

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON STATE AND FEDERAL LEGISLATION

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HELD AT: Hearing Room  
250 Broadway, 16th Floor

B E F O R E:  
HELEN D. FOSTER  
Chairperson

COUNCIL MEMBERS:  
Helen D. Foster  
Erik Martin Dilan  
Lewis A. Fidler  
Domenic M. Recchia, Jr.  
Larry B. Seabrook  
Elizabeth S. Crowley

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

Robert Sweeney  
Chief of Operations  
FDNY

Stephen Rush  
Assistant Commissioner of Budget  
FDNY

Eddie Boles  
Treasurer/Legislative Chair  
Uniformed Fire Officers Association

Daniel Kass  
Acting Deputy Commissioner  
NYC Department of Health and Mental Hygiene

Catherine Beason  
President  
Animal Friendly NYC

2 CHAIRPERSON FOSTER: Good

3 afternoon. I am Council Member Helen Diane  
4 Foster, chair of the Committee on State and  
5 Federal Legislation. I'd like to welcome my  
6 colleagues, Council Member Lew Fidler from  
7 Brooklyn, Council Member Larry Seabrook from the  
8 Bronx, Council Member Elizabeth Crowley from  
9 Queens and Council Member Erik Martin Dilan from  
10 Brooklyn.

11 Today, we will be hearing testimony  
12 for and voting on two SLRs. SLR 001 is an act to  
13 amend the general municipal law in relation to the  
14 training of fire officers in cities of one million  
15 or more. The Preconsidered, I was just looking  
16 for the number, but that's okay. Here we go.

17 SLR 001 and then a Preconsidered  
18 SLR, an act to amend the agricultural and market  
19 law and administration code of the City of New  
20 York in relation to establishing a New York City  
21 animal population control program and an animal  
22 population control fund.

23 That would amend Chapter 115 of the  
24 laws of 1894, relating to the better and loss of  
25 stray animals and for securing the rights of

2 owners thereof in relation to licensing fees.

3 That being said, we will hear from  
4 our first panel which is Robert Sweeney. Is that  
5 it? You can almost be a doctor with that  
6 handwriting. And Steve Rash?

7 STEPHEN RUSH: Rush.

8 CHAIRPERSON FOSTER: Rush, see.  
9 Yours is actually pretty good, or someone wrote it  
10 for you. When you're ready, you can start.

11 ROBERT SWEENEY: Good afternoon  
12 Chairperson Foster and Council Members. My name  
13 is Robert Sweeney. I'm the chief of operations  
14 for the FDNY. With me today is Assistant  
15 Commissioner of Budget Stephen Rush.

16 I want to thank you for the  
17 opportunity to speak with about a proposed State  
18 bill mandating certain training for officers of  
19 the New York City Fire Department.

20 The proposed bill would require the  
21 FDNY to provide all of our fire officers with at  
22 least 40 hours of training and instruction in the  
23 City Fire Code and at least 40 hours of training  
24 and instruction in the City Building and  
25 Construction Codes. The bill mandates the

2 training be provided by January 1, 2011. We  
3 estimate the training mandates of this bill would  
4 cost the FDNY more than \$16 million.

5 Before I discuss the bill, I would  
6 like to make the Committee aware of our commitment  
7 to training and how we have vastly improved and  
8 strengthened the training that we currently  
9 provide.

10 Since 9/11/2001, we have increased  
11 our academy training four-fold at every rank. On  
12 any given day, the FDNY has 20 units at our  
13 training academy utilizing state-of-the-art high-  
14 rise, subway, flashover and other simulators. Our  
15 training in terms of quantity, quality and breadth  
16 is light years ahead of where we were when, for  
17 example, I entered the fire service years ago.

18 Regarding training specifically in  
19 the Fire and Building Codes, we feel very strongly  
20 that we are using our existing resources to  
21 provide essential training to familiarize our fire  
22 officers and firefighters with the key aspects of  
23 the Fire and Building Codes. We place special  
24 emphasis on fire safety, fire prevention and  
25 building construction.

2 Probationary firefighters now  
3 receive approximately 24 hours of training in fire  
4 prevention and approximately 24 hours of training  
5 in building construction. Newly promoted fire  
6 Lieutenants and Captains receive approximately 16  
7 hours of training in each of those categories, and  
8 our Chief Officers receive 16 hours of training in  
9 fire prevention and approximately 20 hours in  
10 building construction.

11 Starting last June, a specialized  
12 Training Unit visits firehouses to train  
13 firefighters and officers in the FDNY Inspectional  
14 Guides and the changes to the Fire and Building  
15 Codes that they incorporate. The Training Unit is  
16 visiting each house at least four times to ensure  
17 that all members are trained.

18 Additionally, the FDNY has recently  
19 taken a number of steps to improve and streamline  
20 inspections and enforcement. Significantly, we  
21 have established a specialized unit with 15  
22 uniformed officers who are highly trained in the  
23 new Fire and Building Codes. They provide  
24 training and operate a hotline to respond to  
25 questions from the field. These officers also

1  
2 have developed new user-friendly inspection forms  
3 to facilitate and guide inspections, new training  
4 materials to improve building inspections, and  
5 enforcement guides to demonstrate how to complete  
6 summons and violation forms and necessary reports.

7           In addition to the firehouse visits  
8 I just mentioned, all FDNY chief and company  
9 officers receive two additional days, full days  
10 offline in a classroom, of dedicated Building  
11 Inspection Safety Program training, which includes  
12 Fire and Building Code training. This training,  
13 along with the new BISP manual and instruction  
14 forms and checklists, provides all the information  
15 and guidance an officer needs to perform effective  
16 inspections.

17           With unlimited resources, I would  
18 not dismiss the idea of adding even more training  
19 on top of what we already provide. But bearing  
20 the \$16 million plus cost of the training  
21 contemplated by the bill would prove to be a  
22 severe hardship for the FDNY in light of the  
23 extraordinary budget reductions we now face.

24           The Mayor's Preliminary Budget  
25 called for the closing of 20 fire companies, with

2 the possibility of an additional 42 closures  
3 depending on the State budget process. This is in  
4 addition to the 30 ambulance tours we lost last  
5 year, a longstanding civilian hiring freeze and  
6 the delay of more than a year in hiring a new  
7 Probationary Firefighter class.

8 Cost alone, while significant, is  
9 not the sole reason we oppose this bill. The FDNY  
10 is the leader in fire personnel training, at every  
11 level, nationwide. The FDNY is uniquely qualified  
12 to assess the Department's training needs. The  
13 proposed bill undermines our discretion to make  
14 decisions about the training we provide to our own  
15 members.

16 The Fire Commissioner is  
17 responsible for establishing the training  
18 prerogatives of the FDNY. By mandating an  
19 inflexible requirement and timetable for providing  
20 the training, this legislation encroaches heavily  
21 on that responsibility, impeding the  
22 Commissioner's City Charter-mandated decision  
23 making authority to establish the Department's  
24 training prerogatives.

25 In addition, the mandate that all



2 of this training be completed by January 1, 2011  
3 is completely unrealistic. We have a full  
4 schedule of critically important training  
5 scheduled at our Fire Academy every single day.

6 Lastly, I am advised that the  
7 Department of Buildings and OMB estimate that  
8 DOB's costs as a result of this bill would be  
9 approximately \$1.4 million for trainers and  
10 curriculum. This roughly \$18 million total  
11 expenditure just makes no sense when we are  
12 possibly facing 20 or more fire companies  
13 closings.

14 In sum, the FDNY strongly opposes  
15 the bill. I'd like to thank you for the  
16 opportunity to speak with you today. I would be  
17 happy to take any questions at this time.

18 CHAIRPERSON FOSTER: Thank you.  
19 Mr. Rush, do you have testimony. Are there any  
20 questions from my colleagues? Council Member  
21 Fidler has a question.

22 COUNCIL MEMBER FIDLER: Thank you,  
23 Chair Foster. The Council Finance Division  
24 prepares a fiscal impact and they differ with your  
25 numbers a little bit. They say that based on the

2 overtime schedule for this training, it would only  
3 cost \$13.6 million and if it's done on straight  
4 time it would be \$9.5 million. So first, I assume  
5 the State of New York is not sending us any money  
6 together with this bill. Am I correct?

7 ROBERT SWEENEY: That is correct.

8 COUNCIL MEMBER FIDLER: What's the  
9 cost of keeping one of those 20 fire companies  
10 open?

11 ROBERT SWEENEY: \$1.4 to \$1.5  
12 million.

13 COUNCIL MEMBER FIDLER: So at its  
14 minimum, six fire companies at the \$9.5 million  
15 number is what the tradeoff would be if we just  
16 considered Fire Department issues and if we took  
17 the lower number. If we took the higher number  
18 and we went outside of the Fire Department, I know  
19 that \$16 million or \$18 million, which is the  
20 number you used, that probably saves all of the  
21 after school programs that we're talking about  
22 closing in the City of New York.

23 I have to say that I agree with  
24 you. Maybe there is someone else who is going to  
25 come up here and testify who will change my mind.

2 But there are many, many worthwhile things. I  
3 disagree with the part where you say the training  
4 is unnecessary. I think it is necessary and I  
5 think it's important. But there are a lot of  
6 important things that we are going to have to do  
7 this year and a lot of important choices.

8 I think if we asked New Yorkers  
9 whether or not they would prefer that firefighters  
10 were given this training or we kept their  
11 firehouse open, I think that it would almost be  
12 unanimous that they would prefer that we keep  
13 their firehouse open.

14 I can't in good conscience send a  
15 resolution up to Albany asking them to compel us  
16 to spend that money when we don't have it and  
17 they're not giving it to us. I guess that's a  
18 comment and not a question.

19 CHAIRPERSON FOSTER: Thank you.  
20 Council Member Crowley has a question.

21 COUNCIL MEMBER CROWLEY: Thank you,  
22 Chair Foster. How much of your budget do you  
23 currently spend on training?

24 ROBERT SWEENEY: Approximately \$20-  
25 \$25 million.

2 COUNCIL MEMBER CROWLEY: That's it  
3 of the approximately \$2 billion budget?

4 ROBERT SWEENEY: That is the cost  
5 of the instructors that are offline at the Bureau  
6 of Training. That does not include the content.  
7 That does include the members going and attending  
8 the training and backfilling those positions and  
9 so on.

10 COUNCIL MEMBER CROWLEY: How much  
11 do you get in government grants from outside of  
12 the City of New York? For example, what does the  
13 federal government give you for training?

14 ROBERT SWEENEY: I'll let  
15 Commissioner Rush answer that question.

16 STEPHEN RUSH: We have about right  
17 now \$30 million in overtime funding from the  
18 Department of Homeland Security for training  
19 related to preparedness for a terrorist attack.  
20 So that money is specified and earmarked for those  
21 programs. I'm sorry, that's not included in the  
22 number.

23 COUNCIL MEMBER CROWLEY: So in  
24 addition to \$25 million, \$30 million, about \$55  
25 million set aside specifically for training

2 purposes.

3 STEPHEN RUSH: That's correct.

4 COUNCIL MEMBER CROWLEY: Is there a  
5 way that you could administer that training  
6 without it being overtime dollars?

7 STEPHEN RUSH: No, we could not.  
8 We already take 20 units out of service daily. So  
9 that would require us to take addition units out  
10 of service. In fact, when the officers are the  
11 only ones getting the training, we would have the  
12 firefighters also being brought out to the  
13 training division.

14 COUNCIL MEMBER CROWLEY: To me it  
15 doesn't make sense to be paying overtime hours for  
16 training that is so necessary. I believe in this  
17 training. I believe that our firefighters need to  
18 know what the building codes are right now. In  
19 light of so many illegal conversions and the state  
20 of our city and the accidents that do happen  
21 because of them, I don't think that there could be  
22 enough training.

23 But in order to stretch your  
24 training dollars, it seems that the Fire  
25 Department is willing to take the risk of closing

2 fire companies and those units won't be out  
3 responding to fires if they were to be closed.  
4 But yet, you have firefighters come in and take  
5 their overtime as training, as opposed to  
6 stretching those dollars and trying to get maybe  
7 some of the training done within their regular  
8 hours.

9                   STEPHEN RUSH: I think Chief  
10 Sweeney indicated 20 units each day are sent out  
11 for in-service training. Those are done when  
12 they're working and there is no cost to that,  
13 except the operational costs of those units not  
14 being available. So the additional training, the  
15 80 hours, would have to be done on overtime.

16                   COUNCIL MEMBER CROWLEY: To me I  
17 would imagine there could be a better way of  
18 ensuring that firefighters are able to obtain this  
19 knowledge and still being able to stretch those  
20 dollars that you have set aside for training,  
21 somehow, including this into those dollars that  
22 you have. Could there be a way to do that?

23                   ROBERT SWEENEY: We're currently  
24 doing the chief and company officers are giving 16  
25 hours of training right now in relation to the

2 Building Code, the new Fire Code, the new forms,  
3 enforcement actions and so on. We had set up the  
4 BISP hotline, which is a group of highly skilled,  
5 especially as far as the codes go, captains and  
6 lieutenants out there. If any fire officer has  
7 any question on an inspection can reach out to  
8 them for guidance and/or reference sites.

9 We set up a fire officer's resource  
10 page on the department's intranet that gives the  
11 fire officers access to numerous other city agency  
12 sites as far as assistance with inspections going  
13 forward.

14 At the end of the day, we don't  
15 think the training is unnecessary; we just think  
16 this bill is unnecessary. We totally agree that  
17 the more training we can give our chief and  
18 company officers and firefighters, the better off  
19 the residents of the city and the FDNY is going to  
20 be at the end of the day.

21 With that being said, BISP training  
22 we do nine hours a week. The other hours in the  
23 week we fight fires and we handle emergencies. So  
24 we have to be prepared for many other factors  
25 other than building inspection. Unfortunately, we

2 just can't focus on that. We have to keep our  
3 skill set required for fires and emergency actions  
4 going forward.

5 So we're trying to fit this in  
6 percentage wise where we think it fits. I think  
7 we're doing a good job now and we're fairly  
8 comfortable. We've probably upped the curriculum  
9 in every promotional and leadership course 200-  
10 400% as opposed to when I came on the department.  
11 So we're going in the right direction. I agree  
12 we're not perfect there. We can do a better job  
13 and we'll try and figure out ways to do that. But  
14 we think this bill will hinder us if we're  
15 mandated to do it this way.

16 COUNCIL MEMBER CROWLEY: Just one  
17 more question. So you believe in the need for the  
18 training, but you don't believe it should be  
19 mandated?

20 ROBERT SWEENEY: I believe training  
21 is necessary. To the extent of 80 hours, I don't  
22 personally believe 80 hours would be necessary.  
23 But I agree we could use more training in every  
24 aspect of our job that we do out there.

25 Since 9/11 we've increased it



2 tremendously and we've increased it much more on  
3 the firefighter and the anti-terrorist tactics and  
4 consequence management out there protecting the  
5 firefighters and the residents of the city.

6 Now we're trying to focus on the  
7 special activity with the new codes and we are I  
8 think adjusting. I think I'm fairly comfortable  
9 as the Chief of Operations with the knowledge  
10 level and the capabilities of my company and chief  
11 officers out there right now. Could it be better?  
12 Yes. But I'm comfortable with what it is now.  
13 But we'll look forward to increase that training  
14 and that knowledge as we go forward.

15 COUNCIL MEMBER CROWLEY: Hopefully,  
16 we'll be able to get more funding from the federal  
17 government for training like this. Thank you.

18 ROBERT SWEENEY: Thank you.

19 CHAIRPERSON FOSTER: Council Member  
20 Dilan has a question.

21 COUNCIL MEMBER DILAN: I just want  
22 to see if for myself I fully understand what's  
23 going on here because I'm not exactly sure if I  
24 do. The city basically in conjunction with the  
25 Council implemented a Fire Code not too long ago.

2 I'm pretty certain that that's correct. What were  
3 the training requirements within the Fire Code, if  
4 any?

5 ROBERT SWEENEY: As far as?

6 COUNCIL MEMBER DILAN: As far as  
7 the appropriate Fire Department personnel having a  
8 workable understanding of the Fire Code.

9 ROBERT SWEENEY: The publication  
10 itself was distributed to every company for the  
11 company officer to review and take a look at that.  
12 We sent a team of two captains to every firehouse.  
13 Four times to every firehouse to sit down with  
14 every company for an hour or so, with the whole  
15 company. Then they would take the officer  
16 upstairs for two hours for a one-on-one to go over  
17 the code enforcement and the applications on the  
18 computer to assess and enforce the codes.

19 COUNCIL MEMBER DILAN: About how  
20 many hours of training of that per company?

21 ROBERT SWEENEY: It was three hours  
22 per company. And then each chief and company  
23 officer is now receiving 16 additional hours on  
24 overtime offline at a training site either at the  
25 Bureau or Training or at Fort Totten.

2 COUNCIL MEMBER DILAN: So it is 19  
3 hours of training total for the new Fire Code?  
4 That's what you're saying it is.

5 ROBERT SWEENEY: It's the Fire Code  
6 and other segments of building inspection  
7 practices.

8 COUNCIL MEMBER DILAN: And the  
9 Building Code. In some ways I agree with my  
10 colleague Council Member Fidler. I would love to  
11 see the \$13 million go towards saving six  
12 companies.

13 But I don't know that that's on the  
14 table right now. I don't know that that's  
15 something we could say yes to because frankly I  
16 don't know if the administration is offering that.  
17 And I don't think the administration would offer  
18 that to the Council in this setting in this forum.

19 So just leaving that aside for a  
20 moment, and that is a priority of mine, I just  
21 don't see how for a measly \$13 million we don't  
22 want to invest. In a \$60 billion budget, \$13 or  
23 \$18 million is miniscule; it's not a lot of money.

24 So I don't see how we wouldn't want  
25 to invest in making sure that the people who are

2 responsible for the Fire Code have a full working  
3 and active knowledge of the Fire Code. If the  
4 Fire Department feels 16 hours is sufficient, I  
5 guess you have to take that professional expertise  
6 and guidance, but it sounds to me like you don't.  
7 It sounds to me like you're making a budget  
8 argument.

9 If the argument is strictly over  
10 cost and budget, that's fine. But if the argument  
11 is we're sufficiently trained and we have enough  
12 hours in training, then I don't think that's what  
13 you said earlier.

14 So I'm frankly not sure what to do  
15 here or how to vote. I'm confused on this one.  
16 Because it sounds to me like you want more  
17 training. It sounds to me like \$13 million is not  
18 a lot of money. It sounds to me like you probably  
19 could use more training, but we don't want to lay  
20 out the \$13-\$16 million or whatever it is. So  
21 I'll sit and listen and I'll weigh my decision  
22 over the next few minutes. I don't know if you  
23 care to respond. If you do, please feel free.

24 ROBERT SWEENEY: Just to point out,  
25 we believe those estimates are a little low

2 because the union members just got a raise within  
3 the last month or so. That has to be factored  
4 into the equation.

5 In addition to the 16 hours and the  
6 firehouse visits by those training groups, we set  
7 up a hotline of ten highly competent captains who  
8 know the Building Code and the Fire Code in and  
9 out. They're basically our subject matter experts  
10 on it. Any company or chief officer can reach out  
11 to them for any sort of guidance if they do have  
12 an issue.

13 We've updated our inspectional  
14 forms. They used to be one page and now our forms  
15 range from 4-7 pages because they're more in-depth  
16 and detailed. They're much more explanatory and  
17 user friendly for our chief and company officers  
18 to use. So that's been working out very well.

19 COUNCIL MEMBER DILAN: Chief  
20 Sweeney, just one more follow up, as a follow-up  
21 to Council Member Crowley's question. You said  
22 the FDNY's total training budget is \$25 million  
23 approximately? It doesn't have to be an exact,  
24 but if that's a ballpark, that's fine.

25 STEPHEN RUSH: For the

2 instructional staff at the academy it's about \$25  
3 million.

4 COUNCIL MEMBER DILAN: How does  
5 that relate to the proposed legislation?

6 STEPHEN RUSH: Those are the people  
7 that are at the academy each day providing  
8 training. The cost for the training would be \$16-  
9 \$17 million on top of that.

10 COUNCIL MEMBER DILAN: Is that  
11 general FDNY training for the everyday duties of a  
12 firefighter? That's non-specific to Fire Code?

13 STEPHEN RUSH: Right, it's ongoing  
14 fire operational training. There is also Homeland  
15 Security training, which is another \$25-\$30  
16 million.

17 COUNCIL MEMBER DILAN: So in there  
18 you don't feel there's any synergy in terms of  
19 cost savings to train the appropriate officers on  
20 Fire Code? Because it's general you don't feel  
21 there's any synergy? Is that accurate?

22 STEPHEN RUSH: I think we're  
23 providing, as the Chief said, we're providing two  
24 days of training on overtime on the Fire and  
25 Building Code for each of the fire officers and

2 the fire chiefs. Given the amount of funding that  
3 we have available, that's what we feel was the  
4 appropriate choice.

5 COUNCIL MEMBER DILAN: Thank you,  
6 Madame Chair.

7 CHAIRPERSON FOSTER: Council Member  
8 Fidler has a follow-up question, but I just want  
9 to jump in. So you were saying that the training  
10 now, if I understand, does not cover the Building  
11 Code inspection that is covered in this bill?

12 STEPHEN RUSH: We're providing two  
13 days of training at a cost to the city.

14 CHAIRPERSON FOSTER: Two days of  
15 training equals how many hours? Sixteen hours?

16 STEPHEN RUSH: That's correct.

17 CHAIRPERSON FOSTER: That is the  
18 training that's provided now from the date that  
19 the Council passed the bill that there needed to  
20 be this training.

21 STEPHEN RUSH: That's correct.

22 CHAIRPERSON FOSTER: That's  
23 correct. You're saying, Chief Sweeney, that you  
24 believe the 16 hours is sufficient and 80 hours is  
25 not necessary?

2 ROBERT SWEENEY: I'm saying I'm  
3 comfortable with the 16 hours currently. In a  
4 perfect world with no budget issues, I think we  
5 could probably do more. But we could do more on  
6 all of our training also.

7 I have to balance our skill sets as  
8 far as operating at fires, operating safely and  
9 operating at other types of emergencies and  
10 medical emergencies and also with building  
11 inspections.

12 Building inspection is a vital part  
13 of firefighters and fire officers do out there,  
14 but if you put it into perspective, each company  
15 does that nine hours a week as opposed to the  
16 other hours in the week they're on call for fires  
17 and medical emergencies and other types of  
18 emergencies. So I have to balance that.

19 CHAIRPERSON FOSTER: So it's a  
20 balancing act in your opinion, not a question of  
21 it not being needed. Even though in your  
22 testimony--

23 ROBERT SWEENEY: [interposing] I  
24 don't believe 80 hours would be necessary. I  
25 haven't come up with an exact figure on that.



2 CHAIRPERSON FOSTER: Do you think  
3 in your opinion in the balancing act, more than 16  
4 hours is required or would be necessary or would  
5 be helpful?

6 ROBERT SWEENEY: I would think so,  
7 yes.

8 CHAIRPERSON FOSTER: I understand  
9 and agree with what Council Member Fidler said.  
10 My concern is I don't know how I can balance or  
11 say this additional training may not be necessary  
12 in a budget time give then situations we've had  
13 with the Deutsche Bank and the fire up in the  
14 Bronx where we lost lives.

15 So it's a balancing act on this end  
16 that I don't know that I am comfortable saying  
17 just the 16 hours is sufficient and wherever the  
18 deficit lies it will kind of be made up on the job  
19 training. So that's where my concern lies.  
20 Council Member Fidler has a question.

21 COUNCIL MEMBER FIDLER: I  
22 appreciate both your comments and the comments of  
23 Councilman Dilan and Councilwoman Crowley. I'm  
24 just concerned that we're going to have the best  
25 trained fire department in the world that's not

2 available to actually respond.

3 So let me ask, so I understand,  
4 Chief, you take 20 units offline every day as a  
5 matter of course to do regular training, right?

6 ROBERT SWEENEY: Correct, not  
7 necessary at the same time.

8 COUNCIL MEMBER FIDLER: How many  
9 units are there during those days in total?

10 ROBERT SWEENEY: You mean within  
11 the department?

12 COUNCIL MEMBER FIDLER: That's 20  
13 units out of what?

14 ROBERT SWEENEY: That's 20 units  
15 out of 350.

16 COUNCIL MEMBER FIDLER: You close  
17 20-42 more firehouses, that means we're going to  
18 have 40-60 of them offline as compared to the 300  
19 and some odd that we have now.

20 ROBERT SWEENEY: That may or may  
21 not be. If I have to close 20 companies, I may  
22 have to rethink the way I do business altogether.  
23 So that may or may not be correct.

24 COUNCIL MEMBER FIDLER: I agree  
25 completely that more training is better. I hear

2 you as expert I am not in saying that 80 is not  
3 enough, 16 is probably not enough. You've made  
4 peace with that number, but I think if I'm  
5 hearing, you say a little more would be helpful  
6 but how much more we don't know.

7 ROBERT SWEENEY: Correct.

8 COUNCIL MEMBER FIDLER: I also  
9 heard Councilwoman Crowley who chairs the Fire and  
10 Criminal Justice Committee suggest that there has  
11 got to be a better way of doing this. I would say  
12 to Council Member Dilan that I don't think we're  
13 negotiating with the mayor whether we spend this  
14 money or if we don't spend it he'll open the  
15 closed firehouses.

16 But at the same time, I know from  
17 every OMB budget briefing that there is a line in  
18 the chart that says state mandates. You know,  
19 this is what the state did to us since the last  
20 time I proposed a budget and now there's going to  
21 be a gap of \$9-\$18 million depending on whose  
22 number that is. It's coming as a direct action  
23 relating to the Fire Department.

24 I certainly don't speak for the  
25 Bloomberg administration and everyone here knows

2 that. But I would suggest it's going to come out  
3 of the Fire Department hide someplace somewhere  
4 else because that's going to be their PEG to take.  
5 I honestly don't understand why we are sitting  
6 here and asking the state to mandate this  
7 additional cost right now in the abstract without  
8 looking at the entire budget picture, without  
9 looking at the budget picture even within this  
10 department.

11 I think that each of us has raised  
12 a question here that I would say is sufficient to  
13 ask the chair, also as the sponsor, to lay this  
14 over. Let's see if there is a better way. Let's  
15 figure this out. Maybe there is a way to do this  
16 training without 80 hours and \$16 million.  
17 Clearly, I'd like to have the training. I don't  
18 want more Deutsche Banks. But I also don't want  
19 the firehouses not there to respond, even if  
20 they're terrifically trained. It makes no sense.

21 It's like doing one budget action  
22 here where we're locking ourselves in and saying  
23 we must spend this \$16 million and it doesn't  
24 matter if we're closing after school programs and  
25 senior centers and food pantries and firehouses

2 and reducing the police force. It doesn't matter  
3 because we're going to mandate this \$16 million as  
4 if it is the single most important thing, and  
5 budget choice that we are facing.

6 So I would ask the chair if she  
7 would consider laying this matter over so we can  
8 take it up in a different context and in a  
9 different conversation and see if there is a  
10 better way.

11 CHAIRPERSON FOSTER: Thank you.

12 Council Member Crowley has a question.

13 COUNCIL MEMBER CROWLEY: Council  
14 Member Fidler, I am open to laying this matter  
15 over. I don't think that it is as much a budget  
16 situation as much as it's been discussed. I think  
17 that we receive Homeland Security dollars because  
18 New York City is the largest terrorist target in  
19 the world and we need to make sure that our  
20 firefighters know what's going on in the buildings  
21 that are within the city.

22 I think that when you're talking  
23 about millions of dollars in training, it doesn't  
24 I don't believe needs to be as high as it is  
25 projected to be. I think that with new technology

2 and ways of learning maybe firefighters could do  
3 the reading and understanding what these new laws  
4 are. If they don't know the laws then who will  
5 know the laws? Do you know the building code  
6 laws? I don't know what the Fire Code laws are.  
7 And if they don't know then how will they be  
8 enforced and why did we put these laws together in  
9 the first place.

10 So I think that there are a lot of  
11 unanswered questions that I still have. I don't  
12 think the matter of a few weeks will make the  
13 difference. I would be interested and open to  
14 laying it over if Chair Foster feels the same too.

15 CHAIRPERSON FOSTER: Thank you.  
16 We're going to hear from the Uniformed Fire  
17 Association. Thank you very much gentlemen.  
18 Eddie, are you testifying? Our next panel is  
19 Eddie Boles.

20 [Pause]

21 EDDIE BOLES: I appreciate the  
22 opportunity to speak. Before I go to my notes, I  
23 just want to address a few of the concerns that  
24 were brought up in the testimony. First of all, I  
25 have a great deal of respect for Chief Sweeney,

2 the Chief of Operations. We worked together in  
3 Harlem many years ago. I have a great deal of  
4 respect for him. He's a highly decorated and  
5 recognized officer.

6 I think it's unfair to pit the  
7 budgetary issues regarding training and keeping  
8 firehouses open. I use the scenario that police  
9 officers go through the training academy. What's  
10 a police officer's job? A police officer's job is  
11 to learn the law, enforce the law and know how to  
12 properly act.

13 Unfortunately, in the Fire  
14 Department, we are responsible, especially fire  
15 officers, and this bill is just for fire officers.  
16 I don't know in the calculations if they included  
17 firefighters. I know in the testimony they  
18 mentioned the training of probationary  
19 firefighters. This is just the training of fire  
20 officers. It doesn't say that it mandates it as  
21 being done on overtime, which certainly would  
22 inflate the costs.

23 Just to give you a little history,  
24 when we were in contract negotiations, we are huge  
25 advocates of training. Certainly training has

2 improved over the years. But we thought training  
3 was so important that part of the concessions that  
4 we were talking about was that we would have  
5 additional training days at straight time which  
6 means that the training that's being mandated now,  
7 two of those days are on straight time, which is a  
8 savings to the city.

9 So I know some of the City Council  
10 members have concern and Council Member Dilan  
11 raised the issue while in the big picture of the  
12 budget, we're talking about anywhere from \$9  
13 million to \$13 million, whatever the costs are.  
14 The bottom line is this; it's a small grain of  
15 salt in the big beach. It really is.

16 In addition to that, Council Member  
17 Crowley mentioned about federal grants. Well,  
18 right now the Fire Act, which is a grant that the  
19 Fire Department of New York City asks for every  
20 year, it was at \$2 million and has now risen to \$9  
21 million. So there is federal money that is  
22 available for training.

23 The bottom line is this: right now  
24 I have 17 years on the job. I'm joined by John  
25 Dunn who has over 30 years, Jimmy McGallen



2 [phonetic] who has close to 25 years. We don't  
3 even know how to write a summons. I'll give you  
4 an example. We have never been trained on how to  
5 inspect a building. We've never been trained on  
6 what to look for.

7 The training that they talked  
8 about, the three hours' training, the one hour,  
9 it's "come on guys, let's sit around the kitchen  
10 table and do some training." If there's a run,  
11 they go out the door and they lose part of that  
12 one hour. Then they take the officers. What they  
13 do is they take them on the computer and they show  
14 them how to use the computer to find documentation  
15 on what buildings to inspect and how to fill out  
16 paperwork.

17 Up until we started talking about  
18 this, they do not train the officers on how to  
19 properly inspect a building. Would you send a  
20 police officer on the streets of New York without  
21 teaching that officer how to enforce the law?  
22 First of all, what the law is and then to  
23 recognize if a person was breaking the law or not  
24 and how to properly enforce it. Would that  
25 happen?

2 Would you send a cardiologist to  
3 perform open heart surgery without that person  
4 going to medical school? I think not. Well, the  
5 Fire Department has been a big charade for many,  
6 many years. Deutsche Bank changed the charade,  
7 the Deutsche Bank fire where we lost two  
8 firefighters. They held three of our finest  
9 officers, impeccable records, outstanding  
10 officers, they ruined their career.

11 They had their name plastered all  
12 over the newspaper and they held them personally  
13 accountable because they didn't force a law that  
14 was buried in the Fire Department manuals. These  
15 are what our members need to know in regards to  
16 how to properly inspect a building.

17 Council Member Crowley says maybe  
18 they can read it on their own. Again, if that  
19 cardiologist is doing open heart surgery, is he  
20 just learning it on his own or is he going to  
21 school? Then part of going to school he also  
22 studies. We do the same thing. All of our  
23 training has been self training.

24 What happened in the history of the  
25 Fire Department is they go out and do buildings

2 and yes, it's to familiarize ourselves with the  
3 building. We were really never summoned to  
4 enforce the code. We would look at things. We  
5 might through self-learning or through getting  
6 information from other firefighters we might say  
7 that might be a violation or that might not be a  
8 violation but we never enforced the code.

9 That changed with Deutsche Bank  
10 because as soon as they held our members  
11 accountable that changed the game. What we're  
12 saying is if you change the game and you're going  
13 to hold our officers accountable, then please do  
14 us the favor and train our members.

15 I know times are hard in regards to  
16 the fiscal crisis and things like that. But there  
17 are monies available that could be made; there are  
18 federal monies that are available. The fire  
19 department said they need the training. The  
20 training is not adequate.

21 To give you an example, New York  
22 State to do building inspections as a firefighter  
23 it's a minimum of 120 hours of training. We're  
24 supposed to be the most highly trained. They said  
25 16 hours is enough. It's not enough. If New York

2 State counterparts are going 120 hours of training  
3 minimum and our Building and Fire Codes are the  
4 most sophisticated in the world. If you're going  
5 to say it's enough in 16 hours, it's not.

6 In addition to that, we have  
7 civilian fire inspectors that do audits. When we  
8 go out and do an inspection, they do an audit on  
9 our inspection. They have over 200 hours of  
10 training to audit the inspections of fire officers  
11 that have never been trained. Again, they're  
12 holding accountable for enforcement that we've  
13 never been trained on.

14 So I implore the Council to please  
15 look at this very closely and to provide us with  
16 the necessary training and the necessary tools in  
17 order to properly inspect buildings to provide  
18 additional safety to the citizens of this city  
19 because that's what it's about. We go in, we see  
20 things. If we know how to properly inspect, then  
21 we can go in and better monitor egregious  
22 violations and minor violations that may be going  
23 on in buildings throughout this city.

24 I don't know if it's necessary for  
25 me to read my testimony, so I'll take questions.

2 CHAIRPERSON FOSTER: Council Member  
3 Fidler has a question.

4 COUNCIL MEMBER FIDLER: Continuing  
5 to play the role of the bad guy here. I don't  
6 disagree with you, Mr. Boles. No one ever wants  
7 to argue against safety, mom or apple pie. What  
8 happened at Deutsch Bank was not only a tragedy  
9 but a miscarriage of justice in many respects in  
10 my view.

11 As the Council Member for Marine  
12 Park and Gerritsen Beach, I probably represent  
13 more firefighters than any Council Member outside  
14 of Staten Island, and unfortunately had the  
15 privilege of co-naming more streets for fallen  
16 firefighters than any of my colleagues, I think.

17 So I'm no insensitive to what  
18 you're saying. There has got to be some happy  
19 medium between 16 and mandating 80, which is ten  
20 fulltime days. That's what we're asking. We're  
21 begging the state with this resolution to require  
22 80. We're begging them to make us impose this  
23 cost. Fair or not fair to compare it to other  
24 aspects of the budget or to compare it to closing  
25 firehouses, that's exactly what OMB is going to

2 do. That's what they're going to do. Money is  
3 fungible. You get a limited amount and then you  
4 spread it around.

5 Absolutely I want you to be fully  
6 trained 100%. Do you feel that anything less than  
7 80 would be insufficient?

8 EDDIE BOLES: I think we went to  
9 Professor John Jay. We looked at what the state  
10 firefighters were getting. We looked at what the  
11 civilian inspectors were getting. They're getting  
12 a lot more.

13 COUNCIL MEMBER FIDLER: Civilian  
14 inspectors, that's the totally of their job,  
15 right, is inspecting buildings. This is not the  
16 totality of a fire officer's job.

17 EDDIE BOLES: We are the ones that  
18 are responsible buildings for Fire Code and some  
19 Building Code violations. When we go in to  
20 buildings under rehabilitation or new  
21 construction, when they have civilian inspectors  
22 auditing our members' inspections and hold them  
23 responsible and accountable for what they  
24 inspected, we believe 80 hours is not enough.

25 We compromised and we said the

2 state has over 120 hours; civilian inspectors have  
3 over 200 hours. We went to an expert at John Jay  
4 and asked what was reasonable. We talked to  
5 people who work with the fire department who redid  
6 the books and the number 80 came as a result of  
7 our correspondence with lots of different people  
8 and sources.

9 So we feel that 16 hours is  
10 inadequate and 80 is a good number.

11 COUNCIL MEMBER FIDLER: I thought I  
12 just heard you say that 80 hours was inadequate.

13 EDDIE BOLES: Yes, 80 hours is  
14 inadequate also. That was a compromise.

15 COUNCIL MEMBER FIDLER: So you're  
16 asking us to pass a bill that you also think will  
17 be inadequate. Not to be argumentative. Chief  
18 Sweeney acknowledged that 16 was a number he had  
19 come to live with. It was clear from his  
20 testimony that he would like to do more. He  
21 didn't think 80 hours was necessary. You're  
22 saying that you don't think 80 hours is even  
23 enough and that by passing this bill we are still  
24 not completing the job, assuming that we're able  
25 to fund it.

2 EDDIE BOLES: Knowing the members I  
3 represent, given what they have now and given the  
4 80 hours, I think they'll be able to do a much,  
5 much better job than just the 16 hours.

6 COUNCIL MEMBER FIDLER: No argument  
7 there.

8 EDDIE BOLES: Chief Sweeney did not  
9 give you an upper. He said 16 hours was not  
10 enough. He never said 80 hours was good or not.

11 COUNCIL MEMBER FIDLER: I think he  
12 was pretty clear that he thought 80 hours was  
13 excessive. I think he actually did say that. I  
14 kind of lost where I was going with that. I'm  
15 sure you're happy for that too.

16 I think I've got it now. Do you  
17 acknowledge that we could not provide 80 hours of  
18 training without the use of overtime? He's  
19 calculating his costs on overtime.

20 EDDIE BOLES: Members can be  
21 detailed for training. They already do it now.  
22 They could be detailed on their tour, which would  
23 mean they would be going on straight time, meaning  
24 part of their tour.

25 COUNCIL MEMBER FIDLER: So you



2 disagree with Chief Sweeney when he says that is  
3 impossible and it would have to be done on  
4 overtime that we can't take that many people  
5 offline at one time? What this bill requires by  
6 the date it requires it, we would have to take too  
7 many people offline to do it on straight time and  
8 it would have to be done on overtime.

9 EDDIE BOLES: How the department  
10 does it, that's their operation. So I don't know  
11 the answer to that. We were willing to do it at  
12 straight time.

13 COUNCIL MEMBER FIDLER: Don't you  
14 think it might make more sense rather than us  
15 asking Albany to mandate a program that has a cost  
16 of this size that we not sit down here as adults,  
17 as city agency and fire officers and figure out a  
18 better way to get you the training that you all  
19 can mutually agree you need to do it perhaps  
20 without staggering overtime bills. And work it  
21 out here instead of asking Albany to impose a  
22 mandate on us.

23 EDDIE BOLES: We tried. That's why  
24 we're here. We tried to sit down after Deutsche  
25 Bank and they held our members accountable; we

2 tried to sit down and talk to the department and  
3 the agency in regards to getting training and  
4 doing it together. We hit the roadblock so we had  
5 to go this avenue unfortunately.

6 COUNCIL MEMBER FIDLER: So let me  
7 ask you the last question which is frankly the  
8 unfortunate question that I think we're kind of  
9 hiding our heads in the sand about today but will  
10 in fact have to answer by June 30th here. There  
11 are very distasteful choices that we are going to  
12 be asked. Would you trade this bill for keeping  
13 12 firehouses open? Whether you think that  
14 question is fair or not, would you do that?

15 EDDIE BOLES: It is an unfair  
16 question because I'm out there every day rallying  
17 to keep every fire company open because I know the  
18 devastating effect.

19 COUNCIL MEMBER FIDLER: I'm with  
20 you 1000%. I want to keep every firehouse open.  
21 But OMB and the Mayor of the City of New York are  
22 going to pose that question. I guarantee it.  
23 Councilmen, where are you paying for this \$16  
24 million, because we propose to close about 12  
25 firehouses for that number, based on the chief's

2 math, I assume it's correct. I'm going to have to  
3 sit in a budget negotiating room. It's a  
4 disgusting situation to have to be in. We have  
5 whole bunches of questions. This is the year that  
6 some of the sacred cows are going to get  
7 slaughtered.

8 This Council has consistently; at  
9 least since I've been here, we have consistently  
10 fought the closing of firehouses. So I'm not  
11 asking this question because I want to have to ask  
12 this question, but because I'm anticipating that  
13 it's going to come right back at us between the  
14 eyes.

15 So I'm asking you, if you were  
16 sitting over here about to vote on this, in all  
17 honesty and knew that the choice would be 12  
18 firehouses or this bill, what would you choose?

19 EDDIE BOLES: Again, I think that's  
20 an unfair question because the funding for this  
21 particular for this particular training can be  
22 achieved through federal funding. So to pit the  
23 two against one another I think is really unfair.

24 COUNCIL MEMBER FIDLER: I'll just  
25 conclude by saying that I agree it's unfair, but

2 unfortunately life isn't fair. I'm saying to my  
3 colleagues that's exactly what we're going to have  
4 to do in June. That's the essence of my problem.  
5 Not with your merits in any way. Not with your  
6 merits. Thank you.

7 CHAIRPERSON FOSTER: Council Member  
8 Crowley has a question. I again think it's an  
9 unfair question. I think it's like having two  
10 children and asking which one you're going to  
11 save. I too sit on budget negotiating and it's  
12 still not a fair question.

13 COUNCIL MEMBER CROWLEY: Thank you,  
14 Chair Foster. When you had the horrific incident  
15 of the Deutsche Bank fire, at that particular time  
16 there was only 16 hours of training for building  
17 inspections, is that right?

18 EDDIE BOLES: Zero.

19 COUNCIL MEMBER CROWLEY: There was  
20 zero. And then the laws have since changed and  
21 all fire officers were mandated to go for at least  
22 the 16 hours?

23 EDDIE BOLES: No. What happened  
24 was they updated a lot of the forms to the  
25 computer. So really the three hours that they

2 were initially getting was really about doing the  
3 paperwork associated with building inspections.  
4 What the department also did was we used to do two  
5 hours of building inspections and they increased  
6 it to three days of building inspection. So we do  
7 nine hours of building inspections every day while  
8 the unit is in service, which is another issue.

9 The 16 hours came about just  
10 recently. I applaud the efforts of the  
11 department. They do recognize the lack of  
12 training that existed before Deutsche Bank and the  
13 limited training now and they redid the books.  
14 Those who are dedicated to doing this did an  
15 incredible job.

16 It's extremely complicated, very  
17 sophisticated and they tried to make it as simple  
18 as possible. However, there is still a great  
19 dealing of learning and training that need to be  
20 done as a result. The 16 hours was just recently  
21 implemented; I believe within the last six months.  
22 Again, a lot of that was the result of us bringing  
23 this issue to light. So it was a reaction.

24 COUNCIL MEMBER CROWLEY: A company  
25 on average does about nine hours of inspection a

2 week?

3 EDDIE BOLES: Correct.

4 COUNCIL MEMBER CROWLEY: And they  
5 could going on these inspections and there could  
6 be real dangers present that they're overlooking  
7 because of the updated laws.

8 EDDIE BOLES: Absolutely. The City  
9 of New York dedicated a great deal of money,  
10 resources, and time in order to update the 1968  
11 Building and Fire Code and it was implemented in  
12 July 2008.

13 One thing that wasn't part of the  
14 total revamping of the code was the training  
15 component. Now you just send people out to  
16 inspect buildings. So that training was never  
17 taken into consideration. What should have been  
18 done was there should have been a training  
19 component attached to the new Building and Fire  
20 Code that was done in 2008. They did an exemplary  
21 job. The City Council was involved and it was a  
22 great job. But part of it was left out and that  
23 was the training of our members.

24 COUNCIL MEMBER CROWLEY: Thank you,  
25 Eddie. I want to just say that earlier today I

2 said that maybe fire officers could just read it.  
3 What I'm trying to say is that if the City Council  
4 out so much time and the Department of Buildings  
5 into revamping the code and even the fire officers  
6 there that are supposed to be administering the  
7 code don't know it, why did we spend so much time  
8 working on a new code if it's just going to be in  
9 a book and not implemented?

10 EDDIE BOLES: Well, it needed to be  
11 done. And just to let you know, aspects of the  
12 '68 code still exist and aspects of the '38 code  
13 still exist and we were never trained on either of  
14 those.

15 COUNCIL MEMBER CROWLEY: The fire  
16 officers do fire inspection. The Department of  
17 Buildings, they don't know fire inspections, the  
18 fire officers are supposed to know?

19 EDDIE BOLES: They know more  
20 because they have been trained and we haven't.  
21 They do the building inspections. I can't speak  
22 for them. I don't know how much they do on the  
23 Fire Code. We specifically do Fire Code and some  
24 Building Code. Most of our inspections are Fire  
25 Code violations.

2 COUNCIL MEMBER CROWLEY: Right.

3 But if a fire officer comes to the door of a  
4 business or a school or any facility in the city,  
5 they're more likely to get entrance into a  
6 building than a Buildings Department person. I  
7 don't think you'd know the answer, but I would  
8 think just common fears and understanding in  
9 today's society. That concludes my questions.  
10 Thank you.

11 CHAIRPERSON FOSTER: Thank you.

12 Council Member Dilan has a question.

13 COUNCIL MEMBER DILAN: You said the  
14 bill applies only to fire officers. Do you have  
15 an estimate of how many officers this would impact  
16 in the city? How many people are we talking  
17 about?

18 EDDIE BOLES: There are 2,500  
19 officers; 1,500 lieutenants; 600 captains. The  
20 reason why is said the lieutenants and captains is  
21 they're the only ones by contact that would be  
22 paid overtime if it was done in overtime.  
23 Battalion chiefs and deputy chiefs do not receive  
24 overtime. They receive what's called comp time.  
25 We have not done a cost on the bill.



2 COUNCIL MEMBER DILAN: I would  
3 imagine you didn't. But you would know  
4 approximately how many city personnel would be  
5 involved and how many people we're talking about.

6 EDDIE BOLES: It would be 2,500  
7 officers, of which 2,100 of those officers if they  
8 were just trained purely on overtime would be the  
9 only ones eligible for overtime. The remaining  
10 400 would be chief officers who do not get trained  
11 on overtime. They get trained on what's called  
12 comp time, if they're not trained during their  
13 regularly scheduled tour.

14 COUNCIL MEMBER DILAN: Share as  
15 much as you could, because I guess a lot of it  
16 happened offline. What led to the breakdown in  
17 negotiations? Is it just fundamental things?

18 EDDIE BOLES: They said no.

19 COUNCIL MEMBER DILAN: They just  
20 said no.

21 EDDIE BOLES: They said no.

22 COUNCIL MEMBER DILAN: Did they  
23 give a basis?

24 EDDIE BOLES: We asked for  
25 additional training days, actually five training

2 days.

3 COUNCIL MEMBER DILAN: That's not a  
4 negotiation. It sounds like a request was made  
5 and the request was denied.

6 EDDIE BOLES: During collective  
7 bargaining they were looking for concessions.  
8 Because we feel very strongly about training, one  
9 of the concessions was we said we would have  
10 training days. Right now we have two. We were  
11 asking for an additional five training days and  
12 they said no, we don't need the training days.

13 Then we sat down after Deutsche  
14 Bank and we talked about building inspections and  
15 accountability and we talked about training and  
16 there's a way to work it out. Again we  
17 encountered a roadblock and our hand was forced to  
18 take this route. That's why we're here today.

19 COUNCIL MEMBER DILAN: Thank you,  
20 Madame Chair.

21 CHAIRPERSON FOSTER: Thank you.  
22 There being no more questions, I'm going to ask  
23 that the clerk call the roll please.

24 WILLIAM MARTIN: William Martin,  
25 Committee Clerk, roll calling the Committee on

2 State and Federal Legislation. Council Member  
3 Foster?

4 CHAIRPERSON FOSTER: Yes.

5 WILLIAM MARTIN: Dilan?

6 COUNCIL MEMBER DILAN: Madame  
7 Chair, may I have a moment to explain my vote?

8 CHAIRPERSON FOSTER: Sure.

9 COUNCIL MEMBER DILAN: I agree with  
10 my colleague Council Member Fidler. I think that  
11 every piece of legislation that comes before us we  
12 have to be very conscious about as it relates to  
13 cost here.

14 I was actively involved in helping  
15 the city put the Buildings Code together. I  
16 remember when it came time to lay those bills on  
17 the desk that we didn't even have the paper to lay  
18 it on the desk because the bill was so big. It's  
19 2,400 or 2,500 pages. Everybody got a CD on their  
20 desk and we could barely fit it on the CD.

21 So I don't know how the Fire Code  
22 got done because I wasn't as involved in those  
23 negotiations but it sounds like a disappointment  
24 that this wasn't addressed within the Fire Code  
25 itself. Obviously no disrespect to my colleague

2 because she wasn't the chair of the committee at  
3 the time, and no disrespect to the previous chair;  
4 it's just an opportunity that was there and didn't  
5 get agreed to.

6 I would think that while it would  
7 be unfair to ask the Uniformed Officers  
8 Association to say would we trade this program for  
9 the closure of a firehouse and that's a reality  
10 that we are going to have to make those decisions.  
11 There is no way around it. But I would also see  
12 it as unfair to have a firehouse and have a bunch  
13 of officers and firefighters that aren't trained  
14 to properly protect people. So I think they go  
15 hand in hand. The coin has to be viewed by both  
16 sides.

17 With that said, I don't remember  
18 how many pages the Fire Code was, but if it was  
19 even half the size of the Building Code, and that  
20 might be it right there, there is no way possible  
21 that the appropriate people could have a working  
22 knowledge of it in three hours. So I'm sensitive  
23 to the administration's argument here. But I  
24 guess what leads me to vote in favor of this is  
25 that the administration also will have another

2 bite at the apple because this has to go to  
3 Albany.

4 Now that my colleague has joined,  
5 Domenic Recchia, I don't know how he's going to  
6 vote, but apparently we clearly had one no vote.  
7 We needed four to get it out of the committee.  
8 I'm unwilling to kill it here just based on all  
9 that I've heard. It's a difficult decision  
10 because I agree with the administration. At some  
11 point we have to say no to the cost because we  
12 clearly can't afford it and we can't afford to  
13 continue to raise taxes on people. So it's a  
14 tough decision but I vote aye.

15 WILLIAM MARTIN: Fidler?

16 COUNCIL MEMBER FIDLER: May I be  
17 excused to continue to explain myself? First,  
18 Lieutenant, someone whispered in my ear that I was  
19 being unduly harsh with a really good guy, so I  
20 apologize for that. It just tends to be my south  
21 Brooklyn manner.

22 I do want to say that had you gone  
23 first I probably would have been just as harsh  
24 with the chief for sitting there and admitting  
25 that 16 hours is not enough and then finding out

2 that you had asked for more and they said no.

3 My problem here is two-fold. One  
4 is there has to be a number between 16 and 80 and  
5 there has got to be a better way. You're offering  
6 a way to do it at regular time. He's insisting  
7 that's impossible. Maybe the dates involved here  
8 need to be discussed. I think this matter needs  
9 more discussion. I don't want Albany imposing  
10 this on us.

11 Second, as unfair as the question  
12 is, I just sent out a budget survey that lists  
13 seven things that last year would have been  
14 unthinkable: closing 20 firehouses, reducing the  
15 size of our police force to pre-9/11 levels, four  
16 day a week library service, closing one-third of  
17 our senior centers, closing one-quarter of our  
18 after school programs, raising class size by six.

19 Every one of those things came up  
20 as a possible result of this budget during the  
21 preliminary budget hearings so they're not pie in  
22 the sky. I am absolutely convinced we will not be  
23 able to save all of those sacred cows. So I am  
24 very concerned that we will lose the fight on the  
25 firehouses this time. We've won it before. Not

2 always, but we've won it before. So I really am  
3 concerned about that.

4 I have no question in my mind that  
5 there should be more training. What I'd like to  
6 see is the city to come back to the table to  
7 negotiate. Now, if passing this bill gets that  
8 done, that's a great thing. But I can't in good  
9 conscious ask Albany to mandate this \$16-\$18  
10 million cost on us without knowing how we're going  
11 to pay for it and whose sacred cow is going to get  
12 slaughtered as a result. Because of that I am  
13 going to vote no.

14 WILLIAM MARTIN: Recchia?

15 COUNCIL MEMBER RECCHIA: This is a  
16 very interesting vote. Who would have ever  
17 thought, right? I would like to say that Eddie  
18 Boles has always been a great advisor. I think  
19 that I am going to vote aye and support the fire  
20 officers. But I hear what my colleague Lew Fidler  
21 said. I hear what my colleague Erik Dilan said.  
22 I think this is something that has to be  
23 addressed. We should really sit down and talk  
24 about several of these issues for the future.

25 WILLIAM MARTIN: Seabrook?

2 COUNCIL MEMBER SEABROOK: I vote  
3 aye.

4 WILLIAM MARTIN: Crowley?

5 COUNCIL MEMBER CROWLEY: I will  
6 also vote aye. I understand what Council Member  
7 Fidler is saying about the danger of closing fire  
8 companies. I, too, do not want to see any  
9 companies closed this year. I know that we've  
10 lost the battle in the past.

11 But there are federal dollars that  
12 are allocated for training that cannot be used for  
13 operations. Last year we received over \$30  
14 million for that training alone. I don't believe  
15 that this training will be as expensive as the  
16 fire department has said it will be. I think  
17 there's a way that we could reduce the price  
18 drastically. At the end of the day, I do believe  
19 that we'll get the money from the federal  
20 government because they are giving so much money  
21 every year for training.

22 This training is a necessary  
23 training. It just doesn't make sense to put all  
24 that time and effort into laws that will protect  
25 New Yorkers and not be able to enforce those laws



2 because there's nobody there to do that who knows  
3 and understands the laws. So that's how I feel.  
4 Thank you. I voted aye.

5 CHAIRPERSON FOSTER: Thank you.  
6 That was for SLR 001. Now we are voting on  
7 Preconsidered SLR.

8 WILLIAM MARTIN: SLR 001 is adopted  
9 by a vote of five in the affirmative, one in the  
10 negative and no abstentions.

11 CHAIRPERSON FOSTER: Our next panel  
12 is Donald Kass and Catherine Beason. Hold on.

13 [Pause]

14 CHAIRPERSON FOSTER: We're going to  
15 hear from both of our witnesses. I made a  
16 technical boo-boo and I should have coupled the  
17 votes. Can I call you back? Thank you.

18 DANIEL KASS: It's a little easier.  
19 We're asking you to support a bill that gets us  
20 money. Good morning, Chairperson Foster and  
21 members of the Committee on State and Federal  
22 Legislation. My name is Daniel Kass. I'm the  
23 acting deputy commissioner in the Division of  
24 Environmental Health at the New York City  
25 Department of Health and Mental Hygiene.

2 On behalf of Commissioner Farley  
3 I'd like to thank you for the opportunity to  
4 testify regarding Assembly Bill 6158A and Senate  
5 Bill 4278.

6 These two bills would amend the New  
7 York State Agriculture and Market Law and the  
8 Administrative Code of the City of New York to  
9 establish an animal population control fund and a  
10 New York City animal population control program.

11 This program would provide low cost  
12 spay and neuter services for the pets of low-  
13 income New Yorkers. We believe that increasing  
14 the ability for voluntary sterilization of owned  
15 pets will reduce the number of animals entering  
16 the City's shelters and therefore reduce the  
17 number of animals that are ultimately euthanized.

18 Currently the Department of Health  
19 and Mental Hygiene has a contract with the New  
20 York City Animal Care and Control to operate its  
21 animal shelter system. AC&C is required by our  
22 contract to sterilize dogs and cats that are  
23 adopted out of the shelters, but it doesn't have  
24 sufficient funding to provide or subsidize spay  
25 and neuter services for pets belonging to the

2 general public.

3 One reason that funding is lacking  
4 for spay and neuter services at AC&C for the  
5 general public that under the current state law,  
6 which was enacted in 1995, only private  
7 veterinarians are eligible for reimbursement from  
8 the state's animal population control fund and  
9 excluded veterinarians in a shelter.

10 This bill would now enable the  
11 Department to establish a NYC Animal Population  
12 Control Program to be funded by a newly created  
13 NYC Animal Population Control Fund. The Fund  
14 would receive \$3 from the fees paid for each  
15 license purchased by owners of dogs older than  
16 four months of age that are not spayed or  
17 neutered.

18 At the current time, AC&C relies on  
19 partnerships with other entities such as ASPCA to  
20 provide public spay and neuter services; however,  
21 with funding AC&C would be able to do much more.  
22 With the support of the Fund, the Department and  
23 AC&C would be able to reestablish and expand  
24 mobile clinic operations to provide thousands of  
25 spay and neuter operations each year using this

2 sustainable funding stream that is currently  
3 unavailable for these purposes.

4 The creation of the Population  
5 Control Program and access to the Fund will  
6 provide more direct services to the public and  
7 allow for responsible and humane care necessary  
8 for the animals in New York City. Accordingly, we  
9 ask the Council for their support of this  
10 legislation. Thank you.

11 CHAIRPERSON FOSTER: Thank you.

12 Ms. Beason?

13 CATHERINE BEASON: Hi, my name is  
14 Catherine Beason and I'm president of Animal  
15 Friendly NYC.

16 For the last five years, AFNYC has  
17 been working with all of the people at the  
18 Department of Health and with state and city  
19 legislators to create low cost clinics for low  
20 income pet owners.

21 We would very greatly appreciate  
22 your support for Assembly Member Rosenthal's and  
23 Senator Thomas Duane's bill which will create low  
24 cost spay and neuter clinics for low income pet  
25 owners in New York City. The bill would allow the

2 city to set up its own low-cost spay and neuter  
3 program using money from a license surcharge on  
4 intact dogs.

5 As mentioned, there has been a  
6 program in place since the mid 90s but it's never  
7 worked very well in New York City because it's a  
8 veterinarian reimbursement program and very few  
9 New York City vets participate. For example, in  
10 the last fiscal year, a total of 144 surgeries  
11 were performed under the state program in New York  
12 City. That's even though New York City sends at  
13 least \$120,000 a year to the program.

14 This bill will dramatically  
15 increase the number of surgeries that we can  
16 provide and will reduce the cost per surgery. The  
17 144 state-program surgeries performed in last  
18 fiscal year cost the state an average \$166 per  
19 surgery. A clinic can perform the surgeries at an  
20 average subsidy of \$65.

21 Significantly, the bill has, as you  
22 say, the support of the Department of Health and  
23 Mental Hygiene, which currently oversees animal  
24 care and control, city's animal shelters. And it  
25 has the support of the state Department of

2 Agriculture and Markets, which currently  
3 administers the current state program.

4 If you've followed what's happening  
5 in the animal care world, in the last six years,  
6 New York City has struggled to reduce the number  
7 of homeless cats and dogs euthanized year every  
8 year. By what I will say are heroic efforts of  
9 the city's rescue and adoption community, we have  
10 managed to more than triple the number of cats and  
11 dogs adopted out. However, the number of animals  
12 entering the city's shelters has stayed stubbornly  
13 at 41,000.

14 Here's a set of statistics from  
15 Animal Care and Control that I find absolutely  
16 startling. In 2002, intake was 40,000. Adoptions  
17 were about 8,500. In 2009, intake is 41,000.  
18 Adoptions are 25,000. So clearly, we're doing the  
19 work on the adoption end. But unfortunately, that  
20 doesn't solve the problems of homeless animals.

21 We know from the successful  
22 programs in other states that the only way to  
23 significantly reduce shelter intake is to provide  
24 spay and neuter services for low income pet  
25 owners. That's because the cost of spaying and

2 neutering is out of reach for many pet owners. So  
3 that when pets reach sexual maturity or have  
4 litters, their owners often abandon them.

5 That's tragic for the animals, but  
6 it's also expensive for the taxpayer and expensive  
7 for the city. It costs about \$255 to take an  
8 animal into the city's shelters, whether that  
9 animal ends up dead or adopted. A subsidized  
10 surgery costs \$65 when delivered in a clinic  
11 setting. That not only keeps that animal in its  
12 home but also potential offspring out of the  
13 city's shelters. I thank you very much for  
14 hearing this today and I thank you for your time  
15 and attention.

16 CHAIRPERSON FOSTER: Thank you very  
17 much. I'll ask the clerk to call the vote please.

18 WILLIAM MARTIN: Preconsidered  
19 Resolution number 4278, Assembly 6158-A. Council  
20 Member Foster?

21 CHAIRPERSON FOSTER: Yes.

22 WILLIAM MARTIN: Dilan?

23 COUNCIL MEMBER DILAN: I vote aye.

24 WILLIAM MARTIN: Fidler?

25 COUNCIL MEMBER FIDLER: Having

2 already antagonized our beloved firefighters, I  
3 wouldn't dream of getting in the way of the pet  
4 owners in the City of New York in the same day.  
5 At the risk of sullyng my reputation by being in  
6 lockstep with the Bloomberg administration twice  
7 in a row, I vote aye.

8 CATHERINE BEASON: Do you mind my  
9 saying that you actually voted for this last year  
10 as well, so thank you twice.

11 WILLIAM MARTIN: Seabrook?

12 COUNCIL MEMBER SEABROOK: I vote  
13 aye.

14 WILLIAM MARTIN: Crowley?

15 COUNCIL MEMBER CROWLEY: I vote  
16 aye.

17 WILLIAM MARTIN: By a vote of five  
18 in the affirmative, zero in the negative and no  
19 abstentions, Preconsidered SLR is adopted.  
20 Council Members please sign the committee report.  
21 Thank you.

22 CHAIRPERSON FOSTER: Can you keep  
23 the vote open for Recchia? Before we close, I  
24 just want to thank counsel to the committee,  
25 Danielle. This is going to be her last committee



2 meeting. She leaves Friday to bring our newest  
3 little potential Council Member into the world.  
4 Congratulations and we're all excited for you.  
5 Thank you, Ksenia for everything. This meeting is  
6 adjourned.

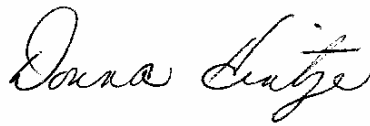
7 WILLIAM MARTIN: Recchia?

8 COUNCIL MEMBER RECCHIA: Aye.

9 WILLIAM MARTIN: Final vote on  
10 Preconsidered SLR is now six in the affirmative,  
11 zero in the negative and no abstentions. Thank  
12 you.

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 May 23, 2010