

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON LANDMARKS, PUBLIC SITING AND MARITIME  
USES

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September 21, 2010  
Start: 11:20 am  
Recess: 11:50 am

HELD AT: Committee Room  
250 Broadway, 16th Floor

B E F O R E:  
BRAD S. LANDER  
Chairperson

COUNCIL MEMBERS:  
Maria del Carmen Arroyo  
Rosie Mendez  
Annabel Palma  
James Sanders, Jr.  
Jumaane D. Williams  
Daniel J. Halloran III  
Diana Reyna

## A P P E A R A N C E S

Daniel Klein  
Director of Real Estate  
NYC Department of Sanitation

2 CHAIRPERSON LANDER: Thank you very  
3 much. Good morning. I'm Council Member Brad  
4 Lander, chair of the Land Use Subcommittee on  
5 Landmarks, Public Siting and Maritime Uses. I'm  
6 glad to be joined this morning by committee  
7 members Annabel Palma, Jumaane Williams, James  
8 Sanders and Dan Halloran. We're also joined by  
9 Councilwoman Diana Reyna and by Christian Hylton,  
10 the counsel to the committee.

11 We have two applications, but  
12 essentially one issue before us today, Land Use  
13 numbers 214 and 215, C 100258 POK and C 100264  
14 POK, the proposed site selection and acquisition  
15 application for a ten-year lease submitted by the  
16 New York City Department of Sanitation for the  
17 property located at 525 Johnson Avenue to allow  
18 for continued use as Department of Sanitation  
19 Garage number three and 145 Randolph to allow for  
20 continued use as a parking lot for storage of DOS  
21 District 3 equipment in East Williamsburg.

22 We will first hear from the  
23 Department of Sanitation and have some questions.  
24 I would like to call up Daniel Klein from the  
25 Department of Sanitation. Please turn on the mike

and state your name for the record.

DANIEL KLEIN: Good morning. My name is Dan Klein. I'm the director of real estate for the Department of Sanitation. The applications before you today are pretty much straightforward. We want to continue using a building and a parking lot located in East Williamsburg in Community District 1 to provide sanitation services for District 3.

Historically that building and parking lot at one time was used for District 4 operation which we relocated to a new garage that was constructed. By being able to put District 3 into District 1 temporarily at this location, we're able to shut down two garages on Rutledge Street in District 1 which was a significant concern of that community to have closed. We were able to close those garages a couple of years ago to the satisfaction of that community.

This building and lot would be used until we're able to get re-funding in our budget for the construction of a new garage that would be located at Park and Nostrand Avenue, some property that had gone through the ULURP process a number

1  
2 of years ago. The properties had been acquired.  
3 A building is designed. We would move forward on  
4 that at the point that funding is again made  
5 available to the department. I'm here to answer  
6 any questions you may have about the ULURP  
7 applications before you or the proposed new garage  
8 on Park and Nostrand.

9 CHAIRPERSON LANDER: Thanks very  
10 much, Mr. Klein. I'm going to turn it over to  
11 Council Member Reyna whose district this is to  
12 kick us off with questions or a statement and then  
13 we may come back to you with some questions.

14 COUNCIL MEMBER REYNA: Thank you,  
15 Mr. Chair. I just wanted to take an opportunity  
16 to go back in time here. This particular garage  
17 for Community District 3 was approved in what  
18 year?

19 DANIEL KLEIN: It went through City  
20 Planning in December of 2001. Technically, it was  
21 approved in January 2002.

22 COUNCIL MEMBER REYNA: I ask  
23 because I was the City Council representative at  
24 that time for this district, back in 2001 as well  
25 as 2002. Since its vote for approval, what

1  
2 occurred as far as the lawsuits? That eventually  
3 was the reason why a lot of the delay occurred.

4 DANIEL KLEIN: Right. There were a  
5 number of lawsuits that were filed either by both  
6 the property owners. There are two properties  
7 that make up the site that was to be acquired by  
8 the city. There were also lawsuits by local real  
9 estate interests, neighboring property owners and  
10 some residential interests from Marcy Houses.  
11 Each lawsuit has been, in a sense, defeated. The  
12 court has found in favor of the city.

13 Though while those lawsuits were  
14 going through the legal process for a number of  
15 years, we did not advance the design of the  
16 project, waiting to see what would happen. We did  
17 not want to expend monies for no purpose if the  
18 city was not successful in defending the lawsuits.

19 COUNCIL MEMBER REYNA: At that  
20 time, was there any money allocated?

21 DANIEL KLEIN: Yes. When this  
22 first went through the City Planning Commission  
23 and the Council for approval, the project was  
24 funded.

25 COUNCIL MEMBER REYNA: At how much?

2 DANIEL KLEIN: If memory serves me,  
3 there was about \$60 million set aside for  
4 construction of the garage at the time it was in  
5 the budget.

6 COUNCIL MEMBER REYNA: When were  
7 the lawsuits finalized?

8 DANIEL KLEIN: I think the last  
9 lawsuit was dismissed about 2006 or 2007.

10 COUNCIL MEMBER REYNA: The land was  
11 acquired by the city before then.

12 DANIEL KLEIN: Yes.

13 COUNCIL MEMBER REYNA: What year?

14 DANIEL KLEIN: December 2004.

15 COUNCIL MEMBER REYNA: Since 2006  
16 when the lawsuits have been finalized, what has  
17 taken place concerning any design, engineering  
18 specs, concerning community garage District 3?

19 DANIEL KLEIN: A design contract  
20 had been awarded. Design is basically completely.  
21 Unfortunately the design was based on the Building  
22 Codes pre-2008 when the codes changed. So if we  
23 were to move forward on the project again the  
24 design would have to be reviewed to make sure that  
25 it conforms to any changes in the Building Code.

1 We pretty much have a building that's designed.

2  
3 COUNCIL MEMBER REYNA: The reason  
4 for you to come here today to request a ten-year  
5 lease is why?

6 DANIEL KLEIN: We currently do not  
7 have any funding in the ten-year plan for the  
8 construction of this garage. We have very little  
9 money in our ten-year capital budget for garages.

10 COUNCIL MEMBER REYNA: The ten-year  
11 capital plan is from what year to what year?

12 DANIEL KLEIN: I'd have to check.  
13 Basically, it should be from now through about  
14 2020. But I'll check and get back to you on that.

15 COUNCIL MEMBER REYNA: I don't  
16 understand how this could not be part of the ten-  
17 year capital plan considering that you've had the  
18 land since 2004 and lawsuits have been finalized  
19 since 2006. A design has been completed. Since  
20 then, in 2008, there have been obviously upgraded  
21 codes that you would have to reflect within new  
22 designs, but minor.

23 So moving forward, for the next  
24 ten-year capital plan, Community Board 1 who  
25 currently has to process 70 percent of the city's



1  
2 waste and a SWMP plan, a solid waste management  
3 plan for the City of New York which is promoting  
4 borough self-sufficiency should encapsulate what  
5 would be considered a priority to minimize what  
6 has been a burden for Community Board 1 to be able  
7 to disperse and provide this priority to become a  
8 reality. It's contradicting to what this  
9 administration has been claiming they are doing  
10 for environmental justice in order to assist  
11 Community Board 1, eliminate or at least reduce  
12 what has been their burden.

13 DANIEL KLEIN: Within the dollars  
14 that are made available to the Sanitation  
15 Department, the capital monies made available, we  
16 have to use those monies for the purchase and  
17 upgrading of our rolling stock, the equipment  
18 that's used to pick up garbage and everything else  
19 we do, the snowplows, mechanical brooms. That  
20 comes out of that budget. The implementation of  
21 the solid waste plan that you refer to comes out  
22 of that budget. The construction of new  
23 facilities and the maintenance of current city-  
24 owned buildings all come out of that same budget.

25 Within the parameters that have set

1  
2 before us by OMB, we do not have money for  
3 construction of garages. It's not just this  
4 garage; it's basically every garage that had been  
5 in the plan before we had the budget cuts. We  
6 have a half-dozen garages that had been funded at  
7 one point that are no longer in the budget that we  
8 would like to see re-funded and put back in the  
9 budget. So we can construct the types of  
10 buildings that will allow us to provide the  
11 services that each community deserves to have, and  
12 give us the working conditions that our employees  
13 that we have deserve to have also.

14 COUNCIL MEMBER REYNA: Mr. Klein,  
15 where is this in the scale of priority? Where  
16 does community garage District 3 fall?

17  
18 DANIEL KLEIN: We have six projects  
19 that we would call top priorities. We have this  
20 project in Brooklyn and we have a project in Coney  
21 Island in Council Member Recchia's district that  
22 would service Brooklyn Districts 13 and 15.

23 We have a project in Council Member  
24 Lappin's district where we had demolished an  
25 existing sanitation facility on East 73rd Street

1  
2 Manhattan that's supposed to rebuilt. Funding is  
3 no longer available for that.

4 We have a building that needs to be  
5 relocated in Council Member Rose's district in  
6 Staten Island. We have a garage in East Harlem  
7 that the community would like to see relocated  
8 from being opposite Metropolitan Hospital on East  
9 99th Street in Council Member Mark-Viverito's  
10 District.

11 All of those are high priorities.  
12 This garage is as high as any one of those. We  
13 would love to have funding for all of those  
14 projects.

15 COUNCIL MEMBER REYNA: But you do  
16 have funding for a limited amount of projects?

17 DANIEL KLEIN: Garage construction  
18 funding right now in our budget is for the project  
19 that was approved a couple of years ago for the  
20 garage on Spring Street that would service  
21 Districts 1, 2 and 5 in Manhattan that is required  
22 to conform with the legislation that created the  
23 Hudson River Park. That project moved forward  
24 because the city was under a settlement agreement  
25 with the court to advance that project. So short

1  
2 of that, we have no other garage projects that are  
3 funded.

4 COUNCIL MEMBER REYNA: There was a  
5 court settlement for this one as well.

6 DANIEL KLEIN: No. There was a  
7 court order for us to vacate where we were on the  
8 Manhattan project. We were located on the  
9 Gansevoort Peninsula on the Hudson River at West  
10 14th Street. The legislation that created the  
11 Hudson River Park had specific dates for  
12 relocating operations from that location. The  
13 city was sued and there was a court settlement to  
14 work out a schedule for relocating that garage.  
15 Per the settlement, that garage is supposed to be  
16 relocated and we intend to have it relocated by  
17 the end of 2013.

18 COUNCIL MEMBER REYNA: I have no  
19 other choice but to think that this garage is  
20 never going to be. It's not the intention to  
21 build this garage anytime soon within the next ten  
22 years.

23 DANIEL KLEIN: Not if we don't get  
24 funding. It's our hope that the city budget will  
25 improve over the next ten years so that the

1  
2 projects that Sanitation had and I'm sure every  
3 other agency that had projects that have been de-  
4 funded would be able to move forward.

5 COUNCIL MEMBER REYNA: You acquired  
6 this land for how much?

7 DANIEL KLEIN: I don't have those  
8 figures for you. We can get that to you. I don't  
9 recall what the exact dollar amounts were.

10 COUNCIL MEMBER REYNA: I would like  
11 to know that. I don't understand what the delay  
12 is considering that the capital funding regarding  
13 the next ten-year capital plan for the Department  
14 of Sanitation and given the fact that it's already  
15 approved a Solid Waste Management Plan that this  
16 would not have been prioritized as part of it.

17 DANIEL KLEIN: Again, I only repeat  
18 what I said before. We have six garage projects  
19 throughout the city, two in Brooklyn, the one in  
20 Staten Island, the one in Queens and two in  
21 Manhattan. All deserve to move forward, all that  
22 are worthwhile projects that will greatly benefit  
23 the constituents of those districts that should be  
24 constructed if money were available. They had  
25 been in our budget at one time. With the belt

1  
2 tightening that we've had to go through, we had to  
3 cut those projects. It's out intent that as money  
4 becomes available those would be the first  
5 projects that are re-funded, those six.

6 COUNCIL MEMBER REYNA: Money should  
7 have been already available. This project had  
8 been approved in 2001 with a budget that was  
9 already connected to this project. Where did that  
10 money go?

11 DANIEL KLEIN: It's no longer in  
12 the department's budget.

13 COUNCIL MEMBER REYNA: Was  
14 something built with that money?

15 DANIEL KLEIN: No. The department  
16 was told to take budget reductions. We had to  
17 take cuts like every agency through the city.  
18 This project, the Coney Island project in  
19 Brooklyn, which was also funded, which we have  
20 also gone through a ULURP process and have gotten  
21 approvals for the construction of the site. We  
22 have a number of projects that fall within these  
23 categories where there's local support, there's  
24 Council support for these projects to move  
25 forward, there isn't a lot of opposition, and it's

1  
2 something we want to do. It's a question of  
3 having the available financial resources to do it.  
4 When that money becomes available, this will be  
5 re-funded.

6 COUNCIL MEMBER REYNA: What is the  
7 budget currently for this garage to be built?

8 DANIEL KLEIN: There is nothing in  
9 the budget right now for this to be built.

10 COUNCIL MEMBER REYNA: What is the  
11 amount? You know, there was an amount allocated  
12 in 2001-2002 for \$60 million. What is it today?  
13 There's a design that has been completed. What is  
14 the amount connected to that design?

15 DANIEL KLEIN: We can get you those  
16 figures. The cost of construction is different  
17 today than it was in 2002.

18 COUNCIL MEMBER REYNA: I understand  
19 that.

20 DANIEL KLEIN: We haven't  
21 recalculated what it would be. In some ways it  
22 could be less.

23 COUNCIL MEMBER REYNA: The design  
24 was completed in what year?

25 DANIEL KLEIN: The design is pretty

1  
2 much complete. We'll get you all that information  
3 later today.

4 COUNCIL MEMBER REYNA: But when was  
5 it completed?

6 DANIEL KLEIN: It's ongoing. It  
7 wasn't finally completed because once the  
8 construction money was diverted from the project  
9 it made no sense to continue to finalize the  
10 design.

11 COUNCIL MEMBER REYNA: Mr. Klein,  
12 how much money did the Department of Sanitation  
13 receive in stimulus?

14 DANIEL KLEIN: I don't know.

15 COUNCIL MEMBER REYNA: I'd like to  
16 know that as well. Was any of the stimulus money  
17 connected to any of the projects mentioned in the  
18 ten-year capital plan?

19 DANIEL KLEIN: I'll have to find  
20 that out. I don't know.

21 COUNCIL MEMBER REYNA: I'd like  
22 that information. I just want to share with my  
23 chair and this committee that I am not happy with  
24 what is being presented to us here. We're talking  
25 about the tenth year anniversary of this garage, a



1  
2 long-fought garage where Community Board 3 had a  
3 very contentious vote and dialogue and had  
4 approved it unanimously.

5           We continue to talk about money.  
6 Money of which has been made available to the City  
7 of New York for these types of projects. For this  
8 not to have been prioritized with the department  
9 is just a travesty. So I'm not looking to extend  
10 further delays. I'm looking for a solution and  
11 I'm not hearing one.

12           Therefore, your month to month is  
13 all you should receive so that it motivates the  
14 Department of Sanitation to deal with this as a  
15 priority as it says it does. It should become  
16 part of the ten-year capital plan which is  
17 currently not the case. I don't understand why.  
18 Thank you.

19           DANIEL KLEIN: If I can add to  
20 that, if this were part of the plan today,  
21 basically it would take us approximately a year to  
22 update the design, to complete the design and make  
23 sure it adheres and meets the new 2008 Building  
24 Department code. It would take roughly a year to  
25 put biddable documents on the street, bid the job

1  
2 and award a contract and then it would take 42  
3 months to build the garage.

4 COUNCIL MEMBER REYNA: There is no  
5 confidence that any of this will get done.  
6 Because according to what you're telling us there  
7 is no money. Therefore, the completion of the  
8 design will not occur.

9 ANNOUNCEMENT: May I have your  
10 attention please?

11 [Pause]

12 CHAIRPERSON LANDER: I'd like to  
13 say you all did very well in complying with the  
14 fire safety drill. Thank you very much.

15 COUNCIL MEMBER REYNA: I missed  
16 that alarm. Sorry, Mr. Klein. I just wanted to  
17 express to you that I have no trust in what I am  
18 hearing, what I'm listening to and this is not a  
19 criticism to you, but rather what has been the  
20 case of a deliberate delay and a deliberate choice  
21 not to make this a priority by not funding it.

22 The year it would take to adjust  
23 the designs could have been completed already.  
24 The year it would take to bid out a contract  
25 should have been already published if funding had

1  
2 been prioritized for this garage. It is my  
3 understanding from what I'm hearing that that is  
4 not the case and has not been the case.

5 We've gone through an exercise year  
6 after year having discussions during hearings as  
7 well as internal discussions about this garage  
8 that go nowhere. Yet, today we continue to hear  
9 that there is no funding. I don't know what the  
10 case will be ten years from now if this is not  
11 part of the ten-year capital plan for the  
12 Department of Sanitation. Thank you.

13 CHAIRPERSON LANDER: We've been  
14 joined by Council Member Maria del Carmen Arroyo  
15 from the Bronx and Council Member Rosie Mendez  
16 from Manhattan. I have a couple of questions and  
17 then Council Member Sanders. Can you tell us,  
18 what's the status of the current lease? When does  
19 it expire? How long was it for?

20 DANIEL KLEIN: We are basically in  
21 a license agreement. License basically is a month  
22 to month agreement. It may be renewed on an  
23 annual basis. But we felt since we were going to  
24 be here more than a year that it makes sense to  
25 formalize a lease for the period that had been set

1  
2 out in the application. The application is us and  
3 the Department of Citywide Administrative  
4 Services, not just Sanitation.

5 Given that the project had not been  
6 in the ten-year plan and given the schedule I just  
7 gave Council Member Reyna that if it were funded  
8 today that the garage would open in approximately  
9 five and a half to six years, if we were given the  
10 orders to start doing things now. We felt that  
11 the terms that were being proposed made sense.

12 The terms of all these city leases  
13 have cancellation clauses. The Sanitation  
14 Department has cancelled leases before. Most  
15 recently, we had a garage in the Rockaways that we  
16 vacated before the end of the lease because a new  
17 construction opened up earlier this year. That  
18 was our last new garage. It opened up in  
19 February.

20 CHAIRPERSON LANDER: How long have  
21 you been operating at this site under the current  
22 license agreement?

23 DANIEL KLEIN: I'd have to check.  
24 It's probably a couple of years at this point.

25 CHAIRPERSON LANDER: So there's not

1  
2 an immediate threat of loss of the site. You're  
3 operating under a license agreement.

4 DANIEL KLEIN: Well, you never  
5 know. A license agreement allows the city or the  
6 property owner to terminate the lease on 30 days  
7 notice. That's not the best way to run a  
8 sanitation garage.

9 CHAIRPERSON LANDER: While  
10 understanding that the ten-year lease would have a  
11 cancellation clause, I mean as you see the  
12 Community Board and the borough president are both  
13 very eager to do everything possible to prioritize  
14 resources to get the new garage built. How are  
15 they not to feel if a ten-year lease is inked like  
16 they'll go to the bottom of the six projects that  
17 you call top priority projects?

18 I mean it seems to me if there's  
19 five others, and I don't know what status their  
20 leases are, but if I were in the community I would  
21 feel like if you told me it was going to take five  
22 years and you wanted a five year lease, maybe I  
23 would at least hope that even if we need that  
24 money today, we're staying at the top of the  
25 priority chart. The timeline of the lease

1  
2 expiration and the possibility of the new site  
3 would be about that.

4           But here with a ten-year lease, I  
5 would feel, if I were in the community, like of  
6 those six projects, this one is going down to the  
7 bottom of the pile because maybe the five others  
8 are in a more urgent status. When the first  
9 hundred million comes in, it's going to go to one  
10 of those other sites because this one has been  
11 leased for ten years already.

12           DANIEL KLEIN: In the past, the way  
13 our capital program had worked, we would have one  
14 or two garages funded on an annual basis when  
15 times were good. We would advance projects when  
16 they were ready to advance. So while something  
17 may be the top priority, if it wasn't ready to  
18 move forward and number two was ready to move  
19 forward, we would shift around, knowing that there  
20 money for all the projects.

21           It's our intent to advance the six  
22 projects that I described to you throughout the  
23 city. If we had funding for all of them, this  
24 would be pretty close to the top. As the Council  
25 Member pointed out, design is pretty much done.

1  
2 The property is owned by the City of New York. It  
3 would be easy to advance this one first.

4 If we were given less than enough  
5 funding for all six, we'd have to sit down and  
6 figure out what gets the city the biggest bang for  
7 the limited bucks that are available and see where  
8 we would have the best impact. It wouldn't  
9 necessarily be what is first ready to go.

10 CHAIRPERSON LANDER: Look, I don't  
11 doubt that you would like to build all six of  
12 those garages and that you'd like to have the  
13 resources to do it. I'm sure you would. I  
14 appreciate your clarifying it.

15 It just seems to that if you got  
16 money short of what you needed to build all six,  
17 one of the factors that you would consider in  
18 deciding which one to be prioritized would be how  
19 secure are the places where they currently are.

20 Doing this as a ten-year lease  
21 rather than, say, a five-year lease would take  
22 this project down on the priority list because you  
23 would say, well, that one is secure for ten years.  
24 We could leave it for another couple of years out.

25 DANIEL KLEIN: Theoretically, they

2 all have some degree of security to them. It's  
3 just that they're not in locations where either  
4 the Sanitation Department or the communities would  
5 like to see these types of facilities. There is  
6 desire to have them relocated. Just like here, we  
7 have a garage across the street from Metropolitan  
8 Hospital. There is a huge desire to have that  
9 relocated and it's city property, we're there  
10 forever, but we want to--

11 CHAIRPERSON LANDER: [interposing]  
12 I'm sure if I knew the other five, they would all  
13 seem like very high priorities to me as well.  
14 We're only talking about this one today. It feels  
15 to me like inking a ten-year lease on it risks  
16 bringing it down in the priority list. I guess at  
17 a minimum I want to be able to say to the folks in  
18 this community who have made it very clear, and I  
19 think they see this as a moment to move it up on  
20 the priority list.

21 I'm just concerned that actually  
22 voting to approve a ten-year lease at this site  
23 with no additional commitment or timetable or  
24 certainty not only doesn't move forward the  
25 possibility of construction of the new site but



1  
2 risks moving this project down the priority list  
3 relative to the other five because there will be a  
4 secure lease there.

5 I guess I'd like to ask if there is  
6 something that you could do, short of a capital  
7 funding commitment, that gives the Council Member  
8 and her community confidence that this is staying  
9 a sufficiently high priority project that the fact  
10 of a ten-year lease is not going to harm the  
11 chances of getting the new one built.

12 DANIEL KLEIN: All I can tell you  
13 is that the length of a lease for a leased  
14 facility that is used by the department or the  
15 fact that a property we'd like to vacate is city-  
16 owned was never a consideration on which projects  
17 to advance.

18 What was a determinate on what we  
19 should move was the type of impacts we're having  
20 on the surrounding community, whether it be  
21 residential or business, how we're able to provide  
22 the services we're supposed to provide. Again,  
23 having a lease was just never a factor; it was  
24 never a determinate on what we do. It just  
25 wouldn't be.

2 CHAIRPERSON LANDER: So this may  
3 exist already and if does then I don't need  
4 anything redundant. I think the community might  
5 at least be helped a little bit by a re-  
6 articulation of the priority of this project and  
7 where it sits relative to others and a  
8 clarification of the reasons for that  
9 prioritization and that the new lease does not  
10 impact its spot on the priority list in any way.

11 Again, I don't know how much  
12 difference that would make to the community board,  
13 but it would at least make me feel more  
14 comfortable that if we vote for this lease that  
15 we're still pushing forward for this project to  
16 happen on as quick a timetable as it possibly can.

17 DANIEL KLEIN: We can give you that  
18 commitment that this is, again, one of those six  
19 projects that we would like to get funding for and  
20 advance. We're not in the position where we want  
21 to pit a community against another community or a  
22 Council Member against another Council Member and  
23 say for expediency this comes first or whatever.  
24 These are six very important projects for the city  
25 that we have wanted to do for over a decade.

2 CHAIRPERSON LANDER: You have a  
3 rough capital estimate on the total cost of all  
4 six?

5 DANIEL KLEIN: More so some than  
6 others. This one we have a better idea. The one  
7 in Coney Island we have a better idea. The one on  
8 East 73rd we have a better idea. The other three  
9 are further back. Queens we don't have a site for  
10 yet. It's a project we'd like to do. There  
11 hasn't been a site identified.

12 CHAIRPERSON LANDER: Thank you.  
13 Council Member Sanders, do you have a question?

14 COUNCIL MEMBER SANDERS: Thank you,  
15 Mr. Chair. I just am looking at the facts before  
16 me. I see that the community board has  
17 disapproved. I see that the borough president had  
18 disapproved with conditions. I'm not sure what  
19 the councilperson of the district, Council Member  
20 Reyna's position. She has said that she does not  
21 like it, but that's not the same as saying that  
22 she will vote against.

23 The history of the Council is such  
24 that barring real compelling arguments from the  
25 administration, and I'm not hearing those, we

1  
2 usually go with the community and the council  
3 person. So I would love to see Council Member  
4 Reyna take a position. Is she in favor of this or  
5 not in favor of this? That will make my actions  
6 far easier.

7 COUNCIL MEMBER REYNA: Mr. Chair,  
8 may I?

9 CHAIRPERSON LANDER: Council Member  
10 Reyna?

11 COUNCIL MEMBER REYNA: Thank you.  
12 There are a few questions I had that would  
13 motivate an answer concerning how this particular  
14 garage is going to be progressed. There is  
15 stimulus money that the Department of Sanitation  
16 I'm sure has been able to access and where did  
17 that money get prioritized, and is there stimulus  
18 money that can be shifted for this particular  
19 project to get built.

20 The project, if a design has been  
21 completed and only modifications need to be  
22 applied, then therefore it's project ready, shovel  
23 ready. The issue of acquiring land has been  
24 settled because the Department of Sanitation has  
25 acquired the land. How much it paid for the land

1  
2 is what I also want to know. The lawsuits have  
3 been settled since 2006 which makes this project a  
4 ripe project to be built out.

5 What is missing is the Department  
6 of Sanitation to prioritize this. It has been  
7 functioning on a month to month lease. Because it  
8 came back to us to renew a long-term lease and I  
9 denied it then. And I will deny it again. So  
10 therefore, there are questions that need to be  
11 answered to see if we're any closer to building  
12 this facility.

13 COUNCIL MEMBER SANDERS: Point of  
14 information?

15 COUNCIL MEMBER REYNA: Yes.

16 COUNCIL MEMBER SANDERS: Mr. Chair,  
17 since we have to vote on this issue here, I'm  
18 either looking for a yay or nay or a tabling of  
19 this. We're not voting on this today? Great.  
20 Then let the conversation continue.

21 CHAIRPERSON LANDER: Other  
22 questions for the Department of Sanitation? So  
23 seeing none, we'll close the public hearing on  
24 this item. As was just noted, we're not going to  
25 vote on it today. We will be voting on it soon.

1  
2 October 5th. That's not even that soon. We can  
3 have plenty of conversation. Thank you very much  
4 for your time.

5 DANIEL KLEIN: Thank you, Council  
6 Member.

7 CHAIRPERSON LANDER: Thank you for  
8 answering our questions. Thanks to the Council  
9 Members and those who attended and we'll close the  
10 public hearing. The meeting is adjourned. Thank  
11 you.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Signature\_\_\_\_\_

Date October 7, 2010\_\_\_\_\_