

SUPPLEMENT TO
THE CITY RECORD

THE COUNCIL —STATED MEETING OF
TUESDAY, NOVEMBER 30, 2010

THE COUNCIL

Minutes of the
STATED MEETING

of
Tuesday, November 30, 2010, 2:15 p.m.

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

Council Members

Christine C. Quinn, Speaker

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

Excused: Council Members Barron, Dickens, Gonzalez and Palma.

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

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

There were 47 Council Members present at this Stated Meeting held at the Emigrant Savings Bank building at 49-51 Chambers Street, New York, N.Y.

INVOCATION

The Invocation was delivered by Reverend Henry T. Simmons, United Church of Christ, 172-17 Linden Boulevard, St. Albans, Queens, NY 11434.

Let us pray.

Pray to God we come this day,
thanking you for all of the incredible blessings
you have bestowed upon us.
Since we cannot do nor be
What we ought without your guidance and your presence,
we ask now that you would come and grant
wisdom and courage and commitment
and yes, even the spirit of compassion,
as these your public servants,
deliberate upon matters
which are of importance to your people,
but most importantly,
that has significance for you.
Grant that our hearts may be led
By what is just and what is right and what is true
So that what is produced this day
will help bring about the more blessed community
even the community that represents
your will in the world.

Bless our city and bless the officials
who have been elected to lead it.
Grant them wisdom, Grant them peace
and grant us all
the assurance of your presence.
This we humbly pray, Amen.

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

ADOPTION OF MINUTES

Council Member Lander moved that the Minutes of the Stated Meeting of October 13, 2010 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-313

Communication from the Mayor - Submitting the name of Michael Devonshire to the Council for its advice and consent regarding his appointment to the Landmarks Preservation Commission, Pursuant to Sections 31 and 3020 of the City Charter.

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

Referred to the Committee on Rules, Privileges and Elections.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-314

Communication from the Board of Elections - Submitting the Certification of Election of Ruben Wills as the new Council Member of the 28th Councilmanic District, Queens County.

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

Received, Ordered, Printed & Filed.

M-315

Communication from the Office of the City Clerk – Submitting the Certificate of the swearing in of Ruben Wills, as the new Council Member of the 28th Council District, Queens County.

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

Received, Ordered, Printed & Filed.

At this point, the City Clerk and Clerk of the Council (Mr. McSweeney) performed the formal swearing-in of Ruben Wills. Council Member Wills took his Oath of Office as the Council representative for the people of the 28th Council District in Queens. He was welcomed on the floor by the Speaker (Council Member Quinn), the Majority Leader (Council Member Rivera), the Deputy Majority Leader (Council Member Comrie), and the Minority Leader (Council Member Oddo). Council Member Wills spoke briefly to all assembled.

Editor's Note: Council Member Wills was formally sworn-in on this day of November 30, 2010 and was thereby eligible to attend and vote at this Stated Meeting.

M-316

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license Atlicxco Flee Car Service LLC., Council District 44, pursuant to Section 19-511(i), of the administrative code of the city of New York.

November 19, 2010

The Honorable Speaker Christine C. Quinn
Attention: Mr. John Lisianskiy
Council of the City of New York
City Hall
New York, New York 10007

Re: Taxi & Limousine Commission
For-Hire Vehicle Base License approvals

Dear Speaker Quinn:

Please be advised that on November 18, 2010 the Taxi & Limousine Commission voted to approve the following 14 for-hire-vehicle base license applications:

NEW (2):	LICENSE #	COUNCIL DISTRICT
Atlicxco Flee Car Service LLC	B02417	44
VS Express Limousine & Car Service Inc.	B02420	39
RENEWALS (9):	LICENSE #	COUNCIL DISTRICT
American Base No. 1 Inc.	B01362	17
Andrea Car Service Inc.	B01222	26
Eagle Car & Limo. Ltd.	B01424	50
Fenix Car Service Corp.	B01386	34
Masada II Car & Limousine Service	B01244	24

Inc.		
Myrtle Avenue Car & Limousine Services Corp.	B01363	35
New Pronto Transportation Inc.	B01436	26
Olympic Operating Car Service Inc.	B00906	22
ZPI Corporation D/b/a National High Class	B00290	21
RENEWAL & OWNERSHIP CHANGE (2):	LICENSE #	COUNCIL DISTRICT
Duke Car & Limousine Service	B02078	24
Paisa 2 Car & Limousine Service Inc.	B01088	26
RENEWAL & RELOCATION (1):	LICENSE #	COUNCIL DISTRICT
Bensonhurst Transportation L.L.C. D/b/a A.R. Express Car Service	B01722	43

The complete application package compiled for each of the above bases is available for your review upon request.

If you wish to receive a copy please contact Ms. Michelle Lange, Business Licensing Unit, at 718-391-5697.

Please find enclosed herein the original application for each of the approved base stations.

Very truly yours,

Georgia Steele
Assistant Commissioner
Licensing & Standards
Taxi & Limousine Commission

Referred to the Committee on Transportation.

M-317

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a new base station license VS Express Limousine & Car Service Inc., Council District 39, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-316 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-318

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license American Base No. 1 Inc., Council District 17, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-316 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-319

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Andrea Car Service Inc, Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-316 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-320

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Eagle Car & Limo. Ltd., Council District 50, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-316 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-321

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Fenix Car Service Corp., Council District 34, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-316 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-322

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Masada II Car & Limousine Service Inc., Council District 24, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-316 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-323

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Myrtle Avenue Car & Limousine Services Corp., Council District 35, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-316 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-324

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license New Pronto Transportation Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-316 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-325

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license Olympic Operating Car Service Inc., Council District 22, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-316 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-326

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal base station license ZPI Corporation., Council District 21, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-316 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-327

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Duke Car & Limousine Service., Council District 24, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-316 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-328

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and ownership change base station license Paisa 2 Car & Limousine Service Inc., Council District 26, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-316 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

M-329

Communication from the Taxi & Limousine Commission – Submitting its approval of an application for a renewal and relocation base station license Bensonhurst Transportation L.L.C., Council District 43, pursuant to Section 19-511(i), of the administrative code of the city of New York.

(For text of the TLC Letter, please see M-316 printed above in this Communications from City, County and Borough Offices section of these Minutes)

Referred to the Committee on Transportation.

LAND USE CALL UPS

M-330

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or Section 20-225 (g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 89 Greenwich Street, Community Board 2, Application 20115210 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-331

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or Section 20-225 (g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 39 Greenwich Avenue, Community Board 2, Application 20115218 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

M-332

By The Speaker (Council Member Quinn):

Pursuant to Rule 11.20(b) of the Council and Section 20-226(g) or Section 20-225 (g) of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 253 Washington Street, Community Board 2, Application 20115001 TCM shall be subject to review by the Council.

Coupled on Call – Up Vote

LAND USE CALL UP VOTE

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

Affirmative –Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Greenfield, Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone Jr., Van Bramer, Vann, Weprin, Williams, Ododo, Rivera and the Speaker (Council Member Quinn) – 46.

Abstention (Not Voting) – Wills – 1.

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

REPORTS OF THE STANDING COMMITTEES

Reports of the Committee on Land Use

Report for L.U. No. 175

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100452 HAM, an Urban Development Action Area Designation and Project, located at 535-537 East 11th Street, and the disposition of such property, Borough of Manhattan, Council District no. 2. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3805), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

C 100452 HAM

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD):

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

INTENT

To facilitate development of an eight-story building with approximately 46 units.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: November 22, 2010

The Committee recommends that the Council approve the attached resolution and thereby make the findings requested by the Department of Housing Preservation and Development and approve the decision of the City Planning Commission.

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

Res. No. 590

Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 100452 HAM, approving the designation of property located at 535-537 East 11th Street (Block 405, Lots 44 and 45), Borough of Manhattan, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 175; C 100452 HAM).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 535-537 East 11th Street (Block 405, Lots 44 and 45), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of an eight-story building, with approximately 46 residential units to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program (the "Disposition"), Community District 7, Borough of Manhattan (ULURP No. C 100452 HAM) (the "Application");

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

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

WHEREAS, on October 28, 2010 by letter dated October 12, 2010 the Department of Housing Preservation and Development submitted its request respecting the application;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on November 22, 2010;

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

WHEREAS, the Council has considered the relevant environmental review (CEQR No. 10HPD016M) and the Negative Declaration which was issued on June 10, 2010;

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, on the basis of the Decision and Application and based on the environmental determination and the consideration described in the report C 100452 HAM incorporated by reference herein, the Council approves the Decision of the City Planning Commission (C 100452 HAM).

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S SANDERS JR., LARRY B.L SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, November 24, 2010.

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

Report for L.U. No. 176

Report of the Committee on Land Use in favor of approving Uniform Land Use Review Procedure application no. C 100453 HAM, an Urban Development Action Area Designation and Project, located at 706-712 East 9th Street, and the disposition of such property, Borough of Manhattan, Council District no. 2. This matter is subject to Council Review and action pursuant to §197-c and §197-d of the New York City Charter and Article 16 of the General Municipal Law.

The Committee on Land Use, to which the annexed Land Use item (with coupled resolution) was referred on August 25, 2010 (Minutes, page 3805), respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 7

C 100453 HAM

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD):

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

INTENT

To facilitate development of a five-story building with approximately 45 units.

Report Summary

COMMITTEE RECOMMENDATION AND ACTION

DATE: November 22, 2010

The Committee recommends that the Council approve the attached resolution and thereby make the findings requested by the Department of Housing Preservation and Development and approve the decision of the City Planning Commission.

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

Res. No. 591

Resolution approving the decision of the City Planning Commission on an application submitted by the New York City Department of Housing Preservation and Development, ULURP No. C 100453 HAM, approving the designation of property located at 706-712 East 9th Street (Block 378, Lot 10), Borough of Manhattan, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development (L.U. No. 176; C 100453 HAM).

By Council Members Comrie and Levin.

WHEREAS, the City Planning Commission filed with the Council on November 1, 2010 its decision dated October 27, 2010 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 706-712 East 9th Street (Block 378, Lot 10), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the New York City Department of Housing Preservation and Development to facilitate development of a five-story building, with approximately 45 residential units to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program (the "Disposition"), Community District 7, Borough of Manhattan (ULURP No. C 100453 HAM) (the "Application");

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

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

WHEREAS, on October 28, 2010 by letter dated October 12, 2010 the Department of Housing Preservation and Development submitted its request respecting the application;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on November 22, 2010;

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

WHEREAS, the Council has considered the relevant environmental review (CEQR No. 10HPD029M) and the Negative Declaration which was issued on July 7, 2010;

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, on the basis of the Decision and Application and based on the environmental determination and the consideration described in the report C 100453 HAM and incorporated by reference herein, the Council approves the Decision of the City Planning Commission (C 100453 HAM).

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

LEROY G. COMRIE, Chairperson; JOEL RIVERA, DIANA REYNA, CHARLES BARRON, ROBERT JACKSON, JAMES S SANDERS JR., LARRY B.L SEABROOK, ANNABEL PALMA, MARIA DEL CARMEN ARROYO, INEZ E. DICKENS, DANIEL R. GARODNICK, JESSICA S. LAPPIN, ROSIE MENDEZ, STEPHEN T. LEVIN, MARK S. WEPRIN, DANIEL J. HALLORAN, PETER A. KOO, Committee on Land Use, November 24, 2010.

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

Report of the Committee on Rules, Privileges & Elections

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

Report for M-313

Report of the Committee on Rules, Privileges & Elections in favor of approving the appointment by the Mayor of Michael Devonshire as a member of the New York City Landmarks Preservation Commission.

The Committee on Rules, Privileges & Elections, to which the annexed resolution was referred on November 30, 2010, respectfully

REPORTS:

New York City Landmarks Preservation Commission – (Candidate for appointment upon advice and consent review by the Council)

• **Michael Devonshire [Preconsidered M-313]**

Pursuant to *New York City Charter* (“*Charter*”) § 3020, the New York City Landmarks Preservation Commission (“LPC”), which consists of 11 members, is responsible for establishing and regulating landmarks, portions of landmarks, landmark sites, interior landmarks, scenic landmarks and historic districts. Also, LPC regulates alterations to designated buildings. The *Charter* requires that LPC’s membership include at least three architects, one historian qualified in the field, one city planner or landscape architect, and one realtor. Prior to appointing an architect, historian, city planner or landscape architect, the Mayor may consult with the Fine Arts Federation of New York or any other similar organization. By statute, LPC’s membership must have at least one resident from each of the five boroughs.

The Mayor appoints members of LPC for staggered three-year terms. Each member continues to serve as a commissioner until his or her successor is appointed and qualified. The Mayor designates one of the members to serve as Chair of LPC, and another to serve as Vice Chair. Both of these appointees serve until a successor is designated. Members other than the Chair serve without compensation, but are reimbursed for expenses necessarily incurred in the performance of their duties. The Chair’s salary is currently \$192,198. The LPC appoints a full-time executive director. The LPC may employ technical experts and such other employees as may be required to perform its duties.

As enumerated in the *Charter*, LPC is required to provide opportunities for comment in advance of any hearing on a proposed designation of a landmark, landmark site, interior landmark, scenic landmark, or historic district.¹ Notices of proposed designation must be sent to the New York City Planning Commission (“CPC”), all affected Community Boards, and the Office of the Borough President in whose borough the property or district is located.

Within ten days of making a designation, LPC is required to file a copy of the designation with CPC and the City Council. Within 60 days after the filing, CPC must hold a hearing and submit a report to the City Council with its recommendations. The City Council may modify or disapprove by majority vote any designation of LPC within 120 days after having received such designation, provided that either CPC has submitted the required report on the designation or at least sixty days has elapsed since the original filing of the designation. A City Council vote shall be filed with the Mayor who has five days to disapprove. If the Mayor disapproves, the Council may override within ten days by a two-thirds vote.

In addition to the designation of landmarks, LPC may at any time make recommendations to CPC regarding amendments to *Zoning Resolution* provisions applicable to improvements in historic districts. [*Administrative Code* § 25-303(i).] Moreover, LPC is responsible for determining whether a proposed alteration or demolition affecting a landmark is consistent with the *Landmarks Preservation and Historic Districts* chapter of the *Administrative Code*. In instances where LPC determines that the proposed change complies with the *Code*, it may grant a *Certificate of Appropriateness*. Otherwise, LPC may deny the applicant’s request. [*Administrative Code* § 25-307.]

A five-member Hardship Appeals Panel, independent of LPC, reviews appeals from determinations of LPC denying applications for *Certificates of Appropriateness* on the grounds of hardship. The Panel’s review is applicable only to tax exempt properties.

If appointed, Mr. Devonshire, a Brooklyn resident, will fill a vacancy and be eligible to complete the remainder of a three-year term that expires on June 28, 2012. Copies of Mr. Devonshire’s résumé and report/resolution are annexed to this briefing paper.

After interviewing the candidate and reviewing the relevant material, this Committee decided to approve the appointment of the nominee Michael Devonshire.

Pursuant to §§ 31 and 3020 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Michael Devonshire as a member of the New York City Landmarks Preservation Commission to serve for the remainder of a three- year term expiring on June 28, 2012.

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

Res. No. 592

for the Lower Ma_____

¹ Landmarks are not always buildings. A landmark may be a bridge, a park, a water tower, a pier, a cemetery, a building lobby, a sidewalk clock, a fence, or even a tree. A property or object is eligible for landmark status when at least part of it is thirty years old or older.

Resolution approving the appointment by the Mayor of Michael Devonshire as a member of the New York City Landmarks Preservation Commission.

By Council Member Rivera.

RESOLVED, that pursuant to §§ 31 and 3020 of the New York City Charter, the Council does hereby approve the appointment by the Mayor of Michael Devonshire as a member of the New York City Landmarks Preservation Commission for the remainder of a three-year term expiring on June 28, 2012.

JOEL RIVERA, Chairperson; LEROY G. COMRIE, ERIK MARTIN-DILAN, LEWIS A. FIDLER, ROBERT JACKSON, ALBERT VANN, VINCENT J. GENTILE, JAMES VACCA, ELIZABETH CROWLEY, KAREN KOSLOWITZ, JAMES S. ODDO, CHRISTINE C. QUINN, Committee on Rules, Privileges & Elections, November 30, 2010.

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

Report of the Committee on Small Business

Report for Int. No. 256-A

Report of the Committee on Small Business in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the annual report required by certain entities which enter into contracts with the department of small business services.

The Committee on Small Business, to which the annexed amended proposed local law was referred on May 25, 2010 (Minutes, page 1913), respectfully

REPORTS:

INTRODUCTION

On November 29, 2010, the Committee on Small Business will hold a hearing to vote on Proposed Int. No. 256-A, a local law to amend the New York city charter, in relation to the annual report required by certain entities which enter into contracts with the department of small business services. The Committee first considered the original version of this bill at a hearing on November 4, 2010. Proposed Int. No. 256-A would strengthen and clarify several aspects of annual reports issued by the Economic Development Corporation (EDC) by extending the duration of reporting requirements and requiring that annual reports be more easily accessible to the general public.

BACKGROUND

Corporate subsidies are typically used as a tool to persuade businesses to expand their operations, or to commit to moving to or remaining in New York City (“the City”), with the hope of creating or maintaining jobs. Although it is generally agreed that job retention and job creation are vital to creating and sustaining a thriving local economy, there is considerable debate as to whether the subsidies provided to many businesses actually serve as a true inducement for these companies to either create new jobs or to remain in the City. Furthermore, many question whether the businesses that receive subsidies actually comply with the terms of the subsidies.

Local Law 69 of 1993 was enacted by the City Council in response to these concerns. Local Law 69 required a local development corporation having a contract with the Department of Small Business Services to provide or administer economic development benefits on behalf of the City, to submit an annual report (“Report”) to the City containing information on selected job creation and retention projects undertaken during the reporting year. The City, through SBS currently contracts with the New York City Economic Development Corporation (EDC) for the performance of these services. The Report is intended to provide the Council with information pursuant to which the Council can measure the success of economic development benefits administered by EDC.

Local Law 69 required reporting on projects that involve a loan, grant or tax benefit in excess of \$250,000; or a sale or lease of real property where the project is estimated to retain or create at least 25 jobs. The information required to be reported under Local Law 69 included descriptive data on certain projects covering a seven-year period, a calculation of the amount of City assistance provided to the businesses, and an estimation of the amount of retained or additional tax revenues generated by said projects.

After Local Law 69 went into effect, numerous criticisms of the law were made regarding the limited amount of information contained in the report about

companies receiving subsidies, the omission from the report of certain programs for which individual businesses received subsidies, a the lack of information on the total cost of the subsidy or subsidies awarded to each company, or what, if any, contractual obligations the companies made with the City in exchange for subsidies, and the limited seven-year reporting period which was mandated by the law, as many City incentives such as tax abatements and industrial bonds can run for at least 15 years.¹

In response to some of the criticisms of Local Law 69, the Council passed Local Law 48 in 2005 in order to strengthen the reporting requirements. As a result, Local Law 48 imposed the following:

- Mandated that annual reports be distributed to the comptroller, borough presidents and public advocate;
- Required that the reports be made available on EDC’s website;
- Increased the number of projects for which a report would have to be issued by mandating that any project in which the business entity received subsidies from the city totaling \$150,000 (instead of \$250,000) would have to be included in a report;
- Extended the length of time that the report had to be issued, from seven years from the date when the project began, to every year that the project receives any subsidy from the City for projects commencing after July 1, 2005;
- Expanded the description of the types of jobs that were to be accounted for concerning job retention reports, including requiring a count of the total number of employees at each job site within the City at the start of the agreement, the number of permanent full and permanent part-time employees, the number of full-time equivalents and, under certain circumstances, contract employees;
- Mandated reporting on whether all full-time as well as part-time employees are offered health benefits by the employer receiving subsidies;
- Mandated that for entities having 250 or more employees, the report was to provide the respective percentage of employees that fall under the “exempt” and “non-exempt” classifications under the United States Fair Labor Standards Act and, within the “non-exempt” category, the percentages of employees earning up to \$25,000 per year, more than \$25,000 per year up to \$40,000 per year, and more than \$40,000 per year up to \$50,000 per year;
- Required the report to indicate whether an entity’s benefits have been reduced, cancelled or recaptured during the reporting year, the reasons for such action and whether penalties have been assessed; and
- Required a list of all commercial expansion program benefits, industrial and commercial incentive program benefits received through the project agreement, as well as relocation and employment assistance program benefits received and the estimated total value of each for the reporting year.

DISCUSSION of PROPOSED INT. NO. 256-A

Proposed Int. No. 256-A would not substantively alter the reporting requirements. Rather the aim of Int. No. 256 is to make the information gathered from the implementation of economic development projects more readily and easily accessible to the general public.

Bill section one of Proposed Int. No. 256-A amends paragraph b of subdivision 1 of section 1301 of the New York City Charter by first expanding the duration of the reporting period for all projects regardless of the starting date from seven years to the duration of the project, so long as the business entity involved in such project is still receiving subsidies from the City.

For projects consisting of a sale of City-owned land, the bill would require that such sales be listed for at least fifteen years after the completion of the sale, including the selling price of each sale. For projects consisting of a lease of City-owned land, the bill would require that each lease be listed for continuously until its termination, including the rent price for each lease.

The bill also would require that project reports be made available on line on EDC’s website in a commonly available non-proprietary database format, which would allow the public to more effectively analyze the content of the reports.

Finally, bill section 2 of Proposed Int. No. 256-A would provide that this law become effective immediately upon enactment into law.

¹ See Report, Good Jobs New York, “Know When to Fold ‘Em: Time to Walk Away from NYC’s Corporate Retention Game,” by Bettina Damiani and Stephanie Greenwood, February 2004.

(The following is from the text of the Fiscal Impact Statement for Int. No. 256-A:)

FISCAL IMPACT STATEMENT:

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

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

IMPACT ON EXPENDITURES: There would be impact on expenditures by the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Ralph P. Hernandez, Principal Legislative Financial Analyst

Latonia McKinney, Deputy Director

HISTORY: Intro. 256 was introduced by Council and referred to the Committee on Small Business on May 25, 2010. The Committee held a hearing and laid over Int. 256 on November 4, 2010. An amendment has been proposed, and the Committee will vote on an amended version of the legislation, Proposed Int. 256-A, on November 29, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 256-A:)

Int. No. 256-A

By Council Members Reyna, Lander, Mendez, Sanders, Rodriguez, Jackson, Chin, Van Bramer, Barron, James, Gennaro, Williams and Koo.

A Local Law to amend the New York city charter, in relation to the annual report required by certain entities which enter into contracts with the department of small business services.

Be it enacted by the Council as follows:

Section 1. Paragraph b of subdivision 1 of section 1301 of the New York city charter, as amended by local law number 48 for the year 2005, is amended to read as follows:

b. to serve as liaison for the city with local development corporations, other not-for-profit corporations and all other entities involved in economic development within the city. In furtherance of this function, the department shall include in any contract with a local development corporation under which such local development corporation is engaged in providing or administering economic development benefits on behalf of the city and expending city capital appropriations in connection therewith, a requirement that such local development corporation submit to the mayor, the council, the city comptroller, the public advocate and the borough presidents by January 31 of each year, a report for the prior *fiscal* year in the form prescribed hereunder with regard to projected and actual jobs created and retained in connection with any project undertaken by such local development corporation for the purpose of the creation or retention of jobs, whether or not such project involves the expenditure of city capital appropriations, if in connection with such project assistance to a business entity was provided by such local development corporation in the form of a loan, grant or tax benefit in excess of one hundred fifty thousand dollars, or a sale or lease of *city-owned* land where the project is estimated to retain or create not less than twenty-five jobs. [With regard to any project for which the project agreement and any other documents applicable to such project have been executed on or after July 1, 2005, the] *The* report shall be for the period commencing on the date that the project agreement and any other documents applicable to such project have been executed through the final year that such entity receives assistance for such project, except that, as to projects consisting of a lease or sale of city-owned land, [the] *each annual* report shall [commence from the date of the lease or conveyance of title by the city and shall continue for seven years or such longer period as is deemed appropriate by the department. For projects in existence prior to July 1, 2005, the report shall be made with regard to each such project for the first seven years from the date when any project agreement or other document applicable to the project is executed by the entity receiving such assistance with such local

development corporation and the] *include only (1) a list of each existing lease, regardless of when such lease commenced, and a list of each sale of city-owned land that closed on or after January 1, 2005, and (2) for such leases or sales, any terms or restrictions on the use of the property, including the rent received for each leased property in the prior fiscal year, and for sales, the price for which the property was sold and any terms or restrictions on the resale of the property, and need not include any other information with regard to such lease or sale of a type required for reports for other projects hereunder. Information on any such lease shall be included until the lease terminates and information on sales of city-owned land shall be included for fifteen years following closing. The report, other than for leases or sales of city-owned land, shall contain, for the [current reporting] prior fiscal year, the following information with respect thereto: (i) the project's name; (ii) its location; (iii) the time span over which the project is to receive any such assistance; (iv) the type of such assistance provided, including the name of the program or programs through which assistance is provided; (v) for projects that involve a maximum amount of assistance, a statement of the maximum amount of assistance available to those projects over the duration of the project agreement, and for those projects that do not have a maximum amount, the current estimated amount of assistance over the duration of the project agreement, the amount of tax exempt bonds issued during the current reporting year and the range of potential cost of those bonds; project assistance to be reported shall include, but shall not be limited to, PILOT savings, which shall be defined for the purposes of this paragraph as the difference between the PILOT payments made and the property tax that would have been paid in the absence of a PILOT agreement, the amount of mortgage recording fees waived, related property tax abatements, sales tax abatements, the dollar value of energy benefits and an estimated range of costs to the city of foregone income tax revenues due to the issuance of tax exempt bonds; (vi) the total number of employees at all sites covered by the project at the time of the project agreement including the number of permanent full-time jobs, the number of permanent part-time jobs, the number of full-time equivalents, and the number of contract employees where contract employees may be included for the purpose of determining compliance with job creation or retention requirements; (vii) the number of jobs that the entity receiving benefits is contractually obligated to retain and create over the life of the project, except that such information shall be reported on an annual basis for project agreements containing annual job retention or creation requirements, and, for each reporting year, the base employment level the entity receiving benefits agrees to retain over the life of the project agreement, any job creation scheduled to take place as a result of the project, and where applicable, any job creation targets for the current reporting year; (viii) the estimated amount, for that year and cumulatively to date, of retained or additional tax revenue derived from the project, excluding real property tax revenue other than revenue generated by property tax improvements; (ix) the amount of assistance received during the year covered by the report, the amount of assistance received since the beginning of the project period, and the present value of the future assistance estimated to be given for the duration of the project period; (x) for the current reporting year, the total actual number of employees at all sites covered by the project, including the number of permanent full-time jobs, the number of permanent part-time jobs, the number of contract jobs, and, for entities receiving benefits that employ two hundred fifty or more persons, the percentage of total employees within the "exempt" and "non-exempt" categories, respectively, as those terms are defined under the United States fair labor standards act, and for employees within the "non-exempt" category, the percentage of employees earning up to twenty-five thousand dollars per year, the percentage of employees earning more than twenty-five thousand per year up to forty-thousand dollars per year and the percentage of employees earning more than forty thousand dollars per year up to fifty thousand dollars per year; (xi) whether the employer offers health benefits to all full-time employees and to all part-time employees; (xii) for the current reporting year, with respect to the entity or entities receiving assistance and their affiliates, the number and percentage of employees at all sites covered by the project agreement who reside in the city of New York. For the purposes of this subparagraph, "affiliate" shall mean (i) a business entity in which more than fifty percent is owned by, or is subject to a power or right of control of, or is managed by, an entity which is a party to an active project agreement, or (ii) a business entity that owns more than fifty percent of an entity that is party to an active project agreement or that exercises a power or right of control of such entity; (xiii) a projection of the retained or additional tax revenue to be derived from the project for the remainder of the project period; (xiv) a list of all commercial expansion program benefits, industrial and commercial incentive program benefits received through the project agreement and relocation and employment assistance program benefits received and the estimated total value of each for the current reporting year; (xv) a statement of compliance indicating whether, during the current reporting year, the local development corporation has reduced, cancelled or recaptured benefits for any company, and, if so, the total amount of the reduction, cancellation or recapture, and any penalty assessed and the reasons therefore; (xvi) for business entities for which project assistance was provided by such local development corporation in the form of a loan, grant or tax benefit of one hundred fifty thousand dollars or less, [or a sale or lease of city-owned land where the project is estimated to retain or create less than twenty-five jobs,] the data should be included in such report in the aggregate using the format required for all other loans, grants or tax benefits; and (xvii) an indication of the sources of all data relating to numbers of jobs. *For projects in existence prior to the effective date of this local law, information that business entities were not required to report to such local development corporation at the time that the project agreement and any other documents applicable to such project were executed need not be contained in the report.**

The report shall be submitted by the statutory due date and shall bear the actual date that the report was submitted. Such report shall include a statement explaining any delay in its submission past the statutory due date. Upon its submission, the

report shall simultaneously be made available in electronic form on the website [on] of the local development corporation or, if no such website is maintained, on the website of the city of New York, *provided that reports submitted in 2012 or after shall simultaneously be made available in a commonly available non-proprietary database format on the website of the local development corporation or, if no such website is maintained, on the website of the city of New York, except that any terms and restrictions on the use or resale of city-owned land need not be included in such non-proprietary database format, and provided further that with respect to the report submitted in 2012 in the commonly available non-proprietary database format, the local development corporation shall include, in such format, the data included in the reports for the period from July 1, 2005 to June 30, 2010.* Reports with regard to projects for which assistance was rendered prior to July 1, 2005, need only contain such information required by this subdivision as is available to the local development corporation, can be reasonably derived from available sources, and can be reasonably obtained from the business entity to which assistance was provided.

§2. This local law shall take effect one hundred eighty days after its enactment into law.

DIANA REYNA, Chairperson; LETITIA JAMES, MATHIEU EUGENE, MARGARET S. CHIN, PETER A. KOO, Committee on Small Business, November 29, 2010.

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

Report of the Committee on Transportation

Report for Int. No. 376-A

Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to creating guidelines for the approval and installation of certain traffic calming devices.

The Committee on Transportation, to which the annexed amended proposed local law was referred on October 13, 2010 (Minutes, page 4368), respectfully

REPORTS:

INTRODUCTION

On November 29, 2010, the Committee on Transportation, chaired by Council Member James Vacca, will hold a hearing on Proposed Int. No. 376-A. This legislation would amend title 19 of the Administrative Code of the City of New York, by requiring the New York City Department of Transportation to create standards for the approval and installation of certain traffic calming devices. This is the second hearing of this bill. The first hearing occurred November 4, 2010.

BACKGROUND

Standards for traffic control devices are provided by the Manual on Uniformed Traffic Control Devices (“MUTCD”)¹ The MUTCD sets minimum standards, provides guidance, and ensures uniformity of traffic control devices across the nation. The MUTCD is the law governing all traffic control devices and all public agencies and owners of private roads open to public travel across the nation rely on the MUTCD.² If DOT were to install traffic control devices not in compliance with the MUTCD, New York City would be at risk of losing federal-aid funds for traffic control devices.

Installations of traffic calming devices are not regulated by MUTCD guidelines because they are considered to be part of roadway design and not traffic control devices. Currently, it is unclear what guidelines DOT uses to determine the placement and installation of these devices. Proposed Int. No. 376-A would require DOT to establish and publicize guidelines for the installation and placement of traffic calming devices.

ANALYSIS

Section one of Proposed Int. No. 376-A would amend Title 19 of the Code by adding a new section 19-183. Subdivision a of new section 19-183 would define “School” as any educational facility under the jurisdiction of the New York City Department of Education and any non-public school that provides educational instructions to students at or below the ninth grade level; “Senior” as any person sixty-five years or older; and “Traffic Calming device” as any device, not governed by the Manual on Uniform Traffic Control Devices, including, but not limited to, speed humps, curb extensions, traffic diverters, median barriers and raised walkways, installed on a street and intended to slow, reduce or alter motor vehicle traffic to improve safety for pedestrians and bicyclists.

Subdivision b of new section 19-183 would require DOT to establish guidelines that deal for the approval and placement of traffic calming devices. Such guidelines would consider whether such traffic calming devices would be installed adjacent to a school or in a location where a high percentage of seniors use the streets, such as locations adjacent to senior centers and nursing homes, and any other locations as determined by the DOT. In addition, the guidelines would list the conditions under which installation of such traffic calming device would be appropriate. Finally, DOT would be required to distribute them to any entity upon request and publish them on its website.

Section two of Proposed Int. 376-A would provide that this local law take effect ninety days after it is enacted into law.

¹ Information retrieved from http://www.nyc.gov/html/dot/downloads/pdf/nycdot_streetdesignmanual_append.pdf on November 3, 2010

² Informational retrieved from <http://mutcd.fhwa.dot.gov/kno-overview.htm> on November 3, 2010

(The following is from the text of the Fiscal Impact Statement for Int. No. 376-A:)

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: It is estimated that there would be minimal to no impact on expenditures resulting from the enactment of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: City Council Finance Division
NYC Department of Transportation

ESTIMATE PREPARED BY: Andy Grossman, Deputy Director
Chima Obichere, Supervising Legislative Financial Analyst

HISTORY: Introduced as Intro. 376 by the Council on October 13, 2010 and referred to the Committee on Transportation. A hearing was held and the legislation was laid over by the Committee on November 04, 2010. On November 4, 2010 Intro. 376 was amended, and the amended version, Proposed Int. 376-A, will be considered by the Committee on November 29, 2010.

DATE SUBMITTED TO COUNCIL: October 13, 2010.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 376-A:)

Int. No. 376-A

By Council Members Vacca, Cabrera, Comrie, Fidler, James, Koslowitz, Palma, Recchia, Rose, Williams, Garodnick, Mealy, Lappin, Koppell, Jackson, Chin, Van Bramer, Halloran, Koo, Ulrich, Ignizio, Greenfield, Nelson, Rodriguez, Gentile, Levin, Barron, Weprin, Gennaro, Lander, Vallone, Jr. and Oddo.

A Local Law to amend the administrative code of the city of New York, in relation to creating guidelines for the approval and installation of certain traffic calming devices.

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-183 to read as follows:

§19-183 *Traffic calming devices.* a. *For the purposes of this section, the following terms shall have the following meanings:*

1. “School” shall mean any educational facility under the jurisdiction of the New York city department of education and any non-public school that provides educational instructions to students at or below the ninth grade level.

2. “Senior” shall mean any person sixty-five years or older.

3. "Traffic calming device" shall mean any device, not governed by the manual on uniform traffic control devices, including, but not limited to, speed humps, curb extensions, traffic diverters, median barriers and raised walkways, installed on a street and intended to slow, reduce or alter motor vehicle traffic to improve safety for pedestrians and bicyclists.

b. The department shall establish guidelines governing the approval and placement of traffic calming devices. Such guidelines shall consider whether such traffic calming devices would be installed adjacent to a school or in a location where a high percentage of seniors use the streets, such as locations adjacent to senior centers and nursing homes, and any other locations as determined by the department. Such guidelines shall list the conditions under which installation of such traffic calming device may be appropriate. Such guidelines shall be distributed to any entity upon request and shall be published on the department's website.

§2. This local law shall take effect ninety days after it is enacted into law.

JAMES VACCA, Chairperson; MICHAEL C. NELSON, GALE A. BREWER, G. OLIVER KOPPELL, JESSICA S. LAPPIN, DARLENE MEALY, YDANIS RODRIGUEZ, DEBORAH L. ROSE, JAMES G. VAN BRAMER, VINCENT M. IGNIZIO, ERIC A. ULRICH, PETER A. KOO, Committee on Transportation, November 29, 2010.

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

GENERAL ORDER CALENDAR

Resolution approving various persons Commissioners of Deeds

By the Presiding Officer --

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

(For the Commissioner of Deeds listing, please see the Commissioner of Deeds section printed in the Minutes of the Stated Council Meeting of December 8, 2010).

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

ROLL CALL ON GENERAL ORDERS FOR THE DAY

(Items Coupled on General Order Calendar)

- | | | |
|-----|--|---|
| (1) | M 313 & Res 592 -- | Michael Devonshire - New York City Landmarks Preservation Commission. |
| (2) | Int 256-A -- | Annual report required by certain entities which enter into contracts with the department of small business services. |
| (3) | Int 376 -A -- | Creating guidelines for the approval and installation of certain traffic calming devices. |
| (4) | L.U. 175 & Res 590 -- | ULURP, app. C 100452 HAM, UDAADP, 535-537 East 11th Street, and the disposition of such property, Borough of Manhattan, Council District no. 2. |
| (5) | L.U. 176 & Res 591 -- | ULURP, app. C 100453 HAM, UDAADP, 706-712 East 9th Street, and the disposition of such property, Borough of Manhattan, Council District no. 2. |
| (6) | Resolution approving various persons Commissioners of Deeds. | |

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

Affirmative -- Arroyo, Brewer, Cabrera, Chin, Comrie, Crowley, Dilan, Dromm, Eugene, Ferreras, Fidler, Foster, Garodnick, Gennaro, Gentile, Greenfield,

Halloran, Ignizio, Jackson, James, Koo, Koppell, Koslowitz, Lander, Lappin, Levin, Mark-Viverito, Mealy, Mendez, Nelson, Recchia, Reyna, Rodriguez, Rose, Sanders, Seabrook, Ulrich, Vacca, Vallone, Jr., Van Bramer, Vann, Weprin, Williams, Oddo, Rivera, and the Speaker (Council Member Quinn) – 46.

Abstention (Not Voting) – Wills – 1.

The General Order vote recorded for this Stated Meeting was 46-0-1 as shown above.

The following Introductions were sent to the Mayor for his consideration and approval: Int Nos. 256-A and 376-A

INTRODUCTION AND READING OF BILLS

Int. No. 428

By Council Members Arroyo, Barron, Brewer, Cabrera, Comrie, Crowley, Dickens, Dilan, Ferreras, Gennaro, Gentile, Gonzalez, Halloran, Ignizio, Mark-Viverito, Nelson, Oddo, Palma, Recchia, Reyna, Rivera, Rodriguez, Rose, Seabrook, Vacca, Vallone, Jr., Van Bramer and Vann.

A Local Law in relation to the naming of 67 thoroughfares and public places, Police Officer Deon L. Taylor Way, Borough of the Bronx, Sergeant Jose Velez Avenue, Borough of the Bronx, Police Officer Kenneth Mahon Place, Borough of the Bronx, Dra. Evelina Antonetty Way, Borough of the Bronx, Kevin Oslen Hill Way, Borough of Brooklyn, Kenneth S. Jackson, Jr. Blvd., Borough of Brooklyn, Bishop Clarence V. Keaton Blvd., Borough of Brooklyn, PS 84 Sidney Morison Way, Borough of Manhattan, Phyllis Yvonne Reed Plaza, Borough of the Bronx, Officer John Scarangella Way, Borough of Queens, Officer Disdale Enton Way, Borough of Queens, Church of the Holy Child Jesus Plaza, Borough of Queens, Madam C.J. & A'Lelia Walker Place, Borough of Manhattan, Jack Johnson Place, Borough of Manhattan, Judge Bruce Wright Place, Borough of Manhattan, The Reverend Doctor Joe Louis Parker Way, Borough of Brooklyn, Anna Chineda Carter Square, Borough of Brooklyn, Staff Sergeant Luis Manuel Gonzalez Street, Borough of Queens, Nancy DeBenedittis MAMA's WAY, Borough of Queens, Rabbi Sholem B. Kowalsky Way, Borough of Queens, Dr. Giacomo J. Buscaino Place, Borough of Brooklyn, Joe 'The Great' Rollino Corner, Borough of Brooklyn, Auxiliary Captain Linying Gong Way, Borough of Brooklyn, Angela Piccini Canadé Way, Borough of Brooklyn, Seven In Heaven Way, Borough of Brooklyn, FF Ronnie L Henderson Way, Borough of Brooklyn, Red Hook Heroes Run, Borough of Brooklyn, Basil "Bob" Stonbely Way, Borough of Brooklyn, Andrew DiOrio Boulevard, Borough of Brooklyn, Anthony J. Leone Way, Borough of Brooklyn, Abe Kanter Way, Borough of Brooklyn, Jennifer Y. Wong Way, Borough of Queens, Gina Alexa Morales Way, Borough of Staten Island, Rafael Vega Way, Borough of Staten Island, Union Settlement Way, Borough of Manhattan, Detective Omar Edwards Way, Borough of Manhattan, Saul Bruckner Way, Borough of Brooklyn, Dr. Gianpaolo Maestrone Corner, Borough of Staten Island, Father Gannon Court, Borough of Staten Island, John "Jack" P. Meade Way, Borough of Staten Island, Dominick S. Florio Way, Borough of Staten Island, Detective Michael Morales Way, Borough of Staten Island, Johnny Maestro Way, Borough of Staten Island, John M. D'Amato Way, Borough of Staten Island, Kenneth Pontillo Way, Borough of the Bronx, Rebitzen Rita Horowitz Way, Borough of Brooklyn, Firefighter Paul Warhola Way, Borough of Brooklyn, Police Officer Jill Garcia Place, Borough of the Bronx, Bishop Francisco Garmendia Place, Borough of the Bronx, Carl Paul Jennewein Place, Borough of the Bronx, Merlin German Way, Borough of Manhattan, Michael "Tiger" Heaney Street, Borough of Staten Island, Bishop C. Asapansa-Johnson Way, Borough of Staten Island, Artie Evans Way, Borough of Staten Island, Dorothy Pamela Gomes Way, Borough of the Bronx, Alfred J. Ranieri Way, Borough of the Bronx, Rocco Miano Way, Borough of the Bronx, Louis Salvati Way, Borough of the Bronx, Julie Wager Way, Borough of Queens, Frank Justich Way, Borough of Queens, William Modell Way, Borough of Queens, Chuck Costello 9/11 Memorial Way, Borough of Queens, Martin M. Trainor Way, Borough of Queens, Alejandro Nino Place, Borough of Queens, Carlo A. Lanzillotti Place, Borough of Queens, Claire Kraft Way, Borough of Queens, Bertram L. Baker Way, Borough of Brooklyn and the repeal of section 57 of local law number 92 for the year 2009, the repeal of sections 1 and 4 of local law number 46 for the year 2009 and the repeal of section 30 of local law number 64 for the year 2008.

Be it enacted by the Council as follows:

Section 1. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Police Officer Deon L. Taylor Way	Simpson Street	Between East 163 rd Street and Westchester Avenue

§2. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Sergeant Jose Velez Avenue	None	At the intersection of 156 th Street and Courtlandt Avenue

§3. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Police Officer Kenneth Mahon Place	None	At the intersection of East 147 th Street and Bruckner Boulevard

§4. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dra. Evelina Antonetty Way	Prospect Avenue	Between East 156 th Street and Macy Place

§5. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Kevin Oslen Hill Way	None	At the intersection of Wortman Avenue and Vermont Street

§6. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Kenneth S. Jackson, Jr. Blvd.	Autumn Avenue	Between Pitkin Avenue and Sutter Avenue

§7. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Bishop Clarence V. Keaton Blvd.	Crescent Street	Between Flatlands Avenue and Linden Boulevard

§8. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
PS 84 Sidney Morison Way	West 92 nd Street	Between Columbus Avenue and Central Park West

§9. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Phyllis Yvonne Reed Plaza	None	At the intersection of Davidson Avenue and West Kingsbridge Road

§10. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Officer John Scarangella Way	Eastbound side of Baisley Boulevard	Between 166 th Street and 168 th Street

§11. The following street name, in the Borough of Queens, is hereby

designated as hereafter indicated.

New Name	Present Name	Limits
Officer Disdale Enton Way	Westbound side of Baisley Boulevard	Between 166 th Street and 168 th Street

§12. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Church of the Holy Child Jesus Plaza	None	At the intersection of 112 th Street and 86 th Avenue

§13. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Madam C.J. & A'Lelia Walker Place	136 th Street	Between Adam Clayton Powell Jr. Boulevard and Lenox Avenue

§14. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jack Johnson Place	None	At the intersection of Lenox Avenue and 142 nd Street

§15. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Judge Bruce Wright Place	Adam Clayton Powell Boulevard	Between 138 th Street and 139 th Street

§16. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
The Reverend Doctor Joe Louis Parker Way	Broadway	Between Cooper Street and Marion Street

§17. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Anna Chineda Carter Square	None	At the intersection of Bleecker Street and Knickerbocker Avenue

§18. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Staff Sergeant Luis Manuel Gonzalez Street	None	At the southeast corner 108 th Street and 49 th Avenue

§19. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Nancy DeBenedittis MAMA's WAY	104 th Street	Between 46 th Avenue and 47 th Avenue

§20. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rabbi Sholem B. Kowalsky Way	Jewel Avenue	Between 169 th Street and 170 th Street

§21. The following intersection name, in the Borough of Brooklyn, is

hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dr. Giacomo J. Buscaino Place	None	At the intersection of 76 th Street and 14 th Avenue

§22. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joe ‘The Great’ Rollino Corner	None	At the southwest corner of Bay Ridge Parkway and 14 th Avenue

§23. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Auxiliary Captain Linying Gong Way	None	At the northeast corner of Shore Road and 74 th Street

§24. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Angela Piccini Canadé Way	None	At the intersection of 84 th Street and Ridge Boulevard

§25. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Seven In Heaven Way	None	At the intersection of Richards Street and Seabring Street

§26. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
FF Ronnie L Henderson Way	None	At the intersection of Lorraine Street and Smith Street

§27. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Red Hook Heroes Run	None	At the intersection of Lorraine Street and Hamilton Avenue

§28. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Basil “Bob” Stonbely Way	None	At the intersection of 56 th Street and 3 rd Avenue

§29. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Andrew DiOrio Boulevard	None	At the intersection of 26 th Street and 4 th Avenue

§30. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits

Anthony J. Leone Way	None	At the intersection of 21 st Street and 4 th Avenue
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§31. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Abe Kanter Way	None	At the intersection of 66 th Street and 4 th Avenue

§32. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jennifer Y. Wong Way	25 th Avenue	Between Utopia Parkway and 169 th Street

§33. The following street name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Gina Alexa Morales Way	Yetman Avenue	Between Summit Street and Academy Avenue

§34. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rafael Vega Way	None	At the intersection of Colon Avenue and Gurley Avenue

§35. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Union Settlement Way	East 104 th Street	Between Second Avenue and Third Avenue

§36. The following street name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Detective Omar Edwards Way	East 123 rd Street	Between Second Avenue and Third Avenue

§37. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Saul Bruckner Way	East 17 th Street	Between Avenue L and Avenue M

§38. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dr. Gianpaolo Maestrone Corner	None	At the intersection of Parkinson Avenue and Hylan Boulevard

§39. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Father Gannon Court	None	At the intersection of Cedar Grove Avenue and Marine Way

§40. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
John "Jack" P. Meade Way	None	At the intersection of Hawthorne Avenue and Watchogue Road

§41. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dominick S. Florio Way	None	At the intersection of Thurston Street and Hawthorne Avenue

§42. The following street name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Detective Michael Morales Way	Watchogue Road	Between Livermore Street and Woolley Avenue

§43. The following street name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Johnny Maestro Way	Mason Avenue	Between Midland Avenue and Lincoln Avenue

§44. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
John M. D'Amato Way	None	At the intersection of Cromwell Avenue and Richmond Road

§45. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Kenneth Pontillo Way	None	At the intersection of Gleason Avenue and Zerega Avenue

§46. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rebitzen Rita Horowitz Way	None	At the northeast corner of 26 th Avenue and Cropsey Avenue

§47. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Firefighter Paul Warhola Way	South 2 nd Street	Between Bedford Avenue and Driggs Avenue

§48. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Police Officer Jill Garcia Place	Cross Bronx Expressway	Between Park Avenue and Washington Avenue

§49. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Bishop Francisco Garmendia Place	Crotona Parkway	Between Elsmere Place and East 176 th Street

§50. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Carl Paul Jennewein Place	Van Nest Avenue	Between Melville Street and Van Buren Street

§51. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Merlin German Way	None	At the southwest corner of West 189 th Street and St. Nicholas Avenue

§52. The following street name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Michael "Tiger" Heaney Street	Under the Jackson Street sign	On the corner of Jackson Street and Beach Street

§53. The following street name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Bishop C. Asapansa-Johnson Way	Van Duzer Street	Between Hannah Street and Victory Boulevard

§54. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Artie Evans Way	None	At the intersection of Prospect Avenue and Brentwood Avenue

§55. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dorothy Pamela Gomes Way	None	Edenwald Avenue and East 233 rd Street

§56. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Alfred J. Ranieri Way	Ampere Avenue	Between Stadium Avenue and Ohm Avenue

§57. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rocco Miano Way	Hone Avenue	Between Morris Park Avenue and Rhinelander Avenue

§58. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Louis Salvati Way	Mickle Avenue	Between Astor Avenue and Pelham Parkway North

§59. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Julie Wager Way	None	At the northwest corner of Steinway Street and

		Broadway
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§60. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Frank Justich Way	None	At the southwest corner of 35 th Street and Ditmars Boulevard

§61. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
William Modell Way	None	At the intersection of Jackson Avenue and Queens Boulevard

§62. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Chuck Costello 9/11 Memorial Way	None	At the southwest corner of 27 th Street and 47 th Street

§63. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Martin M. Trainor Way	None	At the intersection of 58 th Street and Roosevelt Avenue

§64. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Alejandro Nino Place	None	At the intersection of 47 th Avenue and 49 th Street

§65. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Carlo A. Lanzillotti Place	None	At the intersection of 41 st Street and 47 th Avenue

§66. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Claire Kraft Way	None	At the intersection of 45 th Street and 48 th Avenue

§67. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Bertram L. Baker Way	Jefferson Avenue	Between Throop Avenue and Tompkins Avenue

§68. Section 57 of local law number 92 for the year 2009 are hereby REPEALED.

§69. Sections 1 and 4 of local law number 46 for the year 2009 is hereby REPEALED.

§70. Section 30 of local law number 64 for the year 2008 is hereby REPEALED.

§71. This local law shall take effect immediately.

Referred to the Committee on Parks and Recreation.

Int. No. 429

By Council Members Dilan, Arroyo, Comrie, Foster, James, Koppell, Mark-Viverito, Rose, Nelson, Seabrook, Vann and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to the maintenance of vacant buildings.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that inadequately secured vacant properties can be the cause of numerous problems affecting neighborhoods across New York City, such as fire and public safety hazards, urban blight, and depressing local property values. Currently rules promulgated by the Department of Buildings allow the use of concrete block or plywood to seal and secure doors and windows in vacant buildings. Rules promulgated by the Department of Housing Preservation and Development allow for the use of concrete block, sheet metal, or plywood to seal and secure buildings. Over time doors and windows secured with concrete blocks, sheet metal or plywood can become vulnerable to the elements or torn off by vandals or criminals wishing to gain access to the building. Cities such as Boston and Chicago have addressed the issue of inadequately secured vacant properties by strengthening their ordinances to require the installation of internal metal security panels on windows and doors in buildings that have remained vacant for longer than a prescribed period of time. Amending the New York City Administrative Code to require the installation of internal metal security panels on buildings that have remained vacant and insufficiently secured for more than six months will increase the likelihood that such buildings will be protected from unauthorized entry which will serve to stabilize and protect neighborhoods.

§2. Section 28-216.1.2 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

28-216.1.2 Vacant buildings. *i* Any vacant building not continuously guarded or not sealed and kept secure against unauthorized entry shall *for the first six months it is vacant* have all openings sealed in a manner approved by the commissioner, and it shall be the duty of the owner thereof promptly to make any repairs that may be necessary for the purpose of keeping such building sealed and secure.

ii. For a building that has been vacant for more than six months, the owner must implement and provide proof to the department that said building either (i) is secured as described in section 28-216.1.2.1 of this article or (ii) contains all of the security features set forth in section 28-216.1.2.2 of this article.

28-216.1.2.1 Secured buildings. *For purposes of this chapter the term “secured” shall refer to a building that has a permanent door or window, as applicable, in each appropriate building opening; has each such door or window maintained in a manner so as to prevent unauthorized entry; and has all of its door and window components including, but not limited to, frames, jambs, rails, stiles, muntins, mullions, panels, sashes, lights and panes, intact and unbroken.*

28-216.1.2.2 Steel security panels. *Any building found not to be secured as set forth in section 28-216.1.2.1 of this article that has been vacant for six months or more must have every exterior opening larger than one square foot, including door openings, which are in the cellar, basement or first story, on the course of a fire escape, are less than six feet measured horizontally from an opening in an adjoining building or which are less than ten feet from grade closed and secured with a commercial-quality 14-gauge, rust-proof steel security panel or door. Such panel or door shall have an exterior finish that allows for easy graffiti removal and shall be secured from the interior of the building to prevent unauthorized removal.*

28-216.1.2.3 Penalty. *In addition to any other penalties provided by law, it shall be a violation of this article for a vacant building not to be secured in accordance with the provisions of this section where the owner has presented proof to the department that such building complied with section 28-216.1.1 or section 28-216.1.2.2. Where the commissioner determines, based on an inspection by the department or a report prepared by another city agency and provided to the department, that a vacant building represented by the owner as being in compliance with such sections is not in compliance, the commissioner shall send by certified mail a written notice of violation to the owner of record. Within 30 days of the mailing of such notice of violation, the owner shall be required to comply with the provisions of section 28-216.1.2.2 of this article.*

§3. This law shall take effect ninety days after its enactment, except that the commissioner of buildings shall take such actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 430

By Council Members Fidler, Arroyo, Brewer, Cabrera, Comrie, Foster, Gentile, James, Koppell, Koslowitz, Mark-Viverito, Mealy, Recchia, Seabrook, Williams, Rodriguez, Nelson and Koo.

A Local Law to amend the administrative code of the city of New York, in relation to allowing on-site disposal of storm water runoff to improve the quality of New York city waters and enhance the potential for recreational use of the city's waterfronts.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 24-526 of the administrative code of the city of New York is amended to read as follows:

(b) Required conveyance of storm water for off-site disposal when public sewers into which discharge is feasible are located within five hundred feet of property. If the commissioner determines that a public street storm sewer or a public street combined sewer is located within five hundred feet, measured along a street, alley or right-of-way, from any point on the boundary of a development or of a lot which is not within a development into which it would be feasible, as described in subdivision (g) of this section, to discharge storm water from such development or lot:

(1) *An owner of a lot within such a development or of such a lot not within a development who is constructing or causing to be constructed a building on such lot may, with the approval of the commissioner, dispose of the storm water falling or coming to rest on such lot in accordance with the provisions of section P110.13 of reference standard RS-16 of this code.*

[(1)] (2) An owner of a lot within such a development or of such a lot not within a development, who is constructing or causing to be constructed on such a lot a single one-family or two-family detached or semi-detached building, may dispose of the storm water falling or coming to rest within such lot which is required, by paragraph two of subdivision (b) of section P110.2 of reference standard RS-16 of this code, to be conveyed to a boundary of such lot abutting a street for off-site disposal, by causing such storm water to be discharged through an under-the-sidewalk drain or across a sidewalk onto a paved street improved in accordance with the requirements of the department of transportation and containing curbs; provided that catch basins adequate to receive such storm water are located, or are installed in accordance with the requirements of this code and of the department, within five hundred feet from the farthest point of storm water discharge onto such street; provided further that the commissioner determines that such means of storm water disposal is feasible, as described in subdivision (g) of this section, and also provided that the commissioner of buildings agrees with such determination.

[(2)] (3) An owner of a lot within such a development or of such a lot not within a development who is constructing or causing to be constructed a building on such lot shall dispose of the storm water falling or coming to rest on such lot which is required, by paragraph three of subdivision (b) of section P110.2 of reference standard RS-16 of this code, to be conveyed to a boundary of such lot abutting a street for off-site disposal, except as provided in [paragraph] paragraphs one and two of this subdivision, by conveying such storm water, together with all storm water falling or coming to rest on all streets and other paved areas outside of such lot constructed or altered in connection with the construction of such building for the primary purpose of improving vehicular or pedestrian access thereto, by sewers, constructed in accordance with requirements in subdivision (e) of this section and elsewhere in this code and of the department, to such public sewer; provided that no sewage shall be discharged into any such public street storm sewer. If installation of a controlled flow storm water system, in accordance with the requirements of section P110.6 of this reference standard, is necessary to make it feasible to discharge such storm water into such public sewer, the owner of the lot shall install such a system.

§2. Subdivision b of section P110.2 of reference standard RS-16 of the appendix to chapter 1 of title 27 of the administrative code of the city of New York is amended to read as follows:

(b) Disposal of storm water when public sewers are located in front of the property.-Where any new building or other substantial horizontal enlargement is to be constructed on a lot and the department determines that a public street storm sewer or public street combined sewer is located directly in front of any point of any boundary of such lot and that it would be feasible, pursuant to subdivision (j) of this section, to discharge storm water from such lot into such street storm sewer or street combined sewer, the owner of such lot shall ensure that all storm water falling or coming to rest on all impervious surfaces within such lot will be discharged to such street storm sewer or street combined sewer, *or, with the approval of the commissioner, in accordance with the provisions of section P110.13 of this reference standard.* Such discharge into a street storm sewer or street combined sewer shall be by means of building storm sewers or building combined sewers, provided that no sewage shall be discharged into a public street storm sewer. If the department determines that such street storm sewer or street combined sewer has partial capacity to receive the storm water discharged from such lot, the remainder of such storm water shall be discharged pursuant to subdivision (c) of this section.

§3. Subdivision c of section P110.2 of reference standard RS-16 of the appendix to chapter 1 of title 27 of the administrative code of the city of New York is amended by renumbering paragraphs 1 and 2 as paragraphs 2 and 3, respectively, and by adding a new paragraph 1 to read as follows:

(1) *With the approval of the commissioner, on-site disposal of storm water in accordance with the provisions of section P110.13 of this reference standard;*

§4. Paragraph 3 of subdivision c of section P110.2 of reference standard RS-16 of the appendix to chapter 1 of title 27 of the administrative code of the city of New York, as renumbered by section 3 of this local law, is amended by deleting subparagraph A and relettering subparagraphs B, C, D and E as subparagraphs A, B, C, and D, respectively and by amending paragraph 3 to read as follows:

(3) Where [paragraph] paragraphs one and two of this subdivision [does] do not apply, drainage of storm water shall be by means of:

§5. Subparagraph D of paragraph 3 of subdivision c of section P110.2 of reference standard RS-16 of the appendix to chapter 1 of title 27 of the administrative code of the city of New York, as relettered by section 4 of this local law, is amended to read as follows:

(D) Any means of drainage acceptable to the commissioner, including any combination of the means specified in subparagraphs (A), (B), and (C)[, an (D)] above. Provided, however, that over-sidewalk drains shall not be permitted. Provided, further, that the commissioner shall consult with the commissioner of environmental protection or the commissioner of transportation, as appropriate, prior to approving any such combination of means or any means of drainage not specified in this paragraph.

§6. Subdivision d of section P110.2 of reference standard RS-16 of the appendix to chapter 1 of title 27 of the administrative code of the city of New York is amended to read as follows:

(d) Points of discharge for storm water from a lot or development.-Storm water drained from a lot or development pursuant to subparagraph [(D)] (C) of paragraph [two] three of subdivision (c) of this section may be discharged into:

§7. Subdivision a of section P110.13 of reference standard RS-16 of the appendix to chapter 1 of title 27 of the administrative code of the city of New York is amended to read as follows:

(a) Stormwater, as defined in subdivision (a) of section P110.2 of this reference standard, falling on areaways 25 sq. ft. or less in area, *or greater than 25 sq. ft. in area with the approval of the commissioner,* may be leached into the ground within the areaway if the ground water is at least 2 ft. below the elevation of the areaway.

§8. Subdivision c of section P110.13 of reference standard RS-16 of the appendix to chapter 1 of title 27 of the administrative code of the city of New York is amended to read as follows:

(c) Drywells shall be the only method of on-site disposal of storm water permitted, except as provided in subdivision (a) of this section or unless an alternate method of on-site disposal is approved by the commissioner with the concurrence of the commissioner of environmental protection or the commissioner of transportation, as appropriate, pursuant to subparagraph [(E)] (D) of paragraph [two] three of subdivision (c) of section P110.2 of this reference standard. Drywells shall be constructed in accordance with the following provisions:

§9. Section P110.13 of reference standard RS-16 of the appendix to chapter 1 of title 27 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

(d) *Other methods of on-site disposal of storm water may be permitted with the authorization of the commissioner and the commissioner of environmental protection.*

§10. This local law shall take effect immediately after it is enacted into law.

Referred to the Committee on Environmental Protection.

Res. No. 580

Resolution calling upon the New York State Legislature to enact A. 11465/S.8174, an act to amend the real property actions and proceedings law, in relation to standing to commence an action to foreclose a mortgage.

By Council Members Fidler, Cabrera, Comrie, Dromm, Gentile, James, Lander, Reyna, Sanders, Seabrook, Vann, Williams, Nelson and Halloran.

Whereas, Challenging the standing of the lender making a claim in a foreclosure action is one of the primary defenses available to a homeowner and is a valuable protection from fraudulent, or improperly filed, foreclosures by entities that do not actually have the legal right to foreclose; and

Whereas, While pursuant to section 1302 of the New York State Real Property Actions and Proceedings Law, a plaintiff may affirmatively state ownership of the subject mortgage and note for which a claim is brought, the statute does not contain a specific provision relating to allowing lack of standing to be a defense that may be raised at any time during the proceeding; and

Whereas, In *HSBC Bank; USA v Dammond*, 59 AD3d 679 (2nd Dept 2009), the court ruled that since the defendant in a foreclosure action did not file a motion raising the issue of standing by the plaintiff, the respondent subsequently waived his ability to use a lack of standing claim as his defense; and

Whereas, The number of both foreclosed homes and homeowners at risk of foreclosure has grown in recent years, making it increasingly likely that a homeowner receiving a foreclosure claim from a lender would initially believe it to be legitimate and not immediately raise or utilize all of the possible defenses available; and

Whereas, Many foreclosure actions may involve a situation where the homeowner and borrower may not know who legally owns the loan and if the issue of standing is not raised by the homeowner initially in a motion to dismiss then the defense would be lost and the plaintiff may be able to foreclose on a home that the plaintiff does not have the legal right to foreclose on; and

Whereas, It should be a goal of New York State to promote home ownership and minimize foreclosures, especially those which may be improper or fraudulent; and

Whereas, A.11465/S.8174 would provide statutory clarification and ensure that homeowners are properly protected during the foreclosure process; and

Whereas, A.11465/S.8174 would provide that only the owner and holder of the mortgage and note would have standing to commence an action and that a defendant could challenge the plaintiff's lack of standing at any time during the action as part of a defense, with prior failure to raise it not considered a waiver of that defense; and

Whereas, A.11465/S. 8174 would also require that every summons and complaint to commence a foreclosure action should include an affirmative statement from the plaintiff that, at the time of the proceeding, they are the owner and holder of the note and this would be accompanied by a copy of the note, with all original endorsements, assignments and transfers; and

Whereas, The New York State Legislature should enact A.11465/S. 8174 in order to ensure that New York State homeowners do not lose their homes in foreclosure actions when the foreclosing party does not have the legal right to foreclose; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact A. 11465/S.8174, an act to amend the real property actions and proceedings law, in relation to standing to commence an action to foreclose a mortgage.

Referred to the Committee on Housing and Buildings.

Int. No. 431

By Council Members Garodnick, Arroyo, Brewer, Cabrera, Comrie, Dromm, Ferreras, Fidler, Gentile, James, Koppell, Koslowitz, Lander, Mealy, Rose, Vacca, Williams, Nelson, Halloran and Koo.

A Local Law to amend the New York city charter, in relation to requiring the department of information technology and telecommunication to publish annually a public data directory.

Be it enacted by the Council as follows:

Section 1. Chapter 48 of the New York city charter is amended by adding a new section 1076 to read as follows:

§1076. *Public data directory. a. The department shall publish annually a directory of the computerized information produced or maintained by city agencies which is required by law to be publicly accessible. Such directory shall include specific descriptions of the contents, format and methods for accessing such information, and the name, title, office address, and office telephone number of the official in each agency responsible for receiving inquiries about such information.*

b. All city agencies shall provide the department with such assistance and information as the department requires.

§ 2. This local law shall take effect immediately upon enactment.

Referred to the Committee on Technology.

Res. No. 581

Resolution calling on New York State to reduce the notification period required before the New York State Office of Child and Family Services is permitted to close a correctional facility.

By Council Members Halloran, Fidler, James, Mealy, Reyna, Rose, Seabrook, Williams, Rodriguez, Nelson and Koo.

Whereas, The Office of Children and Family Services ("OCFS") is the state agency responsible for residential and community treatment of New York's court-placed youth; and

Whereas, Seventy-six percent of youths in New York state correctional facilities are from the New York City area; and

Whereas, In September 2008, Governor David Paterson created a task force to develop a strategic blueprint for transforming the system with the goals of, among other things, reducing reliance on institutionalization, closing underutilized facilities, and reinvesting closure savings back into community alternatives to

placement; and

Whereas, Despite an estimated cost of \$200,000 annually per youth, OCFS facilities are failing to rehabilitate youth, as evidenced by the 75 percent rate of recidivism within three years of such youths' release; and

Whereas, In 2008, Governor Paterson closed five OCFS facilities and proposed reducing excess capacity by downsizing or closing several additional OCFS facilities, including the Pyramid Reception Center in Bronx, New York; and

Whereas, This proposal would produce a savings of approximately \$15 million in Fiscal Year 2012; and

Whereas, Under the New York State Correction Law ("Correction Law"), the commissioner of OCFS is required to provide notice at least 12 months prior to any facility closure; and

Whereas, The lengthy notification period delays facility closures, which results in the unnecessary staffing and operation of empty OCFS facilities; and

Whereas, An example of the negative ramifications of this policy is the Tryon Residential Center in Johnstown, New York where the juvenile facility has not held an inmate since July 2010, but continues to employ approximately 30 people in accordance with the Correction Law; and

Whereas, Governor-elect Andrew Cuomo recently stated that the state cannot continue to employ people at prisons or other public facilities if their jobs are no longer needed; and

Whereas, The state ought to amend the Correction Law by considerably reducing the notification period in order to cut operational costs at underutilized state facilities; and

Whereas, The swift closing of underutilized facilities would save New York State taxpayers millions of dollars; and

Whereas, These savings could be reinvested into alternative to placement programs where youth could receive appropriate rehabilitative services at a fraction of the cost required to place them in state run facilities; now, therefore, be it

Resolved, That the Council of the City of New York calls on New York State to reduce the notification period required before the New York State Office of Child and Family Services is permitted to close a correctional facility.

Referred to the Committee on Juvenile Justice.

Int. No. 432

By Council Members James, Brewer, Mealy, Rose, Seabrook, Williams and Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to providing paid family leave to private employees.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council hereby finds that although the federal Family and Medical Leave Act (FMLA) guarantees twelve weeks of unpaid leave to covered employees, a national study by the U.S. Department of Labor found that 78 percent of employees who needed FMLA leave did not take leave because they could not afford the unpaid time. The study also found that 37 percent of employees had to cut their leave short due to lost pay. With the average workday becoming longer, many employees are left with a decreasing amount of time to attend to their own health needs and that of their families. This law seeks to promote the health and general welfare of private employees and their families in the City of New York by providing paid family leave.

§2. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 5-A to follow chapter 5 to read as follows:

CHAPTER 5-A

FAMILY LEAVE FOR PRIVATE EMPLOYEES ACT

§22-521 *Short title.*

§22-522 *Definitions.*

§22-523 *Paid family leave for private employees.*

§22-524 *Enforcement.*

§22-525 *Policy adoption and notice requirements.*

§22-526 *Record retention.*

§22-527 *Violations and penalties.*

§22-528 *Unlawful retaliation.*

§22-529 *Construction.*

§22-530 *Collective bargaining agreements.*

§22-521 *Short title. This chapter shall be known as and may be cited as the "Family Leave for Private Employees Act".*

§22-522 *Definitions. As used in this chapter, the following terms shall have*

the following meanings:

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

b. "Domestic partner" shall mean persons who have a registered domestic partnership pursuant to section 3-240 of the administrative code, a domestic partnership registered in accordance with executive order number 123, dated August 7, 1989, or a domestic partnership registered in accordance with executive order number 48, dated January 7, 1993.

c. "Employee" shall mean an individual who is employed by a private employer and who is eligible for leave pursuant to the FMLA.

d. "FMLA" shall mean the federal Family and Medical Leave Act, 29 U.S.C. section 2601 et. seq., as amended.

e. "Leave" shall mean a leave of absence from work taken by an employee.

f. "Paid family leave" shall mean paid leave provided pursuant to the provisions of this chapter.

g. "Paid leave" shall mean leave that is paid by a private employer of an employee taking such leave, pursuant to a paid leave policy adopted by such employer.

h. "Private employer" shall mean an "employer" of one or more employees as otherwise defined in section 2611 of the FMLA, provided however, that for the purposes of this chapter, "private employer" shall not include New York state, a municipal corporation, a local governmental agency or other political subdivision of such state or a public authority.

i. "Retaliatory action" shall mean the discharge, suspension, transfer, demotion or penalization of, or the discrimination or taking of other adverse action against, an employee with respect to the terms and conditions of such employee's employment.

j. "Unpaid leave" shall mean a leave of absence that is unpaid by the employer, as permitted pursuant to section 2612(c) of the FMLA.

§22-523 Paid family leave for private employees. a. Any private employer shall provide paid leave pursuant to the provisions of this chapter, to be referred herein as paid family leave, to any employee who takes leave, and is eligible to take such leave as unpaid leave pursuant to the FMLA to care for the persons covered under the FMLA, and to any employee who takes leave to care for an adopted child, domestic partner, foster child, grandchild, grandparent, nephew, niece, parent-in-law or parent of a domestic partner, if such employee would otherwise be eligible for unpaid leave pursuant to the FMLA for the care of a different family member covered by the FMLA.

b. Such employee shall be entitled to a total of twelve work weeks of paid family leave during any 12-month period pursuant to the provisions of this chapter and the FMLA.

c. Any private employer is permitted to allow the use of accrued sick leave and/or any paid disability leave, whether pursuant to a private benefit package that said employer provides or whether pursuant to the disability laws of New York state, for the purposes of providing paid family leave pursuant to this chapter.

§22-524 Enforcement. The provisions of this chapter shall be enforced by the administering agency.

§22-525 Policy adoption and notice requirements. a. Every private employer subject to the provisions of this chapter shall adopt, implement, make known, maintain and update as necessary to reflect any changes thereto, a written paid family leave policy, which shall contain at a minimum:

1. a reasonable methodology to determine the amounts to be paid, and

2. the length of time, or reasonable methodology for determining the length of time, over which such payments shall be made.

b. Private employers shall prominently post the paid family leave policy in the workplace, and shall, within three weeks of its adoption or any modification, disseminate the policy to all employees.

c. Private employers shall supply a written copy of the paid family leave policy to all new employees when hired, and upon request to any employee or prospective employee.

d. A copy of the paid family leave policy, updated with any changes, shall be provided to the administering agency within three weeks of its adoption or any modification.

§22-526 Record retention. Employers shall keep records documenting hours worked by employees and paid family leave used by employees and shall retain such records for a period of four years, and shall allow the administering agency access to such records, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of this section. When an issue arises as to an employee's entitlement to paid family leave pursuant to this section, if the employer does not maintain or retain adequate records as required by this subdivision, or does not allow the administering agency reasonable access to such records as required by this subdivision, such actions shall raise a rebuttable presumption that the employer has violated this section.

§22-527 Violations and penalties. a. A violation of this chapter shall result in the imposition of a civil penalty to the private employer in the amount of one thousand dollars for a first violation, three thousand dollars for a second violation, and five thousand dollars for a third violation or any subsequent violation.

b. A proceeding to recover any civil penalty authorized pursuant to this chapter shall be commenced by the service of a notice of violation which may be recovered in a proceeding before a civil court of competent jurisdiction by the

administering agency.

§22-528 Unlawful retaliation. a. It shall be unlawful for any private employer to deprive or threaten to deprive any person of employment, take or threaten to take any retaliatory action against any employee, or directly or indirectly intimidate, threaten, coerce, command or influence or attempt to intimidate, threaten, coerce, command or influence any person because such person has taken an action to enforce, inquire about or inform others about the requirements of this chapter.

b. The private employer shall establish a procedure to provide for the adequate redress of any retaliatory adverse personnel action taken against an employee in retaliation for that employee's attempt to exercise his or her rights under this chapter with respect to inquiring about, requesting or using paid family leave.

§22-529 Construction. a. Nothing in this chapter shall be construed to preempt, limit or otherwise affect the applicability of any other law, rule or regulation, or to create any power or duty in conflict with any federal or state law, nor shall anything in this chapter be construed to prevent private employers from adopting or retaining leave policies that are more generous than policies that comply with this chapter.

b. Nothing in this chapter shall be construed as requiring an employer to provide financial or other reimbursement to an employee under any circumstances including, but not limited to, an employee's termination, resignation, retirement, or other separation from employment, for accrued paid family leave that has not been used.

§22-530 Collective bargaining agreements. Nothing in this chapter shall be construed to diminish or impair the rights and obligations of an employee or private employer under any valid collective bargaining agreement.

§3. If any subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall remain in full force and effect.

§4. This local law shall take effect on May 1, 2011, provided that the commissioner may promulgate any rules necessary for implementing and carrying out the provisions of this local law prior to such effective date.

Referred to the Committee on Civil Service and Labor.

Res. No. 582

Resolution calling upon the Metropolitan Transportation Authority to unlock doors between cars on New York City subway trains.

By Council Members James, Cabrera, Chin, Foster, Seabrook and Williams.

Whereas, The Metropolitan Transportation Authority (MTA) enacted a rule in 2005, which states that "No person may use the end doors of a subway car to pass from one subway car to another except in an emergency or when directed to do so by an Authority conductor or a New York City police officer;" and

Whereas, This rule was enacted in order to ensure the safety of subway riders, especially during a time when the threat of terrorism has significantly heightened; and

Whereas, The MTA also claims that these doors are locked to prevent passenger injuries or fatalities as a result of falling between subway cars, however, passenger injuries or fatalities are extremely rare according to the New York Times; and

Whereas, The MTA New York City Transit website states that most subway accidents result from slips, trips, and falls on stairways when someone is in a rush; and

Whereas, Although the MTA made the decision to lock the end doors of a subway car for the purpose of protecting the public, locking these doors might serve as a detriment to public safety because passengers would not be able to escape in the event of an emergency or any other potentially dangerous situation in which one's safety might be threatened, especially during non-rush hours; and

Whereas, Passengers, particularly women, fear being trapped in a locked car with a suspicious individual that may pose a threat to them; and

Whereas, When passengers believe that they are left with no option other than to ride a train and wait for it arrive at the next station stop before they can exit a car in which they feel vulnerable, the policy of locking the end doors of a subway car should be reconsidered; and

Whereas, There is no guarantee that in any serious emergency, train personnel will be alive, uninjured or otherwise readily available to assist in an evacuation; and

Whereas, Given these circumstances, it is imperative for the MTA to unlock all doors between subway cars on all transit lines operating in New York City to ensure that all passengers are able to escape from a dangerous or compromised car to a safe one, or to have the ability to leave a subway train entirely to get to the tracks and tunnels, if necessary; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Metropolitan Transportation Authority to unlock doors between cars on New York City subway trains.

Referred to the Committee on Transportation.

Int. No. 433

By Council Members Koppell, Arroyo, Brewer, Cabrera, Chin, Dromm, Fidler, Gentile, James, Koslowitz, Mark-Viverito, Mealy, Nelson, Rose, Sanders, Seabrook, Williams, Foster, Jackson, Barron, Lander, Rodriguez, Mendez, Van Bramer, Greenfield, Vann, Gonzalez, Levin, Rivera, Reyna and Halloran.

A Local Law to amend the administrative code of the city of New York, in relation to requiring that any new taxicab design, approved by the taxi and limousine commission, be accessible to wheelchair users.

Be it enacted by the Council as follows:

Section 1. Chapter five of title 19 of the administrative code of the city of New York is amended by adding a new section 19-538 to read as follows:

§ 19-538. *Design requirements a. For the purposes of this section, the following term shall be defined as follows:*

“Wheelchair accessible” shall mean a vehicle which is designed to be able to transport persons in wheelchairs.

b. No new taxicab design shall be approved by the commission for use in New York city, unless the taxicab as designed is wheelchair accessible.

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

Referred to the Committee on Transportation.

Int. No. 434

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Seabrook, Williams and Greenfield.

A Local Law to amend the administrative code of the city of New York, in relation to reducing the maximum fine amount for violations of vending regulations.

Be it enacted by the Council as follows:

Section 1. Paragraph four of subdivision b of section 17-325 of the administrative code of the city of New York is amended to read as follows:

4. For any subsequent violations within a period of two years of the date of a first violation, a fine of not [less] *more* than two hundred fifty dollars [nor more than one thousand dollars].

§2. Subparagraph d of paragraph 2 of subdivision c of section 17-325 of the administrative code of the city of New York is amended to read as follows:

(d) For any subsequent violations within a period of two years of the date of a first violation, a penalty of not [less] *more* than two hundred fifty dollars [nor more than one thousand dollars].

§3. Paragraph four of subdivision b of section 20-472 of the administrative code of the city of New York is amended to read as follows:

4. For any subsequent violations within a period of two years of the date of a first violation, a fine of not [less] *more* than two hundred *fifty* dollars [nor more than one thousand dollars].

§4. Subparagraph d of paragraph 2 of subdivision c of section 20-472 of the administrative code of the city of New York is amended to read as follows:

(d) For any subsequent violations within a period of two years of the date of a first violation, a penalty of not [less] *more* than two hundred fifty dollars [nor more than one thousand dollars].

§5. This local law shall take effect ninety days after is shall have been enacted into law.

Referred to the Committee on Consumer Affairs.

Int. No. 435

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Williams and Greenfield.

A Local Law to amend the administrative code of the city of New York, in relation to defining unrelated violations of vending rules and regulations as separate offenses.

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 17-325 of the administrative code of the city of New York is amended to read as follows:

b. Except as provided in subdivision a of this section, a person who violates any provision of this subchapter or any of the rules or regulations promulgated hereunder shall be guilty of an offense punishable by the court as follows:

1. For the first violation, a fine of not less than twenty-five nor more than fifty dollars.

2. For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than fifty dollars nor more than one hundred dollars.

3. For a third violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than one hundred dollars nor more than two hundred and fifty dollars, in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.

4. For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than two hundred fifty dollars nor more than one thousand dollars.

§2. Paragraph 2 of subdivision c of section 17-325 of the administrative code of the city of New York is amended to read as follows:

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than subdivision a, b, or c of section 17-307 of this subchapter, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of not less than twenty-five nor more than fifty dollars.

(b) For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than fifty dollars nor more than one hundred dollars.

(c) For the third violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than one hundred dollars nor more than two hundred and fifty dollars, in addition to the remedy provided for in subdivision f of section 17-317 of this subchapter.

(d) For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than two hundred fifty dollars nor more than one thousand dollars.

§3. Subdivision b of section 20-472 of the administrative code of the city of New York is hereby amended to read as follows:

b. Except as provided in subdivision a of this section, a person who violates any provision of this subchapter or any of the rules or regulations promulgated hereunder shall be guilty of an offense punishable by the court as follows:

1. For the first violation, a fine of not less than twenty-five nor more than fifty dollars.

2. For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than fifty dollars nor more than one hundred dollars.

3. For a third violation *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than one hundred dollars nor more than two hundred and fifty dollars.

4. For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a fine of not less than two hundred *fifty* dollars nor more than one thousand dollars.

§4. Paragraph 2 of subdivision c of section 20-472 of the administrative code of the city of New York is amended to read as follows:

2. In addition to the penalties prescribed by subdivision b of this section, any person who violates any of the provisions of this subchapter, other than section 20-253, or any of the rules and regulations promulgated hereunder shall be liable for a civil penalty as follows:

(a) For the first violation, a penalty of not less than twenty-five nor more than fifty dollars.

(b) For the second violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than fifty dollars nor more than one hundred dollars.

(c) For the third violation *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than one hundred dollars nor more than two hundred and fifty dollars.

(d) For any subsequent violations *issued for the same offense* within a period of two years of the date of a first violation, a penalty of not less than two hundred fifty dollars nor more than one thousand dollars.

§5. This local law shall take effect one hundred twenty days after it shall have been enacted into law; provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules.

Referred to the Committee on Consumer Affairs.

Int. No. 436

By Council Members Mendez, James, Brewer, Chin, Dromm, Lander, Mark-Viverito, Seabrook, Vann, Williams, Jackson, Rodriguez, Nelson and Arroyo.

A Local Law to amend the administrative code of the city of New York, in relation to the alternative enforcement program.

Be it enacted by the Council as follows:

Section 1. Subdivisions c, d, e, g, i, j, k, l, n and v of section 27-2153 of the administrative code of the city of New York, as added by local law number 29 for the year 2007, are amended to read as follows:

c. (1) In the fourth year and each succeeding of such program the department shall identify no fewer than two hundred different distressed buildings for participation in the alternative enforcement program. The criteria used to identify distressed buildings in such years shall be:

(i) [twenty-five or more open hazardous or immediately hazardous violations which were issued by the department within the two-year period prior to identification of the building for such program; and

(ii) *in a multiple dwelling that contains not less than three and not more than nineteen units, a ratio of open hazardous and immediately hazardous violations which were issued by the department within the two-year period prior to such identification that [equal] equals in the aggregate five or more such violations for every dwelling unit in the multiple dwelling[;], and in a multiple dwelling that contains not less than twenty units, a ratio of open hazardous and immediately hazardous violations which were issued by the department within the two-year period prior to such identification that equals in the aggregate three or more such violations for every dwelling unit in the multiple dwelling; and*

(iii) *(i) paid and unpaid emergency repair charges, including liens, which were incurred within the two-year period prior to such identification [in a ratio], of [one hundred] two thousand five hundred or more dollars [for each dwelling unit in the multiple dwelling, whether or not such charges have been paid or liens satisfied] in a multiple dwelling that contains not less than three and not more than nineteen units, and paid and unpaid emergency repair charges, including liens, which were incurred within the two-year period prior to such identification, of five thousand or more dollars in a multiple dwelling that contains twenty or more units.*

(2) *Notwithstanding the provisions of paragraph one of this subdivision, in the sixth year of such program, and for each succeeding year, the department shall identify no fewer than two hundred different distressed buildings for participation in the alternative enforcement program and may by rule revise criteria related to the ratio of open hazardous and immediately hazardous violations per dwelling unit and the amount or ratio per dwelling unit of paid and unpaid emergency repair charges which must exist for a building to qualify for participation in the program.*

d. For the purposes of subdivisions a[, and b[, and c] of this section, those buildings having the highest aggregate ratio of open hazardous and immediately hazardous violations for every dwelling unit shall be the buildings identified first for participation in the program. *For the purposes of subdivision c of this section, those buildings having the highest amount of paid and unpaid emergency repair charges and liens incurred within the two-year period prior to identification shall be the buildings identified first for participation in the program.*

e. Notwithstanding the criteria set forth in subdivisions a, b, and c of this section, a building that is currently the subject of an in rem foreclosure action by the city, *or that was the subject of an in rem foreclosure judgment in favor of the city and that was transferred by the city to a third party pursuant to section 11-412.1 of the code within the prior five years, or that is currently the subject of a court order appointing or a proceeding brought by the department seeking the appointment of an administrator pursuant to article 7-A of the real property actions and proceedings law, shall not be included in the alternative enforcement program.*

g. The department shall within thirty days of [the effective date of this article] *identifying distressed buildings for participation in the alternative enforcement program* provide written notification to the owner of any building identified for participation in the alternative enforcement program, the occupants of such building and the council member in whose district the building is located, that such building is subject to the requirements of such program and the requirements of this article. *The department shall simultaneously provide to such owner information about the best practices for correcting violations related to mold and vermin when such violations are applicable to such multiple dwelling.*

i. (i) The owner of a building that is identified for participation in the alternative enforcement program shall be required to respond in writing to the notification provided pursuant to subdivision g of this section whether he or she intends to correct the existing violations of this code and the multiple dwelling law in such building. Such owner shall correct the existing violations of this code and the multiple dwelling law in such building no later than four months after written notification by the department pursuant to subdivision g of this section, provided, however, that the original correction date for any violation issued in such building shall not be deemed to be changed or postponed by such notification. Nothing in this subdivision shall preclude the department from determining after such identification that the provisions of subdivision k may be immediately implemented. Where such owner believes that such violations have been corrected, such owner shall request a

reinspection of such violations for dismissal by the department. The process to request a reinspection and dismissal of such violations shall be prescribed in rules promulgated by the department. The department shall perform a reinspection within sixty days of receipt of a request for such reinspection by the owner and upon completion of such reinspection the department shall assess whether such owner has substantially complied with the requirements of this subdivision. The department shall issue a notice of violation for any new violation observed in the course of such reinspection. After completion of such reinspection, the department shall within twenty days provide a written determination to such owner. For the purposes of this subdivision, "substantial compliance" shall mean that at the time of reinspection by the department, all violations relating directly to providing heat and hot water *and all immediately hazardous violations related to mold, eighty percent of all hazardous violations related to mold, [and] eighty percent of all vermin violations and eighty percent of all other open hazardous and immediately hazardous violations* have been determined by the department to have been corrected. *A violation relating to mold shall only be deemed corrected if the violation has been corrected in accordance with paragraph ii of this subdivision and a violation relating to vermin shall only be deemed corrected if such violation has been corrected in accordance with paragraph iii of this subdivision.*

(ii) *With respect to mold violations, the owner of a building participating in the alternative enforcement program shall correct such violations by investigating and correcting identified moisture problems prior to or as part of the mold removal work; informing building occupants about commencement of mold removal work; providing building occupants with a copy of the department of health and mental hygiene's brochure about mold and requiring occupants to leave the work area before work begins; removing, or securely covering with plastic sheeting, any difficult-to-clean surfaces or items in the immediate work area before mold removal work begins; ensuring that all mold removal work is done in a manner that minimizes the dispersion of dust and debris from the work area into other parts of the dwelling; removing and throwing away porous materials that contain mold growth and that cannot be cleaned, or materials that are saturated with water and that cannot be dried; discarding any plastic sheeting, materials with mold growth, and used sponges, mop heads and cleaning cloths in sealed heavy-duty plastic bags; cleaning any remaining visible dust from the mold removal work using wet cleaning methods or by HEPA-vacuuming and cleaning mold growth with soap or detergent and water, not bleach or other biocide solutions. When such mold removal work has been completed, such owner shall document all corrective actions taken for identifying and repairing moisture sources and mold removal work methods that were used, inform occupants of the building that if mold growth or moisture recurs they should inform the building owner, and shall provide a certification to the department that such actions have been taken.*

(iii) *With respect to vermin violations, the owner of a building participating in the alternative enforcement program shall correct such violations by informing building occupants about the commencement of pest management treatment and providing occupants with a copy of the department of health and mental hygiene's brochure on controlling pests safely; requesting that occupants support the pest management treatment by preparing the kitchen, bathroom and other areas as needed and requesting that occupants be available to listen to advice on how to maintain pest-free conditions, including clean up, food storage, managing garbage, selecting safer pest control products, and avoiding pesticide sprays and foggers. Such owner shall also address such violations by utilizing pesticide applications or devices that are gel formulated, that have containerized cockroach bait with active ingredients fipronil, hydramethylnon or other ingredients approved by the department of health and mental hygiene, that have a containerized bait station for the control of rodents with rodenticide formulations approved by the department of health and mental hygiene, boric acid applied to wall and floor cavities and within crevices or sticky traps for insect control, non-child-accessible snap-traps for rodent control or other applications or devices as needed to stem particularly heavy infestation or in non-habitated spaces, as approved by the department of health and mental hygiene. A HEPA-vacuum shall be utilized in kitchens and bathrooms, including in cracks, crevices and appliances in such rooms. An owner shall also caulk and seal small holes less than four inches in diameter; cracks and crevices in or in between walls, cabinets, floors; and in other locations where vermin may gain access. When appropriate for infestation, an owner may place boric acid in wall cavities (where accessible), in cracks and crevices and place rodent glue traps and insecticide cockroach bait stations and/or gel in appropriate locations. When such pest management work has been completed, such owner shall document all corrective actions taken to address vermin violations including work methods and products used, provide information to occupants of the building about ways to control pests safely, inform building occupants that they should report recurrent or persistent pest problems to the owner, and provide a certification to the department that such actions have been taken. In addition, for a multiple dwelling in which vermin infestation is indicated, the owner of such multiple dwelling shall submit a pest management plan indicating continuing pest control measures to the department of health and mental hygiene for approval which must be approved by such department prior to the discharge of such building from the program.*

j. (i) Where an owner has received a written determination by the department that he or she has substantially complied with the requirements of subdivision i of this section, such owner shall pay to the department all outstanding charges, including liens, for emergency repair work performed by the department in such building that are due, if any, *or shall enter into an agreement with the department of finance to pay such charges and liens, and shall register the building in accordance with article two of subchapter four of chapter two of this title if the building is not validly registered. Upon such payment, or execution of such an agreement, and valid registration, where applicable, the department shall notify the*

owner, the occupants in such building and the council member in whose district such building is located that the building has been discharged from participation in the alternative enforcement program, provided, however, that the department shall continue to monitor the building to ensure continued compliance with this code. Such monitoring shall be performed not less often than every three months for a period of at least one year with special consideration given to any uncorrected immediately hazardous violations.

(ii) Except as provided in subdivision l of this section, the failure by an owner to substantially comply with the provisions of subdivision i of this section, or pay all outstanding charges, including liens, for emergency repair work, if any, or enter into an agreement with the department of finance to pay such charges and liens, or validly register the building in accordance with article two of subchapter four of chapter two of this title, where applicable, shall result in the building remaining in the alternative enforcement program, and such building shall continue to be subject to the fees and other requirements applicable to such program. Upon such failure, the department shall notify such owner that the building has not been discharged from the alternative enforcement program.

k. (i) The department shall perform a building-wide inspection of a building that is subject to the requirements of the alternative enforcement program if: (1) the owner has been notified that such building has not been discharged from the program pursuant to subdivision i of this section, or (2) the owner has failed to respond to written notification by the department in accordance with subdivision g of this section. Such building-wide inspection shall be commenced no later than thirty days after notice is given to the owner pursuant to paragraph ii of subdivision j of this section. After such building-wide inspection is completed, the department shall issue an order to such owner to correct existing violations of this code and the multiple dwelling law and any new violations written since the notification of the owner in accordance with subdivision g of this section and repair the related underlying conditions as shall be specified in such order, *provided, however, that if such inspection does not indicate that any building systems must be repaired or replaced, the order may be limited to requiring the owner to correct violations of this code and the multiple dwelling law and any physical defects.* Such building-wide inspection shall be completed and such order issued within ninety days of commencement of the building-wide inspection. Such order shall be filed in the office of the county clerk in the county in which the building is located. For purposes of this article, a "related underlying condition" shall mean a physical defect or failure of a building system that is causing or has caused a violation, such as, but not limited to, a structural defect, or failure of a heating or plumbing system.

(ii) The department shall: (1) within thirty days of the filing of such order prepare a scope of work necessary to correct the violations and repair the related underlying conditions as are specified in such order; (2) cause repair work to be commenced and expeditiously completed unless there are circumstances beyond the control of the department such as: the inability to obtain access to the building or any part thereof necessary for the making of such repairs in which case the repairs related to the portion of the building to which access could not be obtained may be delayed until access is obtained; or the inability to obtain necessary legal approvals, materials or labor; or [for so long as] there is ongoing litigation with respect to the building that prevents such work from being performed by the department; or the owner undertakes the repair work in a manner that is satisfactory to the department; or commencement or completion of the work is not practicable because a vacate or similar order has been issued by the department or any city agency and/or the cost of performing work necessary for restoring the building pursuant to the order is economically infeasible; and (3) monitor repair work as it is performed in accordance with subdivision m of this section. For the purposes of this subdivision, "economically infeasible" shall mean a determination by the department that the cost of repairing a particular building exceeds the anticipated market value of such building after all repairs have been completed. However, any determination by the department that, for the purposes of this subdivision, repairs to a particular building would be economically infeasible for the department to undertake, shall not take into consideration the owner's conduct with respect to the building.

(iii) *Where the department undertakes any work to address vermin violations in any multiple dwelling the department shall perform such work in accordance with paragraph iii of subdivision i of this section and shall require the owner of such multiple dwelling to submit a pest management plan indicating continuing pest control measures to the department of health and mental hygiene for approval which must be approved by such department prior to the discharge of such building from the program.*

l. The owner or managing agent or other designated representative of a building which is the subject of an order by the department pursuant to subdivision k of this section [shall] *may* be required to participate in a course of training relating to building operation and maintenance, approved by the department[, prior to discharge of the building from the alternative enforcement program].

n. The department may discharge from the alternative enforcement program a building for which an order has been issued pursuant to subdivision k of this section upon: (1) substantial compliance, (2) payment of fees, (3) payment to the department of all outstanding emergency repair charges, including liens, or entry into an agreement with the department of finance to pay such charges and liens, and (4) registration of such building in accordance with article two of subchapter four of chapter two of this title or such other criteria as may be established by rule which are not inconsistent with any of the provisions of this article as are applicable. *The department may also discharge from the alternative enforcement program any building for which an administrator is appointed pursuant to article 7-A of the real property actions and proceedings law during the time period that such building is participating in the program; any building that is vacant for one year or more; any building that becomes the subject of an in rem foreclosure judgment in favor of the*

city or that is transferred by the city to a third party pursuant to section 11-412.1 of the code; and any building in which the department has completed any work or monitoring required under subdivision k of this section. Where the department determines to discharge a building from such program, it shall provide a written determination to the owner, the occupants of such building and the council member in whose district such building is located and shall file in the office of the county clerk in the county in which such building is located, a rescission of the order issued pursuant to subdivision k of this section, *where such order has been issued.* For the purposes of this subdivision, "substantial compliance" shall mean that at the time of reinspection by the department, all violations relating directly to providing heat and hot water and all immediately hazardous violations related to mold, eighty percent of all hazardous violations related to mold, [and] eighty percent of all vermin violations and eighty percent of all other open hazardous and immediately hazardous violations and the related underlying conditions, have been determined by the department to have been corrected. *A violation relating to mold shall only be deemed corrected if the violation has been corrected in accordance with paragraph ii of subdivision i of this section and a violation relating to vermin shall only be deemed corrected if such violation has been corrected in accordance with paragraph iii of subdivision i of this section and when applicable paragraph iii of subdivision k of this section.*

v. No later than [four years after such program begins] *July 31, 2012 and every two years thereafter* the department shall conduct a study to evaluate the effectiveness of the alternative enforcement program. Such study shall examine, but shall not be limited to examining, the following:

(1) the program's cost effectiveness, including the amount of fees collected;

(2) whether the criteria established pursuant to subdivisions a, b or c of this section were appropriate and if not, how they should be adjusted; [and]

(3) whether the monitoring undertaken by the department is appropriate and if not, what modifications should be made[.];

(4) *an evaluation of the use of the work practices identified in paragraph ii of subdivision i of this section to address mold conditions including the reoccurrence of mold;*

(5) *for those multiple dwellings in which a building-wide inspection was conducted an assessment of whether mold was identified in such multiple dwellings and whether the criteria for the issuance of a violation for mold should be revised or enhanced as a result;*

(6) *an evaluation of the use of the work practices identified in paragraph iii of subdivision i of this section to address vermin infestation;*

(7) *information on the compliance levels achieved by multiple dwellings which remain in the program for failure to achieve substantial compliance and recommendations on how to achieve higher compliance levels for those multiple dwellings; and*

(8) *for those multiple dwellings that were discharged from the program, information on the number of such buildings that were able to correct all identified violations prior to discharge or that were able to achieve a higher compliance level than required by this program in order to be discharged and an assessment of why such buildings were able to achieve such results.*

Such study shall also include recommendations as to whether the program should be continued or modified in any way and the reasons therefore. [Such study shall be incorporated into a report required by subdivision s of this section.]

§2. Notwithstanding any provision of chapter 45 of the New York city charter or any other provision of law to the contrary, prior to adopting rules to revise criteria related to the ratio of open hazardous and immediately hazardous violations per dwelling unit and the amount or ratio per dwelling unit of paid and unpaid emergency repair charges which must exist for a building to qualify for participation in the program pursuant to paragraph two of subdivision c of section 27-2153 of the administrative code of the city of New York, the department shall publish the full text of the proposed rule in the city record at least ninety days prior to the date set for a public hearing to be held pursuant to the requirements of subdivision d of section 1043 of the New York city charter or the final date for receipt of written comments, whichever is earlier. In addition, at the time of such initial publication, the department shall provide to the council, each council member, each community board and to housing preservation groups including the housing preservation initiative, notice and information about the proposed revised criteria along with an explanation of why such revisions are needed and shall make such proposed rule, notice and information available on the department's website.

§3. This local law shall take effect on January 31, 2011 provided, however, that the commissioner of housing preservation and development shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 437

By Council Members Recchia, Comrie, Koslowitz, Nelson, Seabrook, Rose and Koo (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended in seven business improvement districts.

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-422.1 of the administrative code of the city of New York, as amended by local law number 61 for the year 2007, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Times Square business improvement district beginning on July 1, [2007] 2010, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [ten million four hundred thousand dollars (\$10,400,000)] *eleven million six hundred eighty-five thousand four hundred forty dollars (\$11,685,440)*.

§2. Subdivision a of section 25-431.1 of the administrative code of the city of New York, as amended by local law number 61 for the year 2007, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fifth Avenue Association business improvement district beginning on July 1, [2007] 2010, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two million five hundred sixty-two thousand dollars (\$2,562,000)] *two million seven hundred fifteen thousand seven hundred twenty dollars (\$2,715,720)*.

§3. Subdivision a of section 25-432.1 of the administrative code of the city of New York, as amended by local law number 61 for the year 2007, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fashion Center business improvement district beginning on July 1, [2007] 2010, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [five million dollars (\$5,000,000)] *five million seven hundred fifty thousand dollars (\$5,750,000)*.

§4. Subdivision a of section 25-434 of the administrative code of the city of New York, as amended by local law number 56 for the year 2006, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Hub Third Avenue business improvement district beginning on July 1, [2006] 2010, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [four hundred thousand nine hundred twenty-seven dollars (\$400,927)] *four hundred fifty thousand nine hundred twenty-seven dollars (\$450,927)*.

§5. Subdivision a of section 25-437.1 of the administrative code of the city of New York, as amended by local law number 93 for the year 2009, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the 125th Street business improvement district beginning on July 1, [2009] 2010, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [eight hundred forty-two thousand one hundred twenty-six dollars (\$842,126)] *eight hundred sixty-seven thousand three hundred ninety dollars (\$867,390)*.

§6. Subdivision a of section 25-459 of the administrative code of the city of New York, as amended by local law number 60 for the year 2008, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Brighton Beach business improvement district beginning on July 1, [2008] 2010, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one hundred ninety thousand dollars (\$190,000)] *two hundred twenty thousand dollars (\$220,000)*.

§7. Subdivision a of section 25-466.1 of the administrative code of the city of New York, as amended by local law number 61 for the year 2007, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Myrtle Avenue Brooklyn

business improvement district beginning on July 1, [2007] 2010, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [three hundred fifty thousand dollars (\$350,000)] *four hundred twenty-five thousand dollars (\$425,000)*.

§8. This local law shall take effect immediately and shall be retroactive to and deemed to have been in full force and effect as of July 1, 2010.

Referred to the Committee on Finance.

Res. No. 583

Resolution concerning the increase in the annual expenditure for the Times Square, the Fifth Avenue Association, the Fashion Center, the HUB Third Avenue, the 125th Street, the Brighton Beach, and the Myrtle Avenue Brooklyn Business Improvement Districts, and the setting of the date, time and place for the hearing of the local law increasing the annual expenditure for such districts.

By Council Member Recchia.

Whereas, pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law") the City established the Times Square, the Fifth Avenue Association, the Fashion Center, the HUB Third Avenue, the 125th Street, the Brighton Beach, and the Myrtle Avenue Brooklyn Business Improvement Districts in the City of New York; and

Whereas, pursuant to Local Law No. 82 for the year of 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

Whereas, pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

Whereas, the seven Business Improvement Districts wish to increase the amount to be expended annually beginning on July 1, 2010 as follows: Times Square, \$11,685,440; Fifth Avenue Association, \$2,715,720; Fashion Center, \$5,750,000; HUB Third Avenue, \$450,927; 125th Street, \$867,390; Brighton Beach, \$220,000; and Myrtle Avenue Brooklyn, \$425,000.

Whereas, pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the districts specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

RESOLVED, that the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

(i) _____ is the date and the City Council Hearing Room, 16th floor, 250 Broadway, Manhattan is the place and _____ is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation, which would increase the amount to be expended annually in the seven Business Improvement Districts; and

(ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Associations of the Times Square, the Fifth Avenue Association, the Fashion Center, the HUB Third Avenue, the 125th Street, the Brighton Beach, and the Myrtle Avenue Brooklyn Business Improvement Districts are hereby authorized to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the increase in the amount to be expended annually in each of the seven Business Improvement Districts.

Referred to the Committee on Finance.

Res. No. 584

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.4374, which would prohibit cellular towers or related equipment within five hundred feet of a school building in New York City.

By Council Members Vallone Jr., Gentile, James, Lappin, Mealy, Rose, Sanders, Vacca, Williams, Greenfield, Rodriguez, Oddo and Ulrich.

Whereas, Cell phone towers consist of electronic equipment and antennas that receive and transmit radiofrequency (RF) signals; and

Whereas, According to the United States Federal Communications Commission, the regulatory body with oversight over communications equipment, the amount of RF energy that an individual may be exposed to from cell towers is thousands of times less than the safe level for exposure; and

Whereas, Yet, many individuals have expressed concern that the proliferation of new cell towers and exposure can result in adverse health conditions, particularly among children; and

Whereas, Many are concerned that the impact of even low-level exposure to RF energy may affect children differently than adults, given the fact that their bodies are still developing and their immune systems are not as effective; and

Whereas, There have been some studies which have suggested a link between exposure to RF radiation and adverse health events, including tumor formation, cancer and cognitive defects in children; and

Whereas, Additionally, many of the studies state that there are no health effects related to low level RF exposure, yet, these same studies also acknowledge limitations to the analyses and the need for further research; and

Whereas, Due to this, parents have resisted the proliferation of cell phone towers, particularly in close proximity to schools and other areas where children gather; and

Whereas, Recent examples throughout New York City, include parent protest of cell towers near schools in Bay Ridge, Brooklyn, Astoria, Queens and Huguenot, Staten Island; and

Whereas, Parents have formed coalitions, including Families for Appropriate Cell Towers Siting, to attempt to persuade individual cell phone companies to choose alternative locations; and

Whereas, Yet, the cell phone companies are still entering into agreements with private landowners to place the cell towers on their properties, and members of the communities do not have any way to restrict the siting of cell towers near the schools; and

Whereas, Assembly Member Hyer-Spencer introduced A.4374, which would regulate the placement of cellular towers or antennas near school facilities in New York City; and

Whereas, This legislation would bar the placement of cellular towers or support structures (including antennas, transmitting, receiving and combining equipment, equipment shelters, transmission cables, and back-up power sources) within five hundred feet of a school building; and

Whereas, According to the legislation's sponsors, given the ongoing controversy over whether cellular towers pose health hazards, due to exposure to radio frequency electromagnetic radiation, this legislation strives to protect children; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.4374, which would prohibit cellular towers or related equipment within five hundred feet of a school building in New York City.

Referred to the Committee on Health.

Res. No. 585

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.4255, authorizing the New York State Departments of Health and Environmental Conservation to commission a study on the effects of exposure to long-term, low radiation emissions from cellular phone antennas on human beings, specifically adolescents.

By Council Members Vallone Jr., Comrie, Fidler, Gentile, James, Lappin, Nelson, Rose, Sanders, Vacca, Williams, Rodriguez, Halloran, Koo, Oddo and Ulrich.

Whereas, Cell phone towers consist of electronic equipment and antennas that receive and transmit radiofrequency (RF) signals; and

Whereas, RF waves are a form of energy in the electromagnetic spectrum between FM radio waves and microwaves; and

Whereas, At very high levels RF rays can heat up body tissue, yet the level of energy used by cell phones and towers are significantly lower; and

Whereas, According to the United States Federal Communications Commission, the regulatory body with oversight over communications equipment, the amount of RF energy that an individual may be exposed to from cell towers is thousands of times less than the safe level for exposure; and

Whereas, Yet, many individuals have expressed concern that the proliferation of new cell towers and exposure can result in adverse health conditions, particularly among children; and

Whereas, There have been some studies which have suggested a link between exposure to RF radiation and adverse health events, including tumor formation and

cancer; and

Whereas, Additionally, many of the studies state that there are no health effects related to low level RF exposure, yet, these same studies also acknowledge limitations to the analyses and the need for further research; and

Whereas, A.4255, sponsored by Assembly Member Colton, would authorize the Department of Health and Environmental Conservation to commission a study on the effects of long-term, low radiation emissions from cellular phone antennas on human beings; and

Whereas, Particularly, this study would focus on the physical and mental development of adolescents; and

Whereas, According to the sponsors, given the proliferation of cell antennas in New York City, more must be done to ensure that individuals are safe from exposure to low levels of radio frequency energy; and

Whereas, Additionally, the sponsors state that there is a need for government study on this issue, as the scientific data on cell towers comes predominantly from industry representatives leading the sponsors to question its legitimacy; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.4255, authorizing the New York State Departments of Health and Environmental Conservation to commission a study on the effects of exposure to long-term, low radiation emissions from cellular phone antennas on human beings, specifically adolescents.

Referred to the Committee on Health.

Res. No. 586

Resolution calling on the Port Authority of New York and New Jersey to reenter into negotiations with St. Nicholas Greek Orthodox Church in an effort to have the church rebuilt after being destroyed in the September 11, 2001 terrorist attacks.

By Council Members Vallone Jr., Comrie, Fidler, Vacca, Halloran and Oddo.

Whereas, On September 11, 2001, a horrific terrorist attack upon the World Trade Center (WTC) in lower Manhattan resulted in tremendous loss of life and destroyed the Twin Towers along with other large office buildings in lower Manhattan; and

Whereas, St. Nicholas Greek Orthodox Church (St. Nicholas Church), founded in 1916 by Greek immigrants, was located at 155 Cedar Street across from the South Tower and was completely destroyed on September 11, 2001; and

Whereas, St. Nicholas Church not only served its parishioners, but served as a spiritual place for residents, workers and visitors in lower Manhattan; and

Whereas, The WTC Master Plan approved in 2005 includes development of a Vehicle Security Center which would be constructed on the land where St. Nicholas Church stood before the September 11, 2001 terrorist attacks; and

Whereas, Negotiations between St. Nicholas Church and the Port Authority of New York and New Jersey (Port Authority) pertaining to the new location, size and funding for construction of a new St. Nicholas Church have been ongoing over the last few years without reaching a land deal for the new church; and

Whereas, In July 2008, the Port Authority and St. Nicholas Church reached a tentative agreement that allowed a new church to be rebuilt on a portion of the parcel occupied by 130 Liberty Street, near the WTC site, while St. Nicholas Church's former location at 155 Cedar Street, would be conveyed to the Lower Manhattan Development Corporation (LMDC); and

Whereas, LMDC would transfer 155 Cedar Street, 140 Liberty Street and a portion of 130 Liberty Street to the Port Authority to construct the Vehicle Security Center; and

Whereas, Under the agreement, the Port Authority would pay St. Nicholas Church \$20 million to rebuild the church, and an additional \$20 million to construct the infrastructure needed to support the church on top of the Vehicle Security Center; and

Whereas, According to an article in the *New York Times* dated March 18, 2009, the agreement between the Port Authority and St. Nicholas Church never came to a resolution; and

Whereas, The above-referenced article reported that the Port Authority stated that St. Nicholas Church wanted more money than what was offered by the Port Authority, further delaying construction of the Vehicle Security Center and leading the Port Authority to end negotiations with St. Nicholas Church; and

Whereas, The above-referenced article also reported that the Port Authority limited the size of the new St. Nicholas Church and would not provide the plans for the Vehicle Security Center for St. Nicholas Church's review, and in addition, St. Nicholas Church wanted the full \$20 million provided by the Port Authority in one payment rather than in stages; and

Whereas, St. Nicholas Church still holds the right to rebuild on its original location; and

Whereas, Although the Port Authority and St. Nicholas Church have not reached a final agreement, and have not even discussed the matter in over a year, both entities are believed to be willing to reach an agreement; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Port Authority of New York and New Jersey to reenter into negotiations with St. Nicholas Greek Orthodox Church in an effort to have the church rebuilt after being destroyed in the September 11, 2001 terrorist attacks.

Referred to the Committee on Lower Manhattan Redevelopment.

Res. No. 587

Resolution calling on the New York State Legislature to pass legislation that would make stalking by technological means illegal and increase the penalties for such acts.

By Council Members Vallone Jr., Cabrera, Comrie, Ferreras, Fidler, Foster, Gentile, Koppell, Lander, Rose, Sanders, Vacca, Williams, Nelson and Halloran.

Whereas, The Stalking Resource Center at the National Center for Victims of Crime defines stalking as “a course of action directed at a specific person that would cause a reasonable person to feel fear;” and

Whereas, The incidence of stalking by technological means is growing at a dangerous and alarming rate throughout the country, inducing terror in victims and, in some cases, escalating to face-to-face encounters and physical violence; and

Whereas, Stalking by technological means can involve the use of electronic monitoring, which includes illegal wiretapping, global positioning systems, video surveillance and computer spyware, as well as cyberstalking, which includes emails and instant messages; and

Whereas, According to the Bureau of Justice Statistics at the United States Department of Justice, one in four stalking victims were subject to cyberstalking and one in thirteen were subject to electronic monitoring in 2006; and

Whereas, Due to the anonymous nature of the internet and the availability of personal information online, cyberstalking is becoming very attractive to would-be offenders and increasingly difficult to prosecute; and

Whereas, The seriousness of the crime of electronic monitoring and cyberstalking cannot be overstated given the real threat a stalker represents, the disruption in the life of the victim, the facility with which a stalker can influence third parties to harass or threaten a victim, and the numerous instances of stalking escalating to face-to-face encounters, physical violence, and homicide; and

Whereas, When New York enacted its stalking laws in 1999, no one foresaw the use of technological means to commit stalking crimes; and

Whereas, In light of the prevalence of cyberstalking and electronic monitoring, the law must be updated to prohibit the use of technology in any form in the furtherance of stalking and to increase the penalty for such use; and

Whereas, Several bills are pending in the New York State Legislature to address this growing problem, including A.5113/S.5364, which would create the new crimes of electronic stalking in the first, second and third degrees and add these crimes to the list of offenses that would qualify for inclusion in the New York State DNA Data Bank and the New York State Sex Offender Registry; and

Whereas, Another pending bill, A.9772/S.6897, would add the definition of stalking by technological means to the section of the penal code relating to assault and other offenses and would create new subdivisions within the definition of stalking in the first, second and third degrees to include stalking by technological means; and

Whereas, Common-sense legislation must be adopted that treats electronic stalking with the same intolerance and gravity as offline or conventional stalking; and

Whereas, An amendment to current law is a crucial element of creating a much stronger deterrent for potential electronic stalkers, while ensuring that guilty electronic stalkers are incarcerated for a sufficient and appropriate amount of time; now, therefore, be it

Resolved, That the Council of the city of New York calls upon the New York State Legislature pass legislation that would make stalking by technological means illegal and increase the penalties for such acts.

Referred to the Committee on Public Safety.

Res. No. 588

Resolution calling on the New York State Legislature to pass legislation that would create a presumption that, when testifying at trial, an undercover police officer is endangered by his or her identity being made public, and would require the court to take all necessary measures to protect the officer's identity.

By Council Members Vallone Jr., Fidler, Foster, Gentile, Koppell, Nelson, Recchia, Vacca and Oddo.

Whereas, Undercover police officers and detectives play a vital role in keeping the city safe and, through their work infiltrating gangs and pursuing gun and narcotics traffickers, have contributed greatly to driving down the crime rate; and

Whereas, There is still a high level of danger associated with undercover policing, as was evident in October 2010 when a plainclothes officer was shot twice while on patrol in East New York, Brooklyn; and

Whereas, Due to the important and dangerous work performed by undercover officers, their identity must be protected, even when they appear in court to testify at trial; and

Whereas, Currently, when an undercover officer testifies at trial, the prosecutor asks the judge to clear the courtroom so that the identity of the officer is not known to the public; and

Whereas, This commonsense request is usually granted, as it was during a 2003 federal cocaine and conspiracy trial, when a federal judge sealed the courtroom to protect an undercover detective's identity and even went so far as to reprimand the defendant's attorney who tipped off reporters to the ruling; and

Whereas, Unfortunately, not all judges make the same decision when reviewing such requests by prosecutors; and

Whereas, In July 2002, a State Supreme Court judge in Manhattan threw out the testimony and evidence presented by three undercover narcotics detectives after they refused to identify themselves in open court; and

Whereas, In 2004, a federal district judge in Brooklyn ordered an undercover police detective to reveal her real name at the trial of two drug dealers who had been operating in a Brooklyn housing development; and

Whereas, These instances of judges putting the lives of officers and detectives at risk necessitates a change to state law that would create greater protections for undercover officers who testify in criminal trials; and

Whereas, If passed, A.3512/S.2117, introduced by Assemblymember Michael N. Gianaris and Senator Martin J. Golden, would create such protections; and

Whereas, Under this bill, there would be a rebuttable presumption that public disclosure of an undercover officer's identity would endanger his or her safety and compromise his or her effectiveness; and

Whereas, Unless the presumption is successfully rebutted, the court would be required to direct the witness to testify under a pseudonym such as a shield number and the District Attorney could also ask for additional measures to protect the officer's identity; and

Whereas, Such measures are important not only to protect the lives of officers but also to continue the effectiveness of those who fight crime and keep New York City safe; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass legislation that would create a presumption that, when testifying at trial, an undercover police officer is endangered by his or her identity being made public, and would require the court to take all necessary measures to protect the officer's identity.

Referred to the Committee on Public Safety.

Int. No. 438

By Council Members Vann, Comrie, Fidler, Foster, James, Koppell, Koslowitz, Lander, Mark-Viverito, Recchia, Reyna, Sanders, Seabrook, Williams and Rodriguez.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to preparation of community impact reports for city-subsidized economic development projects.

Be it enacted by the Council as follows:

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 8 to read as follows:

Chapter 8

Community Impact Reports

§22-801. Definitions

§22-802. Community Impact Reports

§22-801. Definitions. a. For the purposes of this chapter, the following terms shall have the following meanings:

1. “Affiliated entity” shall mean an entity that has a contract or other agreement with the city of New York and related entities and agents to engage in providing or administering economic development benefits on behalf of the city and shall include, but not be limited to, any expenditure of city capital appropriations in connection therewith.

2. “Economic development benefit” shall mean financial assistance including, but not limited to, a direct project subsidy, tax benefit, low-interest financing, tax-exempt financing, tax-exempt bonds, grants or other financial benefit provided or administered by a city agency or by an affiliated entity but shall not include contracts or other agreements for the provision of social services or for the creation of affordable housing units where such housing units are not created in connection with the creation of market rate housing units.

3. “Economic development project” shall mean a project or program undertaken by a private entity which is financially assisted through an economic development benefit provided or administered by a city agency or by an affiliated

entity but shall not be deemed to include contracts or other agreements for the provision of social services or for the creation of affordable housing units where such housing units are not created in connection with the creation of market rate housing units.

§22-802. *Community Impact Reports.* a. Prior to the approval by any city agency or affiliated entity of an economic development benefit related to an economic development project or any aspect of an economic development project, the department or an affiliated agency shall be required to prepare a community impact report for each economic development project, or adopt a report so prepared by the developer of an economic development project. Where such report is prepared by the developer of an economic development project, the department shall, in consultation with such other city agencies as it deems appropriate, review such report and certify to its accuracy.

b. Such community impact report shall include, but not be limited to:

(i) the estimated number of residential units to be directly created or renovated as a result of such project, proposed rents for such units, how such rents compare to current rents in the community district or districts within which such project is located and the estimated increase in rents within such community district or districts resulting from such project;

(ii) the estimated number of residents who will be displaced as a result of the project and an analysis of the demographic characteristics of those residents including, but not limited to, their income levels, familial status, race, ethnicity, age, gender, and such other demographic information as the department determines to be appropriate;

(iii) the estimated number of businesses that will be displaced as a result of the project and the number of full-time and part-time employees, respectively, of such displaced businesses, and an analysis of the demographic characteristics of the owners of such businesses and the employees including, but not limited to, their income levels, familial status, race, ethnicity, age, gender, and such other demographic information as the department determines to be appropriate;

(iv) the estimated number of permanent and seasonal full-time jobs to be directly created by such project, the number of permanent full-time jobs to be indirectly created by such project and how each such estimate was derived;

(v) the estimated number of permanent and seasonal part-time jobs to be directly created by such project, the number of permanent part-time jobs to be indirectly created by such project, and how each such estimate was derived;

(vi) the number of jobs directly created by such project, aggregated by business sector including, but not limited to, construction, retail, professional services, financial services, tourism and hospitality, information and technology and building services;

(vii) the estimated number of jobs in each category set forth in paragraphs iv and v of this subdivision that will be filled by residents of the community district or districts within which such project is located and how each such estimate was derived, including a descriptive plan of how such jobs will be provided to such residents;

(viii) the percentage of employees in each category set forth in paragraphs iv, v and vi of this subdivision, respectively, who it is estimated will earn up to thirty-five thousand dollars per year, the percentage of employees who it is estimated will earn more than thirty-five thousand dollars per year and up to fifty thousand dollars per year and the percentage of employees who it is estimated will earn more than fifty thousand dollars per year and the respective percentages of employees within each income category who reside in the community district or districts in which such project is located and for those employees who are not salaried but are paid based upon an hourly wage, the percentage of employees in each such category, respectively, who it is estimated will be paid an hourly wage between the minimum wage and ten dollars an hour and above ten dollars and up to fifteen dollars an hour;

(viii) the number of persons in each category set forth in paragraphs iv, v and vi of this subdivision, respectively, who it is estimated will receive health benefits; and

(ix) the positive and adverse impacts on the infrastructure of the community district or districts within which the project is located and each community district that abuts any such community district, including but not limited to, impacts relating to the provision of police, fire and emergency medical services, sanitation, water supply, wastewater treatment, services provided by the New York city department of health and mental hygiene, the health and hospitals corporation and privately-owned hospitals, public schools and public transportation services.

c. Such report shall be prepared and submitted to the council ninety days prior to the approval by any city agency or affiliated entity of an economic development benefit as both a print copy and as a file on a non-volatile electronic medium.

§2. Paragraph a of subdivision 1 of section 1301 of the New York city charter is amended to read as follows:

a. to establish business, industrial and commercial policies, programs and projects which affect the business, industrial, commercial or economic well-being, development, growth and expansion of the economic life of the city and to examine the impacts on communities within the city of economic development projects for which the city provides or administers an economic development subsidy;

§3. This local law shall take effect one hundred twenty days from its enactment.

Referred to the Committee on Economic Development.

Res. No. 589

Resolution calling upon the United States Department of Health and Human Services to fully fund the Ryan White HIV/AIDS Program to allow provider and care networks to continue to combat the HIV/AIDS epidemic in New York City and across the nation.

By Council Members Vann, Foster, Brewer, Chin, Comrie, Dromm, Ferreras, Fidler, James, Koppell, Koslowitz, Lander, Mark-Viverito, Mealy, Recchia, Reyna, Rose, Sanders, Seabrook, Van Bramer, Williams, Rodriguez, Nelson and Koo.

Whereas, The Centers for Disease Control and Prevention estimate that nearly 56,300 individuals were infected with HIV throughout the United States in 2006 and that more than 1,106,400 people were living with HIV; and

Whereas, According to the New York City Department of Health and Mental Hygiene (DOHMH), New York City is the epicenter of the HIV/AIDS epidemic, with more than 100,000 New Yorkers living with HIV, and approximately one-fourth of such individuals do not know that they are infected; and

Whereas, DOHMH indicated that New York City has the highest AIDS case rate in the country, with more cases than Los Angeles, San Francisco, Miami and Washington, D.C. combined; and

Whereas, HIV/AIDS is a significant public health problem with major disparities among races, and DOHMH estimates that African Americans and Hispanics make up 80 percent of new AIDS diagnoses and deaths; and

Whereas, Funding is central to combating HIV/AIDS, particularly in providing care, treatment and services for individuals who suffer from this illness; and

Whereas, According to the United States Department of Health and Human Services' Health Resources and Services Administration, the Ryan White Program works with cities, states, and local community-based organizations to provide HIV-related services to more than half a million people annually; and

Whereas, The Ryan White Program was designed for those individuals who do not have sufficient health care coverage or financial resources to combat their HIV diagnoses; and

Whereas, The program is named for Ryan White, a young man who was diagnosed with AIDS at the age of 13; and

Whereas, Ryan and his mother, Jeanne White Ginder, were pioneers as they battled for Ryan's right to attend school and spoke out and raised awareness about HIV/AIDS; and

Whereas, While Ryan lost his battle to the disease at the age of 18, his legacy lives on and individuals are receiving a higher level of care and treatment; and

Whereas, Shortly after his death, Congress passed the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act in 1990, and this legislation has been renewed in 1996, 2000, 2006 and most recently in 2009, now known as the Ryan White HIV/AIDS Program; and

Whereas, New York City is a recipient of Ryan White funding, particularly Part A and Minority AIDS Initiative funding; and

Whereas, The purpose of these funding streams is to provide support services to improve the health status of uninsured and underinsured individuals living with HIV across the city; and

Whereas, Advocates have expressed concerns due to recent changes to the Ryan White Program, particularly the emphasis on direct medical care, which they allege is at the expense of other vital and core services; and

Whereas, New York State is also a recipient of Ryan White Part B funding which was intended to be used to promote a coordinated community response that results in improved access to care and supportive services for those infected with HIV/AIDS; and

Whereas, Funding constraints are forcing provider networks to close and leaving these systems unable to achieve their mission; and

Whereas, Given the public health impact of the HIV/AIDS epidemic, it is egregious that funding is being reduced and restricted, especially since these funding reductions can result in unintended consequences including an increase in the number of new cases of HIV/AIDS and a decrease in the number of people that would receive the vital services that they so desperately need; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Department of Health and Human Services to fully fund the Ryan White HIV/AIDS Program to allow provider and care networks to continue to combat the HIV/AIDS epidemic in New York City and across the nation.

Referred to the Committee on Health.

L.U. No. 267

By Council Member Comrie:

Application no. N 110065 HAK, an Urban Development Action Area Designation and Project, located at 134 Wythe Avenue, Borough of Brooklyn, Council District no. 33. This matter is subject to Council Review and action pursuant to §197-d of the New York City Charter and Article 16 of the General Municipal Law.

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

L.U. No. 268

By Council Member Comrie:

Application no. 20115303 HAX a request for approvals of a project summary, a real property tax exemption and a regulatory agreement for property located on Block 2282/Lots 45 and 75; Block 2283/Lot 40, Borough of the Bronx, Council District no. 8. This matter is subject to Council Review and action pursuant to the Private Housing Finance Law.

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

L.U. No. 269

By Council Member Comrie:

Application no. 20115304 HAX a request for approvals of a project summary; a conveyance; real property tax exemptions; the voluntary dissolution of a redevelopment company; and a regulatory agreement for property located on Block 2711/Lots 17 and 19; Block 2712/Lots 1, 9, 11, 23 and 40; Block 2714/Lots 1, 61, and 64; Block 2723/Lot 12; Borough of the Bronx, Council District no. 17.

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

L.U. No. 270

By Council Member Comrie:

Application no. 20115269 HKM (N 110092 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.433, LP-2353) by the Landmarks Preservation Commission of the 97 Bowery Building, located at 97 Bowery (Block 304, Lot 2) as a historic landmark, Council District no. 1.

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

L.U. No. 271

By Council Member Comrie:

Application no. 20115270 HKM (N 110094 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.433, LP-2398) by the Landmarks Preservation Commission of the Eleventh Street Methodist Episcopal Chapel, located at 545-547 East 11th Street (Block 405, Lot 39) as a historic landmark, Council District no. 2.

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

L.U. No. 272

By Council Member Comrie:

Application no. 20115271 HKM (N 110093 HKM), pursuant to §3020 of the Charter of the City of New York, concerning the designation (List No.433, LP-2368) by the Landmarks Preservation Commission of the Loew's Canal Street Theatre Building, located at 31 Canal Street (Block 297, part of Lot 1) as a historic landmark, Council District no. 1.

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

L.U. No. 273

By Council Member Comrie:

Application no. 20115218 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Wogie's Inc. d.b.a Wogie's Bar & Grill to continue to maintain and operate an unenclosed sidewalk café located at 39 Greenwich Avenue, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 274

By Council Member Comrie:

Application no. 20115210 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of Mestizo Inc. d.b.a Good Restaurant to continue to maintain and operate an unenclosed sidewalk café located at 89 Greenwich Avenue, Borough of Manhattan, Council District no. 3. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant to Rule 11.20b of the Council and §20-226(g) of the New York City Administrative Code.

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

L.U. No. 275

By Council Member Comrie:

Application no. 20115001 TCM, pursuant to §20-226 of the Administrative Code of the City of New York, concerning the petition of 753 Washington Trattoria Inc. d.b.a Baby Buddha to establish, maintain and operate an unenclosed sidewalk café located at 753 Washington Street, Borough of Manhattan, Council District no. 3.

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

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

ANNOUNCEMENTS:

Wednesday, December 1, 2010

Committee on **HOUSING AND BUILDINGS****10:00 A.M.**
Int 57 - By Council Members Vallone, Fidler, Gentile, Nelson, Vacca, Chin and Oddo - A Local Law to amend the administrative code of the city of New York, in relation to cellular telephone service equipment and the inspection of the exterior walls of buildings greater than six stories in height.
Int 104 - By Council Members Fidler, Vacca, Comrie, Dromm, Gentile, Jackson, Koslowitz, Mark-Viverito, Nelson, Palma, Van Bramer, Williams, Rodriguez, Lappin, Halloran and Koo - A Local Law to amend the administrative code of the city of New York, in relation to requiring notification to community boards and council members of applications for issuance of alteration permits for cellular telephone antennas and equipment.
Int 237 - By Council Members Vallone, Jr., Fidler, Gentile and Lappin - A Local Law to amend the administrative code of the city of New York, in relation to cellular telephone antennas and equipment.
Committee Room – 250 Broadway, 14th Floor Erik Martin-Dilan, Chairperson

★ *Deferred*
Committee on **SMALL BUSINESS****1:00 P.M.**
Oversight – When Wal Mart comes to town, the effect on local Small Businesses: A Historical and Prospective View
Committee Room – 250 Broadway, 16th FloorDiana Reyna, Chairperson

Thursday, December 2, 2010

★ *Deferred*

Committee on ~~TRANSPORTATION~~.....1:00 P.M.
Oversight — ~~Bicycling in NYC — Opportunities and challenges~~
Committee Room — ~~250 Broadway, 14th Floor~~..... James Vacca, Chairperson

Monday, December 6, 2009

Subcommittee on **ZONING & FRANCHISES**9:30 A.M.
See Land Use Calendar Available Wednesday, December 1, 2010
Committee Room – 250 Broadway, 16th Floor Mark Weprin, Chairperson

Subcommittee on **LANDMARKS, PUBLIC SITING & MARITIME USES**.....11:00 A.M.
See Land Use Calendar Available Wednesday, December 1, 2010
Committee Room– 250 Broadway, 16th Floor Brad Lander, Chairperson

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

Committee on **GOVERNMENTAL OPERATIONS** jointly with the
Committee on **OVERSIGHT AND INVESTIGATIONS** 1:00 P.M.
Oversight - Evaluating the Board of Elections’ Performance in the 2010 General Election
Committee Room – 250 Broadway, 14th Floor Gale Brewer, Chairperson
.....Jumaane Williams, Chairperson

Tuesday, December 7, 2010

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

Committee on **MENTAL HEALTH, MENTAL RETARDATION, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES** jointly with the Committee on **TRANSPORTATION**10:00 A.M.
Oversight - Accessible Taxis & Other For-Hire-Vehicles
Committee Room – 250 Broadway, 14th Floor G. Oliver Koppell, Chairperson
.....James Vacca, Chairperson

Committee on **TECHNOLOGY** jointly with the
Committee on **HEALTH**..... 1:00 P.M.
Oversight - New York City’s Efforts to Implement Electronic Health Records: Infrastructure, Funding and Challenges
Committee Room – 250 Broadway, 16th Floor
..... Fernando Cabrera, Chairperson
.....Maria del Carmen Arroyo, Chairperson

Committee on **PARKS AND RECREATION**..... 1:00 P.M.
Int. No. 428 - By Council Members Arroyo, Barron, Brewer, Cabrera, Comrie, Crowley, Dickens, Dilan, Ferreras, Gennaro, Gentile, Gonzalez, Halloran, Ignizio, Mark-Viverito, Nelson, Oddo, Palma, Recchia, Reyna, Rivera, Rodriguez, Rose, Seabrook, Vacca, Vallone, Van Bramer and Vann - A Local Law in relation to the naming of 67 thoroughfares and public places.
Committee Room – 250 Broadway, 14th Floor
.....Melissa Mark-Viverito, Chairperson

Wednesday, December 8, 2010

Committee on **FINANCE**..... 10:00 A.M.

Preconsidered L.U.____ - By Council Member Recchia – Good Neighbor Apartments, Block 1631, Lots 60,62,63,65 and 66, Manhattan, Council District No. 8

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY
Committee Room – 250 Broadway, 16th Floor
..... Domenic M. Recchia, Chairperson

Committee on **RULES, PRIVILEGES & ELECTIONS**10:30 A.M.
Agenda to be announced
Committee Room – 250 Broadway, 16th Floor Joel Rivera, Chairperson

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

Whereupon on motion of the Speaker (Council Member Quinn), the President Pro Tempore (Council Member Rivera) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, December 8, 2010.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

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