

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON STATE AND FEDERAL LEGISLATION

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May 20, 2009
Start: XX:XXam/pm
Recess: XX:XXam/pm

HELD AT: Council Chambers
City Hall

B E F O R E:
MARIA BAEZ
Chairperson

COUNCIL MEMBERS:
Helen Sears
Melissa Mark-Viverito
Joel Rivera
Lewis A. Fidler
Larry B. Seabrook
Daniel R. Garodnick

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

Chris Manning
Assistant Commissioner for Intergovernmental Affairs
New York City Department of Health and Mental Hygiene

Michelle Villagomez
Senior Manager of Advocacy and Campaigns
ASPCA

Catherine Beason
Animal Friendly NYC

2 COUNCIL MEMBER SEARS: Eddie,
3 Eddie, are you ready? Okay. Can I just say that
4 they're here for you and then you take [off mic]?
5 Great.

6 You really have a big honor today
7 'cause you're sitting in Council Member seats.
8 This is 877, it's Academy, offshoot of P [off mic]
9 7, that's in my district and I'm really surprised
10 to see them here, so you have an opportunity that
11 no other class has had, which is to sit here,
12 you're going to hear from our Chair Maria Baez for
13 the State and Legislative Committee and I welcome
14 you, I'm so happy that you're here, and then we're
15 going to have a whole picture taken.

16 But, with this, I'm turning it over
17 to Maria Baez, who is a great Chair of the State
18 and Federal Legislative Committee.

19 CHAIRPERSON BAEZ: Thank you,
20 Council Member Sears. Before we begin the meeting
21 I would like to welcome the school academy 877 for
22 being here today and honoring us with your
23 presence. I see that the Council Members keep
24 getting younger and younger, our future leaders,
25 our future generation. Once again, welcome to

2 City Hall and it's a pleasure for us to have you
3 here.

4 Thank you, Council Member Sears.
5 Thank you.

6 [Pause]

7 COUNCIL MEMBER SEARS: Everybody
8 could say thank you very much, Council Members.
9 Turn them on, press on your button--

10 CHILD: Thank you.

11 COUNCIL MEMBER SEARS: --you'll
12 hear your voice loud. Ready?

13 COUNCIL MEMBER RIVERA: Thank you.

14 CHILD: Thank you.

15 COUNCIL MEMBER SEARS: All right,
16 you can speak, say it--

17 [Crosstalk]

18 CHILD: Thank you.

19 CHILD: Thank you.

20 CHILD: Thank you.

21 CHILD: Thank you.

22 CHILD: Thank you.

23 CHILD: Thank you.

24 CHILD: Thank you.

25 CHILD: Thank you.

2 CHILD: Ole.

3 COUNCIL MEMBER RIVERA: Thank you.

4 COUNCIL MEMBER SEARS: And now you-

5 -

6 [Off mic]

7 CHILD: Thank you.

8 COUNCIL MEMBER SEARS: And thank
9 you very much, thank you.

10 UNKNOWN VOICE: Thank you.

11 CHILD: Thank you.

12 [Off mic]

13 COUNCIL MEMBER RIVERA: Children,
14 do you want to vote on today's agenda? Just say I
15 vote aye. Say I vote aye.

16 CHILDREN: I vote aye.

17 COUNCIL MEMBER RIVERA: There we
18 go.

19 CHILD: And I do.

20 [Off mic]

21 COUNCIL MEMBER SEARS: Well maybe
22 we can get future council people from this.

23 [Off mic]

24 CHILD: I don't even know what I
25 vote on.

2 [Off mic]

3 CHAIRPERSON BAEZ: Eddie, we're
4 ready.

5 SERGEANT-AT-ARMS: Quiet, please.

6 COUNCIL MEMBER SEARS: You're
7 welcome, you're welcome--

8 CHAIRPERSON BAEZ: Good morning and
9 welcome. My name is Maria Baez, I'm the
10 Chairperson of the State and Federal Legislation
11 Committee.

12 Albany has presented us with
13 another opportunity to pass Home Rule legislation
14 that affects the city of New York. This morning
15 the Committee will be voting on two items, the
16 different issues before us may seem unrelated but
17 taken together, they reflect a concerted effort to
18 ensure that the state and city governments are
19 working to serve the needs of the people of New
20 York City.

21 The legislation that is being
22 considered today includes a bill which would
23 create an animal control program and an animal
24 control fund for the city. The proposed
25 legislation will encourage New York City residents

2 who own dogs and cats to have them neutered or
3 spayed by providing such veterinary services at a
4 low cost--this will significantly reduce the large
5 number of stray and unwanted cats and dogs in the
6 city of New York and reduce the costs to the city
7 for sheltering, finding homes for all, euthanizing
8 unwanted animals. An animal control fund will be
9 created utilizing dog licenses fees and fees
10 incurred from the low cost, veterinary services.
11 This fund will support the low cost veterinary
12 services and other costs associated with the
13 program.

14 Before we begin I would like to
15 introduce my members, from left to right Council
16 Member Melissa Mark-Viverito, Council Member Joel
17 Rivera, Council Member Lew Fidler, Council Member
18 Seabrook, Council Member Garodnick. Am I missing-
19 -thank you.

20 I understand we have an individual
21 that's going to be testifying. Chris Manning--oh,
22 oh, Chris Manning from the Department of Health.
23 Welcome, Chris.

24 MR. CHRIS MANNING: Good morning.
25 Thank you for having me here. My name is Chris

2 Manning, I'm the Assistant Commissioner for
3 Intergovernmental Affairs at the New York City
4 Department of Health and Mental Hygiene.

5 I'm submitting for the records the
6 City's Memorandum in Support of Assembly Bill
7 6158-A and companion in the Senate S 4278. I'll
8 just paraphrase a bit from our memo in support.

9 As you know, the city's Health
10 Department contracts with Animal Care and Control
11 to provide animal control services in New York
12 City, including spay and neutering.

13 Over the past several years AC&C
14 has conducted low cost or free spay and neuter
15 services two days a week for the public--one day
16 in the Bronx and one day in Brooklyn.
17 Unfortunately, as the grant funding that has
18 sustained this initiative over the past few years
19 has been eliminated over time and has been
20 exhausted, AC&C is unable to continue providing
21 services at that level. Currently AC&C relies on
22 partnerships with other entities, such as the Toby
23 project and the ASPCA to provide spay and neuter
24 services in New York City.

25 The animal control funds that

2 exists now was established in conjunction with the
3 creation of the New York State Animal Population
4 Control Program in 1995 and allocates \$3 from
5 every unaltered dog license that is issued in New
6 York City. However, due to the requirement that
7 only private veterinarians be eligible for
8 reimbursement, the fund has not been utilized
9 efficiently in New York City.

10 The State bills would establish a
11 New York City animal population control program to
12 be funded by the newly established New York City
13 Animal Population Control Fund. The fund would
14 utilize any accrued funding that may exist, as
15 well as the future fees collected from unaltered
16 dog license fees. We estimate that over the
17 course of the next six years we would be able to
18 provide about 15,000 spay and neuters using this
19 funding. The creation of the Animal Population
20 Control Program and having access to the fund will
21 allow for responsible and humane care necessary
22 for animals in New York City.

23 Accordingly, the departments and
24 the Mayor supports the State legislation and urge
25 its passage, as well as the local Home Rule that

2 would be required to do so.

3 Thank you.

4 CHAIRPERSON BAEZ: Thank you very
5 much. Ms. Michelle Villagomez, ASPCA.

6 MS. MICHELLE VILLAGOMEZ: Good
7 morning, I'm Michelle Villagomez, Senior Manager
8 of Advocacy and Campaigns for the ASPCA.

9 I'd like to thank the Committee on
10 State and Federal Legislation and Chairwoman Baez
11 for the opportunity to testify in support of the
12 resolution requesting that the New York State
13 legislature pass bills introduced by Senator
14 Duane, S 4278, and Assembly Members Rosenthal and
15 Kellner, A.6158-A.

16 On behalf of the ASPCA and its
17 25,000 New York City supporters, I urge you to
18 support this resolution which would establish a
19 New York City Animal Population Control Program
20 and Population Control Fund. An animal population
21 control program would encourage New York City
22 residents who own cats or dogs to have them spayed
23 or neutered by providing these low cost services
24 to such owners. The program would include, but
25 would not be limited to the creation of spay and

2 neuter clinics and establish criteria for pet
3 owner eligibility to use such services.

4 The ASPCA has always recognized
5 programs that provide public incentives to spay or
6 neuter companion animals as an important way to
7 control pet overpopulation. There are a number of
8 medical, behavioral, and social benefits to animal
9 sterilization--namely spaying or neutering pets
10 saves lives by reducing unwanted animal births and
11 it reduces animal sheltering costs. To shelter an
12 animal is three times more expensive than spaying
13 or neutering. It also protects public health and
14 safety by reducing the incidents of rabies, as
15 well as common canine and feline behavioral
16 problems, such as aggression, roaming, and
17 spraying.

18 Spaying and neutering is proven the
19 most effective method in reducing pet
20 overpopulation, and reducing pet overpopulation
21 from the supply side, we end up limiting the
22 euthanasia -- pardon me, we limit the need for
23 euthanasia as a means of population control and it
24 brings us one step closer to creating a humane
25 community.

2 The ASPCA is working very hard to
3 put an end to the tragic euthanasia and
4 homelessness of healthy animals by addressing the
5 animal overpopulation crisis at its source--in the
6 heart of our local communities that most need our
7 services. We offer low cost spay and neuter
8 surgery to financially needy pet owners in New
9 York City's five boroughs via five fully equipped
10 mobile veterinary clinics. We recognize that many
11 of the most serious overpopulation and animal
12 health crises arise in neighborhoods with limited
13 access to veterinary care and our program brings
14 these services directly to those communities.

15 In 2008, our mobile spay and neuter
16 clinics performed 23,223 surgeries at a cost to
17 the ASPCA of \$2.6 million. We were able to
18 provide free or low cost surgeries to over 17,000
19 cats and 6,000 dogs. This year we're on track to
20 perform over 30,000 surgeries, which would be a
21 25% increase.

22 We have a pet overpopulation
23 problem in New York City, there are more than
24 50,000 unwanted and homeless pets a year that
25 enter all our shelters.

2 It's for these reasons that the
3 ASPCA supports Senate bill 4278 and Assembly Bill
4 6158-A because it would ease the financial burden
5 on the city, the shelters, and individuals in the
6 struggle with pet overpopulation.

7 We will continue to work with the
8 city and look forward to having this funding come
9 in. With what we do and with what the city will
10 be able to do to increase capacity for spay and
11 neuter surgeries in low income neighborhoods, we
12 really think we could put a dent into the pet
13 overpopulation problems. Thank you.

14 CHAIRPERSON BAEZ: Thank you. I
15 just have a question. You currently have a mobile
16 that goes throughout the city--

17 MS. VILLAGOMEZ: Yeah.

18 CHAIRPERSON BAEZ: --that provides
19 this service.

20 MS. VILLAGOMEZ: We have five
21 mobile spay and neuter clinics that go over into
22 the five boroughs. A lot of the locations we go
23 to are in NYCHA housing developments and we look
24 at the figures in terms of census figures and
25 income figures, so we look for the neighborhoods

2 that don't have a lot of access to veterinary
3 services and also are low income neighborhoods.
4 So if people are on SSI or Medicaid or Veterans'
5 benefits, they're able to get the service for
6 free; if not, it's a cost of \$75, and we do that
7 at our own expense.

8 CHAIRPERSON BAEZ: So the location
9 is selected on that criteria.

10 MS. VILLAGOMEZ: Yeah.

11 CHAIRPERSON BAEZ: Because I've
12 noticed in our borough of the Bronx that the
13 mobile is always at the same location.

14 MS. VILLAGOMEZ: Yeah, we--

15 CHAIRPERSON BAEZ: But does that
16 change at all?

17 MS. VILLAGOMEZ: It can change and
18 for the Council Members here, you can request a
19 location. What we need is 37 feet to park and a
20 lot of times, they tend to be stationary locations
21 in housing developments in a common area to
22 address the problem just because it's we've got
23 space and people know--

24 CHAIRPERSON BAEZ: [Interposing]
25 Because in the Bronx, I think it's, what the

2 Southern Boulevard area?

3 [Crosstalk]

4 MS. VILLAGOMEZ: Yeah, we have a
5 couple--

6 CHAIRPERSON BAEZ: I know.

7 MS. VILLAGOMEZ: --we have a
8 couple--

9 CHAIRPERSON BAEZ: I know where it
10 is.

11 COUNCIL MEMBER RIVERA: It's in my
12 district and we'll leave it there, Madam Chair,
13 thank you very much.

14 MS. VILLAGOMEZ: Well, Councilwoman
15 Baez, if you would like it in your district, all
16 you would have to do is place a call and if you
17 can find us someplace that we can park 37 feet, we
18 will sort of shuffle around. We try to get into
19 as many neighborhoods as possible, so if it's not
20 a NYCHA development, sometimes like Petland
21 Discount will say, well you can park in front of
22 our store. So we try to make it--this year we
23 added the fifth van and the demand for it is
24 ridiculous, people line up at--

25 CHAIRPERSON BAEZ: I know it is.

2 MS. VILLAGOMEZ: --5 o'clock in the
3 morning, so it would be great for people to have
4 other recourses.

5 CHAIRPERSON BAEZ: Right.

6 MS. VILLAGOMEZ: Any little bit
7 helps and if the city would be able to do as Chris
8 said 15,000 a year, it would be great.

9 CHAIRPERSON BAEZ: Right, I
10 currently have Jared, my Chief of Staff, working
11 with someone in your office regarding the
12 location. See how we can sort of expand or work
13 together and partner.

14 MS. VILLAGOMEZ: No, basically from
15 what I know from our mobile spay and neuter
16 clinic, 37 feet, 37 feet and someplace--

17 CHAIRPERSON BAEZ: I've seen it.

18 MS. VILLAGOMEZ: --that would be
19 easy to get by bus or by train--we don't want them
20 in the middle of nowhere, we want people to have
21 accessibility to them.

22 CHAIRPERSON BAEZ: And it's a good
23 location, how long has it been there? Like for
24 the last seven years?

25 COUNCIL MEMBER RIVERA: [Off mic]

2 We want it there for seven more years.

3 [Off mic]

4 COUNCIL MEMBER RIVERA: I'm just
5 answering the question--

6 [Crosstalk]

7 MS. VILLAGOMEZ: Well, we'll try to
8 find--

9 CHAIRPERSON BAEZ: But thank you.

10 MS. VILLAGOMEZ: --a way to not
11 take away from one to give to the other, but we'll
12 see what we can do.

13 CHAIRPERSON BAEZ: But you do an
14 excellent job, thank you.

15 MS. VILLAGOMEZ: Thank you.

16 CHAIRPERSON BAEZ: [Off mic] have
17 questions? Okay, no, thank you very much.

18 FEMALE VOICE: Ms. Catherine
19 Beason, Animal Friendly New York City.

20 [Long pause]

21 MS. CATHERINE BEASON: Hi, thank
22 you very much for having this committee. I'm not
23 going to repeat a lot of what Chris Manning has
24 already said and what the ASPCA's representative
25 has said.

2 We would very much appreciate your
3 support for Assembly Member Linda Rosenthal and
4 Senator Tom Duane's bills. Thank you.

5 As they said, these bills, this
6 would allow the city to set up its own low cost
7 spay and neuter program. There's been a state
8 program since 1997, but it's never worked well for
9 New York City because it's a vet reimbursement
10 program, and in the last fiscal year only 144
11 surgeries were performed under the state program
12 in New York City. This bill will dramatically
13 increase the number of surgeries and--sorry--and
14 reduce the cost per surgery. That 144 state
15 program surgeries performed in fiscal year
16 2008/2009 cost the state on average \$166 per
17 surgery, a clinic can perform the surgeries at an
18 average subsidy of \$65. And as you know this bill
19 has the support of the Department of Mental Health
20 and Hygiene and it has the support of the state
21 Department of Agriculture and Markets, which
22 currently oversees the state program.

23 In the last six years, New York
24 City has struggled to reduce the number of
25 homeless cats and dogs euthanized each year, and

2 the heroic efforts of the city's rescue and
3 adoption community have managed to more than
4 double the number of cats and dogs adopted out--
5 saving many pets from death. However, the number
6 of animals entering the animal shelters has stayed
7 stubbornly at 40,000 and I found some statistics
8 from Animal Care and Control that I think are very
9 telling. The shelter intake in 2002 was 40,000,
10 that year they adopted out only a little over
11 8,000 animals; shelter intake in 2008 was 40,000,
12 they adopted out 22,000 animals.

13 Unfortunately, increasing adoptions
14 doesn't solve the problem of a homeless pets and
15 we know from successful programs in other states
16 that offering low cost spay and neuter to low
17 income pet owners is the only way to significantly
18 reduce shelter intake. That's because the cost of
19 spaying and neutering is out of reach for many pet
20 owners and when pets reach sexual maturity or have
21 litters, their owners often abandon them.

22 And it's not only tragic for the
23 animals who are abandoned, it's also expensive for
24 the city. It costs the city about \$200 to take an
25 animal into the city shelters, whether that animal

2 ends up adopted out or dead. A subsidized spay
3 and neuter costs \$65, it keeps that animal in his
4 or her home and it keeps potential offspring out
5 of the city shelters.

6 For the last four years, Animal
7 Friendly NYC has worked with city and state
8 legislatures and the New York City Department of
9 Health and Mental Hygiene to create low-cost
10 clinics in each of the city's five boroughs. This
11 bill would provide a good financial footing to get
12 the first of those clinics off the ground. I
13 thank you very much for your time and--

14 [Pause]

15 COUNCIL MEMBER MARK-VIVERITO:

16 Thank you, Madam Chair. I just wanted to
17 personally thank Ms. Beason for her advocacy. I
18 know that I met with her about two years ago when
19 she brought this issue to my attention and since
20 then it's been something that's been very present
21 in my mind and Chris Manning can tell you how many
22 times I've talked to him about the issue, and I
23 know that you've been in contact with them.

24 And this might be an issue that
25 many might consider unimportant, but I really

2 think it is important that we make it a priority
3 with regards to these animals that, unfortunately,
4 they're not adopted because of overpopulation or
5 in essence just killed and euthanized and that's a
6 sad state. So whatever we can do to really
7 control the population is important.

8 And I, too, have organized with the
9 ASPCA one of the mobile vans and really putting
10 the information out there in my community, which
11 is one of the communities they typically target
12 and the waiting lists, people signing up and
13 wanting these services is really an incredible
14 demand, so obviously there is a need for more
15 funding and more of these services. I could
16 probably do 10 day after day and still people
17 would be waiting out the door to get their pets
18 spay/neutered.

19 So I would encourage all Council
20 Members to really avail themselves to that to get
21 the information out in their communities and to
22 really help to do whatever we can to control the
23 population.

24 So thank you for your advocacy
25 again, because it's usually advocates that help

2 keep us in check and keep us very vigilant on the
3 issues and I'm really glad that we've gotten to
4 the point where this is a small dent, it's not
5 much money, we all know that, we could always
6 apply more, but it's a start and we will continue
7 to make this issue an important one here in the
8 city of New York. So thanks, Ms. Beason, for your
9 advocacy. Thank you, Madam Chair.

10 CHAIRPERSON BAEZ: Thank you,
11 Council Member. I would like to thank all the
12 individuals who testified here today and encourage
13 all my colleagues to vote yes. Thank you.

14 [Off mic]

15 MALE VOICE: Call roll, call roll--

16 [Off mic]

17 MR. WILLIAM MARTIN: William
18 Martin, Committee Clerk. Roll call on the
19 Committee on State and Federal Legislation.
20 Council Member Baez.

21 CHAIRPERSON BAEZ: Aye.

22 MR. MARTIN: Rivera.

23 COUNCIL MEMBER RIVERA: I vote aye.

24 MR. MARTIN: Fidler.

25 COUNCIL MEMBER FIDLER: Aye on all.

2 MR. MARTIN: Seabrook.

3 COUNCIL MEMBER SEABROOK: Aye on
4 all.

5 MR. MARTIN: Garodnick.

6 COUNCIL MEMBER GARODNICK: Aye.

7 MR. MARTIN: Mark-Viverito.

8 COUNCIL MEMBER MARK-VIVERITO: Aye.

9 MR. MARTIN: By a vote of six in
10 the affirmative, zero in the negative, and no
11 abstentions, both items have been adopted.
12 Council Members, please sign the committee report.
13 Thank you.

14 CHAIRPERSON BAEZ: And this
15 committee meeting will be held in recess. Thank
16 you.

17 [Pause]

18 MR. MARTIN: Dilan.

19 COUNCIL MEMBER DILAN: I vote aye
20 on all except for SLR4, which--or four was in the
21 briefing paper. Okay. I vote--

22 [Off mic]

23 COUNCIL MEMBER DILAN: It's only
24 two items? The bus one got pulled off?

25 [Off mic]

2 COUNCIL MEMBER DILAN: Came off?

3 Okay, good. Okay, I vote aye on all.

4 MR. MARTIN: Final vote on the
5 Committee on State and Federal Legislation is now
6 seven in the affirmative, zero in the negative,
7 and no abstentions. Thank you.

8 [Off mic]

9 [Long pause]

10 MR. MARTIN: Committee on State and
11 Federal Legislation is still in recess.

12

13

14

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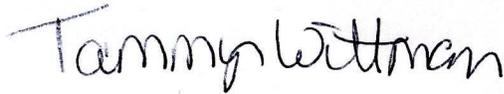
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C E R T I F I C A T E

I, Tammy Wittman 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 "Tammy Wittman". The signature is written in black ink and is positioned above a horizontal line for the signature field.

Signature_____

Date June 12, 2009_____