

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  
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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 Tandler 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

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

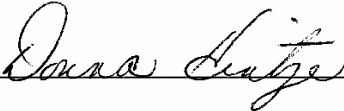
5 all.

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