

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON STATE AND FEDERAL LEGISLATION

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June 18, 2014
Start: 9:20 a.m.
Recess: 9:35 a.m.

HELD AT: Committee Room - City Hall

B E F O R E:
KAREN KOSLOWITZ
Chairperson

COUNCIL MEMBERS:
Inez E. Dickens
Brad S. Lander
Rafael L. Espinal, Jr.
Ben Kallos
Alan N. Maisel
Antonio Reynoso

A P P E A R A N C E S (CONTINUED)

Laura Imperiale
Director of Government Affairs
Tully Construction

Jim Slevin
Vice President
Uniformed Firefighters Association

Felice Farber
Director of External Affairs
General Contractors Association of
New York

2 [gavel]

3 CHAIRPERSON KOSLOWITZ: Meeting of State
4 and Federal Legislation is called to order. Good
5 morning and welcome to today's hearing. My name is
6 Karen Koslowitz and I am the chairperson of the State
7 and Federal Legislation Committee. On today's agenda
8 we will be considering two Mayor's Message and one
9 State Legislative Resolution.

10 First I would like to introduce the
11 members of the Committee that are present at this
12 time; we have Council Member Dickens and we have
13 Council Member Maisel and Council Member Espinal.

14 This morning this Committee will be
15 voting on two Mayor's Messages; the first bill being
16 considered today is Senate Bill S.7892 and Assembly
17 Bill A.10144. The bill proposes to amend the New
18 York State vehicle and traffic law to provide New
19 York City the authority to have a citywide speed
20 limit of 25 miles per hour. Further, the bill would
21 require local community board input where the City
22 plans to reduce the speed limit by greater than five
23 miles per hour. Finally, the bill would require the
24 City to provide a biannual report to the Governor,
25 temporary president of the Senate and the assembly

speaker beginning March 1st, 2015, discussing the crash data of the locations where the speed limit has been established as less than 25 miles per hour if available.

The Committee will consider the second Mayor's Message, Senate Bill S.7849-A and Assembly Bill A.10021-B. This proposed legislation would permit the City to include utility interference work within its contract for public work projects. Utility interference work includes any work necessary to accommodate energy, telecommunications or other private facility in the construction area of a public work project.

Finally, the Committee will also be voting on a State Legislative Resolution calling for the passage of Senate Bill S.7664 and Assembly Bill A.9059. The bill would amend Section 13-316 of the administrative code of the city of New York to provide that a representative holding the title of pilot or marine engineers appointed by the president of the uniformed firefighters association of greater New York will be entitled to cast one-half of the vote on the FDNY's pension fund.

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2 At this time I'd like to ask anybody if
3 they have any comments and questions. Seeing none;
4 Billy, can you call the roll, please?

5 COMMITTEE CLERK: Wi... [crosstalk]

6 CHAIRPERSON KOSLOWITZ: Is there anyone
7 here to testify? No. [background comment] Did you
8 fill out a slip? Oh, here it is; I'm sorry.
9 Alright. Okay, Laura.

10 LAURA IMPERIALE: Good morning, my name
11 is Laura Imperiale; I am Director of Government
12 Affairs for Tully Construction; we are the largest
13 private infrastructure construction company in the
14 city and we do only public work; we do federal, state
15 and city work, we work with DOT, DEP, DDC and we are
16 also a member of the General Contractors Association
17 of New York City; I serve on the Executive Committee
18 and I also serve on the Board of Governors for the
19 AGC, Associated General Contractors of New York
20 State; I am their Region 11, New York City Director.

21 Good morning -- I did not prepare
22 testimony; I wasn't planning on testifying, but I
23 felt compelled to on the way over here to the
24 hearing; I am here today to testify on the joint
25 bidding bill, and it's really not in opposition or

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2 for or against the bill, it's really just I have a
3 few comments.

4 We had worked through the GCA; we had a
5 joint bidding task force put together about four
6 years ago and we worked very closely with the then
7 sponsor, Assembly Member Kavanaugh, City Hall Mayor's
8 Office of Contract Services, and we had a consortium
9 of contractors, utilities and public officials
10 working together on hammering out a good bill. We
11 were very surprised to find that this bill, the home
12 rule was introduced on Friday and the bill has been
13 modified in the past four years and we actually knew
14 nothing about it, so a little disheartened and
15 surprised to hear this. You know we want the City
16 Council to think of the contracting community, the
17 construction community, the GCA, [music] the AGC; the
18 BTEA as partners [background comments, horn] when it
19 comes to crafting public policy and legislation...
20 [interpose]

21 CHAIRPERSON KOSLOWITZ: What is that?

22 [background comments]

23 [horns]

24 [pause]

25

2 MALE VOICE: Somebody doesn't want you to
3 talk.

4 LAURA IMPERIALE: Sounds like the Long
5 Island Railroad. [laughter, background comments]
6 Okay... [horn, background comments]

7 CHAIRPERSON KOSLOWITZ: Okay.

8 LAURA IMPERIALE: As I was saying, we
9 would like [horns] for the Council to consider us,
10 the construction committee... oh my gosh...

11 [background comment]

12 CHAIRPERSON KOSLOWITZ: What is it?

13 [background comments]

14 LAURA IMPERIALE: Those construction
15 people. [laughter] Okay, I think we're ready. As I
16 was saying, I would like the Council to consider us
17 as partners in any legislation either at the state
18 level or city level and it benefits the Council and
19 public policy to engage all the stakeholders. So
20 moving forward, we understand this bill is going to
21 move forward; we wish we had been part of the process
22 in shaping the bill; moving forward, we had, I
23 believe a commitment from the city four years ago
24 that if this bill were to move that there would be a
25 stakeholder task force put together, which would made

2 up of the utilities, the agencies, the owner
3 agencies, which would be the city or state and the
4 contractors. I mean the contractors are the ones
5 that bid these jobs and once you get out in the field
6 and start implementing these contracts, lots of
7 things come up that are unforeseen, so from our
8 perspective, it's in the best interest of the city to
9 put together a task force, making sure that the
10 mechanics of how these contracts are actually bid and
11 doing a review of how the contracts are actually
12 working, the bids are working is the best way to move
13 forward. Thank you. Any questions?

14 CHAIRPERSON KOSLOWITZ: No. No. Thank
15 you very much... [crosstalk]

16 LAURA IMPERIALE: Okay. Thank you very
17 much.

18 CHAIRPERSON KOSLOWITZ: Thank you. Jim
19 Slevin.

20 JIM SLEVIN: Good morning, my name is Jim
21 Slevin; thank you for the opportunity to speak in
22 support of this State Legislative Resolution. I'm
23 the Vice President of Uniformed Firefighters
24 Association and we are supporting this resolution to
25 change the voting structure of the pension funds;

2 this is a no fiscal cost item; the basic reasoning
3 behind it is that back in 2012 the marine engineers
4 used to be affiliated with a different union; they
5 voted to end that affiliation; are now members of the
6 Uniformed Firefighters Association. As a result,
7 they no longer elect a president or any executive
8 board to their union, since they're members of the
9 UFA, so in order to maintain their votes on the
10 pension fund, that position would now be appointed by
11 the president of the UFA, it's one-half vote on the
12 pension fund and like I said, it's a no cost item and
13 we strongly support this resolution. Thank you.

14 CHAIRPERSON KOSLOWITZ: Thank you very
15 much.

16 JIM SLEVIN: Questions? No.

17 CHAIRPERSON KOSLOWITZ: Felice Farber.
18 Hi.

19 FELICE FARBER: Good morning; thank you
20 Council Member Koslowitz and members of the Committee
21 for the opportunity to comment today. I'm Felice
22 Farber, Director of External Affairs for the General
23 Contractors Association of New York. The GCA is
24 opposed to A.10021-B/S.7849-A, a bill before the
25 Council today for a home rule message. We strongly

urge the Council to table this bill, as there was nonsufficient opportunity to fully vet the bill. The bill was first introduced last week and as Laura Imperiale mentioned before, there was no opportunity for the contracting community to participate in this very serious issues.

The GCA is of the Trade Association, representing the heavy construction industry in New York City. GCA members build New York's building foundations and public works infrastructure. We are deeply concerned about the aging condition of New York City's infrastructure and we understand that this bill was pushed through quickly as a way of addressing some of those issues; however, we think that is misguided in the sense that joint bidding, as this bill would permit, will not address issues relating to the age of the infrastructure; it does not save money and it does not expedite the contracting process. We are deeply concerned about not having been part of the process; there was a commitment to have a stakeholder task force to be involved in these issues to address the condition of New York City's infrastructure, it's street and some surface infrastructure; the City must make a plan and

concerted effort to increase the level of funding for full road reconstruction projects, including the City's subsurface infrastructure; not only is the level of investment insufficient to keep pace with the rate of deterioration, but the funding levels for DOT and DEP are not consistent and provides DOT with insufficient funding to keep pace with DEP's available funding for water and sewer replacement projects. Joint bidding will not increase the amount of available funding for infrastructure projects; as I said, it won't save any money.

It was sought a number of years ago by the City to avoid the situation where projects were delayed while private contractors negotiated with private utilities to perform utility relocation work; this situation is no longer the case, as contract provisions were added to the city contract to set forth the negotiation and dispute resolution process with the utilities. Current work connecting the trunk and feeder mains to the third water tunnel is moving well without joint bidding; these projects are moving forward with minimal impact on the surrounding communities and are on time and on budget.

A.10021/S.7849-A does not set forth how the contracts

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2 would be bid; the bill does not address any of the
3 issues that have been the subject of much litigation
4 in the city over the past 20 years; many of the
5 project delivery issues have been addressed by
6 contract; we are hopeful that we can sit down with
7 the Department of Design and Construction and explore
8 additional measures to help streamline project
9 delivery. Therefore, we strongly urge the Council to
10 table this bill and allow an opportunity to
11 streamline project delivery without legislation.

12 CHAIRPERSON KOSLOWITZ: Any questions?

13 Thank you very much. I want to recognize we've been
14 joined by Council Members Reynoso, Kallos and Lander.
15 With that, can we have a roll call?

16 COMMITTEE CLERK: William Martin,
17 Committee Clerk, roll call vote, Committee on State
18 and Federal Legislation. Council Member Koslowitz.

19 CHAIRPERSON KOSLOWITZ: Koslowitz.

20 COMMITTEE CLERK: I vote aye.

21 COMMITTEE CLERK: Dickens.

22 COUNCIL MEMBER DICKENS: Aye.

23 COMMITTEE CLERK: Lander.

24 COUNCIL MEMBER LANDER: Aye.

25 COMMITTEE CLERK: Espinal.

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2 COUNCIL MEMBER ESPINAL: Aye.

3 COMMITTEE CLERK: Kallos.

4 COUNCIL MEMBER KALLOS: Aye.

5 COMMITTEE CLERK: Maisel.

6 COUNCIL MEMBER MAISEL: Aye.

7 COUNCIL MEMBER REYNOSO: Aye.

8 COMMITTEE CLERK: By a vote of 7 in the

9 affirmative, 0 in the negative and no abstentions,

10 items have been adopted. Members, please sign the

11 committee reports. Thank you.

12 [background comments]

13 CHAIRPERSON KOSLOWITZ: This meeting is

14 adjourned.

15 [gavel]

16 [background comments]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date June 23, 2014