

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ENVIRONMENTAL PROTECTION

-----X

December 8, 2009
Start: 2:56 pm
Recess: 3:14 pm

HELD AT: Council Chambers
City Hall

B E F O R E: JAMES F. GENNARO
Chairperson

COUNCIL MEMBERS:
Elizabeth Crowley
Bill de Blasio
Mathieu Eugene
G. Oliver Koppell
Eric Ulrich
Domenic M. Recchia, Jr.
Peter F. Vallone, Jr.
Thomas White, Jr.

1
2 CHAIRPERSON GENNARO: Good
3 afternoon. Why don't we just start right now?
4 That'll be fine. Good afternoon. I'm Councilman
5 Jim Gennaro, Chairman of the Committee on
6 Environmental Protection. This afternoon's vote
7 falls at a great moment. As we consider the
8 package of green buildings bills before us today,
9 world leaders are meeting in Copenhagen to
10 consider how on a larger scale we can fight
11 climate change.

12 Just yesterday, the EPA announced
13 its finding that greenhouse gases pose a danger to
14 human health and welfare, triggering its
15 obligation to reduce greenhouse gas emissions
16 nationwide. In the midst of these large scale
17 discussions, New York City is choosing to act now
18 to reduce the largest source of emissions, those
19 that come from our emissions.

20 Just a little context, we're not
21 only acting now, we acted in 2007 when we did the
22 2007 New York City Climate Protection Act. That
23 bill really sets the stage for what were doing
24 today because in order to get to the 30%
25 reductions called for or mandated by that law.

1
2 30% reduction in the government section by 2017.

3 30% in the city as a whole by 2030. We have to do
4 bills like those that are before us today. And
5 these will, by no means, be the last bills that we
6 do. Getting back to the statement.

7 These four bills are a crucial
8 component of New York City's ongoing commitment to
9 improve the environment locally by reigning in our
10 share of greenhouse gas emissions. We expect that
11 the building efficiencies mandated through this
12 package will reduce New York City's total carbon
13 emissions by 4.75%. 4.75%, big step towards the
14 mandated 30% reduction that we need to achieve
15 before 2030. Sustainable reductions in emissions,
16 however, must be achieved without disrupting the
17 city's economic activity. These bills do just
18 that.

19 We target large buildings
20 responsible for the greatest portion of carbon
21 emissions and require improvements that will pay
22 for themselves through energy savings. Not only
23 will we responsibly reduce our emissions through
24 this legislation, moreover, we'll also create an
25 estimated 17,800 skilled jobs that will help New

1
2 York City's local economy rebalance.

3 Proposed Intro 967-A, I'm the
4 sponsor of that bill, will make sure that large
5 buildings operate efficiently. Every ten years,
6 buildings over 50,000 square feet will undergo
7 energy audits identifying upgrade and will improve
8 building's energy conservation. These buildings
9 will then be required to retro commission their
10 systems ensuring that the heating, cooling and
11 other building systems are operating as
12 efficiently as possible.

13 Furthermore, buildings owned and
14 operated by the city will be required to implement
15 retrofits. These are capital improvements,
16 identified through the audit process, that will
17 improve the building's performance and save enough
18 energy over seven years to pay back the cost of
19 the capital improvement.

20 Proposed Intro 973-A will require
21 all large buildings to upgrade their lighting by
22 2025 and will require large buildings to install
23 sub meters to individually measure tenant power
24 use. Lighting upgrades are relatively low cost
25 but are responsible for almost 20% of building's

1
2 energy use. The savings in energy cost that
3 results from upgrades will quickly pay for the
4 initial investment in the upgrade.

5 Sub meter installation is also a
6 relatively low cost improvement and has the
7 ability to greatly reduce energy use. When tenant
8 power use is metered separately landlords are
9 likely to charge for actual use rather than a flat
10 fee. Tenants who pay for actual power use, unlike
11 those who pay a flat fee, have an incentive to use
12 less.

13 Proposed Intro 564-A will create a
14 New York City energy code, allowing us to tailor
15 the city's code to the specific conditions we
16 experience. For example, the state's code
17 currently does not require renovations of less
18 than 50% of a building's system to comply with the
19 energy code. This is an unnecessary loop hole
20 that has serious consequences in New York City
21 where large buildings also renovate less than 50%
22 of their systems at a time. Proposed Intro 564-A
23 closes this loop hole.

24 Finally, proposed Intro 476-A will
25 require large buildings to benchmark energy and

1
2 water use annually using an online tool developed
3 by the EPA. With accurate up to date information
4 on a building's energy and water use and its
5 changes over time, owners will be able to manage
6 the building's systems more effectively. Further
7 energy conservation programs and policies will be
8 more effective with this type of information. And
9 renters and buyers of building spaces will be able
10 to use energy and water use information in their
11 choice of spaces in the city.

12 After much discussion and debate,
13 I'm happy to be able to bring this important
14 legislation to a vote and I urge a yes vote on all
15 of these bills. We are joined by Council Member
16 Koppell, Council Member Vallone, Council Member
17 Eugene, Council Member Crowley and Council Member
18 Ulrich. Oh, and Recchia, forgive me. I was just
19 going to call on Domenic Recchia. Domenic is the
20 sponsor of Intro 973 and I would like to give
21 Domenic an opportunity to make a statement
22 regarding his bill. I recognize Council Member
23 Recchia.

24 COUNCIL MEMBER RECCHIA: Thank you,
25 Chair Gennaro. Today I'm proud to vote for this

1
2 package of green bills that will help us reduce
3 New York City carbon emissions. I'd like to thank
4 Speaker Quinn, Mayor Bloomberg, Chairman Gennaro,
5 my colleagues and other environmental groups
6 throughout New York City for working together on
7 this incredible, important use.

8 And even those groups who still are
9 opposed to these bills. We had good dialogue and
10 even though we still might disagree we have to
11 still work together for the best interest of all
12 the people of New York City. We can not rely on
13 other people to fix this problem. It's up to us
14 local governors to take a lead and step up to the
15 plate.

16 I'm proud to be sponsor of Intro
17 973, which would require that commercial buildings
18 upgrade their lighting systems by 2025 and use sub
19 metering to help businesses to better manage their
20 energy use. Steps like these will help us to
21 reduce our carbon footprint, an important step
22 towards stopping global warming. Some of these
23 upgrades may initially cost money up front but
24 they quickly pay for themselves in savings. Not
25 just savings on energy bills but savings in the

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

environment.

Global warming is a crisis that we have to face. We can't leave a mess for our children to clean up. It's time for us all to take the charge to reduce carbon emissions through smart, effective and steps like this what we're doing today by passing all these bills. I encourage all my colleagues to vote aye.

CHAIRPERSON GENNARO: Thank you.

Thank you, Council Member Recchia. There are many people to thank. I'll just do a very, very short list. We'll do a longer list tomorrow.

Certainly, there's a lot of great work at the staff level. I'd like to thank Rob Newman and Laura Popa and Jeff Haberman and Nathan Toth, who is here, who gave us the finance info on this. Counsel to the committee, Samara Swanson, counsel policy analyst, my old job, Chivonne Watson, Bill Murray from my staff, many people from the Bloomberg administration who have helped to get us to this day today. I'll talk more about those folks tomorrow.

But with no one else wishing to be heard, I wish to call this package to a vote.

1
2 Okay. So counsel has told me that there's a Secra
3 resolution, we're going to couple that with all
4 four bills. So we'll be voting on five items and
5 they'll all be coupled. With that said, I'd like
6 the clerk to call the roll. And I urge a yes vote
7 on all items. Clerk, please call the roll.

8 Council Member has a question.

9 Yes, Secra resolution that
10 accompanies-- Are you okay Peter? Okay. With
11 that said, I'd like the clerk to call the roll.
12 And I urge a yes vote on all items.

13 COUNSEL: William Martin, committee
14 clerk, roll call on the Committee on Environmental
15 Protection. Council Member Gennaro.

16 CHAIRPERSON GENNARO: Yes.

17 COUNSEL: Koppell.

18 COUNCIL MEMBER KOPPELL: May I
19 explain my vote, Mr. Chair?

20 CHAIRPERSON GENNARO: Yes. So
21 ordered.

22 COUNCIL MEMBER KOPPELL: I'm very
23 proud to be co-sponsor. I want to congratulate
24 you, Mr. Chair and the staff and the Speaker's
25 office for a very significant initiative that

1
2 will, I think, be precedent setting for
3 municipalities around the country. I don't know
4 whether you arranged this, Mr. Chairman but
5 someone had the wisdom to put these bills on the
6 agenda just as the world is meeting in Copenhagen.
7 I don't know if you arranged it that way but--

8 CHAIRPERSON GENNARO: [interposing]
9 I'll be happy to take credit for all the goods
10 things that happen in the chambers today and for
11 compliance piece, talk to the committee counsel.

12 COUNCIL MEMBER KOPPELL: The
13 coincidence is quite remarkable, actually, because
14 as we vote on this today, the world is meeting to
15 try and deal with the very problems that these
16 bills are dealing with. We can't be more current
17 or apropos than we are. You can't have it both
18 ways; you can't have the benefits and not have
19 some costs associated. But I think, as was
20 indicated by Domenic, many of those costs will be
21 repaid by reduced energy costs over the years
22 after the installations are made.

23 One last thing I would say is that
24 as someone who has been a commercial tenant for
25 many years because I am as a lawyer, I have a

1 commercial lease. Sub metering is great. This is
2 not only good from an environmental point of view
3 but from a tenant friendly point of view because
4 right now tenant pays the same amount regardless
5 of energy use. This will ensure that you only pay
6 for what you use which is not the case in many,
7 many buildings in New York City.

8 So, again, congratulations and I'm
9 delighted to vote aye on all.

10 CHAIRPERSON GENNARO: Thank you.

11 COUNSEL: Recchia.

12 COUNCIL MEMBER RECCHIA: Does that
13 mean you're going to keep your lights off, Ollie,
14 in your office?

15 COUNCIL MEMBER KOPPELL: Yes,
16 you'll have to bring a flashlight when you visit
17 me.

18 COUNCIL MEMBER RECCHIA: Aye.

19 COUNSEL: Vallone.

20 COUNCIL MEMBER VALLONE: Mr. Chair.

21 CHAIRPERSON GENNARO: Sure, sure,
22 of course.

23 COUNCIL MEMBER VALLONE: I believe
24 the goals of all of these bills are very noble and
25

1 I've supported the three since the beginning.

2 I've had concerns about the fiscal cost of 967-A
3 since the beginning too. I would like to commend
4 this committee and its staff for making many, many
5 changes that I helped lobby for to lessen those
6 costs when it comes to the retrofitting.
7

8 I do believe that because of the
9 major changes in the bill, we probably should have
10 had a second hearing on this to make sure that
11 everyone was given fair notice of what the new
12 bill entails. Be that as it may, I've always been
13 a fiscal conservative and I'm still concerned
14 about the costs. However, I've always been an
15 environmental activist also.

16 I believe that in this case the
17 modified extra costs are worth it so I'm going to
18 vote aye on all.

19 COUNSEL: Eugene.

20 COUNCIL MEMBER EUGENE: I vote aye.

21 COUNSEL: Crowley.

22 COUNCIL MEMBER CROWLEY: I vote aye
23 on all.

24 COUNSEL: Ulrich.

25 COUNCIL MEMBER ULRICH: Permission

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

to explain my vote, Mr. Chair?

CHAIRPERSON GENNARO: Yes. Yes, so ordered.

COUNCIL MEMBER ULRICH: I hate to be the party crasher here but I have some very serious concerns about Intro 967. I share some of the sentiments expressed by Council Member Vallone with respect to the economic impact this is going to have on so many New Yorkers throughout the city, particularly those tenants having low to moderate income living in co-ops or owning condominiums. I think that the cost of these retrofitting mandates are going to be passed along to them in their maintenance fees.

So I'm going to vote no on Intro 967-A and aye on all others.

COUNSEL: de Blasio.

COUNCIL MEMBER DEBLASIO: Aye on all.

CHAIRPERSON GENNARO: Okay. I'm just going to add kind of a parting word here. With regard to the mandate to do retrofits, that's only for government buildings. So no one in the private sector is going to be forced to pay one

1 penny to do any retrofits. They will have to do
2 retro commissioning by making sure that all of the
3 systems that are in the building now work as they
4 should. We just want to make sure that that
5 happens and that we're mandating that. Any good
6 building owner or operator would want to do that.
7

8 With regard to a further back drop
9 to this building, there's been a lot of good talk
10 today by Oliver and others about this sense of
11 kind of like a world setting in terms of what
12 we're trying to do for CO2 emissions worldwide,
13 for what the Obama folks want to do in our own
14 country. But this very much has a local air
15 quality impact because there's simply no way to
16 reduce CO2, which we're certainly have a lot of
17 concerns about globally.

18 There's no way to reduce that
19 without also reducing soot and particular matter
20 and oxides and nitrogen and all kinds of other
21 pollutants that sends kids to hospitals every day.
22 So there's a very profound local air quality
23 benefit that we're going to get from these bills.
24 I just don't want people to think that we're just
25 saving the planet. As it is a very nice planet

1
2 and we want the plane to be healthy and happy. We
3 want our local air quality also to improve, which
4 is what these bills do and we should not forget
5 that.

6 I'd like to thank all of the
7 members for their votes today. Everyone, who I'll
8 talk more about tomorrow, who was part of the
9 process, the folks in the Bloomberg
10 administration, folks from the Council staff.
11 Billy why don't you read the score and then see
12 where we are?

13 COUNSEL: All items on today's
14 agenda have been adopted by a vote of eight in the
15 affirmative, zero in the negative and no
16 abstentions with the exception of Introduction
17 967-A, which was adopted by a vote of seven in the
18 affirmative, one in the negative and no
19 abstentions. Council Members please sign the
20 committee reports.

21 CHAIRPERSON GENNARO: Okay. And
22 what we'll do is we'll leave the record open for
23 30 minutes in case Council Member White can come
24 here to cast his vote. So the record will be left
25 open. I'm not going to adjourn the hearing but I

1
2 thank everyone for coming today, we'll see you all
3 tomorrow. Today is a good day, tomorrow will be a
4 better day. Thank you all very much.

5 COUNSEL: Council Member White.

6 COUNCIL MEMBER WHITE: Aye on all.

7 COUNSEL: Final vote on the
8 Committee on Environmental Protection is now nine
9 in the affirmative, zero in the negative and no
10 abstentions and Introduction 967-A is now adopted
11 by a vote of eight in the affirmative, one in the
12 negative and zero abstentions.
13

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 Amber Gibson

Date _____