

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SANITATION AND SOLID WASTE
MANAGEMENT

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October 24, 2018
Start: 10:13 a.m.
Recess: 11:12 a.m.

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

B E F O R E: ANTONIO REYNOSO
Chairperson

COUNCIL MEMBERS: Fernando Cabrera
Chaim M. Deutsch
Rafael L. Espinal, Jr.
Paul A. Vallone

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

Kathryn Garcia, Commissioner
NYC Department of Sanitation

Steven Costas, First Deputy Commissioner of
Operations, NYC Department of Sanitation

Loris Mandelker, New York Metropolitan Retail
Association, NYMRA

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[sound check] [gavel]

CHAIRPERSON REYNOSO: Good morning. I am Council Member Antonio Reynoso, and I am the Chair of the Committee on Sanitation and Solid Waste Management. Welcome to this oversight hearing about the Department of Sanitation 2018-2019 Draft Snow Plans, and we've been joined by Council Member Vallone. Local Law 28 of 2011 require DSNY to submit to the Council a snow plowing and removal plan for each borough and to make those plans available to the public on the city's website. This hearing will examine the Draft Snow Plans that the Council received from DSNY pursuant to Local Law 28 and the city's readiness for the 2018 to 2019 snow season. I now how hard the Commissioner and the whole department worked during the snow season. So, I want to thank you in advance. DSNY is not solely responsible for the snow removal, though. Businesses in New York City are also responsible for keeping sidewalks clear. We are hearing legislation today that will address the issue of businesses that don't properly remove the snow that builds up near their storefronts potentially resulting in unsafe conditions. Intro No. 619 sponsored by Council

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2 Member Justin Brannan raises the fines for chain
3 business who receive violations for failing to
4 properly remove snow, ice and dirt from sidewalks
5 following snow fall. I'm looking forward to DSNY—to
6 hearing DSNY's thought on the—thoughts on these
7 bills, and also to learn if there are any other way
8 that the department thinks that we can encourage
9 store owners to keep their storefronts and sidewalks
10 safe for New York. I look forward to hearing from
11 DSNY and other interested groups and individuals
12 about the Draft Snow Plans today. Thank you, and
13 we're going to swear you in, Commissioner.

14 LEGAL COUNSEL: Please raise your right
15 hand. Do you affirm to tell the truth, the whole
16 truth and nothing but the truth in your testimony
17 today and to answer Council Members questions
18 honestly?

19 COMMISSIONER GARCIA: I do.

20 LEGAL COUNSEL: Thank you.

21 CHAIRPERSON REYNOSO: So, Steven Costas,
22 First Deputy Commissioner for Operations and still
23 the Commissioner of Sanitation Kathryn Garcia.

24 [laughter] [background comments]

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CHAIRPERSON REYNOSO: Oh, and I

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apologize. We've also been joined by Council Member

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Cabrera.

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COMMISSIONER GARCIA: You ready to go?

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CHAIRPERSON REYNOSO: [off mic]

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Absolutely.

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COMMISSIONER GARCIA: Good morning, Chair

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Reynoso and members of the Committee on Sanitation

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and Solid Waste. I am Kathryn Garcia, Commissioner

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for the New York City Department of Sanitation. With

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me here today is First Deputy Commissioner Steven

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Costas. I would like to thank Chair Reynoso and the

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members of the committee for holding this hearing to

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discuss with you the department's Draft Snow Plans,

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and our preparedness going into the upcoming 2018-

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2019 snow season. In accordance with Local Law 28 of

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2011, our Draft Snow Plans detail the department's

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snow fighting procedures from planning and

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preparedness to implementation. The plans identify

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how we will allocate personnel and equipment

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resources in each borough and district, the

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coordination of services among agencies and customer

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service protocols. We will consider all comments and

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recommendations received by elected officials in our

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2 draft plans, and then we will publish the final
3 borough snow plans on the department website by
4 November 15th, and just as an aside, I'd like to
5 thank the Council for all the support we receive in
6 making sure we're ready for the snow season. As
7 this is the first snow hearing of this Council
8 session, I'd like to walk through a basic refresher
9 of our snow fighting planning and procedures. While
10 the department's workforce and its vehicles and
11 equipment appears most visible in the public eye in
12 the winter time, the department is preparing and
13 planning for each year's snow season is actually
14 continuous throughout the year. Yes, we talk about
15 it in August. Following each winter season—snow
16 season, the Operations Office performs a review and
17 assessment of its response to all storms during the
18 previous season. The department makes operational
19 changes and adjustments such as improving training
20 and improving communications protocol as we deem
21 necessary. In the spring and summer agency staff
22 review over 1,400 snow routes in all five boroughs,
23 and revised the most necessary based on the prior
24 year's experiences. We also make adjustments for any
25 changes that have occurred in the physical city scape

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2 along a particular route such as the construction of
3 a new school or changes to traffic patterns, which
4 seems to happen constantly. DSNY also performs
5 preventative maintenance on all snow related
6 equipment and upgrades equipment as necessary. Also,
7 in the months before the snow season begins, the
8 department ensures it has adequate equipment, parts
9 and supplied to carry out our snow plans. We
10 established contracts with multiple vendors to
11 replenish our stockpiles of salt and salt and calcium
12 chloride are delivered to the department stores
13 locations located in each borough. Additionally, the
14 department ensures that it has sufficient snow chains
15 on hand to have an adequate supply for the snow
16 season. The department also holds winter operations
17 training for Sanitation workers from September
18 through December each year. Training includes better
19 operation, attachment of plows and chains, use of
20 two-way radio and the use of Magellan turn two-route
21 navigation. In total, this fall our employees will
22 receive a total of more than 50,000 hours of snow
23 training. We also conduct a full-scale snow drill in
24 late November once the night plow season begins to
25 get everyone in snow mode. This important exercise

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1 involves all department divisions including
2 operational and administrative functions. During
3 night plow operations the department increases
4 staffing on night shifts to ensure sufficient
5 coverage through snow or winter weather. This year
6 the night plow season will begin November 13th. In
7 order to formulate an effective snow removal plan the
8 department has designed its snow plowing routes into
9 three classifications. Critical routes are comprised
10 of highways, major roadways, bus routes and areas
11 around schools, hospitals, police stations and
12 firehouses. Sector routes encompass other streets and
13 are laid out in a compact efficient manner to
14 eliminate redundant travel miles. Hauls to route
15 service dead ends in streets that cannot be serviced
16 with a standard collection truck or salt spreader.
17 The department maintains a fleet of small Holster
18 plows to provide specialized service to these narrow
19 areas. During a heavy snowstorm where significant
20 accumulation is expected, the department begins
21 plowing the critical sector and Holster routes all at
22 the same time. Thus providing timely service for all
23 residents. The department began phasing in this
24 sector approach in 2014, and we have used sector
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1 routes citywide for the last two seasons. Throughout
2 the winter season, the Operations Office monitors
3 weather forecasts through its contracted weather
4 reporting services around the clock. When forecasts
5 call for a potential snow event, the department
6 issues a snow alert to inform our staff, other city
7 agencies and the public. Ahead of significant
8 snowfall, the department splits personnel into two
9 12-hour shifts, one from 7:00 a.m. to 7:00 and the
10 other from 7:00 p.m. to 7:00 a.m. At the onset of
11 the snow event the department deploys salt spreaders
12 to reduce the accumulation of snow and prevent the
13 formation of icy conditions on more than 19,000
14 roadway lane miles across the five boroughs. [coughs]
15 Throughout the duration of a storm, department field
16 managers constantly monitor roadway conditions,
17 equipment needs and variations in weather patterns.
18 Our field officers report this information on an
19 hourly basis back to their respective borough
20 commands, which is then relayed to our operations
21 headquarters. Salt spreading operations continue for
22 the--during of the snow fall. Once the snow
23 accumulation becomes greater than two inches, the
24 department deploys its snow plows. Plowing
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2 operations continue until all the city's traffic
3 lanes are passable. Following the completion of all
4 roadways, begin clearing bike lanes, bus stops,
5 crosswalks and other pedestrian infrastructure. In
6 recent years the department has acquired additional
7 snow equipment to more effectively remove snow from
8 narrow streets especially during storms with
9 accumulations over 12 inches. Thanks to these
10 investments, the department now has a total of 695
11 large and small salt spreaders in our snow fighting
12 fleet as well as 41 snow melters. This fleet not
13 only makes us better prepared to respond more
14 effectively to large snowstorms, but it also improves
15 our ability to respond to ice storms and other types
16 of frozen precipitation where plows alone are
17 ineffective. In addition, the department and DOITT
18 made PlowNYC available in near real time to the
19 public and software developers through city's Open
20 Data Portal. For the 2018-2019 season, the data will
21 again be made available during snow events with plows
22 status being updated several times per hour. The
23 department snow budget for Fiscal Year 2019 is \$97.8
24 million. The department has adequate staffing with
25 more than 6,400 Sanitation workers available to

1 manage this winter's snow and ice storms including
2 441 new Sanitation workers inducted at a ceremony
3 last week. We also have available approximately
4 300,000 tons of road salt stored at over 42 locations
5 citywide with contracts in place to deliver an
6 additional 600,000 tons as necessary. The department
7 makes every effort to clear snow and ice from the
8 city's highway, streets and bike lanes as
9 expeditiously as possible, but this can be an
10 extended process when persistent or heavy snowfall
11 occurs combined with falling temperatures and high
12 winds. Because every storm bring different
13 challenges, which impact the speed with which streets
14 are cleared including storm intensity, temperature,
15 time of day and accumulation, we ask the public to be
16 patient and allow department workers who are
17 performing under tough and often brutal conditions to
18 safely complete their tasks timely and effectively.
19 I will turn my focus now to Intro 619. As proposed,
20 this bill would impose higher civil penalties against
21 chain businesses that fail to remove and ice from the
22 sidewalks. As currently required under Section 16-
23 123 of the New York City Administrative Code, the
24 legislation defines a chain business as any
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1 establishment that is part of a group of
2 establishments that share a common owner or principal
3 who owns at least 30% of each establishment where
4 such establishments engage in the same business or
5 operate pursuant to franchise agreements with the
6 same franchiser as defined under the New York State
7 General Business Law. The bill would increase civil
8 penalties for any chain business meeting the proposed
9 definition to \$500—to \$1,000 for a first-time
10 violation and from \$1,000 to \$3,000 for a second
11 violation over a 12-month period and \$3,000 to \$5,000
12 for a third or subsequent violation within a 12-month
13 period. Clearing sidewalks after a snow storm is the
14 law. Property owners and businesses large and small
15 have an obligation to make our sidewalks safe for
16 pedestrians after a snow fall. Doing so is not only
17 a legal requirement, but is also an obligation as a
18 neighbor and community partner. We expect the same
19 partnership and level of compliance from chain
20 establishments as we do from mom and pop stores. I
21 have heard from a number of residents, community
22 groups and elected officials about concerns that
23 certain establishments whether banks, office supply
24 stores, pharmacies or restaurants routine fail to
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2 clear their sidewalks, and many of these businesses
3 are delinquent at keeping them clean in the winter
4 months as well. We strongly support efforts to hold
5 violators accountable especially those that
6 repeatedly fail to clear their sidewalks as they
7 impeded mobility, and create dangerous conditions for
8 New Yorkers. I look forward to continue discussions
9 with this Council on steps we can take to hold these
10 violators accountable and keep our sidewalks safe
11 this winter season. In closing, I want everyone to
12 be assured that snow fighting is a core component of
13 the department's mission, and our workforce
14 understands that their performance is critical to
15 keeping the city functioning 24 by 7. As we approach
16 the official start of the 2018/19 snow season, I'm
17 confident the department's workforce can and will
18 respond quickly and effectively to any major snow
19 event. I look forward to your input, and suggested
20 comments on our draft snow plans. My staff and I are
21 now happy to answer your questions.

22 CHAIRPERSON REYNOSO: I want to thank you
23 for that thorough testimony. It answers a lot of
24 questions that we would have related to the snow plan
25 and the snow removal here in the city of New York,

1 but I wanted to ask some questions related to Intro
2
3 619

4 COMMISSIONER GARCIA: Uh-hm.

5 CHAIRPERSON REYNOSO: How many violations
6 are given to chain businesses for failing to
7 properly remove snow, ice and dirt from sidewalks
8 following snowfall each year?

9 COMMISSIONER GARCIA: I'm going to ask
10 the First Deputy Commission to answer this.

11 CHAIRPERSON REYNOSO: Okay.

12 DEPUTY COMMISSIONER COSTAS: So-okay,
13 thank you. Last year we issued just under 6,000
14 violations. It is--goes under the code. So we don't
15 have the breakdown to what portion of that were to
16 business as opposed to our residential homes.

17 CHAIRPERSON REYNOSO: So, it's not
18 separated because it's not mandatory in the city's
19 law to separate between residential and businesses?

20 DEPUTY COMMISSIONER COSTAS: Correct.

21 CHAIRPERSON REYNOSO: Okay, so I'm--

22 DEPUTY COMMISSIONER COSTAS:

23 [interposing] They are responsible to clear out the--

24 CHAIRPERSON REYNOSO: [interposing]

25 Regardless of--?

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DEPUTY COMMISSIONER COSTAS: --regardless
of whether they are a resident or a business owner.

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CHAIRPERSON REYNOSO: I see, but do most
of those violations go to the property owner or to
the--to the business?

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DEPUTY COMMISSIONER COSTAS: It would be
written to the address. In some cases, it is the
business. In some cases it's the residential property
owner.

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CHAIRPERSON REYNOSO: Do many businesses
get multiple violations? Is there a breakdown on
whether or not one business is receiving several
through a snow--a snow day and a couple of snow days?

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DEPUTY COMMISSIONER COSTAS: If the
business did not come out and rectify the situation,
they would be liable for another violation.

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CHAIRPERSON REYNOSO: And how about
complaints? How many complaints did the city--I guess
that's a 311 questions, but how many complaints about
the sidewalks covered with snow and ice each year do--
do you tend to get?

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DEPUTY COMMISSIONER COSTAS: I don't have
that number at this time.

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COMMISSIONER GARCIA: Yep.

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DEPUTY COMMISSIONER COSTAS: Right. I'm
sorry.

CHAIRPERSON REYNOSO: Okay, there you go.

COMMISSIONER GARCIA: Um, so, last year
we received a thousand requests due to snow or ice
for street conditions, and 3,500 for sidewalks.

CHAIRPERSON REYNOSO: So there were more
for sidewalks than there were for the streets?

DEPUTY COMMISSIONER COSTAS: Correct.

COMMISSIONER GARCIA: Yes.

CHAIRPERSON REYNOSO: Okay, is that
reflection of your work?

COMMISSIONER GARCIA: I'm—I'm going to
take credit for that.

CHAIRPERSON REYNOSO: Okay, and I'm—I'll
ask a couple more questions. So, for, of course,
Intro 619 the Council Member Justin Brannan who is
introducing it has a district where it's a rampant
ice and snow on sidewalks and just neglectful
business owners. So this is an attempt to try to
rectify that. The violations are \$500 for the first
offense, and it really is like the cost of doing
business more so than it is something that de-
incentivizes folks from not doing the job that

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2 they're supposed to when it comes to clearing the
3 snow. So, I just wanted to make sure that I noted
4 that, and now electric vehicles, my favorite. How
5 far along are we with this pilot or this idea of
6 this--this electric truck, and what are the plans for
7 it, and in relation to snow removal, can it hold the
8 plow and so forth? I just want to generally talk
9 about the potential electric truck here by DSNY.

10 COMMISSIONER GARCIA: We don't have it
11 yet. It is coming, and so, I don't know yet whether
12 or not it will be put to any use during this snow
13 season, but that's part of the reason we would test
14 it is to make sure that it can both pick up and
15 compact garbage as well as plow snow.

16 CHAIRPERSON REYNOSO: When are we getting
17 it, though? Do you have a timeline?

18 COMMISSIONER GARCIA: [interposing] No,
19 it's approved. It takes--it takes a long time to build
20 a collection truck. So, we--it's been--it's a few
21 months away still.

22 CHAIRPERSON REYNOSO: Okay. Well, before
23 the end of the year hopefully.

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2 COMMISSIONER GARCIA: Hopefully, before
3 the end of the year. MAC has not guaranteed that,
4 though.

5 CHAIRPERSON REYNOSO: Okay, we might have
6 a hearing just on the electric truck by the way.
7 That might happen.

8 COMMISSIONER GARCIA: That--that's fine.

9 CHAIRPERSON REYNOSO: According to the
10 MMR, the 2018 MMR, it seems like we've decreased the
11 cost of--of snow removal per inch. It--it--it shows
12 that you had \$3.2 million in Fiscal Year 2017 and
13 \$2.5 million this year. Are we just being more
14 efficient, just cost-effective? Why is it that it's
15 cheaper now or more affordable now to handle snow
16 than it was let's say in 2017? [background comments]

17 COMMISSIONER GARCIA: It's--that is--I
18 would say that's not a terribly good metric because
19 the amount that it costs us per inch is very
20 dependent on the storm. So, if I have a whole lot of
21 little storms where there's not a lot of
22 accumulation, I'm still going to put people on
23 overtime. I'm still going to salt all the streets,
24 and if we have one big storm that's 20 inches, you're
25 not going to--you're not necessarily going to be doing

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2 it for longer than if you have to do it for 10 small
3 storms. So, those 10 small storms are probably going
4 to cost me more than one big.

5 CHAIRPERSON REYNOSO: So, it's just—it's
6 just the metric doesn't necessarily add up I guess.

7 COMMISSIONER GARCIA: Yeah, I don't
8 actually think that it's terribly useful.

9 CHAIRPERSON REYNOSO: Yeah, thank you.
10 It better be the last time we ask that question.
11 [laughs] I want to allow for the—our Council Members
12 to ask questions to make sure that the—they can get
13 to where they need to get to. I want to ask Council
14 Member Vallone first followed by Council Member
15 Cabrera.

16 COUNCIL MEMBER VALLONE: Thank you,
17 Chair. Good morning Commissioner, and staff. Just a
18 couple of quick things prior to the—to the bill. In
19 your testimony, I always take a lot on the things
20 that you bring to us. The department makes
21 operational changes, and adjustments based on the
22 previous season, and you get together. So, are there
23 any upcoming changes based on last year's snow season
24 that you foresee for the boroughs of the city in
25 general?

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2 DEPUTY COMMISSIONER COSTAS: No, for the
3 most part the changes that the Commissioner—the
4 Commissioner mentioned relate to our route revisions
5 to make them more efficient just based on traffic
6 flow, construction, new construction that might
7 affect our ability to navigate the streets. So, if
8 the local district comes back and has a
9 recommendation, our Operations Unit will put it
10 through the test to see if it does make sense, and
11 then we will implement that, and that's an ongoing
12 thing. That always happens every year.

13 COUNCIL MEMBER VALLONE: And your
14 department is great getting out to us when we call.
15 We appreciate that. I think probably one of the
16 consistent themes for a driving district like ours is
17 that the treacherous time between prior to two inches
18 may never reach the two inches. It then rains and
19 sleets because the city is famous for that--that
20 change over time and it's just a very difficult time.
21 Maybe it's not plowing time because of the dangerous
22 conditions on the roads, and that--that tends to hit
23 Northeast Queens more often than not because that's
24 just where we--where we reside next to the water or
25 further out east, but many times the east is

1 targeted. I always put the warning bells out for
2 Northeast Queens because Nassau and Suffolk is going
3 to get hit, which means to me that wasn't base on
4 Whitestone. (sic) So, is-is there any changes on
5 that operational standard of prior to plowing what we
6 can do for salting and sanding, and maybe getting to
7 those roads that are not going to be plowed, but
8 maybe need an additional help, and that's not just my
9 district. That's throughout the city.

11 DEPUTY COMMISSIONER COSTAS: So, any time
12 we see the forecast heading in that direction where
13 the temperatures are going to stay on the lower side,
14 and the potentially create icier conditions, we're
15 going to try and make sure that we are salting all
16 our sectors right from the onset of the snow coming
17 down as well as continuing with that. As always,
18 our—the biggest help is for the public to actually
19 stay off the roads and give us an opportunity to do
20 what we have to so that once we do make complete
21 passes, the—the roads are safer and open for both
22 pedestrian and vehicle traffic.

23 COUNCIL MEMBER VALLONE: So, it's—it's a
24 salting and a grinding, and I know commissioners came
25 out to us and explained that that's—it's—it's—the

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2 procedure of salting and then we'd salt again. So,
3 here is another question we get all the time. So,
4 with the portal that you've opened, what's the best
5 way for someone who is experiencing that condition
6 whether it's on a local street or a main street, it's
7 happening, and it's usually 10:00, 11:00 or 12:00 at
8 night where the shift is not--what's--what's your
9 advice then for someone who has that issue in front
10 of their house?

11 DEPUTY COMMISSIONER COSTAS: We're
12 coming. We will continue to re-ride the--continue to--
13 ride the routes and make sure that they are down to
14 blacktop as close as possible, and they can call 311
15 and they can also obviously put in a complaint there,
16 but while we monitor--

17 COUNCIL MEMBER VALLONE: [interposing]
18 With such a complaint, I think it's just noting. Hey
19 I have a condition, a stricken house.

20 DEPUTY COMMISSIONER COSTAS: Right.

21 COUNCIL MEMBER VALLONE: We need to get
22 schools. You know, it's always a priority for in the
23 morning on a night like that to make sure that our
24 crossing guards and our parents can get across.

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DEPUTY COMMISSIONER COSTAS: Part of our

typical net operation in our second 12-hour shift

will be also if we know schools are open the next day

to make sure that we've driven through them to make

sure. A lot might need attention so that when their

children get to the school, they have safe passage to

the curb. So, we do take that into account.

COUNCIL MEMBER VALLONE: Okay, and I

appreciate, it and I think that's always going to be

our, the tough gray areas in between a large storm.

It's kind of easier almost to-to prepare for that as

it is the smaller ones that tend to cause-

DEPUTY COMMISSIONER COSTAS: [interposing]

Also temperature--

COUNCIL MEMBER VALLONE: --chaos for our

tenants.

DEPUTY COMMISSIONER COSTAS: --plays a key

role in that.

COUNCIL MEMBER VALLONE: You know, on-on

the bill I'm always one of those that hesitate to

raise fines unless we have an issue. This is raising

first time offenses also, and I'm always someone that

thinks so much to give a grace period on the first

time, but if someone is a--is a bad neighbor or a

1
2 repeat offender, I'm all in. Throw the book at them,
3 but I just wanted to get your thoughts on first-time
4 offenders and what you guys are seeing as that's more
5 of the problem, but I'm—I'm not a big fan of first
6 time offenses.

7 DEPUTY COMMISSIONER COSTAS: I think that
8 it's been a longstanding practice that we—both
9 residents and businesses have that responsibility to
10 the public because of the potential hazard that it
11 creates by not doing their responsibility. The
12 interesting part of that, though---

13 COUNCIL MEMBER VALLONE: [interposing] Is
14 there a warning procedure? Can that be used as a
15 discretion at all? Is it—it's if they're willing to
16 getting the fine?

17 DEPUTY COMMISSIONER COSTAS: More times
18 than not, we are giving them ample time. At the end
19 of a snowstorm we will start putting out the word
20 that we will be coming around to issue summonses if
21 they have not done their job in terms of clearing the
22 sidewalk so--

23 COUNCIL MEMBER VALLONE: [interposing] Do
24 landlords get notice of any changes? Is there notice
25 requirement now to small businesses and larger

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2 businesses to say this is the city rules and regs
3 what they are today, and they actually will be
4 changed?

5 DEPUTY COMMISSIONER COSTAS: No.

6 COUNCIL MEMBER VALLONE: I think I try
7 not to hand these (sic) because when I do on my small
8 business that's--that's--I'm always curious as to what--
9 what's happening and in what respect it is coming. I
10 might not be, but if we do pass this law, or just
11 maybe get an update on--on current landlord
12 responsibilities in New York, that might not be a bad
13 idea.

14 DEPUTY COMMISSIONER COSTAS: Well, we
15 currently have the coded digest, which does also
16 identify responsibility for businesses in terms of
17 snow and ice removal.

18 COUNCIL MEMBER VALLONE: Does that get
19 into it?

20 COMMISSIONER GARCIA: Well, we hand it
21 out at events or when we're out in neighborhoods, but
22 we can certainly provide it to your community. So,
23 we have I would say eight prettier sort of high level
24 flyer and then we have the more indepth code of all

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2 of your responsibilities as a business owner, but I'm
3 going to be a little-

4 COUNCIL MEMBER VALLONE: That's a good
5 point you made a notice requirement. If we change
6 this or anything it's probably not the end of the
7 world whether it's online or through the mail of some
8 sort.

9 COMMISSIONER GARCIA: So, the bid--so I
10 would just put it out there that I think snow and ice
11 is different because snow and ice the one thing that
12 happens when you end up with snow and ice is that
13 people actually get really hurt. They fall pretty
14 easily on ice. I mean I ended up with--one of my
15 senior staff was walking to a meeting and someone
16 hadn't done the sidewalk. She fell. She broke her
17 hip. So, I feel like this is not an area where we
18 want to have oh, you need a warning. You really, you
19 get four hours after the last--like, you know, in the
20 morning or in the afternoon, before you have--we are
21 going to come and find you, but it is really
22 something we think is important that gets done. This
23 is a heavy pedestrian city, and it's an older city.

24 COUNCIL MEMBER VALLONE: [interposing]
25 There's--there's always examples. There's always

1 scenarios, and I get them all the time where maybe
2 it's you own a business, I own a business, she
3 shoveled, I shoveled, she did it the other way.
4 Clearly you're going to do better than I am because
5 that's way it's going to happen. The snow plow came
6 and covered the part—the sidewalk in front after I
7 just shoveled this. There are exceptions, and I—I
8 don't think this allows for that, and—and I think
9 it's just the nature of being a small business owner
10 in the city where we're constantly—I know this has
11 changed, but it's the plight of maybe the inspector
12 goes out to differentiate between a chain and a small
13 business. Maybe someone has got six stores. Maybe
14 you've got seven now. They give them the fine anyway.
15 I just—I just want there to be a notice, some caution
16 and obviously if there is a repeat offender, then
17 that's not the person we're talking about here, and
18 never—but sometimes it's the repeat offenders that
19 punishes all the other folks that get stuck with hey
20 how did I get this fine? I do everything. I get up
21 at 6:00 in the morning. I have a—I think we just
22 have to be conscious of the balance. That's all.

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24 COMMISSIONER GARCIA: Okay.
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COUNCIL MEMBER VALLONE: Thank you, Chair
for that.

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CHAIRPERSON REYNOSO: Thank you and I'll
bring those concerns to Council Member Brannan and
maybe we maintain the first offense at the same
level, and the just subsequent ones increase
significantly to—to help address that, and it gives
them that information, but you maintain it at \$500
and not go up to \$1,000, and then just make the other
ones slightly higher. I'll definitely bring that to—
to—to the Council Member. As all of our bills they
never—they are never written in stone until they're
actually written in stone. So I'm looking forward to
seeing what his thoughts on that are. We've also
been joined by Council Member Deutsch from Brooklyn,
but I'm going to have Council Member Cabrera ask some
questions.

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COUNCIL MEMBER CABRERA: Thank you so
much to the Chair and—and to—let me just echo our
support also for the first offense to be kept at
\$500. Commissioner, first I want to thank you. I
want to thank you because last year you guys did a
phenomenal job in my district and also whenever we
call upon there's a quick response. If there's a

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2 particular street, then it's got our attention. So,
3 thank you for the great job. I have several
4 questions. I know—I've been hearing the weather
5 forecast recently, are expecting less than wintry
6 snow season. Does that affect your decision making
7 in terms of how much salt do you buy? Can—I know you
8 have some storage. I see that sometimes when I'm
9 driving. Do you—do you put on them on reserve
10 knowing that you could buy some more quickly. How—
11 how does that work?

12 DEPUTY COMMISSIONER COSTAS: So,
13 currently, we have about 300,000 tons of salt and--

14 COUNCIL MEMBER CABRERA: [interposing]
15 Can I see it? I'm just kidding. [laughs]

16 COMMISSIONER GARCIA: But we have
17 requirement contracts that enable us to purchase an
18 additional—up to 600,000 if necessary. So, we like
19 going into the season fully stocked at all of our
20 locations, and then after every event, we then have
21 deliveries being made to try and always keep that
22 stockpile going.

23 COUNCIL MEMBER CABRERA: And now much
24 snow do you need—do you need per average snowstorm.

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2 DEPUTY COMMISSIONER COSTAS: [background
3 comments]

4 COMMISSIONER GARCIA: So, so the—so just
5 to put in perspective, on average the city receives
6 in the high 20-inch range of snowfall. We had 40
7 last year. So, and it didn't end until April, but
8 just to also put it in context, believe nothing that
9 you read from meteorologists until it actually
10 happens.

11 COUNCIL MEMBER CABRERA: I got you.

12 COMMISSIONER GARCIA: And so our—the way
13 that we think about going into a snow season is that
14 we will assume that the worst will happen.

15 COUNCIL MEMBER CABRERA: That's good. I
16 like to hear that. How many of the tickets get—do
17 the—the tickets go to OATH, right?

18 COMMISSIONER GARCIA: To ECB.

19 COUNCIL MEMBER CABRERA: Okay, so how
20 many of those tickets get dismissed?

21 COMMISSIONER GARCIA: I don't have that
22 number on the top of my head, but on average about in
23 the high 80s of ours are—are upheld.

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COUNCIL MEMBER CABRERA: Okay. When

somebody gets a ticket are there pictures that are
taken?

COMMISSIONER GARCIA: No.

COUNCIL MEMBER CABRERA: So, it's one

where I mean somebody says hey and how do—how do we
know that the business owner didn't take a picture
after this snow run and they go to court and say,
hey, you know, I had cleaned it, and maybe they went
to the wrong business.

COMMISSIONER GARCIA: I—I don't know how

they—what their—what their defense is of their
ticket, but you know, we go through the same
procedures we go with any other enforcement action.
There's the enforcement agent will write the ticket
and it is based on their visual representation of
what they see.

COUNCIL MEMBER CABRERA: Okay, what's the

average time to respond to a complaint during a
snowstorm? They say enough street that you would
plow, and they call 311?

DEPUTY COMMISSIONER COSTAS: We're trying

to get to every street and run through the routes in
a 2-hour segment. The completion time is not always

1 based on what the conditions, but we certainly do try
2 to address everything and continue to readdress them
3 as—once we've completed the routes

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5 COUNCIL MEMBER CABRERA: How many of your
6 tickets are first timer versus second time or the
7 third time? Do you have that data?

8 DEPUTY COMMISSIONER COSTAS: We do have
9 it.

10 COMMISSIONER GARCIA: I do have that
11 data.

12 COUNCIL MEMBER CABRERA: Can you get us
13 that data?

14 COMMISSIONER GARCIA: [interposing] Yeah,
15 sure we can follow up.

16 COUNCIL MEMBER CABRERA: Because I find
17 it kind of interesting that--

18 COMMISSIONER GARCIA: [interposing] I'll
19 see whether or not we can pull it. I don't—I'm
20 assuming that that is something we can pull out of
21 the databases, but we are happy to provide anything
22 we have.

23 COUNCIL MEMBER CABRERA: I'm sure also
24 OATH could help with that because--

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COMMISSIONER GARCIA: [interposing] Yeah,
E-C-it all goes into the ECB computer system.

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COUNCIL MEMBER CABRERA: How would a-I'm
asking you because I really don't know the answer to
that. How would an inspector know if it's a chain
business?

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COMMISSIONER GARCIA: So, I mean just in
terms of that, we wouldn't know today. So, if this
bill moved forward we would have to do some back-end
data collection so that that information would be
available on their handheld. COUNCIL MEMBER CABRERA:

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COUNCIL MEMBER CABRERA: I got you. How
do you--how do you determine--and this is my last
question--the distribution of trucks how many you put
in the Bronx versus Staten Island, Manhattan. In
every borough there's things that they don't enough,
right? I would say Manhattan gets the most.

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COMMISSIONER GARCIA: No, we do an
equitable--equitable breakdown based on mileage per
route. So, each location receives fairly an equal
number of trucks to the mileage for that area.

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COUNCIL MEMBER CABRERA: I got you. Well
thank you so much, and thank you for all your hard
work that you do. I'm looking forward to another

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1 sequel to last year's borough cleanup, snow removal.
2 Thank you so much. Mr. Chair, thank you.

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4 CHAIRPERSON REYNOSO: Thank you Council
5 Member Cabrera. Just a heads up, there is a bill
6 that has been introduced related to having proof by
7 inspectors or supervisors of whether or not there is
8 trash or snow removed from-from a person's property.
9 I'm hoping that with supervisors and handhelds that
10 might be something we could operationally do in the
11 future.

12 COMMISSIONER GARCIA: There are no
13 cameras on the handhelds.

14 CHAIRPERSON REYNOSO: Well, we'll-we'll
15 get you some cameras, and I'm not saying--

16 COMMISSIONER GARCIA: [interposing] Use-
17 use your-your own phone. (sic) It would be easier.

18 CHAIRPERSON REYNOSO: --there. I'm just
19 saying this is-this is, by the way, that conversation
20 has been something that runs through the City Council
21 constantly. It's not something that's, you know,
22 left, right, Bronx, Brooklyn. It's across the board.

23 COMMISSIONER GARCIA: Uh-hm.

24 CHAIRPERSON REYNOSO: Folks rally feel
25 that it's hard. My word against yours, and it's

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2 almost like the inspectors will always win, and just
3 some type of proof that there is debris and so forth,
4 would do a long way to making people feel like it's
5 justified, and we'll see if we hear that bill in the
6 future, but we want to talk to you about it before we
7 do that to make sure that you feel that there's
8 operation there possibly. What—we're onto to Council
9 Member Cabrera. We have Council Member Deutsch, and
10 we have been joined by Council Member Espinal from
11 Brooklyn as well.

12 COUNCIL MEMBER DEUTSCH: Thank you,
13 Chair, and congratulations, Commissioner, another
14 role. So, we all know you can multi-task. So,
15 congratulations on that.

16 COMMISSIONER GARCIA: Thank you.

17 COUNCIL MEMBER DEUTSCH: That's very
18 good. That's very nice to know. So, I wanted to ask
19 you firstly on pedestrian island. So, if pedestrian
20 islands are implemented by the Department of
21 Transportation to make it safer for people to cross
22 over the—the streets. So, firstly, do you know how
23 many pedestrian islands there are in New York City?
24 Number one, number two, is what are your plans during
25 the snow season on—for pedestrian islands, and number

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2 three is that once you tell me where you find that
3 you think that is effective.

4 DEPUTY COMMISSIONER COSTAS: So, I do not
5 know the total number of pedestrians islands that
6 are--currently have been installed. We have a
7 regular communication back and forth with DOT. We
8 are meeting with them actually next week to go over
9 the most recent ones that have been installed to
10 ensure that they've given us enough lane width for us
11 to be able to pass through with the plow, and that's
12 an ongoing conversation that we have with them to
13 make sure that we're able to, you know, easily
14 navigate the road.

15 COMMISSIONER GARCIA: And then in terms
16 of clearing those--those would be [coughs] after we
17 have we have completed, the streets would be in the
18 same tier of bike lanes, pedestrian overpasses, step
19 streets and so we use a combination of our skid
20 steers as well as shovels depending on what--what we
21 have available.

22 COUNCIL MEMBER DEUTSCH: So, like how
23 fast do you think that is like after a snow when the
24 snow--is it when the--after the snow fall? Like how
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2 soon after that do you clean those areas, and what is
3 your manpower on that?

4 COMMISSIONER GARCIA: It's going to--it's
5 going to--

6 COUNCIL MEMBER DEUTSCH: [interposing]
7 Because I see that the bus stops, you know, to all
8 the new SBS buses and everything there, you could
9 stay with for--until the summer until it gets warm and
10 everything melts. So, it's not that effective, but is
11 it--is it a question of manpower or like what are your
12 plans on maybe increasing that manpower throughout
13 the city because you don't always get enough people
14 through manual labor over the winter months because I
15 know we all get complaints throughout the year
16 especially for the bus stops.

17 COMMISSIONER GARCIA: Well, we--we usually
18 do not do the bus stops. That is done by a DOT
19 contract, but in terms of any of the quality of life
20 it's what we determine it, it's going to very much
21 depend on where the temperatures are, and what the
22 amount of snow is on how fast we are. If it turns to
23 ice, we are significantly slower than when it is
24 white and powdery but we will stay on it until it is
25 complete, and we will hire some laborers should we

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2 need them. That registration has already started at
3 all of our garages and online as well as at DOT
4 garages

5 COUNCIL MEMBER DEUTSCH: So, what is the
6 difference between the pedestrian islands and the MTA
7 stops that one is a contactor for DOT, and pedestrian
8 islands are not?

9 COMMISSIONER GARCIA: Because that was
10 part of their contract with the bus stop for
11 shelters.

12 COUNCIL MEMBER DEUTSCH: Uh-hm. Okay, on
13 another note--

14 COMMISSIONER GARCIA: [interposing] We
15 still do the bus stops that are not shelters, and we--
16 and we will attack all the crosswalks as well. So,
17 crosswalks sort of are the same as pedestrian
18 islands.

19 COUNCIL MEMBER DEUTSCH: So, what--what
20 was the response time for, if you call 311?

21 COMMISSIONER GARCIA: On a--well, we
22 would--probably that would not be prioritized over a
23 street condition. So, it's going to be very
24 dependent on where are within a storm.

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2 COUNCIL MEMBER DEUTSCH: Okay, that's—I
3 think that we definitely need to figure that out
4 because it should—it should all be the same. Ice is
5 ice. You don't discriminate. Secondly, you did
6 mention that you have conversations with the
7 Department of Transportation. So, my question is do
8 they give you any unresolved ponding conditions that
9 affect handicapped ramps of the areas that they—it
10 usually takes them quite a while to fix any ponding
11 conditions, and I'll give you an example. In my
12 district on East 18th Street, Bay Avenue and Avenue M
13 there's been major, major ponding conditions there
14 and it still has not been resolved over the last four
15 years, and every time—every time there's ponding
16 there and turns to ice, it's extremely dangerous and
17 people slip and fall.

18 DEPUTY COMMISSIONER COSTAS: It's
19 possible that the local district if it is a on-
20 ongoing problem is aware of it, and knows to already
21 address it, but we'll certainly document that and
22 make sure that the garage is aware.

23 COUNCIL MEMBER DEUTSCH: Great, if you
24 could do that, yeah, and East Bay Avenue and Avenue
25 M. Finally, I just have one more thing. We just

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2 raised the fines on illegal dumping not too long ago,
3 which is great. If someone throws trash out the
4 window, someone dumps illegal-illegally on the
5 streets. So, the fines are raised, but without the
6 manpower, the-the fact that we're raising the fines
7 are meaningless because we don't have enough
8 enforcement to tackle and to tackle those issues.
9 So, we're talking about now the bill that-Intro 619
10 of raising the fines to-to change those to-to-to the
11 commercial stores. But, do you have-do you feel we
12 have a sufficient amount of agents that can go out
13 there and tackle all the complaints that you receive,
14 and be proactive to-to check out these stores?

15 COMMISSIONER GARCIA: I think-we have a
16 larger force of enforcement agents than we do for the
17 illegal dumping complaints, and so we do think that
18 we have the capacity after a storm to be able to
19 write summonses against folks who do not shovel their
20 sidewalk.

21 COUNCIL MEMBER DEUTSCH: How many people
22 do you have for that?

23 DEPUTY COMMISSIONER COSTAS: [background
24 comment]

25 COMMISSIONER GARCIA: About 250 people.

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COUNCIL MEMBER DEUTSCH: So, 250 who write summonses.

COMMISSIONER GARCIA: Who would write summonses. It's different than people who write the illegal dumping.

COUNCIL MEMBER DEUTSCH: Oh, so it's--it's a different--?

COMMISSIONER GARCIA: [interposing] It's a separate--it's a separate union.

COUNCIL MEMBER DEUTSCH: Okay, I think that it is. If you can just follow up on those questions, and I thank you very much.

CHAIRPERSON REYNOSO: Thank you, Council Member Deutsch, and I just have a couple more questions, and we actually do have someone who wants to speak shortly after this. Just in--in regard--in regards to the training that happens right before the snow, I think some people already saw some charts of plows. So, can you just speak to what's happening so that people don't freak out. We--I don't think we even got--

COMMISSIONER GARCIA: [interposing] Victory is coming.

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2 CHAIRPERSON REYNOSO: --fall it was like
3 summer straight to winter, and when they see the
4 plows they get nervous. Can we just talk about what
5 training is? What's happening there? Yes.

6 DEPUTY COMMISSIONER COSTAS: Yeah, okay.
7 So basically what we started is on Sundays. We've
8 been doing two different shifts with an average of
9 800 people per shift getting training, and part of
10 that training as the Commissioner mentioned is
11 actually going over the basic operation of the salt
12 spreading equipment, making sure they understand how
13 to put on plow, put on chains. Then we actually give
14 them instruction on the new Magellan units that are
15 in the spreaders, which will help them with turn-by-
16 turn direction on their routes, and then we actually
17 send them out to the street so that could ride the
18 routes and get familiar with them with the district
19 that they were assigned, and then at the end of the
20 day when they come back in, we go over with them in
21 terms of progress, how they were able to navigate,
22 and if there were any questions, then go over them at
23 that point. And we do that for all Sanitation
24 workers that are assigned to the field. They will
25 attend it.

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2 CHAIRPERSON REYNOSO: And the Magellan
3 units are new this year?

4 DEPUTY COMMISSIONER COSTAS: The Magellan
5 units are now outfitted with turn-by-turn direction.
6 So, which is nice to have for the individuals who
7 potentially might go out of town and not be familiar
8 with an area that they're working on. So, rather
9 than having a pickup or route.

10 COMMISSIONER GARCIA: It's for those of
11 us who are like from Brooklyn where there are grades
12 who get sent out to Eastern Queens where there are
13 not.

14 CHAIRPERSON REYNOSO: We can say this
15 all--this is all about Queens, and I know it because
16 with the 60th Lane, 60th Street, 60th Avenue and 60th
17 Place we got it.

18 COMMISSIONER GARCIA: Yeah.

19 CHAIRPERSON REYNOSO: It's very difficult
20 for low--

21 COMMISSIONER TOOLE: [interposing] It's
22 very challenging for those of us who were not born
23 and raised in Queens.

24 CHAIRPERSON REYNOSO: Yes, it is. I
25 don't know how anyone gets around Queens.

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COMMISSIONER GARCIA: But-but the

Magellans that we--so we had them in our spreader
fleet. Last year we expanded it to all of the plow
fleet.

CHAIRPERSON REYNOSO: That's--how--how has
it been so far with the first round of trainees I
guess and the turn-by-turn? Is it--does it look like
it's something that's been helpful?

DEPUTY COMMISSIONER COSTAS: It's been
positive feedback. The--the--the workers are happy to
have it as--if they're not familiar with the area
obviously it's, you know, it would be a new job
(sic)for them.

CHAIRPERSON REYNOSO: Well, I have--the
rest of my questions were answered during your
testimony. So I really appreciate that. So, I think
we're--we're good to go, and are there are any more
questions with--from the Council Members? It doesn't
seem like there is. So, thank you, Commissioner.
Thank you Deputy Commissioner. I appreciate your
time. We have one speaker related to Intro No. 619,
Loris Mandel--Mandelker (sp?), if you could come up.
[pause] [background comments] Okay, whenever you're
ready, you can begin your testimony. [background

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2 comments] Is the red light on? Is there a red
3 light. Now go. Yeah. Now, just put it towards you
4 a little closer towards your mouth. There you go.
5 [pause]

6 LORIS MANDELKER: Okay, Chairperson
7 Reynoso and members of the committee. I represent
8 NYMRA the New York Metropolitan Retail Association,
9 an organization of national chain retailers with
10 stores in the city. Thank you for providing us with
11 an opportunity to discuss this bill with you.
12 Administrative Code 16-123 requires a business having
13 charge of any building abutting the street where the
14 sidewalk is paved to remove snow, ice, dirt or other
15 material from the sidewalk or gutter within four
16 hours excluding the period from 9:00 p.m. to 7:00
17 a.m. If the snow ice is frozen too hard to remove
18 without damaging the pavement, the business is
19 required to strew ashes, sand, sawdust or the like on
20 the sidewalk. Violations are punishable by fines up
21 to a maximum of \$350, imprisonment for up to 10 days
22 or both. The City can also remove the snow, ice or
23 dirt and charge the business for the cost of the
24 material. Apparently, the sponsors believe that the
25 current level of fines is insufficient to deter

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2 violations of Section 16-123. However, and this is
3 very significant. No data has been presented to this
4 committee. No data has been issued, no data appears
5 even to be available that would demonstrate that
6 chain businesses such as NYMRA's members are the
7 source of the problem as opposed to schools,
8 universities, hospitals, government or even other
9 large non-chain businesses such as operators,
10 managers of large office or multi-family buildings,
11 hedge funds, investment banks, large cap public
12 corporations, and the like. NYMRA's members are
13 retailers. Retail is the fourth largest source of
14 jobs in the city following financial services,
15 healthcare and professional technical services, but
16 unlike those sectors, our jobs are open to all who
17 have years of training and certification, and no
18 educational barriers to prevent a stock clerk from
19 rising to the highest level of management. We make
20 money when our customers, your constituents have
21 access—safe access to our stores. It is to our—it is
22 in our interest to keep our sidewalks clean. All of
23 your constituents are our customers. We are forced
24 to operate on small profit margins that are sensitive
25 to every cost and expense that government and the

1 market impose on us. Either we pass the cost onto
2 our customers or we lay employees off in our brick
3 and mortar stores and increase online operations.
4 We've been warning about this for years, and it has
5 now come to pass. The cost of this bill will fall on
6 our customers, your constituents, the city's
7 taxpayers and our employees also your constituents.
8 Intro 619 will unduly burden Members—NYMRA's members
9 without having correspondingly a negative effect on
10 the problem the bill purports to address.

12 Accordingly, NYMRA opposes adoption of the bill.

13 CHAIRPERSON REYNOSO: So, thank you for
14 your testimony. I just want to ask one question.
15 So, if we don't raise the initial fine ore we
16 maintain it the same, and increase every subsequent
17 fine, then we're really going after the—what we would
18 consider that--the bad players or the people just not
19 doing the job or the work. And this is also accost
20 that is—that is preventable, right. Should they do
21 their job there should never be a problem or a worry
22 for any business if you plow the—the snow or if you
23 remove the snow from the sidewalk. But it has a
24 significant—significant affect to pedestrians when
25 they're moving about the block. So, I just want to

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2 know it's preventable. It's very dangerous if it
3 stays the same. If we maintain the original fine at
4 \$500 and increase every subsequent fine, we're only
5 really going after the bad, bad players. What your
6 take on that is.

7 LORIS MANDELKER: My take is that you're
8 conflating chain retailers the bad players, and that
9 hasn't been demonstrated. If you want to go after
10 bad players, go after bad players, but identify who
11 the bad players are, and exclude people who are not
12 bad players. That's the only problem that we have
13 here. If there was data that showed that retail
14 chains are the ones that are causing this problem,
15 and you had detail. The Commissioner, she's a great
16 commissioner. They don't have any statistics. The
17 tickets go to an address. They don't know if it's
18 business, if it's a resident, if a first offense, if
19 it's a second. Nobody know. It's all anecdotal and
20 I have great respect for Commissioner Garcia, but
21 when she says in her testimony I've heard from a
22 number of people that there are chains that don't
23 clean their sidewalks. If I were every to tell that
24 you—testify something like that, you would skin my
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2 hide for, you know, using an anecdotal data if I
3 could call it that. So, that's my problem.

4 CHAIRPERSON REYNOSO: [interposing] Okay.

5 LORIS MANDELKER: It's a good—think this
6 bill is well intentioned, but it's too broad, and
7 under-inclusive also because you're not going to
8 solve the problem because it doesn't really address
9 the problem.

10 CHAIRPERSON REYNOSO: Okay, well, I
11 don't' think anyone else has any more testimony.
12 Yeah.

13 COUNCIL MEMBER DEUTSCH: Yes so--

14 CHAIRPERSON REYNOSO: Council Member
15 Deutsch.

16 COUNCIL MEMBER DEUTSCH: Yeah, thank you.
17 So, I just wanted to explain to you—I have a number
18 of chain stores in my district and the mom and pop
19 stores if I walk into a store I could either find a
20 manager that cares or I could find the business owner
21 because they're small—they're small mom and pop
22 stores. When I walk into a CVS or a Rite Aid, they
23 don't care. They're not paying the fine, and it's
24 very hard to actually contact someone who's
25 responsible for that chain store for me to explain to

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2 them that the sidewalk needs to be clear. So, you
3 know, if I had an easy time getting a hold of someone
4 in a chain store and say listen, your sidewalk hasn't
5 been shoveled for two days, and it's all icy and then
6 they would come out and do something about it, that's
7 one thing. I cannot get a hold of anyone who runs a
8 chain store who's—who's going to take responsibility.
9 It's just like when have a shoplifter in a—in a chain
10 store, they usually let the shoplifter go because
11 they don't want to do anything in order to stop or
12 risk their lives or try to stop someone because it's
13 a chain store. You know, it happens. The cost of
14 doing business. The \$500 fine is a cost of doing
15 business. The \$5,000 is—it—it hurts your pocket a
16 little bit, and then someone might care then. So,
17 the difference is that a mom and pop store unable to
18 contact someone to find someone to come out there
19 because they don't want to get hurt with the fine,
20 and the chain stores you can never get a hold of
21 anyone. You try. Pick up your phone now. Try
22 getting a hold of someone in the chain store that
23 really is going to give you answers.

24 LORIS MANDELKER: I suspect that I would
25 be able to do it, but that's because it's me.

1
2 COUNCIL MEMBER DEUTSCH: Exactly. Well,
3 I just wanted you to say that for the record. Thank
4 you. [laughter]

5 LORIS MANDELKER: But I can't comment on
6 your individual experience, and I don't doubt your
7 individual experience at all, but our people whom I
8 talk with because I don't represent a single chain.
9 I represent a bunch of them. This is not how a store
10 should be run. There should be a manager here who
11 would want to keep sidewalks clear and safe.

12 COUNCIL MEMBER DEUTSCH: Exactly, and if
13 that—and if that happens--

14 LORIS MANDELKER: [interposing] Because
15 that's how we make money.

16 COUNCIL MEMBER DEUTSCH: And if that
17 happens like the Chair mentioned, then you won't get
18 a fine.

19 LORIS MANDELKER: And so therefore, the
20 issue isn't a bill. The issue is for me to go back
21 and talk to the CVS- CVS people and say, you know, we
22 are getting this complaint from a distinguished
23 council member that people complain about snow and
24 nobody—nobody cares, nobody responds. That should be
25 the--

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COUNCIL MEMBER DEUTSCH: [interposing]

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Well, is this the first time you're hearing our

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position?

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LORIS MANDELKER: Yeah, well, me, yes, of

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course.

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COUNCIL MEMBER DEUTSCH: Well, that

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communication then because I've been complaining and

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if you haven't heard anything from my district that's

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coming back to you, then there's a bad communication

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between you and the people responsible.

12

LORIS MANDELKER: Again, keep in mind

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that I represent--

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COUNCIL MEMBER DEUTSCH: [interposing]

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Well, why does it have to come through--

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LORIS MANDELKER: --I represent an

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association.

18

COUNCIL MEMBER DEUTSCH: Yeah, but why

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does it have to come to a bill for you to come in

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here and to--and to defend them? This should have

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been done a long time ago or this bill wouldn't have

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been drafted.

23

LORIS MANDELKER: But now that we're

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here, and we have--we have the communication we

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1
2 understand what the issue is, there is an easier way
3 to solve the issue than this bill.

4 COUNCIL MEMBER DEUTSCH: Thank you.

5 CHAIRPERSON REYNOSO: Thank you, Council
6 Member Deutsch. Council Member Cabrera.

7 COUNCIL MEMBER CABRERA: Thank you so
8 much to the chair. I-I am actually sympathetic to
9 what you're saying. Number one, there is no data.
10 We heard that there's no way to distinguish. I think
11 possibly I think the thought behind this bill is to
12 chain stores can possibly ignore it because \$500 is
13 not a lot for them, and so I think perhaps that's
14 what I've heard, you know, in-in discussions. So,
15 think that might be the impetus, but I tend to think
16 that chain stores have a bigger incentive to clean
17 the sidewalk. You mentioned one, which is you want
18 business. So, the bottom line to make money for
19 those businesses, but I think even a big-perhaps a
20 bigger one is lawsuits. Somebody doesn't clean the
21 sidewalks, somebody trips. You know, you sue. I
22 would imagine chain stores-well, first of all,
23 they're a big target for lawsuits. So, I would
24 imagine that would be an incentive. I-what I'm
25 really looking for-the chair mentioned earlier and I

1
2 do hope Mr. Chair—and thank you for your leadership
3 in this—that we do have a hearing with pictures on
4 the camera. So it keeps it honest because right now
5 there is no way other than if you have cameras in
6 the front to—to verify whether they were clean or
7 not. There's now way to verify whether they cleaned
8 it, did not clean that. And so I'd like to keep it
9 on just like we have, police cameras now and keeps it
10 honest both ways. I think this might be a good way to
11 go about it. I, you know, I do agree that first fine
12 should be kept the same, but there is no data. I
13 concur with you to show how many. We really don't
14 know. I—I would imagine somebody who wants to take
15 the time could know, but they could contact OATH, and
16 gather all the addresses of all their fences, and be
17 able to determine, you know, were—who are the
18 biggest, you know, who's guilty here. Maybe somebody
19 wants to take the time to do that, and I think it
20 might be worthwhile.

21 LORIS MANDELKER: So, one of the things
22 that I talked about, you know, I used the word under-
23 inclusive when I testified, and the reason that I
24 used that is what would happen? Here's a
25 hypothetical. The bill passes. It applies to chain

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2 stores, and then it doesn't solve the problem because
3 there are lots of other large business and large
4 residential violators, and that's what I'm saying.
5 If you're going to put the burden on the chain
6 stores, at least do it because you're going to be
7 accomplishing some worthy goal. To put the burden
8 without accomplishing the goal, that's—that's really
9 the message that we're saying to you. Don't do that.
10 Accomplish the goal, figure out how to accomplish
11 the—how to accomplish the goal.

12 COUNCIL MEMBER CABRERA: Yeah, and—and
13 there's no equity. All of these apartment buildings
14 here are used to cover, you know, half a block and
15 perhaps even a block, and they, you know, they cover
16 perhaps a longer space that, you know, small chains
17 of businesses. So, I hear you. I think that we need
18 too look into this bill and see how we could have a
19 more equitable way of going about it. Thank you so
20 much.

21 CHAIRPERSON REYNOSO: Thank you, Cabrera.
22 I just heard you endorse the bill if everyone gets
23 the fine. That's what you want. That's what I'm
24 hearing. So, we want to be inclusive of all. We
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don't want to have no equity. So, I'll take that

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back to Justin Brannan

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LORIS MANDELKER: [interposing] If you're

asking me as—as a matter of policy whether you can

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raise funds so that it's a deterrent to large scale

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violators, that's—that's not a concept that's unknown

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to mankind. What I'm saying is what you're doing is

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unfair because it's ineffective.

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CHAIRPERSON REYNOSO: Well, I really

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appreciate your time. I'm happy you came here, and

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engaged with us. We'll definitely take all your

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testimony and all your—and your testimony to Justin

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Brannan, and we'll look this over again and see if

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that is an opportunity for modification.

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LORIS MANDELKER: And we're happy to meet

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with him.

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CHAIRPERSON REYNOSO: Yeah, and I'll be

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sure to have your contact information here, and be

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sure to let him know, but I really appreciate your

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time also.

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LORIS MANDELKER: Thank you.

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CHAIRPERSON REYNOSO: It's a pleasure to

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meet you.

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COMMITTEE ON SANITATION AND SOLID WASTE
MANAGEMENT

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LORIS MANDELKER: Thank you very much for
your courtesy.

CHAIRPERSON REYNOSO: Okay. Well, thank
you all, and at this moment the Committee on
Sanitation is now adjourned. [gavel]

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 November 12, 2018