

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PUBLIC SAFETY

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June 29, 2010
Start: 10:37 am
Recess: 10:59 am

HELD AT: Council Chambers
City Hall

B E F O R E:
PETER F. VALLONE, JR.
Chairperson

COUNCIL MEMBERS:
Council Member Erik Martin Dilan
Council Member Lewis A. Fidler
Council Member Helen D. Foster
Council Member Daniel R. Garodnick
Council Member James F. Gennaro
Council Member Vincent J. Gentile
Council Member David G. Greenfield
Council Member Daniel J. Halloran

III

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

Peter F. Vallone, Jr.
Opening Statement
Chairperson
Committee on Public Safety

Oona Peterson
Counsel
Committee on Public Safety

Lewis A. Fidler
Opening Statement
New York City Council Member

Daniel R. Garodnick
Opening Statement
New York City Council Member
Committee on Public Safety

William Martin
Committee Clerk
Committee on Public Safety

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[Background conversation]

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[Gavel Banging]

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CHAIRPERSON VALLONE: Okay, please find seats, turn off all cell phones and welcome to this morning's Public Safety hearing. Before we begin I do have a public service announcement for our Channel 74 viewers. Have you seen this woman anywhere?

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[Laughter]

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CHAIRPERSON VALLONE: Oona, is that you? I just wanted to... if you do, turn her into the Public Safety Committee right away.

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[Chuckling] Today we're voting on a Preconsidered Introduction that would amend the law regarding sound permits. We held a hearing on this bill on Friday; some of you may remember and had a lively and informative discussion on it. That's a very nice way to put it Oona, lively and informative.

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So as we discussed on Friday, there is a law prohibiting amplified sound 500 feet from a house of worship which dates back to 1935. The bill we're voting on today will amend this law for 90 days to allow such amplified sound under the condition that the sound does not exceed 10

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2 decibels above ambient noise as measured from 15
3 feet from the point on the perimeter of the
4 property upon which the structure is located that
5 is closest to the sound device or apparatus.

6 That last sentence has been added
7 so I wanted to point that out. Also the only
8 other change from Friday is that we took out 15
9 feet or more. So now it reads 15 feet from the
10 point on the perimeter of the property upon which
11 the structure is located that is closest to the
12 sound device or apparatus. This change has been
13 made in order to clarify the exact point at which
14 the sound must be measured.

15 As we said on Friday, the intent is
16 for the level of noise allowed to be no greater
17 than the level of noise previously allowed and for
18 the measurement of such sound to be more precise.
19 That being said, I'm going to recognize that we're
20 joined today by Council Members Gentile,
21 Garodnick, Halloran, Foster, Dilan, Fidler who is
22 not a member of this Committee but would like to
23 be recognized and make a statement. Council
24 Member Fidler.

25 COUNCIL MEMBER FIDLER: [Off mic]

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Thank you Mr. Chairman and in brief I want to thank you for the thoughtful, deliberative and efficient manner in which you put this forward. Somebody - - law that--[on mic] when someone--I don't think it matters. I don't think it's on. When somebody finds a statute and uses it for a purpose other than for which anyone ever thought it would be intended, when it's clearly outdated and archaic, it's incumbent upon government to take action.

The effort to use this ancient statute to effect the enjoyment and the peace and quiet of New Yorkers in numbers of neighborhoods was truly unfair and inappropriate. The law that we are seeking to pass today changes the standard from one that's arbitrary and capricious to one that actually would be akin to the best evidence, the one that actually would tell you whether something was too loud or not.

I, for the life of me, can't understand why anybody would think that isn't the most appropriate measure. It doesn't do the most to protect our religious institutions and others and I do want to say that I look forward to this,

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2 not just for the effect of this bill but as the
3 beginning of an entire discussion as to how the
4 noise code interacts with our religious
5 institutions throughout the City. I think it's a
6 discussion that we ought to have and we ought to
7 have it in the context of decibels and not feet.
8 Thank you.

9 CHAIRPERSON VALLONE: Thank you
10 Council Member. And as you said, this is
11 something that's important for the whole City. I
12 fund a concert series in Astoria Park; in fact, I
13 mean the talks with the Parks Department now are
14 about constructing a band shell there in Astoria
15 Park. So this very well could affect my concert
16 series also. Council Member Garodnick would also
17 like to make a statement.

18 COUNCIL MEMBER GARODNICK: Thank
19 you Mr. Chairman. I just wanted to first of all
20 thank you for the hearing the other day. I'd also
21 note that this is an uncomfortable vote for me
22 because the bill was presented and considered much
23 faster than we usually do things around here.
24 It's clear that the summer concert series is
25 extremely popular among tens of thousands of

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2 Brooklyn residents. It's perhaps equally
3 unpopular among houses of worship and the
4 residents in the area.

5 But we need to look at this piece
6 of legislation independent of all of that as well
7 as its broader applicability and its potential
8 implications because that is how bills should be
9 considered here in the City Council. And at the
10 hearing I made efforts to try to explore what is
11 the best standard for concerts and noise
12 amplification. Is it 500 feet or a fixed decibel
13 level? And unfortunately those testifying did not
14 weigh in on that subject; they focused more on the
15 specific facts that have prompted this discussion.

16 My view is that decibels may
17 actually make more sense because it protects not
18 only houses of worship, courts and schools but
19 also the residents who live near the venues. We
20 have a noise code which should be respected and it
21 should be enforced. 500 feet may be antiquated
22 because of our ability to measure sound levels and
23 it may no longer be the proper standards for the
24 City of New York for rules like this.

25 In all of this, enforcement is the

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2 crucial question and we will need enforcement of
3 any of our rules whether based on distance or
4 decibel. Too frequently in New York we have rules
5 that go on for years without enforcement and that
6 is plainly wrong. But as we sit here today it is
7 not clear what the broader applicability of this
8 bill will be. And so I look forward to
9 considering that when this issue comes back to us
10 in 90 days.

11 But rather than deprive the tens of
12 thousands of people in Brooklyn from enjoying the
13 concerts this summer, as the lawsuit that was
14 filed would do, let us stay this discussion, allow
15 them to proceed this summer as they have for 19
16 years, consider this law carefully and all of the
17 rules involving noise amplification and explore
18 the broader implications this summer.

19 I expect to be fully engaged in
20 that conversation in this Committee. So I thank
21 you Mr. Chairman and I will be voting aye today
22 and encourage my colleagues to do the same.

23 CHAIRPERSON VALLONE: Thank you
24 Council Member. We'll now ask Bill to call the
25 vote on the bill. Billy, where are you?

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MR. WILLIAM MARTIN: Right.

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William Martin, Committee Clerk, roll call on the

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Committee on Public Safety, Council Member

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Vallone.

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CHAIRPERSON VALLONE: I vote aye.

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MR. MARTIN: Dilan.

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COUNCIL MEMBER DILAN: Aye.

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MR. MARTIN: Foster.

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COUNCIL MEMBER FOSTER: Aye.

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MR. MARTIN: Gennaro.

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COUNCIL MEMBER GENNARO: Yes.

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MR. MARTIN: Gentile.

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COUNCIL MEMBER GENTILE: Aye.

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MR. MARTIN: Garodnick.

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COUNCIL MEMBER GARODNICK: Aye.

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MR. MARTIN: Halloran.

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COUNCIL MEMBER HALLORAN: Aye.

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MR. MARTIN: By a vote of 7 in the

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affirmative, 0 in the negative and no abstentions,

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the item is adopted. Members please sign the

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Committee report and thank you.

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CHAIRPERSON VALLONE: And we'll

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hold the vote open for whatever's legally

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permissible for the two Council Members who may be

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on their way. Thank you.

[Gavel banging]

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2010_part_2.mp3]

[START Public_Safety_6-29-
2010_part_3.mp3]

[Background conversation]

MR. MARTIN: Council Member
Greenfield.

COUNCIL MEMBER GREENFIELD: I vote
aye.

MR. MARTIN: The vote now stands at
8 in the affirmative, 0 in the negative and no
abstentions. Thank you.

[Background conversation]

MR. MARTIN: Final vote on the
Committee on Public Safety is now 8 in the
affirmative, 0 in the negative and no abstentions.

[Background conversation]

[END Public_Safety_6-29-
2010_part_3.mp3]

C E R T I F I C A T E

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

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

Signature _____Laura L. Springate_____

Date _____July 7, 2010_____