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3   THE CITY OF NEW YORK

4   DEPARTMENT OF SANITATION

5   PROPOSED RULE RELATING TO THE TIME FOR

6   PLACING SOLID WASTE AND RECYCLABLE

7   MATERIALS OUT AT THE CURB FOR COLLECTION

8   PUBLIC HEARING

9   --X

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13   November 18, 2022
                            9:34 a.m.
14
                            Remotely via
15   WebEx Video

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22   Julia M. Speros
     Court Reporter
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2    A P P E A R A N C E S:

3    Madelynn Liguori, Senior Counsel
     Department of Sanitation
4    Bureau of Legal Affairs

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7    TESTIMONY GIVEN BY THE FOLLOWING INDIVIDUALS:

8    Edward Del Senno

9    Eric Porco, Enrann Property Management

10   Christopher Alcazar, Community Access

11   Susi Grama

12   Matthew O'Malley, Atlantic Avenue BID

13   Thomas Toscano, Mr. T Carting
        National Waste and Recycling Association
14
     Melissa Shoupe
15
     Jason Mazur
16
     Nicole Russo, LSSNY
17
     Anna Sacks
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     Andrew Spano
19
     Deborah Hersch Johns
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1   PROCEEDINGS

2   MS. LIGUORI: Okay. Good morning

3   and welcome. My name is Madelynn

4   Liguori. I am Senior Counsel in the

5   Bureau of Legal Affairs for the

6   Department of Sanitation.

7   Thank you for attending this public

8   hearing this morning.

9   DSNY is conducting this remote

10   hearing in accordance with the

11   requirements of the City Administrative

12   Procedure Act. The purpose of this

13   hearing is to receive comments from the

14   public on DSNY's proposed rule relating

15   to the time for placing solid waste and

16   recyclable materials out at the curb for

17   collection.

18   This rule was published by DSNY in

19   the City Record on October 17, 2022,

20   with a scheduled hearing date of today,

21   November 18, 2022.

22   Additionally, DSNY emailed copies of

23   the rule to all New York City local

24   elected officials, the City's 59

25   Community Boards, media and interested

1   parties, and published the proposed rule

2   on its website.

3   New York City became noticeably

4   dirtier during the pandemic. While some

5   of this was due to behavioral changes

6   and budget cuts, it also highlighted a

7   need to update the Department's rules

8   associated with waste setout for the

9   first time in decades.

10   Department rules currently allow the

11   placement of waste at the curb in

12   plastic bags beginning at 4 p.m. for

13   residential properties and one hour

14   before closing for commercial

15   properties, creating unsanitary

16   conditions, attracting rats and other

17   pests and impeding pedestrian flow.

18   This has a substantial impact on

19   quality of life in all five boroughs of

20   New York City and directly counteracts

21   the City's efforts to create cleaner,

22   more vibrant neighborhoods.

23   The current 4 p.m. setout time for

24   residential waste is the earliest of any

25   major American city, and leaves trash on

1   the street for 14 plus hours in a given

2   24-hour period.

3   A 2020 audit on NYC cleanliness by

4   the Office of the New York State

5   Comptroller found that 70 percent of

6   surveyed streets and 59 percent of

7   sidewalks were dirty, based on the

8   City's own street cleanliness of

9   scorecard criteria.

10   In addition, rodent complaints have

11   increased from pre-pandemic lows to

12   record highs in 2022. Trash bags placed

13   out on the street for 14 plus hours at a

14   time contribute to these and other

15   issues that affect public health, public

16   safety, and quality of life for all New

17   Yorkers.

18   Section 16-120 of the New York City

19   Administrative Code requires that all

20   solid waste and recyclables be kept

21   inside a building or at the rear of a

22   building prior to collection time by the

23   Department of Sanitation or a private

24   carter.

25   Residential Waste:

1   New York City currently has the

2   earliest setout time for residential

3   waste of any major city in the United

4   States and is one of only a few that

5   does not require trash to be set out in

6   receptacles.

7   Boston, Chicago, Los Angeles, and

8   San Francisco are among the vast

9   majority of cities that require waste be

10   set out for collection in lidded

11   receptacles. Philadelphia is the only

12   major U.S. city that allows waste to be

13   set out for collection in bags, but it

14   requires that waste be set out as late

15   as 8 p.m. in the central business

16   district and 7 p.m. in other parts of

17   the city.

18   This rule will amend the applicable

19   setout times for solid waste and

20   recyclables for DSNY collection from the

21   current 4 p.m. time to a later time

22   based on how the materials are placed

23   out at the curb for collection.

24   Additionally, the rule also creates

25   an opt-in Multi-Unit Building Collection

1   Program for multiple dwellings that

2   contain nine or more dwelling units.

3   For those using receptacles with

4   tight-fitting lids, such receptacles

5   containing solid waste and recyclables

6   may be placed out at the curb for

7   collection by DSNY no earlier than 6

8   p.m. on the day before their scheduled

9   collection.

10   Those using bags may place out their

11   materials at the curb for collection by

12   DSNY no earlier than 8 p.m. on the day

13   before their scheduled collection.

14   In both cases, solid waste and

15   recyclables must be set out before

16   midnight to allow for Department

17   collection beginning at 12:01 a.m. on

18   the scheduled collection day.

19   The rule also restates the

20   requirement in Section 16-120(c) of the

21   New York City Administrative Code

22   regarding the removal of receptacles

23   from the curb following collection.

24   Such provision requires that all

25   receptacles shall be removed before 9

1 p.m. on the day of collection, or if

2 such collection occurs after 4 p.m.,

3 then before 9 a.m. on the day following

4 collection. This is included for the

5 purposes of clarity and to consolidate

6 all requirements related to the setout

7 and removal of receptacles in one rule.

8 DSNY also proposes to create an

9 enrollment-based Multi-Unit Building

10 Collection Program for multiple

11 dwellings that contain nine or more

12 dwelling units.

13 This program will allow approved

14 buildings with on-site maintenance or

15 janitorial staff to opt to set out waste

16 for collection between 4 a.m. and 7 a.m.

17 on the day of collection, rather than

18 after 6 p.m., in a container with a lid,

19 or 8 p.m. the night before collection.

20 This will provide flexibility to

21 building staff in terms of changes to

22 scheduled shifts necessary to implement

23 this rule change.

24 To enroll in this program, an owner

25 or his agent of a multi-unit building

1 would be required to submit an

2 application to DSNY during the annual

3 program application period, January 2nd

4 through January 31st. DSNY will review

5 these applications and either approve or

6 deny them in writing by the following

7 March 1st and enrollment will be

8 effective April 1st.

9   Buildings will have their

10 enrollments automatically renewed each

11 year unless they opt out during the

12 annual program application period.

13   DSNY may terminate a building's

14 enrollment in this program at any time

15 with 30 days notice if the building's

16 participation in the program constitutes

17 a public nuisance or if the building

18 fails to comply with the requirements.

19   Commercial Waste:

20   Currently, DSNY rules allow

21 commercial establishments to set out

22 trash and recycling one hour before

23 closing or two hours before a scheduled

24 collection. Because these rules are

25 difficult to enforce, there is a large

1   amount of non-compliance.

2   As a result, there is a significant

3   amount of commercial trash and recycling

4   bags at the curb during daytime hours.

5   The proposed rule also amends the

6   applicable set-out times for solid waste

7   and receptacles that are collected by

8   private carters based on how materials

9   are placed out at the curb for

10   collection.

11   Under the proposed rules, waste may

12   be placed out for collection within one

13   hour of closing, provided that the

14   scheduled collection occurs before the

15   establishment next reopens for business

16   and only if such materials are placed

17   out for collection in receptacles with

18   tight-fitting lids.

19   Those establishments that place

20   materials out for collection in bags,

21   regardless of the time they close, may

22   place such materials at the curb no

23   earlier than 8 p.m.

24   The proposed rules would not affect

25   containerized or off-street collection,

1   including collection that takes place in

2   a loading dock.

3   These proposed rules establish a

4   uniform 8 p.m. time that bags can be set

5   out by either residential or commercial

6   properties. These changes will improve

7   quality of life for New Yorkers, clarify

8   enforcement practices, and reduce food

9   sources for rats on our streets.

10   DSNY's authority for this rule is

11   found in Sections 753 and 1043(a) of the

12   New York City Charter and Section 16-120

13   of the New York City Administrative

14   Code.

15   A court reporter is present today

16   and will record the hearing. You may

17   present an oral statement or submit

18   written comments concerning the proposed

19   rule. We have been accepting written

20   comments on the proposed rule since it

21   was published.

22   Today is the deadline for submission

23   of written comments. Such comments may

24   be emailed directly to

25   nycrules@dsny.nyc.gov, or you may submit

1   your comments on the NYC Rules website

2   at www.nyc.gov/nycrules, by 5 p.m.

3   today. I will also put that in the

4   chat.

5   DSNY will make available a copy of

6   all written comments received through

7   today, together with the hearing

8   transcript, for viewing on its website

9   within the next few weeks.

10   DSNY will carefully consider all

11   comments it receives today at the

12   hearing and all written comments it

13   receives.

14   I will begin calling those of you

15   who wish to speak this morning in the

16   order in which you have signed up to

17   testify. While the notice requested

18   that persons wishing to testify sign-up

19   in advance of this hearing, anyone

20   wishing to testify at this time may do

21   so by indicating in the chat area that

22   you wish to testify by indicating your

23   name and affiliation, if any.

24   When you speak, please state your

25   name and affiliation, and speak slowly

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1   and clearly so that the court reporter

2   can understand and accurately record

3   your statement.

4   We also ask that you limit your

5   statement to five minutes.

6   I will begin by calling the first

7   person that has signed up to testify,

8   Christopher Athineos.

9   Christopher, are you on the line?

10   MR. ALCAZAR: Do you mean

11   Christopher Alcazar?

12   MS. LIGUORI: No, Christopher

13   Athineos.

14   MR. ALCAZAR: Oh, okay.

15   MS. LIGUORI: Okay. We're going to

16   skip him for the second and come back

17   hopefully.

18   Okay. Our next person is Edward Del

19   Senno.

20   MR. DEL SENNO: Yes, I'm here.

21   I just want to say that there is a

22   rat problem in New York City and the

23   greatest idea that our genius Mayor and

24   clueless new Sanitation Commissioner is,

25   that the rats do brunch.

1   Rats don't come out in the afternoon

2   to eat scraps. They come out at night.

3   Just doing this is just another excuse

4   so the City could give out more

5   summonses and collect money from the

6   landowners.

7   It shouldn't be our problem or --

8   every time when there's a problem with

9   the City. They raise your taxes and

10   they don't pick up the garbage on time.

11   Why don't the Sanitation change

12   their schedule to pick up the garbage

13   earlier instead of coming at 3 o'clock

14   in the morning, spilling garbage all

15   over the streets, and why don't they

16   have a campaign telling people not to

17   throw scraps all over the streets, and

18   their coffee cups, and soda, and food

19   wrappers.

20   That would be a better solution than

21   thinking the rats come out in the

22   afternoon to eat. Rats don't come in

23   the day. They like to come out at

24   night.

25   So, it's just another excuse to put

1   another tax and more violations on the

2   building owners. Shame on New York. I

3   hope they heard that. Thank you.

4   MS. LIGUORI: Thank you, Mr. Del

5   Senno.

6   The next that we have signed up to

7   testify is Ira Chazan.

8   (No response.)

9   MS. LIGUORI: Is Karen Chazan

10   present?

11   (No response.)

12   MS. LIGUORI: We will come back.

13   Eric Porco from Enrann Property

14   Management Inc.

15   MR. PORCO: Yeah, I'm here. I

16   just -- I mean, practically speaking, is

17   four hours really going to make a

18   difference? That's one point.

19   The other one is, why do I have to

20   pay somebody overtime to keep track of

21   my garbage? I mean, we're a small

22   property owner on the Upper West Side

23   and margins are thin as it is.

24   Now, I've got to worry about having

25   some guy around to take care of garbage

1   at 8 o'clock at night when to be quite

2   frank, at 8 o'clock at night, everyone

3   should be home with their families

4   enjoying family time, not having to

5   worry about whether or not the garbage

6   has been taken out or a ticket is going

7   to be issued.

8   And, also, there has been times

9   where DSNY has gone days without even

10   picking up the garbage anyway. So, if

11   you're going to change the time and

12   Sanitation doesn't even come for two,

13   three days and doesn't even pick it up,

14   what's the point? Am I going to get

15   another ticket for that too?

16   And -- yeah, I mean it's -- yeah,

17   it's just another -- it's becoming so,

18   so hard to run these properties in the

19   City and the state is meddling -- the

20   state is meddling in our affairs as it

21   is and now the City wants to make it

22   even harder for us.

23   It's just enough is enough and you

24   just got to give us a break. And,

25   again, we are the biggest -- we pay the

1   most taxes, you know, so we need some

2   protection. That's about it. I could

3   keep going, but that's it. Thank you.

4   MS. LIGUORI: Thank you very much,

5   Mr. Porco.

6   The next signed up to testify is

7   Steven Bari from JPB Enterprises,

8   Incorporated.

9   Steven, are you on the line?

10   (No response.)

11   MS. LIGUORI: Okay. Is Marc Chalom

12   on the line?

13   (No response.)

14   MS. LIGUORI: Marc?

15   (No response.)

16   MS. LIGUORI: I believe Christopher

17   Alcazar from Community Access is on the

18   line.

19   Christopher?

20   MR. ALCAZAR: Yes.

21   MS. LIGUORI: Okay.

22   MR. ALCAZAR: Yeah, my name is

23   Christopher Alcazar. I'm the Chief

24   Operating Officer at Community Access.

25   Community Access is a not-for-profit

1   organization that serves people living

2   with mental concerns and other income

3   eligible families through the

4   development and operation of support and

5   affordable housing.

6   We have 18 properties across three

7   boroughs here in New York City. We

8   house over 1,200 households.

9   We have serious concerns about the

10   proposed rule change and the impact on

11   our daily operations. We understand and

12   support the initiative to make the City

13   cleaner and safer for its residents. It

14   is unclear to us though how adjusting

15   the trash and waste pick-up to those

16   proposed later times will improve

17   sanitation issues here in New York City.

18   A key reference, if I recall

19   correctly, in the DSNY proposal is that

20   it may reduce food sources that attract

21   rats and other rodents. However,

22   changing the placement of trash from

23   4 p.m. to 8 p.m. will not solve this

24   problem since another gentleman on this

25   call referenced rats are nocturnal

1   creatures.

2   May we suggest, just as that other

3   gentleman did, that the answer isn't to

4   change the placement time of trash, but

5   rather to change the schedule of trash

6   pick-up. It would be less likely for

7   rats to eat through trash if the trash

8   isn't there for them to be picked up in

9   the early evening before night is there

10   -- before night watch.

11   For us the proposed change will

12   create staffing and budgetary

13   challenges. It will also lead into

14   conditions where early morning

15   janitorial work may not be possible.

16   This will negatively impact our work and

17   our tenants.

18   Should the pick-up time be moved to

19   8 p.m., we will be forced to adjust our

20   facility's staff schedules, adjusting

21   many staff to start work later in the

22   day so they can take out the garbage,

23   which will delay other janitorial and

24   building maintenance responsibilities.

25   This will result in quality of life

1   and related maintenance work not being

2   addressed in a timely fashion with the

3   unintended consequences of tenants

4   increasing call-in complaints to 311,

5   possibly resulting in unnecessary

6   violations that then our property

7   management staff would have to spend

8   time correcting.

9   This will also lead to additional

10   overtime costs, which the building

11   finances couldn't sustain.

12   The proposed opt-in for the

13   Multi-Unit Building Collection Program

14   is a good one -- it's a good option --

15   but we request that these buildings be

16   allowed to place the garbage out in bags

17   rather than in receptacles. We just

18   don't have the storage space in our

19   buildings for the number of containers

20   that we would need.

21   Thank you for allowing us to

22   comment.

23   MS. LIGUORI: Thank you very much,

24   Mr. Alcazar.

25   The next we have on our list is Susi

1   Grama.

2   (No response.)

3   MS. LIGUORI: Susi, I think you're

4   muted.

5   MS. GRAMA: Okay. Can you hear me

6   now?

7   MS. LIGUORI: (Indicating.)

8   MS. GRAMA: Okay. I just want to

9   say that I think it's unfair to have to

10   ask our staff to go out late at night,

11   especially in the winter, to start --

12   when their day should be over -- to

13   start dragging the garbage out or very

14   early in the morning.

15   It doesn't seem like a fair request

16   to make of our staff and as a gentleman

17   before said, if it doesn't make any

18   difference -- the rats have different

19   schedules anyway -- it doesn't seem to

20   be fair.

21   Also, my particular neighborhood is

22   a very clean one and if you really

23   indeed have to enforce these rules,

24   maybe you should at least keep it to the

25   areas that really have problems and not

 1   burden people that don't really have

 2   that problem.

 3   Okay. That's it.

 4   MS. LIGUORI: Thank you very much,

 5   Ms. Grama.

 6   Our next to testify is Matthew

 7   O'Malley from the Atlantic Avenue

 8   Business District.

 9   MR. O'MALLEY: Hello. Can you hear

10   me?

11   MS. LIGUORI: We can hear you.

12   MR. O'MALLEY: Okay. Hi. I'm

13   Matthew O'Malley from the Atlantic

14   Avenue Business Improvement District.

15   So, the Atlantic Avenue BID

16   Streetscape Committee generally supports

17   the proposed rule amendment concerning

18   the time that waste is placed outside in

19   New York City. This proposal supports

20   the Atlantic Avenue BID's commitment to

21   improve our public space.

22   A significant portion of our

23   resources are expended on supplemental

24   sanitation services and making

25   improvements to the streetscape.

1   Less trash on the sidewalk will

2   improve our business district, as trash

3   on the curb during daylight hours

4   impedes the public realm both

5   aesthetically and functionally. It

6   sullies the appearance of our streets

7   and the amount of bags can obstruct

8   pedestrian use of sidewalks during our

9   corridor's busiest hours.

10   Regarding the specific times

11   proposed, the uniform 8 p.m. time for

12   residential and commercial collection

13   will unilaterally eliminate confusion

14   regarding commercial trash collection

15   times, which vary. This will benefit

16   merchants on Atlantic Avenue who have

17   incurred tickets due to confusion about

18   commercial trash collection times.

19   However, both the proposed 8 p.m.

20   curb time and the enrollment-based

21   multi-unit window of 4 a.m. to 7 a.m.

22   fall outside the work hours of

23   residential building management staff.

24   Building superintendents generally

25   are unavailable after 5 p.m. in both

1   unionized and rent-stabilized buildings.

2   Further, the majority of larger

3   buildings lack second or third shift

4   porters to accommodate this mandate and

5   these shifts are nonexistent in

6   rent-stabilized buildings.

7   Incentivizing earlier curb drop-off

8   via the use of containers with

9   tight-fitting lids is a good start, but

10   does not go far enough. Rats are

11   intelligent nocturnal creatures and will

12   adapt to the curtailed hours and

13   continue to feed all night.

14   Containerizing trash is the only

15   fool-proof measure to reduce rat

16   populations and more should be done to

17   encourage containers and ultimately

18   eliminate bags entirely.

19   To this end, we suggest that larger

20   buildings with live-in superintendents

21   be required to have receptacles and

22   allow curb drop-off times that work with

23   these building's staff schedules.

24   Smaller residential buildings of less

25   than nine units should follow the 8 p.m.

1   curb rule.

2   An omission from this proposal is

3   the issue of trash accumulation around

4   holidays. We suggest that no trash

5   should be placed out on official

6   holidays. It results in recycling

7   collection postponed until the following

8   week and trash remains outside for

9   multiple days.

10   Finally, if implemented, the

11   Atlantic Avenue BID is curious to know

12   how exactly data will be collected to

13   measure this new program's effectiveness

14   and if DSNY, or another City agency,

15   will be responsible for monitoring and

16   recording its metrics.

17   That's all. Thank you.

18   MS. LIGUORI: Thank you very much,

19   Mr. O'Malley.

20   The next to testify is Thomas

21   Toscano from Mr. T Carting and also

22   representing the National Waste &

23   Recycling Association.

24   MR. TOSCANO: Yes, good morning,

25   everyone. I am Thomas Toscano,

1   President of Mr. T Carting Corporation

2   and a member of the National Waste &

3   Recycling Association or NWRA.

4   NWRA's members include my own

5   company, Action Environmental, Waste

6   Connections, among others. My comments

7   on this rule change are directed solely

8   at the commercial sector.

9   My company and NWRA are strongly in

10   favor of the goals that this rule change

11   seeks to address. This rule change will

12   increase time on our routes since our

13   workers will have to return the empty

14   containers. It will also lead to more

15   customer calls since it will be assumed

16   that we took any containers that are not

17   there when the customers arrive back at

18   their businesses, even if this is not

19   the case.

20   Severe wind will move around empty

21   containers after we have serviced them

22   and cause many of them to be lost.

23   Companies that service commercial

24   establishments are regulated by the

25   Business Integrity Commission. Current

1   rules do not allow us to charge for

2   providing equipment to customers. New

3   York City is the only major city that

4   regulates for carting services for the

5   private sector and carters are not

6   allowed to charge for any added

7   services, like providing garbage and

8   recycling receptacles.

9   Our industry wishes to play a larger

10   role in helping the City achieve its

11   goals of cleaning up its street and we

12   will welcome a discussion to achieve

13   those goals.

14   We ask that DSNY work with the

15   Business Integrity Commission to allow

16   New York City companies to charge a fee

17   for providing these types of receptacles

18   the regulations require if the customers

19   want them from us.

20   Asking carting to assist customers

21   without the ability to charge for the

22   additional services, considering the

23   uncertainty of those carters with the

24   pending commercial waste zone

25   transition, is something that should be

1   considered with the timing of this rule.

2   Aside from the request for a change

3   to our rate regulations, we

4   wholeheartedly support this rule as it

5   applied to the commercial sector. Thank

6   you.

7   MS. LIGUORI: Thank you very much,

8   Mr. Toscano.

9   The next to testify is Melissa

10   Shoupe.

11   MS. SHOUPE: Good morning. My name

12   is Melissa Shoupe. I'm an LCSW,

13   licensed social worker, and I work for

14   Lutheran Social Services of New York.

15   We're a nonprofit agency. We focus

16   primarily on housing formerly homeless

17   individuals. We also work with

18   immigration and kids in foster care and

19   we do a lot of different social

20   services. I personally work in the

21   residential aspect of our program.

22   One thing that I have noticed is

23   missing from this conversation is the

24   fact that a large percentage -- at least

25   in my experience working in the

1   residential and in the DHS shelter

2   system -- a large percentage of people

3   who do maintenance work, they're frankly

4   men of color and they're very often

5   commuting, sometimes significant

6   distances, to come to different

7   buildings where they do their

8   maintenance.

9   Brooklyn to Bronx is a really common

10   commute that you see for a lot of these

11   people.

12   One week ago -- not even -- an

13   overwhelming majority of registered

14   voters in New York City voted in issues

15   2 and 3 -- and when I say "overwhelming

16   majority", I think it was -- for issue

17   2, which is putting a racial justice

18   preamble in the New York City

19   Constitution -- that was passed by

20   72 percent of voters, and over

21   69 percent of voters passed issue 3,

22   which is to actually create an entire

23   governmental department that focuses

24   entirely on racial equity and justice.

25   So, when we're talking about issues

1   that affect a significant number of

2   people with that racial intersection,

3   you want to be careful that you're not

4   overlooking other aspects of their lives

5   that are extremely impactful (sic), like

6   this commute.

7   Changing the hours -- you know,

8   people can change their commute, but

9   you're talking about really late at

10   night, very early mornings.

11   I don't think I need to explain to

12   anyone in this meeting, the trains are

13   not exactly the most safe place and the

14   people who are riding them late at night

15   will are often the people who are going

16   to be the victims of a train-related

17   crime and that is completely unfair

18   burden to place on maintenance staff and

19   any people who need to come to their

20   job.

21   This is not -- I mean, my question I

22   guess really -- for the Adams'

23   administration is, are you listening to

24   the voters who are telling you that they

25   very much care about racial justice and

1   in changing this timing for the

2   Department of Sanitation, it is a racial

3   justice issue and the voters care about

4   it.

5   So, this seems to be a very

6   unpopular -- an unpopular proposition

7   and I'm not -- I'm against it for

8   residential -- for residential buildings

9   because of this impact. Thank you.

10   MS. LIGUORI: Thank you very much,

11   Ms. Shoupe.

12   The next to testify is Jason Mazur.

13   MR. MAZUR: Hey, everybody. I'm

14   Jason Mazur. I represent small

15   business in New York City. I manage

16   about 100 buildings and we do porter

17   solutions, which is essentially the

18   cleaning of the common areas, and the

19   garbage, and the recycling.

20   And so, in this, I kind of noticed

21   basically what people were saying about

22   the rats and it's true. The rats mostly

23   come out at night, but it's not entirely

24   true.

25   For someone that visits these

1   buildings day-in and day-out, these rats

2   are still going in and out of containers

3   during the daytime as well. You can go

4   kick the cans at any building and if

5   there is a rat problem in the area,

6   they're -- they're there even during the

7   day.

8   They're just burrowed in either your

9   encasement or they're in the cans and

10   out they hop, and often these rodents

11   aren't even coming from the homeowners.

12   They're coming from other areas, whether

13   it's an abandoned lot, whether it's a

14   building site, whether it's an area that

15   has any sort of grass habitat or

16   anything like that.

17   And I think the larger problem is

18   that the City doesn't always necessarily

19   attack the rodent problem ahead of time.

20   They wait for a 311 complaint or

21   something to that effect, and then

22   they'll go in and they'll come by.

23   They'll issue a ticket where they tell

24   you that you have a certain amount of

25   time to rectify the situation.

1   And the rodents aren't even coming

2   from the homeowners or the

3   establishments. They're coming from

4   outside. So, that's one thing.

5   And then for discussing the amount

6   of time that these bags are to the curb,

7   first of all, when it gets dark -- it's

8   4 o'clock, it's dark in the wintertime

9   anyway. So, it's already -- it's

10   already late; it's already cold.

11   These people should be going either

12   home to be with their children and their

13   families at night, or in the mornings,

14   they're getting their children ready for

15   school or they're with their families.

16   So, to be at work now at 4 o'clock

17   in the morning or somewhere between 4

18   and 7, it's a hard adjustment. So, they

19   need to start looking at the fact that

20   also at that same time, the City has

21   people coming by and issuing tickets

22   between certain set hours in the

23   morning.

24   So, it's like 8 o'clock in the

25   morning -- or whatever it is -- to 9:30,

1   10 o'clock -- there's a set time.

2   So, now you're asking someone to be

3   there as early as 8, but as late as 8

4   because we need to be able to make sure

5   that 18 inches to the curb as

6   cleaned-up, that the trash is --

7   everything is straight and that we're

8   good, but then somebody has to come back

9   at 8 o'clock at night. These rats are

10   still going to be there.

11   But then also, as someone mentioned,

12   they're not coming. They're not coming

13   right away. There are days when they

14   just skip entire blocks, and we have to

15   call up and we have to say, "Hey,

16   listen, they didn't pick it up", and

17   they may or may or not still come, and

18   the recycling is built up. Even if it's

19   not a holiday, the recycling still can

20   get built up.

21   They'll leave it and so there's two

22   weeks of that, and I propose that

23   perhaps we also look at increased

24   recycling with the likes of Amazon and

25   things like that. Rats burrow in food

1   -- okay -- and they burrow in paper

2   waste. They like that. They chew it up

3   and they live in it; they build little

4   borrows in it.

5   So, when we're sitting here with

6   bags and bags of recycling from Amazon,

7   you know, we may want to consider also

8   doing additional pick-up for the

9   recycling.

10   I just have a couple of more points

11   and then I'll move on and I'll let

12   somebody else speak.

13   Also, the garbage containers to the

14   curb, it's -- right now, currently, I

15   can't count with these 100 buildings,

16   I'm at least five cans stolen a week.

17   Imagine putting them to the curb.

18   We put them to the curb and people

19   are stealing them, so what do we do at

20   $120 a clip for a can cause you want

21   tight-fitting lids? And, you know,

22   anything cheaper than that, the lids are

23   just falling and they're flimsy.

24   So, now you're asking residents to

25   put out, let's say, 3, $400 worth of

1   cans to the curb -- okay. If you get a

2   50-gallon container or a 45-gallon

3   container, you ask them to put it to the

4   curb and trust that no one is going to

5   take these containers, which is also --

6   it's a problem.

7   So, now these homeowners are going

8   to not only have to pay somebody to come

9   twice, they're also going to have to pay

10   more for their supplies and I think we

11   need to start looking at the frequency

12   of how this stuff is getting picked up;

13   the more frequent, the more on time, the

14   more on schedule. It's not just

15   entirely up to us.

16   For the entire rule of the pandemic,

17   they suspended street cleaning for

18   example, yet they were still handing out

19   tickets. "Your curb is dirty 18-inches

20   to the curb". "Well, how can we clean

21   it if the cars are parked there and you

22   guys aren't coming" -- "you weren't

23   coming and the cars don't move".

24   So, there's sort of a disconnect

25   between what's really good for the City

1   and good for the people that actually

2   pay the taxes, and own these buildings,

3   and employ the people to take care of

4   this stuff. Thank you.

5   MS. LIGUORI: Thank you very much.

6   All right. The next scheduled to

7   testify is Nicole Russo from LSSNY.

8   MS. RUSSO: Hi. Good morning,

9   everyone. I hope you can hear me okay.

10   My name is Nicole Russo and I am the

11   Program Director of the Muhlenberg

12   Residence located on Atlantic Avenue

13   through LSSNY, Legal and Social Services

14   of New York.

15   We are a supportive housing program.

16   We house formerly homeless New Yorkers

17   who were referred to us through the

18   shelter system. We are a nonprofit

19   organization, so obviously maximizing

20   our budget is always a top priority so

21   we can make sure we provide as many

22   needed services to our participants as

23   possible.

24   I think the points that I'm going to

25   bring up are probably points that many

1   landlords and property owners are going

2   to experience, is while it might seem

3   like a good plan in theory -- and I do

4   agree that New York has a terrible

5   rodent problem and we do need to do

6   something to address it --

7   implementation leaves something to be

8   wanted.

9   As Melissa Shoupe made a point

10   earlier, if we are to start putting our

11   garbage out on the street at, let's say,

12   4 a.m., we're now asking staff to get on

13   the trains as early as sometimes 2 in

14   the morning so that they complete their

15   job tasks, or if we have to remove trash

16   in the buildings at, let's say, 8 p.m.,

17   we're asking our staff to start trash

18   removal at 8 p.m.

19   And I don't know -- to give you guys

20   a little info on the specs of my

21   building -- we're a 201 unit residence.

22   Taking the trash out is not a one-person

23   job; it's not a quick job. So, that

24   means taking out hundreds, and hundreds,

25   and hundreds of pounds of trash up our

1   elevator and bringing it out to the

2   curb.

3   So, it's not a quick job and it's

4   not a one-person job. So, now we have

5   all of our staff staying onsite till

6   probably, I would say, after 10 p.m. and

7   then taking trains home, getting home

8   sometimes at midnight.

9   And I think, you know, as Melissa

10   had also pointed out, the majority of

11   our maintenance staff are men of color.

12   They are commuting long distances to get

13   to their jobs and they are literally

14   going above and beyond to keep our

15   buildings safe, to keep our buildings

16   clean and I think to put this burden

17   onto the staff is completely unfair.

18   The City needs to find a way to take

19   on some of this burden and help support

20   programs that are helping to support New

21   York. We're supporting New York; we're

22   supporting New Yorkers and we need some

23   help.

24   This is -- it's an undue burden and

25   it's just not going to be plausible, I

1   think, in the long run. Thank you.

2   MS. LIGUORI: Thank you very much,

3   Ms. Russo.

4   Okay. I'm going to go back around

5   to those that were not present earlier.

6   Christopher Athineos?

7   (No response.)

8   MS. LIGUORI: Ira Chazan?

9   (No response.)

10   MS. LIGUORI: Karen Chazan?

11   (No response.)

12   MS. LIGUORI: Steven Bari?

13   (No response.)

14   MS. LIGUORI: Marc Chalom?

15   (No response.)

16   MS. LIGUORI: If you did not sign up

17   to testify, you may still do so. Please

18   indicate your intentions in the chat.

19   Comments can still be submitted

20   until 5 p.m. today. You may submit via

21   email to nycrules@dsny.nyc.gov or via

22   the NYC Rules website at

23   nyc.gov/nycrules. I've indicated both

24   addresses in the chat to make it easier.

25   MS. SACKS: If you're joining via

1   phone call, how do you indicate that you

2   would like to testify?

3   MS. LIGUORI: You may testify. Just

4   provide us with your full name right

5   now. Thank you.

6   MS. SACKS: Thank you.

7   Hi. My name is Anna Sacks. I'm a

8   member of Manhattan Solid Waste Advisory

9   Board, but I'm testifying though as an

10   individual.

11   I want to echo the comments about

12   the rats. Rats are nocturnal creatures

13   and so I think that it's more of an

14   assumption that this is going to impact

15   the rat population rather than something

16   based on science or data, and I

17   understand the arguments for cleaner

18   curbs, but I think the rat argument is

19   false.

20   I think the real way to address the

21   rats is by composting, which is a form

22   of containerizing -- putting in the

23   brown bins the food scraps. That really

24   deprives rats of their food source,

25   rather than sticking them on the curb in

1   like the black flimsy trash bags, which

2   are easily accessible.

3   I want to address one thing, which

4   hasn't really come up a lot, which is

5   New York City's informal reuse economy.

6   A lot of things are left on the curb,

7   especially bulk furniture, and there's a

8   really thriving New York City community

9   around reuse.

10   There are a lot of Instagram

11   accounts like, "Stooping" and "Curb

12   Alerts", and because we're able to put

13   waste on the curb at 4 p.m., we actually

14   are able to divert a lot more. So,

15   couches, and desks, and chairs, people

16   walk by it, snap photos of it in the

17   daylight, and then people are able to

18   pick it up.

19   If it changes to 8 p.m., that

20   will -- there will be a lot less of that

21   reuse and that's going to impact not

22   only in terms of climate change by

23   sending more to landfills and

24   incinerators, but also it's going to

25   impact New York City's bill to send that

1   waste to landfills and incinerators

2   cause that's heavy and that's more

3   volume, and those are typically also not

4   recyclable items.

5   So, we already spent 400 million

6   dollars sending stuff to landfills and

7   incinerators and I think that that's

8   going to go up once we eliminate the

9   informal reuse.

10   So, I want to suggest that instead

11   of 8 p.m., I think there should be an

12   exception for bulk items, which really

13   aren't something that rats are attracted

14   to anyways (sic), to allow for more of

15   that reuse, and I also think that 8 p.m.

16   is extreme as a time. I think 6 p.m.

17   makes more sense and it's in line with

18   other cities.

19   I also want to note that a lot of

20   people do rely on income from the

21   streets -- from getting stuff from the

22   trash. There's a canning community and

23   there are people, as part of their

24   full-time job, take stuff from the trash

25   and resell it. So, again, we're going

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 1          to be impacting those people, not just

 2          the building staff.

 3               So, I want -- I want to stress that

 4          we're -- by doing this without any

 5          other, like, reuse infrastructure, we're

 6          going to be paying more as a City and

 7          it's going to also impact the

 8          environment.  Thank you.

 9               MS. LIGUORI:  Thank you very much.

10               Is there anyone else that's on the

11          phone that wishes to testify?  They can

12          indicate so in the chat.

13               MR. SPANO:  Yes -- yes.

14               MS. LIGUORI:  Okay.

15               MR. SPANO:  Andrew Spano.

16               MS. LIGUORI:  Okay.  Andrew Spano --

17          you got it.

18               MR. SPANO:  All right.  I look at it

19          -- something that no one has addressed

20          either, we decided to have sidewalk

21          dining or street dining.  We have

22          brought all our food into the street and

23          we eat in the street and that is causing

24          the rats.

25               All those platforms, the rats travel
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1   underneath them to keep the -- they're

2   built-in frames and the rats travel

3   underneath them. I see it every day. I

4   walk my day along 5th Avenue and there

5   is so much food during the day on the

6   sidewalk. I can't keep my dog from

7   trying to pick up something -- French

8   fries that fall off dishes when waiters

9   come out of the restaurant.

10   So, my issue is, we have brought --

11   we have made a problem and the outside

12   dining is really causing more and more

13   rats coming into the -- coming into our

14   environment.

15   My other suggestion is, New York

16   City Housing Authority uses special bags

17   with a deterrent on it that the rats

18   don't like the smell and that's how the

19   City -- Housing Authority puts out their

20   black bags. Because the bags are

21   treated with something to prevent the

22   rats -- it's offensive to the rats.

23   Why don't we have the -- why can't

24   we use bags like that?

25   MS. LIGUORI: Thank you very much,

1   Mr. Spano.

2   MR. SPANO: Thank you.

3   MS. LIGUORI: Thank you.

4   The next to testify is Deborah

5   Hersch Johns.

6   MS. JOHNS: Yes, my name is Deborah

7   Johns. Thank you for this hearing.

8   I would like to echo what Anna Sacks

9   said about composting. I would like to

10   personally know how many people on this

11   call separate their food scraps by a

12   show of hands or in the chat.

13   This is just a microcosm of the

14   whole City and we need to get on board

15   with a whole City being -- this being

16   made available to the entire City.

17   It's hard enough to get people to

18   get on board with this program and if

19   it's not even available to all New

20   Yorkers equitably, then we have a real

21   struggle and this is the rat's direct

22   food source, is the food scraps in black

23   bags.

24   I know it's not the only problem,

25   but it is a major problem and we need to

1   focus on having curb-side -- collection

2   available to the entire City and also

3   making rat academy available. Not -- it

4   is available to the entire City, but not

5   enough people know about it.

6   Not enough people understand it.

7   Not enough people realize by their

8   behavior of littering and leaving dog

9   poop bags wherever they want -- not

10   enough people understand. They complain

11   -- they're probably -- they might be the

12   people calling 311 about rats.

13   "Hello, thank you for calling. Do

14   you know that New York City recycles its

15   food scraps". "Do you need help

16   participating, finding a food scrap

17   drop-off site". "What Community Board

18   are you in". "Do you know that you do

19   receive curbside composting",

20   etcetera -- empowering New Yorkers to be

21   a part of the solution. Thank you.

22   MS. LIGUORI: Thank you very much.

23   Is there anybody else that wishes to

24   testify?

25   MR. DEL SENNO: I would like to make

1   a comment.

2   MS. LIGUORI: Okay. Just please

3   state your full name for the record.

4   Thank you.

5   MR. DEL SENNO: I was on before,

6   Edward Del Senno.

7   One other point, if the City was

8   really interested in getting rid of the

9   rats, why don't they make available to

10   the building owners free rat traps or

11   poison traps? They give out these COVID

12   test kits. They've spent billions of

13   dollars.

14   They advertise COVID stuff every

15   three minutes on TV. They should

16   advertise a little bit about people

17   cleaning up the streets, not throwing

18   their garbage, and provide some rat

19   traps to the building owners that would

20   like to get them.

21   Thank you. That's all.

22   MS. LIGUORI: Thank you, Mr. Del

23   Senno.

24   Does anyone else wish to testify?

25   (No response.)

1   MS. LIGUORI: Comments can still be

2 submitted until 5 p.m. today. You may

3 submit via email to

4 nycrules@dsny.nyc.gov or via the NYC

5 Rules website at nyc.gov/nycrules.

6   Seeing that no one else wishes to

7 testify, we are going to call this

8 public hearing closed.

9   Thank you to everyone that attended.

10 We really appreciate it. Thank you very

11 much.

12   (Time noted: 10:17 a.m.)

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2   CERTIFICATION

3
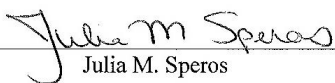
4   I, JULIA M. SPEROS, a Notary Public

5   for and within the State of New York, do

6   hereby certify:

7   That the witness whose testimony as

8   herein set forth, was duly sworn by me;

9   and that the within transcript is a true

10   record of the testimony given by said

11   witness.

12   I further certify that I am not

13   related to any of the parties to this

14   action by blood or marriage, and that I

15   am in no way interested in the outcome

16   of this matter.

17   IN WITNESS WHEREOF, I have hereunto

18   set my hand this 18th day of November,

19   2022.

20

21

22   _____
                                        Julia M. Speros

23

24

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