

The New York City Council

*City Hall
New York, NY 10007*



Meeting Minutes

Wednesday, June 25, 2003

1:30 PM

Council Chambers - City Hall

City Council

A. Gifford Miller, Speaker

Members: Joseph P. Addabbo, Jr., Tony Avella, Maria Baez, Charles Barron, Tracy L. Boyland, Gale A. Brewer, Yvette D. Clarke, Leroy G. Comrie, James E. Davis, Bill de Blasio, Erik Martin Dilan, Pedro Espada, Jr., Simcha Felder, Lewis A. Fidler, Helen D. Foster, Dennis P. Gallagher, James F. Gennaro, Vincent J. Gentile, Alan J. Gerson, Eric N. Gioia, Sara M. Gonzalez, Robert Jackson, Allan W. Jennings, Melinda R. Katz, G. Oliver Koppell, Andrew J. Lanza, John C. Liu, Margarita Lopez, Miguel Martinez, Michael E. McMahon, Hiram Monserrate, Eva S. Moskowitz, Michael C. Nelson, James Oddo, William Perkins, Madeline Provenzano, Christine C. Quinn, Philip Reed, Domenic M. Recchia, Jr., Diana Reyna, Joel Rivera, James Sanders, Larry B. Seabrook, Helen Sears, Jose M. Serrano, Kendall B. Stewart, Peter F. Vallone, Jr., Albert Vann, David I. Weprin, David Yassky.

Deputy Majority Leader (Council Member Perkins)

1. Roll Call

Present:

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Boyland, Brewer, Clarke, Comrie Jr., Davis, Dilan, Espada Jr., Felder, Fidler, Foster, Gallagher, Gennaro, Gerson, Gentile, Gioia, Gonzalez, Jackson, Jennings Jr., Katz, Koppell, de Blasio, Lanza, Liu, Lopez, McMahon, Monserrate, Moskowitz, Nelson, Perkins, Provenzano, Quinn, Recchia Jr., Reed, Reyna, Seabrook, Sears, Serrano, Stewart, Vallone Jr., Vann, Weprin, Yassky and Oddo

Excused:

Martinez, Rivera and Sanders Jr.

The presence of a quorum was announced by the Deputy Majority Leader (Council Member Perkins).

2. Invocation

The Invocation was delivered by Rev. Ronald L. Bailey, Love Gospel Assembly, 2315 Grand Concourse, The Bronx, New York 10468.

Council Member Baez moved that the Invocation be spread in full upon the Minutes and adopted.

3. Adoption of Minutes

None.

4. Messages & Papers from the Mayor

None.

5. Communications from City, County & Borough Offices

M 0666-2003 Youngik Yoon, Esq., New York City Civilian Complaint Review Board

Attachments: Report and Resolution, Hearing Transcript, Hearing Transcript - Stated Meeting 6/25

M 0667-2003 Veronica Villanueva, Esq., New York City Equal Employment Practices Commission.

Attachments: Report and Resolution, Hearing Transcript, Hearing Transcript - Stated Meeting 6/25

At this point, the Public Advocate (Ms. Gotbaum) assumed the chair.

6. Petitions and Communications

None.

7. Land Use Call-Ups

M 0665-2003 Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) of the New York City Administrative Code, the Council resolves that the action of the Department of Transportation approving an unenclosed sidewalk cafe located at 363 Third Avenue, (Application No. 20035271 TCM), shall be subject to review by the Council.

Attachments: Hearing Transcript - Stated Meeting 6/25

Affirmative: 48 -

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Boyland, Brewer, Clarke, Comrie Jr., Davis, Dilan, Espada Jr., Felder, Fidler, Foster, Gallagher, Gennaro, Gerson, Gentile, Gioia, Gonzalez, Jackson, Jennings Jr., Katz, Koppell, de Blasio, Lanza, Liu, Lopez, McMahon, Monserrate, Moskowitz, Nelson, Perkins, Provenzano, Quinn, Recchia Jr., Reed, Reyna, Seabrook, Sears, Serrano, Stewart, Vallone Jr., Vann, Weprin, Yassky and Oddo

Excused: 3 -

Martinez, Rivera and Sanders Jr.

The Public Advocate (Ms. Gotbaum) put the question whether the Council would agree with and adopt such reports which were decided in the affirmative by the following vote:

8. Communication from the Speaker

9. Discussion of General Orders

10. Reports of Special Committees

None.

11. Reports of Standing Committees

Report of the Committee on Finance

LU 0469-2003 **Habitat for Humanity Program, 159-04 110 Avenue, 159-06 110 Avenue, Queens, Community District 12.**

Attachments: Memorandum, Hearing Transcript, Hearing Transcript - Stated Meeting 6/25

Res 0967-2003 **Resolution approving an exemption from real property taxes for property located at 159-04 110 Avenue (Block 12163, Lot 19) and 159-06 110 Avenue (Block 12163, Lot 20), Queens, pursuant to Section 696 of the General Municipal Law (Preconsidered L.U. No. 469).**

Attachments: Memorandum, Hearing Transcript - Stated Meeting 6/25

Report of the Committee on Rules, Privileges, and Elections

M 0607-2003 **Communication from the Mayor - Submitting the name of Eric A. Goldstein to the Council for its advice and consent regarding his reappointment as a member of the Environmental Control Board, pursuant to Sections 31 and 1404 of the New York City Charter.**

Attachments: Report and Resolution, Hearing Transcript, Hearing Transcript - Stated Meeting 6/25

Res 0968-2003 **Report of the Committee on Rules, Privileges and Elections approving the re-appointment by the Mayor of ERIC ARTHUR GOLDSTEIN as a member of the New York City Environmental Control Board.**

The Committee on Rules, Privileges and Elections, which was referred to on May 28, 2003, respectfully

REPORTS

Pursuant to sections 31 and 1404 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of ERIC ARTHUR GOLDSTEIN as a member of the New York City Environmental Control Board (member with experience in air pollution control) to serve for the remainder of a four-year term that commenced on March 6, 2001 and will expire on March 5, 2005.

Res. No. _____

RESOLUTION APPROVING THE RE-APPOINTMENT BY THE MAYOR OF ERIC ARTHUR GOLDSTEIN AS A MEMBER OF THE NEW YORK CITY ENVIRONMENTAL CONTROL BOARD.

By Council Member Comrie

RESOLVED, that pursuant to sections 31 and 1404 of the New York City Charter, the Council does hereby approve the re-appointment by the Mayor of ERIC ARTHUR GOLDSTEIN as a member of the New York City Environmental Control Board (member with experience in air pollution control) for the remainder of a four-year term that commenced on March 6, 2001 and will expire on March 5, 2005.

Attachments: Report and Resolution, Hearing Transcript - Stated Meeting 6/25

M 0666-2003 Youngik Yoon, Esq., New York City Civilian Complaint Review Board

Attachments: Report and Resolution, Hearing Transcript, Hearing Transcript - Stated Meeting 6/25

Res 0969-2003 Report of the Committee on Rules, Privileges and Elections approving the designation of YOUNGIK YOON as a member of the New York City Civilian Complaint Review Board.

The Committee on Rules, Privileges and Elections, which was referred to on June 25, 2003, respectfully

REPORTS

Pursuant to section 440 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the designation by the Council of YOUNGIK YOON, as a member of the New York City Civilian Complaint Review Board to serve for a the remainder of a three-year term expiring on July 4, 2004.

Res. No. 969

RESOLUTION APPROVING THE DESIGNATION BY THE COUNCIL OF YOUNGIK YOON AS A MEMBER OF THE NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD.

By Council Member Comrie

RESOLVED, that pursuant to section 440 of the New York City Charter, the Council does hereby approve the designation of YOUNGIK YOON, as a member of the New York City Civilian Complaint Review Board for the remainder of a three-year term expiring on July 4, 2004.

Attachments: Report and Resolution, Hearing Transcript - Stated Meeting 6/25

M 0667-2003 Veronica Villanueva, Esq., New York City Equal Employment Practices Commission.

Attachments: Report and Resolution, Hearing Transcript, Hearing Transcript - Stated Meeting 6/25

Res 0970-2003 **Report of the Committee on Rules, Privileges and Elections approving the appointment of VERONICA VILLANUEVA as a member of the New York City Equal Employment Practices Commission.**

The Committee on Rules, Privileges and Elections, which was referred to on June 25, 2003, respectfully

REPORTS

Pursuant to section 830 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council of VERONICA VILLANUEVA, as a member of the New York City Equal Employment Practices Commission to serve for a the remainder of a four-year term expiring on June 30, 2004.

Res. No. 970

RESOLUTION APPROVING THE APPOINTMENT BY THE COUNCIL OF VERONICA VILLANUEVA AS A MEMBER OF THE NEW YORK CITY EQUAL EMPLOYMENT PRACTICES COMMISSION.

By Council Member Comrie

RESOLVED, that pursuant to section 830 of the New York City Charter, the Council does hereby approve the appointment of VERONICA VILLANUEVA, as a member of the New York City Equal Employment Practices Commission for the remainder of a four-year term expiring on June 30, 2004.

Attachments: Report and Resolution, Hearing Transcript - Stated Meeting 6/25

12. General Orders Calendar

Int 0305-2002 **A Local Law to amend the administrative code of the city of New York, in relation to awnings.**

Attachments: Committee Report 4/15, Committee Report 6/17, Hearing Transcript 4/15, Local Law, Hearing Transcript 6/17, Hearing Transcript - Stated Meeting 6/25, Fiscal Impact Statement - A

Affirmative: 47 -

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Boyland, Brewer, Clarke, Comrie Jr., Davis, Dilan, Espada Jr., Felder, Fidler, Foster, Gallagher, Gennaro, Gerson, Gentile, Gioia, Gonzalez, Jackson, Jennings Jr., Katz, Koppell, de Blasio, Lanza, Liu, Lopez, McMahon, Monserrate, Moskowitz, Nelson, Perkins, Provenzano, Quinn, Recchia Jr., Reed, Reyna, Seabrook, Serrano, Stewart, Vallone Jr., Vann, Weprin, Yassky and Oddo

Negative: 1 -

Sears

Excused: 3 -

Martinez, Rivera and Sanders Jr.

Enactment No: 2003/044

Int 0393-2003

A Local Law to amend the administrative code of the city of New York, in relation to the definition of fill material.

Attachments: Committee Report 6/10/03, Committee Report 6/18/03, Local Law, Hearing Transcript, Hearing Transcript 6/10/03, Hearing Transcript - Stated Meeting 6/27, Fiscal Impact Statement - A

Enactment No: 2003/045

Int 0399-2003

A Local Law to amend the administrative code of the city of New York, in relation to creating an adopt-a-park program.

Attachments: Committee Report 5/5/03, Committee Report 6/16/03, Committee Report 6/20/03, Fiscal Impact Statement - A, Hearing Transcript 5/5/03, Hearing Transcript 6/16/03, Hearing Transcript 6/20/03, Hearing Transcript - Stated Meeting 8/19, Local Law

Enactment No: 2003/055

Int 0410-2003

A Local Law to amend the administrative code of the city of New York, in relation to applications for redetermination of senior citizen rent increase exemption benefits where there is a permanent reduction in income.

Attachments: Committee Report, Fiscal Impact Statement, Hearing Transcript, Hearing Transcript - Stated Meeting 8/19, Local Law

Enactment No: 2003/056

Res 0960-2003

Resolution finding that enactment of Proposed Int. No. 393-A does not have a significant adverse impact on the environment and is consistent with the state environmental quality review act.

Attachments: Notice of Negative Declaration, Hearing Transcript, Hearing Transcript - Stated Meeting 6/27

T1999-86 Commissioner of Deeds

Affirmative: 48 -

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Boyland, Brewer, Clarke, Comrie Jr., Davis, Dilan, Espada Jr., Felder, Fidler, Foster, Gallagher, Gennaro, Gerson, Gentile, Gioia, Gonzalez, Jackson, Jennings Jr., Katz, Koppell, de Blasio, Lanza, Liu, Lopez, McMahon, Monserrate, Moskowitz, Nelson, Perkins, Provenzano, Quinn, Recchia Jr., Reed, Reyna, Seabrook, Sears, Serrano, Stewart, Vallone Jr., Vann, Weprin, Yassky and Oddo

Excused: 3 -

Martinez, Rivera and Sanders Jr.

Coupled on General Order Calendar

Finance

Res 0967-2003 Resolution approving an exemption from real property taxes for property located at 159-04 110 Avenue (Block 12163, Lot 19) and 159-06 110 Avenue (Block 12163, Lot 20), Queens, pursuant to Section 696 of the General Municipal Law (Preconsidered L.U. No. 469).

Attachments: Memorandum, Hearing Transcript - Stated Meeting 6/25

Rules, Privileges, and Elections

Res 0968-2003 **Report of the Committee on Rules, Privileges and Elections approving the re-appointment by the Mayor of ERIC ARTHUR GOLDSTEIN as a member of the New York City Environmental Control Board.**

The Committee on Rules, Privileges and Elections, which was referred to on May 28, 2003, respectfully

REPORTS

Pursuant to sections 31 and 1404 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Mayor of ERIC ARTHUR GOLDSTEIN as a member of the New York City Environmental Control Board (member with experience in air pollution control) to serve for the remainder of a four-year term that commenced on March 6, 2001 and will expire on March 5, 2005.

Res. No. _____

RESOLUTION APPROVING THE RE-APPOINTMENT BY THE MAYOR OF ERIC ARTHUR GOLDSTEIN AS A MEMBER OF THE NEW YORK CITY ENVIRONMENTAL CONTROL BOARD.

By Council Member Comrie

RESOLVED, that pursuant to sections 31 and 1404 of the New York City Charter, the Council does hereby approve the re-appointment by the Mayor of ERIC ARTHUR GOLDSTEIN as a member of the New York City Environmental Control Board (member with experience in air pollution control) for the remainder of a four-year term that commenced on March 6, 2001 and will expire on March 5, 2005.

Attachments: Report and Resolution, Hearing Transcript - Stated Meeting 6/25

Res 0969-2003 **Report of the Committee on Rules, Privileges and Elections approving the designation of YOUNGIK YOON as a member of the New York City Civilian Complaint Review Board.**

The Committee on Rules, Privileges and Elections, which was referred to on June 25, 2003, respectfully

REPORTS

Pursuant to section 440 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the designation by the Council of YOUNGIK YOON, as a member of the New York City Civilian Complaint Review Board to serve for a the remainder of a three-year term expiring on July 4, 2004.

Res. No. 969

RESOLUTION APPROVING THE DESIGNATION BY THE COUNCIL OF YOUNGIK YOON AS A MEMBER OF THE NEW YORK CITY CIVILIAN COMPLAINT REVIEW BOARD.

By Council Member Comrie

RESOLVED, that pursuant to section 440 of the New York City Charter, the Council does hereby approve the designation of YOUNGIK YOON, as a member of the New York City Civilian Complaint Review Board for the remainder of a three-year term expiring on July 4, 2004.

Attachments: Report and Resolution, Hearing Transcript - Stated Meeting 6/25

Res 0970-2003 **Report of the Committee on Rules, Privileges and Elections approving the appointment of VERONICA VILLANUEVA as a member of the New York City Equal Employment Practices Commission.**

The Committee on Rules, Privileges and Elections, which was referred to on June 25, 2003, respectfully

REPORTS

Pursuant to section 830 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council of VERONICA VILLANUEVA, as a member of the New York City Equal Employment Practices Commission to serve for a the remainder of a four-year term expiring on June 30, 2004.

Res. No. 970

RESOLUTION APPROVING THE APPOINTMENT BY THE COUNCIL OF VERONICA VILLANUEVA AS A MEMBER OF THE NEW YORK CITY EQUAL EMPLOYMENT PRACTICES COMMISSION.

By Council Member Comrie

RESOLVED, that pursuant to section 830 of the New York City Charter, the Council does hereby approve the appointment of VERONICA VILLANUEVA, as a member of the New York City Equal Employment Practices Commission for the remainder of a four-year term expiring on June 30, 2004.

Attachments: Report and Resolution, Hearing Transcript - Stated Meeting 6/25

General Order Calendar

Int 0305-2002 **A Local Law to amend the administrative code of the city of New York, in relation to awnings.**

Attachments: Committee Report 4/15, Committee Report 6/17, Hearing Transcript 4/15, Local Law, Hearing Transcript 6/17, Hearing Transcript - Stated Meeting 6/25, Fiscal Impact Statement - A

Enactment No: 2003/044

T1999-86 Commissioner of Deeds

13. Introduction & Reading of Bills
See Attached
14. Discussion of Resolutions
15. Resolutions
None.
16. General Discussion
17. Extension of Remarks

INTRODUCTION AND READING OF BILLS

Res 0966-2003 Resolution calling upon the United States Congress to resolve any differences concerning proposed increases to the child tax credit and to immediately increase such credit for hard working families.

Sponsors: By Council Members de Blasio, Comrie Jr., Felder, Fidler, Gerson, Seabrook, Serrano and Stewart

Int 0520-2003 A Local Law to amend the administrative code of the city of New York, in relation to extending for four years the time to apply for certain benefits under the industrial and commercial incentive program and in relation to the boundaries of the new construction exemption area.

Sponsors: By Council Members Weprin, Comrie Jr., Davis, Felder, Seabrook and Stewart (by request of the Mayor)

Attachments: Hearing Transcript, Local Law, Committee Report, Hearing Transcript - Stated Meeting 6/27, Fiscal Impact Statement

Enactment No: 2003/048

Int 0521-2003 A Local Law to amend the administrative code of the city of New York, in relation to disallowing deductions under the unincorporated business tax for certain payments to related parties and to repeal subdivision (n) of section 11-501 of the administrative code of the city of New York relating thereto.

Sponsors: By Council Members Weprin, Comrie Jr., Gerson, Seabrook and Stewart (by request of the Mayor)

Attachments: Hearing Transcript, Local Law, Committee Report, Hearing Transcript - Stated Meeting 6/27, Fiscal Impact Statement

Enactment No: 2003/053

LU 0469-2003 Habitat for Humanity Program, 159-04 110 Avenue, 159-06 110 Avenue, Queens, Community District 12.

Sponsors: By Council Members Weprin and Comrie Jr.

Attachments: Memorandum, Hearing Transcript, Hearing Transcript - Stated Meeting 6/25

LU 0470-2003 Application no. 20035271 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of ANH Corporation, to establish, maintain and operate an unenclosed sidewalk café located at 363 Third Avenue, Borough of Manhattan, Council District no. 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Sponsors: By Council Member Katz

Attachments: Hearing Transcript 7/21

Attachments: Hearing Transcript 7/21

At this point the Speaker (Council Member Miller) made the following announcements

Whereupon on motion of the Speaker (Council Member Miller), the Public Advocate (Ms. Gotbaum) recessed the meeting.