

CITY COUNCIL  
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

STATED MEETING

-----X

February 11, 2010  
Start: 2:25 pm  
Recess: 3:50 pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
LEROY G. COMRIE, JR.  
Chairperson

COUNCIL MEMBERS:  
Maria del Carmen Arroyo  
Charles Barron  
Gale A. Brewer  
Fernando Cabrera  
Margaret Chin  
Elizabeth Crowley  
Inez E. Dickens  
Daniel Dromm  
Mathieu Eugene  
Simcha Felder  
Julissa Ferreras  
Lewis A. Fidler  
Helen D. Foster

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

## COUNCIL MEMBERS:

Daniel R. Garodnick  
James F. Gennaro  
Vincent J. Gentile  
Sara M. Gonzalez  
Daniel J. Halloran  
Vincent Ignizio  
Robert Jackson  
Letitia James  
Peter Koo  
G. Oliver Koppell  
Karen Koslowitz  
Brad Lander  
Jessica S. Lappin  
Stephen Levin  
Melissa Mark-Viverito  
Darlene Mealy  
Rosie Mendez  
Michael C. Nelson  
James S. Oddo  
Annabel Palma  
Christine C. Quinn  
Domenic M. Recchia, Jr.  
Diana Reyna  
Joel Rivera  
Ydanis Rodriguez  
Deborah Rose  
James Sanders, Jr.  
Eric Ulrich  
James Vacca  
Peter F. Vallone, Jr.  
James G. Van Bramer  
Albert Vann  
Mark Weprin  
Thomas White, Jr.  
Jumaane D. Williams

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

Reverend Maggie Howard  
Pastor  
Stapleton United AME Church

1

SPEAKER QUINN: ..One ceremonial.

2

SERGEANT-AT-ARMS: Quiet, please.

3

SPEAKER QUINN: And if we could

4

have the folks from the American Heart Association

5

who are here come up and also Council Member

6

Arroyo and Chairperson Ferreras and anyone else

7

who wants to join us to thank the American Heart

8

Association for--look at Sara being appropriately

9

dressed--their Go Red campaign, and all the men

10

are invited, too, but they have to stand behind

11

the women is all I'm saying.

12

MALE VOICE: See I have a tie on.

13

SPEAKER QUINN: And you have a red

14

tie, very good.

15

COUNCIL MEMBER BARRON: No one told

16

me.

17

SPEAKER QUINN: Me neither, I'm way

18

off, RJ--you're reddish, maroon counts.

19

[Off mic]

20

SPEAKER QUINN: And do we have

21

Danielle, the folks from the--oh, look, Dan has a

22

red tie, too.

23

MALE VOICE: I got my e-mail.

24

[Off mic]

25

1  
2                   SPEAKER QUINN:  Apparently we  
3 didn't read ours.

4                   [Off mic]

5                   SPEAKER QUINN:  Margaret's right,  
6 too.

7                   [Off mic]

8                   SPEAKER QUINN:  All right, and then  
9 making their way up are Robin Vitale, the Director  
10 of Advocacy; Brook Lancaster, the Communications  
11 Specialist who lives in Council Member Lappin's  
12 district; Maria Galarza Catuira who's the Advocacy  
13 Coordinator from Koppell's district; Dr. Susanna  
14 Horvath [phonetic], the Chair of the Advocacy  
15 Committee from Robert Jackson's district;  
16 Stephanie Chan, Go Red for Women spokesperson who  
17 is a heart disease survivor from Steve Levin's  
18 district; and Jean Constantino [phonetic], the Go  
19 Red for Women, another spokesperson who's also a  
20 survivor from Gale Brewer's district; and Maria  
21 Vargas, who is another spokesperson as well.  
22 Let's give them a big round of applause.  And let  
23 me give the girls, gals in red in the middle the  
24 Proc.

25                   And before I ask the Clerk to read

1  
2 the Proclamation, I just want to thank everyone at  
3 the American Heart Association for their work on  
4 Go Red for Women and I'm sorry I didn't remember,  
5 but Gale is totally on it and I'll stand next to  
6 Sara. But I really want to thank all of you  
7 because there is a tremendous misconception out  
8 there that heart disease is only something that  
9 effects men, and in fact, it is the--is it fair to  
10 say the leading--okay, I thought, the leading  
11 cause of death of women in the city of New York is  
12 heart related conditions. I'm going to say it  
13 again, the leading killer of women in New York  
14 City is heart related conditions. The fact that I  
15 even hesitated to say that shows how much work  
16 there needs to be done, but all of your work, the  
17 ads you've done, the shows you've been on, the  
18 personal stories you've told, which is really hard  
19 to talk about your health in public, has made a  
20 huge difference and really, really raised  
21 awareness. So I want to thank you all very, very  
22 much and say anything we can do to help you all,  
23 let us know. And last year in my State of the  
24 City address, I wore one of your pins to try to  
25 help raise awareness, too.

1  
2                   So if I can ask the clerk to read  
3 the Proclamation and then we'll hear from the  
4 American Heart Association folks.

5                   COUNCIL CLERK: Council, City of  
6 New York, Proclamation. WHEREAS, the Council of  
7 the City of New York is proud to join the American  
8 Heart Association in observing the month of  
9 February as American Heart Month; and,

10                   WHEREAS, cardiovascular disease is  
11 the leading cause of death in New York City and  
12 across the nation and its direct and indirect  
13 costs are estimated to be more than 503 billion in  
14 2010. And,

15                   WHEREAS, cardiovascular disease  
16 accounts for over 34% of all deaths nationwide.  
17 Nearly 2,300 Americans die of cardiovascular  
18 disease each day, an average of one death every 38  
19 seconds. In New York City alone, heart disease is  
20 the number one cause of death for both men and  
21 women, regardless of race and/or ethnicity. And,

22                   WHEREAS, an estimated 785,000  
23 people in the United States will have a new  
24 coronary attack, an estimated 470,000 people  
25 nationwide will have a recurrent attack, and an

1  
2 additional 195,000 silent heart attacks occur this  
3 year. And,

4 WHEREAS, the American Heart  
5 Association is celebrating February 2010 as  
6 American Heart Month and promoting education and  
7 awareness by encouraging citizens to learn the  
8 warning signs of cardiovascular disease and to  
9 help save lives by calling 911 if symptoms occur,  
10 by becoming trained in CPR, and by encouraging  
11 comprehensive automated external defibrillator,  
12 AED, programs in their communities; and,

13 WHEREAS, the American Heart  
14 Association has also launched a national campaign  
15 called Go Red for Women to celebrate the energy,  
16 passion, and power that women share to wipe out  
17 heart disease and strokes. It is hoped that by  
18 wearing red we can show our support for fighting  
19 against heart disease in women. Mothers,  
20 daughters, sisters, aunts, everyday women are  
21 dying of heart disease at the rate of almost one  
22 per minute. By working together, we can curb  
23 these alarming statistics, not only this month,  
24 but throughout the year.

25 NOW, THEREFORE, BE IT KNOWN that



1  
2 the Council of the City of New York hereby  
3 proclaims this February 2010 to be American Heart  
4 Month in the city of New York and urges all  
5 citizens to recognize the critical importance of  
6 tools and skills that increase survival rates from  
7 cardiac arrest. By incorporating these tools into  
8 aggressive programs, we can save thousands of  
9 lives each year. Christine C. Quinn, Speaker for  
10 the entire Council; Maria del Carmen Arroyo,  
11 Chair, Health Committee, Council Member 17th  
12 District, the Bronx; Julissa Ferreras, Chair,  
13 Womens Issues Committee, Council Member 21st  
14 District, Queens; Helen Diane Foster, Co-Chair,  
15 Womens Caucus, Council Member 16th District, the  
16 Bronx; Diana Reyna, Co-Chair, Womens Caucus,  
17 Council Member 34th District, Brooklyn and Queens.

18 SPEAKER QUINN: Yay, and let the  
19 record reflect that the Minority Leader got the  
20 memo, he has a tie and a sweater on, he's mocking  
21 the Speaker for having forgotten, but also let the  
22 record reflect that the Council under the Minority  
23 Leader's leadership passed legislation requiring  
24 AEDs in certain public places and we have one in  
25 the City Hall as well, so I just wanted to note

1

2 that.

3

4

5

And I would love to hear from the American Heart Association, whoever wants to [off mic].

6

7

8

9

10

11

FEMALE VOICE: Well primarily want to thank everyone, those that wore red today in recognition of our past national Wear Red day, or those that perhaps are not wearing it with that same intention, but we'll take credit for anyone wearing red today, so thank you very much.

12

13

14

15

16

17

18

19

20

21

22

23

24

The American Heart Association has been very blessed to have worked with the Council over the past several years to pursue a lot of these public policy measures. Everything from the Smoke Free Air Act, which was a tremendous boon for public health all across New York, as well as more recently the ban on flavored tobacco products, increasing access to healthier fresh fruits and vegetables, all of our placement of AEDs around the city. These are tremendous, tremendous components to our overall mission, which is to build healthier lives free from heart disease and stroke.

25

We do thank you for your support,

1  
2 we look forward to working with all of you as we  
3 move forward and obviously attempt to accomplish  
4 even more as we achieve a heart healthier New York  
5 in the future. So thank you very much for this  
6 honor and we'll be back, thank you.

7 SPEAKER QUINN: Thank you all very,  
8 very much, and best of luck with your work. And  
9 just make note please that the Council Members  
10 would love to work with all of you on any event  
11 you're doing in their districts as well or if  
12 there's ways to use the way they're communicating  
13 with their constituents to help get the message  
14 out also. So thank you guys, and that concludes  
15 our ceremonials.

16 FEMALE VOICE: Thank you.

17 [Off mic]

18 [Long pause]

19 COUNCIL CLERK: Ladies and  
20 gentlemen, can I have your attention, please? Can  
21 I please have your attention. Can I have your  
22 attention, please.

23 SERGEANT-AT-ARMS: Keep it down,  
24 please.

25 [Off mic]

1  
2 COUNCIL CLERK: At this time, can  
3 you please place all electronic devices and cell  
4 phones to vibrate. All non-Council employees and  
5 lobbyists, please leave the main floor of the  
6 Chambers. Thank you.

7 [Long pause]

8 [Off mic]

9 MALE VOICE: Hello, Reverend.

10 REVEREND HOWARD: Hi, how are you?  
11 God bless you.

12 MALE VOICE: What's your name?

13 REVEREND HOWARD: Reverend Howard.

14 MALE VOICE: Reverend Howard, nice  
15 to meet you.

16 REVEREND HOWARD: Nice to meet you  
17 as well. Reverend Mobley [phonetic].

18 MALE VOICE: Hi, Reverend.

19 REVEREND MOBLEY: How you doing?

20 [Long pause]

21 MALE VOICE: Pledge of allegiance.

22 SERGEANT-AT-ARMS: All rise.

23 [Off mic]

24 MULTIPLE VOICES: I pledge  
25 allegiance to the flag of the United States of

1

2 America and to the republic for which it stands,  
3 one nation under God, indivisible with liberty and  
4 justice for all.

5 CHAIRPERSON COMRIE: Roll call.

6 COUNCIL CLERK: Arroyo.

7 COUNCIL MEMBER ARROYO: Here.

8 [Off mic]

9 COUNCIL CLERK: Barron.

10 COUNCIL MEMBER BARRON: Oh what  
11 took you so long to say my name?

12 COUNCIL CLERK: I'm sorry. Barron.

13 COUNCIL MEMBER BARRON: Oh, here.

14 COUNCIL CLERK: Thank you. We're  
15 going to check these [off mic].

16 COUNCIL MEMBER BARRON: Mr. Clerk,  
17 you're supposed to call Joel Rivera so he can vote  
18 and leave, he's on a schedule.

19 COUNCIL CLERK: Okay.

20 COUNCIL MEMBER BARRON: Call Joel  
21 Rivera--

22 COUNCIL CLERK: Rivera.

23 COUNCIL MEMBER RIVERA: Here.

24 [Pause] Oh, you want me to--I ask for unanimous  
25 consent to vote aye on all items on today's

1

2 General Order calendar?

3 CHAIRPERSON COMRIE: So ordered.

4 COUNCIL CLERK: Brewer.

5 COUNCIL MEMBER BREWER: Aye, here.

6 COUNCIL CLERK: Cabrera.

7 COUNCIL MEMBER CABRERA: Aye, here.

8 COUNCIL CLERK: Chin.

9 COUNCIL MEMBER CHIN: Here.

10 COUNCIL CLERK: Comrie.

11 COUNCIL MEMBER COMRIE: Present.

12 COUNCIL CLERK: Crowley.

13 COUNCIL MEMBER CROWLEY: Here.

14 COUNCIL CLERK: Dickens.

15 COUNCIL MEMBER DICKENS: Here.

16 COUNCIL CLERK: Dilan.

17 MALE VOICE: He said he had to

18 leave.

19 COUNCIL MEMBER DILAN: [No

20 response].

21 COUNCIL CLERK: Dromm.

22 COUNCIL MEMBER DROMM: Here.

23 COUNCIL CLERK: Eugene.

24 COUNCIL MEMBER EUGENE: Here.

25 MALE VOICE: Good, good.

1

2

COUNCIL CLERK: Felder.

3

COUNCIL MEMBER FELDER: Here.

4

COUNCIL CLERK: Ferreras.

5

FEMALE VOICE 3: Just to let you

6

know.

7

COUNCIL MEMBER FERRERAS: Here.

8

COUNCIL CLERK: Fidler.

9

FEMALE VOICE 3: [Off mic] here?

10

FEMALE VOICE 4: Yeah.

11

FEMALE VOICE 3: These are for--

12

[Off mic]

13

FEMALE VOICE 3: Exactly.

14

FEMALE VOICE 4: Oh.

15

FEMALE VOICE 3: So--

16

FEMALE VOICE 4: Well I just--

17

[Crosstalk]

18

COUNCIL CLERK: Thank you.

19

Apology.

20

FEMALE VOICE 3: Sometimes I take

21

this and I--

22

[Pause]

23

COUNCIL MEMBER FIDLER: [No

24

response].

25

COUNCIL CLERK: Foster.

1

COUNCIL MEMBER FOSTER: Here.

2

3

COUNCIL CLERK: Garodnick.

4

COUNCIL MEMBER GARODNICK: Here.

5

COUNCIL CLERK: Gennaro.

6

COUNCIL MEMBER GENNARO: [No

7

response].

8

COUNCIL CLERK: Gentile.

9

COUNCIL MEMBER GENTILE: Here.

10

COUNCIL CLERK: Gonzalez.

11

COUNCIL MEMBER GONZALEZ: Here.

12

COUNCIL CLERK: Halloran.

13

COUNCIL MEMBER HALLORAN: Present.

14

COUNCIL CLERK: Ignizio.

15

COUNCIL MEMBER IGNIZIO: Here.

16

COUNCIL CLERK: Jackson.

17

COUNCIL MEMBER JACKSON: Here.

18

COUNCIL CLERK: James.

19

COUNCIL MEMBER JAMES: Here.

20

COUNCIL CLERK: Koo.

21

COUNCIL MEMBER KOO: Here.

22

COUNCIL CLERK: Koppell.

23

COUNCIL MEMBER KOPPELL: Here.

24

COUNCIL CLERK: Koslowitz.

25

COUNCIL MEMBER KOSLOWITZ: Here.



1  
2 COUNCIL CLERK: Lander.  
3 COUNCIL MEMBER LANDER: Here.  
4 COUNCIL CLERK: Lappin.  
5 COUNCIL MEMBER LAPPIN: Here.  
6 COUNCIL CLERK: Levin.  
7 COUNCIL MEMBER LEVIN: Here.  
8 COUNCIL CLERK: Mark-Viverito.  
9 COUNCIL MEMBER MARK-VIVERITO:  
10 Here.  
11 COUNCIL CLERK: Mealy.  
12 COUNCIL MEMBER MEALY: [No  
13 response].  
14 COUNCIL CLERK: Mendez.  
15 COUNCIL MEMBER MENDEZ: Here.  
16 COUNCIL CLERK: Nelson.  
17 COUNCIL MEMBER NELSON: Here.  
18 COUNCIL CLERK: Palma.  
19 COUNCIL MEMBER PALMA: Here.  
20 COUNCIL CLERK: Recchia.  
21 COUNCIL MEMBER RECCHIA: [No  
22 response].  
23 COUNCIL CLERK: Reyna.  
24 COUNCIL MEMBER REYNA: Present.  
25 COUNCIL CLERK: Rodriguez.

1

2

COUNCIL MEMBER RODRIGUEZ: Here.

3

COUNCIL CLERK: Rose.

4

COUNCIL MEMBER ROSE: Here.

5

COUNCIL CLERK: Sanders.

6

COUNCIL MEMBER SANDERS: [No

7

response].

8

COUNCIL CLERK: Seabrook.

9

COUNCIL MEMBER SEABROOK: [No

10

response].

11

COUNCIL CLERK: Ulrich.

12

COUNCIL MEMBER ULRICH: Here.

13

COUNCIL CLERK: Vacca.

14

COUNCIL MEMBER VACCA: Here.

15

COUNCIL CLERK: Vallone.

16

COUNCIL MEMBER VALLONE: Here.

17

COUNCIL CLERK: Van Bramer.

18

COUNCIL MEMBER VAN BRAMER: Here.

19

COUNCIL CLERK: Vann.

20

COUNCIL MEMBER VANN: Here.

21

COUNCIL CLERK: Weprin.

22

COUNCIL MEMBER WEPRIN: Here.

23

COUNCIL CLERK: White.

24

COUNCIL MEMBER WHITE: [No

25

response].

1

COUNCIL CLERK: Williams.

2

COUNCIL MEMBER WILLIAMS: Aquí.

3

COUNCIL CLERK: Oddo.

4

COUNCIL MEMBER ODDO: Here.

5

[Pause]

6

COUNCIL CLERK: Speaker Quinn.

7

SPEAKER QUINN: Here.

8

CHAIRPERSON COMRIE: We have a

9

quorum. Before the roll call, I just want to

10

announce that we are joined by an esteemed

11

colleague who was actually my candidate to be the

12

next state senator in Queens, Assemblyman Jose

13

Peralta, let's give him a round of applause. And

14

now we'll have the invocation, which today we have

15

the honor of the presence of Reverend Maggie

16

Howard, the pastor of Stapleton United AME Church

17

in Staten Island. Please stand.

18

SERGEANT-AT-ARMS: All rise. All

19

rise.

20

[Off mic]

21

REVEREND MAGGIE HOWARD: Eternal

22

God, our father, good afternoon. It is indeed a

23

pleasure to be in your perfect presence and we

24

call upon you that you might move and minister in

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

this meeting as only you can. As this body comes together, oh God, to make decisions and to invoke changes, we pray that you would move upon each of their hearts, but as you move upon their hearts, dear God, we pray that you would grant them the wisdom and fortitude to do that which is necessary. We ask that you would move and minister in their families and in their daily decisions. Thank you. Amen.

MULTIPLE VOICES: Amen.

CHAIRPERSON COMRIE: Call on Council Member Debbie Rose to spread the invocation.

COUNCIL MEMBER ROSE: Yes. Today I am extremely honored to stand before you to spread the invocation in full.

Reverend Maggie Howard is not only a spiritual leader beyond reproach, but she is my friend. I'd like to acknowledge and thank Rev. Maggie, my friend, for praying for this august body of legislators because when Rev. Maggie prays, God listens. Reverend Maggie represents the little church in Stapleton with the big heart, and has a 209-year history of serving Staten

1  
2 Island's most underserved and neediest  
3 communities. I want to thank Rev. Maggie on  
4 behalf of my esteemed colleagues and the community  
5 of Staten Island for all that you do and for the  
6 prayers and well wishes that you have granted us  
7 today. Thank you, Reverend Howard.

8 Madam Speaker, I would like to ask  
9 to be--

10 SPEAKER QUINN: Of course.

11 COUNCIL MEMBER ROSE: --I would  
12 like to ask to be excused--

13 SPEAKER QUINN: Yes.

14 COUNCIL MEMBER ROSE: --I have a  
15 family emergency.

16 SPEAKER QUINN: Yeah, so granted,  
17 yeah.

18 COUNCIL MEMBER ROSE: And I will be  
19 voting aye on all General Orders with the  
20 exception of Initiative number 1.

21 CHAIRPERSON COMRIE: So ordered.

22 COUNCIL MEMBER ROSE: Oh, Intro  
23 number 1, I'm sorry.

24 CHAIRPERSON COMRIE: So ordered.

25 COUNCIL MEMBER ROSE: Thank you.

1

2

CHAIRPERSON COMRIE: She said aye  
on everything except--

3

4

SPEAKER QUINN: Fine, okay, that's  
fine, we've got it, Gary, she said it.

5

6

COUNCIL MEMBER ROSE: Thank you.

7

SPEAKER QUINN: Thank you.

8

CHAIRPERSON COMRIE: Did she want  
to vote no or abstain on the Intro?

9

10

COUNCIL MEMBER ROSE: No.

11

SPEAKER QUINN: No.

12

CHAIRPERSON COMRIE: Okay.

13

COUNCIL MEMBER ROSE: Thank you.

14

CHAIRPERSON COMRIE: So ordered.

15

Council Member Vann?

16

[Pause]

17

COUNCIL MEMBER VANN: Unanimous  
consent to vote on all the coupled and General  
Orders.

18

19

20

CHAIRPERSON COMRIE: So ordered.

21

COUNCIL MEMBER VANN: I vote aye on  
all except that I vote no on Intro 1.

22

23

SPEAKER QUINN: Well if you need  
any help with the hospital, let us--

24

25

[Pause]

1  
2 MALE VOICE: [Off mic] sakes, you  
3 didn't tell me the whole thing.

4 [Long pause]

5 CHAIRPERSON COMRIE: Okay. [Pause]  
6 There are no Adoptions from the Minutes, no  
7 Message and Papers from the Mayor, no  
8 Communication, no Petition in Communications.  
9 Communications from the Speaker.

10 SPEAKER QUINN: Excuse me. First I  
11 just want to note for everyone that attached to  
12 your agenda today is the schedule for the  
13 preliminary budget and Mayor's Management Report  
14 hearings, they begin on March 4th. So I just want  
15 to flag that for everyone to make sure that they  
16 make note of these important hearings on their  
17 calendar.

18 I also want to ask Eddie Bautista  
19 to stand up for a second because rumor has it this  
20 is Eddie's last Stated Meeting as a member of the  
21 Mayor's Office of Legislative Affairs. So, Eddie,  
22 where are you headed off to?

23 EDDIE BATISTA: Executive--

24 [Pause]

25 COUNCIL MEMBER JAMES: You go, boy.

1

[Laughter]

2

[Applause]

3

4

SPEAKER QUINN: So for anyone who didn't hear, he's going to become the Executive Director of New York Environmental Justice and Tish James yelled you go, boy, so in case anybody who missed that.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

But, Eddie, I want to wish you the best of luck. I also want to thank you for all of your work with us on a lot of really, really important initiatives: Green buildings, solid waste management, a whole long list of stuff. So I look forward to working with you in your new capacity, which I know we'll be getting to do together a lot. But best of luck and thank you for all of your great work with us.

We're voting on a number of different Land Use items today and I just want to thank Chairperson Comrie and the Subcommittee Chairs for their work on those various Land Use items.

We're voting on two pieces of legislation today. The first one is one that comes out of the Consumer Affairs Committee and I



1  
2 want to thank Council Member Koslowitz for her  
3 work on this and also the sponsor of the bill,  
4 Council Member Dan Garodnick. I want to thank  
5 Lacy Clarke, Damien Butvick and Alix Pustilnik for  
6 their work on this bill. I want to thank Rob  
7 Newman for his work on all the legislation we're  
8 voting on today.

9           This piece of legislation addresses  
10 a matter of tenants' rights, we're calling it the  
11 Tenants Fair Chance Act. It is hard in the city  
12 of New York to find an apartment that you can  
13 afford if you are a renter, particularly if you  
14 are a low or moderate income renter. But when you  
15 add to that, that for a long time, landlords had  
16 been engaged in a practice which tenants had no  
17 knowledge of. Landlords have been reviewing  
18 tenants' history off of reports provided by about  
19 100 different companies. These reports are  
20 reports of activity in housing courts and based  
21 exclusively on somebody's name, not their Social  
22 Security Number, these reports print out what  
23 activities an individual may or may not have had  
24 in housing court.

25           Now the problem with this is,

1  
2 unlike credit screening, there's 100 different  
3 companies that do it, not three or four. Unlike  
4 credit screening, people aren't aware that this is  
5 a screening document that is being used, unlike  
6 you know someone's going to check your credit if  
7 you're getting a mortgage or something like that.  
8 Beyond that, since the lists are based on names,  
9 there's over 8 million people in the city of New  
10 York, a couple are going to have the same name, so  
11 someone with your same name may have a very  
12 different litigation history in housing court.  
13 Tenants have no idea this is going on.

14           What our law will require is that  
15 tenants are given knowledge that their landlord is  
16 going to consult one of these screening lists as  
17 part of their decision on whether or not to rent.  
18 This is important because tenants can then get a  
19 copy of the screening report from the company  
20 their landlord is using, they can look and see if,  
21 in fact, the Mary Smith on that list is the same  
22 Mary Smith they are, and if there are actions in  
23 there in housing court, they can add onto the  
24 listing comments explaining why that action was  
25 taken.

1  
2           Now remember, a tenant has every  
3 right to take their landlord to court if their  
4 landlord isn't providing them the services the law  
5 requires, so it's just wrong to have a process  
6 with no notice at all that basically says to  
7 tenants, don't ever go to housing court 'cause  
8 we're going to hold it against you.

9           Now some have said we should get  
10 rid of this list altogether, that's in the hands  
11 of the state legislature for better or worse. But  
12 we are doing everything we can by requiring that  
13 tenants will now have to be notified and will have  
14 the opportunity to check the data, fight the facts  
15 if they're wrong, and make the case if it is a  
16 complicated case.

17           So I want to thank everyone who has  
18 worked on this important legislation. I first  
19 want to call on Chairperson Koslowitz and then the  
20 sponsor of the bill, Dan Garodnick.

21           COUNCIL MEMBER KOSLOWITZ: Thank  
22 you, Madam Speaker. I am pleased to have this  
23 bill pass through the Consumer Affairs Committee.  
24 This bill helps the consumer and that's what  
25 Consumer Affairs is all about.

1  
2 I want to thank the Speaker and  
3 Council Member Garodnick for allowing this bill to  
4 come before the Consumer Affairs. Thank you.

5 COUNCIL MEMBER GARODNICK: Thank  
6 you, Speaker Quinn and Chair Koslowitz. I wanted  
7 to encourage my colleagues to support this bill on  
8 tenant's screening reports that you heard from a  
9 moment ago.

10 Unfortunately, tenant screening  
11 reports are one of the most powerful tools that  
12 are working against renters today and yet most  
13 tenants don't even know that they exist. The  
14 Consumer Affairs Committee heard testimony in two  
15 hearings on the Tenant Fair Chance Act which  
16 further demonstrated the need for clarity and  
17 proper notification of the laws. Prospective  
18 tenants have no idea that these reports are being  
19 used when they apply for an apartment, and they  
20 usually have no idea when they are named on one of  
21 these reports, whether it's done accurately or  
22 not. Any tenant who goes to housing court,  
23 including those who are going to exercise their  
24 rights against their landlord or those who are  
25 named in foreclosure proceedings, may find

1  
2 themselves on one of these do-not-rent lists  
3 alongside renters with bad credit or a history of  
4 non-payment.

5           It is unfair to tenants who are  
6 taking legal action to assert their rights and it  
7 is even more unfair to tenants who live in  
8 apartment buildings that are foreclosed by a bank  
9 as they are frequently named in housing court  
10 suits. In that scenario, they could find  
11 themselves on tenant screening lists simply by  
12 virtue of living in a building where a landlord  
13 made a reckless investment in the pursuit of  
14 unrealistic profits.

15           The notification requirements in  
16 this legislation will let perspective tenants know  
17 when one of these lists is being used and, just as  
18 importantly, it will give them a chance to correct  
19 outdated or inaccurate information. With this  
20 legislation, landlords, brokers, management  
21 companies, they all must disclose that they are  
22 using a tenant screening report and the name of  
23 the agency that is providing the report.

24           By making the use of these lists  
25 more transparent, we not only give renters a leg

1  
2 up, we help prevent the backlash that comes too  
3 frequently from tenants who are asserting their  
4 own rights in housing court. This is a much  
5 needed sunlight bill for renters and it is an  
6 important first step in removing undue  
7 discrimination against New Yorkers who are  
8 standing up for themselves in court.

9           Again, thank you, Speaker Quinn,  
10 for your support of this bill, and I encourage my  
11 colleagues to vote yes.

12           SPEAKER QUINN: Thank you very  
13 much, Chairperson Koslowitz and Council Member  
14 Garodnick.

15           I just want to take a second to  
16 recognize on behalf of the Minority Leader Jimmy  
17 Oddo an intern from his office, Brandon Moore, who  
18 I believe is with us today, and Brandon was  
19 yesterday accepted into West Point. So, Brandon,  
20 if you could stand for a second to be recognized.

21           [Applause]

22           SPEAKER QUINN: Congratulations.  
23 Second today, we are voting on a piece of  
24 legislation related to gang initiations. I want  
25 to thank Oona Peterson, Sal Arroyo [phonetic],

1  
2 and Alix Pustilnik and Rob Newman for their work  
3 on this legislation. I want to thank the chair of  
4 our Public Safety Committee for his work on this  
5 and also Council Member Maria del Carmen Arroyo  
6 for her work on this legislation.

7           Many of us in the Council for a  
8 number of years have been doing work to try to  
9 address the growth of gangs in the city of New  
10 York and the violence that unfortunately goes  
11 along with that, and the victims of that violence,  
12 many of whom we've seen far too many times lose  
13 their lives in New York City. We've done a number  
14 of different things to try to combat gang  
15 violence, we'll be doing more in the near future.

16           I want to thank in advance the  
17 Chair of our Juvenile Justice Committee Sara  
18 Gonzalez and the Chair of our Public Safety  
19 Committee Peter Vallone for a series they're going  
20 to be having looking at prevention and alternative  
21 to detention and other prevention steps we can be  
22 taking to try to get young people before they're  
23 initiated or even think of becoming initiated into  
24 a gang.

25           Beyond that, want to remind folks

1

2 of the PACs [phonetic] hotline that we've set up  
3 and urge folks if you'd like a school in your  
4 district to be a part of it to let us know.

5 That's a hotline we initiated, the creation of  
6 last year. A hotline that will be in public  
7 schools that have the highest level of gang  
8 activity or other violence, a number children can  
9 call anonymously to report sightings of guns or  
10 other violence in their schools to try to help  
11 keep them safe.

12 But we've heard in our work with  
13 community groups throughout the city and through  
14 our work with the district attorneys that  
15 prosecutors needed more tools when they got into  
16 court to try to crack down on gang initiation and  
17 gang activity. That's why this piece of  
18 legislation will make being involved in a gang  
19 initiation an A misdemeanor. We believe, based on  
20 all of the work we have done with district  
21 attorneys, that this bill strikes the right  
22 balance between giving prosecutors another tool,  
23 but limiting the bill in a way where there  
24 hopefully won't be too many--that really balancing  
25 the bill in a way that's fair to the communities



1  
2 where gang activity is at the highest. But what  
3 this bill attempts to respond to is the word we've  
4 heard time and again from prosecutors, that  
5 they're seeing too many gang leaders who are  
6 leading initiations revolve through the doors of  
7 their courts and they needed more in their toolbox  
8 to crack down on gang initiations and hopefully  
9 stop the spread of them throughout our city.

10 So I again want to thank  
11 Chairperson Vallone and Council Member Arroyo for  
12 their work on this bill. Let me first call on  
13 Chairperson Vallone and then the sponsor of the  
14 bill, Council Member Arroyo.

15 COUNCIL MEMBER VALLONE: Thank you,  
16 Madam Speaker. I concur with everything you just  
17 said.

18 One of the objections we heard at  
19 the many hearings about this bill was that it  
20 doesn't get at the root causes of gang activity.  
21 Well it's not designed to, no piece of criminal  
22 legislation is. From graffiti to drug use to gang  
23 activity, this body provides more money to  
24 alternatives to incarceration and to preventative  
25 mechanisms than perhaps any body in the entire

1  
2 world, but we also prosecute those who will not be  
3 deterred. And this bill, as the Speaker said,  
4 gives the police and our prosecutors another tool  
5 with which to prosecute the gangs who are  
6 terrorizing our communities.

7           The Public Safety staff has worked  
8 really hard on this bill because there's some  
9 complicated legal issues, and I wanted to thank  
10 them and invite everyone here to a hearing we're  
11 having tomorrow with Margaret Chin regarding  
12 moving the terror trials out of New York City,  
13 that will be at 1 p.m.

14           So thank you, Public Safety staff.  
15 Thank you.

16           COUNCIL MEMBER ARROYO: Thank you,  
17 Madam Speaker. Thank you for your support on this  
18 legislation to Chair Vallone for the many hours  
19 that he put in through the various hearings that  
20 were had here in the Council around this  
21 legislation. I want to especially thank the  
22 advocates that came to those hearings, that wrote  
23 the letters, and called our offices for meetings,  
24 whether you were speaking in favor or against the  
25 legislation. That dialogue certainly helped us

1  
2 fine tune the legislation and the language and  
3 helps us put it for a vote today.

4           It is only one tool, as Peter said,  
5 in our fight against gang violence. And as a  
6 Council, we are very committed to confronting this  
7 very serious issue in our communities and, more  
8 importantly, putting the dollars to be able to  
9 create the services that will help prevent young  
10 people from engaging in gang activity in the first  
11 place.

12           I want to thank all who  
13 participated in this process, the staff, your  
14 phenomenal work, and I urge my colleagues to  
15 support this legislation. Thank you.

16           SPEAKER QUINN: Thank you. And I  
17 just want to also remind my colleagues about the  
18 work that we are all doing together to try to  
19 fight the proposed cuts in MTA funding to buses,  
20 to subways, to Access-A-Ride and Metro cards for  
21 students. We are trying to get as much as 20,000  
22 petition signatures for March when the public  
23 hearings begin on the proposed cuts. People can  
24 go to the Council's webpage and sign the petition  
25 online or our community outreach staff can work

1  
2 with you if you have events in your district or  
3 you want me or Jay Vacca to come early in the  
4 morning and be at a subway or bus stop. But we're  
5 on our way to 20,000, but we're not there so I  
6 would just want to urge folks to do everything you  
7 can in your communities to get signatures or to  
8 urge people to go to the Action Center and sign  
9 online.

10 And that concludes Communications  
11 from the Speaker.

12 CHAIRPERSON COMRIE: Discussion of  
13 General Orders. Council Member Barron.

14 COUNCIL MEMBER BARRON: Thank you  
15 very much. My colleagues, I rise to encourage you  
16 not to vote for this bill, Intro 1. It will not,  
17 it will not provide the intended purposes of not  
18 having youth engaged in activities in gang-related  
19 activities.

20 First of all, it's imprecise and  
21 it's broadly defining gang activity--three or more  
22 persons involved in activities, certain activities  
23 one of which might be a criminal purpose. It's  
24 going to do just the opposite, it's going to do  
25 the same thing that stop and frisk does, it's

1

2 going to widen the net of more black and Latino  
3 youth being prosecuted, surveillanced, arrest,  
4 harassed for lawful activity. Because if two or  
5 three or three or four are gathered, and by that  
6 police enforce or police person's interpretation  
7 as certain activities, it's only going to cause  
8 greater participation in the criminal justice  
9 system for our black and Latino youth. Then when  
10 they come out of there, they will be ready for  
11 gang-related activities. So we need to vote no  
12 for this.

13 They have a SNUG program coming in,  
14 a Cease Fire program coming in that will prevent.  
15 We need to put more into prevention, more into  
16 laws that are going to get to the core small  
17 element in our districts and our communities, not  
18 one so broadly sweeping and imprecise that you can  
19 actually get lawful youth going through the system  
20 again. And this is another contact that'll be  
21 coming from law enforcement to our communities  
22 that are already--our police community--our  
23 communities are in a police state and our youth  
24 are being picked up left and right.

25 As we cut youth programs, zeroed

1  
2 out the youth jobs program from the state, we're  
3 cutting the youth programs here in the city for  
4 employment, so you cut that and then you give us  
5 this to broaden the net and arrest more innocent  
6 black and Latino youth. Don't do this to our  
7 young people, they deserve a chance. Too many  
8 innocent people go down with this bill.

9 CHAIRPERSON COMRIE: Council Member  
10 Fidler.

11 COUNCIL MEMBER FIDLER: I also want  
12 to speak on Intro 1, and I agree with a lot of  
13 Council Member Barron said, but I come to a  
14 different conclusion.

15 Now this is a tough, tough bill, I  
16 have to tell you. Council Member Williams and I  
17 had a discussion this morning and I am not  
18 unmindful of some of the concerns that he's  
19 raised. Ultimately, as I look at it in terms of  
20 what's going to happen on the street, I don't  
21 think this is necessarily going to change a whole  
22 lot. So I'm going to take, A, the word of D.A.  
23 Brown that it will help prosecutors somewhat and  
24 reduce the need for the victims to testify. And  
25 second, just sending the message that this Council

1  
2 takes gang activity to be a serious matter, not a  
3 violation, but a misdemeanor.

4           Frankly, however, and Councilman  
5 Barron touched on this, we can do a lot more to  
6 stop kids from joining gangs and that's by not  
7 allowing cuts to our OST after school programs,  
8 that's by not permitting our Beacon programs to be  
9 cut, and certainly--and we're holding a hearing on  
10 this tomorrow at 10 a.m. in this Chamber on summer  
11 jobs--I think the governor has taken leave of his  
12 senses to be zeroing the summer job program in the  
13 city of New York and the state of New York. We  
14 are going to go from a record number of 52,000  
15 some odd summer jobs last year to a record low  
16 17,000. And it is our responsibility as adults,  
17 not the kids' responsibility, to market good  
18 choices and promote them so that kids don't make  
19 bad choices. A kid who's in a summer job is a  
20 whole lot less likely to join a gang. A kid who's  
21 in an after school program is a whole lot less  
22 likely to join a gang, and that's what we need to  
23 be doing.

24           Now I'm going to vote for this  
25 bill, but I'm also expecting and hoping that each

1  
2 and every one of you will stand with us tomorrow  
3 at the Youth Services Committee to begin the fight  
4 and the pushback to save our kids.

5 CHAIRPERSON COMRIE: Council Member  
6 Koppell.

7 COUNCIL MEMBER KOPPELL: You know  
8 I've read some of the commentary in opposition to  
9 this bill and I think that it's just wrong if you  
10 read the language of the bill because what the  
11 bill criminalizes, if you look at the paragraph A,  
12 is a person intentionally or recklessly engaging  
13 in conduct that creates a substantial risk of  
14 physical injury or by physical menace  
15 intentionally places or attempts to place another  
16 person in fear of death, imminent physical injury  
17 or physical injury. Now the word gang activity  
18 doesn't occur there in terms of the activity  
19 that's being penalized. This is where one person  
20 is intimidating or threatening another, where one  
21 person is saying to another, if you don't join the  
22 gang, we're going to get you. And I don't think  
23 anybody thinks that that kind of conduct should be  
24 countenanced even if they're urging people to join  
25 the Boy Scout troop, let alone a criminal gang.



1

2 Nobody has the right to say I'm going to get you  
3 if you don't join the Boy Scouts, and they  
4 certainly don't have a right to say I'm going to  
5 get you or we're going to hurt you if you don't  
6 join the gang, and that's what this is about.

7           And the definition of gang activity  
8 is very secondary and unimportant, that's the  
9 thing that people are focusing on when they say  
10 it's imprecise, but the violation has nothing to  
11 do with that, the violation has to do with putting  
12 people in fear of injury or death. And I would  
13 suggest you shouldn't do that, as I said, even if  
14 you were trying to get someone to join the Boy  
15 Scouts, let alone if you was trying to get someone  
16 to join a gang. And what are we trying to do  
17 here? To discourage people from recruiting other  
18 people to join gangs, and we should be  
19 discouraging that and we should make that an  
20 offense and we should make it a serious offense.

21           So I think that those who read this  
22 differently are, frankly, not reading the words in  
23 the statute and they're looking at something  
24 happening that's not countenanced by the proposed  
25 law. And so I urge an affirmative vote.

1  
2 CHAIRPERSON COMRIE: Council Member  
3 Williams.

4 COUNCIL MEMBER WILLIAMS: First I'm  
5 happy to vote for and support Intro 5A. As a  
6 tenant advocate, I think that's a wonderful bill  
7 and hopefully everyone else will support it.

8 On Intro 1, I think it was a very  
9 good intent for the bill, but I do think it's very  
10 much misguided for several reasons. Gang activity  
11 is horrible and as a person whose district suffers  
12 from this, I do want to see it addressed. I think  
13 that this bill is severely misguided in doing so,  
14 and you have to weigh out the risk of abuse of a  
15 law versus what it's actually going to do. I  
16 don't think it's going to deter even one gang  
17 initiation.

18 I think what it does is provide  
19 another tool of abuse. I think everything's that  
20 talked about is already criminal and prosecutors  
21 already have the tools to use. A millionaire is  
22 never going to ask for less money, they're always  
23 going to ask for more money, so prosecutors are  
24 always going to ask for more tools. But the fact  
25 of the matter is, in practice, as the Legal Aid

1  
2 Society has said, it's going to be used to plea  
3 bargain and when you package these things  
4 together, people who don't know the law who have  
5 public defenders who are inundated with cases  
6 encourage a plea bargain.

7           As a young child involved with the  
8 system, if my mother didn't have the wherewithal  
9 that she had, I might have gotten a public  
10 defender in instances and the whole trajectory of  
11 my life would have been changed for nothing had  
12 this bill been there.

13           The words formal or informal is a  
14 broad far-reaching definition, and I think people  
15 are going to get caught up in this and those  
16 people are going to look like me and I think the  
17 collateral damage is not worth it for this bill  
18 and I would encourage people to really think about  
19 that.

20           These things are already illegal, I  
21 really want to get to the core of gang violence  
22 and gang initiation, but all the people who do  
23 this work from the Juvenile Justice Reform to the  
24 New York Civil Liberties Union say that the intent  
25 that this bill has will not be achieved, however,

1

2 there will be a lot of collateral damage because  
3 of it.

4

5

CHAIRPERSON COMRIE: Council Member  
Ferreras.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

COUNCIL MEMBER FERRERAS: As a  
former Beacon director in my community for six  
years, I've worked hand in hand with many young  
people and I am actually speaking in support of  
this legislation because I think it is a  
responsible legislation that is to starve these  
criminal enterprises or recruits and punish the  
perpetrators of gang initiation activity.

As a lifelong witness to the pain  
and misery brought by gangs and gang violence and  
as a legislator committed to making my community a  
safer place, I think this legislation makes sense  
and it gives the tools necessary for our  
prosecutors to be able to prosecute those that  
commit such crimes.

21

22

CHAIRPERSON COMRIE: Council Member  
James.

23

24

25

COUNCIL MEMBER JAMES: As a former  
public defend [pause] represent young people in  
the city of New York, I'm opposed to this bill.

1  
2 I'm opposed to this bill because it  
3 is covered by other offenses, because it is a  
4 lesser included, because it is overbroad, and  
5 because it is vague. It fails to define a gang  
6 initiation and it arbitrarily sets the number at  
7 three or more. In addition to that, it minimizes  
8 the burden of proof, as evidenced by the example  
9 that was given by my colleague Council Member  
10 Koppell. And for all of those reasons and until  
11 such time as we stand together and support  
12 initiatives that prevent gang violence, that  
13 prevent children, disconnected youth from hanging  
14 out on our streets, until such time as I see  
15 evidence in the budget that there's programs to  
16 provide for these young people, which I understand  
17 is political, I cannot support this piece of  
18 legislation. And I urge my colleagues to again  
19 stand up for all of the young people who would  
20 love to be engaged in constructive activities as  
21 opposed to destructive activities. Thank you.

22 CHAIRPERSON COMRIE: No clapping,  
23 please. Council Member Halloran.

24 COUNCIL MEMBER HALLORAN: I have  
25 very mixed feelings on this bill, Intro number 1.

1

2 As somebody who's actually been both a prosecutor  
3 and a defense attorney, someone who's worked in  
4 the NYPD and has watched the impact that gang  
5 violence has had in the community, I can  
6 understand the rationale behind the legislation.

7 I do have some issues which I think  
8 speak to the very heart of whether this will work  
9 or not. First, the enormous financial costs of  
10 putting someone through the system versus issuing  
11 a desk appearance ticket are not minimal costs.  
12 In addition to that, we know that, while 1 in 10  
13 youth who receive downstate or in-home  
14 incarceratory treatment will not return to crime,  
15 we know that 9 out of 10 juveniles sent upstate  
16 will in fact be returning to the criminal justice  
17 system. We have beds upstate which we are  
18 required to pay for in the juvenile system which  
19 we don't want to use and which we have not been  
20 using. That money would be better spent downstate  
21 in programs that help our youth acclimate and give  
22 them alternatives to participating in gang  
23 violence.

24 I have two questions about whether  
25 or not state law preempts this in that the statute

1

2 does mirror menacing and hazing and I'm sure there  
3 will be creative defense attorneys who will argue  
4 an unequal application of those two statutes when  
5 it comes to persons of color who find themselves  
6 caught up in this net.

7

8 That being said, I just feel that  
9 this requires very careful monitoring and it  
10 requires us to take a look very quickly at the  
11 numbers as they're coming in to see if this is  
12 actually doing anything that you intended to do by  
13 bringing it to the floor. And I apologize for  
14 taking the time up to mention that.

15

16 CHAIRPERSON COMRIE: Council Member  
17 Reyna, then Council Member Jackson.

18

19 COUNCIL MEMBER REYNA: Thank you.  
20 I am speaking in urgency of the passage of this  
21 bill for the simple reason that in my district  
22 when I have a single mother who expresses her  
23 fears and concerns when youth have no respect of  
24 parenting. While she's walking down a commercial  
25 strip with her son who's in high school and  
unknown suspects come up to her or to her son and  
engage in conversation that is volatile,  
expressing to her son that they've been looking

1  
2 for him and she introduces herself as being the  
3 mother and their response to her was this is none  
4 of your business. Well this is every parents  
5 business and for a child and parent to feel  
6 menaced by members of gangs that take less than  
7 human life value into consideration, this type of  
8 law I hope sends the message to these leaders who  
9 are recruiting at an early age of nine, there is  
10 no empathy and we must continue to provide the  
11 services that will deter and reengage our youth  
12 into society. But in the meantime, I have to make  
13 sure that I am providing the utmost security to  
14 not just this young man, but also the parent who  
15 values her son's life. Thank you.

16 CHAIRPERSON COMRIE: Council Member  
17 Jackson.

18 COUNCIL MEMBER JACKSON: Thank you.  
19 My colleagues, I rise and stand in favor of this  
20 particular bill. I think Oliver Koppell hit it on  
21 the head. I've listened to the discussion on this  
22 particular matter and in fact many of you were  
23 engaged in a conversation that we had in the  
24 member's lounge for approximately half an hour or  
25 more where all sides were discussed on this. I



1  
2 looked at the letter from the various groups that  
3 wrote to us opposing this bill being introduced  
4 into law. And the bottom line of everything that  
5 I see is that bill protects more people than  
6 allegedly supposedly going to hurt. And in fact,  
7 I agree with the advocates that say that we need  
8 to spend more money in order to educate and find  
9 alternative means to engage our young people,  
10 extremely important. As you know, when a kid is  
11 on the street and not engaged, they're more likely  
12 to get in trouble and we want to avoid that.

13           But then again, I'm reading here,  
14 it says a person is guilty of criminal street gang  
15 initiation activity when, in the course of his or  
16 her or another person's initiation or affiliation  
17 to a criminal street gang, he or she intentionally  
18 or recklessly engages in a conduct that creates a  
19 substantial risk of physical injury to another  
20 person or the physical menace intentionally places  
21 or attempts to place another person in fear of  
22 death, imminent serious physical injury, or  
23 physical harm, that's what it's about. It's about  
24 the protecting our young people and protecting the  
25 people of our community.

1  
2                   And with that, I hope in fact the  
3 implementation of this law will go like we want it  
4 to go and, if not, we need to monitor it and make  
5 adjustments, but overall, I think this does  
6 justice overall to the people of New York City and  
7 I urge my colleagues to vote yes.

8                   CHAIRPERSON COMRIE: Council Member  
9 Chin.

10                   COUNCIL MEMBER CHIN: Yes, I also  
11 rise to speak in support of the bill. As a  
12 mother, I think it's our responsibility to protect  
13 our children. This bill can send a very strong  
14 signal that we cannot tolerate gang violence and  
15 gang initiation in our communities. There are  
16 many victims, especially among immigrants who  
17 cannot speak out or afraid to speak out when they  
18 get intimidated and harassed. So this bill can  
19 send that message that we are concerned and we  
20 will not tolerate it.

21                   At the same time, we, as the City  
22 Council, must continue to fight for funding for  
23 our youth programs so that the kids will have  
24 someplace to go and will have something to do.

25                   But there are kids who are going to

1  
2 get lost through the cracks and those kids, if  
3 they end up in the system, at least we've got to  
4 make sure there are resources there so they can be  
5 mandated to go into these prevention treatment  
6 program and reform them and help them so that they  
7 can have a successful future.

8           So I think that it is important for  
9 us to take this first step and I urge my  
10 colleagues to vote yes. Thank you.

11           CHAIRPERSON COMRIE: Okay. Council  
12 Member Rodriguez.

13           COUNCIL MEMBER RODRIGUEZ: As I  
14 said before, I've been a teacher for 14 years,  
15 high school, and I believe that in those 14 years  
16 I have a lot of experience of working with  
17 teenagers. Sometimes our teenagers get involved  
18 in gangs and I think that the leaders of those  
19 gangs should be punished. I think that the laws  
20 should be applied to the leaders, but I don't  
21 think that we addressed the leader's role in this  
22 bill.

23           I believe that sometime our young  
24 people are only in the wrong place. And I believe  
25 that overall, I believe that we should go after

1

2 gang, but I think that by passing this bill we  
3 will have thousand of young people, especially  
4 black and Latino [off mic] to be arrested only for  
5 being in the wrong place. And that's my concern  
6 in this bill. I don't think it's a solution, I  
7 don't think that when we talk about the conduct,  
8 conducts can be is not just the person who is  
9 physical doing the crimes, but it's also a group  
10 of teenagers that are hanging out in the wrong  
11 place. So I believe that we should be voting no  
12 on this bill.

13 CHAIRPERSON COMRIE: Council Member  
14 White, then Council Member Dickens.

15 COUNCIL MEMBER WHITE: Thank you  
16 very much. I know this is a very important issue  
17 and especially in my district. I hear the  
18 concerns that have been expressed by Council  
19 Member Barron and the fact that profiling has  
20 become an issue in our community for blacks and  
21 Latinos and we're really going to have to stay on  
22 that issue. But at the same time, we have these  
23 gangs in our community that do intimidate well-  
24 meaning kids--

25 SPEAKER QUINN: [Interposing]

1  
2 Council Member White, if I could just interrupt  
3 for one second. Whosever phone that is, please  
4 put it on vibrate 'cause it's hard to hear the  
5 Council Member and we'll add his time back. Thank  
6 you.

7 [Off mic]

8 COUNCIL MEMBER WHITE: Yes. And I  
9 think that the parents of these children would  
10 want us to do the right thing to protect their  
11 children from being intimidated into joining a  
12 gang.

13 For that reason, I err on the side  
14 of those parents, those youngsters who want to do  
15 the right thing, who want to go to school, who  
16 want to learn, who have goals and objectives in  
17 life that are being shaped, and therefore, I would  
18 support this legislation. And I would like  
19 unanimous consent to vote on General Orders.

20 CHAIRPERSON COMRIE: So ordered.

21 COUNCIL MEMBER WHITE: I vote aye  
22 on all.

23 CHAIRPERSON COMRIE: Council Member  
24 Dickens.

25 COUNCIL MEMBER WHITE: Okay.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COUNCIL MEMBER DICKENS: Thank you.

I had some serious concerns about this proposed legislation. When I first read about it, I was concerned about many of the issues that many of the opponents of this have spoken about. And because my district has been hit with racial profiling and because the kids in my district are frequently picked up because of the stop and frisk policy, I raised issues. But then I spoke to the parents of the children that have joined the gangs or that have been threatened, didn't want to join, and were threatened. And the mothers of these children ask me to support this legislation because of the intimidation and the fear tactics that have been used by the leaders of these gangs, which are frequently not youth, but are indeed are adults that threaten the children in our communities to do acts of violence against other people in the community in order to be initiated into the gang. And it is because of the fear tactics that are used, it is because of the mothers that are impacted and have these children, it is because the mothers are crying out and said we must do something.

1  
2 Now that does not mean that we  
3 should cut back because it is woefully inadequate  
4 funding that we put into anti-gang, it is woefully  
5 ineffective the monies that has been cut and put  
6 in and said it's sufficient in order to do  
7 alternatives to incarceration. But I stand here  
8 today and say I support this because the mothers  
9 have demanded it. Thank you.

10 CHAIRPERSON COMRIE: Seeing no  
11 others, we are ready to end the General  
12 Discussion.

13 Report of Special Committees.

14 COUNCIL CLERK: None.

15 CHAIRPERSON COMRIE: Hmm?

16 FEMALE VOICE: None.

17 COUNCIL CLERK: None.

18 CHAIRPERSON COMRIE: None? Report  
19 of Standing Committees.

20 COUNCIL CLERK: Report of the  
21 Committee on Consumer Affairs, Intro 5A, Tenant  
22 Screening Reports.

23 SPEAKER QUINN: Amended and coupled  
24 on General Orders.

25 COUNCIL CLERK: Report of the

1

2 Committee on Land Use LU18 and Reso 43, Landmarks  
3 Designation.

4 SPEAKER QUINN: Coupled on General  
5 Orders.

6 COUNCIL CLERK: LU 22 and Reso 44  
7 and LU 24 and Reso 45, various UDAPs.

8 SPEAKER QUINN: Coupled on General  
9 Orders.

10 COUNCIL CLERK: LU 27 and Reso 46,  
11 unenclosed sidewalk café.

12 SPEAKER QUINN: Coupled on General  
13 Orders.

14 COUNCIL CLERK: Report of the  
15 Committee on Public Safety Intro 1, Street Gang  
16 Initiation Activity.

17 SPEAKER QUINN: Coupled on General  
18 Orders.

19 COUNCIL CLERK: General Order--

20 CHAIRPERSON COMRIE: General Order  
21 calendar.

22 COUNCIL CLERK: Resolution  
23 appointing various persons Commissioner of Deeds.

24 SPEAKER QUINN: Coupled on General  
25 Order and at this point I'd like to ask for a roll



1  
2 call on all the items that have been coupled on  
3 the General Order calendar, please.

4 COUNCIL CLERK: Arroyo.

5 COUNCIL MEMBER ARROYO: Aye on all.

6 COUNCIL CLERK: Foster.

7 COUNCIL MEMBER FOSTER: Aye on all.

8 COUNCIL CLERK: Barron.

9 COUNCIL MEMBER BARRON: May I be  
10 excused to explain my vote?

11 CHAIRPERSON COMRIE: So ordered.

12 COUNCIL MEMBER BARRON: What I want  
13 my colleagues to realize, when you mention a  
14 mother whose child is a victim of these gang  
15 initiatives, this bill doesn't stop that. And  
16 there are mothers who in many districts are  
17 concerned about this bill incarcerating innocent  
18 children, the very ones that are victimized by the  
19 gangs, could also be victimized by law enforcement  
20 if this bill causes any youth who's engaged in  
21 lawful activity to be arrested. And for what  
22 Council Member Jackson said and Council Member  
23 Koppell said, there are already laws on the books  
24 that deal with anybody that is committing crimes  
25 and intentionally being violent with young people.

1

2 There are laws on the books already. This doesn't  
3 address that, so we got to look out--

4

SPEAKER QUINN: [Interposing]

5

Council Member Barron, could we just get quiet in  
6 the Chambers? We'll give you time back, but is--

7

SERGEANT-AT-ARMS: Keep it down,

8

please, let's keep it down.

9

SPEAKER QUINN: --there's

10

disturbances. So go ahead, he lost about 10

11

seconds, not two minutes.

12

COUNCIL MEMBER BARRON: That was

13

about a minute and a half--

14

[Crosstalk]

15

SPEAKER QUINN: Oh, please, I'm

16

being nice--

17

COUNCIL MEMBER BARRON: --I was

18

keeping time, I was--

19

SPEAKER QUINN: --let's not get

20

crazy.

21

COUNCIL MEMBER BARRON: --keeping

22

time.

23

SPEAKER QUINN: I'll be kind, 15

24

minutes, that's it.

25

COUNCIL MEMBER BARRON: I was

1

2 keeping time.

3

4

SPEAKER QUINN: Fifteen seconds, 15  
seconds, what am I saying.

5

6

COUNCIL MEMBER BARRON: Fifteen  
minutes.

7

SPEAKER QUINN: Fifteen seconds.

8

9

COUNCIL MEMBER JACKSON: Fifteen  
minutes.

10

11

COUNCIL MEMBER BARRON: Let the  
record read--

12

SPEAKER QUINN: Fifteen seconds.

13

14

COUNCIL MEMBER BARRON: --15  
minutes, you heard it.

15

16

SPEAKER QUINN: Fifteen--what it  
feels like and what it is.

17

18

CHAIRPERSON COMRIE: Okay. The  
clock is stopped, the clock is restarted.

19

20

21

22

23

24

COUNCIL MEMBER BARRON: All right.  
So I just want to appeal to us that crime is a  
very emotional issue, so when you put legislation  
together around a very emotional issue, oftentimes  
we can do stuff that might even hurt the innocent,  
and that's what this bill is going to do.

25

The people, the gang members that

1  
2 are engaged in that in our community in East New  
3 York we have of gang members that engage in that,  
4 we have young men that are patrolling our  
5 neighborhoods and like Andre Mitchell and Man Up,  
6 they go to the schools at 3 o'clock when the  
7 children are let out and we have men at those  
8 schools to stop that kind of activity and protect  
9 our children.

10 This bill is going to get at any  
11 three young people standing together that that  
12 police officer interprets as some misguided  
13 behavior can be taken off the streets. And just  
14 during Black History Month, the last thing we want  
15 is not to be able to gather three of us, 'cause we  
16 went through that in the history of this country  
17 where three of us couldn't stand together without  
18 it being suspicious.

19 So I'm just encouraging you not to  
20 be led by emotions, but being led by rational,  
21 intelligent thinking, this bill doesn't get it, it  
22 really doesn't and you're going to do far more  
23 harm to innocent law-abiding youth than you are  
24 going to do getting at those who are really  
25 engaged in the intimidation, 'cause believe me, if

1  
2 I thought this bill would do it, I would be the  
3 strongest advocate of it. I'll guarantee you, if  
4 we pass this, there'll be more innocent suffering  
5 than the guilty ones.

6 MALE VOICE 1: You didn't vote,  
7 Charles.

8 MALE VOICE 2: Vote.

9 COUNCIL MEMBER BARRON: Oh, I vote  
10 no on Intro 1. And by the way, no--no on Intro 1  
11 and aye on all the rest.

12 COUNCIL CLERK: Brewer.

13 COUNCIL MEMBER BREWER: I'd like to  
14 speak for a few minutes. Regarding local Intro 1  
15 and the possibility of assisting to keep those who  
16 are providing access for gang members, I think we  
17 all hate the gangs, I've certainly had my share of  
18 dealing with them, both personally and certainly  
19 in terms of our neighborhoods. I do think that I  
20 want to thank the Speaker's staff for speaking  
21 with us, those of us who were interested in  
22 learning more and I think they did a great job  
23 trying to create a bill that is narrowly focusing  
24 on what the bill's intent is to talk about and to  
25 involve law enforcement with those who are

1  
2 specifically involved with the gang initiative  
3 process. And I think that the fact that this bill  
4 will give law enforcement the opportunity to work  
5 with those who are intimidated by being a witness  
6 'cause that witness will not have to come forward  
7 makes sense.

8           However, I am concerned about the  
9 broad aspects of the bill. I have spoken with  
10 some of those who do work in the ATI world, such  
11 as Andrew Glover, and those programs that every  
12 single day keep kids out of gangs.

13           And, because I have concerns about  
14 it, because I am conflicted, I am going to abstain  
15 on that particular legislation. I vote on aye  
16 all, and congratulate Dan Garodnick on his tenant  
17 bill.

18           COUNCIL CLERK: Cabrera.

19           COUNCIL MEMBER CABRERA: Aye on  
20 all.

21           COUNCIL CLERK: Chin.

22           COUNCIL MEMBER CHIN: Aye on all.

23           COUNCIL CLERK: Comrie.

24           COUNCIL MEMBER COMRIE: Aye on all,  
25 I just want to explain my vote regarding Intro 1.

1  
2 I agree with Council Member Dickens issues regard-  
3 -and Council Member White when it comes to  
4 profiling. In my district in Southeast Queens, we  
5 have those issues also. When I went into  
6 discussion about it, it was realized that we can  
7 do as a Council some opportunities to put out some  
8 legislation which I hope that we will explore  
9 quickly to look at amending the cost of plea deals  
10 and the effect of misdemeanor plea deals that  
11 happen to young people when they're caught up in  
12 courts. And I think we do need to monitor to make  
13 sure that when these young people are in court,  
14 especially the innocent ones that are facing a  
15 plea deal that may in fact hurt their civil  
16 service record down the line, we need to look at  
17 that as a body. So I think hopefully we can draft  
18 some legislation quickly to deal with that.

19 And I agree with Council Member  
20 Fidler that we need to fight as a body to do more  
21 after school programming to make sure that the  
22 summer jobs program gets higher than 52,000 jobs.  
23 We need to protect our young children by  
24 preventative opportunities as much as possible.

25 I do see some opportunities here if

1

2

we can work on this legislation to amend the plea deals to make sure that misdemeanors are not part of their permanent civil service record that would inhibit young people from jobs.

6

With that, I vote aye on all.

7

COUNCIL CLERK: Crowley.

8

COUNCIL MEMBER CROWLEY: Aye on

9

all.

10

COUNCIL CLERK: Dickens.

11

COUNCIL MEMBER DICKENS: Aye.

12

COUNCIL CLERK: Dilan.

13

COUNCIL MEMBER DILAN: [No

14

response].

15

COUNCIL CLERK: Dromm.

16

COUNCIL MEMBER DROMM: Aye on all.

17

COUNCIL CLERK: Eugene.

18

COUNCIL MEMBER EUGENE: Aye.

19

COUNCIL CLERK: Ferreras.

20

COUNCIL MEMBER FERRERAS: Aye on

21

all.

22

COUNCIL CLERK: Fidler.

23

COUNCIL MEMBER FIDLER: Mr. Deputy

24

Majority Leader, may I briefly excused to explain

25

Charles Barron's vote?



1

2 MALE VOICE: No, no.

2

3

COUNCIL MEMBER FIDLER: 'Cause

4

actually, in all seriousness, if you listen to my

5

colleague Council Member Barron, you'd hear the

6

inconsistency in his comment that there are

7

already existing laws covering this and that the

8

innocent will be prosecuted as a result. The fact

9

of the matter is, and let's get away with all the

10

other rhetoric, what this bill does is increase

11

the penalty for people who commit certain illegal

12

activities already, they're already illegal if

13

done in the context of a gang initiation. That's

14

what it does. It also eliminates the requirement

15

that an injury be proven, which means that the

16

testimony of the victim is less likely to be

17

needed, that's what it does.

18

Now we can look at profiling

19

issues, they're all separate and apart. If

20

someone's slinging a baseball bat at someone's

21

head, they're going to be arrested for menacing.

22

If they're doing it in the context of a gang

23

initiation, it's going to be an A misdemeanor

24

instead of a B misdemeanor or a violation, that's

25

all this bill does.

1  
2           So let's not get carried away with  
3 some of the other stuff. I understand those  
4 issues, they're very real, but this bill doesn't  
5 really affect them. And I vote aye on all and  
6 remind you all again to come here tomorrow to  
7 protect summer jobs.

8           COUNCIL CLERK: Garodnick.

9           COUNCIL MEMBER GARODNICK: Aye.

10          COUNCIL CLERK: Gennaro.

11          COUNCIL MEMBER GENNARO: I vote  
12 yes, and I congratulate Council Members Arroyo and  
13 Council Member Garodnick on their bills today. I  
14 vote yes.

15          MALE VOICE: Thank you.

16          COUNCIL CLERK: Gentile.

17          COUNCIL MEMBER GENTILE: Aye.

18          COUNCIL CLERK: Gonzalez.

19          COUNCIL MEMBER GONZALEZ: Aye on  
20 all.

21          COUNCIL CLERK: Halloran.

22          COUNCIL MEMBER HALLORAN: May I be  
23 excused to explain my vote?

24          CHAIRPERSON COMRIE: So ordered.

25          COUNCIL MEMBER HALLORAN: Going to

1  
2 vote aye to all the resolutions but one, which I  
3 will explain my vote on. The gang violence bill  
4 is a well-intentioned bill, I support the aim that  
5 it's intended at and I think we need to monitor it  
6 to see if it becomes effective.

7           There are numerous concerns raised  
8 and I wouldn't want to ask for leave to explain  
9 Mr. Fidler's vote as he did with Mr. Barron, but  
10 there are more questions raised than answered in  
11 some of those statements that were made. I would  
12 say that having been on both sides of the fence  
13 with this, there are some questions it raises that  
14 were not answered.

15           But, that being said, the overall  
16 intent of the bill is good and the biggest place  
17 we could spend our time is in finding alternatives  
18 to incarceration programs, supporting our youth  
19 activities after school, and ensuring that there's  
20 proper funding to the New York City criminal  
21 courts to provide alternative treatments to these  
22 types of crime. And I would strongly encourage  
23 that that be the next step so that prosecutors, in  
24 their zeal to prosecute these offenses, don't wind  
25 up corralling the baby in the bathwater and

1

2 throwing them both out.

3

4

That being said, I will vote aye on proposition one.

5

COUNCIL CLERK: Ignizio.

6

COUNCIL MEMBER IGNIZIO: Yes.

7

COUNCIL CLERK: Jackson.

8

COUNCIL MEMBER JACKSON: I vote

9

aye.

10

COUNCIL CLERK: James.

11

COUNCIL MEMBER JAMES: May I be

12

excused to explain my vote?

13

CHAIRPERSON COMRIE: So ordered.

14

COUNCIL MEMBER JAMES: In regards

15

to the scenario that was set out by Council Member

16

Lew Fidler, he failed to mention that in such a

17

scenario, one would be charged with possession of

18

a weapon and that would raise the sentence to an A

19

misdemeanor and perhaps perhaps a felony. In

20

addition to that, that individual would be charged

21

with attempted assault, menacing, disorderly

22

conduct, and now this offense, and what would

23

happen in all likelihood is that some of these

24

charges would be dismissed. And because this

25

charge sets the bar very, very high in terms of

1  
2 trying to prove the elements in this charge, and  
3 there's at least five or six elements a prosecutor  
4 would have to prove in order to convict someone,  
5 it would be used as, what I call a catch-all  
6 crime, which would be used in cases for plea  
7 discussions and negotiations.

8           And with that, I would also urge  
9 that we--so my opposition is that we have to  
10 basically balance our agenda, that there's other  
11 crimes, much more serious crimes that cover this  
12 offense and that, until such time as we restore  
13 the cuts to alternatives to incarceration  
14 programs, drop out prevention, Beacon programs,  
15 and summer jobs programs, I cannot support this  
16 bill.

17           I also urge that we have another  
18 hearing on stop and frisk since we dropped the  
19 ball on that. And question the integrity of  
20 Comstat since there appears to be gangs in  
21 everyone's district.

22           I vote no on Intro 1 and aye on the  
23 rest of the agenda. Thank you.

24           COUNCIL CLERK: Koo.

25           COUNCIL MEMBER KOO: Aye on all.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COUNCIL CLERK: Koppell.

COUNCIL MEMBER KOPPELL: I ask permission to explain my vote.

CHAIRPERSON COMRIE: So ordered.

COUNCIL MEMBER KOPPELL: Lew Fidler is of course in my view completely correct. The bill sets forth violations that are already criminal, but if these violations--intimidating people, creating fear of injury or death--are used in connection with gang initiation activity, it increases the penalty and hopefully will be a greater deterrent. It's already a crime, so it's already grounds to round up people if that's Council Member Barron's concern, the ground's already there. What this does is make more serious what is, as was pointed out by Council Member Dickens, a very serious offense.

Talking about the three or more and making that an issue here is completely inappropriate. The three or more is only mentioned in what can constitute a gang. We're talking about gang initiation activity and it says that if you use violence or threats to try and get people to join a gang, you're guilty of this

1  
2 offense, and then it tries to define what is a  
3 gang and in that connection says a gang can  
4 consist of three or more people who are  
5 principally engaged in illegal activity. It has  
6 nothing to do with how many people are on the  
7 street corner when a person is arrested for this  
8 alleged offense, absolutely nothing to do with  
9 that. It only makes clear that a gang can consist  
10 of three or more people, that's the only way three  
11 or more is used here. Has nothing to do with when  
12 someone's arrested for this violation. There  
13 could be only two people there when a person's  
14 arrested or there could be 100 people there. The  
15 three or more has no relevance and to bring that  
16 up and to suggest that somehow that that makes  
17 this bill less valid is just simply not the fact.

18 So this bill does a good thing, it  
19 increases the penalty for what, I think all of us  
20 can agree, is something that shouldn't happen. I  
21 vote aye on all.

22 COUNCIL CLERK: Koslowitz.

23 COUNCIL MEMBER KOSLOWITZ: Aye on  
24 all.

25 COUNCIL CLERK: Lander.

1  
2 COUNCIL MEMBER LANDER: I ask  
3 permission to explain my vote.

4 CHAIRPERSON COMRIE: So ordered.

5 COUNCIL MEMBER LANDER: I vote aye  
6 on all. I share the opinion of almost all the  
7 colleagues that have spoken that prevention is  
8 really where we're going to make a difference on  
9 preventing gangs. And of course, in addition to  
10 after school programs and the other programs, the  
11 alternatives to incarceration that have been  
12 mentioned here, I want to call specific attention  
13 to the NYPD programs that are modeled after  
14 Operation Cease Fire in Chicago, the Crown Heights  
15 Mediation Center program, Operation SNUG, I look  
16 forward to learning more about those in the  
17 hearings that Council Member Gonzalez is going to  
18 be convening and I hope that we can really provide  
19 specific attention in general to youth programs,  
20 but specifically to gang prevention programs.

21 Thank you. I vote aye on all.

22 COUNCIL CLERK: Lappin.

23 COUNCIL MEMBER LAPPIN: Aye on all.

24 COUNCIL CLERK: Levin.

25 COUNCIL MEMBER LEVIN: May I



1

2 explain my vote?

3 CHAIRPERSON COMRIE: So ordered.

4 COUNCIL MEMBER LEVIN: I just want  
5 to follow-up on and reiterate calls of other  
6 members to ensure that in conjunction with this  
7 bill that we redouble our efforts and recommit  
8 ourselves to funding summer youth, Beacon  
9 programs, after school programs, and alternatives  
10 to incarceration. By which that's looking at this  
11 issue holistically and knowing that our most  
12 effective measures are the preventative measures,  
13 providing kids with alternatives to joining gangs  
14 and street gangs and making sure that we are  
15 giving kids a fair shake and an opportunity to  
16 make it and be part of organizations that don't  
17 involve peer pressure and don't involve violence  
18 and we need to make sure that we are giving them  
19 alternatives to do that.

20 That being said, I vote aye on all,  
21 and thank you very much.

22 COUNCIL CLERK: Mark-Viverito.

23 COUNCIL MEMBER MARK-VIVERITO: Aye  
24 on all, except for Intro 1, I vote no.

25 COUNCIL CLERK: Mealy.

1

2

COUNCIL MEMBER MEALY: I vote aye  
on all and no on Intro 1.

3

4

COUNCIL CLERK: Mendez.

5

6

COUNCIL MEMBER MENDEZ: Permission  
to explain my vote?

7

CHAIRPERSON COMRIE: So ordered.

8

9

10

11

12

13

14

15

16

17

COUNCIL MEMBER MENDEZ: I vote aye  
on all, except on Intro 1. I have real concerns  
about some of the unintended consequences and  
particularly in my community where kids are  
profiled all the time, I believe this might  
incentivize the police to start rounding up kids  
in my community. I'm all in favor of trying to  
stop gangs and gang initiation, I am not sure that  
this bill ultimately will have that effect. Thank  
you.

18

COUNCIL CLERK: Nelson.

19

COUNCIL MEMBER NELSON: Aye on all.

20

COUNCIL CLERK: Palma.

21

COUNCIL MEMBER PALMA: Aye.

22

COUNCIL CLERK: Recchia.

23

24

COUNCIL MEMBER RECCHIA: Aye on  
all.

25

COUNCIL CLERK: Reyna.

1

COUNCIL MEMBER REYNA: Aye on all.

2

[Off mic]

3

COUNCIL CLERK: Rodriguez.

4

COUNCIL MEMBER RODRIGUEZ: May I

5

explain the vote? Can I explain my vote?

6

CHAIRPERSON COMRIE: Yes.

7

COUNCIL MEMBER RODRIGUEZ: Okay.

8

Two or three years ago there was a Dominican

9

Independence Day [off mic] gang [off mic]

10

Trinitario and DDP. Trinitario wanted to recruit

11

[off mic] people to join the gang. Hundreds of

12

teenager were arrested that day. New York City

13

Liberty Union took the case and they found out

14

that most of the teenager being arrested that day,

15

they were not part of the gang.

16

If we voted yes on this bill and we

17

talk about even a teenager that supposed is

18

engaged, engaged doesn't mean that he's doing the

19

criminal activities, but he's part of the group

20

that they are together with the wrong guy, they

21

will be [off mic] to do one year in jail. And I

22

think that this is not the best thing for a

23

teenager, I think that there's a different way on

24

how we can prevent our teenager to join the gang.

25

1

2 And I believe that we should go after the leader  
3 of the gangs [off mic] young person that they've  
4 been recruited by the gangs.

5 And I vote no on Intro 1.

6 CHAIRPERSON COMRIE: How do you  
7 vote on the rest?

8 COUNCIL MEMBER RODRIGUEZ: Yes.

9 COUNCIL CLERK: Sanders.

10 COUNCIL MEMBER SANDERS: Permission  
11 to explain my vote.

12 CHAIRPERSON COMRIE: So ordered.

13 COUNCIL MEMBER SANDERS: First,  
14 some homework, permission to vote on previous Land  
15 Use items and General Orders?

16 CHAIRPERSON COMRIE: So ordered.

17 COUNCIL MEMBER SANDERS: I vote  
18 yes. On Intro 1, Council Members Barron, James,  
19 and others have made some very relevant issues  
20 here. I guess I would sum it up by saying that we  
21 really need programs instead of symbolism. I  
22 heard a lot of people saying that this will send a  
23 message and I think that the best message that we  
24 can send is diversion programs. I think that the  
25 best message that we can send is to support

1

2 Council Member Fidler and others with this fight  
3 over SYEP--Summer Youth Employment Program.

4 Council Member Comrie has made some excellent  
5 points also, and Council Member White for that  
6 matter, that we really do need to look into this.  
7 We should not let this issue go today, regardless  
8 of how this goes, there are other things that  
9 have--

10 [Off mic]

11 COUNCIL MEMBER SANDERS: Yeah, I  
12 agree with him--that have to be looked at. We  
13 certainly need to look more into this stop and  
14 frisk business. We need to look into that. What  
15 today's conversation has shown is that there is a  
16 widespread desire to look further into these  
17 matters.

18 However, looking at this and  
19 looking at the law, Council Member Koppell's  
20 argument that the law itself, the wording of the  
21 law is not necessarily the problem here, and it's  
22 not the law, it is how it is enforced. It is a  
23 worthy law with a worthy idea.

24 I vote yes to all, but we do need  
25 to go and look further into this stop and frisk,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

other programs, etc. Thank you.

COUNCIL CLERK: Ulrich.

COUNCIL MEMBER ULRICH: Aye on all.

COUNCIL CLERK: Vacca.

COUNCIL MEMBER VACCA: Aye on all.

COUNCIL CLERK: Vallone.

COUNCIL MEMBER VALLONE: May I be  
excused to explain my vote?

CHAIRPERSON COMRIE: So ordered.

COUNCIL MEMBER VALLONE: I'm also a  
former prosecutor for six years and a 10-year  
defense attorney, so I want to correct some of the  
misstatements of law that have occurred. Council  
Member Koppell is correct, Council Member Fidler  
is correct, even though he stole my line, speak to  
my attorney Jimmy Oddo, please. Note you cannot  
pull anybody off a corner based on this law,  
that's ridiculous.

As hazing is already an A  
misdemeanor. Hazing says basically when you  
injure someone trying to get them to join a group,  
so, yes, that law exists right now, what we're  
doing, it exists already. Anybody who's going to  
be taken off a corner can already be taken off a

1

2 corner.

3

4 What this law does is when it comes  
5 to gang activity, it eliminates the need to prove  
6 physical injury, that's what this law does. You  
7 have to prove three different criteria at least:  
8 You have to be part of a gang, you have to be  
9 initiating someone else into the gang, and now you  
10 have to threaten physical injury. Those three  
11 criteria have to be met, so no one can be arrested  
12 for being part of a group. I know this is  
13 confusing and I only understood it after a long  
14 period of time, so I don't blame anybody for  
15 misunderstanding the law here, but hopefully this  
16 does clarify it a little bit. Nobody can be  
17 arrested for being part of a group, all of those  
18 criteria have to be met which makes it actually a  
19 very difficult crime to charge, but if it does  
20 occur, it makes it easier for a prosecutor to  
21 prove, that's what we're doing today.

21

So I vote aye on all.

22

COUNCIL CLERK: Van Bramer.

23

COUNCIL MEMBER VAN BRAMER: Aye on

24

all.

25

COUNCIL CLERK: Weprin.

1

COUNCIL MEMBER WEPRIN: Aye on all.

2

3

COUNCIL CLERK: Williams.

4

5

COUNCIL MEMBER WILLIAMS: May I be excused to explain my vote?

6

CHAIRPERSON COMRIE: So ordered.

7

8

COUNCIL MEMBER WILLIAMS: Thank you. First, I need to change my name 'cause Williams come too late.

9

10

[Laughter]

11

[Off mic]

12

13

14

15

16

17

18

19

20

21

22

COUNCIL MEMBER WILLIAMS: But I do want to say I do acknowledge, and I don't know if the cops are going to think about writing up people because of this law, I do know that once they are rounded up, and which happens already, is going to be a problem when they're already rounded up with another charge attached. And I think it's foolish not to acknowledge how this will be applied the way that other things are being applied and it's black and Latino youth who are targeted when it comes to this.

23

24

25

The activity is horrible, we all agree that it is a bad thing. This bill does not address it, I've known a lot of people who were in



1  
2 gangs growing up and even now. The only thing  
3 I've heard a person say why they didn't join a  
4 gang is because they were scared of death, they've  
5 never talked about the penal code, they've never  
6 talked about Intros or anything like that.

7           So what worries me also is that  
8 we're going to give a false sense of security to  
9 those mothers who were talked about who have lost  
10 children to gang violence because we're going to  
11 say we've done something. And this bill will not  
12 prevent one instance of gang initiation, not even  
13 one. So I know that the collateral damage is  
14 going to be very, very, very troublesome.

15           And it's not about the victim, it's  
16 about taking away the need for injury, so it's not  
17 even a protection of the victim, it has to do  
18 taking away the need for injury. And with this  
19 bill, if the Black and Latino Caucus said to a  
20 member we're going to do civil disobedience, to  
21 show your support, you should come and three or  
22 four more of us are there, we can fall under this  
23 category. Absolutely.

24           [Off mic]

25           COUNCIL MEMBER WILLIAMS: But what

1  
2 I'm saying is what's going to happen is black and  
3 Latino young men in particular are going to be  
4 arrested and then it's going to be discussed  
5 afterward and that's a problem I have. And I know  
6 if it wasn't for my mother, a bill like this would  
7 have changed the whole trajectory of my life and I  
8 wouldn't be sitting with 50 other wonderful  
9 colleagues here, I will be part of the problem.

10 So I vote no on Intro 1, aye on  
11 all. I want to congratulate Garodnick on the  
12 tenant bill. Thank you very much.

13 COUNCIL CLERK: Oddo.

14 COUNCIL MEMBER ODDO: Yes.

15 COUNCIL CLERK: Speaker Quinn.

16 SPEAKER QUINN: Aye on all.

17 [Long pause]

18 CHAIRPERSON COMRIE: Okay. All  
19 items on today's General Order calendar were  
20 adopted by a vote of 48 in the affirmative, zero  
21 in the negative, and zero abstentions, with the  
22 exemption of Intro 1, which was adopted by a vote  
23 of 38 in the affirmative, nine in the negative,  
24 and one abstention.

25 Introduction and Reading of Bills?

1  
2                   SPEAKER QUINN: All bills are  
3 referred to committees as indicated on the agenda.  
4 And I just want to remind people about the  
5 attached schedule to your agenda of the hearings  
6 on the preliminary budget and the preliminary  
7 Mayor's Management Report which begin March 4th.

8                   CHAIRPERSON COMRIE: Okay. There  
9 are no resolutions, so General Discussion.  
10 Council Member Dickens.

11                   COUNCIL MEMBER DICKENS: Thank you,  
12 Mr. Chair. I'm asking my colleagues to sign on to  
13 three pieces of legislation that I'm  
14 reintroducing--

15                   SERGEANT-AT-ARMS: Quiet--

16                   CHAIRPERSON COMRIE: [Interposing]  
17 Please be quiet. If you need to leave, leave  
18 quietly, please be quiet.

19                   COUNCIL MEMBER DICKENS: The first  
20 is Intro 34 which would require HPD and other city  
21 agencies that are considering disposing of city-  
22 owned residences before selling outright to anyone  
23 else to offer existing residents the opportunity  
24 to purchase and self-manage their buildings. The  
25 purpose of this legislation is to provide more New

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Yorkers with the chance to own their own homes affordably.

Second, I encourage my colleagues to sign on to Reso 37, which calls upon the United States Congress to pass the Breast Cancer Patient Protection Act. Currently, any patient admitted to a hospital for a mastectomy can be released almost immediately after the procedure. This important legislation would mandate that women undergoing--and men--undergoing a mastectomy or lumpectomy would be allowed to stay over in the hospital for 48 hours--that's breast surgery for the men--for 48 hours so the doctors can properly monitor and treat the condition.

Last, I'm reintroducing Reso 38 that would call upon the Department of Ed to include in their reports a plan for the construction and/or renovation of school gymnasiums to ensure that every school has adequate facilities to comply with the New York State physical education requirements. Thank you for your time.

CHAIRPERSON COMRIE: Council Member Nelson.

1  
2 COUNCIL MEMBER NELSON: Today I'm  
3 introducing several pieces of legislation, so I'll  
4 try to go through this quickly. I urge you to  
5 sponsor, first is Resolution 40 which urges the  
6 state to reinstate the commuter tax to help our  
7 city through these tough financial times. Now I  
8 know they have an election in Albany coming up, so  
9 I don't expect it to happen prior to that, but I  
10 only hope they come to their senses and give us  
11 back what they actually robbed from us years ago  
12 for a totally political reason. Our city's losing  
13 right now over half a million--half a billion,  
14 with a B, dollars every year and this is critical  
15 to keep our police, our firefighters, etc., which  
16 actually helps all of these people coming in to  
17 our city lead a safer, better life. So it's  
18 certainly the right thing to do. Reinstate the  
19 commuter tax.

20 Secondly, Intro 52 that deals with  
21 the testing of local fish for health related risks  
22 and posting of subsistence fishing warnings in  
23 appropriate locations. This also, of course, is a  
24 safety issue for all of us.

25 Furthermore, I'm introducing two

1  
2 other pieces of legislation that will better our  
3 waterfronts. The first is Intro 53 which will  
4 create a comprehensive plan to combat illegal  
5 dumping into the waterways of New York. And Intro  
6 54 which will increase the fines for violations of  
7 illegal dumping along our waterway properties.  
8 Currently, individuals receive fines totaling  
9 something like \$5 and up, which obviously is not a  
10 deterrent to people dumping. It's a very  
11 profitable crime actually.

12 So what we have to do is to stop  
13 this polluting in the waterways and I urge all my  
14 colleagues to sponsor these following pieces of  
15 legislation to keep our city clean and safe.

16 And I will go to something other  
17 than my legislation. If you will read today's  
18 Daily News page 20, it's about the cold, it is  
19 Don't Try Terrorists in New York or any Other  
20 Court for that Matter. It's Quinnipiac, which  
21 obviously finds me on the right side of the angels  
22 as far as the Quinnipiac angels. Fifty-nine  
23 percent, a 35% margin, voters prefer that Mohammed  
24 and his cohorts face justice from military  
25 tribunals instead of in federal courts. It's just

1

2

too obvious and I only hope the Administration

3

finally comes to its senses before we put the CIA

4

on trial, not to mention our Navy Seals who are

5

being courts-martialled again while the terrorists

6

are laughing through the bloody lips for that

7

reason. Everybody in this Council, please, get on

8

the stick with this. Thank you.

9

CHAIRPERSON COMRIE: Seeing no

10

other General Discussion, I close the council

11

meeting for the Stated Meeting for February 11,

12

2010.

C E R T I F I C A T E

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

Signature Tammy Wittman

Date February 18, 2010