

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

STATED MEETING

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February 26, 2009
Start: 1:30pm
Recess:

HELD AT: Council Chambers
City Hall

B E F O R E:
JOEL RIVERA
Majority Leader

COUNCIL MEMBERS:
Christine C. Quinn, Speaker
Maria 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

A P P E A R A N C E S

COUNCIL MEMBERS:

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

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

Barbara White-Williams
Associate Pastor
Onwood Ministries Church

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2 COUNCIL MEMBER RIVERA: Everyone
3 please rise for the Pledge of Allegiance.

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

8 COUNCIL MEMBER RIVERA: Roll call.

9 CLERK: Arroyo.

10 COUNCIL MEMBER ARROYO: Here.

11 CLERK: Avella.

12 COUNCIL MEMBER AVELLA: Here.

13 CLERK: Baez.

14 COUNCIL MEMBER BAEZ: Here.

15 CLERK: Barron.

16 COUNCIL MEMBER BARRON: Here.

17 CLERK: Brewer.

18 COUNCIL MEMBER BREWER: Here.

19 CLERK: Comrie.

20 COUNCIL MEMBER COMRIE: Present.

21 CLERK: Crowley.

22 COUNCIL MEMBER CROWLEY: Here.

23 CLERK: de Blasio.

24 [No response]

25 CLERK: Dickens.

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2 COUNCIL MEMBER DICKENS: Here.
3 CLERK: Dilan.
4 COUNCIL MEMBER DILAN: Here.
5 CLERK: Eugene.
6 [No response]
7 CLERK: Felder.
8 [No response]
9 CLERK: Fidler.
10 COUNCIL MEMBER FIDLER: Here.
11 CLERK: Foster.
12 [No response]
13 CLERK: Garodnick.
14 COUNCIL MEMBER GARODNICK: Here.
15 CLERK: Gennaro.
16 COUNCIL MEMBER GENNARO: Here.
17 CLERK: Gentile.
18 COUNCIL MEMBER GENTILE: Here.
19 CLERK: Gerson.
20 COUNCIL MEMBER GERSON: Here.
21 CLERK: Gioia.
22 [No response]
23 CLERK: Gonzalez.
24 [No response]
25 CLERK: Ignizio.

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COUNCIL MEMBER IGNIZIO:

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Congratulations Mr. Clerk. Here.

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CLERK: Thank you. Jackson.

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[No response]

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CLERK: James.

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[No response]

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CLERK: Katz.

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[No response]

10

CLERK: Koppell.

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[No response]

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CLERK: Lappin.

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[No response]

14

CLERK: Lui.

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COUNCIL MEMBER LUI: Here.

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CLERK: Mark-Viverito.

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COUNCIL MEMBER MARK-VIVERITO:

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Here.

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CLERK: Martinez.

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[No response]

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CLERK: Mealy.

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[No response]

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CLERK: Mendez.

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[No response]

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CLERK: Nelson.

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[No response]

CLERK: Palma.

COUNCIL MEMBER PALMA: Here.

CLERK: Recchia.

COUNCIL MEMBER RECCHIA: Present.

CLERK: Reyna.

COUNCIL MEMBER REYNA: Here.

CLERK: Sanders.

COUNCIL MEMBER SANDERS: Here.

CLERK: Seabrook.

[No response]

CLERK: Felder.

COUNCIL MEMBER FELDER: Here.

CLERK: Sears.

COUNCIL MEMBER SEARS: Here.

CLERK: Stewart.

COUNCIL MEMBER STEWART: Here.

CLERK: Vacca.

[No response]

CLERK: Vallone.

COUNCIL MEMBER VALLONE: Here.

CLERK: Vann.

COUNCIL MEMBER VANN: Here.

CLERK: Weprin.

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2 COUNCIL MEMBER WEPRIN: Here.
3 CLERK: White.
4 [No response]
5 CLERK: Gonzalez.
6 COUNCIL MEMBER GONZALEZ: Here.
7 CLERK: Yassky.
8 [No response]
9 CLERK: Oddo.
10 COUNCIL MEMBER ODDO: Here.
11 CLERK: Rivera.
12 COUNCIL MEMBER RIVERA: Here.
13 CLERK: Yassky.
14 COUNCIL MEMBER YASSKY: Here.
15 CLERK: Eugene.
16 COUNCIL MEMBER EUGENE: Here.
17 CLERK: Jackson.
18 COUNCIL MEMBER JACKSON: Here.
19 CLERK: Katz.
20 COUNCIL MEMBER KATZ: Here.
21 CLERK: Koppell.
22 COUNCIL MEMBER KOPPELL: Here.
23 CLERK: Lappin.
24 COUNCIL MEMBER LAPPIN: Here.
25 CLERK: Speaker Quinn.

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2 SPEAKER QUINN: Here.

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4 COUNCIL MEMBER RIVERA: Quorum is
5 present. Everyone please rise for the invocation
6 to be delivered by Reverend Barbara White-
7 Williams, associate pastor of Onwood Ministries
8 Church.

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9 REVEREND BARBARA WHITE-WILLIAMS:

10 Dear God, it is at this time that we come to thank
11 you and give you praise. You have blessed us with
12 another wonderful day to live in New York City.
13 Father, I thank you for the Mayor, the Honorable
14 Michael Bloomberg, the leader of this great
15 assembly, Speaker Christine Quinn and for every
16 member of the New York City Council and the work
17 that they have been elected to do.

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18 I ask for you to continue to impart
19 your guidance and wisdom in their lives as they
20 daily face the tasks that are at hand. No matter
21 what crisis our city faces, we are known for
22 working together as one, like no other city can.
23 This is the time that our country and city
24 celebrate Black history. This is a time that we
25 remember those that built bridges for us to cross
with their blood, sweat and tears. It is also a

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2 time to celebrate those that are making history
3 today.

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Amazing is your grace and great is
your faithfulness. What a blessed assurance it is
to know that you are leading us and guiding us
along the way. Let us never forget those who have
built the bridges and paths that we now cross.
And let us not forget those who maintain and
repair them for those who will walk across
tomorrow. It is in your name we pray, amen.

COUNCIL MEMBER RIVERA: Council
Member Reyna.

COUNCIL MEMBER REYNA: It is an
honor and a privilege to stand before you today,
my esteemed colleagues and all of the visitors to
our great chambers to gladly spread the invocation
just delivered by the Reverend Barbara White-
Williams into the permanent record of the New York
City Council whose members represent the greatest
city in the world.

Not only Reverend Williams, an
Associate Pastor of Onwood Ministries located in
my district but she is also a chaplain with the
United States air Force Civil Air Patrol holding

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2 the rank of Lieutenant Colonel. Thank you
3 Reverend Williams for your beautiful presence and
4 words chosen for your invocation. I want to thank
5 you for all the work you do in this great country,
6 ministering to our troops.

7 SPEAKER QUINN: Thank you very
8 much. If I could Mr. Majority Leader, ask our
9 colleagues to stand for a moment.

10 COUNCIL MEMBER RIVERA: Yes.
11 Please rise.

12 SPEAKER QUINN: First I have two
13 memoriams today. First on February 16, 2009
14 former Council Member Sam Horowitz who was 90
15 passed away at his home in Parkland, Florida.
16 Council Member Horowitz entered the Council on
17 January 1, 1974 and served for five terms until
18 December 31, 1993. Among the committees which
19 Council Member Horowitz served on during his 20-
20 year tenure were Aging, Housing and Buildings,
21 Economic Development, Environmental Protection and
22 Parks and Recreation. In addition, he also
23 chaired the Transportation Committee.

24 In 1986, Peter Vallone, Sr., who
25 had just been elected Council leader by one vote

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2 over Sam Horowitz asked Sam to chair the General
3 Welfare Committee which was about to hear a
4 controversial piece of legislation before the City
5 Council. That was, of course, the Gay Rights
6 bill, which pervious chairs had kept from ever
7 getting to the floor of the General Welfare
8 Committee. It was Council Member Horowitz's

9 experience, calm demeanor and patience, that
10 enabled him to chair the committee hearings in a
11 fair and even headed manner despite loud comments
12 and outbursts from both sides. On March 20, 1986
13 the full Council voted 21-14 with his leadership
14 to pass that historic legislation.

15 Council Member Horowitz is survived
16 by his wife, Estelle, his children, Mark and Susan
17 and his four grandchildren.

18 We also all, earlier today and we
19 will have a more fitting and appropriate tribute
20 at another time. But all learned today of the
21 passing of Bill Tatum, the gentleman who among
22 other things was the owner, publisher and editor
23 emeritus of the Amsterdam News. Obviously Bill
24 Tatum was a pioneer in the world of journalism but
25 it would be wrong to limit his contributions to

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2 this city, state and country only to the world of
3 journalism. He was historic civil rights figure,
4 a fighter for causes throughout our city, state
5 and country.

6 It is hard to think about anything
7 important that has happened in the City of New
8 York which has brought us closer to justice and
9 not have Bill Tatum be in the memory of that
10 action. I know for me he was an inspirational New
11 Yorker. I know for a lot of Council Members he
12 was actually incredibly close friend, for some a
13 member of their extended family. So I just wanted
14 to give everyone on the Council who was
15 particularly close to Bill my deepest condolences.
16 Of course we send our condolences to his wife
17 Susan and his daughter, who many of us know,
18 Eleanor.

19 Let me now call on Council Member
20 Al Vann and Council Member Charles Barron.

21 COUNCIL MEMBER VANN: Thank you
22 Madam Speaker. Bill and I were contemporaries and
23 I've known him all of my political life and a lot
24 of my adult life. I want to extend condolences to
25 his wife and daughter and family and all of those

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2 who loved him. To say very briefly here that
3 there are a few on the planet that have the
4 courage to speak truth to power. Let me summarize
5 all that Bill has been by saying he was in that
6 small group. He did speak truth to power and we
7 thank him. May peace be upon him.

8 SPEAKER QUINN: Thank you Council
9 Member Vann. Council Member Barron.

10 COUNCIL MEMBER BARRON: Thank you
11 very much. Bill Tatum was indeed a unique
12 individual. It was Bill Tatum that ran a series
13 of articles, Dump Koch, and we did. It was Bill
14 Tatum who made sure that the issue of South Africa
15 was front and center, apartheid it's gone. It was
16 Bill Tatum that insists when you come to the house
17 to get the Amsterdam News interview, that's the
18 only place where you have to be interviewed by the
19 youth. No matter what, if you're governor or
20 whoever because that was Bill Tatum. He was a
21 fighter. He was a truth teller.

22 It was Bill Tatum who gave us hurt
23 Boyd and all of the members of the Amsterdam News.
24 Now the paper doesn't make a lot of money for him
25 but it was his gift to our community. Nayaba

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2 Arinde, the new editor and chief and his daughter
3 Eleanor are doing great jobs. Bill Tatum was a
4 special man. Inez Dickens and I were laughing
5 because sometimes he would say a joke and nobody
6 got it but him. But he laughed so hard that you
7 had to laugh with him. He was just a beautiful
8 personality. I remember he always called me his
9 warrior. We didn't always agree on everything
10 politically but when I went for the endorsement,
11 he said what's your name? I said Charles Barron.
12 He said get out there and fight and go do the
13 thing for me. He was special.

14 So Bill in his last days he
15 couldn't write anymore. He was in a wheelchair
16 and he was in a lot of pain. But you know, he is
17 at a better place now because I know Bill is
18 walking in heaven. I know Bill is without pain
19 now and he is writing with his celestial pen
20 across the skies for us to keep the fight. I know
21 he's going to have a lot to say to Malcolm X and
22 to Martin Luther King and to Harriett Tubman
23 before he takes his celestial rest. God bless you
24 Bill, rest in peace.

25 SPEAKER QUINN: Thank you very much

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2 Council Members Barron and Vann. Again, we will
3 have another opportunity for Council Members to
4 speak of Bill at a future date. And we'll get
5 everybody at that date and time. Thank you.
6 Thank you Mr. Majority Leader.

7 COUNCIL MEMBER RIVERA: Thank you
8 very much. Adoption of the minutes, Council
9 Member Mendez.

10 COUNCIL MEMBER MENDEZ: Motion that
11 the minutes of the stated meeting of January 7,
12 2009 be adopted as printed.

13 COUNCIL MEMBER RIVERA: So ordered.
14 Messages and papers from the Mayor.

15 CLERK: M1308 preliminary Mayor's
16 management report fiscal year 2009.

17 SPEAKER QUINN: Received, ordered,
18 printed and filed. If we could get a little quiet
19 in the chambers.

20 COUNCIL MEMBER RIVERA:
21 Communications from city, county and borough
22 offices.

23 CLERK: M1309 through M1344 on page
24 six, base station license applications.

25 SPEAKER QUINN: Transportation.

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2 COUNCIL MEMBER RIVERA: Petitions
3 and communications.

4 CLERK: None.

5 COUNCIL MEMBER RIVERA: Land use
6 call ups.

7 CLERK: M1345 through M1351.

8 SPEAKER QUINN: Those will be
9 coupled on a land use call up vote. Just before
10 we have the vote on the land use call up, I just
11 want to recognize some guests in our balcony.

12 We're joined today by professor Doug Mueso
13 [phonetic] and his CUNY Graduate School of
14 Journalism. I want to thank them all for being
15 with us today.

16 [Applause]

17 SPEAKER QUINN: If we could now
18 have a vote on the land use call ups, please.

19 CLERK: Arroyo.

20 COUNCIL MEMBER ARROYO: Aye.

21 CLERK: Avella.

22 COUNCIL MEMBER AVELLA: Aye.

23 CLERK: Baez.

24 COUNCIL MEMBER BAEZ: Aye.

25 CLERK: Barron.

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2 COUNCIL MEMBER BARRON: I would
3 like unanimous consent to vote aye on all of the
4 general order items and no on pre-considered Reso
5 1352 and its accompanying Reso 1846 on the City
6 Clerk position I'd like to register a no vote.

7 COUNCIL MEMBER RIVERA: So ordered.

8 COUNCIL MEMBER BARRON: Thank you.

9 CLERK: Brewer.

10 COUNCIL MEMBER BREWER: Aye.

11 CLERK: Comrie.

12 COUNCIL MEMBER COMRIE: Aye.

13 CLERK: Crowley.

14 COUNCIL MEMBER CROWLEY: Aye.

15 CLERK: de Blasio.

16 [No response]

17 CLERK: Dickens.

18 COUNCIL MEMBER DICKENS: Aye.

19 CLERK: Dilan.

20 COUNCIL MEMBER DILAN: Aye.

21 CLERK: Eugene.

22 COUNCIL MEMBER EUGENE: Aye.

23 CLERK: Felder.

24 COUNCIL MEMBER FELDER: Yes.

25 CLERK: Fidler.

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COUNCIL MEMBER FIDLER: Yes.

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CLERK: Foster.

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COUNCIL MEMBER FOSTER: Aye.

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CLERK: Garodnick.

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[No response]

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CLERK: Gennaro.

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COUNCIL MEMBER GENNARO: Yes.

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CLERK: Gentile.

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COUNCIL MEMBER GENTILE: Yes.

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CLERK: Gerson.

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COUNCIL MEMBER GERSON: Aye.

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CLERK: Gioia.

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[No response]

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CLERK: Gonzalez.

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COUNCIL MEMBER GONZALEZ: I'll be

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right with you. Yes on all with the exception of-

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-Land Use, yes on all.

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CLERK: Ignizio.

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COUNCIL MEMBER IGNIZIO: Yes.

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CLERK: Jackson.

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COUNCIL MEMBER JACKSON: Aye on

23

all.

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CLERK: James.

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COUNCIL MEMBER JAMES: Aye.

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CLERK: Katz.

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COUNCIL MEMBER KATZ: Aye.

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CLERK: Koppell.

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COUNCIL MEMBER KOPPELL: Aye.

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CLERK: Lappin.

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COUNCIL MEMBER LAPPIN: Aye.

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CLERK: Liu.

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COUNCIL MEMBER LUI: Yes.

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CLERK: Mark-Viverito.

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COUNCIL MEMBER MARK-VIVERITO: Aye.

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CLERK: Martinez.

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[No response]

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CLERK: Mealy. Mealy.

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[No response]

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CLERK: Mendez.

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COUNCIL MEMBER MENDEZ: Majority

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Leader, I ask for unanimous consent to vote aye on
all land use call ups and on the general order
calendar.

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COUNCIL MEMBER RIVERA: So ordered.

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COUNCIL MEMBER MENDEZ: Thank you.

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CLERK: Nelson.

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COUNCIL MEMBER NELSON: Aye.

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CLERK: Palma.

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COUNCIL MEMBER PALMA: Aye.

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CLERK: Recchia.

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COUNCIL MEMBER RECCHIA: I vote aye

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on all land use call ups and ask permission to

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vote coupled general orders.

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COUNCIL MEMBER RIVERA: Moved.

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I vote no on pre-considered M1352

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and no on Reso 1846 and aye on everything else.

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CLERK: Reyna.

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COUNCIL MEMBER REYNA: Aye on all.

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CLERK: Sanders.

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[No response]

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CLERK: Seabrook.

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COUNCIL MEMBER SEABROOK: Aye.

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CLERK: Sears.

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COUNCIL MEMBER SEARS: Yes.

18

CLERK: Stewart.

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COUNCIL MEMBER STEWART: Aye.

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CLERK: Vacca.

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COUNCIL MEMBER VACCA: Aye.

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CLERK: Vallone.

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COUNCIL MEMBER VALLONE: Mr. Chair

24

I'd like unanimous consent to vote aye on all land

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use items and coupled general orders.

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COUNCIL MEMBER RIVERA: So ordered.

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COUNCIL MEMBER VALLONE: Thank you.

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CLERK: Vann.

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COUNCIL MEMBER VANN: Aye.

6

CLERK: Weprin.

7

COUNCIL MEMBER WEPRIN: Aye.

8

CLERK: White.

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COUNCIL MEMBER WHITE: Aye.

10

CLERK: Yassky.

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COUNCIL MEMBER YASSKY: Aye.

12

CLERK: Oddo.

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[No response]

14

CLERK: Rivera.

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COUNCIL MEMBER RIVERA: I vote aye.

16

CLERK: Speaker Quinn.

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SPEAKER QUINN: Aye.

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COUNCIL MEMBER RIVERA: Today's

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land use call ups were adopted by a vote of 42 in

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the affirmative and zero in the negative.

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Communication from the Speaker.

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SPEAKER QUINN: Thank you. We're

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voting on a number of important pieces of

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legislation today. The first, Intro 684-A, this

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is a piece of legislation that requires the use of

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2 ultra low sulfur diesel fuel in diesel powered
3 generators used in the production of film,
4 television programs and advertisement and also
5 ones at street fairs to the city. I want to thank
6 Matt Gohab, Samara Swanson and Alex Pastilnik, the
7 staff who worked on this legislations. I want to
8 thank Chairperson Gennaro for moving this bill
9 through his committee and Council Member Gerson
10 for sponsoring this bill.

11 Given the number of films and
12 movies that are filmed in the City of New York,
13 it's very important that these generators be as
14 clean as possible. This piece of legislation will
15 help us keep the air of the City of New York
16 clean. I want to thank everyone for moving it
17 forward. I want to call on Chairperson Gennaro
18 and then on Council Member Gerson.

19 COUNCIL MEMBER GENNARO: Thank you
20 Madam Speaker. This is the latest bill that the
21 Council has done to reduce the amount of sulfur in
22 fuel. We've done many bills like this. Many of
23 those have been written by Council Member Gerson
24 and I thank him for his leadership. Sulfur is a
25 terrible pollutant that causes a lot of the

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2 particular pollution that gets trapped in young
3 kids' lungs and causes them to have respiratory
4 problems. It's critically important that we move
5 this forward.

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7 The fuel is readily available.
8 It's necessary and important that we do this. I
9 want to thank the staff and you, Madam Speaker,
10 for your leadership, Council Member Gerson and all
11 the Council Members who supported this good bill.

12

13 COUNCIL MEMBER GERSON: Thank you
14 Madam Speaker, Mr. Chair, my colleagues and
15 especially the joint sponsors of this piece of
16 legislation. With your leadership and our
17 collective action, this Council is certainly
18 making its mark as a clean air Council. This bill
19 in particular--

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21 SPEAKER QUINN: [] If we could just
22 get a little quiet in the chambers for Council
23 Member Gerson, please. Thank you.

24

25 COUNCIL MEMBER GERSON: --will
26 clean emissions in these generators by reducing
27 the sulfur by 90% or greater and significantly
28 reducing other particulates. This is especially
29 an important development because these emissions

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2 are made at street level where children with their
3 developing lungs are particularly susceptible to
4 toxic inhalation. This is a great day for all the
5 lungs of the City of New York. With this
6 legislation combined with our other bills and our
7 ongoing efforts, all New Yorkers will be able to
8 breath a little bit easier.

9 I want to, in addition to all the
10 other individuals acknowledged by our Speaker and
11 our Chair, I want to acknowledge Peter Pastor our
12 director of legislation, also the Green Committee
13 of the Movie Producers Guild and the Environmental
14 Defense Fund, especially, Isabel Silverman for
15 their input. I urge all my colleagues to vote yes
16 on this very significant environmental
17 legislation. Thank you.

18 SPEAKER QUINN: Thank you very
19 much. We're also, coming out of the Environmental
20 Protection Committee, voting on Intro 919-A. This
21 is a piece of legislation which will improve and
22 require coordination between the city's Department
23 of Buildings and other governmental agencies when
24 development is being proposed for the city's
25 coastal and water sensitive inland zones.

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2 I want to, again, thank Samara
3 Swanson, Shavonne Watson and Jeff Haberman for
4 their work on this bill. I want to call again on
5 the chair of our Environmental Protection
6 Committee and also then the sponsor of the bill,
7 Council Member Al Vann. We've already lost a
8 significant amount of the city's wet lands and I
9 want to thank the Chair and in particular Council
10 Member Vann for taking this step to make sure we
11 don't unnecessarily lose more of our precious
12 wetlands in the city. Chairperson Gennaro.

13 COUNCIL MEMBER GENNARO: Thank you
14 Madam Speaker, once again. We've done two bills
15 so far in the Council on wetlands and this
16 constitutes the third and a very important one.
17 As you mentioned, the city has lost about 85% of
18 its wetlands in the last 100 years. It's
19 critically important that we make sure that we
20 don't lose anymore and certainly none in a way
21 that this bill would prevent.

22 It's critically important that we
23 have the proper coordination between the Buildings
24 Department and the state and other entities that
25 are needed to get the proper permits. There have

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2 been cases where these properties have been
3 developed in very sensitive areas and we've lost
4 that which can not be replaced. It's very
5 important that we do this.

6 I'd like to thank Council Member
7 Vann and all of the sponsors of this very
8 important bill and you, Madam Speaker, for your
9 leadership and all the central staff that worked
10 to get us to this day. Thank you.

11 COUNCIL MEMBER VANN: Thank you
12 Madam Speaker. Colleagues, I ask all of you to
13 support and vote in favor of the proposed Intro
14 919-A. It's a bill aimed at improving the
15 operations of the Department of Buildings with
16 respect to construction and excavation in coastal
17 and wetland areas. The bill was actually created
18 in response to the fact that the Department of
19 Buildings was not requiring developers to
20 demonstrate that they had gotten all the necessary
21 state and/or federal approvals required in order
22 to build in coastal and wetland areas.

23 This bill creates due diligence
24 requirements to prevent unscrupulous and/or
25 unknowing developers from building in coastal or

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2 wetland areas without the necessary permits. Our
3 city is a coastal city; we must be vigilant to not
4 only protect our zone and wetlands from
5 inappropriate development. But we must also
6 protect unsuspecting coastal property home buyers
7 who may be sold water front properties that are
8 not in compliance with state and federal
9 environmental protection laws.

10 These laws exist not only to
11 protect the coastal and wetland environment but
12 also to prevent disasters like that which occurred
13 in Galveston, Texas when the hurricane hit this
14 past summer, Hurricane Ike. It's very important
15 piece of legislation. I encourage all to support
16 and vote in favor of Intro 919-A. Thank you.

17 SPEAKER QUINN: Thank you very much
18 Council Member Vann. We're also voting today on
19 Intro 818-A, a piece of legislation sponsored by
20 Council Member Jessica Lappin and passed out of
21 our Health Committee chaired by Council Member
22 Rivera. This is a piece of legislation that
23 requires posters to be put up in restaurants.
24 These posters are going to list information on
25 food allergies. Their going to be focused on

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2 getting information to the staff in restaurants
3 who serve food, who handle food to make sure they
4 fully understand the precautions they have to take
5 to avoid getting folks who have allergies food
6 that they should not be eating. This is a very
7 serious situation given the growing number of food
8 allergies in the City of New York and how many can
9 be quite life threatening if you suffer an attack.

10 I want to thank in addition to the
11 Chair and the sponsor, Adirra Simon, Joe Mancinni
12 and Tozer Nazer of our staff for working on this
13 legislation. Let me call on Chairperson Rivera
14 and then the sponsor of the bill, Council Member
15 Lappin.

16 COUNCIL MEMBER RIVERA: Thank you
17 very much Madam Speaker. Since I'm up here I'll
18 just take a brief second. Food allergies impact a
19 significant population within the city, state and
20 our nation. While New York City is a city that
21 houses 23,000 restaurants, we want to make sure
22 that patrons can enjoy the satisfaction of tasting
23 the many flavors that our city has to offer
24 without fear of coming down with any food borne
25 allergies. I want to thank, in particular,

1
2 Jessica Lappin for her hard work on this piece of
3 legislation and also the staff of the Health
4 Committee and for the membership for their support
5 on this bill. Thank you very much.

6 COUNCIL MEMBER LAPPIN: Thank you
7 Chairman Rivera and thank you Speaker Quinn. The
8 hour is late so I will be brief. There are
9 300,000 New Yorkers who have food allergies and 12
10 million Americans. We don't know why but the
11 number is growing all across the world in
12 developed countries. If you go out to eat in a
13 restaurant and you have a food allergy, it's
14 serious business. It can literally be the
15 difference between life and death. It's
16 incredibly important for those in our restaurants
17 who are working in the kitchen, who are serving
18 the food to understand that, to understand that
19 how they prepare the food, how they use their
20 utensils and store their utensils can literally be
21 a life or death issue for people.

22 I wanted to thank Councilwoman
23 Foster, who is a member of the committee. It's
24 amazing, working on this legislation I have
25 learned how many in the Council family know or are

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2 related to people who have food allergies. But
3 she was very vocal in the committee. I wanted to
4 thank Adirra and Christina from my staff for their
5 hard work. There is no cure for food allergies.
6 Obviously this bill doesn't help us get closer to
7 a cure but it can help us get closer to educating
8 people and preventing reactions from happening.

9 SPEAKER QUINN: Thank you very much
10 Council Member Lappin. Lastly, I want to just
11 make note of the land use actions we're taking
12 today and thank the Land Use Committee Chair
13 Melinda Katz and her sub-committee chairs for
14 moving forward on this action. I want to thank
15 the Chair of the Rules Committee, Diana Reyna for
16 her work on an appointment to the Board of Health
17 today as well as to a member of the Board of
18 Elections.

19 And also congratulate Mike
20 McSweeney who I believe we will be, at the end of
21 this meeting, appointing to be the city's new City
22 Clerk. He's been the Deputy City Clerk for quite
23 some time, twice the city's acting Clerk. I wish
24 him the best of luck in his new role where I think
25 he will bring a lot of expertise to the job of the

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2 City Clerk. Thank you all and that concludes
3 communications from the Speaker.

4 COUNCIL MEMBER RIVERA: Thank you
5 very much. Discussion of general orders, we have
6 Council Member Fidler.

7 COUNCIL MEMBER FIDLER: Thank you
8 Council Member Rivera. I don't think it comes as
9 any surprise to anyone in this chamber why we are
10 here so late today and that regards the
11 controversial issue of the City Clerk. I want to
12 be clear what this is not about. This is not
13 about my continued affection and support for our
14 Speaker. It's not about issues of high policy.
15 This is about politics and process. The less said
16 about the politics in this chamber probably the
17 better but I do want to say something about the
18 rules.

19 Council Rule 10.60, Nominations,
20 Appointments, Designations, Recommendations,
21 Meetings. Any committee which schedules a meeting
22 for the purpose of considering a nomination,
23 appointment, designation or recommendation of any
24 individual pursuant to the power vested in the
25 Council shall, in its announcement of such meeting

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2 invite the public to be heard with respect to the
3 qualifications of any such individual.

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5 The matter of the City Clerk was
6 calendared at about 2:30 today for a meeting that
7 was called for 10:00am this morning. There is no
8 exigent circumstance that requires this
9 appointment be moved today. I have no question,
10 personally, about the qualifications of the
11 nominee but he's been acting in the role. There
12 is no clock running. I believe that by moving
13 today we are, if not violating the letter of this
14 rule, and I think we may be, we are certainly
15 violating the spirit of this rule. For that
16 reason I will be voting no and I would urge my
17 colleagues to do the same.

17

18 COUNCIL MEMBER RIVERA: Seeing no
19 others, we'll close off the discussion of general
20 orders. We'll move on to reports of special
21 committees.

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CLERK: None.

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23 COUNCIL MEMBER RIVERA: Reports of
24 standing committees.

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25 CLERK: Report on the Committee of
Environmental Protection, Intro 684-A, ultra low

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sulfur diesel fuel.

SPEAKER QUINN: Amended and coupled
on general orders.

CLERK: Intro 919-A, coastal and
water sensitive inland zones.

SPEAKER QUINN: Amended and coupled
on general orders as well.

CLERK: Report on the Committee on
Health, Intro 818-A, information on food
allergies.

SPEAKER QUINN: Amended and coupled
on general orders.

CLERK: Report on the Committee on
Land Use, LU 851 and Reso 1833, UDAP Brooklyn.

SPEAKER QUINN: Amended and coupled
on general orders.

CLERK: LU 975 and Reso 1834
development of retail establishments.

SPEAKER QUINN: Amended and coupled
on general orders.

CLERK: LU 983 and Reso 1835 and LU
985 and Reso1836, various UDAPs.

SPEAKER QUINN: Amended and coupled
on general orders.

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CLERK: LU 987 and Reso 1837
through LU 989 and Reso 1839, various projects.

SPEAKER QUINN: Amended and coupled
on general orders.

CLERK: LU 990 and Reso 1840 an
enclosed sidewalk café.

SPEAKER QUINN: Amended and coupled
on general orders.

CLERK: LU 995 and Reso 1841 high
school facility.

SPEAKER QUINN: Coupled to be filed
pursuant to a letter of withdrawal.

CLERK: LU 996 and Reso 1842,
primary intermediate school facility Jamaica,
Queens.

SPEAKER QUINN: Amended and coupled
on general orders.

CLERK: LU 997 and Reso 1843, UDAP
Council district 34.

SPEAKER QUINN: Amended and coupled
on general orders.

CLERK: Report of the Committee on
Rules, Privileges and Elections M1290 and Reso
1844, approving the appointment of Michael

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Phillips, MD, New York City Board of Health.

SPEAKER QUINN: Amended and coupled
on general orders.

CLERK: M1299 and Reso 1845,
approving the appointment of John P. Sipp, Jr.
Richmond County Republican Commissioner of
Elections.

SPEAKER QUINN: Amended and coupled
on general orders.

CLERK: Pre-considered M1352 and
Reso 1846, approving the appointment of Michael M.
McSweeney as City Clerk and Clerk of the Council.

SPEAKER QUINN: Amended and coupled
on general orders.

CLERK: Pre-considered Reso 1847,
resolution appointing changes to certain
committees.

SPEAKER QUINN: Amended and coupled
on general orders.

COUNCIL MEMBER RIVERA: General
order calendar.

CLERK: Resolution appointing
various persons, Commissioner of Deeds.

SPEAKER QUINN: Amended and coupled

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2 on general orders and at this point I ask for a
3 roll call on all matters that have been coupled on
4 the general order calendar, please.

5 CLERK: Arroyo.

6 [No response]

7 CLERK: Avella.

8 COUNCIL MEMBER AVELLA: Aye.

9 CLERK: Baez.

10 COUNCIL MEMBER BAEZ: Aye.

11 CLERK: Brewer.

12 COUNCIL MEMBER BREWER: Aye.

13 CLERK: Comrie.

14 COUNCIL MEMBER COMRIE: Aye.

15 CLERK: Crowley.

16 COUNCIL MEMBER CROWLEY: Aye.

17 CLERK: de Blasio.

18 COUNCIL MEMBER DE BLASIO:

19 Permission to vote on all land use call ups.

20 COUNCIL MEMBER RIVERA: So ordered.

21 COUNCIL MEMBER DE BLASIO: I vote
22 aye. On the general order calendar I vote no on
23 M1352 and on Reso 1846 I vote no and yes on all
24 other items.

25 CLERK: Dickens.

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COUNCIL MEMBER DICKENS: Aye.

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CLERK: Dilan.

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COUNCIL MEMBER DILAN: Mr.

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President pro tem, may I have a moment to explain my vote?

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COUNCIL MEMBER RIVERA: Yes.

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COUNCIL MEMBER DILAN: I obviously want to associate myself with the remarks of Council Member Fidler. My reasons for opposing pre-considered M1352 and its companion Reso are also on politics and process. It has nothing to do with the qualifications or experience of the character of the nominee. But I believe that the process here internally could have been a little bit better, not saying that it was entirely bad. It could have been better.

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I believe the political discussions amongst delegations probably could have been a little bit better. And I believe that the manner in which we interact with each other on not just this issue but all issues could be a little bit better. I certainly am one that wants to work towards the spirit of improving those and don't tend to be an impediment towards that end.

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2 I, at no point during this process,
3 did just to be absolutely clear, remove my name
4 from consideration for the post. Had we been able
5 to have a dialogue and been able to dispose of the
6 item in a negotiated fashion, I would have
7 withdrawn my name from consideration. I'm
8 disappointed that we don't have the opportunity to
9 reach that end today.

10 But all that being said, I
11 sincerely believe in this institution. I
12 sincerely believe in each and every one of its
13 members. I sincerely believe in each and every
14 one of the integrity of every member of this
15 institution and want to work with each and every
16 one of you towards those improvements. But to
17 cite the comments of Council Member Fidler earlier
18 in terms of rules, I think that may be a violation
19 but we are not going to make issue with that
20 today.

21 I will be voting no on pre-
22 considered M1352, companion Reso 1846, aye on all
23 others. I do want to take the personal privilege
24 of congratulating Darlene Mealy for becoming Chair
25 of the Women's Issues Committee. Thank you very

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2 much Mr. President.

3 COUNCIL MEMBER RIVERA: Thank you.

4 CLERK: Eugene.

5 COUNCIL MEMBER EUGENE: I vote aye
6 on all except pre-considered M1352 and Reso 1846,
7 I vote no.

8 CLERK: Felder.

9 COUNCIL MEMBER FELDER: Yes on
10 everything besides M1352 and Reso 1846, I vote no.

11 CLERK: Fidler.

12 COUNCIL MEMBER FIDLER: Aye on all
13 except for pre-considered M1352 and Reso 1846, and
14 which I vote no.

15 CLERK: Foster.

16 COUNCIL MEMBER FOSTER: Pass.

17 CLERK: Garodnick.

18 [No response]

19 CLERK: Gennaro.

20 COUNCIL MEMBER GENNARO: Yes.

21 CLERK: Gentile.

22 COUNCIL MEMBER GENTILE: I vote no
23 on pre-considered M1352 and Reso 1846. I vote yes
24 on the rest.

25 CLERK: Garodnick.

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2 COUNCIL MEMBER GARODNICK: Thank
3 you. Permission to vote on all land use call ups
4 and the general order calendar?

5 COUNCIL MEMBER RIVERA: So ordered.

6 COUNCIL MEMBER GARODNICK: I vote
7 aye on all. Thank you.

8 CLERK: Gerson.

9 COUNCIL MEMBER GERSON: Mr. Leader
10 may I be excused to explain my vote?

11 COUNCIL MEMBER RIVERA: Yes.

12 COUNCIL MEMBER GERSON: Thank you
13 Mr. Leader, my colleagues. Precedent set by this
14 and previous City Councils, combined with legal
15 interpretations by Council reflect that in fact
16 our vote on the clerkship position complies with
17 Council and broader parliamentary rules and
18 procedures.

19 This combined with the widespread
20 discussion on this position and this issue over
21 the course of the day's proceeding this meeting
22 and the unquestioned qualifications of the
23 currently serving Deputy Clerk under consideration
24 for promotion leads me to vote yes on the
25 appointment. Nevertheless I feel compelled to

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2 point out that the underlying and fundamental
3 points raised by Erik Dilan and Lou Fidler and by
4 many others on both sides of this issue, in other
5 discussions, remain well taken.

6 There is a need for reform of rules
7 and procedures governing same day Council meetings
8 and indeed the procedure governing the appointment
9 of the City Clerk's position. I urge that going
10 forward we take a leaf from this experience and
11 commit ourselves as a Council to rules reform in
12 these respects as well as other needed reforms.
13 So we don't find ourselves in this position again,
14 I will certainly work to engender this needed
15 reform.

16 I vote aye on all.

17 CLERK: Gioia.

18 COUNCIL MEMBER GIOIA: Thank you
19 Mr. President pro tem. I ask permission to vote
20 yes on all land use call ups.

21 COUNCIL MEMBER RIVERA: So ordered.

22 COUNCIL MEMBER GIOIA: Thank you.

23 As well as everything on the general order
24 calendar. I'd like to congratulate my long time
25 friend, Mike McSweeney who I've known for many,

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2 many years. My only regret is that I've been
3 married for five years already. When Lisa and I
4 renew our vows we're going to be happy to come
5 back. I know that Mike is going to make this
6 institution, this city and all of us very proud as
7 City Clerk. Congratulations.

8 CLERK: Gonzalez.

9 COUNCIL MEMBER GONZALEZ: No on
10 pre-considered M1352 and Reso 1846 and yes on the
11 rest.

12 CLERK: Ignizio.

13 COUNCIL MEMBER IGNIZIO: No on 818-
14 A, aye on all others.

15 CLERK: Jackson.

16 COUNCIL MEMBER JACKSON: Aye on
17 all.

18 CLERK: James.

19 COUNCIL MEMBER JAMES: I
20 congratulate Council Member Martinez as new chair
21 of Civil Service. I want to urge that he would
22 stop union busting and save NYCHA jobs. I applaud
23 the new chair Vacca and hope that he would stop
24 the closing of fire houses. I applaud Chair Sears
25 and would hope that they would investigate

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2 government waste and outsourcing and
3 privatization. Chair Felder, Sanitation, think
4 green. Chair Sanders for Veterans, end the war.
5 Chair Mealy, investigate pay equity for women.
6 We're still not paid the same. And Chair Mark-
7 Viverito, investigate the frozen meals; we don't
8 want them in Brooklyn.

9 I vote no on pre-considered M1352
10 and Reso 846 and yes on the rest. Thank you,
11 that's my agenda.

12 [Light Applause]

13 CLERK: Katz.

14 COUNCIL MEMBER KATZ: I vote aye on
15 all.

16 CLERK: Koppell.

17 COUNCIL MEMBER KOPPELL: Aye on
18 all.

19 CLERK: Lappin.

20 COUNCIL MEMBER LAPPIN: Aye on all.

21 CLERK: Lui.

22 COUNCIL MEMBER LUI: Yes.

23 CLERK: Mark-Viverito.

24 COUNCIL MEMBER MARK-VIVERITO: Aye
25 on all.

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CLERK: Martinez.

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COUNCIL MEMBER MARTINEZ: May I
vote aye on all land use call ups and aye on all
general calendar orders?

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COUNCIL MEMBER RIVERA: Yes.

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COUNCIL MEMBER MARTINEZ: I vote
aye. And I want to welcome him back.

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CLERK: Mealy.

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COUNCIL MEMBER MEALY: Can I have
permission to vote on all land use call ups?

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COUNCIL MEMBER RIVERA: Yes.

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COUNCIL MEMBER MEALY: And all
general orders and I would like to vote no on
M1352 and Reso 1846 and I want to congratulate all
my colleagues for their chairs. I want to thank
everyone. Thank you. I vote aye on all the rest.

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CLERK: Nelson.

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COUNCIL MEMBER NELSON: May I be
excused to explain my vote?

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COUNCIL MEMBER RIVERA: Yes.

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COUNCIL MEMBER NELSON: First of
all I want to congratulate my neighbor Darlene
Mealy.

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[Applause]

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COUNCIL MEMBER MEALY: Thank you.

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COUNCIL MEMBER NELSON: And all of my colleagues who received the committees they did. I want to congratulate also Mr. McSweeney, although I disagree with the process somewhat and the procedure. I will vote aye on all except no on pre-considered M1352 and Reso 1846.

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CLERK: Palma.

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COUNCIL MEMBER PALMA: Aye.

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CLERK: Reyna.

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COUNCIL MEMBER REYNA: I vote aye on all.

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CLERK: Sanders.

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COUNCIL MEMBER SANDERS: Permission to vote on previous land use items?

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COUNCIL MEMBER RIVERA: Yes.

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COUNCIL MEMBER SANDERS: I vote yes to those and yes to all. Thank you for my chair, I will try to live up to it. Thank you very much.

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CLERK: Seabrook.

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COUNCIL MEMBER SEABROOK: I vote aye on all.

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CLERK: Sears.

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COUNCIL MEMBER SEARS: Aye on all.

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CLERK: Stewart.

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COUNCIL MEMBER STEWART: May I be excused to explain my vote?

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COUNCIL MEMBER RIVERA: Yes.

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COUNCIL MEMBER STEWART: First I would like to congratulate all the new chairs. I would like to vote no on pre-considered M1352 and Reso 1846 and I would like to vote aye on all the rest. At this time I would like to at least big up my new interns, John Cork who is a law student at Cordosa and Colin Seaburger who is a Political Science major at Pace and Laurie Cantrella who is at NYU, Masters in Public Affairs. Can you stand up so that the folks can give you?

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[Applause]

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COUNCIL MEMBER STEWART: Thank you.

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CLERK: Vacca.

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COUNCIL MEMBER VACCA: I would like to thank the Speaker for my assignment as Chair of Fire and Criminal Justice.

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[Applause]

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COUNCIL MEMBER VACCA: And we should not have fire houses closing in this city.

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[Applause]

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2 COUNCIL MEMBER VACCA: I'm starting
3 in now. I'm not wasting any time, I want you to
4 know. We should not have fire houses closing, we
5 should not have engine companies closing, ladder
6 companies closing and we should not have engine
7 companies and ladder companies open one night and
8 closed the next; unacceptable from the public
9 safety point of view. I vote aye on all.

10 COUNCIL MEMBER RIVERA: I agree and
11 we should have no more fires in the City of New
12 York also.

13 CLERK: Vann.

14 COUNCIL MEMBER VANN: Mr. Public
15 Advocate, I vote aye on all except I vote no on
16 pre-considered M1352 and Reso 1846 and
17 congratulations to all the new chairpersons.
18 Thank you.

19 CLERK: Weprin.

20 COUNCIL MEMBER WEPRIN: Permission
21 to explain my vote?

22 COUNCIL MEMBER RIVERA: Yes.

23 COUNCIL MEMBER WEPRIN: Aye on all.
24 Congratulations to the new chairs and to Mike
25 McSweeney.

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CLERK: White.

COUNCIL MEMBER WHITE: I wish to congratulate all the new chairs and I vote yea on all general orders.

CLERK: Yassky.

COUNCIL MEMBER YASSKY: I vote no on pre-considered M1352 and Res 1846 and aye on all others.

CLERK: Oddo.

COUNCIL MEMBER ODDO: Yes on all with the exception of Intro 818-A, I vote no.

CLERK: Rivera.

COUNCIL MEMBER RIVERA: I vote aye on all.

CLERK: Foster.

COUNCIL MEMBER FOSTER: May I be excused to explain my vote?

COUNCIL MEMBER RIVERA: Yes.

COUNCIL MEMBER FOSTER: I vote yes on everything except pre-considered motion M1352 and Reso 846. Let me tell you what it's not about. First of all it's not about qualifications for you, McSweeney and it's not about rules. It's about consistency. I know as a member of the

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2 Bronx delegation and as a member of the budget
3 negotiating team, we're always talking about what
4 about the Bronx.

5 So I'm standing here and asking
6 what about the Bronx. I'm asking about the lack
7 of diversity. I'm asking about the, I guess,
8 political and selective amnesia that we seem to be
9 having when we're having a vote. I want to make
10 it clear that my issue is not with the rules, it's
11 not with McSweeney, it's with the process by which
12 we arrived and thought this was okay.

13 This is about a seat and an
14 appointment that should have gone to a person of
15 color and for all of us, whatever the legislature
16 may or may not do, this is an election year. I
17 would remind all of the voters, let us now have
18 political amnesia like many of us have had in this
19 venue today when it comes to appointments. We go
20 to the budget and we sit in that budget
21 negotiating room and Bronx members say what about
22 the Bronx.

23 Remember today, when you slept on
24 the Bronx because this appointment should have
25 been in the Bronx. And if it shouldn't common

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2 courtesy should have been a delay so we had a
3 discussion. Because we have a new county chair
4 and we know this is politics. We don't have to
5 act like we're young and wet behind the ears and
6 this is new because we're not and we've been here
7 before. Just remember, the way we want to sleep
8 today, make sure people don't sleep the next day
9 on you.

10 So I vote no on pre-considered
11 M1352 and Reso846. Thank you.

12 COUNCIL MEMBER RIVERA: Thank you.

13 COUNCIL MEMBER FOSTER: And yes on
14 everything else.

15 CLERK: Speaker Quinn.

16 [No response]

17 COUNCIL MEMBER RIVERA: All items
18 on today's general order calendar were adopted by
19 48 in the affirmative, zero in the negative and
20 zero abstentions, with the exception of pre-
21 considered M1352 and Resolution 1846, which was
22 adopted by 32 in the affirmative and 16 in the
23 negative and zero abstentions. And Intro 818-A,
24 which was adopted by 46 in the affirmative with
25 two in the negative. Revised land use call ups

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2 were adopted by a vote of 48 in the affirmative
3 and zero in the negative. Introduction and
4 reading of the bills.

5 SPEAKER QUINN: All bills are
6 referred to committees as indicated on the agenda.

7 COUNCIL MEMBER RIVERA: Discussion
8 of resolutions. There are none. General
9 discussions. Seeing none, at this point in time
10 this meeting is adjourned. Thank you very much.

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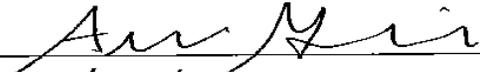
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C E R T I F I C A T E

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

Signature _____  _____

Date _____ March 11, 2009 _____