

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND BUILDINGS  
COMMITTEE ON ENVIRONMENTAL PROTECTION  
COMMITTEE ON PARKS AND RECREATION  
COMMITTEE ON TRANSPORTATION  
COMMITTEE ON WATERFRONTS

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June 27, 2013  
Start: 10:09am  
Recess: 2:27pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
ERIC MARTIN DILAN  
Chairperson

COUNCIL MEMBERS:

John Doe  
Council Member Peter Koo  
Council Member Daniel Garodnick  
Council Member James Vacca  
Council Member Letitia James  
Council Member Ydanis Rodriguez  
Council Member Gale Brewer  
Council Member Oliver Koppell  
Council Member Margaret Chin  
Council Member Jessica Lappin  
Council Member Vincent Gentile  
Council Member Jimmy Van Bramer  
Council Member Leroy Comrie

## A P P E A R A N C E S

## COUNCIL MEMBERS:

Council Member Rosie Mendez  
Council Member Deborah Rose  
Council Member Brad Lander  
Council Member Robert Jackson  
Council Member Michael Nelson  
Council Member James Gennaro  
Council Member Elizabeth Crowley  
Council Member David Greenfield  
Council Member Darlene Mealy  
Council Member Melissa Mark-  
Viverito

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

Tokumbo Shobowale.  
Chief Business Operations Officer  
City of New York

Seth Pinsky,  
President  
New York City Economic Development Corporation

John Lee  
Deputy Director  
Mayor's office of Long-term Planning and  
Sustainability

Cecil Scheib  
Urban Green Council

Dottie Harris.  
Vice President  
State and Local Government Relations

Ramon Gilsanz,  
Structural engineer  
Gilsanz Murray Steficek

Lance Jay Brown  
Professor of architecture and urban design  
Spitzer school of architecture at City College

Margaret O'Donoghue Castillo  
Past President  
American Institute of Architects

Dottie Harris  
Vice President, State & Local Government Relations  
International Code Council

Paul Gallay  
President  
Hudson River Keeper

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

Johanna Dyer  
Attorney  
Natural Resources Defense Council

Juan Camilo Osorio.  
Director of research  
New York City Environmental Justice Alliance

Sanjoy Banerjee  
Director  
CUNY Energy Institute

Beryl Thurman  
Executive Director  
North Shore Waterfront Conservancy of Staten Island

Kenneth Justice  
Engineer  
Portland Cement Association

Celia Tutunjian  
Representative  
New York Environmental Law and Justice

2 CHAIRPERSON DILAN: Good morning  
3 everyone. My name is Eric Martin Dilan and I'm  
4 the Chairperson of the City Councils Housing and  
5 Buildings Committee. Also been joined by my  
6 colleague and co chair of this hearing Peter Koo,  
7 as well as my colleague from Manhattan Dan  
8 Garodnick. As many of you may be aware last night  
9 the Council passed its annual city budget,  
10 approximately \$70 billion. Many of us were here  
11 till three, 3 AM in the morning, and some of us  
12 out of fear that they would not wake up in the  
13 morning and have a room full of professionals with  
14 nobody to start the hearing actually stay here.  
15 So I want to thank my colleagues who are here on  
16 time, and out of respect to you guys wanted to  
17 make sure that we got these proceedings started on  
18 time.

19 Today this committee will be joined  
20 by the Committees on Transportation chaired by my  
21 colleague Jimmy Vacca, the Environmental  
22 Protection Committee chaired by my colleague James  
23 Gennaro, the Parks and Recreation Committee  
24 chaired by my colleague Melissa Mark-Viverito, the  
25 Committee on Waterfronts chaired by my colleague

2 Peter Koo.

3 Today all of these committees will  
4 hold a joint oversight hearing on the rebuilding  
5 after hurricane Sandy and improving the resiliency  
6 of the city's infrastructure. We will also  
7 consider 20 items, 20 legislative items for  
8 initial consideration in this hearing. At the end  
9 of this hearing these items will be laid aside, as  
10 well as three resolutions that are similar,  
11 similar in topic of which most are based on  
12 proposals made by the Building Resiliency Task  
13 Force and online with many of the suggestions set  
14 forth in this special initiative for rebuilding  
15 and resiliency.

16 I sincerely would like to thank Mr.  
17 Lee, Mr. Pinsky [phonetic], Mr. Unger and Urban  
18 Green and all the professionals who helped with  
19 this effort as I did two days ago on the city's  
20 building code. Your service to the city is  
21 certainly invaluable, and as we learned after  
22 hurricane Sandy we're going to have to view our  
23 city differently and I am certainly honored that  
24 you have decided to take your time so that the  
25 cities at the forefront on these efforts.

2                   Shortly after hurricane Sandy Mayor  
3 Bloomberg and Speaker Quinn announced the creation  
4 of the buildings resiliency task force. The task  
5 force organized by urban Green Council was made up  
6 of over 200 volunteer experts from a variety of  
7 fields, and was called upon to provide the city  
8 with concrete proposals for how to better prepare  
9 our buildings for severe weather events and  
10 extended power failures for the future, which was  
11 a problem during hurricane Sandy.

12                   Earlier this month the task force  
13 issued its report containing 33 proposals to  
14 improve building resiliency in the city of New  
15 York, and in 2012, in December 2012 Mayor  
16 Bloomberg announced the formation of the special  
17 initiative for rebuilding and resiliency.

18                   This special initiatives mission is  
19 to present suggestions for how to create a more  
20 resilient New York City in the wake of hurricane  
21 Sandy with a long-term focus of preparing and  
22 protecting against impacts, the impact of climate  
23 change. The final SIR report a stronger more  
24 resilient New York was also released in June 2013,  
25 we are still in June. The report covers a broad

2 range of topics including coastal protection,  
3 insurance policies, environmental protection and  
4 remediation.

5 In addition, the report highlights  
6 communities that suffered especially severe damage  
7 during the storm and describes the precautions  
8 that need to be taken to prepare them for future  
9 climate change and risks.

10 Before I proceed I would like to  
11 again thank everyone who participated in the BRTF  
12 and the SIR reports, and many of you who  
13 volunteered your expertise in a variety of fields  
14 over countless number of hours that have put these  
15 group of proposals together that will undoubtedly  
16 improve the city and resiliency for many years to  
17 come.

18 With that said, at this time some  
19 of my co-chairs will be joining, in the efforts of  
20 expediency, will forgo their opening statements  
21 when they get here, but at this time I do want to  
22 acknowledge my colleague and co-chair who is here  
23 for an opening statement, Council Member Peter Koo  
24 to make an opening statement. Peter, I wanted to  
25 conduct this hearing with you.



2 COUNCIL MEMBER KOO: Thank you  
3 Chair Dilan. Good morning and welcome to this  
4 joint oversight hearing concerning rebuilding  
5 after super storm Sandy and improving the  
6 resilience of New York City's infrastructure.  
7 Last October super storm Sandy hit New York City  
8 with an intensity that was unparalleled by any  
9 visiting storm. The 14 foot storm surge furthered  
10 much of lower Manhattan as well as parts of New  
11 York City's subway system. The surge also caused  
12 severe damage throughout Staten Island, Coney  
13 Island and the - - . As a result 43 New Yorkers  
14 lost their lives and tens of thousands were  
15 injured or displaced.

16 In December 2012 Mayor Bloomberg  
17 created a special initiative for building  
18 resiliency, SIR, to address how to create a more  
19 resilient New York City in the wake of hurricane  
20 Sandy. More of a long-term focus on preparing and  
21 protecting against the impacts of climate change.

22 The final SIR report was released  
23 on June 11 and offers many recommendations to  
24 protect the city's waterfronts and infrastructure  
25 against further weather events. Also in December

2 2012 Mayor Bloomberg and Speaker Quinn convened  
3 the building resilience task force to make  
4 recommendations that would make New York City  
5 buildings, particularly those along the city  
6 waterfront, more resilient to the effects of  
7 coastal storms, heat waves and blackouts.

8 The task force reasoning [phonetic]  
9 issued a report of 33 proposals that address  
10 building resilience in a variety of ways. The  
11 committees look forward to hearing testimony about  
12 the city's efforts in this regard, and how they  
13 will make the city's infrastructure and  
14 waterfronts more resilient in the years to come.  
15 Thank you.

16 CHAIRPERSON DILAN: Thank you  
17 Council Member Koo. What I want to say to my  
18 colleague Dan Garodnick, that was a very funny  
19 tweet, and I'll pay you back for that very  
20 shortly.

21 Before we begin I just want to  
22 state for the record all of the legislative items  
23 that are before the committee for consideration  
24 today, the first of which is intro, excuse me this  
25 will be a little bit robotic, but it must be done.

1 COMMITTEE ON HOUSING AND BUILDINGS, ETC. 11

2 Intro 983, which is in relation to flood resistant  
3 construction requirements for health facilities,  
4 proposed intro 990 in relation to the adoption of  
5 the best available flood maps, intro 1085 in  
6 relation to emergency plans for residential and  
7 commercial buildings and the posting of emergency  
8 information in certain residential buildings,  
9 intro 1086 in relation to requiring that toilets  
10 and faucets be capable of operating without an  
11 external supply of electrical power, intro 1087 in  
12 relation to using cool roof surfaces to reduce  
13 summer heat, intro 1088 in relation to water  
14 retentive sidewalks and a study on absorptive of  
15 street and sidewalk materials and alternative  
16 street angulation, intro 1089 in relation to  
17 allowing elevation of certain building systems in  
18 flood prone areas, intro 1090 in relation to the  
19 studying of effects of wind on certain buildings,  
20 intro 1092 in relation to the installation of  
21 external electrical hookups, intro 1093 in  
22 relation to removing barriers of usage of  
23 temporary flood control and response devices,  
24 intro 1094 in relation to requiring residential  
25 buildings to provide drinking water to a common

2 area supplied directly through a pressure in the  
3 public water main, intro 1095 in relation to  
4 creating a manual on flood construction and  
5 protection standards, intro 1096 in relation to  
6 relocating and protecting building systems and  
7 flood prone areas, intro 1097 in relation to  
8 requiring backup power sources for fire, life and  
9 safety communications systems, intro 1098 in  
10 relation to the preventing of back flow of sewage,  
11 intro 1099 in relation to preventing wind damage  
12 to existing buildings. Just a few more I promise.  
13 Intro 1100 in relation to keeping residential  
14 stairwells and hallways lit during blackouts,  
15 intro 1101 in relation to voluntarily installed  
16 emergency power systems and natural gas usage,  
17 intro 1102 in relation to improving hazardous  
18 materials storage pursuant to the New York City  
19 community right to know law, a pre-considered  
20 intro, not yet numbered, in relation to planning  
21 for resiliency to climate change as responsibility  
22 of the office of long-term planning and  
23 sustainability, resolution number 1708, a  
24 resolution calling upon the United States Congress  
25 to enact and for the President to sign, the flood

2 victim premium relief act of 2013, resolution 1771  
3 a resolution calling upon the New York State  
4 legislature to pass, and for the Governor to sign,  
5 S 3942 and A 4380 the engineers architect,  
6 landscape architects and land purveyors good  
7 samaritan act, which would protect from liability  
8 professional engineers, architects, landscape  
9 architects and the land surveyors who lend the  
10 voluntary services at the scene of a natural  
11 disaster or a catastrophe, resolution 1808 a  
12 resolution calling upon the United States Congress  
13 to amend the bigger orders Flood Insurance Reform  
14 Act of 2012, and the - are those all the items?  
15 All those items are up for - okay, just to correct  
16 the pre-considered item, was numbered last night,  
17 the pre-considered intro is now intro 1105 for the  
18 record. It's no longer pre-considered is that  
19 correct?

20 FEMALE VIOCE 1: That's right.

21 CHAIRPERSON DILAN: At this time  
22 we've been joined by the Chair of the  
23 Transportation Committee James Vacca, and I will  
24 call on him to make a brief opening statement.

25 COUNCIL MEMBER VACCA: Thank you

2 Chair Dilan and thank you everyone. We have a  
3 couple of bills today that we are considering, and  
4 that's an understatement. I am Chair of the  
5 Transportation Committee as you know and I want to  
6 thank Chair Dilan, Chair Gennaro, Chair Mark-  
7 Viverito and Chair Koo for holding this hearing.  
8 Last week Chair Vallone held a hearing regarding  
9 our preparedness. You see, when you forget  
10 somebody's name in this Council you just call them  
11 Chair, and then everything falls into place.

12 Today we are here to discuss the  
13 other side of the coin because we have legislation  
14 before us that's going to improve our city's  
15 infrastructure resiliency in the ever volatile  
16 climate we live in.

17 Now there are many bills to discuss  
18 today, but I want to first focus on a piece of  
19 legislation I introduced, intro 1101 of 2013.  
20 This bill is designed to amend the administrative  
21 code and the building code to expand the options  
22 available for emergency power systems fueling.

23 The reason the buildings have  
24 emergency power supplies is to ensure that in the  
25 case of power failure there will be at least a

2 minimal amount of power for crucial systems such  
3 as fire alarms, sprinklers, emergency lighting,  
4 and when relevant, elevators. My bill will allow  
5 for backup power systems to be fueled by natural  
6 gas, which is a cleaner -

7 CHAIRPERSON DILAN: [Interposing]

8 Excuse me a second. I'd like to ask, just as a  
9 reminder, if all cell phones could be set to  
10 silent or turned off so that we could maintain  
11 proper decorum in the chamber so we could allow  
12 for the proceedings to go on uninterrupted.

13 Council Member and Chair Vacca.

14 COUNCIL MEMBER VACCA: Thank you.

15 My bill would allow the backup power systems to be  
16 fueled by natural gas, which is a cleaner, less  
17 expensive, longer lasting and more reliable fuel  
18 than oil to provide emergency relief. In the case  
19 that one chooses to utilize natural gas, the  
20 minimum amount of time for such a system to become  
21 available after a failure power will now be 60  
22 seconds instead of 10. However, systems using  
23 this type of fuel are still required to provide  
24 power for emergency lighting within 10 seconds, in  
25 which case a natural gas system would be supported

2 by storage batteries.

3 In emergency situations it is not  
4 only important that backup systems operate  
5 immediately, but that they continue to work for  
6 the longest amount of time possible following a  
7 power outage, especially for our most vulnerable  
8 populations.

9 Also, one of my concerns as Chair  
10 of the Transportation Committee was that after  
11 Sandy so many of our cities network, our road  
12 system, was inundated and flooded out, and they  
13 took on so much water I thought it was incumbent  
14 upon us to start thinking of ways to reinforce  
15 this critical infrastructure. So, intro 1088,  
16 sponsored by Council Member Gennaro, is a bill  
17 that will require DOT and the Department of  
18 Buildings to conduct a study on absorptive street  
19 and sidewalk materials in addition to alternative  
20 street angulation.

21 So, I'd like to now turn this over  
22 to my co-chairs. Thank you all for coming, and we  
23 look forward to your testimony.

24 CHAIRPERSON DILAN: We've also been  
25 joined by the Chairman of the Environmental



2 Protection Committee, my colleague from Queen's  
3 Counsel Member Jim Gennaro. This time we'll call  
4 on him to make an opening statement.

5 COUNCIL MEMBER GENNARO: Thank you  
6 Mr. Chairman. It seems like we were just here.

7 CHAIRPERSON DILAN: Yeah.

8 COUNCIL MEMBER GENNARO: Echoes of  
9 the budget vote last night are still bouncing  
10 around the chamber. Good morning. As the  
11 Chairman said my name is Council Member Jim  
12 Gennaro, Chair of the Committee on Environmental  
13 Protection. Today's joint hearing will focus on  
14 23 local laws designed to address some of the  
15 worst impacts from Sandy.

16 When Sandy hit on Monday, 29<sup>th</sup> of  
17 October it caused bad flooding, falling trees,  
18 aided in the spread of a massive fire that laid  
19 waste to dozens of homes, caused widespread power  
20 outages and caused folks to lose phone service for  
21 weeks and many other adverse effects.

22 Nothing more clearly focused the  
23 city's attention on climate change than the  
24 impacts of the storm. As a result, one of the  
25 bills I've sponsored mandates that the duties of

1  
2 the office of long-term planning and  
3 sustainability also include meeting the needs of  
4 the city as they pertain to the resiliency of  
5 critical infrastructure, the built environment,  
6 coastal protection and local communities.

7 This local also calls for a  
8 creation of a resiliency plan to be updated every  
9 four years and to include a list of policies,  
10 programs and actions that the city will seek to  
11 implement or undertake to achieve each goal  
12 relating to the resiliency plan.

13 This local also creates a director  
14 of resiliency position within the office of long-  
15 term planning and sustainability, who reports to  
16 the Director of the office of long-term planning  
17 and sustainability.

18 The other bill, which I am the  
19 sponsor, calls for a study of alternative street  
20 and sidewalk materials including the possible use  
21 of absorptive materials on streets under the  
22 departments jurisdiction, as well as their use on  
23 private streets. The study's to be completed and  
24 posted on the department's website within one  
25 year, and a pilot program is to be undertaken in

2 three boroughs using absorptive materials on  
3 Street and sidewalk surfaces not later than 120  
4 days following the release of the study.

5 Finally the Department of  
6 Transportation along with the Department of Parks  
7 and Recreation, in consultation with other  
8 agencies including, but not limited to DDC and the  
9 fire department, is required by rule to set a  
10 uniform standard for sidewalks within the city of  
11 New York to improve water retention. These  
12 measures should help prepare the city to better  
13 withstand the adverse impacts of climate change in  
14 the future.

15 I think my Co-chairs for being a  
16 part of this good hearing, and to my fellow Chairs  
17 I apologize that I was somewhat detained in  
18 getting here. It's a pleasure to be here and to  
19 thank you.

20 CHAIRPERSON DILAN: We certainly  
21 understand. We definitely understand. So at this  
22 point we'll turn to the administration. We've  
23 been joined by Mr. John Lee from the Mayor's  
24 office, as well as Tokumbo Shobowale and Mark  
25 Ricks [phonetic] is here, he is somewhere. At

2 some point during the proceedings will be joined  
3 by Seth Pinsky. At this point we'll turn it over  
4 to Mr. Lee on the stand. Are you going to lead  
5 off or am I incorrect in that?

6 MR. SHOLOWALE: I'm going to start  
7 off, Tokumbo Shobowale and then John is going to  
8 speak specifically to all of the bills, which are  
9 developed in joint session [phonetic] with the  
10 council in the building resiliency task force. So  
11 I'm going to keep with the general overview of the  
12 special initiative and either Mark or Seth will  
13 also be part of that -

14 CHAIRPERSON DILAN: [Interposing]  
15 So we're going to start off with the slideshow, is  
16 that correct?

17 MR. SHOLOWALE: Yes.

18 CHAIRPERSON DILAN: All right. The  
19 floor is yours.

20 MR. SHOLOWALE: Sure. So again my  
21 name is Tokumbo Shobowale. I'm the Chief Business  
22 Operations Officer for the city, but importantly  
23 for this conversation I was the director of built  
24 environment and infrastructure, citywide  
25 infrastructure with the built environment for the

2 special initiative, and Mark Ricks is the Chief  
3 Operating Officer for the special initiative, and  
4 Seth Pinsky, who is also President of the EDC, was  
5 the Director of the special initiative.

6 So I wanted to start off discussing  
7 the initiative to frame, essentially, the bills  
8 because the bills are our portion of the work that  
9 special initiative covered.

10 But first of all I want to thank  
11 you Chair Dromm, Chair Koo, Chair Vocca and Chair  
12 Gennaro for taking the time. I know you guys had  
13 a late night last night and I appreciate that you  
14 made time for this important discussion because  
15 this is something which merits a fulsome  
16 conversation. It's obviously very important for  
17 the future of this city and the so we appreciate  
18 that you're making the time to have a real  
19 informed a conversation about it.

20 So as you mentioned Chair Dromm,  
21 the Mayor announced the special initiative in  
22 December, which was following the storm in late  
23 October, so the special initiative did not deal  
24 with the after action, the immediate emergency  
25 response provision of shelter, care and feeding of

2 folks. All that was covered in the after action -  
3 - , which Deputy Mayors Gibbs and Holloway issued  
4 a while back.

5 The special initiative was  
6 especially designed to answer three questions.  
7 Those three questions first being what happened  
8 during super storm Sandy and why, with a real  
9 emphasis on the why because as we'll discuss the  
10 storm was idiosyncratic in a number of ways. We  
11 want to not use it as a point example, but as a  
12 indicative of the kinds of threats the city will  
13 face going forward.

14 Second, and Chair Gennaro spoke  
15 about climate change, really what do we expect  
16 have happened going forward in the future, and  
17 that's really given the wide array of climate  
18 change impacts. Not just storms, but heat, wind,  
19 rain, etc.

20 And then third, I think the  
21 question which is most pressing to us is what do  
22 we do about it. What are the actions that the  
23 city should take to prepare ourselves for these  
24 kinds of events, for not just this year, next  
25 year, but for decades in the future and for our

2 future generations? So we'll touch each of these  
3 questions in turn.

4 Just to talk a moment about what  
5 the special initiative was, basically we had three  
6 dozen full-time professionals of a variety of  
7 professional backgrounds from engineers, to  
8 lawyers, to environmental folks, business people,  
9 but more importantly the initiative of three dozen  
10 people who were dedicated full-time, and Mike - -  
11 sometimes actually slept in the office given the  
12 amount of work we had to do.

13 There was a whole team of the  
14 scores of other professionals who were supporting  
15 the team, a number of city agencies, city  
16 planning, Department of Transportation, the entire  
17 office of long-term compliance and sustainability.  
18 Some members were full-time dedicated, but the  
19 entire office was very important to the effort.  
20 There is a lot of other city employees were  
21 involved in this effort.

22 In addition to a federal task force  
23 we coordinated very closely with both FEMA, which  
24 is responsible for the flood insurance maps, but  
25 also a federal task force under the leadership of

2 Secretary Donovan, which has been especially  
3 tasked with addressing the after affects of super  
4 storm Sandy. So there is a lot of coordination  
5 beyond the professionals fully dedicated to the  
6 effort.

7 The other thing I want to point out  
8 is that this was not purely a effort driven  
9 informed by professionals of a team, there was  
10 extensive amount of outreach. Given that there  
11 was a short period of time, only five months, we  
12 took real pains to reach out to a number of people  
13 throughout the communities most heavily affected  
14 and across the entire city.

15 So as you'll see on the chart here  
16 a number of elected officials, many council  
17 members, state assembly members, community boards,  
18 almost all of the community boards were briefed,  
19 but also extensive outreach with public outreach  
20 workshops. I had 11 of those including more than  
21 1000 citizens of the city, so it was quite an  
22 extensive effort to make sure that we learned from  
23 the real experiences of people throughout the  
24 city.

25 So, what happened during Sandy and



2 why? As I mentioned the storm was really record-  
3 breaking in many, many ways. You'll see here,  
4 this is the list of the top 10 high water marks at  
5 the Battery. And so this is all the high water  
6 events between 1900 and the present. A thing  
7 you'll note here is that although it's over 100  
8 years of storm here, although top 10 events were  
9 actually in the last 50 years. You'll note that  
10 actually three of these events are each of the  
11 last three years. So you'll see a trend here  
12 that's quite remarkable.

13 The other thing that's interesting  
14 to note is that not only did Sandy break the  
15 record, it smashed the record. So the high water  
16 mark was almost 40 percent higher than anything  
17 else that happened before hand, so this storm was  
18 truly of historic proportions.

19 The other thing you'll note there  
20 is that there is three different colors of bar  
21 there. The one in the middle is the part of the  
22 storm surge attributable to sea level rise.  
23 You'll already see that there is impacts of  
24 climate change included within the search. There  
25 is a full foot of sea level rises already occurred

2 during the past century.

3 So why did we get this high water  
4 during this historic storm? There are a number of  
5 idiosyncratic factors. First, the storm was  
6 enormous. This shows side-by-side the same scale  
7 of Katrina and Sandy, and as devastating as  
8 Katrina was you'll see that Sandy was three times  
9 as large. So the huge size of the storm led to a  
10 large sustained series of wins which pushed water  
11 into the harbor leading to the build up of high  
12 water on the Battery.

13 Second, as we all know, the storm  
14 took an unusual left hook. So generally what  
15 happens is due to the jet stream hurricanes come  
16 up the Atlantic coast and are pushed out slowly to  
17 the sea. In this case, because of high pressure  
18 in the ocean, the storm took a left turn and hit  
19 directly New Jersey coast, and although it  
20 actually had been downgraded just before it hit  
21 the coast, if Sandy hadn't even been a hurricane  
22 it would only be the third time in recent history,  
23 actually in 100 years, that a hurricane would  
24 directly hit the coast of New Jersey.

25 The impact of this was that it put

1  
2 New York in the worst quadrant, the North East  
3 quadrant of the storm where the effects of the  
4 wind are the most extreme. So in some cases it's  
5 counterintuitive to have a direct hit, sometimes  
6 it's calm here in the center of the storm, but  
7 because we were in the northeast quadrant we  
8 suffered the worst brunt of the storm's winds.

9 Third, it coincided with high  
10 tide. So see in this chart that there are three  
11 bars. The blue is the normal tide cycle in  
12 the harbor, up and down, up and down, up and down.  
13 The red is the surge, and then the top bar is the  
14 culmination of the tide and the surge. You'll see  
15 that the peak of the surge coincided directly with  
16 the peak of high tide in the southern part of the  
17 harbor. So basically you've got the exact worst  
18 timing for the storm to hit the harbor, which led  
19 to this historic surge of 14 feet.

20 The thing that is counterintuitive,  
21 however, is that the tide in the city is not the  
22 same, so when it's high tide in the southern part  
23 of the city, it's low tide in the northern part of  
24 the city. So although we got the worst of the  
25 storm in Manhattan and the southern Brooklyn and

2 the south east shores of Staten Island, it was  
3 actually relatively subdued in the South Bronx and  
4 the northern part of Queens.

5 So this next chart shows the actual  
6 inundation in those parts of the city. You can  
7 see La Guardia sort of there in the middle. There  
8 was flooding, but it was relatively mild. What  
9 we've done actually is that if the storm had  
10 arrived nine hours earlier during high tide, the  
11 impacts of the storm would have been much, much  
12 worse. So this is actually the modeling of the  
13 storm if it had hit nine hours earlier during a  
14 high tide in the southern part of the city.  
15 You'll see that the flooding is much broader and  
16 extent and much deeper, so La Guardia for example  
17 would have received 14 feet a flooding. So La  
18 Guardia Airport in that part of the city would  
19 have been under 14 feet of water.

20 So this is just to illustrate that  
21 although we want to repair from the damage of  
22 Sandy and the impacts that it had in the southern  
23 part of the city, we shouldn't take away from the  
24 fact that there was little damage in the northern  
25 part of the city that we don't have to worry about

2 it. In fact the very same storm, just timeslot it  
3 differently, would have had devastating impact on  
4 the South Bronx and the northern Queens. So we  
5 have to make sure we prepare for, not just Sandy,  
6 but other types of storms.

7 So again, the lessons here is to  
8 focus not just on the next Sandy, although it was,  
9 we could have no Sandy, it's highly unlikely we  
10 would have exactly the same storm, but this is  
11 indicative of the kinds of events we will face in  
12 the future, so it's a harbinger of change.

13 So, then moving forward to what do  
14 we expect to have happen in the future? As we all  
15 know FEMA, the Federal Emergency Management  
16 Agency, is responsible for creating the flood maps  
17 that defined the risk of flooding in New York  
18 City.

19 So they created the first flood map  
20 for New York City in 1983. That was the first  
21 time they made an official flood insurance rate  
22 map, or FIRM. You can see from this map, the  
23 areas in blue show the parts of the city that are  
24 at risk of flooding. In a 100 year floodplain  
25 basically indicates a 1 percent annual chance of a

2 flood in any given year; you'll see that there is  
3 a large section of the city, even in 1983, that  
4 was subject to flooding.

5 It's at that point more than  
6 200,000 residents, 36,000 buildings and almost  
7 400,000,000 ft.<sup>2</sup> of developed area in the city, so  
8 there is a significant risk even 30 years ago.

9 As we know though, Sandy went far  
10 beyond what we see in this flood map. The areas  
11 in red here are the parts of the city that flooded  
12 during Sandy that were not within the hundred year  
13 floodplain, so fully half of the buildings that  
14 were seriously damaged, particularly the red and  
15 yellow tagged buildings, which where the buildings  
16 that suffered the most significant damage, nearly  
17 half of those buildings and half of the residents  
18 and half of the residence units impacted were in  
19 areas outside of the official FEMA floodplain.

20 FEMA had in fact recognized that  
21 there flood maps were out of date prior to the  
22 storm. They're in the process of updating them,  
23 and due to the impacts of the storm they've  
24 accelerated that process, and earlier this month  
25 they released preliminary work maps showing the

2 expected revised floodplain maps.

3 So you'll see these maps actually  
4 correspond much more closely to what we saw in  
5 Sandy. A much larger swath of the city are within  
6 the 100 year floodplain. In fact the number of  
7 residents now has increased from approximately  
8 200,000 to nearly 400,000 New York City residents  
9 who are within the floodplain. Significantly, we  
10 now have almost 70,000 buildings. There's been a  
11 tremendous increase in both the number of  
12 residents and of the number of buildings which are  
13 within the 100 year floodplain.

14 The issue with these maps however,  
15 is they are historical, essentially are a look in  
16 the rearview mirror. So FEMA developed these maps  
17 based upon historical storm sets. They look back  
18 at all the storms that have happened in the past  
19 and to say, based upon that, history of storms and  
20 of the flooding what do we expect to have  
21 happening going forward.

22 Second, the flood maps are just  
23 that, they're only maps of flooding and storms,  
24 they don't account for a number of other risks.  
25 So, most significantly this picture on the upper

2 left here is of, not a hurricane, but just a heavy  
3 rain. This is a period of, I think it was 2009,  
4 we had a heavy downpour in the city, which  
5 subjected to flooding to the city. You have  
6 flooding in the subway systems shut down for a  
7 number of hours, again, not due to a hurricane,  
8 but just due to heavy rain.

9 Second, although hurricane Sandy  
10 was devastating from its impact and 44 New Yorkers  
11 lost of their lives, the impact of heat can be  
12 much worse. So in the last, the most recent heat  
13 wave in Chicago several hundred people lost their  
14 lives, and we forget sometimes although it's not  
15 as dramatic as a storm, heat can be, if anything,  
16 a worse killer and more dramatic in terms of the  
17 impact on life and of the quality of life in the  
18 city.

19 Third, although we are now dealing  
20 with rain it seems a bit odd to think about  
21 dryness. Climate change also comes with  
22 irregularities in terms of climate, and you can  
23 have drought as well as rain and we forget that we  
24 depend upon our reservoirs upstate to supply all  
25 of our needs for drinking, bathing, sanitation,



2 fire protection, etc., so drought is a real risk  
3 to the city.

4 And finally, in addition to storms  
5 this picture here there are parts of the city,  
6 particularly in South Eastern Queens, broad  
7 Channel, Howard Beach, which this picture is not  
8 from Sandy, this is just from regular tide  
9 flooding. So not during storms, but just during  
10 the high tides every month parts of the city are  
11 subject to flooding, and that's going to become  
12 worse with - - .

13 So this is something, at the risk  
14 of climate change, that the mayor and the  
15 administration has recognized for some time, and  
16 so because of this in 2007 the Mayor announced  
17 plan YC, which we all know well, and the city, the  
18 Council worked to enact a number of different  
19 important legislative changes to memorialize that,  
20 but one very significant component of the plan YC  
21 was the creation of the New York City panel on  
22 climate change. And one of the issues with  
23 climate change is when you generally hear  
24 statistics about climate change you hear a global  
25 average, so global temperatures will increase on

2 average 4° over a certain period of time.

3 The problem is that that's not very  
4 useful for planning our city, so the Mayor  
5 appointed this panel on climate change to apply  
6 the broader global climate change to the New York  
7 City Metro region, and to develop a set of  
8 projections for how climate change would impact  
9 New York City specifically. It was staffed, it  
10 includes a number of very respected international  
11 climatologist, scientists, etc., Who have  
12 developed these recommendations.

13 So as part of this process over the  
14 last six months we asked the panel of climate  
15 change to renew their recommendation. They had a  
16 recommendations previously, excuse me, projections  
17 in 2009 based upon most available data, they  
18 updated those projections for 2013 and they  
19 developed this chart. It's a bit - - chart, so I  
20 don't expect you to read all of it, but I'm going  
21 to point out just a couple of highlights.

22 First, sea level rise. So in the  
23 middle part of the range the panel developed  
24 ejections for the 2020s, the 2050s and even longer  
25 out beyond that, but for the 2050s, so just

2 roughly 35 years from now, the middle impact of  
3 the range, so essentially they have a high, medium  
4 and low projections, the middle projections  
5 include one to two feet of sea level rise in New  
6 York City. So, all the time the sea will be one  
7 to two feet higher, and at the high end of the  
8 range two and a half feet higher than it is today.

9 Second, heat. The number of 90°  
10 days that we have every year is projected to  
11 double in the middle of the range, or triple at  
12 the high level and of the range. So just to put  
13 that in perspective, as we double, as they project  
14 is kind of the expected change by 2050s, New York  
15 City would have climate equivalent to Birmingham  
16 Alabama. So the number of heat we've had the last  
17 couple of days, those number of 90° days will  
18 double. So that will have tremendous impacts not  
19 only on human health, but on our power grid, or  
20 cooling load, the way we have to keep our  
21 buildings cool, etc.

22 And the final thing to note is  
23 because of the sea level rise, that rise on a  
24 sustained basis, of one to two feet, will have  
25 much more extreme impacts in terms of storm surge.

2 So based upon these projections from the New York  
3 City - - climate change, the city working with  
4 CUNY and other experts developed forward looking  
5 flood maps. As I mentioned the FEMA maps are  
6 rearward looking. They're based upon historical  
7 projections. So we took those projections layered  
8 on top of them climate change so that you will  
9 have forward looking climate maps.

10 So this here are the 2020s and  
11 2050s floodplains. The blue is the current  
12 floodplain, the orange is the 2020s floodplain and  
13 the red is the 2050s floodplain. And what you see  
14 is that by 2050 the number of New York City  
15 residents in the floodplain doubles. We'll have  
16 800,000 residents in the floodplain by 2050. In a  
17 very short period of time we essentially have will  
18 be a larger city in the United States would be in  
19 the floodplain, just a portion of New York City.

20 So, this all basically is the  
21 argument for why this is an important priority  
22 that we need to address. This is kind of the  
23 depressing part of the presentation.

24 I think now we want to move to -  
25 there's a little more that I want to point out. I

2 just mentioned with regard to tidal cycles. I  
3 showed that picture earlier of Howard Beach, which  
4 had regular flooding at just at high tide. The  
5 portions of the city that will be subject to that  
6 kind of flooding on a regular basis will expand  
7 dramatically due to sea level rise.

8 So right now we have certain  
9 portions of the city that will increase to a full  
10 eight miles, 43 miles of the city, which is eight  
11 percent of the city. So again, on just a regular  
12 basis, not during coastal storms, but just on a  
13 monthly or even weekly basis eight percent in of  
14 the city's coastline will be subject to regular  
15 flooding, and in some ways this is a more  
16 insidious challenge because it's not just  
17 something that happens every five or 10 years, it  
18 happens monthly or weekly.

19 Finally, we worked with Swiss Re,  
20 which is a reinsurance company. Their entire  
21 business is predicated upon understanding and  
22 projecting risk, because that's what they  
23 basically they provide insurance to insurance  
24 companies, and as they modeled the impacts, the  
25 economic impacts of storms on the city.

2 So as we know it, super storm Sandy  
3 basically had a cumulative impact of \$19 billion  
4 of damage on lost economic activity in New York  
5 City. And basically that, we expect that super  
6 storm Sandy was roughly a one in 70 chance of  
7 happening on an annual basis here in New York City  
8 with today's climate. So, the three lines here,  
9 the yellow line at the bottom is today's climate,  
10 the middle line is the 2020s climate and the blue  
11 line at the top is the climate in 2050.

12 We expect that going forward what  
13 was today a one in 70 percent chance will be a one  
14 and 60 chance every year in 2020s, and a one in 50  
15 chance by the 2050s. So a storm like Sandy will  
16 become much more frequent, much more likely event,  
17 and basically that saying a 40 percent increase in  
18 likelihood by the 2050s. So again, although we  
19 don't expect exactly a storm like Sandy to happen  
20 again, storms like Sandy will be more and more  
21 frequent. And of the other thing to note is that  
22 if you go up on the graph these storms will be  
23 more and more damaging. So a storm like Sandy  
24 which today caused approximately \$20 billion in  
25 the future could cause 50 or even \$100 billion of

2 damage because of the severity of those storms.

3 So, the take away of all this, and  
4 again this is the depressing part of the  
5 presentation, is that we've known for a long time  
6 that New York City was subject to risk, we have  
7 520 miles of coastline, and that flooding risk has  
8 been a significant one over time. But Sandy's  
9 pointed out that that risk of flooding is even  
10 more severe than it has been in the past.

11 Finally, the risk of flooding is  
12 only one in many risks that the city faces. Heat,  
13 severe winds, drought and coastal flooding are  
14 some of the more severe weather risks that we face  
15 going forward.

16 And if so, the other thing finally  
17 is that not only are there a variety of risks, but  
18 the impact, the damage, the cost of these impacts  
19 on the city will be becoming increasingly great  
20 over time.

21 With that I'll hand off to Seth to  
22 talk about the more, the less depressing part of  
23 our recommendations.

24 MR. PINSKY: Thank you Tokumbo and  
25 thank you to the members of the Council for

2 allowing me to testify today. I wanted to talk  
3 briefly about the plan that the mayors pull  
4 together for -

5 CHAIRMAN DILAN: [interposing] I  
6 just have two stop you. Just for record keep in -  
7 - would you identify yourself.

8 MR. PINSKY: Seth Pinsky, President  
9 of the New York City Economic Development  
10 Corporation, and the director of the Mayor's  
11 special initiative for rebuilding and resiliency.

12 I wanted to talk a little bit about  
13 that plan the Mayors pulled together for dealing  
14 with the challenges that Tokumbo just outlined for  
15 you, which are obviously very significant  
16 challenges. And of the place that we started in  
17 developing this plan was coming, settling on four  
18 core principles that guided us.

19 The first of these principles at  
20 the Mayor's direction was that we seek to be as  
21 ambitious as possible, but that we also aim for  
22 achievability. The phrase that I like to use is  
23 that we want to make sure we're not aiming for the  
24 stars and then failing to get off the launching  
25 pad.



2 The second critical principle  
3 guiding us in the development of this plan is the  
4 understanding that we live in an era of limited  
5 resources, but that we have to seek to stretch  
6 these resources as far as possible, and what that  
7 means is that we have to weigh all costs against  
8 their potential benefits. But I think it's  
9 important here to note that when we look at the  
10 benefits of the money that we're spending we are  
11 not just looking at dollar and cent benefits,  
12 we're also looking at protecting vulnerable  
13 populations, we're looking at protecting critical  
14 infrastructure and other factors.

15 The third of our guiding principles  
16 is that we believe that there's not any single  
17 silver bullet that's going to address this  
18 problem. Instead what we think is the right  
19 approach is a multilayered defense. That means  
20 that we will certainly start with looking at our  
21 coastline, but that we also need to protect what's  
22 behind the coastline, buildings, the  
23 infrastructure that support the homes and  
24 businesses that make New York run.

25 And finally, with respect to the

2 impacted areas of the city, the bottom line is  
3 that we believe that it's neither practical nor  
4 desirable for us to retreat from the shoreline.  
5 Instead we and the administration are committed to  
6 fighting for coastal neighborhoods. Rebuilding  
7 and, wherever possible, improving them.

8 So, what all of this allowed us to  
9 do is to develop a comprehensive plan that is  
10 divided into two parts. The first part focuses on  
11 critical citywide systems and infrastructure which  
12 you see on the screen. These include buildings,  
13 utilities, telecommunications, transportation and  
14 more.

15 End of the second part focuses on  
16 the areas of the city that had the greatest  
17 lingering physical impact from hurricane Sandy.  
18 These areas included the Brooklyn/Queens  
19 waterfront, the eastern south shores of Staten  
20 Island, South Queens, southern Brooklyn and  
21 southern Manhattan. And all of this came together  
22 in a 450 page document with over 250 initiatives  
23 and I'm going to go through each of them now. No,  
24 I'm just kidding. What I want to do is just go  
25 through a couple of quick highlights just to give

2 you an idea of how we're approaching this starting  
3 first with coastal protection.

4 Here we have a \$3.7 billion first  
5 phase plan, which you can see on this map, that's  
6 designed to protect some of the most vulnerable  
7 areas of the city through a combination of natural  
8 and man-made defenses. I will note that this plan  
9 was actually cited a President Obama in his speech  
10 just a couple of days ago when he talked about the  
11 importance of dealing with climate change.

12 Building on this we also have a plan to protect  
13 the entirety of this city and the idea is that we  
14 would be able to move forward beyond the first  
15 phase as we secure additional resources.

16 Meanwhile, with respect to the  
17 built environment, I won't go into a lot of detail  
18 here because I think this is something that John  
19 is going to address, but it's really a two-part  
20 plan. One is with respect to new buildings. We  
21 want to make sure we're strengthening the city's  
22 building codes to increased wind and a flood  
23 resiliency. But also with respect to, what is in  
24 some ways the bigger challenge that we face, the  
25 68,000 buildings that are currently in our 100

2 year floodplain, we are proposing a \$1.2 billion  
3 retrofit incentive program that will encourage  
4 people to protect the critical systems that are  
5 necessary for buildings to continue to operate  
6 through extreme weather, and in the case of the  
7 most vulnerable building stocks, smaller, lighter  
8 buildings, we are also working to encourage  
9 structural integrity for those buildings.

10 Another challenge that a lot of  
11 people have become aware of is the challenge of  
12 the National Flood Insurance Program where there  
13 are two plans that we are working on with FEMA  
14 right now. One is to help deal with the serious  
15 issue of affordability, which is something that  
16 actually comes from legislation that was passed by  
17 Congress on related to hurricane Sandy, but to  
18 help to deal with this we are calling on Sandy to  
19 put in place subsidy programs for the lowest  
20 income Americans, which we think is very  
21 important.

22 And we are also asking Congress to  
23 recognize and provide premium credits for  
24 mitigation measures other than elevation, which is  
25 the preferred measure of mitigation traditionally

2 for the federal government. It's simply  
3 impractical and in many cases undesirable in an  
4 urban environment like New York.

5 Meanwhile, to help increase the  
6 uptake of flood insurance we're also working with  
7 FEMA in the creation of high deductible, low  
8 premium policies, the idea being that we want to  
9 make sure that people are protected from  
10 catastrophic losses in some of these vulnerable  
11 neighborhoods.

12 With respect to our healthcare  
13 system we are working to strengthen again the  
14 building codes and John will talk about this for  
15 new hospitals, nursing homes and adult care  
16 facilities in vulnerable areas. We also want to  
17 mandate retrofitting to protect key systems for  
18 these vulnerable facilities, and here again we are  
19 proposing a \$50 million incentive program to try  
20 to get nursing homes and adult care facilities to  
21 move forward with their retrofits on a quicker  
22 timeline.

23 And finally, when it comes to our  
24 utilities we are not only working with our  
25 utilities and the regulators to encourage the

2 hardening of existing assets, which is obviously  
3 very important, but we are also working to ensure  
4 that our regulations properly account for changes  
5 in climate. We are also working to reduce energy  
6 demand and increase energy options, and this is  
7 just a start. As you can see from this slide  
8 there are a number of other chapters and we're  
9 happy to answer questions on those.

10 I also wanted to mention that  
11 another area on which we're focused, and this is  
12 something that I mentioned a minute or two ago, is  
13 on these communities that suffered the greatest  
14 lingering physical damage. And here we are not  
15 only applying the citywide strategies, but we are  
16 also developing initiatives that are specially  
17 tailored to the very specific needs of these  
18 particular communities, focusing on things like  
19 coastal protection, infrastructure and economic  
20 development.

21 Again, I'm not going to go into a  
22 lot of detail, but you can see the range of  
23 initiatives that we have for an area like the  
24 Brooklyn and Queens waterfront. One example is  
25 the Newtown Creek surge barrier which we're

2 proposing that would be open for navigation in  
3 normal circumstances, would close in the event of  
4 a storm and would prevent a lot of the inland  
5 flooding that happened in Brooklyn and Queens  
6 during hurricane Sandy.

7 Meanwhile, on the east and south  
8 shores of Staten Island, again, a long list of  
9 initiatives. I won't go into them, but one  
10 example is a very important project, which is  
11 actually contained in the capital budget that I  
12 believe will be coming before the council shortly,  
13 that is an east shore armored dune that would run  
14 from Fort Wadsworth down to Great Kills and would  
15 protect many of the most vulnerable neighborhoods  
16 in the city from the kind of damage they  
17 experienced during Sandy.

18 In South Queens, which includes not  
19 just the Rockaways but also Broad Channel and  
20 Howard Beach, in addition to coastal protection  
21 we're also focused on economic revitalization  
22 concentrating on the boardwalk, sections of Far  
23 Rockaway, and as you can see on the screen, Beach  
24 116<sup>th</sup> Street in Rockaway Park.

25 In southern Brooklyn, in a less

2 sort of initiative, is a proposal that we have to  
3 create new wetlands and a tide gate along Coney  
4 Island Creek. Coney Island Creek was the source  
5 of much of the inland flooding that took place,  
6 not just on the Coney Island peninsula, but also  
7 in neighborhoods like Graves End. This plan would  
8 not only significantly lower the risk of flooding,  
9 but could also create new opportunities for open  
10 space and potentially new opportunities for  
11 development.

12 And finally here in southern  
13 Manhattan, again in addition to a large number of  
14 other proposals, one that has received a fair  
15 amount of attention is a proposal for a study of a  
16 multipurpose levee along the east side of lower  
17 Manhattan that we call Seaport City. The levee  
18 would not only serve the same role that Battery  
19 Park City did on the West side, which is to block  
20 floodwaters, but also to provide development pads  
21 for new commercial and residential buildings  
22 including potentially affordable housing, it could  
23 create new open space and it might even generate  
24 surplus revenue, as Battery Park City does today,  
25 allowing us to find the funds not only to pay for



2 this, but also potentially to pay for other  
3 resiliency measures.

4 So, where I'd like to conclude is a  
5 question, that if I were in your shoes I'd be  
6 asking, which is sounds like an ambitious plan.  
7 How do you implement it and how do you pay for it?  
8 It's a good question, I'm glad you asked. The  
9 answer to that is first of all that this plan is  
10 actually largely funded. This is a 19 and a half  
11 billion dollar plan. \$10 billion of that is  
12 already in hand through a combination of federal  
13 sources and city capital that is in the budget  
14 currently.

15 We believe another \$5 billion or so  
16 is reasonably likely to be secured, primarily from  
17 federal sources. That leaves a gap of 4 and a  
18 half billion dollars. The Mayor has committed to  
19 allocating up to another billion dollars from city  
20 capital, and again the budget that is coming  
21 before you includes \$250 million that would help  
22 towards this goal.

23 And we also think, and I think this  
24 is very important, that another potential source,  
25 and we have a whole list of sources, but another

2 potential source that all of us should be working  
3 on is going back to Congress. I will remind you  
4 that after hurricane Katrina, after a significant  
5 allocation of funding, Congress came back later  
6 and allocated \$9 billion to the Gulf Coast region  
7 to help pay for coastal protection, and there's no  
8 reason why New York City shouldn't be treated  
9 similarly.

10 Also, implementation has already  
11 begun. We have 60 concrete steps that we are  
12 proposing to take by year end 2013 as I'm sure you  
13 remember from pages 412 and 413 of our report.  
14 They range from launching studies, designing some  
15 of our capital construction projects, beginning  
16 construction in some cases, securing additional  
17 funding and amending key regulations and laws,  
18 which is what we're here to talk to you about  
19 today.

20 And finally we would like to see  
21 implementation in - - , which is another thing  
22 that we would need to work on with you very  
23 closely and that we hope to talk to you about  
24 shortly. The Mayor has appointed the city's first  
25 Director of Resiliency, someone named Dan

2 Zarrilli, who has significant experience managing  
3 waterfront property, helped to mastermind our  
4 coastal protection plan, but we would like to see  
5 enshrinement to law, just as happened after plan  
6 YC, the requirement for regular plan updates and  
7 regular reports to the public on progress that  
8 we're making on this plan.

9 So, I know that that's a very long  
10 presentation, but I hope that it gives you a sense  
11 as to how we're thinking about this problem. What  
12 I would just say, in summation, is that we believe  
13 that this is perhaps the threat that our  
14 generation is going to need to address with  
15 respect to the city of New York. And we are  
16 confident that working with the city Council,  
17 working with other layers of government, working  
18 with the private sector, that this is a threat  
19 that can be addressed, but it requires significant  
20 action and it requires significant action today.  
21 Thank you.

22 CHAIRMAN DILAN: Mr. Lee you have  
23 testimony as well? Okay, you're up.

24 MR. LEE: Good morning Chair's  
25 Dilan, Gennaro, Vacca, Koo and members of the

2 committees. I am John Lee, Deputy Director of the  
3 Mayor's office of Long-term Planning and  
4 Sustainability and a registered architect in the  
5 state of New York. You've heard an opportunity to  
6 testify today on 20 introductory bills related to  
7 design, construction and operational practices  
8 that will make New York City's buildings stronger  
9 and safer in the face of extreme weather events.

10 First I would like to acknowledge  
11 the leadership that each of these committees has  
12 demonstrated on issues of sustainability since the  
13 release of plan YC in 2007, and the urgent  
14 emphasis you have placed on climate resiliency by  
15 scheduling today's hearings immediately following  
16 the releases of the city's report.

17 Plan YC in 2007 created an  
18 ambitious agenda for New York City to accommodate  
19 a growing population, enhance a quality of life  
20 for all New Yorkers towards a more sustainable  
21 future and to address climate change.

22 Six years ago climate change was  
23 not on the agenda of most municipal governments.  
24 While our best scientists reached consensus that  
25 the impacts of climate change were potentially

2 severe and that sea level rise and more frequent  
3 coastal storms could threaten New York City with  
4 its 520 miles of coastline, we had the imprecise  
5 understanding of what our local risks truly were.  
6 We also knew that as a leading global city, New  
7 York had a responsibility to reduce its impact on  
8 climate change.

9 In the intervening years, thanks in  
10 part to leadership of the city Council, the  
11 experts and scientists that make up our New York  
12 City panel on climate change have helped us to  
13 develop a much better understanding of our local  
14 climate risks. The city's climate adaptation task  
15 force analyzed coastal storm surge and addressed  
16 the risk in ways that made us better prepared for  
17 super storm Sandy. The city created a \$1.2  
18 billion green infrastructure strategy and expanded  
19 its networks of blue belts [phonetic] to reduce  
20 the impacts of heavy downpours.

21 The core roofs volunteer program  
22 has painted 4,000,000 square feet of roof tops in  
23 order to stem heat gain, and through our  
24 waterfront development policies major projects  
25 that receive public support must take climate risk

2 into account in their design and construction.

3 Super storm Sandy has made it clear  
4 that while we're on the right track much more  
5 needs to be done to protect the city against the  
6 risks of climate change and extreme weather. For  
7 this reason, even while the city was in the midst  
8 of unprecedented storm relief efforts, Mayor  
9 Bloomberg convened a special - - for rebuilding a  
10 resiliency as you've heard from Seth Pinsky and  
11 Tokumbo Shobowale.

12 SIRR's mission was to analyze the  
13 impacts of the storm on buildings infrastructure  
14 and communities and to assess our future risks,  
15 and to outline an ambitious, comprehensive and  
16 achievable strategy for increasing resiliency  
17 citywide. The result of this effort, as you've  
18 heard, was plan YC, a stronger, more resilient to  
19 New York.

20 Sandy inundated an area that  
21 affected over 88,000 buildings, far exceeding the  
22 risks that were reflected by the FEMA's - - dating  
23 back to 1983. Several weeks ago FEMA released its  
24 preliminary work maps for New York City that are  
25 based on substantially improved analysis of

2 coastal flood risks. These maps indicate that an  
3 additional 30,000 buildings will be newly defined  
4 as a at risk for coastal flooding from a 100 year  
5 storm, taking the total amount to 68,000  
6 buildings. We know this number will grow  
7 significantly as sea levels rise by up to three  
8 feet by mid-century.

9 Coastal flooding is not the only  
10 threat brought on by effects of climate change.  
11 Our buildings will be exposed to more heavy  
12 downpours, more frequent storms with wind effects,  
13 and building inhabitants will have to contend with  
14 greater frequency of heat waves.

15 To address all of these impacts,  
16 plan YC, a stronger more resilient New York, set  
17 forth initiatives to strengthen new and  
18 substantially rebuilt structures to meet the  
19 highest resiliency standards moving forward and to  
20 retrofit as many buildings as possible so that  
21 they will be significantly more resilient than  
22 they are today.

23 To thoroughly address the needs of  
24 buildings, Mayor Bloomberg and the Speaker Quinn  
25 launched a partnership with the Urban Green

2 Council to convene the building resiliency task  
3 force. The task force was charged with developing  
4 proposals on how to change New York City's codes  
5 and rules to increase the resilience of buildings  
6 in both operational and structural terms.

7 The building resilience task force  
8 brought together over 200 professional leaders in  
9 the architecture, engineering, construction and  
10 real estate sectors working together with city  
11 agencies to develop these proposals. The task  
12 force was subdivided by expertise in building  
13 types, commercial, residential, critical  
14 facilities and homes.

15 Today I will provide some  
16 observations and recommendations about each of  
17 these bills organized in the main categories of  
18 the task force which are stronger buildings,  
19 backup power, essential safety and better  
20 operational planning.

21 These introductions could help  
22 achieve plan YC's resiliency goals and measurable  
23 ways. On behalf of the office of long-term  
24 planning and sustainability I'm pleased to  
25 testify, in general, support of today's



2 introductory bills, although our support is  
3 tempered by certain comments or suggestions for  
4 refinements that would help make the bills more  
5 workable, or that would address inconsistencies  
6 with local, federal and state requirements.

7 We are looking forward to hearing  
8 the testimony of today's other witnesses to ensure  
9 that we fully understand the issues raised by each  
10 of them. In the category of stronger buildings  
11 the following introductions will help our  
12 buildings manage flood, resist high winds and  
13 prevent emergencies.

14 Intro 983, in relation to flood  
15 resistant construction requirements for health  
16 facilities, this proposal must be revised in its  
17 entirety to address our better understanding of  
18 the impending risk that hospitals face, even  
19 outside the boundaries of the 100 year floodplain.  
20 The current bill will treat hospitals similarly to  
21 residences for flood resistant construction  
22 standards. In the months since this bill was  
23 first introduced we have more closely studied the  
24 risks faced by our health facilities. We will  
25 work with the Council to revise the standards that

2 will serve the needs of our health facilities  
3 along our waterfronts.

4 Intro 990A, in relation to the  
5 doctrine of us to available flood maps, the office  
6 of long-term planning and sustainability urges you  
7 to adopt this proposal with the amendments. The  
8 effects of super storm Sandy clearly demonstrated  
9 inadequacies of the current affect of floodplain  
10 maps, and if we are to build stronger going  
11 forward we must rely upon the best available data  
12 developed in partnership with the federal  
13 government.

14 Intro 1087, in relation to using  
15 cool roof surfaces to reduce summer heat, this  
16 proposal will expand the roof reflectivity  
17 requirements to sloped roofs and to reduce the  
18 internal heat gains during hot summer days, which  
19 in turn will also reduce the energy demands on the  
20 buildings and help reduce costs over time.

21 Intro 1088, in relation to water  
22 retentive sidewalks and the study on absorptive  
23 street and sidewalk materials and alternative  
24 street angulation, this proposal would require  
25 city agencies to engage in a study to determine

2 the potential for permeable surfaces as a water  
3 attention strategy. We respectfully request the  
4 Council work with the agencies so that they are  
5 properly identified with the Departments of  
6 Transportation, Environmental Protection and  
7 Buildings, each to their areas of expertise.

8 Intro 1089, in relation to allowing  
9 elevation of certain building systems in flood  
10 prone areas, this proposal is intended to allow  
11 for flexibility in design solutions, to protect  
12 telecommunication systems and fuel oil supplies.  
13 We urge the Council to ensure that this bill not  
14 limit the options available to design for flood  
15 protection.

16 Intro 1090, in relation to studying  
17 the effects of wind on certain buildings, this  
18 proposal is extremely important in order for us to  
19 better assess the risk that our buildings will  
20 likely face with increased future storm activity.

21 Intro 1093, in relation to removing  
22 barriers for usage of temporary flood control and  
23 response devices, this proposal, while necessary  
24 to address an important means of flood retention,  
25 must not compromise the use of the public right of

2 way and must not impede the safe - - from the  
3 building. We urge the Council to work with the  
4 affected departments of transportation and  
5 buildings to refine the language that preserves  
6 the safety of the building and its occupants.

7 Intro 1095, in relation to creating  
8 a manual on the flight construction of protection  
9 standards, this proposal will make information  
10 more readily available to effective property  
11 owners and we offer our support.

12 Intro 1096, in relation to  
13 relocating and protecting building systems in  
14 flood prone areas, this proposal will ensure that  
15 the most essential life safety systems are  
16 rendered flood resistant. While this proposal  
17 clarifies aspects that are generally addressed by  
18 the current code, we offer to work with - - to  
19 resolve technical issues with this language.

20 Intro 1097, in relation to  
21 requiring backup power sources for life and a  
22 safety communication systems, this proposal adds  
23 an element of resiliency to an essential life city  
24 function. However, some of the technical language  
25 needs refinement and proper location with the code

2 should be reconsidered.

3 Intro 1098, in relation to  
4 preventing the back flow of sewage we recommend  
5 that further specifications be considered to  
6 ensure that the valve types do not inadvertently  
7 cause blockages which can undermine the buildings  
8 internal sewage system, and that the valve type  
9 specifications allow for affordable options.

10 Intro 1099, in relation to  
11 preventing wind damage to existing buildings, this  
12 proposal addresses very important protection  
13 measures for buildings and will work with Council  
14 to resolve some minor technical language issues.

15 Intro 1102, in relation to  
16 improving hazardous material storage pursuant to  
17 the New York City community right to know law this  
18 proposal's necessary for us to protect our  
19 neighborhoods and waterways. However, we ask that  
20 Council take special consideration for our  
21 wastewater treatment plants and work with us to  
22 properly address toxic materials at those sites.

23 In the category of backup power the  
24 following introductions will also allow our  
25 buildings to have immediate access to temporary

2 power sources, that hallways and stairs are safely  
3 illuminated during prolonged power outages and to  
4 diversify the fuel sources for emergency power.

5 Intro 1092, in relation to  
6 installation of external electrical hookups, this  
7 proposal would provide for a quick connection for  
8 rollup temporary generators. And while we are in  
9 support of the intent there are technical issues  
10 yet to be resolved with the introduction,  
11 especially with regard to the degree to which it  
12 affects hospitals.

13 Intro 1100, in relation to keeping  
14 residential stairwells and hallways lit during  
15 blackouts. In this proposal careful consideration  
16 must be taken for how to define the lighting  
17 levels in their applications so that the safety  
18 and security of building residents are preserved.  
19 We can work with Council to reach proper standards  
20 that address all of these concerns.

21 Intro 1101, in relation to  
22 volunteer installed emergency power systems and  
23 natural gas usage. This proposal will have  
24 significant positive effects on the types of power  
25 systems that buildings will use for backup and

2 emergency power that can result in cleaner  
3 emissions and more flexible uses of voluntary  
4 systems. This proposal has much merit, but it's  
5 highly technical and we can assist counsel with  
6 the proper engineering expertise to refine the  
7 language.

8 In the category of essential safety  
9 the following introductions are intended to ensure  
10 access to sanitation facilities and potable water  
11 in the event of prolonged power loss.

12 Intro 1086, in relation to  
13 requiring that toilets and faucets be capable of  
14 operating without an external supply of electrical  
15 power. This proposal is intended to ensure that  
16 for those toilets and faucets that rely on  
17 electrical power to operate, such as a motion  
18 sensor to activate, then that within the given  
19 facility at least one faucet and one toilet are  
20 able to operate without the electrical sensor.

21 The language of the bill implies  
22 that the requirement would include fixtures in  
23 buildings where an electrically powered pump is  
24 necessary to fill a tank or deliver pressure, and  
25 that is not the intent of this bill. We can work

2 with Council to refine the language that  
3 specifically addresses the electrically operated  
4 valves that may fail in a prolonged power loss.

5 Intro 1094, in relation to  
6 requiring residential buildings to provide  
7 drinking water is to common areas supplied  
8 directly through pressure in the public water  
9 main. For many large multifamily buildings this  
10 proposal would be very easy to solve. However, we  
11 urgently request that smaller buildings are  
12 provided with additional considerations as a cost  
13 or more on risk absorbed by fewer residents.

14 In the category of better operation  
15 paneling, the following introduction will help  
16 reduce the impacts of an emergency and allow for  
17 rapid recovery.

18 Intro 1085, in relation to  
19 emergency plans for residential and commercial  
20 buildings in the posting of emergency information  
21 in certain residential buildings, this proposal  
22 names city agencies that help develop the  
23 guidelines for emergency planning and it should  
24 clearly convey the responsibility of proper  
25 planning and information distribution to the



2 building occupants ultimately resides with the  
3 property owner.

4 In addition to these 19 proposals  
5 the report from the special initiative for  
6 rebuilding resiliency has been brought forth for  
7 your consideration and introduction to  
8 institutionalize resiliency policy into the core  
9 function of the office of long-term planning and  
10 sustainability. This introduction T20136556  
11 intends to establish resiliency as a core function  
12 of the office of long-term planning and  
13 sustainability and establishes a director of  
14 resiliency within the office.

15 While our office has slayed the  
16 risk brought on by climate change for quite some  
17 time it is now time to take the necessary steps to  
18 rebuild resiliency to confront the effects of  
19 climate change. Resiliency is a fundamental  
20 component of sustainability. We will ensure that  
21 our city continues to grow in a sustainable method  
22 while also protecting our assets towards a  
23 stronger and more resilient future.

24 By incorporating resiliency into  
25 responsibilities of office of long-term planning

2 and sustainability the city will build upon the  
3 foundation established in plan YC to ensure that  
4 resiliency planning is informed by clear metrics  
5 and transparent reporting, rigorous policy  
6 analysis, the best available science and extensive  
7 stakeholder involvement.

8 We will ensure that this vital work  
9 to the city is sustained and held accountable  
10 beyond the one marrow [phonetic] administration.  
11 The office of long-term planning and  
12 sustainability generally supports all of these  
13 proposals with suggestions for mild technical  
14 revisions to some. And other more substantive  
15 suggestions that are intended to protect against  
16 inadvertent consequences.

17 We look forward to working with  
18 Council in the coming weeks to formulate  
19 legislation that will best serve the needs of New  
20 Yorkers. Thank you for giving me the opportunity  
21 to testify on this important legislation and I am  
22 happy to answer any questions that you may have at  
23 this time.

24 CHAIRMAN DILAN: And I want to  
25 thank all of you gentlemen for your testimony.

2 Much of it was very informative, and thank you for  
3 all the research and the study that you've done  
4 along with your partners to prepare the city for  
5 the future. The hope is that none of the  
6 projections for climate change come true because  
7 we actually take proactive steps to prevent it,  
8 but in light of the information that we have it's  
9 prudent to be prepared and I want to thank you for  
10 that.

11 Just a little bit of housekeeping.  
12 We've had some members come in and out and it's,  
13 clearly as I said at the outset, then a pretty  
14 crazy time for us in terms of the hours, but  
15 during the proceedings we've been, at one point or  
16 another, joined by Council Members James, Ydanis  
17 Rodriguez who was here, Council Member Gale Brewer  
18 was still with us, Council Member Oliver Koppell  
19 who just left, Council Member Margaret Chin,  
20 Council Member Jessica Lappin who joined us,  
21 Council Member Vincent Gentile, Council Member  
22 Jimmy Van Bramer, Council Member Leroy Comrie was  
23 still with us, Council Member Mendez, Rosie Mendez  
24 as well as Council Member Deborah Rose.

25 MALE VOICE 1: Say that again.

2 CHAIRMAN DILAN: As well as - I  
3 thought I said it, but just in case, Council  
4 member Brad Lander. If I missed it I'm sorry  
5 about that. As well as Council member Levin who  
6 has just joined us.

7 So what I would like to just, and  
8 for my colleagues, and I know we're all pretty  
9 tired, I'm sure there's going to be a lot of  
10 questions to the extent possible if we could just  
11 get right to the question and have a shorter lead  
12 in to the actual question, it would be best for  
13 all the chairs who have to stay here until the  
14 hearings over.

15 So I want to start out and I will  
16 be followed by Chair Vacca for some transportation  
17 questions, I'll start out with some general  
18 questions for Mr. Pinsky. They're related to  
19 flood insurance with the enactment of the  
20 bridgewater's, bigger waters federal legislation  
21 in 2012. Flood insurance premiums are expected to  
22 rise and in some cases very dramatically. We  
23 understand that for some homeowners premiums will  
24 start to go up now when for others premiums will  
25 not go up until the new firms go into effect.

2 We also understand that some  
3 homeowners receive their increases phased in over  
4 a few years while others will get an immediate  
5 increase. How can New Yorkers find out what the  
6 new premiums will be, and how can they find out  
7 when these new premiums will start?

8 MR. PINSKY: Well, as you know, the  
9 national flood insurance program provides the  
10 primary source of flood insurance for homeowners  
11 and for small businesses, and that's true in New  
12 York and the rest of the country. Because of the  
13 combination of factors that you describe, the  
14 bigger waters act which had nothing to do with  
15 Sandy, but through a bad coincidence of timing is  
16 coming into effect as we're recovering from Sandy,  
17 as well as the new FEMA maps. In fact, the  
18 expectation is these rates will rise.

19 The ultimate source of information  
20 about flood insurance is FEMA and the national  
21 flood insurance program itself. And certainly we  
22 in the city are able to help homeowners to  
23 understand, as a general matter, what the  
24 implications of these changes will be, but with  
25 respect to any given home you really have to go to

2 FEMA or to the insurance company that writes the  
3 policy.

4 What I would say though is that  
5 what we are primarily focused on here is in trying  
6 to address the issue of affordability that's been  
7 raised by these changes to the flood insurance  
8 program. And I think it's very important to  
9 understand the thinking behind the change in order  
10 to understand why we made the proposals for  
11 addressing those changes that we have.

12 The thinking behind them is that in  
13 many places including federally, after significant  
14 extreme weather events, the instinct is to  
15 subsidize insurance rates. And, though, on the  
16 one hand that's a good thing because it helps  
17 people to afford insurance, which is important.  
18 It also has a detrimental impact which is that it  
19 encourages people, or at least it doesn't  
20 discourage people, from undertaking a behavior  
21 that could be dangerous. We've seen this happen  
22 in jurisdictions like Florida and Texas and other  
23 places around the country.

24 We think that, as a general matter,  
25 the idea of trying not to subsidize people's

2 behaviors that could expose them to harm is the  
3 right approach, but the problem with the way that  
4 the national flood insurance program works is that  
5 it actually discourages, or again at least doesn't  
6 encourage, New Yorkers to make the kinds of  
7 mitigation investments that we think could really  
8 be helpful to them.

9 So, by way of example, under the  
10 national flood insurance program, generally  
11 speaking the only way you can reduce your flood  
12 insurance rates, or the prime way that you can  
13 reduce your flood insurance rates is by elevating  
14 your home, and in some parts of New York that make  
15 sense, but our estimate is that for 40 percent of  
16 the 68,000 buildings in New York City that are  
17 today within the hundred year floodplain, that  
18 elevation is simply infeasible, and in many other  
19 cases it's undesirable. I mean do you want  
20 neighborhoods where there is no ground floor  
21 retail for example.

22 So, what we're trying to work with  
23 FEMA to do is to give credits to homeowners for  
24 other mitigation measures that are more practical  
25 in an urban environment like New York, and to

2 recognize those and are thereby to bring down  
3 insurance rates, not by subsidizing those  
4 insurance rates, but by actually making people  
5 safer.

6 CHAIRMAN DILAN: Thank you. You  
7 actually answered two of my questions at the same  
8 time so I won't have to ask the other question.  
9 The next is when the new firms come out many  
10 property owners that were in the flood zones  
11 before are going to find themselves mapped in to  
12 the flood zones. Our understanding is that FEMA  
13 does not yet know how the flood insurance premiums  
14 will be implemented for these newly mapped  
15 properties. What is the city doing, if anything,  
16 to get an answer from FEMA on this question?

17 MR. PINSKY: So again, we've been  
18 working very closely with FEMA both to understand  
19 the changes that are coming down the pike, and  
20 obviously since they run the program we won't have  
21 answers until they're able to supply us with  
22 answers, but we have a pretty good sense. And I  
23 think the bottom line is exactly what you said in  
24 your question which is that insurance rates will  
25 be going up for many New Yorkers and for a large



2 number of New Yorkers who weren't required to get  
3 flood insurance, going forward they are going to  
4 be required.

5 And the so that's why again, what  
6 we're really focused on is one, trying to do  
7 reduce the risk and thereby lower insurance rates  
8 for people who are required to get insurance.  
9 Another problem that we face here in New York City  
10 is the fact that many people who were exposed to  
11 risk even under the old flood maps, but because  
12 they didn't have federally insured mortgages  
13 weren't required to get insurance, didn't have  
14 insurance and are therefore, when the storm hit,  
15 they had no way of paying for repairs. And so we  
16 want to make sure that that subset of people also  
17 is encouraged to buy insurance.

18 So another strategy that we put  
19 forward is the notion of creating what we call  
20 high deductible low premium policies, and what  
21 that means is that if you're flooded, and let's  
22 say your washing machine is destroyed in the  
23 flood, you may not get any coverage. But if  
24 you're flooded and your entire home is destroyed,  
25 in that case you will get a significant amount of

2 coverage. The idea being that we want to save  
3 people from catastrophic losses.

4 MR. LEE: One other thing I would  
5 note is that, as you noted, because of bigger  
6 waters, which was passed a year ago and signed  
7 into law by the President last July, the rates  
8 would be gradually phased in, so the subsidies  
9 will be phased out, but we strongly encourage  
10 people who don't have insurance to buy it now  
11 before the new flood rates map kick in because  
12 after the new rates kick in and of the new maps go  
13 into place the new firms, probably in 2015, those  
14 will be at the unsubsidized rate.

15 So folks who purchase insurance  
16 prior to that process will actually be able to be  
17 grandfathered in under the old rates. The rates  
18 will increase over time, but they won't come in at  
19 essentially at immediately at the higher rate. So  
20 we definitely encourage folks to learn, assess  
21 that they have to speak directly with FEMA, but  
22 it's important for people to understand that there  
23 are still subsidized rates today so it's better to  
24 purchase insurance now than to wait.

25 CHAIRMAN DILAN: Okay, so actually,

2 for Mister Pinsky, the high deductible low premium  
3 program that you spoke about I believe it requires  
4 federal action. Where are you in discussions with  
5 the federal government on such a program?

6 MR. PINSKY: And just beware,  
7 everything that I described will require federal  
8 action, because again it's a federal program. So,  
9 we've been engaged in very detailed discussions  
10 with FEMA, and I certainly can't represent to you  
11 today that FEMA is ready to take our proposals  
12 lock stock and barrel, but the indications that  
13 we've gotten so far have been positive. We've  
14 discussed these with the federal task force that's  
15 led by Secretary Donovan and they've reacted  
16 positively to this as well.

17 What we are now working on with  
18 them is an analysis of how exactly a program like  
19 this would work. And then there is also an  
20 analysis that will need to be done to see whether  
21 this could be done through regulatory measures, or  
22 whether it would also require legislation through  
23 Congress, which of course makes it more  
24 complicated.

25 But I guess the advantage that we

2 have is that the challenges that we face here in  
3 New York are the same challenges that people are  
4 facing all across the country. So our hope is  
5 that there will be a common purpose with  
6 representatives from all over the country on this  
7 issue.

8 CHAIRMAN DILAN: Okay. Thank you.  
9 I have some questions for Mr. Lee specifically on  
10 the legislative items before us. I'm not going to  
11 get into them now; I'll do it at some later point  
12 in the hearing because there are many. I want to  
13 give my colleagues who are here an opportunity to  
14 ask questions at this time and then come back. So  
15 next I will go to Council Member and Chairperson  
16 of the Transportation Committee Jimmy Vacca,  
17 followed by the Chair of the Environmental  
18 Protection Committee Jim Gennaro. And again  
19 gentlemen I ask if you, we could as much as  
20 possible get right to a question.

21 COUNCIL MEMBER VACCA: Thank you.  
22 Thank you everyone. Thank you Chair Dilan. I was  
23 looking at the report, and on page 24 you did talk  
24 about the most heavily impacted communities  
25 concerning climate change and I'm sure that that

2 alludes to the storm, but I did want to say,  
3 representing the East Bronx, that we were spared  
4 largely. We had blackouts and trees down, but we  
5 were spared the devastation because of the way the  
6 storm turned. And I just don't want anyone to  
7 think that we should not be included in these type  
8 of heavily impacted communities because if that  
9 storm had turned Throgs Neck, City Island,  
10 Edgewater Park, Northern Queens, we would have  
11 been in the bull's-eye. We would have been  
12 devastated, so I just wanted your response to  
13 that.

14 MR. PINSKY: So that is an  
15 extremely important point and one that, if we  
16 didn't emphasize we should make sure that we do  
17 emphasize, which is that this plan is not about  
18 planning for the next hurricane Sandy. It is  
19 about planning for a type of risk that is much  
20 broader than hurricane Sandy, and we certainly  
21 recognize the fact that while some neighborhoods  
22 got very unlucky during Sandy, other neighborhoods  
23 got very lucky and that the next storm or the next  
24 extreme weather event could have exactly the  
25 opposite characteristics.

2 And so the plan that we are putting  
3 forward is a plan that is meant to address  
4 challenges citywide. That's true of our coastal  
5 protection measures, that's true of the building  
6 resiliency measures that we're putting forward,  
7 our transportation measures, our utility measures,  
8 all of those are looking citywide.

9 When we say that we are focusing on  
10 the five areas of the city that suffered the  
11 greatest lingering physical damage, that's really  
12 making sure that as we rebuild these communities  
13 that happened to be hit in the storm, that that  
14 rebuilding is taking place in a way that is better  
15 and stronger and safer than those neighborhoods  
16 were before, but it's certainly not to the  
17 exclusion of any other neighborhood in the city.

18 COUNCIL MEMBER VACCA: Let me give  
19 you an example: what happens if a person wants to  
20 build a senior citizen development, or a nursing  
21 home in a zone A, what is the difference for that  
22 person today as opposed to a year ago?

23 MR. PINSKY: So, we are proposing a  
24 number of changes to the building code that would  
25 require that the critical systems within those

2 facilities, and it's for regulated facilities, so  
3 nursing homes, adult care facilities and  
4 hospitals, that those systems be better protected  
5 so that either the residence can shelter in place  
6 in certain types of weather events, or if they  
7 have to be evacuated that they can be brought back  
8 to the facility more quickly, and at that the  
9 facility will continue to operate.

10 So looking at things like  
11 electrical systems and boilers and air  
12 conditioners, to make sure that those facilities  
13 are better able to handle the challenges that we  
14 know are coming in the future.

15 COUNCIL MEMBER VACCA: I do want to  
16 talk about one transportation item and that is the  
17 sidewalk issue. We have legislation, 1088, and I  
18 wanted to talk to you about the cost that a  
19 homeowner would incur if this law were to pass.  
20 When you make rules do you consider cost, and  
21 could you talk about changing standards and  
22 whether that would impact all existing homeowners  
23 that live in the zone A areas, or would this  
24 impact just new construction or people that have  
25 had damage. What would be the impact and cost of

2 that legislation?

3 MR. LEE: First let me clarify that  
4 1088 is proposing that we, the departments of  
5 transportation and building study the issue of  
6 absorptive sidewalks, so at this time it is not an  
7 imperative.

8 You're absolutely right to raise  
9 the question of cost. There are still some  
10 uncertainties not only in the cost of the  
11 absorptive materials, but also in the regions  
12 where you can actually practically implement that  
13 kind of material. So, this is definitely  
14 something that we recognize as a consideration and  
15 will be incorporating it into the study.

16 COUNCIL MEMBER VACCA: Do you have  
17 a timetable for those studies are making, your  
18 undertakings, is there a timetable?

19 MR. LEE: As soon as we can.

20 COUNCIL MEMBER VACCA: That's good,  
21 I think. Okay, talk about access a ride. I had a  
22 concern about access a ride. Do you think that  
23 the access a ride vehicles were appropriately used  
24 during the storm? Can we have access a ride  
25 vehicles better utilized should there be another



2 crisis to get people who are physically disabled  
3 service and help?

4 MR. SHOLOWALE: I will just say  
5 that the focus of this report really was, that I  
6 mentioned in the beginning, not the after action  
7 report. So there's the report that Deputy Mayors  
8 Holloway and Gibbs had which basically look at the  
9 actual actions of emergency response vehicles  
10 immediately during and after the response.

11 This report really is more about  
12 the long term impacts of climate change and make  
13 the city more resilient. So as part of the scope  
14 of this study we did not examine the issue that  
15 you raise, which I think is important, but it's  
16 not something which is in the scope of this  
17 report.

18 MR. PINSKY: What I would just add  
19 to that is I believe the access a ride program is  
20 actually administered by the MTA also and if so we  
21 would have to speak to them about what their  
22 assessment of the performance was.

23 But one of the things that we talk  
24 about in our transportation section and also in  
25 our liquid fuel section is the accordance of make

2 sure that emergency vehicles and priority vehicles  
3 are fueled during a future event like Sandy. And  
4 the so certainly that kind of vehicle would be the  
5 kind of vehicle we would want to make sure,  
6 because I know, not just access a ride, but lots  
7 of different modes of transportation that were  
8 critical for construction work, that were critical  
9 for utilities repairs, that were critical for life  
10 and safety had problems accessing fuel during the  
11 storm and we would want to make sure that that  
12 fuel supply is maintained for those very critical  
13 vehicles.

14 COUNCIL MEMBER VACCA: I would like  
15 to thank you and I would like to thank the  
16 administration. I think you have been very much  
17 pro active in this very important field, and for  
18 your hard work after the storm and also for the  
19 work that you are now undertaking, so thank you.

20 MR. PINSKY: Thank you.

21 CHAIRMAN DILAN: Thank you Chair  
22 Vacca. Go to Chair Gennaro.

23 COUNCIL MEMBER GENNARO: Thank you  
24 Mr. Chair. It's wonderful to be with you here  
25 today. Thank you for your comprehensive

2 testimonial of your great work and thank you for  
3 focusing on the notion of how we get things  
4 institutionalized so as we go forward into the  
5 next administration we don't lose any ground.

6 I just want to kind of go over some  
7 of the entities that have been created, and just  
8 to create kind of like a scorecard of who's doing  
9 what and what we need to do to make sure we have  
10 the team on the field come January next year.

11 So when the Mayor accredited the  
12 office of long-term planning and sustainability,  
13 which of course led to plan YC, the Council  
14 thought it was a good idea to make sure that the  
15 office of long-term planning and sustainability  
16 was part of the city law so that would live on  
17 forever. We did that. That was good. So we got  
18 that, so that good.

19 Then when the Mayor accredited the  
20 New York City plan on climate change in the city,  
21 climate adaptation task force, the Council thought  
22 those were excellent ideas. And last year through  
23 local 042 [phonetic] we made them a permanent part  
24 of city government also, broadened the scope of  
25 the panel and of the task force, so we got that

2 done.

3 And it seems like the next step is  
4 to take the director of resiliency recently  
5 appointed in the wake of Sandy and the Mayor  
6 mentioned his - I met him at the speech at the  
7 Navy Yard.

8 MR. PINSKY: His name is Dan  
9 Zarilli.

10 COUNCIL MEMBER GENNARO: Okay. And  
11 so he was appointed and we want to make sure that  
12 that person or that office and that function is  
13 part of a ORLTPS [phonetic] going forward.

14 And is there - because I'm always  
15 thinking in terms of making sure we have the  
16 proper place on the field in going forward into  
17 the next administration. Is there any thing else  
18 we need to do in terms of creating in law any  
19 other institutions that could help this good work  
20 go forward? That's sort of part of my first  
21 question, then I'll let you speak to that then  
22 I'll finish my question.

23 MR. PINSKY: I think making sure  
24 that the proper staffing at the office of long-  
25 term planning and sustainability, including not

2 just the director of resiliency, but staff that  
3 supports the director is of critical importance.  
4 That individual will then work with the various  
5 city agencies that have jurisdiction over the  
6 various chapters of this report. In some cases it  
7 will be multiple agencies to act as essentially  
8 the quarterback to keep the report moving.

9 I think what's also important is to  
10 make sure that, like with plan YC, that the plan  
11 is regularly updated as conditions change and  
12 information changes.

13 COUNCIL MEMBER GENNARO: Which is  
14 part of what we did when we made the office of  
15 long-term planning a part of city government, and  
16 when we made permanent the panel on climate change  
17 and the city climate and the adaptation task  
18 force, they're mandated know on an ongoing basis  
19 to continue their good work.

20 MR. PINSKY: yes, and that I think  
21 has been - that's a very good policy to have  
22 adopted and I think was very helpful in allowing  
23 us to do the work that we did, the fact that  
24 people have not just held the report and had it  
25 frozen in time, but that it's an evolving

2 document.

3 COUNCIL MEMBER GENNARO: Great and  
4 that kind of leads me to my next question. Are  
5 the various entities that have been created in the  
6 wake of Sandy and how they're all working  
7 together? So you've got the office of long-term  
8 planning, you've got the panel and of the task  
9 force to use shorthand here and call them the  
10 climate change, climate change task force, and of  
11 that we have the SIRR, the special initiative for  
12 rebuilding and resiliency, and the partnership  
13 between the Mayor's speaker and Urban Green to do  
14 the building resiliency task force.

15 So you've got like the SIRR folks,  
16 the building resiliency task force, the climate  
17 change panel, the climate change adaptation task  
18 force. How do they all kind of work in synergy?  
19 Are they - I just want to get sort of like a  
20 scorecard of - you've got SIRR here, you've got  
21 the building resiliency task force here, you've  
22 got the panel and task force, and, you know, what  
23 is the, what does the organizational chart kind of  
24 look like?

25 MR. PINSKY: Yeah, it's an

2 excellent question and I believe the same is true  
3 for the buildings resiliency task force, and John  
4 can comment if this is not the case. But with  
5 respect to the special initiative that the Mayor  
6 put together, it is one of the few examples of a  
7 bureaucracy that actually was said to be limited  
8 in time and is in fact limited in time.

9 So our responsibilities of the  
10 special initiative were to pull together, this  
11 plan to work with the various city agencies and  
12 partners and government to pull it together, and  
13 once that plan was issued, which it has been now,  
14 that special initiative is now disbanding. People  
15 are in the process now of going back to what they  
16 had been doing previously and we're transferring  
17 responsibility now for the plan to the Mayor's  
18 office of long-term planning and sustainability.

19 MR. LEE: Note that in terms of how  
20 they fit, on page 410 of the chart there is  
21 actually an orb chart which shows -

22 COUNCIL MEMBER GENNARO:  
23 [Interposing] Page 410 of the - oh, the big book,  
24 okay.

25 MR. LEE: Yeah. You asked for an

2 organizational chart on how all of the things  
3 relate, so this is kind of an overall, a high  
4 level description.

5 COUNCIL MEMBER GENNARO: What page  
6 is that on?

7 MR. LEE: 410.

8 COUNCIL MEMBER GENNARO: Well I  
9 didn't get to page 410 yet, you know, I mean I  
10 just got the book. I'm not - - . I'm working my  
11 way through it.

12 MR. PINSKY: If I may add to that  
13 too, the building resilience task force is also is  
14 closed in terms of issuing a report. However, we  
15 do have a -

16 COUNCIL MEMBER GENNARO:  
17 [Interposing] What page is that again?

18 MR. LEE: 410.

19 MR. PINSKY: Despite the special  
20 initiative group and the building resilience task  
21 force, having been sort of expired in a sense, you  
22 know, the work must continue. And Chair, you do  
23 speak to a very important point that there is  
24 massive coronation not only with city and  
25 agencies, but also other offices that have been



2 created as a result of Sandy, such as the Mayor's  
3 office for housing recovery operations.

4 Therefore, going back to your first  
5 question, in addition to the director of  
6 resilience there is a great need for staffing in  
7 order to support that director and all the  
8 activities, between coordinating activities, and  
9 also implementing the 200 plus recommendations  
10 that came out of the special initiative report.

11 COUNCIL MEMBER GENNARO: Thank you.  
12 When the Council did local 042, like two months  
13 before Sandy, we thought that that would be a  
14 great way to plan for climate change, plan for sea  
15 level rise, to get all the brain waves of the top  
16 scientists and filter those down to an operational  
17 task force, and do the long-range planning and  
18 financing necessary to come up with the best ideas  
19 and make them all happen.

20 Then, of course Sandy happened, and  
21 we had a, really jump in with both feet very  
22 quickly and I'm curious on what your perspective  
23 is on the long-range mission of the climate change  
24 panel and a task force, because like the idea, the  
25 concept that they would do the science and help

2 the operational task force through the long-range  
3 planning, but then we had SIRR come along. So is  
4 that going to devolve back to the climate, to the  
5 panel and the task force under the OLTPS. I'm  
6 just trying to figure out how that's going to  
7 work.

8 We had the whole thing figured out  
9 and then Sandy happened and we had to scramble and  
10 do good work real fast. And so, you know, post  
11 Sandy, you know, how does that work? We get back  
12 to sort of regular course of doing business, and  
13 how we plan over the long-term to do these things.  
14 Did that make sense?

15 MR. PINSKY: Yes, it makes a lot of  
16 sense, and again, I think that we should all be  
17 very proud of the work that we, as administration,  
18 working with the City Council did before hurricane  
19 Sandy since plan YC to put all of these  
20 institutions and structures in place because we  
21 were definitely better prepared for the storm than  
22 we would have been had we not had the information,  
23 had we not begun to make changes to our building  
24 codes, etc., etc., etc.

25 When Sandy hit, what we learned as

2 Tokumbo showed in the presentation that he did,  
3 was that in fact the vulnerability was even  
4 greater than we had expected, and so we were  
5 forced to go back and reevaluate all of our  
6 assumptions and redouble our efforts. And that's  
7 what this report does, and what this report  
8 intends to do then is to transfer responsibility  
9 back to the existing structures, including the  
10 panel on climate change, including the Mayor's  
11 office of long-term planning and sustainability,  
12 but just to make sure that there are additional  
13 elements to their responsibility that cover this  
14 greater vulnerability going forward.

15 But the panel on climate change was  
16 absolutely essential to the work that we did and  
17 will continue to be absolutely essential. There  
18 are very few places in the world, especially on  
19 the scale of municipality instead of a country,  
20 where people are thinking about what these impacts  
21 will be with so much specificity and looking so  
22 far into the future, and we have to keep doing  
23 that.

24 And by the way, the science keeps  
25 evolving, so it's not like we can get a report and

2 say okay, we know what's going to happen let's go.  
3 We've got to keep getting that updated.

4 COUNCIL MEMBER GENNARO: Great.

5 And when people ask me why the city was able to  
6 respond, I indicated the Bloomberg administration  
7 had gotten into the climate change adaptation  
8 business through the creation of the panel and of  
9 the task force years ago. So we've been doing  
10 this for a long time and we are able to jump when  
11 we had to jump.

12 MR SHOBOWALE: I just would add one  
13 thing.

14 COUNCIL MEMBER GENNARO: Sure.

15 MR SHOBOWALE: I think specifically  
16 one of the things that John's work very closely on  
17 is that part of the recommendations with regard to  
18 -

19 CHAIRMAN DILAN: If you could speak  
20 right into the microphone.

21 MR SHOBOWALE: One of the changes  
22 recommended with regard to the building code is  
23 that we have to update our projections regarding  
24 sea level rise because that impacts the level of  
25 which our buildings should be built.

2 And so part of the work of the New  
3 York City panel on climate change will be  
4 coordinated with our normal refreshing of our  
5 building code, the normal cycles for that, so that  
6 if there are indeed tracking a higher levels  
7 projections for sea level rise, if those will be  
8 incorporated proactively into the building code.

9 So it's suggested these structures  
10 that are in place were very, very valuable and now  
11 the process is basically melding those with the  
12 new information we have, making sure that going  
13 forward, those processes work as efficiently as  
14 possible to inform our future policymaking.

15 COUNCIL MEMBER GENNARO: Thank you.  
16 I was talking to Serigei [phonetic] recently I'm  
17 going to be going to that office to pay a visit to  
18 get - really wrap my head around everything that's  
19 going on in that office and I'll talk to him and  
20 get more in-depth knowledge of everything that's  
21 going on there because I'm - I just feel I should  
22 do that.

23 And one of the things is that I'll  
24 be carrying the bill to make the director of  
25 resiliency, you know, the Mayors bill, I'll be

2 carrying that and I look forward to doing that.

3 Just two quick questions Mr.  
4 Chairman, if I could, before I turn it over to  
5 others who have questions with regard - I'm going  
6 to Mr. Lee's statement on intro 1088 on the bottom  
7 of page five, with regard to water retentive  
8 sidewalks.

9 Your statement talks about the  
10 proposal and I'm reading it now that you request  
11 that the Council work with you so that agencies  
12 are properly identified between departments, you  
13 know, various departments each in the area of  
14 expertise. I'm wondering if, because that's my  
15 bill as well, I'm wondering if you could just  
16 expand on that critique of intro 1088. It's kind  
17 of oblique what you say here.

18 MR. LEE: It's simply a matter of  
19 semantics and the way that the bill has dropped  
20 that - there are certain territorial boundaries  
21 between our respective agencies, particularly when  
22 it comes to the right-of-way. And so we just need  
23 to make clear that those responsibilities, that  
24 are assigned with specific agencies, are called  
25 out, are and in fact within their jurisdictional

2 boundaries.

3 COUNCIL MEMBER GENNARO: Okay.

4 Well that certainly makes sense. And with that  
5 said and in this spirit, Mr. Chairman, of keeping  
6 things brief, we just left here a couple hours  
7 ago, and I think that's where I'll leave it for  
8 now. Thank you for your terrific work and this is  
9 a great service to the people of the city, and I  
10 commend you on a job that is well done. There is  
11 still much to do and it's really a pleasure  
12 working with you.

13 MR. PINSKY: Thank you Counselor.

14 CHAIRMAN DILAN: Thank you Chair  
15 Gennaro. We'll go next to Chair Koo followed by  
16 Council Member Gale Brewer. Chair Koo.

17 COUNCIL MEMBER KOO: Thank you.

18 Let me begin by thanking the three other gentlemen  
19 who are working very hard for our government in  
20 our city.

21 My question is every time we have a  
22 storm some houses that suffer damages, and then  
23 other houses they, it's better for them to  
24 demolish than rebuild. So has the state or the  
25 city has offered them money to purchase their

2 houses, so I want to know how many owners took up  
3 that offer.

4 MR. PINSKY: So, there are two  
5 programs that involve potential acquisitions of  
6 homes that were damaged during Sandy and this, the  
7 cities program is really administered by the  
8 Mayors housing recovery office, so I would suggest  
9 that you talk to them to get more detail about  
10 this. But the first program is a program that was  
11 proposed by the governor, which involves acquiring  
12 properties that were damaged, demolishing the  
13 structures and then leaving the land empty as a  
14 buffer for the future.

15 We think that in a limited number  
16 of instances that may make sense as long as a  
17 number of criteria, which I won't go into detail  
18 on, are met, and we've been working with the  
19 governor on that. To date, there is really only  
20 one area in the city where that program has been  
21 active and that's in Oakwood Beach Staten Island.  
22 Our expectation is that it's not going to be  
23 widely applicable across the city.

24 The second program is a program of  
25 acquisition for redevelopment, and that involves



2 people whose homes were substantially damaged,  
3 where the city is part of its efforts to help  
4 those homeowners, would acquire their properties  
5 and then sell the properties back to developers or  
6 people in the private sector who could then  
7 rebuild in a more resilient way if the particular  
8 homeowner doesn't want to stay in the location for  
9 whatever reason.

10 Again, this will have somewhat  
11 limited applicability, but in order for homeowners  
12 to find out whether that program applies to them  
13 they can contact the Mayors housing recovery  
14 office if they called 311, or go to the cities  
15 website. There is a portal that takes you into  
16 the various programs that they have available.

17 COUNCIL MEMBER KOO: Thank you. My  
18 next question is, what is the timeframe for  
19 rebuilding boardwalks, the damage during Sandy,  
20 and will the cost be allocated by the federal  
21 government?

22 MR. PINSKY: The timeframe for  
23 rebuilding?

24 COUNCIL MEMBER KOO: The  
25 boardwalks.

2 MR. PINSKY: Oh, the boardwalks.

3 The Department of Parks, again, is responsible for  
4 that and the so to get a detailed schedule I would  
5 recommend speaking with them and we can certainly  
6 get you that information.

7 But they, for this summer their  
8 priority was to make sure, first of all that all  
9 of the city's beaches reopen, which they've done.  
10 They also are working very actively with the Army  
11 Corps of Engineers, and in some places on their  
12 own, to ensure that the beaches are, the technical  
13 term is re-nourished, that means that they're  
14 widened again because they perform a very  
15 important safety feature. They are a very  
16 important safety feature for many coastal  
17 communities. And they also have been working to  
18 put temporary structures in place such as bathroom  
19 facilities, and - - facilities, which again  
20 they've done.

21 They are now in the process of  
22 engaging with local communities on the long-term  
23 rebuilding of these boardwalks. It's certainly a  
24 priority for the parks department, they just want  
25 to make sure that one, the designs that are put in

2 place our designs that won't make those boardwalks  
3 susceptible to the same kind of damage that they  
4 were during the storm. Two, potentially, if  
5 possible to allow those boardwalks to serve as  
6 another bulwark against coastal storms in the  
7 future. And three to make sure that the designs  
8 are designs that are acceptable to local  
9 communities.

10 So that's a process that they are  
11 now actively engaged in. And as far as the  
12 funding is concerned, certainly if what's involved  
13 is replacing damaged facilities as they existed  
14 before the storm, that should be largely  
15 compensable, though not entirely, but largely  
16 compensable by FEMA and federal funding.

17 If what the parks department is  
18 looking to do is to make them more resilient,  
19 there are federal programs that are available and  
20 we are certainly trying to secure as much federal  
21 funding as possible for that work.

22 COUNCIL MEMBER KOO: So, we also  
23 lost a lot of trees during the hurricane, is there  
24 a goal regarding how many lost trees will be  
25 replaced?

2 MR. PINSKY: Again, that's really a  
3 question for the parks department. It was  
4 thousands of trees that were downed. The parks  
5 department is actively managing the natural  
6 environment for which it has responsibility, which  
7 includes street trees.

8 I know their goal certainly is to  
9 continue to make our natural environment more  
10 robust, and over time I think that they believe  
11 that replace those natural features is not only an  
12 aesthetic consideration, which it is, but it's  
13 also a safety consideration. The more green that  
14 we have the more that we are able to absorb heat  
15 during heat waves. The more green that we have  
16 the more that we are able to allow the land to act  
17 as that defensive feature against things like  
18 coastal storms.

19 So I can't tell you exactly what  
20 the schedule is or the numbers, but I know that  
21 that is a priority for the parks department.

22 COUNCIL MEMBER KOO: I have no more  
23 questions for you.

24 CHAIRMAN DILAN: Thank you Chairman  
25 Koo. Council Member Brewer followed by Council

2 Member Lander.

3 COUNCIL MEMBER BREWER: Thank you.

4 It is very impressive. We all walk around with  
5 this heavy book and it's incredibly impressive,  
6 and congratulations.

7 A couple of questions. The low  
8 hanging fruit, is there like a - I mean I think of  
9 the rainwater as one, are you thinking along those  
10 terms? In other words what are the 10 things that  
11 as a city out of any kind of a zone could be  
12 focused on so that New Yorkers can engage and be  
13 part of the solution?

14 MR. PINSKY: Well, I don't know if  
15 I would describe anything as low hanging fruit,  
16 but there certainly are things that we think we  
17 should move forward with as quickly as possible.  
18 The legislation that's before you I think is of  
19 critical importance. A lot of people when they  
20 think about resiliency think of things that are  
21 tangible like walls and the levees, and of those  
22 are important to you, but certainly our  
23 regulations played a critical role.

24 One thing that we found is that if  
25 you look at the difference between buildings in

2 the city that were built before the modern  
3 building codes were put in place, and buildings  
4 that were built after the modern building codes  
5 were put in place, there is a dramatic difference  
6 in the performance of those buildings. So those  
7 codes are essential, and that's one thing that I  
8 would list as a very high priority.

9 I also think, on the tangible side,  
10 that there are a number of things that we can do  
11 along the coastline that are very important. I  
12 mentioned a minute ago the re-nourishment of our  
13 beaches. That is important, it's not just - it's  
14 an economic matter. It's important for many of  
15 these beach communities to have their beaches back  
16 to draw people to the area and create economic  
17 activity, but as I said they also serve a  
18 defensive role.

19 And then one project that I would  
20 highlight in particular, not to the exclusion of  
21 any others, but because I think it's so important  
22 is another one that I mentioned during my  
23 testimony, which is this armored dune along the  
24 east shore of Staten Island. These are  
25 neighborhoods that have experienced significant

2 flooding four years, even during relatively small  
3 coastal storms.

4 Sandy was of a different order of  
5 magnitude and caused significant loss of life in  
6 these areas. This is a plan that the Army Corps  
7 of Engineers has been studying since the 1990s.

8 COUNCIL MEMBER BREWER: I was  
9 around in the 1990s.

10 MR. PINSKY: And there is now money  
11 in the Army Corps's budget to complete that plan.  
12 There is money in the Army Corps's budget to build  
13 that wall, and if the budget is passed shortly by  
14 the city Council, as we expect it will be, there  
15 will be money - or it's been passed, sorry.  
16 Congratulations on that. With that passage the  
17 city now has the money that it needs for the  
18 matching fund, and the only piece that will be  
19 left will be a state matching piece, which we  
20 certainly hope that the state government will move  
21 on.

22 COUNCIL MEMBER BREWER: I  
23 appreciate all that. What I was asking is  
24 something even larger, which is in the testimony  
25 and in this legislation that talks about the white

2 roofs and of the catching the rainwater and all -  
3 I guess that's what I call somewhat low hanging  
4 fruit. It doesn't cost a lot, but it does take  
5 input and buy-in from residents.

6 So I'm just wondering A does that  
7 help in terms of the overall plan, I think it  
8 does, and B how do you go about, what do you think  
9 about going about - how do you think about going -  
10 getting people to do it? I mean one suggestion I  
11 would have would be to take a program like the  
12 urban advantage, which is a middle school science,  
13 you know it well with all the institutions, and  
14 make every middle school student participate in  
15 some kind of resiliency project.

16 In other words, how do you get  
17 everybody to say as a city we are really invested  
18 in this? Because, to be honest with you if you're  
19 not in one of the floodplains unfortunately you  
20 don't think it's ever going to happen to you and  
21 you don't say this is important. I'm just  
22 wondering if that's part of the discussion kind of  
23 how you do the outreach in terms of all the great  
24 work you've done. How do you make it happen?

25 MR. PINSKY: And I think that it's



1  
2 a couple things. First of all answering your  
3 first question, and thank you for the  
4 clarification, I do think that everything is  
5 important. And if you look at what the city has  
6 done, again, and very close partnership with the  
7 city Council over the last several years in terms  
8 of reducing our carbon footprint, it really is  
9 extraordinary. And if the rest of the world were  
10 following New York's example we would have a  
11 future that would look very different from the one  
12 that instead we believe that we are facing.

13 In terms of getting people to  
14 undertake these measures, I think part of it is  
15 putting the right incentives in place, and  
16 certainly that an important part of our plan.  
17 Part of it is changing the laws, so that over time  
18 people are simply required to do what's right.  
19 And part of it is through education, and I think  
20 that another important responsibility of this  
21 director of resiliency is going to be doing what  
22 the Mayor's office of long-term planning and  
23 sustainability has done on the resilience side,  
24 resiliency side, but particularly effectively on  
25 the sustainability side with respect to

2 resiliency, and making sure that that is a  
3 priority that people understand the challenges  
4 that we face, and they understand, in your words,  
5 that there is in fact low hanging fruit that all  
6 of us can pick, and that can make a real  
7 difference.

8 COUNCIL MEMBER BREWER: Okay. I  
9 don't want to belabor the point. I'm good at low  
10 hanging fruit, that's what I'm good at. So I'm  
11 just saying is that I think it could benefit from  
12 more discussion about how to get it done.

13 And then just finally this whole  
14 issue of, I don't know, I call it - I'm so up to  
15 hear with gentrification in a different kind of  
16 way and the housing situation, but is that  
17 something that you have to kind of at least put in  
18 the report along the waterfront, because to me,  
19 and I might be wrong, but our waterfronts are  
20 particularly fabulous because they have a whole  
21 group of working middle on come, some wealthy, but  
22 it's a mixture on our waterfronts and I'm worried  
23 we're going to lose it if it costs a fortune to  
24 put it on stilts and hang things from it and, you  
25 know, what are all you have to do to make it

2 compliant. Is that something that's at least  
3 discussed?

4 MR. PINSKY: Yes.

5 COUNCIL MEMBER BREWER: I worry  
6 about it. I worry about it all of the time.

7 MR. PINSKY: We worry about exactly  
8 the same thing. And here again, what I think to  
9 many people seems like a really esoteric subject,  
10 the flood insurance program. The effect of the  
11 changes that are coming in flood insurance could  
12 be to force exactly the people that you're  
13 describing who have lived along the waterfront,  
14 who are not wealthy.

15 COUNCIL MEMBER BREWER: The  
16 firefighters, the police officers and the - - .

17 MR. PINSKY: Absolutely, for  
18 generations could force many of those people out  
19 of their homes, and that is not a good outcome for  
20 the city.

21 In reality the bigger challenge  
22 that we've faced historically in our waterfront is  
23 not that there is too much wealth along the  
24 waterfront, but in fact that there is too much  
25 concentration of poverty on our waterfront, and

2 unfortunately over the decades the city has put  
3 many vulnerable people in vulnerable places, and  
4 we certainly want to address that and in our plan  
5 to address that, but we also want to make sure  
6 that the reverse doesn't happen now. And so yes,  
7 that's a critical part of the plan that we have.

8 COUNCIL MEMBER BREWER: Again, just  
9 thinking about how to approach it would be like a  
10 different group of people perhaps to sit down and  
11 try to strategize on that, because it's not so  
12 much a structural issue as it is an economic issue  
13 and it's really does take a different approach in  
14 my opinion. You might want to even involve some  
15 of the pensions and of the unions, and the guess  
16 who lives - I mean I worked in Far Rockaway for  
17 two years with James Sanders and the 1990s.  
18 Remember those years? So I am very familiar with  
19 - - etc., etc. Whatever the hell you call it now.

20 So I'm just saying is it really  
21 needs to be thought of and it never comes up  
22 except in those of us who have experienced it and  
23 the land side of things.

24 MR. PINSKY: Well, and Tokumbo in  
25 his presentation talked about the outreach that we

2 did.

3 COUNCIL MEMBER BREWER: Yes.

4 MR. PINSKY: And that outreach,  
5 very purposely, was designed not just to be our  
6 talking to people and saying here are our ideas  
7 what do you think about them, but we spent a lot  
8 of time listening to people. And we very  
9 deliberately went to many different communities,  
10 we didn't just go to one location and say everyone  
11 come and meet us here. And in fact we learned  
12 from those discussions exactly the types of  
13 concerns that you're outlining here and that's why  
14 our plan contains concrete steps to try to address  
15 that.

16 COUNCIL MEMBER BREWER: I'm just  
17 saying it's a very challenging topic having  
18 experienced it myself and knowing exactly how it  
19 develops, and it's not like it's going to creep up  
20 on you. You won't even know it's there.

21 MR. PINSKY: Yup, I agree.

22 COUNCIL MEMBER BREWER: Thank you  
23 very much.

24 CHAIRMAN DILAN: Okay, thank you.  
25 We're going to go to, Council Member Lander had to

2 step out for a second, we're going to go to  
3 Council Member Chin.

4 COUNCIL MEMBER CHIN: Thank you.

5 One question I was looking at is - I mean during  
6 Sandy, but also during blackout, all the traffic  
7 light goes out and the street light goes out. And  
8 people are out in the street and it's really  
9 dangerous trying to navigate, and I think in the  
10 SIRR report you just talk about in story 500 NYPD  
11 vehicle that our inverters, whatever, but I guess  
12 did we think about other alternative technology  
13 like solar technology that can actually, you know,  
14 we have so much to really capture all the power of  
15 the sun that any time, not just during the storm,  
16 but any time we have a blackout that we will  
17 guarantee that we have traffic lights and  
18 streetlights in the city.

19 MR. PINSKY: We've been working  
20 with the department of transportation and have  
21 been seeking recommendations from them for the  
22 best way to ensure that our traffic signals  
23 continue to function. One of the things that  
24 we're doing, that's actually a low hanging fruit  
25 literally, is to try to elevate some of the

2 systems that are in the traffic signal so that  
3 there just out of the floodplain, so if water  
4 comes through the signals don't get knocked out by  
5 the storm. The proposals for the inverters and  
6 the NYPD vehicles are another way.

7 But we were always looking at new  
8 technologies and new approaches and one of the  
9 things that we've been talking about as part of  
10 this plan, that the Department of transportation  
11 and others have responded positively to, is the  
12 notion of trying to make sure that we're regularly  
13 going through drills. Where we look at different  
14 types of extreme events and we say, well, what  
15 will the impacts be and how are we going to react  
16 to those, and making sure that we have plans in  
17 place for addressing those. And I don't know,  
18 Tokumbo if you have anything to add to that.

19 MR. SHOBOWALE: I'm just going to  
20 add one thing. One of the advantages of the  
21 inverters is that obviously there are thousands  
22 and thousands of streetlights and - - in the city,  
23 so retrofitting all of them is very costly. One  
24 of the advantages of the inverters is that the  
25 cars themselves will be mobile. So, to assess the

2 point, there are different kinds of things that  
3 could affect the city with a relatively small  
4 number of inverters which are mobile, you could  
5 then move them around to affect different parts of  
6 the city. If different parts of the city were  
7 impacted by any particular event, you have  
8 flexibility. So, with a relatively small  
9 investments, which goes to one of the principles  
10 access described is making our measures cost  
11 effective as possible and the stretching every  
12 dollar. Here you will have invest with a mobile  
13 solution so it could be deployed in different  
14 ways.

15 Sort of like considering - - and of  
16 the kinds of solutions, but one of the things that  
17 we had in mind in proposing this solution is the  
18 flexibility to adapt to different kinds of events  
19 and the different kinds of outages.

20 COUNCIL MEMBER CHIN: Okay, but I  
21 think it's still really important to really  
22 explore the whole concept of solar energy and  
23 having that on the traffic lights and  
24 streetlights.

25 MR. PINSKY: Yeah, but just - I



2 agree, and none of this is to dispute that, but I  
3 think underlining a point that Tokumbo made is  
4 that when we think about how to make the city  
5 safer in an era where we have limited resources,  
6 one approach would be to try to pay to put solar  
7 panels on all of the traffic lights and thereby  
8 ensure that no matter which traffic light goes out  
9 that we have a backup.

10 But as Tokumbo said that's a very  
11 expensive because we have so many different  
12 traffic signals. Whereas if you can put together  
13 a relatively small mobile fleet, no matter where  
14 the problem is you can bring a solution to the  
15 problem. So that's the philosophy behind the  
16 approach. Again, it's not to disagree with  
17 anything that you're saying and it's certainly  
18 something that will continue to explore, but just  
19 so you understand the philosophy.

20 COUNCIL MEMBER CHIN: Oh yeah,  
21 yeah. I mean as technology advances there's  
22 probably many ways to do that. I have just one  
23 question about the bill that I'm introducing, the  
24 one that, that talking about really having  
25 buildings, you know, residential buildings and

2 commercial building, posting information about  
3 emergency preparedness, and I know that in the  
4 testimony of Mr. Lee talked about ultimately it  
5 relies on the property owner, but the city should  
6 really help develop those kinds of plans.

7 The thing that comes to my mind is  
8 that in a residential building we all have to post  
9 a flyer on our door that says in case of a fire  
10 this is what you need to do. So, I mean during  
11 super storm Sandy a lot of residents in my  
12 district, and lower Manhattan, didn't know where  
13 to go or they couldn't, once they left the  
14 building they had no way of contacting or getting  
15 information when they could move back.

16 So it just seems like there needs  
17 to be a plan developed and posted to let people  
18 know exactly what they need to do if they don't  
19 vacate the building. So it's somehow is, yes,  
20 ultimately is the property owner, they have two  
21 posted or give it out to the resident, but  
22 ultimately the city, they have some responsibility  
23 to work with them to develop the plan, but at the  
24 same time make sure they do get the information  
25 out to the resident and to the businesses that

2 rent the commercial buildings.

3 MR. LEE: You are absolutely right,  
4 and the city does bear a large part of the  
5 responsibility to help to develop the guidelines  
6 for each buildings specific plan.

7 A word of caution that I present  
8 the testimony is that the city cannot be held  
9 before each and every individual buildings  
10 specific survey of those conditions within the  
11 buildings. We as a city can provide the general  
12 guidelines, and much like you said, in terms of  
13 the buyer evacuation plans the city does certainly  
14 provide the guidelines.

15 But ultimately the private property  
16 owner is the one that hires the architects and  
17 engineers to do the survey of their specific  
18 buildings to develop, again, the buildings  
19 specific plans, and then the owner, again, with  
20 the assistance of the city's guidelines then is  
21 the one that boasts those plans, again, conforming  
22 to the city guidelines, but it is specific to  
23 their buildings. The city itself cannot be held  
24 responsible for going into every single building  
25 to develop those specific plans.

2 COUNCIL MEMBER CHIN: Yeah, they  
3 develop the plan, but the city does have a  
4 responsibility to make sure that they do get the  
5 information out.

6 MR. LEE: Oh yes, absolutely. So  
7 the enforcement is on the city side and also to  
8 provide the general guidelines, but ultimately  
9 then the responsibility is held against of the  
10 owner.

11 COUNCIL MEMBER CHIN: Okay, thank  
12 you. Thank you Chair.

13 CHAIRMEN DILAN: Council Member  
14 Lander.

15 COUNCIL MEMBER LANDER: Thank you  
16 very much Mr. Chairman for being here bright and  
17 early this morning after our late night. I don't  
18 know if the folks from the Parks Department are  
19 still here, but on the day the pools open, I just  
20 wanted to announce how glad I am that the Red Hook  
21 pool is open this morning. When I went by after  
22 the hurricane I thought it would be closed for  
23 years. So, credit to the folks who got it open  
24 for the summer season.

25 And a big credit to you guys on

2 this document which is essential, ambitious,  
3 realistic, long-range and would have been easy not  
4 to do at this level of seriousness. And while  
5 last night in this chamber we had some strong  
6 disagreements with the Bloomberg administration,  
7 this is a great credit to it and I want to say  
8 thank you.

9 And as one of the members who,  
10 knock on wood, will be here coming back in the  
11 next term, I also want to pledge that we are going  
12 to be committed, I am going to be committed, I  
13 think the rest of us will be committed to making  
14 sure that this body can also act as a steward of  
15 this plan. Whoever is on the other side of City  
16 Hall, because it is important and so we are  
17 grateful for the ways you've worked with us and  
18 want to commit to make sure we can organize  
19 ourselves to do that as well.

20 In that spirit a few thoughts, and  
21 maybe let me just put them in one thing in the  
22 interest of time because it's a longer-range  
23 process. Mostly I think it is a extraordinarily  
24 good document, and especially that the cost-  
25 benefit analysis and the kind of thinking about a

2 set of risk factors and how we evaluate  
3 investments makes a lot of sense.

4 But a few thoughts on how we can  
5 sort of dig even deeper. Some of them build on  
6 what Council Member Brewer was saying. I was very  
7 pleased that there is some things in here on what  
8 I call social resiliency, pages 157 to 161, and  
9 it's a credit that this document in some ways is  
10 better on that than the after action report, which  
11 speaks to some of those things, but that this  
12 document really understands.

13 And you mentioned the Chicago heat  
14 wave, I know you read Eric Kleininberg's  
15 [phonetic] work on how essential, to prevent  
16 people from dying, social capital was. And I'm  
17 glad to see it in here, but I think we need an  
18 even more robust dialogue about it, both because  
19 it's essential to Council Member Brewer's point  
20 about getting people to do what's necessary and  
21 recognize the change because it saves people's  
22 lives in the case of climate change in a way the  
23 government can't always reach.

24 And it builds on that moment, that  
25 spirit after the hurricane that I think is

2 necessary, both to get us organized for the next a  
3 disaster and before the action needed to make the  
4 city more resilient. So I'm glad to see it, but  
5 would like to do more of it.

6 That's related to these issues of  
7 community planning and how, it's in here, relates  
8 to how we plan for communities. I have the - -  
9 especially in mind where we are going to make a  
10 whole new land-use plan with this in mind, but I  
11 think, I'm not sure we have the framework in place  
12 to integrate what the Resiliency Directors going  
13 to be doing and thinking on the infrastructure  
14 investments with our city planning infrastructure.

15 So I think that's going to be an  
16 important, and I know not every place is up for a  
17 big rezoning as well, but that also is important  
18 for us to figure out how to get right. That  
19 relates to the issues Council Member Brewer talked  
20 about, equity and opportunity and how we  
21 enfranchise people, in the neighborhoods, in  
22 decision-making and coming up with the protections  
23 and getting jobs and climate resilience and  
24 change.

25 And then finally I want to think a

2 little more, I mentioned this to you President  
3 Pinsky when we sat down about it, about the  
4 relationship between this and our capital planning  
5 and the capital budgeting process, which is not a  
6 very strong one for a comprehensive and  
7 coordinated planning and priority setting. And  
8 that's charter set so it precedes the, this is of  
9 course not the Bloomberg administration, but  
10 historically every agency does their own capital  
11 planning and the budget director makes sure it all  
12 gets in a book together.

13 But, and so you guys here recognize  
14 the need to prioritize and use data and  
15 information, but it's not happening anywhere else  
16 in the capital budget, and we've got a lot of  
17 other infrastructure issues to address. And so I  
18 also think we need to think about what process is  
19 going to connect this with our capital budget and  
20 planning processes so we can make those decisions  
21 both sides of City Hall looking forward.

22 So, I mean I'm happy to hear  
23 whatever you have to say on any of those things.  
24 That's a lot and there really long-term work  
25 together and I think they all are set up well from



2 this document, but I wanted to take this  
3 opportunity to -

4 MR. PINSKY: [Interposing] Thank  
5 you. And I'll just respond very briefly. On the  
6 capital budgeting, I think that's a longer  
7 discussion and we're certainly more than happy to  
8 talk to you about how we can improve the process,  
9 there's always room for improvement for sure.  
10 Although, I think that one of the things that was  
11 particularly noteworthy about this effort was our  
12 ability, working with the office of management and  
13 budget and the various agencies as well as the  
14 leadership coming from the Mayor and the Deputy  
15 Mayors, how we were able to think about the city's  
16 investment priorities across a wide range of  
17 agencies and to make sure that we were thinking  
18 about this comprehensively. And I'd like to think  
19 that we do that generally with the capital budget,  
20 but again if there are suggestions we are always  
21 happy to discuss them.

22 In terms of resiliency and of the  
23 city planning process I would just make two  
24 remarks. One is that city planning actually was  
25 very heavily integrated with the creation of this

2 plan, and has been doing some groundbreaking work  
3 on the question of resiliency, which I think they  
4 have been in fact integrating into the rezoning's  
5 that they've been doing. And I know going forward  
6 with the additional information that we've  
7 developed in this plan, there planning on doing  
8 even more in the future.

9 They also, as part of this plan,  
10 are in a number of different places undertaking  
11 studies of very specific communities that were  
12 either impacted by Sandy or are vulnerable to  
13 future extreme weather events.

14 In looking at how the zoning codes  
15 either discourages or doesn't appropriately  
16 encourage people to take climate change and the  
17 effects of climate change may have, into account.  
18 In the coming out of that the goal is to create  
19 actual changes to the cities zoning regime either  
20 in specific neighborhoods or citywide to address  
21 those challenges.

22 So this is something that they  
23 definitely are thinking about and the director of  
24 resiliency will certainly be working with them on  
25 that.

2 And then finally with respect to  
3 your first point, which I'll refer to with a  
4 shorthand, of social planning and community  
5 planning. I appreciate your noting that it was a  
6 part of the report, and it's actually something  
7 that we heard from a lot of people as we went out  
8 and spoke to them, was critical for the recovery  
9 of their communities.

10 And the thing we were struggling  
11 with, and that I continue to struggle with in my  
12 own head, is given that a lot of these structures  
13 for them to function best they need to be created  
14 from the grassroots up. What role should  
15 government to properly play in helping to create  
16 these networks?

17 It's not to say that there is not  
18 our role, it's just tricky because the more  
19 involved government is the less grassroots they  
20 are.

21 COUNCIL MEMBER LANDER: Just two  
22 final thoughts on that. First, what you're  
23 describing to me in many ways is the challenge  
24 that the city met in an extraordinary way at the  
25 birth of community development for New York City.

2 There were grassroots organizations in abandoned  
3 neighborhoods that grew up from the grassroots,  
4 but they were met in public policy and they did  
5 extraordinary work to rebuild the city.

6 You're right, it's a complicated  
7 balance and you can get too far in one direction  
8 or the other, but to me it's something on this  
9 scale of what happened at the birth of the  
10 community development movement, and community  
11 development actors should be included and that it  
12 will take, as that did, an array of forms, but  
13 that we should be ambitious about it.

14 And I like the pilot programs that  
15 are in here, but think we have to think about what  
16 that will look like at some scale and how we pay  
17 for that and integrated with our existing  
18 community development infrastructure.

19 And then just finally, I just want  
20 to say the words comprehensive planning. This is  
21 a comprehensive plan for resiliency. City  
22 planning has not - has done a lot of good things  
23 of the kind you're talking about, integrating  
24 regulatory and programmatic focus, but I think  
25 what we'll need is an integration of the

2 comprehensive planning impulse in here into our  
3 land use planning and infrastructure investment  
4 framework if we want to make those decisions in a  
5 way that bring - you can do this every so often.  
6 Like, you know, you had a burning platform to be  
7 able to put together, a coordinated and integrated  
8 set of investments, it's hard to sustain over  
9 time.

10 So I don't want to - that's - it's  
11 work to do to make sure we can keep that moving  
12 forward as we make both other infrastructure and  
13 land use planning decisions.

14 MR. PINSKY: And again, we  
15 recognize that there is always room for  
16 improvement in every process and is certainly  
17 acknowledged that.

18 I do think though that with respect  
19 to specifically to city planning, I wasn't aware  
20 before this of how much work they had been doing  
21 and how integrated it was into their land use  
22 actions it was. And I think that through this  
23 process some of that work that's been happening  
24 internally and behind the scenes has now gotten  
25 greater exposure.

2 And I also think that there were  
3 several studies that they were undertaking that  
4 were actually nearing completion, just by  
5 coincidence, that will be released in the coming  
6 months that I think will give the public a better  
7 understanding of everything that they have done.

8 COUNCIL MEMBER LANDER: Just to be  
9 clear. My last comment, I don't think of this as  
10 criticism or even asking for something to be  
11 better than it was, the magnitude of the challenge  
12 that we face is immense. This is a great piece of  
13 work to help us get there and there is more we're  
14 going to need to be doing.

15 MR. PINSKY: Appreciate it.

16 COUNCIL MEMBER LANDER: Thank you.  
17 Thank you Mister Chairman.

18 CHAIRMAN DILAN: Thank you. We've  
19 been joined by Council Member Jackson of  
20 Manhattan, and then we'll go to Council Member  
21 Debbie Rose from Staten Island.

22 COUNCIL MEMBER ROSE: Thank you.  
23 Good morning. I was approached by a constituent  
24 who felt that the story in terms of fuel  
25 distribution hadn't been adequately told, so she

2 asked that I make sure that her testimony was  
3 entered for the record. And it was about a family  
4 who found that their father was negatively  
5 impacted by the storm, he lived in South Beach.  
6 He wound up having to go to the hospital. They  
7 did not have fuel. They got into a gas line and  
8 they waited for a number of hours. When the line  
9 got close enough to the front the Police  
10 Department allowed a number, a significant number  
11 of vehicles to go in front.

12 They identified that there was a  
13 personal emergency. They needed to be able to get  
14 to the hospital. They had received a report their  
15 father was now on a respirator and wasn't doing  
16 well and the police continued to allow other folks  
17 to get in front.

18 Consequently their father died  
19 while they were in the gas line. And while this  
20 story is a personal story, and is on a micro  
21 level, it has macro implications. It's about the  
22 fuel, the distribution, how it was distributed,  
23 the need for supplies, fuel supplies and  
24 deliveries.

25 So I want to know how the city plan

2 prioritizes the distribution of fuel reserves, or  
3 will do so in the future? And according to your  
4 report you have said that you will call on the  
5 federal government to convene a regional working  
6 group to develop a fuel infrastructure hardening  
7 strategy. Has this, have conversations actually  
8 happened? Have you spoken with other  
9 stakeholders, and what is the likelihood that this  
10 working group will ever get off the ground?

11 MR. PINSKY: So those are excellent  
12 questions and I appreciate your asking them. It's  
13 hard for me to comment on the specific case that  
14 you provided.

15 COUNCIL MEMBER ROSE: I didn't want  
16 you to do that.

17 MR. PINSKY: And I understand that  
18 and obviously my condolences to the family of that  
19 gentleman. You know, what happened with the fuel  
20 supply I think is illustrative of why it's  
21 necessary for us to do the kind of analysis that  
22 we undertook at the direction of the Mayor before  
23 putting together a plan. Because I think people's  
24 reaction shortly after the storm was that the  
25 reason why our fuel supply was interrupted was



1  
2 because of power outages. And is so the first  
3 reaction of a lot of people was, well let's just  
4 make sure that every gas station has generators.

5 And that actually is not a bad  
6 thing for gas stations to have, and I know that  
7 there is state legislation on that and the city  
8 has generally been supportive of that, but as it  
9 turns out less than 10 percent of all gas stations  
10 in the city actually lost power at any point  
11 during the storm, and that the real issue was the  
12 supply chain.

13 COUNCIL MEMBER ROSE: Absolutely.

14 MR. PINSKY: And what happened was  
15 that the port was closed, roads were closed and  
16 also a number of the refineries and pipelines that  
17 supply fuel to the city or damaged by the storm,  
18 most of those outside of the five boroughs.

19 So we think that there are really  
20 three strategies that we have two put in place to  
21 address the threat of a future disruption of the  
22 supply chain here in the city.

23 One is, as I alluded to earlier, we  
24 have to make sure that priority vehicles, recovery  
25 vehicles I'll call them, have adequate fuel supply

2 so that the city can actually get back on its  
3 feet. Those include certainly vehicles like  
4 ambulances, police cars, fire engines, but they  
5 also include things like the utility services,  
6 which you need fuel in order to get their workers  
7 to the right place to repair the utility system.  
8 They include, for example, food delivery trucks  
9 which have to get through to make sure that  
10 supermarkets are stocked.

11 And there is a plan that Dee Cass  
12 [phonetic] has put forward to create an emergency  
13 fuel supply that can be accessed by the city that  
14 would then be made available to those kinds of  
15 recovery vehicles.

16 The second thing -

17 COUNCIL MEMBER ROSE: [Interposing]  
18 Where would you stockpile that large number of,  
19 that large amount of fuel in the inner-city?

20 MR. PINSKY: that's something that  
21 Dee Cass is going to look at and they want to make  
22 sure that there doing it as cost-effectively as  
23 possible, but it doesn't have to necessarily be a  
24 strategic reserve that the city itself maintains,  
25 it could be on-call contracts that we have with

2 suppliers from around the region who will  
3 guarantee us, by contract, that in the event that  
4 the fuel supplies interrupted, from their supplies  
5 they'll make sure that they prioritize us. That  
6 could be an example.

7 A second part of the strategy is  
8 taking sure that we have, kind of sitting on the  
9 shelf, the kind of regulatory changes that  
10 ultimately were put in place that had a very  
11 significant impact I'm getting supply and demand  
12 in balance, like for example the odd/even  
13 rationing that was eventually put in place, or  
14 some of the waivers of federal, state and city  
15 rules that were keeping fuel companies from  
16 delivering emergency supplies to the areas. So we  
17 want to make sure that we have those ready to go  
18 in the event of a future event.

19 And then the third is what you were  
20 referring to, which is that even if we did all of  
21 those things much of the supply chain is outside  
22 of the control of city government. And so we have  
23 to make sure that we are coordinating with the  
24 rest of the state of New York, with the state of  
25 New Jersey and in some cases the state of

2 Pennsylvania, local jurisdictions.

3 And we've actually engaged with  
4 Secretary Donovan on this. I think he is very  
5 interested in working with us. We've spoken to  
6 some of the other jurisdictions in the region; I  
7 think they are interested in working with us on  
8 this as well. So I'm pretty optimistic that we're  
9 going to be able to get that moving fairly soon.

10 COUNCIL MEMBER ROSE: And are we  
11 looking at the use of solar power or panels as an  
12 alternate source to provide our four like  
13 streetlights, for the gas pumps, for traffic  
14 control devices, for elevators.

15 MR. PINSKY: Yeah. In the utility  
16 section of the report, in addition to the various  
17 strategies that we have to harden assets, change  
18 the regulations, we are also looking at trying to  
19 increase the diversity of energy sources that we  
20 are tapping including solar, distributed  
21 generation and other potential sources, because  
22 the best way to ensure robustness of our utility  
23 and energy system is to ensure that there are as  
24 many different options as possible, and that we're  
25 keeping our energy consumption as low as possible

2 so that we can deal with peaks in demand as occur  
3 when you have, for example, higher weather.

4 COUNCIL MEMBER ROSE: And Seth, as  
5 you very well know, Staten Island has our  
6 waterfront on the North Shore and the East shore,  
7 has a proliferation of industrial and maritime  
8 businesses. So I am really concerned about what  
9 remediation efforts are being put in place to  
10 address the displacement of toxic and industrial  
11 chemicals and waste in our flood zones.

12 MR. PINSKY: So, the industrial  
13 sector along our waterfronts is a priority for us  
14 as well. It's a priority in two ways, one is we  
15 want to make sure that we are preserving the  
16 economic activity, the jobs and all of the other  
17 benefits that come from that activity, and the so  
18 we have a number of different programs that are  
19 designed to help those kinds of businesses which  
20 have very special needs to make the investments  
21 that they need to make, to make themselves more  
22 resilient.

23 On the flipside we have another  
24 concern, which is the one you mentioned, which is  
25 the fact that in many of these places there are

2 hazardous substances that are either stored or  
3 used as part of the industrial process. We have  
4 in here as some of our initiatives the completion  
5 of the open industrial uses study that's been  
6 going on out of which will come recommendations  
7 for better monitoring of those kinds of  
8 substances, and also making sure that they're  
9 stored in a more resilient and safer way.

10 We are also talking in here about  
11 beginning a study for closed industrial uses as  
12 well. So that is definitely - those are our  
13 issues that we are very well aware of, that we  
14 understand that with a greater number of weather  
15 events like Sandy likely to occur in the future,  
16 we need to think about, even more than we have in  
17 the past, and that is part of our plan.

18 COUNCIL MEMBER ROSE: And so what  
19 did we do about the fact that those substances  
20 have already been washed ashore into our  
21 communities and there was nothing done. There was  
22 no cleanup effort, there was no effort to alert  
23 the community as to the possible and potential  
24 hazards, and along Richmond Terrace we had  
25 homeowners where because of the storm surge those

2 substances were washed into their homes.

3 MR. PINSKY: So again, I can't  
4 speak to specific instances, but what I can say  
5 citywide is that DEP, which is the city agency  
6 that's responsible for monitoring toxic  
7 substances, and the EPA the federal agency that's  
8 responsible for monitoring toxic substances, did a  
9 substantial amount of testing around the city at  
10 locations where there were known to be either  
11 toxic substances stored, or in the case of the  
12 EPA, superfund sites like the Qantas [phonetic]  
13 Canal and in Newtown Creek, and the results of  
14 those analyses were that as a general matter, and  
15 again I can't speak specifically to the instance  
16 that you cited, but as a general matter there was  
17 not a significant contamination that occurred.  
18 Not because the substances weren't spilled or  
19 weren't washed away by the flood waters, in many  
20 cases they were, but what happened, I guess, which  
21 is a small silver lining in an otherwise great  
22 cloud of the storm, was that the volumes of water  
23 that came through many of these locations were so  
24 great that the toxic substances were largely  
25 diluted, and therefore didn't have significant

2 impacts.

3 But that is something that DEP I  
4 know is very much concerned about and did an  
5 extensive amount of testing, and I'm sure that  
6 they could come back and speak to you in more  
7 detail about the specific location that you are  
8 referring.

9 COUNCIL MEMBER ROSE: I would  
10 really like that because we still have, on the  
11 streets, the soil that was washed, that was washed  
12 in land, and there hasn't even been an effort, as  
13 much as sanitation to come, and clean it up. And  
14 so I really would like someone to address the  
15 north shore waterfront, especially that particular  
16 core door because there is some residual soil and  
17 it no one made an effort to come and deal with  
18 that. Thank you. Thank you, Mr. Chair.

19 CHAIRMAN DILAN: Thank you. We  
20 were also briefly joined by Council Member Michael  
21 Nelson of Brooklyn. I just have a few, and I'll  
22 be brief, wrap up questions and the legislative  
23 items before us for Mr. Lee. A lot of them  
24 surround around the resiliency of buildings. We  
25 understand that there is more than one way to



2 protect buildings and their systems from flooding  
3 and we had a lot of damage in our buildings as a  
4 result of the flooding from the storm.

5 For example, buildings can be  
6 elevated above flood levels, or they can be flood  
7 proofed. What is the most effective way to  
8 protect against flooding or the drawbacks to using  
9 flood proofing instead of elevation of systems?  
10 And does it cost much more to elevate systems for  
11 new buildings than it does to flood proof them?

12 MR. LEE: Let me begin with your  
13 last question about the cost issue.

14 CHAIRMAN DILAN: And if you could  
15 just give a brief and concise answer as possible  
16 just to help move this.

17 MR. LEE: I'll do my best. The  
18 costs are much more easily absorbed in new design.  
19 You can take the considerations into account when  
20 you're designing it, so before you even begin the  
21 construction process the flood protection has  
22 already been essentially built in.

23 The higher costs come with  
24 retrofitting existing buildings, especially if you  
25 are going to consider the re-locating equipment

2 that, you know, for example a boiler, it's not  
3 just a - - itself, it also has the fuel lines and  
4 the exhaust lines that also have to be considered  
5 in where you locate those, and of the potential  
6 for using what would be otherwise usable, rentable  
7 square footage elsewhere in the building.

8 The jury is out as to whether or  
9 not there is a better protection that comes from  
10 elevation versus actual flood waterproofing of  
11 equipment or the spaces that house the equipment.  
12 On the one hand elevation would appear to be  
13 better in that you get it out of the flood, what's  
14 called a base flood elevation, but as Sandy  
15 demonstrated our current regulations as to what  
16 that elevation is proved an adequate.

17 So even, there weren't as many  
18 cases, but there were proven instances where even  
19 though it was built and elevated to what was the  
20 current regulated standard, it still suffered  
21 inundation because the flood insurance rate notes  
22 were inadequate in describing that elevation.

23 When it comes to flood protection  
24 we have an element of hubris where we believe we  
25 can engineer our way out of anything. We can put

2 men on the moon and so we can design anything to  
3 with stand the greatest effects of storm surge.

4 But the truth of the matter is if water can find a  
5 way in it will find a way in, and despite our  
6 greatest efforts to flood protect equipment there  
7 are certain consequences that come with work that  
8 may come afterwards.

9 A classic example that often  
10 raised, that you have a flood protected mechanical  
11 equipment room, but then your cable company comes  
12 in and drills a hole through the wall in order to  
13 pass a conduit through and fails to waterproof  
14 that new penetration into the wall, and that's  
15 where the water finds its way in.

16 So no method is ever considered  
17 foolproof, and to illustrate that the title of the  
18 flood design standards in the building code is  
19 flood resistant construction standards and not  
20 necessarily flood proof construction standards.

21 The standards that are developed  
22 are based on our best science and engineers, and  
23 we believe that they work when implemented well,  
24 but nothing is ever foolproof.

25 CHAIRMAN DILAN: Okay, thank you.

2 I want to ask a question specifically towards  
3 intro 1089 before us today that will allow for  
4 more fuel storage on the floor immediately above  
5 expected flood levels. The purpose of this would  
6 be to make sure that there's enough fuel for  
7 emergency power generators and that the fuel is  
8 protected from flooding. Is it safe to increase  
9 this fuel storage limit?

10 MR. LEE: Is it safe are you  
11 asking?

12 CHAIRMAN DILAN: Yes.

13 MR. LEE: Yes, we believe that it  
14 is safe. The current code as the preference for  
15 placing the fuel storage on the, what's called,  
16 the lowest level. And this works especially well  
17 for real estate interest where we, where builders  
18 do not have to use what would be otherwise  
19 rentable floor area, but as Sandy proved that  
20 there are clear advantages to having the fuel  
21 sources above that flood elevation.

22 As I said before, you can have it  
23 below the flood elevation and you can protect it  
24 to the extent that's possible, but this affords  
25 much more flexibility in the design of buildings.

2 There are means of doing it safely, we do have, we  
3 do allow fuel storage above the flood elevation  
4 and on upper floors, and as high as the roof of  
5 the building provided they're fire protected. And  
6 this affords larger quantities, again with the  
7 emphasis on the fire protection not on fuel -

8 CHAIRMAN DILAN: How commonly is -  
9 I can't imagine that that's common in current New  
10 York City.

11 MR. LEE: Yeah, it is not common  
12 and as I said is due to the fact that that would  
13 be otherwise rentable floor area. Now there are  
14 other interests in mind now in terms of  
15 operational capacity that I think maybe building  
16 owners, especially in the flood zone, will be  
17 encouraged to raise their fuel supplies.

18 CHAIRMAN DILAN: All right, so 1099  
19 also requires that the fuel storage tanks to be in  
20 special vaults. Does this offset any safety  
21 risks?

22 MR. LEE: Yes. If I may say, it  
23 enhances the safety against those risks. The  
24 reason for the vaulting was that if you have the  
25 fuel oil in a tank below that there's the

2 potential, especially if the tank is only half-  
3 full, that the tank he comes buoyant when the room  
4 becomes flooded, and this provision adds for the  
5 structural reinforcement of those tanks.

6 CHAIRMAN DILAN: Very good. Intro  
7 1101 would allow for emergency power systems to  
8 use natural gas as a power source. What are the  
9 advantages and drawbacks of using natural gas? Is  
10 it cost or any other factors?

11 MR. LEE: First and foremost  
12 natural gas is a much cleaner burning fuel, as  
13 compared to diesel which is very common for  
14 emergency generators. Also many buildings are  
15 putting in what's called cogeneration systems,  
16 which allow the use of natural gas to not only  
17 generate electricity, but also to generate heat  
18 for the building.

19 And in the aftermath of Sandy, many  
20 of these cogeneration systems still had  
21 operational capacity despite the utility grid  
22 going down, and they proved to be a very reliable  
23 source of power and heat. However, because of the  
24 given regulations now those systems cannot be used  
25 for emergency power and the so building owners,

2 despite having a cogeneration system, still have  
3 to have a freestanding, independent diesel powered  
4 emergency generator.

5 The intent of this bill is to allow  
6 for the flexibility so that those cogeneration  
7 systems and other natural gas powered generators  
8 can be used for emergency power.

9 CHAIRMAN DILAN: Okay, so under the  
10 current building code natural gas is allowed for  
11 emergency power generators and only certain  
12 residential buildings, occupancy use group, R2  
13 [phonetic], which are generally, which are  
14 generally our apartment buildings. Why is this  
15 limitation in place, and would it be problematic  
16 to allow all buildings to use natural gas for the  
17 emergency power systems as this introduction would  
18 do?

19 MR. LEE: The building code  
20 currently doesn't necessarily prohibit natural gas  
21 specifically, and it has the detail is in the  
22 amount of time that's required after loss of power  
23 to switch over to whatever it is the emergency  
24 power generator, which is currently at 10 seconds.

25 The bill that is before us today

2 would amend that to allow for a 60 second lag time  
3 between the loss of power before the emergency  
4 generator kicks in. And that sort of  
5 configuration is more ideally suited for these  
6 natural gas type systems.

7 The longer the lag time, while in  
8 some may be perceived as having a greater risk,  
9 there is also mitigated within this bill by  
10 affording that some battery backup is picking up  
11 that lag time of that 50 seconds in the interim -  
12 - at 60.

13 CHAIRMAN DILAN: Okay, and proposed  
14 intro 990 would have the city use FEMA's newer  
15 preliminary work maps as its floodplain map rather  
16 than the old firms. Obviously the preliminary  
17 work maps is based on newer science and newer  
18 data. Is there any reason why using the older map  
19 would be preferable, and is there any reason why  
20 it might be better to wait for the new firms to be  
21 finalized rather than using the preliminary maps  
22 in the interim?

23 MR. LEE: The reasons for why we  
24 use the older maps is truly procedural. It has to  
25 do with amendments and the ability for an



2 individual property owner to contest whether or  
3 not they are within the flood zone. Those issues  
4 though, we are working with the federal government  
5 to iron out such that the same sort of  
6 flexibility, or the ability to determine whether  
7 or not you are in the floodplain as is afforded to  
8 owners under the current maps, or current  
9 regulation, is still afforded for those users that  
10 would be referencing the preliminary work maps.

11 MR. PINSKY: And one other thing I  
12 would just quickly add is that the 1983 maps,  
13 which are the firms that are still in effect, are  
14 clearly out of date, and clearly do not properly  
15 state the risk that people face. And I think it's  
16 very important that we provide them with the best  
17 available information, which is what these  
18 preliminary work maps contain.

19 CHAIRMAN DILAN: Thank you. Thank  
20 you gentlemen. Thank you for your time and  
21 testimony. I wasn't aware, go ahead. Council  
22 Member Gennaro.

23 COUNCIL MEMBER GENNARO: Just one  
24 quick question. Sometimes I see a lot of familiar  
25 faces in the audience at these hearings and I went

2 up and had a chat with a young woman from the  
3 North Shore Conservancy, she will be testing later  
4 on, her name is Beryl Thurman [phonetic].

5 And the Council did a wetlands  
6 transfer bill several years ago to look at  
7 wetlands properties that were owned by city  
8 government agencies, or city government  
9 corporations like EDC that were - basically all  
10 the wetlands that were not owned by the Parks  
11 Department therefore under the permanent  
12 protection of the Parks Department, and the bill  
13 saw it to make an inventory of all those wetlands  
14 that really should be transferred to the Parks  
15 Department for permanent protection.

16 And there was kind of a big - -  
17 with regard to Arlington Marsh Cove on Staten  
18 Island. And because it was thought well, do we  
19 need it for the possible growth of the port or do  
20 we keep it preserved. The Department of  
21 Sanitation was involved because they had a  
22 particular interest in it.

23 And after going back and forth for  
24 a long time then deputy Mayor Dr. Roth [phonetic],  
25 he and I went out there like on a fire boat, took

2 a look at the place, walked around it and it was,  
3 it was a fun day. But he ultimately relented and  
4 that was meant to be transferred to the Parks  
5 Department. I just got some information that some  
6 of it was transferred I think, but there was 16  
7 acres that have not yet been transferred, and it's  
8 I think fair to say that those, that amount of  
9 acreage, had that been developed, that would have  
10 led to catastrophic consequences to people who  
11 live behind of the marsh, and you know the marsh  
12 well served the people that lived behind there,  
13 but by giving protection from the storm surge.

14 And so what I'd like to give to you  
15 guys to take back is whether or not we should make  
16 a move to get that 16 acres under permanent  
17 protection so that we could have that - yeah, I'm  
18 just - so that's what I'd ask you to look at. You  
19 can have a conversation with Ms. Thurman who's  
20 sitting over there on the way out.

21 It was a whole big thing. I was  
22 under the impression that the full thing had been  
23 transferred. And my thinking at the time was this  
24 would provide great protection for some kind of  
25 storm surge, and it did.

2 And so I just want you to take a  
3 look at that. It seems very consistent with what  
4 we're doing. And if so we should have a post  
5 Sandy look at that remaining 16 acres, so if you  
6 could talk to Ms. Thurman about that and the let  
7 me know what happens with that that would be  
8 great.

9 MR. PINSKY: Sure, thank you.

10 CHAIRMAN DILAN: Thank you Mr.  
11 Chairman. Again I'd like to thank you all for  
12 your time and the testimony and your work on  
13 behalf of the city that you've undertaken for the  
14 past several months. Thank you all for coming  
15 today.

16 MR. PINSKY: Thank you Chairman.

17 CHAIRMAN DILAN: She's right over  
18 there. So we'll call up - - Jim you call it up?

19 COUNCIL MEMBER GENNARO: Sure. The  
20 next panel that we'll hear, we have Cecil Scheib  
21 from the Buildings Resiliency Task Force, also is  
22 part of the Urban Green Council. We have Lance  
23 Jay-Brown and Margaret Castillo, I hope I'm  
24 pronouncing that right, from the architects.  
25 Ramon Gilsanz [phonetic], I hope I'm saying that

2 right. And looks like Dottie Harris of the  
3 International Code Council. That's the panel that  
4 we're currently bringing up.

5 And of the panel that is on deck  
6 that will testify after this panel Paul Galloway  
7 from River Keeper, Joanna Dyer from NRDC, Irma  
8 Gousenfeld [phonetic] from Metropolitan Waterfront  
9 Alliance and Sanjoy, I can't read the last name,  
10 from the City University Energy Institute. So  
11 those are the two panels, the one that - so that's  
12 the one that's on deck.

13 Okay, so this should be - oh okay,  
14 so there is - yeah, this panel should have a total  
15 of one, two, three, four, five, there you go.  
16 Okay, where all, we're good here. And maybe we'll  
17 just take the testimony in the order that I  
18 brought the Council, brought the panel forward.  
19 Having no sleep I'm losing my faculty for speech.  
20 Sorry about that.

21 Mr. Scheib from the Building  
22 Resiliency Task Force. Do we have a copy of Mr.  
23 Scheib's testimony or is it just the book?

24 MR. SCHEIB: I can pass up a copy  
25 when I'm finished or do you want it now?

2 COUNCIL MEMBER GENNARO: If you  
3 give that to the, if you like the - - to have  
4 copies of your written statement, perhaps - the  
5 sergeants giving that out now. And anyone else  
6 that has written statements can provide them to  
7 the Sergeant and then we could -

8 MR. SCHEIB: Well good afternoon  
9 Chair and thank you very much for having me.

10 COUNCIL MEMBER GENNARO: Okay, I  
11 just want to make, I also want you to speak into  
12 the microphone. I just also would like to get  
13 your statement. You have a written statement in  
14 addition to that?

15 MR. SCHEIB: That is in the hands  
16 of the Sergeant at arms.

17 COUNCIL MEMBER GENNARO: Okay,  
18 there you go. Now I know what I'm doing here.  
19 Mr. Scheib if you could just state your name for  
20 the record and proceed with your good testimony.  
21 Nice to see you again.

22 MR. SCHEIB: Thank you very much.  
23 My name is Cecil Scheib. I'm from the Urban Green  
24 Council and I was the Managing Director of the  
25 Building Resiliency Task Force, I'm from the Urban

2 Green Council.

3 I'm actually only going to state a  
4 shortened version of our testimony because most of  
5 it has already been spoken.

6 COUNCIL MEMBER GENNARO: God bless  
7 you.

8 MR. SCHEIB: And as you all are  
9 looking forward to a well-deserved nap. So as you  
10 know the task force was brought together shortly  
11 after Sandy by a joint effort of the Mayor and the  
12 Speaker. We convened over 200 of the city's top  
13 experts from all aspects of the building and real  
14 estate industry including architects, engineers,  
15 hospitals, NICHA [phonetic], the building trade  
16 owners, city officials, so basically the full  
17 breadth of the industry.

18 We met for five months; we had 45  
19 meetings, about 5000 hours of donated volunteer  
20 time by our members, which we estimate is worth  
21 about \$1.1 million. So this is a major effort in  
22 behalf of the city.

23 As you've heard the SIRR effort was  
24 a very broad look at the citywide infrastructure.  
25 Our effort on the task force was a deep dive into

2 buildings. So we looked at the details, mostly of  
3 the building code, a few other places and made  
4 various proposals to strengthen our city against  
5 future challenges.

6 As was earlier stated we look  
7 forward to working with the Council over the  
8 summer to straighten out any minor issues, or its  
9 everything's been happening very fast, but this is  
10 probably not the time to go into great detail  
11 about those items.

12 As you'll see in the report, which  
13 the Sergeant has handed out, we looked at  
14 basically four different aspects of building  
15 resiliency, stronger buildings, making our  
16 buildings more ready for future events and also  
17 trying to stop those events from being so extreme  
18 if possible. Backup power, so looking at the  
19 chance of having extended blackouts and power  
20 outages. Essential safety, seems very crucial  
21 that our buildings residents are safe if we lose  
22 power, and even the backup power goes out we still  
23 need to be safe and our buildings. Have indoor  
24 temperatures be habitable, have lights in the  
25 stairways and of course have water in our



2 buildings.

3 And finally better planning, need  
4 to think about the human elements. All the  
5 equipment in the world won't help if people aren't  
6 trained to use it properly and know what to do an  
7 advance of an event.

8 The task force did look very  
9 carefully at costs. We had members representing  
10 all of building sectors, both market rate and also  
11 housing as affordable. We looked at commercial  
12 buildings, we looked at residential buildings, we  
13 looked at the homes, we looked at hospitals, and  
14 tried to balance very carefully the needs of the  
15 different building sectors against the costs of  
16 the things that were being proposed.

17 Obviously in some cases the need  
18 for our buildings to be protected is very strong,  
19 but we have to keep in mind the actual ability of  
20 owners to bear the costs of making them better.

21 We found that our current building  
22 code was in general very good, and so overtime, as  
23 buildings fall under the building code as they  
24 undergo substantial renovations, we do expect the  
25 city's building code - the city's building stock

2 to get better. We did still try to make some  
3 small amendments to the code to make it even  
4 better for new buildings, and there were a few  
5 cases in which we recommended mandatory,  
6 retroactive upgrades to the existing buildings  
7 where we think it was crucial for people's health  
8 and safety after events. These include basic - -  
9 supply in buildings and lighting in buildings  
10 after blackouts.

11 So to keep this short, I would like  
12 to thank the Council for your leadership on this  
13 and giving us the chance to help, and we're  
14 willing to help throughout the summer to bring  
15 these proposals to a final bill. Thank you very  
16 much.

17 COUNCIL MEMBER GENNARO: Thank you  
18 Mr. Scheib. I'll have questions and comments once  
19 I hear from the whole panel. I'm just going to  
20 take these in the order that I have them in the  
21 stack. Dottie Harris of the International Code  
22 Council. And again, I'm calling names and kind of  
23 like the luck of the draw.

24 MS. HARRIS: Sure. We can all fit,  
25 no problem.

2 COUNCIL MEMBER GENNARO: And I  
3 also want Ms. Harris to - do you have a statement  
4 here?

5 MS. HARRIS: Yes. I think you  
6 should have it.

7 COUNCIL MEMBER GENNARO: The ICC  
8 right?

9 MS. HARRIS: That's it. Yes,  
10 that's correct.

11 COUNCIL MEMBER GENNARO: Oh, and  
12 really really nice small font. Great for an older  
13 guy.

14 MS. HARRIS: Sorry.

15 COUNCIL MEMBER GENNARO: It's a  
16 challenge. Good for you.

17 MS. HARRIS: Well, good afternoon.

18 COUNCIL MEMBER GENNARO: Please  
19 continue.

20 MS. HARRIS: Chair Members of the  
21 Committee on Housing and Buildings, Environmental  
22 Protection, Parks and Recreation, Transportation  
23 and Waterfronts. My name is Dottie Harris. I'm  
24 the Vice President of State and Local Government  
25 Relations, and you're really, liaison to the

2 International Code Council.

3 The International Code Council, or  
4 ICC, is a member -

5 COUNCIL MEMBER GENNARO:

6 [Interposing] Oh I remember you now.

7 MS. HARRIS: Yes you do.

8 COUNCIL MEMBER GENNARO: Okay, I  
9 remember you know. Okay fine, sorry.

10 MS. HARRIS: Very important issues.

11 COUNCIL MEMBER GENNARO: Yes.

12 MS. HARRIS: We are a member of  
13 Focus Association dedicated to helping the  
14 building safety community and in the construction  
15 industry. Provide safe and the sustainable  
16 construction through the development of codes and  
17 standards used in the design and the compliance  
18 process. Most US communities and many global  
19 markets choose the international codes, and since  
20 2008 adoption of the new building and fire codes,  
21 New York City also uses the international codes as  
22 a basis for the city construction codes.

23 The mission of the ICC is to  
24 provide the highest quality code standards,  
25 products and services for all concerned with

2 safety and performance of the built environment.

3 I am honored to be here today to  
4 discuss rebuilding after Sandy and the  
5 opportunities for improving the resiliency of the  
6 city's infrastructure. Earlier this week I  
7 appeared before the Housing and Buildings  
8 Committee in support of intro 1056, which will  
9 amend the administrative code of the city of New  
10 York, the cities building, mechanical, plumbing  
11 and field gas codes, by updating these New York  
12 City codes with the 2009 editions of the model  
13 international building, mechanical, field gas and  
14 the plumbing codes, along with New York City's  
15 specific modifications.

16 The passage of intro 1056 is  
17 critical to any rebuilding following Sandy because  
18 it will ensure up-to-date building construction  
19 standards including the latest FEMA requirements  
20 are in place to ensure safety and resiliency for  
21 all new construction.

22 The international codes are  
23 currently adopted in the state or local level in  
24 all 50 states, DC, Guam, Puerto Rico, the US  
25 Virgin Islands and the Northern Mariana Islands.

2 The international codes are revised and updated  
3 every three years by national consensus process  
4 that strikes a balance between the latest  
5 technology and new building products, economics  
6 and the cost while providing for the most recent  
7 advances in public and first responder safety and  
8 installation techniques.

9 The updated model I codes thereby  
10 ensure safety, energy efficiency, sustainability  
11 and long term resiliency to the built environment.  
12 The I codes are correlated to work together  
13 without conflict so that as to eliminate confusion  
14 in the building designer and consistent code  
15 enforcement among different jurisdictions.

16 The code development process is an  
17 open and closed process that encourages input from  
18 all individuals and groups and allows those  
19 governmental members, including many  
20 representatives from New York City, including  
21 other state and local governments to determine the  
22 final code provisions.

23 New York City is one of many  
24 jurisdictions that values public and first  
25 responder safety and the protection of our built

2 environment by updating building, fire, plumbing  
3 and energy codes every three years. By regularly  
4 updating your building construction and safety  
5 codes every three years the city provides the  
6 safest, most technically advanced and economically  
7 balanced climate for its citizens.

8 Since these updated codes allow for  
9 the new construction standards, methods or  
10 materials while ensuring safety, sustainability  
11 and resilience to natural disasters like Sandy.

12 Keeping current with the most up-  
13 to-date model codes and standards is essential to  
14 the mitigation of the many risks posed by natural  
15 or man-made disasters. In fact, benefits of  
16 building to regularly updated codes can improve  
17 safety, reduce construction and maintenance costs,  
18 energy savings and lower insurance premiums.

19 For instance, every dollar invested  
20 in constructing safer and stronger buildings on  
21 average reduces losses from high wind damage,  
22 floods, earthquakes and other disasters by four  
23 dollars according to the report issued by the  
24 Multi-hazard Mitigation Council of the National  
25 Institute of Building Science.

2 As evidence by various  
3 organizations that participate in the ICC code  
4 development process, many of the code change  
5 proposals, each code updated cycle deal with  
6 hazard mitigation and lessons learned from various  
7 natural disasters. For example FEMA and the  
8 American Society of Civil Engineers collaborate at  
9 the code development hearings to propose and again  
10 adoption of numerous disaster resistance  
11 provisions for earthquake, wind and flood hazards.  
12 Representatives participate in various code and  
13 standards committees to lend insight to code  
14 related studies.

15 As a result several improvements  
16 have been made over the last few code cycles such  
17 as updated flood maps, requirements for flood  
18 enclosures or events and improved roof drainage  
19 requirements, updated wind maps, updated wind load  
20 requirements, design standards for storm shelters  
21 just to name a few.

22 Other requirements help mitigate  
23 wind damage by prohibited loose roofing materials  
24 and provisions for securing building exterior  
25 insulation and finish systems to prevent wind



2 damage that would expose the building to whether  
3 elements or create flying debris that could damage  
4 other structures. Seismic requirements have also  
5 been updated over the last two cycles of the model  
6 IBC.

7 I was privileged to participate in  
8 the activities of the building resiliency task  
9 force. The members of the various committees took  
10 their roles very seriously, and I would like to  
11 commend the Mayor, the Speaker, the City Council  
12 and the Urban Green Council who led the BRT  
13 [phonetic] efforts outstanding work to ensure  
14 safety, health and well-being of its citizens.

15 You have several bills before you  
16 today with specific recommendations. While I am  
17 in support of all these bills I would only caution  
18 the committees to be sure to coordinate these  
19 bills with intro 1056 as outlined above, so that  
20 proper administration and enforcement of the new  
21 New York City construction codes can occur without  
22 any unintended consequences.

23 Additionally, one of the  
24 recommendations outlined in the building  
25 resiliency task force report, which is before you

2 today, but it will be coming down the road, is for  
3 the city to adopt an existing building code based  
4 on the international existing building code that  
5 addresses alterations, additions and changes of  
6 use and already existing buildings or structures.

7 Therefore, the ICC and all of our  
8 technical resources stand ready to assist the city  
9 as it moves forward with the review adoption and  
10 implementation of these additional construction  
11 codes in the future. Thank you for the  
12 opportunity to testify today.

13 COUNCIL MEMBER GENNARO: Thank you.  
14 Thank you very much. We'll have questions for you  
15 once the panel is complete. What did I do with  
16 the other one? Next will be Ramon Gilsanz. Yeah,  
17 I can't make out the affiliation, but you can  
18 identify yourself. Thank you.

19 MR. GILSANZ: I'm Ramon.

20 COUNCIL MEMBER GENNARO: Okay,  
21 yeah, please. If you could state your name and  
22 affiliation for the record.

23 MR. GILSANZ: Good morning  
24 community members.

25 COUNCIL MEMBER GENNARO: And I just

2 want to make sure I have your, and I have your  
3 statement right here. Okay, please proceed.

4 MR. GILSANZ: Good morning  
5 community members. Thank you for giving me the  
6 opportunity -

7 COUNCIL MEMBER GENNARO: Oh, pardon  
8 me. I'm sorry, I've lost my mind. I want to  
9 recognize some Council Members, we're joined by  
10 Council Member Crowley, we were joined by Council  
11 Member Greenfield, we're joined by Council Member  
12 Mealy, and I'm very pleased to have these Council  
13 Members with us. I'm sorry for that interruption,  
14 please proceed.

15 MR. GILSANZ: Good morning  
16 community members. Thank you for giving me the  
17 opportunity to testify on the various revisions to  
18 the New York City construction codes proposed by  
19 the building resiliency task force, BRTF. My name  
20 is Ramon Gilsanz, and I am a structural engineer  
21 and partner of Gilsanz Murray Steficek, GMS.

22 GMS is a structural engineering and  
23 building envelope consulting firm that has been  
24 involved in numerous resiliency and assessment  
25 recovery efforts including participating in the

2 New York City resiliency task force providing the  
3 New York City Department of Buildings on call  
4 emergency assistance after hurricane Sandy.

5 Participating in the - - the  
6 investigation team of the American Society of  
7 Civil Engineers 24, a task force for flood  
8 resistant designs and construction. Assisting the  
9 year technical extreme events reconnaissance, GEER  
10 [phonetic] Association in their - - investigation.

11 I'm serving on post-earthquake  
12 reconnaissance teams dispatched by the Applied  
13 Technology Council and of the American Society of  
14 Civil Engineers to Chile in February 2010 and by  
15 Earthquake - - Research Institute to Virginia in  
16 August 2011.

17 GMS also played a role in the World  
18 Trade Center cleanout effort and contributed to  
19 FEMA and the National Institute of - - Studies of  
20 the World Trade Center. I am the lead author of  
21 the recently released Americans issue of steel  
22 construction, steel design guide for blast  
23 resistant structures which has recommendations for  
24 making buildings more resilient against collapse.

25 I recently testified before the CD

2 on Tuesday on the subject of intro 1056, and I've  
3 seen some of the community members are already  
4 familiar with my personal background, hence I will  
5 not repeat that information.

6 As Chair of the structural  
7 technical committee for the Department of  
8 Building, revision of the New York City building  
9 code and participant of the buildings resiliency  
10 task force, my testimony today is in support of  
11 the work product of the building resiliency task  
12 force, which aims to improve the city buildings  
13 standards to address emergency situations.

14 I'm in support of intro 1056, a  
15 comprehensive revision of the New York City  
16 construction codes which was presented to the city  
17 Council earlier this week.

18 Together this recommendation has  
19 helped improve the city's resiliency by filling in  
20 the gaps of the city's existing building codes.  
21 They're not mutually exclusive and when combined  
22 will put New York City at the forefront of  
23 innovation, resiliency and safety in construction.

24 I would like to highlight some  
25 critical recommendations of the building

2 resiliency task force that are important to me.  
3 Some of these items are bills presently in front  
4 of you, and some recommended actions by the Green  
5 Building Council that I would like you to support.

6 - - construction requirements in  
7 flood zones to make it easier for design  
8 professionals and contractors to determine the  
9 code requirements for structures located in  
10 coastal high hazard areas. Preventing wind damage  
11 to existing buildings by requiring equipment and  
12 structures added to existing buildings to meet the  
13 same wind standards in effect for new buildings  
14 analyzing wind risks on existing buildings and of  
15 those with particularly wind vulnerability.

16 While the standards to protect  
17 buildings against high winds have been in place  
18 since 1968, older buildings and buildings under  
19 construction are not as well protected. Once the  
20 analysis is complete new standards and practices  
21 to protect against wind risk can be put in place.

22 Adopt an existing building code.  
23 Currently existing building renovations are - - by  
24 a complicated mix of new and old codes which  
25 discourages upgrades to improved resiliency.

2 Putting an existing building code in place will  
3 help provide clarity to owners, designers and  
4 contractors about the requirements from an  
5 existing building renovation and encourage owners  
6 to improve resiliency.

7 Adding a specific provision to the  
8 proposed existing building code which could  
9 address the needs of post disaster reconstruction  
10 with the aim to remove barriers to improving  
11 buildings during this time sensitive recovery  
12 periods.

13 Promoting emergency planning to  
14 apartment residents and homeowners, support  
15 emergency responder legislation which could  
16 encourage architects and engineers to get involved  
17 during emergency recovered efforts by reducing  
18 liability concerns. These legislation would go  
19 beyond good Samaritan legislation by providing  
20 liability protection not only to short-term  
21 volunteers, but also to architects and engineers  
22 that in her into long-term contracts with the  
23 city.

24 The legal challenges of architects  
25 and engineers involved in the World Trade Center

2 cleanup effort after 9/11 illustrate the risks  
3 that the architectural engineering community  
4 currently faces. Following the cleanup GMS along  
5 with 20 other engineering firms face lawsuits for  
6 over 19,000 plaintiffs regarding health problems  
7 arising from their quality at the site. The  
8 lawsuits sprang from an area outside of our  
9 control and expertise, and it took 10 years to  
10 resolve.

11 Emergency responder legislation  
12 would protect against similar and foreseen  
13 conditions that could occur in future disasters.  
14 Because the recommendations above are important  
15 steps in improving New York City's safety and  
16 resiliency during emergency situations, we urge  
17 the Committee and Council to support and quickly  
18 pass the proposals presented before you today.

19 I've been honored to participate  
20 for the past five months in these building  
21 resiliency efforts, and as a structural engineer I  
22 look forward to seeing the benefits of these  
23 recommendations will yield. I urge your support  
24 and quick approval of today's proposals.

25 COUNCIL MEMBER GENNARO: Thank you



2 very much for your statement, and the like I told  
3 the other panelists I'll have comments for the  
4 panel when the testimony is concluded. And then  
5 next from the AIA Lance Brown and Margaret  
6 Castillo, I hope I'm saying that right, and this  
7 is your testimony right? And if so Lance and  
8 Margaret, whoever wishes to testify or both, you  
9 know the floor is yours.

10 MR. BROWN: My name is Lance Jay  
11 Brown. I'm the 2014 President-elect of the AIA  
12 New York Chapter and the co-chair of the design  
13 for risk and resilience committee with, along with  
14 the Department of City Planning put together to  
15 post Sandy initiatives that I believe you have  
16 before you. I also am a professor of architecture  
17 and urban design at the Spitzer school of  
18 architecture at City College.

19 I'll read this testimony into the  
20 record. On behalf of the New York chapter of the  
21 American Institute of Architects and it's nearly  
22 5000 architect and affiliate members based in  
23 Manhattan it's our pleasure to appear here today  
24 to offer feedback and comment on the oversight  
25 topic on the efforts around rebuilding more

2 resilient post Sandy, and the legislation which  
3 been put forth by the administration and the city  
4 Council towards the greater resilience of a built  
5 environment.

6 First we commend the city of New  
7 York and the city Council and of the Mayor's  
8 office for their preparation before the storm and  
9 their ongoing efforts on behalf of those affected  
10 by the storm afterwards and I'm going. After  
11 reviewing the reports delivered by the special  
12 initiative for rebuilding and resiliency Sir, and  
13 of the Urban Green Council led building resilience  
14 task force, the BRTF, we offer support for and  
15 express admiration for the efforts taken toward  
16 the assembly of these two benchmark documents.

17 We applaud the intense and  
18 unquestionable dedication of the administration  
19 and the teams of professionals and organizing  
20 quickly and focusing their expertise to create  
21 these documents. And in so supporting the effort  
22 and intent of the documents we want to offer  
23 comments and suggestions to further these efforts.

24 We recognize that many of the  
25 recommendations on the table today involved

2 individual buildings and resiliency of services,  
3 with these buildings interface with the current  
4 city infrastructure. By adopting these  
5 initiatives you will empower building owners and  
6 place them on the path more resilient buildings  
7 citywide.

8 These reports confirm our own  
9 recommendations included in our post Sandy  
10 initiative report released earliest on May first  
11 discussing how to build back better and smarter  
12 through the recognizing and adapting to climate  
13 change and of the risk it presents to the city of  
14 New York and the surrounding region.

15 First, we recommend identifying a  
16 framework for recovery, rebuilding and resiliency  
17 is a necessity. We applaud and agree with the  
18 assessment that changing sea level and global  
19 warming weather patterns will require adjusting  
20 our response and building practices in the future.

21 Two, we recommend that scalable  
22 solutions be incorporated into phasing and  
23 implementation as outlined in the SIR our report,  
24 or working from the individual homes to protect  
25 and hold districts.

2 Three, we recommend a regional  
3 recovery conference and a comprehensive regional  
4 plan with respect to the hydro-cycle as it will be  
5 increasingly critical.

6 Four, we support and recommended  
7 the many proposals that broaden access to  
8 insurance for those less able to afford it. We  
9 recognize that many of the areas that suffered  
10 disastrous effects of inundation now face the  
11 further disastrous economic effects of higher  
12 insurance and cost of meeting new regulations.  
13 These areas are low to moderate income  
14 neighborhoods with old building stock that are far  
15 from current building code practices and safety  
16 measures.

17 Fifth, we strongly support and  
18 advocate for the passage of the Good Samaritan Act  
19 and of the state legislature and ask for your  
20 support for passage of resolution 1771 sponsored  
21 by minority leader James Otto and included in  
22 today's agenda. Passage of such legislation would  
23 offer protection from liability to professional  
24 engineers, architects, landscape architects and  
25 land surveyors who render critical voluntary

2 services at the scene of a natural disaster.

3 Sixth, we believe in education of  
4 the public. Starting in primary school, to take  
5 resilient measures and embed awareness of public  
6 safety measures into the context of daily life in  
7 New York.

8 Seventh, we recommend that all  
9 steps be taken to ensure workable and broad  
10 communications during catastrophic events.

11 Eighth, we believe that continuing  
12 the push to make our buildings, our architecture  
13 more efficient is one of the most important first  
14 steps to effect great change in our city and  
15 benefit future generations.

16 Ninth, we agree with, support and  
17 recommend all points in reference to water  
18 availability, purity and discharge the carefully  
19 and completely thought through.

20 Last, we are pleased to provide you  
21 with copies of our collaborative post Sandy  
22 initiative report assembled by 300 plus volunteers  
23 and design professionals.

24 In closing we again applaud the  
25 city Council for putting forth these pieces of

2 legislation and the administration and the members  
3 of the SIR our committees and the members of the  
4 building resilience task force who have assembled  
5 these reports and we urge passage of the relevant  
6 legislation that supports our collective goals.  
7 Thank you for the time.

8 COUNCIL MEMBER GENNARO: Thank you  
9 very much. We're joined by Council Member Mark-  
10 Viverito - - with us and now it's my turn. I  
11 guess I'll work in reverse order. Mr. Brown thank  
12 you for your - I want to thank everyone for their  
13 efforts and I see why the administration was able  
14 to make such a great presentation today because  
15 they're basically putting forward your work. And  
16 so, but they're smart because they knew the right  
17 people to go to, and so I thank you all for that.

18 One of the benefits of having very  
19 comprehensive testimony that's been put forward by  
20 all of you, kind of asked the questions that I  
21 would have asked. But I do, I guess this is a  
22 question for the general panel would be, so we did  
23 this work and we have the bills that are on the  
24 docket for today and also the resolutions, one of  
25 which would be the one that you made reference to

2 Mr. Brown by - - . And if you have anything that  
3 you believe we should add to this legislative  
4 agenda or something that would be like a good next  
5 step.

6 So, we have the work, we have the  
7 whole host of bills that we have today that we're  
8 hearing. Your overall impression of the bills  
9 that are before us today and any recommendations  
10 for the next legislative steps beyond what we have  
11 before us today.

12 Some of you made reference to that  
13 in your statements, but anything that you'd like  
14 to put on the record now regarding what we have  
15 before us today and what our next step should be  
16 would be - that's my question, I don't know if it  
17 was coherent.

18 And to me it's like 1 o'clock, but  
19 it's really more sort of like 4 AM to me now.

20 MR. BROWN: Perhaps the only thing  
21 I would underscore, if it's not putting it on the  
22 table it's underscoring in the need for a regional  
23 approach, one that crossed political boundaries.

24 COUNCIL MEMBER GENNARO: You  
25 mentioned something about a conference in your

2 statement. Sounds like the kind of thing that RPA  
3 would do or something, but yes, that is - actually  
4 circled it on your statement.

5 MR. BROWN: Actually if I might,  
6 there are two things happening in support of this  
7 is an initiative. As you probably know, Sean  
8 Donovan is initiated last week a competition,  
9 which is a regional competition which makes it  
10 somewhat unique, in crossing boundaries looking  
11 for solutions. So that's a very very good first  
12 step.

13 There is a fourth state resiliency  
14 workshop that's going to take place on July 9<sup>TH</sup>,  
15 Connecticut, Rhode Island, New York and New Jersey  
16 meeting together to discuss their mutual concerns  
17 and response to resiliency issues. So there is a  
18 slight little groundswell of activity, but as we  
19 understand it, crossing borders politically is  
20 very very difficult and it's something that I  
21 think we can work hard at to affect.

22 COUNCIL MEMBER GENNARO: It really  
23 makes sense to have sort of like a more regional  
24 outlook, and what better way to foster that the  
25 new these kinds of collaborative conference kind



2 of things. Please, please.

3 MR. BROWN: By the way this is my  
4 colleague Margaret O'Donoghue Castillo, and she's  
5 a past president of the AIA and a high standing  
6 professional in the field of architecture and the  
7 design.

8 COUNCIL MEMBER GENNARO: Yes  
9 please.

10 MS. CASTILLO: When I was president  
11 of the AIA working with the Urban Green, as you  
12 know there's the whole green code initiative and  
13 we are woefully behind and adopting many of the  
14 recommendations, and that also goes to sustainable  
15 buildings and cities. So I would urge the city  
16 Council under this administration to get those  
17 bills into law.

18 COUNCIL MEMBER GENNARO: Yes. We  
19 are counting down how many months we have to do  
20 that. Council just wants a word with me.

21 MS. CASTILLO: Thank you.

22 COUNCIL MEMBER GENNARO: I thought  
23 you was saying something about our next steps to  
24 do that, but yes, that is duly noted and so many  
25 things we have to get done in six months and one

2 week, so we're - time is precious. Hang on, don't  
3 tell me.

4 MS. HARRIS: It's Dotty. I could  
5 just add to that as well and I did mention it  
6 briefly in the testimony. I think the key is for  
7 the city to continue on the path of staying  
8 current with building codes. As you know the  
9 first update in 2008 was an update from the 1968  
10 building code, so clearly keeping on a three-year  
11 schedule would be my greatest recommendation.

12 And actually, in conjunction with  
13 what my other panelist was talking about with  
14 regional conference, I just wanted to highlight  
15 that the final action hearings of the ICC code  
16 development, which will be actually on the  
17 residential, the energy codes, the existing  
18 building codes that are taking place.

19 Ironically we did book this several  
20 years in advance, but it's going to be in Atlantic  
21 City New Jersey in the fall starting in September.  
22 Several members from New York City participating  
23 in our hearing process from the Department of  
24 Buildings, the fire department, so as well as  
25 several design professionals are very active in

2 our committee. Our founding partner actually is  
3 AIA, so it's ironic, but it is just in a couple  
4 months. So you'll see a lot of things happening.  
5 There is going to be a lot of tours and a training  
6 and educational programs along with the hearing  
7 updates, so I just thought I'd mention that.

8 COUNCIL MEMBER GENNARO: Thank you.  
9 That's good to know and I appreciate that.

10 MR. SCHEIB: And if I may just add,  
11 for the task force there were 33 total.

12 COUNCIL MEMBER GENNARO: If you  
13 could just eat your name again for the record.

14 MR. SCHEIB: Sure, Cecil Scheib,  
15 Urban Green Council. There were 33 total  
16 recommendations. Some of those were only about  
17 best practice recommendations, not really suitable  
18 for legislation. There are probably about 25 that  
19 had some part of them that could actually come  
20 before the Council. There's 18 that are being  
21 introduced today, plus a 19<sup>th</sup> which is actually a  
22 resolution. So 19 out of 25 will probably add  
23 about, what's that three quarters, and so the  
24 other five, six, the other quarters are still  
25 ready to be advanced at the convenience of the

2 Council.

3 COUNCIL MEMBER GENNARO: Yes, and  
4 so we'll try to get through these and get to those  
5 as well. And if so, yes, Mr. Brown will have the  
6 last word.

7 MR. BROWN: One of the items on the  
8 list that I read had to do with educating the  
9 public. I think we feel very strongly about the  
10 issue of awareness in all things especially with  
11 respect to what my colleague Margaret mentioned  
12 about green building and sustainable practice, and  
13 we really feel strongly that this has to happen  
14 very early in the school system so that the youth  
15 of the city grow up understanding and practicing  
16 ways in which to make a more resilient future.  
17 And that then of course translates into all of the  
18 literature and all of the other communications  
19 aspects that inform people along the way about how  
20 to react, how to prepare for and what to do in  
21 case of emergency.

22 COUNCIL MEMBER GENNARO: I think  
23 that makes great sense and I'm going to be seeing  
24 the schools Chancellor, not today but soon, and he  
25 and I like to talk about all things green. Dennis

2 and I are friends and let's see if we can sow  
3 those seeds, but we have to move to the next  
4 panel. I thank you so much for all your great  
5 efforts that led to being good today and your  
6 present here today. You've really been very  
7 enlightening. Thank you very much.

8 MR. BROWN: Thank you for  
9 listening.

10 COUNCIL MEMBER GENNARO: Okay, the  
11 next panel my good friend Paul Gallay from River  
12 Keeper, Johanna Dyer of NRDC, looks like one  
13 Camilo Osono, oh, that's an R, Osorio from NYC  
14 Environmental Justice Alliance, and Sanjoy, I  
15 can't make out the last name. B-A-N, and then I  
16 get lost after that, from CUNY Energy Institute.  
17 I just have to do a little housekeeping with staff  
18 here.

19 I'm supposed to be someplace else  
20 right now, I want to see if I can hold them off a  
21 little bit, and so just one moment.

22 Okay, and the so we have this panel  
23 seated. I will just alert this is the next and  
24 last panel, so it's the next and last panel. Oh,  
25 Beryl Thurman who I'm sorry I didn't mention with

2 regard to her work on Staten Island. Kenneth  
3 Justice and Celia, Celia, okay. I can't make out  
4 the last name. New York Environmental Law and  
5 Justice Project. And so that will be the last and  
6 final panel, but for now I'm just getting the  
7 statements in front of me for this panel. And I  
8 have River Keeper, and I have NRDC, and okay. I  
9 think I have everyone on this panel.

10 With that said I'd like to welcome  
11 everyone for being here. I really appreciate your  
12 willingness to be here and to help us dig out from  
13 Sandy and to give us the benefit of your views and  
14 your good testimony. I asked my friend Paul to  
15 start, so Paul welcome. Please state your name  
16 for the record and proceed with your good  
17 testimony.

18 MR. GALLAY: Thank you very much  
19 Chairman Gennaro, Council Members. Paul Gallay,  
20 President of Hudson River Keeper. Good afternoon  
21 to all.

22 I've handed up written testimony  
23 and I'm going to concentrate the time I have on  
24 some general observations in the following four  
25 areas.

2 COUNCIL MEMBER GENNARO: Sure, and  
3 if I could ask my staff Mark Swanson and Bill  
4 Murray to set up with me on the dais and, this is  
5 going to be a great panel. I don't want anyone  
6 to, I don't want my staff to miss anything that's  
7 going to get said here. And so, sorry for the  
8 interruption Paul.

9 MR. GALLAY: That's all right,  
10 thank you. The value of natural systems in terms  
11 of fighting the impacts of climate disruption, the  
12 issue of storm barriers, infrastructure resiliency  
13 and waterfront development.

14 Generally there is much to like in  
15 the SIRR and in these bills and or these specific  
16 observations on the bills and our testimony, but  
17 there is also a need to sound some cautionary  
18 notes, but first a request. At the top of our  
19 hierarchy as a community should be the use and  
20 enhancement of natural systems to slow, shape and  
21 the store the problem of storm water surge.

22 Dunes, wetlands, strategically placed islands and  
23 reefs, other natural barriers, these are the  
24 systems that should be prioritized to help us  
25 protect. Let nature help. Nature poses the

2 problem; nature can also be part of the solution.

3 As to storm barriers, now big  
4 barrier projects at the mouth of the harbor, in  
5 the Arthur Kill, in the upper East River would do  
6 more harm than good and we're glad the Mayor has  
7 seen fit to reject them. They would increase the  
8 risk to communities outside the barriers. They  
9 would be astronomically expensive. They would  
10 massively reduce the flow of fresh water into the  
11 Hudson and East River estuary damaging the  
12 environment, souring recreational areas and  
13 trapping pollutants within the areas directly  
14 adjacent to the city.

15 As to smaller barriers that are  
16 under consideration around Newtown Creek, the  
17 Gowanus Canal, the Rockaways, there are some of  
18 the same risks on projects of that nature, and  
19 they need to be very carefully scrutinized to  
20 avoid doing more harm than good. The law of  
21 unintended consequences is ever present in this  
22 whole discussion.

23 When it comes to existing  
24 infrastructure we have a huge challenge on our  
25 hands to maintain and protect and enhance energy



1 infrastructure, transportation, communications.

2 We are working at River Keeper with a program  
3 that's been originated by Harvard University and a  
4 private family, the Zofenus [phonetic] family,  
5 that has endowed this program to create a lead  
6 type system for rating and ranking infrastructure  
7 improvement projects so that we can be assured  
8 that they follow true sustainability principles,  
9 and of the environmental engineering industry is  
10 part of this initiative too.

11  
12 So we're going to be bringing this  
13 to the fore with the Council, with the city  
14 government, with the Port Authority, with the  
15 other entities that are actually doing  
16 infrastructure projects because we feel that there  
17 need to be criteria that to govern what  
18 sustainability means when it comes to maintaining  
19 our infrastructure.

20 Final point is shoreline  
21 development. Now I have to be blunt here. The  
22 Mayor's office talked about there being 70,000  
23 buildings in our current floodplain constellation,  
24 and that by 2050 800,000 residents of the city  
25 will be living in floodplains. And they have

2 properly pointed out that that is the problem,  
3 that is a big problem. More and more people will  
4 be in harms way because of climate disruption and  
5 the sea level rise. Why would we want to create  
6 an even bigger problem by continuing to double  
7 down on massive development projects such as  
8 Seaport City? Let's not make an already bad  
9 problem even worse.

10 We heard the conversation about  
11 there is a little bit of hubris in the engineering  
12 of storm protection, and of that water will always  
13 find a way to get in. Not only will water find a  
14 way to get in these new projects, but water will  
15 be reflected to other projects that are already on  
16 the ground adjacent to this new Seaport City  
17 proposal. And you can put up seawalls adjacent  
18 and of the water will go around a little further.  
19 You cannot wall the entire city in. Do not make  
20 the problem worse.

21 Instead, invest in our existing  
22 neighborhoods. There are neighborhoods throughout  
23 the five boroughs that can be revitalized, that  
24 can be refocused on and can be made the same sort  
25 of new drivers of the attractiveness, the growing

2 attractiveness of the city that we see at work in  
3 our boroughs today. So just reinvest in our  
4 existing communities please.

5 Bring community engagement into the  
6 dialogue. The best ideas always come from within  
7 the communities. We have excellent officials in  
8 this administration, I'm sure we'll have excellent  
9 officials in the next administration. We'll have  
10 great councilmen in the future, not as great as  
11 the councilmember today, but we're going to have  
12 good public servants, but listen to the  
13 constituency, listened to the community.

14 So in closing we call on the city  
15 to be realistic. Make the most of nature's power  
16 to protect us, maintain and strengthen communities  
17 where you can, don't under estimate the risks to  
18 the most vulnerable communities where retreating  
19 may be the only answer. We've always tended to  
20 underestimate the seriousness of climate  
21 disruption, and I'm not just talking about the  
22 climate deniers, the people President Obama calls  
23 the flat earth society, I'm talking about the  
24 people who are truly interested and truly  
25 concerned about climate. Scientists have for

2 years been making conservative predictions about  
3 the impacts of climate change and then we find  
4 that the reality on the ground is worse.

5 We've tended to underestimate the  
6 problem with climate, future generations will  
7 never forgive us if we continue to do so. Thank  
8 you.

9 COUNCIL MEMBER GENNARO: Thank you  
10 Paul and thank you for this cautionary statement,  
11 and I'll get back to you when I hear the rest of  
12 the testimonies that we're going to hear. Now,  
13 next we'll hear from Ms. Dyer of the Natural  
14 Resources Defense Council. And let me just get  
15 your statement.

16 MS. DYER: I just want to quickly  
17 point out that the statement before you is a  
18 little bit different from the statement I'll be  
19 making.

20 COUNCIL MEMBER GENNARO: Sorry?

21 MS. DYER: I just want to point out  
22 that the statement before you is a bit different  
23 from the one I'll actually be making, so I'd like  
24 to submit it.

25 COUNCIL MEMBER GENNARO: Yeah, Paul

2 did that too. He tried to fake me out with the,  
3 you know, he's reading from that so.

4 MS. DYER: I'll be giving you an  
5 updated part of it.

6 COUNCIL MEMBER GENNARO: I'm used  
7 to it. He warmed me up to that.

8 MS. DYER: Great. Good afternoon  
9 Council Members and the City Council staff. My  
10 name is Johanna Dyer and I'm an attorney with the  
11 Natural Resources Defense Council also known as  
12 NRDC, which as you know has been actively involved  
13 with the New York City environmental issues for  
14 more than 40 years.

15 My colleagues Eric Goldstein and  
16 Donna Deconstanso [phonetic] and I have reviewed  
17 the proposed legislation. We appreciate the  
18 opportunity to comment on today's proposed package  
19 of bills which are intended to help the city to  
20 prepare for and respond to future storms.

21 Hurricane Sandy has demonstrated  
22 New York City's vulnerability to destructive  
23 storms and other extreme weather events, which  
24 will only become increasingly frequent and severe  
25 due to our changing climate.

2 As city formulates its response to  
3 this event it is critical that we identify ways to  
4 strengthen and protect our buildings and other  
5 infrastructure, maximize the use of natural  
6 barriers and a green infrastructure to enhance our  
7 resiliency and take aggressive action to cut  
8 greenhouse gas emissions. New York City has been  
9 leading the way on addressing climate change  
10 implementing a number of groundbreaking policies  
11 and initiatives, particularly in the area of  
12 increasing energy efficiency in existing  
13 buildings.

14 Of course we strongly support the  
15 city's continued efforts in this area, as well as  
16 the city's work to strengthen and reduce  
17 unnecessary damage to our building stock and  
18 improve the resiliency of our infrastructure. And  
19 it's critical that we do everything necessary to  
20 maximize the use of natural infrastructure to  
21 absorb storm water, and that critical building  
22 systems are strategically located to avoid  
23 problems resulting from potential flooding, goals  
24 that are addressed by a number of the proposals  
25 before you today.

2 With such considerations in mind we  
3 strongly support the legislation related to water  
4 retentive streets and sidewalks, which would  
5 require the Department of Environmental Protection  
6 and of the Department of Buildings to conduct a  
7 study of, followed by a pilot program for these  
8 absorptive materials on streets. Importantly the  
9 bill would also set a uniform standard for water  
10 retention in New York City sidewalks.

11 We do recommend that the bill be  
12 revised to require coordination with the  
13 Department of Environmental Protection to ensure  
14 that the effort is carried out in a way that  
15 directly supports the New York City green  
16 infrastructure plan. The use of natural  
17 infrastructure and permeable surfaces to serve as  
18 natural sponges and absorb excess storm water is  
19 critical to relieving the city's overburdened  
20 sewer system and depending on the materials used  
21 may have other environmental and climate change  
22 benefits as well.

23 We'd also like to highlight five  
24 other bills briefly that NRDC believes warrant  
25 special attention. We support legislation to

2 reduce the urban heat island effect by expanding  
3 the city's cool roof requirements. The  
4 installation of cool roofs reduces energy use, air  
5 pollution and carbon emissions while increasing  
6 comfort for residents and helping to prevent other  
7 heat related impacts.

8 We also support the safe storage of  
9 hazardous materials in special flood hazard areas  
10 as outlined in the measure before you today, which  
11 would help to prevent water contamination and  
12 other public, health and environmental threats in  
13 the event of flooding.

14 And we support the legislation  
15 requiring prevention of sewage backflow into homes  
16 and special flood hazard areas. For obvious  
17 reasons preventing such backflow is an important  
18 measure to protect public health and quality of  
19 life in vulnerable communities. In addition we  
20 endorse the legislation designed to ensure  
21 emergency residential drinking water as a way to  
22 safeguard New York City's drinking water access  
23 and supply.

24 And finally we are pleased to  
25 support the addition of additional resiliency



2 staff and advisers to the office of long-term  
3 planning and sustainability and the sustainability  
4 advisory Board.

5 In sum, we appreciate the  
6 continuing efforts of the Bloomberg administration  
7 and of the city Council to prepare for and respond  
8 to future storms, particularly where these  
9 measures encourage natural and environmentally  
10 beneficial measures to minimize potential harms.  
11 And we stand ready to work together with you on  
12 these and other post Sandy matters in the months  
13 to come. Thank you.

14 COUNCIL MEMBER GENNARO: Thank you  
15 Ms. Dyer. I appreciate your statement and you're  
16 making mention of Donna Deconstanso who served  
17 with great distinction to this committee, or to my  
18 committee, and I'll have comments for you as well.  
19 Thank you. Make sure I have the right statement  
20 here. Juan Camilo Osorio of the New York City  
21 Environmental Justice Alliance.

22 MR. OSORIO: Yes Sir.

23 COUNCIL MEMBER GENNARO: Thank you  
24 very much and thank you for your statement. If  
25 you could state your name for the record and

2 proceed.

3 MR. OSORIO: Absolutely. My name  
4 is Juan Camilo Osorio. I'm testifying as Director  
5 of research of the New York City Environmental  
6 Justice Alliance. Thank you very much for the  
7 opportunity to testify today.

8 COUNCIL MEMBER GENNARO: Oh, and if  
9 you can summarize your statement. Just touch on  
10 some of the main points. This is very  
11 comprehensive.

12 MR. OSORIO: Absolutely,  
13 absolutely. The New York City Environmental  
14 Justice Alliance, a nonprofit citywide membership  
15 network linking grassroots organizations from low  
16 income neighborhoods and communities of color in  
17 their struggle for environmental justice.

18 When the city of New York initiated  
19 its overhaul of the comprehensive waterfront plan  
20 in 2010 NEJA began an advocacy campaign to  
21 convince the Bloomberg administration to reform  
22 waterfront zones designated as the significant  
23 maritime and industrial areas.

24 NEJA discovered that the six SMIA's  
25 are all in storms surge zones and that the city of

2 New York cannot analyze the cumulative exposure  
3 risks associated with clusters of hazardous  
4 substances and launch a response, a campaign  
5 called the waterfront justice project, to assess  
6 these potential hazardous exposures in industrial  
7 waterfront neighborhoods.

8 Following Sandy NEJA co-convened  
9 the Sandy regional assembly, an association of  
10 environmental justice organizations, community  
11 based groups and our allies from Sandy impacted in  
12 vulnerable areas in New York and New Jersey, to  
13 restructure, sorry. To structure a recovery  
14 agenda, which was released on April 1<sup>st</sup>, emailed to  
15 the city Council and handed to representatives of  
16 the Mayor's special initiative for rebuilding and  
17 resiliency that month.

18 Building on all this work, we would  
19 like to recommend that as part of your efforts to  
20 address building safety and potential hazardous  
21 exposures. We urge you to require, number one, a  
22 detailed investigation on the health impacts of  
23 super storm Sandy including a full report on DEP's  
24 post Sandy inspection of facilities in compliance  
25 with the New York City right to know law that

2 reports spills of hazardous substances following  
3 Sandy.

4 Two, require that emergency  
5 response plans and operations, mandated by the  
6 local right to know law, be publicly, should be  
7 public and accessible to neighboring communities  
8 living or working in and around industrial  
9 waterfront neighborhoods, and be developed in  
10 consultation with them.

11 Three, address potential public  
12 health impacts on vulnerable industrial waterfront  
13 neighborhoods by funding an investigation of  
14 public health risks associated with potential  
15 hazardous substances, or toxic chemicals handled,  
16 manufactured and transferred, not just toward, in  
17 industrial facilities vulnerable to various  
18 climate change impacts, not just flooding.

19 And finally that you identify  
20 opportunities to mitigate them through a  
21 collaborative effort between community, industry  
22 and government, securing technical and financial  
23 resources required for implementation.

24 As a matter of summarizing the rest  
25 of the testimony I just want to urge you to

2 consider additional recommendations in our written  
3 testimony related with energy security, where we  
4 urge you to require the identification of  
5 strategies to decentralize energy infrastructure,  
6 to create distributed networks of sustainable  
7 energy sources and guarantee community oversight  
8 and inclusive decision-making as part of the  
9 recovery process.

10 If I may take a second to explain a  
11 little bit on that I do want to first of all  
12 commend the administration for being as  
13 comprehensive and the long-term as it has been in  
14 the SIRR report. However, we do feel that their  
15 level of community engagement and public input was  
16 not enough, especially when it comes to some of  
17 the recommendations in the report that are  
18 neighborhood specific. Where communities did not  
19 have an opportunity to respond after the report  
20 was published, and may possibly won't, have a  
21 chance until some of these proposals enter the  
22 pipeline where perhaps it will be too late.

23 Just finally, we commend the  
24 committee's for holding this hearing as we think  
25 that the city Council plays a critical role in

2 ensuring that New York City recovers from super  
3 storm Sandy, and builds the resiliency required to  
4 face the challenges posed by future climate change  
5 impacts. Thank you very much.

6 COUNCIL MEMBER GENNARO: Thank you.

7 I just want to make an inquiry as to whether or  
8 not does anyone in the room from the Bloomberg  
9 administration, anyone with the office of city  
10 legislative affairs, have anybody here? Going  
11 once, going twice, okay. I just, yeah, I would  
12 have liked somebody from the administration to  
13 hear this testimony, but we got it, we got you, we  
14 got you.

15 MR. OSORIO: Thank you very much.

16 COUNCIL MEMBER GENNARO: And I'll  
17 come back to you as well, and thanks very much for  
18 being here. Say hi to Eddie for me. Eddie and I  
19 are old buddies. That is Eddie Bautista  
20 [phonetic] for everyone that doesn't know who -  
21 Eddie should just go by one name, everyone just  
22 knows that he's like Cher, you know, just Eddie.  
23 And our last member of the panel Mr. Banerjee,  
24 right? Banerjee, okay. Okay, thank you very much  
25 for being here and you represent the CUNY Energy

2 Institute, and it's a pleasure to have you here.

3 If you could state your name for - please state  
4 your name for the record and proceed.

5 MR. BANERJEE: Thank you Mr.  
6 Chairman and thank you distinguished members of  
7 the committees who are here, to giving us the  
8 opportunity to speak. Actually Chair Gennaro,  
9 I've presented in your panel once before. I think  
10 it was with regard to the role of energy storage  
11 in furthering deployment of solar systems.

12 COUNCIL MEMBER GENNARO: Yes, yes.  
13 Some time ago.

14 MR. BANERJEE: Pre-Sandy.

15 COUNCIL MEMBER GENNARO: Right,  
16 right. A lot has happened since then.

17 MR. BANERJEE: Since then. In any  
18 case I'm going to talk a little bit about the  
19 resiliency of energy systems in the city and how  
20 you store it.

21 COUNCIL MEMBER GENNARO: And also  
22 if I could just interrupt. We have been joined by  
23 a representative of the Bloomberg administration  
24 who, and so, yeah, so we drove someone in the room  
25 from the Bloomberg administration, and the so

2 pleasure to have you.

3 MR. BANERJEE: Thank you. That's  
4 wonderful. As you know energy vulnerability  
5 becomes very evident in situations like Sandy. In  
6 fact I remember that during Sandy I happened to  
7 live in a part of Manhattan that still had power,  
8 which meant that I had to sort of feed and clothe  
9 and have the cell phones and computers charged for  
10 many people who were south of 42<sup>nd</sup> Street and it  
11 just came up and used my house sort of as a  
12 refugee camp.

13 In any case, the importance of  
14 power is enormous, and Sandy is just one example.  
15 There are many such incidents which can knock out  
16 power, and one of the sort of areas where I think  
17 people, like us and the energy of Institute, can  
18 contribute is really to improving the situation  
19 with regard to the availability of power, not just  
20 through natural gas or diesel generators or so on,  
21 but we're talking about energy storage systems.

22 These storage systems now have  
23 developed to a point where actually we can build,  
24 in a six foot cube, enough energy storage so that  
25 you can power a large building like this, or maybe



2 even the engineering building where I live, for a  
3 couple of days with regard to emergency services.

4 COUNCIL MEMBER GENNARO: This would  
5 be like a battery system?

6 MR. BANERJEE: It's a battery  
7 system, but a -

8 COUNCIL MEMBER GENNARO:  
9 [Interposing] I know, I know I said I wasn't going  
10 to ask questions until the panel was over, but you  
11 got my attention with that one. So it's  
12 batteries.

13 MR. BANERJEE: Think of them as  
14 rechargeable, gigantic versions of rechargeable  
15 Duracell's. They're made of the same materials.  
16 So they have no fire hazard, they don't have to be  
17 on float, they can be plugged and played, they can  
18 be actually plugged into, if you have existing  
19 solar resources, plugged into that and then  
20 charged up and they can go on for some length of  
21 time. But even if you don't plug them in they can  
22 last for a couple of days running the emergency  
23 services of a lot building. You know, this six  
24 foot cube. They're pretty economical; they come  
25 around \$100 a kilowatt hour. If you want actually

2 to have them plug and play you'd have to pay about  
3 \$150 a kilowatt hour.

4 These systems actually exist today.  
5 I'll invite the Council, I think the last time I  
6 did two, to come and visit us at City College and  
7 see. We just turned one of these on, which is  
8 reconnected.

9 So it's not some fantasy, it's  
10 there already. I would urge the Mayor's office,  
11 I'm sure we'll invite them, to come and see. This  
12 technology has been developed with a loud of  
13 federal government help. There is the - - agency,  
14 and actually with New York State.

15 There are about twice the energy  
16 density of fuel. Cell phone battery, you know,  
17 which is a lithium-ion battery. The problem with  
18 that is it's flammable and it can have other  
19 problems, but these are much more benign both  
20 environmentally and from the flammability point of  
21 view. I think this is sort of new technology,  
22 which is coming in, that potentially could affect  
23 the resiliency of at least the energy aspects of  
24 the resiliency.

25 So I thought I'd bring in front of

2 the city Council this aspect which could be very  
3 important also because I noticed that you're  
4 speaking about natural gas for energy resiliency,  
5 battery backup for that, this could be part of  
6 that system, but it could also be support for  
7 solar or stand-alone systems which are deployable,  
8 truck deployable.

9 So there are many ways to use this  
10 and I think we should just start a conversation on  
11 this with regard to energy resiliency. So with  
12 that I'll stop. I know that you're very tired  
13 from last night staying late.

14 COUNCIL MEMBER GENNARO: Thank you  
15 very much. I'm going to work backwards through  
16 the statements. Mr. Banerjee this is the second  
17 time that you come before the committee and I'm  
18 going to direct staff of the committee and you can  
19 give staff your business card. I would like the  
20 office of long-term planning and sustainability to  
21 have the benefit of Mr. Banerjee's views, his  
22 technology, is that of the City University Energy  
23 Institute. We had this good work going on here in  
24 New York City and the office of long-term planning  
25 and sustainability should certainly have the

2 ability to look at this technology and see how it  
3 weaves into their plan for better building  
4 resiliency, and hopefully this will lead to people  
5 not coming to your house every time it rains.

6 And is so if I can direct staff of  
7 the committee to make that connection between Mr.  
8 Banerjee and the office of long-term planning and  
9 sustainability that would be great.

10 Thank you Juan for your very  
11 comprehensive statement and we also will make sure  
12 that the office of long-term planning and  
13 sustainability has the benefit of your  
14 comprehensive statement here. And I, you know,  
15 you know that Eddie and the EJA work very closely  
16 with the administration so to the extent that  
17 there are, to the extent that we can do better in  
18 all of this planning with regard to places in the  
19 city that have suffered from environmental  
20 injustice. I'm sure the Bloomberg administration  
21 would give you a very, you know, there'll be a  
22 welcome audience to your statement and we will  
23 benefit from it as well, and I want to thank your  
24 organization for your very strong stand. On  
25 behalf of the 91<sup>st</sup> Street that's really - - , and

2 you've been great champions of that and many other  
3 issues with regard to environmental injustice and  
4 I thank you for being here.

5 MR. OSORIO: Thank you very much.

6 COUNCIL MEMBER GENNARO: With  
7 regard to NRDC you flatter me by talking about the  
8 bills that were, you know, that - you talked  
9 mostly about the bills that are mine that are in  
10 this package and I always appreciate when NRDC  
11 fusses over me, you know what I mean? I like  
12 that.

13 And of the fact that you outlined a  
14 couple of bills here that you really do support.  
15 We certainly appreciate that, and the critique  
16 that you gave of the porous pavement bill and make  
17 sure that works well with the DEP, that's wise  
18 counsel and we appreciate it and we appreciate the  
19 long-standing relationship we have with NRDC. So  
20 thank you for coming here today and giving us  
21 this.

22 And Paul, with regards to your  
23 cautionary tale here about, you know, kind of like  
24 some things we're doing maybe like one step  
25 forward two steps back. I think this is something

2 we should talk about more in sort of like more  
3 detail so that we could, you know, because a lot  
4 of testimonies have been very supportive, this is  
5 all great, this is good, and you come forward with  
6 something that's very thoughtful and I think has  
7 to be explored on a deeper level. And so we  
8 should arrange, that is for at least the staff in  
9 my committee, to meet with Paul. We can go over  
10 this a little more in detail and this will inform  
11 conversations that I'm going to be having with the  
12 office of long-term planning and sustainability.  
13 As I mentioned before I'm going to go see those  
14 guys and I would like to be better versed on some  
15 of your cautionary statements here.

16 But with regard to what you say  
17 about the harbor you will be happy to know that  
18 the Harbor School received a big discretionary  
19 budget allocation from me last night. I was  
20 sitting right there when we passed the budget and  
21 it was, yeah, it was like a, it was like for a  
22 Marine biology like science lab or something. It  
23 was a pile of money and I was one to support the  
24 good work of that institution.

25 And I think this also goes to the

2 previous panel talking about the need to educate  
3 young people, and the so the Council put its money  
4 where its mouth was last night and funded in this  
5 whole laboratory for the Harbor school, and the so  
6 that was a good thing.

7 But let's, as you say, sort of get  
8 with Paul and get better versed on his cautions  
9 here as we go forward in a post Sandy era and  
10 event will inform my conversation with the office  
11 of long-term planning and sustainability.

12 MR. GALLAY: Thank you Mr.  
13 Chairman.

14 COUNCIL MEMBER GENNARO: You bet,  
15 you bet. This is a great panel right guys?

16 MR. GALLAY: Thank you.

17 COUNCIL MEMBER GENNARO: I do too.  
18 Okay, thanks very much I appreciate it. Say hi to  
19 Donna for me okay.

20 MR. GALLAY: Okay.

21 COUNCIL MEMBER GENNARO: And the  
22 last panel, Beryl Thurman, North Shore Waterfront  
23 Conservancy of Staten Island. Kenneth Justice of  
24 the Portland Cement Association. Celia, I can't,  
25 yeah. From the New York environmental Law and

2 Justice project. If there are statements for this  
3 panel I'll - and before we start I just want to  
4 get copies of the statement so I'm ready to go.

5 I always like to have the paperwork  
6 in hand before I - because otherwise it will  
7 distract me from people statements. Okay, three  
8 witnesses, three statements, we're good to go.  
9 We'll start with Ms. Thurman. It was good to talk  
10 to you before, you know, Arlington Marsh Cove.  
11 Did they talk to you from the administration that  
12 came and saw you? Okay, then I mentioned it, you  
13 saw that.

14 MS. THURMAN: He told me to email  
15 him.

16 COUNCIL MEMBER GENNARO: Okay.

17 MS. THURMAN: So we're going to  
18 start from there.

19 COUNCIL MEMBER GENNARO: Great.  
20 And before Beryl even begins, this is a note to  
21 staff on Arlington Marsh Cove, particularly Samara  
22 [phonetic], let's make sure we do follow up on  
23 that 16 acres that would appear has not been  
24 transferred, and let's make sure we do some follow  
25 up on that. And I'm having a meeting recently



2 with parks commissioner to the extent that we can  
3 get that to happen that would be great, and if not  
4 then in my mind it's going to be kind of a big why  
5 not. And so thank you for being here today and  
6 making me aware of that, but that's not why you  
7 came, you came for this. So please state your  
8 name for the record and proceed with your good  
9 testimony.

10 MS. THURMAN: Beryl Thurman, North  
11 Shore Waterfront Conservancy of Staten Island Inc.  
12 I'm the Executive Director and President. I'd  
13 like to thank you Chair Gennaro for allowing me to  
14 come before you today and the other city Council  
15 members, thank you very much.

16 On behalf of the North Shore  
17 Waterfront Conservancy of Staten Island Inc. and  
18 the environmental justice and waterfront  
19 communities that we advocate on behalf of, we  
20 would like to thank you for allowing us to testify  
21 at this hearing today.

22 Currently there are approximately  
23 nine development projects taking place in Staten  
24 Island's North Shore, EJ and waterfront  
25 communities. All of these projects will have to

2 undergo a government permitting process and  
3 receive the approval of our officials and the city  
4 Council and the city planning commission.

5 Yet in eight of the nine of these  
6 projects, environmental assessments, and/or  
7 environmental impact statements, the writers have  
8 declared no negative impacts, no significant  
9 impacts and therefore no mitigation is required.

10 Having mitigation as a requirement  
11 would have been the most obvious way of correcting  
12 the environmental injustices that have long  
13 plagued these communities and are destroyed to  
14 their quality of life. Yet mitigations were not  
15 required not even to shore up the communities  
16 holistic - shore up the communities holistically  
17 from climate change. Why would any governing body  
18 whose purpose is to protect and better the lives  
19 of its people pass on this opportunity.

20 Staten Islands EJ communities need  
21 open spaces that are waterfront in our communities  
22 that are large enough in size to accommodate our  
23 people population. Currently 48 percent of our  
24 residential communities are a quarter-mile to the  
25 nearest park. Whereas in New York City as a whole

2 91 percent of the residents live within a quarter-  
3 mile of a park.

4 Having public active recreational  
5 spaces at the waterfront that serve dual purpose  
6 of not only being there for exercise, but also to  
7 protect our waterfront communities from the  
8 effects of climate change is critical.

9 Then perhaps, at long last we can  
10 have oyster and muscle gardens along our  
11 waterfront to act as filters and buffers and  
12 remedying the pollution of the - - , lower Nord  
13 phonetic] Bay and of the Arthur Kill rivers that  
14 are in violation of the Clean Water Act.

15 - - has been fighting diligently to  
16 educate our people of the importance of the tidal  
17 and freshwater wetlands in the EJ communities, and  
18 the necessity of it maintaining our harbor  
19 estuaries like Arlington Marsh Cove so that it  
20 won't be so easy for people to come in and tell us  
21 untruths such as these wetlands are insignificant  
22 and attempt to take away this vital resource.

23 We are sure about - what we are  
24 sure about is the contradiction and how climate  
25 change resiliency and adaptation agenda is being

2 administered and governed, must be reconciled  
3 especially in the EJ communities. The events of  
4 Katrina and Sandy have proven that we cannot fight  
5 nature, but we can be a better ally. We can also  
6 do a much better job at protecting all of our  
7 people in this time of uncertainty in terms of  
8 policies, procedures, laws, regulations and  
9 guidelines, especially in how they are  
10 administered and enforced.

11 Climate change necessitates that  
12 New York City Parks role must change, and as Parks  
13 responsibilities increase so must its budget. New  
14 York City Parks must be given a budget that will  
15 allow it to be properly staffed and of the  
16 resources to maintain its properties. In turn,  
17 Parks budget cannot be used as a default bank  
18 account for when some other area of the city  
19 cannot make its debt.

20 New York City's going to have to  
21 become EJ resident friendly, and not look for  
22 opportunities of dodging its duties to its people  
23 while being the first to hold its residents  
24 accountable to pay for the misuse of revenue with  
25 higher taxes, fees, surcharges and cost of living

2 expenses while providing very little intangible  
3 results that reflect and benefits to our EJ  
4 communities. It brings us little comfort that you  
5 have known about our vulnerability to climate  
6 change for 35 years and have failed to do anything  
7 about it.

8 Our city government is going to  
9 have to take responsibility and stop looking for  
10 other states and/or the federal government to bail  
11 us out because of its poor decisions that are  
12 repeatedly made. At this point the people who are  
13 being most affected daily are looking for real  
14 practical solutions that are sustainable to deal  
15 with our very real environmental problems.

16 In Staten Island's case we only  
17 have four bridges and a ferry that runs every 30  
18 minutes if we are lucky, five emergency shelters  
19 and approximately 400,000 plus people and there  
20 just comes a time when you have to say, just  
21 because we can do certain things doesn't always  
22 mean that we should, especially if you don't have  
23 the infrastructure to support it. Thank you for  
24 your time and for your consideration.

25 COUNCIL MEMBER GENNARO: Thank you,

2 thank you. It's a pleasure to meet you Beryl and  
3 I made some notes on your statement and I'm going  
4 to come back to you. Next we have Mr. Kenneth  
5 Justice from the Portland Cement Association.  
6 Nice to see you again.

7 MR. JUSTICE: Nice to see you  
8 again. For the record my name is Ken Justice.  
9 I'm a registered professional engineer in New York  
10 and I'm here representing the Portland Cement  
11 Association. Thank you for your time and allowing  
12 us to testify today.

13 Just some background, the Portland  
14 Cement Association's members manufacture and  
15 supply Portland cement, masonry and blended  
16 cements which are the key ingredients for Ready  
17 Mix concrete, precast and prestressed concrete,  
18 concrete masonry units, masonry mortar, cast stone  
19 and all other cement-based materials used by the  
20 New York City construction industry.

21 I would like to thank you for the  
22 opportunity to provide testimony on two proposed  
23 bills. Intro 1087, using cool roof surfaces to  
24 reduce summer heat, intro 1088 in relation to  
25 water retentive sidewalk and a study on absorptive

2 Street and sidewalk materials and alternate Street  
3 angulation. We commend the city Council for  
4 taking the next step towards translating a number  
5 of task force recommendations into local laws.

6 With respect to New York City  
7 Council intro 1087 using cool roof surfaces to  
8 reduce summer heat. Remediating the negative  
9 impacts of urban heat island effect by amending  
10 the New York City building code to require the use  
11 of cool roof surfaces is a very prudent approach  
12 which we strongly support.

13 We believe the city can do much  
14 more though to remediate urban heat island. A  
15 broadly implemented cool pavement initiative for  
16 the city streets and parking lots can further  
17 reduce air temperatures, energy demand and related  
18 emissions and the smog formation to help offset  
19 CO2.

20 According to researchers at the  
21 Lawrence Berkeley National Laboratory, pavements  
22 account for about 30 to 50 percent of urban  
23 surface area, and about half of that is comprised  
24 of city streets with another 40 percent parking  
25 lots. This is a significant amount of surface

2 area that is not being addressed by the city. A  
3 more comprehensive and balanced approach is  
4 needed.

5 Specifically, we would propose  
6 either amending intro 1087 or creating a new  
7 stand-alone bill utilizing the structure of intro  
8 1088 on pervious pavements to require a study of  
9 cool pavements and develop a pilot program under  
10 use in New York City.

11 Further we urge the Council to  
12 consider that such a proposed study also addresses  
13 how the private sector might be incentivized, I  
14 love that word by the way, to incorporate the  
15 beneficial use of cool pavements for parking lots  
16 on private property. We are available to work  
17 with the city to make sure that the streets and  
18 parking lots of New York City become a part of the  
19 solution to remediate any urban heat island effect  
20 instead of being part of the problem.

21 With respect to intro 1088 to amend  
22 the administrative code of the city of New York in  
23 relation to water retentive sidewalks, and a study  
24 on absorptive Street and sidewalk materials and  
25 alternative Street angulation.



2 Using absorptive Street and  
3 sidewalk materials to help remediate the serious  
4 storm water problem facing New York City is a good  
5 approach which we also strongly support. Again  
6 there is something the city can do to realize a  
7 much more significant reduction in storm water  
8 runoff. We encourage the Council to expand the  
9 proposed intro 1088 to include a study of the  
10 pervious pavements for parking lots as well as the  
11 streets and sidewalks.

12 Parking lots, both public and  
13 private, are typically impermeable surfaces that  
14 make a major contribution to the runoff problem.  
15 In addition we encourage the Council to consider  
16 that the proposed study also address how to - how  
17 the private sector might be incentivized to  
18 incorporate the widespread and more beneficial use  
19 of pervious pavements for parking lots on their  
20 properties.

21 For example, in New Jersey we have  
22 worked with developers to reduce and eliminate  
23 costly storm water retention systems that waste  
24 valuable land space and replace those with  
25 pervious pavements. I've worked with some

2 jurisdictions which offer grants to developers  
3 and/or streamline the project permitting process  
4 for developers who employ approved storm water  
5 approaches. I'm also working with other cities  
6 that actually impose fines and/or reduce taxes for  
7 those that do not contribute to the combined sewer  
8 and runoff that goes into it.

9 We are available to work with the  
10 city Council on appropriate language to expand  
11 intro 1088 to make the parking lots of New York  
12 City part of the solution to remediating storm  
13 water runoff. We are also available to provide  
14 technical and engineering assistance to the  
15 Council and any city department to support the  
16 proposed study and pilot projects, and by the way  
17 we'll do that for free.

18 Thank you again for giving the  
19 Portland cement Association the opportunity to  
20 provide input on these two important proposed  
21 bills which can improve the air and water quality  
22 in New York City.

23 COUNCIL MEMBER GENNARO: Thank you  
24 Mr. Justice. I'm certainly going to have a lot to  
25 say about your testimony, I like it a lot. Thank

2 you very much for being here. We'll have our last  
3 statement and then I'm going to close, and I've  
4 got a hearing across the street that I'm supposed  
5 to be at and it's going to end very soon. So  
6 we'll hear from our last witness and then we'll  
7 talk to the panel. Celia, Celia, and if you could  
8 state your full name for the record and your  
9 affiliation. I don't want to miss pronounce your  
10 last name so I'm going to let you do it.

11 MS. TUTUNJIAN: It's Celia  
12 Tutunjian. It's Armenian, it's hard to pronounce.  
13 I'm here on behalf of the New York Environmental  
14 Law and Justice project where I'm an intern. I'm  
15 here to make thorough recommendations regarding  
16 local law number 1088.

17 Besides addressing the anticipated  
18 cost of absorptive materials and the projected  
19 durability of such materials, the proposed studies  
20 should include a cost-benefit analysis, which  
21 highlights the potential estimated cost savings  
22 from avoided runoff. These include avoided  
23 infrastructure and building damage, avoided  
24 thermal and chemical pollution, avoided  
25 sedimentation and avoided biotic decline.

2 In fact, reducing the flow of  
3 runoff can decrease the thermal shock to aquatic  
4 life in the waterways into which runoff drains.  
5 The study should assess the potential of  
6 absorptive materials to provide this benefit. The  
7 study should also validate methods of  
8 rehabilitation to restore the porosity of water  
9 retentive materials and provide an estimate of  
10 those costs.

11 The proposed law number 1088 does  
12 not address the need of a thorough site evaluation  
13 before the implementation of the pilot program in  
14 three different locations in three different  
15 boroughs. To reduce the chances of failure of  
16 adopting absorptive materials the study should  
17 incorporate site evaluation criteria set by the  
18 EPA, as well as a survey of a subsoil's,  
19 groundwater conditions and drainage  
20 characteristics.

21 The three proposed sites for the  
22 installation should look into factors such as  
23 infiltration, geotechnical and hotspot conditions,  
24 as well as topographic evaluations. The areas  
25 selected for the installation of absorptive

2 payments and streets should not have, should not  
3 be areas of moderate to high traffic and  
4 significant traffic, truck traffic.

5 The study should address the  
6 problem of potential fuel leaking from vehicles,  
7 as well as the leaking of toxic chemicals from  
8 asphalt and binder surfaces. Because of voids of  
9 water retentive paving risk to be clogged, the  
10 site selection of permeable paving should endure  
11 to manufacture specifications and maintenance.

12 The law could also look into the  
13 possibility of adopting cool pavements in order to  
14 counteract the urban heat island effect. Roads  
15 and pavements with higher - - reflective materials  
16 can store less solar heat and emit less heat which  
17 can reduce daytime and overnight temperatures.  
18 Adopting cool pavements could decrease summertime  
19 peak energy demand and air-conditioning costs.  
20 This would reduce the emission of air pollutants  
21 and greenhouse gas emissions from power plants and  
22 the formation of ground-level ozone. Cool  
23 pavements can control the temperature of the storm  
24 water released into streams and rivers and reduce  
25 the likelihood of rapid temperature changes which

2 can cause stress to aquatic ecosystems.

3           Depending on the technology adopted  
4 cool pavements can also provide other benefits  
5 such as improved water quality, increased pavement  
6 life, reduced noise and enhanced nighttime  
7 illumination. The law could also incorporate bio  
8 retention systems to reduce runoff and improve  
9 water quality. Trees and other types of  
10 vegetation can reduce the volumes and velocity of  
11 storm water through intercepting rainfall and  
12 evapotranspiration. Trees can filter and treat  
13 rainwater and can store elements such as nitrogen,  
14 phosphorus and defined articulate matter. The  
15 shade of trees can also slow the deterioration of  
16 street pavement thereby reducing pavement  
17 maintenance needs and associated costs.

18           And finally the selection of trees  
19 and plants should promote diverse city and the  
20 native noninvasive species. Thank you for  
21 allowing me this opportunity to testify.

22           COUNCIL MEMBER GENNARO: Thank you.  
23 Thank you very much Celia. Everybody's talking  
24 about my bill 1088. We have the policy analyst  
25 that's still in the room from the transportation

2 committee, and I - Pafar [phonetic] right? Pafar,  
3 is that his name? Yes, okay, you're here. I just  
4 want you to pay close attention to the statement  
5 that was given by Celia and also by Mr. Justice.  
6 Because even though I'm the prime sponsor of the  
7 bill, it's in the Transportation Committee. I'm  
8 not the Chairman of that committee, I don't even  
9 serve in that committee, but I certainly like what  
10 you both have to say on how 1088 can be improved  
11 and made better.

12 It would also be good I think Pafar  
13 if after they stepped down from the witness table  
14 if you could make an introduction of yourself to  
15 them and get their statements and tell Chairman  
16 Vacca and of the Council to the transportation  
17 committee that I have a real interest in what  
18 these two witnesses have to say and how we can  
19 make 1088, which is already a good bill a great  
20 bill. And so thank you for being here. This is  
21 why we have hearings so that we can make good  
22 bills even better, so thank you to the both of you  
23 and to Ms. Thurman. So, working on Arlington  
24 Marsh Cove, we're going to get it, okay.

25 There are a lot of good people in

2 the room who are from various environmental  
3 justice organizations. We have Celia just two  
4 seats over from you, and we have the gentleman  
5 from Eddie's organization, I shouldn't call it  
6 Eddie's organization, but it's Eddie's  
7 organization, and I think there is a lot of common  
8 ground here.

9 With regard to the broader EJ  
10 community having an impact on all the resiliency  
11 efforts, it just seems to me that if everyone who  
12 is an active part of the EJ movement kind of comes  
13 together and speaks with one voice to the  
14 administration and of the Council, that kind of  
15 makes the voice stronger. Yes, you're going to  
16 say something. Move the microphone so it's  
17 comfortable to you.

18 MS. THURMAN: The North Shore  
19 Waterfront Conservancy is in the Sandy regional  
20 assembly, which is, we're part of that coalition,  
21 but in terms of what I was saying about the  
22 mitigation, the fact that the mitigations are  
23 being dismissed. These are large-scale projects.  
24 All nine of these projects are in floodplains and  
25 of they're all large-scale. And it to have only



2 one of the projects actually have a mitigation  
3 portion to it is just incredible considering the  
4 cumulative impacts of each one of these projects.  
5 They're taking place in approximately a six mile  
6 radius, if that much.

7 COUNCIL MEMBER GENNARO: These are  
8 in the land use committee, is that where they are?

9 MS. THURMAN: I believe so. So  
10 it's kind of like a missed opportunity for the  
11 mitigations to have been dismissed because the EI,  
12 the environmental assessments and the  
13 environmental impact statements were all saying  
14 that there was no cumulative impacts, there is no  
15 negative impacts.

16 It's just, we can't even fathom why  
17 anyone looking at these environmental assessments  
18 and environmental impact statements would not have  
19 questioned that, knowing that in through a  
20 mitigation it could -

21 COUNCIL MEMBER GENNARO: Are these  
22 projects that are going through Euler or just a  
23 regular planning process?

24 MS. THURMAN: Some are, like some  
25 of them are going to go through Euler, but others

2 probably won't go through Euler. They're related  
3 to the port expansion projects like the harbor  
4 deepening and also the raising of the Bayonne  
5 Bridge, and the twinning of the Gothels [phonetic]  
6 Bridge. I don't believe those are going to go  
7 through a Euler process at all, but they're all in  
8 EJ communities.

9 So it's just amazing. I mean I  
10 think it's a real missed opportunity to actually  
11 be able to fortify our waterfront. It is true  
12 that there are some things that we have in common  
13 with the other EJ communities, but there are other  
14 things that each EJ community is different and  
15 what's happening with us. These nine projects are  
16 going to be either happening at the same time or  
17 one right after the other.

18 COUNCIL MEMBER GENNARO: Let me  
19 just ask whose Council District these are in. Are  
20 these in Debbie's district?

21 MS. THURMAN: Yes, yes. They fall  
22 under Council Member Debbie Rose, and with the  
23 case with the twinning of the Gothels Bridge that  
24 may fall under Councilman Otto's district.

25 COUNCIL MEMBER GENNARO: Okay, you

2 know what? When the hearing is over - I mean it's  
3 my presumption that you have a relationship with  
4 Debbie right? As Council member for the area  
5 right?

6 MS. THURMAN: Right.

7 COUNCIL MEMBER GENNARO: How's that  
8 going?

9 MS. THURMAN: Well, it goes okay,  
10 but I mean it's only so much that I think she can  
11 do by herself in terms of these issues.

12 COUNCIL MEMBER GENNARO: She's  
13 pretty formidable.

14 MS. THURMAN: Yeah, but this is  
15 something that you have three governors in terms  
16 of with three of these projects, that are in favor  
17 of these projects and they're not looking at how  
18 the impacts, what the impacts are going to be to  
19 the EJ community. You have Governor Christie,  
20 Governor Cuomo and of the Connecticut Governor who  
21 all saying yeah, let's get it done, but nobody's  
22 looking at how these cumulative impacts are going  
23 to affect these 40,000 people that are living  
24 along this area.

25 COUNCIL MEMBER GENNARO: Yeah, but

2 with regard to that I think your first step is  
3 with the Debbie, and you say you've taken that  
4 step. So she's fully aware of all the nine  
5 projects and the mitigation and okay.

6 MS. THURMAN: Yes.

7 COUNCIL MEMBER GENNARO: So this is  
8 her district. I have respect for her and her  
9 ability to kind of dealing with issues that  
10 pertain to her district directly, and I'm going to  
11 kind of start with her, okay? And so, she and I  
12 are friends, and you think one of them might be  
13 Jimmy Otto?

14 MS. THURMAN: Yeah, the - once you,  
15 on the north shore of Staten Island as you hit the  
16 bend, then that falls under Councilman Otto's  
17 district.

18 COUNCIL MEMBER GENNARO: Right, so  
19 here's what I'm going to do. I'm going to give  
20 your statement to the Council, to my committee.  
21 Her name is Samara Swanson [phonetic] and you're  
22 going to make an introduction of your self to her.  
23 This is Samara right here. And then get all the  
24 particulars on this and then I'll talk to Debbie  
25 about it and see, you know, I'll kind of work for

2 her on this because, again, her district I have  
3 respect for on their, and we'll hear from her and  
4 then we'll see what other buttons we can push, but  
5 we don't want to duplicate her efforts.

6 MS. THURMAN: No, that's fine.

7 COUNCIL MEMBER GENNARO: And, you  
8 know, Jimmy and I are pals as well. So we'll have  
9 some air on talk to you and then we'll see what we  
10 can do want that. Yes.

11 MS. THURMAN: Along with the  
12 waterfront and of the nine projects we also have  
13 21 sites with contamination issues along the  
14 waterfront, including a Manhattan project site  
15 that's right next to the Bayonne Bridge.

16 COUNCIL MEMBER GENNARO: Manhattan  
17 Project? Where they built like the first atomic  
18 weapon?

19 MS. THURMAN: Well, it's where they  
20 stored the raw uranium, yeah.

21 COUNCIL MEMBER GENNARO: I was just  
22 kidding. I didn't really - like for real like the  
23 Manhattan Project.

24 MS. THURMAN: 1939 to 1942 they  
25 stored 2007 drums of raw uranium.

2 COUNCIL MEMBER GENNARO: You make a  
3 joke and then it ends up not being funny. Like  
4 the Manhattan Project?

5 MS. THURMAN: Yes. The raw uranium  
6 ore is what they used to make little boy. So some  
7 of that spilled on this property, which is right  
8 next to the Bayonne Bridge where there planning on  
9 doing the raising, and where directly across the  
10 street will be -

11 COUNCIL MEMBER GENNARO: Okay, we  
12 got lots to talk to Debbie about, that's what we  
13 have. We've got lots to talk to Debbie about. I  
14 want to thank these other two witnesses for their  
15 great input on intro 1088, and you're going to  
16 talk to Pefar and that's going to go to to the  
17 Council committee and to Jimmy, and I'll talk to  
18 Jimmy. He sits right next to me in the Council.  
19 We got a lot of business done today.

20 Not bad for a guy whose half  
21 asleep. The reference being that we were here  
22 till two something in the morning passing the  
23 budget, and then on my way home at 2:30 in the  
24 morning, and certainly this there is putting on  
25 the record for no good reason, but they do road

2 construction at night and sometimes they close the  
3 roads. And is so I was on the Grand Central  
4 Parkway at like 2:30 in the morning and the road  
5 was closed because some crane was doing something  
6 and he said, oh but it's only going to take us  
7 half-an-hour to get it done. So, at 2:30 in the  
8 morning I was doing emails in my car as I was  
9 sitting with hundreds of other people waiting for  
10 the road to open. This is what people talk about  
11 on the record when they haven't slept about what  
12 happened to them last night.

13 But this was a great hearing today  
14 and I'm very grateful to all the staff that  
15 brought this together and of the people who gave  
16 up their good time to give us the benefit of their  
17 views to make this initiative that were doing even  
18 better.

19 And the so with that said I'm going  
20 to - oh, can you hand me the gavel so I can - oh  
21 no, no okay we have to for the record we're going  
22 to say that we have, we received testimony from  
23 the following entities that will be entered into  
24 the record versus the Council of New York  
25 cooperatives and condominiums, that will be

2 entered into the record. We have testimony from  
3 Glenda Bellinger [phonetic] who I believe is  
4 representing herself as no other affiliation. We  
5 have testimony from the plumbing foundation of the  
6 city of New York that will be entered into the  
7 record. And testimony from the MWA, which is the  
8 Metropolitan Waterfront Alliance. Roland Lewis, a  
9 good friend of mine. And the so we know the  
10 witnesses are wishing to be heard. The statements  
11 will be entered into the record. This hearing is  
12 adjourned. Everyone knows what they're doing  
13 right? You're going to talk to Samara and you're  
14 going to talk to Pefar right? Okay, with that  
15 said this hearings adjourned.



C E R T I F I C A T E

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

A handwritten signature in cursive script, appearing to read "Daniel Louk", is written over a horizontal line.

Signature

Date 7/12/2013