

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON TRANSPORTATION

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November 1, 2011
Start: 01:00 pm
Recess: 02:40pm

HELD AT: 250 Broadway
Committee Rm, 14th Fl.

B E F O R E:
JAMES VACCA
Chairperson

COUNCIL MEMBERS:
James Vacca
Gale A. Brewer
David G. Greenfield
Daniel Garodnick
Vincent M. Ignizio
Peter A. Koo
G. Oliver Koppell
Jessica S. Lappin
Darlene Mealy
Ydanis A. Rodriguez
Deborah L. Rose
Eric A. Ulrich
James G. Van Bramer

A P P E A R A N C E S

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

David Woloch
Deputy Commissioner For External Affairs
Department of Transportation

Galileo Orlando
Deputy Commissioner for
Roadway Repair and Maintenance
Department of Transportation

John Nucatola
Director of Bureau of Cleaning and Collections
Department of Sanitation

Douglas Marsiglia
Chief of Cleaning
Department of Sanitation

James S. Oddo
Council Member
New York City Council 50th district
Staten Island

Letitia James
Sanitation Committee Chair
New York City Council 35th district
Brooklyn

Lewis A. Fidler
Council Member
New York City Council 46th district
Brooklyn

Jeffrey Frediani
AAA of New York

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2 CHAIRMAN VACCA: Okay, I'd like to
3 welcome everyone. November 1, 2011, this is the
4 committee on transportation. I'm James Vacca, and
5 I'm the chair for the committee on transportation
6 of the New York City council. Today we are
7 hearing three bills aimed at improving the quality
8 of life for motorists in New York City.

9 There are a handful of chronic
10 aggravations in this city that anyone who drives a
11 car can relate to. Potholes, street construction,
12 and alternate side parking. Today we are here to
13 address those concerns.

14 I want to thank the Department of
15 Transportation for their attendance, David Woloch,
16 and Chief Nucatola from the Department of
17 Sanitation, and we look forward to their testimony
18 and testimony from the public.

19 Anyone who has ever neglected to
20 move their car during an alternate side parking
21 time regrets not only getting that hefty ticket
22 the driver will no doubt receive, but drivers also
23 face their car having a green neon sticker glued
24 to the driver window side of their car. Sometimes
25 it takes weeks and maybe sometimes even chemicals

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to get this thing off.

Today we're hearing intro 546, sponsored by my colleague, Council Member David Greenfield of Brooklyn, that would end that practice. A \$60 dollar ticket or a \$65 dollars if you are in parts of Manhattan is enough. The sticker is cruel, the sticker is overkill, it is unnecessary, it is excessive. It's important to note that Councilman Greenfield's bill will not change street cleaning practices at all. Street sweepers will continue to go around the offending car during the scheduled alternate time cleaning. Ending this practice will allow drivers to worry only about paying the summons, rather than figuring out how to also remove this massive sticker from their car.

It's a small thing, but it'll make a lot of difference to many drivers. Moreover, even if one has a defense to the ticket and gets it dismissed, this sticker, affixed as it is, finds drivers guilty even if, at the end of the day, they are proven innocent. Today we're also hearing Intro 567 by Council Member James Otto of Staten Island, requiring DOT to publish their

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2 resurfacing and other street projects on line
3 block by block.

4 Motorists would then be able to
5 look up this information before they leave home so
6 they can make changes to their route, rather than
7 be stuck in traffic when a street is being
8 resurfaced or potholes are being filled. It's a
9 simple change that will allow drivers to make the
10 most of their time and know when work is scheduled
11 on their street or in their neighborhood. And
12 let's face it, anything we can do to alleviate
13 traffic in our city is an attempt worth making.

14 This bill would also require DOT to
15 post the ratings of blocks in our city on line, so
16 that people can advocate to have their block
17 resurfaced and also know how the city rates the
18 condition of streets in their community. It'll
19 give local communities more of a voice as they
20 advocate for resurfacing or for capital
21 reconstruction.

22 The last of the three bills, Intro
23 629, is my own bill, which would require DOT to be
24 forthright about how frequently it repairs
25 potholes. Over the past several years, the

1
2 Mayor's management report has shown the time it
3 takes for DOT to repair potholes to be steadily
4 increasing. From 5.6 days in fiscal year 2010, to
5 10.8 days in fiscal 2011.

6 Now, I know we had a harsh winter
7 last year, but I'm concerned that it takes that
8 long to fill a pothole. Their dangerous, not only
9 for motorists, but also for cyclists and
10 pedestrians as well, and we need to know why it's
11 taking longer and longer for them to be fixed.
12 This legislation would also require DOT to provide
13 quarterly pothole reports, so the council and the
14 public are able to gauge pothole repair season by
15 season.

16 Thus, the bill will require
17 percentages to be based on a 15 day marker, so the
18 council and the public can know whether the
19 taxpayers will have to shell out more in payments
20 for damage in the coming years. Lastly, the
21 Transportation Committee will be voting on
22 proposed Intro 412-A by Council Member Lew Fidler.
23 The bill would require DOT to notify the effective
24 community boards and council members any time a
25 bike lane is removed or installed. I want to

1
2 thank Council Member Fidler, since we had a
3 hearing on this bill several weeks ago. Council
4 Member Fidler has worked with DOT and with the
5 advocates, there have been some revisions, and I
6 think those revisions reflect the best interests
7 of our city and the need Council Member Fidler
8 wants to fulfill of making sure that communities
9 are involved in this process, and given ample time
10 to submit their recommendations through community
11 board input.

12 I'd like to thank you all for
13 coming, and I'd now like to introduce the sponsors
14 of the bills who are here today to make an opening
15 statement. Let me first introduce Council Member
16 David Greenfield to my left.

17 COUNCIL MEMBER GREENFIELD: Thank
18 you, Mr., Chairman, and thank you, the committee
19 staff as well. You know, we have a fundamental
20 concept in the United States that individuals are
21 innocent until proven guilty. And this applies
22 for everyone in every case unless you happen to be
23 unfortunate enough to part on an alternate side
24 street, in which case, you are deemed guilty by
25 the department of Sanitation, and will slap a

1
2 garish sticker that is virtually impossible to
3 remove.

4 The reality is, you liked that
5 word, right, the reality is that these so-called
6 safety stickers, in fact actually impede safety.
7 They obstruct your view, they make it more
8 difficult for people to see where they are going,
9 and quite frankly, it's an unnecessary double
10 punishment. There is already a considerable fine
11 for individuals who park on the wrong side of the
12 street, and as the chairman pointed out, even if
13 you were found to ultimately be not guilty or
14 innocent, it doesn't matter because you're car was
15 already defaced.

16 Quite frankly, the most heinous
17 criminals in New York City do not have to walk
18 around with a scarlet letter, and I can't imagine
19 that the fact that you may have accidentally or
20 unintentionally not moved your car means that
21 you're so bad that you're worse than the most
22 worst offenders in the city of New York, the
23 murderers and the rapists who we don't force to
24 walk around with stickers.

25 This law just doesn't make sense,

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2 it's unfair, and quite frankly it's cruel and
3 unusual punishment and I want to thank my
4 colleagues for their support. I want to thank the
5 advocates for their support, and I'm looking
6 forward to a healthy debate with the Department of
7 Sanitation on this issue. Thank you very much.

8 CHAIRMAN VACCA: Thank you Council
9 Member Greenfield. I now would like to call on
10 Council Member Oddo.

11 COUNCIL MEMBER ODDO: Thank you Mr.
12 Chairman. I appreciate your indulgence. Let me
13 just say that the fact that you have Intro 629 on
14 today at the same time that I have Intro 567 I
15 think speaks volumes about the issue.

16 Mr. Chairman, you and I represent
17 communities that are very similar and in your
18 district office I would venture to guess the
19 number one complaint, or near the top is the
20 condition of our roads, I'm sure that when it
21 snowed this weekend, one of your thoughts was
22 similar to mine, here we go again, knowing that
23 next spring we will have a new generation of
24 potholes.

25 And our challenge to bring the

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2 streets of New York City up to a standard that we
3 can all accept grows, and I have a bill on today
4 that simply says, let's use technology to inform
5 as many New Yorkers as to what DOT thinks of their
6 streets. The bill simply says, let's create a
7 database, let's put on line the information that
8 DOT has about your street.

9 On Staten Island I would venture to
10 guess and in other parts of the city folks suffer,
11 I'll call it asphalt envy. Why is so-and-so down
12 the street having his street repaved, and my
13 street, that hasn't been repaved since the flood,
14 hasn't been paid. I've gone through that a
15 million times with my constituents. And what I
16 want to do is get on line, take advantage of the
17 fact that this administration is the technology
18 administration, get on line, DOT's ratings of city
19 streets.

20 I'm not sure how many New Yorkers
21 understand the process, I think we in the council
22 have to do a better job of educating New Yorkers
23 that DOT has in fact a ratings system. It's a
24 very good one. I featured it in one of my
25 newsletters a year ago. That DOT goes out and

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2 looks at streets and looks at what condition they
3 are, and fixes a numerical number that details
4 what they think of it. I want everyday New
5 Yorkers to go downstairs or upstairs, get on their
6 laptops, get on their iPads, and access that
7 information so they know when the street was paved
8 last, what DOT thinks of that street so that they
9 can have a rough estimate as to when they can
10 expect DOT to come out.

11 I want to thank Commissioner Sadik-
12 Kahn and David Woloch. This is a concept that I
13 brought to them in January of 2010. They've been
14 working on it and working out the kinks, and we
15 are close, hopefully, to having this on line and
16 hopefully in the very near future, within a couple
17 of weeks we're going to roll this out. I think
18 it's important to codify this database so that
19 future commissioners live up to the commitment I
20 think that Commissioner Sadik-Kahn graciously has
21 agreed to.

22 So this is a small step in an
23 ongoing fight for every city council member, and
24 that is trying to work together with DOT to
25 reclaim our streets. And I think it's common

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2 sense, and I think it's consistent with what the
3 administration has done previously. Thank you Mr.
4 Chair.

5 CHAIRMAN VACCA: Thank you Council
6 Member Oddo. I'll speak briefly on my bill
7 concerning potholes. My bill, the objective on my
8 bill is to make sure that our city fills potholes
9 quickly. The objective of my bill is to make sure
10 that we address potholes before potholes become
11 more than potholes. Potholes can become crevices,
12 ditches. Potholes can become so deep, that by the
13 time they are filled, you end up landing them,
14 landing in them if you're driving, you end up
15 walking in them and falling, if you're walking in
16 a crosswalk.

17 It takes more time to fill the
18 pothole if it becomes bigger, and the likelihood
19 of an accident increases. If anyone complains
20 about a pothole to 311, and it's noted by the City
21 of New York, and it's not filled in 15 days, then
22 that person can put a claim in to the controllers
23 office. So I'm looking at the financial aspect as
24 well.

25 We have to fill potholes quickly,

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2 and we want to reduce claims the city is out to
3 those who are damaged by potholes that are
4 reported, and the only way to do that is to get
5 the pothole filled quickly. In one year, pothole
6 response time in our city went from the average of
7 five days to 10.5 days. That's unacceptable.
8 That's too long. I know we had a terrible winter,
9 I know the weather did not cooperate, but people
10 feel that by the time we are in August and
11 September, pothole repair should be finished. How
12 do we finish it?

13 There's got to be accountability,
14 there's got to be reporting, and my bill requires
15 that, and lends a larger degree of transparency to
16 people here in the city who are concerned about
17 it. I know people may say that it's only a
18 pothole, if you're a motorist or a pedestrian or a
19 cyclist, it's not only a pothole if it affects
20 you.

21 So those are the three bills that
22 we are considering today. I thank you all for
23 your attendance and your indulgence. Now, let me
24 introduce the members of the committee who are
25 here. To my extreme right, Council Member Lew

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2 Fidler, Council Member James Oddo, Council Member
3 Oliver Koppell, to my extreme left, Council member
4 Vincent Ignizio, Council Member Ydanis Rodriguez,
5 Council Member David Greenfield, and myself, James
6 Vacca. Okay.

7 So why don't we start with
8 testimony. Our first panel is already seated.
9 Deputy Commissioner David Woloch, New York City
10 Department of Transportation. Deputy Commissioner
11 Galileo Orlando, New York City DOT, John Nucatola,
12 Director of Collections, Sanitation, and Doug
13 Marsiglia, Chief of Cleaning, Department of
14 Sanitation. So why don't we start with the
15 Department of Transportation first, okay,
16 Commissioner Woloch?

17 COMMISSIONER WOLOCH: Good
18 afternoon Chairman Vacca, and members of the
19 Transportation Committee, my name is David Woloch,
20 and I am the Deputy Commissioner For External
21 Affairs at the New York City Department of
22 Transportation with me today is Galileo Orlando,
23 DOT's Deputy Commissioner for Roadway Repair and
24 Maintenance. As you know, our roadway repair
25 operations constitute the foundation of DOT's

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2 mission to create smooth streets throughout the
3 five boroughs, and we agree with the council about
4 the importance of providing key information to the
5 public on the state of repair.

6 With the creation of the daily
7 pothole, and the introduction of the maps that
8 display important data sets related to the
9 agency's work, we've taken important steps to
10 achieve this goal. We're proud of our progress in
11 this arena. We're eager to add to it, and I look
12 forward to updating the committee this afternoon
13 on our efforts.

14 Let me begin by describing the
15 progress we've made in roadway repair operations.
16 Despite the city's current fiscal constraints. In
17 July 2010, the department opened a second
18 municipal asphalt plant in Corona Queens. City
19 owned plants save the city millions of dollars
20 each year and are able to produce sustainable
21 recycled asphalt pavement, the use of wrap helps
22 the city avoid a half million miles of annual
23 truck trips to carry milled asphalt to landfills
24 reducing air pollution, street congestion and
25 damage to our roadways.

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2 Another critical step that the
3 department took to improve our roadways was
4 securing, with the council's help, funds to
5 resurface a thousand lane miles in fiscal year
6 2012. This target helps us address more streets
7 that require repair and demonstrates our
8 commitment to continuing an aggressive response to
9 the damage caused by last winter's severe weather
10 that Chairman Vacca mentioned earlier.

11 As you recall, earlier this year,
12 the Bloomberg administration designated \$2 million
13 to fund crews to repair more potholes and complete
14 targeted paving projects at locations in all five
15 boroughs. The allocation allowed DOT's crews to
16 increase the total number of potholes repaired per
17 day from about 2,000 to between 3,000 and 4,000,
18 and accelerated the effort to recover from the
19 effects of the harsh winter.

20 While Intro 567 would require DOT
21 to post on our website information regarding the
22 agency's resurfacing and capital improvement
23 programs, earlier this year we added a
24 transportation portal to the New York City map
25 that displays various data sets related to the

1
2 agency's main operations. For example, New
3 Yorkers can use the map to check the agency's
4 truck network, or learn where city racks are
5 located.

6 The map also shows DOT's ten year
7 capital plan, as well as those streets that are
8 designated as protected streets after resurfacing.
9 This information is especially helpful for
10 utilities contractors and other entities that
11 perform work in the street, and has helped improve
12 coordination and reduce unnecessary street work.
13 We are continuing to focus on building upon these
14 layers, and will work with the council and others
15 to do so.

16 Last year, as he mentioned earlier,
17 Council Member Oddo suggested that we develop a
18 system to display a street assessment rating and
19 resurfacing history. We'd like the suggestion,
20 embraced it, and got to work. Within the next two
21 weeks, we expect to make this information
22 available for the first time, allowing New Yorkers
23 to check the condition of the blocks in which they
24 live or drive to work, and learn the last time the
25 streets were paved.

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2 With this system eminent, it's not
3 clear to us the proposed legislation is necessary,
4 although we are happy to discuss this with the
5 council further. Our work over the past year,
6 with thin innovative mapping technology,
7 demonstrates the department's commitment to
8 providing relevant information directly to the
9 public, and I expect that we will continue to add
10 other useful data sets and functionality moving
11 forward.

12 While paving is the most important
13 tool in our arsenal to maintain the health of our
14 streets, we also focus on short term repairs,
15 particularly when cold weather prohibits
16 resurfacing. Intro 629 would require the
17 department to record information to the council on
18 our pothole repair efforts. DOT is happy to
19 provide regular updates on our robust pothole
20 repair program, in fact, earlier this year, we
21 launched a site for the daily pothole for that
22 very purpose, allowing the public to track our
23 pothole filling efforts and report conditions
24 easily on line.

25 The scope of DOT's pothole

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2 operation has increased dramatically over the past
3 decade, particularly as bad weather in recent
4 years has wrought havoc on our streets. Last
5 fiscal year, our agency repaired 418,000 potholes,
6 the most ever. Last winter in particular took a
7 heave toll on our streets, but the agency was able
8 to respond appropriately. As you would expect,
9 the large increase in pothole repairs had a
10 noticeable effect on our response time to
11 complaints.

12 In fiscal year 2011, as reported by
13 the MMR, the average time to close a pothole work
14 order where repair was done was 10.8 days. The
15 fact that this number increased from fiscal year
16 2010 reflects several factors. Primarily the
17 effects of severe winter weather, during which our
18 roadway crews first assisted with the city wide
19 snow removal effort before returning their full
20 attention to roadway repairs.

21 Yet despite these challenges in
22 fiscal year 2011, 90% of reported potholes were
23 acted upon within a target of 30 days, and many
24 were repaired much sooner. Given the priority the
25 agency places on quick pothole repairs, and the

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2 public's desire for rapid response, we agree that
3 DOT should track statistics on a reduced target
4 repair timeframe of 15 days, not just 30 days, and
5 we've begun to do so. That being said, because
6 the success of our pothole operation depends on a
7 variety of factors and future administrations must
8 have the flexibility to set targets based on
9 available resources, we can't support codifying a
10 specific target.

11 As a threshold matter, we also
12 can't support codifying by local law, specific
13 requirements for pavement repairs in the Mayor's
14 management reports specifically. The content of
15 the MMR is prescribed in general terms by the
16 chapter of the city charter concerning the powers
17 and duties of the mayor, so that the goals and
18 measures contained in that report can be refined
19 by the chief executive measurement techniques and
20 performance goals evolve over time. Codifying in
21 law the content of particular sections of report
22 is non consistent with this scheme.

23 So while we support requiring DOT
24 to report on pothole complaints, repairs made, and
25 the target for completing repairs, and we agree

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2 the agency should report on the targeted repair
3 timeframe of 15 days at the current time, we do
4 not believe that the current legislation should
5 codify this as a specific target, and we don't
6 think that the MMR should be specified in the
7 bill. But as I noted, we do support most of what
8 is currently reflected by Intro 629.

9 One of DOT's core missions is to
10 create safe and effective streets for all New
11 Yorkers. The agency is just as committed to
12 improving how we communicate the information to
13 the public. We've been pleased to work closely
14 with the council over the past several years on
15 enhancements to our outreach processes and data
16 collection, and with that same spirit of
17 cooperation, we look forward to continuing
18 discussions on how the agency tracks and shares
19 key information on the state of repair of our
20 streets with the public and the council. And we'd
21 be happy to answer any questions after hearing
22 from our colleagues in the Department of
23 Sanitation.

24 CHARIMAN VACCA: I'm sorry, if we
25 can please interrupt. We now have a quorum of the

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2 Transportation Committee here, so I'd like to call
3 for a vote on Intro 412-A, Council Member Fidler's
4 bill. Okay, we'll now call for a vote. The chair
5 recommends a yes vote. Council Member Rose?

6 COUNCIL MEMBER ROSE: Yes.

7 CHARIMAN VACCA: Okay, Council
8 Member Koo?

9 COUNCIL MEMBER KOO: Yes.

10 CHARIMAN VACCA: Council member
11 Rodriguez?

12 COUNCIL MEMBER RODRIGUEZ: Yes.

13 CHARIMAN VACCA: Council Member
14 Ignizio?

15 COUNCIL MEMBER IGNIZIO: This is
16 Fidler's bill, you said?

17 CHARIMAN VACCA: Yes.

18 COUNCIL MEMBER IGNIZIO: All right,
19 I vote aye.

20 CHARIMAN VACCA: Council Member
21 Koppell?

22 COUNCIL MEMBER KOPPELL: Aye.

23 CHARIMAN VACCA: Council Member
24 Greenfield?

25 COUNCIL MEMBER GREENFIELD: Yes.

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CHARIMAN VACCA: Council Member

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Garodnick?

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COUNCIL MEMBER GARODNICK: Aye.

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CHARIMAN VACCA: And Council Member

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Vacca votes Aye. Unanimously passed, and it will

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go on to the council. The role will be kept open

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for a period of time, so that if additional

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members of this committee arrive, they will be

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allowed to vote. Oh, Council Member Garodnick,

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can you vote again so we have the microphone

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available?

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COUNCIL MEMBER GARODNICK: How many

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times are they going to count?

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CHARIMAN VACCA: Twice?

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COUNCIL MEMBER GARODNICK: I vote

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Aye.

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CHARIMAN VACCA: Thank you Council

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Member. Okay, Sanitation, I'm sorry, would you

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please proceed. I would like to welcome, I think

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we did by virtue of the vote, but I would like to

22

welcome Council Member Rose, Council Member Koo,

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Council Member Garodnick, and Council Member

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James. And Sanitation please, thank you.

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DIRECTOR NUCATOLA: Thank you.

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2 Good afternoon Councilperson Vacca, members of the
3 Committee of Transportation. I am John Nucatola,
4 Director of the Bureau of Cleaning and Collection
5 for the City of New York, Department of
6 Sanitation.

7 Accompanying me today is Doug
8 Marsiglia, who is the Chief of Cleaning for the
9 City of New York Department of Sanitation. The
10 department is here is to testify on Intro number
11 546 under consideration today. This bill proposes
12 to prohibit the fixing of adhesive stickers on
13 illegally parked vehicles. However, such
14 legislation will not apply to when the sticker is
15 required due to other laws or other matters of
16 public safety.

17 As you know, our street cleaning,
18 cleanliness and litter control is a core
19 department mission. It is central to preserve the
20 quality of life of the city residents. Mechanical
21 brooms are the department's most costly and
22 effective way of street cleaning. Alternate
23 street parking rules ensure that there is an
24 opened and unhindered curb accessibility to
25 sanitation workers who operate mechanical brooms

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2 to clean over the 6,000 miles of city streets
3 covered under the current alternate side street
4 regulations. Any decrease in the department's
5 ability to enforce those, who violate the city's
6 alternate sides parking rules will be greatly
7 impacted.

8 Community cleanliness, street
9 cleanliness is at an all time high, with an
10 average street cleanliness rating of 94.5 for
11 fiscal year 2011. At a rating of 94.8 for fiscal
12 year 2012 to date, the cleanliness can be
13 attributed to the department's ability to enforce
14 the alternate side parking regulations in a matter
15 that alerts the public to fail to move their cars
16 in accordance with the parking regulations to
17 deter the neighborhood's quality of life. The
18 departments empower to enforce street cleaning
19 regulations by the department of transportation.

20 The city and the department are
21 authorized to issue summonses for the failure to
22 remove motor vehicles for the fines ranging from
23 \$45 dollars to \$65 dollars, depending on the
24 location in the city. Additionally, the
25 department is empowered by section 408A102 of the

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2 title 34 of the rules of the city of New York to
3 affix a sticker on the operators side or back
4 window of the vehicle, informing the operator,
5 said operator of violations that interfere with
6 the Department's cleaning of the streets.

7 The sticker states that this
8 vehicle violates New York City traffic rules, and
9 as a result the street could not be properly
10 cleaned. A cleaner New York is up to you. These
11 stickers have been authorized since 1988, and have
12 served as an effective deterrent for owners who
13 deem to find it easier to, moving the car than to,
14 for the fine rather than to move the car.

15 It is important to note that prior
16 to the Sanitation Department's authorization to
17 fix these stickers, the city average street
18 cleaning ratings were only at 73. I stated
19 earlier in the testimony today, the city enjoys a
20 score card rating of more than 94.

21 The Department feels that this is
22 the direct correlation with the ability to enforce
23 the alternate side parking regulations and the
24 quality of affixing these summonses provides with
25 the all time street cleaning ratings that the city

1
2 now enjoys. The department feels that the, while
3 the affixing of the stickers may seem prudent to
4 some, it works as a effective deterrent to those
5 who regularly violate the law.

6 It also serves as a notice to the
7 neighborhood that the department's doing its job,
8 and it is because of the failure of certain motor
9 vehicles that certain streets were not cleaned
10 properly. Notwithstanding, the Department on
11 concerns that understands the concerns that motor
12 vehicle owners have regarding the removal of the
13 said sticker.

14 In fact, the Department is
15 currently exploring the possibility of changing
16 the adhesive used, or even the type of sticker in
17 an effort to make these stickers more easily to be
18 removed. However, such changes will be, should be
19 cost effective, and not cost prohibitive. An
20 unattended consequence of this legislation is that
21 the department's abandoned vehicle program, as
22 authorized under section 1224 of the new York
23 State Motor Vehicle law, would also be include
24 under the sticker prohibition proposed by Intro
25 546.

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2 The law allows the motor vehicle to
3 be classified as abandoned and there will be no
4 license plates, if there's no license plates
5 affixed, and such vehicle is worth less than
6 \$1,250 dollars. After a vehicle is determined
7 abandoned by the department, it will be tagged
8 under the motor vehicle by its body, by affixing a
9 sticker.

10 This sticker is necessary to show
11 that the public is alerted that the vehicle is
12 deemed abandoned, and that such vehicle will be
13 picked up by the Department's contract vendor for
14 salvage. Another issue presented by the language
15 of the bill concerns the possibility that the bill
16 will prevent city agencies from being able to
17 place stickers on the vehicles for various reasons
18 having nothing to do with the violation of the
19 law.

20 For example, when the police
21 department relocates a vehicle because of a
22 special event, a parade or an emergency, it places
23 a sticker on the vehicle with a direction to
24 enforcing personnel not to summons or tow the
25 vehicle within 48 hours of the date of the

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2 relocation. Similarly, when the police department
3 has to take into custody a vehicle and is
4 safeguarding it at a local stationhouse, it places
5 a sticker on the vehicle, indicating that the
6 vehicle is in police custody, and warning against
7 tampering or removing parts from the vehicle.
8 Using stickers for these purposes insures that the
9 notice will not be removed by anyone, or blown
10 away by weather conditions.

11 However, these types of stickers
12 might not fall within the exception listed in the
13 bill, since they might be interpreted as being
14 affixed due to other laws as a matter of public
15 safety, and so the bill would be, would seem to
16 prohibit their use. For all above reasons, the
17 Department of Sanitation respectfully opposes
18 Intro number 546 and we will be happy to answer
19 any questions that you have concerning it.

20 CHARIMAN VACCA: Okay, we have,
21 first of all we have two members from, I want to
22 vote. Council Member Rose, can you use the
23 microphone to vote again, I'm sorry.

24 COUNCIL MEMBER ULRICH: I vote Aye.

25 CHARIMAN VACCA: No, I'm sorry,

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Council member rose first.

COUNCIL MEMBER ROSE: Aye.

CHARIMAN VACCA: And I'd like to mention we've been joined by Council Member Ulrich, would you please vote on Intro 412.

COUNCIL MEMBER ULRICH: I vote for Debbie and myself, we both vote aye. We're voting twice, so.

CHARIMAN VACCA: Thank you. Okay. Does the gentleman with you wish to testify?

DIRECTOR NUCATOLA: Oh no, he will not, no.

CHARIMAN VACCA: Okay. I want to thank you. Sanitation Department, I want to thank DOT for their testimony. First, let me start with DOT. I have one or two questions. I did want to mention about your concern about codifying the 15 days as per my legislation concerning potholes.

The reason my legislation codifies that, because that's when the city assumes damage liability. And that's not going to change with the next administration, or the administration after that. So therefore, the law codifies it at 15 days, so that's why I use that benchmark. So I

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2 know you have a legal argument that you're making
3 about codifying something that you are doing which
4 is good, not knowing if people in the future will
5 do that, but whoever is in office, I think they
6 have a right to know that timetable, and I think
7 the reality is that 15 days is a significant
8 benchmark. It's a legal, it's a fiscal benchmark.

9 So I hope you reconsider it on that
10 basis. That this was not an arbitrary time period
11 that I picked in proposing this legislation.

12 COMMISSIONER WOLOCH: Completely,
13 we understand that it wasn't arbitrary, and for
14 some of the same reasons that you came to the
15 conclusion that 15 days makes sense, we came to
16 that same conclusion, and the fact that it's the
17 standard from, standard for the controller's
18 office is part of that rationale, and we're going
19 to go forward with the 15 days.

20 Again, as I talked about in the
21 testimony, the idea though of having that 15
22 written into law is something that we're not
23 comfortable with, and we may find a few years from
24 now, with enough pushing from Councilman Oddo,
25 that our technology will improve and there may be

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2 ways that number in the future can fall. You may
3 find that if the economy is troublesome for the
4 country for the next decade, that funding from
5 Washington will dry up and we'll have more
6 problems with our roads.

7 And it might make sense to track it
8 at a higher number down the road. So I think
9 these indicators inherently, you, over a long
10 period of time want to have some flexibility.

11 CHARIMAN VACCA: But Commissioner,
12 I hope that we never live in a city that accepts
13 longer than 15 days to fill a pothole. That is an
14 outside time. I know, according to statistics
15 we're doing better than that now. I never want to
16 do worse than that. And I don't think we'd ever
17 have a city where people will tolerate worse. So
18 that's why I picked this benchmark. This is not a
19 benchmark that's hard to meet.

20 In fact, your agency seems to agree
21 with the principle of my legislation, I need you
22 to understand that I'm hoping your position will
23 be reconsidered because I don't understand this
24 issue about codifying something. That's what this
25 body always does. This body always codifies

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2 things which may be a policy today, but we don't
3 want good policy to evaporate in future years, but
4 next and future generations. Sanitation. And
5 first of all, I praise your good work. I think
6 sanitation does a very good job.

7 DIRECTOR NUCATOLA: Thank you,
8 thank you we appreciate that, thank you.

9 CHARIMAN VACCA: Let me say that
10 right off the bat. I just don't agree with your
11 premise, and my colleague will go further into it,
12 he's the sponsor of the bill, but I don't agree
13 with your premise that the sticker is needed
14 because the summons is often not enough.

15 I think the summons is a penalty.
16 Is a fine, hits people where it hurts, in the
17 pocketbook. Why hurt them twice with the sticker
18 removal that takes days. I think they already
19 know they're facing a fine. They may have to pay
20 a fine if they do not contest it. But by that
21 sticker being placed, you're telling them you are
22 guilty and we are doing this and you will get the
23 fine in addition to.

24 And I just think it's punitive. I
25 think it's a double whammy, and I don't know why

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2 your agency would not realize that this is the
3 signal your sending, the unmistakable signal
4 you're sending many times.

5 DIRECTOR NUCATOLA: The, my
6 feelings is that the summons sends a signal to the
7 person who gets the summons. The sticker sends a
8 message to the people in the neighborhood that
9 this person who lives there did not move their car
10 and the streets weren't cleaned.

11 You know, as a result of not moving
12 the car, not only do you not clean the parking
13 space where your car is parked, you don't clean
14 the space before it and after it. So I think it
15 does have an effect within the neighborhood
16 because of peer pressure.

17 CHARIMAN VACCA: I have to tell you
18 that the people who live on blocks where alternate
19 side parking is designated, those people have been
20 getting the message for years. And we have
21 legislation from my colleague, Council Member
22 Rodriguez, that my Committee had hearings on, and
23 we had testimony where people and merchants and
24 business people, small little people have gotten
25 the message, believe me.

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2 And the message is, get going or
3 get fined. I just think that the green sticker
4 and the duplication's not needed. It's a message
5 already sent, and I'd like you to go back, and my
6 colleagues will elaborate, I don't see a basis for
7 your opposition. To be very honest, we're all
8 respectful to you.

9 DIRECTOR NUCATOLA: Yes sir, no,
10 no.

11 CHARIMAN VACCA: Because I say,
12 you're doing a good job, your agency. But with
13 all due respect, I don't see a basis. If there's
14 several areas where your agency does have
15 differences with Council Member Greenfield's bill,
16 I'd like you to work with the council member, and
17 I'm sure he's open to discussion. But as a
18 general matter, I don't think that your opposition
19 is appropriate. Okay, I want to go to Council
20 member Greenfield.

21 COUNCIL MEMBER GREENFIELD: Thank
22 you Mr. Chairman, and I too just want to reiterate
23 the chair's point on Intro 629. I think the DOT's
24 doing a very good job. I would see this as a bill
25 for future administrations, right? You know, you

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2 guys are going to be on top of it, but the next
3 mayor may not be as good, doing as good a job of
4 filling these potholes, and so it would be good to
5 have that 15 day benchmark enshrined into law. As
6 for the Sanitation Department, I also want to
7 thank you.

8 I know it's a very difficult job,
9 and you have limited resources, and you guys are
10 trying to do the best that you can. I will say at
11 the get go that our legal counsel, I think, has
12 some disagreements with your council on what the
13 bill can and cannot do.

14 We're happy to sit down with you
15 and make those tweaks. We don't want any
16 unattended consequences, but, for example, we
17 don't think it would impact the police from
18 removing vehicles and fixing stickers. I hear
19 what you're saying on the abandoned vehicle
20 program, and of course we're happy to work with
21 you to negotiate.

22 I would say, however, and I'm sure
23 you'd probably agree with me, that we could
24 guarantee that nobody every parks on alternate
25 side if we smash the window, threw gasoline inside

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2 the car and lit it on fire, right? I think you'd
3 have 100% compliance, is that fair?

4 DIRECTOR NUCATOLA: I would say so,
5 yes.

6 COUNCIL MEMBER GREENFIELD:
7 Probably. But we don't do that, right? the
8 reason we don't do that is because it's not fair,
9 right? It really is in the same vein, which is
10 the idea is that it's really not fair to punish
11 someone before, definitely before they've been
12 found guilty, and even afterwards, you know, I see
13 a representative here from the NYPD.

14 They do a terrific job fighting
15 crime in the city of New York, and they don't
16 require that criminals walk around with big signs
17 that says, this perp has been caught courtesy of
18 the NYPD. Everybody knows that the NYPD fights
19 hard, and they do a good job and crime is going
20 down.

21 And the correlation point,
22 honestly, a little disingenuous, you know.
23 Feelings, when we come to rules and regulations, I
24 don't think feelings should go into it, right?
25 The question is, do you have any hard data that

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2 actually proves that these stickers actually keep
3 the streets cleaner, they have some magic effect?
4 Not feelings, hard data, you did a study, did
5 research?

6 DIRECTOR NUCATOLA: I would say
7 that if one goes back to 1988, the beginning of
8 when we started using the stickers and the
9 scorecard, and certainly the scorecard is at a
10 whole time rate. I could clearly note from my own
11 experiences back before we had stickers about the
12 non-compliance.

13 COUNCIL MEMBER GREENFIELD: Mr.
14 Director, I would respectfully submit that there's
15 a difference between cause and effect. Do you
16 know that 99% of cancer patients are drinking
17 Coca-Cola in their lifetimes? I don't think
18 anyone actually says that Coca-Cola causes cancer,
19 right?

20 I mean, so in order to actually
21 make a statement, I think we need more than
22 feelings unless the administration of the
23 Sanitation Department has proof that they can say
24 that this was the item, this is magically, it's
25 kind of a big statement, right? I mean,

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2 essentially what you're saying is that nothing
3 changes in the sanitation department. We don't
4 have anymore better resources, we don't have a
5 better commissioner, we don't have better staff,
6 we don't have more education.

7 The people of New York City don't
8 care about these issues anymore. The one magical
9 thing are these stickers that shame people. I
10 don't think we, I don't think you or I believe
11 that.

12 DIRECTOR NUCATOLA: No, no, I'm
13 just saying is that if you looking for statistical
14 backing for that, then from 1988, the scorecard
15 clearly has risen, and I think that the stickers
16 play a major role in the SCR size and all that.

17 COUNCIL MEMBER GREENFIELD: Once
18 again, people who have cancer think that Coca-Cola
19 caused it. They don't have proof. Do you have
20 proof, or is this just sort of your feelings?

21 DIRECTOR NUCATOLA: I have the
22 scorecard ratings. We have the scorecard ratings.

23 COUNCIL MEMBER GREENFIELD: I
24 understand that. But once again sir, the
25 implication is that the sticker is bringing that

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2 magical ability, which would basically discount
3 the good work that you're doing. You're prepared
4 to tell us today that the Sanitation Department is
5 a nothing.

6 You have an increase in resources,
7 you haven't had better administration, you haven't
8 had harder working people, there's been no input
9 on behalf with the city and the communities. The
10 only thing that has changed this number has to do
11 with the sticker. You actually believe that?

12 DIRECTOR NUCATOLA: No, what I'm
13 saying is that the sticker is one of many tools.

14 COUNCIL MEMBER GREENFIELD: One of
15 many tools. Okay, so it's possible that it is
16 possible that it is and we're not sure. I think
17 that's the point. The point is that even if we
18 were sure, right? If we took a situation like I
19 said, which is burning someone's car down, we
20 wouldn't do that, even if that would get us to
21 100%.

22 This is similarly unfair. It's
23 really cruel and unusual. A lot of these people,
24 by the way are innocent. I'm not saying all of
25 them, but a lot of people are innocent. They have

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2 legitimate reasons. They were sick, something
3 happened, there was an accident in the house, and
4 now we're punishing them when they actually are
5 going to court and saying hey, I have a legitimate
6 excuse and the court says, you're not guilty and
7 you've punished them in advance. That's not
8 really fair.

9 As far as cleaning the streets,
10 quite frankly I see the way you guys work, and to
11 your credit, you guys know how to zip around
12 these, right? You don't say okay, I'm not going
13 down the street because of one car. You go around
14 it and usually the street gets pretty clean. I
15 think the Sanitation Department is doing a good
16 job. I don't think you need these stickers to
17 advertise, just like how the NYPD doesn't need to
18 have signs on criminals, and quite frankly,
19 criminals are worse off than people who forgot to
20 move their car on alternate side, right?

21 I mean, you know, a rapist and a
22 murderer is far worse, and we don't force a rapist
23 and a murderer to walk around with a sign, even
24 though we all agree, right, if a rapist or a
25 murderer had a sign that said, hey, I'm a

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2 murderer, stay away, and I was caught courtesy of
3 the NYPD, that might be an effective deterrent,
4 but I don't think we would do that either. So I
5 don't see what makes these people so much worse
6 than any other violation, including murderers and
7 rapists in the City of New York. If they require
8 the sticker of shame.

9 DIRECTOR NUCATOLA: Well, the
10 correct, this sticker, we've looked at it from the
11 past, and we thought, we think it does have an
12 impact on scorecard rating, cleanliness and--

13 COUNCIL MEMBER GREENFIELD:
14 [Interposing] But you can't prove it. Thinking is
15 not good enough in this world, Director, you know
16 that.

17 DIRECTOR NUCATOLA: --however, we
18 also realize that the scorecard is in the 90s,
19 high 90s. So we've re-looked, revisited the fact
20 that what type of sticker we're using. So the
21 possibility is that the sticker remains and it's
22 able to be a peel off type of sticker, where you
23 just can peel it off in the morning, it doesn't
24 require any water, doesn't require any scraping at
25 all.

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2 The sticker remains, it advertises
3 the fact that you did not move your car for your
4 neighbors, your neighborhood, and yet it can be
5 peeled off correctly, and I think that's a pretty
6 good approach.

7 COUNCIL MEMBER GREENFIELD: I
8 understand that possibility, but the reality is
9 that we're dealing with what the law is right not,
10 and that's not a - - on your part, it's just a
11 possibility, and you mentioned that there was some
12 cost issues. You could actually save a lot of
13 money by getting rid of these stickers altogether.
14 The reality is that people are fined.

15 Money is what motivates people. I
16 have to tell you that I had so much feedback on
17 this, I only had one negative e-mail, and it came
18 from someone in the fine borough of Manhattan, and
19 they said that you know, these things really
20 frustrate me, and you know what I wish, I wish you
21 had a dinosaur that would run around and would
22 chomp on these cars, right? I mean, the point is
23 we don't do that.

24 We don't have a dinosaur chomping,
25 a car-chomping dinosaur running around, we don't

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2 burn cars down, and we shouldn't put stickers on a
3 car and deface people's private property. It's
4 wrong, it's cruel and it's old-fashioned, and I
5 really hope that we can sit down and try to come
6 to an agreement and quite frankly, you guys are
7 busy.

8 You have limited resources and
9 better things to do with your time than to deface
10 people's property. You know, one final point is
11 on a PR perspective. It makes you guys look bad
12 as well. What do you need people to get angry at
13 you for? You're doing a good job, and you're
14 working hard. You really want people to curse out
15 sanitation workers, who have one of the most
16 difficult jobs in New York City? I think it's the
17 wrong approach, and I would very seriously ask you
18 to reconsider, to see if we can reach an agreement
19 on some of the other points so that we can move
20 forward.

21 DIRECTOR NUCATOLA: Sure we can
22 work together on those.

23 COUNCIL MEMBER GREENFIELD: Thank
24 you very much.

25 CHAIRMAN VACCA: I thank you. And

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2 quickly, I would be interested if, while you talk
3 to Council Member Greenfield, and we work out
4 differences, hopefully, perhaps you can pick
5 several community board districts and the next
6 time, a week or two, and you could hold off with
7 the green stickers and see, because I think the
8 Council Member is correct.

9 I do not think they would result in
10 an increase in dirtiness. And you may want to do
11 that and come back with feedback, but that may be
12 something you can do on your own.

13 DIRECTOR NUCATOLA: We'll certainly
14 take that into consideration, thank you.

15 CHAIRMAN VACCA: Would you, okay.
16 Council Member Oddo.

17 COUNCIL MEMBER ODDO: Council
18 Member Greenfield, what was that idea? Smash,
19 gasoline, I might have an LS request coming.
20 [laughter]. Smash, it sounds like a good idea.
21 Different perspective. No. David, I just want to
22 thank you for your testimony, thank you for the
23 work that the agency has put in in the last year
24 and plus, and I'm looking forward to getting the
25 system on line.

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2 And I just repeat to my colleagues,
3 I would ask you to avail yourselves to the flier
4 that DOT puts out that explains their street
5 rating process, so that you can educate your
6 colleagues, your constituents, because when this
7 goes on line, everyone can, again, access the
8 information about their own street to figure out
9 roughly where they stand in terms of DOT's eyes,
10 in terms of the condition of the streets.

11 I just have a general point to
12 make, and I guess if I was sitting on that side of
13 the table, I wouldn't want Council to codify
14 everything that I did, because if we sort of give
15 you the, if you give us the approval to codify
16 things that we agree upon, when we hit those time
17 and we disagree, you know, so I get that. This is
18 the natural tension of the two branches trying to
19 work together, and I'm supportive of the Council
20 Member Vacca's bill.

21 I just think that, you know, the
22 challenge of bringing these streets to a standard
23 that we can be proud of is difficult. I
24 understand the scope of the agency's
25 responsibilities, I understand how difficult it is

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2 in these fiscal climate, in this fiscal climate.
3 I think this body has been a partner from the
4 speaker giving \$4 or \$5 million dollars, to the
5 council delegation, Council Member Rose and
6 Ignizio and myself \$3 million dollars for our
7 borough. This is how important it is to our
8 constituents. I mean, this is the, sort of the
9 basics.

10 This is what they want their tax
11 dollars going to. They want drivable streets, and
12 I think we don't get there without a partnership,
13 and that's why I am happy that we've worked
14 together for this database. My one question has
15 more to do with Council Member Vacca's bill, and
16 it relates to something that we did a couple, a
17 week or two ago. And I think, I'm wondering if
18 we're having the right conversation, frankly? I'm
19 appreciative, believe me.

20 I think all of my colleagues, we're
21 appreciative that the city filled 418,000 potholes
22 last year. The problem is, you know, you talk
23 about the 15 day mandate on threshold with Council
24 Member Vacca's bill. In my district, and Debbie's
25 district, the potholes that were filled on day

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2 one, by day 15 they're potholes again. So while
3 we're talking about mandates and thresholds and
4 whether 15 day is right, and we codify 15 day, to
5 us, and I think this is true in the other
6 boroughs, the fundamental question is, does
7 filling 418,000 potholes translate to a better
8 road on the ground, in reality.

9 And I think, you know, there's some
10 doubt about that. And I'm not questioning the
11 efforts of the department, the men and women of
12 the department, the Commissioner. I've worked
13 with you guys, I applaud you guys. But to me, if
14 we continue to do the same old same old, we're
15 like, on that wheel. We're the hamster on the
16 wheel, and that's why we had the technology, the
17 infrared technology.

18 Now, I don't own stock in the
19 company, there's not going to be a Daily News
20 investigation a year from now saying that Oddo's
21 got in bed with Kasi infrared. I just know that
22 the same old system, year in and year out leads us
23 to lose ground every year. And while we're
24 talking about reporting requirements, and we're
25 throwing out big numbers of pothole restoration,

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2 I'm telling you htat my constituents, Debbie's
3 constituents, go to each borough, will tell you,
4 pothole restoration doesn't last. So in reality,
5 the numbers don't mean a whole lot.

6 And I just think that we need to
7 figure out whether it was the technology I raised
8 a couple of weeks ago, or other technology, we
9 need to figure out how to repair these streets on
10 a more permanent basis. And I applaud the fact
11 that Commissioner Sadik-Khan has taken the take
12 back his streets program and taken it to a
13 different level, in terms of utility cuts and
14 requirements when you open the streets, when
15 you're a contract, etcetera.

16 But traditional pothole restoration
17 on Staten Island, when I tell my constituents,
18 hey, DOT has done X amount of potholes, they end
19 up using that as a, you know, rhetorical hammer
20 against Council Member Rose, Ignizio and I, and
21 that's nonsense. You're spewing the company line,
22 but I'm telling you the pothole on my street is
23 back to being a pothole again.

24 So I apologize for the rant, but I
25 just think that when we're talking about

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2 thresholds and mandates, you have to get to the
3 more fundamental issue, and that's how do we go
4 about restoring potholes, yes, in a more timely
5 fashion, but in a more effective fashion, and in a
6 more permanent fashion.

7 CHAIRMAN VACCA: I think a few
8 different parts of the answer, one part is, and
9 Councilman, I know you're keenly aware of this,
10 that the real way to make sure that you're
11 constituents have smooth streets is to get more
12 and more of that universe paved each year. And we
13 can fill all the potholes that the deputy
14 Commissioner Orlando and his guys can fill, but if
15 that lane mile target falls rather than stay up or
16 go higher, then we're going to have problems, and
17 doing as much as we can to pull together resources
18 from wherever we can is critical.

19 We've started over the past couple
20 of years with your help, and Council Member Rose's
21 help, and in fact, the entire delegation speaker's
22 help to get council money to supplement our funds
23 to do more repaving. We did a 1,000 lane miles,
24 or we're in the process of doing a 1,000 lane
25 miles this year.

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2 We're going to have to do what we
3 can to make sure that we get there next year. And
4 that's the most important tool that we have, and
5 that's why the system that you've asked us to do
6 is so important, because it provides information
7 to folks about where that work is happening.

8 COUNCIL MEMBER ODDO: Well, I would
9 just close at this Mr. Chairman. I absolutely
10 agree with you. We've talked about sort of like
11 the triangle of it, the pothole restoration, the
12 wears and tears, as we call them on Staten Island.
13 The strip paving and the value of that in certain
14 instances.

15 But I absolutely agree with you,
16 and to the credit of the administration giving us
17 more money, that ties into a couple of other local
18 issues, which we'll talk about off line about the
19 asphalt plant, etcetera. But I look forward to
20 speaking with the Commissioner in two weeks. I
21 thank you for you help. We'll talk obviously off
22 line about how we get this thing finally on line
23 in the next couple of weeks. Mr. Chairman, thank
24 you for your support.

25 CHAIRMAN VACCA: Thank you Council

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2 Member Oddo. Just for one minute, Council Member
3 Lappin has arrived, and I would like to ask her
4 for her vote on proposed Intro 412-A. Council
5 Member Lappin?

6 COUNCIL MEMBER LAPPIN: I vote Aye.

7 CHAIRMAN VACCA: Okay. Thank you.

8 I would now like to turn to Council Member James,
9 who is Chair of our Sanitation Committee. And
10 thank her for coming.

11 COUNCIL MEMBER JAMES: Thank you.

12 First, I want to talk a little bit about the Intro
13 567. I was not going to remark, but I want to
14 share the sentiments and the comments of Council
15 Member Oddo, and just say for the constituents
16 that I represent and I would argue throughout the
17 borough of Brooklyn, we are still, most of the
18 constituents have difficulty understanding the
19 difference between DEP and DOT.

20 The difference between a
21 depression, a pothole, and a complete collapse in
22 a street, and so oftentimes, one has to know the
23 difference between a depression and a pothole, and
24 as a result, what agency one should be directed
25 to. And I believe to make matters easy, all

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2 street conditions should be consolidated within
3 one agency, because, you know, as someone who
4 would like to believe that she knows a lot about
5 street conditions, I don't know when to call DEP
6 and/or DOT, and my constituents are oftentimes
7 confused.

8 And so I support this bill, I
9 believe in transparency and more government and
10 making sure that people have more information.
11 But for me it would be much more easy for
12 constituents to go to one portal to one agency
13 whenever there is a street condition, be it a
14 pothole, a depression, a crack, a collapse,
15 whatever. That for me is a major issue. But I
16 came here today really to talk about 546. I am a
17 co-sponsor.

18 I want to thank the co-sponsor of
19 the piece of the legislation Council Member
20 Greenfield, and say that, you know, I don't
21 believe that we should gauge, that government
22 should be in the business of public humiliation.
23 I don't believe that that's really our role, I
24 believe it tears apart the relationship between
25 the public and government. I believe, as my

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2 colleague mentioned, that it's sort of overkill,
3 these adhesive stickers. I believe they're
4 particularly difficult for senior citizens to
5 remove.

6 And so if there is something least
7 restrictive, I know you had talked in your
8 testimony with regards to some sort of adhesive
9 which makes it more easier, but it's a concept at
10 this point in time. I believe there's not a
11 product that we can put on the table. I believe
12 this is the best way to go, and that is to ban
13 these adhesive stickers, which again, senior
14 citizens, the members of the disabled community,
15 and others have a difficult time removing these
16 stickers.

17 I believe the ticket is enough in
18 and of itself. If you were trying to change
19 behavior, you're not achieving that objective with
20 an adhesive sticker. All that you are doing is
21 again, humiliating members of the public, and I
22 don't believe that's our job. So if we could ban
23 these adhesive stickers, I think that would go a
24 long way in improving the role of government, and
25 improving the role of government and basically

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2 would inure to the benefit of individuals who
3 unfortunately forget, or for whatever reason,
4 given our busy lives, forget to move our cars.
5 And I believe it's in our best interest to do just
6 that.

7 And also, let me just say that
8 oftentimes what I find that people, you know,
9 there's emotion and anger when they're trying to
10 remove that sticker. Oftentimes they crack the
11 window, and you just do more damage. We shouldn't
12 be in that business of doing that. We shouldn't
13 be in the business of public, humiliating the
14 public.

15 We should be helping them,
16 improving their lives. That's why I'm here in the
17 city council. That's why I committed my life to
18 government, to improve the lives of residents, and
19 not to make it more difficult or to embarrass
20 them. Thank you.

21 CHAIRMAN VACCA: Thank you Council
22 Member. Do you have an idea how many of the green
23 stickers every year are posted on people's cars?
24 How many stickers a year do you think are posted?

25 DIRECTOR NUCATOLA: We do about 400

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a day, citywide.

COUNCIL MEMBER JAMES: Already too many.

CHAIRMAN VACCA: So it's 400 a day, six days a week?

DIRECTOR NUCATOLA: Citywide. It's actually four days a week. For this week.

CHAIRMAN VACCA: No, but you have alternate side on different streets different days.

DIRECTOR NUCATOLA: Well, on Wednesdays we have a very small amount, on Saturdays we have none. So it's very little. It's most, the majority it's four days a week.

CHAIRMAN VACCA: Okay, so it's 400, so it's 1,600 a week, times 52.

DIRECTOR NUCATOLA: Considering the amount of people who move their cars, that's a very small amount.

CHAIRMAN VACCA: So you find most times, people do cooperate?

DIRECTOR NUCATOLA: There is no doubt.

CHAIRMAN VACCA: There's no doubt.

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2 You have significant, you have overwhelming
3 compliance?

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DIRECTOR NUCATOLA: We have very
5 good compliance, and I understand that sometimes
6 people forget. I understand some elderly person,
7 I could be sensitive to that. You know, I
8 understand the issues that go on in the
9 neighborhood.

10

I just think that for all the
11 people who get up and move their car, and that one
12 person that decides, and it's the bad person, I'm
13 not talking about the exception, the bad person
14 that says, I don't care about the street cleaning,
15 I'm going to leave my car there, that sticker
16 sends a strong message to the people who do the
17 right thing in saying, listen, you know, here we
18 are, I did move my car and I want my street
19 cleaned and washed once or twice a week, and
20 here's some person who lives on the block, that
21 never moves their car, and winds up getting a
22 ticket and a sticker.

23

CHAIRMAN VACCA: I'm going to ask
24 you a question. It's a good question, if I have
25 to say so myself. And I will say so myself. You

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2 gave us a figure of 83,000 stickers. 83,000
3 stickers. Street cleanliness in the last year or
4 two, is it up?

5 DIRECTOR NUCATOLA: Yes.

6 CHAIRMAN VACCA: Really?

7 DIRECTOR NUCATOLA: Well, it's
8 standard. It's been about the same thing, 94.

9 CHAIRMAN VACCA: Because I remember
10 being told three years ago that when I voted for
11 the five-minute grace period, I was going to make
12 streets much dirtier. And your statement
13 indicates that they're not much dirtier. I
14 remember thinking that other people thought the
15 clouds were going to descend on the city. We were
16 going to have a crisis. Filthy, filthy streets,
17 and those filthy, filthy streets, because bad
18 council people voted for a 5-minute grace period
19 never occurred.

20 I just would submit that the
21 scenario we're painting now, I wonder is a
22 scenario that at the end of the day would not
23 happened if we adopted the Council Members
24 legislation?

25 DIRECTOR NUCATOLA: The only

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2 comment I'd like to have, to say is that, I came
3 here to talk about the one-time sweep, which we've
4 changed, which was past the, reducing from two
5 times to one time. And the five-minute grace
6 period.

7 But I warn that we might be getting
8 in jeopardy of taking all the tools of street
9 cleaning away, and as we wrote all these
10 regulations, we might be in a situation where we
11 do see dirtier streets, and that's not our goal,
12 that's not the goal of the public.

13 CHAIRMAN VACCA: But I think that
14 you would admit that the council, when we adopted
15 the exceptions to the two-day, exceptions to the
16 four-day alternate side, we allowed it to go two.
17 It was based on street cleanliness ratings, and it
18 was based on a recommendation from the community
19 board, and my understanding is, to date, very few
20 community boards have opted for reduced cleaning.

21 DIRECTOR NUCATOLA: That's correct.

22 CHAIRMAN VACCA: Very few.

23 DIRECTOR NUCATOLA: Right.

24 CHAIRMAN VACCA: So there again,
25 the warning we had, and I understand your

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2 professionalism, you're issuing a warning based on
3 what you think may happen, but the world has not
4 come to an end, because what people feared really
5 was not the case. And I just think in this case
6 too, I think we should look at the legislation,
7 and let's fashion it so that we can all be
8 comfortable, but I don't think that this
9 legislation means dirtier streets.

10 DIRECTOR NUCATOLA: Okay, I agree.

11 CHAIRMAN VACCA: Council Member--

12 COUNCIL MEMBER JAMES: So the 400
13 that you mentioned, the number that was just cited
14 by the Chairman, let me just say, that includes a
15 significant number of tourists. There's a lot of
16 tourists that come into Downtown Brooklyn.

17 So you're penalizing tourists, and
18 we should really be creating an environment where
19 we're attracting tourists. And I know that a
20 significant number of these adhesive stickers go
21 on cars of those who do not live in New York City,
22 and who are not accustomed to alternate side of
23 the street parking. They're not bad people,
24 they're just tourists.

25 DIRECTOR NUCATOLA: I understand.

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2 CHAIRMAN VACCA: I'm now told
3 Council Member Bramer has arrived. Council Member
4 Van Bramer, I ask for your vote on proposed Intro
5 412-A?

6 COUNCIL MEMBER VAN BRAMER: Aye.

7 CHAIRMAN VACCA: Okay, Council
8 Member Van Bramer votes aye, we now go to Council
9 Member Koo.

10 COUNCIL MEMBER KOO: Thank you Mr.
11 Chairman. Commissioners, I first have a question
12 for Transportation first. You said most of the
13 potholes are filled within 15 days, right? What
14 happens if it's not filled within 15 days? We've
15 reported a lot of potholes, and they are over a
16 month, they're still not filled. So should we
17 call there again, call 311 again?

18 COUNCIL MEMBER GREENFIELD: The
19 indicator we're talking about would say that we're
20 not necessarily, we're going to get 100% done
21 within 15 days, but that we're going to get a
22 number we have to figure out when the appropriate
23 target is. Over the past few months, let's say
24 the fiscal year to date, we've been at about 95%
25 within 15 days.

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2 Now, this is the slow time of the
3 year, and it gets to the seasonality issue that
4 Chairman Vacca was talking about earlier. The
5 number was lower for all of fiscal year 11. But
6 regardless, there's always going to be a
7 percentage that we don't get done within that
8 time, that 15 days.

9 COUNCIL MEMBER KOO: So what do we
10 do? Pothole's not filled, after reporting? 15
11 days, should they call again for filling, or
12 should they wait? How much timeframe should we
13 wait to call again?

14 COUNCIL MEMBER GREENFIELD: It
15 certainly can't hurt, just to ensure that it gets
16 into our system. If it gets into our system, we
17 are going to get to it. And as our 30 day number
18 has shown, you know, we are getting to almost
19 everything within 30 days, it is possible that
20 there are some, there are some outliers. It
21 certainly can't hurt to re-call 311.

22 COUNCIL MEMBER KOO: It appears
23 there are a few potholes on Main Street in
24 Flushing. We have called a month or two months
25 ago, they're still not filled.

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2 COUNCIL MEMBER GREENFIELD: And I
3 guess one other point, in reference to that, I
4 think we've had a good dialog over the past year
5 where you've had particular roadway problems,
6 sometimes they've been potholes, sometimes they've
7 been other issues. You've brought them to our
8 attention.

9 We wouldn't suggest that for every
10 single defect, for every single pothole, but when
11 there are outstanding issues, and particularly
12 issues that are more than potholes, that are more
13 serious conditions for your offices to bring them
14 to our attention and discuss how we can remedy
15 them as we did in downtown Flushing where we did a
16 bit of strip paving earlier this year. That was a
17 good path forward.

18 COUNCIL MEMBER KOO: No, we need,
19 we really need the street repaving, soon, yeah.
20 And also, even on the potholes you filled already,
21 the previous council members have said they become
22 potholes again very soon, and they, in a month or
23 so.

24 So how do you guys go by a
25 guarantee after you fill a pothole, how long it

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2 will last? I mean, if you hire roofer to fix a
3 roof, they at least give you three months
4 guarantee. One year, you know? So I would say,
5 if you cannot do it, then we can hire outside
6 companies and ask them to give us, give the city a
7 guarantee.

8 COUNCIL MEMBER KOO: A warranty,
9 yeah. I think three months is the least you can
10 do.

11 DEPUTY ORLANDO: We strive to make
12 quality repairs that last at least a year. You
13 have to remember also that where there are
14 potholes, there's conditions conducive to
15 potholes, and there's nothing to say that a
16 pothole's not going to form adjacent or in the
17 vicinity of where one already existed and was
18 repaired. If the same one keeps popping out, I
19 mean, there's conditions that's making the roadway
20 fail. And short of the temporary fix of fixing
21 that pothole, resurfacing is the only cure.

22 CHAIRMAN VACCA: Please identify
23 yourself for the record?

24 DEPUTY ORLANDO: I'm Galileo
25 Orlando, Deputy Commissioner of Roadway Repair.

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2 COUNCIL MEMBER KOO: Sometimes when
3 I see the crew working, I see sometimes they are
4 very sloppy, you know? They do that one, two,
5 three, they're gone. They don't take the time to
6 perform the usual procedure. Sometimes I see
7 people take their time and fill a pothole.
8 Sometimes one, two minutes they're gone. A lousy
9 job.

10 DEPUTY ORLANDO: Well, the
11 procedure is to tamp it. We do have--

12 COUNCIL MEMBER KOO: [Interposing]
13 Well, do you have a procedure of quality control?

14 DEPUTY ORLANDO: Yes.

15 COUNCIL MEMBER KOO: I mean, all
16 businesses, they should have quality control.

17 DEPUTY ORLANDO: There's
18 supervision and there's checks in the field on
19 making sure they're doing the--

20 COUNCIL MEMBER KOO: So what do
21 you, your quality control, I mean, do you have a
22 supervisor sign off every pothole?

23 DEPUTY ORLANDO: There's a
24 supervisor with the crew, and another layer that
25 visits twice a day. And also we do look where

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2 there's repeated failure. Those get investigated.
3 But again, not all potholes are potholes. Some of
4 the ones that take longer involves coordination on
5 us to speak to Councilperson James, about one
6 place were you can report. You can call 311 for a
7 street defect, and the city will sort out the
8 coordination.

9 Often when it comes to DOT, who
10 will coordinate with a utility company, if it's
11 shoddy work they did. If it's our own work, if
12 it's DEP or some other entity. We do provide that
13 coordination here at DOT.

14 COUNCIL MEMBER KOO: See because I
15 mentioned it because particularly, as I said
16 before in downtown Flushing. Underneath the Long
17 Island Railroad, the bridge, 40th Road, Main
18 Street. There's, we have this constant problem
19 for years, a decade. Always holes there. Somehow
20 you guys come and fill it, in one week or two,
21 they're gone. They have become potholes again.
22 So I just wondered, what kind of quality control
23 you use, you know?

24 DEPUTY ORLANDO: I believe in that
25 location there's always a constant presence of

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water.

COUNCIL MEMBER KOO: So what's the solution for that?

DEPUTY ORLANDO: Is to deal with the water, and the roadway will be maintained and sustained.

COUNCIL MEMBER KOO: So I hope you guys can go back and - - know what it is and fix this for good. Because this, Flushing is the third most busiest place in New York City.

DEPUTY ORLANDO: We're well aware. I will take that under advisement.

COUNCIL MEMBER KOO: Thank you. I have a question for the Sanitation Commissioner. You mentioned the mechanical brooms, when they pass, they'll pick up everything, right?

DIRECTOR NUCATOLA: Yes.

COUNCIL MEMBER KOO: So can you describe what the mechanical broom does? I mean, do you use detergent to spray on the street floors?

DIRECTOR NUCATOLA: The mechanical, these current mechanical brooms have a particle free system where they don't create any dust.

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2 Years ago they used to create this big cloud of
3 dust as they go down the street. Now it's all
4 contained. It puts out a fine filter of water,
5 and it washes the street as it goes by and cleans
6 it. So there's not a waste of water, there's not
7 any dust, and the way the broom is designed, it
8 gets a lot more street impact than it did in the
9 past.

10 COUNCIL MEMBER KOO: Because I
11 personally watch the brooms pass by many times.
12 Sometimes they don't leave any, they don't use any
13 detergent at all. The street's dry.

14 DIRECTOR NUCATOLA: If you look at
15 the, if you look at the--

16 COUNCIL MEMBER KOO: [Interposing]
17 The tank's empty. Sometimes the workers, they
18 don't follow procedure.

19 DIRECTOR NUCATOLA: I agree with
20 you, and then the Chief of Cleaning is always
21 after people. There are people who don't do their
22 job properly, but we do get people saying, well
23 there's not real clear path of water, but there is
24 the fine dots, you'll see a spray of water on the
25 ground, you know? Sometimes it's not clearly

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2 identified. But there are times that I admit
3 that, that we'll do a better job of making sure
4 that they fill the tanks up.

5 COUNCIL MEMBER KOO: And sometimes
6 when the, after the mechanical brooms are gone, I
7 find the streets more dirty than before.
8 Sometimes they only put greasy stuff on the
9 streets.

10 DIRECTOR NUCATOLA: We'd have to
11 investigate that. And we will, it's just that it
12 shouldn't be. The purpose is to clean the street.

13 COUNCIL MEMBER KOO: So as I asked
14 them before, do you have a quality control?
15 Performance of all these guys. Sometimes they
16 just take their, fast like one, two, three, the
17 job's done.

18 DIRECTOR NUCATOLA: We have the
19 alternate quality control scorecard. So that
20 people, we're sweeping these streets, and the
21 scorecard, we do have people who monitor them. We
22 check them every day, we have supervisors working
23 with them. There may be times where the pick up
24 broom is not properly adjusted and you might see
25 it rotating the litter and the litter goes back.

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2 That shouldn't happen, and we'll continue to
3 monitor that. But we do have quality control,
4 yes.

5 COUNCIL MEMBER KOO: So I ask the
6 workers to check the machine first, because if
7 it's empty, there's no use to pass the broom along
8 the street.

9 DIRECTOR NUCATOLA: Correct.
10 There's no doubt.

11 COUNCIL MEMBER KOO: A lot of times
12 I think they don't care, you know?

13 DIRECTOR NUCATOLA: You know, I
14 can't say they don't care, I just can say there's
15 all different types of individuals, and we will
16 continue to monitor to make sure that they do
17 their job.

18 COUNCIL MEMBER KOO: So suppose
19 some resident finds out they didn't do a good job?
20 How can they report to the supervisors? They call
21 311?

22 DIRECTOR NUCATOLA: The best way to
23 do it, and when you call 311, as Deputy
24 Commissioner said about 311, it's an excellent
25 source, a way to sort things out, is to call and

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2 give the number of the identification number on
3 the broom.

4 COUNCIL MEMBER KOO: On the broom?

5 DIRECTOR NUCATOLA: Yes, and then
6 what happens is that, there's two things that
7 happen with that. We can investigate, and there
8 also could be an employee behavior issue. The guy
9 was driving too fast, he didn't care, you know?

10 So that, when 311 gets that, based
11 on what the statement the person makes, we
12 determine whether that is employee behavior or
13 mechanical. So that's important, an important way
14 to communicate. It's the best way. But you have
15 to have the ID number.

16 COUNCIL MEMBER KOO: Thank you. On
17 the stickers, I think you said you wanted to
18 change them. But the previous Council Member said
19 before, a lot of offenders, they are not really
20 local residents. Local residents know about this.
21 It's usually outside people coming in for one day
22 or two, or sometimes for the local people, they
23 overslept, or they forgot about it, you know?
24 It's not their intention to park there to deter
25 your cleaning business. So you shouldn't use

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2 those stickers. They're too sticky to move. You
3 want to put a sticker there that's easy to move.

4 DIRECTOR NUCATOLA: No, I
5 understand. I think that based on what I heard
6 from the Chair, and our own Chair from Sanitation,
7 the good Council Member, and yourself, that this
8 is a debate, and should be looked at, and we're
9 going to take a look at it. We're going to go
10 back, possibly do some pilots with it. So we're
11 definitely going to re-visit this sticker issue,
12 there's not doubt.

13 COUNCIL MEMBER KOO: Thank you.

14 CHAIRMAN VACCA: Thank you, that's
15 good news, and I appreciate your flexibility.
16 Back to DOT, I do have to say Commissioner Woloch,
17 your only hesitation with my pothole bill is the
18 codification issue?

19 COMMISSIONER WOLOCH: Yeah, there
20 were two issues, the codification of the specific
21 number, and then the issue about mentioning the
22 MMR specifically. The rest of it, you know, there
23 might be some language tweaks here and there, but
24 we were fine with the rest of it.

25 CHAIRMAN VACCA: So you're fine

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2 with the legislation minus a tweak here and there,
3 but then you still would not support it because it
4 codifies what you're doing.

5 COMMISSIONER WOLOCH: We have those
6 two concerns, but hopefully we can continue to
7 discuss it.

8 CHAIRMAN VACCA: I want to discuss
9 it further. I'm going to tell you something, this
10 administration should speak to codify as much as
11 it can. That's good. That's what I would do. If
12 I was mayor, and I had two and a half years left.
13 If I had two and a half years left on my term.

14 COMMISSIONER WOLOCH: Is that an
15 official announcement?

16 CHAIRMAN VACCA: No, I'm not
17 running for mayor, just for the press.

18 [laughter]

19 CHAIRMAN VACCA: I'm not running
20 for mayor under any condition. But if I was mayor
21 and I had two and a half years left on my term--

22 [laughter]

23 CHAIRMAN VACCA: No, it's two and a
24 half years. If it's two and a half years, I would
25 seek to codify for my successor everything that

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2 was good, so that my successor, who may want to do
3 things in the city that I could not do it unless
4 he came to the council, which would be another
5 obstacle to undoing what is good.

6 COUNCIL MEMBER ODDO: Mr. Chairman?

7 CHAIRMAN VACCA: Yes, Mr. Oddo?

8 COUNCIL MEMBER ODDO: May I offer a
9 suggestion? First Deputy Mayor Oddo.

10 [laughter]

11 CHAIRMAN VACCA: Now I'll
12 reconsider. With that, I'll reconsider. But
13 that's my obvious, no, I don't understand why we
14 don't want to do something like that, you know?
15 All of us have that thought in mind, we want to
16 leave behind a legacy and leaving behind a legacy
17 is leaving behind good things. So I don't think
18 the nature of the objection is something, I don't
19 think it's a basis for an objection. Okay,
20 Council Member Rodriguez.

21 COUNCIL MEMBER RODRIGUEZ: Thank
22 you Chairman Vacca. My question is to Sanitation.
23 First of all, one of the districts that I, you
24 will get the most support and interest in working
25 together with Sanitation when it comes to be sure

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2 that a car is not an obstacle to cleaner streets
3 is Washington Heights.

4 As you know, we are, we have a lot
5 of work to do to clean our streets and our
6 community. So my question is nothing more to give
7 credit to Sanitation. I'm looking to work closely
8 with you so that we can improve the quality of
9 life in our community. When, do you have any
10 complaint of anyone who said they get a sticker,
11 you have to call the traffic police officers
12 deciding to put the sticker, even when they didn't
13 get any ticket?

14 DIRECTOR NUCATOLA: No. The rule
15 is that you have to, if you issue a summons, then
16 you sticker. You cannot sticker a car without
17 issuing a summons, because we have a count that
18 goes if the officer goes back and wrote five
19 summonses, and gave out five stickers. However,
20 traffic does write tickets also. So they may come
21 upon a car that already's been ticketed by traffic
22 and issue a sticker. And that's what we do, we
23 work with traffic NYPD traffic.

24 COUNCIL MEMBER RODRUGUEZ: And I
25 got one of those stickers even when I didn't get a

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2 ticket. Of course, I don't want to look at, and
3 of course, I spoke to Pavelo, one of the
4 supervisors - - , and he has spoke to that guy,
5 that person. And he was more, you know what, I
6 had a plaque, and I know where I'm allowed to
7 park.

8 See, I was parking in a place that
9 said no parking, because I had to go in and attend
10 a - - , and he looked at the person who, since
11 they could not give the ticket, then they decided
12 to put that sticker. So the same thing for me.
13 Even if I was running late for a hearing, I want
14 to go and take my car to the car wash, because the
15 last thing I could do, even if I did not - - of a
16 sticker to be here parking my car with a big
17 sticker in the window, knowing that I did not
18 deserve to have it.

19 So I think that, that's, I mean, is
20 to share that, and to be sure that no one who gets
21 the sticker are people who did not deserve it.

22 DIRECTOR NUCATOLA: We would
23 severely punish someone who abuses the power of
24 using the sticker.

25 COUNCIL MEMBER RODRIGUEZ: What is

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the difference on the, no standing and no parking?

DIRECTOR NUCATOLA: Those are DOT regulations.

COMMISSIONER WOLOCH: There's three categories, no stopping, no standing, no parking, right? So no stopping means, you can't stop, you can't do anything, right? No standing, you can stop, a person can jump out of the car, can get into the car, but you can't unload goods.

A truck can't go into a no standing zone that just says no standing and start unloading goods. The truck can drive in, somebody can jump out of the passenger side, or somebody can jump in, but you can't unload goods. No parking, nobody can park there, but any vehicle can, a person can't engage in actively loading or unloading from that vehicle in a no parking zone.

COUNCIL MEMBER RODRIGUEZ: What about during the cleaning hours? How do you interpret like, the no parking? Can a driver be inside the car, inside the car, ready to move the car waiting for the sweeping truck to clean?

COMMISSIONER WOLOCH: Yeah, that's more a question for the...

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2 DIRECTOR NUCATOLA: Yeah, what we
3 try to do with that, if the person is in the car,
4 and this goes on, especially in Washington Heights
5 where they have to double park, and all over the
6 city, is that if the person's in the car, we don't
7 ticket it or sticker it. We try to make the
8 person move the car.

9 COUNCIL MEMBER RODRIGUEZ: Does the
10 law allow a driver to be inside the car--

11 DIRECTOR NUCATOLA: No, I'm sorry
12 to interrupt you, but I believe that's, if a
13 person, if there's no parking there and the person
14 sits there and don't move their car, then they're
15 illegally parked.

16 COUNCIL MEMBER RODRIGUEZ: So like,
17 no parking 8:30 to 10:00 to clean the street, so
18 you know people are just waiting inside the car.
19 There's no sweeping truck.

20 DIRECTOR NUCATOLA: I would say
21 this, if the car, if the broom went by already,
22 and the car, guy, the broom cleaned the street,
23 and the person moves the car back and sits there,
24 I don't see an issue with that. However, if the
25 person sitting in the car and just to avoid the

1
2 summons, and doesn't move for the broom, to me
3 that's a violation.

4 COUNCIL MEMBER RODRIGUEZ: There's
5 not broom even close. That person is there to
6 comply with the law. That person is waiting
7 inside the car, ready to move the car when the
8 sweeping truck is coming.

9 DIRECTOR NUCATOLA: Our people
10 work, I don't know how traffic does it, but our
11 people work with the broom itself. So we wouldn't
12 get to the car. We get to the car basically the
13 same time as the broom gets to the car.

14 COUNCIL MEMBER RODRIGUEZ: So I
15 assume that the with the - - that we, as you know,
16 we have the conversation with the NYPD because
17 that happened every day in our community. The
18 sweeping truck is not even close. And people are
19 inside the car just waiting to move it. And
20 there's some people, everyone, I don't want to be
21 the - - or the traffic agent.

22 It's a tough job. And I know how
23 difficult it is. But I think even, I don't know
24 other districts, but in my district they are
25 saying to give ticket even when people are inside

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just waiting when there's no sweeping truck, even close to pass by.

DIRECTOR NUCATOLA: I can say our policy is we work, we don't have as many people as traffic, so I'm not too sure about how they work it out, but we work basically with the broom itself. That's what Sanitation does.

COUNCIL MEMBER RODRIGUEZ: So is it something that you can look, like--

DIRECTOR NUCATOLA: We can look into it. We work closely with traffic, and we could always look into it. I'm not sure how that works.

COUNCIL MEMBER RODRIGUEZ: And let's just say the law allows you to give the ticket--

DIRECTOR NUCATOLA: [Interposing] I can't comment--

COUNCIL MEMBER RODRIGUEZ: The law allows you, right now to give the ticket and the sticker even if a driver is inside the car waiting to move it.

DIRECTOR NUCATOLA: That's correct. It's obstructing the broom.

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2 COUNCIL MEMBER RODRIGUEZ: I'm
3 looking to put a bill so that we can have clarity
4 on that.

5 CHAIRMAN VACCA: Thank you Council
6 Member. I do think that's something that you can
7 review internally. If someone is sitting in the
8 car, you still put the green sticker on?

9 DIRECTOR NUCATOLA: No, I'm saying,
10 no we don't.

11 CHAIRMAN VACCA: I thought that was
12 your answer to Council Members question?

13 DIRECTOR NUCATOLA: No, we don't.

14 CHAIRMAN VACCA: You don't do that?

15 DIRECTOR NUCATOLA: No, we don't.
16 In fact, so many places, I recall Manhattan and
17 the Bronx, Brooklyn where we asked, and knock on
18 the windows of the coffee shops and say, listen
19 guys, move the cars as we're going past. No, we
20 don't put the sticker, if anybody's in the car, we
21 don't put the sticker on. However, the car, it's
22 illegally parked, that's my point.

23 CHAIRMAN VACCA: I understand, I'm
24 sorry. Question, Council Member Van Bramer?

25 COUNCIL MEMBER VAN BRAMER: Thank

1
2 you very much Mr. Chair. Commissioner Woloch, I
3 had a question for you about the difference
4 between potholes and sinkholes, which, I'm not
5 sure if that's already been covered, but there's a
6 particular location in my district, which is not
7 too far from where I live, and you all have been
8 very helpful in responding to our calls about that
9 spot quickly, but it opens up again very quickly,
10 and I noticed just yesterday that it's opened up
11 again.

12 And I guess it's a multi-part
13 question, but one of which is, if you were to
14 report potholes, and the response to potholes in
15 the MMR, if it's determined to be a sinkhole and
16 therefore a DEP issue, you wouldn't then consider
17 that DOT's responsibility and therefore it
18 wouldn't be included in your reporting, right?

19 COMMISSIONER WOLOCH: Correct.

20 COUNCIL MEMBER VAN BRAMER: So...

21 COMMISSIONER WOLOCH: It would be
22 while we're investigating, it would be in our
23 number, until it was referred to DEP. It would be
24 considered a pothole until investigation. If it
25 was reported a pothole, it would be considered a

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2 pothole until investigation proved otherwise, and
3 when it was referred, that complaint would be
4 closed, and that time would be counted.

5 COUNCIL MEMBER VAN BRAMER: Right,
6 but it wouldn't be filled?

7 COMMISSIONER WOLOCH: If it wasn't
8 filled, the time is still in the response.

9 COUNCIL MEMBER VAN BRAMER: Right,
10 but then the question is, so if it goes to DEP,
11 then you do the, it's reported as a pothole, most
12 people would think it's a pothole, they call 311,
13 they call our office, we put it to you, you go out
14 and take a look at it, now it's DEP, it's a
15 sinkhole. You close your case and refer it to
16 DEP, correct? So then is DEP reporting in any way
17 how it's doing in terms of filling sinkholes?
18 Maybe you don't know that answer?

19 COMMISSIONER WOLOCH: I don't know
20 first hand, I believe they are.

21 COUNCIL MEMBER VAN BRAMER: Am I
22 repeating you here James?

23 COUNCIL MEMBER JAMES: No, no.

24 COUNCIL MEMBER VAN BRAMER: But you
25 confer?

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COUNCIL MEMBER JAMES: Yes.

COUNCIL MEMBER VAN BRAMER: So with respect to the particular sinkhole, because I'm pretty sure, pretty darn sure it's a sinkhole, because it's been a problem for a decade. Before I was a Council Member, and we filled it maybe three or four times since a Council Member, in less than two years. You mentioned before, you know with respect to Council Member Koo's issue along 40th Avenue in downtown Flushing that the water was the issue, and as long as the water was an issue, that was going to keep opening up again, right?

So you dealt with the root cause, you were just going to keep getting potholes along 40th Avenue, frustrating Council Member Koo and his constituents, which is understandable. So in terms of the sinkhole. If we keep reporting it, you keep looking at it, it keeps getting referred to DEP, it keeps getting filled, and I'd certainly appreciate DOT's help with that, but at what point are you determining the cause of that, and at what point do we come up with a more permanent solution to that sinkhole so that you don't have to keep

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2 going back there and doing this over and over
3 again, which as some point you would think the
4 expense of filling that sinkhole several times a
5 year would be greater than if we fixed the problem
6 which caused it in the first place.

7 COMMISSIONER WOLOCH: That would
8 depend on what the underlying condition would be,
9 and you have to determine that. Remember a
10 pothole is really just a defect in the asphalt
11 surface. The sinkhole could have a number of
12 reasons why material in the base is being washed
13 away. It could be a leaky pipe, it could be an
14 underground stream. It could be a variety of
15 things, and that would have to be investigated.

16 COUNCIL MEMBER VAN BRAMER: Right.
17 I appreciate that. I guess, you know then, we
18 certainly can talk off line about this, but I'm
19 very interested to know what it is you all in DEP
20 have figured out about this particular
21 pothole/sinkhole, and how we can come up with a
22 more permanent solution to this particular case,
23 because obviously we're just going to call you
24 guys and you're going to fill it again, and again,
25 DOT's been very good to me in a lot of different

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2 things, so, you know, I want to say I do
3 appreciate that, but I do think the issue of
4 sinkholes and potholes and how that all gets
5 divvied up and we come up with solutions to it and
6 how it gets reported are big issues for me. So
7 we'll be in touch, Commissioner about this
8 particular sinkhole. Thank you.

9 CHAIRMAN VACCA: Thank you, and
10 thank you to our panel.

11 COUNCIL MEMBER JAMES: Can I just
12 thank the Department of Sanitation for the great
13 job that they did with the Nor'easter.

14 DIRECTOR NUCATOLA: Oh, thank you
15 so much.

16 CHAIRMAN VACCA: Yes, ditto here
17 too.

18 DIRECTOR NUCATOLA: Thank you
19 Chairman.

20 CHAIRMAN VACCA: Thank you. We
21 only have one speaker, Jeffrey Frediani. AAA of
22 New York. Would you identify yourself for the
23 record?

24 MR. JEFFREY FREDIANI: Sorry,
25 Jeffrey Frediani, Triple A New York. Good

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2 afternoon, I'm a legislative - - with Triple A New
3 York, and we serve more than 1.6 million members
4 residing in the City of New York, and adjacent
5 counties of New York state, and we support all of
6 the proposed introductions.

7 As proposed in Intro 567, drivers
8 would have the opportunity to view information on
9 the Department of Transportation website regarding
10 the surfacing and capital improvements of each
11 city block, allowing drivers to search by city
12 block to see what year resurfacing or improvements
13 were last completed, along with street rating and
14 approximation of when such projects would take
15 place, will provide drivers with valuable
16 information to plan for alternate routes and avoid
17 the inconvenience of street reconstruction
18 projects.

19 Indeed, a searchable database
20 providing drivers with information on their
21 particular block will also help quell driver's
22 fears that particular roads or neighborhoods have
23 been forgotten or neglected. Intro 629, regarding
24 certain pothole repair work by the DOT will allow
25 the city to improve the process of repairing

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potholes.

Requiring a report with the number of pothole complaints, the target time for repairing them, the number of potholes repaired, and those repaired within the target period, and within 15 days will allow the council and the public to gauge the performance of the city's repair efforts. We all know the impact potholes have had on city streets in the past year has been enormous. And the impact goes beyond just a quality of life issue for New Yorkers, it has real financial impacts.

According to the road information program, the New York Metropolitan area has the seventh worst road system in the country. Driving on these roads will cost drivers an additional \$640 dollars a year beyond the typical vehicle wear and tear. We believe requiring the DOT to disclose information with respect to pothole repair will go a long way towards getting potholes repaired quickly and provide DOT management and the public with data to improve performance and repair goals.

Finally, we support Intro 546,

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2 prohibiting the use of adhesive stickers on a
3 motor vehicle. Receiving a parking ticket in New
4 York already comes with a hefty fine, so we do not
5 see any need for the overkill of placing a
6 difficult to remove sticker on a vehicle to notify
7 and punish for a second time an individual
8 violating a parking restriction.

9 In fact, we recently received an e-
10 mail from a member who claimed he had to spend
11 three hours, and pay a mechanic \$25 dollars to
12 have one of these stickers removed after he was
13 too ill to move his car for street cleaning.
14 Thank you for the opportunity to come in.

15 CHAIRMAN VACCA: I thank you very
16 much. Thank you for the fine work that you do,
17 your organization. I just was interested in the
18 640. You said in New York, maintaining a car
19 costs the average motorist \$640 dollars beyond the
20 normal wear and tear maintenance?

21 MR. JEFFREY FREDIANI: Correct.

22 CHAIRMAN VACCA: How does that rate
23 with other cities?

24 MR. JEFFREY FREDIANI: It's the
25 seventh worst system in the country. The seventh

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2 worst was based on the additional wear and tear,
3 the extra costs that a driver would have to pay,
4 in addition to the normal wear and tear.

5 CHAIRMAN VACCA: I would think when
6 you're talking about wear and tear, you must be
7 talking potholes, cave ins.

8 MR. JEFFREY FREDIANI: Yes, and the
9 damage that those costs to vehicles, yes.

10 CHAIRMAN VACCA: Thank you. Thank
11 you very much. Any questions? Council Member
12 Greenfield?

13 COUNCIL MEMBER GREENFIELD: Yes, I
14 wanted to thank you as well, we appreciate you
15 coming out here. In terms of Triple A, what are
16 some of the more frequent complaints that you get
17 from your 1.6 million members, and I have to tell
18 you, by the way, that as far as the regular road
19 repair, the road surface that you guys do is
20 really a terrific, you know, the government should
21 be that quick and efficient with all the surfaces,
22 and we're very grateful.

23 But just out of curiosity, what
24 other complaints do you get from your members in
25 terms of driving in New York City?

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2 MR. JEFFREY FREDIANI: Besides
3 potholes, one of the biggest things is bike lanes,
4 pedestrian plazas, red light cameras. Those seem
5 to be the biggest issues that we get complaints
6 about.

7 COUNCIL MEMBER GREENFIELD: You
8 know what, I also want to thank you for the story
9 that you told us about the senior citizen who was
10 ill. I think what people forget about alternate
11 side parking is that in most cases, the violations
12 are unintentional. You're sick, you overslept,
13 your kid was sick, you forgot. As opposed to
14 other violations where, for example, you parked at
15 a pump, right? That's obviously intentional, and
16 we don't slap a sticker on it that says, this
17 person blocked the pump from a fire, right?

18 So it's needless and it really is a
19 cruel and unusual, and we're excited to have your
20 support, and we're excited to have a commitment
21 from the Sanitation Department to re-visit their
22 opposition as well. But thanks for coming out
23 here today.

24 MR. JEFFREY FREDIANI: Sure. Thank
25 you.

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CHAIRMAN VACCA: Thank you again.

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and I thank all of you. There being no further

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speakers, and no further business. This committee

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hearing is hereby adjourned. Thank you, 2:40 p.m.

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C E R T I F I C A T E

I, Elizabeth Johnson 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

Elizabeth R. Johnson

Date November 2, 2011