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CITY OF NEW ROCHELLE

BOARD OF ETHICS

-----X

IN RE:

ETHICS COMPLAINT OF ROBERT COX

-----X

515 North Avenue
New Rochelle, NY 10801
May 2, 2022
4:00 p.m.

Examination of ADAM SALGADO, in the
above-captioned matter, held at the above
time and place, before Christine
Giustiniani, a Notary Public of the State
of New York.

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A P P E A R A N C E S :

WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP

Attorneys for the ETHICS COMMITTEE

1133 Westchester Avenue

White Plains, New York 10604

BY: PETER A. MEISELS, ESQ.

(914) 391-3690

PETER.MEISELS@WILSONELSER.COM

ALSO PRESENT :

CHARLES PHIPPS, Ethics Committee Member

DAVID BLUMENTHAL, Ethics Committee Member

NEW ROCHELLE LAW DEPARTMENT

BY: DAWN WARREN, ESQ.

1 Salgado

2 this Board or anybody. It is just under
3 your ethics code when a citizen makes this
4 kind of a complaint, this board
5 investigates it.

6 So this is not an adversarial
7 proceeding, and no one has been accused by
8 this Board of doing anything, okay.

9 I'm going to ask you some
10 questions to get the ball rolling. The
11 board members are going to ask you some
12 questions, and then you are free to tell us
13 anything you would like to tell us if you
14 think we forgot to ask or didn't think to
15 ask or didn't know to ask.

16 It is quite informal, all
17 right. Mr. Cox made a complaint that the
18 mayor and contrary to the charter made an
19 effort to get himself appointed by the city
20 manager to the position that you now hold.

21 The second complaint was that
22 the mayor attempted to influence the city
23 manager on the question of appointing a
24 deputy city manager. That's what this is
25 about.

1 Salgado

2 How long have you have you been
3 employed by New Rochelle?

4 A. I started in 2014. So a little
5 over eight years or a little under eight
6 years.

7 Q. When you --

8 A. August 18, 2014 is when I
9 started. Not that I'm counting. I won't
10 do the math in my head.

11 Q. When you first joined the city,
12 what position did you hold?

13 A. The operations manager for the
14 department of development.

15 Q. And did there come a time that
16 you got a promotion?

17 A. I got a promotion to the
18 development -- to the deputy commissioner
19 of development.

20 Q. When did you become the deputy?

21 A. I became the deputy in 20 -- I
22 want to say 18, I believe. Yeah, 2018.

23 Q. Am I correct you became
24 commissioner towards the end of last year?

25 A. I became commissioner a month

1 Salgado

2 ago.

3 Q. Oh, a month ago?

4 A. Yes.

5 Q. So that would be April of 20 --

6 A. April 2nd or 3rd.

7 Q. -- 2022?

8 A. Yes. If I'm being totally -- I
9 was originally -- I was promoted first to
10 the deputy commissioner of finance. I was
11 in charge of procurement downstairs. I got
12 hired from here to go work in the finance
13 department.

14 And six months later I was
15 asked to come back up to be in development
16 as a deputy commissioner when my, the
17 previous deputy commissioner retired. It
18 was like a four-month period where I was in
19 finance. I just want to give full
20 disclosure.

21 MR. BLUMENTHAL: He has
22 experience in both areas.

23 Q. That had to be the least
24 interesting four months that you have been
25 with the City of New Rochelle.

1 Salgado

2 A. It wasn't great.

3 Q. I give him a lot of credit.

4 A. I wanted the title. I was
5 ambitious, you know.

6 Q. Sure, absolutely. At any rate
7 this is going to be fun for you in
8 development in this day and age. At any
9 rate, during the time that you served as
10 deputy commissioner for economic
11 development, did you ever have occasion to
12 have any conversations with the mayor at
13 all about the concept of his becoming the
14 commissioner of development?

15 A. What was your time frame?

16 Q. While you were deputy?

17 A. No.

18 Q. At any time did you ever have
19 any conversations with him about his
20 becoming the commissioner of development?

21 A. Not with him, no.

22 Q. Did you have conversations with
23 other people about it?

24 A. Yes, yes.

25 Q. Could you explain?

1 Salgado

2 A. Sure. When I -- after I was --
3 well after I notified Chuck and Kathleen
4 that I was going to submit my application
5 for the commissioner of development
6 position which I did, when I found out they
7 were going to hire a recruitment firm and
8 that they originally they were going to
9 hire a recruitment firm and they told me
10 that I should apply.

11 And there was some weeks
12 between when they told me they encouraged
13 me to apply and when I actually did apply.
14 And when I finally did submit my resume, I
15 mentioned it to Chuck. And Chuck mentioned
16 to me that he was concerned about how the
17 mayor would treat me publicly if I was to
18 get the job.

19 He was concerned and I guess
20 wanted me to be aware of that and to have
21 that information before I went ahead and
22 applied for the job because he was
23 concerned and he had mentioned that the
24 mayor wanted the job.

25 Q. Approximately when did that

1 Salgado

2 conversation take place?

3 A. Approximately August or
4 September of 2021.

5 Q. Do you recall any other
6 conversations with anybody dealing with the
7 possibility that the mayor might want to
8 apply for that position?

9 A. Not directly, but when my
10 predecessor first announced his retirement,
11 I mentioned that I wanted to put my name in
12 the hat, throw my hat in the ring for the
13 development commissioner position. And he
14 didn't think it was a good idea.

15 And he suggested that I would
16 be -- if I didn't get it, I would be
17 vulnerable and perceived as competition if
18 somebody else was to get it. And he also
19 mentioned that he was being retained as a
20 consultant after he retired and was going
21 to run the department with Kathleen and the
22 mayor; that the three of them were going to
23 continue running the department after he
24 retired.

25 Q. Your predecessor was Luiz

1 Salgado

2 Aragon?

3 A. Yes, Luiz with a Z.

4 Q. So Commissioner Aragon told you
5 he didn't think it was a hot idea for you
6 to apply because why?

7 A. That I -- he was concerned that
8 if I didn't get it that I would be
9 perceived as competition for the successor,
10 and that at my stage of my career because I
11 have about ten years or so before
12 retirement that in this climate it would be
13 safer for me to keep my head down and not
14 apply for it.

15 Q. It was -- he told you he had
16 already been retained as a consultant to --

17 A. To work with Kathleen and the
18 mayor to run the department.

19 Q. Okay.

20 A. And then he set up meetings,
21 you know, we had meetings and recurring
22 meetings.

23 Q. Did he convey to you the idea
24 that the mayor would be the commissioner?

25 A. Not exactly, no, no. Just that

1 Salgado
2 he was going to work with the mayor and
3 Kathleen.

4 Q. To run the department?

5 A. To run the department.

6 Q. And after he retired before you
7 were appointed, was Kathleen the acting
8 commissioner?

9 A. Yes, Kathleen was appointed
10 acting commissioner.

11 Q. Was it understood in the
12 department that she would remain acting
13 commissioner until a new commissioner was
14 appointed?

15 A. Correct.

16 Q. Whoever that might be?

17 A. Uhm hhm, yes.

18 Q. Did you have discussions with
19 anyone else relating to the idea of --

20 A. Well, after Kathleen was named
21 acting commissioner, we had had our
22 one-on-one with Chuck and Kathleen and
23 myself. And I had mentioned what Luiz had
24 said. And Chuck stated that was not his
25 vision for how the department would be run

1 Salgado

2 post Luiz' retirement.

3 MR. PHIPPS: Repeat that. I'm
4 sorry.

5 A. We had met with Chuck. We had
6 our first sort of one-on-one you know
7 within a few weeks of Kathleen being
8 appointed the interim commissioner of
9 development. And I mentioned to Chuck that
10 Luiz said that he was going to be a
11 consultant and run the department with
12 Kathleen and the mayor.

13 And Chuck said that was not his
14 intention and that was not his planned way
15 of running the department; that I was going
16 to be the deputy and I was going to support
17 Kathleen as the interim commissioner. And
18 Luiz was a consultant, but he was not in a
19 leadership role; that he was reporting to
20 me essentially.

21 Q. And how long did that
22 arrangement last?

23 A. About I would say until -- well
24 in terms of him remaining a consultant?

25 Q. Yes?

1 Salgado

2 A. I mean he remained a consultant
3 I think until September of last year, but
4 it wasn't -- we weren't meeting with him
5 very often. His utility had sort of
6 dwindled once Kathleen and I started
7 working in earnest and once I started to
8 make the connections with the developers
9 and with the contracts and I had already
10 had that history in the department so a lot
11 of -- I knew the developers already.

12 I didn't really have to
13 establish too many relationships, but you
14 know there were some decisions that were
15 made that were in the previous -- in Luiz'
16 sort of purview, so once that sort of
17 information was sort of passed, we relied
18 on him less and less.

19 But we terminated the contract
20 in September.

21 MR. BLUMENTHAL: When you say
22 you terminated the contract, you used the
23 word we.

24 THE WITNESS: Kathleen and
25 myself.

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MR. BLUMENTHAL: Thank you.

THE WITNESS: I mean the city.

MR. BLUMENTHAL: I was just thinking did you have to run that idea by anybody or was it an open ended contract?

THE WITNESS: It was a retainer agreement, and it was on a month to month basis.

MR. BLUMENTHAL: Okay, so at the end of that month you guys said we are giving you X notice. Thank you very much. Enjoy Florida.

THE WITNESS: Yes.

Q. Can you think of any other conversations you had with anybody that related to actually who was going to become commissioner?

A. I mean not -- no, I mean except for, you know, my friends and people in the community. But in terms of you know within the city I had expressed my desire to be the commissioner to Chuck, and Kathleen certainly knew. Kathleen had encouraged me

1 Salgado

2 to apply. Chuck had called me in
3 specifically to tell me I should apply for
4 the commissioner position. I was hopeful
5 that I could get it.

6 I mean, there was a buzz that
7 the mayor wanted the job. I'm not going to
8 -- I mean there was a buzz. I can't
9 remember any specific conversation that I
10 had with anyone about it, but I would say
11 early in the year because if you recall,
12 they did more than one posting for the job.

13 So there was the first posting
14 they issued right away and they didn't get
15 any leads. And then the second one was
16 issued, and that's when I sort of started
17 to hear scuttle bug from a variety of
18 sources asking me did I know was it going
19 to be him, things like that. What's my --
20 you know do I think we will work well
21 together, just it was sort of gossip
22 honestly. It wasn't anything specific.

23 Q. Given the gossip that you
24 heard, did you have any concerns in
25 applying for the job that might put you at

1 Salgado

2 odds with the mayor?

3 A. I was definitely concerned. I
4 was definitely concerned. I know that, you
5 know, every month we have to go before
6 council and we have to make presentations
7 for a variety of zoning changes or if we
8 want to introduce new programs or request
9 funding for certain things we have to sort
10 of convince the council.

11 And the mayor sits at the head
12 of that body. And I was concerned that
13 that was going to be tough.

14 Q. And in actuality how did it
15 work out?

16 A. When I was appointed the mayor
17 had come in to my office that morning and
18 he said I know what you may have heard.
19 Despite what you may have heard, I'm
20 delighted by your appointment was his
21 words. And he said I think you need to --
22 I think you should call Luiz and make it
23 right.

24 And I said --

25 Q. What did you understand that to

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Salgado

mean?

A. That Luiz was upset that I wasn't relying on him as you know an advisor like sage counsel type person and that we let his contract expire and I wasn't utilizing him for his knowledge.

I think he felt left out. And I didn't know he was upset at me because I had no conversations with Luiz. So it was interesting to hear it from the mayor.

Q. Right. And what if anything did you do about that?

A. I said that I think if anyone -- I told him I think Luiz owes me a call if anything. And so I did, I got a call from Luiz, a congratulatory call.

MR. PHIPPS: And?

THE WITNESS: And he told me I was likeable.

MR. MEISELS: That's true.

THE WITNESS: Thank you.

MR. MEISELS: You are.

THE WITNESS: That's why I got it. He wasn't effusive at all. It

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Salgado

was a little weird, but thank you for calling me to tell me I was likeable.

MR. BLUMENTHAL: Send him to us. We will set him straight. Did you feel uncomfortable before Luiz called? First, what the mayor said I will use the words making it right and secondarily, when the call comes in, I mean, how does that make you feel and what does that make you think going forward?

Are you supposed to make use of his services or is that an instruction coming from on high? Is that helping you with your job or is it just merely a suggestion?

And again I don't want to inject myself into your brain at that time, but what are you thinking then?

THE WITNESS: I'm thinking it is uncomfortable because I knew Luiz was upset that we terminated his contract. And I know Luiz for a long time. You know, I worked with him on

1 Salgado

2 and off over the years in different
3 contexts. So I know he's very proud
4 and I know it must have been hard for
5 him to see someone who was you know
6 under him or that he oversaw step
7 into a role that he had occupied.

8 So I knew it was not going to
9 be an easy call, and I was
10 uncomfortable with it and I honestly
11 was -- I was uncomfortable. I did
12 it. You know, I answered the call,
13 and at least I felt I had to stand my
14 ground. But I was definitely
15 uncomfortable. It was awkward.

16 MR. BLUMENTHAL: That part I
17 get. But when the mayor is making
18 his suggestion to you either you
19 should call or whatever, how are you
20 reading that instruction?

21 THE WITNESS: I'm reading it
22 that the mayor has a specific point
23 of view about the direction that we
24 should be going in and that is
25 embodied by how Luiz ran the

1 Salgado

2 department. And I don't know that he
3 is -- I mean, our sort of tenure,
4 Kathleen and I the first year and
5 what we are continuing here is really
6 kind of looking to expand diversity,
7 expand opportunities for segments of
8 the population that had previously
9 felt maybe sort of separated from the
10 development.

11 So we were, you know, stepping
12 up our commitments to minority and
13 women owned businesses. We expanded
14 the affordable housing requirement.
15 We changed the impact to support
16 that, minority women owned
17 businesses.

18 We amended the zoning for the
19 downtown and embraced a lot of the
20 climate goals and resiliency type
21 policies. And I know that was not
22 what Luiz was interested in.

23 So that's how I took it as a
24 commentary on the direction we were
25 going.

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Salgado

MR. PHIPPS: You knew that was not Luiz' what?

THE WITNESS: Direction. As I worked for him for seven and change years so I knew what was important to him and I knew that you know those specific issues were not at the top of his --

MR. PHIPPS: Were not his?

THE WITNESS: Were not at the top of his --

MR. PHIPPS: So you guys were going into a different direction more to suit the needs how you felt the community needed?

THE WITNESS: Correct. I thought we were more receptive.

MR. PHIPPS: To that change?

THE WITNESS: I mean that is the characteristic of the policies that we have adopted in the last year, and I believe that there was a commentary on that somewhere.

He wasn't fully articulate. I

1 Salgado

2 don't know exactly what he meant, but
3 that's to me what it --

4 Q. Were you under the impression
5 that the mayor expected you to continue
6 using Luiz as a consultant or was he
7 suggesting that you continue to use Luiz as
8 a consultant?

9 A. Yeah, I do. We had meetings
10 with the mayor on a regular basis when we
11 first you know started to -- when Luiz
12 first retired it was Chuck would invite us
13 to his weekly meetings with the mayor. And
14 Kathleen and I would go and you know he
15 would make comments -- he was a fan --
16 insinuating like don't throw the baby out
17 with the bath water type of the some of his
18 stuff was good and we you know.

19 And so I got the impression
20 that he was in accordance with a lot of
21 those policies in the previous direction.
22 He was a supporter.

23 Q. Now did the conversations with
24 the mayor about make it right that occurred
25 when you were actually --

1 Salgado

2 A. Once I was appointed.

3 Q. Once you were appointed?

4 A. Yes.

5 Q. So that's very recent?

6 A. Very recent.

7 Q. But in fact you had canceled
8 the contract back in September?

9 A. Yes.

10 Q. So this comment comes months
11 later after it was canceled. After you
12 became commissioner and you had the
13 conversation with the mayor, did you renew
14 the contract?

15 A. No.

16 Q. Did anyone say anything to you
17 about that?

18 A. No.

19 Q. Did any of the other council
20 people other than the mayor ever mention
21 anything to you about using Luiz as a
22 consultant?

23 A. Not privately, but they made
24 comments at council meetings.

25 Q. Who said what to whom? That's

1 Salgado

2 better probably. Who said what to whom?

3 A. I believe it was Ivar had said
4 I hope we are still not using Luiz that way
5 and looking at how much he was making and
6 that sort of thing. And actually you know
7 --

8 MR. PHIPPS: Are you saying
9 cost was effective? You said how much he
10 was making.

11 THE WITNESS: He was making. I
12 don't think that was the only factor.

13 MR. PHIPPS: As a consultant?

14 THE WITNESS: As a consultant.
15 I think it became unnecessary to
16 spend any amount of money for that
17 counsel that we were getting for
18 those services. Because it is like
19 we all worked -- I mean, we are not
20 paying him for context.

21 We all worked here along with
22 him. He knows the same people that
23 we know. You know it is not like we
24 need him to open doors and sort of
25 broker any sort of transactions to

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Salgado

happen. It sort of became why are we doing this?

MR. PHIPPS: Redundant.

THE WITNESS: Yes, exactly.

MR. PHIPPS: Unnecessary.

THE WITNESS: Yes, and so that's why the decision was made.

MR. PHIPPS: So who else on the council responded that you can remember?

THE WITNESS: I mean I think when we confirmed that we terminated the contract I was told by several of the council members that that was the right thing to do that. That was what we should have done. I don't want to name names, but Martha had said it -- Lopez -- Ivar said it, Al said it.

MR. PHIPPS: How did the mayor respond?

A. Not, no specific response.

MR. PHIPPS: So you minimized some costs?

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THE WITNESS: Yes. Yes, that's one way of looking at it.

MR. PHIPPS: So you felt obviously very uncomfortable with that dismissal? It was a very uncomfortable position that you were in?

THE WITNESS: It was uncomfortable. It was uncomfortable especially you know we had these weekly meetings and they were you know a source of anxiety. You know usually you have to prepare for the mayor.

MR. PHIPPS: How has it been since then?

THE WITNESS: Since we -- since I was named the commissioner, it has been fine. There has been no other kind of follow-up from the mayor other than the time he came in the day after I was appointed and you know said what he said that about my appointment that he was happy for my

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Salgado

appointment and that I should reach
out to Luiz.

Other than that it has been
very much business as usual. We have
had a few council meetings, nothing,
no abrasive interactions or anything.

MR. PHIPPS: So do you feel
like you are our man in New Rochelle
now who's guiding us?

THE WITNESS: I am.

Q. Helping us?

A. I'm certainly doing my best and
committed to --

MR. BLUMENTHAL: Thank you,
very much. We appreciate it.

A. -- trying to make this
development be a good thing for as many
people of the city as possible. That's
what I feel passionate about.

MR. BLUMENTHAL: Probably one
of the most important things in the
city right now. So thank you.

THE WITNESS: Thank you.

MR. MEISELS: Do you gentlemen

1 Salgado

2 have any other questions?

3 MR. BLUMENTHAL: None at all
4 from me.

5 MR. PHIPPS: I just want to
6 say --

7 MR. MEISELS: Sure.

8 MR. PHIPPS: I do thank you for
9 your service. We notice a lot of
10 stuff going on. Every time I drive
11 through New Rochelle I see another
12 building going up. I don't know if
13 that has to be on the record or not,
14 but it is very interesting and it was
15 so interesting that it brought me to
16 the corner of Fifth and North for
17 quite some time.

18 And all of a sudden I came by
19 yesterday and the building was gone.
20 And it just -- my wife asked me what
21 is going on in New Rochelle. Do they
22 have the occupancy? Do they have
23 enough people to fill the occupancy?
24 It just is wild, man.

25 THE WITNESS: It is happening.

1 Salgado

2 Of the last report we got on absorb
3 page which is how we monitor
4 occupancy or how well the units are
5 filling up, is about 88 percent of
6 the units that are coming on line are
7 being leased.

8 MR. PHIPPS: Are you kidding?
9 That's to me amazing. I'm probably
10 going to go off script a little bit
11 because it is the capacity that my
12 limited knowledge I don't know where
13 we are being absorbed. You say it is
14 88 percent and the buildings are
15 still being knocked down and going
16 up. It is like crazy.

17 I would imagine it is helping
18 the tax base for New Rochelle and
19 also helping the residents to
20 minimize on a tax abatement benefit
21 not to be borne as the sales become
22 available, is that correct?

23 THE WITNESS: Correct. If you
24 look at it over time we have pilot
25 agreements so there is a little bit

1 Salgado

2 of an abatement schedule where they
3 ramp up, but within the first three
4 years they have to meet within the
5 school need and they go up at a
6 certain increment until the end of
7 the 20 years full taxes.

8 Yes, at the end of -- after I
9 would say our sort of rough analysis
10 is five years after the pilots, the
11 taxes are more than what they were
12 before the development was built
13 because even in an 80 percent
14 abatement on a fully built out 28
15 story building is more than the taxes
16 were when it was just like a one
17 store retail property.

18 So you do see benefits quickly,
19 but the real benefits will be after
20 the build out at the end of the
21 pilot.

22 MR. PHIPPS: On the first phase
23 how many more years left on the first
24 phase? The first phase of the
25 development for the abatement period

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of time, what is it 15 more years left?

THE WITNESS: I'm sorry?

MR. PHIPPS: Well I mean the abatement is for the first phase.

THE WITNESS: Well they are not phased. They are 20 year abatements generally the standard abatement is 20. There is some projects that are longer, but roughly most of them are 20 years. It is not so much a phase, but there are bench marks that they have to hit.

So the first bench mark being at year three they have to meet the cost of schools and so there was an analysis done in 2015 where they said you know based on the number of people in a building and the size of the bed room count of the unit, they do a formula and calculate how many children, school aged children are going to attend the schools.

And then that cost we got from

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the school district and so we applied the cost to educate those students and we calculate what the minimum tax payment is going to have to be to meet that cost to educate that number of students that are generated and from there it goes -- the abatement schedule continues to full tax at the year 20.

MR. PHIPPS: Better and better for the city.

THE WITNESS: Yes, better for the city.

MR. PHIPPS: Yes. I imagine we benefit paying less taxes.

THE WITNESS: Exactly.

MR. BLUMENTHAL: Less increase in taxes.

MR. PHIPPS: I'm sorry?

MR. BLUMENTHAL: Less increase in taxes.

THE WITNESS: I can't make any representations that the taxes are going to go down.

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MR. BLUMENTHAL: You were only there four months. You couldn't have done more with financing.

MR. MEISELS: Is there anything you would like to tell us that we don't know that we ought to know?

THE WITNESS: I don't think so. I feel like I have covered it.

MR. BLUMENTHAL: We should let him go home.

MR. MEISELS: Thank you, very much.

MR. BLUMENTHAL: Thank you, very much.

MR. MEISELS: Thank you very much and good luck.

THE WITNESS: Thank you.

MR. PHIPPS: Wish you success for us.

MR. BLUMENTHAL: For him too.

(Whereupon, at 5:05 P.M., the Examination of this witness was concluded.)

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C E R T I F I C A T E

STATE OF NEW YORK)
: SS
COUNTY OF WESTCHESTER)

I, Christine Giustiniani, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of May, 2022.

Christine Giustiniani

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