

SUPPLEMENT TO

# THE CITY RECORD

THE COUNCIL —STATED MEETING OF  
MONDAY, DECEMBER 19, 2011

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**THE COUNCIL**

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*Minutes of the Proceedings for the  
STATED MEETING  
of*

Monday, December 19, 2011, 3:30 p.m.

The President Pro Tempore (Council Member Rivera)  
*Acting Presiding Officer*

Council Members

Christine C. Quinn, Speaker

Maria del Carmen Arroyo	Vincent J. Gentile	Domenic M. Recchia, Jr.
Charles Barron	David G. Greenfield	Diana Reyna
Gale A. Brewer	Daniel J. Halloran III	Joel Rivera
Fernando Cabrera	Vincent M. Ignizio	Ydanis A. Rodriguez
Margaret S. Chin	Robert Jackson	Deborah L. Rose
Leroy G. Comrie, Jr.	Letitia James	James Sanders, Jr.
Elizabeth S. Crowley	Peter A. Koo	Larry B. Seabrook
Inez E. Dickens	Karen Koslowitz	Eric A. Ulrich
Erik Martin Dilan	Bradford S. Lander	James Vacca
Daniel Dromm	Jessica S. Lappin	Peter F. Vallone, Jr.
Mathieu Eugene	Stephen T. Levin	Albert Vann
Julissa Ferreras	Melissa Mark-Viverito	James G. Van Bramer
Lewis A. Fidler	Darlene Mealy	Mark S. Weprin
Helen D. Foster	Michael C. Nelson	Jumaane D. Williams
Daniel R. Garodnick	James S. Oddo	Ruben Wills
James F. Gennaro	Annabel Palma	

Excused: Council Members Gonzalez, Koppell, and Mendez.

The Majority Leader (Council Member Rivera) assumed the Chair as the President Pro Tempore and Acting Presiding Officer.

After being informed by the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the President Pro Tempore (Council Member Rivera).

*There were 48 Council Members marked present at this Stated Meeting held in the renovated Council Chambers in the east wing of City Hall, N.Y., N.Y. 10007.*

**INVOCATION**

The Invocation was delivered by Rabbi Avrohom Hecht, Jewish Community Council of Canarsie, Inc., 1170 Pennsylvania Avenue, Brooklyn, N.Y. 11239.

Our Father in Heaven,  
as we give thanks to you,

bestow up on this gathering  
of New York City Council Members  
representing our great city,  
from each and every  
unique and precious neighborhood,  
the wisdom, strength and fortitude  
to bring your collective thoughts  
and aspirations together  
for the common good  
of those you have been  
appointed to represent.  
We derive strength from our diversity,  
and our ability to come together as one,  
united, in helping the less fortunate,  
protecting the at risk,  
and addressing our safety,  
our educational system, and so much more.  
Just as the Almighty lovingly views  
each and every human being as sacred,  
you too should be uplifted  
by the noble mantle of leadership  
you have accepted,  
in remembering that our city  
is made up of distinguished individuals,  
each made with the lofty stamp of the Creator.  
May you all be uplifted  
in your quest to bestow  
kindness, grace and council to humanity.  
Amen.

Council Member Fidler moved to spread the Invocation in full upon the Record.

At this point, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the following individuals:

Police Officer Peter J. Figoski, 47, of West Babylon, was shot in the face and killed while responding to a home invasion in Cypress Hills, Brooklyn. He was a twenty-two year veteran of the New York Police Department. Officer Figoski was the second-most senior member of the 75th precinct and during his career, he had earned twelve NYPD commendations. Police Officer Peter Figoski is the second NYPD officer to die in the line of duty in 2011. He is survived by his four daughters, his parents, and his brothers. At this point, the floor was yielded to Council Member Dilan who represents part of the area covered by the 75th Precinct. Council Member Dilan spoke in honor of Police Officer Figoski.

Former New York City Police Commissioner Patrick Murphy, 91, passed away in North Carolina on December 16, 2011. He was born in 1920 and flew Navy bombers in World War II before joining the NYPD in 1945. He rose through the ranks and was appointed Police Commissioner in 1970 by Mayor John Lindsay. He steered the Department through the difficult period following the release of the Knapp Commission Report. Commissioner Murphy instituted reforms such as his "cop on the block" program which developed into what is presently known as community policing. His emphasis on better education helped transform American police work into a profession. Patrick Murphy is survived by: his wife, seven children, 21 grandchildren; and 17 great-grandchildren.

Ruben Wolf, a 48 year career person at the New York City Housing Preservation Development, died on December 16, 2011. He served under 19 commissioners and seven Mayors beginning with Mayor Robert Wagner in 1963.

New York Sanitation worker Thomas Lerman, 48, died on December 17, 2011 after collapsing on his Nostrand Avenue route. He was a sixteen year Southern Brooklyn veteran of the Sanitation Department. He is survived by his wife and two daughters.

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

#### ADOPTION OF MINUTES

Council Member Mark-Viverito moved that the Minutes of the Stated Meeting of November 29, 2011 be adopted as printed.

Preconsidered M-735

**Communication from the Mayor - Submitting the name of Robert Yaro to the Council for its advice and consent regarding his appointment to the Waterfront Management Advisory Board, Pursuant to Sections 31 and 1303 of the City Charter.**

December 9, 2011

#### MESSAGES & PAPERS FROM THE MAYOR

Preconsidered M-733

**Communication from the Mayor - Submitting the name of Susan Bellinson to the Council for its advice and consent regarding her appointment to the Waterfront Management Advisory Board, Pursuant to Sections 31 and 1303 of the City Charter.**

The Honorable Christine C. Quinn  
Council Speaker  
City Hall  
New York, NY 10007

Dear Speaker Quinn:

Pursuant to Sections 31 and 1303 of the New York City Charter, I am pleased to present the name of Robert Yaro to the City Council for advice and consent regarding his appointment to the Waterfront Management Advisory Board.

When first appointed to the advisory board, Mr. Yaro will serve for the remainder of a two-year term expiring on August 31, 2013. Thank you for reviewing the appointment of Robert Yaro.

Sincerely,

Michael R. Bloomberg  
Mayor

December 9, 2011

The Honorable Christine C. Quinn  
Council Speaker  
City Hall  
New York, NY 10007

Dear Speaker Quinn:

Pursuant to Sections 31 and 1303 of the New York City Charter, I am pleased to present the name of Susan Bellinson to the City Council for advice and consent regarding her appointment to the Waterfront Management Advisory Board.

When first appointed to the advisory board, Ms. Bellinson will serve for the remainder of a one-year term expiring on August 31, 2012. Thank you for reviewing the appointment of Susan Bellinson.

Sincerely,

Michael R. Bloomberg  
Mayor

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-734

**Communication from the Mayor - Submitting the name of Carl Weisbrod to the Council for its advice and consent regarding his appointment to the Waterfront Management Advisory Board, Pursuant to Sections 31 and 1303 of the City Charter.**

December 9, 2011

The Honorable Christine C. Quinn  
Council Speaker  
City Hall  
New York, NY 10007

Dear Speaker Quinn:

Pursuant to Sections 31 and 1303 of the New York City Charter, I am pleased to present the name of Carl Weisbrod to the City Council for advice and consent regarding his appointment to the Waterfront Management Advisory Board.

When first appointed to the advisory board, Mr. Weisbrod will serve for the remainder of a three-year term expiring on August 31, 2014. Thank you for reviewing the appointment of Carl Weisbrod.

Sincerely,

Referred to the Committee on Rules, Privileges and Elections.

#### REPORTS OF THE STANDING COMMITTEES

##### Reports of the Committee on Education

Report for Int. No. 563-A

**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the notification of information related to polychlorinated biphenyls (PCBs) in schools.**

The Committee on Education, to which the annexed amended proposed local law was referred on May 11, 2011 (Minutes, page 1499), respectfully

#### REPORTS:

##### I. INTRODUCTION

On December 19, 2011, the Education Committee will vote on Proposed Int.563-A. This bill would amend New York City Charter, to require the Department of Education (DOE) to notify parents of students and employees in a public school of any polychlorinated biphenyl (PCB) contamination found during inspection or testing of a school. The Committee wishes to note that currently, the DOE does not routinely test light fixtures for PCBs, inspection for leaking fixtures is currently limited to visual inspection by DOE custodians, followed up where appropriate by inspection by an environmental consultant.

##### II. ANALYSIS OF PROPOSED INT. NO. 563-A

Proposed Int. No. 563-A would amend the New York City Charter to require the DOE to notify parents of students and employees of reportable PCB levels found in a school. Section one of the bill would amend the City Charter by adding a new section 530-d titled "Notification requirements, PCBs." Subdivision a of such subdivision provides definitions for the purposes of the new section: "Department" would mean the New York City Department of Education; "PCBs" would mean polychlorinated biphenyls; "PCB light ballast" would mean a device that electrically controls fluorescent light fixtures and that includes a PCB small capacitor containing dielectric; "PCB lighting removal plan" would mean the department's comprehensive plan to remove, replace or remediate light fixtures that have used or are using PCB light ballasts or are presumed to have used or be using

PCB light ballasts; "Reportable PCB levels" would mean written test results of light fixtures including, but not limited to, air, wipe or bulk sample analysis, performed by or at the request of the department, the New York city school construction authority or the United States environmental protection agency that show concentrations of PCBs which exceed the amount allowable pursuant to the applicable regulations promulgated by the United States environmental protection agency, and shall also mean the inspection results of light fixtures that are leaking and presumed to have used or to be using PCB light ballasts; "Public school" would mean any school in a building owned or leased by the department, including charter schools, that contains any combination of grades from kindergarten through twelve.

Subdivision (b) of this section would require the DOE to notify parents of students and the employees in a public school that has been tested or inspected for reportable PCB levels, of the results of such testing or inspection, including whether the results were negative or positive, within seven business days of receiving the results. If the results are received during a scheduled school vacation period exceeding five days and the area where the inspection or testing occurred is not being used by students during the vacation period, then the parents and employees would be notified no later than seven days following the end of the vacation period. The DOE would also be required to post on its website, the results of the inspection within seven business days of receiving the results.

Subdivision (c) of this section would also require the DOE to include in the notice required by subdivision (b) of this same section, information regarding the steps the DOE has taken and will take to address the reportable PCB levels, including the timeframes within which the steps will be taken. Within seven days of the date the steps to address the reportable PCB levels have been completed, the DOE would be required to notify parents and employees that such steps have been completed.

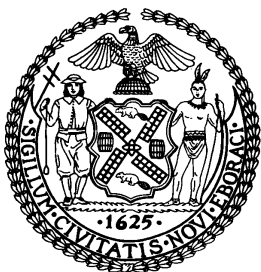
Subdivision (d) of this section would require the DOE to notify parents and employees of any school that has been identified as part of the PCB lighting removal plan that their school has been identified as part of the plan, no later than April 15th of 2012 and annually thereafter, not later than November 15th. The notice would include an explanation of the DOE's PCB lighting removal plan, including the reasons for removal, replacement or remediation, the fact that certain light fixtures are presumed to contain PCBs, and the schedule for removal, replacement or remediation.

Section 2 of the bill states that the law would take effect 60 days after its enactment into law.

**III. CONCLUSION**

The data required by Proposed Int. No. 563-A would ensure that parents, students and employees are notified of reportable PCB levels in a timely manner and will increase transparency regarding DOE's plans to remedy any reportable PCB levels that occurs in schools.

(The following is the text of the Fiscal Impact Statement for Int. No. 563-A:)



**THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 563-A**

**COMMITTEE:**  
Education

**TITLE:** A Local Law to amend the New York city charter, in relation to the notification of information related to polychlorinated biphenyls (PCBs) in schools.

**SPONSORS:** Council Members Ignizio, Levin, Greenfield, Arroyo, Brewer, Cabrera, Chin, Dickens, Dromm, Ferreras, Fidler, Gentile, Koslowitz, Lander, Mendez, Palma, Rose, Sanders Jr., Seabrook, Van Bramer, Vann, Williams, Vallone, Nelson, Foster, Vacca, Mark-Viverito, Garodnick, James, Barron, Jackson, Halloran and Koo

**SUMMARY OF LEGISLATION:** Proposed Int. No. 563-A would require the Department of Education ("DOE") to notify parents of students and employees in any public school, including charter schools, of the results of any testing or inspection for polychlorinated biphenyl ("PCB") contamination in light fixtures within seven business days of receiving the results. If the inspection or testing occurs during a school break exceeding five days, then the DOE would be required to notify parents and employees within seven days following the end of the school break. The bill would require that the notification include information regarding the steps that the DOE has taken or will take to remedy the PCB contamination, including the timeframe for the remediation. If the remediation is not completed within the originally identified timeframe, then the bill would require the DOE to notify parents and employees of the new timeframe for remediation and would also require the DOE to notify parents and employees within seven days of the completion of the remediation. The bill would also require the DOE to post testing results on its website.

Additionally, Proposed Int. No. 563-A would require the DOE to notify parents of students and employees, annually, in any school identified as part of the DOE's PCB removal and remediation plan that the school has been identified as part of the plan. The notice would include an explanation regarding the DOE's removal and remediation plan, including the reasons for removal and remediation, the fact that certain light fixtures are presumed to contain PCBs, and the schedule for the removal and remediation. The annual notice would begin not later than April 15, 2012 and annually thereafter not later than November 15.

**EFFECTIVE DATE:** 60 days after enactment

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal Year 2013

**FISCAL IMPACT STATEMENT:**

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$25,000	\$0	\$0
<b>Net</b>	\$25,000	\$0	\$0

**IMPACT ON REVENUES:** There would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** The City Council Finance Division estimates there will be increased expenditures in Fiscal Year 2012 stemming from parent notifications at all schools in the citywide plan, and in subsequent fiscal years the Department of Education can use existing resources for notifications.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** City Tax Levy

**SOURCE OF INFORMATION:** City Council Finance Division  
Mayor's Office

**ESTIMATE PREPARED BY:** Christina Perrotti, Legislative Financial Analyst  
Regina Poreda Ryan, Assistant Director

**HISTORY:** Introduced as Intro. 563 by the Council on May 11, 2011 and referred to the Committee on Education. A hearing was held by the Committee on Education and the legislation was laid over by the Committee on November 18, 2011. An Amendment has been proposed and the amended version, Proposed Int. 563-A, is scheduled to be voted out of the Education Committee and the Full Council on December 19, 2011.

**DATE SUBMITTED TO COUNCIL:** DECEMBER 19, 2011

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 563-A:)

Int. No. 563-A

By Council Members Ignizio, Levin, Greenfield, Arroyo, Brewer, Cabrera, Chin, Dickens, Dromm, Ferreras, Fidler, Gentile, Koslowitz, Lander, Mendez, Palma,

Rose, Sanders, Seabrook, Van Bramer, Vann, Williams, Vallone, Jr., Nelson, Foster, Vacca, Mark-Viverito, Garodnick, James, Barron, Jackson, Rodriguez, Eugene, Lappin, Halloran, Koo, Oddo, Ulrich, Weprin, Crowley and Gennaro.

**A Local Law to amend the New York city charter, in relation to the notification of information related to polychlorinated biphenyls (PCBs) in schools.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 20 of the New York city charter is amended by adding a new section 530-d to read as follows:

§530-d Notification requirements, PCBs. a. For the purposes of this section, the following terms shall have the following meanings:

1. "Department" shall mean the New York city department of education.  
 2. "PCBs" shall mean polychlorinated biphenyls.  
 3. "PCB light ballast" shall mean a device that electrically controls fluorescent light fixtures and that includes a PCB small capacitor containing dielectric.

4. "PCB lighting removal plan" shall mean the department's comprehensive plan to remove, replace or remediate light fixtures that have used or are using PCB light ballasts or are presumed to have used or to be using PCB light ballasts.

5. "Reportable PCB levels" shall mean written test results of light fixtures including, but not limited to, air, wipe or bulk sample analysis, performed by or at the request of the department, the New York city school construction authority or the United States environmental protection agency that show concentrations of PCBs which exceed the amount allowable pursuant to the applicable regulations promulgated by the United States environmental protection agency, and shall also mean the inspection results of light fixtures that are leaking and presumed to have used or to be using PCB light ballasts.

6. "Public school" shall mean any school in a building owned or leased by the department, including charter schools, that contains any combination of grades from kindergarten through grade twelve.

b. The department shall notify the parents of students and the employees in any public school that has been inspected or tested for reportable PCB levels of the results of such inspection or testing, and whether the results of such inspection or testing were negative or positive, within seven days of receiving such results; provided that if such results are received during a scheduled school vacation period exceeding five days and the area where such inspection or testing occurred is not being used by students during such period, such notification shall occur no later than seven days following the end of such period. The department shall also post such results on the department's website within seven days of receiving such results.

c. The notification required pursuant to subdivision b of this section shall include information setting forth the steps the department has taken and will take to address such reportable PCB levels, including the timeframe during which such reportable PCB levels were or will be addressed. If such steps are not completed within such timeframe then the department shall notify such parents and employees of the new timeframe for such steps. The department shall also notify such parents and employees within seven days of the date such steps to address reportable PCB levels are completed.

d. Not later than the fifteenth day of April of the year 2012 and annually thereafter not later than the fifteenth day of November, the department shall notify the parents of students and the employees in any public school identified as part of the department's PCB lighting removal plan that such school has been identified as part of such plan and shall provide in such annual notice an explanation regarding the department's PCB lighting removal plan including, but not limited to, the reasons for removal, replacement, or remediation, the fact that certain light fixtures are presumed to contain PCBs, and the schedule for such removal, replacement or remediation.

§ 2. This local law shall take effect sixty days after its enactment into law.

ROBERT JACKSON, Chairperson; CHARLES BARRON, LEWIS A. FIDLER, HELEN D. FOSTER, ALBERT VANN, DANIEL R. GARODNICK, JESSICA S. LAPPIN, FERNANDO CABRERA, MARGARET S. CHIN, DANIEL DROMM, KAREN KOSLOWITZ, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK S. WEPRIN, DAVID G. GREENFIELD, VINCENT M. IGNIZIO; Committee on Education; December 19, 2011.

**THE CITY OF NEW YORK  
 OFFICE OF THE MAYOR  
 NEW YORK, N.Y. 10007**

**(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 563-A:)**

Pursuant to authority vested in me by section twenty of the Municipal Home Rule and by section thirty-seven of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law, entitled:

**A LOCAL LAW**

To amend the administrative code of the city of New York, in relation to the notification of information related to polychlorinated biphenyls (PCBs) in schools.

Given under my hand and seal this 19<sup>th</sup> day of December, 2011 at City Hall in the City of New York.

\_\_\_\_\_  
 Michael R. Bloomberg  
 Mayor

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 566-A

**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to requiring the reporting of information related to polychlorinated biphenyls (PCBs).**

The Committee on Education, to which the annexed amended proposed local law was referred on May 11, 2011 (Minutes, page 1502), respectfully

**REPORTS:**

**I. INTRODUCTION**

On December 19, 2011, the Education Committee, chaired by Council Member Robert Jackson will hold a vote on Proposed Int. No. 566-A. This bill would amend the New York City Charter, to require the Department of Education (DOE) to report information related to the detection and removal of PCBs. The Committee wishes to not that currently, the DOE does not routinely test light fixtures for PCBs, inspection for leaking fixtures is currently limited to visual inspection by DOE custodians, followed up where appropriate by inspection by an environmental consultant.

**II. ANALYSIS OF PROPOSED INT. NO. 566-A**

Proposed Int. No. 566-A would amend the New York City charter to require the DOE to report information related to polychlorinated biphenyls. Section one of the bill would amend the City Charter by adding a new section 530-a titled "PCB reporting data." Subdivision a of such subdivision provides definitions for the purposes of the new section: "Department" would mean the New York City Department of Education; "PCBs" would mean polychlorinated biphenyls; "PCB light ballast" would mean a device that electrically controls fluorescent light fixtures and that includes a PCB small capacitor containing dielectric; "PCB lighting removal plan" would mean the department's comprehensive plan to remove, replace or remediate light fixtures that have used or are using PCB light ballasts or are presumed to have used or to be using PCB light ballasts; "Reportable PCB levels" would mean written test results of light fixtures including, but not limited to, air, wipe or bulk sample analysis, performed by or at the request of the department, the New York city school construction authority or the United States environmental protection agency that show concentrations of PCBs which exceed the amount allowable pursuant to the applicable regulations promulgated by the United States environmental protection agency, and shall also mean the inspection results of light fixtures that are leaking and presumed to have used or to be using PCB light ballasts; "Public school" would mean any school in a building owned or leased by the department, including charter schools, that contains any combination of grades from kindergarten through twelve.

Subdivision (b) of this section would require the DOE to submit an annual report to the City Council regarding the progress of the DOE's pcb lighting removal plan and efforts to address caulk in public schools. The DOE would also be required to post the report on its website. The first preliminary report would be due no later than April 15th of 2012, and an annual report would be required thereafter, no later than November 15th of each year. The report would include information regarding the overall progress of the PCB lighting removal plan, an updated list of public schools identified as part of the plan, the steps that will be taken to address reportable PCB levels at the schools identified, the schedule for addressing the reportable PCB levels, a list of schools where reportable PCB levels have been addressed, and the steps that were taken to address reportable PCB levels in those schools.

Regarding, schools where reportable PCB levels have been addressed, the report would include, information regarding whether the light fixtures or floor tiles were removed, replaced or remediated, and the timeframe during which the reportable PCB levels were addressed. The report would also include a list of schools for which notification was sent to parents and employees pursuant to pursuant to notification provisions contained in Proposed Int. No. 563-A, at subdivision (b) of section 530-d of the City Charter, the steps that were taken at those schools to address the presence, removal, replacement or remediation of PCB light ballasts, including the number of light fixtures and floor tiles that were removed, replaced or

remediated and the reasons for which the inspections or testing for reportable PCB levels occurred, such as during routine inspection, discovery of a leaking ballast or pursuant to a consent order or agreement with the United States Environmental Protection Agency (EPA).

The report would also include a summary of the test results for any routine testing for PCBs in caulk performed by or at the direction of the department or the New York city school construction authority including which schools were tested and for what reason and information pertaining to the steps the DOE has taken or will take to address the presence and removal of PCBs in caulking, including, the test results of any pilots study conducted pursuant to a consent order or any existing agreement with the EPA, an update on the status of the pilot study, and in the event that the department and New York City school construction authority reach agreement with the United States environmental protection agency at some future date on a final citywide PCB management plan, as described in and pursuant to all terms and conditions of the existing agreement with EPA, a description and update on PCB management activities, including the management of PCBs in caulking, implemented under such a final plan.

The bill would also require that all information reported pursuant to this report be aggregated citywide, as well as disaggregated by community school district, council district and borough.

Subdivision (c) would require the DOE to include in the report a link to information posted on the website of the Department of Health and Mental Hygiene that provides answers to frequently asked questions regarding PCBs.

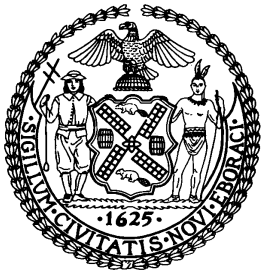
Subdivision (d) would note that the law would sunset following the DOE's submission of a report documenting that the removal of all PCB light fixtures pursuant to the Department's PCB lighting removal plan has been completed.

Section 2 of the bill states that the law would take effect 60 days after its enactment into law.

**III. CONCLUSION**

The data required by Proposed Int. No. 566-A would bring a level of transparency to the overall progress of the DOE's PCB lighting removal plan.

(The following is the text of the Fiscal Impact Statement for Int. No. 566-A:)



THE COUNCIL OF THE CITY OF NEW YORK  
 FINANCE DIVISION  
 PRESTON NIBLACK, DIRECTOR  
 FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 566-A

COMMITTEE:  
 Education

**TITLE:** A Local Law to amend the New York city charter, in relation to the notification of information related to polychlorinated biphenyls (PCBs) in schools.

**SPONSORS:** Council Members Levin, Ignizio, Arroyo, Brewer, Dickens, Dromm, Ferreras, Fidler, Lander, Mendez, Palma, Rose, Seabrook, Van Bramer, Vann, Williams, Vallone, Vacca, Wills, Chin, Nelson, Garodnick, Jackson, Halloran and Koo

**SUMMARY OF LEGISLATION:** Proposed Int. No. 566-A would require the Department of Education ("DOE") to submit a preliminary report regarding the progress of the DOE's polychlorinated biphenyl ("PCB") remediation and removal plan for light fixtures to the Council not later than April 15, 2012 and on an annual basis thereafter not later than November 15<sup>th</sup>. The report would include an updated list of public schools, including charter schools, identified as part of the plan; the steps to be taken to address PCB contamination at the schools; and the schedule for addressing the PCB contamination. The bill would require the DOE to provide in the report a list of schools where the PCB contamination has already been addressed; the steps taken to address the contamination, including whether or not light fixtures and floor tiles were removed; and the timeframe during which the contamination was addressed.

The report would also include a list of schools for which notification was sent to parents and employees pursuant to notification provisions of Proposed Int. No. 563-A. It would outline the steps taken to remove PCB contamination at such schools, including the number of light fixtures and floor tiles that were removed and the reasons for which inspection or testing for PCB contamination occurred. It would also include the steps the DOE will take to address the removal of PCBs in caulking, including the test results of any pilot study conducted pursuant to a consent order or existing agreement with the United States Environmental Protection Agency; an update on the status of the pilot; and a description of the citywide work plan for the removal of caulk and the schedule for the implementation of the plan. The bill would require the report to be posted on the DOE's website and include a link to the Department of Health and Mental Hygiene's website that provides answers to frequently asked questions regarding PCBs. It would require that all information pursuant to the report be aggregated citywide, as well as disaggregated by community school district, council district and borough. The law would sunset upon completion of the PCB removal and remediation plan.

EFFECTIVE DATE: 60 days after enactment

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2013

**FISCAL IMPACT STATEMENT:**

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY13
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** There would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is estimated that there would be minimal to no on expenditures resulting from the enactment of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** N/A

**SOURCE OF INFORMATION:** City Council Finance Division

**ESTIMATE PREPARED BY:** Christina Perrotti, Legislative Financial Analyst  
 Regina Poreda Ryan, Assistant Director

**HISTORY:** Introduced as Intro. 566 by the Council on May 11, 2011 and referred to the Committee on Education. A hearing was held by the Committee on Education and the legislation was laid over by the Committee on November 18, 2011. An Amendment has been proposed and the amended version, Proposed Int. 566-A, is scheduled to be voted out of the Education Committee and the full Council on December 19, 2011.

**DATE SUBMITTED TO COUNCIL:** DECEMBER 19, 2011

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 566-A:)

Int. No. 566-A

By Council Members Levin, Ignizio, Arroyo, Brewer, Dickens, Dromm, Ferreras, Fidler, Lander, Mendez, Palma, Rose, Seabrook, Van Bramer, Vann, Williams, Vallone, Jr., Vacca, Wills, Chin, Nelson, Garodnick, Jackson, Rodriguez, Eugene, Lappin, Halloran, Koo, Ulrich, Weprin, Barron, Crowley, Gennaro, Greenfield and Oddo.

**A Local Law to amend the New York city charter, in relation to requiring the reporting of information related to polychlorinated biphenyls (PCBs).**

*Be it enacted by the Council as follows:*

Section 1. Chapter 20 of the New York city charter is amended by adding a new section 530-e to read as follows:

§530-e PCB reporting data. a. For the purposes of this section, the following terms shall have the following meanings:

1. "Department" shall mean the New York city department of education.
2. "PCBs" shall mean polychlorinated biphenyls.
3. "PCB light ballast" shall mean a device that electrically controls fluorescent light fixtures and that includes a PCB small capacitor containing dielectric.
4. "PCB lighting removal plan" shall mean the department's comprehensive plan to remove, replace or remediate light fixtures that have used or are using PCB light ballasts or are presumed to have used or to be using PCB light ballasts.
5. "Reportable PCB levels" shall mean written test results of light fixtures including, but not limited to, air, wipe or bulk sample analysis, performed by or at the request of the department, the New York city school construction authority or the United States environmental protection agency that show concentrations of PCBs which exceed the amount allowable pursuant to the applicable regulations promulgated by the United States environmental protection agency, and shall also mean the inspection results of light fixtures that are leaking and presumed to have used or to be using PCB light ballasts.

6. "Public school" shall mean any school in a building owned or leased by the department, including charter schools, that contains any combination of grades from kindergarten through grade twelve.

b. Not later than the fifteenth day of April of the year 2012 the department shall submit to the council a preliminary report, and annually thereafter not later than the fifteenth day of November the department shall submit to the council a report, regarding the progress of the department's PCB lighting removal plan and the department's efforts to address caulk in public schools and shall post such report on the department's website. The report shall include, but not be limited to: information regarding the overall progress on such plan including, but not limited to, an updated list of public schools identified as part of such plan, the steps that will be taken to address reportable PCB levels at such schools, and the schedule for addressing such reportable PCB levels at such schools; a list of schools where reportable PCB levels have been addressed, the steps taken to address such reportable PCB levels including, but not limited to, information regarding whether light fixtures and floor tiles were removed, replaced or remediated, and the timeframe during which such reportable PCB levels were addressed; a list of schools for which notification was sent to parents and employees pursuant to subdivision b of section 530-d of this chapter, the steps taken to address the presence and removal, replacement or remediation of PCB light ballasts at such schools, including the number of light fixtures and floor tiles that were removed, replaced or remediated and the reasons for which inspection or testing for reportable PCB levels occurred including, but not limited to, routine inspection and discovery of a leaking ballast or pursuant to a consent order or any existing agreement with the United States environmental protection agency; a summary of the test results for any routine testing for PCBs in caulk performed by or at the direction of the department or the New York city school construction authority including, but not limited to, which schools were tested and for what reason, and information pertaining to the steps the department has taken and will take to address the presence and removal of PCBs in caulking including, but not limited to, the test results of any pilot study conducted pursuant to a consent order or any existing agreement with the United States environmental protection agency, an update on the status of such pilot study, and in the event that the department and New York City school construction authority reach agreement with the United States environmental protection agency at some future date on a final citywide PCB management plan, as described in and pursuant to all terms and conditions of the existing agreement with EPA, a description and update on PCB management activities, including the management of PCBs in caulking, implemented under such a final plan. All information required by this subdivision shall be aggregated citywide, as well as disaggregated by community school district, council district and borough.

c. The report shall include a link to information posted on the website of the department of health and mental hygiene that provides answers to frequently asked questions regarding PCBs.

d. The requirements of this section shall no longer be in effect following the department's submission to the council of a report documenting that the removal of all light fixtures pursuant to the department's PCB lighting removal plan has been completed.

§ 2. This local law shall take effect sixty days after its enactment into law.

ROBERT JACKSON, Chairperson; CHARLES BARRON, LEWIS A. FIDLER, HELEN D. FOSTER, ALBERT VANN, DANIEL R. GARODNICK, JESSICA S. LAPPIN, FERNANDO CABRERA, MARGARET S. CHIN, DANIEL DROMM, KAREN KOSLOWITZ, STEPHEN T. LEVIN, DEBORAH L. ROSE,

MARK S. WEPRIN, DAVID G. GREENFIELD, VINCENT M. IGNIZIO; Committee on Education; December 19, 2011.

**THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007**

**(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 566-A:)**

Pursuant to authority vested in me by section twenty of the Municipal Home Rule and by section thirty-seven of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law, entitled:

**A LOCAL LAW**

To amend the administrative code of the city of New York, in relation to requiring the reporting of information related to polychlorinated biphenyls (PCBs).

Given under my hand and seal this 19<sup>th</sup> day of December, 2011 at City Hall in the City of New York.

\_\_\_\_\_  
Michael R. Bloomberg  
Mayor

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**Reports of the Committee on Finance**

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Res. No. 1173

**Report of the Committee on Finance in favor of approving a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget**

The Committee on Finance, to which the annexed resolution was referred on December 19, 2011, respectfully

**REPORTS:**

Introduction. The Council of the City of New York (the "Council") annually adopts the City's budget covering expenditures other than for capital projects (the "expense budget") pursuant to Section 254 of the Charter. On June 29, 2011, the Council adopted the expense budget for fiscal year 2012 with various programs and initiatives (the "Fiscal 2012 Expense Budget"). On June 29, 2010, the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the "Fiscal 2011 Expense Budget").

Analysis. This Resolution, dated December 19, 2011, amends the Description/Scope of Services for Make the Road NY, an organization receiving funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunity Initiative. The previous Description/Scope of services for this funding read: "Legal Services". This Resolution now changes the Description/Scope of services to read: "ESL".

In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving discretionary funding, as well as new designations and/or changes in the designation of certain organizations to receive funding pursuant to certain initiatives in the Fiscal 2012 and Fiscal 2011 Expense Budgets.



This Resolution sets forth the new designations and changes in the designation of certain organizations that will receive funding pursuant to certain initiatives in the Fiscal 2012 Expense Budget, as described in Charts 1-4; and sets forth new designations and changes in the designation of organizations that will receive discretionary funding pursuant to the Fiscal 2011 Expense Budget, as described in charts 5-6; and sets forth the new designations and changes in the designation of a certain organization that will receive funding pursuant to certain initiatives in the Fiscal 2011 Expense Budget, as described in Charts 7-8.

Additionally, this Resolution clarifies that the Glenridge Senior Citizen Multi-Service & Advisory Center, Inc., an organization receiving funding within the Department for the Aging (“DFTA”) pursuant to the Fiscal 2011 Expense Budget, will be awarded a contract with DFTA in the amount of \$14,439, an amount which reflects the expense budget submitted to DFTA by the organization.

The charts, attached to the Resolution, contain the following information: name of the council member(s) designating the organization to receive funding or name of the initiative, as set forth in Adjustments Summary/Schedule C/ Fiscal 2012 Expense Budget, dated June 29, 2011, the Adjustments Summary/Schedule C/ Fiscal 2011 Expense Budget, dated June 29, 2010.

Chart 1 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Samaritans of New York Suicide Prevention Hotline PEG Restoration in accordance with the Fiscal 2012 Expense Budget. Funding in the amount of \$247,000 within the Samaritans of New York Suicide Prevention Hotline PEG Restoration will be provided to Samaritans of New York, Inc.

Chart 2 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Senior Center Closures -- PEG Restoration in accordance with the Fiscal 2012 Expense Budget. Funding in the amount of \$60,000 for the Aging in America Community Services, Inc. - Glebe Senior Center will be removed, and provided to Jewish Association for Services for the Aged (JASA)- Glebe Senior Center.

Chart 3 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/Faith Based Initiative in accordance with the Fiscal 2012 Expense Budget. Funding in the amount of \$6,400 for the River of Living Water Fellowship Church will be removed, and provided to Rivers of Living Faith Ministries.

Chart 4 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural After School Adventure Initiative in accordance with the Fiscal 2012 Expense Budget.

Chart 5 sets forth the new designation and changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2011 Expense Budget.

Chart 6 sets forth the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget.

Chart 7 sets forth the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/Faith Based Initiative in accordance with the Fiscal 2011 Expense Budget. Chart 7 indicates an EIN correction. The correct EIN for the House of Peace, Inc, an organization receiving funding pursuant to this Initiative in the Fiscal 2011 Expense Budget, is 45-3131894.

Chart 8 sets forth the new designation of a fiscal conduit for an organization receiving funding in pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2011 Expense Budget. The Polonians Organized to Minister Our Community (POMOC), Inc. will now be the fiscal conduit for the St. Stanislaus Kostka Church, an organization receiving funding in the amount of \$60,000 pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2011 Expense Budget.

It is to be noted that organizations identified in the attached Charts with an asterisk (\*) have not yet completed or began the prequalification process conducted by the Mayor's Office of Contract Services (for organizations to receive more than \$10,000) by the Council (for organizations to receive \$10,000 or less total), or other government agency. Organizations identified without an asterisk have completed the appropriate prequalification review.

It should be further noted that funding for organizations in the attached Charts with a double asterisk (\*\*) will not take effect until the passage of a budget modification.

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2012 and 2011 Expense Budgets. Such Resolution would take effect as of the date of adoption.

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1173

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

By Council Members Recchia and Comrie.

**Whereas**, On June 29, 2011 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2012 with various programs and initiatives (the “Fiscal 2012 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, On June 29, 2010 the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the “Fiscal 2011 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Make the Road NY, an organization receiving funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunities Initiative to read: “ESL”; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by clarifying that the Glenridge Senior Citizen Multi-Service & Advisory Center, Inc., an organization receiving funding within the Department for the Aging (“DFTA”) pursuant to the Fiscal 2011 Expense Budget will be awarded a contract with DFTA in the amount of \$14,439, an amount which reflects the expense budget submitted to DFTA by the organization; now, therefore be it

**Resolved**, That the City Council approves the new Description/Scope of Services for a certain organization receiving funding pursuant to the Immigrant Opportunity Initiative in accordance with the Fiscal 2012 Expense Budget; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Samaritans of New York Suicide Prevention Hotline PEG Restoration in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Senior Center Closures PEG Restoration in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 3; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural after School Adventure Program in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 4; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding pursuant to the in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 5; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 6; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the

HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of an organization receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council clarifies that the Glenridge Senior Citizen Multi-Service & Advisory Center, Inc., an organization receiving funding within the Department for the Aging (“DFTA”) pursuant to the Fiscal 2011 Expense Budget, will be awarded a contract with DFTA in the amount of \$14,439, an amount which reflects the expense budget submitted to DFTA by the organization.

**ATTACHMENT:**

CHART 1: Samaritans of New York Suicide Prevention Hotline PEG Restoration- Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Samaritans of New York Suicide Prevention Hotline PEG Restoration	13-6400434	DOHMH	(\$247,000.00)	816	120
Samaritans of New York, Inc.	13-3164464	DOHMH	\$247,000.00	816	120

\* Indicates pending completion of pre-qualification review.

CHART 2: Senior Center Closures -- PEG Restoration- Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A *
Aging in America Community Services, Inc. - Glebe Senior Center	13-4099045	DFTA	(\$60,000.00)	125	003
Jewish Association for Services for the Aged (JASA)- Glebe Senior Center	13-2620896	DFTA	\$60,000.00	125	003

\* Indicates pending completion of pre-qualification review.

CHART 3: HIV/AIDS Faith Based Initiative- Fiscal 2012

Organization	EIN Number	Agency	Amount	Agy #	U/A *
River of Living Water Fellowship Church	20-8586474	DOHMH	(\$6,400.00)	816	112 *
Rivers of Living Faith Ministries	45-2453438	DOHMH	\$6,400.00	816	112 *

\* Indicates pending completion of pre-qualification review.

CHART 4: Cultural After-School Adventure (CASA)- Fiscal 2012

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Weprin	Queens Theatre in the Park, Inc. - Public School 133Q	11-3381629	DCA	(\$20,000.00)	126	022		
Weprin	Queens Theatre in the Park, Inc. - IS 74 Nataniel Hawthorne Intermediate School	11-3381629	DCA	\$20,000.00	126	022		
Eugene	Brooklyn Arts Council, Inc. - Public School 399	23-7072916	DCA	(\$20,000.00)	126	003		
Eugene	Brooklyn Arts Council, Inc. - Public School 399	23-7072915	DCA	\$20,000.00	126	003		
Eugene	Creative Outlet Dance Theatre of Brooklyn, Inc. - Public School 6	11-3307755	DCA	(\$20,000.00)	126	003		
Eugene	Creative Outlet Dance Theatre of Brooklyn, Inc. - Public School 6	11-3307754	DCA	\$20,000.00	126	003		
Comrie	Reversing the Projections, Inc. - IS 59Q	75-3260289	DCA	(\$20,000.00)	126	003		
Comrie	Queens Symphony Orchestra - IS 59Q	11-2106191	DCA	\$20,000.00	126	003		
Mealy	Prospect Park Alliance, Inc. - P.S.II.S 137K	11-2843783	DCA	(\$20,000.00)	126	003		
Mealy	Central Brooklyn Jazz Consortium, Inc. - P.S.II.S 137K	11-3549224	DCA	\$20,000.00	126	003		*
Ulrich	Intrepid Museum Foundation, Inc. - PS 60Q	13-3062419	DCA	(\$20,000.00)	126	003		
Ulrich	Intrepid Museum Foundation, Inc. - PS 65--The Raymond York Elementary School	13-3062419	DCA	\$20,000.00	126	003		
Quinn	Midtown Management Group, Inc. - Public School 212	13-3192793	DCA	(\$20,000.00)	126	003		
Quinn	Midtown Management Group, Inc. - Public School 41	13-3192793	DCA	\$20,000.00	126	003		
Gonzalez	Metropolitan Museum of Art - Inter School 136	13-1624086	DCA	(\$20,000.00)	126	004		
Gonzalez	Brooklyn Arts Council, Inc. - Inter School 136	23-7072915	DCA	\$20,000.00	126	004		

\* Indicates pending completion of pre-qualification review.

CHART 5: Local Initiatives-Fiscal 2011

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Oddo	Fisherman's Conservation Association, Inc., The	13-1135304	DYCD	(\$1,500.00)	260	005		
Oddo	Fisherman's Conservation Association, Inc., The	33-1135304	DYCD	\$1,500.00	260	005		
Ignizio	Fisherman's Conservation Association, Inc., The	13-1135304	DYCD	(\$5,000.00)	260	005		
Ignizio	Fisherman's Conservation Association, Inc., The	33-1135304	DYCD	\$5,000.00	260	005		
Ignizio	Yeshiva of Staten Island	13-5600419	DYCD	(\$10,000.00)	260	005		
Ignizio	Mesivtha Tifeth Jerusalem	13-5600419	DYCD	\$10,000.00	260	005		
Quinn	Rosie's Broadway Kids, Inc.	54-2099457	DCA	(\$6,000.00)	126	003		
Quinn	Rosie's Broadway Kids, Inc.	33-1194964	DCA	\$6,000.00	126	003		

\* Indicates pending completion of pre-qualification review.

CHART 6: Youth Discretionary-Fiscal 2011

Member	Organization	EIN Number	Agency	Amount	Agy #	U/A	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN *
Chin	Rosie's Broadway Kids, Inc.	54-2099457	DYCD	(\$3,500.00)	260	312		
Chin	Rosie's Broadway Kids, Inc.	33-1194964	DYCD	\$3,500.00	260	312		
Mendez	Rosie's Broadway Kids, Inc.	54-2099457	DYCD	(\$3,500.00)	260	312		
Mendez	Rosie's Broadway Kids, Inc.	33-1194964	DYCD	\$3,500.00	260	312		
Brewer	Jewish Children's Learning Lab, Inc.	13-3817786	DYCD	(\$3,000.00)	260	312	Citizens Committee for New York City, Inc.	51-0171818
Brewer	Jewish Children's Learning Lab, Inc.	13-3817786	DYCD	\$3,000.00	260	312		
Crowley	Wianek Polish Folk Dance Company, Inc.	26-3601469	DYCD	(\$2,000.00)	260	312	Maspeth Town Hall, Inc.	23-7259702
Crowley	Wianek Polish Folk Dance Company, Inc.	26-3601469	DYCD	\$2,000.00	260	312		

\* Indicates pending completion of pre-qualification review.



CHART 7: HIV/AIDS Faith Based Initiative-Fiscal 2011

Organization	EIN Number	Agency	Amount	Agy#	UA *
House of Peace, Inc.	13-3356764	DOHMH	(\$6,400.00)	816	112
House of Peace, Inc.	45-3131894	DOHMH	\$6,400.00	816	112

\* Indicates pending completion of pre-qualification review.

CHART 8: Immigrant Opportunities Initiative (IOI) - FY2011

Member	Organization	EIN Number	Agency	Amount	Agy#	UA	Fiscal Conduit/Sponsoring Organization	Fiscal Conduit EIN
Staten Island	St. Stanislaus Kostka Church	13-5564133	DYCD	(\$60,000.00)	260	005		
Staten Island	St. Stanislaus Kostka Church	13-5564133	DYCD	\$60,000.00	260	005	Polonians Organized to Minister Our Community (POMOC), Inc.	11-2594500

\* Indicates pending completion of pre-qualification review.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 19, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for Res. No. 1175

**Report of the Committee on Finance in favor of approving a Resolution concerning the establishment of the Westchester Square Business Improvement District in the Borough of the Bronx and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.**

The Committee on Finance, to which the annexed resolution was referred on December 19, 2011, respectfully

**REPORTS:**

**BACKGROUND**

Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the "Law"), the Mayor and the Council are authorized to establish Business Improvement Districts (BIDs) in New York City. BIDs, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance the area and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The Steering Committee of a BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

The proposed Westchester Square Business Improvement District (hereinafter the "District") is located in the northeast section of the Bronx known as Westchester

Square. The District is bordered by Pelham bay, Throgs Neck, Morris Park, Zerega, and Castle Hill.

The District has 145 merchant storefronts that are housed in 73 properties. The District is located in Community boards 10 and 11, and the 45<sup>th</sup> Police Precinct.

Services to be provided in the District include: sanitation and maintenance services, holiday decorations, marketing and promotion, administrative expenses, special events, and miscellaneous/reserve. The District will be managed by the Westchester Square District Management Association, Inc. The budget for the first year of operation is \$320,000. The maximum cost for capital improvements for the entire existence of the proposed District shall be \$3.2 million. The assessment formula is based on frontage, with corner lots paying an additional \$300 and properties that have above ground commercial space will pay an additional \$300. Residential property owners pay \$1, not for profits and government buildings located within the proposed District are exempt, mid-block vacant lots pay \$300 and corner vacant lots pay a \$600 flat fee. According to the Department of Small Business Services ("SBS"), the average assessment for commercial lots is \$3,855.31, and the median assessment for commercial lots is \$2,904.43

**INSUFFICIENT NOTICE**

This is the second Resolution to establish a hearing date for the establishment of the proposed District. The first Resolution, Proposed Res. No. 959-A, established October 17, 2011 as the date for a public hearing on this proposed District. Pursuant to Section 25-406 of the BID law, on October 5, 2011, the Council, via Proposed Res. No. 959-A, directed SBS and the Westchester Square BID Steering Committee, respectively to, not less than ten nor more than thirty days before the date of the public hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the District, and to the tenants of each building within the District.

On October 17, 2011, pursuant to Section 25-406 of the Administrative Code, the Finance Committee held a public hearing to consider both the Plan and the legislation establishing the District. Subsequent to this hearing, the Committee waited at least 30 days before it considered voting to approve this legislation. The 30-day period immediately after this public hearing served as an objection period, after which the Committee is required to, pursuant to Section 25-407 (a) of the Administrative Code, determine, in relevant part, whether notice for all hearings that are required to be held by law have been published and mailed.

Pursuant to Section 25-407(b) (2) of the Administrative Code, at the conclusion of the objection period, if the City Council finds that notice was incorrectly or insufficiently given it shall call a further hearing by Resolution at a definite place and time not less than ten nor more than thirty days after this determination. The further hearing shall be conducted in the same manner as the original hearing.

The objection period for this District ended on November 15, 2011. On November 29, 2011, the Committee heard testimony from SBS regarding, among other things, whether notice was properly and sufficiently mailed to: 1) each owner of real property within the District at the address shown on the latest city assessment roll; 2) such other persons as are registered with the city to receive tax bills concerning real property within the District; and 3) the tenants of each building within the District. SBS testified that while notice was hand delivered to tenants, it was not mailed, as required by Proposed Res. No. 959-A, in accordance with Section 25-406 of the Administrative Code.

Accordingly, pursuant to Section 25-407(b) (2) of the Administrative Code, the Committee had to make a determination on whether notice was sufficient. On November 29, 2011, the Committee found that notice was not sufficient.

**PRECONSIDERED RESOLUTION**

This Resolution is required by Section 25-407(b) (2) of the Administrative Code, which requires, in relevant part, that a further hearing shall be called by Resolution if the City Council finds that notice of the initial hearing on the proposed District was incorrectly or insufficiently given to property owners within a proposed district.

The main purpose of this Resolution is to set the public hearing date, time and place

for the review of the local law, Int. 644, which would establish the Westchester Square

Business Improvement District.

The hearing on the local law and the Plan will be held on January 3, 2012 at 10:00 a.m. in the 16th Floor Committee Room at 250 Broadway to hear all persons interested in the establishment of the District.

This Resolution also directs SBS and the Westchester Square BID Steering Committee, respectively to, not less than ten nor more than thirty days before the date of the public hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the proposed District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the proposed District, and to the tenants of each building within the proposed District. The Resolution also directs SBS to arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the public hearing.

(For text of the resolution, please see the Introduction and Reading of Bills section printed in these Minutes.)

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 19, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.

Report for L.U. No. 546

**Report of the Committee on Finance in favor of approving a Plaza Borinquen, Block 2282, Lots 45, 75, Block 2283, Lot 40, Bronx, Council District No. 8.**

The Committee on Finance, to which the annexed resolution was referred on December 19, 2011, respectfully

**REPORTS:**

(The following is the text of a Memo sent to the Finance Committee from the Finance Division of the New York City Council:)

December 19, 2011

TO: Hon. Domenic M. Recchia, Jr.  
Chair, Finance Committee

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of December 19, 2011-Resolution approving a tax exemption for one preconsidered Land Use Item (Council District 8).

HPD has submitted a request to the Council to approve a property tax exemption for the following property: Plaza Borinquen located in Councilmember Viverito's District.

The Plaza Borinquen consists of 11 buildings that will provide 86 units of affordable rental housing for low-income families. This project will be acquired and rehabilitated by Plaza Borinquen 88 Housing Development Fund Company. The Sponsor will finance the acquisition and rehabilitation of the property with loans from the New York City Housing Development Corporation and low income housing tax credits. In order to keep the project financially viable and provide affordable housing, HPD is requesting an exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law. The value of the tax exemption is projected to be \$162,336 in the first year of the exemption and \$9.3 million over the 34-year length of the exemption.

This item has the approval of Councilmember Viverito.

Accordingly, this Committee recommends its adoption.

In connection herewith, Council Member Recchia offered the following resolution:

Res. No. 1179

**Resolution approving an exemption from real property taxes for property located at (Block 2282, Lots 45, 75,) (Block 2283, Lot 40) Bronx, pursuant**

**to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 546)**

By Council Member Recchia.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated December 6, 2011 that the Council take the following action regarding a housing project (the "Project") to be located at (Block 2282, Lots 45, 75,) (Block 2283, Lot 40) Bronx ("Exemption Area"):

Approve an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption");

**WHEREAS**, the project description that HPD provided to the Council states that the purchaser of the Project (the "Sponsor") is a duly organized housing development fund company under Article XI of the Private Housing Finance Law;

**WHEREAS**, the Council held a hearing on the Project on December 19, 2011;

**WHEREAS**, the Council has considered the financial implications relating to the Tax Exemption;

**RESOLVED:**

The Council hereby grants an exemption from real property taxes as follows:

1. For the purposes hereof, the following terms shall have the following meanings:

- (a) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
- (b) "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2282, Lots 45 and 75 and Block 2283, Lot 40 on the Tax Map of the City of New York.
- (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-four (34) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (d) "HDFC" shall mean Plaza Borinquen 88 Housing Development Fund Company, Inc.
- (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (f) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (g) "Owner" shall mean, collectively, the HDFC and the Partnership.
- (h) "Partnership" shall mean Plaza Borinquen 88 Owner L.P.
- (i) "Prior Exemption" shall mean the exemption from real property taxation approved by the Board of Estimate on January 26, 1973 (Cal. No. 17) with respect to the Exemption Area.
- (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- (k) "Shelter Rent" shall mean the total rents received from residential and commercial occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.

- (l) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent.
2. The Prior Exemption shall terminate upon the Effective Date.
  3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by any existing or future local, state, or federal law, rule or regulation.
  5. Notwithstanding any provision hereof to the contrary:
    - (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
    - (b) The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
    - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
    - (d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
  6. In consideration of the New Exemption, the owner of the Exemption Area, for so long as the New Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G.COMRIE, Jr., LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO; Committee on Finance, December 19, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

#### Reports of the Committee on Housing and Buildings

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Housing and Buildings and had been favorably reported for adoption.

Report for Int. No. 746

**Report of the Committee on Housing and Buildings in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to carbon monoxide alarms**

The Committee on Housing and Buildings, to which the annexed proposed local law was referred on December 19, 2011, respectfully

#### REPORTS:

#### BACKGROUND AND ANALYSIS:

On December 16, 2011, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Preconsidered Int. No. 746, a Local Law to amend Local Law 7 of 2004, regarding carbon monoxide detectors. This preconsidered bill would require property owners to replace carbon monoxide detectors that are currently required to be installed by law when they exceed the manufacturer's suggested useful life with devices that are equipped with an audible warning chirp. On December 13, 2011 the Committee conducted an initial hearing on this bill and heard testimony from representatives of the Fire Department and others interested in this legislative item.

The Council is concerned that some dwelling units within the City of New York may be equipped with carbon monoxide detectors that no longer function properly as they have passed their useful life. The industry average for a carbon monoxide detectors useful life is six years from the date of installation. In addition, many carbon monoxide detectors that were installed as a result of Local Law 7 of 2004, which first mandated the installation of carbon monoxide detectors in dwelling units, are not equipped with the most up-to-date technology. Such technology warns, through the use of an audible chirp, that the useful life of a carbon monoxide detector is coming to an end and puts occupants and owners of a dwelling unit on notice that it should be replaced.

#### Preconsidered Int. No. 746

Bill section one adds a new Article 12, entitled "Carbon Monoxide Alarms" to Chapter 3 of Title 28 of the Administrative Code of the City of New York (Ad. Code). New Article 12 requires the replacement of carbon monoxide detectors required pursuant to section 908.7 of the New York City Building Code or Sections 27-981.1, 27-981.2, or 27-981.3 of the Ad. Code, when such alarm exceeds the "manufacturers suggested useful life." However, alarms installed prior to the effective date of this Preconsidered Int. would be required to be replaced by the later of six months after such effective date or the expiration of the manufacturer's suggested useful life of the alarm, whichever is later. Furthermore, all carbon monoxide detectors installed after the effective date of this Preconsidered Int. must comply with standard reference number 2034 of Underwriters Laboratories (UL) and must be equipped with an "audible notification" signifying the "expiration of the useful life of such alarm."

Bill section two amends Chapter 35 of the Building Code of the City of New York by amending Standard reference number 2034 of UL to refer to Standard reference number 2034-08.

Bill section three amends the first undesignated paragraph of subdivision (b) of section 27-2046.1 of Article 11 of subchapter 2 of the Housing Maintenance Code of the City of New York, (Chapter 2 of Title 27), of the City's Ad. Code by removing the reference to Article 7 of subchapter 17 of Chapter 1 of Title 27 of the Ad. Code as the provisions of this Preconsidered Int. reference a new standard and requirement. Bill section three adds references to section 908.7 of the New York City Building Code and Sections 27-981.1, 27-981.2, or 27-981.3 of the Ad. Code, in order to distinguish the provisions of law which require the installation of carbon monoxide detectors by property owners of "class A" multiple dwellings and "private dwellings."<sup>1</sup>

Bill section four amends subdivision b of section 27-2046.1 of the Ad. Code by requiring property owners to replace carbon monoxide detectors in accordance with new Article 12 of Chapter 3 of Title 28 of the Ad. Code and to periodically replace such detectors upon the "expiration of their useful life." Property owners would also be required to provide to their tenants information on the "useful life" of the required carbon monoxide detectors and the property owner's duty to replace such detectors pursuant to new Article 12 of Chapter 3 of Title 28 of the Ad. Code. Furthermore, property owners would also be required to maintain records on the "manufacturers suggested useful life" of the carbon monoxide detectors installed in the dwelling units.

Bill section five removes the reference to Article 7 of subchapter 17 of Chapter 1 of Title 27 of the Ad. Code as the provisions of this Preconsidered Int. reference a new standard and requirement. Bill section five adds references to section 908.7 of the New York City Building Code or Sections 27-981.1, 27-981.2, or 27-981.3 of the Ad. Code, to distinguish the duties and obligations of occupants of each dwelling unit in a "class A" multiple dwelling and in "private dwellings" with respect to carbon monoxide detectors installed in each such dwelling unit.<sup>2</sup>

Bill section six amends subdivision f of section 27-2046.1 of the Ad. Code to maintain the current laws requirements of occupants of dwelling units to

for the Lower Ma\_\_\_\_\_

<sup>1</sup> Pursuant to Section 27-2004 of the Ad. Code, "class A" multiple-dwellings are defined as "the residence or home of three or more families living independently of each other," which are occupied "for permanent residence purposes." Pursuant to Section 27-2046.1 of the Ad. Code "the term private dwellings shall mean a dwelling unit in a one-family or two-family home which is occupied by a person or persons other than the owner of such unit or the owner's family."

<sup>2</sup> *Id.*

reimburse the property owner \$25 for cost of the replacement of the carbon monoxide detector which has “exceeded the manufacturers’ useful life.”

Bill section seven removes the reference to Article 7 of subchapter 17 of Chapter 1 of Title 27 of the Ad. Code as the provisions of this Preconsidered Int. reference a new standard and requirement. Bill section seven also adds references to section 908.7 of the New York City Building Code or Sections 27-981.1, 27-981.2, or 27-981.3 of the Ad. Code, to distinguish the duties and obligations of occupants of each dwelling unit in a “class B” multiple dwelling with respect to carbon monoxide detectors installed in each such dwelling unit.<sup>3</sup>

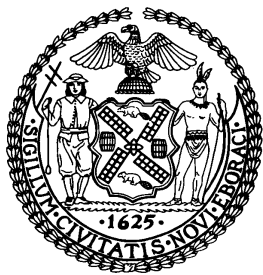
Bill section eight amends paragraphs (2) and (4) of subdivision a of section 27-2046.2 by requiring property owners of “class B” multiple dwellings to, when necessary, replace carbon monoxide detectors in accordance with new Article 12 of Chapter 3 of Title 28 of the Ad. Code and to maintain records on the “manufacturers suggested useful life” of the carbon monoxide detectors installed in the dwelling units.<sup>4</sup>

Bill section nine contains the effective date clause, which provides that the provisions of this bill would take effect 120 days after enactment, except that the Department of Housing Preservation and Development may promulgate rules prior to the effective date. The clause further provides that at any time prior to the effective date, property owners may replace previously installed carbon monoxide detecting devices which have exceeded their “useful life” pursuant to paragraph (1) of subdivision (b) of section 27-2046.1 of Ad. Code and the period of reimbursement pursuant to subdivision (f) of section 27-2046.1 of the Ad. Code by the occupant of a dwelling unit for which such replacement has occurred shall commence as of the date of such replacement.

Update

On Friday, December 16, 2011 the Committee adopted this legislation. Accordingly, the Committee recommends its adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 746:)



THE COUNCIL OF THE CITY OF NEW YORK  
FINANCE DIVISION  
PRESTON NIBLACK, DIRECTOR  
FISCAL IMPACT STATEMENT

PRE-CONSIDERED INTRO. NO:  
COMMITTEE: Housing and Buildings

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to carbon monoxide alarms.

**SPONSOR:** Council Members Weprin, Dilan, Jackson, Arroyo (in conjunction with the Mayor)

**SUMMARY OF LEGISLATION:** This Pre-considered bill would require property owners to replace carbon monoxide detectors that are currently required to be installed by law when they exceed the manufacturer’s suggested useful life. Under this bill the replacement devices must be equipped with an audible warning chirp. Alarms installed prior to the effective date of 120 days after enactment must be replaced either within six months of the effective date or upon the expiration of the manufacturer’s suggested useful life of the alarm, whichever is later. Property owners must periodically replace each alarm upon the expiration of its useful life and must keep records of the alarm including the manufacturers’ suggested useful life of the alarm.

This Pre-considered bill would apply to SRO tenants, rental tenants in 1-and 2-family homes, and rental tenants in apartment buildings. Tenants would be required to reimburse the property owner \$25 for the cost of the replacement within one year, as is current law.

**EFFECTIVE DATE:** This law would take effect 120 days after its date of enactment except that the Housing Preservation and Department may promulgate rules or take other actions to implement its provisions prior to such effective date and at any time prior to such effective date, owners may replace previously installed carbon monoxide detecting devices which have exceeded their useful life.

for the Lower Ma\_\_\_\_\_

<sup>3</sup> Pursuant to Section 27-2004 of the Ad. Code, a “class B multiple dwelling is a multiple dwelling which is occupied, as a rule, transiently, as the more or less temporary abode of individuals or families who are lodged with or without meals. This class includes hotels, lodging houses, rooming houses, boarding houses, boarding schools, furnished room houses, lodgings, club houses, and college and school dormitories.”

<sup>4</sup> *Id.*

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: 2012

FISCAL IMPACT STATEMENT:

	Effective FY12	FY Succeeding Effective FY13	Full Fiscal Impact FY12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

**IMPACT ON REVENUES:** There would be no impact on City revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** There would be no impact on City expenditures resulting from the enactment of this legislation.

**SOURCE OF INFORMATION:** New York City Fire Department and Department of Buildings

**ESTIMATE PREPARED BY:** Ralph P. Hernandez, Principal Legislative Financial Analyst

Nathan Toth, Deputy Director

**HISTORY:** The Housing and Buildings Committee held a hearing on the Pre-considered bill and laid it over on December 13, 2011. The Committee will vote on the Pre-considered bill on December 16, 2011. The Council will introduce the Pre-considered bill on December 19, 2011.

Accordingly, this Committee recommends its adoption.

(For text of the bill, please see the Introduction and Reading of Bills section printed in these Minutes.)

ERIK MARTIN DILAN Chairperson; JOEL RIVERA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, JAMES F. GENNARO, ROBERT JACKSON, LETITIA JAMES, MELISSA MARK-VIVERITO, ELIZABETH S. CROWLEY, BRADFORD S. LANDER, JUMAANE D. WILLIAMS, ERIC A. ULRICH, JAMES S. ODDO; Committee on Housing and Buildings, December 16, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for Int. No. 585-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing limits on the emissions of volatile organic compounds in carpet and carpet cushion.**

The Committee on Housing and Buildings, to which the annexed amended proposed local law was referred on May 26, 2011 (Minutes, page 1650), respectfully

REPORTS:

**BACKGROUND AND ANALYSIS:**

On December 19, 2011, the Committee on Housing and Buildings, chaired by Council Member Erik Martin Dilan, will conduct a hearing on Proposed Int. No. 585-A, related to limiting the emissions of volatile organic compounds that are found in carpets and carpet cushions. On June 21, 2011, the Committee held a hearing on an earlier version of this bill, wherein testimony was received from the Mayor’s Office of Long-Term Planning and Sustainability, and other persons interested in the legislation. Proposed Int. No. 585-A, which is before the Committee today, was amended following this initial hearing.



Volatile is a term in chemistry that refers to the tendency of any substance to evaporate at normal temperatures.<sup>1</sup> A volatile organic compound (VOC) is therefore any chemical compound with molecules containing carbon that will evaporate at normal temperatures. While most VOCs have no known health effects, several VOCs are known to cause acute to chronic health effects including “eye, nose, and throat irritation; headaches, loss of coordination, nausea; damage to liver, kidney, and central nervous system.”<sup>2</sup> Some VOCs are suspected or known to cause cancer.<sup>3</sup> VOCs have also been linked to “sick building syndrome,” which causes building occupants to experience acute health and comfort effects as a result of time spent in a building. Although it effects up to 50% of the American workforce, no specific illness can be identified as causing sick building syndrome.<sup>4</sup>

The Environmental Protection Agency’s Office of Research and Development has found that levels of common organic pollutants can be 2 to 5 times higher inside than outside. Two factors that attribute significantly to such comparatively high indoor pollution rates include poor ventilation and the quantity of VOC emitting sources located inside.<sup>5</sup> Common sources of VOCs include paints, sealants, solvents, cleansers, disinfectants, carpets, carpet cushions, adhesives and other interior finishes.<sup>6</sup>

Proposed Int. No. 585-A would limit the emissions of VOCs in carpets and carpet cushions and would prohibit the sale and installation of non-complaint carpet and carpet cushion.

#### **Proposed Int. No. 585-A**

Section one of this proposed bill creates a new Chapter 14 in Title 17 of the Administrative Code of the City of New York titled “Limits on Volatile Organic Compound Emissions in Carpet and Carpet Cushion.”

Section 17-1401 defines the terms “carpet,” “carpet adhesive,” “carpet backing,” “carpet business,” “carpet cushion,” “emission factor,” “owner,” “person,” “total volatile organic compound or TVOC” and “volatile organic compound or VOC.”

Section 17-1402 prohibits carpet businesses and building owners from selling or offering for sale non-complaint carpet or carpet cushion, and also prohibits carpet business and owners from installing or causing to be installed non-complaint carpet or carpet cushion.

Section 17-1403 requires that carpet adhesive be compliant with state VOC standards for adhesives.

Section 17-1404 provides the standard for testing for both carpets and carpet cushions. Carpets shall comply with the emission factor limits set forth in table I for both 24-hour and 14-day testing periods, and carpet cushions shall comply with the emission factor limits in table II for a 24-hour testing period.

Section 17-1405 prohibits carpet businesses from removing the labels from carpet or carpet cushion and requires carpet businesses to obtain documentation from the manufacturer that the carpet and carpet cushion they sell is compliant with the City’s standards. If the carpet or carpet cushion was sold outside of the City for installation inside the City, the documentation must be available at the site of installation.

Section 17-1406 provides that carpets that have been certified as Green Label Plus and carpet cushions that have been certified as Green Label are deemed to be compliant with the City’s standards, and no further documentation for those carpets and carpet cushions is required under 17-1405. The Commissioner of Health and Mental Hygiene may, by rule, recognize other certification programs as being compliant with the City’s standards.

Section 17-1407 provides that the requirements of this Chapter shall be posted in a conspicuous location or provided in written form to all customers in all commercial establishments where carpet and carpet cushion is sold.

Section 17-1408 provides that nothing in this Chapter shall be construed to require the replacement of carpet or carpet cushion installed prior to July 1, 2013.

Section 17-1409 provides that the requirements of this Chapter shall be enforced by the Department of Health and Mental Hygiene and the Department of Consumer Affairs. Violations of the recordkeeping and notice provisions of this bill carry fines of not more than \$250 and violations of the sale and installation provisions carry fines of not more than \$500. Civil penalties may be recovered in proceedings before the Environmental Control Board, the Administrative Tribunal of the Department of Consumer Affairs, or in any court of appropriate jurisdiction. Although it is the practice of city inspectors to issue notices of violation to the building or business owner, as an additional safeguard, an affirmative defense has been provided for laborers that install carpet who have no ownership interest in the carpet business or managerial or supervisory responsibility.

Section 17-1410 exempts antique or handmade rugs, or carpets made from natural fibers from the provisions of this Chapter.

Table I and II set out the maximum VOC emission factors for carpets and carpet cushions, respectively.

Bill section two adds a new paragraph (3) to subdivision d of section 27-351 of the Administrative Code providing that carpet and carpet cushion used pursuant to the 1968 Building Code shall meet the standards of Chapter 14 of Title 17.

Bill section three adds section 28-113.5 to the Administrative Code providing that carpet and carpet cushion used pursuant to the 2008 Building Code shall meet the standards of Chapter 14 and Chapter 15 of Title 17, respectively.

Section four of this proposed bill adds a new section 804.6 to the Building Code which states that carpet and carpet cushion used pursuant to the code shall meet the standards of Chapter 14 of Title 17.

Bill section five provides that this bill shall take effect on July 1, 2013, except that the Commissioner of Health and Mental Hygiene shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

#### **Amendments to Proposed Int. No. 585-A**

- Provisions related to the regulation of VOCs in architectural coatings and adhesives were removed and the title of the proposed bill was changed to reflect the subject matter of the bill.
- Provisions relating to standards for carpets and carpet cushion were moved from the Building Code and placed in a new Chapter 14 of Title 17 of the Administrative Code.
- The provisions of this bill will now be enforced by the Department of Health and Mental Hygiene and the Department of Consumer Affairs.
- Definitions for “carpet,” “carpet adhesive,” “carpet backing,” “carpet business,” “carpet cushion,” “emission factor,” “owner,” “person,” and “total volatile organic compound or TVOC,” were added, and the definition for “volatile organic compound” was changed.
- Reference to a 24-hour testing standard for carpets was removed.
- Recordkeeping requirements were added for carpet businesses where the label of the product does not indicate that it is compliant with the City’s standards.
- Products compliant with Green Label and Green Label Plus are deemed to be in compliance with the City’s standards. The Commissioner of Health and Mental Hygiene can recognize other certifications that are compliant with the City’s standards by rule.
- A notice provision at the point of sale of carpets and carpet cushions was added.
- A section was added clarifying that this bill does not require the removal or replacement of carpet installed prior to the effective date of this bill.
- The penalty for violation of this Chapter was changed to no more than \$250 for violations of the recordkeeping and notice provisions and no more than \$500 for violations of the sale and installation provisions.
- An affirmative defense was added to for laborers that install carpet who have no ownership interest in the carpet business or managerial or supervisory responsibility.
- Table I, setting out the testing criteria for carpets was expanded from 14 compounds to 33 compounds.
- The effective date of the bill was changed from eighteen months after its enactment to July 1, 2013.
- Technical changes were made throughout the proposed bill for clarity and to organize the material by subject matter.

<sup>1</sup> <http://www.ilpi.com/msds/ref/volatility.html>

<sup>2</sup> Environmental Protection Agency, An Introduction to Indoor Air Quality (IAQ), Volatile Organic Compounds (VOC). <http://www.epa.gov/iaq/voc.html>

<sup>3</sup> Id.

<sup>4</sup> Environmental Protection Agency, An Introduction to Indoor Air Quality (IAQ), Indoor Facts No. 4 (revise) Sick Building Syndrome. <http://www.epa.gov/iaq/pubs/sbs.html>

<sup>5</sup> Environmental Protection Agency, An Introduction to Indoor Air Quality (IAQ), Volatile Organic Compounds (VOC). <http://www.epa.gov/iaq/voc.html>

<sup>6</sup> Id.

Accordingly, this Committee recommends its adoption, as amended.

#### **(The following is the text of Int. No. 585-A:)**

##### Int. No. 585-A

By Council Members Recchia, Jr. Fidler, Gentile, Koslowitz, Rose, Williams, Arroyo, Lappin, Jackson, Brewer, Mark-Viverito, Lander, Van Bramer, Levin, Barron, Koppell, Rodriguez, Chin, Eugene, Gennaro, Ulrich, Koo and Wills.

#### **A Local Law to amend the administrative code of the city of New York, in relation to establishing limits on the emissions of volatile organic compounds in carpet and carpet cushion.**

*Be it enacted by the Council as follows:*

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 14 to read as follows:

##### CHAPTER 14

##### LIMITS ON VOLATILE ORGANIC COMPOUND EMISSIONS IN CARPET AND CARPET CUSHION

§17-1401 Definitions. As used in this chapter the following terms have the following meanings:

- (1) Carpet. A heavy fabric used to cover a floor and made from wool,



cotton, or other natural or synthetic fibers. Such term shall include carpet backing.

(2) Carpet business. Any person engaged in the business of selling or installing carpet or carpet cushion.

(3) Carpet adhesive. Any adhesive labeled for use in the installation of carpet, vinyl backed carpet, or artificial grass.

(4) Carpet backing. Materials such as fabrics, yarns, or chemical compounds at the underside of a carpet, used to reinforce the carpet's construction.

(5) Carpet cushion. A padding made of hair, felt, jute, foam or sponge rubber, or other natural or man-made materials, that is placed on the floor before a carpet is laid.

(6) Emission factor. The mass of a compound emitted from a specific unit area of product surface per unit of time.

(7) Owner. Any person having a legal or equitable interest in or control of any building, premises or part thereof, including but not limited to the record owner, a tenant or lessee.

(8) Person. Any natural person, agent, firm, partnership, corporation or other legal entity.

(9) Total volatile organic compound or TVOC. Sum of the concentrations of all identified and unidentified VOCs between and including n-pentane through n-heptadecane (C5 - C17) as measured by the gas chromatography/mass spectrometry total ion current (GC/MS TIC) method and expressed as a toluene equivalent value.

(10) Volatile organic compound or VOC. Carbon-containing compounds with vapor pressures at standard conditions ranging between those for n-pentane through n-heptadecane (C5 - C17), excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides and carbonates and ammonium carbonate. For the purposes of this chapter, formaldehyde and acetaldehyde are considered to be VOCs.

§17-1402 Sale or installation of non-compliant carpet or carpet cushion prohibited. On and after July 1, 2013 it shall be unlawful for a carpet business to sell or offer for sale carpet or carpet cushion designed for installation or use in the interior of a building or for a carpet business or owner to install or lay or to cause the installation or laying of carpet or carpet cushion in the interior of any building, premises or part thereof in the city that is not compliant with the standards set forth in section 17-1404.

§17-1403 Carpet adhesive. Carpet adhesive used in the installation of carpet in the interior of any building in the city shall comply with subpart 228-2 of part 228 of title 6 of the official compilation of the codes, rules and regulations of the state of New York.

§17-1404 Standard for testing. Testing of materials, other than carpet adhesive, covered by this chapter shall be in accordance with American Society for Testing and Materials (ASTM) D 5116-10 (standard guide for small-scale environmental chamber determination of organic emissions from indoor materials/products) or as otherwise specified in the rules of the department. Carpet shall comply with the emission factor limits in table I for a 14-day testing period. Carpet cushion shall comply with the emission factor limits in table II for a 24-hour testing period.

§17-1405 Recordkeeping requirements for carpet businesses. Carpet businesses shall not remove the original manufacturer's labels from carpets or carpet cushions unless removal is necessary during installation. Carpet businesses shall obtain documentation from the manufacturer, in a form the department finds acceptable, that all carpet or carpet cushion sold, offered for sale or installed within the city is compliant with the standards set forth in section 17-1404 unless the manufacturer's label otherwise indicates that the carpet or carpet cushion is compliant pursuant to section 17-1406. Such documentation shall be kept on file and available for inspection by consumers and officers and employees of the department or the department of consumer affairs within seventy-two hours of the request. If carpet or carpet cushion is sold outside the city for installation in the city, such documentation shall be available for inspection by consumers and the department at the site upon installation.

§17-1406 Green Label, Green Label Plus and other certification programs. a. Carpets and carpet cushions that have been certified by, and carry the seal or symbol of, the following certification programs shall be deemed to comply with the standards set forth in section 17-1404: i. Carpet and Rug Institute (CRI) Green Label certification program, version effective February 16, 2010 or such other version as may be specified in the rules of the department; ii. Carpet and Rug Institute (CRI) Green Label Plus certification program, version effective February 16, 2010 or such other version as may be specified in the rules of the department; and iii. other certification programs as may be specified in the rules of the department.

b. Notwithstanding the provisions of subdivision a, this section shall not apply to any certification program if the emission factor allowed for any individual VOC or for TVOC by the applicable version of such program exceeds the standards set forth in section 17-1404.

§17-1407 Notice. Notice of the requirements of this chapter shall be posted in a conspicuous location at the premises of a carpet business within the city where carpet or carpet cushion are sold or offered for sale to consumers or, provided in written form to consumers at the time of sale within the city. If carpet or carpet cushion is sold outside the city for installation in the city, such notice shall be provided to the consumer prior to installation. The form and wording of such notice shall be specified by the department of health and mental hygiene.

§17-1408 Construction. Nothing in this chapter shall be construed to require the removal or replacement of carpet or carpet cushion installed prior to July 1, 2013.

§17-1409 Enforcement and penalties. The provisions of this chapter shall

be enforced by the department and the department of consumer affairs. Any person found to be in violation of section 17-1402 or 17-1403 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty of not more than five hundred dollars for each violation. Any person found to be in violation of section 17-1405 or 17-1407 of this chapter or rules of the department promulgated pursuant thereto shall be liable for a civil penalty of not more than two hundred fifty dollars for each violation. Such civil penalties may be recovered in proceedings before the environmental control board or the administrative tribunal of the department of consumer affairs or in an action in any court of appropriate jurisdiction. Notices of violation returnable to such board or tribunal may be served by officers and employees of the department and the department of consumer affairs. In any proceeding it shall be an affirmative defense that the respondent is a laborer in the employ of the carpet business to do the physical work of installing the carpet and that he or she has no ownership interest in or control of the business or in any corporation, partnership or other legal entity that owns or controls the business and that he or she has no managerial or supervisory responsibility.

§17-1410 Exemptions. This chapter shall not apply to antique or hand-made rugs or carpets made of natural fibers such as wool, cotton or jute with no VOC containing carpet cushion or carpet backing.

Table I  
Carpet 14-Day VOC Emissions Test Criteria

Volatile Organic Compound	Chemical Abstract Service #	Maximum Emission Factor (µgm <sup>2</sup> /hr)
Acetaldehyde	75-07-0	130
Benzene	71-43-2	55
Carbon disulfide	75-15-0	744
Carbon tetrachloride	56-23-5	37
Chlorobenzene	108-90-7	930
Chloroform	67-66-3	279
Dichlorobenzene (1,4-)	106-46-7	744
Dichloroethylene (1,1)	75-35-4	65
Dimethylformamide (N,N-)	68-12-2	74
Dioxane (1,4-)	123-91-1	2790
Epichlorohydrin	106-89-8	2
Ethylbenzene	100-41-4	1860
Ethylene glycol	107-21-1	372
Ethylene glycol monoethyl ether	110-80-5	65
Ethylene glycol monoethyl ether acetate	111-15-9	279
Ethylene glycol monomethyl ether	109-86-4	55
Ethylene glycol monomethyl ether acetate	110-49-6	83
Formaldehyde	50-00-0	16.7
Hexane (n-)	110-54-3	6510
Isophorone	78-59-1	1860
Isopropanol	67-63-0	6510
Methyl chloroform	71-55-6	930
Methylene chloride	75-09-2	372
Methyl t-butyl ether	1634-04-4	7440
Naphthalene	91-20-3	8.2
Phenol	108-95-2	186
Propylene glycol monomethyl ether	107-98-2	6510
Styrene	100-42-5	410
Tetrachloroethylene	127-18-4	32
Toluene	108-88-3	280
Trichloroethylene	79-01-6	558
Vinyl acetate	108-05-4	186
Xylenes, technical mixture (m-,o-, p-xylene combined)	108-38-3 95-47-6 106-42-3	651

Table II  
Carpet Cushion 24-Hour VOC Emissions Test Criteria

Volatile Organic Compound	24-hour Testing Period: Maximum Emission Factor (µg/m <sup>2</sup> per hour)
Butylated hydroxytoluene	300
Formaldehyde	50
4-Phenylcyclohexene (4PCH)	50
Total Volatile Organic Compounds	1000

§2. Subdivision d of section 27-351 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

(3) Volatile organic compounds emissions in carpet and carpet cushion. On and after July 1, 2013 carpet and carpet cushion as defined in section 17-1401 of the administrative code shall comply with the limits on volatile organic compound emissions set forth in chapter 14 of title 17 of such code.

§3. Article 113 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-113.5 to read as follows:

§28-113.5 Volatile organic compounds emissions in carpet and carpet



LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, December 15, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 543

Report of the Committee on Land Use in favor of approving Application no. 20125094 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Schatzi Corp. d.b.a Wallse Restaurant, to continue to maintain and operate an unenclosed sidewalk café located at 342-344 West 11th Street, Borough of Manhattan, Council District no.3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on December 8, 2011 (Minutes, page 5266), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 2 20125094 TCM

Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Schatzi Corp., d/b/a Wallse Restaurant, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 342-344 West 11th Street.

INTENT

To allow an eating or drinking place located on a property which abuts the street to continue to maintain and operate an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: December 14, 2011

Witnesses in Favor: One None Witnesses Against:

SUBCOMMITTEE RECOMMENDATION

DATE: December 14, 2011

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor: Weprin Rivera Reyna Comrie Jackson Seabrook Vann Garodnick Vacca Ignizio Against: None Abstain: None

COMMITTEE ACTION

DATE: December 15, 2011

The Committee recommends that the Council approve the attached resolution.

In Favor: Comrie Rivera Reyna Barron Sanders, Jr. Seabrook Vann Arroyo Dickens Garodnick Lappin Vacca Levin Cont'd Weprin Williams Ignizio Halloran Koo Against: None Abstain: None

In connection herewith, Council Members Comrie and Weprin offered the following resolution:

Res. No. 1181

Resolution approving the petition for a revocable consent for an unenclosed sidewalk café located at 342-344 West 11th Street, Borough of Manhattan (20125094 TCM; L.U. No. 543).

By Council Members Comrie and Weprin.

WHEREAS, the Department of Consumer Affairs filed with the Council on November 21, 2011 its approval dated November 18, 2011 of the petition of Schatzi Corp., d/b/a Wallse Restaurant, for a revocable consent to continue to maintain and operate an unenclosed sidewalk café located at 342-344 West 11th Street, Community District 2, Borough of Manhattan (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(g) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on December 14, 2011; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Petition;

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, December 15, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

Report for L.U. No. 544

Report of the Committee on Land Use in favor of approving Application no. N 120037 ZRM by the Department of Parks and Recreation and the Department of Transportation, pursuant to Sections 197-c and 201 of the New York City Charter for the Zoning Resolution of the City of New York, concerning Section 12-10 (DEFINITIONS), relating to the defined term







including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30240, dated October 29, 2010 and signed by the Borough President, (ULURP No. C 100122 MMM), Community District 7, Borough of Manhattan (the "Application");

**WHEREAS**, the Application is related to Application Number N 120037 ZRM (L.U. No. 544), a zoning text amendment to Section 12-10 (DEFINITIONS) to confirm that Broadway between West 94th and West 97th Streets in Manhattan Community District 7 is a wide street;

**WHEREAS**, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(2) of the City Charter;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on December 14, 2011;

**WHEREAS**, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 24, 2011 (CEQR No. 10DPR001M); and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Decision and Application.

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-c and 199 of the New York City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100122 MMM, incorporated by reference herein, the Council approves the Decision.

LEROY G. COMRIE, Jr., Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, JAMES S. SANDERS, Jr., LARRY B. SEABROOK, ALBERT VANN, MARIA del CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, STEPHEN T. LEVIN, JAMES VACCA, MARK S. WEPRIN, JUMAANE D. WILLIAMS, VINCENT M. IGNIZIO, DANIEL J. HALLORAN, PETER A. KOO; Committee on Land Use, December 15, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**Reports of the Committee on Rules, Privileges and Elections**

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-733

**Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Susan Bellinson as a member of the New York City Waterfront Management Advisory Board.**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on December 19, 2011, respectfully

**REPORTS:**

**Topic I: New York City Waterfront Management Advisory Board – (Mayoral Candidates for appointment upon advice and consent of the Council)**

- Carl Weisbrod [Preconsidered M-734]
- Robert Yaro [Preconsidered M-735]
- Susan Bellison [Preconsidered M-733]

*New York City Charter* ("Charter") §1303 provides for the establishment of a Waterfront Management Advisory Board ("the Board"). The Board serves as an advisory body to the Deputy Mayor for Economic Development, the Commissioner of Small Business Services, and the City Planning Commission concerning any matters relating to the industrial, commercial, residential, recreational or other use of wharves, waterfront property and waterfront infrastructure in the City.

The Board consists of 17 members: the Deputy Mayor for Economic Development, as Chairperson; the Commissioner of Small Business Services, as Vice Chair; the Chairperson of the City Planning Commission; the Commissioner of Environmental Protection; one City Council Member designated by the City Council; and twelve members to be appointed by the Mayor with the advice and consent of the City Council, provided that there is at least one appointed member from each borough. Appointed members shall include representatives of labor, the maritime industries, the transportation industries, the real estate industry, the hospitality industries, as well as environmental advocates and community advocates.

The 12 appointed members of the Board serve for staggered three-year terms, except that of the members first appointed: four shall be appointed for terms of one-year, four shall be appointed for terms of two years, and four shall be appointed for terms of three years. Members serve without compensation.

As enumerated in *Charter* §1303(e), the Board is required to:

(1) Hold at least one meeting every six months;

(2) Consult and advise the Deputy Mayor for Economic Development, the Commissioner of Small Business Services and the City Planning Commission on any matter relating to the industrial, commercial, residential, recreational or other use or development of wharves, waterfront property and waterfront infrastructure in the City, and on other matters as may be requested by the Chairperson of the Board;

(3) Create any committees or subcommittees consisting of at least one Board member or their designated representative as the board deems appropriate to carry out the Board's responsibilities, provided that there shall be a committee on recreational uses of the waterfront ; and

(4) Issue a report by March 1, 2010, and every two years after, to the Mayor, the City Council, and Borough Presidents regarding the development of wharves, and waterfront property and infrastructure in the City during the immediately preceding two calendar years, provided that the report due March 1, 2010 shall relate to calendar year 2009 only.

If appointed, Mr. Weisbrod, a Manhattan resident, will be eligible to serve the remainder of a three-year term that began on September 1, 2011 and expires on August 31, 2014. Copies of Mr. Weisbrod's résumé and report/resolution are annexed to this briefing paper.

If appointed, Mr. Yaro, a Connecticut resident, will be eligible to serve the remainder of a two-year term that began on September 1, 2011 and expires on August 31, 2013. Copies of Mr. Yaro's résumé and report/resolution are annexed to this briefing paper.

If appointed, Ms. Bellinson, a Bronx resident, will be eligible to serve the remainder of a one-year term that began on September 1, 2011 and expires on August 31, 2012. Copies of Ms. Bellinson's résumé and report/resolution are annexed to this briefing paper.

**Topic II: New York City Board of Correction – (Candidate for re-appointment by the Council)**

- Robert L. Cohen, MD [Pre-considered M-736]

The New York City Department of Correction ("DOC") provides for the care, custody and control of persons accused or convicted of crimes and sentenced to one year or less jail time. DOC manages 15 inmate facilities, 10 of which are on Riker's Island, handles more than 100,000 admissions each year, and manages an average daily inmate population of approximately 14,000 individuals. *Preliminary Mayor's Management Report for February 2009*. The New York City Board of Correction ("BOC") oversees DOC's operations and evaluates agency performance. Pursuant to *New York City Charter* ("Charter") §§ 626(c), 626(e), 626(f), BOC, or by written designation of the BOC, any member of it, the Executive Director<sup>5</sup>, or other employee, shall have the power and duty to:

- inspect and visit all institutions and facilities under the jurisdiction of DOC at any time;
- inspect all records of DOC;
- prepare and submit to the Mayor and to the Council, and the DOC Commissioner, proposals for capital planning and improvements, studies and reports concerned with the development of DOC's correctional

for the Lower Ma\_\_\_\_\_

<sup>5</sup> BOC may appoint an Executive Director to serve at its pleasure with such duties and responsibilities as BOC may assign, and other professional, clerical, and support personnel within appropriations for such purpose. DOC's Commissioner shall designate such of DOC's stenographic, clerical and other assistance to BOC as may be necessary for the proper performance of its functions. *Charter* § 626(b).

program planning, and studies and reports in regard to the methods of promoting closer cooperation of custodial, probation and parole agencies of government and the courts;

- evaluate DOC performance;
- establish minimum standards for the care, custody, correction, treatment, supervision, and discipline of all persons held or confined under the jurisdiction of DOC; and to
- establish procedures for the hearing of grievances and complaints or requests for assistance by or on behalf of any person held or confined by DOC or by any employees of DOC.

BOC is composed of nine members. Three members are appointed by the Mayor, three by the Council, and three by the Mayor on the nomination jointly by the presiding justices of the Appellate Division of the Supreme Court for the First and Second Judicial Departments. Appointments are made by the three respective appointing authorities on a rotating basis to fill any vacancy. Members are appointed to a term of six-years, and vacancies are filled for the remainder of the unexpired term. The Mayor designates the Chair of BOC from among its members from time to time. The Mayor may remove members for cause after a hearing at which they shall be entitled to representation by Counsel. *Charter § 626(b)*.

Although BOC members receive no compensation, they may, however, be reimbursed for expenses incurred in the performance of their duties. *Charter § 626(a)*.

BOC is required to adopt rules to govern its own proceedings. *Charter § 626(b)*. Within the scope of its authority, BOC may compel the attendance of witnesses, require the production of books, accounts, papers, and other evidence, administer oaths, examine persons, and conduct public or private hearings, studies and investigations. Also, BOC may institute proceedings in a court of appropriate jurisdiction to enforce its subpoena power and other authority. *Charter § 626(g)*.

On an annual basis, and at such other times as it may determine, BOC submits to the Mayor, the Council and the DOC Commissioner, reports, findings and recommendations in regard to matters within its jurisdiction. *Charter § 626(d)*. Members of the Council are authorized to inspect and visit at anytime the institutions and facilities under the jurisdiction of DOC. *Charter § 627*.

Dr. Cohen is scheduled to appear before the Committee on Rules, Privileges and Elections on Monday, December 19, 2011. If re-appointed by the Council, Dr. Cohen, a resident of Manhattan, will serve the remainder of a six-year term that will expire on October 12, 2017. A copy of Dr. Cohen's résumé and report/resolution is annexed to this Briefing paper.

The Committee on Rules, Privileges and Elections which was referred to on December 19, 2011, respectfully reports:

*After interviewing the candidates and reviewing the relevant material, this Committee decided to approve the appointments of the nominees (for nominee Carl Weisbrod, Robert Yaro, and Robert L. Cohen, please see, respectively, the Reports of the Committee on Rules, Privileges and Elections for M-734, 735, and 736 printed in these Minutes; for nominee Susan Bellinson (M-733), please see immediately below):*

Pursuant to §§ 31 and 1303 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Susan Bellinson as a member of the New York City Waterfront Management Advisory Board to serve for the remainder of a one-year term that began on September 1, 2011 and expires on August 31, 2012.

In connection herewith, Council Member Rivera offered the following resolution:

Res. No. 1184

**Resolution approving the appointment by the Mayor of Susan Bellinson as a member of the New York City Waterfront Management Advisory Board**

By Council Member Rivera

**RESOLVED**, that pursuant to §§ 31 and 1303 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Susan Bellinson as a member of the New York City Waterfront Management Advisory Board to serve for the remainder of a one-year term that began on September 1, 2011 and expires on August 31, 2012.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, December 19, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-734

**Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Carl Weisbrod as a member of the New York City Waterfront Management Advisory Board**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on December 19, 2011, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-733 printed above in these Minutes)**

The Committee on Rules, Privileges and Elections which was referred to on December 19, 2011, respectfully reports:

Pursuant to §§ 31 and 1303 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Carl Weisbrod as a member of the New York City Waterfront Management Advisory Board to serve for the remainder of a three-year term that began on September 1, 2011 and expires on August 31, 2014.

In connection herewith, Council Member Rivera offered the following resolution:

Res. No. 1185

**Resolution approving the appointment by the Mayor of Carl Weisbrod as a member of the New York City Waterfront Management Advisory Board**

By Council Member Rivera

**RESOLVED**, that pursuant to §§ 31 and 1303 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Carl Weisbrod as a member of the New York City Waterfront Management Advisory Board to serve for the remainder of a three-year term that began on September 1, 2011 and expires on August 31, 2014.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, December 19, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-735

**Report of the Committee on Rules, Privileges and Elections approving the appointment by the Mayor of Robert Yaro as a member of the New York City Waterfront Management Advisory Board**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on December 19, 2011, respectfully

**REPORTS:**

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-733 printed above in these Minutes)

The Committee on Rules, Privileges and Elections which was referred to on December 19, 2011, respectfully reports:

Pursuant to §§ 31 and 1303 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Robert Yaro as a member of the New York City Waterfront Management Advisory Board to serve for the remainder of a two-year term that began on September 1, 2011 and expires on August 31, 2013.

In connection herewith, Council Member Rivera offered the following resolution:

Res. No. 1186

**Resolution approving the appointment by the Mayor of Robert Yaro as a member of the New York City Waterfront Management Advisory Board**

By Council Member Rivera.

**RESOLVED**, that pursuant to §§ 31 and 1303 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Robert Yaro as a member of the New York City Waterfront Management Advisory Board to serve for the remainder of a two-year term that began on September 1, 2011 and expires on August 31, 2013.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, December 19, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Rules, Privileges and Elections and had been favorably reported for adoption.

Report for M-736

**Report of the Committee on Rules, Privileges and Elections approving the re-appointment by the Council of Robert Cohen, M.D. as a member of the New York City Board of Correction**

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on December 19, 2011, respectfully

**REPORTS:**

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-733 printed above in these Minutes)

The Committee on Rules, Privileges and Elections which was referred to on December 19, 2011 respectfully reports:

Pursuant to § 626 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Council of Robert Cohen, M.D. as a member of the New York City Board of Correction to serve for the remainder of a six-year term expiring on October 12, 2017.

In connection herewith, Council Member Rivera offered the following resolution:

Res. No. 1187

**Resolution approving the re-appointment by the Council of Robert Cohen, M.D. as a member of the New York City Board of Correction**

By Council Member Rivera.

**RESOLVED**, that pursuant to § 626 of the New York City Charter, the Council does hereby approve the re-appointment of Robert Cohen, M.D. as a member of the New York City Board of Correction to serve for the remainder of a six-year term expiring on October 12, 2017.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, Jr., LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, JAMES VACCA, ELIZABETH S. CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN; Committee on Rules, Privileges and Elections, December 19, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**Report of the Committee on Transportation**

Report for Int. No. 567-A

**Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law, in relation to requiring the department of transportation to provide online access to street resurfacing and capital improvement information for city blocks.**

The Committee on Transportation, to which the annexed amended proposed local law was referred on May 11, 2011 (Minutes, page 1503), respectfully

**REPORTS:**

**INTRODUCTION**

On December 15, 2011, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 567-A, a Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Transportation (DOT) to provide online access to street resurfacing and capital improvement information for each city block. This bill would require DOT to provide on its website information regarding the year of the last resurfacing or capital improvement to city blocks and the current DOT rating of the block. In addition, the bill would require that on or before January 31, 2013, this information shall be searchable by city block.

This is the second hearing on this legislation. The first hearing was held on November 1, 2011. Witnesses presenting testimony at that hearing included the DOT. Amendments were made to this legislation based on testimony received at that hearing.

**BACKGROUND**

With technology constantly changing the speed at which information is disseminated, the public is expecting higher levels of public notification and interaction with their government. In response to greater demands for information the Council has put forward a number of initiatives to encourage greater public input and awareness of projects that are shaping and re-shaping their communities.

Recently several bills have been enacted to provide greater disclosure of information dealing with traffic statistics and major transportation projects, such as Local Laws 61, 64 and 66 of 2011. These items of legislation are meant to encourage greater community input. The present bill is a natural progression from the work that the Council has undertaken in this area. In FY 2011, DOT conducted over 300,000 street repairs, and issued over 200,000 construction permits for work all over the City. DOT also resurfaced over 1,000 lane miles.<sup>6</sup> These projects are meant to improve the City's road and street infrastructure, but in many instances require disruption to streets, sidewalks, and parking. Therefore, it is important that the public has access to information about projects that will impact their day to day activities.

**ANALYSIS**

Section one of Proposed Int. No. 567-A would amend subchapter one of chapter one of title 19 by adding a new section 19-154, entitled "Publication of street resurfacing information." New section 19-154 would require the Department of

for the Lower Ma\_\_\_\_\_

<sup>6</sup> Mayor's Management Report, September 2011. Page 65.

Transportation (DOT) to provide on its website information regarding resurfacing and capital improvement of city blocks, to wit: (i) the year the last resurfacing or capital improvement to the city block occurred and (ii) the current DOT rating for the city block based on its rating system of good, fair and poor. In addition, on or before January 31, 2013, this information shall be searchable by city block.

Section two of Int. No. 567 states that the local law takes effect immediately.

Accordingly, this Committee recommends its adoption, as amended.

**(The following is the text of Int. No. 567-A:)**

Int. No. 567-A

By Council Members Oddo, Cabrera, Dromm, Fidler, Garodnick, Gentile, Mealy, Mendez, Palma, Sanders, Chin, Koslowitz, Van Bramer, Nelson, Rose, Rodriguez, Jackson, Arroyo, Vann, Lappin, Vacca, Brewer, Vallone Jr., Weprin, Levin, Barron, Eugene, Gennaro, Greenfield, Lander, Crowley, Koppell, Mark-Viverito, Recchia, Halloran, Koo, Ulrich, Ignizio and Wills.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to provide online access to street resurfacing and capital improvement information for city blocks.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-154 to read as follows:

*§19-154 Publication of street resurfacing information. a. The commissioner shall make available online through the department's website information regarding the resurfacing and capital improvement of city blocks. Such information shall include but not be limited to: (i) what year city blocks were last resurfaced or received capital improvement; (ii) the current rating for city blocks pursuant to the department's street rating system as one of the following: good, fair, or poor.*

*b. On or before January 31, 2013, the information required by subdivision a of this section shall be searchable by city block.*

§2. This local law shall take effect immediately.

JAMES VACCA, Chairperson; MICHAEL C. NELSON, GALE A. BREWER, DANIEL R. GARODNICK, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, PETER A. KOO; Committee on Transportation, December 15, 2011.

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**GENERAL ORDER CALENDAR**

**Resolution approving various persons Commissioners of Deeds**

**By the Presiding Officer –**

**Resolved**, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

*Approved New Applicant's Report*

<u>Name</u>	<u>Address</u>	<u>District #</u>
Sandra Smith	624 East 220 <sup>th</sup> Street #4A Bronx, N.Y. 10467	12
Xiangqun Huang	67-66 108 <sup>th</sup> Street #B65 Queens, N.Y. 11375	29
Kristi Petho	132-26 86 Street Queens, N.Y. 11417	32
James Crosland	993 Carroll St Brooklyn, N.Y. 11225	35
Stan E. Charles	873 Liberty Avenue Brooklyn, N.Y. 11208	37

*Approved New Applicants and Reapplicants*

James Tong	20 Confucius Plaza #25C New York, N.Y. 10002	1
India Burrows	277 West 127 Street #9A New York, N.Y. 10027	9
Sherry Johnson	2494 8 <sup>th</sup> Avenue #5B New York, N.Y. 10030	9
Leonard Abraham	4705 Henry Hudson Parkway Bronx, N.Y. 10471	11
Angela Gadson Floyd	3444 White Plains Road Bronx, N.Y. 10467	12
Jean Michelle Rodriguez	11 West 172 <sup>nd</sup> Street Bronx, N.Y. 10452	16
Joseph A. Carollo	208-16 38 <sup>th</sup> Avenue Queens, N.Y. 11361	19
Jacqueline Ascencio	241-38 86 <sup>th</sup> Avenue Bellerose, N.Y. 11426	23
Vinodkumar C. Shingwani	36-39 30 <sup>th</sup> Street #2 Long Island City, N.Y. 11106	26
Plinio Mateo	78-40 64 <sup>th</sup> Street Glendale, N.Y. 11385	30
Ella Caynes	131-78 231 <sup>st</sup> Street Queens, N.Y. 11413	31
Nathalie Roc	666 56 <sup>th</sup> St Brooklyn, N.Y. 11220	38
Paul Bader	84 Woodhull Street Brooklyn, N.Y. 11231	39
Terri! Lesane	145 Lincoln Road #5G Brooklyn, N.Y. 11225	40
Ann Marie Walters	563 Lenox Road Brooklyn, N.Y. 11203	41
Stephanie Meyer	1373 Brooklyn Avenue Brooklyn, N.Y. 11203	45
Kacey E. Nero	299 East 34 <sup>th</sup> Street Brooklyn, N.Y. 11203	45
Michael S. Fox	3920 Quentin Road Brooklyn, N.Y. 11234	46
Rayna Rosenberg'	2434 East 72 <sup>nd</sup> Street Brooklyn, N.Y. 11234	46
Kalman Yeger	1546 East 18 <sup>th</sup> Street Brooklyn, N.Y. 11230	48
Ana I. Cruzado	273 St. Marks Place Staten Island, N.Y. 10301	49
Gina Diaz	1152 Arden Avenue Staten Island, N.Y. 10312	51
Alan D. Tognan	138 William Avenue Staten Island, N.Y. 10308	51

On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).

**ROLL CALL ON GENERAL ORDERS FOR THE DAY  
(Items Coupled on General Order Calendar)**

- (1) **M 733 & Res 1184 --** Communication from the Mayor - **Susan Bellinson** - Waterfront Management Advisory Board.
- (2) **M 734 & Res 1185 --** Communication from the Mayor - **Carl Weisbrod** - Waterfront Management Advisory.
- (3) **M 735 & Res 1186 --** Communication from the Mayor - **Robert Yaro** -Waterfront Management Advisory Board.
- (4) **M 736 & Res 1187 --** **Robert Cohen, M.D.**, Council reappointment - New York City Board of Correction.
- (5) **Int 563-A --** In relation to the notification of information related to polychlorinated biphenyls (PCBs) in schools. **(with a Message of Necessity from the Mayor requiring an affirmative vote of at least**

- (6) **Int 566-A --** **two-thirds of the Council for passage)**  
In relation to requiring the reporting of information related to polychlorinated biphenyls (PCBs). **(with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage)**
- (7) **Int 746 --** In relation to carbon monoxide alarms
- (8) **Res 1173 --** Designation funding in the Expense Budget **(Transparency Resolution, December 19, 2011).**
- (9) **Res 1175 --** Westchester Square BID
- (10) **L.U. 542 & Res 1180 --** App. **20125025TCM**, 88 University Place, Borough of Manhattan, Council District no.2.
- (11) **L.U. 543 & Res 1181 --** App. **20125094 TCM**, 342-344 West 11th Street, Borough of Manhattan, Council District no.3
- (12) **L.U. 544 & Res 1182 --** App. **N 120037 ZRM**, “wide street” Community District 7, Borough of Manhattan, Council District no. 6
- (13) **L.U. 545 & Res 1183 --** App. **C 100122 MMM**, amendment of the City Map, Community District 7, Borough of Manhattan, Council District no. 6
- (14) **L.U. 546 & Res 1179 --** Plaza Borinquen, Block 2282, Lots 45, 75, Block 2283, Lot 40, Bronx, Council District No. 8
- (15) **Resolution approving various persons Commissioners of Deeds.**

The President Pro Tempore (Council Member Rivera) put the question whether the Council would agree with and adopt such reports which were decided in the **affirmative** by the following vote:

**Affirmative** – Arroyo, Barron, Brewer, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Nelson, Palma, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Wills, Oddo, Rivera, and the Speaker (Council Member Quinn) – **47**.

(Present but Not Voting – Cabrera)

**The General Order vote recorded for this Stated Meeting was 47-0-0, with 1 Council Member Present but Not Voting, as shown above.**

*The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 563-A passed by the Council under a Message of Necessity from the Mayor, Int No. 566-A passed by the Council under a Message of Necessity from the Mayor, and Int No. 746.*

#### INTRODUCTION AND READING OF BILLS

Int. No. 736

By Council Members Brewer, Cabrera, Chin, Dromm, James, Koslowitz, Lander, Palma, Rose, Williams and Rodriguez.

**A Local Law to amend the New York city charter, in relation to providing public notice of productions.**

*Be it enacted by the Council as follows:*

Section 1. Paragraph r of subdivision 1 of section 1301 of the New York city charter is amended to read as follows:

r. to issue permits for the taking of motion pictures, and for the taking of photographs and for the use or operation of television cameras and/or any other transmitting television equipment in or about city property, or in or about any street,

park, marginal street, pier, wharf, dock, bridge or tunnel within the jurisdiction of any city department or agency or involving the use of any city owned or maintained facilities or equipment. *Notice of permits issued pursuant to this paragraph shall be made available to the public on the website of the city of New York as early as practicable prior to production. Such notice shall include the beginning and ending times of production, as well as its location, and shall be searchable and sortable by Community Board district.*

§2. This local law shall take effect 120 days after its enactment.

Referred to the Committee on Technology.

Res. No. 1168

**Resolution calling upon the United States Congress to defeat the Stop Online Piracy Act (“SOPA,” H.R. 3261) and the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act (“Protect IP Act,” S. 968), which would greatly expand the potential for Internet censorship and place a significant burden on website administrators.**

By Council Members Brewer, Foster, James, Lander, Palma, Williams and Rodriguez.

**Whereas**, The Protect IP Act and SOPA target websites located outside of the United States that provide access to copyright-protected material; and

**Whereas**, Both bills authorize the United States Attorney General to seek court orders against the targeted offshore websites, effectively creating a blacklist of websites; and

**Whereas**, The Protect IP Act requires domain name system operators to prevent routing to a blacklisted website; and

**Whereas**, Domain name system servers perform an essential function of the Internet by converting user-friendly domains into a numeric Internet Protocol (IP) address that computers use to identify each other and exchange information; and

**Whereas**, This form of censorship could be worked around by using the numeric IP address, thus bypassing domain name system servers; and

**Whereas**, The Protect IP Act would also require financial companies and advertising networks to discontinue business with blacklisted sites; and

**Whereas**, SOPA is broader and requires Internet service providers to prevent access by its subscribers located within the United States to blacklisted sites; and

**Whereas**, This requirement could force Internet providers to intercept and analyze customers' Web traffic, threatening the security of encrypted content, such as confidential banking information; and

**Whereas**, SOPA defines an Internet site “dedicated to the theft of U.S. property” as a site that “has promoted” copyright infringement uses, which could include common sites such as Google and Twitter; and

**Whereas**, SOPA’s broad and vague language could be interpreted to require Internet companies to acquire staff to monitor material, which would be cost prohibitive for startups and small companies; and

**Whereas**, On November 15, 2011, Google, Facebook, Twitter, Zynga, eBay, Mozilla, Yahoo, AOL, and LinkedIn wrote a letter to key member of the United States Senate and House of Representatives opposing SOPA; and

**Whereas**, These bills would undermine The Digital Millennium Copyright Act of 1998, which created a safe harbor for online service providers against copyright liability if they act in good faith to block access to allegedly infringing material when they receive a notification claiming infringement from a copyright holder or the copyright holder's agent; and

**Whereas**, Compliance with SOPA could lead to security breaches; and

**Whereas**, Passage of these bills will result in censorship antithetical to the ideals of free speech and innovation that define the United States; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to defeat the Stop Online Piracy Act (“SOPA,” H.R. 3261) and the Preventing Real Online Threats to Economic Creativity and Theft of Intellectual Property Act (“Protect IP Act,” S. 968), which would greatly expand the potential for Internet censorship and place a significant burden on website administrators.

Referred to the Committee on Technology.

Int. No. 737

By Council Members Crowley, James, Recchia and Williams.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring radio signal boosting devices in high rise buildings.**

*Be it enacted by the Council as follows:*



Section 1. Subchapter 17 of chapter one of title 28 of the administrative code of the city of New York is amended by adding a new section 27-929.2 to read as follows:

§27-929.2 *Radio signal boosting devices in high rise buildings. a. A high rise building shall be equipped in the lobby or ground floor of such building with at least one radio signal boosting device, which for the purposes of this section shall mean any mobile device that strengthens a radio signal used to communicate from the ground floor of a high rise building to one or more firefighter(s) located on a higher level of such building.*

*b. The commissioner of the fire department shall promulgate rules to enforce the provisions of this section, including but not limited to: (1) setting forth the specifications of radio signal boosting devices so that such devices are compatible with radio devices used by the fire department; (2) determining the number of radio signal devices that a high rise building shall be equipped with; (3) requiring that high rise buildings maintain radio signal boosting devices in proper working order; and (4) requiring that radio signal boosting devices in high rise buildings be inspected by the fire department on a regular basis.*

§2. This local law shall take effect one hundred eighty days after its enactment.

Referred to the Committee on Housing and Buildings.

Res. No. 1169

**Resolution calling upon the New York City Department of Education to enforce Chancellor's Regulation A-801, which requires that students on school buses wear seat belts until the bus comes to a destination stop.**

By Council Members Crowley, Cabrera, Eugene, Ferreras, Foster, James, Koslowitz, Mealy, Palma, Recchia, Rose, Sanders, Seabrook, Vacca, Van Bramer, Williams, Koo and Rodriguez.

**Whereas**, The Department Of Education's Office of Pupil Transportation (OPT), provides public schools and non-public schools located with the five boroughs and neighboring counties with student transportation; and

**Whereas**, New York State law requires that large school buses must be manufactured with seat belts; and

**Whereas**, According to Chancellor's regulation A-801, students must keep their seat belts on until the bus comes to a destination stop at the school or home; and

**Whereas**, There are numerous benefits to wearing seat belts, including minimizing the risk of serious injury or death; and

**Whereas**, Seat belts absorb the force of impact and prevent students from being thrown from their seats; and

**Whereas**, According to the New York Board of Cooperative Educational Services, seat belts are more effective in side impact and roll over accidents; and

**Whereas**, According to the National Coalition for School Bus Safety students who wear seat belts while on a school bus tend to be less distracting to drivers; and

**Whereas**, School districts with strict seat belt policies report significant compliance at all grade levels with the seat belt policies, according to the New York Board of Cooperative Educational Services; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York City Department of Education to enforce Chancellor's Regulation A-801, which requires that students on school buses wear seat belts until the bus comes to a destination stop.

Referred to the Committee on Education.

Res. No. 1170

**Resolution calling upon the New York State Legislature to amend the New York City Health and Hospitals Corporation Act to allow private physicians and surgeons in high-risk specialties to purchase professional liability insurance from the Health and Hospitals Corporation (HHC) in exchange for minimal employment with HHC hospitals.**

By Council Members Crowley, James, Rose, Seabrook, Halloran and Koo.

**Whereas**, The New York County Medical Society has found that, from 2003 to 2008, physicians practicing in New York State experienced a rise in malpractice insurance premiums, ranging from 55% to 80% from the previous amount; and

**Whereas**, Physicians and surgeons in high-risk specialties such as obstetrics, emergency care, general surgery and neurosurgery have few professional liability insurance policies to select from and are charged at overwhelming rates for such insurance coverage; and

**Whereas**, Some areas of the city have few physicians or surgeons practicing in high-risk specialties, and thus residents in such areas have a lack of accessibility to medical care related to these specialties; and

**Whereas**, The Health and Hospitals Corporation (HHC) offers professional liability insurance policies to many of its physicians and surgeons that have lower rates than comparable plans offered by private insurance companies; and

**Whereas**, The HHC is an entity that was created and is ultimately regulated by New York State, and its professional liability insurance options are also regulated by New York State; and

**Whereas**, The New York State Legislature is capable of establishing a private-public partnership to provide physicians and surgeons in high-risk specialties with the option to purchase professional liability insurance policies offered by the HHC, who in exchange would be required to maintain minimal employment with hospitals operated by the HHC; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to amend the New York City Health and Hospitals Corporation Act to allow private physicians and surgeons in high-risk specialties to purchase professional liability insurance from the Health and Hospitals Corporation (HHC) in exchange for minimal employment with HHC hospitals.

Referred to the Committee on Health.

Res. No. 1171

**Resolution supporting S.1973, the Gun Trafficking Prevention Act of 2012, which would amend the United States Code by creating the crime of trafficking or assisting in the trafficking of a firearm.**

By Council Member Dickens, Fidler, Chin, Comrie, Ferreras, James, Palma, Recchia, Rose, Sanders, Seabrook, Van Bramer, Williams, Rodriguez, Nelson, Vann, Koppell, Levin, Garodnick, Barron, Crowley, Eugene, Jackson, Gennaro, Lander, Mark-Viverito, Mealy, Reyna, Arroyo, Wills and Ulrich.

**Whereas**, In December 2011, Senator Gillibrand introduced legislation known as the "Gun Trafficking Prevention Act of 2012," which would amend the United States Code by creating the crime of trafficking or assisting in the trafficking of a firearm; and

**Whereas**, This piece of legislation is intended to address the purchase and sale of illegal firearms; and

**Whereas**, There are at least three ways for an individual to obtain a gun illegally: the underground market, through straw purchasers and from corrupt firearm sellers; and

**Whereas**, The underground gun market contributes more than 90 percent of the guns used to commit crimes; and

**Whereas**, A straw purchase occurs when someone (the "straw purchaser") legally purchases a gun with the intent to give the gun to someone else, usually someone who would not be able to purchase a gun legally; and

**Whereas**, While the majority of licensed firearms dealers follow the legal requirements established by the federal government, a few of them disregard the mandatory National Instant Criminal Background Check by selling firearms to individuals who would not qualify to buy a firearm; and

**Whereas**, The federal government needs to prevent guns from falling into the hands of those individuals not legally allowed to possess them; and

**Whereas**, The Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") is the law enforcement agency within the United States Department of Justice responsible for tracing guns recovered in the commission of a crime, among other duties; and

**Whereas**, In order to address corrupt gun sellers, straw purchasers and organized gun traffickers, Senator Kirsten Gillibrand introduced S.1973, which would amend the United States Code by adding a new section entitled "trafficking in firearms;" and

**Whereas**, S.1973 would make it illegal for an individual to knowingly ship, transport, transfer, or receive 2 or more firearms if the individual has reason to believe that the gun would be used to commit a felony; and

**Whereas**, S.1973 would make it unlawful for an individual to knowingly make materially false statements to a licensed manufacturer, importer, manufacturer, or dealer of 2 or more firearms; and

**Whereas**, Additionally, S.1973 would also make it illegal for an individual to direct, promote, or facilitate trafficking in firearms; and

**Whereas**, An individual who violates the law would be fined, imprisoned for a period not exceeding 20 years, or both; and

**Whereas**, S.1973 would also include greater penalties for "kingpins" who organize gun trafficking rings and subject individuals who conspire to possess and purchase illegal firearms, such as straw-purchasers, to the same punishment as those who physically sell and receive the illegal guns; and

**Whereas**, S.1973 also gives the United States Attorney General and the ATF the power to impose tough financial civil penalties and to suspend or revoke the license of corrupt gun dealers; and

**Whereas**, S.1973 would provide an affirmative defense for anyone who properly conducted a background check that revealed that a buyer could legally possess a gun; and

**Whereas**, This piece of legislation is necessary to prevent guns from harming communities in New York City and throughout the country; now, therefore, be it

**Resolved**, That the Council of the City of New York supports S.1973, the Gun Trafficking Prevention Act of 2012, which would amend the United States Code by creating the crime of trafficking or assisting in the trafficking of a firearm.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Int. No. 738

By Council Members Dromm, Ferreras, Brewer, James, Koslowitz, Lander, Mark-Viverito, Recchia, Seabrook, Vacca, Van Bramer, Rodriguez and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to making the chaining, tying, or attaching of bicycles to street trees illegal.**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-187 to read as follows:

§ 19-187 *Attaching bicycles to street trees prohibited. a. For purposes of this section, the term “street tree” shall be defined as a tree under the jurisdiction of the commissioner of parks and recreation in accordance with section 18-104 of the code.*

*b. No person shall chain, tie, or otherwise attach a bicycle to a street tree.*

*c. The commissioner, in consultation with the commissioner of parks and recreation, shall promulgate by rule any penalty for any violations of this section.*

*d. Where a summons or notice of violation is issued for a violation of subdivision b of this section, the bicycle may be seized and impounded as provided in section 19-176 of the code.*

*e. The provisions of this section may be enforced by designated employees of the department, and also the police department, the department of sanitation, the department of parks and recreation.*

§ 2. This local law shall take effect ninety days after its enactment.

Referred to the Committee on Transportation.

Int. No. 739

By Council Members Greenfield, Fidler, Jackson, James, Lander, Reyna, Rose, Williams and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting immediate towing of certain vehicles.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-214 to read as follows:

§19-214 *Wheel lock devices prohibited. Neither the department nor any other city agency shall tow or cause to be towed a motor vehicle unless such motor vehicle has been immobilized with a wheel lock or similar type device for at least seventy-two hours prior to such towing. This section shall not apply to vehicles that are parked or standing illegally at bus stops, fire hydrants, crosswalks, or in tow away zones, that are blocking, in whole or in part, legal driveways, or when the immediate towing of such vehicle is required as a matter of public safety.*

§2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Transportation.

Preconsidered Res. No. 1172

**Resolution opposing the United State Supreme Court’s interpretation of the Constitution in *Citizens United* regarding the constitutional rights of corporations, supporting an amendment to the Constitution to provide that corporations are not entitled to the entirety of protections or “rights” of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and calling on Congress to begin the process of amending the Constitution.**

By Council Members Lander, Mark-Viverito, The Speaker (Council Member Quinn), Brewer, Levin, Chin, James, Rose, Van Bramer, Garodnick, Vann, Gennaro, Barron, Comrie, Jackson, Palma, Reyna, Sanders, Williams, Rodriguez, Koppell, Arroyo, Ferreras, Mendez., Crowley, Eugene, Wills and Dromm.

**Whereas**, In 2010 the United States Supreme Court issued its decision in *Citizens United v. Federal Election Commission*, holding that independent spending on elections by corporations and other groups could not be limited by government regulations; and

**Whereas**, This decision rolled back the legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decisions; and

**Whereas**, In reaching its decision, a majority of the Supreme Court, relying on prior decisions, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

**Whereas**, In his eloquent dissent, Justice John Paul Stevens rightly recognized that “corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their ‘personhood’ often serves as a useful legal fiction. But they are not themselves members of ‘We the People’ by whom and for whom our Constitution was established”; and

**Whereas**, The Court’s decision in *Citizens United* severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and

**Whereas**, Corporations should not be afforded the entirety of protections or “rights” of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech; and

**Whereas**, several proposed amendments to the Constitution have been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations to influence elections; now, therefore, be it

**Resolved**, That the Council of the City of New York opposes the Supreme Court’s interpretation of the Constitution in *Citizens United* regarding the constitutional rights of corporations, and supports amending the Constitution to provide that corporations are not entitled to the entirety of protections or “rights” of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and calls on Congress to begin the process of amending the Constitution.

Referred to the Committee on Governmental Operations (preconsidered but laid over by the Committee on Governmental Operations).

Int. No. 740

By Council Members Nelson, Brewer, Eugene, Fidler, James, Lander, Seabrook, Williams, Ulrich and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to discharges in certain designated bodies of water.**

*Be it enacted by the Council as follows:*

Section 1. Section 22-110 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

*c. “No-discharge zone” shall mean those bodies of water designated as vessel waste no-discharge zones pursuant to subdivision 1 of section 33-e of the New York state navigation law.*

§2 Paragraph 2 of subdivision a of section 22-112 of the administrative code of the city of New York is amended to read as follows:

2. To discharge, or cause or permit to be discharged, into the port of New York, from any ship, steamer or other vessel, any oil, oil refuse, or other inflammable matter.

§3. Subdivision a of section 22-112 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. *To discharge, or cause or permit to be discharged, any vessel waste from any ship, steamer, or other vessel into the waters of any no-discharge zone within or adjacent to the city of New York within a distance of one thousand five hundred feet from shore.*

§4. This local law shall take effect 90 days after its enactment.

Referred to the Committee on Waterfronts.

Int. No. 741

By Council Members Recchia, Comrie, Ferreras, Koslowitz, Nelson, Seabrook and Koo (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended in six business improvement districts.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 25-423.1 of the administrative code of the city of New York, as amended by local law number 60 for the year 2008, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 34<sup>th</sup> Street business improvement district beginning on July 1, [2008] 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [nine million two hundred ninety-one thousand five hundred dollars (\$9,291,500)] *nine million nine hundred forty thousand dollars (\$9,940,000)*.

§ 2. Subdivision a of section 25-427 of the administrative code of the city of New York, as amended by local law number 133 for the year 2005, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Grand Central business improvement district beginning on July 1, [2005] 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [eleven million five hundred sixty-five thousand five hundred forty dollars (\$11,565,540)] *twelve million seven hundred nine thousand three hundred seventy-two dollars (\$12,709,372)*.

§ 3. Subdivision a of section 25-437.1 of the administrative code of the city of New York, as amended by local law number 5 for the year 2011, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 125th Street business improvement district beginning on July 1, [2010] 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [eight hundred sixty-seven thousand three hundred ninety dollars (\$867,390)] *nine hundred forty-seven thousand eight hundred twenty dollars (\$947,820)*.

§ 4. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-449.1 to read as follows:

§ 25-449.1 *Mosholu-Jerome-East Gun Hill Road business improvement district.*

a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Mosholu-Jerome-East Gun Hill Road business improvement district beginning on July 1, 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of two hundred fifty-nine thousand dollars (\$259,000).*

b. *The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Mosholu-Jerome-East Gun Hill Road business improvement district plan.*

§ 5. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-464.1 to read as follows:

§ 25-464.1 *Fordham Road business improvement district.*

a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fordham Road business improvement district beginning on July 1, 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of six hundred twenty-five thousand dollars (\$625,000).*

b. *The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Fordham Road business improvement district plan.*

§ 6. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-474.1 to read as follows:

§ 25-474.1 *Bayside Village business improvement district.*

a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Bayside Village business improvement district beginning on July 1, 2011, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of one hundred fifty-five thousand dollars (\$155,000).*

b. *The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Bayside Village business improvement district plan.*

§ 7. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2011.

Referred to the Committee on Finance.

Int. No. 742

By Council Members Recchia, Jr., Cabrera, Foster, Mark-Viverito and Koo.

**A Local Law to amend the administrative code of the city of New York, in relation to decreasing the number of vehicles required to qualify for base station license.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision e of section 19-511 of the administrative code of the city of New York is amended to read as follows:

e. A licensed base station shall at all times have no fewer than [ten] *two* affiliated vehicles, [except that a base station for which a license was first issued prior to January 1, 1988 and which at that time had fewer than ten affiliated vehicles or a base station which has an affiliation with a wheelchair accessible vehicle may have as few as five affiliated vehicles,] not including black cars and luxury limousines.

§2. This local law shall take effect immediately after its enactment into law.

Referred to the Committee on Transportation.

Res. No. 1173

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

By Council Members Recchia and Comrie.

**Whereas**, On June 29, 2011 the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2012 with various programs and initiatives (the “Fiscal 2012 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, On June 29, 2010 the Council adopted the expense budget for fiscal year 2011 with various programs and initiatives (the “Fiscal 2011 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by approving the new designation and changes in the designation of certain organizations receiving local and youth discretionary funding, and by approving the new designation and changes in the designation of certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2012 Expense Budget by approving the new Description/Scope of Services for the Make the Road NY, an organization receiving funding in accordance with the Fiscal 2012 Expense Budget in the amount of \$25,000 within the budget of the Department of Youth and Community Development pursuant to the Immigrant Opportunities Initiative to read: “ESL”; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2011 Expense Budget by clarifying that the Glenridge Senior Citizen Multi-Service & Advisory Center, Inc., an organization receiving funding within the Department for the Aging (“DFTA”) pursuant to the Fiscal 2011 Expense Budget will be awarded a contract with DFTA in the amount of \$14,439, an amount which reflects the expense budget submitted to DFTA by the organization; now, therefore be it

**Resolved**, That the City Council approves the new Description/Scope of Services for a certain organization receiving funding pursuant to the Immigrant Opportunity Initiative in accordance with the Fiscal 2012 Expense Budget; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Samaritans of New York Suicide Prevention Hotline PEG Restoration in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Senior

Center Closures PEG Restoration in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving funding pursuant to the Cultural after School Adventure Program in accordance with the Fiscal 2012 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding pursuant to the in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of a certain organization receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation and changes in the designation of an organization receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2011 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council clarifies that the Glenridge Senior Citizen Multi-Service & Advisory Center, Inc., an organization receiving funding within the Department for the Aging ("DFTA") pursuant to the Fiscal 2011 Expense Budget, will be awarded a contract with DFTA in the amount of \$14,439, an amount which reflects the expense budget submitted to DFTA by the organization.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see attachment to the resolution following the Report of the Committee on Finance for Res No. 1173 printed in these Minutes).

Res. No. 1174

**Resolution concerning the increase in the annual expenditure for the 34<sup>th</sup> Street, the Grand Central, the 125<sup>th</sup> Street, the Mosholu-Jerome-East Gun Hill Road, the Fordham Road and the Bayside Village Business Improvement Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.**

By Council Members Recchia, Comrie, Dickens, Foster, Rose, Seabrook and Jackson.

**Whereas,** pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law") the City established the 34<sup>th</sup> Street, the Grand Central, the 125<sup>th</sup> Street, the Mosholu-Jerome-East Gun Hill Road, the Fordham Road and the Bayside Village Business Improvement Districts in the City of New York; and

**Whereas,** pursuant to Local Law No. 82 for the year of 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

**Whereas,** pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

**Whereas,** the six Business Improvement Districts wish to increase the amount to be expended annually beginning on July 1, 2011 as follows: 34<sup>th</sup> Street, \$9,940,000; Grand Central, \$12,709,372; 125<sup>th</sup> Street, \$947,820; Mosholu-Jerome-East Gun Hill Road, \$259,000; Fordham Road, \$625,000; and Bayside Village, \$155,000; and

**Whereas,** pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the districts specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

**RESOLVED,** that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

(i) \_\_\_\_\_ is the date and the City Council Hearing Room, 16<sup>th</sup> floor, 250 Broadway, Manhattan is the place and \_\_\_\_\_ is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation, which would

increase the amount to be expended annually in the six Business Improvement Districts; and

(ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Associations of the 34<sup>th</sup> Street, the Grand Central, the 125<sup>th</sup> Street, the Mosholu-Jerome-East Gun Hill Road, the Fordham Road, and the Bayside Village Business Improvement Districts are hereby authorized to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the increase in the amount to be expended annually in each of the six Business Improvement Districts.

Referred to the Committee on Finance.

Res. No. 1175

**Resolution concerning the establishment of the Westchester Square Business Improvement District in the Borough of the Bronx and setting the date, time and place for the public hearing to hear all persons interested in the establishment of such district.**

By Council Members Recchia, Comrie and Vacca.

**Whereas,** Pursuant to the authority granted by chapter 4 of title 25 of the Administrative Code of the City of New York (the "Law"), the Mayor, by authorization dated March 7, 2011, provided for the preparation of a district plan (the "Plan") for the Westchester Square Business Improvement District (the "District") in the Borough of the Bronx; and

**Whereas,** Pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation establishing Business Improvement Districts; and

**Whereas,** Pursuant to section 25-405 (c) of the Law, the New York City Department of Small Business Services ("SBS") submitted the Plan to the City Planning Commission (the "CPC") on March 21, 2011; and

**Whereas,** Pursuant to Section 25-405 (c) of the Law, the CPC submitted the Plan to the City Council on March 24, 2011; and

**Whereas,** Pursuant to Section 25-405 (c) of the Law, the CPC submitted the Plan to the Council Member representing the council district in which the District is located on March 24, 2011; and

**Whereas,** Pursuant to section 25-405 (c) of the Law, the CPC submitted the Plan to the community boards (Bronx Community Board Numbers 10 and 11, hereinafter the "Community Boards") for the community districts in which the District is located on March 24, 2011; and

**Whereas,** The Plan involves properties located in two community districts, the CPC submitted the Plan to the Bronx Borough Board on March 24, 2011 and to the Bronx Borough President on March 24, 2011, pursuant to section 25-405 (c) of the Law; and

**Whereas,** Pursuant to Section 25-405 (c) of the Law, the Community Boards notified the public of the Plan in accordance with the requirements established by the CPC; and

**Whereas,** Pursuant to Section 25-405 (c) of the Law, Community Boards 10 and 11 voted to approve the establishment of the District on April 14 and 28, 2011 respectively; and

**Whereas,** Pursuant to Section 25-405 (c) of the Law, the CPC reviewed the Plan, held a

public hearing and prepared a report certifying its unqualified approval of the Plan; and

**Whereas,** Pursuant to Section 25-405 (c) of the Law, the CPC submitted its report to the Mayor, to the City Council and to the Council Member representing the council district in which the District is located; and

**Whereas,** Pursuant to Section 25-405 (c) of the Law, a copy of the CPC's report, together with the original Plan, was transmitted for filing with the City Clerk on May 25, 2011; and

**Whereas,** Pursuant to section 25-406 (a) of the Law, a copy of the Plan and the CPC's report are annexed hereto and are made part of this Resolution; and

**Whereas,** Pursuant to Section 25-406 (a) of the Law, the Plan is on file for public inspection in the Office of the City Clerk, 141 Worth Street, New York, New York; and

**Whereas,** Pursuant to Section 25-406 (b) of the Law, any owner of real property, deemed benefited and therefore within the District, objecting to the plan must file an objection at the Office of the City Clerk within thirty days of the conclusion of the hearing held by the City Council, notice of which is provided by this Resolution, on forms made available by the City Clerk; and

**Whereas,** Pursuant to Section 25-406 (b) of the Law, if owners of at least fifty-one percent of the assessed valuation of all the benefited real property situated within the boundaries of the District proposed for establishment, as shown upon the latest completed assessment roll of the City, or at least fifty-one percent of the owners of benefited real property within the area included in the District proposed

for establishment, file objections to the Plan with the City Clerk within the thirty-day objection period, the District will not be established; and

**Whereas**, Pursuant to Section 25-407 (a) of the Law, the Council is required to determine, among other things, whether all notices for all hearings required by law to be held were published and mailed; and

**Whereas**, Pursuant to Section 25-407(b) (2) of the Law, at the conclusion of the objection period, if the City Council finds that notice was incorrectly or insufficiently given, it shall call a further hearing at a definite place and time not less than ten nor more than thirty days after this determination; and

**Whereas**, Pursuant to Section 25-407 (b) (2), the further hearing shall be conducted in the same manner as the original hearing; and

**Whereas**, Pursuant to Section 25-406 of the Law, on October 5, 2011, the Council hereby directed, via Proposed Resolution No. 959-A, that:

(i) October 17, 2011, 2011 was the date and 10:00 a.m. was the time and the City Council Committee Meeting Room, 16th Floor, 250 Broadway was the place for a public hearing to hear all persons interested in the establishment of the District;

(ii) the Westchester Square BID Steering Committee shall, not less than ten nor more than thirty days before the date of the public hearing, mail a copy of such resolution or a summary thereof to each owner of real property within the District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the District, and to the tenants of each building within the District;

(iii) the SBS shall arrange for the publication of a copy of such resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the public hearing; and

(iv) in the event that the Westchester Square BID Steering Committee mails, or the SBS arranges for the publication of, a summary of such Resolution, such summary shall include the information required by section 25-406 (c) of the Law.

**Whereas**, Pursuant to Section 25-406 of the Law, on October 17, 2011, a public hearing was held; and

**Whereas**, The objection period for this District ended on November 15, 2011; and

**Whereas**, On November 29, 2011, the Finance Committee of the Council held a public hearing and learned that notice was hand delivered to tenants, rather than mailed as required by Proposed Res. No. 959-A, and therefore determined that notice was not properly given; now, therefore, be it

**Resolved**, That the Council of the City of New York, pursuant to Section 25-406 of the Law, hereby directs that January 3, 2012 is the date and 10:00 a.m. is the time and the City Council Committee Meeting Room, 16th Floor, 250 Broadway is the place for a public hearing to hear all persons interested in the establishment of the District; and be it further

**Resolved**, The Westchester Square BID Steering Committee shall, not less than ten nor more than thirty days before the date of the public hearing, mail a copy of this Resolution or a summary thereof to each owner of real property within the District at the address shown on the latest City assessment roll, to such other persons as are registered with the City to receive tax bills concerning real property within the District, and to the tenants of each building within the District; and be it further

**Resolved**, The SBS shall arrange for the publication of a copy of this Resolution or a summary thereof at least once in the City Record or a newspaper in general circulation in the City, the first publication to be not less than ten nor more than thirty days before the date of the public hearing; and be it further

**Resolved**, In the event that the Westchester Square BID Steering Committee mails, or the SBS arranges for the publication of, a summary of this Resolution, such summary shall include the information required by section 25-406 (c) of the Law.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Int. No. 743

By Council Members Reyna, Comrie, James, Lander, Mealy, Palma, Rose, Seabrook and Halloran.

**A Local Law to amend the administrative code of the city of New York, in relation to noise levels in commercial and manufacturing districts.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 24-218 of the administrative code of the city of New York is amended by adding paragraphs 4 and 5 to read as follows:

§24-218 (b) Unreasonable noise shall include but shall not be limited to sound, attributable to any device, that exceeds the following prohibited noise levels:

(1) Sound, other than impulsive sound, attributable to the source, measured at a level of 7 dB(A) or more above the ambient sound level at or after 10:00 p.m. and

before 7:00 a.m., as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way.

(2) Sound, other than impulsive sound, attributable to the source, measured at a level of 10 dB(A) or more above the ambient sound level at or after 7:00 a.m. and before 10:00 p.m., as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way.

(3) Impulsive sound, attributable to the source, measured at a level of 15 dB(A) or more above the ambient sound level, as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way. Impulsive sound levels shall be measured in the A-weighting network with the sound level meter set to fast response. The ambient sound level shall be taken in the A-weighting network with the sound level meter set to slow response.

(4) *Sound, other than impulsive sound, attributable to the source, measured at a level of 13 dB(A) or more above the ambient sound level at as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way in any area classified as a commercial district or manufacturing district by the zoning resolution.*

(5) Impulsive sound, attributable to the source, measured at a level of 18 dB(A) or more above the ambient sound level, as measured at any point within a receiving property or as measured at a distance of 15 feet or more from the source on a public right-of-way in any area classified as a commercial district or manufacturing district by the zoning resolution.

§2. This local law shall take effect ninety days after its enactment into law.

Referred to the Committee on Environmental Protection.

Int. No. 744

By Council Members Rose, Brewer, Chin, Comrie, Eugene, Gonzalez, James, Koslowitz, Lander, Mark-Viverito, Mealy, Recchia, Seabrook, Williams, Koppell, Mendez, Koo, Rodriguez, Greenfield, Palma and Vacca.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring that agencies educate business owners on issues concerning access for persons with disabilities.**

*Be it enacted by the Council as follows:*

Section 1. Title 8 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

**CHAPTER 12**

Accessible Businesses

§ 8-1104 Definitions

§ 8-1105 Education on accessibility issues

§ 8-1106 Reporting

§8-1104 *Definitions. For the purposes of this chapter, the term "office" shall mean the mayor's office for people with disabilities or such other office of the mayor or agency designated by the mayor.*

§8-1105 Education on accessibility issues. The office shall work in conjunction with city agencies to develop a plan to educate business owners on issues concerning access for persons with disabilities. Such plan shall include, but not be limited to, education on federal state and local disability access laws, common barriers to accessibility, and methods to help pay for modifications that are required to meet accessible standards.

§8-1106 Reporting. Within one year of the effective date of this section, the office shall submit to the council a plan to educate business owners on issues concerning access for persons with disabilities and a report on how such plan will be implemented.

§2. This local law shall take effect immediately after its enactment into law.

Referred to the Committee on Mental Health, Mental Retardation, Alcoholism, Drug Abuse and Disability Services.

Res. No. 1176

**Resolution calling on the New York City Congressional Delegation to vote to disapprove H.R. 3630 which cuts federal unemployment benefits for long term unemployment and instead to support full renewal of the federal unemployment insurance program through 2012.**

By Council Members Sanders, Ferreras, Mark-Viverito, Brewer, Vann, Palma, Gonzalez, Chin, Comrie, Dickens, Foster, James, Lander, Mealy, Rose, Seabrook, Williams and Rodriguez.



**Whereas**, According to the United States Department of Labor 13.3 million Americans receive federal unemployment insurance benefits; and

**Whereas**, Some 5.7 million or 43 percent of those receiving benefits have been unemployed for at least 27 weeks; and

**Whereas**, According to the Center on Budget and Policy Priorities, the previous high for the long-term unemployed was 26 percent in 1983; and

**Whereas**, Federal unemployment insurance benefits for the long-term unemployed will expire in January of 2012, if they are not renewed by December 31, 2011; and

**Whereas**, According to the New York State Department of Labor, 443,036 of New York State residents are receiving federal unemployment insurance benefits; and

**Whereas**, It has also been reported that 223,700 of New York City residents are receiving federal unemployment insurance benefits; and

**Whereas**, If legislative action is not taken 59,180 of New York City residents will be without federal unemployment insurance benefits; and

**Whereas**, If enacted, the current proposal, H.R. 3630 would reduce the federal unemployment benefit period by 40 weeks; and

**Whereas**, The proposal would also allow states to require recipients to have a high school diploma or general equivalency diploma in order to receive benefits; and

**Whereas**, According to the New York State Department of Labor, the unemployment rate for those with less than an high school diploma is 12.3 percent; and

**Whereas**, Imposing this policy would be to the further detriment of communities that are disproportionately impacted by unemployment; and

**Whereas**, This measure would also allow states to institute drug testing policies which have been proven to be an inefficient use of money in other social service programs; and

**Whereas**, According to the National Employment Law Project (NELP), federal unemployment benefits create economic activity; and

**Whereas**, Federal unemployment insurance benefits have generated \$2 in economic activity for every \$1 the federal government has spent on these benefits during the recession; and

**Whereas**, NELP also reports that the passage of H.R. 3630 would result in the loss of \$22 billion in economic growth which translates into at least 140,000 jobs in 2012; and

**Whereas**, A reduction in unemployment benefits would impact state and local budgets by reducing the amount of revenue generated through payroll taxes, sales taxes and local spending on goods and services; and

**Whereas**, H.R. 3346 and S.1804, are proposals that would fully renew the federal unemployment insurance program through 2012 and continue to stimulate the economic recovery of the nation, state and city; now, therefore, be it

**Resolved**, That the Council of the City of New York calls the New York City Congressional Delegation to vote disapprove H.R. 3630 which cuts federal unemployment benefits for long term unemployment and instead to support full renewal of the federal unemployment insurance program through 2012.

Referred to the Committee on Civil Service and Labor.

Int. No. 745

By Council Members Vacca, Williams, Brewer, Cabrera, Chin, Dickens, Eugene, Ferreras, Fidler, James, Koslowitz, Lander, Mark-Viverito, Palma, Recchia, Rose, Seabrook and Rodriguez.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to post on its website a list of all major street redesigns in a format accessible to people with disabilities.**

*Be it enacted by the Council as follows:*

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-101.3 to read as follows:

§ 19-101.3 *Online list of major street redesigns.* a. *For the purposes of this section, the following terms shall be defined as follows:*

- i. *“Accessible to people with disabilities” shall mean:*
  - i. *A text equivalent for every non-text element is provided;*
  - ii. *equivalent alternatives for any multimedia presentation are synchronized with the presentation;*
  - iii. *web pages are designed so that all information conveyed with color is also available without color;*
  - iv. *documents are organized so they are readable without requiring an associated style sheet;*
  - v. *redundant text links are provided for each active region of a server-side image map;*

vi. *client-side image maps are provided instead of server-side image maps except where the regions cannot be defined with an available geometric shape;*

vii. *row and column headers are identified for data tables;*

viii. *markup is used to associate data cells and header cells for data tables that have two or more logical levels of row or column headers;*

ix. *frames are titled with text that facilitates frame identification and navigation;*

x. *pages are designed to avoid causing the screen to flicker with a frequency greater than 2 HZ and lower than 55 Hz;*

xi. *a text-only page, with equivalent information or functionality shall be provided to make a web site comply with the provisions of this part, when compliance cannot be accomplished in any other way. The content of the text-only page shall be updated whenever the primary page updates;*

xii. *when pages utilize scripting languages to display content, or to create interface elements, the information provided by the script is identified with functional text that can be read by assistive technology;*

xiii. *the web page shall not require an applet, plug-in or other application be present on the client system to interpret page content;*

xiv. *when electronic forms are designed to be completed on-line the form shall allow people using assistive technology to access the information, field elements, and functionality required for completion and submission of the form, including all directions and cues;*

xv. *a method shall be provided that permits users to skip repetitive navigation links; and*

xvi. *when a timed response is required, the user is alerted and given sufficient time to indicate more time is required.*

2. *“Bicycle lane” shall mean a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.*

3. *“Major street redesign” shall mean:*

i. *any project that, after construction will alter four or more consecutive blocks, or 1,000 consecutive feet of street, whichever is less, involving a major realignment of the roadway, including either removal of a vehicular lane(s) or full time removal of a parking lane(s) or addition of vehicular travel lane(s); or*

ii. *the construction or removal of a bicycle lane; or*

iii. *the construction or removal of a pedestrian plaza.*

4. *“Pedestrian plaza” shall mean an area designated by the New York city department of transportation for use by pedestrians located fully within the bed of a roadway, which may vary in size and shape; may abut a sidewalk; may be at the same level as the roadway or raised above the level of the roadway; may be physically separated from the roadway by curbing, bollards, or other barrier; may be treated with special markings and materials; and may contain benches, tables or other facilities for pedestrian use.*

b. *The department shall post on its website a list of all major street redesigns in a format accessible to people with disabilities. Such posting shall be made available not less than 30 days prior to the expected completion date of the major street redesign, and such posting shall include the expected completion date. In the event that the expected completion date of the major street redesign changes, the new expected completion date shall be posted immediately.*

§2. *This local law shall take effect ninety days after its enactment into law.*

Referred to the Committee on Transportation.

Res. No. 1177

**Resolution calling on the Governor and the New York State Legislature to enact legislation establishing specific protections for children affected by the State’s transfer of authority to New York City for its own juvenile justice system (realignment), and for the Bloomberg Administration to release a detailed plan for implementing realignment and to ensure there is an adequate and transparent public comment process that allows public input to be incorporated into any final implementation plan.**

By Council Members Vann, Palma, Dickens, Fidler, Foster, James, Mealy, Rose, Sanders, Seabrook, Williams and Rodriguez.

**Whereas**, The New York State Office of Children & Family Services is responsible for housing youth between the ages of 11 and 21 who are remanded or “placed” in their facilities by the courts; and

**Whereas**, The Administration for Children’s Services’ (“ACS”) Division of Youth and Family Justice is charged with detaining and providing juvenile justice services to New York City’s court involved juveniles; and

**Whereas**, The overarching goal of New York’s juvenile justice system is to rehabilitate young people who commit offenses by providing them with appropriate services to address their special needs; and

**Whereas**, According to national studies, detaining and placing youth closer to their communities and providing alternative-to-detention and alternative-to-placement services help decrease recidivism and allow for suitable services to be administered to those youth in the juvenile justice system; and

**Whereas**, On December 21, 2010, in an effort to improve public safety, reduce recidivism rates, and save taxpayers money, Mayor Michael R. Bloomberg proposed an overhaul of the New York State juvenile justice system by calling on the State to grant New York City the authority to operate its own placement facilities; and

**Whereas**, Under the Mayor's proposal, ACS would administer all juvenile detention and placement facilities and, in conjunction with the New York City Department of Probation ("DOP"), administer alternative-to-detention, alternative-to-placement and community-based programs for court involved youth; and

**Whereas**, Advocates in favor of reforming New York's juvenile justice system have made a series of recommendations to address what they perceive to be the lack of protections afforded to court involved juveniles under the Mayor's current juvenile justice realignment plan; and

**Whereas**, These recommendations include: (i) releasing a detailed juvenile justice realignment plan to elected officials and the public; (ii) establishing a set of detailed conditions for the transfer of power from the State to the City; (iii) creating a mechanism for public transparency and strong independent external oversight of the system; (iv) establishing adequate public review of the proposed realignment plan and creating a mechanism for the review and incorporation of public comments into the plan prior to its implementation; (v) reinvesting savings into communities most impacted by the juvenile justice system; (vi) addressing ethnic and racial disparities within the juvenile justice system; (vii) ensuring detained and placed youth have meaningful and frequent access to their families; (viii) ensuring that information about any injuries to youth that occur in a juvenile justice facility operated by the City or under City contract are made available to the City Council, the public and the aforementioned independent oversight entity on a monthly basis; (ix) explicitly prohibiting the operation of juvenile justice facilities by for-profit providers; and (x) reviewing the potential effects of realignment on all youth of New York State within the juvenile justice system and ensuring that youth from outside of New York City within the system are not adversely affected by the removal of New York City youth from the State system.

**Whereas**, In order to implement the Mayor's realignment plan, New York State must enact legislation giving New York City the authority to operate juvenile justice facilities for placement of adjudicated juvenile delinquents and offenders from New York City; and

**Whereas**, Governor Cuomo has recognized the need to reform New York State's juvenile justice system and provide greater use of community-based programs, alternative-to-detention and alternative-to-placement services to generate better outcomes for children and families while delivering significant savings to the State; and

**Whereas**, A.7795, introduced in the New York State Assembly on May 17, 2011, seeks to amend New York State law by giving New York City and other counties the latitude to run their own secure, limited secure, and non-secure juvenile facilities for adjudicated juvenile delinquents and juvenile offenders; and

**Whereas**, A.7795 promotes keeping juveniles closer to their families and communities but fails to fully address advocates' recommendations to afford increased protections to court involved juveniles; and

**Whereas**, Such reform will only be meaningful if Governor Cuomo or the New York State Legislature introduce juvenile justice reform legislation that not only grants New York City the authority to run its own facilities for adjudicated juveniles but also includes the aforementioned recommendations supported by advocates; and

**Whereas**, In early 2011, The Bloomberg Administration formed The New York City Dispositional Reform Steering Committee, which is chaired by the Commissioner of DOP and is comprised of stakeholders who are seeking to strategically develop a comprehensive plan for a realigned juvenile justice system; and

**Whereas**, The findings of the Steering Committee and the realignment implementation plan should be made accessible to the public and sent to the Council as they become available so that interested parties can examine how the plan will impact the City's justice involved youth as well as the City's administrative landscape; and

**Whereas**, an appropriate and adequate public comment period of no less than 60 days should be established upon the plan's initial release, and the City should designate a member or members of the Steering Committee who shall be responsible for addressing the public commentary, establishing its relevance for the realignment plan, and releasing responses to public comments within 30 days of the end of the public comment period; and

**Whereas**, Should changes to the publicly released plan be made at any point after its release, the Council shall be notified and the revised plan shall be made available to the public within 10 days; and

**Whereas**, Presenting a detailed plan to overhaul the State's juvenile justice system would provide the public with meaningful insight, which in turn will enable them to make an informed decision regarding the efficacy of the Mayor's plan and whether it ensures safeguards are in place to better serve New York's court involved youth; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the Governor and the New York State Legislature to enact legislation establishing specific protections for children affected by the State's transfer of authority to New York City for its own juvenile justice system (realignment), and for the Bloomberg Administration to release a detailed plan for implementing realignment and to ensure there is an adequate and transparent public comment process that allows public input to be incorporated into any final implementation plan.

Referred to the Committee on Juvenile Justice.

Int. No. 746

By Council Members Weprin, Dilan, Jackson, Mark-Viverito, Lander, Barron, Chin, Crowley, Eugene, Ferreras, Gennaro, Greenfield, Mealy, Palma, Recchia, Rose, Van Bramer, Williams and Halloran (in conjunction with the Mayor).

**A Local Law to amend the administrative code of the city of New York, relation to carbon monoxide alarms.**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new article 12 to read as follows:

**ARTICLE 12**

**CARBON MONOXIDE ALARMS**

§28-312.1 Periodic replacement of carbon monoxide alarms. *Carbon monoxide alarms required pursuant to section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturers suggested useful life of the alarm.*

Exception. A carbon monoxide alarm installed prior to the effective date of this article shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturers suggested useful life of the alarm or within 6 months after the effective date of this article, whichever is later.

**§28-312.2 Audible notification of expiration of useful life.** *All carbon monoxide alarms installed after the effective date of this article shall comply with UL 2034 and be of a type that emits an audible notification at the expiration of the useful life of such alarm.*

§2. Standard reference number UL 2034 of Underwriters Laboratories (UL) as set forth in chapter 35 of the New York city building code is amended to read as follows:

**UL** Underwriters Laboratories

333 Pfingsten Road  
Northbrook, IL 60062-2096

Standard reference  
Number

Title

2034-[96, revised 3/8/05] 08 Standard for Single and Multiple  
Station Carbon Monoxide Alarms

§3. The first undesignated paragraph of subdivision (b) of section 27-2046.1 of the administrative code of the city of New York, as added by local law number 7 for the year 2004, is amended to read as follows:

It shall be the duty of the owner of a class A multiple dwelling and a private dwelling which is required to be equipped with one or more carbon monoxide detecting devices pursuant to [article seven of subchapter seventeen of chapter one of this title] *section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code* to:

§4. Paragraphs (1), (2), (5) and (6) of subdivision (b) of section 27-2046.1 of the administrative code of the city of New York, as added by local law number 7 for the year 2004, are amended to read as follows:

(1) provide and install one or more approved and operational carbon monoxide detecting devices in each dwelling unit *and replace such devices as necessary in accordance with article 12 of chapter 3 of title 28 of the administrative code*

(2) post a notice in a form approved by the commissioner in a common area of a Class A multiple dwelling and otherwise provide such notice to the occupants of a private dwelling informing the occupants of such dwelling that the owner is required by law to install one or more approved and operational carbon monoxide detecting devices in each dwelling unit in the dwelling *and to periodically replace such devices upon the expiration of their useful life*, provided that an owner may choose to post or otherwise provide a single notice that complies with this provision as well as the provisions of paragraph two of subdivision a of section 27-2045 of this article;

(5) provide written information regarding the testing and maintenance of carbon monoxide detecting devices to at least one adult occupant of each dwelling unit including, but not limited to, general information concerning carbon monoxide poisoning and what to do if a carbon monoxide detecting device goes off; *the useful life of the device and the owner's duty to replace such device pursuant to article 12 of chapter 3 of title 28 of the administrative code*. Such information may include material that is distributed by the manufacturer, material prepared by the department of buildings or material approved by the department of buildings; and

(6) keep such records as the commissioner shall prescribe relating to the installation and maintenance of carbon monoxide detecting devices in the building,

including the manufacturers suggested useful life of devices, and make such records available to the commissioner upon request.

§5. The first undesignated paragraph of subdivision (c) of section 27-2046.1 of the administrative code of the city of New York, as added by local law number 7 for the year 2004, is amended to read as follows:

Notwithstanding the provisions of subdivision a of section 27-2005 and subdivision c of section 27-2006 of this chapter, it shall be the sole duty of the occupant of each dwelling unit in a class A multiple dwelling and the occupant of a dwelling unit in a private dwelling in which a carbon monoxide detecting device has been provided and installed by the owner pursuant to the provisions of [article seven of subchapter seventeen of chapter one of this title] *section 908.7 of the New York city building code, sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code or article 12 of chapter 3 of title 28 of the administrative code* to:

§6. Subdivision f of section 27-2046.1 of the administrative code of the city of New York, as added by local law number 7 for the year 2004, is amended to read as follows:

(f) The occupant of a dwelling unit in which a carbon monoxide detecting device is newly installed *or installed to replace a device that has exceeded the manufacturers suggested useful life* or as a result of such occupant's failure to maintain such device or where such device has been lost or damaged by such occupant, shall reimburse the owner in the amount of twenty-five dollars for the cost of such work. Such occupant shall have one year from the date of installation to make such reimbursement.

§7. The first undesignated paragraph of subdivision (a) of section 27-2046.2 of the administrative code of the city of New York, as added by local law number 7 for the year 2004, is amended to read as follows:

It shall be the duty of the owner of a class B multiple dwelling which is required to be equipped with one or more carbon monoxide detecting devices pursuant to [article seven of subchapter seventeen of chapter one of this title] *section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code* to:

§8. Paragraphs (2) and (4) of subdivision (a) of section 27-2046.2 of the administrative code of the city of New York, as added by local law number 7 for the year 2004, are amended to read as follows:

(2) keep and maintain carbon monoxide detecting devices in good repair *and replace such devices when necessary in accordance with article 12 of chapter 3 of title 28 of the administrative code*;

(4) keep such records as the commissioner shall prescribe relating to the installation and maintenance of carbon monoxide detecting devices in the building, *including the manufacturers suggested useful life of devices*, and make such records available to the commissioner upon request.

§9. This local law shall take effect 120 days after its date of enactment except that the department of housing preservation and development may promulgate rules or take other actions to implement its provisions prior to such effective date and at any time prior to such effective date, owners may replace previously installed carbon monoxide detecting devices which have exceeded their useful life pursuant to paragraph (1) of subdivision (b) of section 27-2046.1 of the code and the period of reimbursement pursuant to subdivision (f) of section 27-2046.1 by the occupant of a dwelling unit for which such replacement has occurred shall commence as of the date of such replacement.

Adopted by the Council (preconsidered and approved by the Committee on Housing and Buildings).

Res. No. 1178

**Resolution condemning the overly aggressive actions of the Bloomberg Administration that were used to evict the Occupy Wall Street protestors that occurred in the predawn hours of November 15, 2011.**

By Council Members Williams, Rodriguez, Mark-Viverito and Palma.

**Whereas**, On Tuesday, November 15, 2011 in a predawn sweep, members of the New York City Police Department (NYPD) forcibly evicted the Occupy Wall Street (OWS) protestors from Liberty Plaza, also known as Zuccotti Park, where the OWS movement began on September 17, 2011; and

**Whereas**, Excessive force appears to have been used to disrupt the peaceful protests and passive behavior of many OWS members during the eviction which included the arrest of Council Member Ydanis Rodriguez; and

**Whereas**, The NYPD's inability to differentiate between civilians that pose a harm to the public and those that do not is disquieting; and

**Whereas**, Those protestors who resisted the efforts to clear out the park that began at roughly 1:00 a.m. were met by NYPD in riot gear with batons; and

**Whereas**, The destruction of the encampment that the OWS members had created at the park resulted in the seizure and possible damage to more than 5000 books that made up the "People's Library" at the park, along with the seizure and breakage of many tents, tarps, backpacks, shoes, computers, various equipment and other possessions; and

**Whereas**, Mayor Bloomberg has stated that his decision to move to evict the OWS protestors was not intended to hamper their constitutional rights of speech and expression; and

**Whereas**, Reporters, journalists and photographers from the Associated Press, the Daily News, National Public Radio (NPR) and the New York Post and other press entities were prohibited from covering the eviction of protestors and were in some cases arrested themselves; and

**Whereas**, According to the New York Times, the Police Commissioner stated that nearly 200 people were arrested, 142 in the park and 50 to 60 in the streets nearby; and

**Whereas**, According to Mayor Bloomberg, his decision to evict the OWS occupation was based on public health and safety concerns for the protestors and the surrounding community; and

**Whereas**, The decision by the Bloomberg Administration to undertake a police action in the early hours of the morning to forcibly remove residents of New York City, New York State and involved citizens who have traveled far and wide to join the OWS movement from Liberty Plaza since the occupation commenced was excessive and poses a threat to our civil liberties; now, therefore, be it

**Resolved**, That the Council of the City of New York condemns the overly aggressive actions of the Bloomberg Administration that were used to evict the Occupy Wall Street protestors that occurred in the predawn hours of November 15, 2011.

Referred to the Committee on Public Safety.

L.U. No. 546

By Council Member Recchia:

**Plaza Borinquen, Block 2282, Lots 45, 75, Block 2283, Lot 40, Bronx, Council District No. 8.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 547

By Council Member Comrie:

**Application no. 20125188 HKM (N 120101 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Union League Club located at 38 East 37<sup>th</sup> Street (Block 866, Lot 42) (List No.449, LP-2389), Council District no. 3, as an historic landmark .**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 548

By Council Member Comrie:

**Application no. 20125189 HKK (N 120099 HKK), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of St. Casimir's Roman Catholic Church a.k.a The Paul Robeson Theater, located at 40 Greene Avenue ( Block 1957, Lot 28) (List No.449, LP-2476), Council District no. 35, as an historic landmark.**

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 549

By Council Member Comrie:

**Application no. 20125190 HKX (N 120100 HKX), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Grand Concourse Historic District (List No.449, LP-2403), Council District nos.16 and17, as an historic landmark.**

Clerk of the Council

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 550

By Council Member Comrie:

Application no. 20125191 HKR (N 120097 HKR), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the 29 Cottage Place House located at 29 Cottage Place (Block 1012, Lot 10) (List No.449, LP-2447), Council District no. 49, as an historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

L.U. No. 551

By Council Member Comrie:

Application no. 20125192 HKM (N 120098 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation by the Landmarks Preservation Commission of the Bell Laboratory Complex a.k.a. Westbeth Artist Housing located at 445-465 West Street, 137-169 Bank Street, 51-77 Bethune Street and 734-754 Washington Street (Block 639, Lot 1) (List No.449, LP-2391), Council District no. 3, as an historic landmark.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting and Maritime Uses.

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

**ANNOUNCEMENTS:**

**Tuesday, January 3, 2012**

Committee on FINANCE..... 10:00 A.M.  
Int 644 - By Council Member Recchia (by request of the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to the establishment of the Westchester Square business improvement district  
Res. 1174 - By Council Member Recchia - Resolution concerning the increase in the annual expenditure for the 34<sup>th</sup> Street, the Grand Central, the 125<sup>th</sup> Street, the Mosholu-Jerome-East Gun Hill Road, the Fordham Road and the Bayside Village Business Improvement Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.  
AND SUCH OTHER BUSINESS AS MAY BE NECESSARY  
Committee Room – 250 Broadway, 16<sup>th</sup> Floor  
..... Domenic M. Recchia, Chairperson

**Wednesday, January 4, 2012**

**Charter Meeting..... 12:00 Noon**

**Location..... ~ Council Chambers ~ City Hall.....**

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Charter Meeting on Wednesday, January 4, 2012.

MICHAEL M. McSWEENEY, City Clerk

**Editor's Local Law Note:** Int Nos. 626-A, 666-A, 671-A, and 704-A (all adopted at the November 29, 2011 Stated Meeting) were signed by the Mayor into law on December 14, 2011 as Local Laws Nos. 64, 65, 66, and 67 of 2011. Int Nos. 563-A, 566-A, (adopted the December 19, 2011 Stated Meeting) 576-A, 578-A, 592-A, 643-A, 720-A (adopted at the December 8, 2011 Stated Meeting) and 746 (adopted at this December 19, 2011 Stated Council Meeting) were signed by the Mayor into law on December 27, 2011 as Local Law Nos. 68, 69, 70, 71, 72, 73, 74, and 75 of 2011.









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