



THE CITY RECORD

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THE CITY RECORD

MICHAEL R. BLOOMBERG, Mayor

MARTHA K. HIRST, Commissioner, Department of Citywide Administrative Services.
ELI BLACHMAN, Editor of The City Record.

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PUBLIC HEARINGS AND MEETINGS

See Also: Procurement; Agency Rules

AGING

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a Contract Public Hearing will be held on Wednesday, August 12, 2009, at the Department for the Aging, 2 Lafayette Street, 4th Floor Conference Room, Borough of Manhattan, commencing at 9:30 A.M. on the following:

IN THE MATTER of one (1) proposed contract between the Department for the Aging of the City of New York and the Contractor listed below to provide transportation services to the elderly. The contract term shall be from July 1, 2009 to June 30, 2010 with no renewal options. The contract amount and the Community District in which the program is located is identified below.

Contractor/Address
Heights and Hill Community Council
57 Willoughby St – 4th floor, Brooklyn, NY 11201

PIN# 12510TRNA219
Amount \$262,130
Boro/CD Bk, CDs 2 & 6

The proposed contract is being funded through a Negotiated Acquisition pursuant to Section 3-04 of the PPB Rules.

Anyone who wishes to speak at this Public Hearing should request to do so in writing. The written request must be received by the Agency within 5 business days after publication of this notice. Written request to speak should be sent to Betty Lee, ACCO at the Dept for the Aging (DFTA), 2 Lafayette St, 4th Fl., N.Y., N.Y. 10007. If DFTA receives no written requests to speak within the prescribed time, DFTA reserves the right not to conduct the Public Hearing.

A draft copy of the proposed contract is available for public inspection at the Office of the Department for the Aging, Contract Procurement and Support Services, 2 Lafayette Street, 4th floor, New York, New York 10007, on business days, from July 29, 2009 to August 12, 2009, excluding Holidays, from 10:00 A.M. to 4:00 P.M.

• jy29

CITY COUNCIL

■ HEARINGS

HEARING BY THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

THE COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS WILL HOLD A HEARING ON WEDNESDAY, JULY 29, AT 11:00 A.M. IN THE COUNCIL CHAMBERS, CITY HALL, NEW YORK, NEW YORK 10007 ON THE FOLLOWING MATTER:

- **Pre-considered M**, Michael J. Regan, candidate for re-appointment by the Council to the New York

City Board of Correction pursuant to § 626 of the New York City Charter. If Mr. Regan is re-appointed, he will be eligible to serve for the remainder of a six-year term expiring on October 12, 2014.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

A Calendar of speakers will be established in advance. Persons interested in being heard should write to the Honorable Christine C. Quinn, Speaker of the City Council, City Hall, New York, New York 10007, setting forth their name, representation and viewpoints.

Michael M. McSweeney
City Clerk, Clerk of the Council

jy23-29

CITY PLANNING COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT RESOLUTIONS Have been adopted by the City Planning Commission scheduling public hearings on the following matters to be held at Spector Hall, 22 Reade Street New York, New York, on Wednesday, August 5, 2009, commencing at 10:00 A.M.

BOROUGH OF THE BRONX Nos. 1 & 2

ON THE SOUND ON CITY ISLAND

CD 10 C 060288 ZMX
IN THE MATTER OF an application submitted by City Island Estates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4d, by changing from an M1-1 District to an R3A District property bounded by Fordham Street, the shoreline of Long Island Sound, the northeasterly prolongation of a line 100 feet northwesterly of Carroll Street (straight line portion), and Fordham Place, as shown on a diagram (for illustrative purposes only) dated May 4, 2009, and subject to the conditions of Declaration E-237.

No. 2

CD 10 C 060289 ZMX
IN THE MATTER OF an application submitted by City Island Estates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 112-107 of the Zoning Resolution to modify the height and setback regulations of Sections 112-103 (Special height and setback regulations) and Section 23-631(Maximum Height of Walls and Required Setbacks) to facilitate a 43-unit residential development on property located at 226 Fordham Place (Block 5643, Lot 235), in an R3A* District, within the Special City Island District (Area A).

*Note: The site is proposed to be rezoned from an M1-1 District to an R3A District under a related concurrent application (C 060288 ZMX).

Plans for this proposal are available with the City Planning Commission and may be seen in Room 3N, 22 Reade Street, New York, N.Y. 10007.

BOROUGH OF BROOKLYN No. 3

BOARD OF ELECTIONS WAREHOUSE

CD 7 C 090349 PCK
IN THE MATTER OF an application submitted by the Board of Elections and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 4312 2nd Avenue (Block 796, lot 1) for use as a warehouse facility.

No. 4

MOSDOTH CHILD CARE CENTER

CD 9 C 090323 PQK
IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 420 Lefferts Avenue (Block 1331, Lot 9) for continued use as a day care center.

No. 5

RIVERWAY APARTMENTS

CD 16 C 090447 HAK
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 228 Riverdale Avenue (Block 3603, Lot 25) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a seven-story building, tentatively known as Riverway Apartments, with approximately 115 residential units, commercial and community facility space, to be developed under the Department of Housing Preservation and Development Supportive Housing Program.

BOROUGH OF MANHATTAN

No. 6

THE DEMPSEY

CD 10 C 090374 HAM
IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 138-150 West 128th Street (Block 1912, part of Lot 12), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a six-story residential building, tentatively known as The Dempsey, with approximately 80 dwelling units.

No. 7

246 11TH AVENUE

CD 4 N 090243 ZRM
IN THE MATTER OF an application submitted by G&R 11th Avenue Associates, LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, relating to Article IX, Chapter 8 (Special West Chelsea District),

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

Article IX - Special Purpose Districts

Chapter 8 Special West Chelsea District

* * *

98-27
Zoning Lots Located Partly Within Subarea C and Partly Within M1-5 Districts
For #zoning lots# existing prior to June 23, 2005 and located partly within an M1-5 District and partly within a C6-3 District in Subarea C, the permitted #floor area ratio# for the C6-3 portion of the #zoning lot# may be increased to the #floor area ratio# existing in the C6-3 portion on June 23, 2005, up to a maximum #floor area ratio# of 7.5, provided that the Chairperson of the City Planning Commission has certified that a payment has been made to the High Line Improvement Fund established under Section 98-25, to be used at the discretion of the Chairperson of the City Planning Commission to assure that the High Line is restored and reused as a public accessible open space. The amount of such contribution shall be determined in the manner prescribed in Section 98-35 (High Line Transfer Corridor Bonus).

No building permit for any #development# or #enlargement# may be issued for any #building or other structure# on the #zoning lot# that will contain #floor area# made available to the #zoning lot# as a result of the application of this Section unless and until such certification has been made.

* * *
BOROUGH OF QUEENS
No. 8
EXCELSIOR RESIDENCE

CD 13 C 030129 ZMQ
IN THE MATTER OF an application submitted by MCM Realty Associates, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 11d, by changing from an R3-2 District to an R6A District property bounded by Commonwealth Boulevard, a former service road of Grand Central Parkway and its southwesterly centerline prolongation, Grand Central Parkway, the southeasterly centerline prolongation of 247th Street, a line 500 feet southeasterly of Grand Central Parkway, the easterly centerline prolongation of 72nd Avenue, and the northwesterly service road of the Grand Central Parkway, as shown on a diagram (for illustrative purposes only) dated April 20, 2009, and subject to the conditions of CEQR Declaration E-234

No. 9
SOUTH CONDUIT BOULEVARD REZONING

CD 13 C 060419 ZMQ
IN THE MATTER OF an application submitted by Parkway Properties LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 19b, by establishing within an existing R3-1 District a C1-3 District bounded by South Conduit Avenue, Lansing Avenue, a line perpendicular to the southwesterly street line of Lansing Avenue distant 75 feet southeasterly (as measured along the street line) from the point of intersection of the southerly street line of South Conduit Avenue and the southwesterly street line of Lansing Avenue, and a line 100 feet northeasterly of Edgewood Avenue, as shown on a diagram (for illustrative purposes only) dated April 20, 2009.

CITYWIDE
No. 10
FRESH FOODS ZONING TEXT

CITYWIDE N 090412 ZRY
IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York relating to Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) concerning provisions related to the establishment of FRESH Food Stores.

ALL TEXT IN ARTICLE VI, CHAPTER 3 IS NEW

Article VI
Special Regulations Applicable to Certain Areas

* * *

Chapter 3
Special Regulations Applying to FRESH Food Stores

63-00
GENERAL PURPOSES

The provisions of this Chapter establish special regulations that guide the development of #FRESH food stores# to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- to encourage a healthy lifestyle by facilitating the development of #FRESH food stores# that sell a healthy selection of food products;
- to provide greater incentives for #FRESH food stores# to locate in neighborhoods underserved by such establishments;
- to encourage #FRESH food stores# to locate in locations that are easily accessible to nearby residents; and
- to strengthen the economic base of the City, to conserve the value of land and buildings, and to protect the City's tax revenues.

63-01
Definitions
FRESH food store

A "FRESH food store" is a food store #use# as listed in Section 32-15 (Use Group 6A), where at least 6,000 square feet of #floor area#, or #cellar# space used for retailing, is #used# for the sale of a general line of food and nonfood grocery products such as dairy, canned and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish, and poultry, intended for home preparation, consumption and utilization. Such retail space #used# for the sale of a general line of food and non-food grocery products shall also be #used# as follows:

- at least 3,000 square feet or 50 percent of such retail space, whichever is greater, shall be #used# for the sale of a general line of food products intended for home preparation, consumption and utilization;
- at least 2,000 square feet or 30 percent of such retail space, whichever is greater, shall be #used# for the sale of perishable goods that shall include dairy, fresh produce, and frozen foods and may include fresh meats, poultry, and fish; and
- at least 500 square feet of such retail space shall be #used# for the sale of fresh produce.

A #FRESH food store# shall be permitted upon certification by the Chairperson of the City Planning Commission pursuant to Section 63-30 (Certification for #FRESH food Store#).

63-02
GENERAL PROVISIONS

63-021

Areas of Applicability

(a) The provisions of this Chapter shall apply to all #commercial# and #manufacturing districts# in the following areas, except as provided in paragraph (b) of this Section:

- In the Borough of the Bronx, Community Districts 1, 2, 3, 4, 5, 6, and 7;
- In the Borough of Brooklyn, Community Districts 3, 4, 5, 8, 9, 16 and 17;
- In the Borough of Manhattan, Community District 9, 10, 11, and 12; and
- In the Borough of Queens, #Special Downtown Jamaica District#.

(b) The provisions of the Chapter shall not apply to:

- Portions of Community District 7 in the Borough of the Bronx, identified in Map 1 of the Appendix A of this Chapter;
- Portions of Community District 8 in the Borough of Brooklyn, identified in Map 2 of the Appendix A of this Chapter;
- Portions of Community District 9 in the Borough of Manhattan, identified in Map3 of the Appendix A of this Chapter; and
- Portions of Community District 12 in the Borough of Manhattan, identified in Map 4 of the Appendix A of this Chapter.
- The following Special Purpose Districts:

#Special Madison Avenue Preservation District#;
 #Special Manhattanville Mixed Use District#;
 #Special Park Improvement District#; and
 #Special Hunts Point District#

63-022

Applicability of District Regulations

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

63-10

SPECIAL USE REGULATIONS

63-11

Special #Use# Regulations for #FRESH Food Stores# in M1 Districts

In M1 districts, the regulations of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) are modified to permit #FRESH food stores# with up to 30,000 square feet of #floor area#. The provisions of this Section shall not apply where the regulations of the underlying district permit Use Group 6A food stores with #floor area# greater than 30,000 square feet.

63-20

SPECIAL BULK AND PARKING REGULATIONS

63-21

Special #Floor Area# Regulations

63-211

For #mixed buildings# in #commercial districts# containing #FRESH food stores#

In #commercial districts#, the #floor area# regulations for #mixed buildings# in Section 35-31 (Maximum Floor Area Ratio for Mixed Buildings) shall be modified in accordance with the provisions of this Section. The total #floor area# for all #residential# and #commercial uses# on a #zoning lot# may exceed that permitted by the #residential floor area ratio# by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided that the #floor area ratio# of a #residential use# does not exceed the maximum #residential floor area ratio# set forth in Article II, Chapter 3, and the #floor area ratio# of a #commercial use# does not exceed the maximum #floor area ratio# set forth in Article III, Chapter 3.

63-212

For #mixed use buildings# in #Special Mixed Use Districts# containing #FRESH food stores#

In #Special Mixed Use Districts#, the #floor area# regulations for #mixed use buildings# in Section 123-64 shall be modified in accordance with the provisions of this Section. The total #floor area# for all #residential# and #commercial uses# on a #zoning lot# may exceed that permitted by the #residential floor area ratio# by one square foot for each square foot of #FRESH food store floor area#, up to 20,000 square feet, provided that the #floor area ratio# of a #residential use# does not exceed the maximum #residential floor area ratio# permitted by the underlying district regulations, and the #floor area ratio# of a #commercial use# does not exceed the maximum #floor area ratio# set forth in such Section.

63-22

Authorization to modify Maximum Building Height

For #mixed buildings# or #mixed use buildings# containing a #FRESH food store#, the City Planning Commission may authorize modifications to Sections 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) and 123-66 (Height and Setback Regulations). The City Planning Commission may permit the applicable maximum building height to be increased by up to 15 feet provided that any #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet above the adjacent public sidewalk, and #residential stories# have a minimum finished floor to finished ceiling height of eight feet six inches.

In order to grant such authorizations, the Commission shall find that:

- such modifications are necessary to accommodate a first #story# used as #FRESH food store#;
- the proposed modifications do not impair the essential scale and character of the adjacent buildings and any adjacent historic resources; and
- the proposed modifications will not unduly obstruct access to light and air of adjacent properties.

The Commission may prescribe additional appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

63-23

Special Transparency requirements

For all #FRESH food store# space, the ground floor level #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

63-24

Security Gates

All security gates installed between the #street wall# and the #street line# (after effective date of amendment), that are swung, drawn or lowered to secure #FRESH food store#

premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.

63-25

Required Accessory Off-street Parking Spaces in Certain Districts

- In C1-1, C1-2, C1-3, C2-1, C2-2, C2-3, and C4-3 Districts, the #accessory# off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) applicable to a C1-4 District shall apply to any #FRESH food store#.

- In the Borough of Brooklyn, in those portions of Community District 5 located south of Flatlands Avenue and east of the centerline prolongation of Schenck Avenue, a #FRESH food store# shall provide #accessory# off-street parking spaces as required for #uses# in parking category B in the applicable #commercial# and #manufacturing districts#.

- In C8-1, C8-2, M1-1, M1-2, and M1-3 Districts, a #FRESH food store use# shall provide one parking space per 1,000 square feet of #floor area# or #cellar# space #used# for retailing, up to a maximum of 15,000 square feet. The underlying off-street parking regulations in Section 36-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES) or 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES) shall apply to the #floor area# or #cellar# space #used# for retailing, in excess of 15,000 square feet.

The provisions of this Section 63-25 shall not apply to:

- Portions of Community District 7 in the Borough of the Bronx and portions of Community District 12 in the Borough of Manhattan, identified in Map 5 of the Appendix A of this Chapter;
- Portions of Community District 5 in the Borough of Brooklyn, identified in Map 6 of the Appendix A of this Chapter;
- Portions of Community Districts 16 and 17 in the Borough of Brooklyn, identified in Map 7 of the Appendix A of this Chapter; and
- #Special Downtown Jamaica District#.

63-26

Special Sign Regulations

All permitted #signs# shall be subject to the provisions of the #sign# regulations of the underlying districts. In addition, a #FRESH food store# shall be required to provide signage pursuant to this Section.

The Department of City Planning shall develop a graphic image of the #FRESH food store# symbol, which shall be made available in an easily reproducible form on the Department of City Planning website. The image shall be reproduced with a dimension of at least 12 inches square in a #sign#, with a maximum dimension in one direction of 16 inches, that shall be mounted on a wall adjacent to and no more than five feet from the principal entrance of the #FRESH food store#. The #sign# shall be placed so that it is directly visible, without any obstruction, to customers entering the #FRESH food store#, and no more than five feet from the finished floor or adjoining grade or lower than three feet from the finished floor or adjoining grade. Such #sign# shall be fully opaque, non reflective and constructed of permanent, highly durable materials such as metal or stone, and shall also contain:

- Lettering at least one and one-half inches in height stating "FRESH" in bold type; and
- The statement "This store sells fresh food" in lettering at least one-half inch in height.

All lettering shall be in a clear, sans-serif, non-narrow font such as Arial, Helvetica, or Verdana, solid in color and shall highly contrast with the background color.

63-30

Certification for a #FRESH Food Store#

The Chairperson of the City Planning Commission may certify that a food store #use# is a #FRESH food store use# provided that:

- Drawings have been submitted to the Chairperson that clearly designate all #floor area# or #cellar# space #used# as a #FRESH food store#. Such drawings shall also show, in the form of an illustrative layout, that such designated space is designed and arranged to meet the #floor area#, or #cellar# space #used# for retail, requirements for food and non-food grocery products pursuant to Section 63-01;
- Drawings have been submitted to the Chairperson that clearly designate all #floor area# that will result from any permitted increase in #floor area# pursuant to Section 63-21, including the location of such #floor area#;
- Drawings have been submitted to the Chairperson, documenting the size, format, and location of the required #sign# pursuant to Section 63-26. Such drawings shall include detailed information about dimensions of the #sign#, lettering, color, and materials;
- A signed lease or written commitment from the prospective operator of #FRESH food store# has been provided in a form acceptable to the City, for occupancy of such space, and its operation as a #FRESH food store# space; and
- A legal commitment, in the form of a declaration of restrictions has been executed, in a form acceptable to the Chairperson, binding upon the owner and its

successor and assigns, and providing for continued occupancy of all #floor area# or #cellar# space as a #FRESH food store use# that shall commence within

- (f) a reasonable period following the issuance of Temporary Certificate of Occupancy for the #FRESH food store#, as set forth in the declaration of restrictions.

Such declaration of restrictions shall include provisions providing that there shall be no violation of the legal commitment for continued occupancy of the #floor area# or #cellar space# for use as a #FRESH food store# : (a) during any six (6) month period from the date such #floor area# or #cellar space# is vacated by the operator, provided that owner timely notifies the Department of City Planning of such vacancy in accordance with the requirements of the restrictive declaration; and (b) during any event of force majeure, as determined by the Chairperson.

The filing and recordation of the declaration of restrictions in the Borough Office of the Register of the City of New York, and receipt of a certified copy of such declaration, shall be a precondition to the issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# under this Chapter.

In granting the certification, the Chairperson of the City Planning Commission may specify that changes in design or #use# consistent with the definition of the #FRESH food store# in Section 63-01 would not warrant further certification pursuant to this Section.

63-31 Requirements for Certificate of Occupancy

No certificate of occupancy shall be issued for any portion of the #development# or #enlargement# identified in the drawings submitted pursuant to paragraph (b) of Section 63-30 until a temporary certificate of occupancy has been issued for the #FRESH food store# space. No final certificate of occupancy shall be issued for any such portion of the #development# or #enlargement# identified in the drawings submitted pursuant to paragraph (b) of Section 63-30 until the #FRESH food store# space has been completed in accordance with the drawings submitted pursuant to paragraph (a) of Section 63-30 and a final certificate of occupancy has been issued for the #FRESH food store# space. The declaration of restrictions shall be noted on any temporary or final certificate of occupancy for the #building#.

63-40 Certification for change of #use# of a #FRESH Food Store#

A #FRESH food store# for which a certification has been issued pursuant to Section 63-30 may be changed to any #use# permitted by the underlying districts upon certification by the Chairperson of the City Planning Commission that such change of #use# would not create a new #non-compliance#, increase the degree of #non-compliance# of #buildings# on the #zoning lot#, or result in reduction in the number of required #accessory# off-street parking spaces under the applicable zoning district regulations.

63-50 Authorization for Bulk and Parking modifications

The City Planning Commission may, by authorization, permit modifications to the #bulk# and #accessory# off-street parking requirements of the applicable zoning districts, when a change of #use# of a #FRESH food store# for which a certification has been issued pursuant to Section 63-30 is requested, provided that such #use# is permitted by the underlying districts.

In order to grant such authorization, the Commission shall find that:

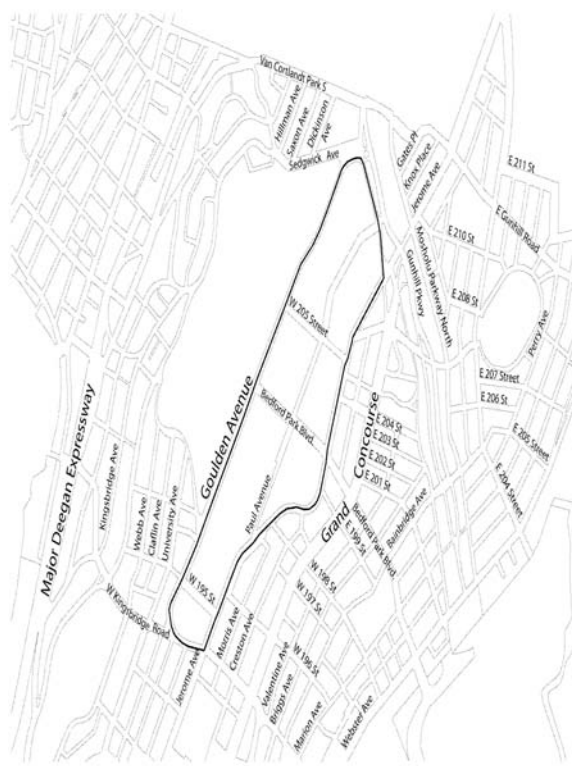
- (a) due to the prevalent market conditions at the time of the application, there is no reasonable possibility that the operation of a #FRESH food store use# will bring a reasonable return;
- (b) the applicant, the operator or a prior operator of such #FRESH food store# has not created, or contributed to, such unfavorable market conditions;
- (c) the applicant, the operator or a prior operator of such #FRESH food store# has undertaken commercially reasonable efforts to secure a new operator, and demonstrates to the City Planning Commission that such efforts have been unsuccessful;
- (d) any proposed #non-compliance# or increase in the degree of #non-compliance# will not be incompatible with or adversely affect adjacent #uses# including #uses# within the building; and
- (e) any reduction of required #accessory# off-street parking shall not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian movement.

In issuing authorizations under this Section, the Commission may impose conditions and safeguards, to minimize adverse impacts on the character of the surrounding area.

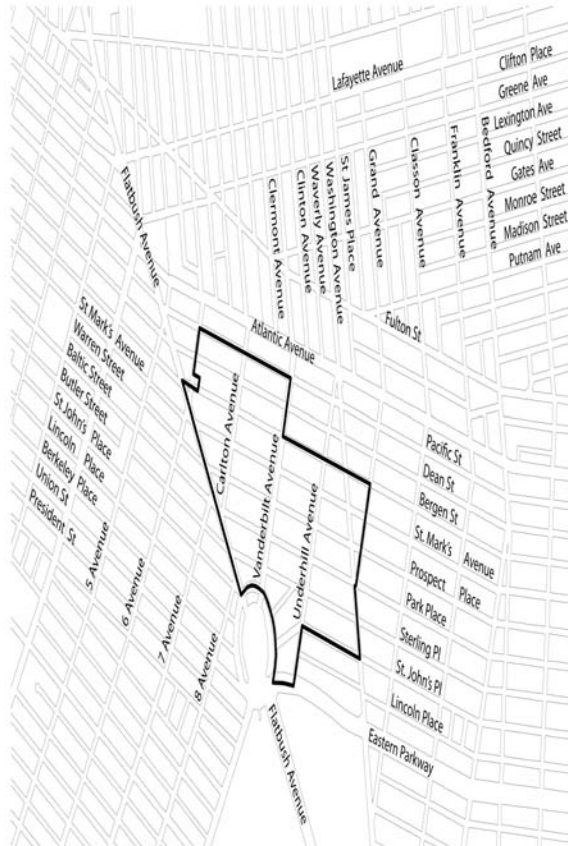
APPENDIX A

Exceptions to the FRESH food store Program Designated Areas

Map 1. Excluded Portions of Community District 7, Bronx



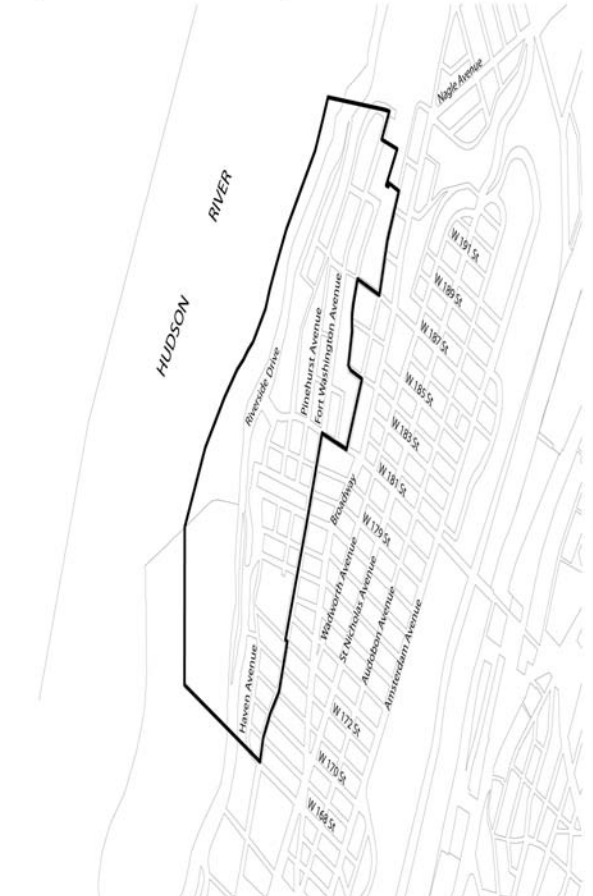
Map 2. Excluded Portions of Community District 8, Brooklyn



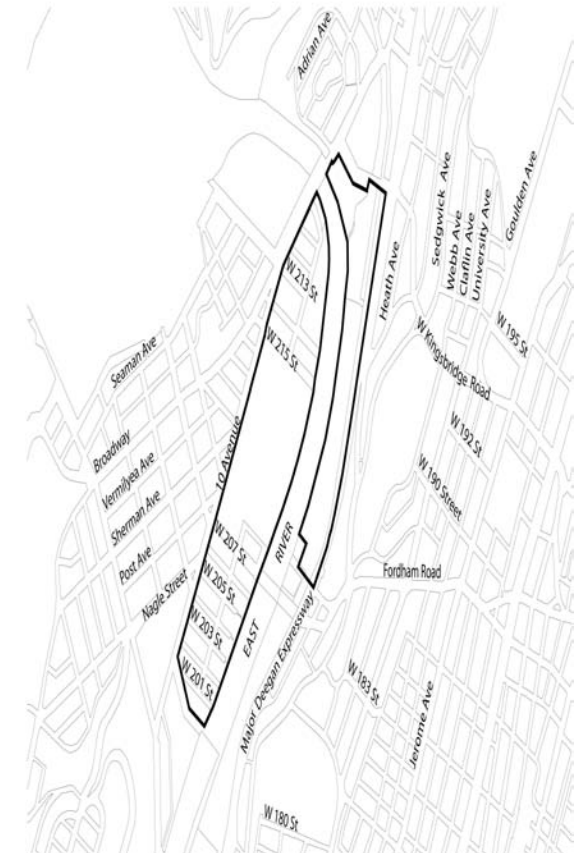
Map 3. Excluded Portions of Community District 9, Manhattan



Map 4. Excluded Portions of Community District 12, Manhattan



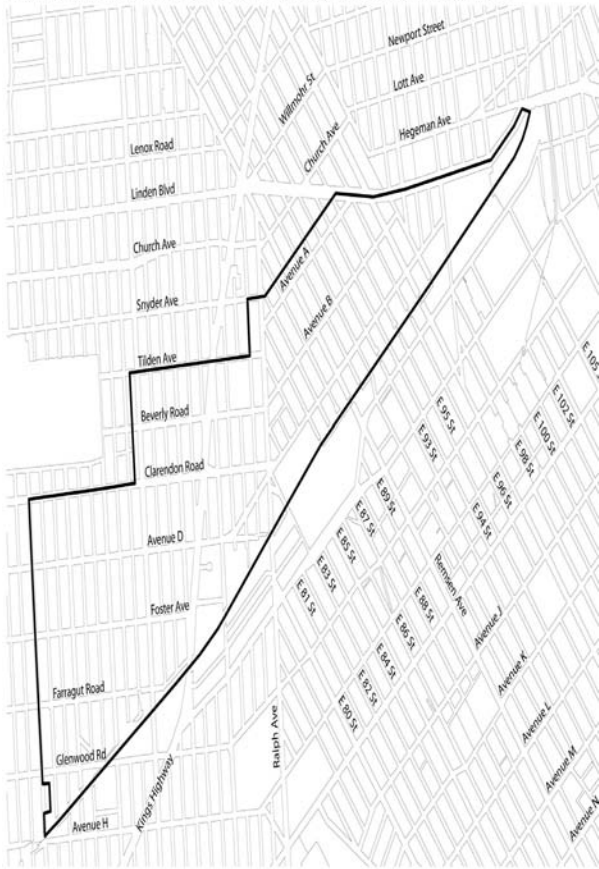
Map 5. Portions of Community District 12, Manhattan and Portion of Community District 7, Bronx excluded from Section 63-25



Map 6. Portions of Community District 5, Brooklyn excluded from Section 63-25



Map 7. Portions of Community District 16 and 17, Brooklyn excluded from Section 63-25



**BOROUGH OF BROOKLYN
No. 11**

PROSPECT HEIGHTS HISTORIC DISTRICT

CD 8 N 100002 HKK
IN THE MATTER OF a communication dated July 1, 2009 from the Executive Director of the Landmarks Preservation Commission regarding the Prospect Heights Historic District, designated by the Landmarks Preservation Commission on June 23, 2009 (Designation List 414/LP-2314). The district boundaries are:

property bounded by a line beginning at the southwest corner of Underhill Avenue and Prospect Place, extending southerly along the western curblines of Underhill Avenue to a point in said curblines formed by its intersection with a line extending westerly from the northern property line of 349-351 Park Place, aka 147-151 Underhill Avenue (Block 1160, Lot 1), easterly across Underhill Avenue and along said property line, northerly along the western property line of 369 Park Place, easterly along the northern Property lines of 369 to 411 Park Place and a portion of the northern property line of 413 Park Place, easterly along the angled northern property lines of 413 to 421 Park Place, southerly along the eastern property line of 421 Park Place across Park Place to its southern curblines, easterly along said curblines to a point formed by its intersection with a line extending northerly from the eastern property line of 426 Park Place, southerly along said property line, easterly along the northern property lines of 423 to 429 Sterling Place, southerly along a portion of the eastern property line of 429 Sterling Place, easterly along the northern property line of 431 Sterling Place, southerly along the eastern property line of 431 Sterling Place, across Sterling Place to its southern curblines, easterly along said curblines to a point formed by its intersection with a line extending northerly from the eastern property line of 446 Sterling Place, southerly along said property line, westerly along the southern property lines of 446 to 364 Sterling Place, northerly along a portion of the western property line of 364 Sterling Place, westerly along the southern property line of 346 Sterling Place, aka 185 Underhill Avenue and across Underhill Avenue to its western curblines, southerly along said curblines to the northwest corner of Underhill Avenue and St. John's Place, westerly along the northern curblines of St. John's Place to a point formed by its intersection with a line extending southerly from the western property line of 323 St. John's Place, aka 200 Underhill Avenue, northerly along the angled property lines of 323 St. John's Place, aka 200 Underhill Avenue, and 198 to 188 Underhill Avenue, easterly along a portion of the northern property line of 188 Underhill Avenue, northerly along the western property lines of 186 Underhill Avenue (aka 186A Underhill Avenue) to 176 Underhill Avenue, aka 340-344 Sterling Place, and across Sterling Place to its northern curblines, westerly along said curblines to a point formed by its intersection with a line extending northerly across Sterling Place from a portion of the eastern property line of 288 Sterling Place, aka 29 Butler Place, southerly across Sterling Place and said property line, following its eastward angle to the northern curblines of Butler Place, westerly along said curblines to a point formed by its intersection with a line extending southerly from a portion of the western property line of 286 Sterling Place, aka 27 Butler Place, northerly along said property line, westerly along the angled southern property lines of 284 and 282 Sterling Place, continuing westerly along the southern property lines of 280 to 276 Sterling Place, southerly along a portion of the eastern property line of 274 Sterling Place, westerly along the southern property line of 274 Sterling Place, northerly along a portion of the western property line of 274 Sterling Place, westerly along the southern property line of 272 Sterling Place and the angled southern property lines of 270 and 268 Sterling Place, northerly along the western property line of 268 Sterling Place and across Sterling Place to its northern curblines, westerly along said curblines to the northeast corner of Sterling Place and Vanderbilt Avenue, northerly along the eastern curblines of Vanderbilt Avenue and across Park Place to a point in said curblines formed by its intersection with a line extending eastward from the southern property line of 630A Vanderbilt Avenue, westerly across Vanderbilt Avenue and along said property line, southerly along a portion of the eastern property line of 210A-220 Prospect Place and the eastern property line of 233-235 Park Place, across Park Place and continuing southerly along the eastern property line of 248 Park Place, westerly along the southern property

line of 248 Park Place, southerly along a portion of the eastern property line of 226-246 Park Place, westerly along the southern property line of 226-246 Park Place, southerly along the eastern property line of 213 Sterling Place to the northern curblines of Sterling Place, westerly along said curblines northerly along the eastern curblines of Flatbush Avenue, easterly along the northern property line of 375 Flatbush Avenue, easterly along the northern property lines of 375 Flatbush Avenue and 183 to 187 Sterling Place, northerly along portions of the western property lines of 189-191 Sterling Place and 200 Park Place, westerly along a portion of the southern property line of 200 Park Place and the southern property lines of 196 to 188 Park Place and the angled southern property lines of 186 to 180 Park Place, northerly along the western property line of 180 Park Place and across Park Place to its northern curblines, westerly along said curblines, northerly along the eastern curblines of Carlton Avenue to a point in said curblines formed by its intersection with a line extending easterly from the southern property line of 632A Carlton Avenue, westerly across Carlton Avenue and along said property line to a point formed by its intersection with a line extending southerly from the western property line of 632 Carlton Avenue, northerly along said line and the western property line of 632 Carlton Avenue, easterly along a portion of the northern property line of 632 Carlton Avenue, northerly along the western property lines of 628-630 and 626 Carlton Avenue, westerly along the angled southern property lines of 140 and 138 Prospect Place, northerly along a portion of the northern property line of 138 Prospect Place, westerly along the southern property line of 321 Flatbush Avenue to the eastern curblines of Flatbush Avenue, northerly along the eastern curblines of Flatbush Avenue to the northern curblines of Prospect Place, westerly along said curblines to a point formed by its intersection with a line extending southward from the western property line of 115 Prospect Place, northerly along said property line and the angled western property lines of 112 to 102 St. Mark's Avenue, westerly along the southern property line of 283 Flatbush Avenue to the eastern curblines of Flatbush Avenue, northerly along said curblines to the northern curblines of St. Mark's Avenue, westerly along the northern curblines of Saint Mark's Avenue to a point formed by its intersection with a line extending southward from the western property line of 75 St. Mark's Avenue, northerly along said property line, easterly along the northern property line of 75 St. Mark's Avenue, northerly along a portion of the western property line of 77 St. Mark's Avenue, easterly along the northern property lines of 77 to 107 St. Mark's Avenue and a portion of the northern property line of 109 St. Mark's Avenue, northerly along the western property line of Block 1143, Lot 140 (an interior lot), westerly along a portion of the southern property line of 538 Bergen Street and the southern property lines of 536 and 534 Bergen Street, northerly along the western property line of 534 Bergen Street and across Bergen Street to the northern curblines of Bergen Street, westerly along said curblines to a point formed by its intersection with a line extending southward from the western property line of 531 Bergen Street, northerly along said property line, easterly along the northern property lines of 531 to 535 Bergen Street and a portion of the northern property line of 537 Bergen Street, northerly along the western property line of 546 Dean Street to the southern curblines of Dean Street, easterly along the southern curblines of Dean Street to a point formed by its intersection with a line extending southerly from the western property line of 536 Carlton Avenue, aka 561-565 Dean Street, northerly across Dean Street and along the western property lines of 536 to 522 Carlton Avenue, easterly along a portion of the northern property line of 522 Carlton Avenue, northerly along the western property lines of 520 to 516 Carlton Avenue, aka 734-738 Pacific Street, to the southern curblines of Pacific Street, easterly along said curblines to the southwest corner of Pacific Street and Carlton Avenue, southerly along the western curblines of Carlton Avenue and across Dean Street to the southwest corner of Dean Street and Carlton Avenue, easterly across Carlton Avenue and along the southern curblines of Dean Street to a point formed by its intersection with a line extending northerly from the eastern property line of 555 Carlton Avenue, aka 574 Dean Street, southerly along the eastern property lines of 555 to 565A Carlton Avenue and a portion of the eastern property line of 567 Carlton Avenue, easterly along the northern property lines of 573 to 585 Bergen Street, southerly along the eastern property line of 585 Bergen Street and across Bergen Street to the southern curblines of Bergen Street, easterly along said curblines to a point formed by its intersection with a line extending southward and across Bergen Street from the western property line of 570 Vanderbilt Avenue, aka 635 Bergen Street, northerly across Bergen Street and along the western property lines of 570 to 566 Vanderbilt Avenue and a portion of the western property line of 564 Vanderbilt Avenue, westerly along a portion of the southern property line of 564 Vanderbilt Avenue, northerly along portions of the western property lines of 564 and 560 Vanderbilt Avenue, easterly along a portion of the northern property line of 560 Vanderbilt Avenue, northerly along a portion of the western property line of 560 Vanderbilt Avenue and the western property lines of 558 to 552 Vanderbilt Avenue, aka 662 Dean Street to the southern curblines of Dean Street, easterly along said curblines and across Vanderbilt Avenue to the southeast corner of Vanderbilt Avenue and Dean Street, northerly across Dean Street and along the eastern curblines of Vanderbilt Avenue to the southeast corner of Vanderbilt Avenue and Pacific Street, easterly along the southern curblines of Pacific Street to a point formed by its intersection with a line extending northward from the eastern property line of 565 Vanderbilt Avenue, aka 820-826 Pacific Street, southerly along the eastern property lines of 565 to 583 Vanderbilt Avenue and across Dean Street to its southern curblines, easterly along said curblines to a point formed by its intersection with a line extending northward from the eastern property line of 680 Dean Street, southerly along the eastern property line of 680 Dean Street and the angled eastern property line of 589 Vanderbilt Avenue, easterly along a portion of the northern property line of 591 Vanderbilt Avenue, southerly along the eastern property line of 591 Vanderbilt Avenue and a portion of the eastern property line of 593 Vanderbilt Avenue,

easterly along a portion of the northern property line of 593 Vanderbilt Avenue, southerly along a portion of the eastern property line of 593 Vanderbilt Avenue and the eastern property lines of 593½ to 601 Vanderbilt Avenue, aka 651 Bergen Street, continuing southerly across Bergen Street to its southern curblines, westerly along said curblines to a point formed by its intersection with a line extending northerly from the eastern property line of 603 Vanderbilt Avenue, aka 640 Bergen Street, southerly along the eastern property lines of 603 to 623 Vanderbilt Avenue to the northern curblines of St. Mark's Avenue, westerly along said curblines to a point formed by its intersection with a line extending northerly and across St. Mark's Avenue from the eastern property line of 625 Vanderbilt Avenue, aka 236 St. Mark's Avenue, southerly across St. Mark's Avenue and along the eastern property lines of 625 to 633 Vanderbilt Avenue and a portion of the eastern property line of 635 Vanderbilt Avenue, easterly along the northern property lines of 239 to 277 Prospect Place, northerly along a portion of the western property line of 281 Prospect Place, easterly along a portion of the northern property line of 281 Prospect Place, southerly along a portion of the eastern property line of 281 Prospect Place, easterly along a portion of the northern property line of 287 and 289 Prospect Place, southerly along the angled portion of the eastern property lines of 289 and 291 Prospect Place, easterly along the angled northern property lines of 293 to 297 Prospect Place, southerly along a portion of the eastern property line of 297 Prospect Place, easterly along the northern property lines of 299 to 307 Prospect Place, southerly along a portion of the eastern property line of 307 Prospect Place, easterly along the northern property line of 309 Prospect Place, southerly along the eastern property line of 309 Prospect Place and across Prospect Place to its southern curblines, and easterly along said curblines to the point of the beginning.

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

jy23-a5

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

■ PUBLIC HEARINGS

NOTICE OF A FRANCHISE AND CONCESSION REVIEW COMMITTEE ("FCRC") PUBLIC HEARING to be held on Monday, August 10, 2009 commencing at 2:30 P.M. at 22 Reade Street, Borough of Manhattan, in the matter of a change of control of the parent company of NextG Networks of NY, Inc. ("NextG"). The FCRC approved a franchise agreement between the City of New York ("the City") and NextG on February 8, 2008. The franchise authorizes NextG to install, operate and maintain equipment housing of limited size and stick-type antennas on City-owned street light poles, traffic light poles, highway sign support poles and certain privately-owned utility poles where such poles are erected upon the inalienable property of the City, for the purpose of providing mobile telecommunications services.

A copy of the existing franchise agreement, and an organizational chart reflecting the ownership structure that would result from the proposed change of control, may be viewed at DoITT, 75 Park Place, 9th Floor, New York, New York 10007, commencing Monday, July 20, 2009 through Monday, August 10, 2009, between the hours of 9:30 A.M. and 3:30 P.M., excluding Saturdays, Sundays and holidays. Hard copies of the franchise agreement and the proposed new organization chart may be obtained, by appointment, at a cost of \$.25 per page. All payments shall be made at the time of pickup by check or money order made payable to the New York City Department of Finance. The existing franchise agreement and proposed organization chart may also be obtained in PDF form at no cost, by email request. Interested parties should contact Roxanne Chambers at (212) 788-6610 or by email at RChambers@doitt.nyc.gov.

NOTE: Individuals requesting sign language interpreters at the public hearing should contact the Mayor's Office of Contract Services, Public Hearing Unit, 253 Broadway, 9th Floor, New York, New York 10007, (212) 788-7490, no later than SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD users should call Verizon relay service.

The Hearing may be cablecast on NYC TV- CHANNEL 74.

jy20-a10

LANDMARKS PRESERVATION COMMISSION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN THAT PURSUANT to the provisions of 3020 of the New York City Charter and Chapter 3 of Title 24 of the Administrative Code of the City of New York (Sections 25-303 and 25-313) that on **Tuesday, August 11, 2009**, the Landmarks Preservation Commission will conduct a *public hearing* in the Public Meeting Room of the Landmarks Preservation Commission, located at The Municipal Building, 1 Centre Street, 9th Floor North, City of New York with respect to the following proposed Landmarks and Landmark Sites. Any person requiring reasonable accommodation in order to participate in the hearing should call or write the Landmarks Preservation Commission, [Municipal Building, 1 Centre Street, 9th Floor North, New York, NY 10007, (212) 669-7700] no later than five (5) business days before the hearing. There will also be a public meeting on that day.

PUBLIC HEARING ITEM NO.1
LP-2349

327 WESTERVELT AVENUE HOUSE, 327 Westervelt Avenue, Staten Island
Landmark Site: Borough of Staten Island Tax Map Block 27, Lot 5

PUBLIC HEARING ITEM NO. 2
LP-2377

411 WESTERVELT AVENUE FLAT, HORTON'S ROW,
411 Westervelt Avenue, Staten Island
Landmark Site: Borough of Staten Island Tax Map Block 25,
Lot 5

PUBLIC HEARING ITEM NO. 3
LP-2378

413 WESTERVELT AVENUE FLAT, HORTON'S ROW,
413 Westervelt Avenue, Staten Island
Landmark Site: Borough of Staten Island Tax Map Block 25,
Lot 4

PUBLIC HEARING ITEM NO. 4
LP-2381

415 WESTERVELT AVENUE FLAT, HORTON'S ROW,
415 Westervelt Avenue, Staten Island
Landmark Site: Borough of Staten Island Tax Map Block 25,
Lot 3

PUBLIC HEARING ITEM NO. 5
LP-2382

417 WESTERVELT AVENUE FLAT, HORTON'S ROW,
417 Westervelt Avenue, (aka 79 Corson Avenue), Staten
Island
Landmark Site: Borough of Staten Island Tax Map Block 25,
Lot 1

PUBLIC HEARING ITEM NO. 6
LP-2369

STATEN ISLAND ARMORY, 321 Manor Road, Staten Island
Landmark Site: Borough of Staten Island Tax Map Block
332, Lot 4, in part

PUBLIC HEARING ITEM NO.7
LP-2367

63 WILLIAM STREET HOUSE, 63 William Street, Staten
Island.
Landmark Site: Borough of Staten Island Tax Map Block
514, Lot 30

PUBLIC HEARING ITEM NO. 8
LP-2384

REFORMED CHURCH ON STATEN ISLAND, 54 Port
Richmond Avenue, Staten Island
Landmark Site: Borough of Staten Island Tax Map Block
1073 Lot 75

PUBLIC HEARING ITEM NO. 9
LP-2383

CHRIST CHURCH, 72 Franklin Avenue (aka 72-74 Franklin
Avenue), Staten Island
Landmark Site: Borough of Staten Island Tax Map Block 66,
Lot 158

PUBLIC HEARING ITEM NO. 10
LP-2380

B. F. GOODRICH BUILDINGS, 1780 Broadway and 225
West 57th Street, Manhattan
Landmark Site: Borough of Manhattan Tax Map Block 1029,
Lot 14 in part

jy27-a10

NOTICE IS HEREBY GIVEN that pursuant to the provisions
of Title 25, chapter 3 of the Administrative Code of the City
of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318,
25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-
12.0, 207-17.0, and 207-19.0), on Tuesday, **August 4, 2009 at
9:30 A.M.** in the morning of that day, a public hearing will
be held in the Conference Room at 1 Centre Street, 9th Floor,
Borough of Manhattan with respect to the following
properties and then followed by a public meeting. Any person
requiring reasonable accommodation in order to participate
in the hearing or attend the meeting should call or write the
Landmarks Commission no later than five (5) business days
before the hearing or meeting.

AGENCY RULE MAKING

CITYWIDE A proposed amendment to section 13.04 of the
rules of the Commission Title 63 of the Rules of the City of
New York, relating to the payment of application fees for
certain work, pursuant to the City Administrative Procedures
Act.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF QUEENS 10-0879 - Block 8106, lot 73-
240-25-240-27 43rd Avenue - Douglaston Hill Historic
District
An altered neo-Colonial style free-standing house, designed
by D.S. Hopkins and a barn, both built in 1900-1901.
Application is to demolish the barn.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF STATEN ISLAND 10-0534 - Block 587, lot 1-
79 Howard Avenue - Louis A. and Laura Stirn House-
Individual Landmark

A neo-Renaissance style mansion with Arts and Crafts style
details designed by Kafka and Lindermeier and built in
1908. Application is to create parking areas, alter and
construct additions at the front porch, construct a barrier-
free access ramp, stair tower and elevator bulkhead.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-8978 - Block 2558, lot 2-
146 Franklin Street - Greenpoint Historic District
An Italianate style rowhouse built in 1863-64. Application is
to install storefronts.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-9461 - Block 1903, lot 68-
125 Willoughby Avenue - Clinton Hill Historic District
An Italianate style rowhouse built in 1868. Application is to
construct a rear yard deck.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-5091 - Block 236, lot 112-
78 Clark Street - Brooklyn Heights Historic District
A Moderne style apartment building constructed c.1940.
Application is to install storefront infill.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-0542 - Block 243, lot 16-
143 Montague Street - Brooklyn Heights Historic District
An Anglo-Italianate style house built between 1850-1860,
and altered at the basement and parlor floors for commercial
use in the early 20th century. Application is to install
storefront infill.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-0629 - Block 275, lot 12-
145 Atlantic Avenue - Brooklyn Heights Historic District
A rowhouse with a commercial base. Application is to alter
the ground floor facade and replace a shopfront and entrance.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-0359 - Block 2300, lot 243-
151-153 Montague Street - Brooklyn Heights Historic District
A Beaux Arts style commercial building built in the early
20th century. Application to replace shopfront infill.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-4578 - Block 296, lot 47-
147 Congress Street - Cobble Hill Historic District
A Queen Anne style house built circa 1900. Application is to
construct a rooftop addition. Zoned R6/LH-1.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-3689 - Block 326, lot63-
302 Court Street - Cobble Hill Historic District
A Romanesque Revival style rowhouse designed by Horatio
White and William Johnson and built 1887-89. Application is
to legalize the installation of an awning without Landmarks
Preservation Commission permits, and to install a bracket
sign.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-9415 - Block 1067, lot 45-
118 8th Avenue - Park Slope Historic District
An apartment house designed by M.E. Ungarleider and built
in 1936. Application is to establish a Master Plan governing
the future replacement of windows.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8164 - Block 175, lot 15-
39 White Street - Tribeca East Historic District
A Greek Revival Style converted dwelling with Italianate
style additions, built in 1831-1832 and 1860-61. Application
is to construct a rooftop addition. Zoned C6-2A.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5076 - Block 219, lot 7504-
169 Hudson Street - Tribeca North Historic District
A Renaissance Revival style warehouse designed by James E.
Ware, and built in 1893-94. Application is to construct a
rooftop addition. Zoned M1-5.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8925 - Block 219, lot 7504-
169 Hudson Street - Tribeca North Historic District
A Renaissance Revival style warehouse designed by James E.
Ware, and built in 1893-94. Application is to install rooftop
railings and mechanical equipment. Zoned M1-5.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-0351 - Block 497, lot 18-
560 Broadway, aka 72-78 Prince Street and 98-104 Crosby
Street - SoHo-Cast Iron Historic District
A store building designed by Thomas Stent and built in 1883-
84. Application is to modify storefront infill and install
signage.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-0301 - Block 530, lot 56-
24 Bond Street - NoHo Historic District Extension
A Renaissance Revival style store and loft building designed
by Buchman & Deisler and built in 1893. Application is to
legalize the installation of sculpture and painting the
storefront and facade without Landmarks Preservation
Commission permits.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN
09-7166 - Block 611, lot 41-
181 West 10th Street - Greenwich Village Historic District
A neo-Grec style rowhouse designed by William T.
Whittemore and built in 1839. Application is to modify the
stoop and entrance, and install a new door.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5869 - Block 588, lot 71-
33-37 Grove Street - Greenwich Village Historic District
Three transitional Queen Anne/Romanesque Revival style
apartment houses designed by F.T. Camp and built in 1881.
Application is to legalize modifications to the areaways
without Landmarks Preservation Commission permits.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN
10-0533 - Block 591, lot 33-
89 7th Avenue South, aka 16 Barrow Street - Greenwich
Village Historic District
An apartment house designed by George F. Pelham, built in
1897 and altered in 1929. Application is to install storefront
infill.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-6033 - Block 828, lot 25-
1141 Broadway - Madison Square North Historic District
An Art Deco style commercial building designed by William I.
Hohaus and built in 1926-27. Application is to legalize
alterations to the secondary elevation and penthouse without
Landmarks Preservation Commission permits, to reconstruct
the penthouse, and to install storefront infill, a marquee, and
rooftop mechanical equipment. Zoned M1-6.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-5612 - Block 1874, lot 52-
2689-2693 Broadway, aka 230 West 103rd Street - Hotel
Marseilles-Individual Landmark
A Beaux-Arts style apartment hotel designed by Harry Allen
Jacobs and built in 1902-05. Application is to replace
windows.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-7925 - Block 1382, lot 15-
21 East 67th Street - Upper East Side Historic District
A residence originally built in 1879-80, and altered in the
neo-French Classic style by Philip Aehne in 1919. Application
is to legalize the installation of a display window and door
while permit was pending.

jy22-a4

NOTICE IS HEREBY GIVEN that pursuant to the provisions
of Title 25, chapter 3 of the Administrative Code of the City
of New York (Sections 25-307, 25-308, 25,309, 25-313, 25-318,
25-320) (formerly Chapter 8-A, Sections 207-6.0, 207-7.0, 207-
12.0, 207-17.0, and 207-19.0), on Tuesday, **August 11, 2009
at 9:30 A.M.** in the morning of that day, a public hearing will
be held in the Conference Room at 1 Centre Street, 9th Floor,
Borough of Manhattan with respect to the following
properties and then followed by a public meeting. Any person
requiring reasonable accommodation in order to participate
in the hearing or attend the meeting should call or write the
Landmarks Commission no later than five (5) business days
before the hearing or meeting.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF QUEENS 08-5341 - Block 149, lot 41
39-08 47th Street - Sunnyside Gardens Historic District
A brick rowhouse with Colonial Revival style details designed
by Clarence Stein, Henry Wright and Frederick Ackerman
and built in 1925. Application is to alter a window opening at
the front and install sliding doors at the rear.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-8060 - Block 5238, lot 66-
718 East 18th Street - Fiske Terrace-Midwood Park Historic
District
A Colonial Revival style house designed by Benjamin Driesler
and built in 1907. Application is to legalize the installation of
a fence and gate without Landmarks Preservation
Commission permits.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-0605 - Block 267, lot 31-
156 Clinton Street - Brooklyn Heights Historic District
A Greek Revival style brick rowhouse built in 1847.
Application is to modify the entrance.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 10-0177 - Block 2092, lot 65-
245 Dekalb Avenue - Fort Greene Historic District
An Italianate style rowhouse built in 1867. Application is to
modify the display windows.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF BROOKLYN 09-8532 - Block 301, lot 44-
155 Warren Street - Cobble Hill Historic District
A Greek Revival style rowhouse built in 1838. Application is
to construct dormers at the roof.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-8493 - Block 1420, lot 1-
200 East 66th Street - Manhattan House-Individual
Landmark
A Modern style mixed-used complex designed by Mayer &
Whittlesey and Skidmore, Owings & Merrill and built
between 1947 and 1951. Application is to install a pergola.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-9472 - Block 1387, lot 56-
900 Madison Avenue, aka 28 East 73rd Street - Upper East
Side Historic District
An apartment building with some classical details, designed
by Sylvan Bien and built in 1939. Application is to alter the
facade, install storefront infill and awnings.

BINDING REPORT

BOROUGH OF STATEN ISLAND 10-0955 - Block 995, lot 1-
460 Brielle Avenue - New York City Farm Colony-Seaview
Hospital Historic District
A Georgian Revival style hospital building designed by
Edward P. Stevens and Renwick, Aspinwall & Tucker, and
built in 1917. Application is to replace windows.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-7166- Block 611, lot 41-
181 West 10th Street - Greenwich Village Historic District
A neo-Grec style rowhouse designed by William T.
Whittemore and built in 1839. Application is to modify the
stoop and entrance, install a new door and signage, construct
a rear yard addition.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 10-0533 Block 591, lot 33-
89 7th Avenue South, aka 16 Barrow Street - Greenwich
Village Historic District
An apartment house designed by George F. Pelham, built in
1897 and altered in 1921. Application is to install storefront
infill.

CERTIFICATE OF APPROPRIATENESS

BOROUGH OF MANHATTAN 09-6033 - Block 828, lot 25-
1141 Broadway - Madison Square North Historic District
An Art Deco style commercial building designed by William I.
Hohaus and built in 1926-27. Application is to legalize
alterations to the secondary elevation and penthouse without
Landmarks Preservation Commission permits, to reconstruct
the penthouse, and to install storefront infill, a marquee, and
rooftop mechanical equipment. Zoned M1-6.

jy29-a11

BOARD OF STANDARDS AND APPEALS

■ PUBLIC HEARING

AUGUST 11, 2009, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday

morning, August 11, 2009, 10:00 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

719-56-BZ

APPLICANT – Walter T. Gorman, P.E., for ExxonMobil Corporation, owner; Victory Service Station Incorporated, lessee.
SUBJECT – Application July 14, 2009 – Extension of Time to obtain a Certificate of Occupancy for a Gasoline Service Station (Mobil), in a C2-1/R3-2 zoning district, which expires on November 10, 2009.
PREMISES AFFECTED – 2525 Victory Boulevard, northwest corner Willowbrook Road, Block 1521, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1SI

261-98-BZ

APPLICANT – Sheldon Lobel, P.C. for Steve Steigelfest, owner.
SUBJECT – Application May 29, 2009 – Extension of Term of a previously granted variance (§72-21) for the use of a UG16A warehouse for HVAC related uses in a residential district which expired on April 20, 2009; and an Amendment for the addition of a mezzanine level within the existing building in an R6B zoning district.
PREMISES AFFECTED – 193 20th Street, North side of 20th Street, between 4th and 5th Avenues. Block 637, Lot 70, Borough of Brooklyn.

COMMUNITY BOARD #7BK

269-98-BZ

APPLICANT – Mothiur Rahman, for Mothiur Rahman, owner.
SUBJECT – Application September 15, 2008 – Extension of Time to complete construction of a two story building for commercial use (Use Group 6), previously granted by the Board pursuant to §72-21, located in an R-8 zoning district which is contrary to §22-00.
PREMISES AFFECTED – 70 East 184th Street, southwest corner of East 184th Street and Morris Avenue, Block 3183, Lot 42, Borough of Bronx.

COMMUNITY BOARD #5BX

APPEALS CALENDAR

167-09-A

APPLICANT – Harold Weinberg, P.E., for Yi Fu Rong, owner.
SUBJECT – Application May 5, 2009 – An appeal challenging Department of Buildings determination that the reconstruction of the existing non-complying subject building must be done in accordance with ZR Section 54-4 and be required to provide a 30 foot rear yard. M1-2 zoning district.
PREMISES AFFECTED – 820 39th Street, south side, 150' east of 8th Avenue, Block 916, Lot 12, Borough of Brooklyn.

COMMUNITY BOARD #12BK

196-09-BZY

APPLICANT – Ping C. Moy, for 174 Clermont Avenue, LLC, owner.
SUBJECT – Application June 24, 2009 – Extension of time (§11-332) to complete construction of a minor development commenced under the prior R6 district regulations. R6B Zoning District
PREMISES AFFECTED – 174 and 176 Clermont Avenue, west side of Clermont Avenue, Block 2074, Lots 37 and 39, Borough of Brooklyn.

COMMUNITY BOARD #2BK

AUGUST 11, 2009, 1:30 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, Tuesday afternoon, August 11, 2009, at 1:30 P.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

ZONING CALENDAR

195-07-BZ

APPLICANT – Greenberg Traurig by Deirdre A. Carson, for Bond Street Partners LLC (as to lot 64) c/o Convermat, owner.
SUBJECT – Application August 9, 2007 – Variance to allow hotel and retail uses below the floor level of the second story, contrary to use regulations 42-14(d)(2). M1-5B District.
PREMISES AFFECTED – 8-12 Bond Street, Northwest corner of Bond and Lafayette Streets, Block 530, Lot 62 & 64, Borough of Manhattan.

COMMUNITY BOARD #2M

51-09-BZ

APPLICANT – Eric Palatnik, P.C., for Shiranian Nizi, owner.
SUBJECT – Application April 3, 2009 – Special Permit (73-622) for the Legalization of an enlargement to an existing single family home. This application seeks to vary the side yard requirements (ZR 461) in an R-5 zoning district.
PREMISES AFFECTED – 2032 East 17th Street, East 17th Street and Avenue T, Block 7321, Lot 20, Borough of Brooklyn.

COMMUNITY BOARD #15BK

183-09-BZ

APPLICANT – The Law Office of Fredrick A. Becker, for 1400 5th Commercial LLC, owner; TSI West 115th Street LLC d/b/a New York Sports Club, lessee.
SUBJECT – Application June 4, 2009 – Special Permit (73-36) to allow the legalization of a physical culture establishment on a portion of the ground floor and cellar in an eight-story mixed-use building. The proposal is contrary to section 32-10. C4-5X district.
PREMISES AFFECTED – 1400 5th Avenue, Northeast corner of 5th Avenue and West 115th Street. Block 1599, Lot 7501, Borough of Manhattan.

COMMUNITY BOARD #10M

195-09-BZ

APPLICANT – Mark Levine, Esq., Herrick, Feinstein LLP, for Brooklyn Academy of Music, Incorporated, owner.
SUBJECT – Application June 24, 2009 – Variance to waive the required rear yard (ZR 33-26) for a community facility building (Brooklyn Academy of Music). C6-1 zoning district.
PREMISES AFFECTED – 321 Ashland Place, east side of Ashland Place between Lafayette Avenue and Hanson Place, Block 2111, Lot 11, Borough of Brooklyn.

COMMUNITY BOARD #2BK

Jeff Mulligan, Executive Director

jy28-29

TRANSPORTATION

■ PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, pursuant to law, that the following proposed revocable consents, have been scheduled for a public hearing by the New York City Department of Transportation. The hearing will be held at 55 Water Street, 9th Floor, Room 945 commencing at 2:00 P.M. on Wednesday, August 5, 2009. Interested parties can obtain copies of proposed agreements or request sign-language interpreters (with at least seven days prior notice) at 55 Water Street, 9th Floor SW, New York, NY 10041, or by calling (212) 839-6550.

#1 In the matter of a proposed revocable consent authorizing 777 Washington LLC to maintain and use fenced-in areas on the south sidewalk of Jane Street, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2019 - \$1,500/annum

the maintenance of a security deposit in the sum of \$4,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#2 In the matter of a proposed revocable consent authorizing Citibank N.A. to maintain and use bollards and tree guards on the sidewalks of the site bounded by Gouverneur Lane and Wall, Front and South Streets, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from the date of Approval by the Mayor and provides, among other terms and conditions, there shall be no compensation required for this revocable consent in accordance with Title 34 Section 7-04(a)(33) of the Rules of the City of New York.

the maintenance of a security deposit in the sum of \$40,000, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#3 In the matter of a proposed revocable consent authorizing Halamas Corp to maintain and use an accessibility ramp and stairs on the north sidewalk of East 86th Street, west of York Avenue, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$25/annum

the maintenance of a security deposit in the sum of \$5,000, and the filing of an insurance policy in the minimum amount of \$500,000/\$2,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$200,000.

#4 In the matter of a proposed revocable consent authorizing Igcoc I Park LLC to construct, maintain and use a sidewalk hatch in the south sidewalk of East 87th Street, east of Park Avenue, in the Borough of Manhattan. For the first year of the consent, the annual period commencing on the date of the final approval of this consent by the Mayor (the "Approval Date") and terminating on June 30, 2010:

\$4,353/annum

For the period July 1, 2010 to June 30, 2011 - \$4,484
For the period July 1, 2011 to June 30, 2012 - \$4,615
For the period July 1, 2012 to June 30, 2013 - \$4,746
For the period July 1, 2013 to June 30, 2014 - \$4,877
For the period July 1, 2014 to June 30, 2015 - \$5,008
For the period July 1, 2015 to June 30, 2016 - \$5,139
For the period July 1, 2016 to June 30, 2017 - \$5,270
For the period July 1, 2017 to June 30, 2018 - \$5,401
For the period July 1, 2018 to June 30, 2019 - \$5,532
For the period July 1, 2019 to June 30, 2020 - \$5,663

the maintenance of a security deposit in the sum of \$5,700, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#5 In the matter of a proposed revocable consent authorizing The Bank of New York Mellon Corporation to maintain and use eighty one (81) bollards along the south sidewalk of Wall Street, east sidewalk of Broadway and north sidewalk of Exchange Place, in the Borough of Manhattan. The proposed revocable consent is for a term of ten years from July 1, 2008 to June 30, 2018 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period from July 1, 2008 to June 30, 2018 - \$10,175/annum

the maintenance of a security deposit in the sum of \$10,150, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#6 In the matter of a proposed revocable consent authorizing 57-59 Irving Place LP to construct, maintain and use snow melting conduits in the west sidewalk of Irving Place, between East 17th and East 18th Streets, in the Borough of Manhattan. For the first year of the consent, the annual period commencing on the date of the final approval of this consent by the Mayor (the "Approval Date") and terminating on June 30, 2010:

- \$5,142/annum

For the period July 1, 2010 to June 30, 2011 - \$5,296
For the period July 1, 2011 to June 30, 2012 - \$5,450
For the period July 1, 2012 to June 30, 2013 - \$5,604
For the period July 1, 2013 to June 30, 2014 - \$5,758
For the period July 1, 2014 to June 30, 2015 - \$5,912
For the period July 1, 2015 to June 30, 2016 - \$6,066
For the period July 1, 2016 to June 30, 2017 - \$6,220
For the period July 1, 2017 to June 30, 2018 - \$6,374
For the period July 1, 2018 to June 30, 2019 - \$6,528
For the period July 1, 2019 to June 30, 2020 - \$6,682

the maintenance of a security deposit in the sum of \$6,700, and the filing of an insurance policy in the minimum amount of \$250,000/\$1,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$100,000.

#7 In the matter of a proposed revocable consent authorizing Macy's Inc. to maintain and use a pedestrian bridge over and across Hoyt Street, north of Livingston Street, in the Borough of Brooklyn. The proposed revocable consent is for a term of ten years from July 1, 2009 to June 30, 2019 and provides, among other terms and conditions, for compensation payable to the City according to the following schedule:

For the period July 1, 2009 to June 30, 2010 - \$10,155
For the period July 1, 2010 to June 30, 2011 - \$10,451
For the period July 1, 2011 to June 30, 2012 - \$10,743
For the period July 1, 2012 to June 30, 2013 - \$11,043
For the period July 1, 2013 to June 30, 2014 - \$11,339
For the period July 1, 2014 to June 30, 2015 - \$11,635
For the period July 1, 2015 to June 30, 2016 - \$11,931
For the period July 1, 2016 to June 30, 2017 - \$12,227
For the period July 1, 2017 to June 30, 2018 - \$12,523
For the period July 1, 2018 to June 30, 2019 - \$12,819

the maintenance of a security deposit in the sum of \$51,000, and the filing of an insurance policy in the minimum amount of \$1,250,000/\$5,000,000 for bodily injury and property damage for each occurrence in the aggregate amount of \$1,000,000.

jy16-a5

COURT NOTICE

SUPREME COURT

■ NOTICE

BRONX COUNTY IA PART 6 NOTICE OF ACQUISITION INDEX NUMBER 251034/09

In the matter of the application of the City of New York relative to acquiring title in fee simple absolute to certain real property where not hereto acquired for the same purpose, required as a site for the **PUBLIC SAFETY ANSWER CENTER 2 ("PSAC 2") AND PART OF MARCONI STREET** located in the area generally bounded by the Bronx and Pelham Parkway to the North; East Tremont Avenue to the South; Williamsbridge Road to the West; and, the Hutchinson River Parkway to the East, in the Borough of Bronx, City and State of New York.

PLEASE TAKE NOTICE, that by order of the Supreme Court of the State of New York, County of the Bronx, IA Part 6 (Hon. Howard R. Silver, J.S.C.), duly entered in the office of the Clerk of the County of Bronx on June 30, 2009, the application of the City of New York to acquire certain real property, for the **PUBLIC SAFETY ANSWER CENTER 2 ("PSAC 2") AND PART OF MARCONI STREET**, was granted and the City was thereby authorized to file an acquisition map with the Office of the City Register. Said map, showing the property acquired by the City, was filed with the City Register on July 6, 2009. Title to the real property vested in the City of New York on July 6, 2009.

PLEASE TAKE FURTHER NOTICE, that the City has acquired the following parcels of real property:

Damage Parcel	Block	Lot
1 and 1A	4226	Part of 40
2	4226	Part of 55
3	4226	75

PLEASE TAKE FURTHER NOTICE, that pursuant to said Order and to §§503 and 504 of the Eminent Domain Procedure Law of the State of New York, each and every person interested in the real property acquired in the above-referenced proceeding and having any claim or demand on account thereof is hereby required, on or before January 6, 2010 (which is six (6) months from the title vesting date), to file a written claim with the Clerk of the Court of Bronx County, and to serve within the same time a copy thereof on the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007. Pursuant to EDPL §504, the claim shall include:

- the name and post office address of the condemnee;
- reasonable identification by reference to the acquisition map, or otherwise, of the property affected by the acquisition, and the condemnee's interest therein;
- a general statement of the nature and type of damages claimed, including a schedule of fixture items which comprise part or all of the damages claimed; and,
- if represented by an attorney, the name, address and telephone number of the condemnee's attorney.

Pursuant to EDPL §503(C), in the event a claim is made for fixtures or for any interest other than the fee in the real property acquired, a copy of the claim, together with the schedule of fixture items, if applicable, shall also be served upon the fee owner of said real property.

PLEASE TAKE FURTHER NOTICE, that, pursuant to §5-310 of the New York City Administrative Code, proof of title shall be submitted to the Corporation Counsel of the City of New York, Tax and Bankruptcy Litigation Division, 100 Church Street, New York, New York 10007 on or before July 6, 2011 (which is two (2) calendar years from the title vesting date).

Dated: July 10, 2009, New York, New York.
 MICHAEL A. CARDOZO
 Corporation Counsel of the City of New York
 100 Church Street
 New York, New York 10007
 Tel. (212) 788-0718

jy20-31

BRONX COUNTY
IA PART 6
NOTICE OF MOTION
INDEX NUMBER 650/07

In the Matter of Acquiring Fee Title, Permanent and Temporary Easements, and an Access Corridor Where not Heretofore Acquired for the **WILLIS AVENUE BRIDGE REPLACEMENT** in the area generally bounded by Bruckner Boulevard, Brown Place, the Bronx Kill, the Harlem River, and Lincoln Avenue in the Borough of Bronx, City and State of New York.

PLEASE TAKE NOTICE, that, upon the annexed affirmation of MARY SWARTZ and the exhibits annexed thereto, and upon all prior proceedings had herein, the City of New York ("City") will move in IA Part 6 of the Supreme Court of the State of New York, County of the Bronx, in Room 625 of the Courthouse located at 851 Grand Concourse, in the Borough of Bronx, City and State of New York on the 17th day of August, 2009, at 2:00 P.M. or as soon thereafter as counsel may be heard, for an Amended Vesting Order, issued pursuant to Sec. 5-331 of the New York City Administrative Code, superseding the Vesting Order filed March 20, 2007 and granting the City leave to file an Amended Acquisition and Damage Map to be deemed filed as of March 27, 2007, nunc pro tunc, in order to clarify the extent and scope of the permanent easements taken in this proceeding with respect to Bronx Tax block 2260 Lot 62.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR Section 2214(b), any papers submitted in opposition to this motion, and any notice of cross-motion (and any papers in support of a cross-motion) must be served upon the undersigned at least seven (7) days before the return date of this motion.

Dated: July 20, 2009, New York, New York
 MICHAEL A. CARDOZO
 Corporation Counsel of the City of New York
 100 Church Street, Rm. 5-203
 New York, New York 10007
 (212) 788-0715

By: Mary Swartz
 Assistant Corporation Counsel

TO: Harlem River Yard Ventures, Inc.
 By: Goldstein, Goldstein, Rikon & Gottlieb, P.C.
 ATTN: John Houghton, Esq.
 80 Pine St. 32 floor, New York, New York 10005

Waste Management of New York, LLC (a/k/a USA Waste Services of NYC, Inc.)
 By: Harris Beach PLLC
 ATTN: Phillip Spellane, Esq.
 99 Garnsey Road, Pittsford, New York 14534

82 Willis LLC
 By: Jaspan Schlesinger Hoffman LLP
 ATTN: Andrew M. Mahony, Esq.
 300 Garden City Plaza, Fifth Floor
 Garden City, New York 11530

Cons Rail Co. # Schenberg
 P.O. Box 8499, Philadelphia, PA 19101-8499

Properties Hacker, LLC
 By: Horing Welikson & Rosen P.C.
 ATTN: Richard T. Walsh, Esq.
 11 Hillside Avenue, Williston Park, New York 11596

The People of the State of New York acting by and through The New York State Department of Transportation Building 5, State Office Campus
 1220 Washington Avenue, Albany, NY 12232

New York City Industrial Development Agency
 110 William Street, New York, NY 10038

United States Trust Company of New York, as Trustee
 114 West 47th Street, New York, NY 10036

Mary Caiola
 5 Hale Place, Tappan, NY 10983

The Bank of New York, as Collateral Agent and Custodian
 101 Barclay Street, New York, NY 10286
 Attn.: Corporate Trust Department

Bank of America, N.A.
 1185 Avenue of the Americas, 16th floor., New York, NY 10036

Clear Channel Outdoor, Inc.
 By: Davidoff Malito & Hutcher LLP
 ATTN: Patrick J. Kilduff, Esq.
 605 Third Avenue, 34th floor, New York, New York 10158

jy23-a5

PROPERTY DISPOSITION

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ AUCTION

PUBLIC AUCTION SALE NUMBER 10001-C

NOTICE IS HEREBY GIVEN of a bi-weekly public auction of City fleet vehicles consisting of cars, vans, light duty vehicles, trucks, heavy equipment and miscellaneous automotive equipment to be held on Wednesday, August 5, 2009 (SALE NUMBER 10001-C). This auction is held very other Wednesday unless otherwise notified. Viewing is on auction day only from 8:30 A.M. until 9:00 A.M. The auction begins at 9:00 A.M.

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

A listing of vehicles to be offered for sale in the next auction can be viewed on our Website, on the Friday prior to the sale date at: <http://www.nyc.gov/auctions>
 Terms and Conditions of sale can also be viewed at this site.

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

jy22-a5

■ SALE BY SEALED BID

SALE OF: 1 LOT OF LIGHT DUTY BRAKE TESTERS, USED AND 1 LOT OF HEADLIGHT AIMERS, USED.

S.P.#: 09032 DUE: August 4, 2009

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007.
 For sales proposal contact Gladys Genoves - McCauley (718) 417-2156.

jy22-a4

SALE OF: SANITATION COLLECTION TRUCKS, SWEEPERS AND BODY/TAILOGATES, USED.

S.P.#: 09033 DUE: August 6, 2009

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

DCAS, Division of Municipal Supply Services, 18th Floor, Bid Room, Municipal Building, New York, NY 10007.
 For sales proposal contact Gladys Genoves-McCauley at (718) 417-2156.

jy24-a6

POLICE

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

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

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

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

INQUIRIES

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

FOR MOTOR VEHICLES (All Boroughs):

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

FOR ALL OTHER PROPERTY

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

j1-d31

■ AUCTION

PUBLIC AUCTION SALE NUMBER 1164

NOTICE IS HEREBY GIVEN of a ONE (1) day public auction of unclaimed salvage vehicles, motorcycles, automobiles, trucks, and vans. Inspection day is August 10, 2009 from 10:00 A.M. - 2:00 P.M.

Salvage vehicles, motorcycles, automobiles, trucks, and vans will be auctioned on August 11, 2009 at approximately 9:30 A.M.

Auction will be held at the Erie Basin Auto Pound, 700 Columbia Street (in Redhook area of B'klyn., 2 blocks from Halleck St.)

For information concerning the inspection and sale of these items, call the Property Clerk Division's Auction Unit information line (646) 610-4614.

jy29-a11

PROCUREMENT

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

AGING

■ INTENT TO AWARD

Human / Client Service

TRANSPORTATION SERVICES – Negotiated Acquisition – Available only from a single source - PIN# 12510TRNA000 – DUE 07-30-09 AT 12:00 P.M. – This ad is for informational purposes only. The Department for the Aging intends to negotiate with the Heights and Hill Community Council for a one year contract beginning 7/1/09 to continue providing transportation services to older adults residing in Brooklyn.

Department for the Aging, 2 Lafayette Street, Room 400, New York, NY 10007. Margaret McSheffrey (212) 442-1373, mmcsheffrey@aging.nyc.gov

jy29

CITYWIDE ADMINISTRATIVE SERVICES

DIVISION OF MUNICIPAL SUPPLY SERVICES

■ SOLICITATIONS

Goods

MAC AND CHEESE CHEESY RICE AND PRE-COOKED RICE FOR DOC – Competitive Sealed Bids – PIN# 8570900773 – DUE 08-24-09 AT 10:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
 Department of Citywide Administrative Services, 1 Centre Street, Room 1800, New York, NY 10007.
 Anna Wong (212) 669-8610.

jy29

■ AWARDS

Goods

PREPARED MEALS FOR NYPD – Competitive Sealed Bids – PIN# 857900757 – AMT: \$517,000.00 – TO: Llion Inc. dba Vips Cafe, 131 East Gunhill Road, Bronx, NY 10467.

● **RE SALSA/GRAPE JAM/PUDDINGS/VEGETARIAN CHILI MIX** – Competitive Sealed Bids – PIN# 857901224 – AMT: \$79,725.00 – TO: Robbins Sales Company Inc., P.O. Box 251, Syosset, NY 11791.

● **RE SALSA/GRAPE JAM/PUDDINGS/VEGETARIAN CHILI MIX** – Competitive Sealed Bids – PIN# 857901224 – AMT: \$59,662.00 – TO: Universal Coffee Corp., 123 47th Street, P.O. Box 320187, Brooklyn, NY 11232.

● **RE SALSA/GRAPE JAM/PUDDINGS/VEGETARIAN CHILI MIX** – Competitive Sealed Bids – PIN# 857901224 – AMT: \$12,730.00 – TO: Hydrozyme Corp., 444 East 68th Street, 16-G, New York, NY 10028.

jy29

■ VENDOR LISTS

Goods

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

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

17. Soy Sauce - AB-14-03:94
18. Worcestershire Sauce - AB-14-04:94

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

jy17-j4

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

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

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

jy17-j4

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

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

jy17-j4

COMPTROLLER

AWARDS

Services (Other Than Human Services)

50-H HEARINGS AND ANCILLARY SERVICES – Request for Proposals – PIN# 01509BLA001 – AMT: \$811,374.00 – TO: Gordon and Silber, PC, 355 Lexington Avenue, Seventh Floor, New York, NY 10017.

jy29

DESIGN & CONSTRUCTION

AWARDS

Construction / Construction Services

LNCEA09MP, THE NEW YORK PUBLIC LIBRARY - LIBRARY SERVICES CENTER, QUEENS – Sole Source – Available only from a single source - PIN# 8502009LN0007P – AMT: \$30,000,000.00 – TO: The New York Public Library, Astor, Lenox and Tilden Foundation, Fifth Avenue and 42nd Street, NY, NY 10018.

● **LNCA09BPC, NYPL - BATTERY PARK BRANCH, MANHATTAN** – Sole Source – Available only from a single source - PIN# 8502009LN0008P – AMT: \$1,365,998.00 – TO: The New York Public Library, Astor, Lenox and Tilden Foundation, Fifth Avenue and 42nd Street, NY, NY 10018.

jy29

EDUCATION

DIVISION OF CONTRACTS AND PURCHASING

SOLICITATIONS

Goods

GIZMOS EDUCATIONAL SOFTWARE RENEWALS – Competitive Sealed Bids – PIN# Z1181040 – DUE 08-10-09 AT 5:00 P.M. – If you cannot download this bid, please send an e-mail to VendorHotline@schools.nyc.gov with the Bid Number and title in the subject line of your e-mail. For all questions related to this bid, please send an e-mail to DPontrelli@schools.nyc.gov with the Bid Number and title in the subject line of your e-mail.
Bid Opening: Tuesday, August 11th, 2009 at 11:00 A.M.

Department of Education, 65 Court Street, Room 1201, Brooklyn, NY 11201. Vendor Hotline (718) 935-2300, vendorhotline@schools.nyc.gov

jy29

ENVIRONMENTAL PROTECTION

BUREAU OF WATER SUPPLY

SOLICITATIONS

Services (Other Than Human Services)

CAT-321: FLOOD PLAN MAPPING FOR THE WEST OF HUDSON WATERSHEDS – Government to Government – PIN# 826010WS00015 – DUE 08-11-09 AT 4:00 P.M. – DEP, Bureau of Water Supply intends to enter into a Government to Government Agreement with the Federal Emergency Management Agency (FEMA), to produce updated flood studies and revised digital Flood Insurance Rate Maps (firms) for communities in the NYC West of Hudson water supply watersheds of Ulster, Delaware, Sullivan, Greene and Schoharie counties. Any suppliers that wish to express their interest in providing such services in the future are invited to submit expressions of interest to: Department of Environmental Protection, Agency Chief Contracting Officer, 59-17 Junction Boulevard, 17th Floor, Flushing, New York 11373. Attention: Ms. Debra Butlien (718) 595-3423, dbutlien@dep.nyc.gov

jy28-a3

REMOVAL, TRANSPORTATION, AND DISPOSAL OF SLUDGE AT THE PORT JERVIS WWTP, ORANGE COUNTY, NY – Competitive Sealed Bids – PIN# 82609WS00015 – DUE 08-18-09 AT 11:30 A.M. Project No: DEL-362: Document Fee: \$40.00. The Project Manager is Nicholas Canaan (914) 742-2022. Vendor ID#: 61873.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Environmental Protection, 59-17 Junction Blvd., 17th Floor, Flushing, NY 11373. Greg Hall (718) 595-3236, gregh@dep.nyc.gov

jy29

HEALTH AND HOSPITALS CORPORATION

The New York City Health and Hospitals Corporation is regularly soliciting bids for supplies and equipment at its Central Purchasing Offices, 346 Broadway, New York City, Room 516, for its Hospitals and Diagnostic and Treatment Centers. All interested parties are welcome to review the bids that are posted in Room 516 weekdays between 9:00 a.m. and 4:30 p.m. For information regarding bids and the bidding process, please call (212) 442-3863.

j1-d31

SOLICITATIONS

Goods

TRI-FURCATED EXTENSION SETS – Competitive Sealed Bids – PIN# 111-10-014 – DUE 08-18-09 AT 2:00 P.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Bellevue Hospital Center, Purchasing, 462 First Avenue, Room# 12 East 25, New York, NY 10016.

Mai Mikhaeil (212) 562-2720, mai.mikhaeil@bellevue.nychhc.org

jy29

Goods & Services

ANNUAL TUNE-UPS SERVICE AGREEMENT FOR 3 BOILERS/CONTROL SYSTEM WITH TODD BURNERS – Competitive Sealed Bids – PIN# 11210006 – DUE 08-20-09 AT 4:00 P.M. – A site visit will be held on August 11, 2009 at 11:00 A.M. at Harlem Hospital, Old Nurses Residence Bldg., 3rd Floor, Conference Room 310-B, 15 West 136th Street, New York, NY 10037.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Lincoln Hospital Center, 234 East 149th Street, Room 2A2, Bronx, NY 10451. Edwin Iyasere (718) 579-5106.

jy29

HOMELESS SERVICES

AWARDS

Human / Client Service

ANTI-EVICTION LEGAL SERVICES – Negotiated Acquisition – PIN# 071-09S-003-783 – AMT: \$2,699,743.00 – TO: The Legal Aid Society, 199 Water Street, New York, NY 10038.

● **ANTI-EVICTION LEGAL SERVICES** – Negotiated Acquisition – PIN# 071-09S-003-787 – AMT: \$333,000.00 – TO: Eviction Intervention Services, 1233 Second Avenue, New York, NY 10021.

● **ANTI-EVICTION LEGAL SERVICES** – Negotiated Acquisition – PIN# 071-09S-003-789 – AMT: \$125,100.00 – TO: Ridgewood Bushwick Sr. Citizens Council, 555 Bushwick Avenue, Brooklyn, NY 11206.

● **JOBS CORPS** – Government to Government – PIN# 071-10S-031-398 – AMT: \$647,832.00 – TO: U.S. Department of Labor - JFK Building, 25 Sudbury Street, Suite E-350, Boston, MA 02203.

● **NEIGHBORHOOD CLUSTER TRANSITIONAL RESIDENCE** – Competitive Sealed Proposals – PIN# 071-08S-03-1180 – AMT: \$54,348,736.00 – TO: Icahn Cluster Model Program, LLC, 1520 Brook Avenue, Bronx, NY 10457.

● **PROVISION OF PRE-PLATED MEALS** – Competitive Sealed Bids – PIN# 071-09S-01-1386 – AMT: \$38,410.16 – TO: Project Renewal, Inc., 200 Varick Street, 9th Floor, New York, NY 10014.

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OFFICE OF CONTRACTS AND PROCUREMENT

SOLICITATIONS

Human / Client Service

TRANSITIONAL RESIDENCES FOR HOMELESS/DROP-IN CENTERS – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 071-00S-003-262Z – DUE 06-25-10 AT 10:00 A.M.

The Department of Homeless Services is soliciting proposals from organizations interested in developing and operating transitional residences for homeless adults and families including the Neighborhood Based Cluster Residence and drop-in centers for adults. This is an open-ended solicitation; there is no due date for submission.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Homeless Services, 33 Beaver Street, 13th Floor, New York, NY 10004. Marta Zmoira (212) 361-0888, mzmaira@dhs.nyc.gov

j12-24

HOUSING AUTHORITY

SOLICITATIONS

Construction / Construction Services

ELEVATOR REHABILITATION FOR TWENTY-SIX (26) ELEVATORS AT BREVORT HOUSES – Competitive

Sealed Bids – PIN# EV9011018 – DUE 08-17-09 AT 10:00 A.M. – Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M. for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Street, 11th Floor, New York, NY 10007. Gloria Guillo, MPA, CPPO, (212) 306-3121, gloria.guillo@nycha.nyc.gov

jy27-31

EXTERIOR COMPACTING REFUSE MANAGEMENT SYSTEM AT PINK HOUSES – Competitive Sealed Bids – PIN# GD9006497 – DUE 08-17-09 AT 10:30 A.M. – ● **REPLACING INTERIOR METAL PAN STAIRS AT SOUTH JAMAICA I AND II** – Competitive Sealed Bids – PIN# GR9007717 – DUE 08-10-09 AT 10:00 A.M.

Bid documents are available Monday through Friday, 9:00 A.M. to 4:00 P.M. for a \$25.00 fee in the form of a money order or certified check made payable to NYCHA.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Authority, 90 Church Street, 11th Floor, New York, NY 10007. Gloria Guillo, MPA, CPPO, (212) 306-3121, gloria.guillo@nycha.nyc.gov

jy27-31

HOUSING PRESERVATION & DEVELOPMENT

AWARDS

Services (Other Than Human Services)

ASBESTOS ABATEMENT – Small Purchase – PIN# 80610K906984 – AMT: \$100,000.00 – TO: B&N&K Restoration Co., Inc., 223 Randolph Avenue, Clifton, NJ 07011.

● **ASBESTOS ABATEMENT** – Small Purchase – PIN# 80610K906982 – AMT: \$100,000.00 – TO: B&N&K Restoration Co., Inc., 223 Randolph Avenue, Clifton, NJ 07011.

● **ASBESTOS ABATEMENT** – Small Purchase – PIN# 80610K906985 – AMT: \$100,000.00 – TO: B&N&K Restoration Co., Inc., 223 Randolph Avenue, Clifton, NJ 07011.

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LEGAL DEPARTMENT

SOLICITATIONS

Human / Client Service

NEIGHBORHOOD PRESERVATION CONSULTANT PROGRAM - BRONX CBS 1 AND 4 AND BROOKLYN CB 4 – Request for Proposals – PIN# 806090100007 – DUE 08-19-09 AT 11:00 A.M. – Pre-proposal conference to be conducted on August 6, 2009 commencing at 11:00 A.M. The conference will be held at HPD offices, 100 Gold Street, Room 1-R, New York, NY 10038. Attendance is highly recommended.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Housing Preservation and Development, 100 Gold Street, Room 8-S4, New York, NY 10038. Jay Bernstein (212) 863-6657, jb1@hpd.nyc.gov

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JUVENILE JUSTICE

SOLICITATIONS

Human / Client Service

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

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.

Department of Juvenile Justice, 110 William Street, 14th Floor, New York, NY 10038. Chuma Uwechia (212) 442-7716, cuwechia@djj.nyc.gov

jy1-d16

LAW

AGENCY CHIEF CONTRACTING OFFICER

SOLICITATIONS

Services (Other Than Human Services)

BOND COUNSEL TO THE CITY OF NEW YORK – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# 02509X100013 – DUE 08-26-09 AT 5:00 P.M. – The Department seeks to enter into a contract with a law firm that will serve as bond counsel to the City in connection with issuances of City bonds and notes. Law firms with expertise in the areas of municipal finance and federal taxation are encouraged to request a copy of the RFP and to submit a proposal in response. Proposals submitted in response to this RFP may also be used as the basis for the award of bond counsel contracts by the New York City Transitional Finance Authority (“TFA”), the New York City Municipal Water Finance Authority (“Water Authority”), TSASC, Inc. (“TSASC”), the Fiscal Year 2005 Securitization Corp. (“FSC”), the Sales Tax Asset Securitization Corp. (“STAR”) and Hudson Yards Infrastructure Corporation (“Hudson Yards”), in connection with the Bond Counsel selection process of such entities. Hereinafter, the TFA,

Water Authority, TSASC, FSC, STAR and Hudson Yards shall be known collectively as the "Other Issuers." The proposals submitted in response to this RFP may also be used by the City and the Other Issuers to make recommendations to the underwriters of the City and the Other Issuers' debt concerning their choice of counsel. Further, the proposals submitted in response to this RFP may also be used by other issuers, not listed above, that are affiliated with the City in connection with the Bond Counsel selection process of such issuers and may be used by such issuers to make recommendations to underwriters of the debt of such issuers concerning their choice of counsel. The RFP document may be obtained, beginning July 22, 2009 (a) in electronic format, by sending an e-mail to smoriber@law.nyc.gov or (b) in hard copy format, by picking up a copy at the New York City Law Department, 4th Floor East Reception Desk, 100 Church Street, New York, New York 10007, between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, exclusive of weekends and City holidays.

As of the proposal due date, at least one member of the proposing law firm must be admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Law Dept., 100 Church Street, Room 6-222, New York, New York 10007. Samuel Moriber (212) 788-0734, smoriber@law.nyc.gov
Communications and Docketing Services Unit, Room 4-313.

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OFFICE OF THE MAYOR

CRIMINAL JUSTICE COORDINATOR'S OFFICE

■ AWARDS

Human/Client Service

ALTERNATIVES TO INCARCERATION AND DETENTION – Renewal – PIN# 00210DMPS392 – AMT: \$2,195,850.00 – TO: Osborne Treatment Services, 809 Westchester Avenue, Bronx, NY 10455. Alternative to incarceration day treatment services. The contract term will be from 7/1/09 - 6/30/11. There will be no option to renew. Pursuant to PPB Rules 4-04(g), the contract between the Criminal Justice Coordinator and Osborne Treatment Services for the provision of ATI services has been registered and is in effect.

● **ALTERNATIVES TO INCARCERATION AND DETENTION – Renewal – PIN# 00210DMPS391 – AMT: \$373,664.00 – TO: Urban Youth Alliance, 391 East 149th Street, Suite 401, Bronx, NY 10455. Alternative to incarceration services to juvenile offenders and young adults in The Bronx and Manhattan. The contract term will be from 7/1/09 - 6/30/11. There will be no option to renew. Pursuant to PPB Rules 4-04(g), the contract between the Criminal Justice Coordinator and the Urban Youth Alliance for the provision of ATI services has been registered and is in effect.**

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PARKS AND RECREATION

CONTRACT ADMINISTRATION

■ AWARDS

Construction/Construction Services

RECONSTRUCTION OF THE PELHAM BAY PARK NATURE CENTER – Competitive Sealed Bids – PIN# 8462009X039C01 – AMT: \$577,477.15 – TO: Penta Restoration Corp., 24-11 41st Ave., L.I.C., NY 11101. In Pelham Bay Park, known as Contract #X039-106M.

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REVENUE AND CONCESSIONS

■ SOLICITATIONS

Services (Other Than Human Services)

RENOVATION AND OPERATION OF A HIGH QUALITY CAFE AND OPTIONAL BEACH SHOP – Competitive Sealed Proposals – Judgment required in evaluating proposals - PIN# R46-SB – DUE 09-24-09 AT 3:00 P.M. – At Midland Beach, FDR Boardwalk, Staten Island.

There will be a recommended on-site proposer meeting and site tour on Thursday, August 20, 2009 at 1:00 P.M. We will be meeting at the proposed concession site, which is located at Midland Beach, Staten Island. You can access Midland Beach by entering Midland Beach parking lot between Hunter Avenue and Jefferson Avenue. We will be meeting in front of the existing structure. If you are considering responding to this RFP, please make every effort to attend this recommended site tour and meeting.

TELECOMMUNICATION DEVICE FOR THE DEAF (TDD) 212-504-4115

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
Parks and Recreation, The Arsenal-Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021.
Evan George (212) 360-3495, evan.george@parks.nyc.gov

jy27-a7

■ AWARDS

Services (Other Than Human Services)

OPERATION OF ONE (1) PROCESSING MOBILE FOOD TRUCK FOR THE SALE OF PARKS APPROVED MENU ITEMS – Competitive Sealed Bids – PIN# X307-MT – The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to Carmin Conte, 1051 Hollywood Ave., Bronx, NY 10465, for the operation of one (1) processing Mobile Food Truck for the sale of Parks approved menu items at Barretto Point Park, Tiffany Street, Viele Ave., and the East River, Bronx, NY. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, expiring on December 31, 2013. Compensation to the City is as follows: Year 1: \$1,005; Year 2: \$1,050; Year 3: \$1,100; Year 4: \$1,160;

and Year 5: \$1,210. Vendor may only operate during hours the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.

● **OPERATION OF ONE (1) PROCESSING MOBILE FOOD TRUCK – Competitive Sealed Bids – PIN# R46-2-MT. - The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to Vincent DeMarco, 126 North Drive, Staten Island, NY 10305, for the operation of one (1) processing Mobile Food Truck at Midland-South Beach, Parking Lot #2, near the picnic area between Midland and Lincoln Avenues, Staten Island, NY. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, expiring on December 31, 2013. Compensation to the City is as follows: Year 1: \$1,500; Year 2: \$1,900; Year 3: \$2,000; Year 4: \$2,500; and Year 5: \$3,500. Vendor may only operate during hours the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.**

● **OPERATION OF ONE (1) PROCESSING MOBILE FOOD TRUCK – Competitive Sealed Bids – PIN# R46-3-MT. - The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to Vincent DeMarco, 126 North Drive, Staten Island, NY 10305, for the operation of one (1) processing Mobile Food Truck at Midland-South Beach, Father Capodanno Blvd. and Jefferson Ave., Staten Island, NY. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, expiring on December 31, 2013. Compensation to the City is as follows: Year 1: \$2,000; Year 2: \$2,200; Year 3: \$2,800; Year 4: \$4,000; and Year 5: \$5,000. Vendor may only operate during hours the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.**

● **OPERATION OF ONE (1) PROCESSING MOBILE FOOD TRUCK – Competitive Sealed Bids – PIN# R87-MT. - The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to Vincent DeMarco, 126 North Drive, Staten Island, NY 10305, for the operation of one (1) processing Mobile Food Truck at PS 52 Mason Playground, Mason and Buell Avenues, and Dongan Hills Road, Staten Island, NY. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, expiring on December 31, 2013. Compensation to the City is as follows: Year 1: \$900; Year 2: \$1,200; Year 3: \$1,400; Year 4: \$2,000; and Year 5: \$2,500. Vendor may only operate during hours the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.**

● **OPERATION OF ONE (1) PROCESSING MOBILE FOOD TRUCK – Competitive Sealed Bids – PIN# X10-6-MT. - The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to Reza M. Amanollahi, 26 Harrison Ct., W. Paterson, NJ 07424, for the operation of one (1) processing Mobile Food Truck at Crotona Park, Borough Hall Playground Entrance, Bronx, NY. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, expiring on December 31, 2013. Compensation to the City is as follows: Year 1: \$700; Year 2: \$740; Year 3: \$780; Year 4: \$820; and Year 5: \$865. Vendor may only operate during hours the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.**

● **OPERATION OF ONE (1) PROCESSING MOBILE FOOD TRUCK – Competitive Sealed Bids – PIN# X266-288-MT. - The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to Reza M. Amanollahi, 26 Harrison Ct., W. Paterson, NJ 07424, for the operation of one (1) processing Mobile Food Truck at Two locations: West Farms (Vidalia Park) at E. 180th Street and Daly Ave., and Bronx River (River) Park at E. 180th Street and Boston Road, Bronx, NY. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, expiring on December 31, 2013. Compensation to the City is as follows: Year 1: \$3,199; Year 2: \$3,359; Year 3: \$3,500; Year 4: \$3,650; and Year 5: \$3,800. Vendor may only operate during hours the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.**

● **OPERATION OF ONE (1) PROCESSING MOBILE FOOD TRUCK – Competitive Sealed Bids – PIN# X289-MT. - The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to Reza M. Amanollahi, 26 Harrison Ct., W. Paterson, NJ 07424, for the operation of one (1) processing Mobile Food Truck at Mapes Avenue Ballfields, Prospect Avenue, E. 181st Street, Bronx, NY. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, expiring on December 31, 2013. Compensation to the City is as follows: Year 1: \$700; Year 2: \$740; Year 3: \$780; Year 4: \$820; and Year 5: \$865. Vendor may only operate during hours the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.**

● **OPERATION OF ONE (1) PROCESSING MOBILE FOOD TRUCK – Competitive Sealed Bids – PIN# R25-MT. - The City of New York Department of Parks and Recreation ("Parks") has awarded a concession to S & D.A.D. Inc. - Dmitry Safonov, 23A Doty Ave., Staten Island, NY 10305, for the operation of one (1) processing Mobile Food Truck at Michael Mahoney Playground, Crescent Ave. and Jersey St., State Island, NY. The concession, which was solicited by a Request for Bids, operates pursuant to a permit agreement for a five (5) year term, expiring on December 31, 2013. Compensation to the City is as follows: Year 1: \$700; Year 2: \$720; Year 3: \$740; Year 4: \$760; and Year 5: \$780. Vendor may only operate during hours the park is open and must comply with all Health Department codes. All menu items and prices are subject to Parks approval.**

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SCHOOL CONSTRUCTION AUTHORITY

CONTRACT ADMINISTRATION

■ SOLICITATIONS

Construction Related Services

A&E SERVICES FOR ELEVATOR AND ESCALATOR TESTING – Competitive Sealed Proposals – Testing or experimentation is required - PIN# SCA10-00001R-1 –

DUE 08-04-09 AT 2:00 P.M. – Proposals will be accepted from the following firms:
LEC Consulting and Inspection Group, Inc.; BOCA Group International; Charles Calderone Associates, Inc.; George D. Cattabiani and Assocs., Inc.; George Murray and Associates, Inc.; Van Deusen Associates; Vertical Systems Analysis, Inc.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
School Construction Authority, 30-30 Thomson Avenue, 1st Floor, Long Island City, NY 11101.
Seema Menon (718) 472-8284, smenon@nycsca.org

jy24-30

AGENCY RULES

TAXI AND LIMOUSINE COMMISSION

■ NOTICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

Notice is hereby given in accordance with section 1043(b) of the Charter of the City of New York ("Charter") that the Taxi and Limousine Commission ("TLC") proposes amended rules governing commuter van drivers.

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. These proposed rules were not included in the TLC's regulatory agenda for Fiscal Year 2009 because the need for such rules was not anticipated at the time the regulatory agenda was published.

A public hearing on these proposed rules will be held by the TLC at its offices at 40 Rector Street, 5th Floor, New York, New York 10006 on August 28, 2009 at 2:30 P.M. Persons wishing to testify at the hearing may notify the TLC in advance, either in writing or by telephone to the TLC's Office of Legal Affairs at the address and telephone given below. Any request for a sign language interpreter or other form of reasonable accommodation for a disability at the hearing must be submitted to the Office of Legal Affairs in writing or by telephone no later than August 21, 2009.

The public hearing will not be a meeting of the Commissioners of the Taxi and Limousine Commission and will be chaired by the TLC's Deputy Commissioner for Legal Affairs. Persons who wish to speak at the hearing will be strictly limited to three minutes of speaking time. Persons who wish to comment on the proposed rules are urged to submit written comments. There is no page limit on written comments.

Written comments in connection with these proposed rules should be submitted to the Office of Legal Affairs and must be received no later than August 28, 2009 to:

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

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

Section 1. It is hereby proposed to amend Title 35 of the Rules of the City of New York by adding a new chapter 7 thereto, to read as follows:

New Material is underlined.

Chapter 7 Commuter Van Drivers

§7-01 Scope of this Chapter

- (a) To establish procedures for the licensing and regulation of Commuter Van Drivers who operate for hire into, out of or within New York City;
- (b) To establish operating rules to protect the customers and the public.
- (c) To establish appropriate penalties for the violation of these rules.

§7-02 Penalties

- (a) Specific Penalties. If there are specific penalties for violating a Rule, they will be shown at the end of the Rule. The penalty section also states whether the violator must attend the Hearing.
- (b) General Penalty. Fines are due within 30 days of the day the violator is found guilty of the violation. If a respondent has made a timely request for a copy of the Hearing recording under §18-14(e) of these Rules, the time for payment of fines is extended to 21 days from the date the recording is issued. If a timely appeal has been filed, fines are stayed until the appeal is decided. If the fine is not paid by the close of business on the date due, the violator's License will be suspended until the fine is paid.
- (c) Mandatory Penalties

(1) The following cumulative violations will result in mandatory revocation:

§	Topic	Cumulative Violation Criteria	Penalty after opportunity for Hearing
7-18(b)	Pick Up and Discharging Passengers	Failure to comply three or more times within six months	Revocation of Drivers License

7-11(c)	Use or attempt to use physical force	Failure to comply three or more times within six months	Revocation of Drivers License
7-10(c)	Suspension of license under "Bus Driver" Driver Rules	Driver's license is suspended under Article 19-A §509-c(2)(d) for accumulating nine or more points within an 18-month period	Revocation of Drivers License

- (2) A Driver who has had his or her License revoked under any of these mandatory penalties is not permitted to apply for a new License for a period of one year after the date of revocation

§7-03 Definitions Specific to this Chapter

- (a) Authorized means that a Commuter Van Service has been given permission to operate by the Commission.
- (b) Commuter Van Vehicle. A motor vehicle having a seating capacity of at least nine (9) but not more than twenty (20) passengers that has been licensed by the TLC to carry passengers for hire in an Authorized Commuter Van Service.
- (c) Commuter Van Service. A service that is Authorized by the Commission to use Commuter Vans to provide transportation into, out of, or within New York City:
- (1) on a prearranged, regular daily basis,
 - (2) over non-specified or irregular routes, and
 - (3) between a zone in a residential neighborhood and a location which will be a work related central location, a mass transit or mass transportation facility, a shopping center, recreational facility or airport.
- (d) Driver in this Chapter refers to a Commuter Van Driver.
- (e) Passenger Manifest is the written record required for Commuter Van Services; the only information required in a Passenger Manifest is the name of each passenger to be picked up.
- (f) Person with a Disability is an individual with a physical or mental impairment or incapacity, including a person who uses a wheelchair, crutches, three-wheeled motorized scooter, other mobility aid, or a Service Animal, but who can transfer from such a mobility aid to a Taxicab, For-Hire Vehicle or Commuter Van with or without reasonable assistance.
- (g) Service animal. A guide dog, signal dog or any other animal trained specifically to work or to perform tasks for a Person with a Disability, including, but not limited to, guiding individuals with visual impairments, alerting individuals with hearing impairments to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or retrieving dropped items.

§7-04 Licensing – General Requirements

- (a) Reserved. Age.
- (b) Reserved. Identification
- (c) Chauffeur's License. An Applicant must hold a Valid Chauffeur's License.
- (d) Qualified "Bus Driver" Under Article 19-A. An Applicant for a Commuter Van Driver's License must:
- (1) Meet the qualifications of Article 19-A of the NYS Vehicle and Traffic Laws for the operation of a bus, as that article defines "bus," and
 - (2) Submit a copy of the affidavit filed with the NYS Department of Motor Vehicles certifying that the Driver has done so.
- (e) Fitness for the Job. The Applicant must demonstrate to the satisfaction of the Commission that he or she is fit and able to drive the Commuter Van for which the License is sought.
- (f) Reserved. Familiar with Geography.
- (g) Reserved. Pass Drug Test.
- (h) Fingerprinting for Determining Good Moral Character.
- (1) The Applicant must be fingerprinted so that the Commission can obtain criminal history records from the New York State Division of Criminal Justice Services.
 - (2) The Applicant must pay any processing fee required by the State.
- (i) Reserved. Agreement to Accept Service of Process.
- (j) Reserved. Training
- (k) Reserved. Unique Requirements/Exceptions for NY Police Officers.

§7-05 Licensing – Term of Licenses

- (a) Original (new) License Term. An original Commuter Van Driver's License will be Valid for two years from the date it is issued.
- (b) Renewal License Term. A License issued to a renewing Applicant will be Valid for two years from

the date that the previous License expired.

§7-06 Licensing – License and Administrative Fees

- (a) Fee for License. The fee for a Commuter Van Driver's License will be \$60 annually.
- (b) When Fee is Paid. The fee for an original or renewal License must be paid when the Applicant files the application.
- (c) No Refund if Application Denied. The Commission will not refund fees if it denies or disapproves an application.
- (d) Late Filing Fee. The Commission will charge an additional fee of \$25 for late filing of a renewal application, if it allows the filing at all.
- (e) License Replacement Fee. The Commission will charge an additional fee of \$25 for each License it issues to replace a lost or mutilated License.

§7-07 Licensing – Procedures and Causes for Denial

- (a) Reserved. Failure to Meet Requirements.
- (b) Revocation within the Last Year. The Commission will not issue or renew a Commuter Van Driver's License if the Applicant has had a Commuter Van Driver's License revoked within the last year.
- (c) Material Misrepresentation or Falsification. The Commission can deny an application or refuse a renewal if the Applicant has lied or withheld any material information or made or concealed a material fact in connection with his or her application or any certification related to the application.
- (d) Commission Failure to Approve Within 180 Days.
- (1) The Commission will approve or disapprove applications for a Commuter Van Driver's License within 180 days of receiving the completed application.
 - (2) Failure to approve or disapprove application within this time frame will be considered a denial of the application.
- (e) Other Reasons. The Commission may deny a Commuter Van Driver's License whenever the Applicant has engaged in conduct that would be the basis for suspension or revocation.
- (f) Refusal to Renew. The Commission may refuse to renew a Commuter Van Driver's License for any of the reasons listed above in this section, as well as for the following:
- (1) The Applicant has violated any provision of these Rules or any of the rules relating to commuter van service in Chapter 5, Title 19 of the Administrative Code.
 - (2) The Applicant has engaged in any fraud or misrepresentation in connection with providing any transportation service.
 - (3) The Applicant has failed to pay any penalty that has been properly imposed under these Rules.
 - (4) The Applicant has been convicted of a crime that the Commission believes has a direct bearing upon the Applicant's fitness or ability to perform the functions required of a Commuter Van Driver, or has been convicted of any offense under Article 23-A of the NYS Corrections Law that would provide a basis for the Commission to refuse to renew or to suspend or revoke a Commuter Van Driver's License.
 - (5) The Applicant has failed to maintain the conditions of operation that apply to Commuter Van Drivers.
 - (6) The Applicant has been found to have violated any of the provisions of §8-107 of the Administrative Code of the City of New York concerning unlawful discriminatory practices in public accommodations in the operation of a commuter van service or a commuter van vehicle.

§7-08 Licensing – Transfer of License.

- (a) A Commuter Van Driver's License is not assignable or transferable.

§7-09 RESERVED [Care of Licenses]

§7-10 Comply with Laws – Unlicensed Activity Prohibited

- (a) Driver Must Be Licensed. A person must not operate a for-hire Commuter Van without having a Valid Commuter Van Driver's License.

§7-10(a) Fine: \$300 Appearance NOT REQUIRED

- (b) Driver Must Have a Valid Chauffeur's License. A Driver must not operate a Commuter Van unless he or she possesses a Valid Chauffeur's License.

§7-10(b) Fine: \$300 Appearance NOT REQUIRED

- (c) Driver Must Be in Compliance with Article 19-A. A Commuter Van Driver must be in compliance with Article 19-A of the New York State Vehicle and Traffic Law. Driving a Commuter Van in noncompliance with Article 19-A is considered to be

the same as if the individual were driving a Commuter Van without a Valid Commuter Van License.

§7-10(c) Fine: \$300 Appearance NOT REQUIRED

- (d) Commuter Van Must Be Licensed and Authorized. A Commuter Van Driver must not operate a Commuter Van unless it is:

- (1) Licensed by the Commission
- (2) Operating under an Authorized and Valid Commuter Van Service.

§7-10(d) Fine: \$300 Appearance NOT REQUIRED

- (e) Shall Not Advertise Vehicle as Commuter Van Service. No person will operate any vehicle bearing the words "Commuter Van Service," "van service," "Commuter Van," "van" or other similar designation unless all of the following are true:

- (1) The person has:
 - A. A Commuter Van Drivers License
 - B. A Valid state driver's license;
- (2) The vehicle is:
 - A. Licensed as a Commuter Van
 - B. Operating under an Authorized and Valid Commuter Van Service.

§7-10(e) Fine: \$500 first violation; Appearance REQUIRED \$1,000 subsequent violations within 24 months

- (f) Driving with an Expired License. A person who drives an authorized, Licensed Commuter Van after his or her Commuter Van Driver's License expires, or before the Commission issues a renewal License is guilty of driving without a License, and will be subject to the penalties for violation of §7-10(a).

§7-11 Comply with Laws – Proper Conduct

- (a) No Bribery.
- (1) Must Not Offer Bribe.
 - (i) A Driver or any person acting as his representative must not offer or give any gift, gratuity or thing of value to any member, employee, or representative of the Commission or any public servant who is charged with the administration or enforcement of this chapter or any traffic rule or law.
 - (ii) Violations of this subdivision will be referred to the New York City Office of Administrative Trials and Hearings.

§7-11(a)(1) Fine: \$1,000 and/or suspension or revocation Appearance before OATH REQUIRED

- (2) Report Request for Bribe.
- (i) A Commuter Van Driver must immediately report to the Commission and to the New York City Department of Investigation any request or demand for a gift, gratuity or thing of value by any employee, representative or member of the Commission or any public servant who is charged with the administration or enforcement of this chapter or any traffic rule or law.
 - (ii) Violations of this subdivision will be referred to the New York City Office of Administrative Trials and Hearings.

§7-11(a)(2) Fine: \$1,000 and/or suspension or revocation Appearance before OATH REQUIRED

- (b) No Fraud, Misrepresentation. While performing the duties and responsibilities of a Driver, a Driver must not commit or attempt to commit, any act of fraud, misrepresentation or theft.

§7-11(b) Fine: Refusal to renew or revocation

- (c) Use or Threat of Physical Force. While performing the duties and responsibilities of a Driver or any act in connection with those duties, a Driver must not use or attempt to use any physical force against any person nor harm or distract any Service Animal.
- (d) Report Criminal Conviction.
- (1) A Driver must notify the Commission within five calendar days after any criminal conviction of the Driver.
 - (2) The notice must be in writing and must be accompanied by a certified copy of the certificate of disposition issued by the

clerk of the court explaining what happened as a result of the conviction.

§7-11(d) Fine: \$50-\$250 and/or Appearance REQUIRED suspension or revocation

(e) Cooperate with Law Enforcement and the Commission. Commuter Van Drivers must:

- (1) Answer all questions truthfully and comply as directed with all communications, directives and summonses from the Commission or any other person or entity authorized to enforce the provisions of Chapter 5 of Title 19 of the Administrative Code relating to Commuter Vans;

§7-11(e)(1) Fine: \$200 and suspension until compliance Appearance REQUIRED

- (2) Produce any documents required by this section to be kept in the Commuter Van upon the demand of any authorized person or entity; and

§7-11(e)(2) Fine: \$50 Appearance NOT REQUIRED

- (3) Produce any document required by this chapter to be kept by no later than 10 days following a request from the Commission.

§7-11(e)(3) Fine: \$75-\$350 and/or Appearance REQUIRED suspension until compliance

§7-12 Comply with Laws – Traffic Laws & Miscellaneous

(a) Critical Driver's Program (rules relating to the points)

- (1) License Suspension. If, within a 15-month period, a Driver accumulates six or more points on his or her driver's license (whether issued by New York or another state), the Commission will suspend the Driver's Commuter Van Driver's License for 30 days.
- (2) License Revocation. If, within a 15-month period, a Driver accumulates 10 or more points on his or her driver's license (whether issued by New York or another state), the Commission will revoke the Driver's Commuter Van Driver's License.
- (3) Review of Driver Fitness. The Commission can at any time review the fitness of a Driver following any moving violation, accident, or other driving related incident.
- (4) 15-Month Period. When determining whether a suspension or revocation is required based on the accumulation of points in a 15-month period, the Commission will count backwards 15 months from the date of the most recent violation carrying points.
- (5) Date of Point Accumulation. When points are assigned as a result of a violation, they will be counted as of the date of the violation.
- (6) Multiple Points from a Single Incident. A Driver can be fined points against his or her license for multiple violations arising from a single incident. For the purpose of calculating points that might lead to a License suspension or revocation, the Commission will count the single violation with the highest point total, if a Driver has accumulated points for multiple violations arising from a single incident.
- (7) Point Reduction for Voluntary Course Completion.
 - (i) Before suspending or revoking a Driver's License, the Commission will deduct two points from the total points of any Driver who voluntarily attends and satisfactorily completes an Approved Motor Vehicle Accident Prevention Course
 - (ii) The Driver must furnish the Commission with proof that the course was satisfactorily completed before the Commission will reduce the Driver's point total;
 - (iii) If the Commission has already suspended or revoked the Driver's License, the point reduction will not change the Commission's decision.
 - (iv) The Commission will not reduce the total points of any Driver more than once in any 18-month period.
- (8) Nothing in this section prevents the Commission from imposing additional or more severe penalties for these violations.

(b) Reserved. Program for Persistent Violators.

§7-13 Operations – Passenger and Driver Safety

(a) Safe Driving Behavior.

- (1) Applicants must maintain safe and lawful driving behavior.
- (2) The Commission will not issue or renew a Commuter Van Driver's License if the Applicant has engaged in any conduct that would be a basis for suspension or revocation of such License.

§7-14 Operations – General Rules

(a) Reserved. No Weapons.

(b) Reserved. Driver neat & clean.

(c) Reserved. No smoking.

(d) Reserved. No locking rear doors.

(e) No Phone Use. A driver will not use a telephone while operating a Commuter Van unless the Commuter Van is lawfully standing or parked.

§7-14(e) Fine: \$200 Appearance NOT REQUIRED

(f) Reserved. Have E-ZPass.

(g) No Overcharging Customers.

- (1) A Commuter Van Driver will not charge or attempt to charge a customer more than the fare that was approved in advance by the dispatcher.
- (2) A Commuter Van Driver will not charge or attempt to charge any additional fees for transporting a Person with a Disability, for a Service Animal accompanying a Person with a Disability, or for wheelchairs or other mobility aids.

§7-14(g) Fine: \$100-\$250 and order restitution for any overcharge passenger Appearance REQUIRED

(h) Reserved. Non-paying Customers.

(i) Reserved. No Overloading Vehicle.

(j) Reserved. Use of Front Seat.

(k) Reserved. Luggage.

(l) Reserved. No Property.

(m) Reserved. No 'Marketing' to Passengers.

(n) Reserved. Handling Passengers with Infectious Diseases.

§7-15 RESERVED [Operations – Comply with Reasonable Passenger Requests]

§7-16 RESERVED [Operations – Method of Payment]

§7-17 RESERVED [Operations – Lost Property]

§7-18 Operations – Passenger Solicitation and Engagement

(a) Solicitation of Passengers.

- (1) A Commuter Van Driver must only transport passengers on a pre-arranged basis, and whose names appear on the Passenger Manifest.
- (2) Requests for service and pre-arranged trips must be logged in and these records must be maintained at the business premises of the Commuter Van Service for verification.

§7-18(a) Fine: \$50 Appearance NOT REQUIRED

(b) Limitations on Passenger Pick-up. A Commuter Van Driver must not perform or allow the pick up or discharge passengers:

- (1) Outside of the geographic area specified in the Commuter Van Service Authorization, or
- (2) Along any route of a City of New York or private bus line. [Exception: This restriction does not apply to the pick up or discharge of passengers along bus routes in the borough of Manhattan south of Chambers Street by drivers for commuter van services which on July 1, 1992 had authority from the New York State Department of Transportation to pick up or discharge passengers along bus routes in such area, provided that the scope of operations by such commuter van services along bus routes in such area shall not exceed the scope of such operations prior to July 1, 1992].

§7-18(b) Fine: \$75 first and second violation; Revocation for third violation within six months (see Mandatory Penalties, §7-02(c)) Appearance NOT REQUIRED

§7-19 Operations – Refusing Passengers

(a) Must Not Refuse. Unless justified, a Driver who is dispatched must not refuse by words, gestures or any other means, to transport a person who has prearranged the trip and the destination is within Commuter Van Service's Authorized jurisdiction. This includes a passenger accompanied by a service animal.

§7-19(a) Fine: \$200-\$350 for first Appearance REQUIRED violation; \$350-\$500 for each subsequent violation within 36 months

(b) Justification for Refusal. Justifiable grounds for refusing to transport passengers include:

- (1) The passenger has a weapon
- (2) The passenger has a package or some article that the Driver reasonably believes could injure others or damage the Commuter Van Vehicle.
- (3) The passenger is accompanied by an animal which is not properly or adequately secured in a kennel case or other suitable container. (This provision does not apply to Service Animals accompanying Persons with Disabilities.)
- (4) The passenger is intoxicated or disorderly. (A Driver must not, however, refuse to provide service solely because a disability results in annoying, offensive or inconvenient behavior).
- (5) The passenger has refused a request by the Commuter Van Driver to stop smoking.
 - (i) The Driver may discharge a passenger who refuses to stop smoking after the Driver made the request.
 - (ii) If a Driver discharges the passenger, it must be at a safe location.

(c) Attendants for Disabled Passengers.

- (1) A Commuter Van Driver must not require a Person with a Disability to be accompanied by an attendant.
- (2) If a Person with a Disability is accompanied by an attendant, a Driver must not charge or attempt to charge an additional fare for transporting the attendant.

§7-19(c) Fine: \$100-\$250 and order restitution for any overcharge to the passenger Appearance REQUIRED

(d) Luggage and Mobility Aids. A Commuter Van Driver must not refuse to transport a passenger's wheelchair, crutches or other mobility aid.

§7-19(d) Fine: \$200-\$350 Appearance REQUIRED

§7-20 RESERVED [Operations – Cooperation with Issuing Jurisdictions]

§7-21 RESERVED [Vehicles – Operation and Condition]

§7-22 Vehicles – Items required to be in the Vehicle during operation

- (a) Items in Vehicle. A Commuter Van Driver must not operate a Commuter Van unless the following are present in the vehicle:
- (1) The Commuter Van License;
 - (2) The Driver's Commuter Van Driver's License;
 - (3) The Authorization to operate a Commuter Van Service, or a legible photocopy;
 - (4) The vehicle registration and evidence of current liability insurance;
 - (5) The Passenger Manifest.

§7-22(a)(1)-(5) Fine: \$25 per missing item; maximum penalty \$50 Appearance NOT REQUIRED

§7-23 Vehicles – Written Trip Records

(a) Passenger Manifest. A Commuter Van Driver must maintain a Passenger Manifest and enter the name of each passenger to be picked up legibly in ink before the passenger boards.

§7-23(a) Fine: \$25 Appearance NOT REQUIRED

§7-24 RESERVED [Vehicle Equipment—Electronic Trip Record System]

Statement of Basis and Purpose of Rules

These rules are proposed pursuant to sections 1043 and 2303 of the Charter and section 19-503 of the Administrative Code of the City of New York. The rules are part of a project undertaken by the Taxi and Limousine Commission ("TLC") to revise its existing rule book. The first phase of this project

consists of reorganizing and redrafting TLC's rules, to enhance their clarity and accessibility without substantive change. Accordingly, these rules are not intended to make any changes to TLC's current policies, procedures or operations.

During this first phase of the rules revision project, all of TLC's existing rules will be redrafted, then posted on a chapter-by-chapter basis on the TLC Web site for review and discussion by interested members of the public. Each chapter will be revised based on that discussion, then published for public comment and public hearing pursuant to the City Administrative Procedure Act (CAPA). Because this phase of the rules revision is intended to involve no substantive changes to the rules, and as announced at the Commission meeting held on August 7, 2008, public hearings will be held separately from monthly stated Commission meetings.

When this process has been completed for all TLC rules, the complete set of rules will be presented to the Commission for promulgation simultaneously with repeal of the current set of TLC rules. The revised rules will replace the existing rules compiled in chapter 35 of the Rules of the City of New York. It is anticipated that the promulgation of the revised rules and repeal of the current rules will occur in 2009.

After the first phase of its rules revision is completed, TLC will move to the second phase, which will involve the assessment of its rules for more substantive changes.

The rules proposed here are as follows:

Current Rule Chapters revised in this rule-making	Proposed Rule Chapters
Chapter 9, Commuter Vans (although only those parts concerning commuter van drivers)	Chapter 7, Rules Governing Commuter Van Drivers

The proposed rules make several substantive changes to the provisions of current rules governing commuter van drivers. Specifically, the proposed rules:

- Eliminate, to the extent applicable to commuter van drivers, the transition provisions incorporated in rules 9-04 and 9-05, as such provisions are now obsolete.
- Impose a specific requirement that drivers drive safely.
- To fully incorporate the provisions of Local Law 16 of 2008, the penalty provisions have been amended to reflect that fines are stayed for thirty days, and further pending decision of a timely-filed appeal.

☛ jy29



CITY PLANNING COMMISSION

■ NOTICE

NEGATIVE DECLARATION

Project Identification CEQR No. 09DCP068M ULURP No. 090362ZSM SEQRA Classification: Type I	Lead Agency City Planning Commission 22 Reade Street New York, NY 10007 Contact: Robert Dobruskin (212) 720-3423
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Name, Description and Location of Proposal:

Banana Republic SoHo Special Permit EAS
The proposal involves an application by Banana Republic, LLC, for a special permit pursuant to Zoning Resolution (ZR) Section 74-922 to exceed 10,000 square feet of retail space in an M1 District. The action would facilitate a proposal by the applicant to consolidate a retail clothing store, located in three interconnected buildings at 550-556 Broadway (Block 497, Lots 11 and 12) within an M1-5B zoning district in the SoHo neighborhood of Manhattan, Community District 2. The site is located in the SoHo Cast Iron Historic District, a NYC Landmarks Preservation Commission (LPC) and State/National Register designated Historic District. The consolidated store would contain approximately 18,113 square foot retail space.

The site is currently developed with three-mixed use buildings containing ground-floor retail and vacant retail storefront, as well as above-grade commercial, artistic and residential uses.

Absent the proposed action, the applicant has stated that the site would be developed into two separate retail establishments. The build year for this proposal is 2010.

Statement of No Significant Effect:
The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated June 19, 2009, prepared in connection with the ULURP Application (No. 090362ZSM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:
The above determination is based on an environmental assessment which finds that no significant effects on the environment which would require an Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Olga Abinader at (212) 720-3493.

☛ jy29

COMPTROLLER

■ NOTICE

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., Rm. 629, New York, NY 10007 on 8/05/09, to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1	1116	P/O LOT 30

Acquired in the proceeding, entitled: – RICHMOND TERRACE BETWEEN JOHN STREET AND NICHOLAS – AVENUE, subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.
Comptroller

jy22-a5

NOTICE OF ADVANCE PAYMENT OF AWARDS PURSUANT TO THE STATUTES IN SUCH cases made and provided, notice is hereby given that the Comptroller of the City of New York, will be ready to pay, at 1 Centre St., RM 629, New York, NY 10007 on 8/04/09 to the person or persons legally entitled an amount as certified to the Comptroller by the Corporation Counsel on damage parcels, as follows:

Damage Parcel No.	Block	Lot
1, 1A, 2 AND 3	4226	75,P/O 40 AND P/O 55
1,1A, 2 AND 3	4226	75,P/O 40 AND P/O 55

Acquired in the proceeding, entitled: PASC 2 AND PART OF MARCONI STREET subject to any liens and encumbrances of record on such property. The amount advanced shall cease to bear interest on the specified date above.

William C. Thompson, Jr.
Comptroller

jy15-a4

LABOR RELATIONS

■ NOTICE

**Local 237, IBT
2008-2010 Public Information and Health Titles**

AGREEMENT entered into this 13th day of July, 2009, by and between the City of New York and related public employers pursuant to and limited to their respective elections or statutory requirement to be covered by the New York City Collective Bargaining Law and their respective authorizations to the City to bargain on their behalf and the New York City Health and Hospitals Corporation (hereinafter referred to jointly as the "Employer"), and Local 237, International Brotherhood of Teamsters, AFL-CIO (hereinafter referred to as the "Union"), for the period from September 13, 2008 to September 25, 2010.

WITNESSETH:

WHEREAS, the parties hereto have entered into collective bargaining and desire to reduce the results thereof to writing,

NOW, THEREFORE, it is mutually agreed as follows:

ARTICLE I - UNION RECOGNITION AND UNIT DESIGNATION

Section 1.
The Employer recognizes the Union as the sole and exclusive collective bargaining representative for the bargaining unit set forth below, consisting of employees of the Employer, wherever employed, whether full-time, part-time per annum, hourly or per diem, in the below listed title(s), and in any successor title(s) that may be certified by the Board of Certification of the Office of Collective Bargaining to be part of the unit herein for which the Union is the exclusive collective bargaining representative and in any positions in Restored Rule X titles of the Classified Service the duties of which are or shall be equated by the City Personnel Director and the Director of the Budget for salary purposes to any of the below listed title(s):

51175	ASSISTANT DIRECTOR OF BUREAU OF PUBLIC HEALTH EDUCATION
60816	ASSOCIATE PUBLIC INFORMATION SPECIALIST
12303*	EDITORIAL ASSISTANT
60805*	INFORMATION ASSISTANT
90610,	
906100	PHOTOGRAPHER
93049	PHOTOGRAPHER (RULE X)
51110,	
511100	PUBLIC HEALTH EDUCATOR
51105	PUBLIC HEALTH EDUCATION TRAINEE
60810*	PUBLIC RELATIONS ASSISTANT
55015	SENIOR INTERGROUP RELATIONS OFFICER
90635,	
906350	SENIOR PHOTOGRAPHER
51135,	
511350	SENIOR PUBLIC HEALTH EDUCATOR
60818	SUPERVISOR OF TRAFFIC SAFETY EDUCATION

*present incumbents only

Effective December 4, 2007, as referred to in OCB Decision # 16-2007, the titles listed below are included in Certificate No. 62C-75:

966110, 966120	Associate Radiographer
966310, 966320	Assoc. Supervisory Radiographer
005050	Assoc. Ultrasound Technologist
513120	Electrocardiograph Technician
513130	Electroencephalograph Tech.
964310, 964320	Nuclear Medicine Technologist
004890	Radiographer
001600	Sr. Electrocardiograph Tech.

004910	Sprvsg. Nucl. Medicine Technlgst
966950, 966960	Ultrasound Technologist
51310	X-ray Technician

Section 2.

The terms "Employee" and "Employees" as used in this Agreement shall mean only those persons in the unit described in Section 1 of this Article.

ARTICLE II - DUES CHECKOFF

Section 1.

a. The Union shall have the exclusive right to the checkoff and transmittal of dues on behalf of each Employee in accordance with the Mayor's Executive Order No. 98, dated May 15, 1969, entitled "Regulations Relating to the Checkoff of Union Dues", and in accordance with the Mayor's Executive Order No. 107, dated December 29, 1986, entitled "Procedures for Orderly Payroll Check-Off of Union Dues and Agency Shop Fees".

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

Section 2.

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

ARTICLE III - SALARIES

Section 1.

a. This Article III is subject to the provisions, terms and conditions of the Alternative Career and Salary Pay Plan Regulations, dated March 15, 1967 as amended, except that the specific terms and conditions of this Article shall supersede any provisions of such Regulations inconsistent with this Agreement subject to the limitations of applicable provisions of law.

b. Unless otherwise specified, all salary provisions of this Agreement, including minimum and maximum salaries, advancement or level increases, general increases, and any other salary adjustments, are based upon a normal work week of 35 hours. In accordance with Article IX, Section 24 of the 1995 – 2001 Citywide Agreement, an Employee who works on a full-time, per-diem basis shall receive their base salary (including salary increment schedules) and/or additions-to-gross payment in the same manner as a full-time, per-annum Employee. An Employee who works on a part-time per annum basis and who is eligible for any salary adjustments provided in this Agreement shall receive the appropriate pro-rata portion of such salary adjustment computed on the relationship between the number of hours regularly worked each week by such Employee and the number of hours in the said normal work week, unless otherwise specified.

c. Employees who work on a part-time per diem or hourly basis and who are eligible for any salary adjustment provided in this Agreement shall receive the appropriate pro-rata portion of such salary adjustment computed as follows, unless otherwise specified:

Per diem rate - 1/261 of the appropriate minimum basic salary.

Hourly Rate - 35 hour week basis: 1/1827 of the appropriate minimum basic annual salary.

d. The maximum salary for a title shall not constitute a bar to the payment of any salary adjustment or pay differentials provided for in this Agreement but the said increase above the maximum shall not be deemed a promotion.

Section 2.

Employees in the following title(s) shall be subject to the following specified salary(ies), salary adjustment(s), and/or salary range(s):

a. Effective October 10, 2008

TITLE	i. Minimum*		ii. Maximum Rate
	(1) Hiring* Rate	(2) Incumbent Rate	
ASST. DIR. OF BUREAU OF PUB. HEALTH EDUC.	\$50,496	\$57,060	\$68,781
ASSOC. PUBLIC INFORMATION SPECIALIST	\$45,520	\$51,438	\$64,277
ASSOCIATE RADIOGRAPHER ***			
LEVEL I	\$43,577	\$49,242	\$50,364
LEVEL II	\$46,219	\$52,228	\$53,710
ASSOC. SUPERVISORY RADIOGRAPHER***			
LEVEL I	\$48,858	\$55,209	\$57,462
LEVEL II	\$52,821	\$59,688	\$65,625
ASSOC. ULTRASOUND TECHNOLOGIST ***	\$55,292	\$62,480	\$68,727
EDITORIAL ASSISTANT	\$28,140	\$31,798	\$35,095
ELECTROCARDIOGRAPH TECHNICIAN	\$30,929	\$34,950	\$41,098
ELECTROENCEPHALOGRAPH TECH. **	\$32,802	\$37,066	\$42,528
INFORMATION ASSISTANT	\$26,517	\$29,964	\$44,419
NUCLEAR MEDICINE TECHNOLOGIST ***			
LEVEL I	\$39,130	\$44,217	\$45,339
LEVEL II	\$42,043	\$47,509	\$48,630
PHOTOGRAPHER	\$36,075	\$40,765	\$49,918
PHOTOGRAPHER (RULE X)	\$36,075	\$40,765	\$49,918
PUBLIC HEALTH EDUCATOR			
LEVEL I	\$43,459	\$49,109	\$56,574
LEVEL II	\$49,644	\$56,098	\$65,251
LEVEL III	\$50,496	\$57,060	\$68,781
PUBLIC HEALTH EDUCATION TRAINEE	\$36,075	\$40,765	Flat Rate
PUBLIC RELATIONS ASSISTANT	\$30,804	\$34,808	\$55,691
SR. INTERGROUP RELATIONS OFFICER	\$37,846	\$42,766	\$59,848
RADIOGRAPHER ***	\$40,935	\$46,257	\$47,382

SR. ELECTROCARDIOGRAPH TECH. **	\$33,801	\$38,195	\$45,422
SENIOR PHOTOGRAPHER	\$40,977	\$46,304	\$62,354
SENIOR PUBLIC HEALTH EDUCATOR	\$49,644	\$56,098	\$65,251
SPRVSR. OF TRAFFIC SAFETY EDUCATION	\$35,435	\$40,041	\$61,235
SPRVSG. NUCL. MEDICINE TECHNLOGST***	\$44,904	\$50,741	\$52,893
ULTRASOUND TECHNOLOGIST ***			
LEVEL I	\$44,519	\$50,307	\$54,853
LEVEL II	\$48,828	\$55,176	\$61,667
X-RAY TECHNICIAN ***			
LEVEL I	\$40,935	\$46,257	\$47,382
LEVEL II	\$43,577	\$49,242	\$50,364
LEVEL III	\$48,858	\$55,209	\$57,462

* See Article III, Section 4 (New Hires)
 ** An additional amount of \$956 is to be paid to employees in the titles of Electroencephalograph Technician and Sr. Electroencephalograph Technician after one year of service.
 *** Each appointment to this position above the 10/10/09 hiring rate will be handled on a case by case basis.

b. Effective October 10, 2008 (second year rate)

TITLE	i. Minimum*		ii. Maximum Rate
	(1) Hiring* Rate	(2) Incumbent Rate	
ASST. DIR. OF BUREAU OF PUB. HEALTH EDUC.	\$51,873	\$57,060	\$68,781
ASSOC. PUBLIC INFORMATION SPECIALIST	\$46,762	\$51,438	\$64,277
ASSOCIATE RADIOGRAPHER ***			
LEVEL I	\$44,765	\$49,242	\$50,364
LEVEL II	\$47,480	\$52,228	\$53,710
ASSOC. SUPERVISORY RADIOGRAPHER ***			
LEVEL I	\$50,190	\$55,209	\$57,462
LEVEL II	\$54,262	\$59,688	\$65,625
ASSOC. ULTRASOUND TECHNOLOGIST***	\$56,800	\$62,480	\$68,727
EDITORIAL ASSISTANT	\$28,907	\$31,798	\$35,095
ELECTROCARDIOGRAPH TECHNICIAN	\$31,773	\$34,950	\$41,098
ELECTROENCEPHALOGRAPH TECH. **	\$33,696	\$37,066	\$42,528
INFORMATION ASSISTANT	\$27,240	\$29,964	\$44,419
NUCLEAR MEDICINE TECHNOLOGIST***			
LEVEL I	\$40,197	\$44,217	\$45,339
LEVEL II	\$43,190	\$47,509	\$48,630
PHOTOGRAPHER	\$37,059	\$40,765	\$49,918
PHOTOGRAPHER (RULE X)	\$37,059	\$40,765	\$49,918
PUBLIC HEALTH EDUCATOR			
LEVEL I	\$44,645	\$49,109	\$56,574
LEVEL II	\$50,998	\$56,098	\$65,251
LEVEL III	\$51,873	\$57,060	\$68,781
PUBLIC HEALTH EDUCATION TRAINEE	\$37,059	\$40,765	Flat Rate
PUBLIC RELATIONS ASSISTANT	\$31,644	\$34,808	\$55,691
SR. INTERGROUP RELATIONS OFFICER	\$38,878	\$42,766	\$59,848
RADIOGRAPHER ***	\$42,052	\$46,257	\$47,382
SR. ELECTROCARDIOGRAPH TECH. **	\$34,723	\$38,195	\$45,422
SENIOR PHOTOGRAPHER	\$42,095	\$46,304	\$62,354
SENIOR PUBLIC HEALTH EDUCATOR	\$50,998	\$56,098	\$65,251
SPRVSR. OF TRAFFIC SAFETY EDUCATION	\$36,401	\$40,041	\$61,235
SPRVSG. NUCL. MEDICINE TECHNLOGST***	\$46,128	\$50,741	\$52,893
ULTRASOUND TECHNOLOGIST ***			
LEVEL I	\$45,734	\$50,307	\$54,853
LEVEL II	\$50,160	\$55,176	\$61,667
X-RAY TECHNICIAN ***			
LEVEL I	\$42,052	\$46,257	\$47,382
LEVEL II	\$44,765	\$49,242	\$50,364
LEVEL III	\$50,190	\$55,209	\$57,462

c. Effective October 10, 2009

TITLE	i. Minimum*		ii. Maximum Rate
	(1) Hiring* Rate	(2) Incumbent Rate	
ASST. DIR. OF BUREAU OF PUB. HEALTH EDUC.	\$52,515	\$59,342	\$71,532
ASSOC. PUBLIC INFORMATION SPECIALIST	\$47,342	\$53,496	\$66,848
ASSOCIATE RADIOGRAPHER ***			
LEVEL I	\$45,320	\$51,212	\$52,379
LEVEL II	\$48,068	\$54,317	\$55,858
ASSOC. SUPERVISORY RADIOGRAPHER ***			
LEVEL I	\$50,812	\$57,417	\$59,760
LEVEL II	\$54,935	\$62,076	\$68,250
ASSOC. ULTRASOUND TECHNOLOGIST ***	\$57,504	\$64,979	\$71,476
EDITORIAL ASSISTANT	\$29,265	\$33,070	\$36,499
ELECTROCARDIOGRAPH TECHNICIAN	\$32,166	\$36,348	\$42,742
ELECTROENCEPHALOGRAPH TECH. **	\$34,114	\$38,549	\$44,229
INFORMATION ASSISTANT	\$27,578	\$31,163	\$46,196
NUCLEAR MEDICINE TECHNOLOGIST***			
LEVEL I	\$40,696	\$45,986	\$47,153
LEVEL II	\$43,725	\$49,409	\$50,575
PHOTOGRAPHER	\$37,519	\$42,396	\$51,915
PHOTOGRAPHER (RULE X)	\$37,519	\$42,396	\$51,915
PUBLIC HEALTH EDUCATOR			
LEVEL I	\$45,197	\$51,073	\$58,837
LEVEL II	\$51,630	\$58,342	\$67,861
LEVEL III	\$52,515	\$59,342	\$71,532
PUBLIC HEALTH EDUCATION TRAINEE	\$37,519	\$42,396	Flat Rate
PUBLIC RELATIONS ASSISTANT	\$32,035	\$36,200	\$57,919
SR. INTERGROUP RELATIONS OFFICER	\$39,360	\$44,477	\$62,242
RADIOGRAPHER ***	\$42,573	\$48,107	\$49,277
SR. ELECTROCARDIOGRAPH TECH. **	\$35,153	\$39,723	\$47,239
SENIOR PHOTOGRAPHER	\$42,616	\$48,156	\$64,848
SENIOR PUBLIC HEALTH EDUCATOR	\$51,630	\$58,342	\$67,861
SPRVSR. OF TRAFFIC SAFETY EDUCATION	\$36,852	\$41,643	\$63,684
SPRVSG. NUCL. MEDICINE TECHNLOGST ***	\$46,700	\$52,771	\$55,009
ULTRASOUND TECHNOLOGIST ***			
LEVEL I	\$46,300	\$52,319	\$57,047
LEVEL II	\$50,781	\$57,383	\$64,134
X-RAY TECHNICIAN ***			
LEVEL I	\$42,573	\$48,107	\$49,277
LEVEL II	\$45,320	\$51,212	\$52,379
LEVEL III	\$50,812	\$57,417	\$59,760

d. Effective October 10, 2009 (second year rate)

TITLE	i. Minimum*		ii. Maximum Rate
	(1) Hiring* Rate	(2) Incumbent Rate	
ASST. DIR. OF BUREAU OF PUB. HEALTH EDUC.	\$53,947	\$59,342	\$71,532
ASSOC. PUBLIC INFORMATION SPECIALIST	\$48,633	\$53,496	\$66,848
ASSOCIATE RADIOGRAPHER ***			

LEVEL I	\$46,556	\$51,212	\$52,379
LEVEL II	\$49,379	\$54,317	\$55,858
ASSOC. SUPERVISORY RADIOGRAPHER ***			
LEVEL I	\$52,197	\$57,417	\$59,760
LEVEL II	\$56,433	\$62,076	\$68,250
ASSOC. ULTRASOUND TECHNOLOGIST ***	\$59,072	\$64,979	\$71,476
EDITORIAL ASSISTANT	\$30,064	\$33,070	\$36,499
ELECTROCARDIOGRAPH TECHNICIAN	\$33,044	\$36,348	\$42,742
ELECTROENCEPHALOGRAPH TECH. **	\$35,045	\$38,549	\$44,229
INFORMATION ASSISTANT	\$28,330	\$31,163	\$46,196
NUCLEAR MEDICINE TECHNOLOGIST ***			
LEVEL I	\$41,805	\$45,986	\$47,153
LEVEL II	\$44,917	\$49,409	\$50,575
PHOTOGRAPHER	\$38,542	\$42,396	\$51,915
PHOTOGRAPHER (RULE X)	\$38,542	\$42,396	\$51,915
PUBLIC HEALTH EDUCATOR			
LEVEL I	\$46,430	\$51,073	\$58,837
LEVEL II	\$53,038	\$58,342	\$67,861
LEVEL III	\$53,947	\$59,342	\$71,532
PUBLIC HEALTH EDUCATION TRAINEE	\$38,542	\$42,396	Flat Rate
PUBLIC RELATIONS ASSISTANT	\$32,909	\$36,200	\$57,919
SR. INTERGROUP RELATIONS OFFICER	\$40,434	\$44,477	\$62,242
RADIOGRAPHER ***	\$43,734	\$48,107	\$49,277
SR. ELECTROCARDIOGRAPH TECH. **	\$36,112	\$39,723	\$47,239
SENIOR PHOTOGRAPHER	\$43,778	\$48,156	\$64,848
SENIOR PUBLIC HEALTH EDUCATOR	\$53,038	\$58,342	\$67,861
SPRVSR. OF TRAFFIC SAFETY EDUCATION	\$37,857	\$41,643	\$63,684
SPRVSG. NUCL. MEDICINE TECHNLOGST***	\$47,974	\$52,771	\$55,009
ULTRASOUND TECHNOLOGIST ***			
LEVEL I	\$47,563	\$52,319	\$57,047
LEVEL II	\$52,166	\$57,383	\$64,134
X-RAY TECHNICIAN ***			
LEVEL I	\$43,734	\$48,107	\$49,277
LEVEL II	\$46,556	\$51,212	\$52,379
LEVEL III	\$52,197	\$57,417	\$59,760

Section 3. General Wage Increases

- a.** The general increase, effective as indicated, shall be:
- i.** Effective October 10, 2008, Employees shall receive a general increase of 4.00 %.
 - ii.** Effective October 10, 2009, Employees shall receive a general increase of 4.00 %.
 - iii.** Part-time per annum, per session, hourly paid and part-time per diem Employees (including seasonal appointees) and Employees whose normal work year is less than a full calendar year shall receive the increases provided in Sections 3 a. i. and 3 a. ii. on the basis of computations heretofore utilized by the parties for all such Employees.
- b.** The increases provided for in Section 3 a. i. and 3 a. ii. above shall be calculated as follows:
- i.** The general increase in Section 3 a. i. shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on October 9, 2008.
 - ii.** The general increase in Section 3 a. ii. shall be based upon the base rates (including salary or incremental salary schedules) of the applicable titles in effect on October 9, 2009.
- c.**
- i.** The general increases provided for in this Section 3 a. i. and 3 a. ii. shall be applied to the base rates, incremental salary levels and the minimum "hiring rates", minimum "incumbent rates" and maximum rates (including levels), if any, fixed for the applicable titles, except that the general increases shall not be applied to the longevity increment provided in Article III Section 10 a. of this Agreement.
 - ii.** The general increases provided for in this Section 3 a. i. and 3 a. ii. shall not be applied to the following "additions to gross": uniform allowances, assignment differentials, advancement increases and assignment (level) increases.

Section 4. New Hires

- a.** The following provisions shall apply to Employees newly hired on or after September 13, 2008:
- i.** During the first year of service, the "appointment rate" for a newly hired employee shall be thirteen percent (13%) less than the applicable "incumbent minimum" for said title that is in effect on the date of such appointment.
 - ii.** Upon completion of one (1) year of service, such employees shall be paid ten percent (10%) less than the indicated "incumbent minimum" for the applicable title that is in effect on the one (1) year anniversary of their original date of appointment.
 - iii.** Upon completion of two (2) years of service, such employees shall be paid the indicated "incumbent minimum" for the applicable title that is in effect on the two (2) year anniversary of their original date of appointment.
- b.** For the purposes of Sections 4(a) and 4(c), employees 1) who were in active pay status before September 13, 2008, and 2) who are affected by the following personnel actions after said date shall not be treated as "newly hired" employees and shall be entitled to receive the indicated minimum "incumbent rate" set forth in subsections 2(a)(i)(2), 2(b)(i)(2), 2(c)(i)(2) and 2(d)(i)(2) of this Article III:

- i.** Employees who return to active status from an approved leave of absence.
 - ii.** Employees in active status (whether full or part time) appointed to permanent status from a civil service list, or to a new title (regardless of jurisdictional class or civil service status) without a break in service of more than 31 days.
 - iii.** Employees who were laid off or terminated for economic reasons who are appointed from a recall/preferred list or who were subject to involuntary redeployment.
 - iv.** Provisional employees who were terminated due to a civil service list who are appointed from a civil service list within one year of such termination.
 - v.** Permanent employees who resign and are reinstated or who are appointed from a civil service list within one year of such resignation.
 - vi.** Employees (regardless of jurisdictional class or civil service status) who resign and return within 31 days of such resignation.
 - vii.** A provisional employee who is appointed directly from one provisional appointment to another.
 - viii.** For employees whose circumstances were not anticipated by the parties, the First Deputy Commissioner of Labor Relations is empowered to issue, on a case-by-case basis, interpretations concerning application of this Section 4. Such case-by-case interpretations shall not be subject to the dispute resolution procedures set forth in Article VI of this Agreement.
- c.**
- i.** For a title subject to an incremental pay plan, the employee shall be paid the appropriate increment based upon the employee's length of service. Section 2 of this Article III reflects the correct amounts and has been adjusted in accordance with the provisions of Section 3(c)(i) of this Article III.
 - ii.** Employees who change titles or levels before attaining two years of service, will be treated in the new title or level as if they had been originally appointed to said title or level on their original hiring date.
- d.** The First Deputy Commissioner of Labor Relations may, after notification to the affected union(s), exempt certain hard to recruit titles from the provisions of subsection 4 (a).

Section 5.

Each general increase provided herein, effective as of each indicated date, shall be applied to the rate in effect on the date as specified in Section 3 of this Article. In the case of a promotion or other advancement to the indicated title on the effective date of the general increase specified in Section 3 of this Article, such general increase shall not be applied, but the general increase, if any, for the title formerly occupied, effective on the date indicated shall be applied.

Section 6.

In the case of an Employee on leave of absence without pay the salary rate of such Employee shall be changed to reflect the salary adjustments specified in Article III.

Section 7. Advancement Increase

A person permanently employed by the Employer who is appointed or promoted on a permanent, provisional, or temporary basis in accordance with Title 59, Appendix A of the Rules of the City of New York (City Personnel Director Rules) or, where Title 59, Appendix A is inapplicable to a public employer, such other Rules or Regulations as are applicable to the public employer, without a break in service to any of the following title(s) from another title in the direct line of promotion or from another title in the Career and Salary Plan, the minimum rate of which is exceeded by at least 8 percent by the minimum rate of the title to which appointed or promoted, shall receive upon the date of such appointment or promotion either the minimum basic salary for the title to which such appointment or promotion is made, or the salary received or receivable in the lower title plus the specified advancement increase, whichever is greater:

Title	Effective Date 9/13/08
ASST. DIRECTOR OF BUREAU OF PUBLIC HEALTH EDUCATION	\$922
PUBLIC RELATIONS ASSISTANT	\$1,119
SENIOR PHOTOGRAPHER	\$883
SENIOR PUBLIC HEALTH EDUCATOR	\$999
SUPERVISOR OF TRAFFIC SAFETY EDUCATION	\$961
Associate Radiographer, Level I	\$846
Associate Supervisory Radiographer, Level I	\$922
Nuclear Medicine Technologist	\$869
Senior EKG Technician	\$846
Supervising Nuclear Medicine Technologist	\$942

9/13/08

Associate Radiographer, Level II	\$922
Associate Supervisory Radiographer, Level II	\$1,082
X-Ray Technician Level II	\$846
X-Ray Technician Level III	\$999

Section 9. Tuition Reimbursement

Reimbursement for tuition shall be provided for satisfactory completion of courses or workshops approved by the Head of the employing agency for courses or other job-related subjects in a sum not to exceed \$600 per annum for employees in the titles listed below. Eligibility for such reimbursement shall not begin prior to the completion of at least one year of service.

Eligible Titles

- Associate Supervising Radiographer
- Associate Radiographer
- Associate Ultrasound Technologist
- EEG Technician
- EKG Technician
- Nuclear Medicine Technologist
- Radiographer
- Senior EKG Technician
- Supervising Nuclear Medicine Technologist
- Ultrasound Technologist
- X-Ray Technician

Section 8. Assignment Differential

a. An assignment differential in the pro-rated annual amount indicated below shall continue to be paid to any Photographer or Senior Photographer regularly assigned to perform and to instruct designated City personnel in medical photo-micrography and photomacrography. The payment of such differential shall continue only during the period of such assignment. The payment of such differential and any specified assignment on which it may be based shall not be construed as an advancement to any higher title, and any such assignment is revocable at any time. In the event that an affected Employee is removed from such assignment the assignment differential shall be discontinued.

Effective
9/13/08
\$963

EKG Technician

A pro-rated annual differential in the amount stated below shall be provided for each EKG Technician designated in charge of an Electrocardiograph Laboratory in which three (3) subordinate EKG Technicians are regularly employed:

Effective Date Annual Amount
9/13/08 \$784

Section 9. Uniform Allowance

a. A uniform allowance in the below-listed pro-rated annual amount shall be paid to each Employee in the title Photographer and Senior Photographer:

Effective
9/13/08
\$134

b. Where a full uniform is required by the hospital or agency and the same is not supplied, an annual allowance in the amount specified below shall be provided for the titles listed below as follows:

<u>Eligible Titles</u>	<u>Annual Amount</u> <u>9/13/08</u>
EEG Technician	\$387
EKG Technician	\$387
Sr. EKG Technician	\$387

Section 10. Longevity Increment

a. Employees with 15 years or more of City service in pay status who are not already eligible for a longevity differential or service increment established by the Salary Review or Equity Panel shall receive a longevity increment of \$500 per annum.

b. The Rules for eligibility for the longevity increment described above in subsection a. shall be set forth in Appendix A of this Agreement and are incorporated by reference herein.

c. The provisions of Section 3 (c)(ii) of this Agreement shall not apply to the longevity increment set forth in this Section 10.

Section 11. Annuity Fund

a. The Employer shall continue to contribute to an existing annuity on behalf of covered full-time per annum and full-time per diem employees, on a twenty-eight (28) day cycle basis, a pro-rata daily contribution for each paid working day which amount shall not exceed \$1,189.51 for each Employee in full pay status in the prescribed twelve (12) month period subject to the terms of a signed supplemental agreement approved by the Corporation Counsel. For covered Employees who work less than the number of hours for their full-time equivalent title, the Employer shall pay into the fund, on a twenty-eight (28) day cycle basis, a pro-rated daily contribution calculated against the number of hours associated with their full time equivalent title, which amount shall not exceed \$678 per annum for each Employee in full pay status in the prescribed twelve (12) month period.

b. For Employees who work a compressed work week, the Employer shall pay into the fund, on a twenty-eight (28) day cycle basis, a pro-rata daily contribution for each set of paid working hours which equate to the daily number of hours that title is regularly scheduled to work, which amount shall not exceed \$1,189.51 for each Employee in full-pay

status in the prescribed twelve (12) month period.

- c. i. For the purpose of Section 12 (c), excluded from paid working days are all scheduled days off, all days in non-pay status, and all paid overtime.
- ii. "All days in non-pay status" as used in this Section 12(c) shall be defined as including, but not limited to, the following:
 - (a) time on preferred or recall lists;
 - (b) time on the following approved unpaid leaves:
 - (i) maternity/childcare leave;
 - (ii) military leave;
 - (iii) unpaid time while on jury duty;
 - (iv) unpaid leave for union business pursuant to Executive Order 75;
 - (v) unpaid leave pending workers' compensation determination;
 - (vi) unpaid leave while on workers' compensation option 2;
 - (vii) approved unpaid time off due to illness or exhaustion of paid sick leave;
 - (viii) approved unpaid time off due to family illness; and
 - (ix) other pre-approved leaves without pay;
 - (c) time while on absence without leave;
 - (d) time while on unapproved leave without pay; or
 - (e) time while on unpaid suspensions.

d. DEFINITIONS:

scheduled days off shall mean: An Employee's regular days off ("RDOs). For example, Saturday and Sunday would be the scheduled days off for a full-time per annum Employee working a Monday through Friday schedule.

ARTICLE IV - WELFARE FUND

Section 1.

- a. In accordance with the election by the Union pursuant to the provisions of Article XIII of the 1995-2001 Citywide Agreement as amended between the City of New York and related public employers, or its successor Agreement(s), the Welfare Fund provisions of that Citywide Agreement as amended or any successor(s) thereto shall apply to Employees covered by this Agreement.
- b. When an election is made by the Union pursuant to the provisions of Article XIII, Section 1.b., of the 1995-2001 Citywide Agreement as amended between the City of New York and related public employers or any successor agreement(s) thereto, the provisions of Article XIII, Section 1.b. of the Citywide Agreement as amended or any successor(s) thereto, shall apply to employees covered by this Agreement, and when such election is made, the Union hereby waives its right to training, education and/or legal services contributions provided in this Agreement, if any. In no case shall the single contribution provided in Article XIII, Section 1.b. of the 1995-2001 Citywide Agreement as amended or any successor agreement(s) thereto, exceed the total amount that the Union would have been entitled to receive if the separate contributions had continued.
- c. Contributions remitted to the Union pursuant to this Section 1 and Article XIII of the Citywide Agreement are contingent upon a signed separate trust fund agreement between the Employer and the Union.

Section 2.

The Union agrees to provide welfare fund benefits to domestic estic partners of covered Employees in the same manner as those benefits are provided to spouses of married covered Employees.

Section 3.

In accordance with the Health Benefits Agreement dated January 11, 2001, each welfare fund shall provide welfare fund benefits equal to the benefits provided on behalf of an active employee to widow(er)s, domestic partners and/or children of any Employee who dies in the line of duty as that term is referenced in Section 12-126(b)(2) of the New York City Administrative Code. The cost of providing this benefit shall be funded by the Stabilization Fund.

ARTICLE V - PRODUCTIVITY AND PERFORMANCE

Introduction

Delivery of municipal services in the most efficient, effective and courteous manner is of paramount importance to the Employer and the Union. Such achievement is recognized to be a mutual obligation of both parties within their respective roles and responsibilities. To achieve and maintain a high level of effectiveness, the parties hereby agree to the following terms:

Section 1. Performance Levels

a. The Union recognizes the Employer's right under

the New York City Collective Bargaining Law to establish and/or revise performance standards or norms notwithstanding the existence of prior performance levels, norms or standards. Such standards, developed by usual work measurement procedures, may be used to determine acceptable performance levels, to prepare work schedules and to measure the performance of each Employee or group of Employees. Notwithstanding the above, questions concerning the practical impact that decisions on the above matters have on Employees are within the scope of collective bargaining. The Employer will give the Union prior notice of the establishment and/or revision of performance standards or norms hereunder.

b. Employees who work at less than acceptable levels of performance may be subject to disciplinary measures in accordance with applicable law.

Section 2. Supervisory Responsibility

a. The Union recognizes the Employer's right under the New York City Collective Bargaining Law to establish and/or revise standards for supervisory responsibility in achieving and maintaining performance levels of supervised employees for Employees in supervisory positions listed in Article I, Section 1, of this Agreement. Notwithstanding the above, questions concerning the practical impact that decisions on the above matters have on employees are within the scope of collective bargaining. The Employer will give the Union prior notice of the establishment and/or revision of standards for supervisory responsibility hereunder.

b. Employees who fail to meet such standards may be subject to disciplinary measures in accordance with applicable law.

Section 3. Performance Compensation

The Union acknowledges the Employer's right to pay additional compensation for outstanding performance. The Employer agrees to notify the Union of its intent to pay such additional compensation.

ARTICLE VI - GRIEVANCE PROCEDURE

Section 1. Definition

The term "Grievance" shall mean:

- a. A dispute concerning the application or interpretation of the terms of this Agreement;
- b. A claimed violation, misinterpretation or misapplication of the rules or regulations, written policy or orders of the Employer applicable to the agency which employs the grievant affecting terms and conditions of employment; provided, disputes involving the Personnel Rules and Regulations of the City of New York or the Rules and Regulations of the Health and Hospitals Corporation with respect to those matters set forth in the first paragraph of Section 7390.1 of the Unconsolidated Laws shall not be subject to the grievance procedure or arbitration;
- c. A claimed assignment of Employees to duties substantially different from those stated in their job specifications;
- d. A claimed improper holding of an open-competitive rather than a promotional examination;
- e. A claimed wrongful disciplinary action taken against a permanent Employee covered by Section 75(1) of the Civil Service Law or a permanent Employee covered by the Rules and Regulations of the Health and Hospitals Corporation upon whom the agency head has served written charges of incompetence or misconduct while the Employee is serving in the Employee's permanent title or which affects the Employee's permanent status;
- f. Failure to serve written charges as required by Section 75 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation upon a permanent Employee covered by Section 75(1) of the Civil Service Law or a permanent Employee covered by the Rules and Regulations of the Health and Hospitals Corporation where any of the penalties (including a fine) set forth in Section 75(3) of the Civil Service Law have been imposed.
- g. A claimed wrongful disciplinary action taken against a provisional Employee who has served continuously for two years in the same or similar title or related occupational group in the same agency.

Section 2.

The Grievance Procedure, except for grievances as defined in Sections 1(d), 1(e), and 1(g) of this Article, shall be as follows:

Employees may at any time informally discuss with their supervisors a matter which may become a grievance. If the results of such a discussion are unsatisfactory, the Employees may present the grievance at **Step I**.

All grievances must be presented in writing at all steps in the grievance procedure. For all grievances as defined in Section 1.(c), no monetary award shall in any event cover any period prior to the date of the filing of the **Step I** grievance unless such grievance has been filed within thirty (30) days of the assignment to alleged out-of-title work. No monetary award for a grievance alleging a miscalculation of salary rate resulting in a payroll error of a continuing nature shall be issued unless such grievance has been filed within the time limitation set forth in Step I below for such grievances; if the grievance is so filed, any monetary award shall in any event cover only the period up to six years prior to the date of the filing of the grievance.

Step I The Employee and/or the Union shall present the grievance in the form of a memorandum to the

person designated for such purpose by the agency head no later than 120 days after the date on which the grievance arose except that grievances alleging a miscalculation of salary rate resulting in a payroll error of a continuing nature shall be presented no later than 120 days after the first date on which the grievant discovered the payroll error. The Employee may also request an appointment to discuss the grievance and such request shall be granted. The person designated by the Employer to hear the grievance shall take any steps necessary to a proper disposition of the grievance and shall issue a determination in writing by the end of the third work day following the date of submission.

NOTE: *The following STEP I(a) shall be applicable only in the Health and Hospitals Corporation in the case of grievances arising under Section 1.a. through 1.c. of this Article and shall be applied prior to Step II of this Section:*

Step I (a) An appeal from an unsatisfactory determination at Step I shall be presented in writing to the person designated by the agency head for such purpose. An appeal must be made within five (5) work days of the receipt of the **Step I** determination. A copy of the grievance appeal shall be sent to the person who initially passed upon the grievance. The person designated to receive the appeal at this **Step I** shall meet with the Employee and/or the Union for review of the grievance and shall issue a determination to the Employee and/or the Union by the end of the fifth work day following the day on which the appeal was filed.

STEP II An appeal from an unsatisfactory determination at **STEP I** or **STEP I(a)**, where applicable, shall be presented in writing to the agency head or the agency head's designated representative who shall not be the same person designated in **STEP I**. An appeal must be made within five (5) work days of the receipt of the **STEP I** or **Step I(a)** determination. The agency head or designated representative, if any, shall meet with the Employee and/or the Union for review of the grievance and shall issue a determination in writing by the end of the tenth work day following the date on which the appeal was filed.

STEP III An appeal from an unsatisfactory determination at **STEP II** shall be presented by the Employee and/or the Union to the Commissioner of Labor Relations in writing within ten (10) work days of the receipt of the **STEP II** determination. The grievant or the Union should submit copies of the **STEP I** and **STEP II** grievance filings and any agency responses thereto. Copies of such appeal shall be sent to the agency head. The Commissioner of Labor Relations or the Commissioner's designee shall review all appeals from **STEP II** determinations and shall issue a determination on such appeals within fifteen (15) work days following the date on which the appeal was filed.

STEP IV An appeal from an unsatisfactory determination at **STEP III** may be brought solely by the Union to the Office of Collective Bargaining for impartial arbitration within fifteen (15) work days of receipt of the **STEP III** determination. In addition, the Employer shall have the right to bring directly to arbitration any dispute between the parties concerning any matter defined herein as a grievance. The Employer shall commence such arbitration by submitting a written request therefor to the Office of Collective Bargaining. A copy of the notice requesting impartial arbitration shall be forwarded to the opposing party. The arbitration shall be conducted in accordance with Title 61 of the Rules of the City of New York. The costs and fees of such arbitration shall be borne equally by the Union and the Employer.

The arbitrator's decision, order or award (if any) shall be limited to the application and interpretation of the Agreement, and the arbitrator shall not add to, subtract from or modify the Agreement or any rule, regulation, written policy or order mentioned in Section 1 of this Article. The arbitrator's award shall be final and binding and enforceable in any appropriate tribunal in accordance with Article 75 of the Civil Practice Law and Rules. The arbitrator may provide for and direct such relief as the arbitrator deems necessary and proper, subject to the limitations set forth above and any applicable limitations of law.

Section 3.

As a condition to the right of the Union to invoke impartial arbitration set forth in this Article, including the arbitration of a grievance involving a claimed improper holding of an open-competitive rather than a promotional examination, the Employee or Employees and the Union shall be required to file with the Director of the Office of Collective Bargaining a written waiver of the right, if any, of the Employee(s) and the Union to submit the underlying dispute to any other administrative or judicial tribunal except for the purpose of enforcing the arbitrator's award.

Section 4.

a. Any grievance under Section 1 (d) relating to a claimed improper holding of an open-competitive rather than a promotional examination shall be presented in writing by the Employee or the Union representative to the Commissioner of Labor Relations not later than thirty (30) days after the notice of the intention to conduct such open-competitive examination, or copy of the appointing officer's request for such open-competitive examination, as the case may be, has been posted in accordance with Section 51 of the Civil Service Law. The grievance shall be considered and passed upon

within ten (10) days after its presentation. The determination shall be in writing, copies of which shall be transmitted to both parties to the grievance upon issuance.

b. A grievance relating to the use of an open-competitive rather than a promotional examination which is unresolved by the Commissioner of Labor Relations may be brought to impartial arbitration as provided in Sections 2 and 3 above. Such a grievance shall be presented by the Union, in writing, for arbitration within 15 days of the presentation of such grievance to the Commissioner of Labor Relations, and the arbitrator shall decide such grievance within 75 days of its presentation to the arbitrator. The party requesting such arbitration shall send a copy of such request to the other party. The costs and fees of such arbitration shall be borne equally by the Employer and the Union.

Section 5.

In any case involving a grievance under Section 1.e. of this Article, the following procedure shall govern upon service of written charges of incompetence or misconduct:

STEP A Following the service of written charges, a conference with such Employee shall be held with respect to such charges by the person designated by the agency head to review a grievance at **STEP I** of the Grievance Procedure set forth in this Agreement. The Employee may be represented at such conference by a representative of the Union. The person designated by the agency head to review the charges shall take any steps necessary to a proper disposition of the charges and shall issue a determination in writing by the end of the fifth day following the date of the conference.

If the Employee is satisfied with the determination in **STEP A** above, the Employee may choose to accept such determination as an alternative to and in lieu of a determination made pursuant to the procedures provided for in Section 75 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation. As a condition of accepting such determination, the Employee shall sign a waiver of the Employee's right to the procedures available to him or her under Sections 75 and 76 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation.

STEP B (i) If the Employee is not satisfied with the determination at **STEP A** above then the Employer shall proceed in accordance with the disciplinary procedures set forth in Section 75 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation. As an alternative, the Union, with the consent of the Employee, may choose to proceed in accordance with the Grievance Procedure set forth in this Agreement, including the right to proceed to binding arbitration pursuant to **STEP IV** of such Grievance Procedure. As a condition for submitting the matter to the Grievance Procedure the Employee and the Union shall file a written waiver of the right to utilize the procedures available to the Employee pursuant to Sections 75 and 76 of the Civil Service Law or the Rules and Regulations of the Health and Hospitals Corporation or any other administrative or judicial tribunal, except for the purpose of enforcing an arbitrator's award, if any. Notwithstanding such waiver, the period of an Employee's suspension without pay pending hearing and determination of charges shall not exceed thirty (30) days.

STEP B (ii) If the election is made to proceed pursuant to the Grievance Procedure, an appeal from the determination of **STEP A** above, shall be made to the agency head or designated representative. The appeal must be made in writing within five (5) work days of the receipt of the determination. The agency head or designated representative shall meet with the Employee and the Union for review of the grievance and shall issue a determination to the Employee and the Union by the end of the tenth work day following the day on which the appeal was filed. The agency head or designated representative shall have the power to impose the discipline, if any, decided upon, up to and including termination of the accused Employee's employment. In the event of such termination or suspension without pay totaling more than thirty (30) days, the Union with the consent of the grievant may elect to skip **STEP C** of this Section and proceed directly to **STEP D**.

STEP C If the grievant is not satisfied with the determination of the agency head or designated representative the grievant or the Union may appeal to the Commissioner of Labor Relations in writing within ten (10) days of the determination of the agency head or designated representative. The Commissioner of Labor Relations shall issue a written reply to the grievant and the Union within fifteen (15) work days.

STEP D If the grievant is not satisfied with the determination of the Commissioner of Labor Relations, the Union with the consent of the grievant may proceed to arbitration pursuant to the procedures set forth in **STEP IV** of the Grievance Procedure set forth in this Agreement.

Section 6.

In any case involving a grievance under Section 1(g) of this Article, the following procedure shall govern upon service of written charges of incompetence or misconduct:

STEP A Following the service of written charges, a conference with such Employee shall be held with

respect to such charges by the person designated by the agency head to review a grievance at **STEP I** of the Grievance Procedure set forth in this Agreement. The Employee may be represented at such conference by a representative of the Union. The person designated by the agency head to review the charges shall take any steps necessary to a proper disposition of the charges and shall issue a determination in writing by the end of the fifth day following the date of the conference.

STEP B (i) If the Employee is not satisfied with the determination at **STEP A** above, then the Employee may choose to proceed in accordance with the Grievance Procedure set forth in this Agreement through **STEP III**. The Union, with the consent of the Employee, shall have the right to proceed to binding arbitration pursuant to **STEP IV** of such Grievance Procedure. The period of an Employee's suspension without pay pending hearing and determination of charges shall not exceed thirty (30) days.

STEP B (ii) An appeal from the determination of **STEP A** above shall be made to the agency head or designated representative. The appeal must be made in writing within five (5) work days of the receipt of the determination. The agency head or designated representative shall meet with the Employee and the Union for review of the grievance and shall issue a determination to the Employee and the Union by the end of the tenth work day following the day on which the appeal was filed. The agency head or designated representative shall have the power to impose the discipline, if any, decided upon, up to and including termination of the accused Employee's employment. In the event of such termination or suspension without pay totaling more than thirty (30) days, the Union with the consent of the grievant may elect to skip **STEP C** of this Section and proceed directly to **STEP D**.

STEP C If the grievant is not satisfied with the determination of the agency head or designated representative the grievant or the Union may appeal to the Commissioner of Labor Relations in writing within ten (10) days of the determination of the agency head or designated representative. The Commissioner of Labor Relations shall issue a written reply to the grievant and the Union within fifteen (15) work days.

STEP D If the grievant is not satisfied with the determination of the Commissioner of Labor Relations, the Union, with the consent of the grievant, may proceed to arbitration pursuant to the procedures set forth in **STEP IV** of the Grievance Procedure set forth in this Agreement.

Section 7.

A grievance concerning a large number of Employees and which concerns a claimed misinterpretation, inequitable application, violation or failure to comply with the provisions of this Agreement may be filed directly at **STEP III** of the grievance procedure except that a grievance concerning Employees of the Health and Hospitals Corporation may be filed directly at **STEP II** of the grievance procedure. Such group grievance must be filed no later than 120 days after the date on which the grievance arose, and all other procedural limits, including time limits, set forth in this Article shall apply. All other individual grievances in process concerning the same issue shall be consolidated with the group grievance.

Section 8.

If a determination satisfactory to the Union at any level of the Grievance Procedure is not implemented within a reasonable time, the Union may re-institute the original grievance at **STEP III** of the Grievance Procedure; or if a satisfactory **STEP III** determination has not been so implemented, the Union may institute a grievance concerning such failure to implement at **STEP IV** of the Grievance Procedure.

Section 9.

If the Employer exceeds any time limit prescribed at any step in the Grievance Procedure, the grievant and/or the Union may invoke the next step of the procedure, except that only the Union may invoke impartial arbitration under **STEP IV**.

Section 10.

The Employer shall notify the Union in writing of all grievances filed by Employees, all grievance hearings, and all determinations. The Union shall have the right to have a representative present at any grievance hearing and shall be given fortyeight (48) hours notice of all grievance hearings.

Section 11.

Each of the steps in the Grievance Procedure, as well as time limits prescribed at each step of this Grievance Procedure, may be waived by mutual agreement of the parties.

Section 12.

A non-Mayoral agency not covered by this Agreement but which employs Employees in titles identical to those covered by this Agreement may elect to permit the Union to appeal an unsatisfactory determination received at the last step of its Grievance Procedure prior to arbitration on fiscal matters only to the Commissioner of Labor Relations. If such election is made, the Union shall present its appeal to the Commissioner of Labor Relations in writing within ten (10) work days of the receipt of the last step determination. The Union should submit copies of the grievance filings at the prior steps of its Grievance Procedure and any agency responses thereto. Copies of such appeals shall be sent to the agency head. The Commissioner of Labor Relations, or the Commissioner's designee, shall review all such appeals and answer all such appeals within fifteen (15) work days. An appeal from a determination of the Commissioner of Labor Relations may be taken to arbitration under procedures, if any, applicable to the non-Mayoral agency involved.

Section 13.

The grievance and the arbitration procedure contained in this Agreement shall be the exclusive remedy for the resolution of disputes defined as grievances herein. This shall not be interpreted to preclude either party from enforcing the arbitrator's award in court. This Section shall not be construed in any manner to limit the statutory rights and obligations of the Employer under Article XIV of the Civil Service Law.

Section 14. Expedited Arbitration Procedure

- a. The parties agree that there is a need for an expedited arbitration process which would allow for the prompt adjudication of grievances as set forth below.
- b. The parties voluntarily agree to submit matters to final and binding arbitration pursuant to the New York City Collective Bargaining Law and under the jurisdiction of the Office of Collective Bargaining. An arbitrator or panel of arbitrators, as agreed to by the parties, will act as the arbitrator of any issue submitted under the expedited procedure herein.
- c. The selection of those matters which will be submitted shall include, but not be limited to, out-of-title cases concerning all titles, disciplinary cases wherein the proposed penalty is a monetary fine of one week or less or written reprimand, and other cases pursuant to mutual agreement by the parties. The following procedure shall apply:
 - i. **SELECTION AND SCHEDULING OF CASES:**
 - (1) The Deputy Chairperson for Disputes of the Office of Collective Bargaining shall propose which cases shall be subject to the procedures set forth in this Section 14 and notify the parties of proposed hearing dates for such cases.
 - (2) The parties shall have ten business days from the receipt of the Deputy Chairperson's proposed list of cases and hearing schedule(s) to raise any objections thereto.
 - (3) If a case is not proposed by the Deputy Chairperson for expedited handling, either party may, at any time prior to the scheduling of an arbitration hearing date for such case, request in writing to the other party and to the Deputy Chairperson of Disputes of the Office of Collective Bargaining that said case be submitted to the expedited procedure. The party receiving such request shall have ten business days from the receipt of the request to raise any objections thereto.
 - (4) No case shall be submitted to the expedited arbitration process without the mutual agreement of the parties.
 - ii. **CONDUCT OF HEARINGS:**
 - (1) The presentation of the case, to the extent possible, shall be made in the narrative form. To the degree that witnesses are necessary, examination will be limited to questions of material fact and cross examination will be similarly limited. Submission of relevant documents, etc., will not be unreasonably limited and may be submitted as a packet exhibit.
 - (2) In the event either party is unable to proceed with hearing a particular case, the case shall be rescheduled. However, only one adjournment shall be permitted. In the event that either party is unable to proceed on a second occasion, a default judgment may be entered against the adjourning party at the Arbitrator's discretion absent good cause shown.
 - (3) The Arbitrator shall not be precluded from attempting to assist the parties in settling a particular case.
 - (4) A decision will be issued by the Arbitrator within two weeks. It will not be necessary in the Award to recount any of the facts presented. However, a brief explanation of the Arbitrator's rationale may be included. Bench decisions may also be issued by the Arbitrator.
 - (5) Decisions in this expedited procedure shall not be considered as precedent for any other case nor entered into evidence in any other forum or dispute except to enforce the Arbitrator's award.
 - (6) The parties shall, whenever possible, exchange any documents intended to be offered in evidence at least one week in advance of the first hearing date and shall endeavor to stipulate to the issue in advance of the hearing date.

ARTICLE VII - BULLETIN BOARDS: EMPLOYER FACILITIES

The Union may post notices on bulletin boards in places and locations where notices usually are posted by the Employer for the Employees to read. All notices shall be on Union stationery, and shall be used only to notify Employees of matters pertaining to Union affairs. Upon request to the responsible official in charge of a work location, the Union may use Employer premises for meetings during employees' lunch hours, subject to availability of appropriate space and provided such meetings do not interfere with the Employer's business.

ARTICLE VIII - NO STRIKES

In accordance with the New York City Collective Bargaining Law, as amended, neither the Union nor any employee shall induce or engage in any strikes, slowdowns, work stoppages, mass absenteeism, or induce any mass resignations during the term of this Agreement.

ARTICLE IX - CITYWIDE ISSUES

This Agreement is subject to the provisions, terms and conditions of the Agreement which has been or may be negotiated between the City and the Union recognized as the exclusive collective bargaining representative on Citywide matters which must be uniform for specified Employees, including the Employees covered by this Agreement.

Employees in Rule X titles shall receive the benefits of the Citywide Agreement unless otherwise specifically excluded herein.

ARTICLE X - UNION ACTIVITY

Time spent by Employee representatives in the conduct of labor relations with the City and on Union activities shall be governed by the terms of Executive Order No. 75, as amended, dated March 22, 1973, entitled "Time Spent on the Conduct of Labor Relations between the City and Its Employees and on Union Activity" or any other applicable Executive Order.

ARTICLE XI - LABOR MANAGEMENT COMMITTEE

Section 1.

The Employer and the Union, having recognized that cooperation between management and Employees is indispensable to the accomplishment of sound and harmonious labor relations, shall jointly maintain and support a labor-management committee in each of the agencies having at least fifty (50) Employees covered by this Agreement.

Section 2.

Each labor-management committee shall consider and recommend to the agency head changes in the working conditions of the Employees within the agency who are covered by this Agreement. Matters subject to the Grievance Procedure shall not be appropriate items for consideration by the labor-management committee.

Section 3.

Each labor-management committee shall consist of six members who shall serve for the term of this Agreement. The Union shall designate three members and the agency head shall designate three members. Vacancies shall be filled by the appointing party for the balance of the term to be served. Each member may designate one alternate. Each committee shall select a chairperson from among its members at each meeting. The chairpersonship of each committee shall alternate between the members designated by the agency head and the members designated by the Union. A quorum shall consist of a majority of the total membership of a committee. A committee shall make its recommendations to the agency head in writing.

Section 4.

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

ARTICLE XII - FINANCIAL EMERGENCY ACT

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

ARTICLE XIII - APPENDICES

The Appendix or Appendices, if any, attached hereto and initialed by the undersigned shall be deemed a part of this Agreement as if fully set forth herein.

ARTICLE XIV - SAVINGS CLAUSE

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

WHEREFORE, we have hereunto set our hands and seals this 13th day of July, 2009.

FOR THE CITY OF NEW YORK AND RELATED PUBLIC EMPLOYERS AS DEFINED HEREIN:	FOR LOCAL 237, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL-CIO
BY: <u>/s/</u>	BY: <u>/s/</u>
JAMES F. HANLEY Commissioner of Labor Relations	GREGORY FLOYD President

FOR THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION
BY: /s/
FRANK J. CIRILLO
Senior Vice President

APPROVED AS TO FORM:
BY: /s/
PAUL T. REPHEN
Acting Corporation Counsel

DATE SUBMITTED TO THE FINANCIAL CONTROL BOARD: _____, 2009.

UNIT: Public Information and Health Titles
TERM: September 13, 2008 to September 25, 2010

Appendix A
Longevity Increment Eligibility Rules

The following Rules shall govern the eligibility of employees for the longevity increments provided for in Article III, Section 10, of the 2008-2010 Agreement:

- 1. Only service in pay status shall be used to calculate the 15 years of service, except that for other than full time per annum Employees only a continuous year of service in pay status shall be used to calculate the 15 years of service. A continuous year of service shall be a full year of service without a break of more than 31 days. Where the regular and customary work year for a title is less than a twelve month year, such as a school year, such regular and customary year shall be credited as a continuous year of service counting towards the 15 years of service. If the normal work year for an Employee is

less than the regular and customary work year for the employee's title, it shall be counted as a continuous year of service if the employee has customarily worked that length work year and the applicable agency verifies that information.

- 2. Service in pay status prior to any breaks in service of more than one year shall not be used to calculate the 15 years of service. Where an Employee has less than seven years of continuous service in pay status, breaks in service of less than one year shall be aggregated. Where breaks in service aggregate to more than one year they shall be treated as a break in service of more than one year and the service prior to such breaks and the aggregated breaks shall not be used to calculate the 15 years of service. No break used to disqualify service shall be used more than once.
- 3. The following time in which an Employee is not in pay status shall not constitute a break in service as specified in paragraph 2 above:
 - a. Time on a leave approved by the proper authority which is consistent with the **Rules and Regulations of the City of New York** or the appropriate personnel authority of a covered organization.
 - b. Time prior to a reinstatement.
 - c. Time on a preferred list pursuant to **Civil Service Law Sections 80 and 81** or any similar contractual provision.
 - d. Time not in pay status of 31 days or less.

Notwithstanding the above, such time as specified in subsections a, b and c above shall not be used to calculate the 15 years of service.

- 4. Once an Employee has completed the 15 years of City service in pay status and is eligible to receive the \$500 longevity increment, the \$500 shall become part of the employee's base rate for all purposes.

THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
<http://nyc.gov/olr>

JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

Gregory Floyd, President
Local 237 IBT, AFL-CIO
216 West 14th Street
New York, New York 10011

RE: Applicability of Contractual Disciplinary Procedures to the District Attorneys

Dear Mr. Floyd:

This is to confirm our mutual understanding regarding the applicability of the disciplinary procedures set forth in Article VI of various Local 237 IBT Unit Agreements to the five District Attorneys' Offices.

- 1. It is understood that pursuant to their modified elections concerning coverage under the New York City Collective Bargaining Law, the five District Attorneys' Offices have elected not to be bound by the disciplinary procedures set forth in Article VI of Local 237 IBT Unit Agreements. Therefore, said disciplinary provisions shall not apply to the employees of the District Attorneys' Offices.
- 2. It is further understood that disciplinary procedures are a mandatory subject of bargaining for non-exempt, non-confidential employees of the five Distinct Attorneys' Offices.
- 3. This letter shall be deemed an appendix to all applicable Local 237 IBT Unit Agreements. The terms set forth herein shall remain in force until the termination date of the applicable unit agreement, except as may be modified by any successor agreement(s) hereto approved by the District Attorneys' Offices, collectively or individually.

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

Sincerely,
/s/
JAMES F. HANLEY

AGREED OF BEHALF OF LOCAL 237
BY: /s/ DATED: _____, 2009
GREGORY FLOYD

THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
<http://nyc.gov/olr>

JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

September 11, 2008

Gregory Floyd, President
Local 237, IBT, AFL-CIO
216 West 14th Street
New York, NY 10011

Re: 2008-2010 Local 237 Agreement

Dear Mr. Floyd:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

For the purposes of Section 2(a), "approved leave" is further defined to include:

- a. maternity/childcare leave
b. military leave
c. unpaid time while on jury duty
d. unpaid leave for union business pursuant to Executive Order 75
e. unpaid leave pending workers' compensation determination
f. unpaid leave while on workers' compensation option 2
g. approved unpaid time off due to illness or exhaustion of paid sick leave
h. approved unpaid time off due to family illness
i. other pre-approved leaves without pay.

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

Very truly yours,
/s/
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF Local 237
BY: /s/

Gregory Floyd
President

THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
http://nyc.gov/olr

JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

September 11, 2008

Gregory Floyd, President
Local 237, IBT, AFL-CIO
216 West 14th Street
New York, NY 10011

Re: 2008-2010 Local 237 Agreement

Dear Mr. Floyd:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

- 1. Two labor-management committees will be established to discuss family and safety related matters.
2. The Citywide time and leave modifications effective July 1, 2004 shall not apply to the employees in this Unit Agreement.

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

Very truly yours,
/s/
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF Local 237
BY: /s/

Gregory Floyd
President

THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
http://nyc.gov/olr

JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

September 11, 2008

Gregory Floyd, President
International Brotherhood of Teamsters, Local 237
216 West 14th Street
New York, NY 10011-7296

Re: 2008-2010 Local 237 Agreement

Dear Mr. Floyd:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

Residency

The parties agree to continue to support an amendment to Section 12-119 et seq. of the Administrative Code for the purpose of expanding permissible limits on residency to include the City of New York and Nassau, Westchester, Suffolk, Orange, Rockland or Putnam counties - with certain exceptions and limitations and except as may be prohibited by any other law requiring residency for appointment to certain positions including, but not limited to, the Public Officers Law - for employees covered by the terms of this Agreement.

Consistent with the above, Mayoral Directive 78-13, as amended July 26, 1978, and any other covered Employer's rules, regulations and/or operating procedures, shall be similarly modified to conform to the understanding of the parties. Upon enactment of legislation to implement the provisions herein, employees shall be subject to Section 1127 of the New York City Charter.

In the event that legislation substantially similar to that which was previously agreed to concerning the above referenced issue is passed for another similarly situated collective bargaining unit, and the substantially similar legislation does not include the members of IBT Local 237, the parties agree to jointly support similar legislation that would cover employees in IBT Local 237.

NYCERS: Chapter 96 of the Laws of 1995

In the event that legislation substantially similar to that which was previously agreed to, as specified in the March 29, 2007 side letter of the Local 237 2006-2008 Agreement, concerning the above referenced issue is passed for another similarly situated collective bargaining unit, and the substantially similar legislation does not include the members of IBT Local 237, the parties agree to jointly support similar legislation, as specified in the March 29, 2007 side letter of the Local 237 2006-2008 Agreement, that would cover employees in IBT Local 237. The parties continue to agree that Local 237, IBT shall be included in any recommendations made, as specified in the March 29, 2007 side letter of the Local 237 2006-2008 Agreement, regarding the establishment of revised additional contribution rate(s) and other remedies for members of the New York City Employees' Retirement System (NYCERS) and the Board of Education Retirement System (BERS) associated with Chapter 96 of the Laws of 1995.

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

Very truly yours,
/s/
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF Local 237
BY: /s/

Gregory Floyd
President

THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
http://nyc.gov/olr

JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

September 11, 2008

Gregory Floyd, President
International Brotherhood of Teamsters, Local 237
216 West 14th Street
New York, NY 10011-7296

Re: 2008-2010 Local 237 Agreement

Dear Mr. Floyd:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement.

Effective on September 13, 2010, the bargaining unit shall have available funds not to exceed 0.25% to purchase recurring benefits, mutually agreed to by the parties, other than to enhance the general wage increases set forth in Section 2 a. i. and 2 a. ii. of the Local 237 MOA or the hiring rate for new employees set forth in Section 2 e. of the Local 237 MOA.

The funds available shall be based on the December 31, 2007 payroll, including spinoffs and pensions.

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

Very truly yours,
/s/
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF Local 237
BY: /s/

Gregory Floyd
President

THE CITY OF NEW YORK
OFFICE OF LABOR RELATIONS
40 Rector Street, New York, NY 10006-1705
http://nyc.gov/olr

JAMES F. HANLEY
Commissioner
MARGARET M. CONNOR
First Deputy Commissioner

September 11, 2008

Gregory Floyd, President
Local 237, IBT
216 West 14th Street
New York, NY 10011

Re: 2008-2010 Local 237 Agreement

Dear Mr. Floyd:

This is to confirm certain mutual understandings and agreements regarding the above captioned Agreement. Effective April 10, 2009, there shall be a one-time lump sum cash payment to the welfare fund in the amount of \$200.00 on behalf of each full-time active member and retiree who is receiving benefits on April 10, 2009.

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

Very truly yours,
/s/
JAMES F. HANLEY

AGREED AND ACCEPTED ON BEHALF OF Local 237
BY: /s/

Gregory Floyd
President

jy29

CHANGES IN PERSONNEL

Table with columns: NAME, DEPT OF ENVIRONMENT PROTECTION, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Environment Protection for the period ending 06/26/09.

Table with columns: NAME, DEPARTMENT OF SANITATION, TITLE, NUM, SALARY, ACTION, PROV, EFF DATE. Lists personnel changes for the Department of Sanitation for the period ending 06/26/09.

BUSINESS INTEGRITY COMMISSION
FOR PERIOD ENDING 06/26/09

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF_DATE. Rows include MAHON CHRISTOP J and WHINFIELD DARLENE A.

DEPARTMENT OF FINANCE
FOR PERIOD ENDING 06/26/09

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF_DATE. Rows include BAUTISTA CARLOS, BERNSTEIN MARTIN, BROOKS MANUEL, etc.

DEPARTMENT OF TRANSPORTATION
FOR PERIOD ENDING 06/26/09

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF_DATE. Rows include BLAKELEY MANZELL R, CANNISI JOSEPH A, CARMOSINO CHRISTIN R, etc.

DEPT OF PARKS & RECREATION
FOR PERIOD ENDING 06/26/09

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF_DATE. Rows include ABATEMARCO ROBERT, ADDY JUDY D, AGOSTO DANIEL, etc.

Table with columns: NAME, NUM, SALARY, ACTION, PROV, EFF_DATE. Rows include CAMILO CARMEN M, CANADY KATRINA, CAPPELLETTI CHRISTOP L, etc.

JONES-JOHNSON	ADRIAN	80633	\$9.2100	APPOINTED	YES	06/05/09
JORDAN	ANTHONY M	91406	\$11.1100	APPOINTED	YES	06/01/09
KEEL	SYLVIA A	80633	\$9.2100	RESIGNED	YES	05/09/09
KELLY JR	CLEO	81111	\$61287.0000	INCREASE	YES	06/16/09
KELLY JR	CLEO	81106	\$44155.0000	APPOINTED	NO	06/16/09
KIM	EDWARD K	60421	\$18.0400	APPOINTED	YES	06/03/09
KING	DANIELLE	06664	\$14.9000	APPOINTED	YES	06/02/09
KING	ROY	80633	\$9.2100	RESIGNED	YES	04/26/09
KING	TABITHA	80633	\$9.2100	RESIGNED	YES	04/18/09
KOGAN	BARRY	60421	\$18.0400	APPOINTED	YES	06/03/09
KOGAN	ILYA	71205	\$13.5700	APPOINTED	YES	06/10/09
LANE	LATINA	90641	\$14.0200	RESIGNED	YES	05/29/09
LAURAIN	RYAN P	71205	\$13.5700	APPOINTED	YES	06/10/09
LEE	JENNY	71205	\$13.5700	APPOINTED	YES	06/10/09
LEO	STEVEN	90641	\$44051.0000	APPOINTED	YES	06/16/09
LIGE	VALENTIN C	81111	\$69561.0000	INCREASE	NO	06/08/09
LINARES	LEIKA	80633	\$9.2100	RESIGNED	YES	05/13/09
LIRIANO	RUDY	90641	\$14.0200	APPOINTED	YES	06/08/09
LONDER	ADAM R	10124	\$27.0900	APPOINTED	YES	06/02/09
LONERGAN	DANIEL R	90641	\$14.0200	APPOINTED	YES	05/25/09
LONGO	ANNA J	71205	\$13.5700	APPOINTED	YES	06/10/09
LOPP	DONNA	56057	\$17.6900	APPOINTED	YES	05/28/09
LUCAS	JAMEL	80633	\$9.2100	RESIGNED	YES	04/13/09
LYTLE	MICHAEL S	81310	\$58259.0000	RETIRED	NO	06/16/09
LYTLE	MICHAEL S	81106	\$44051.0000	RETIRED	NO	06/16/09
MAISANO	FRANK J	81111	\$72806.0000	RETIRED	NO	06/20/09
MARIA	SILVIA	80633	\$9.2100	APPOINTED	YES	06/01/09
MARTINEZ	MARGARET	81111	\$69561.0000	INCREASE	YES	06/16/09
MARTORANA	TAMARA	80633	\$9.2100	APPOINTED	YES	06/04/09
MAXWELL	JAQUITA L	81111	\$69561.0000	INCREASE	YES	06/16/09
MAXWELL	JAQUITA B	90641	\$44051.0000	APPOINTED	YES	06/16/09
MAXWELL	TYREE L	81309	\$36602.0000	INCREASE	YES	04/26/09
MAXWELL	TYREE B	90641	\$29272.0000	APPOINTED	YES	04/26/09
MAZZUCA	DAVID C	91406	\$14.9800	APPOINTED	YES	06/03/09
MC CABE	KIRSTEN R	71205	\$13.5700	APPOINTED	YES	06/10/09
MCCABE	JAMES J	81111	\$69561.0000	INCREASE	NO	06/17/09
MCCARDELL	BENJAMIN J	10124	\$27.0900	APPOINTED	YES	06/09/09
MCCARTHY	KATHLEEN	81309	\$17.5300	APPOINTED	YES	06/08/09
MCCLAIN	KEVIN P	90641	\$14.0200	APPOINTED	YES	06/11/09
MCDANIEL	SHANILLY Y	80633	\$9.2100	APPOINTED	YES	06/08/09
MCELROY	CONNOR J	71205	\$13.5700	APPOINTED	YES	06/10/09
MCGILL	ROBERT	81106	\$44051.0000	INCREASE	YES	06/20/09
MCGILL	ROBERT	90641	\$33662.0000	APPOINTED	YES	06/20/09
MCKERNAN	TIMOTHY	60421	\$18.0400	APPOINTED	YES	05/18/09
MCLEOD	MAKEISHA M	80633	\$9.2100	APPOINTED	YES	06/01/09
MEDERO	GEORGE J	80633	\$9.2100	APPOINTED	YES	06/08/09
MEHLING	DANIEL	90641	\$14.0200	APPOINTED	YES	06/09/09
MIGHTY	HOPETON C	80633	\$9.2100	APPOINTED	YES	06/01/09
MILLER	MELISSA	80633	\$9.2100	APPOINTED	YES	06/01/09
MILLER	STEPHANI	10250	\$13.6100	APPOINTED	YES	05/21/09
MITCHELL	AARON	80633	\$9.2100	APPOINTED	YES	06/08/09
MOLINA	JOSE L	91406	\$14.0200	INCREASE	YES	06/01/09
MONTERO	SANDRA	80633	\$9.2100	RESIGNED	YES	05/16/09
MOORE	JHANNA A	71205	\$13.5700	APPOINTED	YES	06/10/09
MORENO	SERGIO	90641	\$14.0200	APPOINTED	YES	06/15/09
MORENO ALVARADO	GINA M	71205	\$13.5700	APPOINTED	YES	06/10/09
MORRIS	ADAM F	81361	\$50164.0000	RESIGNED	YES	06/18/09
MORRISON	SHANNEL	91406	\$11.1100	INCREASE	YES	05/18/09
MORRONE	ANTHONY V	90641	\$14.0200	APPOINTED	YES	05/31/09
MULLUSKY	CHRIS M	81303	\$58513.0000	DISMISSED	NO	06/09/09
NGAN	STEPHANI H	71205	\$13.5700	APPOINTED	YES	06/20/09
NICHOLS	CHARLES	80633	\$9.2100	APPOINTED	YES	06/05/09
NIXON	LISA	80633	\$9.2100	RESIGNED	YES	05/09/09
NORRIS	KARLYN T	80633	\$9.2100	APPOINTED	YES	06/01/09
NOSIROV	SHOKHRUK	71205	\$13.5700	APPOINTED	YES	06/10/09
NUNN	KENIELYA O	80633	\$9.2100	APPOINTED	YES	06/04/09
O'NEIL	ANDREW J	06664	\$14.9000	APPOINTED	YES	06/11/09
ORELLANES	RICHARD	81106	\$18.3500	INCREASE	YES	06/03/09
ORTEGA	CRYSTAL J	80633	\$9.2100	APPOINTED	YES	06/01/09
ORTIZ	GIN	06664	\$14.9000	APPOINTED	YES	06/02/09
ORTIZ	ROMEO M	71205	\$13.5700	APPOINTED	YES	06/10/09
OSORIO	DAVID	71205	\$13.5700	DECREASE	YES	06/14/09
PABON	RADAMES	81106	\$44051.0000	RETIRED	YES	06/12/09
PABON	RADAMES	90641	\$16.1200	RETIRED	YES	06/12/09
PADIN	DEVIN	71205	\$13.5700	APPOINTED	YES	06/10/09
PARADISIS	SPYROS A	81111	\$61287.0000	INCREASE	YES	06/16/09
PARADISIS	SPYROS A	81106	\$44051.0000	APPOINTED	NO	06/16/09
PARKER	DURELL L	90641	\$14.0200	APPOINTED	YES	06/03/09
PARKER	TAJEREI	91406	\$15.7800	APPOINTED	YES	06/01/09
PATTERSON	LATOYA	80633	\$9.2100	RESIGNED	YES	04/18/09
PEELE	EBONY I	80633	\$9.2100	RESIGNED	YES	05/03/09
PENA	ROSA M	80633	\$9.2100	APPOINTED	YES	06/04/09
PERLONGO	ANTHONY D	06664	\$14.9000	APPOINTED	YES	06/11/09
PERRY	JANICE	80633	\$9.2100	APPOINTED	YES	06/08/09
PERRY	VINNEE A	06070	\$20.9400	INCREASE	YES	06/08/09
PITT	BARBARA	80633	\$9.2100	RESIGNED	YES	05/23/09
POPOLANO	ANGELICA	06664	\$14.9000	APPOINTED	YES	06/12/09
PRYOR	MONIQUE	80633	\$9.2100	RESIGNED	YES	04/05/09
QUINN	ROBERT A	90641	\$14.0200	APPOINTED	YES	06/02/09
RATZLOFF	PETER	60421	\$18.0400	APPOINTED	YES	06/03/09
RAUCH	AMBER	60421	\$37959.0000	RESIGNED	YES	06/19/09
RAVENELL	SHAKEISH C	06664	\$14.9000	APPOINTED	YES	06/03/09
REED	BERNADET	90641	\$14.0200	APPOINTED	YES	06/08/09
REID	SUZANNE	80633	\$9.2100	RESIGNED	YES	04/02/09
RHODES	JESSIE	91406	\$14.9800	APPOINTED	YES	06/08/09
RIOJAS	SULTANA	90641	\$14.0200	INCREASE	YES	06/08/09
RITTER	CODY V	71205	\$13.5700	APPOINTED	YES	06/14/09
RIVAS	JOSE A	60440	\$49824.0000	INCREASE	YES	04/26/09
RIVERA	RUBEN	81111	\$61287.0000	INCREASE	YES	06/16/09
RIVERA	RUBEN	81106	\$43578.0000	APPOINTED	NO	06/16/09
RIVERA JR	HANIEL	90641	\$14.0200	APPOINTED	YES	06/08/09
ROBINSON	FLORENCE	80633	\$9.2100	APPOINTED	YES	06/08/09
ROBINSON	GARY	90641	\$14.0200	APPOINTED	YES	06/02/09
RODNEY	JAMAAL D	90641	\$14.0200	APPOINTED	YES	06/08/09
RODRIGUEZ	CHRISTOP	90641	\$14.0200	TERMINATED	YES	05/27/09
RODRIGUEZ	JASMIN L	06664	\$14.9000	APPOINTED	YES	06/03/09
RODRIGUEZ	LOUIS R	81111	\$69561.0000	INCREASE	YES	06/08/09
RODRIGUEZ	LOUIS R	81106	\$44155.0000	APPOINTED	NO	06/08/09
RODRIGUEZ	MARIA	80633	\$9.2100	RESIGNED	YES	04/18/09
RODRIGUEZ	SOL	80633	\$9.2100	RESIGNED	YES	05/16/09
ROMAN	ANGEL	60440	\$49824.0000	INCREASE	YES	05/04/09
ROMAN	DANIEL C	71205	\$13.5700	APPOINTED	YES	06/10/09
ROSARIO	IVETTE	80633	\$9.2100	APPOINTED	YES	06/08/09

ROSS	IGNACIO	81111	\$69561.0000	INCREASE	YES	06/16/09
ROSS	IGNACIO	81106	\$44155.0000	APPOINTED	NO	06/16/09
ROSS	MICHAEL	91406	\$14.9800	INCREASE	YES	06/08/09
SALLUSTO	JEFFREY T	71205	\$13.5700	APPOINTED	YES	06/10/09
SAMBAKESI	SEANNETTE	80633	\$9.2100	RESIGNED	YES	05/08/09
SANDERS	COOKIE D	80633	\$9.2100	APPOINTED	YES	06/04/09
SANDERS	TANYA	80633	\$9.2100	APPOINTED	YES	06/04/09
SCANTLEBURY	CASSANDR C	12626	\$50156.0000	TRANSFER	NO	02/18/09
SCHAGER	MARK	81309	\$17.5300	APPOINTED	YES	06/01/09
SCHWAB	JASON A	60440	\$27.2700	INCREASE	YES	04/26/09
SCOTT	RAYMOND	81106	\$47535.0000	DISMISSED	NO	06/02/09
SEARS	CLYDE	81106	\$44051.0000	INCREASE	YES	06/08/09
SEARS	CLYDE	90641	\$33662.0000	APPOINTED	YES	06/08/09
SHEA	COLLEEN H	71205	\$13.5700	APPOINTED	YES	06/10/09
SINGLETON	CAROL	81111	\$69561.0000	INCREASE	YES	06/16/09
SMITH	SHELIA	80633	\$9.2100	RESIGNED	YES	05/02/09
SMITH	TYWANDA	81309	\$17.5300	INCREASE	YES	06/01/09
SMITH-FORD	SADIQUA H	06664	\$14.9000	APPOINTED	YES	06/02/09
SOTOMAYOR MORA	JORGE D	71205	\$13.5700	APPOINTED	YES	06/20/09
SPADY	DONNA	90641	\$14.0200	RESIGNED	YES	06/01/09
SPANN	JALASIA	80633	\$9.2100	RESIGNED	YES	05/13/09
SPEIGHT	ROSETTA	80633	\$9.2100	APPOINTED	YES	06/08/09
SPRINGER	SONIA A	80633	\$9.2100	APPOINTED	YES	06/01/09
STANLEY	DWAYNE L	06070	\$38257.0000	INCREASE	YES	06/08/09
STARKS	KAREEM B	81309	\$17.5300	INCREASE	YES	06/01/09
STEPHENS	WENDY	80633	\$9.2100	RESIGNED	YES	04/15/09
STOETH	EMILY	91406	\$18.0400	INCREASE	YES	06/03/09
SUERO	MAGDALI G	80633	\$9.2100	APPOINTED	YES	05/29/09
SUTTON	STEPHANI	80633	\$9.2100	RESIGNED	YES	05/02/09
SWEENEY	TIMOTHY R	60421	\$18.0400	APPOINTED	YES	05/18/09
SWINDELL	LORETTA	80633	\$9.2100	APPOINTED	YES	06/08/09
SYKES	JAMES	81111	\$61287.0000	INCREASE	YES	05/09/09
TAYLOR	SACHELLE K	71205	\$13.5700	APPOINTED	YES	06/10/09
THOMPSON	HERBERT	90641	\$14.0200	INCREASE	YES	06/08/09
TORRELLAS	KRISTEL D	71205	\$13.5700	APPOINTED	YES	06/10/09
TORRES	RALPHY J	71205	\$13.5700	APPOINTED	YES	06/10/09
TORRES	ROSA L	06664	\$17.1400	INCREASE	YES	05/01/09
TRAVIS	KENNETH J	10124	\$27.0900	APPOINTED	YES	06/02/09
TRIFONAS	GEORGE	06664	\$14.9000	RESIGNED	YES	05/20/09
TYSON JR	WILEY R	80633	\$9.2100	APPOINTED	YES	06/01/09
VAZQUEZ	VICTOR	80633	\$9.2100	APPOINTED	YES	06/01/09
VINCENT	RODRICE A	80633	\$9.2100	RESIGNED	YES	05/31/09
VOGEL	JOHN T	10250	\$13.6100	APPOINTED	YES	06/10/09
WADE	ZACHARY M	71205	\$13.5700	APPOINTED	YES	06/10/09
WALKER	KATHLEEN A	81111	\$69561.0000	INCREASE	YES	06/16/09
WALLS	GENEZA N	91406	\$15.7800	INCREASE	YES	06/01/09
WARNS	MILENA L	60440	\$23.7100	APPOINTED	YES	05/30/09
WASHINGTON	JAMES	80633	\$9.2100	APPOINTED	YES	06/12/09
WATSON	KELVIN	81111	\$61287.0000	INCREASE	YES	06/16/09
WEBSTER	CHARLES	80633	\$9.2100	APPOINTED	YES	06/12/09
WESTCOTT	JOSEPH N	13621	\$64207.0000	RESIGNED	YES	06/10/09
WHITE	EVELYN C	80633	\$9.2100	APPOINTED	YES	06/05/09
WILDER	GABRIEL A	81310	\$22.5300	APPOINTED	YES	06/01/09
WILKS III	LASCHELLE S	91406	\$14.0200	INCREASE	YES	06/10/09
WILLIAMS	CALVIN	06664	\$14.9000	APPOINTED	YES	06/08/09
WILLIAMS	LATISHA T	81309	\$17.5300	APPOINTED	YES	06/01/09
WILLIAMSON	ZACHARY J	10124	\$21.8800	APPOINTED	YES	06/02/09
WILSON	BERNADET	81111	\$69561.0000	INCREASE	YES	06/17/09
WILSON	BERNADET	90641	\$33662.0000	APPOINTED	YES	06/17/09
WILSON	TONI P	80633	\$8.4900	RESIGNED	YES	05/25/07
WONG	JEFFREY	10124	\$30.0500	APPOINTED	YES	06/09/09
WOODS	LAWRENCE A	60440	\$49824.0000	INCREASE	YES	04/26/09

READER'S GUIDE

The City Record (CR) is, published each business day and includes notices of proposed New York City procurement actions, contract awards, and other procurement-related information. Solicitation notices for most procurements valued at or above \$100,000 for information technology and for construction and construction related services, above \$50,000 for other services, and above \$25,000 for other goods are published for at least one day. Other types of procurements, such as sole source, require notice in the City Record for five consecutive days. Unless otherwise specified, the agencies and offices listed are open for business Mondays thru Fridays from 9:00 A.M. to 5:00 P.M. except legal holidays.

NOTICE TO ALL NEW YORK CITY CONTRACTORS

The New York State Constitution ensures that all laborers, workers or mechanics employed by a contractor or subcontractor doing public work are to be paid the same wage rate that prevails in the trade where the public work is being done. Additionally, New York State Labor Law §§ 220 and 230 provide that a contractor or subcontractor doing public work in construction or building service must pay its employees no less than the prevailing wage. Section 6-109 (the Living Wage Law) of the New York City Administrative Code also provides for a "living wage", as well as prevailing wage, to be paid to workers employed by City contractors in certain occupations. The Comptroller of the City of New York is mandated to enforce prevailing wage. Contact the NYC Comptrollers Office at www.comptroller.nyc.gov, click on Labor Law Schedules to view rates.

New York City's "Burma Law" (Local Law No. 33 of 1997) No Longer to be Enforced. In light of the United States Supreme Court's decision in **Crosby v. National Foreign Trade Council**, 530 U.S. 363 (2000), the City has determined that New York City's Local Law No. 33 of 1997 (codified in Administrative Code Section 6-115 and Charter Section 1524), which restricts City business with banks and companies doing business in Burma, is unconstitutional. This is to advise, therefore, that the language relating to Burma contained in existing New York City contracts may not be enforced.

CONSTRUCTION/CONSTRUCTION SERVICES OR CONSTRUCTION RELATED SERVICES

The City of New York is committed to achieving excellence in the design and construction of its capital program, and building on the tradition of innovation in architecture and engineering that has contributed to the City's prestige as a global destination.

VENDOR ENROLLMENT APPLICATION

New York City procures approximately \$7 billion worth of goods, services, construction and construction-related services every year. The NYC Procurement Policy Board Rules require that agencies primarily solicit from established mailing lists called bidder/proposer lists. To register for these lists-free of charge-, prospective suppliers should fill out and submit the NYC-FMS Vendor Enrollment application.

- Online at <http://nyc.gov/selltonyc>

- To request a hardcopy application, call the Vendor Enrollment Center at (212) 857-1680.

Attention Existing Suppliers:

Even if you already do business with NYC agencies, be sure to fill out an application. We are switching over to citywide, centralized Bidders Lists instead of the agency-specific lists previously used to issue notices about upcoming contract opportunities. To continue receiving notices of New York City contract opportunities, you must fill out and submit a NYC-FMS Vendor Enrollment application.

If you are uncertain whether you have already submitted an application, call us at (212) 857-1680.

SELLING TO GOVERNMENT TRAINING WORKSHOP

New and experienced vendors are encouraged to register for a free training course on how to do business with New York City. "Selling to Government" workshops are conducted by the Department of Small Business Services, 110 William Street, New York, NY 10038. Morning and afternoon sessions are convened on the first Tuesday of each month. For more information, and to register, call (212) 618-8845.

PRE-QUALIFIED LIST

New York City procurement policy permits agencies to develop and solicit from pre-qualified lists of vendors, under prescribed circumstance. When it is decided by an agency to develop a pre-qualified list, criteria for pre-qualification must be clearly explained in the solicitation and notice of the opportunity to pre-qualify for that solicitation must be published in at least five issues of the CR.

Information and qualification questionnaires for inclusion on such list may be obtained directly from the Agency Chief Contracting Officer at each agency, (see Vendor Information Manual). A completed qualification Questionnaire may be submitted to the Chief Contracting Officer at any time, unless otherwise indicated and action (approval or denial) shall be taken by the agency within 90 days from the date of submission. Any denial or revocation of pre-qualified status can be appealed to the Office of Administrative Trials and Hearings, (OATH), Section 3-11 of the Procurement Policy Board Rules describes the criteria for the general use of pre-qualified lists.

NON-MAYORAL ENTITIES

The following agencies are not subject to Procurement Policy Board rules and do not follow all of the above procedures: City University, Department of Education, Metropolitan Transportation Authority, Health & Hospitals Corporation, Housing Authority. Suppliers interested in applying for inclusion on bidders list should contact these entities directly (see Vendor Information Manual) at the addresses given.

PUBLIC ACCESS CENTER

The Public Access Center is available to suppliers and the public as a central source for supplier-related information through on-line computer access. The Center is located at 253 Broadway, 9th floor, in lower Manhattan, and is open Monday through Friday from 10:00 A.M to 3:00 P.M. For information, contact the Mayor's Office of Contract Services at (212) 788-0010.

ATTENTION: NEW YORK CITY MINORITY AND WOMEN OWNED BUSINESS ENTERPRISES

Join the growing number of Minority and Women Owned Business Enterprises (M/WBEs) that are competing for New York City's business. In order to become certified for the program, your company must substantiate that it: (1) is at least fifty-one percent (51%) owned, operated and controlled by a minority or woman and (2) is either located in New York City or has a significant tie to New York City's business community. To obtain a copy of the certification application and to learn more about the program, contact the New York City Department of Small Business Services, 110 William Street, 2nd Floor, New York, New York 10038 (212) 513-6311.

PROMPT PAYMENT

It is the policy of the City of New York to pay its bills promptly. The Procurement Policy Board Rules generally require that the City pay its bills within 30 days after the receipt of a proper invoice. The City now pays interest on all late invoices. The grace period that formerly existed was eliminated on July 1, 2000. However, there are certain types of payments that are not eligible for interest. These are listed in Section 4-06 of the Procurement Policy Board Rules. The Comptroller and OMB determine the interest rate on late payments twice a year, in January and in July.

PROCUREMENT POLICY BOARD RULES

The Rules may also be accessed on the City Website, <http://nyc.gov/selltonyc>

COMMON ABBREVIATIONS USED IN THE CR

The CR contains many abbreviations. Listed below are simple explanations of some of the most common ones appearing in the CR:

- AB Acceptable Brands List
- AC Accelerated Procurement
- AMT Amount of Contract
- BL Bidders List
- CSB Competitive Sealed Bidding (including multi-step)
- CB/PQ CB from Pre-qualified Vendor List
- CP Competitive Sealed Proposal (including multi-step)
- CP/PQ CP from Pre-qualified Vendor List
- CR The City Record newspaper
- DA Date bid/proposal documents available
- DUE Bid/Proposal due date; bid opening date
- EM Emergency Procurement
- IG Intergovernmental Purchasing
- LBE Locally Based Business Enterprise
- M/WBE Minority/Women's Business Enterprise
- NA Negotiated Acquisition
- NOTICE....Date Intent to Negotiate Notice was published in CR
- OLB.....Award to Other Than Lowest Responsible & Responsive Bidder/Proposer
- PIN.....Procurement Identification Number
- PPB Procurement Policy Board
- PQ Pre-qualified Vendors List
- RS.....Source required by state/federal law or grant
- SCE.....Service Contract Short-Term Extension
- DP Demonstration Project
- SS Sole Source Procurement
- ST/FED.....Subject to State &/or Federal requirements

KEY TO METHODS OF SOURCE SELECTION

The Procurement Policy Board (PPB) of the City of New York has by rule defined the appropriate methods of source selection for City procurement and reasons justifying their use. The CR procurement notices of many agencies include an abbreviated reference to the source selection method utilized. The following is a list of those methods and the abbreviations used:

- CSB **Competitive Sealed Bidding** (including multi-step)
Special Case Solicitations / Summary of Circumstances:
- CP **Competitive Sealed Proposal** (including multi-step)
- CP/1 Specifications not sufficiently definite
- CP/2 Judgement required in best interest of City
- CP/3 Testing required to evaluate
- CB/PQ/4
- CP/PQ/4 **CB or CP from Pre-qualified Vendor List/** Advance qualification screening needed
- DP Demonstration Project
- SS **Sole Source Procurement/only one source**
- RS.....Procurement from a Required Source/ST/FED
- NA.....Negotiated Acquisition
For ongoing construction project only:
- NA/8 Compelling programmatic needs

- NA/9New contractor needed for changed/additional work
- NA/10.....Change in scope, essential to solicit one or limited number of contractors
- NA/11.....Immediate successor contractor required due to termination/default
For Legal services only:
- NA/12.....Specialized legal devices needed; CP not advantageous
- WA **Solicitation Based on Waiver/Summary of Circumstances** (Client Services/BSB or CP only)
- WA1Prevent loss of sudden outside funding
- WA2Existing contractor unavailable/immediate need
- WA3Unsuccessful efforts to contract/need continues
- IG **Intergovernmental Purchasing** (award only)
- IG/F.....Federal
- IG/S.....State
- IG/OOther
- EM **Emergency Procurement** (award only) An unforeseen danger to:
- EM/A.....Life
- EM/B.....Safety
- EM/C.....Property
- EM/D.....A necessary service
- AC **Accelerated Procurement/markets with** significant short-term price fluctuations
- SCE..... **Service Contract Extension/insufficient time;** necessary service; fair price
Award to Other Than Lowest Responsible & Responsive Bidder or Proposer / Reason (award only)
- OLB/a.....anti-apartheid preference
- OLB/b.....local vendor preference
- OLB/crecycled preference
- OLB/d.....other: (specify)

HOW TO READ CR PROCUREMENT NOTICES

Procurement Notices in the CR are arranged by alphabetically listed Agencies, and within Agency, by Division if any. The notices for each Agency (or Division) are further divided into three subsections: Solicitations, Awards; and Lists & Miscellaneous notices. Each of these subsections separately lists notices pertaining to Goods, Services, or Construction.

Notices of Public Hearings on Contract Awards appear at the end of the Procurement Section. At the end of each Agency (or Division) listing is a paragraph giving the specific address to contact to secure, examine and/or to submit bid or proposal documents, forms, plans, specifications, and other information, as well as where bids will be publicly opened and read. This address should be used for the purpose specified UNLESS a different one is given in the individual notice. In that event, the directions in the individual notice should be followed. The following is a SAMPLE notice and an explanation of the notice format used by the CR.

SAMPLE NOTICE:

POLICE

DEPARTMENT OF YOUTH SERVICES

■ SOLICITATIONS

Services (Other Than Human Services)

BUS SERVICES FOR CITY YOUTH PROGRAM – Competitive Sealed Bids – PIN# 056020000293 – DUE 04-21-03 AT 11:00 A.M.

Use the following address unless otherwise specified in notice, to secure, examine or submit bid/proposal documents, vendor pre-qualification and other forms; specifications/blueprints; other information; and for opening and reading of bids at date and time specified above.
NYPD, Contract Administration Unit, 51 Chambers Street, Room 310, New York, NY 10007. Manuel Cruz (646) 610-5225.

☛ m27-30

ITEM	EXPLANATION
POLICE DEPARTMENT	Name of contracting agency
DEPARTMENT OF YOUTH SERVICES	Name of contracting division
■ SOLICITATIONS	Type of Procurement action
<i>Services (Other Than Human Services)</i>	Category of procurement
BUS SERVICES FOR CITY YOUTH PROGRAM	Short Title
CSB	Method of source selection
PIN # 056020000293	Procurement identification number
DUE 04-21-03 AT 11:00 am	Bid submission due 4-21-03 by 11:00 am; bid opening date/time is the same.
<i>Use the following address unless otherwise specified in notice, to secure, examine-submit bid/proposal documents; etc.</i>	Paragraph at the end of Agency Division listing giving contact information, or submit bid/information and Agency Contact address
	NYPD, Contract Administration Unit 51 Chambers Street, Room 310 New York, NY 10007. Manuel Cruz (646) 610-5225.
☛	Indicates New Ad
m27-30	Date that notice appears in City Record

NUMBERED NOTES

Numbered Notes are Footnotes. If a Numbered Note is referenced in a notice, the note so referenced must be read as part of the notice. **1.** All bid deposits must be by company certified check or money order made payable to Agency or Company.