

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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June 9, 2010
Start: 12:16 pm
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HELD AT: Council Chambers
City Hall

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.
Joel Rivera
Elizabeth Crowley
James Vacca
Daniel Halloran III
Gale A. Brewer
Peter F. Vallone, Jr.

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

Michael Schnall
Director of Government Relations
NYC Department of Parks and Recreation

David Woloch
Deputy Commissioner for External Affairs
NYC Department of Transportation

Lois Tendler
VP of Government and Community Relations
NYC Transit

John Tipaldo
Director of Systems Engineering
NYC Department of Transportation

Christian DiPalermo
Executive Director
New Yorkers for Parks

Patrick Ferraiuolo
President
Correction Captains Association

Peter Meringolo
Lobbyist/Legislative Consultant
Correction Captains Association

Michael Palladino
President
NYC Detectives Endowment Association

Frank Tramontano
Legislative Coordinator
NYC Patrolmen's Benevolent Association

James Slevin
VP
NYC Uniformed Firefighters Association

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

Edward Boles
Treasurer
Uniformed Fire Officers Association

John Dunne
Legislative Director
Uniformed Fire Officers Association

2 CHAIRPERSON FOSTER: Good

3 afternoon. Thank you for waiting. When I had
4 planned to start my opening comments it was going
5 to be good morning. Now we are at afternoon. I
6 am Helen Diane Foster. I am chair of the
7 Committee on State and Federal Legislation. I am
8 joined by Council Member Lew Fidler from Brooklyn,
9 Joel Rivera from the Bronx, Erik Dilan from
10 Brooklyn, Elizabeth Crowley from Queens, Jimmy
11 Vacca from the Bronx. I'm getting everybody's
12 boroughs wrong. Domenic Recchia from Brooklyn.

13 COUNCIL MEMBER RECCHIA: M.

14 Recchia, Jr.

15 CHAIRPERSON FOSTER: I'm sorry.

16 Wait, I'm going to do Jr. Recchia Domenic, since
17 I'm Diane Helen instead of Helen Diane. I don't
18 think I know your first name. Daniel, yes, I'm
19 sorry. Daniel Halloran, I know, stop; the
20 pressure. I've been waiting too long.

21 COUNCIL MEMBER RECCHIA: It's

22 Daniel J Halloran, just for the record. People
23 won't recognize who he is.

24 CHAIRPERSON FOSTER: Daniel J.

25 Halloran III. I will not get it wrong again.

2 COUNCIL MEMBER RECCHIA: If you
3 just put Dan Halloran, they won't know who you're
4 talking about.

5 CHAIRPERSON FOSTER: First, let me
6 start by thanking the committee and the staff
7 members that have worked. As you see, they've
8 been running back and forth. The great thing
9 about politics is that we're always negotiating,
10 even to the last minute.

11 We are going to discuss and then
12 vote on eight in total, seven SLRs and one
13 Resolution to the United States Congress. Sorry,
14 I forgot Council Member Gale Brewer who is behind
15 me, from Manhattan. I'm just going to say briefly
16 what each bill is about so that we can get right
17 into the testimony. I'm going to ask all those
18 that are testifying if possible to keep it brief
19 so that we can go into the vote.

20 The first resolution we're going to
21 hear is the CAP bill, which is the annual
22 resolution adopted by the Council to limit
23 property tax share increases that are used in
24 setting the property tax rate for fiscal 2011.
25 The maximum allowable increase without this

2 legislation would be 5%. With this legislation it
3 would cut the cap in half to 2.5%.

4 The next legislation is to allow
5 the Parks Department to enter into a contractual
6 relationship with Brooklyn Bridge Park Corporation
7 and to allocate a certain number of Park
8 Enforcement patrol officers in order to provide
9 security which is consistent with the enforcement
10 of the department rules as it pertains to Battery
11 Park.

12 The third is legislation which will
13 allow St. Michael's Cemetery, which is located in
14 Astoria Queens to acquire a strip of parkland that
15 is under utilized, in disrepair, adjacent to the
16 cemetery and from my understanding abuts the
17 highway.

18 Number four is legislation to allow
19 the surviving spouses or domestic partners of
20 deceased retired New York City Department of
21 Correction or Sanitation officers to retain health
22 insurance coverage by paying 102% of the group
23 rate for such coverage.

24 Number five is legislation to
25 increase the fine for tractor trailer combinations

2 that park on residential streets overnight from
3 \$50 to \$250 for the first offense and \$500 for
4 each subsequent offense within a six month period.

5 Number six is legislation that
6 guarantees a pension to any New York City officer
7 or firefighter who has attained 20 years of
8 credible service and would have otherwise been
9 eligible for retirement who was dismissed for
10 employment.

11 Number seven is legislation that
12 establishes a bus lane camera demonstration
13 program which will impose fines on drivers found
14 to be in violation of the city restriction on the
15 bus lane.

16 The last one is a federal
17 resolution to the United States Congress to extend
18 the Federal Medicaid Assistance Program funding
19 for an additional six months.

20 That being said, our first panel is
21 going to be of the administration. You can sit
22 right here is good. Mike Schnall from the Parks
23 Department, David Woloch from Transportation, John
24 Tipaldo, Director of Systems Engineering from
25 Transportation and Lois Tendler from New York City

2 Transit. If you can just all have a seat and you
3 can start.

4 MICHAEL SCHNALL: Good afternoon,
5 Chair Foster and members of the Committee on State
6 and Federal Legislation. My name is Mike Schnall,
7 Director of Government Relations for Parks and
8 Recreation. I want to thank you for the
9 opportunity to briefly discuss with you the
10 administration's support of Senate Bill 7858-A,
11 and Assembly Bill 11099-A.

12 Both bills sponsored by Senator
13 Squadron and Assembly Member Millman respectively,
14 amends the New York City Charter to clarify the
15 authority of the Parks Department's PEP officers
16 to issue summons returnable to the ECB for
17 violations of rules of the Parks Department on
18 property under the jurisdiction of the Brooklyn
19 Bridge Development Corporation.

20 In addition, the legislation
21 enables PEP officers to write summons for
22 violations of rules duly promulgated by the
23 Brooklyn Bridge Park Development Corporation. I'm
24 going to skip through the testimony and just
25 briefly say the Parks Department is in continuing

2 discussions with the Brooklyn Bridge Park
3 Development Corporation to supply PEP officers in
4 order to provide security services at the park.
5 This arrangement helps to establish a regular
6 presence of PEP officers in this park, which is
7 jointly owned by New York City and New York State.
8 This arrangement furthers the uniform application
9 of our rules and provides for consistent
10 enforcement of these and other rules.

11 The proposed amendment of the
12 charter would firmly establish the authority to
13 enforce these rules, similar to the changes that
14 were made for Hudson River Park Trust and Battery
15 Park City Authority. We ask this committee to
16 vote and send a favorable Home Rule message.
17 Thank you.

18 CHAIRPERSON FOSTER: Thank you.
19 Are there any questions? Great. I'm waiting on
20 my transit people. Come on down. Just sit right
21 in this front row.

22 [Pause]

23 CHAIRPERSON FOSTER: Thank you.

24 DAVID WOLOCH: Good morning,
25 Chairwoman Foster and members of the Committee.

2 I'm David Woloch, Deputy Commissioner for External
3 Affairs at the New York City Department of
4 Transportation. With me here today is Lois
5 Tendler from New York City Transit and John
6 Tipaldo, DOT's Director of Systems Engineering.

7 DAVID WOLOCH: Thanks for inviting
8 us here today to state the administration's
9 support for a Home Rule message in connection with
10 the pending state legislation to authorize the
11 city to establish a bus mobility demonstration
12 program. This bill will ensure that the city is
13 successful in providing more efficient and
14 effective bus service to the people and visitors
15 of the city of New York.

16 In June 2008, DOT in coordination
17 with the New York State Department of
18 Transportation and MTA New York City Transit
19 launched the first BRT route on the BX 12 line on
20 Fordham Road in the Bronx. This marks the first
21 of five phase one routes in the select bus service
22 which provide faster, more reliable and more
23 attractive bus service throughout the city.

24 Through improvements such as off
25 board fare collection, traffic signal priority and

1
2 enhanced bus lanes, we've reduced travel time by
3 24% and ridership on the BX 12 SBS compared to the
4 limited has gone up by 30%. This Monday we
5 announced a new SBS line planned along First and
6 Second Avenues in Manhattan which will incorporate
7 features that have made Fordham Road such a
8 success. We anticipate that SBS service along the
9 crowded and congested M15 line will greatly
10 improve travel experience for bus passengers along
11 the route that now takes 90 minutes to travel 8.5
12 miles.

13 Making public transit more
14 appealing to users is necessary to reduce the
15 negative effects of traffic congestion and create
16 a more sustainable transportation network.
17 Coupled with the 53% rise in bus ridership in the
18 city over the past 30 years and the subsequent
19 reduction of bus speeds due to increased traffic,
20 programs like SBS are essential to the vitality of
21 the city.

22 Despite our many efforts to provide
23 enhanced bus service, both SBS and other bus lanes
24 in the city can only be successful if conditions
25 on roadways are conducive to rapid transit.

2 Designated bus lanes must remain free of
3 unauthorized vehicles to ensure the free flow of
4 buses. This legislation will boost enforcement
5 efforts, complimenting the work of the New York
6 City Police Department by utilizing technology to
7 capture photos and videos of vehicles that in
8 violation of bus lane restrictions, which is
9 specified in the city's traffic rules
10 specifically, preclude motor vehicles from
11 standing, parking or driving within a bus lane.

12 Traffic rules allow for taxis and
13 other cars to quickly drop off or pick up in the
14 bus lane and use the lane to make the next
15 available right-hand turn. Bus lane cameras would
16 not change that. The images taken of illegal use
17 of the bus lane will be used as evidence in a
18 proceeding to impose liability on the owner of the
19 vehicle.

20 More specifically, the state
21 legislation allows for cameras to be used
22 exclusively along bus lanes covering no more than
23 50 miles of bus lanes and operating only on
24 weekdays from 7 a.m. to 7 p.m. The cameras may
25 consist of fixed location units, mobile units

2 which could be moved around, and/or units mounted
3 on the busses themselves.

4 Bus line violations will be treated
5 as the equivalent of a parking ticket and no
6 points will be assessed against the driver. The
7 legislation you are voting on today differs from
8 what you've seen previously based on feedback
9 we've received. We've worked with the NYCLU and
10 TWU to include privacy language for motorists and
11 bus drivers. In addition, the bill now requires
12 signs along bus lanes notifying motorists when
13 cameras are in use.

14 This is not a "gotcha" bill. We
15 want drivers to stay clear of bus lanes so that
16 bus service can be fast and efficient. For the
17 last few months we've been working with the Taxi
18 and Limousine Commission to pilot video
19 enforcement of taxis and we've seen that the video
20 technology works. But without legislation, these
21 efforts would have to continue to be limited to
22 taxis.

23 We urge the committee to issue a
24 Home Rule message on this legislation as it's an
25 important component of our SBS program and will

2 enable us to provide more efficient and effective
3 bus service to all New Yorkers. Thank you again
4 for the opportunity to testimony before you today
5 in support of this bill. We'd be happy to answer
6 any questions?

7 CHAIRPERSON FOSTER: Do you have
8 statements?

9 LOIS TENDLER: I just want to take
10 this opportunity to bring the committee up to date
11 with conversations we've been having with Chairman
12 Vacca and to reiterate what Commissioner Woloch
13 said.

14 CHAIRPERSON FOSTER: I'm sorry.
15 Let me just interrupt you. Can you just state who
16 you are for the record please?

17 LOIS TENDLER: I'm sorry. I'm Lois
18 Tandler, Vice President of Government and
19 Community Relations at MTA New York City Transit.

20 CHAIRPERSON FOSTER: Thank you.

21 LOIS TENDLER: As Commissioner
22 Woloch said in his testimony, this is not a gotcha
23 bill. What we're really looking for is the
24 ability to run out buses efficiently and more
25 rapidly in the bus lanes which already exist.

2 Towards that end, the MTA and DOT have committed
3 that for the first 30 days in which the bill is in
4 effect, we will not be issuing any summonses
5 pursuant to the statutory authority. It's 45
6 days, I'm sorry. I'm number challenged. For 45
7 days after the bill takes effect we will not issue
8 any summonses under the provision of the bill. At
9 the same the MTA and DOT would undertake an
10 extensive public outreach campaign informing the
11 drivers of the city that the cameras are up and be
12 careful.

13 CHAIRPERSON FOSTER: Thank you.

14 You're just here to answer questions?

15 JOHN TIPALDO: Yes.

16 CHAIRPERSON FOSTER: Council Member
17 Brewer, then Council Member Dilan, then Council
18 Member Fidler.

19 COUNCIL MEMBER BREWER: Thank you
20 very much. I am supportive in that three years
21 ago buses on the west side got the pokey award
22 because they were the slowest. We had public
23 hearings. Obviously smart cards and other faster
24 moving suggestions were made. Certainly this is
25 one of them. Unfortunately, what happens now is

2 police officers ride on the buses, see a car, jump
3 out, give a ticket and get back on the bus. That
4 is not a good use of police personnel.

5 How was this successful on 35th
6 Street and what are some of the suggestions for
7 the types of cameras that might exist?

8 DAVID WOLOCH: I think one of the
9 big questions here for us was whether video
10 technology would actually work because that's
11 what's required to capture not only that the
12 vehicle is in the bus lane but that it stays in
13 the bus lane past a right turn opportunity.

14 So we tested the equipment, as you
15 know, on 34th Street. It has worked. The
16 violations that we sent to TLC were successful.
17 So I think we know that the fixed cameras are
18 going to work. We're still looking into other
19 possible uses of cameras as well.

20 COUNCIL MEMBER BREWER: Thank you.

21 COUNCIL MEMBER DILAN: I'll say at
22 the outset, I understand the mission and the goal
23 that you're trying to achieve and I believe it's a
24 worthy one. At this point I am skeptical. I'm
25 not sure how I'm going to vote as I sit here. I

2 have questions as to how it's going to be
3 administered. You mentioned that there are going
4 to be cameras as the main enforcement tool. I
5 would definitely say that cameras are better than
6 simply a photograph. At what point does something
7 become an innocent temporary obstruction of a bus
8 lane and how do you separate the egregious from
9 the accidental? Or is this an attempt to maximize
10 revenue? I know you're going to say it's not, but
11 if you could explain that for me it might help.

12 DAVID WOLOCH: I think that's a
13 good question, as I mentioned, but I think it's
14 worth highlighting a little more. Unlike say a
15 red light camera program, we are going to and the
16 legislation will require us to have signage in the
17 places where we're going to have these cameras.
18 So we will be alerting motorists to the fact, not
19 just that this is a bus lane with the signs and
20 the red paint but specifically that it's camera
21 enforced.

22 This won't make some of the city's
23 budget people happy, but we're going to be very
24 careful in terms of who we give violations to.
25 That's the whole point of having to use the video.

2 Because there are legitimate reasons that
3 motorists can be in a bus lane. You can get into
4 a bus lane to drop off or pick up a passenger for
5 instance. You can get into a bus lane to make the
6 next right turn.

7 You can't park in a bus lane. If a
8 motorist makes the mistake of parking where we
9 have the video camera, they're going to get a
10 summons. If a motorist gets into the bus lane and
11 stays in the bus lane past that right hand turn
12 opportunity, they're going to get summons. So the
13 whole way this program will be set up will be to
14 make sure that we can capture the offenders and no
15 summons people who are in the lane when they're
16 allowed to be.

17 COUNCIL MEMBER DILAN: I would
18 imagine that the parking regulations alongside a
19 bus lane would coincide with bus lane. I'm not
20 saying that this is wrong, but they potentially
21 could get a standard parking summons plus a
22 summons for being in the bus lane.

23 DAVID WOLOCH: I suppose it's
24 analogous to in theory a red light camera could
25 capture somebody going through a red light and

2 there could be a cop on the next block who gives
3 them a summons for going, unlikely to happen.

4 COUNCIL MEMBER DILAN: I don't need
5 the analogy but it's possible that they could be
6 open for two fines. Again, I'm not saying that
7 that's wrong. I just want to be clear.

8 DAVID WOLOCH: Remember that these
9 are going to be locations that are signed. We'll
10 certainly inform the police where we have the
11 cameras. They've got plenty to do. So they
12 wouldn't be focusing in these same places. As
13 Council Member Brewer had noted, the police
14 department has lots of responsibilities. One of
15 the good thing about this is it frees them up.

16 COUNCIL MEMBER DILAN: Sure. I'm
17 not saying that there's anything wrong with it. I
18 just want to know the answer, whether the answer
19 is yes or no. If the answer is yes, I think
20 that's fine. It should be common sense to me that
21 the answer would be yes, but I just wanted to hear
22 somebody say it.

23 I'll move away from that point. I
24 want to talk to the administration of the
25 violations. Who is going to have jurisdiction?

2 Will it be ECB?

3 DAVID WOLOCH: The Department of
4 Finance.

5 COUNCIL MEMBER DILAN: The
6 Department of Finance. So their mechanism would
7 be ECB, is that correct or incorrect?

8 DAVID WOLOCH: PVB. It would be
9 like a parking violation.

10 COUNCIL MEMBER DILAN: Parking
11 Violations Bureau.

12 DAVID WOLOCH: Yes.

13 COUNCIL MEMBER DILAN: Thank you,
14 Madame Chair. I don't know if you had anything to
15 say in response.

16 LOIS TENDLER: No, no, I think
17 we're fine.

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

20 COUNCIL MEMBER FIDLER: Thank you.
21 First of all, I want to preface my remarks by
22 saying that not only do I intend to vote for the
23 bill but I'm going to ask that my name be added as
24 a sponsor. I'm going to accept that your
25 intention is not to have a gotcha bill. But if

2 you for one minute think that you're not going to
3 be giving out tens of thousands of these tickets
4 you're mistaken. So my first question is who gets
5 the revenue?

6 DAVID WOLOCH: The revenue goes to
7 the general fund.

8 COUNCIL MEMBER FIDLER: How much is
9 the fine?

10 DAVID WOLOCH: The fine is \$115.

11 COUNCIL MEMBER FIDLER: What's the
12 cost of running the program?

13 DAVID WOLOCH: I don't have the
14 information with me on our experience so far on
15 34th Street. I can get you that information. A
16 lot of this is going to evolve over the first few
17 years as we figure out how the cameras are best
18 deployed, what types of cameras work. Our initial
19 analysis shows that the revenue is going to be
20 very, very slight.

21 COUNCIL MEMBER FIDLER: I disagree
22 with you completely as to that estimate. How many
23 tickets do you expect to be giving out? In the
24 world that I live in, people violate bus lanes
25 habitually. No signage, no cameras are going to

2 stop them from doing it. That's one of my
3 problems with BRT as well is that I'm not sure
4 it's going to work. It would be nice to see what
5 would happen in a world to bus service if people
6 did in fact stay out of bus lanes, but this is
7 human nature. You're going to give out lots of
8 tickets. I'm interested in knowing how many you
9 think you're going to give out.

10 DAVID WOLOCH: I'll have to get
11 back to you with that figure. But I think it's
12 fair to say whatever we would estimate now, we're
13 going to learn a lot more over the first few years
14 of this program.

15 COUNCIL MEMBER FIDLER: Truthfully,
16 if would have been nice if we had those answers
17 here before we were voting on this bill. I am
18 supporting it because I support the concept that
19 bus lanes don't work now because people can
20 violate them with virtual impunity, without any
21 fear. It'll take a long, long time before
22 people's behavior changes. If you're going to
23 bring this program up to the level, the number of
24 cameras that are authorized and you're actually
25 going to use it, if you don't give out 10,000 of

2 these tickets the first year, I'd be shocked.

3 CHAIRPERSON FOSTER: Are there any
4 additional questions? Thank you very much.
5 Council Member Vallone is the sponsor of the St.
6 Michael's Cemetery bill and is going to speak
7 briefly on it.

8 COUNCIL MEMBER VALLONE: Thank you,
9 Madame Chair. This is a matter that was brought
10 to me by State Senator Onorato and Assembly Member
11 Michael Gianaris who put the bills in up in Albany
12 and asked for a Home Rule. It was supported
13 almost unanimously by the community board.

14 In relation to the specifics, to
15 answer any concerns that anyone may have. This is
16 only technically parkland. It's not accessible by
17 anyone in the public. It borders the BQE
18 Expressway. It's only accessible through St.
19 Michael's Cemetery. It's a very small piece of
20 land that borders the highway.

21 At this point, since I've ever seen
22 it, it's unkempt, it's in disrepair and it's in
23 very bad shape. So the deal that the community
24 has worked out is that this land would be turned
25 over to the cemetery for fair market value which

2 would then go obviously to improve other parks.

3 The cemetery will upkeep this land
4 in much more beautiful condition than it is now so
5 that the people who can actually see it from the
6 BQE will see a much prettier piece of land. It
7 will allow the cemetery to exist for at least
8 another 20 years. That is the deal that was
9 brought to me by our state legislators and they
10 are asking for our approval. I support it and I
11 thank you for being heard on it.

12 CHAIRPERSON FOSTER: Thank you.
13 Our next panel is going to be Christian DiPalermo,
14 Patrick Ferraiuolo, and Peter Meringolo.

15 [Pause]

16 CHAIRPERSON FOSTER: You can get
17 started.

18 CHRISTIAN DIPALERMO: Thanks for
19 the opportunity to let us comment. I'm here on
20 behalf of New Yorkers for Parks. New Yorkers for
21 Parks has a firm belief that parkland should not
22 be taken for a non-park use. That is the general
23 rule. Most importantly though, they really have
24 no comment on the bill, and it was good to see
25 Council Member Vallone say that the community

2 board was involved in talking about this. Really
3 it's about the process, the process of letting the
4 parks community, both the community board members,
5 our parks committee members and our Parks chair
6 know that alienation is being proposed and making
7 sure that if parkland has to be given over for
8 non-park use the city is really getting something
9 even better in return. So this is to just note
10 that the process should be improved and that there
11 should be more notice to the Parks Committee going
12 on in the future. Thank you for the opportunity.

13 CHAIRPERSON FOSTER: Thank you.

14 Gentlemen, you can get going. Push your button on
15 and introduce yourselves.

16 PATRICK FERRAIUOLO: Thank you.

17 Good morning, my name is Patrick Ferraiuolo. I'm
18 the president of the Correction Captains
19 Association. I appreciate the opportunity to
20 speak before you on Assembly Bill 7383, an act to
21 amend the Administration Code of the City of New
22 York in relation to health insurance coverage for
23 surviving spouses and uniform personnel of the New
24 York City Department of Correction who are members
25 of the New York City Retirement System both active

2 and retired.

3 Correction officers of all titles
4 work a very stressful and dangerous job. It has
5 often been said that our members work a job that
6 many would not do. While our members have a 20
7 year retirement program, more often than not
8 members stay beyond their 20 years and continue to
9 provide valuable service.

10 It is for those reasons that I ask
11 for you to consider this bill which would now
12 treat correction personnel and their spouses in
13 the same manner as our counterparts in the New
14 York City Police and Fire Departments.

15 This bill which requires a Home
16 Rule message from Council would allow the
17 surviving spouse of an active member or retired
18 member of service to now purchase health insurance
19 coverage when COBRA coverage runs out. The
20 spouse, if electing to do so, would pay 102% of
21 the group rate.

22 Correction members provide a
23 valuable service to the city and at the very
24 least, the men and women who work as correction
25 officers in all titles should feel comfort in

2 knowing that their spouse in an unfortunate
3 circumstance of death would be able to continue
4 health coverage. This bill covers spouses and
5 domestic partners. I thank you for this
6 opportunity and I am hopeful that you will vote
7 favorably and render a Home Rule message so I can
8 then appeal to legislators in Albany to make this
9 law.

10 I just want to add that I've been
11 with the Department of Corrections for almost 29
12 years. I've been a captain for 23 years and I've
13 been active with the union for 20. Unfortunately,
14 I have responded to several tragedies where death
15 has been the outcome.

16 In almost case after the initial
17 shock of the family member, whether it be husband
18 or wife that we go to see and helping their grief,
19 if you want so shock is over, which shock is never
20 over, but when they want to start asking
21 questions, one of their first is "What's going to
22 happen to us, myself and my children? What's
23 going to happen to my pension? What's going to
24 happen to our health coverage?"

25 Unfortunately, especially under

2 these financial times, the member choose option a
3 on the pension, so my answer unfortunately will be
4 to them that the pension dies when the member
5 dies. As far as the health coverage is concerned,
6 I tell them that they're entitled to COBRA which
7 will allow them to purchase at that 102% rate but
8 only for three years and then they would be on
9 their own to have to purchase coverage elsewhere.
10 That's very uncomfortable for the member and it's
11 really a tragedy we have to deliver that type of
12 news.

13 So I just, once again, urge Council
14 to vote for a Home Rule message so we could at
15 least make our members feel wanted and secured and
16 appreciated. Thank you.

17 PETER MERINGOLO: Good morning. My
18 name is Peter Meringolo and I am the lobbyist and
19 legislative consultant for the Correction Captains
20 on all city and state issues. I'm also
21 representing here today Joseph Mannion, the
22 president of the Sanitation Officers who couldn't
23 be here. He's got a meeting with his deputy
24 commissioner.

25 I appreciate the opportunity to

2 speak before you on behalf of this bill. Captain
3 Ferraiuolo has already told you the job his
4 members do, so I won't reiterate that. If this
5 legislation receives the Home Rule message from
6 the City Council it will afford the two remaining
7 uniformed services in New York City, Correction
8 and Sanitation, the same benefit as the other two,
9 Police and Fire.

10 I realize the tough times we are
11 now facing in our city and state and it's
12 important to point out that this legislation
13 carries no fiscal impact to the city. We are
14 simply asking you to extend to the spouses of
15 correction and sanitation members the same
16 opportunity as the spouses of police and fire.

17 Needless to say, both correction
18 and sanitation provide a valuable service to the
19 city 24/7. I believe that the members should have
20 this comfort. In light of the health coverage
21 being perhaps the number one priority in our
22 county, it makes this legislation even more
23 important.

24 In closing, I realize the tough
25 schedules the City Council has been facing and all

2 the problems you're dealing with the budget, so I
3 do appreciate the opportunity that you're giving
4 us to hear this. I have been in contact with the
5 sponsors of this legislation, Senator Andrew Lanza
6 and Assemblyman Michael Cusick. They have assured
7 me that they too recognize the need for this
8 legislation and upon a favorable response from the
9 City Council they're prepared to move it through
10 both houses and get it to the governor as quick as
11 possible. Thank you again.

12 CHAIRPERSON FOSTER: Thank you.

13 Are there any questions? Council Member Dilan has
14 a question.

15 COUNCIL MEMBER DILAN: I'll try to
16 make it quick. Just help me with a little bit of
17 pension 101. To be frank, I don't understand
18 pensions as well as I should. From what I do
19 understand, your members make an active
20 contribution to their pension bi-weekly?

21 PATRICK FERRAIUOLO: Yes, they do.

22 PETER MERINGOLO: Absolutely.

23 COUNCIL MEMBER DILAN: So if
24 they're married, that should be considered a
25 marital asset?

2 PATRICK FERRAIUOLO: No, it's not.

3 COUNCIL MEMBER DILAN: It should be
4 considered. I'm not saying whether it's law, but
5 in my mind and anywhere else if I'm bringing it
6 in, my wife is taking a piece of it. She doesn't
7 what law is law.

8 PATRICK FERRAIUOLO: Well the
9 answer is that it can be, only if they chose the
10 option that would reduce their pension at about
11 almost a 20% rate.

12 COUNCIL MEMBER DILAN: So that's
13 not a marital asset. I didn't know that.

14 PATRICK FERRAIUOLO: So they could
15 choose the option b in the retirement system where
16 if they were to pass away then their spouse would
17 get that. The problem with that is it's hard
18 enough to live on the pension at 50%. Secondly,
19 it's also a gamble because even if the spouse dies
20 first, you're stuck with the pension you chose.
21 So, most of our members choose the option of
22 taking their full pension, and with that when they
23 pass, the pension goes with them.

24 COUNCIL MEMBER DILAN: Forgive me
25 for being naïve again. After your member makes a

2 contribution into the pension system, is any
3 portion of it matched by the city?

4 PATRICK FERRAIUOLO: Yes, there are
5 some contributions made by the city when it comes
6 to the pension system.

7 COUNCIL MEMBER DILAN: But is it
8 just through investment returns or is there an
9 actual outlay of cash into a pension account?

10 PATRICK FERRAIUOLO: I'm not really
11 positive.

12 PETER MERINGOLO: There's a
13 calculation on that which determines the half pay.
14 But I just want to point out, with all due
15 respect, that the pension would have nothing to do
16 with the health coverage.

17 COUNCIL MEMBER DILAN: That part
18 I'm clear.

19 PETER MERINGOLO: You understand
20 that, right?

21 COUNCIL MEMBER DILAN: Yeah, that
22 part I'm clear. Okay. Thank you.

23 PETER MERINGOLO: Thank you.

24 PATRICK FERRAIUOLO: Thank you.

25 CHAIRPERSON FOSTER: Thank you.

2 Are there any other questions from my colleagues?

3 Thank you very much.

4 PATRICK FERRAIUOLO: Thank you.

5 PETER MERINGOLO: Thank you.

6 CHAIRPERSON FOSTER: Our last panel
7 is Eddie Boles, John Dunne, Michael Palladino,
8 James Slevin, and Frank Tramontano. Thank you.

9 As soon as you get seated you can start. As you
10 know, we're running behind.

11 MICHAEL PALLADINO: Good afternoon
12 and thank you very much for giving us the
13 opportunity with respect to this bill.

14 CHAIRPERSON FOSTER: I'm sorry;
15 introduce yourself please.

16 MICHAEL PALLADINO: Michael
17 Palladino, president of the New York City
18 Detectives Endowment Association. This is simply
19 a bill of equity for the police and fire in New
20 York City. Currently under the pension laws in
21 the city and the state of New York, the rest of
22 the police and fire in the state of New York enjoy
23 the pension guarantee. Even with the new tier
24 five legislation, they enjoy a pension guarantee
25 where the members of the NYPD and the FDNY here I

2 the city of New York do not enjoy this particular
3 pension guarantee. I think it's a bill of equity.
4 It's a bill of fairness. Most importantly in
5 these tough economic times, there's a zero cost
6 factor to the city as well. I respectfully
7 request that you pass this bill.

8 CHAIRPERSON FOSTER: Thank you.

9 FRANK TRAMONTANO: Frank
10 Tramontano. Good afternoon. I'm the legislative
11 coordinator for the New York City Patrolmen's
12 Benevolent Association. I have a copy of my
13 testimony here that you can take. I'll be brief.
14 I'll go through it.

15 As you know, this bill ensures that
16 every New York City uniformed police and fire
17 officer will be guaranteed a pension upon the
18 attainment of 20 years. As Mike had just said, it
19 exists for the New York State Police and Fire
20 members. Actually, they get it upon the
21 attainment of five years. It's also the case for
22 New York City Correction and Sanitation hired
23 after June 1976, so that's most people, and for
24 99% of the rest of New York City civilian
25 employees.

2 It should also be pointed out that
3 this benefit is also provided for the newly hired
4 police and fire members. So our new members
5 coming onboard as of July 2009 have this pension
6 protection as of five years. So it's our belief
7 that this state legislation while it only will
8 directly benefit a few individuals, it will
9 provide an indirect benefit to a significant
10 number of our members.

11 I say that because a lot of our
12 members upon attainment of 20 years just retire.
13 They fear that one day when they're on their job
14 they may put themselves in a precarious situation
15 and make a decision that will cost them their job
16 and their pension. So you find a lot of them just
17 when they get 20 to get out.

18 The job for a New York City police
19 officer is unlike any other and there is no doubt
20 that this legislation will result in more officers
21 deciding to stay on beyond 20 years and that'll
22 translate into a more experienced police force and
23 less time the city will be paying for the members
24 that are receiving a retirement benefit.

25 Too often there has been criticism

2 concerning retirement benefits provided to New
3 York City police officers. I would like to use
4 this opportunity to state the fact of the matter
5 that the only change in service time and benefit
6 over the last 34 years has been the change brought
7 about by the governor's veto of the tier two
8 pension benefit extension.

9 That change has meant that New York
10 City police and fire members who were hired after
11 July 2009 must work 22 years or two additional
12 years to receive the same one-half pay service
13 benefit provided police and fire members who were
14 hired before that date.

15 However, that veto also resulted in
16 a better pension protection rights for those
17 uniform members hired after July 2009 when
18 compared to those hired before them. So all newly
19 hired police and fire officers are now provided
20 pension protection rights upon the attainment of
21 five years of service. It seems only fair that we
22 provide this pension protection upon the
23 attainment of 20 years for all those police and
24 fire members who were hired before July 2009.

25 Again, thank you for your help in

2 bringing this issue before this committee. I'm
3 happy to answer any questions you have.

4 CHAIRPERSON FOSTER: Thank you.

5 JAMES SLEVIN: Good afternoon. My
6 name is Jim Slevin. I'm the vice president of the
7 New York City Uniformed Firefighters Association.
8 I just want to echo the comments that were made
9 from my brothers from the police department. This
10 is simply a matter of equity and fairness with all
11 other public employees in the state and in fact
12 our newly hired police officers and hopefully
13 sometime in the future the newly hired
14 firefighters that already have pension protections
15 in place.

16 In fact, we're looking for a lesser
17 benefit than the other employees currently have.
18 We're not looking for pensions to be granted as
19 soon as a member becomes vested. This would only
20 be granted when they attain the full 20 years of
21 service.

22 So we are asking that this
23 committee would consider supporting a Home Rule
24 message on Assembly 10154 and ultimately the full
25 council would support it to grant New York City

2 firefighters the same benefit enjoyed by every
3 other employee in this state and the city. Thank
4 you.

5 CHAIRPERSON FOSTER: Thank you.

6 EDWARD BOLES: Good afternoon.

7 Eddie Boles, treasurer of the Uniformed Fire
8 Officers Association. I'm joined by John Dunne,
9 our legislative director up in Albany and also
10 Captain's rep. Many things were just said
11 regarding the equity of passing this important
12 bill of protecting our members' pension after 20
13 years of service. They put their lives on the
14 line every day as you know, both police officers
15 and firefighters and fire officers. We're only
16 asking that after their 20 years of service that
17 their pensions be protected.

18 We are in no way condoning any
19 illicit behavior, but we do see the fact that they
20 earned their pension and if pensions are taken
21 away not only is the member destroyed but their
22 families are destroyed. So we would urge the City
23 Council to please consider passing Home Rule for
24 A10154 and S5631. Thanks very much.

25 CHAIRPERSON FOSTER: Thank you.

2 Are you testifying or just here for questions?

3 JOHN DUNNE: Moral support.

4 CHAIRPERSON FOSTER: Are there any
5 questions? Thank you very much. I'll now ask the
6 clerk to call the vote and we're going to couple
7 the vote.

8 WILLIAM MARTIN: William Martin,
9 Committee Clerk, roll calling the Committee on
10 State and Federal Legislation. Council Member
11 Foster?

12 CHAIRPERSON FOSTER: Aye on all.

13 WILLIAM MARTIN: Rivera?

14 COUNCIL MEMBER RIVERA: I vote aye
15 on all.

16 WILLIAM MARTIN: Dilan?

17 COUNCIL MEMBER DILAN: Madame
18 Chair, I request a brief moment to explain my
19 vote.

20 CHAIRPERSON FOSTER: Yes.

21 COUNCIL MEMBER DILAN: I just want
22 to comment on two of the items before us. One is
23 the last item that we just heard, regarding the
24 pensions of cops and firefighters, and the
25 pensions of the sanitation workers. I would like

2 to think that should anything happen to any of us,
3 whether it be injury or something else, to the
4 extent that anyone has made a contribution into
5 the pension system that that should be a family
6 right and a family asset. But again, as we just
7 heard that's not law, that's just my opinion. So
8 I'd be proud to vote for those two items.

9 I do still maintain strong
10 reservations on the Preconsidered SLR surrounding
11 the bus lane cameras. I thought my questions were
12 good, but I though Council Member Fidler's
13 questions actually clarified and solidified my
14 position even better than my own. As a result of
15 everything that I've heard here today in this
16 short period of time for me to make a decision, I
17 feel like I must vote no on that item.

18 So I'll be voting no on
19 Preconsidered SLR Assembly 10201 and Senate 7735
20 and aye on all the rest.

21 WILLIAM MARTIN: Fidler?

22 COUNCIL MEMBER FIDLER: May I be
23 briefly excused to explain my vote? I guess it
24 wasn't my intention to convince Council Member
25 Dilan to vote no. In fact, I support that

2 legislation. The first thing I want to ask the
3 committee counsel to add my name as a sponsor to
4 both that piece of legislation and to the piece of
5 legislation that we didn't even discuss here today
6 raising the fines on commercial vehicles parked
7 illegally. I think that's a very important piece
8 of legislation as well.

9 As to the last piece of
10 legislation, this to me is just a matter of
11 fairness. By the way, Council Member Dilan, in a
12 matrimonial court, the pension would be a marital
13 asset. So it really kind of is.

14 I couldn't in good conscience
15 consider voting no on the police and fire pension
16 bill knowing that if a Council Member were in this
17 circumstance we would get our pension but that a
18 police officer or a firefighter in a similar
19 circumstance for whatever reason they would be
20 denied that right. I don't think that's congruent
21 and I don't think it's appropriate. So with that
22 I am going to vote aye on all and ask that my name
23 be added to those two SLRs.

24 WILLIAM MARTIN: Recchia?

25 COUNCIL MEMBER RECCHIA: Aye on

2 all.

3 WILLIAM MARTIN: Crowley?

4 COUNCIL MEMBER CROWLEY: Aye on

5 all.

6 WILLIAM MARTIN: All items on
7 today's agenda have been adopted by a vote of six
8 in the affirmative, zero in the negative and no
9 abstentions with the exception of Preconsidered
10 SLR Senate 7735 and Assembly 10201 which is
11 adopted by a vote of five in the affirmative, one
12 in the negative and no abstentions. Council
13 Members, please sign the committee report. Thank
14 you.

15 CHAIRPERSON FOSTER: Thank you for
16 your patience. This meeting is adjourned.

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 June 24, 2010