

1

2 CITY COUNCIL

3

CITY OF NEW YORK

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THE TRANSCRIPT OF THE MINUTES

6

of the

7

STATED COUNCIL MEETING

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9

10

February 4, 2004

11

Start: 1:15 p.m.

12

Recess: 3:15 p.m.

13

City Hall

14

Council Chambers

15

New York, New York

16

B E F O R E:

17

BETSY GOTBAUM

18

Public Advocate

19

COUNCIL MEMBERS: Joseph Addabbo

20

Tony Avella

21

Maria Baez

22

Charles Barron

23

Tracy Boyland

24

Gale Brewer

25

Yvette Clarke

Leroy Comrie

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## 2 A P P E A R A N C E S (CONTINUED)

3

## COUNCIL MEMBERS:

4 Bill DeBlasio  
Erik Martin-Dilan  
5 Simcha Felder  
Lewis Fidler  
6 Helen Foster  
Dennis Gallagher  
7 James Gennaro  
Vincent Gentile  
8 Alan Gerson  
Eric Gioia  
9 Sarah Gonzalez  
Robert Jackson  
10 Latitia James  
Allan Jennings  
11 Melinda Katz  
G. Oliver Koppell  
12 Andrew Lanza  
John Liu  
13 Margarita Lopez  
Miguel Martinez  
14 Michael McMahon  
A. Gifford Miller  
15 Hiram Monserrate  
Eva Moskowitz  
16 Michael Nelson  
James Oddo  
17 Bill Perkins  
Madeline Provenzano  
18 Christine Quinn  
Domenic Recchia  
19 Philip Reed  
Diana Reyna  
20 Joel Rivera  
James Sanders  
21 Larry Seabrook  
Helen Sears  
22 Jose Serrano  
Kendall Stewart  
23 Peter Vallone, Jr.  
Albert Vann  
24 David Weprin  
David Yassky  
25

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A P P E A R A N C E S (CONTINUED)

STAFF: Victor Robles  
City Clerk  
Claude Cherry,  
Council Clerk

1 STATED COUNCIL MEETING

2 SPEAKER MILLER: Council Member

3 Addabbo, I know you have some special guests who are  
4 here with us today who we're honoring, I'd love it  
5 if you would bring them forward.

6 COUNCIL MEMBER ADDABBO: Thank you,  
7 Mr. Speaker. Good afternoon.

8 I don't care what the groundhog said,  
9 I think spring is right around the corner, and with  
10 spring comes spring training, and with spring  
11 training comes opening day, and today we may have,  
12 Mr. Speaker, some future stars. And I want to go up  
13 front and congratulate 2003's New York City  
14 ten-year-old division champions from The Ozone  
15 Howard Little League.

16 Ozone Howard Little League is one of  
17 the oldest little leagues in the City, and today we  
18 are blessed to have, again these future stars,  
19 ten-year-old New York City champions from 2003. And  
20 to the team, to the coaches, to the league, I  
21 congratulate you for being a positive influence, not  
22 only in our area but also throughout the City.

23 So, thank you very much for being  
24 here.

25 SPEAKER MILLER: If we could have the

1 STATED COUNCIL MEETING

2 Clerk read the proclamation, that would be great.

3 CITY CLERK ROBLES: The Council, City  
4 of New York, Proclamation.

5 Whereas: The Council of the City of  
6 New York is proud and pleased to honor both the  
7 Ozone Howard Little League Organization, as well as  
8 The Mites -- a team from its 10-Year-Old Division -  
9 whose fine playing and spirit of teamwork has made  
10 the borough of Queens very proud; and

11 Whereas: Ozone Howard Little League  
12 has been in existence for the last twenty-five  
13 years; and

14 Whereas: The League provides  
15 supervised, instructional baseball and softball for  
16 the young men and women of Ozone Park, Howard Beach  
17 and Lindenwood; and

18 Whereas: For the last 25 years the  
19 Ozone Howard Little League has served over 1,500  
20 young people each season; and

21 Whereas: The League helps instill  
22 community service among its athletes by holding  
23 field days for local schools, special festival days  
24 for handicapped children, and hosting the annual  
25 prom for severely challenged multi-handicapped

1 STATED COUNCIL MEETING

2 teenagers; and

3                   Whereas: One of the league's teams --  
4 the Ozone Howard Mites -- won District 27 Flag on  
5 July 17th, the NYC Championship on July 22nd and  
6 then went to Albany placing as a runner-up in the  
7 State Championships; and

8                   Whereas: Coaches John Midden, Paul  
9 Iddlemiss, Anthony Cammarata and Jimmy Russo  
10 exemplify the best of the Ozone Howard Little League  
11 and the spirit of volunteerism; and

12                   Whereas: Athletes Alex Midden,  
13 Alexander Middlemiss, Sean Cammerata, James Russo,  
14 Frankie Kaplan, John Rainone, Joe Gangi, Vinny  
15 Gatto, James Passarella, Scott Hounsell and David  
16 Delgiorno demonstrated not only skilled ball playing  
17 but outstanding sportsmanship as members of the  
18 winning Mites; now, therefore

19                   Be It Known: That the Council of the  
20 City of New York most gratefully honors THE OZONE  
21 HOWARD LITTLE LEAGUE and THE MITES, ITS 10-YEAR-OLD  
22 DIVISION CHAMPS for their outstanding contributions  
23 to our community through their dedicated leadership  
24 and commitment to teach not only the game of  
25 baseball, but also more importantly the value of

1 STATED COUNCIL MEETING

2 good sportsmanship.

3 Signed this 4th day of February in  
4 the year Two Thousand and Four, Gifford Miller,  
5 Speaker for the Entire Council; Joseph Addabbo, Jr.,  
6 Council Member, 32nd District, Queens.

7 SPEAKER MILLER: Gentlemen, we're very  
8 proud of all of you. Congratulations on your  
9 success. We look forward to many big things, and,  
10 you know, being a Yankee fan, I hope you all join  
11 the Yankees. I know that's probably unpopular with  
12 the team, but there it is, I've got to stick with my  
13 colors.

14 Coach, we'd be very grateful if you'd  
15 say a few words on behalf of the team.

16 COACH: Thank you, Speaker Miller,  
17 Joe, we're forever grateful for what you did for  
18 these kids. It was tremendous fun. I'd like to thank  
19 all the parents for their support, and the kids, it  
20 was just a great time, we had a good run.

21 I'd like to thank one gentleman who  
22 is not with us anymore, Pat Alocca, who was  
23 basically the founder of this team. Thank you.

24 SPEAKER MILLER: Oh, I get a ball?

25 COACH: You get an autographed ball

1 STATED COUNCIL MEETING

2 from the team, and hopefully one day, you never  
3 know, the next Micky Mantle may be on there.

4 SPEAKER MILLER: Absolutely.

5 COACH: You never know. You never  
6 know.

7 SPEAKER MILLER: I'm very honored.

8 Thank you all.

9 I'm going to put it in glass. I've  
10 got it right down right next to the ball I threw out  
11 at the Yankee Stadium, first one. Right next to that  
12 one. Thank you very much. I'm honored. Coming back  
13 next year, absolutely, with the 11-year-olds.  
14 Parents, thank you all for being here.  
15 Congratulations to you.

16 Council Member Weprin.

17 COUNCIL MEMBER WEPRIN: Okay.

18 SPEAKER MILLER: I know Council Member  
19 Weprin has an extraordinarily honored guest who is  
20 here. Let me just turn the mic over to you, Council  
21 Member Weprin, so that you can introduce our guest.

22 COUNCIL MEMBER WEPRIN: Okay, we have  
23 a very honored guest. Can I ask the whole delegation  
24 to come up? Morris Baldinger, with his wife  
25 Charlotte, who is president of Hollis Park Nursing



1 STATED COUNCIL MEETING

2 Home. Aroleo, Gina Gargano, Irving Manning, and  
3 Bernard and Enid Scott.

4 SPEAKER MILLER: Do we have a  
5 proclamation?

6 COUNCIL MEMBER WEPRIN: Yes, we do.

7 SPEAKER MILLER: Here it is.

8 All right, if the Clerk could read  
9 the proclamation.

10 CITY CLERK ROBLES: The Council, City  
11 of New York, Proclamation.

12 Whereas: The Council of the City of  
13 New York is pleased and proud to join family,  
14 friends and staff of the Hollis Park Manor Nursing  
15 Home as they recognize and celebrate the life and  
16 accomplishments of one of its most distinguished  
17 residents, 110 year old Maud Scott; and

18 Whereas: We are a City made strong by  
19 the efforts of individuals who give exemplary  
20 service to the community, whether through  
21 participation in volunteer programs, through unique  
22 personal achievement in their professional or other  
23 endeavors, or through a lifetime of good citizenry;  
24 and

25 Whereas: Today, we come together to

1 STATED COUNCIL MEETING

2 honor Maud Scott, a woman of exceptional strength,  
3 character and dignity who has the singular  
4 distinction of living a life that has spanned three  
5 centuries and is still here to tell her story; and

6                   Whereas: On January 26th, 1894, Maud  
7 Scott was born in the borough of Brooklyn to Mary  
8 and Charles Hicks, two people endowed with strong  
9 African-American and Shinnecock Indian ancestry that  
10 provided Maud throughout her life with a sense of  
11 purpose and a spirited determination to succeed; and

12                   Whereas: A woman of great integrity  
13 and strong character, Maud married Bernard Scott,  
14 had three children, Bernard, Stanley and Irving, who  
15 in turn have blessed her with five grandchildren and  
16 two great-grandchildren; and

17                   Whereas: Maud Scott has a sharp sense  
18 of humor and a fierce intensity to explore life; she  
19 wrote her first poem at age 95, continues to write  
20 poetry, and has served as the oldest living  
21 participant in the Lift Up the World Program, a  
22 project that seeks to identify and honor people who  
23 have inspired the world; and

24                   Whereas: In over one hundred years of  
25 living, Maud Scott has inspired others with her

1 STATED COUNCIL MEETING

2 ebullience, her warmth, her bright spirit and her  
3 true zest for life; she is loved deeply by family  
4 and friends and has shown us all quite beautifully  
5 that age is only a state of mind; now, therefore

6 Be It Known: That the Council of the  
7 City of New York honors MAUD SCOTT for her wonderful  
8 contributions to our City, and joins with her family  
9 and friends in celebrating her life and enduring  
10 legacy.

11 Signed this 4th day of February in  
12 the year Two Thousand and Four, Gifford Miller,  
13 Speaker for the Entire Council; David I. Weprin,  
14 Council Member, 23rd District, Queens.

15 COUNCIL MEMBER WEPRIN: We believe  
16 that Mrs. Scott is the oldest resident of New York  
17 State, and she's lived in New York City all 110  
18 years. She stopped smoking at 80, because she was  
19 worried about her health, and a sister of her had  
20 some problems with smoking, so she decided to stop  
21 smoking at 80. She took up poetry at 95, and we're  
22 going to ask her to do a poem for us called "Artie  
23 Boy," that I believe she knows by heart.

24 Can you do "Artie Boy"?

25 MRS. SCOTT: Is the mic on?

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER WEPRIN: Yes.

3 MRS. SCOTT: My little brother Arthur,  
4 my mother's pride and joy;

5 She worships the ground he walks  
6 upon, and calls him Artie Boy;

7 By bouncing him upon her knee, she  
8 turns around and says to me, "don't forget MaryJane,  
9 you're my pet, and I love you both the same.

10 SPEAKER MILLER: Oh, that's beautiful.

11 COUNCIL MEMBER WEPRIN: Started poetry  
12 at 95.

13 SPEAKER MILLER: Mrs. Scott, we're so  
14 honored to have you here. Congratulations on all  
15 your achievements and for all you've done for our  
16 City, and thank you to everyone else who came down  
17 to be a part of this very, very historic moment.  
18 Thank you.

19 Thank you all very much.  
20 Congratulations, Mrs. Scott. Thank you very much for  
21 being with us.

22 MRS. SCOTT: Okay.

23 SPEAKER MILLER: Council Member Hiram  
24 Monserrate is here and has brought a number of  
25 guests.

1 STATED COUNCIL MEETING

2 Special honoree. I'd like you to  
3 introduce our honoree.

4 COUNCIL MEMBER MONSERRATE: Thank you,  
5 Mr. Speaker.

6 Larry? Why don't you come on up,  
7 Larry. Larry is going to present this with me, Mr.  
8 Speaker.

9 SPEAKER MILLER: Okay.

10 COUNCIL MEMBER MONSERRATE: From the  
11 Borough of the Bronx, Larry Seabrook.

12 I have the pleasure and honor of  
13 bringing to the front Mr. David Londin and his  
14 party. Please come on up, Mr. David Londin.

15 Straight from the multi-circle. Come  
16 on up, Mr. David Londin. You're the center of  
17 attention for these few moments of City Hall.

18 Our Speaker Miller.

19 SPEAKER MILLER: Thank you for  
20 introducing our guests, and if we could have the  
21 clerk read the proclamation.

22 CITY CLERK ROBLES: The Council, City  
23 of New York, Proclamation.

24 Whereas: The Council of the City of  
25 New York is pleased and proud to honor David Londin

1 STATED COUNCIL MEETING

2 for his exceptional contributions to the senior  
3 community; and

4                   Whereas: Seniors are important  
5 members of society, individuals whose contributions  
6 have helped shape and inform the modern world;  
7 across the decades and throughout the defining  
8 moments of the 20th century, we have all been  
9 enriched by the legacy of the senior community, a  
10 legacy which has ensured the safety, progress and  
11 prosperity of our great country for generations to  
12 come; and

13                   Whereas: Today, we proudly honor Mr.  
14 David Londin, a man who has worked in the field of  
15 aging for more than two decades, during which time  
16 he has dedicated himself to expanding the notions of  
17 what senior services can and should be; and

18                   Whereas: David Londin is currently  
19 the Executive Director of the Workmen's Circle  
20 MultiCare Center, an organization which promotes the  
21 well-being of the elderly through a broad array of  
22 social services; and

23                   Whereas: David Londin's tireless work  
24 on behalf of the senior community is truly  
25 impressive:

1 STATED COUNCIL MEETING

2                   Among his accomplishments, his  
3 leadership was the driving force behind a \$68  
4 million total renovation and modernization of the  
5 Center. During his tenure, fundraising efforts have  
6 broadened and several hugely successful events were  
7 initiated; and

8                   Whereas: David Londin is a man of  
9 integrity, depth and dimension who leads by example.  
10 His credo: "The resident always comes first," is  
11 communicated to all levels of staff and implemented  
12 in ways that have improved the quality of life for  
13 countless individuals; for his dedication and  
14 contributions, Mr. Londin has received recognition  
15 and high honors, including being named UJA Man of  
16 the Year, 1991; the Workmen's Circle MultiCare  
17 Center Leadership Award, 1997; and a Workman's  
18 Circle MultiCare Center Family Council Man of the  
19 Year Award in 1998; and

20                   David Londin's contributions to the  
21 senior community over the years have been truly  
22 inestimable; he has helped show our City that all  
23 seniors should be treated with the care, dignity and  
24 respect they so rightfully deserve; now, therefore

25                   Be It Known: That the Council of the

1 STATED COUNCIL MEETING

2 City of New York honors DAVID LONDIN for his  
3 outstanding contributions to the senior community of  
4 our City.

5 Signed this 4th day of February in  
6 the year Two Thousand and Four, Gifford Miller,  
7 Speaker for the Entire Council; Hiram Monserrate,  
8 Council Member, 21st District, Queens.

9 SPEAKER MILLER: Thank you. David,  
10 we're very honored to have you here with us, and  
11 thank you for all you've done for our City and we  
12 would be pleased if you would say a few words.

13 MR. LONDIN: Thank you very much.

14 First of all, to the youth of  
15 America, the baseball team, that's a great job by  
16 them, and certainly what better moment for me to be  
17 here caring for the elderly than to be with someone  
18 like Mrs. Scott who has achieved a tremendous,  
19 tremendous honor. Congratulations to you and the  
20 fine nursing home that you're there, that you come  
21 from.

22 The Workmen's Circle Multicare Center  
23 is the nursing home that I've had the pleasure to be  
24 in charge of for over 20 years. It's a great home  
25 with great staff, for my son Bradley to be here and



1 STATED COUNCIL MEETING

2 Gale and Elaina Zeretski, it's indeed an honor to  
3 me, and for my whole family and to the patience, I  
4 thank you very much.

5 SPEAKER MILLER: Thank you very much.  
6 Council Member McMahon. I know you  
7 have a couple of very special honored guests. Would  
8 you like to bring them forward for us?

9 COUNCIL MEMBER McMAHON: Mr. Speaker,  
10 and my colleagues in the Council and ladies and  
11 gentlemen, if we could have your attention for a  
12 moment?

13 This is a very important presentation  
14 that we're going to make here this afternoon. We  
15 learned, Mr. Speaker, through the events of  
16 September 11th, we were reminded as a society that  
17 there are men and women who live next to us who work  
18 among us who at a moment's notice could become  
19 heroes.

20 Mr. Speaker, we learned that heroes  
21 are ordinary people, who in any given moment or time  
22 do extraordinary things and show extraordinary  
23 courage to save the lives of others, and that is  
24 certainly the case of Sergeant Scott Nichols, and  
25 Police Officer Mark DiPilato, who are here with us

1 STATED COUNCIL MEETING

2 this afternoon.

3                   Just this December while they were  
4 patrolling in the New Brighton section of my  
5 district on the North Shore of Staten Island --  
6 could I have everyone's attention, please?

7                   While they were on tour the Sunday  
8 morning in early December last year, they noticed in  
9 a commercial building, in a taxpayer building smoke  
10 coming from the top floor, and without thinking  
11 about life or limb, or without thinking about  
12 anything except their duties to serve and protect  
13 people of the City of New York, they raced into that  
14 burning building and saved many lives. And it was  
15 through their act of heroism, because the Fire  
16 Department, although responded quickly, would not  
17 have been there in time, Sergeant Nichols and  
18 DiPilato saved lives that day without worrying about  
19 their own. They reminded us once again that the men  
20 and women of the New York City Police Department are  
21 just those heroes. They're ordinary people. They are  
22 ordinary people who want to give a moment for  
23 extraordinary things, and we're proud that Police  
24 Officer DiPilato has his son Mark with him today,  
25 who is going to be a very good Councilman some day,

1 STATED COUNCIL MEETING

2 and his mom Anna DiPilato, who is with me. Sergeant  
3 Nichols, who has been on the force 19 years, Police  
4 Officer DiPilato seven years, Sergeant Nichols is  
5 joined by his wife, JC, and his three children,  
6 Christopher, Matthew and Jenna, the beautiful young  
7 girl there.

8 So, ladies and gentlemen, let's hear  
9 it for our heroes in New York City.

10 SPEAKER MILLER: Thank you, Michael.  
11 If we could have the clerk read the proclamation.

12 CITY CLERK ROBLES: Whereas: The  
13 Council of the City of New York is proud and pleased  
14 to honor New York City Police Officer Scott Nicholls  
15 for his meritorious service and distinguished valor  
16 in the line of duty; and

17 Whereas: Saving a life is perhaps the  
18 greatest gift one individual can give to another; it  
19 is an accomplishment worthy of the utmost honor,  
20 praise and recognition; and

21 Whereas: New York City Police  
22 Sergeant Scott Nicholls is one such individual whose  
23 presence of mind and heroics helped save another's  
24 life; and

25 Whereas: On November 30th, 2003,

1 STATED COUNCIL MEETING

2 Sergeant Scott Nicholls along with Officer DiPilato  
3 were on community patrol in the New Brighton section  
4 of Staten Island when they spotted smoke pouring out  
5 of a three-story building; and

6                   Whereas: After learning that a family  
7 was asleep on the third floor, these two police  
8 officers rushed into action, broke down the  
9 apartment door, woke everyone up and in a  
10 coordinated effort guided them to safety; and

11                   Whereas: At great risk to his own  
12 person safety, Sergeant Scott Nicholls demonstrated  
13 tremendous calm under extremely difficult  
14 conditions, and in doing so helped save the lives of  
15 six people; and

16                   Whereas: Today we honor New York City  
17 Sergeant Scott Nicholls for his courage, his quick  
18 thinking, and his commitment to ensuring the safety  
19 of our citizens. Without his timely intervention,  
20 the consequences for these individuals might have  
21 been fatal; and

22                   Whereas: New York City Police  
23 Officers have always worked diligently for all the  
24 citizens of our great City and, as this rescue  
25 shows, are well and rightfully known as New York's

1 STATED COUNCIL MEETING

2 Finest; now, therefore

3 Be It Known: That the Council of the  
4 City of New York honors SERGEANT SCOTT NICHOLLS, for  
5 his courage, compassion, and heroism.

6 Signed this 4th day of February in  
7 the year Two Thousand and Four, Gifford Miller,  
8 Speaker for the Entire Council; Michael McMahon,  
9 Council member, 49th District, Staten Island.

10 CITY CLERK ROBLES: The Council, City  
11 of New York, Proclamation.

12 Whereas: The Council of the City of  
13 New York is proud and pleased to honor New York City  
14 Police Officer Mark DiPilato for his meritorious  
15 service and distinguished valor in the line of duty;  
16 and

17 Whereas: Saving a life is perhaps the  
18 greatest gift one individual can give to another; it  
19 is an accomplishment worthy of the utmost honor,  
20 praise and recognition; and

21 Whereas: New York City Police Officer  
22 Mark DiPilato is one such individual whose presence  
23 of mind and heroics helped save another's life; and

24 Whereas: On November 30th, 2003,  
25 Officer DiPilato along with Sgt. Scott Nicholls were

1 STATED COUNCIL MEETING

2 on community patrol in the New Brighton section of  
3 Staten Island when they spotted smoke pouring out of  
4 a three-story building; and

5                   Whereas: After learning that a family  
6 was asleep on the third floor, these two police  
7 officers rushed into action, broke down the  
8 apartment door, woke everyone up and in a  
9 coordinated effort guided them to safety; and

10                   Whereas: At great risk to his own  
11 personal safety, Officer Mark DiPilato demonstrated  
12 tremendous calm under extremely difficult  
13 conditions, and in doing so helped save the lives of  
14 six people; and

15                   Whereas: Today we honor New York City  
16 Police Officer Mark DiPilato for his courage, his  
17 quick thinking, and his commitment to ensuring the  
18 safety of our citizens. Without his timely  
19 intervention, the consequences for these individuals  
20 might have been fatal; and

21                   Whereas: New York City Police  
22 Officers have always worked diligently for all the  
23 citizens of our great City and, as this rescue  
24 shows, are well and rightfully known as New York's  
25 Finest; now, therefore

1 STATED COUNCIL MEETING

2 Be It Known: That the Council of the  
3 City of New York honors POLICE OFFICER MARK DiPILATO  
4 for his courage, compassion, and heroism.

5 Signed this 4th day of February in  
6 the year Two Thousand and Four, Gifford Miller,  
7 Speaker for the Entire Council; Michael McMahon,  
8 Council Member, 49th District, Staten Island.

9 SPEAKER MILLER: Gentlemen, we are  
10 indeed honored to have you here with us today, and  
11 thank you for your service to our City every day,  
12 but particularly on that day in question, and we  
13 would be honored if you would say a few words.

14 POLICE OFFICER DiPILATO: I'm just  
15 glad that we happened to be in the right place at  
16 the right time and saved the six people. I'd like to  
17 thank my family for their support.

18 SERGEANT NICHOLLS: I'd just like to  
19 thank everyone here today. Thank you very much. We  
20 appreciate all the accolades. Thank you.

21 SPEAKER MILLER: Thank you. Thank you,  
22 both, gentlemen. We really are honored to have you,  
23 and thank you for our service to our City.  
24 Congratulations.

25 My friends, we have another series of

1 STATED COUNCIL MEETING

2 three heroes that are here today, also police  
3 officers and detectives, who in a time of crisis  
4 threw themselves into the crisis and saved a woman's  
5 life, a woman who was a despondent woman who was  
6 threatening a suicide jump from the Brooklyn Bridge.

7 I'd like to ask Police Officer Mike  
8 Bazerman, who is known to all of us down here at  
9 City Hall, Mike, please come forward.

10 Also, Detective Angel Serrano, and  
11 Police Officer Rafael Martinez, come forward  
12 gentlemen. Thank you so much. And of course, their  
13 families as well, please come forward.

14 We are indeed incredibly honored to  
15 have you with us here.

16 So, if we could have the clerk read  
17 the proclamation, we would be very honored.

18 CITY CLERK ROBLES: The Council, City  
19 of New York, Proclamation.

20 Whereas: The Council of the City of  
21 New York is proud and pleased to honor New York City  
22 Police Officer Michael R. Bazerman for his  
23 meritorious service and distinguished valor in the  
24 line of duty; and

25 Whereas: Saving a life is perhaps the



1 STATED COUNCIL MEETING

2 greatest gift one individual can give to another; it  
3 is an accomplishment worthy of the utmost honor,  
4 praise and recognition; and

5                   Whereas: Police Officer Michael R.  
6 Bazerman is one such individual; he is a man whose  
7 presence of mind and quick thinking helped save  
8 another's life; and

9                   Whereas: Officer Bazerman, a member  
10 of the New York City Police Department since June  
11 1995, and currently on the Municipal Security Unit  
12 at City Hall, is credited with saving the life of a  
13 despondent woman who was threatening a suicide jump  
14 from the Brooklyn Bridge; and

15                   Whereas: When fellow officer Rafael  
16 Martinez's attempts failed to induce this woman to  
17 change her mind, Police Officer Bazerman, along with  
18 Police Officer Martinez and Detective Angel Serrano,  
19 took immediate action at risk of grave personal  
20 injury, and pulled the woman to safety; and

21                   Whereas: Today we honor Police  
22 Officer Michael R. Bazerman, whose efforts  
23 undoubtedly saved another's life, without his timely  
24 intervention, the consequences for this woman might  
25 have been fatal; and

1 STATED COUNCIL MEETING

2                               Whereas: New York City Police  
3 Officers have always worked diligently for all the  
4 citizens of our great City and, as this rescue  
5 shows, are well and rightfully known as New York's  
6 Finest; now, therefore

7                               Be It Known: That the Council of the  
8 City of New York honors POLICE OFFICER MICHAEL R.  
9 BAZERMAN for his courage, compassion, and  
10 determination in saving another's life.

11                              Signed this 4th day of February in  
12 the year Two Thousand and Four, Gifford Miller,  
13 Speaker for the Entire Council.

14                              CITY CLERK ROBLES: Whereas: The  
15 Council of the City of New York is proud and pleased  
16 to honor New York City Police Detective Angel  
17 Serrano for his meritorious service and  
18 distinguished valor in the line of duty; and

19                              Whereas: Saving a life is perhaps the  
20 greatest gift one individual can give to another; it  
21 is an accomplishment worthy of the utmost honor,  
22 praise and recognition; and

23                              Whereas: New York City Police  
24 Detective Angel Serrano is one such individual whose  
25 presence of mind and quick thinking helped save

1 STATED COUNCIL MEETING

2 another's life; and

3                   Whereas: Detective Serrano, a member  
4 of the New York City Police Department since July,  
5 1996, is credited, along with fellow NYPD officers  
6 Rafael A. Martinez and Michael R. Bazerman, with  
7 helping to save the life of a despondent woman who  
8 was threatening a suicide jump from the Brooklyn  
9 Bridge; and

10                   Whereas: When their efforts failed to  
11 induce this woman to change her mind, Police  
12 Officers Martinez and Bazerman, along with Detective  
13 Serrano, took immediate action at risk of grave  
14 personal injury, and pulled the woman to safety; and

15                   Whereas: Today we honor New York City  
16 Police Detective Angel Serrano, whose efforts  
17 undoubtedly saved another's life; without his timely  
18 intervention, the consequences for this woman might  
19 have been fatal; and

20                   Whereas: New York City Police  
21 Officers have always worked diligently for all the  
22 citizens of our great City and, as this rescue  
23 shows, are well and rightfully known as New York's  
24 Finest; now, therefore

25                   Be It Known: That the Council of the

1 STATED COUNCIL MEETING

2 City of New York honors DETECTIVE ANGEL SERRANO for  
3 his courage, compassion, and determination in saving  
4 another's life.

5 Signed this 4th day of February in  
6 the year Two Thousand and Four, Gifford Miller,  
7 Speaker for the Entire Council.

8 CITY CLERK ROBLES: The Council, City  
9 of New York, Proclamation.

10 Whereas: The Council of the City of  
11 New York is proud and pleased to honor New York City  
12 Police Officer Rafael A. Martinez for his  
13 meritorious service and distinguished valor in the  
14 line of duty; and

15 Whereas: Saving a life is perhaps the  
16 greatest gift one individual can give to another,  
17 and it is an accomplishment worthy of the utmost  
18 honor, praise and recognition; and

19 Whereas: Officer Martinez, a nine  
20 year veteran of the Department currently assigned to  
21 Police Headquarters Security Unit, was exiting the  
22 ramp off the FDR Drive South at Brooklyn Bridge and  
23 Wagner Street when he noticed a despondent looking  
24 woman walking against traffic; and

25 Whereas: Police Officer Martinez

1 STATED COUNCIL MEETING

2 tried talking to her and received no response.

3 Realizing how precarious this situation could

4 become, Officer Martinez parked his car and followed

5 this woman up the ramp, whereupon she climbed over

6 the safety railing and threatened to jump onto the

7 concrete 30 feet below; and

8                   Whereas: When it appeared that she

9 was about to make good her threat, Police Officer

10 Martinez, along with two other officers, took

11 immediate action at risk of grave personal injury to

12 themselves, and pulled the woman to safety; and

13                   Whereas: Today we honor Police

14 Officer Rafael A. Martinez, an individual whose

15 efforts undoubtedly saved another's life; without

16 his timely intervention the consequences for this

17 woman might have been fatal; and

18                   Whereas: New York City Police

19 Officers have always worked diligently for all the

20 citizens of our great City and, as this rescue

21 shows, are well and rightfully known as New York's

22 Finest; now, therefore

23                   Be It Known: That the Council of the

24 City of New York honors POLICE OFFICER RAFAEL A.

25 MARTINEZ for exceptional service in the line of

1 STATED COUNCIL MEETING

2 duty.

3 Signed this 4th day of February in  
4 the year Two Thousand and Four, Gifford Miller,  
5 Speaker for the Entire Council.

6 SPEAKER MILLER: Gentlemen, all of my  
7 colleagues, and the people of the City of New York,  
8 thank you for your service to our City.

9 It certainly is true that every day  
10 the work of our finest is heroic, but it's at  
11 particular times of crisis that people turn to the  
12 Police Department for acts of heroism and bravery  
13 and extraordinary courage, and what you did by going  
14 forth and saving this woman's life is the kind of  
15 work that goes on in our City every day but should  
16 be recognized and thanked.

17 And, so, thank you so very much for  
18 your work and we'd be honored if you'd say a few  
19 words.

20 Mike.

21 POLICE OFFICER BAZERMAN: I just want  
22 to thank Speaker Miller and the rest of the Council  
23 members, and the Council staff. I appreciate  
24 everything. It was just a day's work.

25 SPEAKER MILLER: It was a good day.

1 STATED COUNCIL MEETING

2 DETECTIVE SERRANO: I'd like to say  
3 thank you to the Council and everybody here that  
4 showed up. Thank you very much.

5 POLICE OFFICER MARTINEZ: I want to  
6 thank the Lord above for having us there at the  
7 right time at the right place, which is what it was.  
8 That was just an indication of what police officers  
9 throughout the City do day in and day out. We were  
10 just happy to be at the right place at the right  
11 time, and I just happened to have the right partner  
12 at the right place. Thank you.

13 Thank you to my family, for their  
14 support.

15 SPEAKER MILLER: Thank you. Thank God  
16 you were all there. Thank you all very much for  
17 being here.

18 Congratulations, thank you. Thank you  
19 for your service.

20 MAJORITY LEADER RIVERA: Will the  
21 Stated Meeting of February 4, 2004 please come to  
22 order.

23 Roll call.

24 CITY CLERK ROBLES: Addabbo.

25 COUNCIL MEMBER ADDABBO: Here.

1 STATED COUNCIL MEETING

2 CITY CLERK ROBLES: Avella.

3 COUNCIL MEMBER AVELLA: Here.

4 CITY CLERK ROBLES: Baez.

5 COUNCIL MEMBER BAEZ: Here.

6 CITY CLERK ROBLES: Barron.

7 COUNCIL MEMBER BARRON: Here.

8 CITY CLERK ROBLES: Boyland.

9 COUNCIL MEMBER BOYLAND: Here.

10 CITY CLERK ROBLES: Brewer.

11 COUNCIL MEMBER BREWER: Here.

12 CITY CLERK ROBLES: Clarke.

13 COUNCIL MEMBER CLARKE: Here.

14 CITY CLERK ROBLES: Comrie.

15 COUNCIL MEMBER COMRIE: Present.

16 CITY CLERK ROBLES: DeBlasio.

17 COUNCIL MEMBER DEBLASIO: Here.

18 CITY CLERK ROBLES: Dilan.

19 COUNCIL MEMBER DILAN: Here.

20 CITY CLERK ROBLES: Felder.

21 (No response.)

22 CITY CLERK ROBLES: Fidler.

23 COUNCIL MEMBER FIDLER: Here.

24 CITY CLERK ROBLES: Foster.

25 COUNCIL MEMBER FOSTER: Here.



1 STATED COUNCIL MEETING

2 CITY CLERK ROBLES: Gallagher.

3 COUNCIL MEMBER GALLAGHER: Here.

4 CITY CLERK ROBLES: Gennaro.

5 COUNCIL MEMBER GENNARO: Here.

6 CITY CLERK ROBLES: Gentile.

7 COUNCIL MEMBER GENTILE: Here.

8 CITY CLERK ROBLES: Gerson.

9 COUNCIL MEMBER GERSON: Here.

10 CITY CLERK ROBLES: Gioia.

11 COUNCIL MEMBER GIOIA: Here.

12 CITY CLERK ROBLES: Gonzalez.

13 COUNCIL MEMBER GONZALEZ: Here.

14 CITY CLERK ROBLES: Jackson.

15 COUNCIL MEMBER JACKSON: Here.

16 CITY CLERK ROBLES: James.

17 COUNCIL MEMBER JAMES: Here.

18 CITY CLERK ROBLES: Jennings.

19 COUNCIL MEMBER JENNINGS: Here.

20 CITY CLERK ROBLES: Katz.

21 COUNCIL MEMBER KATZ: Here.

22 CITY CLERK ROBLES: Koppell.

23 COUNCIL MEMBER KOPPELL: Here.

24 CITY CLERK ROBLES: Lanza.

25 COUNCIL MEMBER LANZA: Here.

1 STATED COUNCIL MEETING

2 CITY CLERK ROBLES: Liu.

3 COUNCIL MEMBER LIU: Here.

4 CITY CLERK ROBLES: Lopez.

5 COUNCIL MEMBER LOPEZ: Here.

6 CITY CLERK ROBLES: Martinez.

7 COUNCIL MEMBER MARTINEZ: Here.

8 CITY CLERK ROBLES: McMahon.

9 COUNCIL MEMBER McMAHON: Here.

10 CITY CLERK ROBLES: Monserrate.

11 COUNCIL MEMBER MONSERRATE: Here.

12 CITY CLERK ROBLES: Moskowitz.

13 COUNCIL MEMBER MOSKOWITZ: Here.

14 CITY CLERK ROBLES: Nelson.

15 COUNCIL MEMBER NELSON: Here.

16 CITY CLERK ROBLES: Palma.

17 COUNCIL MEMBER PALMA: Here.

18 CITY CLERK ROBLES: Perkins.

19 COUNCIL MEMBER PERKINS: Here.

20 CITY CLERK ROBLES: Provenzano.

21 COUNCIL MEMBER PROVENZANO: Here.

22 CITY CLERK ROBLES: Quinn.

23 COUNCIL MEMBER QUINN: Here.

24 CITY CLERK ROBLES: Recchia.

25 COUNCIL MEMBER RECCHIA: Here.

1 STATED COUNCIL MEETING

2 CITY CLERK ROBLES: Reed.

3 COUNCIL MEMBER REED: Here.

4 CITY CLERK ROBLES: Reyna.

5 COUNCIL MEMBER REYNA: Here.

6 CITY CLERK ROBLES: Sanders.

7 COUNCIL MEMBER SANDERS: Present.

8 CITY CLERK ROBLES: Seabrook.

9 COUNCIL MEMBER SEABROOK: Here.

10 CITY CLERK ROBLES: Sears.

11 COUNCIL MEMBER SEARS: Here.

12 CITY CLERK ROBLES: Serrano.

13 COUNCIL MEMBER SERRANO: Here.

14 CITY CLERK ROBLES: Stewart.

15 COUNCIL MEMBER STEWART: Here.

16 CITY CLERK ROBLES: Vallone.

17 COUNCIL MEMBER VALLONE: Here.

18 CITY CLERK ROBLES: Vann.

19 COUNCIL MEMBER VANN: Here.

20 CITY CLERK ROBLES: Weprin.

21 COUNCIL MEMBER WEPRIN: Here.

22 CITY CLERK ROBLES: Yassky.

23 COUNCIL MEMBER YASSKY: Here.

24 CITY CLERK ROBLES: Oddo.

25 COUNCIL MEMBER ODDO: Here.

1 STATED COUNCIL MEETING

2 CITY CLERK ROBLES: Rivera.

3 COUNCIL MEMBER RIVERA: Here.

4 CITY CLERK ROBLES: Speaker Miller.

5 SPEAKER MILLER: I'm here.

6 MAJORITY LEADER RIVERA: A quorum is  
7 present.

8 Everyone please rise for the  
9 invocation delivered by Rabbi Jonathan Glass.

10 RABBI GLASS: Men and women of the  
11 City Council, this Saturday is Arbor Day in the  
12 Jewish Calendar. It signifies that time of year when  
13 trees in the land of the Bible begin to rejuvenate  
14 after a long winter.

15 It is a time that pertains to  
16 humanity, as well. As the verse reads:

17 Man is like the tree of the field.  
18 We, like the tree, maintain a slow process of growth  
19 until we bear the fruit of our maturity.

20 So, let the winter labors of this  
21 City Council bring forth a bountiest springtime  
22 yield, and let us say amen.

23 MAJORITY LEADER RIVERA: Council  
24 Member Nelson.

25 COUNCIL MEMBER NELSON: I make a

1 STATED COUNCIL MEETING

2 motion to spread the invocation in full upon the  
3 record.

4 MAJORITY LEADER RIVERA: So ordered.

5 Adoption of the minutes.

6 Council Member Foster.

7 COUNCIL MEMBER FOSTER: Hi. Thank you.

8 I move to spread the invocation. I move that we  
9 adopt the minutes from the last meeting. Thank you.

10 MAJORITY LEADER RIVERA: Thank you  
11 very much.

12 Messages and Papers from the Mayor.

13 COUNCIL CLERK CHERRY: None.

14 SPEAKER MILLER: Whoa.

15 COUNCIL CLERK CHERRY: Sorry.

16 M 60.

17 SPEAKER MILLER: That would be  
18 received, ordered, printed and filed.

19 COUNCIL CLERK CHERRY: M 61.

20 SPEAKER MILLER: Received, ordered,  
21 printed and filed.

22 MAJORITY LEADER RIVERA: Communication  
23 from City, County and Borough Offices.

24 Silence in the Chambers, please.

25 COUNCIL CLERK CHERRY: None.

1 STATED COUNCIL MEETING

2 MAJORITY LEADER RIVERA: Thank you.

3 Again, Communication from City, County and Borough

4 Offices.

5 COUNCIL CLERK CHERRY: None.

6 MAJORITY LEADER RIVERA: Petitions and

7 Communications.

8 COUNCIL CLERK CHERRY: None.

9 MAJORITY LEADER RIVERA: Land Use

10 Call-Ups.

11 COUNCIL CLERK CHERRY: M-62.

12 SPEAKER MILLER: Coupled on the

13 Call-Up vote.

14 COUNCIL CLERK CHERRY: M-63.

15 SPEAKER MILLER: Coupled on the

16 Call-Up vote.

17 At this point I'd ask the Clerk to

18 call the roll on all items coupled on the Land Use

19 Call-Up.

20 COUNCIL CLERK: Addabbo.

21 COUNCIL MEMBER ADDABBO: Aye on all.

22 COUNCIL CLERK: Avella.

23 COUNCIL MEMBER AVELLA: Aye.

24 COUNCIL CLERK: Baez.

25 COUNCIL MEMBER BAEZ: Aye.

1 STATED COUNCIL MEETING

2 COUNCIL CLERK: Barron.

3 COUNCIL MEMBER BARRON: Aye on all.

4 COUNCIL CLERK: Boyland.

5 COUNCIL MEMBER BOYLAND: Aye on all.

6 COUNCIL CLERK: Brewer.

7 COUNCIL MEMBER BREWER: Aye on all.

8 COUNCIL CLERK: Clarke.

9 COUNCIL MEMBER CLARKE: Aye on all.

10 COUNCIL CLERK: Comrie.

11 COUNCIL MEMBER COMRIE: Aye on all.

12 COUNCIL CLERK: DeBlasio.

13 COUNCIL MEMBER DEBLASIO: Aye.

14 COUNCIL CLERK: Dilan.

15 COUNCIL MEMBER DILAN: Aye on all.

16 COUNCIL CLERK: Felder.

17 (No response.)

18 COUNCIL CLERK: Fidler.

19 COUNCIL MEMBER FIDLER: Aye on all.

20 COUNCIL CLERK: Foster.

21 COUNCIL MEMBER FOSTER: Aye on all.

22 COUNCIL CLERK: Gennaro.

23 COUNCIL MEMBER GENNARO: Aye.

24 COUNCIL CLERK: Gentile.

25 COUNCIL MEMBER GENTILE: Aye on all.

1 STATED COUNCIL MEETING

2 COUNCIL CLERK: Gerson.

3 COUNCIL MEMBER GERSON: Aye on all.

4 COUNCIL CLERK: Gioia.

5 COUNCIL MEMBER GIOIA: Yes on all.

6 COUNCIL CLERK: Gonzalez.

7 COUNCIL MEMBER GONZALEZ: Aye on all.

8 COUNCIL CLERK: Jackson.

9 COUNCIL MEMBER JACKSON: Aye on all.

10 COUNCIL CLERK: James.

11 COUNCIL MEMBER JAMES: Aye on all.

12 COUNCIL CLERK: Jennings.

13 COUNCIL MEMBER JENNINGS: Aye on all.

14 COUNCIL CLERK: Katz.

15 COUNCIL MEMBER KATZ: Aye on all.

16 COUNCIL CLERK: Koppell.

17 COUNCIL MEMBER KOPPELL: Mr. Majority

18 Leader, I would like to be recorded aye on all of  
19 the Land Use Call-Ups, and with the permission of my  
20 colleagues, to be recorded aye on all matters on the  
21 General Orders Calendar. I have a personal  
22 obligation which requires that I leave early with  
23 permission of the members.

24 Thank you.

25 MAJORITY LEADER RIVERA: So ordered.



1 STATED COUNCIL MEETING

2 COUNCIL CLERK: Lanza.

3 COUNCIL MEMBER LANZA: Aye.

4 COUNCIL CLERK: Liu.

5 COUNCIL MEMBER LIU: Yes.

6 COUNCIL CLERK: Lopez.

7 COUNCIL MEMBER LOPEZ: Aye.

8 COUNCIL CLERK: Martinez.

9 (No response.)

10 COUNCIL CLERK: McMahon.

11 COUNCIL MEMBER McMAHON: Aye on all.

12 COUNCIL CLERK: Monserrate.

13 COUNCIL MEMBER MONSERRATE: Aye on

14 all.

15 COUNCIL CLERK: Moskowitz.

16 (No response.)

17 COUNCIL CLERK: Nelson.

18 COUNCIL MEMBER NELSON: Aye on all.

19 COUNCIL CLERK: Palma.

20 COUNCIL MEMBER PALMA: Aye on all.

21 COUNCIL CLERK: Perkins.

22 COUNCIL MEMBER PERKINS: Aye on all.

23 COUNCIL CLERK: Provenzano.

24 COUNCIL MEMBER PROVENZANO: Aye on

25 all.

1 STATED COUNCIL MEETING

2 COUNCIL CLERK: Quinn.

3 COUNCIL MEMBER QUINN: Aye on all.

4 COUNCIL CLERK: Recchia.

5 COUNCIL MEMBER RECCHIA: Aye on all.

6 COUNCIL CLERK: Reed.

7 COUNCIL MEMBER REED: Aye on all.

8 COUNCIL CLERK: Reyna.

9 COUNCIL MEMBER REYNA: Aye on all.

10 COUNCIL CLERK: Sanders.

11 COUNCIL MEMBER SANDERS: Aye on all.

12 COUNCIL CLERK: Seabrook.

13 COUNCIL MEMBER SEABROOK: Aye.

14 COUNCIL CLERK: Sears.

15 COUNCIL MEMBER SEARS: Aye.

16 COUNCIL CLERK: Serrano.

17 COUNCIL MEMBER SERRANO: Aye.

18 COUNCIL CLERK: Stewart.

19 COUNCIL MEMBER STEWART: Aye on all.

20 COUNCIL CLERK: Vallone.

21 COUNCIL MEMBER VALLONE: Aye on all.

22 COUNCIL CLERK: Vann.

23 COUNCIL MEMBER VANN: Aye on all.

24 COUNCIL CLERK: Weprin.

25 COUNCIL MEMBER WEPRIN: Aye on all.

1 STATED COUNCIL MEETING

2 COUNCIL CLERK: Yassky.

3 (No response.)

4 COUNCIL CLERK: Felder.

5 (No response.)

6 COUNCIL CLERK: Gallagher.

7 COUNCIL MEMBER GALLAGHER: Aye.

8 COUNCIL CLERK: Oddo.

9 COUNCIL MEMBER ODDO: Yes.

10 COUNCIL CLERK: Rivera.

11 COUNCIL MEMBER RIVERA: Yes to all.

12 COUNCIL CLERK: Speaker Mr. Miller.

13 SPEAKER MILLER: Aye.

14 MAJORITY LEADER RIVERA: Today's Land

15 Use Call-Ups were adopted by a vote of 47 in the

16 affirmative, zero in the negative.

17 Communication from the Speaker.

18 SPEAKER MILLER: My colleagues, today

19 I am proud to stand with you, ready to override the

20 Mayor's veto and adopt the strongest and most

21 thoughtful lead abatement law in the country.

22 This law will correct the defects of

23 the previous law. For the first time lead dust, the

24 primary source of lead poisoning will be regulated.

25 We know how children are being

1 STATED COUNCIL MEETING

2 poisoned, they're being poisoned by dust.

3                   This is the for the first time the  
4 City of New York is saying lead dust must be  
5 regulated, must be eliminated. We must protect our  
6 children.

7                   In addition, this law appropriately  
8 focuses on primary prevention, because every child  
9 who is poisoned is a failure for this City. Every  
10 child who has lead poison elevation is a child whose  
11 future is being harmed.

12                   We have to focus on primary  
13 prevention, and this law does that, directing  
14 resources to troubled buildings, not just to fix  
15 current problems, but to prevent children from  
16 becoming sick in the first place.

17                   This law gives responsible landlords  
18 the flexibility they need to comply with reasonable  
19 time lines, and the ability to use their own trained  
20 staff to fix nearly every problem that may arise.

21                   But the law also cracks down on  
22 irresponsible landlords who do not keep their  
23 buildings in good shape, and as a result place  
24 children at risk of long life health affects of lead  
25 poisoning.

1 STATED COUNCIL MEETING

2 Over an extremely lengthy hearing  
3 process, I met personally with doctors and health  
4 professionals who treat the same children we are  
5 trying now to protect, and will indeed protect  
6 today.

7 These doctors have endorsed this  
8 legislation, and applauded the Council for taking  
9 such a bold step to protect the City's most  
10 vulnerable.

11 There are indeed some who have  
12 criticized this bill, claiming that it will drive  
13 away insurance and imperil affordable housing.

14 They speculate, however, without any  
15 evidence or real basis in fact, that it will make  
16 finding housing more difficult. In fact, we  
17 carefully reviewed these issues during our  
18 environmental review and during the hearing process  
19 and the Council is not turning a blind eye to these  
20 concerns, but we cannot base sound public policy on  
21 mere speculation.

22 It is not, it is not beyond our grasp  
23 to provide both affordable housing and safe,  
24 affordable housing.

25 I am extremely disappointed that the

1 STATED COUNCIL MEETING

2 Mayor vetoed this legislation. His veto would lead  
3 countless of the City's most poor and most  
4 defenseless and most vulnerable without protection.

5                   Today the Council corrects that  
6 wrong, and together we speak on behalf of those  
7 whose voice does not often reach City Hall, and it's  
8 important to remember that while progress has been  
9 made, lead poisoning rates are still an epidemic in  
10 this City.

11                   When 5,000 children are poisoned each  
12 year, we cannot say that enough has been done, and,  
13 of course, the reality is that testing rates are so  
14 low that countless children whose lives and futures  
15 have been irreparably harmed, go undetected every  
16 year.

17                   We cannot turn a blind eye to this  
18 public health crisis. This is the right bill. It's  
19 the right time for us to enact it. In fact it's  
20 overdue, and we must take every step that we can to  
21 protect these children.

22                   I'm proud of the Council, and I want  
23 to particularly thank Deputy Majority Leader Bill  
24 Perkins, the sponsor of this bill for his hard work,  
25 and I want to thank all of my colleagues here for

1 STATED COUNCIL MEETING  
2 standing up for what is right and protecting the  
3 children of this City for what I believe is the most  
4 thoughtful, most effective, most rational, most  
5 enforceable piece of legislation in the country to  
6 protect children from the terrible devastating  
7 affects of lead poisoning. And at this point I'd  
8 like to ask the Deputy Majority Leader Bill Perkins  
9 to say a few words on the subject as well.

10 COUNCIL MEMBER PERKINS: Thank you  
11 very much, Speaker for this time and for your  
12 support in getting us to this point, and I want to  
13 also thank my colleagues who have stood strong in  
14 the face of some very, very difficult negotiations  
15 and attacks on you personally and on us  
16 institutionally, as was evidenced this last two days  
17 by advertisements in local newspapers.

18 Let me say that today we give the  
19 children in the row houses of our City the same  
20 health protection as those who live in the  
21 townhouses of Manhattan.

22 We will end lead poisoning as we know  
23 it. I simply do not buy the logic that the only  
24 alternative children have to lead in their homes is  
25 no home at all.

1 STATED COUNCIL MEETING

2                   The notion that one can care about  
3 the health and safety of children or one can care  
4 about affordable housing but not both is an insult.  
5 The claim that insurance will dry up for new housing  
6 development is a boogiemans tactic. Not a single  
7 insurance company testified to that effect, nor has  
8 a single company contacted my office, or I dare say  
9 even the Speaker's office.

10                   The Mayor is just plain wrong on this  
11 one, and the thousands of children of color who are  
12 poisoned each year deserve better.

13                   This is the month in which we  
14 acknowledge black history, and in that  
15 acknowledgment we recognize that it has been a  
16 history of struggle to expand and to include. And,  
17 so, today we are proud that Dr. King's arch of  
18 justice bends finally towards the children of the  
19 lead belt.

20                   I want to thank my colleagues for  
21 their support. I want to thank my Speaker for his  
22 leadership in this regard, and I'm confident that  
23 this bill will be a bill for our children and will  
24 not hurt out city one iota.

25                   Thank you very much.



1 STATED COUNCIL MEETING

2 SPEAKER MILLER: My colleagues, we are  
3 also overriding another veto of an important piece  
4 of legislation, electronic death registry system  
5 legislation. It would bring relief to families who  
6 in their most difficult times currently have to wait  
7 days and weeks and sometimes months for attention  
8 for basic service that should have been accomplished  
9 years and years ago, and I want to particularly  
10 thank the Chair of the Health Committee for her  
11 leadership on the subject matter and to say a few  
12 words on this legislation.

13 COUNCIL MEMBER QUINN: Thank you for  
14 the opportunity, Mr. Speaker.

15 Myself and the Speaker, and Gale  
16 Brewer, the Chair of the Information and Technology  
17 Committee, in the prior session brought forth a  
18 piece of legislation that would require that the  
19 City embrace the 21st century, and create a system  
20 where funeral directors and families can access  
21 death certificates on-line.

22 We had months and months of  
23 negotiations led by Council Member Brewer on the  
24 bill to try to come up with a version of the bill,  
25 this very common sensical bill that the

1 STATED COUNCIL MEETING

2 Administration could support. And after making  
3 numerous changes in the bill, still the Bloomberg  
4 Administration has needlessly vetoed this  
5 initiative.

6                   And what this bill will do very  
7 specifically is allow funeral directors and will  
8 require the Department of Health to create a system  
9 by which funeral directors can access death  
10 certificates on-line.

11                   Presently, believe it or not, every  
12 funeral director, whenever there is a death, has to  
13 go to 125 Worth Street to get a copy of a death  
14 certificate.

15                   And if an error has been made, the  
16 family has to get the funeral director to go back to  
17 125 Worth Street and get an updated copy. This  
18 sometimes prevents families from moving forward with  
19 burial or closing estates. Sometimes we've heard  
20 reports of as much as six months to a year more than  
21 is necessary.

22                   The Administration says they don't  
23 like this initiative because it has time frames  
24 built into it, but sadly, a number of years ago the  
25 City got a \$5 million grant from IBM to create an

1 STATED COUNCIL MEETING  
2 electronic death registry system. That \$5 million  
3 lead to absolutely nothing. No system at all. So,  
4 through their real failure to implement and spend  
5 money wisely, the Department of Health has made it  
6 clear that we must put time lines in place,  
7 otherwise they will not deliver a system that makes  
8 sense, would help funeral directors, most  
9 importantly would help people in their deepest time  
10 of need.

11                   And just lastly, I want to say for  
12 funeral directors who do not want to engage in  
13 electronic death certificates, the bill only  
14 requires that 75 percent compliance by funeral  
15 directors. So it does leave the option for those who  
16 do not want to do electronic death registry. This is  
17 a very common sensical idea. It shouldn't have come  
18 to a veto. I want to thank the Speaker, and  
19 particularly Council Member Brewer for her advocacy  
20 on this, and I urge my colleagues to override the  
21 veto. It was unanimously overridden by the Health  
22 Committee last week.

23                   SPEAKER MILLER: That concludes the  
24 Communication from the Speaker, Madam Public  
25 Advocate.

1 STATED COUNCIL MEETING

2 PUBLIC ADVOCATE GOTBAUM: Discussion  
3 of General Orders.

4 Council Member Barron.

5 COUNCIL MEMBER BARRON: Thank you,  
6 Madam Public Advocate.

7 The Mayor should be ashamed of  
8 himself on this issue, and I just want to echo the  
9 remarks that I've heard the Majority Leader make,  
10 Joel Rivera, but once again it seems that the Mayor  
11 is not interested in not leaving no child behind,  
12 but not leaving no millionaire behind. And it seems  
13 as though his interest is with another class of  
14 people, and I am personally offended that 80 to 90  
15 percent of the children that will be affected by  
16 lead poison will be children of color. And this  
17 Mayor is vetoing a bill that my colleagues sat down  
18 with him and had 20 changes in the bill to try to  
19 get him to come on board.

20 He needs to visit and see the impact  
21 of lead poisoning on our children. For him to veto  
22 this bill is a disgrace to this City.

23 Every family of goodwill should be  
24 outraged, but particularly families of color that  
25 never forget what this Mayor has done and what he

1 STATED COUNCIL MEETING

2 thinks about our children.

3 I want to respect and give all the  
4 encouragement and praise to Council Member Bill  
5 Perkins, for the work that he's done, and all the  
6 battling that he had to do, and all of the bogus  
7 charges we're going to create homelessness, we're  
8 going to create insurance companies not wanting to  
9 give non-profits money for insurance for affordable  
10 housing, all bogus charges to protect the real  
11 estate interests in this City. I want my colleagues  
12 to override this strongly, send a strong message to  
13 this Mayor that you need to be more concerned about  
14 the children.

15 As a matter of fact, if he would show  
16 Snapple, and getting \$166 million to give our  
17 children colored sugar water, which is not healthy  
18 for us, if he showed that same concern with  
19 protecting our babies from lead poison, this would  
20 be a better town. Thank you.

21 PUBLIC ADVOCATE GOTBAUM: Council  
22 Member Oddo.

23 COUNCIL MEMBER ODDO: Thank you.

24 Subsequent to the Council's vote on  
25 101-A, in December the New York Times did a story

1 STATED COUNCIL MEETING  
2 written by David Chen on December 21st, a front-page  
3 story in the metro section, and the headline was  
4 "One Housing World Gives Way To Another," talked  
5 about the lack of affordable housing, housing in New  
6 York City, and it highlighted a report that was  
7 issued a couple of days later of the state of New  
8 York City's housing in neighborhoods by the Furhman  
9 Center For Real Estate and Urban Policy, and it  
10 talked in that report about the long-term, the jump  
11 in long-term delinquencies on property taxes. And  
12 the author in the report stated he didn't know if it  
13 was a blip or he didn't know if it was an early  
14 warning sign that we have a weakness in the housing  
15 stock. And in it they talked about, well, what would  
16 be causing this? And they talked about property tax  
17 increase and they talked about rising insurance  
18 costs. I've heard from my colleagues, and we've  
19 heard from the lead sponsor of the bill again today  
20 how the fact that no one from the insurance industry  
21 came and testified on this bill, but, you know,  
22 let's look at the reality.

23                   No one from the insurance industry  
24 was going to come in here, get no benefit by  
25 testifying on this bill, paint a bull's eye on his

1 STATED COUNCIL MEETING

2 back, and the reality is that large insurers don't  
3 issue lead protection. And it falls upon a small  
4 group of very small companies, that have the ability  
5 to apply to the State Department of Insurance for  
6 Exclusion and I think the record should reflect that  
7 some companies are in that process of getting out of  
8 the insurance business in terms of lead. That has a  
9 chilling effect on affordable housing in this City.

10                   This is a bill of unintended  
11 consequences and when Charles gets his 32 percent up  
12 and becomes Mayor, I'll still be in this Council  
13 along with my colleagues and we'll have to deal with  
14 lead again.

15                   We had an opportunity, a fleeting  
16 moment to take limited resources and put it in the  
17 target areas, and we should have acted with the  
18 precision of a scalpel, not with a chainsaw. And my  
19 only hope is that when lead comes back to the City  
20 Council, we'll get it done the right way then.

21                   PUBLIC ADVOCATE GOTBAUM: Council  
22 Member Brewer.

23                   COUNCIL MEMBER BREWER: Thank you very  
24 much. I want to rise to support the electronic death  
25 registration system override, which I think you

1 STATED COUNCIL MEETING

2 will, but I want to mention Christine Quinn and her  
3 Committee and also the Speaker, the funeral industry  
4 and Stephen Schwartz at the Health Department, all  
5 of whom I think are trying to put together a very  
6 sophisticated, complicated system so that families  
7 in a horrible time in their lives are able to have  
8 the best possible access to government.

9                   But I do think it is very unfortunate  
10 that the technology Mayor is upset that there are  
11 deadlines for implementing technology, because  
12 that's why this bill was vetoed because there are  
13 deadlines.

14                   And as Council Member Oddo has said  
15 many times, I guess Fresh Kills would not be closed  
16 if it wasn't for deadlines. So, I thank you, Council  
17 Member about reminding us for the need for  
18 deadlines.

19                   So, I ask everyone to support the  
20 override on electronic death registration system.  
21 Thank you.

22                   PUBLIC ADVOCATE GOTBAUM: Council  
23 Member DeBlasio.

24                   COUNCIL MEMBER DeBLASIO: Thank you,  
25 Madam Public Advocate.



1 STATED COUNCIL MEETING

2                   First of all, I want to thank the  
3 Speaker and our Deputy Majority Leader Bill Perkins  
4 for their incredible work on the lead paint bill.  
5 And I just want to amplify, I want to amplify  
6 something the Speaker was mentioning. I don't think  
7 we have seen a bill that has gone through more  
8 scrutiny and more effort and more testimony. I think  
9 there is not a single nook or crannie of this bill  
10 that wasn't looked at and analyzed where every  
11 single possible voice was not at the table, and I  
12 feel absolutely certain that all the constituencies  
13 affected were involved in the process in the  
14 discussion. I think it was really an exemplary case  
15 of trying to bring in every possible position and  
16 crafting a very careful and precise final version of  
17 the bill, and I give the Speaker and Bill Perkins  
18 and their staffs a lot of credit with how carefully  
19 drawn this bill was.

20                   I want to urge all my colleagues to  
21 join in overriding the Mayor's veto.

22                   I also want to mention on the  
23 resolution defending our civil liberties, that we  
24 are going to do something today in New York City  
25 which will really have a national effect -- I'm

1 STATED COUNCIL MEETING

2 sorry, I'm out of order.

3 PUBLIC ADVOCATE GOTBAUM: I'm sorry,  
4 Council member, that's a different part of the  
5 agenda.

6 COUNCIL MEMBER DeBLASIO: My apologies  
7 to the Speaker and the Public Advocate. I'll get you  
8 later on that. Thank you.

9 PUBLIC ADVOCATE GOTBAUM: Apology  
10 accepted.

11 Seeing nobody else, Report of Special  
12 Committees.

13 COUNCIL CLERK CHERRY: None.

14 PUBLIC ADVOCATE GOTBAUM: Reports of  
15 Standing Committees.

16 COUNCIL CLERK CHERRY: Reports of the  
17 Committee on Health.

18 Intro. 198-A.

19 SPEAKER MILLER: Coupled on the  
20 General Order Calendar.

21 COUNCIL CLERK CHERRY: M 7.

22 SPEAKER MILLER: Coupled to be filed.

23 COUNCIL CLERK CHERRY: Reports on the  
24 Committee on Housing and Buildings.

25 Intro. 101-A.

1 STATED COUNCIL MEETING

2 SPEAKER MILLER: Coupled on the  
3 General Order Calendar.

4 COUNCIL CLERK CHERRY: M 6.

5 SPEAKER MILLER: Coupled to be filed.

6 COUNCIL CLERK CHERRY: Reports on the  
7 Committee on Land Use.

8 Preconsidered LU 1 and companion Reso  
9 93 on page three through LU 30 and companion Reso  
10 122 on page seven.

11 SPEAKER MILLER: All of them are  
12 coupled on General Order Calendar.

13 COUNCIL CLERK CHERRY: Preconsidered  
14 LU 31 and companion Reso 72.

15 SPEAKER MILLER: Coupled on the  
16 General Order Calendar.

17 PUBLIC ADVOCATE GOTBAUM: General  
18 Order Calendar.

19 COUNCIL CLERK CHERRY: Resolution  
20 appointing various persons Commissioner of Deeds.

21 SPEAKER MILLER: Coupled on the  
22 General Order Calendar.

23 At this point I would ask the Clerk  
24 to call the roll on all items coupled on the General  
25 Order Calendar.

1 STATED COUNCIL MEETING

2 COUNCIL CLERK: Addabbo.

3 COUNCIL MEMBER ADDABBO: Aye.

4 COUNCIL CLERK: Avella.

5 COUNCIL MEMBER AVELLA: Aye.

6 COUNCIL CLERK: Baez.

7 COUNCIL MEMBER BAEZ: Aye.

8 COUNCIL CLERK: Barron.

9 COUNCIL MEMBER BARRON: Aye.

10 COUNCIL CLERK: Boyland.

11 COUNCIL MEMBER BOYLAND: Aye.

12 COUNCIL CLERK: Brewer.

13 COUNCIL MEMBER BREWER: Aye.

14 COUNCIL CLERK: Clarke.

15 COUNCIL MEMBER CLARKE: Aye on all.

16 COUNCIL CLERK: Comrie.

17 (No response.)

18 COUNCIL CLERK: DeBlasio.

19 COUNCIL MEMBER DEBLASIO: Aye.

20 COUNCIL CLERK: Dilan.

21 COUNCIL MEMBER DILAN: Aye.

22 COUNCIL CLERK: Felder.

23 COUNCIL MEMBER FELDER: Aye. And can I

24 please vote aye on the Land Use items as well?

25 PUBLIC ADVOCATE GOTBAUM: So ordered.

1 STATED COUNCIL MEETING

2 COUNCIL CLERK: Fidler.

3 COUNCIL MEMBER FIDLER: Madam Public

4 Advocate, may I be briefly excused to explain my  
5 vote?

6 PUBLIC ADVOCATE GOTBAUM: So ordered.

7 COUNCIL MEMBER FIDLER: Madam Public

8 Advocate, may I be briefly excused to explain my  
9 vote?

10 PUBLIC ADVOCATE GOTBAUM: So ordered.

11 COUNCIL MEMBER FIDLER: As I indicated

12 at the time we voted on the lead bill, I felt it  
13 wasn't the perfect bill, and I do believe that as we  
14 go forward we may have to make some changes, or not,  
15 but the fact that we don't have a lead paint bill on  
16 the books, because the Court of Appeals struck down  
17 the one that we had, leaving the children in this  
18 City without any law that protects them from the  
19 hazards of lead paint, continues to be just as  
20 unconscionable today as on the day that we  
21 originally passed this bill. And, so, therefore, I  
22 vote aye on all.

23 COUNCIL CLERK: Foster.

24 COUNCIL MEMBER FOSTER: Aye on all.

25 COUNCIL CLERK: Gallagher.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER GALLAGHER: May I be  
3 temporarily excused to explain my vote?

4 PUBLIC ADVOCATE GOTBAUM: So ordered.

5 COUNCIL MEMBER GALLAGHER: I'm going  
6 to be voting aye on Intro. 198-A and I congratulate  
7 the sponsors on that legislation. And I'm going to  
8 be voting no on Intro. 101-A, and I think that time  
9 will show that 101-A will increase the cost of  
10 building affordable housing.

11 Organizations whose sole purpose it  
12 is to preserve and build affordable housing in this  
13 City will not be able to get the insurance and build  
14 such housing.

15 So, this is something that we will  
16 all have to be reckoned with and we will see that  
17 that will come to fruition shortly.

18 Thank you.

19 COUNCIL CLERK: Gennaro.

20 COUNCIL MEMBER GENNARO: Aye.

21 COUNCIL CLERK: Gentile.

22 COUNCIL MEMBER GENTILE: Aye.

23 COUNCIL CLERK: Gerson.

24 COUNCIL MEMBER GERSON: May I be  
25 excused to briefly explain my vote?

1 STATED COUNCIL MEETING

2 PUBLIC ADVOCATE GOTBAUM: So ordered.

3 COUNCIL MEMBER GERSON: Thank you very  
4 much.

5 I vote aye on all. I proudly vote aye  
6 on the override, the vote to override both of the  
7 vetoes.

8 With respect to 101-A I join my  
9 colleagues in thanking the sponsors and those who  
10 have brought this about. On behalf of the children  
11 of my district, as well as our City who will benefit  
12 from it, Madam Public Advocate, I just want to point  
13 out that if we were to allow every possible  
14 unintended consequence, every possible negative  
15 scenario to hold up progress on any social  
16 advancement, we would still be living with the worst  
17 abuses of the early days of the last century with  
18 respect to workplace and environmental conditions.

19 We must go forward, safety must come  
20 first, children safety must come first. But also, my  
21 colleagues, we must be prepared to make this  
22 necessary regulatory and other adjustments to assure  
23 that we avoid unintended consequences, including  
24 those to affordable housing as we go forward with  
25 the understanding that this Council will be vigilant

1 STATED COUNCIL MEETING

2 in doing just that. I vote aye. Thank you.

3 COUNCIL CLERK: Gioia.

4 COUNCIL MEMBER GIOIA: I vote yes on

5 all.

6 COUNCIL CLERK: Gonzalez.

7 COUNCIL MEMBER GONZALEZ: Aye.

8 COUNCIL CLERK: Jackson.

9 COUNCIL MEMBER JACKSON: Aye on all.

10 COUNCIL CLERK: James.

11 COUNCIL MEMBER JAMES: Aye on all.

12 COUNCIL CLERK: Jennings.

13 COUNCIL MEMBER JENNINGS: Aye on all.

14 COUNCIL CLERK: Katz.

15 COUNCIL MEMBER KATZ: Aye on all.

16 COUNCIL CLERK: Lanza.

17 COUNCIL MEMBER LANZA: No on Intro.

18 101-A, aye on the rest.

19 COUNCIL CLERK: Liu.

20 COUNCIL MEMBER LIU: Yes on all.

21 COUNCIL CLERK: Lopez.

22 COUNCIL MEMBER LOPEZ: Pass.

23 COUNCIL CLERK: McMahan.

24 COUNCIL MEMBER McMAHON: Aye.

25 COUNCIL CLERK: Monserrate.



1 STATED COUNCIL MEETING

2 COUNCIL MEMBER MONSERRATE: Permission  
3 to explain my vote, Madam Chair?

4 PUBLIC ADVOCATE GOTBAUM: So ordered.

5 COUNCIL MEMBER MONSERRATE: Good  
6 afternoon to you and all my colleagues, and I stand  
7 here proudly in support of this override vote on the  
8 lead bill.

9 I want to also give credit to the  
10 leader on this, Council Member Bill Perkins' bill,  
11 you did a great job, to our Speaker who came forward  
12 in a strong way and supported this bill to the  
13 members of the caucus, the black and Latino and  
14 Asian Caucus, all of which voted in favor of this  
15 bill, and a strong fingerprinting to the  
16 Administration, to the other side of that hall, that  
17 you needed to do what you needed to do during this  
18 process, and now they want to stop this process by  
19 stopping this bill.

20 This Council today sends a very  
21 strong and powerful message that we did this bill  
22 for the right reasons for our community, for those  
23 children, 90 percent African-American Latino, who  
24 are being lead poisoned.

25 We are doing the right thing and I

1 STATED COUNCIL MEETING

2 hope to God that some day our Mayor comes to terms  
3 with us on this issue.

4 COUNCIL CLERK: Moskowitz.

5 COUNCIL MEMBER MOSKOWITZ: I vote aye  
6 and ask for permission to vote on all general Land  
7 Use Call-Ups. I vote aye.

8 PUBLIC ADVOCATE GOTBAUM: So ordered.

9 COUNCIL MEMBER MOSKOWITZ: Sorry.

10 PUBLIC ADVOCATE GOTBAUM: Okay.

11 COUNCIL CLERK: Nelson.

12 COUNCIL MEMBER NELSON: Aye on all.

13 COUNCIL CLERK: Palma.

14 COUNCIL MEMBER PALMA: Aye.

15 COUNCIL CLERK: Perkins.

16 COUNCIL MEMBER PERKINS: Pass.

17 COUNCIL CLERK: Provenzano.

18 COUNCIL MEMBER PROVENZANO: I vote no  
19 on 101-A, and aye on everything else.

20 COUNCIL CLERK: Quinn.

21 COUNCIL MEMBER QUINN: If I could be  
22 excused to explain my vote?

23 PUBLIC ADVOCATE GOTBAUM: So ordered.

24 COUNCIL MEMBER QUINN: I, in voting  
25 today, want to thank the Land Use staff, and

1 STATED COUNCIL MEETING

2 particularly Gail Benjamin and also the Chair of the  
3 full Committee Melinda Katz and Tony Avella for a  
4 lot of help they gave me regarding Pier 94, an item  
5 which in a larger sense is part of today's agenda.

6 I want to vote aye on all, again  
7 thank my colleagues for their support on the  
8 electronic death registry and also want to applaud  
9 the work of Council Member Perkins on the lead bill  
10 and vote aye on all, in particular both of the  
11 override.

12 COUNCIL CLERK: Recchia.

13 COUNCIL MEMBER RECCHIA: Aye on all.

14 COUNCIL CLERK: Reed.

15 COUNCIL MEMBER REED: Aye on all.

16 COUNCIL CLERK: Reyna.

17 COUNCIL MEMBER REYNA: I vote aye.

18 COUNCIL CLERK: Sanders.

19 COUNCIL MEMBER SANDERS: Aye on all.

20 COUNCIL CLERK: Seabrook.

21 COUNCIL MEMBER SEABROOK: Aye on all.

22 COUNCIL CLERK: Sears.

23 COUNCIL MEMBER SEARS: Permission to  
24 explain my vote?

25 PUBLIC ADVOCATE GOTBAUM: So ordered.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER SEARS: I vote no on  
3 101-A, and yes on 198-A.

4 COUNCIL CLERK: Serrano.

5 COUNCIL MEMBER SERRANO: Aye.

6 COUNCIL CLERK: Stewart.

7 COUNCIL MEMBER STEWART: Permission to  
8 explain my vote?

9 PUBLIC ADVOCATE GOTBAUM: So ordered.

10 COUNCIL MEMBER STEWART: I don't  
11 believe anyone in this Council has been exposed to  
12 the facts about 101-A better than I did. I've been  
13 exposed in so many different ways that I feel that I  
14 have to explain my vote at this time.

15 101-A has many reservations that I  
16 feel that we can correct in the future. But to have  
17 a bill, to have no bill at all to protect our  
18 children, is worse than having this bill.

19 This is a bill that we can go back  
20 at, we can research and we can make whatever changes  
21 there we ought to make. So, I vote aye with the  
22 intention to make changes.

23 And with that in mind, I vote aye on  
24 all.

25 COUNCIL CLERK: Vallone.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER VALLONE: I vote aye on  
3 all, except 101-A, in which I abstain.

4 COUNCIL CLERK: Vann.

5 COUNCIL MEMBER VANN: Permission to  
6 explain my vote?

7 PUBLIC ADVOCATE GOTBAUM: So ordered.

8 COUNCIL MEMBER VANN: I, too, agree  
9 and intend to vote for the override of 101-A and I  
10 commend our leadership, all that they did in regard  
11 to it.

12 However, to the extent that there are  
13 consequences, or unintended consequences, as it  
14 were, that affect the affordability of houses  
15 because of the insurance structure, then I know that  
16 we will revisit, we will revisit because we are  
17 concerned about affordable housing.

18 I understand it's like a six-month  
19 implementation once we override, and I'm sure that  
20 we will be very diligent in looking to see if there  
21 are any necessary changes to make sure that there  
22 are no unintended consequences, but we did the right  
23 thing for our children and I vote aye on all.

24 COUNCIL CLERK: Weprin.

25 COUNCIL MEMBER WEPRIN: Aye on all.

1 STATED COUNCIL MEETING

2 COUNCIL CLERK: Yassky.

3 COUNCIL MEMBER YASSKY: I request  
4 permission to explain my vote?

5 PUBLIC ADVOCATE GOTBAUM: So ordered.

6 COUNCIL MEMBER YASSKY: On Intro.  
7 101-A, which I intend to vote, I intend to vote for  
8 the override, I think we should be realistic. Is  
9 this a costless bill? It is not. But are the costs  
10 worth it? I believe they plainly are.

11 Now, the cost of passing this bill  
12 that have been raised over the last weeks and month,  
13 for the most part some are real, and some are today,  
14 for the most part these are speculative, these are  
15 worries about what will happen in the future, what  
16 may happen in the future.

17 I do not believe that there will be  
18 an impact on the affordability of housing and on the  
19 ability of people to build affordable housing in the  
20 City. If, as other folks said, if that comes to  
21 pass, the Council can revisit.

22 But on the other side, the costs of  
23 not passing this bill are very real, are before us  
24 every day. The cost of allowing lead poisoning to  
25 continue we see every day, and we cannot permit that

1 STATED COUNCIL MEETING

2 to continue.

3                   So, I intend to vote aye. I do now  
4 vote aye on all before us and I request permission,  
5 Madam Public Advocate, to also vote on the Land Use  
6 items earlier today, and I vote aye on those as  
7 well. Thank you.

8                   PUBLIC ADVOCATE GOTBAUM: So ordered.

9                   COUNCIL CLERK: Comrie.

10                  COUNCIL MEMBER COMRIE: Aye on all.

11                  COUNCIL CLERK: Lopez.

12                  COUNCIL MEMBER LOPEZ: Permission to  
13 explain my vote?

14                  PUBLIC ADVOCATE GOTBAUM: So ordered.

15                  COUNCIL MEMBER LOPEZ: Before I came  
16 to this house, I have a history of being a housing  
17 activist, and I fought very hard to create  
18 affordable housing in this City. And we succeeded in  
19 my neighborhood in doing that.

20                   I've also been an activist to create  
21 this bill since the moment that I arrived to this  
22 place, which no more children be poisoned by lead.

23                   I am very painfully in this situation  
24 today in which I'm going to vote for this bill. I  
25 think the Mayor should not be for this bill. I think

1 STATED COUNCIL MEETING

2 the Mayor and the Council should have never shared  
3 this bill, and not being in this situation today,  
4 but I believe that we need to protect children from  
5 lead poisoning, but it should not be at the cost of  
6 endangering affordable housing.

7 I believe that the current bill as is  
8 will do that, and we need to come with a remedy to  
9 fix that, to make sure that we can bring back the  
10 non-damage to affordable housing, because if we  
11 don't, it's not going to be no children poisoned by  
12 lead, because all of the children are going to be  
13 homeless and there's not going to be housing for  
14 anybody.

15 Therefore, this contradiction that we  
16 confront must be resolved, and we have to come to a  
17 sensible fixing of this problem as soon as possible.

18 Saying that, I'm voting for this bill  
19 with a lot of heaviness in my heart, because I would  
20 like to vote for it one more time, for the lead  
21 elimination and not with a conflicted feeling  
22 attached to it, that it's going to damage affordable  
23 housing.

24 I vote aye.

25 COUNCIL CLERK: Perkins.



1 STATED COUNCIL MEETING

2 COUNCIL MEMBER PERKINS: Thank you  
3 very much.

4 I rise to vote aye on all but to ask  
5 for a moment to explain my vote.

6 First, I am voting with a great deal  
7 of relief on my heart, and a great deal of joy in my  
8 heart, because we have finally, as an institution,  
9 embraced the children of the lead belt who have been  
10 victimized for years and years and years at the  
11 amount of 5,000 per year poisoned for life, with the  
12 social costs of billions and billions of dollars, as  
13 testified to by real doctors, not by advocates per  
14 se, but by doctors.

15 And, so, I'm very pleased to be here  
16 today, voting to override this veto by the Mayor.

17 I'm also pleased to extend my  
18 appreciation to the Speaker, to the Black, Latino  
19 and Asian Caucus, without whom this bill could not  
20 have moved forward, to the extraordinary leadership  
21 by New York City Coalition to end lead poisoning,  
22 especially those mothers who turn their despair into  
23 hope and came to the City Council because they knew  
24 in this body they would find allies and advocates  
25 who were sympathetic to their cause.

1 STATED COUNCIL MEETING

2 I am very hopeful that the Mayor will  
3 obey the law and implement this bill. But I'm  
4 concerned, I'm concerned because recently the  
5 Commissioner of Health sent out a letter that  
6 worries me about whether or not despite the law his  
7 heart will be in his responsibility to implement the  
8 law. I'm very concerned about that, because he  
9 basically predicted that under his watch this bill  
10 would be a failure.

11 I don't know how one can enter into a  
12 marriage predicting it will be a disaster, and so  
13 I'm very concerned about a commissioner in the  
14 Department of Health whose responsibility is to  
15 implement the law that is predicting disaster for  
16 children in a continuation of 5,000 children,  
17 especially of color, being poisoned in this City.

18 But I'm hopeful that his board's  
19 familiar --

20 PUBLIC ADVOCATE GOTBAUM: Council  
21 Member.

22 COUNCIL MEMBER PERKINS: And if you  
23 will indulge me, I will be concluding right away.

24 PUBLIC ADVOCATE GOTBAUM: Please,  
25 Council member.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER PERKINS:-- Will make  
3 sure that this bill is implemented in the proper  
4 way.

5 Again, I want to thank my colleagues  
6 for their support. I think we have done the right  
7 thing by the children of the City of New York.

8 We all are concerned about housing,  
9 especially those of us who have lived in the  
10 communities that have seen a renaissance, but there  
11 have been no evidence whatsoever to that effect --

12 PUBLIC ADVOCATE GOTBAUM: Thank you,  
13 Council member.

14 COUNCIL MEMBER PERKINS: -- Presented  
15 this time --

16 PUBLIC ADVOCATE GOTBAUM: Please.

17 COUNCIL MEMBER PERKINS:-- Or the last  
18 time when the bill came before this Council.

19 Thank you very much.

20 PUBLIC ADVOCATE GOTBAUM: I know  
21 everybody feels very excited about this bill, but  
22 I'm going to have to ask you please to limit your  
23 comments to two minutes.

24 Once one of you goes over, you know  
25 what happens.

1 STATED COUNCIL MEETING

2 COUNCIL CLERK: Oddo.

3 COUNCIL MEMBER ODDO: I disagree with  
4 everything he just said. I vote no on Intro. 101-A,  
5 yes on everything else.

6 COUNCIL CLERK: Rivera.

7 COUNCIL MEMBER RIVERA: Madam Chair,  
8 if I can please be excused to explain my vote?

9 PUBLIC ADVOCATE GOTBAUM: So ordered.

10 COUNCIL MEMBER RIVERA: Thank you very  
11 much.

12 Today, earlier, right before the  
13 Council Committee, I met a young mother who came up  
14 and said that her child was poisoned by lead, and we  
15 are here today to tell all future mothers that their  
16 children no longer have to -- they no longer have to  
17 fear their children being poisoned by such a deadly  
18 poison.

19 We're doing this as a City government  
20 because we have an obligation to ensure the safety  
21 of the lives of our children and our future  
22 generation.

23 The only way we can do that is by  
24 keeping in mind our obligation about ensuring that  
25 we provide leadership and by passing laws that

1 STATED COUNCIL MEETING

2 protect our very children's lives.

3 I'd like to commend the leadership of  
4 Council Member Bill Perkins on this issue because we  
5 needed a leader on this issue and Bill Perkins,  
6 along with Stanley Michels in the previous Council  
7 were those leaders, and I think that we've done a  
8 phenomenal job deliberating, having conversations  
9 and getting into dialogue in the specifications of  
10 this bill, and now we can honestly say that 5,000  
11 children per year, that number will continue to  
12 decrease, and the children within the Bronx,  
13 Manhattan, Brooklyn, Queens and Staten Island, will  
14 no longer have to fear being poisoned by lead and  
15 now we don't have to worry about future billions of  
16 dollars being spent on medical expenses.

17 Thank you very much, and I'd like to  
18 commend all of my colleagues for voting for this  
19 very important piece of legislation as well. Thank  
20 you.

21 COUNCIL CLERK: Speaker Mr. Miller.

22 SPEAKER MILLER: Thank you. If I could  
23 just briefly try to explain my vote. I am proud to  
24 vote aye.

25 I just want to say, you know, a

1 STATED COUNCIL MEETING

2 couple of more things on this because I think it's  
3 important.

4 I think that people of goodwill could  
5 disagree about the merits of this bill, but let me  
6 try to speak to a couple of the points that have  
7 been raised.

8 First of all, the Commissioner of the  
9 Department of Health, when he testified at the  
10 final, at the next to last hearing on this bill, the  
11 final time there was testimony from the Department  
12 of Health. He testified that the bill that was  
13 before him formed the basis of a good, basis of a  
14 strong bill, and he raised a number of rejections.  
15 Not one of them included the presumption issue, not  
16 one. He didn't raise the presumption issue. The  
17 presumption issue came some time later down the  
18 road, we're not exactly clear from where, when the  
19 Commissioner of the Department of Health decided  
20 this. After two years of testimony he now says that  
21 this is the major problem.

22 Well, let me try to address this  
23 directly, so that people can understand what the  
24 presumption issue is, because it sounds kind of  
25 funny.

1 STATED COUNCIL MEETING

2                   It's this simple: The question is, if  
3 you are a landlord of a building that was built  
4 before 1960, if you don't know whether the paint in  
5 your building is lead or not, should you presume  
6 that it is lead, since it's a toxic substance that  
7 can poison children? Or should you not presume that  
8 it is lead?

9                   And the answer is of course you  
10 should presume that it is lead, because it's toxic  
11 and it poisons children.

12                   If you don't know, act like it is. If  
13 you want to find out whether or not it is, figure it  
14 out, and if it's not lead, then treat it like it's  
15 not lead.

16                   But if you won't know whether it's  
17 lead or not, of course you should presume it's lead.  
18 We're being asked by some to put an opposite  
19 presumption to law, a presumption that paint in  
20 pre-1960 buildings is not lead, even if we don't  
21 know whether it is or not, despite the fact that  
22 lead is a toxic substance that poisons children.

23                   Why would we do this? Because there's  
24 speculation that at some point down the road this  
25 may make it more difficult for some people to get

1 STATED COUNCIL MEETING

2 insurance. Well, we'll take a look at that when that  
3 happens, if it were to happen. But why should that  
4 be? This is the state of the law today, that was the  
5 state of the law between 1981 and 1998, it is the  
6 state of reality. Of course you should presume that  
7 it's lead if you don't know whether it's lead or  
8 not.

9                   No one could seriously come before  
10 this Council and suggest that you should presume  
11 that paint is not lead if you don't know whether it  
12 is or not. Of course you should.

13                   And, so, I say to my colleagues that  
14 on that issue we are right. On the other issues that  
15 have been worked out before this Council, many of  
16 which, most of which came with tremendous input from  
17 this Administration, from advocates on all sides,  
18 this bill is enforceable, this bill is responsible,  
19 this bill is cost effective because the savings from  
20 protecting children from lead poisoning are immense,  
21 and this bill is the right thing to do for the  
22 children of the City of New York and I vote aye.

23                   PUBLIC ADVOCATE GOTBAUM: All items on  
24 today's General Order Calendar were adopted by a  
25 vote of 50 in the affirmative, zero in the negative,



1 STATED COUNCIL MEETING

2 zero abstentions, with the exceptions of Intro.

3 101-A, which was adopted by a vote of 44 in the

4 affirmative, five negative, and one abstention.

5 Revised Land Use Call-Ups were

6 adopted by a vote of 50 in the affirmative, zero in

7 the negative.

8 Introduction and Reading of Bills.

9 SPEAKER MILLER: All items are

10 referred to the committee as indicated on the

11 agenda.

12 PUBLIC ADVOCATE GOTBAUM: Discussion

13 of Resolutions.

14 Remember, you have one minute.

15 SPEAKER MILLER: Can I say a few words

16 on this?

17 PUBLIC ADVOCATE GOTBAUM: Yes, Mr.

18 Speaker, you may go first.

19 SPEAKER MILLER: Thank you, Madam

20 Public Advocate.

21 I just want to commend to my

22 colleagues preconsidered Resolution 60, which was

23 formerly Resolution 909-A, which passed out of the

24 Government Operations Committee by a vote of seven

25 to one.

1 STATED COUNCIL MEETING

2                   This resolution has evolved in order  
3 to focus on what is really needed. Amendments to the  
4 law by Congress that will protect civil liberties  
5 guaranteed by the US Constitution, particularly at a  
6 time of war, particularly as our country's values  
7 are being challenged abroad, it's important for us  
8 to stand up to what the Constitution and what the  
9 United States has always stood for. And with the  
10 passage of this resolution, the City Council will be  
11 joined over 200 local governments and states that  
12 have passed similar acts, calling for congressional  
13 action.

14                   In fact, since we began first  
15 reviewing this resolution, there have been several  
16 developments that have firmed the need for this  
17 resolution.

18                   For example, the 2nd Circuit has  
19 ruled that it is legal for the President to  
20 unilaterally detain an American citizen in a  
21 military facility, without access to courts and an  
22 attorney, and it is un-American.

23                   In fact, a Federal Court in  
24 California ruled that parts of the Patriot Act are  
25 unconstitutional and violate the First and Fifth

1 STATED COUNCIL MEETING

2 Amendment by infringing on free speech and due  
3 process.

4                   So, today we are standing with  
5 judges, with the jurisprudence system, and  
6 supporting, in fact, Congress itself which has  
7 proposed a bipartisan measure, the Safe Act, to curb  
8 some of the constitutional actions of this Act.

9                   Look, today this Council calls for  
10 protecting the right to counsel, freedom of speech  
11 and association, protections against undue  
12 surveillance, guarantees of due process and the  
13 right to a speedy trial.

14                   New Yorkers who use the public  
15 library need to know that reading a book on religion  
16 will not somehow place them on FBI's most wanted  
17 list.

18                   We are a City of immigrants and  
19 giving the government's sweeping authority based  
20 upon a person's country of origin goes against the  
21 very principles upon which this nation and which  
22 this City was created.

23                   This resolution the Council is  
24 adopting shows that we can win the war on terrorism  
25 without compromising the constitutional rights that

1 STATED COUNCIL MEETING

2 we are ultimately fighting for.

3                   If we compromise those rights, the  
4 terrorists win.

5                   I thank my colleagues for their  
6 support of this resolution.

7                   PUBLIC ADVOCATE GOTBAUM: Council  
8 Member Felder.

9                   COUNCIL MEMBER FELDER: Thank you.

10                   "Repeal the traitorous Patriot Act.  
11 Bush lies." That's the sign that welcomes me to City  
12 Hall steps about an hour ago.

13                   We are at war. Ask the survivors,  
14 friends and families of September 11th tragedy. Ask  
15 anyone in this room. This resolution sends the wrong  
16 message at the wrong time in the wrong place.

17                   We're telling our government protect  
18 us at all costs, except we don't trust you to strike  
19 a balance between security and liberty.

20                   This Chamber is the wrong place. The  
21 United Supreme Court will ultimately decide whether  
22 government is doing the right thing, not the New  
23 York City Council.

24                   We are at war, and I cannot support  
25 any resolutions that ask New Yorkers to pretend

1 STATED COUNCIL MEETING

2 we're not.

3 PUBLIC ADVOCATE GOTBAUM: Thank you,  
4 Council member.

5 Council Member Vallone.

6 COUNCIL MEMBER VALLONE: Thank you.  
7 Maybe taking out a book on religion shouldn't put  
8 you on a list, but taking out ten books on how to  
9 build a bomb, will definitely put you on a  
10 government list.

11 The vote came out of Committee seven  
12 to one. I was the one. There's a lot of information,  
13 misinformation out there about the Patriot Act. What  
14 the Patriot Act actually does is give the power to  
15 law enforcement that our Police Commissioner asked  
16 for. It allows different levels of government and  
17 different agencies to communicate, which was not  
18 allowed before the Patriot Act, and it gives the  
19 power to fight terrorists, it gives the government  
20 the power to fight terrorists, the same power it  
21 always had to fight the mob. That's what the Patriot  
22 Act does, put simply. The Patriot Act has helped  
23 keep us safe for two years. The safety of the public  
24 must always be the number one priority, not the  
25 right to suspected terrorists, and I proudly support

1 STATED COUNCIL MEETING

2 the Patriot Act and vote no on this resolution.

3 PUBLIC ADVOCATE GOTBAUM: Council  
4 Member DeBlasio.

5 COUNCIL MEMBER DeBLASIO: Thank you.

6 We all in this Chamber believe in  
7 protecting the security of the people of this City  
8 and this nation, but I would say that we obviously  
9 first and foremost have to protect what made this  
10 nation what it is, our freedoms and our liberty, our  
11 bill of rights. And I have to disagree with some of  
12 our colleagues. I think in fact it is at the local  
13 level, where we've always had to protect our rights,  
14 sometimes our national government has gone in the  
15 wrong direction. You know, the McCarthy period is  
16 one example from not so long ago, and it was the  
17 people of this country at the grassroots level who  
18 said, no, we were veering away from our rights and  
19 liberties and we had to get back to them because  
20 that's what this country was founded on.

21 So, I would simply say it is very  
22 important that New York City is taking a lead, is  
23 part of a movement of cities and counties and states  
24 all over the country that are saying our civil  
25 liberties come first, and we are not going to allow

1 STATED COUNCIL MEETING

2 the very foundation of our nation to be destroyed  
3 and this resolution is very, very important in that  
4 process.

5 I urge all my colleagues to vote aye.

6 PUBLIC ADVOCATE GOTBAUM: Council  
7 Member Oddo.

8 COUNCIL MEMBER ODDO: I think the gold  
9 medal goes to inviting Robert Lagobi into this  
10 house. I think the Silver medal goes to passing a  
11 quote/unquote law resolution within a half a mile of  
12 Ground Zero, and I think the Bronze medal goes to  
13 voting at quote/unquote Patriot Act resolution.

14 I agree with Peter Vallone. I think  
15 it makes sense to give those folks investigating  
16 terrorism the same tools that we're giving  
17 investigators who are going after drug lords and the  
18 mob. I vote no.

19 PUBLIC ADVOCATE GOTBAUM: Council  
20 Member Reed.

21 COUNCIL MEMBER REED: Thank you, Madam  
22 Public Advocate.

23 I don't think anyone in here would  
24 challenge anybody else's patriotism. We have the  
25 luxury in this country to disagree, and disagree

1 STATED COUNCIL MEETING

2 vocally and peacefully.

3                   So, it's ironic that they have  
4 snatched the word patriotism from us and attached it  
5 to a bill which either you are a patriot or you're  
6 not a patriot. That in and of itself is unpatriotic.  
7 It speaks against exactly what we are standing for.  
8 Liberty for us to have engaged in a dialogue, it  
9 also allows the basis for our security.

10                   If there are elements of this, as  
11 Council Member Vallone pointed out, that truly would  
12 be useful to the police, we ought to examine those.  
13 Don't put it under some umbrella, and then make me  
14 have to look less patriotic than any of my  
15 colleagues. That is extremely against the tradition  
16 that I think not only do we stand for but we have  
17 fought for and died for. Thank you very much.

18                   PUBLIC ADVOCATE GOTBAUM: Council  
19 Member Rivera.

20                   COUNCIL MEMBER RIVERA: Thank you very  
21 much, Madam Public Advocate.

22                   In the Patriot Act there are about  
23 1,200 pages of information. Some of it is good, a  
24 large majority of it is bad.

25                   And one thing that I have to point



1 STATED COUNCIL MEETING

2 out is that we always have to remember that we live  
3 in a democracy. We do not live in a dictatorship.  
4 And we have to celebrate our freedom of speech, our  
5 civil liberties, our bill of rights, and the freedom  
6 of due process.

7                   Some of the main concerns is the fact  
8 that the government is now allowed to hold innocent  
9 people without due process and that's something that  
10 we have to question tremendously, and I think that  
11 it is incumbent upon us as local legislators and  
12 individuals to advocate and be the voice of so many  
13 and to state that we are going to speak up on this  
14 issue and they're going to vote this out, it's a  
15 shame that we have to be the 250th state -- I mean  
16 city, that came to the table and decided to vote  
17 this resolution out, but it's a good thing that we  
18 do this, we send a clear message that all across  
19 American we are against something that is against  
20 our basic beliefs, our democracy. Thank you very  
21 much.

22                   PUBLIC ADVOCATE GOTBAUM: Council  
23 Member Jackson.

24                   COUNCIL MEMBER JACKSON: Thank you,  
25 Madam Public Advocate.

1 STATED COUNCIL MEETING

2 I rise in favor of this resolution,  
3 and I have a flyer in my hand it says, "eroding  
4 liberty. Rights and freedoms we have lost as a  
5 result of the USA Patriot Act." And it talks about  
6 the First Amendment Freedom of Speech, and it goes  
7 on to talk about the Sixth Amendment, the right to  
8 legal representation, and the Fifth Amendment right  
9 to due process and freedom from being held without  
10 charge. And I've been told, and you know it's a  
11 fact, that this country is holding American citizens  
12 and other people without due process, and due  
13 process is the American way, and so we need to have  
14 that here in this country now.

15 And as a district that represents  
16 over 70 percent of immigrants, many that have been  
17 impacted as a result of this Patriot Act, I stand to  
18 say that I'm against it, and I vote yes on the  
19 resolution and I urge my colleagues to do the same.

20 Thank you very much.

21 PUBLIC ADVOCATE GOTBAUM: Council  
22 Member Avella.

23 COUNCIL MEMBER AVELLA: Thank you,  
24 Madam Public Advocate.

25 I'm troubled by this resolution for

1 STATED COUNCIL MEETING

2 two reasons.

3                   One, the people in my district  
4 elected me to the City Council, they didn't elect me  
5 to represent them in Washington, and I actually  
6 believe the City Council as a body should be paying  
7 more attention to issues that we have direct control  
8 over.

9                   But even irrespective of that, nobody  
10 in this body is against personal liberty. Everybody  
11 in this body is a patriot, wants the best for this  
12 country. It's the issue of law enforcement and going  
13 against terrorism, and I will back up my colleagues  
14 who have spoken, Council Member Vallone, I reached  
15 out to the judicial branch of government, I reached  
16 out to law enforcement officials, and it's their  
17 opinion that the Patriot Act is much maligned for no  
18 reason.

19                   Right now it's politically correct to  
20 attack the Bush Administration, and I'm a Democrat,  
21 and the Patriot Act, but I cannot in good conscience  
22 take the tools away from law enforcement from going  
23 after terrorism.

24                   I vote no.

25                   PUBLIC ADVOCATE GOTBAUM: Council

1 STATED COUNCIL MEETING

2 Member Lopez.

3 COUNCIL MEMBER LOPEZ: I begin  
4 attacking the Bush Administration when he invaded  
5 Afghanistan, not now. And I begin attacking that  
6 Administration because I believe that being a  
7 patriot is the one who loved this country and the  
8 one who stand up for the constitution of it, and  
9 doesn't allow the government of this country to  
10 question, destroy, modify or snatch away our  
11 constitutional right under the 14th Amendment. That  
12 is a patriot. And because I believe that that's what  
13 is being a patriot, I believe that the President of  
14 this country have put an agenda out there to make  
15 sure that we turn our country into something else  
16 that it has never been.

17 Condemning the Patriot Act creation  
18 is nothing else than standing and being a good  
19 American, an American that believe in freedom, and  
20 an American that will not allow anybody, including  
21 the President of this country, to destroy our  
22 constitution and our 14th Amendment.

23 We should condemn the Patriot Act now  
24 and forever.

25 PUBLIC ADVOCATE GOTBAUM: Thank you,

1 STATED COUNCIL MEETING

2 Council Member.

3 Council Member Gerson.

4 COUNCIL MEMBER GERSON: Madam Public

5 Advocate, in fact, there have been abuses as a  
6 result of the Patriot Act, so-called Patriot Act  
7 excesses which go beyond what government agencies  
8 engage in to prosecute organized crime and other  
9 criminal endeavors.

10 We are engaged in a war. It is a just  
11 war against terrorism which we must win. But these  
12 excesses which abridge our liberties and undermine  
13 the spirit and the principles which make our  
14 countries strong at its core, do not promote or  
15 refer to that war effort, and if anything, the false  
16 comfort they provide to some undermine efforts and  
17 the real sacrifices which must be made to prevail.

18 I vote aye in support of this  
19 resolution, recognizing full well we live in  
20 perilous times, which will require measures beyond  
21 the ordinary, and will require extra security  
22 efforts to be made, but we do not have to engage in  
23 these abridgements of our basic democratic fabric.

24 Thank you.

25 PUBLIC ADVOCATE GOTBAUM: Council

1 STATED COUNCIL MEETING

2 Member Gallagher.

3 COUNCIL MEMBER GALLAGHER: Thank you.

4 All the current law enforcement  
5 mechanisms found in the Patriot Act are the same  
6 mechanisms that have been used by law enforcement  
7 agencies from the United States Attorney's Office,  
8 down to local district attorney's office, to police  
9 precincts, for many, many years. They were used to  
10 pursue, to destroy threats to the American way of  
11 life, such as organized crime, drug cartels,  
12 neo-Nazi organizations and even the Klu Klux Klan.  
13 The Patriot Act is simply a compilation of these  
14 existing anti-crime enforcement tools.

15 This resolution is nothing more than  
16 a veiled political attack on the president and his  
17 Administration in an attempt to diminish the  
18 Administration's success in protecting and defending  
19 America.

20 This legislative body convenes just a  
21 short distance from where the once great World Trade  
22 Center stood, a symbol of American prosperity and  
23 hope for the future. A place where thousands of our  
24 fellow citizens lives were taken by those who had no  
25 fear of retribution.

1 STATED COUNCIL MEETING

2 PUBLIC ADVOCATE GOTBAUM: Council  
3 member.

4 COUNCIL MEMBER GALLAGHER: I'll be  
5 summing up.

6 Our President has changed that  
7 mindset, and the Patriot Act is one step insurance  
8 that this will never happen again.

9 I am proud to vote against this  
10 resolution, and I will not take a step backward in  
11 the fight against terrorism.

12 PUBLIC ADVOCATE GOTBAUM: Please,  
13 Council member.

14 COUNCIL MEMBER GALLAGHER: And I do  
15 not think that the City Council of the City of New  
16 York should either.

17 I planned and intend on voting no.  
18 Thank you.

19 PUBLIC ADVOCATE GOTBAUM: Council  
20 member, please, one minute.

21 Council Member Perkins. I know you're  
22 going to stay to one minute.

23 COUNCIL MEMBER PERKINS: Without a  
24 doubt, as always.

25 Thank you very much, Madam Public

1 STATED COUNCIL MEETING

2 Advocate. I want to first take a moment to thank the  
3 New York Civil Liberties Union, and the Campaign for  
4 Defense of our Bill of Rights for their support in  
5 developing a movement that would help us to  
6 understand how the Patriot Act is really  
7 unpatriotic.

8                   It's unpatriotic because it  
9 undermines our civil rights and our civil liberties,  
10 and as Congressman Serrano points out, in the very,  
11 very eloquent way, quote, "we never give up our  
12 rights. That's what makes us Americans."

13                   Thank you very much.

14                   PUBLIC ADVOCATE GOTBAUM: Council  
15 Member Lanza.

16                   COUNCIL MEMBER LANZA: I'm going to be  
17 voting --

18                   COUNCIL MEMBER PERKINS: I want to  
19 bank the rest of my time for the next meeting.

20                   PUBLIC ADVOCATE GOTBAUM: No, you  
21 already spent out the bank, my friend.

22                   Council Member Lanza.

23                   COUNCIL MEMBER LANZA: Yes, thank you,  
24 Madam Public Advocate.

25                   I'm voting no on this Anti-Patriot



1 STATED COUNCIL MEETING

2 Act resolution, because I think it sends a terrible  
3 and wrong message, especially to our enemies,  
4 especially as we sit, as we do a few feet from where  
5 thousands of Americans were killed, for no other  
6 reason really than because of what they believed in.

7                   A great American President, Abraham  
8 Lincoln, understood that especially during times of  
9 war, that division at home only lends support to  
10 your enemies. And Councilman Felder mentioned that  
11 banner that was draped across the steps of the Hall  
12 as we all entered today. What he didn't mention,  
13 and, of course, a sentiment there likening this act  
14 to treason, what he didn't mention was it was on a  
15 long red banner, and my fear is that that long red  
16 banner will be seen as an invitation, a red carpet,  
17 if you will, to terrorists.

18                   Division only sends and lends support  
19 and heartens our enemies, and accordingly threatens  
20 the lives of men and women overseas who are  
21 protecting our lives.

22                   PUBLIC ADVOCATE GOTBAUM: Council  
23 Member Sanders.

24                   Quiet, please.

25                   COUNCIL MEMBER SANDERS: It's a

1 STATED COUNCIL MEETING  
2 difficult issue, and there are merits on both sides  
3 of this thing, but I think that it's the strength of  
4 the American people that we can disagree at home and  
5 I think that this is the real fear of all  
6 terrorists, that this is a nation strong enough to  
7 have disagreement, and doesn't have to use  
8 totalitarian methods to get agreement on one thing.

9                   The price of freedom is eternal  
10 vigilance. Government is not in the business of  
11 giving you back your rights. I think that we have to  
12 stand up and be very clear in saying that we are not  
13 going to surrender our rights, that we just don't  
14 give them back.

15                   How can we export democracy abroad,  
16 and curtail it at home? We must not do this. This is  
17 unpatriotic to be for that patriotic act, and  
18 anybody that has to put yourself surrounded by the  
19 words the Patriot Act, is the first sign that  
20 there's something wrong with this Act.

21                   Thank you very much.

22                   PUBLIC ADVOCATE GOTBAUM: Council  
23 Member James.

24                   COUNCIL MEMBER JAMES: We all took an  
25 oath to defend the Constitution, both New York

1 STATED COUNCIL MEETING  
2 State's Constitution and the United States of  
3 America. The right to free speech, the right to free  
4 expression, the right to due process, the right to a  
5 fair trial, the right to confront witnesses. To  
6 erode our rights, to trample on the rights of our  
7 liberties, to deny basic freedoms, to establish an  
8 immigration policy that closes its borders to some  
9 but not to others is inconsistent with the framers  
10 of our government and the fundamental basis upon  
11 which this government is founded.

12                   Dissent is a form of democracy.  
13 Dissent is freedom, and I vote for freedom.

14                   PUBLIC ADVOCATE GOTBAUM: Council  
15 Member Stewart.

16                   COUNCIL MEMBER STEWART: From the  
17 beginning I have been a staunch supporter of this  
18 resolution. Because I believe that we must ensure  
19 the civil liberties, that civil liberties are not  
20 trampled on in this name of national security.

21                   The Patriot Act seriously undermines  
22 people's constitutional rights and freedoms. Acting  
23 under these new police powers, law enforcement  
24 officials can now detain anyone without charges.

25                   They monitor person's Internet

1 STATED COUNCIL MEETING

2 activities without probable cause. They charge  
3 peaceful protectors with domestic terrorism when  
4 they engage in civil disobedience, and they can spy  
5 on First Amendment protectors' activities.

6 Law enforcement officials can also  
7 obtain confidential information from library,  
8 medical or banking records without any evidence that  
9 the suspect is involved in any criminal activity.

10 The New York City Council should be  
11 leading the nation in standing up against these  
12 measures which violate everything this country is  
13 supposed to stand for.

14 PUBLIC ADVOCATE GOTBAUM: Thank you.

15 COUNCIL MEMBER STEWART: Thank you.

16 PUBLIC ADVOCATE GOTBAUM: Hearing no  
17 other comments, shall we go to a voice vote on the  
18 resolution?

19 All in favor?

20 Opposed?

21 Any of you who want to register no,  
22 you have to come up to the desk.

23 The resolution is passed.

24 General Discussion.

25 Council Member Monserrate.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER PERKINS: I want to  
3 thank my colleagues for their support.

4 PUBLIC ADVOCATE GOTBAUM: The hands  
5 are waving. Wait a minute.

6 Council Member Monserrate.

7 COUNCIL MEMBER MONSERRATE: Thank you,  
8 Madam Chair. I just wanted to make a brief  
9 announcement about a major class action lawsuit that  
10 was settled and unsealed this Saturday, past  
11 Saturday, regarding Latino Officers Association  
12 versus the New York City Police Department,  
13 Commissioner Safir, et al. That \$26 million  
14 settlement package that I was one of the original  
15 plaintiffs in, filed in 1999, and I wanted to  
16 mention that disparities continue to exist in our  
17 municipal agencies and at times people have to  
18 access the court to access equity and equality. It's  
19 an unfortunate reality. It's also good to know that  
20 at the end of the day our system of justice does  
21 recognize the fact that this should be a system as  
22 equal to all. And I look forward to continue working  
23 with my colleague, and in promoting that thought and  
24 thank the members of the Black and Latino and Asian  
25 Caucus for their support in this mission and all

1 STATED COUNCIL MEETING

2 their support in the letter writing campaign.

3 Thank you very much.

4 PUBLIC ADVOCATE GOTBAUM: Council  
5 Member Barron.

6 COUNCIL MEMBER BARRON: Thank you,  
7 Madam Chair.

8 I just want my colleague to remember  
9 in their prayers the mother and father of Timothy  
10 Sansbury. Timothy Sansbury was killed by a New York  
11 City Police Officer on the rooftop of his project  
12 development.

13 I want to commend Council Member Al  
14 Vann, it happened in his district, and his powerful  
15 message at the funeral left something for all of us  
16 to think about in this City.

17 The rooftops of the housing  
18 developments is a regular passageway for people in  
19 public housing. For police officers to come on that  
20 rooftop with their guns drawn and to take the life  
21 of an innocent young man cannot be accepted in this  
22 City, and I'm hoping that my colleagues will monitor  
23 the process so that there is an indictment, as the  
24 evidence seems to be leading in that direction, and  
25 hopefully a conviction.

1 STATED COUNCIL MEETING

2                   In addition, we have to send a  
3 message to Commissioner Kelly. We appreciate him  
4 saying that it was unjustified, but then to set up a  
5 commission, and have Commissioner Fyfe head it up to  
6 change the regulations, is an insult to us all.  
7 Commissioner Fyfe was the one who presented  
8 testimony at the Amadou Diallo trial that allowed  
9 for the police officer to walk. So, we want to make  
10 sure that Commissioner Fyfe be removed from the  
11 Commission and not head it up and get somebody  
12 independent that we can really trust to make some  
13 policy changes in the Police Department.

14                   We're also calling on the Mayor to  
15 investigate why is it that white police officers  
16 seem to frequently kill black citizens who are  
17 unarmed and innocent, and it doesn't happen, these  
18 accidents, these tragedies, they seem to never  
19 happen in other communities, they happen in the  
20 black and Latino communities to our youth,  
21 particularly our male youth.

22                   It has to stop. We're going to fight  
23 it, and I want the support of all my colleagues.

24                   Thank you very much.

25                   PUBLIC ADVOCATE GOTBAUM: Thank you,

1 STATED COUNCIL MEETING

2 Council member.

3 Council Member Reed.

4 COUNCIL MEMBER REED: Thank you, Madam  
5 Public Advocate. I want to bring to my colleague's  
6 attention Intro. 139 and 140 which addresses the  
7 issue of identity theft.

8 We are having a hearing on identity  
9 theft in the Consumer Affairs Committee on February  
10 12th, as has been identified by virtually every  
11 newspaper and advocacy group as the number one  
12 consumer complaint and concern.

13 So, I know that we have a very full  
14 agenda, but I wanted to bring Intro. 139 and 140 to  
15 my colleagues' attention. I think this is an  
16 important bill, and we will be having a series of  
17 people, including the Secret Service, the FBI,  
18 talking about how easy it is for people to take your  
19 identity and use it, ruin your credit and also your  
20 name out in the community.

21 If you know someone who has been a  
22 victim of identity theft, we are talking with  
23 victims now, people who may want to come and testify  
24 to help us move this bill forward. So, please see  
25 either myself or our legislative director Aaron



1 STATED COUNCIL MEETING

2 Lowenstein.

3 Thank you very much.

4 PUBLIC ADVOCATE GOTBAUM: Council

5 Member Jackson.

6 COUNCIL MEMBER JACKSON: Thank you,

7 Madam Public Advocate.

8 I rise to inform my colleagues that  
9 this morning at 10:30 there was a press conference  
10 held by the CFE, the Campaign for Fiscal Equity. The  
11 preliminary report costing out survey is basically  
12 saying that our consultants, who took a whole year  
13 to determine how much will it cost to provide the  
14 children of New York City and New York State sound  
15 basic education.

16 Let me tell you the results. In New  
17 York City alone, based on the 2000/2001 school year,  
18 it would take an additional \$3.2 billion every year  
19 to provide our children with a sound basic  
20 education, and if you factor that out to the 2004,  
21 2005 school year, which begins this September, it  
22 will cost approximately \$4 billion for a year to  
23 provide our children with a sound basic education,  
24 and that does not include building of new schools.  
25 It only talks about from a programmatic point of

1 STATED COUNCIL MEETING

2 view.

3                   So, I ask all of you, my colleagues  
4 in the City Council, to support CFE in our costing  
5 out, by going to the website and accessing the  
6 information, and also reaching out to all of your  
7 State Assembly members and State Senators to support  
8 us in our campaign to provide all of the children of  
9 New York City and New York State, just give them the  
10 opportunity to receive a sound basic education like  
11 most of us have received.

12                   Thank you very much.

13                   PUBLIC ADVOCATE GOTBAUM: Council  
14 Member Lopez.

15                   COUNCIL MEMBER LOPEZ: Thank you,  
16 Madam Public Advocate.

17                   I'm rising to ask my colleagues to  
18 sign into a piece of legislation that I introduced  
19 today Intro. 83.

20                   The purpose of this piece of  
21 legislation is a project that I have been working  
22 for the last two years in my district where if we  
23 designate zones in which we're going to have an  
24 asthma-free zone in the school system, we can  
25 improve the health of our children who suffer from

1 STATED COUNCIL MEETING

2 asthma and at the same time save a tremendous amount  
3 of money in hospital costs and services to children  
4 in our communities.

5 I'm going to ask you to look into  
6 that Intro. 83. This is cost effective. We can  
7 implement this in all of our communities, and our  
8 communities in particular where asthma is so  
9 prevalent and is directly connected to the school  
10 system because the idling of the buses, because the  
11 pollutants inside of the school create the trigger  
12 that create asthma in the children.

13 Please look into Intro. 83, and I  
14 hope that you join me on this one. Thank you.

15 PUBLIC ADVOCATE GOTBAUM: Thank you.

16 Council Member Foster, I apologize.  
17 We switched papers and you got lost. You never get  
18 lost.

19 COUNCIL MEMBER FOSTER: Thank you,  
20 Madam Public Advocate.

21 I'd like to take a moment to bring to  
22 my colleagues' attention that today is the fifth  
23 anniversary of the murder of Amadou Diallo, and it  
24 was five years ago that we hoped no other mother  
25 would have to endure the pain of her son being

1 STATED COUNCIL MEETING

2 murdered at the hands of the police and here we are  
3 again. And we can look back from Eleanor Bumpers on,  
4 and we have to have honest discussions with each  
5 other, with our police force that makes us  
6 understand what is it about a dark place that makes  
7 you want to shoot first and ask questions later.

8                   And we have to start talking honestly  
9 and truthfully with each other so no other mother  
10 has to endure the loss of her son, a daughter, a  
11 grandmother, anything, because it's coming too far.

12                   And we talk about patriotism and what  
13 makes us American or not American, well, we are not  
14 safe at home, black faces are not safe and we have  
15 to do something. So when we go to bed tonight and we  
16 send up prayers, let's keep Amadou Diallo's parents  
17 in our prayers, because a mother lost a son  
18 needlessly, hit 19 times, where the police officers  
19 were found not guilty. To this day they have not  
20 apologized to the parents, and we are dealing with  
21 this again in Brooklyn and we have to have honest  
22 dialogue. We canno longer say I'm sorry to another  
23 mother.

24                   PUBLIC ADVOCATE GOTBAUM: Council  
25 Member Brewer.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER BREWER: Thank you. One  
3 announcement, which is I believe that Friday is the  
4 last day for voter registration for the March 2nd  
5 primary, and so tomorrow on the west side at five  
6 high schools, we will be leafletting and speaking to  
7 give out voter registration forms so that everyone  
8 who is 18 will be able to vote on March 2nd.

9 I also want to mention that we have  
10 four bills that I hope you'll join, one that talks  
11 about the audible pedestrians, for those of us who  
12 are challenged in terms of ability to see, so that  
13 we will be in concert with other cities around the  
14 country. I think we've talked before about the  
15 violent video games to minors, trying to outlaw that  
16 in some cases, and talking about ways in which the  
17 National Rifle Association has every right to come  
18 to New York, but we have every right during the  
19 Republican National Convention to state that we  
20 don't like their policies.

21 Thank you very much, Madam Public  
22 Advocate.

23 PUBLIC ADVOCATE GOTBAUM: Council  
24 Member Clarke.

25 COUNCIL MEMBER CLARKE: Thank you,

1 STATED COUNCIL MEETING

2 Madam Public Advocate. I would like to bring to my  
3 colleagues' attention two resolutions that have been  
4 submitted today, Resolution 14 and Resolution 15.

5                   Resolution 14 talks about the 200  
6 anniversary of Haitian Independence, which is being  
7 celebrated this year, starting with January 1st,  
8 1804, when former slaves defeated the army of  
9 Napoleon, and the Island Nation of Haiti was born.

10                   I'd ask that my colleagues join me as  
11 we commemorate the first African Nation in the  
12 Western Hemisphere to be free, and that we continue  
13 to be supportive to our Haitian-American brothers  
14 and sisters who were fighting for democracy that  
15 it's continuing to build on the Island Nation of  
16 Haiti.

17                   Secondly, to denounce the sale of  
18 grand theft auto, that is a resolution that I  
19 brought before you before we started the new  
20 session. Attorney General Elliot Spitzer is now  
21 looking into the matter. As you may know, this video  
22 game asks its participants to kill all Haitians and  
23 how ironic in a year where they celebrate 200 years  
24 of independence that here in this nation we are  
25 encouraging young people to kill all Haitians.

1 STATED COUNCIL MEETING

2 I hope that you will join me in  
3 denouncing rock star games and sign onto this  
4 resolution.

5 And then finally, this week we  
6 celebrated a birthday of this Legislature. I don't  
7 know if all of you are aware that 351 years ago on  
8 Monday, New York City received the Charter for the  
9 first municipal form of government transforming the  
10 colony into the first city in North America, so  
11 happy birthday everyone.

12 Thank you, Madam Public Advocate.

13 PUBLIC ADVOCATE GOTBAUM: Council  
14 Member Vann.

15 COUNCIL MEMBER VANN: Thank you, Madam  
16 Public Advocate. I wish to express appreciation for  
17 both the Speaker and yourself who came to pay homage  
18 to the family of the young man who was killed in my  
19 district, Timothy Sansbury. I at the same time would  
20 like to thank Councilman Barron for the leadership  
21 he played in bringing comfort to the family playing  
22 an advocacy role.

23 I would like to extend to the Police  
24 Commissioner and the Mayor for their taking the  
25 decent and I think the courageous position of

1 STATED COUNCIL MEETING

2 telling the truth and from deviating from the  
3 previous administration, as they indicated that this  
4 shooting was indeed unjustified.

5                   A lot has been done to try and help  
6 this family, but I know that the only thing that  
7 will bring some measure of comfort is that they  
8 receive justice in this case. They've lost their  
9 son, they'll have to live with that void all of  
10 their lives.

11                   There's not anything we can do,  
12 nothing we can give them that can compensate for  
13 that loss, and I hope that justice will be done in  
14 this case, and that we do all we can to eliminate  
15 the circumstances where a young black man,  
16 regardless whether they're walking on the rooftop or  
17 walking on the street or coming in the hallway, that  
18 he is not seen as a danger and one that can be shot  
19 and killed simply because he's doing his business,  
20 walking in his neighborhood, happens to be black.

21                   We should be committed to eliminating  
22 the circumstances under which this image can be in  
23 the minds of some, that can create such peril to  
24 parents and loved ones in the African-American  
25 community.



1 STATED COUNCIL MEETING

2 Thank you.

3 PUBLIC ADVOCATE GOTBAUM: Council  
4 Member James.

5 COUNCIL MEMBER JAMES: Thank you,  
6 Madam Public Advocate.

7 I invite some of my colleagues today  
8 to join me at the wake of Sergeant Keith Ferguson,  
9 who died in the line of business, in the line of  
10 duty on Thursday, and he died most likely of a  
11 hidden heart defect.

12 As you know, Sergeant Ferguson was in  
13 my district. He worked in the -- he was an NYPD  
14 officer for 17 years, and his wake is today between  
15 the hours of seven to nine at 353 Second Avenue in  
16 Manhattan, and his funeral is tomorrow at 10:00 at  
17 the Saint Andrew's Church. And he worked and he was  
18 assigned to the emergency services unit and he died  
19 in the line of duty chasing a suspect. And I would  
20 ask that my colleagues join me today at his wake.

21 Thank you.

22 PUBLIC ADVOCATE GOTBAUM: Council  
23 Member Fidler.

24 COUNCIL MEMBER FIDLER: Thank you,  
25 Madam Public Advocate.

1 STATED COUNCIL MEETING

2                   Last night I had the pleasure of  
3 attending an event at the Jewish Heritage Museum for  
4 the first time, and one of the exhibits at the  
5 museum was a game that was sold commercially in  
6 pre-World War 2 Nazi Germany, and the object of that  
7 game was for German citizens to chase as many Jews  
8 out of Germany as they could.

9                   When I was reading down the list of  
10 intros at today's meeting I came across Reso 15,  
11 that Council Member Clarke just spoke about. And  
12 I've added my name to that resolution today because  
13 I really think it is very important that we not  
14 allow this kind of insidious bigotry to be exposed  
15 to our children.

16                   I was very moved by that game I saw  
17 on how disgusting it was, and to stand by silently  
18 while a company markets a game that calls upon our  
19 children to kill Haitians or Cubans or any people,  
20 that kind of silence would be outrageous as well.

21                   So, I would urge all my colleagues  
22 first to visit the Jewish Heritage Museum, and  
23 second, to sign onto Reso 15, and I think we ought  
24 to pass it.

25                   PUBLIC ADVOCATE GOTBAUM: Thank you,

1 STATED COUNCIL MEETING

2 Council member.

3                   Seeing nobody else, I call the

4 meeting adjourned.

5                   (Hearing concluded at 3:15 p.m.)

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CERTIFICATION

STATE OF NEW YORK )  
COUNTY OF NEW YORK )

I, CINDY MILLELOT, a Certified Shorthand Reporter and Notary Public in and for the State of New York, do hereby certify that the foregoing is a true and accurate transcript of the within proceeding.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of February 2004.

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CINDY MILLELOT, CSR.

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C E R T I F I C A T I O N

I, CINDY MILLELOT, a Certified Shorthand Reporter and a Notary Public in and for the State of New York, do hereby certify the aforesaid to be a true and accurate copy of the transcription of the audio tapes of this hearing.

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CINDY MILLELOT, CSR.