

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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December 18, 2009

Start: 12:23 pm

Recess: 1:18 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
SIMCHA FELDER
Chairperson

COUNCIL MEMBERS:

Council Member Maria del Carmen Arroyo
Council Member James F. Gennaro
Council Member Robert Jackson
Council Member Kenneth C. Mitchell
Council Member Larry B. Seabrook

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

Peter McKeon
Chief of Collection Operations
New York City Department of Sanitation

Todd Kuznits
Chief of Enforcement
New York City Department of Sanitation

Andrea Ciccone
Director for Intergovernmental Affairs
New York City Department of Sanitation

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2 CHAIRPERSON FELDER: Good, good
3 afternoon, ladies and gentlemen. Are you ready?
4 Good afternoon, ladies and gentlemen. My name is
5 Simcha Felder, I'm the Chair of the Sanitation and
6 Solid Waste Committee. And I apologize for being
7 late. It's exactly 12:23 or 24. That means I'm
8 24 minutes late, and I apologize. So, for 15
9 minutes from this point, no I should say at least
10 for 24 minutes, if anyone wants to sign in to
11 speak, especially seeing there's no one here. Did
12 anyone sign in, Jerry? Well, you know what, since
13 there's no one here who wants to speak, we'll give
14 them an hour to check in to speak, even if I'm not
15 here. An hour after I close the meeting, they can
16 still check in to speak. But having said that,
17 having said that, I, I know Councilman Gennaro has
18 an urgent matter to attend to, I just want to
19 thank him for coming. And to thank, thank you for
20 working with us on this Committee, wish you a
21 good, happy, healthy holidays, and a happy,
22 healthy New Year to you and your family.

23 COUNCIL MEMBER GENNARO: Thank you,
24 Mr. Chairman, you, too.

25 CHAIRPERSON FELDER: Thank you.

1
2 Alright, where--before I begin, I'd like to - -
3 before I begin I'd like to acknowledge the staff
4 from the Committee that prepared today's hearing:
5 Jared Hova, Hava, Counsel to the Committee, who's
6 sitting on my right; and Siobhan Watson, the
7 Policy Analyst to the Committee, and my Commu--
8 who's sitting to my left [off mic] - - did it on
9 my own, I didn't ask Jared about it. And Eric
10 Quo, who is my Legislative Director, sitting on my
11 right, to the right of Jared Hava. We're here
12 today to conduct a hearing on Intro Number 1091,
13 concerning trash receptacles placed out for
14 collection by the Department of Sanitation. As
15 the City's rules for trash collection are
16 currently written, residents are required to place
17 the trash out on the curb for collection in one of
18 two ways: either in a receptacle with a tightly
19 fitting lid, or in a securely tied opaque trash
20 bag, directly on the sidewalk. If however a
21 resident a places a securely tied trash bag in a
22 receptacle, and that receptacle somehow becomes
23 uncovered, the resident is subject to a ticket,
24 even though it would have been perfectly
25 acceptable to place the very same securely tied

1 trash bag directly on the sidewalk.

2
3 Unfortunately, my office and some of my colleagues
4 in their offices, have received many complaints
5 from residents who have received tickets for this
6 very violation. In fact, a few have been within
7 the last few weeks. While I understand it's
8 important for the City to encourage practices that
9 diminish litter in our streets, and discourage
10 rodents from feasting on the City garbage, we'll
11 still need to be sure that the rules that we put
12 in place to achieve that goal are both logical and
13 fair to residents, especially when a ticket is
14 \$100. I'd like to use today's hearing to discuss
15 the issue with the Department of Sanitation, to
16 better understand the reasoning for the rules, and
17 determine if there's any way that we can address
18 what I consider to be a, to be an illogical,
19 unfair, inconsistent--I have some other
20 descriptions--rule. Before we begin today's
21 formal hearing, I'd like to emphasize that it is
22 my policy to, this was wrong--

23 MALE VOICE: [off mic] No, it's
24 right, it's - -

25 CHAIRPERSON FELDER: Yeah, but I

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2 don't like saying the first three lines, because
3 it says here that it's my policy to begin on time.
4 And I didn't do that today. So, I want that to be
5 struck from the record. [laughter] Therefore,
6 you have a chance to sign up. Additionally, I ask
7 witnesses to refrain from operate--from repeating
8 points by, made by previous witnesses. If you've
9 adequately, if someone has adequately made the
10 point you wish to make, it suffices to note your
11 agreement. Normally, on, it is my policy, and I'm
12 hoping that the Council as a whole will take up
13 this policy as well, that during oversight
14 hearings, not new legislation, to allow the public
15 to testify before the Administration. Today,
16 we're dealing with a legislative issue, so in
17 order to discuss the legislation, the
18 Administration would testify first. I was going
19 to ask my colleagues if they have any--You know
20 what, I'll do it, it's in the holiday spirit--
21 Before inviting members of the Administration to
22 testify--you just ruined my joke. [background
23 voice] I was, I was going to say, without anyone
24 here, I'd like to begin by inviting my colleagues
25 to share any opening remarks that they have

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2 concerning these bills, and I was going to see,
3 "Seeing none--" [background voice] Okay. We've
4 been joined by my esteemed colleague, Councilman
5 Mitchell. If there are no further comments, then
6 I'd like to invite the Administration to begin
7 their testimony.

8 PETER MCKEON: Good afternoon,
9 Chairman Felder, and Members of the Committee on
10 Sanitation and Solid Waste Management. I am Peter
11 McKeon, Chief of Collection Operations for the New
12 York City Department of Sanitation. With me this
13 afternoon is Todd Kuznits, Chief of Enforcement
14 for the Department. I am here to testify on Intro
15 Number 1091, Government Receptacles for the
16 Removal of Waste Material, which is under
17 consideration today. As proposed, Intro number
18 1091 amends Section 16-120 of the New York City
19 Administrative Code by permitting residents and
20 persons in charge of buildings, when placing their
21 receptacles containing refuse at the curbside for
22 the Department of Collection, to do so without the
23 necessity of lids or covers, provided that the
24 receptacle contains the refuse in securely tied,
25 heavy duty, opaque plastic bags. This amendment

1 would not change the requirement that residents
2 and persons in charge must always keep the
3 receptacles covered with tight fitting lids while
4 such receptacles are being stored. Intro Number
5 1091 also allows for additional types of
6 containers made of any other material of a grade
7 and type acceptable to the Department, the
8 Department of Health and Mental Hygiene and
9 Department of Housing Preservation and
10 Development, to be used for waste removal. Such
11 amendment will further the Department's and
12 Department of Health and Mental Hygiene's efforts
13 to curb conditions conducive to rodent
14 infestations. The Department does not object to
15 the aforementioned amended language, though we
16 would caution against the potential tendency of
17 residents to overstuff uncovered receptacles that
18 could lead to bags falling out of the receptacles
19 and ripping open, which would pose a public health
20 and quality of life concern. With that said, the
21 administration, through both the Department of
22 Sanitation and the Department of Health and Mental
23 Hygiene, opposes the Council's additional language
24 in the bill which, that would not require lids
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1 when receptacle also contains fewer than seven
2 pieces of loose refuse. As you know, the
3 Department's core mission is to maintain sanitary
4 street and - - cleanliness throughout New York
5 City. To achieve this quality of life goal, the
6 Department prefers that all refuse be contained so
7 as to prevent any material from blowing out of the
8 container, and creating unsightly litter
9 conditions. Moreover, loose refuse, even just a
10 single item, which contains trace amounts of food
11 residue, is indeed a condition conducive to rodent
12 infestation. Residents are currently permitted to
13 place the receptacles out at the curb the night
14 before they are serviced by the Department
15 collection crews the following day. Ensuring that
16 bag refuse contained in receptacles is securely
17 tied is essential for abating the serious health
18 and sanitary effects that is otherwise caused when
19 loose refuse sits in containers at the curb,
20 especially overnight in more densely populated
21 communities. To adopt a policy today that
22 minimizes a building owner's responsibility to
23 ensure that refuse is securely contained in
24 receptacles through a creation of an exemption for
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2 minor amounts of loose refuse would be a huge step
3 backward in Health Department perpetual war on
4 rodents and the Department's mission to maintain
5 street cleanliness. We don't believe this
6 Committee want to turn the clock backwards. The
7 Department understands that this Committee is
8 concerned that often a less than considerate
9 pedestrian drops a loose piece of refuse, for
10 example, a soda can, into a homeowner's refuse
11 receptacle placed at the curb awaiting pick up.
12 As we have explained to this Committee in the
13 past, the Department has an unofficial enforcement
14 policy whereby no summons for comingling refuse
15 and recyclables will be issued to the homeowner if
16 less than five loose items are found in the
17 receptacle. I mention this to today to dispel any
18 public misperception that the Department
19 Enforcement Agents unfairly and insensitively
20 issue summonses to homeowners when, for instance,
21 the agent observes one soda can sitting on top of
22 bagged refuse in the homeowner's refuse
23 receptacle. Our enforcement agents are frequently
24 reminded of Department enforcement policies
25 governing issuance of summonses, and the

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2 circumstances warranting their issuance. Let me
3 assure you that the Department does not issue
4 summonses to residents who properly place their
5 trash receptacles at the curb and take measures to
6 ensure that refuse is securely contained. We've
7 suggested to residents in the City, particularly
8 those who reside in high traffic pedestrian areas,
9 or near bus or subway stops, that in order to
10 prevent the recalcitrant pedestrian from using the
11 homeowner's receptacle as his or her own public
12 corner receptacle, the homeowner should keep lids
13 on their receptacles at all times, even up to the
14 time of pick up. This will prevent anyone from
15 dropping miscellaneous items into another's
16 private refuse receptacle. Chief Kuznits and I
17 will be happy to answer your questions. Thank
18 you.

19 CHAIRPERSON FELDER: Thank you very
20 much. We've been joined by Councilman Robert
21 Jackson, as well as Councilman, Council Member
22 Arroyo. I know that both of the, and I mentioned
23 Council Member Mitchell before. The three, we had
24 to schedule this hearing rather quickly, so I know
25 my colleagues have other hearings and meetings

2 that were arranged prior to this. So, I thank you
3 all for coming and some of them obviously will
4 have to leave and I appreciate your being here for
5 the time that you're here. Council Member Larry
6 Seabrook, as well, has joined us. Do any of my
7 colleagues have any questions? Seeing none, I
8 know you wanted me to end the hearing, but--
9 [background voices] Huh? No, not you, not you
10 [laughter] I'm talk--I was talking to Sanitation.
11 Do you have any questions?

12 COUNCIL MEMBER JACKSON: Well, I
13 was just looking at the, I don't know if the
14 Sanitation officials have seen the pictures that,
15 that members are looking at. He's going to give
16 it to them. And I--basically what was told to me--
17 --that for example, I believe this homeowner or, I
18 assume it's a homeowner, I really can't see, got a
19 ticket for their situation [background voice]
20 Yeah. When--I assume it's garbage, but you know,
21 everything is confined within the, a bag, so if a
22 homeowner, for example, let's say has a party.
23 And, and exceeds the, the trash limit of one can.

24 PETER MCKEON: But--

25 COUNCIL MEMBER JACKSON: You know,

2 has the tie bags like in this situation, and then
3 puts it on top of the can like this one here. In
4 essence, I guess, as legislators, as laypeople, we
5 would say, you know, "Why is this homeowner
6 getting a ticket when the garbage is not thrown
7 around, it's confined," and I don't know if this
8 was a one situation, or an ongoing situation, but
9 I guess this is what, this is what really gets, I
10 guess, residents, homeowners, annoyed, just like
11 in the situation where we had, which is totally
12 different from sanitation, but from parking
13 enforcement agents, some people getting a ticket
14 like at 8:31, or, or one minute after a meter
15 expired. It really gets residents and people to
16 have to pay these fines, really annoyed. And so,
17 is there any comment regarding this type of
18 situation, if you can?

19 TODD KUZNITS: Judging by the
20 picture--

21 COUNCIL MEMBER JACKSON: It's okay.

22 TODD KUZNITS: [off mic] Chief
23 Kuznits.

24 COUNCIL MEMBER JACKSON: Try it
25 again.

2 TODD KUZNITS: Judging by the
3 picture--

4 COUNCIL MEMBER JACKSON: Yeah,
5 yeah.

6 TODD KUZNITS: --that I'm shown
7 here, and not being able to see the summons, I
8 could, all I can say is a summons should not have
9 been issued if this is the condition.

10 COUNCIL MEMBER JACKSON: Hmm.

11 TODD KUZNITS: And when I get
12 letters, complaints, phone calls or summonses for
13 this type of situation, I investigate it and find
14 out who issued the summons, and I got to that
15 person, whether it be one of the supervisors or
16 one of the enforcement agents, or one of the
17 sanitation police--

18 COUNCIL MEMBER JACKSON: Right.

19 TODD KUZNITS: --and I educate them
20 to make sure that they know that there's nothing
21 wrong with this.

22 COUNCIL MEMBER JACKSON: Hmm.

23 TODD KUZNITS: Do just, just by
24 this photo alone--

25 COUNCIL MEMBER JACKSON: Right.

2 TODD KUZNITS: --if this is what
3 the summons was issued for, you're correct it
4 should not have been issued.

5 COUNCIL MEMBER JACKSON: Mm, well
6 see, let me tell you, your response, I appreciate
7 your response, and your, and to this situation.
8 Obviously we're looking at only the picture here,
9 which only gives a certain situation. But I, I
10 appreciate that response, because what it says to
11 me as a legislator, is that your type of approach
12 is what I think the people of New York City want
13 to hear, and want to see happen. And as the Chair
14 of the Education Committee, even when dealing with
15 other matters, even in my community, as far as
16 when people put their household garbage in the, in
17 the corner trash, I always say, "Education first."
18 Do you know what I mean? Education first. And
19 then you tell people, "Listen, this is a
20 violation, you're going to have to do this," and
21 then if they don't adhere to it, then if you write
22 them a summons, you know, then, you know, quite
23 frankly, you know, especially the ones that
24 continue to put household garbage into the corner
25 trash can, where I live at, and that flows in the

1 street and everything, then they deserve to get a
2 ticket. Do you know what I mean? So, that
3 approach what you just said, I think that the
4 people of New York City want that type of approach
5 in dealing with that. And so I'm very, very
6 pleased that, the way you communicated and
7 articulated the approach to how you would handle
8 the situation. So. I say that because it is, it
9 is so important now that everyone dealing in
10 government, I guess have approach of, of
11 understanding, and knowing that, you know, people
12 are struggling right now to survive overall. And,
13 and I just give this final example and then I'll
14 stop. I have a nephew that's a police officer. I
15 have a nephew that is a traffic enforcement agent.
16 And I've communicated with them that treat people
17 like you want to be treated. Treat people like
18 you want them to treat your mother or your father.
19 And if you take that approach, I think overall
20 then we as, as government officials and, you know,
21 as employees that are enforcing the law, like my
22 nephew, my nephews, both of them, or other people,
23 maybe your cousin or your nephew that may be in
24 sanitation enforcement. I think that's a
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2 reasonable approach that we would like to have,
3 see as legislators and that, try to communicate
4 with them overall. As I told my nephew, as a
5 traffic enforcement agent, how tough it is to park
6 in New York City. And I know they have a job to
7 do. If someone is this much over, don't give them
8 a ticket. Come on, be reasonable. But if they're
9 that much over, that's a big difference. And all
10 I think that we as legislators ask DODOS, is to
11 just be reasonable in their approach and in
12 dealing with the constituents, whether they be on
13 Staten Island, where a majority of the homeowners,
14 or even way up in Washington Heights where I live
15 at, where there's majority apartment buildings.
16 And that's all. So let me thank you for your
17 response on that.

18 TODD KUZNITS: You're welcome. And
19 if you, if somebody could get me a copy of that
20 summons, I would like to look into it.

21 COUNCIL MEMBER JACKSON: I don't
22 know who's district it is.

23 CHAIRPERSON FELDER: That's mine.

24 COUNCIL MEMBER JACKSON: Okay.

25 CHAIRPERSON FELDER: It's mine.

1
2 And we will be happy to get you a copy of the
3 summons. I don't want to ruin the moment, because
4 I agree, I agree with everything that Councilman
5 Jackson said; however, despite your interest and,
6 and we are very happy with your leadership and
7 your colleagues at Sanitation, the question is
8 mechanically and technically, how this get
9 resolved. It's my understanding that once the
10 ticket is issued, then the next step would be that
11 somebody either pays or it or says "I'm not
12 guilty." And if they say "I'm not guilty," that
13 would not be handled by your agency, it would go
14 to ECB at that time, at that point. So, I'm, I'm
15 very happy about the fact that you would look into
16 it to make sure that I, that those type of things
17 don't recur, so that an agent like that, you make
18 sure that they don't do those things in the
19 future. But, would that mean as well that you
20 would, or you or somebody on your behalf, after
21 investigating something like this, would be
22 willing to attend that hearing and say, point
23 blank, that ticket should not have been issued.

24 TODD KUZNITS: No, when I
25 investigate violations that are written, whether

2 they come in for something like this or other
3 issues, and we conduct what we consider a full
4 investigation, the best we can, and if we find
5 that a summons should not have been issued, maybe
6 was issued to somebody who doesn't own the
7 property--

8 CHAIRPERSON FELDER: Mhm.

9 TODD KUZNITS: It might something
10 like this, it might be something where it was an
11 obvious, for whatever reason, should not have been
12 issued. And it was obvious to us. We won't
13 attend the hearing, the agent, though, will attend
14 the hearing if the person goes in and requests it.
15 But what my office will do is send a letter to
16 ECB, or actually I should say to our legal
17 department, who then sends a letter to the
18 Environmental Control Board, stating what our
19 position is.

20 CHAIRPERSON FELDER: Does that--

21 TODD KUZNITS: Where there was an
22 error, what the error was, and it's still up to
23 the hearing officer.

24 CHAIRPERSON FELDER: Understood.

25 Does a constituent get a copy of that letter?

2 TODD KUZNITS: When a constituent
3 writes to us with that type of issue, we do
4 respond to the constituent.

5 CHAIRPERSON FELDER: So in the
6 example that you gave, the constituent would get a
7 copy of the letter that was sent to ECB? Is that
8 true?

9 TODD KUZNITS: If, if the, if the
10 constituent sent me a letter--

11 CHAIRPERSON FELDER: Right.

12 TODD KUZNITS: --explaining the
13 circumstances--

14 CHAIRPERSON FELDER: Yes.

15 TODD KUZNITS: --and we reviewed it
16 and found that the constituent was correct, and a
17 summons should not have been issued, we will
18 respond back to the constituent that the violation
19 was issued in error, we would apologize, and we
20 would tell them that we are sending a letter to
21 the Environmental Control Board.

22 CHAIRPERSON FELDER: So, for
23 example, in 2008, how many of such letters did the
24 Department of Sanitation issue?

25 TODD KUZNITS: I couldn't give you

2 a number, but I would say it's a lot. We've had a
3 lot of issues with ownership.

4 CHAIRPERSON FELDER: If you--Okay,
5 if you could--

6 TODD KUZNITS: So there's been a
7 lot.

8 CHAIRPERSON FELDER: If, if--I
9 would like to request from the Department that
10 does, not today, if you can give me, take 2008, if
11 that's the last year, you know, the most recent
12 period you have, if you could give us, and I'll
13 distribute to my colleagues, how many of those
14 type of letters were issued, and for what types.
15 You know, I'm talking about breaking it down to 17
16 different categories, but there must be that the
17 overwhelming number probably were among three or
18 four or five categories, and miscellaneous, I
19 would like that as well.

20 TODD KUZNITS: Mmhm.

21 CHAIRPERSON FELDER: The other
22 thing is in your testimony, in your testimony, you
23 mention that there's an unofficial enforcement
24 policy whereby no summons for comingling, for
25 comingling refuse and recyclables will be issued

2 to the homeowner if less than five loose items are
3 found. But that's not law. Right? It's not a
4 law, it's an unofficial policy. It's, it's in
5 your last paragraph of your testimony.

6 TODD KUZNITS: That's correct.

7 CHAIRPERSON FELDER: So, I, I would
8 assume that you would have no problem in making
9 this part of the law, if that's what you feel. Do
10 you want me to ask a question?

11 TODD KUZNITS: I believe what the
12 testimony was, or was meant, the intent was if a
13 sealed bag is inside of a receptacle, and we find
14 a soda can sitting on top of that sealed bag--

15 CHAIRPERSON FELDER: Yeah.

16 TODD KUZNITS: --we're going to
17 assume it was put there by a pedestrian--

18 CHAIRPERSON FELDER: Right.

19 TODD KUZNITS: --and not by the
20 homeowner.

21 CHAIRPERSON FELDER: No,
22 understood, but the, in the testimony it says that
23 you have an unofficial enforcement policy, it was
24 in your last paragraph. I'm not talking about the
25 paragraph that says you'll be happy to answer

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2 questions. The prior paragraph. So I'm asking
3 you whether you would be in favor of making that
4 law.

5 ANDREA CICCONE: I'm Andrea
6 Ciccone, Director for Intergovernmental Affairs at
7 the Department of Sanitation, Bureau of Legal
8 Affairs. In response to your question, this is an
9 unofficial department enforcement policy whereby a
10 resident who's trash can is found to have up to
11 five comingled material consisting of refuse and
12 recyclables would not be issued a summons based on
13 the fact that our enforcement agents in their
14 discretion would see to where the person is
15 residing. It could be in front of a bus stop, it
16 could be down the block from a high school or
17 grammar school, or in a high pedestrian traffic
18 area. So we do in fact allow for some discretion
19 and we won't issue a summons for that type of
20 violation. However, I know many times in the past
21 the Department, and particularly the Commissioner,
22 has indicated before this Committee that he was
23 unwilling to codify that policy into law
24 specifically because it does not send the correct
25 message to, to the City, to the environmental

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2 advocates, to the public at large, that we are
3 serious about recycling. We don't want to give an
4 out for homeowners not to separate their
5 recyclables. If they're allowed up to five, then
6 they're going to say, "But I only had six, I only
7 had eight comingled recyclables," where does it
8 end? In fact, I think at the last hearing on this
9 bill, the NRDC representative also had stated that
10 they were opposed to that. This is just--

11 CHAIRPERSON FELDER: Okay. I
12 appreciate your comments, and you've convinced me
13 that it should be into law, because, because what
14 you said is in essence the same argument the
15 Administration has made about my grace period
16 bill. And I don't agree. In other words, with if
17 you give people five minutes suddenly they'll take
18 six or seven or eight. I don't think homeowners,
19 homeowners, I don't think homeowners are going to,
20 those that are being careful, are suddenly going
21 to say, "Oh, I get five? Alright, now I can--five
22 I can put in, don't have to be careful," and when
23 I can't. I don't think that's the case. But, but
24 we don't have to debate that.

25 ANDREA CICCONE: Well--Right, but

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the difference--

CHAIRPERSON FELDER: Unless you want to agree with me, then I, that's--

ANDREA CICCONE: No, I, I can't, I can't agree with that argument. The five minute grace period is completely different. In this situation with the comingled recyclables, these are agents that will look inside barrels. It's not a matter of the passerby, the recalcitrant pedestrian walking by and dropping in a soda can, and maybe five accumulate. We won't issue the summons to the homeowner, to the building owner. However, the comingling of recyclables actually would occur if it's occurring inside the homeowner's residence, where, where they tie the bag and then it goes into the receptacle.

CHAIRPERSON FELDER: The discussion that--

ANDREA CICCONE: So in other words there's not an intention by that homeowner to be recycling, if it's already inside the bag. If it's placed on top of the bag, that's different, and our enforcement won't issue--

CHAIRPERSON FELDER: I, I don't, I

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2 may, I think that I, I think we're talking about
3 two different things, I think. It's in the, in
4 the--In the testimony, it says that often a less
5 considerate pedestrian drops a loose piece of
6 refuse, for example a soda can, into a homeowner's
7 refuse receptacle, placed at the curb, awaiting
8 for pick up. The--as you said, as we have
9 explained, the Department has an unofficial
10 enforcement policy where no summons for comingling
11 refuse and recyclables will be issued to the
12 homeowner. Which means, we're not really talking
13 about the homeowners, which the Department has the
14 sense to say that when you put a can out for pick
15 up and somebody passes by and there may be a, you
16 know, a soda can and a piece of paper and
17 something else in the can that's made for regular
18 household garbage, that you're not going to ticket
19 the homeowner because you understand that they're
20 not going to stand watching over their can when
21 it's put out for pick up. So, if that's the case,
22 I don't see why that should not be ruled a law,
23 not an unofficial policy.

24 ANDREA CICCONE: I think we'd have
25 to take that up for discussion.

2 CHAIRPERSON FELDER: Okay. At any
3 point, if any of my colleagues have any questions,
4 please tell me.

5 COUNCIL MEMBER JACKSON: I was
6 just, this is Robert Jackson, I was just reading
7 the testimony of the Department of Sanitation,
8 where it basically said it does not oppose the
9 amended language, though they would caution
10 against a potential tendency of residents to
11 overstuff. So, in essence, in essence, the one
12 example that I gave you, if it was a one time
13 party type situation, and you had more than what
14 your trashcan can handle, that's a, that's
15 reasonable. But if in fact on a continuous basis
16 your can is constantly overflowing, that means you
17 really need two receptacles for your residence or
18 your building, whatever it is. That's what you're
19 saying, is that correct?

20 PETER MCKEON: That's correct,
21 Council Member.

22 COUNCIL MEMBER JACKSON: I don't, I
23 don't think that that's unreasonable to, but you
24 know, as I said, and when I, I did not read that
25 particular section before I made my statement

1
2 about if somebody has a party, you know what I
3 mean. But obviously this basically says if on a
4 continuous basis, you know, you're overflowing,
5 that really means from an operational point of
6 view, you need another bin or receptacle.

7 PETER MCKEON: Exactly. And also
8 to be kind to your neighbors. Having and
9 overflowing receptacle like that causes litter--

10 COUNCIL MEMBER JACKSON: It looks,
11 doesn't look good.

12 PETER MCKEON: Litter conditions,
13 it causes rodent infestation.

14 COUNCIL MEMBER JACKSON: Yeah, and
15 that's one thing we don't need, we have enough
16 rodents in New York City, we don't need any more.

17 PETER MCKEON: Yes, in fact, I was
18 up in your district recently, at George Washington
19 High School.

20 COUNCIL MEMBER JACKSON: Yeah.

21 PETER MCKEON: They have raccoons.

22 COUNCIL MEMBER JACKSON: Oh, yeah,
23 yeah, yeah.

24 PETER MCKEON: And yes, dozens, and
25 they're having a huge problem because of uncovered

1
2 receptacles.

3 COUNCIL MEMBER JACKSON: Yeah.

4 And, yeah. Okay, thank you, thank you, Mr. Chair.

5 CHAIRPERSON FELDER: Thank you.

6 The picture, the photograph you just got a copy of
7 the summons that relates to the photograph, and it
8 says at, what is TPO?

9 TODD KUZNITS: Time and place of
10 occurrence.

11 CHAIRPERSON FELDER: Excellent. At
12 time, place and occurrence, I did observe two
13 garbage cans uncovered, exposing household waste
14 likely to be scattered about. So I don't want to
15 get into the discussion, I'm just, you said you'd
16 look into it, so I'm taking you up on your
17 generous offer, at the moment.

18 TODD KUZNITS: I will look into it,
19 and I was just telling Counsel here, that the
20 agent that wrote this is a new agent.

21 CHAIRPERSON FELDER: Excellent.

22 TODD KUZNITS: And it will be taken
23 care of.

24 CHAIRPERSON FELDER: We wish that
25 agent good luck, and we hope that with your help

1
2 they will be able to get the experience they need
3 to do their job well. Now, let's go back to the
4 whole issue here. Has the Department or the City
5 in general witnessed an increase in sidewalk
6 litter as a result of allowing placement of trash
7 bags on the sidewalk, directly on the sidewalk?

8 TODD KUZNITS: Absolutely, yes.

9 Due to scavenging activity by individuals, in
10 addition to animals such as cats and raccoons that
11 rip open the bags searching for food, and I might
12 add, rats.

13 CHAIRPERSON FELDER: Okay. How
14 many tickets for uncovered receptacles did the
15 Department issue last year?

16 PETER MCKEON: That I'm going to
17 have to get back to the Committee with, we don't
18 have that with us.

19 CHAIRPERSON FELDER: Okay, very
20 good. And, and the cost for a violation of
21 uncovered receptacle is the, the fine is, I
22 understand between \$100 and \$300. What is the
23 most common amount that you issue?

24 PETER MCKEON: The first violation
25 is \$100, the second is \$100, and the third is

2 \$200.

3 CHAIRPERSON FELDER: Okay, good.

4 And are the receptacle rules for commercial waste
5 collection any different than for residential?

6 PETER MCKEON: Well, the
7 residential can put their receptacles out 5:00
8 o'clock the night before their scheduled
9 collection, and 4:00 o'clock in the winter months;
10 whereas a commercial premise can only put it out
11 two hours before their scheduled collection, or
12 one hour before closing. They also, commercial
13 premises cannot keep dumpsters on the sidewalk any
14 time during the day, other than when it's
15 scheduled for collection.

16 CHAIRPERSON FELDER: Okay. Now,
17 let me go back to the issues of, of the cans and
18 the bags. As the law, as the law exists today, if
19 somebody, if somebody, excuse me, put out bags,
20 the bags for collection, without a can, right,
21 because it was time, the proper time to put it
22 out, and the people passed by, and unfortunately
23 aren't careful and throw stuff, you know, a few
24 pieces on top, this, this would not apply at all,
25 it would only apply if the bag was in a can, is

2 that correct? And you found--I'm not talking
3 about the recyclable issue, we're talking about
4 finding loose garbage in a can, which has bags.
5 Should I, do you understand the question?

6 PETER MCKEON: No, I don't.

7 CHAIRPERSON FELDER: Okay, so we
8 have two scenarios: Mr. A. has bags of garbage in
9 his garbage can, and he puts out the can for pick
10 up; his neighbor takes the bags out of his can and
11 puts bags, without the can, out for pick up. The,
12 the A. who has the can may be subject to a
13 violation if an agent passes by and finds some
14 loose garbage, let's say ten pieces of loose
15 garbage on top, in that can. Right? The, the, B,
16 who's abiding by the law, who put out the bags,
17 and people pass by, especially in busy areas, and
18 people let's say throw five or six pieces of
19 garbage on top of the bags, would not be subject
20 to the same law. Is that true?

21 PETER MCKEON: Yeah, I'd have to
22 say it is.

23 CHAIRPERSON FELDER: Excellent.
24 That's why the law doesn't make sense. In other
25 words, it's a double--I'm, I'm giving you a double

1
2 whammy. One, the law, the rule of the five makes
3 sense to me, right, and that's why it should be a
4 rule. But it doesn't make sense where the
5 Department, and I agree with you, in some ways, in
6 a perfect, perfect scenario, it would be wonderful
7 if everybody had cans, right? But that's not
8 going to happen, we know we're not going to make
9 that happen. But you're really penalizing someone
10 who's keeping their bags in a can, which certainly
11 it makes it less likely that rodents and raccoons
12 and everything else will get a hold of it, where
13 the neighbor is putting out the bags legally, and
14 more likely to have cats and others attack it, the
15 one that's putting out a can would be subject to
16 some violations that the neighbor would not.

17 COUNCIL MEMBER JACKSON: Mr. Chair.

18 CHAIRPERSON FELDER: Yes.

19 COUNCIL MEMBER JACKSON: Let me
20 just, I need clarification, if you don't mind.

21 CHAIRPERSON FELDER: Please.

22 COUNCIL MEMBER JACKSON: On the
23 scenarios you just explained and which the
24 Sanitation officials responded to. So, a resident
25 who has a can, who has trash in there but not in a

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2 bag, they're subject to a ticket? Is that what my
3 understanding is? Whereas 'cause Simcha said the
4 next door neighbor has a bag and he puts it out on
5 the sidewalk, that's fine, that's legal, so forth
6 and so on. But the individual next door has a
7 trashcan where there, there's trash in there, but
8 no bag, and my understanding from what I'd heard
9 is that individual would be subject to a ticket?
10 Is that correct?

11 PETER MCKEON: Depends on, when the
12 agent gets there, or whoever the issuing officer
13 is--

14 COUNCIL MEMBER JACKSON: Right.

15 PETER MCKEON: --when you're
16 talking about bags on the curb--

17 COUNCIL MEMBER JACKSON: Right.

18 PETER MCKEON: --it's obvious
19 people walking by littered.

20 COUNCIL MEMBER JACKSON: Right, a
21 couple of people, one piece or two pieces.

22 PETER MCKEON: When you're talking
23 about a receptacle--

24 COUNCIL MEMBER JACKSON: Right.

25 PETER MCKEON: --and I do this at

1
2 my own house, if I find litter in my street, I'm
3 not going to open up the bag and I'm not going to
4 bring into my house.

5 COUNCIL MEMBER JACKSON: You just
6 pick it up.

7 PETER MCKEON: I'm going to throw
8 it into the can.

9 COUNCIL MEMBER JACKSON: Right.

10 PETER MCKEON: I have covers on my
11 cans, though.

12 COUNCIL MEMBER JACKSON: Okay

13 [laughs]

14 PETER MCKEON: The agents, I would
15 expect--

16 COUNCIL MEMBER JACKSON: Uh-huh.

17 PETER MCKEON: --before they write
18 a summons, they look--

19 COUNCIL MEMBER JACKSON: Okay.

20 PETER MCKEON: --inside the can.
21 Does it look like litter? Or does it look like
22 loose household garbage that came from the house?

23 COUNCIL MEMBER JACKSON: Okay, and
24 here's, I guess--

25 PETER MCKEON: And they, and they

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have to make a determination.

COUNCIL MEMBER JACKSON: Okay, and here's my question that I need clarification, because I'm not a homeowner, so--I'm a, I live in an apartment building, so that's a little different. Is the homeowner supposed to have, in that garbage can--whether it's a plastic one with the lid, or it doesn't matter--are they supposed to have their trash in a plastic bag, if in fact they're throwing it in there? Is that what they're supposed to do?

PETER MCKEON: If they're in a, a, let's say a plastic receptacle with a tight fitting cover, they don't need a bag inside.

COUNCIL MEMBER JACKSON: Okay. So, it's okay for them to put their trash in from the garbage can into that thing, and then whenever it's time, just to move that to the curb, is that correct?

PETER MCKEON: That's correct.

COUNCIL MEMBER JACKSON: Okay. So, in the scenario that was being discussed, we were not talking about recyclable, we were just talking about trash, is that correct?

2 PETER MCKEON: I assume so, yes.

3 COUNCIL MEMBER JACKSON: Okay.

4 PETER MCKEON: That's correct.

5 COUNCIL MEMBER JACKSON: Okay.

6 Just one more question. Now, I think in response
7 to the question as far as summonses, you said the
8 first summons is \$100, the second one is \$100, but
9 the third is, I think, I think you said \$300.

10 PETER MCKEON: \$200.

11 COUNCIL MEMBER JACKSON: \$200. The
12 maximum is \$100 to \$300, is that correct?

13 PETER MCKEON: Under the law, yes,
14 that's correct.

15 COUNCIL MEMBER JACKSON: Okay, so,
16 and I'm just curious as to how would a, an
17 inspector or agent, would know it's the second or
18 third time? Is that in the computer held thing or
19 something?

20 PETER MCKEON: Yes, the agents use
21 handheld computers.

22 COUNCIL MEMBER JACKSON: Oh, so
23 it's--

24 PETER MCKEON: So the computer
25 would know it.

2 COUNCIL MEMBER JACKSON: Okay,
3 that's, that's what I wanted to know, that's what
4 I assumed, but I wanted to seek clarification on
5 that. Okay, very good, thank you.

6 PETER MCKEON: And that's, that's
7 the second or third guilty violation, not just you
8 got a violation and then - -

9 COUNCIL MEMBER JACKSON:
10 [interposing] Not an open violation.

11 PETER MCKEON: That's correct.

12 COUNCIL MEMBER JACKSON: Okay, very
13 good, thank you.

14 PETER MCKEON: That's--

15 CHAIRPERSON FELDER: So, getting
16 back to the question I asked you, we have a
17 problem, and with this scenario. Because many
18 people who do own homes, even if they put out
19 their garbage, they, they're putting it out in
20 bags in the cans. I, you know, I'm not saying
21 that there's no exceptions, but for the most part
22 that's what I see. And it would seem not to make
23 sense as the law exists, and we should discuss
24 that further. When, when did the DOS begin
25 allowing residents to place trash bags directly on

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the sidewalk for pick up?

PETER MCKEON: In the early to mid-1970s, consistent with tripartite orders addressing specifications of plastic bags. Obviously, when I was growing up there wasn't very many plastic bags in the 1960s.

CHAIRPERSON FELDER: Right.

PETER MCKEON: Chairman's counsel can retrieve under Chapter 9 of Title 16 of the Rules of the City of New York, and HPD regulations, Channel, Chapter 27 of Title 28, RCNY, and Chapter 17 of Title 24, of the Department of Health and Mental Hygiene Rules. All three agencies rules are consistent and identical.

CHAIRPERSON FELDER: Okay. Now [pause, background voices] In your testimony, you talked about the issues of people throwing, or finding let's, again, if an agent, I'm going to say this for the record, most of the agents, whether they be in Sanitation or otherwise, are doing their job. We're really addressing, hopefully, we're addressing the minority that either don't have the experience or are not doing

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2 exactly what they're supposed to, they're doing an
3 "extraordinary" job, I put that in quotes. So,
4 the question then becomes, that you, the
5 Department has a rule about more than five pieces,
6 right. I say an unofficial policy, right? At the
7 same time, as you know, Councilman Gennaro and
8 myself and others, have brought up the issue of
9 the trashcans that are on the streets, that are
10 sometimes not picked up regularly. And this is a
11 budget issue, okay. I, I can't understand how one
12 logically could make an argument about homeowners,
13 you know, and the fact that, that by putting this
14 stuff out and not being careful, and perhaps,
15 since an agent comes by and there's ten, fifteen
16 pieces, makes an assumption that the homeowner is
17 in fact not being careful about their own garbage,
18 while 20 feet away there's a public can, and you
19 see it all over the City, overflowing, overflowing
20 with garbage. Now, I haven't discussed the issue
21 with the rodents union or anyone else, but I would
22 assume that if they need stuff, you know, maybe,
23 maybe Friedman has a lot better, you know, garbage
24 than the corner garbage can, but it's there. It's
25 there. And up un--and you know, I would just say

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2 that up until the city is willing and able to make
3 sure that the corner cans are picked up regularly,
4 and that the Department--and this is more for the
5 budget than the Sanitation Department--that you
6 have the resources to pick up those cans
7 regularly, and as often as they need to be picked
8 up, you can't, you can't mandate that somebody
9 owns a home on the same block 30 feet away.

10 You're keeping them to a standard that the City is
11 not keeping itself. What do you say about that?
12 Don't tell me you'll look into it. That's not a
13 good answer for this one. [laughter] This was a
14 good question. You know how I could tell? 'Cause
15 you are, you're hesitating.

16 ANDREA CICCONE: We're, we're not
17 stunned, we're not stunned by the question, you
18 make a very, very valid point, and in part, those
19 corner receptacles, we're well aware that they
20 may, they are not being serviced as frequently as
21 we like because of the budget cuts. And secondly,
22 we do wish we had more opportunity to actually
23 catch people in the act of misusing those corner
24 receptacles. But with that said, it goes back to
25 this issue of people placing out the receptacles,

1
2 and sweeping up the street, and putting these
3 items in their receptacles. And as Todd pointed
4 out, too, Chief Kuznits, I do the same thing. I
5 keep lids on my receptacles, so that it doesn't
6 blow about. And it also prevents people from
7 passing by and dropping their can or any kind of a
8 wrapper into my container, they might go up the
9 block to my neighbors, which is uncovered, but I
10 do keep my, my container secure.

11 CHAIRPERSON FELDER: Well, I--

12 ANDREA CICCONE: To prevent that
13 from happening.

14 CHAIRPERSON FELDER: Well, I want
15 to make, I want to make something clear. What
16 Councilman Jackson said earlier, I want to echo
17 and reiterate. What a pleasure it is having a
18 hearing with people such as yourself representing
19 a Department, getting answers directly, without
20 playing around, you know, without any games. But
21 at the same time, it doesn't detract from the
22 issue. For example, you mentioned you have your
23 can covered. I'm not sure it's such a great idea,
24 because, because, again, someone whose
25 responsible--we're not talking about people who

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2 are really careful. But somebody who's
3 responsible and, you know, finishes a can of soda,
4 something like that, they, if there's a can
5 nearby, they'll drop it in. Some of them will
6 drop it on the floor. So you get both sides of
7 the argument, you know, so that, that maybe having
8 the cans outside and they're available will
9 promote cleanliness. But besides the pick up
10 issue, the issue is that the City has two kinds of
11 cans. Now, the newspapers had a good time making
12 fund of members, including myself, for many
13 issues, I'm talking about myself, but particularly
14 about sponsoring garbage cans that are closed.
15 The City didn't have the money, so we went ahead
16 and used the, what ever you want to call it,
17 slush, pork barrel, discretionary money, I don't
18 care what it's called, to help the City do
19 something really that it should do on its own, but
20 it didn't have the money to do. So, right now,
21 what percentage of the cans in the City are, are
22 open? You know, I'm talking about the--I don't
23 know whether you call it net, you know--

24 ANDREA CICCONE: Mesh, mesh.

25 CHAIRPERSON FELDER: Mesh, yeah.

[off mic voices] Approximate.

TODD KUZNITS: Approximately? Over 95 percent.

CHAIRPERSON FELDER: Over 95 percent of the cans in the City are mesh. And we're giving--I'm not, I'm not exaggerating, I don't care if it's one violation, I'm not, the, the issue now is not about, about, you know, the number of violations, but we're giving homeowners violations for something that you, as the Department of Sanitation, trying to take care of this issue, cannot, cannot in any way, enforce with the City's garbage, if 95 percent of the cans in the City are mesh, which means that irrespective of the household garbage, whatever they're putting in there, 95 percent of the cans are open, which means that rodents, raccoons, whatever else you talked about, have someplace to go to, even if everybody else in the City was perfect, it doesn't make sense. It's illogical. And up until the point that that is taken care of, I, I find it unreasonable and unfair to issue violations to homeowners, unless that's taken care of. So, I'm suggesting that we propose new

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2 legislation, and say that we will not issue
3 summonses to homeowners until they're replaced.
4 It just doesn't make sense. I don't know, we're
5 going to, we're going to talk to you about this,
6 don't worry, there's not going to be a press
7 conference tomorrow or the next day. I'll allow
8 maybe some of my colleagues in the State to do
9 that press conference. But we want to work with
10 you, but this doesn't make sense, it's just not--
11 even if you argued, "Look, we want to do whatever
12 we can, so we're going to mandate homeowners,"
13 that's not fair. It's just not fair. It doesn't
14 make sense. And with issues with household
15 garbage and other stuff, somebody on the block
16 gets a ticket for garbage that's overflowing on
17 the corner, and when we submit, we've done this,
18 when we submit photographs of overflowing garbage,
19 it doesn't help them. So, there's, there's
20 something I, I want to reiterate, the, my, my--I
21 was going to say my anger, but I'd rather not be
22 angry, I'd rather be, my concern about this is not
23 about the Department of Sanitation not doing its
24 job. I, I am a big fan, really, a big fan, and I
25 think I've said it over and over, I think I, as

1 well as many people in the City, take for granted
2 the unbelievable work that your agency does, and
3 the people do, all year round, cold weather, hot
4 weather, summer, whatever, raining. It used to be
5 the compliment that the post office and its agents
6 had, that's not longer the case. I think that,
7 that many of them are doing a terrible job. But I
8 don't, that's not my purview of this, of this
9 hearing. You do a great job. But if the City is
10 not going to give you the resources to be able to
11 do what you need to do, to be able to keep the
12 streets clean and keep the rodents away, then you
13 can't mandate that homeowners do a better job than
14 what they're doing. I think that the--You know,
15 again, overall, I'm not telling you that there are
16 no people in my district that just throw the
17 garbage out and don't care at all. I have many of
18 them. Strike that from the record. [laughter] I
19 know, but this is, this is something that I think
20 that's just unfair, and we have to address. Do my
21 colleagues have any questions?
22

23 COUNCIL MEMBER JACKSON: I just,
24 concerning the proposed legislation, and in
25 looking, looking at the legislation, and reading

2 our briefing document, and also reading the
3 testimony from Mr. McKe--Peter McKeon?

4 PETER MCKEON: McKeon.

5 COUNCIL MEMBER JACKSON: McKeon.

6 And the only question I have is, in looking at the
7 what the proposed legislation says, basically,
8 under the current law, someone sitting out there,
9 sitting out on the curb, they're trash receptacle
10 should have a lid on it, that's what the law says.
11 Right? Isn't that correct?

12 PETER MCKEON: That's the present
13 law.

14 COUNCIL MEMBER JACKSON: And then,
15 present law, and the present law also says that if
16 you tie up your litter in a plastic bag and put it
17 on the curb, that's acceptable also.

18 PETER MCKEON: Yes.

19 COUNCIL MEMBER JACKSON: Okay. But
20 if a homeowner puts out a plastic trashcan, with a
21 plastic bag, same plastic bag as on the curb, and
22 put it in their, in their trash bag, garbage can,
23 and doesn't have a lid on, lid on it, they can get
24 a ticket. No? Okay. No, okay, oh, okay. But if
25 in fact a Sanitation enforcement agent happened to

1
2 walk by and they saw that, let's say they saw the
3 plastic bag on top of regular garbage, you know,
4 without, that's ticketable, is that correct?

5 PETER MCKEON: Well, normally it
6 would be the other way around, the regular garbage
7 would be on top.

8 COUNCIL MEMBER JACKSON: Okay,
9 normally.

10 PETER MCKEON: They don't pick up
11 the bag to see what's underneath.

12 COUNCIL MEMBER JACKSON: Okay,
13 because basically if there's like paper and trash
14 underneath that, it's already been, it's
15 underneath, and it's not going to blow around, so
16 forth and so on. Is that correct?

17 PETER MCKEON: That's correct.

18 COUNCIL MEMBER JACKSON: Okay.
19 Basically, this law basically says it's okay to
20 put out your plastic or metal cans, without a lid,
21 if it has plastic bags in it. But if in fact, if
22 a traffic--traffic enforcement agent [laughter]--
23 if an enforcement agent is waling by and sees a
24 receptacle, garbage can, with no lid on it, and
25 there's just open trash, that's a ticket, is that

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correct?

PETER MCKEON: That's correct.

COUNCIL MEMBER JACKSON: Okay.

CHAIRPERSON FELDER: Okay, I just want to clarify that the, the point that I was trying to make, and unfortunately I, I don't do as good a job as you do, is that if you have two homeowners--

COUNCIL MEMBER JACKSON: Right.

CHAIRPERSON FELDER: --and one puts their garbage in bags in the can, and then somebody passes by and throws whatever they throw, and there are five or six or seven pieces of garbage laying on top, as the law exists today, that homeowner could get a ticket. But the guy next door who legally is putting the stuff out in bags, will not get a ticket for something like that, and we're al--we're almost rewarding, and I'm not saying they're doing anything wrong, but somebody who's putting it in bags in a can, is really protecting more from rodents and other things than somebody who's just putting it out in bags, we shouldn't, we shouldn't look for a way to punish them, that's all.

2 COUNCIL MEMBER JACKSON: And
3 normally, as far as the law is concerned,
4 homeowners, I think, in the summertime it's 5:00
5 o'clock or 6:00 o'clock, and you said in the
6 wintertime it's 4:00 o'clock, and so that means
7 that the garbage going to be picked up the next
8 morning, is that correct? Or that night?

9 TODD KUZNITS: Or overnight.
10 During the wintertime, we have around the clock
11 collection. We have to place people on a work for
12 snow.

13 COUNCIL MEMBER JACKSON: For snow,
14 right.

15 PETER MCKEON: And we give them
16 functions--

17 COUNCIL MEMBER JACKSON: So you use
18 them there.

19 PETER MCKEON: Yeah, we use them--

20 COUNCIL MEMBER JACKSON: Okay.

21 PETER MCKEON: --we do around the
22 clock in the wintertime.

23 COUNCIL MEMBER JACKSON: Okay, I'm
24 clear. Thank you.

25 CHAIRPERSON FELDER: So, I just

2 want to thank you again for coming. And
3 appreciate very much, again, the job you do, and I
4 want to thank you in advance for the job you will
5 be doing with the cold weather coming along. I
6 just want to make sure that you know where
7 Councilman Jackson's district is, and where my
8 district is, and everybody from the Committee. Do
9 they know?

10 COUNCIL MEMBER JACKSON: Yeah, I
11 know.

12 CHAIRPERSON FELDER: That they
13 know.

14 COUNCIL MEMBER JACKSON: I always
15 complain about the dog poop and people should be
16 getting, given tickets.

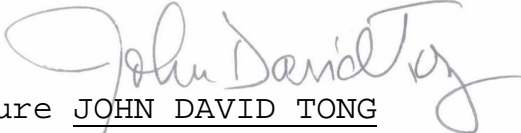
17 CHAIRPERSON FELDER: Very good, so,
18 so we thank you very much, the hearing is hereby
19 closed.

20 [gavel]

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C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.


Signature JOHN DAVID TONG

Date December 30, 2009