

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON STATE & FEDERAL LEGISLATION

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June 14, 2011
Start: 11:18 am
Recess: 11:54 am

HELD AT: Committee Room - 14th Floor
250 Broadway

B E F O R E:
JOEL RIVERA
Chairperson

COUNCIL MEMBERS:
Elizabeth Crowley
Erik Martin Dilan
Lewis A. Fidler
Daniel R. Garodnick
Robert Jackson
Domenic M. Recchia, Jr.
Larry B. Seabrook

A P P E A R A N C E S

Michael Hyman
Deputy Commissioner Tax Policy & Planning
Department of Finance

Don Shacknai
1st Deputy Commissioner
New York City Fire Department

Susan Petito
Assistant Commissioner Intergovernmental Affairs
New York City Police Department

Frank Tramontano
Research Director
Patrolmen's Benevolent Association

Lt. Eddie Boles
Treasurer
Uniformed Fire Officers Association

Paul Di Giacomo
Treasurer
Detective's Endowment Association

Ken Cardona
Manhattan Borough Director
Detective's Endowment Association

David Woloch
Deputy Commissioner for External Affairs
Department of Transportation

Mark Thompson
Chairman
Manhattan Community Board #6

Robert Cole
Internal Counsel
United Nations Development Corporation

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

Sander Lehrer
Outside Counsel
United Nations Development Corporation

Karen Becker
Director of Governmental Relations
New York City Parks Department

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2 CHAIRPERSON RIVERA: Good morning
3 everyone, and welcome to the State & Federal
4 Legislation Committee, my name is Joel Rivera and
5 I am the Majority Leader of the New York City
6 Council, and a member of the State & Federal
7 Legislation Committee. Today I'll be chairing the
8 hearing for Council Member Helen Foster who cannot
9 be here today. As you know, the session in Albany
10 is ending and we are presented with another
11 opportunity to pass Home Rule legislation that
12 affects the City of New York. First I'd like to
13 introduce the members that are here with us.
14 First we have Council Member Lew Fidler, and then
15 we have Council Member Liz Crowley, Council Member
16 Dan Garodnick, Council Member Larry Seabrook and
17 Council Member Domenic Recchia as well. This
18 morning the Committee will be voting on a number
19 of items, the different issues before us may seem
20 unrelated, but taken together they reflect a
21 concerted effort to insure the state and city
22 governments are working to serve the needs of the
23 people of the City of New York. We will be voting
24 on several tax bills, the Cap bill, the personal
25 income tax extender, the temporary investments.

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2 The Cap bill involves holding down class increases
3 for setting the property tax rate for 2012. In
4 order for the increases to be capped at 2.5% over
5 the prior year's adjusted base proportions for
6 each of the four classes of real property in the
7 city, state legislation is necessary. The
8 personal income tax extender would provide for an
9 extension of the city's authority to continue to
10 impose certain taxes which contribute to the
11 city's economy. The temporary investment bill
12 will extend the city's ability to choose between a
13 broader range of temporary investment instruments.
14 The expansion has provided the city with increased
15 flexibility in its investment decisions which have
16 led to higher yields. We will look at legislation
17 that would allow the surviving domestic partner of
18 a New York City police officer or the New York
19 City firefighter who is enrolled in the city's
20 health insurance plan the option to continue their
21 coverage upon the death of their domestic partner,
22 an option that is already available to surviving
23 spouses. Additionally, we will vote on
24 legislation that would permit the New York City
25 police officers and the New York City firefighters

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2 the ability to collect their pensions if they have
3 been contributing to the pension system for 20 or
4 more years, even if they are dismissed due to a
5 departmental violation. This will protect the
6 families of those individuals dismissed from their
7 jobs that are depending on these benefits and
8 moneys. The Committee will look at increasing the
9 number of red light cameras in operation in the
10 city, since its implementation, the red light
11 camera program has been effective in addressing
12 the problem of drivers speeding through
13 intersections to beat the red lights. This has
14 helped make it safer to drive in the city.
15 Finally, we will consider in rem legislation to
16 authorize the return of property taken for non-
17 payment of taxes if the original owners pay back
18 the taxes, as well as two park alienations, one in
19 Rego Park and the other in the area of the United
20 Nations. At this moment I will ... at this moment I
21 will open the hearing to any of the Committee
22 members who want to make a statement, I believe
23 Council Member Dan Garodnick wants to make a
24 statement. Council Member.

25 COUNCIL MEMBER GARODNICK: Thank

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2 you very much, Mr. Chairman, I wanted to speak on
3 Pre-considered A.8305-A and S.5706-A, pending
4 before this Committee today, which relates to the
5 United Nations Development District. And very
6 briefly, for my colleagues' benefit, for over ten
7 years there has been a discussion of alienating
8 the Robert Moses playground, which is a local park
9 in my district, to allow the United Nations to
10 build a consolidation building across the street
11 from the UN Secretariat. And just to orient you
12 all, that is approximately at 41st Street and 1st
13 Avenue. Needless to say, many of my constituents
14 and I have long been very concerned about the loss
15 of even a foot of local park space, and
16 particularly in my Council district, which ranks
17 51st out of 51 Council districts in terms of the
18 amount of open public space that we have. The
19 city has proposed replacing the playground with
20 another playground, and building a waterfront
21 esplanade that would connect a critical gap for
22 New Yorkers to enjoy on the East River waterfront
23 between 38th Street and 60th Street, which would be
24 a resource for all residents, not just those who
25 live in the neighborhood. Obviously, such a deal

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2 is complicated, it is expensive, it takes time and
3 will require much planning, discussion and
4 deliberation. In fact, it is so complicated that
5 it has never really gotten off the ground in any
6 material way. The Home Rule that is associated
7 with the two bills that I noted before is in
8 support of an effort that will allow an active,
9 time-limited negotiation between the city, the
10 state, the Council and the local community, to see
11 if such an agreement, to be memorialized in a
12 memorandum of understanding, can be reached before
13 the United Nations has to decide on how to address
14 its space needs. We anticipate that the UN will
15 be having those conversations this fall.

16 Accordingly, this bill will give us until then to
17 come to an agreement that satisfies the needs of
18 the city, the UN and the local community. If we
19 cannot come to an agreement, the state law will be
20 repealed on October 10th, 2011. If we do come to
21 an agreement, the UN's land use proposal will then
22 come to the City Council through ULURP for our
23 consideration and review. This is a good and
24 important bill, and I encourage my colleagues to
25 support this Home Rule. I want to thank very much

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2 the Speaker of the Council, Christine Quinn, Ramon
3 Martinez, Gail Benjamin, for their work on this,
4 as well as my colleagues in government,
5 Assemblyman Kavanagh, Senator Liz Krueger, the
6 Mayor's Office, the community board, Community
7 Board #6, represented by its great Chair, Mark
8 Thompson, today, UNDC, as well as the other
9 electeds in the area, Council Members Lappin and
10 Mendez, our Congresswoman Carol Maloney and the
11 Borough President of Manhattan, Scott Stringer.
12 So, I encourage my colleagues to support this, and
13 we'll look forward to an active conversation over
14 the coming months to see if we could make
15 something like this happen. And of course if we
16 are successful in coming to some interesting terms
17 that work for the interested parties, then it will
18 come to the Council for our consideration in
19 ULURP. Thank you.

20 CHAIRPERSON RIVERA: Thank you very
21 much, Council Member. At this point in time I'm
22 going to call on our Finance Chairman, Domenic
23 Recchia, to vote, since he does have to open up
24 the Finance Committee upstairs at this point in
25 time. So if we can have Billy please call on

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Domenic to vote.

COMMITTEE CLERK: Billy Martin,
Committee clerk, Council Member Recchia.

COUNCIL MEMBER RECCHIA, JR.: Aye
on all. Thank you .

CHAIRPERSON RIVERA: Thank you very
much. And of course, Domenic, if there's going to
be a vote upstairs, please hold it open for the
members.

COUNCIL MEMBER RECCHIA, JR.: Yes.

CHAIRPERSON RIVERA: Perfect, thank
you. At this point in time I'm going to open it
up to those who are here today who want to provide
testimony. First we have Deputy Commissioner
Michael Hyman from the Department of Finance.
Thank you very much, just state your name for the
record.

MR. HYMAN: Sure, Michael Hyman.
Good morning, Council Member Rivera and members of
the State & Federal Legislation Committee, I am
Michael Hyman, Deputy Commissioner for Tax Policy
& Planning at the Department of Finance. I appear
before you today to testify in support of a Home
Rule message to the State Legislature to enact

1 omnibus tax extender, which is A7763-S5527. The
2 Tax Extender Bill pending before the State
3 Legislature would retain the current levels of New
4 York City personal income, general corporation and
5 cigarette taxes, and sales taxes on certain
6 services, for three years past their scheduled
7 expiration dates in 2011. The sunset dates for
8 these tax provisions were last extended in 2008.
9 As the agency that collects taxes for the City of
10 New York, we urge adoption of the required Home
11 Rule message. Revenues were included in the
12 Mayor's executive budget on the assumption that
13 current tax law provisions would remain in effect
14 for fiscal year 2012 and future fiscal years. If
15 the current levels of taxation are not extended,
16 the city would lose \$2.1 billion in revenues in
17 fiscal year 2012, and \$6 billion in revenues in
18 fiscal year 2013. This would have a serious
19 impact on the city's ability to deliver services.
20 Thank you, and let me know if I can answer any
21 questions.
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23 CHAIRPERSON RIVERA: Thank you very
24 much. Are there any questions from the Committee
25 members? Seeing none, thank you very much.

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MR. HYMAN: Thank you. (crosstalk)

CHAIRPERSON RIVERA: Okay, we're going to call up ... okay, we're going to call up three at a time, and these individuals speak individually, obviously. So the first person is Don Shacknai from the Fire Department of New York, perfect. And then right after will be Ken Cardona from the Detectives Endowment Association, as well as Susan Petito, Assistant Commissioner Intergovernmental Affairs for the NYPD. Just state your name for the record, and you may begin.

MR. SHACKNAI: Don Shacknai, First Deputy Commissioner, FDNY.

MS. PETITO: Good morning, Chair Rivera, Susan Petito, Police Department. Good morning, Chair Rivera and members of the Committee, I'm Susan Petito, Assistant Commissioner for Intergovernmental Affairs of the New York City Police Department, with First Deputy Commissioner Don Shacknai. We're here today on behalf of Police Commissioner Raymond Kelly and Fire Commissioner Salvatore Cassano, to offer our comments regarding the subject of a request for a State Legislative resolution, Senate Bill #5653,

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2 Assembly Bill #5744A. The bill was the subject of
3 a veto by Governor Paterson last year, and we
4 strongly urge the Committee to refrain from
5 approving this damaging piece of legislation.

6 With your permission I'll read to you the letter
7 that the administration forwarded to Governor
8 Paterson last July which briefly states our
9 objections. "This bill would eliminate the city's
10 ability to revoke the guarantee of a full pension
11 benefit to a police officer or firefighter who has
12 been discharged or dismissed from employment, as
13 long as that individual has completed 20 years of
14 service. The practical effect of this legislation
15 would be to insulate those with over 20 years in
16 service from the consequences of serious
17 misconduct. The proposal undermines the ability
18 of the New York City Police and Fire Commissioners
19 to discipline their uniformed workforce, and
20 contradicts safeguards that insure public
21 integrity, such as a public officer's law section,
22 which vacates the employment of a public officer
23 as a matter of law for commission of a felony or a
24 crime involving a violation of his or her oath of
25 office. There is a compelling public policy

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2 argument, supported by the courts, for denying
3 pensions to employees who have breached the public
4 trust. The New York Court of Appeals has stated
5 that pensions are not only compensation for
6 service rendered, but they serve also as a reward
7 for faithfulness to duty and honesty of
8 performance." And there are cites to the cases.
9 "Contrary to assertions in the sponsor's
10 memorandum, the bill would entirely remove a
11 powerful incentive for long-term employees to
12 honor their oaths of office. The penalty of
13 dismissal late in an employee's career pales in
14 comparison to the loss of pension benefits. While
15 we are all sensitive to the plight of a family of
16 an employee who loses his or her pension benefit
17 as a result of wrongdoing, the responsibility for
18 that loss rests squarely upon the employee. As a
19 practical matter, the pension benefit is very
20 rarely lost, since the police and fire
21 commissioners are also cognizant of the
22 consequences, and have consistently exercised
23 discretion as they handle cases of misconduct.
24 The potential for such a penalty, however, is an
25 important deterrent. For police officers and

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2 firefighters, the stresses and responsibilities of
3 their jobs expose them to situations that test
4 their integrity. It would be unwise and counter-
5 productive to weaken the structure that
6 incentivizes good conduct throughout the full
7 duration of a career, and which in turn makes the
8 New York City Police and Fire Departments the
9 premier emergency-response agencies that they are.
10 Accordingly, it is urged that this bill be
11 disapproved", and it was signed by Michael R.
12 Bloomberg, Mayor, by Michael Lasher, his Director
13 of State Legislative Affairs. I would also like
14 to share relevant excerpts of Governor Paterson's
15 veto message, issued on October 20th, 2010.
16 Governor Paterson discussed specific information
17 provided to him by the Police Department as
18 follows. "From 2006 through 2010, for example,
19 the NYPD terminated only six police officers who
20 had at least 20 years of creditable service. All
21 but one officer either failed a drug test or was
22 criminally convicted of felony. The one exception
23 occurred in 2006, when the city terminated an
24 officer who was criminally convicted of a
25 misdemeanor arising out of a fraud investigation.

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2 Most officers with over 20 years of creditable
3 service who were charged with serious misconduct,
4 however, as well as those who committed minor
5 infractions, did not lose their pensions, but were
6 permitted to negotiate their disciplinary charges
7 and to retire rather than being terminated by the
8 NYPD." Governor Paterson also discussed his
9 consideration of several factors beyond the issue
10 raised by Mayor Bloomberg's letter. "First I note
11 that this bill contains no exceptions, even for
12 the most severe misconduct. If I were to enact
13 this bill into law, an officer could engage in a
14 violent felony, or in gross corruption that
15 endangers the lives of the city's residents, or
16 even an act of treason, and will remain entitled
17 to his or her pension. Second, while current law
18 may result in harsh consequences, in those
19 instances where a commissioner exercises his or
20 her discretion to terminate a member of Tier 1 or
21 Tier 2, I note that existing case law also
22 protects members from abuses of such discretion.
23 In matter of McDougal v. Scapetta, for example,
24 the appellate division second department reviewed
25 a determination of the commissioner of the FDNY,

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2 adopting the recommendation and findings of an
3 administrative law judge made after a hearing,
4 finding the firefighter guilty of two charges of
5 misconduct and terminating his employment. The
6 McDougal case presented the issue of whether the
7 penalty of termination of McDougal's employment
8 was disproportionate to the offence, so as to
9 constitute an abuse of discretion. The court,
10 noting that as a result of the termination, the
11 firefighter and his family would lose his pension
12 and retirement benefits, valued at approximately
13 \$2 million, which he earned during his 25 years of
14 service to the FDNY, annulled the imposition of a
15 penalty of termination of the firefighter's
16 employment, and allowed him to retire and receive
17 his pension, after paying an \$80,000 fine. Thus
18 the termination of a member of Tier 1 or Tier 2,
19 and the concomitant loss of his or her pension, is
20 reviewable in court. Indeed, the relatively
21 infrequent use of termination and the clear
22 precedent established by the McDougal case,
23 reassures me that the revocation of the pensions
24 of long-serving Tier 1 or Tier 2 members will not
25 be undertaken lightly." For the reasons stated in

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2 Mayor Bloomberg's letter and Governor Paterson's
3 veto message, we urge you to reject the request
4 for enactment of the bill at hand, and we thank
5 you for your consideration.

6 CHAIRPERSON RIVERA: Thank you very
7 much. Are there any questions on behalf of the
8 Committee members?

9 MR. SHACKNAI: Before we close, I
10 just want to add that the McDougal case is
11 currently on appeal to the Court of Appeals.

12 CHAIRPERSON RIVERA: Okay. Thank
13 you. Seeing none, thank you very much.

14 MS. PETITO: Thank you. The next
15 panel is going to consist of four individuals, we
16 are going to have Frank Tramontano from the
17 Patrolmen's Benevolent Association, Cheech (sic),
18 we're also going to have Lieutenant Eddie Boles
19 from the Uniformed Fire Officer's Association as
20 well, and Paul DiGiacomo from the Detective's
21 Endowment Association, and Ken Cardona from the
22 Detective's Endowment Association. Gentlemen, you
23 can decide who will go first, just- -

24 MR. TRAMONTANO: (Interposing) I'll
25 be real quick. Good morning, Frank Tramontano,

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2 the Patrolmen's Benevolent Association, Research
3 Director. First of all, the bill has been
4 addressed ... the issues raised by Governor
5 Paterson's veto have been addressed in here. This
6 bill will not give a pension to anyone who is
7 convicted of a felony, so that's what the bill
8 says. I'm sorry, but the previous speaker didn't
9 read the bill, but that's what the bill says. So
10 that basically addresses the veto, it establishes
11 a standard, which is unlike the current situation
12 now, where one person makes the decision whether
13 or not someone keeps their pension or not. It's
14 only for people with 20 years or more. We believe
15 by establishing a standard, it takes it away from
16 being, having these cases that are considered
17 arbitrary and capricious when they're done, and
18 the case of McDougal is one incident like that,
19 there's been cases in the NYPD where people have
20 gotten, where a person has lost their pension with
21 28 years for being convicted of giving a
22 certificate for attending a three-hour class to
23 someone who didn't attend the three-hour class,
24 lost a 28-year pension. So I think that, you
25 know, at times this could be arbitrary, by putting

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2 in a felony as a standard where you're not getting
3 a pension, it addresses the veto and it takes it
4 away from being arbitrary in the future. Thank
5 you.

6 LT. BOLES: Lieutenant Eddie Boles
7 with the UFOA, I also stand in support of A5744
8 and S5653. A fire officer's pension is actually
9 deferred income, it is a longstanding negotiated
10 benefit, agreed to in exchange for reduced wages
11 received during our tenure of work for the City of
12 New York. It is an earned benefit, we receive the
13 benefit in exchange for putting our lives on the
14 line each day and every day we report for duty.
15 The penalty of losing a pension accrued over the
16 course of a 20-year career is just excessive
17 punishment. The loss of our pension with its
18 accrued annuity value upwards of over a million
19 dollars earned over the course of an entire career
20 is cruel and inhumane treatment, particularly when
21 the impact is weighed of such punishment on an
22 entire family. Additionally, the loss of the
23 variable supplement fund, assuming a fire officer
24 would take, would like 20 years, and would like 20
25 years in retirement, it would be close to a

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2 quarter of a million dollars. This severe
3 financial penalty would be imposed on a fire
4 officer who has not even been arrested or charged
5 with a crime, let alone ever convicted of a crime.
6 Termination and commensurate loss of pension could
7 simply be the result of Fire Department charges
8 alone. Only New York City police officers and
9 firefighters are held to this high standard that
10 inflicts severe financial punishment, other police
11 officers and firefighters across New York do not
12 forfeit their pensions. Elected officials, city
13 officials, judges and many other New York City and
14 New York State workers as well do not forfeit
15 their pensions. We are in no way condoning
16 illicit behavior or illegal wrongdoing, but it is
17 plainly unfair to single out for such extreme
18 treatment. It's one thing to levy a penalty on a
19 person who makes a mistake, but let's not crucify
20 any individual who otherwise served the city well.
21 Again, these bills, this bill submitted in answer
22 is for fairness and equity, accordingly we
23 respectfully request the New York City Council to
24 order Home Rule message for this legislation. I
25 also want to say that we also support SLR S913,

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2 that provides the surviving spouse and eligible
3 domestic partner health insurance coverage if
4 their spouse or domestic partner expires. Thank
5 you for the opportunity.

6 MR. CARDONA: Thank you, good
7 morning, Councilman Rivera and members of the
8 State Legislation Committee, my name is Detective
9 Ken Cardona, I'm with the Detective's Endowment
10 Association. Presently every member in the New
11 York State Policemen's and Firemen's Retirement
12 System, covering all police officers outside the
13 City of New York, has his pension protected
14 statutorily. If a member has 20 years of service
15 or more and is dismissed, he receives his pension
16 immediately without an age limitation. In fact,
17 this applies to all members in the police and
18 firemen's retirement system, as well as to the
19 members in the other retirement systems. But, we
20 are not ... we are dealing here only with
21 legislation applicable to police officers and
22 firefighters enrolled in the City of New York,
23 police and pension. Our proposal is to insure
24 that a member with 20 or more years of service,
25 who would otherwise be entitled to his pension had

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2 he applied for retirement, not be denied that
3 pension, and that the city not be allowed to use
4 the 30-days waiting period to draw pension rights.
5 This proposal does not give the members the extent
6 or the protection provided members of the New York
7 State Police and Firemen's Retirement System,
8 since there will be no protection under this
9 proposal for members dismissed who have less than
10 20 years of service. However, members who could
11 have retired based upon the 20-year retirement
12 plan will be appropriately protected. It is
13 totally in violation of the principles and concept
14 of pensions to deny to a member and his family his
15 retirement benefits, which he has extended many
16 years of service and the New York City police,
17 fire pension funds contributed up to 7% of his
18 total earnings. The member is being sufficiently
19 punished for his possible department violation by
20 being dismissed from his position. There is no
21 need to become so punitive as to then also punish
22 his family by not allowing them to benefit from
23 this pension upon which they are depending on. As
24 my brother from the Fire Department here stated,
25 the language in this bill was addressed, the veto

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2 from Governor Paterson was addressed and changed
3 to comply with what was in disagreement. There's
4 other issues also here that there's already
5 members of the police department, approximately
6 2,000 of them, already under Tier 3, police and
7 fire, who have ... who are covered already with this
8 benefit, if we may call it that. So there's a ...
9 not only is the state and now our own department
10 covered, so we're just asking for the Tier 2 ...
11 Tier 1 and Tier 2 to be covered also. I can also
12 add to this that the revenues and expenditures for
13 this proposed bill are zero.

14 MR. DI GIACOMO: Good afternoon, my
15 name is Detective Paul Di Giacomo, from the
16 Detective's Endowment Association. I urge you to
17 please give this Home Rule message. We are losing
18 New York City detectives at an alarming rate.
19 They're hitting their 20 years of service and
20 they're retiring. They're retiring because
21 they're afraid of losing their pensions, pensions
22 that they've worked so hard for and risked their
23 lives for. New York City detectives are retiring
24 at an alarming rate, and they're experienced New
25 York detectives, who work in the counter-terrorism

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2 bureau, who work in the joint terrorist task
3 force, to protect not only the people of the city
4 but the people of this country. And it's
5 important that we have that experience to do the
6 job that needs to be done properly, and I urge you
7 to please vote in the positive for this bill.

8 Thank you.

9 CHAIRPERSON RIVERA: Thank you very
10 much, gentlemen. Are there any questions from the
11 Committee members? Seeing none, thank you very
12 much. The next panelists will be David Woloch
13 from the New York City Department of
14 Transportation. Just state your name for the
15 record, and you may begin.

16 MR. WOLOCH: I'm David Woloch,
17 Deputy Commissioner for External Affairs at the
18 New York City Department of Transportation. Thank
19 you for providing us with the opportunity to state
20 the administration's support for Home Rule message
21 in support of A7425, S4496B, relating to the
22 city's red-light camera program. This bill
23 specifically increases the number of intersections
24 where red-light cameras may be installed from 150
25 to 225. In its 18-year history, the city's red-

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2 light camera has played a central role in our
3 efforts to enhance public safety by serving
4 effective deterrents to motorists otherwise
5 inclined to ignore traffic control signals. The
6 program has proven to be an effective traffic
7 safety measure that we believe prevents injuries
8 and the loss of life resulting from accidents
9 caused by running red lights. Since its
10 inception, hundreds of thousands of vehicles,
11 including passenger vehicles, buses and taxi cabs,
12 have been caught going through red lights by these
13 photo monitoring devices. It's important to
14 remember that the goal of the cameras is not just
15 to reduce red-light running at those intersections
16 where cameras are installed, but to change
17 motorists' behavior wherever they drive. The
18 reality of the current program is that current
19 state law allows us to operate the cameras at only
20 1% of all signalized intersections in the city.
21 We believe that in order to truly impact the
22 behavior of motorists, cameras need to be present
23 at many more locations around the city. By adding
24 cameras to 75 additional intersections, this bill
25 would be a helpful next step. Thank you.

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2 CHAIRPERSON RIVERA: Thank you very
3 much. Are there any questions on behalf of
4 Committee members? Okay, thank you very much.
5 Next we have three individuals, Mark Thompson
6 from Community Board #6, we have Robert Cole, and
7 we also have Sander Lemon?

8 MR. LEHRER: Lehrer.

9 CHAIRPERSON RIVERA: There we go,
10 Lehrer, just join us on the panel. Just state
11 your name for the record, and you may begin.

12 MR. THOMPSON: Sure, my name is
13 Mark Thompson, good morning, Chair Rivera and the
14 Committee, my name is Mark Thompson, I'm Chair of
15 Manhattan Community Board #6. I'd like to thank
16 you for allowing me to speak this morning
17 regarding the Home Rule message regarding the
18 United Nations and Robert Moses Park. The
19 leadership of Community Board #6 has been working
20 closely with our amazing Council Member Dan
21 Garodnick and our other elected officials for
22 several years, actually for many years, on the
23 issue of the Robert Moses playground, its
24 potential alienation, the related development of
25 parks in our area and a waterfront esplanade. We

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2 support this Home Rule act, which would allow us
3 to work towards the creation of the memorandum of
4 understanding regarding a proposal. This MOU will
5 include the Community Board's continued input, as
6 well as ULURP action and consider our 197A plan
7 which we have spent more than a decade developing,
8 and which has been approved, of course, for
9 several years. I do hope the Committee supports
10 this Home Rule act so we can move ahead with the
11 development of parks and the esplanade on the east
12 side of Manhattan, which as Council Member Dan
13 Garodnick mentioned, is the least-parked community
14 in the entire city, and we're all desperate for
15 open space and the development of the waterfront,
16 which will help with the city's economic growth.
17 Thank you so much, I appreciate it.

18 CHAIRPERSON RIVERA: Thank you.

19 MR. LEHRER: My name is Sander
20 Lehrer, I'm the outside counsel to the United
21 Nations Development Corporation, and given the
22 statement by Council Member Garodnick and the
23 statement by Mr. Thompson, there's very little for
24 us to add. The only thing I would like to say is
25 that the approach here allows for the open space

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2 improvements that would be of substantial value to
3 the community and to the city, to be provided
4 without an impact on the city budget. The funding
5 for the open space improvements are all to be
6 derived from the development process that's
7 envisioned by the legislation. If there are
8 questions, I'd be glad to respond to any
9 questions.

10 CHAIRPERSON RIVERA: Next.

11 MR. COLE: My name is Robert Cole,
12 and I am counsel at UNDC internal. Again, I don't
13 have a whole lot to add to this, other than to say
14 that from our point of view we think that this
15 legislation and Home Rule message has tremendous
16 potential benefits to Community Board #6
17 residents, residents and visitors throughout New
18 York City, and to the United Nations, and we feel
19 that the memorandum of understanding process will
20 have an opportunity for all parties to have input
21 into the process, and we encourage this Home Rule
22 message.

23 CHAIRPERSON RIVERA: Thank you very
24 much. Are there any questions on behalf of the
25 Committee? Seeing none, we only have one more

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panel, thank you very much.

MR. THOMPSON: Thank you.

CHAIRPERSON RIVERA: We have Karen Becker from the New York City Parks Department. There you go. So Karen is a very familiar face here in the Council, and I'm pretty sure there's going to be a host of questions for you, so.

MS. BECKER: Good, I'll do my very best.

CHAIRPERSON RIVERA: There you go. Thank you, Karen. Just state your name for the record and you know the process.

MS. BECKER: Karen Becker, good morning, Acting Chair Rivera and the members of the State & Federal Legislation Committee, my name is Karen Becker and I am the Director of Government Relations at the Parks Department. I thank you for the opportunity to testify on the Home Rule on the Committee's agenda today that would affect New York City parks. The State Legislation resolution requesting the New York State Legislature to pass bills introduced by Senator Stavisky and Assembly Member Aubry would authorize the City of New York to transfer

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2 ownership of parkland that is a part of Lost
3 Battalion Park in Rego Park Queens in exchange for
4 identical square footage of property totaling
5 19,085 square feet that would be designated as
6 parkland. This alienation is related to a
7 proposed mixed-use development by Alexander's of
8 Rego Park III Incorporated that is bound by the
9 Long Island Expressway service road, Junction
10 Blvd., 93rd Street, and Lost Battalion Park to the
11 south. This alienation would result in a better
12 park site plan for Lost Battalion Park, and would
13 be reconfigured to a more regularized park by
14 creating a straight line that would now form its
15 northern boundary that runs perpendicular to
16 Junction Blvd., and would ultimately increase its
17 frontage along Junction Blvd. This newly-
18 reconfigured park would enable better programming
19 and would provide improved and increased
20 pedestrian access off of Junction Blvd. in
21 addition, Alexander's of Rego Park II Incorporated
22 has agreed to undertake the funding of the
23 improvements necessary for the newly-reconfigured
24 park. The Parks Department is in full support of
25 this legislation, which would allow the city to

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2 alienate a portion of parkland in exchange for the
3 city to acquire two adjacent parcels that would
4 simplify the park shape and improve access for the
5 patrons of the park. In addition, we've spoken
6 with Council Member Daniel Dromm, who is in
7 support of this Home Rule message as well. I
8 thank you for allowing me to testify before you
9 here today, and I'll be happy to answer any
10 questions you have.

11 CHAIRPERSON RIVERA: Thank you,
12 Karen, I think Council Member Lew Fidler wants to
13 be the first.

14 COUNCIL MEMBER FIDLER: Are you
15 absolutely certain that you'll be happy to answer
16 all questions?

17 MS. BECKER: Absolutely certain.

18 COUNCIL MEMBER FIDLER: So my first
19 question to you, how does it feel to have your
20 life back after leaving Council Member Domenic M.
21 Recchia, Jr.?

22 MS. BECKER: Can I take the Fifth?
23 (crosstalk)

24 CHAIRPERSON RIVERA: She left in
25 the middle of the budget process, so that was

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very- -

MS. BECKER: (Interposing) There's still a budget process on our side too.

COUNCIL MEMBER FIDLER: Did you order the code red?

CHAIRPERSON RIVERA: So next we have Council Member Liz Crowley.

COUNCIL MEMBER CROWLEY: I ... sorry, I didn't know this was happening until today, and I was just curious about the recreation facility there, Alexander Developers, are they building some type of recreational spot, indoor spot, or is the Parks Department going to build a spot somewhere nearby that could provide indoor recreation?

MS. BECKER: I can find out for sure. I know that Alexander's is taking, they're paying fully for the whole total renovation of the park, but as for indoor recreational facilities, I can get back to you on that.

COUNCIL MEMBER CROWLEY: And is there a number value on the new park?

MS. BECKER: Not at- -

COUNCIL MEMBER CROWLEY:

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(Interposing) Not at this time. All right.

MS. BECKER: But I know the square footage is exactly the same in terms of the park.

COUNCIL MEMBER CROWLEY: Okay, good to know, thank you.

CHAIRPERSON RIVERA: Thank you, are there any other questions on behalf of members? Seeing none, Karen, thank you very much, it's good seeing you again, and we hope to see more of you here in the Council.

MS. BECKER: Thank you very much.

CHAIRPERSON RIVERA: Thank you. Seeing no one else here to testify, I'm going to ask the clerk to please the roll, and the Chair recommends an aye vote on all items on today's agenda.

COMMITTEE CLERK: Billy Martin, Committee Clerk, roll call vote on the Committee on State & Federal Legislation. Council Member Rivera.

CHAIRPERSON RIVERA: I vote aye.

COMMITTEE CLERK: Dilan.

COUNCIL MEMBER DILAN: I vote aye on all except for S4496B and A7425A, which is the

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2 red light camera program, I just consistently have
3 voted against it and want to remain consistent,
4 and aye on all others.

5 COMMITTEE CLERK: Fidler.

6 COUNCIL MEMBER FIDLER: May I be
7 briefly excused to explain my vote?

8 CHAIRPERSON RIVERA: Yes you may.

9 COUNCIL MEMBER FIDLER: I have very
10 little faith in the United Nations, I have too
11 many questions about the financing and the
12 arrangements of the United Nations deal, but I
13 have a great deal of respect for Council Member
14 Garodnick and for all the work that has gone on
15 before, so on item #8, relating to A305A and
16 S5706A, I'm going to abstain, and I vote aye on
17 all the others.

18 COMMITTEE CLERK: Seabrook.

19 COUNCIL MEMBER SEABROOK: I vote
20 aye on all.

21 COMMITTEE CLERK: Crowley.

22 COUNCIL MEMBER CROWLEY: Aye on
23 all.

24 COMMITTEE CLERK: All items on
25 today's agenda are voted ... are adopted, excuse me,

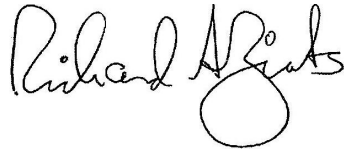
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2 by a vote of six in the affirmative, zero in the
3 negative, with no abstentions, with the exception
4 of Pre-considered SLR and referral to Senate
5 #4496-B and Assembly #7425-A is adopted by a vote
6 of five in the affirmative and one in the negative
7 and no abstentions, and Pre-considered SLR in
8 relation to Senate #5706-A and Assembly #8305-A is
9 adopted by a vote of five in the affirmative, zero
10 in the negative and one abstention. All items
11 have been adopted, Council Members, please sign
12 the Committee reports. Thank you.

13 CHAIRPERSON RIVERA: Thank you very
14 much, this meeting is adjourned.

15 COMMITTEE CLERK: Clarification on
16 the Committee on State & Federal Legislation. In
17 referral to Senate #5706-A and Assembly #8305-A,
18 that is Pre-considered M, which once again is
19 adopted by a vote of five in the affirmative, zero
20 in the negative, and one abstention. Thank you.

C E R T I F I C A T E

I, Richard A. Ziats, 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 _____ June 25, 2011 _____