

Testimony of Jessica Tisch, Commissioner New York City Department of Sanitation

Hearing before the New York City Council Committee on Sanitation & Solid Waste Management

> Wednesday, November 16, 2022 10:00 A.M.

The Future of the City's Sanitation Fleet and DSNY's 2022-2023 Snow Plan Intros. 20 and 100

Good morning, Chair Nurse and members of the City Council Committee on Sanitation and Solid Waste Management. My name is Jessica Tisch, and I am Commissioner of the New York City Department of Sanitation.

I am joined today by Gregory Anderson, Deputy Commissioner for Policy and Strategic Initiatives, Javier Lojan, Director of the Operations Management Division, and John Chingas, Chief of Operations for the Department. Thank you for the opportunity to testify on the future of DSNY's fleet and our preparedness for the upcoming winter season.

Winter, more than any other time of year, is when the Sanitation Department shines. Every day, our Department works tirelessly to make our city cleaner, to collect 24 million pounds of trash, organics and recyclables from the curb. Every day they are essential to the functioning of New York City.

But for a few months out of the year, and even for just a few dozen days within those months, the employees of this Department rise to a new level. They keep our City moving in the face of tremendous adversity, and they work tirelessly to dig out our streets, bike lanes, bus stops, crosswalks and public spaces from millions of tons of snow.

I am very confident that this Department will rise to the occasion yet again this winter.

The Future of DSNY's Fleet

Before I talk about our preparedness for the upcoming winter season, let me address the first topic, the future of NYC's sanitation fleet.

Our work at DSNY relies on a fleet of nearly 6,000 units, from large collection trucks and frontend loaders to small forklifts that move parts and supplies in our garages. Without this critical equipment, our workforce of nearly 10,000 employees could not deliver our essential services to nearly 8.8 million New Yorkers each and every day.

Over the last two years, during the fiscal crisis brought on by the COVID pandemic, the previous Administration froze orders for new equipment. That means we had two years with basically no new collection trucks or mechanical brooms – the core parts of our cleaning and collection fleet.

Collection trucks have a lifespan of around eight years, where adequate day-to-day maintenance can keep them going before you have to start making costly replacements of transmissions, engines and other major components. That means our fleet of collection trucks, on average, should be about four years old, some newer, some older. Today, the average age for our rearloader collection trucks is nearly six years old, two years more than the target.

All this because we put the brakes on the cycle of new equipment purchases.

Once that process stops, it takes a long time to start up. Production lines for trucks are booked several months in advance, and unlike standard cars and SUVs, our trucks are customized from top to bottom to meet the needs of NYC streets and DSNY Sanitation Workers. Once we place an order, it can take up to eight months for the first trucks to roll into the city.

Earlier this year, the Adams Administration began to restart purchases of new collection trucks. We advanced funding from future fiscal years to increase the number purchased and locked in lower pricing on an older contract ahead of looming inflation. We now have 296 new collection trucks scheduled for delivery, 36 of which have already been delivered.

What does this mean for day-to-day operations?

In general, we are able to adapt. Mechanics work through the night to fix equipment before it is needed on the day shift. Operations moves equipment from district to district and borough to borough almost daily to meet the operational need. We are working to minimize the impacts on day-to-day operations and have been impressed by the "get stuff done" mentality our dedicated staff have embraced.

We are working to turn the tide on these challenges.

As I mentioned, we have 296 rear-loader collection trucks on order from last fiscal year, and deliveries have begun arriving. We plan to order 167 mechanical brooms in the current fiscal year and another 174 in fiscal 2024. And we will order 50 dual-bin collection trucks this year to replace units that are more than a decade old.

We are working with the Mayor's Office and OMB to evaluate the Department's capital budget and staffing – to put us on track to right the ship in the coming months and years.

Looking forward, we are also working hand-in-hand with DCAS and the Mayor's Office to achieve the City's ambitious climate and emissions goals.

Already, DSNY has been a leader in reducing air pollutant emissions from our heavy-duty fleet. We were early adopters of advanced technologies to reduce particulate matter, NOx, and SOx emissions, and today, we operate the cleanest heavy-duty diesel fleet in the country. We have tested hybrid and compressed natural gas trucks, have worked with industry to develop new innovations to reduce idling and capture breaking energy, and have developed an industry-leading emissions testing laboratory.

Today, based on positive results of early tests, DSNY is working to increase investments in electric vehicles.

We have ordered another seven fully electric mechanical brooms, building on a successful test of the first-ever electric full-size street sweeper. On the collection truck side, we have ordered seven fully electric rear-loader collection trucks, one for each DSNY borough. These trucks have performed well in collection operations, although they have not had the range or power necessary to meet the demands of snow plowing.

We are working closely with DCAS to plan for expanded electric fleets in the future, including adding new charging infrastructure and associated facility upgrades. A large-scale adoption of electric fleet will require substantial changes to our facilities – new or upgraded utility service and additional space for charging trucks and equipment. We are working now on assessing these needs for the future.

DSNY is fully committed to the City's fleet sustainability goals, and we will continue to work with our partners to move toward a zero-carbon fleet.

DSNY's 2022-2023 Snow Plan

Pursuant to Local Law 28 of 2011, DSNY submitted draft Borough-based Snow Plans to the City Council at the end of September and issued final plans for each borough this week. I'll take a moment to highlight the core components of those plans.

The Department begins preparing for winter as soon as the previous winter ends. We evaluate performance, revise routes, and overhaul equipment beginning in April to ensure we are ready the following November.

Each fall, we conduct snow training for uniformed staff to prepare for the coming winter. This full-day snow training program combines a classroom module on proper techniques and procedures with a real-world driving training, with workers operating plows and spreaders on sector routes. This training includes refreshers on how to attach plows and chains, how to operate in-cab navigation technology, and proper communication protocols over the radio. This year, we trained more than 6,700 employees over the last two months, and we will continue to train new employees as they come out of the academy.

For this season, we have the highest Sanitation Worker headcount in years, giving us a deeper bench to be able to continue core collection and cleaning services while responding to snow events. And in the case of a large storm that merits a full force response, we will have more plows out than at any point in the last three years.

On the equipment side, we have a fleet of 705 large and small salt spreaders that are our first line of defense against winter weather. We also have 34 new large spreaders coming into service beginning in January that will replace the oldest units in the fleet.

Salt serves three purposes in snow removal. It melts snow and ice that has accumulated on the roadway, suppresses accumulations and helping to improve the plowability of the snow. We have more than 350,000 tons of salt on-hand at 42 sites across the five boroughs, and we have contracts in place for the delivery of up to 600,000 tons this season if necessary. We also have 350,000 gallons of calcium chloride, which improves the effectiveness of road salt at lower temperatures.

Since 2019, we have also pretreated roadways with a salt brine solution that inhibits snow and ice accumulation, keeping roadways passable longer until additional treatment can be applied. Brine is only used in certain situations, and it is less useful when storms are forecast to start as rain and transition to snow. Brine is applied to roadways starting 48 hours before a storm, with an emphasis on hilly roadways, overpasses, and protected bike lanes.

In storms with accumulations of greater than two inches, we deploy our collection truck fleet as plows to physically remove snow from the roadway. We currently have more than 2,200 plowable vehicles and more than 4,000 plow blades in stock. Even with the concerning out-of-service rates I mentioned before, we are well-suited to be able to run even our largest plow plans this winter.

This year, we are expanding our fleet of smaller equipment for treating protected bike lanes. In April, we announced the purchase of 47 new utility tractors to treat, plow and clean bike lanes, and the first 12 of these units will be delivered next month. We expect the full contingent to be delivered by the spring, and we have leased 30 units in the meantime until those arrive. We also now, for the first time ever, have dedicated personnel for bike lanes, meaning we can operate more bike lane equipment during active snowfall.

Each storm is different, and we respond differently based on the forecast, expected conditions, and timing. For example, a storm expected to have heavy snowfall during morning rush hour or school pickup may merit a more aggressive response than one that comes in early Saturday morning. DSNY also takes into account factors like snowfall intensity, a storm's total moisture content, clusters of back-to-back storms, and exceptionally cold temperatures in developing and executing response plans for each storm.

We work closely with partner agencies like NYPD, DOT, and the MTA to prepare for the season and each individual storm. For example, NYPD sends escorts for some critical highway equipment. Earlier this fall, we met with the head of NYC Transit to reiterate the importance of chaining buses to keep them from getting stuck during heavy snowfall. We also maintain situational awareness throughout each storm using our fleet tracking systems, DOT and NYPD traffic cameras, social media and 311 complaints, and on-the-ground observations from DSNY personnel. During a storm, New Yorkers can track our progress at nyc.gov/PlowNYC.

Following a storm, DSNY assigns workers to clear bus stops, cross walks, and other pedestrian areas. We have a fleet of 102 small skid steers that help us mechanize this work, but much of it involves manual shoveling. To assist us in these efforts, DSNY hires temporary snow laborers following major storms. These snow laborers work under the direction of DSNY staff to clear walkways for pedestrians. Recruitment for individuals interested in becoming snow laborers is underway, and we appreciate the assistance of the City Council in spreading the word about these efforts.

Trash and recycling collections may be delayed during and after a snowstorm as the Department continues to address roadway conditions and keep streets passable for emergency responders. This year, we will be focused on limiting those disruptions and pivoting back to collections sooner in keeping with our efforts to get trash bags off the curb sooner. The additional Sanitation Worker headcount I mentioned before will contribute to this effort. We appreciate New Yorkers' patience as we carry out these critical services throughout the winter.

As I mentioned before, I am confident in the ability of this Department to once again rise to the occasion this winter season. We are prepared, and we've got this.

Buy American Salt Bill

Before I address the Council bills being heard today, I do want to address one piece of state legislation that passed the legislature earlier this year.

The "Buy American Salt Act" (A-7919/S-9441) would require all government agencies in New York State to purchase salt mined or hand-harvested in the United States.

New York City, on average, buys more than 300,000 tons of salt each year. We use two vendors, each of which has a large salt stockpile in the NYC metropolitan area – one on Staten Island and the other in the Port of Newark. They receive shipments in large ocean-going barges that hold 50,000 tons of salt per delivery, for a total of six deliveries in the average year. Much of this salt is mined in Chile.

Delivering the same amount of salt in trucks from mines in upstate New York and the Midwest would require 10,000 long-haul truck loads per year. That's a substantial increase in the heavy-duty truck trips into the city and surrounding metropolitan region.

As I described, road salt is a core component of our winter operation. It melts snow and ice, inhibits accumulations, and helps keep roads passable for emergency vehicles. Make no mistake, imposing this requirement would have a very real impact on our snow operation.

While the bill has exclusions if purchasing American salt, if this requirement is not in the public interest or would result in unreasonable costs, these exclusions are too vague. Simply put, potentially disrupting our long-standing supply chain for road salt is too big a risk. I encourage the Governor to veto this bill.

Intro. 20

I'll now turn to the Council bills under consideration today. Intro. 20, sponsored by Council Member Brannan, would increase penalties for chain stores, including franchises, that fail to clear snow from the sidewalk following a storm.

DSNY will always support any action that will have the ability to increase compliance to improve cleanliness and safety, but I do not support this bill. All property owners have a responsibility to clear their sidewalks, just as they all have the responsibility to keep their sidewalks clean year-round. I would support **increased penalties for everyone** – including businesses, apartment buildings and other properties. This is a very basic responsibility that affects the safety and livability of every neighborhood in the city.

Penalties for failing to clear snow and ice and failure to clean sidewalks are simply far too low, just \$100 and \$50, respectively.

I understand the Council's inclination to focus on chain stores, and I don't want to overly penalize small businesses. However, every business must keep their sidewalk clean and, when it snows, shovel the snow.

If there are particular locations where you have had problems in the past, we can make sure to conduct proactive inspections following a snowstorm. However, I think this is too small a step, and we should be focused on increasing penalties for all violators.

Intro. 100

Intro. 100, also sponsored by Council Member Brannan, would require the Department of Sanitation to establish a program to assist seniors and persons with disabilities with snow removal from sidewalks abutting buildings such individuals own, lease or occupy. It would also reduce the fines by at least 50 percent for seniors and persons with disabilities who fail to remove snow from these sidewalks.

NYC Service and DFTA provide capacity-building tools and resources to local not-for-profit organizations and other community groups to establish registries of volunteers willing to help remove snow on behalf of persons who are unable to do so due to infirmity, illness, or disability. These local networks have proven most effective for connecting volunteers to those who need assistance, and we are happy to discuss with Council how to bolster this effort.

We encourage New Yorkers to help their neighbors when they can, particularly their older neighbors or those with disabilities.

However, I do not support this bill. Every property owner, regardless of their age or ability, has a responsibility to maintain their property. This means cleaning your sidewalk and curbline and shoveling the sidewalk after it snows.

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This is a longstanding requirement and one that is a core part of the social contract in New York City. Allowing some property owners to avoid these responsibilities will only threaten those it aims to help – older New Yorkers and people with disabilities who may struggle most to navigate an un-shoveled sidewalk.

Anyone unable to maintain their sidewalks on their own should make arrangements for it – either with family, neighbors or by hiring someone to help.

Thank you for the opportunity to testify on these important topics. I am now happy to answer your questions.



Testimony of Christopher Schuyler, Senior Staff Attorney New York Lawyers for the Public Interest, Disability Justice Program To the New York City Council Committee on Sanitation and Solid Waste Management Regarding the Future of the City's Sanitation Fleet and DSNY's 2022-2023 Snow Plan, Int 0020-2022, and Int 0100-2022 November 16, 2022

Good morning,

Sidewalks are the main thoroughfare for most New Yorkers, and therefore it is crucial that they remain clear of obstructions including snow and ice. This is especially true for New Yorkers with limited mobility, including people with disabilities and senior citizens. For this reason, New York Lawyers for the Public Interest (NYLPI) supports the goals of Int 0020-2022 (Int No 20) and Int 0100-2022 (Int No 100), which work in tandem to keep sidewalks clear of snow and ice by assisting those who cannot clear their own sidewalks and increasing fines on large businesses which fail to timely clear their sidewalks.

NYLPI has for several years pushed for improved snow removal practices throughout the City. In 2019, NYLPI and then-Manhattan Borough President Gale Brewer's office sent a letter to large property owner groups, requesting that they ensure their property owners adhere to their snow removal obligations under Section 16-123 of the NYC Administrative Code, and to remind them that failure to clear snow will result in escalating fines. In 2020, NYLPI and State Senator Alessandra Biaggi partnered to remind constituents of the same obligations. Later, in 2021, NYLPI sent a letter to City Council detailing the importance of clear sidewalks, including from snow and ice.

After years of efforts to improve snow removal conditions for people with disabilities and senior citizens, NYLPI now voices its support for Int No 20, which will increase fines for chain businesses which fail to properly clear snow and ice, and Int No 100, which will create a program to assist people with disabilities and senior citizens in meeting their snow removal obligations.

The to-be-created assistance program under Int No 100 is a great idea to help this group of New Yorkers meet their snow removal obligations, while also reducing the chances of unintended consequences of worse overall snow removal practices caused by the fine reductions, which are also set forth in Int No 100. An assistance program will also help New Yorkers with disabilities and seniors in using the sidewalks after a storm to get around the City – to their jobs, medical appointments, family, and everywhere else.

Finally, Int No 20 is a common-sense measure to increase the penalties on chain stores that fail to adhere to their snow removal obligations. Chain stores, with significant financial means, have no excuse when they fail to clear snow on their properties. Additionally, chain stores are often located in high foot traffic areas, thus exacerbating the obstructive impact resulting from failure to clear snow and ice. Lastly, increased fines on chain stores will ensure that the City collects the money it needs from fines, likely more than offsetting the reductions in fine collection resulting from Int No 100.

NYLPI makes the following recommendations:

- The City Council's Committee on Sanitation and Solid Waste Management (Committee) should engage in robust oversight as the DSNY administers the directives of Int Nos 20 and 100, including the design of the assistance program for helping people with disabilities and senior citizens;
- Int No 100 should clarify how the assistance program will be advertised to New Yorkers, to ensure that the intended group knows about the service;
- The Committee should remove the assistance program registration requirement and/or use existing City agency data to facilitate automatic opt-in for New Yorkers known to be people with disabilities or senior citizens;
- Notwithstanding the above recommendations, the bill should ensure that, when people with disabilities and senior citizens are fined for failure to remove snow and ice, they have the opportunity at that time to register for the assistance program;
- DSNY should develop a system for identifying "bad actors", including large property owners and chain stores, who repeatedly fail to adhere to their snow removal obligations, and increase fines for offenses involving these bad actors.

We appreciate the opportunity to testify on these important bills and encourage the Committee to contact NYLPI with further questions.

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About New York Lawyers for the Public Interest

For over 45 years, NYLPI has been a leading civil rights and legal services advocate for New Yorkers marginalized by disability, race, poverty, and immigration status. Through our community lawyering model, we bridge the gap between traditional civil legal services and civil rights, building strength and capacity for both individual solutions and long-term impact. Our work integrates the power of individual representation, impact litigation, organizing, and policy campaigns. Guided by the priorities of our communities, we strive to achieve equality of opportunity and self-determination for people with disabilities, secure environmental justice for low-income communities of color, create equal access to health care, ensure immigrant opportunity, and strengthen local nonprofits.

About NYLPI's Disability Justice Program

NYLPI's Disability Justice Program has long fought for clear and accessible New York City streets and sidewalks for people with disabilities, often partnering with local officials and advocacy groups, to ensure removal of obstructions such as trash, trees, and snow and ice. NYLPI has also been a vocal proponent of improved accessibility for City programs, including the Open Streets and Open Restaurants programs, advocating for removal of obstructions and ensuring clear sidewalk paths. Testimony for NYC Council Hearing - Committee on Sanitation and Solid Waste Management - Committee Room at City Hall - 11/16/22 at 10am

My name is Diego Barberena. I am a resident and small business owner in the Upper East Side. I founded my business during COVID-19 with the intent to clean up NYC streets through automatization and smart technologies. When fully implemented our technologies can help reduce the collection costs up to 50% while reducing the negative impacts of waste in the environment and in our quality of life.

"Our mission is to help reduce the impact of human waste on the environment through smart and efficient waste management technologies."

Our goals are:

- 1. Reduce waste ecological impact.
- 2. Reduce waste health impact.
- 3. Reduce waste economic impact.
- 4. Reduce waste visual impact.
- 5. Improve waste collection service.

These technologies are part of the 2017 Zero Waste Design Guidelines.

Since March of this year we have been working with NYCHA to implement some of these technologies with the mission of improve their residents quality of life as well as help increase their recycling rates. During the summer we meet with the NYCHA and DSNY Support Services Team, including Executive Deputy Director Giovanni Iannielo and Deputy Director Michael Matkovic. Fabricators came from Europe and answered all their questions.

I moved to this city in 1996 at the age of 26, to study graduate school at Columbia University. 26 years later the world has changed a lot, but garbage collection in New York City hasn't. Today's trucks are basically the same trucks we were using last century. New York is stuck in the era of the fax machine while many cities have moved to smart collection technologies. Cities with less resources like San Miguel de Allende, Mexico, has underground containers that keep the garbage underground until it is collected.



Buenos Aires, Argentina has bilateral collection systems that makes waste collection twice as fast while keeping the trash in an enclosed high-capacity container at all times. In none of these systems trash is collected by hand. They are collected by mechanical lifters, that make the collection faster, as well as safer for the worker.



The only smart collection system that the city has, other than the last century pneumatic collection system in Roosevelt Island, are the self compacting bins that we see in some parks and high traffic areas around the city. But I just learned, form a DSNY member at my community board meeting, that the Sanitation Department refuses to service them. Someone else is in charge to empty them and put the plastic bag in the sidewalk. Also the weight of the bag is limited by law, rendering the compaction advantage obsolete. https://www.youtube.com/watch?v=kfJEQOtc2RY

Not investing in new technology has a high price for the city. It comes at a great monetary cost with a high negative impact to our quality of life. This bad service gets reflected directly in our rat problem. If the service were to improve, the rat problem will diminish.

This level of service is unacceptable for the US Federal Government. HUD has requested from NYCHA that garbage plastic bags can not be on the sidewalk for more than 24 hours. NYCHA has determined that with the current level of service provided by DSNY, this is not possible.

To solve this problem NYCHA has decided to start a pilot program and lease their own trucks with the latest in waste collection technology. All the waste will always be in a rat proof metal container easily accessible to their residents. Their will be a container side by side for every waste stream which will make recycling easier and more effective. With smart sensors the truck will be able to pick containers at the right time, not too full, not too empty. This translates in better service with less truck traffic.

The budget for this pilot project is 4 million dollars for 5 years, which is the budget of one day at DSNY.

City Council has allocated one million dollars for containerization, but almost a year later there is very little to show. Metal boxes similar to what has historically existed outside of walk-up buildings, have been installed in areas like Times Square. A few months later does containers are falling apart. Real containers are designed to last over 10 years.

The only other glimmer of hope is what I heard recently Commissioner Tisch (DSNY) said, as follow up to her speech of new garbage schedules, that there is a 20+ week effort from DSNY into studying mechanically lifted waste containers solutions. Since then, I have looked for any information about this effort and I haven't found anything. I my member City Council Member, and received no answer. At my Community Board 8 Manhattan Sanitation meeting I asked about it and everyone present, from the Community Board and from the City, had no idea what I was talking about. I was even told that containerization is only for commercial waste and that there is no plan to implement it for residential waste.

I also heard Commissioner Tisch in the Brian Lehrer Show, where she said that there are many questions regarding this technology, like how big these containers can be? The answer is 6 CY and 24 CY for underground containers when equipped with a compactor. Lifters can pick upto 1.7 Tons, more trash that what a city sweeper can hold. Each pick can be done in 90 seconds. You can easily fill the big 10 ton truck in less than 2 hours. Currently it takes an entire shift to collect the same amount of trash by hand. https://www.wnyc.org/story/nyc-tries-new-tactic-battle-against-rats/

Commissioner Tish also said that she will need to change all DSNY trucks. As it was said DSNY replaces trucks constantly in order to maintain an average age of 4 years. To maintain this average the city needs to replace 200 new trucks every year, 4 new trucks every week. If these new mechanical lifted technologies are adopted, DSNY just will need to buy less new trucks with the old configuration and some with a new configuration. Change will be gradual like the change to electric cars or any other new technology. Current trucks can be fitted with rear lifters permitting bigger containers to be used, not limited to the current weight limit, as a machine, not a human, will be doing the work. Just this small change will put us in parity with London and Paris.

The bilateral lifters equipped new trucks are the same old trucks just fitted with a mechanical lift arm technology that can easily do the job of 2 trucks. That translates into less pollution, less traffic, and the need for less trucks.

Another question Commissioner Tish had is what happens when it snows? The answer is nothing, these containers are being used in Switzerland, Germany, Norway, Sweden, Finland, Latvia, and almost all other northern European countries, who tend to get more snow than NYC. Currently when it snows in NYC, waste collection stops.

Commissioner Tish also asked how often they will need to pick them up? The simple answer is once a week, but the smart sensor will predict the best pickup time and generate dynamic and efficient pick up routes. The system can be designed to meet any desired collection frequency.

Overground containers are flexible and can easily be moved from one place to another in minutes, adjusting its placement to the city ever changing need. 2 of these containers take space of 1 parked car and will hold the weekly waste of 100 residents. 4 of them will take the waste of 200 people. One of

them can be for composting, one for paper & carboard, one for plastic and metal, and the other one for mix waste.

How much will it cost? \$10 dollars per New Yorker per year. Each top-of-the-line container, will cost less than \$5,000, which will take the waste of 50 people for one week. \$5,000 divided by 50 persons by 10 years (expected life). That is with less than 90 million dollars a year, NYC can move the entire residential waste to steel containers, which is 5% of DSNY 1.9 Billion budget.

If DSNY really has a 20+-week study into these mechanically lifted technologies, I will like have more information. Commissioner Tish said that this was going to be a shovel ready project. By the end of this 20+ weeks, it will be to late for any input. I think these efforts should be coordinated with NYCHA, as they are more than 20 weeks ahead.

There is no need to reinvent the wheel. There is no need for a bigger budget. Collecting waste is done all around the world, but all the global cities that compete with New York do it better. I will be glad to help.

If anyone present wants to see these containers, there are 4 samples at NYCHA LIC office.



Diego Barberena diego.barberena@wastetech.us

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