

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON STATE AND FEDERAL LEGISLATION

-----X

June 12, 2013
Start: 10:41 a.m.
Recess: 11:30 a.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
HELEN D. FOSTER
Chairperson

COUNCIL MEMBERS:

Council Member Erik Martin Dilan
Council Member Lewis A. Fidler
Council Member Domenic M. Recchia, Jr.
Council Member Joel Rivera
Council Member Elizabeth S. Crowley
Council Member Julissa Ferreras
Council Member Vincent J. Gentile
Council Member James S. Oddo

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

Eddie Bowles
Representative
Uniformed Fire Officers Association

Larry Scott Blackman
Deputy Commissioner for Community Outreach
New York City Department of Parks and Recreation

Mary O'Connell
General Counsel
District Council 37

Stephen H. Banks
Assistant Commissioner
New York City Office of Labor Relations

Vincent Palechia
General Counsel
Tri State Transportation Campaign

Kate Slevin
Assistant Commissioner of Intergovernmental Affairs
New York City Department of Transportation

Mario Merlino
Assistant Commissioner for Veterinary and Pest Control
Services in Division of Environmental Health
New York City Department of Health and Mental Hygiene

Reggie Thomas
Representative
Mayor's Office of Legislative Affairs

William Martin
Committee Clerk
New York City Council

1
2 CHAIRPERSON FOSTER: Good morning.
3 Good morning. We are going to start the Committee
4 on State and Federal Legislation. Good morning
5 and welcome. My name is Helen Diane Foster and I
6 am the Chair of the State and Federal Legislation
7 Committee. As you know the City's fiscal year is
8 coming to an end and so is the session in Albany.
9 Thus, we have numerous home rule requests to
10 consider today that greatly effect the City.
11 First, let me introduce my Committee Members. We
12 have Council Member Recchia from Brooklyn, Council
13 Member Crowley from Queens, Council Member Rivera
14 from the Bronx and we will be joined by other
15 members. This morning the Committee will be
16 voting on a number of items. While these items
17 might not seem related they represent a concerted
18 effort to better our city. The first item to be
19 considered today would amend the General Municipal
20 Law to require mandatory training for fire
21 officers on fire building and construction codes
22 of New York City. The city would provide all fire
23 officers with at least 40 hour, excuse me, 40
24 hours of field training and classroom instruction
25 on building and fire codes. The Committee will

1
2 also consider legislation that will amend the
3 Administrative Code of the City of New York to
4 improve and clarify the law related to the
5 licensing's of licensing of dogs in New York City.
6 The bill would additionally provide the City with
7 further control over the licensure of dogs and the
8 associated fees. We will also consider
9 legislation that would amend the Administrative
10 Code of the City of New York to provide a .68 acre
11 expanded boundary for the Billy Jean Tennis
12 Center, a public tennis facility located in
13 Flushing Meadow, Corona Park, in Queens. The .68
14 acres of City property would then be leased to an
15 affiliate of the United States Tennis Association
16 Incorporated for the improvement and expansion of
17 the tennis center. This bill would also provide
18 that 1.56 acres would be removed from the tennis
19 stadium and center lease and rededicated as
20 parkland. The National Tennis Center would only
21 have permission to use this land during the US
22 Open and qualifying matches. The Committee will
23 also look at legislation that will amend the State
24 Finance Law in relation to establishing equal
25 employee and employer representation on the New

1
2 York City Deferred Compensation Law. We will also
3 consider proposed legislation that would permit
4 the City to enact a pilot program on the use of
5 cameras in school speed zones. The City would
6 have the ability to operate cameras in up to 20
7 school speed zones at one time of the year, at any
8 one time of the year. The cameras will be similar
9 to the red light cameras and would record speeding
10 violations on the film. We will also consider
11 legislation that would allow New York City to
12 create, by local law, an angel investor credit on
13 the City's personal income or unincorporated
14 business taxes. Angel investors are individuals
15 who provide personal capital to start up
16 companies, often through a trust fund or business
17 and who are distinct from venture capitalists who
18 invest another person's capital. The credit would
19 be limited to accredited investors, investors in
20 biotech and med tech start ups. Investors would
21 receive a refundable credit equal to ten percent
22 of the eligible investments. Credit would be
23 limited to a maximum credit of \$100,000 payable
24 over five years, about \$20,000 per year. The
25 total credits that the city would issue in any

1
2 given year would be capped at \$3 million. The
3 Committee will also hear proposed legislation
4 which expands the current New York City childcare
5 credit to the entire middle class. This credit is
6 intended to off, to help offset the cost of
7 childcare for working parents or parents looking
8 for work. The credit is available for children
9 three and under and is fully refundable. Lastly,
10 we will review legislation that would amend the
11 real property tax law in relation to the
12 termination of adjusted base proportion in special
13 assessing units which our City's for fiscal year
14 2014. State law requires New York City to adopt
15 class shares based on rates calculated by the
16 State Board of Real Property Services in order to
17 distribute the tax levy among the four classes of
18 real property. This year the State Board's class
19 equalization rates would cause the tax burden on
20 property tax class one, compromised of one, two
21 and three family homes to increase as it is done
22 over the past several years. This legislation
23 would adjust the calculation of those rates to
24 limit the increase of class one rates without
25 causing the class two, the other residential

1
2 classes multiple dwellings rates from increasing.
3 Now, we will have our first panel or first person
4 to testify is Lieutenant Eddie Bowles [phonetic],
5 Uniformed Fire Officers Association. Where is he
6 to sit to, right here? Right here? Thank you.

7 MR. EDDIE BOWLES: I feel special.

8 [off mic]

9 MALE VOICE 1: Short and sweet.

10 MR. BOWLES: Good morning. My name
11 is Lieutenant Eddie Bowles. I represent the
12 Uniformed Fire Officers Association. I'm speaking
13 on behalf of Al Hagan [phonetic] our President. I
14 want to first extend my thanks to this Committee
15 and to the Speaker and to the entire City Council
16 for passing the Home Rule on this bill last year.
17 It's an important bill. It's one that we strive
18 for. Since the revamping of the code in 2008 we
19 are now doing more building inspections and we're
20 doing more building inspections with lack of
21 training, which no one would ever, you would never
22 send a cop out to enforce a law if you didn't
23 teach them the rules of those laws, and that's
24 what we're asking for here. Now, the Department
25 will say that they do training, and they do

1 training. The training has increased, however,
2 the training is mostly on how to log into the
3 computer and do the data entry and do the
4 administrative things that are associated with
5 doing those inspections. I just want to call your
6 attention to the Governor's veto message last
7 year, it's important. And this is his quote, I
8 believe more training is appropriate but I will
9 not dictate to the City the extent of which it
10 should instruct its fire officers in such matters.
11 I hope the City and its unions will cooperate and
12 reach an agreement that ensures that its fire
13 officers receive the necessary training. If they
14 do not I am prepared to consider future
15 legislation on this subject. That's a direct
16 quote from the Governor's veto message. We had
17 three meetings, we set three meetings with the
18 Mayor's office which were cancelled by City Hall.
19 When we did have a meeting with the Deputy Mayor
20 he seemed interested in our proposal and said that
21 he would get back to us. However, he never got
22 back to us. So, that's why we're here today.
23 We're here today because we tried to do the right
24 thing, we try to meet with the Mayor, we tried to
25

1
2 sit down with the administration in order to get
3 this training but we were not successful so we're
4 wishing, we're hoping that today that you'll pass
5 this bill. And if you have any questions, I'm
6 here.

7 CHAIRPERSON FOSTER: Thank you.
8 Council Member Crowley?

9 COUNCIL MEMBER CROWLEY: Thank you,
10 Chair. Good morning, Lieutenant Bowles. My
11 question is, how important is this training to the
12 safety of fire officers and to the safety of the
13 people, of the public?

14 MR. BOWLES: We, as you know, we
15 inspect buildings, commercial buildings,
16 residential buildings, it's a task that we take
17 on. And the importance is really the safety.
18 When we go into these buildings, if I go in here,
19 I never, I have 20 years in the job, I've never
20 been properly trained. I come in here, I say,
21 okay, there's a violation here or a violation
22 there. I just came back from Houston the other
23 day. Houston lost four firefighters over the
24 weekend. One was a probationary female, 24 years
25 old. There's a captain in the hospital right now

1
2 who lost both his legs. And the reason I bring
3 this up is they went into a building, a structure
4 that had faulty construction but they didn't know
5 because of the lack of training there in regards
6 to inspections. We, if you, if we are properly
7 trained then we can see things before bad things
8 happen. And if we can point out a violation or
9 point out a construction failure or something that
10 could, if in a fire or in an emergency that we
11 could prevent that it will save lives in the long
12 run.

13 COUNCIL MEMBER CROWLEY: How many
14 training hours do fire officers get right now on
15 building codes and when the City is implementing
16 new changes do you get trained on that, do your
17 officers when those changes happen?

18 MR. BOWLES: We, right now we get
19 about 20 hours of training but the training is
20 predominantly on how to log into the computer and
21 how to do the administrative work associated with
22 building inspections. It's not on the nuts and
23 bolts how to inspect the building.

24 COUNCIL MEMBER CROWLEY: Okay.
25 Thank you.

2 CHAIRPERSON FOSTER: Any other
3 questions? Thank you very much.

4 MR. BOWLES: Thank you.

5 CHAIRPERSON FOSTER: Our next
6 panel, Larry Scott Blackman [phonetic] Deputy
7 Commissioner, Parks Department and Colleen
8 Alderson [phonetic] Director of Parklands. Thank
9 you.

10 MR. LARRY SCOTT BLACKMAN: Good
11 morning.

12 CHAIRPERSON FOSTER: Good morning.

13 MR. BLACKMAN: I'm Larry Scott
14 Blackman, Deputy Commissioner for Community
15 Outreach with the New York City Department of
16 Parks and Recreation. I'm joined here today by
17 Colleen Alderson, our Director of Parklands, Karen
18 Becker [phonetic], our Director of Government
19 Relations and Jamilla Belgrave [phonetic] our
20 Government Relations Liaison. Thank you for
21 inviting us to testify today on behalf of the home
22 rule message in support of the USTA Billy Jean
23 King National Tennis Center Strategic Vision
24 Project. This home rule message is being
25 proposed is in support of alienation legislation

1
2 bill number A-7826 introduced in the New York
3 State Assembly, Bill Number S-5663, introduced in
4 the New York State Senate. Parks, in coordination
5 with the USTA National Tennis Center are seeking
6 legislative approval in connection with proposed
7 improvements and and expansion to the facilities
8 at the USTA Billy Jean King National Tennis Center
9 located in Flushing Meadow, Corona Park in Queens.
10 The improvements collectively are known as the NTC
11 Strategic Vision project. The National Tennis
12 Center is one of the world's largest public
13 recreational tennis facilities. For 11 months of
14 the year its facilities are open to the public
15 indoor and outdoor tennis, USTA and outdoor
16 tennis. The USTA maintains the facilities year
17 round. The NTC is also host to the US Open, one
18 of the sports four grand slam championship tennis
19 tournaments. The event is staged during the two
20 week period around the beginning of September and
21 is attended by approximately 700,000 spectators
22 and is broadcast worldwide. The legislative
23 approval subject to the home rule action before
24 you, would enable much needed improvements and
25 updates to the 42 acre National Tennis Center.

1
2 The purpose of the proposed project is to sustain
3 the long term viability of the National Tennis
4 Center as a world class spectator venue and
5 outstanding public recreation facility. It would
6 result in a much needed improvement to the visitor
7 experience and provide substantial long term
8 economic benefits to Queens, New York City and the
9 region. The proposed project would improve the
10 National Tennis Center site plan, circulation,
11 visitor amenities and landscaping and would
12 include construction of two new stadiums to
13 replace the existing Louis Armstrong Stadium in
14 the same location and Grandstand Stadium in a new
15 location at the southwest corner of the National
16 Tennis Center site, as well as possible
17 improvements to Arthur Ashe Stadium. The proposed
18 project would also include modifications to
19 tournament courts in ancillary buildings, the
20 construction of two new parking garages, the
21 relocation of a connector road and pedestrian
22 enhancements. In addition, the project would
23 minimize expansion beyond NTC lease boundaries to
24 minimize the amount of alienation, maintain or
25 improve public availability of courts, improve the

1
2 NTC's context within the park, replace and upgrade
3 aging, out of date infrastructure and facilities
4 that have reached the end of their useful lives,
5 improve visitor circulation and maintain
6 opportunities for public programming throughout
7 the year. The proposed site improvements and
8 other components of the NTC strategic vision are
9 intended to collectively further the project goals
10 set forth above addressing serious deficiencies in
11 the three existing stadiums and making the
12 National Tennis Center more comfortable and
13 friendly to the public, fans, sponsors and
14 players, recreational users year round. The bill
15 proposes to amend the Administrative Code of the
16 City of New York in order to lease to the USTA a
17 .68 parcel, 29,520 square feet adjacent to the
18 existing National Tennis Center and part of
19 Flushing Meadows, Corona Park, in order to advance
20 the NTC strategic vision project and would
21 rededicate as parkland land previously alienated
22 and granted to the USTA. The .68 acre strip will
23 be alienated, that would be alienated is located
24 north of United Nations Avenue North and south of
25 the existing National Tennis Center fence line.

1
2 The area is currently a mix of landscaped and
3 paved areas including one lane of the three lane
4 United Nations Avenue North. The landscaped
5 portion includes a triangular median area near an
6 internal connector road, a median adjacent to the
7 northernmost lane of the United Nations Avenue
8 North and a narrow strip of land adjacent to the
9 current NTC fence line. The landscaping includes
10 trees in some areas but no other park features
11 such as play equipment, benches or statues.
12 Replacement parkland for the project will be
13 comprised of two parcels totally 1.56 acres that
14 will be surrendered from within the current
15 boundaries of the National Tennis Center. These
16 parcels were alienated in 1993 and are currently
17 used as practice courts with seating in the later
18 facilities during the US Open and other major
19 tennis tournaments. The two parcels are, a 1.31
20 acre located southeast of David Dickens Circle
21 occupied by five tennis courts and .5 acres of
22 landscaped areas. When not in use by the USTA
23 these courts are used by the City Parks
24 Foundations for lessons, hourly rentals,
25 tournaments, leagues and special events. A

1
2 portion of this parcel located along the eastern
3 edge of the tennis courts is alienated but not
4 included in the NTC lease. The area included in
5 the NTC lease is 1.16 acres. A .25 acre
6 landscaped parcel located just beyond the eastern
7 end of the bank of six tennis courts to the east
8 of the Passarelle [phonetic]. Improvements to
9 park features in Flushing Meadows, Corona Park,
10 will also be provided. The USTA is committed to
11 financially support Flushing Meadows, Corona Park
12 and will work with the Department of Parks and
13 Recreation to facilitate park improvements to
14 offset the .68 acre parcel to be added to the
15 National Tennis Center leased premises. USTA
16 would have use of the replacement parkland parcels
17 during the US Open and possibly other tournaments
18 and the USTA would remain responsible for
19 maintenance and repair of five tennis courts on an
20 annual basis so they continue to be available in
21 good condition for public use. The Parks
22 Department is in support of the Home Rule
23 legislation before you. Thank you for allowing us
24 the opportunity to testify before you today.

25 CHAIRPERSON FOSTER: Thank you very

1
2 much. Any questions? Since you brought your nice
3 little map you want to show us something?

4 MR. BLACKMAN: We'll identify the
5 parcel.

6 CHAIRPERSON FOSTER: Yeah, and I'm
7 sorry, we've been joined by Council Member Dilan
8 from Brooklyn, sorry.

9 MR. BLACKMAN: And she doesn't have
10 a microphone but this is Colleen Alderson, our
11 Director of Parklands.

12 CHAIRPERSON FOSTER: Thank you.

13 MR. BLACKMAN: And Parks
14 Department. The .68 strip is this strip in green,
15 that small parcel. And the purple areas are the
16 portions that are going to be taken out and
17 dedicated as replacement parkland.

18 CHAIRPERSON FOSTER: Great. You
19 explained all that in your testimony but I didn't
20 want your nice poster to go unlooked at. Thank
21 you very much. Our next panelist is Mary
22 O'Connell [phonetic], Municipal Labor Committee.

23 MS. MARY O'CONNELL: Good morning.

24 CHAIRPERSON FOSTER: You can start.
25 Push, put your light on. I mean your, press the

1
2 microphone on, right in front of you.

3 MS. O'CONNELL: There we go. Thank
4 you. Good morning, Chairperson Foster and members
5 of the Committee. My name is Mary O'Connell. I
6 am General Counsel to District Council 37 of - - .
7 I also have the privilege of serving as the
8 designated representative of Lillian Roberts to
9 the New York City Deferred Compensation Board. In
10 this capacity I represent the Municipal Labor
11 Committee, an organization of multiple labor
12 unions representing 400,000 city workers chaired
13 by Harry Nispoli [phonetic]. I thank you for the
14 opportunity to speak in support of delivery of a
15 Home Rule message concerning Senate number 4409,
16 Assembly Number 6862, a bill which would amend the
17 New York State Finance Law to allow for an equal
18 number of employer and employee representatives on
19 the board. The New York City Deferred
20 Compensation Board is presently comprised of ten
21 members, two of whom are representatives of
22 employees. This bill alters the boards
23 composition to allow for equal representation of
24 employee and employer representatives. At the
25 present time the New York City Deferred

1 Compensation Board is comprised of, pursuant to
2 executive board of ten members; the Mayor, the
3 Police Commissioner, the Fire Commissioner, the
4 Director of the Office of Management and Budget,
5 the Finance Commissioner, the Commissioner of the
6 Office of Labor Relations, the Commissioner of the
7 Department of Citywide Administrative Services,
8 the Comptroller and two representatives of
9 Municipal Labor Committee Union's. I note that it
10 was not until November of 2011 that the Mayor
11 signed an executive order to allow any employee
12 representation on the Board. While that change
13 was a step in the right direction we find it is
14 insufficient to represent employee representatives
15 in the best manner possible. The function of the
16 Board is to oversee administration of the City's
17 Deferred Compensation Program which holds over \$12
18 billion in employee retirement savings. Members
19 of MLC Constituent Unions hold 90 percent of the
20 savings in the plans various funds. Despite these
21 unions representing these employees only two of
22 the ten votes on the board. This legislation
23 would update the Chapter laws of 1982 to ensure
24 that both employee and employer perspectives have
25

1
2 equal representation in the decision making
3 process. The equal representation between
4 employees and employers on the board will ensure
5 that the New York City Deferred Compensation Board
6 Plan is striving to meet the needs of planned
7 participants. In that the Deferred Compensation
8 Plan is comprised of assets held for the exclusive
9 benefit of employees equal employee representation
10 on the Board is not only justifiable but
11 fundamental. I note that this change would be
12 consistent with the composition of other New York
13 City pension boards which have significant
14 employee representation and wherein a vote of an
15 employee representative is now necessary in order
16 to pass a measure. I would also like to take this
17 opportunity to mention that support of this bill
18 should not be interpreted as any criticism of the
19 current administrative staff. The DCP has
20 received numerous awards and is applauded across
21 the country and is, in fact, a model for other
22 plans. The MLC's goal in supporting this
23 legislation is to ensure that we stay that same
24 way. And I thank the board again, the Committee
25 again for the opportunity to speak on this measure

1
2 and would be happy to answer any questions.

3 CHAIRPERSON FOSTER: Thank you.

4 Any questions? Thank you very much. Next we will
5 have Stephen H. Banks [phonetic] Assistant
6 Commissioner, New York City Office of Labor
7 Relations. Sure, just turn your mic on.

8 MR. STEPHEN BANKS: Good morning
9 Chairperson and Members of the Committee. My name
10 is Stephen Banks and I'm an Assistant Commissioner
11 with the City's Office of Labor Relations. I'm
12 here today representing Commissioner Hanley. I'd
13 like to testify regarding the proposed State
14 Legislation that would change the composition of
15 the City's Deferred Compensation Board. The
16 proposed legislation would amend the State Finance
17 Law, provide for increased union representation on
18 the Deferred Compensation Board. The City opposed
19 the proposed amendment. The Deferred Compensation
20 Board was established in 1985 by a Mayoral
21 executive order and the Board initially consisted
22 of seven members or their designees; the Mayor,
23 the Comptroller, the Director of Municipal Labor
24 Relations, the Director of Management and Budget,
25 the Corporation Council, the Commissioner of

1 Finance and the Personnel Director. The Deferred
2 Compensation Plan was initially available only to
3 none representative employees and the City's
4 municipal unions later collectively bargained the
5 right to take part in the plan. The composition
6 of the board remained the same until 2011 when
7 membership was increased to ten, removing the
8 Corporation Counsel as a member and adding the
9 Commissioner's of the Police and Fire Departments.
10 Also at that time for the first time in the
11 Board's history two union representatives were
12 added to the board to be appointed by the
13 Municipal Labor Committee. These changes were
14 also effectuated locally by Mayoral Executive
15 Order and were implemented in part because of the
16 Municipal Labor Unions request for participation
17 on the board. Now, the bill that's pending, the
18 Sponsor's Memorandum for the proposed assembly
19 bill contains several errors; it states that the
20 New York City Deferred Compensation Board is
21 comprised of three members. It should be noted
22 that the City's Deferred Compensation Board, as I
23 mentioned earlier, consisted of seven members from
24 1985 to 2011 and now has ten. Just as a point of
25

1
2 contrast, the State Deferred Compensation Board
3 consists of three members, and they are appointed
4 by the Governor, the Speaker of the Assembly and
5 the Senate Majority Leader. Notably, there's no
6 direct union membership on the State Deferred
7 Compensation Board. In addition, the sponsors
8 memorandum on the proposed bill states that the
9 New York City Deferred Compensation Board is
10 solely comprised of employee representatives.
11 Again, that statement is factually incorrect as
12 labor representatives have occupied seats on the
13 board for the past 18 months since the
14 promulgation of Executive Order Number 158 of
15 2011. This proposed legislation would
16 dramatically change the composition of the City
17 and entity which has been an objective success for
18 the 28 years of its existence. The New York City
19 Deferred Compensation Board has expertly executed
20 its responsibilities as its currently constituted,
21 the Deferred Compensation Plan is the second
22 largest government defined contribution plan in
23 the country with approximately \$13 billion in
24 assets and more than 155,000 participant accounts.
25 The plan has received more than 56 awards for its

1
2 excellence in administration, investment features,
3 participant communications and financial reporting
4 and its recognized as being among the most
5 influential plans in the defined contribution
6 industry. In formal and informal settings the
7 leaders of the city's municipal unions have
8 consistently praised the Deferred Compensation
9 Plan as an extremely well run entity and an
10 example of good government. There's no compelling
11 reason to disturb this successful structure that's
12 been in place for 28 years. For all these reasons
13 the City opposes State bills, A6867 and S4907. I
14 thank you for the opportunity to share our views
15 today.

16 COUNCIL MEMBER RECCHIA: Thank you
17 very much. Does any Council Member have a
18 question? Nope?

19 MR. BANKS: Thank you.

20 COUNCIL MEMBER RECCHIA: Thank you
21 very much. Who else is going to testify? Vincent
22 Palechia [phonetic], Tri State Transportation
23 Campaign.

24 MR. VINCENT PALECHIA: Good
25 morning.

2 COUNCIL MEMBER RECCHIA: Good
3 morning.

4 MR. PALECHIA: Thank you for this
5 opportunity to testify today. My name is Vincent
6 Palechia, I am the General Counsel for Tri State
7 Transportation Campaign. Tri State is a non
8 profit--

9 COUNCIL MEMBER RECCHIA:
10 [interposing] Could you speak closer to the mic so
11 we can hear?

12 MR. PALECHIA: Sure. Tri State is
13 a non profit policy and advocacy organization
14 working for a more sustainable transportation
15 network in New York, New Jersey and Connecticut.
16 I'd like to address the proposed speed camera
17 demonstration in New York City. New York streets
18 are not speedways but the way people drive on them
19 suggests they are. Every day countless drivers
20 are exceeding the 30 mile per hour speed limit on
21 New York City streets. Our streets are used by
22 children, seniors, the disabled, motorists and
23 bicyclists who put their lives in the hands of
24 reckless drivers the minute their feet touch New
25 York City pavement. Sidewalks, crosswalks and

1
2 pedestrian zones will not stop a car that loses
3 control at 60 miles per hour. But speed cameras
4 are a strong deterrent to putting the foot on the
5 floor in the first place throughout our city. As
6 you know, New York City Department of
7 Transportation has embarked on significant
8 initiatives to reduce speeding in the city
9 including reduced speed zones around schools and
10 neighborhoods, traffic coning projects, a look
11 campaign encouraging pedestrians to use
12 infrastructure safely and an ad campaign
13 highlighting the importance to motorists of being
14 in a 30 mile per hour speed limit. Unfortunately,
15 drivers continue to break the law. Each year over
16 70,000 summonses are issued for speeding
17 violations. Given that one in four traffic deaths
18 in New York City is caused by speeding the number
19 of summonses is a fraction of the incidences
20 occurring. Put simply, speeding kills. When a
21 person is hit by a car traveling 30 miles per hour
22 there is 20 percent chance they will be killed.
23 If they are hit by a car traveling 40 miles per
24 hour there is a 70 percent chance they'll be
25 killed. Motor vehicles are the leading cause of

1 death due to injury amongst children in New York
2 City and child pedestrians account for three
3 quarters of the victims. In 2010 pedestrians
4 accounted for 55 percent of traffic fatalities.
5 Speeding claimed two times as many lives as
6 distracted driving and is the number one cause of
7 fatalities in New York City. These are avoidable
8 deaths that it is crucial that speed cameras are
9 part of the New York City Safety Kit. Speed
10 enforcement cameras are now in use in over 100
11 communities in 13 states across the country.
12 Research shows that speed enforcement cameras
13 reduce injuries and fatalities by 40 to 45 percent
14 and reduce speeding by 71 percent. Their proven
15 success is the reason why New York City Police
16 Commissioner Ray Kelly issued support for speed
17 cameras a few months ago. New York City needs
18 streets that are safer for pedestrians, bicyclists
19 and drivers. Every day speed cameras are absent
20 from New York City streets is another day needless
21 and preventable deaths occur. We would like to
22 thank Speaker Quinn, Transportation Chair James
23 Vacca and all the Council Members who in March
24 passed a resolution 916-2011 introduced by Members
25

1
2 Van Bramer and Levin. New York City Council must
3 send a Home Rule message to Albany today that a
4 speed camera demonstration program must be signed
5 into law. These are preventable deaths and the
6 longer our State elected officials take to sign
7 this lifesaving law into action the more needless
8 deaths occur in New York City's roads because of
9 speeding.

10 COUNCIL MEMBER RECCHIA: Thank you.

11 CHAIRPERSON FOSTER: Thank you.

12 Excuse me, I had to go next door to vote for
13 Finance. Thank you very much. Our next panel or
14 witness is Ed Pakar [phonetic] and Kate, are you
15 Kate? Is that Levin or Slevin? Slevin, I didn't
16 know if it was, like, Kate S. Levin. So, Kate
17 Slevin and Ed Pakar. Press, yeah - - .

18 MS. KATE SLEVIN: Good morning,
19 Chairperson Foster and Members of the State and
20 Federal Legislation Committee. My name is Kate
21 Slevin and I am the Assistant Commissioner of
22 Intergovernmental Affairs for the New York City
23 Department of Transportation. I am joined today
24 by Ed Pakar, Director of Intergovernmental Affairs
25 at DOT. I am here to testify in strong support of

1
2 the Home Rule Message for A-4327-A which would
3 authorize a New York City Speed Camera Program to
4 enhance safety around schools. Passage of this
5 SLR today would send a powerful message to Albany
6 to act on this lifesaving bill. Speed cameras,
7 which have already won the support of dozens of
8 State and elected officials along with major
9 publications and advocacy groups are pragmatic an
10 appropriate proposal in DOT's efforts to improve
11 safety on New York City streets. The legislation
12 would allow us to install speed cameras at up to
13 20 school safety zones throughout the city and to
14 ticket drivers who go ten miles per hour or more
15 above the posted speed limit. This rate of
16 speeding is simply life threatening. In fact,
17 studies show that if a pedestrian is struck at 30
18 miles per hour there is a 70 percent chance she
19 will survive and if a pedestrian is struck at 40
20 miles per hour there is an 80 percent chance she
21 will die. DOT has made exceptional progress to
22 reduce the number of traffic related deaths over
23 the last decade. Our street redesign safety
24 program and education campaigns have resulted in
25 the safest five years since record keeping began

1
2 in 1910. The City has also seen a reduction in
3 traffic fatalities by 40 percent in the past
4 decade and 54,000 fewer traffic injuries a year
5 compared to 2001. Many of our safety programs and
6 projects have been focused around schools. We've
7 installed 2000 speed humps near schools since 1996
8 and through a mix of traffic claiming, new signage
9 and speed limit reductions we have made safety
10 improvements at nearly 300 schools with more on
11 the way. But speeding remains a persistent
12 problem. Speeding was the single greatest
13 contributing factor among the 274 traffic deaths
14 in 2012 and attached to my testimony is a list of
15 the 100 school zones across the five boroughs
16 where 75 percent of vehicles were found to be
17 speeding. To address this widespread problem and
18 ultimately reach our ambitious goal of cutting
19 traffic fatalities in half by 2030 the city needs
20 additional safety and enforcement tools. Over 100
21 cities and towns across the country have installed
22 speed cameras and the results are clear. Speed
23 cameras reduce speeds and save lives. In New
24 Orleans speed cameras led to an 84 percent drop in
25 speeding and an analysis in Montgomery County

1
2 Maryland revealed that the proportion of drivers
3 exceeding the speed limits by more than 10 miles
4 per hour declined by approximately 70 percent
5 after speed cameras were installed. In fact,
6 research shows that his technology reduces
7 injuries and fatalities by 40 to 45 percent.
8 DOT's experience with red light cameras support
9 these statistics. Intersections where red light
10 cameras were installed saw a 56 percent decline in
11 serious injuries and a 44 percent decrease in
12 pedestrian fatalities and a 16 percent decrease in
13 all injuries. For these reasons DOT and a broad
14 coalition of people interested in protecting the
15 lives of school children support the common sense
16 speed camera proposal. The legislation would give
17 DOT an additional effective and necessary
18 mechanism to change driver behavior and reduce
19 accidents and fatalities related to speeding. In
20 summary, DOT strongly urges the Council to pass a
21 Home Rule in favor of A-4327-A and S4459-A to
22 greatly enhance safety in New York City. Thank
23 you for your consideration and for working with us
24 to improve safety on our streets. We'd be happy
25 to have, answer any questions you have at this

1
2 time.

3 CHAIRPERSON FOSTER: Thank you very
4 much. We've been joined by Council Member Fidler
5 from Brooklyn. Any questions? Thank you.

6 MS. SLEVIN: Thank you.

7 CHAIRPERSON FOSTER: Our last
8 panelist is Mario Merlino [phonetic] from
9 Department of Health and Mental Hygiene. Put your
10 mic on, the button. There you go.

11 MR. MARIO MERLINO: Good morning,
12 Chairperson Foster and Members of the City
13 Council. My name is Mario Merlino and I am the
14 Assistant Commissioner for Veterinary and Pest
15 Control Services in Division of Environmental
16 Health in the New York City Department of Health
17 and Mental Hygiene. Thanks for inviting me to
18 testify in support of the Council's Home Rule
19 message in support of A-24026 would give the, New
20 York City the ability to set the fee for dog
21 licensing. The Department pursued this
22 legislation for two years primarily to enable the
23 Department to modernize its licensing program,
24 increase the proportion of dogs that are licensed
25 and to raise critical revenue to support the

1
2 already substantially increased funding for our
3 animal shelters. And I'll briefly review all of
4 the reasons we support the bill. New York City
5 first should have the same authority to set the
6 license fees other New York localities, the New
7 York State Agriculture and Market Law directs
8 localities to establish the license fee but New
9 York City is the only locality that's governed by
10 an unconsolidated law enacted in 1894 and not this
11 Agriculture Market Statute. This legislation
12 would establish a uniform approach to dog
13 licensing around the state. Secondly, the license
14 fee was intended to support animal care and
15 control activities but no longer even covers the
16 cost of issuing the license. A license for
17 altered dogs in New York City costs only \$8.50, an
18 amount that has not changed since 1974 and is now
19 one of the lowest fees in the state and of any
20 major city in the country. The fees generated by
21 dog licensing were intended to help defray the
22 cost of animal care and control program but no
23 longer even cover the cost of issuing licenses and
24 investigating complaints about dogs. Because the
25 fee has not increased in nearly 40 years New York

1
2 City is losing money on state mandated licensing
3 programming. This legislation would allow New
4 York City Council to raise the fee to meet the
5 legislative intent. Okay, the New York City will
6 seek local legislation increase the fee to enable
7 to improve animal care services. If the City
8 Council is authorized to set the fee for dog
9 licensing New York City will seek local
10 legislation to raise the fee to generate revenue
11 needed to support improvements underway in the
12 city animal shelters. Thanks to you, the City
13 Council, the Department has increased the budget
14 for animal care and control, which is a nonprofit
15 under contract to operate the animal shelters
16 already by more than two thirds and by 2015 their
17 budget will increase by 77 percent improving
18 veterinary care and shelter maintenance. These
19 enhancements make sheltered animals more likely to
20 be placed in new homes. Lastly, obtaining a
21 license will be easier for dog owners with the
22 change. The legislation will make it easier for
23 dog owners to attain licenses in a variety of ways
24 by increasing the financial incentive for
25 potential third party issuers to ten percent of

1
2 the base fee rather than the \$1.00 they get in
3 the, under the current law. We'll be able to
4 offer licenses, hopefully, at other points of
5 sale, veterinary clinics, retail establishments
6 and pet related events. The city will also
7 improve its online licensing to streamline the
8 application by enabling owners to certify the
9 spay/neuter status of their dog and to enable auto
10 renewals. Thank you for this opportunity to
11 testify.

12 CHAIRPERSON FOSTER: Thank you very
13 much. Our last analyst--

14 COUNCIL MEMBER RECCHIA:
15 [interposing] Could I, I have a question?

16 CHAIRPERSON FOSTER: Oh, I'm sorry.

17 COUNCIL MEMBER RECCHIA: So, what
18 do you want to raise the dog license fee too?

19 MR. MERLINO: We're not prepared to
20 offer a number now. Somewhere in the range of \$20
21 to \$30, something like that.

22 COUNCIL MEMBER RECCHIA: So, you
23 want \$20 to \$30 from \$8.50?

24 MR. MERLINO: Well, it would go
25 from \$8.50 to \$20.00, something like that. We

1 don't have a set amount.

2
3 COUNCIL MEMBER RECCHIA: Well, I
4 have an issue with this. I think that there are
5 other ways to raise, how much money will this
6 raise for you?

7 MR. MERLINO: We estimate around
8 \$1.7 million.

9 COUNCIL MEMBER RECCHIA: \$1.7
10 million. Okay.

11 CHAIRPERSON FOSTER: Thank you.
12 I'm sorry. Any other quests? Okay. Our last
13 panelist this time is Reggie Thomas, Mayor's
14 Office of City Legislative Affairs.

15 MR. REGGIE THOMAS: Good morning
16 Council Member Foster and Council Members. I'll
17 be reading two statements in opposition to two of
18 the Home Rule messages being considered this
19 morning. The first is Legislative Reference
20 Senate number 5238 by Senator Golden as well as
21 Assembly Bill 2355 by Assembly Member Scarborough.
22 In relation to authorizing any city having a
23 population of one million or more to provide an
24 angel investor credit against the unincorporated
25 business tax and personal income tax in such city

1
2 for certain qualified emerging companies and
3 medical technology companies. As you're aware the
4 bill creates a refundable credit against the New
5 York City personal income tax and unincorporated
6 business tax for taxpayers to invest in
7 biotechnology or medical technology companies.
8 For every \$20,000 that the taxpayer gives annually
9 \$100,000 over the course of five years, they can
10 receive up to a two percent credit effective
11 starting in tax year 2014. By promoting the
12 biotechnology and medical technology sectors as
13 laudable this legislation would provide an
14 unnecessary tax credit mostly for high income
15 investors already holding assets in these sectors
16 and thus do not need an incentive. Furthermore,
17 the refundable nature of this tax credit would
18 mean that many of these high net worth investors
19 could end up with a net tax liability below zero a
20 as a result of this legislation. While this bill
21 purports to cap city tax expenditures to this
22 program at \$3 million per year the caps flawed
23 design would allow recipients to receive the full
24 value of their five year credit into just one
25 single year increasing annual costs to \$15

1 million. This bill fails to strike an equitable
2 balance between the promotion of the biotechnology
3 and medical technology sectors and sharing of the
4 city's tax burden among all of its tax payers.
5 Since 2008 City agencies have taken \$6.5 billion
6 in gap closing actions to help maintain budget
7 balance. The City is currently fixing budget gaps
8 that are approximately \$2 billion annually for the
9 next three fiscal years. The loss of revenue
10 resulting from new tax breaks like the one
11 proposed in this legislation complicate the City's
12 ability to balance the budget without making
13 additional budget cuts. Accordingly, it is urged
14 that this message is disapproved. In addition,
15 I'll be reading a statement regarding Legislative
16 Reference A-6764 by Assembly Member Farrell
17 [phonetic] as well as S-4548 by Senator Felter
18 [phonetic]. As you're aware this proposed
19 legislation seeks to expand the upper income
20 limits for the New York City Childcare Tax Credit
21 from New York State adjusted gross income of
22 \$30,000 to an AGI of \$175,000. Additionally, the
23 expanded credit would be linked directly to the
24 Federal credit resulting in higher credit values
25

1
2 for all recipients. Participation in the
3 childcare tax credit has dropped every year since
4 the childcare credit first became effective in
5 2007. The proposed expansion of the childcare
6 credit does not directly adjust the problem of
7 declining participation rates for low income
8 families. Since the increase in the maximum
9 proposed in this legislation is unlikely to
10 provide enough further incentive for low income
11 families to participate. Instead, this
12 legislation increases the income threshold for
13 eligibility. Therefore, most of the new cost this
14 bill goes towards families with incomes higher
15 than those initially targeted. If enacted this
16 bill will cost the City \$34 million in necessary
17 tax revenue annually. Since 2008 City agencies
18 have taken more than a \$6 billion gap closing
19 actions to help maintain budget balance. The loss
20 of revenue resulting from new tax expenditures
21 like the one proposed in this legislation
22 complicate the City's ability to balance the
23 budget without making additional budget cuts.
24 Accordingly, the Mayor's office urges that this be
25 disapproved. Thank you.

2 CHAIRPERSON FOSTER: Thank you very
3 much. Any questions? We're going to call the
4 vote.

5 MR. WILLIAM MARTIN: William
6 Martin, Committee Clerk, roll call vote, Committee
7 on State and Federal Legislation. Council Member
8 Foster?

9 CHAIRPERSON FOSTER: Aye on all.

10 MR. MARTIN: Rivera?

11 COUNCIL MEMBER RIVERA: Aye on all.

12 MR. MARTIN: Dilan?

13 COUNCIL MEMBER DILAN? Aye on all.

14 MR. MARTIN: Fidler?

15 COUNCIL MEMBER FIDLER: I vote aye
16 on all with the exception of preconsidered SLR
17 regarding Assembly 2355 and Senate 5238 on which I
18 vote no. And I believe I need to abstain for
19 cause on preconsidered SLR Senate 4907 and
20 Assembly 6867. The angel, Senate 5238. [off mic]

21 MR. MARTIN: Recchia?

22 COUNCIL MEMBER RECCHIA: I'm going
23 to vote aye on all the bills but I am totally
24 against Senate Bill 5048 and Assembly Bill 2046
25 raising dog fees. But the bill gives us the

1
2 option to do it. So, I will vote for it to give
3 us the option to negotiate with the Administration
4 but I'm adamantly against raising the dog fees,
5 the fees on dog licenses. I think people pay
6 enough for everything else. They should at least
7 have the pleasure to enjoy their dog without
8 having to have that increase also. So, for all
9 the dog lovers, I support you. Woof. [laughter]

10 MR. MARTIN: Crowley?

11 COUNCIL MEMBER CROWLEY: I vote
12 aye.

13 MR. MARTIN: [pause] Vote on the
14 Committee on State and Federal Legislation, all
15 items have been adopted by a vote of six in the
16 affirmative, zero in the negative and no
17 abstentions with the exception of the two
18 following items, preconsidered resolution Senate
19 number 2355 is adopted by a vote of five in the
20 affirmative, one in the negative and no
21 abstentions and preconsidered SLR Senate number
22 4907 is adopted by a vote of five in the
23 affirmative, zero in the negative and one
24 abstention. Members, please sign the Committee
25 Reports. Thank you.

1
2
3
4
5
6
7

CHAIRPERSON FOSTER: Thank you.

This meeting is adjourned. [off mic]

MR. MARTIN: Correction in
preconsidered SLR Assembly number 2355 that is
adopted by a vote of five in the affirmative and
one in the negative and no abstentions.

C E R T I F I C A T E

I, Tara Juhl 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

A rectangular box containing a handwritten signature in cursive script that reads "Tara Juhl".

Date 6/25/13