

1

2 CITY COUNCIL

3

CITY OF NEW YORK

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5

THE TRANSCRIPT OF THE MINUTES

6

of the

7

STATED COUNCIL MEETING

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9

10

December 15, 2003

11

Start: 1:10 p.m.

12

Recess: 3:50 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 Letitia 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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2 A P P E A R A N C E S (CONTINUED)

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4                   STAFF:           Victor Robles  
  City Clerk

5

  Claude Cherry,  
  Council Clerk

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1 STATED COUNCIL MEETING

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

4 Whereas: The Council of the City of  
5 New York is pleased and proud to honor Russell Bomar  
6 for his dedicated service to the Flatlands Community  
7 of Brooklyn through his development of a basketball  
8 program for local youth; and

9 Whereas: Russell Bomar was born in  
10 Spartanburg, South Carolina in 1947 where he  
11 attended local grammar school and Carver High  
12 School, playing three sports basketball, football  
13 and baseball, all at a very high level; and

14 Whereas: In 1967, Russell made his  
15 way to New York City to attend college, having been  
16 accepted by New York University but unfortunately,  
17 as a result of unexpected expenses, was unable to  
18 actually attend NYU; and

19 Whereas: While owning and operating  
20 his own clothing business, Russell married Doris  
21 Jones and had two sons, Christopher and Ngol and he  
22 also has another son from a previous union, Russell  
23 Jr.; and

24 Whereas: While his sons were growing  
25 up, Russell spent much time with them teaching them

1 STATED COUNCIL MEETING

2 how to play sports, which resulted in both Chris and  
3 Ngol making the varsity team in basketball at  
4 Xaverian High School and having his sons either in  
5 college or a graduate thereof; and

6                   Whereas: Because of the success of  
7 his sons in sports, Russell started coaching  
8 basketball teams in the community, which eventually  
9 developed into starting a not-for-profit corporation  
10 to manage an eight basketball team league and that  
11 sends teams to tournaments all over the City, and  
12 which also provides encouragement and assistance to  
13 participants to attend college to further their  
14 education, giving them a better chance to have  
15 productive lives; and

16                   Whereas: Through this basketball  
17 league many of the neighborhood youth have a place  
18 to enjoy sports, learn to respect each other and  
19 work together as part of a team, look forward to  
20 attending college and obtaining a good job, all  
21 while avoiding drugs, gangs and violence; now,  
22 therefore,

23                   Be It Known: That the Council of the  
24 City of New York honors RUSSELL BOMAR for his  
25 exceptional service to the well being of the City in

1 STATED COUNCIL MEETING

2 general and the youth of the Flatlands community in  
3 particular.

4 Signed this 6th day of November in  
5 the year Two Thousand and Three, Gifford Miller,  
6 Speaker for the Entire Council; Kendall Stewart,  
7 Council Member, 45th District.

8 MR. BOMAR: I have Russell, Jr., I  
9 have Neal and I have Chris. I have my, this is Jean  
10 Joseph, very helpful to me. She's another lady that,  
11 she's the greatest, Dr. Jean Charles, okay? I have  
12 my daughter-in-law to be. She is right there. I'm  
13 sorry, I'm kind of tongue-tied. That is Cathy  
14 Enriques. This is my Goddaughter, Nilda Nuese. Great  
15 young lady. She's a scholar. She's also a teacher.  
16 She does speech therapy, she does everything.

17 This is my grand baby. My first.

18 Thank you all very much. I'm so  
19 honored to be in this historic site, accepting this.  
20 And thank you, Speaker.

21 SPEAKER MILLER: Thank you, Mr. Bomar.  
22 Thank you so much. Thank you, all, for being here.  
23 Congratulations. Congratulations. Thank you.

24 Council Member Christine Quinn.

25 Council Member Quinn has brought a special guest.

1 STATED COUNCIL MEETING

2 Council Member Quinn, would you like to introduce  
3 your special guest?

4 COUNCIL MEMBER QUINN: Sure.

5 SPEAKER MILLER: Sure. Here she is.

6 COUNCIL MEMBER QUINN: Our special  
7 guest is David Lehman of the American Cancer  
8 Society, and I'm sure many of us recognize David  
9 because he's been a little bit of a fixture around  
10 City Hall over the past few years advocating for  
11 important legislation and funding priorities to help  
12 deal with lung cancer and breast cancer, childhood  
13 obesity and other health-related issues, and David  
14 is retiring, believe it or not, and we at the  
15 Council wanted to make sure we said we're going to  
16 miss you, but mostly to thank you for all your great  
17 work and helping guide us and move us forward to  
18 make sure we're doing everything we can on the  
19 Council to address the really horrible crisis of  
20 cancer and health-related concerns in this City.

21 So, thank you, and you have a great  
22 retirement.

23 SPEAKER MILLER: If the clerk could  
24 read the proclamation.

25 CITY CLERK ROBLES: Council, City of

1 STATED COUNCIL MEETING

2 New York, Proclamation.

3                   Whereas: The Council of the City of  
4 New York is pleased and proud to honor David Lehmann  
5 for his distinguished service to the City and the  
6 community; and

7                   Whereas: WE are a City made strong by  
8 the efforts of individuals and organizations who  
9 give exemplary service to the community, whether  
10 through participation in volunteer programs, through  
11 unique personal achievement in their professional or  
12 other endeavors, or through a lifetime of good  
13 citizenry; and

14                   Whereas: David Lehmann is one such  
15 individual and exemplified all that is best in  
16 people: abundant generosity and compassion; selfless  
17 dedications; the development of one's intellect,  
18 spirit and talents to help nurture and educate  
19 others; and a commitment to the values and issues  
20 that most forcefully strengthen community bonds; and

21                   Whereas: David Lehmann is retiring  
22 from a distinguished and highly worthwhile career  
23 with the American Cancer Society; he joined the  
24 organization's National Office in 1984 as a news  
25 editor four years later he left this position to



1 STATED COUNCIL MEETING

2 become the director of public relations in the  
3 Society's New York City office; and

4                   Whereas: In 1991, David moved on to  
5 serve as director of the American Cancer Society's  
6 education department, where one of his finest  
7 contributions to the organization was the  
8 development of an advocacy department; and

9                   Whereas: During his tenure as  
10 regional advocacy director, David worked to increase  
11 funding for breast, colon, and prostate cancer  
12 programs, and programs to help New Yorkers quit  
13 smoking; and

14                   Whereas: The proudest moment of  
15 David's rich career was the passage of New York  
16 City's Smoke-Free Workplace Act of 2002, a piece of  
17 legislation that he helped develop; and

18                   Whereas: David Lehmann's dedication  
19 to and concern for the community has been both  
20 admirable and instructive; he has truly enriched us  
21 with his presence and it is with the deepest  
22 gratitude of this legislative body that we honor him  
23 today; now, therefore

24                   Be It Known: That the Council of the  
25 City of New York most gratefully honors DAVID

1 STATED COUNCIL MEETING

2 LEHMANN for his distinguished service to the City  
3 and the community.

4 Signed this 15th day of December in  
5 the year Two Thousand and Three, Gifford Miller,  
6 Speaker for the Entire Council; Christine Quinn,  
7 Council Member, 3rd District, Manhattan.

8 SPEAKER MILLER: Thank you, Mr. Clerk.

9 We're very honored to have you here  
10 with us. We thank you for all your work on behalf of  
11 the City of New York. We'd love it if you would say  
12 a few words.

13 MR. LEHMANN: I will keep this short  
14 but sweet. I've always been a behind the scenes sort  
15 of guy, and I just want to say it has been such a  
16 privilege and an honor to work with the Speaker,  
17 Council Member Quinn. She is an amazing advocate for  
18 cancer control, and actually if you go back to the  
19 Health Committee Chairmanship of Victor Robles, so I  
20 just want to thank the Council for their support of  
21 cancer control.

22 The American Cancer Society has not  
23 had advocacy in their mission statement for all that  
24 long. I actually go back much further than the  
25 advocacy, it was put in the mission statement of our

1 STATED COUNCIL MEETING

2 organization, and I'm proud now to say that I'm a  
3 lobbyist for special interest, and I'm a lobbyist  
4 for cancer control, and all of you have been such  
5 remarkable partners in that process, and I thank  
6 each and every one of you. It's just a privilege to  
7 be here today. Thank you so much.

8 SPEAKER MILLER: Thank you. And  
9 congratulations and best of luck to you.

10 Council Member Dennis Gallagher, and  
11 also Council Member Melinda Katz.

12 Council Member Gallagher.

13 COUNCIL MEMBER GALLAGHER: Thank you,  
14 Mr. Speaker. Thank you, Council Member Katz.

15 Today we're very pleased to be joined  
16 by two folks that represent the communities that  
17 Melinda and I share and one is Henry Lippe, the  
18 other one is Pat Toro. Both are Vietnam veterans,  
19 were very active and involved in community service  
20 and we ask you to please come forward.

21 Both these individuals give a  
22 tremendous amount of their time and energy  
23 throughout the community performing countless hours  
24 of community service, whether it be through the  
25 Vietnam Veterans Chapter 132 or also from the

1 STATED COUNCIL MEETING

2 American Legion where Henry has served as President.

3 He's been a drug and alcohol counselor for 33 years,

4 both have really done tremendous amounts for the

5 City of New York.

6 I'd like to ask my colleague Council

7 Member Katz to say a few words.

8 COUNCIL MEMBER KATZ: Just on behalf

9 of the Queens Delegation, the entire New York City

10 Council, and, of course, the Speaker, who brought

11 the Proclamation as well, Dennis and I just want to

12 congratulate both of you for the hard work you do.

13 These guys are in the trenches making

14 sure that Veterans, Vietnam Veterans and all

15 Veterans get the services that they deserve for

16 fighting for our country and this is just a very,

17 very small token of our gratitude that we can bestow

18 upon you today on behalf of the Council. Thank you

19 for your work.

20 SPEAKER MILLER: Thank you. If the

21 clerk could read the proclamation.

22 CITY CLERK ROBLES: The Council, City

23 of New York, Proclamation.

24 Whereas: Every citizen of the United

25 States owes respect to those who have showed the

1 STATED COUNCIL MEETING

2 courage and selflessness at times when our nation  
3 was fighting to advance the democratic freedoms that  
4 we now enjoy; and

5                   Whereas: Much of our success as a  
6 nation - much of the peace and prosperity we take  
7 for granted - is due in large measure to the  
8 hard-fought success of our fighting forces, men of  
9 remarkable strength and character whose tremendous  
10 sacrifices helped shape the modern world,  
11 individuals whose legacy has ensured the safety,  
12 progress and prosperity of our country for  
13 generations to come; and

14                   Whereas: Henry Lippe has served two  
15 tours in Vietnam as an advisor and then with the  
16 12th Marines, 3rd Marine Division, and 3rd Marine  
17 Amphibious Force; and

18                   Whereas: Thereafter, Henry has served  
19 33 years as a Veterans Drug and Alcohol Advisor,  
20 Commander of American Legion Post 1815, Chairman of  
21 Allied Veterans of Ridgewood and Glendale and  
22 Commander of the 7th Division Kings County American  
23 Legion; and

24                   Whereas: As a nation, we owe a  
25 tremendous debt of gratitude to Henry Lippe and to

1 STATED COUNCIL MEETING

2 all veterans who have fought so valiantly to  
3 preserve democratic principles of freedom the world  
4 over; now, therefore

5 Be It Known: That the Council of the  
6 City of New York honors and commends HENRY LIPPE for  
7 his exceptional service to our nation during the  
8 Vietnam conflict.

9 Signed this 15th day of December in  
10 the year Two Thousand and Three, Dennis Gallagher,  
11 Minority Whip, Council Member 30th District; Melinda  
12 Katz, Council Member, 29th District, Queens; and  
13 Gifford Miller, Speaker for the Entire Council.

14 Proclamation.

15 Whereas: The Council of the City of  
16 New York is pleased and proud to honor Pastor Toro,  
17 Jr. for the exceptional service and sacrifice he has  
18 provided to our country during the war in Vietnam;  
19 and

20 Whereas: Much of our success as a  
21 nation - much of the peace and prosperity we take  
22 for granted - is due in large measure to the  
23 hard-fought success of our fighting forces, men and  
24 women of remarkable strength and character whose  
25 tremendous sacrifices helped shape the modern world,

1 STATED COUNCIL MEETING

2 individuals whose legacy has ensured the safety,  
3 progress and prosperity of our country for  
4 generations to come; and

5                   Whereas: Today, we are joined by  
6 veterans from all walks of life, we remember with  
7 special gratitude the sacrifices these men and women  
8 have made in defending the principles of freedom  
9 that have made our country great; and

10                   Whereas: Pastor Toro, Jr. is one such  
11 individual: a true military hero, a Marine veteran  
12 who completed his tour of duty in 1971; his military  
13 decorations include: National Defense Ribbon; Good  
14 Conduct Medal; Vietnam Campaign with Date Nedal;  
15 Vietnam Service Medal with four stars; Vietnam Cross  
16 of Gallantry with Palm; Vietnam Civil Action Medal;  
17 New York State Medal for Merit; New York State  
18 Conspicuous Service Star; and

19                   Whereas: Pastor Toro Jr. did not  
20 cease serving his country and community; upon his  
21 return, he dedicated 20 years to law enforcement, 13  
22 of which was devoted to being a Port Authority of  
23 N.Y. And N.J. Police Detective, where he had a  
24 distinguished and stellar career; and

25                   Whereas: Always dedicated to the

1 STATED COUNCIL MEETING

2 Marines, Pastor Toro Jr. devotes much of his time to  
3 the Vietnam Veterans of America, Local Chapter #32;  
4 he has devoted so much of his time and strength to  
5 this organization and has helped create a sanctuary  
6 for our nation's war heroes and their families;

7                   Whereas: As a member of the United  
8 States Armed Forces, Pastor Toro Jr. has risked his  
9 life to defend liberty, justice and democracy,  
10 values all Americans hold dear, and for that he  
11 deserves the unwavering support, appreciation and  
12 gratitude of all New Yorkers and all Americans; and

13                   Whereas: As a nation, we owe a  
14 tremendous debt of gratitude to all veterans who  
15 have fought so valiantly to preserve democratic  
16 principles of freedom the world over; now,  
17 therefore,

18                   Be It Known: That the Council of the  
19 City of New York is proud to honor PASTOR TORO JR.  
20 for his exceptional service to our nation.

21                   Signed this 15th day of December in  
22 the year Two Thousand and Three, Gifford Miller,  
23 Speaker for the Entire Council; Dennis Gallagher,  
24 Minority Whip, Council Member 30th District, Queens;  
25 and Melinda Katz, Council Member, 29th District,



1 STATED COUNCIL MEETING

2 Queens.

3 SPEAKER MILLER: Gentlemen, thank you  
4 for your service to our City, and also, of course,  
5 to our country. We would be honored if you would say  
6 a few words.

7 Do you want to start, Henry?

8 MR. LIPPE: Just on behalf of all  
9 veterans, I accept this award, and for those that  
10 couldn't come home. Thank you.

11 PASTOR TORO: I share Henry's feelings  
12 and thoughts, and on behalf of all my members,  
13 Vietnam Veterans of American, Chapter 32 in Queens,  
14 I would not be standing here if it wasn't for their  
15 support for me as President, and on behalf of  
16 everybody, like I've always liked to say, that it  
17 doesn't matter anymore, okay, what you felt about  
18 the Vietnam War, just respect the veterans who  
19 fought that war. Because we're still here today.  
20 Thank you.

21 SPEAKER MILLER: Thank you, gentlemen.

22 Thank you.

23 Council Member Boyland.

24 COUNCIL MEMBER BOYLAND: Good  
25 afternoon.

1 STATED COUNCIL MEETING

2 UN has estimated that by the end of  
3 the year, 3 million will have died from AIDS, and 5  
4 million more infected.

5 As the Chair of the Women's Issues  
6 Committee, I have had the opportunity to listen to  
7 the individual stories of many men, women and  
8 children who have been affected by this disease.

9 Overcoming obstacles and rising to  
10 the challenges of life is an attribute that I  
11 admire, and those qualities evident in today's  
12 honoree Maria Davis.

13 Maria grew up in the South Bronx, the  
14 oldest of six children, in the Mott Haven Projects.  
15 She has served as a pioneering presence in the  
16 modeling and entertainment industry for decades now.

17 However, I know Maria best for her  
18 work in promoting AIDS awareness.

19 I first met Maria at a function at  
20 the UN where she was trying to raise awareness for  
21 the AIDS epidemic in Swazi Land. I also know Maria  
22 sponsored and served as a spokesperson on HIV  
23 awareness issues for the organizations such as Life  
24 Beat, The Music Industry Fights AIDS and BET Rap it  
25 Up Community Service Outreach, while appearing on

1 STATED COUNCIL MEETING

2 innumerous amounts of television and radio shows to  
3 increase our understanding of HIV and AIDS  
4 awareness.

5                   This is with deep appreciation and a  
6 sense of pride that I commend Maria Davis for the  
7 examples she has set for all of us.

8                   Thank you, ladies and gentlemen. I  
9 now give you Maria Davis.

10                   SPEAKER MILLER: If the Clerk will  
11 read the proclamation.

12                   CITY CLERK ROBLES: The Council, City  
13 of New York, Proclamation.

14                   Whereas: The Council of the City of  
15 New York is pleased and proud to honor Maria Davis  
16 for her unique contribution to the City and the  
17 community; and

18                   Whereas: WE are a City made strong by  
19 the efforts of individuals who give exemplary  
20 service to their community through participation in  
21 volunteer programs, personal achievement in their  
22 professional and other endeavors and a life's work  
23 of civic commitment; and

24                   Whereas: Maria Davis is one such  
25 individual who, as an activist for AIDS/HIV

1 STATED COUNCIL MEETING

2 awareness, and as a volunteer for several AIDS  
3 organizations, was responsible for raising thousands  
4 of dollars for promoting awareness and medical  
5 research; and

6                   Whereas: A woman of exceptional  
7 vision and intelligence, Maria Davis has developed  
8 and implemented several educational programs to  
9 foster HIV/AIDS awareness and sensitivity that have  
10 had a special impact on teachers, healthcare  
11 workers, clergy, men, women and children in New York  
12 City; and

13                   Whereas: Ms. Davis has also become a  
14 media spokesperson on HIV/AIDS awareness issues for  
15 such organizations as Life Beat: The Music Industry  
16 Fights AIDS and BET Rap it Up Community Service  
17 Outreach and has appeared on music television,  
18 popular radio stations and has shared her personal  
19 struggle with HIV in a Book, Souls of My Sisters,  
20 while also winning several awards, including the  
21 2002 New York Urban League Building Brick Award, the  
22 2002 Women in Hip-Hop Award and the 2003 CBS Channel  
23 2 Fulfilling the Dream Award; and

24                   Whereas: After completing her career  
25 as a professional model, Ms. Davis launched her own

1 STATED COUNCIL MEETING

2 talent showcase, M.A.D. Wednesday's, to provide a  
3 musical outlet for young urban artists in New York  
4 and has continued to us urban talent and public  
5 venues to spread the message of health education;  
6 and

7                   Whereas: Ms. Davis has been an active  
8 community member throughout her teaching career of  
9 33 years and has graciously volunteered her time and  
10 expertise to a number of organizations and efforts  
11 involving HIV/AIDS awareness;

12                   Whereas: It is with deep appreciation  
13 and a tremendous sense of pride that we recognize  
14 Maria Davis; we are truly enriched by her presence  
15 and commend her for the important contributions she  
16 has made to the life of our City; now, therefore

17                   Be It Known: That the Council of the  
18 City of New York most gratefully honors MARIA DAVIS  
19 for her extraordinary contribution to the City and  
20 the community.

21                   Signed this 15th day of December in  
22 the year Two Thousand and Three, Gifford Miller,  
23 Speaker for the Entire Council; Tracy Boyland,  
24 Council Member, 41st District, Brooklyn.

25                   SPEAKER MILLER: Maria, we're very

1 STATED COUNCIL MEETING

2 honored to have you here with us, and thank you for  
3 all of your service to our City and our country and  
4 the world. And we'd be appreciative if you'd say a  
5 few words.

6 MS. DAVIS: Don't say that to me,  
7 because I can go on forever.

8 But first and foremost, Mr. Perkins  
9 don't remember me on the corner of 116th Street  
10 trying to give him a flyer to my R&B Against AIDS,  
11 telling him I lived in the minority task force  
12 building that he helped put up.

13 But first and foremost, all of you  
14 people just moving around, I want your attention for  
15 a second. I know you have to go on today with your  
16 paperwork, but I want all of you to be mindful, this  
17 is the holiday Christmas season, and as we do our  
18 paperwork and think about school and our MA and our  
19 BAs and PhDs, the most important thing is life and  
20 human beings. And we wouldn't all be here if it  
21 wasn't for the grace of God and his mercy on all of  
22 us, and we all need to be mindful of that when we're  
23 working out these bills down here, HIV/AIDS services  
24 have been cut a lot, and I have the AIDS virus, and  
25 there are people suffering. I'm very fortunate to

1 STATED COUNCIL MEETING

2 have all my friends and family and health providers  
3 and different people here who helped me get back to  
4 the health. I was 96 pounds and I couldn't walk. It  
5 might not mean nothing to you, but it means a whole  
6 great deal to me, that I have people that love me.  
7 And it's very important that we have our health care  
8 providers, very important that we have our nurses,  
9 very important that we have our doctors. The pencil  
10 and the papers don't mean anything. It's the love  
11 and caring of another human being that means the  
12 most.

13                   Please, if you haven't been to the  
14 hospital to visit someone with the AIDS virus, go  
15 and visit. Read a story. Cook a meal. It doesn't  
16 cost much, just your heart.

17                   God bless you, and please support me  
18 in my R&B against AIDS on Wednesday, December 17th,  
19 at Soul Cafe.

20                   SPEAKER MILLER: All right, Bill, make  
21 a note.

22                   Thank you. Congratulations.

23                   MS. DAVIS: These pictures here, I am  
24 in the City. Where is Chris Miller? A participant in  
25 the book, the special book that's coming out in

1 STATED COUNCIL MEETING

2 April, of 80 of us that have the AIDS virus, and it  
3 tells our life story. So, please support it. And I'm  
4 so grateful that Christopher Miller, he's a blessing  
5 over at the City Hall in the AIDS Task Force. God  
6 bless you.

7 SPEAKER MILLER: Thank you.

8 Council Member Yvette Clarke.

9 Council Member Clarke has a special  
10 guest here. It's our last ceremonial. Council Member  
11 Clarke, would you like to bring --

12 COUNCIL MEMBER CLARKE: I'd like to  
13 ask Autum Ashante to come forward at this time.  
14 Brother Ashante.

15 Ladies and gentlemen, I'm presenting  
16 to you a pre-Quanza gift. This is the holiday  
17 season, and we have one of the most precious young  
18 talents that this world has ever known.

19 I want you to sit back a moment.  
20 Brother Ashante has joined us. He is a single parent  
21 who has raised Autum. We're going to read to you a  
22 bit about her background, but she is here to give  
23 you a very special Quanza treat.

24 SPEAKER MILLER: If the clerk could  
25 read the proclamation.



1 STATED COUNCIL MEETING

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

4 Whereas: The Council of the City of  
5 New York is pleased and proud to honor Autum Ashante  
6 and acknowledge her invaluable contributions to the  
7 City; and

8 Whereas: Autum Ashante, at only five  
9 years old, has set her mark on the world with her  
10 remarkable ability to convey the art form of spoken  
11 word poetry; and she conveys the spoken word in the  
12 languages of Arabic, Swahili, Spanish and English,  
13 with such fluency that amazes anyone who sees her  
14 perform; and

15 Whereas: Autum Ashante has performed  
16 for audiences at venues across the nation, including  
17 the Nuyorican Poets Cafe, NY; the Carolines Comedy  
18 Club, NY; the Cotton Club, LA; BET's "Rap It Up";  
19 Russell Simmons' Phat Farm Fashion Show; and Steve  
20 Harvey's "Big Time", and

21 Whereas: Autum Ashante, under the  
22 tutelage of her proud father, Brother Ashante, has  
23 been received as a rising star in the  
24 African-American community; and while she displays a  
25 passion for spoken word, Autum also aspires to

1 STATED COUNCIL MEETING

2 become a school teacher; and Autum enjoys bike  
3 riding, soccer, swimming, movies and dance; and

4                   Whereas: Autumn Ashante continues to  
5 inspire her peers, as well as adults throughout the  
6 community, while also demonstrating the power of a  
7 father's love, the importance of education and the  
8 limitless boundaries of the human mind; now,  
9 therefore

10                   Be It Known: That the Council of the  
11 City of New York honors AUTUM ASHANTE.

12                   Signed this 15th day of December in  
13 the year Two Thousand and Three, Gifford Miller,  
14 Speaker for the Entire Council; Yvette D. Clarke,  
15 Council Member 40th District, Brooklyn.

16                   SPEAKER MILLER: Autum, we're honored  
17 to have you here with us. We'd love it if you'd say  
18 a few words.

19                   AUTUM: Thank you. I'm going to do one  
20 poem. First I'm going to do it in Swahili. (In  
21 Swahili.)

22                   Now I'm going to do it in Arabic. (In  
23 Arabic.)

24                   I'm going to do it in English.

25                   Masterpieces.

1 STATED COUNCIL MEETING

2                   Asking all to be the masterpiece  
3 where the masterpiece like wearing a coat, I want  
4 all to know that with love, all will grow;

5                   The masterpiece like this piece of  
6 African fabric wrapped around me, unity is  
7 positivity; positivity is love; love is lifeforce  
8 energy; so release it and you will all fly like  
9 doves.

10                  Where the masterpiece has certain  
11 knowledge, like a comfortable pair of shoes, tell  
12 all our people the good news;

13                  Divine energy exist in everybody,  
14 everything and everywhere, in the earth, water, fire  
15 and air;

16                  Divine energy exists in everybody,  
17 everything and everywhere, in the earth, water, fire  
18 and air; in the flowers, trees and musical beats, in  
19 gardens, at beaches, in walking and dancing, where  
20 the master of peace like a peacock wears its  
21 feathers, like a giraffe wears its long neck, like a  
22 Queen wears her coat,

23                  Masterpieces like John Beggars,  
24 Elizabeth Katz and Lois Malloy, be the masterpiece  
25 of your own destiny; grab each other's hands in real

1 STATED COUNCIL MEETING

2 unity. I am a masterpiece for all to see; you are a  
3 masterpiece for all to see;

4 I am a masterpiece for all to see;  
5 you are a masterpiece for all to see - peace, love  
6 and light.

7 SPEAKER MILLER: Wow. No one is  
8 following that. Thank you all. Thank you.

9 COUNCIL MEMBER RIVERA: Will the  
10 Stated Meeting of December 15th, 2003, please come  
11 to order.

12 Roll call, please.

13 CITY CLERK ROBLES: Addabbo.

14 COUNCIL MEMBER ADDABBO: Here.

15 CITY CLERK ROBLES: Avella.

16 COUNCIL MEMBER AVELLA: Here.

17 CITY CLERK ROBLES: Baez.

18 COUNCIL MEMBER BAEZ: Here.

19 CITY CLERK ROBLES: Barron.

20 COUNCIL MEMBER BARRON: Here.

21 CITY CLERK ROBLES: Boyland.

22 COUNCIL MEMBER BOYLAND: Here.

23 CITY CLERK ROBLES: Brewer.

24 COUNCIL MEMBER BREWER: Here.

25 CITY CLERK ROBLES: Clarke.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER CLARKE: Present.

3 CITY CLERK ROBLES: Comrie.

4 COUNCIL MEMBER COMRIE: Here.

5 CITY CLERK ROBLES: DeBlasio.

6 COUNCIL MEMBER DEBLASIO: Here.

7 CITY CLERK ROBLES: Dilan.

8 COUNCIL MEMBER DILAN: Here.

9 CITY CLERK ROBLES: Espada.

10 (No response.)

11 CITY CLERK ROBLES: Felder.

12 COUNCIL MEMBER FELDER: Here.

13 CITY CLERK ROBLES: Fidler.

14 COUNCIL MEMBER FIDLER: Here.

15 CITY CLERK ROBLES: Foster.

16 COUNCIL MEMBER FOSTER: Here.

17 CITY CLERK ROBLES: Gallagher.

18 COUNCIL MEMBER GALLAGHER: Here.

19 CITY CLERK ROBLES: Gennaro.

20 COUNCIL MEMBER GENNARO: Here.

21 CITY CLERK ROBLES: Gentile.

22 COUNCIL MEMBER GENTILE: Here.

23 CITY CLERK ROBLES: Gerson.

24 COUNCIL MEMBER GERSON: Here.

25 CITY CLERK ROBLES: Gioia.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER GIOIA: Here.

3 CITY CLERK ROBLES: Gonzalez.

4 COUNCIL MEMBER GONZALEZ: Here.

5 CITY CLERK ROBLES: Jackson.

6 COUNCIL MEMBER JACKSON: Here.

7 CITY CLERK ROBLES: James.

8 COUNCIL MEMBER JAMES: Here.

9 CITY CLERK ROBLES: Jennings.

10 COUNCIL MEMBER JENNINGS: Here.

11 CITY CLERK ROBLES: Katz.

12 COUNCIL MEMBER KATZ: Here.

13 CITY CLERK ROBLES: Koppell.

14 COUNCIL MEMBER KOPPELL: Here.

15 CITY CLERK ROBLES: Lanza.

16 COUNCIL MEMBER LANZA: Here.

17 CITY CLERK ROBLES: Liu.

18 COUNCIL MEMBER LIU: Here.

19 CITY CLERK ROBLES: Lopez.

20 COUNCIL MEMBER LOPEZ: Here.

21 CITY CLERK ROBLES: Martinez.

22 COUNCIL MEMBER MARTINEZ: Here.

23 CITY CLERK ROBLES: McMahan.

24 COUNCIL MEMBER McMAHON: Here.

25 CITY CLERK ROBLES: Monserrate.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER MONSERRATE: Here.

3 CITY CLERK ROBLES: Moskowitz.

4 COUNCIL MEMBER MOSKOWITZ: Here.

5 CITY CLERK ROBLES: Nelson.

6 COUNCIL MEMBER NELSON: Here.

7 CITY CLERK ROBLES: Perkins.

8 COUNCIL MEMBER PERKINS: Here.

9 CITY CLERK ROBLES: Provenzano.

10 COUNCIL MEMBER PROVENZANO: Here.

11 CITY CLERK ROBLES: Quinn.

12 COUNCIL MEMBER QUINN: Here.

13 CITY CLERK ROBLES: Recchia.

14 COUNCIL MEMBER RECCHIA: Here.

15 CITY CLERK ROBLES: Reed.

16 COUNCIL MEMBER REED: Here.

17 CITY CLERK ROBLES: Reyna.

18 COUNCIL MEMBER REYNA: Present.

19 CITY CLERK ROBLES: Sanders.

20 COUNCIL MEMBER SANDERS: Here.

21 CITY CLERK ROBLES: Seabrook.

22 COUNCIL MEMBER SEABROOK: Here.

23 CITY CLERK ROBLES: Sears.

24 COUNCIL MEMBER SEARS: Here.

25 CITY CLERK ROBLES: Serrano.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER SERRANO: Here.

3 CITY CLERK ROBLES: Stewart.

4 COUNCIL MEMBER STEWART: Here.

5 CITY CLERK ROBLES: Vallone.

6 COUNCIL MEMBER VALLONE: Here.

7 CITY CLERK ROBLES: Vann.

8 COUNCIL MEMBER VANN: Here.

9 CITY CLERK ROBLES: Weprin.

10 COUNCIL MEMBER WEPRIN: Here.

11 CITY CLERK ROBLES: Yassky.

12 COUNCIL MEMBER YASSKY: Here.

13 CITY CLERK ROBLES: Oddo.

14 COUNCIL MEMBER ODDO: Here.

15 CITY CLERK ROBLES: Rivera.

16 COUNCIL MEMBER RIVERA: Here.

17 CITY CLERK ROBLES: Speaker Miller.

18 SPEAKER MILLER: Here.

19 COUNCIL MEMBER RIVERA: A quorum is

20 present. Members, please rise for the invocation

21 being delivered by Father James P. Hayes of St.

22 Andrews R.C. Church. Cardinal Hayes.

23 REV. HAYES: God our creator.

24 Throughout time and history you have

25 chosen stewards, guardians of the public trust,



1 STATED COUNCIL MEETING

2 leaders of this great City.

3                   We gather here in this City Council  
4 Chamber, we stop and pay attention to our common  
5 vocation, as stewards of this City and guardians of  
6 the trust, those dedicated to public service.

7                   We stand as members of this City  
8 Council. We come this day on the eve of religious  
9 celebrations, holidays and sacred seasons and the  
10 beginning of a New Year.

11                   We gather this day in this most  
12 historic Chamber, as members of this City Council.  
13 We seek guidance, courage and wisdom.

14                   As members of this City Council we  
15 stand in the spirit of unity to discuss and vote on  
16 proposals, issues and concerns that will enhance the  
17 quality of life for all.

18                   Inspire these members of this Council  
19 to administer their office in righteousness. Let  
20 them encourage due respect for all life and  
21 diversity, and as they administer their office, let  
22 a spirit of right judgement speak to their heart.

23                   As members of this City Council, we  
24 stand in the Spirit of Gratitude, a gratitude for  
25 all the gifts and talents bestowed upon each and

1 STATED COUNCIL MEETING

2 every one gathered here this day.

3                   Let this gratitude also be tempered  
4 by a Spirit of Compassion so that we, as the  
5 stewards and guardians of the City, may reach out to  
6 all in need.

7                   Assist these guardians gathered here  
8 this day with counsel, inner fortitude, and a  
9 healing spirit.

10                   Guide these men and women as they  
11 strive to foster political and civic reform.

12                   May they find that inner strength and  
13 wisdom to discharge their office with honesty and  
14 ability.

15                   As members of this City Council, we  
16 stand in the Spirit of Courage, as the stewards and  
17 guardians of this City, vote and discern, we ask for  
18 guidance in all our deliberations. Let all of our  
19 legislation become the foundation of order, rule and  
20 good government.

21                   May that same spirit of courage guide  
22 our decisions - mindful always that justice and  
23 peace act as our inner guide.

24                   As members of this City Council, we  
25 stand with our heads bowed and hearts open.

1 STATED COUNCIL MEETING

2 Give us strength. Guide us by inner  
3 wisdom, and let the spirits of unity, gratitude and  
4 courage be with us this day.

5 Let us all respond in one voice and  
6 speak as guardians, servants and stewards of this  
7 great City by saying amen.

8 COUNCIL MEMBER RIVERA: Thank you very  
9 much, Father.

10 Council Member Jackson.

11 COUNCIL MEMBER JACKSON: Yes, I make a  
12 motion to spread the invocation in full upon the  
13 record by members of the City Council.

14 COUNCIL MEMBER RIVERA: Adoption of  
15 the minutes.

16 COUNCIL CLERK CHERRY: None.

17 COUNCIL MEMBER RIVERA: Messages and  
18 Papers from the Mayor.

19 COUNCIL CLERK CHERRY: M 818.

20 SPEAKER MILLER: Finance.

21 COUNCIL CLERK CHERRY: M 819.

22 SPEAKER MILLER: Received, ordered,  
23 printed and filed.

24 COUNCIL MEMBER RIVERA: Communications  
25 from City, County and Borough Offices.

1 STATED COUNCIL MEETING

2 COUNCIL CLERK CHERRY: M 820. From  
3 page one, through M 826 on page two.

4 SPEAKER MILLER: All referred to the  
5 Committee on Transportation.

6 COUNCIL MEMBER RIVERA: Petitions and  
7 Communications.

8 COUNCIL CLERK CHERRY: None.

9 COUNCIL MEMBER RIVERA: Land Use  
10 Call-Ups.

11 COUNCIL CLERK CHERRY: M-827 on page  
12 two through M 833 on page three.

13 SPEAKER MILLER: All coupled on a  
14 call-up vote.

15 I just want to ask the clerk to call  
16 the roll on all items coupled on the Call-Up vote.

17 COUNCIL CLERK: Addabbo.

18 COUNCIL MEMBER ADDABBO: Aye.

19 COUNCIL CLERK: Avella.

20 COUNCIL MEMBER AVELLA: Aye.

21 COUNCIL CLERK: Baez.

22 COUNCIL MEMBER BAEZ: Aye.

23 COUNCIL CLERK: Barron.

24 COUNCIL MEMBER BARRON: Aye on all.

25 COUNCIL CLERK: Boyland.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER BOYLAND: Aye on all.

3 COUNCIL CLERK: Brewer.

4 COUNCIL MEMBER BREWER: Aye on all.

5 COUNCIL CLERK: Clarke.

6 COUNCIL MEMBER CLARKE: Aye on all.

7 COUNCIL CLERK: Comrie.

8 (No response.)

9 COUNCIL CLERK: DeBlasio.

10 COUNCIL MEMBER DEBLASIO: Aye on all.

11 COUNCIL CLERK: Dilan.

12 (No response.)

13 COUNCIL CLERK: Felder.

14 COUNCIL MEMBER FELDER: Aye.

15 COUNCIL CLERK: Fidler.

16 COUNCIL MEMBER FIDLER: Aye.

17 COUNCIL CLERK: Foster.

18 COUNCIL MEMBER FOSTER: Aye.

19 COUNCIL CLERK: Gallagher.

20 COUNCIL MEMBER GALLAGHER: Aye.

21 COUNCIL CLERK: Gennaro.

22 COUNCIL MEMBER GENNARO: Aye.

23 COUNCIL CLERK: Gentile.

24 (No response.)

25 COUNCIL CLERK: Gerson.

1 STATED COUNCIL MEETING

2 (No response.)

3 COUNCIL CLERK: Gonzalez.

4 COUNCIL MEMBER GONZALEZ: Aye on all.

5 COUNCIL CLERK: James.

6 COUNCIL MEMBER JAMES: Aye on all.

7 COUNCIL CLERK: Jackson.

8 COUNCIL MEMBER JACKSON: Aye on all.

9 COUNCIL CLERK: Jennings.

10 COUNCIL MEMBER JENNINGS: Aye on all.

11 COUNCIL CLERK: Katz.

12 COUNCIL MEMBER KATZ: Aye on all.

13 COUNCIL CLERK: Koppell.

14 (No response.)

15 COUNCIL CLERK: Liu.

16 COUNCIL MEMBER LIU: Yes.

17 COUNCIL CLERK: Lopez.

18 COUNCIL MEMBER LOPEZ: Aye on all.

19 COUNCIL CLERK: Martinez.

20 (No response.)

21 COUNCIL CLERK: McMahon.

22 COUNCIL MEMBER McMAHON: Aye on all.

23 COUNCIL CLERK: Monserrate.

24 COUNCIL MEMBER MONSERRATE: Aye on

25 all.

1 STATED COUNCIL MEETING

2 COUNCIL CLERK: Nelson.

3 COUNCIL MEMBER NELSON: Aye on all.

4 COUNCIL CLERK: Perkins.

5 COUNCIL MEMBER PERKINS: Aye.

6 COUNCIL CLERK: Provenzano.

7 COUNCIL MEMBER PROVENZANO: Aye.

8 COUNCIL CLERK: Quinn.

9 COUNCIL MEMBER QUINN: Aye.

10 COUNCIL CLERK: Recchia.

11 COUNCIL MEMBER RECCHIA: Here. Aye on

12 all.

13 COUNCIL CLERK: Reed.

14 COUNCIL MEMBER REED: Aye on all.

15 COUNCIL CLERK: Reyna.

16 COUNCIL MEMBER REYNA: Aye on all.

17 COUNCIL CLERK: Sanders.

18 COUNCIL MEMBER SANDERS: Aye on all.

19 COUNCIL CLERK: Seabrook.

20 (No response.)

21 COUNCIL CLERK: Sears.

22 COUNCIL MEMBER SEARS: Aye.

23 COUNCIL CLERK: Serrano.

24 COUNCIL MEMBER SERRANO: Aye.

25 COUNCIL CLERK: Stewart.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER STEWART: Aye.

3 COUNCIL CLERK: Vallone.

4 COUNCIL MEMBER VALLONE: Aye on all.

5 COUNCIL CLERK: Vann.

6 (No response.)

7 COUNCIL CLERK: Weprin.

8 COUNCIL MEMBER WEPRIN: Aye.

9 COUNCIL CLERK: Yassky.

10 COUNCIL MEMBER YASSKY: Aye.

11 COUNCIL CLERK: Gerson.

12 COUNCIL MEMBER GERSON: Aye on all.

13 COUNCIL CLERK: Dilan.

14 COUNCIL MEMBER DILAN: Aye on all

15 call-ups.

16 COUNCIL CLERK: Oddo.

17 COUNCIL MEMBER ODDO: Yes.

18 COUNCIL CLERK: Rivera.

19 COUNCIL MEMBER RIVERA: Aye on all.

20 We also have Oliver Koppell now

21 present as well.

22 COUNCIL CLERK: Koppell.

23 COUNCIL MEMBER KOPPELL: Aye on all.

24 COUNCIL CLERK: Speaker Miller.

25 SPEAKER MILLER: Aye.



1 STATED COUNCIL MEETING

2 COUNCIL MEMBER RIVERA: Communication  
3 from the Speaker.

4 SPEAKER MILLER: There's a number of  
5 things I want to impart with the membership, first  
6 and foremost, I want to say that the electrical  
7 code, which we're doing today, is extremely weighty  
8 and heavy and large, and so copies are available in  
9 room five and all of the members should know that.

10 We are doing a number of important  
11 things today, and one in particular I want to draw  
12 the attention to my colleagues, and that is that we  
13 are today passing the most thoughtful, effective and  
14 forceable piece of lead paint legislation in the  
15 country, in my view.

16 The reality is that thousands of our  
17 children every year have their futures ruined and  
18 their families have to experience the extraordinary,  
19 extraordinary pain of seeing a child poisoned by  
20 lead.

21 Today this Council will pass a piece  
22 of legislation that will set us on the track to  
23 making this City finally safe for all of the  
24 children in the City of New York.

25 This piece of legislation goes

1 STATED COUNCIL MEETING

2 straight to the heart of the matter by setting  
3 clear, responsible, nationally recognized  
4 environmental standards that protect children.

5                   It focuses the cost of this  
6 legislation on the communities that are particularly  
7 affected and on the children who can be prevented  
8 from being lead poisoned in the first place.

9                   It is the product of hours and hours  
10 and days and even months and years of work, and I  
11 want to salute all of the advocates, the people,  
12 particularly I want to salute the victims who in the  
13 face of great despair stood up and worked hard to  
14 bring us to this point so that future children would  
15 not be poisoned and have their lives and their hopes  
16 taken from them.

17                   This is an important moment.

18                   And I want to say to my colleagues  
19 who worked so hard to bring us here, that I am  
20 grateful for all of the give and take, for all of  
21 the work that went into this legislation, I think  
22 the Administration should be proud of this bill,  
23 because they made a number of suggestions that we  
24 adopted in order to make it more effective, and more  
25 enforceable.

1 STATED COUNCIL MEETING

2                   But we have reached a point with this  
3 legislation in which it can no longer get any  
4 better. All we can do is weaken its effect in  
5 protecting children, and we will not do that. We  
6 will not sacrifice the future of our kids.

7                   And, so, I believe personally, that  
8 this is the best piece of legislation that has been  
9 adopted anywhere in the country, and I'm very proud  
10 of this Council for coming to this point, and I  
11 strongly encourage my colleagues to support it, as  
12 the right measure at the right time.

13                   I'd also, there are a number of other  
14 important pieces of legislation that are on the  
15 agenda today, we are acting to reduce particulate  
16 matter and the pollution of our City, poisoning of  
17 children, in particular, and a great asthma problem  
18 in our City.

19                   We are acting to protect victims of  
20 domestic violence and for the first time in any City  
21 in the country, to require employers to make  
22 reasonable accommodations to protect their employees  
23 who are victims of domestic violence or stalking.  
24 It's the right thing to do.

25                   We also have important economic

1 STATED COUNCIL MEETING  
2 development matters that we're dealing with today,  
3 and we're dealing with a lot of critical issues, and  
4 we're building on a record of success, and I know  
5 we're going to talk more about what this Council has  
6 accomplished over the last two years at the next  
7 Stated Council meeting, and I look forward to doing  
8 that with my colleagues, and I just want to say that  
9 it's been an extraordinary two years. We've grappled  
10 with some of the most difficult issues that any City  
11 has ever had to face almost anywhere in this  
12 country, and we've done it together, we've done it  
13 with respect for one another, and most importantly  
14 we've done it with respect for the people of the  
15 City of New York, and their values and their  
16 priorities, and building on a legacy that this City  
17 should be proud of. For 350 years this is where  
18 people come because they believe in themselves and  
19 they want to build in a better future for themselves  
20 and their children. The work that we do today, and  
21 the work that we've done every day over the last two  
22 years has been to advance that. So I am proud of my  
23 colleagues, and thank you for all of your support  
24 and your efforts.

25                                   At this point I would move to

1 STATED COUNCIL MEETING

2 continue the discussion of general order.

3 COUNCIL MEMBER RIVERA: Thank you very  
4 much.

5 Today's Land Use Call-Ups were  
6 adopted by a vote of 42 in the affirmative, zero in  
7 the negative.

8 Discussion of General Orders.

9 James Sanders is recognized. James  
10 Sanders.

11 COUNCIL MEMBER SANDERS: Thank you  
12 very much, Mr. Speaker, Council member.

13 I rise to support Intro. 431 and 597,  
14 and of course to tell people about, remind you of  
15 preconsidered resolution 1214.

16 These resolutions and intros have to  
17 do with economic development for our City. It has to  
18 do with expanding the zone where East New York and  
19 Harlem Empire Zone, and that's something that we as  
20 a City need to do, but it also has to do with  
21 supporting and making sure that New York City stays  
22 competitive in this international arena that we find  
23 ourselves in. I want to thank the Committee for  
24 their hard work on this.

25 And I also want to thank especially

1 STATED COUNCIL MEETING

2 Council Member Dilan who pointed out many things  
3 that this Committee needs to go into on another day.  
4 So, I'm urging everyone to support these, and we  
5 will compete New York City competitive and make sure  
6 all of New York shares in the bounty that is  
7 created.

8 Thank you very much, Mr. Speaker.

9 COUNCIL MEMBER RIVERA: Thank you very  
10 much.

11 Council Member Charles Barron.

12 COUNCIL MEMBER BARRON: Thank you very  
13 much, Mr. Chair.

14 I rise on a very historic day to  
15 support lead Local Law 101-A and to give to Bill  
16 Perkins a big round of applause for his tireless  
17 work. You did a great job. A great job.

18 (Applause.)

19 Mr. Chair, you have to stop the clock  
20 on that time. That was not me speaking, so I should  
21 be added another minute or two or three or four or  
22 five.

23 And I also want to applaud Cordel  
24 Clear. Cordel, his staff members, did a fantastic  
25 job in getting us where we are today, and we had to

1 STATED COUNCIL MEETING

2 go through being accused of creating homelessness,  
3 being accused of going against affordable housing,  
4 but today we stand for our children, and eighty and  
5 ninety percent of those children were children of  
6 color, and it's just an honor to say that this City  
7 Council is going forward to make this a lead-safe  
8 environment for our children. Historic day today.

9 I also want to say that we should  
10 support 100 percent Local Law 38, the Equal Access  
11 Law. Equal Access Law. If those who speak limited  
12 English could die in wars, pay taxes, clean our  
13 homes, take care of our elderly and our youth, then  
14 they should have equal access to everything that  
15 everybody else has equal access to in this City.

16 Finally, I want to thank Chairman  
17 Sanders of the Economic Development Committee for  
18 his work on expanding the empire zone and supporting  
19 that for East New York, but also I want to say I  
20 want to thank him for including in addition to the  
21 tax break that corporations get for providing local  
22 or entry level jobs, for his support to recommend to  
23 the state that we also have these corporations that  
24 are getting welfare to come in and build in our  
25 neighborhoods, also share the profit, profit sharing

1 STATED COUNCIL MEETING

2 to build up our neighborhoods and build up the  
3 inner-city.

4 Thank you very much, Mr. Chair.

5 COUNCIL MEMBER RIVERA: Thank you very  
6 much.

7 We have Council Member Gennaro.

8 COUNCIL MEMBER GENNARO: Thank you,  
9 Mr. Acting Public Advocate.

10 I rise today to talk about three  
11 bills that are coming out of the Committee on  
12 Environmental Protection. One the Speaker made brief  
13 reference to where we would do a bill that would  
14 require the use of ultra low sulfur diesel in  
15 non-road vehicles doing City construction projects,  
16 sponsored by Council Member Gerson and myself.

17 Council Member Gerson was the lead, I  
18 think he deserves a round of applause for his great  
19 work on this bill as well.

20 It's a very broad-sweeping bill that  
21 will decrease dramatically the diesel particulates,  
22 it's a great thing for the City and we're going to  
23 move on and do more pieces of legislation like this  
24 that affect other areas of diesel pollution.

25 We're also doing two bills that have



1 STATED COUNCIL MEETING

2 to do with the City's community right to know law.  
3 It's Intro. 585-A and Intro. 122-A, which would  
4 increase the penalties of those that would violate  
5 the right to know law. People who handle toxic  
6 chemicals have to report these to the City's DEP up  
7 until now in some sectors people had been violating  
8 the law and paying the fine as a cost of doing  
9 business. This will stop under Intro. 585-A. And  
10 Intro. 122 would require DEP to report all of its  
11 enforcement activities of the right to know law in  
12 making sure that we're getting all of the  
13 enforcement we need and deserve.

14 I'd like to thank the Speaker,  
15 Council Member Gerson, members of my committee, all  
16 my colleagues, and all the great environmental  
17 advocates that supported all of these measures.

18 It's been a great two years. Thank  
19 you and God bless.

20 COUNCIL MEMBER RIVERA: Council Member  
21 John Liu.

22 COUNCIL MEMBER LIU: Thank you, Mr.  
23 Chair.

24 My colleagues, I want to bring to  
25 your attention and ask you for your support on

1 STATED COUNCIL MEETING

2 Intro. 38-A which is the Equal Access to Human  
3 Services bill.

4                   This legislation is absolutely  
5 necessary. It makes sense because for a long time, a  
6 large percentage of New Yorkers have been excluded  
7 from City services and benefits simply because of  
8 their lack of ability to speak English fluently.

9                   That has to stop. It makes sense  
10 because it will bring federal dollars into our City,  
11 dollars that we have foregone because these people  
12 have been locked out of these benefits.

13                   It is the right thing to do, because  
14 I have heard many of us, rightfully so, say that we  
15 are in New York City the capital of the world, but I  
16 have never ever heard anybody say we are New York  
17 City, capital of the English-speaking world.

18                   The fact is, this is a world that has  
19 diversity. This is a world that speaks many  
20 languages, and in New York City, if we cannot  
21 provide services to all people regardless of the  
22 language they speak, then we cannot claim to be the  
23 capital of the world. And I want to claim that we  
24 are the capital of the world. So, let's pass Intro.  
25 38-A. It is a step in the right direction.

1 STATED COUNCIL MEETING

2 I want to thank the Speaker for his  
3 support for this bill. I want to thank the work of  
4 Chairman Bill DeBlasio of the General Welfare  
5 Committee, and I want to thank all of my colleagues  
6 in the City Council, particularly Gale Brewer, who  
7 has been with me on this bill since day one.

8 And most of all, the advocates who  
9 are here with us who have been there every single  
10 day of this two-year process that led up to this  
11 day. This is truly a historic moment and I am so  
12 proud to be a member of the City Council.

13 COUNCIL MEMBER RIVERA: Council Member  
14 Oddo.

15 COUNCIL MEMBER ODDO: Thank you.  
16 Today's vote on Intro. 101-A ends for now the  
17 legislative branch of government involvement with  
18 lead. The judicial branch of government is now on a  
19 clock and rest assured this bill will end up in the  
20 courts.

21 Thankfully, as it winds its way  
22 throughout the judicial process, lead cases in New  
23 York City will continue to decrease at a rate  
24 greater than the national standard.

25 Tragically, as it winds its way

1 STATED COUNCIL MEETING

2 through the courts, kids will still be poisoned. And  
3 as our colleagues have pointed out today, and on  
4 previous occasions, they'll be poisoned in  
5 particular communities, mostly communities of color.

6                   Moreover, today we pass a piece of  
7 legislation that has unintended consequences. The  
8 legal standards of liability of this bill create,  
9 make it easier to sue property owners, highly  
10 responsible ones. This will jeopardize the ability  
11 to attain the necessary property liability insurance  
12 and that all rehabilitation investors rely upon.

13                   Expanding the liability to presume  
14 that all pre-1960 buildings have lead paint for  
15 purposes of tort law would, we believe, be  
16 interpreted by insurers as providing too fertile a  
17 ground for endless litigations. That's not my  
18 language. That's the language of Michael D. Lappin,  
19 the President of the not-for-profit Community  
20 Preservation Corporation.

21                   We have missed a chance to get a bill  
22 that focuses the resources in the areas needed, a  
23 bill that will survive legal challenges, and a bill  
24 that would help our kids.

25                   So, while some will move on to

1 STATED COUNCIL MEETING

2 Borough President and to Congress and to the  
3 Mayorship, some of us will still be here in the  
4 Council having to deal with lead again. I hope at  
5 that opportunity we get it right, because today we  
6 didn't.

7 COUNCIL MEMBER RIVERA: Councilwoman  
8 Brewer.

9 COUNCIL MEMBER BREWER: Thank you very  
10 much. I rise to talk about 198-A, which is the  
11 electronic death registration system. I will say  
12 that the purpose of this bill is to give some  
13 deadline for implementation of a brand new concept  
14 that means that the funeral industry, which  
15 obviously has a great impact on families in this  
16 City, will be mandated to follow certain guidelines  
17 and time frames, will hopefully make it easier when  
18 all of us die to register death certificates.

19 Many families now have to wait six  
20 months, and I want to say as a technology Mayor, who  
21 was terrific in implementing 311 with hundreds of  
22 different variables and many agencies, I hope he  
23 signs this bill when it's passed by the City  
24 Council, which is just doing with one agency.

25 I want to thank certainly the

1 STATED COUNCIL MEETING

2 Department of Health, Steven Schwartz, Nick Noe, and  
3 the many people who work here from the Speaker's  
4 Office, Council Member Quinn who led it in the  
5 Health Committee, the Greater New York, which  
6 represents the hospitals, which is not taking the  
7 position, but I appreciate their input, and of  
8 course, the many small and large funeral directors.

9 I think this is an example, just as  
10 the wonderful work that John Liu did with advocates  
11 on 38-A where technology can lead the way for  
12 actually making difference in people's lives.

13 So I hope you'll vote for it and I  
14 want to commend John Liu and the many advocates, it  
15 was a pleasure to work with him to make us a leader  
16 in the City in terms of representing the diversity  
17 in language that we are so very proud of.

18 Thank you very much.

19 COUNCIL MEMBER RIVERA: Councilwoman  
20 Madeline Provenzano.

21 COUNCIL MEMBER PROVENZANO: Thank you.

22 The Housing Committee has two bills  
23 before the Council today. The first is 581-A which  
24 is the electrical code, and sometimes things such as  
25 the electrical codes don't get the credit that they

1 STATED COUNCIL MEETING

2 really deserve, they're kind of, you know, not sexy  
3 enough for people to care a whole lot about it. But  
4 it is an important piece of legislation. And it's  
5 part of the ongoing process of keeping the  
6 electrical code current with the advances in  
7 technology.

8 Councilwoman Brewer, you'll like  
9 that.

10 It will ensure that the electrical  
11 work that's done in this City can be done in a safe  
12 and cost effective way.

13 And we do have the new code, and if  
14 you promise to read it, you can get a copy of it.  
15 There are folks here that can give it out to you or  
16 you can get it in room 5.

17 Secondly, the 101-A, the lead bill,  
18 as Chairwoman of Housing and Buildings, I've sat  
19 through many, many hours of testimony. We had I  
20 think six or seven hearings on Intro. 101-A.

21 And I listened intently and I think  
22 fairly patiently to all the testimony, including all  
23 the changes, and there weren't many. And I sat and I  
24 kind of waited to be convinced that we could do the  
25 right thing with this piece of legislation.

1 STATED COUNCIL MEETING

2 We had Intro. No. 1, we had Intro. 38  
3 and now 101-A. Sometimes we hope that practice makes  
4 perfect. Obviously, not always.

5 I've devoted my entire career to the  
6 children of my district in this City, and I dare  
7 anyone to challenge that.

8 Unfortunately, this legislation,  
9 which should be all about the children, isn't. We've  
10 come so far from that goal. If it were all about the  
11 children, it would have been an easier lift.

12 I have some very serious concerns  
13 about 101-A as it stands today.

14 First of all, I feel we should have  
15 focused on the areas of the City with the greatest  
16 need, and concentrated our efforts and resources and  
17 dollars in those areas.

18 That would have limited the scope of  
19 the bill and still accomplished what we needed to  
20 do.

21 By diluting these resources Citywide,  
22 we are cheating the neediest kids.

23 Secondly, I still have a problem with  
24 the age of seven. It could reasonably be six or even  
25 five. Every additional year costs us about four and



1 STATED COUNCIL MEETING

2 a half million dollars.

3                   And I ask your indulgence since I'm  
4 talking on two bills.

5                   Thirdly, I'm not an attorney, and I  
6 don't speak legalees, but as I see it, the whole  
7 issue of presumption is based on the premise that a  
8 landlord is guilty until he can prove himself  
9 innocent.

10                   Last time I looked, this was still  
11 America.

12                   Presumption creates a whole myriad of  
13 problems that are a direct hit on affordable housing  
14 in this City. As Chairwoman of Housing and  
15 Buildings, I have committed myself to addressing the  
16 growing problem of affordable housing in all parts  
17 of this City.

18                   Remember, at least 66 percent of  
19 housing stock in this city is pre-1960s, and that is  
20 the housing stock that we are addressing in this  
21 bill.

22                   Presumption pushes the liability  
23 issue so far that it will be almost impossible for  
24 landlords to get insurance.

25                   Thus, they will be unable to get

1 STATED COUNCIL MEETING

2 loans to rehab buildings, thus we will revert back  
3 to the early seventies, an era some of you don't  
4 even know anything about.

5                   This domino effect will lead once  
6 again to abandoned buildings, burned-out buildings,  
7 landlords will walk away from properties they can't  
8 maintain. The City will once again be collecting in  
9 rem properties, an area HPD and my committee have  
10 worked so hard to clear up.

11                   You know, most of the legislation we  
12 work on and pass is easy enough to do. It's feel  
13 good stuff. But every once in awhile there's the  
14 vote that really takes the courage of your  
15 convictions, because you believe in what your soul  
16 tells you to do. You remove politics from the issue.  
17 To me those votes were the smoking bill. I believed  
18 in it. I still do. The real estate tax increase was  
19 really tough, but I believe it was necessary. And  
20 the lead bill. I truly believe the bill we have  
21 before us today is the wrong way to go, and I'm as  
22 passionate about that as are the proponents of it.

23                   I wish more of my colleagues would  
24 have attended the hearings, but I know you're busy  
25 folks, but I ask you, think about your vote today.

1 STATED COUNCIL MEETING

2 Don't vote for all the wrong reasons, be they  
3 politics, apathy, or intimidation.

4 Don't be lulled into thinking this  
5 bill is about the children. It's gotten to be so far  
6 removed from being about the children.

7 We should not let go of this until we  
8 get it right. It is that important.

9 Trust the courage of your  
10 convictions. Vote no. I thank you.

11 COUNCIL MEMBER RIVERA: Council Member  
12 Gallagher.

13 COUNCIL MEMBER SANDERS: Point of  
14 order. Point of order.

15 COUNCIL MEMBER RIVERA: There will be  
16 none of that inside these chambers, please.  
17 Everybody please respect everybody within the  
18 Chambers. Thank you.

19 COUNCIL MEMBER SANDERS: Mr. Chair,  
20 point of order.

21 COUNCIL MEMBER RIVERA: Yes.

22 COUNCIL MEMBER SANDERS: Mr. Chair, I  
23 respectfully request that you adhere to the time  
24 frame. This is a long subject matter and if everyone  
25 speaks the amount of period of time that they want,

1 STATED COUNCIL MEETING

2 we will be here all night. I respectfully request  
3 that the order as far as the time frame, the limit  
4 to speaking on a particular matter, be adhered to.

5 COUNCIL MEMBER RIVERA: So granted.

6 Next will be Council Member  
7 Gallagher.

8 COUNCIL MEMBER GALLAGHER: I wish to  
9 speak in opposition to Intro. 101 today.

10 Today we're replacing a law that was  
11 deemed by many to be a public health success story  
12 for a new law that applies a draconian standard,  
13 without establishing a casual effect between meeting  
14 the problem and the purported cure.

15 Our new proposed lead law purports to  
16 deal with dangerous situations, in a manner that is  
17 completely inconsistent with diminishing the impact  
18 of elevated lead levels and children in some of our  
19 most oppressed communities.

20 It runs contrary to the expert  
21 testimony presented before the Housing and Buildings  
22 Committee and does not take into account the myriad  
23 of alternative sources that contributes to elevated  
24 lead levels in children.

25 The bill also does not take into

1 STATED COUNCIL MEETING

2 account the fact that a percentage of lead poisoning  
3 occurs in foreign jurisdictions well beyond the  
4 reach of our laws.

5                   In the long run, this proposed  
6 legislation will have a devastating effect on  
7 affordable housing in the City of New York.

8                   It will cost the taxpayers billions  
9 of dollars, without any appreciable benefit to the  
10 children of this City.

11                   It will further cause the abandonment  
12 and deterioration of small to medium multiple  
13 dwellings in some of our most at risk communities.

14                   The owners and operators of housing  
15 units to the City did not have the financial  
16 wherewithal to make the mandated repairs in this  
17 statute, repairs which are cumbersome,  
18 overburdensome, and unnecessary.

19                   In addition, they will not be able to  
20 obtain the necessary liability insurance to protect  
21 not only their interest, but the interest of the  
22 tenants in the affected premises.

23                   In short, there are two entities that  
24 benefit from this legislation, the rehabilitation  
25 contractors, particularly those who do not pay

1 STATED COUNCIL MEETING

2 prevailing wage to their workers, and the lawyers  
3 who thrive on frivolous lawsuits, lawsuits which no  
4 longer have the basis and fact, but as a result in  
5 this law are now deemed valid as a matter of law.

6 COUNCIL MEMBER RIVERA: Council  
7 Member.

8 COUNCIL MEMBER GALLAGHER: I will be  
9 summing up in one moment.

10 I just have to say that today what  
11 we're really doing is we're giving a Christmas  
12 present or a holiday present to the lawyers of the  
13 City of New York, and this bill is their present.  
14 And to tell you the truth, we know that they're  
15 going to have a prosperous New Year.

16 Thank you.

17 COUNCIL MEMBER RIVERA: Thank you very  
18 much.

19 Council Member Fidler.

20 COUNCIL MEMBER FIDLER: Thank you, Mr.  
21 Chairman.

22 Before I speak on the lead paint  
23 bill, which is the most important of many important  
24 things we're doing today, I want to call my  
25 colleagues' attention to Resolution 1240 by which

1 STATED COUNCIL MEETING

2 the recommendation of the Brooklyn Delegation of the  
3 Council, Josephine Bollus of the Health and  
4 Hospitals Corporation, Josephine is a woman of  
5 incredible integrity and probably will be the first  
6 RN and resident of public housing to serve on that  
7 board and I urge their support for it.

8                   As for the lead paint bill, I do want  
9 to say that Intro. 101-A is far from perfect - so am  
10 I. I think it's hard to explain to people why  
11 raising the age to seven actually takes resources  
12 away from the children most at risk. I think there  
13 are issues that do impact on affordable housing.

14                   But I do also recognize that there  
15 still is a long work in progress compromise. I want  
16 to thank the Speaker and Marcel and Madeline and  
17 Bill Perkins, for all the work that they did to get  
18 to this bill, and know there are things in it I  
19 don't like.

20                   I think the Court of Appeals took  
21 this decision out of our hands last June. When Local  
22 Law 38 was struck down, it left this City with no  
23 lead paint bill. No bill de facto that protects our  
24 children from lead poisoning, and not having a lead  
25 paint bill in this City is unconscionable. And that

1 STATED COUNCIL MEETING

2 is why we're going to have to -- we have to pass  
3 101-A today. I regret that we did not have more time  
4 to consider the negative declaration, which was a  
5 document almost as long as the electrical code,  
6 Madeline, that was put on our desks the morning of  
7 the hearing. But it is something that our children  
8 require that we do today, and that is why I'll be  
9 voting yes on 101-A.

10 COUNCIL MEMBER RIVERA: Thank you very  
11 much.

12 Council Member Recchia.

13 COUNCIL MEMBER RECCHIA: Yes, Mr.  
14 Chairman. I stand up as a trial lawyer in New York  
15 City, and today 101-A is not a gift to the trial  
16 lawyers, it is a gift to every brain damaged child  
17 in this City. When a client walks out of my office  
18 and I give them a check for hundreds of thousands of  
19 dollars, that check is not going in their pocket,  
20 it's going to survive for the rest of their life.

21 And I want to make it very clear,  
22 that trial lawyers in New York City today donate  
23 hundreds of thousands of dollars to children who are  
24 brain damage and give up of their life to give pro  
25 bono work to these children.



1 STATED COUNCIL MEETING

2                   So today this is not a gift to the  
3 trial lawyers, it's a gift to the children who are  
4 brain damaged.

5                   And I want to thank Bill Perkins, I  
6 want to thank Marcel, I want to thank Jeff Haberman  
7 for their outstanding work, and I just want to ask  
8 my colleagues to vote yes on Intro. 101-A.

9                   COUNCIL MEMBER RIVERA: Next, Council  
10 Member Alan Gerson.

11                   COUNCIL MEMBER GERSON: Thank you, Mr.  
12 Chair.

13                   I rise to urge my colleagues to  
14 support Intro. 191-A, which will make our City the  
15 first city in this country to begin to regulate  
16 diesel and oxide pollution from construction sites.

17                   I want to thank in advance my  
18 colleagues, especially our Speaker, and the Chair of  
19 our Environmental Committee, Council Member Gennaro,  
20 for assuring and providing this holiday gift to the  
21 lungs of the City of New York.

22                   This is an incredibly important step  
23 forward in environmental regulation. Construction  
24 site pollution by all accounts constitutes beyond 40  
25 percent of the poison which we breathe in day in and

1 STATED COUNCIL MEETING

2 day out which trigger asthma and other serious  
3 disease, especially among our children.

4                   This bill only applies to  
5 construction sites under City contract, as well as  
6 City-owned vehicles, but by its effect, it will  
7 impact all construction sites as private firms begin  
8 to retrofit and begin to use ultra low sulfur diesel  
9 fuel.

10                   This is incredibly important for  
11 Lower Manhattan, with its intense reconstruction  
12 would otherwise turn into an area of poisonous air,  
13 but this is equally incredibly important to the  
14 entire City of New York, which will phase in under  
15 this bill very rapidly where we are still dealing  
16 with an incredible asthma epidemic caused by these  
17 emissions which we will now begin to regulate.

18                   Madam Public Advocate, and it's good  
19 to see you, this is an important step forward, but  
20 it's a first step forward, it's a first step toward  
21 the abatement, significant abatement of diesel and  
22 oxide and other pollutants from all sources.

23                   We hope and expect to follow up this  
24 bill with a series of diesel and pollution reduction  
25 bills covering the range of sources, including

1 STATED COUNCIL MEETING

2 private construction sites, ferries, buses and the  
3 whole range of sources.

4 I want to thank --

5 PUBLIC ADVOCATE GOTBAUM: Time,  
6 Council Member.

7 COUNCIL MEMBER GERSON: I just want to  
8 conclude by thanking the entire staff of this  
9 Council, because of time I won't mention all their  
10 names, who worked so incredibly hard, and with this  
11 bill, combined with 101-A, the lead bill, our City  
12 will be healthier and safer for all, especially our  
13 children.

14 Thank you.

15 PUBLIC ADVOCATE GOTBAUM: Thank you.  
16 Council Member Yassky.

17 COUNCIL MEMBER YASSKY: Thank you very  
18 much. I want to thank my colleagues and urge them to  
19 support Intro. 107 on domestic violence. This bill  
20 will make New York the first city to require  
21 employers to make reasonable accommodations to women  
22 or men who are the victims and survivors of domestic  
23 violence or stalking.

24 I want to thank Chair DeBlasio of the  
25 General Welfare Committee, and Chair Boyland of the

1 STATED COUNCIL MEETING

2 Women's Issues Committee, who the three of us worked  
3 together to craft this bill, and, of course, Speaker  
4 Miller for ensuring its passage and shaping it to  
5 get to the floor today.

6 I also want to register my support  
7 for Intro. 101. I know, of course, it is not  
8 perfect, but I think there is no doubt that it will  
9 prevent children from being lead poisoned, and once  
10 we can say that, I think we know what we can do.

11 So, I want to thank and congratulate  
12 Chair Perkins for his tireless advocacy on this  
13 bill.

14 Thank you.

15 PUBLIC ADVOCATE GOTBAUM: Council  
16 Member Reed.

17 COUNCIL MEMBER REED: Thank you, Madam  
18 Public Advocate.

19 I think that the Council should be  
20 applauded for the work that we have accomplished  
21 over the last two years, and I'm looking forward to  
22 serving with my colleagues over the next two to  
23 continue what I think is proudly an aggressive  
24 agenda that we've set forth to give people in this  
25 City hope that their issues are going to be tended

1 STATED COUNCIL MEETING

2 to.

3                   In my six years on the Council, I've  
4 often times seen an error on the side of caution and  
5 all too often concern ourselves with the bottom line  
6 as it relates to financing something, rather than to  
7 the health, well-being of the citizens of New York,  
8 the least amongst us.

9                   And if this bill is in error, I would  
10 like to error on the side of children.

11                   If the Administration would allow  
12 this bill to move forward, we might find out whether  
13 these problems are real, or are they perceived, or  
14 are they just sort of thrown up there at the last  
15 minute to make us afraid of all the other important  
16 things, particularly affordable housing being doomed  
17 because we want to protect our youth.

18                   I don't particularly believe it, but  
19 I think we should operate in good faith for a change  
20 on the side of citizens of New York, allow this bill  
21 to go forward. I respect my colleagues, like Jimmy  
22 Oddo, who has reservations about it, but it can be  
23 fixed.

24                   Right now we have got to protect the  
25 youth, the children and also to say to these

1 STATED COUNCIL MEETING

2 families what you are dealing with we understand,  
3 and we are going to try to be on your side for a  
4 change. Thank you very much.

5 PUBLIC ADVOCATE GOTBAUM: Thank you,  
6 Council Member.

7 Council Member Jackson.

8 COUNCIL MEMBER JACKSON: Thank you  
9 very much, Madam Public Advocate. And I rise in  
10 favor of Intro 101-A.

11 Going back when I joined the Council,  
12 this was a major, major issue. And obviously the  
13 highest court in New York State felt that Local Law  
14 38 was clearly out of order and they threw it out.

15 And I turned to my colleagues in the  
16 City Council, Council Member Bill Perkins, who is  
17 the primary sponsor, and Bill, let me say this to  
18 you, that I understand why my former colleague or my  
19 predecessor, Stanley Michels, who is here with us  
20 today, and he deserves a lot of credit on behalf of  
21 this, I understand, Bill, why he said you are the  
22 right individual to carry on the baton, on behalf of  
23 the thousands and thousands and thousands of  
24 children that were being impacted by this  
25 legislation. Because, Bill, I said to you before, we

1 STATED COUNCIL MEETING

2 need someone with the honesty and the integrity and  
3 the fortitude and the skills, as a marathon man as  
4 you are, to move forward this legislation.

5                   So, I thank you on behalf of the  
6 people of the City of New York. And I say to all of  
7 my colleagues in the City Council, is it perfect?  
8 Maybe it's not. But let me tell you, there's been  
9 many, many, many compromises on this bill, and as a  
10 member of the Housing and Buildings Committee, I've  
11 sat through many, many days and many, many hours of  
12 hearings and listened to all of the testimony. Am I  
13 concerned that the individuals that want affordable  
14 housing feel that affordable housing may be  
15 negatively impacted? You better believe I am.  
16 Because in my district, up in Northern Manhattan,  
17 affordable housing is a necessity. But all things  
18 considered, I think that this is the right thing to  
19 do, because thousands of children will not be  
20 negatively impacted and will not be brain damaged as  
21 a result.

22                   PUBLIC ADVOCATE GOTBAUM: Time,  
23 Council member.

24                   COUNCIL MEMBER JACKSON: So, I ask you  
25 to all vote for Intro. 101-A. Thank you.

1 STATED COUNCIL MEETING

2 PUBLIC ADVOCATE GOTBAUM: Council  
3 Member Vallone.

4 COUNCIL MEMBER VALLONE: Thank you,  
5 Madam Chair.

6 I, too, am a trial attorney. I don't  
7 practice anymore but perhaps I should. Council  
8 Member Recchia, enjoy your gift, because this is  
9 one.

10 It also helps kids, though, and  
11 therein lies the complication. This City Council has  
12 always led the way in protecting kids. Local Law 38  
13 passed by this City Council did just that, despite  
14 revisionist history. Led to about a 40 percent  
15 decreases in cases of lead paint poisoning.

16 As our knowledge of lead increases,  
17 so, too, should our bill and our laws be improved.

18 This law does that, it makes some  
19 serious improvements, by concluding lead dust in the  
20 definition of hazard.

21 The intentions behind this bill are  
22 very good and I commend my colleagues, I commend the  
23 advocates for their hard work. Unfortunately, parts  
24 have been hijacked by politics. And the final  
25 version will hurt affordable housing.



1 STATED COUNCIL MEETING

2                   It will hurt innocent landlords, it  
3 will hurt our City's economy and perhaps lead to  
4 more service cuts and more tax increases. Nothing is  
5 more important than our children. But there's a way  
6 to get that done without hurting the innocent. Now,  
7 the Mayor will veto this, we all know that, and  
8 everyone will sit back down and perhaps this time  
9 we'll get it right, come up with the best law  
10 possible, and then I'll be proud to sign on. But  
11 from now on, when the time comes to vote, I will  
12 abstain.

13                   PUBLIC ADVOCATE GOTBAUM: Council  
14 Member Katz.

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

17                   I will be voting for 101-A. I'd like  
18 to just tag onto what I think Councilman Fidler was  
19 talking about. This is in my opinion not a perfect  
20 bill. The fact of the matter, though, is that right  
21 now, as far as I see it, there is no valid law,  
22 right now, with rules and regulations, protecting  
23 the kids in the City of New York against lead paint.  
24 And that's something that the City Council just  
25 can't stand for.

1 STATED COUNCIL MEETING

2                   There are two issues I'm particularly  
3 concerned with that Chair Provenzano, who by the  
4 way, did an excellent job in chairing the hearing  
5 despite a lot of differences of opinion on the  
6 Committee. She did an excellent job in chairing the  
7 hearings. But there are two issues that concern me  
8 somewhat, which is spending the funds Citywide  
9 instead of in the belts that are most prevalent.  
10 Also the idea of affordable housing. As Chair of  
11 Land Use, there is not one time we rezone or do any  
12 public dispositions, where the affordable housing  
13 component does not come to the forefront for the  
14 Council Member whose district it is in. But I also  
15 see the idea and the fact that we have oversight  
16 over all of the agencies in the City of New York. We  
17 not only have oversight over the agencies, we have  
18 the power to come back here if the bill is not  
19 working. But right now it is needed, it is  
20 desperately needed in this City.

21                   We have argued these issues for I  
22 guess two years now because we have all come in  
23 here. Every side has been spoken to, every side has  
24 told their story, every side has made their opinion  
25 known. The advocates on both sides of the issue have

1 STATED COUNCIL MEETING

2 spoken, almost every single Council Member in this  
3 room.

4 I believe it's a good bill on  
5 balance. I believe it will protect the kids of the  
6 City of New York, and I will be voting aye when it  
7 comes to the floor. Thank you.

8 PUBLIC ADVOCATE GOTBAUM: Council  
9 Member Rivera.

10 COUNCIL MEMBER RIVERA: Thank you very  
11 much, Madam Public Advocate.

12 I, too, stand in support of Intro.  
13 101-A. First, I'd like to mention there are four  
14 individuals that are responsible for this  
15 introduction to come into passage today. First, I  
16 would like to thank former Council Member Stanley  
17 Michels for his leadership on this issue. I would  
18 like to commend the leadership of our Speaker,  
19 Gifford Miller.

20 I would also like to commend Madeline  
21 Provenzano, even though she is on the opposite side,  
22 she has held hearings on this issue and I sat  
23 through each and every one of them and we have  
24 brought it out to the floor today.

25 And last but not least, I would like

1 STATED COUNCIL MEETING

2 to thank Honorable Council Leader Deputy Majority  
3 Leader Bill Perkins for his steadfast leadership on  
4 Intro. 101-A.

5                   We have an obligation and we have a  
6 duty to protect the children within the City of New  
7 York. The way we can do that is by passing a vital  
8 piece of legislation. Even though we may have some  
9 concerns, I think we all could agree that no law  
10 created or reigned by man has ever been perfect.

11                   So, therefore, we have an obligation  
12 to our duty and our job to install policy to benefit  
13 the thousands of children every single year who get  
14 poisoned by lead paint.

15                   We have an obligation to monitor this  
16 law once it's implemented to ensure that it does not  
17 have a negative effect on affordable housing in the  
18 City of New York.

19                   I am proud to say that today we move  
20 in the right direction to ensure that thousands of  
21 kids in the Bronx, in Brooklyn, in Queens, Manhattan  
22 and Staten Island, will now be able to look forward  
23 to no longer getting poisoned by lead paint.

24                   There are 4,500 kids per year. Let's  
25 move in the right direction to decrease that number

1 STATED COUNCIL MEETING

2 year by year.

3 Thank you. Thank you, Madam Public  
4 Advocate.

5 PUBLIC ADVOCATE GOTBAUM: Thank you,  
6 Council member.

7 Council Member Seabrook.

8 COUNCIL MEMBER SEABROOK: Thank you  
9 very much, Madam Public Advocate. And today is a  
10 very historical event, and this is not an event or a  
11 gift to trial lawyers or a punishment to landlords.

12 This is a gift to the children of the  
13 City of New York. This is to say that the children  
14 of New York really count, that children are first.  
15 And when I spoke to the sponsor of this bill, and I  
16 said, Councilman Perkins, this is not a bill for  
17 either side, this is a bill that says that this City  
18 really care about children. And that's the issue  
19 here. When we have seen countless lives being lost  
20 and those that I have known and grew up with who had  
21 lead poisoning, and those who never received a  
22 nickel for lead poisoning. This bill is for guys  
23 like Ned Bishop, who Ned died at 21 years of age and  
24 he spent almost all of his life in Rockland State,  
25 Bronx State, because he had brain damage.

1 STATED COUNCIL MEETING

2                   This bill is for Ned. He never had a  
3 lawyer. He never sued anybody. He never got a dime.  
4 But he was poisoned, and I saw what it did to that  
5 family, the Bishop family in the Bronx, so if you  
6 are affected, it also affects others' lives.

7                   This is a bill that says we've  
8 understood that paint companies in America knew what  
9 they were doing a long time ago and disregarded  
10 children until this day.

11                   And, so, it is up to us to take on  
12 the responsible task of caring for children, and  
13 doing what has to be done.

14                   So, if this Administration believes,  
15 as this Council does, and believe that children are  
16 first, then put your money where your mouth is. And  
17 I vote aye.

18                   PUBLIC ADVOCATE GOTBAUM: Council  
19 Member Clarke.

20                   COUNCIL MEMBER CLARKE: Thank you,  
21 Madam Public Advocate.

22                   I'm just adding my voice to those who  
23 are in support of Intro. 38-A, the provision of  
24 Language Assistance Services, way overdue for the  
25 City of New York.

1 STATED COUNCIL MEETING

2 I'm also excited about the passage of  
3 Intro. 107-A, requiring reasonable accommodation and  
4 employment for the victims of domestic violence,  
5 sexual offenses and stalking. Again, ground-breaking  
6 for so many survivors in our City. Their place of  
7 employment becomes their only refuge.

8 Then finally, just to say on Intro.  
9 101-A, the 40th Council District in Brooklyn happens  
10 to sit in the lead belt, and so if I weigh the  
11 arguments about concerns over landlords and property  
12 and affordable housing and how they will be hurt, I  
13 just looked at the faces of the children that I pass  
14 by in my community every day. I looked at the  
15 possibility that their potential for a proper growth  
16 and development is diminished just simply by where  
17 they live, and then I thought about the young lady  
18 that I brought before you today, little Ashante,  
19 little Autum Ashante, who is able to speak four  
20 different languages at the age of five. And I think  
21 about the children who have that same potential but  
22 just by virtue of where they live and the conditions  
23 in which they live don't have that possibility.  
24 Today this bill is about the children. It's about  
25 children of color. And I say to the Administration,

1 STATED COUNCIL MEETING

2 you know where the lead belt is, and if, in fact,  
3 you wanted to address this issue before we got to  
4 this moment, why weren't the resources targeted  
5 during that time in the intervening years? We talk,  
6 we talk, we talk, but generation after generation,  
7 young people continue to be poisoned by lead paint.  
8 This measure today puts an end to that. And for  
9 those unintended consequences, we are a new world of  
10 innovation. We will come out of this, landlords and  
11 residents, able to address these issues going  
12 forward.

13 PUBLIC ADVOCATE GOTBAUM: Council  
14 Member.

15 COUNCIL MEMBER CLARKE: There's no  
16 need for fear, because 101 is here. Thank you.

17 PUBLIC ADVOCATE GOTBAUM: Council  
18 Member James.

19 COUNCIL MEMBER JAMES: Lead is a  
20 poison that affects virtually every system in the  
21 body and is particularly harmful to brain and  
22 nervous system development.

23 It causes loss of intelligence,  
24 behavior disorders and anemia, and can affect  
25 physical growth and hearing ability.



1 STATED COUNCIL MEETING

2                   The harmful impact of childhood lead  
3 poisoning are felt particularly in low-income  
4 communities and among children of color, and the  
5 incidence of lead poisoning can be significantly  
6 diminished by pollution, prevention and control of  
7 lead-based and lead contaminated dust.

8                   I rise today in support of Intro.  
9 101, particularly since when you balance the  
10 interest of the economy versus the interest of  
11 children, I fall squarely on protecting the  
12 interests of children, and significantly and the  
13 safety of children far outweighs any arguments that  
14 have been raised. The arguments with regards to the  
15 lack of insurance, and inability to build affordable  
16 housing, and the fact that this is going to be  
17 costly. I find all of those arguments to be specious  
18 and speculative and I reject each and everyone of  
19 them.

20                   What will, again, prevent this City  
21 from building affordable housing is a policy which  
22 provides corporate welfare to entities, particularly  
23 private entities that want to build basketball  
24 arenas in the middle of a densely populated  
25 community, continuing to contribute to asthma and

1 STATED COUNCIL MEETING

2 providing public resources when we need additional  
3 resources to address this issue and other issues,  
4 crumbling schools and other issues.

5                   So, today, again I rise in support of  
6 this and proudly the efforts of Councilman Perkins  
7 and all that he has done to get this passed.

8                   In addition, I support Reso 909,  
9 which again, talks about affirming and upholding our  
10 rights to civil rights and democracy. And also  
11 Intro. 101, which would provide reasonable  
12 accommodation and employment of the needs of  
13 domestic violence individuals.

14                   And lastly, Intro. 38 --

15                   PUBLIC ADVOCATE GOTBAUM: Time,  
16 Council Member.

17                   COUNCIL MEMBER JAMES: -- Which is the  
18 last frontier of the civil rights movement.

19                   Thank you.

20                   PUBLIC ADVOCATE GOTBAUM: Thank you  
21 very much.

22                   Council Member Dilan.

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

25                   Today I think the first time many

1 STATED COUNCIL MEETING

2 people will hear me say that I am in support of  
3 Intro. 101-A. But that support comes with great  
4 reservation.

5                   Bushwick, the district that I  
6 represent, has the highest cases of lead paint  
7 throughout the entire City.

8                   It also has the greatest need for  
9 affordable housing, so you could see my dilemma.  
10 Throughout the entire deliberation of this bill I  
11 wasn't a sponsor because that's a very -- affordable  
12 housing is a platform that I got elected on and I  
13 don't want to pursue policies that will go adverse  
14 to that platform.

15                   Now, be that as it may, I believe  
16 that this bill does protect children. This bill, I  
17 believe we hear consensus, is very flawed, and that  
18 flaw is surrounded around presumption. A  
19 presumption, just the word presumption is dangerous,  
20 very dangerous. Once upon a time it was presumed  
21 that minorities and women didn't have the ability to  
22 serve in this body.

23                   Look at this body today. I think  
24 minorities and women are a credit to this body.

25                   Now, some individuals may say, oh,

1 STATED COUNCIL MEETING

2 well, you need presumption in the bill to further  
3 enforce it. And that may be the case, and as a  
4 matter of fact, I believe that's true, but  
5 presumption, in my opinion, wasn't needed, wasn't  
6 needed to address some of the civil liability  
7 aspects of the bill.

8 I believe that injured children  
9 should have the right to sue, and should be  
10 compensated. But according to HPD statistics, we  
11 have 40 percent of lead complaints that were  
12 unfounded. Now 40 percent of 1.4 million buildings  
13 is a lot of buildings, and it's a lot of lawsuits,  
14 and we, as members, have the obligation to find  
15 balance.

16 PUBLIC ADVOCATE GOTBAUM: Time,  
17 Council member.

18 COUNCIL MEMBER DILAN: All right,  
19 Madam Advocate.

20 I will surmise to say that, you know,  
21 I support this bill, but should this bill turn out  
22 to be the trust fund protection for personal injury  
23 lawyers, in the future I will seek to amend certain  
24 portions of this bill, but be that as it may, you  
25 know, the obligation to protect children and review

1 STATED COUNCIL MEETING

2 the progress of this bill as we go forward first  
3 outweighs everything else and I intend to vote aye  
4 today.

5 Thank you, Madam Advocate.

6 PUBLIC ADVOCATE GOTBAUM: Council  
7 Member Sears.

8 COUNCIL MEMBER SEARS: Thank you,  
9 Madam Chair.

10 I stand because I will be voting no  
11 for this bill, and I would like to explain why. And  
12 before I do that, I want to thank my colleagues and  
13 our Speaker for the hard work that was truly done to  
14 put forth a bill in anticipation of reducing damage  
15 by lead to the children of the City of New York.

16 As a former hospital administrator, I  
17 am well acquainted with lead, the damages of lead,  
18 and all the other health indices that come into  
19 that. However, I do believe, I do believe that there  
20 is one single thought in this Chamber, here on this  
21 floor and up there, and that is to make zero balance  
22 for lead. And no one should think that anybody that  
23 is not for this bill is for lead in children. That  
24 is absurd.

25 What we see, and we have a difference

1 STATED COUNCIL MEETING  
2 of a direction that we are going into to get that  
3 zero balance. I believe that this Chamber could have  
4 had a thought by pulling in all the parties, to come  
5 out with not a punitive, because that's what we're  
6 hearing, it's a punitive measure, because there is  
7 no disagreement about saving lives of children. And  
8 as I repeat, it's absurd to think that anyone here  
9 is not for children.

10 I just disagree in the approach. I  
11 think we could have a different direction, and I  
12 think we could come out where this chamber would  
13 have 100 percent of a lead bill.

14 I'm sorry that I cannot vote for it,  
15 but I do believe that in time we'll be able to come  
16 out with something that is not punitive, that is a  
17 positive solution that we see a zero balance, not  
18 just diminishing statistics in the Board of Health.

19 Thank you, Madam Chair.

20 PUBLIC ADVOCATE GOTBAUM: Thank you,  
21 Council Member.

22 Council Member Lopez.

23 COUNCIL MEMBER LOPEZ: I would like to  
24 rise today to speak on 415, Intro, carbon dioxide  
25 storage; Intro. 191, use of ultra low sulfur diesel;

1 STATED COUNCIL MEETING

2 Intro. 38-A, provision of language assistance;

3 Intro. 198-A, creation and implementation of an

4 electronic death registration system.

5 But I cannot speak on any one of

6 them, although each and every one of them are

7 incredible pieces of legislation, because I only

8 have the time and the opportunity by the amount of

9 time that is limited here to all of us to speak on

10 the Intro. 101-A. And the reason I only can speak on

11 that is because we took too long to pass this bill.

12 We took too long to make an action. We took too long

13 to make clear to the City of New York that we care

14 for the children of this City of ours.

15 1999 I was in this Council, and the

16 lights went up the day that we voted on that bill

17 that day, the bill that later on the judicial system

18 had to put down. Shame on us that the judicial

19 system had to tell us that the bill that we passed

20 was not good, that had to be sent back to this

21 house. And we shall be very clear today that at the

22 time in 1999 when that bill was passed, we knew the

23 same thing at the time that we know now, that we are

24 again repeating history, passing the bill this time,

25 and this time we're trying to set it right. And

1 STATED COUNCIL MEETING

2 we're going to pass this bill right this time,  
3 because this bill needed to be 1999, not like right  
4 now, about lead poisoning issue is beyond poisoning  
5 children or not.

6 It's about a society that know very  
7 clear that lead exists inside of paint.

8 PUBLIC ADVOCATE GOTBAUM: Time,  
9 Council member.

10 COUNCIL MEMBER LOPEZ: And Madam  
11 Public Advocate --

12 PUBLIC ADVOCATE GOTBAUM: Yes, Council  
13 member.

14 COUNCIL MEMBER LOPEZ: I am not going  
15 to follow your instructions, because prior to your  
16 sitting in here were people here speaking on this  
17 bill any time they want to and the amount of time  
18 that they want to. I'm going to finish --

19 PUBLIC ADVOCATE GOTBAUM: Council  
20 Member, it's not fair for you to go over when I've  
21 asked the others to stay within two minutes. Please.

22 COUNCIL MEMBER LOPEZ: I am not going  
23 to be able to do that, Madam Public Advocate.

24 Before I spoke, there were people in  
25 here speaking for a long time without being stopped.



1 STATED COUNCIL MEETING

2 Therefore, rules had to be applied to all of us  
3 equally.

4 PUBLIC ADVOCATE GOTBAUM: But it's not  
5 fair, Council member, because others have been  
6 stopped when they get over two minutes --

7 COUNCIL MEMBER LOPEZ: And I'm saying  
8 to you that before you were sitting in there were  
9 people speaking against this bill who were speaking  
10 for a long time without nobody stopping them.

11 PUBLIC ADVOCATE GOTBAUM: Well, I  
12 don't know what happened beforehand, but I'll tell  
13 you what's happening when I'm here. Please, Council  
14 member.

15 COUNCIL MEMBER LOPEZ: I'm asking --

16 PUBLIC ADVOCATE GOTBAUM: Please,  
17 Council Member.

18 COUNCIL MEMBER LOPEZ: I'm asking to  
19 be allowed to finish what I'm going to say.

20 PUBLIC ADVOCATE GOTBAUM: Margarita,  
21 please. Come on, let's be fair.

22 COUNCIL MEMBER LOPEZ: I am not doing  
23 this to disrespect you, Madam Public Advocate.

24 I'm saying to you that before you  
25 were sitting in there, were people against this bill

1 STATED COUNCIL MEETING

2 who spoke plenty against it. Plenty. They would not  
3 stop.

4 PUBLIC ADVOCATE GOTBAUM: But I think  
5 we had so many people speaking before it that will  
6 make up for those that were speaking against it.

7 Please, Council member.

8 COUNCIL MEMBER LOPEZ: I understand  
9 that. But you have to give me the same opportunity  
10 that is given to those --

11 PUBLIC ADVOCATE GOTBAUM: That's not  
12 what the rules say. You have two minutes and you've  
13 just gone over the two minutes, so I will please ask  
14 you to finish in one second.

15 COUNCIL MEMBER LOPEZ: I am not going  
16 to be able to finish in one second.

17 PUBLIC ADVOCATE GOTBAUM: You just  
18 finished in one second. Thank you. You just finished  
19 in one second, Council member.

20 COUNCIL MEMBER LOPEZ: I'm not going  
21 to finish. I will ask you to understand --

22 PUBLIC ADVOCATE GOTBAUM: No, Council  
23 member, I am not going to do that.

24 COUNCIL MEMBER LOPEZ: Everybody was  
25 speaking over two minutes.

1 STATED COUNCIL MEETING

2 PUBLIC ADVOCATE GOTBAUM: Council  
3 Member, I don't want to have to call the  
4 Sergeant-At-Arms against you. Please, Council  
5 member, allow the next person to speak.

6 COUNCIL MEMBER MONSERRATE: Council  
7 Member Monserrate defers his two minutes to  
8 Margarita Lopez.

9 PUBLIC ADVOCATE GOTBAUM: Council  
10 Member Martinez is giving you his two minutes.

11 COUNCIL MEMBER MONSERRATE:  
12 Monserrate. Monserrate is deferring my two minutes.

13 PUBLIC ADVOCATE GOTBAUM: Council  
14 Member Monserrate was not on the list to speak,  
15 unfortunately.

16 COUNCIL MEMBER MONSERRATE: I was  
17 acknowledged to speak, and I defer my two minutes to  
18 Council Member Margarita --

19 PUBLIC ADVOCATE GOTBAUM: Fine, okay.  
20 Council Member Lopez, you have two minutes, which  
21 Council Member Monserrate has given you.

22 COUNCIL MEMBER LOPEZ: I am very sorry  
23 that we have been put in this situation. It's not a  
24 reflection on you, Madam Public Advocate.

25 Saying what I was saying, the day

1 STATED COUNCIL MEETING

2 that we voted on this bill was six of us here. Some  
3 of us voted against that bill in 1999.

4                   Today we have the opportunity to  
5 correct the wrongdoing we did at the time. We're  
6 voting for this bill because lead destroys this  
7 society and the fiber of this society. If we had to  
8 pass a piece of legislation that is going to be  
9 about how many people will sue, how many people will  
10 not sue, how many people will be in compliance, how  
11 many people will not be in compliance, and we don't  
12 see the small writing on the book which is about the  
13 health of the City, and a policy of health that  
14 speak about making our children healthy, being able  
15 to finish school, being able to be everything that  
16 they can be, without necessarily being postponed in  
17 their life to be relegated to suffer a mental  
18 disability.

19                   It's about time that we passed this  
20 bill, and to the advocates, to the mothers of the  
21 children, and the children to collect.

22                   Thank you very much for giving me the  
23 opportunity to stand here today to vote for this  
24 bill, and God bless each and every one of you. Thank  
25 you.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER COMRIE: Okay, point of  
3 order.

4 PUBLIC ADVOCATE GOTBAUM: Council  
5 Member Martinez.

6 COUNCIL MEMBER COMRIE: Point of  
7 order.

8 Before there is any other discussion,  
9 I just want to make one thing clear. As the Chair of  
10 the Committee, the Chair of the Committee has a  
11 right to speak over time. No other member is allowed  
12 by the rules to pass the time to another member.  
13 There was an exception made. I was not here at the  
14 beginning of the meeting, but all the members should  
15 know that the Chair of the Committee has a right to  
16 speak on the bill, to extend the period of the time,  
17 and the Speaker, the Majority Leader and that's it.  
18 Everyone else please try to keep it to the two  
19 minutes. You cannot defer your time to another  
20 member. Thank you.

21 PUBLIC ADVOCATE GOTBAUM: Council  
22 Member Martinez.

23 COUNCIL MEMBER MARTINEZ: Thank you,  
24 Madam Chair.

25 Madam Chair, today we are making

1 STATED COUNCIL MEETING

2 history in the City of New York with legislation  
3 that will guarantee equal access to everyone who  
4 seeks services from the City of New York. (In  
5 Spanish.) From this day on, and when the legislation  
6 is signed, anyone who does not speak English will be  
7 able to receive services without fear and will have  
8 access to all the services that the City of New York  
9 provides. (In Spanish.) Thank you, Council Member  
10 Liu, and Council Member Brewer, for your leadership.

11 I also want to speak briefly before  
12 my time is up, that I also support Intro. 101-A,  
13 legislation that will protect our children.

14 However, Madam Chair, Madam Public  
15 Advocate. I also want to point out that we also have  
16 a responsibility as a Council to follow the  
17 development of the issue of insurance, that we may  
18 want to ask our State Legislators to be partner in  
19 putting forward legislation that would allow the  
20 property owners that we heard over and over again,  
21 and even the corporations, the non-profit corps, who  
22 testified that they said they feared they would not  
23 be able to have insurance which in result will have  
24 an impact on the affordability of affordable housing  
25 in our communities. And this is something that we

1 STATED COUNCIL MEETING

2 must track to ensure that housing continues to be  
3 affordable and is not used as an excuse.

4 PUBLIC ADVOCATE GOTBAUM: Time,  
5 please.

6 COUNCIL MEMBER MARTINEZ: Excuse me?

7 PUBLIC ADVOCATE GOTBAUM: Time,  
8 please. The bell just went off.

9 COUNCIL MEMBER MARTINEZ: Okay.

10 PUBLIC ADVOCATE GOTBAUM: Thank you,  
11 Council member.

12 Council Member Perkins.

13 COUNCIL MEMBER PERKINS: Thank you  
14 very much.

15 I want to first take a moment to  
16 acknowledge the father of this bill, the one and  
17 only Council Member Stanley Michels.

18 Please, would everybody give him a  
19 round of applause.

20 (Applause.)

21 He not only fathered it, he passed it  
22 on to me and then he nurtured it and was there at  
23 every press conference and hearing and kept us on  
24 track and I really appreciate the support that he's  
25 given us.

1 STATED COUNCIL MEETING

2 Part of that team that Stan Michels  
3 had is still with us today, and I want to  
4 acknowledge Margarita Lopez, Phil Reed, Chris Quinn  
5 and Eva Moskowitz, for having been with this bill  
6 since '99 when Local Law 38 passed.

7 And I also want to take a moment just  
8 for protocol sake, to acknowledge the presence of  
9 Una Clarke and Archie Spigner, two Council members  
10 that are also here with us.

11 We hear that the bill is not perfect.  
12 There is no question about the fact that it's not  
13 perfect, and one major reason why the bill is not  
14 perfect is because the Mayor refuses to sign the  
15 bill.

16 Now, the reason the Mayor refuses to  
17 sign the bill is very simple, he wants us to make  
18 history by immunizing the City from any negligence,  
19 any liability as a result of the negligence on the  
20 part of this City. That is precedent setting, is  
21 never done any place else in this City, is never  
22 done any place else in this country, and should not  
23 be done today. If you're negligent you're liable,  
24 and the only reason the Mayor doesn't sign this bill  
25 is because they do not want to be accountable for



1 STATED COUNCIL MEETING

2 their negligence, number one.

3                   Number two, the other concern which I  
4 think is important that comes up --

5                   PUBLIC ADVOCATE GOTBAUM: Council  
6 Member, the bell just rang.

7                   COUNCIL MEMBER PERKINS: I want to for  
8 the record, I want to clear something up.

9                   PUBLIC ADVOCATE GOTBAUM: Please.

10                  COUNCIL MEMBER PERKINS: The Majority  
11 Leader shared with you the rules, and forgot to  
12 mention that the sponsor and the Deputy Majority  
13 Leader are also given extended time.

14                  PUBLIC ADVOCATE GOTBAUM: I don't  
15 think so.

16                  COUNCIL MEMBER PERKINS: I'm telling  
17 you it is.

18                  As the Whip. Ask the Whip.

19                  PUBLIC ADVOCATE GOTBAUM: Council  
20 Member, it's unfair for --

21                  COUNCIL MEMBER PERKINS: I'm not  
22 trying to be unfair. That's the way it is.

23                  PUBLIC ADVOCATE GOTBAUM: It isn't the  
24 way it is, and I really don't want to get into a  
25 dispute the way that I did with my other colleague

1 STATED COUNCIL MEETING

2 about this. It's just not fair to the others who are  
3 left to speak.

4 COUNCIL MEMBER PERKINS: On the  
5 question of presumption, I just want to say  
6 presumption does not mean you're guilty. It just  
7 means that you know that your building was built in  
8 the sixties and therefore has lead-based paint. You  
9 still have to prove that the person who has been  
10 poisoned, was poisoned in that particular apartment,  
11 in that particular building. So does not presume  
12 that you're guilty.

13 PUBLIC ADVOCATE GOTBAUM: I'm going to  
14 have to ask you to finish.

15 Thank you very much.

16 Mr. Speaker.

17 SPEAKER MILLER: I'm going to do this  
18 in two minutes.

19 I made an oversight during my remarks  
20 earlier. I neglected to point out Intro. 38-A, which  
21 is an extraordinary piece of legislation. I want to  
22 compliment Council Members Liu and Brewer and  
23 DeBlasio. It's a great piece of legislation.

24 I want to say just a few closing  
25 points and to pick up on the point the Deputy

1 STATED COUNCIL MEETING

2 Majority Leader was making on this issue of  
3 presumption and perfection.

4                   First of all, while this bill --  
5 nothing is perfect. It should run the two minutes.  
6 I'm going to do this in two minutes. There we go.  
7 While nothing is perfect, this bill is pretty darn  
8 close to perfect. And I just want to point out that  
9 this is an approach that has not been done in this  
10 country before. There are only two approaches that  
11 cities have. In Boston they do strict liability and  
12 total abatement, which isn't responsible and which  
13 costs too much and ultimately endangers kids. And  
14 everywhere else in the country where they duc it.

15                   This bill is the right bill because  
16 it goes directly to protecting kids to setting the  
17 right incentives for compliance, to making sure that  
18 the cost is appropriate, that it can be born and  
19 that it's focused in the areas where there really is  
20 a problem.

21                   And on the subject of presumption, I  
22 do want to make this clear, for everyone who doesn't  
23 know this issue as well as perhaps some of us do.

24                   There is no presumption of liability  
25 in this bill. There is no presumption of liability

1 STATED COUNCIL MEETING

2 in this bill. What we're talking about in terms of  
3 presumption is in a pre-1960 building, you should  
4 presume that paint, if you don't know whether it's  
5 lead or not, is lead.

6                   Of course you should presume the  
7 pre-1960 building, the paint is lead, if you don't  
8 know whether it's lead or not.

9                   No one in their right mind could  
10 stand here and say, well, you should not presume  
11 that. You own a building, you own an apartment, you  
12 don't know whether that paint is lead or not? You  
13 should presume it is, and that is all that this  
14 legislation says.

15                   Now, that places some  
16 responsibilities on people. But that's what the  
17 presumption is. It's not a presumption of liability.  
18 You still have to go in and prove your case. What it  
19 is is an acknowledgment of a reality. If you know  
20 it's not lead paint, you're okay. If you think it  
21 might be lead paint, you should presume it is  
22 because it's a toxic, hazardous substance that can  
23 poison children.

24                   So, that is what I want to say and  
25 then I want to thank Stanley Michels and Bill

1 STATED COUNCIL MEETING

2 Perkins and Marcel Van Ooyen --

3 COUNCIL MEMBER PERKINS: Nor is it a  
4 presumption of guilt.

5 SPEAKER MILLER: No, there's no  
6 presumption of guilt, there's no presumption of  
7 liability. There is a presumption, and Marcel did a  
8 phenomenal job on this legislation and deserves  
9 credit.

10 And I want to thank Madeline  
11 Provenzano, the Chair of the Committee for having  
12 fair hearings and for getting us to this point. And  
13 that that, my time is up. And Jeff Haberman.

14 PUBLIC ADVOCATE GOTBAUM: Mr. Speaker,  
15 you are a marvel.

16 Report of Special Committees.

17 Council Member Stewart, you were not  
18 on the list.

19 COUNCIL MEMBER STEWART: When I looked  
20 at you awhile ago, I saw you writing something down,  
21 I thought it was me.

22 PUBLIC ADVOCATE GOTBAUM: No. Sorry. I  
23 apologize.

24 COUNCIL MEMBER STEWART: I'll speak on  
25 the vote then.

1 STATED COUNCIL MEETING

2 PUBLIC ADVOCATE GOTBAUM: Thank you.

3 Report of Special Committees.

4 COUNCIL CLERK CHERRY: None.

5 PUBLIC ADVOCATE GOTBAUM: Report of

6 Standing Committees.

7 COUNCIL CLERK CHERRY: Reports on the

8 Committee of Economic Development.

9 Intro. 431.

10 SPEAKER MILLER: Coupled on the

11 General Order Calendar.

12 COUNCIL CLERK CHERRY: Intro. 597.

13 SPEAKER MILLER: Coupled on the

14 General Order Calendar.

15 COUNCIL CLERK CHERRY: Preconsidered

16 Reso 1214.

17 SPEAKER MILLER: Coupled on the

18 General Order Calendar.

19 COUNCIL CLERK CHERRY: Reports on the

20 Committee on Environmental Protection.

21 Intro. 191-A.

22 SPEAKER MILLER: Amended and coupled

23 on the General Order Calendar.

24 COUNCIL CLERK CHERRY: Preconsidered

25 Reso 1208.

1 STATED COUNCIL MEETING

2 SPEAKER MILLER: Coupled on the

3 General Order Calendar.

4 COUNCIL CLERK CHERRY: Reports on the

5 Committee on Finance.

6 Preconsidered Reso 1215.

7 SPEAKER MILLER: Coupled on the

8 General Order Calendar.

9 COUNCIL CLERK CHERRY: Preconsidered

10 LU 629, and Companion Reso 1216.

11 SPEAKER MILLER: Coupled.

12 COUNCIL CLERK CHERRY: Preconsidered

13 LU 630 and companion Reso 1217.

14 SPEAKER MILLER: Coupled.

15 COUNCIL CLERK CHERRY: Preconsidered

16 LU 631 and companion Reso 1218.

17 SPEAKER MILLER: Coupled.

18 COUNCIL CLERK CHERRY: Reports on the

19 Committee on Fire and Criminal Justice Services.

20 Intro. 414.

21 SPEAKER MILLER: Coupled on the

22 General Order Calendar.

23 COUNCIL CLERK CHERRY: Intro. 415.

24 SPEAKER MILLER: Coupled.

25 COUNCIL CLERK CHERRY: Report on the

1 STATED COUNCIL MEETING

2 Committee on General Welfare.

3 Intro. 38-A.

4 SPEAKER MILLER: Amended and coupled

5 on the General Order Calendar with a message of

6 necessity.

7 COUNCIL CLERK CHERRY: Intro. 107-A.

8 SPEAKER MILLER: Amended and coupled

9 on the General Order Calendar with a message of

10 necessity.

11 COUNCIL CLERK CHERRY: Reports on the

12 Committee on Governmental Operations.

13 Reso 909-A.

14 SPEAKER MILLER: Amended and laid

15 over.

16 COUNCIL CLERK CHERRY: Reports on the

17 Committee on Health.

18 Intro. 90-A.

19 SPEAKER MILLER: Amended and coupled

20 on General Order Calendar.

21 COUNCIL CLERK CHERRY: Intro. 198-A.

22 SPEAKER MILLER: Amended and coupled

23 on the General Order Calendar.

24 COUNCIL CLERK CHERRY: Reports on the

25 Committee on Housing and Buildings.



1 STATED COUNCIL MEETING

2 Intro. 101-A.

3 SPEAKER MILLER: Amended and coupled

4 on the General Order Calendar.

5 COUNCIL CLERK CHERRY: Preconsidered

6 Reso 1211.

7 SPEAKER MILLER: Coupled on the

8 General Order Calendar.

9 COUNCIL CLERK CHERRY: Reports on the

10 Committee on Land Use.

11 LU 489 and companion Reso 1219.

12 SPEAKER MILLER: Coupled on the

13 General Order Calendar.

14 COUNCIL CLERK CHERRY: LU 513 and

15 companion Reso 1220.

16 SPEAKER MILLER: Coupled.

17 COUNCIL CLERK CHERRY: LU 522 and

18 companion Reso 1221.

19 SPEAKER MILLER: Coupled.

20 COUNCIL CLERK CHERRY: LU 528 and

21 companion Reso 1222.

22 SPEAKER MILLER: Coupled.

23 COUNCIL CLERK CHERRY: LU 566 and

24 companion Reso 1223.

25 SPEAKER MILLER: Coupled.

1 STATED COUNCIL MEETING

2 COUNCIL CLERK CHERRY: LU 568 and  
3 companion Reso 1224.

4 SPEAKER MILLER: Coupled.

5 COUNCIL CLERK CHERRY: LU 572 and  
6 companion Reso 1225.

7 SPEAKER MILLER: Coupled.

8 COUNCIL CLERK CHERRY: LU 585 and  
9 companion Reso 1226.

10 SPEAKER MILLER: Coupled.

11 COUNCIL CLERK CHERRY: LU 586 and  
12 companion Reso 1227.

13 SPEAKER MILLER: Coupled.

14 COUNCIL CLERK CHERRY: LU 589 and  
15 companion Reso 1228.

16 SPEAKER MILLER: Coupled.

17 COUNCIL CLERK CHERRY: LU 590 and  
18 companion Reso 1229.

19 SPEAKER MILLER: Coupled.

20 COUNCIL CLERK CHERRY: LU 591 and  
21 companion Reso 1223.

22 SPEAKER MILLER: Coupled.

23 COUNCIL CLERK CHERRY: 1230.

24 SPEAKER MILLER: Coupled.

25 COUNCIL CLERK CHERRY: Correction.

1 STATED COUNCIL MEETING

2 LU 598 and companion 1231.

3 SPEAKER MILLER: Coupled.

4 COUNCIL CLERK CHERRY: LU 601 and

5 companion Reso 1232.

6 SPEAKER MILLER: Coupled.

7 COUNCIL CLERK CHERRY: LU 602 and

8 companion 1233.

9 SPEAKER MILLER: Coupled.

10 COUNCIL CLERK CHERRY: LU 603 and

11 companion 1234.

12 SPEAKER MILLER: Coupled.

13 COUNCIL CLERK CHERRY: LU 609 and

14 companion Reso 1235.

15 SPEAKER MILLER: Coupled.

16 COUNCIL CLERK CHERRY: LU 616 and

17 companion Reso 1236.

18 SPEAKER MILLER: Coupled.

19 COUNCIL CLERK CHERRY: Preconsidered

20 LU 632 and companion Reso 1237.

21 SPEAKER MILLER: Coupled.

22 COUNCIL CLERK CHERRY: Reports of the

23 Committee on Mental Retardation, Mental Health,

24 Alcoholism, Drug Abuse and disability services.

25 Intro. 624.

1 STATED COUNCIL MEETING

2 SPEAKER MILLER: Coupled.

3 COUNCIL CLERK CHERRY: Reports on the  
4 Committee on Rules, Privileges and Elections.  
5 M 778 and companion Reso 1238.

6 SPEAKER MILLER: Coupled.

7 COUNCIL CLERK CHERRY: M 780 and  
8 companion Reso 1239.

9 SPEAKER MILLER: Coupled.

10 COUNCIL CLERK CHERRY: Preconsidered M  
11 834 and companion Reso 1240.

12 SPEAKER MILLER: Coupled.

13 PUBLIC ADVOCATE GOTBAUM: General  
14 Order Calendar.

15 COUNCIL CLERK CHERRY: Intro. 122-A.

16 SPEAKER MILLER: Coupled on General  
17 Order Calendar.

18 COUNCIL CLERK CHERRY: Intro. 581-A.

19 SPEAKER MILLER: Coupled.

20 COUNCIL CLERK CHERRY: Intro. 585-A.

21 SPEAKER MILLER: Coupled.

22 COUNCIL CLERK CHERRY: LU 583 and  
23 companion Reso 1241.

24 SPEAKER MILLER: Coupled.

25 COUNCIL CLERK CHERRY: LU 584 and

1 STATED COUNCIL MEETING  
2 companion Reso 1242.  
3 SPEAKER MILLER: Coupled.  
4 COUNCIL CLERK CHERRY: Resolution  
5 appointing various persons Commissioner of Deeds.  
6 SPEAKER MILLER: Coupled on the  
7 General Order Calendar.  
8 At this point I'd ask the clerk to  
9 call the roll on all items coupled on the General  
10 Order Calendar.  
11 COUNCIL CLERK: Addabbo.  
12 COUNCIL MEMBER ADDABBO: Yes to all.  
13 COUNCIL CLERK: Avella.  
14 COUNCIL MEMBER AVELLA: Aye on all.  
15 COUNCIL CLERK: Baez.  
16 COUNCIL MEMBER BAEZ: Aye on all.  
17 COUNCIL CLERK: Barron.  
18 COUNCIL MEMBER BARRON:  
19 Enthusiastically aye on every last one of them.  
20 COUNCIL CLERK: Boyland.  
21 COUNCIL MEMBER BOYLAND: Aye on all.  
22 COUNCIL CLERK: Brewer.  
23 COUNCIL MEMBER BREWER: Aye on all.  
24 Congratulations to Bill Perkins.  
25 COUNCIL CLERK: Clarke.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER CLARKE: Aye on all.

3 COUNCIL CLERK: Comrie.

4 COUNCIL MEMBER COMRIE: Aye on all.

5 And I would remind the members to try  
6 and refrain their second speeches. Thank you very  
7 much.

8 COUNCIL CLERK: DeBlasio.

9 COUNCIL MEMBER DEBLASIO: Aye on all.

10 COUNCIL CLERK: Dilan.

11 COUNCIL MEMBER DILAN: Aye on all,  
12 except preconsidered Reso 1214, I vote no.

13 COUNCIL CLERK: Felder.

14 COUNCIL MEMBER FELDER: Yes. May I be  
15 excused to explain my vote?

16 PUBLIC ADVOCATE GOTBAUM: So ordered.

17 COUNCIL MEMBER FELDER: Thank you.

18 I vote yes on everything and I'd like  
19 to again ask the head of the Rules Committee to put  
20 forth the suggestion about not allowing members like  
21 us to speak twice on the same issue.

22 Thank you.

23 COUNCIL CLERK: Fidler.

24 COUNCIL MEMBER FIDLER: Aye on all.

25 COUNCIL CLERK: Foster.

1 STATED COUNCIL MEETING

2 COUNCIL MEMBER FOSTER: Madam Public  
3 Advocate, may I be excused to explain my vote?

4 PUBLIC ADVOCATE GOTBAUM: So ordered.

5 COUNCIL MEMBER FOSTER: Thank you.

6 I rise to vote aye on all, but  
7 especially on Intro. 101-A, because when we talk  
8 about children, specifically we are talking about  
9 children of color who will one day sit in these very  
10 seats. And to Bill Perkins, I hope at the end of  
11 this meeting, when the tears are in your eyes,  
12 they're tears of joy because Intro. 101-A passed and  
13 we did our job and can look our maker in the face  
14 and say we saved our children.

15 Thank you.

16 COUNCIL CLERK: Gallagher.

17 COUNCIL MEMBER GALLAGHER: Madam  
18 Public Advocate, may I be temporarily excused to  
19 explain my vote?

20 PUBLIC ADVOCATE GOTBAUM: So ordered.

21 COUNCIL MEMBER GALLAGHER: I'm going  
22 to be voting no on Intro. 101-A, and preconsidered  
23 Reso 1211. No on Intro. 38-A, and No on Intro.  
24 585-A, and that's the right to know legislation.

25 In doing so, I say that the problems

1 STATED COUNCIL MEETING

2 that I've had in my community with the right to know  
3 is not enough notice to the various members that  
4 have to know that they have to file. Too often it  
5 seems that many of our local businesses are forced  
6 to file with the Department of Environmental  
7 Protection, also with the Fire Department and they  
8 pay fees and multiple fees to multiple City  
9 agencies. So, therefore, I am voting no on that with  
10 the hope that we can get rid of the duplication in  
11 billing to small businesses in the City of New York.

12 In addition, I want to say that I'm  
13 very proud to vote yes on Intro. 198-A. I think it's  
14 an excellent law and I commend the sponsors, my  
15 Council colleagues.

16 Thank you, Madam Public Advocate.

17 PUBLIC ADVOCATE GOTBAUM: Thank you,  
18 Council Member.

19 COUNCIL MEMBER GALLAGHER: Oh, and I  
20 vote aye on all others.

21 COUNCIL CLERK: Gennaro.

22 COUNCIL MEMBER GENNARO: Madam Public  
23 Advocate, I wish to be temporarily excused.

24 PUBLIC ADVOCATE GOTBAUM: So ordered.

25 COUNCIL MEMBER GENNARO: Thank you.



1 STATED COUNCIL MEETING

2 I wish to thank the Speaker and  
3 Councilwoman Provenzano and Councilman Perkins and  
4 sponsors of Intro. 101, and particularly Stan  
5 Michels for his work on this issue.

6 I also would like to thank all of my  
7 colleagues for supporting the bills coming out of my  
8 committee today, all three of them, including Intro.  
9 191 on low sulfur diesel.

10 And regarding Intro. 101-A, I wish to  
11 be associated with the remarks of Council Member  
12 Fidler.

13 COUNCIL CLERK: Gentile.

14 COUNCIL MEMBER GENTILE: Aye on all.

15 COUNCIL CLERK: Gerson.

16 COUNCIL MEMBER GERSON: May I be  
17 excused to explain my vote, on a different issue  
18 than I addressed earlier?

19 PUBLIC ADVOCATE GOTBAUM: So ordered.

20 COUNCIL MEMBER GERSON: Yes, Madam  
21 Public Advocate, I just want to take a moment to  
22 thank Council Member Katz and Council Member Avella  
23 as chairs of our Land Use Committee and Subcommittee  
24 respectively and Gale Benjamin and Chris Colins and  
25 the entire Land Use staff for their hard work on two

1 STATED COUNCIL MEETING

2 very important Land Use items related to the special  
3 manufacturing districts of SoHo and NoHo.

4                   Very briefly, these resolutions  
5 protect or help protect our arts uses in those  
6 communities, and by establishing a special permit  
7 process with the stated purpose of using the process  
8 to protect arts activities in these communities, we  
9 set a very important precedent Citywide, which I  
10 hope we will build on in our next session, and that  
11 is to establish arts activities and cultural  
12 activities throughout all of our five boroughs in  
13 appropriate locations as protected Land Use  
14 categories.

15                   We know how the arts revitalize our  
16 neighborhood in order to preserve their full  
17 potential, we cannot treat them, artists as nomads  
18 where we force them along after they revitalize our  
19 communities. We need to create arts community zoning  
20 and this is the first step towards it.

21                   Again, Council Member Katz and  
22 Avella, the entire staff, thank you very, very, very  
23 much for your consideration of the situation in SoHo  
24 and NoHo.

25                   Madam Public Advocate, I am proud to

1 STATED COUNCIL MEETING

2 vote aye on all.

3 PUBLIC ADVOCATE GOTBAUM: Could I ask  
4 the gallery, please, to keep the buzz down when  
5 Council members are talking? Thank you.

6 COUNCIL CLERK: Gioia.

7 COUNCIL MEMBER GIOIA: I vote yes and  
8 I request unanimous consent to vote yes on all  
9 previous call-ups. Thank you.

10 PUBLIC ADVOCATE GOTBAUM: So ordered.

11 COUNCIL CLERK: Gonzalez.

12 COUNCIL MEMBER GONZALEZ: Madam  
13 Advocate, permission to explain my vote.

14 PUBLIC ADVOCATE GOTBAUM: So ordered.

15 COUNCIL MEMBER GONZALEZ: I fell in  
16 love with the lead bill before I was Council member,  
17 and that was quite some time ago. I didn't even know  
18 the number to the bill. But I do want to say that  
19 there are many, many hearings that we have here in  
20 this Council, and, no, I have not attended every  
21 hearing, it's impossible. But you know what? I take  
22 the material home and I read it and I go over it,  
23 and I went back and forth with this bill. But I knew  
24 that this was the best that we had, and, so,  
25 therefore, today I am very proud to be able to vote

1 STATED COUNCIL MEETING

2 for the people in New York City, especially the  
3 children, for all those children that have been hurt  
4 because of the lead poisoning and hopefully that we  
5 will be able to protect them in the future. For my  
6 district and the for the City of New York, today I'm  
7 proud to vote aye.

8 COUNCIL CLERK: Jackson.

9 COUNCIL MEMBER JACKSON: Yes.

10 COUNCIL CLERK: James.

11 COUNCIL MEMBER JAMES: Yes on all.

12 COUNCIL CLERK: Jennings.

13 COUNCIL MEMBER JENNINGS: Madam Public  
14 Advocate, I would like permission not to speak.

15 PUBLIC ADVOCATE GOTBAUM: So ordered.

16 COUNCIL MEMBER JENNINGS: Aye on all.

17 COUNCIL CLERK: Katz.

18 COUNCIL MEMBER KATZ: I vote aye on  
19 all, Madam Public Advocate. And just so it doesn't  
20 get lost in the importance of the day today, I would  
21 just like to congratulate Council Member Brewer and  
22 Quinn on the electronic death registry.

23 I understand with the importance of  
24 today it might have gotten lost, the fact of the  
25 matter is, today we did a big step in helping out

1 STATED COUNCIL MEETING

2 the funeral directors, the hospitals and the  
3 doctors, to make something that obviously was a very  
4 difficult process and an easier one. It really  
5 showed that we weren't looking out for the  
6 businesses of the City of New York, and I want to  
7 thank them for their work on that.

8 I vote aye.

9 COUNCIL CLERK: Koppell.

10 COUNCIL MEMBER KOPPELL: Madam Public  
11 Advocate, may I have permission to explain my vote?

12 PUBLIC ADVOCATE GOTBAUM: So ordered.

13 COUNCIL MEMBER KOPPELL: It is very  
14 interesting to observe the vote today on the lead  
15 paint bill and reflect on the overwhelming support  
16 for this bill in contrast with the fact that a  
17 similar bill did not pass Council.

18 While I still remain to be convinced  
19 term limits makes sense, I am very proud of what  
20 term limits has brought to this new Council, in  
21 terms of a new spirit, a new commitment, a new  
22 ability to, if you will, take into account special  
23 interests, but not let them, those special  
24 interests, control this body. And I think that the  
25 Speaker, Councilman Perkins, and all of us, in a

1 STATED COUNCIL MEETING

2 sense, I think deserve credit as we see this bill  
3 passed and recognized that it is a reflection that  
4 we're doing this today, of failure in the past that  
5 we are correcting.

6 I think it also is true that as we  
7 come to the end of our first session with this new  
8 membership, we can be proud of many things,  
9 including a number of other things that are on the  
10 agenda today.

11 But I would simply like to say, as we  
12 end this year and we end our first term, that I am  
13 proud to be a colleague of the men and women in this  
14 body, I am proud of what we do today, I am proud of  
15 what we've done over the last two years, and I know  
16 it presages that we will do more good for the men,  
17 women and children of the City of New York in the  
18 years to come.

19 COUNCIL CLERK: Lanza.

20 COUNCIL MEMBER LANZA: I'm going to  
21 vote for our children as well, so I'll vote no on  
22 Intro. 101-A, no on Intro. 38-A, no on preconsidered  
23 Resolution 1211, and vote aye on the rest. I.

24 COUNCIL CLERK: Liu.

25 COUNCIL MEMBER LIU: Yes.

1 STATED COUNCIL MEETING

2 COUNCIL CLERK: Lopez.

3 COUNCIL MEMBER LOPEZ: Aye on all.

4 COUNCIL CLERK: Martinez.

5 COUNCIL MEMBER MARTINEZ: Aye on all.

6 COUNCIL CLERK: McMahan.

7 COUNCIL MEMBER McMAHON: Aye on all.

8 COUNCIL CLERK: Monserrate.

9 COUNCIL MEMBER MONSERRATE: Aye on  
10 all.

11 COUNCIL CLERK: Moskowitz.

12 COUNCIL MEMBER MOSKOWITZ: I vote aye  
13 on all, and ask for unanimous consent to vote on all  
14 previous Land Use Call-Ups.

15 PUBLIC ADVOCATE GOTBAUM: So ordered.

16 COUNCIL MEMBER MOSKOWITZ: Aye on all.

17 COUNCIL CLERK: Nelson.

18 COUNCIL MEMBER NELSON: Aye on all.

19 COUNCIL CLERK: Perkins.

20 COUNCIL MEMBER PERKINS: Permission to  
21 explain my vote?

22 With extended time. First let me just  
23 quickly say that I want to recognize Tracy Boyland  
24 as one of those from the past Council that was  
25 supportive of this bill. I want to also recognize

1 STATED COUNCIL MEETING

2 NYCELP, Cordel Clair and all the mothers whose  
3 children have suffered and who have turned for this  
4 Council for hope when they were in despair. I want  
5 to thank, of course, Marcel, for having tolerated  
6 all the abuse that we could give to get us to the  
7 point that we are at.

8 I want to say to the Chairwoman of  
9 the Black and Latino and Asian Caucus that today is  
10 not going to be the tears from before, this is a  
11 moment of great pride to be a part of this body, and  
12 so I want to obviously vote aye on Intro. 101-A.

13 And with respect to Intro. 38-A, I  
14 want to say I support 38-A. It is the American way.  
15 It represents the fact that we're not an English  
16 only country, that we have the blessing of being  
17 multilingual multi-cultural and New York City is the  
18 epitome of that and it is a blessing. Thank you.

19 COUNCIL CLERK: Provenzano.

20 COUNCIL MEMBER PROVENZANO: Before I  
21 vote, I'd like to thank some folks that have been  
22 forgotten that also worked very hard on 101-A. Jeff  
23 Haberman, Terzah Nasser, Sara Marks, David Pechefsky  
24 and Andrew Steera.

25 Now you clap, then you won't. I vote



1 STATED COUNCIL MEETING

2 no on Intro. 101-A, no on preconsidered Reso 1211,  
3 no on 38-A and yes on everything else.

4 COUNCIL CLERK: Quinn.

5 COUNCIL MEMBER QUINN: If I could  
6 temporarily be excused to explain my vote?

7 PUBLIC ADVOCATE GOTBAUM: So ordered.

8 COUNCIL MEMBER QUINN: Just before  
9 voting, I want to join with the many folks who  
10 saluted the work of Council Member Perkins, Speaker  
11 Miller, Marcel Van Ooyen and the rest of the Housing  
12 and Buildings team for their incredible hard work in  
13 making sure this day came that 101-A will pass.

14 I also want to salute Council Member  
15 John Liu and Council Member Gale Brewer in their  
16 incredible leadership on 38-A.

17 I also want to congratulate Council  
18 Member Yassky and Bill DeBlasio for the important  
19 piece of legislation we're passing today which will  
20 go a long way to help reducing domestic violence in  
21 this City and protecting people who have been the  
22 victims of domestic violence.

23 I want to thank the Health Committee  
24 staff, Gelvina Stevens, Judith MacFarlane, Nick Noe,  
25 Cathy Torres, Chris Winward and David Pristin, who

1 STATED COUNCIL MEETING

2 all worked very hard to make sure the electronic  
3 death registry bill was able to be passed today, and  
4 thank Council Member Brewer for her unbelievable  
5 health and expertise on this measure, important  
6 technology measure.

7 I want to thank Council Members  
8 Gennaro and Gerson for their work on the sulfur  
9 diesel bill.

10 Lastly, note that we're doing another  
11 great thing today. We are designating the Ganesvoort  
12 Meat Market a historic landmark district in the West  
13 Village. And I want to thank Council Members Katz  
14 and Felder, Chris Colins, Gale Benjamin and the  
15 whole Land Use staff for their hard work in making  
16 sure this terrific day came where the Gansevoort  
17 Meat Market will get the protection it needs to  
18 preserve it and keep that important part of our  
19 history. I vote aye on all and request unanimous  
20 consent to vote aye on the Land Use Call-Ups.

21 COUNCIL CLERK: Recchia.

22 COUNCIL MEMBER RECCHIA: Can I be  
23 excused to explain my vote?

24 PUBLIC ADVOCATE GOTBAUM: So ordered.

25 COUNCIL MEMBER RECCHIA: On behalf of

1 STATED COUNCIL MEETING

2 all the trial lawyers who make the life of the brain  
3 child -- of the child who has brain damage caused by  
4 lead paint, I vote yes. Because every parent today  
5 who has one of those children are very happy.

6 COUNCIL CLERK: Reed.

7 COUNCIL MEMBER REED: I'd like to be  
8 excused to explain my vote.

9 PUBLIC ADVOCATE GOTBAUM: So ordered.

10 COUNCIL MEMBER REED: Thank you.

11 I wanted to, on a different matter I  
12 want to thank Chairwoman Quinn of the Health  
13 Committee, because Intro. 90-A, any time it's got  
14 two digits, you know it's been hanging around for a  
15 long time, raises the fine for landlords who are not  
16 following the rules and regulations that we put  
17 forward to keep rats out of our neighborhood.

18 We have historically heard that the  
19 landlords see that as a cost of doing business.  
20 Well, now the cost of doing business went a whole  
21 lot higher, and so I appreciate it. I think we've  
22 come up with a good bill. I'm pleased that on this  
23 particular bill, maybe it's something to do with  
24 rats, the Administration has said yes to it so we  
25 don't have to fuss with that. But I do think it is

1 STATED COUNCIL MEETING

2 important that we note that in the epidemic that  
3 we've all seen of rats, that the Council has taken  
4 the lead in trying to be aggressive in how to at  
5 least address it from the landlord perspective.

6                   Lastly, I want to thank Chairman  
7 Sanders, even though he got the empire zone not  
8 completely correct, it's the East Harlem Empire Zone  
9 that you voted on in Committee, and we're delighted  
10 because East Harlem has a lot of opportunity, East  
11 Harlem and East New York, Charles, both of them, but  
12 don't come over to my neighborhood with all of your  
13 stuff from Brooklyn, okay?

14                   So, I want to thank the Council for  
15 doing this. We are seeing a terrific economic  
16 opportunity. We want to make people aware that  
17 business is welcome in East Harlem.

18                   Thank you. I vote aye on all.

19                   COUNCIL CLERK: Reyna.

20                   COUNCIL MEMBER REYNA: Aye on all.

21                   COUNCIL CLERK: Sanders.

22                   COUNCIL MEMBER SANDERS: Permission to  
23 explain my vote?

24                   PUBLIC ADVOCATE GOTBAUM: So ordered.

25                   COUNCIL MEMBER SANDERS: It pains me

1 STATED COUNCIL MEETING

2 greatly to differ with such good people that I  
3 really admire, Council Members Oddo, Vallone,  
4 Gallagher, Sears, and of course the Committee Chair  
5 Provenzano, who led a hearing that was a model of  
6 fair debate.

7                   I have to, of course, commend the  
8 Marathon Man himself, our Deputy Majority Leader,  
9 who has shown not just in running in the streets,  
10 but running against lead. There were those who voted  
11 against you, sir, or thought that this might not  
12 have happened, but a marathon is not decided by the  
13 first mile or the first five miles, but by 26.8, if  
14 my memory serves me correct.

15                   I am here because I have been sent by  
16 some special interests. I am not going to say I  
17 don't represent special interests. I represent  
18 special interests, the interests of children in my  
19 district, the interests of my constituents in my  
20 district, these interests are very special to me,  
21 and since I sit in the belly of the lead zone, it is  
22 very clear where I have to fall on this issue. I  
23 happily vote for this bill. It is not the greatest,  
24 but perfection exists in the mind. We need to  
25 continue to work until we do better. Happy holidays

1 STATED COUNCIL MEETING

2 to all. I really am honored to serve with such good  
3 people. Thank you very much.

4 COUNCIL CLERK: Seabrook.

5 COUNCIL MEMBER SEABROOK: Madam Public  
6 Advocate, may I rise to explain my vote, please?

7 PUBLIC ADVOCATE GOTBAUM: So ordered.

8 COUNCIL MEMBER SEABROOK: Today the  
9 children in heaven are looking down. For these are  
10 the children that never had trial lawyers, for these  
11 are the children that never had a cause of action,  
12 they never brought a claim before the City about  
13 lead poisoning. These are the children for many  
14 years of neglect that we just classified them as  
15 crazy or just bad kids, never understanding that  
16 these kids were poison, and they had brain damage.

17 So, the children in heaven today that  
18 never had lawyers, never brought a cause of action,  
19 are saying thank you to the City Council. Thank you,  
20 Mr. Speaker. Thank you, Bill Perkins, for doing the  
21 right thing today. Thank all the Council members.

22 So, I enthusiastically vote for this  
23 bill and all of the other bills, and would like  
24 special permission to vote aye on all of the Land  
25 Use Call-Ups, and this is probably the best vote

1 STATED COUNCIL MEETING

2 that I've done since I've been here for the  
3 children.

4 Thank you, Madam President.

5 COUNCIL CLERK: Sears.

6 COUNCIL MEMBER SEARS: Permission to  
7 explain my vote, Madam Chair, on another issue?

8 PUBLIC ADVOCATE GOTBAUM: So ordered.

9 COUNCIL MEMBER SEARS: Thank you.

10 I vote no on preconsidered Reso 1211  
11 and 101-A. And I vote yes on all others.

12 I wish to say that for 38-A and  
13 198-A, these are the finest bills. I know there has  
14 been opposition to electronic filing and to equal  
15 access, but they are fair, they are right and they  
16 are long overdue, and I have been very pleased to  
17 sponsor those bills. Thank you.

18 COUNCIL CLERK: Serrano.

19 COUNCIL MEMBER SERRANO: Aye on all.

20 COUNCIL CLERK: Stewart.

21 COUNCIL MEMBER STEWART: Madam Public  
22 Advocate, may I be excused to explain my vote?

23 PUBLIC ADVOCATE GOTBAUM: So ordered.

24 We all want to protect our children,  
25 but how do we do that?

1 STATED COUNCIL MEETING

2 I'm worried about concerns of HPD,  
3 I'm worried about the concerns of the developers,  
4 I'm worried about the concerns of the mortgage  
5 companies. I'm also worried about a concern of the  
6 insurance companies, and even, yes, the small  
7 property owners. I'm worried about a concern that  
8 was articulated by Dr. Frieden.

9 I'm also worried about the concerns  
10 of HRA and many others. I'm worried about us  
11 rushing.

12 I hope we will revisit this bill in  
13 the near future. However, I believe in the interest  
14 of the children, that a bill that we can adjust, is  
15 better than no bill at all. And, so, with that I  
16 vote aye.

17 COUNCIL CLERK: Vallone.

18 COUNCIL MEMBER VALLONE: Madam Chair,  
19 I would just briefly like to thank Jim Gennaro for  
20 his hard work on the diesel fuel bill, which has  
21 gone unnoticed today. Yes, let's hear it for Jim  
22 Gennaro. He's doing great. Thanks. That truly is a  
23 Christmas gift to all New Yorkers, trial attorneys  
24 included of clean air, and I'm proud to vote yes on  
25 that, on all, except I'm going to abstain for the



1 STATED COUNCIL MEETING

2 moment on 101-A.

3 COUNCIL CLERK: Vann.

4 COUNCIL MEMBER VANN: Yes, Madam

5 Public Advocate, can I explain my vote?

6 PUBLIC ADVOCATE GOTBAUM: Yes, so

7 ordered, Council Member.

8 COUNCIL MEMBER VANN: Actually, I

9 would like to associate myself with the remarks of

10 my former colleague and current colleague, Oliver

11 Koppell, as he most eloquently and insightfully I

12 think indicated what this body was all about and has

13 represented over the last two years.

14 Secondly, I would like to be

15 associated with comments of another colleague,

16 Assemblyman, now Councilman Seabrook, for the

17 passion he brought to our celebrating 101-A in its

18 passage and the leadership who brought it so.

19 And on my own I just want to say I

20 vote aye on all.

21 Thank you.

22 COUNCIL CLERK: Weprin.

23 COUNCIL MEMBER WEPRIN: Aye on all.

24 COUNCIL CLERK: Yassky.

25 COUNCIL MEMBER YASSKY: Aye on all.

1 STATED COUNCIL MEETING

2 COUNCIL CLERK: Oddo.

3 COUNCIL MEMBER ODDO: May I be

4 temporarily excused to explain my vote?

5 PUBLIC ADVOCATE GOTBAUM: So ordered.

6 COUNCIL MEMBER ODDO: With all due

7 respect to Council Member Felder, when you're one of

8 three republicans in a body of 51, any time you get

9 a microphone in front of you, you have to take

10 advantage of it, even if it's talking about the same

11 issue.

12 Yes, at the last hearing we had in

13 Housing and Buildings on Friday I offered up two

14 amendments for my colleagues to consider, one

15 dealing with the presumption issue that I really

16 wish we could talk about in more detail today.

17 But there was one other aspect to

18 this bill that I had problems with, and that was

19 with the preconsidered reso 1211, the negative

20 declaration.

21 It's clear to me that from day one,

22 some folks had reached the conclusion and then

23 worked backwards to justify that conclusion. The

24 cart here was the negative declaration and the

25 horse, frankly, were the facts that we should have

1 STATED COUNCIL MEETING

2 analyzed objectively to determine whether or not we  
3 should have issued a negative declaration.

4                   We got a document that was very  
5 detailed in our hands on Friday, on Thursday  
6 afternoon, and we were expected to have digested and  
7 be able to vote on it intelligently. I happen to  
8 think that there is a threshold issue here.

9                   We heard our good friend and my good  
10 friend and our learned speaker talk about the  
11 presumption and talked passionately about it and  
12 said it has nothing to do with liability, but what  
13 we're doing is extending the presumption that the  
14 paint is lead if it's a pre-1960 building and  
15 there's a child of applicable age, we're extending  
16 that presumption which is used as a trigger for  
17 enforcement, which we all agree with and we all  
18 support, we're extending that to liability, and it's  
19 that very reason why we had witnesses and testimony  
20 from the affordable housing industry saying they're  
21 concerned about the liability increase, and they  
22 will express very clearly their concerns about the  
23 possible chilling effect.

24                   So, we could spin this any way we  
25 want, but this presumption in this bill is extended

1 STATED COUNCIL MEETING

2 to liability. They're inextricably woven together.

3 I'm sorry to hear my colleagues  
4 continue to frame this issue versus, as children  
5 versus some other folks. It's about crafting the  
6 best bill possible and I think that we've missed an  
7 opportunity.

8 I will close with saying that I will  
9 be voting no on Intro. 101-A, no on preconsidered  
10 1211 and no on Intro. 38-A. And I'll say on that  
11 bill that every time we pass a bill like this, I  
12 think about my grandparents, and I think about how  
13 even more so their trip to this country remarkable  
14 without any help whatsoever.

15 COUNCIL CLERK: Gennaro.

16 COUNCIL MEMBER GENNARO: Yes. Thank  
17 you for this opportunity. There seems like there's  
18 some question as to whether or not I actually voted  
19 during my remarks before, and I vote aye on all.

20 COUNCIL CLERK: Rivera.

21 COUNCIL MEMBER RIVERA: Madam Public  
22 Advocate, if I can be excused to explain my vote?

23 PUBLIC ADVOCATE GOTBAUM: So ordered.

24 COUNCIL MEMBER RIVERA: Thank you very  
25 much.

1 STATED COUNCIL MEETING

2                   First, I want to say that I  
3 wholeheartedly support Intro. 38-A, as well, because  
4 New York City and the United States of America is  
5 the land of opportunity, and we need to ensure that  
6 all immigrants coming to our nation can seek better  
7 hope and opportunity, and that they can be  
8 understood and that we can be understood in  
9 communications. And it is our responsibility to  
10 ensure that 164 languages that are represented here  
11 in the City of New York will be translated into all  
12 the languages, and I want to say that Intro. 38-A is  
13 a vital piece of legislation and I whole-heartedly  
14 support that Intro, and I want to thank John Liu for  
15 his leadership on introducing this very important  
16 piece of legislation.

17                   And on Intro. 101-A, I want to thank  
18 the proponents and the opponents for Intro. 101-A  
19 because they've been able to shed light on this very  
20 important piece of legislation to ensure that us, as  
21 non-scientific individuals, that may not have a  
22 degree in all the jargon or whatever the case may be  
23 that pertain to these bills, that we can be educated  
24 on what the pros and cons of this bill are.

25                   So, a lot of applause to NYCELP and

1 STATED COUNCIL MEETING

2 to all the organizations that are in support and to  
3 all the organizations that are in opposition.

4                   Hopefully, with the passage of this  
5 bill, our prayers will be answered, and the children  
6 will no longer be poisoned.

7                   I would like to close by saying that  
8 I wish everyone a merry Christmas, a happy Hanukkah  
9 happy Quansa, and a very literal maybe unknown  
10 holiday to the Latino community, a happy Three Kings  
11 Day, which is in January. I vote aye on all. Thank  
12 you.

13                   COUNCIL CLERK: Speaker Mr. Miller.

14                   SPEAKER MILLER: I would like to vote  
15 aye on all items coupled on the General Order  
16 Calendar, and just say, just finally, in closing on  
17 the subject of this insurance issue and affordable  
18 housing, I just want you to know that there were  
19 four hearings on Intro. 101-A, and we did not have a  
20 single insurance company, insurance industry  
21 representative who testified that this would have an  
22 adverse effect on insurability. And this was not,  
23 101-A, you know, to the chagrin of many, did not  
24 move swiftly, you know? There was plenty of time for  
25 people to realize what the impact of that would be,

1 STATED COUNCIL MEETING

2 and that really this sort of came together in the  
3 final week. And I want to say that it's certainly,  
4 the insurance issue is one that we take as a body  
5 very, very seriously, and we look forward to keeping  
6 a very close eye on this and are working together to  
7 try to address it should it become a problem. But  
8 also I would point out that insurance problems,  
9 really the solution to them lie with state  
10 regulators and not so much with trying to threaten  
11 children's rights to affordable and lead-safe  
12 housing.

13                   So with that, I vote aye on all items  
14 coupled on the General Order Calendar.

15                   PUBLIC ADVOCATE GOTBAUM: All items on  
16 today's General Order Calendar were adopted by a  
17 vote of 50 in the affirmative, zero in the negative,  
18 zero abstentions; with the exception of Intro.  
19 101-A, which is adopted by a vote of 44 in the  
20 affirmative, five in the negative, and one  
21 abstention.

22                   Quiet, please.

23                   And Intro. 38-A, which was adopted by  
24 a vote of 46 in the affirmative, four in the  
25 negative and zero abstentions.

1 STATED COUNCIL MEETING

2                   And Intro. 585-A, which was adopted  
3 by a vote of 49 in the affirmative and one in the  
4 negative, zero abstentions; and Reso 1211, which was  
5 adopted by a vote of 45 in the affirmative, five in  
6 the negative, zero abstentions; and Reso 1214, which  
7 was adopted by a vote of 49 in the affirmative, one  
8 in the negative.

9                   The revised Land Use Call-Up vote is  
10 50 in the affirmative and zero in the negative.

11                   SPEAKER MILLER: All right, we're not  
12 done yet, folks, we've got a couple of minutes.

13                   PUBLIC ADVOCATE GOTBAUM: We've still  
14 got more.

15                   Introduction and Reading of the  
16 Bills.

17                   SPEAKER MILLER: All items are  
18 referred to the Committee as indicated on the  
19 schedule.

20                   PUBLIC ADVOCATE GOTBAUM: Discussion  
21 of Resolutions.

22                   Seeing none, let's go to General  
23 Discussion.

24                   SPEAKER MILLER: No, no, no.

25                   PUBLIC ADVOCATE GOTBAUM: I'm sorry.



1 STATED COUNCIL MEETING

2 Fifteen. To the resolutions.

3 Resolution 1185.

4 All in favor?

5 Opposed?

6 Adopted.

7 Resolution 1202.

8 In favor?

9 Opposed?

10 Adopted.

11 General Discussion.

12 Council Member Barron.

13 Oh, Mr. Speaker, I'm sorry.

14 SPEAKER MILLER: Thank you very much.

15 I just wanted to bring a couple of  
16 things to my colleagues' attention. Before I do, I'd  
17 like to ask everybody to rise with me.

18 You know, we lost a dear friend and  
19 an extraordinary colleague. We recently lost a dear  
20 friend and an extraordinary person, Mary Pinkett,  
21 who was a trailblazer for women, for African  
22 Americans, and for justice in this City, and so I'd  
23 like to ask you all to join me for a moment of  
24 silence in her memory.

25 (Moment of Silence observed.)

1 STATED COUNCIL MEETING

2 SPEAKER MILLER: Thank you.

3 A couple of other points that I want  
4 to make to my colleagues, again remind them that if  
5 you want to get sworn in, you can get sworn in after  
6 the meeting with the clerk. That's important. You  
7 need to be sworn in.

8 We also have some birthdays. Oliver  
9 Koppell's birthday is today. There you are. What's  
10 today? Okay, it's Monday.

11 Thursday is Council Member Boyland  
12 and Jackson's birthday. They have a shared birthday.

13 Friday is Council Member Gallagher's  
14 birthday.

15 Dennis, are you still here?

16 And Monday is Council Member Sear's  
17 birthday. And I'll just close, my colleagues, we had  
18 an impassioned debate here on an issue of incredible  
19 importance. We've had many impassioned debates on  
20 issues of incredible importance. This has been an  
21 extraordinary two years. I thank you all for your  
22 friendship, for your support, and most of all for  
23 making this the most effective City Council in  
24 history. Congratulations to you all on some  
25 extraordinary accomplishments over the last two

1 STATED COUNCIL MEETING

2 years, and I look forward to working together again  
3 coming in the future. Thank you.

4 PUBLIC ADVOCATE GOTBAUM: Council  
5 Member Barron.

6 COUNCIL MEMBER BARRON: I just simply  
7 want to say, if I can have your attention for just a  
8 second. This will take a second.

9 PUBLIC ADVOCATE GOTBAUM: Quiet,  
10 please.

11 COUNCIL MEMBER BARRON: Quiet, please.

12 I just wanted to let the people who  
13 beat me up on the other side sometimes know that my  
14 wife Inette Barron is here. I brought my wife,  
15 please give her a handclap. I brought my wife here,  
16 and I notice you all didn't pick on me today because  
17 my wife was here.

18 PUBLIC ADVOCATE GOTBAUM: Your better  
19 half, right, Barron?

20 COUNCIL MEMBER BARRON: That's right.  
21 My better half. Thank you very much.

22 PUBLIC ADVOCATE GOTBAUM: Thank you.

23 Council Member Perkins.

24 COUNCIL MEMBER PERKINS: Thank you  
25 very much. I want to thank everyone for their

1 STATED COUNCIL MEETING

2 support on Intro. 101-A.

3                   You know, very often the persons that  
4 are the most, the closest to us are the ones that we  
5 recognize last, unfortunately. So I want to make  
6 sure that my staff understands how much they  
7 appreciate what they've done. I'm talking about  
8 Cass, Jenise, without them we could never have  
9 gotten this far.

10                   I also want to remember to thank  
11 publicly once again Jeff Haberman, even the Land Use  
12 staff, and, of course, last but not least the black  
13 and Latino and Asian Caucus, the foundation for the  
14 support that we receive.

15                   In conclusion, I also want to  
16 recognize that today marks the 100th anniversary of  
17 the birth of Ella Josephine Baker, one of the most  
18 influential Americans in the crusade for racial  
19 justice. For more than 50 years she traveled around  
20 the country organizing, protesting and advocating  
21 for justice for African Americans, labor, Latinos  
22 and women.

23                   In those efforts she worked alongside  
24 some of the most highly regarded civil rights  
25 leaders of the 20th century.

1 STATED COUNCIL MEETING

2 May I have your attention for ten  
3 more seconds?

4 Including WEB, the Voice, Thurgood  
5 Marshall and Dr. Martin Luther King.

6 In the 30s, while living in Harlem,  
7 Ella Baker was a leader of the Cooperative Movement  
8 and participated in demonstrations against lynching,  
9 colonialism and fascism. In the 40s she blazed  
10 through Klu Klux Klan territory, recruiting members  
11 for the NAACP, which even put her own life at risk.  
12 Baker wanted to change injustice and spent her life  
13 doing just that, indeed it was a life worth  
14 remembering.

15 Thank you very much.

16 PUBLIC ADVOCATE GOTBAUM: Council  
17 Member Jackson.

18 COUNCIL MEMBER JACKSON: My  
19 colleagues, I just wanted to say I enjoyed the two  
20 years that I served with you on the City Council,  
21 and I look forward to serving two more years  
22 representing the 163,000 people that I represent in  
23 Northern Manhattan, and let me say this to you: I  
24 think that this has been a great legislative  
25 session, and I wish all of you a healthy, happy and

1 STATED COUNCIL MEETING

2 prosperous '04.

3 PUBLIC ADVOCATE GOTBAUM: Council  
4 Member Foster.

5 COUNCIL MEMBER FOSTER: Thank you. I  
6 understand people are ready to go, but I would be  
7 remiss if I didn't stand up here and just thank  
8 Council Member Mary Pinkett in her absence for being  
9 a trailblazer, and thank Gifford for remembering to  
10 have a moment of silence. It is important. I know as  
11 my sister Yvette and I sat at that funeral, we  
12 understood how broad she made her shoulders for us  
13 to stand on so we could be here. And as the first  
14 black woman elected to a City office from Bronx  
15 County, I am thankful and I challenge all of us to  
16 broaden our shoulders to make sure that people can  
17 come behind us, just like Mary did, for us. So, God  
18 bless the Mary Pinkett family.

19 Thank you.

20 PUBLIC ADVOCATE GOTBAUM: Council  
21 Member Gennaro.

22 Dilan? Council Member Dilan, excuse  
23 me.

24 COUNCIL MEMBER DILAN: Madam Advocate,  
25 I feel I have to say this. I may get in trouble with

1 STATED COUNCIL MEETING

2 some of my colleagues, but I'm used to getting in  
3 trouble with my colleagues so I'm okay. But what I  
4 would like to say is this body really needs -- Madam  
5 Advocate, could I have order, please?

6 PUBLIC ADVOCATE GOTBAUM: Yes. Could  
7 we have order, please, while Council Member Dilan is  
8 speaking. Please, everybody, keep your voice down,  
9 or don't talk, which would be better.

10 COUNCIL MEMBER DILAN: Yes. I feel  
11 that I have to state that this body may need little  
12 lessons on the rules of this body. I believe the  
13 rules are very important and are something that,  
14 from my perspective, is somewhat embarrassing.

15 You know, no disrespect to anyone,  
16 myself included, because I don't pretend to be an  
17 expert on the rules, but if any member of this body  
18 wishes extended time to talk on a bill, this is  
19 where I'm going to get into trouble with the rest of  
20 my colleagues, they're allowed to do so by laying a  
21 bill aside for debate. That would allow them ten  
22 extra minutes, or ten minutes per member to talk and  
23 personally, I think if anyone can't get their point  
24 across in ten minutes, you know, we all need to have  
25 our heads examined.

1 STATED COUNCIL MEETING

2 But I just would like to state that,  
3 and I would just like to just personally challenge  
4 myself and all of my colleagues to adhere to the  
5 rules of this body a little bit more closely.

6 Thank you.

7 PUBLIC ADVOCATE GOTBAUM: Thank you  
8 very much, Council Member.

9 Council Member Gerson.

10 COUNCIL MEMBER GERSON: Madam Public  
11 Advocate, just very briefly, the passage of 191-A,  
12 the diesel reduction bill, was a team effort. I want  
13 to once again than our Speaker, Gifford Miller, our  
14 Chair, Council Member Jim Gennaro, the members and  
15 the leaders in the environmental community who were  
16 instrumental, the NRDC, with Rich Kassel, the  
17 Environmental Defense Fund with Andy Darrell, the  
18 American Lung Association, Craig Wilson, the Sierra  
19 Club, Bob Muldoon, the entire environmental  
20 community. Also, my team in Council District 1,  
21 Michael Kadish, who was with us from the beginning,  
22 but has gone on to the Brooklyn Borough President's  
23 Office, and his position taken over by Solomon  
24 Turkel, and, of course, my very, very great chief of  
25 staff, Derk McCall.



1 STATED COUNCIL MEETING

2 To all of my colleagues, and also to  
3 our staff, Donna DeConstanzo, Richard Colon, we have  
4 a great Council, a great staff, a great team.

5 Madam Public Advocate, thank you very  
6 much. And to all of my colleagues, happy holidays. I  
7 think forward to being together in the new year.  
8 Thank you.

9 PUBLIC ADVOCATE GOTBAUM: Council  
10 Member Brewer. You had your hand up. Maybe you were  
11 talking with your hands.

12 Council Member Martinez.

13 COUNCIL MEMBER MARTINEZ: Thank you,  
14 Madam Public Advocate.

15 I just want to bring to the attention  
16 to my colleagues, Resolution 1209, which calls on  
17 the MTA not to do any service reduction, especially  
18 in the areas of elevator operators. And I also want  
19 to bring to the attention of my colleagues, that the  
20 MTA is doing it to us again. They promised no  
21 service cuts, and today they put out a list of  
22 service cuts that happened in the MTA, such as the  
23 platform workers, such as the elevator operator, and  
24 several booth operators. So, they are cutting  
25 services after they did increase the fare.

1 STATED COUNCIL MEETING

2 Thank you, Madam Public Advocate.

3 PUBLIC ADVOCATE GOTBAUM: Thank you

4 very much.

5 Meeting is finished. The word is

6 adjourned. Excuse me.

7 (Hearing concluded at 3:50 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 15th day of December 2003.

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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.