



New York City
Department of Parks & Recreation



Hearing before the City Council
Committee on State and Federal Legislation

Fresh Kills Park

June 5, 2007

**Testimony by
Eloise Hirsh, Administrator of Fresh Kills Park**

A master planning process for Fresh Kills Park was conducted by the Department of City Planning. This extensive planning and community participation process produced a draft master plan last spring. The Parks Department has now taken that plan, and begun the process of transforming Fresh Kills 2200 acres from landfill to Park. An early action item, just outside the boundary of the landfill, is the Owl Hollow soccer field complex, which will start construction this fall with a budget of \$10.5 million. The park construction on the landfill will begin when the environmental impact process has been completed. The Bloomberg administration has initially committed \$196 million to the development of this park over the next 10 years.

As we begin the work of implementing the park plan, we have begun to tackle the various regulatory issues and legal hurdles that must be dealt with to complete the EIS and ULURP processes.

The first project, as you know, will be to build the road system, the bones of the park. Before any kind of construction can begin, the Environmental Impact work and the Uniform Land Use Review process must take place. Our ambitious schedule calls for all public approvals to take place by the fall of 2008. These approvals include the ULURP certification which deals with all the mapping and boundary issues. That certification needs to be completed by spring 2008. To complete that certification, we will need to alienate a portion of Fresh Kills that had already been mapped as parkland 50 years ago.

There is a 510 acre section that includes the internal creeks, wetlands and banks in the interior of the site. Any of the potential routings for the principal road that will go east/west through the site, will pass through some of this mapped parkland. So, oddly enough, to build Fresh Kills Park, we need to alienate some parkland so that we can build its road system and provide public access.

The complicating factor is that right now, we don't know exactly where the road will go or how wide it will be. That is what we are spending the next six to nine months figuring out, during the Environmental Impact study process. Yet, to meet our schedule so that we can begin park construction as soon as the EIS and ULURP processes are finished, we need to have the alienation legislation during this legislative session.

We have come up with an approach that we believe will both enable the park to proceed and yet ultimately protect the parkland in Fresh Kills. We have drafted legislation that would alienate a swath of parkland that is wide enough to accommodate whatever road we end up with, with the stipulation that any land not used for the road would revert to parkland. We are at the beginning of the process and I have been to Albany to discuss this with both State Senator Andrew Lanza and State Assemblyman Michael Cusick. The draft bill is being circulated to the appropriate counsels in both state legislative houses and Parks looks forward to working with this committee and the Council as we go forward.



CITY EMPLOYEES UNION LOCAL 237

AFFILIATED WITH THE
INTERNATIONAL BROTHERHOOD OF TEAMSTERS



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MEMORANDUM OF SUPPORT

SLR 62

S. 2486 (Padavan) / A. 4704 (Abbate)

The 24,000 members of Local 237 strongly support the enactment of S. 2486 (Padavan) / A. 4704 (Abbate). This legislation would amend the retirement and social security law, in relation to accident disability benefits for certain members of the New York City Employees' Retirement System (NYCERS) who are injured in the performance of their duties.

The 6,000 peace officers working for the City of New York, Health and Hospital Corporation, Taxi and Limousine Commission, Department of Education of the City of New York, Police Department, City University and New York City Housing Authority work under extremely difficult conditions and are in contact with many hostile individuals, frequently in volatile situations. On a daily basis these peace officers execute arrests, which often requires physical contact with people who become violent when faced with arrest. Because they are unarmed they are at a heightened risk for injuries. This legislation would provide peace officers in the above titles with a 75% pension benefit when injured in the performance of their duties on the job.

The legislature has previously recognized the inherent risks associated with similar professions by granting paramedics, firefighters, police and correction officers, who engage in law enforcement work, accident disability benefits. This legislation would remedy a serious inequity in the current statute by extending the same rights to hospital police, school safety agents, campus police officers, taxi and limousine inspectors, and parking control specialists.

On behalf of the members of Local 237, we urge your support of S. 2486 (Padavan) / A. 4704 (Abbate). If you have any questions, please contact Patricia Stryker at (518) 465-5551.

June 5, 2007

UNIFORMED
FIRE DEPARTMENT, CITY OF NEW YORK
FIRE OFFICERS
LOCAL 854, INTERNATIONAL ASSN. OF FIRE FIGHTERS, AFL-CIO
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TESTIMONY OF
BATTALION CHIEF JOHN J. MCDONNELL, PRESIDENT
UNIFORMED FIRE OFFICERS ASSOCIATION
BEFORE THE STATE AND FEDERAL LEGISLATION
COMMITTEE HEARING ON HOME RULE BILL SLR 0030-2007
June 5, 2007

Good morning Committee Chair Baez and Committee members. My name is Lt. Edward Boles and I am speaking on behalf of our newly elected President Jack McDonnell of the Uniformed Fire Officers Association (UFOA) representing the Lieutenants, Captains, Battalion Chiefs, Deputy Chiefs, Supervising Fire Marshals, and Medical Officers of the FDNY.

I would like to first publicly thank Council Member Baez and her staff for their support and condolences after the tragic fire that took place last August in the Bronx which fatally took the lives of two of our own, Lt. Howard Carpluk and Probationary Firefighter Michael Reilly. You and your staff were there from day one lending your assistance. Additionally, the City Council was instrumental under the leadership of Speaker Quinn, to introduce and pass legislation that begins to correct some of the flaws in our building code laws that will enable our members to perform their job more effectively and safely.

Today, the UFOA is respectfully requesting a City Council Home Message for the following bill:

SLR 0030-2007 (A4529 -Seminerio or S2414 -Padavan) Crediting Prior Service by the Fire Department Pension Fund: This bill is corrective legislation that would credit up-front pension service for members who served in various uniformed titles prior to gaining employment with the FDNY. Additionally, this bill would provide our members with the same opportunity our fellow New York City Police Officers have with obtaining prior service pension credit.

It is our hope that SLR 0030-2007 gains a home message from the State and Federal Legislation Committee and the entire City Council and the bill is transmitted to Albany so our members can achieve the same pension parity as Police Officers.

Again, the UFOA is grateful for your consideration of this home message and I would be happy to answer any question you may have on the bill.



—AFFILIATED WITH—

NEW YORK STATE AFL-CIO

NEW YORK CITY CENTRAL LABOR COUNCIL AFL-CIO • MARITIME PORT COUNCIL OF GREATER NEW YORK & VICINITY
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Associate Claims Examiner/Investigator-NYC Transit Authority
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Captain Bureau of Criminal Investigation-State Police
Captain Park Patrol
Captain State Police
Chief Insurance Frauds Investigator
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Chief Safety & Security Officer 1
Chief Safety & Security Officer 2
Chief Special Investigator
Chief Technical Sergeant State Police
Civilian Inspector at Bureau of Fire Prevention -FDNY
Correction Lieutenant
Correction Officer
Correction Officer Spanish Language
Correction Officer Trainee
Correction Officer Trainee Spanish Language
Correction Sergeant
Department of Environmental Protection Police
Deputy Supt for Correctional Facility 3
Deputy Supt of State Police
Director – Division of Law Enforcement
Director of Investigations
Emergency Service Dispatcher for Wallkill, NY
EMS Ambulance Worker for Health & Hospitals Corp or the FDNY
Environmental Conservation Investigator 1
Environmental Conservation Investigator 2
Environmental Conservation Investigator 3
Environmental Conservation Investigator 4
Environmental Conservation Officer
Environmental Conservation Officer Spanish Language
Environmental Conservation Officer Trainee 1
Environmental Conservation Officer Trainee 1 Sp L
Environmental Conservation Officer Trainee 2
Environmental Conservation Officer Trainee 2 Sp L
Facility Parole Officer 1
Facility Parole Officer 1 Spanish Language
Facility Parole Officer 2
Facility Parole Officer Trainee 1

Facility Parole Officer Trainee 2
Fire Alarm Dispatcher
First Deputy Supt Correctional Facility
First Deputy Supt State Police
First Sergeant State Police
Inspector State Police Group of Classes
Insurance Field Investigator
Insurance Frauds Investigator
Lieutenant Bureau of Criminal Investigation State Police
Lieutenant Park Patrol
Lieutenant State Police
Marine Fireman
Nassau County Police Dept (employed as an ambulance medical technician/paramedic)
New York City and New York State Court Officers
NYC Police Officers (with break in service)
Park Parole Officer
Park Patrol Officer Spanish Language
Park Parole Officer Trainee
Park Parole Officer Trainee Spanish Language
Park Ranger
Police Officer in Carmel and Mount Vernon, NY
Police Officer in Wallkill, NY (Orange Co.)
Racing & Wagering Investigator
Racing Inspector
Racing Investigator
Racing License Investigator
Seasonal Park Ranger – Westchester Co (peace officer status)
Security Guard – Long Island Public Schools
Security Officer
Security Officer Spanish Language
Security Services Aide
Security Services Assistant 1
Security Services Assistant 2
Security Services Assistant 3
Sergeant Park Patrol
Sergeant Park Police
Sergeant Station Commander
Sheriff with Rockland County Sheriff's Office
Triborough Bridge & Tunnel Authority Tunnel Officer
Trooper State Police
Workers Comp Fraud Investigator 1
Workers Comp Fraud Investigator 2
Youth Detention Counselor-NYS Div of Youth-NYS Detention Center
Zone Sergeant State Police

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Uniformed Firefighters Association



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Fire Marshal Representative

MEMORANDUM IN SUPPORT of SLR 30

S2414 – Introduced by Senator Padavan, et al.

A4529 – Introduced by Member of the Assembly Seminero

The Uniformed Firefighters Association, representing more than 22,000 active and retired firefighters and fire marshals, strongly supports this legislation which would credit pension service for members who served in various uniformed titles prior to gaining employment with the Fire Department of the City of New York. This time would be credited toward the minimum period for service retirement from the Fire Department of the City of New York. These members previously transferred their pension reserves over to the NYC Fire Pension Fund prior to being allowed to buy their prior service time back.

This legislation would supplement Paragraph 1, Section 12-144 which was added by Chapter 498 of The Laws of 2005 which authorized the New York City Police Pension Fund to permit prior service from a number of uniformed titles to be taken into consideration in determining when a member has attained a minimum period for a service retirement. This legislation would add those peace officers defined in Section 2.10 of the Criminal Procedure Law whose immediate prior service for the city in the title of sheriff, deputy sheriff, marshal or district attorney investigator or the members codified in the aforementioned chapter from the Uniformed Transit Police Force, the Uniformed Correction Force, Housing Police Service, and the Uniformed Force of the Department of Sanitation to receive this immediate prior service as credit toward a service retirement as well.

On behalf of our members, we urge your support in passing this home rule message.

Respectfully submitted,

Stephen J. Cassidy
President

Testimony for City Council State & Federal Legislation Committee

Hearing - June 5, 2007
City Hall

John R. Gibney, Jr.
Assistant Deputy Chief Actuary

My name is John R. Gibney, Jr. I am an Assistant Deputy Chief Actuary with the New York City Office of the Actuary ("OA"). I am here on behalf of Robert C. North, Jr., Chief Actuary of the New York City Retirement Systems ("NYCRS")¹. Also with me today are Joseph A. Petrovic, Brenda K. Ho and Frankie Chen of the OA.

Chairman Baez, Members of the Committee: Thank you for the opportunity to speak on the proposed legislation before you today.

I begin with the usual observations of the Actuary that proposed legislation should be:

- Technically Accurate
- Clear in its Intent
- Administrable
- Consistent with Policy Objectives

¹ New York City Employees' Retirement System ("NYCERS")
New York City Teachers' Retirement System ("TRS")
New York City Board of Education Retirement System ("BERS")
New York City Police Pension Fund ("POLICE")
New York City Fire Pension Fund ("FIRE")

City Council State & Federal Legislation Committee

Office of the Actuary Testimony
Hearing - June 5, 2007
City Hall

John R. Gibney, Jr.
Assistant Deputy Chief Actuary

(Cont'd)

With these observations in mind, The Office of the Actuary wishes to comment on the following:

- **SLR 30** - S2414/A4529 - Certain Prior Service to be Deemed Uniformed Service in FIRE.
- **SLR 38** - S4239/A7336 - Sanitation Buyback Layoff Time.
- **SLR 39** - S5739/A6171 - Reopener of the 25-Year/Age 50 Retirement Program for Automotive Members.
- **SLR 50** - S3315 - Climbers and Pruners Buyback Layoff Time.
- **SLR 56** - S5382 - Provide Health Insurance to Emergency Medical Technician Surviving Spouses.
- **SLR 60** - S3994/A6542 - Permit Unrestricted Income for Reemployed POLICE Retirees.

City Council State & Federal Legislation Committee

Office of the Actuary Testimony
Hearing - June 5, 2007
City Hall

John R. Gibney, Jr.
Assistant Deputy Chief Actuary

(Cont'd)

- **SLR 62** - S2486/A4704 - Increase Certain Special Officers
Accidental Disability Retirement Benefit to 75%
of Final Average Pay.

The OA's detailed comments on each SLR are provided in the attached appendices. I will be glad to answer any questions you may have. Thank you for the opportunity to testify.

APPENDIX I

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 30 - S2414/A4529

SLR 30 - S2414/A4529: Would permit certain prior service as a member of the New York City Employees' Retirement System ("NYCERS") to be deemed as uniformed service for purposes of benefits and eligibility to retire in the New York City Fire Pension Fund ("FIRE").

Such prior service would be service as: an Emergency Medical Technician, allowable service - as a Peace Officer, in the job title Sheriff, as a District Attorney Investigator, or in a position listed in Appendix A of a certain labor agreement dated October 27, 2005.

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 30 - S2414/A4529

Issues with this bill:

1. Those members who transfer into FIRE whose prior service is considered as "FIRE uniform service" have their prior Basic contributions as a NYCERS member (i.e., for Tier IV members, the 3% of pay contributions) transferred into FIRE and pay the FIRE contribution rate based on the age at entry into NYCERS. Such FIRE contributions are paid from the transfer date until the date of retirement from FIRE. Any deficit in the member's Basic contributions account at time of transfer into FIRE is retained until paid off.

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 30 - S2414/A4529

2. As the FIRE member contribution rates exceed the NYCERS Basic member contribution rates, there would be a deficit in the portion of FIRE contributions that were not paid for retroactive periods of service as a NYCERS member before entry into FIRE that will have to be made from employer contributions to FIRE.

3. In addition, the sponsors of the proposed legislation indicate that approximately 150 current members of FIRE would be covered by this bill.

The OA is unable to confirm this number at this time. However, recent valuation data for FIRE indicate that there would be a potentially greater number of eligible members.

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 30 - S2414/A4529

4. As these members enter with prior service that is recognized for retirement eligibility purposes in FIRE, the period needed to fully fund all the benefits these members would accrue in FIRE has to be paid over a shorter period of time (e.g., a new FIRE transfer who has ten years of prior service would need only 10 years of service in FIRE in order to be eligible to retire for service and also be eligible for Variable Supplements Fund benefits).

5. Earlier retirement also implies greater Other Post-Employment Benefit ("OPEB") costs.

As written, S2414/A4529 is not cost neutral.

APPENDIX II

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 38 - S4239/A7336

SLR 38 - S4239/A7336: Would permit the purchase of service for the period of layoff for any employee who is employed in the non-uniform force in the Department of Sanitation who was suspended for not more than 48 months because of economy measures on or after December 6, 2002 and returned to employment prior to December 6, 2006.

Issues with this bill:

1. A similar situation regarding policy for certain uniformed Sanitation members was resolved with the enactment of Chapter 528 of the Laws of 2001 by having those members pay additional member contributions to more closely approximate the total cost of the service.

This proposed legislation would treat the non-uniformed employees better than uniformed employees in similar situations.

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 38 - S4239/A7336

2. The bill does not specify that the members would have to pay back interest on owed contributions.
3. Earlier retirement also implies greater OPEB costs.

As written, S4239/A7336 is inconsistent with prior legislation, not cost neutral and appears to be at odds with existing policy.

APPENDIX III

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 39 - S5739/A6171

SLR 39 - S5739/A6171: Would permit certain Tier II and Tier IV NYCERS members who meet the definition of "Automotive Member" in the 25-Year/Age 50 Improved Retirement Program for Automotive Members who did not elect to participate in the Program when first eligible another 270-day window of time from enactment date to elect to participate.

Issues with this bill:

1. A reopener of an existing retirement program is more expensive because there are fewer years over which to fund the early service retirement benefits of those members who elect to be covered.
2. Since the reopener is optional, generally only those members who could benefit would elect to participate (i.e., the reopener process allows for anti-selection).
3. Reopeners have not generally been permitted.

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 39 - S5739/A6171

4. Earlier retirement also implies greater OPEB costs.

As written, S5739/A6171 is inconsistent with prior legislation, not cost neutral and appears to be at odds with existing policy.

APPENDIX IV

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 50 - S3315

SLR 50 - S3315: Would permit the purchase of service for the period of layoff for any employee who is employed in the Department of Parks as a climber or pruner and who was suspended for not more than 25 months because of economy measures on or after July 1, 1991 and returned to employment prior to July 1, 1995.

Issues with this bill:

1. A similar situation regarding policy for certain uniformed Sanitation members was resolved with the enactment of Chapter 528 of the Laws of 2001 by having those members pay additional member contributions to more closely approximate the total cost of the service.

On the other hand, one group (Corrections) has been permitted layoff credit without additional member contribution (Chapter 686/05).

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 50 - S3315

2. The bill does not specify that the members should have to pay back interest on owed contributions.

3. Earlier retirement of any such members also implies greater OPEB costs.

As written, S3315 is inconsistent with prior legislation and is not cost neutral. It is unclear whether S3315 is at odds with existing policy since there are conflicting statutes.

APPENDIX V

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 56 - S5382

SLR 56 - S5382: Would provide health insurance to the surviving spouses or domestic partners and children (under age 18 or age 23 if a student) of deceased Emergency Medical Technicians ("EMT") who were employed by the New York City Fire Department and who died in a Line-of-Duty accident on and after July 1, 2001.

In addition, the surviving spouses and/or children of retired EMT members who die would be entitled to continue such health insurance coverage if they agree to pay 102% of the group rate for such coverage.

Issues with this bill:

1. The continuation of health insurance to surviving spouses and children of members who die after retirement is currently limited to retired members of the New York City Police and Fire Pension Funds.

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 56 - S5382

2. There would be an increase in OPEB costs.

As written, S5382 is inconsistent with prior legislation, not cost neutral and appears to be at odds with existing policy.

APPENDIX VI

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 60 - S3994/A6542

SLR 60 - S3994/A6542: Would permit members of the New York City Police Pension Fund to return to employment as teachers without any restriction on their income provided such retirees waive their right to receive pension credit for such service.

Issues with this bill:

1. There would be an increase in costs.
2. RSSL Section 211 and RSSL Section 212 already provide the opportunity for retired public employees to work in the public sector with lessened or no diminishment of their pension benefits.

This proposed legislation would contravene these New York State-wide rules for a limited number of individuals who already have access to the rights afforded under RSSL Sections 211 and 212.

APPENDIX VII

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 62 - S2486/A4704

SLR 62 - S2486/A4704: Would increase the Accidental Disability Retirement benefit of certain Tier IV NYCERS members in the following job titles: Special Officers, Parking Control Specialists, School Safety Agents, Campus Peace Officers and City Taxi and Limousine Inspectors, to 75% of Final Five Year Average Salary.

Additionally, the bill would, for this group of members, provide that the Accidental Disability Retirement processings be subject to a second review by the medical board.

Issues with this bill:

1. There would be an increase in the cost of Accidental Disability Benefits because of the significant change in the benefits provided.

City Council State & Federal Legislative Committee

Hearing on June 5, 2007

Office of the Actuary Testimony

SLR 62 - S2486/A4704

2. There appears to be a technical question in the wording of the bill in its description of the eligibility for Accidental Disability Benefits. It excludes the wording that the accident be subject to "unless the contrary be proved by competent evidence."
3. The wording creating the second medical review processing does not appear to accomplish this and the wording appears to be flawed.
4. The OA provided Fiscal Note 2005-14 on a similar bill noting these issues and the potential cost.

As written, S2486/A4704 is inconsistent with prior legislation, technically flawed, not cost neutral and appears to be at odds with existing policy.