

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HEALTH

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September 21, 2011

Start: 10:30am

Recess: 10:45am

HELD AT: Council Chambers
City Hall

B E F O R E:
MARIA DEL CARMEN ARROYO
Chairperson

COUNCIL MEMBERS:

Inez E. Dickens
Mathieu Eugene
Julissa Ferreras
Helen D. Foster
Rosie Mendez
Joel Rivera
Peter F. Vallone, Jr.
Albert Vann
Deborah L. Rose
James G. Van Bramer

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2 CHAIRPERSON ARROYO: In case
3 anybody was asleep, you are now awake. Good
4 morning. Sergeant, I'm sorry. Are you ready?
5 Good morning. My name is Maria del Carmen Arroyo,
6 chair of the Committee on Health in the City
7 Council and today the Committee will be voting on
8 proposed Intro 655-A, sponsored by Council Member
9 Jessica Lappin, which pertains to animal shelters
10 in the city of New York. Just a bit of
11 housekeeping, and this is just so I can keep it
12 straight, before we vote on Intro 655-A, we will
13 be voting on a pre-considered resolution regarding
14 the environmental review conducted pursuant to the
15 New York State Environmental quality review Act.
16 The Council and the office of the mayor have
17 determined that for purposes of state law, a
18 negative declaration should be issued as proposed
19 Intro 655-A is consistent with environmental,
20 social, economic and other essential
21 considerations and will not result in any
22 significant adverse environmental impact.

23 Now turning to the legislation, the
24 Committee heard testimony a couple of weeks ago on
25 September 9th for several hours and we heard from

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2 New Yorkers on both sides of the issue; however,
3 our common goal must continue to be the wellbeing
4 of New York City's animals and this legislation
5 goes a long way in assisting the thousands of dogs
6 and cats the Animal care and Control (ACC) take in
7 every single year. Additionally, the legislation
8 was amended to respond to concerns that were
9 expressed at the hearing to ensure that housecats
10 and feral cats will not be taken in by field
11 services. While I understand why some advocates
12 feel that we must have a full service shelter in
13 all five boroughs—and I'm not sure than any of us
14 disagree with that position—this legislation and
15 the commitment from the administration will result
16 in a \$10 million increase to ACC to carry out
17 their mission and safeguard New York City's
18 animals.

19 As I said at the last hearing, we
20 at the Council will remain vigilant and ensure
21 that the Department and ACC follow through with
22 the planned expansion of services and we are
23 prepared to hold annual hearings to ensure that
24 that happens. As the Health Committee Chair, I am
25 prepared to hold these hearings on this issue and

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2 to ensure that the full service shelters are
3 adequate, have adequate capacity and that the
4 receiving centers are efficient and functional and
5 most importantly, that our animals are receiving
6 the care they deserve.

7 I want to thank the incredible
8 staff of this Committee who prepared us and kind
9 of shepherded us through this process, Lacey
10 Clarke, who was on vacation the day of the
11 hearing, and Tierza Nasr [phonetic] rode shotgun
12 for the Committee as counsel. Thank you both for
13 your work, Pamela Corbett [phonetic] is our fiscal
14 analyst and Joe Mancino, our attorney in the - -
15 for their wonderful work. I also want to
16 recognize my colleagues from the Health Committee
17 and the members that are here today. I saw
18 Council Member Jackson eating his banana in the
19 back. We have Council Member Vallone, Council
20 Member Rose, Council Member Foster, Council Member
21 Van Bramer, Mathieu Eugene--whose name I always
22 mix up; I call him Eugene--Rosie Mendez and
23 Council Member Ferreras. Thank you all for being
24 here, and now as a matter of process we will take
25 up the resolution first for a vote. I urge my

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colleagues to vote yes.

COMMITTEE CLERK: Kevin Pin,
committee clerk, roll call in the Committee on
Health pre-considered resolution. Council Member
Arroyo?

CHAIRPERSON ARROYO: Aye.

COMMITTEE CLERK: Foster?

COUNCIL MEMBER FOSTER: May I be
excused to explain my vote?

CHAIRPERSON ARROYO: Yes, of
course. You think I would say no?

COUNCIL MEMBER FOSTER: Thank you.
I just want to say that my concern is that this is
an example of pitting boroughs against boroughs
and the ideal situation would be to have locations
in each borough. Understanding that this is
better than what we have now, I will vote yes, but
with the concern being on the record that every
borough needs to have a location and the Bronx
especially is tired of being the borough left out,
so yes.

COMMITTEE CLERK: Vallone?

COUNCIL MEMBER VALLONE: May I have
permission to explain, Chair?

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CHAIRPERSON ARROYO: Yes.

COUNCIL MEMBER VALLONE: I realize this is just a reso, but I might as well speak now. A little history I think is in order. In 2000, the City Council passed my father's bill, Animal Shelters and Sterilization Act, requiring that an animal shelter exists in every borough and also mandating sterilization of dogs and cats adopted from shelters and purchased from pet shops. We also appropriated \$4 million dollars at that time, so we didn't just say they had to do it; we gave them the money to do it and they didn't. And then in 2004, they came back to us and promised that they would, if we gave them till 2006. That ever happened, and now we're supposedly passing this bill to let them off the hook for more promises from the administration, which they've never lived up to in the past. In 2009, Straight From the Heart, a non-profit organization, sued the city for its blatant violation of the law, which we passed and they won on the merits in Supreme Court. They then lost in the Appellate Division on a technicality of standing and then a week ago, they were given

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2 leave to appeal to the Court of Appeals. They
3 informed me they only need 90 days to resolve
4 this—90 days. And if we pass this bill, it will
5 destroy the Court's ability to mandate a shelter
6 in Queens and the Bronx—what we've been waiting
7 for for ten years, but that is the plan. That's
8 why we had this hearing less than two weeks ago—
9 the first hearing. That's why this hearing was
10 set up last night at 6:30. That's when notice for
11 this hearing went out—last night at 6:30. The
12 plan was to move this as quick as possible with as
13 little notice as possible. Why? I'll leave that
14 up to your imaginations. This bill does some good
15 things as people have mentioned and more money for
16 animal care is a good thing, more hours for
17 receiving centers is a good thing and there's some
18 other things in this bill that are worthwhile, but
19 we can do all of that. We can do all of that
20 without eliminating the legal requirement for a
21 shelter in Bronx and in Queens. The people of
22 Queens and the Bronx need more than expanded hours
23 for receiving centers. Each borough needs a full
24 service shelter. A receiving center does not
25 provide care for lost pets. It doesn't provide a

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2 location for the people of those boroughs to go to
3 if they lose their animals before they're put down
4 and it does not relieve the overcrowding at the
5 existing shelters. We need full service shelters
6 in Queens and the Bronx. There is no reason we
7 cannot get the good that this bill does without
8 eliminating that requirement. I'm going to vote
9 no on the reso and I'm going to vote also no on
10 the intro when that comes up. Thank you.

11 CHAIRPERSON ARROYO: We've been
12 joined by several other members of the Committee
13 and the prime sponsor of the legislation, who I
14 would like to give a few minutes to say a couple
15 of words, but first let me acknowledge I saw
16 Council Member Inez Dickens and Council Member
17 Vann. Did I miss anybody? Council Member Rivera
18 from the Bronx. Council Member Lappin?

19 COUNCIL MEMBER LAPPIN: Good
20 morning. Thank you very much. There has been a
21 lot of debate and discussion about this issue and
22 I wanted to thank the Chair for holding an
23 excellent hearing on this bill and we heard
24 testimony for hours from advocates who were
25 supporting this and said quite clearly we have a

1 crisis in the city. We have an emergency
2 situation and we need to act now; not in a year;
3 not in two years; not in ten years, but we need to
4 act now. The ASPCA, the mayor's Alliance for
5 Animals, the Humane Society, New York - - , PETA-
6 they all said--and those are groups that don't
7 agree a lot on a whole lot--but this time, they
8 came here and they said in a unified voice, "This
9 will help animals in New York City." Bottom line.
10 End of story. It will increase funding and it
11 will increase hours, but we also heard a lot of
12 testimony about the board at AC&C and we listened
13 and we negotiated a change to expand the board at
14 AC&C to give people a greater voice and a greater
15 role in the process, and that I think is an
16 additional big accomplishment for this Committee
17 and for the Council. I'm very, very pleased about
18 that. It's one of the things we were negotiating
19 up until last night. It's one of the reasons we
20 weren't clear on when exactly we would be voting
21 on this bill, but it is I think something that the
22 advocates have been wanting for a long time, and
23 it is a big accomplishment for us. So I have no
24 doubt that this is the right thing to do for
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2 animals in the city. I'm very proud to be
3 sponsoring this bill and I very strongly request
4 that my colleagues, who are here on the Committee
5 and who are in the full body, vote to support this
6 today.

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CHAIRPERSON ARROYO: Thank you,
8 Council Member Lappin. Can you continue with the
9 roll?

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COMMITTEE CLERK: Rivera?

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COUNCIL MEMBER RIVERA: I vote aye.

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COMMITTEE CLERK: Vann?

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COUNCIL MEMBER VANN: Aye.

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COUNCIL MEMBER RIVERA: Madam
15 Chair, did you need me to vote aye on two items?

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CHAIRPERSON ARROYO: We're doing
17 the pre-considered reso-

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COUNCIL MEMBER RIVERA:

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[Interposing] I vote aye on both items on today's
20 agenda. Thank you.

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CHAIRPERSON ARROYO: We're calling
22 the introduction after the roll on the pre-
23 considered resolution.

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COUNCIL MEMBER RIVERA: Okay.

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COMMITTEE CLERK: Dickens?

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COUNCIL MEMBER DICKENS: Aye on

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all.

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COMMITTEE CLERK: Mendez?

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COUNCIL MEMBER MENDEZ: Permission

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to explain my vote, Madam Chair?

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CHAIRPERSON ARROYO: Yes.

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COUNCIL MEMBER MENDEZ: Thank you.

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I want to thank Council Member Vallone for

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providing a little history and I hear his

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concerns. I think I share some of his concerns,

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but I really think that this will go a long way

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and then, I'm not sure what's going to happen with

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the court case, but I think this body could go

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revisit the full service centers at a later point,

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but at this point, I think this will be a god

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thing for the city. I vote yes.

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COMMITTEE CLERK: Eugene?

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COUNCIL MEMBER EUGENE: Aye.

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COMMITTEE CLERK: Ferreras?

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COUNCIL MEMBER FERRERAS: Aye.

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COMMITTEE CLERK: Rose?

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COUNCIL MEMBER ROSE: Aye.

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COMMITTEE CLERK: Van Bramer?

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COUNCIL MEMBER VAN BRAMER:

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2 Permission to briefly explain my vote? I wanted
3 to first of all thank Councilwoman Lappin for
4 introducing this and I'm going to vote yes not
5 just because it's increasing the hours of
6 operation of receiving centers and increasing
7 field services, but because there's nothing in
8 this that precludes us from one day building a
9 full service shelter in Queens and I remain
10 committed to seeing that through and for all of
11 those reasons, I am voting yes.

12 COMMITTEE CLERK: By a vote of ten
13 in the affirmative, one in the negative and no
14 abstentions. The item has been adopted. Members,
15 please sign the Committee report.

16 CHAIRPERSON ARROYO: Now if I can
17 ask the clerk to call the roll on Intro 655-A.

18 COMMITTEE CLERK: Arroyo?

19 CHAIRPERSON ARROYO: Aye.

20 COMMITTEE CLERK: Rivera?

21 COUNCIL MEMBER RIVERA: I vote aye.

22 COMMITTEE CLERK: Foster?

23 COUNCIL MEMBER FOSTER: Aye.

24 COMMITTEE CLERK: Vallone?

25 COUNCIL MEMBER VALLONE: I vote no

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2 on this. I just want to decide whether to be
3 heard again, but I'm going to say no on that also,
4 so I will vote on this also. Thank you.

5 COMMITTEE CLERK: Vann?

6 COUNCIL MEMBER VANN: Aye.

7 COMMITTEE CLERK: Dickens?

8 COUNCIL MEMBER DICKENS: Aye.

9 COMMITTEE CLERK: Mendez?

10 COUNCIL MEMBER MENDEZ: Aye.

11 COMMITTEE CLERK: Eugene?

12 COUNCIL MEMBER EUGENE: Aye.

13 COMMITTEE CLERK: Ferreras?

14 COUNCIL MEMBER FERRERAS: Aye.

15 COMMITTEE CLERK: Rose?

16 COUNCIL MEMBER ROSE: Aye.

17 COMMITTEE CLERK: Van Bramer?

18 COUNCIL MEMBER VAN BRAMER: Aye.

19 COMMITTEE CLERK: By vote of ten in
20 the affirmative, one in the negative and no
21 abstentions, the item has been adopted. Members,
22 please sign the Committee reports.

23 CHAIRPERSON ARROYO: Please don't
24 leave. We need to sign the Committee report and
25 Members of the Finance Committee, it is convening

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on the 16th floor. They need quorum. Please sign

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and then run up. Do we need to leave the roll

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open for anybody? No. Okay, the hearing is

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adjourned.

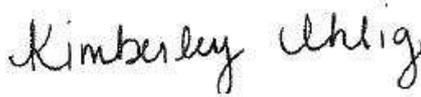
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[gavel]

C E R T I F I C A T E

I, Kimberley Uhlig 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

Handwritten signature of Kimberley Uhlig in cursive script, written over a horizontal line.

Date

October 2, 2011