

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC SAFETY

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September 10, 2009

Start: 1:00 pm

Recess: xx:xx am

HELD AT: Council Chambers
City Hall

B E F O R E: PETER F. VALLONE, JR.
Chairperson

COUNCIL MEMBERS:
Gale E. Brewer
Erik Martin Dilan
Helen D. Foster
Daniel R. Garodnick
James F. Gennaro
Vincent J. Gentile
Domenic M. Recchia, Jr.

A P P E A R A N C E S [CONTINUED]

Peter F. Vallone, Jr.
Opening Statement
Chair
Committee on Public Safety

Carol Post
Director of Agency Services
Mayor's Office of Operations

Emily Rubenstein
Mayor's Office of Operations

Nazli Parvisi
Mayor's Office

Henry Earhart
Deputy Director
Office of Community Affairs

Written testimony:
New York City Civil Liberties Union

Written testimony:
Rent Stabilization Association

Gale A. Brewer
Sponsor of Intro 1042
New York City Council Member

Gail Cohen
ACTION, A Coalition to Improve Our Neighborhoods

Joan Shower
Greater Ridgewood Restoration Corporation

Paul Kerzner
President
Greater Ridgewood Restoration Corporation

Theodore Renz
Executive Director
Myrtle Avenue Business Improvement District

A P P E A R A N C E S [CONTINUED]

The Ridgewood Local Development Corporation
Board member
Greater Ridgewood Restoration Corporation

Jonathan Chung
Legislative Director
Committee on Public Safety

CHAIRPERSON VALLONE: Good

afternoon everyone and welcome to today's hearing of the Council Committee on Public Safety. Today we're going to be discussing Intro 1042, a Local Law to amend the Administrative Code of the City of New York in relation to the abatement of graffiti on commercial and residential buildings.

This legislation would amend legislation that we made into law in 2005 which I sponsored and which for the first time, maybe in the country, I forget, it's a while ago, actually held private owners responsible to clean their property whether it was commercial property of six families and up. And from what I'm told, I can't wait to hear more about this bill; this bill makes that one even better.

And I think everyone is probably aware that in my time as Council Member, this Public Safety Committee has been waging war against graffiti and trying to do what we can to give the police and the administration the tools they need to combat this scourge. And it's a plague on the esthetic quality of New York's neighborhoods and presents a significant economic

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2 burden to both our budget and it decreases
3 property values.

4 Graffiti-free New York City has
5 been incredibly successful. In the first six
6 months of 2008 the City removed graffiti from
7 3,478 sites. So far in 2009 it's removed graffiti
8 at 3,891 sites, an estimated 2.5 billion square
9 feet. In addition 727,800 square feet of graffiti
10 removed by the Parks Department and almost 3
11 million were removed by the Department of
12 Transportation, a total of about 6 million square
13 feet by City agencies in 2009, that's a record
14 8,913 sites throughout the five Boroughs.

15 The current graffiti removal system
16 is effective but it's time-consuming and resource
17 intensive. Currently property owners who are
18 often the victims of the vandalism are required to
19 address graffiti on their property or face fines,
20 so rather than requiring property owners who opt
21 into the City Cleanups, this bill will allow them
22 to only be required to opt out.

23 This amendment reduces the burden
24 of graffiti removal that rests on property owners
25 and will increase the efficiency with which the

1
2 City can quickly remove unwanted graffiti from
3 property.

4 Sanitation Commissioner Dougherty
5 recently said that New York City streets are now
6 the cleanest they've been 35 years but 1 wall
7 covered by illegal graffiti might send different
8 messages to New Yorkers and visitors alike.

9 The law I wrote in 2005 has
10 successfully allowed the City to clean many
11 businesses and large residential buildings. I
12 commend the Mayor for making it an even more
13 effective anti-graffiti tool. Gale Brewer was
14 also very involved in this and she may be coming
15 to give a statement, not here yet. Not the best
16 week for hearings with primaries next week but
17 this was an important bill the Administration
18 wanted to move on it quickly. So we're trying to
19 do that.

20 So we look forward to hearing some
21 of the specifics of this bill that sits before us
22 right now is not the final version. I here we're
23 working on amendments together and we will be
24 discussing those and we're joined by Carol Post
25 from the Mayor's Office of Operations, Henry

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2 Earhart, the Deputy Director of the Office of
3 Community Affairs, and Department of Sanitation's
4 Nazli Parvisi, from the Mayor's Office it says.
5 That's your title, Mayor's Office? [Chuckling]
6 Yeah I couldn't--you're selling your self here
7 Mayor's Office and Emily Rubinstein from the
8 Mayor's Office of Operations.

9 So I actually was not aware that we
10 were going to have this many people. I would have
11 brought food and drinks and, you know, some music,
12 but I'm glad you're all here. And whoever's going
13 to testify, please begin.

14 MS. CAROL POST: Good afternoon.
15 Thank you Chairperson Vallone, members of the
16 Public Safety Committee. I appreciate you making
17 the time to hear what we have to say about this
18 and for accommodating the speed and moving this
19 forward. My name is Carol Post. I'm the Director
20 of Agency Services at the Mayor's Office of
21 Operations. I'm joined by colleagues from
22 Operations, from the Department of Sanitation and
23 from the Mayor's Office of Community Affairs.
24 This has definitely been a collaborative effort
25 amongst a number of City agencies.

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2 As we know, nationwide and
3 especially in New York City, graffiti is a serious
4 problem. The City has been working to tackle this
5 problem for many years in partnership with the
6 Council, with Community Boards and other community
7 groups. And since 1999 the City has provided free
8 graffiti removal services to New Yorkers through
9 the Graffiti-Free NYC Program.

10 Graffiti-Free NYC is a joint effort
11 between the Economic Development Corporation, the
12 Department of Sanitation and the Mayor's Office of
13 Community Affairs. And as you noted this year we
14 have set records in terms of the amount of
15 graffiti that we've been able to clean.

16 Our fight against graffiti has been
17 possible because of the original graffiti bill
18 that you were responsible for. That legislation
19 helped the City establish a program to
20 affirmatively and aggressively address the
21 problem. And as the number of reported incidents
22 has increased, we have sought to keep improving
23 the program and to stay one step ahead.

24 During 2007, staying one step ahead
25 became even more challenging. It was during this

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2 time that the number of graffiti conditions
3 appeared to jump by nearly 60%. This rise in
4 reported conditions is largely attributed to the
5 introduction of the Street Condition Observation
6 Unit. The SCOUT team as we call it is a group 15
7 City inspectors who drive every City street once
8 per month. They look for and report on quality of
9 live conditions to our 311 customer call center.

10 SCOUT enables us to proactively
11 identify graffiti markings in the City across all
12 five Boroughs, once a month. And as a result the
13 number of graffiti related reports increased
14 rapidly once SCOUT started these patrols. This
15 increase prompted a review of the City's graffiti
16 cleaning program to ensure that we could continue
17 to be responsive.

18 The review led to a number of
19 changes to our internal operations including
20 upgrading the technology used to provide customers
21 status of graffiti complaints. And the change has
22 resulted in a dramatic increase in the number of
23 sites cleaned since 2007 and a 50% decrease in the
24 amount of time that it takes the City to respond
25 to cleaning requests.

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2 But we think we can do even better
3 and do even more to erase graffiti from the City
4 streets. Intro 1042 proposes several key
5 amendments to the original graffiti-free bill
6 which would make the program even more efficient,
7 expedient and cost-effective. The amendments will
8 make it easier for property owners to get graffiti
9 cleaned and allow us to be more aggressive in our
10 efforts to stay one step ahead.

11 The proposed changes focus on two
12 key areas. The first is efficiency. The City's
13 current graffiti cleaning program creates an
14 administrative process that can sometimes impede a
15 property owner from getting the help they need.
16 Under the current program, a property owner who is
17 a victim of graffiti may request that the City
18 clean or remove the markings. However the owner
19 must first submit a legal waiver form to grant the
20 cleaning crew access for cleaning.

21 While we have made this form
22 available online and it may be submitted
23 electronically, it is still a step that for many
24 is seen as a hassle. And in cases where property
25 owners are not aware of the free cleaning services

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they are left to often perform expensive and difficult cleaning processes on their own or simply live with the markings.

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The second area we want address is productivity. As we well know graffiti tags as they're called don't recognize property lines. A marking can often scrawl across multiple properties or store fronts. Because we can only clean properties where waivers have been submitted, the cleaning crews are routinely faced with an inefficient process of assembling equipment, prepping the area and then cleaning and detailing a surface but only for the property or store front which has submitted a waiver.

The Administration is proposing an alternative approach that would streamline the current process and make it more efficient, more productive and more customer-friendly. We're proposing to eliminate the waiver requirement and instead making removing graffiti the default option for the property owner. Of course the property owner can opt out of the free cleaning service if the marking is intentional artwork and not vandalism or if they simply prefer to remove

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2 the graffiti themselves.

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And while we pride ourselves in trying to be innovative, we're not the first jurisdiction to implement this opt-out concept. Cities like Los Angeles, St. Louis and Chicago tackle their graffiti in much the same way.

Here's how it would work. Once graffiti is identified, whether it's from the SCOUT monthly patrols or from a property owner or neighbor reporting it to 311, the City would log the report and immediately send out a notice to the property owner alerting them of the City's intent to clean or remove the graffiti. That's not different from what we do today but what would be different is the message we would send.

The notice to the property would inform the owner that the City offers graffiti cleaning services at no cost and if the owner wants the City to clean it for them, the owner doesn't have to do anything at all. However if the owner wants to opt out for any reason or no reason at all, they have 35 days to notify the City and the property will not be added to the cleaning list.

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2 For example, if the property owner
3 wants to keep the graffiti or if they specifically
4 commissioned it to be painted, they have the right
5 to keep it there. And of course if the owner
6 prefers to clean it themselves, they may do so as
7 long as it is done within 35 days.

8 The idea and the principle here is
9 to shift the burden from the property or the
10 business owners to the City. It's a proactive,
11 more customer-friendly model of City services
12 where the City would be expected to do the right
13 thing first. We think this bill accomplishes that
14 goal.

15 In addition, I'd like to speak
16 briefly about three changes to the proposed new
17 processes that have been suggested by the City
18 Council since the bill was introduced. The first
19 is the addition of a 15-day extension to the opt-
20 out waiting period. While our goal is always to
21 get the graffiti conditions as quickly as our
22 resources permit, we recognize the need to ensure
23 that property owners have sufficient time to
24 receive the notice, determine whether they want to
25 opt out or not and to actually clean the graffiti

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themselves should that be their choice.

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For that reason we have agreed to add language to the bill to enable a property owner to contact the City within the 35-day opt-out period and request an additional 15 days be added to the waiting period. It should be a simple process. There's no forms. There would be no approvals requires. They simply have to make the request before the 35 days have expired.

The second is a clarification regarding access to property. We agree to add language to clarify that it is not our intention nor is it our practice to access dwelling units in order to clean or remove markings.

And finally we will be proposing language to clarify the process for notifying property owners of the opt-out program. We agree that it is crucial that we take the appropriate steps to ensure that a property is duly notified and we will be identifying the appropriate data sources available to the City to ensure that we take all the necessary steps to accomplish that.

We think the bill with these proposed changes will advance the way the City

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2 addresses this critical problem, build upon the
3 framework that has been set for us by the original
4 graffiti bill and optimize the efforts of the
5 Graffiti-free team. We thank you for your
6 consideration and we're now available for
7 questions.

8 CHAIRPERSON VALLONE: Okay. Thank
9 you for your testimony. You addressed many of our
10 concerns already. First of all just generally,
11 what is the interrelationship between the agencies
12 that are involved here? I mean how do you work
13 together, the Mayor's Office of Operations,
14 Community Assistance Unit which this bill now
15 removes apparently from the legal language, the
16 Department of Sanitation. Just tell us a little
17 bit about how you will all work together on this.

18 MS. POST: I'll give you a little
19 bit of background on it and the way the operation
20 works. And I would suggest that all of the
21 parties here will continue to play a critical role
22 whether they're articulated in the legislation or
23 not.

24 The Department of Sanitation is the
25 lead agency responsible for the control and

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2 management of the graffiti program. And they will
3 be responsible--we've added some performance
4 measures to ensure that we're really holding
5 ourselves accountable for graffiti control.

6 The Economic Development

7 Corporation provides a large share of the cleaning
8 services themselves through Federal funds, through
9 CBDG grants. There is a workforce that is
10 available through the Economic Development
11 Corporation and they provide about 75% of the
12 cleaning workforce that's actually out doing the
13 job.

14 Community Affairs, while no longer
15 mentioned specifically in the legislation, will
16 continue to play a crucial role in partnering with
17 the community groups, Community Boards and others
18 to ensure that we're out there on the ground, on
19 the streets, and making sure we're staying
20 vigilant to the problem.

21 The Mayor's Office of Operations
22 became involved in 2007. We managed the SCOUT
23 program. SCOUT is a lead, is the eyes and ears of
24 the City and is ensuring that we stay, that we
25 have an affirmative approach to how we identify

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2 graffiti conditions as well as we've been
3 instrumental in the review that I spoke of in
4 terms of making some operational changes to ensure
5 that we are operating efficiently and effectively.
6 We introduced some new technology to make the
7 system move a little smoother behind the scenes.

8 CHAIRPERSON VALLONE: It's not
9 every day that one of my bills in general and
10 especially graffiti bills get made tougher and
11 improved. And I can get used to this. But there
12 are some concerns about this bill and my first
13 concern, one of them, is that the original bill
14 gave the option of fining an owner who did not
15 clean the property. It was never our intention.
16 That wasn't the purpose of the bill. I don't even
17 know if you've ever used the fine. The purpose
18 was to get them to sign the waiver so we could
19 clean it. And that's the way it's been working,
20 and it's been working well. And that's what your
21 changes recognize. The idea here is to clean it
22 and this will make it easier to clean.

23 Without the option of the fine
24 though, what happens down the road if we're in
25 another huge budget crisis and they decide to cut,

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2 you know, it comes down to a cut between graffiti
3 removal and teachers or cops or something, we just
4 don't have the resource to do this and you need to
5 get private owners to clean their own property.

6 Don't you think it might be better
7 to have that option still in the bill?

8 MS. POST: I think it's a very good
9 point. And since the bill was introduced, there
10 actually have been some discussions internally
11 about adding back an enforcement component. And I
12 think you may see some language to that effect.

13 CHAIRPERSON VALLONE: Okay great.
14 I just noticed that we've been joined by Council
15 Members Foster and Dilan. Thank you both. And
16 also by the bill's sponsor here, Council Member
17 Brewer. Gale, would you like to say some words on
18 this? She wants to keep listening. Okay. That's
19 why she's so good.

20 Now the NYCLU has given us some
21 testimony that we've placed into the record. And
22 they had some concerns and one of those you intend
23 to address here regarding clarification of access
24 to the property. They had some privacy concerns
25 and wanted to make sure that you only had access

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to the portion of property you needed access to,
3 to clean the graffiti. That's something we're all
4 going to address working together?

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MS. POST: Absolutely. As I said
it was not our intention to provide any access
that we don't currently have today nor is it our
practice. For all intents and purposes the
cleaning crews are--stay pretty intact out on the
public right-of-way and on the sidewalks. And to
the extent that graffiti is getting beyond our
reach, I think we want to be able to stay ahead of
the, you know, stay ahead of the fight and be
innovative but it is not our intention to enter
private dwelling areas or occupied spaces.

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CHAIRPERSON VALLONE: Another group
that has some objections right now is the Rent
Stabilization Association. I think they can be
broken down into two basic objections. One you
partially addressed with your 15-day extension.
They state in their testimony which will also be
made a part of the record that 35--the original
bill had 60 days and it's down to 35 days.

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First of all I wanted to know why
we did that. And second of all the concern is

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2 that in that time period, especially the bigger
3 buildings which have management companies, it may
4 not get to the right person to allow them to take
5 action. And if they're allowed to do the
6 cleaning, that saves everyone money and trouble at
7 our level. So they wanted extra time.

8 Now you have agreed, apparently, to
9 a request for an additional 15 days. I assume
10 they're going to say, and again they're not here,
11 they've--I don't--well they do have a
12 representative. I assume they would say that the
13 problem is not that--the problem is more that they
14 don't get the notice to the right people on time
15 so if they're forced to request the 15 days, it's
16 not going to be all of that much help.

17 So why did we lower the 35 days and
18 would you object to extending it without a
19 request?

20 MS. POST: Let me answer the first
21 question. The idea behind accelerating the
22 cleaning process is two-fold. One is, and I think
23 we would all agree in trying to rectify the
24 situation, the faster you get to it the better.
25 And the idea of letting graffiti languish is not

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one that fulfills the goal that we're trying to accomplish.

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Where we approach the 35 days, represents about the time that our resources are able to get to it. So we wanted to try to present a scenario where we would be, and as we refer to in the testimony, would be sort of as on top of it as we could be, given the resources. And we can turn around response times somewhere in the range of 30 to 45 days right now.

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And again that intention is to be able to get to it as soon as it's there or as soon as it's possible in terms of our resource availability.

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In answering the response to folks who may have a concern about getting proper notice or if there is an absent owner, which we understand, is quite common, I think there's two responses to that. One is that by building the additional time, it does recognize the need that someone may have before they make that decision.

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The other element of this is if they're having difficulty identifying or getting to the owner, or coming to conclusion on what

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2 choice they want to make, they can always opt out.
3 And by opting out you've been basically taken off
4 our cleaning list. Should you then make a
5 decision later, in fact they've identified the
6 owner or the owner has decided, you know what; I
7 don't want to clean it myself. I do want the City
8 to do it, you simply notify us and you're back on
9 the cleaning list. So we felt like there was--

10 CHAIRPERSON VALLONE: [Interposing]
11 I'm just confused. When you say opt out, you
12 mean, is there a process before they even get a
13 notice to opt out--

14 MS. POST: [Interposing] No, so--

15 CHAIRPERSON VALLONE: --or what?

16 MS. POST: Well. Let me back up.
17 So they would receive the notice that says you
18 have 35 days to let us know that you either want
19 to maintain the marking or that you want to clean
20 it yourself. And if we don't hear from you in
21 that timeframe, you're on our cleaning list and we
22 will clean it. If during that time, let's say you
23 have a property manager or someone who's standing
24 in the shoes of the owner, if that party is unable
25 to contact the owner or unable to make a

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2 determination of whether they want to maintain the
3 markings or to clean it themselves, they could
4 contact the City to opt out.

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6 Whether that would be their
7 ultimate decision or not, they can stop the clock
8 essentially. There's no long-term ramification
9 from that. So if at some point they then reach
10 the absent owner and the owner says no in fact I
11 want the City to clean it for me, then they simply
12 can call us and they'll be back on the cleaning
13 list.

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14 So we felt like there was not
15 really, there was not really a penalty to someone
16 for having an absent owner or for failing to--

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17 CHAIRPERSON VALLONE: [Interposing]
18 I'm still--maybe it's just me; I'm unclear as to
19 the opt-out. So the option, I mean there are
20 apparently--there are two options that you clean
21 it yourself or you allow yourself to clean it,
22 allow the City to clean it. By opting out,
23 you're--is that the same as saying you're going to
24 clean it myself? Is that what you mean by opting
25 out?

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MS. POST: Or you're saying you

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2 don't want this--you're either saying I want to
3 keep it.

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CHAIRPERSON VALLONE: Oh. Okay.

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6 MS. POST: Sometimes the graffiti
7 is--we recognize sometimes graffiti is not always
8 vandalism. Sometimes it's intended to be there.

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9 CHAIRPERSON VALLONE: Very rarely
10 though, okay yeah. [Chuckling]

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11 MS. POST: So we're preserving that
12 right, should it be the case. So what we've
13 designed is a context where someone could exercise
14 that right. And they may not intend to keep it
15 there but if there is an absent owner or they're
16 unsure what their next course will be, they have
17 that 35 days--

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18 CHAIRPERSON VALLONE: [Interposing]
19 Okay.

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20 MS. POST: --they simply can make
21 that call.

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22 CHAIRPERSON VALLONE: I see what
23 you mean now. So the bigger question then just
24 becomes we're assuming that the right person gets
25 it in their hands within that 35 days to make that
decision. That's the problem. And I'm not going

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2 to dwell on it but the RSA and New York Civil
3 Liberties Union, the door is open to my counsel
4 and you to continue to be involved in negotiations
5 as we amend this bill.

6 The other concern, I'm sorry, the
7 RSA which is a legitimate concern is the waiver of
8 liability. The bill says that the City won't be
9 liable for any property damage. And I can
10 understand why it says that. I can also
11 understand why property owners might be upset that
12 if the City comes in and, you know, breaks a
13 couple of windows, you're not held liable for it.

14 Is that something that we can come
15 up with some amendments towards? I'm thinking
16 maybe you're not liable for regular negligence but
17 liable for gross negligence. It's just off the
18 top of my head. But I can understand why a
19 private property owner might be upset if you're
20 not liable for damage. What's your opinion on
21 that?

22 MS. POST: Well I think I would
23 respond that we're, of course, open to discussing
24 any proposals as we go through negotiating the
25 final terms of the bill. On that front the

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2 current scenario for a property owner who signs a
3 waiver that is basically waiving all liability for
4 the City. So by converting that affirmative
5 signature of a waiver to the duration of the
6 waiting period, essentially have the same rights
7 and obligations.

8 The one thing I would add to that
9 is that in the history of the graffiti-free
10 removal program we have not--we've actually
11 searched pretty deeply into, through our legal
12 counsel and through the Comptroller records. We
13 have not had any claims lodged for any damages
14 made. That's certainly not to say that it
15 couldn't occur and wouldn't occur. But there have
16 not been any incidents or records of them.

17 That being said, we're certainly
18 open to discussion.

19 CHAIRPERSON VALLONE: That's pretty
20 impressive. But, you know, obviously the goal of
21 all of us is to get as many people to consent to
22 you guys cleaning the property as possible. And
23 that might be a drawback. So that's something
24 else we'll discuss.

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City, per year, let's say?

MS. POST: I'm going to turn it over to Emily Rubenstein who has some facts and figures for you.

MS. EMILY RUBENSTEIN: Thank you. So we've actually greatly improved [skip]. Sorry. So we've actually greatly improved the cost effectiveness of the program over the years. And specifically we've been able to [skip]. Thank you.

So the FY '10 budget for the Graffiti-Free NYC Program was \$2.8 million. 70% of it is for personnel. And specifically we've actually greatly increased the cost effectiveness of the program. So in FY '09, we were cleaning at a cost of approximately \$.22 per square foot on average. And the same period during the previous fiscal year, we were cleaning at \$.38 per square foot. So we've really improved the efficiency of the program. We'd like to take credit for that in the Mayor's Office but we know we can't. So our crews have done an amazing job in getting the program honed to a fine art. They have state of the art equipment. And they've been doing a great

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job over the past few years.

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CHAIRPERSON VALLONE: So that's basically your budget. Do you have any other figures about the general cost of graffiti to the City as a whole?

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MS. RUBENSTEIN: Oh I'm sorry.

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CHAIRPERSON VALLONE: Yeah.

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MS. RUBENSTEIN: I don't--

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CHAIRPERSON VALLONE: [Interposing]

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And I need that information too. That's--

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MS. RUBENSTEIN: I don't personally

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have that information off hand but we're happy to

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gather that for you.

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CHAIRPERSON VALLONE: Okay. You

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mentioned your budget and what you do. Does this

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bill involve at all not-for-profits who might do

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some cleaning or even hiring private companies

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that do cleaning? Is that--how are they involved

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in this?

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MS. RUBENSTEIN: Absolutely. I'm

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happy to speak about the Mayor's Office Community

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Affairs Unit's program. Nazli, did you want to

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speak to that? Community--yeah.

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MS. NAZLI PARVISI: Yeah.

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MS. RUBENSTEIN: There you go.

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MS. NAZLI PARVISI: In addition to the anti-graffiti program we also have the Mayor's Paint Program which provides free paint and supplies to community groups. It's an opt-in program. Community groups get together and give us an area, go collect the waivers. We give them the supplies and they paint it over. So for us it's a great way of getting folks civically engaged in graffiti removal.

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CHAIRPERSON VALLONE: I'm very

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sorry--

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MS. PARVISI: [Interposing] That's

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okay.

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CHAIRPERSON VALLONE: --I just had

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to--was asking about questions. You can say that?

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MS. PARVISI: I was just speaking

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to the Mayor's Paint Program which allows civic

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groups, youth groups, etcetera to ask for

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supplies. Right now they get waivers for a street

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or an area in their neighborhood. We give them

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the supplies and the paint and they paint it over

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on their own.

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[Pause]

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2 CHAIRPERSON VALLONE: Okay. I'm
3 going to turn it over. I have some more questions
4 but I'm going to turn it over first to the bill's
5 sponsor, Gale Brewer who's been at the forefront
6 of this fight. And in fact it was Gale that first
7 recognized the problem of etching acid and added
8 that to the list of graffiti tools that minors
9 could not possess. So Gale thanks for your
10 efforts in this regard. And I look forward to
11 hearing from you.

12 COUNCIL MEMBER BREWER: And thank
13 you for yours, and we joke because nobody can
14 believe that a West Sider and a guy from,
15 wonderful guy from Astoria are working together on
16 quality of life. But that's a good story. It's a
17 pleasure to do so.

18 I got started on this, as you know,
19 on this issue because I've been working with the
20 wonderful men and women who work with the trucks,
21 the graffiti-free trucks. And for the last three
22 years I get on the truck, we power wash, we paint.
23 But getting these waivers is a nightmare.

24 We go door to door for a year,
25 cajoling, going back, begging, pleading for

1
2 waivers. And then we have this big stack of
3 waivers and then we drive in the truck. And we
4 see graffiti and we don't have a waiver for that
5 particular building and then we have to keep
6 going. It is so frustrating.

7 So that's why I'm excited about
8 this legislation, you know, with the caveats that
9 have been discussed by the Chair, from Civil
10 Liberties Union and from RSA, making sure that
11 everybody's liberties are supported.

12 My question is this. I just think
13 this is also an opportunity to work generally on
14 the anti-graffiti effort because this will help
15 but you only have limited trucks, limited staff
16 and so on. And I do think you should try to
17 circulate the funding so that you have evening. I
18 know right now it's a daytime program.

19 It used to be an evening program.
20 I think there was some discussion that you could
21 shift the money if you may not have more money
22 because the security gates, if people want to
23 have, and some of them do, have beautifully
24 designed security gates. That's fine. But then
25 some folks have graffiti on them. So I would

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2 suggest that that would be another thing to really
3 seriously look at as opposed to we don't have the
4 money, if we could shift it to the evening, if
5 people and workers were amenable to that.

6 My question is how do we continue
7 to work with the Police Department not just, you
8 know, enforcement but also the Police Department
9 has been very supportive with one officer talking
10 to the merchants. Because even if people get 35
11 days, I don't want anybody penalized. I agree
12 with some of my colleagues here, this is not a
13 getcha for small business.

14 This is actually, I hope, at least
15 that's how it's looked at in my neighborhood, as a
16 service that the City of New York is going to
17 provide. I think some of you get--you get some
18 Federal money for this too, I know you mentioned
19 the budget. But I think it's all Federal money.

20 So the issue is getting more
21 Federal money perhaps. It's their tax money. I
22 think it should be a positive in terms of we're
23 doing a service for you. We're not trying to--
24 it's not your fault that you have the graffiti.
25 So we're trying to work together.

1
2 So how do we continue to work with
3 the police officers who've been trained in that
4 anti-graffiti work, number one? Number two, at
5 the same time that we're doing this, the Post
6 Department, the Postal Office, is horrific. I
7 mean every single post box in the City of New York
8 is covered with graffiti.

9 So I just want us to have a little
10 bit of a discussion about how do we work with the
11 Police Department, how do we work with some of the
12 other agencies and how could they help us,
13 perhaps, so that nobody feels that small business
14 is being, you know, hurt by this, but it's
15 actually a service?

16 MS. POST: Thank you for your
17 comments. We couldn't agree more. I just want to
18 comment on two of them and then I'll have Nazli
19 speak to some of the elements that you spoke of
20 and partnering with the Police Department. But in
21 terms of the after-hours work, we have looked at
22 that. And I think we would like to go that
23 direction.

24 There are workforce issues involved
25 with it. But we recognize and in fact are faced

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2 regularly with the issue of the roll-down gates.
3 And a business who in fact may have signed a
4 waiver and wants the graffiti cleaned but can't
5 afford to close their business for an hour in the
6 middle of the day. We recognize that problem. We
7 definitely want to tackle it.

8 And on the non-jurisdictional
9 front, similarly, dealing with the Post Office and
10 other entities, that can be a challenge in terms
11 of addressing through our current scope. I think
12 we want to continue to be vigilant about
13 addressing them, partnering with them and ensuring
14 that they are sort of not left out of the cleaning
15 process.

16 And thirdly is that one of the key
17 goals of this effort was to improve sort of the
18 customer service aspect of it so that a property
19 owner who had been vandalized or business owner
20 wasn't treated as if they were the wrongdoer. And
21 in fact we wanted to make it easier and so much
22 easier for them to have the graffiti remedied.
23 And so, you know, it would be our intent to not in
24 any way have it be, appear or be perceived as
25 being that gotcha. It is about providing a

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service on a much more affirmative basis.

I'll let Nazli speak about our partnership with the Police Department.

MS. PARVISI: The Police Department, similar to CAU, has served as ambassadors for this program. CAU, while the Department of Sanitation, EDC, etcetera, deal with the operations aspect, we're the folks--CAUs are the folks out in the community letting people know about this and that--which is a huge part of it. So I don't see the role of the Police Department changing. Previously they had helped us with waiver collection and would send folks out and go visit the businesses. Even if we don't have the waivers, you can still get essentially a flier letting people know.

A big part of this program for us is the civil participation, is the volunteer aspect, and is the notion of letting people know about this and they can do something about it. SCOUT does a phenomenal job as you can see by the increase in graffiti but we still count on citizens to know about the program, to call 311, to report graffiti, whether it's on their own

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2 property or whether it's on a neighboring
3 property.

4 COUNCIL MEMBER BREWER: Right. I
5 don't want to belabor the point but I just think
6 that when and if this bill passes with some
7 caveats, that we need to look carefully and the
8 partnership because the Police Department has to
9 be defined in their role. Collecting a waiver is
10 clear. I know my police officers. They're great.
11 It needs to be defined. So if we're going to say,
12 okay, Police Department, you're going to get the
13 list in your precinct of the--I'm making this up,
14 200 owners who received a letter, then maybe they
15 could help knock on doors to state you've got 35
16 days. We'd love to work with you not against you.
17 But it has to be defined.

18 And I also want to add that, you
19 know, 'cause you can't do, I assume, every single
20 letter that comes in, every single time there's
21 graffiti. You're going to have to select and
22 prioritize. So it needs some work 'cause even
23 know with the graffiti officers, I go out to get
24 the waivers with them. That's the way we get
25 them. And so I'm just--I'll make this point

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2 because I really want to work on this together and
3 I think it has to be a little bit more clearly
4 defined. Thank you.

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CHAIRPERSON VALLONE: Thank you
6 Gale. Just on the issue of cleaning up in
7 evenings, two questions or statements. Number
8 one, the non-for-profits do do that in the
9 evening. I've worked with them. Gale works with
10 them. We go out at night. The waiver program
11 still exists I assume for the not-for-profits.
12 They would still have to go and get the wavier to
13 avail themselves of your free paint program?

14

MS. PARVISI: As of right now and
15 as of today, that's what they have to do. So they
16 get the waivers and they report back to us what
17 they've done.

18

CHAIRPERSON VALLONE: Would this
19 bill change that in any way?

20

MS. POST: It's a good question.
21 And it was actually raised earlier. And I think
22 we would need to explore what the impact of this
23 bill, what that would mean for the not-for-profits
24 and others who have taken the initiative to carry
25 out some of this work on their own. And I think

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we'd like to factor that in.

CHAIRPERSON VALLONE: Okay. We have someone that will be testifying after this. And the other thing is we are very close to actually passing my legislation that would eliminate roll-down gates and then we wouldn't have that much of a problem. And it wouldn't do-- and the reason that we're--we finally have Administration consent, I believe, is because it doesn't require any extra expense at this point to business owners.

They can keep the gates they have for as long as they have them or as long as their life would be. But upon replacement they'd have to get the see-through type gates. And we've pretty much got the Police and Fire and most people involved on board. And I've been working on it for years. And we're very close to getting that done.

Council Member Erik Dilan has questions.

COUNCIL MEMBER DILAN: Yeah I just have some brief questions. I do want to state that as well as Council Member Brewer, I'd like to

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2 see language cleaned up that reflects what the
3 ACLU or the New York City Civil Liberties Union is
4 asking for. So I just want to go on the record
5 with that.

6 And I just have some brief
7 questions on the sections that are being repealed.
8 I was able to go through the briefing paper, you
9 know, pretty thoroughly but I didn't have the
10 opportunity to go over what was being repealed.
11 So could you kind of highlight the three sections
12 that are being--that are up for proposed repeal so
13 I could have a little clarity as to what we're
14 looking to remove?

15 MS. POST: The highlights of what's
16 being repealed I think are two-fold. One is the
17 requirement for the property owner to
18 affirmatively opt in or to submit a waiver in
19 order to have the services of the free cleaning.
20 So we would repeal that section and replace it
21 with the opt-out waiting period.

22 The other component is the
23 enforcement component which we spoke of a little
24 bit earlier which was an element that provides for
25 an ECB violation for failure to have your graffiti

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2 cleaned or to clean it yourself. And because of
3 the opt-out element there was a notion that the
4 enforcement component was no longer necessary.

5 There's been some discussions subsequent to the
6 introduction that there is consideration to add
7 some element of an enforcement component back in.

8 COUNCIL MEMBER DILAN: I would just
9 state for the record I've told the bill's sponsor
10 and I've told the Chairman, privately, that the
11 enforcement component was the original reason I
12 believe I voted against the original bill when it
13 was passed. You know, with some minor cleanup in
14 language I could see myself supporting this bill.
15 I think it will capture more homes.

16 But just in my view, home owners
17 who are vandalized by graffiti are victims of a
18 crime. And then to turn around and say charge
19 them a fee for the cleanup I think is unfair. So
20 I think currently I can support this bill. And if
21 there's an enforcement component that is added,
22 dependent on how it's written, it could affect the
23 way I view the bill. So I just want to put that
24 out there for the record. Thank you Mr. Chairman.

25 CHAIRPERSON VALLONE: Thank you

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2 Chair Dilan. And I neglected to mention that a
3 lot of the work on the roll-down gates bill has
4 been a result of Chair Dilan's concerns. And
5 because of those we've worked really hard with our
6 attorneys and the Mayor's attorneys and all the
7 different business groups to craft a bill that
8 would not place any additional burden on
9 businesses and that's why they can keep their
10 gates as long as possible, and on the businesses
11 that sell gates because in fact they don't have an
12 objection because they are going to sell the gates
13 anyway.

14 Their concern was that they still
15 be allowed to sell to some of the surrounding
16 areas. So the bill's been amended to allow that
17 too so that they can sell to Jersey or
18 Connecticut. They don't really sell outside of
19 the tri-state area because it comes with a
20 contract for maintenance. So we've addressed all
21 of those concerns. We're in the process of doing
22 that. And it's in Erik Dilan's Committee and he's
23 been a big help to get those home owner and
24 business owners' concerns addressed.

25 The fines that Erik Dilan just

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2 mentioned, how often have they occurred in the
3 last few years? 'Cause I haven't heard of all
4 that many. It seems like you're doing what was
5 intended, which is actually cleaning and not
6 fining. But what's been happening.

7 MS. POST: I'd be happy to speak to
8 that. As we've noted and we've discussed, fining
9 the property owner isn't always the best way to
10 get at the problem. And I think this bill gets at
11 that issue. In the past, just in terms of the
12 actual numbers, we issued about 389 NOVs, that's
13 Notices of Violation, in 2008. And in 2007 that
14 number was much smaller, around 100 NOVs were
15 issued. This number we're on par with last year,
16 more or less, for the--to date for '09.

17 And I think part of the reason
18 those numbers are so small is that before we're
19 able to issue a Notice of Violation to a property,
20 someone from the Department of Sanitation actually
21 has to visit that property. We all know that
22 there's thousands and thousands of sites in the
23 City with graffiti. And it would be virtually
24 crippling to the Department I think, we believe,
25 to be able to visit every single site that has

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graffiti that doesn't allow us to clean it.

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And so these numbers are small in part because of the manpower issue and in part because what we've learned is that it's fairly easy to get the NOVs dismissed once you receive them if you go to ECB and say, yes, I'll sign a waiver and allow the City to clean my property. I'm basically excused of the NOV.

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CHAIRPERSON VALLONE: Well you're right about getting the Department of Sanitation out there to verify because if you don't what happens is you get a complaint about a 6-year old putting chalk on a stoop and I wind up on the Jon Stewart show.

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So I'm glad you're getting out there and doing that. But just a little bit more detail. You've issued, it was 300 and then 100. Out of those, when you say the Notice of Violation you issued, now out of those, how many did you get the waivers back from? How many do you wind up-- if any, fining because they don't clean or didn't give you the waiver.

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MS. POST: So I think the 389 number, that's actually NOVs where people are

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2 actually paying. So that's folks who don't submit
3 the waiver, don't agree, don't respond. So we
4 assume that there's probably a lot more people
5 that once they get the NOV are actually saying
6 that they will sign the waiver. So I don't know
7 that that's split offhand.

8 In addition though, in terms of the
9 number of waivers that are returned to the
10 Department of Sanitation, after that initial
11 notice is sent out, we believe that that response
12 rate is somewhere around 30% to 40%.

13 CHAIRPERSON VALLONE: Maybe I
14 missed this but again do you have an answer as to
15 how many result in fines?

16 MS. POST: It's 389.

17 CHAIRPERSON VALLONE: Oh okay.
18 Gotcha. Okay. My last--oh we've been joined by
19 Council Member Jim Gennaro, thank you, from
20 Queens.

21 My last question is about what
22 happens when you show up and there is some sort of
23 disagreement as to whether or not you should be
24 allowed on the property or a waiver was signed or
25 they got notice? What normally happens?

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2 MS. RUBENSTEIN: You know, the
3 folks who work on this program, there's a real
4 human element to it. So if there's even a
5 question of it, regardless if someone comes out or
6 says something, if it looks like they're not sure
7 if somebody actually wanted it or if it's
8 unintentional, intentional, they always do their
9 best to call whoever signed the waiver or speak to
10 somebody on the property.

11 If there's any disagreement, our
12 fallback is to hold off and try to come up to a
13 resolution rather than going ahead and painting it
14 and then coming, you know, getting into a fight
15 with someone or getting charges pressed.

16 So really we use a lot of
17 discretion and we try and be as respectful as
18 possible to the property owners and with regards
19 to trespassing or going on private property we
20 really don't do that.

21 CHAIRPERSON VALLONE: Okay. Are
22 there any other question from Council Members? We
23 have some not-for-profits coming up next but
24 there's a lot of areas here that we're going to--
25 that we all seem to agree on for the most part

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2 that we're going to work to make some amendments
3 on and hopefully bring this up for a vote soon and
4 continue our fight against graffiti.

5 As the vandals come up with new
6 ways to deface our property, we've continuously
7 got to give the City new ways to fight it. So
8 thank you all for the work you've been doing. I
9 know we'll be out again, especially Nazli,
10 cleaning different locations soon. But thank you
11 all and look forward to working with you.

12 The next pane will be Gail Cohen
13 from ACTION, A Coalition to Improve our
14 Neighborhoods; Joan Shower [phonetic] from Greater
15 Ridgewood Restoration Corp.; and Paul Kerzner also
16 from Greater Ridgewood.

17 [Pause]

18 CHAIRPERSON VALLONE: And if Ted
19 Renz is going to be testifying, he'll be up there
20 with Greater Ridgewood also.

21 [Pause]

22 CHAIRPERSON VALLONE: Okay thank
23 you all. Why don't we go with Greater Ridgewood
24 first, since they're only--since there are more of
25 them. I don't know if you'll all be saying

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2 anything but if so you will all have--oh
3 everyone's different. Okay? Then you will all
4 have two to three minutes. We're not going to be,
5 you know, as long as you stay within that time
6 period, there won't be any big bells going off or
7 anything. And why don't we then, Joanne's going
8 to go first? Okay great.

9 MS. JOANNE SHOWER: Good afternoon.
10 My name is Joanne Shower, representing the Greater
11 Ridgewood Restoration Corporation. We are pleased
12 that the City Council is considering Intro 1042 to
13 amend Intro 299 that we fought so strongly and
14 successfully for, that for the first time required
15 our City to clean graffiti off private property as
16 has been done for years in the cities with strong
17 municipally approved cleaning programs, namely
18 Chicago, San Francisco, Seattle, and Philadelphia.

19 We at Greater Ridgewood have been
20 cleaning over 400 buildings per year in Queens
21 Community Board 5 covering the communities of
22 Ridgewood, Glendale, Maspeth, Liberty Park and
23 Middle Village, and in the adjoining communities
24 of Forest Hills, Bushwick and Ozone Park.

25 Now in our 17th year of cleaning,

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2 using hot water, high pressure washers and
3 utilizing personnel from the DA's Alternative
4 Sentencing Program, Greater Ridgewood now has two
5 mobile units, cleaning graffiti'd properties
6 within one week of their being vandalized.

7 Everyone in the graffiti removal
8 business knows that the key to ending graffiti is
9 to remove it as quickly as possible, hence our 1-
10 week cleaning goal. We attach a schedule of our
11 graffiti cleaning results over the past 17 years
12 and we are happy that the City of New York has
13 finally emulated our graffiti cleaning efforts on
14 a citywide scale.

15 Now Intro 1042 is needed to amend
16 299 so that the burden is on the property owner to
17 tell the City that graffiti should remain on a
18 building. The new presumption under Intro 1042
19 that if there is ownership silence the graffiti
20 will be removed. What a wonderful presumption.
21 We would ask that one amendment to Intro 1042,
22 that being that language be added that New York
23 City and its agents be allowed to assume this
24 presumption, so designating the Greater Ridgewood
25 Restoration Corporation as an agent for graffiti

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cleaning four our municipal government.

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As the City has recently learned, as Greater Ridgewood long learned, this presumption is necessary because the few absentee owners who allow graffiti on their properties consistently ignore both the City and Greater Ridgewood's requests to sign a waiver allowing us to clean graffiti off of private property.

We have learned that better than 90% of the owners are cooperative. The 10% who are not are always absentee owners who really don't care how their properties are maintained. This new legislation is aimed at addressing this 10% who are incorrigible.

We hope that this Committee, the full Council and the Mayor support Intro 1042 with the amendment we have requested.

CHAIRPERSON VALLONE: Thank you. You know--I'm going to ask questions at the end but just to comment on that. It's that 10% that got my bill passed originally in 2005. There was one building that I continually requested to have cleaned and the guy actually got nasty with me about cleaning the property.

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2 And I realized at that point that
3 there was nothing that we could do about it at
4 all. And I said you know what? I'm going to
5 write a bill that will allow me to do something
6 about it. So. So I feel the same way about those
7 incorrigible ones. Paul.

8 MR. PAUL KERZNER: Thank you.
9 Thank you members of the Committee. Good
10 afternoon. My name is Paul Kerzner, President of
11 the Greater Ridgewood Restoration Corporation.
12 There are two new wrinkles in our graffiti
13 vandalism that you should be aware of.

14 The first is the new frontier for
15 graffiti vandals that the City now has to address.
16 And the second has to do with the criminal courts
17 who deal with graffiti vandals.

18 The new graffiti vandal frontier,
19 if one tracks the history of graffiti vandalism in
20 New York City, it first appeared in our subways.
21 Once the MTA decided to aggressively eradicate it,
22 taking several years, the vandals started to
23 graffiti private property aboveground.

24 That started about 18 years ago
25 when the Greater Ridgewood Restoration Corporation

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2 had to start its graffiti removal program and GRRC
3 has been at it ever since. As we eradicated
4 graffiti vandalism at street level, the
5 resourceful vandal has decided to scale up the
6 side of buildings, L-lines and bulkheads of the
7 roofs of buildings with his vandalism.

8 And we've attached photos, color
9 photos of that vandalism on Myrtle Avenue in
10 Ridgewood and Glendale, on the sides of commercial
11 properties and as well as attached bulkhead
12 graffiti on our 6-family homes, along the L-line
13 in Ridgewood.

14 The proposed legislation, Intro
15 1042, does address these two new frontiers of
16 graffiti vandalism but getting access to both
17 locations is difficult. Might we recommend that
18 the City purchase several 4-wheel hydraulic hoists
19 that can be towed behind the City's anti-graffiti
20 cleaning vans so that second story graffiti can be
21 addressed?

22 On roof graffiti, another piece of
23 legislation would be necessary that would require
24 property owners to give access to the roof to the
25 City or the GRRC as one of its agents to paint

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2 over this rooftop graffiti. The access
3 legislation can be modeled after the City's
4 successful Failure to Give Access Statute that the
5 City's Environmental Control Board promulgated in
6 the early 1990s when owners refused to give access
7 to DEP asbestos inspectors to check out friable
8 asbestos complaints.

9 At that time owners just refused to
10 give access. Then as a member of the City's
11 Environmental Control Board, I championed the
12 right to know section of the DEP Asbestos
13 Regulation, a failure to give access statute that
14 fined an owner if he refused to give a DEP
15 inspector access to his building. The fines were
16 very stiff, starting I believe at about \$1,000 for
17 the first offense, \$5,000 for the second and
18 \$10,000 for subsequent offense.

19 However, if the owner called DEP to
20 schedule an inspection within 30 days of first
21 receiving a violation and that inspection date was
22 kept, that initial failure to gain access penalty
23 was mitigated to a \$0 fine. I would recommend a
24 similar approach to getting access from owners to
25 paint their roofs and if necessary second story

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graffiti. It worked with asbestos access cases and there's no reason it cannot work with graffiti cleaning access cases.

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The last sage on graffiti removal is dealing with the criminal courts in New York City. Ted Renz will be speaking on that subject.

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CHAIRPERSON VALLONE: and before we get to Ted, Paul, I just wanted to--since you mentioned this. One of the things that we are working on now is amending the bill to allow access to areas that the City needs access to, to get some--to get the graffiti cleaned without violating privacy rights. So that is something we're discussing. And this is an excellent place to go, as an example.

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So thanks for pointing that out to us and it will be something that we look at as we discuss it. And, yeah. Thanks Ted. And I know all about Matthew. I look forward to hearing more about that judge--

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MR. THEODORE RENZ: [Interposing]
Thank you. Good afternoon. My name is Theodore Renz, and I'm the Executive Director of the Myrtle Avenue Business Improvement District and also the

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2 Ridgewood Local Development Corporation, but I'm
3 also a Board member of the Greater Ridgewood
4 Restoration Corporation and wearing that hat as
5 well.

6 Let me give you the attitude of one
7 of the criminal judges in Queens on graffiti.
8 Matthew Young, a resident of Glendale was arrested
9 around Christmastime last year. He was accused of
10 vandalizing second stories of multiple properties
11 in the Myrtle Avenue Business Improvement District
12 in Glendale and on the railroad trestle. It is
13 common knowledge among graffitist that neither the
14 City nor community agencies like the Ridgewood
15 Restoration Corporation can remove graffiti from a
16 second floor. A copy of the article is attached
17 to the testimony.

18 Upon his arrest, the BID and GRRC
19 asked the Assistant DA handling this case that
20 this vandal be made to pay restitution of \$10,000
21 to cover the cost of removing his vandalism by a
22 private contractor. We also asked that he be
23 assigned a minimum of 200 hours of community
24 service since this was not his first offense.

25 The Assistant DA during a bench

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2 conference with the judge supported our position
3 for restitution and community service. The judge
4 said that this would probably not impose
5 restitution because he wasn't working and couldn't
6 afford it. AS for community service, she thought
7 that 200 was too severe and would not assign him
8 to the Greater Ridgewood Restoration Corporation's
9 Community Service Detail since she felt they would
10 be too tough on him.

11 This case was adjourned and will be
12 back on the calendar September 17th. We bring this
13 matter to the Council's attention now because the
14 police and graffiti cleaning programs like the
15 GRRC face this in dealing with the judiciary that
16 is thinking with its heart and not its head.
17 Clearly this needs your attention also. It does
18 no good to pass laws to try to enforce them, if
19 the judiciary ignores them and refused to carry
20 them out.

21 CHAIRPERSON VALLONE: I completely
22 agree. I'm a former prosecutor. I know there are
23 a lot of good judges out there and there are a lot
24 of bad judges out there. And, you know, one of
25 the most effective ways I've found to get them to

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2 do something close to the right thing is to be
3 there. And I know you guys are. And I've been
4 there. And the only way they start doing the
5 right thing is if they know people are watching.
6 And you're in the courtroom for the plea
7 negotiations, for the sentencing. It actually
8 makes a difference some times.

9 There's not too much we can do as a
10 legislature to control the judiciary, they're an
11 independent branch but I feel your pain there
12 because it's happened many times. I was standing
13 in the courtroom as a DA recommending 200 hours of
14 community service at a minimum when I was DA.

15 You mentioned originally--oh I--
16 there's one more to testify but before we get
17 there, you mentioned originally, adding as an
18 amendment that would add the City or its agents, I
19 think that's a great idea. And I just want to
20 point out why I guess she--there she is, she just--
21 -the City is still here and heard that, that's Ms.
22 Carol Post and she's the Director of the agency
23 services for the Mayor's Office and she's been
24 listening to all the testimony.

25 So I want to commend her for being

1
2 in the room to listen and there's other
3 representatives, Nazli's still here, listening to
4 your testimony. So that sounds like something--
5 that's why I was asking before about the
6 relationship between not-for-profits and
7 themselves but that looks like a good amendment.
8 Last piece. Oh, you know, Gale can we--oh hey
9 Donna, Gale can we just wait until the last person
10 testifies and not do what I did and jump in?
11 Gale, before we get to questions, thanks.

12 [Pause]

13 MS. GAIL COHEN: My name is Gail
14 Cohen and I'm here representing ACTION, A
15 Coalition to Improve Our Neighborhood. We are an
16 inclusive and diverse virtual neighborhood
17 advocacy association committed to enhancing the
18 quality of life in our community of Hamilton
19 Heights through group action and communication.
20 And I would like to thank all of you for your time
21 and effort and energy in this graffiti stuff
22 because it really is plaguing our neighborhood.

23 I did not have time to prepare
24 anything so my comments may be all over the place
25 but please bear with me. I really represent the

1
2 frustration of your common community person. I
3 also would like to thank Gale Brewer because I
4 happen to be on her mailing list so I get all this
5 information. I do not, in Hamilton Heights, get
6 the information from my own Council people
7 although we have written to them and told them
8 that we really need some very, very strong
9 graffiti, comprehensive graffiti legislation in
10 this City.

11 From my neighborhood, graffiti
12 really generates the perception of blight and
13 heightens the fear of gang activity. It's not
14 something to be taken lightly but a lot of people
15 do because there's no real back up to communicate
16 to people what to do about it. Home owners in
17 Harlem are very reluctant to sign a waiver even
18 though they know that it would be done for
19 nothing. There's not enough information out there
20 to make them feel comfortable. And we all know
21 that if graffiti is tolerated then other more
22 serious crimes such as theft and assault may also
23 go unchallenged.

24 We have called over and over and
25 over again in our community. We've had very, very

1
2 little responses. People seem to think that you
3 keep the graffiti because then people won't come
4 back and tag you again. They're just--they don't
5 have the knowledge to know that that is not true.
6 I'm also a little concerned about laws here. You
7 always water things down to protect everybody.

8 But the people who care about their
9 businesses, they take care of the graffiti on
10 their store fronts because they know that they
11 have to keep attracting customers. People who
12 owned buildings and apartment houses or big
13 buildings, if they have pride in their property
14 and they want to have, you know, they're involved
15 economically, they make sure that their buildings
16 are clean.

17 We don't have that in my
18 neighborhood and we also... we want a strong bill.
19 We think people--don't baby people. They have to
20 be responsible. Going back to one of the things,
21 there is a wonderful website called Graffiti
22 Hurts. We've done a lot of research on this and
23 they say that figures from a variety of cities
24 across the US suggest that graffiti cleanup alone
25 costs taxpayers about \$1 to \$3 per person per

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year. That's a lot of money.

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I would also like to point out that 80% of the graffiti in our neighborhood is tagger graffiti, 5% are peace graffiti and nationally gang graffiti makes up 10%. And you can talk to the 30th Precinct who is a wonderful precinct in our neighborhood. There is a lot of that gang tagging. And we want it taken care of.

So really think about the waivers because in a lot of situations in my neighborhood they don't work. We can go after people, you know, for weeks and weeks and get no responses because their attitude is we don't want anybody around because they're afraid or whatever they're feeling is.

I also want to point out that the data shows that graffiti removal within 24 to 48 hours results in a nearly 0 rate of recurrence. So that is extremely important.

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CHAIRPERSON VALLONE: Gail can you finish up?

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MS. COHEN: Just one more thing. That most of the taggers are, according to statistics, are males between the ages of 12 and

1
2 21. Approximately 15% of the graffiti vandals are
3 young females. Why don't we have something in our
4 schools? Why don't we have programs in our
5 schools and there are programs that they use all
6 over the United States where they do this to help
7 cut down that kind of vandalism.

8 CHAIRPERSON VALLONE: Thank you.

9 Did you say 50 or 15?

10 MS. COHEN: 15% are young females.

11 CHAIRPERSON VALLONE: Yep. I agree
12 with just about everything you said. All of the
13 statistics, I've quoted them myself. You're
14 absolutely right about all of that.

15 MS. COHEN: Now I really hope you
16 have a strong bill because if not, I'm going out
17 to my community. We're going to walk the streets
18 and we're going to call 311 until you are
19 inundated with these calls because it's a serious
20 problem. And I, unfortunately I think--

21 CHAIRPERSON VALLONE: [Interposing]

22 You can--

23 MS. COHEN: --most of the public
24 does not take it seriously.

25 CHAIRPERSON VALLONE: Most of our

1
2 bills here in New York City and many of mine and
3 many of them have been Gale's are the toughest in
4 the entire country. And in fact it was my bill
5 which Gale is making better which was the first of
6 its kind in the country which held private home
7 owners liable. So we're doing all we can here.
8 Many, many times, especially me, I put in bills
9 which obviously--

10 MS. COHEN: [Interposing] Thank
11 you.

12 CHAIRPERSON VALLONE: --get watered
13 down. You know, that's just life when you're a,
14 you know--

15 MS. COHEN: [Interposing] We
16 appreciate your efforts though and I just had to
17 make that statement--

18 CHAIRPERSON VALLONE: --it's just--
19 I mean you have to--in order to get them passed,
20 they need to be negotiated. It happens a lot but
21 I share your frustration and sometimes, you know,
22 there are constitutional concerns too. Rarely,
23 but some times. We were joined by Dan Garodnick
24 who left. Who else was here? Vincent Gentile,
25 okay. Oh Vincent Gentile is right here. And

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Domenic Recchia was also here and is still here.

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And I believe Gale Brewer has some questions for

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the panel.

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COUNCIL MEMBER BREWER: First of

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all thank you for all your efforts. And thank you

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for my--the nice comment about my mailing list. I

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just screamed at all my colleagues. They laugh at

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me so I appreciate those comments.

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My question is this. With this

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[high pitched tone on mic]. With this particular

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legislation what we're hoping is that it will

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allow owners to proactively say that they would

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like to get this service from the City. I don't

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know what's wrong with this. So my question is

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how would you think we should be working as civic

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leaders. Obviously we would go out and talk to

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owners and say we would like you to participate.

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So my question to you is do you

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think that that would be your role in this

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particular legislation. How do you think your

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role would change if at all if this legislation is

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to pass and how could we work more as partners?

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MS. COHEN: I'll just be very

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quick. I think the idea of sending out the letter

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2 telling the owner what their responsibility is
3 gives community people a little bit more of an
4 empowerment to be able to then go to them and say
5 we hear that you have gotten this letter, what can
6 we do to help and we really would encourage you to
7 participate in this.

8 MR. KERZNER: The day after the
9 Mayor signs this bill we will have in Community
10 Board 5, a list of every property owner who has
11 refused to sign the graffiti waivers to this
12 point. And we will mail them a letter by that
13 point and then we will designate members of the
14 Housing Committee of the Community Board to track
15 in their specific neighborhoods to go and contact
16 those owners. It's not going to be a large number
17 because our residue is 62 owners. But those 62
18 can make an impact.

19 So that's what we would do and we
20 would be ready as soon as the Mayor signs the
21 bill. And we hope it has that amendment that
22 we're looking on.

23 COUNCIL MEMBER BREWER: Okay.

24 Thank you very much.

25 CHAIRPERSON VALLONE: I like that

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2 Paul. That is action. And that's a great way to
3 use this bill even if the waiver portion doesn't
4 apply to you directly you can use it that way--

5 MR. KERZNER: [Interposing] Yep.

6 CHAIRPERSON VALLONE: --and Joanne
7 you said you don't get the waivers back and this
8 is another way to be able to use that--that the
9 City doesn't need to get the waiver back and you
10 can work with them to get this cleaned by
11 following up with your Council Members to make
12 sure the City cleans the locations that aren't
13 receptive to you by giving you a waiver.

14 Domenic Recchia, questions.

15 COUNCIL MEMBER RECCHIA: Yeah. I
16 have a question. You spoke about a curriculum in
17 schools and this other school--those school
18 districts, are they outside of New York City that
19 have this curriculum? Are they--?

20 MS. COHEN: [Interposing] Yes. I--
21 yes. I mean I'm happy to e-mail you all the
22 information.

23 COUNCIL MEMBER RECCHIA: Yeah.

24 MS. COHEN: They're very simple and
25 there's two kinds. One for elementary school and

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2 one for middle school.

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COUNCIL MEMBER RECCHIA: And where-
-are they in other states or do you?

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MS. COHEN: I think so. I don't
have it. I just went in doing my research for my
Committee, I found all of them but I have them at
home so I'll be happy to do that.

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11

COUNCIL MEMBER RECCHIA: Yeah.

MS. COHEN: I mean I think it's a
simple thing because I mean--

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COUNCIL MEMBER RECCHIA:
[Interposing] Getting curriculum in this school
district, the New York City is not a simple thing-
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MS. COHEN: [Interposing] But--

COUNCIL MEMBER RECCHIA: --if you
want to get it implemented.

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MS. COHEN: But maybe it's
something that can even be a handout for children.
I mean--

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COUNCIL MEMBER RECCHIA:
[Interposing] Well that's why I'm very--

MS. COHEN: --I think there's a lot
of creative things that you can do--

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COUNCIL MEMBER RECCHIA:

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[Interposing] I'm very interested in that, you

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know, because I started my career in getting a

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curriculum started in New York City with the

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Council for Unity. Now it's in 60 schools in New

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York City and it's in several states across the

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country. And so it's very important to me, you

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know, when you mentioned that, you know, have

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curriculum or have a lesson taught about graffiti

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and what could happen. So that's something that

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has my interest.

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MS. COHEN: Well I'll be happy to

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send it to you. I also want to say I know that

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you're going to work hard on this but please, my

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community thinks I'm a crazy lady. I walk around

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with paint for mailboxes. I walk around with a

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knife to take down posters off of--

19

COUNCIL MEMBER RECCHIA:

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[Interposing] You want to come to Brooklyn? You

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want to come--

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MS. COHEN: [Interposing] No I

23

think I want to live in--

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COUNCIL MEMBER RECCHIA:

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[Interposing] Talk to--

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MS. COHEN: --Community Board 5.

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COUNCIL MEMBER RECCHIA: --47th

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Council District and I'll supply the paint. Thank

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you.

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CHAIRPERSON VALLONE: Well thank

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you all. My legislative director Jonathan Chung

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will get your information so you can e-mail him

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that. And also we want to work with you towards

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the passage of the roll-down gates bill. So we'll

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also contact you about some support letters for

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that from you and whatever business groups that

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you can--

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MR. KERZNER: [Interposing] One of

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the interesting things on the roll-down gate bill,

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Ted and I were working on some statistics for

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Myrtle Avenue which is a 12-block long shopping

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strip that has a Business Improvement District.

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And we were able to find out that the roll-down

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gates came roughly 1972, that's when they started

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to arrive in volume. Very few were on Myrtle

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Avenue store fronts before that.

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And then we asked our inspector at

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the 104th Precinct, can you go back and tell us

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what the crime rates were back then. And let's

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2 see whether there's got to be some relationship
3 between roll-down gates and graffiti, rather roll-
4 down gates and--yeah, and roll-down gates and not
5 having--and crime. And what we were able to find
6 out what that the crime rates in the 104th Precinct
7 are now pre-'72 levels.

8 And so I looked at the Captain and
9 he and I both came to the same conclusion. If
10 we're pre-'72, in fact were about '69, '68, when
11 we didn't have gates because we didn't need them
12 because the crime rate was so low, and if we're at
13 that number now, that maybe we don't need security
14 gates anymore because of the crime rate and what
15 we have now. We're looking at a supernova.

16 We're looking at, by habit, people
17 putting down gates because they think they need it
18 but they really don't need it because the crime
19 rate is where it is.

20 CHAIRPERSON VALLONE: Well whether
21 we need gates or not is an interesting question--

22 MR. KERZNER: [Interposing] Yeah.

23 CHAIRPERSON VALLONE: --but if the
24 store owners want them, all the studies that we've
25 found is that the see-through gates are just as

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2 effective--

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MR. KERZNER: [Interposing] No question about it.

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CHAIRPERSON VALLONE: --and so I don't want anyone to think that, you know, we're giving--

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MR. KERZNER: [Interposing] I understand that.

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CHAIRPERSON VALLONE: --they have to have their property be exposed to criminals. So they're just as effective without the graffiti, they're much easier--they're safer for our first responders--

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MR. KERZNER: [Interposing] No question about it.

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CHAIRPERSON VALLONE: --police, fire roll up on the scene they can see right in which helps the store owner. You don't have to wait three hours for the company to come and open up so the burglar--

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MR. KERZNER: [Interposing] We would be very supportive of that, of your initiative.

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CHAIRPERSON VALLONE: It's a whole

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'nother issue so I--

MR. KERZNER: [Interposing] Yes.

Okay.

CHAIRPERSON VALLONE: --don't want to waste your time on it. I want to thank my Council Members for coming. This is a very busy week for all of us but they're here because they believe in the importance of fighting graffiti. I want to thank you all for coming down. And we look forward to working with all of you. And thank the City also for their testimony.

That concludes this Public Safety hearing and we are adjourned.

[Gavel banging]

[END 1002.MP3]

C E R T I F I C A T E

I, Laura L. Springate 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.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____September 21, 2009_____