

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TECHNOLOGY

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March 2, 2010
Start: 01:52 pm
Recess: 02:08 pm

HELD AT: Hearing Room
250 Broadway, 14th Floor

B E F O R E:
DANIEL R. GARODNICK
Chairperson

COUNCIL MEMBERS:
Daniel R. Garodnick
Gale A. Brewer
Letitia James
G. Oliver Koppell
Mark Weprin

A P P E A R A N C E S

Jeffrey Haberman
Counsel
New York City Council

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2 CHAIRPERSON GARODNICK: Thank you
3 very much. Good afternoon, everybody. This is
4 the Committee on Technology. Today's date is
5 March 2nd. My name is Dan Garodnick and I have
6 the privilege of chairing this committee.

7 Today, we're voting on a bill that
8 will streamline the approval process for green
9 technologies and projects throughout New York City
10 and will make it easier for these types of
11 projects to exist in New York.

12 As we discussed at last week's
13 hearing, New York City's buildings are emitting an
14 incredible amount of greenhouse gases. In fact,
15 they are our largest source of greenhouse gas
16 emissions. The Council reaffirmed the Mayor's
17 commitment in plaNYC to reduce greenhouse gas
18 emissions by 30% by the year 2030 and this bill is
19 going to help us achieve those goals.

20 The bill is the result of the work
21 of the Urban Green Council's recommendations.
22 It's the first of many improvements to the
23 Building Code that will promote the use of green
24 technologies. The Green Team that's created by
25 this bill will strive to promote interagency

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2 cooperation and best practices so that everyone
3 can be on the same page when it comes to
4 protecting our environment.

5 The Green Team will work with
6 innovators so that new technologies will not die a
7 slow death as they meander through the system. We
8 want to act fast and be a leader in environmental
9 technologies and this bill will prevent the city
10 from being weighed down by a lack of coordination
11 among agencies.

12 The Innovation Review Board will
13 give the Department of Buildings the appropriate
14 resources to act fast and eliminate obstacles that
15 stand in the way of implementing new technologies.
16 This board will streamline approvals for these
17 specific innovative projects.

18 Our goal here is to make it easier
19 for new technologies to be employed in our
20 buildings. Our current system can be an
21 impediment to the implementation of new
22 technologies.

23 The Green Team and the Innovation
24 Review Board will help to make our system
25 conducive to department so that our city can stand

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2 at the forefront of green technologies. I want to
3 urge the members of this committee to vote yes on
4 the bill. I want to thank its lead sponsor, Jim
5 Gennaro, for introducing it. With that I will
6 take any comments from committee members or we'll
7 go right to a vote. Go ahead, Council Member
8 Koppell.

9 COUNCIL MEMBER KOPPELL: I didn't
10 raise this point, but I think it was Councilman
11 Lander who raised it and I thought it was a good
12 point. The board should include two of the
13 agencies that do much of the construction in the
14 city which are, notably, the School Construction
15 Authority and the City Housing Authority.

16 I realize that the memo that came
17 out or that was revised now says there is nothing
18 that would preclude the board from consulting with
19 or soliciting the opinion of those entities. But
20 that's not the point. The whole point here is to
21 have the people who are doing the work or involved
22 in approving involved in the process.

23 While I understand that there may
24 be a legal obstacle because the School
25 Construction Authority and the Housing Authority

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2 are authorities, they are in essence city
3 agencies. They're authorities for a number of
4 reasons, including legal reasons in relation to
5 their bonding and other reasons that I don't need
6 to go into at length. They are separate
7 authorities but their members are appointed by the
8 Mayor and they perform vital city functions.

9 I would argue that they're more
10 relevant to this board than a lot of the different
11 agencies that are in fact specifically mentioned
12 in the bill. I mean, the Department of Health and
13 Mental Hygiene is not nearly as involved in
14 construction as the School Construction Authority,
15 as an example.

16 So I had suggested since there may
17 be a legal obstacle to requiring their attendance
18 that they be specifically invited to attend and
19 invited to send representatives to this board,
20 which I think would be very valuable both for the
21 agencies and for the board itself. That's been
22 resisted but I think it make eminent sense and
23 isn't difficult to do. Therefore, unless that's
24 added, I'm not going to vote yes on the bill.

25 CHAIRPERSON GARODNICK: Thank you,

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2 Council Member Koppell. I will just note, as one
3 of the sponsors of the bill, that it was extremely
4 important to me and to Council Member Gennaro and
5 to the Administration in finding the right
6 language and the right way to craft this
7 legislation that we do not make this a clunky
8 mechanism that will create more problems. So we
9 wanted to make sure we limited it only for
10 official purposes to permitting entities.

11 Now I take Council Member Koppell's
12 points. As always, he has identified a real issue
13 which is there are other entities in the City of
14 New York that do work and could have an interest
15 in what we are talking about here. But we did not
16 include that because we wanted to limit it to the
17 permitting agencies to ensure that we're not
18 creating additional legislative obstacles or
19 challenges here but rather trying to give the
20 folks who do the permitting the opportunity to
21 look at this stuff in a way which is outside of
22 the norm and gives them the flexibility to act.

23 Of course, we do want to encourage
24 them if they feel it's appropriate, to include
25 School Construction Authority or NYCHA, as Council

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2 Member Koppell has suggested. But I did want to
3 make that note on behalf of the bill. Council
4 Member Brewer has a question.

5 COUNCIL MEMBER BREWER: I'm sorry;
6 I wasn't able to be here for the first hearing. I
7 know there are 120 days of rule making post
8 passage, but what is the mechanism that the public
9 and all of us get information? Is it an official
10 report? How is the follow-up communicated?

11 CHAIRPERSON GARODNICK: On the
12 question about the 120 days for rule making,
13 obviously the rules themselves will go into place
14 through the ordinary rule making procedure which
15 involves public process and public participation.
16 As to future acts that are taken by these
17 entities, they are ultimately referred to the
18 agencies.

19 The Green Team, which is the
20 interagency entity which is run by the Department
21 of Long-Term Planning and Sustainability, it is
22 making recommendations in this bill to the other
23 agencies to be able to accommodate the new
24 technologies which are out there. So any rules
25 that would be made would all be done using the

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ordinary rule making procedure.

The same thing is true for the Innovation Review Board in the Department of Buildings. It is for technologies for which there is not a clear path in the Department of Buildings' existing rules and it allows for that group to take a closer look and propose changes to existing rules. So the public is involved in every step in that they will be part of the rule making changes.

I want Council Member Brewer's questions to be answered. Go ahead, Mr. Haberman.

JEFFERY HABERMAN: The bill does not provide a specific mechanism for a public presentation, so to speak, of the decisions that are made. But the adoption of new technologies will be done through rule making and that itself will be the same public process that relates to the rule making with respect to establishing the Innovation Review Board. There will be in fact rule making with respect to the adoption of the new technologies. We believe that that will be a mechanism by which the public not only will be informed but will be able to participate.

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2 COUNCIL MEMBER BREWER: Is there a
3 timeframe on that?

4 JEFFREY HABERMAN: The bill
5 requires that when the Innovation Review Board
6 makes a recommendation to the Department of
7 Buildings, the Commissioner of Buildings has to
8 state in writing what action they're going to take
9 and has to report that to the interagency Green
10 Team. It has to be stated in writing what action
11 they're going to take which would mean what
12 they're proposing to do with respect to the
13 recommendation or why they're declining to accept
14 the recommendation.

15 COUNCIL MEMBER BREWER: It's my
16 fault. I wasn't able to be here at the last
17 hearing. I guess what I would have done is
18 figured out some kind of trigger so that the
19 public would know; either tracked somewhere
20 publicly or in some way. I understand that there
21 will be hearings. I got that. But I'm just
22 saying some way that the public would be able to
23 follow all of this. I know that we can. But it's
24 hard for the public to follow this.

25 JEFFREY HABERMAN: But it's my

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2 understanding and belief that what DOB typically
3 does is to post on their website. They have, for
4 example, I believe with respect to micro turbines
5 as an example. They've posted on their website
6 information with respect to micro turbines. We
7 anticipate that DOB would do the same thing.

8 The one thing that we can say is
9 that if we find that this information is not being
10 made as publicly available as we believe it will
11 be, then we will reexamine the statute. There is
12 nothing that precludes us from imposing more
13 specific timeframes or obligations. Staff will
14 monitor this.

15 COUNCIL MEMBER BREWER: My
16 experience having done the bed bug task force is
17 once that's done there's a timeframe on it and
18 then it's publicly released, the discussions and
19 the recommendations. So that's what I'm looking
20 for, something similar to that. Everything is
21 public, every discussion is not, but the final
22 recommendations are official document to the
23 Council as well as legislative suggestions.
24 That's what I was looking for. Thank you.

25 CHAIRPERSON GARODNICK: Thank you,

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2 Council Member Brewer. We certainly should take a
3 look at that issue going forward here. I see no
4 other comments and we'll ask the counsel to call
5 the roll. The chair is recommending an aye vote.

6 WILLIAM MARTIN: William Martin,
7 Committee Clerk, roll calling the Committee on
8 Technology, Preconsidered Introduction. Council
9 Member Garodnick?

10 CHAIRPERSON GARODNICK: I vote aye.

11 WILLIAM MARTIN: Brewer?

12 COUNCIL MEMBER BREWER: I vote aye
13 with a caveat that I will certainly be watching
14 for public information and I hope that the rest of
15 us will follow up if it's not available. Thank
16 you.

17 WILLIAM MARTIN: Koppell?

18 COUNCIL MEMBER KOPPELL: Once
19 again, I just don't understand the resistance to
20 involving two agencies that do much construction.
21 If you read what this group is supposed to do,
22 it's supposed to both learn from the different
23 agencies and make suggestions to the different
24 agencies. I can't imagine why you wouldn't
25 include the School Construction Authority in the

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deliberations. It's just beyond me, so I vote no.

WILLIAM MARTIN: Weprin?

COUNCIL MEMBER WEPRIN: Aye.

WILLIAM MARTIN: James?

COUNCIL MEMBER JAMES: Aye.

WILLIAM MARTIN: By a vote of four
in the affirmative, one in the negative and no
abstentions, the item is adopted. Council
Members, please sign the committee report. Thank
you.

CHAIRPERSON GARODNICK: Thank you
all very much. We appreciate your flexibility on
timing. It's been a difficult day today. With
that, the Committee on Technology is adjourned.

C E R T I F I C A T E

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

Signature *Donna Hintze*

Date April 1, 2010