

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 13, 2012
Start: 11:00 a.m.
Recess: 1:40 p.m.

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. Recchia, Jr.
Joel Rivera
Larry B. Seabrook
Elizabeth S. Crowley

APPEARANCES (CONTINUED)

Kenneth Fisher

2 CHAIRPERSON FOSTER: Good morning
3 and welcome. My name is Council Member Helen
4 Diane Foster, and I am the chairperson of the
5 State and Federal Legislation Committee. Albany
6 has presented us with another opportunity to
7 consider home rule requests that affect the city
8 of New York. First, I would like to introduce the
9 members of the Committee. We have Domenic Recchia
10 from Brooklyn, Elizabeth Crowley from Queens. We
11 will be joined by Lewis Fidler from Brooklyn.

12 This morning the Committee will be
13 voting on several items. The first item being
14 considered today is the Safe Street Security
15 Camera Registry Act. The proposed legislation
16 would require the NYPD to create and maintain an
17 online registry of all privately owned security
18 cameras in operation in the city, which view and
19 capture video of public spaces. The bill would
20 allow NYPD to know about and access the registry
21 of all privately owned cameras within the vicinity
22 of a crime. Additionally, the Committee will
23 consider legislation that would give the
24 Department of Consumer Affairs the ability to
25 directly docket fines issued by its administrative

1 tribunal. Currently, the Department has the
2 ability to assess fines against buildings which
3 are not complying with the city's rules that
4 protect consumers. Current law does not permit
5 the Department to docket unpaid fines as money
6 judgments without costly and time consuming court
7 proceedings. We also have an SLAR [phonetic]
8 supporting a real property tax class share cap of
9 1.5% to protect one class homeowners from larger
10 increases. Without this 1.5% cap, current law
11 would allow the portion of the total property tax
12 borne by class one properties to increase by 5%
13 resulting in significantly higher tax bills for
14 residential homeowners. Lastly, the Committee
15 will consider a mayor's message, which would
16 alienate a parcel of land, which is part of
17 Hallett's Cove [phonetic] Playground in Queens.
18 The property is currently a large planting bed for
19 a row of trees which borders the playground. The
20 land is located next to Astoria Housing. They
21 expect to develop affordable housing units within
22 Astoria Houses, adding approximately 23 units at
23 the facility. This will enable a zone merger to
24 occur. This land would connect the two properties
25

2 and would be given to NYCHA, but would be
3 maintained by the Parks Department and Recreation.
4 We have two people that need to testify, but what
5 I'm going to ask is that I know members have to
6 go. If we can call the vote—I'm sorry. We've
7 been joined by Council Member Joel Rivera from the
8 Bronx. If we can call the vote and then we will
9 have the testimony and we'll have Ken Fisher
10 [phonetic] and Robert Schenkel [phonetic]. If you
11 two would just sit right there, as soon as we're
12 done, you can testify. Thank you.

13 COMMITTEE CLERK: Kevin Pin,
14 Committee Clerk. Roll call in the Committee on
15 State and Federal Legislation. Council Member
16 Foster?

17 CHAIRPERSON FOSTER: Aye on all and
18 I encourage all my colleagues to vote aye.

19 COMMITTEE CLERK: Rivera?

20 COUNCIL MEMBER RIVERA: Aye on all.

21 COMMITTEE CLERK: Fidler?

22 COUNCIL MEMBER FIDLER: I'll pass
23 until I hear what Council Member Fisher has to
24 say.

25 COMMITTEE CLERK: Recchia?

2 COUNCIL MEMBER RECCHIA: Aye on
3 all.

4 COMMITTEE CLERK: Crowley?

5 COUNCIL MEMBER CROWLEY: Aye on
6 all.

7 CHAIRPERSON FOSTER: Thank you.

8 COMMITTEE CLERK: By a vote of four
9 in the affirmative, zero in the negative and no
10 abstentions, all items have been adopted.
11 Members, please sign the Committee Reports. Thank
12 you.

13 CHAIRPERSON FOSTER: Thank you.
14 Ken, you can start.

15 KENNETH FISHER: Thank you very
16 much, Chair Foster, Members of the Committee. I
17 want to thank you for adding us on to the agenda
18 this morning and also thank the Speaker's Office
19 for that. And that by the way is also an apology
20 that I don't have a full set of boards and
21 presentation materials, although I would be happy
22 after the Committee recesses to share with you not
23 only our presentation on it, but also perhaps most
24 enlightening a four minute video that we have that
25 shows you the site, what we're planning and

2 perhaps most import, includes strong endorsements
3 of the project from Ms. Claudia Coger, who is the
4 president of the Astoria Houses Tenant Association
5 and Bishop Taylor, the executive director of the
6 East River Development Alliance. As the Chair
7 mentioned, Hallett's Aid Development LLC, which is
8 the Lincoln Equities entity is proposing to
9 develop 2300 apartments on the Queen's waterfront
10 directly opposition Gracie Mansion [phonetic] for
11 those of you who have had the occasion to visit
12 the lawn there - - Rose Park. It will be a 20%
13 affordable housing project. It is a billion
14 dollars' worth of development. It will create
15 1700 construction jobs and about 300 permanent
16 jobs, a waterfront esplanade, and more likely than
17 not we're still working out the details, we will
18 include a new public school. This is a project
19 that's transformative in many ways. Right now the
20 Astoria waterfront is completely isolated. There
21 are 1100 units of public housing there. There is
22 no supermarket. There is no bank. There's no
23 jobs. There's no opportunities. There's no hope
24 and the remaining industrial classified buildings
25 are basically used for warehouses and storage, so

2 we have the opportunity to do something that is
3 going to be really a shot in the arm for the area.
4 We're doing it not in isolation. We're doing it
5 in close partnership with the New York City
6 Housing Authority. We're planning on building
7 some affordable housing, particularly aimed for
8 seniors and with the first priority for NYCHA
9 residents on the Astoria Houses campus. That will
10 generate some revenue for NYCHA, but it will also
11 undo some of Robert Moses' [phonetic] tower in the
12 park design mistakes that were made in the 1950s.
13 The reason that we're coming to you today somewhat
14 out of order, we have not yet filed our complete
15 ULERP [phonetic] application. We expect to do
16 that in the fall. This project will be fully
17 vetted by you through the Land Use process;
18 however, what we wanted to do was get out of the
19 way a piece of state legislation that would allow
20 us to merge our site with the NYCHA campus. In
21 order to do that, a ten foot strip of playground
22 is being transferred from the Parks Department to
23 NYCHA, not to us. We're not getting any
24 development rights out of it, and although the
25 legislation requires the Parks Department to stay

2 in charge of that ten foot strip as they would
3 with the rest of the playground, we have committed
4 to rebuilding the playground and to maintaining in
5 perpetuity. Basically, this technically will
6 allow us to get some tax incentive benefits out of
7 merging the lots, but it doesn't affect the
8 underlying proposal, and the Council as Council
9 Member Vallone has stated will reserve all of its
10 rights to deal with the merits of the proposal
11 once its fully developed and we submit it to you
12 in ULERP, but this way the Council will have the
13 final say and not the state legislature, and I
14 appreciate the Committee's support.

15 CHAIRPERSON FOSTER: And that strip
16 will be maintained as a parkland?

17 KENNETH FISHER: It will be public,
18 open space indistinguishable. It will be
19 supervised by the Parks Department, paid for by us
20 after we rehabilitate the playground, and what it
21 will do is be part now of what we hope to be
22 connected. On either side of our site there is a
23 Whitey Ford [phonetic] Field to the north, Astoria
24 Playground to the South; we will be creating a
25 100,000 square foot open space promenade

2 connecting those two up, which we will maintain
3 and will be fully accessible to the public and we
4 hope that that will eventually be a link in a
5 green way for Queens that runs all the way from
6 Astoria Park to Long Island City. Our site right
7 now sits on the water's edge and is an impediment
8 to accomplishing that version.

9 CHAIRPERSON FOSTER: Thank you.

10 Council Member Fidler, do you have questions?

11 COUNCIL MEMBER FIDLER: No, I find
12 Council Member Fisher to be persuasive. I - - .

13 CHAIRPERSON FOSTER: Thank you.

14 COMMITTEE CLERK: Continuation vote
15 in the Committee on State and Federal Legislation.
16 Council Member Fidler?

17 COUNCIL MEMBER FIDLER: Aye on all.

18 COMMITTEE CLERK: The vote stands
19 at five in the affirmative.

20 CHAIRPERSON FOSTER: Thank you very
21 much. We are not adjourning. This meeting is in
22 recess, so thank you, and Council Member Fisher,
23 we can do the presentation at another time given
24 that as you know Stated days are a little hectic.
25 Thank you for coming.

2 [background conversation]

3 CHAIRPERSON FOSTER: The State and
4 Federal Legislation Committee will stand in
5 recess.

6 [gavel]

7 CHAIRPERSON FOSTER: Good
8 afternoon. My name is Helen Diane Foster. I'm
9 the chairperson of State and Federal Legislation
10 Committee. Albany has presented us with another
11 opportunity to consider our home rule request that
12 affects the city of New York. The members of the
13 Committee that are here are Joel Rivera from the
14 Bronx, Lew Fidler from Brooklyn, Domenic Recchia
15 from Brooklyn and we will be joined by Steve Levin
16 at some point from Brooklyn soon. This afternoon
17 the Committee will be voting on an Act authorizing
18 and validating the alienation of certain parkland
19 known as the Empire Ferry State Park in accordance
20 with letters patent dated July 8, 2010 from the
21 Office of General Services to the Brooklyn Bridge
22 Park Development Corporation and master ground
23 lease agreement dated as of July 29th, 2010 for a
24 term of 99 years to the Brooklyn Bridge Park
25 Corporation providing for the use of such land as

2 part of the Brooklyn Bridge Park Civic Land Use
3 Improvement Development. We will hear from
4 Council member Levin, who is coming in right now,
5 and we've been joined by Council Member Erik Dilan
6 also from Brooklyn.

7 COUNCIL MEMBER LEVIN: Thank you
8 very much, Madam Chair. Thank you for your
9 indulgence in allowing for discussions to take
10 place regarding this particular home rule message
11 in support of Senate Bill 7617 and Assembly Bill
12 10586. This home rule message would allow for—
13 it's an act to authorize and validate the
14 alienation of certain parkland known as Empire
15 Fulton Ferry State Park in accordance with letters
16 patent dated July 8th, 2010 from the Office of
17 General Services and the Brooklyn Park Development
18 Corporation and master ground lease agreement
19 dated as of July 29th, 2010 for a term of 99 years
20 to the Brooklyn Bridge Park Corporation provided
21 for the use of such land as part of the Brooklyn
22 Bridge Park Civic and Land Use Improvement
23 Project. What this bill would allow is for land
24 to be added to Brooklyn Bridge Park as a result of
25 the alienation of what is known as Empire Fulton

2 Ferry State Park and the tobacco warehouse and
3 Empire stores. I feel confident that as a result
4 of this adequate parkland will be replaced as part
5 of Brooklyn Bridge Park and that the communities
6 surrounding the park will have access to quality
7 open space and that there is a fair process that
8 will be taking place and that the communities will
9 have not only a seat at the table, but an
10 effective role in how this process moves forward.
11 This is as a result of a negotiation between
12 plaintiffs in a federal and state lawsuit and the
13 Brooklyn Bridge Park Development Corporation and
14 the city of New York. While there are some
15 outstanding concerns, I would encourage my
16 colleagues to support this home rule message
17 today. Thank you very much for the time, Madam
18 Chair.

19 CHAIRPERSON FOSTER: Thank you, and
20 I understand we have testimony from the Corp
21 Counsel? Oh, okay. Does anyone have a question
22 on the legislation? Okay, we will call the vote.

23 COMMITTEE CLERK: Kevin Pin,
24 Committee Clerk. Roll call in the Committee on
25 State and Federal Legislation. Council Member

2 Foster?

3 CHAIRPERSON FOSTER: At this time
4 I'm going to explain my vote. I am voting no.
5 While I respect the Council Member and his
6 negotiations, I'm not as confident as he is, and
7 given the history of this present administration
8 in terms of not working well with communities when
9 it comes to replacement parks and knowing it
10 firsthand with what happened with Yankee Stadium
11 and our replacement parks coming six to seven
12 years late, I can't vote for this, and if it
13 wasn't good for my community, I don't think that I
14 have the position to impose that for someone
15 else's community. The community surrounding
16 Brooklyn Bridge Park has raised some concerns not
17 only with the development, but also with the
18 Corporation and the possibility of the
19 privatization of public lands, so with that, I
20 vote no.

21 COMMITTEE CLERK: Rivera?

22 COUNCIL MEMBER RIVERA: - - .

23 COMMITTEE CLERK: Dilan?

24 COUNCIL MEMBER DILAN: I vote aye.

25 COMMITTEE CLERK: Fidler?

2 COUNCIL MEMBER FIDLER: If I can
3 explain my vote, I certainly sympathize with the
4 position that the Chair is taking. I certainly
5 have my own issues regarding Brooklyn Bridge Park,
6 but I have a great deal of respect for Council
7 Member Levin, and I think I should defer on the
8 matter to him because it is primarily of concern
9 to his district, so I'm going to vote aye.

10 COMMITTEE CLERK: Recchia?

11 COUNCIL MEMBER RECCHIA: Aye.

12 COMMITTEE CLERK: By a vote of four
13 in the affirmative, one in the negative and no
14 abstentions, the item has been adopted.
15 Continuation vote. Council Member Dilan?

16 COUNCIL MEMBER DILAN: I'd like to
17 vote aye on all previous items as well. I vote
18 aye.

19 COMMITTEE CLERK: Previous items
20 have been adopted by a vote of six in the
21 affirmative, zero in the negative and no
22 abstentions.

23 CHAIRPERSON FOSTER: We have a
24 technical change. The counsel for the Committee,
25 Daniel Barbado [phonetic], will read the changes

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2 to the proposed changes in the legislation in the
3 committee report.

4 DANIEL BARBADO: Section in the
5 proposed legislation in the Committee Report.
6 There's a - - of Section 2 of the - - would
7 authorize the Brooklyn Bridge Park Development - -
8 corporation of - - Brooklyn Bridge Park
9 Corporation to alienate and discontinue part of
10 the Empire Fulton Ferry State Park and to approve
11 construction and reconstruction. Part was left
12 out on the original Committee Report.

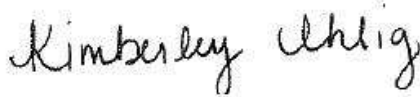
13 CHAIRPERSON FOSTER: Thank you.
14 There being no more business, this Committee is in
15 recess.

16 [gavel]

C E R T I F I C A T E

I, Kimberley Uhlig 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 7/2/12