report issued by your committee about operations at Roosevelt Island, and specifically, the management of the Island by the Roosevelt Island Operating Corporation, the public-benefit corporation created by the State Legislature in 1984.

We welcome the comments in the report commending the current administration’s oversight of the Island. Under President Herb Berman, we have achieved financial independence and self-sufficiency for the first time in our history. In 1995, RIOC had a \$3.9 million fund balance. By the end of the 2004-2005 fiscal year, that fund balance had grown to \$10 million, and I believe our audited financial reports for ’05 will show further improvements, and we have no major outstanding liabilities.

It is because of that fiscal stability that we are able to embark on an ambitious \$21 million five-year capital improvement program that calls for renovation of the exterior of the historic Blackwell House, replacement of two elevators – along with related electrical and waterproofing work – at the Motorgate Parking facility; we’re going to be doing a complete overhaul of the Tramway, the purchase of four new hybrid electric buses, and I think you’ll be seeing a host of other activities around the Island.

In addition, I... we have recently committed \$4 million toward development of a park at Southpoint. It’s been a goal of ours for a very long time. I’m very proud of the corporation for being in a position, a financial position, to do that now.

We are concerned, however, at many of the comments in the report that we view as the result of misinformation given to the Committee by some members of the Roosevelt Island Residents Association. The vast majority of those comments are either inaccurate or refer to events that occurred long before the current administration took over, in some cases more than a decade ago. While we who currently administer Island activities, or oversee them from our positions on the board of directors, had no role in those events, we feel compelled to explain to you point by point why they are inaccurate, unfair and flat-out wrong.

In fact, some of the items that RIRA pointed to as criticisms are rather examples of excellent management that enhances our ability to better serve our residents, which of course is the reason we exist in the first place.

Let us take a few of those points one by one.

1. RIRA alleges that \$3.4 million in money from the Department of Environmental Protection was diverted from its intended use to build an ecological park near the Octagon tower site and instead used to cover the cost of infrastructure work at Southtown. This is incorrect. In fact, that money was a reimbursement for direct outlays by RIOC resulting from damage to the seawall in 1994 during the on-going construction of the City’s Third Water Tunnel. RIOC continues to work on Octagon Park, and expects to complete landscaping and other improvements using a combination of funds provided by the developer of the Octagon Apartments and ecological park, and RIOC’s available fund balance, once the City’s work on the Water Tunnel is completed.

2. The committee report asks whether RIOC has ignored the General Development Plan (GDP) as it applies to parks and other amenities. The first point to be made is that the GDP, a five-page document first promulgated in 1969 and amended several times since, is not a rigid blueprint for specific developments going in specific locations but a series of broad criteria and a Statement of philosophy. We remain committed to the principles underlying the GDP. But the various Island residents’ groups who have brought past legal actions have been repeatedly rebuffed in their attempt to read into the GDP a set of ironclad design restrictions that simply do not exist. The overall land map on the Island reveals compliance with the vision of a complex intertwined series of residences, retail establishments, parks, public facilities, and the like.

3. RIRA has raised questions about whether provisions requiring an 80/20 affordable housing requirement, in which 20 percent of units are set aside as affordable units, are being observed in the Southtown development. We are not aware of any tax abatement agreements between the developers and either the City or State that would require the developer to set aside 20% of the units as affordable. We would note, however, that development of the Southtown buildings is guided by the commitment to affordability contained in the General Development Plan. In fact, the first two buildings being developed in Southtown are being fully

In Monday’s hearing in the Good Shepherd Community Center, former RIOC Board Chair Mary Beth Labate and current Residents Association Vice President Margie Smith presented sharply contrasting views of RIOC’s effectiveness. Here are their prepared statements

occupied respectively by the staffs of Memorial Sloan Kettering and Cornell University Hospital, both tax exempt medical and/or entities which to the best of our knowledge are subsidizing the carrying costs for their staffs who will live there in order to make them affordable. The third building will be partly owned by Cornell.

4. RIRA has alleged that RIOC has grabbed the mortgage recording taxes from the State paid by the developer of the Southtown project. This is another misunderstanding, whether intentional or otherwise, of the fiscal arrangements under which development proceeds on the Island. In fact, what happened is that, because RIOC is exempt from paying the mortgage recording tax, an arrangement was made with the developer for an equivalent fee to be paid into RIOC’s accounts and reinvested right here on the Island. This amounted to about \$3.6 million combined for the first three buildings to be developed in Southtown. The alternative would have been for no mortgage recording tax to have been paid at all, which would have provided the developer with a



Mary Beth Labate, ex-Chair, RIOC Board

windfall. Instead, the money was deposited into RIOC’s accounts for use in managing and developing the Island. It is one more example of how RIOC has used its financial expertise to maximize its ability to run the Island on a fiscally self-sufficient basis without State or City subsidies that we received in the past. Rather than being criticized for this action, I believe it is one more instance in which the current administration should be commended for its creative – and I might add transparent – financial management.

5. RIRA similarly complained, though without specifics, that something is amiss in the alternative parking location planned in connection with the Octagon Project. While we are not sure exactly what the complaint is, the situation is that the existing Motorgate Parking facility capacity was expected to be inadequate once the Southtown project was completed. Quite simply, the Motorgate could not accommodate both Southtown and the Octagon. We needed future additional parking on the Island and we ensured that the developers, not RIOC, paid for it. While the developer initially planned a number of parking spots that would have complied with HUD mortgage insurance financing requirements tied to the market value of apartments, the developer’s eventual decision to forego HUD financing allowed the development to go forward with fewer, though still adequate, parking capacity.

6. The committee has also asked about public participation in the decisions to revise redevelopment plans at Octagon Park. The project was the subject of at least nine public hearings and meetings at which developer Bruce Becker presented his plans and listened to Island residents expressing their views. If you include additional meetings, there were about 40 sessions at which the plans were discussed with residents and others. In addition, Becker spoke informally with many residents at various RIOC board meetings, and worked closely with the Roosevelt Island Tennis Association in upgrading those courts. Becker also offered several times to meet with the then-president of RIRA and the RIRA planning committee, but those invitations were never fol-

lowed up on. It was a pleasure to attend the Octagon Topping-Off Ceremony on September 21 and see so many Island residents there to celebrate this important project.

7. The committee asked whether raises given to former RIOC President Rob Ryan and his employee, Rob Antonek, were approved by the RIOC board. As you know, this was the focus of the so-called Hitsman Report, which was prepared for the RIOC board as these questions swirled around the former administration which was summarily removed by the board more than three years ago. In our discussions with committee staff, we explained that elements of the Hitsman report might fall under Federal and State confidentiality laws and that we had to take extreme caution to ensure that we did not expose the Corporation to liability by running afoul of those laws as they apply to current and former employees. At the request of the committee, we have had those sections redacted from the report and we made it available to you. As far as the board’s view of Mr. Ryan’s activities, suffice it say that our actions removing him from office speaks for itself.

8. The committee questions whether all interested parties were given adequate and simultaneous notification of modifications to the Request for Qualifications for development at Southtown. This question goes back several administrations to 1996. A check of our records reveals that on August 19, 1996, there was a pre-submission conference held that was mandatory to interested parties, and the agenda included an item entitled “Clarifications to the RFQ.” Among the clarifications handed out to attendees was one which increased flexibility in the manner in which the batch concrete was to be brought to the site and processed, in essence replacing a requirement that a barge-based delivery system be used to a

preference for such a system. Everyone got the same information at the same time, as best we can recreate from our records.

There are a number of errors in the committee report I feel compelled to point out, in order to ensure we are dealing with the same fact base. The report, for example, points to pages 47 and 48 of the General Development Plan which is only a five-page document. For another, the report under-values four of the Southtown buildings by a combined \$7.5 million.

We are not in violation of the Open Meetings Law, as is alleged by RIRA, since we only go into executive session to discuss personnel matters and the details of ongoing real estate transactions where we believe our position is best served by keeping our internal discussions confidential.

The report also raises RIRA’s allegation that RIOC has used one-shot fiscal infusions to cover its operating expenses; that which is not correct. A one-shot is generally viewed as a non-recurring source of income spent within the current year, or the use of one-time income from capital sales for operating expenses. Neither of those are the case here.

In one specific case mentioned, the board collected 66 years of rental revenue from Southtown in a net present value lump sum. Had we used that revenue for operating expenses, we might be subject to that kind of criticism. In fact we have dedicated 60 percent of that revenue to the long term reserve fund, 39 percent directly to the capital budget and just 1 percent to the operating budget. The result again has been RIOC’s ability to launch its \$21 million capital program, commit \$4 million to preserve and enhance open space on Southpoint, and create a reserve fund conservatively projected to be \$7.8 million.

Assemblymen Brodsky and Grannis, I know in the past you have been critical in the past of actions by the State government in ending operating subsidies that had been used during previous administrations to balance our books.

Continues next page

Mary Beth Labate (DHCR) and Margie Smith (RIRA)

Margie Smith

The problems on Roosevelt Island can be split into two groups:

- 1) The basic political structure is flawed
- 2) The governor-appointed staff is doing a terrible job developing and managing the Island

Political Structure

As you all know, Roosevelt Island was meant to be a planned community where people of all income levels, ethnicities, ages, and backgrounds would live together as a cohesive community. Since the Island is owned by NYC, but leased to NYS, the State, very legitimately, became the “managers” of the Island. This works fine when the entity being managed is a “thing,” but not when it’s people. Bypassing the local elected officials to allow the State to make local decisions effectively removes a layer of representation (local government) that other citizens of NYC receive.

One example of this would be development projects. In other parts of NYC there are zoning laws which are either adhered to or a process is followed to grant a variance to the developer. If a variance is granted, it’s only after the project is presented to multiple groups, including the City Council for approval. On Roosevelt Island, however, we have no zoning protection. Our development is supposed to be done according the General Development Plan (GDP), which is part of the lease between NYC and NYS. The GDP can be amended by the State and the “office of the mayor”. That translates into the RIOC Board and the Mayor, completely bypassing the City Council. This was just done recently in order to build the Octagon project. This political structure does not allow the residents of Roosevelt Island equal protection under the law. It was decided in the Southtown lawsuit that the residents do not even have standing regarding GDP issues because the lease is an agreement between the city and state and the residents are “incidental recipients.” Where then, is our protection against irresponsible development?

The same applies to city services. On the Island, we have to pay extra to have our street lights repaired, to have our streets cleaned, etc. Other NYC residents receive these services automatically through their tax dollars.

The current structure allows the RIOC Board to act in lieu of local government, taking away the residents’ rights to be heard and to have the same representation afforded to other NYC residents. We believe that the obvious solution to this is to have a RIOC Board that’s elected by the residents of Roosevelt Island, a board that would then hire a President and COO with the skills to manage the Island. There needs to be legislation passed to make this happen so that decisions about how the Island will be developed, how the residents’ money will be spent, what activities will be permitted on the Island, etc. will be handled by local, elected officials. These are basic rights which are the cornerstone of democracy and they directly impact our quality of life.

RIOC is doing a terrible job

Here are just a few examples of the areas where the residents believe RIOC is falling down on the job:

This Governor-appointed Board is allowing NYS to provide zero funding to the Island. This has caused multiple problems, including:

- Island maintenance has deteriorated at an alarming rate, e.g., the bottom of the ramp onto the Island is continuously in disrepair, making it difficult for the seniors and the disabled to get to the grocery store; the lights are chronically out along Main Street and along the promenade. Even Mary Beth Labate said at the last RIOC board meeting, when I again brought it up, that she’d been hearing about this since she first came to the Island and something needed to be done.
- Development deals with one-time payments were made, which means there will be no appreciable long-term income stream for the future of the Island and will most likely mean that more open space areas will have to be sacrificed in order for the Island to cover day-to-day operating expenses and future capital expenses.
- Residents are forced to pay close to \$3 million per year for a public safety service that most residents agree needs reforming (see referendum vote). RIOC has repeatedly re-

Labate, continued

But any unbiased review of RIOC’s finances over the past decade would reveal that RIOC has in fact used the subsidy cutoff as an opportunity to get our own house in order, and the result has been a self-sufficient administration that is better able to plan for the future for the betterment of our residents.

Rather than being critical of RIOC’s fiscal management, it would seem we should be commended for setting an example that other authorities around the State should aspire to in terms of being fiscally self-sufficient.

We are here to answer any questions you might have about the points I have touched upon, or any other points you might want to bring up. We are proud of our stewardship of this jewel in the East River that is home to thousands of middle class residents who are the heart and soul of our City and State.

We are always ready to listen to constructive criticism and eager to carry out recommendations that will enhance the quality of life for our residents and the transparency and effectiveness of our management.



Steve Marcus and Margie Smith, President and Vice President, RIRA

fused to provide any information on what the Public Safety Department is supposed to do, nor, to our knowledge, does such a document exist internally. This represents a significant failure of managerial oversight for an area that consumes about a quarter of RIOC’s regular budget. It also begs the question why, if we’re getting the same level of police protection as the rest of the City, do we need to spend this kind of money on a private police force?

- RIOC staff is either unqualified or unwilling to do the things that need to be done. For example:
 - There is a highly paid Public Information Officer who does not communicate with the public and contributes no discernible value to RIOC or the Island. The RIOC staff appears to be top-heavy with appointees in administrative positions, but short on employees who do actual work like maintenance and general upkeep.
 - There are no maintenance standards in place on the Island.
 - In spite of the residents pleading since the 2003 blackout for an Island-specific emergency plan, there is still no plan. There have been numerous meetings, but more than 2 years later we still have no “On-Island shelter” with emergency supplies, nor do we have a communications plan to get word to the residents as to what they should do. There is a first draft that just came out last week that addresses certain other emergency issues, but not the ones the residents are most concerned about.
 - The RIOC office closes at the times that the residents need them to be open. Most businesses operate Monday through Friday, from 9 to 5 because that’s when their customers show up. In the service industries, companies are open on weekends and in the evening. RIOC is managing a community, yet they leave the Island when the residents (their customers) come home. It’s like sending the cooks and waiters in a restaurant home during lunch and dinner time.
 - The maintenance that is done is below standard, e.g., Motorgate garage is filthy, the sidewalk in front of the stationery store was dug up and replaced with cement instead of the standard z-bricks, the Church Plaza is dirty and parts are covered with grease or oil because garbage trucks and RIOC vehicles are allowed to drive on it, etc., etc.
- There is a veil of secrecy around decisions that are made about the day-to-day operations and about future development:
 - The RFIP advertised on 9/26/05 in the Contract Reporter describes land available for development that the residents were assured as recently as the 9/08/05 RIOC Board meeting would be kept as open space. The Board actually voted to set aside \$4 million for a plan that identifies as open space the very area the RFIP says is available to developers. When surveyed just a few months ago, the residents overwhelmingly disapproved any plan to develop this site for housing, commercial space, etc., and instead voted in favor of a “wild gardens” plan that was presented by the TPL. Why would the board vote to set this money aside and three weeks later put that same up for bid in an RFIP?
 - Resident input is not encouraged and is in fact discouraged. Residents are only allowed to speak at every other Board meeting, essentially 4 or 5 times a year, and only after all business has been conducted and votes have already been taken. And many important issues are discussed in private executive session, so when the Board returns for their vote, we hear how they vote, but not the thinking that went into that decision. Plus, all board meetings are scheduled during the work day so, in order to be heard, residents must take time off from work.
 - Financial information is not made available to residents, i.e., the annual budget, the capital plan, the audited financials, etc.

- The RIOC website has been woefully out of date regarding meeting minutes, general information, etc. It’s only since this Committee’s report was published that it’s been brought up to date.

Several more examples are:

- Last winter RIOC moved the bus stop by the subway. This caused undue hardship on the residents who, instead of being able to stand indoors and wait for the bus had to stand in the cold. Immediately upon this change being made the residents went to RIOC and requested that it be changed back. It took months of constant complaining from the residents until it was finally changed back. This should never have happened in the first place, but once it did, the decision should have been rescinded immediately upon hearing from the residents.
 - RIOC also changed the route of the buses, again in the winter, without consulting the residents, to accommodate residents of the new buildings in Southtown who live within short walking distance of the subway station. Though the new route caused major inconvenience for thousands of residents, and the stop they added went unused for weeks, they seemed unable to revise their poor decision. None of them live here, none of them are affected by their bad decisions on a day-to-day basis, and they often appear not to care and to make decisions only to satisfy the demands of those bringing new development.
 - Right after the blackout of 2003, RIOC stopped the twice a week bus service provided to the seniors that allows them to get off the Island and do some grocery shopping in Queens. There was a series of rolling excuses given, i.e., there’s an insurance problem, the buses are in bad shape, we don’t have enough buses, etc. After several months of the residents complaining, one bus was put back. It took more than a year of residents constantly pushing to get the second bus put back again.
 - Residents voted in a referendum in 2004 stating their dissatisfaction with several areas of RIOC management, including the Public Safety Dept., the Youth Center, Island maintenance, the Octagon development, and Southpoint. The referendum results were never discussed with the residents. When I asked at a RIOC Board meeting how it was going to be handled I was told that the Board hadn’t decided how they were going to address them. They never publicly addressed the vote.
- RIOC makes it difficult for residents to plan community events, which directly impacts the quality of life on the Island. For example:

- The Community Center is not available to the residents on Saturdays, the day we most need to use it.
 - When we want to hold any kind of event, e.g., a simple meeting in the community center, or the outdoor movies we held in Southpoint Park, RIOC requires that we get insurance which is additional to what they already have, even though they pay the premium for that insurance with Roosevelt Island money. Residents who have wanted to sponsor valuable events have become discouraged and unwilling to leap the hurdles RIOC puts in their way, both in terms of standing procedures and in terms of a variety of road blocks that seem to be invented along the way.
- There are dozens and dozens more like this, but the main point to be made is that the residents have absolutely no voice in the management of the Island. The real solution is legislation to let the residents elect the members of the RIOC Board. The interim solution is to put back the funding in the Roosevelt Island line item of the NYS budget and replace the current management with qualified people who are closely monitored by this committee (or whomever they deem appropriate) and who must be accountable to the residents.

Agendas at the Monday’s Committee Hearing: Brodsky on the Trail of Authorities “Captured” by the Governor

Near the end of Robert H. Ryan’s testimony, Chair Richard Brodsky discussed its relevance as he investigates with a view toward authority reform:

“The evidence that we received today,” he said, “is going to be consistent with what I think is a pattern across the board, which is that the capture of the Authorities by the executive chamber has had consequences, and those consequences [have already] led to a reform package, which the Governor [has on his desk].”

It’s common knowledge that RIOC Presidents are chosen by the Governor and that the RIOC Board has only a rubber-stamp role in hiring and “electing” them. There’s never more than one candidate, and the last three – Jerome Blue, Robert H. Ryan, and Herbert E. Berman – have come to RIOC after serving the Governor or a Pataki friend in some other capacity.

In a pattern of questioning with both Ryan and RIOC Board Chair Mary Beth Labate, Brodsky was looking for evidence that the Governor’s office, through an entity called the Appointments Office, was handling the placement of executives in State authorities and corporations. Labate never quite admitted that the selections were made in Albany.

Brodsky: Does the Appointments Office have any role in the hiring and firing of employees at RIOC?

Labate: No.
B: They have never suggested the hiring of a person to you?

L: Yes. They’ve suggested the hiring. They don’t have the ultimate authority over it.

B: How many times did they do that?
L: During my tenure, they haven’t. During my tenure, we brought on two senior-level employees, Mr. Berman and Ms. Van de Wall, and I... Again, I never had a single conversation with the Appointments Office about either one of them.

B: So...
L: And they were both approved by the Board.
B: I’m not sure I understand your testimony. Your testimony was that they were involved in hiring...

L: I believe in the... I can’t... You know, I can’t speak in the past. I can’t speak to the past.

B: But you have never directly heard from the Appointments Office as to the hiring of personnel at RIOC.

L: I believe when... Again, I’ve only had two... two senior-level employees come on during my tenure, both of whom were approved by the Board. Um...

B: And... My question is not related just to senior employees. My question was, you have not had discussions with the Appointments Office or been made aware of discussions with the Appointments Office about personnel matters?

L: We have informed them when we were going to fire certain people.

B: And... How many people have you fired?
L: We fired a few.

B: How many people did you fire who you informed the Appointments Office about?

L: Um... We certainly told them that... We did tell them that we were going to be firing... Again, I didn’t have any personal discussions with them. I believe they were made aware that we were going to be firing Mr. Ryan.

B: Anybody else?
L: Um... No, I shouldn’t have said a few... I mean, we fired a few others that [were] vetted, but through the Appointments Office it certainly wasn’t vetted through me.

B: Why would you tell the Appointments Office about these other people?

L: Because I... There is a... I mean... There is a... some role to be played, I believe, by the Governor’s office.

B: What role is that?
L: I believe there’s a courtesy to be extended to them, that... It is... Clearly...

B: Where in the statutes do you find, as part of the responsibility for the leadership of the Island, that there should be a role for the Appointments Office in these matters?

L: Well, I don’t consider it the Appointments Office. I consider it keeping the Governor’s office, at the appropriate times, apprised of the plans... the Corporation’s plans.

B: Do you have a monthly reporting system that... in which the operations and decisions taken by the agency are sent directly to the Governor’s office on a monthly basis?

L: No.
B: When major policy decisions are made, is the Governor’s office informed?

L: It depends. We might keep them abreast of what we’re doing. We certainly don’t go to them for a yes or no. That’s what my Board is for.

B: OK. I’d like you to clarify for the committee who and under what circumstances, concerning what matters, what persons, and under what circumstances, communications were had between RIOC’s management, not just you, and

the Appointments Office, and whether that continues on a regular basis. Or, did... Did... Was your testimony discussed with you in the executive chamber?

L: No. As a matter of fact, I was thinking when I was coming here today that I don’t know if they know this hearing is happening.

Assemblymember Pete Grannis later took up the subject.

Grannis: Let me just pick up on a point that Richard was raising about the role of the Appointments Office in making selections for senior management at RIOC. I know you weren’t here when Dr. Blue came, but was there any information you were aware of when that appointment was made because of a talent search or because of a recommendation of the Appointments Office?

Labate: I have none...
G: When Mr. Ryan [UNINT]
L: No, I was not.

G: Any information on whether his appointment by the Board was the result of a talent search by the Board to find the best operating officer for RIOC, or a recommendation of the Appointments Office.

L: I have no idea.
G: I know you were here when Mr. Berman came. Was that again a... did you put out a... did you... was there any committee of the Board that did a talent search to find the best person to run RIOC? That’s normally the way in the business world that you find new talent if you’re not moving somebody up. Was there any such effort by the Board prior to the selection of Mr. Berman by the Board as the head of RIOC?

L: The Board interviewed... I believe several members of the Board, and I can’t say for certain all of them, but I know that several members of the Board interviewed Mr. Berman, and clearly there’s an understanding – they have to sit there and take a vote on it, and with six resident Board members there’s a clear understanding that if someone does not believe that any candidate is qualified, that candidate will not be appointed.

G: The question is how Mr. Berman came to the attention of the Board as being interested in the job, whether or not that was an effort by the Board to reach out. Did you do any advertising saying the position was available?

L: Mr. Berman’s name surfaced to me through Judy Calogero, and she asked me to sit down with him and see if he would be a good match. I immediately thought he would be an excellent match. I thought we were really fortunate to [UNINT, BOTH TALKING]...

G: [PARTLY UNINT] I’m not...
L: No, I’m not... [PARTLY UNINT] The process is that I was asked to sit down... Judy Calogero suggested his name. I was asked to sit down and talk to him and see if I thought he would be a good fit for the Island. I thought he was, and I then asked some Board members to do the same before bringing it to the full Board.

G: So there was no posting of the availability of the position in *The Wall Street Journal* or...

L: No.
G: RNC [Republican National Committee], maybe? Let me... [Laughter in the audience]

L: Mr. Berman...
Brodsky: The room will be in order.
L: We would have to, I guess, post it in the DNC [Democratic National Committee] if we were going to find Mr. Berman.

B: The room will be in order. That includes the witness. (Laughter among committee and witness.)

Later, with Ryan, Brodsky had more luck in seeking evidence that the Governor’s Appointments Office serves as sole gatekeeper for high-level RIOC positions.

Brodsky: This committee has undertaken an investigation of authorities across the State for three years, and repeatedly, we bump up against the fundamental question of who runs the State authorities. We believe, I believe – let me speak for myself – that this administration, building on policies that started under the Cuomo administration, viewed authorities as essentially departments of the governor.

Ryan: You know, in all fairness, I think that would be a far better question to ask of the Secretary of Authorities.

B: Well, the fact that there is a Secretary of Authorities may answer the question in and of itself.

R: Well, you know, look, anybody can interpret anything any way they want... I just understood that, you know, that matters to do with authorities fell under the purview of the Secretary of Authorities, thus the name.

Brodsky then attempted to explore how thoroughly the Governor’s office controls authorities and public benefit corporations like RIOC:

Brodsky: The report States twice that you represented to Mr. Hitsman that it was the Appointments Office that you contacted [seeking a pay increase].

Ryan: I go by the rule of thumb. I always talk to the person who brought me to the dance.

B: What does that mean?
R: Well, I was serving at the pleasure of the Governor. I was brought into this job via the Appointments Office.

B: How did that occur?
R: They called me up and they said, “There’s an opening on Roosevelt Island. Jerry Blue is leaving.”

B: Who called?
R: Tom Doherty.
B: And what did he say?
R: I can’t remember the exact conversation. It was 1999.

But it was something to the effect of, *Jerry Blue is leaving Roosevelt Island*, and I remember this because it was on a Thursday, I believe, he said, *Jerry Blue is leaving, there’s an opening there, would you be interested in it, because we know you have a background in real estate and real-estate development*, and I said, “Can I have the weekend to think about it,” and he said yes. I came out here with a friend of mine and spent a couple of hours walking the Island, checking some things out. I did some due diligence on my own, called a few people, and sometime early in the next week, I said, “Yeah, I’ll do it.”

B: Was salary discussed?
R: I remember asking him what the salary was.
B: Was the process discussed?
R: As far as...?
B: The appointments process.

R: Yes. They said I had to come in and meet with the Board. I met with a bunch of Board members in the RIOC office prior to a Board meeting. We talked, I discussed my background.

B: Were there any other candidates for the job that you were aware of?

R: I have no clue on that.
Later:
R: We needed somebody to fill the Human Resources position.

B: And that was discussed with the Appointments Office.
R: Yes, it was.

B: How many times did you have conversations with the Appointments Office?

R: Those were really the only positions. I mean, to the best of my recollection, if we were hiring someone new to clean the streets, that did not go through... only major positions, and then I asked for a suggestion if they had one.

B: Did they ever not have a suggestion?
R: Well, I mean, it wasn’t like they said immediately, *Yeah, we’ve got somebody*. It was, *Let’s look at...*

B: They came back.
R: They came back after a while, yes.
B: This was the General Counsel and the Director of Personnel [jobs at RIOC].

R: Yes.
B: You were...
R: And if I could just add Mr. Chairman, it was... I don’t know this for a fact, but I’m sure this was a process before the Pataki administration.

B: I believe it was. That doesn’t make it the right thing...
R: I just wanted, in all fairness, to say that.

B: You also called the Appointments Office with respect to salaries, according to the Hitsman Report.
R: Yeah, it was never...

The discussion turned to Ryan’s focus on increasing his take-home pay as Brodsky sought to show the Governor’s staff largely in charge of authority personnel matters.

B: And who did you talk to?
R: Tom Doherty.

B: And what did he say to you?
R: I talked to Mr. Doherty, because when I first came in, I said, “Gee, I’m taking a pay cut, Tom,” and he said, “Yeah, well, you know, things are going to be – there are people going to be looking at authorities and, you know, stuff. I don’t know what will happen but hang in there and...”

B: He said people were going to be looking at authorities and compensation.

R: It was one of these sort of mañana things. It was going to be next week, next week, next week, and then finally, it was going to be right after Labor Day, 2001, and then the attack on the 11th happened, and...

B: At any time during the course of those discussions, did you tell him that you were dealing with what you refer to as increment and cost-of-living increases on your own?

R: No, because the understanding from Mr. Siconolfi was that these had basically been oversights by the prior administration and they were due to everyone within the Corporation.

B: Were you...
R: And let me also add that when Mr. Siconolfi got in there, the financial records were, you know, akin to my checkbook. They weren’t in good order...

B: The... You also indicated to Mr. Hitsman that you had a conversation with Ms. Labate in which she said that if you could get the approval of the Appointments Office, you could go ahead and grant the cost-of-living increases. Did she urge you to do that?

R: Yes, she did. And, I believe, to the best of my recollection, I believe she at that time was checking, too, at least with the Secretary of Authorities.

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And Grannis Proving a Point About RIOC Capital Expenditures

At Monday’s hearing, Pete Grannis pursued a line of questioning, with both Mary Beth Labate and Robert H. Ryan, intended to confirm his longstanding belief that RIOC was operating without a reasonable plan for capital improvements and that, when a cash-short RIOC spent for capital needs, it focused on developer needs instead of badly needed maintenance or general community improvements.

The issue also revolves around the question of RIOC self-sufficiency. In the late ’90s, the Pataki administration cut off State subsidies for Roosevelt Island, and Pataki’s appointee as RIOC President even proclaimed the Island and RIOC to be financially self-sufficient while cutting back on maintenance.

In the nearly ten years since, the Island has become financially self-sufficient, but RIOC’s road to self-sufficiency focused on development, some of which has gone beyond that originally envisioned in plans for the Island.

Grannis: This issue of self-sufficiency. I’ve been in office many years, basically from the completion of the first phase of Roosevelt Island in 1974-1975. The original [General Development] Plan (GDP), the plan that remains in effect until today, was in anticipation of a community larger than it has been up until now, with self-sufficiency to come at the end of the build-out. Was that a fair statement?

Labate: We got there early. I can’t recall the plan specifically talking about self-sufficiency at the *end* of the build-out. By plan you mean the General Development Plan, is that right? I felt that it was in everyone’s best interest, including the Island residents, to get there in a prudent manner as quickly as possible, and I’m very pleased that we have.

G: But at the time the Pataki administration zeroed out its operating subsidies in the mid-1990s, by most accounts, the Island was only half-completed. Only half as many people [were] on the Island as were originally anticipated in the full General Development Plan. Isn’t that correct?

L: There were 9,000 people and I believe [the GDP] calls for 20,000.

G: And so, self-sufficiency with half as many people as were originally anticipated obviously was something...

L: Well, we’ve been able to achieve it. That’s...

G: There are ways to achieve self-sufficiency. Either raise money, or don’t provide services. Either way, you end up balancing the budget and a number of the concerns over the years, as you know, was that the Island’s failure to have a long-term capital development plan, failure to have the resources needed for the ongoing major Island maintenance projects, the Chapel being one, Blackwell House being another, the roadway maintenance, and a host of other activities. From the administration’s point of view it was casting off an obligation, with a very cavalier approach – *Let them pay for everything themselves*. RIOC has no capacity to raise capital outside of its own resources on the Island, is that correct?

L: That’s correct, and fortunately...

G: So the entire source of Island operational revenue has to be extracted from the Island community, is that correct?

L: I think that’s not a particularly fair representation of how we... We leverage our assets. We take advantage of the opportunities that this Island affords us. There were assets that were just waste for decades; we are now starting to return to the people of the Island and the Island is generating revenue.

G: Well, for the last 14 years I’ve been asking RIOC to produce and share with the community and the elected officials who represent the Island, a long-term capital plan. Three administrations – Dr. Blue, Mr Ryan, and Mr. Berman have had that request in writing repeatedly. Is there a long-term capital plan that exists today?

L: Yes. We have a five-year, \$21 million capital plan that does not include the \$4 million that were just approved for Southpoint Park. We can certainly get you a copy if you haven’t seen it.

G: It was shared with the committee and on it, it was labeled a *draft*. Prior to that, it had been on several Board agendas and been taken off. I guess some preceded Mr. Berman’s tenure, but it’s been drifting around, it’s been re-worked. Was this plan ever approved by the Board?

L: The Board is certainly aware of all its elements... Yes, in mid-April we approved that budget.

G: How was it incorporated? Was it reflected in the Board minutes?

L: Correct. That’s what we did. There was an operating budget and a capital plan...

G: ...and a capital plan? Was it approved by the Board?

L: ...presuming the resources are available, just like the State’s capital plan.

G: Let me ask you a question, then, about the capital plan. The capital plan, still in drafts, you’re spending \$250,000 of RIOC capital budget money in 2004-2005 for Blackwell House. Does that stand?

L: I believe that’s been moved into this year. It’s... The RFP has been issued. I think we are in synch now with the Parks Department on all that needs to be done; once we get the response back from the RFP we can move forward.

G: The RFP for spending the RIOC capital budget money?

L: Correct.

G: There is \$250,000 for last year for Main Street North

repair and upkeep. Does that stand?

L: We did not move forward on a lot of the projects that we had for ’04-’05, primarily because with the pending Octagon litigation, we weren’t certain what our capital was going to be and I made that very clear to the community at the time. So, no, I think if you look down that list, Assemblyman, certainly I can have our operations people meet with you on a lot of it, you’ll see that several of the items that we were hoping to do in prior years, we were not able to do. I think what you’ll see is that we’re able to do those now that the cash is in the bank, so to speak.

G: So the capital budget’s been signed off on by the Board, approved as part of this year’s budget that includes, \$2,150,000 in estimated capital expenditures in 2004-2005, those were not spent?

L: No. I honestly did not come prepared to talk about the capital plan, so I just can’t speak to the individual items on that list. I can certainly speak with you about it at a later date and have folks who can speak with you about it. I do think it’s safe to say that [in] the plan we have approved for ’05-’06 we’re going to be in a position to implement it in a much more timely way than we have in the past because now there’s not that uncertainty clouding our revenues.

Later, Grannis took up the question of capital spending with Ryan:

G: In the initial agreement with the developers of Southtown, they would pick up the entire infrastructure cost, isn’t that correct?

Ryan: That was way before my time. What I do remember is when I arrived on the scene, everything was in negotiation.

G: In my recollection of the discussions, the project couldn’t go ahead in its entirety, it was to be phased. With the phasing decision, the developer would not front the infrastructure costs for the entire project..., so RIOC needed to use its own resources to do the infrastructure. Or, at least, to contribute.

R: Well, yes, to contribute. Let me put it this way. There are a lot of places in New York City where one can do development projects. It was very hard finding a developer who was willing to develop here. And the idea was what was laid out up front would come back later, but the, you know, until, until the medical institutions were landed as tenants for the first two buildings, there was a good possibility the deal was not going forward, and it wasn’t so much the developers as it was the developers’ lending institutions that they dealt with, who were questioning the amount of money that would have to be put in, if the market could sustain it. In hindsight it’s very easy to say, the market has been going up, going up, going up, but nobody has a crystal ball.

G: My reason for all these questions is to try to figure out the timing for moving the money you were receiving from the City for restoration work, and the timing of the commitment to underwrite \$4.5 million in infrastructure for Southtown.

R: The decision had been made. The commitment had already been made from DEP to deliver the funds to RIOC.

G: To reimburse RIOC.

R: Those funds were coming in. It was a question of dotting the i’s and crossing the t’s and the paperwork back and forth, a whole bunch of variables, and it really, to the best of my recollection, it was not, “Oh, we’re taking this money to do this [Southtown infrastructure].” It was money that was going into the general fund. Upon coming to the realization that we were going to have to do work, or contribute to the infrastructure, we were going to have to come up with funds from somewhere, but a lot of this is how much funds do we have on hand right now, and there are so many variables that to tie the two together would be crazy.

G: I would normally not pursue this with you, but since nobody else seems to remember what happened during the period, you are the one opportunity. The \$3.5 million you got from the City through the DEP that was in fact making RIOC whole again; you had already fronted the money for restorations. That wasn’t found money; that was money that had been spent from the RIOC budget, and then reimbursed from the City pursuant to an agreement to repair the damage from the Water Tunnel construction, isn’t that fair? It wasn’t found money.

R: All I know is when I arrived on the scene, DEP owed us. And it had to do with the Water Tunnel. That’s all I have in my memory right now.

G: That brings me back to one of the core issues of the complaints I’ve received in the years I’ve represented Roosevelt Island, reflected in the committee’s report. And that’s been the inattention – a charitable way to put it – to the capital needs of the Island. I can’t remember how many letters I’ve written, to you, to your predecessor, asking if and when a long-term capital plan was going to be in place. It was never in place during your entire administration, and it wasn’t in place...

R: Uh...

G: ...during your predecessor’s entire administration.

R: I beg to disagree. We... I believe we had prepared a plan, and I believe we were told by DHCR to hold back on the plan.

G: That was 2002. In fact, you had a plan, it was on the agenda for discussion and then withdrawn before any discussion. So the capital plan was never presented to the Board for discussion, never adopted...

R: I pulled one together.

G: Excuse me?

R: I pulled one together. You know, I responded to the... I responded to the chairperson of the Board.

G: I just recollect the statement by your predecessor about a capital plan, and when asked by the DHCR Deputy Commissioner who chaired the Board at that time where the plan was, he pointed to his head and said, “It’s all up here. It’s all up here.”

R: Well, sir, in all fairness, I wouldn’t want to be compared to anyone. I consider myself rather unique. But that said, we had a plan. [RIOC CFO Pat] Siconolfi developed...

Later, Grannis wondered about RIOC’s contributing to Southtown infrastructure costs while slighting other capital needs on the Island.

G: During your tenure money was not appropriated by RIOC for fixing the Chapel, Blackwell House, Motorgate, Main Street, the seawall, and that’s... that’s for a start.

R: OK. The reason was...

G: The reason was you didn’t have the resources within a very very tight budget.

R: Well, in all fairness, in all fairness, and I don’t know what ever happened with it, there was a running battle over this building... We applied for a grant for Blackwell House and we were assured we would receive the grant, and we didn’t. You have to put a lot of these things in context.

G: But in the context of capital needs on the Island and no capital plan, you were able readily, fairly quickly to come up with \$4.5 million for the Southtown development while there were capital needs. These weren’t inconsequential capital needs. Blackwell House is still in bad repair. I repeatedly asked you during your tenure to identify for me – to come forward with your requests for projects – if you needed a project funded, to make that request, and I would see to it that money was put in the budget so you could do that. I never got a response. The issue came up...

R: Well, I don’t think you *never* got a response. I think you may have gotten a response that wasn’t in agreement with your views or beliefs.

G: I certainly wasn’t going to work, as I explained to you, for money for the Island if (1) you said you didn’t need it, and (2) if appropriated, given the fact that you said you didn’t need it, it wouldn’t be spent. There are limited resources. Because in any budget we do in Albany, we have the operational side and the capital side. The capital side is funded differently, with an eye toward long-term capital needs. You and your predecessor, along with the current administration, have failed to identify any capital needs of the Island that would warrant, and in fact failed to make any request to the State through DOB [the Division of Budget] or anybody else. That’s a question; I am not aware of any requests. I am concerned about the decision somehow to facilitate this new development in Southtown. Money was found to do things [for developers] that was not available throughout your tenure to do the [other] things that were identified and needed on the Island as a matter of maintaining what was there.

R: On matters like that, OK, as far as requesting stuff from Budget, I don’t know about my predecessor or my successor... I took the lead in those matters from DHCR, the DHCR representative on the Board, and the Budget representative on the Board. Yeah, and keep in mind that there was a representative of the Division of the Budget sitting on the Board, who that sort of stuff would be flowing through.

G: So there would be no point in having the Board make a request to the...

R: And you know... Look, these matters, these matters were discussed, OK? They were brought up. We spent a lot of time discussing Blackwell House. Can I repeat that conversation? No, because at this point it’s stored somewhere way back here. But there was all sorts of correspondence. We had Parks come in. Parks came in a number of times. They did an assessment. You know, there were a variety of ways that funds were going to be available, or gained, or delivered. And, you know, we worked the best with what we had and the parameters that were put on us by the Division of Housing, the Division of Budget, and the Board.

G: I guess this just confirms what I had suspected right along. The Administration, through you, your predecessor, and now your successor, was told, “RIOC, you’re on your own. You’re not going to get any more money...” You cannot borrow money, you can’t raise money by capital... you can’t sell bonds, so the only source of revenue for the Island was to sell off land or extract it from the Island through service fees.

R: Uh, wait. In all due fairness, I think you’re getting into a very philosophical area, and something that could not be properly covered in the time we have. Uh, I mean, you know, we could debate that issue until the cows come home, Assemblyman.

G: Yes, we could.

R: And I’d venture that we’d be on opposite sides all through the debate.

Ryan Finally Gets a Chance to Let His Outrage Be Heard from page 1

The \$60,000 Hitsman Report, formally called “Fact finding Inquiry and Report to the Board of Directors of the Roosevelt Island Operating Corporation Concerning Alleged Employee Misconduct By Certain Senior Officers of the Corporation in 2000, 2001 and 2002,” was made public for the first time on Monday, with certain portions “redacted,” or censored, to protect RIOC from liability for revealing information which, by law, must remain confidential.

Labate

In the Monday session held in the Good Shepherd Community Center and run by Assemblymember Richard Brodsky, chair of the Authorities Committee, Labate testified first. In a prepared statement, she gave RIOC during her tenure as Board Chair a glowing review, which presented another sharp contrast, this time with the testimony of Residents Association officers, who testified last on Monday (see separate report, this page). But questioning by Brodsky and his fellow Assemblymember, Pete Grannis (who represents Roosevelt Island), quickly turned to the Hitsman Report, the alleged Ryan transgressions, and the Ryan dismissal.

Asked by Brodsky, “What were the [Ryan] actions... that you found illegitimate?” Labate responded, “The most disquieting actions [were] that, with the approval of his Vice President for Operations [Robert Antonek], who left soon after our inquiry began, he granted himself a salary increase that was not known by the Board. He also rewarded, gave himself, allowed himself to take credit for time spent working down at the World Trade Center site – allowed himself to take that time and cash it in – again, something that was not known by the Board. He also took a fairly generous interpretation of the Corporation’s vacation buy-back program, and used that in order to augment his compensation.” In response to a further question, Labate said “these were the only matters” which, to use the words of Brodsky’s question, “were sufficient to disqualify him from continued service.” She said, “These were sufficient.”

When asked whether it was the “amount or the fact” of the increased compensation that disturbed her, Labate said her primary concern was Ryan’s failure to communicate with her or the Board of Directors about them. The Hitsman Report says, in fact, that only Vice President Antonek signed off on at least one of President Ryan’s salary changes in documents given to the RIOC staff member whose job it was to generate checks.

When he took his turn to respond, Ryan said the RIOC Board was aware – or should have been by virtue of briefings and reports from Chief Financial Officer Patrick Siconolfi – of the salary actions that boosted his compensation as President from a base of \$115,000 to \$119,393 in 2000 (3.8% over base); \$119,410 to \$149,061 in 2001 (24.8%); and \$124,277 to \$147,602 in 2002 (18.8%). Siconolfi, who did not respond to a *WIRE* request for a telephone interview, is self-described in the Hitsman report as being “surprised” at the pay levels shown in a formal State report for Ryan and Antonek. Antonek submitted his resignation from RIOC February 11, shortly after Ryan was suspended by the Board.

In the Hitsman Report, which was prepared by Michael R.

Hitsman of the law firm Hitsman, Hoffman & O’Reilly of Elmsford, New York, Ryan is described this way: “Throughout his interview, President Ryan maintained... the belief that he is authorized to grant salary increases and benefits to himself and others as President/COO of the Corporation, unilaterally and without Board knowledge or consent.” The report says this belief is contradicted by the RIOC enabling statute and the RIOC by-laws. Further, says the Hitsman Report, his “justification is completely inconsistent with President Ryan’s own conduct reflected in his ongoing efforts to seek approval for increases to his salary from the [Governor’s] Appointments Office and Deputy Commissioner Labate throughout his tenure as President.”

In short, the Hitsman Report portrays Ryan as a man seeking increased pay who found ways to take it despite a lack of authorization from the RIOC Board, Board Chair Labate, or the Governor’s Appointments Office.

Considered in total, the Hitsman Report and Monday’s testimony indirectly portray Board Chair Labate as failing to monitor payroll matters at RIOC despite repeated requests from Ryan for raises.

An Embarrassment?

When Grannis suggested that one reason for keeping the Hitsman Report confidential until the Brodsky committee subpoenaed it “was the embarrassment of the Board having this activity go on under its auspices without having any idea what was going on,” Labate defended the Board and her own failure to monitor: “I don’t think it was reasonable to expect that the Board would immediately pick up on this. It’s not something that, in doing a typical due diligence, you necessarily would have found.” Later, she added, “I do not typically approach things looking to uncover anything untoward. It was only after we came to understand that salary actions were being taken that we weren’t aware of that I changed the structure of the reporting so that I’m very confident things like this could not happen in the future... that they would not be able to happen and go undetected in the future.”

Grannis responded, “After the fox got into the chicken coop, you promptly...” Labate interrupted: “I’ve looked at this very closely. I fail to see where, in doing my job any differently, where I would have been able to detect this. I don’t go into a job assuming, you know, malfeasance.” Later: “The Board took very decisive action the minute we got an



inkling of it.” She added that the initial “inkling” was simply a general concern about the size of Ryan’s salary, but that the Board’s hired investigator turned up multiple categories of alleged pay irregularity. “Could we have found it earlier? I haven’t been able to figure out how I could have, other than by implementing the new procedures that we put in place, and we have implemented them.”

Ryan’s Outrage

Ryan spent much of his testimony expressing outrage over how his case was handled. “In the big picture, what I find astounding is that I was never questioned by anyone at RIOC, on the Board of RIOC, within the Pataki administration, as to what went on, and did I have a response. The only questioning that took place was [that] I voluntarily appeared before Mr. Hitsman on April 18, 2003. He asked a series of questions.” (In his report, Hitsman comments that Ryan cooperated fully once he appeared after several delays.) Hitsman, Ryan said, recorded the Q&A. “If you heard the tape compared to what is on the paper [in the report], one might have a different view of it... To be very basic about it, in all this, I was never asked my side of the story.”

In Monday’s hearing, Brodsky responded, “That’s going to happen here.”

Ryan had listened as Labate answered questions, arriving shortly after she read a prepared statement from a witness table (see separate report) with Hitsman following along on his own copy, sitting two rows behind her. Immediately behind her in the front row of seats were the current RIOC President, Herb Berman, and other members of the RIOC staff. Labate was careful and precise in her wording, often halting a sentence in its middle for a subtle revision of termi-

Continues next page

RIOC Confirms Seeking Bids for Southpoint Site from page 1

on the southern tip of Roosevelt Island that is commonly referred to as Southpoint. Southpoint is currently planned to be developed as a fully improved open space...”

The Coler site, approximately 390x130 feet, is described as “a waterfront site of approximately one acre of land directly adjacent to the Lighthouse Park open space area; the Octagon... and Coler Hospital.”

The site in the Tram station area is described as “4.2 to 5.3 acres of land directly adjacent to the world-famous Roosevelt Island Tram... RIOC is seeking to capitalize on the Site’s unique scale and attributes. In addition to the existing uses on Roosevelt Island, RIOC may consider other development concepts [including], but not limited to, mixed uses; office, “destination” uses such as retail, sports, entertainment, cultural and multipurpose facilities and venues; recreation/fitness facilities and hospitality. The site is well positioned to accommodate commercial ‘big box’ facilities that are typically challenging to construct in dense urban areas. The site may also be ideal for biotech research buildings that could provide researchers with a live/work, campus-like set-

ting that is conducive to the informal interaction that leads to scientific discovery while providing easy access to New York’s leading medical, research, and educational institutions.”

The Motorgate offering is described as a “61% interest in a 1,989 space 11-level parking garage... the Island’s principal parking facility... Proposers are invited to submit proposals to privatize RIOC’s 61% interest.”

The WIRE submitted a series of questions about the RFIP to RIOC President Herb Berman. Answers came by e-mail from a public relations representative, George Shea of Shea Communications, “on behalf of the Roosevelt Island Operating Corporation.”

To a question about traffic that might be generated by a “big box” operation at the Tram station, Shea wrote, in part, “It is premature to address traffic and parking until uses have been determined. When uses are proposed RIOC will consider all impacts. As with all projects of this nature, all appropriate reviews will be conducted during the development the process.”

Answering a question about mass trans-

portation crowding should large apartment buildings be placed on the Coler site and the Southpoint Park site, Shea wrote, “RIOC will continue to work with City, State and private organizations to address transportation needs. At the appropriate time in the process, RIOC’s transportation consultants will conduct rigorous studies on transportation solutions that may be required by proposals.” Even though residents are already expressing concern about F-train overcrowding (see letter, page 2), Shea wrote that, “Both the Southtown and Octagon projects were subjected to rigorous environmental assessments, which reviewed, among other things, transportation to and from the Island. Both reviews concluded that there is ample capacity in the subway station and on the subway line to accommodate Southtown and Octagon passengers during the morning and afternoon peak travel periods. Nonetheless, we recognize the concerns of Island residents over this issue and we will address this with the MTA.”

Regarding the apparent offering of all the Island’s retail space, Shea responded on behalf of RIOC and/or Jones, Lang: “There

is tremendous opportunity to fill the vacant retail space and upgrade the existing retail space on the Island. By releasing the RFIP, RIOC is exploring the interest level, if any, of experienced retail operators. Retailing is a specialty and this is an opportunity to bring creative retailing ideas to Main Street. The concept behind packaging the retail space is to attract an experienced operator with the capital to renovate the space by creatively improving the design and appearance of Main Street.”

RIOC issued an initial announcement about the RFIP late in Septmber, but did not release it to *The WIRE* or the community until *The WIRE* learned what was happening and started asking questions, and then only after the October 8 issue went to press. *The WIRE*’s report last issue was therefore based on speculation, key points of which are now officially confirmed.

The WIRE has asked RIOC’s new public relations representative, Bob Liff of George Arzt Communications, Inc., to arrange for release of information on RIOC activities on Island at the same time or before it is released off-Island.

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Ryan from page 12

nology or turning to staff for confirmation of a date or monetary amount. When speaking of the Hitsman Report and Ryan’s dismissal, she appeared sensitive to a possibility, real or not, that Ryan might still find a way to sue RIOC, despite the passage of time.

Labate and RIOC staff left Good Shepherd Community Center after Labate completed her testimony. After a short break, Ryan was called to testify, and sworn in. In a contrast to Labate, Ryan let his pent-up anger show, at one point describing himself as “getting my Irish up.” Once wound up, he found himself speaking of dates like “February 30th” and “February 31st,” meaning January. He seemed not to care about precision, but took frequent opportunity to describe events surrounding his suspension and dismissal as “outrageous” or “astounding.”

Siconolfi

Ryan’s primary defense of the increases, compensatory payments, and bonuses he gave himself and others was that he had charged Chief Financial Officer Siconolfi with the responsibility for a green light. Speaking of a “Performance Advance Increase,” he said, “This idea was pushed by Mr. Siconolfi, and anytime he came to me with an idea, anything, my mantra basically to him was, ‘Is it legal? Is it done in other State agencies and authorities? Can you rationalize this?’ I asked those questions repeatedly. He assured me the performance bonus... I remember vividly...” Asked what the formula and criteria were for awarding such bonuses, Ryan responded, “The formula was one he [Siconolfi] came up with,” then expanded on that in response to another question. “He came up with a formula [at] a Christmas party for the staff right down here in the basement [of the Good Shepherd Community Center]. He discussed that subject with Mary Beth Labate [at the party]. She said, ‘Fine, go ahead and do it.’”

Brodsky asked, “Was there a document setting forth standards?” Ryan responded, “He described standards. I don’t know that there was a document or what there was... Standards were discussed.”

The Hitsman Report says that in November, 2002, “President Ryan authorized for himself a retroactive salary increase from \$123,191 to \$132,597... implemented by an ‘Employee Status Change Form’ bearing the signatures of President Ryan and Vice President Antonek dated December 16, 2002 and having an effective date of November 11, 2002. This form details a cost-of-living increase of 3% retroactive to April 1, 2002, and a Performance Advance Increase of 4.5% retroactive to July 1, 2002. It was explained to us by Acting President Siconolfi that Performance Advance Increases were the informal equivalent of the longevity-based step increases received by State employees.” The Report goes on to say that in an interview, Human Resources Director Francisco Nazario “stated that this increase was provided for in the Employee Handbook” but the Handbook “does not provide for Performance Advance Increases.” It adds, “We would note that the giving of these increases on a selective basis using some unknown criteria lends considerable doubt to CFO Siconolfi’s explanation that Performance Advance Increases were the equivalent of step increases received by State employees.”

Hitsman’s report says research of the RIOC Board meeting minutes “revealed no authorization for President Ryan’s 2002 salary increase. To the contrary, it is our understanding from Deputy Commissioner Labate that she personally (and she thought the entire Board) had no knowledge prior to late January, 2003, that President Ryan had increased his salary in late 2002.”

Wage Freeze

The Hitsman Report suggests that Ryan violated a State Budget Directive that prohibited wage increases to employees earning \$75,000 or more per year. “Based on our discussions with Deputy Commissioner Labate and a corroborating e-mail from Labate to State budget officials, President Ryan had again been seeking without success authorization for an increase in March, 2002. This is consistent with Ryan’s account...” According to the report, a State wage freeze for employees earning \$75,000 or more went into effect in March, 2002, in response to budget concerns arising from the 9/11/01 attack on the World Trade Center towers, and “Deputy Commissioner Labate advised us that in or about late March or early April, 2002, she had informed the Board and RIOC staff, including President Ryan, that RIOC would be following the requirements of Budget Bulletin D-1107...”

“During his interview, both President Ryan and his attorney pointed out that the budget directive did not, by its own terms, specifically apply to public benefit corporations not receiving State funds, which included RIOC... Deputy Commissioner Labate told us that she unambiguously communicated to President Ryan that RIOC would be adhering to the wage freeze. President Ryan confirmed in his interview that this decision was supported by the Appointments Office [and] also confirmed... that he did not seek or receive authority from either Deputy Commissioner Labate or the Appointments Office to lift the wage freeze at any time after its imposition in March, 2002. Thus, at the time of the November, 2002, increases granted by President Ryan to himself and his senior managers, the position of the CEO’s Board Designate [Labate] was that the wage freeze remained in full force and effect at RIOC.”

The Hitsman Report continues, “We found President Ryan’s account of the facts and circumstances surrounding the November raises and the March, 2002, Budget Directive to be inconsistent with the record. Although he unsuccessful-

fully sought the approval of Deputy Commissioner Labate and the Appointments Office to circumvent the freeze, he did not seek their approval to lift it.”

Patrick Siconolfi, who became Acting President of RIOC when Ryan was suspended, was mentioned frequently by Ryan on Monday. He alleged that Siconolfi not only cleared the various kinds of salary increases and one-time payments Ryan took and gave to others, but was the originator of some ideas for those increases. But the Hitsman report suggests that Siconolfi was instead uneasy about some of the increases. Speaking of Ryan, the report says of the increase he took during the freeze, “He stated that CFO Siconolfi advised him to grant only the cost-of-living component of the raise, but later stated that the balance of the increase was justified to him and calculated by CFO Siconolfi... President Ryan’s version of the facts are also inconsistent with the recollection of CFO Siconolfi, [who] told us that he did not even know about President Ryan’s 2002 raise until he saw President Ryan’s compensation on a State Insurance Fund audit. Moreover, CFO Siconolfi further stated to us that he found himself constantly at odds with President Ryan and the other senior managers with respect to the issue of senior management compensation, and that he was ultimately taken out of the loop.” On the next page of the report, Hitsman writes, “Acting President Siconolfi advised us that President Ryan and Vice President Antonek were constantly seeking new ways to increase senior officer compensation. He indicated that he was often cast in the role of opposing these ideas and eventually was ‘removed from the loop.’”

World Trade Center Bonuses

Both in the Hitsman Report and in Ryan’s testimony Monday, Ryan maintained that “he had advised one or two Board members (specifically naming [resident] Board members [David] Kraut and [Patrick] Stewart) that RIOC would be paying these bonuses” for RIOC employees’ work at the World Trade Center disaster site.” Neither Kraut nor Stewart responded to a WIRE e-mail asking about their alleged role.

Both Ryan and Antonek claimed 234 hours of on-site work at Ground Zero. Later, Ryan awarded bonuses of one hour of vacation time for each Gound Zero hour to himself, Antonek, and 13 other employees, even though some of those hours were on RIOC’s time. The Hitsman Report interprets Ryan’s claim as amounting to “26 hours a day,” but on Monday Ryan professed not to understand how the calculation was done either by Hitsman or by Siconolfi, who was said to “ridicule the computation of the bonuses, pointing out that President Ryan and Vice President Antonek received compensation in excess of 24 hours per day. Nonetheless,” continues the Hitsman Report, “President Ryan maintains that he relied on the representations of CFO Siconolfi with respect to the propriety and legality of the bonuses.”

Ryan “cashed in” his “WTC Appreciation Bonus” for a cash equivalent of \$13,859. Antonek’s 234 hours came out to a cash equivalent of \$11,506. RIOC General Counsel Kenneth Leitner logged 64 hours in a report but told the investigators he provided the number only to support a State request to the Federal government for reimbursement funds. Leitner is reported as saying he did not know he would be receiving the Appreciation Bonus until he actually received it.

Ryan provided Hitsman with a January 15, 2003, letter signed by Charles A. Gargano, in which his agency, the Empire State Development Corporation (ESDC), awarded a number of employees one week of additional annual leave for work related to 9/11. The letter also stated the leave could be cashed in. Ryan said on Monday that the ESDC employees receiving the bonus had not worked “on the pile” at Ground Zero as RIOC employees had, suggesting that the RIOC staffers were at least as deserving as their ESDC counterparts.

The Hitsman report says, of the WTC bonuses, “Because of the strikingly inconsistent accounts of President Ryan, General Counsel Leitner, CFO Siconolfi, and HR Director Nazario with respect to their respective roles in the WTC Appreciation bonus and the process by



which the decision to pay was made, it is impossible to establish with any certainty how the bonuses came to exist. It is clear, however, that the CEO of the Corporation [DHCR Commissioner Judy Calogero], her designate [as Board Chair, Mary Beth Labate], the Division of the Budget, and at the very least a vast majority of the Board were neither informed that the bonuses were being considered or approved same, and that President Ryan approved these bonuses (including, among the largest, one for himself) on the basis that he possessed the unilateral authority to do so as President/COO of the Corporation.”

Ryan, in defending himself and criticizing Siconolfi, commented on the failure of the Hitsman Report to include detailed information about Siconolfi’s bonuses in charts, though the report does indicate that in some cases, his additional payments or raises were equivalent to Leitner’s. Clearly, while much of Ryan’s anger over his treatment is directed at Labate and Hitsman, and he mentioned the Board unfavorably on Monday, he also directs much of his anger at Siconolfi, consistently claiming he relied on Siconolfi’s advice. Siconolfi, on the other hand, seems to portray himself, in the Hitsman Report, as being wary of Ryan’s and Antonek’s quest for increased pay, and as eventually being left out of discussions of how the quest might be satisfied.

Ryan defended an expansion of a vacation buy-back program with an explanation that there were effectively only four administrative staffers carrying most of the policy and decision-making load at RIOC, and that their presence was critical to effective operations. It was a way, he said, of keeping them on the job rather than having them away on vacation when their contributions were required for important RIOC projects.

Where Are They Now?

Robert Ryan was in limbo for a period after his suspension and firing, but eventually resurfaced in State Government, working for Secretary of State Randy Daniels in a high-level position in his department. Ryan had run George Pataki’s first campaign for Governor (and noted proudly on Monday that the campaign beat Mario Cuomo), and Daniels is expected to run for Governor. Ryan has now left State government for private practice as a consultant, and is widely expected to play a role in Daniels’s campaign.

Mary Beth Labate this month left DHCR for a position with the State Budget Division and has been replaced, as RIOC Board Chair Designee, by Deborah Boatright.

Kenneth Leitner continues as RIOC General Counsel. Patrick Siconolfi had returned to DHCR after serving at RIOC as CFO and then as Acting President during Ryan’s suspension, and now works at a New York-based housing trade association, the Community Housing Improvement Program (CHIP). Robert Antonek is believed to be in private industry.



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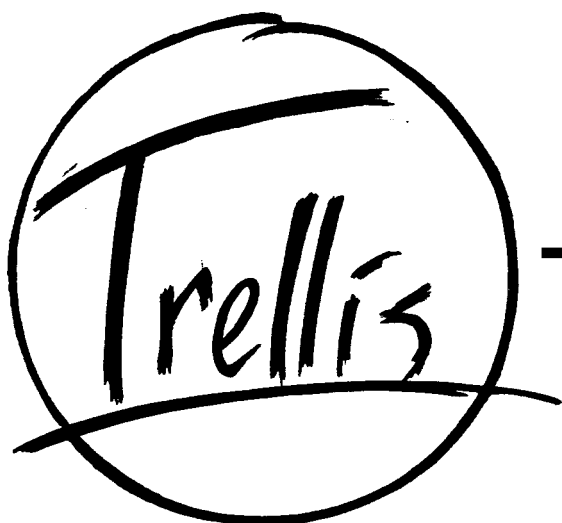
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