

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

STATED MEETING

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January 28, 2009

Start:

Recess:

HELD AT: Council Chambers
City Hall

B E F O R E:

SPEAKER CHRISTINE C. QUINN
Chairperson

COUNCIL MEMBERS:

Marla del Carmen Arroyo
Tony Avella
Maria Baez
Charles Barron
Gale A. Brewer
Leroy G. Comrie, Jr.
Elizabeth Crowley
Bill de Blasio
Inez E. Dickens
Erik Martin Dilan
Mathieu Eugene
Simcha Felder
Lewis A. Fidler
Helen D. Foster
Daniel R. Garodnick
James F. Gennaro
Vincent J. Gentile
Alan J. Gerson

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

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
Darlene Mealy
Rosie Mendez
Michael C. Nelson
James S. Oddo
Annabel Palma
Domenic M. Recchia, Jr.
Diana Reyna
Joel Rivera
James Sanders, Jr.
Larry B. Seabrook
Helen Sears
Kendall Stewart
James Vacca
Peter F. Vallone, Jr.
Albert Vann
David I. Weprin
Thomas White, Jr.
David Yassky

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

Joel Rivera
Majority Leader

Betsy Gotbaum
Public Advocate

Christine C. Quinn
Speaker

James F. Gennaro
Chair, Environmental Protection Committee

David Yassky
Bill Sponsor 40-A

John C. Liu
Bill Sponsor 631-A

Al Vatrone
Commissioner
New York Health Department

Robert Newman
Legislative Director

Terzah Nasser
Human Services Division

Siobhan Watson
Policy Analyst

Jeffrey Haberman
Infrastructure Division

Laura Popa
Governmental Affairs Division

Samara Swanston
Counsel

Benjamin Goodman
Infrastructure Division

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

Baaba Halm
Counsel

Michael Benjamin
Policy Analyst

Megan Annito
Counsel

Lyle Frank
Counsel

Rebecca Colleen
Coalition for an Asthma Free School Zone

Larry B. Seabrook
Chairperson, Civil Services and Labor

Vincent J. Gentile
Sponsor, Bill for Gennaro Montello

Erik Martin Dilan
Chairperson, Housing and Buildings

Jessica Lappin
Sponsor of 760-A

Leroy G. Comrie, Jr.
Sponsor of 878

Lewis A. Fidler
Sponsor of 878

Lou Colletti
Building Trades Council

Robert Jackson
Council Member

Bernardo Alexandro Carrero Jorgo
President, City Council
Medellin, Columbia

1
2 MAJORITY LEADER RIVERA: Everyone
3 please rise for the Pledge of Allegiance.

4 SERGEANT AT ARMS: All rise.

5 MAJORITY LEADER RIVERA: I pledge
6 allegiance to the flag, of the United States of
7 America, and to the Republic for which it stands,
8 one nation under God, indivisible, with liberty
9 and justice for all.

10 Roll call.

11 [Pause]

12 COMMITTEE CLERK: Arroyo.

13 COUNCIL MEMBER ARROYO: Here.

14 COMMITTEE CLERK: Avella.

15 COUNCIL MEMBER AVELLA: Here.

16 COMMITTEE CLERK: Baez.

17 COUNCIL MEMBER BAEZ: Here.

18 COMMITTEE CLERK: Barron.

19 COUNCIL MEMBER BARRON: Here.

20 COMMITTEE CLERK: Brewer.

21 COUNCIL MEMBER BREWER: Here.

22 COMMITTEE CLERK: Comrie.

23 COUNCIL MEMBER COMRIE: [Off mic]

24 SERGEANT AT ARMS: Quiet please.

25 COMMITTEE CLERK: Crowley.

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COUNCIL MEMBER CROWLEY: [Off mic]

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COMMITTEE CLERK: De Blasio.

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COUNCIL MEMBER DE BLASIO: [Off

5

mic]

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COMMITTEE CLERK: Dickens.

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COUNCIL MEMBER DICKENS: Here.

8

COMMITTEE CLERK: Dilan.

9

COUNCIL MEMBER DILAN: Here.

10

COMMITTEE CLERK: Eugene.

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COUNCIL MEMBER EUGENE: Here.

12

COMMITTEE CLERK: Felder.

13

COUNCIL MEMBER FELDER: [Off mic]

14

COMMITTEE CLERK: Fidler.

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COUNCIL MEMBER FIDLER: Here.

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COMMITTEE CLERK: Foster.

17

COUNCIL MEMBER FOSTER: [Off mic]

18

COMMITTEE CLERK: Garodnick.

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COUNCIL MEMBER GARODNICK: Here.

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COMMITTEE CLERK: Gennaro.

21

COUNCIL MEMBER GENNARO: Here.

22

COMMITTEE CLERK: Gentile.

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COUNCIL MEMBER GENTILE: Here.

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COMMITTEE CLERK: Gerson.

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COUNCIL MEMBER GERSON: Here.

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response]

response]

Here.

COMMITTEE CLERK: Gioia.
COUNCIL MEMBER GIOIA: [No
COMMITTEE CLERK: Gonzalez.
COUNCIL MEMBER GONZALEZ: Here.
COMMITTEE CLERK: Ignizio.
COUNCIL MEMBER IGNIZIO: [No
COMMITTEE CLERK: Jackson.
COUNCIL MEMBER JACKSON: Here.
COMMITTEE CLERK: James.
COUNCIL MEMBER JAMES: Here.
COMMITTEE CLERK: Katz.
COUNCIL MEMBER KATZ: Here.
COMMITTEE CLERK: Koppell.
COUNCIL MEMBER KOPPELL: Here.
COMMITTEE CLERK: Lappin.
COUNCIL MEMBER LAPPIN: Here.
COMMITTEE CLERK: Liu.
COUNCIL MEMBER LIU: Here.
COMMITTEE CLERK: Mark-Viverito.
COUNCIL MEMBER MARK-VIVERITO:
COMMITTEE CLERK: Martinez.

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2 COUNCIL MEMBER MARTINEZ: Here.
3 COMMITTEE CLERK: Mealy.
4 COUNCIL MEMBER MEALY: Present.
5 COMMITTEE CLERK: Mendez.
6 COUNCIL MEMBER MENDEZ: Here.
7 COMMITTEE CLERK: Nelson.
8 COUNCIL MEMBER NELSON: Here.
9 COMMITTEE CLERK: Palma.
10 COUNCIL MEMBER PALMA: [Off mic]
11 COMMITTEE CLERK: Recchia.
12 COUNCIL MEMBER RECCHIA: [No
13 response]
14 COMMITTEE CLERK: Reyna.
15 COUNCIL MEMBER REYNA: Here.
16 COMMITTEE CLERK: Sanders.
17 COUNCIL MEMBER SANDERS: [Off mic]
18 COMMITTEE CLERK: Seabrook.
19 COUNCIL MEMBER SEABROOK: Here.
20 COMMITTEE CLERK: Sears.
21 COUNCIL MEMBER SEARS: Here.
22 COMMITTEE CLERK: Stewart.
23 COUNCIL MEMBER STEWART: Present.
24 COMMITTEE CLERK: Vacca.
25 COUNCIL MEMBER VACCA: [Off mic]

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COMMITTEE CLERK: Vallone.

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COUNCIL MEMBER VALLONE: Here.

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COMMITTEE CLERK: Vann.

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COUNCIL MEMBER VANN: [No response]

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COMMITTEE CLERK: Weprin.

7

COUNCIL MEMBER WEPRIN: Here.

8

COMMITTEE CLERK: White.

9

COUNCIL MEMBER WHITE: [No

10

response]

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COMMITTEE CLERK: Yassky.

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COUNCIL MEMBER YASSKY: Here.

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COMMITTEE CLERK: Oddo,

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MINORITY LEADER ODDO: [No

15

response]

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COMMITTEE CLERK: Rivera.

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MAJORITY LEADER RIVERA: Here.

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COMMITTEE CLERK: Speaker Quinn.

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SPEAKER QUINN: Here.

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MAJORITY LEADER RIVERA: A quorum

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is present. Ladies and gentlemen, please rise for

22

the invocation to be delivered by in-house

23

Reverend Pastor Doctor Council Member Larry

24

Seabrook.

25

[Pause]

1
2 COUNCIL MEMBER SEABROOK: God of
3 our weary years, God of our silent tears, Thou who
4 has brought us thus along the way, as we move into
5 this session, oh Honorable One, allow us the
6 opportunity to work together and do God's work and
7 Godspeed, and allow a sense of tolerance for all
8 of us as we move on Reverend Doctor Martin Luther
9 King's birthday into the spirit of diversity by
10 going into Black History Month, and so that we can
11 live together in peace and harmony. These and
12 many other blessings we ask in Thy Name. Amen.

13 SPEAKER QUINN: Mr. Majority Leader
14 if I could ask our colleagues to remain standing
15 for a moment. We have two moments of silence
16 today. The first, on January 24th, 2009, Marine
17 Lance Corporal Julian T. Brennan, 25 of Park Slope
18 Brooklyn, he's lived in both Council Member de
19 Blasio and Council Member Gonzalez' District was
20 killed while supporting combat operations the
21 Farra Province in Afghanistan. He was assigned to
22 the Third Battalion, Eighth Marine Regiment based
23 out of Camp LeJeune, North Carolina.

24 Lance Corporal Brennan was a former
25 theater student and a tri-athlete. He graduated

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2 from the American Academy of Dramatic Arts in 2005
3 and appeared in numerous commercials and plays.
4 Lance Corporate Brennan's grandfather, a Marine
5 Lieutenant Colonel, was a hero at Iwo Jima in
6 World War II, and Julian was proud to continue the
7 family's tradition of service his country.

8 On his My Space page Lance Corporal
9 Brennan wrote "the only way I think I can describe
10 myself is as a guy who will go out of his way to
11 make someone laugh, write a great story, find a
12 reason to dance and watch the sun rise every time
13 I get a chance." Besides his parents and family
14 Lance Corporate Brennan leaves a wife who he
15 secretly married before he shipped out in November
16 with plans to surprise his family on his return
17 home. Like his grandfather, Lance Corporal
18 Brennan will be buried at Arlington National
19 Cemetery. Excuse me.

20 On January 25th, 2009, former New
21 York City Council Member Antonio Pagan, 50, passed
22 away at the Beth Israel Medical Center. Council
23 Member Pagan served in the Council from January
24 1992 through December 1997. He was a member of
25 many committees including Civil Service and Labor,

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2 Contracts, Housing and Buildings, Youth Services,
3 and Governmental Operations. He was also the
4 Chair of the Subcommittee on Abandoned Property.

5 In 1998 Council Member Pagan was
6 appointed as the Commissioner of the Department of
7 Employment by Mayor Giuliani and he held the
8 position until 2002. An undergraduate and law
9 school graduate of the University of Puerto Rico,
10 he earned his Master's Degree in Criminal Justice
11 from John Jay College of Criminal Justice. Former
12 Council Member Antonio Pagan is survived by his
13 mother, Marguerita and his brothers Albert, Reuben
14 and Frank.

15 [Pause]

16 Thank you Mr. Majority Leader.

17 MAJORITY LEADER RIVERA: Okay.

18 Council Member Vacca for the invocation.

19 [Pause]

20 MAJORITY LEADER RIVERA: Council
21 Member Jackson.

22 COUNCIL MEMBER JACKSON: I so move
23 the invocation into the record.

24 MAJORITY LEADER RIVERA: So
25 ordered. Adoption of the minutes.

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[Pause]

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MAJORITY LEADER RIVERA: Robert--

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[Pause]

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COUNCIL MEMBER JACKSON: Motion

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that the minutes of the Stated Meeting of November
19th, 2008 and December 9th, 2008 be adopted as
printed.

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MAJORITY LEADER RIVERA: So

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ordered. Communication, messages and papers from
the Mayor.

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COMMITTEE CLERK: M-1288, Mayor's

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Veto of Introductory number 837.

13

PUBLIC ADVOCATE GOTBAUM: Excuse

14

me. Civil Service and Labor.

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MAJORITY LEADER RIVERA:

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Communication from City, County and Borough
Offices.

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COMMITTEE CLERK: None.

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MAJORITY LEADER RIVERA: Petitions

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and communications?

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COMMITTEE CLERK: None.

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MAJORITY LEADER RIVERA: Land use

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call-ups.

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COMMITTEE CLERK: M-1289.

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2 PUBLIC ADVOCATE GOTBAUM: We could
3 please have a roll call on the land use call up
4 item, please.

5 COMMITTEE CLERK: Arroyo.

6 COUNCIL MEMBER ARROYO: Aye.

7 COMMITTEE CLERK: Avella.

8 COUNCIL MEMBER AVELLA: Aye.

9 COMMITTEE CLERK: Baez.

10 COUNCIL MEMBER BAEZ: Aye.

11 COMMITTEE CLERK: Barron.

12 COUNCIL MEMBER BARRON: Aye.

13 COMMITTEE CLERK: Brewer.

14 COUNCIL MEMBER BREWER: Aye.

15 COMMITTEE CLERK: Comrie.

16 COUNCIL MEMBER COMRIE: Aye

17 COMMITTEE CLERK: Crowley.

18 COUNCIL MEMBER CROWLEY: Aye.

19 COMMITTEE CLERK: De Blasio.

20 COUNCIL MEMBER DE BLASIO: [Off

21 mic]

22 COMMITTEE CLERK: Dickens.

23 COUNCIL MEMBER DICKENS: Aye.

24 COMMITTEE CLERK: Dilan.

25 COUNCIL MEMBER DILAN: Aye.

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COMMITTEE CLERK: Eugene.

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COUNCIL MEMBER EUGENE: Aye.

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COMMITTEE CLERK: Felder.

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COUNCIL MEMBER FELDER: Yes.

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COMMITTEE CLERK: Fidler.

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COUNCIL MEMBER FIDLER: Aye.

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COMMITTEE CLERK: Foster.

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COUNCIL MEMBER FOSTER: Aye.

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COMMITTEE CLERK: Garodnick.

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COUNCIL MEMBER GARODNICK: Aye.

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COMMITTEE CLERK: Gennaro.

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COUNCIL MEMBER GENNARO: Yes.

14

PUBLIC ADVOCATE GOTBAUM: Quiet

15

please.

16

COMMITTEE CLERK: Gentile.

17

COUNCIL MEMBER GENTILE: Aye.

18

COMMITTEE CLERK: Gerson.

19

COUNCIL MEMBER GERSON: [No

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response]

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[Pause]

22

COMMITTEE CLERK: Gioia.

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COUNCIL MEMBER GIOIA: [Off mic]

24

PUBLIC ADVOCATE GOTBAUM: Quiet

25

please.

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2 COMMITTEE CLERK: Gonzalez.
3 COUNCIL MEMBER GONZALEZ: Aye.
4 COMMITTEE CLERK: Ignizio.
5 COUNCIL MEMBER IGNIZIO: Aye.
6 COMMITTEE CLERK: Jackson.
7 COUNCIL MEMBER JACKSON: Aye.
8 COMMITTEE CLERK: James.
9 COUNCIL MEMBER JAMES: Aye.
10 COMMITTEE CLERK: Katz.
11 COUNCIL MEMBER KATZ: Aye.
12 COMMITTEE CLERK: Koppell.
13 COUNCIL MEMBER KOPPELL: Aye.
14 COMMITTEE CLERK: Lappin.
15 COUNCIL MEMBER LAPPIN: Aye.
16 COMMITTEE CLERK: Liu.
17 COUNCIL MEMBER LIU: Yes.
18 COMMITTEE CLERK: Mark-Viverito.
19 COUNCIL MEMBER MARK-VIVERITO: Aye.
20 COMMITTEE CLERK: Martinez.
21 COUNCIL MEMBER MARTINEZ: [No
22 response]
23 COMMITTEE CLERK: Mealy.
24 COUNCIL MEMBER MEALY: Aye.
25 COMMITTEE CLERK: Mendez.

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COUNCIL MEMBER MENDEZ: Aye.

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COMMITTEE CLERK: Nelson.

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COUNCIL MEMBER NELSON: Aye.

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COMMITTEE CLERK: Palma.

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COUNCIL MEMBER PALMA: [No

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response]

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COMMITTEE CLERK: Reyna.

9

COUNCIL MEMBER REYNA: Aye.

10

COMMITTEE CLERK: Sanders.

11

COUNCIL MEMBER SANDERS: [No

12

response]

13

COMMITTEE CLERK: Seabrook.

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COUNCIL MEMBER SEABROOK: Aye.

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COMMITTEE CLERK: Sears.

16

COUNCIL MEMBER SEARS: Aye.

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COMMITTEE CLERK: Stewart.

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COUNCIL MEMBER STEWART: Yes.

19

[Pause]

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COMMITTEE CLERK: Vallone.

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COUNCIL MEMBER VALLONE: Aye.

22

[Pause]

23

COMMITTEE CLERK: Weprin.

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COUNCIL MEMBER WEPRIN: Aye.

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COMMITTEE CLERK: White.

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COUNCIL MEMBER WHITE: Aye.

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COMMITTEE CLERK: Yassky.

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COUNCIL MEMBER YASSKY: Aye.

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COMMITTEE CLERK: Oddo.

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MINORITY LEADER ODDO: Yes.

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COMMITTEE CLERK: Vacca.

7

COUNCIL MEMBER VACCA: Here.

8

[Pause]

9

COMMITTEE CLERK: Rivera.

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MAJORITY LEADER RIVERA: I vote

11

aye.

12

COMMITTEE CLERK: Vacca.

13

COUNCIL MEMBER VACCA: Yes.

14

[Pause]

15

COMMITTEE CLERK: Speaker Quinn.

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SPEAKER QUINN: Yes.

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COMMITTEE CLERK: De Blasio.

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COUNCIL MEMBER DE BLASIO: Yes.

19

[Pause]

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PUBLIC ADVOCATE GOTBAUM: Today's

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Land Use call-ups, today's Land Use call-up, was
adopted by a vote of 40 in the affirmative, 0 in
the negative.

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24

Communication from the Speaker.

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1
2 SPEAKER QUINN: Thank you. We're
3 voting on a number of--

4 PUBLIC ADVOCATE GOTBAUM:
5 [Interposing] Quiet please, I can't hear here,
6 there's a lot of noise back over there.

7 SERGEANT AT ARMS: Quiet please.

8 SPEAKER QUINN: Thank you Madam
9 Public Advocate. We're voting on a number of
10 important pieces of legislation. Today we're
11 voting on two pieces of legislation that relate to
12 automobile and truck idling in the City of New
13 York. They both come out of our Environmental
14 Protection Committee. I want to first thank the
15 Chair of that Committee, Jim Gennaro very much for
16 his work. I also want to thank the staff who
17 worked on both of these bills, Terza Nasser, Jeff
18 Haberman, Laura Popa, Megan Annito, Samara Swanson
19 and Siobhan Watson, all who worked hard on these
20 pieces of legislation.

21 The first one, Intro 40-A was a
22 piece of legislation introduced by Council Member
23 David Yassky. This is a very commonsense and
24 quite frankly in a time of shortened government
25 revenue, very efficient piece of legislation.

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2 This bill does basically two things. One it
3 codified into law the practice of allowing the
4 Department of Parks and Recreation employees and
5 the Department of Sanitation employees, empowers
6 them to enforce idling laws in the City of New
7 York.

8 This has long been the practice but
9 it has not been codified into law. We will take
10 that step today and make this permanent. And I
11 believe be very helpful in our enforcement
12 efforts.

13 Intro 40-A also expands a citizen's
14 right to make complaints as it relates to
15 violations of the idling law in the City. They
16 already have that ability as it relates to trucks;
17 this will expand that to other vehicles--

18 PUBLIC ADVOCATE GOTBAUM:

19 [Interposing] Quiet please.

20 SERGEANT AT ARMS: Sit down please.

21 SPEAKER QUINN: I want to thank
22 Council Members Gennaro and Yassky for this work
23 on this piece of legislation that will be yet
24 another tool in our efforts to reducing idling.
25 And that's very important from both a quality of

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2 life perspective but perhaps more importantly from
3 a perspective of improving air quality and
4 reducing the terrible rate of asthma in our City.
5 One in four students in the City of New York has
6 asthma. That is much, much higher than anywhere
7 else in the nation.

8 Let me first call on the Chair of
9 our Committee, Jim Gennaro. And then sponsor of
10 the bill--

11 PUBLIC ADVOCATE GOTBAUM:

12 [Interposing] Excuse me--

13 SPEAKER QUINN: --David Yassky.

14 PUBLIC ADVOCATE GOTBAUM: --excuse
15 me Madam Speaker. Would you all please be quiet?
16 If you have to conduct business in here, go
17 outside. I can hardly hear her. So please.
18 Thank you.

19 SPEAKER QUINN: You're welcome.
20 Council Member Gennaro--Chairperson Gennaro,
21 excuse me.

22 COUNCIL MEMBER GENNARO: Thank you
23 Madam Speaker. Thank you for your leadership and
24 the work of your good staff in getting this bill
25 done. Like you said it's certainly important that

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2 we use our governmental resources wisely. And
3 when we can use them in the service of making our
4 air cleaner in a very, very commonsense way, it is
5 an absolutely win/win.

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7 Notwithstanding the fact that we've
8 had engine idling laws on the books in New York
9 City since 1971, there's something like only, you
10 know, 500 or so summonses per year that are
11 written for that and not that we want to start
12 with all kinds of summonses but certainly we want
13 to send the message that idling in this age of
14 very bad asthma and respiratory disease cannot
15 continue.

16

17 So I thank you Madam Speaker. I
18 thank the prime sponsor David Yassky and all the
19 members who will be supporting this bill.

20

21 SPEAKER QUINN: Thank you very much
22 Chairperson Gennaro. Council Member Yassky.

23

24 COUNCIL MEMBER YASSKY: Thank you
25 Speaker Quinn. Just, I really simply want to
26 thank you, Speaker Quinn, and your staff and
27 Council Member Gennaro and the staff of the
28 Committee. They really did the real work in
29 developing this. I simply came to them and said

1
2 I'd like to do something on idling because truck
3 idling in my District is a real problem.

4 I'll just say, you know, with
5 enforcement there are two problems that you can
6 get into. You can have overly zealous enforcement
7 that harasses people or you can have under-
8 enforcement where real problems are not dealt
9 with. And when it comes to trucks I think we have
10 an under-enforcement problem that you have hot
11 spots where trucks simply sit and idle and put out
12 diesel pollution that adds to our asthma rate.
13 This will, I hope, target the enforcement
14 effectively and directly at the truck idling
15 problem. Thank you Speaker Quinn.

16 SPEAKER QUINN: Thank you very
17 much. The second piece of legislation related to
18 idling that we're voting on today is Intro 861-A.
19 It's a piece of legislation that also came through
20 the Environmental Protection Committee and was
21 sponsored by Council Member John Liu.

22 This piece of legislation is
23 focused on areas in and around public and private
24 schools in the City of New York. It reduces the
25 time allowed to idle by law from three minutes to

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2 one minute around schools. We think this is
3 particularly important given what I said a minute
4 ago that one in four school children in the City
5 of New York had asthma, a rate significantly
6 higher than anywhere else in the country. We need
7 to do what we can to reduce the amount of
8 particulates that are being emitted around schools
9 and are getting into schools. We need to do what
10 we can to improve the air quality around schools.

11 This piece of legislation will only
12 allow idling around a school for a minute. This
13 is very important when you factor in the number of
14 trucks that make deliveries on a regular basis to
15 schools, suppliers, the food for children,
16 etcetera. We believe this piece of legislation
17 which is widely supported by all of the leading
18 environmental groups in the school but most
19 importantly by the leaders of the Asthma Free
20 School Zone Movement in our City, will do a lot to
21 help improve air quality in and around or schools.

22 I want to thank the staff again who
23 worked on this but also I want to thank again
24 Chairperson Gennaro and the sponsor of the bill,
25 Council Member John Liu, this is one of a number

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2 of pieces of legislation that John has authored
3 over the years to try to improve air quality. Let
4 me first call on Chairperson Gennaro and then
5 Council Member Liu.

6 COUNCIL MEMBER GENNARO: Thank you
7 again Madam Speaker. This also is a very
8 commonsense bill that there was broad support for.
9 We had students come forward and testify,
10 teachers, staff of schools, parents. And we--I
11 think it's important to note that we didn't get
12 testimony from business groups and others that
13 might be impacted by this. Certainly what I take
14 from that is that the business community and
15 parents generally, you know, get the message that
16 it's, you know, not appropriate to idle around
17 schools. They're on board with that. We're happy
18 about that.

19 And when you take school children
20 which are our most vulnerable population for
21 asthma and other lung diseases and you, you know,
22 put them in that school building. And it's
23 certainly important to treat that school building
24 special and make sure that we do everything
25 possible to reduce any kind of pollution that

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might be near that school.

So I wish to thank you Madam Speaker, your good staff, the author of this bill, John Liu, I want to thank him and all of the members that will be supporting it today. Thank you Madam Speaker.

SPEAKER QUINN: Thank you Chairperson Gennaro. Council Member Liu.

COUNCIL MEMBER LIU: Thank you very much Madam Speaker. As a member of this great body, I've heard over the years complaints from teachers, principals, parents and the kids themselves about incessant idling of vehicles outside the school when they're inside trying to go through their studies. And as a parent I have seen first-hand the immense amount of idling that takes place outside public schools which is what my son currently attends in the third grade.

That led me, a number of years ago, to introduce legislation that would more quickly retire dirty school busses, fume spewing school busses. Now we have to address the issue of idling. And the idling issue here is not--the intent here is not simply to reduce the idling

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2 from three minutes to one minute. It is to
3 incentivize or shall we say disincentivize bad
4 behavior by asking people to simply shut the
5 engines off right away as opposed to thinking that
6 there would be a few minutes to go.

7 It's not about waiting 'til 59
8 seconds have elapsed as opposed to 2 minutes and
9 59 seconds. It is simply to understand that those
10 fumes are going straight into the windows and
11 doors of the schools and going into our kids'
12 lungs. And therefore we ask the public to shut
13 the engines off right away, when you're parked
14 outside a school. It's as simple as that.

15 Now a number of my colleagues, our
16 colleagues here have voiced some concerns about
17 this. There is no concern or objection about the
18 substantive issue being addressed here and that of
19 idling and the amount of pollution it dispels into
20 our kids' lungs.

21 There is concern, and it is
22 legitimate concern--

23 PUBLIC ADVOCATE GOTBAUM:

24 [Interposing] Just one second Council Member, if
25 we could get a little quiet in the chambers

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2 please.

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SERGEANT AT ARMS: Quiet down

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please.

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COUNCIL MEMBER LIU: I believe that

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my colleagues who have voiced some concerns about

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this bill have legitimate concerns about the

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ticketing that goes on. And there is cause for

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concern that there is a great deal of ticketing of

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parents dropping their kids off before school and

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picking them up after school. That is an issue

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that we will have to address in this body.

13

A number of months ago I had

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introduced Introductory 785 that would create some

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accommodation for parents dropping off and picking

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up their kids from schools. And I believe that is

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the proper way to do it because it's not just

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about idling. It is about unreasonable no parking

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tickets that are being given at the wrong times of

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the day. And so we'll address that.

21

But in the meantime I implore my

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colleagues to support this bill. And I really

23

want to thank you Madam Speaker for your strong

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support of this measure as well as to thank the

25

Chairperson of our Environmental Protection

1
2 Committee, Jim Gennaro, who, with everything else
3 going on, he has always kept his eye on this
4 particular bill. And then finally I do want to
5 thank--

6 SERGEANT AT ARMS: [Interposing]
7 Quiet please.

8 COUNCIL MEMBER LIU: --
9 Commissioner Al Vatrone [phonetic] of the Health
10 Department, Rob Newman and the rest of the staff
11 of our legislative division, and most of all,
12 Rebecca Colleen and the rest of the Coalition
13 under Asthma Free School Zones. They have been a
14 singular force with all of the different
15 organizations behind this to get this legislation
16 passed. Thank you Madam Speaker.

17 SPEAKER QUINN: Thank you very much
18 Council Member Liu. We are also voting today on a
19 bill that will sadly do the right thing but
20 nonetheless we wish we didn't have to. When we
21 pass this bill we will continue health care
22 coverage for the family of Gennaro Montello.

23 I think as we all know, Mr.
24 Montello was a long-time employee of the
25 Department of Environmental Protection who was

1
2 tragically killed when he was working on behalf of
3 the City at the Owl's Head Waste Treatment
4 Facility in Bay Ridge, Brooklyn. I want to thank
5 Terza Nasser and Tracy Udell who worked on this
6 piece of legislation, and call on the sponsor of
7 the bill and the Acting Chair of the Civil Service
8 and Labor Committee, Council Member Seabrook, in
9 case he wants to say a few words.

10 COUNCIL MEMBER SEABROOK: Thank you
11 very much Madam Speaker. And it is with a sad
12 occasion that a City worker who had worked for the
13 Department, who had given so much, and we had the
14 testimony of this individual--members who had
15 worked with him, a dedicated worker.
16 Unfortunately when a person who is the sole
17 breadwinner of a family passes away, there's more
18 to his passing. That means also that the
19 children, family members do not have insurance
20 protection. They do not have a paycheck that's
21 coming in.

22 And so this bill gives an
23 opportunity for just a small token of appreciation
24 for a man who gave his life for the service of New
25 York City residents. He worked very hard. He

1

2 cared about his family. And he did so much. And
3 so I would hope that we would vote, and hopefully
4 that we wouldn't have to come and do bills of this
5 magnitude but also that we will be able to have in
6 the line of duty those who have given their lives
7 for service that we can do the least by providing
8 their family with continued insurance and
9 healthcare. So I urge your passing. And again, I
10 express the condolence to the family from the
11 entire Council body. Thank you very much.

12 SPEAKER QUINN: Thank you very much
13 Council Member Seabrook. And thank you for
14 shepherding this important issue through. That
15 will certainly help the Montello family. So thank
16 you very much Larry. And let me call on Council
17 Member Gentile's District, in whose District Mr.
18 Montello was working.

19 COUNCIL MEMBER GENTILE: Thank you
20 Madam Speaker. As Mayor Bloomberg said shortly
21 after Jerry Montello's death at the Owl's Head
22 Waste Water Treatment Plant in my District,
23 employees of agencies like DEP and DOT are the
24 unsung workers of this City. And it's time that
25 we recognized this through legislation. Gennaro's

1
2 family depended completely on his position as a
3 sewage treatment worker at DEP. And the Bay Ridge
4 community and I have organized a fundraiser to
5 help them out now that he's gone.

6 The Montello family also needs the
7 help of this body. Passing this bill will give
8 his wife, Donna, and two teenaged children
9 continued access to the healthcare, the health
10 coverage provided to Jerry and his family by the
11 City when he was alive.

12 This bill will honor Gennaro and
13 his contributions to this City and his family's
14 sacrifice to the City. So I want to thank all of
15 you, my colleagues, for your vote in advance. And
16 thank our Speaker and thanks to the Mayor for his
17 support.

18 SPEAKER QUINN: Thank you very much
19 Council Member Gentile.

20 We're also voting on two pieces,
21 excuse me, of legislation today coming out of the
22 Housing and Buildings Committee. These are the
23 final two pieces of construction site legislation
24 that came out of the construction site safety
25 package that the Council and the Bloomberg

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2 Administration announced last spring.

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I want to start by thanking very, very much the Chair of the Housing and Buildings Committee, Eric Dilan, not just for these two bills but for shepherding the entire package through the Council in a very swift and very responsible manner. A manner that really allowed all impacted parties, the industry, organized labor, community and others a seat at the table to make sure that their perspective was heard. And if I could just ask for a round of applause for Eric Dilan as we complete this package.

14

[Applause]

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The final two pieces of legislation are Intro 760-A and Intro 878-A. I want to also thank Rob Newman, Jeff Haberman, Baaba Halm, Lyle Frank, Ben Goodman and all of Chairperson Dilan's personal staff for the work that they did on these--this whole package.

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Intro 760-A is a piece of legislation that was introduced by Council Member Jessica Lappin whose District has certainly unfortunately felt the impact of construction safety issues. It's a piece of legislation which

1
2 will give the Department of Buildings another tool
3 in their toolbox to keep construction sites safe
4 in the City of New York.

5 It will now empower the Department
6 of Buildings to require when they believe it is
7 appropriate that there be a Safety Compliance
8 Officer on construction sites which appear to be
9 having a bad safety or dangerous record. These
10 officers it's important to note will not be paid
11 for by the City but by those who are doing the
12 development. It's a very smart way to get sites
13 to be safe or keep them safe without the expense
14 coming out of taxpayer dollars.

15 I want to first call on Chairperson
16 Dilan and then the sponsor of the bill Council
17 Member Lappin, and thank both of them.

18 COUNCIL MEMBER DILAN: Just very
19 briefly Madam Speaker. I want to thank all of the
20 Committee staff that was involved in the entire
21 legislative package starting with our Legislative
22 Director here Rob Newman, to Jeff Haberman, to
23 Baaba Halm to Ben Goodman. They all did a good
24 job on the entire package and I truly appreciate
25 them for the amount of work that they've put in.

1
2 I just want to say very briefly if
3 I may speak on both items. On Intro 878 which was
4 sponsored by Leroy Comrie, it absolutely makes no
5 sense that the Department of Buildings doesn't
6 know which contractors are doing work in the City
7 of New York. If there are violations that occur
8 at one site and the contractor has several
9 violations on another site and we're dealing with
10 violations on a building by building basis, the
11 Department of Buildings now will have the tools to
12 go after contractors... they will have the tools to
13 go after the contractor as a whole and not just
14 the buildings. That includes general contractors,
15 demolition contractors as well as concrete
16 contractors as well. So I think that would be
17 very helpful.

18 And again I want to applaud Jessica
19 Lappin for her work on Intro 670-A. She's been
20 very involved and rightfully so because of all the
21 activity that's been going on in her District.
22 And I'm sure her constituents by now may be afraid
23 to still look up. But I think because of the work
24 that she's done it may be safe for her
25 constituents to eventually look up and know that

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2 she's made them safe.

3

4 This bill, again, is a commonsense
5 approach. And I think we've given the Department
6 of Building a lot of tools to keep New Yorkers
7 safe. And this Site Safety Monitor is a great
8 idea. It's something that the labor community and
9 the trades have all worked on and all agreed to,
10 and will not allow these Site Safety Coordinators
11 to operate in perpetuity because of their bottom
12 lines.

12

13 The Department of Building has some
14 discretion in terms of changing and removing them
15 as well. So I want to applaud the labor community
16 for their collaboration on these bills. And I'd
17 like to thank the Speaker for the brief moment to
18 speak.

18

19 SPEAKER QUINN: Thank you very much
20 Chairperson Dilan, Council Member Lappin.

20

21 COUNCIL MEMBER LAPPIN: Thank you
22 Madam Speaker and thank you Chair Dilan. You have
23 been really committed to working together. You
24 have been to my District and walked the streets
25 and seen the impact yourself. And I greatly
appreciate that. And my constituents appreciate

1
2 that. You went above and beyond as Chair in
3 working with us to draft and to pass this
4 legislation. And I'm very appreciative.

5 I wanted to also thank Rob Newman.
6 And in particular on this bill we have been
7 working for months. The first crane collapse was
8 almost 11 months ago. And the reason it took so
9 long, I think, is because we knew that this was
10 the right thing. That it would give the
11 Building's Commissioner an important tool. And we
12 all know in our Districts when there are bad sites
13 where they are and that people are in danger
14 because of them, the workers on those jobs and the
15 people who live and walk nearby.

16 But it's a hard thing to put down
17 on paper, what it means to be a bad site. And in
18 our negotiations I think somebody said it's a
19 little bit like pornography, you know it when you
20 see it but it's a little bit hard to define. So
21 we worked hard to come up with a sensible
22 definition and a sensible solution that will work,
23 that will make things safer--

24 SERGEANT AT ARMS: [Interposing]

25 Quiet please.

1
2 COUNCIL MEMBER LAPPIN: --in this
3 City. And I'm very pleased with the result. And
4 so I really do want to thank the staff for
5 spending so much time on this issue and coming up
6 with a very sensible, workable solution that will
7 make New York safer.

8 SPEAKER QUINN: Thank you very
9 much. We're also voting today, excuse me, on
10 Intro 878-A which the Chair made reference to.
11 This is a piece of legislation which was prime
12 sponsored by Council Members Leroy Comrie, Lew
13 Fidler and Melissa Mark-Viverito. And I think
14 that trio along with the Chairperson Eric Dilan
15 really speaks to how broad based these issues are
16 really in all five Boroughs, from Staten Island to
17 the Bronx and across our City.

18 This piece of legislation addresses
19 really a flaw in our system. That up until now
20 there was no real way to track the safety record
21 of developers and contractors, demolition,
22 concrete workers in the City of New York. By
23 requiring Safety Registration Numbers we will be
24 able to track who is performing well and who
25 isn't. We will also in a year's time have data

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2 that we can use to analyze to see if we're able to
3 put some, you know, objective indicators into the
4 law that could even shorten the process of taking
5 away somebody's ability to do work in the City of
6 New York if they are too dangerous.

7 And it's important to note that one
8 cannot under this law get any building permits
9 until they have registered for a Safety
10 Registration Number with the Department of
11 Buildings. So I want to thank everyone who worked
12 on this piece of legislation. I think it is a
13 very significant step forward to keeping job sites
14 safety. I don't know if, Chair Dilan, you have
15 anything else you want to add?

16 Let me call on, again, I want to
17 thank Chairperson Dilan and all of the staff,
18 thank Council Members Comrie, Fidler and Melissa
19 Mark-Viverito for their work. And let me call on
20 Council Member Comrie and then Council Member
21 Fidler.

22 COUNCIL MEMBER COMRIE: Thank you
23 Speaker Quinn. I just want to thank all of the
24 people that were involved in this. This gives the
25 Buildings Department a chance to be proactive as

1
2 opposed to reactive and gives an opportunity to
3 understand who is actually out on the job sites
4 when they're starting the sites so we can make
5 sure that the City becomes a safer City that's
6 doing construction in this country if not the
7 world.

8 I want to thank all of the people
9 in the industry that worked on it, my fellow
10 colleagues Council Member Fidler and Mark-
11 Viverito, the Chair, Council Member Dilan, and all
12 of the legislative staff for all of their work in
13 making sure that the amendments to the bill and
14 all of the discussions on the bill stayed positive
15 and focused on creating an opportunity for the
16 Buildings Department to track and understand all
17 of the players in the construction industry before
18 there's an incident so that they don't have to do
19 that in depth research afterwards. Thank you.

20 SPEAKER QUINN: Council Member
21 Fidler.

22 COUNCIL MEMBER FIDLER: Thank you
23 Speaker and I want to thank you and Rob Newman and
24 the Housing and Building staff, Chairman Dilan,
25 Council Members Comrie and Mark-Viverito. And I

1
2 also want to specifically thank Lou Coletti from
3 the Building and Trades Council for his invaluable
4 input in crafting this bill. As has been said
5 this is an absolutely critical first step. We
6 have a lot of construction going on in this City
7 and not all of it is safe. It's not safe--

8 PUBLIC ADVOCATE GOTBAUM:

9 [Interposing] If you could get a little quieter--

10 SPEAKER QUINN: [Interposing] Quiet
11 please.'

12 PUBLIC ADVOCATE GOTBAUM: --in the
13 chambers

14 SERGEANT AT ARMS: [Interposing]
15 Quiet please.

16 PUBLIC ADVOCATE GOTBAUM: --please
17 so we could hear Council Member Fidler.

18 COUNCIL MEMBER FIDLER: It's not
19 all safe for the workers and it's certainly not
20 all safe for the residents. And it's kind of
21 incredible that up to now there's been no way to
22 monitor who the good guys are and who the bad guys
23 are. So this bill will require a Safety
24 Registration Number and we'll be back here in six
25 months to a year to find out what criteria has

1
2 been developed for denying, they're taking a very,
3 very important, yet, you know, dicey step of
4 telling someone they cannot do business in the
5 City of New York because they're endangering
6 peoples' lives.

7 And that's what this bill will do.
8 It will force them to develop a criteria for
9 denying those registration numbers. It will give
10 us the data upon which that criteria has been
11 decided. And then we will be able to once and for
12 all keep both workers and residents of this City
13 safe from those general contractors, concrete
14 contractors and demolition contractors who do not
15 have the appropriate record for safety in the
16 City. I urge you all to vote for this
17 legislation. And I want to add my thanks to
18 everybody for its consideration.

19 SPEAKER QUINN: Thank you very much
20 Council Member Fidler.

21 Lastly, just to conclude,
22 Communications with the Speaker, Council Member
23 Jackson wants to recognize a special guest.

24 COUNCIL MEMBER JACKSON: Thank you
25 Madam Speaker. My colleagues, I rise to introduce

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2 you to the Speaker of the City of Medellin,
3 Columbia who's visiting the United States with his
4 assistant. I'd ask him to please rise and be
5 recognized, Bernardo Alejandro Carrero Jorgo
6 [phonetic], the President of the City Council of
7 Medellin, Columbia.

8 [Applause]

9 COUNCIL MEMBER JACKSON: Thank you
10 Madam Speaker.

11 SPEAKER QUINN: Thank you and that
12 concludes communications from the Speaker.

13 PUBLIC ADVOCATE GOTBAUM:
14 Discussion of general orders. Council Member
15 Barron.

16 COUNCIL MEMBER BARRON: Thank you
17 very much Madam Chair. I just wanted to say to my
18 colleagues as we continue to be great regulators
19 in this City, I think the City Council should have
20 been regulating Wall Street. We might not have
21 been in the predicament that we're in now.

22 But I'm cautioning us for over
23 regulating. And I think on Intro 40-A, codifying
24 more ticket agents in our neighborhood, we have a
25 real problem in some of our communities with

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2 parking tickets. We are overwhelmed with parking
3 tickets in our communities. We get no slack
4 there.

5 To codify more ticket agents I
6 think is the wrong move. I think there's a lot
7 more we can do around getting people to comply
8 with not idling. One, I think we should
9 definitely look at having a campaign against
10 idling, particularly around the schools. I've
11 seen no posters up anywhere. We haven't spoken to
12 principals and parent associations. I think we
13 need to do more of that. And I think legislation
14 should be forthcoming to allow parents who are
15 dropping off their children, maybe to turn off
16 their engine--

17 PUBLIC ADVOCATE GOTBAUM:

18 [Interposing] Could we have quiet please in the
19 chamber again?

20 COUNCIL MEMBER BARRON: Maybe to
21 turn off their cars for a moment and not be
22 charged with double parking. So if we get some
23 legislation like that then maybe they'll be less
24 on having to ticket and provide more harassment
25 for some of our parents.

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2 However on Intro 631-A, going from
3 three minutes to one minute, I think we have to be
4 concerned about the health of our students. We
5 have to be concerned about the pollution and have
6 to be concerned about the upper respiratorial
7 diseases particularly in all of our communities
8 but particularly in communities of color. So for
9 that one I'm supportive. But I'm suggesting that
10 we vote no on 40-A in codifying more ticket agents
11 and look at legislation that is more sensitive to
12 parents and maybe drop-off zones or something
13 other than a ticket. Thank you very much.

14 PUBLIC ADVOCATE GOTBAUM: Council
15 Member Gentile. Please be quiet, you know, at
16 times you're very, very quiet and then all of a
17 sudden this little buzz starts and it's very
18 difficult to hear the speaker. Thank you.

19 COUNCIL MEMBER GENTILE: Madam
20 Public Advocate, I spoke during the Speaker's
21 session.

22 PUBLIC ADVOCATE GOTBAUM: Okay. So
23 you're--that's it. Okay. Council Member Oddo.

24 COUNCIL MEMBER ODDO: Madam Public
25 Advocate, may I be excused for a self-serving,

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2

self-congratulatory moment?

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PUBLIC ADVOCATE GOTBAUM: Of

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course.

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COUNCIL MEMBER ODDO: Thank you.

6

It took us eight years to pass the piece of

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legislation that established a registration for

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general contractors of one and two and three

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family homebuilders. AT one point the

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Administration testified in opposition to it and

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frankly we went back and worked together and we

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created a better bill. And at the time we could

13

not tell the people of Staten Island and the rest

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of the City just how many entities were in the

15

field of building homes.

16

So when I look at Intro 878-A and

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my colleagues Council Members Comrie, Fidler and

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Mark-Viverito, I'm personally proud that we sort

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of knocked down the door and allowed additional

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legislation to create a system that is not

21

onerous, figure out just exactly who the players

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are, having them registered in a central location,

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and then figuring out a mechanism that we can take

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away that ability and that privilege to do that

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work in New York City makes all the sense in the

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world.

And it was a fight worth having.
And it was a great victory under this Speaker.
And I'm just glad to see that in some small way it
paved the way for additional commonsense
legislation. And I'm glad my colleagues sort of
walked into that open door and I thank them for
that.

PUBLIC ADVOCATE GOTBAUM: Okay,
nobody else?

[Pause]

PUBLIC ADVOCATE GOTBAUM: Report of
Special Committees?

COMMITTEE CLERK: None.

PUBLIC ADVOCATE GOTBAUM: Reports
of Standing Committees.

COMMITTEE CLERK: Report of the
Committee on Civil Service and Labor, pre-
considered Intro 817.

PUBLIC ADVOCATE GOTBAUM: Coupled
on general orders.

COMMITTEE CLERK: Report of the
Committee on Environmental Protection, Intro 40-A,
engine idling.

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PUBLIC ADVOCATE GOTBAUM: Amended
and coupled on general orders.

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COMMITTEE CLERK: Intro 631-A,
engine idling.

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PUBLIC ADVOCATE GOTBAUM: Amended
and coupled on general orders.

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COMMITTEE CLERK: Report of the
Committee on Finance, Intro 870, Hudson Square
Business Improvement District.

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PUBLIC ADVOCATE GOTBAUM: Coupled
on general orders.

12

13

COMMITTEE CLERK: Reso 1739-A Bed-
Stuy Gateway Business Improvement District.

14

15

PUBLIC ADVOCATE GOTBAUM: Amended
and coupled on general orders.

16

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COMMITTEE CLERK: Report of the
Committee on Housing and Buildings, Intro 760-A,
Safety Compliance Officer.

19

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PUBLIC ADVOCATE GOTBAUM: Amended
and coupled on general orders.

21

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COMMITTEE CLERK: Intro 787-A,
Safety Registration Numbers.

23

24

PUBLIC ADVOCATE GOTBAUM: Amended
and coupled on general orders.

25

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2 COMMITTEE CLERK: Report of the
3 Committee on Land Use, LU-879 and Reso 1784 and LU
4 945 and Reso 1785, Various U-DAPs.

5 PUBLIC ADVOCATE GOTBAUM: Coupled
6 on general orders.

7 COMMITTEE CLERK: LU 955 and Reso
8 1786 through LU 959 and Reso 1970, various
9 applications.

10 PUBLIC ADVOCATE GOTBAUM: Coupled
11 on general orders.

12 COMMITTEE CLERK: Pre-considered LU
13 961 and Reso 1791 and LU 962 and Reso 1792,
14 Landmark Designation.

15 PUBLIC ADVOCATE GOTBAUM: Coupled
16 on general orders.

17 COMMITTEE CLERK: Pre-considered LU
18 963 and Reso 1793, Zoning Map amendment.

19 PUBLIC ADVOCATE GOTBAUM: Coupled
20 on general orders.

21 COMMITTEE CLERK: Pre-considered LU
22 964 and Reso 1974, Zoning Resolution amendment.

23 PUBLIC ADVOCATE GOTBAUM: Coupled
24 on general orders.

25 COMMITTEE CLERK: Pre-considered LU

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2 964 and Reso 1975 through pre-considered LU 970
3 and Reso 1800, Landmark Designations.

4 PUBLIC ADVOCATE GOTBAUM: Coupled
5 on general orders.

6 COMMITTEE CLERK: Pre-considered LU
7 971 and Reso 1801 and LU 972 and Reso 1802,
8 Various U-DAPs.

9 PUBLIC ADVOCATE GOTBAUM: Coupled
10 on general orders.

11 COMMITTEE CLERK: Pre-considered LU
12 973 and 1803, Landmark Designation.

13 PUBLIC ADVOCATE GOTBAUM: Coupled
14 on general order.

15 SPEAKER QUINN: Sorry. General
16 Order calendar.

17 COMMITTEE CLERK: Resolution
18 appointing various persons, Commissioner of Deed.

19 PUBLIC ADVOCATE GOTBAUM: Coupled
20 on general orders. And at this point I ask for a
21 roll call on all items that have been coupled on
22 the general order calendar, please.

23 SERGEANT AT ARMS: Quiet please.

24 COMMITTEE CLERK: Arroyo.

25 COUNCIL MEMBER ARROYO: Aye.

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COMMITTEE CLERK: Avella.

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COUNCIL MEMBER AVELLA: Madam

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Speaker, may I have a few moments to explain my

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vote?

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PUBLIC ADVOCATE GOTBAUM: So

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ordered.

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COUNCIL MEMBER AVELLA: Thank you.

9

First of all, I'm voting no on Land Use 957 and

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Reso 1788. And I just wanted to make a comment--

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and I'm going to be voting yes on everything else.

12

I just wanted to make a comment about Intro 631-A

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and sort of complement some of the comments that

14

my colleague Council Member Barron made.

15

Clearly this is a step in the right

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direction about reducing the idling time from

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three minutes to one minute by schools but the one

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thing that would concern me is that we turn this

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into a revenue generating mechanism against

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parents who are just dropping off or picking up

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their kids from school.

22

And we've had some conversations

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with the author of this bill and I understand that

24

an amendment will be coming forth. And I hope

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that it will be because I think this bill could be

1
2 better if we don't penalize the parents who are
3 just picking up and dropping off their kids.
4 Otherwise I vote yes on everything except for that
5 Land Use item.

6 COMMITTEE CLERK: Baez.

7 COUNCIL MEMBER BAEZ: Aye.

8 COMMITTEE CLERK: Barron.

9 COUNCIL MEMBER BARRON: May I be
10 excused to explain my vote? I just want to
11 reiterate once again that Council Member Avella is
12 correct. And even in some of the budget
13 discussions I've had or heard of, they are
14 increasing the traffic agents to increase revenue.

15 And since you don't want to tax the
16 millionaires, don't tax the poor working class
17 families with more tickets just to increase
18 revenue. I'm fine with reducing pollution but I
19 think it's a disservice to our parents to use them
20 as revenue generating for a difficult Fiscal Year
21 when you don't want to tax the rich in this State.

22 With that I want to vote no on
23 Intro 40-A. Aye on Intro 631 and the others, and
24 I vote no on LU 957 with the accompanying Reso
25 1788, I vote no.

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COMMITTEE CLERK: Brewer.

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COUNCIL MEMBER BREWER: I vote aye.

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I want to add regarding the idling issue near

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schools. I think that the problem, and it's not

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just particular to schools, is we have to find

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some kind of technology so that the heat or air

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conditioning in that vehicle can remain while the

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engines are off.

10

And I think that that's--I know

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that that's something the Council Member Oliver

12

Koppell is looking at regarding ambulances. But

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we have it for all kinds of busses, trucks, cars,

14

etcetera. And so the question is not going to be,

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I think, answered until we can figure that

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technology out. But I vote aye on everything.

17

Thank you.

18

COMMITTEE CLERK: Comrie.

19

COUNCIL MEMBER COMRIE: Permission

20

to explain my vote?

21

PUBLIC ADVOCATE GOTBAUM: So

22

ordered.

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COUNCIL MEMBER COMRIE: I'm going

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to vote no on LU 957 and Reso 1788. I vote aye on

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all other items. I also want to express my

1
2 concern as a parent that actually drops his child
3 off in the morning that this will not just be a
4 revenue generator for the City going after
5 parents.

6 I've had many schools and I know in
7 my District it's only one lane in and one lane
8 out. Many parents have at least a five to ten
9 minute wait just to get near the front of the
10 door. And I hope that this resolution will be,
11 will keep that in mind and that they will not wind
12 up being subject to the whim of ticket agents
13 trying to meet a quota. And with that I vote aye
14 on all other items.

15 COMMITTEE CLERK: Crowley.

16 COUNCIL MEMBER CROWLEY: Aye on all
17 the items.

18 COMMITTEE CLERK: De Blasio.

19 COUNCIL MEMBER DE BLASIO:
20 Permission to explain my vote?

21 PUBLIC ADVOCATE GOTBAUM: So
22 ordered.

23 COUNCIL MEMBER DE BLASIO: I just
24 want to agree with my colleagues who raised the
25 concern. I'm also a public school parent. I

1
2 think it's very, very important that we move
3 forward with this legislation but I also think we
4 have to constantly remind all of our agencies that
5 give tickets to only give them where they're
6 valid, not to give them for revenue purposes and
7 not certainly to take advantage of parents who are
8 dropping off and picking up their kids.

9 So I think it's good that we're all
10 putting the concern on records so hopefully it
11 will be a helpful preventative measure in terms of
12 those agencies. But with that being said, I vote
13 aye on all.

14 COMMITTEE CLERK: Dickens.

15 COUNCIL MEMBER DICKENS: Permission
16 to explain my vote?

17 PUBLIC ADVOCATE GOTBAUM: So
18 ordered.

19 COUNCIL MEMBER DICKENS: I am going
20 to vote aye on all but I join with my colleagues
21 in the concern about the revenue generating
22 tickets. I am strongly supportive of the idling
23 bill because of the impact of idling on our
24 children and our seniors. And our asthma rate has
25 risen significantly.

1
2 But I am also concerned about the
3 ticketing that will be done in our communities.
4 Having registered my concerns about it, having
5 registered that I think that that needs to be
6 visited about how the ticketing has been done, not
7 just on idling but ticketing period throughout all
8 of our communities, I vote aye on all.

9 COMMITTEE CLERK: Dilan.

10 COUNCIL MEMBER DILAN: Madam Public
11 Advocate can I have a brief moment to explain my
12 vote?

13 PUBLIC ADVOCATE GOTBAUM: So
14 ordered.

15 COUNCIL MEMBER DILAN: I just want
16 to take this time to add something that I omitted
17 during the Speaker's time. I just want to
18 acknowledge the work of Council Member Melissa
19 Mark-Viverito on Intro 878-A. Being a prime
20 sponsor of the bill she was very excellent in
21 Committee and asked a lot of pointed questions to
22 the Buildings Commissioner. And really made, her
23 work made this bill a much better bill. So I just
24 wanted to acknowledge that for the record. And
25 I'd like to vote aye on all items on today's

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2 agenda.

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COMMITTEE CLERK: Eugene.

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COUNCIL MEMBER EUGENE: Aye.

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COMMITTEE CLERK: Felder.

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COUNCIL MEMBER FELDER: Madam

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Public Advocate, may I be excused to explain my

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vote?

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PUBLIC ADVOCATE GOTBAUM: So

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ordered.

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COUNCIL MEMBER FELDER: Thank you.

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I want to echo all the concerns that my colleagues

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have mentioned regarding the revenue producing,

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but to differ by saying that I will vote no on

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Intro 40-A and no on 631-A. The issue is

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indisputable about wanting to make sure to reduce

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asthma, wanting to make sure that our environment

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is protected, but my colleagues, we know the

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history of enforcement in this City.

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In fact one of the sponsors of this

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bill suggested a warning on another bill and that

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tickets should not be issued and instead of

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issuing tickets to educate the public and issue

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warnings instead. The majority of the City's

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population is not aware of an idling law at all at

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2 this time.

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So what are we doing? We're going to allow more agents out there to issue summonses on a bill that no one's aware of. And people have talked about trucks and busses. If you look through the legislation there's a lot of allowances for the busses to maintain temperature. So those that are the greatest people who are responsible are going to be off the hook on this anyway.

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So we're going to have more agencies issuing summonses. And then, in front of schools, where parents have to drop off their children, we're going to now be the innovators of the 60 second ticket. And the message is not don't idle. The message is we're going to get you one way or another.

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And if we really want to make sure that people don't idle, what we should be doing is educating people and having these agencies issue warnings instead of giving them tickets. Thank you.

24

COMMITTEE CLERK: Fidler.

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COUNCIL MEMBER FIDLER: Madam

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2 Public Advocate may I be briefly excused to
3 explain my vote?

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PUBLIC ADVOCATE GOTBAUM: So
ordered.

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COUNCIL MEMBER FIDLER: You know I
have to chuckle a little bit at my colleague Bill
de Blasio's comment that traffic enforcement
agents need to be reminded that this isn't about
raising revenue because I don't think you could
find ten people in this entire City who don't
believe that the job performance of traffic
enforcement agents is measured by the number of
tickets that they give.

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And you want to call that a quota,
call it a quota. But I think everybody here in
the world knows that. That if a traffic
enforcement agent somehow didn't find a certain
number of tickets to give out every day, they'd be
fired. And so you, you know, to wag your finger
and say remember, is kind of, you know,
sophomoric.

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So, you know, nobody wants to
promote asthma amongst children. And, you know,
maybe this is an out of Borough problem, maybe

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2 this is a Brooklyn problem, I don't know. But
3 outside of elementary schools, parents have a
4 problem picking up their kids. And as Council
5 Member Liu mentioned he has introduced Intro 785
6 and I added my name as a co-sponsor to that. And
7 it would exempt pick-up and drop-off times for
8 parents at schools that are K through 8.

9 And if we were moving that bill at
10 the same time as this bill, I would support it
11 enthusiastically. But you cannot as a parent who
12 has got multiple errands to run, who shows up when
13 their child is supposed to be dismissed from
14 school, frequently that dismissal is somewhat
15 delayed, and then walk away and it says, you know,
16 surprise, you've just been ticketed because your
17 child's teacher was delayed for a few moments or
18 the class was delayed for a few moments and you
19 left your engine idling without knowing, in
20 advance, that there was going to be that delay.

21 It's not fair. It's not right. We
22 need to move Intro 785 in order to address that
23 problem and so that we can both take care of, you
24 know, children who are being exposed to conditions
25 that promote asthma and parents who have a

1
2 legitimate need to safely pick up their child at
3 school. So I vote no on Intro 631-A and aye on
4 all the rest.

5 COMMITTEE CLERK: Foster.

6 COUNCIL MEMBER FOSTER: Yes except
7 on everything but Intro 40-A. Park resources need
8 to stay in the parks.

9 COMMITTEE CLERK: Garodnick.

10 COUNCIL MEMBER GARODNICK: I vote
11 aye on all.

12 COMMITTEE CLERK: Gennaro.

13 COUNCIL MEMBER GENNARO: Yes.

14 COMMITTEE CLERK: Gentile.

15 COUNCIL MEMBER GENTILE: Madam
16 Public Advocate may I be excused to explain my
17 vote?

18 PUBLIC ADVOCATE GOTBAUM: So
19 ordered.

20 COUNCIL MEMBER GENTILE: Great.
21 While I agree with the goals of Intro 40-A, it
22 troubles me when we're adding statutory authority
23 to put more traffic agents on the street, as my
24 colleagues have said, in light of the Budget
25 Director's testimony here in this chamber. The

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2 Mayor's Budget Director is saying that he's
3 adding, proposing to add 253 more agents already,
4 traffic agents for the purpose of a revenue
5 generation.

6 Revenue generation should not be
7 the purpose for traffic agents. And I'm afraid
8 without any guarantees; this will be an additional
9 revenue generation mechanism. So while the goals
10 are lofty, I think we need more guarantees before
11 we do that to our citizens, so I vote no on Intro
12 40-A, yes on the rest.

13 COMMITTEE CLERK: Gerson.

14 COUNCIL MEMBER GERSON: Madam
15 Public Advocate if I may be briefly excused?
16 Just, when it comes to--especially when it comes
17 to the health of our children, health and safety
18 first and to any of my colleagues from any part of
19 the City who, if you feel you have too many
20 traffic enforcement agents in your District, send
21 them on down to District 1 in Lower Manhattan.
22 We'll take them all. We have more than enough
23 places to put them in where they're needed. I
24 vote yes on all.

25 [Pause]

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COMMITTEE CLERK: Gioia.

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COUNCIL MEMBER GIOIA: I vote yes

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on all matters before us including Land Use call-

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ups. Thank you.

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COMMITTEE CLERK: Gonzalez.

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COUNCIL MEMBER GONZALEZ: Aye on

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all.

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COMMITTEE CLERK: Ignizio.

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COUNCIL MEMBER IGNIZIO: [No

11

response]

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COMMITTEE CLERK: Jackson.

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COUNCIL MEMBER JACKSON: Madam

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Public Advocate may I be excused to explain my

15

vote?

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PUBLIC ADVOCATE GOTBAUM: So

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ordered.

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COUNCIL MEMBER JACKSON: Clearly

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this bill is there to protect the health and well

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being of our children especially, but the entire

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community. And when you consider the fact that in

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New York even though people may consider it cold

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outside now, when you're in the car and the

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concerns that my colleagues have raised as far as

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income producing tickets, that's not the intention

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2 of it.

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The intention is for people to turn off their engines. And what you can do as colleagues, you have a newsletter. Please put in your newsletter, educate your constituents that it's in the best interests of our City and our community if we turn off our engines. Okay? That's what you can do.

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And also you can encourage your Pas and CECs, the Community Education Councils for everyone to get the word out that our children's health is number one and they must turn off their engines.

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SERGEANT AT ARMS: Quiet please.

Keep it down.

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COUNCIL MEMBER JACKSON: Now I say that because it appears as though many people believe that this is being put into law to produce income. That's not the intent. The intent is the health and safety of our children, is number one. And I ask all of you to consider that. And I don't see anywhere in the bill that it talks about increasing the number of traffic enforcement agents. That's not what it's about.

1
2 So let's not call it what it's not.
3 Let's call it what it is. It's for the health and
4 safety of our children. Number one. And so with
5 that I ask all of you to reconsider your thought
6 on this particular matter. And I vote aye on all.
7 Thank you.

8 COMMITTEE CLERK: James.

9 COUNCIL MEMBER JAMES: I support an
10 Asthma Free Zone, and therefore vote aye on
11 everything and also support the Bed-Stuy Gateway
12 Business Improvement District in the great Borough
13 of Brooklyn. I vote aye on all.

14 COMMITTEE CLERK: Katz.

15 COUNCIL MEMBER KATZ: Madam Public
16 Advocate, to explain my vote? Madam Public
17 Advocate? Okay--

18 PUBLIC ADVOCATE GOTBAUM:

19 [Interposing] Ordered.

20 COUNCIL MEMBER KATZ: I have had a
21 lot of discussions with the sponsor of 631-A. I
22 have the same issues in my District. I believe
23 there is a problem with the drop-offs of the
24 children. And I worry about it. I know that
25 Council Member Baez has legislation in to make it

1
2 so that there could be drop-off zones at the
3 schools and I think that we should consider that
4 as a body.

5 I think that we don't want traffic
6 agents and the Police Department really going
7 after our parents when they're just simply
8 dropping off the kids. But the health concerns
9 are important I understand. I will be voting yes
10 on 631-A.

11 Intro 40-A, I think that we are
12 facing very difficult times in the City of New
13 York. I think parents and families are trying to
14 figure out how to make ends meet. I have a lot of
15 problems with expanding the discretion of other
16 agencies that don't have authority now to give
17 tickets for things, to expand the authority to
18 other agencies to give tickets. I agree with
19 Councilwoman Foster that the Parks Department is
20 already under funded in so many ways. The
21 resources there should stay where they are.

22 But in looking at this, one of the
23 major things that bothers me is what was brought
24 up by one of the Council Members which is, look,
25 the problem is that there is a lot of discretion

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2 when giving out tickets for idling. Someone can
3 see you idle, give a ticket. Someone else can see
4 you and not give a ticket. So now we're expanding
5 the amount of folks that have that discretion to
6 go after folks who are just sitting there in their
7 cars idling the engine.

8 No one knows it's illegal out
9 there. No one is educated on this. I don't know
10 if the Parks Department and Sanitation will get
11 educated on how to figure out that it's three
12 minutes and no longer. And there's no exemptions
13 to help someone out of the car, a senior citizen
14 to the door. There's just nothing that we can
15 turn to that might give people an out for it.

16 So I think that we have difficult
17 times and we need to look for ways of raising
18 revenue. I think that's true. I don't think
19 that's it. And I will look forward also to 631 to
20 having that exemption in the beginning and at the
21 end of the school day so that the children can get
22 dropped off. I vote yes on all except Intro 40-A.
23 I vote no.

24 COMMITTEE CLERK: Ignizio.

25 COUNCIL MEMBER IGNIZIO: Yes, I

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2 vote no on Land Use 968 and pre-considered
3 resolution 1798 and aye on all others.

4 COMMITTEE CLERK: Koppell.

5 COUNCIL MEMBER KOPPELL: May I be
6 excused from voting and explain my vote?

7 PUBLIC ADVOCATE GOTBAUM: So
8 ordered.

9 COUNCIL MEMBER KOPPELL: Folks,
10 colleagues, we can't have it both ways. If you
11 want to say that you don't want the kids exposed
12 to exhaust and a lot of people, busses, people
13 picking up kids, stop in front of schools, and so
14 there is a lot of exhaust. We had a lot of
15 testimony that this is very bad for the health of
16 the kids. And so we're reducing the time from
17 three minutes to one minute because we're
18 concerned.

19 You then have to be able to enforce
20 that. You can't have it both ways. If you want
21 to make sure that people obey the law and that we
22 really reduce the amount of emissions and you
23 really mean it when you vote to reduce the time
24 from three minutes to one minute, then you have to
25 be able to enforce it. And you're not going to

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2 enforce if people don't give tickets.

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 It's very nice to give people warnings. But warnings, if you give people warnings once, and then they realize the next time they do it they're going to get a warning again, they'll get warnings. They won't be cognizant of the fact that we want to make it the law that you turn off the engine.

 Now if you have to wait for the class to come out, I don't see why you can't turn off the engine while you're waiting for the class to come out. There's a serious problem, and this was testified to at length, of lots of exhaust near schools. This intends to create a very strict rule that you shouldn't sit around with the car running when you pick up the kids and that the busses shouldn't have the engine running unless it's needed to keep the kids warm in the bus.

 It's a logical thing to do. It's tough. It's a tough standard. If we want that standard we have to enforce it. You can't have it both ways. I vote any on all.

 COMMITTEE CLERK: Lappin.

 COUNCIL MEMBER LAPPIN: Aye on all.

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COMMITTEE CLERK: Liu.

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COUNCIL MEMBER LIU: Madam Public

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Advocate may I be excused to explain my vote?

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PUBLIC ADVOCATE GOTBAUM: So

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ordered.

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COUNCIL MEMBER LIU: I vote yes on

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all items. And with regard to Intro 631, we also

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have to keep in mind--again I'm cognizant of the

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concern about parents. We don't want the City to

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be viewing as parents--we don't want the City to

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be seeing dollar signs on the faces of parents as

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they come in to drop off or pick up their kids.

14

But let's not forget that the rest

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of the school day we have lots of vehicles parked

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idling outside these schools. It is those

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vehicles that we would like the engines shut off

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on.

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And finally there is also some--I

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just want to make sure that there is no confusion

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about what idling does in terms of getting no

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parking and no standing tickets. Those tickets

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can be issued with or without the engine running.

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So again if anytime somebody's waiting for a kid

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or anything else, they can simply shut the engine

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2 off and continue to wait. And that has no bearing
3 on whether they'll get a ticket or not. If
4 they're likely to get a ticket with the engine
5 off, they're just as likely to get a ticket when
6 the engine is on. Thank you.

7 COMMITTEE CLERK: Mark-Viverito.

8 COUNCIL MEMBER MARK-VIVERITO: Aye
9 on all.

10 COMMITTEE CLERK: Martinez.

11 COUNCIL MEMBER MARTINEZ: Thank
12 you. Madam Public Advocate may I explain my vote?

13 PUBLIC ADVOCATE GOTBAUM: So
14 ordered.

15 COUNCIL MEMBER MARTINEZ: Yeah. I
16 want to--I will be voting aye on all but I just
17 want to make reference to some of the remarks made
18 in terms of seeing this as an initiative to
19 generate revenues and increase enforcement
20 officers. You know, the enforcement officers that
21 we're talking about has nothing to do in terms of
22 the additional enforced officers that are going to
23 be hired, has nothing to do with the idling, but
24 rather the block initiatives that the Mayor
25 presented. And, you know, I think that the health

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2 issue of kids in my District outweigh the risk of
3 someone getting a summons for idling. And we have
4 a serious asthma crisis--

5 PUBLIC ADVOCATE GOTBAUM:

6 [Interposing] Quiet please.

7 SERGEANT AT ARMS: Sit down please.

8 PUBLIC ADVOCATE GOTBAUM: Please go
9 outside back there if you're going to talk.

10 COUNCIL MEMBER MARTINEZ: We have a
11 serious asthma crisis in many of our communities.
12 And any step that we could take to reduce that and
13 avoid our children being exposed to this type of
14 environment, it's worth doing. So I vote aye on
15 all and I think that I will continue to work with
16 Council Member John Liu to address the other
17 issues that were presented here in terms of
18 traffic enforcement. Thank you Madam Public
19 Advocate.

20 COMMITTEE CLERK: Mealy.

21 COUNCIL MEMBER MEALY: Aye on all.

22 COMMITTEE CLERK: Mendez.

23 COUNCIL MEMBER MENDEZ: Aye on all.

24 COMMITTEE CLERK: Nelson.

25 COUNCIL MEMBER NELSON: May I be

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2 excused to explain my vote Madam Public Advocate--

3 PUBLIC ADVOCATE GOTBAUM:

4 [Interposing] So ordered.

5 COUNCIL MEMBER NELSON: I am going

6 to vote aye on all. But really, some of these

7 issues will have to perhaps be addressed again.

8 When there are going to be, I'm afraid, at times,

9 just the cowboys out there and claiming that

10 somebody was idling for more than X amount of

11 minutes when they were only really just began to

12 idle. These things can happen.

13 So I just--I'm sure we'll all be

14 keeping our eye on this as we get complaints in

15 our District offices. And we may have to come

16 back to this. Again with that, I vote aye on all.

17 COMMITTEE CLERK: Recchia.

18 COUNCIL MEMBER RECCHIA: I'd like

19 to vote aye and be marked present and vote aye on

20 all coupled orders and Land Use call-ups.

21 PUBLIC ADVOCATE GOTBAUM: So

22 ordered.

23 COUNCIL MEMBER RECCHIA: Thank you.

24 COMMITTEE CLERK: Reyna.

25 COUNCIL MEMBER REYNA: Aye on all.

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COMMITTEE CLERK: Sanders.

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COUNCIL MEMBER SANDERS: Permission
to explain my vote?

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PUBLIC ADVOCATE GOTBAUM: So
ordered.

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COUNCIL MEMBER SANDERS: Let's see.
Aye on all, pass Land Use call-ups except no on LU
957, no on Resolution 1788 and aye to the rest.

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COMMITTEE CLERK: Seabrook.

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COUNCIL MEMBER SEABROOK: Aye on
all.

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COMMITTEE CLERK: Sears.

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COUNCIL MEMBER SEARS: Permission
to explain my vote please?

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PUBLIC ADVOCATE GOTBAUM: So
ordered.

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COUNCIL MEMBER SEARS: I'm going to
vote aye on all, however I've never heard so many
support a bill that have very serious objections
to it. I think the issue is not whether
somebody's standing there with a clock and
measuring whether it's one minute or three months,
the issue is far more than that.

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The issue is whether we pass a law

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2 that is going to protect the environment and the
3 health of everybody. Remember many of these
4 schools are in commercial areas. They have
5 trucks. They have cars. I've got an airport.
6 We've got fuel. The fact is that we have to begin
7 to enforce some very strict laws.

8 And it means that parents have to
9 stop their engines. In my District they refuse to
10 do it. I can't thank you enough for this
11 legislation. No matter what they have been
12 warned, whatever the principal has advised, they
13 continue to do it. And that is wrong. And we
14 need legislation that we can't speak with a
15 twisted tongue. We either are for the environment
16 protecting our health or we're not.

17 So I thank all of you for this
18 legislation. And believe me; it's not going to
19 hurt the pocketbook because all they have to do is
20 know once. And they will stop it. So thank you.
21 I vote aye on all.

22 COMMITTEE CLERK: Stewart.

23 COUNCIL MEMBER STEWART: May I be
24 excused to explain my vote please? I have some
25 serious concern about the fact that there's

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2 discretion given to several agencies to issue
3 these tickets. And basically what we have is we
4 don't have a way of really timing these people
5 when they are violating the law.

6 However I feel that we have serious
7 health risks in New York City and we need to do
8 something about it. I hope we can at least
9 address these issues some time later. And because
10 of the fact that the risks outweighs the problem
11 of whether the discretion has been given or not, I
12 would vote aye on all and hope that we get back to
13 this issue on a later date. Thank you.

14 COMMITTEE CLERK: Vacca.

15 COUNCIL MEMBER VACCA: If I can
16 explain my vote. I too will vote aye on all
17 except 40-A where I vote no. And I will also vote
18 no on 631-A and have requested that my name be
19 withdrawn. I understand and I have experienced
20 what traffic enforcement has meant in my
21 community. You should know that where we are
22 proposing hiring freezes and attrition, traffic
23 enforcement is one of the few agencies where the
24 Administration has requested more people because
25 it is revenue producing.

1
2 And I've seen school parents
3 victimized. I've been traffic agents waiting like
4 locusts and I feel that these bills give a further
5 license for that activity which many people feel
6 is harassment. And with all the good intentions
7 in the world, and I'm concerned about asthma and
8 health as any one else is--

9 PUBLIC ADVOCATE GOTBAUM:

10 [Interposing] Quiet please.

11 COUNCIL MEMBER VANN: --this is
12 giving a multitude of agencies the right to give a
13 multitude of tickets. Look how many agencies are
14 giving tickets. What agency will be next? Maybe
15 the Landmarks Commission will come down into my
16 community and give tickets.

17 [Audience laughing]

18 COUNCIL MEMBER VANN: They need
19 money too. I think we're going too far with
20 regulation. One minute, so what happens on the
21 62nd second? What happens on the 65th second? Many
22 parents may not know, many parents will realize
23 too late, many parents will be upset because as
24 they wait for their Kindergartener to get in,
25 they're going to find something on their window

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under these laws. Unfortunately, ladies and gentlemen, I see that that's going to be the reality. I vote no.

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COMMITTEE CLERK: Vallone.

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COUNCIL MEMBER VALLONE: Jimmy if you don't want the traffic agents in your District, send them to mine please. As I often tell Charles Brown, if you don't want the police there, send them to mine. Lew Fidler isn't the only one who can chuckle today.

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I have to chuckle about everybody who has a problem with traffic agents and revenue raising. That's part of their purpose, to raise revenue. If they don't, we here in this body have to raise taxes or make cuts. And nobody complains louder than the people in this room who are complaining about revenue raising by traffic agents.

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I can't think of a better way to raise revenue for the City than on the backs of law breakers, graffiti vandals, litterers, double-parkers. Make them pay more. Maybe we can cut the taxes for the home owners and people like that. I have no problem with that.

1
2 In this case however, we're talking
3 about parents, not criminals. I'm a parent and I
4 drop off my kids. So we have to take excessive
5 care in this case. And we have to ensure that
6 the--the problem that we've been discussing here
7 is revenue raising without common sense, revenue
8 raising without a plan and without any discretion.
9 If that happens, if parents become targeted here,
10 I'll stand with you and I'll be the first one to
11 introduce a resolution or a law repealing this
12 measure. I hope that doesn't happen.

13 But to say that revenue raising is
14 a bad thing, no. I think law breakers need to pay
15 more so that the rest of us who obey the law can
16 in fact pay less. So I'm going to vote aye on
17 all, with the caveat that if this is abused, I
18 will ask this Council to revisit it. Thank you.

19 [Pause]

20 COMMITTEE CLERK: Weprin.

21 COUNCIL MEMBER WEPRIN: Aye on all.

22 COMMITTEE CLERK: White.

23 COUNCIL MEMBER WHITE: Yes. May I
24 please be excused to explain my vote?

25 PUBLIC ADVOCATE GOTBAUM: So

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2 ordered.

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COUNCIL MEMBER WHITE: I vote no on LU 957 and Reso 1788. I vote aye on all Land Use items and aye on all coupled general orders.

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COMMITTEE CLERK: Yassky.

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COUNCIL MEMBER YASSKY: I vote aye on all. And I'd just like to say a word about Intro 40-A, which extends the ability to write idling tickets to Park Police and Sanitation Police. You know, I agree with some of the suggestions that have been made that the Sanitation Police in particular are handing out too many tickets already. They are.

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They're handing out litter tickets to people who have done nothing wrong because there is somebody drops a cigarette pack in front of the home owner's property. The whole point of this is rather than have the Sanitation Police hand out tickets for that, let's get them handing out tickets for things that actually harm our neighborhoods which are trucks sitting on the street and idling and putting out diesel exhaust where we breathe it and our kids breathe it.

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The issue isn't, you know, more

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2 enforced, less enforced, the issue is what do we
3 want the enforcement agents focusing on. I think
4 truck idling is something we can all agree is
5 harmful to the neighborhoods. That's where
6 enforcement resources ought to be directed. So I
7 vote aye on all.

8 COMMITTEE CLERK: Oddo.

9 MINORITY LEADER ODDO: May I be
10 temporarily excused to explain my vote?

11 PUBLIC ADVOCATE GOTBAUM: So
12 ordered.

13 MINORITY LEADER ODDO: I vote yes
14 on all with the exception of pre-considered LU 968
15 and Resolution 1798 Now let me just say that I
16 share Council Member Vallone's sentiments about
17 throwing stones at revenue raisers. Dare I say
18 that some might derisively say that the majority
19 members of this body are in fact revenue raisers?
20 Then again the rest of us who aren't apparently
21 gutless, so I guess name-calling of all kinds is
22 wrong.

23 But I want to piggyback on Helen
24 Sears comments. You know, we have a different
25 perspective from Staten Island where outside of

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2 every school, be it a public school, a private
3 school of any religious denomination, we have a
4 problem at drop-off and dismissal time where
5 parents refuse to obey the law. On Staten Island,
6 on some of our schools, you have parents double
7 and triple parking, posing a serious threat to the
8 kids. And I have been told that principals,
9 priests and--

10 PUBLIC ADVOCATE GOTBAUM:

11 [Interposing] Quiet please.

12 MINORITY LEADER ODDO: --police
13 officers have been cursed out by parents. So I
14 see this, and I am cognizant and I am sensitive to
15 the concerns raised by my colleagues about using
16 parents as ways of raising revenue, but I see this
17 from a Staten Island perspective as yet another
18 tool that the Police Department has in trying to
19 instill a modicum of order outside of our schools
20 which every day, twice a day, are a tragedy
21 waiting to happen.

22 And if parents continue to act in
23 the manner that they have been on Staten Island,
24 and there's another way of trying to change that
25 behavior, I say so be it. And again I vote aye on

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2 all with the exception of that one Land Use
3 matter.

4 COMMITTEE CLERK: Rivera.

5 MAJORITY LEADER RIVERA: I vote
6 aye.

7 COMMITTEE CLERK: Speaker Quinn.

8 SPEAKER QUINN: Aye.

9 [Pause]

10 SPEAKER QUINN: - - on today's
11 general order calendar were adopted by a vote on
12 46 in the affirmative, 0 negative, 0 abstentions;
13 with the exception of LU 957 and Reso 1788 which
14 was adopted by a vote of 41 in the affirmative, 5
15 negative, 0 abstentions; and Intro 40-A which was
16 adopted by a vote of 40 affirmative, 6 negative
17 and 0 abstentions. And Intro 631-A which was
18 adopted by a vote of 43 in the affirmative, 3
19 negative and 9 abstentions; and pre-considered LU
20 968 and Reso 1798 which was adopted by a vote of
21 44 in the affirmative, 2 negative, 0 abstentions.
22 The revised Land Use call-up vote is 46 in the
23 affirmative, 9 negative.

24 PUBLIC ADVOCATE GOTBAUM:

25 Introduction and reading of bills.

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2 SPEAKER QUINN: All bills are
3 referred to Committees as indicated on the agenda.
4 I just want to remind my colleagues--

5 PUBLIC ADVOCATE GOTBAUM:
6 [Interposing] Quiet please.

7 SERGEANT AT ARMS: Keep it down.

8 SPEAKER QUINN: Remind my
9 colleagues that Friday morning the Mayor is
10 releasing the Preliminary Budget, so please note
11 those briefings on your schedule.

12 PUBLIC ADVOCATE GOTBAUM:
13 [Interposing] Quiet please, I can barely hear her.

14 SERGEANT AT ARMS: - - .

15 [Pause]

16 PUBLIC ADVOCATE GOTBAUM:
17 Discussion of resolutions.

18 SPEAKER QUINN: Yeah, discussion of
19 resolutions. There are no resolutions.

20 PUBLIC ADVOCATE GOTBAUM: Thank
21 you.

22 SPEAKER QUINN: And we'll start
23 general discussion. Council Member Comrie.

24 COUNCIL MEMBER COMRIE: I just want
25 to call the attention to the body that yesterday

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2 we had a rally here that was sponsored and
3 requested by the staff at both St. John's and Mary
4 Immaculate Hospitals who have--

5 PUBLIC ADVOCATE GOTBAUM:

6 [Interposing] Quiet please.

7 COUNCIL MEMBER COMRIE: --received
8 letters asking them to be prepared for
9 termination. It's ridiculous that in Queen where
10 we have a population of over 2,000,000 people, one
11 of the lowest bed counts per population, that we
12 have 2 hospitals that are both major hospitals
13 dealing with trauma, dealing with acute care,
14 dealing with long term care, that are going into
15 the possibility of bankruptcy and closing down.

16 Now the administration that was
17 chosen to monitor these hospitals were chosen by
18 the State Department of Health over the objections
19 of many of the Queens elected officials and the
20 Borough President. They have since pushed these
21 two institutions into a default bankruptcy. We
22 need to make sure that whatever--

23 PUBLIC ADVOCATE GOTBAUM:

24 [Interposing] Council Member Comrie--

25 SPEAKER QUINN: [Interposing] Quiet

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2 please.

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PUBLIC ADVOCATE GOTBAUM: --if we could get some quiet please, particularly in the balcony at the moment. Thank you very much.

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Sorry Leroy.

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COUNCIL MEMBER COMRIE: Thank you.

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I want to call on all of my colleagues to ask the State Department of Health who made some horrible decisions, who is not allowing these hospitals to receive their compensation that they need to get for the long term care, for the care for the indigent that they provide, for even their Trauma One emergencies that are mostly for people that don't have insurance, the opportunity to refocus and make sure that they can get the revenue needed so that they can remain.

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We cannot afford to lose 600 beds in Queens. We need to add another 1,000 to 2,000 beds in Queens. We must make sure that Mary Immaculate Hospital and St. John's Hospital where both of my children were born, stay open. It's critical that we do everything we can to push through the State Department of Health, to change the policies to make sure that these hospitals do

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not fall into bankruptcy.

It's ridiculous that we have this problem. It's ridiculous that the issues of recommendation for medical services takes so long that a hospital can't stay profitable. We need to change this as soon as possible so that these employees that received termination letters can know that they have jobs. Thank you.

SPEAKER QUINN: Council Member

Gerson.

COUNCIL MEMBER GERSON: Thank you

Madam Public Advocate, Madam Speaker, my colleagues. I rise to add further testament to the life of the late Council Member Antonio Pagan who passed away far too young, just a little over 50 years of age. Those contributions to our community and our City far exceeded his years.

I got to know him when he was getting started in electoral politics and I was an officer of a local political organization. I agreed with him. I disagreed with him. I fought with him. I fought against him on a range of issues. But through it all I respected him and I learned to admire him. He could be loud and

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2 bombastic, usually always colorful, but always
3 committed to doing right by his constituents and
4 his community.

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6 He was one of the earliest elected
7 openly gay persons, not only to this City Council,
8 but at that time, to any elected body and office.
9 He--but he defined his essence in terms of his
10 common humanity with all people.

11

12 He started his service at a time
13 when crime and drug abuse were rampant in our
14 streets and in our parks when many were giving
15 into despair and discouragement and giving up.
16 And he said no. He drew a line. He said things
17 could get better. Our neighborhoods could get
18 safer.

19

20 And because of his actions and his
21 leadership that happened on the Lower East Side,
22 in The Village and through his District, and
23 indeed beyond. His contributions will live after
24 him. On a personal note I will always remember
25 his kindness and his friendship during those
years. May he rest in peace. Thank you.

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27 SPEAKER QUINN: Council Member
28 Gennaro.

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2 COUNCIL MEMBER GENNARO: Thank you
3 Madam Public Advocate. I'd like to talk about two
4 items. One has to do with a door busters, so-
5 called door busters bill that I'm putting forward
6 today. It's number 913, Intro 913. It would seek
7 to place commonsense regulations on these door
8 buster sales.

9 There is--it's the only kind of
10 public assemblage that is completely non-
11 regulated. We regulate in a commonsense way all
12 kinds of other gatherings, whether they're parades
13 or street fairs or block parties. And this is the
14 only kind of public assemblage where there is no
15 regulation whatsoever. As we saw last month, that
16 could lead to death as it did in the case of one
17 of my constituents who was working at a Wal-Mart.
18 So I urge people to support Intro 913.

19 Also we've had some hearings on and
20 my Committee and I've talked about the problems
21 that can come from drilling for natural gas within
22 the confines of the New York City water supply,
23 watershed. This is a misguided policy that will
24 lead to the degradation of New York City's water
25 supply and for the taxpayers of New York City to

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2 have to pay \$20 or \$25 billion for a filtration
3 plant to clean up the mess.

4 I do have a sign-on letter. We're
5 writing a letter to Governor Paterson to get this
6 policy changed. And I will try to give some of
7 these out. But we'll give them to your
8 legislative directors, hopefully you'll have a
9 chance to take a look at the sign-on letter and
10 help us get this changed. Thank you Madam Public
11 Advocate.

12 PUBLIC ADVOCATE GOTBAUM: Okay,
13 nobody else? Well will--oh, Council Member
14 Nelson.

15 COUNCIL MEMBER NELSON: Madam
16 Public Advocate, I want to draw my colleague's
17 attention to Reso 1783. You probably know what it
18 is if you don't please look into it. The
19 Community Choice Act where people with
20 disabilities and seniors can remain in their homes
21 and not have to go to nursing homes. We're
22 calling on Congress to pass this, oh by the way;
23 President Obama supported this when he was in the
24 Senate. And it appears that he is going to push
25 for this as well. All's we have to do is sign on

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to this resolution to get to Congress.

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The playing field in Medicaid's Long Term Care Program which is currently biased towards forcing people into nursing homes and other institutions. This legislation would expand the mandate that currently requires States to provide nursing home services so that States would provide services that people truly want which is home care. The Community Choice Act if enacted possesses the great capacity to drastically change the current broken institution of nursing home services.

For decades people with disabilities, old and young, have wanted alternatives to nursing homes and other institutions when they need long term services. AS a result of current Medicaid funding hundreds of thousands of individuals with disabilities and older Americans who would prefer to receive care in more integrated settings are currently relegated to living in institutions. The money should follow the individual not the facility or the provider.

A long term service policy should

1
2 not favor any one setting over the other. I have
3 seven seconds but I'd like to go on a little bit
4 longer. Our current system is not neutral. It
5 does not reflect peoples' choices. Numerous
6 studies have indicated that home and community
7 based services are more cost effective--

8 PUBLIC ADVOCATE GOTBAUM:

9 [Interposing] Excuse me Council Member why should
10 you be able to go on when the others aren't.

11 COUNCIL MEMBER NELSON: Because I'm
12 Mike Nelson.

13 [Audience laughing and applauding]

14 COUNCIL MEMBER NELSON: Well and
15 beloved by my colleagues.

16 PUBLIC ADVOCATE GOTBAUM: I
17 disagree.

18 COUNCIL MEMBER NELSON: Oh okay.

19 [Audience clapping]

20 PUBLIC ADVOCATE GOTBAUM: Okay that
21 means that everybody--

22 COUNCIL MEMBER NELSON:

23 [Interposing] No--

24 PUBLIC ADVOCATE GOTBAUM: --else
25 can go over next time.

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COUNCIL MEMBER NELSON: No, no, I appreciate that--

PUBLIC ADVOCATE GOTBAUM:
[Interposing] Yes Sir.

COUNCIL MEMBER NELSON: --Madam Public Advocate, so I'll just end it off with that. Numerous studies have indicated it's cost effective. Thank you very much.

[Gavel banging]

[Audience applauding]

PUBLIC ADVOCATE GOTBAUM: Thank you Council Member. I call today to adjourn the Council Meeting in the name of Antonio Pagan.

[Meeting breaking up]

[END TAPE 1003]

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 March 25, 2009