

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

1  
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

1

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

12

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

17

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

22

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

23

have to recognize her in this way but we know that

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her struggles were not in vain and that those

25

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

1  
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



1  
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

1  
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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2 of her memory with us today. Thank you.

3 [Applause]

4 That concludes our ceremonials for  
5 the day.

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

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

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

17 MADAM PUBLIC ADVOCATE: Roll call.

18 CLERK: Addabbo. Arroyo.

19 COUNCIL MEMBER MARIA DEL CARMEN

20 ARROYO: Here.

21 CLERK: Avella.

22 COUNCIL MEMBER TONY AVELLA: Here.

23 CLERK: Baez. Barron.

24 COUNCIL MEMBER CHARLES BARRON:

25 Here.

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2

CLERK: Brewer.

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COUNCIL MEMBER GALE A. BREWER: I.

4

CLERK: Como.

5

COUNCIL MEMBER ANTHONY COMO: Here.

6

CLERK: Comrie. De Blasio.

7

Dickens.

8

COUNCIL MEMBER INEZ E. DICKENS:

9

Here.

10

CLERK: Dilan. Eugene.

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COUNCIL MEMBER MATIEU EUGENE: Yes.

12

CLERK: Felder.

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COUNCIL MEMBER SIMCHA FELDER: Yes.

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CLERK: Fidler. Foster.

15

COUNCIL MEMBER HELEN D. FOSTER:

16

Here.

17

CLERK: Garodnick. Gennaro.

18

Gentile.

19

COUNCIL MEMBER VINCENT J. GENTILE:

20

Here.

21

CLERK: Gerson. Gioia. Gonzalez.

22

Ignizio.

23

Here.

24

CLERK: Jackson.

25

COUNCIL MEMBER ROBERT JACKSON:

1

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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2

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.

10

CLERK: Recchia.

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COUNCIL MEMBER DOMENIC M. RECCHIA,

12

JR.: I, here.

13

CLERK: Reyna.

14

COUNCIL MEMBER DIANA REYNA: Here.

15

CLERK: Sanders.

16

COUNCIL MEMBER JAMES SANDERS, JR.

17

Here.

18

CLERK: Seabrook.

19

COUNCIL MEMBER LARRY SEABROOK

20

Here.

21

CLERK: Sears.

22

COUNCIL MEMBER HELEN SEARS: Here.

23

CLERK: Stewart.

24

COUNCIL MEMBER KENDALL STEWART:

25

Present.

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CLERK: Vacca.

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COUNCIL MEMBER JAMES VACCA: Here.

3

CLERK: Vallone.

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COUNCIL MEMBER PETER J. VALLONE,

5

JR.: Here.

6

CLERK: Vann.

7

COUNCIL MEMBER ALBERT VANN: Yeah.

8

Here.

9

CLERK: Weprin.

10

COUNCIL MEMBER DAVID I. WEPRIN:

11

Here.

12

CLERK: White. Yassky. Oddo.

13

COUNCIL MEMBER JAMES S. ODDO:

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Here.

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CLERK: Rivera. Speaker Quinn.

16

SPEAKER QUINN: Here.

17

MADAM PUBLIC ADVOCATE: We have a

18

quorum. All rise please for the invocation, which

19

will be given by Iman Malik Hussein.

20

IMAN MALIK HUSSEIN: [Speaking

21

different language] Respected - - public advocate,

22

Christine Quinn, the Speaker and the members of

23

City Council, imans [phonetic] and audience.

24

Ladies and gentlemen, it is my honor and pleasure

25



1

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.

20

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.

1  
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

1

2 were captured.

3

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

12

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

16

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

26

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

29

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

1

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.

6

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.

1

[Applause]

2

3

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.

10

And we just want to say Happy

11

Birthday to Council Member James Sanders, whose

12

birthday is today as well. And on two more

13

positive notes, I ask that we all stand in a

14

moment of silence. And if members want to make

15

any remembrances of Stanley. Pardon me, I'm

16

sorry. I forgot one other person we needed to

17

recognize. I'm sorry.

18

Earlier this week, on Monday,

19

Sanitation Department employee Nelson Diaz who was

20

60, who came from majority leader Rivera's

21

district, a 23 year veteran of the Department,

22

collapsed and died while working his route in the

23

Mount Eden section of the Bronx. The sanitation

24

commissioner remembered worker Diaz was a hard-

25

working, well liked employee who cared for his



1  
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

1

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

1  
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

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2        keen sense of practicality, knowing how.

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          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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          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.

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          MADAM PUBLIC ADVOCATE: Council Member Gennaro.

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          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

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

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

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There's a lot of talk these days about how fortunate we are to have a watershed that's protected. And now we have a watershed memorandum of agreement, something that was put together between the upstate stakeholders and the downstate regulators and the people that drink the water and the Feds and the state. There was this whole complex arrangement of people that couldn't 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 There was a vote here many years  
6 ago between Peter Vallone, Sr. and Sam Harowitz.  
7 Stan would like to tell this story. There would  
8 be an unmentioned member right now because he is  
9 no longer with us either. But that unmentioned  
10 member told Stan and others that he was going to  
11 beat with Sam and they had the vote clinched.  
12 Just the second his name was called, this unnamed  
13 member said Peter Vallone, to Peter Vallone Senior  
14 and there was an audible gasp, as Stanley would  
15 describe it. Stanley has to be somewhat refrained  
16 from jumping over to this other council member  
17 because he wanted to extract some pound of flesh.

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



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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

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years, Molly. We attended many, many Democratic

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National Conventions together and many national

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conferences for the state legislators which I

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attended along with my parents when I was much

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younger, before I was officially in the political

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arena. The thing I remember most about Stanley

13

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

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going to new cities. He would carry his camera

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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

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there with Stanley and Molly. Thank you.

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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.

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28 SPEAKER QUINN: Rules, Privileges  
29 and Elections.

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

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Preservation Commission.

SPEAKER QUINN: Rules, Privileges  
and Elections.

MALE VOICE: M1108, submitting  
Christopher Moore for reappointment to the  
Landmarks Preservation Commission.

SPEAKER QUINN: Rules, Privileges  
and Elections.

MADAM PUBLIC ADVOCATE:  
Communication from city, county and borough  
offices.

MALE VOICE: None.

MADAM PUBLIC ADVOCATE: Petitions  
and Communications.

MALE VOICE: None.

MADAM PUBLIC ADVOCATE: Land Use  
Call ups.

MALE VOICE: M1109 and M1111.

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

CLERK: Addabbo.

COUNCIL MEMBER JOSEPH P. ADDABBO,  
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.

8

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.

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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.

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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.

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MR. SEABROOK: Aye.

14

CLERK: Sears.

15

MS. SEARS: Aye.

16

CLERK: Stewart.

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MR. STEWART: Aye.

18

CLERK: Vacca.

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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.

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MR. WEPRIN: Aye.

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CLERK: White. Yassky.

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MR. YASSKY: Aye.

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CLERK: James.

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MS. JAMES: Aye.

6

CLERK: Reyna.

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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.

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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

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vote aye on all general orders.

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MADAM PUBLIC ADVOCATE: So ordered.

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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

1

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  
3 sponsored by the city.

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

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

18 MADAM PUBLIC ADVOCATE: Quiet  
19 please.

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

1

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

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

19 This piece of legislation changes  
20 the requirement which now exists that says the DOB  
21 Commissioner has to be a licensed engineer or a  
22 licensed architect. We will now have a law that  
23 says either the Commissioner or the First Deputy  
24 has to be a licensed architect or engineer. We  
25 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 at 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

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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

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

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

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And being an environmentalist, I'm sure there are a myriad of other ways that we can engage in energy conservation and other environmental safety things that we can do far more impacting than now becoming the legislative arm reaching into our community and start shutting 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.

1  
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 national<sup>4</sup> 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

1  
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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on general orders.

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

SPEAKER QUINN: Coupled on general  
orders.

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

SPEAKER QUINN: Amended and coupled  
on general orders.

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

SPEAKER QUINN: Amended and coupled  
on general orders.

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

SPEAKER QUINN: Amended and coupled  
on general orders.

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

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-

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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.

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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



1  
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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MR. KOPPELL: There are many parts of this city not unfamiliar to that colleague and others that were not happy about putting new generator plants in their neighborhood. For good reason, I might say. So conservation is so important and we're going to learn in the next few years that we have to go a lot further than simply asking people not to air condition sidewalks. We're going to have to do a lot if we're going to preserve the environment and this planet for future generations.

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

CLERK: Lappin.

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

CLERK: Liu.

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

CLERK: Mark-Viverito.

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

CLERK: Nelson.

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.

3 CLERK: Stewart.

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

6 MADAM PUBLIC ADVOCATE: So ordered.

7 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.

15 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

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something I know a little bit about. A message

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we've heard many times on the national level, a

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way to help solve this crisis is not just on one

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side, either generation or the conservation side

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but on both sides. And the studies show that it

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takes 20% more power to air condition the

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sidewalk. That results in more generation and

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power being necessary so this bill will mean we

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require less power generation which is a good

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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



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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2 mandate is still to interpret and enforce the  
3 zoning resolution but in a way that closer  
4 resembles public safety. And that's part of why  
5 they want the flexibility to get somebody in there  
6 that has--a wider range of people, perhaps, to  
7 lead the agency.

8 I came to this decision to vote in  
9 favor of this, very difficult decision for me.

10 MADAM PUBLIC ADVOCATE: Quiet  
11 please.

12 MR. ODDO: I came to it  
13 begrudgingly. But I think, ultimately at the end  
14 of the day, it's the right decision given the fact  
15 that his agency continues to be transitioned by  
16 the Bloomberg administration. So again I vote yes  
17 on all with the exception of Intro 264-A.

18 CLERK: Rivera.

19 MR. RIVERA: I vote aye.

20 CLERK: Speaker Quinn.

21 SPEAKER QUINN: I vote aye.

22 MADAM PUBLIC ADVOCATE: All items  
23 on today's general order calendar were adopted by  
24 a vote of 49 in the affirmative, 0 negative, 0  
25 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.

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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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the statement that he has.

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