

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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December 7, 2010
Start: 2:45 pm
Recess: 3:15 pm

HELD AT: Committee Room
250 Broadway, 14th Floor

B E F O R E:
JAMES VACCA
Chairperson

COUNCIL MEMBERS:
James Vacca
Gale A. Brewer
Daniel R. Garodnick
G. Oliver Koppell
Jessica S. Lappin
Darlene Mealy
Michael C. Nelson
Ydanis A. Rodriguez
Deborah L. Rose
James G. Van Bramer
Vincent M. Ignizio
Peter A. Koo
Eric A. Ulrich
Diana Reyna

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2 CHAIRPERSON VACCA: I call this
3 meeting to order. This is the New York City
4 Council Committee on Transportation. I welcome
5 you to our meeting. It is Tuesday, December 7 at
6 2:45.

7 Let me introduce the members of the
8 committee who are here: Gale Brewer, Dan
9 Garodnick, Oliver Koppell, Darlene Mealy, Ydanis
10 Rodriguez, Deborah Rose, Vincent Ignizio, Peter
11 Koo and myself, James Vacca.

12 Today, on the agenda we have Intro
13 257-A of 2010, a Local Law to amend the
14 Administrative Code of the City of New York in
15 relation to unlawful sidewalk ATMs. The sponsor
16 of the bill, Councilwoman Diana Reyna is here as
17 well. Councilwoman, would you want to say a
18 couple of words? Councilwoman Reyna.

19 COUNCIL MEMBER REYNA: I'm going to
20 take Council Member Ignizio's advice and just vote
21 yes, to my colleagues. I want to thank Chairman
22 Vacca for his expeditious view in making this bill
23 a priority for this committee. The introduction
24 of this bill started out as what could be a
25 revocable permit to now being a strict enforcement

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2 tool that should not be considered as a matter of
3 doing business in the City of New York.

4 Sidewalk ATMs are an obstruction.
5 They are not legal. This is going to certainly
6 clarify the language in the Administrative Code
7 where the strengthening of enforcement to be able
8 to identify one city agency that will be in this
9 Introduction of bill, the Department of
10 Transportation, to have full enforcement and
11 consider ATMs unlawful under the Administrative
12 Code in what would be considered public sidewalks.
13 This bill will remove discrepancies and
14 uncertainties that exist regarding the law on
15 unlawful sidewalk ATMs.

16 Currently, there is no way to
17 monitor an ATM position as well as owners because
18 where they situate them in highly trafficked areas
19 which are scouted for this specific purpose of
20 placing of ATM, which also leads to overcrowding
21 of streets and can present a dangerous effort in
22 providing unsafe environments for customers to
23 come and withdraw money from.

24 A functioning city must place ATMs
25 strategically throughout its businesses or

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2 location of existing ATMs. The city streets or
3 sidewalks are not the appropriate place for them.
4 This bill will certainly give the full
5 understanding so that the small business and
6 property owners understand what their limitations
7 are. Thank you so much to this committee.

8 CHAIRPERSON VACCA: Thank you,
9 Council Member Reyna for your legislation. I
10 would recommend to all members a yes vote. I will
11 now proceed to call the roll. Council Member
12 Brewer?

13 COUNCIL MEMBER BREWER: I vote yes.
14 I do hope that the Department of Transportation as
15 the enforcement agency will go out and educate the
16 property owners and/or stores where there are ATMs
17 outside. I've done a walkthrough with the
18 Department of Consumer Affairs as an education
19 campaign on some of their potential violators and
20 was incredibly successful. I hope that that will
21 be, and I've discussed this with the deputy
22 mayors, more of an education campaign because
23 these fines are very high. I would like to see
24 education before fine. I vote aye. Thank you.

25 CHAIRPERSON VACCA: Council Member

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2 Garodnick?

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COUNCIL MEMBER GARODNICK: Thank
you. I vote aye.

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CHAIRPERSON VACCA: Council Member
Koppell?

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COUNCIL MEMBER KOPPELL: [off mic]
Before I vote, I would like to...

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[Pause]

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CHAIRPERSON VACCA: Thank you.

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Council Member Darlene Mealy?

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COUNCIL MEMBER MEALY: I vote aye.

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CHAIRPERSON VACCA: Council Member
Rodriguez?

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COUNCIL MEMBER RODRIGUEZ: Aye.

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CHAIRPERSON VACCA: Council Member
Deborah Rose?

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COUNCIL MEMBER ROSE: Aye.

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CHAIRPERSON VACCA: Council Member
Ignizio?

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COUNCIL MEMBER IGNIZIO: Yes. If I
can briefly explain my vote, I want to commend the

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actions, both of this Council, of you Chairman

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Vacca and particularly of my friend Diana Reyna.

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Very often, the Council finds these problems in

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2 our streets and recognizes them, tries to
3 cultivate and make them into good public policy.
4 This was a way in doing so. My colleague Diana
5 Reyna pointed out the safety impacts and concerns
6 that this has on people who don't know, if they're
7 going to an ATM on the street, who is around them
8 and what security measures are there. I just want
9 to applaud good public policy.

10 I hope that whatever bills come
11 down the pike we do when we address them and we
12 speak to them in this body or in this committee or
13 in any others. But with that, I think we should
14 applaud the day and applaud my colleague Diana
15 Reyna for taking a leadership issue in this and
16 wishing her well. I proudly vote aye.

17 CHAIRPERSON VACCA: Thank you,
18 Council Member. Council Member Koo?

19 COUNCIL MEMBER KOO: I vote aye.

20 CHAIRPERSON VACCA: The clerk,
21 please announce the result. I didn't see you,
22 Jimmy. Council Member Van Bramer?

23 COUNCIL MEMBER VAN BRAMER: Thank
24 you very much, Mr. Chair, from one Jimmy to
25 another. I just want to say that I too want to

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2 congratulate Council Member Reyna. I think this
3 bill makes a great deal of sense and is really
4 strong, good public policy. I was proud to be a
5 co-sponsor. With that, I vote aye.

6 COUNCIL MEMBER IGNIZIO: Mr.
7 Chairman, I think it's offensive that he stole my
8 entire congratulations and good public policy, and
9 I just want to note that for the record.

10 COUNCIL MEMBER VAN BRAMER: You
11 said good public policy; I said strong public
12 policy. There's a big different, Council Member
13 Ignizio.

14 CHAIRPERSON VACCA: Thank you. For
15 the record, I vote aye as well. Would you please
16 announce the result?

17 WILLIAM MARTIN: William Martin,
18 Committee Clerk, the roll call in the Committee on
19 Transportation stands at ten in the affirmative,
20 zero in the negative and no abstentions. Members,
21 please sign the committee report. Thank you.

22 CHAIRPERSON VACCA: I would like to
23 thank our counsel and our policy analyst: Lyle
24 Frank and Nivardo Lopez. I also would like to
25 leave the roll open until 3:15, should other

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2 members arrive. There being no other issues or
3 questions, this meeting is adjourned.

4 [Pause]

5 CHAIRPERSON VACCA: The vote is
6 still open. We have Council Member Ulrich.

7 COUNCIL MEMBER ULRICH: I vote aye.

8 [Pause]

9 WILLIAM MARTIN: Council Member
10 Nelson?

11 COUNCIL MEMBER NELSON: Aye.

12 WILLIAM MARTIN: The vote now
13 currently stands at 12 in the affirmative.

14 [Pause]

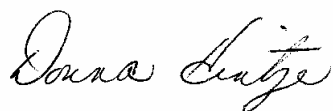
15 WILLIAM MARTIN: Council Member
16 Lappin?

17 COUNCIL MEMBER LAPPIN: Aye.

18 WILLIAM MARTIN: The final vote on
19 the Committee on Transportation is now 13 in the
20 affirmative, zero in the negative and no
21 abstentions.

C E R T I F I C A T E

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

A handwritten signature in cursive script that reads "Donna Hintze".

Signature

Date December 22, 2010