

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PARKS AND RECREATION

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April 22, 2009
Start: 10:45am
Recess: 10:52am

HELD AT: Council Chambers
City Hall

B E F O R E:
HELEN D. FOSTER
Chairperson

COUNCIL MEMBERS:
Council Member Elizabeth Crowley
Council Member Alan J. Gerson
Council Member Letitia James
Council Member Helen Sears

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

None

2 CHAIRPERSON FOSTER: Good morning,
3 I'm Council Member Helen Diane Foster, Chair of
4 the Parks and Recreation Committee. Today is
5 Wednesday, April 22nd, and we will now take a vote
6 on Intro 86, 986, 880, 896-A. We have been joined
7 by members of the Committee, Council Member
8 Letitia James from Brooklyn, Council Member
9 Elizabeth Crowley from Queens, Council Member
10 Helen Sears from Queens, and Council Member Alan
11 Gerson is somewhere--Oh, Council Member Alan
12 Gerson from Manhattan. Did I miss anyone? That's
13 it. Do, that being said, I will ask the, the
14 Clerk to call the roll, please.

15 COMMITTEE CLERK: William Martin,
16 Committee Clerk, roll call on the Committee on
17 Parks and Recreation, proposed Introduction 896-A.
18 Council Member Foster.

19 COUNCIL MEMBER FOSTER: I vote yes
20 on the bill. I think it's a work in progress, and
21 that we are going to continue to work to make sure
22 that our children are safe. I vote yes.

23 COMMITTEE CLERK: Gerson.

24 COUNCIL MEMBER GERSON: Madam
25 Chair, may I be excused to explain my vote?

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CHAIRPERSON FOSTER: Yes.

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COUNCIL MEMBER GERSON: Especially because Tony Avella's present and [laughter] I'll explain that later.

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CHAIRPERSON FOSTER: I was waiting. I didn't get it.

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COUNCIL MEMBER GERSON: He, he always insists that I give a long explanation.

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CHAIRPERSON FOSTER: Oh, yes, we know how, how brief you are, Alan, so--

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COUNCIL MEMBER GERSON: But in this case, Madam Chair, I, I think you're, as usual you cut to the chase in your point that this is a work in progress. And on the basis of this being a work in progress, and to avoid going through this summer season without an improved warning, I will vote for the bill. But I have just spoke with our staff, and we are going to immediately introduce an amendment to add the words, at the very least, after it says "... become hot and may cause burns ..." I don't understand why the word "burn" is not in the bill, is not in the signage. If that is the major concern, that should be flagged so we level with the people of the City of New York.

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2 From all the testimony, from all the reports, that
3 was the major concern from a communications
4 standpoint, from a safety standpoint, it should be
5 included. From a liability standpoint, if that's
6 on the record as the major concern for us not to
7 state that, I think exposes the City to a greater
8 liability. So I say this both, I plead with the
9 Parks Department, to I believe it has the
10 authority on its own, to add that language. But
11 if the Parks Department will not do so, then, and
12 the Administration will not do so, then we should
13 do so legislatively as soon as possible. And I'll
14 just say finally, I spent a lot of time, as some
15 of you know, in the Wound and Burn Clinic, not for
16 myself, but for a family member, over the past
17 year at the New York Cornell. Not for this type
18 of a burn, but I saw the children come in with
19 these type of burns, and I saw the brochure that
20 the institute prepared with depictions of
21 children's feet, and the burns which could result
22 from hot surfaces. And, and so for us not to flag
23 that explicit concern for, for us not to
24 explicitly flag that concern, if that is our
25 concern, as it is my understanding that it is, is

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2 wrong. This is a step forward, you've pointed out
3 this is a work in progress. So, I'll vote yes, I
4 do vote yes, but with the understand that we're
5 going to continue the work. Thank you.

6 COMMITTEE CLERK: Sears.

7 COUNCIL MEMBER SEARS: May I

8 explain my vote, please, Madam Chair. I am, I'm
9 voting yes for the bill, but as you have said, it
10 is a work in progress. And I do think that this
11 is something that we need to continue to look at.
12 We need to study very closely, just what effect
13 that does have. And I can assure you that in my
14 playgrounds, I will see once these signs are up,
15 the effect that it's having on parents. And if
16 the effect is a positive one, it's fine. If it's
17 not, then I'm going to ask the chair that we need
18 to revisit the signage for this, and work with the
19 Parks Department. 'Cause I can understand the
20 opposition to not having certain negative words in
21 here; at the same time, I also understand the
22 administration, and for that. And I think we need
23 to really test this out. I vote aye with the fact
24 that it's open for us reviewing the entire thing.
25 Thank you, Madam Chair.

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COMMITTEE CLERK: James.

COUNCIL MEMBER JAMES: May I be excused to explain my vote? I'd like to read a portion of a letter from Ann and Rich Cason, Cason, dated April 22nd. The Cason's son, William, William, who was, who is 18 months, was burned at Katberg Playground, in May 2007, at Carl Schultz Park in Manhattan. He spent four days in the Burn Unit as a result of his injuries. And their letter says in part, "It comes as no surprise that the, that the City will not post signs that warn of severe burn dangers from playground equipment, including safety surfacing, since they continually avoid addressing the real issues which might expose them to more liability. These revived signs will be no better than the paper signs that currently say 'Footwear must be worn at all times.' We appreciate the Council discussing the issue, and proposing the legislation, but are profoundly disappointed in the final version of Intro 896-A, and will continue to work for change to prevent other children from being burned. Thanks as always for your efforts and support." With that comment, which is pretty, with that

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2 statement and that letter, which is profound to me
3 and instructive to me, I will join with Council
4 Member Gerson in amending this legislation to make
5 it stronger, to prevent any children from being
6 burned in the City of New York. But at this time,
7 I believe these signs will at least warn people of
8 the dangers, and so at this time I vote yes. And
9 again, look forward to working on this, this
10 legislation, it is a work in progress. Thank you.

11 COMMITTEE CLERK: Crowley.

12 COUNCIL MEMBER CROWLEY: I vote
13 yes.

14 COMMITTEE CLERK: By a vote of five
15 in the affirmative, zero in the negative, and no
16 abstentions, items adopted. Members, please sign
17 the Committee report. Thank you.

18 [pause]

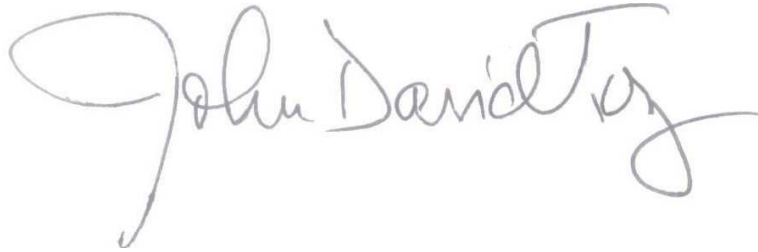
19 CHAIRPERSON FOSTER: Thank you,
20 this meeting is adjourned. [gavel]

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C E R T I F I C A T E

I, JOHN DAVID TONG 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

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned above a horizontal line.

Date April 29, 2009