

CITY COUNCIL  
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

STATED MEETING

-----X

October 14, 2009  
Start: 1:30pm  
Recess:

HELD AT: Council Chambers  
City Hall

B E F O R E: CHRISTINE C. QUINN, SPEAKER  
Chairperson

COUNCIL MEMBERS:  
Joel Rivera, Majority Leader  
Maria del Carmen Arroyo  
Tony Avella  
Charles Barron  
Gale A. Brewer  
Leroy G. Comrie, Jr.  
Elizabeth Crowley  
Bill deBlasio  
Inez E. Dickens  
Erik Martin Dilan  
Mathieu Eugene  
Simcha Felder

## A P P E A R A N C E S

## COUNCIL MEMBERS:

Lewis A. Fidler  
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  
Kenneth C. Mitchell  
Michael C. Nelson  
James S. Oddo  
Annabel Palma  
Domenic M. Recchia, Jr.  
Diana Reyna  
James Sanders, Jr.  
Larry Seabrook  
Helen Sears  
Kendall Stewart  
Eric Ulrich  
James Vacca  
Peter F. Vallone, Jr.  
Albert Vann  
David I. Weprin  
David Yassky

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

Carl Bragg  
Vice President  
Local 32BG

Elvis Dilian  
Doorman Hero

Vincente Panama Alba  
Representative  
Young Lords

Reverend Doctor Graff  
Senior Advisor  
New York Theological Seminary

1  
2                   SPEAKER QUINN: All right. We're  
3 going to start the ceremonials. We have three  
4 ceremonials today. If I could ask Council  
5 Members, anyone of course is welcome but  
6 particularly Council Member Gerson and Mendez. Is  
7 Alan up here yet? Oh, okay. Gerson and Mendez to  
8 join me.

9                   The first ceremonial is in honor of  
10 the late Bob Cohen. So if the folks from NYU, the  
11 neighborhood or his wife, Barbara would like to  
12 make their way up, that would be terrific. Thank  
13 you. We obviously are joined by Rosie and Alan  
14 but we're joined today to remember the life of a  
15 great community activist in Greenwich Village and  
16 Lower Manhattan, Bob Cohen. Bob passed away on  
17 July 1st this past summer. I want to thank his  
18 wife Barbara for being with us today. We'll hear  
19 from her and other folks in the neighborhood in a  
20 second.

21                   Bob joined the NYU staff in 1990 in  
22 the Office of Community Relations. He was a  
23 liaison between NYU and the community for many  
24 years and continued as a consultant on these kind  
25 of affairs even after he retired. Anybody who

1  
2 knows anything about NYU being a liaison between  
3 NYU and the community, practically you deserved  
4 combat pay at different times.

5           Bob had the unbelievable skill,  
6 being a neighborhood person himself, of really  
7 developing actually a great liaison and great  
8 fondness and love from the community. That was a  
9 tough position but I really think it spoke to how  
10 much people believed in him, how much they trusted  
11 him. Even if they couldn't always agree, how much  
12 they knew Bob really did have the best interest of  
13 Greenwich Village and their residents in his  
14 heart.

15           It's hard to remember all the  
16 different things he's been a part of, whether it  
17 was making and creating and sustaining the  
18 children's Halloween Parade in Greenwich, which we  
19 love. He was always the purple wizard, that's  
20 right. Or the efforts to make sure that the, dare  
21 I say, renovation of Washington Square Park  
22 happened in a way there was full community  
23 participation but the list goes on and on. So I  
24 just want to thank everyone for being here today  
25 to give us this opportunity to recognize Bob.

1  
2 Barbara, I just want to offer our  
3 deepest condolences but also our tremendous  
4 thanks. Because when somebody is as dedicated a  
5 community liaison as Bob was, that means they're  
6 not home at a lot. He couldn't have given as much  
7 to the community as he did if you weren't as  
8 supportive as you were and as generous with him as  
9 you were. So thank you so much.

10 Before we read the proclamation let  
11 me see if Alan or Rosie want to add anything and  
12 then we'll read the proclamation and then hear  
13 from Barbara and whomever else.

14 COUNCIL MEMBER GERSON: Thank you.  
15 Thank you very much Madam Speaker. Thank you for  
16 putting time aside for this very important  
17 memorial presentation as we remember somebody who  
18 truly epitomized the best of our community, the  
19 best of civic involvement. Tomorrow we are going  
20 to be having a community memorial in honor of  
21 Robert Cohen.

22 The night he passed we had a  
23 community meeting. At the end of the meeting we  
24 went around, and I was chairing the meeting. I  
25 said we're going to let Bob go and have the final

1  
2 word. Well, tragically little did we know but the  
3 truth is Bob Cohen has had the final work  
4 throughout his great career of civic activism, as  
5 the Speaker said, on issue after issue after  
6 issue. And his final word, pulling together a  
7 consensus, pointing the best way to proceed,  
8 whether it was a NYU issue, a park issue, a noise  
9 issue. And he helped make our community quieter.  
10 It really continues and will always continue to  
11 make a difference in making our community a better  
12 place.

13 I'll just say, I first met Bob  
14 Cohen when he was working for the late Assembly  
15 member Bill Pasinanti. He ran the district office  
16 on Waverly Place. He was a fixture there and he  
17 is throughout all his community incarnations has  
18 always been a fixture and a pillar of our  
19 community. His contributions will remain with us  
20 forever.

21 To know Bob is to know that he  
22 loved his community, he loved people. Most of all  
23 he loved Barbara and he loved his friends and we  
24 will love him forever. Wizards always live on as  
25 he will in our hearts and in the heart of our

1

2 community. Here's to Bob.

3 SPEAKER QUINN: Okay, if the Clerk  
4 could please read the proclamation.

5 CLERK: Council City of New York  
6 Proclamation, whereas the Council of the City of  
7 New York is proud to posthumously honor Robert  
8 Cohen for his outstanding contributions for the  
9 communities of New York University and Greenwich  
10 Village.

11 With his signature New York wit,  
12 street smarts and sense of self, he was a  
13 thoughtful man with a passion for his community.  
14 The community was equally passionate about him.  
15 In short, he was a menche [phonetic].

16 And whereas, after getting an early  
17 discharge from the U.S. Army due to a knee injury  
18 as a teenager, Robert Cohen worked in advertising  
19 and for numerous city and state agencies including  
20 the Triborough Bridge and Tunnel Authority. He  
21 also worked for the Robert Moses led City  
22 Authority which built and ran the 1864 New York  
23 World's Fair. For several years Mr. Cohen was on  
24 the district staff of Assembly member William  
25 Pasinanti, running the district office then on



1  
2 Waverly Place. During that time he mentored a  
3 young high school intern, known today as City  
4 Council Member of the First District, Alan Gerson.

5 And whereas, Mr. Cohen was always  
6 known for lending a hand whenever and where ever  
7 the need appeared, in 1988 Mr. Cohen was in a  
8 friend's home on Fire Island when he heard a woman  
9 yell help. Not long after rescuing the woman from  
10 a locked bathroom, he married her. Robert Cohen  
11 and Barbara Shavalski were happily married for 21  
12 years.

13 And whereas, in 1990 Mr. Cohen  
14 became a prominent member of New York University's  
15 Community Relations offices, in this, his favorite  
16 job , he played a major role as a liaison between  
17 the school and the community at large. He  
18 launched programs for senior citizens, organized  
19 the toy drive for children and became a regular  
20 participant in NYU Community Board Children's  
21 Halloween Parade around Washington Square Park.  
22 Mr. Cohen continued to serve the university as a  
23 consultant and liaison long after his official  
24 retirement a few years ago.

25 Now therefore be it known that the

1  
2 Council of the City of New York most gratefully  
3 honors the life and legacy of Robert I. Cohen for  
4 his tremendous service to the communities of New  
5 York University, Greenwich Village and all of New  
6 York City, Christine C. Quinn, Speaker for the  
7 entire Council, Alan J. Gerson, Council Member  
8 First District Manhattan, Rosie Mendez, Council  
9 Member Second District Manhattan.

10 BARBARA COHEN: I am very honored  
11 and proud to be receiving this and I know Bob  
12 would be very honored and proud. Thank you very,  
13 very much. Thank you.

14 SPEAKER QUINN: Keeping in a bit of  
15 a Greenwich Village theme, our second ceremonial  
16 is to Elvis Dilian. If I could ask Mr. Dilian and  
17 his fellow brothers and sisters from 32BG who are  
18 here and the representatives from the village who  
19 are here to come up. As Mr. Dilian makes his way  
20 up with the folks from the neighborhood and 32BG,  
21 we'll talk more about it but Mr. Dilian is a hero  
22 door man so we wanted to take an opportunity to  
23 thank him today.

24 We'll hear more of this in the  
25 proclamation in a second and then from Mr. Dilian

1  
2 himself. But Mr. Dilian is the doorman at 99 Jane  
3 Street. Anybody who lives in the City of New York  
4 knows how important a door man is in so many  
5 different ways. But Mr. Dilian demonstrated a  
6 particular type of importance on September 16,  
7 2009. On September 16 he came to the aid of a  
8 woman who was being attacked, mugged and robbed.

9           What's important to note here is  
10 obviously Mr. Dilian went above and beyond the  
11 call of duty, risking his really own safety by  
12 going out into the street and helping this woman.  
13 Now he would deserve enough gratitude for that.  
14 But that wasn't going to stop him, that wasn't  
15 going to stop BG, that wasn't enough. He held the  
16 suspect until the police got there.

17           [Applause]

18           So he not only protected this  
19 woman, helped save her from even more harm but  
20 protected the whole neighborhood by making sure  
21 the police were able to apprehend a criminal who  
22 was targeting people in Greenwich Village. So on  
23 behalf of myself and everybody in the Village and  
24 everyone at 99 Jane and everywhere else, we just  
25 really wanted to take an opportunity to thank you

1

2 and to recognize that you went far above and  
3 beyond the call of duty and we are all very, very  
4 grateful. I know everyone on Jane Street feels a  
5 little bit safer having you in the building so  
6 thank you very much. If the clerk could please  
7 read the proclamation.

8

9 CLERK: Council City of New York  
10 Proclamation, whereas, the Council of the City of  
11 New York is proud to honor Elvis Dilian for his  
12 extraordinary act of courage and his outstanding  
13 service to the community.

14

15 And whereas, on Wednesday evening  
16 of September 16, 2009 around 5:45 pm, Mr. Dilian  
17 was at work chatting with a nanny while he held  
18 the door open for a 34 year old mother who lives  
19 in the building with her husband and two  
20 daughters. Just as the woman entered, a man  
21 seized her from behind and told her to just keep  
22 walking straight. As the woman screamed for help,  
23 Mr. Dilian sprang into action without thinking  
24 twice about his own safety.

25

SPEAKER QUINN: Can we please get a  
little quiet for the ceremonial. Thank you.

CLERK: Even when the woman finally

1  
2 managed to break free from the villain, the two  
3 men continued a fierce match until Mr. Dilian  
4 eventually overpowered him.

5           And whereas, despite painfully  
6 injuries to a knee and finger, Mr. Dilian  
7 continued to hold the man while the nanny called  
8 the police. Even after New York's finest took the  
9 man away in handcuffs and charged him with  
10 attempted kidnapping and assault, Mr. Dilian  
11 played down his heroism.

12           And whereas, Mr. Dilian has said  
13 that he does not consider himself a hero and that  
14 he was just doing what was needed to be done. We  
15 commend Mr. Dilian for rescuing a fellow New  
16 Yorker and apprehending a criminal who might have  
17 otherwise attempted yet another abduction later.  
18 Although Mr. Dilian is not a police officer, he is  
19 definitely one of New York's finest individuals.

20           Now therefore be it known that the  
21 Council of the City of New York most gratefully  
22 honors Elvis Dilian for his extraordinary heroism  
23 on September 16, 2009 and his service to New York  
24 City. Christine C. Quinn, Sepaker for the entire  
25 Council.

1

[Applause]

2

3

SPEAKER QUINN: Yea. Even just

4

with sort of him downplaying what he did but let

5

me first before we call on Elvis, give the mic to

6

the representative from 32BG. I just want to say

7

we are never surprised when a 32BG member

8

demonstrates tremendous heroism because that's

9

what BG is made of.

10

CARL BRAGG: Thank you Christine.

11

I'm Carl Bragg and I'm Vice President of Local

12

32BG. We have 120,000 members. Elvis represents

13

the best of our membership. It's an amazing act.

14

There's no question about it; valor and courage.

15

Christine summed it up right; he went way beyond

16

the call of duty, putting his own safety at risk

17

to save someone else. It's amazing in a city like

18

this that you find someone with that type of

19

courage and valor to put themselves out there like

20

that. We're very proud of him, proud to have him

21

as a member.

22

Talking with him, he's a young man

23

who has a lot going on. He's actually taking the

24

police test, he told me, this Saturday. This city

25

would be greatly enriched to have someone of his

1

2 caliber as part of New York's finest.

3 [Applause]

4 So I thank you. The 120,000  
5 members of 32BG are very proud of you and you  
6 represent the finest of what we are. Thank you.

7 SPEAKER QUINN: And let me now give  
8 the mic to Mr. Dilian. I just most significantly  
9 want to say thank you and you make us very, very  
10 proud.

11 ELVIS DILIAN: For starters I just  
12 want to say thank you to everyone that is here,  
13 all the members of the union, members of where I  
14 work at also, some of the tenants that are here,  
15 my beautiful family, my girlfriend Liza, my sister  
16 LiLi, best friend Malan, another tenant of mine,  
17 Brian. As I said earlier, I'm not a member of the  
18 finest yet but as confident as I am when I do pass  
19 the test Saturday I am ready to become one of New  
20 York City's finest and help protect the City of  
21 New York.

22 But I just first actually want to  
23 say thank you to everyone. I really do appreciate  
24 it. And I am blessed. Thank you.

25 [Applause]

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SPEAKER QUINN: Thank you very much. We would be so lucky to have you be one of our newest police officers. Thank you very much. Thank you all for coming. Thank you. All right. Our final ceremonial today is one that's going to be led by Council Member Melissa Mark-Viverito. It's an important historic ceremonial so let me turn the mic over to Melissa and she can call folks up.

COUNCIL MEMBER MARK-VIVERITO: If we can have representatives that are here to join in the proclamation, I would greatly appreciate it. Thank you. This year mark's the 40th anniversary of the Young Lords Party. This is actually the first ceremonial that I'm doing in the chambers and it's very significant for me personally.

The Young Lords Party obviously was made up primarily, but not solely, of Puerto Rican youth. As I mentioned, back in 1969 that we're organizing to really speak out against great social injustice and civil injustice that was happening throughout the city. It was based in El Bajio in East Harlem, basically a block from where



1  
2 I live was their first action is where it  
3 occurred, where we were this past August to  
4 celebrate the 40th anniversary.

5           It was based primarily in El Bajio,  
6 as I mentioned, in the South Bronx and the Young  
7 Lords fought against police injustice, poor health  
8 care, for tenant rights, for education, and  
9 quality and Puerto Rican independence. The Young  
10 Lords Party obviously is no longer in existence  
11 but their legacy lives on, not only through the  
12 individuals that continue to really permeate the  
13 life of New York City. We have Juan Gonzalez as  
14 an example, Pana Malba, Miner Vasoya, Sonya Rany,  
15 many others, Ediz Morales, many others that are  
16 still around. It's through the actions that they  
17 took on back then.

18           Just to give you two examples of  
19 the first one that I mentioned was there was a  
20 church, which still exists, the First Methodist  
21 Church on 111th Street and Lexington Avenue, which  
22 was not providing the space or making the space  
23 available to a variety of food, nutrition program  
24 for young people. Despite the fact that during  
25 the week most of the space was basically free and

1  
2 open. The Young Lords basically took over the  
3 church and wanted to make and claim that that  
4 space needed to provide services to the community.  
5 That happened and they were providing a food  
6 program for a period of time out of the church.

7           They also were basically denouncing  
8 the lack of health care in our communities and did  
9 actions at Lincoln Hospital and basically got  
10 programs, particularly the TB program that started  
11 out of those actions. Many others but their  
12 legacy does live on, 40 years of the Young Lords  
13 Party is what we're celebrating today. As a  
14 Puerto Rican, obviously, I'm very proud of what  
15 they did as a way of organizing.

16           These were primarily young people  
17 in their late teens, early 20s that were really  
18 appalled at the living conditions, at the lack of  
19 services, the lack of attention. So they took  
20 matters into their own hands and organized  
21 themselves to claim and to clamor for social  
22 justice. Having said that, I don't want to talk  
23 too much but I do--don't know if Charles or Rosie,  
24 who are also signing on to the proclamation would  
25 like to make just a quick statement. Rosie?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

COUNCIL MEMBER MENDEZ: Thank you Melissa. As a young Puerto Rican woman who grew up in New York City, I think for many of us there was a disconnect between the Island and New York. That's what the Young Lords Party was about. It was about empowerment, it was about pride and it was about making those ties to the Island. It certainly resonated with me and when I got older and I learned our history and I met many of the former members of the Young Lords. We continued to work together in many different venues, particularly through the National Congress for Puerto Rican rights, which is being reorganized and I'm very proud of that.

My only regret is that our brother Richie Perez who passed away five years ago from cancer can not be with us physically today; I know he is with us. We will continue the struggle for our people and for Richie. Thank you.

Com: I just want to say congratulations to Panama and all the members of the Young Lords. I had the pleasure of meeting most of them when I was in the Black Panther Party. We were almost like cousin organizations.

1  
2 I think the Chairman at that time was Felipe  
3 Louisano on the lower east side. Richie Perez and  
4 I grew up together in the movement from the  
5 Panthers and the Young Lords to the Black United  
6 Front for me to the Puerto Rican Congress for  
7 Richie. Then Panama got me in trouble in CUNY.  
8 Him and Richie used to fight all the time with  
9 people at Brooklyn College. I got in trouble with  
10 them. I was decent speaker before I met these  
11 guys here. It's Panama, it is Panama, it is  
12 Panama who got me in trouble all the time.

13 [Laughter]

14 A great organization; we definitely  
15 applaud you for all the work and the contributions  
16 that you've made and for your longevity in this  
17 movement. It's not easy to stay around a long  
18 time fighting the way we fight and you've done a  
19 good job and so has the Young Lords. I know  
20 Richie is not upon us; he's here.

21 COUNCIL MEMBER MARK-VIVERITO:  
22 We're going to ask for speaking of the people that  
23 are here but if you could just read the  
24 proclamation, Clerk. Thank you.

25 CLERK: Council City of New York

1  
2 Proclamation, whereas the Council of the City of  
3 New York is proud to pay tribute to the Young  
4 Lords for their extraordinary service and  
5 contributions to the Puerto Rican community in New  
6 York City and across the United States.

7           And whereas, faced with extreme  
8 economic hardship in Puerto Rico, thousands of  
9 Puerto Rican workers came to America to follow the  
10 promise of opportunity. Between 1940 and 1970,  
11 the Puerto Rican population of New York City rose  
12 from 61,000, less than 1% of the total population,  
13 to more than 817,000, more than 10% of the total.  
14 Although they shared a dream of peace, freedom and  
15 a more prosperous future, they confronted low wage  
16 jobs, unemployment, lack of educational  
17 opportunities, and health care and rampant  
18 discrimination.

19           And whereas, in July 1969 a group  
20 of young Puerto Ricans formed the New York State  
21 chapter of the national Young Lords Organization  
22 based in Chicago. In the years that followed, the  
23 Young Lords organized in East Harlem, bringing  
24 attention to the poverty, lack of health care and  
25 affordable housing, police abuse, inadequate

1  
2 education and other issues. Within a short time,  
3 branches were formed in other cities including  
4 Hoboken, Philadelphia, Bridgeport and Boston.  
5 United by the call for justice, the Young Lords  
6 organization grew into the Young Lords Party and  
7 into the Puerto Rican Revolutionary Workers  
8 Organization, fighting for equality and human and  
9 civil rights of Puerto Ricans and the liberation  
10 of Puerto Rico.

11           And whereas, by the mid-1970s the  
12 movements of the 60s ceased to exist. But not  
13 before they ushered in monumental changes in  
14 progress. Today, the Young Lords are remembered  
15 as fighters for the humanity and rights of the  
16 Puerto Rican people.

17           Now therefore be it known that the  
18 Council of the City of New York is proud to honor  
19 the extraordinary contributions and enduring  
20 legacy of the Young Lords organization on the  
21 occasion of its 40th anniversary. Christine C.  
22 Quinn, speaker for the entire Council, Melissa  
23 Mark-Viverito Council Member Eight District  
24 Manhattan, Rosie Mendez Council Member Second  
25 District Manhattan, Charles Baron Council Member

1

2 Forty-Second District Brooklyn.

3 COUNCIL MEMBER MARK-VIVERITO: Now,  
4 I think we'll hear from Panama, Vincente Panama  
5 Alba.

6 VINCENTE PANAMA ALBA: On behalf of  
7 Nebuar Soya, of Caesar Torres, myself Vincente  
8 Alba and all members of Young Lords, we humbly  
9 thank the New York City Council for this  
10 proclamation.

11 Very briefly I will say this, as  
12 Young Lords, we studied our past to forge our  
13 future and that struggle continues. It's very  
14 important that today I ask the New York City  
15 Council Members, Puerto Ricans, African Americans,  
16 all of City Council people who are the broadest  
17 body that represents New Yorkers to join us  
18 tomorrow. In Puerto Rico there will be a national  
19 stoppage because of the crisis that is going on in  
20 Puerto Rico.

21 Since January, 25,000 public sector  
22 workers have been fired. That has created a  
23 crisis of unemployment, of furthering poverty and  
24 of the services that the people of Puerto Rico  
25 need and deserve. Tomorrow at 12:00 noon, Lacka

1  
2 and New York City's Labor Movement will be at the  
3 steps of City Hall to hold a press conference that  
4 I will ask every Council Member to join us  
5 tomorrow at 5:00. We will be in front of the  
6 offices of Federal Affairs for Puerto Rico at 50th  
7 Street, 135 West 50th Street. We will ask you to  
8 join us to raise our voice on behalf of all New  
9 Yorkers for justice for the people of Puerto Rico.  
10 Thank you very much.

11 [Applause]

12 SPEAKER QUINN: I just wanted to  
13 say I think Council Member Mendez has put a flyer  
14 in everybody's desk about the issue Panama has  
15 raised as well so people should look for that.  
16 Thank you and that concludes today's ceremonials.

17 [pause]

18 SERGEANT AT ARMS: Ladies and  
19 gentlemen can I have your attention, please? At  
20 this time, can you please place all cell phones  
21 and pagers to vibrate. Will all non-council  
22 employees, lobbyists, please leave the main floor  
23 of the chambers. Thank you.

24 MAJORITY LEADER RIVERA: Please  
25 rise for the Pledge of Allegiance.



1  
2 ALL: I pledge allegiance to the  
3 flag of the United State of America, and to the  
4 Republic for which it--[pause] and justice  
5 [pause]. Roll call.

6 CLERK: Arroyo.

7 COUNCIL MEMBER ARROYO: Here.

8 CLERK: Avella.

9 COUNCIL MEMBER AVELLA: Here.

10 CLERK: Baez.

11 [No response]

12 CLERK: Barron.

13 COUNCIL MEMBER BARRON: Here.

14 CLERK: Brewer.

15 COUNCIL MEMBER BREWER: Here.

16 CLERK: Comrie.

17 COUNCIL MEMBER COMRIE: Here.

18 CLERK: Crowley.

19 [No response]

20 CLERK: deBlasio.

21 [No response]

22 CLERK: Dickens.

23 COUNCIL MEMBER DICKENS: Here.

24 CLERK: Dilan.

25 [No response]

1  
2 CLERK: Eugene.  
3 Present.  
4 CLERK: Felder.  
5 Here.  
6 CLERK: Ferreras.  
7 [No response]  
8 CLERK: Fidler.  
9 Here.  
10 CLERK: Foster.  
11 [No response]  
12 CLERK: Garodnick.  
13 Here.  
14 CLERK: Gennaro.  
15 [No response]  
16 CLERK: Gentile.  
17 Here.  
18 CLERK: Gerson.  
19 Here.  
20 CLERK: Gioia.  
21 [No response]  
22 CLERK: Gonzalez.  
23 Here.  
24 CLERK: Ignizio.  
25 [No response]

1  
2 CLERK: Jackson.  
3 COUNCIL MEMBER JACKSON: Here.  
4 CLERK: James.  
5 [No response]  
6 CLERK: Katz.  
7 [No response]  
8 CLERK: Koppell.  
9 COUNCIL MEMBER KOPPELL: Here.  
10 CLERK: Lappin.  
11 [No response]  
12 CLERK: Liu.  
13 [No response]  
14 CLERK: Mark-Viverito.  
15 [No response]  
16 CLERK: Mealy.  
17 [No response]  
18 CLERK: Mendez.  
19 COUNCIL MEMBER MENDEZ: Here.  
20 CLERK: Mitchell.  
21 COUNCIL MEMBER MITCHELL: Here.  
22 CLERK: Nelson.  
23 [No response]  
24 CLERK: Palma.  
25 COUNCIL MEMBER PALMA: Here.

1  
2 CLERK: Recchia.  
3 COUNCIL MEMBER RECCHIA: Aye.  
4 CLERK: Reyna.  
5 COUNCIL MEMBER REYNA: Present.  
6 CLERK: Sanders.  
7 [No response]  
8 CLERK: Seabrook.  
9 COUNCIL MEMBER SEABROOK: Here.  
10 CLERK: Sears.  
11 COUNCIL MEMBER SEARS: Here.  
12 CLERK: Stewart.  
13 COUNCIL MEMBER STEWART: Present.  
14 CLERK: Ulrich.  
15 COUNCIL MEMBER ULRICH: Here.  
16 CLERK: Vacca.  
17 COUNCIL MEMBER VACCA: Here.  
18 CLERK: Vallone.  
19 [No response]  
20 CLERK: Vann.  
21 COUNCIL MEMBER VANN: Present  
22 CLERK: Weprin.  
23 COUNCIL MEMBER WEPRIN: Here.  
24 CLERK: White.  
25 [No response]

1

CLERK: Yassky.

2

[No response]

3

CLERK: Dilan.

4

COUNCIL MEMBER DILAN: Here.

5

CLERK: Ignizio.

6

COUNCIL MEMBER IGNIZIO: Here.

7

CLERK: Oddo.

8

COUNCIL MEMBER ODDO: Here.

9

CLERK: Rivera.

10

COUNCIL MEMBER RIVERA: Here.

11

CLERK: Speaker Quinn.

12

SPEAKER QUINN: Here.

13

CLERK: We have a quorum.

14

MAJORITY LEADER RIVERA: Quorum is

15

present. Ladies and gentlemen please rise for the  
invocation being delivered today by Reverend  
Doctor Graff, the Senior Advisor of the New York  
Theological Seminary.

16

17

18

19

REVEREND DOCTOR GRAFF: Oh, Lord,

20

our God, when I in awesome wonder consider all the  
worlds Thy hands have made, I see the stars, I  
hear the rolling thunder. Thy power throughout  
Thy universe displayed. Then sings my soul, my  
savior God to thee, how great Thou art, how great

21

22

23

24

25

1

2 Thou art.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Our Father and our God, the God of Abraham, Isaac and Jacob, the maker of heaven and earth, we come before Your throne of grace to praise Your name and give thanks. On this occasion in the greatest democracy, in the greatest city on Your planet, we impose to invite today Your presence in these hallowed halls. Come in to our discussions and our deliberations. Bless those who have the privilege to serve in this place. Help them to remember why they first came here. Help each of the persons under the sound of my voice today to make a difference.

Above all else, help us to maintain our commitments to the least of these, the children trembling from gun violence in our streets, the newcomers to our shores trying to make freedom their reality and our seniors seeking peace in their autumn years. They are counting on the men and women in these chambers to remember them and hear Your voice. You are bigger than the Democrats and the Republicans. You are bigger than the Recession and our afflictions. You can do anything but fail.

1  
2 We pray down Your power on to this  
3 city. Help us to represent Your kingdom here on  
4 earth. Station Your angels of grace and mercy at  
5 each doorway to remind us whose we are. And when  
6 our praying days down here are through, make for  
7 us a home in Your kingdom as You promised You  
8 would. These blessings we ask in Your precious  
9 name and the city that loves God said Amen.

10 MAJORITY LEADER RIVERA: Council  
11 Member Dickens

12 COUNCIL MEMBER DICKENS: Reverend  
13 Doctor Graff, although you're a senior advisor you  
14 are also an associate minister at Canaan Baptist  
15 Church. You are a leader in the Harlem community,  
16 an advisor and a loyalist. That makes me so proud  
17 to make a motion to spread the invocation in full  
18 upon the record.

19 SPEAKER QUINN: Thank you Council  
20 Member Dickens. If I could ask our colleagues to  
21 please stand again, thank you.

22 On September 26, 2009, Clifton  
23 Maloney, 71, the husband of Congresswoman and  
24 former Council Member Carolyn Maloney and father  
25 of daughters Christina and Virginia died in his

1  
2 sleep after successfully climbing the world's  
3 sixth tallest mountain on the border of Nepal and  
4 Tibet. After reaching the 26,906 foot peak, his  
5 party descended down to 23,000 feet where they  
6 camped for the night. Clifton Maloney was found  
7 dead the next morning in his tent.

8 Clifton Maloney was a Navy veteran  
9 who graduated Princeton University and Harvard  
10 Business School. He competed at the New York City  
11 Marathon more than 20 times and was an avid  
12 mountain climber and avid sailor. His last words  
13 were "I'm the happiest man in the world. I just  
14 climbed a beautiful mountain."

15 Clifton Maloney's funeral was held  
16 at Brigg Church on October 9th. I know I speak  
17 for Congresswoman Maloney and she wanted me to  
18 extend her deepest thanks to everyone who stopped  
19 by her house to see her or who attended the  
20 funeral on the 9th.

21 On Friday, October 2, 2009, New  
22 York City Sanitation Department worker, Richard  
23 Timmons, died of an apparent heart attack while on  
24 recycling duty in Queens. Sanitation worker  
25 Timmons was assigned to Queens East District 11



1

2 but was working that day in District 8.

3

4

5

6

7

8

9

10

He joined the Department in April 2004 and sadly leaves behind his wife Sydney and his son Zachery who is 9. Sanitation worker Timmons was one of the thousands dedicated sanitation workers who performed strenuous work on a daily basis. His funeral was held on October 7th at Our Lady of the Snows, Roman Catholic Church in Floral Park.

11

12

13

14

15

16

17

18

19

20

21

On October 4, 2009, Army specialist Kevin Hill of Brooklyn, New York who lived in Council Member Dilan's district died in Afghanistan of wounds suffered when enemy forces attacked his unit using small arms and indirect fire. Specialist Hill was assigned to the 576th Mobility Augmentation Company from Fort Carson, Colorado. Specialist Hill spoke to his mother a few days before his death at which time she told him that she was praying for his safe return, which was scheduled for February.

22

23

24

25

He didn't like to talk about the war much but he told his sister that a few of his friends had already been killed in combat. Specialist Hill leaves behind his mother, his

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

sister and other relatives and friends.

Lastly on October 4, 2009 former Council Member Miriam Freeland who was 95 passed away at NYU Medical Center. Council Member Freeland served her east village and lower east side district for 18 years from 1974 through 1991. She fought tirelessly for women, tenants, the LGBT community, people with AIDS, domestic violence victims, children and others.

She was born in Pittsburg in 1914 to Russian immigrants. Miriam moved as a child to the Bronx and then to Manhattan. After attending Aviander Childs High School for several yeas, she graduated from Hunter High School and then NYU. Coming from a politically conscious family, she learned at a young age to be active in community and political affairs.

She was proud to boast that she fought with all three mayors who served while she was in the Council but also added that despite differences, she also worked with them for the betterment of her district. Council Member Freeland is survived her a son, Professor Paul Freeland, who is named after her brother who

1  
2 died fighting in the Lincoln Brigade during the  
3 Spanish Civil War. She is also survived by her  
4 grandson, David.

5 I know before we take a moment of  
6 silence for the four individuals I just mentioned,  
7 Council Member Mendez wanted to say a few words  
8 about Council Member Freeland, with whom I know  
9 she was very, very close. I know Miriam was a bit  
10 of a, not a bit but a lot of a mentor to Rosie and  
11 somebody who in the years when her district didn't  
12 feel fully represented was kind of still the  
13 Council Member and somebody who you all really  
14 hung on to. On behalf of all of us we extend you  
15 and everyone on the lower east side our deepest  
16 condolences.

17 I know Rosie is organizing a  
18 community memorial in the chambers for Council  
19 Member Freeland and we'll share that date with  
20 everyone.

21 COUNCIL MEMBER MENDEZ: Thank you  
22 Speaker Quinn. When I received the news that  
23 Miriam had passed away it was sort of bittersweet.  
24 I was sad she was gone but I knew she had lived a  
25 long, full life and that brought me and many of us

1

2

comfort.

3

4

5

6

7

8

9

10

11

12

Miriam served on this body in a time where it was far less diverse and less representative of all of New York City. She was often a minority voice for progressive ideas and that would never stop her. She always made her opinions known. I remember through the years as when I lived in Brooklyn, coming to Manhattan on two occasions to campaign for her because I knew of her background and the way she fought for tenant rights.

13

14

15

16

17

18

19

20

21

22

23

24

25

As a student at NYU, watching the New York City Council vote on gay rights, she was a sure yes vote on the City Council. And in 2006 in June when we had our gay pride event here, Madam Speaker, she at the age of 91 just hopped on the train. I saw her outside and I walked with her inside. At some point I saw you and Miriam got lost. She just started talking to people. I told you that she was here and you said make sure she sits up in the front with the Council Members and that meant a lot to her. It certainly meant a lot to me, too. Thank you for your generosity.

Her fighting spirit remains a

1

2 hallmark for activism in our community and for  
3 hopefully the Council people who represent the  
4 district. Thank you all and thank you Madam  
5 Speaker for that moment.

6 SPEAKER QUINN: Thank you Council  
7 Member Mendez. Thank you.

8 MAJORITY LEADER RIVERA: Thank you  
9 very much. Adoption of the minutes. Council  
10 Member Jackson. Messages and papers from the  
11 Mayor?

12 COUNSEL: None.

13 MAJORITY LEADER RIVERA:  
14 Communications from city, county and borough  
15 offices.

16 COUNSEL: None.

17 MAJORITY LEADER RIVERA: Petitions  
18 and communications.

19 COUNSEL: None.

20 MAJORITY LEADER RIVERA: Land Use  
21 call ups.

22 COUNSEL: M1628.

23 SPEAKER QUINN: If we could please  
24 get a roll call on the Land Use call up.

25 CLERK: Arroyo.

1

COUNCIL MEMBER ARROYO: Aye.

2

3

CLERK: Avella.

4

COUNCIL MEMBER AVELLA: Aye and I'd

5

like unanimous consent to vote on all other

6

coupled general orders.

7

MAJORITY LEADER RIVERA: So

8

ordered.

9

COUNCIL MEMBER AVELLA: I vote yes

10

on every couple general orders except for Land Use

11

1224, I vote no.

12

CLERK: Barron.

13

COUNCIL MEMBER BARRON: I vote aye

14

on all and I request unanimous consent to vote aye

15

on all general order items.

16

MAJORITY LEADER RIVERA: So

17

ordered.

18

COUNCIL MEMBER BARRON: Thank you.

19

CLERK: Brewer.

20

COUNCIL MEMBER BREWER: I vote aye.

21

CLERK: Comrie.

22

COUNCIL MEMBER COMRIE: Aye.

23

CLERK: Crowley.

24

COUNCIL MEMBER CROWLEY: I vote aye

25

on the call up and with permission I vote aye on

1

2 all coupled general orders.

3 MAJORITY LEADER RIVERA: So

4 ordered.

5 CLERK: Dickens.

6 [No response]

7 CLERK: Dilan.

8 COUNCIL MEMBER DILAN: Aye.

9 CLERK: Eugene.

10 COUNCIL MEMBER EUGENE: Aye.

11 CLERK: Felder.

12 COUNCIL MEMBER FELDER: Yes.

13 CLERK: Ferreras.

14 [No response]

15 CLERK: Fidler.

16 COUNCIL MEMBER FIDLER: Yes.

17 CLERK: Garodnick.

18 COUNCIL MEMBER GARODNICK: Aye.

19 CLERK: Gennaro.

20 COUNCIL MEMBER GENNARO: I vote yes

21 and I ask consent to vote on all items on today's

22 calendar.

23 MAJORITY LEADER RIVERA: So

24 ordered.

25 COUNCIL MEMBER GENNARO: I vote yes

1  
2 on all coupled general orders, resolutions and  
3 whatever's on the calendar. Thank you.

4 CLERK: Gentile.

5 COUNCIL MEMBER GENTILE: Aye.

6 CLERK: Gerson.

7 COUNCIL MEMBER GERSON: Aye and  
8 with permission of my colleagues, I vote yes on  
9 all items set for today's calendar including 106  
10 Kenmore Street sidewalk café application subject  
11 to conditions read into the record at the sub  
12 committee meeting. Thank you.

13 CLERK: Gioia.

14 COUNCIL MEMBER GIOIA: Thank you.

15 I vote yes and I request unanimous consent to vote  
16 yes on all matters before us. Thank you.

17 MAJORITY LEADER RIVERA: So  
18 ordered.

19 CLERK: Gonzalez.

20 [No response]

21 CLERK: Ignizio.

22 [No response]

23 CLERK: Jackson.

24 COUNCIL MEMBER JACKSON: I vote yes  
25 but Mr. Chair when you asked for a motion on the



1  
2 minutes I don't know if you heard that I motioned  
3 that the minutes of the stated meeting of July  
4 29th and August 20th, 2009 be adopted as printed.  
5 I don't know if you heard that.

6 MAJORITY LEADER RIVERA: Thank you.

7 COUNCIL MEMBER JACKSON: Thank you.

8 CLERK: James.

9 COUNCIL MEMBER JAMES: Aye.

10 CLERK: Katz.

11 [No response]

12 CLERK: Koppell.

13 [No response]

14 CLERK: Lappin.

15 COUNCIL MEMBER LAPPIN: Aye.

16 CLERK: Liu.

17 COUNCIL MEMBER LIU: Yes.

18 CLERK: Mark-Viverito.

19 COUNCIL MEMBER MARK-VIVERITO: Aye

20 on all.

21 CLERK: Mealy.

22 COUNCIL MEMBER MEALY: Present--

23 aye.

24 CLERK: Mendez.

25 COUNCIL MEMBER MENDEZ: Aye.

1

CLERK: Mitchell.

2

[No response]

3

CLERK: Nelson.

4

COUNCIL MEMBER NELSON: Aye.

5

CLERK: Palma.

6

COUNCIL MEMBER PALMA: Aye.

7

CLERK: Recchia.

8

COUNCIL MEMBER RECCHIA: Aye.

9

CLERK: Reyna.

10

COUNCIL MEMBER REYNA: I vote aye.

11

CLERK: Sanders.

12

COUNCIL MEMBER SANDERS: I vote aye

13

with permission from the Chair, I vote aye on all  
previous land use and other items.

14

15

MAJORITY LEADER RIVERA: So

16

ordered.

17

COUNCIL MEMBER SANDERS: Aye.

18

CLERK: Seabrook.

19

COUNCIL MEMBER SEABROOK: Yes. I

20

vote aye and with the permission and consent from  
the Majority Leader, I'd like to vote aye on all  
coupled and general orders...

21

22

23

MAJORITY LEADER RIVERA: So

24

ordered.

25

1

2

COUNCIL MEMBER SEABROOK: ...of

3

today. Thank you.

4

CLERK: Sears.

5

COUNCIL MEMBER SEARS: I vote aye

6

on all and with the permission of the Chair aye on

7

all general orders.

8

MAJORITY LEADER RIVERA: So

9

ordered.

10

CLERK: Stewart.

11

COUNCIL MEMBER STEWART: Aye.

12

CLERK: Ulrich.

13

COUNCIL MEMBER ULRICH: I vote aye

14

on all and I ask for unanimous consent to vote on

15

all coupled general orders.

16

MAJORITY LEADER RIVERA: So

17

ordered.

18

COUNCIL MEMBER ULRICH: I vote aye

19

on all.

20

CLERK: Vacca.

21

COUNCIL MEMBER VACCA: I vote aye

22

and I ask permission to vote aye on all coupled

23

general orders.

24

MAJORITY LEADER RIVERA: So

25

ordered.

1

COUNCIL MEMBER VACCA: I vote aye.

2

3

CLERK: Vallone.

4

COUNCIL MEMBER VALLONE: I vote aye

5

and ask permission to stay right where I am for

6

the rest of the meeting.

7

MAJORITY LEADER RIVERA: Thank you.

8

COUNCIL MEMBER VALLONE: Thank you.

9

CLERK: Vann.

10

COUNCIL MEMBER VANN: Unanimous

11

consent to vote on all land use call ups and

12

coupled on general orders. I vote aye on all.

13

MAJORITY LEADER RIVERA: So

14

ordered.

15

CLERK: Weprin.

16

[No response]

17

CLERK: Yassky.

18

[No response]

19

CLERK: deBlasio.

20

COUNCIL MEMBER DEBLASIO: I vote

21

aye on all land use call ups and with consent I'd

22

like to vote aye on all items coupled on general

23

order calendar.

24

MAJORITY LEADER RIVERA: So

25

ordered.

1

2

COUNCIL MEMBER DEBLASIO: Thank

3

you.

4

CLERK: Oddo.

5

COUNCIL MEMBER ODDO: Yes.

6

CLERK: Rivera.

7

MAJORITY LEADER RIVERA: I vote aye

8

on all.

9

CLERK: Speaker Quinn.

10

[No response]

11

CLERK: Katz.

12

COUNCIL MEMBER KATZ: I vote aye on

13

land use call ups and request unanimous consent to

14

vote aye on the general order calendar and

15

resolution.

16

MAJORITY LEADER RIVERA: So

17

ordered.

18

COUNCIL MEMBER KATZ: Thank you.

19

Aye on all.

20

MAJORITY LEADER RIVERA: Today's

21

land use call ups were adopted by a vote of 45 in

22

the affirmative, zero in the negative and zero

23

abstentions. Also, just to make note if everyone

24

would please put their cell phones on silent and

25

take their conversations to the outside. Thank

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

you very much.

At this point in time  
communications from the Speaker.

SPEAKER QUINN: Thank you. We're  
voting on a number of important pieces of  
legislation today. The first being proposed Intro  
396-A requiring the New York City Department of  
Education to report on the implementation of  
Billy's Law. Let me thank Chairperson Jackson,  
whose committee this bill went through for his  
work but particularly thank the sponsor of the  
bill, Vinny Gentile, who has been working on the  
issues relevant to Billy's Law since he was a  
State Senator and has continued his vigilance so  
thank you very much. Let me also start to thank  
the staff who worked on this, Asia Shanberg,  
Chairza Naza, Laura Popa and Jan Atwell.

Billy's Law addresses the reality  
that there are very significant number of special  
needs or physically or otherwise disabled children  
in the City of New York for whom the public school  
system does not have the best options for their  
care or their job training. Therefore, in  
consultation with their families and the education

1  
2 system, they end up in placements outside of the  
3 City of New York.

4           What this law will do is make sure  
5 that twice a year we receive clear and detailed  
6 reporting about these placements from the  
7 Department of Education but more significantly,  
8 information about what is happening at these  
9 placements. What is the treatment that is being  
10 provided or is not being provided. Are there  
11 problems on site? Are there incidents to which  
12 the authorities respond?

13           The young man who this law is named  
14 for was in one of these placements.  
15 Unfortunately, he was attacked when he was at this  
16 placement and suffered significant injuries which  
17 his father didn't even know of at the time. We  
18 believe 396-A will go a long way to helping us  
19 more appropriately monitor the care of these  
20 children who are clearly New York's children most  
21 in need and often unable to speak up for  
22 themselves. Billy was in fact threatened that if  
23 he said anything there would be retribution.

24           I want to thank the staff and the  
25 Council Members who have taken steps to speak up

1  
2 and protect these children. Let me first call on  
3 Chairperson Jackson and then the sponsor, Council  
4 Member Gentile.

5 COUNCIL MEMBER JACKSON: Thank you  
6 Madam Speaker. Let me just say that as the Chair  
7 of the Education Committee, this was an extremely  
8 important issue to the sponsoring Council Member,  
9 Vincent Gentile. Obviously, his diligence on  
10 behalf of his constituents and all individuals  
11 that have been impacted, clearly he's a shining  
12 star in everyone's eyes.

13 So as the Chair of the Education  
14 Committee let me just say it was a pleasure in  
15 doing business with Vincent and everyone else to  
16 moving this bill and where we are today.

17 SPEAKER QUINN: Thank you. Again,  
18 I just want to applaud and underscore Council  
19 Member Gentile's long time efforts on behalf of  
20 Billy himself but also other children and other  
21 families like Billy's.

22 COUNCIL MEMBER GENTILE: Thank you  
23 Madam Speaker. There are nearly 300 New York City  
24 special needs children who in the current academic  
25 year who are placed in out of state educational



1  
2 rehabilitative facilities. Until now, these  
3 students would be placed at a facility maybe in  
4 the state of New Hampshire, maybe in the state of  
5 New Jersey, maybe Massachusetts. Throughout that  
6 time neither their parents nor the City Council  
7 were ever provided with basic information about  
8 those facilities on a regular basis.

9           Well, with the expected passage  
10 today of the local version of Billy's Law, that  
11 will change. When our children are beyond our  
12 city and state borders when they are out of sight,  
13 they will no longer be out of mind. The  
14 Department of Education, and I thank them for  
15 their support of this law and the willingness to  
16 implement it, will be required to report on these  
17 children as the Speaker just outlined. And this  
18 report would be required to be on the DOE web site  
19 so that parents and others can access it.

20           This local law does mimic the state  
21 Billy Law, which was passed in 2005 and I first  
22 introduced in 2001 as a state senator. But this  
23 local law brings the information closer to home so  
24 that parents like Vito Albanese from my district  
25 and his son, Billy Albanese, for whom this bill

1  
2 was named, will not suffer the abuses and the  
3 sufferings that they had to go through. Had  
4 Billy's Law been in place when Billy was in New  
5 Hampshire the city might have had the insight and  
6 oversight to put a stop to his abuse sooner.

7 Vito could not be here today, the  
8 father. But he did ask me to just say a few words  
9 on his behalf. He wrote to me the following:  
10 those who can not speak or advocate for themselves  
11 require our highest standards of planning and  
12 oversight. You have begun that process today and  
13 I feel certain that New York City will elect to  
14 take a leadership role in enacting protective  
15 legislation to make this city and state national  
16 models and leaders in the disabilities field.

17 I got to thank Speaker Christine  
18 Quinn for supporting me in this protection of our  
19 city's most vulnerable children who may be  
20 hundreds of miles away from us as well as thanks  
21 to legislative directors Rob Newman, Laura Popa  
22 and Policy Analyst Joseph Mancino and Asia  
23 Shanberg. All of them worked diligently to make  
24 this bill into reality and everything it needed to  
25 be for all of those special needs children from

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

New York City that are sent out of state.

Obviously thank you to my colleague and Education Chair, Robert Jackson, for recognizing, really recognizing the important need for oversight of out of state educational facilities by New York City and this Council. I urge the passage of this bill and thank you again, Madam Speaker.

SPEAKER QUINN: Thank you Council Member Gentile. The next, let me mention Intro 1015-A. It's a bill that deals with stalled construction sites in the City of New York. I want to thank Jeff Haberman, Bob Baham, Ben Goodman for all of their work on this legislation. They worked very long and hard on it. I want to thank Council Member Dilan who's very, very, very busy committee, this was shepherded through and I want to thank him for that. And Council Member Dan Garodnick, the sponsor of the bill who not only authored it but actually worked very hard with the Chair and other Council Members. I want to thank Lou Fidler in particular to make the bill even better and more inclusive of community concerns.

1  
2 We look around our city and we see  
3 sites where buildings were going to be built. For  
4 no fault of the developer, their credit has run  
5 out because of the recession. They want to finish  
6 the building; they can't. What happens when you  
7 have an undone building? Often it can turn into  
8 blight. It can turn into a place where graffiti  
9 is all over the sidewalk shed. There may or may  
10 not be enough lighting. There may not be snow  
11 being shoveled, ice being taken care of. There  
12 may not even be proper sidewalk.

13 Problems that become blights in our  
14 neighborhood often can lead to criminal activity.  
15 Now we don't have a big stick in this battle. We  
16 can't beat people into starting work again if they  
17 don't have credit. But what we can do is in the  
18 carrot and stick model, create a carrot. And  
19 that's what this bill very wisely does. It will  
20 get the folks who own these sites to register with  
21 the Department of Buildings and they have to be in  
22 the active period. This isn't for old or timed  
23 sites where people have basically walked away.

24 But you register with the city, you  
25 commit to a quality of life maintenance plan that

1  
2 will deal with the type of blight issues I talked  
3 about. If you live up to that plan and you've  
4 addressed any existing violations then when you  
5 get credit again, your building permits at the  
6 time your permits expire will be honored and you  
7 will not have to reapply.

8           This is a tremendous benefit to a  
9 developer. They save the time and expense of  
10 starting over and can begin work as soon as they  
11 have credit. I want to thank the Chair again and  
12 the sponsor, Dan Garodnick. This bill sunsets in  
13 2013 because we hope and pray we are out of this  
14 credit crisis by then. But this is a very smart  
15 solution to a particular problem the recession has  
16 caused.

17           I want to thank the Council Members  
18 and staff who worked on it very much. Let me  
19 first call on Chairperson Dilan and then Council  
20 Member Garodnick.

21           COUNCIL MEMBER DILAN: I would like  
22 to ditto the speaker on the thanks to the staff.  
23 Like the Speaker said, the main thing about this  
24 bill is that it does sunset in 2013. I agree, she  
25 just whispered to me that's all it gets. I agree

1  
2 that's all it should get. The city shouldn't be  
3 in the habit of subsidizing private development.

4           While this is not a direct subsidy,  
5 it does make things easy because not all of these  
6 buildings are going to complete all the work. But  
7 what it does do is if another entity wants to come  
8 in and acquire a building that's stalled and they  
9 have the building permit in place, this will  
10 facilitate the sale.

11           But I wanted to talk to some of the  
12 details of the amendments. I really want to thank  
13 the members of the committee because by my count  
14 at least three or four members actually offered up  
15 amendments. I want to thank Council Member  
16 Garodnick for being gracious enough to accept the  
17 amendments because I believe in the end it made  
18 it a better bill.

19           One of the amendments that were  
20 offered up were common sense things. If you have  
21 outstanding immediately hazardous violations, you  
22 can't participate in the program. You have to  
23 correct those hazardous violations first before you  
24 can participate in this program. If you have an  
25 outstanding adjudicated fines, you have to correct

1  
2 those first before you can participate in the  
3 program. Other things that speak to the blight in  
4 more detail, the removal of snow and ice from  
5 sidewalks, something that Council Member Vallone  
6 will appreciate, the removal of litter and  
7 graffiti from your site.

8           These are common sense things that  
9 belong in this type of bill. It requires the  
10 removal of any volatile liquids or gases from  
11 these construction sites that could cause a  
12 potential danger to the general public. Removal  
13 of stagnant water, removal of excess vegetation;  
14 so these are the amendments that were offered up  
15 by the members of the committee.

16           I believe they may or may not have  
17 been included into the program by rule by the  
18 Commissioner but we're not 100% sure. If it took  
19 the amendments to get the members of the committee  
20 more comfortable with the bill, it's good that we  
21 did the amendments. Again, I want to thank  
22 Council Member Garodnick for the flexibility of  
23 accepting the amendments and for the bill as well.  
24 Thank you Madam Speaker.

25           SPEAKER QUINN: Thank you. Council

1

2 Member Garodnick.

3

4

5

6

7

8

9

COUNCIL MEMBER GARODNICK: Thank you Speaker Quinn. Chairman Dilan, thank you for your kind words. We certainly did appreciate all of the feedback that we got on this piece of legislation and certainly your committee was very active in doing that and of course, Council Member Fidler, for his specific suggestions.

10

11

12

13

14

15

16

17

18

19

We all know that there's no question that the building boom gave some neighborhoods some growing pains. But since the bottom fell out of the construction industry. We have seen that those effects can be just as bad. Absolutely no one is served by half built structures and unsecured work sites. They are an eye sore, a hazard for local residents and they serve as a constant reminder of lost investments and lost revenue for the city.

20

21

22

23

24

25

But our legislation will work to make these sites safer and to motivate developers to work cooperatively with the Department of Buildings to maintain them. When the economy improves and credit starts flowing, builders will be able to jump right back in to their projects,



1  
2 employing New Yorkers and driving business. If  
3 builders lose their financing, they do not want to  
4 have to go back to the drawing board. And I think  
5 and know that they will gladly take a proactive  
6 approach to safety for the good of their projects.

7 I want to thank the various  
8 community groups that participated in adding their  
9 feedback. We already discussed the contributions  
10 that were added from the Committee on Buildings.  
11 This is what the legislative process is supposed  
12 to look like. We made changes to make this bill  
13 stronger. I believe that it certainly will help  
14 in the immediate problem that we're facing today.

15 Stalled construction sites can be  
16 like an open wound in a community, a mini blight  
17 dragging down businesses and property values.  
18 This is a bill that will make these sites safer,  
19 vastly improve the neighborhoods of the city and  
20 help us weather the storm that we're currently in.  
21 So again, I want to thank Speaker Quinn, Chair  
22 Dilan and I encourage my colleagues to vote yes.

23 SPEAKER QUINN: Thank you very much  
24 Council Member Garodnick. Lastly we're voting  
25 today on Intro 433-A, a piece of legislation that

1  
2 deals with the regulation of flavored tobacco  
3 products in New York City. I want to take a  
4 special moment to really thank Adira Simon and Joe  
5 Mancino who did tremendous work on this  
6 legislation. If we could give them a round of  
7 applause for a moment.

8 [Applause]

9 I want to thank the Chair of the  
10 committee and the sponsor of the bill, Joel  
11 Rivera, who has really been for a number of years  
12 now the driving force behind this legislation and  
13 moving forward, what I think is a very important  
14 step toward protecting New York City's children.  
15 So Joel, thank you very, very much.

16 [Applause]

17 He does deserve a round of  
18 applause. It's pretty simple. In the City of New  
19 York, across the country really, we are seeing  
20 tobacco industries continue to target young  
21 people. How are they doing that? By taking  
22 flavored cigars, flavored little cigars, flavored  
23 cigarillos, flavored loose tobacco. Packaging it  
24 and advertising it in a way that is without a  
25 doubt focused on young people. Chocolate,

1

2 chocolate chip, grape, little cigars in containers  
3 or packages that look just like a pink lip gloss.

4

5 The ads for these are right below  
6 and above the candy stand when you walk in to a  
7 store and often are placed right above the candy  
8 stand. Now, this is obviously troubling in  
9 general. It's particularly troubling because  
10 although cigarette use in the city among young  
11 people is down 60 plus percent, cigar use among  
12 young people in the city is only down 40 plus  
13 percent and the use of loose tobacco is up a  
14 significant level. So we are not, as it relates  
15 to cigars and not at all as it relates to loose  
16 chewing tobacco, winning the war in reducing the  
17 use or particularly the use against young people.

17

18 Some have asked what's the urgency  
19 to do this law right now in New York City. The  
20 FDA took steps recently to pass a ban on flavored  
21 cigarettes. They didn't take action on cigars,  
22 cigarillos or loose tobacco. And as we've seen  
23 time and time again, the tobacco industry is  
24 trying to take that loophole and drive a truck  
25 through it. How are they doing this?

25

Tobacco companies have already

1  
2 admitted that they are actively converting their  
3 flavored cigarette products into flavored cigars,  
4 cigarillos and loose tobacco. They are committed  
5 to not losing this market of young impressionable  
6 people to create their customers of the future,  
7 which we know will create people who will battle  
8 an addiction the rest of their lives and battle  
9 the corresponding health concerns.

10 Some say there isn't enough science  
11 and data here. The press conference earlier  
12 today, we went through four or five different  
13 studies that clearly indicate the trends are such  
14 that we have to act. Others will say, but this is  
15 incredibly bold. Should you be going this far?  
16 It is bold, it is far reaching; that's what we  
17 need to do to protect New York City's children.

18 When you look at these products,  
19 grape wrapped in purple sparkly paper that looks  
20 like it's a fruit chew or something above the  
21 candy, a little mini cigar in a package that looks  
22 like lip gloss when we are failing in our efforts  
23 to prevent young girls from starting to smoke. It  
24 is bold. And it will have an impact on some  
25 adults who like some of these brands. And for

1  
2 those folks who are impacted, I am sorry. But we  
3 have to do everything we can to protect New York  
4 City's children from starting down a path which we  
5 all know is so incredibly difficult to ever get  
6 off.

7           So I am incredibly proud of the  
8 debate we've had on this. I'm proud that it has  
9 been long and vigorous and that Chair Rivera has  
10 engaged in due diligence. That we had an active  
11 Democratic Caucus on the topic. I urge my  
12 colleagues to vote yes for this bill today to  
13 protect the children of New York City and to send  
14 a message to the tobacco industry that we will not  
15 let them target, in any flavor or any way, our  
16 young people. We'll keep our children out of  
17 harm's way.

18           Let me call on the sponsor of the  
19 bill and the Chair of the committee. I know I  
20 speak for all of my colleagues, whether you are  
21 voting yes or voting no, Chair Rivera thank you  
22 for bringing this issue to the forefront. For  
23 making New York City the first major city to take  
24 this topic up and for keeping us focused on it in  
25 a thorough and responsible way.

1  
2 MAJORITY LEADER RIVERA: Thank you  
3 very much Madam Speaker. I just want to thank you  
4 in particular because your leadership on this  
5 issue as well as been stellar. I want to thank  
6 the counsel to the committee, Adira, Joe Mancino,  
7 Rocco and the entire Revenue Division for their  
8 hard work.

9 My colleagues, the fact of the  
10 matter is the tobacco industry has been targeting  
11 our youth for many years. From the days of Joe  
12 Camel caricatures to now with the slick marketing  
13 campaign of having a Bubbalicious flavor,  
14 strawberry flavor, cookie dough flavor, chocolate  
15 chip flavor cigar which I have yet to find an  
16 adult that smokes a strawberry flavored cigar.

17 The concern that I have and that  
18 many of us have had is that the direct marketing  
19 has been to our children. The direct marketing  
20 has been to our young adults, those who are most  
21 impressionable and those who have the most to  
22 lose. While there may be a minority of adults who  
23 do utilize this product, the vast majority is our  
24 children. Our responsibility is to make sure that  
25 we can protect the welfare of our children from

1

2 those who will prey and those who will try to get  
3 them to use products that are guaranteed bad for  
4 their health.

5

6 There is a documentary, Thank You  
7 for Smoking, that showed that big tobacco was  
8 trying to find a way to replace those whose lives  
9 were lost because of lung cancer and emphysema.  
10 The latest market is the youth. So that's why we  
11 have to take these bold steps to make sure that we  
12 can protect them from the slick marketing  
13 campaigns.

13

14 I want to thank all the advocates  
15 for their knowledge, their help on this issue and  
16 their foresight for recognizing that while the FDA  
17 has taken the bold step with the cigarette aspect  
18 of it. There is still more that's needed to be  
19 done and that's why I'm proud that the Council  
20 today. I hope that every member will be voting in  
21 the affirmative to support the protection of our  
22 children from big tobacco. Thank you very much  
23 and again, Madam Speaker, thank you for your  
24 leadership.

24

25 SPEAKER QUINN: Thank you very much  
Chair Rivera and that concludes communications

1

2 from the Speaker.

3

4

MAJORITY LEADER RIVERA: Discussion  
of general orders. Council Member Fidler.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

COUNCIL MEMBER FIDLER: Thank you  
Majority Leader. I don't know if there are enough  
members left in the room who haven't voted yet to  
make a difference but I am going to speak about  
Mom and apple pie now. I want to begin by making  
a confession, which is that I actually  
occasionally smoke these. I have to say having  
voted for the cigarette ban and I am proud of that  
vote. Having voted to raise taxes on tobacco  
products and I'm proud of that vote. I would  
point out that, that is probably the most  
effective way to keep young people from smoking is  
by raising the taxes on tobacco products.

I can't vote for this. First there  
is absolutely no empirical study that says that  
young people begin smoking cigars by smoking  
flavored cigars, that's number one. Number two,  
the difference between the cigarette market and  
the cigar market is massive; I have never and  
would never put a cigarette in my mouth. And  
number three, the sale of these products to the



1  
2 people under the age of 18 is already illegal.  
3 Number four, I've yet to run into an 18 year old  
4 walking down the street smoking a cigar, other  
5 than those who are using it for a somewhat other  
6 illegal purpose and I don't think it's going to  
7 stop them from doing that either.

8           As the Speaker cited, cigar use has  
9 gone down 50% in the last eight years. Down 50%.  
10 So if we wanted to truly affect the market for  
11 young people we would tax it and we would make  
12 that tax significant enough to make it an economic  
13 disincentive for this to be used for this or for  
14 blunts or for any other purpose.

15           And last, I think if we really were  
16 going to go down this road and you really wanted  
17 to address a problem that are facing young people  
18 we might consider making flavored vodka illegal  
19 because quite frankly that's a bigger problem than  
20 cigar smoking amongst kids.

21           I do want to say one last thing.  
22 Because I buy these I see the products as they're  
23 marketed. I have yet to see the chocolate chip  
24 cigars in most of the stores. Most of the stores  
25 package products like this cleverly, grape cigars

1  
2 are purple; I don't think there's no Joe Camel,  
3 there's no cartoon. This is what most of the  
4 products are. We are going to cost the average  
5 bodega and grocery store in the City of New York  
6 as much as \$4,000 a year in gross revenue by  
7 passing this bill.

8 I'm going to vote no. I know that  
9 plea is going to fall on deaf ears in this body.  
10 I appreciate the motivations of those who are  
11 supporting this bill - I really do. I just think  
12 it's ill-guided and falls short of the mark.

13 MAJORITY LEADER RIVERA: Thank you  
14 very much. Any others for general discussions?  
15 Council Member Koppell.

16 COUNCIL MEMBER KOPPELL: I just  
17 must briefly descent on the recent remarks of my  
18 colleague. Cigarettes and tobacco is poison. And  
19 anything that makes it less attractive for people  
20 to poison themselves, as far as I'm concerned,  
21 even if they're not children, is something that's  
22 worthwhile to do.

23 If I thought it would work I would  
24 vote to ban cigarettes altogether. It's not going  
25 to work just like Prohibition didn't work. On the

1  
2 other hand, having a product out there that is  
3 particularly attractive to young people, as we can  
4 I think see that this is. And maybe also  
5 particularly attractive to older people who might  
6 not smoke so much if they didn't get these. That  
7 product should not be introduced.

8           This is something relatively new,  
9 relatively few people are familiar with it. Let's  
10 not get more people familiar with it. We're doing  
11 a very good thing and if we're leading the country  
12 and maybe the world in this regard, I think we  
13 should be very proud that we're doing so. And  
14 you, Mr. Majority Leader, should be praised as  
15 well as the Speaker for bringing this forward. We  
16 should do more things to take dangerous products  
17 off the market. This certainly meets that  
18 definition so I'm very pleased to be part of the  
19 majority that will be passing this today.

20           MAJORITY LEADER RIVERA: Thank you  
21 very much. Council Member James.

22           COUNCIL MEMBER JAMES: I, too, want  
23 to congratulate the sponsor of this bill and the  
24 Speaker and want to join in the sentiments with  
25 Council Member Koppell. Since 1998 small cigars

1  
2 have been the fastest growing segment of the  
3 expanding cigar market. Between 1998 and 2006,  
4 consumption of large cigars increased by 45% but  
5 small cigar consumption increased by a whopping  
6 154%.

7 Most of the growing popularity of  
8 small cigars and cigarette like little cigars  
9 comes from the explosive growth in flavorings such  
10 as candy, fruit, chocolate and various other kid  
11 attracting tastes. I would argue that these  
12 cigars smoking candy-like cigarettes and cigars  
13 are a nuisance and they should be banned from the  
14 City of New York.

15 Like cigarettes, cigars are smoked,  
16 and contain the most toxic and carcinogenic  
17 compounds. I believe that we in the City Council  
18 should do the responsible thing and ban these  
19 problems. Most of these products, unfortunately,  
20 in central Brooklyn and communities like them are  
21 close to candy. A significant number of the  
22 constituents that I have spoken to, believe that  
23 smoking cigars is less toxic and less addictive.  
24 They are wrong and that's why we as adults have to  
25 stand up and ban these products.

1  
2 I congratulate the sponsor. I  
3 thank you Madam Speaker for moving this  
4 legislation and I urge all of my colleagues to do  
5 the right thing on behalf of children once again.

6 MAJORITY LEADER RIVERA: Thank you  
7 very much. Any other members for general  
8 discussions? Okay. Seeing none, we're going to  
9 move on to reports from special committees.

10 COUNSEL: None.

11 MAJORITY LEADER RIVERA: Reports of  
12 standing committees.

13 COUNSEL: Report of the Committee  
14 on Education, Intro 396-A, Billy's Law.

15 SPEAKER QUINN: Amended and coupled  
16 on general orders.

17 COUNSEL: Report of the Committee  
18 on Health, Intro 433-A, Regulation of Tobacco  
19 Flavored Products.

20 SPEAKER QUINN: Amended and coupled  
21 on general orders.

22 COUNSEL: Report of the Committee  
23 on Housing and Buildings, Intro 1015-A, Security  
24 of Construction Sites.

25 SPEAKER QUINN: Amended and coupled

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

on general orders.

COUNSEL: Report of the Committee on Land Use, LU 1207 and Reso 2223 through LU 1218 and Reso 2226, various applications.

SPEAKER QUINN: Coupled on general orders.

COUNSEL: LUs 1219 and 1220.

SPEAKER QUINN: Approved with modifications and referred to the City Planning Commission pursuant to Rule 11.70B of the Rules of the Council and Section 197D of the New York City Charter.

COUNSEL: LU 1222 and Reso 2227 through LU 1239 and Reso 2234, various applications.

SPEAKER QUINN: Coupled on general orders.

MAJORITY LEADER RIVERA: General order calendar.

COUNSEL: Resolution appointing various person commissioner deeds.

SPEAKER QUINN: Coupled on general orders and at this point I'd like to ask for a roll call on the items that are coupled on the

1

2 general order calendar, please.

3 COUNSEL: Arroyo.

4 [No response]

5 COUNSEL: Brewer

6 COUNCIL MEMBER BREWER: I vote aye  
7 and I'm particularly pleased to be co-sponsor with  
8 Council Member Garodnick and others on the stalled  
9 construction. All the positive aspects have been  
10 listed. I just want to mention one, which is the  
11 fact that the site, be it the web site on the fin  
12 site, on site of the construction will be a place  
13 where people can go for information. That's always  
14 something that's sadly lacking in this city.  
15 We're so big; we don't have enough information for  
16 the public I often feel. I'm delighted this bill  
17 is the carrot approach and I hope that it will  
18 work and I hope that the public will understand  
19 that we're trying not only to improve this no  
20 removal and so on but also give them more  
21 information. I vote aye on all.

22 COUNSEL: Comrie.

23 COUNCIL MEMBER COMRIE: Aye on all.

24 COUNSEL: Dickens.

25 COUNCIL MEMBER DICKENS: Aye on

1

2 all.

3 COUNSEL: Dilan.

4 COUNCIL MEMBER DILAN: Aye on all.

5 COUNSEL: Eugene.

6 COUNCIL MEMBER EUGENE: Aye on all.

7 COUNSEL: Felder.

8 [No response]

9 COUNSEL: Fidler.

10 COUNCIL MEMBER FIDLER: Briefly

11 excused to explain my vote.

12 MAJORITY LEADER RIVERA: Yes, you

13 may.

14 COUNCIL MEMBER FIDLER: Having used

15 my general order discussion time on flavored

16 tobacco bill I did want to comment on the stalled

17 sites bill, which I think is a terrific bill now.

18 I particularly wanted to thank Council Member

19 Garodnick and Chairman Dilan for being so

20 receptive to amendments that I think have made

21 this bill much, much better. I also wanted to add

22 my thanks to the staff, Bob Baham and Jeff

23 Haberman and Ben Goodman for the work that they

24 did with all of the members of the committee.

25 This bill will not save all the



1

2 stalled sites in the city and remove all of the  
3 blight from our communities but it will go a long  
4 way. I am very enthusiastically supportive. I  
5 also would be remiss if I didn't thank one of my  
6 civic activists who came to testify and who was a  
7 great deal of help to me in evaluating this bill  
8 and that's Ed Jawarski. I wanted to thank Ed on  
9 the record here.

10

I vote aye on all with the  
11 exception of Intro 433-A and invite any of my  
12 colleagues who want to smoke a grape cigar on the  
13 steps of City Hall before they're illegal to come  
14 out and join me after the meeting.

15

COUNSEL: Foster.

16

COUNCIL MEMBER FOSTER: I'd like to  
17 vote aye on all and all of the land use call ups,  
18 please.

19

MAJORITY LEADER RIVERA: So  
20 ordered.

21

COUNSEL: Garodnick.

22

COUNCIL MEMBER GARODNICK: Aye.

23

COUNSEL: Gentile.

24

COUNCIL MEMBER GENTILE: Aye.

25

COUNSEL: Gonzalez.

1

2

COUNCIL MEMBER GONZALEZ: Aye on

3

all.

4

COUNSEL: Ignizio.

5

COUNCIL MEMBER IGNIZIO: Aye.

6

COUNSEL: Jackson.

7

COUNCIL MEMBER JACKSON: Aye on

8

all.

9

COUNSEL: James.

10

COUNCIL MEMBER JAMES: On behalf of

11

Jackie Ward who recently died and died too young

12

who smoked tobacco, two packs of cigarettes each

13

and every day, who died at the tender age of 51

14

who was a fixture in the great borough of

15

Brooklyn. I vote aye and I particularly owe some

16

gratitude to Council Member on behalf of flavored

17

tobacco so we can prevent other Jackie Ward's in

18

the great borough of Brooklyn from dying. I vote

19

aye.

20

COUNSEL: Koppell.

21

COUNCIL MEMBER KOPPELL: Aye on

22

all.

23

COUNSEL: Lappin.

24

COUNCIL MEMBER LAPPIN: I just want

25

to say congratulations to Dan Garodnick, the most

1  
2 flexible man on the City Council. He is swell.  
3 And congratulate him on this excellent piece of  
4 legislation and vote aye on all.

5 COUNSEL: Liu.

6 COUNCIL MEMBER LIU: Yes.

7 COUNSEL: Mark-Viverito.

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

10 COUNSEL: Mealy.

11 COUNCIL MEMBER MEALY: Aye on all.

12 COUNSEL: Mendez.

13 COUNCIL MEMBER MENDEZ: Aye.

14 COUNSEL: Mitchell.

15 COUNCIL MEMBER MITCHELL: Aye.

16 COUNSEL: Nelson.

17 COUNCIL MEMBER NELSON: Aye on all.

18 COUNSEL: Palma.

19 COUNCIL MEMBER PALMA: Aye on all.

20 COUNSEL: Recchia.

21 COUNCIL MEMBER RECCHIA:

22 Congratulations to Dan Garodnick for doing an  
23 outstanding job and to my good friend Vincent  
24 Gentile for Billy's Law, it's something long  
25 needed. Aye.

1

COUNSEL: Reyna.

2

3

COUNCIL MEMBER REYNA: Permission  
to explain my vote.

4

5

MAJORITY LEADER RIVERA: So  
ordered.

6

7

COUNCIL MEMBER REYNA: I'd like to  
vote aye on all except Land Use item 1207 with  
accompanying resolution 2223. I'd like to put the  
land use committee and its sub-committee on notice  
concerning this particular site. It is being  
disposed without a RFP and it belongs in a broader  
conversation that merits a dialogue of fair  
housing access.

10

11

12

13

14

15

Our community board had a  
tremendous effort in bringing the City of New York  
to deliver services to a very fractioned community  
board, where we must achieve a balance between the  
land use needs and what the needs of our community  
are based on. So I will continue to quest further  
conversations with each of my colleagues when in  
regards to the Broadway Triangle.

16

17

18

19

20

21

22

23

But I'd like to just make sure that  
my colleagues understand how this is just one  
piece of this puzzle and the breaking of a

24

25

1  
2 boundary that over time, has favored one group  
3 over another in our community is very divisive. I  
4 look forward to favorable discussions in making  
5 sure that people understand the transparency and  
6 disclosure of this particular property and how it  
7 revolved around a much more complicated matter.

8 Thank you.

9 COUNSEL: Sanders.

10 COUNCIL MEMBER SANDERS: Yes, but I  
11 look forward to that conversation that Council  
12 Member Reyna was speaking. Yes to all.

13 COUNSEL: Stewart.

14 COUNCIL MEMBER STEWART: Yes.

15 COUNSEL: Vallone.

16 COUNCIL MEMBER VALLONE: Aye on  
17 all.

18 COUNSEL: Weprin.

19 COUNCIL MEMBER WEPRIN: Aye on all.

20 COUNSEL: Yassky.

21 COUNCIL MEMBER YASSKY: I request  
22 permission to vote also on the land use call ups.

23 MAJORITY LEADER RIVERA: So  
24 ordered.

25 COUNCIL MEMBER YASSKY: Aye on the

1

2 call ups and on the general order items.

3 COUNSEL: Oddo.

4 COUNCIL MEMBER ODDO: Can I be  
5 temporarily excused to explain my vote?

6 MAJORITY LEADER RIVERA: Yes.

7 COUNCIL MEMBER ODDO: First thing  
8 I'd like to do is thank Dan Garodnick for  
9 everything and then I'd like to get more serious  
10 and say I haven't been as tormented by a piece of  
11 legislation in a long time as this smoking cigar,  
12 cigarillo bill. If I took you back eight years  
13 ago, I went to this building and I said go up to  
14 someone and ask who is the two biggest anti-  
15 smoking zealots in and around the City Hall area,  
16 they would have responded almost unanimous Council  
17 Members Quinn and Oddo. When Mayor Bloomberg  
18 introduced his smoking bill he said hey to  
19 Mahalasis [phonetic] his former chief of staff to  
20 specifically lobby to myself and we were the lead  
21 sponsors of it.

22 I brought a woman by the name of  
23 Pam Laffin down from Massachusetts who started  
24 smoking when she was 15, had a lung transplant  
25 that didn't work and was literally dying. She sat

1

2 in a Catholic School auditorium speaking to five  
3 or six different classes about what it is about  
4 smoking. And I went on a tour in my district with  
5 a tape talking about that.

6 Forgive me for sounding defensive  
7 but I want to sort of put my resume out there to  
8 say I have lived this anti-smoking campaign in the  
9 ten years that I've been in this office. But I  
10 have to tell you, what Lou Fidler has said makes a  
11 lot of sense to me. I am troubled that a well  
12 intentioned bill could have been more narrow. If  
13 you want to keep these things away from kids, I  
14 find it just sort of counter intuitive that we  
15 couldn't have found a narrow way. You're going to  
16 make a legal product illegal for adults.

17 I have to say, whether we agree  
18 with it in this body or not, our constituents,  
19 some of our constituents at this time maybe  
20 because it's the national debate, believes that  
21 government is everywhere and they feel yet again  
22 we're reaching in.

23 But then I'm on the opposite side  
24 of trying to keep tobacco away from kids and that  
25 kills me. I was in this body as a staffer when my

1  
2 predecessor, who was a bigger anti-smoking guy  
3 than I was John Forco, sat in here and Philip  
4 Morris, they had this whole building packed with  
5 people pretending to be consumers. I remember  
6 when we passed the first smoking bill in 1992 and  
7 they said, doom and gloom, the restaurants would  
8 go out, businesses would go under. I know their  
9 game.

10 I believe they're targeting kids.  
11 I am just so troubled that we couldn't have found  
12 a narrow way. 30 more seconds. So I'm faced with  
13 this choice of being big government again, taking  
14 a legal product away from adults and the ability  
15 to make a decision or allowing the tobacco  
16 industry to do what they have always done as the  
17 Speaker said, find new customers. It's a Hobson's  
18 Choice. You have to make a choice. I guess--yes?  
19 Is this a duet? I'm sorry. I usually work alone  
20 but if you want to do a duet.

21 At the end of the day when you have  
22 a difficult choice of course, of course you have  
23 to come down on the side of the kids. This has  
24 been incredibly difficult. I appreciate the  
25 sponsors. I appreciate the comments made by



1  
2 Council Member Fidler. I think a lot of what he  
3 said is true but when you have a difficult choice  
4 and you've got to err on one side, you got to err  
5 with the kids. I vote yes on all.

6 [Applause]

7 COUNSEL: Rivera.

8 MAJORITY LEADER RIVERA: I just  
9 want to concur with the minority leader, Oddo.  
10 I'm siding with the children, siding with our  
11 kids. I want to thank everyone for supporting  
12 this bill. Again, it's about making sure that we  
13 can protect the welfare of our children. Thank  
14 you and I vote aye on all.

15 COUNSEL: Speaker Quinn.

16 [No response]

17 MAJORITY LEADER RIVERA: All items  
18 on today's general order calendar were adopted by  
19 a vote of 47 in the affirmative, with zero in the  
20 negative, with zero abstentions. With the  
21 exception of Land Use 1224 and Reso 2228, which  
22 was adopted by a vote of 46 in the affirmative,  
23 with one in the negative and zero abstentions and  
24 Intro 433-A, which was adopted by a vote of 46 in  
25 the affirmative and one in the negative, with zero

1  
2 abstentions. And Land Use 1207 and Reso 2223,  
3 which was adopted by a vote of 46 in the  
4 affirmative and one in the negative and revised  
5 land use call ups vote is 47 in the affirmative,  
6 with zero in the negative. Introduction and  
7 reading of the bills.

8 SPEAKER QUINN: All bills are  
9 referred to committees as indicated on the agenda.

10 MAJORITY LEADER RIVERA: Since  
11 there's no resolutions to discuss, we'll move  
12 forward. General Discussion? Council Member  
13 Melissa Mark-Viverito.

14 COUNCIL MEMBER MARK-VIVERITO:  
15 Thank you. I know many of our colleagues have  
16 left. Panama Alba that was here earlier made this  
17 comment as well as Rosie Mendez with the memo that  
18 she's been sending out. I really wanted to  
19 highlight about the critical, critical situation  
20 that is happening in Puerto Rico right now.  
21 Workers in Puerto Rico are organizing a general  
22 strike tomorrow to protest Governor Luis Fortuno's  
23 decision to fire over 25,000 public service  
24 workers, which will affect a quarter of a million  
25 people on the island and will have an impact that

1  
2 will reverberate to Puerto Rican families living  
3 here in New York City.

4           These layoffs are just  
5 proportionately affecting some of the lowest paid  
6 workers as well as women and single mothers and  
7 are part of a larger privatization agenda on an  
8 island where one of the principal employers is the  
9 government. The reports that the government could  
10 deploy thousands of police officers on to the  
11 streets of Puerto Rico to suppress tomorrow's  
12 strike. I urge my fellow Council Members to  
13 condemn such tactics, which seek to deny these  
14 workers the right to organize and engage in a  
15 legitimate protest of harmful decision making on  
16 the part of the Governor and his administration.

17           While Governor Fortuno argues that  
18 these layoffs are necessary to close the budget  
19 gap, economic stability will not come to Puerto  
20 Rico by fueling already double digit unemployment  
21 numbers. The Governor has not engaged in good  
22 faith discussions with labor leaders about  
23 alternative solutions to the economic crisis on  
24 the island and is instead ensuring even greater  
25 hardship on Puerto Rican families and their

1

2 relatives in our city.

3

4

5

6

7

8

9

The Puerto Rican government must allow its workers to engage in tomorrow's general strike without disruption or suppression and should take these events as a strong signal that it must look for more sound and equitable means to close the budget gap and bring economic stability to the island.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

I just want to personally say that this Governor should be ashamed of himself and needs to be exposed. His approach to "governing" is to insulate himself and utilize the public resources of the island to encourage closed door decision making that will only seek to benefit and enrich very few on the island. So this is a serious situation. There is great fear that serious repression will happen tomorrow. They're expecting hundreds of thousands of people out on the street. And I urge my colleagues to join us on the steps of City Hall tomorrow at 12:00 and at the general mobilization that we're doing at 5:00 in front of the Office of Puerto Rico here in New York. Thank you.

25

MAJORITY LEADER RIVERA: Thank you.

1

2 Council Member Nelson.

3 COUNCIL MEMBER NELSON: Thank you.

4 To those who weren't listening to my colleague,  
5 she wasn't talking about Governor Patterson and  
6 the Isle of Manhattan. I noticed a lot of people  
7 were not paying attention.

8 I urge my colleagues to sponsor  
9 resolution 2220 which calls upon the New York  
10 State legislature to pass the Caregivers  
11 Assistance Act. This bill will provide a  
12 refundable credit to qualified taxpayers who  
13 provide informal, unpaid care to senior family  
14 members. The credit amount would be 20% of the  
15 first \$2,400 spent by the taxpayer on behalf of  
16 the senior relative plus \$75 for any amount spent  
17 in excess of \$240, providing a maximum credit of  
18 \$550.

19 This bill would also allow for  
20 prorated basic or enhanced Star exemption that  
21 would apply to a residence in which a senior lives  
22 with the taxpayer. The purpose of this  
23 legislation will provide not only a recognition of  
24 what has been termed the love equity provided by  
25 these caregivers for their senior relatives but

1  
2 also to give an incentive for more families to  
3 provide the care, as well as to encourage families  
4 currently providing the care to continue to do so  
5 for longer periods.

6           Caregiving has become an essential  
7 element of our health and long term care assistant  
8 and typically can last years or decades.

9 According to the United Hospital Fund Report,  
10 there were about 2 million caregivers in New York  
11 State and in New York City, one in every five  
12 residents is a caregiver. If passed into law, the  
13 Caregiver Assistance Act would offer some  
14 financial relief to family caregivers who dedicate  
15 significant time if not financial resources to  
16 care for their aging relatives. Thank you.

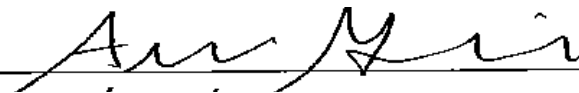
17           MAJORITY LEADER RIVERA: Thank you  
18 very much. Any others? Being none, this meeting  
19 is now adjourned.

20  
21  
22  
23  
24  
25

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

A handwritten signature in cursive script, appearing to read "Amber Gibson", written over a horizontal line.

Date October 23, 2009