

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CONSUMER AFFAIRS

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April 28, 2010
Start: 11:38 am
Recess: 12:06 pm

HELD AT: Council Chambers
City Hall

B E F O R E:
KAREN KOSLOWITZ
Chairperson

COUNCIL MEMBERS:
Council Member Charles Barron
Council Member Gale A. Brewer
Council Member Leroy G. Comrie Jr.
Council Member Julissa Ferreras
Council Member James F. Gennaro
Council Member G. Oliver Koppell
Council Member Michael C. Nelson

A P P E A R A N C E S [CONTINUED]

Karen Koslowitz
Opening Statement
Chairperson
Committee on Consumer Affairs

Gale A. Brewer
Sponsor of Preconsidered Introduction 20
New York City Council Member

Thanks from Gale Brewer:
Lacy Clark
Counsel
Committee on Consumer Affairs
Alan Gerson, former Council Member

Lacy Clark
Counsel
Committee on Consumer Affairs

William Martin
Committee Clerk
Committee on Consumer Affairs

Thanks from Karen Koslowitz:
Lacy Clark
Gale A. Brewer

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[Background noise]

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[Gavel banging]

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CHAIRPERSON KOSLOWITZ: I ate my

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Wheaties this morning. Good morning. My name is

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Karen Koslowitz. And I am the Chair of the

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Committee on Consumer Affairs. Today we'll be

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voting on Preconsidered Intro number 20, a Local

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Law to amend the Administrative Code of the City

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of New York in relation to sound reproduction

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devices on sightseeing busses. We first heard

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this bill two weeks ago on April 12th. I'd like to

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begin by acknowledging the bill's prime sponsor,

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Council Member Brewer. I'd also like to recognize

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the other members of the Committee present today.

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We have Council Member Nelson. We

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have Council Member Julissa Ferreras. We have

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Council Member Brewer, the author of the bill.

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And we have Council Member Leroy Comrie, Council

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Member Barron and Council Member Koppell.

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New York City is one of the most

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popular tourist destinations in the world. Many

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industries, hotels, restaurants, theaters, bars

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have benefited greatly from the draw of the Big

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Apple. In 2008 visitors to the City spent over

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2 \$32 billion in the City. That year tourism also
3 supported almost 314,000 jobs and contributed over
4 \$17 billion in wages.

5 One obvious beneficiary of the New
6 York status as a world capital is the sightseeing
7 industry. Since the early 1990s, sightseeing
8 busses have become a growing presence on the
9 streets of New York. But while the sightseeing
10 industry and in particular tour busses are
11 important to New York City's economy, they are not
12 without their detractors.

13 Currently tour guides on
14 sightseeing busses broadcast their narration via a
15 public address system. Many residents however
16 have complained about the noise pollution produced
17 by the busses' amplification systems. In some
18 situations they say that the volume can be so high
19 that tour busses can disrupt the tranquility of
20 their streets and their apartments.

21 The bill we're considering today
22 would seek to remedy this situation. It would
23 require that by July 2015 all open air sightseeing
24 busses be equipped with headphone-limited sound
25 reproduction devices to ensure that the tour

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2 guide's voice is only audible to those on the bus.
3 Open air tour busses are those that have
4 unenclosed or partially enclosed seating,
5 typically double-decker busses.

6 Once enacted, any sightseeing bus
7 not previously licensed to operate in New York
8 City would be required to use a headphone, limited
9 sound reproduction system as a condition of
10 getting a license. To ensure that the systems are
11 being installed in a timely manner the bill
12 includes numerous benchmarks, the first of which
13 is on July 1st, 2011. At that time 10% of each
14 fleet of open air tour busses must be equipped
15 with the new sound system. The percentage would
16 increase on July 1st of each subsequent year: 40%
17 in 2010; 60% in 2013; and 80% in 2014, by July 1st,
18 2015 every open air sightseeing bus in a
19 licensee's fleet would be required to use the head
20 phone limited sound reproduction system.

21 If at the time of any benchmark the
22 percentage of busses in compliance is less than
23 required under the legislation, the licensee would
24 incur a fine of between \$200 and \$750 per bus per
25 day. Additionally the Commissioner would also

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2 suspend the licenses of its many busses as found
3 to not be in compliance. For example, if under
4 the new law 10 busses in a fleet are required to
5 install the new technology but only 9 busses are
6 in compliance by the deadline, the licensee would
7 be subject to a fine for 1 bus in addition to
8 having 1 bus license suspended until the quota is
9 met.

10 Before we vote today, I turn the
11 microphone over to the bill's author, Council
12 Member Brewer, who has prepared a few remarks.

13 COUNCIL MEMBER BREWER: Thank you
14 very much Madam Chair and also Lacy Clark,
15 attorney who put a great deal of time in on this
16 issue. I actually also want to thank Alan Gerson,
17 former Council Member, 'cause he too was
18 interested in this topic and I picked it up from
19 him.

20 I think this bill is a melding of
21 different concerns and it's a good way to address
22 them. Certainly the neighbors who have been
23 living in the Village and Downtown Brooklyn and in
24 my neighborhood with this problem for a long time.
25 Somebody said that they could have given the tour

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2 because they've heard it 500,000 times in their
3 living room. That's a lot of times to hear the
4 same thing over and over again. And yet we really
5 do want tourists and we want them to know our
6 City. So the phase-in I think is helpful. It's
7 not what everybody wants but it makes sense in
8 terms of the way that the technology will work.

9 Secondly of course are the tour
10 guides for whom I have great respect. And I, of
11 course, would hope that in every single case where
12 there is a headphone device that there is a tour
13 guide. We're not able to put that in the
14 legislation. If we could, I would but it's not
15 legally possible. But the tour guides are what
16 make the tours. You cannot have a device without
17 a tour guide. Traffic backs you up and you end up
18 looking at the Washington Square, you know, five
19 blocks after, if you don't have a real person
20 describing the situation on the street. So tour
21 guides are incredibly important to the process and
22 I think we'll find with the more sophisticated
23 equipment that is on the market and will be on the
24 market, we'll be able to find less static.
25 Somebody pointed out earlier, I think it was

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2 Council Member Ferreras; it could be in different
3 languages more readily. So there are lots of
4 possibilities that the technology could provide.

5 I think I want to also mention that
6 it might also have other benefits. The tour
7 guides have told us quietly that there are lots of
8 issues on the busses in terms of some of the ways
9 in which the busses are maintained. And I think
10 with more oversight that problem also could be
11 addressed.

12 So I'm hoping that there is a
13 quieter discussion this particular bill could have
14 other positive ramifications. I know that Council
15 Member Barron suggested and that was also a part
16 of the legislation that now exists that this be
17 only in open air busses. There's no need to have
18 a system in a bus that has a closed seating
19 arrangement. So I want to thank the Chair, thank
20 the Counsel to the Committee and thank all my
21 colleagues.

22 CHAIRPERSON KOSLOWITZ: Thank you.

23 Anybody else?

24 COUNCIL MEMBER KOPPELL: Yes.

25 CHAIRPERSON KOSLOWITZ: Council

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2 Member KOPPELL: I first, I'm going to say things
3 that you think may be contradictory but they're
4 not. I want to thank the Chair and the staff and
5 the sponsor for changing the bill and having a
6 much shorter implementation period. The original
7 12-year implementation period I thought was far
8 too excessive. And the reason I say what I'm
9 going to say now may be contradictory as I'm a
10 little bit concerned about the aspect of the bill
11 that says that any new license has to be for a bus
12 that has these systems. And I want to be assured
13 by the sponsor or perhaps by the Counsel that the
14 technology is currently available so that if an
15 operator is putting a new bus online because the
16 bill becomes effective in 30 days, there's not a
17 long effectiveness period. I want to be sure that
18 if someone has a new bus 2 months from now that
19 they will be able to install this kind of system.
20 Is that--can the Counsel respond verbally Madam
21 Chair?

22 CHAIRPERSON KOSLOWITZ: Yes.

23 MS. LACY CLARK: Yes. There's also
24 no requirement that they get a new bus in 30 days,
25 they could also postpone. It's any new bus that

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2 comes online so they should be able to do that in
3 a timely manner. We didn't think that was going
4 to be a problem.

5 COUNCIL MEMBER KOPPELL: I mean no
6 but we don't want to discourage them. I mean the
7 tourist season is coming up. If they want to put
8 a new bus online I don't want this bill to prevent
9 them from doing so for any extended period. Do we
10 have assurance that the system could be installed
11 on a new bus right away?

12 MS. CLARK: I don't--I can't assure
13 you--I'm not exactly sure how long it takes to
14 install it but we didn't think that that was going
15 to be a problem. And when we spoke to the
16 industry they thought that that would be okay--

17 COUNCIL MEMBER KOPPELL:
18 [Interposing] Well I'll ask that maybe you find
19 out this afternoon--

20 MS. CLARK: [Interposing] Um-hum.

21 COUNCIL MEMBER KOPPELL: --and tell
22 me because--

23 MS. CLARK: [Interposing] Okay.

24 COUNCIL MEMBER KOPPELL: I think it
25 would be--first of all, for reasons, huh, we need

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2 more modern busses on the street. The old busses
3 which I have some familiarity with are--some of
4 them are dangerous actually because they have a
5 very dangerous staircase to the second. So if
6 people want, if some operator wants to put new
7 busses on the road I don't want him to be
8 discouraged--

9 MS. CLARK: [Interposing] Um-hum.

10 COUNCIL MEMBER KOPPELL: --or
11 delayed. If that's so, then maybe the thing
12 should go into effect in 90 days or something like
13 that, not 30 days. But if you tell me that they
14 can--if they have a new bus that's coming online
15 in the next month or 2 that they can install this
16 system, I'm satisfied. But I think you should
17 check that. Other than that, I think the schedule
18 is fine. Thank you.

19 CHAIRPERSON KOSLOWITZ: Anybody
20 else? Council Member Barron.

21 COUNCIL MEMBER BARRON: Madam
22 Chair, first of all I want to thank the sponsor of
23 the bill for making the changes. However I am
24 very, very concerned about something that is not
25 guaranteed and that is that the tour guides could

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2 lose their jobs. And there's nothing in the bill
3 or no language that could protect them from their
4 jobs. So I'm very, very concerned about that.
5 And I'm not ready to go with the bill that is
6 going to have people possibly lose jobs in this
7 economic climate. It's just not--it's just
8 something that would be very, very detrimental to
9 those, if they in fact put on a tape now and say
10 okay, you know, like since we're having an
11 earphone we'll just make a tape. And then they
12 could put the tape on and not hire any--and the
13 tour guides could lose their jobs and they can say
14 that this will be their way of financing--they
15 won't have to pay for tour guides and they can
16 finance the new technology for their busses. So
17 I'm not ready to vote for a bill that might lead
18 to--and I found out this information just recently
19 that it could actually lead to, there's no
20 guarantees that they would have to hire tour
21 guides again. And so anyway, is there any
22 response to that or?

23 COUNCIL MEMBER BREWER: I agree.

24 In other words we have--I met with the tour guides
25 and it certainly came up at the last hearing. And

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2 I would love to put into the bill that it is
3 necessary that a tour guide be on every bus when
4 there is a headset. However legally it's not
5 possible to do that. That's what I was told.

6 I also think, tell me if you think
7 I'm wrong, but if you are going through the
8 Village which is where many of these busses go and
9 you see the Washington Square Monument but the
10 traffic is such that the headphone dialog is, you
11 know, at 10:00 o'clock is when the Washington
12 Square Monument is supposed to show up but by
13 traffic you don't get there until 10:15, then I
14 think you sure need a tour guide because the
15 machine that would announce things through the
16 headsets would not be correct.

17 So I'm hoping that in all
18 circumstances the bus and the tourists will
19 mandate that there be a tour guide on every single
20 bus. You can't have in New York City with traffic
21 and changes, you need somebody to say oh, there
22 goes Charles Barron walking down the street to be
23 able to have that kind of innuendos and nuances
24 and, you know, the way in which a tour guide does
25 operate is when something special, they share.

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2 And I think even if it's not something special, a
3 historic monument, it's done when the bus shows
4 up. So I'm hoping that that's the answer--

5 COUNCIL MEMBER BARRON:

6 [Interposing] No--

7 COUNCIL MEMBER BREWER: --I feel
8 strongly. I wanted to have tour guides mandated.
9 It is not legally possible to do so.

10 COUNCIL MEMBER BARRON: Well I
11 certainly understand that and I think that you're
12 right. It all depends on what's important to the
13 company. If they think they could turn it off and
14 on, you know, when they get to the site. I think
15 they could manage--[off mic] well the driver could
16 do that. I think they could manage to [off mic] I
17 think they could to do this. So for that I'm not
18 ready to be supportive of the bill. I know it's
19 going to pass anyway but I wouldn't want to
20 support anything that could lead to workers being
21 unemployed in this economic climate. Thank you
22 Madam Chair.

23 CHAIRPERSON KOSLOWITZ: Anybody
24 else? Okay we're going to vote on this bill. Can
25 we...? Can we call the roll?

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2 MR. WILLIAM MARTIN: William
3 Martin, Committee Clerk, roll call on the
4 Committee on Consumer Affairs. Council Member
5 Koslowitz.

6 CHAIRPERSON KOSLOWITZ: Aye.

7 MR. MARTIN: Nelson.

8 COUNCIL MEMBER NELSON: May I be
9 excused to explain my vote? Excuse me. Well it
10 dismays me to put a crimp on anything as far as
11 economically speaking in this climate, especially
12 for the revenues that it might generate if it was
13 a negative effect upon the tour busses. Sometimes
14 there's an old adage that your right to swing out
15 begins where the tip of my nose begins. And I've
16 heard these busses sometimes. And they do get so
17 incredibly annoying. I don't live in an area
18 where they stop and speak. But we have to put
19 ourselves in the citizens of New York's shoes.
20 And they really have a disruptive lifestyle
21 oftentimes. And I think that's part of our job is
22 to try to make everybody's lives easier,
23 especially in, you know, where everybody's crying
24 out about we should have better living conditions.
25 So I vote aye.

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MR. MARTIN: Barron.

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COUNCIL MEMBER BARRON: May I be excused to explain my vote Madam Chair.

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CHAIRPERSON KOSLOWITZ: Yes.

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COUNCIL MEMBER BARRON: I want to say that--I want to compliment the sponsor of the bill Council Member Brewer for all of the work that she's done. And I know Gale's heart and she's always with workers. And if she could put it in, it would have been in. And I certainly think it's a very extreme hardship on the residents of that area that have to be impacted by such noise to the level that I have no idea that it was on. But I would put the priority on the employment situation of the workers. If there was something we could have done to guarantee the workers they wouldn't be displaced by headsets that I certainly would vote for this but because there isn't, I'm going to vote no on this bill.

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MR. MARTIN: Comrie.

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COUNCIL MEMBER COMRIE: Permission to explain my vote.

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CHAIRPERSON KOSLOWITZ: Go ahead.

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COUNCIL MEMBER COMRIE: I'm going

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2 to vote aye on the bill. I think that I hear the
3 concerns but I believe that a tour bus company
4 that wants to ensure that it maintains business in
5 a competitive environment with a consumer that is
6 looking for a unique experience will continue to
7 hire tour guides. I think that the companies that
8 will try to go to canned presentation will not
9 have the ridership, it won't have the loyalty.
10 Word of mouth will get around that Company A has a
11 guide that's telling you where the restaurant is
12 and where the hot spot is in the neighborhood and
13 can give you the flavor and the dynamics of New
14 York City. And I think that will be reflected. I
15 would love to write it in the bill but legally we
16 can't. It is dealing with a contract negotiation
17 and we're not allowed to do that. But I really
18 believe that at the end of the day the consumer
19 will go to something that gives them the best
20 experience. And with that I vote aye.

21 MR. MARTIN: Koppell.

22 COUNCIL MEMBER KOPPELL: Aye.

23 MR. MARTIN: Ferreras.

24 COUNCIL MEMBER FERRERAS: May I
25 please be excused to explain my vote?

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CHAIRPERSON KOSLOWITZ: Yes.

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[Chuckling]

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COUNCIL MEMBER FERRERAS: Actually

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I wanted to reiterate what Council Member

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colleague Comrie had mentioned. I think also that

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it does make the ridership very special when you

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have a special experience. And having visited

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another country and being part of a tour guide it

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really... it really does allow for, huh, an

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experience that I think most companies would

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support and understand the need of having a tour

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guide. And as Council Member Brewer had

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mentioned, I look forward to the day when this

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helps facilitate a multi-linguistic approach to

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touring. I think we have people that visit here

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from all over the world. In particular I

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represent a very diverse District and making these

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Multilanguage services available is always makes

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for a better place here in New York City. So I

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vote aye. Thank you.

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CHAIRPERSON KOSLOWITZ: Thank you.

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MR. MARTIN: By a vote of 5 in the

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affirmative, 1 in the negative, no abstentions,

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the item is adopted. Members please sign the

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Committee report.

CHAIRPERSON KOSLOWITZ: [Off mic]

I'm going to keep the vote open for 2 hours. I understand Council Member Gennaro is on his way. I too would like to thank Lacy and - - for all the work that they did on this bill. And also the Council Member Brewer for all the work that she did on this bill. - - . This meeting is adjourned. [On mic] Or recessed. Thank you.

[Background conversation]

CHAIRPERSON KOSLOWITZ: All right.

MR. MARTIN: Gennaro.

COUNCIL MEMBER GENNARO: Yes.

MR. MARTIN: The final vote on the Committee on Consumer Affairs now stands at 6 in the affirmative, 1 in the negative, and no abstentions. Thank you.

[Background conversation]

CHAIRPERSON KOSLOWITZ: This meeting is adjourned.

[Gavel banging]

C E R T I F I C A T E

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

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature _____Laura L. Springate_____

Date _____May 13, 2010_____