

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

STATED MEETING OF THE CITY COUNCIL

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February 2, 2011
Start: 2:25 pm
Recess: 4:40 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
CHRISTINE C. QUINN
Speaker

COUNCIL MEMBERS:

- Council Member Maria del Carmen Arroyo
- Council Member Gale A. Brewer
- Council Member Fernando Cabrera
- Council Member Margaret S. Chin
- Council Member Leroy G. Comrie, Jr.
- Council Member Elizabeth S. Crowley
- Council Member Inez E. Dickens
- Council Member Erik Martin Dilan
- Council Member Daniel Dromm
- Council Member Mathieu Eugene
- Council Member Julissa Ferreras
- Council Member Lewis A. Fidler
- Council Member Helen D. Foster
- Council Member Daniel R. Garodnick
- Council Member James F. Gennaro
- Council Member Vincent J. Gentile
- Council Member Sara M. Gonzalez

A P P E A R A N C E S [CONTINUED]

COUNCIL MEMBERS:

Council Member David Greenfield
Council Member Daniel J. Halloran
III
Council Member Vincent M. Ignizio
Council Member Robert Jackson
Council Member Letitia James
Council Member Peter A. Koo
Council Member G. Oliver Koppell
Council Member Karen Koslowitz
Council Member Brad S. Lander
Council Member Jessica S. Lappin
Council Member Stephen T. Levin
Council Member Melissa Mark-
Viverito
Council Member Darlene Mealy
Council Member Rosie Mendez
Council Member Michael C. Nelson
Council Member James S. Oddo
Council Member Domenic M. Recchia,
Jr.
Council Member Diana Reyna
Council Member Ydanis A. Rodriguez
Council Member Deborah L. Rose
Council Member James Sanders, Jr.
Council Member Larry B. Seabrook
Council Member Eric A. Ulrich
Council Member James Vacca
Council Member Peter F. Vallone,
Jr.
Council Member James G. Van Bramer
Council Member Albert Vann
Council Member Mark S. Weprin
Council Member Jumaane D. Williams
Council Member Ruben Wills

A P P E A R A N C E S [CONTINUED]

Christine C. Quinn
Opening Statement
Speaker
New York City Council

Ceremonial Presentations

Erik Martin Dilan
Presenting Proclamation Honoring Bonnie Impagliazzo
New York City Council Member

Committee Clerk
Reading Proclamation for Bonnie Impagliazzo
New York City Council

Karen L. Gould
President
Brooklyn College

Bonnie Impagliazzo
Proclamation Honoree
Brooklyn College

Christine C. Quinn acknowledges:
Barbara Scafiddi, Special Assistant to the Speaker

Vincent Gentile
Presenting Proclamation Honoree Fort Hamilton High
School Tigers
New York City Council Member

Vincent Gentile Acknowledging:
Fort Hamilton Tigers
Dan Diaz, Football Coach, Fort Hamilton Tigers

Committee Clerk
Reading Proclamation for Fort Hamilton High School
New York City Council

Daniel Diaz
Coach
Fort Hamilton Tigers

A P P E A R A N C E S [CONTINUED]

Daniel Diaz acknowledges:
Brandon Reddish, football player
Ivan Floyd, football player
James Howard, football player

Jo Ann Chester
Principal
Fort Hamilton High School

Jo Ann Chester thanks:
Vincent Gentile
Christine C. Quinn

Christine C. Quinn thanks:
Council Member Margaret S. Chin
Council Member Peter A. Koo

Margaret S. Chin
Presenting Proclamation for Chinese Consolidated
Benevolent Association

Peter A. Koo
Presenting Proclamation for Chinese Consolidated
Benevolent Association

Committee Clerk
Reading Proclamation for Chinese Consolidated
Benevolent Association
New York City Council

Jack Eng
President
Chinese Consolidated Benevolent Association

Sergeant at Arms
New York City Council

Leroy G. Comrie, Jr.
Acting as Presiding official

A P P E A R A N C E S [CONTINUED]

Reverend Doctor John C. J. Chang
The Grace Christian Church
Flushing, New York

Peter A. Koo
Motion to spread the invocation
New York City Council Member

Michael C. Nelson
Motion to adopt the minutes
New York City Council Member

Christine C. Quinn
Speaking on Intro 332-A

Christine C. Quinn thanks for work on 2 HHC
appointees:
Leroy Comrie, Acting Chair of the Rules Committee
Chuck Davis

Christine C. Quinn thanks for work on Intro 332-A:
Rob Newman
Lacey Clark
Adira Simon
Joe Mancino
Terza Nasser
Maria del Carmen Arroyo
Melissa Mark-Viverito
Gale A. Brewer

Gale A. Brewer
Sponsor, Intro 332-A
New York City Council Member

Gale A. Brewer thanks for support on Intro 332-A:
Melissa Mark-Viverito
Maria del Carmen Arroyo
Domenic M. Recchia, Jr.
Peter F. Vallone, Jr.

A P P E A R A N C E S [CONTINUED]

Christine C. Quinn acknowledges:
Many advocates in support of Intro 332-A
James Gennaro for Academy Nomination for film on
hydraulic fracturing

Robert Jackson
Speaking on Intro 332-A
New York City Council Member

Vincent M. Ignizio
Speaking on Intro 332-A
New York City Council Member

Brad S. Lander
Speaking on Intro 332-A
New York City Council Member

James S. Oddo
Speaking on Intro 332-A
New York City Council Member

James F. Gennaro
Speaking on Intro 332-A
New York City Council Member

Daniel J. Halloran III
Speaking on Intro 332-A
New York City Council Member

G. Oliver Koppell
Speaking on Intro 332-A
New York City Council Member

Jumaane D. Williams
Speaking on Intro 332-A
New York City Council Member

Letitia James
Speaking on Intro 332-A
New York City Council Member

A P P E A R A N C E S [CONTINUED]

James Sanders, Jr.
Speaking on Intro 332-A
New York City Council Member

Ydanis Rodriguez
Speaking on Intro 332-A
New York City Council Member

Eric A. Ulrich
Speaking on Intro 332-A
New York City Council Member

Rosie Mendez
Speaking on Intro 332-A
New York City Council Member

Melissa Mark-Viverito
Speaking on Intro 332-A
New York City Council Member

James G. Van Bramer
Speaking on Intro 332-A
New York City Council Member

Peter F. Vallone, Jr.
Speaking on Intro 332-A
New York City Council Member

Lewis A. Fidler
Speaking on Intro 332-A
New York City Council Member

Karen Koslowitz
Speaking on Intro 332-A
New York City Council Member

Erik Martin Dilan
Speaking on Intro 332-A
New York City Council Member

A P P E A R A N C E S [CONTINUED]

Maria del Carmen Arroyo
Speaking on Intro 332-A
New York City Council Member

Stephen T. Levin
Speaking on Intro 332-A
New York City Council Member

David Greenfield
Speaking on Intro 332-A
New York City Council Member

Albert Vann
Speaking on Intro 332-A
New York City Council Member

Domenic M. Recchia, Jr.
Speaking on Intro 332-A
New York City Council Member

Margaret S. Chin
Speaking on Intro 332-A
New York City Council Member

Darlene Mealy
Speaking on Intro 332-A
New York City Council Member

Ruben Wills
Speaking on Intro 332-A
New York City Council Member

Peter A. Koo
Speaking on Intro 332-A
New York City Council Member

Deborah L. Rose
Speaking on Intro 332-A
New York City Council Member

A P P E A R A N C E S [CONTINUED]

Michael C. Nelson
Speaking on Intro 332-A
New York City Council Member

Robert Jackson
Speaking on closure of New York City schools
New York City Council Member

Daniel R. Garodnick
Speaking on bills for pedicab regulation and
government parking placards
New York City Council Member

Peter A. Koo
Wishing everyone a great Chinese New Year
New York City Council Member

Jumaane D. Williams
Speaking on bill for cost-benefit analysis of
contracting out
New York City Council Member

Leroy G. Comrie, Jr.
Speaking on Resolution for credits on firefighters
exam
New York City Council Member

David Greenfield
Speaking on intro regarding parking permits for women
with difficult pregnancies
New York City Council Member

Ydanis Rodriguez
Urging members to attend Panel on Education meeting
New York City Council Member

Diana Reyna
Speaking on Reso for early voting
New York City Council Member

A P P E A R A N C E S [CONTINUED]

Stephen T. Levin
Speaking on Intro for oversight of Police
Department's CPR and AED certifications
New York City Council Member

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2 MALE VOICE 1: This is a test for
3 the Stated Meeting of February 2nd, 2011, the
4 meeting is being recorded by Ivette Molina.

5 SPEAKER QUINN: Start our
6 ceremonials. And whoops, we have three
7 ceremonials today. And the first one is being led
8 by Erik Dilan with the entire Brooklyn delegation
9 and if we could ask President Karen Gould and
10 everyone from Brooklyn College, particularly
11 Bonnie, to make their way up here for this
12 important ceremonial. Let's give the Brooklyn
13 College gang a round of applause while they make
14 their way up here.

15 [Applause]

16 BROOKLYN COLLEGE PRESIDENT KAREN
17 GOULD: Speaker it's so nice to see you again.

18 SPEAKER QUINN: Thank you so much.

19 MS. GOULD: You're so very welcome.

20 SPEAKER QUINN: And let me turn the
21 mic over to the Chair of the Brooklyn delegation,
22 Erik Dilan and Gary let's give the proclamation.

23 COUNCIL MEMBER DILAN: Bonnie just
24 thank you for all your years of service
25 particularly to Brooklyn College and to our

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2 delegation. And I think to a person in this
3 delegation it's certainly going to be a different
4 budget season without you advocating for your
5 university on the steps. But we will all miss
6 you. We will not forget your advocacy efforts on
7 behalf of the college. And I know that we've been
8 through some good budgets together and some bad
9 budgets together.

10 We'll still keep Brooklyn College
11 in mind. I know you're probably particularly sad
12 you're going to miss this one 'cause it's going to
13 be interesting. But... you know, rest assured the
14 entire delegation cares very much about our
15 universities and our hospitals. So we're going to
16 do the best that we can to make sure that
17 everybody comes out the way they need to come out
18 as a whole. And just thank you for all your years
19 of service. Enjoy your retirement. We're all
20 going to miss you, miss you so very much.

21 [Applause]

22 COUNCIL MEMBER DILAN: Okay... Oh
23 that's what I get for not listening to the
24 Speaker, I'm so sorry. Can the Clerk please read
25 the Proclamation.

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2 FEMALE COMMITTEE CLERK: Council,
3 City of New York Proclamation.

4 Whereas Bonnie Impagliazzo has
5 dedicated herself to public service and has a
6 distinguished career serving the needs of Brooklyn
7 in various capacities, serving as Brooklyn
8 College's Director of Government and External
9 Affairs since 2000, Ms. Impagliazzo has been
10 instrumental in obtaining public funding for a
11 variety of major capital projects that are
12 transforming the college's campus.

13 Whereas Ms. Impagliazzo's first
14 endeavor in the field of public service was to
15 establish and direct a program called Something
16 for Mothers which provided educational workshops
17 for women and childcare for their young children.
18 She subsequently created and eventually directed
19 the Park Slope Women's Center, a job-readiness
20 program for women receiving public assistance.

21 [Applause]

22 Following that she went on to work
23 as an administrator and leader as a Youth
24 Coordinator in the District of Community Board 6
25 in Brooklyn, and

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2 Whereas in 1986 Ms. Impagliazzo
3 joined the Office of the Brooklyn Borough
4 President where over a 10-year span she served as
5 a Community Coordinator, Census Director and
6 finally as Education Policy Specialist, and

7 Whereas Ms. Impagliazzo joined the
8 Municipal Labor Organization, the Council of
9 Supervisors and Administrators in 1997 to serve as
10 its first Public Relations Director, she
11 implemented an Institution Identity Program and
12 expanded the union's relations with major press
13 outlets including the New York Times.

14 Now therefore be it known that the
15 Council of the City of New York including the
16 entire Brooklyn delegation proudly honors Bonnie
17 Impagliazzo for her outstanding contributions to
18 the Borough of Brooklyn and to all of New York
19 City.

20 Christine C. Quinn, Speaker for the
21 entire Council.

22 Erik Martin Dilan, Council Member,
23 37th District

24 And the rest of the Brooklyn
25 delegation.

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SPEAKER QUINN: Well just as we...

[Applause]

SPEAKER QUINN: Let me give the mic to President Gould and then to Bonnie but I will just say to everyone that I echo everything Erik said. That your work at Brooklyn College is incredibly impressive, all of the work that's outlined in the Proclamation is even more impressive, but most impressive of all, and Madam President you really need to appreciate this, is that Barbara Scaffiddi, my Special Assistant who literally likes no one and Barbara would agree with that if she was here just said I'm going to miss Bonnie during the budget. Right? So she really made it into the innards of the City Council. So that is higher than a Proclamation. So President?

MS. KAREN GOULD: Thank you very much. It is very difficult to say goodbye but I know that Bonnie is going to be with all of us including the Council for a very, very long time. And she's going to be making sure that we are all doing our work on behalf of Brooklyn College. So I just want to say I always say that no one is

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2 irreplaceable but I think I just found out that
3 I'm wrong. I'm going to need all of your help to
4 find someone who can begin to be as good as Bonnie
5 has been her whole career at Brooklyn College.
6 Thank you very much and congratulations Bonnie.

7 [Applause]

8 MS. IMPAGLIAZZO: Thank you
9 everyone, I'm almost speechless but there are a
10 couple of things I'd like to say--

11 SPEAKER QUINN: [Interposing]

12 [Laughing].

13 MS. IMPAGLIAZZO: This is a
14 bittersweet moment. I'm very touched and honored
15 and it's also very hard to say goodbye to all of
16 you. And there's somebody out there who also
17 should be in this inner circle, including Barbara
18 and Jeff Rodus.

19 [Applause]

20 MS. IMPAGLIAZZO: Speaker Quinn and
21 the Brooklyn delegation and the members of your
22 staff, including Barbara, I thank you for all your
23 years of loyalty and commitment and support of
24 Brooklyn College. I thank you for your
25 camaraderie and friendship during some times of

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2 difficult budget seasons. You always made it
3 pleasant, productive, helpful, I thank you all.
4 And I'm very quickly going to rattle off three
5 areas where you've really been supportive of the
6 college. Capital programs, a number of very
7 important projects, lecture halls, special
8 teaching labs, roofs so that we didn't have a
9 building completely deteriorate and our library
10 café, a very important resource on campus.

11 I'd like to thank you for the
12 Borough's classroom which you fund every year
13 which enables faculty on campus to assign students
14 to attend events, lectures, concerts whatever, in
15 our top cultural institutions. Many of our
16 students don't know about BAM and the Brooklyn
17 Museum and their attendance as a part of their
18 coursework is a life-changing experience. And
19 finally I'd like to thank you for your support of
20 the Vallone scholarships. It really--those are
21 really, really important to our students.

22 [Applause]

23 MS. IMPAGLIAZZO: Thank you all.
24 I'll miss working with you. I know you are very
25 connected to the college. Some of you went there.

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2 Some of you are children of people who went there
3 or are married to people who went there or who
4 have cousins who are going there. And I know that
5 you understand and value higher education. And
6 I'm very appreciative of all the work that you do
7 for us and I thank you very much for 11 great
8 years.

9 MS. GOULD: Thank you.

10 SPEAKER QUINN: Thank you very much
11 Bonnie and thank you Erik for pulling this
12 together. Thank you very much. If Brooklyn can
13 stay here we're going to do Fort Hamilton.

14 COUNCIL MEMBER DILAN: Thanks.

15 SPEAKER QUINN: Oh, you're very
16 welcome. Thank you.

17 [Pause]

18 SPEAKER QUINN: Thank you. All
19 right we're going to do another Brooklyn
20 Ceremonial led by Council Member Vinnie Gentile.
21 So if the folks from... if the folks from Fort
22 Hamilton can make their way up that would be
23 great. The folks from Fort Hamilton High School
24 come on up.

25 COUNCIL MEMBER JAMES: Yea if

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you're alumni, yeah Fort Hamilton.

SPEAKER QUINN: And if folks can just fall behind Vinnie in the sweatshirt that would be great.

COUNCIL MEMBER JAMES: Vinnie these are my fellows. Fellows.

[Off mic conversations]

COUNCIL MEMBER GENTILE: I'm joined here not only by the Principal and the first year coach at Fort Hamilton High School but Fort Hamilton is the only school to have three current members of the City Council who are graduates of Fort Hamilton High School.

[Applause, cheering]

COUNCIL MEMBER GENTILE:
Councilwoman Tish James, Councilwoman Sara Gonzales and yours truly. Okay. Yeah let's put some of the--coach, where's the coach? Coach? Coach?

[Off mic conversation]

COUNCIL MEMBER GENTILE: All right.

[Off mic conversation]

COUNCIL MEMBER GENTILE: To get to the Championship game the Fort Hamilton High

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2 School team--

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SPEAKER QUINN: [Interposing] Okay
why don't we, shhhh.

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COUNCIL MEMBER GENTILE: --
undefeated.

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SPEAKER QUINN: Wait, wait a
minute, hang on one second Vinnie. Let's have
everybody kind of fall in one way or the other so
'cause Bill's going to do his best to get
everybody in the picture. So Bill how wide can it
be for you to take it? All right. Shhh. So
listen--

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COUNCIL MEMBER GENTILE:
[Interposing] The undefeated--

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SPEAKER QUINN: --hand on Vinnie,
wait a second. Folks. Bill is the photographer.
Follow his instruction about whether he needs to
get you to move so we can get everybody in the
picture. You got everybody Bill?

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COUNCIL MEMBER GENTILE: Everybody
good?

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SPEAKER QUINN: All right, take one
more Bill, a little backup.

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COUNCIL MEMBER GENTILE: Fort

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Hamilton. Fort Hamilton defeated--

SPEAKER QUINN: [Interposing]

Great, thank you.

COUNCIL MEMBER GENTILE: --both undefeated Tottenville and Lincoln High School to win the Citywide Championship and, you know, just like the Jets in the Championship game, Fort Hamilton was dominated by their opponent in the first half.

But unlike the Jets, Fort Hamilton Tigers found a way to win in the second half of the game, 8 to 6 with a 26-yard over the shoulder pass by Marvin Centeno, their quarterback, to Brendan Reddish and then a 2-point conversion to Dylan Campili and the defense held Lincoln in the fourth quarter and some of the defensive members were even ill during that game but they held them and they won 8-6 and they are now the new Citywide PSAL Champions of Football.

[Applause]

COUNCIL MEMBER GENTILE: And so our Principal is here and our Head Coach. And our Head Coach is a rookie head coach, the first time ever a rookie head coach has won the Citywide

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2 Championship in Football, Dan Diaz. And our
3 Principal Jo Ann Chester.

4 And if the Clerk could now please
5 read the Proclamation.

6 FEMALE COMMITTEE CLERK: Council,
7 City of New York Proclamation.

8 Whereas the Fort Hamilton Tigers
9 established in 1990 were the first football team
10 in Fort Hamilton High School history, over the
11 course of the last two decades they have had
12 incredible triumphs including 16 playoffs, 7
13 championship games and 5 PSAL Championships, their
14 tenacity and success have inspired others to--

15 SPEAKER QUINN: [Interposing] If we
16 can get a little--

17 FEMALE COMMITTEE CLERK:--inspire.

18 SPEAKER QUINN: --shhh, some quiet
19 in the chambers please. Thank you.

20 FEMALE COMMITTEE CLERK: Have
21 inspired others to aspire to get it done the Tiger
22 way, and

23 Whereas on December 9th, 2010 in the
24 first New York City High School football game
25 played at Yankee Stadium, first year Head Coach

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2 Daniel Diaz guided the Fort Hamilton High School
3 Tigers, 13 and 0 to victory in the New York City
4 Public School Athletic League Football
5 Championship with a final score of 8 to 6 over
6 their Brooklyn rival, the Lincoln High School
7 Rail-splitters, and

8 Whereas we congratulate all of the
9 players for their hard work and dedication and
10 wish them continued success both on and off the
11 football field,

12 Now therefore be it known that
13 Council of the City of New York including the
14 entire Brooklyn delegation honors the Fort
15 Hamilton High School Tigers for their outstanding
16 teamwork and victory in the 2010 New York City
17 PSAL Championship.

18 Christine C. Quinn, Speaker for the
19 entire Council

20 Vincent Gentile, Council Member,
21 43rd District

22 And the rest of the Brooklyn
23 delegation.

24 SPEAKER QUINN: Thank you very much
25 and Vinnie if we could hear from the coach and/or

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the captain please.

COUNCIL MEMBER GENTILE: Great,
Coach Diaz.

COACH DANIEL DIAZ: I feel honored
to be here today, a Brooklyn College graduate,
following the retirement of the Brooklyn College
President. As well I feel honored representing my
alma mater, my high school alma mater, Fort
Hamilton and our great principal Ms. Jo Ann
Chester who's the captain of our ship and always
kept us going in the right direction.

I have a great group of boys.
They've been doing a great job. I have two--

[Applause]

FOOTBALL TEAM MEMBER: Yeah Coach.

COACH DIAZ: I've got two boys that
were selected to the All Metro Team which
represents the best players in New Jersey,
Connecticut and New York. And two players were
selected on that team. As well, today is National
Signing Day. And today we had three players
signed National Letters of Intent to go to a
Division I Football program and go play football
for free. So we're really happy with those guys--

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[Applause]

COAH DIAZ: --and I want to point them out. Brandon Reddish [phonetic].

[Cheering, applause]

COAH DIAZ: Where's Brandon? Brandon was our star player this year. He did it all for us as a quarterback, receiver. Now he's going to be playing football for Syracuse University next fall.

[Cheering, applause]

MR. BRANDON REDDISH: Thank you, thank you, thank you.

COAH DIAZ: As well, probably the tallest guy over here, you can't miss him, Ivan Floyd.

[Cheering, applause]

COAH DIAZ: He's 6'5", 285 pounds. He did the job. Well done, on the field and off the field where as well he is also going to attend Syracuse University next fall. Congratulations Ivan.

[Applause]

COUNCIL MEMBER JAMES: There you go, study hard.

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2 COAH DIAZ: And finally but not
3 least is our senior captain of four years, varsity
4 player who's been doing a great job for us, James
5 Howard, just signed his letter of intent for
6 Wagner College. Congratulation James.

7 [Applause]

8 COAH DIAZ: Who's - - playing the
9 captain though? Okay? So right now I want to pass
10 the mic to our Principal, Ms. Jo Ann Chester.

11 MS. JO ANN CHESTER: Thank you
12 everyone. Fort Hamilton is certainly honored to
13 be here once again. We were invited back here
14 four years ago. We had a back to back win. And
15 we're here again this year, very, very proud, the
16 team of the decade. Our Tiger Varsity football
17 team at Yankee Stadium. I want to thank Council
18 Member Gentile, a former Fort Hamilton grad for
19 being one of our best supporters and also Speaker
20 of the House Quinn for your hospitality. Thank
21 you once again and we'll be back again, Go Tigers.

22 [Applause]

23 SPEAKER QUINN: Great. Thank you
24 very much.

25 COUNCIL MEMBER GENTILE: Thank you

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guys. Good job. Good job. Good job.

You're great. Thank you guys very much. And now we're going to bring up as the-- let's give a round of applause to the Fort Hamilton High School as they make their way out everybody.

[Applause]

And if we can get quiet though as folks exit. And our final ceremonial is going to be led by Council Member Margaret Chin and Council Member Peter Koo, the Chinese Consolidated Benevolent Association of New York, but as Peter and Margaret make their way up let's give them a big round of applause and thank them for the delicious lunch that they brought everybody. So.

[Applause]

SPEAKER QUINN: Yes? Okay and if the folks from the Benevolent Association can make their way too that would be great. And again we want to thank Peter and Margaret for providing such a great lunch and reminding us of the importance of the Lunar New Year so thank you both very, very much. And if the folks can make their way on up that would be great.

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[Pause]

SPEAKER QUINN: All right. Let me hand the mic over to Council Member Chin and then Council Member Koo.

COUNCIL MEMBER CHIN: Thank you Madam Speaker. I'm glad all my colleagues and their staff enjoyed the great lunch, Chinese food, and want to wish--

[Cheering, applause]

COUNCIL MEMBER CHIN: --and we want to wish everyone a Happy Lunar New Year, 4,609 and the Year of the Rabbit. So hopefully this will be a peaceful and prosperous year, especially for us in the City Council. Yes, yes, Rabbit. We have the honor, Council Member Koo and I have the honor to present the Proclamation to the Chinese Consolidated Benevolent Association. This Association has been around for 128 years.

It was founded after 1882 when our country instituted the Chinese Exclusion Act. The organization came together to fight to protect the Chinese citizens who were here helping to build this country, build the railroad. But they were discriminated. And CCBA have to come together to

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2 make sure that their rights were protected. So
3 over these 120 years they have united Chinese
4 Americans across the country, across New York
5 City, to make sure that they know their rights,
6 make sure they know how to become US citizens,
7 make sure that they exercise their right to vote
8 and also help organize them so they can become a
9 strong community in our City.

10 And this year especially, they are
11 leading the celebration for the 100th anniversary
12 of the founding of the Republic of China where we
13 overthrew the Qing Dynasty and established the
14 first Republic in Asia. So we're happy with the
15 celebration and we wanted to thank and
16 congratulate CCBA for their historic effort
17 throughout this 128 years.

18 [Applause]

19 COUNCIL MEMBER KOO: I want to
20 thank Speaker Quinn and all my colleagues here.
21 And tomorrow is the first day of the Chinese New
22 Year of the Rabbit. So let me say Happy New Year
23 to all of you and may the new year bring us
24 prosperity and peace and health. And Gung Hey Fat
25 Choy.

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[Cheering]

COUNCIL MEMBER KOO: Gung Hey Fat
Choy means make you make a lot of money.

[Laughter]

COUNCIL MEMBER KOO: Chinese
people, Asian people are very practical. And I
also want to congratulate CCBA for their over 200
years of service for our community. Our President
here, his nickname is Mayor of Chinatown. He has
done a lot of things. He acts as a bridge between
the City government and the local community. I
want to thank you for his tireless efforts helping
our community. And I hope CCBA will do more
things and continue to do more things for not only
the Chinese community but for the overall downtown
community in our area. Thank you very much.

SPEAKER QUINN: And if the Clerk
could please read the Proclamation.

COMMITTEE CLERK: Council, City of
New York Proclamation.

Whereas in celebration of Lunar New
Year and the 100th anniversary of the founding of
the Republic of China, the Council of the City of
New York is proud to honor the Chinese

1
2 Consolidated Benevolent Association, the CCBA, for
3 128 years of outstanding support to the community,
4 and

5 Whereas the establishment of the
6 Republic of China in 1911 marked the end of the
7 Qing Dynasty and 2000 years of Imperial rule in
8 China, under its first provisional president
9 Doctor Sun Yat Sen, the Republic of China sought
10 to provide for the welfare of the people. By
11 advocating for a monument to commemorate the
12 vision of Doctor Sun Yat Sen, the Chinese
13 Consolidated Benevolent Association seeks to honor
14 the history of people of Chinese descent on this
15 landmark anniversary, and

16 Whereas the Chinese Consolidated
17 Benevolent Association of New York was founded in
18 1883, one year after the Chinese Exclusion Act was
19 signed into law by the United States, during this
20 time Chinese Americans were frozen out of
21 mainstream society and subjected to one of the
22 most restrictive and discriminatory immigration
23 policies in United States history. When the
24 Federal government stepped out of the lives of
25 Chinese Americans, the CCBA effectively stepped in

1
2 to guarantee the provision of social services to
3 the Chinese American community, and

4 Whereas the Chinese Consolidated
5 Benevolent Association has dutifully served
6 Chinese Americans in New York for 128 years, the
7 CCBA, the parent organization of the Chinese
8 Community Center, is the oldest community
9 organization in Chinatown. The New York City
10 Council commends the CCBA for its unwavering
11 service to the Chinese American community and
12 local businesses, for its commitment to charity,
13 and for its protection and advocacy on behalf of
14 recent immigrants, and

15 Whereas this Lunar New Year 4709 is
16 the Year of the Rabbit, a year to foster stronger
17 relationships within our families and within our
18 communities. The rabbit's traditional focus on
19 home, family, security and diplomacy all speak to
20 the mission of the great work of the CCBA.

21 Now therefore be it known that the
22 Council of the City of New York most gratefully
23 honors the Chinese Consolidated Benevolent
24 Association of New York for 128 years of stellar
25 service and contributions to the community.

1
2 Christine C. Quinn, Speaker for the
3 entire Council

4 Margaret Chin, Council Member, 1st
5 District, Manhattan

6 Peter Koo, Council Member, 20th
7 District, Queens.

8 SPEAKER QUINN: Thank you very
9 much.

10 [Applause]

11 SPEAKER QUINN: Let's hear it for
12 the president.

13 MR. JACK ENG: Thank you very much
14 for this Proclamation for the CCBA. As Margaret
15 Chin and Peter Koo say, our CCBA have been 128
16 years in service to the community. And this year
17 is the Year of the Rabbit. And I take this
18 opportunity to tell everybody have a prosperous
19 New Year and good luck and good health and Gung
20 Hey Fat Choy.

21 [Applause]

22 MR. ENG: And this year is also 100
23 years of the Republic of China. We will put the
24 statue of Doctor Sun Yat Sen on Canal Street near
25 Postal [phonetic] and Walker Street. The Board

1
2 number 3 has been approved. Right now we're
3 waiting for DOT and the Parks Department. I hope
4 they will approve too so we can do this on
5 October. Thank you. Thank you for your support.

6 SPEAKER QUINN: Thank you very,
7 very much. And this concludes ceremonials and
8 we'll get the Stated Meeting started in just a
9 minute or two.

10 [Pause]

11 SERGEANT AT ARMS: Ladies and
12 gentlemen can I have your attention please. At
13 this time please place all cell phones and pagers
14 to vibrate. Thank you.

15 [Gavel banging]

16 COUNCIL MEMBER COMRIE: Please rise
17 for the Pledge of Allegiance.

18 ALL: I pledge allegiance to the
19 flag of the United States of America and to the
20 republic for which it stands, one nation under
21 god, indivisible with liberty and justice for all.

22 COUNCIL MEMBER COMRIE: Roll call.

23 COMMITTEE CLERK: Arroyo.

24 COUNCIL MEMBER ARROYO: Here.

25 COMMITTEE CLERK: Barron.

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COUNCIL MEMBER BARRON: [No audible response]

COMMITTEE CLERK: Brewer.

COUNCIL MEMBER BREWER: Here.

COMMITTEE CLERK: Cabrera.

COUNCIL MEMBER CABRERA: Here.

COMMITTEE CLERK: Chin.

COUNCIL MEMBER CHIN: Here.

COMMITTEE CLERK: Comrie.

COUNCIL MEMBER COMRIE: Here.

COMMITTEE CLERK: Crowley.

COUNCIL MEMBER CROWLEY: Here.

COMMITTEE CLERK: Dickens.

COUNCIL MEMBER DICKENS: Here.

COMMITTEE CLERK: Dilan.

COUNCIL MEMBER DILAN: Here.

COMMITTEE CLERK: Dromm.

COUNCIL MEMBER DROMM: Here.

COMMITTEE CLERK: Eugene.

COUNCIL MEMBER EUGENE: Here.

COMMITTEE CLERK: Ferreras.

COUNCIL MEMBER FERRERAS: [No audible response]

COMMITTEE CLERK: Fidler.

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2 COUNCIL MEMBER FIDLER: [No audible
3 response]
4 COMMITTEE CLERK: Foster.
5 COUNCIL MEMBER FOSTER: Here.
6 COMMITTEE CLERK: Garodnick.
7 COUNCIL MEMBER GARODNICK: Here.
8 COMMITTEE CLERK: Gennaro.
9 COUNCIL MEMBER GENNARO: Here.
10 COMMITTEE CLERK: Gentile.
11 COUNCIL MEMBER GENTILE: [No
12 audible response]
13 COMMITTEE CLERK: Gonzalez.
14 COUNCIL MEMBER GONZALEZ: Here.
15 COMMITTEE CLERK: Greenfield.
16 COUNCIL MEMBER GREENFIELD: [No
17 audible response]
18 COMMITTEE CLERK: Halloran.
19 COUNCIL MEMBER HALLORAN: Here.
20 COMMITTEE CLERK: Ignizio.
21 COUNCIL MEMBER IGNIZIO: Here.
22 COMMITTEE CLERK: Jackson.
23 COUNCIL MEMBER JACKSON: Here.
24 COMMITTEE CLERK: James.
25 COUNCIL MEMBER JAMES: [No audible

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response]

COMMITTEE CLERK: Koo.

COUNCIL MEMBER KOO: Here.

COMMITTEE CLERK: Koppell.

COUNCIL MEMBER KOPPELL: Here.

COMMITTEE CLERK: Koslowitz.

COUNCIL MEMBER KOSLOWITZ: Here.

COMMITTEE CLERK: Lander.

COUNCIL MEMBER LANDER: Here.

COMMITTEE CLERK: Lappin.

COUNCIL MEMBER LAPPIN: Here.

COMMITTEE CLERK: Levin.

COUNCIL MEMBER LEVIN: Here.

COMMITTEE CLERK: Mark-Viverito.

COUNCIL MEMBER MARK-VIVERITO:

Here.

COMMITTEE CLERK: Mealy.

COUNCIL MEMBER MEALY: [No audible

response]

COMMITTEE CLERK: Mendez.

COUNCIL MEMBER MENDEZ: Here.

COMMITTEE CLERK: Nelson.

COUNCIL MEMBER NELSON: Here.

COMMITTEE CLERK: Palma.

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COUNCIL MEMBER PALMA: [No audible response]

COMMITTEE CLERK: Recchia.

COUNCIL MEMBER RECCHIA: Here.

COMMITTEE CLERK: Reyna.

COUNCIL MEMBER REYNA: [No audible response]

COMMITTEE CLERK: Rodriguez.

COUNCIL MEMBER RODRIGUEZ: Here.

COMMITTEE CLERK: Rose.

COUNCIL MEMBER ROSE: Here.

COMMITTEE CLERK: Sanders.

COUNCIL MEMBER SANDERS: [No audible response]

COMMITTEE CLERK: Seabrook.

COUNCIL MEMBER SEABROOK: Here.

COMMITTEE CLERK: Ulrich.

COUNCIL MEMBER ULRICH: Here.

COMMITTEE CLERK: Vacca.

COUNCIL MEMBER VACCA: Here.

COMMITTEE CLERK: Vallone.

COUNCIL MEMBER VALLONE: Here.

COMMITTEE CLERK: Van Bramer.

COUNCIL MEMBER VAN BRAMER: Here.

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COMMITTEE CLERK: Vann.

COUNCIL MEMBER VANN: Here.

COMMITTEE CLERK: Weprin. Weprin.

COUNCIL MEMBER WEPRIN: Here.

COMMITTEE CLERK: Williams.

COUNCIL MEMBER WILLIAMS: Here.

COMMITTEE CLERK: Wills,

COUNCIL MEMBER WILLS: Here.

COMMITTEE CLERK: Fidler.

COUNCIL MEMBER FIDLER: Here.

COMMITTEE CLERK: Gentile.

COUNCIL MEMBER GENTILE: Here.

COMMITTEE CLERK: Levin.

COUNCIL MEMBER LEVIN: Here.

COMMITTEE CLERK: Mealy.

COUNCIL MEMBER MEALY: Here.

COMMITTEE CLERK: Oddo.

COUNCIL MEMBER ODDO: Here.

COMMITTEE CLERK: Rivera.

COUNCIL MEMBER RIVERA: [No audible

response]

COMMITTEE CLERK: Speaker Quinn.

SPEAKER QUINN: Here.

COMMITTEE CLERK: We have a quorum.

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2 COUNCIL MEMBER COMRIE: Invocation
3 by Reverend Doctor John C. H. Chang, The Grace
4 Christian Church.

5 REVEREND DOCTOR JOHN C. H. CHANG:
6 Before I say any word of prayer, I just want to
7 say thank you for inviting me here to give me this
8 privilege. And you have heard that tomorrow is
9 Chinese New Year. And it is not only celebrated
10 by Chinese but also by most of the Asian people.
11 Therefore allow me to say on behalf of the Asian
12 community in New York City to wish you all to have
13 prosperous future and healthy body and spirit to
14 serve well for this wonderful, great City. Could
15 you please join me in prayer?

16 Oh mighty God, we thank you for
17 this time that we can gather together as the
18 Council of the City of New York. Thank you for
19 electing us to represent this great City. Lord we
20 are here to make decisions for the welfare and the
21 benefit of the City. And we need you to grant us
22 your wisdom. We know that all wisdom comes from
23 you without wisdom we cannot make right decisions.
24 Without your guidance we cannot know what is the
25 right way to move.

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2 Therefore we are here, we humbly
3 ask you to be with us. Lord, we know that you are
4 the Almighty God. You are the creator of the
5 universe. You are the sustainer of this world.
6 And you are the redeemer of we humankind. And we
7 beseech you, we need you to be with us, especially
8 now, we pray that you grant your wisdom to all
9 Council People. Give them the courage to pursue
10 for the truth and righteousness. And we pray that
11 through their decisions and when they make right
12 decisions your love and your grace will be
13 manifest to all City of New York.

14 Lord we pray that you be with them
15 and keep them well. And through them our City
16 will become a City of peace, a City of joy, of
17 peace, a City of righteousness and a City of
18 prosperity. We thank you for everything that you
19 have given to us. We honor you and we love you
20 because you are the ultimate authority and power.
21 And we all hold accountable to you. We praise you
22 and we honor you. We pray in the name of our Lord
23 Jesus Christ, amen.

24 COUNCIL MEMBER COMRIE: Council
25 Member Koo to spread the invocation?

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2 COUNCIL MEMBER KOO: I want to
3 thank the Speaker for affording me this
4 opportunity to invite Reverend John Chang to give
5 the invocation in honor of the Lunar New Year.
6 And I want to wish all my colleagues a very happy
7 and prosperous New Year, Gung Hey Fat Choy. I'd
8 also like to make a motion to spread the
9 invocation in full upon the record.

10 COUNCIL MEMBER COMRIE: So ordered.
11 Thank you. Council Member Nelson for adoption of
12 the minutes?

13 COUNCIL MEMBER NELSON: I make a
14 motion that the minutes of the Stated Meetings of
15 December 20th, 2010 and January 5th, 2011 be adopted
16 as printed.

17 COUNCIL MEMBER COMRIE: So ordered.
18 Messages and papers from the Mayor.

19 COUNCIL MEMBER COMRIE:
20 Communication from City, County and Borough
21 offices?

22 COMMITTEE CLERK: M 344 to M 379
23 and page 6, Base Station Licenses.

24 SPEAKER QUINN: Transportation.

25 [Sneezing]

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SPEAKER QUINN: God bless you.

COUNCIL MEMBER COMRIE: Petitions
and--god bless you, petitions and communications.

COMMITTEE CLERK: None.

COUNCIL MEMBER COMRIE: Land use
call ups?

COMMITTEE CLERK: M 380 to M 382,
sidewalk cafes.

SPEAKER QUINN: If we could couple
all of those on a Land Use call ups vote and if we
could have a roll call on the coupled Land Use
call ups, please.

COMMITTEE CLERK: Arroyo.

COUNCIL MEMBER ARROYO: Aye on all.

COMMITTEE CLERK: Brewer.

[Pause]

COMMITTEE CLERK: Brewer.

COUNCIL MEMBER BREWER: Aye.

COMMITTEE CLERK: Cabrera.

COUNCIL MEMBER CABRERA: Aye.

COMMITTEE CLERK: Chin.

COUNCIL MEMBER CHIN: Aye.

COMMITTEE CLERK: Comrie.

COUNCIL MEMBER COMRIE: Aye.

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COMMITTEE CLERK: Crowley.

COUNCIL MEMBER CROWLEY: Aye.

COMMITTEE CLERK: Dickens.

COUNCIL MEMBER DICKENS: Aye.

COMMITTEE CLERK: Dilan.

COUNCIL MEMBER DILAN: Aye.

COMMITTEE CLERK: Dromm.

COUNCIL MEMBER DROMM: Aye on all.

COMMITTEE CLERK: Eugene.

COUNCIL MEMBER EUGENE: [No audible

response]

COMMITTEE CLERK: Ferreras.

COUNCIL MEMBER FERRERAS: Aye.

COMMITTEE CLERK: Fidler.

COUNCIL MEMBER FIDLER: Yes.

COMMITTEE CLERK: Foster.

COUNCIL MEMBER FOSTER: Aye.

COMMITTEE CLERK: Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

COMMITTEE CLERK: Gennaro.

COUNCIL MEMBER GENNARO: [No

audible response]

COMMITTEE CLERK: Gentile.

COUNCIL MEMBER GENTILE: Yes.

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2 COMMITTEE CLERK: Gonzalez.
3 COUNCIL MEMBER GONZALEZ: Aye.
4 COMMITTEE CLERK: Greenfield.
5 COUNCIL MEMBER GREEFIELD: Aye.
6 COMMITTEE CLERK: Halloran.
7 COUNCIL MEMBER HALLORAN: Aye.
8 COMMITTEE CLERK: Ignizio.
9 COUNCIL MEMBER IGNIZIO: [No
10 audible response]
11 COMMITTEE CLERK: Jackson.
12 COUNCIL MEMBER JACKSON: Aye on
13 all.
14 COMMITTEE CLERK: James.
15 COUNCIL MEMBER JAMES: [No audible
16 response]
17 COMMITTEE CLERK: Koo.
18 COUNCIL MEMBER KOO: Aye.
19 COMMITTEE CLERK: Koppell.
20 COUNCIL MEMBER KOPPELL: Aye.
21 COMMITTEE CLERK: Koslowitz.
22 COUNCIL MEMBER KOSLOWITZ: Aye.
23 COMMITTEE CLERK: Lander.
24 COUNCIL MEMBER LANDER: Aye.
25 COMMITTEE CLERK: Lappin.

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2 COUNCIL MEMBER LAPPIN: Aye and I
3 request permission to vote on the General Order
4 calendar. And I vote aye.

5 COUNCIL MEMBER COMRIE: So ordered.

6 COMMITTEE CLERK: Levin.

7 COUNCIL MEMBER LEVIN: Aye.

8 COMMITTEE CLERK: Mark-Viverito.

9 COUNCIL MEMBER MARK-VIVERITO: Aye.

10 COMMITTEE CLERK: Mealy.

11 COUNCIL MEMBER MEALY: Aye.

12 COMMITTEE CLERK: Mendez.

13 COUNCIL MEMBER MENDEZ: Aye.

14 COMMITTEE CLERK: Nelson.

15 COUNCIL MEMBER NELSON: Aye.

16 COMMITTEE CLERK: Palma.

17 COUNCIL MEMBER PALMA: [No audible
18 response]

19 COMMITTEE CLERK: Recchia.

20 COUNCIL MEMBER RECCHIA: Aye.

21 COMMITTEE CLERK: Reyna.

22 COUNCIL MEMBER REYNA: Aye.

23 COMMITTEE CLERK: Rodriguez.

24 COUNCIL MEMBER RODRIGUEZ: Aye.

25 COMMITTEE CLERK: Rose.

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COUNCIL MEMBER ROSE: Aye.
COMMITTEE CLERK: Sanders.
COUNCIL MEMBER SANDERS: [No
audible response]
COMMITTEE CLERK: Seabrook.
COUNCIL MEMBER SEABROOK: Aye.
COMMITTEE CLERK: Ulrich.
COUNCIL MEMBER ULRICH: Aye.
COMMITTEE CLERK: Vacca.
COUNCIL MEMBER VACCA: Aye.
COMMITTEE CLERK: James.
COUNCIL MEMBER JAMES: Aye.
COMMITTEE CLERK: Vallone.
COUNCIL MEMBER VALLONE: Aye.
COMMITTEE CLERK: Van Bramer.
COUNCIL MEMBER VAN BRAMER: Aye.
COMMITTEE CLERK: Vann.
COUNCIL MEMBER VANN: Aye.
COMMITTEE CLERK: Weprin.
COUNCIL MEMBER WEPRIN: Aye.
COMMITTEE CLERK: Williams.
COUNCIL MEMBER WILLIAMS: Aye.
COMMITTEE CLERK: Wills.
COUNCIL MEMBER WILLS: Aye.

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COMMITTEE CLERK: Oddo.

COUNCIL MEMBER ODDO: Yes.

COMMITTEE CLERK: Speaker Quinn.

SPEAKER QUINN: [No audible
response]

COUNCIL MEMBER COMRIE: Today's
Land Use call ups were adopted by a vote of 47 in
the affirmative, with 0 negative. Communication
from the Speaker.

SPEAKER QUINN: Thank you. Before
I talk about the legislation that we're voting on
today I want to make two announcements related to
the City Council family. One a very happy
announcements and one a sad announcement. I will
start with the happy announcement which is that
Council Member Dan Garodnick and his lovely wife
Zoë because parents to a beautiful baby boy,
Asher. So...

[Applause]

SPEAKER QUINN: He has an iPad full
of pictures so go see him later but Asher is
beautiful and Zoë is doing well and so
congratulations and give everybody our best.

I also wanted to share, I think

1
2 many of our colleagues I know this but Council
3 Member Melissa Mark-Viverito's grandfather,
4 Patrick Viverito who was a United States Naval vet
5 passed away since our last Stated Meeting and we
6 all just wanted to extend Melissa and her family
7 our deepest condolences. So Melissa, actually
8 just arrived back from Puerto Rico so thank you
9 for that as well Melissa.

10 Today we are voting on one piece of
11 legislation, Intro 332-A in the Health Committee.
12 We're also voting on appointments to the Rules
13 Committee. And I want to thank the Acting Chair
14 of that Committee Leroy Comrie and Chuck Davis for
15 their work on the 2 HHC appointees we are voting
16 on today. As it related to Intro 332-A I want to
17 thank Rob Newman, Lacey Clark, a former staff
18 member here Adira Simon, Joe Mancino and Terza
19 Nasser for all of their work on this important
20 piece of legislation.

21 I want to thank Maria Arroyo, the
22 Chair of our Health Committee for her work.
23 Melissa Mark-Viverito the Chair of the Parks
24 Committee which it went through Health but
25 obviously it is a park-related matter for her work

1
2 and support, and most importantly Council Member
3 Brewer who is the sponsor of the bill whom we will
4 hear from in a few minutes.

5 332-A is a piece of legislation
6 that expands New York City's Smoke-Free Air Act
7 Law. It's a piece of legislation that would make
8 New York City the third city and I think the
9 fourth jurisdiction in the United States to ban
10 smoking in public parks and public beaches. Now
11 some might ask why do we need to do this in New
12 York City. We've already prohibited smoking in
13 restaurants and bars. We don't allow smoking at
14 our baseball stadia or Madison Square Gardens or
15 other arenas. We don't allow smoking in
16 playgrounds.

17 And smoking rates are going down in
18 New York City. We need to do it because in the
19 face of all of that, New York City residents, non-
20 smokers who were tested by the Department of
21 Health, 57% of New York City non-smokers have a
22 chemical in their body which indicates they have
23 been exposed to second-hand smoke. Compare that
24 to 45% of Americans, non-smokers, who have that
25 same chemical in their blood. So we have banned

1
2 many places where--in public where you can smoke.
3 We have gotten in large part through the efforts
4 of this Council, with the Department of Health,
5 smoking rates to go down.

6 But still, New Yorkers at a rate
7 12% higher than the rest of the country, although
8 we smoke at a rate less than the rest of the
9 country. Still have non-smokers impacted 12% more
10 than non-smokers in the rest of the country. That
11 data clearly indicates that if we want to do
12 everything we can in a responsible way to keep
13 non-smokers safe from second-hand smoke and its
14 deadly health impacts we have to do more.

15 That is what this piece of
16 legislation is about. It's about a doing more to
17 make sure New York City is as healthy as a place
18 as it can possibly be. Add on to what I just
19 said, the skyrocketing rates of asthma in many of
20 our neighborhoods and other health-related
21 matters, this bill is of particularly urgency.

22 Now I know this is not a piece of
23 legislation where there will be a 51 to 0 vote and
24 that is okay. And some folks who in the past have
25 voted for other smoke-free act provisions are not

1
2 supportive of this bill today. That said, I want
3 to thank everyone who has participated in the
4 discussion, the debate, and the dialog. I know
5 myself when this issue was first raised, I wasn't
6 sure. The data that shows New Yorkers 12% higher
7 even though we smoke less is so--of such great
8 concern to me after learning the facts I believe
9 this is the right thing to do.

10 But I think the hearing that we had
11 on this bill was an outstanding hearing. And
12 everyone has conducted the discussion and the
13 debate in a respectful and dignified way so
14 regardless of how people end up voting today, I
15 want to thank everyone for giving this matter
16 important attention. And although we weren't able
17 to include any compromises for proposing
18 compromises, they were all given attention and
19 though. When we did the Smoke-free Air Act the
20 last time in 2002 we were able to include
21 compromises around smoking rooms. Those were
22 indoors. The specifications of those rooms were
23 really scientifically driven around levels and
24 types of seals around the doors, around
25 ventilation systems.

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2 Obviously that is not possible to
3 do or create in a park or on a beach. But again I
4 want to thank everyone who has participated in
5 this. I believe this bill will not only make New
6 York City healthier, will not only keep New
7 Yorkers alive longer, will not only protect non-
8 smokers from second-hand smoke, will be something
9 that is noteworthy not only to the rest of the
10 country but in fact to the rest of the world.

11 And I say that because in 2002 when
12 we expanded the Smoke-Free Air Act to include all
13 restaurants and all bars, we almost immediately
14 saw the State of New York do the same. We almost
15 immediately say entire other countries such as
16 Ireland do the exact same thing. We are a city
17 where the rest of the country and the rest of the
18 world watches our leadership around public health
19 and particularly around smoking issues. And I
20 want to thank everyone for giving this matter such
21 great thought and taking this important step
22 today. Let me call on the Chair--I'm sorry, the
23 sponsor of this piece of legislation, Council
24 Member Gale Brewer.

25 COUNCIL MEMBER BREWER: Thank you

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very much Speaker Quinn. That was a--

[Applause]

COUNCIL MEMBER BREWER: --

wonderful--

COUNCIL MEMBER COMRIE:

[Interposing] Quiet please.

COUNCIL MEMBER BREWER: --heartfelt

and intelligent discussion of public health which

is exactly what this bill, in my opinion, is all

about. I too want to thank Council Member Mark-

Viverito, Council Member Maria Arroyo and Council

Member Domenic Recchia for describing the

situation at Coney Island beaches, and Council

Member Peter Vallone who has always had a very

strong interest and shares our values and concerns

about smoking.

This is a health bill. At the

well-run hearing on the topic on October, many

parents came and they talked specifically about

the challenges they face when they have a child

who is asthmatic. They literally on a park or a

beach or even on the streets, dodge anybody who's

smoking because one involvement, so to speak, with

second-hand smoke could send a child to the

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hospital.

We also heard from disabled New Yorkers who go to work every day with their disability but if they see somebody who's smoking and they inhale it depending on their disability, that too can send them to the hospital. These are very, very strong arguments for making our City healthier. Other cities have done the same.

We talked to an older woman in Chicago today, Mary Ann Smith. Chicago has no smoking in parks and beaches. There were some complaints at the beginning but it passed a couple of years ago and there have been no complaints since. In the County of Los Angeles which includes the City, there were--a study done indicating that second-hand smoke kills 3,000 persons a year just from the lung cancer and 52,000 second-hand smoke deaths per year in LA County.

So this is also, I want to be very clear, not a penalty program. This is not a revenue program. This legislation when passed will have as an enforcer, not the Police Department but the people from the Parks

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2 Department. And that will mean that this is
3 basically a bill in which we say to our neighbors
4 or to our community residents or other New
5 Yorkers, please don't smoke, my family is here,
6 and we want to remind you that it's the law. It
7 is not a penalty. It is not revenue. It's person
8 to person.

9 And I think it'll make a big
10 difference both in person to person negotiations
11 and discussions and as Domenic Recchia indicated
12 perhaps less fights on the beaches. But more
13 importantly it will be a healthier City and I
14 think one in which neighbor to neighbor, community
15 person to community person, New Yorkers to New
16 Yorker, it will be very positive. Tourists came
17 back in droves. There was no diminishment of
18 tourists. More tourists came after the no smoking
19 in restaurants and bars. And I think the same
20 will be true of this legislation. Thank you.

21 SPEAKER QUINN: Thank you very much
22 Council Member Brewer. And I also just want to
23 thank a long list of advocates who worked and
24 helped on this piece of legislation.

25 I just wanted to give one other

1
2 piece of Council news, related to Council Member
3 Jim Gennaro, our Environmental Chair, and wanted
4 to--folks will remember a documentary Jim was a
5 part of in the past, went to Sundance and was
6 highly nominated but now, again, Jim Gennaro's
7 documentary, he is in Gas Land about hydro-
8 fracking that was shot in part in the Council
9 Chambers and features the work of the Council and
10 our Environmental Protection Committee and the
11 Chairman Jim Gennaro has not only been nominated
12 for--forget Sundance, it has been nominated for an
13 Academy Award. So...

14 [Applause]

15 SPEAKER QUINN: Jim if you need a
16 date to the Academy Awards, I am good to go. So
17 just let me know. But congratulations Jim. And
18 more importantly thank you for being our leader in
19 stating clearly and strongly and early that we
20 should not have hydraulic fracturing in the State
21 of New York. So thank you very much. And that
22 concludes Communications from the Speaker.

23 COUNCIL MEMBER COMRIE: Discussion
24 of general orders. Robert, Council Member
25 Jackson.

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2 COUNCIL MEMBER JACKSON: Thank you
3 Majority Leader, Deputy Majority Leader Comrie.
4 My colleagues I rise today to speak on Intro 332-
5 A, the only piece of legislation we're voting on
6 today. But first before I get my specific
7 opinion, I'd like to thank our Speaker Christine
8 Quinn as a true leader in democracy, in moving
9 this bill forwards, along with my colleague Gale
10 Brewer and all the other sponsors. Because truly
11 if you follow the process that this bill has had,
12 it is truly democracy at work.

13 And as the Speaker indicated,
14 everyone had the opportunity to be heard during
15 the hearing process. Those in favor, those who
16 are against it, and those that didn't have an
17 opinion one way or the other, everyone, lobbyists
18 and other people had the opportunity to talk to
19 people. And I say to all of you, that that is
20 true democracy and I appreciate and applaud all of
21 you for that.

22 I, as an individual, as you know
23 I've run three New York City Marathons and I've
24 climbed Mount Kilimanjaro and I've walked to
25 Albany. I am a non-smoker. No member of my

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2 immediate family is a smoker. And I support the
3 position that all New Yorkers, no matter what your
4 age, should be able to breathe clean air outdoors
5 and indoors, especially in schools. In saying
6 that I truly believe that government in this
7 particular matter is being too intrusive into the
8 daily lives of New Yorkers.

9 And as such I do believe that we're
10 moving towards a totalitarian society if in fact
11 we're going to have those types of restrictions on
12 New Yorkers. For that reason I must say to you
13 that I will be voting no on this particular matter
14 because I truly believe that government is being
15 too restrictive in this particular matter. I
16 thank you for the opportunity to hear my opinions
17 on this matter. Thank you.

18 COUNCIL MEMBER COMRIE: Council
19 Member Ignizio.

20 COUNCIL MEMBER IGNIZIO: Yes thank
21 you very much. Let me start off by saying I don't
22 question the motives of the proponents or the
23 opponents of 332. I just need to make my opinion
24 clear as well. I believe this bill is an
25 unenforceable overreach of governmental powers.

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2 With the basis in questionable science and the
3 rejection of the compromise bills which many of us
4 would have supported. Good is not the enemy of
5 perfect but clearly here and the fact that this is
6 the only bill before us, that is where we're at.

7 I also need to point out the
8 hypocrisy of the administration. While supporting
9 this bill, they are also engaging in allowing PCBs
10 in our classrooms for 4-year olds to be in an
11 enclosed environment in a school where potentially
12 cancer-causing agent is leaking in and around the
13 school. That they have a problem with making the
14 corrections right away, but this sweeping,
15 unenforceable legislation with questionable
16 science behind it, they have no problem with that.
17 It is a textbook definition of hypocrisy.

18 And to anybody listening or
19 watching the City Council, this body debated it,
20 this body is talking about it, this body is trying
21 to bring that to the fore. But clearly when
22 you're talking about outside air and smoking with
23 questionable basis in science, you need to be
24 consistent in your argument and remove potentially
25 cancer-causing agents from our classrooms. I

2 really believe there was a compromise bill that
3 would have received 51 votes in this body.

4 And the fact that we didn't take it
5 up, I believe, is irresponsible. I think we
6 should have. And I encourage my colleagues to
7 vote this bill down and let's take up a bill that
8 we could all get behind and one that is actually
9 enforceable. You will not see a Parks enforcement
10 personnel in the thousands of acres that I
11 represent of parkland. You just won't see it.
12 And to say that they're out there, they're not
13 going to be out there. They're going to be maybe
14 in Central Park, maybe they'll be in Coney Island
15 and some of the marquee parks. They are not going
16 to be in and around this community. So I
17 encourage my colleagues to vote no. Thank you.

18 COUNCIL MEMBER COMRIE: Council
19 Member Lander.

20 COUNCIL MEMBER LANDER: Thank you
21 Deputy Majority Leader. Thank you Madam Speaker.
22 I'm not a smoker. I hate smoking. I don't like
23 being around smoking. And I especially don't want
24 my kids near smokers. And I strongly believe in
25 the steps that the City has taken in recent years

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2 to improve public health, including the workplace
3 smoking ban. And I believe that government has
4 the power to restrict freedoms when there is a
5 significant demonstrated public health benefit.

6 I know I don't have the reputation
7 as the primary defender of individual liberties in
8 the City Council. But in my opinion the length to
9 which this bill curtails the freedom of
10 individuals is not matched by demonstrated public
11 health gains. I have great respect for the work
12 of Commissioner Farley and especially of Speaker
13 Quinn and Council Member Brewer and the advocates
14 here to advance public health but as I've examined
15 the relevant studies provided to us on this issue,
16 I don't believe they show there'll be a
17 significant public health benefit commensurate to
18 the freedoms being impinged.

19 I agree that there is plenty of
20 room for compromise on the issue. In my opinion
21 playground, small neighborhood parks, ball fields,
22 concert venues and a significant majority of most
23 beaches and larger parks should all be smoke-free
24 but I do believe there should be some place in the
25 City where a smoker can walk their dog late at

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2 night or a few feet of sand where a constituent of
3 mine can relax, watch the sunset and poison
4 themselves in peace. I don't take any joy in it
5 but I will be voting no on Intro 332-A.

6 COUNCIL MEMBER COMRIE: Council
7 Member Oddo, Minority Leader Oddo.

8 COUNCIL MEMBER ODDO: Thank you Mr.
9 Chair. In 2002 when Mike Bloomberg became Mayor
10 and took office, his then Department of Health
11 Commissioner Tom Friedens had this novel and
12 controversial idea of banning cigarette smoking in
13 bars and taverns. And he was told at the time if
14 you have any chance of getting that legislation
15 passed through the City Council, you have to
16 enlist the support of the two biggest anti-smoking
17 zealots in the Council at the time. They were
18 Council Members Christine Quinn and Council Member
19 Jimmy Oddo.

20 Speaker Quinn and I in the 1990's
21 were staffers. And we vividly recall when then
22 Speaker Peter Vallone was introducing a stronger
23 smoking bill and Philip Morris packed the City
24 Council chambers with its employees who they
25 claimed were small business owners. And we heard

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2 hours and hours of testimony on how this
3 legislation would end the restaurant industry in
4 New York City. I remember vividly and fondly
5 standing next to Al Lighter in 2002 at the City
6 Hall Park where we were heckled when we announced
7 the first piece of legislation under the Bloomberg
8 Administration.

9 I also remember walking down a
10 corridor in Staten Island at a parade after that
11 bill with the Mayor and being heckled mercilessly
12 with that. And I dealt with it and I accepted it
13 because I believed my vote at the time was the
14 right thing. And I think we were proven that that
15 in fact was the right thing to do. So when a guy
16 with that history, a guy who has accepted the
17 mantle of anti-smoking zealot stands up today and
18 says I can't support this legislation, I think
19 that we've gone too far.

20 I think Gale Brewer is one of the
21 best--not only best Council Members, I think she's
22 one of the best elected officials in this State.
23 I know her intentions are good. And it pains me
24 to be on the other side 'cause I've been on your
25 side every other time we've had a smoking bill. I

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2 just think that, you know, I've got a jewel in my
3 district, it's untapped.

4 I go there on Sundays, Von Briesen
5 Park. And if I'm reading a novel and I'm smoking
6 a cigar and the nearest person is 2,000 feet away
7 or 3,000 feet away, it shows that this bill isn't
8 narrowly tailored enough. And I wish there was a
9 compromise bill to be voted on. I think there was
10 and unfortunately despite the years of battling
11 together to do the right thing, I think we've
12 actually passed the line for me and I'll be voting
13 no.

14 COUNCIL MEMBER COMRIE: Council
15 Member Gennaro.

16 COUNCIL MEMBER GENNARO: Thank you.
17 I wasn't planning on speaking today. I didn't
18 think there was going to be a need to but I feel
19 compelled to. I also started here as a staff
20 member of the Council back in 1990. And I had a
21 difficult time getting a smoke-free workplace. I
22 didn't have a smoke-free workplace here in 1990.
23 And it wasn't a happy experience for me and, you
24 know, trying to be a crusader and trying to get
25 the right to a smoke-free workplace and to see how

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2 far we've come.

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4 And there have been a lot of talk
5 about lines drawing and like where the line should
6 be drawn and the science, is it there, is it not
7 there, and, you know, speaking as a scientist I
8 don't really want to belabor this but I believe
9 the science is clear. And I, you know, absolutely
10 support Gale and I support the Speaker and I
11 support the Mayor and I support Mr. Farley and
12 what they're trying to do here. But I do want to
13 go, you know, beyond the science which I do think
14 is very solid.

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15 And that is the, you know, message
16 that this action sends. You know smoking is
17 aberrant behavior. It kills you. And I think one
18 of the best things that government can do is send
19 a message that this is not normal behavior. This
20 is killer behavior. And so I believe it's not
21 only good on the science but on the message that
22 it sends that we have to do everything we can to,
23 you know, de-normalize this activity. And I think
24 this clearly sends that message. And I very
25 strongly support this and I urge my colleagues to
support it as well.

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2 COUNCIL MEMBER COMRIE: Council
3 Member Halloran.

4 COUNCIL MEMBER HALLORAN: I will
5 join the Minority Leader and my good friend Robert
6 Jackson in saying I'm opposed to this bill. First
7 let me point out that the Commissioner inflated
8 numbers on beach garbage intentionally to make it
9 appear as though there was more smoke debris on
10 the beaches. They counted each articulate piece
11 of cigarette as one component in order to inflate
12 the volume numbers to demonstrate a need to clean
13 up the beaches based on this.

14 In addition, contrary to my good
15 friend Jim Gennaro who I know is working very
16 hard, I don't agree with him, as someone with a
17 social sciences background that the science is in
18 on this. In fact neither does the AMA and nor do
19 several other prominent research groups who have
20 also pointed out that second-hand smoke from the
21 trucks in our City cause far more damage. So if
22 we're going to be outlawing them next I'd like to
23 know about it now.

24 Second there's an issue of trusting
25 your government. In 2002 when this law came into

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2 effect, the citizens were promised that it would
3 go no further. That we would not continue down a
4 slippery slope of invading our personal privacy
5 and getting to any other issues of restrictions.

6 Once we pass this we will next be
7 banning smoking on sidewalks. And then in the
8 cars of the people who are driving minors. And
9 then in the homes in which people live because
10 other people might be there in public housing
11 units. And then after that it will be private
12 homes and individuals who have children. So the
13 end is the government telling us what to do.

14 And while normally I do agree with
15 my good friend Jim Gennaro about things like this,
16 on this one I will disagree with him. And I will
17 also say that it is not the business of
18 government, ever, to coerce behaviors from us.
19 100 years ago there were many behaviors which were
20 considered aberrant at that time which are now
21 normal, everyday, accepted facts of life. And I
22 don't think it should be the government who
23 decides what behaviors its citizens should engage
24 in as long as they're not criminal. Thank you.

25 COUNCIL MEMBER COMRIE: Council

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Member Koppell.

COUNCIL MEMBER KOPPELL: Thank you. I've heard two basic arguments against this. The first in my opinion is totally without merit and that is that it's not enforceable. I have not seen any enforcement officer come into any enclosed space, office, restaurant, this chamber, having to enforce the no-smoking ban.

It's self-enforcing, partly because people generally speaking obey the law and secondly because if you forget to obey the law your neighbor will remind you. And certainly in law offices or business offices and so on people, number one, know they shouldn't be smoking there and they don't, number two, if they do smoke there, their neighbor or the office mate will say hey wait a minute, you're not supposed to smoke here.

This is something that will enforce itself. There's no doubt about it. Will some people violate it occasionally? I'm sure they will. Just like people violate the anti-littering law. And I don't think that laws against littering are enforced primarily because people

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2 get tickets 'cause I've rarely seen anyone get a
3 ticket for littering and yet most law-abiding New
4 Yorkers don't litter. So the enforcement idea
5 doesn't make a difference.

6 Freedom of speech ends, if you
7 will, where my arm can hit somebody else in the
8 nose. The second-hand smoke hits people in the
9 nose. The cigarette butts on the beach which I
10 can tell you I don't know how they count them,
11 someone may have mentioned they over counted, I
12 can tell you, I worked on a beach. I've been a
13 lifeguard. And those cigarette butts are awful,
14 all over the beach. So the fact of the matter is
15 that this, freedoms do have to end when you strike
16 someone else's nose, whether you strike them with
17 your fist or you strike them with noxious,
18 dangerous chemicals.

19 The fact is that I paused before I
20 supported this bill. But overwhelmingly I think
21 the balance goes in favor of limiting smoking
22 wherever it can affect someone else. I'm happy to
23 support the bill. I think it's a good step
24 forward.

25 COUNCIL MEMBER COMRIE: Council

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Member Jumaane Williams.

COUNCIL MEMBER WILLIAMS: Thank you very much. And, you know, I want to thank the Speaker for her leadership on the smoking issues to begin with. And Council Member Brewer for her leadership. And I'm not a smoker as well. I think it's a terrible, terrible and nasty addiction. So by far I'm not trying to encourage anyone to smoke. I do think the main problem I have is I do not feel we try at all to compromise between two sets of taxpayers, one of which exercise their legal right to smoke a cigarette.

And I think as a Council, we should try to weigh everybody's right to do what is legal. And I feel we absolutely did not even try to do that. I would have been inclined actually to support this bill if we had tried to make a compromise and for some reason it didn't work. But I think in every instance, we should give everyone the right to do what they legally are allowed to do. If you want to have a different discussion about legality, I think we should do that at some point but as far as I know now, people can smoke. They should have the right to

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smoke.

And we could have tried to come up with some compromise. And I hope in the future when we have two sets of competing interests we do our best to take all taxpayers into consideration. Thank you. So I won't be supporting the bill.

COUNCIL MEMBER COMRIE: Council Member Tish James followed by Council Member James Sanders.

COUNCIL MEMBER JAMES: I do not want to compromise the health of children in New York City. Children who have no say in the matter today. Children who cannot breathe today because they suffer from asthma. Children who are dying today because they are living and because they have asthma and because we are sitting here debating freedom and liberties and personal privacy. On my desk I have the pictures of two young ladies who live in my District who died because they could not breathe.

So as hopefully as we move closer and closer to a smoke-free society, I stand here today voting in support of this bill because I'm doing it because it's in the best interests of

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2 children. And I hope that all of you, all of you,
3 would take into consideration the harmful effects
4 of smoking in our society. Particularly people of
5 color who are dying at alarming rates of cancer.
6 We can sit back on our laurels and talk about the
7 Constitution. But when you go home today, when
8 you go to your Districts today, just think about
9 all the funerals that you've had to attend for
10 individuals who have died a premature death as a
11 result of smoking. I vote yes.

12 COUNCIL MEMBER COMRIE: Council
13 Member Sanders?

14 COUNCIL MEMBER SANDERS: As a
15 former--thank you Sir, as a former smoker who has
16 smoked two packs a day, I--no one is against
17 smoking more than former smokers. It is a
18 disgusting habit. I only quit when I started
19 coughing blood. I arguable have more parkland
20 than anyone in the City. And I know that our
21 beaches are littered with cigarette butts. It is
22 further disgusting. And if my children decide
23 that they want to smoke, we are going to have some
24 problems here. We're got some conversations that
25 we have to do.

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2 However I am pained to be against
3 something that so many of the people that I
4 respect greatly are for. And therefore this
5 particular ban. And I sad that a compromise could
6 not be achieved. That we really needed a
7 compromise. And I trust that this will come back
8 to us for compromise.

9 I do have a word for the
10 Commissioner however. I trust that he will put
11 the same energy into here that he is putting into
12 getting rid of PCBs that he is putting into the
13 cigarettes. There it is a clear and present
14 danger in our classrooms. We need to do something
15 about it Commissioner. May I encourage you that
16 this may be the best way to go about it.

17 The civil libertarian in me tells
18 me that we are cutting down on the rights of
19 people too much. And under those conditions, I
20 have to vote no on this one, although I look
21 forward to the compromise coming back. Thank you
22 very much.

23 COUNCIL MEMBER COMRIE: Council
24 Member Rodriguez.

25 COUNCIL MEMBER RODRIGUEZ: Thank

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2 you. Protecting our children, our children, our
3 youth and our seniors should be one of our
4 priorities. And parks and beaches are mainly used
5 by our families. Therefore I applaud Council
6 Member Gale Brewer, Speaker Quinn and Mayor
7 Bloomberg for the leadership on this bill and for
8 all their hard work bringing it to a vote today.
9 Our public parks and plazas are one of the few
10 places in the City where we can still go to enjoy
11 fresh air.

12 Multiple studies have shown that
13 smoking outdoors can lead to very high levels of
14 outdoor tobacco smoke pollution especially in
15 windy areas. And we all know how dangerous
16 second-hand smoke is. Therefore I call to all my
17 other Council Members to vote yes on this bill.

18 COUNCIL MEMBER COMRIE: Council
19 Member Ulrich.

20 COUNCIL MEMBER ULRICH: Thank you
21 Mr. Deputy Majority Leader. Today I rise as a
22 representative for the Rockaway Community and
23 other communities in Southwest Queens that would
24 be negatively impacted by the passage of this
25 bill. While I certainly understand and I can

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2 appreciate the health concerns that prompted the
3 introduction of this bill and the health concerns
4 that Gale Brewer I believe has genuinely has, I do
5 have to agree with many of my colleagues that this
6 is nothing more than just another infringement
7 upon individual rights of law-abiding New Yorkers.

8 And whether we like it or not,
9 smokers have rights too. They pay taxes. And we
10 are harassing them every time we pass laws like
11 this that restrict their right to smoke. If
12 you're against smoking and you're concerned about
13 the public's health, then we should ban all
14 smoking. But the City won't do that because on
15 one hand it says we don't want the tax revenue
16 from the sale of cigarettes but on the other hand
17 we accept it and we'll use it to pay our bills.
18 That's not right.

19 The City should be less concerned
20 with correcting people's bad habits and more
21 focused on solving the problems that are facing
22 this City: unemployment, crime, improving public
23 education. The message to City Hall from my
24 constituents is get off our backs.

25 COUNCIL MEMBER COMIRE: Council

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2 Member Mendez.

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COUNCIL MEMBER MENDEZ: Thank you.

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I mentioned earlier that today is a perfect day to vote for this legislation 'cause we are heading down a slippery slope. I have issues first with the enforcement of this bill and why I've been told that the Police Department will have nothing to do with enforcement of the bill. My experience and my fear is that they will use this as a pretext to stop our young men of color who they already profile and use this to find some criminal charges to charge them with.

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And in terms of the bill while I firmly understand the negative health consequences of second-hand smoke in enclosed places and I share the opinion that smoking is a very ill-advised decision that all too many New Yorkers have made over the years, I believe that the current legislation is overall broad. Because outdoor spaces affected by this legislation are so public and generally open, banning smoking so comprehensively, I believe, infringes on the civil liberties of people who choose to smoke.

This City is rife with both public

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2 annoyances and social vices. But living in New
3 York City and embracing its open culture requires
4 accommodation and compromise. It is our
5 legislative responsibility to carefully balance
6 the prohibitions we impose on a free people with
7 the social benefits that we believe would result.
8 I ask my colleagues to vote no. thank you.

9 COUNCIL MEMBER COMRIE: Council
10 Member Viverito, sorry.

11 COUNCIL MEMBER MARK-VIVERITO:
12 Thank you. I did not expect to speak either but I
13 have to just comment as Chair of Parks and
14 Recreation, you know, similar to what Council
15 Member Koppell indicated. I didn't arrive at this
16 decision easily either. My initial inclination as
17 maybe most of us, there's a level of discomfort.
18 But you know what as Tish James said I'm not going
19 to compromise on the health of my constituents, on
20 the health of our children. I have a District
21 that has an incredibly high incidence of asthma.
22 There are many of us whose Districts are very
23 limited in terms of the open space that we have
24 available.

25 And so we must do--and despite the

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2 fact that it's great to hear that Council Member
3 Oddo has a park in which maybe the closest park-
4 goer will be 2,000 feet away, some of our
5 Districts don't have that luxury. Our spaces are
6 very, very constricted and very limited.

7 Taking all of that into account,
8 yes, there may be inconsistencies with what this
9 Administration prioritizes. But on this one,
10 again, we should not compromise on the health of
11 children. I believe the science is sound. I
12 don't believe it's unfounded in terms of what has
13 been reported. And on behalf of my constituents
14 and on behalf of all of those families,
15 individuals, children that are impacted by asthma
16 or any other ailments that could be exacerbated by
17 second-hand smoke, I really think that this is a
18 strong message that we're sending about what kind
19 of city we want to live in.

20 And with that I am glad to have
21 signed onto this legislation. I am glad for the
22 active engaged dialog that has happened in this
23 Council. The debate, the listening to all voices,
24 and I will proudly support and vote yes and I
25 would urge my colleagues to do the same.

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2 COUNCIL MEMBER COMRIE: Council
3 Member Van Bramer.

4 COUNCIL MEMBER VAN BRAMER: Thank
5 you. On June 8th, 2009 my step-father James Marcum
6 died of lung cancer. He was a janitor at Junior
7 High School 10 in Astoria for over 30 years,
8 worked very hard for very little and at 60 the man
9 who raised me since I was 7 was dead because he
10 smoked far too much for far too long.

11 A few days before, as he lay dying
12 in the hospital, he worried aloud about us kids,
13 my mother, and others he had exposed to second-
14 hand smoke in his lifetime. It was my sister and
15 I who had the awful task of informing him that he
16 had but a short time to live, even as he grasped
17 at treatment options we knew were no longer
18 possible.

19 Less than three months later I won
20 my race for City Council. My step-father did not
21 live to see me win. But one of the last things he
22 read in his hospital bed was my first piece of
23 campaign literature. One that told the story of
24 him taking me to work with him as we both cleaned
25 the school floors. Actually he was too weak to

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read it himself, so his sister read it to him. I think he was quite proud.

I'm voting for Intro 332 today because I don't want anyone to suffer like I saw my step-father suffer. And I want to do all I can to make our City safer for everyone, smokers and non-smokers alike. My step-father wasn't famous, rich or fancy. He just worked hard every day of his too short life. Today I cast my vote in his memory, so in honor of James Edward Marcum, my step-dad, I vote aye.

[Applause]

COUNCIL MEMBER COMRIE: Council Member Vallone.

COUNCIL MEMBER VALLONE: Thank you. As the sponsor of the compromise bill, I'd like to say that I support the goals of the Speaker and the Mayor and Gale Brewer. I've supported every anti-smoking bill before this. I wrote the bill that banned trans fats. I was made fun of for that. The French fries are going to be gone and taste different. They were all lies. I'm fighting now to take the fluoride out of water. So I have no problem legislating to protect the public

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health.

However in this case I am disappointed that my compromise bill which would have still banned smoking on the vast majority of our beaches and parks is not the one that we're voting on today. Smoking sections indoors don't work. Outdoors I think we could have made them work. Without that compromise however we're faced with an all or nothing choice. And in this case I do believe all is better than nothing.

The goal of protecting the health of New Yorkers as they enjoy our beaches and our parks, I believe overrides my concerns about the parameters of this bill. I completely respect those who are opposing this bill, Jimmy Oddo and others. I do believe liberty and freedom are things worth debating and fighting for. And I do believe as Council Member Ignizio said that the compromise bill would have passed pretty much-- well almost unanimously. But we're not voting on that today.

But I do want to thank the Speaker, she did give the compromise bill a full hearing and did work with me on this and I want to

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2 congratulate her for her fervent defense of the
3 health of the public and for getting this bill
4 passed and I vote aye.

5 COUNCIL MEMBER COMRIE: Council
6 Member Fidler.

7 COUNCIL MEMBER FIDLER: You know I
8 also voted in favor of the restaurant and bar ban
9 and I voted actually enthusiastically to raise
10 taxes on cigarettes because we all know that that
11 is the single thing that is most likely to keep
12 someone from smoking or from starting to smoke.
13 Don't say that about raising taxes very often. I
14 would even think that Congress would be justified
15 in declaring tobacco as a controlled substance.
16 And I wouldn't be upset about that.

17 But the fact of the matter is that
18 smoking, for better or worse, is a legal activity.
19 And the taxes paid by smokers also goes to support
20 our public beaches and parks. And Councilman
21 Gennaro is right, the science is valid. Second-
22 hand smoke is damaging to the health of others.
23 But the science also says that in an open space
24 there is a certain distance at which second-hand
25 smoke does not affect others. And so if this bill

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2 were crafted upon that science and we had
3 restricted areas based upon that science I'd
4 support it enthusiastically.

5 Now I'm interested in the issue of
6 how enforceable it is because frankly in the outer
7 Boroughs that's a joke. Council Member Koppell on
8 one hand raises the litter example as a self-
9 enforcing bill but then complains that the beaches
10 are littered with cigarette butts. The fact of
11 the matter is in restaurants, in bars, in movie
12 theaters with cell phones, there is some one to
13 complain to who can come in and say you're not,
14 you know, I'm not going to serve you any more food
15 if you don't put that cigarette out.

16 We don't have that in the parks.
17 And frankly as to the argument that there'll be
18 fewer arguments and fights, quite frankly the
19 absence of enforcement personnel, I think there
20 may be more arguments and fights.

21 I do believe we should have come to
22 a compromise. I do believe that we could have
23 made that work. It would have been more difficult
24 to do. And in the small parks it may have meant
25 an absolute ban in that park but a bill based on

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the science would have made sense. I can't support this bill.

COUNCIL MEMBER COMRIE: Council Member Koslowitz.

COUNCIL MEMBER KOSLOWITZ: Thank you. Well I'm going to take a different course. I'm going to thank government. I am a former smoker. And if you would come here in the 1990's you would see me standing on the steps of City Hall, smoking my cigarettes.

OFF MIC: You set your hair on fire.

COUNCIL MEMBER KOSLOWITZ: Right, I set my hair on fire too.

[Laughter, background comments]

COUNCIL MEMBER KOSLOWITZ: However after--and I also lost my sister to lung cancer and that did not stop me. And I voted against the smoking bill in the 1990's. In 2002 I got disgusted. I didn't want to go out with my cup of coffee in a restaurant in the freezing cold weather to have a cigarette.

I didn't want to be restricted on where I could smoke. So I said I am going to stop

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smoking. Everybody took bets and said you will never stop smoking. My grandson used to tell me, Grandma you're going to die, every time he saw me light a cigarette. Well I stopped smoking and I'm going to be celebrating--

[Applause]

COUNCIL MEMBER KOSLOWITZ: --nine years of not smoking. And I have to tell you I feel much, much better and I am really happy to vote for this bill.

[Applause]

COUNCIL MEMBER COMRIE: Okay, okay. Council Member Dilan.

COUNCIL MEMBER DILAN: And I feel funny following that one but I--

[Laughter]

COUNCIL MEMBER DILAN: I want to add my voice to the opposition of this bill. And I'll use many of the arguments that they used towards the end of my comments. But I want to focus on something that no one has yet discussed and that's the prohibition of smoking at these newly created pedestrian plazas by the Department of Transportation.

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2 You know before these pedestrian
3 plazas were installed in our streets, no one was
4 actually smoking there because there were cars
5 that were going through these pedestrian plazas.
6 Now my colleague mentioned something about
7 hypocrisy with the PCBs. I think this is another
8 measure of hypocrisy because they haven't come to
9 anyone in this chamber or in this house to ask for
10 permission to install those pedestrian plazas.

11 And now they have the audacity to
12 come to us and say hey, we need you guys to
13 legislatively prohibit smoking in these pedestrian
14 plazas. I think that's the height of hypocrisy.
15 Regardless of your opinion on the pedestrian
16 plazas and mine's not that strong. So I guess if
17 somebody wants to have a cigarette they have to
18 smoke in the bike lane.

19 [Laughter]

20 COUNCIL MEMBER DILAN: So... so
21 that's fine. That's one of the reasons why I will
22 oppose. I'm not a smoker. I've supported every
23 other anti-smoking ordinance and I think the most
24 effective one was the tax increase 'cause I know
25 many of my constituents as a result of the tax

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increase have quit. And that's a good sign.

And everybody knows every now and then I've been known to frequent a public golf course. I don't think there's anything wrong with that. But now I can't have my customary cigar. And that's fine. I'll comply with the law. I won't smoke the cigar on the golf course. But there's going to be plenty of golfers upset with us this summer and I'm going to say, you know, what could I do.

So with that I voted no. I'm going to vote no. I do believe with my colleagues that this is an infringement on the rights of people but I do respect the process here and I would say that this is one of the few bills that we've debated where the argument has been about substance. The process here has been totally fine and I want to credit everybody for their hard work. Thank you.

SPEAKER QUINN: Thank you.

[Pause]

COUNCIL MEMBER COMRIE: Yeah and I was trying to do something. Council Member Arroyo. I was actually trying to give, if it's

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2 all right with the body, a point of personal
3 privilege so that Council Member Foster could vote
4 on the general order calendar and leave if that's
5 all right with everybody?

6 MANY VOICES: Yes.

7 COUNCIL MEMBER COMRIE: 'Cause I
8 see she's suffering and she needs to go home.

9 COUNCIL MEMBER FOSTER: Thank you
10 very much. I vote aye. Thank you.

11 COUNCIL MEMBER COMRIE: Thank you.
12 Thank you Members. Council Member Arroyo.

13 COUNCIL MEMBER ARROYO: Thank you.
14 Like Council Member Viverito I also did not plan
15 to speak this afternoon on this legislation
16 although as Chair of the Committee on October 14th,
17 we sat through just about five hours of testimony.
18 And as Chair I have to tell you I'm not sure that
19 I was any less conflicted than many of you on this
20 issue and the implications that we have all
21 discussed privately and here on the floor.

22 But that conflict for me gets
23 reconciled very, very easily. And that is weighed
24 against the benefit that this legislation once
25 enacted would bring to our City. Like Council

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2 Member Viverito I represent a District seriously
3 affected by asthma. And all of the ills that poor
4 health conditions can affect the community. I
5 want to thank the Speaker for her leadership on
6 this issue because going into this vote we knew
7 that we were not all in the same basket.

8 But thank God for democracy and for
9 the debate that we are able to have here today
10 where we can hear each others' thoughts,
11 respectfully. But I think at the end of the day
12 the responsibility that we have as a Council is to
13 do everything we possibly can to protect the
14 health and wellbeing of the people that sent us to
15 represent them here. My colleagues, this is a
16 very simple vote. Yes. It's quite that simple.
17 Thank you.

18 COUNCIL MEMBER COMRIE: Council
19 Member Levin--no clapping please. I only allowed
20 it because Council Member Van Bramer had a very
21 personal message. But you guys are slipping. I'm
22 going to tighten back up the noose. No clapping.
23 Council Member Levin.

24 COUNCIL MEMBER LEVIN: Thank you
25 very much. I just wanted to speak. I didn't plan

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2 to speak either myself today. And this was a
3 decision that I didn't reach until late last night
4 actually. And I'd put a lot of thought into this
5 issue and had though long and hard about the data
6 and the research that was going into this.

7 And while I remain unconvinced
8 about the data regarding cancer rates and how this
9 would affect the overall cancer rates in our City,
10 the other day I met somebody who informed me that
11 they were asthmatic. And they had actually gone
12 into an asthmatic episode as a result of being
13 adjacent to somebody smoking in a park. This just
14 came up in the course of conversation.

15 And that anecdotal story struck me
16 that this happens all too often. And it happens
17 to the most vulnerable citizens in our City which
18 are our kids. So that I think needs to be
19 recognized. That this is the kind of thing that
20 can actually trigger an asthma attack for those
21 people that are predisposed to it. And so this
22 type of action that we're taking today will
23 benefit the overall health of the citizens of our
24 City.

25 One thing I just want to follow up

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2 on, what Council Member Ignizio has brought up and
3 others, regarding PCBs in our schools. I think
4 that if we are going to take such strong measures
5 as we are taking today, we need to continue to
6 apply pressure to this Administration to address
7 this issue forcefully. And we should not be
8 nickel and diming it and worrying about the cost.
9 We should be doing everything we can to eradicate
10 those carcinogenic substances from our school
11 rooms. Thank you very much.

12 COUNCIL MEMBER COMRIE: Council
13 Member Greenfield.

14 COUNCIL MEMBER GREENFIELD: Thank
15 you Mr. Chairman. You know I too have concerns
16 about this bill, specifically as it relates to
17 enforcement and whether this will give officers an
18 excuse to harass otherwise law-abiding citizens.
19 And I will be keeping a cautious eye on that
20 issue. And having led the fight in the Council
21 against naked body scanners at our airports I'm
22 concerned as anyone is about the civil liberties
23 of our citizens.

24 However I also believe that the
25 government has an obligation to protect its most

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2 vulnerable. And as a Council Member who
3 represents more children than perhaps any other
4 Council Member in a District with probably less
5 parks, I'm inclined to protect our children from
6 second-hand smoke. I wish I could tell you that I
7 haven't seen anyone smoking in front of children
8 in the parks.

9 Sadly I have seen reckless smokers.
10 The reality is that some smoking New Yorkers are
11 not being courteous New Yorkers and that
12 necessitates this bill. I too would have
13 preferred a compromise. And in fact I co-
14 sponsored both of the compromise bills. But I
15 won't let the perfect be the enemy of the good and
16 will therefore be supporting this bill for the
17 sake of our most vulnerable, our children. Thank
18 you.

19 COUNCIL MEMBER COMRIE: Council
20 Member Vann.

21 COUNCIL MEMBER VANN: Thank you Mr.
22 Chairman. I hold dearly the concept of freedom
23 and our liberties, given how my people were
24 brought to this country and we were enslaved here
25 and the Jim Crow-ism, and the ongoing

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2 institutional racism which we are still affected.
3 You know that I do not take a restriction of
4 freedoms lightly.

5 Nonetheless I'm more concerned
6 about the most important thing on the planet which
7 is life and secondarily the quality of that life.
8 Life and health. And I think this bill will
9 affect both of those which is why I am supporting
10 it.

11 It does raises the question of does
12 a legislative body have the right to try and
13 protect society against itself. I thought long
14 and hard about that as I sat here. And I come up
15 with the answer yes. That if we believe in our
16 heart, in our knowledge and information that
17 something is better for society even though it may
18 not be popular, that we ought to take that
19 position. And this is such a case. And I'm
20 prepared to take that position.

21 I'm a little, not disturbed, but
22 interested in those who believe that a compromise
23 would have been better. And perhaps they would
24 have been but that is not the bill that we're
25 dealing with now. There's an issue about health.

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2 And whether or not your bill or a better bill may
3 have passed is passé. If you think that this
4 legislation will help save life, here, retain life
5 and good health, it seems to me we ought to be for
6 that even if a better bill is not before us today.

7 I was moved by the argument
8 relative to how the perhaps the administration of
9 this bill might work against black and browns
10 because of the discrimination that exists in the
11 Police Department. And it raises a tenor but then
12 I recognized we can't legislation through a
13 discriminatory body. We can't let them determine
14 what is in the best interest of the citizens of
15 New York City. Given those arguments I vote aye.
16 I thin it's good legislation. It will save lives
17 for our people in New York City.

18 COUNCIL MEMBER COMRIE: Council
19 Member Recchia.

20 COUNCIL MEMBER RECCHIA: Thank you.
21 Today I'd like to thank my colleague Gale Brewer
22 for introducing this legislation. And I support
23 it. As someone who represents the beaches of
24 Coney Island I just have to disagree with many of
25 my colleagues who say, talk about people's rights.

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2 What about the kids' rights on the beach? What
3 about the parents' rights on the beach when they
4 ask somebody to put out cigarettes and they say no
5 and they throw a cigarette butt at them or they
6 throw the cigarette at them?

7 My office gets literally hundreds
8 of complaints every year because my office is two
9 blocks from the beaches. And we get many
10 complaints about cigarettes. And when they talk
11 about cigarette butts, I could tell you when we
12 walk the beaches of Coney Island there are
13 literally hundreds of cigarette butts in the sand.

14 So this legislation is doing
15 something that I've been dying to do for many,
16 many years and that is to give people an
17 opportunity to get to the beach and to enjoy their
18 family activities. To go to the beach as a family
19 and not have to worry about someone smoking or
20 someone throwing cigarettes at you or someone, you
21 have to move your blanket because they won't stop
22 smoking. You asked them nicely. That's what this
23 legislation is about. It's about giving people an
24 opportunity to enjoy the parks, to enjoy the
25 beaches without having to be aggravated and to

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2 keep our beaches cleaner. So I hope all my
3 colleagues could vote aye and I just want to thank
4 and just tell my colleague Jimmy Van Bramer your
5 story really touched my heart. Thank you very
6 much.

7 COUNCIL MEMBER COMRIE: Council
8 Member Chin.

9 COUNCIL MEMBER CHIN: Thank you. I
10 also wanted to add my voice to support this
11 legislation. As someone who's a strong advocate
12 before I become a City Council Member for a smoke-
13 free New York, I see that this bill will help save
14 more lives and will also help us save money on
15 health care costs.

16 I also lost a father at a very, not
17 quite young age, but I was already married with a
18 kid. But he couldn't see my son grow up because
19 he died of illness was related to smoking. When
20 the City passed the smoke-free law a couple of
21 years back I was so thankful that a lot of the
22 associations in Chinatown, that used to be like a
23 smokestack, and you go to a meeting and you leave
24 there stinking on your clothes and hair. They had
25 to post up those no smoking signs. And some of

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2 the elders there quit smoking or at least cut
3 back.

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5 So I urge my colleagues to
6 reconsider. To think about the lives of children
7 and seniors and adults that we will be able to
8 save. And the health costs that we will be able
9 to cut down by passing this bill. Thank you.

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11 COUNCIL MEMBER COMRIE: Council
12 Member Mealy.

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14 COUNCIL MEMBER MEALY: Yes I also
15 was not expected to speak but thinking about life
16 and liberty, I know I'm for life, but we have to
17 also think about people's liberty. Freedom. I'm
18 very much inclined to echo the sentiments of my
19 colleagues against this bill. When we opened up
20 the door too wide for government to dictate our
21 actions it's very hard to close that door. And I
22 wish there was a better compromise in regards to
23 this bill.

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25 I think about someone said at the
26 beach, the same way people come to the beach
27 intoxicated. And before anything goes wrong I
28 would say let's move. The same way if people are
29 smoking on the beach, we have an option to move.

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2 And I think about... when I did a poll in my
3 District in regards to this do you know what my
4 people said? Imagine the bus shelters, when I'm
5 standing at the bus, when somebody light up a
6 cigarette, I leave the bus shelter and be in the
7 rain when this one person is in the bus shelter
8 smoking a cigarette and I'm outside. A majority
9 of people are outside.

10 If we're going to do a law such as
11 this we should do it across the board, no
12 piecemeal-ly. So also I am concerned about the
13 enforcement of this bill. In my District
14 particularly. Though this bill may say no smoking
15 in the park or the beaches, I find that this bill
16 can easily be another tactic in which police can
17 easy ticket it, not--the Parks Department but
18 harass, frisk and look up and see in the system if
19 someone have a ticket or something. And I feel
20 that it's too much. And we're giving society and
21 government too much power. So I will vote no on
22 this bill.

23 COUNCIL MEMBER COMRIE: Council
24 Member Wills.

25 COUNCIL MEMBER WILLS: It's funny

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2 because, you know, Council Member Van Bramer and
3 Koslowitz had stories of people that they lost but
4 this chamber lost someone and because of that loss
5 is why I'm here today because of his battle with
6 cancer because of a long term of smoking
7 cigarettes. And my first interview when I got
8 elected, the first thing a reporter asked me was
9 about the smoking ban. And I told him I think
10 that government was getting too big and that this
11 wasn't something that I would be voting for.

12 But I have looked at the research
13 that states that Southeast Queens has one of the
14 largest juvenile asthmatic rates. And I can't in
15 good conscience vote against something that's
16 going to be able to mitigate a substance that is
17 so addictive and the secondary effects of
18 something in a way that is in relation to the
19 sicknesses or the illnesses that are going to
20 affect the community such as mine which has a lack
21 of affordable health care in the beginning.

22 So in good conscience now I vote
23 aye on this bill.

24 COUNCIL MEMBER COMRIE: Council
25 Member Koo.

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2 COUNCIL MEMBER KOO: Thank you Mr.
3 Chairman. Usually [mic goes off] Oh. Thank you
4 Mr. Chairman. Usually I'm against government
5 interfering too much of citizens' private life.
6 But in this instance I urge all my colleagues to
7 vote yes for this bill.

8 As an elected official our primary
9 responsibility is to take care of our
10 constituents' health. I too have a father died
11 because of cancer. In the old days, they don't
12 have information about the health and the risks
13 and benefits of smoking. But right now research
14 has indicated that smoking is bad for you.

15 So as City Council representatives,
16 we should try our best to protect our citizens.
17 Actually I don't think this bill goes far enough.
18 I want to echo my previous speakers say we should
19 urge banning smoking even on public streets.
20 Because a lot of times there is in the bus shelter
21 or other places, you know, we get offended and we
22 have to get this second-hand smoke.

23 And I also have incidents while I'm
24 walking I get burned by pedestrians because they
25 have a cigarette in their hands and I didn't see

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2 it. They burned my clothes once. They burned my
3 hand once. So I urge Speaker Quinn and next time
4 we should do a bill banning smoking in the public
5 streets too while they are walking. Thank you.

6 COUNCIL MEMBER COMRIE: Council
7 Member Rose.

8 COUNCIL MEMBER ROSE: I like my
9 colleagues, I came here this morning very
10 conflicted and not quite sure how I wanted to vote
11 on this bill. And as the Civil Rights Chair, I
12 really took into consideration the fact that the
13 rights of our New York City residents are really
14 being compromised. And that at some point we're
15 going to push people into dark basements,
16 reminiscent of opium dens because there'll be no
17 place for them to smoke.

18 I just really believe that because
19 of the fact that our children are so adversely
20 affected by second-hand smoke that I then
21 rethought my vote and I will be voting in favor of
22 this bill today.

23 [Applause]

24 COUNCIL MEMBER COMRIE: I saw that
25 Tish, I saw that. Last member to speak on this,

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2 Council Member Nelson.

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COUNCIL MEMBER NELSON: Okay. As the Waterfront Chair, [off mic] oh you good? Oh okay. Lay off the private boats. I thought of it, through the years, the only complaints I'd ever heard from people were that they were on the beach and smoke was just wafting across them. And I never heard anybody really complain that, hey, you know, I won't be able to smoke on the sand. And I've been there too. I've had people blowing smoke, coming into my mouth as well.

And you know their probably let them move doesn't really work. If you're going to the beach and you're carrying a couple of chairs and a blanket and skin protection 1, 2, 7, 10, 50, ad infinitum. It's not easy to move. You want to stay there and have the right of people not smoking into your face. But and then if you move by the way you can wind up next to a smoker again.

So let's stop the smoking on the beach. I agree with my friend Domenic who has the beachside of my District, well he's got the Boardwalk too. But over-regulation, if you go towards people and their apartments, let me tell

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2 you, into their castles, that's drawing the real
3 line into the sand. And I hope that never gets
4 close to being on this floor. Of course with that
5 I'm going to vote for this bill. Thank you.

6 COUNCIL MEMBER COMRIE: Thank you
7 members. Report of Special Committees.

8 COMMITTEE CLERK: None. None.

9 COUNCIL MEMBER COMRIE: Reports of
10 Standing Committees.

11 COMMITTEE CLERK: Report of the
12 Committee on Finance, Preconsidered LU 304 and
13 Reso 650 through LU 308 and Reso 657.

14 SPEAKER QUINN: Coupled on general
15 orders. I forgot we still had to do this part of
16 the meeting.

17 [Laughter]

18 SPEAKER QUINN: I can't imagine
19 anyone needs to explain their vote. I'm just
20 saying. Go ahead.

21 COUNCIL MEMBER COMRIE: General
22 order calendar. Not yet, not yet, not yet?

23 SPEAKER QUINN: The report on the
24 Committee on Health, right?

25 COUNCIL MEMBER COMRIE: Report on--

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oh sorry.

COMMITTEE CLERK: Report on the
Committee on Health, Intro 332-A, Smoke-Free Act.

SPEAKER QUINN: Amended and coupled
on general orders.

COMMITTEE CLERK: Report of the
Committee on Land Use LU 280 and Reso 658,
unenclosed sidewalk café.

SPEAKER QUINN: Coupled on general
orders.

COMMITTEE CLERK: LU 291 and Reso
659 through LU 294 and Reso 662, Landmark
designations.

SPEAKER QUINN: Coupled on general
orders.

COMMITTEE CLERK: Lu 302 and Reso
663, Zoning Amendment.

SPEAKER QUINN: Coupled on general
orders.

COMMITTEE CLERK: Report of the
Community on Rules, Privileges and Elections,
Preconsidered M 383 and Reso 664, approving the
re-designation of Reverend Lacey, Health and
Hospitals Board of Directors.

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SPEAKER QUINN: Coupled on general orders.

COMMITTEE CLERK: Preconsidered M 384 and Reso 665 approving the re-designation of Josephine Bolus, Health and Hospitals Board of Directors.

SPEAKER QUINN: Coupled on general orders.

COUNCIL MEMBER COMRIE: General order calendar.

COMMITTEE CLERK: Resolution appointing various persons, Commissioner of Deeds.

SPEAKER QUINN: Coupled on general orders. And at this time I'd like to ask for a roll call on all items that have been coupled on the general order calendar please.

COUNCIL MEMBER CLERK: Vacca.

COUNCIL MEMBER VACCA: Aye. I thank you for allowing me to vote first. I would like to explain my vote briefly. I'm going to vote yes on all, aye on all. I'm doing so because voting the way I'm voting today gives me an opportunity to discourage people from smoking. And if I have that opportunities to discourage

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them, I want to do that.

I think most of us feel that we've attended too many wakes, we've gone to too many funerals. We know too many people that we spent months praying for and hoping that they would survive only to see that they did not. These are people of all ages. These are people that run the spectrum of residence of our City.

Lung cancer is a killer. Too often it kills. Once it's diagnosed, it's often too late. I understand that this bill has difficulties. And I understand it's not perfect. But very honestly, if it saves people's lives and makes it more difficult for them to smoke, I want to vote yes. So I do so and I urge my colleagues to join me. I thank you.

COMMITTEE CLERK: Crowley.

COUNCIL MEMBER CROWLEY: Thank you for permission to vote out of order. I vote aye. Thank you.

COMMITTEE CLERK: Arroyo.

COUNCIL MEMBER ARROYO: Aye on all.

COMMITTEE CLERK: Brewer.

COUNCIL MEMBER BREWER: I vote aye

1
2 and thank my colleagues for an excellent
3 discussion. It's all been webcast which I also
4 think is great for the public. And I am delighted
5 that Diane Lacey will continue her very esteemed
6 tenure on the HHC Board. Thank you very much.
7 Thank you all very, very much.

8 COMMITTEE CLERK: Cabrera.

9 COUNCIL MEMBER CABRERA: Aye.

10 COMMITTEE CLERK: Chin.

11 COUNCIL MEMBER CHIN: Aye.

12 COMMITTEE CLERK: Comrie.

13 COUNCIL MEMBER COMRIE: Permission-
14 -well I don't need to ask myself for permission.

15 [Laughter]

16 COUNCIL MEMBER COMRIE: I'm so
17 engrained. No I'm going to speak now. I listened
18 so I want to say I enjoyed the discussion of all
19 the members. And I think that this has been a
20 great example of what we can do as a deliberative
21 body to deliberate and come to a decision on a
22 difficult bill.

23 I also am conflicted on this bill.
24 I believe in personal liberty. I think that the
25 poem Crystal Nut [phonetic] keeps coming to my

1

2 mind where we start going after individual
3 personal liberties on certain things and we go
4 after the person, Crystal Not poem was you go
5 after the person with no legs and then you go
6 after the person with one leg and then you--it's a
7 bad paraphrasing of the poem. But I would suggest
8 you look it up.

9 I also have a son with asthma. He
10 has exercise-induced asthma. I also have a
11 District with high rates of asthma. You know I
12 also know that this body, I think, could have done
13 a collaborative bill. I'm concerned about the
14 focus on personal liberties. But when I went home
15 last night after I beat up the Smoke-Free
16 Coalition, I had fun with them yesterday. We went
17 at for about an hour and a half and we talked
18 about it. I went home and I remembered that and I
19 spoke with it to my 13-year old son and my 16-year
20 old daughter. And they told me dad you have to
21 vote yes for this bill.

22 [Applause]

23 COUNCIL MEMBER COMRIE: I still
24 think it's an injunction on personal liberties.
25 But since I have to go home and face my family and

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you know but I think that I'm proud of this body.
I think we've deliberated this bill. And I think
we've opened the door for a compromise in the
future. I vote aye on all.

COMMITTEE CLERK: Dickens.

COUNCIL MEMBER DICKENS: Aye.

COMMITTEE CLERK: Dilan.

COUNCIL MEMBER DILAN: I vote aye
on all except for Intro 332-A which I vote no.

COMMITTEE CLERK: Dromm.

COUNCIL MEMBER DROMM: Aye on all.

COMMITTEE CLERK: Eugene.

COUNCIL MEMBER EUGENE: I vote aye.

COMMITTEE CLERK: Ferreras.

COUNCIL MEMBER FERRERAS: I vote
aye on all.

COMMITTEE CLERK: Fidler.

COUNCIL MEMBER FIDLER: Deputy
Majority Leader may I be briefly excused to
explain my vote?

COUNCIL MEMBER COMRIE: You already
spoke on this and you can't speak on it again.

COUNCIL MEMBER FIDLER: I really
just wanted to comment on the deliberation of the

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body.

COUNCIL MEMBER COMRIE: Oh okay.

All right. We'll watch that slippery slope.

COUNCIL MEMBER FIDLER: Yeah.

[Laughter]

COUNCIL MEMBER FIDLER: You know here I was about to complement you all. And I actually did want to speak on the bill but..

[Laughter]

COUNCIL MEMBER FIDLER: But the part that you will permit me, I do want to say, which I think even though the point of view that I hold on this bill is clearly not going to prevail, I'm very proud of this body today. I think that we engaged in a substantive debate in a very, very professional way.

And clearly the fact that this body can debate, discuss and dissent in this fashion speaks very, very well of this, you know, this legislative body. And clearly is a tone that is set by the Speaker of the Council. And I just want to say that I will--I'm going to lose today on the substance but I think we all won today on the process.

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COUNCIL MEMBER COMRIE: Amen.

Next.

COUNCIL MEMBER FIDLER: And I vote
no on the smoking bill and aye on the rest.

COUNCIL MEMBER COMRIE: Oh all
right.

COMMITTEE CLERK: Garodnick.

COUNCIL MEMBER GARODNICK: Thank
you. I vote aye.

COMMITTEE CLERK: Gennaro.

COUNCIL MEMBER GENNARO: [No
audible response]

COMMITTEE CLERK: Gentile.

COUNCIL MEMBER GENTILE: Aye.

COMMITTEE CLERK: Gonzalez.

COUNCIL MEMBER GONZALEZ: Aye.

COMMITTEE CLERK: Greenfield.

COUNCIL MEMBER GREENFIELD: Aye on
all.

COMMITTEE CLERK: Halloran.

COUNCIL MEMBER HALLORAN: I vote no
on 332-A, aye to the rest.

COMMITTEE CLERK: Ignizio.

COUNCIL MEMBER IGNIZIO: Yes thank

1
2 you. Just to briefly explain some of the comments
3 that were made in regards to the opponents of this
4 bill. What I was referring to when I was talking
5 about my original speech is I have a park in my
6 District which is 2,600 acres. You can smoke on
7 one side of the 2,600 acres and smoke on the other
8 side of the 2,600 acres and everybody in between
9 can be totally safe.

10 So to kind of put it to, you know,
11 a child debate of child health or whatnot I think
12 is too simplistic and almost Simpson-esque when
13 every time they say, you know, and if you know the
14 Simpson's you know what I'm talking about, so that
15 is what I'm talking about.

16 You want to ban it at beaches, you
17 want to ban it in playgrounds. You want to ban it
18 in overall parks, have a certain acreage. That's
19 a fair debate. But 2,600 acres, show me the signs
20 there where one guy is smoking a cigar on one end
21 is going to affect the child on the other. I vote
22 no on Land Use 292, no on 332-A and aye on all
23 others. Thank you.

24 COMMITTEE CLERK: Jackson.

25 COUNCIL MEMBER JACKSON: Thank you

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2 for democracy. I vote no on Intro 332-A and I
3 vote aye on all the rest.

4 COMMITTEE CLERK: James.

5 COUNCIL MEMBER JAMES: Council
6 Member Comrie, our faith teaches us that children
7 will lead us going forward. I vote aye on all.

8 COUNCIL MEMBER COMRIE: Don't start
9 with that James.

10 COMMITTEE CLERK: Koo.

11 COUNCIL MEMBER KOO: I vote aye on
12 all.

13 COMMITTEE CLERK: Koppell.

14 COUNCIL MEMBER KOPPELL: On the
15 process Mr. Acting Majority Leader, I want to
16 complement the body on the process. And I think
17 it teaches us a lesson of the wisdom of taking one
18 measure and debating that, not bring up all
19 different things. Today of course we only had one
20 on the agenda. And I hope--because I think this
21 is the best debate I've heard in nine years in
22 this body that there'll be many more. I think
23 it's both instructive and in addition I think an
24 excellent way of moving legislation forward. And
25 I want to complement everyone, the Speaker and

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everyone for the conduct of this debate. I
withdraw my request and vote aye on all.

COMMITTEE CLERK: Koslowitz.

COUNCIL MEMBER KOSLOWITZ: I vote
aye.

COMMITTEE CLERK: Lander.

COUNCIL MEMBER LANDER: I want to
echo the praise for the process and than the
Speaker and the Acting Majority Leader and the
sponsors for the bill. I vote no on 332-A and aye
on the rest.

COMMITTEE CLERK: Levin.

COUNCIL MEMBER LEVIN: With
recognition to my friend and colleague Gale Brewer
I vote aye on all.

COMMITTEE CLERK: Mark-Viverito.

COUNCIL MEMBER MARK-VIVERITO: Aye
on all.

COMMITTEE CLERK: Mealy.

COUNCIL MEMBER MEALY: I vote no on
Intro 332-A and aye on all.

COMMITTEE CLERK: Mendez.

COUNCIL MEMBER MENDEZ: I vote no
on Intro 332-A, all on the rest and Madam Speaker,

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2 Charles Barron is not here. I fear he might have
3 gotten arrested again and they may have thrown
4 away the key this time. So we should look into
5 that.

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COUNCIL MEMBER ODDO: I'd be happy
to go get him.

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COMMITTEE CLERK: Nelson.

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COUNCIL MEMBER NELSON: With the
10 respect to my colleagues who are voting no, I vote
11 aye.

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COMMITTEE CLERK: Recchia.

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COUNCIL MEMBER RECCHIA: [No
audible response]

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COMMITTEE CLERK: Reyna.

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COUNCIL MEMBER REYNA: I vote aye
on all.

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COMMITTEE CLERK: Rodriguez.

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COUNCIL MEMBER RODRIGUEZ: Aye.

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COMMITTEE CLERK: Rose.

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COUNCIL MEMBER ROSE: Aye.

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COMMITTEE CLERK: Sanders.

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COUNCIL MEMBER SANDERS: Permission
to vote on previous Land Use items?

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COUNCIL MEMBER COMRIE: Denied.

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No, so ordered.

COUNCIL MEMBER SANDERS: I accept that Sir. I vote aye on previous Land Use items. I vote aye on everything except Intro 332-A and then that I vote no.

COMMITTEE CLERK: Seabrook.

COUNCIL MEMBER SEABROOK: Aye on all.

COMMITTEE CLERK: Ulrich.

COUNCIL MEMBER ULRICH: No on Intro 332-A and aye on all others.

COMMITTEE CLERK: Vallone.

COUNCIL MEMBER VALLONE: After what Council Member Nelson said I briefly reconsidered my vote. But I still vote aye.

COMMITTEE CLERK: Van Bramer.

COUNCIL MEMBER VAN BRAMER: Aye on all.

COMMITTEE CLERK: Vann.

COUNCIL MEMBER VANN: I, excuse me, aye on all.

COMMITTEE CLERK: Weprin.

COUNCIL MEMBER WEPRIN: Aye.

COMMITTEE CLERK: Williams.

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2 COUNCIL MEMBER WILLIAMS: May I be
3 excused to explain my vote?

4 COUNCIL MEMBER COMRIE: So moved.

5 COUNCIL MEMBER WILLIAMS: Thank
6 you. Just to the brush of the broad stroke of one
7 of the compromises on our babies, I just wanted to
8 say that I think that we could have gotten a bill
9 that would have taken the science into effect so
10 that the second-hand smoke would not have affected
11 parents and our children and our babies. So all
12 of that was taken into my consideration. And I
13 would like to say congratulations to Josephine
14 Bolus. I vote aye on all except Intro 332-A which
15 I vote no.

16 COMMITTEE CLERK: Wills.

17 COUNCIL MEMBER WILLS: Aye on all.

18 COMMITTEE CLERK: Oddo.

19 COUNCIL MEMBER ODDO: I vote no on
20 332-A, yes on all others, and starting tomorrow
21 I'm committed to finding all these people who are
22 kicking sand and flicking cigarettes at Domenic
23 Recchia.

24 [Laughter]

25 COMMITTEE CLERK: Speaker Quinn.

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2 COUNCIL MEMBER JAMES: They're his
3 clients.

4 [Laughter]

5 SPEAKER QUINN: I vote aye on all.

6 [Pause]

7 COUNCIL MEMBER COMRIE: All right,
8 all right. Quiet. Speaker Quinn. Quiet, quiet
9 please. It's 4:30, folks are getting a little..
10 quiet please.

11 SPEAKER QUINN: I vote aye on all.

12 [Pause]

13 COUNCIL MEMBER COMRIE: Okay.

14 Today's Stated Meeting of February 2nd, all items
15 on today's general order calendar were adopted by
16 a vote of 48 in the affirmative, 0 in the negative
17 and 0 abstentions with the exception Intro 332-A
18 which was adopted by a vote of 37 in the
19 affirmative, 11 negative and 0 abstentions and
20 Land Use Item 292 combined with Resolution 660
21 which was adopted by 47 affirmative, 1 negative, 0
22 abstentions.

23 The Revised Land Use call ups were
24 adopted by a vote of 48 affirmative and 0 in the
25 negative. We have to make an alteration. Hold on

1
2 one second please. Nobody, you voted, we got your
3 no vote on the... yeah. Okay? Sorry. The Intro
4 332-A was 36 affirmative, 12 negative, updated.
5 Introduction and reading of bills.

6 SPEAKER QUINN: All bills are
7 referred to committees as indicated on the agenda.

8 COUNCIL MEMBER COMRIE: No
9 Resolutions. General discussion? Council Member
10 Jackson, please. We have three members that have
11 General discussion items. Please be still. If you
12 have to leave be quiet.

13 COUNCIL MEMBER JACKSON: My
14 colleagues, tomorrow, the Panel for Educational
15 Policy will be meeting at Brooklyn Tech High
16 School to vote on the remaining schools that are
17 on their list for closure. I ask you to consider
18 this particular issue and appear like some of my
19 colleagues last night, State Senator Bill Perkins,
20 Steve Levin, Jumaane Williams, Gale Brewer and
21 others came to give testimony basically opposing
22 the closure of these schools and the collocation
23 of a charter school at Brandeis High School.

24 And I say to all of you this is an
25 issue even though you may not have a school--

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2 SPEAKER QUINN: [Interposing] Hang
3 on one second. If we could give a little time on
4 the clock back to the Council Member and if we
5 could get some quiet in the chambers. If you're
6 exiting, do it quietly. If you're working on
7 paperwork with the Clerk in the front, please wait
8 until the three Council Members who have comments
9 at this time have finished unless you can do it
10 silently. Thank you.

11 COUNCIL MEMBER JACKSON: Thank you
12 Speaker Quinn. This is an issue that will be with
13 us for several years based on Mayor Bloomberg's
14 commitment at a conference he made in Washington
15 D. C. to close approximately 10% of the lowest
16 performing schools in the City of New York which
17 equally approximately 160 schools. So I ask you,
18 if you're not involved, to get involved because
19 this is a critical area for the future of our
20 children. Thank you.

21 COUNCIL MEMBER COMRIE: Council
22 Member Garodnick?

23 COUNCIL MEMBER GARODNICK: Thank
24 you very much Mr. Deputy Majority Leader. I want
25 to draw the attention of my colleagues to three

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2 bills that I'm introducing today, two of which
3 relate to pedicabs and a third that would require
4 the use of bar codes in parking placards to take
5 aim at their fraudulent use.

6 In 2009 this body passed broad
7 safety and consumer reforms of the pedicab
8 industry which was then completely unregulated.
9 Now that we've given those laws some time to work
10 and now that we've seen enforcement sweeps that
11 rack up 115 pedicab violations in a single day in
12 a single neighborhood, we see where we must
13 strengthen the law. To target repeat offenders
14 I'm introducing Intro 466 which would impose a
15 greater risk of license suspension and/or
16 revocation on both pedicab drivers and pedicab
17 business owners. Additionally the conditions on
18 the streets today make it clear that we must
19 better address safety concerns before we allow
20 even more pedicabs to operate.

21 The second bill, Intro 467 would
22 repeal the sunset provision of the 2009
23 restrictions on licensing and limit pedicab
24 registration plates to their current number.

25 SPEAKER QUINN: Could we get a

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little more quiet for Dan please?

COUNCIL MEMBER COMRIE: Quiet
please. Come on.

COUNCIL MEMBER GARODNICK: These
two bills along with two others I've introduced,
Intro 334 which would subject pedicabs to parking
rules and 345 which would require a posting of a
pedicab bill of rights will all be heard in the
Consumer Affairs Committee on February 18th. I ask
you to join me in signing on to each of these
bills.

The third bill I'm introducing
today takes one fundamental step to address the
abuse of parking placards. Intro 465 would
require the use of a bar code on each government
issued parking placard so that traffic enforcement
agents can easily scan it to determine whether it
is legitimate. There is no excuse for fraudulent
placards to continue to get a free pass. And
enforcement agents should not fear ticketing them.

I urge my colleagues to join on
this legislation as well. And finally on a
personal note I want to thank my colleagues for
all of their good wishes on the birth of my son

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Asher Bennett Garodnick.

[Cheering, applause]

COUNCIL MEMBER COMRIE: Shameless
plug after your time is up.

COUNCIL MEMBER GARODNICK: HE is,
he and his mom, my wife Zoë, are doing great and
of course I sure am a proud father today. So
thank you very much.

COUNCIL MEMBER WILLIAMS: And he
got two Google hits.

COUNCIL MEMBER COMRIE: Proud papa.
I'd like to co-sponsor the parking placard bill
with you so Council Member Koo.

COUNCIL MEMBER KOO: Thank you Mr.
Chair and Speaker. As all of you know tomorrow is
the beginning of the Chinese New Year of the
Rabbit. And the Chinese New Year tradition is a
great way to reconcile. Forget all grudges. And
sincerely with peace and happiness for everyone.
The Lunar New Year provides a chance for a clean
slate, fresh start and new opportunities for
progress.

I am confident that in 2011 we will
use our combined wisdom and steadfastness to

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2 create a better New York where residents can find
3 peace, success, health and prosperity. Thank you.

4 COUNCIL MEMBER COMRIE: Council
5 Member Williams.

6 COUNCIL MEMBER WILIAMS: Thank you.
7 I'm asking my colleagues to support my bill, Intro
8 474. In this day and age when we're looking for
9 money and there are just way too many contracts
10 out there, this bill is requiring that the City do
11 a cost-benefit analysis prior to contracting out
12 any professional and standard services. And I
13 implore my colleagues to sign on.

14 COUNCIL MEMBER COMRIE: Okay.
15 Council Member Comrie. Ah. I am asking members
16 today to support a Resolution you've already
17 supported, Introduction to call upon the New York
18 State Legislature to permit New York City to
19 provide applicants who pass the firefighter civil
20 service exam with a 5-point credit on their exam
21 score if they graduate from a New York City high
22 school.

23 As many of you know and you've
24 signed onto it, we have legislation in process
25 which would give applicants an additional bonus if

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2 they graduate from a New York high school. And
3 along with the Vulcan Society, we have been
4 advocating for these points. We live in the
5 largest city and one of the most diverse
6 municipalities in the world, yet the racial makeup
7 of our Fire Department hovers less than 10%.

8 In major cities like Los Angeles,
9 the Fire Department minority makeup is more than
10 44%. These bonus points will be a useful tool in
11 recruiting minorities to take the firefighters
12 civil service exam and ensure that the FDNY is as
13 ethnically diverse as the City it protects.

14 Currently bonus points are awarded
15 on an applicant's residency which have been easily
16 forged. If the City and State adopt this credit
17 based on a high school diploma, we can assure that
18 the applicant pool is a closer representation of
19 the racial diversity of our City.

20 And also I want to speak to the
21 fact that the Administration is now telling people
22 that they're going to lose their vacation day if
23 they did not show up to work on Thursday after
24 they closed it down. Shame on the Administration
25 for trying to hurt our civil service workers.

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Shame on them. And they should not--

[Applause]

COUNCIL MEMBER COMRIE: --be
allowed to get away with that. Thank you.
Council Member Greenfield.

COUNCIL MEMBER GREENFIELD: Thank
you Mr. Chairman. I'm excited to introduce
legislation today that would create a vehicle
parking permit that would give limited parking
privileges to women experiencing difficult or
complicated pregnancies. After the infamous
December blizzard and the thousands of complaints
that my office received, it only reinforced the
concept that many women with difficult pregnancies
were stuck in their homes and had a tough time
getting around.

My personal experience proves the
same. My wife had two difficult pregnancies. And
while I was in a unique position to be able to
take the time during the day to take her to work
and to the doctor, the reality is that many New
Yorkers, especially single mothers, don't have
that luxury. That's why today I'm introducing
Intro 468 and encourage my colleagues to support

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the legislation.

The legislation would allow women who are having difficult pregnancies to get a note from their physician certifying that they are having mobility-related issues because of their difficult pregnancy. They could then apply for an entry level parking permit that would allow them to park in no parking zones and stand in no standing zones. The permit would be issued within 30 days of application and expire 30 days after a woman's anticipated due date.

This is a commonsense courtesy, no different than offering a pregnant woman your seat on the train. After all New York City already hands out tens of thousands of permits as a courtesy to elected officials, to doctors, to clergy, and to teachers. It's time to give the same courtesy to women with difficult pregnancies.

And finally I want to address some of the ridiculous critics of this legislation who have said that if a woman is experiencing a difficult pregnancy, she shouldn't drive. That's the same kind of sexist and discriminatory attitude that pregnant women have had to face for

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years and that we are seeking to combat.

Pregnancy is not a disability. It's a condition.

A condition that we should embrace, celebrate and assist with a common courtesy parking permit.

Thank you very much.

COUNCIL MEMBER COMRIE: Council Member Rodriguez.

COUNCIL MEMBER RODRIGUEZ: Thank you. I would like to call all my colleagues to go tomorrow to the hearing on the Panel of Education where they're going to be voting on bringing two charter schools at JFK. And all elected officials from that area, from Cappel [phonetic], State Senator Espaya [phonetic], Leonedes [phonetic] and Denowitz [phonetic] and others has expressed our frustration on how the DOE has been dealing with us.

We met back in December. They were supposed to follow up with another meeting. We were supposed to be playing a role in getting the parents involved, on getting the feedback. They never did it. It is a done deal that they just want to bring New Visions, to bring two charter schools. Nothing against New Vision, nothing

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2 against being open to a charter school if that's
3 the best for a student but it was a fair decision.

4 It was not a fair decision to get
5 the DOE following what we believe Joel Kline did
6 it which was making decision without the parents'
7 participation. So we hope that tomorrow, where
8 the decision on JFK and Norma Thomas has also
9 been--we'll be making some more tomorrow, I hope
10 that as many Council Members and my colleagues
11 will be present. I think I will bring a strong
12 message to the DOE that they should get the
13 parents involved before making decisions that will
14 affect the education of our students. Thank you.

15 COUNCIL MEMBER COMRIE: Council
16 Member Reyna.

17 COUNCIL MEMBER REYNA: Thank you so
18 much. I just wanted to call upon my colleagues
19 urging their vote, their support for Reso 652,
20 calling upon the New York State Legislature to
21 pass legislation that would bring early voting to
22 the State.

23 We have seen cases throughout the
24 country where voting results are increased due to
25 early voting. And the case of New York City

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2 during the 2010 primary election where delays,
3 unintended delays of polling locations were
4 plagued by late openings, broken voting machines
5 and long lines. Voting up to 14 business days in
6 advance of any primary, general, or special
7 election will enfranchise registered voters. And
8 I call upon my colleagues to support this
9 Resolution calling upon the State of New York and
10 fall in line with nearly two-thirds of the country
11 and contribute to more representative elections in
12 the future. Thank you.

13 COUNCIL MEMBER COMRIE: Finally
14 Council Member Levin.

15 COUNCIL MEMBER LEVIN: Thank you
16 Council Member Comrie. I do want to encourage my
17 colleagues to sign on to Intro 472 which I'm
18 introducing today. This will amend the
19 Administrative Code of the City of New York in
20 relation to requiring the Police Department to
21 submit reports concerning CPR and AED
22 certification to this body, the New York City
23 Council.

24 I began working on this issue as a
25 result of the death of Briana Ojeda [phonetic]

1
2 this past summer in August of 2010. Ms. Ojeda was
3 a 10-year old girl who passed away in the
4 emergency room at Long Island College Hospital
5 after she was stopped by an NYPD officer as her
6 mother was going the wrong way down a one-way
7 street. The officer did not provide CPR to the
8 girl.

9 And as a result of that incident we
10 have inquired about CPR certification and AED
11 certification within the Police Department. We
12 believe that it is appropriate and germane for the
13 Police department to provide that data to this
14 body for oversight. So I do encourage my
15 colleagues to join me in signing on to Intro 472.
16 Thank you very much.

17 COUNCIL MEMBER COMRIE: Being no
18 others, I declare this Stated Meeting of February
19 2nd, 2011 adjourned. I want to thank all the
20 members for their thorough, intelligent and
21 thought-provoking discussions. And I want to
22 thank all of the--and so thereby the meeting is
23 now adjourned. Thank you.

24 [Gavel banging]

C E R T I F I C A T E

I, Laura L. Springate certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____February 12, 2011_____