

SUPPLEMENT TO

THE CITY RECORD

THE COUNCIL —STATED MEETING OF
THURSDAY, SEPTEMBER 16, 2010

THE COUNCIL

Minutes of the
STATED MEETING

of
Thursday, September 16, 2010, 2:35 p.m.

The President Pro Tempore (Council Member Comrie)
Acting Presiding Officer

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Barron and Palma.

Editor's Note: *There is a vacancy in the Council due to the death of Council Member Thomas White, Jr. on August 27, 2010 (28th Council District, Queens).*

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

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

There were 48 Council Members present at this Stated Meeting.

These proceedings were once again held at the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y. while the Council Chambers and the Council wing of City Hall undergo extensive renovations.

INVOCATION

The Invocation was delivered by Pastor Bill Devlin, Manhattan Bible Church, 401 West 205th Street, New York, NY 10034.

Good afternoon,
thank you for the honor to pray to God.
Can we all bow in prayer?
And I've already been given the fact
that brevity is next to Godliness,
and we will do that.
The three B's:
be brief, be blunt and begone.
The city that prays together stays together,
so let's pray.

Almighty God,
Everything we see and everything we can't see
is just because of You and You alone.
It all comes from You,
It all belongs to You,
it all exists for Your glory.
Now together, today,
we gather together to pray for City Council,
for Maria, Charles, Gale, Fernando, Margaret,
Leroy, Elizabeth, Inez, Erik, Daniel, Mathieu,
Julissa, Lewis, Helen, Daniel, James, Vincent,
David, Sara, Daniel, Vincent, Robert, Letitia,
Peter, Oliver, Karen, Brad, Jessica, Stephen,
Melissa, Darlene, Rosie, Michael, James,
Annabel, Christine, Domenic, Diana, Joel,
Ydanis, Deborah, Jim, Larry, Eric, James,
Peter, Jimmie, Albert, Mark, and Jumaane.
We are so grateful to live in this city,
a city of unequaled possibility,
and we pray, as Speaker Quinn stated
in her address earlier this year,
that we will seize the potential of tomorrow
by using the opportunities of today.
Give to our Council, Lord,
the wisdom to lead us with humility,
the courage to lead us with integrity,
the compassion to lead us with generosity.
Be near to them, their families, and our Mayor.
Help us, O God, to remember
that we are Your holy creation.
And we become children of Yours by asking You
to come into our hearts to transform us
by Your awesome power.
When we focus on ourselves, when we fight each other,
when we forget You, forgive us.
When we presume that our greatness
and our prosperity is ours alone, forgive us.
When we fail to treat our fellow human beings

with the respect that they deserve, forgive us.
 And finally, as we face these difficult days ahead,
 may we have a new birth of clarity in our aims,
 responsibility in our actions,
 humility in our approaches,
 and civility in our attitudes, even when we differ.
 Lord God, would You help us to see You more clearly?
 Reveal Yourself to us, help us to share, to serve,
 and to seek the common good of all for God's sake,
 and may we never forget that one day
 all nations and all people
 and each member and their staff here today
 will stand accountable before You, O Lord God.
 And now we commit our new Council and
 This legislative session into Your loving care, O God,
 and I humbly ask this in the name
 of the One Who changed my life
 and all God's people shouted, Amen.

Thank you.

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

At this point in the Meeting, the Speaker (Council Member Quinn) asked for a Moment of Silence in memory of the late Council Member Thomas White, Jr.

Thomas White, Jr., the Council representative from the 28th Council District (Queens), died on August 27, 2010 at the age of 71 after a long illness. Council Member White was first elected to the Council in November 1991 and served from 1992 through 2001 and left office due to term-limits; he then returned to the Council and served from 2006 until the day of his death. For nearly 15 years, he served his Rochdale Village-Jamaica-Richmond Hill district as a tireless fighter for programs benefiting southeastern Queens neighborhoods and the City of New York. As Chair of the Committee on Economic Development, he fought for job training, placement programs and investments in long-term economic growth. As executive director of one of the largest substance abuse programs in New York State, he gave many New Yorkers a chance at redemption and a better life. Council Member White's funeral was held on September 2, 2010 at Allen A.M.E. Church in Jamaica. He is survived by his mother, Marie White, his children Bryan White and Lucille P. Middleton, his daughter-in-law Celeste White, and his grandchildren Lamar and Jacob. A memorial service for Council Member White is planned for the next Stated Meeting.

* * *

At a later point in the Meeting, the Speaker (Council Member Quinn) recognized Council Member and Assistant Majority Leader Lewis Fidler and Council Member Jumaane D. Williams who both spoke on the recent passing of long-time Brooklyn Democratic District Leader Bernie Catcher. Catcher, who died on August 10, 2010, was remembered fondly as an important Brooklyn political figure and friend. The presence of Assembly Member Alan Maisel and Assembly Member Linda Rosenthal was acknowledged as well as the presence of Bernie Catcher's wife, Democratic District Leader Roberta Sherman.

ADOPTION OF MINUTES

Council Member Fidler moved that the Minutes of the Stated Meeting of June 29, 2010 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-214

Communication from the New York City Campaign Finance Board – Submitting a comprehensive 2009 post-election report, *New Yorkers Make Their Voices Heard: A Report on the 2009 Elections*, pursuant to Section 3-713 of the Administrative Code.

(For text of the report, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007)

Received, Ordered, Printed and Filed.

LAND USE CALL UPS

M-215

By the Chair of the Land Use Committee Council Member Comrie:

Pursuant to Rule 11.20(c) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Applications no. C 100348 ZSK, C 100349 ZSK, C 100350 ZSK, C 100351 ZSK, C 100352 ZSK, C 100353 ZSK, C 100354 ZSK, C 100355 ZSK, C 100356 ZSK, C 100357 ZSK, C 100358 ZSK, C 100359 ZSK, C 100360 ZSK and C 100361 ZSK, special permits, shall be subject to Council review. These applications are related to applications no. C 100345 ZMK, C100346 ZRK and C 100347 HAK that are subject to Council review pursuant to Section 197-d of the New York City Charter.

Coupled on Call – Up Vote

M-216

By Council Member Lappin:

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or Section 20-225 (g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 1664 First Avenue, Community Board 8, Application 20115161 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-217

By Council Member Reyna:

Pursuant to Rule 11.20(c) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Applications no. C 100264 PQK, shall be subject to review by the Council.

Coupled on Call – Up Vote

M-218

By Council Member Reyna:

Pursuant to Rule 11.20(c) of the Council and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Uniform Land Use Procedure Applications no. C 100258 PQK, shall be subject to review by the Council.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

Affirmative –Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera and the Speaker (Council Member Quinn) – **48**.

At this point, the President Pro Tempore (Council Member Comrie) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittees.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Aging

Report for Int. No. 270-A

Report of the Committee on Aging in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to establishing a silver alert program to provide public notification for missing senior citizens with certain cognitive impairments.

The Committee on Aging, to which the annexed amended proposed local law was referred on June 9, 2010 (Minutes, page 2128), respectfully

REPORTS:

INTRODUCTION

On Wednesday, September 15, 2010, the Committee on Aging, chaired by Council Member Jessica Lappin, will hold a hearing on Proposed Int. No 270-A, which would amend the administrative code of the city of New York, in relation to establishing a Silver Alert program to provide public notification for missing senior citizens with certain cognitive impairments. The Committee first considered the original version of this bill at a hearing on June 23, 2010. This bill would create a public notification system to help identify and locate seniors with certain cognitive impairments who go missing and may be in danger.

BACKGROUND

Alzheimer’s Disease

Alzheimer's disease is a progressive, degenerative disorder that attacks the brain's nerve cells, or neurons, resulting in loss of memory, thinking and language skills, and behavioral changes.¹ Alzheimer's disease is the most common cause of dementia, or loss of intellectual function, among people aged 65 and older.² Alzheimer’s disease can affect different people indifferent ways, but the most common symptom pattern begins with gradually worsening difficulty in remembering new information.³ The following are warning signs of Alzheimer’s:⁴

- Memory loss that disrupts daily life
- Challenges in planning or solving problems
- Difficulty completing familiar tasks at home, at work or at leisure
- Confusion with time or place

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¹ Alzheimer’s Foundation of America: “About Alzheimer’s: Definition of Alzheimer’s”, available at <http://www.alzfdn.org/AboutAlzheimers/definition.html>

² Id.

³ Alzheimer’s Association: “2010 Alzheimer’s Disease Facts and Figures, *Alzheimer’s & Dementia*, Volume 6,” available at http://www.alz.org/documents_custom/report_alzfactsfigures2010.pdf

⁴ Id

- Trouble understanding visual images and spatial relationships
- New problems with words in speaking or writing
- Misplacing things and losing the ability to retrace steps
- Decreased or poor judgment
- Withdrawal from work or social activities
- Changes in mood and personality

The Alzheimer’s Association estimates that 5.3 million Americans of all ages have Alzheimer’s disease, of which 5.1 million are persons age 65 and older.⁵ In New York City, there are 250,000 people living with Alzheimer’s or other dementias.⁶ More than 60 percent of individuals diagnosed with Alzheimer’s will wander or become lost during the course of the disease.⁷ Additionally, if individuals with certain cognitive impairments, such as Alzheimer’s, are not found within 24 hours, there is a greater than 50% chance that they either will never be found, or be found seriously injured or deceased.⁸

SILVER ALERT

In order to help locate seniors with Alzheimer’s disease or other certain cognitive impairments who wander and go missing, several states have created “Silver Alert” programs. These programs are modeled after the “Amber Alert” program for missing children and involve the quick dissemination of information to the public regarding the circumstances of a missing senior.⁹ Basically, a Silver Alert notifies the public, through the use of media outlets, such as television and radio broadcasts that a senior with cognitive impairments has gone missing.¹⁰ Depending on the state issuing the alert, other messaging alternatives, such as traffic signs or email alerts are also used to distribute information.¹¹ In most states, Silver Alert programs are primarily coordinated by a law enforcement agency, which usually has significant discretion in deciding whether or not to issue an alert.

Currently, 28 states have Silver Alert programs in place.¹² New York State does not currently have a program in place, but Nassau and Suffolk Counties enacted their own Silver Alert programs in 2009.¹³ The jurisdictions with Silver Alert programs have established various criteria for deciding when an alert should be issued.¹⁴ Some of the criteria include: age restrictions (missing person usually has to be 65 years of age or older), proof of a cognitive impairment, a requirement that a missing persons report be filed and that the missing person’s condition poses an immediate threat to him/herself or to others.¹⁵

DISCUSSION OF PROPOSED LEGISLATION

Section one of Proposed Int. No. 270-A would add a new Chapter 8, containing new sections 10-801, 10-802 and 10-803 to Title 10 of the New York City Administrative Code that would create a Silver Alert notification program in New York City for senior citizens with cognitive impairments who go missing.

Section 10-801, entitled “Definitions,” would define certain key terms used in the legislation. Such terms include: 1) “Administering agency,” which would mean any City agency or office that the Mayor would designate to administer the Silver Alert Program; 2) “Silver alert,” which would mean the communication of information to the public by a city agency of identifying information concerning a vulnerable senior who is reported missing to a law enforcement agency indicating that the person is in imminent danger of serious bodily harm or death; and 3) “Vulnerable senior,” which would include persons sixty five years of age or older with dementia, as a result of Alzheimer’s disease or a similar condition.

Section 10-802, entitled “Silver Alert System,” would require the administering agency to establish a Silver Alert system that would provide rapid notification to the public when a vulnerable senior is reported missing to a law enforcement agency under circumstances indicating that the person is in imminent danger of serious bodily harm or death.

Section 10-803, entitled “Procedures,” would provide for the development of procedures for issuing a Silver alert. Subdivision (a) of section 10-803 would require the administering agency to develop a protocol for notification to organizations such as media organizations, senior service providers, medical facilities and community organizations when a Silver alert is issued.

Subdivision (b) of this section would require the administering agency, as appropriate, to consult with other city agencies, including, but not limited to, the police department, the fire department, the office of emergency management, the

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⁵ Id.

⁶ March 9, 2010, Committee on Aging Preliminary Budget Hearing testimony of Elisabeth Bravo Santiago, Alzheimer’s Association New York City Chapter.

⁷ Id.

⁸ Id.

⁹ Report “Silver Alert Initiatives in the States: Protecting Seniors with Cognitive Impairments,” National Association of State Units on Aging, March 12, 2009.

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

human resources administration, the department for the aging, the department of health and mental hygiene and the department of transportation when trying to collect and disseminate information regarding the person for whom the Silver alert was issued.

Subdivision (c) of section 10-803 would mandate that the administering agency issue a silver alert within twenty-four hours of the determination that a vulnerable senior has been reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death. The Silver alert could be issued by any appropriate means, including, but not limited to, email notifications, text messages, telephone calls, television broadcasts or radio broadcasts. The silver alert may be issued repeatedly until the missing senior citizen is found or until the administering agency determines that the issuance of a silver alert is no longer appropriate.

Subdivision (d) of section 10-803 would set forth what information regarding the missing person should be contained in the Silver alert, if available and capable of transmission. Such information should include, but not be limited to (1) the person's name; (2) the person's age; (3) a physical description of the person; (4) the last known location where the missing person was seen, which shall not include the exact address of the person; (5) a recent photograph of the person; and (6) a description of any motor vehicle the missing person may have been driving, provided that the administering agency may refrain from disclosing any such information if disclosure is inappropriate under the circumstances.

Subdivision (e) of section 10-803 would provide the administering agency with discretion to issue a Silver alert for a person who is under the age of 65 who is reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death, where such missing person has dementia, as a result of Alzheimer's disease or a similar condition.

Finally, bill section 2 would require that this bill take effect ninety days after its enactment into law.

Technical Correction:

The term "identifying" was misspelled in the definition section of the bill and has been corrected.

(The following is from the text of the Fiscal Impact Statement for Int. No. 270-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 12
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: There would be no impact on expenditures by the enactment of this legislation, as the administering agency would enforce the provisions of this bill using existing resources and infrastructure.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division
NYPD, DFTA

ESTIMATE PREPARED BY: Lionel Francois, Legislative Financial Analyst
Pakhi Sengupta, Senior Legislative Financial Analyst
Andy Grossman, Deputy Director, City Council Finance Division

HISTORY: Introduced as Intro. 270 by the Council on June 9, 2010 and referred to the Committee on Aging. Hearing held on June 23, 2010, and laid over by the committee. An amended version, Proposed Intro 270-A, is to be considered by the Committee on Aging on September 15, 2010.

DATE SUBMITTED TO COUNCIL: JUNE 9, 2010

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 270-A:)

Int. No. 270-A

By Council Members Lappin, Arroyo, Barron, Brewer, Chin, Comrie, Dickens, Fidler, Gennaro, Gonzalez, Koppell, Koslowitz, Palma, Recchia, Reyna, Seabrook, Vann, Williams, Rose, Mark-Viverito, Nelson, Van Bramer, Rivera, Weprin, Garodnick, Dilan, Lander, Jackson, Rodriguez, Greenfield, Sanders, and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a silver alert program to provide public notification for missing senior citizens with certain cognitive impairments.

Be it enacted by the Council as follows:

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

CHAPTER 8

SILVER ALERT SYSTEM

§10-801 Definitions. a. "Administering agency" shall mean any city agency, office, department, division, bureau or institution of government, the expenses of which are paid in whole or in part from the city treasury, as the mayor shall designate.

b. "Silver alert" shall mean the communication to the public by a city agency of identifying information concerning a vulnerable senior who is reported missing to a law enforcement agency under circumstances indicating that the person is in imminent danger of serious bodily harm or death.

c. "Vulnerable senior" shall mean a person who is sixty-five years of age or older with dementia, as a result of Alzheimer's disease or a similar condition.

§10-802 Silver alert system. The administering agency shall establish a silver alert system, pursuant to the provisions of this chapter of the code, that will provide rapid notification to the public when a vulnerable senior is reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death.

§10-803 Procedures. a. The administering agency shall develop a protocol for notification to organizations such as media organizations, senior service providers, medical facilities and community organizations when a silver alert is issued.

b. The administering agency shall, as appropriate, consult with other city agencies, including, but not limited to, the police department, the fire department, the office of emergency management, the human resources administration, the department for the aging, the department of health and mental hygiene and the department of transportation, to collect and disseminate information regarding the person for whom the silver alert was issued.

c. The administering agency shall issue a silver alert within twenty-four hours of the determination that a vulnerable senior has been reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death. The silver alert may be issued by any appropriate means, including, but not limited to, email notifications, text messages, telephone calls, television broadcasts or radio broadcasts. The silver alert may be issued at repeated intervals within the discretion of the administering agency until such missing person is found or until the administering agency determines that the issuance of a silver alert is no longer appropriate.

d. The information about the person for whom the silver alert was issued, if available and capable of transmission, shall include, but not be limited to: (1) the person's name; (2) the person's age; (3) a physical description of the person; (4) the last known location where the person was seen, which shall not include the exact address of the person's home; (5) a recent photograph of the person; and (6) a description of any motor vehicle the person may have been driving, provided that the administering agency may refrain from disclosing any such information if disclosure is inappropriate under the circumstances.

e. The administering agency may use its discretion to issue a silver alert for a person under the age of 65 who is reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death, where such missing person has dementia, as a result of Alzheimer's disease or a similar condition.

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

JESSICA S. LAPPIN, Chairperson; GALE A. BREWER, VINCENT J. GENTILE, MARIA DEL CARMEN ARROYO, MELISSA MARK-VIVERITO, MARGARET S. CHIN, KAREN KOSLOWITZ, DEBORAH L. ROSE, DAVID G. GREENFIELD, PETER A. KOO, Committee on Aging, September 15, 2010.

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

Reports of the Committee on Finance

Report for Int. No. 312

Report of the Committee on Finance in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the 34th Street business improvement district to authorize additional services and modify existing services for the district, to change the method of assessment upon which the district charge is based and to increase the maximum total amount to be expended for improvements in the district.

The Committee on Finance, to which the annexed proposed local law was referred on July 29, 2010 (Minutes, page 3540), respectfully

REPORTS:

Background

This proposed local law would authorize amending the district plan of the 34th Street business improvement district to authorize additional services and modify existing services for the district, to change the method of assessment upon which the district charge is based, and to increase the maximum total amount to be expended for improvements in the district. This change would be effective as of July 1, 2010.

Pursuant to § 25-410(b) of the Administrative Code, a BID may make amendments to its District Plan to: 1) provide for additional improvements or services; 2) provide for a change in the method of assessment upon which the district charge is based; or 3) increase the amount to be expended annually for improvements, services, and maintenance by means of the adoption of a local law amending the BID's district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such change, and that the tax and debt limits prescribed in section 25-412 of the Administrative Code will not be exceeded. Notice of the hearing on this local law must be published in at least one newspaper having general circulation in the district specifying the time and the place where the hearing will be held and stating the proposed change in the method of assessment upon which the district charge in the BID is based.

Although this is the only relevant legal requirement for the provision of notice prior to the Council approving the BID, the Finance Committee Chair has informed the Department of Business Services that it desires written notices of the proposed change in the method of assessment.

Int. 312

Int. 312 authorizes:

- 1) additional services and modifying existing services for the district;
- 2) a change the method of assessment upon which the district charge is based; and
- 3) an increase the maximum total amount to be expended for improvements in the district.

Additional Services/Modifying Existing Services

A new bond financing will be used to finance capital improvements, which include: pedestrian improvements in Herald and Greeley Square and 7th Avenue, lighting improvements, subway entrance improvements, and additional tree pits. In addition, the BID plans to upgrade, repair and replace existing streetscape items including: the traffic regulation sign system, bike racks, bollards, wayfinding signs, multi-unit newsboxes, and lighted street signs.

Changing Method of Assessment

In 1991, there were 1,000 residential units, now there are 2,700 units. In order to adapt to the increasing growth in mixed-use residential property within the BID, the method of assessment will be changed. Prior to such change, according to the Department of Small Business Services, residential properties paid the same amount as commercial properties in the BID, using the gross building square footage formula (number of square feet calculated by multiplying the lot's width by its length—typically applied for mixed-use districts that include above ground floor activity). The assessment change will continue to use the gross square foot formula, but reduce the assessment for residential properties to an amount equal to .60 x gross building square footage on a given assessable property x Per Square Foot Assessment to reflect the proportional benefit such properties receive from services and improvements within the district. This means that the residential property owners pay 60% of the commercial property rate. In other words, a 40% discount.

Increasing amount to be expended for improvement

The Board of Directors of the 34th Street District Management Association, Inc. approved a proposal to expand the number and amount of capital improvements within the district. Therefore, the district plan needs to be amended in order to

increase the maximum total amount expended for district improvements from \$30 million to an amount not to exceed \$50 million.

For the 1st Contract Year, the maximum amount to be expended will be increased from \$6 million to \$10.27 million.

Compliance with section 25-412 of the Administrative Code

Constitutional Debt Limit (10% of the City's average full valuation of taxable real estate)

(a) The aggregate amount of outstanding indebtedness that is incurred to provide funds for capital improvements pursuant to this chapter shall be chargeable against the city's constitutional debt limit and may not exceed ten percent of the amount allowable under that limit. The aggregate amount of outstanding indebtedness that is incurred to provide funds for capital improvements pursuant to this chapter and that is chargeable against the property within the district may not exceed seven percent of the average full valuation of taxable real property in the district.

The City's constitutional debt limit is \$76,224,403,754. The amount incurred for capital improvement under the amended plan is \$10 million in the first year, and \$50 million in subsequent years. Both amounts are less than 10% of the constitutional debt limit of \$7,622,440,375.4, therefore in compliance with 25-412(a).

(The following is from the text of the Fiscal Impact Statement for Int. No. 312:)

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES AND EXPENDITURES: This local law would result in no fiscal impact upon the City's revenues or expenditures. Under the Code, proceeds authorized to be assessed by the District are collected by the City on behalf of the District. None of these proceeds are proceeds of the City and they may not be used for any purpose other than those set forth in the BID's District plan. The 34th Street Business Improvement District will be funded through an additional self-assessment by property owners within the district. The anticipated revenues from this self-assessment in Fiscal 2011 will be \$10,268,000. This amount will cover the BID's expenses as proposed by its first year budget. The District proposes to expend a maximum amount of \$50,000,000 in years subsequent to the first year maintenance/sanitation, security, marketing/promotion, economic development, landscaping maintenance and reserve fees. \$9,291,500 will be funded by Assessments. This local law does not authorize an increase in assessments.

Source of Funds To Cover Estimated Costs: Not applicable

SOURCE OF INFORMATION: Department of Small Business Services

ESTIMATE PREPARED BY: Tanisha Edwards, Counsel, Finance Division

DATE SUBMITTED TO COUNCIL: July 29, 2010

HISTORY: To be reconsidered by the Committee on September 16, 2010.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 312:)

Int. No. 312

By Council Members Recchia, Sanders, Reyna, Cabrera and Rose (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the 34th Street business improvement district to authorize additional services and modify existing

services for the district, to change the method of assessment upon which the district charge is based and to increase the maximum total amount to be expended for improvements in the district.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 the administrative code of the city of New York is amended by adding a new section 25-423.3 to read as follows:

§25-423.3 34th Street business improvement district; amendments to the district plan. a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize additional services and modify existing services for the 34th Street business improvement district and to authorize a change in the method of assessment upon which the district charge in the 34th Street business improvement district is based, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such changes, there is hereby authorized in the 34th Street business improvement district such changes as set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision c of this section.

b. The city council having determined, pursuant to subdivision c of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the maximum total amount to be expended for improvements in the district, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in the 34th Street business improvement district such change as set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision c of this section.

c. Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan setting forth the additional services and modification of services and containing the change in the method of assessment authorized by subdivision a of this section and the increase in the maximum total amount to be expended for improvements authorized by subdivision b of this section.

§2. This local law shall take effect upon compliance with section 25-408 of chapter 4 of title 25 of the administrative code of the city of New York and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2010.

DOMENIC M. RECCHIA JR., JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, September 16, 2010.

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

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

Report for L.U. No. 203

Report of the Committee on Finance in favor of approving Harlem West III, Block 1945, Lots 5, 7, 9 Manhattan, Council District No. 9.

The Committee on Finance, to which the annexed Land Use resolution was referred on September 16, 2010, respectfully

REPORTS:

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

September 16, 2010

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

Members of the Finance Committee

FROM: Anthony Brito, Finance Division

RE: Finance Committee Agenda of September 16, 2010-Resolution approving tax exemptions for three preconsidered Land Use Items (Council District's 9 and 15).

HPD has submitted a request to the Council to approve three property tax exemptions for the Harlem West III & IV Apartments in Council Member Dickens' District and the Boston Road Apartments in Council Member Rivera's District.

The Harlem West III and IV Apartments consist of five buildings with 163-units that will provide low income rental housing. The sponsor, Urban Homeownership Corporation, will finance the rehabilitation of these five buildings by refinancing its original HUD mortgage in order to fund needed repairs. The project currently receives a tax exemption that will expire upon the commencement of a new exemption. In order to finance the rehabilitation of these projects, HPD is requesting to terminate the current tax exemptions and replace them with new exemptions pursuant to Section 577 of the Private Housing Finance Law that is coterminous with the new mortgage loan. The combined value of the tax exemptions for both projects is projected to be \$213,650 in the first year of the exemption and \$12.9 million over the 35-year length of the exemption.

The Boston Road Apartments consist of 2 buildings with 142-units that will provide low income rental housing. The sponsor, Boston Road Housing Development Fund Company, will finance the rehabilitation of this project by refinancing its original HUD mortgage in order to fund needed repairs. The project currently receives a tax exemption that will expire upon the commencement of a new exemption. In order to finance the rehabilitation of this project, HPD is requesting to terminate the current tax exemption and replace it with new exemption pursuant to Section 577 of the Private Housing Finance Law that is coterminous with the new mortgage loan. The combined value of the tax exemptions for both projects is projected to be \$166,280 in the first year of the exemption and \$10 million over the 35-year length of the exemption.

These items have the approval of Council Member's Dickens and Rivera.

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

Res. No. 451

Resolution approving an exemption from real property taxes for property located at (Block 1945, Lots 5, 7 and 9), Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No 203).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 7, 2010 that the Council take the following action regarding a housing project to be located at (Block 1945, Lots 5, 7 and 9), Borough of Manhattan ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on September 16, 2010;

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

RESOLVED:

The Project shall be developed upon the terms and conditions set forth in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

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

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

(a) "Effective Date" shall mean the date of repayment or refinancing of the HUD Mortgage.

- (b) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1945, Lots 5, 7, and 9 on the Tax Map of the City of New York.
- (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (d) "HDFC" shall mean 353-365 Housing Development Fund Company, Inc.
- (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (f) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
- (g) "HUD Mortgage" shall mean the original loan made by HUD to the HDFC in connection with the Section 236 Low Income Loan Program, which loan was secured by a mortgage on the Exemption Area.
- (h) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (i) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on July 20, 1978 (Cal. No. 326).
- (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC which commences on or before the Effective Date, runs with the land, binds all subsequent parties in interest to the Exemption Area until a date which is thirty-five years from the Effective Date, and requires that (i) notwithstanding any term of the Use Agreement or any other agreement to the contrary, the Exemption Area shall remain subject to the terms of the Use Agreement until a date which is thirty-five years from the Effective Date, (ii) in the event of a breach or a threatened breach of any of the covenants and agreements contained in the Use Agreement, in addition to any other remedies that HPD has or may have at law or in equity, HPD shall be entitled to institute legal action to enforce specific performance of such covenants and agreements and to enjoin any acts which violate such covenants and agreements, (iii) the HDFC shall exercise any and all available options to obtain and renew Rental Subsidy for eligible tenants, and (iv) the HDFC shall not cause or permit the Rental Subsidy to expire, to not be extended, to not be renewed, or to be terminated.
- (k) "Rental Subsidy" shall mean Section 8 rental assistance and any similar form of rental assistance from any governmental entity.
- (l) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (m) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent, but in no event less than fifty-five thousand one hundred twenty-three dollars (\$55,123) per annum.
- (n) "Use Agreement" shall mean a use agreement by and between the HDFC and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 236 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.
5. Notwithstanding any provision hereof to the contrary:
- (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
- (b) The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
- (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- (d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
6. In consideration of the New Exemption, prior to or simultaneous with repayment or refinancing of the HUD Mortgage, the HDFC, for itself, its successors and assigns, shall (i) execute and record a Use Agreement with HUD, (ii) execute and record a Regulatory Agreement with HPD, and (iii) waive, for so long as the New Exemption shall remain in effect, the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.
- DOMENIC M. RECCHIA JR., JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, September 16, 2010.
- On motion of the Speaker (Council Member Quinn), and adopted, the foregoing matter was coupled as a General Order for the day (see ROLL CALL ON GENERAL ORDERS FOR THE DAY).
- At this point the Speaker (Council Member Quinn) announced that the following items had been **preconsidered** by the Committee on Finance and had been favorably reported for adoption.
- Report for L.U. No. 204
- Report of the Committee on Finance in favor of approving Harlem West IV, Block 1944, Lots 18 and 45, Manhattan, Council District No. 9.**
- The Committee on Finance, to which the annexed Land Use resolution was referred on September 16, 2010, respectfully

REPORTS:

(For text of memo, please see the Report of the Committee on Finance for L.U. No. 203 printed above in these Minutes.)

Accordingly, this Committee recommends its adoption.

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

Res. No. 452

Resolution approving an exemption from real property taxes for property located at (Block 1944, Lots 18 and 45), Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No 204).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 7, 2010 that the Council take the following action regarding a housing project to be located at (Block 1944, Lots 18 and 45), Borough of Manhattan ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on September 16, 2010;

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

RESOLVED:

The Project shall be developed upon the terms and conditions set forth in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

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

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

- (a) "Effective Date" shall mean the date of repayment or refinancing of the HUD Mortgage.
- (b) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1944, Lots 18 and 45 on the Tax Map of the City of New York.
- (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (d) "HDFC" shall mean 400-408 Housing Development Fund Company, Inc.
- (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (f) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.

- (g) "HUD Mortgage" shall mean the original loan made by HUD to the HDFC in connection with the Section 236 Low Income Loan Program, which loan was secured by a mortgage on the Exemption Area.
- (h) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (i) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on July 20, 1978 (Cal. No. 320).
- (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC which commences on or before the Effective Date, runs with the land, binds all subsequent parties in interest to the Exemption Area until a date which is thirty-five years from the Effective Date, and requires that (i) notwithstanding any term of the Use Agreement or any other agreement to the contrary, the Exemption Area shall remain subject to the terms of the Use Agreement until a date which is thirty-five years from the Effective Date, (ii) in the event of a breach or a threatened breach of any of the covenants and agreements contained in the Use Agreement, in addition to any other remedies that HPD has or may have at law or in equity, HPD shall be entitled to institute legal action to enforce specific performance of such covenants and agreements and to enjoin any acts which violate such covenants and agreements, (iii) the HDFC shall exercise any and all available options to obtain and renew Rental Subsidy for eligible tenants, and (iv) the HDFC shall not cause or permit the Rental Subsidy to expire, to not be extended, to not be renewed, or to be terminated.
- (k) "Rental Subsidy" shall mean Section 8 rental assistance and any similar form of rental assistance from any governmental entity.
- (l) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (m) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent, but in no event less than fifty-eight thousand nine hundred forty-two dollars (\$58,942) per annum.
- (n) "Use Agreement" shall mean a use agreement by and between the HDFC and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 236 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.

- 2. The Prior Exemption shall terminate upon the Effective Date.
- 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- 4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.
- 5. Notwithstanding any provision hereof to the contrary:
 - (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement,
 - (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of,

the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- (b) The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.
 - (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - (d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.
6. In consideration of the New Exemption, prior to or simultaneous with repayment or refinancing of the HUD Mortgage, the HDFC, for itself, its successors and assigns, shall (i) execute and record a Use Agreement with HUD, (ii) execute and record a Regulatory Agreement with HPD, and (iii) waive, for so long as the New Exemption shall remain in effect, the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA JR., JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, September 16, 2010.

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

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

Report for L.U. No. 205

Report of the Committee on Finance in favor of approving Boston Road Apartments, Block 2940, Lots 58 and 65, Bronx, Council District No. 15.

The Committee on Finance, to which the annexed Land Use resolution was referred on September 16, 2010, respectfully

REPORTS:

(For text of memo, please see the Report of the Committee on Finance for L.U. No. 203 printed above in these Minutes.)

Accordingly, this Committee recommends its adoption.

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

Res. No. 453

Resolution approving an exemption from real property taxes for property located at (Block 1944, Lots 18 and 45), Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No 205).

By Council Member Recchia.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its request dated June 7, 2010 that

the Council take the following action regarding a housing project to be located at (Block 1944, Lots 18 and 45), Borough of Manhattan ("Exemption Area"):

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

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

WHEREAS, the Council held a hearing on the Project on September 16, 2010;

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

RESOLVED:

The Project shall be developed upon the terms and conditions set forth in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

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

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

- (a) "Effective Date" shall mean the date of repayment or refinancing of the HUD Mortgage.
- (b) "Exemption Area" shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1944, Lots 18 and 45 on the Tax Map of the City of New York.
- (c) "Expiration Date" shall mean the earlier to occur of (i) a date which is thirty-five (35) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- (d) "HDFC" shall mean 400-408 Housing Development Fund Company, Inc.
- (e) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
- (f) "HUD" shall mean the Department of Housing and Urban Development of the United States of America.
- (g) "HUD Mortgage" shall mean the original loan made by HUD to the HDFC in connection with the Section 236 Low Income Loan Program, which loan was secured by a mortgage on the Exemption Area.
- (h) "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (i) "Prior Exemption" shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on July 20, 1978 (Cal. No. 320).
- (j) "Regulatory Agreement" shall mean the regulatory agreement between HPD and the HDFC which commences on or before the Effective Date, runs with the land, binds all subsequent parties in interest to the Exemption Area until a date which is thirty-five years from the Effective Date, and requires that (i) notwithstanding any term of the Use Agreement or any other agreement to the contrary, the Exemption Area shall remain subject to the terms of the Use Agreement until a date which is thirty-five years from the Effective Date, (ii) in the event of a breach or a threatened breach of any of the covenants and agreements contained in the Use Agreement, in addition to any other remedies that HPD has or may have at law or in equity, HPD shall be entitled to institute legal action to enforce specific performance of such covenants and agreements and to enjoin any acts which violate such covenants and agreements, (iii) the HDFC shall exercise any and all available options to obtain and renew Rental Subsidy for eligible tenants,

and (iv) the HDFC shall not cause or permit the Rental Subsidy to expire, to not be extended, to not be renewed, or to be terminated.

- (k) "Rental Subsidy" shall mean Section 8 rental assistance and any similar form of rental assistance from any governmental entity.
- (l) "Shelter Rent" shall mean the total rents received from the commercial and residential occupants of the Exemption Area, including any federal subsidy (including, but not limited to, Section 8, rent supplements, and rental assistance), less the cost of providing to such occupants electricity, gas, heat and other utilities.
- (m) "Shelter Rent Tax" shall mean an amount equal to ten percent (10%) of Shelter Rent, but in no event less than fifty-eight thousand nine hundred forty-two dollars (\$58,942) per annum.
- (n) "Use Agreement" shall mean a use agreement by and between the HDFC and HUD which commences on or before the Effective Date, runs with the land, binds all subsequent owners and creditors of the Exemption Area, and requires that the housing project on the Exemption Area continue to operate on terms at least as advantageous to existing and future tenants as the terms required by the original Section 236 loan agreement or any Section 8 rental assistance payments contract or any other rental housing assistance contract and all applicable federal regulations.

2. The Prior Exemption shall terminate upon the Effective Date.

3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the HDFC shall make real property tax payments in the sum of the Shelter Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the HDFC shall not at any time exceed the amount of real estate taxes that would otherwise be due in the absence of any form of tax exemption or abatement provided by an existing or future local, state, or federal law, rule or regulation.

5. Notwithstanding any provision hereof to the contrary:

- (a) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement,

(iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the HDFC and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- (b) The New Exemption shall not apply to any building constructed on the Exemption Area which did not have a permanent certificate of occupancy on the Effective Date.

- (c) Nothing herein shall entitle the HDFC to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

- (d) All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked.

6. In consideration of the New Exemption, prior to or simultaneous with repayment or refinancing of the HUD Mortgage, the HDFC, for itself, its successors and assigns, shall (i) execute and record a Use Agreement with HUD, (ii) execute and record a Regulatory Agreement with HPD, and (iii) waive, for so long as the New Exemption shall remain in effect, the benefits of any additional or concurrent exemption from or abatement of

real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.

DOMENIC M. RECCHIA JR., JOEL RIVERA, DIANA REYNA, GALE A. BREWER, LEROY G. COMRIE, LEWIS A. FIDLER, HELEN D. FOSTER, ROBERT JACKSON, G. OLIVER KOPPELL, ALBERT VANN, DARLENE MEALY, JULISSA FERRERAS, FERNANDO CABRERA, KAREN KOSLOWITZ, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, JAMES S. ODDO, Committee on Finance, September 16, 2010.

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

Reports of the Committee on Governmental Operations

Report for Int. No. 91-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York City charter, in relation to requiring that all proposed rules be reviewed by the law department and the mayor's office of operations.

The Committee on Governmental Operations, to which the annexed amended proposed local law was referred on March 3, 2010 (Minutes, page 720), respectfully

REPORTS:

I. Introduction

The Committee on Governmental Operations will meet today to consider Proposed Introduction 91-A, a local law requiring that all proposed rules be reviewed by the Law Department and the Mayor's Office of Operations ("Operations"). The Committee, together with the Committees on Small Business and Economic Development, previously considered the bill on June 25, 2010. At that hearing, representatives of the Mayor and a representative of several small business groups testified in support of the legislation. No witnesses opposed the bill.

The legislation would require a legal and operational review of all proposed rules prior to their initial publication in the City Record in order to ensure that, among other things, new or modified rules are not unduly burdensome and do not create unnecessarily high compliance costs for the regulated community, if one exists.

II. Panel on Regulatory Review

This legislation is, in part, a product of the work of the Panel on Regulatory Review ("Panel"), though it also contains important elements of a previous version of the bill. Local Law 45 of 2009 established the Panel in July of 2009. The Panel's members include the sponsor of the present legislation, Council Member James Oddo, as well as Council Member Leroy Comrie, Council Member Diana Reyna and Council Member Karen Koslowitz. The Panel also includes Counselor to the Mayor and Panel Chair Anthony Crowell, Corporation Counsel Michael Cardozo, Small Business Services Commissioner Robert W. Walsh, Mayor's Office of Management and Budget Director Mark Page, Consumer Affairs Commissioner Jonathan Mintz, and Mayor's Office of Special Enforcement Director Shari Hyman.

The Council formed the Panel in order to modernize the rulemaking process, with the specific goals of enhancing public participation and identifying and fixing systemic problems with existing rules and regulatory implementation. The Panel received input from well over 200 small business owners, industry representatives and other stakeholders through outreach sessions with business owners in all five boroughs, meetings with various industry and civic groups, and written comments from the general public.

The present legislation, along with other recently enacted local legislation such as the Business Owners' Bill of Rights, aims to address some of the difficulties faced by businesses when dealing with the regulatory system and when complying with City rules and regulations. For example, in conversations with the Panel as well as the sponsor and other Council Members, many small business owners stated that new rules are sometimes unduly burdensome, difficult to understand and impose unreasonable compliance costs. The present legislation is designed to address such concerns in the early stages of the rule-making process.

III. The Rule-Making Process

The proposed legislation would enhance the City's rule-making process. This process, known as the City Administrative Procedure Act ("CAPA") is found in Chapter 45 of the City Charter. CAPA is designed to increase public participation in drafting new rules and to standardize rulemaking processes among City agencies. The standard rulemaking procedure occurs in three steps:

1. Notice of the Public Hearing.

At least 30 days prior to a public hearing or the designated deadline for submission of written comments, an agency must publish notice of a proposed rule or rule change in The City Record. Such notice must provide: the proposed rule or rule change (with deletions in brackets and new material in underlined or italicized text), and a brief description of the proposed rule or rule change and the legal authority for issuing it (collectively known as the "Statement of Basis and Purpose"). An agency must also state the time and place of the public hearing on the proposed rule or rule change. In 2008, CAPA was amended to mandate additional notice regarding a proposed rule or rule change. Specifically, no later than the time an agency sends its notice of public hearing for a proposed rule or rule change to The City Record for publication, it must also electronically send the same notice to each City Council Member, each Community Board Chair, members of the news media, and civic organizations.

2. Public Comments.

Members of the public may provide comments on the proposed rule or rule change at a public hearing or for at least 30 days after it is published in The City Record. They may do so by sending comments to the rulemaking agency via mail or providing testimony at a public hearing. Other city agencies may also submit comments on the proposed rule or rule change. The rulemaking agency is required to consider comments from the public and other city agencies. The Panel, along with the administration, developed a new website, NYC Rules, in order to make it easier for interested members of the public to participate in the rule-making process by allowing for the online submission of public comments and providing a convenient way for interested parties to track regulatory developments.

3. Notice of Adoption.

After the public hearing, an agency must publish the final rule in The City Record. The final rule may include changes reflecting comments submitted by the public or other City agencies. The final rule takes effect 30 days after its publication in The City Record.

The present legislation would enhance CAPA by implementing an enhanced legal review and adding an operational review and analysis, to be performed by the Law Department and Operations, respectively, of proposed rules prior to their initial publication in the City Record. This added step is intended to ensure that, among other things, agency rules are not unduly burdensome, that agencies conduct outreach to the regulated community, if one exists, that new or modified rules are clear and easy to understand and that agencies promulgating rules carefully consider ways to prevent unreasonable compliance costs.

IV. Legislation

The proposed legislation would require an examination of each proposed rule by the Law Department and Operations. The examination would be carried out by those entities because the Law Department has the relevant legal expertise to perform the required examination and Operations has the necessary expertise in regulatory impact and the multi-agency jurisdiction needed to assure the required analysis.

The Law Department would be required to state whether each proposed rule: (i) is drafted so as to accomplish the purpose of the authorizing provisions of law; (ii) is not in conflict with other applicable rules; (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

Operations would be required to analyze each proposed rule and state: (a) whether such rule is understandable and written in plain language; (b) how the drafting process of the rule, to the extent practicable and appropriate, included analysis sufficient to minimize the compliance costs for the discrete regulated community or communities, to the extent one exists, consistent with achieving the stated purpose of the rule; and (c) why, in the event such rule involves the establishment of a violation, modification of a violation or modification of the penalties associated with a violation without also including a cure period, or other opportunity for ameliorative action by the party or parties subject to enforcement, such cure period or other opportunity for ameliorative action was not included.

If the proposed rule solely establishes or modifies the amount of a monetary penalty or penalties, however, then the law department statement described above would not be required and the Operations analysis would be limited to the reason or reasons a cure period or other opportunity for ameliorative action was not included.

Additionally, the City's rule-making process would be modified to require that agencies reach out to the regulated community or communities, if one exists, as part of their solicitation of public comments.

The legislation would additionally require that the Law Department and Operations certify that they had performed the above-described review and analysis and would require that a copy of such certification, including the analysis performed by Operations, be transmitted to the agency promulgating the proposed rule. That agency would be required to annex such certification and analysis to the full text of the proposed rule upon its initial publication in the City Record. Such certification and analysis would also be made available to the public on the city's website and provided to the City Council Speaker.

Rules (i) promulgated pursuant to emergency procedures, (ii) solely concerned with the establishment or modification of fines where the underlying

violation or a modification of the penalties associated with such violation had previously been analyzed by the Law Department and Operations, (iii) solely concerned with the establishment or modification of the amount of a fee or fees, or (iv) implementing a particular mandate or standards set forth in newly enacted federal, state, or local laws, regulations or other requirements with only minor, if any, exercise of agency discretion in interpreting such mandates or standards would be exempted from the Law Department and Operations analysis described above.

No rule could be submitted for initial publication in the City Record as part of the CAPA process unless the Law Department and Operations issued the required certification and analysis.

(The following is from the text of the Fiscal Impact Statement for Int. No. 91-A:)

FISCAL IMPACT STATEMENT:

	Effective FY 11	FY Succeeding Effective FY 12	Full Fiscal Impact FY 11
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: This legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: This legislation would have no impact on city expenditures as many of the tasks required of the Law Department and the Mayor's Office of Operations are already performed informally by these agencies. It will not require the hiring of any additional staff as existing agency personnel will perform these functions.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: NA

SOURCE OF INFORMATION: City Council Finance Division and the Office of the Counselor to the Mayor.

ESTIMATE PREPARED BY: Andy Grossman, Deputy Director
Eisha Wright, Supervising Legislative Financial Analyst

HISTORY: On March 3, 2010, Intro. 91 was introduced by the Council and referred to the Committee on Governmental Operations. On June 25, 2010, the Committee on Governmental Operations joint with the Committees on Economic Development and Small Business Services held a hearing regarding this legislation. The committees considered an amended version of the legislation, Proposed Intro. 91-A, which was then laid over. On September 15, 2010, the Committee on Governmental Operations will vote on Proposed Intro. 91-A.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 91-A:)

Int. No. 91-A

By Council Members Oddo, The Speaker (Council Member Quinn), Ignizio, Koo, Ulrich, Halloran, Fidler, James, Nelson, Rivera, Reyna, Vacca, Vallone, Arroyo, Gennaro, Lappin, Williams, Recchia Jr., Rodriguez, Chin, Greenfield, Jackson, Lander and Rose.

A Local Law to amend the New York City charter, in relation to requiring that all proposed rules be reviewed by the law department and the mayor's office of operations.

Be it enacted by the Council as follows:

Section 1. Subdivisions d, e, f, g and h of section 1043 of the New York city charter are relettered subdivisions e, f, g, h and i, respectively, and a new subdivision d is added, to read as follows:

d. 1. The law department and the mayor's office of operations shall review each proposed rule prior to publication of such proposed rule in the City Record. At the conclusion of its review, the law department shall state whether each proposed rule: (i) is drafted so as to accomplish the purpose of the authorizing provisions of law; (ii) is not in conflict with other applicable rules; (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that

provides a clear explanation of the rule and the requirements imposed by the rule. As part of its review, the mayor's office of operations shall analyze each proposed rule and state: (a) whether such rule is understandable and written in plain language; (b) how the drafting process of the rule, to the extent practicable and appropriate, included analysis sufficient to minimize the compliance costs for the discrete regulated community or communities, to the extent one exists, consistent with achieving the stated purpose of the rule; and (c) why, in the event such rule involves the establishment of a violation, modification of a violation or modification of the penalties associated with a violation without also including a cure period, or other opportunity for ameliorative action by the party or parties subject to enforcement, such cure period or other opportunity for ameliorative action was not included. Provided, however, that if the proposed rule solely establishes or modifies the amount of a monetary penalty or penalties then the law department statement required by this paragraph shall not be required and the analysis of the office of operations may be limited to the reason or reasons a cure period or other opportunity for ameliorative action was not included.

2. After completing the review as set forth in paragraph one of this subdivision, the law department and the mayor's office of operations shall certify that they have performed such review, and shall promptly transmit a copy of such certification, including the analysis performed by the mayor's office of operations, to the relevant agency. Such agency shall annex such certification and analysis to the full text of the proposed rule as published in the City Record. Such certification and analysis shall also be made available to the public on the city's website and transmitted to the speaker of the city council at the time of publication. In no event shall a proposed rule be submitted for initial publication in the City Record unless the law department and the mayor's office of operations have issued such certification and analysis.

3. This subdivision shall not be construed to create a private right of action to enforce its provisions. Inadvertent failure to comply with this subdivision shall not result in the invalidation of any rule.

4. This subdivision shall not apply to rules that: (i) are promulgated pursuant to the emergency procedures set forth in subdivision i of this section; (ii) are solely concerned with the establishment or modification of the amount of a monetary penalty or penalties, and the underlying violation or a modification of the penalties associated with such violation has previously been analyzed in accordance with paragraph one of this subdivision; (iii) are solely concerned with the establishment or modification of the amount of a fee or fees or (iv) implement particular mandates or standards set forth in newly enacted federal, state, or local laws, regulations or other requirements with only minor, if any, exercise of agency discretion in interpreting such mandates or standards. If an analysis of a proposed rule is not performed pursuant to the exceptions noted in this paragraph, such fact shall be noted and the note annexed to the full text of the proposed rule as published in the City Record.

§2. Paragraph 1 of subdivision b of section 1043 of the New York city charter, as added by vote of the electors at the general election held on November 7, 1988, is amended to read as follows:

1. Each agency shall publish the full text of the proposed rule in the City Record at least thirty days prior to the date set for a public hearing to be held pursuant to the requirements of subdivision [d]e of this section or the final date for receipt of written comments, whichever is earlier. A proposed rule amending an existing rule shall contain in brackets any part to be deleted and shall have underlined or italicized any new part to be added. A proposed rule repealing an existing rule shall contain in brackets the rule to be repealed, or if the full text of the rule was published in the Compilation required to be published pursuant to section one thousand forty-five, shall give the citation of the rule to be repealed and a summary of its contents. Such published notice shall include a draft statement of the basis and purpose of the proposed rule, the statutory authority, including the particular sections and subdivisions upon which the action is based, the time and place of public hearing, if any, to be held or the reason that a public hearing will not be held, and the final date for receipt of written comments. If the proposed rule was not included in the regulatory agenda, such notice shall also include the reason the rule was not anticipated, as required in subdivision c of section one thousand forty-two of this chapter.

§3. Subdivision e of section 1043 of the New York city charter, as amended by local law number 42 for the year 1989, and as relettered by this local law, is amended to read as follows:

e. Opportunity for and consideration of agency and public comment. The agency shall provide the public an opportunity to comment on the proposed rule (i) through outreach to the discrete regulated community or communities, if one exists, provided that this clause shall not be construed to create a private right of action to enforce this requirement; [(i)](ii) through submission of written data, views, or arguments, and [(ii)](iii) at a public hearing unless it is determined by the agency in writing, which shall be published in the notice of proposed rulemaking in the City Record, that such a public hearing on a proposed rule would serve no public purpose. All written comments and a summary of oral comments concerning a proposed rule received from the public or any agency shall be placed in a public record and be made readily available to the public as soon as practicable and in any event within a reasonable time, not to be delayed because of the continued pendency of consideration of the proposed rule. After consideration of the relevant comments presented, the agency may adopt a final rule pursuant to subdivision [e]f of this section. Such final rule may include revisions of the proposed rule, and such adoption of revisions based on the consideration of relevant agency or public comments shall not require further notice and comment pursuant to this section.

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

GALE A. BREWER, Chairperson; ERIK MARTIN DILAN, DOMENIC M. RECCHIA JR., PETER F. VALLONE JR., Committee on Governmental Operations, September 15, 2010.

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

(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int No. 91-A:)

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

A LOCAL LAW

To amend the New York City charter, in relation to requiring that all proposed rules be reviewed by the law department and the mayor's office of operations.

Given under my hand and seal this 16th day of September, 2010 at City Hall in the City of New York.

Michael R. Bloomberg
Mayor

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

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

Report for Res. No. 444

Report of the Committee on Governmental Operations in favor of approving a Resolution approving the rate set by the Commissioners of the Board of Elections in the City of New York pursuant to Section 7-207(5) of the State Election Law to compensate party representatives for their time spent monitoring the preparation of voting machines and devices pursuant to Sections 7-207(2) and 7-207(3) of the State Election Law.

The Committee on Governmental Operations, to which the annexed resolution was referred on September 16, 2010, respectfully

REPORTS:

Introduction

The Committee on Governmental Operations, chaired by Council Member Gale Brewer, will meet today to conduct an oversight hearing to discuss the implementation of new voting machines throughout the City by the New York City Board of Elections ("Board"), including related voter education and outreach programs. The Committee will also consider a Preconsidered Resolution ("Resolution") approving the rate set by the Commissioners of the Board of Elections in the City of New York ("Board") pursuant to Section 7-207(5) of the State Election Law to compensate party representatives for their time spent monitoring the preparation of voting machines and devices pursuant to Sections 7-207(2) and 7-207(3) of the State Election Law.

Those invited to testify include representatives of the Board, the Center for the Independence of the Disabled/NY, Citizens Union, Common Cause, New York Public Interest Research Group, other good government and advocacy groups, and the public.

Oversight Background

In 2002, Congress passed the Help America Vote Act (“HAVA”) to improve the administration of elections in the United States. This legislation requires the states to, among other things: (i) replace all punch card and lever voting machines;¹⁶ (ii) create a statewide computerized interactive voter registration list;¹⁷ and (iii) provide accessible voting machines.¹⁸

States were required to be in compliance with HAVA by the General Election for federal offices held in November 2004.¹⁹ Certain states like New York, however, applied for and obtained a one-time waiver from the federal government. Pursuant to the waiver, the deadline for compliance with HAVA was extended until the first election for federal offices held after January 1, 2006,²⁰ which was the September 2006 Primary Election.

To facilitate the implementation of HAVA in New York State, the New York State Legislature passed the Election Reform and Modernization Act (“ERMA”) in 2005. ERMA authorized the local County Boards of Elections to make the final decision about which systems to select to replace the current lever machines in their respective counties.²¹ Nonetheless, the question of which system to select proved difficult to answer.

In light of the slow pace of progress, in February of 2006 the Department of Justice (“DOJ”) sued New York State over its failure to replace the state’s voting machines or comply with other HAVA guidelines.²² On June 2, 2006, as part of the settlement of the HAVA lawsuit, the Court issued an order accepting the State Board of Elections’ remedial plan for partial HAVA compliance for the 2006 election cycle, and setting forth future deadlines for full HAVA compliance by 2007.²³ As part of this remedial plan for the 2006 election cycle, along with establishing deadlines for full HAVA compliance by 2007, the Board implemented the ballot marking device (“BMD”)²⁴ as the voting system for people with disabilities.²⁵

For the Primary and General Elections of 2006, the Board made BMDs available at one designated poll site (super-poll site) in each of the five boroughs.²⁶ There were five BMDs in each super poll site in Manhattan, Brooklyn and Queens, four BMDs in the Bronx super poll site, and three BMDs in the Staten Island super poll site, for a total of twenty-two BMDs.²⁷

In July 2007, the New York State Legislature approved, and on August 6, 2007, the Governor signed into law, Chapter 506 of the Laws of 2007, which removed a deadline to replace lever voting systems by September 2007 and required counties to provide at least one ballot marking device in each county until there was a replacement system certified by the New York State Board of Elections.

As a result of New York’s continued failures to achieve HAVA-related goals, in November of 2007 the DOJ filed a motion in Federal Court to enforce the court’s June 2, 2006 Remedial Order. In support of its motion, DOJ asserted non-compliance and cited New York’s continued delay in implementing a new voting system.²⁸ On January 16, 2008, the court issued a supplemental order directing the county boards to implement a BMD in every polling site during the September 2008 Primary and November 2008 General Election. On February 6, 2008, the Board unanimously chose the ES&S BMD system. BMDs were subsequently made available in each polling place.²⁹ Since 2008, the Committee has been actively engaged in oversight activities relating to BMD implementation.

for the Lower Ma_____

¹⁶ Help America Vote Act, 42 USC § 15301-15545 (2002).

¹⁷ 42 USC 15483(a)(1)(A) (2002).

¹⁸ 42 USC § 15545

¹⁹ 42 USC § 15302(a)(3)(A). Note that if a state could prove that their current ballot technology met the requirements of HAVA then participation in the system was not required.

²⁰ Id. At § 15302(a)(3)(B).

²¹ Election Reform and Modernization Act of 2005, Chapter 181, Laws of New York (codified as amended in scattered sections of N.Y. ELEC. LAW).

²² Michael Cooper, Albany Faces Dual Signals on Elections, NY TIMES, Mar. 9, 2006.

²³ See, U.S. v. New York State Board of Elections, Civil Action No. 06-CV-0263 (GLS) (N.D.N.Y. 2006).

²⁴ Sewell Chan, Chance to Mark the Ballot by Puffing through a Straw, NY TIMES, June 21, 2006 (article describing the specifications of the Avante Vote-Trakker Auto Ballot marking device, which includes puff and sip capabilities, pumping a foot pedal, touching a computer screen or pressing flat plastic shapes affixed to the four corners of a specially configured keyboard).

²⁵ Id.

²⁶ Id.

²⁷ Id.

²⁸ See, U.S. v. New York State Board of Elections, Civil Action No. 06-CV-0263 (GLS) (N.D.N.Y. 2006).

²⁹ See, Minutes of New York City Board of Elections Commissioners meeting, February 8, 2008.

In March of 2010, the Board voted to purchase optical scan voting machines manufactured by ES&S. These machines, which will be used for the first time in the September 14, 2010 Primary Election, will replace traditional lever voting machines throughout the City. In addition to purchasing the machines, the Board also entered into agreements with third party firms for the purpose of educating voters about the new machines and the related changes in election administration.

Finally, the Board also conducted outreach of its own, offering voting machine demonstrations and performing other activities, such as establishing a dedicated website, aimed at making the public aware of the new voting machines and procedures.

Today, the Committee is eager to hear about the Board’s implementation efforts, including an evaluation of the performance of third party firms and the success of the Board’s voter education and outreach program. The Committee is also eager to hear from advocacy and good government groups, as well as the public, on their experiences with the Board’s voter education and outreach efforts and on other matters relating to the implementation of the new machines.

Preconsidered Res. No. 444

As discussed above, beginning with the September 14, 2010 Primary Election, New York City voters will no longer use lever voting machines but will cast their ballots using new pollsite voting systems, including optical scan voting machines. These machines are being implemented as part of the City’s efforts to comply with the Help American Vote Act, federal legislation aimed, in part, at establishing minimum election administration standards for states and municipalities. The new voting machines require preparations in advance of their use, including certain inspections as well as hash code and pre-qualification testing by the Board, to insure that they are in proper working order on Election Day.

This Resolution deals with the amount of money that party representatives monitoring such tests and preparations will be paid for performing their statutory duties, which may include examining the printed or photographic record of voting machines and examining ballot programming data produced by voting machines.

Specifically, this Resolution would approve the pay rate set by the Commissioners of the Board for the compensation of individuals serving as party representatives for performing the duties described above. The party representatives are selected and certified by each of the County chairs of the Democratic and Republican parties. New York State Election Law provides that the pay rate of such party representatives shall be set by the Board and approved by the local municipality. The Board is responsible for making all payments to such party representatives from its budget—the local municipality simply approves the pay rate.

The pay rate adopted by the Commissioners is \$200 per day, the same amount that is paid to Inspectors of Elections and other poll workers on Election Day. This rate was unanimously adopted by the Commissioners at a public meeting of the Board on August 3, 2010.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 444:)

Res. No. 444

Resolution approving the rate set by the Commissioners of the Board of Elections in the City of New York pursuant to Section 7-207(5) of the State Election Law to compensate party representatives for their time spent monitoring the preparation of voting machines and devices pursuant to Sections 7-207(2) and 7-207(3) of the State Election Law.

By Council Members Brewer, Gennaro, Arroyo, Cabrera, Foster, Greenfield, Jackson and Williams.

Whereas, Beginning with the September 14, 2010 Primary Election, New York City voters will no longer use lever voting machines but will cast their ballots using new pollsite voting systems, including optical scan voting machines; and

Whereas, State Election Law provides that party representatives are entitled to be present during the preparation of voting machines and devices to observe such preparation and examine the printed or photographic record or ballot programming data produced by such voting machines or devices in order to ensure that they are properly programmed and in appropriate condition for use on Election Day; and

Whereas, State Election Law also provides that such party representatives shall be compensated for their services at a rate set by the local Board of Elections and approved by the governing body of the municipality wherein such voting machines or devices are to be used; and

Whereas, On August 3, 2010, the Commissioners of the Board of Elections in the City of New York voted unanimously to set the pay rate for such party representatives at \$200 per day, which is the same rate received by Inspectors of Elections and other poll workers on Election Day; now therefore, be it

Resolved, That the Council of the City of New York approves the rate set by the Commissioners of the Board of Elections in the City of New York pursuant to Section 7-207(5) of the State Election Law to compensate party representatives for

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: September 13, 2010

The Committee recommends that the Council approve the attached resolution and thereby affirm the designation.

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

Res. No. 457

Resolution affirming the designation by the Landmarks Preservation Commission of the Greenwich Village Historic District Extension II, Borough of Manhattan, Designation List No. 430, LP-2366; (L.U. No. 202; 20105800 HKM (N 100476 HKM).

By Council Members Comrie and Lander.

WHEREAS, the Landmarks Preservation Commission filed with the Council on June 20, 2010 a copy of its designation dated June 22, 2010 (the "Designation"), of the Greenwich Village Historic District Extension II.

The district boundaries are:

Area I

Area I of the Greenwich Village Historic District Extension II consists of the property bounded by a line beginning at the northwest corner of West Houston Street and Sixth Avenue, extending northeasterly along the western curblineline of Sixth Avenue to a point in the middle of the roadbed of West 4th Street, northwesterly along a line in the middle of the roadbed of West 4th Street to a point on a line extending northeasterly from the northern property line of 180-184 West 4th Street (aka 1-3 Jones Street), southwesterly along said line and the northern property lines of 180-184 West 4th Street (aka 1-3 Jones Street) through 287 Bleecker Street, southwesterly to a point in the middle of the roadbed of Seventh Avenue South, southwesterly along a line in the middle of the roadbed of Seventh Avenue South to a point on a line extending northwesterly from the eastern curblineline of Bedford Street, southeasterly along said line and the eastern curblineline of Bedford Street to the southeastern corner of Leroy and Bedford Streets, southwesterly along the southern curblineline of Leroy Street to a point on a line extending northwesterly from the western property line of 42 Leroy Street, southeasterly along said line and the western property line of 42 Leroy Street, northeasterly along the southern property lines of 42 Leroy Street and 40 Leroy Street (aka 45 Bedford Street) to the eastern curblineline of Bedford Street, southeasterly along the eastern curblineline of Bedford Street to the southeastern corner of Carmine and Bedford Streets, southwesterly along the southern curblineline of Carmine Street to a point on a line extending northwesterly from the western property line of 37A Bedford Street (aka 60-64 Carmine Street), southeasterly along the said line and the western property line of 37A Bedford Street (aka 60-64 Carmine Street), southwesterly along part of the northern property line of 35-37 Bedford Street and the northern property lines of 45 (aka 45-47) Downing Street through 55 Y2 (aka 55A) Downing Street, southeasterly along the western property line of 55 Y2 (aka 55A) Downing Street to the southern curblineline of Downing Street, northeasterly along the southern curblineline of Downing Street to a point on a line extending northwesterly from the western property line of 46 (aka 46-48) Downing Street, southeasterly along said line and the western property line of 46 (aka 46-48) Downing Street, northeasterly along the southern property line of 46 (aka 46-48) Downing Street through 38 Downing Street, northwesterly along part of the eastern property line of 38 Downing Street, easterly and northeasterly along the southern property line of 19 (aka 17-19) Bedford Street to the eastern curblineline of Bedford Street, southeasterly along the eastern curblineline of Bedford Street and the northern curblineline of West Houston Street to the point of beginning, Community District 2, Borough of Manhattan.

Area II

Area II of the Greenwich Village Historic District Extension II consists of the property bounded by a line beginning at the northwest corner of Clarkson Street and Seventh Avenue South, extending northeasterly along the western curblineline of Seventh Avenue South to a point in the middle of the roadbed of Leroy Street, southwesterly along the middle of the roadbed of Leroy Street to a point on a line extending northerly from the western property line of 66-68 Leroy Street (aka 10-12 Seventh Avenue South), southerly along said line and part of the western property line of 66-68 Leroy Street (aka 10-12 Seventh Avenue South), westerly and southerly along part of the irregular northern and western property lines of 2-8 Seventh Avenue South, southerly along part of the western property line of 2-8 Seventh Avenue South to the northern curblineline of Clarkson Street and easterly along the northern curblineline of Clarkson Street to the point of

beginning, Community District 2, Borough of Manhattan, pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the City Charter;

WHEREAS, the City Planning Commission submitted to the Council on August 13, 2010 its report on the Designation dated August 11, 2010 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 13, 2010; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, September 15, 2010.

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

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

Report for L.U. No. 206

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100145 ZMQ pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map Section Nos 9a and 9b, Borough of Queens, Council District no. 26.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 16, 2010, respectfully

REPORTS:

SUBJECT

QUEENS CB - 1

C 100145 ZMQ

City Planning Commission decision approving an application submitted by Hour Children, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9a and 9b:

1. changing from an M1-1 District to an R5D District property bounded by 36th Avenue, a line midway between 12th Street and 13th Street, 37th Avenue and 11th Street; and
2. establishing within a proposed R5D District a C1-3 District bounded by 36th Avenue, a line midway between 12th Street and 13th Street, a line 100 feet southwesterly of 36th Avenue;

as shown on a diagram (for illustrative purposes only) dated May 10, 2010 and subject to the conditions of CEQR Declaration E-250.

INTENT

Zoning change to facilitate the development of 18 units of permanently affordable housing in Ravenswood, Queens.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION**

DATE: September 13, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

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

Res. No. 458

Resolution approving the decision of the City Planning Commission on ULURP No. C 100145 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 206)

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 27, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by Hour Children, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change an M1-1 District to R5D and R5D/C1-3 districts to facilitate the development of 18 units of permanently affordable housing in the Ravenswood area of Queens, Community District 1, Borough of Queens (ULURP No. C 100145 ZMQ (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 13, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on May 5, 2010 (CEQR No. 10DCP014Q);

The Negative Declaration included an (E) designation (E-250), which would be mapped as part of the proposed action, to avoid any potential significant adverse impacts related to hazardous materials on Block 351, Lots 1, 6, 7, 8, 10 and 11 and Block 352, Lot 1.

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment provided that the procedures set forth in City Planning Commission Report C 100145 ZMQ are implemented.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100145 ZMQ, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 9a and 9b:

1. changing from an M1-1 District to an R5D District property bounded by 36th Avenue, a line midway between 12th Street and 13th Street, 37th Avenue and 11th Street; and
2. establishing within a proposed R5D District a C1-3 District bounded by 36th Avenue, a line midway between 12th Street and 13th Street, a line 100 feet southwesterly of 36th Avenue;

as shown on a diagram (for illustrative purposes only) dated May 10, 2010 and subject to the conditions of CEQR Declaration E-250, Community District 1, Borough of Queens.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, September 15, 2010.

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

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

Report for L.U. No. 207

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100436 ZMQ pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map Section Nos 19a, 19b, 19c and 19d, Borough of Queens, Council District no. 31.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on September 16, 2010, respectfully

REPORTS:**SUBJECT**

QUEENS CB - 13

C 100436 ZMQ

City Planning Commission decision approving an 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 Nos. 19a, 19b, 19c and 19d.

INTENT

To rezone a portion of the Rosedale neighborhood, Queens, New York.

Report Summary**COMMITTEE RECOMMENDATION AND ACTION**

DATE: September 13, 2010

The Committee recommends that the Council approve the attached resolution and thereby approve the decision of the City Planning Commission.

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

Res. No. 459

Resolution approving the decision of the City Planning Commission on ULURP No. C 100436 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 207).

By Council Members Comrie and Weprin.

WHEREAS, the City Planning Commission filed with the Council on August 27, 2010 its decision dated August 25, 2010 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, to rezone all or portions of approximately 193 blocks in the Rosedale neighborhood in Community District 13, Queens. The proposed rezoning from an R3-2 district to R2, R3A, R3X or R3-1 districts and updating of certain commercial overlay districts is intended to preserve the established lower-density character of Rosedale and ensure that future

development will more closely reflect the area's existing land use and development patterns, Community District 13, Borough of Queens (ULURP No. C 100436 ZMQ (the "Application"));

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 13, 2010;

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

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on June 7, 2010 (CEQR No. 10DCP046Q);

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 100436 ZMQ, incorporated by reference herein, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 19a, 19b, 19c and 19d:

1. eliminating from within an existing R3-2 District a C1-1 bounded by 147th Drive, a boundary line of the City of New York, 148th Avenue, and Hook Creek Boulevard;
2. eliminating from within an existing R3-2 District a C1-2 bounded by:
 - a. Brookville Boulevard, a line 150 feet northeasterly of Francis Lewis Boulevard, a line 150 feet northerly of North Conduit Avenue, 242nd Street, and North Conduit Avenue;
 - b. South Conduit Avenue, Francis Lewis Boulevard, 245th Street, a line 150 feet northeasterly of Francis Lewis Boulevard, 247th Street, a line 150 feet southwesterly of Francis Lewis Boulevard, 245th Street, 243rd Street, and 140th Avenue;
 - c. Caney Road, a line 150 feet southeasterly of 243rd Street, Mayda Road, and a line 150 feet northwesterly of 243rd Street; and
 - d. South Conduit Avenue, Hook Creek Boulevard, 248th Street, a line 100 feet southerly of South Conduit Avenue, and 247th Street;
3. eliminating from within an existing R2 District a C2-1 bounded by Brookville Boulevard, a line 150 feet northerly of Merrick Boulevard, 133rd Avenue, 243rd Street, a line 150 feet northerly of Merrick Boulevard, 132nd Road, Hook Creek Boulevard, a line 150 feet southerly of Merrick Boulevard, a line midway between Brookville Boulevard and 241st Street, and 135th Avenue;
4. eliminating from within an existing R3-2 District a C2-1 bounded by:
 - a. North Conduit Avenue, Hook Creek Boulevard, the centerline of the Long Island Railroad right-of-way (Montauk Division), and Brookville Boulevard; and
 - b. South Conduit Boulevard, a boundary line of the City of New York, a line 100 feet northerly of 149th Street, and Hook Creek Boulevard;
5. changing from an R3-2 District to an R2 District property bounded by:
 - a. a line 150 feet northeasterly of Francis Lewis Boulevard, a line 220 feet southwesterly of 138th Avenue, and a line midway between Brookville Boulevard and 241st Street; and
 - b. a line 150 feet northeasterly of Francis Lewis Boulevard, a line 150 feet northerly of North Conduit Boulevard, 242nd Street, a line 320 feet southwesterly of 138th Avenue, and 241st Street;

6. changing from an R3-2 District to an R3A District property bounded by:
 - a. South Conduit Avenue, 241st Street, a line midway between 140th Avenue and Memphis Avenue, a line 60 feet southeasterly of 214th Street, 142nd Avenue, a line 140 feet northwesterly of 243rd Street, Caney Road, a line 100 feet northwesterly of 243rd Street, Huxley Street, a line perpendicular to the southwesterly street line of Huxley Street distant 120 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Huxley Street and the northerly street line of 147th Avenue, a line 130 feet southwesterly of Huxley Street, a line perpendicular to the northeasterly street line of Edgewood Avenue distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Huxley Street and the northerly street line of 147th Avenue, Edgewood Avenue, a line midway between 146th Avenue and 147th Avenue, a line 100 feet easterly of Brookville Boulevard, 147th Avenue, and Brookville Boulevard;
 - b. a line 100 feet northerly of 249th Street, a boundary line of the City of New York, a line 100 feet southerly of 250th Street, a line perpendicular to the southerly street line of 250th Street distant 110 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of 250th Street and the northeasterly street line of Hook Creek Boulevard, 250th Street, a line perpendicular to the northerly street line of 25e Street distant 60 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of 250th Street and the northeasterly street line of Hook Creek Boulevard, 249th Street, and a line 85 feet easterly of Hook Creek Boulevard; and
 - c. a line midway between Caney Road and 144th Avenue, 249th Street, Newhall Avenue, a line 120 feet southeasterly of 245th Street, a line 100 feet southwesterly of Newhall Avenue, a line midway between 243rd Street and 245th Street, Newhall Avenue, a line 140 feet southeasterly of 243rd Street, Mayda Road, and a line 100 feet southeasterly of 243rd Street;
7. changing from an R3-2 District to an R3X District property bounded by 140th Avenue, 243rd Street, a line perpendicular to the southeasterly street line of 243rd Street distant 200 feet southwesterly (as measured along the street line), from the point of intersection of the southeasterly street line of 243rd Street and the southerly street line of South Conduit Avenue, 245th Street, a line 135 feet southwesterly of Francis Lewis Boulevard, 246th Street, a line 85 feet southwesterly of Francis Lewis Boulevard, a line midway between 246th Street and 247th Street, Francis Lewis Boulevard, 247th Street, a line 85 feet northeasterly of Francis Lewis Boulevard, a line 100 feet northwesterly of 246th Street, a line 335 feet northeasterly of Francis Lewis Boulevard, 246th Street, South Conduit Avenue, 247th Street, a line 250 feet northeasterly of 139th Avenue, a line midway between 247th Street and 248th Street, a line perpendicular to the northwesterly street line of 248th Street distant 130 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 248th Street and the westerly street line of Hook Creek Boulevard, 248th Street, Hook Creek Boulevard, 249th Street, a line perpendicular to the northerly street line of 250th Street distant 60 feet easterly (as measured along the street line) from the point of intersection of the northerly street line of 250th Street and the northeasterly street line of Hook Creek Boulevard, 250th Street, a line perpendicular to the southerly street line of 250th Street distant 110 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of 250th Street and the northeasterly street line of Hook Creek Boulevard, a line 100 feet southerly of 250th Street, a boundary line of the City of New York, 145th Avenue, Hook Creek Boulevard, 148th Avenue, a line 100 feet easterly of Hook Creek Boulevard, 148th Road, a boundary line of the City of New York, Hungary Harbor Road, Hook Creek Boulevard, 148th Drive, a line 100 feet westerly of Hook Creek Boulevard, a line midway between 148th Drive and 149th Avenue, a line 320 feet westerly of Hook Creek Boulevard, 149th Avenue, a line 330 feet westerly of 262nd Street, 149th Road, 262nd Street and its southerly centerline prolongation, a boundary line of the City of New York, a line 50 feet westerly of 259th Street and its southerly prolongation, Craft Avenue, 259th Street, 149th Road, 259th Street, a line midway between 148th Drive and 149th Avenue, 257th Street, 148th Drive, a line 200 feet easterly of Weller Lane, a line midway between 148th Road and 148th Drive, Weller Lane, 149th Road, Weller Lane, 149th Drive, a line midway between 255th Street and Weller Lane, Craft Avenue, a line midway

between 254th Street and 255th Street, 149th Drive and its westerly centerline prolongation, a northeasterly and a northerly boundary line of a park and its westerly prolongation, Brookville Boulevard, 149th Avenue, 235th Street, a line midway between 148th Avenue and 148th Road, a line 170 feet southeasterly of 235th Street, 148th Avenue, Brookville Boulevard, a line midway between 147th Drive and 148th Avenue, a line 80 feet northwesterly of Brookville Boulevard, 147th Drive, 235th Street, a northeasterly boundary line of Brookville Park and its southeasterly prolongation, an easterly boundary line of Brookville Park and its northerly prolongation, 147th Avenue, 235th Street, a line 100 feet northeasterly of 147th Road, a line 75 feet westerly of Brookville Boulevard, 147th Road, a line perpendicular to the southwesterly street line of 147th Road distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of 147th Road and the westerly street line of Brookville Boulevard, a line midway between 147th Road and 147th Drive, Brookville Boulevard, a line midway between 147th Road and 147th Drive, a line 90 feet easterly of Brookville Boulevard, a line 100 feet northerly of 147th Road, a line 100 feet easterly Brookville Boulevard, a line midway between 146th Avenue and 147th Avenue, a line perpendicular to the northeasterly street line of Edgewood Avenue distant 80 feet northwesterly (as measured along the street line) from the point of intersection of the northeasterly street line of Huxley Street and the northerly street line of 147th Avenue, Edgewood Avenue, a line 130 feet southwesterly of Huxley Street, a line perpendicular to the southwesterly street line of Huxley Street distant 120 feet northwesterly (as measured along the street line) from the point of intersection of the southwesterly street line of Huxley Street and the northerly street line of 147th Avenue, Huxley Street, a line 100 feet northwesterly of 243rd Street, Mayda Road, a line 140 feet southeasterly of 243rd Street, Newhall Avenue, a line midway between 243rd Street and 245th Street, a line 100 feet southwesterly of Newhall Avenue, a line 120 feet southeasterly of 245th Street, Newhall Avenue, 249th Street, a line midway between Caney Road and 144th Avenue, a line 100 feet southeasterly of 243rd Street, Caney Road, a line 140 feet northwesterly of 243rd Street, 142nd Avenue, a line 60 feet southeasterly of 241st Street, a line midway between 140th Avenue and Memphis Avenue, and a line 100 feet southeasterly of 241st Street; and excluding the area bounded by:

- i. 253rd Street, Weller Lane, a line 540 feet northerly of 147th Avenue, a line midway between Weller Lane and 254th Street, 147th Avenue, Francis Lewis Boulevard, a line 80 feet northerly of 147th Road, a line 110 feet westerly of Weller Lane, 147th Road, a line 50 feet easterly of 253rd Street, 147th Avenue, Mayda Road, a line 420 feet southeasterly of 249th Street, a line midway between 145th Avenue and Mayda Road, a line 280 feet southeasterly of 249th Street, 145th Avenue, a line 360 feet southeasterly of 249th Street, and 144th Avenue; and
- ii. 147th Road, 253rd Street, a line midway between 147th Drive and 148th Avenue, a line 150 feet easterly of 253rd Street, 148th Avenue, line 200 feet easterly of 253rd Street, a line midway between 148th Avenue and 148th Road, 253rd Street, a line midway between 148th Road and 148th Drive, a line perpendicular to the southerly street line of 148th road distant 110 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of 148th Road and the northeasterly street line of Huxley Street, 148th Road, 249th Street, 148th Avenue, a line 230 feet easterly of 249th Street, a line midway between 147th drive and 148th Avenue, a line 100 feet westerly of 253rd Street, a line midway between 147th Road and 147th Drive, and a line 75 feet westerly of 253rd Street;

8. changing from an R3-2 District to an R3-1 District property bounded by:

- a. 147th Drive, a line 80 feet northwesterly of Brookville Boulevard, a line midway between 147th Drive and 148th Avenue, Brookville Boulevard, 148th Avenue, a line 170 feet southeasterly of 235th Street, a line midway between 148th Avenue and 148th Road, and 235th Street;
- b. 147th Road, 253rd Street, a line midway between 147th Drive and 148th Avenue, a line 150 feet easterly of 253rd Street, 148th Avenue, line 200 feet easterly of 253rd Street, a line midway between 148th Avenue and 148th Road, 253rd Street, a line midway

between 148th Road and 148th Drive, a line perpendicular to the southerly street line of 148th road distant 110 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of 148th Road and the northeasterly street line of Huxley Street, 148th Road, 249th Street, 148th Avenue, a line 230 feet easterly of 149th Street, a line midway between 147th drive and 148th Avenue, a line 100 feet westerly of 253rd Street, a line midway between 147th Road and 147th Drive, and a line 75 feet westerly of 253rd Street;

- c. 253rd Street, Weller Lane, a line 540 feet northerly of 147th Avenue, a line midway between Weller Lane and 254th Street, 147th Avenue, Francis Lewis Boulevard, a line 80 feet northerly of 147th Road, a line 110 feet westerly of Weller Lane, 147th Road, a line 50 feet easterly of 253rd Street, 147th Avenue, Mayda Road, a line 420 feet southeasterly of 249th Street, a line midway between 145th Avenue and Mayda Road, a line 280 feet southeasterly of 249th Street, 145th Avenue, a line 360 feet southeasterly of 249th Street, and 144th Avenue;
 - d. 145th Avenue, a boundary line of the City of New York, 147th Drive, and Hook Creek Boulevard;
 - e. 149th Drive and its westerly centerline prolongation, a line midway between 254th Street and 255th Street, Craft Avenue, a line midway between 255th Street and Weller Lane, 149th Drive, Weller Lane, 149th Road, Weller Lane, a line midway between 148th Road and 148th Drive, a line 200 feet easterly of Weller Lane, 148th Drive, 257th Street, a line midway between 148th Drive and 149th Avenue, 259th Street, 149th Road, 258th Street, a line 60 feet southerly of 149th Road, a line midway between 257th Street and 258th Street, Craft Avenue, a line 50 feet westerly of 259th Street and its southerly centerline prolongation, a boundary line of the City of New York, and a northeasterly boundary line of a park and its southeasterly prolongation; and
 - f. 149th Avenue, a line 320 feet westerly of Hook Creek Boulevard, a line midway between 148th Drive and 149th Avenue, a line 100 feet westerly of Hook Creek Boulevard, 148th Drive, Hook Creek Boulevard, Hungary Harbor Road, a boundary line of the City of New York, 262nd Street, and its southerly centerline prolongation, 149th Road, and a line 330 feet westerly of 262nd Street;
9. establishing within an existing R3-2 District a C1-2 District bounded by 147th Avenue, Brookville Boulevard, 147th Road, a line 75 feet westerly of Brookville Boulevard, a line 100 feet northeasterly of 147th Road, and 235th Street;
10. establishing within an existing R2 District a C1-3 District bounded by a line 150 feet northerly of Merrick Boulevard, 133rd Avenue, 243rd Street, a line 125 feet northerly of Merrick Boulevard, 132nd Road, Hook Creek Boulevard, Merrick Boulevard, 245th Street, a line 100 feet southerly of Merrick Boulevard, 244th Street, a line perpendicular to the northwesterly street line of 244th Street distant 100 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 244th Street and the southerly street line of Merrick Boulevard, a line midway between 243rd Street and 244th Street, a line 360 feet northeasterly of 134th Avenue, 243rd Street, a line 260 feet northeasterly of 134th Avenue, a line midway between 242nd Street and 243rd Street, a line 120 feet northeasterly of 134th Avenue, 242nd Street, a line perpendicular to the northwesterly street line of 242nd Street distant 175 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 242nd Street and the southerly street line of Merrick Boulevard, 241st Street, a line perpendicular to the northwesterly street line of 241st Street distant 115 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 241st Street and the southerly street line of Merrick Boulevard, a line 75 feet northwesterly of 241st Street, a line 275 feet northwesterly of 135th Avenue, and Brookville Boulevard;
11. establishing within an existing R3-2 District a C1-3 District bounded by:
- a. Brookville Boulevard, a line 150 feet northeasterly of Francis Lewis Boulevard, a line midway between Brookville Boulevard and 241st Street, a line 220 feet southwesterly of 138th Avenue, 241st Street, a line 320 feet southwesterly of 138th Avenue, 242nd Street, North Conduit Avenue, a line perpendicular to the southerly street line of North Conduit Avenue distant 230 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of North Conduit Avenue and the northeasterly street line of Francis Lewis Boulevard, Long Island

Railroad right-of-way (Montauk Division), Brookville Boulevard, North Conduit Avenue, and a line 95 feet southwesterly of Francis Lewis Boulevard;

b. South Conduit Avenue, 246th Street, a line 335 feet northeasterly of Francis Lewis Boulevard, a line 100 feet northwesterly of 246th Street, a line 85 feet northeasterly of Francis Lewis Boulevard, a line 50 feet northwesterly of 247th Street, Francis Lewis Boulevard, a line midway between 246th Street and 247th Street, a line 85 feet southwesterly of Francis Lewis Boulevard, 246th Street, a line 135 feet southwesterly of Francis Lewis Boulevard, 245th Street, a line perpendicular to the southeasterly street line of 243rd Street distant 200 feet southwesterly (as measured along the street line), from the point of intersection of the southeasterly street line of 243rd Street and the southerly street line of South Conduit Avenue, 243rd Street, and 140th Avenue; and

c. South Conduit Avenue, Hook Creek Boulevard, 248th Street, a line perpendicular to the northwesterly street line of 248th Street distant 130 feet southwesterly (as measured along the street line) from the point of intersection of the northwesterly street line of 248th Street and the westerly street line of Hook Creek Boulevard, a line midway between 247th Street and 248th Street, a line 250 feet northeasterly of 139th Avenue, and 247th Street;

12. establishing within an existing R2 District a C2-3 District bounded by Merrick Boulevard, Hook Creek Boulevard, a line 150 feet southerly of Merrick Boulevard, and 245th Street; and

13. establishing within an existing R3-2 District a C2-3 District bounded by South Conduit Boulevard, a boundary line of the City of New York, a line 100 feet northerly of 249th Street, and Hook Creek Boulevard;

as shown on a diagram (for illustrative purposes only) dated June 7, 2010, Community District 13, Borough of Queens.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, ALBERT VANN, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, BRADFORD S. LANDER, STEPHEN T. LEVIN MARK S. WEPRIN, JUMAANE D. WILLIAMS, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, September 15, 2010.

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer –

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

(For the Commissioner of Deeds listing, please see the Commissioner of Deeds section printed in the Minutes of the Stated Council Meeting of September 29, 2010).

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

ROLL CALL ON GENERAL ORDERS FOR THE DAY

(Items Coupled on General Order Calendar)

- (1) **Int 91-A --** Requiring that all proposed rules be reviewed by the law department and the mayor’s office of operations **(with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage).**
- (2) **Int 270-A --** Establishing a silver alert program to provide public notification for missing senior citizens with certain cognitive impairments.
- (3) **Int 312 --** Amending the district plan of the 34th Street business improvement district to authorize additional services.
- (4) **L.U. 198 & Res 454 --** App. **20105736 TCM**, Atrio LLC, unenclosed sidewalk café located at 604 Tenth Avenue, Manhattan, Council District no. 3
- (5) **L.U. 200 & Res 455 --** App. **20105798 HKX** Noonan Plaza Apartments, 105-149 West 168th Street (Block 2518, Lot 1) as a historic landmark, CD 16.
- (6) **L.U. 201 & Res 456 --** App. **20105799 HKX** Haffen Building, 2804-2808 Third Avenue (Block 2307, Lot 59) as a historic landmark, CD 17.
- (7) **L.U. 202 & Res 457 --** App. **20105800 HKM** Greenwich Village Historic District Extension II, Council District no. 3.
- (8) **L.U. 203 & Res 451 --** Harlem West III, Block 1945, Lots, 5,7,9 Manhattan, Council District No.9
- (9) **L.U. 204 & Res 452 --** Harlem West IV, Block 1944, Lots 18 and 45 Manhattan, Council District No. 9
- (10) **L.U. 205 & Res 453 --** Boston Road Apartments, Block 2940, Lots 58 and 65, Bronx, Council District No. 15
- (11) **L.U. 206 & Res 458 --** ULURP, app. **C 100145 ZMQ** zoning map Section Nos 9a and 9b, Borough of Queens, Council District no. 26.
- (12) **L.U. 207 & Res 459 --** ULURP, app. **C 100436 ZMQ** zoning map Section Nos 19a, 19b, 19c and 19d, Borough of Queens, CD 31.
- (13) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dickens, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Gonzalez, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – 48.

The General Order vote recorded for this Stated Meeting was 48-0-0 as shown above.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 91-A (passed under a Message of Necessity from the Mayor), 270-A, and 312.

INTRODUCTION AND READING OF BILLS

Int. No. 331

By Council Members Brewer, Cabrera, Chin, Dromm, Ferreras, Foster, Gentile, James, Koppell, Koslowitz, Lander, Mendez, Nelson, Sanders., Vacca, Van Bramer and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to protection of trees during construction.

Be it enacted by the Council as follows:

Section 1. Section 3301 of the building code of the city of New York is amended by adding a new section BC 3301.10.1 to read as follows:

3301.10.1 Protection of trees during construction. a. Whenever any construction or repair work is performed on or with respect to any building, sidewalk, curb or roadway, a protective guard shall be installed around every tree with more than a six-inch caliper that is not being removed as part of such construction or repair work, and is on or adjacent to such site, in order to prevent any harm or damage to the tree.

b. The commissioner shall by rule determine from which materials such protective guard may be made, the size of such protective guard and the manner of its installation.

§2. This local law shall take effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 332

By Council Members Brewer, the Speaker (Council Member Quinn), Arroyo, Mark-Viverito, Recchia, Nelson, Cabrera, Chin, Dromm, Foster, Gennaro, Rivera, Rodriguez and Koo (in conjunction with the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting smoking in pedestrian plazas and public parks and to repeal subdivision b of section 17-513 of the administrative code of the city of New York, in relation to requiring a study regarding the prevention of second-hand smoke circulation in restaurants.

Be it enacted by the Council as follows:

Section 1. Section 17-502 of the administrative code of the city of New York is amended by adding new subdivisions oo and pp to read as follows:

oo. "Park or other property under the jurisdiction of the department of parks and recreation" means public parks, beaches, waters and land under water, pools, boardwalks, marinas, playgrounds, recreation centers and all other property, equipment, buildings and facilities now or hereafter under the jurisdiction, charge or control of the department of parks and recreation.

pp. "Pedestrian plaza" means an area designated by the department of transportation for use as a plaza located within the bed of a roadway, which may contain benches, tables or other facilities for pedestrian use.

§2. Subdivision c of section 17-503 of the administrative code of the city of New York is amended by adding a new paragraph 7 to read as follows.

7. Pedestrian plazas.

§3. Subdivision d of section 17-503 of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. Any park or other property under the jurisdiction of the department of parks and recreation; provided, however, that this paragraph shall not apply to: (a) the sidewalks immediately adjoining parks, squares and public places; (b) any park strip or park mall that serves as a pedestrian route through property located adjacent to vehicular traffic designed primarily for pedestrians to cross vehicular thoroughfares; and (c) parking lots.

§4. Section 17-507 of the administrative code of the city of New York is amended to by adding a new subdivision g to read as follows:

g. The department of parks and recreation shall have the power to enforce section 17-503 as it relates to property under its jurisdiction.

§5. The title of section 17-513 of the administrative code of the city of New York is amended to read as follows.

§17-513 Rules [and report].

§6. Subdivision b of section 17-513 of the administrative code of the city of New York is REPEALED and a new subdivision b is added to read as follows.

b. The department of parks and recreation and the department of transportation may promulgate rules as may be necessary for the purpose of implementing and carrying out the provisions of this chapter.

§7. This local law shall take effect one hundred twenty days after its enactment.

Referred to the Committee on Health.

Res. No. 444

Resolution approving the rate set by the Commissioners of the Board of Elections in the City of New York pursuant to Section 7-207(5) of the State Election Law to compensate party representatives for their time spent monitoring the preparation of voting machines and devices pursuant to Sections 7-207(2) and 7-207(3) of the State Election Law.

By Council Members Brewer, Gennaro, Arroyo, Cabrera, Foster, Greenfield, Jackson and Williams.

Whereas, Beginning with the September 14, 2010 Primary Election, New York City voters will no longer use lever voting machines but will cast their ballots using new pollsite voting systems, including optical scan voting machines; and

Whereas, State Election Law provides that party representatives are entitled to be present during the preparation of voting machines and devices to observe such preparation and examine the printed or photographic record or ballot programming data produced by such voting machines or devices in order to ensure that they are properly programmed and in appropriate condition for use on Election Day; and

Whereas, State Election Law also provides that such party representatives shall be compensated for their services at a rate set by the local Board of Elections and approved by the governing body of the municipality wherein such voting machines or devices are to be used; and

Whereas, On August 3, 2010, the Commissioners of the Board of Elections in the City of New York voted unanimously to set the pay rate for such party representatives at \$200 per day, which is the same rate received by Inspectors of Elections and other poll workers on Election Day; now therefore, be it

Resolved, That the Council of the City of New York approves the rate set by the Commissioners of the Board of Elections in the City of New York pursuant to Section 7-207(5) of the State Election Law to compensate party representatives for their time spent monitoring the preparation of voting machines and devices pursuant to Sections 7-207(2) and 7-207(3) of the State Election Law.

Re-referred to the Committee on Governmental Operations (preconsidered by the Committee on Governmental Operations but re-referred to committee by the Council).

Res. No. 445

Resolution calling upon the Governor and the New York State Legislature to take all appropriate actions to identify and close underutilized state prison facilities.

By Council Members Crowley, Comrie, Ferreras, Fidler, Foster, Gonzalez, James, Mendez, Sanders, Seabrook, Vann and Halloran.

Whereas, According to the New York State Department of Correctional Services ("DOCS"), New York's prison population dropped by nearly eight percent in the last three years, from 63,304 at the beginning of 2007 to 58,378 at the end of 2009; and

Whereas, This is a total drop in New York's prison population of 9 percent since its peak of 71,538 on Dec. 12, 1999; and

Whereas, The population decline is expected to continue; by the end of the 2010-2011 fiscal year, the population is projected to decrease by below 2009-10 levels; and

Whereas, As a result of this population decrease, DOCS expects to continue consolidation by closing four additional state facilities; Lyon Mountain Correctional Facility; Butler Correctional Facility; Ogdensburg Correctional Facility; and Moriah Shock Incarceration Correctional Facility by April 2011, thus eliminating capacity; and

Whereas, The closure of these additional four facilities is expected to yield a savings of \$3 million in operating costs in fiscal year 2010-2011 and \$45.8 million in fiscal year 2011-2012; and

Whereas, These closures would provide a tremendous savings to New York State, which can be reinvested in DOCS managed programs; and

Whereas, During these austere fiscal times, DOCS should aim to identify other adult prison facilities that could be closed or downsized as a result of the declining state prison population; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Governor and the New York State Legislature to take all appropriate actions to identify and close underutilized state prison facilities.

Referred to the Committee on Fire and Criminal Justice Services.

Int. No. 333

By Council Members Fidler, Comrie and Gonzalez.

A Local Law to amend the administrative code of the city of New York, in relation to certificates of occupancy.

Be it enacted by the Council as follows:

Section 1. Section 28-118.5 of the administrative code of the city of New York is amended by adding subsections 28-118.5.1 and 28-118.5.2 to read as follows:

§28-118.5 Review of applications for certificates of occupancy. All applications for certificates of occupancy and accompanying submittal documents shall be examined promptly after their submission. If the building [is entitled to the certificate of occupancy applied for,] *conforms substantially to the approved plans and the provisions of the building code and other applicable laws and regulations*, the application shall be approved and the certificate of occupancy issued by the commissioner within 10 calendar days after submission of a complete application. Otherwise, the application shall be rejected and written notice of rejection, stating the grounds of rejection, shall be given to the applicant within 10 calendar days of the submission of the application. Wherever an application has been rejected and proof is thereafter submitted establishing that the grounds of rejection have been met and that the building is entitled to the certificate of occupancy applied for, the application shall be approved and the certificate of occupancy issued within 10 calendar days after submission of such proof.

§28-118.5.1 *Definition of "conforms substantially". For purposes of this section, the term "conforms substantially" shall mean completed to such a point that the premises are habitable and safe for occupancy and there has been reasonable compliance with the applicable provisions of the administrative code of the city of New York. Cosmetic and aesthetic matters of non-completion or installation of items not covered by the administrative code may not be the basis for any finding or decision of non-conformance.*

Section 3. this local law shall take effect immediately after its enactment into law.

Referred to the Committee on Housing and Buildings.

Res. No. 446

Resolution calling upon the New York State Legislature to pass A.11549, legislation which would amend the selection process for the Chancellor of Education in the City of New York by requiring that the Mayor obtain the advice and consent of the New York City Council when appointing a Chancellor.

By Council Members Fidler, Jackson, Dromm, Brewer, Cabrera, Chin, Comrie, Foster, Gentile, James, Koslowitz, Lander, Mendez, Recchia, Rose, Sanders, Seabrook, Van Bramer, Vann, Williams, Dickens, Halloran and Ulrich.

Whereas, The Chancellor of the New York City Department of Education oversees the largest public school system in the United States, with over 1,600 schools and 136,000 employees serving approximately 1.1 million students, and a \$21 billion operating budget; and

Whereas, Currently, the chancellor of the New York City school system is appointed by and serves at the sole pleasure and discretion of the City's Mayor; and

Whereas, The New York City Council is the law-making body of the City of New York, comprised of 51 members from 51 different Council Districts throughout the five boroughs; and

Whereas, The Council monitors the operation and performance of City agencies, makes land use decisions and has sole responsibility for approving the City's budget; and

Whereas, The Council is a partner with the Mayor in the governing of New York City, except in the area of education; and

Whereas, Participating in the selection of a chancellor is in keeping with the oversight that the Council exercises over other City agencies; and

Whereas, This democratic approach would ensure that there is meaningful community involvement in decisions regarding the appointment of a Chancellor; and

Whereas, With the advice and consent of the City Council, the people of New York can more properly have their interests considered and represented in the selection of the Chancellor for this agency with such a crucial and wide impact; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass A.11549, legislation which would amend the selection process for the Chancellor of Education in the City of New York by requiring that the Mayor obtain the advice and consent of the New York City Council when appointing a Chancellor.

Referred to the Committee on Governmental Operations.

Int. No. 334

By Council Members Garodnick, Chin, Comrie, Fidler, Foster, Gennaro, Greenfield, Nelson and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to requiring pedicabs to be subject to parking rules.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-171.2 to read as follows:

§19-171.2 *Pedicabs. a. For the purposes of this section:*

"Pedicabs" shall mean a bicycle as defined in the vehicle and traffic law or other device that is designed and constructed to transport or carry passengers, that is solely propelled by human power, and that is operated to transport passengers for hire.

b. A pedicab driver shall be subject to all provisions of state and local law governing the parking of a motor vehicle.

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

Referred to the Committee on Transportation.

Res. No. 447

Resolution urging the New York State Legislature to pass Governor Paterson's Program Bill #252, authorizing the electronic recording of instruments affecting real property.

By Council Members Garodnick, Brewer, Chin, Comrie, Fidler, James, Rose, Seabrook and Williams.

Whereas, Over the past several years an increasing number of states and municipalities have been doing business over the Internet; and

Whereas, The ability to submit and view government documents online can save resources and time, increase productivity, reduce the volume of paper an agency receives, and speed up the recording process; and

Whereas, In 2000, Congress enacted the Electronic Signatures in Global and National Commerce Act (ESIGN), which provided for the use of electronic records and signatures in interstate and foreign commerce and ensured the validity of contracts in electronic form; and

Whereas, The New York State Electronic Signatures and Records Act (ESRA) allows signatures that are made through electronic means to have the same validity and effect as those made by hand while also clarifying the authority of government to create and retain electronic records; and

Whereas, ESRA does not apply under Article 9 of the State's Real Property Law (RPL), which limits recordable documents to those on paper and requires signatures to be in writing; and

Whereas, Due to the fact that many other states ran into this same problem when it came to real estate transactions, in 2004, the National Conference of Commissioners on Uniform State Laws crafted the Uniform Real Property Electronic Recording Act (URPERA) that authorizes local land records officials to accept and record documents in electronic form and allows electronic signatures to be used in place of a hand-written signature; and

Whereas, Since 2005, 24 states and the United States Virgin Islands have enacted legislation based on URPERA; and

Whereas, Program Bill #252 which was introduced by Governor Paterson in May 2010, is based on URPERA and would authorize the electronic submission of documents to county clerks through an online transaction and allow for the creation of electronically signed data records; and

Whereas, The bill would amend section 307 of the State Technology Law to remove a provision that excludes documents subject to ESRA as recordable under the RPL Article 9 and would amend RPL Article 9 to add a new section that would authorize the validity of electronic records, electronic signatures, and electronic notarization; and

Whereas, The bill would also amend RPL section 317 to provide that electronic records would be considered delivered on the date and time the document is transmitted to a recording office; and

Whereas, If enacted, this bill would modernize the real estate transaction process by improving the accuracy of recording, streamlining the storage system, and improving work flow; now, therefore, be it

Resolved, That the Council of the City of New York urges the New York State Legislature to pass Governor Paterson's Program Bill #252, authorizing the electronic recording of instruments affecting real property.

Referred to the Committee on Technology.

Res. No. 448

Resolution calling upon the New York State Legislature to introduce, and the Governor to sign, legislation which would require the dates for payment of the Metropolitan Commuter Transportation Mobility Tax to correspond with tax filing dates for the payment of federal and state income taxes.

By Council Members Garodnick, Brewer, Chin, Comrie, Fidler, Gennaro, Gentile, James, Koppell, Seabrook, Williams and Koo.

Whereas, Chapter 25 of the Laws of 2009, signed into law on May 7, 2009, added Article 23 to the Tax Law, which established the metropolitan commuter transportation mobility tax (MCTMT) to help finance the Metropolitan Transportation Authority; and

Whereas, The MCTMT is imposed on employers and self-employed individuals engaging in business within the Metropolitan Commuter Transportation District (MCTD), which is comprised of New York City (the counties of New York (Manhattan), Bronx, Kings (Brooklyn), Queens, and Richmond (Staten Island)), and the counties of Rockland, Nassau, Suffolk, Orange, Putnam, Dutchess, and Westchester; and

Whereas, Any employer with wages in excess of \$2,500 in any calendar quarter for services rendered in the MCTD is subject to the MCTMT at a rate of 0.34% of the total payroll expense; and

Whereas, Similarly, individuals, including partners in partnerships and members of limited liability companies, who have net earnings from self-employment in the MCTD in excess of \$10,000 are also subject to the MCTMT at a rate of .34%; and

Whereas, Pursuant to the State legislation imposing the MCTMT, payment of the tax is due each calendar quarter by the last day of the month following the end of the quarter, which fall on April 30, July 31, October 31, and January 31; and

Whereas, After the passage of the State legislation imposing the MCTMT, many argued that the tax would be an "administrative hassle" for self-employed individuals because the payment due dates do not coincide with federal and state quarterly estimated tax due dates, which generally fall on April 15, June 15, September 15, and January 15; and

Whereas, Amending the due dates for the payment of MCTMT would likely provide much needed administrative relief to many employers, and particularly freelancers, who prepare their own taxes because they cannot afford the luxury of paying a tax preparer and cannot depend on an employer to do the paperwork for them; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to introduce, and the Governor to sign, legislation which would require the dates for payment of the Metropolitan Commuter Transportation Mobility Tax to correspond with tax filing dates for the payment of federal and state income taxes.

Referred to the Committee on Finance.

Res. No. 449

Resolution calling upon USAID to work with the Pakistani-American community to direct relief to Pakistan through non-governmental organizations.

By Council Members Greenfield, Brewer, Cabrera, Chin, Dromm, Fidler, Gentile, Gonzalez, Jackson, James, Koslowitz, Lander, Nelson, Recchia, Rose, Sanders, Seabrook, Williams, Koo and Ulrich.

Whereas, On July 22, 2010, Pakistan experienced heavy rainfall that resulted in severe flooding in vast regions of the country, affecting approximately 20.6 million people, and resulted in more than 1,700 deaths, according to the National Disaster Management Authority (NDMA); and

Whereas, On July 30, the U.S. Ambassador to Pakistan issued a disaster declaration in response to the damage that resulted from the floods; and

Whereas, One-fifth of the country is underwater and the threat of further flooding continues, according to InterAction, a U.S.-based nongovernmental organization participating in the Pakistan relief effort; and

Whereas, There are approximately 10 million people that require humanitarian assistance, according to a report by USAID, a U.S. government agency involved in the relief effort; and

Whereas, USAID is working to provide assistance through international and local non-governmental organizations with the capacity to implement emergency programs effectively and with accountability; and

Whereas, According to the 2000 U.S. Census Bureau, there are an estimated 253,193 U.S. citizens of Pakistani descent living in the United States, including permanent residents; and

Whereas, The 2000 U.S. Census Bureau also reported that there are approximately 34,310 Pakistani-Americans living in New York City; and

Whereas, Several Pakistani-American charitable non-profit organizations throughout the United States are working to contribute to the flood recovery effort with both financial and in-kind assistance; and

Whereas, Despite the United States' contributions to the flood relief effort in Pakistan, the Pakistani-American community is asking the U.S. government to expand its assistance, according to the Council on Pakistan Relations; and

Whereas, In order to alleviate concerns from the Pakistani-American community that U.S. assistance to Pakistan is inadequate, it is extremely important for USAID to work with the Pakistani-American community in this relief effort and to provide additional aid and support; now, therefore, be it

Resolved, That the Council of the City of New York calls upon USAID to work with the Pakistani-American community to direct relief to Pakistan through non-governmental organizations.

Referred to the Committee on Cultural Affairs, Libraries & International Intergroup Relations.

Int. No. 335

By Council Members Lappin, Chin, Comrie, Dromm, Gonzalez, James, Koppell, Mendez, Nelson, Rose, Vann and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the sustainable remediation of superfund or brownfield sites on which there are existing properties and developments.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that sometimes buildings and associated grounds that constitute a brownfield, superfund site or a site that carries an "E" designation by the Department of City Planning, where industrial activities involving the use of chemicals have formerly taken place, are renovated without any investigation or remediation of the buildings and associated grounds. In certain cases the buildings are then used for a variety of purposes and those uses expose the users and occupants of those buildings to the health risks associated with un-remediated hazardous waste sites. Those risks include cancer and non-cancer health effects, as well as respiratory diseases and neurological damage. The Council finds, however, that users and occupants of the buildings and sites may not be aware of the prior industrial use and level of investigation or remediation, if any, or have little choice if the building is a school or where their job is located and should not be exposed to the risks associated with unremediated hazardous waste, brownfield or superfund sites. Therefore the Council finds that prior to approving any construction documents for construction or alteration of any building and associated grounds that constitute a brownfield or a superfund site or a site that carries an "E" designation by the Department of City Planning based upon the contamination determined to be present at the site, the Department of Buildings must require proof of investigation and satisfactory remediation of the site to health protective standards.

§2. The definition of "Construction Documents" in Section 28-101.5 of the administrative code of the city of New York is amended to read as follows:

Construction Documents. Plans and specifications and other written, graphic and pictorial documents, prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit, *including the results of any phase 1 environmental site assessment, intended to identify recognized environmental conditions in which a past, current or potential release of contaminants may have occurred, or the results of any other remedial investigation of a subject property that establishes the presence of a pollutant or contaminant in excess of any applicable state or federal threshold.*

§3. Subchapter 3 of chapter 6 of title 24 of the administrative code of the city of New York is amended by adding new sections 24-610.1 through 24-610.3 to read as follows:

§ 24-610.1 Definitions. *The following terms shall have the following meanings:*

a. "Bioremediation" shall mean the use of microorganisms to degrade organic contaminants in soil, sludge, and solids either excavated or in situ.

b. "Brownfield and unlisted superfund sites" shall mean any property that carries an "E" designation by the department of city planning, or where contamination is present in excess of applicable lawful state or federal thresholds but the applicant has declined to voluntarily enter into or has been determined to be ineligible to enter into a state or local brownfield agreement and for which there is no record of investigation or remediation under the oversight of a state or federal governmental agency.

c. "Green remediation" shall mean the use of biological processes to remove pollutants from the environment or to render them harmless and shall include passive energy systems, phytoremediation, and any other proven sustainable nontraditional remediation technologies as determined by the commissioner by rule.

d. "Bioventing" shall mean a remediation technology that uses microorganisms enhanced by air to biodegrade organic constituents adsorbed on soils in the unsaturated zone.

e. "Health protective remediation standards" shall mean soil cleanup objectives and cleanup levels that reflect the guidance of Technical Assistance Guidance Memorandum 4046 cleanup objectives for volatile organic compounds, semi-volatile organic compounds, pesticides, polychlorinated biphenyls and metals or any successor document. (Tables 1-4), STARS TCLP and any subsequent standards developed by the New York state department of health that are more protective of public health and the environment or that protect vulnerable populations.

f. "Phytoremediation" shall mean use of plants to remove pollutants from the environment or render them harmless;

g. "Reimbursed oversight" shall mean reimbursement to a city government agency for the costs of monitoring and supervising the performance of the remedial work to determine whether such performance is consistent with the requirements of this section, including costs incurred in reviewing plans, reports and other documents submitted pursuant to the proposed remedial work as well as costs incurred in overseeing implementation of the work.

h. "Response measures" shall mean actions warranted, taken or ordered to be taken by a governmental agency to (i) prevent, minimize or mitigate the release of hazardous substances so that they do not migrate to soils, surface or groundwater, or in any other manner, cause or threaten to cause substantial danger to the public health or welfare or the environment, or (ii) clean up or remove released hazardous substances from the environment. Response measures ordered to be taken by a governmental agency shall be performed under the oversight of such agency and the cost of such oversight function shall be reimbursed by the applicant to the governmental agency. A preference shall be given to any proposed innovative and sustainable green remediation technologies proven to be efficient and cost effective.

i. "Vulnerable individual" shall mean an individual with a physical disability, a person sixty-five years of age or older and a person under the age of sixteen.

§24-610.2 Investigation and response measures required. The results of any phase I environmental site assessment, intended to identify recognized environmental conditions in which a past, current or potential release of contaminants may have occurred, or the results of and any other remedial investigation of a subject property that establishes the presence of a pollutant or contaminant in excess of any applicable state or federal threshold shall be submitted to the department along with any construction documents required to be submitted by an applicant to the department of buildings seeking to develop any brownfield or unlisted superfund site. No construction documents shall be approved by the department of buildings for construction on a brownfield or unlisted superfund site without documentary evidence satisfactory to the department that investigation and or remediation and response measures that reflect health protective remediation standards suitable to protect public health, welfare and the environment were taken under the oversight or review of a state or federal governmental agency and, where a city agency has provided oversight, that such supervising agency has been reimbursed for the cost of such oversight. Response measures such as bioremediation, bioventing and green remediation, shall be preferred over any conventional site remediation measures, such as excavation and incineration or landfilling and paving combined with institutional controls that results in the emission of significant quantities of greenhouse gases, that utilize extensive natural resources or that fail to protect public health or the environment in densely populated areas to the same degree as bioremediation or green remediation.

§24-610.3 Approval of construction. a. No person shall submit construction documents to the department of buildings for approval for construction at any brownfield or unlisted superfund site or site where contamination is present in excess of applicable state or federal thresholds without undertaking a phase I environmental site assessment. No person shall submit construction documents to the department of buildings for approval for construction on a brownfield or unlisted superfund site or site where contamination is present in excess of applicable state or federal thresholds without undertaking a phase I site assessment or shall submit construction documents that which falsely avers or by omission causes the department of buildings to determine that the brownfield, unlisted superfund site has been fully investigated and fully remediated using response measures defined herein under the oversight or review of a governmental agency.

b. Where construction documents falsely aver or by omission cause the department of buildings to determine that the Brownfield, or unlisted superfund site or site where contamination is present in excess of applicable state or federal thresholds as is disclosed by a phase I environmental site assessment, has been fully investigated and remediated under the review of a governmental agency and such governmental agency has been reimbursed, the department of buildings shall suspend review of construction documents until receipt of satisfactory evidence that the brownfield or unlisted superfund site as is disclosed by a phase I environmental site assessment, has been fully investigated and remediated using response measures under government oversight.

c. Any person who knowingly submits false construction documents for construction on a brownfield or, unlisted superfund site, as is disclosed by a phase I environmental site assessment, shall be subject to a civil penalty of one hundred dollars per day for each day that such documents have not been revised to present the accurate remediation history of the property.

§4. This local law shall take effect ninety days after enactment and shall be applicable to any construction documents pending before the department of buildings on such date and the commissioner of environmental protection and the commissioner of the department of buildings shall take such measures as are necessary for its implementation, including the promulgation of rules prior to such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 336

By Council Members Mark-Viverito, Cabrera, Chin, Dromm, Ferreras, Foster, Gonzalez, Jackson, James, Lander, Mendez, Nelson, Sanders., Seabrook, Van Bramer, Vann and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Homeless Services to report the results of its inspections of potential housing for the homeless.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Department of Homeless Services ("DHS") provides transitional housing of varying types and sizes to homeless individuals and families, including: Tier II shelters for families; residences for adults; hotels; and cluster sites, which are temporary transitional housing units located in buildings where lease holding tenants may also reside. Before utilizing these types of housing as shelter, DHS conducts inspections to ensure that each location is adequate. Often, however, community members and elected officials have information related to the safety of a location or a location's operator that may assist DHS in determining whether the location is an appropriate place to utilize as shelter. DHS does not currently notify affected community boards and elected officials of the results of the inspections and, as such, the public lacks an opportunity to voice concerns to DHS about the quality of DHS-selected locations for transitional housing before final decisions are made by DHS. To ensure that homeless individuals and families are temporarily housed safely and adequately, the Council finds that it is necessary to require that DHS provide written notice of the results of its inspections to certain members of an affected community before using a location as temporary shelter.

§2. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-316 to read as follows:

§21-316. Requirement to Notify the Community of Inspection Results.

a. When the department conducts an inspection to determine whether a location is suitable to utilize as transitional housing for eligible homeless families and individuals, the commissioner shall provide the results of the inspection in writing as follows:

1. The notification shall be provided to the speaker of the council, to the council member in whose district the transitional housing will be located, and to the community board for the community district in which the transitional housing will be located; and

2. The notification shall include, but not be limited to, the address of the proposed transitional housing, the number of people who will be housed, the name of the person or entity operating the transitional housing, the name of any organization, whether for-profit or not-for-profit, that will be providing services to the occupants of the transitional housing, the type of transitional housing, a description of the services that will be provided, a list of any health, sanitation, safety and fire protection-related deficiencies that have not yet been brought into compliance with applicable statutes, laws, rules and regulations, a description of any corrective actions that the department is requiring, whether the department intends to utilize the location to house the homeless, and when the department intends to utilize the location to house the homeless.

b. The notification shall be provided before the department enters into a contractual arrangement with the proposed transitional housing provider or otherwise finalizes its decision to use a location as transitional housing.

§2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 337

By Council Members Rodriguez, Rivera, Greenfield, Koppell, Williams and Gentile.

A Local Law to amend the administrative code of the city of New York, in relation to permissible parking of vehicles when alternate side of the street rules are in effect for purposes of street cleaning.

Be it enacted by the Council as follows:

Section 19-162 of title nineteen of the administrative code of the city of New York is amended by adding a new paragraph 3 to read as follows:

3. a. For the purposes of this section, the term "double park" shall mean to stop, stand or park a vehicle on the roadway side of any vehicle stopped, standing or parked at the edge or curb of a street.

b. Notwithstanding any contradictory law or rule, when alternate side of the street parking restrictions are in effect for purposes of street cleaning, it shall be permissible to double park a vehicle on the roadway on the side opposite from that which is being cleaned, provided that such roadway has a minimum width of thirty-five feet and the vehicle is not parked in a bike lane or forcing traffic flow into a bike lane.

c. The operator of a vehicle double-parked under the provisions of this section shall be required to conspicuously post on such vehicle's dashboard the name, address and phone number where an operator of such vehicle can be reached by the operator of a lawfully parked vehicle blocked by the double-parked vehicle. The failure by the operator of a double-parked vehicle to post the required information, shall be a violation of this section. A violation of this section shall be punishable by the monetary fine authorized for a violation of the rules of the commissioner in paragraph one of subdivision a of section twenty nine hundred and three of the New York city charter and the vehicle may be removed in accordance with section 19-169 of the code.

d. The operator of the double-parked vehicle shall be required to move the vehicle within ten minutes of notification by the operator of a lawfully parked vehicle blocked by the double-parked vehicle. If the operator fails to move the double-parked vehicle within ten minutes of notification, such failure shall be a violation of this section and shall be punishable by the monetary fine authorized for a violation of the rules of the commissioner in paragraph one of subdivision a of section twenty nine hundred and three of the New York city charter and the operator of a parked vehicle that is blocked by a double-parked vehicle may arrange for the removal of any such unlawfully parked vehicle in accordance with section 19-169 of the code.

§2. The title of section 19-169 of the administrative code of the city of New York and subdivisions a and b are amended to read as follows:

§19-169 Removal of vehicles parked in front of a private driveway and double-parked vehicles blocking lawfully parked vehicles.

a. Subject to the provisions of this section an owner of a lot containing no more than two dwelling units, or his or her lessee, may cause any vehicle which is parked in front of his or her private driveway and which blocks the entry or egress of a vehicle from such property to be removed and the operator of a lawfully parked vehicle may cause any vehicle which is double parked pursuant to the provisions of section 19-162 of the code and which blocks the operator from moving his or her vehicle in violation of such provision to be removed by a person licensed to engage in towing pursuant to subchapter thirty-one of chapter two of title twenty of the code, where a person authorized to issue a notice of parking violation has issued such a notice and affixed it to such unlawfully parked vehicle; the issuance of such notice shall constitute authorization to the owner of such property, or his or her lessee, or the operator of a lawfully parked vehicle blocked by such double-parked vehicle, to arrange for removal of such unlawfully parked vehicle, and such removal shall be deemed to be at the request of the person who issued the notice.

b. Where the owner of such property, or his or her lessee, or the operator of a lawfully parked vehicle blocked by a double-parked vehicle parked pursuant to the provisions of section 19-162 of the code, requests a police officer to arrange for the removal of any such unlawfully parked vehicle, such vehicle shall be removed at the direction of the police department by the next available towing company participating in the rotation tow program established pursuant to section 20-519 of the code. Nothing in this section shall be construed to preclude an owner of such property, or his or her lessee, or the operator of a lawfully parked vehicle blocked by a double-parked vehicle, acting pursuant to this section, from arranging for the removal of such unlawfully parked vehicle by a tow operator of such person's choice. The commissioner of consumer affairs shall promulgate a regulation establishing performance standards for licensees in order to insure that vehicles summonsed under this section are towed as expeditiously as possible.

§3. Paragraphs 1 and 10 of subdivision c of §19-169 of the administrative code of the city of New York are amended to read as follows:

c. 1. No vehicle may be removed pursuant to this section without the express written authorization issued to a person licensed to engage in towing pursuant to subchapter thirty-one of chapter two of title twenty of the code by the owner of such property, or his or her lessee, or the operator of a vehicle lawfully parked at the curb. Such authorization shall include the location of the vehicle to be removed, the make, model, color and license plate number of such vehicle and a statement that such vehicle was removed pursuant to a notice of a parking violation and shall be signed by the owner of such property, or his or her lessee, or the operator of a vehicle lawfully parked at the curb, prior to removal.

10. When an owner of property, or his or her lessee, or the operator of a vehicle lawfully parked at the curb, improperly causes a vehicle to be removed, such person shall be liable to the owner or other person in control of the vehicle for the cost of removal, transportation and storage and for any damage resulting from the removal, transportation and storage of the vehicle.

§4. The title of section 20-519 of the administrative code of the city of New York and paragraphs 1 and 2 of subdivision a of such section are amended to read as follows:

§20-519 Removal of stolen, abandoned and evidence vehicles, vehicles blocking a private driveway [and], vehicles with certain alarm devices and double-parked vehicles blocking a lawfully parked vehicle. a. 1. The commissioner shall establish a program to be known as the "rotation tow program" for the purpose of removing evidence vehicles, vehicles suspected of having been stolen or abandoned other than vehicles described in subdivision two of section twelve hundred twenty-four of the vehicle and traffic law, the removal pursuant to section 19-169 of the code of vehicles blocking a private driveway, [and] the removal pursuant to section [24-221] 24-240 of the code of vehicles with certain alarm devices and the removal pursuant to section 19-162 of the code of double parked vehicles that are blocking a lawfully parked vehicle.

2. The commissioner, after consultation with the police commissioner, shall divide the city into zones and shall create for each zone a list in random order of persons licensed to engage in towing who have been approved by the commissioner for participation in the rotation tow program. The commissioner may in his or her discretion create from such list separate lists for the removal of evidence vehicles, stolen and abandoned vehicles, the removal pursuant to section 19-169 of the code of vehicles blocking a private driveway, [and] the removal pursuant to section [24-221] 24-240 of the code of vehicles with certain alarm devices and the removal pursuant to the provisions of section 19-162 of the code of double-parked vehicles that are blocking a lawfully parked vehicle, respectively. At any time subsequent to the initial establishment of zones and lists, the commissioner may, after consultation with the police commissioner, modify the zones and reformulate the lists to ensure sufficient towing services throughout the city. Where more than one towing company has been placed on a list of towing companies authorized to remove vehicles in a particular zone, the police department shall summon towing companies from such list on a rotating basis. Any towing company approved for participation in such program after such lists are initially established shall be placed on any such list at the point immediately preceding the last towing company summoned by the police department pursuant to this section. Such lists shall be available at the department for public inspection.

§5. Paragraph 1 of subdivision b of section 20-519 of the administrative code of the city of New York is amended to read as follows:

b. 1. Any vehicle that is suspected of having been stolen or abandoned other than vehicles described in subdivision two of section twelve hundred twenty-four of the vehicle and traffic law, any vehicle that is blocking a private driveway and subject to removal pursuant to section 19-169 of the code, any double-parked vehicle parked pursuant to section 19-162 of the code that is blocking a lawfully parked vehicle which is subject to removal pursuant to section 19-169 of the code and any vehicle with certain alarm devices which is subject to removal pursuant to section [24-221] 24-240 of the code shall be removed by a tow truck of the towing company participating in the rotation tow program when directed to do so by the police department. If such vehicle appears to have a missing or altered vehicle identification number, the police may direct its removal to the police property clerk. All other vehicles shall be towed to the storage facility of such responding company which meets such specifications as the commissioner shall establish by rule, and shall at times be stored within such storage facility while the vehicle is in the custody of the towing company. Such storage facility shall be the premises listed on the license of the towing company responding to the police department's direction to remove a vehicle or the premises approved by the commissioner for use by such towing company. Such premises shall be owned, operated or controlled by such towing company and shall not be used by any other towing company. The police department shall expeditiously make every reasonable effort to notify the owner and the national automobile theft bureau or the insurer, if any, of any vehicle that is suspected of having been stolen or abandoned of the vehicle's location and the procedure for retrieval. During the period commencing on the eighth day after the vehicle is removed to such storage facility and ending on the thirtieth day after such removal, such towing company shall transfer any vehicle which has not been claimed into the custody of the police department property clerk.

§6. Paragraph 3 of subdivision b of section 20-519 of the administrative code of the city of New York is amended to read as follows:

3. No tow truck operator shall knowingly remove a vehicle suspected of having been stolen or abandoned or an evidence vehicle without authorization by the police department. No tow truck operator shall knowingly remove a vehicle blocking a private driveway subject to removal pursuant to section 19-169 of the code or a double-parked vehicle parked pursuant to section 19-162 of the code that is blocking a lawfully parked vehicle and which is subject to removal pursuant to section 19-169 of the code except as authorized in such section. No tow truck operator shall knowingly remove a vehicle with certain alarm devices subject to removal pursuant to section [24-221] 24-240 of the code except as authorized in such section.

§7. Paragraph one of subdivision c of section 20-519 of the administrative code of the city of New York is amended to read as follows:

c. 1. Notwithstanding any other provision of law, the towing company shall be entitled to charge the owner or other person claiming a vehicle that is suspected of having been stolen or abandoned or a vehicle with certain alarm devices subject to removal pursuant to section [24-221] 24-240 of the code which was directed to be towed by the police department pursuant to this section and which is claimed before the end of the thirtieth day after such vehicle is removed by such towing company amounts not in excess of the following: seventy dollars for the towing of a vehicle registered at a weight of ten thousand pounds or less; one hundred and twenty-five dollars for the towing of a vehicle registered at a weight of more than ten thousand pounds; fifteen dollars per day for the first three days and seventeen dollars for the fourth day of storage and each day thereafter. Upon the transfer of an unclaimed vehicle into the custody of the police department property clerk, the towing company shall be entitled to charge the police department amounts not in excess of the

following: sixty dollars plus tolls for the towing of a vehicle suspected of having been stolen or abandoned, a vehicle that was blocking a private driveway and was removed pursuant to section 19-169 of the code, *a double-parked vehicle parked pursuant to section 19-162 of the code that was blocking a lawfully parked vehicle and was removed pursuant to section 19-169 of the code*, or a vehicle with certain alarm devices that was removed pursuant to section [24-221] 24-240 of the code, to a storage facility and subsequent transfer of such vehicle into the custody of such property clerk during the period of time specified in paragraph one of subdivision b of this section; five dollars per day for the first three days of storage of such vehicle and eight dollars for the fourth day of storage and each day thereafter, provided that in no event shall any towing company be entitled to charge the police department for storage charges incurred after the tenth day of storage. The towing company shall be entitled to charge the police department an amount not in excess of sixty dollars plus tolls for the towing of an evidence vehicle to a location designated by a police officer.

§8. Paragraph 2 of subdivision c of section 20-519 of the administrative code of the city of New York is amended to read as follows:

2. The police department shall be entitled to charge an owner or other person who claims a vehicle that is suspected of having been stolen or abandoned, or a vehicle that was blocking a private driveway and was removed pursuant to section 19-169 of the code, *or a double-parked vehicle parked pursuant to section 19-162 of the code that was blocking a lawfully parked vehicle and was removed pursuant to section 19-169 of the code*, or a vehicle with certain alarm devices that was removed pursuant to section [24-221] 24-240 of the code, which is in the custody of the police department property clerk the charges for towing and storage permitted to be charged by the towing company pursuant to paragraph one of this subdivision, plus tolls, in addition to the fees for storage with the police department property clerk provided by subdivision i of section 14-140 of the code. No vehicle which is in the custody of the police department property clerk which had blocked a private driveway and was removed pursuant to section 19-169 of the code *or a double-parked vehicle parked pursuant to section 19-162 of the code that was blocking a lawfully parked vehicle and was removed pursuant to section 19-169 of the code*, shall be released to the owner or other person claiming such vehicle unless such owner or other person shall, in addition to paying such charges to the police department property clerk as provided for in this subdivision, present to such property clerk a receipt from the towing company which removed the vehicle indicating payment to such company of the following amount: the charges for towing and storage which would have been due to the tow company pursuant to paragraph eight of subdivision c of section 19-169 of the code had such owner or other person claimed the vehicle from such tow company less the amount paid to the police department for the towing and storage of such vehicle by such company.

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

Referred to the Committee on Transportation.

Res. No. 450

Resolution calling upon the New York State Legislature to introduce and adopt, and the Governor to sign, legislation which would authorize the City of New York to establish a Small Performance Venue Business Tax Credit.

By Council Members Van Bramer, Cabrera, Dromm, Ferreras, Greenfield, James, Lander, Reyna, Seabrook, Williams and Foster.

Whereas, No other city in the country currently comes close to competing with New York City's rich, vibrant and diverse music scene; and

Whereas, New York City is home to a plethora of famous musicians and bands such as Duke Ellington, Miles Davis, Billie Holiday, The Velvet Underground, Ella Fitzgerald, Barbara Streisand, Paul Simon, and the Talking Heads, just to name a few; and

Whereas, The majority of these now world-renowned musicians and bands started their careers performing in the City's small performance venues which provide a unique opportunity for unknown musicians to practice their art in front of live audiences in an affordable and acoustically supportive space; and

Whereas, Small to mid-sized non-profit theaters (venues with a public assembly of 250 persons or less) and performing arts organizations groups add both cultural and economic value to New York City's communities, and to the city as a whole; and

Whereas, The current economic climate, coupled with skyrocketing costs of lease space, however, has made it extraordinarily difficult for many theaters and performing arts companies to stay in business in New York City; and

Whereas, Many small to mid-sized performing arts groups hold long-term leases and usually sublet their spaces to other performing arts groups that do not have the financial strength to commit to long-term leases; and

Whereas, Accordingly, when long-term lease holders leave the City, the groups to which they provide space are endangered thereby diminishing the entire sector; and

Whereas, Since 2005, New Yorkers have witnessed the closing of Tonic, a nightclub tucked away on the Lower East Side known for its avant-garde music; the

Roxy, a popular nightclub in Chelsea that hosted performances by many pop stars; the rock club Sin-e, located on Attorney Street on the Lower East Side, popular in the 90s and known for its up-and-coming musical acts; Brownies, in the East Village, referred to as a "temple of alternative rock"; the Bottom Line, located near Washington Square Park, which opened in 1974 as a showcase venue for jazz musicians and singer-songwriters; Luna Lounge, a club which "helped establish Ludlow Street as a nocturnal destination"; and the venerable punk club, CBGB, which opened in 1973 in the East Village and since such time helped launch the careers of bands such as the Ramones, Blondie, Talking Heads, Patti Smith, and Television; and

Whereas, The closing of these clubs, which indisputably helped build the City's music scene during the last three decades, not only threatens the health of the City's diverse music community, but also makes it exceedingly difficult for the City's struggling musicians to find affordable and suitable places to perform; and

Whereas, With market forces seemingly averse to cultivating the City's musical population, New York City will continue to be threatened with a mass exodus of musicians to cities and countries more affordable and amenable to the professional survival of musicians, such as New Orleans which provides tax incentives and other support through its Office of Music Business Development; and

Whereas, In 2005, after New York City was experiencing a similar situation in the film and television industry, the Council, together with the Mayor, passed legislation to provide a film tax credit (currently equal to \$30 million annually) to help lure film productions back to the City and counter the flight of production jobs to more affordable places, such as Toronto, Montreal and Vancouver; and

Whereas, Under current law, the film tax credit provides a partially refundable tax credit against the City's General Corporation Tax and Unincorporated Business Tax to film and television producers for certain costs incurred in the production of film and television episodes in New York City for the purpose of providing financial incentives for the such productions; and

Whereas, Since the initial credit was enacted, \$600 million and over 6,000 new jobs have been generated for New York City's economy; and

Whereas, According to the NYC Mayor's Office of Film, Theatre and Broadcasting, production days in the City increased from 14,898 in 2002 to 34,718 in the first year the credit was enacted; and

Whereas, Providing a similar tax credit to owners of individual small performance venues who rent performance space at a discount to non-profit performing arts groups would not only offset some of the City's escalating rental costs, but would also ensure that great talent stays in New York City; and

Resolved, That the Council of the City of New York calls upon the New York State Legislature to introduce and adopt, and the Governor to sign, legislation which would authorize the City of New York to establish a Small Performance Venue Business Tax Credit.

Referred to the Committee on Finance.

L.U. No. 203

By Council Member Recchia:

Harlem West III, Block 1945, Lots, 5, 7 and 9, Manhattan, Council District No.9

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

L.U. No. 204

By Council Member Recchia:

Harlem West IV, Block 1944, Lots 18 and 45, Manhattan, Council District No. 9

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

L.U. No. 205

By Council Member Recchia:

Boston Road Apartments, Block 2940, Lots 58 and 65, Bronx, Council District No. 15

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

L.U. No. 206

By Council Member Comrie:

Uniform Land Use Review Procedure application no. C 100145 ZMQ pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map Section Nos 9a and 9b, Borough of Queens, Council District no. 26.

Adopted by the Council (preconsidered by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

L.U. No. 207

By Council Member Comrie:

Uniform Land Use Review Procedure application no. C 100436 ZMQ pursuant to §197-c and §197-d of the New York City Charter, concerning changes to the zoning map Section Nos 19a, 19b, 19c and 19d, Borough of Queens, Council District no. 31.

Adopted by the Council (preconsidered by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

L.U. No. 208

By Council Member Comrie:

Application no. 20115156 HAK, an Urban Development Action Area Project located at 760 Jefferson Avenue, Council District no. 41, Borough of Brooklyn. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for a tax exemption.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 209

By Council Member Comrie:

Application no. 20115157 HAM, an Urban Development Action Area Project located at 2053 7th Avenue, Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a tax exemption.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 210

By Council Member Comrie:

Application no. 20115158 HAM, an Urban Development Action Area Project located at 108 West 114th Street, Council District no. 9, Borough of Manhattan. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 577 of the Private Housing Finance Law for a tax exemption.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 211

By Council Member Comrie:

Application no. 20115159 HAR, an amended Urban Development Action Area Project located at 238 Van Buren Street, Council District no. 49, Borough of Staten Island. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for a tax exemption.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 212

By Council Member Comrie:

Application no. 20115160 HAR, an amended Urban Development Action Area Project located at 146 North Burgher Avenue, 36 Hill Street, 38A Thelma Court, 56 Bond Street, 53 Larkin Street and 96 Maple Avenue, Council District no. 49, Borough of Staten Island. This matter is subject to Council review and action pursuant to Article 16 of the New York General Municipal Law, at the request of the New York City Department of Housing Preservation and Development, and pursuant to Section 696 of the General Municipal Law for a tax exemption.

Referred to the Committee on Land Use and the Subcommittee on Planning, Dispositions and Concessions.

L.U. No. 213

By Council Member Comrie:

Application no. C 070550 ZMX submitted by High Hawk, LLC. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, changing from an C8-3 District to an R7-1 District and establishing within an existing and proposed R7-1 District, a C2-4 District..

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 214

By Council Member Comrie:

Application no. C 100258 PQK, submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to §197-c of the New York City Charter, for the acquisition of property located at 525 Johnson Avenue (Block 2987, Lot 16), for continued use as a garage, Community District 1, Borough of Brooklyn. This application is subject to review and action by the Land Use Committee only if appealed to the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 215

By Council Member Comrie:

Application no. C 100264 PQK, submitted by the Department of Sanitation and the Department of Citywide Administrative Services, pursuant to §197-c of the New York City Charter, for the acquisition of property located at 145 Randolph Street (Block 2976, Lot 45), for continued use as a parking lot, Community District 1, Borough of Brooklyn. This application is subject to review and action by the Land Use Committee only if appealed to

the Council pursuant to §197-d (b)(2) of the Charter or called up by vote of the Council pursuant to §197-d (b)(3) of the Charter.

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

L.U. No. 216

By Council Member Comrie:

Application no. 20115161 TCM, pursuant to §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 to establish, maintain and operate an unenclosed sidewalk café located at 1664 Broadway, Borough of Manhattan, Council District no. 5. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

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

ANNOUNCEMENTS:

Monday, September 20, 2010

Committee on **PARKS AND RECREATION**.....**10:00 A.M.**
 Oversight - Keeping Pedestrians and Park Users Safe from Damaged Trees
 Committee Room – 250 Broadway, 16th Floor
Melissa Mark-Viverito, Chairperson

★ *Note Time and Location Change*

Committee on **CULTURAL AFFAIRS, LIBRARIES & INTERNATIONAL INTERGROUP RELATIONS** jointly with the Select Committee on **LIBRARIES** ★ **10:00 A.M.**
 Oversight - How can Public Libraries Provide Underserved Communities with Accurate and Relevant Information on Cancer and other Health Related Issues?
 ★ Committee Room – 250 Broadway, 14th Floor
 James Van Bramer, Chairperson
 Vincent Gentile, Chairperson

Committee on **CIVIL SERVICE AND LABOR**..... **1:00 P.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 14th Floor James Sanders, Chairperson

Tuesday, September 21, 2010

Subcommittee on **ZONING & FRANCHISES****9:30 A.M.**
 See Land Use Calendar Available Thursday, September 16, 2010
 Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

Committee on **CONTRACTS**.....**10:00 A.M.**
 Oversight - Innovative Procurement Methods
 Committee Room – 250 Broadway, 14th Floor Darlene Mealy, Chairperson

Committee on **HOUSING AND BUILDINGS**.....**10:00 A.M.**
 Int 64 - By Council Members Dilan, Gonzalez and Koo (by request of the Mayor) - A Local Law to amend the administrative code of the city of New York, in relation to the electrical code.
 Hearing Room – 250 Broadway, 16th Floor..... Erik Martin-Dilan, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....**11:00 A.M.**
 See Land Use Calendar Available Thursday, September 16, 2010
 Committee Room – 250 Broadway, 16th Floor Brad Lander, Chairperson

Subcommittee on **PLANNING, DISPOSITIONS & CONCESSIONS**..... **1:00 P.M.**
 See Land Use Calendar Available Thursday, September 16, 2010
 Committee Room – 250 Broadway, 16th Floor Stephen Levin, Chairperson

★ *Note Time Change*

Committee on **YOUTH SERVICES** ★ **2:00 P.M.**
 Oversight - Agency Implementation of Recommendation made by the Commission on LGBTQ Runaway and Homeless Youth
 Committee Room – 250 Broadway, 14th Floor Lewis A. Fidler, Chairperson

Wednesday, September 22, 2010

Committee on **IMMIGRATION** jointly with the Committee on **HIGHER EDUCATION** **10:00 A.M.**
 Oversight - How the DREAM Act Could Benefit Immigrant Students in New York City

Res. No. 409 - By Council Members Dromm, Barron, Brewer, Chin, Gonzalez, James, Lander, Palma, Seabrook, Williams, Foster and Cabrera -

Resolution calling on Congress to pass and President Obama to sign the Development, Relief, and Education for Alien Minors Act of 2009 (the “DREAM Act”) or to incorporate provisions of the DREAM Act in a Comprehensive Immigration Reform bill in order to provide immigration relief to undocumented immigrant students pursuing higher education.

Committee Room – 250 Broadway, 14th Floor Daniel Dromm, Chairperson

★ *Deferred*

Committee on **FIRE AND CRIMINAL JUSTICE SERVICES****10:00 A.M.**
 Agenda to be announced
 Committee Room – 250 Broadway, 16th Floor
 Elizabeth Crowley, Chairperson

Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES** jointly with the Committee on **VETERANS** **1:00 P.M.**
 Oversight - Meeting the current and future demand for mental health services by the Veteran community in NYC
 Committee Room – 250 Broadway, 14th Floor
 G. Oliver Koppell, Chairperson
 Mathieu Eugene, Chairperson

Committee on **CONSUMER AFFAIRS** **1:00 P.M.**
 Oversight - Organic Dry Cleaners in New York City
 Proposed Int 84-A - By Council Members Lappin, Chin, Ferreras, James, Lander and Mark-Viverito - A Local Law to amend the administrative code of the city of New York, in relation to licensing eco-friendly dry cleaners.
 Committee Room – 250 Broadway, 16th Floor Karen Koslowitz, Chairperson

★ *Deferred*

Committee on **COMMUNITY DEVELOPMENT** **1:00 P.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 16th Floor Albert Vann, Chairperson

★ *Addition*

Committee on **TRANSPORTATION** **1:00 P.M.**
 Proposed Int 135-A - By Council Members Brewer, Barron, Chin, Dromm, James, Lander, Mark-Viverito, Palma, Rodriguez and Williams - A LOCAL LAW - To amend the administrative code of the city of New York, in relation to reserving parking spaces in public parking facilities for car sharing programs.
 Hearing Room – 250 Broadway, 16th Floor..... James Vacca, Chairperson

Monday, September 27, 2010

Committee on **TECHNOLOGY**.....**10:00 A.M.**
 Oversight - Broadband Adoption: Closing the Digital Divide
 Committee Room – 250 Broadway, 14th Floor
 Daniel Garodnick, Chairperson

Committee on **LAND USE**.....**10:00 A.M.**
 All items reported out of the subcommittees
 AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
 Committee Room – 250 Broadway, 16th Floor Leroy Comrie, Chairperson

Committee on **AGING** **10:00 A.M.**
 Agenda to be announced
 Hearing Room – 250 Broadway, 16th Floor Jessica Lappin, Chairperson

Committee on **SANITATION AND SOLID WASTE MANAGEMENT** **1:00 P.M.**
 Oversight - Street litter baskets
 Committee Room – 250 Broadway, 16th Floor Letitia James, Chairperson

Committee on ENVIRONMENTAL PROTECTION..... 1:00 P.M.
Oversight - Indoor Air Quality: The Regulatory Landscape
Committee Room – 250 Broadway, 14th Floor
.....James F. Gennaro, Chairperson

★ Addition

Committee on EDUCATION 1:00 P.M.
Oversight - DOE’S State Test Score Results for 2010
Hearing Room – 250 Broadway, 16th Floor Robert Jackson, Chairperson

Tuesday, September 28, 2010

★ Deferred

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.
..... Agenda – 1:30 p.m.
Location..... Emigrant Savings Bank – 49-51 Chambers Street.....

★ Addition

Committee on CIVIL RIGHTS jointly with the
Committee on PUBLIC SAFETY and
Committee on PUBLIC HOUSING 10:00 A.M.
Oversight - Policing in NYCHA Developments: Examining Policies and Procedures
Committee Room – 250 Broadway, 16th Floor Deborah Rose, Chairperson
..... Peter Vallone, Chairperson
..... Rosie Mendez, Chairperson

★ Addition

Committee on COMMUNITY DEVELOPMENT jointly with the
Committee on CONSUMER AFFAIRS 10:00 A.M.
Oversight – The Effect of Water and Sewer Lien Sales on Low-Income Residents
Hearing Room – 250 Broadway, 14th Floor Albert Vann, Chairperson
..... Karen Koslowitz, Chairperson

★ Deferred

Committee on ECONOMIC DEVELOPMENT..... 10:00 A.M.
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor

★ Addition

Committee on SMALL BUSINESS 10:00 A.M.
Agenda to be announced
Hearing Room – 250 Broadway, 16th Floor Diana Reyna, Chairperson

★ Note Committee Addition

Committee on WATERFRONTS jointly with the
★ Committee on FIRE AND CRIMINAL JUSTICE
SERVICES 1:00 P.M.
Oversight - Hurricane Response and Preparedness
Committee Room – 250 Broadway, 16th Floor Michael Nelson, Chairperson
..... ★ Elizabeth Crowley, Chairperson

★ Addition

Committee on WOMEN’S ISSUES jointly with the
Committee on HEALTH..... 1:00 P.M.
Oversight - Providing Alternative Birthing Options for All Women in New York
City
Hearing Room – 250 Broadway, 16th Floor Julissa Ferreras, Chairperson
Maria del Carmen Arroyo, Chairperson

Wednesday, September 29, 2010

★ Deferred

Committee on CIVIL RIGHTS..... 10:00 A.M.
AGENDA TO BE ANNOUNCED
Committee Room – 250 Broadway, 16th Floor Deborah Rose, Chairperson

★ Deferred

Committee on ECONOMIC DEVELOPMENT..... 10:00 A.M.

Agenda to be announced

Committee Room – 250 Broadway, 14th Floor Thomas White, Chairperson

★ Deferred

Committee on SMALL BUSINESS 10:00 A.M.
Agenda to be announced
Hearing Room – 250 Broadway, 16th Floor Diana Reyna, Chairperson

★ Deferred

Committee on EDUCATION 1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 14th Floor Robert Jackson, Chairperson

★ Deferred

Committee on WATERFRONTS..... 1:00 P.M.
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor Michael Nelson, Chairperson

★ Deferred

Committee on WOMEN’S ISSUES 1:00 P.M.
Agenda to be announced
Hearing Room – 250 Broadway, 16th Floor Julissa Ferreras, Chairperson

★ Addition

Stated Council Meeting..... Ceremonial Tributes – 1:00 p.m.
..... Agenda – 1:30 p.m.
Location..... ~ Emigrant Savings Bank ~ 49-51 Chambers Street.....

THE NEXT STATED MEETING

WILL TAKE PLACE ON

WEDNESDAY, SEPTEMBER 29, 2010

Whereupon on motion of the Speaker (Council Member Quinn), the President
Pro Tempore (Council Member Comrie) adjourned these proceedings in Memory of
Council Member Thomas White, Jr. to meet again at the Emigrant Savings Bank at
49-51 Chambers Street, New York, N.Y. for the Stated Meeting on Wednesday,
September 29, 2010.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

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