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THE CITY RECORD MICHAEL R. BLOOMBERG, Mayor

ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

BOARD MEETINGS

- NOTICE OF MEETINGS**
- City Planning Commission**
Meets in Spector Hall, 22 Reade Street, New York, New York 10007, twice monthly on Wednesday, at 10:00 A.M., unless otherwise ordered by the Commission.
- City Council**
Meets by Charter twice a month in Councilman's Chamber, City Hall, Manhattan, New York 10007, at 1:30 P.M.
- Contract Awards Public Hearing**
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, weekly, on Thursday, commencing 10:00 A.M., and other days, times and location as warranted.
- Design Commission**
Meets in City Hall, Third Floor, Manhattan, New York 10007 on the second Monday of the month, except August. For changes in the schedule, copies of monthly agendas, or additional information, please call (212) 788-3071 or visit our web site at nyc.gov/artcommission
- Department of Education**
Meets in the Hall of the Board for a monthly business meeting on the Third Wednesday, of each month at 6:00 P.M. The Annual Meeting is held on the first Tuesday of July at 10:00 A.M.
- Board of Elections**
32 Broadway, 7th floor, New York, NY 10004, on Tuesday, at 1:30 P.M. and at the call of the Commissioner
- Environmental Control Board**
Meets at 66 John Street, 10th floor, conference room, New York, NY 10038 at 9:15 A.M., once a month at the call of the Chairman.
- Board of Health**
Meets in Room 330, 125 Worth Street, Manhattan, New York 10013, at 10:00 A.M., at the call of the Chairman.
- Health Insurance Board**
Meets in Room 530, Municipal Building, Manhattan, New York 10007, at call of the Chairman.
- Board of Higher Education**
Meets at 535 East 80th Street, Manhattan, New York 10021, at 5:30 P.M., on fourth Monday in January, February, March, April, June, September, October, November and December. Annual meeting held on fourth Monday in May.
- Citywide Administrative Services**
Division Of Citywide Personnel Services will hold hearings as needed in Room 2203, 2 Washington Street, New York, N.Y. 10004.
- Commission on Human Rights**
Meets on 10th floor in the Commission's Central Office, 40 Rector Street, New York, New York 10006, on the fourth Wednesday of each month, at 8:00 A.M.
- In Rem Foreclosure Release Board**
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Tuesdays, commencing 10:00 A.M., and other days, times and location as warranted.
- Franchise And Concession Review Committee**

- Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, Monthly on Wednesdays, Commencing 2:30 P.M., and other days, times and location as warranted.
- Real Property Acquisition And Disposition**
Meets in Spector Hall, 22 Reade Street, Main Floor, Manhattan, bi-weekly, on Wednesdays, Commencing 10:00 A.M., and other days, times and location as warranted.
- Landmarks Preservation Commission**
Meets in the Hearing Room, Municipal Building, 9th Floor North, 1 Centre Street in Manhattan on approximately three Tuesday's each month, commencing at 9:30 A.M. unless otherwise noticed by the Commission. For current meeting dates, times and agendas, please visit our website at www.nyc.gov/landmarks.
- Employees' Retirement System**
Meets in the Boardroom, 22nd Floor, 335 Adams Street, Brooklyn, New York 11201, at 9:30 A.M., on the third Thursday of each month, at the call of the Chairman.
- Housing Authority**
Board Meetings take place every other Wednesday at 10:00 A.M. in the Board Room on the 12th Floor of 250 Broadway, New York, New York (unless otherwise noted). For Board Meeting dates and times, please visit NYCHA's Website at nyc.gov/nycha or contact the Office of the Secretary at (212) 306-6088. Copies of the Agenda are available on NYCHA's Website or can be picked up at the Office of the Secretary at 250 Broadway, 12th Floor, New York, New York, no earlier than 3:00 P.M. on the Friday before the upcoming Wednesday Board Meeting. Copies of the Minutes are also available on NYCHA's Website or can be picked up at the Office of the Secretary no earlier than 3:00 P.M. on the Thursday after the Board Meeting.
Any changes to the schedule will be posted here and on NYCHA's Website to the extent practicable at a reasonable time before the meeting.
These meetings are open to the public. Pre-registration of speakers is required. Those who wish to register must do so at least forty-five (45) minutes before the scheduled Board Meeting. Comments are limited to the items on the Agenda. Speakers will be heard in the order of registration. Speaking time will be limited to three (3) minutes. The public comment period will conclude upon all speakers being heard or at the expiration of thirty (30) minutes allotted by law for public comment, whichever occurs first.
Any person requiring a reasonable accommodation in order to participate in the Board Meeting, should contact the Office of the Secretary at (212) 306-6088 no later than five (5) business days before the Board Meeting.
For additional information, please visit NYCHA's Website or contact (212) 306-6088.
- Parole Commission**
Meets at its office, 100 Centre Street, Manhattan, New York 10013, on Thursday, at 10:30 A.M.
- Board of Revision of Awards**
Meets in Room 603, Municipal Building, Manhattan, New York 10007, at the call of the Chairman.
- Board of Standards and Appeals**
Meets at 40 Rector Street, 6th Floor, Hearing Room "E" on Tuesdays at 10:00 A.M. Review Sessions begin at 9:30 A.M. and are customarily held on Mondays preceding a Tuesday public hearing in the BSA conference room on the 9th Floor of 40 Rector Street. For changes in the schedule, or additional information, please call the Application Desk at (212) 513-4670 or consult the bulletin board at the Board's Offices, at 40 Rector Street, 9th Floor.
- Tax Commission**
Meets in Room 936, Municipal Building, Manhattan, New York 10007, each month at the call of the President.

CITY COUNCIL

PUBLIC HEARINGS

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

The Subcommittee on Zoning and Franchises will hold a public hearing on the following matters in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 9:30 A.M. on Tuesday, September 21, 2010:

- EAST END BAR & GRILL**
MANHATTAN CB - 8 20115161 TCM
Application pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Jasper Hospitality LLC, d/b/a East End Bar & Grill, for a revocable consent to establish, maintain and operate an unenclosed sidewalk café located at 1664 First Avenue.
- CULVER EL REZONING**
BROOKLYN CB - 12 C 100345 ZMK
Application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c:
- changing from an M1-2 District to an R5 District property bounded by 36th Street, a line 100 feet northwesterly of 13th Avenue, 37th Street, and 12th Avenue;
 - changing from an M1-2 District to a C4-2A District property bounded by 36th Street, Old New Utrecht Road, 37th Street, and 13th Avenue;
 - changing from an M1-2 District to an M1-2/R6A District property bounded by:
 - 36th Street, 13th Avenue, 37th Street and a line 100 feet northwesterly of 13th Avenue; and
 - 38th Street, a line 80 feet southeasterly of 13th Avenue, a line midway between 39th Street and 40th Street, 13th Avenue, 39th Street, and a line 100 feet northwesterly of 13th Avenue;
 - changing from an M1-2 District to an M1-2/R6B District property bounded by:
 - 38th Street, a line 100 feet northwesterly of 13th Avenue, 39th Street, and 12th Avenue; and
 - 38th Street, 14th Avenue, a line midway between 38th Street and 39th Street, and a line 80 feet southeasterly of 13th Avenue;
 - changing from an M2-1 District to an M1-2/R6A District property bounded by 37th Street, Old New Utrecht Road, a line 50 feet southwesterly of 37th Street, a line 80 feet southeasterly of 13th Avenue, 38th Street, a line 100 feet northwesterly of 13th Avenue, a line 50 feet southwesterly of 37th Street, and 12th Avenue;
 - changing from an M2-1 District to an M1-2/R6B District property bounded by:
 - a line 50 feet southwesterly of 37th Street, a line 100 feet northwesterly of 13th Avenue, 38th Street, and 12th Avenue; and
 - a line 50 feet southwesterly of 37th Street, Old New Utrecht Road, 14th Avenue, 38th Street, and a line 80 feet southeasterly of 13th Avenue;

7. establishing within a proposed R5 District a C2-3 District bounded by 36th Street, a line 150 feet southeasterly of 12th Avenue, a line 80 feet southwesterly of 36th Street, and 13th Avenue; and
8. establishing a Special Mixed Use District (MX-12) bounded by 37th Street, a line 100 feet northwesterly of 13th Avenue, 36th Street, 13th Avenue, 37th Street, Old New Utrecht Road, 14th Avenue, a line midway between 38th Street and 39th Street, a line 80 feet southeasterly of 13th Avenue, a line midway between 39th Street and 40th Street, 13th Avenue, 39th Street, and 12th Avenue;

as shown on a diagram (for illustrative purposes only) dated May 10, 2010, and subject to the conditions of CEQR Declaration E-252.

CULVER EL REZONING

BROOKLYN CB - 12 N 100346 ZRK
Application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article XII, Chapter 3 (Special Mixed Use Districts), relating to the establishment of a new Special Mixed Use District.

Matter in underline is new, to be added;
Matter in **strikeout** is to be deleted;
Matter with # # is defined in Section 12-10 (DEFINITIONS);
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

123-90 Special Mixed Use Districts Specified

The #Special Mixed Use District# is mapped in the following areas:

* * *

#Special Mixed Use District# - 1
Port Morris, The Bronx

The #Special Mixed Use District# - 1 is established in Port Morris in The Bronx as indicated on the #zoning maps#.

* * *

#Special Mixed Use District# - 12
Borough Park, Brooklyn

The #Special Mixed Use District# - 12 is established in Borough Park in Brooklyn as indicated on the #zoning maps#.

* * *

CULVER EL REZONING

BROOKLYN CB - 12 C 100347 HAK
Application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 1284 37th Street (Block 5295, Lot 4), and 1300 37th Street (Block 5300, Lot 9), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of seventeen 4-story buildings with a total of approximately 68 units of affordable housing.

CULVER EL REZONING

BROOKLYN CB - 12 C 100348 ZSK
Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5300, p/o Lot 9 (tentative Lots 115 & 116), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

CULVER EL REZONING

BROOKLYN CB - 12 C 100349 ZSK
Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of an off-site accessory parking lot, on property located on Block 5300, p/o Lot 9 (Tentative Lot 114), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

CULVER EL REZONING

BROOKLYN CB - 12 C 100350 ZSK
Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with

the development of two 4-story residential buildings, on property located on Block 5300, p/o Lot 9 (Tentative Lots 112 & 113), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

CULVER EL REZONING

BROOKLYN CB - 12 C 100351 ZSK
Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential buildings, on property located on Block 5300, p/o Lot 9 (Tentative Lot 111), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

CULVER EL REZONING

BROOKLYN CB - 12 C 100352 ZSK
Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential buildings, on property located on Block 5300, p/o Lot 9 (Tentative Lot 110), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

CULVER EL REZONING

BROOKLYN CB - 12 C 100353 ZSK
Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5300, p/o Lot 9 (Tentative Lots 9 & 109), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

CULVER EL REZONING

BROOKLYN CB - 12 C 100354 ZSK
Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5295, p/o Lot 4 (Tentative Lots 112 & 113), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

CULVER EL REZONING

BROOKLYN CB - 12 C 100355 ZSK
Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential building, on property located on Block 5295, p/o Lot 4 (Tentative Lot 111), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

CULVER EL REZONING

BROOKLYN CB - 12 C 100356 ZSK
Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of an off-site accessory parking lot, on property located on Block 5295, p/o Lot 4 (Tentative Lot 110), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

CULVER EL REZONING

BROOKLYN CB - 12 C 100357 ZSK
Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or

terminated to be included in the lot area in connection with the development of an off-site accessory parking lot, on property located on Block 5295, p/o Lot 4 (Tentative Lot 109), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

CULVER EL REZONING

BROOKLYN CB - 12 C 100358 ZSK
Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5295, p/o Lot 4 (Tentative Lots 107 & 108), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

CULVER EL REZONING

BROOKLYN CB - 12 C 100359 ZSK
Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential building, on property located on Block 5295, p/o Lot 4 (Tentative Lot 106), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

CULVER EL REZONING

BROOKLYN CB - 12 C 100360 ZSK
Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of a 4-story residential building, on property located on Block 5295, p/o Lot 4 (Tentative Lot 105), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

CULVER EL REZONING

BROOKLYN CB - 12 C 100361 ZSK
Application submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681 of the Zoning Resolution to allow that portion of the railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area in connection with the development of two 4-story residential buildings, on property located on Block 5295, p/o Lot 4 (Tentative Lots 4 & 104), in a M1-2/R6A* District, within a Special Mixed Use District (MX-12)*.

* Note: The site is proposed to be rezoned from a M2-1 District to an M1-2/R6A (MX-12) District, under a concurrent related application (C 100345 ZMK).

The Subcommittee on Landmarks, Public Siting and Maritime Uses will hold a public hearing on the following matters in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 11:00 A.M. on Tuesday, September 21, 2010.

DOS GARAGE

BROOKLYN CB - 1 C 100258 PJK
Application submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 525 Johnson Avenue (Block 2987, Lot 16), Borough of Brooklyn, Community District 1, for continued use as a garage.

DOS GARAGE/PARKING LOT

BROOKLYN CB - 1 C 100264 PJK
Application submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 145 Randolph Street (Block 2976, Lot 45), Borough of Brooklyn, Community District 1, for continued use as parking lot.

The Subcommittee on Planning, Dispositions and Concessions will hold a public hearing in the 16th Floor Hearing Room, 250 Broadway, New York City, New York 10007, commencing at 1:00 P.M. on Tuesday, September 21, 2010.

s15-21

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS have been adopted by the City Planning Commission Scheduling public hearings on the following matters

to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, September 29, 2010 at 10:00 A.M.

**BOROUGH OF MANHATTAN
No. 1
535-537 EAST 11TH STREET**

CD 3 C 100452 HAM
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 535-537 East 11th Street (Block 405, Lots 44 and 45), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of an eight-story building with approximately 46 units, to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program.

**No. 2
706-712 EAST 9TH STREET**

CD 3 C 100453 HAM
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 706-712 East 9th Street (Block 378, Lot 10), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a five-story building with approximately 46 units, to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program.

**No. 3
DCAS OFFICE SPACE**

CD 11 N 110075 PXM
IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 1664 Park Avenue (Block 1623, Lot 35) (Community Board 11 District Office).

**BOROUGH OF BROOKLYN
No. 4
DCAS OFFICE SPACE**

CD 02 N 110074 PXX
IN THE MATTER OF a Notice of Intent to acquire office space submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 470 Vanderbilt Avenue (Block 2009, Lot 1) (Human Resources Administration).

**YVETTE V. GRUEL, Calendar Officer
City Planning Commission
22 Reade Street, Room 2E
New York, New York 10007
Telephone (212) 720-3370**

s16-29

COMMUNITY BOARDS

■ PUBLIC HEARINGS

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 10 - Monday, September 20, 2010, 7:15 P.M., Shore Hill Community Room, 9000 Shore Road, Brooklyn, NY

#152-10-BZ

Proposed single-story horizontal enlargement to existing kitchen at the rear yard of existing single-family detached residence in Bay Ridge, Brooklyn, proposal also includes an open porch. Special permit waiver is requested for increasing lot coverage and FAR, new proposal will not create any other new non-compliance or affect street context.

s14-20

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

BOROUGH OF BROOKLYN

COMMUNITY BOARD NO. 10 - Monday, September 20, 2010 at 7:00 P.M., Shore Hill Community Room, 9000 Shore Road, Brooklyn, NY

BSA# 105-10-BZ

Application seeking horizontal enlargement. Proposed side yard is contrary to ZR23-461 and must be referred to NYC Board of Standards and Appeals for a special permit pursuant to Section 73-622.

BSA# 130-10-BZ

1153 85th Street
Application seeks to increase a portion of the perimeter wall height and floor area pursuant to Section 73-622.

s14-20

ENVIRONMENTAL CONTROL BOARD

LEGAL/EXECUTIVE

■ MEETING

**OFFICE OF ADMINISTRATIVE TRIALS AND
HEARINGS / ENVIRONMENTAL CONTROL BOARD**

The next meeting will take place on Thursday, September 30, 2010 at 40 Rector Street, OATH Lecture Room, 4th Floor, New York, NY 10006 at 9:15 A.M. at the call of the Chairman.

s20-22

INDEPENDENT BUDGET OFFICE

■ MEETING

The New York City Independent Budget Office Advisory Board will hold a meeting on Tuesday, September 28, 2010, beginning at 8:30 A.M., at the offices of the NYC Independent Budget Office, 110 William Street, 14th Floor. There will be an opportunity for the public to address the advisory board during the public portion of the meeting.

s20-21

**LANDMARKS PRESERVATION
COMMISSION**

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **September 21, 2010 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF QUEENS 10-9711 - Block 1458, lot 40 - 84-01 37th Avenue - Jackson Heights Historic District
A vacant lot. Application is to construct a new building. Zoned R7-1/C1-3. Community District 3

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-9480 - Block 2072, lot 4 - 174 Washington Park - Fort Greene Historic District
An Italianate style rowhouse built c. 1868. Application is to construct rooftop and rear yard addition. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-3887 - Block 190, lot 28 - 440 Pacific Street - Boerum Hill Historic District
A Greek Revival and Italianate style rowhouse. Application is to legalize windows. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-0425 - Block 260, lot 55 - 312 Hicks Street - Brooklyn Heights Historic District
A Greek Revival style house built in 1846. Application is to modify a window opening and construct a deck. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 11-0521 - Block 296, lot 32 - 177 Congress Street - Cobble Hill Historic District
An Italianate style rowhouse built in the early 1850s and later altered. Application is to legalize and modify door, windows and planter installation at front facade and areaway without Landmarks Preservation Commission permit(s). Community District 6.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-6962 - Block 231, lot 12 - 299 Canal Street, aka 419-421 Broadway - SoHo-Cast Iron Historic District
A mid-20th century taxpayer. Application is to establish a Master Plan governing the replacement of storefront infill, security roll-gates, awnings, and signage. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-1001 - Block 590, lot 42 - 23 Cornelia Street - Greenwich Village Historic District Extension II
A utilitarian style stable building built in 1912. Application is to construct a rooftop addition. Zoned R6. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-1226 - Block 627, lot 7 - 34 Gansevoort Street - Gansevoort Market Historic District
An Italianate style French flats with store building designed

by Charles Mettam and built in 1870. Application is to install signage. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-0613 - Block 644, lot 41 - 32-36 Little West 12th Street, aka 823-827 Washington Street - Gansevoort Market Historic District
A neo-Grec style building designed by James Stroud and built in 1880. Application is to install signage and lighting. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-9719 - Block 615, lot 44 - 17 Bank Street - Greenwich Village Historic District
An Italianate style rowhouse designed by Linus Scudder and built in 1857-57. Application is to demolish a skylight, construct a rooftop addition, and alter the rear facade. Zoned R-6. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-8596 - Block 642, lot 65 - 75 Jane Street - Greenwich Village Historic District
A Greek Revival style rowhouse designed by Peter Van Antwerp and built in 1846-1847. Application is to rebuild the rear wall and a rear extension and excavate rear yard. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-3405 - Block 631, lot 39 - 533 Hudson Street, aka 116 Charles Street - Greenwich Village Historic District
A Federal style rowhouse built in 1827. Application is to install a roof deck and railings and legalize an HVAC unit. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-0894 - Block 621, lot 7502 - 367-369 Bleecker Street - Greenwich Village Historic District
A French Second Empire style multi-family dwelling with ground floor stores constructed in 1868 and designed by Henry Engelbert. Application is to install storefront infill and signage. Community District 2.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-1489 - Block 821, lot 7503 - 50 West 20th Street, aka 650 6th Avenue - Ladies' Mile Historic District
A neo-Renaissance style store and loft building designed by Hubert, Pirsson & Hoddick and built in 1892. Application is to install banners. Community District 4.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-1152 - Block 1035, lot 37 - 302 West 45th Street - Al Hirshfeld/former Martin Beck Theater- Interior and Individual Landmark
A Moorish-inspired theater designed by C. Albert Lansburgh and built in 1923-24. Application is to demolish a wall within the lobby. Community District 4.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-0431 - Block 1047, lot 7502 - 300 West 57th Street - Hearst Magazine Building-Individual Landmark
An Art-Deco/Viennese Secessionist style office building designed by Joseph Urban and Geroge B. Post and Sons, and built in 1927-1928. Application is to install signage and a marquee. Zoned C6-6. Community District 5.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-9490 - Block 850, lot 1 - 149 Fifth Avenue - Ladies' Mile Historic District
A neo-Renaissance style store and loft building designed by Maynicke & Franke and built in 1918. Application is to replace doors and install security grilles. Community District 5.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-2591 - Block 1296, lot 1002 - 110 East 42nd Street - Bowery Savings Bank Building-Individual & Interior Landmark
An Academic Italian Romanesque style bank and office building and banking hall designed by York & Sawyer and W. Louis Ayres and built in 1921-23 with an addition built in 1931-33. Application is to legalize alterations within the designated banking hall. Community District 5.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 11-0669 - Block 1145, lot 31 - 103 West 73rd Street - Upper West Side/Central Park West Historic District
A Renaissance Revival style rowhouse with Neo-Grec elements designed by Henry J. Hardenbergh and built in 1879-80. Application is to construct a full lot rear extension. Zoned C1-8A. Community District 7.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-9867 - Block 1505, lot 10 - 15 East 93rd Street - Carnegie Hill Historic District
One of a row of four houses built in 1891-92 in the Queen Anne style and designed by William Graul, and altered in 1929-30. Application is to restore facade details. Community District 8.

s8-21

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Title 25, chapter 3 of the Administrative Code of the City of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318, 25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-12.0, 207-17.0, and 207-19.0), on Tuesday, **September 28, 2010 at 9:30 A.M.** in the morning of that day, a public hearing will be held in the Conference Room at 1 Centre Street, 9th Floor, Borough of Manhattan with respect to the following properties and then followed by a public meeting. Any person requiring reasonable accommodation in order to participate in the hearing or attend the meeting should call or write the Landmarks Commission no later than five (5) business days before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF QUEENS 10-8132 - Block 1475, lot 59 - 37-37 87th Street - Jackson Height Historic District
An Anglo-American Garden Home style attached house, designed by C.F. McAvoy and built in 1924. Application is to

legalize alterations to the areaway fence and wall without Landmarks Preservation Commission permits. Community District 3.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF QUEENS - 10-8887 - Block 8106, lot 5- 42-25 240th Street, aka 8 Prospect Avenue - Douglaston Hill Historic District

A Queen Anne style free-standing house designed by John A. Sinclair and built in 1899-1900. Application is to construct additions, an entrance portico, and terrace; modify masonry openings; install skylights; and alter a garage and driveway. Zoned R1-2. Community District 11.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-3887 - Block 190, lot 28- 440 Pacific Street – Boreum Hill Historic District

A Transitional Greek Revival and Italianate style rowhouse built in 1852-53. Application is to legalize the installation of windows without Landmarks Preservation Commission permits. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 10-1259 - Block 1964, lot 60- 56 Cambridge Place – Clinton Hill Historic District

A freestanding house built c.1863 and altered in the neo-Tudor and Queen Anne styles by Mercein Thomas c.1887-1893. Application is to paint the exterior. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 11-1091 - Block 1918, lot 67- 340 Dekalb Avenue, aka 276-278 Hall Street- Clinton Hill Historic District

A vacant lot. Application is to replace the sidewalk and fence. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 11-0521 - Block 296, lot 32- 177 Congress Street - Cobble Hill Historic District

An Italianate style rowhouse built in the early 1850s and later altered. Application is to legalize windows and planters and modify the entrance all installed without Landmarks Preservation Commission permit(s). Community District 6.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF BROOKLYN 11-0828 - Block 5237, lot 142- 69 DeKoven Court, aka 700 East 17th Street - Fiske Terrace - Midwood Park Historic District

A Queen Anne style house built in 1903. Application is to legalize the construction of a garage addition commenced without Landmarks Preservation Commission permits. Zoned R1-2. Community District 14.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-1118 - Block 1008, lot 15- 130 West 56th Street – City Center 55th Street Theatre/formerly Mecca Temple - Individual Landmark

A Moorish-inspired theater building designed by H.P. Knowles, and built in 1922-24. Application is to remove flag poles, install a marquee and signage, and alter a side entrance door. Community District 5.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-2261 - Block 146, lot 11- 109 West Broadway, aka 112 Reade Street - Tribeca South Historic District

An Italianate style store and loft building built in 1860, and altered prior to designation. Application is to alter an enclosed sidewalk cafe, create door openings, and install storefront infill and signage. Community District 1.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-1001 - Block 590, lot 42 - 23 Cornelia Street - Greenwich Village Historic District Extension II

A utilitarian style stable building built in 1912. Application is to construct a rooftop addition. Zoned R6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-9719 - Block 615, lot 44- 17 Bank Street - Greenwich Village Historic District

An Italianate style rowhouse built in 1856-57. Application is to remove and replace a skylight alter the rear façade, and excavate the rear yard. Zoned R-6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-0950 - Block 612, lot 7502- 150 7th Avenue South, aka 25-27 Charles Street - Greenwich Village Historic District

A Classical Revival style apartment building designed by George F. Pelham and built in 1903. Application is to modify signage installed without Landmarks Preservation Commission permits and to install signage and awnings. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-1898 - Block 619, lot 23- 224 West 10th Street - Greenwich Village Historic District

A Greek Revival style rowhouse built in 1847-48. Application is to construct a stoop alter the front facade and rear window opening and install a rear deck. Zoned R-6. Community District 2.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-9388 - Block 712, lot 12, 21- 413-435 West 14th Street - Gansevoort Market Historic District

An Arts and Crafts style market building built in 1914, and altered with an addition designed by John Gillen and James S. Maher in 1922. Application is to install entrance infill. Community District 4.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 10-7703 - Block 745, lot 11- 347 West 21st Street - Chelsea Historic District

An Italianate style house built in 1846. Application is to alter the facade, and construct rooftop and rear yard additions. Zoned R7B. Community District 4.

BINDING REPORT
BOROUGH OF MANHATTAN 11-0755 - Block 1111, lot 1- Central Park, Loeb Boathouse - Scenic Landmark

A boathouse built during the 1950s, within an English

Romantic style public park designed by Olmsted and Vaux in 1856. Application is to construct new structure and a ramp and alter railings and decking. Community District 5,7,8 and 11.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-1806 - Block 1126, lot 38- 10 West 74th Street -Upper West Side/Central Park West Historic District

A Moderne style apartment building designed by H. Herbert Lilien and built in 1940-41. Application is to install a canopy. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-0566 - Block 1143, lot 7503- 100-102 West 72nd Street, aka 248-256 Columbus Avenue - Upper West Side/ Central Park West Historic District

A Renaissance Revival style store building designed by McKim, Mead and White and built in 1892-1893. Application is to install rooftop acoustical panels. Community District 7.

CERTIFICATE OF APPROPRIATENESS
BOROUGH OF MANHATTAN 11-0430 - Block 1500, lot1- 1071 Fifth Avenue - The Solomon R. Guggenheim Museum- Individual Landmark, Expanded Carnegie Hill Historic District

A Modern style museum building designed by Frank Lloyd Wright and built in 1956-59. Application is to install a free standing kiosk in front of a building. Community District 8.

s17-28

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of 3020 of the New York City Charter and Chapter 3 of Title 24 of the Administrative Code of the City of New York (Sections 25-303 and 25-313) that on **Tuesday, September 21, 2010 at 9:30 A.M.**, at the Landmarks Preservation Commission will conduct a *continued public hearing* in the Public Meeting Room of the Landmarks Preservation Commission, located at The Municipal Building, 1 Centre Street, 9th Floor North, City of New York with respect to the following proposed Landmark and Landmark Site. Any person requiring reasonable accommodation in order to participate in the hearing should call or write the Landmarks Preservation Commission, [Municipal Building, 1 Centre Street, 9th Floor North, New York, NY 10007, (212) 669-7700] no later than five (5) business days before the hearing. There will also be a public meeting on that day.

ITEM TO BE HEARD

PUBLIC HEARING ITEM NO. 1

Public Hearing Continued from August 10, 2010

LP-2245

WILLIAM T. and MARY MARCELLITE GARNER MANSION, 355 Bard Avenue (aka 345-355 Bard Avenue), Staten Island.

Landmark Site: Borough of Staten Island Tax Map Block 102 Lot 1 in part

s7-20

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ SALE BY AUCTION

PUBLIC AUCTION SALE NUMBER 11001-G

NOTICE IS HEREBY GIVEN of a public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, September 29, 2010 (SALE NUMBER 11001-G). Viewing in on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

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

A listing of vehicles to be offered for sale in the next auction can be viewed on our website, on the Friday prior to the sale date at:

<http://www.nyc.gov/autoauction>
OR
<http://www.nyc.gov/autoauctions>

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

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

s20-29

■ SALE BY SEALED BID

SALE OF: 2 LOTS OF MISCELLANEOUS EQUIPMENT, USED/UNUSED.

S.P.#: 11008

DUE: September 30, 2010

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.
DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007. For sales proposal, contact Gladys Genoves-McCauley (718) 417-2156.

s17-30

SALE OF: 5 LOTS OF MISCELLANEOUS AUTO/TRUCK PARTS, UNUSED.

S.P.#: 11007

DUE: September 21, 2010

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/ blueprints; other information; and for opening and reading of bids at date and time specified above.
DCAS, Division of Municipal Supply Services, 18th Floor Bid Room, Municipal Building, New York, NY 10007. For sales proposal, contact Gladys Genoves-McCauley (718) 417-2156.

s8-21

POLICE

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

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

Recovered, lost, abandoned property, property obtained from prisoners, emotionally disturbed, intoxicated and deceased persons; and property obtained from persons incapable of caring for themselves.

Motor vehicles, boats, bicycles, business machines, cameras, calculating machines, electrical and optical property, furniture, furs, handbags, hardware, jewelry, photographic equipment, radios, robes, sound systems, surgical and musical instruments, tools, wearing apparel, communications equipment, computers, and other miscellaneous articles.

INQUIRIES

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

FOR MOTOR VEHICLES

(All Boroughs):

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

FOR ALL OTHER PROPERTY

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

j1-d31

PROCUREMENT

“The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City’s prestige as a global destination. The contracting opportunities for construction/construction services and construction-related services that appear in the individual agency listings below reflect that commitment to excellence.”

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AWARDS

Goods

GENUINE REPAIR PARTS FOR FAIRBANKS MORSE PUMPS – Competitive Sealed Bids – PIN# 8571000667 – AMT: \$1,270,113.28 – TO: PCS Pump and Process Inc., 41 Plymouth Street, Fairfield, NJ 07004.
● **NUCLEIC ACID AMPLIFICATION TESTING SYSTEM** – Competitive Sealed Bids – PIN# 8570600849 – AMT: \$684,003.48 – TO: Becton Dickinson and Company, Diagnostic Instruments, P.O. Box 999, 7 Loveton Circle, Sparks, MD 21.

s20

PAPER PLATE: 9” DIAMETER – Small Purchase – PIN# 8571000909 – AMT: \$53,925.00 – TO: All One Source Supplies Inc., 11 Milton Street, Brooklyn, NY 11222.
● **UNIFORMS (HPD/DCAS)** – Competitive Sealed Bids – PIN# 8570900718 – AMT: \$1,368,137.75 – TO: Uniforms by Park Coats Inc., 790 3rd Avenue, Brooklyn, NY 11232.

s20

NYS CONTR FOR MCAFEE TOTAL PROTECTION FOR ENTERPRISE - DOF – Intergovernmental Purchase – PIN# 8571100056 – AMT: \$220,000.00 – TO: Nexus Consortium Inc., 1033 Highway 35 #356, Wall, NJ 07719. NYS Contract #PT59096.
● **NYS CONTR FOR HP ENTERPRISE SYSTEMS - FISA** – Intergovernmental Purchase – PIN# 8571100097 – AMT: \$548,500.24 – TO: Hewlett-Packard Company, 3000 Hanover Street, Palo Alto, CA 94304. NYS Contract #PT64150.

Suppliers wishing to be considered for a contract with the Office of General Services of New York State are advised to contact the Procurement Services Group, Corning Tower, Room 3711, Empire State Plaza, Albany, NY 12242 or by phone: 518-474-6717.

s20

■ VENDOR LISTS

Goods

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

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

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

jy17-j4

EQUIPMENT FOR DEPARTMENT OF SANITATION

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

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

Applications for consideration of equipment products for inclusion on the acceptable brands list are available from: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007. (212) 669-8610.

jy17-j4

OPEN SPACE FURNITURE SYSTEMS - CITYWIDE

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

Application for consideration of product for inclusion on this acceptable brands list shall be made in writing and addressed to: Vendor Relations, Department of Citywide Administrative Services, Division of Municipal Supply Services, 1 Centre Street, 18th Floor, New York, NY 10007, (212) 669-8610.

jy17-j4

ENVIRONMENTAL PROTECTION

BUREAU OF WASTEWATER TREATMENT

■ SOLICITATIONS

Services (Other Than Human Services)

SERVICE AND REPAIR OF FLYGT SUBMERSIBLE PUMPS AT VARIOUS DEP FACILITIES, CITYWIDE – Competitive Sealed Bids – PIN# 826111268FLT – DUE 10-14-10 AT 11:30 A.M. – CONTRACT 1268-FLT: Document Fee: \$80.00. There will be a pre-bid conference on 9/30/10 at 96-05 Horace Harding Expressway, 2nd Floor Conference Room #4 at 10:00 A.M. The project manager for this job is Wen Hung. If you have technical questions about this job please call at (718) 595-6807.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Environmental Protection
 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373. Greg Hall (718) 595-3236, ghall@dep.nyc.gov

s20

FINANCE

■ INTENT TO AWARD

Goods & Services

BUSINESS OBJECTS – Sole Source – Available only from a single source - PIN# 83611S0003 – DUE 10-04-10 AT 3:00 P.M. – One year agreement for software maintenance and support. Proposed start date: January 1, 2011.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Finance, 1 Centre Street, Room 1040 New York, New York 10007. Robert Schaffer (212) 669-4477, matissr@finance.nyc.gov

s17-23

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-4018.

j1-d31

■ SOLICITATIONS

Goods

VARIOUS “SENORX” BIOPSY MARKERS (RE-BID) – Competitive Sealed Bids – PIN# QHN2011-1032EHC – DUE 10-12-10 AT 2:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Queens Health Network, 82-68 164th Street, “S” Building, 2nd Floor, Jamaica, NY 11432.
 Boris Goltzman (718) 883-6000, fax: (718) 883-6222, boris.goltzman@nychhc.org

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Goods & Services

SERVICE CALL TO REMOVE BOILER FEED PUMP #1 TO SHOP FOR REPAIR, ETAL – Competitive Sealed Bids – PIN# 11211008 – DUE 09-28-10 AT 3:00 P.M. – Site visit scheduled for 09/23/2010 at Harlem Hospital Center, 506 Lenox Avenue, New York, NY 10037 in the “K” Building, Room M106, Mezzanine at 9:30 A.M.

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Construction Related Services

REPAIR ORNAMENTAL FENCES – Competitive Sealed Bids – PIN# 1-55111000019 – DUE 10-15-10 AT 2:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Sea View Hospital, 460 Brielle Avenue, Room 134, Staten Island, NY 10314. Pedro Iritzarry (718) 317-3375, fax: (718) 980-1021, pedro.irizarry@seaviewsi.nychhc.org

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HEALTH AND MENTAL HYGIENE

■ SOLICITATIONS

Services (Other Than Human Services)

MAINTENANCE SERVICES – Competitive Sealed Bids – PIN# 11IN058200R0X00 – DUE 10-18-10 AT 10:00 A.M. – For the Computer Room Air Conditioner (CRAC) units, ceiling units and Dry Cooler (DC) units on an as needed basis. The purpose is to establish a requirements contract with firm pricing and delivery under which the DOHMH may place orders for services stated in the IFB.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Health and Mental Hygiene, 22 Cortlandt Street, 28th Floor, New York, NY 10013. Stacy Wu (212) 313-6868, fax: (212) 313-5290, swu@health.nyc.gov

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HOMELESS SERVICES

OFFICE OF CONTRACTS AND PROCUREMENT

■ SOLICITATIONS

Human/Client Service

CORRECTION: TRANSITIONAL RESIDENCES FOR HOMELESS/ DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-27-11 AT 10:00 A.M. – CORRECTION: The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Homeless Services, 33 Beaver Street 13th Floor, New York, NY 10004.
 Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov

j6-20

HOUSING AUTHORITY

■ SOLICITATIONS

Goods & Services

SERVICE OF INTERCOM SYSTEMS – Competitive Sealed Bids – DUE 10-13-10 – PIN# 27336 - Bronx South Due at 10:00 A.M. PIN# 27337 - Brooklyn South Due at 10:05 A.M. Interested firms may obtain a copy and submit it on NYCHA’s website: Doing Business with NYCHA. Http://www.nyc.gov/html/nycha/html/business/business.shtml Vendors are instructed to access the “Register Here” link for “New Vendors”; if you have supplied goods or services to NYCHA in the past and you have your log-in credentials, click the “Log into iSupplier” link under “Existing Vendor.” If you do not have your log-in credentials, click the “Request a Log-in ID” using the link under “Existing Vendor.” Upon access, reference applicable RFQ number per solicitation.

Bid Security in the amount of five (5) percent is required. Bid Security shall be in the form of either a certified check made out to the Housing Authority for five percent (5 percent) of the amount of the proposal or a bid bond, which shall be in the form prescribed by the Authority. Vendors electing to submit a non-electronic bid (paper document) will be subject to a \$25.00 non-refundable fee; payable to NYCHA by USPS - Money order/Certified check only for each set of RFQ documents requested. Remit payment to NYCHA Finance Department at 90 Church Street, 6th Floor; obtain receipt and present it to 12th Floor, General Services Procurement Group. A bid package will be generated at time of request.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Housing Authority, 90 Church Street, 12th Floor, New York, NY 10007. Maria Manfredi (212) 306-4666, fax: (212) 306-5991, maria.manfredi@nycha.nyc.gov

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JUVENILE JUSTICE

■ SOLICITATIONS

Human/Client Service

PROVISION OF NON-SECURE DETENTION GROUP HOMES – Negotiated Acquisition – Judgment required in evaluating proposals - PIN# 13010DJJ000 – DUE 06-30-11 AT 2:00 P.M. – The Department of Juvenile Justice is soliciting applications from organizations interested in operating non-secure detention group homes in New York City. This is an open-ended solicitation; applications will be accepted on a rolling basis until 2:00 P.M. on 6/30/11.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Juvenile Justice, 110 William Street, 14th Floor, New York, NY 10038.
 Chuma Uwechia (212) 442-7716, cuwechia@djj.nyc.gov

jy1-d16

PARKS AND RECREATION

■ INTENT TO AWARD

Goods & Services

SAFARI MAINTENANCE AND SUPPORT RENEWAL – Sole Source – Available only from a single source - PIN# 41160846 – DUE 09-22-10 – Department of Parks and Recreation intends to enter into a Sole Source negotiation with The Active Network. The Active Network provides Parks and Recreation with Safari Software. Safari software is a proprietary software. Safari software intended purpose is to track, record membership and permits for Parks and Recreation. Maintenance and support is also provided. Any firm that would like to express their interest in providing services for similar projects in the future may do so by joining the city bidders list by filling out the NYC-FMS vendor enrollment application available on-line at www.nyc.gov/selltonyc, and in hard copy by calling the vendor Enrollment Center at (212) 857-1680.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Parks and Recreation, 24 W. 61st St., NY, NY 10023.
 Dorothea Clinton (212) 830-7934, fax: (212) 830-7913, dorothea.clinton@parks.nyc.gov

s14-20

REVENUE AND CONCESSIONS

■ AWARDS

Services (Other Than Human Services)

RENOVATION, OPERATION, AND MAINTENANCE OF THE PARKING LOT AT ORCHARD BEACH – Competitive Sealed Bids – PIN# X39-B-PL – The City of New York Department of Parks and Recreation (“Parks”) has awarded a concession to Parking Services Plus, Inc. (“PSP”), whose address is 28 Fourth Street, Valley Stream, NY 11581, for the renovation, operation, and maintenance of the parking lot at Orchard Beach, Pelham Bay Park, in the Bronx. The concession, which was solicited by a Request for Bids, will operate pursuant to Permit Agreement (“Permit”) for a seven (7) year term. Compensation to the City is as follows: in each operating year of the Permit, PSP shall pay the City a permit fee consisting of a guaranteed annual fee (Year 1: \$652,800; Year 2: \$656,064; Year 3: \$659,344; Year 4: \$662,641; Year 5: \$665,954; Year 6: \$669,284; Year 7: \$672,630).

s20

PROBATION

■ SOLICITATIONS

Services (Other Than Human Services)

CONCESSION RFP TO MARKET, CONVEY LICENSES, INSTALL AND MODIFY SOFTWARE OWNED BY DOP – Competitive Sealed Proposals – Specifications cannot be made sufficiently definite - PIN# 2011781IT006 – DUE 10-29-10 AT 3:00 P.M. – DOP is seeking a concessionaire to market, convey licenses, install and modify software owned by DOP and known as the Reusable Case Management System (RCMS) to entities that manager offender populations. RCMS is a software application that Law Enforcement Agencies and partners can utilize to monitor offender populations. It is a notification based workflow system that automates the Probation business process and information sharing between different business units and external shareholders.

Pre-proposal conference date - Thursday, September 30, 2010 at 11:30 A.M., 33 Beaver Street, 21st Floor Conference Room, New York, NY 10004.

This RFP is in accordance with Section 1-13 of the Concession Rules of the City of New York. The City of New York owns the Copyright in RCMS.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Probation, 33 Beaver Street, 21st Floor, New York, New York 10004. Marjorie Falby (212) 232-0656, fax: (212) 232-0655, mfalby@probation.nyc.gov

s17-30

SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction / Construction Services

WATER PENETRATION – Competitive Sealed Bids – PIN# SCA11-13495D-1 – DUE 10-07-10 AT 11:00 A.M. – PS 82 (Queens). Project Range: \$1,250,000.00 to \$1,320,000.00. Non-refundable bid documents charge: \$100.00, certified check or money order only. Make checks payable to the New York City School Construction Authority. Bidders must be pre-qualified by the SCA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue
Long Island City, NY 11101. Rookmin Singh (718) 752-5843
rsingh@nycsca.org

s17-23

AGENCY RULES

PARKS AND RECREATION

■ NOTICE

Notice of Adoption

Revision of Parks Department Rules

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Parks and Recreation (“the Commissioner”) by Section 533(a)(9) of the New York City Charter and in accordance with the requirement of Section 1043 of the New York City Charter, that the Department of Parks and Recreation (“the Department”) hereby adopts amendments to Title 56 of the Official Compilation of the Rules and Regulations of the City of New York by adding a new Chapter 5.

Written comments regarding the rules were received in accordance with the notice published in the City Record or electronically through NYC RULES at www.nyc.gov/nycrules and a public hearing was held on July 27, 2010 at Chelsea Recreation Center, 430 West 25th Street, New York, NY 10010. Written comments and a recording of the oral testimony from the hearing were made available to the public within a reasonable time after the hearing Monday through Friday, between the hours of 9:00 A.M. and 5:00 P.M., at The Arsenal, Room 313, telephone (212) 360-1313.

Note: new matter is underlined.

Title 56 of the New York City Rules and Regulations is hereby amended to add a new Chapter 5 to read as follows:

Chapter 5 Rules Governing Tree Replacement

§ 5-01(a) Any person who intends to remove any tree under the jurisdiction of the Department shall apply for and obtain a permit under this chapter prior to such removal.

(b) If the Department approves a removal request for a tree, issuance of a permit under this chapter shall require the applicant to pay a fee to the Department sufficient to cover the cost of replacing any tree proposed to be removed as set forth in this chapter, unless otherwise permitted by law. The applicant shall indicate in writing whether they intend to plant the required number of replacement trees, as directed by the Department, or requests that the Department plant such replacement trees at applicant's cost.

(c) In addition to all other legal remedies, the Department shall seek damages, as applicable, as determined under section §5-02(d) – (f), from any person who violates section 1-04 (b)(1)(i) of chapter 1 of these rules.

§ 5-02(a) Determination of replacement trees. The number of trees needed to replace each tree approved for removal shall be determined by calculating the size, condition, species and location rating of the tree proposed for removal. If a removal permit is approved by the Commissioner, the Department, no later than ninety (90) days following the filing of a completed application for a permit, shall inform the applicant, based on the factors herein, the number and size of replacement trees to be planted and the period of time during which the replacement trees shall be planted and the fee for such replacements. In order to determine the applicable rating for any tree approved for removal the Department horticultural officer shall take into consideration the following:

- (1) Size. The size rating of a tree shall be determined by measuring the diameter of the tree at breast height (four and one half (4 ½) feet above the ground) and then calculating the cross sectional area of the trunk in square inches.
- (2) Condition. The condition rating of a tree shall be based on the following factors:
 - a. The structure and health of its roots;
 - b. The structure and health of its

- c. trunk;
The structure and health of its branches;
- d. The health of its small branches and twigs; and
- e. The health of its foliage and/or buds.

However, if the Department determines, after consulting with the applicant, that a tree requested for removal is dead or seriously diseased, or otherwise represents a hazard to public safety, such tree will not result in any required replacement trees unless the hazard was caused by actions of the applicant.

- (3) Species. The species rating of a tree shall be based on the magnitude and longevity of the services and benefits the species provides in the City. Magnitude and longevity are established by tree stature at maturity (i.e., mature height), and expected tree lifespan.

- (4) Location. The location factor of a tree shall be determined by considering how well the site supports the tree's biological, physical and chemical needs; and a tree's placement in the landscape with respect to both the tree's positioning within and its relationship to its surroundings.

- a. The rating of the site where a tree is growing is established by considering the following:

- i. whether the site is in a park or landscaped area with ample belowground and overhead growing space;
- ii. whether the site is in the street but there is enough above and below ground space to support the tree;
- iii. whether the species of tree is tolerant of the site's difficult growing conditions, if any;
- iv. whether the site is physically limiting to the tree, but the tree's stature and root system are appropriate for current adjacent infrastructure (e.g., small stature under utility wires or next to a building or retaining wall);
- v. whether the tree is negatively impacted by existing site infrastructure;
- vi. whether the site contains objects, such as houses, power lines, or playgrounds, in the path of tree should it fall and the tree is of a structurally sound species;
- vii. whether physical space limitations at the site will challenge the success of the tree over time;
- viii. whether the species of tree is only moderately tolerant of the site's difficult growing conditions, if any;
- ix. whether the tree's stature or root system is inappropriate for adjacent current site infrastructure (e.g., large tree under utility wires or too close to a building foundation or bridge parapet); and
- x. whether the site contains objects, such as houses, power lines, or playgrounds, in the path of tree should it fall and the tree is of a structurally weak species.

- b. The rating for a tree's placement in its surrounding landscape is determined by considering the following:

- i. whether the tree is a native species in or adjacent to a natural area or large park;
- ii. whether the tree is a historic specimen or part of a grove, or is an original planting in a historic landscape;
- iii. whether the tree is the only, or one of a few, in the area;
- iv. whether the tree is extremely complimentary to or prominent within an adjacent view, land use, structure or natural landscape element;
- v. whether the tree is one of a group of plantings and its individual loss would have minimal visual or environmental impact on the entire group of plantings;
- vi. whether the tree is very important within a group of other plantings, such as an allée or along an even-aged block, and its loss would be of high

- vii. impact to that planting group; and
whether the tree provides exceptional services based on its location (e.g., shade in a playground or sitting area, property value in front of a building, stormwater absorption in or near a wetland).

- (5) a. Number of Replacement Trees. Based on the factors established in section 5-02(a) (1) - (4) of this chapter, the Department will determine the required number of replacement trees.

b. In no case shall the number of replacement trees equal less than one caliper inch of replacement tree for each caliper inch of tree removed.

- (6) Calculation of Fee for a Tree Removal Permit. The Department will determine the total fee for a tree removal permit pursuant to section 5-01(a) by multiplying the number of required replacement trees by the cost per tree, which is determined by calculating the average planting price for a three (3) inch caliper street tree as derived from all Department planting contracts for the City fiscal year preceding the date of the permit application.

- (7) The timing for planting replacement trees shall be determined by the Department's horticultural officer and stated within the permit unless otherwise permitted by law. However, each replacement tree under such a permit shall be planted no later than sixty (60) days after the project for which the tree removal was requested has been completed, or in the next ensuing spring or fall season after such project is completed or earlier as agreed by the applicant and the Department.

- (8) Size of Replacement Trees. All replacement trees will be three (3) inch caliper, unless otherwise authorized by the Department.

(b) Payment to the Department.

- (1) If a person granted a permit pursuant to section 5-01(a) requests that the Department plant any required replacement trees, such person shall pay the required fee to the Department prior to the issuance of any such permit unless otherwise permitted by law.

- (2) If a person granted a permit pursuant to section 5-01(a) and subject to paragraph one of this subdivision intends to plant any required replacement trees, such person shall notify the Department in advance and pay the required fee to the Department prior to the issuance of any such permit. If the required replacement tree(s) are planted by the permittee as directed by the Department, the Department shall return any such fee within sixty (60) days of confirmation by the Department that such trees were properly planted by permittee. If any such tree(s) is not replanted as directed by the Department by the time specified within the permit, the Department shall retain such fee for the purpose of planting said replacement trees.

(c) Irreparable Tree Damage. If a tree is damaged beyond recovery or if it is damaged so that it poses a safety risk, as determined by the Department, it shall be removed, including its stump, at the permittee's expense if a permit is in effect pursuant to section 5-01(a), or at the expense of the person responsible for such damage if no permit is in effect. In such instances, the tree shall be evaluated for replacement purposes pursuant to section 5-02(a) based on its condition prior to suffering irreparable damage.

(d) Destruction and Tree Removal. If a tree is destroyed and removed without a permit pursuant to section 5-01(a), there shall be a rebuttable presumption that such tree was in perfect condition prior to such removal. In this instance the tree shall be evaluated pursuant to section 5-02(a) for all other factors. However, the size of the removed tree shall be determined either by the diameter of the remaining stump or from existing Department records. The cost of the total number of replacement trees to be planted shall equal the appraised value of the destroyed or removed tree.

(e) Injured Trees. If a tree is damaged or injured, but not destroyed or removed, a Department horticultural officer will make the following two (2) appraisals using the method established in section 5-02(a) in order to determine the value of the damaged or injured tree. The first appraisal shall account for the tree's condition prior to damage or injury. The second appraisal shall account for the tree's condition after damage or injury, with all other factors being equal. The difference between the two appraisals shall equal the replacement value caused by the injury and the sum for which the permit holder or person responsible for the injury is responsible.

(f) The location of replacement trees shall be determined by the Department's horticultural officer unless otherwise permitted by law. To the extent practicable, replacement trees shall be planted within the same community district from which the tree(s) that were the subject of the permit were removed. Where the horticultural officer determines that it is not feasible to plant the total number of replacement trees at the subject location, the person granted the permit under section 5-01(a) shall be required to plant the remaining replacement trees at locations capable of accommodating such planting, either as close as possible to the property from which the original trees were removed, destroyed or severely damaged, or as the horticultural officer deems feasible. The person granted the permit under section 5-01(a) may propose in writing to the horticultural officer alternate locations, so that provision may be made for the planting of all required replacement trees. Where the horticultural officer determines that a proposed alternate location or the number of replacement trees proposed to be planted at an alternate location is not feasible, the horticultural officer may select other locations to accommodate the planting of all required replacement trees.

§ 5-03 Tree Planting in Lieu of Obligations under the Zoning Requirements. If a person or entity is required under Zoning Resolution Article 2, Chapter 6, Section 41 to plant street trees, but pursuant to the Zoning Resolution such person or entity is required or opts to have the Department plant such trees on such person or entity's behalf, then the person or entity must deposit the cost per tree, which is determined by calculating the average planting price for a three (3) inch caliper street tree based on Department planting contracts for the preceding City fiscal year, in an account of the City as directed by the Department, unless otherwise permitted by law.

Statement of Basis and Purpose

These rules are promulgated pursuant to the authority of the Commissioner of the New York City Department of Parks & Recreation ("Parks") under section 533(a) (9) of the New York City Charter and in accordance with the requirements of section 1043 of the New York City Charter and, in part, pursuant to Local Law 3 of 2010, enacted on March 18, 2010, which amended section 18-107 of the Administrative Code of the City of New York. Local Law 3 of 2010 directed Parks to establish rules to implement the provisions of the newly amended Administrative Code, including, but not limited to the provision requiring Parks to determine the value of trees approved for removal based on the number of replacement of trees that must be planted on or within the jurisdiction of Parks as compensation for the trees approved for removal. Parks has authority over all trees growing in the public right-of-way and on land otherwise under the jurisdiction of Parks. Such trees—comprising half of all trees in the City—are the green infrastructure of the City's sidewalks, streets, parks, and playgrounds. Moreover, these trees are an integral part of the health, beauty and vitality of the City and provide important benefits for its residents. For example, trees absorb gaseous air pollutants, capture particulate matter, cool summer temperatures, beautify neighborhoods, and enhance property values.

The preservation and protection of the urban forest, to the extent possible, is of the utmost importance. However, trees are living organisms that are at risk of injury and/or destruction in the urban environment. They may also conflict with construction projects for which there is no design solution. For these reasons, there are circumstances under which Parks may approve a request for a permit to remove a tree. These rules describe the factors considered by Parks in order to establish a tree's replacement value (in terms of new trees) in such cases.

Of the several appraisal methodologies recognized and detailed in the *Guide for Plant Appraisal, 9th edition*, published by the International Society of Arboriculture, Parks applies the Trunk Formula method, one of the cost approaches to tree valuation described in the *Guide for Plant Appraisal*. However, the valuation method used by Parks differs from the Trunk Formula method as outlined in the *Guide* in two instances. In particular, the method used by Parks creates a local scoring system for the species of the tree as opposed to the regional scoring system outlined in the *Guide*. New York City, a densely urbanized area, is a distinct climatic, biophysical, economic, demographic structural entity. The environmental and public health challenges facing the City are not typical of the suburban or ex-urban experiences. As such, New York City must be treated as a distinct region for local assessment for the purposes of the Trunk Formula method. Secondly, Parks has adjusted the location factor for its appraisals. Generally, a site rating is based on the real estate value and attractiveness of a neighborhood as judged by the arboricultural appraiser—the more attractive and economically viable a neighborhood, the higher the site rating. However, the Parks method does not increase or decrease the value of a tree based on a judgment of how attractive, expensive, successful, functioning, or well-maintained an area is. Instead, for these purposes, the site rating is a measure of how well a site supports successful tree growth, with the understanding that all urban locations challenge a tree's natural biological functioning to some extent.

The Parks method, by applying the relevant factors detailed in the rules, establishes the value of the loss associated with the removal of a tree by determining the number of replacement trees required for each tree permitted for removal.

After publishing the proposed rules in the City Record, comments were received from the public and the rules have been modified to reflect some of the recommendations received. Specifically a definition of where breast height for a tree is calculated has been added and a provision that was duplicative of another provision within the rules was deleted.

SPECIAL MATERIALS

LABOR RELATIONS

NOTICE

Patrolmen's Benevolent Association 2006 - 2010 Agreement

AGREEMENT made this 3rd day of September 2010 by and between the City of New York (hereinafter called "the City" or "the Employer"), acting by the Commissioner of Labor Relations, and the **Patrolmen's Benevolent Association of the City of New York, Inc.** (hereinafter called "the Union" or the "PBA"), for the four year period from August 1, 2006 to July 31, 2010. The parties agree that this Agreement modifies the 2002-2004 collective bargaining agreement based upon the May 19, 2008 arbitration award ("Arbitration Award") and August 21, 2008 Memorandum of Understanding ("MOU"). Nothing in this agreement is intended to amend or modify the content of the Arbitration Award or the MOU.

WHEREAS, the Police Officers employed by the City have duly designated the Union as their exclusive bargaining representative for the purpose of collective bargaining with the City with respect to wages, hours, and conditions of employment; and

WHEREAS, the Union and the City desire to cooperate in establishing conditions which will tend to secure standards and conditions of employment consistent with the dignity of Police Officers, and to provide methods for fair and peaceful adjustment of disputes that may arise between the Union and the City; and

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

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE I - UNION RECOGNITION AND UNIT DESIGNATION

Section 1.

The City recognizes the Union as the sole and exclusive collective bargaining representative for the unit consisting of the employees of the New York City Police Department in the title of Police Officer, except those detailed as First, Second or Third Grade Detectives.

Section 2.

Except as otherwise provided herein, for purposes of this Agreement, the terms "employee" and "employees" or "Police Officer" shall be interchangeable and shall relate solely to employees in the unit described in Section 1 of this Article.

ARTICLE II - UNION SECURITY DUES CHECKOFF

Section 1.

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

Section 2.

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

Section 3.

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

Section 4.

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

ARTICLE III - HOURS AND OVERTIME

Section 1.

a. All ordered and/or authorized overtime in excess of forty (40) hours in any week or in excess of the hours required of an employee by reason of the employee's regular duty chart if a week's measurement is not appropriate, whether of an emergency nature or of a non-emergency nature, shall be compensated for either by cash payment or compensatory time off, at the rate of time and one half, at the sole option of the employee. Such cash payments or compensatory time off shall be computed on the basis of completed fifteen (15) minute segments.

b. In order to preserve the intent and spirit of this Section on overtime compensation, there shall be no rescheduling of days off and/or tours of duty. Notwithstanding anything to the contrary contained herein, tours rescheduled for court appearances may begin at 8:00 A.M. and shall continue for eight (8) hours and thirty-five (35) minutes. This restriction shall apply both to the retrospective crediting of time off against hours already worked and to the anticipatory reassignment

of personnel to different days off and/ or tours of duty. In interpreting this Section, T.O.P. 336, promulgated on October 13, 1969, shall be applicable. Notwithstanding anything to the contrary contained herein, the Department shall not have the right to reschedule employees' tours of duty, except that the Department shall have the right to reschedule employees' tours of duty on twenty occasions without payment of pre-tour or post-tour overtime provided that the Department gives at least 24 hours notice to the employees whose tours are to be rescheduled, and the Department may also reschedule employees' tours of duty, without payment of pre-tour or post-tour overtime, for New Year's Eve, St. Patrick's Day, Thanksgiving Day, Puerto Rican Day, West Indies Day and Christopher Street Liberation Day, provided that the Department gives notice before 12:00 A.M. of the day(s) in question. The prohibition on rescheduling tours by more than three (3) hours before or after normal starting time on the above named dates is also eliminated.

Section 2.

a. Notwithstanding anything to the contrary herein, employees assigned to the Detective Bureau as so called "white shield detectives" shall receive overtime compensation in accord with the arbitrator's award in O.C.B. Docket No.A-148-70, dated September 8, 1971, unless such compensation in cash is approved by the Borough Commander.

b.

Effective February 22, 2010, Police Officers assigned to Detective Track Commands as so-called "White Shield Detectives" shall work the same length of tour and number of appearances as currently worked (i.e., in effect as of August 21, 2008) by Detectives in the respective units to which they are assigned, as modified by this contract.

Section 3.

Overtime shall be computed on a monthly basis and shall be paid no later than six (6) weeks after submission of the monthly report.

ARTICLE IV - RECALL AFTER TOUR

Section 1.

Any employee who is recalled to duty after having completed the employee's regular duty but four (4) hours or more before the commencement of the employee's next regular tour and who is released without having been assigned to duty prior to the commencement of said next regular tour shall receive a minimum of four (4) hours' pay pursuant to the regular overtime provisions of this Agreement, that is, in cash or compensatory time off at the sole option of the employee at the rate of time and one-half (i.e., the equivalent of six (6) hours compensation at the employee's straight time rate).

Section 2.

Any employee who is recalled to duty after having completed the employee's regular tour of duty but six (6) hours or more before the commencement of the employee's next regular tour and who is assigned to duty and then released from duty prior to the commencement of said next regular tour shall receive a minimum of six (6) hours' pay pursuant to the regular overtime provisions of this Agreement, that is, in cash or compensatory time off, at the employee's sole option, at the rate of time and one-half (i.e., the equivalent of nine (9) hours' compensation at the employee's straight time rate).

Section 3.

In the event the actual time spent on recall defined in Sections 1 and 2 of this Article extends beyond the minimum periods provided herein, the employee shall receive pay pursuant to the regular overtime provisions of this Agreement for the full period of time actually spent on such recall.

Section 4.

Notwithstanding anything to the contrary provided in Sections 1 through 3 of this Article, any employee who is recalled to duty after having completed the employee's regular tour of duty but before the commencement of the next regular tour and who is assigned to duty or held without assignment for the period which extends into the commencement of that next regular tour shall receive pay pursuant to the regular overtime provisions of this Agreement only for the actual time so assigned or held.

Section 5.

a. Notwithstanding anything to the contrary in Sections 1 through 4 of this Article, any employee who is recalled to duty after having completed the employee's regular tour of duty but less than four (4) hours before the commencement of the employee's next regular tour and who is released without having been assigned to duty prior to the commencement of that next regular tour shall receive pay in cash or compensatory time off at the employee's sole option, at the rate of time and one-half, for the actual time between the beginning of such recall and the commencement of that next regular tour.

b.

Notwithstanding anything to the contrary in Sections 1 through 4 of this Article, any employee who is recalled to duty after having completed the employee's regular tour of duty but less than six (6) hours before the commencement of the employee's next regular tour and who is assigned to duty and then released from duty prior to the commencement of that next regular tour shall receive pay in cash or compensatory time off at the employee's sole option, at the rate of time and one-half, for the actual time between the beginning of such recall and the commencement of that next regular tour.

ARTICLE V - COMPUTATION OF BENEFITS

Since the basic forty-hour week has not been changed by this

Agreement, any modification of the nine (9) squad or any other standard charts and use of other tours shall not affect current standard practice for the computation of compensation for holidays, vacation days, personal leave, annuity fund contributions and other relevant benefits, which shall remain on the basis of an eight-hour work day calculation, except as otherwise agreed to by the parties.

ARTICLE VI - SALARIES

Section 1. Salary Rates

During the term of this Agreement, the following basic amounts, which where specified include both salary rates and longevity adjustments, shall prevail for employees:

a. For Police Officers Hired prior to January 1, 2006

Grade-Service

	Effective 8/1/06	Effective 8/1/07	Effective 8/1/08	Effective 8/1/09	Effective 7/31/10
20 Years	\$74,767**	\$77,487**	\$80,912**	\$84,149**	\$85,379**
15 Years	\$73,742**	\$76,462**	\$79,846**	\$83,040**	\$84,270**
10 Years	\$72,742 R	\$75,462 R	\$78,806 R	\$81,958 R	\$83,188 R
5 Years	\$71,742*	\$74,462*	\$77,766*	\$80,877*	\$82,107*
Basic	\$67,997	\$70,717	\$73,546	\$76,488	\$76,488
Second Grade	\$54,234	\$56,403	\$58,659	\$61,005	\$61,005
Third Grade	\$52,766	\$54,877	\$57,072	\$59,355	\$59,355
Fourth Grade	\$50,377	\$52,392	\$54,488	\$56,668	\$56,668
Fifth Grade	\$48,667	\$50,614	\$52,639	\$54,745	\$54,745
Sixth Grade	\$46,396	\$48,252	\$50,182	\$52,189	\$52,189

b. For Police Officers Hired On/After January 1, 2006

Grade-Service

	Effective 8/1/06	Effective 8/1/07	Effective 8/1/08	Effective 8/1/09	Effective 7/31/10
20 Years	\$74,767**	\$77,487**	\$80,912**	\$84,149**	\$85,379**
15 Years	\$73,742**	\$76,462**	\$79,846**	\$83,040**	\$84,270**
10 Years	\$72,742 R	\$75,462 R	\$78,806 R	\$81,958 R	\$83,188 R
Basic (after 5.5 years, 5 year longevity)	\$71,742*	\$74,462*	\$77,766*	\$80,877*	\$82,107*
Basic (after 5.5 years)	\$67,997	\$70,717	\$73,546	\$76,488	\$76,488
Second Grade (with 5 year longevity)	\$54,070*	\$56,083*	\$58,652*	\$60,998*	\$62,228*
Second Grade (after 4.5 years)	\$50,325	\$52,338	\$54,432	\$56,609	\$56,609
Third Grade (after 3.5 years)	\$47,357	\$49,251	\$51,221	\$53,270	\$53,270
Fourth Grade (after 2.5 years)	\$43,364	\$45,099	\$46,903	\$48,779	\$48,779
Fifth Grade (after 1.5 years)	\$38,799	\$40,351	\$41,965	\$43,644	\$43,644
Sixth Grade	\$37,316	\$38,809	\$40,361	\$41,975	\$41,975

NOTE: The amounts indicated in this Section by asterisks (*) and (**)) include the longevity adjustments in Article VIII of this Agreement. The longevity adjustments in the amounts indicated herein by a single asterisk (*) shall not be deemed to be part of salary for purposes of retirement allowances unless at the time of retirement an employee paid at such rates shall have completed twenty years of service; and the longevity adjustments in the amounts indicated herein by a double asterisk (**)) shall not be deemed to be part of salary for purposes of retirement allowances unless at the time of retirement an employee paid at such rates shall have completed twenty-five years of service; except that an employee who has more than twenty years, but less than twenty-five years of service at the time of retirement shall have the adjusted rates indicated by a capital letter R deemed to be part of salary for purposes of retirement allowances. In the event this provision is declared invalid under the law, the parties shall reopen negotiations to resolve the issue of the increased cost of changing the effective date of the pensionability of the above adjustments. Such negotiations will be commenced forthwith. If no agreement is reached, an impasse may be declared and subsequent mediation and the impasse proceeding, if any, shall in all respects be conducted on an expedited basis.

Section 2

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

Section 3. General Wage Increase

- a.
- Effective August 1, 2006, Employees shall receive a rate increase of 4%.
 - Effective August 1, 2007, Employees shall receive a rate increase of 4%.
 - Effective August 1, 2008, Employees shall receive a rate increase of 4%.
 - Effective August 1, 2009, Employees shall receive a rate increase of 4%.
- b. The increases provided for in Section 3a above shall be calculated as follows:
- The increase in Section 3a(i) shall be based upon the base rates (which shall include salary or incremental schedules) of the applicable titles in effect on July 31, 2006;

- The increase in Section 3a(ii) shall be based upon the base rates (which shall include salary or incremental schedules) of the applicable titles in effect on July 31, 2007;
 - The increase in Section 3a(iii) shall be based upon the base rates (which shall include salary or incremental schedules) of the applicable titles in effect on July 31, 2008; and
 - The increase in Section 3a(iv) shall be based upon the base rates (which shall include salary or incremental schedules) of the applicable titles in effect on July 31, 2009.
- c. The general increase provided in this Section 3 shall be applied to the base rates and salary grades fixed for the applicable titles, except to the extent that the base rates and salary grades are modified by Section 3 (d) of this provision.
- d. Employees hired on or after January 1, 2006 shall be subject to the salary schedule set forth in Section 1 (b) above.

Section 4.

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

Section 5. Salary Itemization

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

Section 6. Performance Compensation

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

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

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

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

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

ARTICLE VII - UNIFORM ALLOWANCE

The City shall continue to pay to each employee a uniform allowance of \$1,000.00 in accord with existing standard procedures.

ARTICLE VIII - LONGEVITY ADJUSTMENTS

Section 1.

- a. Longevity adjustments shall continue to be paid as follows:
- Upon the completion of five years of service, a Police Officer shall receive a longevity adjustment of \$3,745.
 - Upon completion of ten years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,000.
 - Upon completion of fifteen years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,000.
 - Upon completion of twenty years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,025.
- b. Effective July 31, 2008, Longevity adjustments shall be paid as follows:
- Upon the completion of five years of service, a Police Officer shall receive a longevity adjustment of \$4,058.
 - Upon completion of ten years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,000.
 - Upon completion of fifteen years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,000.

- Upon completion of twenty years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,025.
- c. Effective August 1, 2008, Longevity adjustments shall be paid as follows:
- Upon the completion of five years of service, a Police Officer shall receive a longevity adjustment of \$4,220.
 - Upon completion of ten years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,040.
 - Upon completion of fifteen years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,040.
 - Upon completion of twenty years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,066.
- d. Effective August 1, 2009, Longevity adjustments shall be paid as follows:
- Upon the completion of five years of service, a Police Officer shall receive a longevity adjustment of \$4,389.
 - Upon completion of ten years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,081.
 - Upon completion of fifteen years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,082.
 - Upon completion of twenty years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,109.
- e. Effective July 31, 2010, Longevity adjustments shall be paid as follows:
- Upon the completion of five years of service, a Police Officer shall receive a longevity adjustment of \$5,619.
 - Upon completion of ten years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,081.
 - Upon completion of fifteen years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,082.
 - Upon completion of twenty years of service, a Police Officer First Grade shall receive a longevity adjustment of an additional \$1,109.
- f. Effective July 31, 2008, each step of the longevity schedule shall be increased by any future general wage increases, as compounded, as of the effective date of said increases, as reflected in the above schedules.
- g. The adjustment after the 5th and 10th years shall not be computed as salary for pension purposes until after completing 20 years of service. The adjustment after the 15th and 20th years shall not be computed as salary for pension purposes until after completion of 25 years of service.
- In the event this provision is declared invalid under the law, the parties shall reopen negotiations to resolve the issue of the increased cost of changing the effective date of the pensionability of the above adjustments. Such negotiations will be commenced forthwith. If no agreement is reached, an impasse may be declared and subsequent mediation and the impasse proceeding, if any, shall in all respects be conducted on an expedited basis.
- h. The calculation of night shift differential payments shall be based upon the same factors, amounts and methodology as previously utilized.
- i. ITHP and pension benefit calculations shall only include the amount of the longevity payment that is pensionable.

Section 2.

The longevity adjustments provided in Section 1 of this Article VIII are reflected in the table of salaries set forth in Article VI, Section 1 of this Agreement.

ARTICLE IX - PAYMENT FOR HOLIDAY WORK
Each employee shall receive eleven (11) paid holidays annually, payments for which shall be made in accord with existing procedures.

ARTICLE X - LEAVES

Section 1. Sick Leave

- Each employee shall be entitled to leave with pay for the full period of any

incapacity due to illness, injury or mental or physical defect which is service-connected pursuant to Section 14-122.1 of the Administrative Code.

- (ii) Each employee shall be entitled to leave with pay for the full period of any incapacity due to illness, injury or mental or physical defect, whether or not service connected.
- b. The Chief of Personnel shall consult with representatives of the Patrolmen's Benevolent Association regarding the enforcement of the Sick Leave program in order to insure that undue restrictions will not be placed upon employees. Departmental orders in connection therewith shall be issued after consultation with the Patrolmen's Benevolent Association.

Section 2. Death in Family Leave

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

Section 3. Military Leave

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

Section 4. Special Excusals

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

Section 5. Leave to attend hearings

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

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

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

ARTICLE XI - VACATIONS

Section 1.

The Department shall continue to provide the following authorized annual vacations for employees hired prior to July 1, 1988:

- a. Following the first 3 years of service (First Grade Police Officer): twentyseven (27) work days.
- b. During the first 3 years of service (Second, Third, Fourth Grade and Probationary Police Officer): twenty (20) work days.
- c. During the calendar year in which the third anniversary of appointment occurs:

IF APPOINTMENT DATE IS:	FROM TO	VACATION ALLOWANCE SHALL BE:
Jan. 1	Feb. 14	27 work days
Feb. 15	Apr. 15	26 work days
Apr. 16	June 15	25 work days
June 16	July 15	24 work days
July 16	Sept. 15	23 work days
Sept. 16	Nov. 15	22 work days
Nov. 16	Dec. 15	21 work days
Dec. 16	Dec. 31	20 work days

Section 2.

The Department shall provide the following authorized annual vacations for employees hired on or after July 1, 1988 and before July 1, 2008:

- a. Following the first 5 years of service: twenty-seven (27) work days.
- b. During the first 5 years of service: twenty (20) work days.
- c. During the calendar year in which the fifth anniversary of appointment occurs:

IF APPOINTMENT DATE IS:	FROM TO	VACATION ALLOWANCE SHALL BE:
Jan. 1	Feb. 14	27 work days
Feb. 15	Apr. 15	26 work days
Apr. 16	June 15	25 work days
June 16	July 15	24 work days
July 16	Sept. 15	23 work days

Sept. 16	Nov. 15	22 work days
Nov. 16	Dec. 15	21 work days
Dec. 16	Dec. 31	20 work days

Section 3.

The Department shall provide the following authorized annual vacations for employees hired on or after July 1, 2008:

- a. Following the first 5 years of service: twenty-seven (27) work days.
- b. During the first 5 years of service: ten (10) work days.
- c. During the calendar year in which the fifth anniversary of appointment occurs:

IF APPOINTMENT DATE IS:	FROM TO	VACATION ALLOWANCE SHALL BE:
Jan. 1	Feb. 14	27 work days
Feb. 15	Apr. 15	25 work days
Apr. 16	June 15	22 work days
June 16	July 15	19 work days
July 16	Sept. 15	16 work days
Sept. 16	Nov. 15	15 work days
Nov. 16	Dec. 15	12 work days
Dec. 16	Dec. 31	11 work days

Section 4.

Effective July 31, 2010, the Department shall provide the following authorized annual vacations for employees hired on or after July 1, 2008:

- a. Following the first 5 years of service: twenty-seven (27) work days.
- b. During the first 2 years of service: ten (10) work days.
- c. During the third, fourth and fifth years of service: thirteen (13) work days.
- d. During the calendar year in which the fifth anniversary of appointment occurs:

IF APPOINTMENT DATE IS:	FROM TO	VACATION ALLOWANCE SHALL BE:
Jan. 1	Feb. 14	27 work days
Feb. 15	Apr. 15	25 work days
Apr. 16	June 15	23 work days
June 16	July 15	21 work days
July 16	Sept. 15	18 work days
Sept. 16	Nov. 15	17 work days
Nov. 16	Dec. 15	15 work days
Dec. 16	Dec. 31	14 work days

Section 5.

Employees may select individual vacation days at the time vacations are picked, provided that the maximum number of employees allowed to take such individual vacation days at any time shall be 2% of the Force and provided further that no employee may choose more than one of the following holidays as an individual vacation day: Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and New Year's Day. Any employee who fails to select such individual vacation days at the time the employee makes his regular vacation pick may select such individual vacation days at a later time subject to the exigencies of the Department. Such individual vacation days shall be treated as regular vacation picks.

Section 6. Accrual of Vacation

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

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

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

ARTICLE XII - HEALTH AND HOSPITALIZATION BENEFITS

Section 1.

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

Section 2.

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

- (a) a one time choice;
- (b) exercised only after one year of retirement; and
- (c) can be exercised at any time without regard to contract periods.

The effective date of change to a new plan shall be the first

day of the month three months after the month in which the application has been received by the New York City Health Insurance Program.

Effective with the reopener period for Health Insurance subsequent to January 1, 1980 and every two years thereafter, retirees shall have the option of changing their previous choice of health plans. This option shall be exercised in accordance with procedures established by the Employer. The Union will assume the responsibility of informing retirees of this option.

Section 3.

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

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

- c. The City (and other related Employers) shall continue to contribute on a City employee benefits program-wide basis the additional amount of \$35 million to maintain the health insurance stabilization reserve fund which shall be used to continue equalization and protect the integrity of health insurance benefits.

The health insurance stabilization reserve fund shall be used: to provide a sufficient reserve; to maintain to the extent possible the current level of health insurance benefits provided under the Blue Cross/GHI-CBP plan; and, if sufficient funds are available, to fund new benefits.

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

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

Section 4. Health Care Flexible Spending Account.

- a. A flexible health care spending account shall be established after July 1993 pursuant to Section 125 of the IRS Code. Those employees eligible for New York City health plan coverage as defined on page 32, section 4(B) of the 1992 New York City Health Summary Program Description shall be eligible to participate in the account. Participating employees shall contribute at least \$260 per year up to a maximum of \$1,000 per year. Said contribution minimum and maximum levels may be modified by the MLC Health Advisory Committee based on experience of the plan. Any unfunded balance may be deducted from final salary payments due an employee.

- b. Expenses of the account shall include but not be limited to deductibles, coinsurance, co-payments, excess expenses beyond plan limits, physical exams and health related transportation costs for vision, dental, medical and prescription drug plans where the employee and dependents are covered. In no case will any of the above expenses include those nondeductible expenses defined as non-deductible in IRS Publication 502.

- c. An administrative fee of \$1.00 per week for the first year shall be charged for participation in the program. An employee's participation in the account is irrevocable during a plan year. At the close of the plan year any excess balance in an employee's account will not be refunded.

ARTICLE XIII - HEALTH AND WELFARE FUND

Section 1.

- a. Effective August 1, 2006, the City shall continue to contribute the pro-rata annual amount of \$1,400 for each employee for remittance to the Health and Welfare Fund of the Patrolmen's Benevolent Association of the City of New York ("Welfare Fund") pursuant to the terms of a supplemental agreement to be reached by the parties subject to the approval of the Corporation Counsel. Effective July 31, 2008, the Employer's annual contractual amount of contributions to the PBA Active and Retiree Health and Welfare Funds shall be increased by any future general wage increases, as compounded, as of the effective date of said increases, pursuant to the terms of a supplemental agreement to be reached by the parties, which shall not be inconsistent with this Article, subject to the approval of the Corporation Counsel as to form.

In accordance with the above paragraph, effective August 1, 2008, the pro-rata annual amount shall be \$1,456; effective August 1, 2009, the pro-rata annual amount shall be \$1,514.

Effective July 31, 2008, the Employer shall contribute a \$400 one-time lump sum payment per retiree to the PBA Retiree Health and Welfare Fund pursuant to the terms of a supplemental agreement to be reached by the parties subject to the approval of the Corporation Counsel as to form.

Effective July 31, 2010, the Employer shall contribute a \$100 one-time lump sum payment per retiree to the PBA Retiree Health and Welfare Fund pursuant to the terms of a supplemental agreement to be reached by the parties subject to the approval of the Corporation Counsel as to form.

- b. Pursuant to its commitment, the PBA will continue to provide benefits to employees' domestic partners.
- c. To the extent permitted by law, part of the amounts so contributed may be applied to maintain an appropriate legal services plan, pursuant to the terms of a supplemental agreement between the parties as approved by the Corporation Counsel.
- d. Effective August 1, 2006, employees who have been separated from service subsequent to December 31, 1970, and who were covered by the Health and Welfare Fund of the Patrolmen's Benevolent Association at the time of such separation pursuant to a supplementary agreement between the City and the PBA shall continue to be so covered, subject to the provisions of Sections 1 (a), (b), and (c) hereof, on the same contributory basis as incumbent employees. Contributions shall be made only for such time as said individuals remain primary beneficiaries of the New York City Health Insurance Program and are entitled to benefits paid for by the City through such Program.

e. Civil Legal Representation Fund

Effective August 1, 2006, the City shall continue to contribute \$75 per annum for each active Employee to the Welfare Fund to establish a civil legal representation fund pursuant to the terms of a supplemental agreement between the City and Union as approved by the Corporation Counsel. While these funds shall be administered by the applicable Welfare Fund, they are to be maintained in a separate account and shall not be commingled with the other monies received by the Welfare Fund. Only the \$75 provided above may be used for civil legal representation. No additional monies from the Welfare Fund may be used for civil legal representation.

- f. Such payments shall be made pro-rata by the City on a monthly basis.

Section 2.

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

ARTICLE XIV - ANNUITY FUND

Section 1.

Effective August 1, 2006, the City shall continue to contribute for each employee, on a twenty eight (28) day cycle basis, a pro-rata daily contribution for each working day for which such employee is paid by the City which such amount shall not exceed \$522.00 per annum for each employee in full pay status in the prescribed twelve (12) month period. Contributions hereunder shall be remitted by the City each twenty eight (28) to a mutually agreed upon annuity fund pursuant to the terms of a supplemental agreement to be reached by the parties subject to the approval of the Corporation Counsel.

Section 2.

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

ARTICLE XV - SENIORITY

The Department recognizes the importance of seniority in filling vacancies within a command and shall make every effort to adhere to this policy, providing the senior applicant has the ability and qualifications to perform the work involved. While consultation on such matters is permissible, the final decision of the Department shall not be subject to the grievance procedure.

ARTICLE XVI - GENERAL

Section 1. Safety Helmets

The City agrees to furnish a safety helmet and equipment related thereto for each employee. Such headgear shall conform to Police Department specifications in effect at the time of this Agreement.

Section 2. Parking Facilities

It is the intent of the Department to make available without liability to the City, Cityowned property and on-street location adjacent to, near or part of police stations or other command locations, as parking facilities for the personal cars of employees. A single designated representative of the Department and a single designated representative of the PBA will survey locations in the vicinity of station houses to determine what space is available which could reasonably be used for police parking and, where space exists, the Department and the PBA will jointly request of the appropriate City agency designation of such locations. This expressed intent of the Department does not imply any obligation or commitment on the part of the City or the Department to make available any such location or parking facilities. Where such property is provided and so designated

for this purpose, the City shall not be obligated to improve the same, nor to maintain it for parking. The City need not continue to provide such property for parking when the City, in its discretion, decides to make a different use of it.

All inquires or complaints from employees concerning the subject matter or application of this section shall be referred directly to the PBA for investigation and review. The PBA shall screen and thereafter shall present only those inquiries or complaints which it believes are justified to the Commanding Officer of the Office of Labor Relations of the Police Department, or the Commanding Officer's designee, for discussion and possible adjustment.

This Section shall not be subject to the grievance procedure.

Section 3. Maintenance of Facilities

All commands and other Departmental places of assignment shall have adequate heating, hot water and sanitary facilities. The Union shall give notice to the Department of any failure to maintain these conditions. If not corrected by the Department within a reasonable time, the Union may commence a grievance at Step 3 of the grievance procedure concerning that failure.

Section 4. Private Hospital Accommodations for Line of Duty Injuries

It is the intent of the City to use its best efforts to secure private room accommodations in a hospital for employees injured in the line of duty. This Section shall not be subject to the grievance procedure.

Section 5. Information Exchange

- a. The Department will provide the Union with a copy of all Orders, Department Bulletins, "Open Door" issues, and press releases. The details of delivery shall be worked out between the parties.

The Department will provide to the Union on a semi-annual basis a computer printout containing names and addresses of employees, listed alphabetically.

- b. The Union will provide the Department with a copy of Union publications, bulletins and press releases.

Section 6. Meal Areas

A representative of the Department and a representative of the PBA will meet to determine an adequate meal area for employees within each command and other Departmental places of assignment. This does not contemplate rebuilding or extensive remodeling.

Section 7. Personal Folder

- a. The Personnel Bureau will provide the Union with a list of categories of items included in the Personal Folder with an indication of those confidential items which an employee is not permitted to review.
- b. Employees may view their folders on normal business days between the hours of 9:00 A.M. and 5:00 P.M. by appearing in person at the Employee Management Division, Personnel Bureau, 10th Floor, Police Headquarters. To avoid delay, employees should call the Employee Management Division at least one day in advance.
- c. The Department will, upon written request to the Chief of Personnel by the individual employee, remove from the Personal Folder investigative reports which, upon completion of the investigation, are classified "exonerated" and/or "unfounded."

Section 8. Disciplinary Records

Where an employee has been charged with a "Schedule A" violation as listed in Patrol Guide 118-2 and such case is heard in the Trial Room and disposition of the charge at trial or on review or appeal therefrom is other than "guilty", the employee concerned may, after 2 years from such disposition, petition the Police Commissioner for a review for the purpose of expunging the record of the case. Such review will be conducted by a board composed of the Deputy Commissioner Trials, Department Advocate, and the Chief of Personnel, or their designees. The Board will make a recommendation to the Police Commissioner. The employee concerned will be notified of the final decision of the Police Commissioner by the Deputy Commissioner Trials.

Section 9. Disciplinary Procedure

The parties, through a joint subcommittee, shall develop procedures to insure that:

- a. All disciplinary charges shall be brought in a timely fashion pursuant to the current departmental regulations.
- b. Departmental trials shall be held as promptly as possible, utilizing additional hearing personnel.
- c. Reimbursement shall be made for any period of suspension in excess of any penalty ultimately levied.

Section 10. Fixed Post Duty

A commanding officer may limit fixed post duty for a single employee to a single fourhour period.

Section 11. Meal Scheduling

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

Section 12. Lump Sum Payment

Where an employee has an entitlement to accrued annual leave and/or compensatory time, and the City's fiscal

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

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

Section 13. Interest Payments

Interest on wage increases shall accrue at the rate of three percent (3%) per annum from one hundred-twenty (120) days after execution of this Agreement or one hundred-twenty (120) days after the effective date of the increase, whichever is later, to the date of actual payment. Interest on longevity and step-up increments, differentials and holiday pay shall accrue at the rate of three percent (3 %) per annum from one hundred-twenty (120) days following its earning or one hundred-twenty (120) days after the execution of this Agreement, whichever is later, to the date of actual payment. Interest on overtime pay shall accrue at the rate of three percent (3 %) per annum from one hundred-twenty (120) days following its earning or one hundred-twenty (120) days following the employee's submission of an overtime report, whichever is later. Interest accrued pursuant to this paragraph shall be payable only if the amount of interest due to an individual employee exceeds five dollars (\$5).

Section 14. Layoffs

Where layoffs are scheduled the following procedure shall be used:

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

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

Section 15. Public Transportation

The City and the PBA will use their best efforts to effect free transportation on buses and subways for police officers.

Section 16. Funding Applications

The City shall continue to apply for Federal funding to hire additional police officers.

Section 17. Polygraphs

The current practice concerning the use of polygraphs in internal investigations shall be maintained during the term of this Agreement.

Section 18. Seniority for Steady Tours

Operation Order #105 dated 11/6/78 shall be modified to delete all references to seniority as the basis for assignment to steady tours. Police Officers who are currently assigned to steady late tours pursuant to the old clause will be "grandfathered," but subject to the current rules on removal for cause. Volunteers for steady late tours shall be solicited in the first instance by seniority with the commanding officer having the discretion to choose volunteers. If the most senior volunteer is not chosen, the officer may appeal to the First Deputy Commissioner or his designee whose decision shall be binding and not subject to the grievance and arbitration procedure.

Section 19. Mutual Exchange of Tours

- a. Commanding Officers shall permit members performing similar duties to exchange tours voluntarily when there is no interference with police service.
- b. Members are not permitted to exchange tours so that they would perform two (2) consecutive tours.
- c. This procedure shall be incorporated into the Patrol Guide.

ARTICLE XVII - UNION ACTIVITY

Section 1.

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

Section 2.

PBA Trustees and delegates shall be recognized as representatives of the PBA within their respective territories and commands. For the purpose of attending the regular scheduled monthly delegate meeting, PBA delegates shall be assigned to the second platoon and excused from duty for that day. In the event the delegate so assigned to the second platoon is unable to attend said monthly delegate meeting because of illness which requires remaining at home or hospitalization, or absence from the New York metropolitan area on leave or by assignment, or required court appearance, then and only then will a designated alternate delegate be excused from duty as spelled out in this Section. The Union will provide the City with a list of those attending each such meeting, which shall be the basis for their payment.

Section 3.

The parties shall explore a further clarification of Departmental rules and procedures to enable PBA delegates and officers to represent properly the interests of employees. An appropriate Departmental order in this regard shall be issued.

ARTICLE XVIII - NO DISCRIMINATION

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

ARTICLE XIX - NIGHT SHIFT DIFFERENTIAL

- a. There shall be a 10% night shift differential effective January 1, 1971 applicable to all employees assigned to rotating tours of duty for all work actually performed between the hours of 4:00 P.M. and 8:00 A.M. There shall be a 10% night shift differential effective January 1, 1971 applicable to all other employees for all work actually performed between the hours of 4:00 P.M. and 8:00 A.M., provided that more than one hour is actually worked after 4:00 P.M. and before 8:00 A.M.
- b. Where overtime compensation is to be calculated for tours in the regular duty chart, the overtime calculation shall be based on the rate paid for the tour to which the overtime is attached; for tours not in the regular duty chart, the overtime calculation shall be based on the rate paid for half or more of the hours of the tour to which the overtime is attached.
- c. For all employees hired after June 30, 1991:
 - 1. No night shift differential shall be paid to those employees while they are assigned to the Police Academy as a recruit or for Recruit Training.
 - 2. Thereafter, 55 % of the night shift differential as described in paragraph "a" above earned by a similarly situated Police Officer hired prior to July 1, 1991 shall be paid until the employee reaches First Grade after five years. Effective January 1, 1995, the rates paid to Police Officers shall equal the ratio between the Police Officer's base salary and the Basic First Grade salary in effect at the time. Those rates shall be as follows:

Second Grade: 78%	Fifth Grade: 68%
Third Grade: 75%	Sixth Grade: 64%
Fourth Grade: 71%	

ARTICLE XX - OVERTIME TRAVEL GUARANTEE

Section 1.

The assignment of an employee to a post not within the employee's permanent command shall in the first instance be accomplished so that the assignment originates and terminates within such employee's permanent command and within the employee's regular tour of duty.

Section 2.

Overtime travel guarantee compensation shall continue to be paid as follows:

- a. In the event that an employee is assigned to a post outside the employee's permanent command and is required to report -at such post at the start of the employee's regular tour of duty, the employee shall accrue an allowance for travel to the post to assigned post at the rate of time and one-half for forty-five (45) minutes of travel time if the assigned post is within the same patrol borough as the employee's permanent command or at the rate of time and one-half for 1-1/4 hours if the assigned post is in a different patrol borough from that of the employee's permanent command.
- b. In the event that an employee is assigned to a post outside the employee's permanent command and cannot return to the permanent command within the regular tour of duty, the employee shall accrue an allowance for travel to the permanent command at the same rate as stated in Subsection 2a of this Article XX.

Section 3.

The overtime accrued pursuant to this Article for any one day shall be taken by the employee at the employee's sole option either all in cash or all in compensatory time off.

Section 4.

In the administration of the provisions of this Article the

arbitrator's award in OCB Docket No. A 114-70 shall be applicable except that the provisions of this Article shall apply to employees assigned to the Tactical Patrol Unit.

Section 5

- a. All claims for payment of compensatory time off which is earned as provided in Article XX of the contract on April 1, 1977 or thereafter must be submitted to the appropriate payroll personnel by the applicant within 180 days from the date payment is earned for payment in cash. All applications submitted after 180 days up to 365 days from the date payment is earned will be granted the appropriate compensatory time off only for claims under Article XX.
- b. If a request for payment is timely submitted and rejected by the Police Department, the grievant shall have 90 days from the date of receipt of a written rejection notice to file a grievance pursuant to Article XXI.
- c. The above clarification shall apply only to Article XX claims earned on April 1, 1977 or thereafter.
- d. This clarification applies to a grievance brought under this collective bargaining contract only. It has no applicability to any other legal remedy which an individual may have.

ARTICLE XXI - GRIEVANCE AND ARBITRATION PROCEDURE

Section 1. Definitions.

- a. For the purpose of this Agreement, the term "grievance" shall mean:
 - 1. a claimed violation, misinterpretation or inequitable application of the provisions of this Agreement;
 - 2. a claimed violation, misinterpretation or misapplication of the written rules, regulations or procedures of the Police Department affecting terms and conditions of employment, provided that, except as otherwise provided in this Section 1a, the term "grievance" shall not include disciplinary matters;
 - 3. a claimed improper holding of an open-competitive rather than a promotion examination;
 - 4. a claimed assignment of the grievant to duties substantially different from those stated in the grievant's job title specification.
- b. For the purposes of this Agreement, the term "Commanding Officer" shall mean the immediate Commanding Officer of the aggrieved employee.
- c. For the purposes of this Agreement, the term "Reviewing Officer" shall mean the superior officer in charge of the next higher command or level above a Commanding Officer.
- d. For the purposes of this Agreement, the term "Board" shall mean the Personnel Grievance Board to be composed of three (3) members, as follows: a Deputy Commissioner or other designee of the Police Commissioner, who shall be Chairman of the Board, the Chief of the Department or the Chief of the Department's designee, and the President of the Union or the President's designee.
- e. For the purposes of this Agreement, the term "grievant" shall mean an employee or group of employees asserting a grievance or the Union or both, as the context requires.

Section 2.

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

Section 3.

- a. Every grievant shall have the right to present a grievance in accord with the procedure provided herein free from coercion, interference, restraint or reprisal.
- b. The informal resolution of differences or grievances is urged and encouraged at all levels of supervision.
- c. Commanding Officers and Reviewing Officers shall promptly consider grievances presented to them and, within the scope of their authority take such necessary action as is required herein.
- d. Commanding Officers, Reviewing Officers and members of the Personnel Grievance Board shall consider objectively the merits of grievances with due consideration to the harmonious interrelationship that is sought to be achieved among all members of the force and for the good of the Police Department.
- e. Any employee may present the employee's own grievance through the first four steps of the grievance procedure either individually (with the aid of the employee's own counsel if the employee so chooses), or through the Union, provided, however, that the Union shall have the right to have a

representative present at each step of the grievance procedure.

Section 4.

Under the grievance procedure herein a grievance must be initiated within 90 days following the date on which the grievance arose or the date on which the grievant should reasonably have learned of the grievance or the execution date of this Agreement, whichever date is the latest. Grievances shall be processed according to the following procedure:

STEP I.

A grievant shall present the grievance to the Commanding Officer either orally or in writing. The Commanding Officer shall carefully consider the matter, make a decision thereon and advise the grievant of the decision within five (5) days of the grievance's submission.

STEP II.

If the grievance is not satisfactorily adjusted at Step I, the grievant may seek the following review within ten days after receipt of the Step I decision. The grievant shall reduce the grievance to writing on Form P.D. 158-151 (in triplicate), setting forth a concise statement of the grievance and the results of the proceedings at Step I. The grievant shall forward two copies to the appropriate Reviewing Officer and retain one copy for personal use. The Reviewing Officer shall forward one copy to the Commanding Officer, requesting the Commanding Officer's comments. The Reviewing Officer shall carefully consider said grievance, make a determination, and notify the grievant and the Commanding Officer of the Reviewing Officer's decision within ten (10) days following receipt of the grievance.

STEP III.

If the grievance is still not satisfactorily adjusted, the grievant may, not later than ten days after notification of the Reviewing Officer's decision, seek further review as follows:

The grievance shall be submitted to the Chairman of the Personnel Grievance Board on the grievance form supplied by the Office of Labor Relations of the Police Department. The Board shall forward one copy to the Reviewing Officer, requesting the Reviewing Officer's comments thereon. The Personnel Grievance Board shall meet at least once a month on a date designated by the Chairman. At each meeting, the Board shall consider all grievances which, at least five days prior to such meeting, have been properly referred to the Board. The grievant may choose to have the grievant's representatives present at the meeting, at which time oral and written statements may be presented.

The Board shall carefully consider said grievance, make a determination and notify the grievant, the Commanding Officer and the Reviewing Officer, in writing, of its decision within seven days after the meeting at which the grievance is considered.

It is understood and agreed by and between the parties that there are certain grievable disputes which are of a Department level or of such scope as to make adjustments at Step I or Step II of the grievance procedure impracticable, and, therefore, such grievances may be instituted at Step III of the grievance procedure by filing the required written statement of the grievance directly with the Chairman of the Personnel Grievance Board; the Chairman or Chairman's designee shall convene a meeting of the Board within five (5) working days following receipt of the grievance, and the Board shall render its decision within five (5) working days following that meeting.

STEP IV.

Where the grievance is not satisfactorily adjusted at Step III, the grievant may refer the grievance, not later than thirty (30) calendar days after notification of the Board's decision, to the Police Commissioner for determination; and the Police Commissioner shall make a determination within ten (10) working days following receipt of the grievance. This determination shall be made after appropriate consultation with any or all parties to the grievance, including the Chairman of the Board and/or the Board members; and copies shall be sent to the grievant and the Union.

Grievances which affect substantial numbers of employees may be compressed by elimination of the fourth Step of the grievance procedure.

Section 5.

At every step of these procedures, the grievant and the officer considering the grievance shall work for a satisfactory adjustment. At any step, the Commanding Officer, the Reviewing Officer, and the Board shall have the right to summon the grievant and any and all persons considered necessary to the equitable adjustment of the grievance. Proceedings shall be informal. The Chairman of the Personnel Grievance Board shall take such steps to implement the provisions concerning grievances as are necessary for the proper and effective operation of the procedures provided for herein. The Chairman shall resolve questions as to jurisdictional responsibility of Commanding Officers and Reviewing Officers and shall work out the

operational details of the program. For these purposes, the Chairman shall issue orders and instructions through the Chief of Department not inconsistent with the provisions of this Article.

Section 6.

The grievance procedure established hereinbefore is designed to operate within the framework of, and is not intended to abolish or supersede, existing rules and procedures providing for additional methods of redress. These include, but are not limited to, the existing rights of a grievant to request an interview with the Police Commissioner.

Section 7.

Any or all of the foregoing grievance steps may be waived by the written consent of both parties.

Section 8.

Within twenty (20) days following receipt of the Police Commissioner's Step IV decision, the Union shall have the right to bring grievances unresolved at Step IV to impartial arbitration pursuant to the New York City Collective Bargaining Law and the Consolidated Rules of the New York City Office of Collective Bargaining. In addition, upon ten (10) days' written notice to the Union, the City shall have the right to bring directly to arbitration any dispute between the parties concerning any matter defined as a "grievance" herein. The City shall commence such arbitration by submitting a written request therefor to the Office of Collective Bargaining, with a copy to the Union; and the matter shall proceed pursuant to the Consolidated Rules of the Office of Collective Bargaining.

A permanent rotating Panel of a minimum of five (5) Arbitrators shall be established, drawn from the official panel of the Office of Collective Bargaining, as agreed to by both parties. The members of the Panel shall be assigned on a rotating basis to arbitrate all grievances under this Section.

The assigned Arbitrator shall hold a hearing at a time and place convenient to the parties and a transcript shall be taken unless the taking of a transcript is waived by both parties. The arbitrator shall attempt to issue an award within ten (10) days after the completion of the hearing.

The City and the Union shall each pay 50% of the fees and expenses of the Arbitrator and of all other expenses incidental to such arbitration. The costs of one copy for each party and one copy for the Arbitrator of the transcripts shall be borne equally by the parties.

Section 9.

In case of grievances falling within Sections 1(a)(1), 1(a)(2), or 1(a)(3) of this Article, the arbitrator's decision, and order or award (if any), shall be limited to the application and interpretation of the collective bargaining Agreement, rule, regulation, procedure, order or job title specification involved, and the Arbitrator shall not add to, subtract from, or modify any such Agreement, rule, regulation, procedure, order or job title specification. An Arbitrator's award shall be final and binding and enforceable in any appropriate tribunal in accord with Article Seventy-Five of the Civil Practice Law and Rules, except that awards as to grievances concerning assignment of the grievant to duties substantially different from those stated in the grievant's job title specification or the use of an open-competitive rather than promotional examination, shall be final and binding and enforceable only to the extent permitted by law. An Arbitrator may provide for and direct such relief as the Arbitrator determines to be necessary and proper, subject to the limitation set forth above and any applicable limitations of law.

Section 10.

The time limits contained in this Article may be modified by mutual agreement. In the event that the Department fails to comply with the time limits prescribed herein, the grievance may be advanced to the next step.

ARTICLE XXII - LINE OF DUTY DEATH BENEFIT

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

ARTICLE XXIII - DEATH BENEFIT UNUSED LEAVE AND COMPENSATORY TIME

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

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

ARTICLE XXIV - OPTIONAL WORK DURING VACATION

Section 1.

Any employee may volunteer to work for one five-day period per year during such employee's vacation leave. Whether the volunteer will be assigned to duty is within the discretion of

the Department. If assigned to such duty, the assignment shall be at the discretion of the Department to any regular platoon in any one command for the entire five (5) day period. No employee shall be discriminated against in the application of this Section because the employee is in the last year of service.

Section 2.

An employee who so volunteers shall be compensated at the employee's regular straight time rate of pay for all work performed during the employee's assigned platoon's regular hours of work. Except as otherwise provided in this Article, all other provisions of this Agreement shall be applicable to work so performed.

Section 3.

Contributions under Article XIII (Health and Welfare Fund) and Article XIV (Annuity Fund) of this Agreement shall not be paid for work performed pursuant to this Article.

Section 4.

For the purposes of Article XX, (Overtime Travel Guarantee) of this Agreement, the command to which an employee is so assigned for the five (5) day period shall be deemed that employee's "permanent command."

ARTICLE XXV - NO STRIKES

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

ARTICLE XXVI - BULLETIN BOARDS

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

ARTICLE XXVII - LABOR-MANAGEMENT COMMITTEE

Section 1.

The City and the Union, having recognized that cooperation between management and employees is indispensable to the accomplishment of sound and harmonious labor relations, shall jointly maintain and support a labor-management committee.

Section 2.

The labor-management committee shall consider and may recommend to the Police Commissioner changes in the working conditions of the employees, including, but not limited, to the following subjects: the adequate levels of Police coverage to ensure the safety of employees on duty; an excusal policy for employees appearing in court after the midnight tour. Matters subject to the grievance procedure shall not be appropriate items for consideration by the labor-management committee.

Section 3.

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

Section 4.

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

ARTICLE - XXVIII NO WAIVER

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

ARTICLE XXIX - SAVING CLAUSE

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

ARTICLE XXX - FINANCIAL EMERGENCY ACT

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

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

CITY OF NEW YORK

PATROLMEN'S BENEVOLENT
ASSOCIATION OF THE CITY OF
NEW YORK, INC.

BY: _____ /s/
JAMES F. HANLEY
Commissioner of
Labor Relations

BY: _____ /s/
PATRICK J. LYNCH
President

APPROVED AS TO FORM:

BY: _____ /s/
ACTING CORPORATION COUNSEL

DATE SUBMITTED TO THE
FINANCIAL CONTROL BOARD:

UNIT: Police Officer
TERM: August 1, 2006 to July 31, 2010



JAMES F. HANLEY
Commissioner

Mr. Patrick Lynch
President
Patrolmen's Benevolent Association
40 Fulton Street
New York, New York 10038-1850

Re: PBA Agreement covering the period from August 1, 2006 through July 31, 2010

Dear Mr. Lynch:

This is to confirm our mutual understanding and agreement regarding the method of calculating the 20 and 25 years of service for the "pensionability" of longevity adjustments pursuant to Article VIII, Section 1(g) of the Agreement. The following categories of service shall be considered police service for purposes of computing the 20 or the 25 year pensionability of longevity differential payments:

- laid-off police time which has been purchased for pension credit
- prior City uniformed service
- prior State service credited under the pension law as uniformed service.

The following category of service shall be considered police service for purposes of computing the 25 year pensionability of longevity differential payment:

- prior City service, including trainee time

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

Very truly yours,

/s/

James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF THE PBA

BY: _____ /s/
Patrick J. Lynch



JAMES F. HANLEY
Commissioner

Mr. Patrick Lynch
President
Patrolmen's Benevolent Association
40 Fulton Street
New York, New York 10038-1850

Re: PBA Agreement covering the period from August 1, 2006 through July 31, 2010

Dear Mr. Lynch:

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

Nothing contained in this letter is intended to modify or amend the arbitrator's award in OCB docket no. A-12057-06.

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

Very truly yours,

/s/

James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF THE PBA

BY: _____ /s/
Patrick J. Lynch
President



THE CITY OF NEW YORK OFFICE OF LABOR RELATIONS

JAMES F. HANLEY Commissioner

Mr. Patrick Lynch, President, Patrolmen's Benevolent Association

Re: PBA Agreement covering the period from August 1, 2006 through July 31, 2010

Dear Mr. Lynch:

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

Effective the first day of the month following ratification of this Agreement a pilot program concerning Patrol Guide Procedures 205-01 and 205-45 will be established.

This pilot program will be implemented subject to the following terms:

- 1) The pilot program will provide that eligible employees, who request sick leave for an injury or illness, shall no longer be subject to home visitation and confinement... 2) The following employees are not eligible to participate in the program... 3) Any Employee who is on modified assignment... 4) Any Employee who is on dismisional probation... 5) The initial phase of the pilot program will run for a period of 15 months.

- 1) For purposes of this agreement the 'designated absence rate' is the average lost days, including both line of duty and out-of-line of duty sick leave... 2) The Department, on the first day of each month, will review police officer availability for the preceding 365 days... 3) The following month another review of sick leave usage for the preceding 365 days will occur.

If the above accords with your understanding, please execute the signature line below.

Very truly yours,

James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF THE PBA

BY: Patrick J. Lynch



THE CITY OF NEW YORK OFFICE OF LABOR RELATIONS

JAMES F. HANLEY Commissioner CAROLINE L. SULLIVAN First Deputy Commissioner

Mr. Louis Matarazzo, President, Patrolmen's Benevolent Association

Re: P.B.A. AGREEMENT FOR THE PERIOD APRIL 1, 1995 TO JULY 31, 2000

Dear Mr. Matarazzo:

This is to confirm that during negotiations for the successor agreement to this 1995-2000 agreement the parties shall negotiate the issue of increasing the City's contribution to the PBA Health and Welfare Fund...

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

Very truly yours, James F. Hanley

AGREED AND ACCEPTED ON BEHALF OF PBA

Louis Matarazzo



THE POLICE COMMISSIONER CITY OF NEW YORK

Mr. Patrick Lynch, President, Patrolmen's Benevolent Association

Re: P.B.A. AGREEMENT FOR THE PERIOD AUGUST 1, 2006 TO JULY 31, 2010

Dear Mr. Lynch:

Please be advised that in fiscal years 2007, 2008, 2009, 2010 and 2011, the Police Department will purchase radio motor patrol and radio emergency cars with air conditioning.

Sincerely, Raymond W. Kelly, Police Commissioner

CHANGES IN PERSONNEL

Table with columns: NAME, SARAH, N, NUM, SALARY, ACTION, PROV, EFF DATE. Includes BARDINELLI, BRAGDON, DEN, DOLACINSKI, PERSAD, POST, RIVERA, SAJISH, WOOD.

Table with columns: NAME, BENNIE, L, NUM, SALARY, ACTION, PROV, EFF DATE. Includes BATES, BELTON, BONILLA, BRAXTON, BRILL, CALDWELL, CASTILLO, CHAPMAN, COLEMAN, CONLIFFE, CORTES, DITTMER, DOLCE, DORILIO, DUFFY, DUMBAR, FONTAINE, FOWLER, FRANCISCO, FRISCIA, GARDNER, GIAMBOI, GOODMAN, GRAY, GRILLO, GUDGE, HARRIS-OWENS, HASKIN, HAYNES, HSIAO, HURLEY, JOHNSON, JONES, LEE, LEUNG, LLOYD, MAKAWI, MALAVOLTA, MEYERSON, MITCHELL, MONTANINO, MORALES, MYERS, NIXON, NORFLEET, REED, RIGGS, RIOS, ROTHMAN, SANTOS, SARGEANT, SAUNDERS, SEMICH, SOLLAZZO, STEWART, THOMAS, USKE, VASSELL, VERNALEO.

Table with columns: NAME, JULIA, L, NUM, SALARY, ACTION, PROV, EFF DATE. Includes GREENBERG.

Table with columns: NAME, WILLIAM, F, NUM, SALARY, ACTION, PROV, EFF DATE. Includes HATTAR, SCOTT.

Table with columns: NAME, BRUCE, A, NUM, SALARY, ACTION, PROV, EFF DATE. Includes PETRONE, RIO, SARE.

Table with columns: NAME, JENIFER, E, NUM, SALARY, ACTION, PROV, EFF DATE. Includes CLAPP, GARCIA, GETTLIN, ZENG.

Table with columns: NAME, JUAN, A, NUM, SALARY, ACTION, PROV, EFF DATE. Includes BELTRAN, FREY, RODRIGUEZ.

Table with columns: NAME, MARK, A, NUM, SALARY, ACTION, PROV, EFF DATE. Includes FRANKEL.

Table with columns: NAME, ERIK, A, NUM, SALARY, ACTION, PROV, EFF DATE. Includes ABAD, ALBERTS, BAYER, BROWN, CONNALLON, HERRICK, ORLAY.

Table with columns: NAME, YADIRA, A, NUM, SALARY, ACTION, PROV, EFF DATE. Includes CABRERA, DAVIS, DEEN, DUNN, GREAVES, KROSNY, MAXEY, SHAW, SITARAS, WALSH, WU, ZABALA.

Table with columns: NAME, MELISSA, R, NUM, SALARY, ACTION, PROV, EFF DATE. Includes CEREZO, GOLDWYN, ORTIZ.

Table with columns: NAME, SPENCER, A, NUM, SALARY, ACTION, PROV, EFF DATE. Includes ANDREW, MAUL-VERA.

Table with columns: NAME, ELENI, A, NUM, SALARY, ACTION, PROV, EFF DATE. Includes APTOUSMIS, MANZUR.

CIVILIAN COMPLAINT REVIEW BD
FOR PERIOD ENDING 09/17/10

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists names and details for Civilian Complaint Review Board members.

POLICE DEPARTMENT
FOR PERIOD ENDING 09/17/10

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists names and details for Police Department members.

Table with columns: NAME, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists names and details for various other employees.

s20

LATE NOTICES

TAXI AND LIMOUSINE COMMISSION

NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

Notice is hereby given in accordance with section 1043(b) of the New York City Charter ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amending the provisions of Title 35 of the Rules of the City of New York to permit all entities licensed by the TLC to be limited liability companies.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The proposed rules were included in the TLC's regulatory agenda for Fiscal Year 2010.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on Thursday, October 21, 2010 at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than October 13, 2010.

Written comments in connection with these proposed rules must be received no later than October 20, 2010. Comments may be submitted through the NYC Rules website at

www.nyc.gov/nycrules, or may be submitted to the Office of Legal Affairs at:

Charles R. Fraser
Deputy Commissioner for Legal Affairs / General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
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Written comments and a transcript of all comments received at the hearing will be available for public inspection at that office.

New Material is underlined.
[Material inside brackets indicates deleted material.]

Section 1. It is proposed to amend Section 8-05(e) of Title 35 of the Rules of the City of New York by adding a new paragraph (4) to read as follows:

(4) Limited Liability Companies (LLCs).

(i) If the Applicant is a limited liability company it must file the following with its Taxicab License application:

A. A copy of its articles of organization

B. A copy of its operating agreement

C. A list of the members, with the percentages of the Applicant owned by each.

(ii) No LLC or trade name will be accepted by the Commission that is similar to a name already in use by another Owner.

(iii) All members of the LLC Taxicab License Applicant must disclose each and every Medallion in which he or she has any interest whatsoever, including, but not limited to, any interest as an individual Owner or any interest as a Business Entity Person in a Business Entity that owns other Medallion(s); this disclosure must be made:

A. Upon the original application for the Taxicab License,

B. Upon application for renewal of a Taxicab License, and

C. Upon application for transfer of a Taxicab License.

(iv) All members of the Owner are subject to the same standards and criteria as individual Owners.

(v) The Commission will only recognize members that have been approved by the Commission.

(vi) It is a violation of these Rules for an Owner that is an LLC to add a new member without the approval of the Commission.

(vii) The standards and criteria for Ownership are equally applicable when membership interests in a LLC Owner are held by another Business Entity.

Section 2. It is proposed to amend Section 9A-03(n) of Title 35 of the Rules of the City of New York to read as follows:

(n) Owner or Vehicle Owner in this Sub-chapter refers to the title owner, registered owner or lessee of a For-Hire Vehicle. An Owner can be a Business Entity or a person.

Section 3. It is proposed to amend Section 9A-04 of Title 35 of the Rules of the City of New York by adding a new subdivision (m) to read as follows:

(m) Business Entities. An Applicant which is a Business Entity must provide the following documents:

(1) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) Corporations. If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) Limited Liability Companies (LLCs) If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

Section 4. It is proposed to amend Section 9B-03(n) of Title 35 of the Rules of the City of New York to read as follows:

(n) Owner in this Sub-chapter refers to a For-Hire Base Owner. An Owner can be a Business Entity or a person.

Section 5. It is proposed to amend Section 9B-04 of Title 35 of the Rules of the City of New York by adding a new subdivision (g) to read as follows:

(g) Business Entities. An Applicant which is a Business Entity must provide the following documents:

(1) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) Corporations. If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) Limited Liability Companies (LLCs) If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

Section 6. It is proposed to amend Section 10A-03(c) of Title 35 of the Rules of the City of New York to read as follows:

(c) Business Entity. A Paratransit Business Entity [must] can be [either] a corporation, [or] a partnership or a limited liability company.

Section 7. It is proposed to amend Section 10A-04(k) of Title 35 of the Rules of the City of New York to read as follows:

(k) Other Required Documents. In addition to copies of the certificate of title and the certificate of registration, the following documents must be filed with the application:

(1) A copy of the motor vehicle tax stamp receipt for the Paratransit Vehicle.

(2) A current Rate Schedule.

(3) A New York State Department of Transportation inspection checklist.

(4) A copy of the leasing agreement, if Applicant is leasing the vehicle.

(5) [A partnership Applicant must file a certified copy of its partnership certification from the County Clerk.

(6) A corporate Applicant must file a certified copy of its certificate of incorporation and a list of its current shareholders and officers.] Business Entities. An Applicant which is a Business Entity must provide the following documents:

(i) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(ii) Corporations. If the Applicant is a corporation, it must file with its application:

A. A certified copy of its certificate of incorporation

B. A list of officers and shareholders

C. A certified copy of the minutes of the meeting at which the current officers were elected.

(iii) Limited Liability Companies (LLCs) If the Applicant is a limited liability company, it must file with its application:

A. A copy of its articles of organization

B. A copy of its operating agreement

C. A list of the members, with the percentages of the Applicant owned by each.

Section 7. It is proposed to amend Section 10B-03(f) of Title 35 of the Rules of the City of New York to read as follows:

(f) Business Entity. A Paratransit Business Entity [must] can be [either] a corporation, [or] a partnership or a limited liability company.

Section 8. It is proposed to amend Section 10B-04(e) of Title 35 of the Rules of the City of New York to read as follows:

(e) Additional Documents Required.

(1) A copy of the Applicant's New York State Department of Transportation Certificate of public convenience and necessity to operate as a common carrier of passengers by motor vehicle (operating authority).

(2) The copy of the current Rate Schedule.

(3) [A corporate Applicant must file a copy of its certificate of incorporation and a list of its shareholders and current officers.

(4) A partnership Applicant must file a copy of its partnership agreement, if any.] Business Entities. An Applicant which is a Business Entity must provide the following documents:

(i) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(ii) Corporations. If the Applicant is a corporation, it must file with its application:

A. A certified copy of its certificate of incorporation

B. A list of officers and shareholders

C. A certified copy of the minutes of the meeting at which the current officers were elected.

(iii) Limited Liability Companies (LLCs) If the Applicant is a limited liability company, it must file with its application:

A. A copy of its articles of organization

B. A copy of its operating agreement

C. A list of the members, with the percentages of the Applicant owned by each.

Section 9. It is hereby proposed to amend section 11A-03(f) of Title 35 of the Rules of the City of New York to read as follows:

(f) Owner in this Sub-chapter refers to a Commuter-Van Vehicle Owner [and]. An Owner can be a Business Entity or a person. The term Owner in this Sub-chapter, in addition to complete ownership of the Vehicle, includes those individuals or entities with the following ownership interests:

(1) Entitlement to the use and possession of a Vehicle subject to a security interest held by another, regardless of the terms of the contract. (Owner does NOT include any party with a security interest in a Vehicle that is not in that party's possession.)

(2) The right, by any lessee or bailee, to exclusive use of the Vehicle for more than 30 days.

Section 10. It is hereby proposed to amend Section 11A-04 of Title 35 of the Rules of the City of New York by adding a new subdivision (i) to read as follows:

(i) Business Entities. An Applicant which is a Business Entity must provide the following documents:

(1) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) Corporations. If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) Limited Liability Companies (LLCs) If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

Section 11. It is hereby proposed to amend Section 11B-03(c) of Title 35 of the Rules of the City of New York to read as follows:

(c) Business Entity is a sole proprietorship, partnership, limited liability company or corporation.

Section 12. It is hereby proposed to amend Section 11B-04 of Title 35 of the Rules of the City of New York by adding a new subdivision (k) to read as follows:

(k) Business Entities. An Applicant which is a Business Entity must provide the following documents:

(1) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) Corporations. If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) Limited Liability Companies (LLCs) If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

Section 13. It is hereby proposed to amend Section 12-04 of Title 35 of the Rules of the City of New York by adding a new subdivision (h) to read as follows:

(h) Business Entities. An Applicant which is a Business Entity must provide the following documents:

(1) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) Corporations. If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) Limited Liability Companies (LLCs) If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

Section 14. It is hereby proposed to amend Section 13-04(b) of Title 35 of the Rules of the City of New York to read as follows:

(b) Who May File an Application. An application or renewal application for an [Business Entity] Agent's License may only be submitted by the following:

(1) An individual

(2) The Proprietor, on behalf of a sole proprietorship

(3) A general partner on behalf of a partnership

(4) An officer or director on behalf of a corporation

(5) A member on behalf of a limited liability company

Section 15. It is hereby proposed to amend Section 13-04 of Title 35 of the Rules of the City of New York by adding a new subdivision (h) to read as follows:

(h) Business Entities. An Applicant which is a Business Entity must provide the following documents:

(1) Partnerships. If the Applicant is a partnership, it must file with its application a certified copy of the partnership certificate from the clerk of the county where the partnership's principal place of business is located.

(2) Corporations. If the Applicant is a corporation, it must file with its application:

(i) A certified copy of its certificate of incorporation

(ii) A list of officers and shareholders

(iii) A certified copy of the minutes of the meeting at which the current officers were elected.

(3) Limited Liability Companies (LLCs) If the Applicant is a limited liability company, it must file with its application:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

Section 16. It is hereby proposed to amend Section 14-04 (h) of Title 35 of the Rules of the City of New York to read as follows:

(h) Corporate or LLC Filings.

When the Applicant is a corporation, it must file with its License application all of the following:

(1) One of the following certificates:

(i) A certified copy(ies) of its certificate(s) of incorporation with a filing receipt issued by the secretary of state if the Applicant was incorporated less than one year from the date of the License application

(ii) A certificate of good standing if the Applicant was incorporated more than one year from the date of the License application

(iii) A copy of the certificate of incorporation, filing receipt, and authority to do business within the State of New York if the Applicant is an out-of-state corporation

(2) A list of its officers and shareholders, including names, residence addresses, telephone numbers, and percentage of ownership interest of each shareholder

(3) A certified copy of the minutes of the organizational meeting at which the current officers were elected

(4) Limited Liability Companies (LLCs) When the Applicant is a limited liability company, it must file with its application all of the following:

(i) A copy of its articles of organization

(ii) A copy of its operating agreement

(iii) A list of the members, with the percentages of the Applicant owned by each.

Section 17. It is hereby proposed to amend section 18-10 of Title 35 of the Rules of the City of New York to read as follows:

§18-01 Hearings – Who Must or Can Appear for the Respondent

(a) Licensees. A Respondent who is a Licensee can be represented at a Hearing by an attorney or by an authorized non-attorney Representative.

(b) Corporations. If the Respondent is a corporation, it can also be represented by an officer, director, or employee of the Respondent corporation designated as an agent for the Respondent.

(c) Limited Liability Companies. If the Respondent is a limited liability company, it can also be represented by a member or employee of the Respondent limited liability company designated as an agent for the Respondent.

(c/d) Partnerships. If the Respondent is a partnership, it can also be represented by any partner.

(d/e) Non-Licensees. A Respondent who is not a Licensee must appear personally and can be accompanied and represented by an attorney or an authorized non-attorney Representative.

(e/f) Non-Licensee Business Entity. If the non-Licensee Respondent is a corporation or partnership, an officer, director, employee, or partner must appear.

(f/g) Proof of Relationship to Respondent. Any individual appearing who is not a Respondent must provide proof of his or her relationship to the Respondent.

(g/h) The Commission can, for cause, deny any non-attorney (other than an authorized Representative or the Respondent) the opportunity to appear at a Hearing.

Statement of Basis and Purpose

These rules amend TLC rules, where needed, to authorize all business entities licensed by the TLC to be limited liability companies ("LLCs"). The rules also specify the organizational documents that LLCs seeking a license must present for licensure.

The TLC is aware that many small and medium sized businesses of the type it licenses often prefer the LLC form of organization for a variety of tax and other reasons, and the TLC is aware that this form is in fairly common usage in New York. The TLC believes that use of the LLC structure in no way impairs its regulatory interests.

Indeed, in 2006, the TLC amended its medallion owner rules to authorize taxicab medallions to be owned by LLC. The TLC notes that its own experience is that the LLC form is a popular form of organization within that industry and nothing in its experience suggests that there are compelling reasons not to authorize other business entity licensees to be LLCs. On the contrary, the TLC believes that it is capable of regulating and monitoring the licensed activities of LLCs in just the same way as it monitors those organized as sole proprietorships, partnerships, or corporations.

In addition, in an effort to make documentary requirements for business entity licensees consistent, these rules impose requirements for the documentation that must be provided for licensure where existing rules do not set forth specific requirements. With these amendments, it will now be clear that license applicants that are partnerships, corporations, and LLCs will need to provide certain organizational documentation with their applications.

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Notice of Public Hearing and Opportunity to Comment on Proposed Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amended rules governing items that are required to be in a taxicab or a for-hire vehicle that must be visible to passengers.

These rules are proposed pursuant to sections 1043 and 2303(b)(11) of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules are included in the TLC's regulatory agenda for Fiscal Year 2010.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on October 21, 2010, at 10:00 A.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone number given below. Any request for a sign language interpreter or other form of reasonable accommodation at the hearing for a disability must be submitted to the Office of Legal Affairs in writing, by telephone no later than October 15, 2010.

Written comments in connection with these proposed rules must be received no later than October 20, 2010. Comments may be submitted through the NYC Rules website at www.nyc.gov/nycrules, or may be submitted to the Office of Legal Affairs at:

Charles R. Fraser
Deputy Commissioner of Legal Affairs / General Counsel
Taxi and Limousine Commission
40 Rector Street, 5th Floor
New York, New York 10006
Telephone: 212-676-1135
Fax: 212-676-1102
Email: tlcrules@tlc.nyc.gov

Written comments and a transcript of the public hearing will be available for public inspection at that office.

New material is underlined. [Except underlined, italicized subdivision headings]
[Material inside brackets indicates deleted material.]

Section 1. It is hereby proposed that Section 1-03 of Chapter 1 of Title 35 of the Rules of the City of New York be amended by adding two new definitions, in alphabetical order, to read as follows:

Taxicab Identification Braille Plaque is a plaque required to be attached to the interior of a taxicab that identifies in Braille its medallion number, and contains in Braille the word COMPLAINTS and a telephone number.

Taxicab Identification Raised Lettering Plaque is a plaque required to be attached to the interior of a taxicab that identifies in raised lettering its medallion number, and contains in raised lettering the word COMPLAINTS and a telephone number.

Section 2. It is hereby proposed that the title of Section 4-23 and Subdivision (b) of Section 4-23 of Chapter 4 of Title 35 of the Rules of the City of New York be amended, to read as follows:

§4-23 Vehicle – Items Required to be in the Vehicle

(b) Clear View for Passengers.

(1) A driver must not block a Passenger's view of the Taximeter, his or her Driver's License, [or] the Rate Card, or the Passenger Information Monitor of the T-PEP System, and must not block in any way a Passenger's access to the medallion number on the Taxicab Identification Raised Lettering Plaque or the Taxicab Identification Braille Plaque.

§4-23(b)(1) Fine: \$50 Appearance NOT REQUIRED

Section 3. It is hereby proposed that the title of Section 5-23 be amended and a new subdivision (c) and a penalty be added to Section 5-23 of Chapter 5 of Title 35 of the Rules of the City of New York, to read as follows:

§5-23 Vehicle – Items Required to be in the Vehicle [During Operation]

(c) Clear View for Passengers. A Driver must not block a Passenger's view of his or her Driver's License, the For-Hire Vehicle License and, in a Livery, the Livery Passengers' bill of rights.

§5-23(c) Fine: \$50 Appearance NOT REQUIRED

Statement of Basis and Purpose of Rules

This proposed rule clarifies which of the items required to be present in a taxicab or a for-hire vehicle must be visible to passengers and imposes penalties on drivers who block passengers' view of those items. The purpose of the proposed rule is to ensure that a passenger is able, if he or she wishes, to file a complaint with the Commission against the driver of a taxicab or for-hire vehicle. This proposed rule amends the version of the Commission's rules that becomes effective January 1, 2011.

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