THE TRANSCRIPT OF THE MINUTES
of the
STATED COUNCIL MEETING
February 4, 2004
Start: 1:15 p.m.
Recess: 3:15 p.m.
City Hall
Council Chambers
New York, New York

BEFORE:

BETSY GOTBAUM
Public Advocate

COUNCIL MEMBERS:  Joseph Addabbo
Tony Avella
Maria Baez
Charles Barron
Tracy Boyland
Gale Brewer
Yvette Clarke
Leroy Comrie

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COUNCIL MEMBERS:

Bill DeBlasio  
Erik Martin-Dilan  
Simcha Felder  
Lewis Fidler  
Helen Foster  
Dennis Gallagher  
James Gennaro  
Vincent Gentile  
Alan Gerson  
Eric Gioia  
Sarah Gonzalez  
Robert Jackson  
Latitia James  
Allan Jennings  
Melinda Katz  
G. Oliver Koppell  
Andrew Lanza  
John Liu  
Margarita Lopez  
Miguel Martinez  
Michael McMahon  
A. Gifford Miller  
Hiram Monserrate  
Eva Moskowitz  
Michael Nelson  
James Oddo  
Bill Perkins  
Madeline Provenzano  
Christine Quinn  
Domenic Recchia  
Philip Reed  
Diana Reyna  
Joel Rivera  
James Sanders  
Larry Seabrook  
Helen Sears  
Jose Serrano  
Kendall Stewart  
Peter Vallone, Jr.  
Albert Vann  
David Weprin  
David Yassky
APPARENCES (CONTINUED)

STAFF: Victor Robles
       City Clerk

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

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

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

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

So, thank you very much for being here.
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Clerk read the proclamation, that would be great.

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

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

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

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

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

Whereas: The League helps instill community service among its athletes by holding field days for local schools, special festival days for handicapped children, and hosting the annual prom for severely challenged multi-handicapped
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Whereas: One of the league's teams --
the Ozone Howard Mites -- won District 27 Flag on
July 17th, the NYC Championship on July 22nd and
then went to Albany placing as a runner-up in the
State Championships; and

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

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

Be It Known: That the Council of the
City of New York most gratefully honors THE OZONE
HOWARD LITTLE LEAGUE and THE MITES, ITS 10-YEAR-OLD
DIVISION CHAMPS for their outstanding contributions
to our community through their dedicated leadership
and commitment to teach not only the game of
baseball, but also more importantly the value of
SPEAKER MILLER: Gentlemen, we're very proud of all of you. Congratulations on your success. We look forward to many big things, and, you know, being a Yankee fan, I hope you all join the Yankees. I know that's probably unpopular with the team, but there it is, I've got to stick with my colors.

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

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

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

SPEAKER MILLER: Oh, I get a ball?

COACH: You get an autographed ball
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from the team, and hopefully one day, you never know, the next Micky Mantle may be on there.

SPEAKER MILLER: Absolutely.

COACH: You never know. You never know.

SPEAKER MILLER: I'm very honored. Thank you all.

I'm going to put it in glass. I've got it right down right next to the ball I threw out at the Yankee Stadium, first one. Right next to that one. Thank you very much. I'm honored. Coming back next year, absolutely, with the 11-year-olds.

Parents, thank you all for being here.

Congratulations to you.

Council Member Weprin.

COUNCIL MEMBER WEPRIN: Okay.

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

COUNCIL MEMBER WEPRIN: Okay, we have a very honored guest. Can I ask the whole delegation to come up? Morris Baldinger, with his wife Charlotte, who is president of Hollis Park Nursing
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Home. Aroleo, Gina Gargano, Irving Manning, and Bernard and Enid Scott.

SPEAKER MILLER: Do we have a proclamation?

COUNCIL MEMBER WEPRIN: Yes, we do.

SPEAKER MILLER: Here it is. All right, if the Clerk could read the proclamation.

CITY CLERK ROBLES: The Council, City of New York, Proclamation. Whereas: The Council of the City of New York is pleased and proud to join family, friends and staff of the Hollis Park Manor Nursing Home as they recognize and celebrate the life and accomplishments of one of its most distinguished residents, 110 year old Maud Scott; and Whereas: We are a City made strong by the efforts of individuals who give exemplary service to the community, whether through participation in volunteer programs, through unique personal achievement in their professional or other endeavors, or through a lifetime of good citizenry; and Whereas: Today, we come together to
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honor Maud Scott, a woman of exceptional strength,
character and dignity who has the singular
distinction of living a life that has spanned three
centuries and is still here to tell her story; and

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

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

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

Whereas: In over one hundred years of living, Maud Scott has inspired others with her
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ebullience, her warmth, her bright spirit and her true zest for life; she is loved deeply by family and friends and has shown us all quite beautifully that age is only a state of mind; now, therefore

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

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

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

Can you do "Artie Boy"?

MRS. SCOTT: Is the mic on?
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COUNCIL MEMBER WEPRIN: Yes.

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

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

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

SPEAKER MILLER: Oh, that's beautiful.

COUNCIL MEMBER WEPRIN: Started poetry at 95.

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

Thank you.

Thank you all very much.

Congratulations, Mrs. Scott. Thank you very much for being with us.

MRS. SCOTT: Okay.

SPEAKER MILLER: Council Member Hiram Monserrate is here and has brought a number of guests.
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Special honoree. I'd like you to introduce our honoree.

COUNCIL MEMBER MONSERRATE: Thank you, Mr. Speaker.

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

SPEAKER MILLER: Okay.

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

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

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

Our Speaker Miller.

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

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

Whereas: The Council of the City of New York is pleased and proud to honor David Londin
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for his exceptional contributions to the senior community; and

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

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

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

Whereas: David Londin's tireless work on behalf of the senior community is truly impressive:
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Among his accomplishments, his leadership was the driving force behind a $68 million total renovation and modernization of the Center. During his tenure, fundraising efforts have broadened and several hugely successful events were initiated; and

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

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

Be It Known: That the Council of the
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City of New York honors DAVID LONDIN for his
outstanding contributions to the senior community of
our City.

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

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

MR. LONDIN: Thank you very much.
First of all, to the youth of
America, the baseball team, that's a great job by
them, and certainly what better moment for me to be
here caring for the elderly than to be with someone
like Mrs. Scott who has achieved a tremendous,
tremendous honor. Congratulations to you and the
fine nursing home that you're there, that you come
from.

The Workmen's Circle Multicare Center
is the nursing home that I've had the pleasure to be
in charge of for over 20 years. It's a great home
with great staff, for my son Bradley to be here and
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2 Gale and Elaina Zeretski, it's indeed an honor to
3 me, and for my whole family and to the patience, I
4 thank you very much.
5 SPEAKER MILLER: Thank you very much.
6 Council Member McMahon. I know you
7 have a couple of very special honored guests. Would
8 you like to bring them forward for us?
9 COUNCIL MEMBER McMAHON: Mr. Speaker,
10 and my colleagues in the Council and ladies and
11 gentlemen, if we could have your attention for a
12 moment?
13 This is a very important presentation
14 that we're going to make here this afternoon. We
15 learned, Mr. Speaker, through the events of
16 September 11th, we were reminded as a society that
17 there are men and women who live next to us who work
18 among us who at a moment's notice could become
19 heroes.
20 Mr. Speaker, we learned that heroes
21 are ordinary people, who in any given moment or time
22 do extraordinary things and show extraordinary
23 courage to save the lives of others, and that is
24 certainly the case of Sergeant Scott Nichols, and
25 Police Officer Mark DiPilato, who are here with us
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this afternoon.

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

While they were on tour the Sunday morning in early December last year, they noticed in a commercial building, in a taxpayer building smoke coming from the top floor, and without thinking about life or limb, or without thinking about anything except their duties to serve and protect people of the City of New York, they raced into that burning building and saved many lives. And it was through their act of heroism, because the Fire Department, although responded quickly, would not have been there in time, Sergeant Nichols and DiPilato saved lives that day without worrying about their own. They reminded us once again that the men and women of the New York City Police Department are just those heroes. They're ordinary people. They are ordinary people who want to give a moment for extraordinary things, and we're proud that Police Officer DiPilato has his son Mark with him today, who is going to be a very good Councilman some day,
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and his mom Anna DiPilato, who is with me. Sergeant Nichols, who has been on the force 19 years, Police Officer DiPilato seven years, Sergeant Nichols is joined by his wife, JC, and his three children, Christopher, Matthew and Jenna, the beautiful young girl there.

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

SPEAKER MILLER: Thank you, Michael.

If we could have the clerk read the proclamation.

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

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

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

Whereas: On November 30th, 2003,
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Sergeant Scott Nicholls along with Officer DiPilato were on community patrol in the New Brighton section of Staten Island when they spotted smoke pouring out of a three-story building; and

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

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

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

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

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

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

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

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

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

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

Whereas: On November 30th, 2003,
Officer DiPilato along with Sgt. Scott Nicholls were
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on community patrol in the New Brighton section of Staten Island when they spotted smoke pouring out of a three-story building; and

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

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

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

Whereas: New York City Police Officers have always worked diligently for all the citizens of our great City and, as this rescue shows, are well and rightfully known as New York's Finest; now, therefore
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Be It Known: That the Council of the City of New York honors POLICE OFFICER MARK DiPILATO for his courage, compassion, and heroism.

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

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

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

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

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

Congratulations.

My friends, we have another series of
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three heroes that are here today, also police
officers and detectives, who in a time of crisis
threw themselves into the crisis and saved a woman's
life, a woman who was a despondent woman who was
threatening a suicide jump from the Brooklyn Bridge.

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

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

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

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

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

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

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

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

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

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

Whereas: Today we honor Police Officer Michael R. Bazerman, whose efforts undoubtedly saved another's life, without his timely intervention, the consequences for this woman might have been fatal; and
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2 Whereas: New York City Police

3 Officers have always worked diligently for all the

4 citizens of our great City and, as this rescue

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

6 Finest; now, therefore

7 Be It Known: That the Council of the

8 City of New York honors POLICE OFFICER MICHAEL R.

9 BAZERMAN for his courage, compassion, and

10 determination in saving another's life.

11 Signed this 4th day of February in

12 the year Two Thousand and Four, Gifford Miller,

13 Speaker for the Entire Council.

14 CITY CLERK ROBLES: Whereas: The

15 Council of the City of New York is proud and pleased

16 to honor New York City Police Detective Angel

17 Serrano for his meritorious service and

18 distinguished valor in the line of duty; and

19 Whereas: Saving a life is perhaps the

20 greatest gift one individual can give to another; it

21 is an accomplishment worthy of the utmost honor,

22 praise and recognition; and

23 Whereas: New York City Police

24 Detective Angel Serrano is one such individual whose

25 presence of mind and quick thinking helped save
Whereas: Detective Serrano, a member of the New York City Police Department since July, 1996, is credited, along with fellow NYPD officers Rafael A. Martinez and Michael R. Bazerman, with helping to save the life of a despondent woman who was threatening a suicide jump from the Brooklyn Bridge; and

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

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

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

Be It Known: That the Council of the
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City of New York honors DETECTIVE ANGEL SERRANO for his courage, compassion, and determination in saving another's life.

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

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

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

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

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

Whereas: Police Officer Martinez
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tried talking to her and received no response. Realizing how precarious this situation could become, Officer Martinez parked his car and followed this woman up the ramp, whereupon she climbed over the safety railing and threatened to jump onto the concrete 30 feet below; and

Whereas: When it appeared that she was about to make good her threat, Police Officer Martinez, along with two other officers, took immediate action at risk of grave personal injury to themselves, and pulled the woman to safety; and

Whereas: Today we honor Police Officer Rafael A. Martinez, an individual whose efforts undoubtedly saved another's life; without his timely intervention the consequences for this woman might have been fatal; and

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

Be It Known: That the Council of the City of New York honors POLICE OFFICER RAFAEL A. MARTINEZ for exceptional service in the line of
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duty.

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

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

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

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

Mike.

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

SPEAKER MILLER: It was a good day.
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DETECTIVE SERRANO: I'd like to say thank you to the Council and everybody here that showed up. Thank you very much.

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

Thank you to my family, for their support.

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

Congratulations, thank you. Thank you for your service.

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

Roll call.

CITY CLERK ROBLES: Addabbo.

COUNCIL MEMBER ADDABBO: Here.
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CITY CLERK ROBLES: Avella.
COUNCIL MEMBER AVELLA: Here.
CITY CLERK ROBLES: Baez.
COUNCIL MEMBER BAEZ: Here.
CITY CLERK ROBLES: Barron.
COUNCIL MEMBER BARRON: Here.
CITY CLERK ROBLES: Boyland.
COUNCIL MEMBER BOYLAND: Here.
CITY CLERK ROBLES: Brewer.
COUNCIL MEMBER BREWER: Here.
CITY CLERK ROBLES: Clarke.
COUNCIL MEMBER CLARKE: Here.
CITY CLERK ROBLES: Comrie.
COUNCIL MEMBER COMRIE: Present.
CITY CLERK ROBLES: DeBlasio.
COUNCIL MEMBER DEBLASIO: Here.
CITY CLERK ROBLES: Dilan.
COUNCIL MEMBER DILAN: Here.
CITY CLERK ROBLES: Felder.
(Co response.)
CITY CLERK ROBLES: Fidler.
COUNCIL MEMBER FIDLER: Here.
CITY CLERK ROBLES: Foster.
COUNCIL MEMBER FOSTER: Here.
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CITY CLERK ROBLES: Gallagher.
COUNCIL MEMBER GALLAGHER: Here.

CITY CLERK ROBLES: Gennaro.
COUNCIL MEMBER GENNARO: Here.

CITY CLERK ROBLES: Gentile.
COUNCIL MEMBER GENTILE: Here.

CITY CLERK ROBLES: Gerson.
COUNCIL MEMBER GERSON: Here.

CITY CLERK ROBLES: Gioia.
COUNCIL MEMBER GIOIA: Here.

CITY CLERK ROBLES: Gonzalez.
COUNCIL MEMBER GONZALEZ: Here.

CITY CLERK ROBLES: Jackson.
COUNCIL MEMBER JACKSON: Here.

CITY CLERK ROBLES: James.
COUNCIL MEMBER JAMES: Here.

CITY CLERK ROBLES: Jennings.
COUNCIL MEMBER JENNINGS: Here.

CITY CLERK ROBLES: Katz.
COUNCIL MEMBER KATZ: Here.

CITY CLERK ROBLES: Koppell.
COUNCIL MEMBER KOPPELL: Here.

CITY CLERK ROBLES: Lanza.
COUNCIL MEMBER LANZA: Here.
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CITY CLERK ROBLES: Liu.

COUNCIL MEMBER LIU: Here.

CITY CLERK ROBLES: Lopez.

COUNCIL MEMBER LOPEZ: Here.

CITY CLERK ROBLES: Martinez.

COUNCIL MEMBER MARTINEZ: Here.

CITY CLERK ROBLES: McMahon.

COUNCIL MEMBER McMAHON: Here.

CITY CLERK ROBLES: Monserrate.

COUNCIL MEMBER MONSERRATE: Here.

CITY CLERK ROBLES: Moskowitz.

COUNCIL MEMBER MOSKOWITZ: Here.

CITY CLERK ROBLES: Nelson.

COUNCIL MEMBER NELSON: Here.

CITY CLERK ROBLES: Palma.

COUNCIL MEMBER PALMA: Here.

CITY CLERK ROBLES: Perkins.

COUNCIL MEMBER PERKINS: Here.

CITY CLERK ROBLES: Provenzano.

COUNCIL MEMBER PROVENZANO: Here.

CITY CLERK ROBLES: Quinn.

COUNCIL MEMBER QUINN: Here.

CITY CLERK ROBLES: Recchia.

COUNCIL MEMBER RECCHIA: Here.
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CITY CLERK ROBLES: Reed.
COUNCIL MEMBER REED: Here.
CITY CLERK ROBLES: Reyna.
COUNCIL MEMBER REYNA: Here.
CITY CLERK ROBLES: Sanders.
COUNCIL MEMBER SANDERS: Present.
CITY CLERK ROBLES: Seabrook.
COUNCIL MEMBER SEABROOK: Here.
CITY CLERK ROBLES: Sears.
COUNCIL MEMBER SEARS: Here.
CITY CLERK ROBLES: Serrano.
COUNCIL MEMBER SERRANO: Here.
CITY CLERK ROBLES: Stewart.
COUNCIL MEMBER STEWART: Here.
CITY CLERK ROBLES: Vallone.
COUNCIL MEMBER VALLONE: Here.
CITY CLERK ROBLES: Vann.
COUNCIL MEMBER VANN: Here.
CITY CLERK ROBLES: Weprin.
COUNCIL MEMBER WEPRIN: Here.
CITY CLERK ROBLES: Yassky.
COUNCIL MEMBER YASSKY: Here.
CITY CLERK ROBLES: Oddo.
COUNCIL MEMBER ODDO: Here.
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CITY CLERK ROBLES: Rivera.
COUNCIL MEMBER RIVERA: Here.
CITY CLERK ROBLES: Speaker Miller.
SPEAKER MILLER: I'm here.
MAJORITY LEADER RIVERA: A quorum is present.

Everyone please rise for the invocation delivered by Rabbi Jonathan Glass.
RABBI GLASS: Men and women of the City Council, this Saturday is Arbor Day in the Jewish Calendar. It signifies that time of year when trees in the land of the Bible begin to rejuvenate after a long winter.

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

Man is like the tree of the field.

We, like the tree, maintain a slow process of growth until we bear the fruit of our maturity.

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

MAJORITY LEADER RIVERA: Council Member Nelson.
COUNCIL MEMBER NELSON: I make a
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motion to spread the invocation in full upon the record.

MAJORITY LEADER RIVERA: So ordered.

Adoption of the minutes.

Council Member Foster.

COUNCIL MEMBER FOSTER: Hi. Thank you.

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

MAJORITY LEADER RIVERA: Thank you very much.

Messages and Papers from the Mayor.

COUNCIL CLERK CHERRY: None.

SPEAKER MILLER: Whoa.

COUNCIL CLERK CHERRY: Sorry.

M 60.

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

COUNCIL CLERK CHERRY: M 61.

SPEAKER MILLER: Received, ordered, printed and filed.

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

Silence in the Chambers, please.

COUNCIL CLERK CHERRY: None.
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MAJORITY LEADER RIVERA: Thank you.

Again, Communication from City, County and Borough Offices.

COUNCIL CLERK CHERRY: None.

MAJORITY LEADER RIVERA: Petitions and Communications.

COUNCIL CLERK CHERRY: None.

MAJORITY LEADER RIVERA: Land Use Call-Ups.

COUNCIL CLERK CHERRY: M-62.

SPEAKER MILLER: Coupled on the Call-Up vote.

COUNCIL CLERK CHERRY: M-63.

SPEAKER MILLER: Coupled on the Call-Up vote.

At this point I'd ask the Clerk to call the roll on all items coupled on the Land Use Call-Up.

COUNCIL CLERK: Addabbo.

COUNCIL MEMBER ADDABBO: Aye on all.

COUNCIL CLERK: Avella.

COUNCIL MEMBER AVELLA: Aye.

COUNCIL CLERK: Baez.

COUNCIL MEMBER BAEZ: Aye.
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2 COUNCIL CLERK: Barron.

3 COUNCIL MEMBER BARRON: Aye on all.

4 COUNCIL CLERK: Boyland.

5 COUNCIL MEMBER BOYLAND: Aye on all.

6 COUNCIL CLERK: Brewer.

7 COUNCIL MEMBER BREWER: Aye on all.

8 COUNCIL CLERK: Clarke.

9 COUNCIL MEMBER CLARKE: Aye on all.

10 COUNCIL CLERK: Comrie.

11 COUNCIL MEMBER COMRIE: Aye on all.

12 COUNCIL CLERK: DeBlasio.

13 COUNCIL MEMBER DEBLASIO: Aye.

14 COUNCIL CLERK: Dilan.

15 COUNCIL MEMBER DILAN: Aye on all.

16 COUNCIL CLERK: Felder.

17 (No response.)

18 COUNCIL CLERK: Fidler.

19 COUNCIL MEMBER FIDLER: Aye on all.

20 COUNCIL CLERK: Foster.

21 COUNCIL MEMBER FOSTER: Aye on all.

22 COUNCIL CLERK: Gennaro.

23 COUNCIL MEMBER GENNARO: Aye.

24 COUNCIL CLERK: Gentile.

25 COUNCIL MEMBER GENTILE: Aye on all.
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COUNCIL CLERK: Gerson.
COUNCIL MEMBER GERSON: Aye on all.
COUNCIL CLERK: Gioia.
COUNCIL MEMBER GIOIA: Yes on all.
COUNCIL CLERK: Gonzalez.
COUNCIL MEMBER GONZALEZ: Aye on all.
COUNCIL CLERK: Jackson.
COUNCIL MEMBER JACKSON: Aye on all.
COUNCIL CLERK: James.
COUNCIL MEMBER JAMES: Aye on all.
COUNCIL CLERK: Jennings.
COUNCIL MEMBER JENNINGS: Aye on all.
COUNCIL CLERK: Katz.
COUNCIL MEMBER KATZ: Aye on all.
COUNCIL CLERK: Koppell.
COUNCIL MEMBER KOPPELL: Mr. Majority Leader, I would like to be recorded aye on all of the Land Use Call-Ups, and with the permission of my colleagues, to be recorded aye on all matters on the General Orders Calendar. I have a personal obligation which requires that I leave early with permission of the members.
Thank you.

MAJORITY LEADER RIVERA: So ordered.
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COUNCIL CLERK: Lanza.
COUNCIL MEMBER LANZA: Aye.
COUNCIL CLERK: Liu.
COUNCIL MEMBER LIU: Yes.
COUNCIL CLERK: Lopez.
COUNCIL MEMBER LOPEZ: Aye.
COUNCIL CLERK: Martinez.
(No response.)
COUNCIL CLERK: McMahon.
COUNCIL MEMBER McMAHON: Aye on all.
COUNCIL CLERK: Monserrate.
COUNCIL MEMBER MONSERRATE: Aye on all.
COUNCIL CLERK: Moskowitz.
(No response.)
COUNCIL CLERK: Nelson.
COUNCIL MEMBER NELSON: Aye on all.
COUNCIL CLERK: Palma.
COUNCIL MEMBER PALMA: Aye on all.
COUNCIL CLERK: Perkins.
COUNCIL MEMBER PERKINS: Aye on all.
COUNCIL CLERK: Provenzano.
COUNCIL MEMBER PROVENZANO: Aye on all.
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COUNCIL CLERK: Quinn.
COUNCIL MEMBER QUINN: Aye on all.

COUNCIL CLERK: Recchia.
COUNCIL MEMBER RECCHIA: Aye on all.

COUNCIL CLERK: Reed.
COUNCIL MEMBER REED: Aye on all.

COUNCIL CLERK: Reyna.
COUNCIL MEMBER REYNA: Aye on all.

COUNCIL CLERK: Sanders.
COUNCIL MEMBER SANDERS: Aye on all.

COUNCIL CLERK: Seabrook.
COUNCIL MEMBER SEABROOK: Aye.

COUNCIL CLERK: Sears.
COUNCIL MEMBER SEARS: Aye.

COUNCIL CLERK: Serrano.
COUNCIL MEMBER SERRANO: Aye.

COUNCIL CLERK: Stewart.
COUNCIL MEMBER STEWART: Aye on all.

COUNCIL CLERK: Vallone.
COUNCIL MEMBER VALLONE: Aye on all.

COUNCIL CLERK: Vann.
COUNCIL MEMBER VANN: Aye on all.

COUNCIL CLERK: Weprin.
COUNCIL MEMBER WEPRIN: Aye on all.
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COUNCIL CLERK: Yassky.
(No response.)

COUNCIL CLERK: Felder.
(No response.)

COUNCIL CLERK: Gallagher.

COUNCIL MEMBER GALLAGHER: Aye.

COUNCIL CLERK: Oddo.

COUNCIL MEMBER ODDO: Yes.

COUNCIL CLERK: Rivera.

COUNCIL MEMBER RIVERA: Yes to all.

COUNCIL CLERK: Speaker Mr. Miller.

SPEAKER MILLER: Aye.

MAJORITY LEADER RIVERA: Today's Land Use Call-Ups were adopted by a vote of 47 in the affirmative, zero in the negative.

Communication from the Speaker.

SPEAKER MILLER: My colleagues, today I am proud to stand with you, ready to override the Mayor's veto and adopt the strongest and most thoughtful lead abatement law in the country.

This law will correct the defects of the previous law. For the first time lead dust, the primary source of lead poisoning will be regulated.

We know how children are being
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2  poisoned, they're being poisoned by dust.
3       This is the for the first time the
4  City of New York is saying lead dust must be
5  regulated, must be eliminated. We must protect our
6  children.
7       In addition, this law appropriately
8  focuses on primary prevention, because every child
9  who is poisoned is a failure for this City. Every
10  child who has lead poison elevation is a child whose
11  future is being harmed.
12       We have to focus on primary
13  prevention, and this law does that, directing
14  resources to troubled buildings, not just to fix
15  current problems, but to prevent children from
16  becoming sick in the first place.
17       This law gives responsible landlords
18  the flexibility they need to comply with reasonable
19  time lines, and the ability to use their own trained
20  staff to fix nearly every problem that may arise.
21       But the law also cracks down on
22  irresponsible landlords who do not keep their
23  buildings in good shape, and as a result place
24  children at risk of long life health affects of lead
25  poisoning.
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Over an extremely lengthy hearing process, I met personally with doctors and health professionals who treat the same children we are trying now to protect, and will indeed protect today.

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

There are indeed some who have criticized this bill, claiming that it will drive away insurance and imperil affordable housing. They speculate, however, without any evidence or real basis in fact, that it will make finding housing more difficult. In fact, we carefully reviewed these issues during our environmental review and during the hearing process and the Council is not turning a blind eye to these concerns, but we cannot base sound public policy on mere speculation.

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

I am extremely disappointed that the
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Mayor vetoed this legislation. His veto would lead countless of the City's most poor and most defenseless and most vulnerable without protection.

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

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

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

I'm proud of the Council, and I want to particularly thank Deputy Majority Leader Bill Perkins, the sponsor of this bill for his hard work, and I want to thank all of my colleagues here for
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standing up for what is right and protecting the children of this City for what I believe is the most thoughtful, most effective, most rational, most enforceable piece of legislation in the country to protect children from the terrible devastating affects of lead poisoning. And at this point I'd like to ask the Deputy Majority Leader Bill Perkins to say a few words on the subject as well.

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

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

We will end lead poisoning as we know it. I simply do not buy the logic that the only alternative children have to lead in their homes is no home at all.
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The notion that one can care about
the health and safety of children or one can care
about affordable housing but not both is an insult.
The claim that insurance will dry up for new housing
development is a boogieman tactic. Not a single
insurance company testified to that effect, nor has
a single company contacted my office, or I dare say
even the Speaker's office.

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

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

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

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

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

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

We had months and months of negotiations led by Council Member Brewer on the bill to try to come up with a version of the bill, this very common sensical bill that the
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Administration could support. And after making numerous changes in the bill, still the Bloomberg Administration has needlessly vetoed this initiative.

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

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

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

The Administration says they don't like this initiative because it has time frames built into it, but sadly, a number of years ago the City got a $5 million grant from IBM to create an
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An electronic death registry system. That $5 million lead to absolutely nothing. No system at all. So, through their real failure to implement and spend money wisely, the Department of Health has made it clear that we must put time lines in place, otherwise they will not deliver a system that makes sense, would help funeral directors, most importantly would help people in their deepest time of need.

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

SPEAKER MILLER: That concludes the Communication from the Speaker, Madam Public Advocate.
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PUBLIC ADVOCATE GOTBAUM: Discussion of General Orders.

Council Member Barron.

COUNCIL MEMBER BARRON: Thank you, Madam Public Advocate.

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

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

Every family of goodwill should be outraged, but particularly families of color that never forget what this Mayor has done and what he
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thinks about our children.

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

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

PUBLIC ADVOCATE GOTBAUM: Council Member Oddo.

COUNCIL MEMBER ODDO: Thank you.

Subsequent to the Council's vote on 101-A, in December the New York Times did a story
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2 written by David Chen on December 21st, a front-page
3 story in the metro section, and the headline was
4 "One Housing World Gives Way To Another," talked
5 about the lack of affordable housing, housing in New
6 York City, and it highlighted a report that was
7 issued a couple of days later of the state of New
8 York City's housing in neighborhoods by the Furhman
9 Center For Real Estate and Urban Policy, and it
10 talked in that report about the long-term, the jump
11 in long-term delinquencies on property taxes. And
12 the author in the report stated he didn't know if it
13 was a blip or he didn't know if it was an early
14 warning sign that we have a weakness in the housing
15 stock. And in it they talked about, well, what would
16 be causing this? And they talked about property tax
17 increase and they talked about rising insurance
18 costs. I've heard from my colleagues, and we've
19 heard from the lead sponsor of the bill again today
20 how the fact that no one from the insurance industry
21 came and testified on this bill, but, you know,
22 let's look at the reality.
23
24 No one from the insurance industry
25 was going to come in here, get no benefit by
26 testifying on this bill, paint a bull's eye on his
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back, and the reality is that large insurers don't
issue lead protection. And it falls upon a small
group of very small companies, that have the ability
to apply to the State Department of Insurance for
Exclusion and I think the record should reflect that
some companies are in that process of getting out of
the insurance business in terms of lead. That has a
chilling effect on affordable housing in this City.

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

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

PUBLIC ADVOCATE GOTBAUM: Council
Member Brewer.

COUNCIL MEMBER BREWER: Thank you very
much. I want to rise to support the electronic death
registration system override, which I think you
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2 will, but I want to mention Christine Quinn and her
3 Committee and also the Speaker, the funeral industry
4 and Stephen Schwartz at the Health Department, all
5 of whom I think are trying to put together a very
6 sophisticated, complicated system so that families
7 in a horrible time in their lives are able to have
8 the best possible access to government.
9
10 But I do think it is very unfortunate
11 that the technology Mayor is upset that there are
12 deadlines for implementing technology, because
13 that's why this bill was vetoed because there are
14 deadlines.
15
16 And as Council Member Oddo has said
17 many times, I guess Fresh Kills would not be closed
18 if it wasn't for deadlines. So, I thank you, Council
19 Member about reminding us for the need for
20 deadlines.
21
22 So, I ask everyone to support the
23 override on electronic death registration system.
24 Thank you.
25
26 PUBLIC ADVOCATE GOTBAUM: Council
27 Member De Blasio.
28
29 COUNCIL MEMBER De BLASIO: Thank you,
30 Madam Public Advocate.
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First of all, I want to thank the Speaker and our Deputy Majority Leader Bill Perkins for their incredible work on the lead paint bill.

And I just want to amplify, I want to amplify something the Speaker was mentioning. I don't think we have seen a bill that has gone through more scrutiny and more effort and more testimony. I think there is not a single nook or crannie of this bill that wasn't looked at and analyzed where every single possible voice was not at the table, and I feel absolutely certain that all the constituencies affected were involved in the process in the discussion. I think it was really an exemplary case of trying to bring in every possible position and crafting a very careful and precise final version of the bill, and I give the Speaker and Bill Perkins and their staffs a lot of credit with how carefully drawn this bill was.

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

I also want to mention on the resolution defending our civil liberties, that we are going to do something today in New York City which will really have a national effect -- I'm
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sorry, I'm out of order.

PUBLIC ADVOCATE GOTBAUM: I'm sorry,

Council member, that's a different part of the
agenda.

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

PUBLIC ADVOCATE GOTBAUM: Apology
accepted.

Seeing nobody else, Report of Special
Committees.

COUNCIL CLERK CHERRY: None.

PUBLIC ADVOCATE GOTBAUM: Reports of
Standing Committees.

COUNCIL CLERK CHERRY: Reports of the
Committee on Health.

Intro. 198-A.

SPEAKER MILLER: Coupled on the
General Order Calendar.

COUNCIL CLERK CHERRY: M 7.

SPEAKER MILLER: Coupled to be filed.

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

Intro. 101-A.
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SPEAKER MILLER: Coupled on the General Order Calendar.

COUNCIL CLERK CHERRY: M 6.

SPEAKER MILLER: Coupled to be filed.

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

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

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

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

SPEAKER MILLER: Coupled on the General Order Calendar.

PUBLIC ADVOCATE GOTBAUM: General Order Calendar.

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

SPEAKER MILLER: Coupled on the General Order Calendar.

At this point I would ask the Clerk to call the roll on all items coupled on the General Order Calendar.
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COUNCIL CLERK: Addabbo.
COUNCIL MEMBER ADDABBO: Aye.
COUNCIL CLERK: Avella.
COUNCIL MEMBER AVELLA: Aye.
COUNCIL CLERK: Baez.
COUNCIL MEMBER BAEZ: Aye.
COUNCIL CLERK: Barron.
COUNCIL MEMBER BARRON: Aye.
COUNCIL CLERK: Boyland.
COUNCIL MEMBER BOYLAND: Aye.
COUNCIL CLERK: Brewer.
COUNCIL MEMBER BREWER: Aye.
COUNCIL CLERK: Clarke.
COUNCIL MEMBER CLARKE: Aye on all.
COUNCIL CLERK: Comrie.
(No response.)
COUNCIL CLERK: DeBlasio.
COUNCIL MEMBER DEBLASIO: Aye.
COUNCIL CLERK: Dilan.
COUNCIL MEMBER DILAN: Aye.
COUNCIL CLERK: Felder.
COUNCIL MEMBER FELDER: Aye. And can I please vote aye on the Land Use items as well?
PUBLIC ADVOCATE GOTBAUM: So ordered.
COUNCIL MEMBER FIDLER: Madam Public Advocate, may I be briefly excused to explain my vote?

PUBLIC ADVOCATE GOTBAUM: So ordered.

COUNCIL MEMBER FIDLER: Madam Public Advocate, may I be briefly excused to explain my vote?

PUBLIC ADVOCATE GOTBAUM: So ordered.

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

COUNCIL MEMBER FOSTER: Aye on all.

COUNCIL CLERK: Foster.
COUNCIL MEMBER GALLAGHER: May I be temporarily excused to explain my vote?

PUBLIC ADVOCATE GOTBAUM: So ordered.

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

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

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

Thank you.

COUNCIL CLERK: Gennaro.

COUNCIL MEMBER GENNARO: Aye.

COUNCIL CLERK: Gentile.

COUNCIL MEMBER GENTILE: Aye.

COUNCIL CLERK: Gerson.

COUNCIL MEMBER GERSON: May I be

canceled to briefly explain my vote?
PUBLIC ADVOCATE GOTBAUM: So ordered.

COUNCIL MEMBER GERSON: Thank you very much.

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

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

We must go forward, safety must come first, children safety must come first. But also, my colleagues, we must be prepared to make this necessary regulatory and other adjustments to assure that we avoid unintended consequences, including those to affordable housing as we go forward with the understanding that this Council will be vigilant
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in doing just that. I vote aye. Thank you.

COUNCIL CLERK: Gioia.

COUNCIL MEMBER GIOIA: I vote yes on all.

COUNCIL CLERK: Gonzalez.

COUNCIL MEMBER GONZALEZ: Aye.

COUNCIL CLERK: Jackson.

COUNCIL MEMBER JACKSON: Aye on all.

COUNCIL CLERK: James.

COUNCIL MEMBER JAMES: Aye on all.

COUNCIL CLERK: Jennings.

COUNCIL MEMBER JENNINGS: Aye on all.

COUNCIL CLERK: Katz.

COUNCIL MEMBER KATZ: Aye on all.

COUNCIL CLERK: Lanza.

COUNCIL MEMBER LANZA: No on Intro.

101-A, aye on the rest.

COUNCIL CLERK: Liu.

COUNCIL MEMBER LIU: Yes on all.

COUNCIL CLERK: Lopez.

COUNCIL MEMBER LOPEZ: Pass.

COUNCIL CLERK: McMahon.

COUNCIL MEMBER McMAHON: Aye.

COUNCIL CLERK: Monserrate.
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COUNCIL MEMBER MONSERRATE: Permission to explain my vote, Madam Chair?

PUBLIC ADVOCATE GOTBAUM: So ordered.

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

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

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

We are doing the right thing and I
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hope to God that some day our Mayor comes to terms with us on this issue.

COUNCIL CLERK: Moskowitz.

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

PUBLIC ADVOCATE GOTBAUM: So ordered.

COUNCIL MEMBER MOSKOWITZ: Sorry.

PUBLIC ADVOCATE GOTBAUM: Okay.

COUNCIL CLERK: Nelson.

COUNCIL MEMBER NELSON: Aye on all.

COUNCIL CLERK: Palma.

COUNCIL MEMBER PALMA: Aye.

COUNCIL CLERK: Perkins.

COUNCIL MEMBER PERKINS: Pass.

COUNCIL CLERK: Provenzano.

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

COUNCIL CLERK: Quinn.

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

PUBLIC ADVOCATE GOTBAUM: So ordered.

COUNCIL MEMBER QUINN: I, in voting today, want to thank the Land Use staff, and
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particularly Gail Benjamin and also the Chair of the full Committee Melinda Katz and Tony Avella for a lot of help they gave me regarding Pier 94, an item which in a larger sense is part of today's agenda. I want to vote aye on all, again thank my colleagues for their support on the electronic death registry and also want to applaud the work of Council Member Perkins on the lead bill and vote aye on all, in particular both of the override.

COUNCIL CLERK: Recchia.

COUNCIL MEMBER RECCHIA: Aye on all.

COUNCIL CLERK: Reed.

COUNCIL MEMBER REED: Aye on all.

COUNCIL CLERK: Reyna.

COUNCIL MEMBER REYNA: I vote aye.

COUNCIL CLERK: Sanders.

COUNCIL MEMBER SANDERS: Aye on all.

COUNCIL CLERK: Seabrook.

COUNCIL MEMBER SEABROOK: Aye on all.

COUNCIL CLERK: Sears.

COUNCIL MEMBER SEARS: Permission to explain my vote?

PUBLIC ADVOCATE GOTBAUM: So ordered.
COUNCIL MEMBER SEARS: I vote no on 101-A, and yes on 198-A.

COUNCIL CLERK: Serrano.

COUNCIL MEMBER SERRANO: Aye.

COUNCIL CLERK: Stewart.

COUNCIL MEMBER STEWART: Permission to explain my vote?

PUBLIC ADVOCATE GOTBAUM: So ordered.

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

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

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

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

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

COUNCIL CLERK: Vann.

COUNCIL MEMBER VANN: Permission to explain my vote?

PUBLIC ADVOCATE GOTBAUM: So ordered.

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

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

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

COUNCIL CLERK: Weprin.

COUNCIL MEMBER WEPRIN: Aye on all.
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COUNCIL CLERK: Yassky.

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

PUBLIC ADVOCATE GOTBAUM: So ordered.

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

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

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

But on the other side, the costs of not passing this bill are very real, are before us every day. The cost of allowing lead poisoning to continue we see every day, and we cannot permit that
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So, I intend to vote aye. I do now vote aye on all before us and I request permission, Madam Public Advocate, to also vote on the Land Use items earlier today, and I vote aye on those as well. Thank you.

PUBLIC ADVOCATE GOTBAUM: So ordered.

COUNCIL CLERK: Comrie.

COUNCIL MEMBER COMRIE: Aye on all.

COUNCIL CLERK: Lopez.

COUNCIL MEMBER LOPEZ: Permission to explain my vote?

PUBLIC ADVOCATE GOTBAUM: So ordered.

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

I've also been an activist to create this bill since the moment that I arrived to this place, which no more children be poisoned by lead. I am very painfully in this situation today in which I'm going to vote for this bill. I think
the Mayor and the Council should have never shared
this bill, and not being in this situation today,
but I believe that we need to protect children from
lead poisoning, but it should not be at the cost of
endangering affordable housing.

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

Therefore, this contradiction that we
confront must be resolved, and we have to come to a
sensible fixing of this problem as soon as possible.
Saying that, I'm voting for this bill
with a lot of heaviness in my heart, because I would
like to vote for it one more time, for the lead
elimination and not with a conflicted feeling
attached to it, that it's going to damage affordable
housing.

I vote aye.

COUNCIL CLERK: Perkins.
COUNCIL MEMBER PERKINS: Thank you very much. I rise to vote aye on all but to ask for a moment to explain my vote. First, I am voting with a great deal of relief on my heart, and a great deal of joy in my heart, because we have finally, as an institution, embraced the children of the lead belt who have been victimized for years and years and years at the amount of 5,000 per year poisoned for life, with the social costs of billions and billions of dollars, as testified to by real doctors, not by advocates per se, but by doctors. And, so, I'm very pleased to be here today, voting to override this veto by the Mayor. I'm also pleased to extend my appreciation to the Speaker, to the Black, Latino and Asian Caucus, without whom this bill could not have moved forward, to the extraordinary leadership by New York City Coalition to end lead poisoning, especially those mothers who turn their despair into hope and came to the City Council because they knew in this body they would find allies and advocates who were sympathetic to their cause.
I am very hopeful that the Mayor will obey the law and implement this bill. But I'm concerned, I'm concerned because recently the Commissioner of Health sent out a letter that worries me about whether or not despite the law his heart will be in his responsibility to implement the law. I'm very concerned about that, because he basically predicted that under his watch this bill would be a failure.

I don't know how one can enter into a marriage predicting it will be a disaster, and so I'm very concerned about a commissioner in the Department of Health whose responsibility is to implement the law that is predicting disaster for children in a continuation of 5,000 children, especially of color, being poisoned in this City. But I'm hopeful that his board's familiar --

PUBLIC ADVOCATE GOTBAUM: Council Member.

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

PUBLIC ADVOCATE GOTBAUM: Please,

Council member.
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COUNCIL MEMBER PERKINS:-- Will make sure that this bill is implemented in the proper way.

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

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

PUBLIC ADVOCATE GOTBAUM: Thank you, Council member.

COUNCIL MEMBER PERKINS: -- Presented this time --

PUBLIC ADVOCATE GOTBAUM: Please.

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

Thank you very much.

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

Once one of you goes over, you know what happens.
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COUNCIL CLERK: Oddo.

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

COUNCIL CLERK: Rivera.

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

PUBLIC ADVOCATE GOTBAUM: So ordered.

COUNCIL MEMBER RIVERA: Thank you very much.

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

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

The only way we can do that is by keeping in mind our obligation about ensuring that we provide leadership and by passing laws that
I'd like to commend the leadership of Council Member Bill Perkins on this issue because we needed a leader on this issue and Bill Perkins, along with Stanley Michels in the previous Council were those leaders, and I think that we've done a phenomenal job deliberating, having conversations and getting into dialogue in the specifications of this bill, and now we can honestly say that 5,000 children per year, that number will continue to decrease, and the children within the Bronx, Manhattan, Brooklyn, Queens and Staten Island, will no longer have to fear being poisoned by lead and now we don't have to worry about future billions of dollars being spent on medical expenses.

Thank you very much, and I'd like to commend all of my colleagues for voting for this very important piece of legislation as well. Thank you.
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couple of more things on this because I think it's important.

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

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

Well, let me try to address this directly, so that people can understand what the presumption issue is, because it sounds kind of funny.
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2
3 It's this simple: The question is, if
4 you are a landlord of a building that was built
5 before 1960, if you don’t know whether the paint in
6 your building is lead or not, should you presume
7 that it is lead, since it's a toxic substance that
8 can poison children? Or should you not presume that
9 it is lead?
10
11 And the answer is of course you
12 should presume that it is lead, because it's toxic
13 and it poisons children.
14
15 If you don't know, act like it is. If
16 you want to find out whether or not it is, figure it
17 out, and if it's not lead, then treat it like it's
18 not lead.
19
20 But if you won't know whether it's
21 lead or not, of course you should presume it's lead.
22
23 We're being asked by some to put an opposite
24 presumption to law, a presumption that paint in
25 pre-1960 buildings is not lead, even if we don't
26 know whether it is or not, despite the fact that
27 lead is a toxic substance that poisons children.
28
29 Why would we do this? Because there's
30 speculation that at some point down the road this
31 may make it more difficult for some people to get
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2 insurance. Well, we'll take a look at that when that
3 happens, if it were to happen. But why should that
4 be? This is the state of the law today, that was the
5 state of the law between 1981 and 1998, it is the
6 state of reality. Of course you should presume that
7 it's lead if you don't know whether it's lead or
8 not.
9 No one could seriously come before
10 this Council and suggest that you should presume
11 that paint is not lead if you don't know whether it
12 is or not. Of course you should.
13 And, so, I say to my colleagues that
14 on that issue we are right. On the other issues that
15 have been worked out before this Council, many of
16 which, most of which came with tremendous input from
17 this Administration, from advocates on all sides,
18 this bill is enforceable, this bill is responsible,
19 this bill is cost effective because the savings from
20 protecting children from lead poisoning are immense,
21 and this bill is the right thing to do for the
22 children of the City of New York and I vote aye.
23 PUBLIC ADVOCATE GOTBAUM: All items on
24 today's General Order Calendar were adopted by a
25 vote of 50 in the affirmative, zero in the negative,
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zero abstentions, with the exceptions of Intro.

101-A, which was adopted by a vote of 44 in the affirmative, five negative, and one abstention.

Revised Land Use Call-Ups were adopted by a vote of 50 in the affirmative, zero in the negative.

Introduction and Reading of Bills.

SPEAKER MILLER: All items are referred to the committee as indicated on the agenda.

PUBLIC ADVOCATE GOTBAUM: Discussion of Resolutions.

Remember, you have one minute.

SPEAKER MILLER: Can I say a few words on this?

PUBLIC ADVOCATE GOTBAUM: Yes, Mr. Speaker, you may go first.

SPEAKER MILLER: Thank you, Madam Public Advocate.

I just want to commend to my colleagues preconsidered Resolution 60, which was formerly Resolution 909-A, which passed out of the Government Operations Committee by a vote of seven to one.
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This resolution has evolved in order to focus on what is really needed. Amendments to the law by Congress that will protect civil liberties guaranteed by the US Constitution, particularly at a time of war, particularly as our country's values are being challenged abroad, it's important for us to stand up to what the Constitution and what the United States has always stood for. And with the passage of this resolution, the City Council will be joined over 200 local governments and states that have passed similar acts, calling for congressional action.

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

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

In fact, a Federal Court in California ruled that parts of the Patriot Act are unconstitutional and violate the First and Fifth
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Amendment by infringing on free speech and due process.

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

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

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

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

This resolution the Council is adopting shows that we can win the war on terrorism without compromising the constitutional rights that
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2 we are ultimately fighting for.
3 If we compromise those rights, the
terrorists win.
5 I thank my colleagues for their
6 support of this resolution.
7 PUBLIC ADVOCATE GOTBAUM: Council
8 Member Felder.
9 COUNCIL MEMBER FELDER: Thank you.
10 "Repeal the tratorous Patriot Act.
11 Bush lies." That's the sign that welcomes me to City
12 Hall steps about an hour ago.
13 We are at war. Ask the survivors,
14 friends and families of September 11th tragedy. Ask
15 anyone in this room. This resolution sends the wrong
16 message at the wrong time in the wrong place.
17 We're telling our government protect
18 us at all costs, except we don't trust you to strike
19 a balance between security and liberty.
20 This Chamber is the wrong place. The
21 United Supreme Court will ultimately decide whether
22 government is doing the right thing, not the New
23 York City Council.
24 We are at war, and I cannot support
25 any resolutions that ask New Yorkers to pretend
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we're not.

PUBLIC ADVOCATE GOTBAUM: Thank you, Council member.

Council Member Vallone.

COUNCIL MEMBER VALLONE: Thank you.

Maybe taking out a book on religion shouldn't put you on a list, but taking out ten books on how to build a bomb, will definitely put you on a government list.

The vote came out of Committee seven to one. I was the one. There's a lot of information, misinformation out there about the Patriot Act. What the Patriot Act actually does is give the power to law enforcement that our Police Commissioner asked for. It allows different levels of government and different agencies to communicate, which was not allowed before the Patriot Act, and it gives the power to fight terrorists, it gives the government the power to fight terrorists, the same power it always had to fight the mob. That's what the Patriot Act does, put simply. The Patriot Act has helped keep us safe for two years. The safety of the public must always be the number one priority, not the right to suspected terrorists, and I proudly support
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the Patriot Act and vote no on this resolution.

PUBLIC ADVOCATE GOTBAUM: Council Member DeBlasio.

COUNCIL MEMBER DeBLASIO: Thank you.

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

So, I would simply say it is very important that New York City is taking a lead, is part of a movement of cities and counties and states all over the country that are saying our civil liberties come first, and we are not going to allow
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the very foundation of our nation to be destroyed
and this resolution is very, very important in that
process.

I urge all my colleagues to vote aye.

PUBLIC ADVOCATE GOTBAUM: Council

Member Oddo.

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

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

PUBLIC ADVOCATE GOTBAUM: Council

Member Reed.

COUNCIL MEMBER REED: Thank you, Madam
Public Advocate.

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

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

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

PUBLIC ADVOCATE GOTBAUM: Council Member Rivera.

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

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

And one thing that I have to point
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out is that we always have to remember that we live
in a democracy. We do not live in a dictatorship.
And we have to celebrate our freedom of speech, our
civil liberties, our bill of rights, and the freedom
of due process.

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

PUBLIC ADVOCATE GOTBAUM: Council
Member Jackson.

COUNCIL MEMBER JACKSON: Thank you,
Madam Public Advocate.
I rise in favor of this resolution, and I have a flyer in my hand it says, "eroding liberty. Rights and freedoms we have lost as a result of the USA Patriot Act." And it talks about the First Amendment Freedom of Speech, and it goes on to talk about the Sixth Amendment, the right to legal representation, and the Fifth Amendment right to due process and freedom from being held without charge. And I've been told, and you know it's a fact, that this country is holding American citizens and other people without due process, and due process is the American way, and so we need to have that here in this country now.

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

PUBLIC ADVOCATE GOTBAUM: Council Member Avella.

COUNCIL MEMBER AVELLA: Thank you, Madam Public Advocate. I'm troubled by this resolution for
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two reasons.

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

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

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

I vote no.

PUBLIC ADVOCATE GOTBAUM: Council
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Member Lopez.

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

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

We should condemn the Patriot Act now and forever.

PUBLIC ADVOCATE GOTBAUM: Thank you,
COUNCIL MEMBER GERSON: Madam Public Advocate, in fact, there have been abuses as a result of the Patriot Act, so-called Patriot Act excesses which go beyond what government agencies engage in to prosecute organized crime and other criminal endeavors.

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

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

Thank you.
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Member Gallagher.

COUNCIL MEMBER GALLAGHER: Thank you.

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

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

This legislative body convenes just a short distance from where the once great World Trade Center stood, a symbol of American prosperity and hope for the future. A place where thousands of our fellow citizens lives were taken by those who had no fear of retribution.
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PUBLIC ADVOCATE GOTBAUM: Council member.

COUNCIL MEMBER GALLAGHER: I'll be summing up.

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

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

PUBLIC ADVOCATE GOTBAUM: Please, Council member.

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

I planned and intend on voting no.

Thank you.

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

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

COUNCIL MEMBER PERKINS: Without a doubt, as always.

Thank you very much, Madam Public
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Advocate. I want to first take a moment to thank the New York Civil Liberties Union, and the Campaign for Defense of our Bill of Rights for their support in developing a movement that would help us to understand how the Patriot Act is really unpatriotic.

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

Thank you very much.

PUBLIC ADVOCATE GOTBAUM: Council Member Lanza.

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

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

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

Council Member Lanza.

COUNCIL MEMBER LANZA: Yes, thank you,

Madam Public Advocate.

I'm voting no on this Anti-Patriot
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2 Act resolution, because I think it sends a terrible
3 and wrong message, especially to our enemies,
4 especially as we sit, as we do a few feet from where
5 thousands of Americans were killed, for no other
6 reason really than because of what they believed in.
7 A great American President, Abraham
8 Lincoln, understood that especially during times of
9 war, that division at home only lends support to
10 your enemies. And Councilman Felder mentioned that
11 banner that was draped across the steps of the Hall
12 as we all entered today. What he didn't mention,
13 and, of course, a sentiment there likening this act
14 to treason, what he didn't mention was it was on a
15 long red banner, and my fear is that that long red
16 banner will be seen as an invitation, a red carpet,
17 if you will, to terrorists.
18 Division only sends and lends support
19 and heartens our enemies, and accordingly threatens
20 the lives of men and women overseas who are
21 protecting our lives.
22 PUBLIC ADVOCATE GOTBAUM: Council
23 Member Sanders.
24 Quiet, please.
25 COUNCIL MEMBER SANDERS: It's a
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difficult issue, and there are merits on both sides of this thing, but I think that it's the strength of the American people that we can disagree at home and I think that this is the real fear of all terrorists, that this is a nation strong enough to have disagreement, and doesn't have to use totalitarian methods to get agreement on one thing.

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

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

Thank you very much.

PUBLIC ADVOCATE GOTBAUM: Council Member James.

COUNCIL MEMBER JAMES: We all took an oath to defend the Constitution, both New York
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State's Constitution and the United States of America. The right to free speech, the right to free expression, the right to due process, the right to a fair trial, the right to confront witnesses. To erode our rights, to trample on the rights of our liberties, to deny basic freedoms, to establish an immigration policy that closes its borders to some but not to others is inconsistent with the framers of our government and the fundamental basis upon which this government is founded.

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

PUBLIC ADVOCATE GOTBAUM: Council Member Stewart.

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

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

They monitor person's Internet
activities without probable cause. They charge peaceful protectors with domestic terrorism when they engage in civil disobedience, and they can spy on First Amendment protectors' activities. Law enforcement officials can also obtain confidential information from library, medical or banking records without any evidence that the suspect is involved in any criminal activity. The New York City Council should be leading the nation in standing up against these measures which violate everything this country is supposed to stand for.

PUBLIC ADVOCATE GOTBAUM: Thank you. COUNCIL MEMBER STEWART: Thank you. PUBLIC ADVOCATE GOTBAUM: Hearing no other comments, shall we go to a voice vote on the resolution?

All in favor?

Opposed?

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

The resolution is passed.

General Discussion.

Council Member Monserrate.
COUNCIL MEMBER PERKINS: I want to thank my colleagues for their support.

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

Council Member Monserrate.

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

Thank you very much.

PUBLIC ADVOCATE GOTBAUM: Council Member Barron.

COUNCIL MEMBER BARRON: Thank you, Madam Chair.

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

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

The rooftops of the housing developments is a regular passageway for people in public housing. For police officers to come on that rooftop with their guns drawn and to take the life of an innocent young man cannot be accepted in this City, and I'm hoping that my colleagues will monitor the process so that there is an indictment, as the evidence seems to be leading in that direction, and hopefully a conviction.
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In addition, we have to send a message to Commissioner Kelly. We appreciate him saying that it was unjustified, but then to set up a commission, and have Commissioner Fyfe head it up to change the regulations, is an insult to us all. Commissioner Fyfe was the one who presented testimony at the Amadou Diallo trial that allowed for the police officer to walk. So, we want to make sure that Commissioner Fyfe be removed from the Commission and not head it up and get somebody independent that we can really trust to make some policy changes in the Police Department.

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

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

Thank you very much.

PUBLIC ADVOCATE GOTBAUM: Thank you,
Council Member Reed.

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

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

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

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

Thank you very much.

PUBLIC ADVOCATE GOTBAUM: Council Member Jackson.

COUNCIL MEMBER JACKSON: Thank you, Madam Public Advocate.

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

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

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

Thank you very much.

PUBLIC ADVOCATE GOTBAUM: Council Member Lopez.

COUNCIL MEMBER LOPEZ: Thank you, Madam Public Advocate.

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

The purpose of this piece of legislation is a project that I have been working for the last two years in my district where if we designate zones in which we're going to have an asthma-free zone in the school system, we can improve the health of our children who suffer from
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asthma and at the same time save a tremendous amount of money in hospital costs and services to children in our communities.

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

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

PUBLIC ADVOCATE GOTBAUM: Thank you.

Council Member Foster, I apologize.

We switched papers and you got lost. You never get lost.

COUNCIL MEMBER FOSTER: Thank you, Madam Public Advocate.

I'd like to take a moment to bring to my colleagues' attention that today is the fifth anniversary of the murder of Amadou Diallo, and it was five years ago that we hoped no other mother would have to endure the pain of her son being
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murdered at the hands of the police and here we are again. And we can look back from Eleanor Bumpers on, and we have to have honest discussions with each other, with our police force that makes us understand what is it about a dark place that makes you want to shoot first and ask questions later. And we have to start talking honestly and truthfully with each other so no other mother has to endure the loss of her son, a daughter, a grandmother, anything, because it's coming too far. And we talk about patriotism and what makes us American or not American, well, we are not safe at home, black faces are not safe and we have to do something. So when we go to bed tonight and we send up prayers, let's keep Amadou Diallo's parents in our prayers, because a mother lost a son needlessly, hit 19 times, where the police officers were found not guilty. To this day they have not apologized to the parents, and we are dealing with this again in Brooklyn and we have to have honest dialogue. We can no longer say I'm sorry to another mother.

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

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

Thank you very much, Madam Public Advocate.

COUNCIL MEMBER CLARKE: Thank you,
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Madam Public Advocate. I would like to bring to my colleagues' attention two resolutions that have been submitted today, Resolution 14 and Resolution 15.

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

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

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

denouncing rock star games and sign onto this

resolution.

And then finally, this week we

celebrated a birthday of this Legislature. I don't

know if all of you are aware that 351 years ago on

Monday, New York City received the Charter for the

first municipal form of government transforming the

colony into the first city in North America, so

happy birthday everyone.

Thank you, Madam Public Advocate.

PUBLIC ADVOCATE GOTBAUM: Council

Member Vann.

COUNCIL MEMBER VANN: Thank you, Madam

Public Advocate. I wish to express appreciation for

both the Speaker and yourself who came to pay homage

to the family of the young man who was killed in my

district, Timothy Sansbury. I at the same time would

like to thank Councilman Barron for the leadership

he played in bringing comfort to the family playing

an advocacy role.

I would like to extend to the Police

Commissioner and the Mayor for their taking the

decent and I think the courageous position of
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telling the truth and from deviating from the
previous administration, as they indicated that this
shooting was indeed unjustified.

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

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

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

PUBLIC ADVOCATE GOTBAUM: Council Member James.

COUNCIL MEMBER JAMES: Thank you, Madam Public Advocate.

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

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

Thank you.

PUBLIC ADVOCATE GOTBAUM: Council Member Fidler.

COUNCIL MEMBER FIDLER: Thank you, Madam Public Advocate.
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Last night I had the pleasure of attending an event at the Jewish Heritage Museum for the first time, and one of the exhibits at the museum was a game that was sold commercially in pre-World War 2 Nazi Germany, and the object of that game was for German citizens to chase as many Jews out of Germany as they could.

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

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

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

PUBLIC ADVOCATE GOTBAUM: Thank you,
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Council member.

Seeing nobody else, I call the meeting adjourned.

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

STATE OF NEW YORK  )
COUNTY OF NEW YORK  )

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

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

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

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CINDY MILLELOT, CSR.
CERTIFICATION

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

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CINDY MILLELOT, CSR.