



**CITIZENS UNION CANDIDATE QUESTIONNAIRE  
NEW YORK CITY COUNCIL  
ELECTION 2009**

Citizens Union would appreciate your responses to the following questions related to policy issues facing the City of New York that are of concern to Citizens Union and the citizens of the City. We plan to make public your responses to this questionnaire in our Voters Directory, on our website, and in other appropriate venues. Responses to these questions will be one of several factors Citizens Union will use to evaluate candidates who are running for office in order to determine our "Preferred Candidates" for the primary election and "Endorsed Candidates" for the general election. In order to receive Citizens Union's "preferred" or "endorsed" status, in addition to completing the questionnaire, candidates must participate in an interview with Citizens Union's Local Candidates Committee.

We thank you very much for your response.

Candidate Name: Gene Berardelli Age: 31

Office to Which You Seek (Re) Election: Council District #: 46

Campaign Address: 2817 Haring St., Brooklyn, NY 11235

Campaign Telephone Number: (347) 301-6143 Fax: (212) 233-6687

Party Affiliation(s): Republican Campaign Manager Name: Anthony Testaverde

Website & Email: http://www.gene-2009.com geneb2009@gmail.com

Education: JD, Quinnipiac Univ. School of Law, 2002, BA, Manhattan College, 1999

Occupation/Employer (or years in currently held elected office): Attorney  
Noro Law Firm, 299 Broadway, 17<sup>th</sup> Floor, NY, NY 10007

Previous Offices, Campaigns and Community/Civic Involvement:

General Counsel; Sheephead Bay/Plumb Beach Civic Assoc., Member; CB15 CERT;  
Member; 61<sup>st</sup> Pct. Community Council; Founder; Brigham St. Park Project

Are you willing to be interviewed by CU's Local Candidates Committee? YES  NO

Have you completed requisite campaign finance filings? YES  NO

*(Please note: Citizens Union can grant its "Preferred Candidate" and "Endorsed Candidate" rating only to candidates we have interviewed. We will make every effort to interview candidates in each race for City Council.)*

Signature of Candidate: Gene Berardelli Date: 7/17/09

### I. CANDIDATE QUESTIONS

Please state your position on the following issues by indicating whether you support or oppose each. You may elaborate in the space provided at the end or on additional paper.

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#### VOTING AND ELECTIONS REFORM

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|---|----------------|---------------|
| 1. What is your position with respect to allowing voters who are registered as independents to vote in party primaries?   | Support        | <u>Oppose</u> |
| 2. What is your position on passage of state legislation that would allow referenda initiated by the City Council and/or the public to appear on the ballot at the same time as a referendum initiated by a charter commission appointed by the Mayor?  | <u>Support</u> | Oppose        |
| 3. What is your position on increasing the pay of Election Day poll workers above the current \$200 they are allotted per election event?   | <u>Support</u> | Oppose        |
| 4. What is your position on restructuring New York's current board of elections model to eliminate political party responsibility for overall election administration and replace it with a system that narrows political party involvement to certification of candidate petitions and the actual counting of votes? | Support        | <u>Oppose</u> |
| 5. What is your position on having an election administration system where there is a local elections executive director appointed by the mayor upon recommendation by a new board that is chosen by the mayor and the city council?  | <u>Support</u> | Oppose        |

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#### CAMPAIGN FINANCE REFORM

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|---|----------------|--------|
| 6. What is your position on implementing "war chest" restrictions that would prohibit a candidate from transferring funds raised in a previous election cycle into a current campaign committee for a different office? | <u>Support</u> | Oppose |
|---|----------------|--------|

7. What is your position on allowing campaign financing for ballot proposals?      Support      Oppose

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**CITY COUNCIL REFORM**

8. What is your position on allowing Council committees to function more independently of the speaker than is presently the case?      Support      Oppose

a. Should committee staff be hired by and report to committee chairs?      Support      Oppose

b. Should committee hearings and votes be scheduled at the direction of the chairs?      Support      Oppose

c. Should committees be able to issue subpoenas by a vote of their members?      Support      Oppose

9. What is your position on:

a. limiting councilmembers' ability to earn outside income?      Support      Oppose

b. making the job of councilmember a full-time position?      Support      Oppose

c. eliminating or limiting stipends for committee chairs and leadership positions?      Support      Oppose

10. What is your position on requiring that any future increase in councilmember compensation not affect those serving in the current term of the council and only be applied prospectively to the following term?      Support      Oppose

11. What is your position on consolidating the current City Council committee structure and reducing the number of overall committees?      Support      Oppose

12. What is your position on term limits for elected officials?      Support      Oppose

13. What is your position on modifying the City Charter to require that changes to term limits may only be approved by the voters?      Support      Oppose

★ PLEASE SEE ATTACHED ★

14. What is your position on the recent extension of term limits for the city's elected officials to three consecutive four-year terms? Please explain your answer.

Support

Oppose

★ PLEASE SEE ATTACHED ★

**POLICY ISSUES OF IMPORTANCE**

Please state your position on the following issues by indicating whether you support or oppose each, where applicable. Please also use the space provided below each question or on a separate sheet of paper to elaborate on your positions on the questions which require a detailed answer. You may also provide additional information on any actions that you have taken or plan to take to advance your positions on these issues.

15. Knowing that the police department and commissioner retain ultimate authority for determining whether an officer is guilty and penalty, what is your position on transferring power to the Civilian Complaint Review Board to prosecute cases of police misconduct, such as force, abuse of authority, discourtesy, and offensive language?

Support

Oppose

16. What is your position on changing the current land use process under ULURP to increase the role of community-based planning?

Support

Oppose

17. What is your position regarding the creation of a Charter Revision Commission to review specifically the roles of the various offices of government and how well government has functioned since the 1988 and 1989 charter review commissions?

Support

Oppose

18. What is your position on reforming the current pension funding structure to create multiple tiers for future city government employees?

Support

Oppose

- a. In FY 2008-09, New York City spent \$12 billion on pensions and fringe benefits for City employees out of a total budget of \$62 billion. What would you do to address the growing pension costs borne by the city and New York City tax payers?

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19. What is your position with respect to the City Council passing a resolution calling upon the State Legislature to establish a State Constitutional Convention?      Support      Oppose

- a. If support, what are the three most important areas that need improvement?

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- b. Do you believe that greater home rule should be granted to the City of New York? If so, in what areas should further sovereignty be given?

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20. Taking into consideration the lessons learned from the debates surrounding congestion pricing and the Ravitch Commission's recommendations to provide the MTA with long-term funding, what would you propose to address the MTA's fiscal solvency issues and ensure that the burden for funding the MTA is equitably distributed among all stakeholders?

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PLEASE SEE ATTACHED ★

24. Many policy advocates champion the creation of a more diversified economy, and one that is less reliant on Wall Street. What is your position on such a plan? If you support it, what would you do to diversify the city's economy? How would you adjust spending in New York City to accommodate the anticipated reduction in tax revenue as the tax base shifts to lower paying jobs?

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25. What would you propose the Department of Education do to increase the ability for parents and teachers to become more meaningfully involved in the education system? What other positives changes can be made to the New York City public school system?

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26. What would you propose to increase the transparency of the Board of Elections in the City of New York's operations and accountability to the city and its voters?

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27. What would you propose to further enhance transparency regarding the relationships between council members, their families, and nonprofits that receive funding from New York City?

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## CANDIDATE ACCOUNTABILITY QUESTIONNAIRE

Citizens Union is adding a new element to its evaluation of candidates running for office. As a candidate who presently does not hold elected office, CU is interested in knowing your top five campaign promises you are making to the voters during this campaign for this position.

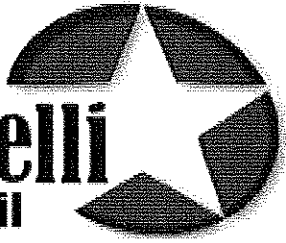
If elected, Citizens Union will use these promises to evaluate your performance while in office, as well as, to evaluate your candidacy in the future.

We thank you very much for your response. Please feel free to use additional paper if the space provided is not sufficient.

### TOP FIVE 2009 CAMPAIGN PROMISES

1. Advocating for greater efficiency & transparency  
at all levels of government. - and promote an active citizenry.
2. Build a new waterfront park at Brigham  
Street in Sheephead Bay.
3. Use innovation & technology to be more  
responsive to constituent issues.
4. Fight for tax relief for our district.
5. Support job creation throughout the City.

**Gene  
Berardelli**  
For City Council



2817 Haring St., Brooklyn, NY 11235

Tel.: (347) 301-6143 Email:  
geneb2009@gmail.com

**CITIZENS UNION QUESTIONNAIRE - ATTACHMENT**

VOTING AND ELECTIONS REFORM

1. What is your position with respect to allowing voters who are registered as independents to vote in party primaries?

**OPPOSE.** I believe that party primaries should be for registered party members. Selecting a party nominee should not be the place of non-party members. However, if a person registers as "NO PARTY", then that person should have the right to choose which party they would prefer voting in for primaries and have the right to do so.

A person registers with an independent party because they either identify and agree with that party's principles or because they disagree with both major party's principles and/or are disgusted with both parties. Independent parties should focus more on growth and promoting their own identity and ideals rather than latching on to a major party and becoming more of an appendage thereof.

I also believe that allowing independents to vote in party primaries will weaken independents in the long run. Independent parties will become identifiable with whichever major party they allowed to vote for in a primary.

2. What is your position on passage of state legislation that would allow referenda initiated by the City Council and/or the public to appear on the ballot at the same time as a referendum initiated by a charter commission appointed by the Mayor.

**SUPPORT.** I support this idea in principle, but would be interested in seeing the exact language of any legislation, especially how the City Council and public processes would be handled, how duplication would be reconciled, how the public's suggestions would be vetted and solicited, etc.

3. What is your position on increasing the pay of Election Day poll workers above the current \$200 they are allotted per election event.

**SUPPORT.** While I don't know where the money would come from at this point, as a former poll worker, I think that poll workers are put through a long, grueling day at the polls. It is a thankless, but necessary, job. I would want to get the city back on track economically first before considering any pay raises.

4. What is your position on restructuring New York's current board of elections model to eliminate political party responsibility for overall election administration and replace it with a system that narrows political party involvement to certification of candidate petitions and the actual counting of votes?

**OPPOSE.** Frankly, I think the whole Board of Elections system should be scrapped and re-built from the bottom up, de-emphasizing party as much as possible.

Absent an effort to re-vamp the entire system, I think we would all be better served to push for greater competency in the Board of Elections than pushing for non-partisanship, because I believe it would only be non-partisan in name, not in action. Even a proportional system where all parties have some say may be a better goal to strive for in this case.

But regardless of party role, we need a new system where we strive for competency in poll workers and polling education, greater accountability by the Board of Elections to report their job performance and affording the public greater access to meetings and information. Finally, let's guarantee that every voter who turns out has equal access to the ballot, whether it's done through modernizing the ballot, keeping more accurate voter rolls or providing language assistance before reaching the polls and at the polls.

5. What is your position on having an election administration system where there is a local elections executive director appointed by the Mayor upon recommendation by a new board that is chosen by the Mayor and the City Council?

**SUPPORT.** This would be a good start, so long as every effort is made to solicit opinion for minority and independent party leaders. In a city so dominated by one party, I would be concerned about the make-up and motivation of decision-makers in recommending and appointing leadership of an organization that holds the fate of how they apply and re-apply for their own employment. We must show the public that any election system is as fair and transparent as possible.

To that end, I would be more comfortable if the new board consisted of proportional appointments. Appointments would be based on party affiliation consisting of parties eligible to appear on the ballot at that time, and then each party's membership further broken down proportional to population by borough to ensure proportionate representation by party and by borough.

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#### CAMPAIGN FINANCE REFORM

6. What is your position on implementing "war chest" restrictions that would prohibit a candidate from transferring funds raised in a previous election cycle into a current campaign committee for a different office?

**SUPPORT.** Perhaps, it would be wiser to create a new class of contribution where donors can state whether they are supportive of the candidate personally – in which case money can be transferred regardless of election cycle or office – and those who support the candidate for this specific office – in which case money is non-transferable.

7. What is your position on allowing campaign financing for ballot proposals?

**SUPPORT, so long as there is some mechanism for the opposition of ballot proposals are given equal access to campaign finance.**

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#### CITY COUNCIL REFORM

8. What is your position on allowing Council committees to function more independently of the speaker than is presently the case?

**SUPPORT.**

- a. Should committee staff be hired by and report to committee chairs?

**SUPPORT, but should be within reason.**

- b. Should committee hearings and votes be scheduled at the direction of the chairs?

**SUPPORT.**

- c. Should committees be able to issue subpoenas by a vote of their members?

**SUPPORT.**

9. What is your position on:

- a. Limiting councilmembers' ability to earn outside income?

**SUPPORT, only if the job of a councilmember is made a "full-time" position.**

- b. Making the job of a councilmember a full-time position?

**SUPPORT. I believe that the responsibilities imposed on council members already qualifies as a "full time" job, thus such a distinction would be in name-only.**

- c. Eliminating or limiting stipends for committee chairs and leadership positions?

**SUPPORT for limiting stipends. I believe that extra responsibility should merit extra compensation, so if a council member takes on additional functions necessary for the Council to operate properly, then s/he should be compensated appropriately. The issue I have is ensuring that Council Members perform their tasks fully.**

**Stipends should be capped at a certain amount, and full stipends granted so long as each appointee meets a position's projected average annual hourly commitment. Thus, if Council Member 1 is appointed Committee Chair "A"**

**which carries a projected time commitment of 500 hours annually and/or calling a minimum number of meetings annually, then the stipend would be granted in proportion of the amount of time actually spent in performance of that title. If a council member only fulfills 50% of that time commitment, then s/he receives only 50% of the total stipend. Time should be tracked in writing and should be publicly accessible. The projected time commitment should be re-evaluated annually.**

10. What is your position on requiring that any future increase in councilmember compensation not affect those serving in the current term of the council and only be applied prospectively to the following term?

**SUPPORT.**

11. What is your position on consolidating the current City Council committee structure and reducing the number of overall committees?

**SUPPORT.**

12. What is your position on term limits for elected officials?

**SUPPORT, but I believe that an elected official's opinion on term limits is irrelevant. It should only be a question for the people via referendum, and should only be reviewed by the people via referendum on a regular basis (i.e. once every 10 years). If elected, I would not be in favor of any legislative action regarding term limits.**

13. What is your position on modifying the City Charter to require that changes to term limits may only be approved by the voters?

**SUPPORT, but I believe we need to go a step further. I believe that ANY referendum approved by the voters should only be modified by subsequent approval via voter referendum.**

14. What is your position on the recent extension of term limits for the city's elected officials to three consecutive four-year terms? Please explain your answer.

**OPPOSE. I thought what the Mayor and City Council did was appalling. This is the same class of elected officials that benefited from the two consecutive four-year term limit that they fought to maintain – even in the face of the aftermath of 9/11. The Mayor and those 29 City Council members (including the incumbent in my Council District) substituted their opinion for the will of the people, which is against the very foundations of our country's principles.**

**The term limits debate was another perfect opportunity to follow the lead of the past - to stand up and show that they were not going to let the current climate control our political landscape and that they believed in the will of the people to govern themselves. Instead, we saw self-interested politicians think "me first" and go against their constituency.**

**A word about the position of the incumbent in my district on this matter – this organization felt that he should be chastised less for his vote in favor of extending term**

limits because his personal long-standing position against term limits, thus making his position a principled one. I would respectfully submit that the truly principled position would have been to put personal views aside and to stand with the voters who favored term limits in two different referenda. Any other position was merely self-serving.

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#### POLICY ISSUES OF IMPORTANCE

15. Knowing that the police department and commissioner retain ultimate authority for determining whether an officer is guilty or penalty, what is your position on transferring power to the Civilian Complaint Review Board to prosecute cases of police misconduct, such as force, abuse of authority, discourtesy and offensive language?

**SUPPORT.** Creating a more independent Civilian Complaint Review Board (CCRB) is important to ensure that citizen complaints are handled fairly and independently. One power that CCRB should have is the power to try the cases it substantiates, as once suggested by Mayor Giuliani.

This is not to say that the NYPD hasn't improved in handling allegations internally. In fact, I believe that the 61<sup>st</sup> Precinct reacted properly when I complained of how an officer treated me when I was summonsed and detained for what I perceived to be racial profiling in Manhattan Beach in June of 2008. However, a truly independent system is important to maintain and grow public confidence and integrity.

16. What is your position on changing the current land use process under ULURP to increase the role of community-based planning?

**SUPPORT.** One of the main changes I would make to the ULURP process is the process by which it may be initiated. Up until now, either the Dept. of City Planning or the local elected official in a given area would call for a study of a given area. Local civic associations should be given deference when requesting consultations with DCP to help evaluate whether their neighborhood needs re-zoning.

Our neighborhood in Sheepshead Bay / Plumb Beach took years to get onto City Planning's radar mainly because our Councilman claimed that he did not know enough about the process to give us answers. While we waited for our Councilman to keep his promise to "get back to us" on zoning, the developers kept building – to the point where our neighborhood (whose infrastructure was installed in the 1920s) had over 30 projects being built within an 8-block radius. If DCP had responded to our community's requests instead of waiting on the local politician to contact them, then much of my neighborhood would have been spared the pains of haphazard over-development with no real plan.

No other neighborhood should have to endure such delays. DCP should be more responsive to community-based requests for assistance with local planning issues. I don't believe that anyone is truly against development when handled properly and done in the proper context of the community.

17. What is your position regarding the creation of a Charter Revision Commission to review specifically the roles of the various offices of government and how well government has functioned since the 1988 and 1989 charter review commissions?

**SUPPORT.**

18. What is your position on reforming the current pension funding structure to create multiple tiers for future city government employees?

**SUPPORT.**

a. In FY 2008-09, New York City spent \$12 billion on pensions and fringe benefits for City employees out of a total budget of \$62 billion. What would you do to address the growing pension costs borne by the city and New York City taxpayers.

**Although it will pain many people to read this, we cannot continue the same practices that we implemented when things were going well now that the economy is not performing as well – that’s just common sense.**

**We should not change the commitments we’ve made to current workers. However, future workers – not current workers - need to contribute to pensions throughout their careers - as is standard practice in the private sector. They also need to serve 10 years before becoming eligible for pension benefits, rather than five. Finally, the amount of time to reach full pension should be increased five years for future workers, and retirement benefits after a worker reaches 50.**

19. What is your position with respect to the City Council passing a resolution calling upon the State Legislature to establish a State Constitutional Convention?

**SUPPORT, but I have major concerns. It is my understanding that once a State Constitutional Convention is convened, any issue can be brought up. My concern is that many delegates would bring up social changes that they believe would not pass through the normal legislative process, thus derailing the purpose of the Convention.**

a. If support, what are the three most important areas that need improvement.

**1) First and foremost, we need to address the budgetary process. I agree with Mayor Giuliani when he wrote that the budget should conform to generally accepted accounting principles, and there should also be a formal four-year financial plan allowing for transparency and long-term planning.**

**2) We need fresh perspectives in Albany – that much is apparent! Statewide term limits will bring new perspectives and ideas to Albany and prevent the stagnation and cronyism that has been on display recently.**

**3) Finally, this economic crisis should have taught our legislators that we cannot tax and spend our way out of our problems. We should require a supermajority vote for all tax increases, which would protect already the people and attract businesses into the state**

**Establishing an independent commission for re-districting is a close fourth.**

b. Do you believe that greater home rule should be granted to the City of New York? If so, in what areas should further sovereignty be given?

**Recently, we've seen Mayor Bloomberg repeated at odds with the State regarding issues that the City supported (congestion pricing, sales tax increases, mayoral control of education, etc.). We should concentrate the city's home rule messages to the State on granting the City more power to react faster to budgetary challenges through changing tax policy, and create new jobs.**

20. Taking into consideration the lessons learned from the debates surrounding congestion pricing and the Ravitch Commission's recommendations to provide the MTA with long-term funding, what would you propose to address the MTA's fiscal solvency issues and ensure that the burden for funding the MTA is equitably distributed among all stakeholders?

**First and foremost, we need real numbers from the MTA – I don't think anyone is sure of the magnitude of the MTA's fiscal peril. Beyond that, we all need to be committed for the long haul and put political expediency aside. I have to confess: I haven't immersed myself into the intricacies of the MTA's fiscal situation in order to put forth substantive solutions. But I know enough to say that the MTA needs a long term economic plan for its capital funding, and can no longer rely on debt financing. It's a long fight, but with the right people committed to staying the course, it can be done.**

21. What would you propose in terms of creating a greater role for the City Council in determining and deciding the city budget?

**Most people do not know how much power the City Charter grants the Mayor – and more importantly how weak the City Council is in many respects. We need to educate the population and push for charter revision to balance out the power distribution.**

**The best thing that the Council can do is ensure that the city's money is spent efficiently, connecting allocations to productivity, and controlling capital budget projects. The Council should use its policy-making ability to push money towards innovation and to promote job creation and small businesses.**

**Finally, discretionary budget reform is sorely needed. We need to examine how the Council's qualification process and see what changes, if any, resulted. We also need to closely watch "member items" and council initiatives in the future and see if the Corporation Counsel or the Dept. of Investigation should have some kind of oversight or review.**

22. What is your position regarding the City's past practice of using surplus tax revenues to pay down future health cost and pension obligations, and the decision not to do so this year?



**I OPPOSE the decision to not pay down recurring costs. In these financial times, the City should be cutting costs as much as it can – failing to pay down recurring costs is not the direction we should be heading.**

23. What is your view of how the taxes paid by New Yorkers compare to the value that is received in City services? Do you believe that taxes should be raised or lowered? To the extent you believe taxes should be changed, please provide specific proposals about what taxes you would raise and what services you would cut, if you didn't raise taxes, listed in order of greatest magnitude.

**I think that residents of New Yorkers are being squeezed by tax increases and receiving little, if any, additional services in return. But the tax questions isn't as easy as saying that taxes should be lowered. I think some should be lowered, such as the city's property taxes, and water rates. I think that other taxes should be increased, like the sales tax, which will generate greater revenue from visitors to the City. I would also like to re-examine the possibility of a commuter tax that could benefit infrastructure improvements that would free up city resources for other needs.**

24. Many policy advocates champion the creation of a more diversified economy, and one that is less reliant on Wall Street. What is your position on such a plan? If you support it, what would you do to diversify the city's economy? How would you adjust spending in New York City to accommodate the anticipated reduction in tax revenue as the tax base shifts to lower paying jobs?

**SUPPORT. I believe that we need to be a leader in preparing New Yorkers for the future job market. The health care industry is the first that comes to mind, as does the media sector. The reduction in revenue resulting from this diversification can be found by shifting burdens to our future workforce (as mentioned in the pension section) as well as rooting out the inefficiencies throughout government (also discussed earlier). However, we should not underestimate the resurgence of a new, leaner Wall Street in the coming years – I fully expect that when the economy does bounce back, so will Wall Street and investor confidence.**

25. What would you propose the Department of Education do to increase the ability for parents and teachers to become more meaningfully involved in the education system? What other positive changes can be made to the New York City public school system?

**I think we need to re-establish community-based in order to give parents a local option and closer communication with school management. But beyond that, we need schools to active solicit parental involvement. Creating transparency will go a long way towards promoting active parental involvement – especially budget transparency. I would also stress to the Mayor that he should make the Panel for Educational Policy more inclusive with respect to local community officials and parents.**

**We should also re-examine charter school usage. This year, there will be almost 80 new charter schools created in the City. Charter schools are no longer the alternative for bailing out failing school districts, it's becoming a system unto itself, siphoning funds from the local school districts and becoming competitors with our established schools. While I'm generally for charter schools as a way to promote innovation in education and choice where there is none, I think we are flooding the system in the name of progress.**

26. What would you propose to increase the transparency of the Board of Elections in the City of New York's operations and accountability to the city and its workers?

**Transparency starts with greater accountability by the Board of Elections to report their job performance and affording the public greater access to meetings and information.**

**But transparency only goes so far – people need to care about the state of the Board of Elections. We need to get voters interested in voting again, and we can start by guaranteeing that every voter who turns out has equal access to the ballot, whether it's done through modernizing the ballot, keeping more accurate voter rolls or providing language assistance before reaching the polls and at the polls.**

27. What would you propose to further enhance transparency regarding the relationships between council members, their families, and nonprofits that receive funding from New York City?

**My mother is the corresponding secretary of the local civic association that has existed for over 40 years. I am also general counsel and an advisor to the Board of Directors, and have been so since 2006. If I am elected to the City Council, I am concerned that I would not be able to allocate funds to programs the Civic's board wishes to create because of my personal and familial connections.**

**I propose that all discretionary funding items applications contain sufficient disclosure of such relationships so everyone, including the public, knows up front. I also suggest that all like applications be brought separately before the Council for pre-approval before their inclusion into any final budget.**