

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON GOVERNMENTAL OPERATIONS

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February 10, 2009

Start: 1:10 pm

Recess: 1:35 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
SIMCHA FELDER
Chairperson

COUNCIL MEMBERS:
Inez E. Dickens
Erik Martin Dilan
Domenic M. Recchia
Helen Sears
Peter F. Vallone

A P P E A R A N C E S [CONTINUED]

Matt Gewold
Counsel to the Committee

Josh Gerber
Policy Analyst to the Committee

Israel Rodriguez
Former Policy Analyst to the Committee

Michael Casatano
Legislative Director
For Chair Felder

Eric Stevenson
Committee Clerk

Nick Economou
Court Reporter

Jerry Staffieri
Court Reporter

2 COUNCIL MEMBER RECCHIA: Tomorrow
3 morning at 9:00 o'clock, 16th floor cafeteria,
4 we'll be giving a presentation for the Department
5 of Cultural Affairs application to get funding for
6 this coming year to all Council Members and their
7 staff members. Make sure you're at the breakfast
8 so you understand what's going on because there's
9 a change that all applications must be done
10 online. Thank you.

11 CHAIRPERSON FELDER: Good
12 afternoon. Do you want that part of the record?
13 Was it taped?

14 MR. STAFFIERI: Yes.

15 CHAIRPERSON FELDER: Good. Good
16 afternoon and welcome to this Hearing of the
17 Committee on Governmental Operations. I am Simcha
18 Felder, Chair of the Committee. I am joined by my
19 colleagues, from my right, Council Member Inez
20 Dickens, Council Member Recchia, I saw Council
21 Member Eric Dilan who was here a minute ago, and
22 I'd also like to acknowledge the staff on the
23 Committee that prepared for today's hearing, Matt
24 Gewold, Counsel to the Committee who's sitting to
25 my right. Where's Josh Gerber? That's Josh

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Gerber. So should I acknowledge him or not?

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MR. GEWOLD: Sure. He's outside.

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CHAIRPERSON FELDER: Josh Gerber who's making calls outside. Who we, as the new Policy Analyst on the Committee, I introduce again Council Member Dilan; Council Member Helen Sears is here as well, and to my Legislative Director Michael Casatano [phonetic]. We should say something about our distinguished guests.

MR. GEWOLD: We should.

CHAIRPERSON FELDER: Shouldn't we?

But should we say something?

[Pause]

CHAIRPERSON FELDER: Okay, who's being modest and says he doesn't want to be announced, Israel Rodriquez, let me thank Israel Rodriguez who previously served as a Policy Analyst to the Committee but is now handling a number of other committees and he was diligent and dedicated in his work to the Committee and I thank him publicly for that work.

Today the Committee will vote on Introduction 9088 by Council Member Mealy which relates to recycling at Street Fairs. This

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2 Introduction would amend the Administrative Code
3 in relation to street cleaning and the collection
4 and removal of recyclable materials and refuse at
5 street events. It will help the City enforce
6 recycling rules and keep our streets clean. On
7 behalf of Council Member Mealy and the Committee,
8 let me thank the Department of Sanitation for
9 their cooperation in working on this bill.

10 These are the changes that have
11 been made from the existing Sanitation Rules.
12 First the bill's definitions have been changed so
13 as to exempt block parties where no licensed
14 vendor participates. This exemption has been made
15 in order to ensure that to a large extent
16 nonprofit groups sponsoring small community block
17 parties will not be unduly burdened by the law's
18 recycling requirements. And I think that it
19 helps, you know, when neighbors just want to have
20 a block party not to have to be subject to onerous
21 rules. I think that's very, very important.

22 Second the bill's penalty
23 provisions have been changes so that fines are
24 increased. However, a maximum cap for fines has
25 been added on a per day and per event basis. So

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2 even where there are large parties, this doesn't
3 mean that the City can issue an endless number of
4 summonses which really would, again, be onerous
5 and not fair.

6 Finally the bill makes a clear
7 distinction between sponsors and producer/event
8 managers. These categories have both been
9 precisely defined in the amended bill so that only
10 those parties who are actually managing and
11 producing a street event can be held responsible
12 for violations. The clarification of this
13 distinction should help the City in enforcing
14 these rules. I just want to elaborate for a
15 moment, that means that for the most part many of
16 the fairs that take place throughout the City are
17 done by private individuals who enter into
18 agreements with--sometimes a church, synagogue, a
19 police precinct council, to be able to designate
20 as a non-for-profit, and they pay the non-for-
21 profit really a nominal amount and they make the
22 money, which is fine. But it's their
23 responsibility to keep the fair clean and it
24 shouldn't be that a church that's getting \$1,000
25 to be able to use their name to run a fair then

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2 gets stuck with \$3,000 or \$4,000's worth of
3 summonses. And under this exception that's what
4 it would do. The responsibility would remain on
5 the people who are actually running the fair.

6 We've already had a very productive
7 and substantive Committee Hearing on the merits of
8 the bill so we will not e hearing any additional
9 testimony today. However if anybody here on the
10 Committee has any statements before we vote on it,
11 we'll be happy to listen to that. So I'd like to
12 open the floor to my colleagues who, if any one of
13 you have any comments. Council Member Sears.

14 COUNCIL MEMBER SEARS: Thank you
15 Mr. Chair. I just have one comment 'cause I
16 checked around with some of the Community Boards
17 in my District. And they actually thought this
18 was a rather pretty good idea. They felt that it
19 would help a great deal when these events do take
20 place. Because when they're over and there's no
21 recycling, it's just a mess. So if I'm not on
22 this bill, I think I am, I would like to be, but I
23 believe I may be.

24 [Off mic]

25 COUNCIL MEMBER SEARS: Okay.

2 CHAIRPERSON FELDER: She has to
3 speak into the microphone.

4 MR. GEWOLD: Yeah. We'll take care
5 of that.

6 [Off mic]

7 MR. GEWOLD: Matt Gewold.

8 MR. STAFFIERI: Okay. Matt we also
9 have other Council Members that wish to be put on
10 this bill.

11 CHAIRPERSON FELDER: Who else would
12 like to be put on this bill? Okay Council Member
13 Dickens.

14 MR. GEWOLD: Council Member Dickens
15 would like to be recognized.

16 COUNCIL MEMBER DICKENS: [Laughing]

17 CHAIRPERSON FELDER: [Interposing]
18 Just hold on a minute.

19 COUNCIL MEMBER DICKENS: Is there
20 an echo or what is happening.

21 CHAIRPERSON FELDER: No, hold on a
22 minute. Which Committee do you want to Chair,
23 Cultural Affairs or Government operations? I
24 don't hear anything. Nick, make him do it into
25 the mic.

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2 MR. ECONOMOU: Go ahead. Council
3 Member Dickens.

4 [Laughter]

5 COUNCIL MEMBER DICKENS: Thank you
6 Chair for this opportunity to discuss this
7 important legislation. I want to thank you and
8 your staff and the staff of Gov Ops Committee for
9 your willingness to work with me and the other
10 Committee members on the concerns that we had
11 regarding this legislation.

12 At the beginning of the hearings I
13 was very concerned that the smaller community-
14 based events one day, one block events, would be
15 subject to the new rules. The legislation would
16 have had a detrimental effect on smaller community
17 groups like NYCHA, like church sponsored block
18 parties and neighborhood building block parties
19 who cannot afford to pay large fees to recycle the
20 small amounts of garbage that they sometimes
21 generate or fines when the rules are not adhered
22 to.

23 Without your willingness to work
24 with us and as always the leadership of Speaker
25 Quinn's small groups that are the backbone of our

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2 communities would not have been adequately
3 protected. And while today I will support this
4 revised legislation, I am also asking my Chair to
5 have an oversight hearing on unequitable
6 enforcement in certain communities.

7 I cite it for in my community,
8 Harlem Week, which is a cultural event that is
9 sponsored by various organizations in the Harlem
10 Community. It is attended to, not only by those
11 in the community but by visitors to the City of
12 New York. So it has generated money for the City
13 of New York. And so I'm very concerned about the
14 unequitable enforcement that sometimes occurs and
15 has been documented. So I'm asking my Chair for
16 an oversight hearing on that. And with that I
17 will support it.

18 CHAIRPERSON FELDER: Thank you very
19 much. I just want to mention that Matt Gewold our
20 counsel is going to e-mail to the Sanitation
21 Committee the issues that have been targeted. I
22 think what you're talking about is targeted
23 enforcement to see, I think that although I'd love
24 to do an oversight hearing on that issue, I don't
25 think that it's within the boundaries of this

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2 Committee. But I agree with you entirely about
3 the need to make sure that enforcement is done
4 fairly throughout the City and not that there's
5 not, there's not specific areas that are targeted
6 unjustly.

7 COUNCIL MEMBER DICKENS: Well--

8 CHAIRPERSON FELDER: [Interposing]
9 Council Member Recchia?

10 COUNCIL MEMBER DICKENS: --no,
11 excuse me, Sir--

12 CHAIRPERSON FELDER: [Interposing]
13 Sorry.

14 COUNCIL MEMBER DICKENS: --if I
15 may--

16 CHAIRPERSON FELDER: [Interposing]
17 Yes please.

18 COUNCIL MEMBER DICKENS: --please
19 Mr. Chair. In saying that, if there's not to be
20 an oversight hearing then I, as part of whatever
21 letters that you generate to the Sanitation
22 Department about the unequitable enforcement, the-
23 -maybe we can look at not a fine for the first
24 offense but maybe a notice that this is going to
25 be the new law because, you know, unless they send

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2 out the information that--these organizations
3 won't even know that this has been put into
4 effect. So, you know, I'm asking for that to be
5 made a part of the letter.

6 CHAIRPERSON FELDER: I, let me just
7 clarify. What I said was that our lawyer was
8 going to send an e-mail or be in touch with the
9 Chairs or the staff at Sanitation for oversight.
10 In terms of this particular bill, you're
11 suggesting that they be given a warning instead of
12 ticketed first. I have, I have very strong
13 feelings about that on the idling bill that has
14 passed. You know, I've discussed that.

15 On this bill, I have sympathies but
16 not such strong feelings and I've obviously, I'm
17 sure you know that the rules or the law has been
18 on the books for a while on the sanitation rules.
19 But I agree with you, there is a point that the
20 fact that it hasn't been enforced. The bill that
21 we're going to vote on today does not have that
22 mechanism. You raised a very good point. And I
23 want to thank all of my colleagues for working
24 with the staff in trying to improve the bill.

25 [Pause]

2 CHAIRPERSON FELDER: So let me just
3 be clear that whether it should have been so or
4 not, I can't address that. Unfortunately I did
5 not think of this earlier. So the bill we have in
6 front of us doesn't have that provision. We're
7 certainly willing to have a dialog with the
8 Sanitation Department. And I don't know what else
9 to say. Councilman Recchia?

10 COUNCIL MEMBER RECCHIA: Yeah I
11 make a request to call the vote; certain
12 colleagues have to get to another hearing.

13 CHAIRPERSON FELDER: Okay.

14 COUNCIL MEMBER RECCHIA: Could you
15 please call the vote? Then we could discuss this
16 further.

17 CHAIRPERSON FELDER: Okay.

18 [Pause]

19 CHAIRPERSON FELDER: Okay. I just
20 want to acknowledge Council Member Peter Vallone
21 who joined us. And I'm ready to stay as long as
22 they want and--no problem. And we'll call the
23 vote.

24 [Pause]

25 MR. ERIC STEVENSON: Eric

Stevenson, Committee Clerk. Councilman Felder.

CHAIRPERSON FELDER: Yes.

Mr. STEVENSON: Councilman Dilan.

CM DILAN: I vote aye.

MR. STEVENSON: Recchia.

COUNCIL MEMBER RECCHIA: Aye.

MR. STEVENSON: Sears.

COUNCIL MEMBER SEARS: Aye.

MR. STEVENSON: Vallone.

COUNCIL MEMBER VALLONE: Aye.

MR. STEVENSON: Dickens.

COUNCIL MEMBER DICKENS: Aye.

MR. STEVENSON: Vote stands at six
in the affirmative, no negative, no abstention,
motion carries.

CHAIRPERSON FELDER: Thank Eric
Stevenson who was modest earlier for making sure
that all the votes are recorded. And I have the
opportunity to embarrass him publicly by saying
that he's one of the finest people on the City
Council Staff to work with and we much prefer
having you than the other guy with the moustache,
you know what I'm talking about.

[Laughter]

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CHAIRPERSON FELDER: And tell him

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that.

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[Pause]

C E R T I F I C A T E

I, Laura L. Springate 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.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____February 16, 2009_____