

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

STATED MEETING

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August 14, 2008

Start: 1:30pm

Recess:

HELD AT: Council Chambers
City Hall

B E F O R E:
MADAM PUBLIC ADVOCATE
Chairperson

COUNCIL MEMBERS:
Joseph P. Addabbo, Jr.
Maria del Carmen Arroyo
Tony Avella
Charles Barron
Maria Baez
Gale A. Brewer
Anthony Como
Leroy G. Comrie, Jr.
Bill de Blasio
Inez E. Dickens
Erik Martin Dilan
Mathieu Eugene
Simcha Felder

A P P E A R A N C E S

COUNCIL MEMBERS:

Lewis A. Fidler
Helen D. Foster
James F. Gennaro
Vincent J. Gentile
Alan J. Gerson
Eric N. Gioia
Sara M. Gonzalez
Vincent Ignizio
Robert Jackson
Letitia James
Melinda R. Katz
G. Oliver Koppell
Jessica S. Lappin
John C. Liu
Melissa Mark-Viverito
Miguel Martinez
Michael E. McMahon
Darlene Mealy
Hiram Monserrate
Michael C. Nelson
James S. Oddo
Annabel Palma
Christine C. Quinn, Speaker
Domenic M. Recchia, Jr.
Diana Reyna
James Sanders, Jr.
Larry Seabrook
Helen Sears
Kendall Stewart
James Vacca
Peter F. Vallone, Jr.
Albert Vann
David I. Weprin
David Yassky

A P P E A R A N C E S

Iman Malik Hussein

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2 FEMALE VOICE: Testing. Today's
3 date is August 14, 2008. This is the stated
4 hearing and it's recorded Yvette Molina.

5 SPEAKER, CHRISTINE C. QUINN: If
6 Council Member Melissa Mark-Viverito could come
7 up. We have one ceremonial today. If we could
8 ask the folks who are representing the memory of
9 Audrey Smith-Campbell to join us up front.

10 Today we are honoring and
11 remembering the memory of Audrey Smith-Campbell.
12 Some of us knew Ms. Campbell, many of us certainly
13 knew the struggle that Ms. Campbell was a part of.
14 She was part of a borough wide , city wide effort
15 to get the Kingsbridge Heights Rehabilitation and
16 Care Center to treat its workers fairly. And the
17 situation there is so outrageous as it relates to
18 people caring for sick people, whelping them
19 trying to get well, help others die with dignity
20 and the workers not being paid, the workers being
21 mistreated. The situation is so outrageous that
22 the woman who owns and runs the facility was
23 recently arrested and put in jail because of the
24 degree to which she has disregarded her workers
25 and the law.

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[Applause]

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And we have our attorney general to thank for that. But most importantly we have 1199, its members and people like Ms. Campbell to thank for that. Because they, and I've been with them at some of these, have walked endless hours on picket lines, held numerous press conferences, organized for themselves as they should but also organized for the people they take care of. Because if the workers aren't getting paid right and aren't getting respected and are getting mistreated, you're going to end up with workers of a lesser quality and that's going to end up in less care.

Ms. Campbell, sadly one day on the picket lane, had an asthma attack and passed away. We wanted to take a moment to remember her, to honor her memory and to recommit all of us to the struggle for justice that she was a part of. I want to thank everyone from 1999, everyone from her family who is with us today. Let me call on Council Member Melissa Mark-Viverito and the other members, then the clerk will read the proclamation. Then we'll hear from any of the

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2 family or union members that were here.

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COUNCIL MEMBER MELISSA MARK-

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VIVERTO: Coming from 1199, we really believe that

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this is humbly what we can do here in the Council

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to really recognize Audrey and also the struggle

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of workers and the importance, obviously, of the

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work of people on the front lines and unions,

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defending the rights of workers. It's a really

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sad moment but we thought that it was appropriate

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for us to take time to really recognize her

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contributions. Thank you.

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COUNCIL MEMBER ANNABEL PALMA:

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Thank you. Thank you Speaker Quinn for taking the

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time to recognize the struggles and the efforts

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that Audrey Campbell gave to the nursing home and

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to the fight and the struggle that workers go

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through day in and day out. I had the pleasure of

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knowing and working with Audrey when I was an

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organized for 1199. And there was no other person

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more committed and dedicated to the work that she

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did. Her memory will live on. It's sad that we

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have to recognize her in this way but we know that

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her struggles were not in vain and that those

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workers. When they achieve what they fought so

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2 hard to achieve, will remember Audrey and will
3 thank her for getting them for where they need to
4 be. Thank you.

5 SPEAKER QUINN: Let me call on
6 Council Member Oliver Koppell, he represents the
7 district where this facility is and he's
8 somebody's who been very active in the struggle to
9 try to bring justice to these workers.

10 COUNCIL MEMBER G. OLIVER KOPPELL:
11 Thank you very much Speaker. It certainly is a
12 tragedy brought on certainly in part by the labor
13 dispute. The person who runs that particular
14 nursing home is absolutely off the wall, treated
15 the workers horribly, deprived them of health
16 insurance. She is now, as I understand it, been I
17 believe arrested actually for failing to put
18 monies aside for workman's compensation for the
19 workers. So it's a tragedy to lose a dedicated
20 worker and it's a tragedy that so many of the
21 people working there have been deprived of
22 adequate livelihood. It's a terrible shame.

23 Really an indictment, if you will
24 to my extent, of our labor laws and they way
25 they're administered that this has been allowed to

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2 go on so long and force people into this
3 situation. But I'm delighted to join in the
4 proclamation and we certainly regret the passing
5 of this dedicated person. It's good to hear about
6 her from you Annabel. Thank you.

7 SPEAKER QUINN: Thank you
8 Chairperson Koppell. If we could ask the clerk to
9 please read the proclamation.

10 CLERK: City Council Proclamation.
11 Whereas, Audrey Smith-Campbell, a loving mother
12 and grandmother who lived in East Flat bush
13 Brooklyn was a dedicated, certified nursing
14 assistant who gave 30 years of exemplary service
15 to the patients and programs of Kingsbridge
16 Heights Rehabilitation and Care Center in the
17 Bronx.

18 Even as she neared retirement she
19 was a strong courageous woman, committed to
20 serving her community for the greater good. And
21 whereas, after three decades of devoted service
22 Audrey Smith-Campbell was rewarded with a painful
23 injustice. The Kingsbridge Heights Rehabilitation
24 Care Center, one of the most profitable health
25 care institutions in New York State, terminated

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2 her benefits. Ms. Campbell and more than 200
3 other caregivers, this insult was not due to
4 paperwork errors or soaring healthcare costs but a
5 calculated decision to make profits the higher
6 priority than people.

7 And whereas, tragically on Monday,
8 May 12, 2008, the day after Mother's Day, Audrey
9 Smith-Campbell made the ultimate sacrifice as she
10 made her way to the picket line. She experienced
11 an acute asthma attack that took her life. Before
12 the elimination of healthcare benefits, Ms.
13 Campbell was prescribed a variety of medications
14 that kept her condition under control because
15 Kingsbridge Heights Rehabilitation Center
16 terminated her benefits. However, she simply
17 could not afford to pay for these medications.

18 And whereas, the life and legacy of
19 Audrey Smith-Campbell will continue to personate
20 in the hearts of countless of admirers with
21 clearer vision and purpose. Let us dedicate
22 ourselves to her memory, continue her fight for
23 justice and reaffirm our commitment to compassion
24 over profit.

25 Now therefore, let it be known that

1
2 the Council of the City of New York posthumously
3 honors Audrey Smith-Campbell for her unforgettable
4 sacrifice and service to the residents of
5 Kingsbridge Heights and the Bronx and also all New
6 York City. Signed this 14th day of August in the
7 year 2008, Christine C. Quinn, Speaker for the
8 entire Council, Melissa Mark-Viverito, Council
9 Member, G. Oliver Koppell, Council Member, Annabel
10 Palma, Council Member.

11 SPEAKER QUINN: Thank you very
12 much. I don't know if anyone wants to make any
13 comments.

14 YVONNIA: Good afternoon everyone.
15 Thank you Speaker Quinn. My name is Yvonnia, I'm
16 one of the daughters of Audrey Smith-Campbell. I
17 have my brother here, my sister Karen and my aunt.
18 The workers of Kingsbridge, I want to thank
19 everyone for your support. And Neil, also I thank
20 you. Everyone for supporting us and giving us
21 your strength and courage and prayers and
22 everything that my mom has done and all the
23 struggles and fight that she has done for the
24 nursing home and for her patients. She would
25 really appreciate this, to know that the struggle

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2 she has done on earth, that you took the time out
3 to award her this citation. We really thank you
4 and appreciate everyone that has made the effort
5 and made the decision to this for my mom. Again,
6 I thank you. God bless you to all of you.

7 [Applause]

8 SPEAKER QUINN: Thank you very
9 much. I know it must be very difficult to be with
10 us today but we really appreciate it. I just want
11 to really, on behalf of myself and all of my
12 colleagues and everyone in City government, thank
13 you for sharing with us a little bit more about
14 your mom today. And really just hope you know how
15 indebted we all feel to her for her struggle on
16 behalf of workers, for the work she did in that
17 center helping people. And that all of us will
18 keep, having met all of you today, in our hearts
19 as we try to recommit ourselves even more strongly
20 to the struggle for workers' rights in our city
21 and the struggle, particularly, for healthcare
22 workers in our city who are such an important part
23 of our infrastructure.

24 So thank you all for honoring us
25 with your presence and sharing a little bit more

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of her memory with us today. Thank you.

[Applause]

That concludes our ceremonials for the day.

MALE VOICE: Ladies and gentlemen, at this time can you please place all cell phones and pagers on vibrate. Will all non-Council employees and lobbyists please leave the main floor of the chambers? Thank you.

MADAM PUBLIC ADVOCATE: All rise for the Pledge of Allegiance. Quiet please.

ALL: I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God indivisible with liberty and justice for all.

MADAM PUBLIC ADVOCATE: Roll call.

CLERK: Addabbo. Arroyo.

COUNCIL MEMBER MARIA DEL CARMEN

ARROYO: Here.

CLERK: Avella.

COUNCIL MEMBER TONY AVELLA: Here.

CLERK: Baez. Barron.

COUNCIL MEMBER CHARLES BARRON:

Here.

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2

CLERK: Brewer.

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COUNCIL MEMBER GALE A. BREWER: I.

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CLERK: Como.

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COUNCIL MEMBER ANTHONY COMO: Here.

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CLERK: Comrie. De Blasio.

7

Dickens.

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COUNCIL MEMBER INEZ E. DICKENS:

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Here.

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CLERK: Dilan. Eugene.

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COUNCIL MEMBER MATIEU EUGENE: Yes.

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CLERK: Felder.

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COUNCIL MEMBER SIMCHA FELDER: Yes.

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CLERK: Fidler. Foster.

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COUNCIL MEMBER HELEN D. FOSTER:

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Here.

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CLERK: Garodnick. Gennaro.

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Gentile.

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COUNCIL MEMBER VINCENT J. GENTILE:

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Here.

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CLERK: Gerson. Gioia. Gonzalez.

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Ignizio.

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Here.

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CLERK: Jackson.

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COUNCIL MEMBER ROBERT JACKSON:

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2 Here.

3 CLERK: James.

4 COUNCIL MEMBER LETITIA JAMES:

5 Here.

6 CLERK: Katz.

7 COUNCIL MEMBER MELINDA R. KATZ:

8 Here.

9 CLERK: Koppell.

10 COUNCIL MEMBER G. OLIVER KOPPELL:

11 Here.

12 CLERK: Lappin.

13 COUNCIL MEMBER JESSICA S. LAPPIN:

14 Here.

15 CLERK: Liu. Mark-Viverito.

16 COUNCIL MEMBER MELISSA MARK-

17 VIVERITO: Here.

18 CLERK: Martinez.

19 COUNCIL MEMBER MIGUEL MARTINEZ:

20 Here.

21 CLERK: McMahon.

22 COUNCIL MEMBER MICHAEL MCMAHON:

23 Here.

24 CLERK: Mealy. Mendez.

25 Monserrate.

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COUNCIL MEMBER HIRAM MONSERRATE:

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Here.

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CLERK: Nelson.

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COUNCIL MEMBER MICHAEL C. NELSON:

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Here.

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CLERK: Palma.

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COUNCIL MEMBER ANNABEL PALMA:

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Here.

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CLERK: Recchia.

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COUNCIL MEMBER DOMENIC M. RECCHIA,

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JR.: I, here.

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CLERK: Reyna.

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COUNCIL MEMBER DIANA REYNA: Here.

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CLERK: Sanders.

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COUNCIL MEMBER JAMES SANDERS, JR.

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Here.

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CLERK: Seabrook.

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COUNCIL MEMBER LARRY SEABROOK

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Here.

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CLERK: Sears.

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COUNCIL MEMBER HELEN SEARS: Here.

23

CLERK: Stewart.

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COUNCIL MEMBER KENDALL STEWART:

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Present.

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CLERK: Vacca.

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COUNCIL MEMBER JAMES VACCA: Here.

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CLERK: Vallone.

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COUNCIL MEMBER PETER J. VALLONE,

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JR.: Here.

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CLERK: Vann.

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COUNCIL MEMBER ALBERT VANN: Yeah.

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Here.

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CLERK: Weprin.

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COUNCIL MEMBER DAVID I. WEPRIN:

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Here.

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CLERK: White. Yassky. Oddo.

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COUNCIL MEMBER JAMES S. ODDO:

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Here.

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CLERK: Rivera. Speaker Quinn.

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SPEAKER QUINN: Here.

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MADAM PUBLIC ADVOCATE: We have a

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quorum. All rise please for the invocation, which

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will be given by Iman Malik Hussein.

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IMAN MALIK HUSSEIN: [Speaking

21

different language] Respected - - public advocate,

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Christine Quinn, the Speaker and the members of

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City Council, imans [phonetic] and audience.

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Ladies and gentlemen, it is my honor and pleasure

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2 to be amongst you at this auspicious occasion,
3 which is voting for the bills by our members of
4 the city.

5

6 First and foremost that we thank
7 Madam Speaker Quinn to invite me here to speak for
8 a few minutes and to do prayers on behalf of New
9 Yorkers. I have been living in America for 19
10 years. I have lived in a lot of cities but I love
11 New York as we have best Council, we have best
12 Speaker, we have best public advocate and we have
13 best Mayor of New York. May God bless America,
14 may God bless New York and New Yorkers.

15

16 Communications I have recited says
17 in or on holy book of Quran that you can not
18 change until you change yourself first and apply
19 that change into the society. Quran says if the
20 other people are not following justice, you do not
21 lose justification. Quran says Allah has created
22 human beings not only for worship; the angels were
23 more than enough for worship. Allah has created
24 human beings to check their status of love,
25 harmony, tolerance, help, coordination and
cooperation.

26

The base of United States of

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2 America is the government of people, by people,
3 for people. And I believe in that our Council
4 Members will decide in excellent way to wave and
5 to help in the bills of New Yorkers, including the
6 electricity, gas and water.

7

8 Today is the day of freedom of
9 Pakistan as well; I congratulate you. And this is
10 the day when we, God freedom. Let me finish my
11 humble talk by one prayer and that is all of us,
12 we are the sons and daughters of Adam and Eve.
13 All of us, as we are relative, regardless of
14 religion, region, color, language, let us unite
15 against terrorism, against lawlessness, against
16 crimes, against every bad habit and evil. And may
17 God bless you all. Thank you very much for
18 listening.

18

19 MADAM PUBLIC ADVOCATE: Motion to
20 spread the invocation by Council Member Eugene.

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21 MR. EUGENE: Madam president, it is
22 indeed that I stand before you today to spread the
23 invocation. I want to thank Iman Malik Hussein
24 for the invocation--

24

25 SPEAKER QUINN: [interposing] Quiet
please.

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2 MR. EUGENE: And I want to thank
3 Iman Malik Hussein for the invocation and also
4 thank him for the wonderful job that he is doing
5 with this organization for the children and the
6 community. It is my honor and pleasure that I
7 spread this invocation. Thank you.

8 SPEAKER QUINN: Thank you Council
9 Member Eugene. If I could just ask Madam Public
10 Advocate to call on Council Member McMahon and
11 then if I could ask my colleagues to please rise.

12 MADAM PUBLIC ADVOCATE: Council
13 Member McMahon.

14 MR. MCMAHON: Aye on all, on all
15 coupled general orders and all Land Use call ups.

16 MADAM PUBLIC ADVOCATE: So ordered.

17 SPEAKER QUINN: Thank you. If I
18 could ask my colleagues to rise please. Last
19 month the armed forces medical examiner positively
20 identified the human remains recovered in Iraq as
21 that of two soldiers including Army Sergeant Alex
22 Jimenez, 25 of Corona, Queens, family friend of
23 Council Member Monserrate. He was captured after
24 being ambushed while on patrol on May 12, 2007.
25 Five soldiers were killed in the ambush and three

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2 were captured.

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At a stated meeting last summer we stood for a moment of prayer and support of the families in the hope of the safe return of these soldiers. Sergeant Jimenez was assigned to the Fourth Battalion 31st Infantry Regiment based out Fort Drum, New York. Sergeant Jimenez's wife Hederling said that her husband died fighting for what he believed in.

Sergeant Alex Jimenez is survived by his wife, by his mother Maria, his father and countless relatives and friends.

On August 9, 2008 Sergeant Jose E. Agoya, 23 of Council Member Martinez's district of Washington Heights was killed in Iraq of wounds suffered when his vehicle encountered an improvised explosive device. He was assigned to the 515th Transportation Company, 28th Transportation Battalion. He was a graduate of Washington Urban High School. He enlisted right out of high school and told his family, I love being a soldier.

Three months ago he lost his mother. And his death after her loss has plunged

1
2 his family into despair. His sister remembered
3 him as a great person who loved music, dancing,
4 driving and pulling pranks. He's survived by his
5 wife, his infant son, his father and two sisters.

6 I want to note that both of these
7 individuals were loved by their adopted country
8 and were deeply committed to their Dominican
9 heritage. I want to call on Council Member Miguel
10 Martinez.

11 MR. MARTINEZ: Thank you Madam
12 Speaker. As you mentioned, this was a young man
13 from the Washington Heights community, very loved
14 by the neighborhood. Understood his commitment to
15 his country and always, always served as a role
16 model to the young people in our community. So
17 they have a great loss but he served as a model.
18 As we come to this country here in the United
19 states, not only are we pretty much a part of the
20 City of New York but the entire nation and we
21 fight for the belief and freedom that we enjoy.

22 So I want to thank you Madam
23 Speaker for taking the time and bringing us to
24 remember the sacrifices of our soldier that are
25 impacting all of us to our neighborhoods.

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SPEAKER QUINN: Thank you. We all, of course, want to mourn the death of the King of Comedy, Bernie Mac and the soulful music legend, Isaac Hayes. Both of them passed away recently.

To keep Reverend Wright and his family in our prayers. Reverend Wright has been moved to Kessler Rehabilitation Center in New Jersey. He's making remarkable progress but it will be a long road that he's on and we need to keep him and his family in our prayers.

I also want to mention, and I'm sure most of us know this, that between the last stated meeting and now our former colleague, Council Member Stanley Michaels, passed away. We're very lucky. I want to thank Council Member Jackson that we had the opportunity to remember and thank Stanley while he was with us. I also want to thank Robert and everyone else who organized the wonderful renaming of part of a park in Robert's district for Stanley. We will adjourn today's meeting in memory of Council Member Stanley Michaels.

I have a few more things for us to remember. And then after we stand for our moment

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2 of silence, if the council members want to make
3 any comments about Stanley, we will open up the
4 floor to do that. Let me first call on Council
5 Member Hiram Monserrate.

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MR. MONSERRATE: Thank you Madam
7 Speaker. I want to just express deep condolences
8 to the Jimenez family, to Alex who was also a
9 friend and to his family who has been in deep
10 friendship with me for well over ten years. It's
11 a tragic loss for our community and the
12 neighborhood of Corona and the adjacent community
13 of Jackson Heights. We already lost four young
14 men to this war and I ask you to keep the Jimenez
15 family in your prayers. Thank you very much.

16

SPEAKER QUINN: Thank you. And
17 although we are in a minute going to stand in a
18 moment of silence to remember the individuals I
19 just spoke of, I do want to mention two life
20 affirming things that have happened or are
21 happening.

22

One is that Pascale Bernard, who I
23 think everybody knows and her husband, Avonne Zo,
24 have just a couple of days ago gave birth to a
25 beautiful baby girl, Dominique Michelle.

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[Applause]

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She weighed in at 7 pounds, 2

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ounces at 3:02 pm on Tuesday, August 12th.

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Although Pascale is continuing to disregard orders

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and continuing to Blackberry on a regular basis, w

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know that everyone is doing well although we are

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trying to get her off of the Blackberry. But

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they're all doing very, very well.

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And we just want to say Happy

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Birthday to Council Member James Sanders, whose

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birthday is today as well. And on two more

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positive notes, I ask that we all stand in a

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moment of silence. And if members want to make

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any remembrances of Stanley. Pardon me, I'm

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sorry. I forgot one other person we needed to

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recognize. I'm sorry.

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Earlier this week, on Monday,

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Sanitation Department employee Nelson Diaz who was

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60, who came from majority leader Rivera's

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district, a 23 year veteran of the Department,

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collapsed and died while working his route in the

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Mount Eden section of the Bronx. The sanitation

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commissioner remembered worker Diaz was a hard-

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working, well liked employee who cared for his

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2 city, for the neighborhood he served and for his
3 lovely family. His sudden loss is a blow to New
4 York's strongest. Nelson Diaz was a Vietnam vet
5 who earned a Purple Heart for injuries received
6 while in combat. Mr. Diaz is survived by his
7 wife, their two children, one grandchild and there
8 is another grandchild on its way. Our prayers and
9 thoughts go out to his whole family.

10 Thank you. And I don't know if we
11 need to open the floor for a moment for any
12 remembrances of Council Member Michaels. Council
13 Member Jackson.

14 MR. JACKSON: Thank you Madam
15 Speaker. Let me just say my colleagues that we
16 had the opportunity of honoring Stanley here. I
17 believe the date was June 12, 2008. All of the
18 members of the Manhattan delegation and the
19 Speaker, in honoring him for his 24 years as a
20 City Council member representing northern
21 Manhattan--

22 MADAM PUBLIC ADVOCATE:

23 [interposing] Council Member Jackson, can you just
24 hold on for a minute? I know folks are exiting
25 but if people could just please keep the volume

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2 down. If that's impossible to do while you're
3 exiting then don't exit until the remembrances are
4 over.

5

MR. JACKSON: And if you don't
6 know, Stanley was battling circulatory cancer. We
7 had the opportunity, as the Speaker said, to honor
8 him again in naming the promenade of Heather
9 Gardens up in Fort Ryan Park after him. He was
10 there to actually witness that. Let me just tell
11 you, he was just so pleased and honored that we
12 were doing that for him.

13

If you look at Stanley's entire
14 service, his 24 years as a member of this City
15 Council, as the Commissioner said, of the Parks
16 Department. During his tenure of 24 years, he
17 allocated approximately \$50 million for park in
18 his district. But not only that, Jim Gennaro, who
19 is now the Chair of the Environmental Committee,
20 will talk to you about how Stanley was an
21 environmentalist. And at his funeral services,
22 let me just tell you, there were hundreds of
23 individuals which was a testament to Stanley as a
24 public servant and as a fighter.

25

I say to you, I saw him Thursday

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2 evening at about 10:30 in a hospital and he passed
3 away Friday morning and he was fighting tooth and
4 nail all the way. The funeral service, I said
5 that I will run the New York City marathon this
6 November in his memory. So I wanted to say
7 Stanley you did a great job on behalf of the
8 people of New York City and we love you.

9 MADAM PUBLIC ADVOCATE: Council
10 Member Brewer.

11 MS. BREWER: Thank you very much.
12 I want to thank not only Robert Jackson and the
13 Speaker but also Steve Simon, who was the chief of
14 Staff to Stanley Michaels for the 20 years that
15 Stanley was in the City Council. I want to say
16 that, to kind of follow up, Ruth Messinger was his
17 colleague, I work for her; that's how I knew
18 Stanley. I think what we both remember about him
19 is his commitment to all the issues that we care
20 so deeply about. His intelligence about them, his
21 landmark legislation on so many issues that are
22 coming to fruition today. What I particularly
23 want to mention is he talked to everybody with the
24 same degree of passion and excellence and
25 commitment. The man had no ego; that was

1
2 something that be brought about, like I think too
3 many people in public life. He was the best
4 politician, the best community representative and
5 the best public servant. Thank you very much.

6 MADAM PUBLIC ADVOCATE: Council
7 Member Gerson.

8 MR. GERSON: Thank you Madam Public
9 Advocate, my colleagues, Madam Speaker. In the
10 days after 9-11 Stanley Michaels still served on
11 the Council and served as chair of the Environment
12 Committee of this Council.

13 I will never forget, my community
14 will never forget, how quickly he recognized - and
15 you remember Robert - how quickly Stanley
16 recognized the environmental implications of that
17 disaster and how he committed himself to doing
18 everything he and his Committee could to support
19 the community in our quest for protection against
20 the toxins, which plagued us during those dreadful
21 days. He did so with heart warming compassion,
22 with determination to do something, with utter
23 commitment to make, not a bad situation but a
24 terrible and tragic situation, better for those
25 who remained in jeopardy. And he did so with a

1

2 keen sense of practicality, knowing how.

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12

 And in fact he helped us succeed in getting the earliest environmental measurements and readings, which led to a better environmental plan than we otherwise would have. And that is just perhaps in a very dramatic and unique situation, but emblematic of how Stanley approached public service. With wisdom as to how to get progress made, with humanitarian commitment and compassion for all and with zest and zeal to go forward.

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19

 I was fortunate to have known him. He was, for years, a friend to me, to my mother, to so many in our community. In his enthusiasm in life as well as the potential for public service he was and remains an inspiration to me as he does for so many others. Stanley you will be forever with us.

20

21

 MADAM PUBLIC ADVOCATE: Council Member Gennaro.

22

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24

25

 MR. GENNARO: Thank you Madam Public Advocate. Certainly I wish to speak about my friend, Stanley Michaels. I was the analyst for the Environmental Committee at the time that

1

2 Stanley was Chairman. We worked side by side for
3 10 years. He taught me so much and he was able to
4 accomplish so much. I think of the very
5 contentious things that we did during his years.

6 In 1992, we passed the first solid
7 waste management plan. That was the subject of a
8 day long hearing and then it went all through the
9 night. We didn't have the final vote until 6:00
10 the next morning. It was very, very contentious;
11 at of yelling and screaming. All the weeks that
12 led up to that. But Stanley wanted to make sure
13 that we got that done. Not only that but that we
14 got the right thing done and he was able to get
15 that done.

16 There's a lot of talk these days
17 about how fortunate we are to have a watershed
18 that's protected. And now we have a watershed
19 memorandum of agreement, something that was put
20 together between the upstate stakeholders and the
21 downstate regulators and the people that drink the
22 water and the Feds and the state. There was this
23 whole complex arrangement of people that couldn't
24 stand one another.

25 Stanley was the first one to say

1
2 why don't I get all of the stakeholders together,
3 upstate, downstate, regulators, business people.
4 We'll put them in a room. And everyone said
5 Stanley you're out of your mind; people will be at
6 each other's throat. It's not a thing that's
7 going to yield any positive results. Right in
8 this very room in 1994, we had a hearing that was
9 like a roundtable for all these people to get
10 together to put their views on the table. We were
11 here for hours and hours in the context of the
12 hearing. But it was a roundtable; nothing ever
13 like that had been done at the Council before.
14 But when people left that room. They realized
15 that they saw common ground with other people and
16 Stanley was able to facilitate that.

17 I love Stanley very much. He was a
18 great servant of the city, a great member of this
19 body and he'll always be remembered. God bless
20 you Stanley.

21 MADAM PUBLIC ADVOCATE: Council
22 Member Nelson.

23 MR. NELSON: Thank you Madam Public
24 Advocate. New York City is truly a better place
25 because of Stan. Stanley Michaels. There's a lot

1

2 of stories I can stay. I served with him for a
3 few years, along with Chris and Jimmy. This one
4 story he tells so animatedly and so interestingly.

5

6 There was a vote here many years
7 ago between Peter Vallone, Sr. and Sam Harowitz.
8 Stan would like to tell this story. There would
9 be an unmentioned member right now because he is
10 no longer with us either. But that unmentioned
11 member told Stan and others that he was going to
12 beat with Sam and they had the vote clinched.

12

13 Just the second his name was called, this unnamed
14 member said Peter Vallone, to Peter Vallone Senior
15 and there was an audible gasp, as Stanley would
16 describe it. Stanley has to be somewhat refrained
17 from jumping over to this other council member
18 because he wanted to extract some pound of flesh.

18

19 Stanley could be tough in a nice
20 way and tough some times in a threatening way
21 because he fought hard with his convictions. And
22 he fought for the people of New York and generally
23 those who were perhaps downtrodden and those who
24 needed help. Stanley Michaels was truly a unique
25 and a great individual and I'll miss him and
everybody who knew him will miss him.

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2

MADAM PUBLIC ADVOCATE: Council

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Member Weprin.

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MR. WEPRIN: Yeah. I also want to

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rise in memory of Stanley Michaels. My memories

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of Stanley were always joint with his wife of many

7

years, Molly. We attended many, many Democratic

8

National Conventions together and many national

9

conferences for the state legislators which I

10

attended along with my parents when I was much

11

younger, before I was officially in the political

12

arena. The thing I remember most about Stanley

13

was his zest for life, for meeting new people, for

14

going to new cities. He would carry his camera

15

everywhere we went and take constant pictures of

16

people and all the different locations. He really

17

loved human beings. He loved meeting new people,

18

he and Molly. I have very fond memories of that.

19

As we go to Denver for the

20

Democratic National Convention, I will be going

21

there with my wife, Ronnie, and we will miss being

22

there with Stanley and Molly. Thank you.

23

MADAM PUBLIC ADVOCATE: Council

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Member Koppell.

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MR. KOPPELL: Thank you Madam

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Public Advocate. I could not let the occasion pass without also speaking in tribute to Stanley Michaels, who I knew for over two decades. The one thing I can say about Stanley, both before and after I was in the Council, was his great love for this body and his dedication to this body and the work that he did here. He was truly a, if you will, a son of the city and a son of the City Council. His service here will be long remembered. He made a real impact on all the people of this city for what he did here while he served for, I believe, 24 years. He will certainly be missed.

MADAM PUBLIC ADVOCATE: Thank you.
Anybody else? Council Member Mendez.

MS. MENDEZ: Thank you. I met Stanley Michaels when I was a fledgling tenant organizer about 20 years ago and he was an incredible advocate for his community and credible advocate for tenants everywhere. And he will surely be missed and has been a role model for so many of us.

Madam Public Advocate, is it appropriate for me to ask for unanimous consent to

1

2 vote on all Land Use call up and general items?

3 MADAM PUBLIC ADVOCATE: Yes.

4 MS. MENDEZ: Thank you. I'd like
5 to vote aye on all matters and vote no on Intro
6 755-A.

7 MADAM PUBLIC ADVOCATE: So ordered.

8 MS. MENDEZ: Thank you.

9 MADAM PUBLIC ADVOCATE: Council
10 Member Dilan.

11 MR. DILAN: Yeah. I just want to
12 take a few seconds to--

13 MADAM PUBLIC ADVOCATE:
14 [interposing] Quiet please.

15 MR. DILAN: --to remember a council
16 member who I thought in my opinion honored this
17 institution and embodied what's this institution
18 is all about and that's Stanley Michaels. I
19 didn't get the privilege of served time here with
20 Stanley but my father did and I was always around
21 when he was here. And Stanley was--

22 MADAM PUBLIC ADVOCATE:
23 [interposing] I'm sorry. If we can get a little
24 quiet, please. Thank you. Council Member Dilan.

25 MR. DILAN: Stanley was always one

1
2 of the guys that took the time to pay attention to
3 a young guy that was just running around. That's
4 kind of the guy he was. I think this city, while
5 we mourn the loss of Stanley Michaels, we're
6 better off as a city because of the efforts of
7 Stanley Michaels. So I'm sure he will be surely
8 missed.

9 I also do want to thank my
10 colleague Robert Jackson for brining him back here
11 one last time so we could all see him again. So I
12 want to thank you for that. Stanley will surely
13 be missed.

14 MADAM PUBLIC ADVOCATE: Council
15 Member Lappin, you want to introduce...?

16 MS. LAPPIN: Thank you Madam Public
17 Advocate. I wanted to recognize my fantastic team
18 of interns who are here today with us, Elizabeth,
19 Samantha, Spencer and Alex, who are standing in
20 the back who worked incredibly hard for the
21 residents of District 5 this summer.

22 [Applause]

23 MADAM PUBLIC ADVOCATE: And I'd
24 like to introduce the interns from the Office of
25 Public Advocate who were over there. There's so

1

2 many of them I don't want to call out their
3 individual names.

4

5 SPEAKER QUINN: Madam Public
6 Advocate, that is going to conclude our rebalances
7 of Council Member Michaels. In an effort to move
8 forward with the meeting, if folks have things
9 they want to note about Stanley that they didn't
10 get to, if they could do it later on in the
11 meeting of the agenda. Thank you very much.

12

13 MADAM PUBLIC ADVOCATE: Council
14 Member Liu, could you spread the adoption of the
15 minutes please?

16

17 MR. LIU: Yes, Madam Public
18 Advocate. I'd like to motion to spread the
19 invocation in full upon the record.

20

21 MADAM PUBLIC ADVOCATE: So ordered.
22 Messages and papers from the Mayor.

23

24 MALE VOICE: M1106, submitting
25 Frederick Bland for appointment to eh Landmarks
26 Preservation Commission.

27

28 SPEAKER QUINN: Rules, Privileges
29 and Elections.

30

31 MALE VOICE: M1107, submitting Joan
32 Gerner for reappointment to the Landmarks

33

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2 Preservation Commission.

3 SPEAKER QUINN: Rules, Privileges
4 and Elections.5 MALE VOICE: M1108, submitting
6 Christopher Moore for reappointment to the
7 Landmarks Preservation Commission.8 SPEAKER QUINN: Rules, Privileges
9 and Elections.10 MADAM PUBLIC ADVOCATE:
11 Communication from city, county and borough
12 offices.

13 MALE VOICE: None.

14 MADAM PUBLIC ADVOCATE: Petitions
15 and Communications.

16 MALE VOICE: None.

17 MADAM PUBLIC ADVOCATE: Land Use
18 Call ups.

19 MALE VOICE: M1109 and M1111.

20 SPEAKER QUINN: If we could get a
21 roll call on the couple of Land Use call ups
22 please Madam Public Advocate. Quiet please.

23 CLERK: Addabbo.

24 COUNCIL MEMBER JOSEPH P. ADDABBO,
25 JR.: Aye.

1
2 CLERK: Arroyo.
3 MS. ARROYO: Aye.
4 CLERK: Avella.
5 MR. AVELLA: Aye.
6 CLERK: Baez.
7 MS. BAEZ: Aye.
8 CLERK: Barron.
9 MR. BARRON: Aye.
10 CLERK: Brewer.
11 MS. BREWER: Aye.
12 CLERK: Como.
13 MR. COMO: Aye.
14 CLERK: Comrie.
15 MR. COMRIE: Aye.
16 CLERK: De Blasio.
17 MR. DE BLASIO: Aye.
18 CLERK: Dickens.
19 MS. DICKENS: Aye.
20 CLERK: Dilan.
21 MR. DILAN: Aye.
22 CLERK: Eugene.
23 MR. EUGENE: Aye.
24 CLERK: Felder. Fidler.
25 MR. FIDLER: Aye.

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2 CLERK: Foster.

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MS. FOSTER: Madam Public Advocate,
4 I'd like to vote aye on all the Land Use call ups
5 and everything else on the general calendar except
6 I'd like to vote no on Intro 755-A.

7

MADAM PUBLIC ADVOCATE: So ordered.

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MS. FOSTER: Thank you.

9

CLERK: Gennaro.

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MR. GENNARO: Yes.

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CLERK: Gentile.

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MR. GENTILE: Yes.

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CLERK: Gerson.

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MR. GERSON: Yes.

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CLERK: Gioia.

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MR. GIOIA: Yes.

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CLERK: Gonzalez.

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MS. GONZALEZ: Aye.

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CLERK: Ignizio.

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MR. IGNIZIO: Yes.

21

CLERK: Jackson.

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MR. JACKSON: Madam Public Advocate
23 I vote aye on all Land Use Call ups and I ask
24 permission to vote aye on all other general order
25 calendars.

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MADAM PUBLIC ADVOCATE: So ordered.

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CLERK: James. Katz.

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MS. KATZ: Aye.

5

CLERK: Koppell.

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MR. KOPPELL: Aye.

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CLERK: Lappin.

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MS. LAPPIN: Aye.

9

CLERK: Liu.

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MR. LIU: Yes.

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CLERK: Mark-Viverito.

12

MS. MARK-VIVERITO: Aye.

13

CLERK: Martinez.

14

MR. MARTINEZ: I'm just trying to

15

get used to the new device. Can I vote aye on all

16

Land Use call ups and all items on the agenda?

17

MADAM PUBLIC ADVOCATE: So ordered.

18

MR. MARTINEZ: Thank you.

19

CLERK: Mealy.

20

MS. MEALY: Aye on all Land Use and

21

no on 755-A. Can I ask for anonymous vote?

22

COUNCIL MEMBER MALE: She wants to

23

do it, she wants to leave.

24

CLERK: Monserrate.

25

MR. MONSERRATE: I vote aye on all

1

2 except for 755-A, I vote no to.

3

4 COUNCIL MEMBER MALE: Are you
leaving? Are you leaving?

5

MR. MONSERRATE: No. Aye on all.

6

CLERK: Nelson.

7

MR. NELSON: Aye.

8

CLERK: Palma. Recchia.

9

MR. RECCHIA: Aye.

10

CLERK: Reyna. Sanders.

11

MR. SANDERS: Aye.

12

CLERK: Seabrook.

13

MR. SEABROOK: Aye.

14

CLERK: Sears.

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MS. SEARS: Aye.

16

CLERK: Stewart.

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MR. STEWART: Aye.

18

CLERK: Vacca.

19

MR. VACCA: Aye.

20

CLERK: Vallone.

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MR. VALLONE: Aye on all.

22

CLERK: Vann.

23

MR. VANN: Aye.

24

CLERK: Weprin.

25

MR. WEPRIN: Aye.

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CLERK: White. Yassky.

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MR. YASSKY: Aye.

4

CLERK: James.

5

MS. JAMES: Aye.

6

CLERK: Reyna.

7

MS. REYNA: I vote yes on Land Use

8

call ups.

9

SPEAKER QUINN: If we could get a

10

little quiet please.

11

CLERK: Monserrate.

12

MR. MONSERRATE: Aye on all.

13

CLERK: Oddo.

14

MR. ODDO: Aye on all.

15

CLERK: Rivera.

16

MR. RIVERA: I vote aye.

17

CLERK: Baez.

18

MS. BAEZ: Requesting permission to

19

vote aye on all general orders.

20

MADAM PUBLIC ADVOCATE: So ordered.

21

MS. BAEZ: Aye.

22

CLERK: Speaker Quinn.

23

MADAM PUBLIC ADVOCATE: Today's

24

Land Use call ups were adopted by a vote of 49 in

25

the affirmative, 0 in the negative. Communication

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2 from the Speaker.

3 SPEAKER QUINN: Thank you. We are
4 continuing our legislative efforts today on the
5 issue of reforming the Department of Buildings.

6 MADAM PUBLIC ADVOCATE: Quiet
7 please.

8 SPEAKER QUINN: And also
9 construction safety. We have a number of pieces
10 of legislation and I first want to thank
11 Chairperson Dilan for keeping a very, very busy
12 summer schedule in his Committee and really
13 focusing in kind of a laser like way on these
14 incredibly important issues of construction
15 safety. I also want to thank Rob Newman, Jeff
16 Haberman and Bob Baham and Ben Goodman who all
17 worked on the legislation we're voting on today.

18 The first is Intro 783-A, that's a
19 piece of legislation that will require that in
20 construction jobs with over 2,000 cubic pounds of
21 concrete is being poured that the developers will
22 have to hire and have on site a trained site
23 safety manager. They're going to have to have
24 this site safety manager on the job. This
25 individual's also going to have to complete an

1

2

OSHA training as well as additional training sponsored by the city.

3

4

Obviously this is a very important piece of legislation. It's the highly relevant to the accident of the Trump SoHo site which occurred in my district. And we believe will make other job sites in the city safer.

5

6

7

We're also passing Intro 790-A, it's a piece of legislation that will require enhances site specific safety plans be available and put in place for all major development jobs. That's basically all development over 10 or 12 stories in the City of New York. We believe this will make sure there's a lot more though and planning around safety that goes in before the work begins.

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MADAM PUBLIC ADVOCATE: Quiet

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SPEAKER QUINN: We're also voting today on Intro 755-A, a piece of legislation that relates to the Department of Buildings Commissioner. I want to thank the Chair of our Gov Ops Committee, Simcha Felder, for his work and the hearings he's held on this issue. I again

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2

want to thank Rob Newman, Alex Pastilnic, Lizette Camillo, Matt Geewap for their work on this legislation.

4

5

This piece of legislation does something that is very, very important. It recognizes that it is critical to have an engineer or an architect in the highest ranks of the Department of Buildings. It also recognize that in addition to having technical experts, you want to have the highest level of managerial skills as you possibly can. 'Cause knowing the substance of what you're looking at as the DOB Commissioners is critically important. But also being able to manage an agency, which is connected, literally, to so many blocks and every borough from the Staten Island to the Bronx. You want to make sure you have a top notch manger.

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This piece of legislation changes the requirement which now exists that says the DOB Commissioner has to be a licensed engineer or a licensed architect. We will now have a law that says either the Commissioner or the First Deputy has to be a licensed architect or engineer. We believe doing this, creating this flexibility,

1
2 will A, keep the level of technical expertise we
3 need in the Department but will also give this
4 Mayor and future mayors the latitude and
5 flexibility they need to have a team that's
6 technically adept but also has incredible
7 managerial skills.

8 I want to thank the Mayor's Office
9 of Legislative Affairs for working with us closely
10 on this bill and the other two site safety
11 legislation. All of the DOB work we're doing,
12 we're doing together.

13 We're voting today on Intro 264-A,
14 a piece of legislation introduced by Council
15 Member Gale Brewer and Chaired by our ever busy
16 Environmental Protection Chair, Jim Gennaro. I
17 want to thank both of them for this piece of
18 legislation. I want to thank Samara Swatson, Jeff
19 Haberman and Laura Popa for their work on this
20 bill.

21 Very simply, this bill will end the
22 practice of air conditioning the sidewalks of the
23 City of New York. Presently if you walk around
24 lots of boulevards or avenues in the middle of the
25 summer you will feel a lot of heat and then cold

1

2 and then a lot of heat again. Why do you feel
3 that cold? Because store owners have left the
4 doors of their stores open as an attempt to draw
5 you in to their stores. That's an irresponsible
6 act. It's one that's wasting energy at a time
7 when we simply can not do it. There couldn't be
8 amore appropriate day to pass this bill then
9 today, which is the fifth anniversary of the black
10 out that left the entire East Coast of the Untied
11 States in the dark.

12

I want to thank Council Member
13 Brewer for her focus and persistence on this bill.
14 And also thank Chairperson Gennaro for his
15 attention to this. Let me first call on Council
16 Member Brewer and then Council Member Gennaro.

17

MS. BREWER: Thank you very much
18 Madam Speaker. I, too, want to thank Council
19 Member Gennaro and certainly your amazing--

20

SPEAKER QUINN: [interposing] If we
21 could just get a little more quiet in the chambers
22 while the sponsor is speaking.

23

MS. BREWER: Certainly Council
24 Member Quinn and Gennaro and the awesome Jeff
25 Haberman and Laura Popa who spent many nigths

1
2 working on this legislation. I think Eric
3 Goldstein is still here, attorney for the Natural
4 Resources Defense Council. The Office of
5 Sustainability of the Mayor, Con Edison and then a
6 very special friend and neighbor who wrote many
7 articles about this, the awesome Clyde Haberman of
8 the New York Times. From our office are Shuler
9 Warren and two fabulous interns who are here
10 today, Rebecca Breech from the McAuley Honors
11 College at Hunter and Christina David from New
12 York University.

13 This particular legislation, I
14 think, adds to the very long and impressive list
15 of environmental bills that this Council has
16 passed. And I think what it does is it says to
17 the everyday New Yorker who cares a lot about the
18 environment that this is something we can do in
19 our neighborhood. We may not be able to save the
20 planet, but we certainly can do it step by step by
21 closing the doors and making sure that the
22 electric grid that we depend on for everything
23 that we do in our lives is not at risk. And
24 that's why we are proud to be passing this bill
25 today.

1
2 I want to say to the shopkeepers
3 and the store owners, some of you are exempt, some
4 of you are not. But the fact of the matter is I
5 think that you could wear with pride that all of
6 us are participating in making our planet a better
7 place. So I hope that there are no fines, that
8 this is not a revenue enhancer. This is an
9 environmental bill that I think we can all be
10 proud of. I think, as Council Member Gennaro said
11 recently, this is something that 20 years from now
12 we'll look at this with pride and say what's the
13 big deal. Thank you very much.

14 MR. GENNARO: Thank you Madam
15 Speaker. I want to thank you for doing such great
16 work on this and getting us to this good day.
17 Certainly Gale Brewer, thank you for putting this
18 forward, writing the bill and working with all of
19 us. And thank you for thanking everyone that
20 needed to be thanked.

21 Like Gale was saying, when I said
22 earlier is that 20 years from now you'll be able
23 to tell your grandchildren that once upon a time
24 we used to waste energy by just leaving our doors
25 open and let it spill out onto the street. 20

1
2 years from now we're going to be a much greener
3 city than even we are now. The whole notion of
4 wasting energy like that will be long forgotten.
5 But if we're going to move forward and make this
6 the green city that it needs to be, we have to
7 take these kinds of measures.

8 This sends, also, a very important
9 signal to children that are learning about energy
10 conservation, you got to use the compact
11 fluorescent bulb. But yet you go down the street
12 on the weekend and you see all this energy being
13 wasted. That's a disconnect that we can not let
14 get into the minds of young children. They have
15 to understand what's at stake here. It's
16 critically important that we get this done. As
17 the Speaker said, today of all days, on the fifth
18 anniversary of the big blackout. So for many,
19 many reasons this bill is worthy of everyone's
20 support. And I hope that everyone can support it.
21 Thank you Madam Speaker.

22 SPEAKER QUINN: Thank you very much
23 Chairperson Gennaro. I also just want to thank
24 the chairs and the staff to the Finance Committee,
25 Land Use Committee and Rules, Privileges and

1
2 Elections Committee. We're voting on matters that
3 have been sent to us from those Committees as well
4 and that concludes communications from the
5 Speaker.

6 MADAM PUBLIC ADVOCATE: Discussion
7 of general orders. Council Member Koppell.

8 MR. KOPPELL: We have on the agenda
9 as it was mentioned by the Speaker, 755-A, which
10 would change the rules or the regulation with
11 respect to the appointment of Building
12 Commissioner. It will no longer require that the
13 Commissioner be an engineer or an architect.
14 Currently the acting Commissioner, I believe his
15 name is LaKandry. I hope I pronounced it right
16 but in any event, apparently an esteemable
17 [phonetic] gentleman with good experience and the
18 Mayor wants to keep him on as Commissioner and I
19 can understand that. Unfortunately there's an
20 expression that we have in the law, hard cases
21 make bad law. And that's unfortunately, I think,
22 the fact here.

23 We have a good man who probably is
24 the man who ought to continue as Building
25 Commissioner. Looking at his particular

1
2 credentials and his background, I don't oppose
3 personally and I don't think we as a body should
4 oppose his becoming the actual incumbent
5 Commissioner, full Commissioner and stop being the
6 acting Commissioner.

7 On the other hand as a general
8 manager, I believe it's a good rule to have
9 someone with the professional credentials of an
10 architect or engineer which requires vigorous
11 training and certification and knowledge of issues
12 of safety, of issues of zoning. Of all of the
13 technical issues that you must face if you're
14 going to be regulating the building industry in
15 the City of New York. So as a general matter,
16 we're sure to have an architect or engineer, a
17 person with those credentials as the Commissioner.

18 In individual instances, it may be
19 good to have a waiver. So I would support a
20 waiver for the current acting Commissioner. I
21 would support a proposal that would have a sunset
22 so that this could be looked at again. And I also
23 proposed another possibility and that would be to
24 indicate specifically in the law that the
25 Commissioner of Buildings had to be an engineer or

1
2 architect unless the Council granted a waiver. I
3 think that that would be a middle ground.

4 It would permit the current acting
5 Commissioner to become the Commissioner. It would
6 have the future mayors and I have considerable
7 confidence in this mayor and his appointments.
8 But we don't know who is going to be the mayor in
9 the future. It would put the every mayor with
10 respect to this matter, on notice that he or she
11 would have to make a particular case for having a
12 Commissioner who didn't have the qualifications
13 mentioned.

14 SPEAKER QUINN: Councilman, if you
15 could wrap up please.

16 MR. KOPPELL: Yes. Therefore I can
17 not support the bill in its current form.

18 MADAM PUBLIC ADVOCATE: Council
19 Member Reyna.

20 MS. REYNA: I rise to express my
21 opposition to Introduction 755. The issue of
22 whether or not a licensed engineer or architect
23 should head the Department of Buildings, to me, is
24 not of substance. That should remain status quo.
25 There should be credentials that we should expect

1
2 of our commissioner. What is disturbing to me is
3 that we're hiding behind this issue and not
4 dealing with the ground work. The staff
5 development that needs to take place at the budget
6 increase so that we have qualified inspectors.
7 The work that needs to take place on sites of
8 construction. The inspections of equipment,
9 scaffolding. The list can go on as far as sites
10 are concerned but we must not lose sight of the
11 fact that we're losing lives as we start talking
12 about credentials. And we're putting New Yorkers
13 at risk.

14 We need to make sure that there's
15 integrity training amongst the employees of the
16 Department of Buildings. Why are we trying to
17 focus on whether or not managerial or licensing is
18 one important over the other? When in fact, on
19 the ground level from bottom up, top down, there
20 needs to be a major focus and restructuring and
21 funding capacity at the Department of Buildings in
22 order to maintain safety and integrity for all New
23 Yorkers and the construction and development that
24 we foresee all around us.

25 So I vote and urge a no vote today.

1
2 MADAM PUBLIC ADVOCATE: Council
3 Member Avella.

4 MR. AVELLA: Thank you Madam Public
5 Advocate. I join with my colleagues who have just
6 spoken in opposition to Intro 755. We all know
7 that there's a myriad of problems at the
8 Department of Buildings but withdrawing the
9 qualifications from the Commissioner is actually a
10 step in the wrong direction. While the bill in
11 the present form tries to strike a compromise by
12 having either the Commissioner or Deputy
13 Commissioner to have those qualifications, both of
14 them should have the qualifications.

15 This is a very technical job. And
16 I think the argument that we can not find an
17 architect or an engineer with managerial
18 experience is nonsense. I would certainly urge my
19 colleagues to vote against this bill.

20 MADAM PUBLIC ADVOCATE: Council
21 Member Vacca.

22 MR. VACCA: Yes, Madam Public
23 Advocate. I think that what we have before us is
24 a good compromise. I came here to the City
25 Council elected in 2005 from a neighborhood that

1
2 has seen over development become the number one
3 issue by far. And for two to three years before
4 that time I spent days and days challenging
5 applications that were before the Building
6 Department and I do that to this day. Those
7 challenges to safety to zoning, thus challenges
8 are going from my office or from me to the Bronx
9 borough office. Expertise is needed in the
10 borough offices to interpret the zoning
11 resolution, which is the bible which protects
12 block after block in the City of New York. To say
13 that we have to have the Commissioner only have
14 these engineer and architectural qualifications
15 negates the reality that what we need is increased
16 professionals in the city, central office and in
17 the borough offices. This compromise says either
18 the Deputy or the Commissioner must have these
19 qualifications; a compromise is correct. Without
20 good management at the helm of the Buildings
21 Department, you could have all the people with all
22 the qualifications in the world, you're not going
23 to have an agency that we in the City of New York
24 need to protect our daily life and limb.

25 I think the reality in the

1
2 situation is that the Buildings Department has had
3 trouble for many years recruiting qualified people
4 to meet the standards that they have set, that we
5 expect them to set. But for us to say that the
6 person at the very, very top must have all these
7 credentials, I think in this day and age is not
8 saying the correct thing. I think the
9 administration is correct; I think in this case we
10 are joined at the hip in wanting a Buildings
11 Department that maximized its performance and its
12 correctness. And I think that this bill allows
13 for both.

14 MADAM PUBLIC ADVOCATE: Council
15 Member Barron.

16 MR. BARRON: Thank you Madam Chair.
17 I just want to join my colleagues, Diana Reyna and
18 others who are voting no on Intro 755-A. I think
19 that the time where the City Council is going to
20 be used by the Mayor to get an individual in and
21 try to pretend like this is something we're doing
22 to improve the quality of the Department of
23 Buildings. There has been too many disastrous
24 occurrences in this city around the Department of
25 Buildings. If anything we need to be increasing

1
2 the qualifications. You don't want to put a
3 process in place to satisfy an individual. That's
4 something we're going to have to live with for
5 quite some time. So I think we should vote no on
6 that one.

7 Being a strong environmentalist I
8 certainly appreciate the efforts of Council Member
9 Brewer and others. But when we go in a bit far,
10 in my opinion, we've gone a bit far reaching the
11 long arm of the City Council, the legislative
12 body. Now we're going into our communities and
13 closing doors of businesses. I do think that
14 there is some environmental value in that. Of
15 course, there is some energy conservation value in
16 that. But I think we're going a bit far when
17 we're now reaching our legislative arm into the
18 community and shutting doors of the businesses.

19 And being an environmentalist, I'm
20 sure there are a myriad of other ways that we can
21 engage in energy conservation and other
22 environmental safety things that we can do far
23 more impacting than now becoming the legislative
24 arm reaching into our community and start shutting
25 doors. That's a bit much for me, even though I do

1
2 agree there is some energy conservation value to
3 it. But I think we're going a bit far on that.
4 I'm afraid what might come after that in the name
5 of saving energy and the environment. So I urge a
6 not vote on that. Thank you very Madam Chair.

7 MADAM PUBLIC ADVOCATE: Council
8 Member Vallone.

9 MR. VALLONE: Thank you. I agree
10 with my colleague Jimmy Vacca on that bill.
11 However I'd like to speak about 264-A, the air
12 conditioning the sidewalk bill. I think it's a
13 bill that has a lot of heart but just not enough
14 guts; it doesn't do what it says it's going to do.
15 I fully support the bill. In fact, I wanted to
16 put one in myself but was blocked because one was
17 already there. I know this is not Gale Brewer's
18 fault as it was the administration that looked for
19 this exception. But exempting stores of under
20 4,000 feet pretty much exempts all of the stores
21 that are causing the problem in my district. And
22 I represent a district that creates 85% of the
23 power of this city and went through nine days of
24 hell during the last black out. So I don't think
25 it goes far enough.

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2 I would like to have this issue
3 revisited next summer, perhaps, so we could gauge
4 the effects of this bill. I think it's a great
5 idea but unfortunately it exempts most of the
6 stores that I believe are causing the problem
7 right now and I think it should go much further.
8 Hopefully we will revisit it in the future. Thank
9 you.

10 MADAM PUBLIC ADVOCATE: Council
11 Member Dilan.

12 MR. DILAN: Yeah. I just want to
13 take a brief moment. I didn't intend to speak but
14 I wanted to take a brief moment to at least
15 explain my position on Intro 755-A, which is the
16 qualifications for the Buildings Commissioner.
17 This is one that personally I've struggled with
18 from the moment it was introduced right up until
19 the moment it was voted upon. But just in my
20 opinion, I'm going to vote for this because I
21 think the Department of Buildings right now is in
22 a crisis and it needs immediate leadership. This
23 bill doesn't prohibit the Mayor from hiring an
24 architect from being the Commissioner, or an
25 engineer. It doesn't prohibit that at all. In

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2 fact, I hope the Mayor does just that.

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I happen to think that Bob Lamandry is a qualified individual. I think he will be good at doing it should he be nominated by the Mayor. But this bill in my opinion is not even about Mr. Lamandry. It's about the leadership and the direction of an agency that needs so much help.

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I want to say to the opponents of this bill, your analysis of it, in the future may very well be right. There's a chance that could happen. There's a chance that a future mayor could do something to put in a person that could set this agency back in the wrong direction. But I do want to state out that in the condition that this agency is in is absolutely because there were architects and engineers running it.

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It's architects and engineers that have put this agency in the position that it's in. I don't want to come across as knocking the architects or engineers. I'm sure there's a lot of them that can do a great job. But I think in the end what it came down for me is this is a vote of faith on this administration and future

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2 administrations. And I pray that they put
3 somebody in, one that can handle this job. Two,
4 that can make this passage, if it does pass, look
5 like it was the right decision. Because while I'm
6 voting for this, I believe the jury's still out
7 and I believe many of the opponents of this bill
8 could actually be right. But I'm willing to take
9 a leap of faith to get this done. So I'll be
10 voting yes on this item.

11 MADAM PUBLIC ADVOCATE: Council
12 Member Fidler.

13 MR. FIDLER: Yeah. I don't think
14 there's anyone in this room that would imagine
15 that I would vote for 755-A as a favor to Mike
16 Bloomberg. Quite frankly I've been having
17 problems with the Department of Buildings since I
18 was a Community Board chair in the early 80s. It
19 has historically been the most poorly managed
20 agency in the City of New York. WE could
21 speculate as to why it hasn't worked out with
22 engineers and architects. Perhaps engineers and
23 architects that go through an extraordinary amount
24 of training are not necessarily available to side
25 track their career to be a Commissioner of City

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Agency at that economic level. Maybe that's why.

When Ed Koch ran for Mayor the first time, I think his slogan was, after eight years of charisma and four years of the clubhouse, why not try competence? And that is exactly why I am voting for 755-A. What we've been doing hasn't worked and to give the Mayor the opportunity to select somebody, whether it's the acting Commissioner or somebody else, the opportunity to find someone who can finally managed this mis-managed agency after 30 years, I've got to b e for that. We can't do any worse by leaving it in the status quo.

MADAM PUBLIC ADVOCATE: Council Member Ignizio.

MR. IGNIZIO: Yes, thank you very much. I rise to speak on Bill 264-A. I don't at all questions the motives or reasons for the bill that the sponsor put in the bill. But I think the issue really here is generation, which can't be solved with conservation and certainly not legislation on its own.

Quite frankly I think this is the perpetuating of the nanny state mentality that has

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2 taken hold of city government, it's taken hold of
3 state government and sadly it's taken hold of
4 national⁴ government. What we're doing is we're
5 micro managing business decisions that I don't
6 believe we ought to. Nobody's saying reduce the
7 rates of electricity for businesses. They pay far
8 too much as it is. They're going to continue to
9 pay more. But they are making a business
10 decision that they're trying to attract customers,
11 the passers-by. They say, oh, it's nice and cool
12 in here. I'm going to go in and get some relief
13 and perhaps I'm going to buy some items.
14 Ultimately it's in their business interest. They
15 feel that it's going to make it worth their while
16 and what they're paying for it.

17 In terms of the focus of this body
18 or legislative bodies throughout the country, I
19 think it ought be on generation. Article X
20 legislation's been pending in Albany and stopped
21 for quite some time. And I think we need to move
22 the dialogue into things like having ample supply.
23 We keep calling New York City the powerhouse and
24 the economic engine of this state. However, we
25 want to deprive it of its energy. Well I don't

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2 think that's the way to go. I don't think this
3 bill is the way to go. And quite frankly I think
4 the womb to tomb of nanny state is not the way to
5 go either.

6 MADAM PUBLIC ADVOCATE: Council
7 Member Nelson.

8 MR. NELSON: Thank you. Many
9 arguments have been made on 755-A. Just one
10 observation, hospital administrator doesn't have
11 to go into the OR and cut. Their responsibility
12 is to make sure the hospital has the best medical
13 staff possible. And you can get an MD as an
14 administrator and he or she may just fall on their
15 faces, which happens. That's why I believe 755 is
16 a fine introduction. Thank you.

17 MADAM PUBLIC ADVOCATE: Seeing
18 nobody else. Report of special committees.

19 MALE VOICE: None.

20 MADAM PUBLIC ADVOCATE: Reports of
21 standing committees.

22 MALE VOICE: Report of the
23 Committee on Environmental Protection, Intro 264-
24 A, Air Conditioning Systems.

25 SPEAKER QUINN: Amended and coupled

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2 on general orders.

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4 MALE VOICE: Report of the
5 Committee on Finance, pre-considered Reso. 1585,
6 Fiscal 2009 Expense Budget.

6

7 SPEAKER QUINN: Coupled on general
8 orders.

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9 MALE VOICE: Report of the
10 Committee on Governmental Operations, Intro 755-A,
11 Commissioner of Buildings.

11

12 SPEAKER QUINN: Amended and coupled
13 on general orders.

13

14 MALE VOICE: Report of the
15 Committee on Housing and Buildings, Intro 783-A,
16 Site Safety Personnel.

16

17 SPEAKER QUINN: Amended and coupled
18 on general orders.

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19 MALE VOICE: Intro 790-A, Enhanced
20 Site Specific Safety Plans.

20

21 SPEAKER QUINN: Amended and coupled
22 on general orders.

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23 MALE VOICE: Report of the
24 Committee on Land Use, L.U. 747 and Reso. 1586,
25 UDAP Queens.

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SPEAKER QUINN: Coupled on general

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2 orders.

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MALE VOICE: L.U. 820 and Res.

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1587, Zoning Map.

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SPEAKER QUINN: Coupled on general

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orders.

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MALE VOICE: L.U. 824 and Reso.

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1588 through L.U. 833 and Reso. 1590, Zoning

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Resolution Amendments.

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SPEAKER QUINN: Coupled on general

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orders.

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MALE VOICE: L.U. 834, Zoning

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Resolution.

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SPEAKER QUINN: Approved with

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modification and referred to the City Planning

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Commission pursuant to rule 11.70B of the Rules of

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the City Council and Section 197D of the New York

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City Charter.

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MALE VOICE: L.U. 860 and Reso.

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1591, Unenclosed Sidewalk Cafe, Council District

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SPEAKER QUINN: Coupled to be filed

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pursuant to a letter of withdrawal.

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MALE VOICE: Report of the

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Committee on Rules, Privileges and Elections, pre-

1
2 considered M1110 and Reso. 1592, Approving the
3 designation of Bishop Mitchell Taylor, Civilian
4 Complaint Review Board.

5 SPEAKER QUINN: Coupled on general
6 orders.

7 MADAM PUBLIC ADVOCATE: All right.
8 General order calendar.

9 MALE VOICE: Resolution appointing
10 various persons Commissioner of Deeds.

11 SPEAKER QUINN: Coupled on general
12 orders and at this point I ask for a roll call on
13 items that have been coupled on the general order
14 calendar please.

15 CLERK: Addabbo.

16 MR. ADDABBO: I vote no on Intro
17 755-A, aye on all the rest. Thank you.

18 CLERK: Arroyo.

19 MS. ARROYO: Aye.

20 CLERK: Avella.

21 MR. AVELLA: No on Intro 755-A and
22 yes on everything else.

23 CLERK: Barron.

24 MR. BARRON: No on Intro 264-A, no
25 on Intro 755-A, aye on all the rest.

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CLERK: Brewer.

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MS. BREWER: Aye on all except 755-A in which I'm abstaining. Thank you.

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CLERK: Como.

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MR. COMO: No on 264-A, aye on the rest.

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CLERK: Comrie.

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MR. COMRIE: Yes to all.

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CLERK: De Blasio.

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MR. DE BLASIO: No on 755-A and aye on all others.

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CLERK: Dickens.

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MS. DICKENS: Aye on all.

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CLERK: Dilan.

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MR. DILAN: I vote aye on all except for Intro 264-A, I agree with the

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sentiments of my colleague from Brooklyn, Charles

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Barron, that the bill may be over reaching.

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CLERK: Eugene.

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MR. EUGENE: Aye.

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CLERK: Felder.

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MR. FELDER: Yes on all except for 264-A, I vote no.

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CLERK: Fidler.

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2 MR. FIDLER: Madam Public Advocate,
3 may I be briefly excused to explain my vote? I
4 guess that's a yes.

5 MADAM PUBLIC ADVOCATE: Yes. So
6 ordered.

7 MR. FIDLER: I have to respond to
8 the comments made by my good friend Council Member
9 Ignizio--

10 MADAM PUBLIC ADVOCATE:
11 [interposing] Quiet please.

12 MR. FIDLER: --about the nanny
13 state. When I go home and I see that one of my
14 kids has turned the air conditioning on and left
15 the window open, I put my best father scowl on and
16 point out that not only are we wasting energy but
17 we're wasting money too. I make them either turn
18 off the air conditioner or close the window.

19 The same argument doesn't
20 necessarily apply to a store that's using a great
21 deal of power. The next time Con Ed puts out an
22 advisory asking me not to use my electric because
23 they're at peak demand, that they're threatening
24 to brown out my neighborhood or black out my
25 neighborhood, I'm going to think about the stores

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2 that are air conditioning the streets. Wasting
3 energy, setting a bad example and perhaps, not
4 always but perhaps, causing that brown out or the
5 black out. And that makes it a matter of public
6 concern. It's not a nanny state argument.

7

8 We regulate people's behavior all
9 the time when it could adversely affect the rights
10 of others. And that's exactly what 264 does and
11 that's why I'm voting for it. And I vote aye on
12 all.

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CLERK: Gennaro.

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14 MR. GENNARO: Yes on all but no on
15 755-A.

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CLERK: Gentile.

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MR. GENTILE: Aye on all.

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CLERK: Gerson.

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19 MR. GERSON: May I be excused to
20 explain my vote?

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MADAM PUBLIC ADVOCATE: So ordered.

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22 MR. GERSON: Madam Public Advocate,
23 my colleagues, I would support and would prefer
24 the proposals presented by Council Member Koppell
25 and others for a City Council waiver provision and
for a sunset clause with respect to any proposed

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2 Buildings Department Commissioner who is not a
3 certified architect or engineer. I hope that this
4 Council will have the opportunity to vote on those
5 proposals as amendments in the near future.

6 But as those proposals are up
7 before us today, I will vote yes on 755-A because
8 as pointed out by Chair Dilan, we are in a
9 critical juncture in our city with respect to
10 construction, with respect to the Department of
11 Buildings. And we must continue to move forward
12 without undermining the progress now being mad and
13 the leadership of the current department led by
14 Commissioner Lamandry.

15 That being said, I want to make it
16 clear for the legislative record that I vote yes
17 with the clear understanding that in the even the
18 Commissioner does not have those certifications
19 and a Deputy Commissioner must be named with those
20 certifications, that that Deputy Commissioner will
21 not be a figure head. But will be the
22 spokesperson for the city and for the Department
23 on matters which pertain to his or her expertise
24 and that that person will be vested with the
25 responsibility and the authority to speak out

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2 publicly as well as privately to the Commissioner.
3 And will be accessible, and this is important,
4 will be accessible to this City Council and to
5 each council member as we exercise our oversight
6 responsibilities, directly accessible with respect
7 to safety, public safety matters pertaining to
8 buildings and construction.

9 With that understanding and with
10 expectations--

11 MADAM PUBLIC ADVOCATE:

12 [interposing] Quiet please. Quiet.

13 MR. GERSON: --that the Council
14 will continue to monitor this and review this, I
15 vote aye on 755-A and all others. And kudos to
16 Gale Brewer. As we are all interdependent on this
17 electric grid of ours it behooves us and it's our
18 responsibility to protect our interdependence
19 responsibly as that does. Thank you.

20 CLERK: Gioia.

21 MR. GIOIA: Thank you. I'd like to
22 vote yes.

23 CLERK: Gonzalez.

24 MS. GONZALEZ: Aye on all.

25 CLERK: Ignizio.

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MR. IGNIZIO: Thank you very much.

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Notwithstanding the comments of my colleague, I

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want to reiterate my opposition to 264-A and

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remind him my comments with regards to generation

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and the failure of government to provide energy

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for this state, primarily by the Assembly

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Democrats and Article X legislation.

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Generation can't be filled with

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this and certainly legislation is not the way to

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go on this matter. I'm proud to vote no on 264-A.

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Aye on all others.

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CLERK: James.

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MS. JAMES: Aye.

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CLERK: Katz.

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MS. KATZ: Aye.

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CLERK: Koppell.

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MR. KOPPELL: I'd like permission

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to explain my vote.

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MADAM PUBLIC ADVOCATE: So ordered.

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MR. KOPPELL: Thank you. It's

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interesting, my colleague who talks about more

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generation--

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MADAM PUBLIC ADVOCATE:

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[interposing] Quiet please.

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2 MR. KOPPELL: There are many parts
3 of this city not unfamiliar to that colleague and
4 others that were not happy about putting new
5 generator plants in their neighborhood. For good
6 reason, I might say. So conservation is so
7 important and we're going to learn in the next few
8 years that we have to go a lot further than simply
9 asking people not to air condition sidewalks.
10 We're going to have to do a lot if we're going to
11 preserve the environment and this planet for
12 future generations.

13 I withdraw my request. I vote no
14 on 755-A and aye on all the rest.

15 CLERK: Lappin.

16 MS. LAPPIN: I vote aye on all with
17 the exception of 755-A, I vote no.

18 CLERK: Liu.

19 MR. LIU: Yes on all except for
20 755-A, I vote no on that.

21 CLERK: Mark-Viverito.

22 MS. MARK-VIVERITO: I vote aye on
23 all.

24 CLERK: Nelson.

25 MR. NELSON: May I be explained to

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2 explain my vote?

3 MADAM PUBLIC ADVOCATE: So ordered.

4 MR. NELSON: Explained, okay,
5 excused. All right. It just seems ironic to me
6 that if we're asking people to insulate their
7 homes and to conserve energy and save money that
8 to have doors wide open would seem okay. It goes
9 against my grain somewhat to tell people how to
10 run their business; it really does. We're at a
11 different age right now, it appears to me. It
12 just seems that it would be helpful not to have
13 doors wide open with air conditionings running
14 like crazy in the present site guides. I vote aye
15 on all.

16 CLERK: Palma.

17 MS. PALMA: Aye.

18 CLERK: Recchia.

19 MR. RECCHIA: Aye on all.

20 CLERK: Reyna.

21 MS. REYNA: I vote no on 264-A and
22 no on 755-A.

23 CLERK: Sanders.

24 MR. SANDERS: Aye on all.

25 CLERK: Seabrook.

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MR. SEABROOK: Aye on all.

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CLERK: Sears.

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MS. SEARS: Permission to explain
my vote please Madam Advocate.

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MADAM PUBLIC ADVOCATE: So ordered.

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MS. SEARS: On 755-A I have been a
sponsor of that from the very beginning. I
basically believe that skills, all good skills are
transferable. I think it is a mistake to think
that we would have somebody in that spot that
would be so unqualified. I believe that maybe we
should have greater faith and that people who have
those positions, it's a great deal of thought
given to who they are, what they are and how they
do the work. The important thing is that that
Department must be managed, it must be managed
well. And I thin this bill gives some flexibility
to it.

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In terms of 264-A, it doesn't go
far enough and I hope that next year we will be
able to revisit this. I've heard about not
telling small business what to do but I happened
to agree with my colleague, Koppell, that we have
to begin to take the environment a lot more

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2 seriously than we do. I vote aye on all.

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CLERK: Stewart.

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MR. STEWART: May I be excused to
5 explain my vote?

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MADAM PUBLIC ADVOCATE: So ordered.

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MR. STEWART: I find it very
8 difficult for us to be legislating every single
9 thing. If a person runs his business and he wants
10 his door is being kept open, I can't see why we
11 have to be punishing someone because their door is
12 open when they're doing business. Because of that
13 I will vote no on 264-A and aye on all the rest.

14

CLERK: Vacca.

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MR. VACCA: I vote aye on all. I
16 do want to state that regarding 264-A, many people
17 would say are there more important things that we
18 should be considering. And of course I do think
19 that there are some more important things that we
20 should be considering. I can't help but think
21 what this winter will mean for poor people and the
22 senior citizens when they get their heating bills
23 and have to decide between energy and food. So I
24 put that on your plate for thought. But I vote
25 yes on all.

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[Applause]

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CLERK: Vallone.

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MR. VALLONE: Permission to briefly

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explain. When it comes to generation, which is
something I know a little bit about. A message
we've heard many times on the national level, a
way to help solve this crisis is not just on one
side, either generation or the conservation side
but on both sides. And the studies show that it
takes 20% more power to air condition the
sidewalk. That results in more generation and
power being necessary so this bill will mean we
require less power generation which is a good
thing. And I vote aye on all.

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CLERK: Vann.

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MR. VANN: Aye on all.

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CLERK: Weprin.

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MR. WEPRIN: Aye on all.

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CLERK: Yassky.

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MR. YASSKY: Aye on all.

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CLERK: Oddo.

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MR. ODDO: May I be temporarily

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excused to explain my vote. I vote no on Intro

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264-A and yes on all others. I just want to spend

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1
2 a couple moments talking about 755-A and put
3 myself in the enviable position, seemingly, of
4 defending the Department of Buildings. I'm not
5 sure when hell froze over, maybe it was a result
6 of all those air conditioners on and the doors
7 open.

8 This is an agency in transition.
9 And this is not an agency at the point where we
10 want it to be. But I think it's important in any
11 discussion about this agency that we add a little
12 context. In that this was an agency that was a
13 pit when the Bloomberg administration started.
14 And that's coming from someone who is a fan of the
15 previous administration.

16 A quarter of the personnel lines
17 were vacant, the computers didn't work. We've
18 worked hard and diligently, members of this body
19 led by this Speaker, and we've helped with the
20 administration to move this agency a long ways. I
21 think one thing I would just like to add to this
22 conversation that I haven't heard to date is that
23 the administration, rightly or wrongly, has a
24 different vision and sees this agency as more of a
25 public safety agency than anything else. It's

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mandate is still to interpret and enforce the

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zoning resolution but in a way that closer

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resembles public safety. And that's part of why

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they want the flexibility to get somebody in there

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that has--a wider range of people, perhaps, to

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lead the agency.

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I came to this decision to vote in

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favor of this, very difficult decision for me.

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MADAM PUBLIC ADVOCATE: Quiet

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please.

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MR. ODDO: I came to it

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begrudgingly. But I think, ultimately at the end

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of the day, it's the right decision given the fact

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that his agency continues to be transitioned by

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the Bloomberg administration. So again I vote yes

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on all with the exception of Intro 264-A.

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CLERK: Rivera.

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MR. RIVERA: I vote aye.

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CLERK: Speaker Quinn.

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SPEAKER QUINN: I vote aye.

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MADAM PUBLIC ADVOCATE: All items

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on today's general order calendar were adopted by

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a vote of 49 in the affirmative, 0 negative, 0

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abstentions. With the exception of Introduction

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2 755-A which is adopted by a vote of 36 in the
3 affirmative, 12 negative, 1 abstentions and Intro
4 264-A was adopted by 41 in the affirmative, 8 in
5 the negative and 0 abstentions.

6 Introduction in reading of bills.

7 SPEAKER QUINN: All bills are
8 referred to the committees as indicated on the
9 agenda, please.

10 MADAM PUBLIC ADVOCATE: There are
11 no resolutions, so there'll be no discussion.
12 General discussion? Okay. This--

13 SPEAKER QUINN: [interposing]
14 Before we close I just want to--I know the clerk I
15 believe has the--

16 MADAM PUBLIC ADVOCATE:
17 [interposing] Quiet please.

18 SPEAKER QUINN: Before we close and
19 do that I think Council Member Recchia has
20 something he needs to say.

21 MR. RECCHIA: I would ask that
22 people sign on to Reso. 1582. On May 4th,
23 Melodink Kolvacheck, a Serbian national student at
24 Binghamton beat a Brooklyn resident, Brian
25 Stemhower. And he's in the hospital in a coma and

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2 the Serbian government got him out on bail with a
3 temporary passport. They sent him to Serbia and
4 Senator Chuck Shumer, Senator Hilary Clinton, we
5 have to join in with them and call on for him to
6 be returned to he can stand trial for the
7 punishment that he did to Brian Stemhower. What
8 he did was not right and he must come back. So
9 we're calling upon the Serbian government to
10 return him back to the United States to stand
11 trial. Thank you. Please sign on to my
12 resolution.

13 MADAM PUBLIC ADVOCATE: Thank you.
14 Council Member Viverito.

15 MS. MARK-VIVERITO: Yes. I want to
16 encourage my colleagues to sign on to Resolution--

17 MADAM PUBLIC ADVOCATE:
18 [interposing] Quiet please.

19 MS. MARK-VIVERITO: --1574 that's
20 being introduced by me and by Rosie Mendez. It's
21 calling on the state legislator to--

22 MADAM PUBLIC ADVOCATE:
23 [interposing] Quiet please.

24 MS. MARK-VIVERITO: Calling on the
25 New York State legislature to enact legislation

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amend in the New York State penal law to include penalties for police officers prematurely leaving the scene of a crime or shooting without reporting the incident.

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As people may remember last year there was an incident in which a young man was shot and killed in my district, he lived in Rosie Mendez's district, by off duty officer who discharged his weapon. Left the scene of the crime for 18 hours, did not report it to anybody and a grand jury decided not to indict him. What was said by the attorney, by the Manhattan DA, was that it is not unlawful for a police officer who discharges his weapon to leave the scene of a crime and not report it. So we are asking and calling on the state legislature to amend that.

Assembly Member Peret Ta, State Senator Serrano are working jointly with us to introduce the legislation in the state. So we are working collectively on that. I would ask my colleagues to sign on to the resolution. Thank you.

SPEAKER QUINN: Thank you. And just before we adjourn if I could ask my

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2 colleagues who are still here to stand for a
3 moment. As I said we will adjourn today's meeting
4 in memory of--

5 MADAM PUBLIC ADVOCATE:

6 [interposing] Council Member Reyna. Sorry.
7 Please, she wants to say something.

8 SPEAKER QUINN: Go ahead, Diana.

9 MS. REYNA: Sorry. I just wanted
10 to urge everyone to sign on to Intro 820. It's an
11 administrative code, local law to place a cap on
12 the number of misdemeanor and felony cases an
13 attorney can handle in representing indigent
14 defendants.

15 This is a constitutional right and
16 we should do right by each individual who is
17 represented with free legal services. It is
18 impossible to do so when each particular attorney
19 is representing well above 150 cases per attorney.
20 So we ask for my colleagues to please join us in
21 Intro number 820.

22 SPEAKER QUINN: Thank you. And
23 again if we could all stand. We'll adjourn this
24 meeting in memory of former Council Member Stanley
25 Michaels. If I could ask the clerk to please read

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2 the statement that he has.

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CLERK: In memoriam, Stanley E.

Michaels by the entire Council. Whereas the New York City Council mourns the passing of former Council Member Stanley E. Michaels on Friday, August 1, 2008 at the age of 75, following two years of battle against cancer, at Columbia Presbyterian Medical Center.

Whereas Stanley, Stan E. Michaels, was committed to a lifelong of public service, representing the people of Ingwood, Washington Heights, Central and West Harlem for 24 years, from 1978 to 2001, when he retired due to term limits.

And whereas Mr. Michaels was born on January 28, 1933, was a long time resident of Manhattan's Castle Village on Cabrilly Boulevard. He graduated from Hobert College in 1955 and Cornell Road School in 1958.

And whereas, Mr. Michaels was elected to City Council 6th District in 1977. And was subsequently re-elected six times by significant majority. He chaired the Committee on Environmental Protection from 1992 to 2001.

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2 And whereas, Mr. Michaels played an
3 instrumental role in improving New York City's
4 environmental practices. Mr. Michaels is the
5 prime sponsor of the Clean Indoor Air Act, the
6 City's first rule regulating smoking in public
7 places. He was also the lead sponsor of the
8 Childhood Lead Poisoning Prevention Act, which
9 made the presence of peeling lead based paint in
10 apartments where children under six years old
11 lived, one of the most serious violations of the
12 City Housing Code. Mr. Michaels also had a
13 central role in expanding the City's recycling
14 program and protecting the City's watershed in the
15 Catskills.

16 And whereas on July 24, 2008 in a
17 ceremony led by Parks Commissioner and surrounded
18 by family and friends and neighborhood residents,
19 the main walkway in Fort Tyron Park was designated
20 Stan Michaels Promenade.

21 And whereas, Mr. Michaels is
22 survived by his wife of 48 years, Molly, two
23 daughters, Judge Shari Michaels and Carrie
24 Michaels and a son Jeffrey Michaels and three
25 grandchildren.

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2 And whereas, throughout his
3 devotion, enthusiasm and example, former New York
4 City council member Stanley E. Michaels was an
5 honorable man of service, passion, collaboration.

6 And now therefore be it known,
7 resolved that the City Council of the City of New
8 York celebrates the life and mourns the passing of
9 Stanley E. Michaels, extends its most profound
10 sympathies to his family and friends and adjourn
11 this day in honor of the legacy and service of New
12 York City.

13 SPEAKER QUINN: Thank you Madam
14 Public Advocate, we're adjourned.

C E R T I F I C A T E

I, Amber Gibson, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Amber Gibson

Date September 3, 2008