

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

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December 18, 2009
Start: 10:30 am
Recess: 10:45 am

HELD AT: Council Chambers
City Hall

B E F O R E: LEROY G. COMRIE, JR.
Chairperson

COUNCIL MEMBERS:
Charles Barron
James F. Gennaro
G. Oliver Koppell
John C. Liu

CHAIRPERSON COMRIE: Good morning.

My name is Leroy Comrie. I'm the Chair of the Committee on Consumer Affairs. Today we'll be voting on two bills, proposed introductory number bill 853-A, a local law to amend the administrative code of the City of New York in relation to amusement devices and proposed introductory bill number 240-A, a local law to amend the administrative code of the City of New York in relation to penalties associated with the sale of toy guns. I'd like to begin by thanking my colleagues for joining me today.

We first heard Intro 853-A on November 6, 2008 and 240-A on December 8, 2009. The Department of Consumer Affairs currently considers establishments with five or more player operated amusement devices to be considered arcades and requires them to obtain a license from the Department. Generally, licensed arcades are required to restrict the operations to commercial or mixed use areas. The fact of the matter is, there are only two areas that arcades are allowed, which is Coney Island and Times Square area. Industry advocates state the limiting to five, the

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2 number of arcades permissible without a license is
3 unfair and arbitrary and it's impossible to get an
4 arcade license outside of those two areas.

5 Today's bill, proposed Intro 853-A
6 would increase to ten, the number of amusement
7 devices an establishment must have to be
8 considered an amusement arcade and therefore be
9 required to obtain a license from the DCA. To
10 address issues related to truancy, establishments
11 that have been between four and nine amusement
12 devices would be prohibited from admitting a minor
13 under the age of 18 during school hours unless the
14 minor is otherwise exempt from the truancy law.
15 Such establishments would also be required to post
16 a notice that minors are not permitted on the
17 premises between the hours of 9:00 am and 3:00 pm
18 during school days.

19 The second bill we'll be voting on
20 today concerns the sale of realistic looking toy
21 guns. Currently the city law requires that all
22 toy guns sold within the five boroughs be painted
23 in bright colors so as not to distinguish them
24 from actual firearms. In recent years, DCA has
25 removed more than 7,000 toy guns from the shelves

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2 of more than 220 stores and levied over \$3.3
3 million in fines. However some stores are repeat
4 offenders, selling fake guns even after having
5 paid penalties for previous violations.

6 Proposed Intro 240-A would increase
7 penalties for any violation of the current law.
8 First time offenders could be fined up to \$5,000
9 per violation and a second offense within two
10 years could raise the penalty up to \$8,000. In
11 both situations the sale or distribution of a
12 single gun would count as a single offense. Those
13 found guilty of violating the law three or more
14 times within two years could find their stores
15 padlocked for up to five consecutive days.

16 At this point I'll ask any member
17 of the Committee if they'd like to speak on either
18 bill. If not, as today is the last committee
19 meeting for Consumer Affairs for this year and the
20 last for this particular Council session, I want
21 to take the opportunity to thank Damien Paduvic,
22 my policy advisor for all of his work in the last
23 four years and also Lacey Clark, the counsel for
24 working with me and putting up with me and
25 tolerating me; with me for the last four years.

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2 I've enjoyed working with you and to try to do
3 things.

4 I think that we also want to thank
5 my committee members, Council Member John Liu,
6 Council Member Oliver Koppell, Council Member
7 Charles Barron and Jim Gennaro. They've been
8 active and vocal members of the committee and I
9 want to appreciate all of the time and the effort
10 that they put in to actually consider bills,
11 introduce bills and work on all the items that
12 we've done within Consumer Affairs. Anyone would
13 like to make any comments before we proceed?
14 Council Member Koppell.

15 COUNCIL MEMBER KOPPELL: Mr. Chair,
16 I intend to vote for the bills. I just want to
17 thank you. You've been a estimable chair. You've
18 allowed members of the committee to participate in
19 the deliberations and questioning. You've tackled
20 a very large number of issues over the last years.
21 I can't even count them because I can't even
22 remember all of them. I just know we've had a
23 huge number of issues that we've covered and
24 discussed and many pieces of legislation that
25 we've moved out of the Committee.

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2 No one exceeds you in the cordial
3 and effective way that you handle this committee.
4 So thank you very much.

5 CHAIRPERSON COMRIE: Thank you.
6 Thank you. We have been an active committee. In
7 fact, this committee has the fifth highest rate of
8 meetings other than the top committees and I want
9 to thank all of you guys for your flexibility and
10 availability because we have covered a lot of
11 issues over the last four years. So with that, if
12 there are no other comments we'll move to a vote.
13 Eric--Council Member Liu. Oh, sorry.

14 COUNCIL MEMBER LIU: I also want to
15 thank Chairman Comrie. He's been a tremendous
16 steward of this committee and all of the issues.
17 I wish him great luck in whatever committee he
18 gets to chair in a few weeks.

19 CHAIRPERSON COMRIE: Thank you.
20 Council Member Barron.

21 COUNCIL MEMBER BARRON: I was
22 trying to avoid complimenting you just in case I
23 had to beat you up later and then I'll be on
24 record for saying something nice. But honesty
25 compels me to say, you're all right Leroy. No,

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2 you did an excellent job, Leroy. This is a very
3 challenging committee because there are so many
4 issues that we have to deal with that are somewhat
5 controversial. And I think you did a very good
6 job in pulling us together and getting the work
7 done. You've been very consistent with that so I
8 also commend you.

9 CHAIRPERSON COMRIE: Thank you. I
10 want to thank my committee members. I truly
11 enjoyed working with you and I look forward to
12 working with you and even more in the next however
13 amount of time that we have left here. Hopefully,
14 our next four years will be even more proactive as
15 we're dealing with a more difficult economy. We
16 need to make sure that whatever happens, consumers
17 are protected during that time.

18 So with that, Eric, I keep
19 forgetting your last name, Eric Stevenson will
20 call the roll and also Council Member Gennaro will
21 be here as soon as he can. He has an issue that
22 is requiring his presence and until that is
23 resolved, which is critical we're going to allow
24 him the time to come and vote whenever he's
25 available because it is a significant excuse for

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2 him not to be here at the meeting right now. So
3 with that, we'll call the roll.

4 CLERK: Eric Stevenson, Committee
5 Clerk. Intro 853-A and 240-A, Comrie.

6 CHAIRPERSON COMRIE: Aye on both.

7 CLERK: Barron.

8 COUNCIL MEMBER BARRON: I'd like to
9 explain my vote. Aye on the gun legislation but
10 I'm going to vote no on the arcade, increasing the
11 amusement devices. Because number one, I think
12 it's going to be more challenging to enforce the
13 truancy piece that you have in there because this
14 is a very struggling economy. I think that small
15 businesses may not comply with that if they know
16 that that can increase their business. I don't
17 know that they're going to be that strict in
18 enforcing truancy.

19 I'm not a great promoter of those
20 games because I think it just takes a lot away
21 from the human interaction that young people have
22 with each other. So I don't think increasing that
23 is really a positive thing for young people. I
24 think there are the few arcade places that they
25 can go in and the four or five games that they can

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2 participate in, in the other places. I think it's
3 enough so I'm going to vote no on that piece of
4 legislation.

5 CLERK: Koppell.

6 COUNCIL MEMBER KOPPELL: Aye on
7 both.

8 CLERK: Liu.

9 COUNCIL MEMBER LIU: Yes.

10 CLERK: Intro 240-A, we have four
11 in the affirmative, zero negative, zero
12 abstentions, motion carries. And on Intro 853-A,
13 we have three in the affirmative, one negative and
14 no abstentions, motion carries.

15 CHAIRPERSON COMRIE: I want to
16 thank, again, everyone for being here, everyone
17 that's been involved with this committee. I want
18 to thank also the sergeants for putting up with me
19 for the last four years also as committee chair.
20 Again, we're going to hold the vote open for
21 Council Member Gennaro to contact the legislative
22 document staff so that he can sign on the bill.
23 He's going to be here when he gets there. He has
24 a medical issue he's got to--

25 Meeting adjourned.

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[pause]

CLERK: William Martin, Committee Clerk, continued roll call on the Committee on Consumer Affairs, Council Member Gennaro.

COUNCIL MEMBER GENNARO: I vote yes. And this hearing of the Committee on Consumer Affairs is here--okay.

CLERK: Final vote on the Committee on Consumer Affairs, Introduction 240-A is now five in the affirmative, zero in the negative, no abstentions and Introduction 853-A is now four in the affirmative, one in the negative and no abstentions. Thank you.

COUNCIL MEMBER GENNARO: Thank you Billy and this hearing is hereby adjourned.

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 _____ December 30, 2009 _____