

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SANITATION AND SOLID WASTE MANAGEMENT

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September 19, 2014

Start: 10:18 a.m.

Recess: 11:45 a.m

HELD AT: Brooklyn Borough Hall
209 Joralemon Street, 2nd Floor

B E F O R E: ANTONIO REYNOSO
Chairperson

COUNCIL MEMBERS: Andy L. King
Vanessa L. Gibson
Costa G. Constantinides
Steven Matteo

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

Kathryn Garcia, Commissioner
NYC Department of Sanitation

Michael Lambert, Executive Director
Business Improvement District
Gateway

Artineh Havan, Technical Director
Business Improvement District
East Williamsburg Brooklyn

Joseph Szende, Executive Director
Business Improvement District
Atlantic Avenue

Mark Caserta, Executive Director
Business Improvement District

Rene Giordano, Executive Director
Business Improvement District
Sunset Park

Rachel Rooney, Executive Director
Sunnyside Shines Business Improvement
District, Sunnyside, Queens

Anthony Sterban, Recycling Manager
Use Again

Joel Katz, Territory Manager
Use Again

Rick Henningsen, Operations Manager
Planet Aids

Robert Perris, District Manager
Brooklyn Community Board 2

Elliott Groman, Chief Operating Officer
Spin Green, LLC

Esther Lamb, Director of Development
Russian American Jewish Experience

Phillip Kellogg, Executive Director
FAB Alliance
Business Improvement District

Daniel Scorse, Director
Public Space Initiatives
Myrtle Avenue Brooklyn Partnership

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2 [background discussion]

3 CHAIRPERSON REYNOSO: Good morning and
4 welcome to this hearing concerning the Regulation of
5 Publicly Accessible Clothing Collection Bins. I
6 would like to start the hearing by allow our Speaker
7 Melissa Mark-Viverito to read her testimony.

8 SPEAKER MARK-VIVERITO: Well, good
9 morning, everybody and I don't know if this is on?

10 CHAIRPERSON REYNOSO: Is it?

11 MALE SPEAKER: Yep.

12 CHAIRPERSON REYNOSO: Yes, they can hear
13 you.

14 SPEAKER MARK-VIVERITO: Yes, sorry. It
15 is on, it is on. Okay. So good morning everybody
16 for coming out here to Brooklyn Borough Hall. We
17 want to definitely thank our borough president for
18 being generous with this space, and allow us to have
19 this hearing here. I know this is an issue that he
20 also was very much interested in. When we had our
21 conversation, he wanted to have it her. So we
22 definitely think that field hearings are always very
23 important to get out into the community. So again,
24 good morning to everyone. I'm Speaker Mark-Viverito,
25 and I'm honored to be part of the City Council

2 hearing to discuss Intro 409, a bill that would
3 regulate the placement of publicly accessible
4 clothing collection bins.

5 I want to thank the Chair of Sanitation
6 and Solid Waste Management Committee, Antonio
7 Reynoso, and we also joined here by Council Member
8 Vanessa Gibson, for holding this very important
9 hearing the regulation of these clothing collection
10 bins. And for holding this hearing in Brooklyn, a
11 borough that has been especially affected by these
12 bins.

13 First, I want to say that there is a
14 public-- There is a place in the city for clothing
15 collection bins. I mean there should be. I know
16 that the Department of Sanitation does have a Textile
17 Recycling Program. So there is, and that is
18 legislation we passed in the City of New York a
19 couple of years ago. So it is something we
20 understand exists. They do serve important
21 functions. They gather thousands of tons of used
22 clothing from our waste stream that would otherwise
23 end up in the landfills. They reduce the demand for
24 virgin cotton, and wool by promoting clothing reuse,
25 which reduces the city's impact on the global

2 environment. And they do create local jobs.

3 However, that does not give the owners of these bins
4 the right to place them on public property where they
5 often obstruct pedestrian traffic, are poorly
6 maintained, and often become targets for graffiti and
7 filled with trash.

8 In 2007, we passed a law that regulated
9 the placement of clothing collection bins. That law,
10 Local 30, prohibited the placement of these bins on
11 public property, and required the Department of
12 Sanitation to tag illegally placed bins, and remove
13 them after 30 days. Initially, as a result of that
14 law, the city saw dramatic reduction of the number of
15 bins illegally placed on public property. However,
16 in the last few years the number of such bins has
17 risen dramatically. Over 1200% in the last two
18 years. So clearly, something needs to be done.

19 Introduction 409 strikes the correct
20 balance between protecting our neighborhoods, and
21 public rights-of-way, and the needs of the clothing
22 collection industry. This bill will do several
23 things. First and foremost, it will allow the
24 Department of Sanitation to immediately remove a
25 clothing collection bin placed on City property or on

2 any public sidewalk or roadway instead of tagging and
3 waiting for 30 days. In addition, violators will be
4 fined \$250 for the first offense, and \$500 for each
5 subsequent offense. And finally, it allows the
6 Department to dispose of the bin if it remains
7 uncleaned for 30 days after its removal.

8 The bill does, however, allow for the
9 placement of clothing collection bins on private
10 property with the permission of the property owner
11 providing that the bin and the area around it is
12 properly maintained. We want to continue to
13 encourage New Yorkers to donate their used clothing
14 and other materials. And we also want to make sure
15 that these companies and organizations that collect
16 such items responsibly can continue to do so. We
17 believe that this bill accomplishes both of these
18 goals.

19 So I want to thank everyone here to
20 provide testimony. I know it's been very well
21 received in my district. I actually would have my
22 staff track every single bin we would see. Sometimes
23 we would see them block by block by block. And I
24 would ask Sanitation to tag them and move those. So
25 this has been I know something of concern to many,

2 many colleagues who have expressed it. So I think
3 again we struck the right balance with this, and I
4 look forward to hearing your testimony. Hi, Deanna.
5 How are you?

6 CHAIRPERSON REYNOSO: Thank you Speaker
7 Mark-Viverito. This is a legislation that we
8 introduced, and I'm extremely grateful. Now, maybe
9 the Tweets and the Facebook messages can just slow
10 down in my inbox. Because this is definitely of
11 concern to many residents especially Brooklyn as
12 well. So I'm glad that we're here. So again, I want
13 to just thank everyone for being here.

14 Intro 409 is a necessary because the
15 problem of clothing collection bins on our sidewalks
16 and public spaces has gotten out of control. When
17 the Local Law 31 was passed in 2008, there was an
18 initial major decrease in the number of illegal bins
19 tagged by DSNY. For example, in FY 2009, the first
20 four year active law was enacted on 56 bins were
21 tagged. This number rose slightly from 2010 to 2012.
22 However, in FY 2013 the Department tagged 593 bins,
23 and in FY 2014, which ended on June 30, 2014, the
24 Department tagged 2,093 bins. Since that time, the
25 Department has tagged an additional 976 bins. The

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2 number of illegally placed bins on the city property
3 during FY 2014 has increased and our numbers have it
4 at 2000% in comparison to FY 2012.

5 This problem is particularly apparent in
6 Brooklyn where each street has at least on such bin.
7 In addition, the 30-day time period between when DSNY
8 tags and removes an illegal bin simply allows the
9 owners of these bins to wait until the 29th day to
10 move their bins somewhere else or to paint over the
11 Department's notice. It is clear that the current
12 law is not work. Intro 409 will solve this problem
13 by allowing DSNY to immediately remove an illegally
14 placed collection bin as well as imposing fines on
15 violators of the law. It does not penalize bins that
16 are on private property as long as those bins has the
17 permission of the property and are properly
18 maintained. Again, I want to thank the Speaker for
19 introducing this bill and being here today, and I
20 look forward to hearing from DSNY and other
21 interested groups and individuals about this
22 important bill, and thank you.

23 I just want to again acknowledge Council
24 Member Vanessa Gibson of the Bronx. She really has
25 broken it. It's her second time this month. We have

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2 a lot of availability here in downtown just in case
3 you want to move in. I want to now ask our
4 Commissioner Captain Garcia to read us his statement.
5 Well, actually before--

6 COMMISSIONER KATHRYN GRACIA: Good
7 morning Chair Reynoso--

8 CHAIRPERSON REYNOSO: Yeah, I've got to--
9 I apologize for--

10 COMMISSIONER KATHRYN GRACIA: Am I on?

11 CHAIRPERSON REYNOSO: You should be on,
12 but I just want to swear you in very quickly. Do you
13 affirm to tell the truth, the whole truth, and
14 nothing but the truth in your testimony before this
15 committee and to respond honestly to Council Member
16 questions?

17 COMMISSIONER KATHRYN GRACIA: I do.

18 CHAIRPERSON REYNOSO: Thank you.

19 COMMISSIONER KATHRYN GRACIA: Good
20 morning, Chair Reynoso, Speaker Mark-Viverito, and
21 members of the Committee of Sanitation. I am Kathryn
22 Garcia, Commissioner for the New York City Department
23 of Sanitation. Before I start on this bill, I would
24 just like to flag for all the committee that we are
25 actually the filing for the sanitation worker exams.

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2 It starts October 1st, and we want to make sure we're
3 getting the message to all of the communities across
4 the city. We have not given the exam in almost seven
5 years.

6 SPEAKER MARK-VIVERITO: Oh, wow.

7 COMMISSIONER KATHRYN GRACIA: So, we
8 hope that many, many people will apply. Thank you
9 for holding this hearing on Intro No. 409. The goal
10 of this bill is to stop the proliferation of
11 unlawfully placed clothing bins throughout the City,
12 which are negatively impacting the quality of life in
13 communities in all five boroughs. I want to thank
14 the Speaker, Chair Reynoso, all of the sponsors of
15 Intro 409 for working collaboratively with the
16 Administration to remedy the increasing problem of
17 companies utilizing public spaces without permission
18 to place their clothing bins into the Department and
19 the mission to maintain public street and sidewalk
20 cleanliness throughout New York City.

21 Illegally placed clothing bins are a
22 challenge across the region. I mean, broadly across
23 many states, and I am proud to see New York City take
24 a leadership role on addressing this unsightly
25 condition. I appreciate the opportunity this morning

2 to testify on Intro No. 409, which is a top
3 legislative priority for the Department and one I am
4 proud to support.

5 By way of background, in 2007, as was
6 stated earlier, the Council enacted Local Law 31
7 authorizing the Department to regulate publicly
8 accessible clothing bins. Before the enactment of
9 Local Law 31, and similar to the growing problem
10 today, bin owners were using public and private
11 spaces without permission to place oversized bins to
12 collect clothes and related items often with the
13 intent of selling these goods. Unlawfully placed
14 clothing bins are very problematic. They are magnets
15 for graffiti and trash and they are obstructions that
16 impede the flow of pedestrian traffic on the public
17 sidewalk.

18 Currently, Local Law 31 prohibits the
19 placement of bins on city property including
20 sidewalks and roadways. It authorizes the Department
21 to include any unlawfully placed bin 30 days after
22 department field officers have affixed a notice to
23 the bin, and mailed the notice to the bin owner if we
24 can determine who that is. Local Law 31 also allows
25 collection bins to be placed on private property, if

2 the private property owner has given written
3 permission to the clothing bin owner. The law does
4 not contain any penalty provisions because at the
5 time it was believed that providing notice of the
6 illegal placement of a bin and in cases remove those
7 bins would be sufficient to return to its unlawful
8 activity. This is not true today.

9 Local Law 31 is not acting as a deterrent
10 to the unlawful placement of bins on public property,
11 as bin owners have successfully exploited loopholes
12 in the current law. Most bin owners do remove their
13 bin with in 30 days after the Department has tagged
14 the bin, and has placed the owner on notice of its
15 illegal placement. However, many bin owners now
16 simply move the bin to a new location, sometimes
17 right down the block on the 29th day after the
18 Department has tagged the bin. Bin owners are even
19 resorting to painting over the Department notices
20 that are affixed to the bin to make it appear that
21 the bin is newly placed to restart the 30-day clock.

22 In short, bin owners have found ways to
23 make the current law completely ineffective and a
24 waste of the Department's resources. This egregious
25 revolving door practice by unscrupulous bin owners

2 must cease, and recent Department data I will share
3 this morning underscores the growing immediate
4 problem. After the current law was enacted in 2007,
5 the Department initially saw substantial decrease in
6 the number of illegal bins placed on public property
7 throughout the city. Only to witness the number of
8 illegal bins rise dramatically in the last two fiscal
9 years. To repeat some of the data that we've already
10 touched on, in the year following the enactment of
11 Local Law 31, the Department only identified 56 bins
12 for removal from public spaces, far fewer than the
13 1,194 tagged during Fiscal Year '08.

14 Beginning in Fiscal Year 13, the number
15 of illegally placed clothing bins throughout the city
16 began to increase dramatically. In Fiscal 12 the
17 Department tagged 97 bins. By contrast, in Fiscal
18 13, the Department tagged 593 bins, and during Fiscal
19 14, the number of bins tagged by the Department
20 increased by a whopping 2,093, an increase of 2100%.
21 And to date, only the last 2-1/2 months, we have
22 already tagged over a thousand bins. The dramatic
23 increase in numbers highlights the fact that the
24 current law is no longer effective in deterring bin
25 owners from illegally depositing their bins on City

2 property. Exacerbating this illegal activity bin
3 owners are often resorting to bolting bins directly
4 on the public sidewalk, and attaching bins to
5 buildings or public sidewalks using wiring or metal
6 fencing.

7 The photographs we have set up for your
8 viewing this morning illustrate the new and
9 innovative ways these companies use to prevent or
10 delay the Department from removing these illegally
11 placed bins. Since the recent increase in the
12 unlawful placement of publicly accessible clothing
13 bins throughout the city, the Department has received
14 numerous complaints from elected officials, community
15 boards, business improvement districts, businesses,
16 and residents. We've also received several media
17 inquiries based on complaints submitted by the
18 public, and often the press person see themselves.

19 Simply put, the current law no longer
20 deters bin owners from violating the law. In the
21 amendment set forth under Intro No. 409 will remedy
22 this growing quality of life problem in neighborhoods
23 across the city. The Department fully supports Intro
24 No. 409, as it will allow the Department to
25 immediately remove a publicly accessible collection

2 bin that is placed anywhere on city owned property.

3 If the owner's name and address legibly appear on the
4 bin, as required under the law, the Department will
5 provide notice to the owner by certified mail with
6 return receipt that the Department has removed the
7 bin. And that the owner may claim the bins through
8 procedures that will be established by rule pursuant
9 to the City's Administrative Procedures Act.

10 Intro No. 409 also establishes a civil
11 penalty of \$250 for the first offense, and \$500 for
12 each sequent offense within an 18-month period.

13 Additionally, we recommend that the bill be amended
14 by doubling the initial fine to \$500 whenever a bin
15 is bolted to public property or in case of an
16 offense. Each such bin placed on public property is
17 deemed a separate violation for purposes of
18 enforcement. And all summonses will be returnable to
19 New York City Environmental Control Board. An owner
20 who seeks to claim a bin removed by the Department
21 will be required to pay any penalties incurred, along
22 with the Department's costs for removing and storing
23 the bin. Unless after adjudication by ECB, the owner
24 is found not liable. If an owner does not claim his

2 or her bin within 30 days, the Department will be
3 authorized to recycle the bin and its contents.

4 This bill also holds the owner of a
5 publicly accessible clothing bin that is on private
6 property, and the owner of private property in which
7 the bin is located responsible for maintaining the
8 bin in a clean and neat condition. Additionally, all
9 owners of publicly accessible clothing bins placed on
10 private property will be required to register with
11 the Department, and will be responsible for
12 submitting an annual report to the Department that
13 identifies by weight, each the of materials collected
14 during the reporting period. Failure to do so will
15 result in the issuance of a violation returnable to
16 the ECB that may result in the imposition of a civil
17 fine of \$50 for the first offense, and \$100 for each
18 sequent offense within the 18-month period.

19 The Department recognizes that there are
20 many organizations collecting textiles and used
21 clothing donations through the use of publicly
22 accessible clothing bins placed on private property
23 with permission from the owners in accordance with
24 existing law. This bill is not aimed at them. Used
25 clothing and textiles comprise 5.5% of the

2 residential waste stream. Diverting textiles that
3 can be resold or used or recycled is an important
4 part of our goal to extract valuable resources from
5 the waste stream. However, this goal must be
6 accomplished through efficient and legitimate
7 infrastructure. Since 2010, the Department has
8 partnered with Housing Works, a local charitable
9 organization to offer the re-FashionNYC program to
10 buildings over 10 units. This program provides
11 convenient donation bins inside of apartment
12 buildings for residents to donate used clothing,
13 shoes, and other textiles. To date, that program is
14 in nearly 500 buildings, and has collected three
15 million tons of textiles. And we continue to expand
16 the program to more and more buildings. And through
17 our support of Reuse New York, a member association
18 of 30 not-for-profits, the Department encourages
19 organizations to establish legitimate programs to
20 collect and reuse unwanted clothing, household goods,
21 furniture, and other products.

22 We believe that the measures outlined in
23 Intro No. 409 under consideration by the Sanitation
24 Committee today will help stop the unlawful practice
25 of placing bins on the city's curbs, sidewalks, and

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2 roadways. And the bill sends a clear unequivocal
3 message that this assault on neighborhoods must stop.
4 My staff and I look forward to working closely with
5 this committee to finalize this important
6 legislation, and we're happy to answer any questions
7 you may have.

8 CHAIRPERSON REYNOSO: Thank you very
9 much, Commissioner. I just want to acknowledge Steve
10 Matteo for Staten Island and the Council versus Mayor
11 Challenge. [sic]

12 SPEAKER MARK-VIVERITO: 17 to 13.

13 CHAIRPERSON REYNOSO: 17 to 13, is that
14 the score?

15 SPEAKER MARK-VIVERITO: Sorry,
16 Commissioner. Sorry.

17 CHAIRPERSON REYNOSO: Sorry,
18 Commissioner. Maybe next year, Commissioner.

19 COMMISSIONER KATHRYN GRACIA: No, I
20 didn't play.

21 CHAIRPERSON REYNOSO: And maybe that was
22 the-- I think that was the problem.

23 COMMISSIONER KATHRYN GRACIA: That was
24 Major Win Bigger I think. [sic]

25

2 CHAIRPERSON REYNOSO: [laughs] And I
3 just really want to thank the City Hall staff, and
4 the Sergeant-at-Arms for all the work they did in
5 being able to provide out-of-sight hearings. It look
6 looks good. The setup is amazing, and they are
7 really on top of their game. I really do appreciate
8 the work you guys have done. I will now allow the
9 Speaker to ask some questions.

10 SPEAKER MARK-VIVERITO: Yes,
11 Commissioner, thank you for your testimony. I think
12 it was very informative, and I have a couple of
13 questions. You did talk about the amount of
14 resources that this takes having to deal with these
15 bins as it is right now, the proliferation. What
16 would you say the impact on the resources of
17 sanitation and overall impact on your budget?

18 COMMISSIONER KATHRYN GARCIA: So, we have
19 not had to use additional resources from a budgetary
20 point of view. I think the frustration is that their
21 resources, funeral cleaning resources, which are
22 always in short supply across the City of New York.
23 And if we have teams tasked with removing bins, then
24 we are not actually able to get out and do other
25 work. I think the frustration from our point of view

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2 is that it's not effective. I think that we all want
3 to make sure that the resources that we're using
4 actually deal with the problem effectively. But
5 going out and doing the tagging that we've been doing,
6 and watching them move all over the neighborhoods, I
7 think it's frustrated my staff as well as I think the
8 communities in which we're operating.

9 SPEAKER MARK-VIVERITO: So what you're
10 saying again is that it's taking resources away from
11 the cleaning from the--

12 COMMISSIONER KATHRYN GARCIA: It's the
13 cleaning, it's the cleaning folks who are doing this,
14 who are focused on picking up these bins.

15 SPEAKER MARK-VIVERITO: Is there anyway
16 of quantifying it percentage wise or anything?

17 COMMISSIONER KATHRYN GARCIA: Well, I can
18 go back and see, and find out how many teams we've
19 been talking with, and driving around and doing this.
20 I think one of the things that we hope to see with
21 this new legislation is that it will sort of end the
22 problem. Because there will be no incentive to put a
23 clothing bin down if you know the next day we're
24 going to take it away.

25

2 SPEAKER MARK-VIVERITO: In your testimony
3 you talk about that by law it is required that every
4 one of these bins has the name of the owner and
5 contact information.

6 COMMISSIONER KATHRYN GARCIA: Yes.

7 SPEAKER MARK-VIVERITO: What percentage
8 would you say actually have that information?
9 Because has that become an issue in and of itself
10 about being able to communicate?

11 COMMISSIONER KATHRYN GARCIA: Well, right
12 now we do communicate with the owners if it's there.
13 It is usually not there. Most of the bins are ending
14 up going and being recycled at this point in time
15 that make it beyond the 30-day. So it is a
16 relatively small percentage of bins that are properly
17 labeled.

18 SPEAKER MARK-VIVERITO: Yes, I mean I
19 wanted to get a sense. So you're saying the
20 majority, more than 50% will have the contact
21 information?

22 COMMISSIONER KATHRYN GARCIA: More than
23 50% would have it, or the numbers that are on them
24 when you call them are not answered by someone who
25 views themselves as the owner of the bin.

2 SPEAKER MARK-VIVERITO: So do you have
3 any idea, I mean not that that's-- I'm a curious
4 person so I'm just going to ask questions. Do you
5 have any idea then what was the intent of these, when
6 they're set up who is taking care of-- I mean who is
7 getting the information, who is behind them? You
8 know or we don't have the information?

9 COMMISSIONER KATHRYN GARCIA: We don't
10 actually have a lot of information on some of the
11 bins that are out there, particularly ones--
12 Particularly the pink ones seem to not have an owner
13 behind them that is willing to come forward. There
14 is clearly a market for textiles. It often can be
15 used for rags or for carpeting, carpet padding. So
16 there is an incentive to put things out, and to
17 collect the textiles even when it's mixed with
18 garbage. I think what you're seeing is a market
19 driving this particular activity.

20 SPEAKER MARK-VIVERITO: So then those
21 that do have the contact information, have a little
22 bit more legitimate operations?

23 COMMISSIONER KATHRYN GARCIA: They are
24 usually more legitimate operations.

2 SPEAKER MARK-VIVERITO: Non-profits, et
3 cetera, right? I have a couple of other questions.
4 Oh, actually, I was just asked that. And then, do
5 you have like a bit of breakdown by borough? Do you
6 know if there is one borough that is more burdened
7 than others--

8 COMMISSIONER KATHRYN GARCIA: Yes.

9 SPEAKER MARK-VIVERITO: --in terms of the
10 local bins?

11 COMMISSIONER KATHRYN GARCIA: Who has had
12 the most is 511 bins tagged. I mean, but what you
13 can see from the map, which is just the first 2-1/2
14 months of this fiscal year, where the concentrations
15 of bins are. So a very high concentration in Upper
16 Manhattan.

17 SPEAKER MARK-VIVERITO: Yes.

18 COMMISSIONER KATHRYN GARCIA: All the
19 darkest color means there are over 50 bins that have
20 been tagged in 2-1/2 months.

21 SPEAKER MARK-VIVERITO: Wow.

22 COMMISSIONER KATHRYN GARCIA: In Northern
23 Brooklyn and in some of the industrial area as you
24 move toward South Brooklyn, but no neighborhood is
25 being--

2 SPEAKER MARK-VIVERITO: Yeah. I wonder
3 what Bronx is going to look like. It's a little bit
4 more along-

5 COMMISSIONER KATHRYN GARCIA: The Bronx
6 area is my only dark shaded area. I guess they
7 haven't been as busy up there as they have been in
8 some of the other neighborhoods in the last 2-1/2
9 months.

10 SPEAKER MARK-VIVERITO: Interesting.
11 Okay. And then I appreciate the amendment that
12 you're recommending for the bill. I will definitely
13 take it into advisement, and I will talk to the staff
14 about it. I think it seems to make sense. You know,
15 you definitely want to de-incentivize people from
16 putting bolts down, especially on public property.

17 COMMISSIONER KATHRYN GARCIA: Yes.

18 SPEAKER MARK-VIVERITO: So we definitely
19 will take that amendment seriously.

20 COMMISSIONER KATHRYN GARCIA: I
21 appreciate that.

22 SPEAKER MARK-VIVERITO: Thank you,
23 Commissioner.

2 CHAIRPERSON REYNOSO: Thank you, Speaker.

3 I want to give an opportunity for Council Member
4 Vanessa Gibson to ask some questions.

5 COUNCIL MEMBER GIBSON: Thank you. Good
6 morning everyone. Thank you, Mr. Chair, and thank
7 you Madam Speaker, and good morning Commissioners.
8 Good to see you today. So, I just had some very
9 quick questions, and I'm kind of happy. For once the
10 Bronx isn't leading in something.

11 COMMISSIONER KATHRYN GARCIA: Yes.

12 COUNCIL MEMBER GIBSON: That's not often
13 the case. I mean, not that I'm against them leading
14 this. So I'm going through your testimony, and I
15 guess the tough question is do you anticipate the
16 implementation of this Intro with the need to hire
17 any additional staff? Because you've already talked
18 about your cleaning staff, and how that kind of
19 depletes some of the resources. Do you anticipate
20 hiring any additional staff?

21 COMMISSIONER KATHRYN GARCIA: No, I don't
22 anticipate because I really do think that this will
23 act as a deterrent.

24 COUNCIL MEMBER GIBSON: Okay, and the
25 other question I have is about public messaging. So

2 for many boroughs that want to give to charitable
3 organizations that are truly charitable, how are we
4 going to identify who is and who is not? When I'm
5 out in the Bronx looking at these collection bins,
6 many times I have seen homeless men and women going
7 through them. I have seen the act as just a
8 hindrance in the community. They are sometimes an
9 eyesore, and when our people use them for all sorts
10 of things that are not for the intended purpose. So
11 as we embark on this campaign in educating New
12 Yorkers about who is charitable, and who is not, do
13 you know what the public message will be? So there
14 is one where they really want to give. I know I give
15 lots of clothing away, but how do I identify which
16 collection bin is legitimate and which one is not?

17 COMMISSIONER KATHRYN GARCIA: Well,
18 hopefully, it will be a collection bin on private
19 property properly registered. But I encourage you to
20 go to our website because we have partnerships not
21 only with Housing Works but with Goodwill, and many
22 of those other organizations who clearly have a
23 charitable mission not only in terms of the reuse of
24 reusable clothing, but also in terms of employment,
25 and other social goods.

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2 COUNCIL MEMBER GIBSON: Thank you.

3 CHAIRPERSON REYNOSO: Thank you, Council
4 Member Gibson, and a couple of questions from Council
5 Member Matteo from Staten Island.

6 COUNCIL MEMBER MATTEO: All right.

7 CHAIRPERSON REYNOSO: All right.

8 COUNCIL MEMBER MATTEO: Commissioner,
9 thank you for joining me last week and for our
10 Recycling Press Conference this week. The weeks get
11 long. I think it was Monday.

12 COMMISSIONER KATHRYN GARCIA: I think it
13 was Monday.

14 COUNCIL MEMBER MATTEO: Yeah, it seems
15 like such a long time ago, but thank you. It was a
16 great event and thank you to your staff. And to your
17 staff for dealing with my office on a daily basis.
18 You have a top notch staff. Just one quick point on
19 bins. In my district, the bin owners get cute and
20 they try and find private property right next to the
21 sidewalk. So they're not actually on the sidewalk,
22 but the issue becomes the overflowing of clothes and
23 whatnot gets on the sidewalk. So, we can issue
24 violations for the overflow even though the owners
25 try to get around putting it on city property, and

2 putting it on private property. And they also like
3 to-- In my district, they also like to hide them in
4 the wetland, the wetlands that's-- I have wetlands
5 that are actually right near a residential street.
6 They try to put them there, too, where we have to
7 contact DEC as well. So my point is when you put
8 them on private property or wetland property, it
9 spews over into the city sidewalk. Will Sanitation
10 act on that?

11 COMMISSIONER KATHRYN GARCIA: We'll be
12 able to address that under this provision, and make
13 sure that they are not leaving them. We can't make
14 them move if they're on actual property, but keeping
15 them neat and clean. And one of the things that we
16 don't want to see happen, and one of the reasons why
17 I have been very supportive of this legislation is
18 they seem to attract bags. The bags do not end up in
19 the bin, and I think that that just creates an
20 unsightly situation.

21 COUNCIL MEMBER MATTEO: In parts of my
22 district, what happens is, you know, someone goes
23 with a good intention of dropping off clothes, but
24 then they end up dropping off everything else.

25 COMMISSIONER KATHRYN GARCIA: Yes.

2 COUNCIL MEMBER MATTEO: And that's out
3 there for days, and it becomes an eyesore, and it's
4 defeating the purpose of the bin. So I support the
5 legislation. I appreciate your the leadership of
6 Chair Reynoso, and the speaker. And I thank you for
7 being here, Commissioner.

8 COMMISSIONER KATHRYN GARCIA: Thank you.

9 CHAIRPERSON REYNOSO: Thank you. So I
10 have a couple of questions. I just want to know
11 after the tag, after it's tagged and removed, what
12 does DSNY do with the collection pins and the
13 materials inside?

14 COMMISSIONER KATHRYN GARCIA: So, the bin
15 itself is recycled at Sims, which is our partner,
16 Metal, Glass, and Plastic. And if there is clothing
17 in it, and a lot of times there is often trash, if
18 there is clothing, we give it to Housing Works so
19 that they can--

20 CHAIRPERSON REYNOSO: Regarding the
21 programming that you have, I wasn't familiar with
22 that personally. Is there anyway to work on
23 expanding that program into more homes so that we
24 can-- Or more buildings that have six or more units
25

2 so that we can work on our diversion rates
3 increasingly?

4 COMMISSIONER KATHRYN GARCIA: Absolutely.
5 No, we're doing a big push on it. There are two
6 programs that I'm going to push right now. One is
7 the re-Fashion Program, which is more or less a bin
8 within, for inside a big building. It's incredibly
9 convenient. As soon as your bin fills up, the super
10 of the building can call Sanitation, and we'll come
11 and get it. It makes it easy. I mean, we're all
12 about making recycling and diversion as easy as
13 possible for the public. The second is we have a
14 very similar program for electronic wastes called our
15 E-Cycle Program where we'll put a bin within a
16 building over nine units. As soon as it's full,
17 we'll come and collect it. Particularly, because
18 come January, we are really not supposed to collect
19 it under State law any more. So there is the
20 Electronics Law that has been in place with the State
21 for quite a while now. So, we are coming to the end
22 of being able to collect at the curb.

23 CHAIRPERSON REYNOSO: Okay, and we'll
24 definitely look into that, and just think about. And
25 also, there is a law we'll support regarding the

2 passage of an amendment for increase in the fines
3 especially if they're bolted to the fence. It's a
4 great idea. We are definitely going to look into
5 possibly doing that. So a great way of doing that.

6 COMMISSIONER KATHRYN GARCIA: They're
7 very innovative.

8 CHAIRPERSON REYNOSO: What?

9 COMMISSIONER KATHRYN GARCIA: They're
10 very innovated.

11 CHAIRPERSON REYNOSO: Oh, we know it.
12 They are very creative.

13 COMMISSIONER KATHRYN GARCIA: Yes, they
14 are.

15 CHAIRPERSON REYNOSO: And so--

16 COUNCIL MEMBER MATTEO: Commissioner
17 Garcia, can we have clarification on what you just
18 said about the electronics?

19 COMMISSIONER KATHRYN GARCIA: Sure.

20 COUNCIL MEMBER MATTEO: I'm sorry. I
21 don't mean to interrupt, but Commissioner can you
22 just give clarification what you're talked about
23 gather the electronics?

24 COMMISSIONER KATHRYN GARCIA: In New York
25 State there is state law that we're not supposed to

2 be collecting electronics come January 1st. But
3 we'll do a big push this fall on outreach to all
4 communities about how we're going to manage this.
5 There are now 95 take-back sites across the city.
6 But we will be expanding our safe disposal site. And
7 we will be-- continue to push to expand our E-Cycle
8 Program to make it so that New Yorkers can properly
9 dispose of electronic waste. And this is really
10 focused on making sure that the toxics that are in
11 electronic waste do not end up in landfills or in
12 waste energy facilities.

13 COUNCIL MEMBER MATTEO: Okay, and I think
14 that we need to make sure we get the word out.

15 COMMISSIONER KATHRYN GARCIA: Absolutely.

16 CHAIRPERSON REYNOSO: Why is it expiring?
17 Why is that we can't continue to do that?

18 COMMISSIONER KATHRYN GARCIA: It's a New
19 York State law that's coming into effect.

20 COUNCIL MEMBER MATTEO: Oh, okay, we need
21 to look into that.

22 CHAIRPERSON REYNOSO: Yeah, you just get
23 it up for another hearing here.

24 COUNCIL MEMBER MATTEO: We need to have
25 another hearing, yeah.

2 CHAIRPERSON REYNOSO: I agree, but we'll
3 definitely-- I know that in that especially in my
4 BID, the grassroots BIDs, for example, electronic
5 waste through recycling is big, and they do it often.
6 And, we want to encourage that. We want it to
7 continue, but we will look into it, and see if we
8 could be helpful in--

9 COMMISSIONER KATHRYN GARCIA: Absolutely.

10 CHAIRPERSON REYNOSO: --replacing that
11 mission All right, thank you very much,
12 Commissioner.

13 COMMISSIONER KATHRYN GARCIA: Sure.

14 CHAIRPERSON REYNOSO: I want to call up
15 another person that I have never heard of Council--

16 COUNCIL MEMBER MATTEO: He's talking
17 about our Borough President Diana Reyna. Always a
18 Council Person, always.

19 CHAIRPERSON REYNOSO: And I can't get
20 over it. [laughter] We want to thank the Borough
21 President Eric Adams and the Deputy Borough President
22 Diana Reyna for allowing us to come to their home.
23 Actually, I think it's mine because I'm from Brooklyn
24 as well.

2 DEPUTY BOROUGH PRESIDENT REYNA: We want
3 it to be yours.

4 CHAIRPERSON REYNOSO: Yes, yes, sure.

5 DEPUTY BOROUGH PRESIDENT REYNA: I want
6 to take this opportunity to just thank the City
7 Council and Speaker Melissa Mark-Viverito for
8 agreeing when we had requested for this hearing,
9 which is very important to Brooklyn, to come here to
10 the Borough Hall, home of Brooklyn. And she was
11 without a doubt supportive of that, and we wanted to
12 be able to really highlight this issue. This was
13 brought to us by our great BIDs, where we convene on
14 a quarterly basis what would be a BIDs roundtable.
15 And this was priority number one. And I wanted to
16 make sure that I gave them the credit. Because this
17 was quite an expeditious process as far as seeing
18 that there was already such an interest from various
19 council members to be able to have what would be
20 legislation to modify legislation in the
21 Administrative Code.

22 And it could not have been possible
23 without the support of Speaker. So thank you. And
24 to Council Member and Chair Reynoso and Council
25 Member Gibson and Council Member Matteo who sounds

2 like a baseball player. I want to thank Commissioner
3 Kathryn Garcia for her support and Committee Counsel
4 Collin Howell, who has been wonderful in just keeping
5 us abreast of all the details as we continue this
6 process.

7 I am Deputy Borough President Diana
8 Reyna, on behalf of Brooklyn Borough President Eric
9 Adams, I would like to express our office's strong
10 support to amend the Administrative Code of the City
11 of New York in relation to regulating publicly
12 accessible collection bins. As representatives of
13 2.6 million people across Brooklyn, our office has
14 received many complaints from constituents and
15 community boards to Business Improvement District as
16 well as small businesses. They represent that-- that
17 are represented by all entities. Collection bins do
18 not belong on public sidewalks. They are unsightly,
19 block access, and attract trans graffiti. Currently,
20 it is illegal to place bins on sidewalks. Local Law
21 31 of 2007 regulated the removal of illegally placed
22 public accessible collection bins. And authorized
23 the Department of Sanitation to remove any bin placed
24 on City property 30 days after the Department has
25 affixed a notice to the bin.

2 While most bin owners remove their bins
3 within 30 days of receiving notice, DSNY has observed
4 that bins are often moved on the 29th day and are put
5 in another location on City property. And we also
6 heard from constituents that the same is true as they
7 have witnessed the shifting of a bin from one
8 location to the next. To avoid what would be the
9 intent of removing the actual property itself and/or
10 avoiding what would be the fine.

11 Intro 409 would allow DSNY to immediately
12 remove a collection bin placed on City property or
13 property maintained by the City, or any public
14 sidewalk or roadway, and closing the 30-day grace
15 period loophole that currently exists. The law
16 establishes a civil penalty of \$250 for the first
17 offense, and \$500 for each subsequent offense. An
18 owner who seeks to reclaim a bin that has been
19 removed by DSNY will be required to pay any penalties
20 imposed, and the cost removal and storage. If the
21 owner does not claim his or her bin within 30 days,
22 the Department will be authorized to dispose of it,
23 which is what we would like to strongly suggest more
24 so than anything else. From Greenpoint to Eastern
25 New York, from Bay Ridge to Brownsville, these

2 illegal bins have proliferated private and public
3 properties to the dismay of residents.

4 The Brooklyn Borough President Eric Adams
5 and I call on the New York City Council to strength
6 Local Law 31 by passing Intro 409, a bin illegally
7 placed on the sidewalk should be removed immediately.
8 And this legislation will ensure that. I also want
9 to note that in our last convened roundtable for our
10 BIDs, the issue of bicycles that have been abandoned
11 is also a rising issue, and the legislation, or
12 rather the Administrative Code does not acknowledge
13 the property of abandoned bicycles. So, therefore,
14 the Department of Sanitation cannot, or is not
15 authorized to remove the abandonment of bicycles.
16 And so, we'd like to continue to press what would be
17 the modification of these laws. So that there is
18 more enforcement, and corrective action as the agency
19 tries to address a lot of these concerns and
20 complaints. Thank you so much.

21 CHAIRPERSON REYNOSO: Thank you, and just
22 to give you a heads up, we are working on the
23 derelict bike situation, as we are calling it. So
24 hopefully, in some time, we will be able to testify,
25 but right now no.

2 DEPUTY BOROUGH PRESIDENT REYNA:

3 Fantastic. We are able to co-introduce that bill.

4 We would be happy to do so. Thank you.

5 CHAIRPERSON REYNOSO: Thank you, Deputy
6 Borough President. So, you have about two minutes on
7 the clock, and we are going to ask folks to speak--
8 This is the biggest one-- On our fabulous Business
9 Improvement Districts. I just want to say that this
10 is the second removal of items placed in public
11 streets. The ATMs were removed awhile back, and the
12 streets are much better because of it, and Council
13 Member-- Then Council Member Reyna, now Deputy
14 Borough President, was the lead on that bill. So I
15 want to call Joseph Szende, Michael Lambert, and
16 Artineh Havan. So please come up. You've got two
17 minutes each to speak. Okay.

18 [background discussion]

19 CHAIRPERSON REYNOSO: First of all from
20 Michael Lambert. Please again--

21 [background discussion]

22 CHAIRPERSON REYNOSO: So, you've got your
23 place. You can begin.

24 MICHAEL LAMBERT: Thank you. Good
25 morning, my name is Michael Lambert. I serve as the

2 Executive Director of the Bedford-Stuyvesant Gateway
3 Business Improvement District, which is the home of
4 almost 400 businesses along Fulton Street between
5 Troy and Classon Avenues, and along Nostrand Avenue
6 between Halsey Street and Atlantic Avenue. I also
7 serve as the Co-Chair to the New York City BID
8 Management [sic] Association, an member organization
9 of the BID Directors, created to collectively address
10 issues faced by the City's Business Improvement
11 Districts.

12 I want to thank Mayor de Blasio,
13 Sanitation Commissioner Garcia, Speaker Mark-
14 Viverito, Sanitation Committee Chair Reynoso, the
15 Council's Sanitation Committee in general, and the
16 members of the New York City Council for the
17 opportunity to testify before you all this morning at
18 Brooklyn Borough Hall. And I also want to thank
19 Brooklyn President Eric Adams and staff for allowing
20 us to be here as well.

21 The sacred promise of the Business
22 Improvement District's-- Business Improvement
23 District motto is Clean and Safe. And the mission of
24 Commissioner Doris Springer and her team at the New
25 York City Department of Small Business Services it

2 provide security programs, marketing programs,
3 technical assistance, event production. And many
4 other forms of programming to promote the economic
5 viability of our commercial corridors. BIDs often
6 puts significant levels of their resources into
7 keeping our corridors clean and attractive to the
8 provision of supplemental sanitation and graffiti
9 removal services. They make the districts more
10 attractive to area residents, shoppers, and visitors.

11 The proliferation of illegal placed
12 clothing bins is a common problem that I've heard
13 about from many of my colleagues across the city from
14 Bedford-Stuyvesant Gateway and BID members and from
15 Bedford-Stuyvesant residents. And I myself have
16 directly observed within the Bedford-Stuyvesant
17 Gateway Business Improvement District. The unsightly
18 bins have sprung up on the sidewalks overnight like
19 mushrooms. Often obstructing portions of the
20 sidewalks and serving as magnets for larger adverse
21 sanitation conditions such as excessive littering,
22 and illegal dumping.

23 After being identified, these bins offer
24 a 30-day period currently for their removal, and
25 quite often, as we have already heard, these bins are

2 technically moved to other parts within the
3 neighborhood. Before they are removed, allowing
4 people to actually place bags of trash on top of them
5 and around them. I ask that the present legislation
6 be amended to increase the level of enforcement and
7 penalties for those who illegally place these bins
8 our city streets. I thank the Council for its
9 leadership, and look forward to actually working with
10 the Council and the Department of Sanitation, and the
11 rest of the Mayor's administration on addressing this
12 issue.

13 CHAIRPERSON REYNOSO: Thank you. Very
14 good. [bell] The grade stands. We'll be handing it
15 out at the end of the hearing. All right. So you've
16 got to beat that.

17 ARTINEH HAVAN: Well, mine is very short.
18 Hello, my name is Artineh Havan. I am the Technical
19 Director of the Grand Street Business Improvement
20 District in East Willlaimsburg, Brooklyn. And on
21 behalf of the Grand Street Business Improvement
22 District, I would like to thank Council Speaker
23 Melissa Mark-Viverito, and all City Council Members,
24 and Antonio Reynoso who also Chair of the Sanitation
25 Committee. And also the City Council Members for

2 supporting this law. This law as relates to publicly
3 accessible collection bins, and also the time limit
4 to remove them. So over the last couple of years as
5 you have heard, there has been a point where the
6 clothing collection bins were all for charity. As we
7 all have heard also, the bin obstruct the sidewalk,
8 collection graffiti, and as well as the costs to
9 handle trash, and health and other threats.

10 We had one in our Business Improvement
11 District a year ago, which was done successfully.
12 However, those are unknown the North Brooklyn region
13 and we see them all in our corridor. And it's very
14 difficult to contact the owners, and all of them with
15 the current legislation. And the goal of our
16 organization, as mentioned is to improve the, the
17 commercial corridor and the quality of life for the
18 community. We support this greater legislation and
19 greatly appreciate your efforts in drafting it.
20 Thank you. [sic]

21 CHAIRPERSON REYNOSO: Thank you very
22 much. Maybe I think she beat it. That's two gold
23 stars. And now, Michael Lambert from the Bed-Stuy
24 Gateway District.

25 MICHAEL LAMBERT: No.

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2 CHAIRPERSON REYNOSO: I'm sorry.

3 MICHAEL LAMBERT: I like you to recognize
4 me.

5 ANTINEH HAVAN: Are you taking over here?
6 [sic]

7 JOSEPH SZENDE: Yes. My name is Joseph
8 Szende. I'm the Executive Director-

9 CHAIRPERSON REYNOSO: [off mic]

10 JOSEPH SZENDE: Oh. My name is Joseph
11 Szende. I'm the Executive Director of the Atlantic
12 Avenue BID right here in Brooklyn. My BID is about
13 three blocks away, and so I really appreciate the
14 Borough President and the Deputy Borough President
15 allowing for this hearing to be here today. But it's
16 not just a problem obviously around here. You can
17 see on the map how big a problem it is across the
18 city. So in addition to being the Executive Director
19 at the Atlantic Avenue BID, with the BID Association
20 I've taken on the role of being the Chair of the
21 Clothing Bin Working Group where we decided that this
22 is a big enough the BIDs in the City that we are
23 going to take this on. This couldn't continue to
24 proliferate in all of these really small
25 neighborhoods that have got a lot of bigger problems.

2 And it's not something that we can handle very
3 easily. We work with our Community Board, and we
4 really started with calling our local Sanitation
5 representative saying, "What can you do about this?"
6 And he said, "You have to change the law." And so,
7 here we are. I think a lot of what has been said
8 already I would repeat. But the same thing that has
9 been amazing for me working on this is just the
10 extent of it. We actually went out, Michael and I,
11 to Bayside Queens. You know, pretty far up in
12 Queens. They were having this issue. Somebody put a
13 clothing bin right in front of a historic cemetery
14 there that really offended him or her. It's just
15 really all over the city such a big issue. And we
16 don't think that we should have to deal with that any
17 more. So we really think that everybody, the
18 Administration, the City Council, and we're looking
19 forward to it getting done. So thank you very much.

20 CHAIRPERSON REYNOSO: And we want to
21 thank the Brooklyn BIDs for [bell] coming together,
22 and again being creative and helping us out. And it
23 looks like you have someone in a garage that might
24 have to be moved to Policy Division.

25 JOSEPH SZENDE: [laughs] More or less.

2 CHAIRPERSON REYNOSO: They would probably
3 confer with you on that. But thank you guys. Any
4 questions for the group? Thank you guys very much
5 for your time.

6 JOSEPH SZENDE: Thank you.

7 ARTINEH HAVAN: Thank you.

8 CHAIRPERSON REYNOSO: Let me see if I get
9 this right. Rene Giordano, Mark Cassater, or
10 Castera. Sorry. And Rachel Bing, and forgive me if
11 I don't get the names correctly.

12 [background discussion]

13 CHAIRPERSON REYNOSO: All right, let's go
14 from left to right. On my left, or your right to
15 left.

16 MARK CASERTA: Well, it was called up for
17 me. It's just cheating a little bit here. My name
18 is Mark Caserta of the Park Slope Fifth Avenue BID,
19 and we went from the Dean Street next to the Barclay
20 Center all the way to 18th Street. We have over 500
21 businesses, small businesses within that area. I
22 want to thank you for again taking this issue
23 seriously and working with this. And, you know, I
24 just the same things as everybody else. So, I'm just
25 going to provide that we do have one of those bins

2 that was bolted to the ground. They take rebar and
3 just stick it through the ground, and it was bolted
4 in place. And the last time it was removed, they
5 left the rebar sticking out of the ground three
6 inches right next to a private property. And the
7 property owners, you know, they see it often as an
8 expense. So, we are very anxious to get rid of this
9 bill, and look forward to with you on it. And I did
10 that in one minute and 28 seconds.

11 CHAIRPERSON REYNOSO: I'm giving out
12 timing stars now.

13 RENE GIORDANO: My name is Rene Giordano.
14 I'm the Executive Director of the Sunset Park
15 Business Improvement District. I wanted to thank the
16 City Council, the Speaker, and the Mayor's Office.
17 It's nice to see that Sanitation, the Mayor and the
18 City Council all work together to create something
19 that was a real blight in my neighborhood. It was
20 started over two years ago, and I found that in
21 certain locations in our neighborhood, the same spot
22 seems to be really great for collecting the clothing
23 because bins keep showing up again every few months.

24 I found also that through our website and
25 through our Facebook page, not only were the bins

2 being reported to me by my own members, business and
3 property owners, but people around our community were
4 sending me pictures. Unfortunately, Sanitation in
5 our neighborhood is great. I just emailed a whole
6 list of them every couple of days. Last year alone,
7 we reported just from us 38 different bins, and this
8 year until now we've already reported 25. And
9 they've been tagged and removed.

10 The two things that we want to see added
11 to the bill is that there be a size restriction.
12 There is no reason why the bin should be large though
13 for somebody to climb into, and that's what we found
14 is happening. The other thing is also I believe that
15 only real charities should be allowed to put them on
16 private property. I want to thank everybody, and
17 we're looking forward to working with you in the
18 future on other issues. Thank you.

19 CHAIRPERSON REYNOSO: Thank you.

20 SPEAKER MARK-VIVERITO: We appreciate the
21 recommendation. Did you say two things? I only
22 heard you about the size of the bin. Did you have
23 another recommendation?

24 RENE GIRODANO: Only charities.

25 SPEAKER MARK-VIVERITO: Got you.

2 RENE GIORDANO: We investigated some of
3 the names and the phone numbers, and it was a
4 company. One of them was a company in the Middle
5 East that has an outreach in Jersey. And so, it took
6 a lot of layers like a whole night. My staff
7 couldn't sleep that night until they found out who
8 the company was. So, they are really taking
9 advantage of people who just want to give something,
10 and I don't think it's right.

11 SPEAKER MARK-VIVERITO: Okay, so thank
12 you for your recommendations. We'll take that under
13 consideration. Thank you.

14 CHAIRPERSON REYNOSO: Thank you.

15 RACHEL ROONEY: Good morning. My name is
16 Rachel Rooney. I'm the Executive Director of the
17 Sunnyside Shines Business Improvement District in
18 Sunnyside, Queens. I think I'm representing Queens
19 today. So thank you for having me here. Thank you
20 to Chair Reynoso, Speaker Mark-Viverito and my
21 colleagues at the Bay Association. This is a
22 citywide issue that we are taking seriously. I can
23 speak about the experience in my district. Our
24 Business Improvement District is in Sunnyside in
25 Western Queens. We have an 18-block area on Queens

2 Boulevard and Greenpoint Avenue consisting of just
3 over 300 businesses. Starting this summer, we
4 experienced three of these bins that popped up
5 seemingly overnight in our district.

6 The next day they had graffiti tags all
7 over them, and then within the week, as my colleagues
8 have stated, bags of garbage started to appear
9 overflowing out of them next to them. They really
10 were the blights in our neighborhood. And as you
11 know, most of our missions with Business Improvement
12 Districts is to clean our districts, to present a
13 clean and safe district. Really, what we have seen
14 is we want to give Sanitation the tools to help us
15 achieve our mission. Our Sanitation, our local
16 Sanitation captain was fantastic. He was out two
17 hours after I called the bin to have it tagged, but
18 it was frustrating that he couldn't do anything else
19 beyond wait 30 days. And this could have just been
20 just so much more beneficial if they were able to
21 remove that bin immediately.

22 And I'm presenting testimony today on
23 behalf of Lori Tonelli, at the Central Astoria Local
24 Development Coalition. And as well as one of the
25 property owners in my district, Pipkin Realty who

2 owns property throughout Queens, and has had to deal
3 with six of these bins. So I'm going to share their
4 experience as well. This is very much a citywide
5 issue. We're feeling it in Queens and we appreciate
6 your action on this. So thank you very much.

7 CHAIRPERSON REYNOSO: Thank you, guys.

8 Again, thank you. Rick Henningsen, Joel Katz, and
9 Anthony Sterban.

10 [Pause]

11 CHAIRPERSON REYNOSO: All right, so we're
12 going to go from your right to left.

13 [background conversation]

14 ANTHONY STERBAN: My name is Anthony
15 Sterban. I am the Recycling Manager for Use Again.
16 Use Again is a for-profit organization that collects
17 textiles throughout the country by converting
18 millions of pounds of clothing from America's
19 landfills. Founded in 1999, Use Again operates over
20 10,000 collection bins in 17 states. Last year, we
21 collected 60 million pounds of unwanted textiles
22 companywide. Since 2003, Use Again has operated in
23 New York's five boroughs, and currently has over 400
24 locations. Last year, we collected 3 million pounds
25 of textiles in the five boroughs alone.

2 As a company, we support the new rules
3 that have been put into place to regulate our
4 industry. And we strive to be transparent in our
5 daily operations. Our bins are clearly marked as a
6 for-profit organization. Our phone number and
7 website are also clearly displayed. We at Use Again
8 get permission from each of our customers with signed
9 agreements before installing our collection bins. We
10 also assess each location with our customers so that
11 our bins are properly placed. [bell] We are looking
12 forward to working with the Committee, and with the
13 Department of Sanitation to increase the collection
14 of unwanted textiles throughout New York's five
15 boroughs. Thank you for your time, Committee.

16 CHAIRPERSON REYNOSO: Thank you, Mr.
17 Sterban.

18 SPEAKER MARK-VIVERITO: So you're
19 supportive of this?

20 ANTHONY STERBAN: Absolutely.

21 COUNCIL MEMBER GIBSON: Are you in the
22 Bronx?

23 ANTHONY STERBAN: We're in the Bronx. We
24 are in all of the boroughs, and throughout 17 states.

2 SPEAKER MARK-VIVERITO: If we were to ask
3 you to give us a listing of all of your bins in each
4 of our districts, would you be able to give us that?

5 ANTHONY STERBAN: We would able to do
6 that, but there would have to be-- We would have to
7 talk about that because it's private information from
8 the company.

9 SPEAKER MARK-VIVERITO: Okay. Just
10 curious.

11 CHAIRPERSON REYNOSO: I see on the back
12 of your pamphlet, you have the size of your bin.

13 ANTHONY STERBAN: Yes.

14 CHAIRPERSON REYNOSO: Are they this size
15 for a reason?

16 ANTHONY STERBAN: Well, we try to make it
17 that size because we do have a lot of commercial
18 locations. So we don't want to take up a big
19 footprint on their private property. And as far as
20 what one of the other people said that the size also
21 we don't want people to jump into our bins as well.
22 And they are built so that it's almost like a post
23 officer box. As it opens, it only allows the
24 textiles to lay on top, and as you close them, it
25

2 falls in. It makes it pretty difficult to get inside
3 of them.

4 SPEAKER MARK-VIVERITO: Does that size
5 and the shape does it allow for less trash to be
6 throw in the bin.

7 ANTHONY STERBAN: Trash, unfortunately I
8 think trash is logistically a problem. We handle
9 trash by our Transportation Department. Frequency of
10 pickups is what takes care of trash. We go to our
11 locations multiple times per week. We have a 24-
12 hour, 7 day a week Site Maintenance Program. As
13 before someone said you made a phone call, and you
14 don't have anybody to speak to. During business
15 hours, we have an Admin Department and Transportation
16 Department that picks up the phone. After business
17 hours, we have a service that will take a detailed
18 message so that our Transportation Department can
19 handle it the next day.

20 SPEAKER MARK-VIVERITO: Well, doing the
21 maintenance of the bins if they get graffiti or dirt?

22 ANTHONY STERBAN: We actually have a
23 graffiti team that goes out. Territory Managers
24 they're called. They actually go out as our drivers
25 are trained to mention that there is placards on it,

2 or there is graffiti on it. And then we send out a
3 group to wipe off the best we can. If we cannot wipe
4 it off, we've actually replaced bins because, when we
5 speak to our customers, their image is one of the
6 biggest reasons, one of the biggest important aspects
7 of our business. If our image is not correct with
8 their business, and it hurts their image, then there
9 is no point in them trying to help diverting textiles
10 from landfills. So we do our best to minimize the
11 garbage. However, it's not perfect. We just do our
12 best. We actually have things in place.

13 SPEAKER MARK-VIVERITO: So this is the
14 last question. If you can't-- I mean how many would
15 you say bins you have in New York City?

16 ANTHONY STERBAN: Over 400 in the
17 boroughs.

18 SPEAKER MARK-VIVERITO: Throughout the
19 boroughs?

20 ANTHONY STERBAN: Throughout the five
21 boroughs, yeah.

22 SPEAKER MARK-VIVERITO: Okay. Thank you.

23 CHAIRPERSON REYNOSO: And do you guys
24 work along Sanitation--

25 ANTHONY STERBAN: Absolutely.

2 CHAIRPERSON REYNOSO: Especially
3 regarding the diversion rates.

4 ANTHONY STERBAN: Right, one moment.
5 With the Sanitation Department when it is tagged, we
6 will go and send the territory manager such as Joel
7 Katz, and we will see if there is a private area to
8 place the bin, to move it. Because a lot of times it
9 looks like it could be a private property, and it may
10 not be, and it gets tagged. If we cannot find a
11 location to place that is legal, we just remove the
12 bin, and we walk away. Because it's not worth the
13 additional hassle of being tagged again. And really,
14 the business owner is getting the brunt of the
15 problem.

16 CHAIRPERSON REYNOSO: Right.

17 ANTHONY STERBAN: So we want to avoid
18 that.

19 CHAIRPERSON REYNOSO: Okay, and how do
20 you see that driving the increase in Brooklyn's
21 facility, and has that hurt your business model in
22 anyway?

23 ANTHONY STERBAN: I'm sorry.

24 CHAIRPERSON REYNOSO: Well, I know that
25 image is a big issue--

2 ANTHONY STERBAN: Yes.

3 CHAIRPERSON REYNOSO: --but the business
4 models are with the competition.

5 ANTHONY STERBAN: Well, your-- this
6 legislation is perfect for us because we would place
7 a bin on private property let's say in a supermarket.
8 And then, you'll have 15 other bins on sidewalks that
9 take away from what we're going to be able to
10 recycle. And they're making us look back because
11 they're not maintaining the bins and we are. And
12 then we get lumped into this situation, which I'm
13 happy that not one of my bins are behind us. But it
14 could be behind us--

15 CHAIRPERSON REYNOSO: Yes.

16 ANTHONY STERBAN: --because it does
17 happen.

18 CHAIRPERSON REYNOSO: Yes.

19 ANTHONY STERBAN: So, yes, this is good
20 for us we think.

21 CHAIRPERSON REYNOSO: Thank you guys.

22 ANTHONY STERBAN: Thank you.

23 CHAIRPERSON REYNOSO: The next one.

24 JOEL KATZ: As Anthony stated, I'm Joel
25 Katz. I'm one of the Territory Manager for Use

2 Again. My function is actually to go out into the
3 field, and resolve issues at our sites with the bins.
4 As he mentioned, there could be graffiti issues.
5 There may be issues with extra clothes by the bins.
6 I have actually met with some of the community boards
7 in the Bronx, Queens, and Brooklyn because of all the
8 negativity that's been associated with the bins for
9 our competitors. We also work with NYSAR. I don't
10 know if any of you guys know. November 15th is going
11 to be National Textile Day. I'm actually one of the
12 committees with NYSAR currently, and I've also worked
13 a little bit with Sanitation because I myself-- I'm
14 in the field a lot, and my territory is basically
15 Upper Manhattan, the Bronx, and Queens. There is not
16 a bin that I don't know about in Bronx County. In
17 fact, I actually have a request to meet with you.
18 They told me it takes four--

19 SPEAKER MARK-VIVERITO: Me?

20 JOEL KATZ: --so six weeks. So I
21 understand that. I actually heard you speak--

22 SPEAKER MARK-VIVERITO: No, I understand
23 that. I'm here.

24 JOEL KATZ: I had the pleasure of hearing
25 you speak yesterday at the Bronx Chamber of Commerce.

2 So I go to the networking events also. And I,
3 myself, in the field was quite perturbed by what I
4 saw this winter. And that was the proliferation of
5 all the illegal bins that were just dumped in front
6 of abandoned businesses, and empty parking lots. And
7 I communicated that to somebody [bell] who is sitting
8 here today from Sanitation. We met at one of the
9 NYSAR meetings. So I know exactly what's going on
10 here, and we get the whole big pictures of the
11 downside to [bell] the problems with the bin.

12 We strive to handle our sites, and
13 conduct this business as professional as possible.
14 And want to do everything that we can to help the
15 City of New York. You know, we also have bins in
16 Jersey and on the Island and Westchester, and are
17 very, very much in tune with anything that goes wrong
18 with the bins. And how we as a company can help all
19 of you to not have the issues in the neighborhoods
20 that you do have.

21 CHAIRPERSON REYNOSO: I'm going to have
22 to cut you short, but we do thank you for being the
23 good payers I guess, and we are grateful that you're
24 here testifying as well. I wasn't expecting that.

2 So I'm extremely grateful. So our next speaker. So
3 thank you.

4 RICK HENNINGSSEN: Rick Henningsen and I'm
5 Operations Manager for Planet Aid. And just to give
6 you a quick synopsis, we operate at about 120
7 locations throughout the Bronx and Brooklyn right
8 now. And I would like to give you some of my
9 testimony. Planet Aid is 501(c)(3) charitable
10 organization with an environmental and humanitarian
11 mission. Our organization collects and recycles and
12 reuses many different textiles in an effort to reduce
13 waste and limit pollution. The proceeds from our
14 recycling and reuse program fund our humanitarian
15 development projects throughout the world. Moreover,
16 we frequently partner with local non-profits,
17 churches and schools in furtherance of our mission.
18 All of our work is made possible through the use of
19 publicly accessible collection bins. Our protocol
20 throughout the county is to first receive permission
21 from our site host. Usually the property owner or
22 the renter of the property. Planet Aid then receives
23 a signed license agreement and places a collection
24 bin at the site. From there sites are monitored
25 based on their yields and pounds, and pickup

2 schedules are modified accordingly. Planet Aid also
3 regularly modifies the volume of pickups, if there
4 are overflows or issues with dumping.

5 New York City has experienced each of
6 these issues. Planet Aid seeks to address in its
7 Protocol dumping, overflows, and lack of permission.
8 Outside of getting permission for our collection
9 bins, there is very little control we can assert over
10 those looking for cheap waste removal alternatives,
11 or over-zealous donors. However, we always
12 understood that the onus is on our organization to
13 keep collection bins clean, and in good repair. With
14 this in mind, Proposed Ordinance No. 409-2014 seeks
15 to address many of the collection bin issues plaguing
16 New York City residents. And it is a much needed
17 step in the right direction. Planet Aid agrees that
18 the following are great ideas: Registering with the
19 Department of Sanitation; providing [bell] statistics
20 to said department; setting cleanliness standards;
21 and allowing the Department of Sanitation the ability
22 to remove questionable collection bins immediately.

23 In order to comply with the current
24 collection bin ordinance as well as Ordinance No.
25 409-2014, Planet Aid has already undertaken a number

2 of steps. First, we have begun to remove any
3 collection bins that may be on public property. We
4 have staff members actively reviewing our sites, and
5 today have removed 20 or so collection bins.

6 Moreover, we have actively been engaging in
7 conversations with the Department of Sanitation
8 officials and other New York officials to determine
9 how some sites can come into compliance.

10 Second, in many jurisdictions, Planet Aid
11 already provides collection data to local
12 governments. We are able to do this because we
13 instructed our drivers to estimate, a process in
14 which we have trained our drivers, And to estimate
15 the collections from any given bin. At the end of
16 the collection process, all items are weighed, and
17 then proportionately based on their driver estimates.
18 The results of the bookkeeping process have proven
19 remarkable and accurate. In Brooklyn an average
20 weight per week has been 7,900 pounds and in the
21 Bronx 6,900 pounds.

22 Finally, our staff is fully prepared with
23 regards to registering each and every one of our
24 collection bins. Planet Aid has worked with a number
25 of cities and towns in order to develop effective

2 registration process: Boston, Massachusetts,
3 Michigan, Maryland, Ohio, Los Angeles, California to
4 name a few. Likewise, we have been able to provide
5 whatever has been asked of us including mapping our
6 bins and providing site consent forms. Based on our
7 experiences, the measures proposed by the Council
8 will ensure that most questionable operators cease
9 their activities.

10 CHAIRPERSON REYNOSO: Sir, I apologize
11 again. We're going to have to cut you off. You're
12 over the time limit. You did mention regarding
13 permit stickers?

14 JOEL KATZ: Yeah, we've-- In order to
15 help towns regulate how many bins are placed in their
16 town and city, we've helped them with the permit
17 process where we actually help them give an
18 application to operators. We've also provided
19 stickers. S o this way if a bin is placed on a
20 property, it would be very easy for someone. Case in
21 point, Sanitation to look at it and say, Okay, that
22 is an approved bin. It's approved to be there.

23 CHAIRPERSON REYNOSO: Right. And also
24 legitimizing bins. And if they have a sticker,
25

2 they're good to go, and we can I guess have public
3 confidence in being able to drop this stuff off.

4 JOEL KATZ: Right.

5 CHAIRPERSON REYNOSO: Thank you. We
6 really appreciate that. Thank you to the panel
7 again. Thank you, guys.

8 JOEL KATZ: Thank you. Can I add one
9 more point.

10 CHAIRPERSON REYNOSO: Sure. I guess so.

11 JOEL KATZ: There is a-- In order for
12 this ordinance to go through, there is also something
13 that's-- It's Revocable Consent Procedure that's out
14 there right now. In that, and I guess it's an
15 ordinance, there is nothing stating for consent for a
16 donation bin. So with this, we're looking to
17 possibly have a donation bin be placed into that
18 location.

19 [background conversation]

20 CHAIRPERSON REYNOSO: And you just sort
21 of repeat that question one more time or in your
22 statement one more time. When you apply for a
23 Revocable Consent, there is nothing in there stating
24 that you can apply to put a donation bin. And that
25 is something that would be used for a cafe, a

2 newspaper unit that's on the sidewalk. And that is
3 something that is sponsored through, and approved
4 through the Department of Sanitation. So that is
5 something that we would look at, or want to do, I
6 think that's good.

7 [background conversation]

8 CHAIRPERSON REYNOSO: All right, thank
9 you.

10 SPEAKER MARK-VIVERITO: Thank you.

11 CHAIRPERSON REYNOSO: All right, Esther
12 Lamb, Elliott Groman, and Robert Perris. Thank you.
13 Thank you. I would also like to acknowledge that
14 we've been joined by another Broolynite, Carlos
15 Menchaca from Sunset Park. Your borough actually
16 spoke a little earlier. So you missed it big, but
17 they did an amazing job.

18 [Pause]

19 [background discussion]

20 CHAIRPERSON REYNOSO: All right. So we
21 can start again from your-- My left to your right,
22 sir. So you may start.

23 ROBERT PERRIS: Good morning Chair
24 Reynoso, Council Members Gibson, Matteo and Menchaca.
25 My name is Robert Perris, and I'm the District

2 Manager for Brooklyn Community Board 2. And I am
3 sorry that Commissioner Garcia had to leave because I
4 would like to state for the record that the only way
5 I'm willingly losing District Superintendent Thomas
6 Walsh is if the Department puts a gold star on his
7 Gabardine.

8 My Community Board and I thank the
9 Committee for its work on Intro 409, which
10 strengthens the regulations governing publicly
11 accessible collection bins. The cat and mouse game
12 that many owners of collection bins have been able to
13 play is a cynical manipulation of the current law.
14 And I think at this point in the hearing I don't need
15 to describe the problem. We all seem to be well
16 aware of it directly and by report.

17 You know, I have a big metal box myself,
18 it says "Ford" on the front and in the back, and if I
19 parked it on the sidewalk, it would be gone within
20 days if not hours. There is no reason why collection
21 bins should not-- They should receive greater
22 leniency. Community Board 2 reviewed the legislation
23 at its September general meeting, and the Community
24 Board voted unanimously to recommend that the City
25 Council pass Intro 409 into law. Thank you for the

2 opportunity to comment. And I was hoping for three
3 or four gold stars. I'm sorry.

4 CHAIRPERSON REYNOSO: [laughs] We have a
5 lot of them, though. We have a lot of gold stars.
6 Don't you worry.

7 ROBERT PERRIS: Okay.

8 CHAIRPERSON REYNOSO: So thank you.
9 Thank you again.

10 ELLIOTT GROMAN: Good morning Chairman
11 Reynoso and Speaker Mark-Viverito and the members of
12 the Committee. My name is Elliott Groman [sic]. I
13 am the Chief Operating Officer for Spin Green, LLC.
14 Until the user team came, I felt like a cat, you
15 know, a person out of place. It seemed like this was
16 going to be an overall bin bashing day. But I wanted
17 to tell you a little bit about my company, and myself
18 and what we do, and how we help the communities. And
19 I want to talk about Intro 409, and how we love Intro
20 409, but to be honest with you, how we can make it a
21 lot better. I've heard a lot of different testimony.
22 We've been in the recycling business. We've been
23 part of the Business Integrity Commission, which is
24 part of the Trade Waste Commission, since 2005. And
25 none of the things that are currently here address

2 anyway we can make it stronger. We don't have to
3 hire anybody because there are already governing
4 bodies in place.

5 As I said, my name is Elliott Groman. My
6 wife is the founder and Chairman, and she oversees
7 this company. Fortunately, she's sitting over there,
8 but she's got strep throat, and she wasn't able to
9 make her demonstration. Myself personally I went to
10 Desert Shield and Desert Storm. I went to Fort
11 Leonard Wood Missouri, and I'm an engineer by trade.
12 Spin Green is a social enterprise. Just to give you
13 what a social enterprise is, it's a company that does
14 good by doing good. In other words, we are not a
15 charity, but we might as well be. We have in our 18
16 to 19 months donated over \$100,000 to various
17 charities, global, national, regional and would help
18 thousands of students. What we basically do is--
19 Like I said, we've been around for two years. We've
20 collected. We have about 600 bins, and we have
21 collected about four to five million pounds over the
22 last two years. Even though we don't need to, we
23 have partnered up with not-for-profits that are near
24 and ear to our hearts. Gay Men's Health Crisis; the
25 American Diabetes Foundation, [bell] Boys and Girls'

2 Club and the American Red Cross. What we do is that
3 we collect unwanted clothing, clothing that would go
4 into the garbage. So far, the numbers for this year
5 from Sanitation -- and I wish the Commissioner also
6 was here because I also wanted a platinum star --
7 and their numbers is 400,000 tons of clothing have
8 been thrown out this year in New York City. We are
9 the City of disposable clothing. If you can go to K-
10 Mart and buy something for \$2.99, obviously it's
11 going to get thrown out.

12 So in other words, listen, I think there
13 is a lot of room to make this industry better, and
14 this has put a black mark on our industry. But also,
15 you have to understand, it does a lot of good. We
16 are not even close to Los Angeles and Chicago, who
17 have a textile recycling up to 35%. San Francisco
18 has a zero textile waste policy. We have an abysmal
19 15%. A company such as ours, such as us again, such
20 as various other companies, and luckily their
21 pictures are not here, do a good job. Okay, and we
22 want to raise our hand and say, we do above and
23 beyond the call of duty of doing a better job. Not
24 only do we help ourselves, not only do we help the
25 community, but we also help people who are not less

2 fortunate, who are fortunate. Because part of that
3 Sanitation budget actually comes out of our pockets.
4 If we have just really-- If we rise our percentage
5 where Los Angeles is, where Chicago is, we could
6 actually save \$93 million. That \$93 million could
7 have more teachers. It could do actually whatever
8 you guys wanted to do. If you guys want to go do a
9 party you could, you know.

10 CHAIRPERSON REYNOSO: Okay. So, you
11 guys, I want to thank you for speaking, and that's
12 exactly what we want to do is make sure that the good
13 guys continue to work here, and continue to find a
14 home in New York City. And that we do want to make
15 sure that the recycling happens, and that you are
16 providing a service. I do want to say, though, that
17 it's never fair to compare any cities to New York.
18 One, because we are the largest and the greatest.
19 But outside of that, there is also same thing in our
20 recycling I guess characterization. So there are
21 certain things that they consider recycling. Like
22 when they demolish a building, that building is
23 considered a recycled item. In New York City, that
24 doesn't necessarily happen. So it's different
25 things. And also, we're not paying to throw our

2 trash out. It's something that's done through
3 taxes. In those larger cities, they do have a repair
4 and restore [sic] system or model. So, they are
5 allowed to have a lot more resources to get the job
6 done than we do.

7 ELLIOTT GROMAN: I agree with you
8 Chairman Reynoso, but we do pay. We ourselves.
9 Since I've been in the recycling business over ten
10 years, we actually pay, the City pays. I contribute,
11 you contribute, she contributes \$104 to dispose of
12 textiles. So if by the Chairman's own admission that
13 we represent, that textiles represent 5.9%, and in
14 good companies such as our, and a company that
15 testified before us, were able-- given a little bit
16 more freeway, we would actually save that money. I
17 am referring to textiles, just textiles. Just
18 textiles. It has nothing to do with money.

19 CHAIRPERSON REYNOSO: I understand.

20 ELLIOTT GROMAN: It's just that they have
21 decided to take this step forward. But instead of
22 going off the subject, what I wanted to do is-- Like
23 I said I support this great bill, and I just have a
24 bunch of little notes that are suggestions that are
25

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2 currently being used in the Trade Waste Commission
3 that I think would really help us a lot.

4 CHAIRPERSON REYNOSO: So how about if we
5 look at this piece of legislation as a first step.

6 ELLIOTT GROMAN: Yes.

7 CHAIRPERSON REYNOSO: And that we move
8 forward, and try to continue to get better.

9 ELLIOTT GROMAN: Yes.

10 CHAIRPERSON REYNOSO: And that we include
11 in that conversation.

12 ELLIOTT GROMAN: Yeah. Well, yes,
13 absolutely. So are you saying I shouldn't mention
14 them at all?

15 CHAIRPERSON REYNOSO: Yeah, I think
16 because of just the time right now.

17 ELLIOTT GROMAN: Okay.

18 CHAIRPERSON REYNOSO: And it seems like
19 your points are also in the testimony. So they will
20 read into the record as well. So you will be on
21 record.

22 ELLIOTT GROMAN: Absolutely.

23 CHAIRPERSON REYNOSO: Thank you, sir.
24 All right, so all right. So go ahead.

25

2 ESTHER LAMB: Okay. Good morning,
3 Chairman Reynoso, Speaker Mark-Viverito and members
4 of the Committee. My name is Esther Lamb. I am the
5 Director of Development at the Russian American
6 Jewish Experience. We just partnered with Spin Green
7 on reducing our landfill waste by recycling old
8 clothing. Spin Green has been a tremendous partner.
9 As Elliott mentioned, not just with many not-for-
10 profits in our community, and has made recycling very
11 simple. They put unwanted clothing into the bin
12 provided by Spin Green, and when the bin is full,
13 they come by and pick it up. The partnership has
14 been a win-win for both. And they donate a portion
15 of the recycles to put towards our charity efforts.
16 And the city increases its recycling rates, saving
17 money and reducing landfill burdens.

18 We clearly support the strengthening of
19 the collection bin industry and appreciate the
20 Council's efforts to protect legitimate vendors in
21 the industry. We respectfully request that the
22 Council goes even further by implementing the nine
23 regulations-- recommendations proposed by Spin
24 Green. These further more stringent regulations to
25 make sure that the industry is not overrun by

2 fraudulent and fake operators, and will protect
3 industry players while legitimate. Thank you for the
4 opportunity to submit this testimony. We look
5 forward to working with the Council to strengthening
6 the rules and regulations in this industry and
7 welcome any questions you may have.

8 CHAIRPERSON REYNOSO: Again, thank you to
9 the panel. I really appreciate it, and hopefully it
10 will continue to get better as we move along. Thank
11 you, guys

12 ELLIOTT GROMAN: Thank you. I wish
13 someone had some questions for me. [laughter]

14 CHAIRPERSON REYNOSO: I would like to
15 call up the next panel. Daniel Murphy, Phillip
16 Kellogg and Daniel Scorse, and we're going to--
17 Also, as I said, we've been joined by Council Member
18 Carlos Menchaca of Sunset Park I would hope, here in
19 the great Borough of Brooklyn and we want to give him
20 an opportunity to make a statement.

21 COUNCIL MEMBER MENCHACA: Thank you
22 chair. Thank you so much for giving me the
23 opportunity to say hello. I'm not a member of this
24 amazing committee, but the committee been working
25 real hard. And we are all thinking about how we will

2 address this issue. And many Council Members came to
3 the front, and as well there has been a lot of
4 direction from our local organizations like the
5 Sunset Park BID that you just heard Rene speak
6 earlier today, and Community Board 7. CB 7 last
7 night, our members approved the resolutions to
8 support this piece of legislation. And that's the
9 kind of effort, and you heard from CB2 today it's
10 coming front he grassroots.

11 And so, it's really exciting to be
12 working with all of the boroughs here today in making
13 this a reality. And really making sure that the
14 final version of the bill and any future iterations
15 of this bill continue to address this issue. Thank
16 you so much for your advocacy. The last thing I'm
17 going to say is that this bill kind of sheds light
18 about the work and the kind of support that Business
19 Improvement Districts have given to us in the City.
20 The burden that these collection bins have been a
21 burden on our community organizations is wrong. And
22 so, I just want to make sure to kind of highlight
23 that. And we're hearing that, but as Council Member
24 I would note it as one of the hot spots. And in

2 working with the BID, it's been incredible. So thank
3 you so much for all the work.

4 CHAIRPERSON REYNOSO: Thank you Council
5 Member Menchaca. There are a lot of things that have
6 a bearing on our community organizations that is
7 wrong. So this is the last panel. Thank you to
8 everyone who has already testified, and please
9 proceed.

10 PHILLIP KELLOGG: Well, thank you very
11 much. My name is Phillip Kellogg, and I'm Executive
12 Director of FAB Alliance BID, which is on Fulton
13 Street in Brooklyn's neighborhood. Fort Green and
14 Clinton Hill are just down the street. And I want to
15 thank you for this opportunity to testify, echoing so
16 much of what has been said. There are illegal bins,
17 and I think they are popping up on a regular basis.
18 They're creating a mess in our district, as well as
19 on the streets in the surrounding neighborhoods that
20 aren't represented by BIDs. And the neighbors have
21 to take-- Have to put up with that. And it's
22 contrary to our goals to create a clean and safe
23 environment. Another angle on this is our small
24 businesses occasionally get hit with fines from
25 Sanitation if they leave some trash on the sidewalk.

2 They don't get a 30-day pass. They get fined right
3 away. They can't move a bag of trash around the
4 corner on the 29th day.

5 CHAIRPERSON REYNOSO: Yeah.

6 PHILLIP KELLOGG: They get fined right
7 away. They aren't allowed to use the public
8 sidewalk. We've got cafes dinged because they put a
9 bench out there for people to enjoy a cup of coffee.
10 They have to get permission. There are permits,
11 there are processes for the use of our public
12 sidewalks. And even BIDs we can't even do a blood
13 drive without getting multiple permits from multiple
14 City agencies. But yet these companies are dropping
15 essentially a refrigerator on the sidewalk illegally.
16 And we would like it to stop. So we support this
17 resolution, and thank you for the opportunity.

18 CHAIRPERSON REYNOSO: Absolutely. Thank
19 you. Thank you, sir.

20 DANIEL SCORSE Good morning, my name is
21 Daniel Scorse, Director of Public Space Initiatives
22 for the Myrtle Avenue Brooklyn Partnership. You have
23 our testimony. What is in it has been said before.
24 So I am not going to repeat it. I will tell a story.
25 Last year one of these bins popped up in front of--

2 On the sidewalk in front of a vacant lot in my
3 district. They love putting them in front of vacant
4 lots. So I called the number on the bin. Believe it
5 or not they answered. And I said, I know it's
6 against the law to have this hear bin on the public
7 sidewalk. And they said, Well, we have permission
8 from the property owner. I said, It doesn't matter
9 if you have permission from the property owner. It's
10 illegal to have them on the sidewalk.

11 Two days went by, and they ended up
12 cutting a hole, a bin size hole in the fence of the
13 lot, and pushed the bin into the lot. So that it was
14 on private property but still accessible from the
15 sidewalk. So I went to the property owner, and said,
16 Did you allow this? He said, No. I have no idea
17 what you're talking about. So I called back the
18 operator, and explained that he was lying to me. And
19 I just wanted to share that story to show you the
20 kind of operators that we're dealing with here.

21 CHAIRPERSON REYNOSO: Absolutely, and
22 after today we know that we have some good players
23 out here, but your story tells me the experience that
24 most folks have regarding these bins. So we hear you
25 loud and clear. Again, you guys are the last panel,

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2 and I want to thank everybody for being here today.

3 And I guess at this moment this meeting is now

4 adjourned. [gavel] Applause.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 22, 2014