

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

STATED MEETING

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December 9, 2009

Start: 3:53 pm

Recess: 5:02 pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
INEZ E. DICKENS  
Chairperson

COUNCIL MEMBERS:

Maria del Carmen Arroyo  
Tony Avella  
Charles Barron  
Gale A. Brewer  
Leroy G. Comrie, Jr.  
Elizabeth Crowley  
Bill de Blasio  
Inez E. Dickens  
Erik Martin Dilan  
Mathieu Eugene  
Simcha Felder  
Julissa Ferreras  
Lewis A. Fidler  
Helen D. Foster  
Daniel R. Garodnick  
James F. Gennaro

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

## COUNCIL MEMBERS:

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  
Darlene Mealy  
Rosie Mendez  
Kenneth Mitchell  
Michael C. Nelson  
James S. Oddo  
Annabel Palma  
Christine C. Quinn  
Domenic M. Recchia, Jr.  
Diana Reyna  
Joel Rivera  
James Sanders, Jr.  
Larry B. Seabrook  
Helen Sears  
Kendall Stewart  
Eric Ulrich  
James Vacca  
Peter F. Vallone, Jr.  
Albert Vann  
David I. Weprin  
Thomas White, Jr.  
David Yassky  
Ydanis Rodriguez

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

Rev. James B. Barnwell  
Pastor  
Mt. Olivet Baptist Church

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2 COUNCIL MEMBER DICKENS: All stand  
3 for the Pledge of Allegiance please.

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

9 COUNCIL MEMBER DICKENS: Roll call.

10 CLERK: Arroyo?

11 COUNCIL MEMBER ARROYO: Here.

12 CLERK: Avella?

13 COUNCIL MEMBER AVELLA: Present.

14 CLERK: Baez?

15 COUNCIL MEMBER BAEZ: [No  
16 response].

17 CLERK: Barron?

18 COUNCIL MEMBER BARRON: Here.

19 CLERK: Brewer?

20 COUNCIL MEMBER BREWER: Here.

21 CLERK: Comrie?

22 COUNCIL MEMBER COMRIE: [No  
23 response].

24 CLERK: Crowley?

25 COUNCIL MEMBER CROWLEY: [No

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STATED MEETING

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response].

CLERK: De Blasio?

COUNCIL MEMBER DE BLASIO: Here.

CLERK: Dickens?

COUNCIL MEMBER DICKENS: Here.

CLERK: Dilan?

COUNCIL MEMBER DILAN: Here.

CLERK: Eugene?

COUNCIL MEMBER EUGENE: Here.

CLERK: Felder?

COUNCIL MEMBER FELDER: Here.

CLERK: Ferreras?

COUNCIL MEMBER FERRERAS: Here.

CLERK: Fidler?

COUNCIL MEMBER FIDLER: Here.

CLERK: Foster?

COUNCIL MEMBER FOSTER: Here.

CLERK: Garodnick?

COUNCIL MEMBER GARODNICK: Here.

CLERK: Gennaro?

COUNCIL MEMBER GENNARO: Here.

CLERK: Gentile?

COUNCIL MEMBER GENTILE: Here.

CLERK: Gerson?

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COUNCIL MEMBER GERSON: Here.

CLERK: Gioia?

COUNCIL MEMBER GIOIA: [No  
response].

CLERK: Gonzalez?

COUNCIL MEMBER GONZALEZ: Here.

CLERK: Ignizio?

COUNCIL MEMBER IGNIZIO: Yes.

CLERK: Jackson?

COUNCIL MEMBER JACKSON: Here.

CLERK: James?

COUNCIL MEMBER JAMES: [No  
response].

CLERK: Katz?

COUNCIL MEMBER KATZ: [No  
response].

CLERK: Koppell?

COUNCIL MEMBER KOPPELL: Here.

CLERK: Lappin?

COUNCIL MEMBER LAPPIN: Here.

CLERK: Liu?

COUNCIL MEMBER LIU: [No response].

CLERK: Mark-Viverito?

COUNCIL MEMBER MARK-VIVERITO:

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Here.

CLERK: Mealy?

COUNCIL MEMBER MEALY: [No

response].

CLERK: Mendez?

COUNCIL MEMBER MENDEZ: Here.

CLERK: Mitchell?

COUNCIL MEMBER MITCHELL: Here.

CLERK: Nelson?

COUNCIL MEMBER NELSON: [No

response].

CLERK: Palma?

COUNCIL MEMBER PALMA: Here.

CLERK: Recchia?

COUNCIL MEMBER RECCHIA: Here.

CLERK: Reyna?

COUNCIL MEMBER REYNA: Here.

CLERK: Crowley?

COUNCIL MEMBER CROWLEY: Here.

CLERK: Rodriguez?

COUNCIL MEMBER RODRIGUEZ: [No

response].

CLERK: Sanders?

COUNCIL MEMBER SANDERS: [No

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response].

CLERK: Seabrook?

COUNCIL MEMBER SEABROOK: [No

response].

CLERK: Sears?

COUNCIL MEMBER SEARS: Here.

CLERK: Stewart?

COUNCIL MEMBER STEWART: Here.

CLERK: Ulrich?

COUNCIL MEMBER ULRICH: [No

response].

CLERK: Vacca?

COUNCIL MEMBER VACCA: Here.

CLERK: Vallone?

COUNCIL MEMBER VALLONE: Here.

CLERK: Vann?

COUNCIL MEMBER VANN: Here.

CLERK: Weprin?

COUNCIL MEMBER WEPRIN: Here.

CLERK: White?

COUNCIL MEMBER WHITE: Here.

CLERK: Yassky?

COUNCIL MEMBER YASSKY: Here.

CLERK: Oddo?



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COUNCIL MEMBER ODDO: Yes, here.

CLERK: Rivera?

COUNCIL MEMBER RIVERA: Here.

CLERK: Speaker Quinn?

SPEAKER QUINN: Here.

MALE VOICE: Ladies and gentlemen,  
please rise for the invocation to be delivered by  
Reverend James B. Barnwell, Pastor of Mt. Olivet  
Baptist Church.

MALE VOICE: All rise.

REV. JAMES B. BARNWELL: Let us  
bow. Heavenly Father, we come this afternoon just  
to say thank you for this privilege to come, to  
share in this session. We ask the Lord that our  
spirit be invoked upon the members of this  
Council. We pray oh Father God that our Mayor,  
our Speaker, those who represent the districts of  
this city, give them wisdom, insight and guidance  
that they may make the right decisions. We thank  
you for your power. We thank you for you might.  
Continue to encourage us, guide us and direct us.  
Bless each family that's represented here on  
today. Guide and direct us is our prayer, in the  
awesome of our Lord and Savior, amen.

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COUNCIL: Amen.

COUNCIL MEMBER RIVERA: Council  
Member Dickens.

COUNCIL MEMBER DICKENS: Permission  
to spread the invocation and acceptance of the  
minutes.

COUNCIL MEMBER RIVERA: So ordered.

SPEAKER QUINN: If I could ask my  
colleagues to stand for one more moment please.  
Thank you. Sadly, on December 5th, 2009, Ydanis  
Rodriguez, who was 85 and is the father of Council  
Member Ydanis Rodriguez passed away two and a half  
months after suffering a stroke actually on the  
night of the primary election.

Council Member Rodriguez has spoken  
I think to many of us about his father, but has  
said, among other things, that his father taught  
each of his 13 children that, "you never give up  
and always be honest". Council Member Rodriguez  
was very proud to be sworn in on November 24th in  
the home of his parents with his ailing father  
holding the Bible on which he took his oath of  
office.

Ydanis Rodriguez is survived by his

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2 wife, their 13 children, many grandchildren,  
3 relatives and friends. A viewing was held in  
4 Upper Manhattan yesterday and burial is taking  
5 place in the next few days in the Dominican  
6 Republic. Our thoughts and prayers go out to our  
7 new colleague and his entire family.

8 We also learned this week of the  
9 passing of William Robinson, the husband of  
10 Assemblywoman Annette Robinson. Assemblywoman  
11 Robinson also served in the Council from 1992  
12 through 2001. Assemblywoman Robinson's husband  
13 William Robinson's funeral will be held tonight at  
14 Bridge Street Church on Stuyvesant Avenue in  
15 Brooklyn. Our thoughts and prayers go out to her  
16 and her entire family during this difficult time.  
17 Thank you.

18 COUNCIL MEMBER RIVERA: Adoption of  
19 the minutes, Council Member Nelson.

20 COUNCIL MEMBER NELSON: I make a  
21 motion the Stated Meeting's minutes of 2009,  
22 October 28th be adopted as printed.

23 COUNCIL MEMBER RIVERA: So ordered.  
24 Messages and papers from the Mayor.

25 CLERK: M 1688, Mayor's veto of

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Introductory Number 662-A.

SPEAKER QUINN: Transportation.

CLERK: M 1689, Mayor's veto of  
Introductory Number 907.

SPEAKER QUINN: Transportation.

COUNCIL MEMBER RIVERA:  
Communication from City, County and Borough  
Offices.

CLERK: M 1690.

COUNCIL MEMBER RIVERA: Proceed.

SPEAKER QUINN: I'm sorry, I  
apologize. Received, ordered, printed and filed.  
I was ahead on to petitions and communications.

COUNCIL MEMBER RIVERA: Petitions  
and communications.

SPEAKER QUINN: There is none.  
See, that's why I didn't say anything.

COUNCIL MEMBER RIVERA: Land Use  
call-ups.

CLERK: M 1691.

SPEAKER QUINN: I would like to  
call for a roll call on the Land Use call-up. But  
before I do that, I just want to recognize some of  
our future colleagues who are with us today,

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2 Council Members-elect Steve Levin, Mark Weprin and  
3 Dan Halloran. So, thank you for being here today.  
4 If we could get a roll call on the Land Use call-  
5 ups please.

6 CLERK: Vann?

7 COUNCIL MEMBER VANN: Unanimous  
8 consent to vote on all Land Use call-ups and all  
9 coupled under General Orders.

10 COUNCIL MEMBER RIVERA: So ordered.

11 COUNCIL MEMBER VANN: Aye on all.

12 CLERK: Yassky?

13 COUNCIL MEMBER YASSKY: I seek  
14 consent to vote aye on the General Order calendar  
15 as well.

16 COUNCIL MEMBER RIVERA: So ordered.

17 COUNCIL MEMBER YASSKY: I vote aye  
18 on the Land-Use call-ups and the General Order  
19 calendar. Thank you.

20 CLERK: Arroyo?

21 COUNCIL MEMBER ARROYO: Aye.

22 CLERK: Avella?

23 COUNCIL MEMBER AVELLA: Aye. And  
24 I'd like to ask unanimous consent to vote on all  
25 General Orders.

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COUNCIL MEMBER RIVERA: So ordered.

COUNCIL MEMBER AVELLA: Thank you.

I vote aye.

CLERK: Barron?

COUNCIL MEMBER BARRON: I'd like to ask unanimous consent to vote aye on all General Order Calendar except LU 1229 and accompanying Reso, the Broadway Triangle, I vote no, but aye on all others and Land Use call-ups.

COUNCIL MEMBER RIVERA: So ordered.

One second.

COUNCIL MEMBER BARRON: It's not on?

COUNCIL MEMBER RIVERA: No. So you can say aye on all.

COUNCIL MEMBER BARRON: Aye on all.

MALE VOICE: Okay.

COUNCIL MEMBER BARRON: Aye on all.

MALE VOICE: That's a first. There you go.

CLERK: Brewer?

COUNCIL MEMBER BREWER: Aye.

CLERK: Comrie?

COUNCIL MEMBER COMRIE: Aye.

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CLERK: Crowley?

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COUNCIL MEMBER CROWLEY: I vote aye

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on all.

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CLERK: Dickens?

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COUNCIL MEMBER DICKENS: Aye.

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CLERK: Dilan?

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COUNCIL MEMBER DILAN: Aye.

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CLERK: Eugene?

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COUNCIL MEMBER EUGENE: Aye.

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CLERK: Felder?

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COUNCIL MEMBER FELDER: Yes.

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CLERK: Ferreras?

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COUNCIL MEMBER FERRERAS: Aye.

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CLERK: Fidler?

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COUNCIL MEMBER FIDLER: Yes.

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CLERK: Foster?

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COUNCIL MEMBER FOSTER: Aye.

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CLERK: Garodnick?

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COUNCIL MEMBER GARODNICK: Aye.

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CLERK: Gennaro?

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COUNCIL MEMBER GENNARO: Yes.

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CLERK: Gentile?

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COUNCIL MEMBER GENTILE: Yes, aye.

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CLERK: Gerson?

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COUNCIL MEMBER GERSON: Aye.

CLERK: Gioia?

COUNCIL MEMBER GIOIA: [No  
response].

CLERK: Gonzalez?

COUNCIL MEMBER GONZALEZ: Aye.

CLERK: Ignizio?

COUNCIL MEMBER IGNIZIO: Aye.

CLERK: Jackson?

COUNCIL MEMBER JACKSON: Aye.

CLERK: James?

COUNCIL MEMBER JAMES: Aye.

CLERK: Katz?

COUNCIL MEMBER KATZ: I vote aye  
and request unanimous consent to vote aye on all  
General Order Calendar and Resolution.

COUNCIL MEMBER RIVERA: So ordered.

COUNCIL MEMBER KATZ: Thank you.

CLERK: Koppell?

COUNCIL MEMBER KOPPELL: Aye.

CLERK: Lappin?

COUNCIL MEMBER LAPPIN: Aye.

CLERK: Liu?

COUNCIL MEMBER LIU: [No response].



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CLERK: Mark-Viverito?

COUNCIL MEMBER MARK-VIVERITO: Aye.

CLERK: Mealy?

COUNCIL MEMBER MEALY: [No  
response].

CLERK: Mendez?

COUNCIL MEMBER MENDEZ: Aye on all.

CLERK: Mitchell?

COUNCIL MEMBER MITCHELL: I vote  
aye and request unanimous consent to vote aye on  
all General Orders.

COUNCIL MEMBER RIVERA: So ordered.

COUNCIL MEMBER MITCHELL: I vote  
aye on all.

CLERK: Nelson?

COUNCIL MEMBER NELSON: Aye.

CLERK: Palma?

COUNCIL MEMBER PALMA: Aye.

CLERK: Recchia?

COUNCIL MEMBER RECCHIA: Aye on  
all.

CLERK: Reyna?

COUNCIL MEMBER REYNA: Aye on all.

CLERK: Sanders?

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COUNCIL MEMBER SANDERS: [No  
response].

CLERK: Sears?

COUNCIL MEMBER SEARS: Aye on all.

CLERK: Stewart?

COUNCIL MEMBER STEWART: Yes.

CLERK: Ulrich?

COUNCIL MEMBER ULRICH: Aye.

CLERK: Vacca?

COUNCIL MEMBER VACCA: I vote aye  
and I ask unanimous consent to vote on all General  
Order Calendar items.

COUNCIL MEMBER RIVERA: So ordered.

COUNCIL MEMBER VACCA: I vote aye  
on all.

CLERK: Vallone?

COUNCIL MEMBER VALLONE: Aye.

CLERK: Weprin?

COUNCIL MEMBER WEPRIN: Aye on all.

CLERK: White?

COUNCIL MEMBER WHITE: Aye.

CLERK: De Blasio?

COUNCIL MEMBER DE BLASIO: I vote  
aye on all Land Use call-ups and ask unanimous

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consent to vote aye on all items on the General Order calendar.

COUNCIL MEMBER RIVERA: So ordered.

COUNCIL MEMBER DE BLASIO: Thank you.

CLERK: Oddo?

COUNCIL MEMBER ODDO: Yes.

CLERK: Rivera?

COUNCIL MEMBER RIVERA: I vote aye on all.

CLERK: Speaker Quinn?

SPEAKER QUINN: Aye on all.

COUNCIL MEMBER RIVERA: Today's Land Use call-ups were adopted by a vote of 44 in the affirmative, zero in the negative. Communication from the Speaker.

SPEAKER QUINN: Thank you very much. We are voting on four pieces of legislation today that make up a package that we've been referring to as our green buildings legislation.

This is an incredibly exciting day for the City Council and for the City of New York. A day on which we get to continue what I believe is leadership that makes this City Council one of

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the most forward-thinking environmental legislative bodies in the country.

Folks, remember that on Earth Day, the Council and Mayor Bloomberg announced these four pieces of legislation. So I just want to take a moment to thank so many of the folks who have worked on this legislation.

First, obviously, Mayor Bloomberg on the administration side, Rohit Aggarwala, the head of the Mayor's Office of Sustainability, Lori Kerr [phonetic], Hillary Barber [phonetic], Adam Freed [phonetic], Eddie Batista [phonetic], Mike Keristano [phonetic] and a lot of other folks in the Mayor's Office who have worked very long and hard on this with us.

On our side in the City Council I want to thank Jeff Haberman, Siobhan Watson, Samara Swanston, Laura Popa and Rob Newman and a particular round of applause for Laura Popa who has done a tremendous amount of work on this legislation.

I want to thank all of the environmental groups who have helped us in this. It's exciting to see one of the Council alum Donna

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2 De Constanzo here today representing the  
3 environmental movement.

4 But these pieces of legislation,  
5 when we announced them on Earth Day, had a simple  
6 but groundbreaking goal, to address the carbon  
7 output of existing built buildings in the City of  
8 New York. A lot of conversations, and  
9 appropriately so, happened around new buildings  
10 and LEED standards. But look around New York  
11 City, most of our footprint is already built. If  
12 we focus only on new buildings or on cars, we will  
13 never get to the carbon reduction we need to  
14 preserve the air quality of our city. So that's  
15 why we took on existing buildings, which is  
16 challenging and complicated.

17 In doing so we set a goal, to get  
18 as close to a 5% carbon reduction as we possibly  
19 could. Today, through the four pieces of  
20 legislation we pass, we will get a 4.75%  
21 reduction.

22 We do this through a package of  
23 different pieces of legislations; some that  
24 encourage energy efficient improvements, through  
25 requiring energy audits, retrofitting in

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2 government and simple buildings and retro  
3 commissioning; through raising awareness and lower  
4 cost of energy usage by requiring buildings to  
5 benchmark their energy and water uses; through  
6 mandating buildings to upgrade their lighting  
7 system and install sub meters by 2025; and to  
8 create New York City's first energy code.

9           Together, these bills will lower  
10 energy uses, reduce energy costs with a saving of  
11 \$700 million over ten years and another \$700  
12 million every year after that. As I said, it will  
13 reduce emissions from buildings by 4.75%, helping  
14 us meet our goal of reducing the city's carbon  
15 footprint by 2030. It'll improve reliability of  
16 our power grid. And very important, it'll create  
17 almost 18,000 green jobs over ten years through  
18 the requirements and the incentives of this bill.  
19 It'll position New York as what we should be, a  
20 national leader on energy efficiency.

21           Now the Council and the Mayor's  
22 Office have done some tremendous, tremendous work  
23 but we didn't do it alone. I want to thank the  
24 National Resources Defense Council, the Pratt  
25 Center for Community Development, the

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2 Environmental Defense Fund, the Regional Plan  
3 Association, the New York League of Conservation  
4 Voters, the Urban Green Council which has Unger,  
5 who is another Council alum, Up Rose, WE ACT for  
6 Environmental Justice, REBNY and the Partnership  
7 for New York City. I think it's important and  
8 noteworthy that REBNY and the Partnership are on  
9 that list with the leading environmental groups.

10 Because we've sent a message  
11 through this bill that being environmentally  
12 conscious is not anti-business. that both can  
13 come together and partnering, dare I say marrying,  
14 partnering both you can actually in fact save New  
15 York City's environment and save the planet's  
16 environment.

17 It's important to note in that  
18 4.75% reduction, we do it through mandates and we  
19 do it through incentives and we do it with a \$19  
20 million revolving loan fund and through the funds  
21 that are available through NYSERDA and other  
22 stimulus funds that will become available.

23 So in addition to the staff and the  
24 environmental community, there is probably no one  
25 who has done more on this issue, specifically with

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2 these bills but also in establishing the Council  
3 as a place where we are open and willing and  
4 excited about putting our arms around very  
5 complicated environmental issues than the Chair of  
6 our Environmental Protection Committee Jim  
7 Gennaro. So I want to thank you specifically for  
8 these bills.

9                   But more importantly, I want to  
10 thank you for making this Council a place where we  
11 say we're going to tackle issues nobody has  
12 tackled before. And we're going to take things on  
13 when we're not 100% sure it's going to be easy,  
14 but we're going to do it because it's right for  
15 the planet. So thank you. Let me call on our  
16 environmental leader Jim Gennaro.

17                   COUNCIL MEMBER GENNARO: Thank you,  
18 Madame Speaker. We are here today because of your  
19 leadership and your staff and the Mayor's  
20 leadership and his great team.

21                   Just to give a little bit of a  
22 backdrop, we all remember in 2007 when we passed  
23 the New York City Climate Protection Act which  
24 mandated a 30% reduction in greenhouses gases in  
25 the government sector by 2017, a 30% reduction in



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2 the city as a whole by 2030. Those are hard  
3 mandates in that bill. That meant that we had to  
4 do things. So we've done things.

5 Since we did that bill, this  
6 certainly today is a very, very big step. It's  
7 also important to know that when we reduce CO2,  
8 which is certainly good for the planet, we also do  
9 our part to bring down greenhouse gas emissions.

10 There is no way to reduce CO2  
11 without reducing other harmful pollutants that  
12 send our kids to asthma clinics every day. Things  
13 like ozone, things like particulate matter, carbon  
14 monoxide, nitrogen oxide, sulfur dioxide, heavy  
15 metals. All of these things will be reduced when  
16 you reduce CO2.

17 So that really is the way to look  
18 at these bills. Twenty years from now people will  
19 look back at this moment and this vote on this  
20 landmark legislative package as the moment when  
21 city government, critical stakeholders and  
22 concerned citizenry came together to transform our  
23 buildings into centers of environmental  
24 innovation, showcases of engineering excellence  
25 and engines of economic revitalization. These

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2 bills are transformative for our environment, a  
3 boon to our local economy and a beacon to other  
4 cities on the journey to environmental  
5 sustainability.

6

Let me talk just a little bit about  
7 the bill and the package that I was the co-sponsor  
8 of and then we'll hear from some of the other  
9 sponsors of some of the other bills. I thank  
10 those folks, I thank Council Member Garodnick, I  
11 thank Council Member Recchia, I thank Council  
12 Member Mark-Viverito, the sponsors to the other  
13 bills in the package.

14

I also want to do a special shout-  
15 out to Gale Brewer who helped us with the co-ops  
16 and condos. Thank you, Gale for that.

17

With regard to my bill which is  
18 967-A, you know once every ten years a building  
19 that's covered by this, buildings of 50,000 square  
20 feet or more, will have to do an energy audit.  
21 This energy audit should cost about 15 cents per  
22 square foot of the building. When you compare  
23 that to what the average building spends on energy  
24 over this ten year period, it's about \$30.

25

So making a 15 cent per square foot

1  
2 investment, and based on what you're going to find  
3 out in the audit, you're going to want to do some  
4 of those upgrades. You're going to want to do  
5 things that pay themselves back in two years,  
6 three years, four years. So we feel very good  
7 about the audit that we're making people do.

8 We're also mandating that buildings  
9 do retro commissioning, meaning that any system  
10 that's currently in the building now has to work  
11 up to its proposed specifications. So whatever in  
12 the building has to work the way it ought to work.  
13 There is no building that wouldn't want to do  
14 that, but we certainly have to make it mandatory  
15 in the bill that that happens.

16 City government will have to do all  
17 of the energy retrofits that will pay the city  
18 back in seven years or less. So the city is going  
19 to lead by example.

20 For buildings there are multiple  
21 ways that they can come into compliance with this  
22 law. If they are a simple where they just don't  
23 have a complicated physical plan and they just  
24 have a boiler and a bunch of radiators, there are  
25 very simple things that they can do so that they

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won't even have to do their first audit.

People who have done good work over the last couple of years can come into what we call early compliance. So we don't want to punish the people who in the last couple of years have already done some very, very good things with their building.

The first round of audits is due in 2013. That will go through to 2022. That'll be the first round of audits. Then, once a building does an audit, they will be on that cycle of every ten years.

We're going to hear more about the other bills from their sponsors, but certainly this is a very, very good day for the Council and I'm happy and proud at the big step we're taking today and the other steps we're going to take in the future to get to that mandate of a 30% reduction in greenhouse gases.

Now a very, very special shout-out to someone from the National Resources Defense Council who is working very closely with us on these bills, none other than our former counsel to the committee, Donna De Constanzo, who had a

1  
2 birthday yesterday, so we should clap for Donna.  
3 We all know her and love her. The Speaker thanked  
4 a lot of the environmental groups. But we should  
5 mention also that that U.S. EPA stood behind us  
6 and was very supportive, as well as folks from the  
7 labor community and also my own staff, Bill  
8 Murray, Brad Groznik and Costa Constantinides,  
9 thanks one and all. Of course we urge a yes vote  
10 on all of these very important items. Thank you  
11 all very much.

12 SPEAKER QUINN: Thank you very  
13 much. Just before we call on one of the other  
14 sponsors, Council Member Melissa Mark-Viverito,  
15 let me call on Council Member Mendez.

16 COUNCIL MEMBER MENDEZ: Thank you,  
17 Speaker Quinn. I'd like permission to vote aye on  
18 all general matters.

19 COUNCIL MEMBER RIVERA: So ordered.

20 COUNCIL MEMBER MENDEZ: Thank you  
21 very much.

22 SPEAKER QUINN: Thank you very  
23 much, Council Member Mendez. Let me next call on  
24 someone who has spent a lot of time working on  
25 environmental issue and reducing the city's carbon

1  
2 footprint, Council Member Melissa Mark-Viverito,  
3 who is the sponsor of Intro 476-A, benchmarking  
4 the energy and water efficiency of buildings.

5 COUNCIL MEMBER MARK-VIVERITO:

6 Thank you, Madame Speaker. Today's green building  
7 legislative package presents us, New York City,  
8 with a wonderful opportunity to assume a  
9 leadership role in the global struggle against  
10 climate change. Our action to take up this  
11 historic legislative package today runs parallel  
12 with the U.N.'s climate change convention, thereby  
13 reinforcing the importance of the vote before us.

14 As we speak 192 nations are meeting  
15 in Copenhagen to address the critical issue of  
16 global warming and the role their respective  
17 countries can play in lowering their carbon  
18 footprint.

19 Just yesterday, President Obama, in  
20 his jobs speech encouraged the retrofitting of  
21 homes, thereby speaking to the potential job  
22 creation opportunities that will come from being  
23 environmentally responsible, an element also  
24 touched on by our package of bills.

25 Our green legislative package has

1  
2 us on the right path and on the cutting edge of  
3 the role that government can play to encourage  
4 awareness of the environment challenge before us  
5 while encouraging and incentivizing action as a  
6 means of cutting carbon emissions.

7 My bill, Intro 476-A, seeks to  
8 address benchmarking the energy consumption of  
9 buildings in order to analyze building emissions  
10 and implement improvements to increase their  
11 performance. This goal directly addresses the  
12 main objective of the Copenhagen convention of  
13 setting the concentrations of greenhouse gases at  
14 a level that will mitigate human interference with  
15 the climate system.

16 To this point, the  
17 Intergovernmental Panel on Climate Change cites  
18 that emissions from residential buildings have  
19 grown at a rate of 1% per year and emissions from  
20 commercial buildings have grown at a rate of 3%  
21 per year.

22 Additionally, this week, the EPA  
23 has reported that greenhouse gases are endangering  
24 the public health of Americans and must be  
25 regulated, which again speaks to the urgency of

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the matter and the importance of our action today.

I am please that with our legislative changes, New York City can take the lead on climate control and guide the United States into the forefront of leaders on climate change. It is the duty of industrialized countries and industrialized cities such as ours to do what the rest of the world believes is the right thing to do and reduce our greenhouse gas emissions. Let us start that mission in these chambers today by passing these bills.

Because we never arrive at moments like these on our own, I really want to thank obviously all of the colleagues that have been mentioned, Dan Garodnick, Domenic Recchia, clearly the leadership of our chair of the Environmental Committee Jim Gennaro, Speaker Quinn, all the staff that has been mentioned, Jeff Haberman, Samara Swanston, Siobhan Watson, Laura Popa, Rob Newman and I really want to thank personally my office staff, Ada Fox [phonetic], Joe Taranto and my intern from England who has been participating very actively in this discussion and really been involved Jeremy Burstow [phonetic] for all their



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work and commitment.

It is due time that New York City lead by example and pass these bills to improve local and regional air quality, improve public health and improve the quality of life for all New Yorkers. I'm very excited that we're doing this today. I'm very excited to be a part of this.

Thank you all to the advocates as well that contributed to making this day a reality.

SPEAKER QUINN: Thank you very much, Council Member. Next let me call on Council Member Domenic M. Recchia, Jr., who is the sponsor of Intro 973, the upgrading lighting systems. We've talked about the jobs that could be created through this bill, as many as 18,000 jobs. Certainly the 1.1 billion square foot of required lighting retrofits that are part of Council Member Domenic M. Recchia's bill are a big place where people will get put to work. Domenic, thank you very much for that.

COUNCIL MEMBER RECCHIA: Thank you, Madame Speaker. Today we are taking an important step to reduce New York City's carbon emissions

1  
2 and ensure a brighter, cleaner future. I'd like  
3 to thank Speaker Quinn and her entire staff, Mayor  
4 Bloomberg and his entire staff, Environmental  
5 Committee Chairman Jim Gennaro, Melissa Mark-  
6 Viverito and Dan Garodnick for their co-sponsored  
7 bills and all of my colleagues in the City Council  
8 today. I'd like to thank the Council Staff Rob  
9 Newman and Laura Popa for all their work and all  
10 the environmental groups across the city for  
11 working together on this incredible important  
12 issue.

13 I'm proud to sponsor a bill that  
14 will pave the way for more efficient lighting,  
15 smarter energy use in buildings across the city,  
16 and producing thousands of jobs for the future.  
17 Steps like these will go a long way towards  
18 solving our energy crisis by reducing our  
19 dependency on foreign oil and helping to reduce  
20 global warming.

21 Some of the upgrades we're asking  
22 for may initially cost money upfront, but they  
23 quickly will pay for themselves in savings and  
24 that's important for the future.

25 We are facing an environmental

1  
2 crisis right now and we cannot rely on other  
3 people to fix this problem for us. It is up to us  
4 local government to take the lead. These bills  
5 will set a standard for the rest of the country to  
6 follow. It's time for all of us to unite together  
7 and take charge to reduce carbon emissions through  
8 smart effective steps like these. Therefore, I'm  
9 requesting all of my colleagues to vote aye on all  
10 these bills.

11 SPEAKER QUINN: Thank you very  
12 much, Council Member Recchia. Let me next call on  
13 last, but certainly not least, Council Member Dan  
14 Garodnick who is the sponsor of Intro 564-A, the  
15 piece of legislation that establishes for the  
16 first time ever a New York City energy code.

17 COUNCIL MEMBER GARODNICK: Thank  
18 you very much Speaker Quinn. As you just noted,  
19 I'm speaking today on the city's first green  
20 energy code, 564-A.

21 Most of us do not look at a  
22 skyscraper and see a polluter, and yet  
23 unfortunately that is the reality. There are  
24 likely not smokestacks or exhaust pipes that are  
25 visible to remind us, but we all know that large

1  
2 buildings are the source of nearly 80% of our  
3 greenhouse gas emissions in New York City.

4 One reason for this staggering  
5 number of course is missed opportunities to  
6 improve. The state energy code, which has been  
7 out legal standard for building renovations, is  
8 simply too lax. It allows inefficient building  
9 systems to be replaced by equally inefficient  
10 systems.

11 Under the state code, as long as  
12 owners are making changes to less than 50% of  
13 their building systems, they do not need to make  
14 environmentally sustainable upgrades. So today,  
15 for example, if a building owner were to change  
16 49% of the windows, he could install outdated  
17 models that fail to meet existing industry  
18 standards.

19 Because so many of the renovations  
20 in our large buildings are done floor by floor or  
21 tenant space by tenant space, the 50% exemption  
22 rule means that many opportunities for energy  
23 conservation are quite literally going right out  
24 the window.

25 We can do better and the urgency of

1  
2 climate change requires it as you've from my  
3 colleagues, from hot water heaters to lighting  
4 systems and insulation, we can and we will make  
5 nearly every component of a building more  
6 efficient.

7           The New York City green energy code  
8 is a targeted measure that will allow us to tackle  
9 our biggest source of greenhouse gases head on.  
10 Working in tandem with the other greener greater  
11 buildings laws, this bill will reduce our carbon  
12 footprint and serve as a powerful example to other  
13 cities in the nation and the world for how to  
14 adapt to the demands of climate change.

15           I want to join my colleagues in  
16 thanking the Speaker, the Administration, Rohit  
17 Aggarwala, Council staff, especially Laura Popa,  
18 environmental groups. I have to pay particular  
19 thanks to Russell Unger and Donna De Constanza.  
20 Happy birthday, by the way. And to everybody who  
21 had a hand in all of this effort. This is a big  
22 day for the Council and a big day for the City. I  
23 encourage my colleagues to vote yes.

24           SPEAKER QUINN: Thank you very  
25 much, Council Member Garodnick. I'm not sure he

1  
2 was here when we thanked him before. We've said a  
3 lot of thanks, but in particular just underscore  
4 our thanks to all of the staff but just in  
5 particular Laura Popa and Rohit Aggarwala. They  
6 both could stand for a moment to be recognized, so  
7 thank you both. Laura, you actually have to  
8 stand. I know you don't want to. Thank you both.

9           Also, I'm going to use the same  
10 words, historic and groundbreaking again. They're  
11 words you shouldn't overuse except they're  
12 actually true about both of the things we're doing  
13 today.

14           We're voting today on a set of  
15 zoning changes called Fresh. The goal of the  
16 Fresh rezoning is to create greater food access,  
17 more supermarkets in neighborhoods that do not  
18 have supermarkets, do not have access on a regular  
19 basis to reasonably priced fruits and vegetables.  
20 I want to thank Amy Levitan and everybody in the  
21 Land Use division who worked on this, and David  
22 Pristin and Sarah Brannen and everyone in the  
23 policy division who worked on this.

24           This idea of the Fresh rezonings  
25 came out of the Supermarket Commission that the

1  
2 Council and the Bloomberg Administration put  
3 together. The Supermarket Commission grew out of  
4 work of our Consumer Affairs Committee, chaired by  
5 Leroy Comrie. When that committee a year or two  
6 ago now, passed green carts legislation creating  
7 greater access to fruits and vegetables in low-  
8 income neighborhoods by creating a thousand vendor  
9 permits for those who sell fruits and vegetables  
10 in low-income neighborhoods.

11 We knew that the green carts,  
12 although very helpful, were a band-aid on a deeper  
13 problem. That to help solve that deeper problem  
14 we needed to find a way to facilitate the  
15 operation and the opening and also sustaining  
16 those supermarkets that existed in low and  
17 moderate income neighborhoods.

18 That is what this zoning will do.  
19 It is the first time that any city has ever used  
20 its land use and zoning powers to help create an  
21 open and keep open supermarkets in low-income  
22 neighborhoods. Coupled with other tax break  
23 opportunities we have a real opportunity here to  
24 take a major step forward in reducing hunger and  
25 obesity and obesity-related ailments in our city.

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I hope we're all incredibly proud of this initiative.

We are already hearing from other neighborhoods and community boards that want Fresh round two so they could be added into it. This is a problem we have worked on for four years and another example of us taking tangible steps to reduce the problems that New Yorkers are suffering from.

So I want to thank everyone who has worked on this, particularly the chair of our Land Use Committee, Melinda Katz. But let me call on two of the members, and if we could get as little quite for them, two of the members who are leaders on this overall issue in the Council. First let me call on Leroy Comrie, the chair of our Consumer Affairs Committee and then Joel Rivera our Majority Leader and chair of our Health Committee.

COUNCIL MEMBER COMRIE: Thank you, Speaker Quinn. I just want to thank all of the people that took the idea that germinated out of the need that was determined and had actually already been predetermined but was highlighted at our hearings a couple of years ago regarding the



1  
2 need for green markets, the need to make sure that  
3 the opportunities for fresh foods were distributed  
4 throughout minority areas where its been  
5 determined have high rates of obesity, have less  
6 access to fresh foods, have less access to  
7 supermarkets.

8 I just want to congratulate all of  
9 the people that stuck to it, that put the  
10 commission together, the UFCW and all of the  
11 participants that continue to try to find  
12 innovative ways to make sure that this program was  
13 inclusive and utilized supermarkets that were also  
14 being concerned about the community and residents,  
15 concerned about workers and also making sure that  
16 we can create more opportunities to create  
17 supermarkets in underserved areas.

18 Congratulations to all of the  
19 people that were part of the commission. I'm glad  
20 that we are targeting community boards in the most  
21 underserved areas as far as the ability to have  
22 Fresh Direct now. I want to thank the chair of  
23 the Health Committee, Majority Leader Joel Rivera.  
24 I won't name the names of all of the people that  
25 were involved. The Speaker did a good job of

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talking about the ideas for it and the implementation of it.

I think that this is truly an innovative program that will be emulated throughout cities in the United States. Congratulations to all.

SPEAKER QUINN: Thank you, Council Member Comrie. Majority Leader Rivera will speak next.

COUNCIL MEMBER RIVERA: Thank you very much, Madame Speaker. First I want to thank you for your leadership on this issue.

When we exit City Hall and we go back to our neighborhoods we see fast food establishments virtually on every single city block. They have a monopoly.

What we don't see is fresh produce, vegetables and fruits in every single city block and that is primarily what contributes to the increase in obesity and diabetes that we see in our younger populations and unfortunately within the lower income communities in the outer boroughs and in some of the underserved community boards.

This Fresh rezoning is an amazing

1  
2 opportunity to really tackle this issue head on  
3 and it gives us the wherewithal to take it to the  
4 neighborhoods and let consumers have access to  
5 something that previously they would have to  
6 sometimes go ten minutes away from where they  
7 live. If you don't have a car, those ten minutes  
8 gets exacerbated and even more time to get to that  
9 location.

10 So now, we as a body are taking a  
11 very proactive approach in dealing with the health  
12 crisis we have in the City of New York through  
13 wholesome food and really going head on in a very  
14 productive way.

15 I want to thank you Madame Speaker.  
16 I want to thank my colleague Council Member Leroy  
17 Comrie and the Land Use Chair Melinda Katz. I  
18 urge all of us to support these proposals because  
19 they are historic. We know that the only way to  
20 combat these issues is with diet and exercise.  
21 Because of your leadership and because of our  
22 action, we are taking the steps in the right  
23 direction. Thank you very much and I hope we all  
24 vote aye. Thank you.

25 SPEAKER QUINN: Thank you very

1  
2 much, Majority Leader Rivera. Let just close by  
3 thanking everyone who was a part of the Good Food  
4 Good Jobs coalition. They were key supporters of  
5 this and also made sure provisions were added in  
6 on the modifications of Fresh that require  
7 community board consultation, require disclosure  
8 around the types of jobs that are going to be  
9 provided, require food stamps and WIC and things  
10 of that nature. They made a good proposal even  
11 better and I want to thank them.

12 In particular, I want to thank all  
13 the members but I want to single out Pat Purcell  
14 and everyone at the UFCW for their hard work.

15 I don't know if Amy Levitan was  
16 here before when we thanked her but I know David  
17 Pristin wasn't, so I again want to thank Amy and  
18 everyone in Land Use and David Pristin and Sarah  
19 and everyone in our policy division.

20 That concludes Communications with  
21 the Speaker, except to remind everybody that  
22 tonight is the Council's holiday party, so come  
23 back for the holiday party. Thank you, Mr.  
24 Majority Leader.

25 COUNCIL MEMBER RIVERA: Thank you.

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2 I'm seeing no one for discussion of General  
3 Orders. Council Member Mealy?

4 COUNCIL MEMBER MEALY: I vote aye  
5 with permission to vote on Land Use call-ups.

6 COUNCIL MEMBER RIVERA: So ordered.

7 COUNCIL MEMBER MEALY: Thank you, I  
8 vote aye.

9 COUNCIL MEMBER RIVERA: Council  
10 Member Eric Gioia for a vote.

11 COUNCIL MEMBER GIOIA: Thank you.  
12 I vote yes on all and yes on all Land Use call-ups  
13 as well.

14 COUNCIL MEMBER RIVERA: So ordered.  
15 Anyone else for a vote. We'll now move on to  
16 reports of special committees.

17 CLERK: None.

18 COUNCIL MEMBER RIVERA: Reports of  
19 standing committees.

20 CLERK: Report of the Committee on  
21 Environmental Protection, Intros 476-A through  
22 973-A, green building legislative package.

23 SPEAKER QUINN: Amended and coupled  
24 on General Orders with a message of necessity.

25 CLERK: Preconsidered Reso 2289.

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SPEAKER QUINN: Coupled on General Orders.

CLERK: Report of the Committee on Land Use LU 1227 through LU 1230.

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.

CLERK: LU 1255 and Reso 2292.

SPEAKER QUINN: Coupled on General Orders.

CLERK: LU 1269 and Reso 2293.

SPEAKER QUINN: Coupled on General Orders.

CLERK: Report of the Committee on Parks and Recreation Into 1083-A, park conservancies.

SPEAKER QUINN: Amended and laid over.

COUNCIL MEMBER RIVERA: The General Order Calendar.

CLERK: LU 1244 and Reso 2294, Fresh rezoning.

1  
2 SPEAKER QUINN: Coupled on General  
3 Orders.

4 CLERK: Resolution appointing  
5 various persons Commissioner of Deeds.

6 SPEAKER QUINN: Coupled on General  
7 Orders. At this time I ask for a roll call on all  
8 items that are coupled on the General Order  
9 Calendar. I want to remind folks that this Stated  
10 Meeting is going to stand in recess and that we  
11 will be called back to take up some Land Use items  
12 at the end of this week or the beginning of next  
13 week. So it's very important that your office  
14 watch for notice of when the continuation of this  
15 Stated Meeting will be. Thank you, Mr. Majority  
16 Leader.

17 CLERK: Arroyo?

18 COUNCIL MEMBER ARROYO: Aye.

19 CLERK: Brewer?

20 COUNCIL MEMBER BREWER Aye, with  
21 congratulations to the chairs, particular the  
22 chair of the Environmental Protection Jim Gennaro  
23 to Rohit Aggarwala, to Loren Blansford [phonetic]  
24 who works in his office and to Laura Popa who  
25 seems to be calm at all times. I vote aye.

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2 CLERK: Comrie?  
3 COUNCIL MEMBER COMRIE: Aye.  
4 CLERK: Crowley?  
5 COUNCIL MEMBER CROWLEY: Aye.  
6 CLERK: Dickens?  
7 COUNCIL MEMBER DICKENS: Aye.  
8 CLERK: Dilan?  
9 COUNCIL MEMBER DILAN: I vote aye  
10 on all except for Intro 967-A which I vote no.  
11 CLERK: Eugene?  
12 COUNCIL MEMBER EUGENE: Aye.  
13 CLERK: Felder?  
14 COUNCIL MEMBER FELDER: I vote yes  
15 on all. No on 967-A and 973-A.  
16 CLERK: Ferreras?  
17 COUNCIL MEMBER FERRERAS: Aye.  
18 CLERK: Fidler?  
19 COUNCIL MEMBER FIDLER: Aye on all.  
20 CLERK: Foster?  
21 COUNCIL MEMBER FOSTER: Aye on all.  
22 CLERK: Garodnick?  
23 COUNCIL MEMBER GARODNICK: Aye.  
24 CLERK: Gennaro?  
25 COUNCIL MEMBER GENNARO: Mr. Acting



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Public Advocate I'd like to speak on my vote.

COUNCIL MEMBER RIVERA: Yes, you may.

COUNCIL MEMBER GENNARO: I was going to say this earlier during my remarks but I was running a little long. It really does need to be said, although it's been said many times already. We really have to thank in a very, very special way Laura Popa, yes and Rob Newman and Jeff Haberman and Samara Swanston and Siobhan Watson and the Mayor's great folks who did so much here. It's really, really great. Rohit Aggarwala and Eddie Bautista and Laura Kerr and Hillary Debur [phonetic] and Adam Freed and Mike Castertano [phonetic] thank you so much for your great efforts. With that, I proudly vote aye on all.

CLERK: Gentile?

COUNCIL MEMBER GENTILE: Aye on all.

CLERK: Gerson?

COUNCIL MEMBER GERSON: Mr. Public Advocate today is a great green day for New York City. We cannot seriously improve our

1  
2 environment, as has been noted, without tackling  
3 the challenge of retrofitting existing buildings.  
4 As we do so with the package we're passing today,  
5 we squarely keep our city in the forefront of the  
6 urban green improvement efforts nationwide and  
7 worldwide. I vote aye on all. I know that with  
8 the continued green leadership of our Speaker, our  
9 Chair Jim Gennaro and this entire Council, this  
10 city and this Council will continue to make major  
11 strides in improving the urban environment for  
12 current and future generations. I vote aye on  
13 all. Thank you.

14 CLERK: Gonzalez?

15 COUNCIL MEMBER GONZALEZ: Aye on  
16 all.

17 CLERK: Ignizio?

18 COUNCIL MEMBER IGNIZIO: No on 973-  
19 A and 967-A, and aye on all others.

20 CLERK: Jackson?

21 COUNCIL MEMBER JACKSON:  
22 Congratulations to Jim Gennaro and all the other  
23 sponsors of the green bill building legislations.  
24 I vote aye on all.

25 CLERK: James?

1  
2 COUNCIL MEMBER JAMES: May I be  
3 excused to explain my vote?

4 COUNCIL MEMBER RIVERA: Yes.

5 COUNCIL MEMBER JAMES: First, let  
6 me thank all of those who are responsible for the  
7 greener greater buildings plan. All of these  
8 bills are sensible and cost effective, not to  
9 mention environmentally important to the planet.  
10 So congratulations to my colleagues who were  
11 sponsors of these bills.

12 In regards to the fresh food  
13 stores, I support this piece of legislation, but  
14 obviously we have to improve those corridors  
15 within the City of New York which are pockets of  
16 poverty which are overshadowed in gentrifying  
17 neighborhoods.

18 Unfortunately those neighborhoods,  
19 those corridors are not protected and are not  
20 included in the fresh food store, particularly in  
21 my district in downtown Brooklyn in Community  
22 Board 2, which was excluded, where we have abject  
23 poverty surrounded by million dollar brownstones.  
24 I would hope that we would all work together to  
25 focus on this issue, again, which is an issue

1  
2 which is not limited to my district but an issue  
3 which extends beyond the borders of downtown  
4 Brooklyn. I vote aye on all. Thank you.

5 CLERK: Koppell?

6 COUNCIL MEMBER KOPPELL: Aye.

7 CLERK: Lappin?

8 COUNCIL MEMBER LAPPIN: Aye.

9 CLERK: Mark-Viverito?

10 COUNCIL MEMBER MARK-VIVERITO: Aye

11 on all.

12 CLERK: Nelson?

13 COUNCIL MEMBER NELSON: Aye.

14 CLERK: Palma?

15 COUNCIL MEMBER PALMA: Aye.

16 CLERK: Recchia?

17 COUNCIL MEMBER RECCHIA: Aye.

18 CLERK: Reyna?

19 COUNCIL MEMBER REYNA: Aye on all.

20 CLERK: Sears?

21 COUNCIL MEMBER SEARS: Aye.

22 CLERK: Stewart?

23 COUNCIL MEMBER STEWART: [No

24 response].

25 CLERK: Ulrich?

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2 COUNCIL MEMBER ULRICH: I vote no  
3 on Intro 967-A and aye on all others.

4 CLERK: Vallone?

5 COUNCIL MEMBER VALLONE:  
6 Congratulations to Dan, Melissa and especially Jim  
7 and I vote aye on all.

8 CLERK: Weprin?

9 COUNCIL MEMBER WEPRIN: Aye on all.

10 CLERK: White?

11 COUNCIL MEMBER WHITE: I vote aye.

12 CLERK: Oddo?

13 COUNCIL MEMBER ODDO: May I be  
14 excused to explain my vote.

15 COUNCIL MEMBER RIVERA: Yes.

16 COUNCIL MEMBER ODDO: I will be  
17 voting yes on all with the exception of Intro 967.  
18 I really don't want to debate the merits of the  
19 bill. I commend the sponsors. I have concerns  
20 about the upfront costs. I don't want to  
21 disrespect in any way the wonderful staff that we  
22 have here.

23 But I will reserve that disrespect  
24 for one of the players in this process and that's  
25 the New York League of Conservation Voters. Those

1  
2 fake, phony frauds who had the temerity to call my  
3 office to let me know what they have to say about  
4 this four-bill package.

5           If they love Mother Earth, they  
6 should save the electricity and the paper and  
7 refrain from emailing me or faxing me their  
8 opinion because despite the fact that they have  
9 conservation in their name and act self-  
10 righteously in judging this body, I really don't  
11 give a rat's climate induced change warmed over  
12 tuchus of what they have to say.

13           This is the same group that said to  
14 the people of Staten Island that big huge New York  
15 City, manmade environmental and health nightmare  
16 known as the Freshkills landfill; we don't want to  
17 close it just yet. So they're standing with me,  
18 with Council Member Ignizio, Council Member  
19 Mitchell and the people we represent isn't  
20 terribly high. I guess this will put me in the  
21 negative category in their legislation extortion,  
22 oh I'm sorry, their legislative scorecard.

23           In our rush to be environmentally  
24 green, I ask my colleagues to remember one other  
25 type of green. Many of you, chair of the Finance

1  
2 Committee and many of my colleagues did great work  
3 talking about the water rates and how it's  
4 destroying and killing our constituents.

5           There's another type of green, it's  
6 what we call in Italian, schodo, political green,  
7 when the head of the New York League of  
8 Conservation Voters sits as a member of the Water  
9 Board in judgment of those increases yet then goes  
10 solicits the executive for contributions to her  
11 political pack and although there was a Conflict  
12 of Interest Board ruling on December 3rd, I  
13 challenge this body to look at that.

14           If one of us had that type of  
15 conflict, we'd be reading about it in the New York  
16 Times ad nauseum. We as a body have not taken a  
17 position. She sits and solicits funding from the  
18 executive who is proposing water rates and we have  
19 said nothing about it. So with all due respect to  
20 the colleagues, all due respect to staff, you did  
21 great work. I vote aye on all with the exception  
22 of that bill and challenge our colleagues to  
23 challenge that particular group.

24           [Applause]

25           FEMALE VOICE: That's Simcha.

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COUNCIL MEMBER FELDER: You're a  
snitch.

CLERK: Rivera?

COUNCIL MEMBER RIVERA: I vote aye  
on all.

CLERK: Speaker Quinn?

SPEAKER QUINN: [No response].

COUNCIL MEMBER RIVERA: All items  
on today's General Order Calendar were adopted by  
a vote of 46 in the affirmative, zero in the  
negative and zero abstentions with the exception  
of Intro 967-A which was adopted by a vote of 41  
in the affirmative, 5 in the negative and zero  
abstentions and Intro 973-A which was adopted by a  
vote of 44 in the affirmative and 2 in the  
negative and zero abstentions. The revised Land  
Use call-ups were adopted by a vote of 46 in the  
affirmative and zero in the negative.  
Introduction and reading of the bills.

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

COUNCIL MEMBER RIVERA: General  
discussion, Council Member Jackson.

COUNCIL MEMBER JACKSON: Thank you,



1  
2 Majority Leader. My colleagues I rise, I handed  
3 all of you a notice about the amendments to the  
4 five-year capital plan for the Department of  
5 Education and the impact that's going to have from  
6 a positive or a negative point of view or no  
7 impact at all from the adopted five-year capital  
8 plan.

9 A hearing is going to be held next  
10 Wednesday December 16th at 1:00 p.m. here in the  
11 Chambers. So I wanted to give you all notice so  
12 to that you know what the impacts, if any, are  
13 going to be on your districts and in your  
14 boroughs. If you have any questions, please reach  
15 out to the Education Committee staff. We hope to  
16 see you all on December 16th at 1:00 p.m. here in  
17 the Chambers on the amendments to the five-year  
18 capital plan for the Department of Education.  
19 Thank you.

20 COUNCIL MEMBER RIVERA: Thank you  
21 very much. Council Member Nelson.

22 COUNCIL MEMBER NELSON: Thank you.  
23 I must register my disgust at something that's  
24 just been building up in me for a while.

25 SPEAKER QUINN: I'm sorry, can we

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get a little quiet?

COUNCIL MEMBER NELSON: Jimmy, if you're patriotic, you'll listen. We're putting our soldiers and country.

SPEAKER QUINN: Hang on. Can we get really just a little quiet? I know we have a party or whatever, but just a little quiet. Let's start the clock over for Council Member Nelson.

COUNCIL MEMBER NELSON: Thank you, Madame Speaker. I'll just take the extra couple of seconds here. We are putting our soldiers and country in jeopardy. We have Seals being court marshaled while the terrorists are laughing through their bloody lips. This kind of PC and incompetent militarism will cause the demise of this great country in my opinion.

It doesn't matter if you're a pacifist, if you're a saber rattling jingoist, if you're a Democrat, Republican, whatever you are, these ludicrous means of waging a war doesn't make us better, it just makes us stupid fools.

You have these brave men and women that are fighting for our country and they have to be worried about roughing up a terrorist. Just

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think about that. Ponder that for a while.

By the way, that goes for having trials for terrorists in civilian court in New York City. It's becoming like 1984 in 2009 only it's a lot more dangerous. I say free the Seals. This is the kind of sleeping at the switch that caused 9/11 and 1941.

In honor of those who perished, an anniversary of course we just celebrated recently that we need smarter policies. Those who disagree are off my Christmas, Hanukah and Kwanzaa lists.

COUNCIL MEMBER RIVERA: Council Member Brewer.

COUNCIL MEMBER BREWER: Thank you very much. I just rise to congratulate those in Washington who are fighting to keep pro-choice in the health bills. I want to say that I know that they are certainly an example of I think effective advocacy. There's a lot more work to be done. There are many groups across this country on both sides of the issue.

Obviously people know that many of us, not all of us perhaps, many of us are pro-choice. I'm simply saying as one voice in this

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2 body to be clear that we are very appreciative on  
3 behalf of the women I know for all their efforts.  
4 Thank you.

5 COUNCIL MEMBER RIVERA: Thank you.  
6 Council Member Mealy.

7 COUNCIL MEMBER MEALY: I rise to  
8 speak on words about Pearl Harbor because Monday,  
9 December 7th was the anniversary. I would like  
10 the Council to take a moment to reflect on and  
11 remember the events of the attack of Pearl Harbor.  
12 On December 7th, 1941 the Japanese navy launched  
13 and attack against the United States Navy base at  
14 Pearl Harbor, Hawaii. This attack resulted in the  
15 United States becoming involved in the World War  
16 II. The attack resulted in 2,402 lives lost and  
17 1,282 injured.

18 On Monday I presented a Pearl  
19 Harbor Day of remembrance at the Bishop B. Hucles  
20 Nursing Home in Bedford Stuyvesant. I was able to  
21 meet and honor many veterans, including Chaplain  
22 Colin Jacob Goldstein, a rabbi, who has served in  
23 the Amy since 1977, Mr. Rose, Mr. Jerry Williams,  
24 and many others.

25 I would like to also recognize Mr.

1  
2 James Edward Blakely, a constituent in my district  
3 who is one of the last of 100 that is still alive.  
4 Do you all hear that? Excuse me. I can say 100  
5 that is still alive, survivors of the attack. He  
6 will be celebrating his 90th birthday in January.  
7 I had the pleasure of meeting him on Monday.  
8 Also, he has shared his experience and the  
9 feelings about that tragic event.

10 This was an intergenerational event  
11 in which we had the residents of the nursing home  
12 alongside with young students from P.S. 327. The  
13 students had a great opportunity to learn and ask  
14 questions about this tragic event in history and  
15 the residents were able to enjoy the company.

16 I am so pleased that I was able to  
17 honor and recognize the contributions these  
18 individuals have made to all of us. It was really  
19 great to see our residents in the nursing home all  
20 interacting and enjoying each other's company.  
21 This anniversary is a great time just to say thank  
22 you to all veterans, heroes and sheroes that  
23 fought to keep this country safe and to those who  
24 continue to fight for the American freedom daily.  
25 Thank you.

1  
2 COUNCIL MEMBER RIVERA: Thank you  
3 very much. Council Member Garodnick.

4 COUNCIL MEMBER NELSON: And free  
5 the Seals.

6 COUNCIL MEMBER MEALY: Yes.

7 COUNCIL MEMBER RIVERA: Council  
8 Member Garodnick.

9 COUNCIL MEMBER GARODNICK: Thank  
10 you very much. Today, along with Speaker Quinn,  
11 I'm introducing a Resolution, Reso 2288 that is  
12 very much along the lines of the subject that  
13 Council Member Brewer just mentioned. It urges  
14 the U.S. Congress to approve a health care reform  
15 bill that does not curtail women's ability and  
16 right to make choices about their own reproductive  
17 health.

18 On Monday, Senators Nelson and  
19 Hatch introduced an amendment to the Affordable  
20 Health for America Act that is just as restrictive  
21 as the Stupak Amendment which was already approved  
22 in the House. Although the Senate voted yesterday  
23 by a simple majority to table the Nelson  
24 amendment, the issue does not disappear. Some  
25 senators are still threatening that the choice

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debate in the context of health care reform is not over.

The Stupak and now the Nelson amendment both bar any private insurance company that receives federal funding from providing abortion coverage. These amendments severely impact women's access to basic legal reproductive services. They go far beyond existing limits on women's ability to purchase insurance coverage for these procedures.

If the health care reform bill is passed with these amendments, women would have to buy separate riders to cover these services. Essentially women would be forced to predict the future and prepare for an unplanned pregnancy by purchasing insurance for this particular procedure. I can find no other situations where women or men are asked to purchase separate insurance coverage for legal medical procedures and we should not start to dissect insurance coverage by requiring people to buy riders for specific procedures.

Furthermore, this amendment infringes on the right to privacy. Women may be

1  
2 forced to choose to sign up for a rider through  
3 their employer's health care plan. As a result,  
4 they would have to divulge the sensitive  
5 information to their employer.

6 By passing health care reform with  
7 these restrictions, Congress will be placing  
8 obstacles in front of women to legally obtain  
9 these private procedures and they will be  
10 interfering with fundamental rights. We need to  
11 make health care accessible to all Americans. It  
12 should not target women to deny the, coverage of a  
13 legal medical procedure.

14 I ask my colleagues to join me,  
15 Speaker Quinn and certainly it sounds like Council  
16 Member Brewer in support of Resolution 2288.  
17 Let's get this thing passed and let's make a  
18 statement here in New York. Thank you.

19 COUNCIL MEMBER RIVERA: Thank you  
20 very much. Council Member Koppell.

21 COUNCIL MEMBER KOPPELL: I know  
22 there are not too many people left, but you are  
23 aware that one of the reasons we're coming back  
24 maybe on Friday or Monday is the current debate  
25 over whether we should approve the Kingsbridge



1  
2 Armory redevelopment. A critical issue in that is  
3 whether the merchants who are located in the  
4 armory and benefit from substantial city and other  
5 subsidy will pay their workers what has been  
6 called a living wage.

7                   We believe we're making some  
8 progress in improving the workers' conditions, but  
9 this debate has raised the issue of whether we  
10 should allow city-subsidized projects to have  
11 workers who are earning so little that they really  
12 can't support their families or whether we put  
13 those subsidies we should insist that those  
14 projects develop at least living wage jobs. It's  
15 a tough issue, especially dealing with one  
16 project. But many communities around the country  
17 have required this for subsidized projects as a  
18 general matter.

19                   Today I'm introducing legislation  
20 with Council Member Palma and it's 1105 on the  
21 agenda, that would require that where a project is  
22 subsidized by the city the people who benefit from  
23 that subsidy should be required to pay a living  
24 wage, which is defined as \$10 an hour plus  
25 benefits or \$11.50 without, little enough.

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2                   And I might say, by the way, in  
3 doing the work on this, the staff called to my  
4 attention that we required a living wage for all  
5 home care workers. We already require that, so  
6 it's not unprecedented for us to act to require a  
7 living wage for people who gain benefit, as do the  
8 home care workers because the city pays for them,  
9 to require those people to earn a living wage.

10                   I hope as many people as possible  
11 will sponsor this. I know we probably won't pass  
12 it yet in this session because it's late in the  
13 session, but we should show that that's the  
14 intention of this Council both in helping us  
15 negotiate the final deal on the armory and in  
16 looking forward to the future. Thank you.

17                   COUNCIL MEMBER RIVERA: Thank you  
18 very much. Council Member Gerson.

19                   COUNCIL MEMBER GERSON: Mr.  
20 Majority Leader, Council Member Nelson made note  
21 of the upcoming planned so-called terrorist trial  
22 in federal court just a few blocks from where we  
23 sit. Putting all of the issues he and others have  
24 raised aside, we must remember government making  
25 plans for that trial must keep in mind that a

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community exists and lives in immediate proximity to that location.

Directly across the street from the courthouse, there is a public park used by pre-kindergarten students, used by seniors and everyone in between. There are residential buildings directly around the corner. There are small businesses struggling to stay alive.

This is a community still reeling from the after effects, reeling emotionally having lived through 9/11 and reeling physically dealing with the still ongoing closure of Park Row and other logistical problems created by the 9/11 attack.

For all of these reasons and out of concern for the security as well as the well being and the day-to-day logistics of that community, it would be wise to still find another location for this trial. It can be a civilian trial in a different location.

However, if it does go forward as planned, the federal government, the New York Police Department and all agencies involved must meet with the community leaders and at the very

1  
2 beginning, from the very beginning of the planning  
3 process make plans to protect this community, to  
4 keep the neighborhood safe and sound and livable  
5 for residents and businesses alike. Thank you  
6 very much.

7 COUNCIL MEMBER RIVERA: Thank you  
8 very much. Council Member James.

9 COUNCIL MEMBER JAMES: I know so  
10 many of you have approached me and wanted to know  
11 the status of Atlantic Yards. Well let me give  
12 you an update. As most of you know, the Court of  
13 Appeals recently decided, with respect to eminent  
14 domain as it relates to Atlantic Yards, that the  
15 ruling was constitutional.

16 However, two weeks later the same  
17 court, the Court of the Appellate Division struck  
18 down as unconstitutional the taking of property  
19 for the benefit of Columbia University. The court  
20 found that ESDC violated both the state and  
21 federal constitution in an effort to prevent  
22 affected property owners from obtaining  
23 information and from their finding of blight as it  
24 relates to Columbia University.

25 Since both of these two decisions

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2 are in conflict, it is my position and my  
3 recommendation to the governor of the State of New  
4 York that he immediately order a statewide  
5 moratorium on the abuse of eminent domain within  
6 the State of New York pending legislative action.  
7 As it relates to Atlantic Yards since we are now  
8 asking and we have filed for a motion for  
9 reconsideration in the Court of Appeals, we are  
10 calling upon Governor Paterson to publicly  
11 undertake a study of Atlantic Yards. He has  
12 agreed to do that.

13 In addition, we are asking that  
14 Governor Paterson again ensure that the state not  
15 cover the shortfalls for Atlantic Yards. We are  
16 calling on Governor Paterson to convene a meeting  
17 of the Public Authorities Control Board to analyze  
18 the revenue models for the arena. We are calling  
19 upon Comptroller DiNapoli to immediate review the  
20 bond financing for Atlantic Yards. And we're  
21 calling upon Assembly Member Brodsky to convene a  
22 joint hearing on the financing of the project  
23 which has gone on almost entirely behind closed  
24 doors.

25 We are also asking the MTA to get

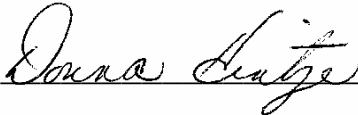
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2 their fair share which is why recently they  
3 announced shortfalls in their revenues because  
4 they have extended the payments to Forest City  
5 Ratner over a long period which is to the  
6 detriment to the riding transit in the State of  
7 New York.

8                   Until such time as there is justice  
9 in Brooklyn, we will continue to fight against the  
10 abuse of eminent domain and against this project  
11 which again is not in the best interest of  
12 Brooklyn and to the State of New York. Thank you.

13                   COUNCIL MEMBER RIVERA: Thank you  
14 very much. This meeting is now held in recess.

C E R T I F I C A T E

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

Signature 

Date December 21, 2009