

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON STATE AND FEDERAL LEGISLATION

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June 29, 2010
Start: 11:08am
Recess: 3:11pm

HELD AT: Council Chambers
City Hall

B E F O R E:
HELEN D. FOSTER
Chairperson

COUNCIL MEMBERS:
Erik Martin Dilan
Lewis A. Fidler
Domenic M. Reccia, Jr.
Joel Rivera
Larry B. Seabrook
Elizabeth S. Crowley

A P P E A R A N C E S (CONTINUED)

Conan Freud
Deputy Commissioner for Administration
New York City Taxi and Limousine Commission

Randal Fong
First Assistant Commissioner, Planning
Division of Real Estate Services
DCAS

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CHAIRPERSON FOSTER: Good morning.

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This is the Committee on State and Federal

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Legislation. I am Council Member Helen Diane

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Foster. Today we will take actions necessary to

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adopt home rules calling upon the State

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Legislature to take action on legislation we have

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identified as a priority to this Council. I would

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like to thank our talented Committee and Finance

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Staff for preparing the several pieces of

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legislation we'll be considering today. I would

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also like to thank the advocates and agency

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representatives who have provided valuable insight

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and will testify on these matters before the

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Committee.

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With that said, let us get down to

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business. We will be discussing and voting on

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three, possibly four, preconsidered State

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Legislative Resolutions, which the Council is

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calling upon the State to take certain action.

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The resolutions are, legislation to allow the sale

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of abutting property owner's lots of land that

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cannot be independently developed due to size,

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shape, configuration, topography or such lots in

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the zoning regulations. This legislation would

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2 allow the sale of these properties without public
3 auction or competitive bidding, which will result
4 in lower administrative costs for the Department
5 of City Administrative Services. This Committee
6 will consider SLR S.8361, S.6138-B in order to
7 enact this legislation at the State level.

8 Number two, legislation to allow
9 the Taxi and Limousine Commission to dock unpaid
10 fines issued to licensed individuals and
11 operators. This will help avoid costly and time-
12 consuming Civil Court proceedings, saving the City
13 Administrative costs and generating revenue
14 through more effective collection of these finds.
15 The Committee will consider SLR S.8172 and A.11467
16 in order to enact these legislations at the State
17 level.

18 Number three, legislation to
19 facilitate enforcement of identification
20 requirements of commercial bicyclists. This
21 legislation will make businesses liable for
22 reckless action of the cyclists used for delivery
23 of their product. The Committee will consider SLR
24 S.4528-A and A.407-A in order to enact this
25 legislation.

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2 And the last one we will discuss
3 once we get the go ahead. So we have two people
4 to testify so far. We will start. And I guess
5 you can sit right here. Conrad Freed [phonetic]?
6 Freud. I should have known that, TLC. Conrad?
7 Okay, take your time. And Randal Fong, First
8 Assistant Commissioner, Planning, Division of Real
9 Estate Services, DCAS. Okay, you can both sit
10 right up here.

11 [Pause]

12 CHAIRPERSON FOSTER: All he does is
13 switch gadgets.

14 [Pause]

15 CHAIRPERSON FOSTER: I'm sorry, are
16 you also testifying? Oh, okay. That's fine.
17 When you're both--or all three--ready, you can
18 jump right in. Mr. Freud and Mr. Fong. Okay.
19 Very good. Oh, okay. Take your time.

20 [Pause]

21 CHAIRPERSON FOSTER: If it rings,
22 just act like it's not you.

23 CONAN FREUD: Absolutely.
24 Absolutely. Okay, we're ready to go?

25 CHAIRPERSON FOSTER: Absolutely.

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2 CONAN FREUD: Good morning, Council
3 Member Foster and Members of the Committee of
4 State and City Legislation. My name is Conan
5 Freud. I am the Deputy Commissioner for
6 Administration at the New York City Taxi and
7 Limousine Commission. Thank you for the
8 opportunity to speak to you today in support of
9 State Bills S.8172 and Assembly 11467. These
10 bills amend the City Charter to enhance the
11 docketing capability of decisions rendered by the
12 Taxi and Limousine Commission's Administrative
13 Tribunal.

14 We are here today to express our
15 strong support of this bill to amend the
16 subdivision C of Section 2302 of the New York City
17 Charter to allow the TLC to docket all eligible
18 decisions and orders of its Administrative
19 Tribunal as if they were money judgments without
20 court proceedings.

21 Currently existing law allows the
22 Taxi and Limousine Commission to docket unpaid
23 fines by its Administrative Tribunals as money
24 judgments without court proceedings only when
25 those fines relate to the unlicensed individuals

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2 or entities that are engaged in activities
3 regulated by the TLC. Those fines can become
4 liens against real property of the respondents.
5 However, the great majority of unpaid TLC fines,
6 both in number and amount, are issued to licensed
7 individuals or entities that subsequently evade
8 payment by abandoning their licenses. Those fines
9 can be collected by only means of prohibitively
10 costly and time-consuming civil court proceedings.
11 As a result, the respondents can ignore their
12 obligations to pay, depriving the City of much
13 needed revenue, and the TLC of an effective
14 enforcement mechanism. Allowing the TLC to
15 authorize to docket all eligible debt will enhance
16 our ability to collect, as well as provide an
17 additional enforcement tool to encourage strict
18 adherence to the TLC's rules and regulations.

19 Thank you so much for allowing us
20 the time today to talk to you about this important
21 issue. I'm done.

22 CHAIRPERSON FOSTER: Great. That
23 was quick. Why don't we have, Mr. Fong, you make
24 your statement, and then we can open it up for
25 questions. Thank you.

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2 RANDAL FONG: Good morning, Chair
3 Foster and Members of the State and Federal
4 Legislation Committee. I am Randal Fong, First
5 Assistant Commissioner of Planning for the New
6 York City Department of Citywide Administrative
7 Services. On behalf of Commissioner Martha K.
8 Hirst, I would like to thank you for this
9 opportunity to discuss A.6138-B and S.8361, a bill
10 before you today for a home rule message.

11 This bill will amend the New York
12 City Charter in relation to authorizing the City
13 to sell to abutting property owners certain
14 limited market property that cannot be
15 independently developed due to the size, shape,
16 applicable zoning, configuration or topography of
17 such lots. DCAS has jurisdiction over various
18 limited market property, which are primarily
19 located in Queens and Brooklyn. And according to
20 the New York City Charter, DCAS is not authorized
21 to conduct direct negotiated sales. These
22 properties are not appropriate for sale through
23 public auction, as they have no independent
24 utility.

25 Future utilization of these lots is

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2 completely dependent upon and associated with the
3 privately own adjacent lots. The purpose of this
4 legislation is to allow DCAS to transfer these
5 limited market properties directly to abutting
6 property owners, without the necessity of a public
7 auction or sealed bidding process.

8 Further, we know that this critical
9 legislative proposal is the product of a
10 collaborative effort between the City and the New
11 York State Legislative Staff. The New York City
12 Council also adopted Resolution number 1891 of
13 2009 last June, in support of this legislation.
14 We urge the New York City Council to pass this
15 home rule message today, in order for the New York
16 State Legislature to act on this legislation. And
17 we thank you again for this opportunity to testify
18 about A.6138-B and S.8361. We are pleased to
19 answer any questions that you may have. Thank
20 you.

21 CHAIRPERSON FOSTER: Thank you. I
22 should have done this earlier, I'm sorry. We've
23 been joined by Council Member Dilan from Brooklyn,
24 Council Member Rivera from the Bronx. Quick
25 question--do you gentlemen have any question?

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2 COUNCIL MEMBER RIVERA: No.

3 CHAIRPERSON FOSTER: Quick
4 question, Mr. Fong. Can you give me an example of
5 this type of property that really, for lack of a
6 better word, doesn't serve a purpose to be sold?

7 RANDAL FONG: As we look in the
8 City's portfolio on the tax maps, in many cases
9 there may be engineering errors, that there could
10 be a little slice of someone's front yard or part
11 of their backyard or driveway. And these pieces
12 or property are very small, unusable to anyone
13 except for the abutting homeowners. And these are
14 very small, undevelopable pieces of property.

15 CHAIRPERSON FOSTER: Almost like
16 easements that weren't documented or weren't put
17 with the owner or vice versa, something like that?

18 RANDAL FONG: In some cases there
19 could be, like, a part of a driveway. It could be
20 like an easement; but in many cases these are just
21 parts of someone's front lawn.

22 CHAIRPERSON FOSTER: Okay. Very
23 good. Thank you. Council Member Dilan?

24 COUNCIL MEMBER DILAN: Yeah. I
25 believe, to Mr. Fong, I believe. Being from

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2 Brooklyn I know full well the type of lots you're
3 talking about. There's many of them in my
4 district. I believe this is a great legislative
5 change that the State is about to embark upon,
6 because it could potentially help DCAS raise some
7 one-time revenue in the form of dispositions of
8 these properties, so I think it's a great program.
9 And my question is just along the lines of how
10 much revenue you think this program will bring in
11 over its useful life? Because at some point all
12 these properties will be disposed of. So I just
13 wanted to get that answer.

14 RANDAL FONG: At this point we
15 don't have a revenue number. But what we are
16 doing is certainly going to sell these properties,
17 based on market values, based on appraisals. So
18 those properties will be sold and they will be
19 privately owned and maintained by the private
20 sector. The City will be able to dispose of these
21 properties and no longer be responsible for them,
22 and furthermore we will not have any further
23 liability on these properties.

24 COUNCIL MEMBER DILAN: All right.
25 Well, I think the program is good from both the

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2 revenue aspect, even though we're not quite sure
3 the number--what the number is. And I can see how
4 that's fair, because you'd have to do an appraisal
5 of each and every property, as well as the
6 liability aspect.

7 But I would just say at some point
8 we should get an estimate as to how much the City
9 made out of the disposal of these properties--at
10 some point in the future. Thank you, Madam Chair.

11 CHAIRPERSON FOSTER: Thank you,
12 Madam Chair. Council Member Rivera, you're good?

13 COUNCIL MEMBER RIVERA: I'm good.

14 CHAIRPERSON FOSTER: So what we're
15 going to do is we don't have a quorum yet, so
16 we'll take a break. Thank you very much for
17 testifying, and as soon as we have a quorum, then
18 we'll get to the vote. Thank you.

19 [Pause]

20 CHAIRPERSON FOSTER: We will now
21 resume State and Federal Legislation Committee
22 meeting. I am Council Member Foster. We're
23 joined by Council Member Recchia, of Brooklyn;
24 Dilan, of Brooklyn; Council Member Crowley, of
25 Queens; Council Member Rivera, of the Bronx; and

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2 Council Member Fidler, of Brooklyn. I would ask
3 the Clerk to call the roll please, for the vote.

4 WILLIAM MARTIN: William Martin,
5 Committee Clerk. Roll call on the Committee on
6 State and Federal Legislation. Council Member
7 Foster?

8 CHAIRPERSON FOSTER: Aye on all.

9 WILLIAM MARTIN: Rivera.

10 COUNCIL MEMBER RIVERA: I vote Aye
11 on all.

12 WILLIAM MARTIN: Dilan?

13 COUNCIL MEMBER DILAN: Aye on all.

14 WILLIAM MARTIN: Fidler.

15 COUNCIL MEMBER FIDLER: Aye on all.

16 WILLIAM MARTIN: Recchia.

17 COUNCIL MEMBER RECCHIA: Aye on
18 all.

19 WILLIAM MARTIN: Crowley.

20 COUNCIL MEMBER CROWLEY: Aye on
21 all.

22 WILLIAM MARTIN: By a vote of six
23 in the affirmative, zero in the negative and no
24 abstentions, all three items are adopted.
25 Members, please sign the Committee Reports.

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CHAIRPERSON FOSTER: Thank you.

And Committee Members, we are on recess, because we may need to come back and vote on one more item. So please keep your cell phones on. Thank you.

[END FILE 2]

[START FILE 3]

CHAIRPERSON FOSTER: Good

afternoon. I am Council Member Helen Diane Foster and we are going to reopen the recessed meeting of earlier this morning, of State and Federal Leg, to call the vote on S.6298-A and A.9478, having to do with Coney Island and the real property in exchange for other certain lands for comprehensive development in Coney Island.

Council Member Recchia, do you have a statement or anything you would like to say?

COUNCIL MEMBER RECCHIA: Yes. I'd just like to--I would encourage all my colleagues to vote yes on this. This is another part of the Coney Island Rezoning. This is the alienation of parkland. We are taking the parking lot of--it used to be called Keyspan, now MCU Stadium in Coney Island, and putting the land on the opposite

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2 side of the stadium, turning that all into
3 parkland where the amusement rides are, so that
4 the amusements will be there for the eternity.
5 They can never be taken away; it will be parkland.
6 And this other new site will be used for
7 development, commercial and residential, and all
8 kinds of development according to the rezoning.
9 And I would ask all my colleagues to support this.

10 I want to thank Assemblyman Alec
11 Brook-Krasny, State Senator Diane Savino, for
12 their support up in Albany; and of course, Mayor
13 Bloomberg and the Administration and Heda Mahaltis
14 [phonetic].

15 CHAIRPERSON FOSTER: Thank you.
16 We've been joined by Council Member Fidler, from
17 Queens--or I should say rejoined, by Council
18 Member Fidler, from Brooklyn--I know better.
19 Council Member Rivera, from the Bronx; Council
20 Member Recchia, from Brooklyn; Council Member
21 Seabrook, from the Bronx. And I would ask the
22 clerk to call the roll on the vote, please.

23 WILLIAM MARTIN: William Martin,
24 Committee Clerk. Continuation of the roll call on
25 the vote on State and Federal Legislation.

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Council Member Foster?

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CHAIRPERSON FOSTER: Yes.

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WILLIAM MARTIN: Rivera.

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COUNCIL MEMBER RIVERA: I vote Aye.

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WILLIAM MARTIN: Fidler.

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COUNCIL MEMBER FIDLER: Yes.

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WILLIAM MARTIN: Recchia.

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COUNCIL MEMBER RECCHIA: Yes.

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WILLIAM MARTIN: Seabrook.

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COUNCIL MEMBER SEABROOK: Yes, I'd

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like to vote Aye on all, and all previous calls.

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WILLIAM MARTIN: Preconsidered SLR

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Senate number 6298-A and Assembly number 9478-A is

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adopted by a vote of five in the affirmative, zero

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in the negative and no abstentions, and all

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previous items are now adopted by a vote of seven

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in the affirmative, zero in the negative and no

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abstentions. Members, please sign the Committee

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Reports. Thank you.

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CHAIRPERSON FOSTER: Go ahead.

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COUNCIL MEMBER RECCHIA: I just

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want to thank the staff and Ksenia for the work,

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and the entire staff of your Committee, Chair

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Foster.

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CHAIRPERSON FOSTER: Thank you.
I'd like to thank them also, and I'd request that
the roll be left open for another 15 minutes,
because I know Council Member Dilan is on his way.

[END FILE 3]

[START FILE 4]

WILLIAM MARTIN: Continuation of
the roll call Committee on State and Federal
Legislation. Council Member Dilan.

COUNCIL MEMBER DILAN: I vote Aye.

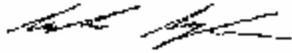
WILLIAM MARTIN: Crowley.

COUNCIL MEMBER CROWLEY: I vote
Aye.

WILLIAM MARTIN: All items on the
Committee on State and Federal Legislation are now
adopted by a vote of seven in the affirmative,
zero in the negative and no abstentions. This
hearing is closed.

C E R T I F I C A T E

I, Erika Swyler 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.



Signature _____

Date July 6, 2010 _____