

**TESTIMONY OF
COMMISSIONER JOHN J. DOHERTY
NEW YORK CITY DEPARTMENT OF SANITATION**

**HEARING ON THE FY 2009 EXECUTIVE BUDGET,
BEFORE THE NEW YORK CITY COUNCIL
COMMITTEES ON FINANCE AND
SANITATION & SOLID WASTE MANAGEMENT**

**FRIDAY, MAY 16, 2008 – 10:00 A.M.
CITY HALL – COUNCIL CHAMBERS**

Good morning Chairman Weprin, Chairman McMahon, and members of the City Council Committees on Finance and Sanitation and Solid Waste Management. I am John Doherty, Commissioner of the New York City Department of Sanitation. With me today is Michael Bimonte, First Deputy Commissioner for Operations, and Larry Cipollina, Deputy Commissioner for Administration and Financial Management. Thank you for providing me with this opportunity to discuss the Department's expense and capital portions of the Mayor's Fiscal Year 2009 Executive Budget.

The FY 2009 Executive Budget allocates \$1.29 billion in operating funds to the Department. These funds will allow the Department to continue its delivery of core, essential services to the public, including:

- Maintaining our current schedule of refuse and recyclables collections throughout all (59) community districts;
- Managing and arranging for out-of-City disposal of approximately 11,574 tons of residential and institutional refuse collected by the Department each day;
- Continuing mechanical broom street cleaning of alternate side parking areas;
- Snow plowing and spreading salt over the City's roadways during winter snow and ice storms;
- Removing abandoned vehicles from the City's roadways; and
- Providing for the clean-up and removal of debris from vacant lots.

The Department's capital portion of the FY 2009 Executive Budget is approximately \$1.04 billion. Of this, \$886 million is allocated toward construction costs and \$158 million is for equipment. Since I last testified in March on the FY 2009 Preliminary Budget, the Mayor announced a citywide reduction target of 20% by all agencies in capital spending each year from FY 2009

through FY 2012. Although this has not been allocated by agency at this time, our expectation is that this will adversely affect garage construction. From FY 2009 to FY 2012, the Department is funded to:

- Construct four (4) new marine transfer stations and the Manhattan 1/2/5 Garage;
- Continue the ongoing construction of the new Queens 14 and Manhattan 4/4A/7 Garages;
- Begin the design phase for the new Staten Island 1 Garage; and
- Purchase replacement collection trucks and mechanical brooms.

As with all other City agencies, the Department has been asked to help develop a budget for the upcoming fiscal year that is fiscally responsible during these uncertain economic times. In making reduction decisions, it was critical to minimize the impact on core services that the Department provides, including street cleaning, refuse and recycling collections and snow removal. In FY 2009, cuts currently include the elimination of:

- Supplemental basket collection service on Sundays and holidays;
- Supplemental Cleaning and basket service on weekdays, primarily in the outer boroughs;
- The Fall leaf collection program; and
- Additional uniformed and civilian headcount reductions.

Implementing the long-term export component of the City's approved Solid Waste Management Plan is moving forward. With all Department-managed waste generated in both the Bronx and Staten Island now being exported out of the City by rail, we will continue to advance preparations to convert the Marine Transfer Stations into facilities that will containerize Department-managed and commercial waste for export by barge and rail as outlined in the SWMP.

The Department has received the State DEC permits for the North Shore MTS and expects to receive the Army Corps permit for the facility next month. The Department expects to issue the bids for construction of the North Shore MTS this Summer.

In connection with the Hamilton Avenue MTS, the Department expects to receive the State DEC and Army Corps permits in the near future and expects to issue bids for construction of the Hamilton Avenue MTS this Fall.

The Department is in a permit proceeding in front of State DEC for the East 91st Street MTS and recently received a favorable ruling from the Administrative Law Judge presiding over this proceeding on all but one issue. In response to the ruling, the Department has submitted supplemental information on noise to both the Administrative Law Judge and the other parties.

With respect to the Southwest Brooklyn MTS, the Department is also in a permit proceeding in front of a State DEC Administrative Law Judge. There has been an issues conference, and all parties are submitting briefs to the Judge next week.

We will commence service on the 20-year, long-term export contract for the transport and disposal of the Brooklyn waste shed formerly served by the Greenpoint MTS on March 1, 2009. Additionally, we are finalizing the negotiation of a similar, long-term export contract for the Queens waste shed formerly served by the Greenpoint MTS. A long term export agreement is also being negotiated with the Port Authority of New York and New Jersey for the use of the Essex Resource Recovery Facility for the receipt of a portion of Manhattan's waste.

The Department also completed its review of the proposals submitted in response to the Request for Proposals to operate the West 59th Street Marine Transfer Station in Manhattan as a location to export Manhattan's commercial waste. The Department has announced the selection of the Sims Group for negotiations, and we expect to conclude negotiations on this contract later in the FY 2009 fiscal year.

The Department's current export program continues. During the first eight months of FY 2008, the Department collected and exported 2.291 million tons of refuse at a cost of \$197.5 million. The FY 2009 budget allocates \$316 million in export tipping fees for the Department to continue its current export operations.

The FY 2009 Executive Budget allocates a total of \$16.3 million for processing metal, glass and plastic recyclables, and to undertake post-holiday Christmas tree composting. In addition, \$7.5 million is allocated for Department public education and outreach initiatives in the coming fiscal year. Also after a lengthy negotiation process, this summer the Department will sign the 20-year contract with the Sims Group to process Department-collected metal, glass, plastic and a portion of mixed paper at the South Brooklyn Marine Terminal.

In FY 2009, the Department's Bureau of Waste Prevention, Reuse and Recycling will conduct various recycling initiatives, including the electronics waste and clothing drop-off programs, and the Staten Island Spring Yard Waste Pilot. As you know, we have base-lined \$1 million per year in funding to administer the Department's new Household Hazardous Waste collection program. We have also added \$3 million in FY 2009 for the implementation of the commercial waste sort study in accordance with the SWMP. We will also continue to explore and expand the number of public space recycling sites where it is feasible at no additional cost to collection service. Since 2007 when we first undertook the initial public space recycling pilot required by the SWMP, we have established thirteen (13) locations citywide dedicated to public space recycling.

In FY 2009, we expect to generate \$2.5 million in new revenue reflecting the change in the fine structure for recycling violations. Another new base-line includes \$111,000 annually for the hiring of additional personnel to review electronic waste management plans submitted this Fall by manufacturers to the Department for approval, and to annually collect reporting data submitted by such manufacturers. The new e-waste legislation requires the submission of \$1,500.00 by each manufacturer when submitting its plan for review, and \$1,250.00 every year thereafter when submitting its annual reporting information to the Department.

By the end of this calendar year, the Department will have put into service 10 new CNG refuse collection trucks and 10 new street sweepers, maintaining a total fleet of 26 CNG collection trucks and 20 CNG street sweepers. In addition, we currently operate approximately 300 light-duty fuel efficient hybrid-electric vehicles, and soon, the Department's fleet will be one of the first in the country to test three pre-production hybrid-electric refuse collection trucks on the streets of New York City. We expect to take delivery of the three new hybrid-electric refuse trucks in the first quarter of 2009.

Last, the Department's snow budget for FY 2009 is approximately \$41.3 million, an increase of \$5.7 million from FY 2008. The snowfall total for the City during this year's snow season was 13.75 inches. During the 2007-2008 snow season, the Department used 162,185 tons of road salt.

As proposed, the FY 2009 Executive Budget allows the Department to continue to deliver essential services to the public, while advancing its primary solid waste management planning needs. Because of the current fiscal challenges that confront us today, as well as the fiscal uncertainty of the near future, we've had to make tough funding choices that are not always popular, but still necessary. The funding resources made available to the Department by this budget will allow us to meet our core service obligations to the public.

My staff and I will now be happy to answer your questions.

The City University of New York



**Testimony of Chancellor Matthew Goldstein
The City University of New York
New York City Council Finance and Higher Education Committees
2008-2009 City Executive Budget
May 16, 2008**

Good afternoon, Chairperson Barron, Chairperson Weprin, and members of the Higher Education and Finance committees. Thank you for the opportunity to speak with you about the Executive Budget. As I begin, let me say how much all of us at CUNY appreciate your longtime support of the University and particularly our six community colleges—Borough of Manhattan, Bronx, Hostos, Kingsborough, LaGuardia, and Queensborough—as well as Medgar Evers College, the CUNY senior college in central Brooklyn, and all of CUNY's students who benefit from council-supported scholarships and related initiatives.

At my last visit to the council, I was very pleased to tell you of the growing enrollment at these seven CUNY institutions: more than 82,000 degree-credit students and over 120,000 adult and continuing education students, the highest level in more than 32 years. At CUNY overall, enrollment of degree-seeking students now stands at almost 232,000 students, an increase of nearly 19 percent since 1999.

It is not simply the number of students on our campuses that is notable, however; it is the significant progress they are making academically that truly stands out. Our community colleges serve a highly motivated student population: 60 percent women, 80 percent students of color, 70 percent working full-time or part-time, and most often adults with family responsibilities, including parenting or caring for elderly relatives. Their success is the city's success, because our ambitious students are the city's workforce—its talent and its taxpayers. Allow me to share a few examples of their progress:

- A Bronx Community College student was just named one of only 20 All-USA First Academic Team members nationwide by the International Honor Society of Two-Year Colleges and the American Association of Community Colleges.
- This year, for the 11th year in a row, every Hostos Community College radiologic technology graduate who took the national certifying examination passed it on the first attempt, this time with an average score of almost 89 percent.

- This spring, two students from Kingsborough Community College and their professor won coveted spots in a summer science research program at the renowned Brookhaven National Laboratory.
- LaGuardia Community College's 2007 nursing graduates received a 97 percent pass rate on the national licensure examination. The average pass rate in the state is 75 percent.
- A Queensborough Community College student was named an American Chemical Society Scholar this year after a highly competitive national selection process. And beginning tomorrow, Queensborough will host the American Chemical Society's Mid-Atlantic Regional Meeting, the first community college in the nation to be selected as a host site.
- Just last month, two teams of engineering students from Borough of Manhattan Community College were among only five teams statewide to successfully complete the state's Spring Design Competition.

I am extremely proud of the nationally recognized work being accomplished at our community colleges, earned by years of sustained effort by administrators, faculty, and students, many of whom are here today in the audience representing their campuses. Today I must be very frank: these are the very successes that this year's Executive Budget threatens. The recommended programmatic cuts of almost \$26 million would result in an 8 percent reduction in community college funding. There is no question that a reduction of this size will have a profound and serious impact on the services our colleges can offer to students.

Our community colleges play an indispensable role in the economic development of this city. Almost 90 percent of our graduates are employed within six months of earning the associate degree, and over 94 percent are either employed or enrolled for additional education. CUNY students also stay in New York City: of those who are employed, 93 percent work in New York City, contributing to the city's economy.

Let me cite just one example. Both federal and state officials have raised serious concerns about the current and projected nursing shortage. Over the last five years, CUNY has graduated more than half of all the new registered nurses that come from New York City-based nursing schools. Moreover, these graduates are achieving great success. I mentioned earlier the remarkable performance of LaGuardia's 2007 graduates on the National Council Licensure Examination—a 97 percent pass rate. But this is only part of the story. For the 2007 exam, six CUNY colleges are among the top 10 schools in New York State with both the highest pass rates and 75 or more test takers. Among those six CUNY colleges are LaGuardia Community College, Queensborough Community College, and Borough of Manhattan Community College. This is a major achievement. Thanks to the comprehensive work accomplished as a result of the report of the Chancellor's 2002 Nursing Task Force—including implementation of my action plan to create new full-time faculty lines with competitive salaries—CUNY is making a significant contribution to the pressing need for qualified nurses.

The importance of a community-college education to our workforce has been documented in numerous studies and in Bureau of Labor Statistics data. Now, more than ever, as the economic climate worsens, students look to community colleges for pathways to employment. They need “recession insurance,” and CUNY's community colleges offer it, through career training programs, workforce development, career ladders, and a strong academic foundation for transfer students. We know that associate-degree graduates or those with some college experience are less likely to be unemployed than those with only a high school diploma. They earn more, too: nationally, in 2006, the median annual earnings of workers with an associate's degree or some college were about \$5,000 more than those with just a high school diploma, meaning that these workers contribute more to the national, state, and local tax base.

The University's highest priority is for our community college students to achieve a degree, which is why I have been so pleased to partner with the city on the innovative Accelerated Study in Associate Programs, or ASAP, which is helping approximately 1,000 students reach this goal. CUNY, like every other higher education system across

the country, must focus on helping students succeed in earning an associate's degree, which offers the greatest number of options for their future, and for the future of their communities.

The Executive Budget leaves the community colleges with a \$25.7 million shortfall in direct operating support, which includes all prior year reductions. Based on the reduction proposals submitted by our colleges, cuts of this magnitude would have a harmful impact on our students. Allow me to be more specific:

- At Borough of Manhattan Community College, President Antonio Pérez indicates that the college would eliminate 56 adjunct teaching positions, resulting in increased class size and negatively affecting the college's ability to successfully recruit and retain new faculty.
- President Carolyn Williams of Bronx Community College notes that the cuts would result in the elimination of 230 class sections, decreasing the availability of classes by 6,900 seats, and increasing the average class size from 27 to 37.
- At Hostos Community College, President Dolores Fernández says that the library would have to be closed on evenings and weekends. The Hostos Academic Learning Center would be severely impacted, minimally resulting in the loss of almost four full weeks of tutoring and additional Saturday/Sunday tutoring services.
- President Regina Peruggi of Kingsborough Community College indicates that reductions in the instructional OTPS budget will lead to significant cuts in the purchase and maintenance of science lab supplies and equipment. In addition, tutors for reading and writing programs will be reduced by over 25 percent.
- At LaGuardia Community College, President Gail Mellow, today represented by Vice President for Adult and Continuing Education Jane Schulman, notes that 444 class sections would be eliminated. This represents a 12 percent reduction and is coming at a time when the college's enrollment is growing at 6 percent and is opening new programs in radiological technology, criminal justice, and teacher education to meet pressing workforce needs in New York City.

- President Eduardo Martí of Queensborough Community College says that the OTPS budget alone will be reduced by \$2 million; security and maintenance budgets will be curtailed by almost 50 percent.

Compounding these cuts, the Executive Budget also eliminates funding for the Safety Net program (\$4.5 million), and the Veteran's Resource Center at LaGuardia Community College (\$1 million).

In addition to the reductions at the community colleges, \$24.3 million in funding for the senior colleges and other University-wide initiatives has been eliminated. Included in these decreases is \$2.5 million for the Black Male Initiative, \$600,000 for the CUNY Citizenship and Immigration Project, \$2.2 million for various centers and institutes, and \$11.2 million for the Peter F. Vallone City Council Scholarships.

With the support of the council, all of these important projects and programs offer direct assistance to students. For example, as all of you know well, the Vallone scholarships are a vital New York City-based support vehicle to high-achieving city students, encouraging them to remain in the city for their college education. During the 2006-07 academic year alone, about 12,000 CUNY students received Vallone scholarships, and since the program's inception in 1998, over 117,000 awards have been made to CUNY students. These are students from both our community colleges and our senior colleges. The presence of many of our senior college presidents here today attests to the scholarships' importance to students from all boroughs, including President Marcia Keizs of York College, President Tomás Morales from the College of Staten Island, President Edison Jackson of Medgar Evers College, and President Jeremy Travis of John Jay College of Criminal Justice.

Through the outstanding work of our campus leadership, our students are achieving great progress. Their efforts will undoubtedly be set back by reductions in scholarships, class sections, advisement, library hours, and many other core academic services. As they strive to insure themselves against the economic forces that are mounting against them,

we must keep open their pathways to education, which represent their best insurance policy.

Let me turn to the University's capital program. As you know, in capital funding every state dollar spent on our community colleges and Medgar Evers College must be matched by city funds; otherwise, we cannot access the state funds.

The current situation is stark: city matching funds were not provided for most of the new state appropriations for the community colleges received in the fiscal year 2008-2009 State Adopted Budget. Given the urgency of the University's capital needs—including the fact that some campuses have not seen upgrades in decades—we find ourselves at a critical juncture.

One of the most serious needs is the replacement of Fiterman Hall at Borough of Manhattan Community College. As you know, this building was irrevocably damaged in the September 11 attacks and must be taken down and replaced with a new facility. After many delays, and with recent approval by the U.S. Environmental Protection Agency on the decontamination plan, the University has moved forward on a schedule to take down the building and begin construction by spring of 2009. However, without city funding of \$78.7 million to match the state appropriation, the schedule will be delayed, while construction costs will continue to rise. In the meantime, Borough of Manhattan Community College, which was overcrowded before Fiterman Hall was destroyed, now has an acute space problem, which becomes more unmanageable with every semester of enrollment growth. BMCC is CUNY's largest community college, and the only one in Manhattan. Almost 20,000 students enrolled at the college have no cafeteria and no gym, because all available space must be used for instructional purposes. The Fiterman Hall project is one that can ill afford further setbacks.

Another area of great concern is the backlog of critical maintenance needs at our community colleges. In partnership with the State University Construction Fund, the University recently conducted a study to determine what would be required to bring our

facilities back to a state of good repair. Many of the worst conditions were found at our community colleges and Medgar Evers College. The study indicated that the University has a \$1.7 billion backlog of deferred capital maintenance. Our community colleges represent \$516 million of that amount. This includes basic needs, such as heating and ventilation systems, exterior walls, and electrical equipment.

The state budget recognized the critical maintenance needs at a modest level—but the city's Executive Budget provided no additional funding to match the state. In fact, the state has begun to allocate fewer funds for city projects because of the recent history of the City of New York not matching state dollars. Without the \$88.9 million from the city needed to match the new state funding, the University cannot apply the state funds for CUNY-wide maintenance projects at our community colleges. Every city dollar that we do not receive means that we effectively lose a dollar of state funds—and that conditions at our community colleges worsen.

As a further example, the state also appropriated \$9.2 million for the continued renovation of the 500 Grand Concourse Building at Hostos Community College. A city match is needed so that we can proceed on the next phase of a floor-by-floor renovation of the five-story building, including new fire alarm and security systems, bathroom renovations, and new mechanical and electrical systems.

Of course, Medgar Evers College and each of the community colleges have their own individual capital projects to address space and safety issues on their campuses, projects that grow in urgency and expense every year.

Chairperson Barron, Chairperson Weprin, and members of the committees, we have greatly appreciated being able to work in partnership with you and the city and state to ensure that every one of our students receives the best possible education and is prepared to strengthen a workforce very much in need of educated, motivated professionals. Today, when more and more New Yorkers look to higher education and advanced training as recession insurance, our colleges' work is seriously threatened by the

reductions recommended in the Executive Budget. Only with your strong support and partnership will we be able to continue to offer our students and our city the tools they need to weather any economic climate. CUNY needs investment, with a high-yield return assured for New York.

On behalf of all of us here today and all of us at CUNY, thank you for your continued work for the University and for New York City.

TESTIMONY BY

ABRAHAM MAY, JR., EXECUTIVE DIRECTOR
EQUAL EMPLOYMENT PRACTICES COMMISSION

BEFORE THE

CITY COUNCIL CIVIL RIGHTS COMMITTEE
COUNCILPERSON LARRY SEABROOK, CHAIR

AND THE

CITY COUNCIL FINANCE COMMITTEE
COUNCILPERSON DAVID WEPRIN, CHAIR

FRIDAY MAY 16, 2008
CITY COUNCIL CHAMBERS
SECOND FLOOR, CITY HALL

I. INTRODUCTION

Good afternoon Chairpersons Seabrook and Weprin and members of the Civil Rights Committee and the Finance Committee. My name is Abraham May, Jr. and I am the executive director of the Equal Employment Practices Commission (EEPC). Thank you for inviting this Commission to testify before your respective committees regarding our proposed budget for fiscal year 2008. EEPC Chair Ernest Hart, Esq. asked me to present the Commission's testimony. I am joined today by Ms. Judith Garcia, Esq., EEPC counsel.

As you know, Chapter 36 of the City Charter establishes the Equal Employment Practices Commission. The Charter requires the appointment of five commissioners: two by the City Council and two by the Mayor. The Chair is jointly-appointed by the City Council Speaker and the Mayor. Chair Hart was appointed by former City Council Speaker Gifford Miller and Mayor Bloomberg in June 2005. The current Mayoral appointees are Manuel A. Méndez and Angela Cabrera. One of the City Council appointees is Veronica Villanueva, Esq. The other City Council appointee, Chereé A. Buggs, Esq. resigned from the Commission effective December 31, 2007. She is

currently serving her first term as a Civil Court judge in Queens County. The City Council has yet to fill this vacancy. All Commissioners serve part-time, staggered four-year terms.

II. COMMISSION MANDATE

The EEPC's mandate is to review, evaluate, monitor and audit the employment procedures, practices and programs of all city agencies to ensure "an effective affirmative employment program of equal employment opportunity for minority group members and women who are employed by or who seek employment with city agencies."

The Charter defines city agency as government entities that are funded in whole or in part by the city, or have a majority of board members who are appointed by the Mayor, or serve by virtue of being city officers. There are approximately 160 agencies that meet this definition, including all mayoral agencies, the offices of the district attorneys and borough presidents, the Public Advocate, the City Comptroller, some state-chartered agencies, such as the New York City Department of Education, the City University of New York's community colleges, and the fifty-nine community boards.

Given our mandate to audit every agency at least once every four years, we should be auditing at least 40 agencies per year.

Chapter 36 also authorizes the EEPC to: 1) monitor compliance by an audited agency for a period not to exceed six months; 2) publish a report if the Commission determines that an audited agency's corrective actions are not appropriate and effective to achieve compliance; 3) request that the Mayor direct an agency to implement audit recommendations; 4) make legislative, budgetary, and policy recommendations to the Mayor, City Council, or any other city agency to ensure equal employment opportunity; 5) hold public hearings; and, 6) establish advisory committees to assist the Commission in addressing its mandate.

The Commission audits all mayoral agencies to ensure their compliance with the City's Equal Employment Opportunity Policy. In cases where the agency is independent of the Mayor's office, we audit the agency's compliance with its own Equal Employment Opportunity Policy and federal, state and city EEO requirements. We perform desk audits of agencies with fewer than fifteen employees (e.g., community boards and public administrators).

III. SIGNIFICANT ACCOMPLISHMENTS

A. Audits

Over the years, our audits have identified a number of city agencies that did not have Equal Employment Opportunity Programs. Those agencies include, but are not limited to, the Business Integrity Commission, the City Clerk/Clerk of the Council, the Board of Standards and Appeals, the Police Pension Fund, and the county public administrators. We were, therefore instrumental in ensuring that the heads of those agencies established the required EEO program and provided their employees with their equal employment opportunity rights and protections.

In calendar year 2005 we completed audits of sixteen agencies with a total workforce of approximately 27,000 employees. In calendar year 2006 we completed audits of twenty-six city agencies with a total workforce of 208,000 employees. Last year, we completed audits of eighteen city agencies.

Despite these accomplishments, the EEPC still does not have sufficient staff to address our City Charter mandate to audit a minimum of 40 agencies annually. As of December 31, 2007, this Commission has completed 217 audits since our inception. Given

our mandate, we should have completed over five hundred and fifty audits by that date (40 x 14).

Three separate audits by the City Comptroller have faulted this Commission for not meeting our City Charter mandate to audit every city agency at least once every four years.

B. Compliance and Report to the Mayor

The City Charter also requires this Commission to provide audited agencies with up to six months to complete compliance with our audit recommendations. Consequently, audited agencies are required to submit monthly reports to the Commission during the compliance period to demonstrate implementation of the audit recommendations. As of December 31, 2007, the Commission had completed audit compliance with 108 city agencies. The Commission does not subject community boards to audit compliance. Only two compliance procedures resulted in the issuing of reports to the mayor.

As I mentioned earlier, the EEPC is authorized by the Charter to publish a report and issue recommendations to the mayor if the Commission determines that an audited agency's corrective actions

are not appropriate and effective to achieve compliance. In calendar year 2003, the Commission issued two Reports to the Mayor. The first report (April) cited the Fire Department's failure to implement two recommendations made by the Commission pursuant to our second audit (conducted in 1999) of the Fire Department's firefighter recruitment program. The second report (June) cited the Administration for Children's Services refusal to implement four audit recommendations pursuant to our audit of its EEO program.

V BUDGET HISTORY

The Equal Employment Practices Commission was never adequately funded. Under our initial staff structure we projected a staffing level of fourteen including eight auditors and two compliance coordinators to address our audit mandate. In fiscal year 2002, the EEPC's permanent headcount was twelve; by fiscal year 2004 it was reduced to nine--a 25% staff reduction.

Consistent with the goals of the FY 2006 Strategic Plan, the Commission developed a Staff Re-organization Plan in the fall of 2006. The Plan creates an additional EEO Auditor position within the current permanent headcount; distributes compliance

monitoring responsibilities among all experienced auditors; enhances the compliance skills of experienced audit staff; and increases audit and compliance productivity. With the resignation of an experienced auditor in early 2007, the Commission decided to self-fund the Reorganization Plan rather than submit a new needs request to the OMB. The Commission now has three rather than four permanent full-time auditors responsible for performing lead auditor as well compliance functions. Since our deputy director also performs audits, the Commission has four permanent lead auditor positions or two permanent audit teams. Unfortunately, two permanent audit teams is not enough to address our City Charter mandate.

For the past two fiscal years, the City Council has provided the EEPC with a budget enhancement of \$97,000.00 to hire additional auditors. In FY '06 the funds were allocated to create one entry-level auditor position and one experienced position. In FY '07 those funds were used to create and fill three entry-level auditor positions; two accepted the positions. These entry-level auditors function as junior auditors and significantly increase this Commission's ability to increase our audit productivity.

Unfortunately, the City Council did not provide these funds for the current fiscal year, the Office of Management and Budget did not baseline the City Council enhancement in the current fiscal year, and it will not baseline these funds in fiscal year 2009. However the OMB did commit to fund the two entry-level auditors that were on staff at the end of FY '07; one of those auditors is still on staff. The OMB will not fund this position in FY '09.

V NEW NEEDS REQUEST

We therefore request that the New York City Council provide a \$ 100,000.00 enhancement to the EEPC's FY '09 Budget. The funds will be allocated as follows:

One Entry-level Auditor (current)	33,000.00
Two Entry-level Auditors (new)	63,000.00
EEO Training	<u>4,000.00</u>
Total	\$100,000.00

This enhancement will allow the EEPC to retain, rather than lay-off, the current entry-level auditor and hire two additional entry-level auditors in the new fiscal year. The two new auditors and our current entry-level auditor will work under the supervision of our

three permanent full-time lead auditors and deputy director. This will allow the EEPC to field three-and-a-half audit teams. The EEO training funds will pay for EEO courses at the Cornell School of Industrial and Labor Relations' EEO Certificate Program.

VI CONCLUSION

The EEPC's audit productivity will increase significantly if the EEPC can hire additional entry-level auditors (junior auditors) to audit the 166 agencies under this Commission's jurisdiction.

This Committee supported our request last year. We hope you will support our request this year.

This concludes my testimony. I and my counsel are available to respond to your questions.

VII Attachments

- A. Audit Plan/Calendar Year 2007
- B. Cumulative Audit Completion Report / 12/30/07
- C. Legal Cost of Employment Discrimination in New York City Government Agencies/Calendar Year 2006
- D. EEPC Organization Chart/Fiscal Year 2007

A

EQUAL EMPLOYMENT PRACTICES COMMISSION
AUDIT PLAN/CALENDAR YEAR 2008

AUDITS IN PROGRESS

1. Office of the Mayor
2. New York City Council
3. Public Advocate
4. Bronx Borough President
5. Queens Borough President
6. Staten Island Borough President

7. Administration for Children's Services
8. Civilian Complaint Review Board
9. Conflicts of Interest Board
10. Department for the Aging
11. Department of City Planning
12. Department of Finance
13. Department of Homeless Services
14. Department of Investigation
15. Department of Records and Information Services
16. Independent Budget Office
17. Landmarks Preservation Commission
18. Office of Administrative Trials and Hearings
19. Police Pension Fund
20. Manhattan Community Board #1 (Desk Audit)
21. Manhattan Community Board #2 (Desk Audit)
22. Manhattan Community Board #3 (Desk Audit)
23. Manhattan Community Board #4 (Desk Audit)
24. Manhattan Community Board #5 (Desk Audit)

25. Manhattan Community Board #6 (Desk Audit)
26. Manhattan Community Board #7 (Desk Audit)
27. Manhattan Community Board #8 (Desk Audit)
28. Manhattan Community Board #9 (Desk Audit)
29. Manhattan Community Board #10 (Desk Audit)
30. Manhattan Community Board #11 (Desk Audit)
31. Manhattan Community Board #12 (Desk Audit)
32. Staten Island Community Board #1 (Desk Audit)
33. Staten Island Community Board #2 (Desk Audit)
34. Staten Island Community Board #3 (Desk Audit)

January – April

1. Business Integrity Commission
2. Department of Buildings
3. Department of Design and Construction
4. Department of Environmental Protection
5. Department of Housing Preservation and Development
6. Department of Sanitation
7. Financial Information Services Agency
8. Office of Payroll Administration

May – August

1. Manhattan Borough President
2. Richmond County District Attorney
3. Commission on Human Rights
4. Department of Cultural Affairs
5. Department of Probation
6. New York City Law Department
7. Office of Collective Bargaining
8. Office of Labor Relations

September – December

1. Brooklyn Community Board #1 (Desk Audit)
2. Brooklyn Community Board #2 (Desk Audit)
3. Brooklyn Community Board #3 (Desk Audit)
4. Brooklyn Community Board #4 (Desk Audit)
5. Brooklyn Community Board #5 (Desk Audit)
6. Brooklyn Community Board #6 (Desk Audit)
7. Brooklyn Community Board #7 (Desk Audit)
8. Brooklyn Community Board #8 (Desk Audit)
9. Brooklyn Community Board #9 (Desk Audit)
10. Brooklyn Community Board #10 (Desk Audit)
11. Brooklyn Community Board #11 (Desk Audit)
12. Brooklyn Community Board #12 (Desk Audit)
13. Brooklyn Community Board #13 (Desk Audit)
14. Brooklyn Community Board #14 (Desk Audit)
15. Brooklyn Community Board #15 (Desk Audit)
16. Brooklyn Community Board #16 (Desk Audit)
17. Brooklyn Community Board #17 (Desk Audit)
18. Brooklyn Community Board #18 (Desk Audit)

B

EQUAL EMPLOYMENT PRACTICES COMMISSION
Cumulative Audit Completion Report
As of December 31, 2007

Agency/Office		Year(s) Completed			
1.	Office of the Mayor				
2.	City Comptroller	CY 02	CY 07		
3.	Public Advocate	CY 02			
4.	President, Borough of the Bronx	CY 03			
5.	President, Borough of Brooklyn	CY 01	CY 07		
6.	President, Borough of Manhattan	CY 02			
7.	President, Borough of Queens	CY 03			
8.	President, Borough of Staten Island	CY 03			
9.	District Attorney-Bronx	CY 05			
10.	District Attorney-Kings	CY 05			
11.	District Attorney-New York	CY 05			
12.	District Attorney-Queens	CY 06			
13.	District Attorney-Richmond	CY 04			
14.	City Council				
15.	Actuary, Office of	CY 03	CY 07		
16.	Administrative Trials & Hearings, Office of	CY 03			
17.	Aging, Department for the	CY 97	CY 03		
18.	Board of Correction	CY 06			
19.	Board of Standards & Appeals	CY 03	CY 07		

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed			
20.	Borough of Manhattan Community College	CY 01	CY 06		
21.	Bronx Community College	CY 02	CY 06		
22.	Buildings, Department of	CY 97	CY 04		
23.	Business Integrity Commission	CY 04			
24.	Business Services, Department of *	CY 95	CY 00		
25.	Campaign Finance Board	CY 05			
26.	Children's Services, Administration for	CY 01			
27.	City Clerk	CY 05			
28.	City Commission on Human Rights	CY 97	CY 04		
29.	City Planning, Department of	CY 95	CY 01		
30.	City University of New York	CY 07			
31.	Citywide Administrative Services, Department of	CY 01	CY 07		
32.	Civil Service Commission	CY 06			
33.	Civilian Complaint Review Board	CY 03			
34.	Collective Bargaining, Office of	CY 04			
35.	Conflicts of Interest Board	CY 98	CY 03		
36.	Consumer Affairs, Department of	CY 99	CY 05		
37.	Correction, Department of	CY 98	CY 06		
38.	Cultural Affairs, Department of	CY 99	CY 04		
39.	Design & Construction, Department of	CY 99	CY 04		
40.	Economic Development Corporation, NYC	CY 05			

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed			
41.	Education, Central Division, Department of	CY 06			
42.	Education, Division 1-Bronx, Department of				
43.	Education, Division 2-Bronx, Department of				
44.	Education, Division 3-Queens, Department of				
45.	Education, Division 4-Queens, Department of				
46.	Education, Division 5-Brooklyn/Queens, Department of				
47.	Education, Division 6-Brooklyn, Department of				
48.	Education, Division 7-Brooklyn/Staten Island, Department of				
49.	Education, Division 8-Brooklyn, Department of				
50.	Education, Division 9-Manhattan/Bronx, Department of				
51.	Education, Division 10-Manhattan, Department of				
52.	Emergency Management, Office of	CY 06			
53.	Employment, Department of *	CY 98	CY 03		
54.	Employees Retirement System, NYC	CY 03	CY 07		
55.	Environmental Protection, Department of	CY 97	CY 04		
56.	Eugenio Maria De Hostos Community College	CY 02	CY 06		
57.	Finance, Department of	CY 96	CY 03		
58.	Financial Information Services Agency	CY 99	CY 04		
59.	Fiorello H. La Guardia Community College	CY 02	CY 06		
60.	Fire Department	CY 94	CY 00	CY 06	

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed		
61.	General Services, Department of *	CY 96		
62.	Health, Department of *	CY 99		
63.	Health & Mental Hygiene, Department of	CY 05		
64.	Homeless Services, Department of	CY 01		
65.	Housing Authority, NYC	CY 06		
66.	Housing Development Corporation	CY 05		
67.	Housing Preservation & Development, Department of	CY 97	CY 04	
68.	Human Resources Administration (DSS)	CY 99	CY 05	
69.	Independent Budget Office	CY 03		
70.	Information Technology & Telecommunications, Department of	CY 00	CY 05	
71.	Investigation, Department of	CY 98	CY 03	
72.	Juvenile Justice, Department of	CY 97	CY 03	CY 07
73.	Kingsborough Community College	CY 01		
74.	Labor Relations, Office of	CY 99	CY 04	
75.	Landmarks Preservation Commission	CY 98	CY 03	
76.	Law Department	CY 96	CY 04	
77.	Management and Budget, Office of	CY 96	CY 00	CY 05
78.	Mental Health, Mental Retardation & Alcoholism Services *	CY 97		
79.	Off-Track Betting Corporation, NYC	CY 05		
80.	Parks & Recreation, Department of	CY 96	CY '01	
81.	Payroll Administration, Office of	CY 00	CY 04	

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed			
82.	Police Department	CY 97	CY 06		
83.	Police Pension Fund, NYC				
84.	Probation, Department of	CY 98	CY 04		
85.	Public Administrator-Bronx	CY 07			
86.	Public Administrator-Kings	CY 06			
87.	Public Administrator-New York	CY 07			
88.	Public Administrator-Queens	CY 07			
89.	Public Administrator-Richmond	CY 07			
90.	Queensborough Community College	CY 02			
91.	Records & Information Services, Department of	CY 02			
92.	Sanitation, Department of	CY 97	CY 04		
93.	School Construction Authority				
94.	Small Business Services, Department of	CY 05			
95.	Special Narcotics Prosecutor, Office of	CY 07			
96.	Tax Commission, NYC	CY 01	CY 07		
97.	Taxi & Limousine Commission	CY 00	CY 05		
98.	Teacher's Retirement System				
99.	Transportation, Department of	CY 97	CY 01	CY 07	
100.	Water Board, NYC				
101.	Water Finance Authority, NYC				
102.	Youth & Community Development, Department of	CY 00	CY 05		

Cumulative Audit Completion Report

Agency/Office		Year (s) Completed			
103.	Bronx Community Board No. 01	CY 00	CY 07		
104.	Bronx Community Board No. 02	CY 00	CY 07		
105.	Bronx Community Board No. 03	CY 00	CY 07		
106.	Bronx Community Board No. 04	CY 00	CY 07		
107.	Bronx Community Board No. 05	CY 00	CY 07		
108.	Bronx Community Board No. 06	CY 00	CY 07		
109.	Bronx Community Board No. 07	CY 00	CY 07		
110.	Bronx Community Board No. 08	CY 00	CY 07		
111.	Bronx Community Board No. 09	CY 00	CY 07		
112.	Bronx Community Board No. 10	CY 00	CY 07		
113.	Bronx Community Board No. 11	CY 00	CY 07		
114.	Bronx Community Board No. 12	CY 00	CY 07		
115.	Brooklyn Community Board No. 01	CY 01			
116.	Brooklyn Community Board No. 02	CY 01			
117.	Brooklyn Community Board No. 03	CY 01			
118.	Brooklyn Community Board No. 04	CY 01			
119.	Brooklyn Community Board No. 05	CY 01			
120.	Brooklyn Community Board No. 06	CY 01			
121.	Brooklyn Community Board No. 07	CY 01			
122.	Brooklyn Community Board No. 08	CY 01			
123.	Brooklyn Community Board No. 09	CY 01			
124.	Brooklyn Community Board No. 10	CY 01			
125.	Brooklyn Community Board No. 11	CY 01			
126.	Brooklyn Community Board No. 12	CY 01			
127.	Brooklyn Community Board No. 13	CY 01			
128.	Brooklyn Community Board No. 14	CY 01			
129.	Brooklyn Community Board No. 15	CY 01			
130.	Brooklyn Community Board No. 16	CY 01			
131.	Brooklyn Community Board No. 17	CY 01			
132.	Brooklyn Community Board No. 18	CY 01			

Cumulative Audit Completion Report

Agency/Office		Year(s) Completed			
133.	Manhattan Community Board No. 01	CY 00			
134.	Manhattan Community Board No. 02	CY 00			
135.	Manhattan Community Board No. 03	CY 00			
136.	Manhattan Community Board No. 04	CY 00			
137.	Manhattan Community Board No. 05	CY 00			
138.	Manhattan Community Board No. 06	CY 00			
139.	Manhattan Community Board No. 07	CY 00			
140.	Manhattan Community Board No. 08	CY 00			
141.	Manhattan Community Board No. 09	CY 00			
142.	Manhattan Community Board No. 10	CY 00			
143.	Manhattan Community Board No. 11	CY 00			
144.	Manhattan Community Board No. 12	CY 00			
145.	Queens Community Board No. 01	CY 01	CY 06		
146.	Queens Community Board No. 02	CY 01	CY 06		
147.	Queens Community Board No. 03	CY 01	CY 06		
148.	Queens Community Board No. 04	CY 01	CY 06		
149.	Queens Community Board No. 05	CY 01	CY 06		
150.	Queens Community Board No. 06	CY 01	CY 06		
151.	Queens Community Board No. 07	CY 01	CY 06		
152.	Queens Community Board No. 08	CY 01	CY 06		
153.	Queens Community Board No. 09	CY 01	CY 06		
154.	Queens Community Board No. 10	CY 01	CY 06		
155.	Queens Community Board No. 11	CY 01	CY 06		
156.	Queens Community Board No. 12	CY 01	CY 06		
157.	Queens Community Board No. 13	CY 01	CY 06		
158.	Queens Community Board No. 14	CY 01	CY 06		
159.	Staten Island Community Board No. 01	CY 00			
160.	Staten Island Community Board No. 02	CY 00			
161.	Staten Island Community Board No. 03	CY 00			

As of December 31, 2007

Total number of audits completed _____ 217

Total number of agencies without a completed audit: _____ 17

* These agencies no longer exist or have merged with other agencies.

Revised: 1/16/08
Prepared by ACS

C

**SETTLEMENT/ADJUDICATION COST OF EMPLOYMENT DISCRIMINATION
IN NEW YORK CITY GOVERNMENT AGENCIES
CALENDAR YEAR 2006**

CLAIM #	AGENCY	SETTLEMENT/JUDGMENT	
		AMOUNT	DESCRIPTION
2006PI013861	Administration for Children Services	\$2,831.00	Religion
2001PI018514	Dept. of Correction	\$50,000.00	Race
2006PI016553	Dept. of Correction	\$50,000.00	Gender
2006LW018341	Dept. of Education	\$5,500.00	Race
2002PI025966	Dept. of Education	\$10,000.00	Disability
2006PI018782	Dept. of Education	\$15,000.00	Disability
2006PI011835	Dept. of Education	\$32,000.00	Gender
2001PI019251	Dept. of Education	\$58,001.00	Age
2004PI021969	Dept. of Education	\$60,000.00	Disability/S.O.
2006PI008634	Dept. of Information Tech. and Tele.	\$75,000.00	Sexual Orientation
2006PI023015	Dept. of Sanitation	\$200,500.00	Age
2000PI023034	Dept. of Transportation	\$32,000.00	Race
2005PI016797	Health & Hospitals Corporation	\$5,000.00	Race/Gender/Disability
2005PI024512	Health & Hospitals Corporation	\$5,000.00	National Origin
2006PI007133	Health & Hospitals Corporation	\$10,000.00	Race/Gender
2006PI007301	Health & Hospitals Corporation	\$10,000.00	National Origin/Race
2006LW002902	Health & Hospitals Corporation	\$12,500.00	Age/Race/Gender
2006LW004607	Health & Hospitals Corporation	\$12,500.00	Race
2003PI022910	Health & Hospitals Corporation	\$25,000.00	National Origin
2006PI017127	Health & Hospitals Corporation	\$26,000.00	Discrimination
2006PI014047	Health & Hospitals Corporation	\$30,000.00	Discrimination
2006PI008877	Health & Hospitals Corporation	\$30,000.00	Race/Age/Gender, et al

CLAIM #	AGENCY	SETTLEMENT/JUDGMENT	
		AMOUNT	DESCRIPTION
2006LW013095	Housing Preservation & Dev.	\$17,500.00	Age
2006PI016552	Police Department	\$15,000.00	Disability/Gender/Race
2006PI013387	Police Department	\$65,000.00	Disability
Grand Total:25		\$854,332.00	

Average Cost

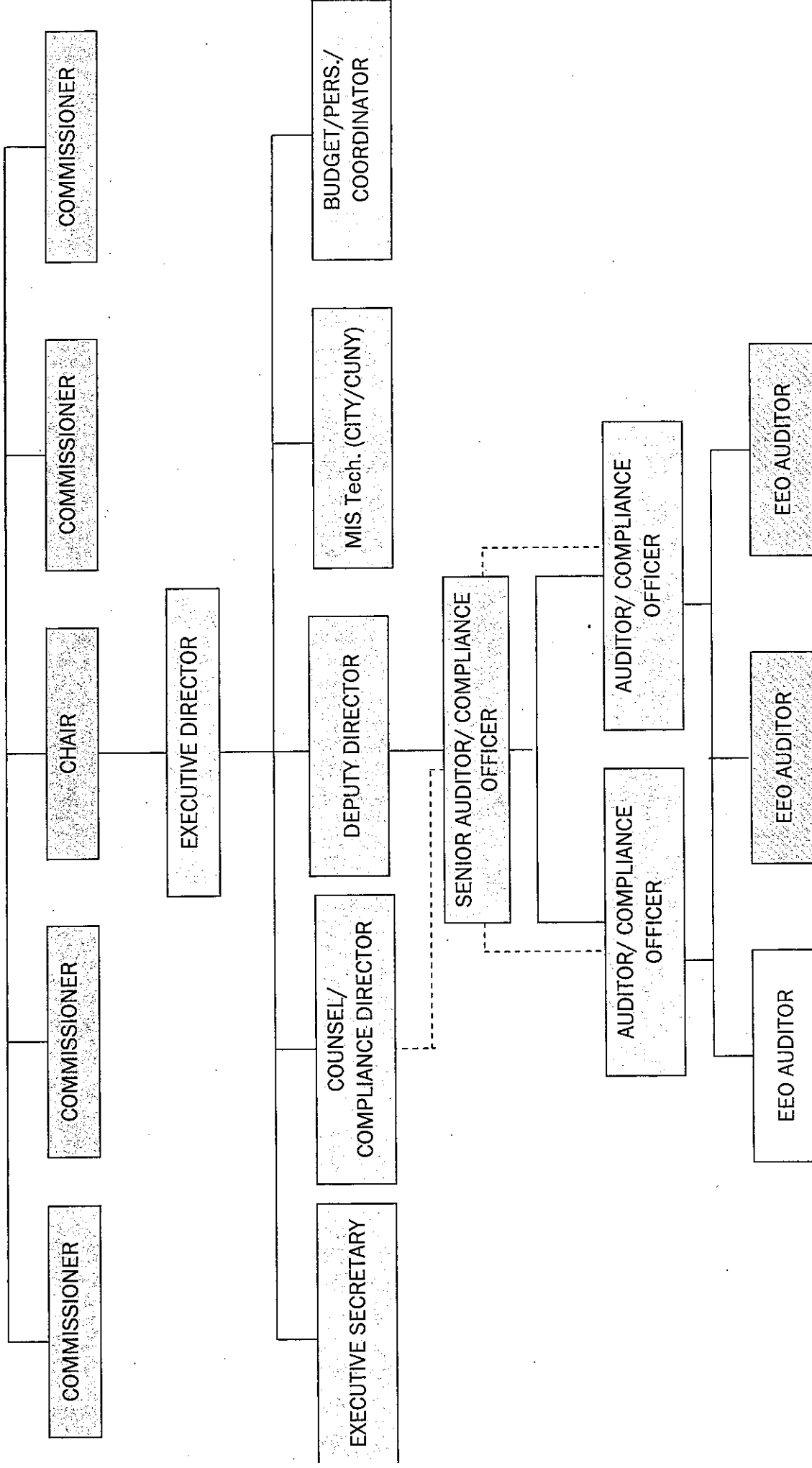
\$34,173.00

Source: NYC Comptroller's Office

D

EQUAL EMPLOYMENT PRACTICES COMMISSION

ORGANIZATION CHART/ FY 2008



Vacant Position(s)

MIS Tech is P/T. EEO Auditor positions are not permanent.

As of 5/08



**TESTIMONY OF THE
NEW YORK PUBLIC INTEREST RESEARCH GROUP (NYPIRG)
BEFORE THE NEW YORK CITY COUNCIL
FINANCE AND HIGHER EDUCATION COMMITTEES**

FRIDAY, MAY 16, 2008

FAROUK ABDALLAH, NYPIRG DEPUTY DIRECTOR

Good afternoon. My name is Farouk Abdallah. I am Deputy Director of the New York Public Interest Research Group (NYPIRG), and a proud graduate of Brooklyn College.

Working, as I do, at a student-directed organization with nine astonishingly active chapters on CUNY campuses, I am fortunate to work with some of the best and brightest students CUNY has to offer. Several of these students are here today to speak briefly about what a tremendous resource CUNY and its students are to the City. We are here to remind the Council about the importance of CUNY students and alumni, and the need to keep CUNY strong, to keep CUNY great, and to keep CUNY sufficiently funded. We are here today, along with the University itself and with our faculty, to stand together against a proposed Executive Budget that fails to see the value of CUNY and its students, and cuts operating budgets and financial aid at a time when students and families are struggling, a time when the City needs CUNY to be stronger than ever.

Now, I'd like to introduce Katherine Tejada, a student at Borough of Manhattan Community College and a member of the strong, wonderful NYPIRG chapter on that campus.

**KATHERINE TEJADA, BOROUGH OF MANHATTAN
COMMUNITY COLLEGE STUDENT**

Hello. I am Katherine Tejada, a student at BMCC. My school and the other CUNY community colleges would be hit particularly hard by the proposed Executive Budget. A \$28.3 million reduction in City operating support could lead to significant cuts in staff, services and maybe even course offerings. Community colleges are the first entryway to higher education for students of modest means and they are the first place workers turn when the economy sours and they need to update their skills and expand their career options. CUNY's community colleges

must remain affordable and they must be fully funded. The City should be increasing funding for community colleges to arm them for the challenges of the coming year, not decreasing funding.

I am proud to be a student at BMCC, and proud to be a student at CUNY. I hope the Council recognizes the need to restore the proposed cuts to CUNY and to financial aid, so that CUNY will continue to get even better and I'll have even more reasons to be proud of CUNY when I graduate.

**CHIEDU UZOIGWE, QUEENSBOROUGH COMMUNITY COLLEGE STUDENT
AND MEMBER OF THE BLACK MALE INITIATIVE**

Hello. My name is Chiedu Uzoigwe. I am an intern with NYPIRG and member of the Black Male Initiative at Queensborough Community College.

The Mayor's proposal to cut CUNY 65 million dollars will deprive students of the quality education within our CUNY system. Included in the cuts is the MALES program at QCC which is funded by the Black Male Initiative. This program has provided me with inspiring mentors, tutoring and other services that have helped me make the most of my college experience.

Reducing the budget by 65 million dollars will create a ripple effect that will cause a reduction in jobs and massive cut backs that will not only affect college students in the CUNY system across the five boroughs but faculty as well.

As a concerned student, I am urging the City Council to look at the budget and restore the cuts that Mayor Bloomberg proposed. I ask you to restore the cuts to Black Male Initiative and the cuts to the community colleges to which I am deeply rooted.

As a member of the Black Male Initiative, it will be hurtful to see this program eliminated when it increases the retention rate of students at CUNY — especially at the community college level.

ALETHEA HAMPL, QUEENSBOROUGH COMMUNITY COLLEGE STUDENT

Good afternoon. I am Alethea Hampl. As the president of the Future Teachers Society, a student at QCC and hopefully a future teacher in New York City, the cuts to the CUNY budget that the mayor has proposed — 65 million dollars in cuts, including 26 million dollars from community colleges — are going to have a huge effect on me. I am someone who had to take time off from college. When I started again, I had the dream of becoming an elementary school teacher, but it's hard enough already to meet the costs of living in our fine city while getting my degree. Cutting operational support from community colleges is going to cut tutoring services; I am a tutor at QCC, which means I might lose my job. These proposed cut are going to cut faculty positions which will limit my course offerings, meaning less flexibility in my class and work schedules. Community colleges are the entry point to higher education for many students like myself: students with hopes and dreams of obtaining our degree and giving back the City that has already given so much to us. Today, I want to urge the members of the city council to restore the cuts to the CUNY budget that the Mayor has proposed.

**MELISSA BIERMANN, QUEENSBOROUGH COMMUNITY COLLEGE
STUDENT GOVERNMENT SECRETARY**

Good afternoon. My name is Melissa Biermann and I am Secretary of the Student Government at Queensborough Community College.

As the Secretary of the Student Government at QCC, I think that this year's proposed budget cuts by the Mayor are unjust to students attending community colleges such as mine.

The proposed cut is going to greatly affect Queensborough because it will cause the college to lose resources that students rely on. As a representative of the student body, and a student at Queensborough, we cannot afford to see these cuts: cutting services like tutoring, academic advisement, and counseling that all play a role in lives of QCC students. Cuts to faculty positions will limit course availability and flexibility in my schedule so I can work and go to school.

To the City Council, on behalf of the Student Government Association at QCC and as a student attending QCC, I urge you to restore the cuts to the CUNY budget. I strongly believe that this Council will make the right decision to benefit the students who live in the city, work in our city, and will continue to do so for many years to come.

MICHAEL KRAMER

michael.Kramer@earthlink.net 917.622.5154

Good Morning: Commissioner Doherty, Chair Persons McMahon and Weprin,
City Council Members, Mr. Cagnetta and Mr. Klein,

According to the March 2008 Report of the Independent Budget Office, "the Department of Sanitation's projected costs to complete several large projects, including construction of Marine Transfer Stations, the West Side garage in Manhattan, and the South Brooklyn Marine Terminal recycling facility, have gone up anywhere from 15 percent to 60 percent over previous estimates. As a result, construction of a new garage to serve District 1 in Staten Island has been deferred, despite having been characterized by the department as "antiquated" and too small to serve the district."

In the specific case of the proposed Consolidated Sanitation Garage Facility and Salt Shed for CD 1, 2 & 5, Sanitation's estimated construction cost has gone up by 60 percent in the past year - from \$172 MM estimated in 2007 to \$285 MM estimated in 2008. Add in the cost of land acquisition from the United Parcel Service, which is listed in the budget at \$94 MM, with a contingency line of \$50 MM available that could bring its acquisition cost up to \$144 MM.

Assuming that future construction costs are frozen (which is highly unlikely), the cost of a Consolidated Sanitation Garage Facility and Salt Shed for CD 1,2 & 5 could cost about \$429 MM.

We urge that this Project be shelved until Alternative Sites are found that would be less costly and reflect the Fair Share Doctrine and not burden this micro-neighborhood with sanitation facilities for three districts.

A community-based coalition, consisting of local residents, businesses and property owners (I represent the St. John's Center, Urban Glass House and Park-It Management), has spoken with one voice asking for Alternative Sites to be considered. DSNY Commissioner Doherty has taken the time to meet with us twice in the month of April to discuss this matter. He told us that he is pressured to vacate Gansevoort Peninsula by 12.31.2012 as mandated by a Consent Decree Settlement with the Friends of Hudson River Park. Neither DSNY nor the Friends of Hudson River Park consulted with the affected Community Boards One and Two, local residents and the local property owners entering into the Consent Decree, which proposes that CD 1,2 & 5 garages be moved from Gansevoort to the Spring Street location.

I hope that the Commissioner is more interested in getting this right than in adhering to artificial deadlines (DSNY is already two years behind the schedule outlined in the Consent Decree (attached) and will not be ready to start construction in this fiscal year. Our community group is fully prepared to engage in serious litigation if Alternative Sites are neither considered nor found.

Summary of Alternative Concepts:

1. Re-Fueling should take place for Collection Trucks in New Jersey at the Essex County Recovery Station.
2. Employee Parking - should be located elsewhere
3. CD 5 - should be located elsewhere
4. Salt Pile – should be located elsewhere
5. Rehab CD1 Garage for Truck Washing/Refueling/Repairs & DSNY Museum
6. Horizontal rather than vertical solution (underground parking) would allow for construction of a greened rooftop park.

The local community opposes the plan, which would fly in the face of the fair share doctrine. The DSNY plan would result in a three-district mega-garage and salt pile at Spring St, plus refueling for all city vehicles, in a location where there is already huge traffic congestion and pollution from UPS and FedEx trucks, the Holland Tunnel and the toxic Canal & West St. traffic undermining PlaNYC goals by significantly increasing fuel consumption and diesel exhaust, which would be spread needlessly from Midtown to Downtown. It would also unnecessarily add to DSNY's annual fuel and vehicle maintenance costs.

One alternative suggested by community members would be to place DSNY trucks for CB 1 and 2 underground at the UPS site, allowing UPS to sell its air rights to DSNY and add green space and other concessions to the community. DSNY could place CD 5 trucks at Block 675, at the existing CD6 Garage, as originally condemned by DSNY, or any nearby site given that the City's agreement with Tishman Speyer for Hudson Yards' development has collapsed. Further, if DSNY eliminated employee parking spaces from the proposed garage, and considered parking snow emergency trucks elsewhere (since they are used ten or fewer times per year), this would reduce the overall size of the garage and, thus, reduce DSNY's construction costs.

The fact is that the community has suggested multiple alternatives, many which could save DSNY significant money over the current plan. DSNY should review those alternatives before proceeding with its CD 1/2/5 garage plan, particularly given that estimated construction costs at the proposed site have gone up 60% from 2007 to 2008. (DSNY estimated construction costs at \$172 MM in 2007, and that estimate increased to \$285 MM in 2008.)

Our purpose in attending today is to ask that the garage be tabled until DSNY develops a new plan in consultation with the community. We understand from Commissioner Doherty that he feels pressure to vacate Gansevoort by year end 2012 to conform to the terms of the consent decree with the Friends of Hudson River Park, but, given that DSNY is already two years behind in its schedule to receive ULURP certification (the consent decree anticipated certification in May 2006), it would make sense to table the plan until the community's suggestions are seriously considered. This would save DSNY money not only related to construction but also related to litigation, which the community will pursue if DSNY does not modify its plan.

Even more importantly, a plan re-evaluation would force DSNY to use the City's limited resources in a more effective manner. Certainly, a new, more vigorous cost/benefit evaluation of DSNY's plan to move three CDs to Spring St would result in a better allocation of the City's limited financial resources.

CB3 Brooklyn Testimony to City Council on Fiscal Year 2009 Budget
(Sanitation)

Since 1980, Community Board 3 has included a new sanitation garage in its annual capital budget priorities and request. On September 10, 2001 CB3 voted to have a sanitation garage built in Bedford Stuyvesant. As of March 2008 only the final designs for the project had been completed. The Board was also disappointed to discover that funding for the actual construction has been moved to the fiscal 2011 budget. This is totally unacceptable.

We at CB3 understand that the city is facing tough fiscal times. However, the sanitation garage is vital to the continued positive growth of Bedford Stuyvesant. New families are moving into our community as new housing is being rehabilitated, renovated and built. We need more sanitation personnel and equipment and a proper facility within the district to keep pace with the growing needs of the community. CB3 is requesting that funding for the start up construction be moved from the 2011 budget, back into the fiscal year 2009 budget.

Chairperson: Brenda Fryson