

Testimony from Kleo King, Deputy Commissioner & General Counsel, Mayor's Office for
People with Disabilities (MOPD)
Hearing before the New York City Council Committee on Parks & Recreation

February 27, 2015

Good afternoon, Chair Levine and members of the Committee on Parks and Recreation. My name is Kleo King, and I am the Deputy Commissioner and General Counsel at the Mayor's Office for People with Disabilities. I would first like to thank you for having this hearing to raise the issue of accessibility. Discussions like these raise social awareness, build acceptance and tolerance and ultimately make a difference not only for the 800,000 plus people with a disability living in New York City but for the aging population as well.

As you may know, prior to being appointed Commissioner of MOPD, Commissioner Victor Calise was the first ADA Accessibility Coordinator at NYC Parks and in this role he evaluated the accessibility of the more than 1,900 parks, 1,000 playgrounds, 14 miles of public beaches, 67 pools, 48 recreation facilities and 685 bathrooms.

Building on this work, NYC Parks is taking a proactive approach to remove barriers to accessibility in existing facilities, ensure all design or redesign of NYC Parks facilities meet and more importantly exceed the accessibility requirements set forth in the ADA, and provide programmatic access to people with disabilities. We have and continue to see a great transformation of accessibility throughout NYC Parks.

MOPD's mission is to coordinate and analyze existing City programs for people with disabilities, develop and promote additional programs, and act as the liaison between the city and agencies, organizations and individuals in the development of programs affecting people with disabilities. To that end, MOPD works closely with NYC Parks' staff to ensure its facilities and programs meet accessibility requirements for the more than 800,000 New Yorkers with disabilities. If this legislation is passed, we will work with NYC Parks' staff to implement a useful report on the accessibility of the NYC Parks facilities for individuals with disabilities who wish to enjoy the parks, beaches, playgrounds, and other NYC Parks' facilities and services.

MOPD and NYC Parks share a commitment to ensuring that New York City's parks, beaches, playgrounds and other facilities are accessible and welcoming to New Yorkers with disabilities, and we thank the City Council for discussing this important issue with us. Thank you for the opportunity to testify before you this afternoon, and I would be happy to take any questions you may have.



Hearing before the New York City Council Committee on Parks & Recreation
Int 0558-2014 A- A Local Law to amend the administrative code of the city of New York, in
relation to an annual report on compliance with the Americans with Disabilities Act by the
Department of Parks and Recreation
February 27, 2015

Testimony By: Christopher Noel, ADA Accessibility Coordinator, New York City Parks and
Recreation

Good morning, Chairman Levine, and members of the Parks & Recreation Committee. I am
Christopher Noel, the ADA (the Americans with Disabilities Act) Accessibility Coordinator for
the New York City Department of Parks and Recreation. Joining me on this panel are Kevin
Quinn, Chief of Architecture & Engineering, and Matt Drury, Director of Government
Relations. Additionally, we have with us today Kleo King, Deputy Commissioner and General
Counsel for the Mayor's Office for People with Disabilities. Thank you for inviting me to
testify today regarding Intro 558, which amends Chapter One of Title 18 of the administrative
code of the city of New York.

To begin, I would like to say a few words about my role at NYC Parks. The ADA
Accessibility Coordinator for NYC Parks ensures that facilities, programs and services are
accessible to people of all abilities, is responsible for providing technical assistance to the
design staff and general public, and works to oversee the implementation and expansion of
existing adaptive sports programs and indoor/outdoor adapted aquatic programs designated
for children, teens and adults with autism, physical and mental disabilities. In short, the ADA
Accessibility Coordinator works to ensure opportunities for active recreation and participation
in NYC Parks' programming for all New Yorkers. The position was created in 2006, and in
fact, my predecessor as ADA Accessibility Coordinator at NYC Parks was Victor Calise, who
just last week was reappointed as Commissioner of the Mayor's Office for People with
Disabilities.

Even before the ADA was signed into law, NYC Parks has been exploring ways to bring
recreational activities to all New York City residents. In 1984, NYC Parks opened the first
"Playground for All Children" in Flushing Meadows-Corona Park, which was the first
playground constructed in the United States to accommodate children with disabilities that
use mobility devices such as crutches, canes, walkers or wheelchairs. The park provides
many opportunities for social, cognitive, sensory and motor activity for children with and
without disabilities, and has served as a prototype for similar sites across New York City, the
United States, and the world.

As you're aware, NYC Parks oversees more than 1,900 parks, 1,000 playgrounds, 14 miles
of public beaches, 67 pools and 48 recreation facilities. We work closely with other City
agencies, especially the Mayor's Office for People with Disabilities, to ensure that the voice
of the disabled community is represented when we design or redesign NYC Parks facilities
and that our programs and policies address the needs of people with disabilities.

Through the Recreation Division of NYC Parks, we offer a variety of adaptive sports and
recreation activities for individuals of all ages and abilities, exposing participants to programs
that will help them grow socially, emotionally and physically. The ultimate goal of these
programs is to show individuals living with a disability how participation in a sport and living a
healthy, active lifestyle can have a profoundly positive impact on their lives. Additionally,
NYC Parks serves those with cognitive and developmental disabilities through a variety of
programs, primarily focusing on creative arts and therapeutic practices.

To help fulfill this objective, each borough features "Adaptive Hubs"-- recreation centers that
lead their borough in offering programs for New Yorkers with Disabilities. They are fully
wheelchair-accessible and act as a source of additional information for people with
disabilities about everything NYC Parks has to offer.

Our adaptive programming features a rich and diverse set of activities, ranging from:

Youth and Adult Wheelchair sports such as basketball, soccer, football, softball and tennis;

Adapted Aquatics, offering a complete body workout and ranging from gentle walking in water to high-energy exercise; and other adaptive sports, such as basketball and bowling;

The Paralympics Track and Field Open, an annual event held at Icahn Stadium on Randall's Island where children with physical disabilities come together to compete in a variety of events;

Seated Fitness Classes, accessible for people in wheelchairs and those with limited mobility, including aerobics, dance, weight training and yoga;

Visual arts programs, which provide artists with disabilities the opportunity to develop their skills and socialize with others in the program;

and Sign Language classes, where registrants learn the basics of sign language- colors, numbers, basic greetings and general conversation starters;

Also, several of our Recreation Centers feature wheelchair-accessible fitness equipment that can be used by people with disabilities or limited mobility.

NYC Parks is committed to providing accessible facilities at parks and recreation centers throughout the city and improving the quality of life for people with disabilities. We work to ensure our facilities are can be enjoyed by all New Yorkers, and are fully compliant with the ADA- the Americans with Disabilities Act.

I'd like to provide a bit of background, since there is often confusion on what the ADA requires. The Act was passed in 1990, with the goal of preventing discrimination on the basis of disability. The law required some immediate changes regarding employment protocols and in other areas. It required the Parks Department to make any new buildings or structures accessible, and to to make portions of existings buildings and structures accessible whenever they are modified. It also required the Parks Department to evaluate the programs and services it provides to determine whether they meet the ADA "program access" standard, which states that programs and services offered by a government agency must be accessible to people with disabilities "when viewed in their entirety." The ADA "program access" standard permits the use of older buildings that are not fully accessible when services and programs offered at such places are made available to people with disabilities at alternate sites or by alternate methods. To be clear, it's important to note that a great many of the comfort stations (aka "restrooms") in our city's parks and playgrounds date back to the "Moses Era," when Robert Moses served as NYC Parks Commissioner, from 1934 to 1960. This is why many of our facilities may not be what we consider "accessible", but are still "compliant" with ADA regulations.

This is also why using the term "ADA Compliant" may not be the best measure of actual accessibility for structures that were built before the act was passed. Existing ADA building requirements vary based on how much work is being done, whether the building is landmarked and a host of other parameters. However, newly constructed or reconstructed buildings must comply fully with ADA requirements, and NYC Parks takes that mandate very seriously, ensuring that all of our new capital projects meet or exceed ADA building requirements.

We know that our facilities are critical components to the daily lives of disabled New Yorkers, as well as senior citizens. We treat the laws requiring accessibility as a starting point, not a ceiling. In consultation with the team of trained architects and landscape architects in our

Capital Division, I personally review every single capital project design to ensure that we are providing the best experience possible for all people. This often results in simple changes to designs that aren't required by law, and do not increase costs, but result in a better experience for all Parks patrons. This review is a critical step in our design process.

A good example of how we have successfully integrated accessibility features into our designs is the Alley Pond Environmental Center in Queens, which has completed the design phase and is now in the contractor procurement phase. Because this project is located in a flood zone, it was necessary to raise the floor of the building several feet. Working together with our architects, we were able to make this building better for everyone. The entrance has a graceful gently sloping path that is easy to use whether a patron is using a wheelchair or pushing a stroller. The reception desk is designed to be easily used from a seated position, and also works well for children visiting the center. At the back of the facility, we were able to take advantage of the raised floor height to build an outdoor classroom with tiered seating to grade. By providing an accessible path in front and above the seating, we were able to design an outdoor classroom that works well for teachers and students with disabilities.

We apply the same standards to our passive landscapes. We closely examine park paths to make sure grades can be traversed by everyone whenever possible. For instance, in Riverside Park in Manhattan, where portions of the path are ADA-compliant but long, we provided places for people to rest.

We're especially excited about our playgrounds, which are at the cutting edge of accessible playground design. As every New Yorker knows, lifetime friendships are formed on the playground. It's where parents meet their neighbors and where kids make their earliest friends. No child or parent should be prevented from experiencing this quintessential New York experience. The ADA requirements for playgrounds are fairly minimal, but we strive to exceed them because it's good design and the right thing to do. We carefully select and in some instances invent play equipment that can be used by all children. Playground 123 in Morningside Park in Harlem and Sunset Park in Brooklyn are great examples of this.

Beginning in 2006, NYC Parks drafted and enacted a Transition Plan, a document which, as defined by the ADA, identifies physical obstacles that could limit a person with a disability and provides a plan for its removal. The Transition Plan assessed various categories of properties under Parks jurisdiction, including playgrounds, comfort stations, beaches and historic house museums. The Transition Plan outlined the effort to train staff that would conduct site visits across the park system to assess accessibility of our various facilities over two years.

Facilities that were deemed to be less than fully accessible were defined as work projects, assessed on one of four levels of "Achievability." Trained Parks maintenance and operation staff began "quick fix" repairs that could be handled in-house right away, removing barriers, installing bench armrests and adding signage to inaccessible entrances.

More significant projects, such as constructing ramps, and widening doorways or pathways, were handled by either Parks staff or contractors, as funding became available. Immediately following the drafting of the Transition Plan, over 50 park comfort stations were improved in this manner, and other improvements are made on an ongoing basis. Our "5 Boro" maintenance staff, housed within our Citywide Services division, and our Borough Operations trades staff are available to make repairs and improvements short of major capital construction that help make our facilities more accessible, while we await further funding to redesign these facilities. I'm sure also performed some significant accessibility upgrade work to buildings as well

Since 2011, our Capital Division has completed work on 35 new or reconstructed comfort stations that are fully ADA compliant and accessible, including 5 post-Sandy "modular"

comfort stations, and we currently have 26 additional comfort station projects in either design, procurement or construction.

Recently, we have redesigned our standard Parks Comfort Station to provide a completely accessible experience, from Braille signage on the outside to fully accessible fixtures and fittings. Regarding our existing stock of comfort stations, the agency is examining every variety of Moses Era comfort station, the bulk of our inventory, and we hope to identify methods of upgrading them as funding becomes available.

In our recreation centers, we have swapped out many pieces of inaccessible fitness equipment and replaced them with dual-use fitness equipment such as upper-body bikes, chest press, lat pull down and shoulder press machines that wheelchair users and able bodied members can use with equal ease. We'll also be adding more pieces of dual-use outdoor fitness equipment to many upcoming park and playground capital projects.

NYC Parks is committed to making sure that everyone can enjoy the beautiful beaches of New York City. To this end, in the past 4 years, we've purchased 11,000 feet of "mobi mats," protective plastic matting that provides wheelchair access on beaches, and provided beach wheelchairs for use at many of our beaches citywide, nearly doubling the devices that will be available this year from last year.

Our pools are enjoyed by young and old alike, and assuring their accessibility is a priority for us. We've purchased additional pool wheelchairs for people with disabilities and seniors who may not want to use the hydraulic pool lift but prefer the ramped pool entrances where available, as a means to enter and exit the pool. And we've added ramps providing easy of entry into our mini pools.

As for future renovations and improvements, as Council Members are well aware, it is often difficult to forecast when funding will become available for a given capital need. Still, we are committed to prioritizing ADA compliance and accessibility whenever capital improvements are made. To this end, as part of the "Framework for an Equitable Future" announced late last year by Parks Commissioner Mitchell J. Silver, we're planning to institute an ongoing Capital Needs Assessment for Parks property and facilities, which will track and catalog necessary capital improvements on a rolling basis. As these improvements are being tracked, we will take special note of any changes needed to make all of our facilities ADA-compliant and as accessible as possible. We're happy to announce that the Mayor's preliminary budget includes funding that will allow this process to begin, and we look forward to working with you as we move forward.

To make sure our staff have the tools they need to inspect our facilities in a sensitive and accurate manner, this spring, our managers in our Play Equipment Program, a newly standardized management system for each borough set up to manage repair and maintenance of play equipment, will be fully trained on ADA accessibility issues.

We're also very proud of the transparency and public access to information offered by NYC Parks regarding our facilities and programs. Our "Accessibility in NYC Parks" website is a one-stop source of helpful information about the wide variety of programs we offer, geared specifically towards people with physical disabilities, as well as more information about the accessibility of our facilities. Users can even contact me directly if they have questions or concerns, and they can use the website to formally file an ADA complaint.

As to the annual report that this legislation would mandate, NYC Parks looks forward to working with the Council to provide information about the accessibility of our beaches, pools, recreation centers, park comfort stations and playground comfort stations. Since we are just now beginning our process of real-time assessment in the field, to ensure that the reporting is as full and accurate as possible, we would recommend a phased implementation of the

report, beginning with an assessment of pools and beaches in 2015, adding recreation centers in 2016 and finally, park and playground comfort stations in 2017.

Regarding the facilities we will be reporting on, NYC Parks is pleased to work with the Council and the Mayor's Office of People with Disabilities to define categories of compliance and accessibility. We would also like to work with the Office of Management and Budget to properly categorize our plans to address inaccessible sites and properly describe their funding status.

We look forward to continued collaboration with the City Council to implement a useful and transparent report on this topic, and we will update you as we make progress in our broader efforts to improve the way we ensure our parks and facilities are accessible to as many New Yorkers as possible.

Thank you for the opportunity to testify before you this afternoon. My colleagues and I will be happy to answer any questions you may have.



Disabled In Action of Metropolitan New York, Inc.

New York City Council Committee on Parks & Recreation

***NEW 02/27 1 PM, City Council Committee on Parks & Recreation hearing Int. No. 558 - In relation to an annual report on compliance with the ADA by the department of Parks and Recreation (**

February 27th, 2015

My name is Edith Prentiss; I am President of the 504 Democratic Club, Vice President for Legislative Affairs of Disabled in Action of Metropolitan New York (DIA), Chair of the Taxis For All Campaign (TFAC), and a Board Member of the Disability Network of New York City (DNNYC) Board. Thank you for the opportunity I'm glad to have an opportunity to testify today.

This July 26th, we're celebrating the 25th Anniversary of the ADA this July 26th. ADA standards, based on the Board's ADA Accessibility Guidelines (ADAAG), are issued by the Department of Justice (DOJ) and apply to facilities covered by the ADA in new construction and alterations. A major problem with the ADA is the lack of enforcement (not a City problem but a problem for every person with a disability). We can and do file federal complaints which if you're lucky are slowly addressed. The ADA should not be used as a terminal standard. A perfect example is restroom sinks. Many a designer (not just Parks) has told me their bathrooms are ADA compliant but I can't get my wheelchair into and close the stall door and can't reach the sink or soap etc.

Parks has made great strides since New York State Comptroller Alan Hevasi's Compliance with ADA Requirements Audit Report 2004-N-6. The Report "audited the actions of the New York City Department of Parks and Recreation (Parks) to provide access to its facilities to persons with disabilities, and determined whether Parks has complied with selected requirements of Section 504 of The Rehabilitation Act of 1973 (Rehabilitation Act) and Title II of the Americans with Disabilities Act of 1990 (ADA), as well as the US Department of Justice Regulation, 28 CFR Part 35 (Regulation)."

A problem we have is that there is no accessibility watch dog in city government to insure Parks or other entity are following the ADA, state and city laws. Yes, we have MOPD, CCHR both of which are mostly complaint driven. As a Mayoral agency MOPD would be in the position of biting the hand that feeds them. I propose that MOPD work with the Department of Investigation. I also propose increasing the power of CCHR so that they can investigate without an complaint (as was proposed at a City Council hearing several years ago).

Have they? Has it been enough? Margie Rubin, a wheelchair using park advocate frequently asks if a "wheelchair is a cloak of invisibility". I often feel the answer is yes!

Firstly, I'd like to address the issue of Center membership fees. For years, disability advocates have raise the issue of the cost of membership fees for adults with disabilities. Before Parks raised their membership fee to \$150, I knew many people with disabilities who were members but when the fee was raised to \$150 (for a center with an indoor pool) many of us quit Over 61 years & under 25 years membership for all Centers is \$25, and free for those under 18 years. But the cost for people 25-61 with disabilities for a Center with an indoor pool membership is \$150/year or \$75 for 6 months (outdoor pools are free but I'm concerned about the safety of my wheelchair).I've been told \$150/year is cheaper than the Y, Planet Fitness and Blink especially for an indoor pool. Parks staff have raised questions as to how they can identify PWDs. Some have suggested a means test (ie having Medicaid). Why is there no means test for anyone under 25 or over 61. So why PEOPLE WITH DISABILITIES?

Some access problems include: Washington Sq Park's locked & hidden family rest room, accessible swings that broken when teenager(s) use them, Maintenance workers needs training for example if the toilet paper holder falls off a bathroom wall, Many benches lack backs and arms necessary for seniors and PWDs to get up. Stone benches are hot/cold depending on the weather. Benches surrounded by pavers; While some WC users want to sit next to benches other sit in front facing the bench but pathways need to be wide enough to accommodate all. Ft Tryon Park's lawns are edged by angled bricks. When events are held on the lawns, it is not safe for WC users to jump the bricks. After many requests a few plywood ramps were utilized but more are needed; There is a need for signage directing PWDs to accessible entries and paths; the fact a repair is on the Capital list should not mean there isn't a need for a temporary fix!

Thank you for the opportunity to testify.

February 27, 2015 - City Council Testimony

My name is Sheldon Fine and I am a member CB7. For the past two years we have been exploring issues of accessibility in our community. We concluded the greatest unaddressed need was for playgrounds that would be accessible to all children,

Our conclusion was that accessibility alone was insufficient to address the needs and the desirable social integration of all children in our community. We proceeded to research model of “inclusive playgrounds”.

We define “inclusive playgrounds” as those intentionally designed for children with diverse abilities and disabilities to play together. Inclusive playgrounds should be fully accessible according to ADA requirements and meet the principles of universal design, which is “a process that enables and empowers a diverse population by improving human performance, health and wellness, and social participation” (Steinfeld and Maisel, 2012). The Center for Inclusive Design and Environmental Access at SUNY Buffalo (IDEA) describes universal design in terms of the following principles or goals:

1. Body fit: Accommodating a wide range of body sizes and abilities
2. Comfort: Keeping demands within desirable limits of body function
3. Awareness: Ensuring that critical information for use is perceived easily
4. Understanding: Making methods of operation and use intuitive, clear, and unambiguous
5. Wellness: Contributing to health promotion, avoidance of disease, and prevention of injury
6. Social integration: Treating all groups with dignity and respect
7. Personalization: Incorporating opportunities for choice and the expression of individual preference
8. Cultural appropriateness: Respecting and reinforcing cultural values and social/environmental context of any design project (2015).

MCB7’s Inclusive Playground Task Force has identified Bloomingdale Playground in our district is an apt site for an inclusive playground. We are working collaboratively with the Department of Parks and Recreation, P.S. 145 Bloomingdale School, West Prep Academy, and other entities (IDEA, New Yorkers for Parks, United Cerebral Palsy of New York, as well as other CBOs, members of citywide councils, and parent advocacy groups) to develop a model of an inclusive playground. We believe that this model could also be used to advocate for the development of inclusive playgrounds citywide that meet universal design standards.

**City Council Hearing
Committee on Parks and Recreation
February 27, 2015**

Hello. My name is Rita Genn and I am a parent of two school age children and now a Community Board 7 member who has been a very involved parent in the Upper West Side community where I reside for nearly 20 years.

I made the important decision early on to fully involve myself and engage in my children's education so that I may learn what they are learning. For the past several years I was also the PTA President at a Kindergarten-8th grade NYC public school on the Upper West Side of Manhattan where both my children attended. This school embodies a learning community where children of ALL abilities and disabilities come together to celebrate multiple ways of learning about their world and each other. What makes this school so exceptional is that it has one of the largest **inclusion** (or immersion) **programs** in the New York City for children with severe mobility impairments and many other special needs. There are many other students at this school who have a wide range of other special needs including social, emotional, intellectual, spiritual, and vocational. In each grade, there are approximately 2 inclusion classrooms out of 3-4 classrooms per grade. The common benefit is real and very apparent: Both typically developing children and children with special needs who learn along side one another benefit immensely. **They are learning from each other about their differences and similarities. Why then, should children not all have this same ability to play together?** After all, children learn when they play. When children play with each other, they learn how to learn.

That's why, I am now also a member of an **Inclusive Playground Task Force** on Community Board 7, where we are **advocating for the development of a new playground to be, not only accessible, but designed to also be inclusive, so that all children with different abilities and disabilities come together to play, engage, interact and learn about the world and each other. The same way I** just described where some children fortunate enough are able to learn in an inclusive classroom and experience this type of learning every day. All children should have the same opportunity to participate in their own learning and the playground is a very important venue for that social learning experience to happen.

Thank you.

**THE COUNCIL
THE CITY OF NEW YORK**

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in favor in opposition

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Name: Sheldon Fine

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10028

I represent: CR7

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I represent: _____

Address: _____

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Name: Kleo King

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Name: Matt Drury → Director, Government Relations

Address: Central Park

I represent: NYC Parks

Address: 830 5th Ave

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Name: Kevin Quinn → Chief of Architecture & Engineering

Address: Central Park

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Address: _____

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Name: Chris Noel → Accessibility Coordinator

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Name: Edith Prentiss

Address: 739 W 186 St 4E NYC 10033

I represent: DIA

Address: _____

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Name: Bar A. Fisher

Address: _____

I represent: Fountain House

Address: _____

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Name: GONZALO CASALS

Address: _____

I represent: FRIENDS OF THE HIGH LINE

Address: _____

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Date: _____

Name: Joan Peters (PLEASE PRINT)

Address: 9 Prospect Park West Bklyn 11215

I represent: Brooklyn Center for Indep of the Disabled

Address: 27 Smith St, Bklyn 11201

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Name: Jeffrey (PLEASE PRINT)

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I represent: NYC Poor Advocates

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