

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON STATE AND FEDERAL LEGISLATION

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June 10, 2015  
Start: 11:08 a.m.  
Recess: 12:11 p.m.

HELD AT: 250 Broadway- Committee Rm, 14<sup>th</sup> Fl.

B E F O R E:

KAREN KOSLOWITZ  
Chairperson

COUNCIL MEMBERS:

ALAN N. MAISEL  
ANTONIO REYNOSO  
BEN KALLOS  
BRAD S. LANDER  
INEZ E. DICKENS  
RAFAEL L. ESPINAL, JR.

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

Dean Fuleihan  
Director  
Office of Management and Budget

Dominick Williams  
Chief of Staff  
First Deputy Mayor

Frank Tramontane

Roy Richter  
President  
Captains Endowment Association

Robert Altman

Sean Crowley  
Uniformed Firefighters Association

2 [gavel]

3 CHAIRPERSON KOSLOWITZ: Meeting of State  
4 and, State and Federal Legislation is called to  
5 order. Good morning and welcome. My name is Karen  
6 Koslowitz and I am the Chairperson of the State and  
7 Federal Legislation Committee. Today we will be  
8 considering several home rules. First I would like  
9 to introduce the members of the committee that are  
10 present at this time. We have... and Council Members  
11 Antonio Reynoso, Council Members Brad Lander,  
12 Rafael Espinal, Council Member Rosie Mendez,  
13 Council Member Elizabeth Crowley, and Council  
14 Member Inez Dickens. The committee will be  
15 considering the following mayor's messages. The  
16 first is senate bill S5705B and assembly bill  
17 A7854B which is an act to amend the retirement and  
18 social security law in relation to disability  
19 benefits for certain members of the New York City  
20 police pension sign. The New York City Fire  
21 Department pension fund and the New York City  
22 Employees Retirement System. The second is senate  
23 bill S3691A and assembly bill A5246-A, an act to  
24 authorize the city of New York to discontinue use  
25 of and convey a parcel of certain land consisting

1            COMMITTEE ON STATE AND FEDERAL LEGISLATION    4  
2    of St. Michaels part in the borough of Queens. The  
3    third is senate bill S5467A and assembly bill A7872  
4    an act to amend the New York City Charter related  
5    to authorizing the city of New York to sell to a  
6    budding property owner's real property owned by  
7    such city consisting of tax slots that cannot be  
8    independently developed due to the size, shape,  
9    configuration, and topography of such lots and  
10   applicable zoning regulations. We will also be  
11   considering the following state legislative  
12   resolution. Senate bill S5610 and assembly bill  
13   A7648 an act to amend these administrative code of  
14   the city of New York in relation to promotions of  
15   captains in the New York City Police Department.  
16   Senate bill S3472A and assembly bill A7487, an act  
17   to amend the general city law in relation to  
18   certificates of occupancy for unmapped streets in  
19   the city of New York. Finally we will be  
20   considering pre-considered resolution calling on  
21   President Obama to grant Clemency to Oscar Lopez  
22   Rivera so that he is meet, immediately released  
23   from prison as his continued incarceration is  
24   unjust and serves no legitimate purpose. This  
25   moment I would like to open the hearing to any of

2 our committee members who want to make a statement.  
3 You're not on the committee.

4 UNIDENTIFIED FEMALE: Neither of us are  
5 but... have statements.

6 CHAIRPERSON KOSLOWITZ: Alright. Okay.  
7 We will now open the hearing to witnesses who wish  
8 to testify on behalf of the mayor's messages, state  
9 legislative resolution, or preconsidered  
10 resolution. Please see the Sergeant of Arms and  
11 fill out a witness card if you haven't already done  
12 so. And at this time I'd like to call Dominick  
13 Williams.

14 DIRECTOR FULEIHAN: [off mic] We, we  
15 have testimony for... One moment we'll get you the  
16 written testimony. [on mic] We're just waiting to  
17 get you the written testimony. My apologies. Yeah.  
18 So you do have it. Okay I apologize. I wanted to  
19 make sure you had it. Thank you Chair and members  
20 of the Committee on State and Federal Legislation  
21 for allowing us to speak to you regarding the  
22 disability pension reform item before you today. I  
23 am Dean Fuleihan Director of the Office of  
24 Management and Budget joining me are Dominick  
25 Williams Chief of Staff to the First Deputy Mayor,

2 Renee Campion First Deputy Commissioner at the  
3 Office of Labor Relations and Ken Gardner the  
4 Deputy Director for OMB. When we came before this  
5 committee two weeks ago we spoke about the city's  
6 proposed legislation in Albany which would ensure  
7 that the brave men and women of the city's uniform  
8 services would receive fair coverage in the event  
9 of tragic injury while also protecting taxpayers  
10 from the ever-increasing share of our pension cost  
11 within the city budget. As we discussed before  
12 pensions for New York City's uniform forces are  
13 currently some of the most expensive in the  
14 country. Over twice the national average for police  
15 and fire and more than 1.5 times the average for  
16 police and fire in New York State. However it is  
17 obvious to everyone on this committee and to the  
18 mayor that there are certain holes in the current  
19 pension system. If you are younger or severely  
20 disabled an unable to work the current benefit may  
21 be inadequate. And we are here today because the  
22 mayor's committed to plugging those holes. The  
23 mayor's proposed plan as amended does that. It is  
24 responsive to the needs of our city's heroes and  
25 responsible to the taxpayers. Under the mayor's

2 revised plan the city raises early salary  
3 calculations so that if younger workers are  
4 tragically injured in the line of duty they are not  
5 unfairly treated compared to the more senior  
6 workers. The administration firmly believes that a  
7 uniformed employee was tragically injured in the  
8 early part of his, his or her career and can no  
9 longer work should be supported by the city they  
10 serve. Under the mayor's plan those retirees  
11 eligible for social security disability insurance  
12 SSDI will receive three-quarters benefit. This is  
13 an important distinction in that it ensures that a  
14 large, larger benefit is there for those who truly  
15 need it. The mayor's plan ensures that there will  
16 be zero offsets for social security eligible  
17 disabled workers. This means that a retirees  
18 pension will not be reduced if they also receive  
19 social security disability insurance. Under the  
20 mayor's plan no worker gets left behind. That's why  
21 the administration ensures that there were  
22 provisions that hold every uniform retiree  
23 harmless. No employee will be worse off under our  
24 plan. Under the mayor's plan post retirement cost  
25 of the living adjustment, the cola, will be the

2 same as the prior system which is the same as  
3 enjoyed by most of the rest of the workforce. The  
4 mayor's plan is the only fiscally responsible  
5 proposal that has been offered. The  
6 administration's updated plan will cost tax payers  
7 105 million through the fiscal plan in comparison  
8 to the alternative costing 400 million dollars. In  
9 the long run the mayor's plan will cost tax payers  
10 between 1.5 and two billion dollars compared to the  
11 alternative which is estimated at six billion over  
12 a 30 year period. I want to thank you for the  
13 opportunity again to appear before you on the  
14 mayor's proposal and we welcome any questions at  
15 this time.

16 CHAIRPERSON KOSLOWITZ: Council Member  
17 Lander.

18 COUNCIL MEMBER LANDER: Thank you Madam  
19 Chair. I thank you budget director. So I just want  
20 to kind of go over... I had asked a couple of  
21 questions at that hearing two weeks ago and, and  
22 it's my understanding based on reviewing the  
23 documents and the legislation that it, that it,  
24 this gets out and addresses those but I just want  
25 to drill down a little bit and make sure...



2 DIRECTOR FULEIHAN: The intention was  
3 actually to address specifically the questions  
4 you've raised.

5 COUNCIL MEMBER LANDER: So one issue  
6 there is that this version now for people who are  
7 severely disabled and rendered unable to work and  
8 would qualify for social security disability you  
9 now even in their later years past that year seven  
10 point or whenever would now receive 75 percent of,  
11 you know of the of their salary as averaged whereas  
12 in the previous plan, your previous plan they would  
13 still have been at the 50 percent that currently  
14 they are at under... [cross-talk]

15 DIRECTOR FULEIHAN: That's correct.  
16 That's correct.

17 COUNCIL MEMBER LANDER: So for those  
18 officers or firefighters who you know are rush into  
19 a fire, don't hesitate to rush into a, you know a,  
20 an action... crimes taking place they're injured,  
21 they're not able to work. They're injured, they're  
22 not able to work. They're going to be restored back  
23 to the benefit that they would have had under the  
24 all tier two system, roughly 75 percent. [cross-  
25 talk]

2 DIRECTOR FULEIHAN: That's correct...

3 [cross-talk] three quarters, 75 percent.

4 COUNCIL MEMBER LANDER: And that's a big  
5 change from the prior version where they would  
6 still have stayed at, at 50 percent.

7 DIRECTOR FULEIHAN: That's correct.

8 COUNCIL MEMBER LANDER: Alright good.  
9 You know I think that's something that we all  
10 thought you know I certainly thought was very  
11 important and that the idea that, you know that was  
12 a big, that is a big hole in today's system and the  
13 fixing it is, is an important step. The other thing  
14 was smaller but, but unusual. It, there was this  
15 issue in your prior proposal where even though it  
16 would have been better for people in their, for  
17 seven years that we're going to have to make a  
18 choice about sort of which version to take and  
19 there was a way in which they could make a choice  
20 right at getting hired that actually would have  
21 worked out a little less well for them in the long  
22 run. And you've changed that now so that they get  
23 the, the better of the two options whenever they  
24 might be... [cross-talk]

2 DIRECTOR FULEIHAN: Yes there was a  
3 concern conveyed at the prior hearing that the  
4 choice trying to have to make that decision up  
5 front who's not a fair approach and therefore now  
6 they're saved harmless under Eeler [phonetic]  
7 system they get the benefit of wherever the benefit  
8 is greater that's what they, the...

9 COUNCIL MEMBER LANDER: And then my  
10 final question Madam Chair is just to understand  
11 the, the difference between the, the, the fiscal  
12 implications that you quoted at the end are  
13 primarily in the fact that under your proposal who  
14 don't qualify for social security disability are  
15 considered SSDI unable to work. They'll still get a  
16 disability pension you know if they're...

17 DIRECTOR FULEIHAN: Absolutely.

18 COUNCIL MEMBER LANDER: ...under this  
19 proposal but they would be at the 50 percent  
20 benefit that you know under the current tier 3 tier  
21 6 system whereas the alternative proposal would  
22 take that set of people who don't qualify for SSDI  
23 and put them also back...

24 DIRECTOR FULEIHAN: That's correct

2 COUNCIL MEMBER LANDER: ...at 75 percent.

3 And that's primarily responsible for the savings or  
4 the, the difference between the two... [cross-talk]

5 DIRECTOR FULEIHAN: Yes this is an  
6 attempt to find where, where we had heard and where  
7 the mayor had heard there were complaints in the  
8 current system. The new, very new employees,  
9 severely disabled employees, the offset and make  
10 sure that those were addressed. And that's exactly  
11 what this proposal does.

12 COUNCIL MEMBER LANDER: Thank you very  
13 much. Thanks for taking the time to listen to the  
14 council's questions at that prior hearing... do some  
15 additional work on analysis and come back to us  
16 with a proposal that reflects, reflects... [cross-  
17 talk]

18 DIRECTOR FULEIHAN: Thank you.

19 COUNCIL MEMBER LANDER: Thank you Madam  
20 Chair for chairing that hearing and this one.

21 CHAIRPERSON KOSLOWITZ: Council Member  
22 Kallos.

23 COUNCIL MEMBER KALLOS: Thank you for  
24 coming before us again. It seems like this has been  
25 an ongoing conversation and we are now on bill

2 number three from the mayor. So I just wanted to  
3 know just the differences between S5705 the first  
4 bill, S5705A which was introduced yesterday and  
5 S5705B which was introduced today. I'm assuming B  
6 has been introduced today. I did not get a chance  
7 to check the senate record.

8 DOMINICK WILLIAMS: So just to address  
9 the, the A and the B that was just a technical  
10 correction that the A draft was, was not supposed  
11 to read that way. The difference between the two  
12 bills is the inclusion of the holt harmless  
13 provision that Director Fuleihan just explained  
14 where people get the better of the current law or  
15 the new benefit and the inclusion of the 75 percent  
16 for those who qualify for SSDI so that's the  
17 difference between the, the old bill and the new  
18 one leaving the A version out. And the third piece,  
19 the holt harmless under Eeler system, whichever is  
20 beneficial.

21 DIRECTOR FULEIHAN: So the, the, the  
22 first change was completely a technical change.

23 COUNCIL MEMBER KALLOS: Thank you very  
24 much.

2 CHAIRPERSON KOSLOWITZ: Council Member  
3 Reynoso.

4 COUNCIL MEMBER REYNOSO: Hello. Thank  
5 you for coming back.

6 DIRECTOR FULEIHAN: Thank you.

7 COUNCIL MEMBER REYNOSO: At the last  
8 hearing I, I kind of spoke to needing to address  
9 certain issues in that I saw the effort that was  
10 made initially but I thought we fell short and was  
11 hoping we could move quickly or in a short amount  
12 of time to get this done the right way and I'm just  
13 grateful that you guys actually came back and  
14 addressed the, the issues that were of biggest  
15 concern for us then which was the, the long term,  
16 the 75 percent or three quarters rate for those  
17 that have worked let's say 15 years and are  
18 qualified on the SSDI. What I want to, you  
19 mentioned fiscally responsible, the most fiscally  
20 responsible or the most fiscally responsible plan  
21 can you talk through what those numbers look like  
22 between the current plan at tier two and what this  
23 would do when it comes to savings or just speaking  
24 to the numbers.

2 DIRECTOR FULEIHAN: Right this plan  
3 during the financial plan period through fiscal  
4 year '19 will cost the tax payers as I stated  
5 around 100 million dollars, the alternative which  
6 is really going back to the tier two system would  
7 be 400 million for the plan or over the 30 years  
8 six billion dollars where this is 1.5 to two  
9 billion dollars over that 30 year period. But once  
10 again the key here and that's what happened after  
11 the conversations we've been having and the  
12 dialogue with the council and the results of the  
13 first hearing and the questions you asked that we  
14 made sure that we were addressing those issues that  
15 were front and center in the concerns about, about  
16 the current disability benefits. What happens to a  
17 very, very new member of the, of our uniform  
18 services. And what happens to a severely disabled  
19 member of our uniformed services and make sure that  
20 we're not putting them in an unusual or difficult  
21 position when they have to make choices. So those  
22 three pieces have been addressed. The, the new  
23 uniform member gets a better benefit than they  
24 would under any system. The, the, the, the member  
25 who is severely disabled gets the benefit they

2 would have under the prior system. They get the  
3 three quarters or 75 percent disability benefit and  
4 we're not putting them in the position of having to  
5 try to guess or choose ahead of time what's the  
6 benefit.

7 COUNCIL MEMBER REYNOSO: Again I  
8 appreciate the time you took to get this done. I  
9 was really concerned about the, about the, I was  
10 concerned about the original bill. I think this  
11 does address the issues that we were asking or we  
12 were concerned about at the first hearing so I, I'm  
13 grateful that you guys showed up. Thank you.

14 DIRECTOR FULEIHAN: Thank you.

15 CHAIRPERSON KOSLOWITZ: Council Member  
16 Crowley.

17 COUNCIL MEMBER CROWLEY: Thank you to  
18 the chair. Mr. Fuleihan you mentioned being at the  
19 council a week and a half ago with the proposed  
20 bill. You did not come before this committee with  
21 any bill at any bill at any time before today, is  
22 that correct?

23 DIRECTOR FULEIHAN: There was a draft...

24 [cross-talk]

25



2 COUNCIL MEMBER CROWLEY: It's a yes or  
3 no...

4 DIRECTOR FULEIHAN: ...I believe.

5 COUNCIL MEMBER CROWLEY: ...question.

6 There was no bill for us to consider at the last  
7 hearing, yes or no?

8 DIRECTOR FULEIHAN: I believe, I believe  
9 there was a draft presented at that time.

10 COUNCIL MEMBER CROWLEY: No there  
11 wasn't.

12 DIRECTOR FULEIHAN: I believe there was  
13 a draft and we clearly articulated what that bill  
14 would do and that's... allowed the ability to  
15 actually make the improvements, listen to the  
16 dialogue with the council and address the issues  
17 that were...

18 COUNCIL MEMBER CROWLEY: You may have  
19 circulated a draft to the speaker's office that  
20 some council members may have seen or may not have  
21 seen but the fact of the matter is you did not  
22 come, come prepared to our last hearing with any  
23 proposal.

24 DIRECTOR FULEIHAN: Actually we did come  
25 prepared... [cross-talk]

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2 COUNCIL MEMBER CROWLEY: No you did not.

3 [cross-talk]

4 DIRECTOR FULEIHAN: ...with a proposal...

5 [cross-talk]

6 COUNCIL MEMBER CROWLEY: Can... [cross-

7 talk]

8 DIRECTOR FULEIHAN: ...and that proposal...

9 [cross-talk]

10 COUNCIL MEMBER CROWLEY: Chair can we...

11 [cross-talk]

12 DIRECTOR FULEIHAN: ...that proposal.

13 [cross-talk]

14 COUNCIL MEMBER CROWLEY: ...can we have a  
15 matter of fact. Can we figure out whether there was  
16 a proposal by the administration given to us at the  
17 last hearing. It's a yes or no question. And the  
18 yes or no answer.

19 CHAIRPERSON KOSLOWITZ: No.

20 COUNCIL MEMBER CROWLEY: No, you did  
21 not. You were not prepared. You were putting...

22 [cross-talk]

23 CHAIRPERSON KOSLOWITZ: That's not... [off  
24 mic] what I said. You're turning my words around.

25

2 COUNCIL MEMBER CROWLEY: I was present  
3 throughout the entirety of that hearing. At no  
4 point did the administration give us a proposal to  
5 consider. And now if we need to go back and review  
6 that then we should before we consider voting for  
7 this bill. And furthermore do you have any support  
8 to make sure that this bill that you say would give  
9 a better benefit would pass in Albany. Do you have  
10 any assurance?

11 DIRECTOR FULEIHAN: As, as you know two  
12 answers here. The first answer of the question is  
13 once again we had an extensive dialogue two weeks  
14 ago about what that bill was and we have made  
15 changes... [cross-talk]

16 COUNCIL MEMBER CROWLY: No no no no you  
17 did not... [cross-talk]

18 DIRECTOR FULEIHAN: ...to address it.

19 COUNCIL MEMBER CROWLEY: Did anyone  
20 swear you in today? Please be sworn in. Do we have  
21 a sergeant of arms or counsel to swear the  
22 witnesses in? You are sworn to tell the truth. You  
23 should be. We are, you are testifying today did you  
24 submit a proposal for the council to consider on  
25 the record at the last meeting?

2 [background comments]

3 COUNCIL MEMBER CROWLEY: We are a body  
4 to have oversight over the administration. That's  
5 what we're sworn in to do.

6 CHAIRPERSON KOSLOWITZ: And that's what  
7 we do do.

8 COUNCIL MEMBER CROWLEY: We have not had  
9 a bill from the mayor that we've had time to  
10 consider. We had a hearing on the proposal... [cross-  
11 talk]

12 CHAIRPERSON KOSLOWITZ: Okay we're  
13 going... [cross-talk] we're going to swear them in  
14 right now.

15 UNIDENTIFIED MALE: Do you agree to  
16 affirm agree to be sworn to tell the truth as far  
17 as this testimony's concerned?

18 DIRECTOR FULEIHAN: Yes. So with  
19 regarding, let me move on to your question about  
20 Albany.

21 COUNCIL MEMBER CROWLEY: No, no answer  
22 the first question please.

23 DIRECTOR FULEIHAN: I, I have answered  
24 the first question. We had... [cross-talk]

25

2 COUNCIL MEMBER CROWLEY: Okay you are  
3 swearing... [cross-talk]

4 DIRECTOR FULEIHAN: ...articulated a  
5 proposal to you at the time.

6 COUNCIL MEMBER CROWLEY: You did not  
7 give... [cross-talk]

8 DIRECTOR FULEIHAN: That's was the...  
9 [cross-talk]

10 COUNCIL MEMBER CROWLEY: ...a proposal...  
11 [cross-talk]

12 DIRECTOR FULEIHAN: ...the conversation.  
13 [cross-talk]

14 COUNCIL MEMBER CROWLEY: ...to the  
15 committee. For the record, for the record.

16 DIRECTOR FULEIHAN: I, I believe that...  
17 [cross-talk]

18 COUNCIL MEMBER CROWLEY: Answer the  
19 question. It's a yes or no answer.

20 DIRECTOR FULEIHAN: I... [cross-talk]

21 COUNCIL MEMBER CROWLEY: For the record  
22 did you give a proposal, a written proposal for us  
23 to consider?

24

25

2 DIRECTOR FULEIHAN: We had, and the, and  
3 Commissioner Lynn [sp?] who testified and who  
4 presented the... [cross-talk]

5 COUNCIL MEMBER CROWLEY: Yes or no  
6 answer. [cross-talk]

7 DIRECTOR FULEIHAN: He provided a  
8 detailed description of our proposal and that's  
9 what that hearing was about.

10 CHAIRPERSON KOSLOWITZ: We're going..  
11 [cross-talk] We're going to have to move on..  
12 [cross-talk]

13 COUNCIL MEMBER CROWLEY: There's a clear  
14 difference between a proposal and an introduction.  
15 Today we are considering a pre-considered  
16 resolution and we have not had any advanced notice  
17 from the administration on what your proposal is  
18 other than what's before us at this immediate time.  
19 [cross-talk] There's been no time prior to this  
20 moment for us to consider this proposal. You did  
21 not give anything written for the record... [cross-  
22 talk]

23 CHAIRPERSON KOSLOWITZ: Okay.

24 COUNCIL MEMBER CROWLEY: ...at our last  
25 hearing.

2 CHAIRPERSON KOSLOWITZ: Okay.

3 COUNCIL MEMBER CROWLEY: And for us to  
4 move forward and consider this... [cross-talk]

5 CHAIRPERSON KOSLOWITZ: I have to move  
6 on... [cross-talk]

7 COUNCIL MEMBER CROWLEY: ...is completely...  
8 [cross-talk]

9 CHAIRPERSON KOSLOWITZ: I have to move...  
10 [cross-talk]

11 COUNCIL MEMBER CROWLEY: ...undemocratic.

12 CHAIRPERSON KOSLOWITZ: I have to move...

13 COUNCIL MEMBER CROWLEY: Without a  
14 doubt.

15 CHAIRPERSON KOSLOWITZ: ...on.

16 COUNCIL MEMBER CROWLEY: It's doing the  
17 Mayor's work without... [cross-talk]

18 CHAIRPERSON KOSLOWITZ: Council Member  
19 Lander... [cross-talk]

20 COUNCIL MEMBER CROWLEY: ...the council  
21 proper oversight.

22 COUNCIL MEMBER LANDER: Thank you Madam  
23 Chair. I'll just point out for members of the  
24 committee the thing that I found most useful at our  
25 prior hearing was the council's committee report

2 which is available on the website from the meeting  
3 that was held on... now I can't find the date of it  
4 but... on May 29<sup>th</sup> and which did an analysis of both  
5 Council Member Crowley's resolution as well as the  
6 administration's proposal. And just to confirm  
7 Director Fuleihan that reference, the fiscal note  
8 that the actuary had prepared it's my understanding  
9 that the numbers that the council's committee  
10 report used were based on the fiscal note the  
11 actuary had prepared on your proposal which at that  
12 time had not yet been introduced as legislation in  
13 Albany but none the less we have both the proposal  
14 to analyze for the committee report and we also  
15 have the fiscal note from the actuary on at that  
16 time on the 29<sup>th</sup>.

17 DIRECTOR FULEIHAN: Right. The  
18 clarification, the bill had been introduced.

19 COUNCIL MEMBER LANDER: Ah, okay. I  
20 think maybe when the committee report was prepared  
21 it hadn't but when it was presented to us by the  
22 hearing time it had been introduced in Albany.

23 DIRECTOR FULEIHAN: Yes.

24 COUNCIL MEMBER LANDER: So the bill had  
25 been introduced in...



2 DIRECTOR FULEIHAN: Yes.

3 COUNCIL MEMBER LANDER: ...Albany, we had  
4 the fiscal note, and we had the committee report  
5 which is what I used to... [cross-talk]

6 DIRECTOR FULEIHAN: That's correct.

7 COUNCIL MEMBER LANDER: ...understand the  
8 proposal and that we use collectively...

9 DIRECTOR FULEIHAN: That's...

10 COUNCIL MEMBER LANDER: ...to ask  
11 questions...

12 DIRECTOR FULEIHAN: That's correct.

13 COUNCIL MEMBER LANDER: ...of you at our  
14 prior hearing on the 29<sup>th</sup>.

15 DOMINICK WILLIAMS: Just to provide  
16 further clarity on that. The bill that was, that  
17 was, had the actuary's note and we consider all of  
18 those things in conversation with the council there  
19 were changes that were asked for and we presented  
20 on the bill with the changes knowing that the  
21 changes that needed a new actuary's note and that  
22 is all reflected in the conversation that occurred...  
23 [cross-talk]

24

25

2 COUNCIL MEMBER LANDER: And those small  
3 changes from that time have essentially been  
4 superseded by the holt harmless provision...

5 DOMINICK WILLIAMS: Exactly.

6 COUNCIL MEMBER LANDER: ...at this point  
7 just to be under, understand what was slightly  
8 different between those two prior versions have  
9 been superseded by this holt harmless provision to  
10 make sure you do the better of the new proposal or  
11 the current system as it is.

12 DOMINICK WILLIAMS: Exactly. And the  
13 current bill and the current actuary's note  
14 reflects all of those changes.

15 COUNCIL MEMBER LANDER: Thank you.

16 CHAIRPERSON KOSLOWITZ: Can you please  
17 state your name for the record so we have it.

18 DOMINICK WILLIAMS: Dominick Williams,  
19 Chief of Staff... [cross-talk]

20 CHAIRPERSON KOSLOWITZ: Thank you. Just  
21 to be clear an employee who becomes totally  
22 disabled in her, her or his second year would be  
23 better off that she, she or he would have been even  
24 in the old system?

25

2 DOMINICK WILLIAMS: That's correct yep.  
3 Because just to add a little bit to it the 75  
4 percent that we've added for a person who's  
5 seriously disabled still applies in this bill that  
6 we have. But in addition we're still doing the  
7 increase to the salary for a younger officer. So if  
8 that younger officer is working and they're making  
9 let's say 50 thousand dollars and the basic maximum  
10 is 82 or 84 we would do their pension calculation  
11 on the basis of that 84 in addition to doing the 75  
12 percent which is stronger than actually exists in  
13 just a straight tier two rollback. So on this plan  
14 I think this is the only plan that provides that  
15 enhanced benefit for younger officers, younger  
16 firefighters, younger sanitation workers and the  
17 like. No other plan that is proposed has that  
18 benefit of helping younger workers.

19 CHAIRPERSON KOSLOWITZ: Council Member  
20 Kallos.

21 COUNCIL MEMBER KALLOS: Again I want to  
22 thank you for coming back with a, a bill that  
23 includes a lot of the comments that we've given. I  
24 do want to just share with Council Member Crowley's  
25 frustration. The bill S5705 was introduced on May

2 29<sup>th</sup> at the time of the hearing while I did have  
3 all the information that Council Member Landers  
4 pointed to as a legislator we look at legislation  
5 and I was not able to see the legislation  
6 eventually the A version was introduced yesterday  
7 and then we have a B version this morning. So I  
8 understand that the, we, we are get, coming to the  
9 end of the legislative process in Albany and  
10 understand that sometimes we can't get everything  
11 in a timely fashion but to the extent that we could  
12 have had this sooner than the morning of. I would  
13 be appreciated and I just think it is worth  
14 mentioning and noting that for the record.

15 CHAIRPERSON KOSLOWITZ: Council Member  
16 Crowley.

17 COUNCIL MEMBER CROWLEY: In November  
18 2014 over six months ago I introduced resolution  
19 474 which calls for parody, pension, disability  
20 benefits for all New York City firefighters and  
21 police officers. This resolution was brought to a  
22 hearing two weeks ago...

23 CHAIRPERSON KOSLOWITZ: Council Member  
24 you said two sentences.

2 COUNCIL MEMBER CROWLEY: All due respect  
3 I do believe that my bill which has 39 other co-  
4 sponsors which is supported by the rank and file  
5 the police officers, the firefighters, and is  
6 supported by almost every other legislator in the  
7 state of New York should be up for a vote. Because  
8 that has been a part of the city record for well  
9 over six months and it has vast support amongst our  
10 colleagues and I do not understand why we're not  
11 considering that also for a vote today because of  
12 the unanimous support and because what it does is  
13 it gives equal benefits... [cross-talk]

14 CHAIRPERSON KOSLOWITZ: Two sentences.

15 COUNCIL MEMBER CROWLEY: ...a fair...  
16 [cross-talk]

17 CHAIRPERSON KOSLOWITZ: Two. Two  
18 sentences

19 COUNCIL MEMBER CROWLEY: ...in, in  
20 closing, in...

21 CHAIRPERSON KOSLOWITZ: We have other  
22 legislation that we have to get going.

23 COUNCIL MEMBER CROWLEY: You know I  
24 chair the committee that has oversight over the  
25 Fire Department and we are finally diversifying the

2 fire department and we're hiring more women and  
3 more people of color. Now is it really fair that we  
4 should reduce their benefits. This  
5 disproportionately affects the new groups of hires.  
6 The people who are hired prior to 2009 have better  
7 benefits.

8 CHAIRPERSON KOSLOWITZ: Council Member  
9 you're totally out of order. You had asked me for  
10 two sentences and you went on.

11 COUNCIL MEMBER CROWLEY: Thank you  
12 Chair. I would hope that my resolution be  
13 considered for a vote also. Thank you.

14 CHAIRPERSON KOSLOWITZ: Your resolution  
15 cannot be considered because offer, the offering  
16 besides the fact that it has not been properly  
17 noticed. We will not consider it now.

18 COUNCIL MEMBER CROWLEY: Can you explain  
19 that further? What does that mean properly noticed?

20 CHAIRPERSON KOSLOWITZ: No, I'm sorry.

21 COUNCIL MEMBER CROWLEY: Okay.

22 CHAIRPERSON KOSLOWITZ: [off mic] I  
23 would like to... [on mic] thank you very very much.

24 DIRECTOR FULEIHAN: Thank you.

2 CHAIRPERSON KOSLOWITZ: Frank Tramontane  
3 [sp?]. Can you introduce yourself? Can you put the  
4 mic on?

5 FRANK TRAMONTANE: If I could figure out  
6 how. Alright. So I have some remarks that I wrote  
7 down. I have some marks I want to speak from what I  
8 jotted down afterwards and it may be a little  
9 disjointed but I... bear with me and you know this  
10 was a last minute thing and just want to make out  
11 some points that I think this council should hear  
12 from our perspective. So the bill that we put out  
13 back a year ago, more than a year ago which we ask  
14 the administration to support 15 months ago was  
15 never really dealt with in any fashion. And that's  
16 this main to say the least in terms of what you  
17 expect the legislative body in, in the, in the  
18 process to be. But that bill was to try and put  
19 back the standards, the disability standards that  
20 existed prior to 2009, July 2009. And the change  
21 happened in July 2009 when Patterson made a veto of  
22 the tier two extension. Now the tier, the tier two  
23 extension included lots of things. And that whole  
24 extension has been estimated to, because we went  
25 to, defaulted, defaulted into a tier three, not

2 another legislative pension system was voted upon  
3 by anyone. It just defaulted into a tier three.  
4 That has been estimated by the city actuary to save  
5 31 billion dollars over the next 20 years. When the  
6 administration comes in and says it costs six  
7 billion dollars for this well our perspective is  
8 you save 25 because you save 31 on a veto that  
9 wasn't anything legislatively. This is just buying  
10 back a piece that we think is vital, important, it  
11 goes to the members' moral. You have a situation  
12 out there with police officers and firefighters  
13 know these two different benefits, it affects them  
14 in how they do their job. I don't know how it would  
15 not, it would affect me. That's something to  
16 consider anything less is sending the wrong message  
17 we believe. So the current three members currently  
18 no three, tier three members have applied for this  
19 ability. And the NYD has not moved any member out  
20 rather than choosing to keep them on full pay under  
21 unlimited sick policy with the guise that they will  
22 get better. We think that that may continue as this  
23 issue goes unresolved. I don't expect this issue,  
24 this home rule that you provide today in this last  
25 minute bill will be approved in Albany. I will tell



2 you that the state senate passed the statewide  
3 version of our bill last week at a 60 to zero vote.  
4 So it's hard to imagine that turning around. And as  
5 you, most of you know the newly hired New York City  
6 EMS workers gets 75 percent on the job. So from our  
7 guise, perspective how do they look at what's being  
8 done here. We're not as good as EMS. And I don't  
9 see any administration legislation that changes  
10 them to be equal to us or in this same fashion. So  
11 the administration's bill will only provide three  
12 quarters to those to qualify for social security.  
13 And as you know it's a much higher threshold and  
14 the city actuary put that at between zero and 25  
15 percent. Those who know they won't qualify may have  
16 options because they may feel that they're, it  
17 won't be enough to provide for them and their  
18 family on the way out. And I give you the, the, the  
19 numbers as they appear in the charts at the, that  
20 the administration has put out the disability  
21 benefit if I remember correctly for under their  
22 plan for years two was 40 thousand. If, and if  
23 person got hurt in year two it was 40 thousand. If  
24 a person got hurt in year 14 it was 42 thousand.  
25 Now to me that doesn't seem appropriate. You're

2 giving virtually the same benefit for someone who  
3 was 14 years on the job. Now if you're 14 years on  
4 the job and you started at the age of 26 you're now  
5 40 years old. You're, you can no longer work as a  
6 police officer. You're out there now having to look  
7 for another job which you may or may not be able to  
8 get. It's, it's something that's going to register  
9 in peoples' minds and I can't see how it doesn't  
10 continue to contribute to the low morale that exist  
11 in the police department today. You are not doing  
12 any favors to help that. And I know through qualify  
13 for social security or don't qualify for social  
14 security may take what they call and this was  
15 discussed at the last hearing the reasonable  
16 accommodation that's provided by federal law. So  
17 they may turn around and say I am, I want to stay  
18 here and in my capacity to collect my full pay  
19 because I afraid to go out there I'm not sure I'm  
20 going to get a job to, to make ends meet. I want a  
21 reasonable accommodation for another job. To the  
22 extent that that's successful the city will lose  
23 money because now you're paying a uniform salary  
24 for a job that may very well be a civilian job and  
25 then having to hire another uniform person. Again

2 this is not a well throughout plan in my opinion.  
3 That's it? Five minute I, I can't go on. So we have  
4 a last minute bill here and I have points that I  
5 can make and this is the time that, this is the  
6 limited time I'm going to get.

7 CHAIRPERSON KOSLOWITZ: How much more  
8 time do you need?

9 FRANK TRAMONTANE: I don't know. I'd  
10 like to talk about issues of money because I think  
11 they're important and they're... conversation here. I  
12 think if you want to you know allow yourselves to  
13 understand every aspect of what you're doing you  
14 should have a right for the, us to present this.

15 CHAIRPERSON KOSLOWITZ: Alright. How  
16 about I have other people that are going to testify  
17 and we have other bills that are going to need a  
18 chance... [cross-talk]

19 FRANK TRAMONTANE: ...try to go as fast as  
20 I can. I'll try to summer... Thank you. So we believe  
21 the numbers attached to the bill are overstated to  
22 a certain extent because they include the first two  
23 years o, of, of disabilities being fiscal year '14  
24 and '15 and those years there obviously were no  
25 injuries that were, that were identified or put

2 forward. So we believe, and the money that, that  
3 you have here if we're talking about the 400  
4 million dollar number that's a five year number.  
5 Just so you understand it's a five year number for  
6 both police and fire. And if you want to compared  
7 to what this council has done in the past. You  
8 approve modifications every quarter over 600  
9 million dollars in new needs without a problem  
10 without a blink. So money should not be a problem  
11 in our perspective. In fact the, last year the  
12 mayor proposed and you approved 82 million dollars  
13 coming out of the NYP, NYPD budget to, for NYCHA  
14 repairs. And NYCHA repairs is probably a very good  
15 thing to do. But what's the message you're sending  
16 to police officers and firefighters that hurt. We  
17 have money for NYCHA's repairs but we don't have  
18 money to restore the benefits that existed before  
19 for you. Again a issue of morale that's going to  
20 affect our members. And just to give you some  
21 numbers that you probably aware of the city  
22 council's, the city's fiscal year 2015 budget has  
23 over three million dollar surplus. The city's put a  
24 me, a billion dollars a year for the next four  
25 years into a general reserve. Most, most of which

2 which will be, will be reflected at the end of the  
3 year as a surplus. This is more than three times  
4 what was put in in the previous years on the  
5 Bloomberg and for the general reserve. The city  
6 added a new reserve this year for capital  
7 commitments and debt... 500 million dollars. Every  
8 fiscal monitor has said that the city is  
9 underestimating revenues with the IEO and the city  
10 controller putting that number between three  
11 billion and six billion.

12 CHAIRPERSON KOSLOWITZ: Frank...

13 FRANK TRAMONTANE: ...and six billion.

14 CHAIRPERSON KOSLOWITZ: ...we have other  
15 testimony. We have other bills that we have to  
16 consider. And we have three more people to testify  
17 on this bill.

18 FRANK TRAMONTANE: Can I have two more  
19 minutes?

20 CHAIRPERSON KOSLOWITZ: And you can  
21 submit the, you can submit the testimony.

22 FRANK TRAMONTANE: This was the last  
23 minute. I didn't have time to write it up.

24 CHAIRPERSON KOSLOWITZ: Well...

25

2 FRANK TRAMONTANE: Can I have two  
3 minutes please?

4 CHAIRPERSON KOSLOWITZ: Then I have to  
5 give everybody else the same time.

6 [background comments]

7 CHAIRPERSON KOSLOWITZ: I don't like to  
8 be threatened. Rosie Mendez. This on the, another  
9 bill that we have to hear and she has to meet with  
10 the speaker and it's on the oolio [phonetic],  
11 Oscar... Oscar Lopez Rivera.

12 COUNCIL MEMBER MENDEZ: Thank you Madam  
13 Chair. Today I proudly introduced this resolution  
14 and it's being co-sponsored by our speaker Melissa  
15 Mark-Viverito and my colleague from upper  
16 Manhattan, Council Member Ydanis Rodriguez. In 1998  
17 this body approved a resolution that was introduced  
18 by then council member Jose Rivera. That resolution  
19 asked then President Clinton to grant clemency to  
20 our Puerto Rican prisoners. In fact President  
21 Clinton did grant clemency to those prisoners  
22 pursuant to the resolution that we passed here in  
23 this body except they did not offer clemency and  
24 Oscar Lopez Rivera who was offered clemency  
25 rejected it because he felt everyone should receive

2 the same offer. Oscar was a Vietnam Veteran and  
3 then at that time he also refused to leave some of  
4 his fellow comrades behind when they were injured  
5 with... in mind and he secured a field and saved his  
6 brothers and brought them to a clear landing field  
7 where he secured for helicopter. And back in 1998  
8 he also refused to leave his brothers behind.  
9 Ironically he is the only Puerto Rican prisoner in  
10 jail to date. Everyone else has been released since  
11 then including the ones who were not offered  
12 clemency back in '99. And he has spent 34 years in  
13 jail. And at the time when President Clinton  
14 granted the clemency he said of Oscar Lopez Rivera  
15 that he had not, that the punishment did not fit  
16 the crime and that he had not harmed or injured  
17 anyone or end up resulting in anyone's death. And  
18 so with that he had granted the clemency. So we are  
19 now asking that President Obama consider as of 34  
20 years giving the sole prisoner, Puerto Rican  
21 prisoner who's still in jail clemency and I want to  
22 thank you Madam Chair for holding this hearing.  
23 Thank you. Would you, we're going to vote on this  
24 resolution now so we can, you can leave here. I'm

2 going to call on the council members Antonio  
3 Reynoso.

4 COUNCIL MEMBER REYNOSO: I, I absolutely  
5 vote aye.

6 COMMITTEE CLERK MARTIN: William Martin,  
7 Committee Clerk, Roll call vote Committee on state  
8 and federal legislation resolution. Chair  
9 Koslowitz.

10 CHAIRPERSON KOSLOWITZ: [off mic] Aye.

11 COMMITTEE CLERK MARTIN: Dickens.

12 COUNCIL MEMBER DICKENS: [off mic] Aye.

13 COMMITTEE CLERK MARTIN: Lander.

14 COUNCIL MEMBER LANER: Aye.

15 COMMITTEE CLERK MARTIN: Espinal.

16 COUNCIL MEMBER ESPINAL: Aye.

17 COMMITTEE CLERK MARTIN: Kallos.

18 COUNCIL MEMBER KALLOS: Aye.

19 COMMITTEE CLERK MARTIN: Reynoso.

20 COUNCIL MEMBER REYNOSO: Aye.

21 COMMITTEE CLERK MARTIN: By a vote of  
22 six in the affirmative, zero in the negative, and  
23 no abstentions, resolution has been adopted.

24 CHAIRPERSON KOSLOWITZ: Now I'd like to  
25 call, going back Roy Richter.



2 UNIDENTIFIED MALE: Madam Chair can we  
3 just, can I clarify which is, he's testifying on  
4 A764A and S5610...

5 [background comments]

6 ROY RICHTER: So good morning. Thank you  
7 for this opportunity to testify...

8 CHAIRPERSON KOSLOWITZ: Can you  
9 introduce yourself please?

10 ROY RICHTER: Oh sure. My name is...  
11 [cross-talk]

12 UNIDENTIFIED MALE: And also can you,  
13 can you swear and affirm to tell the truth  
14 regarding your testimony?

15 ROY RICHTER: I swear and I affirm. Good  
16 morning. Is it still good morning? Close, for eight  
17 minutes. My name is Roy Richter. I'm the President  
18 of the NYPD's Captains Endowment Association. I  
19 represent members in the rank of captain, deputy  
20 inspector, inspector, deputy chief, and police... in  
21 the New York City Police Department. Thank you for  
22 this opportunity to testify in favor of legislation  
23 A7648 and S5610. After many years of failing to  
24 take control of violence and serious crime in New  
25 York City the New York City Police Department in,

2 in the mid-1990s completely revolutionized policing  
3 in New York City. By developing a process known as  
4 Comp Stat precinct and other operational unit  
5 commanders developed a system to communicate with  
6 the agency's top executives and other commanders  
7 sharing problems that they face and successful  
8 crime reduction tactics. The process allows top  
9 executives to monitor issues and activities within  
10 precincts and operational units evaluating the  
11 skills and effectiveness of middle managers. By  
12 keeping abreast of situations on the ground  
13 department leaders develop the skill set to  
14 allocate resources to most effectively reduce crime  
15 and improve police performance. As a result of  
16 these strategies violent and serious crime has  
17 declined more than 80 percent since 1993. New York  
18 City is now the safest large city in the United  
19 States of America. This remarkable crime reduction  
20 continues through 2015 even giving the overwhelming  
21 counterterrorism responsibilities implemented since  
22 September of 2001. This bill gives commanders with  
23 15 years of service in the rank of captain or  
24 above, an incentive to stay with the New York City  
25 police department by allowing them to retire at a

2 deputy chief pension and prevents the loss of  
3 valuable experience and knowledge of proven and  
4 effective police tactics to retirement. The bill  
5 expands on the existing benefit that grants  
6 captains with five years of service in rank of  
7 captain or above a deputy inspector pension and  
8 captains with ten years of service in the rank of  
9 captain or above and inspector pension. And further  
10 the bill offers an incentive for our most qualified  
11 police lieutenants to seek promotion to the rank of  
12 captain. Over the last ten years fewer and fewer  
13 lieutenants have sought promotion to the rank of  
14 captain. For example in 1997 898 of a pool of 1369  
15 lieutenants filed for promotion to captain. That's  
16 65 and a half percent. In contrast in 2012 only 18  
17 and a half percent of those eligible. The number of  
18 325 of a pool of 1753 lieutenants filed for the  
19 promotion, the promotional exam to captain. This  
20 reduced interest in advancement within the NYPD  
21 further highlights the need to incentivize our most  
22 experienced NYPD commanders to stay in the service  
23 of New York City. And I just wanted to point out  
24 you know as, I, and I think the, the council's  
25 finance division for their fiscal impact statement.

2 And the number uses a multiple of 23 thousand. That  
3 number of 23 thousand is closer to 4,000. So the  
4 cost related to this is substantially less and, and  
5 what's, what stand. But again I thank you for, for  
6 the council for...

7 CHAIRPERSON KOSLOWITZ: Thank you. I'd  
8 like to all on Antonio Reynoso.

9 COUNCIL MEMBER REYNOSO: I'm glad you  
10 came to testify today. Extremely excited about this  
11 specific piece, the specific resolution, qualified  
12 lieutenants that do not see the benefit of  
13 advancing to the rank of captain because of a  
14 police pension fund this resolution will now allow  
15 them to receive the same benefits as a deputy chief  
16 and encourage that promotion to captain. Hopefully  
17 what my goal here is with this, with this  
18 resolution is hoping that we can, we can now  
19 address the, the disparities in the lack of what I  
20 consider Latino leadership specifically within the  
21 NYPD if all the leadership within the Latino  
22 demographic of the NYPD stays at lieutenant it  
23 makes it very hard for us to start being at the  
24 table at the higher ranks when it comes to  
25 leadership within the NYPD. And this would

2 absolutely encourage that or at least a pool of  
3 captains that we would be able to pick from would  
4 be much more diverse so I'm extremely excited and I  
5 really want to encourage everyone to support this  
6 resolution because it's, it's a very good piece.  
7 And I want to just say to the mayor and to  
8 Commissioner Bratton I brought this up last year.  
9 And they said that they were going to see if they  
10 can address it and they absolutely are following  
11 through. So I'm excited about that. So thank you,  
12 thank you.

13 CHAIRPERSON KOSLOWITZ: Thank you very...  
14 Oh I'm sorry. Brad Lander.

15 COUNCIL MEMBER LANDER: Thank you Madam  
16 Chair. Thank you Mr. Rictor for being here. And I  
17 also like Council Member Reynoso just appreciate  
18 the diligence that you've been putting in your...  
19 issue with me some time ago and as Council Members  
20 we did a lot, lot obviously with the commanding  
21 officers of our precincts who are captains or in  
22 some cases Deputy inspectors and you know we know  
23 the difference it makes when those are qualified  
24 and excellent people and so the numbers that you  
25 cited have just how many fewer people have been

2 applying to take the captains test has been a real  
3 concern. We need those folk, you know we need the  
4 best possible folks there. So I just want to make  
5 sure because you mentioned that you, so you're  
6 saying you think that the, the amount this will  
7 cost is even less than the 232 thousand for FY '16  
8 or 464 thousand, 465 thousand in the following  
9 fiscal years.

10 ROY RICHTER: Yes because the, the, the  
11 estimate in the, when, in compiling these numbers  
12 drew the difference between a captain and a deputy  
13 chief whereas in contrast it should be between an  
14 inspector and a deputy chief. So that percentage  
15 is, makes the cost much lower.

16 COUNCIL MEMBER LANDER: And even at that  
17 lower cost you continue to believe that it'll be a  
18 meaningful, a helpful incentive to encourage more  
19 people to take the captain's test and stick around  
20 and serve.

21 ROY RICHTER: Absolutely. And not only  
22 that you know within the last two weeks I've had  
23 ten inspectors, deputy inspectors, inspectors, and  
24 deputy chief, two precinct commanders the 7-6  
25 precinct and the 6<sup>th</sup> precinct file for retirement,

2 Latino commanders... But this gives them an incentive  
3 to stay with the New York, New York City police  
4 department and for the city of New York to realize  
5 the benefit of their experience and their, their  
6 history that they've made with the community.

7 COUNCIL MEMBER LANDEER: Thank you very  
8 much. Thank you Madam Chair.

9 CHAIRPERSON KOSLOWITZ: Thank you. Next  
10 one Robert Altman.

11 UNIDENTIFIED MALE: Just please identify  
12 yourself and just please... [cross-talk]

13 ROBERT ALTMAN: Rob...

14 UNIDENTIFIED MALE: ...swear or affirm to  
15 tell the truth.

16 ROBERT ALTMAN: Robert Altman, I do.  
17 Good morning my name is Robert Altman. I'm here to  
18 testify in support of a resolution supporting an  
19 amendment to general city Law 36. General City Law  
20 36 subdivision two is provision which requires  
21 construction of buildings on streets that are not  
22 final mat to be subject to approval by the Boards  
23 of Standards and Appeals before receiving a  
24 certificate of occupancy. This was done because the  
25 state wanted a terminate, a determination from BSA.

2 The street upon which the structure was being built  
3 was safe. Most streets that fall within this, fall  
4 within this bill of Staten, or on Staten Island..

5 There are waterfront areas of the rockaways and  
6 industrial waterfront areas of the South Bronx that  
7 fall into this category but they're much more  
8 limited whereas on Staten Island is probably clue  
9 to about 40 percent of all streets. The proposed  
10 amendment to GCL 36 would do two things. First if a  
11 street already has one or two family dwellings that  
12 have successfully appealed to BSA that there would  
13 no need, no further need for appeals to be a safe  
14 for new one and two family dwellings on such street  
15 as since its safety has already been determined.

16 This eliminates unnecessary bureaucratic process.

17 Over the years our members cannot recall an  
18 instance where BSA approval was not granted on such  
19 appeals. Second the amendment restores an  
20 interpretation that had existed for 22 years but  
21 was reversed in December 2014 that corporation  
22 council opinion streets were not subject to DCL. A  
23 CCL street is a street that the corporation council  
24 has determined constitute a street because it is a  
25 public way that has been open and in use by the



2 public for a minimum of ten years and accept,  
3 accepted by the city as such even if it has not  
4 been mapped by the city as a street. The reversal  
5 of this interpretation only promises for the, call  
6 up the BSA calendar. In order to ensure that there  
7 is no concern regarding fire safety which was the  
8 main impetus behind GCL36-2. The amendment requires  
9 that sprinklers be provided in each dwelling. The  
10 provision of sprinklers ensures that fire safety  
11 concerns are more than met even if such sprinklers  
12 were not have been required when going through the  
13 standard BSA process thus the proposed amendment  
14 streamlines a bureaucratic process frees up  
15 resources of the BSA to work on more pressing  
16 matters and increases the safety of the home's  
17 bill. We strongly urge your support for this  
18 legislation.

19 CHAIRPERSON KOSLOWITZ: Thank you very  
20 much.

21 ROBERT ALTMAN: Thank you.

22 CHAIRPERSON KOSLOWITZ: Sean Crowley.  
23 Sorry we're going back... forwards but I'm calling  
24 how I got the sign in sheets.

2 SEAN CROWLEY: Thank you Madam Chair.  
3 Here to read a statement on behalf of Steve  
4 Cassidy.

5 UNIDENTIFIED MALE: You affirm...  
6 [laughter] Do you affirm to tell the truth as far  
7 as your testimony?

8 SEAN CROWLEY: Yes I do. Sean Crowley  
9 representing the Uniformed Firefighters  
10 Association. Unfortunately Steve Cassidy and his  
11 full executive team couldn't make it here today.  
12 They had a prior engagement at a rally up in  
13 Albany. I'm authorized by Mr. Cassidy to read the  
14 following statement which I'm providing to the  
15 committee. It's asking that the council stand with  
16 the bravest in voting no on the mayor's proposal.  
17 It outlines five points that have come to their  
18 attention as of last night and they're responding  
19 to each point as follows. The mayor's plan one  
20 helps younger workers by raising early salary  
21 calculations UFAs response statistics show most  
22 career ending injuries occur later on in a  
23 firefighters career so the mayor's plan only takes  
24 care of a very small percentage of the younger  
25 firefighters. Point two, mayor's plan is fiscally

2 responsible and avoids debilitating costs of a full  
3 rollback. Based on the actuary's fiscal notes OMBs  
4 estimates the cost of this plan to be between 1.5  
5 and two billion dollars over 30 years compared to  
6 other proposals which cost six billion or more over  
7 the same time frame. UFA's response... fiscal  
8 estimates are overstated due to the flawed assumed  
9 disability rates. This is because the mayor's  
10 estimates include injuries resulting from the world  
11 war, world trade center injuries and illnesses. The  
12 funds that add the city has three billion, has a  
13 three billion dollar surplus. Point three, mayor's  
14 plan eliminates offsets for social security  
15 eligible disabled workers, UFAs response, criteria  
16 to qualify for the 75 percent disability one must  
17 first qualify for social security disability. This  
18 is unjust and will be applied to arbitrarily. In  
19 addition it would bar a severely disabled  
20 firefighter, firefighter from ever working again.  
21 The medical standards to be a firefighter are  
22 different than most other jobs. Just because they  
23 don't work as a firefighter doesn't mean they  
24 cannot work in another occupation. Point four,  
25 mayor's plan, adds an additional 75 percent tax

2 free disability benefit for those who were  
3 seriously disabled in the line of duty. UFA's  
4 response, the UFA plan provides 75 percent  
5 disability benefit based upon current medical and  
6 legal standards rather than the mayor's arbitrarily  
7 disable, disability standard. Point five, the  
8 mayor's plan, to make sure that no officer loses  
9 under the plan there is a provision that holds  
10 every officer harmless no officer does worse than  
11 the status quo under the city's plan. UFA's  
12 response, the mayor's plan opposes a second class  
13 status on new hires, the majority of which are  
14 minority members, 50 percent of the last class was  
15 minority members and that's it. Thank you.

16 CHAIRPERSON KOSLOWITZ: [off mic] Thank...  
17 [on mic] Thank you. Okay Liz Crowley.

18 COUNCIL MEMBER CROWLEY: Thank you Chair  
19 Koslowitz. First I want to allow you, I want to  
20 thank you for allowing me the opportunity to speak  
21 on more than one occasion to express myself on the  
22 opposition to the mayor's plan. And I'd like to  
23 personally apologize if at any time I appeared to  
24 be disrespectful. I'm very passionate about this  
25 issue and I do want you to know that I have a

2 tremendous amount of respect for you Madam Chair.  
3 And since I don't have an opportunity to vote in  
4 this committee I am going to now go to the women's  
5 caucus. Thank you again.

6 CHAIRPERSON KOSLOWITZ: Okay thank you.  
7 Are there any other witnesses? Did everybody sign  
8 in that we called? Okay now we are going to have a  
9 roll call on all the legislation and resolutions  
10 that are before us today.

11 COMMITTEE CLERK MARTIN: William Martin  
12 Committee Clerk. Roll call vote on remaining items.  
13 Chair Koslowitz.

14 CHAIRPERSON KOSLOWITZ: May I be excused  
15 to explain...

16 [laughter]

17 CHAIRPERSON KOSLOWITZ: This is a very  
18 difficult issue. We must provide for our heroic  
19 uniformed workers and do so responsibly. We have  
20 debated this for over a year. Now is the time, now  
21 time is running out in Albany. We must act now.  
22 This bill strikes a balance I can support. I vote  
23 aye.

24 COMMITTEE CLERK MARTIN: Dickens.

2 COUNCIL MEMBER DICKENS: I vote aye on  
3 all except for A7854, A/S5705A and its B version  
4 that was submitted this morning. If those are the  
5 incorrect numbers then I will substitute the  
6 correct numbers.

7 COMMITTEE CLERK MARTIN: Lander.

8 COUNCIL MEMBER LANDER: Request  
9 permission to explain my vote.

10 CHAIRPERSON KOSLOWITZ: Sure.

11 COUNCIL MEMBER LANDER: Thank you Madam  
12 Chair I, I vote aye on all and, and I do think  
13 though this has obviously been a difficult issue,  
14 that it has been thoughtfully considered in the  
15 committee. And I just want to point out that what  
16 was originally brought by the administration was  
17 something that we had a lot of issues with in  
18 particular for those workers who were severely  
19 disabled and unable to work and that it was as a  
20 result of the, the hearings that were held in this  
21 committee and by this council that it pushed this  
22 plan to a much stronger place, and one that I also  
23 agree is a sensible balance and I vote aye on all.

24 COMMITTEE CLERK MARTIN: Espinal.

2 COUNCIL MEMBER ESPINAL: No. [laughter]  
3 No on the resolution that's pre-consider on S5705  
4 and A7854 and aye on all the rest.

5 COMMITTEE CLERK MARTIN: Kallos.

6 COUNCIL MEMBER KALLOS: Permission to  
7 explain my vote. Along the same lines as my  
8 colleague Council Member Brad Lander I was very  
9 uncomfortable as Council Member Crowley has already  
10 brought up on voting on something without actually  
11 having the final bill before us. The administration  
12 has heard many of our concerns and I believe that  
13 this legislation will not only be financial  
14 responsible but will actually care for our members  
15 and restore those that are disabled and unable to  
16 return to work to the 75 percent disability pension  
17 that they deserve. We do need to treat our heroes  
18 like heroes so I believe that this bill gets us  
19 where we need to be and I am, vote aye on all.

20 COMMITTEE CLERK MARTIN: Reynoso.

21 COUNCIL MEMBER REYNOSO: Permission to  
22 explain my vote? Just want to say that, that the  
23 first vote that was, that was brought up to us and  
24 not necessarily... proposal was something that we  
25 were all concerned about and I definitely thought

2 things needed to be addressed in that version. But  
3 seeing what I see today I do fear that we're, we're  
4 addressing the issues that we specifically talked  
5 about in regards to older recruits and newer  
6 recruits who are also being fiscally responsible  
7 and I also want to vote aye on all.

8 COMMITTEE CLERK MARTIN: By a vote of  
9 six in the affirmative, zero in the negative, and  
10 no abstentions all items have been adopted with the  
11 exceptions of preconsidered item in relation to  
12 S5705B and A7854B has been adopted by a vote of  
13 four in the affirmative, two in the negative, and  
14 no abstentions.

15 CHAIRPERSON KOSLOWITZ: This meeting is  
16 adjourned.

17 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date          June 12, 2015