



# THE CITY RECORD

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## TABLE OF CONTENTS

<b>PUBLIC HEARINGS &amp; MEETINGS</b>	
Manhattan Borough President .....	1529
City Council .....	1529
City Planning Commission .....	1529
Community Boards .....	1533
Environmental Protection .....	1534
Information Technology and Telecommunications .....	1534
Landmarks Preservation Commission ..	1534
Off-Track Betting .....	1535
Transportation .....	1535
<b>PROPERTY DISPOSITION</b>	
Citywide Administrative Services .....	1535
<i>Division of Municipal Supply Services</i> ..	1535
Police .....	1535
<i>Auction</i> .....	1535

## FIRST TIME PROCUREMENT ADS

1536-1537	
<b>PROCUREMENT</b>	
Citywide Administrative Services .....	1537
<i>Division of Municipal Supply Services</i> ..	1537
<i>Vendor List</i> .....	1537
Design and Construction .....	1537
Education .....	1537
<i>Division of Contracts and Purchasing</i> ..	1537
Employees' Retirement System .....	1538
Finance .....	1538
Fire .....	1538
Health and Hospitals Corporation .....	1538
<i>Materials Management</i> .....	1538
Health and Mental Hygiene .....	1538
<i>Agency Chief Contracting Officer</i> .....	1538

Homeless Services .....	1538
<i>Office of Contracts and Procurement</i> ..	1538
Housing Authority .....	1538
<i>Capital Projects Division</i> .....	1538
<i>Purchasing Division</i> .....	1538
Human Resources Administration .....	1538
<i>Bureau of Contracts and Services</i> .....	1538
Juvenile Justice .....	1538
Parks and Recreation .....	1539
<i>Capital Projects Division</i> .....	1539
<i>Contract Administration</i> .....	1539
Police .....	1539
School Construction Authority .....	1539
<i>Contract Administration</i> .....	1539
Transportation .....	1540
<i>Division of Franchises, Concessions and Consents</i> .....	1540

Youth and Community Development .....	1540	
<b>AGENCY RULES</b>		
Buildings .....	1540	
Environmental Protection .....	1540	
<b>SPECIAL MATERIALS</b>		
City Planning .....	1545	
Comptroller .....	1545	
Housing Preservation and Development ..	1546	
Information Technology and Telecommunications .....	1546	
Labor Relations .....	1546	
<b>READER'S GUIDE</b> .....		1556
<b>LATE NOTICE</b>		
Health and Hospitals Corporation .....	1555	

## THE CITY RECORD

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## PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

## MANHATTAN BOROUGH PRESIDENT

### MEETING

PUBLIC NOTICE IS HEREBY GIVEN THAT THE MANHATTAN BOROUGH BOARD MEETING is scheduled for **May 15, 2008 from 8:30 to 10:00 A.M.**, at the Office of the Manhattan Borough President, located at 1 Centre Street, 19th Floor South. (Large Conference Room)

### The following two resolutions will be voted on:

#### Unity Funeral Home Expansion

Pursuant to New York City Charter 384(b) 4, Manhattan Borough Board will consider the sale by New York City Economic Development Corporation (EDC) of three City-owned properties (Block 1932, Lots 5, 7, and 107) to West 126th Realty LLC to be used by Unity Funeral Home. The three City-owned lots, consisting of approximately 8,500 square feet will enable Unity Funeral Home to enlarge its existing funeral establishment. The proposed development will include a three story, 6,337 square foot commercial building.

#### No. 1076 State Bill

Resolution in support of the State Senate and Assembly Bills Expanding Temporary Disability Insurance to cover family and medical leave.

**PLEASE NOTE:** Individuals requesting sign-language interpreters or other reasonable accommodations for disabilities should contact the Office of the Manhattan Borough President, located at 1 Centre Street, 19th Floor South, New York, NY 10007 at (212) 669-8300. **NO LATER THAN THREE (3) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING/MEETING.**

m6-14

## CITY COUNCIL

### NOTICE

NOTICE IS HEREBY GIVEN THAT the Council has scheduled the following public hearings on the matters indicated below:

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, May 20, 2008:

## SPORTS PLUS CAFÉ, INC.

**BRONX CB - 9 20075306 TCX**  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition for Sports Plus Café, Inc., to continue to maintain and operate an unenclosed sidewalk café located at 1161 Castle Hill Avenue.

## VILLAGE DEN RESTAURANT

**MANHATTAN CB - 2 20085221 TCM**  
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Twelfth Street Corp., d/b/a as Village Den Restaurant, to continue to maintain and operate an unenclosed sidewalk café located at 225 West 12th Street.

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, May 20, 2008:

## P.S. 163-BROOKLYN

**BROOKLYN CB - 11 20085211 SCK**  
Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, 665-seat primary/intermediate school facility to be located at 109 Bay 14th Street (Tax Block 6399, Tax Lot 26 in portion), Community School District No. 20.

## BATTERY PARK CITY P/I SCHOOL

**MANHATTAN CB - 1 20085305 SCM**  
Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, 950-seat primary/intermediate school facility to be generally located on the eastside of Battery Place between First Place and Second Place in the Battery Park City section of Manhattan (Block 16, Lot 40), Community School District No. 2.

## P.S. 48-QUEENS

**QUEENS CB - 12 20085164 SCQ**  
Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, 650-seat primary/intermediate school facility to be generally located on the southeast corner of 155th Street and 108th Avenue in the Jamaica section of Queens (Block 10144, Lot 42 in portion), Community School District No. 28.

## 30TH STREET PIER LEASE

**BROOKLYN CB - 7 20085592 PNK**  
Application pursuant to §1301(2)(f) and (g) of the New York City Charter concerning the proposed maritime lease at the South Brooklyn Marine Terminal between the Department of Small Business Services and Sims Municipal Recycling of New York LLC.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing on the following matters in the Council Committee Room, City Hall, New York City, New York 10007, commencing at 1:00 P.M. on Tuesday, May 20, 2008:

Proposals subject to Council review and action pursuant to the Urban Development Action Area Act, Article 16 of the New York General Municipal Law, at the request of the Department of Housing Preservation and Development ("HPD"), which requests that the Council:

- Find that the present status of the listed areas tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Projects are consistent with the policy and purposes of

- Section 691 of the General Municipal Law; Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
- Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
- Approve the projects as Urban Development Action Area Projects pursuant to Section 694 of the General Municipal Law; and
- Approve an exemption of the projects from real property taxes pursuant to Section 696 of the General Municipal Law for 20085534 HAK, 20085535 HAK and 20085536 HAK.

NON-ULURP NO.	ADDRESS	BLOCK/LOT	BORO	PROGRAM	COMMUNITY BOARD
20085533 HAK	572 Pacific Street	928/17	Brooklyn	Asset Sales	06
20085534 HAK	274 Wilson Avenue 439 Wilson Avenue 1297 Putnam Avenue 360, 366 Linden Street 1015 Halsey Street	3297/33 370/04 3369/53 3337/18,20 3401/40	Brooklyn	New Foundations	04
20085535 HAK	2425, 2427 Mermaid Ave. 3216 Mermaid Avenue 2814-2816 W. 16th Street 3566 Canal Avenue	7014/52,53 7048/06 7021/16 6978/22	Brooklyn	New Foundations	13
20085536 HAK	569 Christopher Ave. 533 Thatford Avenue 156, 158, 160, 166, & 168 Riverdale Avenue 434 Bristol Street 152, 154, 156 Newport St.	3856/05 3627/55 3600/29,31,32,34,134 3600/35 3613/31,32,33	Brooklyn	New Foundations	16
20085537 HAQ	419 Beach 45th Street	15968/102	Queens	Asset Sales	14
20085538 HAR	200 Vanderbilt Avenue	2868/26	Staten Island	Asset Sales	01
20085539 HAM	1463, 1465, 1475 & 1473 Fifth Avenue	1745/2,3,69	Manhattan	Cornerstone	11

m14-20

## CITY PLANNING COMMISSION

### PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street, New York, New York, on Wednesday, May 21, 2008, commencing at 10:00 A.M.

## BOROUGH OF BROOKLYN

### No. 1 MADISON/PUTNAM HOUSING

**CD 3 C 080278 HAK**  
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
  - the designation of property located at 924 and 928 Madison Street (Block 1484, Lots 6 and 8); and 1023, 1013, 1007, 1052, and 1054 Putnam Avenue (Block 1484, Lots 35, 41, and 43; and Block 1486, Lots 15 and 16), as an Urban Development Action Area; and
  - an Urban Development Action Area Project for such area; and
- pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of seven residential buildings, tentatively known as Madison/Putnam, with approximately 48 units, to be developed under the Housing Preservation and Development's Cornerstone Program.

BOROUGH OF MANHATTAN
No. 2
WEST END AVENUE PARKING GARAGE

CD 7 C 080153 ZSM
IN THE MATTER OF an application submitted by Extell Development Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 13-561 of the Zoning Resolution to allow an attended accessory parking garage with a maximum capacity of 20 spaces on a portion of the ground floor, cellar and sub-cellar of a proposed residential building on property located at 531-539 West End Avenue (Block 1247, Lots 33, 34, 35, 36, 37 & 135), in an R10A District.

Plans for this proposal are on file with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

No. 3 & 4
610 LEXINGTON AVENUE
No. 3

CD 4-8 N 080177 ZRM
IN THE MATTER OF an application submitted by Park Avenue Hotel Acquisition, LLC, and 375 Park Avenue L.P., pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York concerning Article VIII, Chapter 1, Special Midtown District, concerning Section 81-212 (Special provisions for transfer of development rights from landmark sites), Community District #5, Borough of Manhattan.

Matter underlined is new, to be added;
Matter within # # is defined in Section 12-10;
Matter in ~~strikeout~~ is text to be deleted;
\*\*\* indicates where unchanged text appears in the zoning resolution

Article VIII: Special Purpose Districts
Chapter 1: Special Midtown District

\*\*\*

81-212
Special provisions for transfer of development rights from landmark sites

The provisions of Section 74-79 (Transfer of Development Rights for Landmark Sites) shall apply in the #Special Midtown District# subject to the modification set forth in this Section and Sections 81-254, 81-266 and 81-277 pertaining to special permits for height and setback modifications, Section 81-747 (Transfer of development rights from landmark theaters) and Section 81-85 (Transfer of development rights from landmark sites within the Special Fifth Avenue Subdistrict).

The provisions of Section 74-79 pertaining to the meaning of the term "adjacent lot" in the case of lots located in C5-3, C5-5, C6-6, C6-7 or C6-9 Districts are modified to apply in the #Special Midtown District# where the "adjacent lot" is in a C5-3, C6-6, C6-7, C6-5.5, C6-6.5 or C6-7T District.

The provisions of paragraph (c) of Section 74-792 as applied in the #Special Midtown District# shall be subject to the restrictions set forth in the table in Section 81-211 on the development rights (FAR) of a landmark "granting lot" for transfer purposes.

Wherever there is an inconsistency between any provision in Section 74-79 and the table in Section 81-211, the table in Section 81-211 shall apply.

Within the Grand Central Subdistrict, any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-63, but not both.

For new #developments# or #enlargements# in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify or waive the requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) and requirements governing the minimum dimensions of a court, where:
the required minimum distance as set forth in Section 23-86 is provided between the #legally required windows# in the new #development# or #enlargement# and a wall or #lot line# on the #zoning lot# occupied by the landmark; and
the required minimum distance is protected by a light and air easement acceptable to the Department of City Planning and recorded in the County Clerk's office of the county in which such tracts of land are located.

For new #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts and with frontage on streets on which curb cuts are restricted pursuant to Section 81-44, the Commission may also modify or waive the number of loading berths required pursuant to Section 36-62 (Required Accessory Loading Berths). In granting such special permit, the Commission shall find that:
(a) a loading berth permitted by City Planning Commission authorization pursuant to Section 81-44 would have an adverse impact on the landmark #building or other structure# that is the subject of the special permit;
(b) because of existing #buildings# on the #zoning lot#, there is no other feasible location for the required loading berths; and
(c) the modification or waiver will not create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement.

For new #developments# or #enlargements#, on #zoning lots# located in C5-3, C6-6, C6-7 and C6-7T Districts, the Commission may also modify the dimensions and minimum clear height required for pedestrian circulation space pursuant to Section 81-45 (Pedestrian Circulation Space) and 37-50 (Requirements for Pedestrian Circulation Space). In granting such special permit, the Commission shall find that the modification will result in a distribution of #bulk# and arrangement of #uses# on the #zoning lot# that relate more harmoniously with the landmark #building or other structure# that is the subject of the special permit.

No. 4

CD 5 C 080178 ZSM
IN THE MATTER OF an application submitted by Park

Avenue Hotel Acquisition, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the following sections of the Zoning Resolution:

- 1. Sections 81-212\* and 74-79 - to allow the transfer of 200,965 square feet of floor area from property located at 375 Park Avenue (Block 1307, Lots 1 and 9001) that is occupied by a landmark building to property located at 610 Lexington Avenue (Block 1307, Lots 14 and 59), to modify the requirements of Section 23-851 (Minimum Dimension of Inner Courts), Section 23-861 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines/General Provision), Section 36-62 (Required Accessory Off-Street Loading Berths), and Section 81-45 (Pedestrian Circulation Space) and Section 37-07 (Requirements for Pedestrian Circulation Space); and
2. Section 81-277 - to modify the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations - Daylight Evaluation)

to facilitate the development of a 63-story mixed use building on property located at 610 Lexington Avenue (Block 1307, Lots 14 and 59), in a C6-6 District, within the Special Midtown District.

\* Note: A zoning text change is proposed under a concurrent related application (N 080177 ZRM) for amendment to Sections 81-212 (Special provisions for transfer of development rights from landmark sites). Plans for this proposal are on file with the City Planning Commission and may be seen at 22 Reade Street, Room 3N, New York, N.Y. 10007.

SPECIAL HUDSON YARDS, CLINTON & MIDTOWN
TEXT AMENDMENTS
No. 5

CD 4 N 080184 ZRM
IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 3 (Special Hudson Yards District), concerning Article IX, Chapter 6 (Special Clinton District), and concerning Article VIII, Chapter 1 (Special Midtown District)

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
\* \* \* indicates where unchanged text appears in the Zoning Resolution

Article VIII - Special Purpose Districts

Chapter 1
Special Midtown District

\* \* \*

81-741
General provisions

\* \* \*

(d) Additional floor area bonuses

All #developments# located on the west side of Eighth Avenue between 42nd and 45th Streets within the Theater Subdistrict may receive an increase in #floor area# pursuant to Section 96-21 (Floor Area Increase) 96-22 (Special Regulations for Eighth Avenue Perimeter Area) for those #developments# complying with the provisions of Section 23-90 (INCLUSIONARY HOUSING).

\* \* \*

Article IX - Special Purpose Districts

Chapter 3
Special Hudson Yards District

\* \* \*

93-05
Applicability of District Regulations

\* \* \*

93-054
Applicability of Chapter 4 of Article VII

\* \* \*

93-055
Modification of use and bulk regulations for zoning lots bounding Hudson Boulevard Park

Where the #lot line# of a #zoning lot# coincides with the boundary of the #public parks# located between West 35th Street, Hudson Boulevard East, West 33rd Street and Eleventh Avenue, such #lot line# shall be considered to be the #street line# of Hudson Boulevard West for the purposes of applying all #use# and #bulk# regulations of this Resolution.

Where the #lot line# of a #zoning lot# coincides with the boundary of the #public park# located between West 39th Street, Tenth Avenue, West 38th Street and Eleventh Avenue, such #lot line# shall be considered to be the #street line# of Hudson Boulevard East and West, as applicable, for the purposes of applying all #use# and #bulk# regulations of this Resolution.

\* \* \*

93-14
Retail Continuity Along Designated Streets

Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 50 percent of the building's #street# frontage, as indicated on Map 2.

#Uses# located on the ground floor level or within five feet of

#curb level#, and within 50 feet of the #street line# shall be limited to #commercial uses# permitted by the underlying zoning district, but not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D. A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways or entrances to subway stations. In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 40 feet or 25 percent of the building's total #street# frontage, whichever is less, except that the width of a lobby need not be less than 20 feet.

For any new #development# or #enlargement# on such designated retail #streets#, each ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with translucent materials and up to 20 percent of such area may be glazed with translucent materials. For #developments# or #enlargements# fronting upon Hudson Boulevard that are adjacent to existing #buildings# located within the Hudson Boulevard #street# bed or #public park#, glazing shall not be required. However, the Hudson Boulevard #street wall# of such new #development# or #enlargement# shall be designed in a manner that will enable the glazing requirements of this section to be met upon demolition of the #buildings# within the #street# bed or #public park#.

The provisions of this Section shall not apply along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the #zoning lot#.

\* \* \*

93-20
FLOOR AREA REGULATIONS

\* \* \*

93-223
Maximum floor area ratio in Hell's Kitchen Subdistrict D

(a) Subareas D1 and D2

In Subareas D1 and D2 of Hell's Kitchen Subdistrict D, the basic maximum #floor area ratios# of non-#residential buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32. The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5 pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23, as follows:

(1) The #residential floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase pursuant to Sections 93-31 or 93-32 there is a #floor area# increase of six square feet, pursuant to Section 23-90, as modified by Section 93-23.

(2) Any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Section 93-31 or 93-32.

Furthermore, in Subarea D1, the #floor area ratio# on a #zoning lot# may exceed 13.0 only where the community facility #floor area ratio# is not less than the excess of such #floor area ratio# above 13.0.

\* \* \*

93-30
SPECIAL FLOOR AREA REGULATIONS

93-31
District Improvement Fund Bonus

In the #Special Hudson Yards District# and Area P-2 of the #Special Garment Center District#, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# to be increased up to the maximum amount specified in Sections 93-21, 93-22 or 121-31, as applicable, provided that instruments in a form acceptable to the City are executed and recorded ensuring and that, thereafter, a contribution has been deposited in the #Hudson Yards District Improvement Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area# for such #development# or #enlargement#.

The Commissioner of Buildings shall not authorize the construction of any #development# or #enlargement# utilizing #floor area# bonused pursuant to this Section, including foundations with respect thereto, nor shall the construction of any bonused portion thereof be authorized, until the Chairperson has certified that the requirements of this Section have been met Nothing herein shall limit the ability of the Commissioner of Buildings to issue a permit for

the construction of a #development# or #enlargement# which does not utilize such bonused floor area.

Such The contribution amount shall be \$100 per square foot of #floor area# as of January 19, 2005, and shall be adjusted by the Chairperson annually on July 1 of the following year and each year thereafter. Such adjustment shall occur on August 1 of each calendar year, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics for the twelve months ended on June 30 of that year. The contribution amount shall be determined based upon the rate which is in effect at the time the contribution is received, and contributions may be made only on days when the Hudson Yards Infrastructure Corporation (the "Corporation") is open for business and during business hours as specified by the Corporation.

The Commission may promulgate rules regarding the administration of this Section, and the Commission may also, by rule, adjust the contribution amount specified in the preceding paragraph to reflect changes in market conditions within the #Hudson Yards Redevelopment Area# if, in its judgment, the adjusted amount will facilitate the district-wide improvements that are consistent with the purposes of this Chapter and the purposes of the #Special Garment Center District#. The Commission may make such an adjustment by rule, not more than once a year.

For any such adjustment by rule decreasing the contribution amount, or increasing the contribution amount by more than the percentage change in the Consumer Price Index for all urban consumers, the following shall apply:

- (a) Such rule shall be effective for not more than two years; and
- (b) The Commission shall not publish the proposed rule pursuant to the City Administrative Procedure Act unless the City Council Land Use Committee and the Department of City Planning have jointly filed an application for a zoning text amendment under Section 201 of the New York City Charter, which would make such adjustment of the contribution amount permanently effective. The contribution amount established under such rule as finally adopted shall continue in effect with further adjustments based upon the Consumer Price Index for all urban consumers, until the next adjustment of the contribution amount pursuant to this Section.

Such contribution amount shall be payable or secured at the time foundation work has been completed and the Commissioner of Buildings shall not authorize any additional construction until the Chairperson has certified that payment has been made or adequate security therefore has been provided.

93-34  
Distribution of Floor Area in the Large-Scale Plan Subdistrict A

- (b) Requirements for application

An application filed with the Chairperson of the Commission for the distribution of #floor area# by certification pursuant to paragraph (a) of this Section shall be made jointly by the owner of the #development# rights of the Eastern Rail Yards Subarea A1 and the receiving site and shall include:

- (1) a site plan and #floor area# zoning calculations for the receiving site; and
- (2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution, together with a notice of the restrictions limiting further development of the Eastern Rail Yards Subarea A1.

Such ~~N~~ notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the Eastern Rail Yards Subarea A1 and the receiving site, a certified copy of which shall be submitted to the Chairperson of the Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit for any #development# or #enlargement# utilizing #floor area# distributed pursuant to this Section, including foundations with respect thereto, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site.

93-50  
SPECIAL HEIGHT AND SETBACK REGULATIONS IN SUBDISTRICTS A THROUGH E

In Subdistricts A through E, the height and setback regulations set forth in Section 93-42 shall apply, except that such regulations are modified in certain locations as set forth in this Section. Such modifications include the establishment of #street wall# location regulations, minimum base heights, and maximum length of building walls for towers, and modifications of maximum base heights, depths of required setbacks, and tower #lot coverage#. Special provisions for recesses and sidewalk widenings are as follows:

- (a) Recesses  
Where #street walls# are required to be located on #street lines# or sidewalk widening lines, ground floor recesses up to three feet deep shall be permitted for access to building entrances, and

deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 93-63. Above the level of the second #story# and up to any specified minimum base height, recesses are permitted provided that the aggregate length of such recesses does not exceed 30 percent of the length of the required #street wall# at any level, and the depth of such recesses does not exceed five feet. No limitations on recesses shall apply above any specified minimum base height or to any portion of a #zoning lot# where #street walls# are not required.

Where #street walls# are required to extend along the entire #street# frontage of a #zoning lot#, no recesses shall be permitted within 20 feet of an adjacent #building#, or within 30 feet of the intersection of two #street lines# except where corner articulation rules apply.

- (b) Sidewalk Widenings

Where a #street wall# is required to extend along the entire #street# frontage of a #zoning lot#, and such #street# is intersected by a #street# with a mandatory sidewalk widening, no #street wall# shall be required within such sidewalk widening. Where corner articulation rules apply, the inner boundary of any required sidewalk widening may be considered to be the #street line#. The mandatory #street wall# requirements are illustrated on Map 3 in Appendix A of this Chapter. Where sidewalk widening lines are specified, such lines shall be parallel to and five or ten feet from the #street line#, as required pursuant to Section 93-61 and illustrated on Map 4 (Mandatory Sidewalk Widenings) in Appendix A.

\* \* \*  
93-512  
Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A

- (a) Hudson Boulevard

For the purposes of this paragraph, (a), Hudson Boulevard shall be considered to be a #wide street#. The #street wall# of the #development# or #enlargement# shall be located on the Hudson Boulevard sidewalk widening line and extend along at least 70 percent of the length of the Hudson Boulevard frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 120 feet. On #corner lots#, the maximum base height may apply along intersecting #narrow street lines# for a distance of 100 feet from its intersection with Hudson Boulevard. Above a height of 120 feet, a setback at least 25 feet in depth is required from the Hudson Boulevard #street line#, and setbacks from intersecting #narrow streets# shall comply with the provisions of paragraph (b) of Section 93-42 (Height and Setback in Subdistricts A through E).

Alternatively, for #zoning lots# that occupy the entire Hudson Boulevard #block# front, the Hudson Boulevard #street wall# may rise above a height of 120 feet without setback at the Hudson Boulevard sidewalk widening line, provided that:

- (1) the aggregate width of such #street wall# facing Hudson Boulevard does not exceed 100 feet;
- (2) all other portions of the #building# that exceed a height of 120 feet are set back at least 25 feet from the Hudson Boulevard #street line# at a height not lower than 90 feet; and
- (3) all portions of the #building# that exceed a height of 120 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

For the purposes of applying the #street wall# location and setback provisions of this paragraph to #developments# and #enlargements# fronting on the #public park# between West 38th and West 20th Streets, the #street lines# and sidewalk widening lines of Hudson Boulevard shall be prolonged northward to West 39th Street.

\* \* \*  
93-513  
Four Corners Subarea A2

- (a) Hudson Boulevard

The provisions of paragraph (a) of Section 93-512 (Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A) shall apply, except that the maximum base height shall be 150 feet.; and, for the purposes of applying such #street wall# location and setback provisions to #developments# and #enlargements# fronting upon the #public park# between West 32<sup>nd</sup> and West 25<sup>th</sup> Streets, the westerly #street line# and sidewalk widening lines of Hudson Boulevard West shall be prolonged southward to West 33<sup>rd</sup> Street.

\* \* \*  
93-54  
Special Height and Setback Regulations in Hell's Kitchen Subdistrict D

93-541  
Height and setback in Subareas D1 and D2

- (a) Tenth Avenue  
(1) For #zoning lots# that do not occupy the entire Tenth Avenue #block# front, and for #zoning lots# that occupy the entire Tenth Avenue #block# front where

existing #residential buildings# will remain, the #street wall# of any #development# or #enlargement# shall be located on and extend along the entire Tenth Avenue #street line#, except that to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such lines. Such #street wall# shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet, except that such minimum base height requirement shall not apply to any existing #residential buildings# to remain. Where such #zoning lots# also front upon a #narrow street#, these provisions shall apply along such #narrow street# frontage for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

- (2) For #zoning lots# that occupy the entire Tenth Avenue #block# front, and where no existing #buildings# fronting upon Tenth Avenue will remain, the #street wall# of the #development# or #enlargement# shall be located within 10 feet of the Tenth Avenue #street line# and extend along the entire Tenth Avenue frontage of the #zoning lot# and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. These provisions shall apply for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue.

Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. Alternatively, for #zoning lots# that occupy the entire Tenth Avenue #block# front and no portion of any #building# is within 10 feet of the Tenth Avenue #street line#, the Tenth Avenue #street wall# may rise above 150 feet without setback, provided that:

- (i) the aggregate width of such #street wall# does not exceed 100 feet;
- (ii) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet; and
- (iii) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42, and
- (iv) all portions of the Tenth Avenue #streetwall# that do not exceed a height of 90 feet are located ten feet from the Tenth Avenue #street line#, except that recesses may be provided in accordance with the recess provisions of paragraph (a) of Section 93-50. Above a height of 90 feet, up to a height of 150 feet, any #streetwall# facing Tenth Avenue shall be located no closer to Tenth Avenue than 10 feet.

- (b) Hudson Boulevard  
The regulations set forth in paragraph (a) of Section 93-512 (Subareas A3, A4 and A5 of the Large-Scale Plan Subdistrict A) shall apply, except that wherever a setback from the Hudson Boulevard #street line# is required to be at least 25 feet deep, such setback depth may be reduced to 15 feet.

- (c) Midblocks between Tenth Avenue and Hudson Boulevard  
The regulations set forth in paragraph (c) of Section 93-512 shall apply.

- (d) Length of building wall  
The maximum length of any #story# located above a height of 150 feet that faces north or south shall not exceed 100 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 150 feet. Any side of such rectangle from which perpendicular lines may be drawn to the nearest #narrow street line# shall not exceed 100 feet.

- (e) Tower #lot coverage#  
Where more than one tower on a #zoning lot# contains #residences#, the minimum #lot area# requirement of paragraph (c)(1) of Section 93-42 shall not apply to the highest 80 feet of at least half of the number of such towers.

93-542  
Height and setback in Subareas D4 and D5

In Subareas D4 and D5 of Hell's Kitchen Subdistrict D, the underlying height and setback regulations shall apply, except that:

- (a) the rooftop regulations set forth in Section 93-41 shall apply to all #developments# or #enlargements#; and
- (b) within the C2-5 District of Subarea D4,

#commercial uses# shall be limited to two #stories# or a height of 30 feet, whichever is less.

(c) within the C1-7A District of Subarea D5, recesses in the #street wall# of any #building# facing Ninth Avenue shall not be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except as provided for permitted corner articulation.

93-55 Special Height and Setback Regulations in the South of Port Authority Subdistrict E

In the South of Port Authority Subdistrict E, for any #development# or #enlargement# on a #zoning lot# fronting on Eighth Avenue, the #street wall# of such #development# or #enlargement# shall be located on the Eighth Avenue sidewalk widening line and extend along the entire #street# frontage of the #zoning lot#. Such #street wall# shall rise without setback to a minimum height of 90 feet or the height of the #building#, whichever is less, and a maximum height of 120 feet. Above a height of 90 feet, no portion of the #development# or #enlargement# shall penetrate a #sky exposure plane# that begins at a height of 120 feet above the Eighth Avenue sidewalk widening line and #street lines# of West 39th Street and West 40th Streets, as applicable, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance except as provided below:

(a) any portion of the #building# or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or 35-63, as applicable, may penetrate the #sky exposure plane#.

(b) permitted obstructions, as listed in paragraph (a) of Section 93-41, may penetrate the #sky exposure plane#. In addition, a dormer, as listed in paragraph (c) of Section 23-62, may penetrate the #sky exposure plane#.

93-55 93-56 Special Permit for Modification of Height and Setback Regulations

93-65 Transit Easements

Any #development# or #enlargement# on a #zoning lot# that includes the locations listed below shall provide an easement for subway-related use and public access to the subway mezzanine or station:

(a) The area bounded by Tenth Avenue, West 41st Street, a line 190 feet east of and parallel to Tenth Avenue, and a line 55 feet south of and parallel to West 41st Street. The entrance shall be accessed from Tenth Avenue.

(b) The area bounded by the western boundary of the #public park# between West 34th and West 35th Streets, West 34th Street, a line 40 feet west of and parallel to the western boundary of the #public park# between West 34th and West 35th Streets, and a line 75 feet north of and parallel to West 34th Street. The entrance shall be accessed from the #public park# between West 34th and West 35th Streets.

(c) The area bounded by Eleventh Avenue, West 36th Street, a line 90 feet east of and parallel to Eleventh Avenue, a line 50 feet south of and parallel to West 36th Street, a line 50 feet east of and parallel to 11th Avenue, and West 34th Street. The entrance shall be accessed from West 36th Street or 11th Avenue within 50 feet of West 36th Street.

(d) For any #development# or #enlargement# on a #zoning lot# that includes the southwest corner of West 40th Street and Eighth Avenue, the transit easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the #development# or #enlargement#.

Article IX - Special Purpose Districts

Chapter 6 Special Clinton District

96-20 PERIMETER AREA

#Developments# within the Perimeter Area shall be eligible for increased #floor area# only pursuant to Sections 96-21 (Special Regulations for 42nd Street Perimeter Area) or 96-22 (Special Regulations for Eighth Avenue Perimeter Area)....

96-21 Special Regulations for 42nd Street Perimeter Area

The provisions of this Section shall apply to #developments# or #enlargements# located in all #Commercial Districts# within the area bounded by the following:

(b) Floor area regulations

(2) Floor area regulations in Subarea 2 In Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix B, the basic #floor area ratio# of any #development# or #enlargement# shall be 10.0. However, the #floor area ratio# of any #development# or #enlargement# containing #residential use# may exceed 10.0 to a maximum of 12.0 only in accordance with the provisions of Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor

area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#. For #developments# or #enlargements# that have fully utilized the Inclusionary Housing Program, the maximum permitted #floor area ratio# may be increased from 12.0 to 15.0 for a new legitimate theater to be used as a legitimate theater or non-profit performing arts space in accordance with the provisions of Section 96-25 (Floor Area Bonus for New Legitimate Theater Use).

Where a transit easement volume is required on a #zoning lot# in Subarea 2, such easement volume may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Transit Authority or by its designee for subway purposes. Any such floor spaces occupied by such transit easement volume shall not count as #floor area#. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the #zoning lot# to vacate the tenants of such temporary #uses#.

96-25 Floor Area Bonus for New Legitimate Theater Use

Within Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix A of this Chapter, for #developments# or #enlargements# located within the area bounded by West 42nd Street, Dyer Avenue, West 41st Street and Eleventh Avenue that have fully utilized a #floor area# increase pursuant to Section 23-90 (INCLUSIONARY HOUSING), three additional square feet of #floor area# may be provided for each square foot of new legitimate theater #use#, the #floor area ratio# may be increased from 12.0 to a maximum of 15.0, provided that for every three square feet of bonused #floor area#, one square foot of such bonused #floor area# shall be used for new "performance space", which, for the purposes of this Section 96-25 shall mean space to be used as a legitimate theater or non-profit performing arts space. Such bonused #floor area# shall be permitted only upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions shall exist have been met:

(a) the total #floor area ratio# on the #zoning lot# shall not exceed 15.0;

(b) all #floor area# for any performance space for which a bonus is received pursuant to this Section shall be limited to floor space exclusively associated with legitimate theater or non-profit performing arts #use#, including auditorium, orchestra, balconies, stage and theater equipment space, wings, dressing rooms, rehearsal space, lobbies, lounges, ticket offices, rest rooms, and circulation space. Any other bonused performance space shall not comprise more than 25% of the total #floor area# for which a bonus is received;

(c) the theater such performance space shall be designed, arranged and used exclusively for live performances and rehearsals of drama, music or dance and shall have at least 99 100 fixed seats and no more than 299 seats. If there is more than one performance space, each shall have at least 100 seats. Adjacent performance spaces may be designed in a manner that allows for their combination into a single performance space provided such combined space has no more than 299 seats;

(d) a letter from the Department of Cultural Affairs shall be submitted certifying that:

(1) a signed lease shall be has been provided from a the prospective theater operator of the performance space, or a written commitment from the owner of the theater performance space if such owner is also the operator, for occupancy of the theater performance space and its operation as a legitimate theater or non-profit performing arts space for a period of not less than five years, pursuant to an operating plan and program therefor;

(2) the proposed operator of the performance space has the fiscal and managerial capacity to successfully operate such space;

(3) preliminary design plans have been provided to the Department of Cultural Affairs for the performance space, which include sufficient detail regarding core, shell, structural, mechanical, electrical, plumbing and HVAC systems, necessary to ensure that such performance space will operate efficiently for its intended use, and

(4) a plan and program shall be accompanied by written commitment from such owner of the financial resources available to ensure timely completion of the identified scope of work; a written commitment has been provided ensuring that there are

financial resources available for the timely completion of the identified scope of work, and

(5) the proposed operator of the performance space will have a program of regularly scheduled presentations that are open to the public.

(d) a legal commitment shall be has been provided for inspection and ongoing maintenance of the theater performance space to ensure its continued availability for theater #use# as a legitimate theater or non-profit performing arts space. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Chairperson of the City Planning Commission and the Commissioner of the Department of Cultural Affairs and notice of such report shall be published in the City Record. Such report shall describe the condition of the theater performance space and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the theater performance space and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and

(e) a legal commitment shall be has been provided for continuance of the #use# of all #floor area# for which a bonus has been received pursuant to this Section as a legitimate theater or non-profit performing arts space and providing that in the event of a change of operator, as defined by the Commissioner of the Department of Cultural Affairs, the owner or operator shall obtain a new letter certifying that the provisions of paragraph (c) of this Section have been met as to the proposed operator. Such legal commitment shall also prohibit #use# as an #adult establishment# for the life of the related #development#.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner and any lessee of the theater performance space and their successors and assigns, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the Chairperson of the City Planning Commission under the terms of such declaration, and receipt of such a certified copy of such declaration, shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified under the terms of the declaration of restrictions as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion of the #development# or #enlargement#, until the Chairperson through consultation with the Commissioner of the Department of Cultural Affairs has certified that the theater performance space is substantially complete, which shall, for this purpose, mean that such theater performance space is usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion, the #development# or #enlargement# until the theater performance space has been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson through consultation with the Commissioner of the Department of Cultural Affairs. The declaration of restrictions shall be noted on any Temporary or Final Certificate of Occupancy for the #building#.

Special Hudson Yards District

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/19/05) Map 1: Special Hudson Yards District, Subdistricts and Subareas



- Special Hudson Yards District
Subdistricts
Subareas within subdistricts
Phase 1 Hudson Boulevard and Park
Phase 2 Hudson Boulevard and Park
Large-Scale Plan Subdistrict A
Eastern Rail Yard Subarea A1
Four Corners Subarea A2
Subareas A3 through A5
Farley Corridor Subdistrict B
Western Blocks Subarea B1
Central Blocks Subarea B2
Farley Post Office Subarea B3
Pennsylvania Station Subarea B4
34th Street Corridor Subdistrict C
Hell's Kitchen Subdistrict D
Subareas D1 through D5
South of Port Authority Subdistrict E

**Special Hudson Yards District**

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/1905)  
Map 2: Mandatory Ground Floor Retail

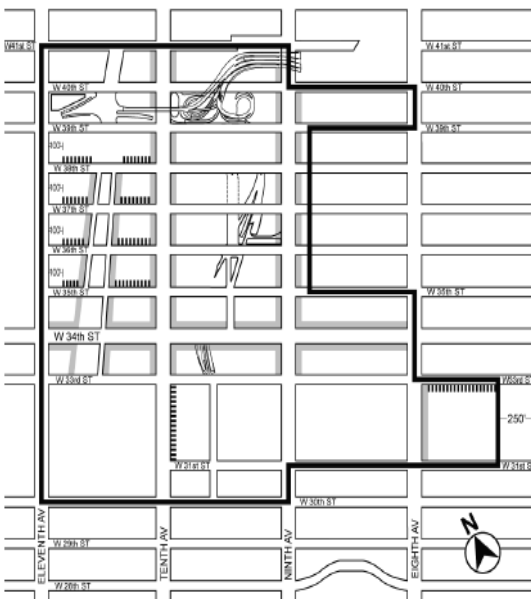


- Special Hudson Yards District
- 100% Retail Requirement
- - - 50% Retail Requirement

EXISTING

**Special Hudson Yards District**

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/1905)  
Map 2: Mandatory Ground Floor Retail

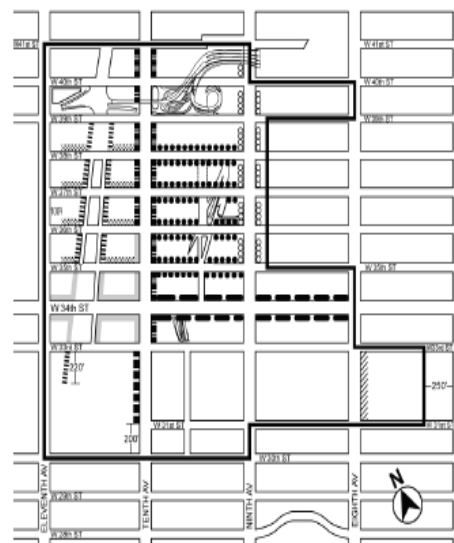


- Special Hudson Yards District
- 100% Retail Requirement
- - - 50% Retail Requirement

PROPOSED

**Special Hudson Yards District**

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/1905)  
Map 3: Mandatory Street Wall Requirements



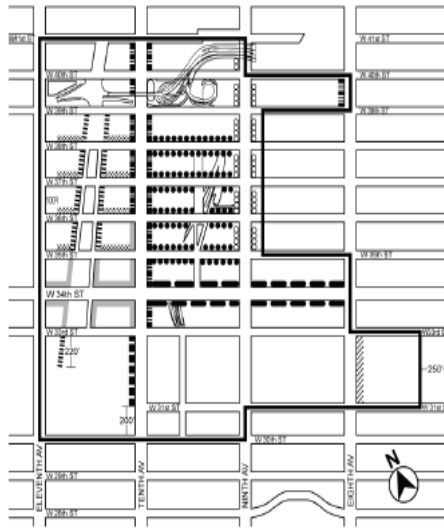
**Special Hudson Yards District**

	Minimum Base Height	Maximum Base Height	Percentage of zoning lot street frontage that must be occupied by a street wall
-----	60'	85'	100%
.....	60'	85'	None
-----	60'	120'	50%
-----	90'	120'	70%
-----	60'	150'	70%
-----	90'	150'	100%
-----	90'	150'	70%
-----	90'	150'	35%
-----	120'	150'	100%

EXISTING

**Special Hudson Yards District**

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/1905)  
Map 3: Mandatory Street Wall Requirements



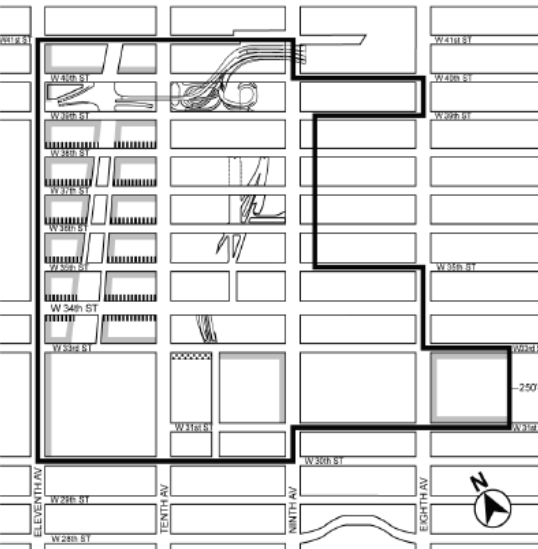
**Special Hudson Yards District**

	Minimum Base Height	Maximum Base Height	Percentage of zoning lot street frontage that must be occupied by a street wall
-----	60'	85'	100%
.....	60'	85'	None
-----	60'	120'	50%
-----	90'	120'	70%
-----	60'	150'	70%
-----	90'	120'	100%
-----	90'	150'	100%
-----	90'	150'	70%
-----	90'	150'	35%
-----	120'	150'	100%

PROPOSED

**Special Hudson Yards District**

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/1905)  
Map 4: Mandatory Sidewalk Widening



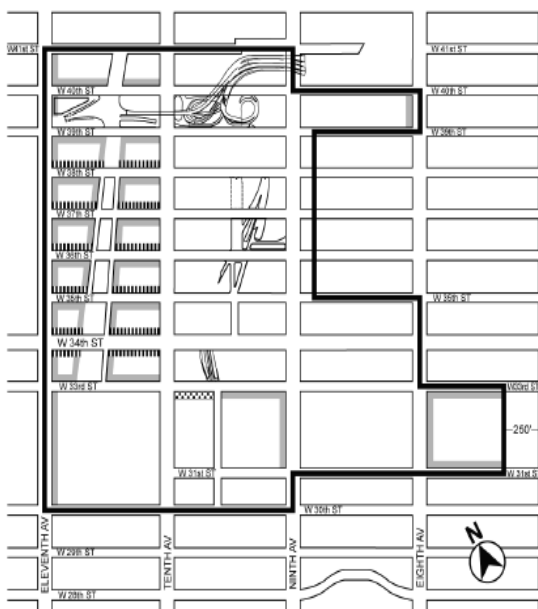
**Special Hudson Yards District**

- 10' Sidewalk widening
- 5' Sidewalk widening
- 5' Sidewalk widening required if more than 75% of the total floor area existing on the zoning lot on January 19, 2005 is demolished

EXISTING

**Special Hudson Yards District**

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/1905)  
Map 4: Mandatory Sidewalk Widening



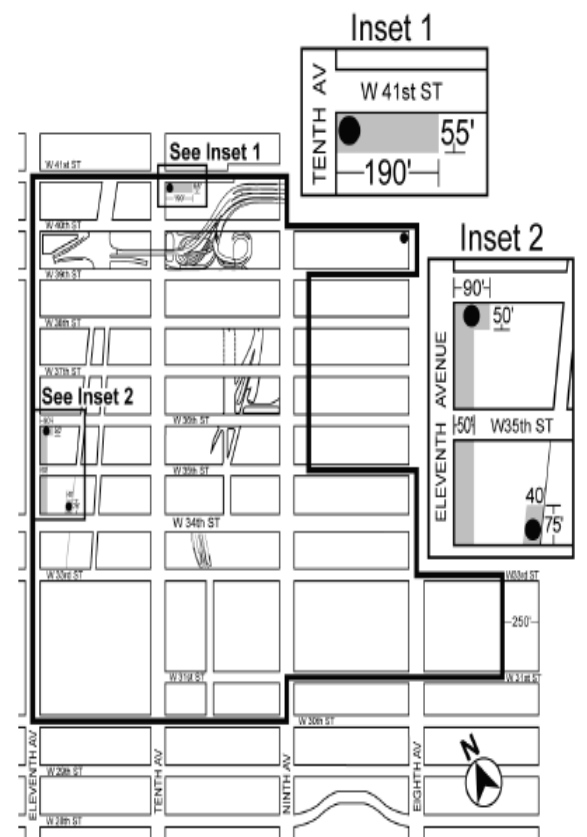
**Special Hudson Yards District**

- 10' Sidewalk widening
- 5' Sidewalk widening
- 5' Sidewalk widening required if more than 75% of the total floor area existing on the zoning lot on January 19, 2005 is demolished

PROPOSED

**Special Hudson Yards District**

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/1905)  
Map 5: Transit Easements and Subway Entrances



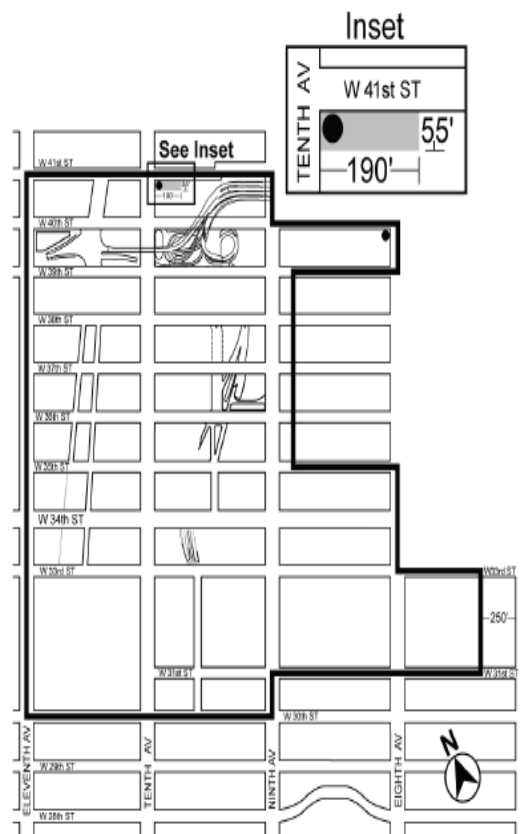
**Special Hudson Yards District**

- Special Hudson Yards District
- Transit Easement
- Subway Entrance

EXISTING

**Special Hudson Yards District**

Zoning Resolution Section: 93-A (ARTICLE IX; CHAPTER 3) APPENDIX A (1/1905)  
Map 5: Transit Easement and Subway Entrance



**Special Hudson Yards District**

- Special Hudson Yards District
- Transit Easement
- Subway Entrance

PROPOSED

m8-21

**COMMUNITY BOARDS**

**PUBLIC HEARINGS**

PUBLIC NOTICE IS HEREBY GIVEN THAT the following matters have been scheduled for public hearing by Community Boards:

**BOROUGH OF BROOKLYN**

COMMUNITY BOARD NO. 10 - Monday, May 19, 2008 at 7:15 P.M., Norwegian Christian Home, 1250 67th Street, Brooklyn, NY

**#60-08-BZ**

Application is hereby made for a special permit to allow the operation of a physical culture establishment at 439 86th Street, Brooklyn, NY.

m13-19

## ENVIRONMENTAL PROTECTION

### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that, pursuant to Title 5, Chapter 3, Subchapter 3 of the Administrative Code of the City of New York, a public hearing will be held at, 22 Reade Street, Borough of Manhattan on Wednesday May 28, 2008, at 10:00 A.M. on the following:

REAL PROPERTY PUBLIC HEARING in the matter of the acquisition by the City of New York of fee simple (Fee) and conservation easement (CE) interests on the following real estate in the Counties of Delaware, Greene, Putnam, Schoharie, Sullivan, Ulster and Westchester for the purposes of preserving and preventing the contamination or pollution of the water supply of the City of New York:

NYC ID	County	Municipality	Type	Tax Lot ID	Acres (+/-)
4820	Delaware	Andes	CE	237.-1-6.1	100.28
5757		Delhi	Fee	172.-1-37, 41-43	64.20
4451		Hamden	Fee	33.-1-11.111	70.22
4859		Kortright	Fee	38.-2-21.22	50.14
4860		Kortright	Fee	128.-3-3, p/o 2.1	245.33
3964	Greene	Halcott	Fee	157.00-1-1	115.61
5219		Hunter	Fee	180.00-2-4.1 & 37	54.40
4021		Prattsville	Fee	43.00-1-13	65.16
5455		Prattsville	Fee	43.00-1-3	30.00
3508		Windham	Fee	p/o 60.00-5-27	17.25
5367		Windham	Fee	80.00-1-8	27.14
244	Putnam	Kent	Fee	10.-2-29	19.94
4021	Schoharie	Conesville	Fee	214.-1-5, 6 & 10	143.45
5470	Sullivan	Fallsburg	Fee	5.-1-1.15, 1.16	95.24
7059		Fallsburg	Fee	5.-1-35.14	10.94
5470		Neversink	Fee	44.-1-32	0.87
3261	Ulster	Hardenburgh	CE	10.3-1-3.110, 3.2, 4 & 5	129.84
1663		Olive	Fee	p/o 44.4-1-2	31.05
4882		Olive	Fee	37.18-1-45.400 & 45.500	3.10
1109		Woodstock	CE	25.-2-26	59.30
3242		Woodstock	Fee	37.1-2-33	5.13
5158	Westchester	North Castle	Fee	113.02-1-16	2.06

REAL PROPERTY PUBLIC HEARING in the matter of the acquisition by the City of New York of a fee simple interest on the following real estate in the County of Ulster for the purpose of operating the water supply of the City of New York:

Municipality	Tax Lot ID	Acres (+/-)
Olive	p/o 54.1-2-32	209.00
Marbletown	54.2-1-36	13.00

A copy of the Mayor's Preliminary Certificates of Adoption and maps of the real estate to be acquired are available for public inspection upon request. Please call (845) 340-7810.

◀ m14

## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

### ■ PUBLIC HEARINGS

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING to be held on Monday, June 2, 2008 commencing at 2:30 PM at 22 Reade Street, Borough of Manhattan, in the matters of: (i) a change of control of NEON Transcom, Inc. ("NEON"), and (ii) the proposed Amendment to NEON's Franchise Agreement and Appendix G, "Ownership and Control of franchisee as of the Effective Date and any approved mortgages, pledges and leases" ("proposed Amendment"). Said Franchise Agreement authorizes NEON to install, operate and maintain facilities on, over and under the City's inalienable property to provide Local High Capacity Telecommunications Services. Columbia Transmission Communications Corporation ("Columbia Transcom") was granted a franchise on April 12, 2000. On September 10, 2003, the FCRC approved a change of control of such franchise, by sale of all the stock in Columbia Transcom to NEON Communications, Inc., and the name of the franchisee was changed to NEON Transcom, Inc. On November 10, 2004 the FCRC approved a second change of control whereby NEON Communications, Inc. (parent corporation of the franchisee) became a subsidiary of Globix Corporation ("Globix") with NEON Transcom, Inc. remaining the franchisee. In 2007, Globix changed its name to NEON Communications Group, Inc.

A copy of the existing Franchise Agreement and the proposed Amendment may be viewed at DoITT, 75 Park Place, 9th Floor, New York, New York 10007, commencing on May 12, 2008 through June 2, 2008, between the hours of 9:30 AM and 3:30 PM, excluding Saturdays, Sundays and holidays. Hard copies of the existing Franchise Agreement and proposed Amendment may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made out to the New York City Department of Finance. The proposed Amendment may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers by phone at 212-788-6610 or by email at [RChambers@doitt.nyc.gov](mailto:RChambers@doitt.nyc.gov)

NOTE: Individuals requesting sign language interpreters at the public hearing should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

The Hearing may be cablecast on NYC TV-Channel 74.

m9-30

NOTICE OF A SPECIAL FRANCHISE AND CONCESSION REVIEW COMMITTEE (FCRC) PUBLIC HEARING to be held on Tuesday, May 20, 2008 commencing at 3:00 P.M. and continuing until at least 6:00 P.M. at the New York City College of Technology, 285 Jay Street, Borough of Brooklyn, in the matter of a proposed Franchise Agreement authorizing Verizon New York Inc. to provide Citywide cable television services. The proposed agreement also includes, but is not limited to, provisions regarding consumer protection, public, educational and government channels, and a schedule for

deployment and service availability. The term of the agreement as proposed would be twelve (12) years and Verizon New York Inc. would pay 5% of cable service gross revenues to the City of New York.

All persons entitled to notice under Section 894.7 of Title 16 of the New York State Codes, Rules and Regulations shall be given full opportunity to participate in the hearing and to ask questions of the applicant or any other participant in the hearing in accordance with the requirements of said Section 894.7.

Copies of the proposed Franchise Agreement and application are available for public inspection during normal business hours at DoITT, 75 Park Place, 9th Floor, New York, New York 10007 commencing April 29, 2008 through May 20, 2008.

Hard copies of the proposed Franchise Agreement may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made out to the New York City Department of Finance. The proposed Franchise Agreement may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers by phone at (212) 788-6610 or by email at [RChambers@doitt.nyc.gov](mailto:RChambers@doitt.nyc.gov)

NOTE: Individuals requesting sign language interpreters at the public hearing should contact the Mayor's Office of Contract Services, Public Hearings Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

Recordings of the hearing may be cablecast on NYC TV-Channel 74.

a29-m20

## LANDMARKS PRESERVATION COMMISSION

### ■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **May 20, 2008** at 9:30 A.M. in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF QUEENS 08-6693 - Block 78, lot 23-21-47 45th Avenue - Hunters Point Historic District  
An Italianate style rowhouse built by Root & Rust in c.1870. Application is to alter the rear facade and construct a rear yard addition. Zoned R6B.

**BINDING REPORT**  
BOROUGH OF QUEENS 08-1461 - Block 4960, lot 1-137-35 Northern Boulevard - Flushing Municipal Courthouse, formerly Flushing Town Hall-Individual Landmark

A Romanesque Revival style courthouse and Town Hall built in 1862. Application is to alter the areaway, install fences, and install a barrier-free access lift.

### ADVISORY REPORT

BOROUGH OF BROOKLYN 08-7854 - Block 7777, lot 7777- Ashland Place and Lafayette Avenue - Brooklyn Academy of Music Historic District  
Residential thoroughfares developed in the 1850s. Application is to install light poles, tree pits, and alter the sidewalk paving.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 08-7847 - Block 2121, lot 46-67 Greene Avenue - Fort Greene Historic District  
A vacant lot. Application is to legalize excavation work performed without Landmarks Preservation Commission permits and to construct a four-story building. Zoned R6.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 08-6905 - Block 258, lot 17-20-34 Joralemon Street - Brooklyn Heights Historic District  
A group of eclectic style brick apartment houses with a central courtyard designed by Alfred White and built in 1890. Application is to construct a garage and park space within the courtyard. Zoned LH1.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 08-6594 - Block 1078, lot 65-523 3rd Street - Park Slope Historic District  
A Queen Anne style rowhouse built c.1889. Application is to construct a rear yard addition. Zoned R6B.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 08-7743 - Block 322, lot 35-430 Henry Street - Cobble Hill Historic District  
A Greek Revival style rowhouse built c.1840 and altered in the 20th century. Application is to install dormer windows.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 08-7753 - Block 5238, lot 66-718 East 18th Street - Fiske Terrace-Midwood Park Historic District  
A Colonial Revival style house designed by Benjamin Driesler and built in 1907. Application is to construct a bay window and rear addition. Zoned R1-2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF BROOKLYN 08-7047 - Block 5180, lot 1-1600 Dorchester Road - Ditmas Park Historic District  
A Colonial Revival style house designed by Benjamin Driesler, built in 1904, and enlarged in 1908 by Frank Stanley. Application is to create a curb cut and install a parking pad.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-5646 - Block 179, lot 13-74 Hudson Street - Tribeca West Historic District  
A parking lot. Application is to construct a one-story building. Zoned C6-2A.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-7893 - Block 217, lot 1-250 West Street, aka 30 Hubert Street, aka 398 Washington Street - Tribeca North Historic District  
A neo-Renaissance style warehouse designed by William H. Birkmire and built in 1903-1906. Application is to alter the facades, install a cornice windows and storefront infill, and construct a rooftop addition. Zoned C6-3A.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-6667 - Block 220, lot 36-38-44 Lighthouse Street - Tribeca North Historic District  
A Renaissance Revival style warehouse, designed by Clinton and Russell and built in 1896. An application to legalize the construction of a bulkhead and the installation of rooftop HVAC equipment in non-compliance with Certificate of Appropriateness 01-6868 and Miscellaneous/Amendments 03-5245 and the installation of rooftop railings without a Landmarks Preservation Commission permits; and to install new rooftop railing.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-5981 - Block 474, lot 13-55 Mercer Street - SoHo-Cast Iron Historic District  
An Italianate style store building designed by Griffith Thomas and built in 1871-72. Application is to modify entrances, to demolish a portion of the rear wall, and to construct rooftop additions, and to legalize the removal of a fire escape without Landmarks Preservation Commission permits.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-6497 - Block 511, lot 16-600-602 Broadway, aka 134-136 Crosby Street - SoHo-Cast Iron Historic District  
A store building designed by Samuel A. Warner and built in 1883-84. Application is to install rooftop HVAC equipment.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-5063 - Block 519, lot 20-38 King Street - Charlton-King-Vandam Historic District  
A Greek Revival style rowhouse built in 1840. Application is to install a new entry door and cornice and paint the front facade.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-7129 - Block 615, lot 15-264 West 12th Street - Greenwich Village Historic District  
A Greek Revival style rowhouse built in 1841 and altered in the late 19th century. Application is to construct a rear yard addition. Zoned C-6.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-7305 - Block 566, lot 18-20 East 9th Street - Greenwich Village Historic District  
An apartment house built in 1965. Application is to enlarge ground floor window openings.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-4019 - Block 646, lot 57-

421-425 West 13th Street - Gansevoort Market Historic District  
A neo-Renaissance style warehouse building designed by Hans E. Meyen and built in 1901-1902. Application is to install a new metal canopy and replace existing light fixtures and signage.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-5803 - Block 820, lot 45-136 Fifth Avenue- Ladies' Mile Historic District  
A commercial building built in 1850 and altered in 1982. Application is to install signage.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-7278 - Block 819, lot 59-26-30 West 18th Street - Ladies' Mile Historic District  
A through block building designed by Richard Cook and built in 2007.  
Application is to legalize the installation of a flagpole and banner without Landmarks Preservation Commission permits.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-7721 - Block 823, lot 23-29 West 21st Street - Ladies' Mile Historic District  
A neo-Renaissance style store and loft building designed by James E. Ware & Sons and built in 1909. Application is to install storefront infill.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-6636 - Block 825, lot 12-30 West 24th Street - Ladies Mile Historic District  
A neo-Gothic style store and loft building designed by Browne & Almiroty and built in 1911. Application is to legalize the installation of light fixtures without Landmarks Preservation Commission permits, and to install two flagpoles and a banner.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-7636 - Block 894, lot 37-149 East 38th Street - George S. Bowdoin Stable-Individual Landmark  
A Dutch Revival style stable designed by Ralph S. Townsend and built in 1902. Application is to install a bracket sign and plaques. Zoned R8B.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-7772 - Block 1259, lot 29-5-13 West 43rd Street - Century Association Building - Individual Landmark  
An Italian Renaissance style clubhouse designed by McKim, Mead and White and built in 1889-1891. Application is to alter an entrance.

**ADVISORY REPORT**  
BOROUGH OF MANHATTAN 08-7104 - Block 1111, lot 1-Central Park, East 102nd Street entrance - Central Park - Scenic Landmark  
A playground, originally constructed in 1936 and rebuilt circa 1972, within an English Romantic style public park designed in 1856 by Olmsted and Vaux. Application is to alter a vehicular entrance, pedestrian pathways and surrounding landscaping.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-6028 - Block 1383, lot 43-42 East 69th Street - Upper East Side Historic District  
A neo-French Renaissance style residence designed by C.P.H. Gilbert and built in 1919-21. Application is to install bollards and security cameras.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-7890 - Block 1387, lot 48-40 East 73rd Street - Upper East Side Historic District  
A neo-Grec style residence built in 1885-86. Application is to install an areaway fence. Zoned R8B.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-6918 - Block 1392, lot 28-61 East 77th Street - Upper East Side Historic District  
A neo-Federal style school building with Beaux-Arts features, designed by Harde and Hasselman, and built in 1916. Application is to create a new window opening.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-6703 - Block 1387, lot 36-760 Park Avenue - Upper East Side Historic District  
A neo-Renaissance style apartment building designed by W.L. Rouse and L.A. Goldstone and built in 1923-24. Application is to alter window openings and construct a greenhouse addition. Zoned R10.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 06-2657 - Block 1184, lot 99-316 West 75th Street - West End-Collegiate Historic District  
A Renaissance Revival style townhouse, designed by C. P.H. Gilbert and built in 1895-1897. Application is to construct a rooftop addition. Zoned R8B.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF MANHATTAN 08-4655 - Block 1250, lot 7502-334 West 89th Street - Riverside-West End Historic District  
A Renaissance Revival style rowhouse designed by Ralph S. Townsend and built in 1893-94. Application is to modify the areaway fence.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF THE BRONX 08-2767 - Block 5821, lot 2800-4662 Grosvenor Avenue - Fieldston Historic District  
A Mid-Twentieth Century Modern style house, designed by Harold J. Rosen, and built 1957-1959. Application is to alter the facades, front entrance and windows. Zoned R1-2.

**CERTIFICATE OF APPROPRIATENESS**  
BOROUGH OF THE BRONX 08-3155 - Block 5812, lot 60-4595 Fieldston Road - Fieldston Historic District  
A Mediterranean Revival style house, designed by Dwight James Baum and built in 1927-1928. Application is to construct an addition, install a pool and fence and alter the rear yard. Zoned R1-2.

m7-20

**OFF-TRACK BETTING**

■ PUBLIC MEETING

**BOARD OF DIRECTORS**

NOTICE IS HEREBY GIVEN that the New York City Off-Track Betting Corporation Board of Directors meeting is scheduled for Thursday, May 15, 2008 at 10:00 A.M. in the 11th Floor Conference Room at Corporate Headquarters at 1501 Broadway, New York, NY 10036.

m8-14

**TRANSPORTATION**

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 40 Worth Street, Room 814 commencing at 2:00 P.M on Wednesday, May 28, 2008. Interested Parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 40 Worth Street, 9th Floor South, New York, NY 10013, or by calling (212) 442-8040.

#1 In the matter of a proposed revocable consent authorizing 23rd Street Properties LLC to continue to maintain and use nine (9) lampposts, together with electrical conduits, on the south sidewalk of West 23rd Street between Fifth Avenue and Avenue of the Americas, in the Borough of Manhattan. The proposed revocable consent is for a term of 10 years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2008 to June 30, 2018 - \$1,350/per annum

the maintenance of a security deposit in the sum of \$350, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing The Trustees of Columbia University in the City of New York to construct, maintain and use geothermal wells, together with piping, in the south sidewalk of West 122nd Street, east of Claremont Avenue, in the Borough of Manhattan. For the first year of the consent, the annual period commencing on the date of the final approval of this consent by the Mayor (the "Approval Date") and terminating on June 30, 2008:

\$14,422/annum

- For the period July 1, 2008 to June 30, 2009 - \$14,833
- For the period July 1, 2009 to June 30, 2010 - \$15,244
- For the period July 1, 2010 to June 30, 2011 - \$15,655
- For the period July 1, 2011 to June 30, 2012 - \$16,066
- For the period July 1, 2012 to June 30, 2013 - \$16,477
- For the period July 1, 2013 to June 30, 2014 - \$16,888
- For the period July 1, 2014 to June 30, 2015 - \$17,299
- For the period July 1, 2015 to June 30, 2016 - \$17,710
- For the period July 1, 2016 to June 30, 2017 - \$18,121
- For the period July 1, 2017 to June 30, 2018 - \$18,532

the maintenance of a security deposit in the sum of \$18,600, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing Mount Sinai School of Medicine of New York University to continue to maintain and use light poles, together with electrical conduits, on and in the sidewalk area of the north side of East 98th Street and on the south side of East 99th Street, east of Madison Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2008 to June 30, 2018 - \$1,350/per annum

the maintenance of a security deposit in the sum of \$18,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#4 In the matter of a proposed revocable consent authorizing 203 East 72nd Street Corp. to maintain and use electrical conduits and six (6) lampposts on the north sidewalk of East 72nd Street east of Third Avenue, in front of 1251-1265 Third Avenue (a/k/a 201-207 East 72nd Street), in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2008 to June 30, 2018 - \$900/per annum

the maintenance of a security deposit in the sum of \$1,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#5 In the matter of a proposed revocable consent authorizing Ten-Eighty Apartment Corporation to continue to maintain and use planted areas on the east sidewalk of Fifth Avenue, north of East 89th Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides, among other

terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2008 to June 30, 2018 - \$460/per annum

the maintenance of a security deposit in the sum of \$6,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$50,000.

m8-28

**PROPERTY DISPOSITION**

**CITYWIDE ADMINISTRATIVE SERVICES**

**DIVISION OF MUNICIPAL SUPPLY SERVICES**

■ AUCTION

**PUBLIC AUCTION SALE NUMBER 08001-V AND 08001-W**

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on May 14, 2008 (Sale Number 08001-W). This auction is held every other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

NOTE: THE AUCTION SCHEDULED FOR WEDNESDAY, APRIL 30, 2008 (SALE NUMBER 08001-V), HAS BEEN CANCELLED.

LOCATION: 570 Kent Avenue, Brooklyn, (in the Brooklyn Navy Yard between Taylor and Clymer Streets).

A listing of vehicles to be offered for sale in the next auction can be viewed on our web site, on the Friday prior to the sale date at: <http://www.nyc.gov/auctions>

Terms and Conditions of Sale can also be viewed at this site.

For further information, please call (718) 417-2155 or (718) 625-1313.

a24-m14

**POLICE**

**OWNERS ARE WANTED BY THE PROPERTY CLERK DIVISION OF THE NEW YORK CITY POLICE DEPARTMENT.**

The following listed property is in the custody, of the Property Clerk Division without claimants.

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.  
**Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.**

**INQUIRIES**  
Inquiries relating to such property should be made in the Borough concerned, at the following office of the Property Clerk.

- FOR MOTOR VEHICLES**  
(All Boroughs):
- \* College Auto Pound, 129-01 31 Avenue, College Point, NY 11354, (718) 445-0100
  - \* Gowanus Auto Pound, 29th Street and 2nd Avenue, Brooklyn, NY 11212, (718) 832-3852
  - \* Erie Basin Auto Pound, 700 Columbia Street, Brooklyn, NY 11231, (718) 246-2029

- FOR ALL OTHER PROPERTY**
- \* Manhattan - 1 Police Plaza, New York, NY 10038, (212) 374-4925.
  - \* Brooklyn - 84th Precinct, 301 Gold Street, Brooklyn, NY 11201, (718) 875-6675.
  - \* Bronx Property Clerk - 215 East 161 Street, Bronx, NY 10451, (718) 590-2806.
  - \* Queens Property Clerk - 47-07 Pearson Place, Long Island City, NY 11101, (718) 433-2678.
  - \* Staten Island Property Clerk - 1 Edgewater Plaza, Staten Island, NY 10301, (718) 876-8484.

j1-d31

■ AUCTION

**PUBLIC AUCTION SALE NUMBER 1132**

NOTICE IS HEREBY GIVEN of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is May 19, 2008 from 10:00 A.M. - 2:00 P.M. Salvage vehicles, motorcycles, automobiles, trucks, and vans will be auctioned on May 20, 2008 at approximately 9:00 A.M. Auction will be held at the Erie Basin Auto Pound, 700 Columbia Street (in Redhook area of B'klyn., 2 blocks from Halleck St.)

For information concerning the inspection and sale of these items, call the Property Clerk Division's Auction Unit information line (646) 610-4614.

m7-20





**POLICE****CONTRACT ADMINISTRATION UNIT****SOLICITATIONS**

*Services (Other Than Human Services)*

**STENOGRAPHIC REPORTING SERVICES** – Competitive Sealed Bids – PIN# 056080000597 – DUE 06-10-08 AT 11:00 A.M. VSD#:51960.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Police Department, 51 Chambers Street, Room 310, New York, New York 10007. Stephanie Gallop (646) 610-5225.

☛ m14

**SCHOOL CONSTRUCTION AUTHORITY****CONTRACT ADMINISTRATION****SOLICITATIONS**

*Construction / Construction Services*

**LOW VOLTAGE ELECTRICAL/FIRE ALARM REPLACEMENT** – Competitive Sealed Bids – PIN# SCA08-11482D-1 – DUE 06-03-08 AT 1:30 P.M. – PS 121 (Bronx). Project Range: \$1,430,000.00 to \$1,510,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101 (718) 752-5852.

☛ m14-20

**FLOOD ELIMINATION** – Competitive Sealed Bids – PIN# SCA08-11155D-1 – DUE 06-04-08 AT 11:30 A.M. – PS 1 (Manhattan). Project Range: \$3,180,000.00 to \$3,345,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101 (718) 752-5854.

☛ m14-20

**FINAL CERTIFICATE OF OCCUPANCY FOR MULTICAMPUS WORK/PUBLIC ADDRESS SYSTEM**

Competitive Sealed Bids – PIN# SCA08-11403D-1 – DUE 06-02-08 AT 2:00 P.M. – Erasmus Hall HS (Brooklyn). Project Range: \$1,620,000.00 to \$1,710,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5843.

☛ m14-20

**ELECTRICAL SYSTEM/AUDITORIUM UPGRADE**

Competitive Sealed Bids – PIN# SCA08-11367D-1 – DUE 06-03-08 AT 2:00 P.M. – PS 114 (Queens). Project Range: \$1,080,000.00 to \$1,135,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5849.

☛ m14-20

**LOW VOLTAGE ELECTRICAL SYSTEMS** – Competitive Sealed Bids – PIN# SCA08-11398D-1 – DUE 06-02-08 AT 1:30 P.M. – PS 620 Thomas Edison HS (Queens). Project Range: \$1,290,000.00 to \$1,365,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5843.

☛ m14-20

**TRANSPORTATION****DIVISION OF TRAFFIC****SOLICITATIONS**

*Construction Related Services*

**FURNISH AND INSTALL COBRA HEADS** – Competitive Sealed Bids – PIN# 84108MBTR248 – DUE 06-05-08 AT 11:00 A.M. – Contract documents available during the hours of 9:00 A.M. - 3:00 P.M. ONLY. The furnishing and installation of 100 watt and 150 watt energy efficient Cobra Heads and removal of 150 watt and 250 watt Cobra Heads, Citywide. A Pre-Bid optional meeting will be held on Wednesday, May 21, 1008 at 2:00 P.M. at 34-02 Queens Blvd., Main Conference Room, Long Island City, NY. A deposit of \$50.00 in the form of certified check or money order made payable to the New York City Department of Transportation is required to obtain Contract Bid/Proposal. NO CASH ACCEPTED. Refund will be made only for Contract Bid/Proposal Documents that are returned in its original condition within 10 days after bid opening. Any persons delivering bid documents must enter the building through 220 Church Street, New York, NY. Due to increased building security bidders ensure extra time and ensure that proper identification is available upon request. Please ensure that your company's address, telephone and fax numbers are submitted by your company (or messenger service) when picking up contract documents. For additional information please contact Frank Caiazzo (718) 786-4061. Vendor Source ID#: 51874.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

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**PROCUREMENT**

*The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination. As part of this effort, the City is pleased to announce the following contracting opportunities for construction/construction services and construction-related services.*

**CITYWIDE ADMINISTRATIVE SERVICES****DIVISION OF MUNICIPAL SUPPLY SERVICES****VENDOR LISTS**

*Goods*

**ACCEPTABLE BRAND LIST** – In accordance with PPB Rules, Section 2-05(c)(3), the following is a list of all food items for which an Acceptable Brands List has been established.

1. Mix, Biscuit - AB-14-1:92
2. Mix, Bran Muffin - AB-14-2:91
3. Mix, Corn Muffin - AB-14-5:91
4. Mix, Pie Crust - AB-14-9:91
5. Mixes, Cake - AB-14-11:92A
6. Mix, Egg Nog - AB-14-19:93
7. Canned Beef Stew - AB-14-25:97
8. Canned Ham Shanks - AB-14-28:91
9. Canned Corned Beef Hash - AB-14-26:94
10. Canned Boned Chicken - AB-14-27:91
11. Canned Corned Beef - AB-14-30:91
12. Canned Ham, Cured - AB-14-29:91
13. Complete Horse Feed Pellets - AB-15-1:92
14. Canned Soups - AB-14-10:92D
15. Infant Formula, Ready to Feed - AB-16-1:93
16. Spices - AB-14-12:95
17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

Application for inclusion on the above enumerated Acceptable Brand Lists for foods shall be made in writing and addressed to: Purchase Director, Food Unit, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-4207.

j4-jy17

**EQUIPMENT FOR DEPARTMENT OF SANITATION**

In accordance with PPB Rules, Section 2.05(c)(3), an acceptable brands list will be established for the following equipment for the Department of Sanitation:

- A. Collection Truck Bodies
- B. Collection Truck Cab Chassis
- C. Major Component Parts (Engine, Transmission, etc.)

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8562.

j4-jy17

**OPEN SPACE FURNITURE SYSTEMS - CITYWIDE** – In accordance with PPB Rules, Section 2.05(c)(3), an Acceptable Brands List, #AB-17W-1:99, has been established for open space furniture systems.

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8562.

j4-jy17

*Department of Transportation Contract Unit, Office of the Agency Chief Contracting Officer, 40 Worth Street Room 824A, New York, NY 10013. Bid Window (212) 442-7565.*

☛ m14

**YOUTH AND COMMUNITY DEVELOPMENT****OFFICE OF CONTRACTS AND PROCUREMENT****SOLICITATIONS**

*Services (Other Than Human Services)*

**TECHNICAL ASSISTANCE** – Request for Proposals – PIN# 260090TASRFP – DUE 06-11-08 AT 2:00 P.M. – The New York City Department of Youth and Community Development (DYCD) is seeking appropriately qualified vendors to provide technical assistance (TA) to DYCD contractors providing services in the following areas; after-school programs, family-focused programs, youth workforce development programs, programs for youth with special needs, and discretionary programs. The fundamental purpose in providing technical assistance is to raise and sustain program quality for the benefit of program participants. A pre-proposal conference will be held on June 11, 2008. Attendance by proposals is optional but recommended by DYCD.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Youth and Community Development, 156 William Street, 2nd Floor, New York, NY 10038. Daniel Symon (212) 442-5982, dsymon@dycd.nyc.gov

☛ m14

**DESIGN & CONSTRUCTION****SOLICITATIONS**

*Construction / Construction Services*

**RECONSTRUCTION AND REPLACEMENT OF BROKEN WATER MAINS ON AN EMERGENCY BASIS, CITYWIDE** – Request for Qualifications – PIN# 8502008WM0011C – DUE 06-02-08 AT 4:00 P.M. – Project No: GE-347. Request pre-qualification forms in person, from: Mr. Gurdip Saini, P.E., Assistant Commissioner, Infrastructure/Design Department of Design and Construction, 30-30 Thomson Avenue, 3rd Floor, Long Island City, NY 11101.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Design and Construction, 30-30 Thomson Avenue, 3rd Floor, Long Island City, NY 11101. Raj Rajnikant (718) 391-2205.

m13-19

**EDUCATION****DIVISION OF CONTRACTS AND PURCHASING****SOLICITATIONS**

*Goods*

**CORRUGATED BOXES** – CSB – PIN# Z0748040 – DUE 06-02-08 AT 5:00 P.M. – Bid opening: Tuesday, June 3rd, 2008 at 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

NYCDOE, Division of Contracts and Purchasing, Room 1201 65 Court Street, Brooklyn, NY 11201, (718) 935-3000 <http://schools.nyc.gov/dcp>

☛ m14

*Services*

**DELIVERY AND STORAGE OF ENROLLMENT MATERIALS** – RFB – PIN# B0586040 – DUE 06-17-80 AT 5:00 P.M. – To download, please go to <http://schools.nyc.gov/offices/dcp/vendor/requestsforbids/default.htm>. If you cannot download, send an e-mail to Malcolm McCormack at [mmccormack2@schools.nyc.gov](mailto:mmccormack2@schools.nyc.gov) with your company name, address, phone, fax, and e-mail address. There will be a pre-bid conference at 65 Court Street, 12th Floor Conference Room, Rm. 1201, Brooklyn, NY 11201 at 2:00 P.M. on June 3, 2008.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

NYCDOE, Division of Contracts and Purchasing, Room 1201 65 Court Street, Brooklyn, NY 11201, (718) 935-3000 <http://schools.nyc.gov/dcp>

☛ m14

**UNIVERSAL PREKINDERGARTEN (UPK) SERVICES** – RFP – PIN# R0661040 – DUE 05-30-08 AT 4:00 P.M. – Please note that applications are due at the Boroughs in which you are applying. To download, please go to <http://schools.nyc.gov/offices/dcp/default.htm>. If you cannot download, send an e-mail to [mneedle@schools.nyc.gov](mailto:mneedle@schools.nyc.gov) with your company name, address, phone, fax and e-mail address. The New York City Department of Education (NYCDOE) is seeking eligible high-quality early childhood providers, that are physically located within the boundaries of any of the 32 community school districts and who are willing to collaborate with Boroughs in the implementation of the Universal Prekindergarten (UPK) Program. Vendors with existing contracts with the Administration for Children's Services (ACS) for child care and/or Head Start contracts may not respond to this Request for Proposal.



3. Attach appropriate documentation demonstrating the current use of each proposed facility and the vendor's site control of the facility for a period of at least 3 years.

4. For each proposed facility, a) Indicate the number of beds to be provided and demonstrate that the facility has the capacity to provide the indicated number of beds. b) Demonstrate that the facility will be appropriately equipped to provide services for male or female youth.

5. Demonstrate the vendor's organizational capability to: a) Provide the indicated number of beds at each proposed facility. (If the vendor is a current provider, also demonstrate the capability to provide the indicated number of beds in addition to those already provided.) b) Ensure that each proposed facility will be fully operational by required date in accordance with the applicable regulations promulgated by the New York State Office of Children and Family Services (NYS OCFS), 9 N.Y.C.R.R. Section 180 et seq.

6. Demonstrate the quantity and quality of the vendor's successful relevant experience.

7. Attach for each proposed facility three-year annual line item operating budget. Include staffing details. Proposed start up costs should be included in addition to the proposed three-year annual line item operating budget.

All expressions of interest received in the manner set forth will be reviewed to determine if they are responsive to the material requirements of this solicitation. Expressions of interest determined to be non-responsive will not be further considered. Expressions of interest determined to be responsive will be considered in terms of the following factors:

- Appropriateness of each proposed facility.
● Demonstrated site control of each proposed facility.
● Demonstrated level of organizational capability to provide the proposed number of beds and to ensure that each proposed facility is fully operational by the applicable requisite date.
● Demonstrated quantity and quality of successful relevant experience.
● Annual budget amount and cost effectiveness of the budget.

The Department will enter into negotiations with the vendor(s) determined to be the best qualified at the time of evaluation, based on consideration of the above-cited factors. A contract will be awarded to the responsible vendor(s) whose offer(s) is/are determined to be the most advantageous to the City, taking into consideration the price and the other factors set forth in this solicitation.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Department of Juvenile Justice, 110 William Street 20th Floor, New York, NY 10038. Chuma Uwechia (212) 442-7716, cuwechia@djj.nyc.gov

n20-13

PARKS AND RECREATION

CAPITAL PROJECTS DIVISION

INTENT TO AWARD

Construction Related Services

DESIGN AND CONSTRUCTION SUPERVISION SERVICES - Sole Source - Available only from a single source - PIN# 8462007M271DC1 - DUE 05-28-08 AT 4:30 P.M. - The Department of Parks and Recreation, Capital Projects Division, intends to enter into Sole Source negotiations with Harlem RBI, to provide Design and Construction Supervision services for the Reconstruction of two Harlem RBI Ballfields, located at East 101st Street, between 1st and 2nd Avenues, Manhattan.

Any firms that would like to express their interest in providing services for similar projects in the future may do so. All expressions of interest must be in writing to the address listed here and received by May 28, 2008. You may join the City Bidders list by filling out "NYC-FMS Vendor Enrollment Application" available on-line at "NYC.gov/selltonyc" and on hard copy by calling the Vendor Enrollment Center at (212) 857-1680.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Parks and Recreation, Olmsted Center, Room 61 Flushing Meadows-Corona Park, Flushing, NY 11368. Grace Fields-Mitchell (718) 760-6687 grace.fields-mitchell@parks.nyc.gov

m14-20

CONTRACT ADMINISTRATION

SOLICITATIONS

Construction / Construction Services

PLANTING OF NEW AND REPLACEMENT STREET TREES - Competitive Sealed Bids - PIN# 8462008Q000C28 - DUE 06-05-08 AT 10:30 A.M. - In Community Boards 9-14, Queens, known as Contract #QG-2308M. Vendor Source ID#: 51997.

● BLOCK PLANTING OF NEW AND REPLACEMENT STREET TREES - Competitive Sealed Bids - PIN# 8462008Q000C26 - DUE 06-05-08 AT 10:30 A.M. - In Community Boards 9-14, Queens, known as Contract #QG-2108M. Vendor Source ID#: 51998.

● PLANTING OF NEW AND REPLACEMENT STREET TREES - Competitive Sealed Bids - PIN# 8462008Q000C27 - DUE 06-05-08 AT 10:30 A.M. - In Community Boards 1-8, Queens, known as Contract #QG-2208M. Vendor Source ID#: 52004.

● BLOCK PLANTING OF NEW AND REPLACEMENT STREET TREES - Competitive Sealed Bids - PIN# 8462008Q000C25 - DUE 06-05-08 AT 10:30 A.M. - In

Community Boards 1-8, Queens, known as Contract #QG-2008M. Vendor Source ID#: 52024.

● BLOCK PLANTING OF NEW AND REPLACEMENT STREET TREES - Competitive Sealed Bids - PIN# 8462008R000C08 - DUE 06-06-08 AT 10:30 A.M. - In Community Boards 1-3, Staten Island, known as Contract #RG-308M. Vendor Source ID#: 52028.

● PLANTING OF NEW AND REPLACEMENT STREET TREES - Competitive Sealed Bids - PIN# 8462008R000C07 - DUE 06-06-08 AT 10:30 A.M. - In Community Boards 1-3, Staten Island, known as Contract #RG-208M. Vendor Source ID#: 52033.

● PLANTING OF NEW AND REPLACEMENT STREET TREES - Competitive Sealed Bids - PIN# 8462008M000C05 - DUE 06-06-08 AT 10:30 A.M. - In Community Boards 1-12, Manhattan, known as Contract #MG-608M. Vendor Source ID#: 52032.

● BLOCK PLANTING OF NEW AND REPLACEMENT STREET TREES - Competitive Sealed Bids - PIN# 8462008M000C04 - DUE 06-06-08 AT 10:30 A.M. - In Community Boards 1-12, Manhattan, known as Contract #MG-508M. Vendor Source ID#: 52031.

Bid documents are available for a fee of \$25.00 in the Blueprint Room, Room #64, Olmsted Center, from 8:00 A.M. to 3:00 P.M. The fee is payable by company check or money order to the City of NY, Parks and Recreation. A separate check/money order is required for each project. The Company name, address and telephone number as well as the project contract number must appear on the check/money order. Bidders should ensure that the correct company name, address, telephone and fax numbers are submitted by your company/messenger service when picking up bid documents.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Parks and Recreation, Olmsted Center, Room 64 Flushing Meadows Corona Park, Flushing, NY 11368. Juan Alban (718) 760-6771, Juan.Alban@parks.nyc.gov Olmsted Center, Room 60, Flushing Meadows-Corona Park Flushing, NY 11368.

m14

POLICE

CONTRACT ADMINISTRATION UNIT

SOLICITATIONS

Services (Other Than Human Services)

STENOGRAPHIC REPORTING SERVICES - Competitive Sealed Bids - PIN# 056080000597 - DUE 06-10-08 AT 11:00 A.M. - VSID#: 51960.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. Police Department, 51 Chambers Street, Room 310, New York, NY 10007. Stephanie Gallop (646) 610-5225.

m14

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

SOLICITATIONS

Construction / Construction Services

LOW VOLTAGE ELECTRICAL/FIRE ALARM REPLACEMENT - Competitive Sealed Bids - PIN# SCA08-11482D-1 - DUE 06-03-08 AT 1:30 P.M. - PS 121 (Bronx). Project Range: \$1,430,000.00 to \$1,510,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5852.

m14-20

EXTERIOR MASONRY/WATER ISSUES - Competitive Sealed Bids - PIN# SCA08-004370-1 - DUE 06-02-08 AT 12:30 P.M. - PS 68 (Queens). Project Range: \$1,560,000.00 to \$1,645,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5843.

m13-19

EXTERIOR MASONRY, PARAPETS - Competitive Sealed Bids - PIN# SCA08-11509D-1 - DUE 05-28-08 AT 2:30 P.M. - PS 214 (Queens). Project Range: \$1,500,000.00 to \$1,580,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5854.

m9-15

AUDITORIUM UPGRADE - Competitive Sealed Bids - PIN# SCA08-11157D-1 - DUE 05-28-08 AT 12:00 P.M. - Beach Channel HS (Queens). Project Range: \$1,300,000.00 to \$1,370,000.00. Non-refundable bid document charge: \$100.00,

certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5843.

m8-14

SCIENCE LABS - Competitive Sealed Bids - PIN# SCA08-004366-1 - DUE 05-28-08 AT 12:30 P.M. - Four (4) Various Schools (Queens). Project Range: \$2,730,000.00 to \$2,880,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5843.

m9-15

FLOOD ELIMINATION - Competitive Sealed Bids - PIN# SCA08-11155D-1 - DUE 06-04-08 AT 11:30 A.M. - PS 1 (Manhattan). Project Range: \$3,180,000.00 to \$3,345,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5854.

m14-20

ELECTRICAL AND SAFETY SYSTEMS UPGRADE - Competitive Sealed Bids - PIN# SCA08-11487D-1 - DUE 05-30-08 AT 11:30 A.M. - PS 32 (Bronx). Project Range: \$1,170,000.00 to \$1,233,000.00. ● WINDOW AND ROOF REPLACEMENT/PARAPETS - Competitive Sealed Bids - PIN# SCA08-11263D-1 - DUE 05-30-08 AT 3:00 P.M. - District Office 13 (Brooklyn). Project Range: \$1,830,000.00 to \$1,930,000.00.

Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5288.

m9-15

SCIENCE LAB SUITE - Competitive Sealed Bids - PIN# SCA08-11664D-1 - DUE 05-30-08 AT 11:00 A.M. - Metropolitan Corporate Academy HS (Brooklyn). Project Range: \$2,540,000.00 to \$2,671,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5868.

m9-15

ELECTRICAL SYSTEM AND DOMESTIC PIPING - Competitive Sealed Bids - PIN# SCA08-11245D-1 - DUE 05-28-08 AT 2:00 P.M. - Newtown HS (Queens). Project Range: \$2,090,000.00 to \$2,203,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5868.

m12-16

FINAL CERTIFICATE OF OCCUPANCY FOR MULTICAMPUS WORK/PUBLIC ADDRESS SYSTEM - Competitive Sealed Bids - PIN# SCA08-11403D-1 - DUE 06-02-08 AT 2:00 P.M. - Erasmus Hall HS (Brooklyn). Project Range: \$1,620,000.00 to \$1,710,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above. School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor Long Island City, New York 11101, (718) 752-5843.

m14-20

**AUDITORIUM UPGRADE AND CONTAINERIZATION**

Competitive Sealed Bids – PIN# SCA08-11231D-1 – DUE 06-02-08 AT 10:30 A.M. – PS 191 (Brooklyn). Project Range: \$1,520,000.00 to \$1,600,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor  
Long Island City, New York 11101, (718) 752-5868.

m13-19

**AUDITORIUM UPGRADE, SAFETY SYSTEMS**

Competitive Sealed Bids – PIN# SCA08-11233D-1 – DUE 06-02-08 AT 3:00 P.M. – PS 50 (Queens). Project Range: \$1,220,000.00 to \$1,282,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor  
Long Island City, New York 11101, (718) 752-5854.

m13-19

**ELECTRICAL SYSTEM/AUDITORIUM UPGRADE**

Competitive Sealed Bids – PIN# SCA08-11367D-1 – DUE 06-03-08 AT 2:00 P.M. – PS 114 (Queens). Project Range: \$1,080,000.00 to \$1,135,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor  
Long Island City, New York 11101, (718) 752-5849.

m14-20

**SCIENCE LAB UPGRADE**

Competitive Sealed Bids – PIN# SCA08-004380-1 – DUE 06-03-08 AT 3:30 P.M. – Various Schools in Brooklyn - P.S. 202, P.S. 306, and P.S. 328. Project Range: \$1,700,000.00 to \$1,793,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor  
Long Island City, New York 11101, (718) 472-8284.

m13-19

**SCIENCE LABS**

Competitive Sealed Bids – PIN# SCA08-004367-1 – DUE 05-30-08 AT 1:00 P.M. – PS 47/PS 124/PS 207 (Queens). Project Range: \$2,110,000.00 to \$2,225,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor  
Long Island City, New York 11101, (718) 752-5854.

m12-16

**SCIENCE LAB UPGRADE**

Competitive Sealed Bids – PIN# SCA08-004372-1 – DUE 05-29-08 AT 12:00 P.M. – Bronx HS for Performance/IS 98 (Bronx). Project Range: \$1,870,000.00 to \$1,970,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor  
Long Island City, New York 11101, (718) 752-5854.

m13-19

**CLIMATE CONTROL**

Competitive Sealed Bids – PIN# SCA08-11351D-1 – DUE 05-30-08 AT 1:00 P.M. – PS 106 (Brooklyn). Project Range: \$1,180,000.00 to \$1,245,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor  
Long Island City, New York 11101, (718) 472-8360.

m12-16

**LOW VOLTAGE ELECTRICAL SYSTEMS**

Competitive Sealed Bids – PIN# SCA08-11398D-1 – DUE 06-02-08 AT 1:30 P.M. – PS 620 Thomas Edison HS (Queens). Project Range: \$1,290,000.00 to \$1,365,000.00. Non-refundable bid document charge: \$100.00, certified check or money order only. Make payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

School Construction Authority, Plans Room Window Room #1046, 30-30 Thomson Avenue, 1st Floor  
Long Island City, New York 11101, (718) 752-5843.

m14-20

**TRANSPORTATION****DIVISION OF TRAFFIC****SOLICITATIONS**

Construction Related Services

**FURNISH AND INSTALL COBRA HEADS**

Competitive Sealed Bids – PIN# 84108MBTR248 – DUE 06-05-08 AT 11:00 A.M. – Contract documents available during the hours of 9:00 A.M. - 3:00 P.M. ONLY. The furnishing and installation of 100 watt and 150 watt energy efficient Cobra Heads and removal of 150 watt and 250 watt Cobra Heads, Citywide. A Pre-Bid optional meeting will be held on Wednesday, May 21, 1008 at 2:00 P.M. at 34-02 Queens Blvd., Main Conference Room, Long Island City, NY. A deposit of \$50.00 in the form of certified check or money order made payable to the New York City Department of Transportation is required to obtain Contract Bid/Proposal. NO CASH ACCEPTED. Refund will be made only for Contract Bid/Proposal Documents that are returned in its original condition within 10 days after bid opening. Any persons delivering bid documents must enter the building through 220 Church Street, New York, NY. Due to increased building security bidders ensure extra time and ensure that proper identification is available upon request. Please ensure that your company's address, telephone and fax numbers are submitted by your company (or messenger service) when picking up contract documents. For additional information please contact Frank Caiazzo (718) 786-4061. Vendor Source ID#: 51874.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Transportation Contract Unit, Office of the Agency Chief Contracting Officer, 40 Worth Street, Room 824A, New York, NY 10013.  
Bid Window (212) 442-7565.

m14

**DIVISION OF FRANCHISES, CONCESSIONS AND CONSENTS****INTENT TO AWARD**

Services (Other Than Human Services)

**BEVERAGE AND SNACK VENDING MACHINES**

Competitive Sealed Bids – PIN# 84108MBAD331 – DUE 06-17-08 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Transportation, 40 Worth Street, Room 940, New York, NY 10013 or <http://www.nyc.gov/dot>.  
Simone Avery (646) 248-0384, [savery@dot.nyc.gov](mailto:savery@dot.nyc.gov)  
DOT, Chief Contracting Officer, Contracts Unit  
40 Worth Street, Room 824A, New York, NY 10013.

m12-23

**YOUTH AND COMMUNITY DEVELOPMENT****OFFICE OF CONTRACTS AND PROCUREMENT****SOLICITATIONS**

Services (Other Than Human Services)

**TECHNICAL ASSISTANCE** – Request for Proposals – PIN# 260090TASRFP – DUE 06-11-08 AT 2:00 P.M. – The New York City Department of Youth and Community Development (DYCD) is seeking appropriately qualified vendors to provide technical assistance (TA) to DYCD contractors providing services in the following areas; after-school programs, family-focused programs, youth workforce development programs, programs for youth with special needs, and discretionary programs. The fundamental purpose in providing technical assistance is to raise and sustain program quality for the benefit of program participants. A pre-proposal conference will be held on June 11, 2008. Attendance by proposals is optional but recommended by DYCD.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

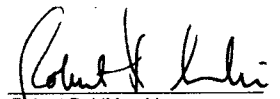
Department of Youth and Community Development, 156 William Street, 2nd Floor, New York, NY 10038. Daniel Symon (212) 442-5982, [dsymon@dycd.nyc.gov](mailto:dsymon@dycd.nyc.gov)

m14

**AGENCY RULES****BUILDINGS****NOTICE****NOTICE OF ADOPTION OF RULE**

**NOTICE IS HEREBY GIVEN**, pursuant to the authority vested in the Commissioner of the Department of Buildings by Section 643 of the New York City Charter and in accordance with Section 1043 of the Charter, that the Department of Buildings hereby adopts the addition of Section 102-02 to Subchapter B of Chapter 100 of Title 1 of the Official Compilation of the Rules of the City of New York, regarding the compensation to be paid to registered design professionals for conducting a survey on buildings, structures or premises that have been deemed unsafe.

This rule was first published on February 20, 2008 and a public hearing thereon was held on March 24, 2008.



Robert D. LiMandri  
Acting Commissioner

Dated: **30 APRIL**, 2008  
New York, New York

Section 1. Subchapter B of chapter 100 of title 1 of the Rules of the City of New York is amended by adding a new section 102-02 to read as follows:

§102-02 Compensation of registered design professionals in accordance with section 28-216.6 of the administrative code.

In accordance with the provisions of Administrative Code section 28-216.6, registered design professionals appointed by a recognized professional organization to act on any survey or appointed to resolve disagreement between surveyors shall each be paid the sum of one hundred dollars.

§2. This rule shall take effect on July 1, 2008.

**STATEMENT OF BASIS AND PURPOSE**

This rule is proposed pursuant to the authority of the Commissioner of Buildings under sections 643 and 1043 of the New York City Charter and Section 28-216.6.3 of the New York City Administrative Code.

The proposed rule will enable the Department to acquire, for purposes of conducting surveys of unsafe buildings, the services of the most qualified registered design professionals by providing them with compensation for their work that is comparable to the compensation generally received for such work in the field.

m14

**ENVIRONMENTAL PROTECTION****NOTICE****Notice of Opportunity to Comment on Proposed Amendments to Chapter 20 of Title 15 of the Rules of the City of New York Governing and Restricting the Use and Supply of Water**

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN THE DEPARTMENT OF ENVIRONMENTAL PROTECTION** by sections 24-308, 24-309, 24-310, 24-332, 24-334, 24-337, 24-342, and 24-346 of the Administrative Code of the City of New York that the Department of Environmental Protection is proposing to amend the rules governing and restricting the use and supply of water.

**PLEASE BE ADVISED THAT WRITTEN COMMENTS** regarding the proposed amendments may be sent on or before Monday June 16th to the New York City Department of Environmental Protection, Bureau of Legal Affairs, 59-17 Junction Boulevard, 19th floor, Flushing, New York 11373 Attention: Andrew Rettig, Esq.

**PLEASE BE FURTHER ADVISED THAT ORAL COMMENTS** regarding the proposed amendments may be delivered at a public hearing to be held on Monday June 16th at 11:00 AM at the 1st Floor Conference Room, 96-05 Horace Harding Expressway. If you have any questions about the location of the hearing, please contact Belinda Pantina at (718) 595-6552.

Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Belinda Pantina at the phone number above by two weeks prior to the hearing.

**PLEASE BE FURTHER ADVISED THAT COPIES OF ALL WRITTEN COMMENTS** and a summary of the oral comments delivered at the public hearing will be available for inspection within a reasonable time after receipt between the hours of 9:00 a.m. and 5:00 p.m. at the Department of Environmental Protection, Office of Legal Affairs, 59-17 Junction Boulevard, 19th floor, Flushing New York 11373.

The proposed Rule was listed in the Department's Regulatory Agenda.

Please note that new text is underlined and deleted material is [bracketed].

#### Statement of Basis and Purpose

The New York City Department of Environmental Protection (DEP) promulgated "Use and Supply of Water" (15 RCNY 20-01 et seq.) incorporating standards and requirements for performing connections to the water supply system, installing meters, service lines and backflow prevention devices, establishing water use restrictions and procedures for obtaining permits.

The amendments to Sections 20-01, 20-02, 20-03, 20-04, 20-05, 20-08, 20-09 and 20-10 reflect technical changes that have occurred since the last amendments in 2000 and improve language about protection of the condition of the water service.

The Department has set forth detailed procedures for enforcing permit requirements that a plumber or contractor shall utilize prior to the connection to a hydrant, the disconnection of a meter for repair or changing of piping and the setting of a meter.

The proposed amendment to Section 20-01 would set forth detailed procedures for enforcing permit requirements and would improve enforcement by allowing DEP not to issue permits to licensed plumbers who have repeatedly violated the Rules.

Revisions to Section 20-03 would include a change in the copper piping spec for the above-ground portion of the service line, set limits on the lead content of metal used for service lines and associated fittings and improve language about the property owner's obligation to protect the condition of the water service pipe.

Changes to Section 20-05 language include provisions governing meter permits, notification and rules related to the move to Automatic Meter Reading, language about meter technologies that do not require minimum straight pipe lengths before and after the meter and more detailed metering requirements for types of water services that serve both domestic and fire protection purposes.

Section 20-08 amends language about the water use restrictions relating to drinking fountains, recreational sprinklers, sidewalk flushing and car washing.

Section 20-10 increases the number of terms defined to better explain the concepts contained in this Rule.

The Rules are authorized by section 1043 of the Charter of the City of New York and sections 24-308, 24-309, 24-310, 24-332, 24-334, 24-337, 24-342 and 24-346 of the Administrative Code of the City of New York.

\* \* \*

Chapter 20 of Title 15 of the Rules of the City of New York is hereby amended to read as follows:

Section one. Subdivisions (a), (b), and (c) of Section 20-01 of Title 15 of the Rules of the City of New York are amended, and a new subdivision (g) is added, to read as follows:

**§20-01 Permits.** (a) *General information.* Subject to the provisions of this chapter, permits will be issued for the following purposes upon receipt of proper applications and permit fee:

Hydrant, Use of Meter Disconnect for Repair or Change of Piping ("Break Seal") Meter Setting, New, Replacement or Additional

(b) *Issuance. Permit applications shall be submitted, and permits shall be obtained before commencement of any work requiring a permit.* Where permits involving plumbing work are required, such permits will be issued only to Licensed Master Plumbers, and to plumbers in the employ of municipal, state or federal agencies and authorities. Permits to set, reset, repair, or disconnect a water meter on service pipes with a diameter of less than one and one-half (1½) inches may be issued to persons who may lawfully perform such work under §20-05(c) of these Rules. Meter repair permits may also be issued to meter repair companies for repair on the premises of water meters.

- (1) Any work performed without a permit as required by these Rules shall be a violation.
- (2) Permits for all emergency work must be obtained within forty-eight (48) hours or by the end of the second business day following commencement of the work.
- (3) Upon the expiration date of a plumber's license, if such license is not renewed within 60 days after such expiration date, all permits issued under that license shall also expire.

(c) *Regulation of permit work.* [If a Licensed Master Plumber or meter repair company commits three (3) or more violations of these Rules during a three (3) month period, the Commissioner, after providing the Licensed Master Plumber or meter repair company with an opportunity to be heard, may refuse to issue additional permits to such Licensed Master Plumber or meter repair company in accordance with §24-309 of the Administrative Code.]

If a Licensed Master Plumber or meter repair company fails to comply with three (3) or more provisions, standards or requirements of these Rules, or the terms and conditions of any permit already issued under these Rules, during a three (3) month period, the Commissioner or his/her designee, in

accordance with §24-309 of the Administrative Code, may make a determination not to issue additional permits from applications submitted from such Licensed Master Plumber or meter repair company until such time as all the violations or non-compliances are corrected.

(1) In the event the Commissioner or his/her designee makes such a determination, the BCS Deputy Commissioner shall mail the determination to the address set forth in DOB's records.

(2) The Licensed Master Plumber or meter repair company, as applicable, may appeal the Commissioner's determination by filing a notarized petition within 60 days from the date of the Commissioner's determination with the Commissioner, 59-17 Junction Boulevard, 19th Floor, Flushing, New York 11373-5108. The appeal shall state the name and address of the petitioner, include a short and plain statement of the matters to be adjudicated, address each of the violations mentioned in the Commissioner's determination, with a statement of the reason or reasons why the petitioner believes the determination was incorrect, including supporting documentation, and include the Commissioner's determination. During the review of the appeal, the Commissioner shall continue to issue permits to the Licensed Master Plumber or meter repair company.

(3) Upon review of the appeal, the Commissioner may, in his/her discretion, grant or deny the petition. Appeals shall be processed within 30 calendar days of receipt of such appeal. If the Department shall fail to process an appeal within 30 calendar days the appeal shall be granted, provided that the petitioner has responded to all requests for information submitted by the Department.

(4) The filing of an appeal shall not relieve the petitioner from complying with any requirements of the Rules, and shall not immunize any person or entity from any civil or criminal prosecution authorized under the Rules.

(g) Return of permit after completion of work. Within ten (10) business days following the completion of any work for which a meter permit has been issued, the permit, carrying a certification of the date of completion of the installation work, the final reading on the old meter (for replacements or repairs), and the meter manufacturer's accuracy test document for the new meter, shall be returned to the Department. A permit shall expire after 365 days for new construction work and after 30 days for meter replacements or first-time meter installations in existing buildings. If the work is to be performed after that time, the applicant must apply for a permit extension before the original permit expires. If a completed meter permit is not returned upon completion of the work, the official meter set date shall be 30 days after issuance of the permit for meter replacements or first-time meter installations in existing buildings or 365 days after issuance of the permit for new construction work.

(h) Department of Parks and Recreation Permits. Excavation work for water services, or outdoor pit meters in proximity of a street tree requires a permit from the Department of Parks and Recreation and adherence to their "Forestry Protocol for Planned and Emergency Utility Work."

§2. Subdivisions (d) and (q) of Section 20-02 of Title 15 of the Rules of the City of New York are amended to read as follows:

#### **§20-02 Taps To City Water Mains.**

(c) *Spacing of Corporation Stops (Taps) and Wet Connections*

1) No corporation stop (tap) or wet connection shall be inserted on a fitting or within [twenty-four (24)] ~~eighteen (18)~~ inches of a hub, fitting, hydrant, branch, dead end, etc.

2) The minimum spacing interval for corporation stops (taps) and wet connections shall be [eighteen (18)] ~~twelve (12)~~ inches for both three quarter (¾) inch and one (1) inch corporation stops (taps), and [twenty-four (24)] ~~eighteen (18)~~ inches for one and one-half (1½) and two (2) inch corporation stops (taps) and wet connections.

(d) *Location of corporation stops (taps) and wet connections.* Water main corporation stops (taps) or wet connections shall be installed in front of the property to be supplied with water. All old taps or wet connections shall be plugged or destroyed prior to the installation of the new tap or wet connection, unless interruption of service to building occupants dictates that installation of the new tap or wet connection be completed prior to plugging or destroying the old tap or wet connection.

(q) *Shut-off of tap by licensed master plumber.* A Licensed Master Plumber must secure a permit to open or shut a tap controlling a service pipe connected to a City water main for any repair, replacement or installation. If it is necessary to shut off the water main while repairing, replacing or installing a service pipe, the Licensed Master Plumber shall immediately notify the Department. The shut off shall be made only by the Department, and the permittee must pay all costs associated with shutting off the main. If a property is vacant and sealed longer than one year, the property owner must have the tap destroyed or plugged and the service line plugged. If the property owner fails to take this action, the Department may perform the work upon written notice to the mailing address on file with the Department and assess the cost to the property owner.

§3. Subdivisions (f), (j), (k), (n) and (t) of Section 20-03 of Title 15 of the Rules of the City of New York are amended, and subdivisions (s), (t), (u) and (v) are relettered, and new subdivisions (v), (w), (x) and (y) are added, to read as follows:

#### **§2003 Water Service Pipes.**

(f) *Materials for service pipes and fittings.*

- (1) New service pipes two (2) inches in diameter or less shall be brass pipe or copper tubing.
- (2) Service pipes larger than two (2) inches in diameter shall either be brass or ductile iron, except that the above-ground portion of the service pipe, up to four (4) inches in diameter, may be Type K or Type L copper.
- (5) All service pipes shall conform to the most recent revision of the following standards, except that all service pipes, corporation stops, tail pieces, nuts and other fittings shall have a lead content that shall not exceed 0.250%:
  - (ii) Department of Citywide Administrative Services, Division of Municipal Supply Services 32-T-1 Standard for Copper Tubing, except that above-ground, indoor service pipe four (4) inches or smaller, including the meter setting and piping for any backflow prevention device, shall be Type K or Type L copper.

(j) *House control valves.* House control valves, which shall be made of material similar to the corresponding service pipes, shall be gate type with the exception of those between the sizes of three-quarter (¾) inch and two (2) inches, which may be full port ball valves. The lead content of such valves shall not exceed 0.250%. The house control valve shall be placed in the service pipe inside the building within two (2) feet of the building wall, and shall be located where it is accessible at all times. All valves shall be designed for a 150 psi minimum working pressure. For fire, sprinkler, and standpipe service pipes, and for any service pipe which supplies sprinkler heads, the house control valve shall be an OS&Y Valve or an indicating valve approved by the Department of Buildings. Notwithstanding the preceding sentence, for fire or combined service pipes two (2) inches or smaller, the house control valve may be an OS&Y valve or a UL/FM-approved full-port ball valve approved by the Department of Buildings.

(k) *Curb valves.*

- (4) The property owner shall protect the curb valve/box from any damage and shall promptly report in writing to the Department any circumstances that may adversely affect the operation of the curb valve.

(n) *Service pipe depth.* All service pipes shall be installed at a depth of at least three and one-half (3 ½) feet, no more than six (6) feet below ground, unless a written waiver is obtained from the Department. Where a service pipe is installed with less than three and one-half (3 ½) feet of cover, it must be insulated and protected in accordance with [Department] the requirements described in §20-03(y). A service pipe shall not be laid within [twelve (12)] ~~six (6)~~ inches of any other sub surface structure, conduit or pipe. A service pipe shall not be laid directly below, and parallel with, any sub-surface structure, conduit or pipe.

[(s)] (r)

[(t)] (s) *Service pipe repairs.* A new service pipe must be installed where more than one-half (½) of an existing service pipe is in need of a repair or when any repairs are required and the existing service pipe is lead, galvanized steel or galvanized iron. All repairs must conform with the standards described in §20-03 of these Rules.

[(u)] (t)

[(v)] (u)

(v) *Protection of service pipe and house control valve.* The property owner is responsible for preventing physical deterioration of the service, curb valve, house control valve or distribution pipe which may damage a meter or prevent its maintenance or replacement. The owner shall be responsible for repairing or replacing equipment, service or distribution piping to allow maintenance, proper operation or replacement of the meter. The property owner, and not the Department, is responsible for the maintenance of the service and distribution pipe and its associated fittings and equipment. The meter setting is the responsibility of the Department.

(w) *Replacement of old service pipes upon establishment of new water service.*

If a tap or wet connection has been destroyed or shut off due to vacancy of a building, the service pipe must be replaced as part of any new tap or wet connection unless the existing service pipe is less than 40 years old, has a functioning curb valve and is neither lead, galvanized steel or galvanized iron.

(x) *Installation of a meter on unmetred properties whenever a domestic service pipe is replaced, repaired or relaid.* Whenever a domestic or combined service pipe for an unmetred property is installed, replaced, repaired or relaid, a water meter shall be installed to cover the entire premises

in accordance with §20-05 of these Rules. When the work is not performed under emergency conditions, DEP will indicate on the permit that the property is unmetered. When the service pipe relay, repair or replacement occurs on an emergency basis, the Licensed Master Plumber may install a set of meter inlet and outlet valves and a spool piece of a length similar to the displacement meter for that size service if the Licensed Master Plumber does not have a meter available for installation at the time of the emergency visit. If the property owner will not allow the installation of a water meter as part of the service replacement, installation, repair or relay, the Licensed Master Plumber must return the meter permit completed but include a statement that the owner would not allow the installation of a meter.

(y) Insulation. Insulation, where required by §20-03(n), shall be cellular glass insulation manufactured in accordance with ATSM C552 "Standard Specification for Cellular Glass Thermal Insulation", where a quality system for manufacturing, inspecting and testing insulation is certified in accordance with the requirements of ISO 9002. The insulation shall be fabricated in half sections wherever possible. For large diameter piping where half sections are not practical, curved sidewall segments are preferred. Wherever possible, the insulation should be factory jacketed with a 70 mil thick self-sealing high polymer asphaltic membrane with an integral glass scrim and aluminized mylar film on the surface. Mastic finish shall be pitcote 300 or an asphalt cutback mastic. Reinforcing fabric shall be an open mesh polymer fabric with 6 x 5.5 mesh per inch configuration. Sealant shall be a nonsetting butyl sealant with a minimum 85% solids content. The Department shall maintain a list of approved insulation materials. Alternate materials may be submitted for approval by the Department.

§4. Subdivisions (c), (e) and (h) of Section 20-04 of Title 15 of the Rules of the City of New York are amended to read as follows:

**§20-04 Backflow Prevention Devices, Water Hammer Arresters, Pumps And Separation Valves.**

(c) Cross connection control reviews. A Cross Connection Control Review shall be required prior to approval of a permit application for installation of a corporation stop (tap) or wet connection that will be used to supply water to a property that poses a backflow hazard. A Cross Connection Control Review shall also be required prior to installation of a [two (2) inch corporation stop (tap) or] wet connection. Approval of Cross Connection submissions shall not constitute approval of the meter setting or other aspects of the water service design.

(e) Backflow prevention device testing requirements.

(1) Each RPZ or Double Check Valve must be tested upon installation, device repair, and at least once annually, thereafter, [by a backflow preventer tester who is certified by the New York State Department of Health] and as otherwise required by the Building or Health Codes. Testing shall be performed by a backflow preventer tester who is certified by the New York State Department of Health and employed by a Licensed Master Plumber. A test report certifying that the backflow prevention device is operating properly must be submitted to the Department.

(h) Suction tanks.

(1) [Connections] Domestic water connections to premises with a pumped supply which exceeds 400 gpm (total) must be equipped with either a suction or a surge tank, as required by the Department of Buildings.

§5. Subdivisions (a), (b), (d), (e), (f), (g), (i), (j), (l), (m), (n), (p), (q), and (r) of Section 20-05 of Title 15 of the Rules of the City of New York are amended to read as follows:  
§20-05 Meters.

(a) Placement.

(1) An approved water meter shall be installed wherever City water is supplied and for all wells or other water sources that discharge into the City sewer system[.]in new construction, upon replacement or repair of a service line in an unmetered property, or on a retrofit basis under the rules of the New York City Water Board. The Department may require installation of additional meters as a condition for certain New York City Water Board rate or billing programs.

(2) Each building shall have one (1) meter on each service pipe supplying the building set at the point of entry. [After acceptance by the Department such meters will be owned, maintained, repaired and read by the Department.] However, the Department may issue a variance or approval allowing two (2) or more separate meters to serve residential and non-residential (or rate-eligible and ineligible) occupancies in the same building or lot to comply with a rate or billing program established by the New York City Water Board.

(3) Placement During Building Construction.

(v) Each meter shall remain in service throughout the entire period of building construction. If a different meter is to be used during operation of the completed building, a separate meter permit is required for that replacement.

(4) All water used in the construction of buildings less than six (6) stories in height shall either be metered or be supplied by a hydrant permitted in

accordance with §20-08. If water used during construction is metered, the meter shall be placed as described in §20-05(a)(3). Permit applications for temporary water service during construction shall include the name and contact information for the Licensed Master Plumber or construction management company.

(5) Metering of fire service pipes and combined service pipes.

(i) Fire service pipes in premises supplied with City water shall be metered with an approved detector assembly or an approved fire service meter. Fire service pipes of two-and-one-half (2½) inches shall be provided with equipment applicable to a three (3) inch service pipe.

(ii) [Combined fire/domestic service pipes] Combined services or domestic services with sprinkler heads [one and one-half] two (1½/2) inches or smaller shall use a single meter approved by the Department on the [combined] service pipe. Positive displacement meters shall not be used for such applications. [Combined fire/ domestic service pipes larger than one-and-one-half (1½)] Domestic services with sprinkler heads larger than two (2) inches may use one meter specifically approved by the Department for this purpose on the [combined] service pipe, or a standard displacement or other meter approved by the Department on the domestic branch and a detector check valve assembly on the fire branch. Combined services with sprinkler heads larger than two (2) inches may use one fire service meter approved by the Department on the combined service pipe, or a standard displacement or other meter approved by the Department on the domestic branch and a detector check valve assembly on the fire branch. Service pipes of two-and-one-half (2½) inches shall be provided with equipment applicable to a three (3) inch service pipe.

(iv) Inlet and outlet valves are not required for fire service meters or detector assemblies on combined service pipes, except for the building shut-off valve. A test tee must be provided for meter testing purposes on fire service meters. A test port shall not be placed on the bypass meter on a Detector Check Valve Assembly.

(b) Meter permits, inspection and approval of meter work.

(2) Within [seventy-two (72) hours] ten (10) business days following the completion of any work for which a meter permit has been issued, the permit, carrying a certification of the date of completion of the work, the final reading from the old meter (for replacements or repairs) and the meter manufacturer's accuracy test document for the new meter shall be returned to the Department. A permit shall expire after 365 days for new construction work and after 30 days for meter replacements or first-time meter installations in existing buildings. If the work is to be performed after that time, the Licensed Master Plumber must apply for a permit extension before the original permit expires.

(3) After acceptance by the Department of the meter work, indicated by installation of a seal, or after one year from the return of a completed permit with access to the property available for the Department to inspect the work, whichever comes first, such meters will be owned, maintained, repaired and read by the Department. If access is not available, any warning or violation shall be issued to the property owner.

(d) Approved water meters. Meters shall meet the following requirements:

(3) The serial number of the meter shall be imprinted on the case or register head in a permanent manner and all meter serial numbers shall be unique for the manufacturer.

(6) For displacement type water meters, the following shall also be required:

(i) All [three-quarter (¾) inch and] five-eighth (?) inch through one (1) inch meters shall be of frost protection design with cast-iron bottom plates. Cast-iron bottom plates shall be made corrosion resistant by suitable coating and/or internal lining as approved by the Department.

(7) All meters shall have a main case composed of an alloy that shall have a lead content that shall not exceed 0.250%.

(8) Meter manufacturers shall notify the Department at least 30 days after any changes in design, serial numbering, or other matter that might affect the use of the water meter or billing processes.

(e) Turbine and compound meters.

(2) An approved meter strainer shall be installed on all new or replacement compound and turbine meter installations, unless the meter is manufactured complete with an internal strainer.

(f) Used or repaired meters.

[(1)] No used or repaired meter shall be installed to cover a service pipe at [a new] the same or a different location unless it has been repaired, tested for accuracy, found to conform to AWWA new meter accuracy standards and has been approved by the Department.

[(2)] All used meters shall be repaired, conform to AWWA accuracy standards, and be approved under permit before being set at a new location.]

(g) Sizing.

(2) A meter shall not be larger than the service pipe supplying the meter, the piping in the meter setting, or the water distribution piping in the building, unless specifically approved in writing by the Department or as noted in §20-05(a)(5) for two-and-one-half (2½) inch fire services or combined services. If two meters both cover the calculated peak flow rate, the smaller of the two meters shall be used unless approved in writing by the Department. Unless a fixture count and flow analysis, as described in §20-05(g)(1), has been approved by the Department, a one- or two-family home with gravity-flush water closets shall not have a meter on a domestic service without fire sprinklers larger than three-quarters (¾) inch and three-, four-, five- and six-family homes shall not have a meter on a domestic service larger than one (1) inch.

Exceptions to these requirements, and the use of Appendix Table #8 for meter sizing, will be considered by the Department only when a building's plumbing system uses only street water pressure and documented incoming water pressure is less than 35 psi for buildings four (4) through six (6) stories high, or less than 30 psi for buildings less than four (4) stories in height.

(3) The minimum size meter for new installations and replacements shall be [three quarter (¾)inch, except that existing five eighths (5/8) inch cold water meters may be repaired and reset at their present locations] five-eighths (5/8) inch.

(i) Settings. Notwithstanding any other provisions to the contrary, all meters shall be set or reset according to the following requirements:

(1) Meters shall be set as near as possible to the point of entry of the service pipe through the building or vault wall and shall be placed so that they may be easily inspected, maintained and replaced. Evaporative cooling tower meters or other meters used to calculate a wastewater allowance when located downstream of a billing meter, shall be placed as close to the end use as practical. A property owner shall not erect or maintain any physical barrier that prevents access to, or repair or replacement of, the water meter.

(ii) Turbine and compound meters shall be set with straight sections of pipe as provided in Appendix Figures #7, #7A, #9, #9A, #10 and #10A. If pipe lengths cannot conform to those indicated in Appendix Figures #7, #7A, #9, #9A, #10 and #10A, [the meter shall be calibrated in place] a meter technology shall be used which does not require minimum straight pipe lengths. The Department shall identify such meter technologies in its list of approved meters. An approved meter strainer is required unless one is included in the meter design or in the case of single-jet or electromagnetic meters, is not required by the meter manufacturer.

(4) Meter settings shall have an inlet valve and outlet valve immediately upstream/downstream of the meter which shall be of a type approved by the Department.

(i) Except for meters two (2) inches or smaller where space constraints prevent any approved meter technology from being installed with an inlet valve, or as noted in §20-05(a)(5), a house control valve shall not be used in lieu of a meter inlet valve.

(ii) A[n] meter outlet valve is not required for fire meters on a dedicated fire service or the fire service branch of a combined service, for a Detector Check Valve Assembly or if the property has approved backflow prevention equipment which includes an outlet valve.

(iii) Where a meter is placed in [an existing] a pit alongside a sewer trap, the meter test tee shall be located outside of the pit in an accessible location.

(5) Connections shall be made by coupling, union, flange union or approved compression fittings and bored for sealing with holes not less than three thirty-seconds (<sup>3</sup>/<sub>32</sub>) of an inch in diameter. Compression fittings are permitted for three quarter (¾) inch through two (2) inch meters only. Unions, couplings or compression fittings that permit removal of the meter and/or setter without breaking the seal wire are prohibited. All water meter settings of two (2) inches and smaller sizes shall utilize valves and fittings constructed of bronze [conforming to ASTM B-62(85-5-5)] with a lead content that shall not exceed 0.250%, or copper alloys of commercially pure copper and bronze mill products. Bolts, studs, nuts, screws and other external fastening devices shall be made of a bronze alloy or stainless steel conforming to AWWA standards, and shall be designed for easy removal following lengthy service. Above-ground, indoor service pipe, including the meter setting and any backflow prevention device shall be Type K or Type L copper, if copper is acceptable for such size service pipe.

(6) Meter setters & resetters.

Meter setters and resetters [three quarter inch (¾)] five-eighths inch (5/8) through two inch (2) shall conform to the following:

(i) Seamless copper tubing having a type “K” wall thickness in accordance with ASTM B-88 specifications shall be used for all prefabricated water meter setters. All bronze parts shall be an alloy with a lead content that shall not exceed 0.250%.

(8) Valves.

All new displacement type water meter settings shall utilize full port ball valves or angle key valves for the inlet and outlet control of the meter. These valves shall be furnished with handles for the manual operation of the valves without the need of a wrench. Turbine and compound meters shall be installed with full port ball valves (through two (2) inch only) or gate type valves.

(11) Any connection to a test tee assembly or to any point ahead of a meter used for billing purposes is strictly forbidden.

(12) Electrical continuity.

All settings shall be designed to ensure positive electrical continuity with, or without, the meter being set, via bronze grounding clamps with stainless steel screws and electrical bonding cables (#6 THHN-THWN) which can be confirmed visually, unless a pre-fabricated setter designed for electrical continuity is used or the water service is known not to be used as an electrical ground.

(j) By-Pass.

(1) [By-passes] Unmetered by-passes around meters are prohibited except those approved in writing by the Department, such as:

(i) Tunnels where hazardous conditions may exist.

(ii) Selected properties having only one (1) source of supply where any shut-down would endanger public health and safety.

(2) If a by-pass is permitted by the Department, the installation shall conform to Appendix Figure #10 or #10A. The by-pass shall be configured so that the top case and interior meter can be removed for repairs or replacement.

(3) Properties that wish to avoid lengthy shutdowns related to replacement of large meters may install paired meters that can supply the building through one or the other meter on a service pipe.

(k) Meter Pit/Meter Box Requirements

3) Meter Pits for Meters Less Than 3”

ii) Covers and lids shall be constructed in accordance with the following requirements:

a) Covers shall be [of cast iron conforming to ASTM A-48 Class 25] of polymer concrete, heavy duty plastic, or other composite materials that allow transmission of an AMR signal and meet load requirements set by the department. The department shall

publish a list of approved products and materials in its list of approved meters and equipment.

(l) Metering condominium and homeowners’ association developments.

(1) An individual water meter to be read by the Department shall be installed for each separately-owned dwelling unit in all new condominium and homeowners’ associations structures of three (3) stories or less when each such unit is supplied with hot water and space heat by its own separate domestic hot water heater and space heating system and not by a common water heater or space heater. If fire protection sprinklers are present they shall be supplied by a separate dedicated service pipe. Any hose bib or irrigation supply shall be connected to one of the unit’s metered branches. All remote receptacles or AMR transmitters shall be located in a common location in each structure with each meter clearly labeled as to the unit it supplies.

(2) Condominiums and homeowner’s associations that cannot be individually metered as described in §20-05(1)(1) shall have a meter at the point of entry of the water service for the building or buildings.

(3) Each individual unit/meter shall have its own account under the “75XX” joint condominium Lot.

(m) Removal.

(1) If a meter has been disconnected without securing a permit as per §20-05(b) and §20-05 (c), it shall not be reset [until the Department has tested and approved the meter] but shall be replaced with a new meter approved by the Department.

(n) Seals.

A seal placed by the Department for the protection of any meter, valve, fitting or other water connection shall not be tampered with or defaced. The seal shall not be broken except after securing a permit from the Department. Breaking the seal without such a permit shall be a violation, except for Emergency repairs as described in §20-01(f). The Department may also remove the meter for testing and resetting or replacement. The customer shall be responsible for safeguarding and protecting the seal and the meter. Application of a seal on a new or replacement meter shall denote approval by the Department.

(p) Protection of meters, service pipes and settings.

(1) The property owner shall protect the meter, setting, AMR transmitter, wiring and remote against physical damage, freezing conditions and abuse. The owner shall be responsible for any break or disconnection of wire within the building. The property owner is responsible for preventing physical deterioration or other conditions of [a] the service pipe which may damage a meter or prevent its maintenance or replacement. In such cases the owner shall be responsible for repairing or replacing equipment, service piping or any other physical barriers, including asbestos insulation, needed to allow maintenance, proper operation or replacement of the meter.

(2) The property owner is prohibited from relocating the remote receptacle or AMR transmitter except upon securing a permit from the Department.

(q) Encoding registers.

(9) All registers shall be installed with wire to a remote receptacle or AMR transmitter with all three wires properly connected at the register head.

(r) Remote receptacles and AMR transmitters.

(3) Placement of receptacle.

Placement of the remote receptacle shall comply with the following guidelines:

(i) Location. Receptacles shall be located on the front or side exterior of the building. The remote receptacle shall be accessible to the meter reader and close to electric and gas meters. Receptacles shall not be installed behind bushes, locked gates, etc. If applicable, remotes shall be set inside storefront security gates. When meters are installed for a two (2) family home, the remotes

should be as close together as possible so that both readings can be taken from the same location, preferably on the front of the building. For certain high-rise apartment or office buildings with glass, marble or other similar facades, the remote may be located in a publicly accessible location, such as the building lobby, where it will not require the meter reader to obtain keys or contact building personnel. In the alternative, for buildings with glass, marble or similar facades or with landmarked status, the remote may be placed in the electric meter room with a sign, “Water Meters.” The location of the remote must be indicated in the permit as returned to the Department.

(4) AMR Transmitter.

The Department will conduct a transition from the use of remote receptacles to the use of radio-based automatic meter reading systems, with information on that transition to be published in the list of approved water meters, detector assemblies, pit meter equipment, meter attachments and meter-associated equipment. When the Department has begun installing AMR transmitters Citywide, meter installations shall be required to include the approved AMR transmitter, and the use of remote receptacles shall no longer be permitted. AMR radio transmitters for domestic meters shall be mounted on the interior surface of an exterior building wall above ground level, or on a basement joist above ground level, or under the lid of a meter pit, unless otherwise specified by the Department. AMR radio transmitters for evaporative cooling tower makeup water meters or other meters located on the upper floors of a building shall be mounted on the exterior of the building wall, at a roof parapet or other location to permit effective transmission of the radio signal.

**§6. Paragraphs five, six, seven, eight of subdivision (a) of Section 20-08 of Title 15 of the Rules of the City of New York are amended, and a new paragraph four of subdivision (a) is added, and paragraphs four, five, six, seven and eight of subdivision (a) are renumbered, to read as follows:**

**§20-08 Water Use Restrictions And Fire Hydrant Use.**

(a) *Water use restrictions.*

(4) Shutoffs Required for Drinking Fountains and Recreational Sprinklers. Drinking fountains shall operate only when activated by a user. Recreational sprinklers shall be equipped with a timer to stop flow if the sprinkler is not being used or shall not operate when not in use.

[(4)](5) Restrictions on Serving of Water.

[(5)](6) Watering of Lawns and Gardens.

(i) The use of a hose, automatic sprinkler or other means to water lawns or gardens is prohibited between the hours of 11:00 A.M. and 7:00 P.M. Automatic [sprinkler or] irrigation systems shall include a sensor or control which shall prevent operation during or within 24 hours of substantial rain.

(ii) Between the first day of November and the last day of the following March, the following activities are prohibited using City water: (a) the use of hoses and sprinklers, and (b) the watering of lawns and gardens, except for the watering of non-turf plants with a hand-held container.

(iii) The following activities are prohibited at all times: (a) the use of hoses [without nozzles] which flow at more than five (5) gpm at sixty (60) psi or which, regardless of flow rate, are not equipped with an automatic shutoff mechanism which will turn off the flow of water if a handle or trigger is not actively held or compressed, and (b) the practice of allowing sprinklers to flood sidewalks, gutters and roadways.

[(6)](7) Sidewalks flushing.

The flushing of sidewalks is prohibited between the hours of 11:00 A.M. and 7:00 P.M. In addition, the flushing of sidewalks by means of a hose or piping is prohibited between the first day of November and the last day of the following March. This provision, however, shall not be construed to prohibit the washing of such surfaces, particularly the exterior surface of a building, where such washing is required as part of repairs mandated by the Administrative Code or to protect the health and safety of the public. Any hose used to supply City water for sidewalk cleaning purposes must be equipped with a nozzle which limits flow to no more

than five (5) gpm at sixty (60) psi and which is equipped with an automatic shutoff mechanism which will turn off the flow of water if a handle or trigger is not actively held or compressed.

(7)(8) Temporary Suspension of Permission to Use City Water for Purposes Listed in [Subsections] subdivisions [(5)] (6) and [(6)] (7).

(8)(9) Car washing.

(iii) Any hose used to supply City water for non-commercial car washing purposes must be equipped with a nozzle which limits flow to no more than five (5) gpm at sixty (60) psi and which is equipped with an automatic shutoff mechanism which will turn off the flow of water if a handle or trigger is not actively held or compressed.

**§7. Paragraphs one and four of subdivision (b) and paragraph two of subdivision (c) of Section 20-08 of Title 15 of the Rules of the City of New York are amended to read as follows:**

(b) Fire hydrant use.

(1) Fire hydrants may be routinely opened only by authorized employees of the Department and/or the Fire Department. All others seeking permission to open a fire hydrant must secure a permit from the Department. Fire Hydrant Use Permits must be displayed at the site where water is being used. Permits for the use of hydrants may not be granted when, in the view of the Department, water from a metered source is available to serve the end use described in the permit application. Permit applicants are required to describe the proposed use in detail and indicate why another alternative (e.g., existing metered source or construction meter) cannot be used.

(4) With the exception of hoses used to extinguish fires, any hose connected to a fire hydrant must be equipped with either an approved backflow prevention device or an approved four (4) inch air gap[,], unless in the Department's opinion, the application does not pose a backflow hazard, such as watering a community garden. Applications which do require an air gap or backflow prevention device include, but are not limited to, demolition dust control, pavement breaking, cutting and sawing, mixing and curing of concrete or mortar, well digging, washing/pumping of manholes, basements or sewers, application of pesticides, herbicides, paints, curing agents or fertilizers, washing down roadway construction, or make-up water (See Appendix Figure #6).

(c) Installation and maintenance of corporation stops (taps), wet connections, service pipes and curb valves.

(2) Shut-off charges

Should the Department shut a tap because of a leaking service pipe, non-payment of a bill, denial of access for an inspection or meter replacement or repair, failure to make repairs required for the installation or replacement of a meter, or non-compliance with Department rules, the owner shall pay a shut-off charge in accordance with the Water and Wastewater Rate Schedule of New York City Water Board.

**§7. Section 20-09 of Title 15 of the Rules of the City of New York is amended to read as follows:**

**§20-09 Enforcement.**

Any person who is in violation of or fails to comply with any provision, standard or requirement of these Rules or the terms and conditions of any permit issued pursuant to these Rules shall be subject to the issuance of notice(s) of violation and other civil or criminal enforcement action(s) pursuant to the provisions of §24-346 of the Administrative Code of the City of New York, including but not limited to payment of civil penalties and compliance with orders of the Commissioner and/or the Environmental Control Board.

In addition to any civil and criminal enforcement pursuant to §24-346 of the Administrative Code of the City of New York, the Department may refuse to issue permits to any person who is in violation of or fails to comply with any provision, standard or requirement of these Rules or the terms and conditions of any permit, in accordance with Section 20-01(c) of these Rules.

**§8. Section 20-10 of Title 15 of the Rules of the City of New York reads as follows:**

**§20-10 Glossary.**

**AMR – Automatic Meter Reading.** The use of radio or telephone-based technology to read water meters. Also referred to as “AMI” for Advanced Metering Infrastructure.

**BCS.** Bureau of Customer Services.

**Combined service.** A water service which supplies both domestic and fire suppressions end uses and the fire

protection requirements exceed the domestic demand and determine the size of the service.

**Completed meter permit.** A meter permit returned to the Department that indicates the meter size, type, serial number, remote identification number, meter and remote receptacle location, and date of installation that has been signed and sealed by the licensed plumber and lists the licensed plumber's business address.

**Distribution piping.** All piping downstream of the water meter setting.

**Domestic service with sprinkler heads.** A domestic service sized for domestic demands which has been approved by the Department of Buildings to supply a limited number of fire sprinkler heads.

**Internal water main.** A water main constructed by a private entity in private property and not in a mapped street, record street or a street for which an opinion of dedication has been issued. Internal water mains are under the jurisdiction of the Department from the City or private water main up to and including the meter [or first valve within the property] .

**Meter set date.** The date the meter is installed.

**Meter setter/resetter.** A shop or factory-fabricated set of piping, valves and an electrical continuity bar installed as a unit designed to hold a water meter of two (2) inches or less in diameter.

**Non-turf plants.** Plants other than a lawn.

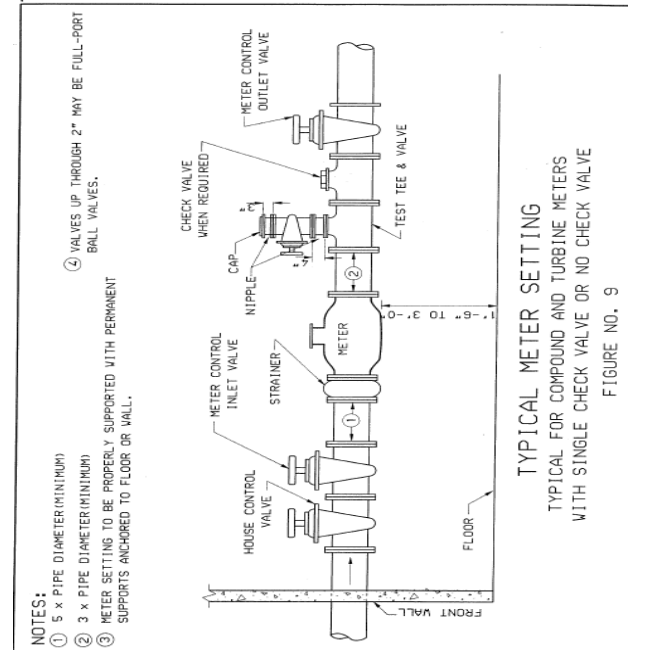
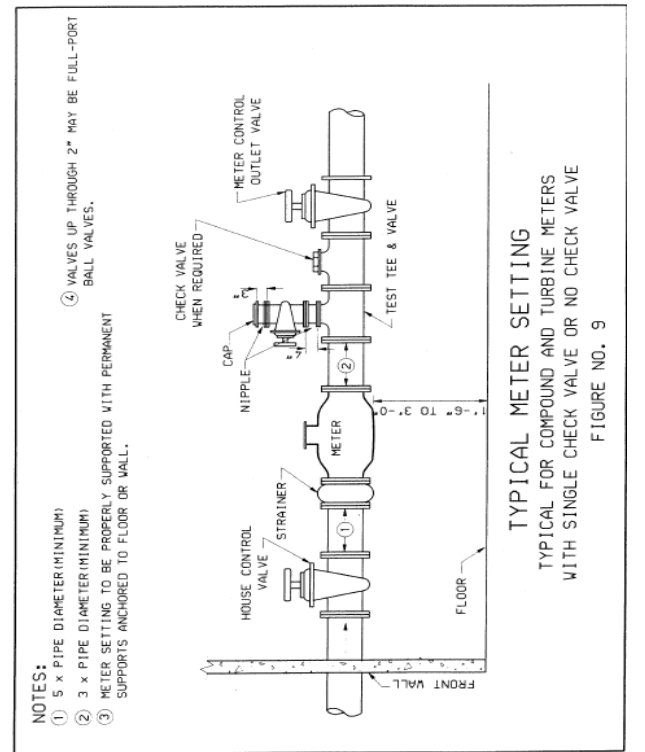
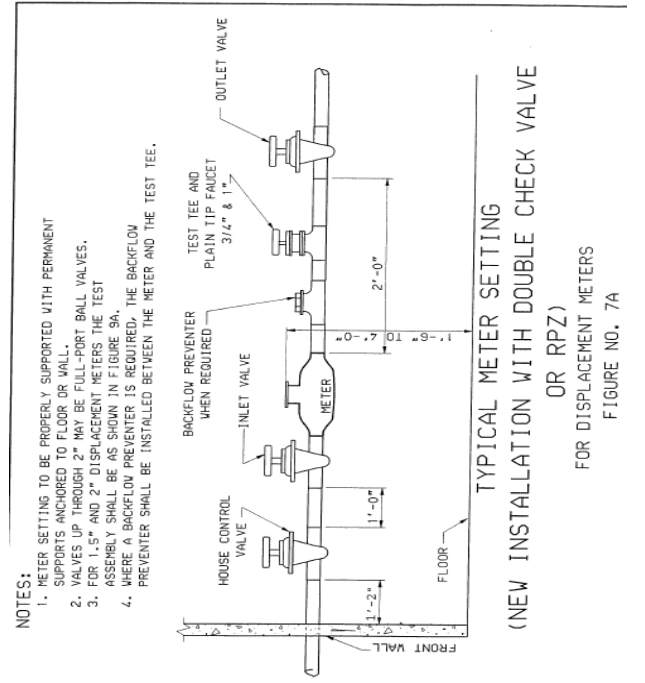
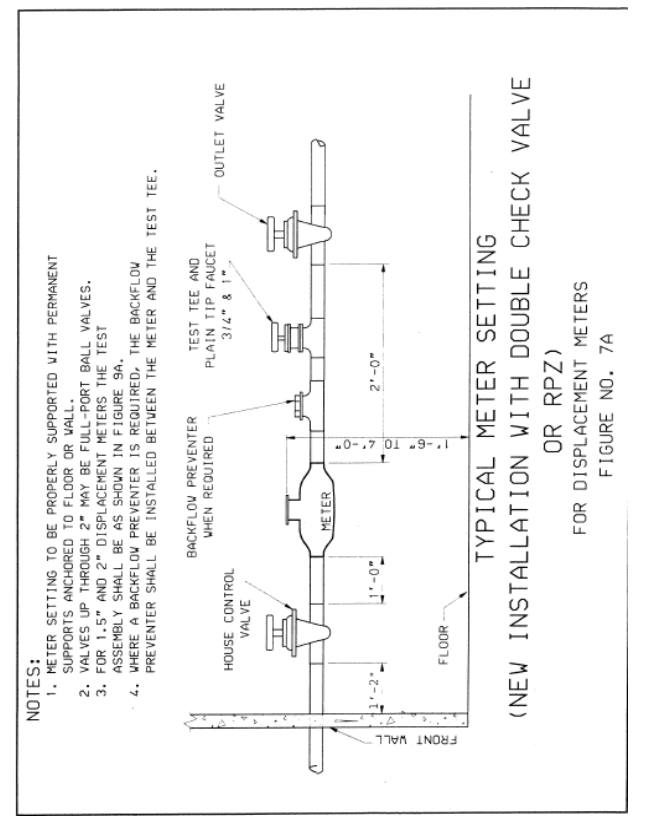
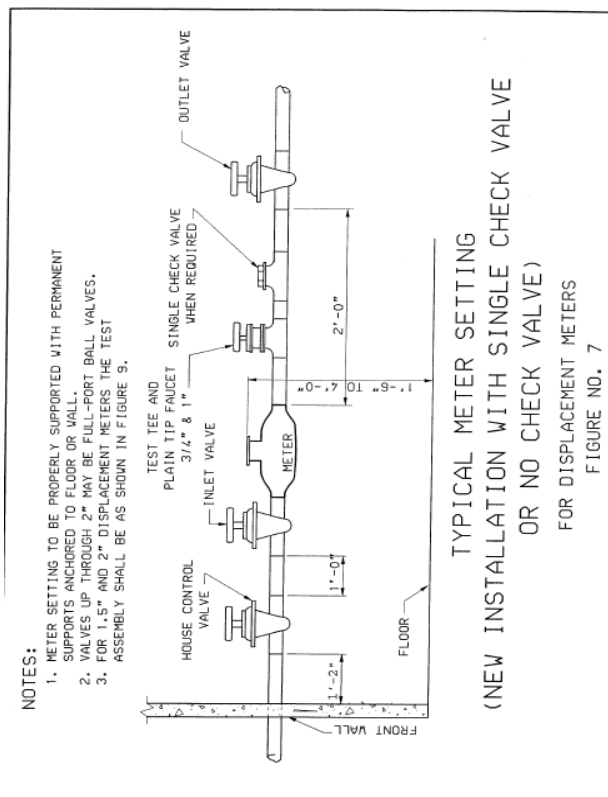
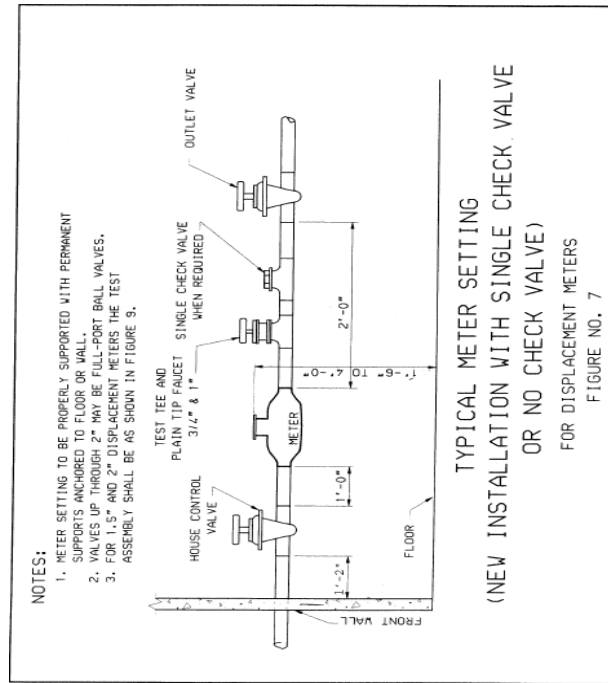
**Sealed Building.** A building with windows and doors which are locked and covered or blocked by concrete block, bricks, sheet metal or other materials intended to prevent access. Windows covered with wooden boards shall not constitute a sealed building.

**Service Pipe.** A water supply pipe which connects the customer to a City water main, private water main or internal water main. Service pipes connecting a single customer's premises to a City water main or a private water main are under the jurisdiction of the Department from the City or private water main up to and including the meter set in metered properties, or first valve within the property in unmetered properties.

**UL/FM.** Underwriter's Laboratories/Fireman's Mutual.

**Vacant building.** A building which is not inhabited, or is occupied illegally.

**Water Meter Setting.** The water meter, inlet and outlet isolation valves, test port or test tee and associated piping and fittings.





**SPECIAL MATERIALS**

**CITY PLANNING**

**NOTICE**

**East Village / Lower East Side Rezoning**

**Project Identification**  
 CEQR No. 07DCP078M  
 ULURP Nos080397 ZMM,  
 N 080398 ZRM  
 SEQRA Classification: Type I

**Lead Agency**  
 City Planning Commission  
 22 Reade Street, 1W  
 New York, NY 10007

**Contact Persons**

Robert Dobruskin, Director, 212-720-3423  
 Environmental Assessment and Review Division  
 New York City Department of City Planning

Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Draft Environmental Impact Statement (DEIS) has been prepared for the action described below. Copies of the DEIS are available for public inspection at the office of the undersigned. The proposal involves actions by the City Planning Commission and Council of the City of New York pursuant to Uniform Land Use Review Procedures (ULURP). A public hearing on the Draft Environmental Impact Statement (DEIS) will be held at a later date to be announced, in conjunction with the City Planning Commission's citywide public hearing pursuant to ULURP. Advance notice will be given of the time and place of the hearing. Written comments on the DEIS are requested and would be received and considered by the Lead Agency until the 10th calendar day following the close of the public hearing.

The New York City Department of City Planning (DCP) on behalf of the City Planning Commission (CPC) as lead agency, and in conjunction with the New York City Department of Housing Preservation and Development (HPD), is proposing a number of actions, including zoning map and text amendments and the disposition of a City property, that are collectively known as the East Village/Lower East Side Rezoning, and all are referred to in this Draft Environmental Impact Statement (DEIS) as the "proposed actions" or "proposed project." The area of the proposed actions (the "primary study area" or "rezoning area") is within Manhattan Community District 3 and is generally bounded by East 13th Street on the north; Avenue D to the east; East Houston Street, Delancey Street and Grand Street on the south; and the Bowery and Third Avenue on the west. Under the proposed actions, the current zoning map would be amended along with zoning text modifications. In addition to these DCP actions, HPD is proposing disposition of a City-owned property, to facilitate the development of a residential project with ground-floor retail. It is the purpose of the proposed actions to preserve the low- to mid-rise character of the East Village and Lower East Side neighborhoods while concentrating new development towards specific corridors that are more suited for new residential construction with incentives for affordable housing. Specifically, it is the objective of this proposal to:

- Protect the low- to mid-rise streetwall that characterizes much of the project area;
- Address the community's request for contextual rezoning;
- Reinforce use of several avenues as corridors for mixed retail/residential buildings;
- Provide opportunities for housing development and incentives for affordable housing along selected wide streets and major corridors; and
- Protect existing commercial uses in proposed R8B districts.

In order to assess the environmental impacts of the proposed actions, DCP developed a reasonable worst-case development scenario (RWCDs) that identified both projected and potential development sites. As defined by DCP, projected development sites are sites more likely to be developed as a result of the proposed actions. DCP identified 205 projected development sites, which are sites that could also be developed, but are assumed to have less development probability. DCP identified 565 potential development sites. The majority of these sites could be developed in the future without the proposed actions (the "No Build" condition) under the current zoning. The RWCDs projects that the proposed actions could result in a net increase of 1,383 residential units (including 23 enlargements), 348 of which would be affordable, and a net decrease of 74,439 gross square feet of commercial space on the projected development sites compared to conditions in the future without the proposed actions. The DEIS analyzes a Build year of 2017.

The above-described actions are subject to both City Environmental Quality Review (CEQR) and the Uniform Land Use Review Procedures (ULURP). This DEIS has been prepared in accordance with the Final Scope of Work for the East Village/Lower East Side Rezoning issued in February 2008, Executive Order No. 91, New York City Environmental Quality Review (CEQR) regulations, and follows the guidance of the *CEQR Technical Manual* (October 2001). The DEIS and ULURP applications were certified as complete on May 5, 2008. Public hearings will be held by Manhattan Community Board 3, the Manhattan Borough President, CPC, and the City Council during the seven-month ULURP review process, with the DEIS/ULURP hearing to be held at the CPC hearing.

**PROPOSED ZONING MAP AMENDMENTS**

Overall, the proposed zoning map amendments would map contextual districts at densities appropriate to the existing land uses and built character of the rezoning area, which is generally bounded by East 13th Street on the north; Avenue D to the east; East Houston Street, Delancey Street and Grand Street on the south; and the Bowery and Third Avenue on the west. Under the proposed actions, districts that are currently zoned R7-2 and C6-1 would be rezoned to R7A, R7B, R8A, R8B, C4-4A, and C6-2A. A new C2-5 commercial overlay would be mapped along Second Avenue between East 3rd Street and East 7th Street and would be consistent with the location of existing overlay districts along First Avenue, Avenue A, and Avenue C.

Under the proposed actions, the existing R7-2 district would be rezoned to R7A (along the major north-south avenues north of East Houston Street and the area south of East Houston Street), R7B (three blocks south of Tompkins Square Park), R8A (along East Houston Street, Delancey Street, and Avenue D), and R8B (midblocks north of East Houston Street) districts. These contextual districts reflect the low- to mid-rise character of the East Village and Lower East Side neighborhoods and would permit comparable development in terms of floor area to what is currently allowed. These districts would require continuous streetwalls and overall building heights would be limited to 75 feet in R7B and R8B districts and 80 feet in R7A districts. The proposed R8A districts, which are located along major streets—namely East Houston and Delancey Streets, would permit buildings up to 120 feet and would be subject to the Inclusionary Housing program that would allow additional floor area for new buildings that include an affordable housing component. The existing C6-1 district would be rezoned to C4-4A on the midblocks from East Houston to Grand Street west of Essex Street and C6-2A along Second Avenue, Chrystie Street, East Houston Street, and Delancey Street. These contextual commercial districts permit both commercial and residential uses and would require new construction to line up with adjacent structures to maintain existing street wall characteristics. Overall building heights would be limited to 80 feet in C4-4A districts and 120 feet in C6-2A districts. Similar to the proposed R8A districts discussed above, the new C6-2A districts would be subject to the Inclusionary Housing program.

**ZONING TEXT AMENDMENTS**

**INCLUSIONARY HOUSING PROGRAM**

The proposed actions would apply the Inclusionary Housing program to the proposed R8A and C6-2A districts along the major transportation corridors throughout the primary study area, establishing incentives for the creation and preservation of affordable housing in conjunction with new development. Under the proposed Inclusionary Housing program, developments providing affordable housing are eligible for a floor area bonus, within contextual height and bulk regulations tailored to these areas.

**NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

To protect existing street-level commercial uses that currently exist as legal non-conforming uses in the R7-2 zoning districts, the proposed actions would include an additional text amendment to the *Zoning Resolution*. The proposed text change would extend the currently established regulations for qualifying uses in existing R7-2 districts to those same uses to R8B districts in Manhattan Community District 3; as such, existing non-conforming uses and spaces in the affected areas would be granted the same protections as they are today. There are currently no R8B districts in Manhattan Community District 3; R8B would be introduced to the primary study area as a result of the proposed actions.

**PROPOSED HPD PROJECT**

As part of the proposed actions, HPD is proposing the disposition of a City-owned property located at 302 East 2nd Street (Block 372, Lot 49). The proposed actions would facilitate the development of a residential building on this site with ground-floor retail. The City-owned site would be assembled with neighboring tax lots located at 5 Avenue D and 306-310 East 2nd Street (Block 372, Lots 43, 44, 47, and 48) and is listed in the RWCDs (see discussion below) as Projected Development Site 167. The City-owned site—and the assembled blocks—would be rezoned from R7-2 to R8A; the C1-5 overlay mapped along Avenue D would remain unchanged. The proposed HPD-sponsored development would include 116 dwelling units, including 23 affordable units, and 7,844 square feet of ground-floor retail space.

**PROPOSED ZONING E-DESIGNATIONS**

The proposed zoning would place E-designations on projected and potential development sites to avoid the potential for impacts with respect to air quality (heating systems) and noise (see Appendices F and G, respectively).

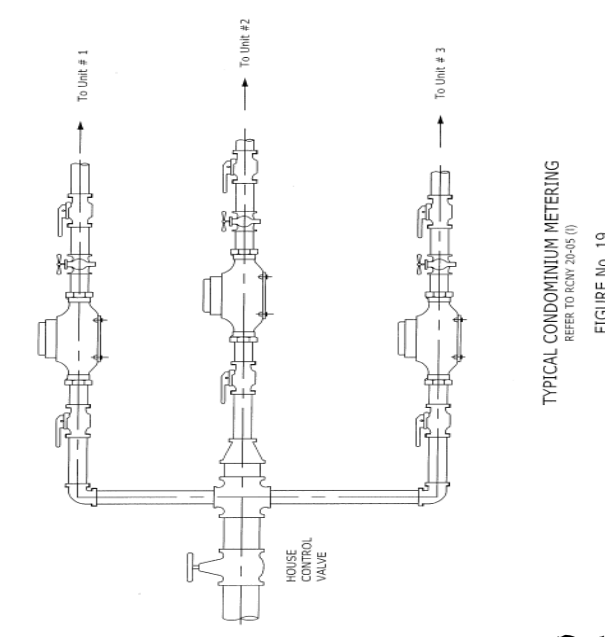
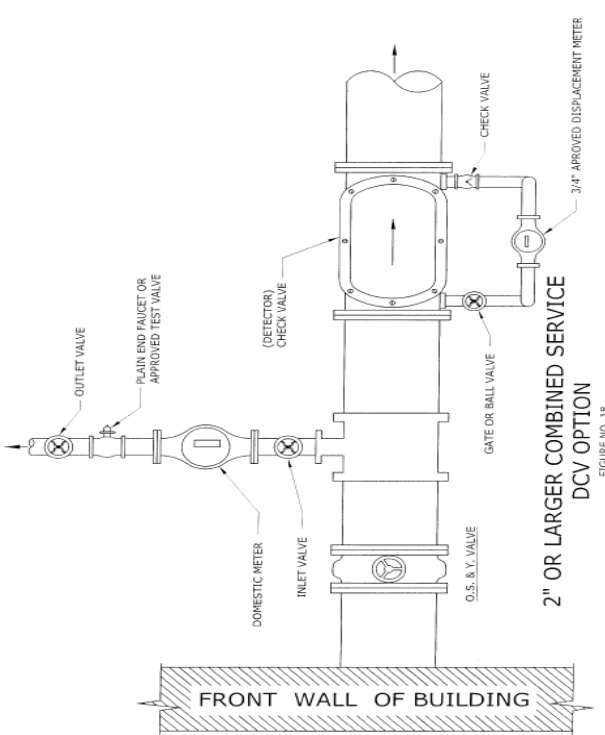
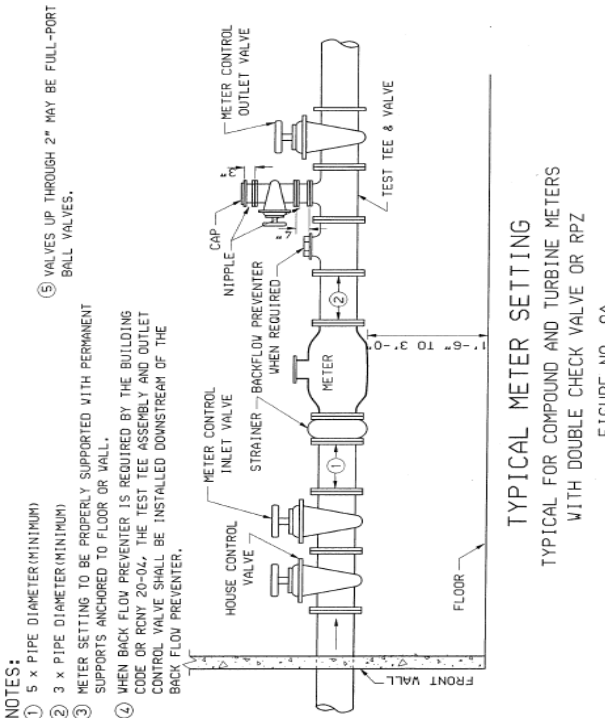
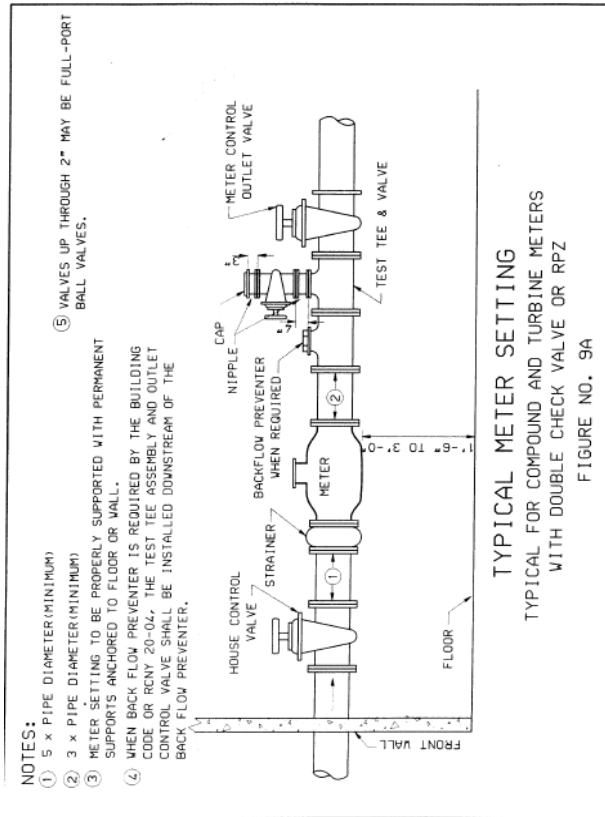
Copies of the Draft Environmental Impact Statement may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 22 Reade Street, 4E, New York, New York 10007, Robert Dobruskin, Director (212) 720-3423; or from the Office of Environmental Coordination, 253 Broadway, 14th Floor, New York, New York 10038, Robert Kulikowski, Director (212) 788-9956; and on the New York City Department of City Planning's Planning's website at [http://www.nyc.gov/html/dcp/html/env\\_review/eis.shtml](http://www.nyc.gov/html/dcp/html/env_review/eis.shtml).

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**COMPTROLLER**

**NOTICE**

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm.



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629, New York, NY 10007 on May 29, 2008, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1	6897	35

acquired in the proceeding, entitled: Ulmer Park Branch Library subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.  
Comptroller

m14-29

## HOUSING PRESERVATION & DEVELOPMENT

### NOTICE

#### OFFICE OF PRESERVATION SERVICES CERTIFICATION OF NO HARASSMENT UNIT

#### REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO LOCAL LAW 19 OF 1983

DATE OF NOTICE: May 8, 2008

#### TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Address	Application #	Inquiry Period
314 West 83rd Street, Manhattan	32/08	April 11, 2005 to Present
369 West 46th Street, Manhattan	33/08	April 11, 2005 to Present
141 East 39th Street, Manhattan	36/08	April 16, 2005 to Present
a/k/a 145 East 39th Street 85 Irving Place, Manhattan	37/08	April 16, 2005 to Present
a/k/a 18 Gramercy Park South		
220 West 79th Street, Manhattan	39/08	April 25, 2005 to Present
19 West 103rd Street, Manhattan	40/08	April 25, 2005 to Present
209 East 14th Street, Manhattan	41/08	April 29, 2005 to Present
797 Quincy Street, Brooklyn	34/08	April 14, 2005 to Present
166 Herkimer Street, Brooklyn	35/08	April 15, 2005 to Present
100 Lefferts Place, Brooklyn	38/08	April 23, 2005 to Present

The Department of Housing Preservation and Development has received an application for a certification that during the inquiry period noted for the premises above, that no harassment has occurred at such premises in the form of threats, use of physical force, deprivation of essential services such as heat, water, gas or electric, or by any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy. Upon the issuance of a Certification, an owner can legally convert the premises to non-single room occupancy use.

Comments as to whether harassment has occurred at the premises should be submitted to the Anti-Harassment Unit, 100 Gold Street, 3rd Floor, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement call (212) 863-8272.

m8-15

#### OFFICE OF PRESERVATION SERVICES CERTIFICATION OF NO HARASSMENT UNIT

#### REQUEST FOR COMMENT ON APPLICATION FOR CERTIFICATION OF NO HARASSMENT PURSUANT TO THE SPECIAL CLINTON DISTRICT PROVISIONS OF THE ZONING RESOLUTION

DATE OF NOTICE: May 8, 2008

#### TO: OCCUPANTS, FORMER OCCUPANTS AND OTHER INTERESTED PARTIES OF

Address	Application #	Inquiry Period
369 West 46th Street, Manhattan	33/08	April 11, 1993 to Present

Prior to the issuance of a permit by the Department of Buildings for the alteration or demolition of residential buildings in certain areas of the Special Clinton District, the Department of Housing Preservation and Development is required to certify that: 1) prior to evicting or otherwise terminating the occupancy of any tenant preparatory to alteration or demolition, the owner shall have notified HPD of the owner's intention to alter or demolish the building and 2) the eviction and relocation practices followed by the owner of the building satisfy all applicable legal requirements and that no harassment has occurred.

The owner of the building located at the above-referenced address seeks the issuance of an HPD Certification. The owner has represented and certified to HPD of the owner's intention to alter or demolish the building and that the eviction and relocation practices followed by the owner satisfy all applicable legal requirements and that no harassment has occurred. For your information HPD considers harassment to include, but not be limited to, the threatened or actual use of physical force, deprivation of essential services such as heat, water, gas or electric, or any other conduct intended to cause persons to vacate the premises or waive rights related to their occupancy.

HPD requests that if you have any comments or evidence of unlawful eviction and relocation practices or harassment occurring at the above referenced premises that you notify the Anti-Harassment Unit, 3rd Floor, 100 Gold Street, New York, NY 10038, by letter postmarked not later than 30 days from the date of this notice or by an in-person statement made within the same period. To schedule an appointment for an in-person statement call (212) 863-8272.

m8-15

## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

### NOTICE

#### ACCESS NYC Terminals - Free Computer Giveaway\* Request an Application Today!

We want to make ACCESS NYC even more available to the public, so we're **GIVING AWAY** over 500 ACCESS NYC terminals to qualified 501c3 organizations. The awarded terminals will be dedicated computer stations (computer and printer) for clients to screen themselves for benefits using the ACCESS NYC website ([www.nyc.gov/accessnyc](http://www.nyc.gov/accessnyc)).

Awards will be made on a first-come-first-serve basis to all qualified 501c3 organizations. All applications must be postmarked no later than May 31, 2008.

If your organization is interested in submitting an application for an ACCESS NYC terminal(s), please send an email request for application instructions to

Sabrina Smith-Sweeney  
Director of Training & Outreach  
[accessnyc@hhsconnect.nyc.gov](mailto:accessnyc@hhsconnect.nyc.gov)

\*Funded by the Center for Economic Opportunity (CEO)

m7-20

## LABOR RELATIONS

### NOTICE



THE CITY OF NEW YORK  
**OFFICE OF LABOR RELATIONS**  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

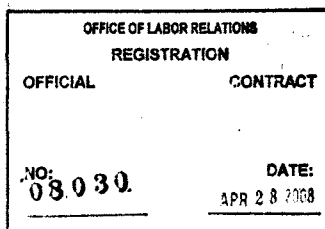
JAMES F. HANLEY  
Commissioner  
MARGARET M. CONNOR  
First Deputy Commissioner

TO: HEADS OF CONCERNED CITY DEPARTMENTS AND AGENCIES  
FROM: JAMES F. HANLEY, COMMISSIONER *James F. Hanley*  
SUBJECT: EXECUTED CONTRACT: ASSISTANT DEPUTY WARDENS/DEPUTY WARDENS  
TERM: MARCH 1, 2008 TO JUNE 30, 2012

Attached for your information and guidance is a copy of the executed contract entered into by the Commissioner of Labor Relations on behalf of the City of New York and the Assistant Deputy Wardens Association on behalf of the incumbents of positions listed in Article I of said contract.

The contract incorporates terms of an agreement reached through collective bargaining negotiations and related procedures.

DATED: APR 28 2008



#### ASSISTANT DEPUTY WARDENS/DEPUTY WARDENS 2008 - 2012

#### TABLE OF CONTENTS

ARTICLE I - UNION RECOGNITION AND UNIT DESIGNATION  
ARTICLE II - UNION SECURITY DUES CHECKOFF  
ARTICLE III - HOURS AND OVERTIME  
ARTICLE IV - RECALL AFTER TOUR  
ARTICLE V - COMPUTATION OF BENEFITS  
ARTICLE VI - SALARIES  
ARTICLE VII - UNIFORM ALLOWANCE  
ARTICLE VIII - LONGEVITY ADJUSTMENTS  
ARTICLE IX - PAYMENT FOR HOLIDAY WORK  
ARTICLE X - LEAVES  
ARTICLE XI - VACATIONS  
ARTICLE XII - HEALTH AND HOSPITALIZATION BENEFITS  
ARTICLE XIII - SECURITY BENEFITS FUND  
ARTICLE XIV - ANNUITY FUND  
ARTICLE XV - GENERAL  
ARTICLE XVI - UNION ACTIVITY  
ARTICLE XVII - NO DISCRIMINATION  
ARTICLE XVIII - BILL OF RIGHTS  
ARTICLE XIX - NIGHT SHIFT DIFFERENTIAL  
ARTICLE XX - GRIEVANCE AND ARBITRATION PROCEDURE  
ARTICLE XXI - LINE-OF-DUTY DEATH BENEFIT  
ARTICLE XXII - DEATH BENEFIT UNUSUED LEAVE AND COMPENSATORY TIME  
ARTICLE XXIII - NO STRIKES  
ARTICLE XXIV - BULLETIN BOARDS  
ARTICLE XXV - NO WAIVER  
ARTICLE XXVI - SAVINGS CLAUSE  
ARTICLE XXVII - LABOR-MANAGEMENT COMMITTEE  
ARTICLE XXVIII - FINANCIAL EMERGENCY ACT  
APPENDIX A - CONFINEMENT TO RESIDENCE  
APPENDIX B - COMPENSATORY TIME  
APPENDIX C - TRAVEL TIME  
APPENDIX D - INCREASED NUMBER OF APPEARANCES  
APPENDIX E - STABILIZATION FUND  
APPENDIX F - LINE-OF-DUTY PRESCRIPTION DRUGS  
APPENDIX G - SECURITY BENEFITS FUND  
APPENDIX H - WORK ON A HOLIDAY  
APPENDIX I - RELEASE TIME  
APPENDIX J - PRODUCTIVITY PROPOSALS

APPENDIX K - LEGAL SUPPORT/REPRESENTATION FUND

APPENDIX L - LABOR MANAGEMENT COMMITTEE ISSUES

APPENDIX M - QUALIFYING AT RANGE

APPENDIX N - REOPENER

APPENDIX O - SPECIAL ASSIGNMENT

APPENDIX P - AVAILABLE FUNDS

APPENDIX Q - COST OF ADDITIONAL PAID HOLIDAY

#### ASSISTANT DEPUTY WARDENS/DEPUTY WARDENS 2008 - 2012 Agreement

AGREEMENT made this 28th day of April, 2008, by and between the City of New York (hereinafter called the "City"), acting by the Commissioner of Labor Relations, and the Assistant Deputy Wardens Association (hereinafter called the "Union"), for the fifty-two month period from March 1, 2008 to June 30, 2012.

#### WITNESSETH:

WHEREAS, the Assistant Deputy Wardens, Deputy Wardens, Deputy Wardens-in-Command, Warden (Correction) Level I, and Warden (Correction) Level II employed by the City have duly designated the Union as their exclusive bargaining representative for the purpose of collective bargaining with the City with respect to wages, hours and conditions of employment; and

WHEREAS, the Union and the City desire to cooperate in establishing conditions which will tend to secure standards and conditions of employment consistent with the dignity of Assistant Deputy Wardens, Deputy Wardens, Deputy Wardens-in-Command, Warden (Correction) Level I, and Warden (Correction) Level II, and to provide methods for fair and peaceful adjustment of disputes that may arise between the Union and the City; and

WHEREAS, as a result of collective bargaining the parties have reached an agreement which they desire to reduce to writing;

NOW, THEREFORE, it is mutually agreed as follows:

#### ARTICLE I - UNION RECOGNITION AND UNIT DESIGNATION

##### Section 1.

The City recognizes the Union as the sole and exclusive collective bargaining representative for the unit consisting of the employees of New York City in the titles of Assistant Deputy Warden; Warden (Correction) Level I; Warden (Correction) Level II detailed as Deputy Warden; and Warden (Correction) Level II detailed as "Deputy Warden-in-Command" (except for the position found to be confidential in Decision #21-95) hereinafter referred to under the general term of "Assistant Deputy Warden", "Deputy Warden", and "Deputy Warden-in-Command", respectively.

##### Section 2.

Except as otherwise provided herein, for purposes of this Agreement, the terms "employee", "employees", "Assistant Deputy Warden", "Deputy Warden" and "Deputy Warden-in-Command" shall be interchangeable and shall relate solely to employees in the unit described in Section 1 of this Article.

#### ARTICLE II - UNION SECURITY DUES - CHECKOFF

##### Section 1.

All employees covered by this Agreement shall be free to become and remain members of the Union in good standing.

##### Section 2.

The Union shall have the exclusive right to the checkoff and transmittal of dues in behalf of each employee in the unit in accord with the Mayor's Executive Order No. 98, dated May 15, 1969 entitled "Regulations Regulating the Checkoff of Union Dues" and in accord with the Mayor's Executive Order No. 107, dated December 29, 1986 entitled "Regulations Governing Procedures for Orderly Payroll Checkoff of Union Dues" and any executive orders which amend or supersede said Executive Orders.

##### Section 3.

An employee may consent in writing to the authorization of the deduction of dues from his wages and to the designation of the Union as the recipient thereof. Such consent, if given, shall be in a proper form, acceptable to the City, which bears the signature of the employee.

##### Section 4.

The parties agree to an agency shop to the extent permitted by applicable law, as described in a supplemental agreement hereby incorporated by reference.

#### ARTICLE III - HOURS AND OVERTIME

##### Section 1.

Overtime performed by Deputy Wardens and Deputy Wardens-in-Command shall be compensated for in compensatory time off at the rate of time and one-half when such overtime is ordered by the Commissioner, or the Chief of Department, N.Y.C. Department of Correction, or their designee, or is performed during an emergency without prior approval and when requests for compensation therefor after performance of such overtime are forwarded through channels together with recommendations and are approved by the Chief of Department, or designee, for such purposes.

**Section 2.**

- a. All ordered and/or authorized overtime in excess of forty (40) hours in any week or in excess of the hours required of an Assistant Deputy Warden by reason of his/her regular duty chart if a week's measurement is not appropriate, whether of an emergency nature or of a non-emergency nature, shall be compensated for either by cash payment or compensatory time off, at the rate of time and one-half, at the sole option of the Assistant Deputy Warden. Such cash payments or compensatory time off shall be computed on the basis of fifteen (15) minute segments.
- b. In order to preserve the intent and spirit of this Section on overtime compensation, there shall be no rescheduling of Assistant Deputy Wardens' days off and/or tours of duty except as provided below. This restriction shall apply both to the retrospective crediting of time off against hours already worked and to the anticipatory re-assignment of personnel to different days off and/or tours of duty. Notwithstanding anything to the contrary contained herein, the Department shall not have the right to reschedule Assistant Deputy Wardens' tours of duty, except that the Department shall have the right to reschedule Assistant Deputy Wardens' tours of duty on five occasions per year for training purposes without payment of pre or post-tour overtime provided that the Department gives at least 24 hours advance notice to the employee whose tours are to be rescheduled.  
  
In addition, the Department shall have the right to reschedule Assistant Deputy Wardens' tours of duty on two (2) other occasions per calendar year without payment of pre-tour or post-tour overtime provided that the Department gives at least 24 hours advance notice to the employee whose tours are to be rescheduled.
- c. Overtime shall be computed on a monthly basis and the Department shall make every reasonable effort to pay such overtime within six (6) weeks following the submission of the monthly report.
- d. Effective July 1, 1990 the Department shall establish a 21 hour overtime bank for all Assistant Deputy Wardens whereby the first 21 hours of overtime actually worked each year by an Assistant Deputy Warden shall not be compensable.

In addition, the Department shall establish a 47.5 hour overtime bank for all Assistant Deputy Wardens promoted on or after November 1, 1992 whereby the first 47.5 hours of overtime actually worked each year by an Assistant Deputy Warden promoted on or after November 1, 1992 shall not be compensable.

Effective July 1, 1994, the overtime banks in this section will be reduced according to the following schedule:

- 1. After four (4) years in service as an Assistant Deputy Warden, the overtime bank will be reduced by 8-1/2 hours.
- 2. After five (5) years in service as an Assistant Deputy Warden, the overtime bank will be reduced by an additional 8-1/2 hours, for a total reduction of 17 hours.
- 3. After six (6) years in service as an Assistant Deputy Warden, the overtime bank will be reduced by an additional four hours for a total reduction of 21 hours.

Effective July 1, 2008, the "47.5 hour overtime bank" for Assistant Deputy Wardens will be reduced in accordance with the following schedule:

<i>Schedule</i>	<i>Amount of Reduction</i>	<i>Hours Remaining In 47.5 Hour OT Bank</i>
After 3 years -	8.5 hours	39
After 4 years -	17 hours (i.e., an additional 8.5 hours reduction)	30.5
After 5 years -	25.5 hours (i.e., an additional 8.5 hours reduction)	22
After 6 years -	47.5 hours (i.e., an additional 22 hours reduction)	-0-

**ARTICLE IV - RECALL AFTER TOUR**

Any Assistant Deputy Warden who is recalled to duty after having completed the employee's regular tour of duty shall receive pay pursuant to the regular overtime provisions of this Agreement, that is, in cash or compensatory time off at the sole option of the employee at the rate of time and one-half for the time actually worked. The Department will issue a directive to the heads of all commands informing them that an Assistant Deputy Warden who is recalled shall be put to work.

**ARTICLE V - COMPUTATION OF BENEFITS**

Since the average basic forty-hour week has not been changed by this Agreement, the current standard practice for the computation of compensation for holidays, vacation days, personal leave days, annuity fund contributions and other relevant benefits, shall continue to be calculated on the basis of an eight-hour work day.

**ARTICLE VI - SALARIES**

**Section 1. - Salary Rates**

- a. The following base annual salary and increment rates shall prevail for employees during the term of this Agreement:

**Class of Positions and Step**

	Effective 3/1/08	Effective 3/1/09	Effective 7/1/10	Effective 7/1/11
(i) Assistant Deputy Warden (Promoted prior to July 1, 2006):				
Entry Level	\$86,706	\$90,174	\$93,781	\$97,532
After 1 Year	\$86,868	\$90,343	\$93,957	\$97,715
After 2 Years	\$87,031	\$90,512	\$94,132	\$97,897
After 3 Years	\$96,903	\$100,779	\$104,810	\$109,002

- (ii) Assistant Deputy Warden (Promoted between July 1, 2006 and July 31, 2008):

	Effective 3/1/08	Effective 3/1/09	Effective 12/31/09	Effective 7/1/10	Effective 7/1/11
Entry Level	\$86,186	\$89,633	\$89,633	\$93,218	\$96,947
After 1 Year	\$86,706	\$90,174	\$90,174	\$93,781	\$97,532
After 2 Years	\$86,868	\$90,343	\$90,343	\$93,957	\$97,715
After 3 Years	\$87,031	\$90,512	\$100,779	\$104,810	\$109,002
After 4 Years	\$96,903	\$100,779			

- (iii) Assistant Deputy Warden (Promoted on or after August 1, 2008):

	Effective 3/1/08	Effective 3/1/09	Effective 7/1/10	Effective 7/1/11
Entry Level	\$86,186	\$89,633	\$93,218	\$96,947
After 1 Year	\$86,706	\$90,174	\$93,781	\$97,532
After 2 Years	\$86,868	\$90,343	\$93,957	\$97,715
After 3 Years	\$87,031	\$90,512	\$94,132	\$97,897
After 4 Years	\$96,903	\$100,779	\$104,810	\$109,002

- (iv) Deputy Warden (Promoted prior to July 1, 2006):

	Effective 3/1/08	Effective 3/1/09	Effective 7/1/10	Effective 7/1/11
Entry Level	\$104,139	\$108,305	\$112,637	\$117,142
After 1 Year	\$111,531	\$115,992	\$120,632	\$125,457
After 2 Years	\$118,928	\$123,685	\$128,632	\$133,777
After 3 Years	\$126,324	\$131,377	\$136,632	\$142,097

- (v) Deputy Warden (Promoted on or after July 1, 2006):

	Effective 3/1/08	Effective 3/1/09	Effective 4/1/09	Effective 7/1/10	Effective 7/1/11
Entry Level	\$101,323	\$105,376	\$105,376	\$109,591	\$113,975
After 1 Year	\$103,865	\$108,020	\$108,020	\$112,341	\$116,835
After 2 Years	\$107,179	\$111,466	\$111,466	\$115,925	\$120,562
After 3 Years	\$111,599	\$116,063	\$131,377	\$136,632	\$142,097
After 4 Years	\$126,324	\$131,377			

- (vi) Deputy Warden in Command

	Effective 3/1/08	Effective 3/1/09	Effective 7/1/10	Effective 7/1/11
	\$133,135	\$138,460	\$143,998	\$149,758

- b. Increments granted annually on anniversary date.

**Section 2.**

A laid off employee who is returned to service in the employee's former title or in a comparable title from a preferred list, shall receive the basic salary rate that would have been received by the employee had the employee never been laid off, up to a maximum of two (2) years of general salary increases.

**Section 3. - General Wage Increase**

- a. (i) Effective March 1, 2008, Employees shall receive a rate increase of four percent (4%).
- (ii) Effective March 1, 2009, Employees shall receive an additional rate increase of four percent (4%).
- (iii) Effective July 1, 2010, Employees shall receive an additional rate increase of four percent (4%).
- (iv) Effective July 1, 2011, Employees shall receive an additional rate increase of four percent (4%).
- b. The increases provided for in this Section 3a above shall be calculated as follows:
  - (i) The increase in Section 3a(i) shall be based upon the base rates (which shall include salary or incremental schedules) of the applicable titles in effect on February 29, 2008;
  - (ii) The rate increase in Section 3a (ii) shall be based upon the base rate (which shall include salary or incremental schedules) of the applicable titles in effect on February 28, 2009;
  - (iii) The rate increase in Section 3a (iii) shall be based upon the base rate (which shall include salary or incremental schedules) of the applicable titles in effect on June 30, 2010; and
  - (iv) The rate increase in Section 3a (iv) shall

be based upon the base rate (which shall include salary or incremental schedules) of the applicable titles in effect on June 30, 2011.

- c. The general increase provided in this Section 3 shall be applied to the base rates and salary grades fixed for the applicable titles, except to the extent that the base rates and salary grades are modified by Section 3d below.
- d. Employees promoted to Assistant Deputy Warden between July 1, 2006 and July 31, 2008, promoted to Assistant Deputy Warden on or after August 1, 2008, or promoted to Deputy Warden on or after July 1, 2006 shall be subject to the salary schedules set forth in Section 1a(ii), 1a(iii) and 1a(v), respectively, above.

**Section 4.**

Paychecks shall be delivered to commands by 3:00 p.m. on the Thursday preceding payday for distribution after 3:00 p.m. on said Thursday.

**Section 5. - Salary Itemization**

The Department shall make available in convenient places in each command the appropriate payroll work sheets for the purpose of enabling each employee to verify the salary components of the employee's paycheck. The parties will review further the feasibility of otherwise advising each employee of all payroll components along with the employee's paycheck.

**Section 6. - "Acting Warden" Differential**

Effective July 1, 2008, there will be a differential payable in the amount of \$100 per day for a Deputy Warden who is designated to serve as "Acting Warden" during the regular Warden's scheduled absence.

**ARTICLE VII - UNIFORM ALLOWANCE**

In Fiscal Years 2008 - 2012, the City shall pay to each employee a uniform allowance of \$700 in accord with the existing standard procedures.

**ARTICLE VIII - LONGEVITY ADJUSTMENTS**

**Section 1.**

- a. Effective March 1, 2008, Longevity adjustments shall be paid as follows:
  - (i) Upon the completion of five years of service, employees shall receive a longevity adjustment of \$2,595.
  - (ii) Upon completion of ten years of service, employees shall receive a longevity adjustment of an additional \$1,000 for a total of \$3,595.
  - (iii) Upon completion of fifteen years of service, employees shall receive a longevity adjustment of an additional \$1,000 for a total of \$4,595.
  - (iv) Upon completion of twenty years of service, employees shall receive a longevity adjustment of an additional \$1,000 for a total of \$5,595.

Effective March 1, 2009, Longevity adjustments shall be paid as follows:

- (i) Upon the completion of five years of service, employees shall receive a longevity adjustment of \$405.00 for a total of \$3,000.
- (ii) Upon completion of ten years of service, employees shall receive a longevity adjustment of an additional \$1,000 for a total of \$4,000.
- (iii) Upon completion of fifteen years of service, employees shall receive a longevity adjustment of an additional \$1,000 for a total of \$5,000.
- (iv) Upon completion of twenty years of service, employees shall receive a longevity adjustment of an additional \$1,000 and an additional \$500 for a total of \$6,500.

Effective August 1, 2011, Longevity adjustments shall be paid as follows:

- (i) Upon the completion of five years of service, employees shall receive a longevity adjustment of \$700 for a total of \$3,700.
- (ii) Upon completion of ten years of service, employees shall receive a longevity adjustment of an additional \$1,000 for a total of \$4,700.
- (iii) Upon completion of fifteen years of service, employees shall receive a longevity adjustment of an additional \$1,000 for a total of \$5,700.
- (iv) Upon completion of twenty years of

service, employees shall receive a longevity adjustment of an additional \$1,000 and an additional \$500 for a total of \$7,200.

- b.** The adjustment after the 5th and 10th years shall not be computed as salary for pension purposes until after completing 20 years of service. The adjustment after the 15th and 20th years shall not be computed as salary for pension purposes until after completion of 25 years of service. In the event this provision is declared invalid under the law, the parties shall reopen negotiations to resolve the issue of the increased cost of changing the effective date of the pensionability of the above adjustments. Such negotiations will be commenced forthwith. If no agreement is reached, an impasse may be declared and subsequent mediation and the impasse proceeding, if any, shall in all respects be conducted on an expedited basis.
- c.** The calculation of night shift differential payments shall be based upon the same factors, amounts and methodology as previously utilized.
- d.** ITHP and pension benefit calculations shall only include the amount of the longevity payment that is pensionable.

#### ARTICLE IX - PAYMENT FOR HOLIDAY WORK

Each employee shall receive eleven (11) paid holidays annually, payments for which shall be made in accord with existing procedures.

#### ARTICLE X - LEAVES

##### Section 1. - Sick Leave

- a.** Each employee shall be entitled to leave with pay for the full period of any incapacity due to illness, injury or mental or physical defect, whether or not service-connected in accordance with existing procedures.
- b.** Effective January 1, 1990:
- (i)** Each employee shall be entitled to leave with pay for the full period of any incapacity due to illness, injury or mental or physical defect which is service-connected pursuant to Section 14-122.1 of the Administrative Code.
- (ii)** Each employee shall be entitled to leave with pay for the full period of any incapacity due to illness, injury or mental or physical defect, whether or not service connected.

##### Section 2. - Death-in-Family Leave

In the event of a death in an employee's immediate family and upon application to and approval of the employee's commanding officer or supervisory head, an employee shall receive leave with pay not exceeding four (4) consecutive regular tours of duty. For the purposes of this Section, the phrase, "Immediate Family", shall include any of the following: (a) a spouse; (b) a natural, foster or stepparent, child, brother or sister; (c) a father-in-law or mother-in-law or (d) any relative residing in the employee's household. The commanding officer or supervisory head granting such leave shall verify the death and relationship of the deceased. If the deceased was in the military service of the United States at the time of death, the employee requesting leave shall produce the official notice of death.

##### Section 3. - Military Leave

Military leave not exceeding a total of thirty (30) days in one calendar year and not exceeding thirty (30) days in any one continuous period of such absence shall be granted with pay to satisfy military obligations.

##### Section 4. - Special Excusals

Excused time accorded to other personnel employed by the City under circumstances such as excusals for the Dr. Martin Luther King, Jr. and the Senator Robert F. Kennedy funerals and the Moon Landing Observation Day shall be granted equally to employees covered by this Agreement. All compensating days off shall be subject to the exigencies of the Department.

##### Section 5. - Leave to Attend Hearings

Individual employee grievants shall be granted leave with pay for such time as is necessary to testify at arbitration hearings.

Leave with pay shall be granted to three (3) employees who are named grievants in a group arbitration proceeding, for such time as is necessary for them to testify at their group arbitration hearings.

Leave with pay for such time as is necessary to testify at their hearings shall be granted to employees who, after final adjudication of proceedings under Section 210 paragraph 2h of the Civil Service Law are determined not to have been in violation of Section 210.

#### ARTICLE XI - VACATIONS

##### Section 1.

- a.** Effective July 1, 1994, the Department shall provide the authorized annual vacations of twenty-seven (27) workdays to Assistant Deputy Wardens

promoted prior to November 1, 1992.

- b.** Effective July 1, 1994, for Assistant Deputy Wardens promoted on or after November 1, 1992 and prior to January 1, 1995, the Department shall provide the authorized annual vacations as follows:

1st year	21 days
2nd year	22 days
3rd year	23 days
4th year	24 days
5th year	25 days
6th year	27 days

- c.** Effective July 1, 1994, for Assistant Deputy Wardens promoted on or after January 1, 1995 the Department shall provide the authorized annual vacations as follows:

1st year	20 days
2nd year	21 days
3rd year	22 days
4th year	23 days
5th year	24 days
6th year	26 days

- d.** Employees covered by Article XI, Section 1. b. and c. who are promoted to Deputy Warden and/or Deputy Warden-in-Command on or after June 18, 1996, shall continue on their respective reduced vacation schedule for the portion of time remaining as if they had remained in the title Assistant Deputy Warden.

- e.** Effective July 1, 1998, the Department shall provide all employees the authorized annual vacations of twenty-six (26) workdays.

- f.** Effective July 1, 1998, for employees promoted on or after November 1, 1992 and prior to January 1, 1995, the Department shall provide the authorized annual vacations as follows:

1st year	20 days
2nd year	21 days
3rd year	22 days
4th year	23 days
5th year	24 days
6th year	26 days

- g.** Effective July 1, 1998, for employees promoted on or after January 1, 1995, the Department shall provide the authorized annual vacations as follows:

1st year	19 days
2nd year	20 days
3rd year	21 days
4th year	22 days
5th year	23 days
6th year	25 days

##### Section 2.

Vacations shall be scheduled in accordance with existing procedures.

##### Section 3.

The Department agrees to allow employees to use their accrued vacation days in the vacation year in which they are earned subject to the exigencies of the Department.

##### Section 4. - Accrual of Vacation

If the Department of Correction calls upon an employee in writing to forego the employee's vacation or any part thereof that portion up to a maximum of three (3) weeks of vacation shall be carried over until such time as it can be liquidated in the following calendar year subject to the following conditions:

- (1) the selection of such vacation days shall be in the discretion of and subject to the exigencies of the Department; and
- (2) the selection of such days in the following calendar year shall be made after the regular vacation picks; and
- (3) the utilization of this vacation time shall be restricted to the months of January through May and September through November.

It is the intention of the Department of Correction to allow an employee to request permission to accrue vacation consistent with this provision and to grant such requests which are reasonable.

#### ARTICLE XII - HEALTH AND HOSPITALIZATION BENEFITS

##### Section 1.

The City shall continue to provide a fully paid choice of health and hospitalization insurance plans for each employee, not to exceed 100% of the full cost of HIP-HMO on a category basis. There will be an annual reopening period during the term of this Agreement for active employees to exercise their choice among medical plans.

##### Section 2.

Retirees shall have the option of changing their previous choice of Health Plans. This option shall be:

- (a)** a one time choice;
- (b)** exercised only after one (1) year of retirement; and

- (c)** can be exercised at any time without regard to contract periods.

The effective date of change to a new plan shall be the first day of the month three (3) months after the month in which the application has been received by the New York City Health Insurance Program. Effective with the reopener period for Health Insurance subsequent to July 1, 1980 and every two years thereafter, retirees shall have the option of changing their previous choice of health plans. This option shall be exercised in accordance with procedures established by the Employer. The Union will assume the responsibility of informing retirees of this option.

##### Section 3.

- a.** Effective July 1, 1983 and thereafter, the City's cost for each employee and for each retiree under age 65 shall be equalized at the community rated basic HIP/HMO plan payment rate as approved by the State Department of Insurance on a category basis of individual or family, e.g. the GHI-CHP/Blue Cross payment for family coverage shall be equal to the HIP/HMO payment for family coverage.

- b.** If a replacement plan is offered to employees and retirees under age 65 which exceeds the cost of the HIP/HMO equalization provided in Section 3a, the City shall not bear the additional costs.

- c.** The City (and other related Employers) shall continue to contribute on a City employee benefits program-wide basis the additional annual amount of \$30 million to maintain the health insurance stabilization reserve fund which shall be used to continue equalization and protect the integrity of health insurance benefits. The health insurance stabilization reserve fund shall be used: to provide a sufficient reserve; to maintain to the extent possible the current level of health insurance benefits provided under the GHI-CBP/Blue Cross plan; and, if sufficient funds are available, to fund new benefits.

The health insurance stabilization reserve fund shall be credited with the divisions or reduced by the losses attributable to the GHI-CBP/Blue Cross plan.

- d.** Pursuant to paragraph 7 of MLC Health Benefits Agreement, notwithstanding the above, in each of the fiscal years 2001 and 2002, the City shall not make the annual \$35 million contributions to the health insurance stabilization fund.

- e.** In the event that there is a Citywide or program-wide health insurance package which exceeds the cost of the equalization and stabilization fund described above, the parties may negotiate reconfiguration of this package which in no event will provide for costs in excess of the total costs of this Agreement as set forth herein. However, it is understood that the ADWDWA will not be treated any better or any worse than any other Union Participating in the Citywide or Program-wide Health Program with regard to increased health insurance costs.

##### Section 4.

Where an employee is suspended without pay prior to disciplinary trial for disciplinary reasons for more than 30 days, the employee shall receive full health and hospitalization benefit coverage during the period of the suspension following the first 30 days. Where an employee is subsequently restored to full pay status, as of the date of suspension, the employee shall be restored to full health and hospitalization coverage for the first 30 days of the suspension.

##### Section 5. - Health Care Flexible Spending Account.

- a.** A flexible health care spending account shall be established after July 1993 pursuant to Section 125 of the IRS Code. Those employees eligible for New York City health plan coverage as defined on page 32, section 4(B) of the 1992 New York City Health Summary Program Description shall be eligible to participate in the account. Participating employees shall contribute at least \$260 per year up to a maximum of \$5,000 per year. Said contribution minimum and maximum levels may be modified by the MLC Health Advisory Committee based on experience of the plan. Any unfunded balance may be deducted from final salary payments due an employee.
- b.** Expenses of the account shall include but not be limited to deductibles, co-insurance, co-payments, excess expenses beyond plan limits, physical exams and health related transportation costs for vision, dental, medical and prescription drug plans where the employee and dependents are covered. In no case will any of the above expenses include those non-deductible expenses defined as non-deductible in IRS Publication 502.
- c.** An administrative fee of \$1.00 per week for the first year shall be charged for participation in the program. An employee's participation in the account is irrevocable during a plan year. At the close of the plan year any excess balance in an employee's account will not be refunded.

#### ARTICLE XIII - SECURITY BENEFITS FUND

##### Section 1.

- a.** Effective July 1, 2003, the City shall contribute the

pro-rata annual amount of \$1,325 for each Assistant Deputy Warden, Deputy Warden and Deputy Warden-in-Command for remittance to the Security Benefits Fund of the Assistant Deputy Wardens Association of the City of New York ("Welfare Fund") pursuant to the terms of a supplemental agreement to be reached by the parties subject to the approval of the Corporation Counsel.

- b. Effective July 1, 2006, the Employer shall decrease the pro-rata annual amount by \$100.00 to \$1,225.
- c. Effective April 1, 2009, the City's contribution to the Security Benefits Fund on behalf of each retiree shall be increased by \$200.00 to \$1,425.
- d. Effective August 1, 2011, the City's contribution to the Security Benefits Fund on behalf of each active employee shall be increased by \$75.00 to \$1,300.
- e. To the extent permitted by law, part of the amounts so contributed may be applied to maintain an appropriate legal services plan, pursuant to the terms of a supplemental agreement between the parties as approved by the Corporation Counsel.
- f. Effective August 1, 1995, employees who have been separated from service subsequent to December 31, 1970, and who were covered by the Security Benefits Fund of the Assistant Deputy Wardens Association at the time of such separation pursuant to a supplementary agreement between the City and the ADWA shall continue to be so covered, subject to the provisions of Section 1(a) hereof, on the same contributory basis as incumbent employees. Contributions shall be made only for such time as said individuals remain primary beneficiaries of the New York City Health Insurance Program and are entitled to benefits paid for by the City through such Program.
- g. Deputy Wardens and Deputy Wardens-in-Command who have retired and have been covered by the Management Benefits Fund shall remain in the Management Benefits Fund for as long as they are otherwise entitled.
- h. The Union agrees to provide Welfare Fund benefits to domestic partners of covered employees in the same manner as those benefits are provided to spouses of married covered employees.
- i. Civil Legal Representation Fund

Effective July 1, 2003, the City shall contribute \$189 per annum for each active Assistant Deputy Warden, Deputy Warden and Deputy Warden-in-Command to the Welfare Fund to establish a civil legal representation fund pursuant to the terms of a supplemental agreement between the City and the Union as approved by the Corporation Counsel. While these funds shall be administered by the applicable Welfare Fund, they are to be maintained in a separate account and shall not be commingled with the other monies received by the Welfare Fund. Only the \$189 provided above may be used for civil legal representation. No additional monies from the Welfare Fund may be used for civil legal representation.

Such payments shall be made pro-rata by the City every twenty-eight (28) days.

j. Legal Support/Representation Fund

Effective April 1, 2009, the City shall remit a one-time lump sum payment of \$500 per active member to the Legal Support/Representation Fund established pursuant to the terms of a supplemental agreement between the City and the Union as approved by the Corporation Counsel.

**Section 2.**

Where an employee is suspended without pay for disciplinary reasons and is subsequently restored to full pay status as of the date of the suspension, the employee shall receive full Security Benefits Fund coverage for the period of the suspension.

**ARTICLE XIV - ANNUITY FUND**

**Section 1.**

- a. Effective December 1, 2000, the City shall continue to contribute for each Assistant Deputy Warden promoted to Assistant Deputy Warden after July 1, 1990, on a twenty-eight (28) day cycle basis, a pro-rata daily contribution for each working day for which such employee is paid by the City which amount shall not exceed \$728.19 per annum per employee. Contributions hereunder shall be remitted by the City each twenty-eight (28) days to a mutually agreed upon annuity fund pursuant to the terms of a supplemental agreement to be reached by the parties subject to the approval of the Corporation Counsel.
- b. Effective December 1, 2000, the City shall contribute for all employees promoted to Assistant Deputy Warden prior to July 1, 1990, and for all Deputy Wardens and Deputy Wardens-in-Command, on a twenty-eight (28) day cycle basis, a pro-rata daily contribution for each working day for which such employee is paid by the City which amount shall not exceed \$1,119.69 per annum per employee. Contributions hereunder shall be remitted by the City each twenty-eight (28) days to a mutually agreed upon annuity fund pursuant to the terms of a supplemental agreement to be reached by the parties subject to the approval of the Corporation Counsel.

- c. Effective March 1, 2003, for Assistant Deputy Wardens *who were promoted after July 1, 1990*, the City shall contribute for each employee, on a twenty-eight (28) day cycle basis, a pro-rata daily contribution for each working day for which such employee is paid by the City which amount shall not exceed \$780.39. Contributions hereunder shall be remitted by the City each twenty-eight (28) days to a mutually agreed upon annuity fund pursuant to the terms of a supplemental agreement to be reached by the parties subject to the approval of the Corporation Counsel.
- d. Effective March 1, 2003, for Assistant Deputy Wardens *who were promoted prior to July 1, 1990*, and for all Deputy Wardens and Deputy Wardens-in-Command, the City shall contribute for each employee, on a twenty-eight (28) day cycle basis, a pro-rata daily contribution for each working day for which such employee is paid by the City which amount shall not exceed \$1,302.39. Contributions hereunder shall be remitted by the City each twenty-eight (28) days to a mutually agreed upon annuity fund pursuant to the terms of a supplemental agreement to be reached by the parties subject to the approval of the Corporation Counsel.
- e. Effective April 1, 2009, the City shall remit to the Annuity Fund a one-time lump sum payment in the amount of \$5,000 on behalf of each member of the bargaining unit in active pay status as of January 3, 2008, the date of ratification of the 2008 - 2012 Memorandum of Agreement.

**Section 2.**

Where an employee is suspended without pay for disciplinary reasons and is subsequently restored to full pay status as of the effective date of the suspension, the employee shall receive full annuity fund coverage for the period of the suspension.

**ARTICLE XV - GENERAL**

**Section 1. - Safety Helmets**

The City agrees to furnish a safety helmet and equipment when required.

**Section 2. - Maintenance of Facilities**

All commands and other Departmental places of assignment shall have adequate heating, hot water and sanitary facilities. The Union shall give notice to the Department of any failure to maintain these conditions. If not corrected by the Department within a reasonable time, the Union may commence a grievance at Step 2 of the grievance procedure concerning that failure.

**Section 3. - Semi-Private Hospital Accommodations for Line-of-Duty Injuries**

The City shall prepare, submit and support legislation to provide semi-private hospital accommodations for employees injured in the line-of-duty.

**Section 4. - Meal Scheduling**

Employees shall not be assigned meals as a matter of practice during either the first hour and one-half or last hour and on half of their tours. In cases of emergency this practice may be altered.

**Section 5. - Lump Sum Payments**

Where an employee has an entitlement to accrued annual leave and/or compensatory time, and the City's fiscal condition requires employees who are terminated, laid off or who choose to retire in lieu of layoff to be removed from the payroll on or before a specific date, or where an employee reaches the mandatory retirement age, the Employer shall provide a monetary value of accumulated and unused annual leave and/or compensatory time allowances standing to this credit in a lump sum. Such payments shall be in accordance with the provisions of Executive Order 30, dated June 24, 1975.

Where an employee has an entitlement to terminal leave and the City's fiscal situation requires that employees who are terminated, laid off or retired be removed from the payroll on or before a specific date, or where an employee reached the mandatory retirement age, the Employer shall provide a monetary lump sum payment for terminal leave in accordance with the provisions of Executive Order 31, dated June 24, 1975.

**Section 6. - Interest Payments**

Interest on wage increases shall accrue at the rate of three percent (3%) per annum from one hundred-twenty (120) days after execution of this Agreement or one hundred-twenty (120) days after the effective date of the increase, whichever is later, to the date of actual payment. Interest on longevity and step-up increments, differentials and holiday pay shall accrue at the rate of three percent (3%) per annum from one hundred-twenty (120) days after the execution of this Agreement, or one hundred-twenty (120) days following its earning, whichever is later, to the date of actual payment. Interest on overtime pay shall accrue at the rate of three percent (3%) per annum from one hundred-twenty (120) days following its earning or one hundred-twenty (120) days following the employee's submission of an overtime report, whichever is later. Interest accrued pursuant to this paragraph shall be payable only if the amount of interest due to an individual employee exceeds five dollars (\$5.00).

**Section 7. - Layoffs**

Where layoffs are scheduled the following procedure shall be used:

1. Notice shall be provided to the Union not less than thirty (30) days before the effective dates of such projected layoffs.
2. Within such 30-day period designated representatives of the Employer will meet and confer with the designated representatives of the Union with the objective of considering feasible alternatives to all or part of such scheduled layoffs, including but not limited to (a) the transfer of employees to agencies with re-training, if necessary, consistent with the Civil Service Law but without regard to Civil Service title, (b) the use of Federal and State funds whenever possible to retain or re-employ employees scheduled for layoff, (c) the elimination or reduction of the amount of work contracted out to independent contractors and (d) encouragement of early retirement and the expediting of the processing of retirement applications.

When a layoff occurs, the Department will provide the Union with a list of employees who are on a preferred list with the original date of appointment utilized for the purpose of such layoff.

**Section 8. - Public Transportation**

The City and the Union will use their best efforts to effect free transportation on buses and subways for employees covered by this Agreement.

**Section 9. - Personnel Folder**

The Department will upon written request to the Chief of Administration by the individual employee, remove from the Personnel folder, investigative reports which upon completion of the investigation are classified exonerated and/or unfounded.

**Section 10. - Performance Compensation**

The City acknowledges that each of the uniformed forces performs an important service that reflects the diverse missions of the City's uniformed agencies. In order to reward service of an outstanding, exceptional nature, each of the uniformed agencies will establish a performance compensation program to recognize and reward such service, tailored to the unique missions of the individual uniformed agency.

The parties agree that additional compensation may be paid to employees performing outstanding, exemplary, difficult and/or unique assignments. The City will notify and discuss with each affected union of its intent to pay such additional compensation and the individuals to be compensated.

The criteria for the granting of performance-based compensation shall be based upon outstanding performance in the work assigned, and/or performance of unique and difficult work.

The performance-based compensation payments provided for in this section shall be one-time, non-recurring cash payments subject to applicable pension law. An employee can receive no more than one payment annually.

This provision shall not affect any existing productivity programs covered in any existing collective bargaining agreements. Nor shall this provision be construed to waive any obligation of the City to negotiate over future productivity programs as required by applicable law.

**ARTICLE XVI - UNION ACTIVITY**

**Section 1.**

Time spent by Union officials and representatives in the conduct of labor relations shall be governed by the provisions of Mayor's Executive Order No. 75, as amended, dated March 22, 1973, or any other applicable Executive Order or local law, or as otherwise provided in this Agreement. No employee shall otherwise engage in Union activities during the time the employee is assigned to the employee's regular duties.

**Section 2.**

Union officers and delegates shall be recognized as representatives of the Union within their respective commands. For the purpose of attending the regularly scheduled monthly meeting, Union delegates shall be excused from duty if the meeting coincides with the delegate's scheduled tour, provided that the command has received at least seventy-two (72) hours advance notice of such request for excusal.

**Section 3.**

The Department of Correction will issue a memorandum to all heads of institutions instructing them to discuss labor/management problems with alternate Union delegates when a regular delegate is not available, and such alternate will be released for the regularly scheduled monthly meeting when the regular delegate is unable to attend said monthly delegate meeting because of illness which requires remaining at home or hospitalization, or absence from the New York metropolitan area on leave or by assignment, or required court appearance.

**ARTICLE XVII - NO DISCRIMINATION**

In accord with applicable law, there shall be no discrimination by the City against any employee because of Union activity.

ARTICLE XVIII - BILL OF RIGHTS

The Guidelines for Interrogation of members of the Department in force at the execution date of this Agreement will not be altered during the term of this Agreement, except to reflect subsequent changes in the law or final decisions of the Supreme Court of the United States and the Court of Appeals of the State of New York regarding the procedures and conditions to be followed in the interrogation of a member of the Department. No less than two (2) weeks' written notice of such proposed alteration of the said Guidelines shall be given to the Union.

ARTICLE XIX - NIGHT SHIFT DIFFERENTIAL

- a. Effective July 1, 1980 a 10% night shift differential shall continue to be paid to all employees assigned to rotating tours of duty for all work actually performed between the hours of 4:00 P.M. and 8:00 A.M. Effective July 1, 1980 a 10% night shift differential shall continue to be paid to all other employees for work actually performed between the hours of 4:00 P.M. and 8:00 A.M., provided that more than one (1) hour is actually worked after 4:00 P.M. and before 8:00 A.M.
b. Where overtime compensation is to be calculated for tours in the regular duty chart, the overtime calculation shall be based on the rate paid for the tour to which the overtime is attached; for tours not in the regular duty chart, the overtime calculation shall be based on that rate paid for half or more the hours of the tour to which the overtime is attached.
c. For all employees promoted to Assistant Deputy Warden on or after November 1, 1992:
Effective February 1, 1993, 75% of the night shift differential as described in paragraph 'a' above earned by a similarly situated Assistant Deputy Warden promoted prior to November 1, 1992 shall be paid until the employee has completed five (5) years of service as an Assistant Deputy Warden.
d. Employees covered by paragraph c. who are promoted to Deputy Warden and/or Deputy Warden-in-Command on or after June 17, 1996, shall continue to receive the reduced night shift differential set forth in paragraph c. for the portion of time remaining as if they had remained in the title Assistant Deputy Warden.
This paragraph d. shall not apply to employees promoted to Deputy Warden and/or Deputy Warden-in-Command prior to June 17, 1996.
e. Night-shift differential for Deputy Wardens and Deputy Wardens-in-Command shall be applicable to paid tours only.

ARTICLE XX - GRIEVANCE AND ARBITRATION PROCEDURE

Section 1. - Definition

For the purpose of this Agreement the term "grievance" shall mean:

- a. a claimed violation, misinterpretation or inequitable application of the provisions of this Agreement;
b. a claimed violation, misinterpretation or misapplication of the rules, regulations, or procedures of the agency affecting terms and conditions of employment, provided that, except as otherwise provided in this Section 1a, the term "grievance" shall not include disciplinary matters;
c. a claimed violation, misinterpretation or misapplication of the Guidelines for Interrogation of Members of the Department referred to in Article XVIII of this Agreement;
d. a claimed improper holding of an open-competitive rather than a promotional examination;
e. a claimed assignment of the grievant to duties substantially different from those stated in the employee's job title specification.

Section 2.

The grievance procedure, except for paragraph d. of Section 1 above, shall be as follows:

Step I The employee and/or the Union shall present the grievance or in the form of a memorandum to the "Head of the Facility" not later than ninety (90) days after the date on which the grievance arose. The employee may also request an appointment to discuss the grievance. The Head of the Facility shall take any steps necessary to a proper disposition of the grievance and shall reply in writing by the end of the third work day following the date of submission.

Step II An appeal from an unsatisfactory decision at Step I shall be presented in writing to the agency head or the designated representative. The appeal must be made within five (5) working days of the receipt of the Step I decision. The agency head or the designated representative, if any, shall meet with the employee and/or the Union for review of the grievance and shall issue a decision by the end of the tenth work day following the date on which the appeal was filed.

Step III An appeal from an unsatisfactory decision at Step II shall be presented by the employee and/or the Union to the Commissioner of Labor Relations, in writing, within ten (10) working days of the receipt of the Step II decision. Copies of such appeals shall be sent to the agency head. The Commissioner of Labor Relations, or designee, shall review all appeals from Step II decision and shall answer such appeals within fifteen (15) working days.

Step IV An appeal from an unsatisfactory decision at Step III may be brought solely by the Union to the Office of Collective Bargaining for impartial arbitration within fifteen (15) working days of receipt of the Step III decision. In addition, the City shall have the right to bring directly to arbitration any dispute between the parties concerning any matter defined herein as a "grievance." The City shall commence such arbitration by submitting a written request therefor to the Office of Collective Bargaining. A copy of the notice requesting impartial arbitration shall be forwarded to the opposing party. The arbitration shall be conducted in accord with the Consolidated Rules of the Office of Collective Bargaining. The costs and fees of such arbitration shall be borne equally by the Union and the City. The decision or award of the arbitrator shall be final and binding in accord with applicable law and shall not add to, subtract from or modify any contract, rule, regulation, existing policy or order mentioned in Section 1 of this Article.

Section 3.

As a condition to the right of a Union to invoke impartial arbitration set forth in this Article, including the arbitration of a grievance involving a claimed improper holding of an open-competitive rather than a promotional examination, the employee or employees and the Union shall be required to file with the Director of the Office of Collective Bargaining a written waiver of the right, if any, of the employee or employees and the Union to submit the underlying dispute to any other administration or judicial tribunal except for the purpose of enforcing the arbitrator's award.

Section 4.

Any grievance of a general nature affecting a large group of employees and which concerns the claimed misinterpretation, inequitable application, violation or failure to comply with the provisions of this Agreement shall be filed at the option of the Union at Step III of the grievance procedure, without resort to previous steps.

Section 5.

If a decision satisfactory to the Union at any level of the grievance procedure is not implemented within a reasonable time, the Union may re-institute the original grievance at Step III of the grievance procedure; or if a satisfactory Step III decision has not been so implemented, the Union may institute a grievance concerning such failure to implement at Step IV of the grievance procedure.

Section 6.

If the City exceeds any time limit prescribed at any step in the grievance procedure, the grievant and/or the Union may invoke the next step of the procedure, except, however, that only the Union may invoke impartial arbitration under Step IV.

Section 7.

The City shall notify the Union in writing of all grievances filed by employees, all grievance hearings, and all determinations. The Union shall have the right to have a representative present at any grievance hearing and shall be given forty-eight (48) hours' notice of all grievance hearings.

Section 8.

Each of the steps in the grievance procedure, as well as time limits prescribed at each step of this grievance procedure, may be waived by mutual agreement of the parties.

Section 9.

- a. Any grievance relating to a claimed improper holding of an open-competitive rather than a promotional examination shall be presented in writing by the employee or the Union representative to the Commissioner of Labor Relations not later than thirty (30) days after the notice of intention to conduct such open-competitive examination, or copy of the appointing officer's request for such open-competitive examination, as the case may be has been posted in accordance with Section 51 of the Civil Service Law. The grievance shall be considered and passed upon within ten (10) days after its presentation. The decision shall be in writing, copies of which shall be transmitted to both parties to the grievance upon issuance.
b. A grievance relating to the use of an open-competitive rather than a promotional examination which is unresolved by the Commissioner of Labor Relations may be brought to impartial arbitration as provided in Sections 2 and 3 above. Such a grievance shall be presented by the Union, in writing, for arbitration within fifteen (15) days of the presentation of such grievance to the Commissioner of Labor Relations, and the arbitrator shall decide such grievance within seventy-five (75) days of its presentation to him. The party requesting such arbitration shall send a copy of such request to the other party. The costs and fees of such arbitration shall be borne equally by the Union and the City.

Section 10.

The availability of the grievance or arbitration procedure shall not justify a failure to follow orders.

Section 11.

The grievance and arbitration procedures contained in this Agreement shall be the exclusive remedy for the resolution of disputes defined as "grievance" herein. This Section shall not be construed in any manner to limit the statutory rights and obligations of the City under Article XIV of the Civil Service Law.

ARTICLE XXI - LINE-OF-DUTY DEATH BENEFIT

In the event an employee dies because of line-of-duty injury received during the actual and proper performance of Assistant Deputy Warden, Deputy Warden, and/or Deputy Warden-in-Command service relating to the alleged or actual commission of an unlawful act, or directly resulting from a characteristic hazard of Assistant Deputy Warden, Deputy Warden, and/or Deputy Warden-in-Command duty, through no fault of the employee's, a payment of \$25,000 shall be made from funds other than those of the Retirement System in addition to any other payment which may be made as a result of such death. Such payment shall be made to the beneficiary designated under the Retirement System or, if no beneficiary is so designated to the estate of the deceased.

ARTICLE XXII - DEATH BENEFIT-UNUSED LEAVE AND COMPENSATORY TIME

If an employee dies while employed by the City, the employee's beneficiary designated under the Retirement System or, if no beneficiary is so designated, the deceased's estate shall receive payment in cash for the following as a death benefit:

- a. All unused accrued leave up to a maximum of fifty four (54) days' credit;
b. All unused accrued compensatory time earned subsequent to January 1, 1971 which is verifiable by official Department records up to a maximum of two hundred (200) hours.

ARTICLE XXIII - NO STRIKES

In accord with applicable law, neither the Union nor any employee shall induce or engage in any strikes, slowdowns, work stoppages, or mass absenteeism, or induce any mass resignation during the term of this Agreement.

ARTICLE XXIV - BULLETIN BOARDS

The Union may post notices on bulletin boards in places and locations where notices usually are posted by the Employer for employees to read. All notices shall be on Union stationery, shall be used only to notify employees of matters pertaining to Union affairs, and shall not contain any derogatory or inflammatory statements concerning the City, the Department, or personnel employed by either entity.

ARTICLE XXV - NO WAIVER

Except as otherwise provided in this Agreement, the failure to enforce any provision of this Agreement shall not be deemed a waiver thereof. This Agreement is not intended and shall not be construed as a waiver of any right or benefit to which Assistant Deputy Wardens, Deputy Wardens, and/or Deputy Wardens-in-Command are entitled by law.

ARTICLE XXVI - SAVINGS CLAUSE

If any provision of this Agreement is found to be invalid, such invalidity shall not impair the validity and enforceability of the remaining provisions of this Agreement.

ARTICLE XXVII - LABOR-MANAGEMENT COMMITTEE

Section 1.

The City and the Union, having recognized that cooperation between management and employees is indispensable to the accomplishment of sound and harmonious labor relations, shall jointly maintain and support a labor-management committee in each of the agencies having at least fifty (50) employees covered by this Agreement.

Section 2.

Each labor-management committee shall consider and recommend to the agency head changes in the working conditions of the employees within the agency who are covered by this Agreement. Matters subject to the grievance procedure shall not be appropriate items for consideration by the labor-management committees.

Section 3.

Each labor-management committee shall consist of six (6) members who shall serve for the term of this Agreement. The Union shall designate three (3) members and the agency head shall designate three (3) members. Vacancies shall be filled by the appointing party for the balance of the term to be served. Each member may designate one (1) alternate. Each committee shall select a chairman from among its members at each meeting. The chairmanship of each committee shall alternate between the members designated by the agency head and the members designated by the Union. A quorum shall consist of a majority of the total membership of a committee. A committee shall make its recommendations to the agency head in writing.

At the request of either the Department of Correction or the Assistant Deputy Wardens/Deputy Wardens Association, a representative of the Office of Labor Relations will sit in on the Labor Management Committee.

Section 4.

The labor-management committee shall meet at the call of either the Union members or the City members at times mutually agreeable to both parties. At least one (1) week in advance of a meeting the party calling the meeting shall provide, to the other party, a written agenda of matters to be discussed. Minutes shall be kept and copies supplied to all members of a committee.

ARTICLE XXVIII - FINANCIAL EMERGENCY ACT

The provisions of this Agreement are subject to applicable provisions of law including the New York State Financial Emergency Act for the City of New York, as amended.

WHEREFORE, we have hereunto set our hands and seals this 28th day of April, 2008.



THE CITY OF NEW YORK  
**OFFICE OF LABOR RELATIONS**  
40 Rector Street, New York, NY 10006-1705  
http://nyc.gov/html/olr

P.O. Box 166  
East Elmhurst, New York 11369

Re: ADW/DWA Agreement for the period March 1, 2008 to June 30, 2012.

CITY OF NEW YORK

ASSISTANT DEPUTY WARDENS/  
DEPUTY WARDENS ASSOCIATION

**JAMES F. HANLEY**  
Commissioner  
**PAMELA S. SILVERBLATT**  
First Deputy Commissioner

Appendix D

BY:   
**JAMES F. HANLEY**  
Commissioner of Labor Relations

BY:   
**SIDNEY SCHWARTZBAUM**  
President

Sidney Schwartzbaum, President  
Assistant Deputy Wardens/Deputy Wardens Association  
P.O. Box 166  
East Elmhurst, New York 11369

Dear Mr. Schwartzbaum:

The City and the ADW/DWA recognize that, pursuant to Administrative Code Section 12-127, the City is obligated to pay for the cost of line of duty injury prescription drugs for ADW/DWA members. The parties further recognize that a significant number of ADW/DWA members have utilized the ADW/DWA Security Benefits Fund to pay for these prescription drugs without reimbursement by the City. The ADW/DWA agrees to waive any and all claims retroactively and prospectively against the City for the reimbursement of the cost of line of duty injury prescription drugs.

APPROVED AS TO FORM:

Date submitted to the  
FINANCIAL CONTROL BOARD

BY:   
**PAUL T. REPHEN**  
ACTING CORPORATION COUNSEL

UNIT: ASSISTANT DEPUTY WARDENS  
/DEPUTY WARDENS

TERM: March 1, 2008 to June 30, 2012

OFFICE OF LABOR RELATIONS	
REGISTRATION	
OFFICIAL	CONTRACT
NO: 08039	DATE: APR 28 2008

Re: ADW/DWA Agreement for the period March 1, 2008 to June 30, 2012.

Dear Mr. Schwartzbaum:

This is to confirm our mutual understanding and agreement regarding the increased number of appearances required by certain Assistant Deputy Wardens as follows:

Each employee promoted to Assistant Deputy Warden on or after July 1, 1990 shall be required to work six (6) additional tours per year beyond the number required for a similarly situated incumbent Assistant Deputy Warden.

Effective July 1, 1998, upon completion of six (6) years of service as an Assistant Deputy Warden, employees promoted to Assistant Deputy Warden on or after July 1, 1990 shall be required to make the same number of appearances as a similarly situated Assistant Deputy Warden who had been promoted before July 1, 1990.

Effective March 1, 2003, immediately upon completion of four (4) years of service as an Assistant Deputy Warden, employees promoted to Assistant Deputy Warden on or after July 1, 1990 shall be required to make the same number of appearances as a similarly situated incumbent Assistant Deputy Warden who had been promoted before July 1, 1990.

Effective April 1, 2009, the current requirement to work six (6) additional tours will be eliminated upon completion of the third year of service instead of the fourth year.

The parties agree that the increased number of appearances required by certain employees who are promoted to Assistant Deputy Warden on or after July 1, 1990, whereby they shall be required to work six (6) additional tours per year beyond the number required for a similarly situated incumbent Assistant Deputy Warden, shall cease to apply upon such employees' promotion to Deputy Warden and/or Deputy Warden-in-Command.

Very truly yours,

James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF THE ADW/DWA

BY:   
Sidney Schwartzbaum

If the above conforms to your understanding, please execute the signature line below.

AGREED AND ACCEPTED ON BEHALF OF THE ADW/DWA

BY:   
Sidney Schwartzbaum

Very truly yours,  
  
James F. Hanley



THE CITY OF NEW YORK  
**OFFICE OF LABOR RELATIONS**  
40 Rector Street, New York, NY 10006-1705  
http://nyc.gov/html/olr

**JAMES F. HANLEY**  
Commissioner  
**PAMELA S. SILVERBLATT**  
First Deputy Commissioner

Appendix G

Sidney Schwartzbaum, President  
Assistant Deputy Wardens/Deputy Wardens Association  
P.O. Box 166  
East Elmhurst, New York 11369

Re: ADW/DWA Agreement for the period March 1, 2008 to June 30, 2012.

Dear Mr. Schwartzbaum:

This is to confirm that during negotiations for the successor agreement to this 2008 - 2012 agreement the parties shall negotiate the issue of increasing the City's contribution to the ADW/DWA Security Benefits Fund as the first issue to be addressed. The issues to be negotiated shall include the intent of the parties to equalize the City's total contribution to the ADW/DWA Security Benefits Fund with the total contributions made by the City to other health and welfare funds on behalf of other employees and that the ADW/DWA shall be responsible for the cost of such increased contributions.

If the above conforms to your understanding, please execute the signature line below.

Very truly yours,

James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF THE ADW/DWA

BY:   
Sidney Schwartzbaum



THE CITY OF NEW YORK  
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**JAMES F. HANLEY**  
Commissioner  
**PAMELA S. SILVERBLATT**  
First Deputy Commissioner

Appendix H

Sidney Schwartzbaum, President  
Assistant Deputy Wardens/Deputy Wardens Association  
P.O. Box 166  
East Elmhurst, New York 11369

Re: ADW/DWA Agreement for the period March 1, 2008 to June 30, 2012.

Dear Mr. Schwartzbaum:

Subject to the exigencies of the Department, Deputy Wardens and Deputy Wardens-in-Command who are scheduled to work on a holiday may request to be granted time-off provided they charge their absence to their annual leave or compensatory time balances.

Very truly yours,

James F. Hanley



THE CITY OF NEW YORK  
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40 Rector Street, New York, NY 10006-1705  
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**JAMES F. HANLEY**  
Commissioner  
**PAMELA S. SILVERBLATT**  
First Deputy Commissioner

Appendix I

Sidney Schwartzbaum, President  
Assistant Deputy Wardens/Deputy Wardens Association  
P.O. Box 166  
East Elmhurst, New York 11369

Re: ADW/DWA Agreement for the period March 1, 2008 to June 30, 2012.



NEW YORK CITY DEPARTMENT OF CORRECTION  
Martin F. Horn, Commissioner  
Office of the Commissioner  
33 Beaver Street, 23rd fl.  
New York, NY 10004  
Office 212-266-1212  
Fax 212-266-1219

Appendix A

Sidney Schwartzbaum, President  
Assistant Deputy Wardens/Deputy Wardens Association  
P.O. Box 166  
East Elmhurst, NY 11369

Re: ADW/DW Agreement for the period  
March 1, 2008 through June 30, 2012

Dear Mr. Schwartzbaum:

When the Departmental Doctor determines that an Assistant Deputy Warden/Deputy Warden is injured in the line of duty and is incapacitated and unable to return to work for a finite period of time, then the Department will not confine such officer to his residence for that period. If the administrative determination by the Commissioner or his designee is different from that of the Departmental Doctor, then the change will be communicated to the officer by telephone or in writing.

It is expressly understood that the determination by the Commissioner or his designee is final and not subject to the grievance process. This procedure does not affect any other rule or regulation of the Department.

Sincerely,

MARTIN F. HORN



NEW YORK CITY DEPARTMENT OF CORRECTION  
Martin F. Horn, Commissioner  
Office of the Commissioner  
33 Beaver Street, 23rd fl.  
New York, NY 10004  
Office 212-266-1212  
Fax 212-266-1219

Appendix B

Sidney Schwartzbaum, President  
Assistant Deputy Wardens/Deputy Wardens Association  
P.O. Box 166  
East Elmhurst, NY 11369

Re: ADW/DW Association Agreement for the period  
March 1, 2008 through June 30, 2012

Dear Mr. Schwartzbaum:

This is to confirm our understanding that the issue of the usage of compensatory time for Assistant Deputy Wardens/Deputy Wardens in the Department of Correction has been referred to the Labor Management Committee provided for in this collective bargaining Agreement.

In addition, the parties agree to establish a Committee to discuss the issue of parking for Assistant Deputy Wardens' private cars.

Sincerely,

MARTIN F. HORN



NEW YORK CITY DEPARTMENT OF CORRECTION  
Martin F. Horn, Commissioner  
Office of the Commissioner  
33 Beaver Street, 23rd fl.  
New York, NY 10004  
Office 212-266-1212  
Fax 212-266-1219

Appendix C

Sidney Schwartzbaum, President  
Assistant Deputy Wardens/Deputy Wardens Association  
P.O. Box 166  
East Elmhurst, NY 11369

Re: ADW/DW Association Agreement for the period  
March 1, 2008 through June 30, 2012

Dear Mr. Schwartzbaum:

This is to confirm our understanding that when an Assistant Deputy Warden/Deputy Warden is required to report to a location other than his/her assigned location, he/she shall be allowed travel time within the tour of duty.

This shall not pertain to staff who normally have field assignments.

Sincerely,

MARTIN F. HORN



THE CITY OF NEW YORK  
**OFFICE OF LABOR RELATIONS**  
40 Rector Street, New York, NY 10006-1705  
http://nyc.gov/html/olr

**JAMES F. HANLEY**  
Commissioner  
**PAMELA S. SILVERBLATT**  
First Deputy Commissioner

Appendix E

Sidney Schwartzbaum, President  
Assistant Deputy Wardens/Deputy Wardens Association  
P.O. Box 166  
East Elmhurst, New York 11369

Re: ADW/DWA Agreement for the period March 1, 2008 to June 30, 2012.

Dear Mr. Schwartzbaum:

This is to confirm our mutual understanding and agreement regarding Article XII of the above Agreement. If the stabilization fund referred to in Article XII does not have sufficient monies to maintain the then current level of health insurance benefits provided under GHI-CBP/Blue Cross plan, payroll deductions in the appropriate amounts shall be taken from employees and retirees enrolled in such plan unless agreement is reached on a program wide basis to take the needed monies from the contributions to the welfare fund provided in Article XIII of the above Agreement.

Very truly yours,

James F. Hanley  
Commissioner

AGREED AND ACCEPTED ON BEHALF OF THE ADW/DWA

BY:   
Sidney Schwartzbaum



THE CITY OF NEW YORK  
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**JAMES F. HANLEY**  
Commissioner  
**PAMELA S. SILVERBLATT**  
First Deputy Commissioner

Appendix F

Sidney Schwartzbaum, President  
Assistant Deputy Wardens/Deputy Wardens Association

Dear Mr. Schwartzbaum:

This is to confirm our mutual understanding and agreement regarding Article XVI of the above Agreement.

In consideration of the fact that the ADW/DWA agrees to forego seven (7) of the regularly scheduled monthly meetings, release time with pay shall continue to be permitted for one (1) day per week for each of the following positions: President; Vice President; and, one (1) other individual designated by the ADW/DWA, for a total of three (3) days per week. The ADW/DWA will give advance notice to the Department of Correction of its request for such release time.

Effective July 1, 2008 through July 31, 2011, the ADW/DWA will have an additional one (1) day per week with pay and benefits for one (1) position pursuant to Executive Order No. 75.

For the purpose of attending the five (5) remaining regularly scheduled meetings (to be held in January, March, May, September, and November), Union delegates shall be excused from duty if the meeting coincides with the delegate's scheduled tour, provided that the command has received at least seventy-two (72) hours advance notice of such request for excusal.

Very truly yours, James F. Hanley

THE CITY OF NEW YORK OFFICE OF LABOR RELATIONS 40 Rector Street, New York, NY 10006-1705

JAMES F. HANLEY Commissioner PAMELA S. SILVERBLATT First Deputy Commissioner

Appendix J

Sidney Schwartzbaum, President Assistant Deputy Wardens/Deputy Wardens Association P.O. Box 166 East Elmhurst, New York 11369

Re: ADW/DWA Agreement for the period March 1, 2008 to June 30, 2012.

Dear Mr. Schwartzbaum:

This is to confirm our agreement to establish a labor management committee to discuss the impact of increased productivity. The committee will explore proposals for increased productivity by Assistant Deputy Wardens, Deputy Wardens and Deputy Wardens-in-Command. Mutually agreed upon proposals may be discussed for implementation. After implementation of any agreed upon proposal, the parties may discuss application of the results of implementation.

If this accords with your understanding, please execute at the line below.

Very truly yours, James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF THE ADW/DWA BY: Sidney Schwartzbaum

THE CITY OF NEW YORK OFFICE OF LABOR RELATIONS 40 Rector Street, New York, NY 10006-1705

JAMES F. HANLEY Commissioner PAMELA S. SILVERBLATT First Deputy Commissioner

Appendix K

Sidney Schwartzbaum, President Assistant Deputy Wardens/Deputy Wardens Association P.O. Box 166 East Elmhurst, New York 11369

Re: ADW/DWA Agreement for the period March 1, 2008 to June 30, 2012 - "Legal Support/Representation Fund"

Dear Mr. Schwartzbaum:

This is to confirm our mutual understanding and agreement regarding the "Legal Support/Representation Fund" established pursuant to the terms of a supplemental agreement between the City and the Union as approved by the Corporation Counsel. While these funds shall be administered by the Welfare Fund administrator, they are to be maintained in a separate account and shall not be commingled with any other monies received by the Welfare Fund and/or the Civil Legal Representation Fund. No monies from the Welfare Fund and/or the Civil Legal Representation Fund may be used for such legal support/representation.

The ADW/DWA expressly understands and agrees that the monies from the legal support/representation fund cannot and shall not be used in any action directly or indirectly adverse to the interests of the City.

The ADW/DWA further agrees that the legal support/representation fund cannot and shall not be used in any manner that would otherwise conflict with the terms of the side letter dated July 17, 1985 that sets forth the limitations placed on the authorized use of the civil legal representation fund found in Article XIII, Section 1. c. of the

parties' collective bargaining agreement except that the legal support/representation fund may be used for legal support/representation in matters excluding civil actions.

If the above conforms to your understanding, please execute the signature line below.

Very truly yours, James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF THE ADW/DWA

BY: Sidney Schwartzbaum



THE CITY OF NEW YORK OFFICE OF LABOR RELATIONS 40 Rector Street, New York, NY 10006-1705

JAMES F. HANLEY Commissioner PAMELA S. SILVERBLATT First Deputy Commissioner

Appendix L

Sidney Schwartzbaum, President Assistant Deputy Wardens/Deputy Wardens Association P.O. Box 166 East Elmhurst, New York 11369

Re: ADW/DWA Agreement for the period March 1, 2008 to June 30, 2012

Dear Mr. Schwartzbaum:

This is to confirm the parties' agreement that the following topics shall be referred for discussion to the labor management committee in the Department of Correction:

- compensatory time for Deputy Wardens and Deputy Wardens-in-Command
• vacation picks for Deputy Wardens
• "Acting Warden differential" for Deputy Wardens

Very truly yours, James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF THE ADW/DWA

BY: Sidney Schwartzbaum



THE CITY OF NEW YORK OFFICE OF LABOR RELATIONS 40 Rector Street, New York, NY 10006-1705

JAMES F. HANLEY Commissioner PAMELA S. SILVERBLATT First Deputy Commissioner

Appendix M

Sidney Schwartzbaum, President Assistant Deputy Wardens/Deputy Wardens Association P.O. Box 166 East Elmhurst, New York 11369

Re: ADW/DWA Agreement for the period March 1, 2008 to June 30, 2012.

Dear Mr. Schwartzbaum:

Assistant Deputy Wardens shall use a pass day, or one (1) annual leave day, and all Deputy Wardens and Deputy Wardens-in-Command shall use one (1) annual leave day to qualify at the range.

If the above accords with your understanding, please execute the signature line below.

Very truly yours, James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF THE ADW/DWA

BY: Sidney Schwartzbaum



THE CITY OF NEW YORK OFFICE OF LABOR RELATIONS 40 Rector Street, New York, NY 10006-1705

JAMES F. HANLEY Commissioner PAMELA S. SILVERBLATT First Deputy Commissioner

Appendix N

Sidney Schwartzbaum, President Assistant Deputy Wardens/Deputy Wardens Association P.O. Box 166 East Elmhurst, New York 11369

Re: ADW/DWA Agreement for the period March 1, 2008 to June 30, 2012.

Dear Mr. Schwartzbaum:

If another uniformed collective bargaining unit has an adjustment made to their salary schedule through the collective bargaining or arbitration process or otherwise during the time period covering March 1, 2008 through June 30, 2012, which results in a greater percentage wage increase, then, at the Assistant Deputy Wardens/Deputy Wardens Association's request, this agreement will be reopened for the purposes of negotiating the effect of that adjustment - through the final steps of the bargaining process.

If the above conforms to your understanding, please execute the signature line below.

Very truly yours, James F. Hanley



THE CITY OF NEW YORK OFFICE OF LABOR RELATIONS 40 Rector Street, New York, NY 10006-1705

JAMES F. HANLEY Commissioner PAMELA S. SILVERBLATT First Deputy Commissioner

Appendix O

Sidney Schwartzbaum, President

Assistant Deputy Wardens/Deputy Wardens Association P.O. Box 166 East Elmhurst, New York 11369

Re: ADW/DWA Agreement for the period March 1, 2008 through June 30, 2012

Dear Mr. Schwartzbaum: Effective as soon as practicable after ratification, the Department of Correction will establish a category of employees in this bargaining unit designated on "special assignment."

The designation of certain employees detailed on "special assignment" in the Department of Correction shall be in the sole discretion of the Commissioner.

The number of employees eligible for such designation shall not exceed 4.92% of the budgeted positions in the bargaining unit.

"Special Assignment"

Table with 2 columns: Step (4th Year Step, 3rd Year Step, 2nd Year Step, 1st Year Step) and Percentage (12%, 9%, 6%, 3%)

The affected employee's initial receipt of special assignment pay shall commence upon completion of six (6) months of satisfactory performance in the special assignment designation.

Very truly yours, James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF THE ADW/DWA

BY: Sidney Schwartzbaum



THE CITY OF NEW YORK OFFICE OF LABOR RELATIONS 40 Rector Street, New York, NY 10006-1705

JAMES F. HANLEY Commissioner PAMELA S. SILVERBLATT First Deputy Commissioner

Appendix P

Sidney Schwartzbaum, President Assistant Deputy Wardens/Deputy Wardens Association P.O. Box 166 East Elmhurst, New York 11369

Re: ADW/DWA Agreement for the period March 1, 2008 through June 30, 2012

Dear Mr. Schwartzbaum:

Effective June 1, 2010, the bargaining unit shall have available funds of 0.12% in rate to purchase recurring benefits, mutually agreed to by the parties, other than to enhance the general wage increases set forth in Section 3 of the 2008-2012 ADW/DWA MOA.

Effective August 1, 2011, the bargaining unit shall have available funds of 0.70% in rate to purchase recurring benefits, mutually agreed to by the parties, other than to enhance the general wage increases set forth in Section 3 of the 2008-2012 ADW/DWA MOA.

The funds available shall be based on the December 31, 2005 payroll, including spinoffs and pensions.

Very truly yours, James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF THE ADW/DWA

BY: Sidney Schwartzbaum



THE CITY OF NEW YORK OFFICE OF LABOR RELATIONS 40 Rector Street, New York, NY 10006-1705

JAMES F. HANLEY Commissioner PAMELA S. SILVERBLATT First Deputy Commissioner

Appendix Q

Sidney Schwartzbaum, President Assistant Deputy Wardens/Deputy Wardens Association P.O. Box 166 East Elmhurst, New York 11369

Re: ADW/DWA Agreement for the period March 1, 2008 through June 30, 2012



Dear Mr. Schwartzbaum:

This is to confirm the understanding and agreement of the parties with respect to Martin Luther King, Jr.'s Birthday.

In the event that the ADW/DWA elects to increase the number of paid holidays by including Martin Luther King, Jr.'s Birthday as a twelfth paid holiday, the cost of the additional paid holiday will be borne by the ADW/DWA.

Very truly yours, James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF THE ADW/DWA BY: Sidney Schwartzbaum

m14

This indenture made the 28th day of April, 2008 between the City of New York, hereinafter referred to as the "First Party" and District Council 37, A.F.S.C.M.E., a public employee organization on behalf of CAPTAIN (SLUDGE BOAT), CHIEF MATE, SECOND MATE, MARINER, CHIEF MARINE ENGINEER (DIESEL), FIRST ASSISTANT MARINE ENGINEER (DIESEL) AND MARINE OILER, THIRD ASSISTANT MARINE ENGINEER (DIESEL), THIRD MATE, employed by the City of New York in the Department of Environmental Protection, hereinafter referred to as the "Second Party".

WITNESSETH

WHEREAS, the First Party, is a municipal corporation organized under the laws of the State of New York; and

WHEREAS, the Second Party was and still is a public employee organization representing employees employed by the First Party in the title of Captain (Sludge Boat), Chief Mate, Second Mate, Mariner, Chief Marine Engineer (Diesel), First Assistant Marine Engineer (Diesel), Third Assistant Marine Engineer (Diesel), Third Mate, Marine Oiler; and

WHEREAS, certain differences between the parties herein have arisen with respect to rates of wages in the locality of the City of New York; and

WHEREAS, it is the desire of the parties herein to compromise their differences by the acceptance of certain rates of pay to be paid to the Second Party both retroactively and prospectively for the below period in full settlement of services rendered and to be rendered,

NOW THEREFORE IT IS MUTUALLY AGREED AS FOLLOWS:

1. The First Party hereby agrees for the period between January 3, 2002 to February 22, 2008, to provide for the continued employment by the First Party of each employee represented by the signatory Second Party who remain employed by the First Party on the basis of 258 days, for 258 (8 hour) days per annum of which 249 (8 hour) days or the equivalent thereof shall be working days as follows:

AGREED ANNUAL RATE

Table with 4 columns: TITLE, 1/3/02, 1/3/03, 1/3/04. Rows include Captain, Chief Marine Engineer (Diesel), Chief Mate, First Asst. Marine Engineer (Diesel), Second Mate, Third Asst. Marine Engineer (Diesel), Third Mate, and Mariner, Marine Oiler.

Table with 5 columns: TITLE, 1/3/05, 2/3/06, 8/3/06, 2/22/08. Rows include Captain, Chief Marine Engineer (Diesel), Chief Mate, First Asst. Marine Engineer (Diesel), Second Mate, Third Asst. Marine Engineer (Diesel), Third Mate, and Mariner, Marine Oiler.

It is understood and agreed that the Agreed Annual Rates hereinabove set forth shall constitute compensation in full for the regular work week as practiced in the Department of Environmental Protection with respect to the operation of sludge boats. It is further understood and agreed that the regular work week includes Saturday and Sunday. It is expressly understood that the scheduling of work on Sunday is part of a regular six (6) week cycle and there will be no rescheduling of days off and/or tour of duty to avoid the payment of overtime compensation. The Agreed Annual Rates hereinabove set forth include compensation in full therefore, except that any work performed on Sunday shall be compensated at the rates set forth in paragraph (3) below. It is further understood and agreed that the Agreed Annual Rates hereinabove set forth include payment for nine (9) legal holidays as follows:

Table listing holidays: New Years Day, Dr. Martin Luther King, Jr. Washington's Birthday, Decoration Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day.

NOTE: Should any of the above legal holidays fall during a pay period for which an employee represented by the signatory Second Party is not paid, an eight (8) hour deduction in compensation from the Agreed Annual Rate shall be made for each such legal holiday

at the hourly rates set forth in paragraph 5 hereof.

2. Schedule of Hourly Differentials in Pay for Per Annum Employees When Working as Temporary Replacements for Regular Employees.

EFFECTIVE 1/3/02

Table with 7 columns: Position, Third Mate, Marine Engineer, Second Mate, Chief Mate, First Assistant Chief, Marine Engineer, Captain. Rows include Mariner, Marine Oiler, Third Mate, Third Asst. Marine Engineer (Diesel), Second Mate, Chief Mate, First Asst. Marine Engineer, Chief Marine Engineer.

EFFECTIVE 1/3/03

Table with 7 columns: Position, Third Mate, Marine Engineer, Second Mate, Chief Mate, First Assistant Chief, Marine Engineer, Captain. Rows include Mariner, Marine Oiler, Third Mate, Third Asst. Marine Engineer (Diesel), Second Mate, Chief Mate, First Asst. Marine Engineer, Chief Marine Engineer.

EFFECTIVE 1/3/04

Table with 7 columns: Position, Third Mate, Marine Engineer, Second Mate, Chief Mate, First Assistant Chief, Marine Engineer, Captain. Rows include Mariner, Marine Oiler, Third Mate, Third Asst. Marine Engineer (Diesel), Second Mate, Chief Mate, First Asst. Marine Engineer, Chief Marine Engineer.

EFFECTIVE 1/3/05

Table with 7 columns: Position, Third Mate, Marine Engineer, Second Mate, Chief Mate, First Assistant Chief, Marine Engineer, Captain. Rows include Mariner, Marine Oiler, Third Mate, Third Asst. Marine Engineer (Diesel), Second Mate, Chief Mate, First Asst. Marine Engineer, Chief Marine Engineer.

EFFECTIVE 2/3/06

Table with 7 columns: Position, Third Mate, Marine Engineer, Second Mate, Chief Mate, First Assistant Chief, Marine Engineer, Captain. Rows include Mariner, Marine Oiler, Third Mate, Third Asst. Marine Engineer (Diesel), Second Mate, Chief Mate, First Asst. Marine Engineer, Chief Marine Engineer.

EFFECTIVE 8/3/06

Table with 7 columns: Position, Third Mate, Marine Engineer, Second Mate, Chief Mate, First Assistant Chief, Marine Engineer, Captain. Rows include Mariner, Marine Oiler, Third Mate, Third Asst. Marine Engineer (Diesel), Second Mate, Chief Mate, First Asst. Marine Engineer, Chief Marine Engineer.

Table with 7 columns: Position, Third Mate, Marine Engineer, Second Mate, Chief Mate, First Assistant Chief, Marine Engineer, Captain. Rows include Mariner, Marine Oiler, Third Mate, Third Asst. Marine Engineer (Diesel), Second Mate, Chief Mate, First Asst. Marine Engineer, Chief Marine Engineer.

EFFECTIVE 2/22/08

Table with 7 columns: Position, Third Mate, Marine Engineer, Second Mate, Chief Mate, First Assistant Chief, Marine Engineer, Captain. Rows include Mariner, Marine Oiler, Third Mate, Third Asst. Marine Engineer (Diesel), Second Mate, Chief Mate, First Asst. Marine Engineer, Chief Marine Engineer.

3. Daily overtime for per annum employed permanent and provisional employees represented by the Second Party performed after the regular assigned tour of duty shall be compensated in cash at the rates set forth below for each hour so worked in increments of 1/2 hour. Such pay shall preclude the grant of any additional time off.

HOURLY OVERTIME

Table with 5 columns: TITLE, Effective 1/3/02, 1/3/03, 1/3/04, 1/3/05. Rows include Captain, Chief Marine Engineer (Diesel), Chief Mate, First Asst. Marine Engineer (Diesel), Second Mate, Third Asst. Marine Engineer (Diesel), Third Mate, Mariner, Marine Oiler.

Table with 4 columns: TITLE, 2/3/06, 8/3/06, 2/22/08. Rows include Captain, Chief Marine Engineer (Diesel), Chief Mate, First Asst. Marine Engineer (Diesel), Second Mate, Third Asst. Marine Engineer (Diesel), Third Mate, Mariner, Marine Oiler.

4. All work performed on legal holidays set forth in paragraph 1 hereof, shall be compensated at the rates set forth in paragraph 3 above.

5. It is further understood and agreed that deductions for lost time without pay for per annum employed permanent and provisional employees represented by the Second Party shall be made at the hourly rates as hereinbelow set forth:

Table with 5 columns: TITLE, 1/3/02, 1/3/03, 1/3/04, 1/3/05. Rows include Captain, Chief Marine Engineer (Diesel), Chief Mate, First Asst. Marine Engineer (Diesel), Second Mate, Third Asst. Marine Engineer (Diesel), Third Mate, Mariner, Marine Oiler.

Table with 4 columns: TITLE, 2/3/06, 8/3/06, 2/22/08. Rows include Captain, Chief Marine Engineer (Diesel), Chief Mate, First Asst. Marine Engineer (Diesel), Second Mate, Third Asst. Marine Engineer (Diesel), Third Mate, Mariner, Marine Oiler.

6. Temporary replacements for regular employees shall be compensated at the following rates:

(a) Hourly rates for work performed on Monday to Friday as part of a 40 hour per week average work schedule.

Table with 5 columns: TITLE, 1/3/02, 1/3/03, 1/3/04, 1/3/05. Rows include Captain, Chief Marine Engineer (Diesel), Chief Mate, First Asst. Marine Engineer (Diesel), Second Mate, Third Asst. Marine Engineer (Diesel), Third Mate, Mariner, Marine Oiler.

TITLE	2/3/06	8/3/06	2/22/08
Captain	\$31.99	\$33.61	\$33.90
Chief Marine Engineer (Diesel)	\$29.01	\$30.48	\$30.74
Chief Mate	\$27.77	\$29.18	\$29.43
First Asst. Marine Engineer (Diesel)	\$27.77	\$29.18	\$29.43
Second Mate	\$27.22	\$28.60	\$28.85
Third Asst. Marine Engineer (Diesel)	\$25.92	\$27.24	\$27.48
Third Mate	\$25.14	\$26.42	\$26.65
Mariner, Marine Oiler	\$22.28	\$23.41	\$23.61

(b) All work performed by temporary replacements for regular employees on Saturdays, Sundays and Legal Holidays and work performed from Monday to Friday which is in excess of 40 hour per week work schedule shall be paid for at the hourly rates set forth below:

TITLE	1/3/02	1/3/03	1/3/04	1/3/05
Captain	\$43.71	\$45.02	\$45.59	\$47.03
Chief Marine Engineer (Diesel)	\$39.63	\$40.82	\$41.34	\$42.65
Chief Mate	\$37.95	\$39.09	\$39.59	\$40.83
First Asst. Marine Engineer (Diesel)	\$37.95	\$39.09	\$39.59	\$40.83
Second Mate	\$37.22	\$38.33	\$38.81	\$40.02
Third Asst. Marine Engineer (Diesel)	\$35.40	\$36.47	\$36.93	\$38.10
Third Mate	\$34.35	\$35.39	\$35.84	\$36.96
Mariner, Marine Oiler	\$30.44	\$31.35	\$31.76	\$32.76

TITLE	2/3/06	8/3/06	2/22/08
Captain	\$47.99	\$50.42	\$50.85
Chief Marine Engineer (Diesel)	\$43.52	\$45.72	\$46.11
Chief Mate	\$41.66	\$43.77	\$44.15
First Asst. Marine Engineer (Diesel)	\$41.66	\$43.77	\$44.15
Second Mate	\$40.83	\$42.90	\$43.28
Third Asst. Marine Engineer (Diesel)	\$38.88	\$40.86	\$41.22
Third Mate	\$37.71	\$39.63	\$39.98
Mariner, Marine Oiler	\$33.42	\$35.12	\$35.42

7. It is understood and agreed, that should any employee represented by the Second Party be required by the First Party to clean tanks, that the First Party will pay to each affected employee in addition to the regular straight time hourly rate of pay:

**Effective 1/3/02:** \$3.26 per hour

Tank cleaning, as referred to above, shall not be construed to include the flushing of tanks by use of the built-in cargo piping system or other fixed piping system.

8. It is further understood and agreed, that should any employee represented by the Second Party be required by the First Party to go ashore or aboard ships for purposes of hooking up hose, in the course of a tour, irrespective of the number of hose hookups required, the following differential shall be paid, to be equally divided among the crew members participating who have performed such service in the course of such tour:

**Effective 1/3/02:** \$3.26 per hour

9. Grub money will continue to be paid at the rate of:

	8 Hour	12 Hour
Effective 1/3/02	\$9.46	\$14.19
Effective 1/3/03	\$9.74	\$14.62
Effective 1/3/04	\$9.86	\$14.81
Effective 1/3/05	\$10.17	\$15.28
Effective 2/3/06	\$10.38	\$15.59
Effective 8/3/06	\$10.91	\$16.38
Effective 2/22/08	\$11.00	\$16.52

for each assigned tour of duty actually worked.

Effective 9/3/99 Grub money shall be increased by future general wage increases.

10. Effective January 3, 2002 a Welfare Fund contribution shall continue to be paid at the rate of \$1,475 per annum. Effective January 3, 2006, there shall be a \$100 per employee per annum increase to the Welfare Fund contribution. Additionally, a one-time lump sum Welfare Fund contribution in the amount of \$166.67 per employee shall be paid effective May 3, 2006. The contribution shall be paid per complainant by the City of New York to District Council 37 Benefits Fund Trust. Employees who have been separated from service subsequent to June 30, 1971 and who were covered by a welfare fund applicable to titles covered by this indenture at the time of such separation, pursuant to a separate agreement entered into for such purposes, shall continue to be so covered, subject to the provisions hereof, on the same contributory basis as incumbent employees. Contributions shall be made, in accordance with standard City practices for these purposes, only for such time as said individuals remain primary beneficiaries of the New York City Health Insurance Program and are entitled to benefits paid for by the Employer through such Program or are retirees of the New York City Employee's Retirement System who have completed at least five (5) years of full service with the City, except that contributions for those employees hired after December 27, 2001 shall be governed by the provisions of §12-126 of the Administrative Code of the City of New York, as amended.

11. Effective January 3, 2002 the City of New York, et al. shall continue to make a contribution to the above-mentioned annuity fund of \$3.66 for each paid working day up to a total maximum of \$952.26 per annum. For full-time employees who work a compressed work week, a payment in the daily amount of \$3.66 for each set of paid working hours which equate to the daily number of hours that the title is regularly scheduled to work, up to a total maximum of \$952.26 per

annum. For part-time employees who work less than eight hours a day, the amount paid shall be based on a prorated amount which is calculated against an eight-hour day, up to a total maximum of \$952.26 per annum.

Effective February 22, 2008 the City of New York's, et al. contribution to the above-mentioned annuity fund shall be \$7.45 for each paid working day up to a total maximum of \$1,930.08 per annum. For full-time employees who work a compressed work week, a payment in the daily amount of \$7.45 for each set of paid working hours which equate to the daily number of hours that the title is regularly scheduled to work, up to a total maximum of \$1,930.08 per annum. For part-time employees who work less than eight hours a day, the amount paid shall be based on a prorated amount which is calculated against an eight-hour day, up to a total maximum of \$1,930.08 per annum. For the purpose of these payments, excluded from paid working days and hours are all scheduled days off, all days in non-pay status, and all paid overtime.

This annuity fund will be subject to a separate agreement between the City of New York, et al., and the Complainant. The liability of the City of New York, et al., shall in no event exceed the amounts hereinabove set forth for each effective day payable, irrespective of any taxes, liens, attorneys' fees or otherwise, and provided further that the amount of contributions by the City of New York, et al., shall be limited to the payments as provided herein.

12. Any per annum employed permanent and provisional employee represented by the signatory Second Party recalled to work for other than his normal tour shall be paid for not less than four (4) hours at the rates set forth in paragraph 3.

13. In the event that employees are not returned to the point of departure at the end of their tour, the (DEP) shall provide compensation equivalent to that required to return them via public transportation to the point of departure. The (DEP) shall also provide a travel time allowance (considered time worked) equivalent to Transit Running Time between the points in question.

14. A night shift differential for a shift worked between the hours of 8:00 p.m. to 8:00 a.m. shall be paid at the following rates with more than one hour of work between 8:00 P.M. and 8:00 A.M.:

**Effective 1/3/02:** ten percent (10%) of the base hourly wage for each hour actually worked

This provision does not apply to work compensated for at the rates set forth in paragraphs 3, 4, and 6(b).

15. The First Party further agrees to provide to each employee represented by the signatory Second Party, terminal leave in accordance with existing rules governing the grant of terminal leave to other city employees in the Department of Environmental Protection now receiving terminal leave.

16. It is understood and agreed that the terms and conditions of employment during the affected periods for employees represented by the signatory Second Party, in addition to the compensation referred to in paragraph "1" herein, shall include vacation-with-pay benefits as stipulated in paragraph 2.1 of the Leave Regulations for Prevailing Rate Per Annum Employees of the City of New York effective May 1, 1970 and sick leave on a per annum basis in the same manner and on the same basis heretofore in use in the Department of Environmental Protection employing employees represented by the Second Party.

The Uniform Leave Regulations are modified to provide for:

**Effective 1/3/02**, the Annual Leave allowance for employees who were hired on or after July 1, 1985 shall accrue as follows:

Years in Service	Annual Leave Allowance	Monthly Accrual
At the beginning of the employees 1st year	15 work days	1-1/4 days
At the beginning of the employee's 5th year	20 work days	1-2/3 days
At the beginning of the employee's 8th year	25 work days	2 days per month plus one additional day at the end of the leave year
At the beginning of the employees 15th year	27 work days	2-1/4 days

This provision supersedes the annual leave accrual provisions set forth in paragraph 2.1 of the Uniform Leave Regulations for employees hired on or after July 1, 1985.

17. Sludge Boat operation in the Department of Environmental Protection, the City of New York agrees to

negotiate wages and working conditions with respect to such newly designed vessels. This is not to be construed as a reopening of the wage agreement affecting all other employees on existing vessels.

18. The rates referred to herein are not to be construed as fixations of prevailing wages under Section 220 of the Labor Law, the same having been agreed upon in compromise as compensation in full for services rendered and to be rendered to the City of New York for the period covered in this agreement.

19. Simultaneous with payment herein, each of the employees represented by the Second Party agrees to:

(a) Withdraw any Labor Law Claim or claims or other claims seeking additional compensation for all periods covered by this agreement;

(b) Refrain from filing a Labor Law Claim or other claims for any period covered by this agreement and specifically for the period to expire on February 22, 2008.

(c) Waive any right to receive prevailing rates or other adjustments of wages for the effective periods of this agreement;

(d) Extend to the First Party a general release in the form now in use by the City of New York for similar purposes;

(e) Discontinue any and all actions and/or Article 78 proceedings or other proceedings heretofore commenced by him or on his behalf for the effective period of this agreement;

(f) Waive any and all rights and remedies with respect to wage supplements now provided by Chapter 750 of the Laws of 1956 except as herein otherwise provided, for the period of this agreement;

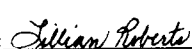
(g) Waive any and all interest on all differentials of basic rates of wages and supplemental benefits. It is expressly understood that such waiver shall include the waiver of any right to interest payments due pursuant to subdivision 8c of Section 220 of the Labor Law (L. 1967, c, 502, S1).

20. The provisions of this agreement shall be consistent with applicable provisions of the New York State Financial Emergency Act for the City of New York as amended. The terms and conditions of this agreement are subject to approval by the Mayor of the City of New York otherwise the same shall be of no force and effect whatever.

CITY OF NEW YORK:

BY:   
JAMES F. HANLEY  
Commissioner of Labor Relations

(FIRST PARTY)

BY:   
LILLIAN ROBERTS  
Executive Director  
District Council 37  
AFSCME, AFL-CIO

(SECOND PARTY)

#### GENERAL RELEASE AND WAIVER

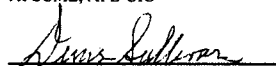
District Council 37 A.F.S.C.M.E., AFL-CIO (hereinafter referred to as the "Union"), as the certified collective bargaining representative of employees in the titles, CAPTAIN (SLUDGE BOAT), CHIEF MATE, SECOND MATE, MARINER, CHIEF MARINE ENGINEER (DIESEL), FIRST ASSISTANT MARINE ENGINEER (DIESEL) AND MARINE OILER, THIRD ASSISTANT MARINE ENGINEER (DIESEL), THIRD MATE for and in consideration of the wage rates and supplemental benefit package negotiated and agreed upon by the Union and the City of New York as set forth in a collective bargaining agreement for the period beginning **January 3, 2002 and terminating February 22, 2008**, a copy of which has been made available to the Union, hereby voluntarily and knowingly agrees to:

1. Waive, withdraw, relinquish, and refrain from filing, pursuing or instituting any claim for wages, supplements or other benefits, or any right, remedy, action or proceeding, which the Union has or may have under Section 220 of the Labor Law.

2. Discontinue any and all action or proceedings, if any, heretofore commenced by me or on my behalf of the above mentioned titles under and pursuant to Section 220 of the Labor Law applicable to the period **January 3, 2002 to February 22, 2008**.

3. Waive any and all interest on all differentials of basic rates of wages and supplemental benefits from **January 3, 2002 to February 22, 2008** except as expressly agreed upon in writing by the Union and the City. It is expressly understood that such waiver shall include the waiver of any right to interest payments pursuant to Subdivision 8c of Section 220 of the Labor Law (L. 1967, c. 502, Section 1).

4. Release and forever discharge the City of New York from all manner of actions, cause and causes of actions, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, carianses, trespasses, damages, judgments, extents, executions, claims and demands whatsoever in law or in equity which the Union, on behalf of employees in the above titles, shall or may have, by reason of any claim for wages or supplemental benefits pursuant to Section 220 of the Labor Law from **January 3, 2002 to February 22, 2008** except as expressly agreed upon in writing by the Union and the City for that period.

DISTRICT COUNCIL 37,  
AFSCME, AFL-CIO  
  
DENNIS SULLIVAN  
Director of Research and Negotiations



THE CITY OF NEW YORK  
**OFFICE OF LABOR RELATIONS**  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

JAMES F. HANLEY  
Commissioner  
MARGARET M. CONNOR  
First Deputy Commissioner

March 26, 2008

Mr. Dennis Sullivan  
Director of Research and Negotiations  
District Council 37  
125 Barclay Street  
New York, NY 10007-2179

**Re: 2002-2008 DC37 Marine (Sludge Boat) Agreement**

Dear Mr. Sullivan:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.  
**Transit Check**

The parties agree that the City will expand the current Transit Check program to offer to eligible employees the ability to purchase a Transit Debit Card through payroll deductions in accordance with IRC Section 132. In addition to the current MTA Surface and Subway lines, the Transit Debit Card may be used to purchase tickets for mass transit commutation only (i.e. LIRR, LI MTA Buses, MetroNorth). The administrative fee for this benefit will be borne by the participants and will be deducted on a prorated basis from the participating employee's paycheck. After one year of experience with this benefit, the City will examine the level of participation and the associated costs of providing this benefit to determine whether or not the administrative fee requires adjustment.

The parties further agree to examine the possible expansion of this benefit to include other regional mass transit carriers.

**Residency**

The parties agree to support an amendment to Section 12-119 et seq. of the Administrative Code for the purpose of expanding permissible limits on residency to include the City of New York and Nassau, Westchester, Suffolk, Orange, Rockland or Putnam counties – with certain exceptions and limitations and except as may be prohibited by any other law requiring residency for appointment to certain positions including, but not limited to, the Public Officers Law – for employees covered by the terms of this Agreement.

Consistent with the above, Mayoral Directive 78-13, as amended July 26, 1978, and any other covered Employer's rules, regulations and/or operating procedures, shall be similarly modified to conform to the understanding of the parties.

Upon enactment of legislation to implement the provisions herein, employees shall be subject to Section 1127 of the New York City Charter.

**Labor Management Committee on Pension Issues**

There shall be a joint Labor Management Committee on Pensions with the appropriate parties. The committee shall analyze the actual costs and additional contribution rate(s) for members of the New York City Employees' Retirement System (NYCERS) and the Board of Education Retirement System (BERS) associated with Chapter 96 of the Laws of 1995. Such analysis shall be based on, among other factors, the actual number of people who elected to participate under the provisions of said Chapter 96 of the Laws of 1995 as of September 26, 1995. The committee shall make recommendations regarding the establishment of revised additional contribution rate(s) and other remedies it deems

appropriate so as to reflect the actual cost to members of NYCERS and BERS. Regardless of the comparison of actual costs to additional contributions for members of NYCERS and BERS, there shall be no adjustment to contributions under Chapter 96 without first considering the contributions by the employer to NYCERS and BERS on behalf of all employees, and the comparison of those contributions to actual costs.

The appropriate parties further agree to discuss the following issues:

- Chapter 96 Reopener
- Chapter 96 Escape
- Age and Vesting Requirements
- Member Contribution Amounts and Duration
- Benefit Formula Changes
- Service Credits

Any other areas the parties mutually agree to  
**Continuation of Certain Health Benefits**

The parties acknowledge that collective bargaining regarding health benefits is within the purview of negotiations between the Municipal Labor Committee and the City. Cost-containment initiatives in the City Health Benefits Program shall be discussed with the Municipal Labor Committee.

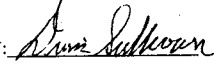
**Performance Compensation Procedures**

The Letter Agreement between the City of New York and District Council 37 regarding such criteria and procedures insofar as they relate to the City of New York's "Performance Compensation Procedures" shall apply.

If the above accords with your understanding, please execute the signature line provided below.

Very truly yours,  
  
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF DC37

BY:   
DENNIS SULLIVAN



THE CITY OF NEW YORK  
**OFFICE OF LABOR RELATIONS**  
40 Rector Street, New York, NY 10006-1705  
<http://nyc.gov/olr>

JAMES F. HANLEY  
Commissioner  
MARGARET M. CONNOR  
First Deputy Commissioner

March 26, 2008

Mr. Dennis Sullivan  
Director of Research and Negotiations  
District Council 37  
125 Barclay Street  
New York, NY 10007-2179

**Re: 2002-2008 DC37 Marine (Sludge Boat) Agreement**

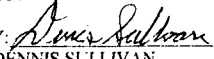
Dear Mr. Sullivan:

This letter is to confirm the mutual understanding of the parties that the DC37 Marine (Sludge Boat) titles are currently classified by the city as being under Part 38 ("prevailing rate"). The parties also acknowledge that Board of Collective Bargaining decision B-14-2007 is binding on the parties, and agree that, as long as the titles remain classified under Part 38 ("prevailing rate"), the provisions of section 220 of the Labor Law shall apply to any future disputes concerning wages.

If the above accords with your understanding, kindly execute the signature line provided below.

Very truly yours,  
  
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF DC37

BY:   
DENNIS SULLIVAN



THE CITY OF NEW YORK  
**OFFICE OF LABOR RELATIONS**  
40 Rector Street, New York, NY 10006-1705  
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JAMES F. HANLEY  
Commissioner  
MARGARET M. CONNOR  
First Deputy Commissioner

March 26, 2008

Mr. Dennis Sullivan  
Director of Research and Negotiations  
District Council 37  
125 Barclay Street  
New York, NY 10007-2179

**Re: 2002-2008 DC37 Marine (Sludge Boat) Agreement - 1% Productivity Increase**

Dear Mr. Sullivan:

This letter is to confirm the mutual understanding of the parties that the one percent (1%) general wage increase which was effective February 22, 2008 as set forth in the

2002-2008 DC37 Marine (Sludge Boat) Agreement, was in exchange for the increased productivity of the Marine (Sludge Boat) titles relating to fueling operations at the Ward Island Fuel Storage Facility.

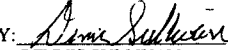
As part of this increased productivity employees in the Marine (Sludge Boat) titles (the "employees") agree to perform duties and procedures to fulfill all aspects of Marine vessel fuel and bilge transfer operations. In addition, DEP and the employees shall agree to comply with the policies and procedures in the DEP Marine Section Operations Manual, Fuel Response Plan, Non-Tank Vessel Response Plan and the Facility Security Procedures relating to fuel transfer operations and any future modifications of the fuel transfer operation plans required by the United States Coast Guard.

The parties further agree that revised job specifications shall also include those duties and procedures necessary to perform all aspects of marine vessel fuel and bilge transfer operations. In addition, the Marine Oiler job specification and duties shall be amended to include maintaining NYFD certificates of fitness for: bulk oil plants and standpipe/sprinkler fire pump.

Lastly, the union agrees to withdraw, with prejudice, all outstanding grievances relating to the fuel transfer operations.

Very truly yours,  
  
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF DC37

BY:   
DENNIS SULLIVAN

m14



**HEALTH AND HOSPITALS CORPORATION**

**CONSTRUCTION CONTRACTS MANAGEMENT**

■ SOLICITATIONS

*Construction / Construction Services*

**GC WORK 865K TO 1.055M - CONTRACT #1** – CSB – DUE 06-12-08 AT 1:30 P.M. – Requires trade licenses (where applicable). Under Article 15A of the State of New York, the following M/WBE goals apply to this contract MBE 13% and WBE 17%. These goals apply to any bid submitted of \$100,000 or more. Bidders not complying with these terms may have their bids declared non-responsive.

● **PLUMBING WORK 430K TO 530K - CONTRACT #2** – CSB – DUE 06-12-08 AT 1:30 P.M. - Requires trade licenses (where applicable). Under Article 15A of the State of New York, the following M/WBE goals apply to this contract MBE 25% and WBE 5%. These goals apply to any bid submitted of \$100,000 or more. Bidders not complying with these terms may have their bids declared non-responsive.

● **MECHANICAL (HVAC) WORK 430K TO 530K - CONTRACT #3** – CSB – DUE 06-12-08 AT 1:30 P.M. - Requires trade licenses (where applicable). Under Article 15A of the State of New York, the following M/WBE goals apply to this contract MBE 20% and WBE 10%. These goals apply to any bid submitted of \$100,000 or more. Bidders not complying with these terms may have their bids declared non-responsive.

● **ELECTRICAL WORK 430K TO 530K - CONTRACT #4** – CSB – DUE 06-12-08 AT 1:30 P.M. - Requires trade licenses (where applicable). Under Article 15A of the State of New York, the following M/WBE goals apply to this contract MBE 23% and WBE 7%. These goals apply to any bid submitted of \$100,000 or more. Bidders not complying with these terms may have their bids declared non-responsive.

Metropolitan Hospital, New York, NY. Pediatrics 5B In-patient renovation. Bid document fee \$100 per set (check or money order), non-refundable.

Mandatory pre-bid meetings/site tours are scheduled for Tuesday, May 27, 2008 and Wednesday, May 28, 2008 at 10:00 A.M. on both days, at Metropolitan Hospital Center, 1901 First Avenue on 97th Street, Conference Room 7A11.

Technical questions must be submitted in writing, by mail or fax no later than five (5) calendar days before bid opening to Michael Ball, fax (212) 442-3851, for bid results, please call (212) 442-3771 after 4:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
*Health and Hospitals Corporation, 346 Broadway, 12th Floor West, New York, NY 10013.*

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## READER'S GUIDE

The City Record (CR) is published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

### NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at [www.comptroller.nyc.gov](http://www.comptroller.nyc.gov), click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

### CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

### VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists--free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at [NYC.gov/selltonyc](http://NYC.gov/selltonyc)
- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

### Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application. If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

### SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

### PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

### NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

### PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

### ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

### PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

### PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://NYC.GOV.Selltonyc>

### COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB ..... Acceptable Brands List
- AC ..... Accelerated Procurement
- AMT ..... Amount of Contract
- BL ..... Bidders List
- CSB ..... Competitive Sealed Bidding (including multi-step)
- CB/PQ ..... CB from Pre-qualified Vendor List
- CP ..... Competitive Sealed Proposal (including multi-step)
- CP/PQ ..... CP from Pre-qualified Vendor List
- CR ..... The City Record newspaper
- DA ..... Date bid/proposal documents available
- DUE ..... Bid/Proposal due date; bid opening date
- EM ..... Emergency Procurement
- IG ..... Intergovernmental Purchasing
- LBE ..... Locally Based Business Enterprise
- M/WBE ..... Minority/Women's Business Enterprise
- NA ..... Negotiated Acquisition
- NOTICE....Date Intent to Negotiate Notice was published in CR
- OLB.....Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN.....Procurement Identification Number
- PPB .....Procurement Policy Board
- PQ .....Pre-qualified Vendors List
- RS.....Source required by state/federal law or grant
- SCE.....Service Contract Short-Term Extension
- DP .....Demonstration Project
- SS .....Sole Source Procurement
- ST/FED.....Subject to State &/or Federal requirements

### KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB ..... **Competitive Sealed Bidding** (including multi-step)  
*Special Case Solicitations / Summary of Circumstances:*
- CP ..... **Competitive Sealed Proposal** (including multi-step)
- CP/1 ..... Specifications not sufficiently definite
- CP/2 ..... Judgement required in best interest of City
- CP/3 ..... Testing required to evaluate
- CB/PQ/4 ....
- CP/PQ/4 .... **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
- DP ..... Demonstration Project
- SS ..... **Sole Source Procurement/**only one source
- RS ..... Procurement from a Required Source/ST/FED
- NA ..... **Negotiated Acquisition**  
*For ongoing construction project only:*
- NA/8 ..... Compelling programmatic needs

- NA/9 .....New contractor needed for changed/additional work
- NA/10.....Change in scope, essential to solicit one or limited number of contractors
- NA/11.....Immediate successor contractor required due to termination/default  
*For Legal services only:*
- NA/12.....Specialized legal devices needed; CP not advantageous
- WA ..... **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1 .....Prevent loss of sudden outside funding
- WA2 .....Existing contractor unavailable/immediate need
- WA3 .....Unsuccessful efforts to contract/need continues
- IG ..... **Intergovernmental Purchasing** (award only)
- IG/F.....Federal
- IG/S.....State
- IG/O .....Other
- EM ..... **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A.....Life
- EM/B.....Safety
- EM/C.....Property
- EM/D.....A necessary service
- AC ..... **Accelerated Procurement/**markets with significant short-term price fluctuations
- SCE..... **Service Contract Extension/**insufficient time; necessary service; fair price  
*Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason* (award only)
- OLB/a.....anti-apartheid preference
- OLB/b.....local vendor preference
- OLB/c .....recycled preference
- OLB/d.....other: (specify)

### HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

## SAMPLE NOTICE:

### POLICE

#### DEPARTMENT OF YOUTH SERVICES

#### ■ SOLICITATIONS

*Services (Other Than Human Services)*

**BUS SERVICES FOR CITY YOUTH PROGRAM** – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.  
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB PIN # 056020000293 DUE 04-21-03 AT 11:00 am	Method of source selection Procurement identification number Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information or and Agency Contact address
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.

### NUMBERED NOTES

**Numbered Notes are Footnotes.** If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.