

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON SANITATION AND SOLID WASTE
MANAGEMENT

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September 16, 2015
Start: 10:17 a.m.
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HELD AT: 250 Broadway- Committee Rm, 16th Fl.

B E F O R E:

ANTONIO REYNOSO
Chairperson

COUNCIL MEMBERS:

ANDREW KING
VANESSA GIBSON
COSTA CONSTANTINIDES
STEVEN MATTEO

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

Mario Merlino
Assistant Commissioner Vet and Pest Control
Services
New York City Department of Health

Paul Visconti
Chief of Cleaning Operations
DSNY

Kathryn Garcia
Sanitation Commissioner
DSNY

Eric Landau
Associate Commissioner
Department of Environmental Protection

Anestasio Stragelous [sp?]
Director of Field Operations
Department of Environmental Protection

David Goldberg
Chinatown Partnership

Wellington Chen
Executive Director
Chinatown Partnership

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2 [gavel]

3 CHAIRPERSON REYNOSO: Good morning
4 everyone. Thank you for being here this early
5 morning on a Wednesday to continue to talk trash.
6 So good morning and welcome to this hearing
7 concerning quality of life issues that affect every
8 New Yorker. And before we start I just want to
9 acknowledge that Council Members Margaret Chin and
10 Council Member Steven Matteo are with us. Thank you
11 guys. Overflowing public trash bins, dirty
12 sidewalks, and litter, and rat infestations are
13 issues that most of us are all too familiar with.
14 The four bills that we will be discussing today
15 attempt to address these issues in a meaningful
16 way. Intro number 204 introduced by Council Member
17 Koslowitz is designed to reduce illegal dumping of
18 household and commercial waste in public waste
19 receptacles by increasing fines for this illegal
20 activity. According to DSNY up to 20 percent of the
21 waste put in public waste baskets consist of
22 illegal deposited commercial and residential trash.
23 When this happens it leaves little to no room for
24 trash placed there by pedestrians causing the
25 baskets to overflow and creating dirty sidewalks

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2 and streets. This bill will double the fine to 200
3 dollars for the first time violation, 500 for the
4 second, and 600 for the third or subsequent
5 violation within a 12 month period. Intro number
6 304 introduced by Council Member Chin is designed
7 to require restaurants and other food service
8 establishes to clean liquids on sidewalks generated
9 by curbside trash with hoses within a certain
10 amount of time after the trash is picked up. Waste
11 put out by these establishments often contain
12 liquid which can attract rents and other venom..
13 vermin as well as lead to sticky discolored
14 sidewalks and bad odors. This bill will require
15 that these liquids be promptly cleaned off the
16 sidewalks, amend current law to allow for the use
17 of hoses for this activity and impose fines on
18 those establishments that don't comply. Intro
19 number 857 introduced by Council Member Matteo
20 would raise the fines for littering. Sidewalk
21 litter is a common complaint and since 2010 the
22 number of monthly litter complaints has roughly
23 doubled. This bill would increase civil penalties
24 to 250 for a first violation, 350 for a second
25 violation, and 450 dollars for a third or

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2 subsequent violation. It would also increase the
3 fine for not answering a notice of violation or
4 summons to 675. Intro number 8-7... 879 introduced by
5 Council Member Rosenthal would require buildings
6 with multiple rat violations to purchase rat proof
7 bins. New York City residents make approximately
8 2,500 complaints per year concerning rat
9 infestation. So far in 2015 331 rat violations have
10 been reported for 259 buildings. Of those buildings
11 40 have more than one violation, and one building
12 has nine rat violations. We look forward to hearing
13 from DSNY and the Department of Health and Mental
14 Hygiene and other witnesses about these bills. In
15 addition we look forward to hearing from DSNY about
16 how it's addressing these quality of life issues
17 generally and what steps it takes... it is taking to
18 reduce litter on our streets and sidewalks in New
19 York City. Thank you. I want to ask opening
20 statements from two of the bill sponsors. First I'd
21 like to call on Steven Matteo from Staten Island.

22 COUNCIL MEMBER MATTEO: Thank you Chair
23 Reynoso. Thanks for having this hearing and for
24 your support. Commissioner Garcia welcome. For... for
25 my bill which increase litter fines it's... it's a

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2 common sense bill. It's one that's needed. It... it's
3 not a cure-all for littering. It's not going to
4 solve the littering problem that we have on Staten
5 Island in our city. But it's part of a multi-prong
6 approach that my office... this... this council has
7 taken to combat littering. Basically you know
8 littering is out of control in our city. And it's
9 out of control because we're doing it to ourselves.
10 We're the ones who are throwing it out the window.
11 We're the ones who are leaving on the service
12 roads. And we are all doing our part. The... the New
13 York City Council initiative that we had passed
14 last two years has been tremendously helpful. This
15 year we have upped... the funding for the initiative
16 where each district will get 103 thousand dollars.
17 And... and I put that to good use through a not-for-
18 profit way to turn... and have cleaned over 155
19 locations in the last four months. 155 locations in
20 the last four months. That's a lot of cleaning from
21 a not for profit that has... that has worked with us
22 and been a... a tremendous help. This binder has
23 every single location. So we are doing our part. So
24 we have to make sure that those who are littering
25 understand how important it is not to litter and...

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2 and... and put a little bit more teeth to the
3 existing laws and add some fine. So you know I made
4 it a personal priority to work with... with... with
5 Sanitation and I... I... I thank you for... for... for
6 working with us and my colleagues in government to...
7 to address this. You know public education
8 campaigns, getting more waste paper baskets, the...
9 the clean-up initiative... So it... it's... again it's a
10 multi-prong approach and I look forward to hearing
11 your testimony and to move forward on the bill.

12 CHAIRPERSON REYNOSO: Thank you Council
13 Member Matteo. Council Member Margaret Chin from
14 Manhattan.

15 COUNCIL MEMBER CHIN: Thank you. Good
16 morning. I wanted to thank Chair Reynoso for
17 holding this hearing on Intro 377, legislation on
18 sponsoring, to require food and beverage
19 establishments to clean liquids residue left behind
20 by garbage off of sidewalks. Every New Yorker at
21 one time or another has encountered a liquid that
22 is left behind after the carters [sp?] hauls away
23 the garbage sitting on the curb. Sometime the
24 liquid is streaks of grease oozing down the
25 sidewalk. Other time it's a pool of unknown liquid

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2 that has collected at the curb for a period of
3 time. Either way the liquid residue after
4 collection is a serious public health and quality
5 of life problem, rodents and other pests can live
6 off the liquid residues for days. The stench
7 particularly during warmer days of the year is a
8 nuisance for resident and visitors alike. I
9 introduce 377 to ensure that food and beverage
10 establishment do exactly that to help keep our
11 sidewalk clean. A cleaner sidewalk will be more
12 inviting benefiting both the restaurants and
13 patrons. It is not only good for public health, it
14 is also good for business. Once again I thank the
15 Sanitation Committee for having this hearing and I
16 look forward to hearing everyone's questions and
17 comments. And I hope you'll join me to creating a
18 cleaner and healthier New York for all. Thank you.

19 CHAIRPERSON REYNOSO: So thank you
20 Council Member Margaret Chin. We've also been
21 joined by Council Member Andy King from the Bronx.
22 How you doing Andy? Good morning. And I guess what...
23 you are seeing here today is to... really to talk
24 about litter and trash and just upping the standard
25 to make sure that we build a new culture of.. of

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2 clean streets and hold people accountable when they
3 do do it which I... I know it's very tough to... to... to
4 actually enforce but I'm looking forward to hearing
5 your testimony so that we can start addressing this
6 issue in a... in a productive way. So I'm really
7 looking forward to more of a solutions oriented
8 engagement than anything else so I'm excited to
9 hear from you. And the folks that we have on this
10 panel are Mario Merlino. We have Paul Visconti, the
11 chief of DSNY. And D... Catherine Garcia, DSNY
12 commissioner. So take it away guys.

13 KATHRYN GARCIA: Good morning Chair
14 Reynoso and members of the City Council Committees
15 on Sanitation and Solid Waste Management. I am
16 Catherine Garcia, Commissioner of the New York City
17 Department of Sanitation. And with me this morning
18 as you said are Paul Visconti, Chief of Cleaning
19 Operations, and Mario Merlino, Assistant
20 Commissioner of Pest Control Services for the New
21 York City Department of Health and Mental Hygiene.
22 I'm here today to present an overview of the
23 department's cleaning operations and testify on
24 Intros 204, 377, 857, and 879 which are the subject
25 of today's hearing. At the conclusion of my

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2 testimony my colleagues from the Department of
3 Environmental Protection will share their agency's
4 perspective on Intro 377. As you know the
5 department's mission is to keep New York City
6 healthy, safe, and clean by collecting, recycling,
7 and disposing of waste cleaning streets and vacant
8 lots and clearing snow and ice. The department is
9 responsible for the cleanliness of the approximate
10 6,000 miles of streets throughout the city
11 including adjacent sidewalks. The department is
12 also responsible for the cleanup of major events in
13 the city including the ticker tape parade honoring
14 the World Champion US Women's National Soccer Team
15 which was a really fun day. Following which the
16 department collected 29.6 tons of paper and other
17 debris. Score card ratings are the primary
18 performance indicator the department uses to
19 determine cleaning service needs and resource
20 allocation for each of the city's 59 community
21 districts. The score card for a given community
22 district or sanitation section is determined by
23 assessing the percent of streets and sidewalks in
24 that geographic area that are acceptably clean.
25 Scorecard rating are made by trained staff from the

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2 mayor's office of operations who observe street and
3 sidewalk conditions on a statistically significant
4 number of blocks within a given geographic area.

5 Weather conditions and other factors can have a
6 large effect on score card ratings. And harsh
7 winter weather can bring down the score card as the
8 city suspends alternate side parking regulations
9 and the department reallocates personnel and
10 equipment to snow fighting functions. So I just

11 brought two charts for you to look at. One, the
12 line graph shows the big dips during years in which
13 we had very large snowfalls. So in the past... in
14 2015 when we had 47.5 inches we were down to 87.5
15 percent cleanliness. And considering that's an

16 average means there's some districts that we were
17 really climbing out of a hole on. And then in
18 other years where we had significantly less or when
19 enforcement was basically suspended during the
20 sandy years our score card rating is much higher.

21 On this map it's just a thematic of where our more
22 challenging areas are in terms of score card and
23 how folks are doing as of right now. In fiscal '15
24 the department achieved an average score card
25 rating of 92.5 percent despite the cancellation of

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2 alternate side of the street parking regulations 28
3 times due to weather events though this month is
4 also going to be tricky since we have the largest
5 number of alternate side cancellations in September
6 for holidays. I've become very anti-festivities.
7 The department has a number of tools at its
8 disposal to ensure the cleanliness of the city.
9 Mechanical brooms are our most effective tool for
10 keeping the city streets clean. The department
11 schedules an average of 185 mechanical brooms and
12 operators per day to sweep the city streets and
13 alternate side of the street parking and metered
14 parking regulations provide the curbside
15 accessibility so that sanitation worker can clean
16 along the curb where litter leaves and other debris
17 typically accumulate. While a sanitation worker
18 using a hand broom manually will sweep an average
19 of one curb mile per shift a mechanical broom can
20 sweep an average of 12 curb miles per shift.
21 However New Yorkers increasingly fail to obey
22 alternate side parking regulations making it
23 difficult to adequately clean along the curb with
24 the mechanical broom. While the department uses
25 sanitation supervisors to patrol ahead of some

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2 mechanical brooms many drivers fail or forget to
3 move their vehicles or prefer to take a ticket
4 rather than follow the posted parking regulations.

5 And so you know for us if we have a Monday side... if
6 I don't get the Monday side next week they will
7 have gone seven weeks without being swept because
8 of the cancellations for holidays. So if those cars

9 are there that Monday they'll have no opportunity
10 to be cleaned. To maintain the high levels of

11 street cleanliness the department also employs

12 other aggressive cleaning management strategies

13 which include the use of work experience... program

14 participants and the department's own mober... mobile

15 litter patrol trucks to hand sweep streets and

16 sidewalks. Together the department's mechanical

17 brooms and other street cleaning posts collect an

18 average of 154 tons of dirt litter and other debris

19 per day. In addition the department takes part in

20 interagency coordinated cleaning efforts, conducts

21 outreach to residents, visitors, businesses, and

22 property owners, and promptly investigates and

23 resolves complaints made by citizens through 3-1-1.

24 This summer the department has also been working

25 closely with the mayor's office, police department,

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2 and the Department of Homeless Services to provide
3 assistance in dealing with any homeless encampments
4 and hot spots that are located throughout the city.
5 Since July the Department has participated in 27
6 homeless encampment... and hotspot clean-ups. This is
7 in addition to the 70 that we had done for the
8 first six months of the year. The department
9 services 27,138 street litter baskets and public
10 space recycling baskets located in all five
11 boroughs. Currently the department personnel
12 service street litter baskets along the regular
13 household collection routes or with dedicated
14 basket trucks in high pedestrian traffic areas. The
15 department's adopt a basket program is a citywide
16 initiative designed to engage local businesses as
17 partners in reducing street litter caused by
18 overflowing corner baskets. Participants in the
19 program adopt a basket and line baskets with
20 plastic bags supplied by the department. These bags
21 when full are then placed alongside the corner
22 basket for pickup by the department. This year the
23 department with the support of many council members
24 has made great strides in expanding the program.
25 Since April 730 new merchants, individuals, and

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2 community groups have adopted baskets bringing the
3 total to more than 18 hundred city wide. Last year
4 the city council allocated 3.5 million to the
5 clean-up NYC initiative. Through this program 24
6 council members purchased 559 high end litter
7 baskets to replace standard wire baskets and
8 supported supplemental litter basket collection
9 service in 33 community districts. The department
10 strongly supports the expanded clean-up NYC
11 initiative this fiscal year and looks forward to
12 working with council members to determine how to
13 best allocate those funds to increase the
14 cleanliness of the neighborhoods they serve. In its
15 efforts to maintain street and sidewalk cleanliness
16 department personnel issue various summonses to
17 people who violate sanitation provisions of the New
18 York City administrative code. These include
19 issuing violations to property owners who fail to
20 keep the sidewalk clean in front of their property,
21 merchants who fail to keep the sidewalk abutting
22 the premises of commercial establishments and 18
23 inches from the curb into the street free from
24 litter, persons who improperly deposit their
25 household or commercial refuse into public trash

2 receptacles, employees of private carters who fail
3 to clean material that spill onto the streets and
4 sidewalks during collections from commercial
5 establishments, and persons who violate the city's
6 illegal dumping law. In fiscal year 2015 the
7 department issued approximately 304,000 tickets for
8 sanitation violations. Littering is a significant
9 offense which impacts the department's ability to
10 keep the city clean. The department and the City of
11 New York provide ample public waste and recycling
12 receptacles. It is not burdensome to ask New York
13 City residents and visitors to discard their trash
14 or recycling in these baskets rather than throw
15 them into the street. While the department seeks to
16 issue a violation to any person who litters in New
17 York City such violations can only be written if
18 the act of littering is witnessed by a sanitation
19 officer or enforcement agent and the person
20 willingly gives their proper identification. As
21 such littering violations are very difficult to
22 issue. And in fiscal year 2015 the department
23 issued just 746 littering violations. Moreover
24 agents who witness a driver or occupant littering
25 from a motor vehicle do not have the authority to

2 pull the... over the vehicle to issue the violation
3 or to issue the violation to the registered owner
4 of the vehicle. This fall the department will start
5 a new initiative focusing on persons who litter
6 from vehicles. We will be sending letters to the
7 registered owners of the vehicles where someone in
8 the vehicle has been observed littering by a
9 department employee, elected official or other
10 civic leader. These letters will inform the
11 registered owner that littering is against the law
12 and the registered owner of the vehicle should
13 ensure that any operator of the vehicle or any
14 passenger in the vehicle obeys the law. While the
15 department cannot write littering violations based
16 on license plat information alone. This initiative
17 over my New Yorkers to do their part to keep our
18 city clean. When it rains trash and debris
19 discarded on city streets and sidewalks washes down
20 storm drains and can end up on beaches. This past
21 summer the department along with DEP, the US
22 Environmental Protection Agency, the Parks
23 Department, and the Department of Youth and
24 Community Development participated in clean
25 streets, clean beaches, and annual public

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2 information campaign and beach clean-up program

3 aimed at improving the cleanliness and aesthetics

4 of New York City beaches by reducing littering.

5 Despite the Department's ongoing efforts to control

6 street litter through cleaning and enforcement

7 measures weather conditions and the collective

8 behavior of pedestrians, motorists, property

9 owners, businesses, and private carters all impact

10 street and sidewalk cleanliness. The department

11 appreciates that the goal of the four intros under

12 discussion today is to change behavior and have a

13 cleaner city. The first bill I would like to

14 discuss is intro 377. Intro 377 would amend 16-18-2

15 of the administrative code to require food service

16 establishments to hose down the sidewalks and curbs

17 when liquid leaks onto the sidewalks from waste

18 that has been collected. The law currently requires

19 the commercial establishments clean the sidewalk

20 and the area extending 18 inches into the street of

21 all debris at two designated times during the day.

22 The department has the authority under 16-18-6 to

23 issue violations against those persons who allow

24 swill brine noxious liquid or other filthy matter

25 to fall upon or run into any street or public

2 place. The department usually enforces this
3 provision against private carting trucks that are
4 seen driving and spilling liquid. Intro 377 would
5 place an affirmative requirement on the food
6 establishment to hose down the sidewalk and failure
7 to do so would constitute the violation. While the
8 department supports the intention of this bill
9 which is designed to promote street cleanliness the
10 language amending 24-3-22 of the administrative
11 code that would mandate this sidewalk cleaning
12 practice to continue during the winter month is
13 problematic. The requirement could lead to numerous
14 injuries... slip and falls due to icy conditions
15 caused by hosing down sidewalks in the winter and
16 thereby also open up the city to additional
17 liability. This bill could also create major
18 operational concerns regarding the amount of water,
19 floatables, and pollutants that end up in the sewer
20 system. Eric Landau of the Department of
21 Environmental Protection will discuss these
22 concerns in detail in his testimony. Intro 879
23 would require buildings that have received multiple
24 violations for rodent infestation to use refuse
25 receptacles that are designed to minimize rodent

2 access in harborage. Specifically under the intro
3 buildings that received two or more violations
4 pursuant to certain provisions of the health code
5 or housing maintenance code concerning pest
6 management and rodents within a 12 month period
7 would be required to use these refuse receptacles
8 for a period of at least two years. After a two
9 year period in which no violations for pest
10 management or rodent conditions are issued the
11 building would be able to seize use of the special
12 refuse receptacles. The department recognizes that
13 there are pest control issues throughout the city.
14 However the department opposes this bill as it
15 would impose operational burdens on the department
16 as well as create potential safety issues on
17 sidewalks. Pursuant to the administrative code no
18 receptacle may be placed out for collection that
19 weighs more than a hundred pounds. If a high rise
20 building is required to use containers under this
21 bill the normal 20 bags of refuse that are placed
22 at the curb would nearly double to 40 containers
23 that would block the sidewalk and impede pedestrian
24 flow. Each stop would also take longer for DSNY to
25 service which may result in certain routes not

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2 being completed on shift. Additionally violations
3 written and adjudicated by agencies other than the
4 department are used as a predicate for requiring
5 the use of the specialized containers therefore the
6 department would need to develop a reporting system
7 and cannot... in conjunction with the health
8 department and HPD to allow the department to
9 enforce this law. The Departments of Sanitation and
10 Health and Mental Hygiene have undertaken various
11 efforts throughout the city to alleviate any pest
12 control issues including the cleaning of vacant
13 lots both private and city owned, the cleaning of
14 areas surrounding abandoned homes free biannual
15 training to pest management professionals and
16 monthly training for property managers, schools,
17 neighborhoods, associations, community boards, and
18 others. In fiscal 2015 DOHMH conducted over 79,000
19 proactive indexing inspections across the five
20 boroughs and completed over 24,000 complaint
21 inspections responding to 65.9 percent of
22 complaints in fewer than 10 days. DOHMH has also
23 expanded its rat reservoir programs which attacks
24 rat population by addressing the ecosystem that
25 supports ongoing rat activity in more than 30 rat

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2 reservoirs across the city. This year for the first

3 time DOHMH will case manage publically and

4 privately owned properties to ensure that property

5 managers work to improve chronic rat problems. The

6 department also worked in conjunction with DOHMH

7 when designing its bins for its organic waste

8 program. Such bins are of a certain grade of

9 plastic with lock lids to make them impenetrable by

10 passing their design to allow department personnel

11 to safely lift and empty the bins into a rear

12 loading collection truck. We are working to expand

13 this pilot program to more buildings across the

14 city. Based on the reasons outlined above the

15 department opposes Intro 879. The department

16 supports Intro 857 which would raise the penalties

17 for certain violations of the administrative ode

18 pertaining to littering. For the most part New

19 Yorkers are fairly good at ensuring that litter

20 ends up in the public receptacles and city streets

21 are cleaner today than ever before. However the

22 Department believes that raising fines for those

23 that refuse to do their part in ensuring that trash

24 ends up in a litter basket and not on the street

25 will help make New York City a cleaner city. The

2 department thus looks forward to working with the
3 city council to enact this bill. Intro 204
4 increases the fines for persons who place their
5 household or commercial refuse in public litter
6 baskets. Currently the fine for this offense is a
7 hundred dollars per violation. This legislation
8 would raise the initial fine to 250 per violation
9 and increase the... the fines for subsequent
10 violations. The department supports raising these
11 fines. When persons use public litter baskets for
12 their household or commercial refuse it greatly
13 effects the Departments of Building to ensure that
14 our city is clean. The baskets become full and
15 overflowing impacting a citizen ability to use it
16 for its intended purpose discarding litter and
17 small items. This leads to increased litter on the
18 streets and in the areas surrounding the improperly
19 used baskets. While the department supports the
20 increase in fines the department believes this bill
21 could go further in enhancing our ability enforce
22 this serious quality of life offense. Currently
23 under section 16-20E of the New York City
24 Administrative Code the department is authorized to
25 issue summonses to persons who dispose of their

2 household or commercial refuse in public litter
3 receptacles. This provision provides the person
4 whose name or other identifying information appears
5 on the contents of the material and properly
6 disposed in a public litter basket I presumed to be
7 responsible for the unlawful placement of such
8 material in the public receptacle. This rebuttable
9 presumption allows the department to issue
10 summonses to such persons without having to
11 directly observe the violation occurring. However
12 the department can only rely on this presumption if
13 the material is unlawfully placed directly in the
14 public litter basket. It has become increasingly
15 prevalent for offenders of this law to unlawfully
16 place material alongside the litter basket or on
17 other areas of public streets where such material
18 is not supposed to be placed. In these
19 circumstances the department can only issue a
20 summons where a sanitation enforcement agent or
21 supervisor directly witnesses the unlawful
22 placement of the household or commercial refuse.
23 Therefore along with... with rising the fines the
24 department believes an amendment to this subsection
25 that expands the reputable presumption to cover

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2 bags of material improperly placed anywhere on the
3 public sidewalks or streets would greatly enhance
4 our ability to enforce this section of the law. My
5 staff and I are happy to answer any questions you
6 may have.

7 CHAIRPERSON REYNOSO: Thank you so much
8 Commissioner. I just wanted to allow for Council
9 Member Helen Rosenthal to speak on Intro number
10 879.

11 COUNCIL MEMBER ROSENTHAL: Great thank...
12 Thank you very much Chair Reynoso and Commissioner
13 it's so great to see you. Thank you for your
14 comments overall. I've some questions on those but
15 specifically I just want to give a quick opening
16 statement about my bill and then a little bit later
17 ask you questions about your reservations. So last
18 year alone the city received 24,514 rat complaints.
19 In the upper west side 203 buildings failed
20 inspections for rats for garbage harborage from May
21 13th, 2014 to July 25th, 2014. So that's 203
22 buildings with rad issues and only two months. And
23 the rats as you know are not welcome neighbors.
24 Rodent infestations reduce property value, decrease
25 quality of life. I'm smiling because I was just at

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2 a meeting where people were talking about their
3 building and you know going out at night and saying
4 I didn't realize there was so many rats on the
5 upper west side. So... and... and as you know we are
6 working closely with the department of health.
7 They... one of their pilot rat reservoir programs is
8 in the Broadway malls so I'm very familiar with
9 those. And there is a lot of work going... good work
10 going on around trying to decrease the rat
11 population. You know the problem is is that there
12 are buildings with repeat violations where there
13 could be a very simple elegant solution that is
14 having a rat proof bin. And this bill would require
15 those building owners with two or more rat
16 violations to simply use rat proof bins. So I look
17 forward to talking about the details with you as we
18 get into further discussion. But I think given the
19 number of building owners we're talking about
20 possibly 60 a year is fairly deminimis and this
21 would alleviate a very serious problem in a very
22 elegant simple way. So I look forward to talking to
23 you about it. Thank you.

24 CHAIRPERSON REYNOSO: Thank you Council
25 Member Rosenthal. And I'll... I'll just ask a couple

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2 of questions and then pass it onto my colleagues.
3 If they have any questions it seems like the
4 average or every street tallying a score is within
5 the average is 90... the 90th percentile which makes
6 it seem like it... when I got a 90 in school I was
7 doing very well. And I just figure that if the
8 average is 90 percent that we're assuming that most
9 of the streets in the entire city are... are pretty
10 clean. Is that... is that fair to say?

11 KATHRYN GARCIA: That is fair to say.

12 CHAIRPERSON REYNOSO: Okay. Now we had
13 actually a... a school in my district that I did an
14 assessment of 90 in Bushwick and a 90 in Manhattan.
15 And they took pictures of it and they took pictures
16 of it and they looked... they're too different 90s.
17 The Bushwick 90 was a lot dirtier than the
18 Manhattan 90. I... is there an objective way that the
19 department of Ed... the Department of Sanitation
20 scores these. Are you using... is there a system and
21 why would they vary from borough to borough and you
22 know we love equity in Brooklyn. So we just want to
23 know why exactly two 90s would look different into
24 different streets.

25

2 CATHERINNE:S So first of all we don't
3 actually grade ourselves. The mayor's office of
4 operations grades us. I know that they do have a
5 manual of how to do it with pictures in it of
6 specifically what should constitute what number.
7 But I don't know where they are or what they're
8 doing any given day. And I get my number mid-month
9 and then my final numbers. And... so then we try and
10 move around our resources to sort of match up. But
11 that is really a question of they should be the
12 same. I presume them to be the same. I assume that
13 they train their people to do the analysis. But I
14 don't... I don't actually get to grade myself.

15 CHAIRPERSON REYNOSO: Alright so maybe
16 we should have had the mayor's office here then to
17 be able to peak on that. Because that's extremely
18 important. You might not be putting effort in a
19 location that has a Bushwick 90. I might be putting
20 an effort on 80 in Manhattan which probably looks
21 like the Bushwick 90. So we want to just say that
22 there needs to be some level of... of I guess... I... I
23 don't even know. It has to be equal when we
24 measure the different parts of the... of the city.
25 And I don't want those great Manhattan inspectors

2 that are really aggressive and really want to make
3 sure that they get good numbers and what I'm
4 presuming now is a lazier Brooklyn inspectors that
5 are not doing their job and just rating us at a 90
6 when it obviously isn't. And then we don't get the
7 attention we deserve. So I think that's something
8 that we should look at even though you're only
9 getting those scores we should definitely look at
10 where those scores are coming from and make sure
11 that they make sense and that you can work there...
12 thereafter in a more I guess appropriate way which
13 I don't think is happening now. And I also have
14 pictures and I would... I'm going to send you the...
15 the... the project that was done by a high school
16 that was extremely concerned about littering so
17 that you can see what I'm talking about because it
18 is disturbing. So...

19 KATHRYN GARCIA: Sure. And I'd be... I'd
20 be happy to share it with the Director of the
21 Mayor's Office of Operations. I would... I usually
22 want to know how they're doing too so... [cross-talk]

23 CHAIRPERSON REYNOSO: Good... good, I'm
24 glad. Accountability is important. Then the last...
25 the next question I think I'll hand it over to my

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2 colleagues is has... where do you get... where... you
3 don't have the authority to write fines or there's...
4 I guess there's civil penalties. So can you just
5 explain how that's made it difficult for you guys
6 to obviously do things. It's... it's... I think it's
7 ridiculous that if somebody from DSNY sees someone
8 throw trash out of their car that they can't do
9 anything about it and we're going to send them a
10 very... a very... a very wordy letter that they
11 shouldn't be doing that. Can you just explain how
12 that works and maybe we can talk about also
13 affecting change in that aspect.

14 KATHRYN GARCIA: Right. I mean that
15 there... we have to observe most of our sanitation
16 defenses first hand with people. It's easier again...
17 property. So it's easier against a building because
18 you're standing there and it's against the
19 building. And then we don't have a lot of
20 authority. If you don't provide us with
21 identification when you're littering there's almost
22 nothing that an enforcement agent can do at that
23 point.

24

25

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2 CHAIRPERSON REYNOSO: Okay so that's...
3 that would be changing the penalties from like a
4 civil penalty to a criminal penalty.

5 KATHRYN GARCIA: You'd make it... you'd
6 have to make it to a criminal penalty.

7 CHAIRPERSON REYNOSO: Okay so I just
8 want to make sure... [cross-talk]

9 KATHRYN GARCIA: And then...and my
10 enforcement agents would not have the authority
11 because they're not peace officers to do anything.
12 Sanitation police officers might be able to do
13 something but not sanitation enforcement. They're
14 not trained to make arrests or anything like that.

15 CHAIRPERSON REYNOSO: Okay we... we also...
16 I... we have an increase in the amount of workers in
17 the Department of Sanitation last year and this
18 year. So I'm excited to know that we have a strong...
19 more manpower to be able to do the... some... the
20 amazing work that you guys are doing but there's...
21 with that increase in... in folks that are working in
22 the Department of Sanitation are we expected to see
23 more people paying attention to littering and just
24 overall cleanliness?

25

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2 KATHRYN GARCIA: The... if... if you... the
3 numbers of violations that we wrote were
4 significantly up this year due to the fact that we
5 had more supervisors who could write tickets both
6 for failure to move your car for alternate side of
7 the street parking.

8 CHAIRPERSON REYNOSO: Mm-hmm.

9 KATHRYN GARCIA: As well as a lot of...
10 for recycling as well as 18 inch law and sidewalks.

11 CHAIRPERSON REYNOSO: So you're... so you
12 would say... [cross-talk]

13 KATHRYN GARCIA: We are... [cross-talk]

14 CHAIRPERSON REYNOSO: ...reports are... are...
15 [cross-talk] enforcement is increasing. That... it's
16 not necessarily that the streets are dirtier you
17 just have more people to write tickets.

18 KATHRYN GARCIA: We have more... I mean
19 it... it's just like if you're driving on the highway
20 and everybody's speeding and they only catch one
21 person. You know if you have five highway patrolman
22 out there it makes it a little bit easier to get
23 the others.

24 CHAIRPERSON REYNOSO: Okay now I just
25 want to give an opportunity for my colleagues to

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2 ask some questions. And thank you Commissioner. I'd
3 like to call on Council Member Steven Matteo from
4 Staten Island.

5 COUNCIL MEMBER MATTEO: Thank you uh...
6 thank you Chair Reynoso. I just want to make a note
7 on my bill that for the record that we are making
8 sure that this bill doesn't have the... unintended
9 effect of increasing fines for clean sidewalks or
10 18 inches. This is more of a you know... littering.
11 And the chair and I are going to make that
12 amendment in the bill before we pass it. So I just
13 wanted to put that on the record. Commissioner I
14 want... I want to thank you for your sport. We look
15 forward to passing this bill. I want to thank your
16 staff. Been tremendous... tremendously helpful,
17 especially Chief Manteno [sp?] and his crew out inn
18 Staten Island so I... I just want to make sure that
19 you are aware of the great job that they're doing.
20 Chair touched on enforcement and I think you know
21 this bill, raising fines you know it's based on
22 enforcement. And... and I know the numbers on Staten
23 Island you know are low in terms of... of... of
24 violations issued. And... and I guess our... our
25 concern is how we work together to how we... I mean I

2 know the police can issue fines. And... and... and they
3 don't have the ID issue because the... that's not...
4 [cross-talk] but the P.D. you know they're
5 stretched thin. Is there a way for us to work
6 together to work on legislation that would allow
7 agents to ticket if someone is throwing it out of
8 the car instead of you know doing the... the... the
9 letter. Is there a way that the city council and...
10 [cross-talk]

11 KATHRYN GARCIA: I mean I think we can...
12 we have to look at it. I'm not sure the city
13 council has authority or whether or not it's a
14 charter issue on service. But we... I'd have to check
15 into that.

16 COUNCIL MEMBER MATTEO: Right. Mr. Chair
17 I think that's something that we should discuss
18 with... with the commissioner and her staff. I think
19 you know having... having this bill obviously helps
20 but it's... it's obviously based on enforcement so...
21 I'd like to discuss that with you and I... I
22 appreciate that. The initiative about the litter
23 from the vehicles now can you just explain that a
24 little bit. Now we're not looking for residents to
25

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2 send in. It's just elected officials, civic
3 leaders and...

4 KATHRYN GARCIA: Right we're going to
5 identify because we... we had tried this in the past
6 and one of the things that ended up happening is
7 that if someone cuts somebody else off they take
8 down their license plate and then report them as
9 having been littering from the vehicle whether or
10 not they had been.

11 COUNCIL MEMBER MATTEO: Right, okay.

12 KATHRYN GARCIA: And so we want to keep
13 some controls on it rather than have it just be any
14 member of the public.

15 COUNCIL MEMBER MATTEO: And so you're
16 just going to have a dedicated email or... [cross-
17 talk]

18 KATHRYN GARCIA: Right if some...

19 COUNCIL MEMBER MATTEO: ...you need a... do
20 you need a picture or are you just looking for a
21 plate number, ID number...

22 KATHRYN GARCIA: We're looking mainly
23 for the plate number. But if you have a picture I
24 think that would be obviously more helpful.

25

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2 COUNCIL MEMBER MATTEO: Okay. In terms
3 of waste paper baskets you know I... we... we
4 understand the balance of having them on the corner
5 and then they're pretty much litter overflowing.
6 For me especially my emergence groups that we have
7 Staten Island for in my district the covered bins
8 much more helpful. You... you don't see as much
9 litter obviously than the... the mesh or the... the
10 wire baskets. What's... is there a... a plan to phase
11 those baskets out? Is it just cost because the...
12 the green, the blue, you know the recycling, the
13 regular, they work on all the corners and you
14 hardly ever see them overflowing because it stays
15 in that... that bin so to speak. So... [cross-talk]

16 KATHRYN GARCIA: In your district, not
17 in all districts. But no it's a matter of... [cross-
18 talk]

19 COUNCIL MEMBER MATTEO: Happy my
20 district.

21 KATHRYN GARCIA: ...cost. Yes...

22 COUNCIL MEMBER MATTEO: Sorry everyone
23 else.

24

25

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2 KATHRYN GARCIA: It's a matter of cost.
3 They're significantly more expensive than the wire
4 baskets.

5 COUNCIL MEMBER MATTEO: And can local
6 council members purchase them then...

7 KATHRYN GARCIA: Absolutely.

8 COUNCIL MEMBER MATTEO: ...to replace?

9 KATHRYN GARCIA: Mm-hmm.

10 COUNCIL MEMBER MATTEO: Okay. Where's
11 the schedule for the pickups on the... on the... the...

12 KATHRYN GARCIA: On the baskets?

13 COUNCIL MEMBER MATTEO: Yeah. That are...

14 KATHRYN GARCIA: Totally it varies.

15 COUNCIL MEMBER MATTEO: Are they a base
16 in the residential pickups in the area or... [cross-
17 talk]

18 KATHRYN GARCIA: So in most cases in a
19 district that's not very heavy on pedestrian
20 traffic. They would be picked up by the collection
21 vehicle that's doing the residential area.

22 COUNCIL MEMBER MATTEO: Okay and you
23 know so we've all... we've all been privy to the
24 corner that sanitation deems to take away the
25 basket. Can you talk about that? Do you think that

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2 that's helpful in the experience that you've had
3 since you've been commissioner? Or you know I it
4 better obviously getting the covered bins or you
5 know adding another bin? I mean do you think that
6 removing the basket is the right way to...

7 KATHRYN GARCIA: So that they're... I
8 think it really starts with what is the cause of
9 the overflow. When the cause of the overflow is
10 improper use of baskets taking them away helps a
11 lot.

12 COUNCIL MEMBER MATTEO: When they're
13 putting in the... the... [cross-talk]

14 KATHRYN GARCIA: Their home garbage.

15 COUNCIL MEMBER MATTEO: ...regular trash.

16 KATHRYN GARCIA: The... you know so even
17 if I've had service five minutes before someone
18 comes out with their black bag and basically fills
19 up the whole litter basket I'm not coming back
20 right away. And then you end up... New Yorkers do
21 believe even when they're trying to do the right
22 thing that even if it's full they can fit one more
23 coffee cup... [cross-talk]

24 COUNCIL MEMBER MATTEO: We see that...
25 [cross-talk]

2 CATHRINE: ...in the litter basket. So if
3 the cause is improper use removing them has
4 actually been very successful in reducing the
5 amount of litter on some commercial... in some
6 commercial areas. But it really is... is dependent...
7 is it primarily litter that... from pedestrian
8 traffic. You know the Starbucks coffee cups or are
9 we seeing improper use? And that... that varies in
10 terms of what our approach is?

11 COUNCIL MEMBER MATTEO: For... for my
12 district the experience has been when there's one
13 wired basket they're putting also the recycling in
14 there and that is adding to... So then when we add
15 the three baskets together the issue then you know
16 becomes moot because now there's the recycling
17 basket, the regular basket... they're covered. So you
18 know I... I guess you know obviously cost is an issue
19 but... but part of the problem in Staten Island is
20 they're mixing in recycling too because there's no
21 other spot.

22 CATHRINE: Yes.

23 COUNCIL MEMBER MATTEO: They're coming
24 out of the store and they're throwing the cans in
25 there... paper... and everything else. So that's the

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2 experience that we have there. So the adopt a
3 basket works. And my four merchants groups we've...
4 we've had a lot.

5 KATHRYN GARCIA: Thank you. Yep.

6 COUNCIL MEMBER MATTEO: And you know
7 your new willing merchants and you know so I... I
8 applaud the merchants in my district and I just
9 wanted to make note of that. One last question
10 because I know my colleagues have questions on
11 their bills. I... I... in a related but unrelated topic
12 this weekend's ...safe disposal event on Staten
13 island there was two hour delays... backed up traffic
14 along... And one that's you know that's a good thing.
15 People are going out there and they're doing the
16 right thing and they're... they're dropping off their
17 disposals but it... it also begs a question about the
18 you know the problematic... what I think the state
19 law that it's problematic requiring you know
20 putting the owners on the... my constituents and
21 everyone else constituents to get to these events.
22 And again I know it's popular because Staten Island
23 is doing the right thing but a two hour wait...
24 extremely difficult on a Saturday when constituents
25 have a lot other things to do. As you know

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2 Assemblyman Borelli and I wrote a letter to you
3 asking if Sanitation would consider a designated
4 pickup day... whether that's once every few months, a
5 few times a year. So you know I think that we need
6 to look at other ways that we can be helpful to
7 make sure that Staten Islanders can get rid of
8 their e-waste materials, especially seniors who
9 can't get there. I'm getting more and more calls
10 and as you... you see an event like that and you see
11 there's some delays you know I received a lot of
12 calls from seniors saying I can't even get there.
13 Forget about the delay, I can't even get there. So
14 I want to thank you for your communication with me
15 over the weekend. You... you've been great through
16 snow and events. So you know we're just looking to
17 work with sanitation. And I just wonder if you have
18 thoughts on... on our request if... if you're still
19 reviewing it and how we can move forward.

20 KATHRYN GARCIA: Certainly. So obviously
21 the state law is relatively new. We haven't
22 actually completed a year yet. We are recognizing
23 that particularly in the low density areas we need
24 to get more drop off sites available. And we
25 certainly are looking and trying to price out what

2 a collection service would be. It's... it's more
3 challenging than others because we can't break the
4 material. So you can't use a rear loader truck
5 otherwise it actually goes from being electronic
6 recyclable waste to hazardous waste. And you know I
7 in some ways was happy about the fact that we saw
8 so much participation. You're seeing this Staten
9 Island really committed to being in compliance.
10 Though obviously I was very sorry to know that we
11 had backed up father Capadano [sp?]. I know that
12 Staten Island's very sensitive about traffic and I...
13 we really try and manage those events to make sure
14 that we're getting the through put efficiently. So
15 I do want to continue to work with you as we try
16 and figure out the best way to manage this. We have
17 now gotten the program that's for units... buildings
18 with over 10 units are now serving a million people
19 in New York. And we think that will be well above
20 that as we go into next year. So I feel like we
21 have a really good solution on... in higher density
22 areas so it's a question of you know can we make it
23 as convenient for those in low density areas. So
24 we're going to continue to work with you about
25 events, other drop off locations, and then trying

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2 to price out what collections could look like but...

3 [cross-talk]

4 COUNCIL MEMBER MATTEO: I appreciate
5 that Commissioner. I think it's extremely important
6 to make it as convenient as possible so I look
7 forward to working with you. Thank you for the
8 support on the bill and I will hand it back over to
9 the chair.

10 CHAIRPERSON REYNOSO: Thank you Council
11 Member Matteo and if you look at Staten Island it's
12 all green. You guys are doing a really good job and
13 I can tell that a highway would be... would be backed
14 up given that they care so much about the
15 cleanliness of their streets and how committed they
16 are to recycling so I want to thank Staten Island
17 and commend you guys for the work that you're doing
18 in contributing to the greater cleanliness of New
19 York City. Absolutely. I also... I know Council
20 Member Helen Rosenthal and Council Member Margaret
21 Chin both have questions. So I want to go ahead and
22 allow them to... to ask a couple more questions.
23 Council Member Rosenthal.

24 COUNCIL MEMBER ROSENTHAL: Sure just a
25 couple questions about your concerns on Intro 879.

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2 The three concerns I... I heard you mention were that
3 the weight of the bin might be too high. That the
4 additional bins might block the sidewalk. And the
5 third was that you would have to get the
6 information about where the violations are
7 happening from DOH. So I want to... I wanted to sort
8 of break down and understand your concerns a little
9 bit better. It's my understanding that we're
10 talking about not so many sites. There were... the
11 information we got is set I think year to date in
12 2015 there are 40 buildings with more than one
13 violation. And I don't know if you have that mapped
14 out in the same way...

15 KATHRYN GARCIA: I did... I did not have
16 that mapped out.

17 COUNCIL MEMBER ROSENTHAL: So if you
18 know that it's particularly in one neighborhood or
19 another I'm sure the Department of Health is all
20 over this. But... and I'm sure they could help us
21 with that but there was one building for example
22 that had nine violations. So I guess you know just
23 looking through your concerns mean one being that
24 the weight of the bin would be too much. It... I'm
25 wondering what kind of bin are you envisioning that

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2 a rat proof bin would be that it would become
3 different or more... [cross-talk]

4 KATHRYN GARCIA: All... almost we...
5 actually one of the... the challenges that the front
6 line folks are having are the large bins for
7 regular refuse and recycling being sold by Home
8 Depot and Lowes right now. They are really
9 difficult for them to maneuver into the trucks. So
10 our bins when we do the organics programs are very
11 small in order to make it so that they can get into
12 the truck. The problem is if you have a very large
13 building and you have a lot of bins it takes up a
14 lot of space. So our concern is that a building
15 who's trying to make it so that they can fit
16 everything on their frontage is going to use a very
17 very large bin which are available. They are easily
18 available across the city. They're... they just are
19 extremely problematic for sanitation workers.

20 COUNCIL MEMBER ROSENTHAL: Give that we
21 would be targeting these buildings... and as I say
22 it's not so many you know so maybe 60 by the end of
23 the year if we're at 40 now couldn't we specify in
24 the letter the type of bin that would be used so it
25 would not be the ones that you're trying to avoid?

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2 KATHRYN GARCIA: I think it's just a
3 question of can they fit... then fit their material
4 into that size.

5 COUNCIL MEMBER ROSENTHAL: Right. I
6 guess what I'd like to do is work with you. If the
7 concern is the bin material or the actual bin I'd
8 love to work with you to understand better if
9 there's a type of bin out there that could
10 accommodate the amount of garbage because right on
11 the flip side the problem we're trying to solve is
12 rat infestation.

13 KATHRYN GARCIA: Mm-hmm.

14 COUNCIL MEMBER ROSENTHAL: So... would...
15 could we... [cross-talk]

16 KATHRYN GARCIA: I think that we can
17 continue to have that dialogue. I don't know if
18 perhaps the health department wants to weigh in on
19 this so to speak. [cross-talk]

20 MARIO MERLINO: Yeah... thanks for the
21 question. The... obviously containerization and a
22 garbage is really important. I think the thing to
23 consider in addition to you know the curb bins that
24 use... containers are used at the curbside... you know
25 where the garbage is stored. That you know between...

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2 between pickups so you know it's possible to... to
3 focus efforts on... having landlords use you know
4 compactors... encouraging their use. And also you
5 know storage areas there... there are some buildings
6 use kind of custom made lockers right at the... that...
7 that don't... that... that don't... that don't come out
8 to the curb but they could put the bags in the
9 lockers and that prevents the... the rats from
10 getting into the... getting into the garbage. But
11 those... those who... the problem there is those
12 solutions are kind of custom. So it's not something
13 you can go to home depot and you know purchase.
14 They have to be kind of designed for that building.
15 But yeah I... I you know I think the... the... they're
16 tricky. The difficulties of... of san... that
17 sanitation has you know collecting the garbage,
18 having the... having containers that aren't' too
19 heavy and... and you know... and... and our desire to
20 have a... a container that's rat proof is tricky.

21 COUNCIL MEMBER ROSENTHAL: Please.

22 UNIDENTIFIED MALE: Can I ask a follow-
23 up question? We... nine violations, seven violations
24 in one building. Are we just collecting money at

25

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2 this point and not really dealing with the... like
3 finding a solution to the problem?

4 MARIO MERLINO: Well very good... very
5 good question. The... so the rat reservoir program...
6 the commissioner mentioned the big... the big thing
7 that we've added with that really is a case manager
8 in the properties in an effort to reach out to
9 property owners that get that many violations and
10 try to talk them through what they can do
11 differently. And... and that... and that... it might
12 include things like you know changing the... getting
13 custom made storage lockers timing when they put
14 the garbage out at the curb so that it's closer to
15 pick-up, things like that that they don't... that's
16 not transmitted usually through our you know
17 violations... our violations are... the inspection
18 report... we have a very nice guide... a very general...
19 but when you... when you get nine violations you're...
20 you know you're consistently doing something wrong
21 so...

22 COUNCIL MEMBER ROSENTHAL: I guess my
23 feeling is I'd love to sit down with you...
24 Department of Health Sanitation to talk through
25 maybe if you have a better understanding of who

2 these violators are... maybe look at last years'
3 numbers. I know you've been doing this for a long
4 time... So maybe look at last years' numbers and say
5 so what improvement like do these violators go away
6 and then next year it's new violators. Or if we
7 could have a better understanding because it
8 strikes me that there could be an elegant solution
9 to what is you know obviously a major quality of
10 life problem throughout the city. Chair could I
11 just ask two other questions real quickly about
12 your general conversation about trash pickup. You
13 mention that the high... that council members have
14 been purchasing high end litter baskets. Are those
15 the ones where it comes in sets of two recycling
16 and you open them in a different way and...

17 KATHRYN GARCIA: It... it depends on... it
18 depends on where you're located. If we have the
19 ability to service the recycling then that's an
20 option to do the three altogether. But it... it sort
21 of depends on which district we're in. So it... it
22 can be either. There's the steel... the big steel
23 ones that are usually colored, they're usually
24 green.

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2 COUNCIL MEMBER ROSENTHAL: And open in
3 the front right?

4 KATHRYN GARCIA: And they open from...
5 [cross-talk]

6 COUNCIL MEMBER ROSENTHAL: They're
7 circular?

8 KATHRYN GARCIA: ...the side. Yep.

9 COUNCIL MEMBER ROSENTHAL: Okay.

10 KATHRYN GARCIA: And then there's also
11 the silver ones that either have the black cap for
12 refuse... the blue for... [cross-talk]

13 COUNCIL MEMBER ROSENTHAL: Right.

14 KATHRYN GARCIA: ...glass and plastic.
15 They also open from the side but they're a magnet
16 closure. So yes they are... they are options for... for
17 purchase.

18 COUNCIL MEMBER ROSENTHAL: The... the
19 experience... has not been positive with those. They
20 are left open. Trash spills out all over the place.
21 It was the upper west side but people don't...
22 [cross-talk]

23 KATHRYN GARCIA: Recycle.

24 COUNCIL MEMBER ROSENTHAL: ...put the
25 right things in the right...

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2 KATHRYN GARCIA: ...little contaminated.

3 COUNCIL MEMBER ROSENTHAL: They're... yeah

4 I would...

5 KATHRYN GARCIA: Yes I've noticed that.

6 COUNCIL MEMBER ROSENTHAL: ...New York one

7 over there looking at him.

8 KATHRYN GARCIA: Yes.

9 COUNCIL MEMBER ROSENTHAL: So I don't

10 feel like they're really working.

11 KATHRYN GARCIA: Right we need to... I

12 think we do need to look and see how they're...

13 what's happening on the upper west side.

14 COUNCIL MEMBER ROSENTHAL: And do you

15 guys have opinions about the BigBellys.

16 KATHRYN GARCIA: We are piloting the

17 BigBellys in North Brooklyn right now. Yes we are.

18 We are having pros and cons. So one of the things

19 at least that's happening in North Brooklyn is

20 people seem to like to try and stuff pizza boxes in

21 them. And the whole point of it is that it

22 transmitted and tells us when it's full. That's the

23 thing that I... I like about it. But when you jam the

24 opening it still looks like it has room. But nobody

25 can use it and it starts to have litter all around

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2 it. People are also using them for graffiti. It's
3 very very challenging. So they're big... they're big
4 canvases.

5 CHAIRPERSON REYNOSO: Yeah one of my...
6 one of my staff members might disagree with me but
7 I love the BigBellys. I think they're great. The
8 handle seems to be the problem.

9 KATHRYN GARCIA: Yeah people don't like
10 to touch the handle and open it like a mail...
11 somehow a mailbox is okay but...

12 CHAIRPERSON REYNOSO: Yeah and... and the
13 trains are okay right. You're in the MTA all day
14 and you can't open up a handle. I just want to say...
15 to be perfectly honest... so I was saying we should
16 think about putting something on the floor where
17 you could step on it and... and... and it could open
18 possibly that... would be a great alternative. But
19 still you can open the... you could open the garbage
20 can. It's fine. And it's just other people touching
21 it. And it's New York so it should be fine. But
22 they're... they're working in my... they're working in
23 my district. I love them. I think that they're
24 great so far... so far right. The graffiti... the way
25 we do graffiti in Brooklyn we just build... we just

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2 paint beautiful murals over stuff. And then people
3 don't touch it. So maybe we've got some of these
4 young people to... to paint all the... the baskets. And
5 I... graffiti is graffiti is graffiti. It doesn't
6 matter... even those green ones that you have that
7 are circular they get graffiti on them, they get
8 stickers on them. It's... it's what it is to be you
9 know... to be in Brooklyn I guess. And the pizza is
10 also a Brooklyn thing. We got very good pizza. And
11 even if it's... [cross-talk]

12 KATHRYN GARCIA: I don't... I don't know...
13 Staten Island...

14 CHAIRPERSON REYNOSO: I'm just saying...
15 well I do want to say the by... there's a... a box for
16 one slice now. They... they don't even put it in
17 paper ba... bags no more. Every... everything gets a
18 box now in Brooklyn. And it doesn't make any sense.
19 So I apologize for that. But we should... we should
20 figure out how to make sure that if we have those
21 things that they're not... they don't completely
22 destroy the pilot or make it so that we can't do it
23 and that we just try to figure out if there's new
24 solutions because I think overall they're very
25 helpful and they look nice. And it... it makes my...

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2 the blocks on the... the business improvement
3 districts in my district look really... really nice
4 and I appreciate that. So I just want to say my
5 experience.

6 KATHRYN GARCIA: Thank you.

7 COUNCIL MEMBER ROSENTHAL: Last
8 question. Just to the Department of Health do you
9 have any... from the Department of Health perspective
10 not thinking about sanitation and the wait and the
11 blocking the sidewalk. Do you think rat proof bins
12 work?

13 MARIO MERLINO: I was... I was certainly
14 rap... rep... the...containerizing garbage... keeping the
15 garbage away from the rats is a key thing.

16 COUNCIL MEMBER ROSENTHAL: Okay thank
17 you very much.

18 CHAIRPERSON REYNOSO: thank you. Now
19 Council Member Margaret Chin. And I just wanted to
20 acknowledge that Council Member Costa
21 Constantinides was here and had to step out.
22 Council Member Margaret Chin followed by questions
23 from Council Member Andy King.

24 COUNCIL MEMBER CHIN: Thank you.
25 Commissioner thank you for your testimony. And I

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2 think that you know we are looking at your concern
3 about the winter month. And so we will look into
4 that. The other issue that you raised was that the
5 department has been like issuing violation to the
6 private carter if you see them driving away with
7 dripping liquid. Now do you have any statistic in
8 terms of how many... violation has been issued to
9 private carting company for this type of a...

10 KATHRYN GARCIA: I think I do but I
11 can't find it in my notes right at the moment. But
12 we can certainly get back to you. I mean the other
13 thing is if the swill is left on the sidewalk when
14 we do our enforcement round They would get a
15 sidewalk violation for that.

16 COUNCIL MEMBER CHIN: The carting
17 company?

18 KATHRYN GARCIA: No the... the noxious
19 liquid 1267. No I'm sorry noxious liquid 1267 from
20 the truck... 3,611. So 4,800 plus.

21 COUNCIL MEMBER CHIN: Okay.

22 KATHRYN GARCIA: Uh-huh.

23 COUNCIL MEMBER CHIN: But you have to...
24 you have to see them...

25

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2 KATHRYN GARCIA: Those we have... so the
3 ones where we're... we're looking at spillage from a
4 truck, we have to see it.

5 COUNCIL MEMBER CHIN: Mm-hmm.

6 KATHRYN GARCIA: But if they're... if an
7 enforcement agent comes by a store and in front of
8 that store is a puddle of liquid that's funky they
9 would actually not get a noxious liquid. They'd get
10 a... a dirty sidewalk violation.

11 COUNCIL MEMBER CHIN: Okay now if the...
12 if the problem is caused... if the owner complained
13 that the problem is caused by the carting company
14 when they picked up the trash.

15 KATHRYN GARCIA: They'll still get a
16 sidewalk violation. They're still... they still have
17 two hours a day where they are totally responsible
18 for that sidewalk and anything on it.

19 COUNCIL MEMBER CHIN: Okay.

20 KATHRYN GARCIA: And 18 inches into the
21 street.

22 COUNCIL MEMBER CHIN: But if there is...
23 so you're saying that you already enough measure to
24 fine... to mandate that they have to clean the

25

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2 sidewalk. I mean the bill said that they have to
3 clean...

4 KATHRYN GARCIA: Right.

5 COUNCIL MEMBER CHIN: ...that they have to
6 hose it down, actually clean it.

7 KATHRYN GARCIA: Right your... your... your
8 bill as I understand the difference is that the
9 current... our current authority says it just has to
10 be clean. It doesn't specify how...

11 COUNCIL MEMBER CHIN: Mm-hmm.

12 KATHRYN GARCIA: ...it is cleaned. And
13 that this would specify which I know DEP will
14 testify to their concerns about the use of water.
15 So I think that's just the difference.

16 COUNCIL MEMBER CHIN: okay I mean we'll...
17 we'll... you...

18 KATHRYN GARCIA: Because I... I mean I
19 know that some people do use water... I mean they
20 don't tend to use a hose but they do use water when
21 cleaning spillage in restaurant areas that I've
22 been in.

23 COUNCIL MEMBER CHIN: I mean right now
24 there are some restaurant that do hose down their...
25 the sidewalk in the morning. Not everybody do it.

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2 There are some restaurant that do it. And... and you
3 can see the difference. And I think that my next
4 question is for assistant commissioner Merlino from
5 Department of Health. I mean what is the Department
6 of Health's view on this? I mean how many... are
7 these like greasy liquids? Are they feeding the
8 rats and increasing the population of rats?

9 MARIO MERLINO: Yeah I... I think... so in
10 addition to keeping the garbage away from the rats
11 any kind of putrescible waste or food scraps also
12 provide a food source for rats. And it's a
13 significant problem with restaurants but somewhere
14 to the... the... the con... you know the... the way... having
15 perfect containerization of garbage and con...
16 putting container every bag at the curbside makes
17 it hard to do the pickup and you have to pay
18 attention to that. I you know... we... we can't comment
19 on the... on the issues the DEP has with... with... with
20 flushing the waste into the... into the sewer system.
21 But I think some... certainly cleaning suggestions
22 for cleaning. You know litter... You know we've seen
23 after garbage is removed the curbside in front of
24 restaurants, scraps of food, those types of things
25 could be picked up. They don't have to go into the

2 sewer system. And it's important that... to... to get
3 rid of that material to control the rats.

4 COUNCIL MEMBER CHIN: Well I'm looking
5 forward to talking to DEP. I mean we have to find a
6 solution. So... and there's got to be a solution. I
7 mean even though we have to tell the restaurant
8 establishment what kind of cleaning liquid they
9 should use that is environmentally friendly to
10 clean the sidewalk. I think we could do that. We
11 just can't count on the rain because it doesn't
12 rain every day. This is not Seattle. So we got to
13 clean it right. And I think with the... the private
14 carting company. I mean that is a... another issue
15 that we probably have to really look at and work on
16 because garbage that left out too long before there
17 picked up. I mean same thing with residential
18 garbage and the same thing with the... the... the food
19 establishment garbage. And so I think we really
20 have to look at how we can you know get them off
21 the sidewalk but not let them sit there for a long
22 time. So that's something that we still have to
23 work on. But I look forward to working with you to
24 find a solution to keep our sidewalk healthy and
25 clean. Thank you. Thank you Chair.

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2 CHAIRPERSON REYNOSO: Thank you Council
3 Member. And just some... and again with all the bills
4 that we have here there's a problem and they're
5 trying to find solutions so we'll just really
6 appreciate it if any... anyway that you guys think
7 you can give us some information that'll help us
8 make a... a better decision or write better laws I
9 think is... is welcome of course. So we have the
10 issue with the grimy streets. We have the issue
11 with the... with the rats and the containering..
12 containerizing them of course... trying to find a way
13 to give you guys more teeth when it comes to
14 enforcement of littering... especially the vehicles.
15 These are all things that the general public I
16 think are concerned about. We just want to make
17 sure that we're working together to find solutions.
18 I think it's very important. So hopefully we'll be
19 partners more so than anything else in trying to
20 find that out. Want to call on Council Member Andy
21 King from the boroughs.

22 COUNCIL MEMBER KING: Thank you Mr.
23 Chair and thank you Commissioner and thank you all..
24 both of you... three of you for being here today.
25 First I want to say Chief this Department of

2 Sanitation... commission have been I think very
3 responsive to us in the Bronx. I'll speak for my
4 district as... we've been able to have good
5 communications in getting things done. So I want to
6 thank you both for your efforts in helping me have
7 a paradigm shift for how we treat cleanliness in
8 the 12th district. I have a couple of questions
9 for... for... for both of you. My first question is
10 I've heard in your testimony that in regards to...
11 and I've known from some of the... that you talked
12 about removing waste baskets as a method of trying
13 to keep areas clean. I know why... NYC cleanup my
14 initiative I purchased more trash baskets to put on
15 the street. So I'll like to know how is working and
16 where is it working so I can figure out do I need
17 to do something differently up in the neighborhood.

18 KATHRYN GARCIA: I'm sorry. I don't
19 think we've removed any baskets from your district
20 at all. And we can certainly look and talk to the
21 folks on the ground about how your new baskets are
22 performing. I've heard nothing negative.

23 COUNCIL MEMBER KING: Okay.

24 KATHRYN GARCIA: And I think your
25 numbers have been pretty decent in terms of

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2 scorecard. But we can certainly get back to you
3 with how those baskets are performing.

4 COUNCIL MEMBER KING: Okay excellent.
5 The other thing I wanted to ask about is being the
6 mobile patrols that you have that go out and
7 street... are they assigned by districts or do you
8 have to request them... how do you get mobile...
9 [cross-talk]

10 KATHRYN GARCIA: So they're assigned by
11 district. Some council members last year chose to
12 fund mobile... litter patrol. Some funded baskets. It
13 depended... but yes it's done by the district.

14 COUNCIL MEMBER KING: Done by the
15 district, okay great. Also I'll like to know if in
16 order for it... for business or community group want
17 to adopt the basket what would be the process of
18 being able to do that.

19 KATHRYN GARCIA: It's... it's on our
20 website but you certainly can take the chief's
21 information. He is... [cross-talk]

22 COUNCIL MEMBER KING: Okay.

23 KATHRYN GARCIA: ...he has been at the
24 forefront of making sure that businesses are
25 enthusiastic about adopting baskets.

2 COUNCIL MEMBER KING: Okay. I will love
3 to work with you on that. We have one corridor
4 that's... it's... it's the most... our... our busiest
5 business corridor of the white plains road [sp?]
6 section there. We are really trying to maintain...
7 that's why you put more baskets out there... asking
8 to put this... the street sweeping team on the
9 streets every day to make sure that we keep that
10 corridor safe and clean. And I do have a question
11 for the Department of Health. Assistant
12 Commissioner. I just heard you mention that you
13 couldn't comment on the DEP issues. I'll like to
14 know do you know what those issues are and if... why
15 you can't comment on... you may know something that
16 we just don't know that you can share with us or we
17 can come up with solutions or work on trying to
18 come up with solutions?

19 MARIO MERLINO: So the... the reason why
20 we can't comment is because we are not expert in
21 their issues with the sewer. You know they
22 mentioned this material fog. We're going to hear
23 about it in their testimony so that's an education
24 for us. It's simply not our area in terms of what...
25 you know how that... that impacts sewer system I do

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2 know is parts of it are quite old. There are issues
3 with the sewage treatment plants, those sewage
4 treatment plants are amazing sort of technological
5 piece of equipment and... and so you know I don't... I
6 just... if there are issues with materials being
7 flushed into the sewers I think they need to kind
8 of address them.

9 KATHRYN GARCIA: And for those of you
10 who don't know fog is fat, oils, and grease.

11 COUNCIL MEMBER KING: No. I just have
12 another... two more questions. First one is debris.
13 Can you tell us do you have a... a tracking... enough...
14 a red... like 140 tons or something like that of
15 trash that you pick up on the streets? Do you have
16 a break down by district how much trash is being
17 picked up weekly?

18 KATHRYN GARCIA: We actually... some... it
19 will probably not be perfect because sometimes
20 we'll cross a district line so not every vehicle
21 will always stay perfectly within the district but
22 it should be pretty close.

23 COUNCIL MEMBER KING: Okay.

24 KATHRYN GARCIA: So let me see if we can
25 pull that out.

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2 COUNCIL MEMBER KING: And my last
3 question goes to pest control, rats, and so forth.
4 We know that rats exist. And regardless of where we
5 are in the city I would like to get a... I would like
6 to know where is our... our largest rodent problem.
7 Because rodents... it seems like we don't have a
8 rodent problem until they come out from wherever
9 they're hiding. They're always there. You know it's
10 just when they come up and they invade our space
11 then we say whoa whoa we got a problem... a rodent
12 problem when we know they've... always living with
13 us. So was it a way to find out which of our areas
14 in the city or highly...

15 MARIO MERLINO: Absolutely. So if you...
16 if... if I may I think it's important for everybody
17 to evaluate their own properties and... and... in terms
18 of doing walk through... regular walk through looking
19 you are in... in your basements or garbage storage
20 areas, if you're... especially if you're a multi-
21 family building you know operator or
22 superintendent. Evaluating your own property is
23 very important. If you go on our... NYC dot gov
24 backslash racks you can see our... the results of our
25 inspections at a property level. So you can type up

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2 a property address in there and you can see all
3 violations that we've issued. You can see
4 exterminations that we done. There also is data on
5 there... on a zip code... do we have community
6 district? You can see... right. So...

7 COUNCIL MEMBER KING: Thank you. I'm not
8 moving from the Bronx... I'm sticking strong. Alright
9 but thank... thank you for that information and thank
10 you all. You... you had a comment?

11 KATHRYN GARCIA: Yeah actually there's
12 one other thing I wanted to say which is not what
13 has been raised. But I think that we had an
14 extraordinarily successful partnership on the
15 clothing bin issue. And as of today there are none
16 on the streets of New York.

17 COUNCIL MEMBER KING: Well yes... yes
18 thank you. Thank you Mr. Chair.

19 INTERIM CHAIRPERSON REYNOSO: Thank you
20 Council Member. Yes I am temporary chairing as in...
21 the chair had to run to another committee so Staten
22 Island now is in charge of the Sanitation
23 Committee. No further questions or comments from my
24 colleagues. I... I want to thank Commissioner...
25 Associate Commissioner for... for attending...

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2 answering our questions and uh... we're going to call
3 up the next panel, thank you. So the next panel is
4 Eric Landau, Associate Commissioner from DEP and
5 Anastasio Director of Field Operations from DEP.
6 Okay Associate Commissioner Landau you're... you're
7 up when... we'd love to hear your testimony?

8 ERIC LANDAU: Thank you very much. Thank
9 you Council Member Matteo and members of the
10 committee. My name is Eric Landau, Associate
11 Commissioner of Public Affairs at the New York City
12 Department of Environmental Protection. I'm joined
13 today by Anastasio Stragelous Director of Field
14 Operations in our Bureau of Water and Sewer
15 Operations. We appreciate the opportunity to
16 testify this morning on Introduction 377
17 specifically. As you know DEP's mission is to
18 protect public health and the environment by
19 supplying clean drinking water, collecting and
20 treating waste water, reducing air... and hazardous
21 materials pollution. Intro 377 proposes to require
22 food and beverage establishments to clean sidewalks
23 of liquid that results from the placement of
24 garbage for collection within a certain period of
25 time after collection has occurred. It also allows

2 for the use of a hose to conduct such cleaning. DEP
3 supports the intent of this bill to provide cleaner
4 sidewalks. However we have some concerns about its
5 implementation as currently drafted. As
6 commissioner Garcia noted the administrative code
7 contains a prohibition on using a hose to clean
8 sidewalks between November 1st and March 31st. The
9 same prohibition can also be found in DEP's rules
10 and regulations. The common sense reason for this
11 rule is to prevent the sidewalk from icing over
12 after cleaning which could obviously present a
13 significant risk of slips and falls. We strongly
14 suggest that this bill not lift this prohibition
15 during these colder months. Second, the sewer use
16 regulations prohibit any substance other than storm
17 water from entering the storm sewer, catch basin,
18 or manhole without the written approval of the
19 commissioner. Any new legislation should be drafted
20 with that in mind. Otherwise a new regulation could
21 require violating this existing rule. Of greatest
22 importance to DEP are the potential impacts the
23 bill could have on the city's sewer system. DEP has
24 approximate goal to prevent grease and solid waste
25 in the form of litter, garbage, and other debris

2 from spilling into catch basins. Catch basins are
3 designed for the sole purpose of capturing storm
4 water and are outfitted with hoods to prevent
5 litter and debris from entering the sewer system.
6 Any additional debris or grease from increased
7 hosing down of sidewalks would adversely affect the
8 operation of the catch basins, cause odors, and
9 increase maintenance frequency. In the case of
10 municipal separate storm sewer systems... what we
11 commonly refer to as MS4 which channel storm water
12 directly to the harbor, more litter and debris in
13 the sewer system results in an increased amount of
14 floatables which are litter and debris that make
15 their way to the surrounding harbor waters. DEP
16 plays a major role in working to reduce the amount
17 of floatables in the city's waste water system and
18 is under state permits monitored closely by the EPA
19 to do so. Street cleanings and subsequent catch
20 basin cleanings are one way that DEP complies with
21 those permits and our regulators watch the
22 effectiveness of those programs very closely.

23 Additionally our waste water treatment plants
24 remove tremendous amounts of littering debris from
25 the waste water at the beginning of the treatment

2 process. However, they can't remove everything.

3 Therefore we're concerned that this legislation as
4 currently written could result in an increased
5 amount of floatables in the water which again would
6 cause a significant problem with our regulators...

7 especially the environmental protection agency. As
8 litter causes problems it incurs costs for DEP at
9 all three stages of sewer and treatment system. The
10 catch basin, the treatment plant, and the harbor

11 water itself we recommend that the bill at a
12 minimum the amendments require the cleaning and
13 removal of any solid waste from the sidewalk before

14 the washing. Second, hosing down a sidewalk after
15 garbage collection will wash away some of the
16 residual fat, oil, and grease what we now all know

17 we refer to commonly as FOG and carry it to the
18 catch basin. FOG containing liquid congeals into
19 grease deposits and sewer pipes that can build up

20 over time and result in a blockage. Catch basins
21 shoots that get clogged with grease are more
22 difficult to clean and failure of the catch basin

23 can result in flooding. It's worth noting that
24 grease build-up is responsible for up to 80 percent
25 of all confirmed sewer back-ups across the city. We

2 understand and must contend with the fact that fog
3 will run to a catch basin and enter the sewer
4 system especially during a rain event. We
5 characterize that initial storm water run-off from
6 the sidewalks and roadways as the first flush which
7 carries the greatest amount of pollutants
8 accumulated on those services to the sewer system.
9 In a perfect world food and beverage establishments
10 would take precautions to prevent such leakage.
11 However we know that sidewalk washing is done and
12 hope that it is certainly done in the safest and
13 most environment... environmentally appropriate way
14 consistent with our rules and regulations. Hosing
15 down a sidewalk with water may resolve an aesthetic
16 problem for the city however we believe that it
17 could potentially exacerbate a significant problem
18 for our sewer systems and do not believe that it's
19 the most effective way to remove these liquids. As
20 a next step DEP suggests the bill be amended to
21 one. Reinforced on November 1 through March 31
22 prohibition on using a hose on a sidewalk. Two,
23 define proper cleaning more fully to include the
24 removal of garbage and debris and three recognize
25 specific methods of appropriate cleaning of FOG

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2 containing liquids from the sidewalks that will
3 ensure that our catch basins will not be adversely
4 affected. DEP welcomes the opportunity to join this
5 conversation with the committee and the Department
6 of Sanitation to further discuss the specifics and
7 best practices for cleaning sidewalks in a safe and
8 environmentally responsible way. Again I thank you
9 for the opportunity to testify. And I'd be happy to
10 answer any questions that you may have.

11 CHAIRPERSON REYNOSO: So I guess I think
12 want to open it up to Council Member Chin's
13 questions and see if you guys can answer those.

14 ERIC LANDAU: Thank you Mr. Chairman.

15 CHAIRPERSON REYNOSO: No problem.

16 COUNCIL MEMBER CHIN: Mr. Landau thank
17 you for your testimony. We've been waiting.

18 ERIC LANDAU: Thank you Council Member.

19 COUNCIL MEMBER CHIN: We want to work
20 with you.

21 ERIC LANDAU: We want to work with you.

22 COUNCIL MEMBER CHIN: ...how do we solve
23 this problem. Because we now the... the issue about
24 the grease and that's been a lot of education done
25 in the city with restaurant owner not to flush

2 grease you know down... down on the streets. I think
3 that has you know... great success in that way beside
4 where cleaning happens. Right? I mean some
5 restaurant do clean their sidewalk every single
6 day. And it's not just a study. It's really hope...
7 you know getting rid of the stench and also the
8 liquid that feeds the rats. So how do you know... can
9 DEP provide the instruction... the guidance of how to
10 do it safely so that we can get these establishment
11 to follow the rules and make it happen?

12 ERIC LANDAU: So thank you. So... and let
13 me reiterate how much we would like to work with
14 you and the members of the committee, the chairman,
15 and the Department of Sanitation to continue this
16 conversation and ensure that we're doing it in a
17 way that is both able to clean the sidewalks in a...
18 in a real way as well as protecting the city's
19 underground sewer infrastructure. I think it's fair
20 to say... and again Tossos Georgelous [sp?] is with
21 us... our Director of Field Operations who will join
22 in. But I think it's fair to say that one of the
23 first steps does begin with proper disposal of
24 grease and those types of materials inside the Food
25 and Beverage Establishment first. So it's not just

2 not pouring down your... down your drain but it's
3 disposing it in a way that when it does get to the
4 curb it's not going to leak out. And so one of the
5 things that we are beginning to do right now is we
6 are working with restaurants and property owners
7 both public people that own their own properties,
8 homes, as well as businesses, NYCHA housing,
9 etcetera to talk about proper disposal of grease
10 and grease related materials. So it's again not
11 just not pouring it down your... down your drain but
12 putting it in some sort of container that will not
13 leak out onto the... the sidewalk and the city
14 street. Additionally we... and this is something that
15 we would like to explore further with the council
16 is there having methods that are discussed even
17 things like getting onto the sidewalk with a bucket
18 of soapy water and a brush to sort of scrub the
19 sidewalk as opposed to simply just hosing it which
20 will then go straight to the catch basin.

21 COUNCIL MEMBER CHIN: I have no problem
22 with that. I mean I think that's... that's even
23 better. I mean but small business... oh that's asking
24 a lot. But yeah if there are environmentally you
25 know good leaning product that they should use that

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2 can get rid of the grease so that when you... after
3 you brush you still have to hose it down right with
4 the water? But at least it's dissolved the grease.
5 Is that the idea?

6 ERIC LANDAU: We... we'd have to look into
7 what products are available.

8 COUNCIL MEMBER CHIN: Because you... you
9 ask them to scrub it right? After they scrub they
10 got to...

11 ERIC LANDAU: Right so I... you know think
12 the main point of... of us appearing today before the
13 committee is to... is to really hammer home the point
14 that we're concerned about hosing it directly to
15 the catch basin but we also very much understand
16 the intent of this legislation. We are supportive
17 of the intent and together want to find a solution
18 that works.

19 COUNCIL MEMBER CHIN: Okay so if you
20 commit your time... you know my staff... committee
21 staff will work with you to make it happen because...

22 ERIC LANDAU: Absolutely.

23 COUNCIL MEMBER CHIN: ...we need to get it
24 done.

25 ERIC LANDAU: Understood.

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2 COUNCIL MEMBER CHIN: Alright thank you.

3 ERIC LANDAU: Thank you.

4 CHAIRPERSON REYNOSO: Good. That was
5 good. I'm glad. As long as... as long as Council
6 Member Chin's okay and we're having a conversation
7 about getting things done right a solutions
8 oriented conversations which is... [cross-talk]

9 ERIC LANDAU: That's why...

10 CHAIRPERSON REYNOSO: ...seems like where
11 you guys are...

12 ERIC LANDAU: ...that's why we're here.

13 CHAIRPERSON REYNOSO: So I'll appreciate
14 that. So thank you guys for your time. I really
15 appreciate it.

16 ERIC LANDAU: Thank you Mr. Chair.

17 CHAIRPERSON REYNOSO: Thank you. And we
18 have our last panel. We have David Goldberg and
19 Wellington Chin from the Chinatown partnership and
20 Atlantic maintenance and the Chinatown partnership.
21 Yep that's it. So go ahead guys. We're going to
22 start you from left to what... or however want... you
23 guys want to do it.

24 DAVID GOLDBERG: I'll... I'll go first.

25

2 CHAIRPERSON REYNOSO: Alright there you
3 go.

4 DAVID GOLDBERG: Oh thank you. Thank you
5 for... thank you council members. My name is David
6 Goldberg. I work with the Chinatown partnership. I
7 am a vendor who provides supplemental sanitation
8 services. I work with 50 business improvement
9 districts in New York City. I also work with
10 business improvement districts in seven other
11 states. So I have pretty extensive knowledge of
12 what goes on in a clean and safe space for BIDs.
13 And Chinatown particular is a very challenging
14 environment. I'm here to support 377 because every
15 day we are confronting spillage and liquid on the
16 sidewalk. We're spending an inordinate amount of
17 time pressure washing sidewalks and we think
18 there's a... there needs to be a solution to what's
19 going on you know on the streets there... I've looked
20 at other places and other states and how they... how
21 they do things differently. A lot of other states
22 have you know private commercial properties who
23 need to dispose of their garbage in... in large
24 containers. I think part of the problem here is
25 that most of the properties are put... putting in... in

2 bags are probably are inadequate for... for... for the
3 oil and grease that is out there. And it's causing
4 an aesthetic problem. And I also think that the
5 aesthetic problem relates to how people perceive
6 the neighborhood. If they see the neighborhood with
7 spillage and liquid on the sidewalk they thought
8 not only it's dirty... it's not safe. O there's a
9 bigger overriding concern and there's also in
10 Chinatown corrosive development from all the
11 liquid. The sidewalk and the curb line has been
12 corroding because of the liquid spillage. So I... I
13 know the DEP has talked about the catch basin.
14 That's... and... and... and it's... that's a real big issue
15 but if you look at the sidewalks in Chinatown and
16 the curb allowance there's a lot of corrosion from
17 the liquids on the sidewalk. And it's not only in
18 Chinatown I... on 6th Avenue in the village they have
19 bluestone and a... that is also corroding from the
20 spillage. And this is not only small properties
21 and... and small business owners but I think a lot of
22 the big chains are actually probably the worst.
23 Starbucks, Chipotle... you feel... a lot of those
24 establishments you'll see a lot of corrosion... a lot
25 of... lot of liquid and... and I think to you the

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2 Council Member's point there needs to be a solution
3 just to... the status quo is not going to... is not
4 going to do it and maybe there need... need to be a
5 way to implement and educate more businesses on the
6 standards and the procedures of how...

7 CHAIRPERSON REYNOSO: And I... and I
8 guess... and I'm going to ask a question after... Chin
9 goes because I do want to know how enforcement
10 looks on... on the sidewalk as well so that you could
11 let me know what the businesses are thinking or how
12 are they being affected or not affected. So after
13 you're done with your statement we'd like to follow
14 up.

15 WELLINGTON CHEN: Before my clock begins
16 I just want to comment on the earlier testimony
17 about I... I'm glad to hear you talk about the
18 BigBellys. I'm... we're delighted that Councilman
19 Chin has... first and we are going to be launching
20 the first foot pedal BigBellys district in... area.
21 As you know the new model has come out due to the
22 comment about the... the handle. You know you opened...
23 you go to the bank, you pull it open, you go to
24 post office you pull it open, you go to a mailbox
25 you pull it open but people seems to have this

2 aversion to the thing. And thank god to our
3 neighbor, the downtown alliance... to pick first.
4 They have tested the first foot... foot model is on a
5 highly traffic area. You can actually see it on
6 Broadway and Day on the southwest corner right in
7 front of your new brand new popular... interchange is
8 a brand new foot pedal model. It works like a
9 charm. And we... Chinatown BID will be the first one
10 to be a full foot pedal BigBellys model area. And
11 then on your comment about the... the other... the
12 artwork. And I think that... you know that's a great
13 place because the side panel. We always believe
14 that the map of all the artistic decoration of the
15 map... the culture, the highlighting, the things
16 could be a great enhancement to... and... people into
17 the... into the district where we are... So now... begin
18 my time to read the statement. Good morning Council
19 Members. My name is Wellington Chin and I'm the
20 executive director of the Chinatown partnership
21 thanking... thank you for affording us this
22 opportunity to testify before you this morning, and
23 especially the attention on this matter. I will
24 want to take this moment to especially thank and
25 acknowledge the great work of contribution of

2 Council Member Margaret Chin. Because as a result
3 of her efforts and advocacy Chinatown today is a
4 lot cleaner and brighter due to all the sanitary...
5 as a result of her efforts and all the sanitary
6 solid waste removals where millions of pounds of
7 refuse are being hauled away each day and each year
8 and continue to... to be so. And thousands of
9 fixtures... of street lamps and poles and graffiti
10 removed are being repainted... snowcap corners and
11 fire hydrants being kept clear for life safety for
12 seniors. Parents with children, visitors, and
13 delivery personnel like... The one type of stain that
14 we cannot easily remove at least not well... no pun
15 intended is the FOG that was just mentioned here
16 left on the public realms on the public sidewalks,
17 the oil and grease, permeate and run down onto the
18 roadways and then breaks apart the asphalt and
19 caused the unsightly ponding rotten conditions to
20 make matter worse this is where the stagnant liquid
21 sit with nowhere to run and causing the... the smell
22 and the pungent odors we... many talks about in all
23 types of conditions and in many districts, not just
24 in Chinatown. Our big clean team members are just...
25 maintenance was here today. I'm glad that he's here

2 to... to join us. Spend a lot of time and resources
3 power washing where the resources are saying and
4 grind removal is extremely slow and cumbersome as
5 the hot water spray and can only often be done at
6 off peak hours where the public are not walking and
7 when they are sleeping or trying to sleep. The... the
8 power washing even though it's one of the most
9 popular services would provide can only do a small
10 amount of area each night or at a time. And can...
11 and can only do so much because the damage is
12 already done... already done. And with deep
13 penetrating stains and destroying asphalts. So
14 that's why I want to keep the... the aggressive
15 thing. You have my written statement on the pack.
16 But I just want to talked about a little bit that
17 there solutions you know because the bid cannot
18 really repair the damage that's been done to the
19 asphalts because if we try to get beyond the edge...
20 introduce I can be fined 500 dollars for each
21 patch. And even though... and so public has this
22 misconception that we are responsible for the
23 trough and all that we... in fact we can... it. So we
24 believe that an ounce of prevention is much better
25 than I think. So we believe that there solutions as

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2 Councilman Chin and all of you alluded to... one of
3 the easiest ways... prevent it from happening and not
4 that this... the idea and we have done it in Flushing
5 BID earlier which is to say place a un... heavy
6 underlayment before it which is if you can step in
7 your car you have a vinyl floor mat that prevents
8 the mud the snow and that could be easily removed
9 be... be... be... and we are prepared in discussion of
10 our BID. We are prepared to work for the merchants
11 who say for example before you stain your sidewalk
12 where you have spent thousands of dollars repairing
13 it because it corrodes, erodes, and it creates a
14 very heavy stain to lift out even after power wash.
15 And we can only power wash so many times on the
16 same spot even under the public trash cans for
17 example. So the idea is really about I went to
18 target last night and give you an example of not
19 necessary the rubber one but you know if you just
20 think about a container flat that we have the local
21 and... and sanit... that the commercial... will not
22 remove away that can help us by saving thousands of
23 hours on power washing. And then we can divert the
24 resources to this epidemic of graffiti that's bring
25 up all over the east side and in our area. So there

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2 are many many solutions and we are prepared to help
3 and work with your punish... it was on the domain and
4 we are... we believe in continues refiner. Thank you.

5 CHAIRPERSON REYNOSO: Thank you. Just a
6 couple of questions. When did sidewalks erode
7 because of the content that's falling onto it? Are
8 there... are they quickly repaving or fixing the
9 sidewalks?

10 WELLINGTON CHEN: Council Member that's
11 a great question. My understanding is and this is
12 the rule and this is a oddity because you know
13 there's DOT and... and has so many... you know there
14 are 400,000 pot holes out there right now unfilled.
15 So we'd be lucky and I'm grateful that DOT has
16 recently repave our streets. However you will
17 notice right away that I think a very few short
18 time the... the... the... the rotting begins. You... the
19 rotting is where the grease runs down and stop
20 destroying. You know how you go into a mechanic
21 shop you want to get rid of grease you use oil. And
22 the oil will destroy the asphalt. And so... so if you
23 go to pale street for example right now just a few
24 months after the streets repaved the already huge
25 puddles along the edges. And that's where the

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2 stagnant water... that's where you breed the
3 mosquitos... that's where the smell... and that's where
4 you drive away customers because people walk in
5 front of this restaurant just say I don't care what
6 writing it say on the window if this looks like
7 this I'm not going in.

8 CHAIRPERSON REYNOSO: Right so...

9 WELLINGTON CHEN: So...

10 CHAIRPERSON REYNOSO: Are they getting
11 fines though? Are the business owners getting fines
12 as well?

13 WELLINGTON CHEN: Well that's the tough
14 part. I mean there's not enough enforcement.
15 Enforcement as you know where there's policing,
16 traffic safety is the last resort. You mean you
17 really want to modify the environmental behavior.

18 CHAIRPERSON REYNOSO: Yeah.

19 WELLINGTON CHEN: The behavior
20 modification is best because there's not enough
21 enforcement. And especially... the methodologies as
22 being... you have to caught... be caught red handed.

23 CHAIRPERSON REYNOSO: Yeah.

24 WELLINGTON CHEN: At 4:00 in the morning
25 you're not going to catch me red handed. Not likely

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2 unless you don't want to sleep. So these are... these
3 are. There are many... many regulation that can be
4 improve... and we look forward to working with the
5 council on... on these issues.

6 CHAIRPERSON REYNOSO: Okay I'm looking
7 forward to whatever pilots you guys impose in
8 Chinatown. It seems like you guys are like the...
9 that's where it's worse. It's just...

10 WELLINGTON CHEN: Number one council
11 district so we have to be always... [cross-talk]

12 CHAIRPERSON REYNOSO: Okay.

13 WELLINGTON CHEN: ...first one to
14 experiment.

15 CHAIRPERSON REYNOSO: Alright whatever
16 you guys think of. And if it works just bringing it
17 back here, letting Council Member Margaret chin
18 know so... [cross-talk]

19 WELLINGTON CHEN: And just on your point
20 and I... I'm glad that Department of Sanitation
21 mentioned that I notice on certain Brooklyn BID
22 district... I think it's a BID district. On... I... I
23 think on Bethod Avenue. You're full of BigBellys
24 already. And I think it... it says New York City... New

25

2 York it... it's not a BID. I think those are
3 sanitation department right?

4 CHAIRPERSON REYNOSO: Yeah so... so what
5 the commitment that the Department of Sanitation or
6 that we had to make as a... we had to find merchants
7 that we're willing to... to work with even if they
8 don't have a BID there is a merchant association or
9 there's a group that's willing to take care of
10 them.

11 WELLINGTON CHEN: Right.

12 CHAIRPERSON REYNOSO: And also to the
13 NYC clean-up initiative, the... you know the dole
14 [sp?] fund or ACE are... are willing to take... taken
15 on so doesn't only need to be a BID but you're
16 right. There are in Bedford... there's also on Grant
17 Street. And they're working very well so far
18 because it's just more pleasant to look at.

19 WELLINGTON CHEN: Yes. And to a point
20 the second part of your question and... and the
21 punitive one even if you want to do the... the... the
22 enforcement. You know defying is not really you
23 know the intent of all these legislation is not
24 about fining. And think it's really about
25 improving business conditions, improving the... the

2 environment. And so to the degree that you know
3 odor and the... the fact that you had to wear a gas
4 mask on certain streets in the city is... is what
5 we're trying to avoid because it... it created what
6 they call the curbside appeal when you have a
7 pleasant experience in the community I could either
8 repeat more and you have a better time and you have
9 a better business environment.

10 CHAIRPERSON REYNOSO: What about
11 increasing like the gauge of the plastic that is
12 required by businesses to put out garbage. You know
13 may... you know two mill or three mill instead of
14 putting whatever you want as you know just saying
15 there's a standard. I think the fact that there's
16 no standards is part of the problem.

17 WELLINGTON CHEN: And jut to bring your
18 alert I have... Complaints and you can see on our
19 Facebooks the commercial haulers that are you know
20 with impunity and nighttime destroying all the
21 garbage throughout the streets whether the DEP
22 likes it or not they are being flushed down. You
23 know where do you think the power washer. And I
24 have to commend little Italy for doing a great job.
25 They're doing hosing every morning. And... and you

2 know and that's why we can see the community the...
3 the... the difference. But something ought to be done
4 about that you know uncontrolled commercial hauler
5 dripping, trashing our community at nighttime and...
6 and this is why eventually down it should be like a
7 BID service. A community cannot find the 40 trucks
8 that are responsible. Eventually they should be...
9 they are only 40... and... and there's 72 BIDS. They
10 can bid on these contract and since we know
11 precisely which commercial hauler is responsible,
12 like I'm holding him responsible for Chinatown's
13 cleaning conditions.

14 CHAIRPERSON REYNOSO: But we're... we are
15 talking about a barrel cart [phonetic] waste
16 franchising. And I know Sanitation loves listening
17 to... hearing that... those... those two words together.
18 And you're talking about you know limiting the
19 amount of trucks that we have going down these
20 streets...

21 WELLINGTON CHEN: Right. I mean the
22 classic example you go to... time warner where
23 Mandarin... into... right... loading truck... the dock... you
24 have 90 tenants with... with 40 different trucks
25 coming in. Why... why is one load... that should be one

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2 trip and load up the whole thing, bid on the
3 contract... right now no one knows the contract
4 price. He doesn't know what I'm paying. I know
5 don't know what I'm paying and... and you have the
6 wear and tear on the road that's cause the potholes
7 and the... the destruction, the noise, not to
8 mention... you're trying to sleep at 4:00 in the
9 morning. Four different trucks hasn't come in from...
10 from this thing. So we have many potential solution
11 working with you.

12 CHAIRPERSON REYNOSO: Thank you. I don't
13 know if Council Member Chin...

14 COUNCIL MEMBER CHIN: Well I just wanted
15 to thank the partnership for doing the work and to
16 keeping the community clean and being the
17 leadership you know with the... the BigBellys. The
18 foot pedal. And so I think that's great. We still
19 got a lot of work to do especially with the private
20 carting company.

21 WELLINGTON CHEN: Right. Yes.

22 COUNCIL MEMBER CHIN: I mean they're
23 just causing a lot of issues with... I mean that's
24 what... when sanitation said they have to see them
25 you know dripping liquid. But the garbage that they

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2 leave behind... the liquid that leave behind. I think
3 you know business only should be able to take a
4 picture and file a complaint against them.
5 Otherwise the community just you know gets trash
6 all over.

7 WELLINGTON CHEN: Yeah and that's an
8 excellent point that Councilman Chin just mentioned
9 because we have pictures. We have the pictures and
10 as a result... but sanitation cannot enforce that.
11 Unless you're prepared to sit there all night long
12 following each truck at 4:00 in the morning or 2:00
13 in the morning and trace after the truck driver
14 does with impunity. There's no accountability.

15 CHAIRPERSON REYNOSO: Yeah we... we
16 actually... in North Brooklyn we actually had a lady
17 set down in the lawn chair and started taking
18 pictures and we call somebody that dumping cement
19 in a... in a... in a catch basin. And it's sad that
20 that's the type of work that needs to get done for
21 you to get... to... to... see results. But I do think
22 that there's probably a timeline right? There's
23 like a two or three hour timeline in which these
24 trucks are all passing in the middle of the night.

25 WELLINGTON CHEN: Yeah.

2 CHAIRPERSON REYNOSO: And maybe there is
3 an opportunity especially in Chinatown to increase
4 enforcement and have these trucks out... have the
5 enforcement out there that can really make a
6 difference in those three hours... especially if you
7 guys are like you know one of the... the... the
8 dirtiest or the oiliest... the most... the residue is
9 the biggest problem there we should focus there.
10 So...

11 WELLINGTON CHEN: And one of the
12 problems we also have in the... that... that is the
13 commercial haul as we have a lot of illegal
14 dumping. We have a lot of illegal distri... what we
15 call distribution where they don't have a
16 commercial hauler and they are distributing bags
17 throughout our district even in broad daylight. So
18 you know and we have any challenges in our
19 district.

20 CHAIRPERSON REYNOSO: Well we're here to
21 be helpful. I know Council Member Margaret Chin is
22 always on top of these things and is very
23 supportive of like a progressive sanitation issues
24 so... our initiatives. So I'm excited to... to...
25 considered to be helpful... progress.

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2 WELLINGTON CHEN: Thank you for the good
3 work that you're doing.

4 CHAIRPERSON REYNOSO: No no thank you
5 guys. Thank you guys. I think we're done.

6 [gavel]

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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 September 18, 2015