

# **The New York City Council**

*City Hall  
New York, NY 10007*



## **Meeting Minutes**

**Monday, June 20, 2005**

**1:00 PM**

**250 Broadway - Hearing Room, 14th Fl.**

### **Committee on State and Federal Legislation**

*Joel Rivera, Chair*

*Members: Joseph P. Addabbo, Jr., Maria Baez, Erik Martin Dilan,  
Lewis A. Fidler, Michael E. McMahon, Hiram Monseratte,  
Helen Sears and Vincent J. Gentile*

Roll Call

**Present,**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent,**

Fidler

**SLR 0119-2005 State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Senator Maltese S. 2516-A and Assembly Member Cymbrowitz A.5273-A, "An Act to amend the general municipal law, in relation to certain impairments of health presumed accidental or incurred in the performance of duty."**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**

Fidler

**SLR 0120-2005 State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Padavan, S.3972, and Assembly Members Abbate, Colton, Cymbrowitz, Pheffer, Seddio and Weisenberg, A.6381, "AN ACT to amend the retirement and social security law, in relation to the employment of retired New York city police personnel".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**

Fidler

**SLR 0121-2005 State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Maltese, S.2310, and Assembly Member Gianaris, A.8031, "AN ACT to amend the retirement and social security law, in relation to the optional age fifty-five improved benefit retirement program for certain New York city members".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**

Fidler

**SLR 0122-2005 State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senate Committee on Rules, S.5671, and Assembly Member Farrell, A.8792, "AN ACT authorizing Lawrence Gerson to file for retroactive membership in Tier 1 of the New York state and local employees' retirement system".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**

Fidler

**SLR 0112-2005 State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Krueger, S.5706, and Assembly Member O'Donnell, A.8899, "AN ACT to amend the tax law and the administrative code of the city of New York, in relation to reducing the general corporation, unincorporated business, and banking corporation tax rates".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**

Fidler

**SLR 0113-2005 State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Padavan, Golden, Maltese and Marchi, S.5750, and Assembly Members McLaughlin, Farrell, Bing, Carrozza and Lavelle A.8896, "AN ACT to amend the real property tax law, in relation to the determination of adjusted base proportions in special assessing units which are cities for the fiscal year 2006".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**

Fidler

**SLR 0114-2005 State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Padavan, S.5663, and the Assembly Committee on Rules, A.8813, "AN ACT to amend the tax law, in relation to exempting certain clothing and footwear sales and uses from local sales and compensating use taxes imposed in or by any city having a population of one million or more".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**

Fidler

**SLR 0115-2005 State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.5465-A, and Assembly Members Wright, Benedetto, Benjamin, Boyland, Lavelle, O'Donnell, Pheffer, Rivera, and Colton, A.6590-B, "AN ACT to amend the real property tax law, in relation to increasing the combined household income limit for eligibility for senior citizen rent increase exemption (SCRIE) and for a municipal tax abatement for rent-controlled and rent regulated property occupied by senior citizens".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**

Fidler

**SLR 0116-2005**     **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senators Padavan and Golden, S.5694, and Assembly Member Weprin, A.8861, “AN ACT to amend the general city law, chapter 772 of the laws of 1966 relating to enabling any city with a population of one million or more to raise tax revenue, and the administrative code of the city of New York, in relation to increasing the relocation and employment assistance program credit for companies in eligible growth industries”.**

**Attachments:**    Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:**    Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative,**    8 -

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent,**        1 -

Fidler

**SLR 0123-2005**     **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Padavan, S.3170, and Assembly Member Grannis, A.6483, “AN ACT to amend the highway law, in relation to liability of the state with respect to maintenance and repair of state arterial highways”.**

**Attachments:**    Committee Report, Agenda

**This SLR was Hearing on P-C Item by Comm**

**Attachments:**    Committee Report, Agenda

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative,**    8 -

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent,**        1 -

Fidler

**SLR 0124-2005 State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Padavan, S.5382, and Assembly Member Farrell, A.8779, "AN ACT to amend chapter 130 of the laws of 1998 amending the general municipal law relating to temporary investments by local governments, in relation to extending the expiration of the provisions thereof".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**

Fidler

**SLR 0125-2005 State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Senators Duane, Andrews, Dilan, Hassell-Thompson, Krueger, Montgomery, Oppenheimer, Parker, Sabini, Sampson and Schneiderman, S.5157, "AN ACT to amend the general municipal law, the administrative code of the city of New York, the retirement and social security law and the education law, in relation to providing special accidental death benefits and accidental death benefits to registered domestic partners of deceased members of the New York city police pension fund, subchapter two, the New York city fire department pension fund, subchapter two, the New York city employees' retirement system, the New York city teachers' retirement system and the board of education retirement system of the city of New York".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**

Fidler

**SLR 0126-2005 State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Member Heastie, A.4407, "AN ACT authorizing the city of New York to discontinue the use as parkland a portion of real property in the borough of the Bronx and to use such property, as well as property under the jurisdiction of the city of New York department of transportation, for expansion and improvement of the Gun Hill Road subway station, in and around the intersection of White Plains Road and Gun Hill Road in exchange for the dedication of certain other land in the borough of the Bronx for park purposes".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**

Fidler

**SLR 0118-2005 State Legislation Resolution requesting the New York State Legislature to pass bills introduced by the Senate Committee on Rules, S.5818, and the Assembly Committee on Rules, A.8932, "AN ACT authorizing the leasing of certain parkland and demapping of certain streets for development of a professional baseball stadium and associated facilities in and in the vicinity of Macombs Dam Park and John Mullaly Park in the borough of the Bronx in the city of New York, and to authorize the state to dispose of certain surplus lands to the city of New York to provide for new park facilities".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile



Absent, 1 -  
Fidler

SLR 0141-2005 **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Padavan, S.5457-A, and Assembly Members Clark and Weprin, A.8421-A, "AN ACT to authorize the commissioner of general services to convey certain land in Queens county to the city of New York department of parks and recreation".**

Attachments: Agenda, Committee Report

This SLR was Hearing on P-C Item by Comm

Attachments: Agenda, Committee Report

A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.

Affirmative, 8 -  
Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

Absent, 1 -  
Fidler

SLR 0004-2005 **State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Senator Dilan S.1081 and Assembly Member Robinson A.2014, "AN ACT authorizing the city of New York to reconvey its interest in certain real property acquired by in rem tax foreclosure in the borough of Brooklyn to former owner George Black, or if he is deceased, to the person or persons who would have inherited said property from him or to their successor in interest, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 1762, Lot No. 62 on tax map for the borough of Brooklyn."**

Attachments: Committee Report, Agenda

This SLR was Hearing Held by Committee

Attachments: Committee Report, Agenda

A motion was made that this SLR be Approved by Committee approved by Roll Call.

Affirmative, 8 -  
Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

Absent, 1 -  
Fidler

**SLR 0075-2005**     **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Smith, S.2706 and Assembly Member Scarborough, A.5541 “AN ACT authorizing its interest in certain real property acquired in rem tax foreclosure in the borough of Queens to former owner Siraj Wahhaj, notwithstanding expiration of the two year period within which application may be made to the city to release its interest in property thus acquired; Block No. 12332, Lot No. 154 on tax map for the borough of Queens”.**

**Attachments:**     Committee Report, Agenda

**This SLR was Hearing Held by Committee**

**Attachments:**     Committee Report, Agenda

**A motion was made that this SLR be Approved by Committee approved by Roll Call.**

**Affirmative,**     8 -

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent,**     1 -

Fidler

**SLR 0097-2005**     **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Krueger, S.2522, and Assembly Member Gottfried, A.6535, “AN ACT to authorize the New York city employees’ retirement system to accept an application for a Final Medical Review from Barry Kimmel”.**

**Attachments:**     Committee Report, Agenda

**This SLR was Hearing Held by Committee**

**Attachments:**     Committee Report, Agenda

**A motion was made that this SLR be Approved by Committee approved by Roll Call.**

**Affirmative,**     8 -

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent,**     1 -

Fidler

**SLR 0099-2005 State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Golden, S.5152, and Assembly Member Abbate, A.8126, "AN ACT to amend the administrative code of the city of New York, the education law and the retirement and social security law, in relation to establishing the right of retirees to pay back loans".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing Held by Committee**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be Approved by Committee approved by Roll Call.**

**Affirmative, 8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**

Fidler

**SLR 0106-2005 State Legislation Resolution requesting the New York State Legislature to pass bills introduced by the Senate Committee on Rules, S.5487, and Assembly Member Abbate, A.8314, "AN ACT to amend the civil service law, in relation to suspension of employees of the department of parks in cities having a population of one million or more".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing Held by Committee**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be Approved by Committee approved by Roll Call.**

**Affirmative, 8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**

Fidler

**M 0593-2005**      **Communication from the Mayor - "AN ACT to amend the administrative code of the city of New York, in relation to conforming the unincorporated business tax to the general corporation tax with respect to the source of receipts from personal services and the inclusion of rented tangible personal property in the property allocation factor, and making formula allocation the preferred method for taxpayers subject to the unincorporated business tax, and allowing certain existing partnerships to continue to use the books and records allocation method for a seven-year period; makes technical corrections relating thereto; and to repeal certain provisions of such code relating to the unincorporated business pertaining to leveraged buy-out transactions." A.8434 / S.5568**

**Attachments:**    Agenda, Committee Report

**This Mayor's Message was Hearing on P-C Item by Comm**

**Attachments:**    Agenda, Committee Report

**A motion was made that this Mayor's Message be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative,**    8 -

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent,**        1 -

Fidler

**M 0594-2005**      **Communication from the Mayor - "AN ACT to amend the tax law, the administrative code of the city of New York, chapter 877 of the laws of 1975, chapter 880 of the laws of 1975, chapter 884 of the laws of 1975, and chapter 882 of the laws of 1977, all relating to the imposition of certain taxes in the city of New York, in relation to postponing the expiration of certain tax rates and taxes in the city of New York." A.8780 / S.5617**

**Attachments:**    Agenda, Committee Report

**This Mayor's Message was Hearing on P-C Item by Comm**

**Attachments:**    Agenda, Committee Report

**A motion was made that this Mayor's Message be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative,**    8 -

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

Absent, 1 -  
Fidler

**M 0595-2005**      **Communication from the Mayor - "AN ACT to amend the administrative code of the city of New York, in relation to the rate of regular interest used in the actuarial valuation of liabilities for the purpose of calculating contributions to the New York city employees' retirement system, the New York city teachers' retirement system, the police pension fund, subchapter two, the fire department pension fund, subchapter two and the board of education retirement system of such city by public employers and other obligors required to make employer contributions to such retirement systems, and the crediting of special interest and additional interest to members of such retirement systems, and the allowance of supplementary interest on the funds of such retirement systems." A.8811 / S.5672**

**Attachments:** Agenda, Committee Report

**This Mayor's Message was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this Mayor's Message be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**  
Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

Absent, 1 -  
Fidler

**M 0596-2005**      **Communication from the Mayor - "AN ACT to amend the administrative code of the city of New York, in relation to tax credits for eligible businesses that relocate to industrial business zones in the city of New York, the creation of an industrial business zone boundary commission, and the designation, amendment and repeal of such zones." A.8774 / S.5596**

**Attachments:** Committee Report, Agenda

**This Mayor's Message was Hearing on P-C Item by Comm**

**Attachments:** Committee Report, Agenda

**A motion was made that this Mayor's Message be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**  
Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

Absent, 1 -  
Fidler

**SLR 0131-2005 State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Maltese, S.5459-A, and Assembly Member Cymbrowitz, A.8375-A, "AN ACT to amend the tax law, in relation to increasing the earned income tax credit against the personal income tax for residents of a city having a population of one million or more".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 7 -**  
Rivera, Addabbo Jr., Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**  
Fidler

**SLR 0130-2005 State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Senator Saland, S.5823, "AN ACT to grant Anthony J. Cuomo performance of duty disability retirement benefits and health insurance coverage, as a result of injuries and disabilities incurred in action while serving in Iraq as a member of the Naval Reserve".**

**Attachments:** Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:** Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative, 8 -**  
Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent, 1 -**  
Fidler

SLR 0129-2005     **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Paterson, S.5828, and Assembly Member Espaillat, A.8915, “AN ACT to amend the tax law, in relation to the extension of the top personal income tax rate for incomes in excess of five hundred thousand dollars a year or more and the dedication of such revenue to class size reduction in a city having a population of one million or more”.**

**Attachments:**    Agenda, Committee Report

**This SLR was Hearing on P-C Item by Comm**

**Attachments:**    Agenda, Committee Report

**A motion was made that this SLR be P-C Item Approved by Comm approved by Roll Call.**

**Affirmative,    8 -**

Rivera, Addabbo Jr., Baez, Dilan, McMahon, Monserrate, Sears and Gentile

**Absent,        1 -**

Fidler