Canal Asphalt, Inc.



Fax: 914-668-5840

800 Canal Street • Mount Vernon, NY 10550 • Telephone: 914-668-5678

March 18, 2009

Presenter: Richard Davidson, P.E.

Representing: Canal Asphalt, Inc.

800 Canal Street

Mt. Vernon, New York 10550

Ref: Bid Number 800937

Hot Asph. Paving Mix Del'vd. Into City Trks.

Bid Opening Date: February 28, 2008 Canal NYSDOT Facility Number 10247

Subject:

* use of Recycle products

* capacity and supply

RAP (recycled asphalt pavement)

* Canal Asphalt, Inc. (CAI) uses up to 40 % recycle products in its Supply to NYCDOT for the referenced Contract. NYC only permits up to 30% in their bids, but had verbally requested we accommodate more recycle percentage in our mix. We adjusted our design(s) to allow for this over a two-week period and are ALWAYS looking for avenues to utilize more recycle material WHILE MAINTAINING the integrity of our finished product. (double benefit in that it reduces our overall cost AND utilizes recycled products benefiting the environment)

Capacity & Supply

* Any fears that the NYCDOT has in terms of availability of asphalt supply should be totally dismissed in that we are very disappointed in the amount of material the NYCDOT has taken over the last several years. As one of the winning Vendors for the referenced Supply Contract, the City only demanded 48,500 Tons from our plant for all of 2008. We expected to supply over 75,000 Tons and could easily (along with the other winning Vendors) supply the City with up to 200,000 Tons from our plant alone if they so needed. Our expectations and hopes that City will eventually take the volume projected in the Supply bids affords the City the best (lowest) unit price of all our customers over the last 15 years.

cc: A.M. Nigro, President

"Serving all your asphalt needs"

32-02 College Point Blvd., College Point, NY 11354

March 16, 2009

Councilwoman Jessica Lappin
Chair - Land Use Subcommittee on Landmarks,
Public Siting, and Maritime Uses
250 Broadway, 18th Floor
New York, NY 10007

RE: NYCDOT Grace Plant Acquisition

Dear Councilwoman Lappin,

We are writing as members of the asphalt producing companies in Queens. We would like to express to you our opposition to the NYCDOT's recently announced plans to acquire the Grace Asphalt plant in Corona, Queens. We object to this action because we believe the DOT has not proven its case for lower costs, has not proven that there would be a lack of production and will not recycle any more material than the private industry already does. Here is a brief outline for our objections to the City's plan and its unfounded claims.

1 - It will save the City Money.

Response - The City has made a cost saving claim but has never been able to prove it.

The DOT has not produced any documentation justifying its costs. This City claim has been proven false, time after time by private industry in response to previous efforts by the DOT to privatize its asphalt operations. This City's cost accounting never includes all of the costs of operations. Only 4 years ago, the City wanted to build an asphalt plant right next to the Grace Plant. That plan was voted down after it was proven the operation would actually cost more than buying material from privates. There are typically 5-6 different plants bidding to supply the City each year. The City claims it will save \$4 million annually without any support for this claim. Current pricing to the City from the four area vendors currently under contract to the City is \$57.35 per ton. The City would have to produce asphalt for \$37 per ton to realize this savings. The cost of raw materials alone is almost \$40/ton. Attached is a cost breakdown for Labor, Operational costs, acquisition costs and maintenance costs which shows that the City will spend almost \$70 per ton to make asphalt. The DOT should be required to prove its cost estimates with hard facts. (See attached Cost breakdown per ton.) These costs DO NOT reflect the DOT's commitment to the Borough President to rebuild the plant within 5 years. The cost of building a new plant will add an additional \$10.00 per ton to the City's costs.

2 - The City will create a "green" product through recycling.

Response - Currently, the private industry is using up to 40% recycled products in its products. This is not a *new* idea.

The City does not have original idea on recycling. The industry has been recycling asphalt for years. Willets Point Asphalt has a state of the art plant that was newly constructed only 2 years.

ago that is designed to produce a product using recycled asphalt. The Grace Plant uses older technology that is not designed to recycle more that 30% in its asphalt and will need an upgrade to achieve a higher percentage. A majority of the current DOT vendors use the drum technology which allows for higher recycling rates. The existing plants that contract with the DOT also receive a lot of their recycled asphalt from the DOT at no charge. This is a part of the Contract with DOT. The DOT will not be able to use more recycled product with an aging plant that employs old technology and has never achieved higher than 30% RAP in its product.

3 - The City needs to preserve this plant to ensure enough capacity.

Response – There is over 1.6 million tons of capacity for Queens right now without the Grace Plant.

There is currently a surplus of capacity in Queens even if the Grace Plant were to close. The plants in Queens can produce 1.6 million tons annually without Grace. Peckham Materials, Canal Asphalt and RCA Asphalt in the Bronx can produce over 1.2 million tons per year. Rason Asphalt can produce 400,000 tons in Cedarhurst, NY. The City only uses about 200,000 annually in Queens and the entire Queens market including DOT uses about 900,000 tons per year. Even if the Grace plant were to close, there is still an over supply of asphalt plant capacity.

We ask the City Council to vote against this proposal unless and until the City DOT can prove that it has the ability to produce asphalt at a cost below the private market when it considers ALL of the costs. The City has no business in business. The plant which is proposes to acquire is located a stone's throw away from active plants that compete each year for the City's business. These plants have supplied millions of tons of asphalt to the City, far more reliably than the City's own plant on Hamilton Avenue in Brooklyn.

Sincerely,

Willets Point Asphalt Corp.

16-63
Kenneth-Tully, Jr.
College Point Asphall AVC
Well about
Abbert Carballal
Flushing Asphalty DLC
James Horan

Peckham Materials, Inc.

Gary Metcalf

Canal Asphalt Inc.

Richard Davidson, PE

	Total Tons produced		200,000.00			
						Cost Per
Raw Material				Unit Cost	Extended	Ton
	AC	4%	8,400.00			
	1/4" Stone	18%	•			
	3/8" Stone	21%	•		•	
	Sand	25%				1
	Mineral Filler	2%				
	Recycled Asphalt	30%				
	Fuel	00,0	400,000.00	\$2.00		
		100%		Ψ2.00	\$7,823,400.00	\$39.12
					ψ1 (0±0, 100.00	ψ00.12
Labor	Labor	2,080.00	Hours Per ye	ar		
	Plant Workers	9	78.91		\$1,477,195.20	
	Operators	4	100.11		\$832,915.20	
	Supervisor	1	85	5	\$176,800.00	
	Labor	520.00	Hours Per ye	ar		
	Plant Workers	9	90.28	\$	\$422,510.40	
	Operators	4	177.71		\$369,636.80	
	Supervisor	1	97.5	5 .	\$50,700.00	
					\$842,847.20	\$4.21
Equipment	Equipment					
• •	2 7-Yard Payloaders	S		P&I	\$197,408.28	
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	.		<u> </u>	<u></u>	\$500,881.78	\$2.50
Utilities	Utilities		Total	Unit Cost	Total	
		Electric	12 Months	\$25,000.00	\$300,000.00	
					\$300,000.00	\$1.50
	Real Estate Taxes				\$300,000.00	
	Depreciation	\$25M over	20 years		\$125,000.00	
	Interest	\$25M 10 yr			\$3,237,614.37	
	Lost Corp. Income Ta		<i>-</i>		\$225,000.00	
	· · · · · ·				\$3,887,614.37	\$19.44
					• •	·

These costs do not include the expense for a New Plant to be constructed within 5 years per the order of the Borough President.

Total Estimated cost for new Plant = \$20 Million

\$66.77

\$57.35

Total Estimated Cost to City per ton

Current Queens Pricing to City from Private Plants

Asphalt Plant Hearing – March 18, 2009

Additional talking points:

- Some city contract, such as with DDC only allows 10% RAP mix
- Higher than 40% RAP mix could lead to high emissions
- There are no fuel oil escalations in contracts with privates, therefore they eat the costs
- Approximate costs for materials to make asphalt:
 - o Stone \$24
 - o AC \$20
 - o Fuel Oil \$4
 - o = approximately \$44.00 to \$48.00 per ton
- The government (city) should not be in the business of competing with private businesses
- The Brooklyn Plant shut down for 8 weeks last year
- 30% cuts to the city capital expense budget, how does the city justify the costs?
- City not taking into account hidden costs when talking about per ton price (insurance, maintenance, payroll taxes, real estate taxes etc.)
- Last attempt to build an asphalt plant in 2004, it would have cost the city approximately \$45M, cost will be higher in 5 years when they will be required to build a new state of the art plant on site.



THE GENERAL CONTRACTORS ASSOCIATION OF NEW YORK, INC.

March 17, 2009

Denise M. Richardson Managing Director

Via Fax: 212 442-5503

Hon. Jessica Lappin Chair Subcommittee on Landmarks, Public Siting and Maritime Uses Council Member District 5 253 Broadway New York, NY 10007

Re:

City Acquisition of Queens Asphalt Plant

Dear Council Member Lappin:

The Department of Transportation's ("the Department") plan to acquire a currently operating, privately owned asphalt plant in Queens raises a number of concerns that need to be publicly discussed and answered before any decision is made. Particularly given the city's limited capital resources, any decision to proceed with such an acquisition begs the question as to which other critically needed capital investments will be sacrificed so that this project can move forward.

At present, the privately owned asphalt plants, including the plant under consideration for purchase, are operating with excess capacity. As there is no indication that the private providers are unable to meet the city's demand for asphalt now or in the future, there is no economic reason why the city should seek to enter a market that is already adequately served by the private sector. Moreover, in this time of municipal fiscal constraint, the city should not be adding positions to the payroll, with the attendant salaries, benefits and payroll costs, while at the same time removing an industrial property from the tax rolls. With private sector unionized workforce unemployment reaching historic levels, the city should not be compounding the problem by eliminating an ongoing source of employment.

Over the years, the city extricated itself from the asphalt and concrete production businesses, properly recognizing that these are functions that are better and more efficiently performed by the private sector. It is surprising, in this economic downturn when all agencies are being asked to streamline operations and reduce "non-essential" programs, that the Department would undertake an initiative that it previously discontinued.

It is noteworthy that the Borough President's approval of the application was granted with the requirement that "at the end of the plant's five year useful life, it must be replaced with a state of the art facility using the most energy efficient technology and meet the cleanest emissions standards possible." Any cost benefit analysis of the plant's acquisition must include the cost of replacing the plant in 2014, which will substantially change the economics of the project.

The Department has indicated that it is seeking to acquire the plant both to ensure the availability of adequate capacity to meet its needs as well as to maximize the use of recycled asphalt. As there was no shortage of capacity during what had been a record period of construction activity, there will be no shortage in the future, even with the impact of any projects that may result from federal economic stimulus funding. If the Department is seeking to increase the use of recycled asphalt, the plant as it currently operates will require further upgrade to accommodate increased recycled content. Again, the cost of this upgrade needs to be factored into the project's cost benefit analysis. The Department's very laudable goal can be most efficiently met by changing the current asphalt contract specs and the market will respond accordingly.

In view of the fact that this plant is immediately adjacent to the Willets Point redevelopment area, the successful execution of which has been a top priority, there is further reason to question this proposed acquisition. Either the city's capital cost will not be fully realized over the duration of the plant's operation, or the adjacent property owners will face the prospect of living next to a clearly undesirable use, with a resulting impact on the project's overall market value. In either case, the city stands to be saddled with the impact of a poor choice.

Although the Department's current statistics purport to show that the city is able to produce asphalt more cheaply than if it purchased it from private purveyors, the statistics do not include the proportionate share of capital and financing costs. The most recent Mayor's Management Report indicators show that DOT's in-house cost per ton is \$47.78 versus the contractor's cost of \$61.37. At the anticipated 200,000 ton production level, this results in a total cost difference of \$2.7 million per year. The Department has estimated that it will save over \$4 million per year on its asphalt costs through the acquisition and operation of the Queens plant. To achieve these savings, the Department will need to lower its operating costs to \$41.37 per ton. Even with recent decreases in raw material prices, the Department will be unable to meet these projected cost savings.

While there is no question that the Department of Transportation has undertaken numerous successful initiatives that have improved the quality of life for all New Yorkers, this is one initiative that merits close study, careful scrutiny and open consideration of all factors before it proceeds.

Sincerely,

Denise M. Richardson

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Testimony of Kenneth Tully from Willets Point Asphalt Corp.,

Good Morning Council Members. I am speaking on behalf of Willets Point
Asphalt and Tully Construction, two family owned third generation NYC construction
companies. I have been involved for 30 years and 20 plus years. I have been involved in
our paving and plant division and currently oversee day to day operations.

When I first began to learn of the NYC Asphalt Industry I was told by my father that the NYC owned asphalt plant was there in agreement with NYC General Contractor Association to keep construction plants in check with pricing, and has been demonstrated through the low bid process for years, and that would be the extent of NYC plant operation as long as pricing was competitive.

Well, as we know this is the third attempt in 15 years to seek a plant in Queens. All these attempts without DOT providing an open accurate cost accounting of the Brooklyn plant.

In the current marketplace, there is not a NYC contractor that has enough work to employee a full time paving crew. Yet, the city can employee 5 to 8 paving crews in the boroughs, all this without providing to industry that they can substantially do this cheaper.

For the last 15 years at our Asphalt Plant, NYC DOT has been 20% to 40% of annual sales. An important customer to lose this volume in a challenged marketplace would raise our costs to uncompetitive levels. Adversely affecting our business. Two years ago our company spent a lot of time and money upgrading to a new plant to better serve DOT's needs and to keep up with technology improvements in the

industry. I deal with NYC's Asphalt Coordinator on a daily basis and time after time adjust to there daily needs of supply whether it be night work, extra supply that day, special mix needs. I have no knowledge of anytime that NYC DOT could not have adequate supply from this or other vendors to meet their requirements.

The City has concern for recycling of its rap. This vendor took from the city in excess of 50,000 tons of rap last year, well above contract requirements and of this writing to my knowledge both storage facilities that the city uses for rap are depleted and this is accomplished by coordinating with the area plants needs.

In closing, I ask the council to require DOT to provide that they can substantially make asphalt at this facility before acquiring it it for less then they currently pay in the marketplace.

We ask this so our plant does not lose an important customer to our viability of providing asphalt to NYC agencies since 1952.

LORI ARDITO, FIRST DEPUTY COMMISSIONER HEARING BEFORE THE CITY COUNCIL SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING & MARITIME USES MARCH 18, 2009

Good morning Chairperson Lappin and Members of the Subcommittee. I am Lori Ardito, First Deputy Commissioner for the Department of Transportation (DOT) and with me today is Joseph Cannisi, Deputy Commissioner for DOT's division of Roadway Repair and Maintenance and Assistant Commissioner Galileo Orlando. Thank you for inviting us to discuss DOT's interest in acquiring an asphalt plant in Queens.

I would like to start by outlining DOT's road resurfacing program. With the Mayor's support, DOT began increasing its' annual Citywide resurfacing program from 700 lane-miles a few years ago to the current level of 1,000 lane-miles. This 40+% increase in paving requires an increase in asphalt usage because each lane-mile of paving translates into the use of approximately 1,000 tons of asphalt. This puts DOT's annual usage at approximately one million tons of asphalt.

Underlying the resurfacing program is PlaNYC – which strives to bring City streets into a good state of repair and to do so in a sustainable, green fashion. You may be asking yourselves how asphalt can be "green". You might be surprised to learn that asphalt is the most recycled product in the United States, with over 80 million tons recycled each year into new pavement. DOT has been a leader in this effort and I would like to highlight some of the extraordinary successes achieved at our Hamilton Avenue asphalt plant in Brooklyn.

We began by first incorporating glass into asphalt over twenty years ago; and a few years later we determined that the best material for recycling is milled asphalt pavement. Over the last twenty years, we have developed a deep knowledge base in asphalt recycling. Today, the asphalt produced at the Hamilton Avenue plant is made of high quality materials and contains 40% reclaimed asphalt pavement or as we call it RAP. This results in the re-use of nearly 200,000

tons of milled pavement that would otherwise be trucked to landfills. Here is what this means for New York City.

What we refer to as asphalt is really a mix where stone aggregates are combined with asphalt cement, a petroleum-based binder. The asphalt cement portion reclaimed from our Hamilton Avenue asphalt plant offsets the need of refining 840,000 barrels of crude oil annually. By reclaiming this asphalt cement, we lessen our dependence on imported oil, reduce greenhouse gas emissions and save the City money. The economic and environmental savings from recycling at Hamilton Avenue does not end there. By reclaiming the aggregates in RAP, we also reduce the need to mine and transport materials from Upstate New York and Canada; further reducing energy use, emissions, as well as costs.

In fact, as reported in the Mayor's Management Reports, our in-house produced asphalt costs consistently less than vendor procured asphalt, largely due to these recycling efforts. This brings me to the final benefit: cost savings. Our aggressive approach of recycling RAP into new asphalt, rather than trucking and depositing it into land fills, adds up to a \$10 million annual saving to the City.

Unfortunately, Hamilton Avenue produces less than half of what DOT requires, with five private vendors supplying the rest of our asphalt needs. The past performance by private vendors on recycling has not been impressive. In fiscal year 2008, the most recent year for which we have complete records, DOT's vendors only averaged 15% RAP in the asphalt they sold to the City; and at a cost of nearly \$14 more per ton than City-produced asphalt at Hamilton Avenue.

This brings us to the ULURP action we are here to discuss – the City acquisition of the Grace Asphalt plant in Queens. The two largest boroughs in terms of land mass are Brooklyn and Queens. Each of these boroughs makes up approximately 30% of the City's road surface and correspondingly is allocated 30% of DOT's annual resurfacing program (310 lane-miles each). Brooklyn asphalt needs are covered by our Hamilton Avenue plant; so let's discuss Queens.

DOT has always employed two or more private vendor plants to meet asphalt needs in Queens. This is because sufficient quantities of asphalt cannot be obtained from a single privately-owned plant and because private plants have time-capacity constraints serving two sectors – public and private – which results in alternate loading service,

Over the years, the contracting process, including review of vendor responsibility issues, has produced delays in contract awards to Queens vendors. In the most recent asphalt contract proceedings, only two Queens-based plants submitted bids, Grace and Tully. One of those, Grace, went into bankruptcy and ultimately the plant was sold to its present owner. That owner has indicated to DOT that he is not interested in staying in the asphalt business long-term --- a development of great concern to DOT.

As stated earlier, Queens needs 310,000 tons of asphalt to resurface the allocated 310 lane-miles in the borough. The paving season consists of 150 work days, so almost 2,100 tons of asphalt is needed each and every day to meet the Queens need. We also know from our experience running the Hamilton Avenue plant, that about 2,400 tons of asphalt can be processed and delivered into trucks in an 8 hour day, providing no delays or breakdowns occur. If a single vendor plant is all that is available to DOT and that plant must be shared with private parties purchasing asphalt, a shortfall of about 900 tons per day, or 135,000 tons per year would result. As a consequence, the Queens resurfacing allocation would necessarily be reduced by 135 lane miles and asphalt costs would likely rise due to the lack of competition.

There are other factors that add to the benefits of acquiring the Grace plant beyond concerns for a stable, adequate supply of asphalt. For example, the proximity of the Grace plant to the DOT-owned Harper Street facility is beneficial. Harper Street yard is the neighboring property to the west of the Grace Asphalt plant. Joined together, the two properties will allow DOT to: (1) stockpile sufficient RAP supplies to maximize recycling, while reducing truck trips from our Kew Loop yard; (2) store Queens equipment and trucks; (3) begin daily operations with

little mobilization time and expense; and (4) turn back a piece of land to the Department of Parks and Recreation --- all resulting in increased efficiencies, as well as other benefits to the City.

We have also considered the impact our action would have on the private asphalt industry as a whole. When last studied, the Grace plant's annual production of asphalt was essentially split between the City and private asphalt purchasers. City business is now, more or less, split between two Queens's vendors. It is our opinion that the loss of City business by Tully, or any other potential future vendors, will be offset by the need from the private sector business currently serviced by Grace to be serviced by the remaining private vendor(s). In other words, this one-for-one swap of public and private business should result in a net-zero impact on the asphalt industry as the overall production capacity and demand for asphalt remain unchanged.

It should also be pointed out that our acquisition of the Grace Asphalt plant does not mean that DOT will no longer purchase asphalt privately. Even with this acquisition, a little more than one quarter of DOT's total need will continue to be contracted out to privately-owned asphalt plants.

In pure land use terms, the ULURP action makes sense. Zoning and Land Use are unaffected; the location is zoned for, currently used as and will continue to be used as an asphalt plant. I would also like to point out that this action has received unanimous approval from the Community Board and City Planning Commission and is supported by the Queens Borough President. Given the need for asphalt in Queens, a past and continuing history of supply uncertainty, a logistical balance to DOT's Hamilton Avenue plant, a proven track record of plant management, cost savings and environmental benefits through recycling, now is the time to acquire this property.

Again, thank you for inviting us here today and at this time we would be happy to answer any questions.

THE COUNCIL THE CITY OF NEW YORK

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