

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC SAFETY

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September 4, 2008  
Start: 10:00am  
Recess: N/A

HELD AT: Committee Room  
City Hall

B E F O R E: PETER F. VALLONE, JR.  
Chairperson

COUNCIL MEMBERS:  
Joseph P. Addabbo, Jr.  
Helen D. Foster  
Hiram Monserrate  
Vincent J. Gentile  
Daniel R. Garodnick  
Anthony Como  
Melinda R. Katz  
Erik Martin Dilan  
David Yassky

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2 YVETTE MOLINA: Testing. Today's  
3 date, September 4th, 2008. This is the Committee  
4 Hearing on Public Safety and it's recorded by  
5 Yvette Molina.

6 [Break in Audio]

7 CHAIRPERSON VALLONE: Okay, welcome  
8 everybody to this Public Safety Committee Hearing.  
9 We do have a quorum. We are joined today by  
10 council members Addabbo, Foster, Garodnick, Hiram  
11 Monserrate is standing just outside the door that  
12 was just shut, and Vincent Gentile just walked in  
13 to officially give us the quorum. And we're also  
14 joined for the first time by Anthony Como, and  
15 we're lucky to have him on this Committee. He's a  
16 former prosecutor from Queens, as was I for a  
17 summer internship. And we are--

18 MALE VOICE: [Interposing] Queens.

19 CHAIRPERSON VALLONE: I know I'm  
20 getting there, as was I, from Manhattan. But you  
21 will just add to the experience on this Committee,  
22 which has, as I was going to say, other former  
23 assistant district attorneys and a former police  
24 officer, Hiram Monserrate. So I think we are very  
25 well situated here to continue to do the good work

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2 we've been doing, and we welcome you aboard and we  
3 look forward to your input. Today we're voting on  
4 Proposed Intro 721-A. I would read the opening  
5 only I don't, just to give my colleagues a chance  
6 to show up and not be closed out; because the vote  
7 will have to be closed when the next hearing  
8 starts, which will be very soon I'm told. I  
9 sponsored this bill, along with many other  
10 colleagues, to ensure than any knucklehead who  
11 attempt to jump, climb or suspend themselves from  
12 buildings will face appropriate jail time and  
13 potential fines. Will this work as a deterrent?  
14 Well, you don't have to take my word for it, you  
15 can ask one of the climbers themselves, who was  
16 quoted in the Sun yesterday as saying, yes, this  
17 bill would deter other people from doing that.  
18 And, you know, as former prosecutors on this  
19 committee, we all know the difficulty in proving  
20 any crime, no less reckless endangerment, when you  
21 have to bring in police officers and experts who  
22 have to prove beyond a reasonable doubt that the  
23 public was endangered, which is very tough to do.  
24 And we saw not only how judges threw out these  
25 type charges, but a grand jury threw out the

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2 criminal charges in one of these cases. I don't  
3 agree with that. I'm sure most of us don't; but  
4 it was done. So what we're doing today is making  
5 it a definitive, definite crime, which is easy to  
6 prove. If you climb, if you jump, if you suspend  
7 yourself from a structure of over 50 feet, you are  
8 guilty without having to bring the police force  
9 and experts and waste taxpayers and prosecutor  
10 time and money. We're sending a clear signal that  
11 you are not to come here to New York City and  
12 endanger our first responders, endanger our  
13 pedestrians, so that you can sell a Ginzu knife or  
14 protest the weather or something of that nature.  
15 So this bill has been amended. So I would like to  
16 let you know what the amendments are before you  
17 vote on it. We have raised the height of the  
18 structure from, I believe, 30 to 50 feet. We have  
19 added suspending oneself from these structures to  
20 climbing and climbing and jumping. We have  
21 exempted specifically recreational structures,  
22 doing this with permission from buildings, to  
23 clean, scaffoldings, things like that, so that  
24 there's no ambiguity. We do now have the support  
25 from the police department, which I have a

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2 statement from, which we put on the record and in  
3 the New York County District Attorney's Office.

4 And I want to thank them, the police and the  
5 District Attorney's Office, for their input to  
6 improve this legislation. And I am now going to  
7 call the vote, I guess. Billy?

8 BILLY: Introduction 721-A.  
9 Councilmember Vallone?

10 CHAIRPERSON VALLONE: I vote aye.

11 BILLY: Addabbo.

12 JOSEPH P. ADDABO, JR.: Aye.

13 BILLY: Foster.

14 HELEN D. FOSTER: Aye.

15 BILLY: Montserrate.

16 HIRAM MONSERRATE: Aye.

17 BILLY: Gentile.

18 VINCENT J. GENTILE: Aye.

19 BILLY: Garodnick.

20 DANIEL R. GARODNICK: Aye.

21 BILLY: Como.

22 ANTHONY COMO: Aye.

23 BILLY: By a vote of seven in the  
24 affirmative, zero in the negative and no  
25 abstentions, item is adopted. Members, please

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sign the committee report. Thank you.

CHAIRPERSON VALLONE: Thank you all. I'm going to hold the vote open until the next meeting starts, which I'm told is soon. And I want to thank you all for getting here relatively early this morning to get this good work done. Thank you all.

[Break in Audio]

BILLY: Councilmember Katz.

CHAIRPERSON VALLONE: Just say aye.

MELINDA R. KATZ: I vote aye on the Spiderman Bill.

BILLY: The vote now stands at eight in the affirmative, zero in the negative and zero abstentions.

BILLY: Councilmember Dilan.

ERIK MARTIN DILAN: Aye on all.

BILLY: The vote now stands at nine.

[Break in Audio]

BILLY: Intro 721-A Councilmember Yassky.

DAVID YASSKY: Aye.

BILLY: The vote now stands at ten

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in the affirmative; zero in the negative and no

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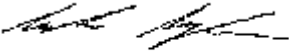
abstentions.

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C E R T I F I C A T E

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



Signature\_\_\_\_\_

Date September 11, 2008