

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING & BUILDINGS

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June 8, 2009
Start: 11:28am
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HELD AT: Council Chambers
City Hall

B E F O R E:
ERIK MARTIN DILAN
Chairperson

COUNCIL MEMBERS:
Robert Jackson
Gale A. Brewer
James S. Oddo
Joel Rivera
Leroy G. Comrie, Jr.
James Vacca
Tony Avella
Maria Baez
Elizabeth Crowley

A P P E A R A N C E S

COUNCIL MEMBERS:

Daniel Gardonick

Vincent Ignizio

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

James Colgate
Assistant Commissioner of Technical Affairs and Code
Development
New York City Department of Buildings

Richard Tobin
Chief
Fire Department

Terrence O'Brien
Deputy Director
Plumbing Foundation

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2 CHAIRPERSON DILAN: Good morning,
3 everybody. And, please forgive me for my tardy
4 arrival. Stuck in some traffic and a little bit
5 of a slow start. We'll begin right away. I'd
6 like to just ask, at the outset, if everyone could
7 set their cell phones to silent mode or shut them
8 off. And, if there is a need for a private
9 conversation, if that could happen outside of the
10 Chambers while the proceedings are going on. If
11 there's anyone that wants to testify on any of
12 today's agenda items, please see the Sergeant at
13 Arms and fill out an appearance card and state
14 your position on any of the bills, whether you're
15 in favor or opposed. [Pause]

16 Okay. Good morning, everybody. My
17 name is Erik Martin Dilan. And, I'm the Chair of
18 the Housing & Buildings Committee. Thank you for
19 attending this hearing on four items. There are
20 four items that will be on the agenda today for
21 consideration. This was initial hearing on all
22 four items. And, there is, at the conclusion of
23 the hearing, all items will be laid over for
24 disposition at a future date.

25 The four bills are some of the Code

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2 changes recommended in light of the tragic fire at
3 the former Deutsche Bank building in August of
4 2007, which was located at 130 Liberty Street in
5 Manhattan and led to the deaths of two New York
6 City firefighters, uh, Joseph Graffagino, as well
7 as Robert Beddia.

8 In brief, Intro 993, which is the
9 first item on the agenda, requires an architect or
10 professional engineer to submit a detailed plan
11 for demolition, including when work is to be done
12 by mechanical devices, for example, the use of
13 jackhammers or bobcats. Intro 994 requires a
14 uniform color coding of standpipe and sprinkler
15 systems. Intro 999 would require that site safety
16 managers or coordinator to inspect the standpipe
17 system daily to ensure that the standpipe system
18 is available and also conduct weekly checks to
19 verify that no breach exists in the system. This
20 was a particular problem at Deutsche Bank as
21 firefighters were there and didn't have access to
22 the proper water supply to suppress the fire.

23 Intro 1000 would also require that
24 standpipes be painted red before they could be
25 considered operational, allow capping of

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2 standpipes during demolition work only when
3 performed by a licensed master plumber or licensed
4 fire suppression piping contractors who have
5 obtained the proper permits, and require the Fire
6 Department to approve an application for the
7 removal of damaged sprinkler systems.

8 The Committee expects to hear from
9 representatives from the Department of Buildings,
10 possibly individuals from the New York City Fire
11 Department, members of the general public and
12 knowledgeable professionals, including the
13 building industry who are capable of providing
14 meaningful perspectives on these issues. Again,
15 as a reminder, I'd like to ask anybody that wishes
16 to testify to see the Sergeant at Arms. And, I'd
17 like to acknowledge Council Member Dan Garodnick
18 for a brief statement on Intro 994, which he is
19 the lead sponsor.

20 COUNCIL MEMBER GARODNICK: Thank
21 you, Chairman Dilan and members of the Housing &
22 Buildings Committee for allowing me just to say
23 very few brief words at the outset here. As you,
24 Mr. Chairman, correctly pointed out, obviously,
25 there was a tragic event in 2007, which two

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2 firefighters lost their lives fighting a fire at
3 the Deutsche Bank building. And, it was
4 particularly tragic because some of the dangers
5 that these firefighters encountered could possibly
6 have been avoided.

7 And, the several pieces of
8 legislation that are on the table today, I think
9 move us forward toward a more safe City,
10 particularly in these contexts. And, one of the
11 challenges that day was that during the demolition
12 process of that Deutsche Bank building, the
13 workers had mistakenly cut critical standpipe
14 lines, so when firefighters rushed into the
15 building, they couldn't immediately locate a
16 working standpipe. And, 45 minutes elapsed before
17 firefighters were able to begin putting out the
18 fire.

19 And, Intro 994, rather simply
20 requires that standpipe and sprinkler pipe lines
21 are color coded so that they can easily be
22 distinguishable from other pipes. And, by
23 ensuring that the standpipe and sprinkler systems,
24 the pipelines are never inadvertently cut, this
25 bill will help prevent the loss of critical

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2 minutes during a fire and help to prevent another
3 tragedy like the one that New Yorkers experienced
4 on that day in 2007. So, thank you, Mr. Chairman,
5 for the opportunity to say a few words and for
6 taking this matter up.

7 CHAIRPERSON DILAN: Okay. And,
8 additionally, I'd like to add that the four bills
9 that are before this Committee are part of a
10 package of 12 legislative items, which resulted
11 from the collaborative work between the
12 Administration and the Council to address these
13 issues regarding Deutsche Bank. These legislative
14 items support the findings and the recommendations
15 of a working group convened by the Mayor and
16 include legislative proposals put forth by Council
17 Members in the wake of the fire.

18 I'd like to, at this time,
19 acknowledge some of my colleagues who are here and
20 members of the Committee. To the far right, we
21 have Council Member Robert Jackson of Manhattan,
22 Council Member Gale Brewer of Manhattan, Council
23 Member James Oddo of Staten Island, Council Member
24 Joel Rivera, who's just walked in, Council Member
25 Dan Garodnick, who you just heard from, Council

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2 Member Leroy Comrie of Queens, as well as Council
3 Member James Vacca of the Bronx. And, we also
4 have been joined by Council Member Vinnie Ignizio
5 of Staten Island and Tony Avella of Queens, who's
6 seated directly behind me.

7 We've been joined by Mr. James
8 Colgate [phonetic], Assistant Commissioner of
9 Technical Affairs in the Department of Buildings.
10 And, I understand you want the liberty to
11 introduce your staff and introduce yourself in
12 your own voice. The floor is yours.

13 JAMES COLGATE: Good morning. Good
14 morning, Chairman Dilan and members of the Housing
15 & Buildings Committee. Thank you for the
16 opportunity to testify today. My name is James
17 Colgate. And, I am the Assistant Commissioner for
18 Technical Affairs and Code Development at the New
19 York City Department of Buildings. I want to
20 thank Chairman Dilan for convening this hearing,
21 Speaker Quinn and her staff for working with the
22 Administration to develop and advance the
23 legislation before the Committee today and
24 finally, also, the sponsors of the bills under
25 consideration. I would also like to recognize the

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2 presence, to my left, of Chief Richard Tobin from
3 the Fire Department.

4 The four bills under consideration
5 today are part of a larger package of bills that,
6 together, will enable the City to implement an
7 important series of reforms to the way that
8 construction, demolition and abatement jobs, what
9 we refer to as CDA operations, are regulated by
10 the City and conducted in the field. Speaker
11 Quinn and Deputy Mayor Skyler announced the CDA
12 legislative package in early May. And, the
13 Council has moved quickly to consider these
14 measures. Chas Holloway [phonetic], the Chief of
15 Staff to Deputy Mayor for Operations, Edward
16 Skyler, and Special Advisor to Mayor Bloomberg has
17 now testified in front of both the Council's
18 Environmental Protection Committee and the
19 Council's Fire and Criminal Justice Services
20 Committee on other bills related to this package.

21 The dozen bills stem from the
22 events of a tragic fire on August 18th, 2007, the
23 former Deutsche Bank building at 130 Liberty
24 Street in Manhattan, which took the lives of two
25 of New York City bravest firefighters, Joseph

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2 Graffagnino and Robert Beddia. The Mayor
3 committed that the City would do everything in its
4 power to prevent similar tragedy from happening
5 again. He subsequently ordered a comprehensive
6 review of CDA operations, led by Deputy Mayor for
7 Operations, Edward Skyler. And, DOB has worked
8 with the Fire Department, DEP and the Mayor's
9 Office to implement the 33 recommendations made to
10 the Mayor last July.

11 Before discussing the specific
12 bills before the Committee today, I want to say a
13 few words about steps the City has already taken,
14 particularly to strengthen the internal processes
15 with respect to the oversight of construction,
16 demolition and abatement work. The 33
17 recommendations made to Mayor Bloomberg last
18 summer focused on four areas; data sharing,
19 inspection practices, general oversight and
20 conduct of operations in the field. And, DOB has
21 already collaborated with City agencies to
22 implement important changes in each of these
23 areas.

24 For instance, DOB currently sends
25 FDNY daily notifications of full demolitions

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2 commencing within 24 to 48 hours thereafter. DEP,
3 FDNY and certain DOB inspectors are all using
4 checklists in the field to ensure consistency
5 across inspections and interagency collaboration
6 on these issues, including projects like Yankee
7 Stadium demolition, are becoming
8 institutionalized. DOB is currently working with
9 FDNY, DEP and the Mayor's Office to establish a
10 new DEP permitting unit in Lefrock [phonetic] City
11 in Queens. And, DOB now has a rule that requires
12 site safety managers to conduct weekly tracings of
13 standpipes.

14 These are important steps. And,
15 the bills under consideration today build on these
16 efforts by increasing requirements for submittal
17 documents for construction, demolition permits and
18 for standpipe and sprinkler safety at
19 construction, demolition and abatement sites.

20 The first bill before you, Intro
21 Number 993, addresses submittal documents for
22 demolition permits by DOB. This bill would amend
23 the Building Code to require the submission by a
24 design professional of plans, sections and details
25 of buildings to be demolished using handheld

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2 mechanical devices, such as jackhammers and
3 chainsaws and for mechanical demolitions using
4 non-handheld devices. That's what you see,
5 backhoes, bobcats, those kinds of large devices.
6 This bill also requires that the applicant of
7 record for a full demolition permit be a
8 registered design professional, except in a few
9 limited circumstances. This bill subjects such
10 use of mechanical handheld devices to added
11 scrutiny in that it requires information including
12 the means and methods of the demolition
13 operations. Any demolition project is a complex
14 operation involving sophisticated tools. And,
15 these new requirements would significantly
16 increase the safety of that work.

17 The three other bills that I will
18 talk about today address ways to improve the
19 integrity of standpipes and sprinkler systems.
20 Intro Number 994 will establish new requirements
21 to paint standpipes and sprinkler piping
22 particular colors in order to facilitate easier
23 identification in case of emergency. The
24 Administration is working with the Council to
25 revise the bill to address a conflict with

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2 National Fire Suppression Painting Standards and
3 certain provisions of the New York City Fire Code.

4 The next standpipe and sprinkler
5 bill that I will speak about today is Intro 999.
6 This bill will require a site safety manager or
7 coordinator to conduct, at a minimum, daily checks
8 of the availability and readiness of standpipe
9 systems and weekly tracings of such standpipes.
10 This bill will codify into the Building Code
11 current agency rules that require site safety
12 managers or coordinators to inspect standpipes
13 regularly.

14 The final proposed standpipe and
15 sprinkler bill that I will speak about today is
16 Intro Number 1000. This bill will require a
17 plumbing or fire suppression license and permit in
18 order to cut and cap standpipes or sprinklers
19 during demolition and will codify a procedure for
20 the removal of damaged or inoperable sprinkler
21 systems. The Building Code currently allows
22 contractors to cut and cap standpipes or
23 sprinklers without requiring a permit or a
24 plumbing or fire suppression license for the
25 person performing the work. People currently

1 performing this work may lack the knowledge or
2 expertise to perform this work safely, increasing
3 the risk that a standpipe or sprinkler system
4 could be damaged during demolition. This bill
5 ensures that only licensed individuals with
6 necessary expertise will perform this work.
7

8 Working standpipes are critical to
9 firefighter operations. And, the more standpipe
10 inspections we have, the safer our construction
11 sites will be. Construction work has inherent
12 risks. But, these bills, as well as others in the
13 CDA package, will mitigate those risks and better
14 protect emergency responders, workers and the
15 public.

16 I would like to close with a final
17 important issue in CDA operations. And, that is
18 the applicability of the New York City Fire and
19 Construction Codes to state, federal and other so-
20 called non-jurisdictional property owners. The
21 CDA working group found that the often informal
22 and voluntary nature of compliance with Fire and
23 Construction Codes creates a risk that there is
24 construction, demolition or other hazardous
25 activities taking place at these properties and

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2 the City does not know about, cannot require
3 building owners to correct, and may not be
4 prepared to address in the event of an emergency.
5 The City, therefore, has called for state and
6 federal legislation to require Fire and Building
7 Code compliance among such non-jurisdictional
8 entities and has been pursuing agreements with
9 such entities to heighten compliance.

10 Additionally, State Senator Dan
11 Squadron and Assembly Member Dick Gottfried
12 recently introduced legislation requiring
13 compliance with the New York City Construction
14 Codes and the Fire Code at state-owned buildings.
15 These efforts by DOB, FDNY and DEP to address
16 compliance by such non-jurisdictional entities
17 complement the Council's commitment to improving
18 construction and abatement safety through local
19 legislation. We look forward to working with you
20 to address this issue.

21 I would, again, like to thank
22 Chairman Dilan and the members of the Committee
23 for this opportunity to testify before you today.
24 And, I will be happy to take any questions you may
25 have, as would Chief Tobin. Thank you.

2 CHAIRPERSON DILAN: Okay. And, I
3 understand Chief Tobin, you have no statement.
4 You're just here for technical support on
5 questions. Is that accurate?

6 RICHARD TOBIN: [Off mic]

7 CHAIRPERSON DILAN: Okay. Great.
8 I just wanted to make sure you had no statement.
9 Before we get into questions, I just want to
10 acknowledge that we've been joined by the student
11 government of P.S. 97 in Brooklyn, welcome, from
12 Council Member Domenic Recchia's district in
13 Brooklyn.

14 So, I'd like to begin. And, I'll
15 start with some questions around Intro 994. I'll
16 start and then, I'll be followed by Council
17 Members Comrie and Brewer, excuse me, Gale Brewer.
18 994 with the painting of these sprinklers and
19 standpipes, from what I understand, the majority
20 of one, two and three-family homes in the City
21 will be exempt from this. Is that accurate or
22 inaccurate?

23 JAMES COLGATE: Yes. Well, what I
24 will say is that the bill does not specifically
25 call them out as being exempt from painting. But,

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2 most existing one, two and three-family houses
3 don't have any piping that would be subject to
4 this requirement. And--

5 CHAIRPERSON DILAN: [Interposing]
6 Okay. It's a 75-foot requirement. I'm sorry.
7 You're - -

8 JAMES COLGATE: It's not a 75-foot
9 requirement. It's a requirement for all existing
10 sprinkler and standpipes systems be painted where
11 there is exposed piping. The one and two, three-
12 family houses don't have much sprinkler piping.
13 And, the ones that do are painted with a plastic
14 pipe that comes color-coded already.

15 CHAIRPERSON DILAN: Okay. So, what
16 would you anticipate the cost to property owners
17 to get this done? I would imagine it would be
18 minimal. But, is there anticipated--

19 JAMES COLGATE: [Interposing]
20 You're right.

21 CHAIRPERSON DILAN: --cost?

22 JAMES COLGATE: It is rather
23 minimal. What's required is that you paint the
24 standpipe and sprinkler piping where it's exposed.
25 It doesn't require you to go through any

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2 extraordinary efforts to open things up or to
3 inspect it. It's just painting. So, you get some
4 paint and you paint it. And, it costs as much as
5 it does to have someone paint.

6 CHAIRPERSON DILAN: Okay. And
7 then, how would DOB ensure compliance with regard
8 to the painting requirements in existing
9 buildings?

10 JAMES COLGATE: In existing
11 buildings, sprinkler and standpipe systems are
12 inspected at periodic intervals by the Fire
13 Department and, less frequently, by the Buildings
14 Department. But, we do. And, at those times, we
15 would ensure compliance upon inspection.

16 CHAIRPERSON DILAN: Okay. So, it's
17 more a function of the Fire Department.

18 RICHARD TOBIN: The Fire Department
19 inspects the buildings on a cyclical cycle;
20 anywhere from one to five years. Part of the
21 standard inspection of any building with a
22 sprinkler or standpipe system is to check the
23 sprinkler and Siamese connections, the piping, the
24 valves. So, that's when we would follow up on it.
25 And then, every five years, there's a requirement

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2 that a sprinkler or standpipe system be pressure
3 tested. The Fire Department oversees that also.

4 CHAIRPERSON DILAN: Okay. And,
5 just for the record, I need you to identify
6 yourself in your own voice.

7 RICHARD TOBIN: My name is Richard
8 Tobin. I'm Assistant Chief with the New York City
9 Fire Department.

10 CHAIRPERSON DILAN: And then, okay.
11 I'll move now to Intro 993. I guess currently
12 what documents, if any, are required to be
13 submitted to the Department of Buildings for
14 demolition projects?

15 JAMES COLGATE: When you're
16 demolishing a building in New York City today, we
17 require certain documents, we call them site
18 safety plan. But, it doesn't go into the
19 sequencing and the methods of construction; how
20 the building's being done. So, you can demolish a
21 high-rise building or a low-rise building, any
22 kind of a building, without anything from an
23 architect or an engineer describing how it's going
24 to be done and in what manner and what precautions
25 are being taken. And, with one exception. The

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2 one exception we require that is when you're using
3 a bobcat or a front loader, one of those machines,
4 inside the building. So, if that equipment is on
5 the roof of the building or inside the building,
6 we need plans that show that the weight of the
7 equipment can be sustained by the structure of the
8 building before it's being demolished. But,
9 nothing about how the building is coming down.
10 And, what this bill does is to require that across
11 the board for demolition of buildings.

12 CHAIRPERSON DILAN: Okay. And
13 then, how would DOB check to ensure that a
14 demolition project is being carried out according
15 to the plan submitted?

16 JAMES COLGATE: Our computer system
17 will trigger a requirement for the submission of
18 these documents. The submittal documents are then
19 received by us. And then, we have a flag in our
20 computer for our inspectors to go out and inspect
21 for compliance with the approved plans that
22 they've submitted to us. So, it's kind of built
23 into our BIS [phonetic] system that will establish
24 the routing for the inspectors and the
25 notification requirements we have will dovetail

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2 with that. So, we'll know when it's going on.
3 And, we can go and see them.

4 CHAIRPERSON DILAN: Okay. And, my
5 final question is just one question on Intro 1000.
6 Then, we'll move to Council Member Comrie. Is the
7 Department of Buildings or the Fire Department
8 currently notified when standpipes or sprinklers
9 are cut?

10 JAMES COLGATE: I'll speak to
11 Buildings Department. Currently, without this
12 legislation in place, when you're demolishing a
13 building, there's no formal process to receive
14 that information. We don't really know because
15 there's no permit required. So, you don't even
16 apply to do it. You apply for the demolition.
17 But, we don't know at what point it's being cut
18 and capped. Obviously, if they have a building
19 permit submitted to us to demolish a building, we
20 know at some point it's going to be capped
21 because, at some point, you'll have no building
22 left. But, we don't know how it's being done or
23 when. And, this bill will remedy that deficiency.

24 RICHARD TOBIN: With our Fire
25 Department, when we do these inspections of

1 buildings that are under demolition, as part of
2 our SOP, we look to see that the pipe is extending
3 to at least the floor below the top floor they're
4 working on and that it is capped at that point.
5 But, again, there's no requirement, other than the
6 Buildings Department does have a policy that they
7 use. It's called a TPP, Technical Policy and
8 Procedure notice of 3 of 2007. And, any time
9 somebody, in a building that's being demolished,
10 or in any way altered, if they take a sprinkler
11 system, they have to notify the Buildings
12 Department. Buildings Department reviews the
13 papers. They raise an objection. It's sent to
14 the Fire Department. We review all of the
15 material. We review the plans and there are
16 certain requirements we put in place, whether it's
17 fire guards, extra extinguishers, round the clock
18 an alarm system or something. Then, we give it
19 back to them. And, based on that, they allow them
20 to do it or they disallow it.

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22 CHAIRPERSON DILAN: Okay. So, this
23 Intro would actually help you--

24 RICHARD TOBIN: [Interposing] What
25 is does is codify a procedure.

2 CHAIRPERSON DILAN: okay.

3 RICHARD TOBIN: Makes it law.

4 CHAIRPERSON DILAN: No, I mean with
5 the Buildings Department. Yeah. Okay. We've
6 also been joined by Council Member Maria Baez of
7 the Bronx. Council Member Comrie.

8 COUNCIL MEMBER COMRIE: Thank you.
9 I wanted to ask you just a couple of questions if
10 I may. When you talked about, in your statement,
11 the first bill, Intro 993, you talked about the
12 bill also required that the applicant of record
13 for a full demolition permit be a registered
14 design professional, except in limited
15 circumstances. Could you elaborate what that
16 means, what you consider a registered design
17 professional would be? And, what circumstances
18 would require more?

19 JAMES COLGATE: Sure. I'd be happy
20 to answer that. In the Construction Codes, a
21 registered design professional is an architect or
22 engineer who has a license from the State and is
23 registered with the State to practice architecture
24 or engineering in the State of New York. That's
25 what a registered design professional is.

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2 The exceptions to that are one, two
3 and three-family dwellings that are three stories
4 or less in height or certain buildings that are
5 three stories or less in height and less than
6 5,000 square feet per floor. The idea is that a
7 lot of these smaller buildings, when they're
8 demolished, the expertise is not necessary. You
9 have demolition contractors who know what they're
10 doing and how to take the buildings down. And,
11 those types of buildings don't present the same
12 kinds of significant hazards that this bill is
13 trying to address.

14 COUNCIL MEMBER COMRIE: And, would
15 these professionals be required to sign a
16 statement of the plan and procedures that would be
17 required to do the demolition? Are they expected
18 to be onsite to do signoffs or qualifying reports
19 during the demolition process? Or, are they just
20 signing the initial plan for demolition?

21 JAMES COLGATE: My understanding is
22 that the bill will require the registered design
23 professional to be the applicant to the
24 Department. And, the requirement is that
25 submittal documents will be required that

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2 establish the means and methods and the order in
3 which the demolition is to occur. As to the
4 whether or not the registered design professional
5 is required to actually be onsite and inspect
6 along the way, I'll have to get back to you on
7 that. I'm not so sure I know the answer. I do
8 know that the Best Squad [phonetic], which is a
9 part of the Department of Buildings, when we get
10 these demolition applications, will now have much
11 better enforcement tools 'cause we'll have a
12 series of plans prepared by an architect or
13 engineer saying this is the order and way you do
14 it. This is how you have to protect things. This
15 is how you're doing it. And, we'll be able to be
16 there and see whether or not what they're doing
17 complies with what the architect or engineer told
18 them to.

19 COUNCIL MEMBER COMRIE: Is that
20 codified in any law now, the activities of the
21 Best Squad as they're demolishing the building?
22 Or, is that something that maybe needs to put in
23 this law as we're looking to make amendments to
24 it?

25 JAMES COLGATE: I think that the

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2 Department's procedures for sending inspectors are
3 pretty established. We send inspectors all the
4 time we get dangerous operations. CDA operations,
5 we know, at the Department of Buildings that is
6 one thing we've invested a lot of energy and time
7 on. And, we've sent lots of inspectors to lots of
8 jobs because of this particular issue. Now, that
9 we're getting really good documents, our
10 inspectors will be able to more easily enforce our
11 regulations and enforce compliance with the
12 approved plans.

13 COUNCIL MEMBER COMRIE: Okay.

14 Well, I think that's something maybe we can take a
15 look at for inclusion just to protect all parties
16 and to make sure that the ongoing work will be
17 done according to the original plan and not to be
18 done according to any other plan.

19 Just on Intro 994, where you're
20 talking about the issue of painting the standpipes
21 and sprinklers particular colors in order to ease
22 identification. You did say that you're working
23 to revise the bill to address a conflict with the
24 National Fire Suppression Painting Standards and
25 certain provisions of the Fire Code. Could you

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2 expand on that, please?

3 JAMES COLGATE: Sure, I'd be happy
4 to. If you walk around the City now and look at
5 sidewalk level at those Fire Department
6 connections in the buildings, they're either
7 painted red, yellow or green. And, you'll see
8 them on every building. And, you can look and say
9 ah red, that means it's the standpipe only.
10 Yellow, it's standpipe and sprinkler. Green, it's
11 sprinklers. And, Fire Department, for 50-some odd
12 years have known that those colors relate to those
13 particular types of Fire Department connections.
14 The bill, as drafted, takes the colors red and
15 green and brings them into the building so that
16 the cross connections and the risers that are
17 exposed in the building and existing buildings and
18 all piping in buildings under construction will be
19 painted red or green.

20 What we've found, after that bill
21 was drafted, is that the American Society of
22 Mechanical Engineers has a standard that mandates
23 if you use that standard, that all fire
24 suppression piping in buildings be painted red and
25 not green. And, it reserves green for certain

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2 hazardous gases. So, what that means is that if
3 we were to require green painted pipes inside
4 buildings, it now causes a conflict with other
5 standards that are out there that tell people if
6 you're designing certain hazardous gases, like
7 oxygen or certain other types of medical gases,
8 you're supposed to paint that green.

9 COUNCIL MEMBER COMRIE: Right.

10 JAMES COLGATE: There will be
11 confusion. And, we think it better to require all
12 fire suppression piping inside the building to all
13 be red, so any contractor or anybody knows it's
14 red piping, that's not to cut. It's fire
15 suppression, whether it's sprinkler or standpipe,
16 it's all red.

17 And then, the handles that turn off
18 the valves could be red, green or yellow based on
19 whether or not it's standpipe only, sprinkler only
20 or a combination. And, the handles of the valves
21 could be painted those three colors that the
22 firefighters know. And, the piping can all be
23 painted red. That's the reason for the change. I
24 hope I've explained that enough.

25 COUNCIL MEMBER COMRIE: You've

1 explained it thoroughly and it sounds like a
2 complicated piece of-- a complicated item to
3 monitor and update and to inspect. Will there be
4 some additional information put in there to ensure
5 that the inspectors are professionals so that they
6 can know that red is green and green is yellow and
7 yellow is blue and blue is red, 'cause you're
8 talking about doing red with different colors on
9 the red? You know, are we going to make sure that
10 the person that's doing the inspection is someone
11 with a level of expertise and not a handyman or
12 not the maintenance, building's maintenance
13 person, but someone who has the understanding of
14 the Fire Codes and the Building Codes to do the
15 inspection of the pipes on a regular basis?
16

17 JAMES COLGATE: What I will say is
18 that I may have over explained it in a way that
19 makes it sound complicated. But, it really isn't
20 so complicated. If the pipes go to sprinklers or
21 standpipes--

22 COUNCIL MEMBER COMRIE:

23 [Interposing] I don't know, it kind of sounded
24 complicated to me. I've had two cups of coffee
25 but...

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2 JAMES COLGATE: I've only had one.
3 Maybe that's my problem. If it's piping that goes
4 to fire suppression piping, whether it's
5 sprinkler, standpipes, any kind, it's all going to
6 be painted red. So, the pipes all get red or they
7 don't get painted. If they're painted red, they
8 have water in them that's going to feed the
9 sprinklers or standpipes. The only thing is then
10 that the valve handles will be red, yellow or
11 green. And, the Fire Department, in their first
12 inspection cycle that'll come around, they'll be
13 checking for that and making sure that is correct.

14 COUNCIL MEMBER COMRIE: And, what's
15 the normal inspection rate on those pipes anyway?
16 Is it quarterly, semi-annually, yearly or what's
17 the...

18 RICHARD TOBIN: For the Fire
19 Department, it's part of their cyclical
20 inspection. It could be anywhere from one to five
21 years, based on what risk assignment the building
22 has. And then, every five years, the system is
23 pressure tested. So, throughout the City.

24 COUNCIL MEMBER COMRIE: That's all
25 the pipes? The fire pipes, the--

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RICHARD TOBIN: [Interposing]

That's all of the fire pipes.

COUNCIL MEMBER COMRIE: All the fire pipes.

RICHARD TOBIN: It's all of the suppression pipes, which are red.

COUNCIL MEMBER COMRIE: Right.

RICHARD TOBIN: The reason we asked for the valve, the wheels, to be painted is because that mimics a situation that's already in the Fire Department.

COUNCIL MEMBER COMRIE: - - right.

RICHARD TOBIN: And, throughout the years, we've studied, on our marine, on our fire boats, all of the fire mains are red; all of the-- but the piping is a different color. And, they have valve wheels that indicate; yellow indicates lube oil; this red indicates fuel oil below decks. So, we mimic that same thing that it would just reflect those three colors. If we wanted to isolate a particular valve, for instance, when the standpipe comes into the building, it comes in, it runs across the cellar. Then, you have vertical risers that go up.

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COUNCIL MEMBER COMRIE: Right.

RICHARD TOBIN: Those risers have isolation valves. If, for some reason, there was a problem in the pipe and the Fire Department wanted to isolate, when they went down and followed the red lines there, all red lines are fire mains, when they saw that it had a yellow wheel on it, they would know. If they were looking to isolate the combination thing, they turn the yellow wheel. If they were looking to isolate the sprinkler system, they'd turn the green wheel. If they were looking to do the other one, they would turn the red wheel. So, it makes it readily available to the firefighters.

It's not as important, nearly as important for the building personnel. All he has to make sure is that the red pipe is intact and the valves are open. But, for the firefighters, it's a way to quickly identify specifically which pipe-type system's in there.

COUNCIL MEMBER COMRIE: Well, the reason I bring it up is 'cause in your next bill, you're saying that you want to make sure that you have the, was it, plumber or fire suppression

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2 license for the person performing the work. So,
3 I'm just wondering if we want to make sure--

4 JAMES COLGATE: [Interposing]
5 That's for the capping, I believe.

6 COUNCIL MEMBER COMRIE: For the
7 capping, right.

8 JAMES COLGATE: And, the reason--

9 COUNCIL MEMBER COMRIE: I just
10 wanted to make sure if the people are doing the
11 interior inspections, 'cause you're talking about
12 valves on each floor that either can be maintained
13 or monitored at some point. It might be just wise
14 to have the trained professional looking at that
15 as well. I know it's color-coded. But, just as
16 on the safety side, I think it may be wise to
17 mandate that a trained professional look at those
18 as well. Just a suggestion. Just from what I've
19 been reading on so far and if we're doing an
20 error, I'd rather err on the side of caution and
21 be more cautious than possible in front so that we
22 don't have to worry about lives on the backend.
23 Thank you. Thank you, Mr. Chair.

24 CHAIRPERSON DILAN: Council Member
25 Brewer.

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2 COUNCIL MEMBER BREWER: Thank you
3 very much. On the west side, Commissioner Colgate
4 is very respected. He has solved many problems.
5 My question is in your testimony on page 2, you
6 talked about the recommendations made to the Mayor
7 and how there's a lot of collaboration. How does
8 that take place in the field? In other words, if
9 you've got inspectors from Fire Department,
10 inspectors from DOB, inspectors from DEP, how do
11 they coordinate in the field? I'm trying to get
12 the technology, if there is technology to
13 coordinate.

14 JAMES COLGATE: Well, I think
15 there's two parts to that, two answers. One of
16 them, in terms of coordination, the checklists
17 have been coordinated so that when a DEP inspector
18 or where a Fire Department inspector or when a DOB
19 inspector goes out and they see things like a
20 dumpster is right in front of the standpipes,
21 that's something the Fire Department always used
22 to know, but DEP never used to look for. Now, if
23 DEP goes out and sees that their asbestos
24 containment dumpster, whatever they have, is right
25 in front of the standpipes, they have that on

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2 their checklist. They've been trained to look for
3 the kinds of things which create fire hazards. It
4 used to be, you know, DOB wouldn't understand the
5 fire; DEP wouldn't understand the fire. Fire
6 Department wouldn't understand some of the other,
7 you know, abatement issues. So, we've coordinated
8 all of that. In terms of data sharing, that's a
9 much larger and a longer term project. There's
10 another bill in another Committee right now about
11 data sharing, which will actually help bring
12 together a lot of the inspection results and
13 information that's goes back and forth between the
14 different agencies. And, we see that as a
15 appropriate vehicle to help us coordinate it; when
16 inspections happen, what the results of those
17 inspections are, so that everyone can be on the
18 same page.

19 COUNCIL MEMBER BREWER: Okay. So
20 now, if you're, DEP and DOB are in the field, do
21 they have handhelds with a checklist on it? Is
22 that how it's done? Or, do you have to go back
23 and download it when you get back to the office?
24 That's what I'm trying... Say, for instance, you
25 see this-- DOB sees the dumpster in front of the

1
2 standpipe.

3 RICHARD TOBIN: I can tell - -

4 JAMES COLGATE: You want to...

5 RICHARD TOBIN: We've have an
6 instance where the DEP saw garbage bags in front
7 of an entrance to a fire escape. So, the system
8 now, there are not handhelds. What they do is
9 they notify the Fire Department. It comes in to
10 us. They notify us via e-mail and they also make
11 a telephone call to the borough dispatcher. So,
12 there's two means of notification. Immediately
13 upon notification, the Fire Department sends out
14 the local administrative company. They inspect
15 the site to see what DEP spotted. And, they issue
16 a summons or a violation to have it rectified.

17 DEP, under the rules that have been
18 worked out, DEP is going to have the ability to
19 write their own violations on that. But, at the
20 time, they didn't have the ability to enforce the
21 Fire Code. That's part of the legislative package
22 also, giving them cross enforcement. But, we've
23 worked very closely with DEP. We have their
24 inspectors at the Fire Academy. We gave all of
25 the DEP--

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COUNCIL MEMBER BREWER:

[Interposing] When did that start?

RICHARD TOBIN: That started back in April that we completed training. We gave all of the DEP inspectors training on the fundamentals of the Fire Code, particularly on fire safety at these sites, about sprinkler systems, about maintain egress, about the dangers of accumulations of rubbish. And, as a result of that, their people went out, did spot that, notified us and within 24 hours, it was rectified. Where, in the past, we wouldn't have had the cooperation.

The same thing with the Buildings Department. When we worked with the Buildings Department and developed our checklist, our inspection guide for buildings under construction and demolition and abatement, we sat down with Bethany Klein [phonetic], who worked in Buildings at the time, now she's in the private sector. She was a forensic engineer from Buildings. And, I sat with her and went page for page, line for line and compared our building checklist against her checklist. And, when she saw something that she

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2 thought we should have, I included it. When she
3 saw something we had that she thought was
4 important, she included it in Building's. So, we
5 had a lot of cooperation that wasn't there in the
6 past.

7 And, we also have, right now, the
8 Fire Department, with the Mayor's push behind it,
9 is involved in a \$25 million upgrade to the
10 computer system. That's with IBM. It was
11 strongly endorsed by Mayor Bloomberg as a result
12 of the working group. And, that is going to move
13 handhelds forward. It's going to result in a
14 greater exchange of information on violations and
15 data between agencies. And, I believe that DOITT
16 is seeing the Fire Department as the spear point
17 on this.

18 COUNCIL MEMBER BREWER: Right.
19 And, are there any other agencies that should, if
20 you had your druthers, be part of this
21 collaboration? In other words, HPD? I don't
22 know.

23 RICHARD TOBIN: We have. We've
24 reached out. Right now, the Fire Department is
25 actively reaching out to HPD because they have

1
2 data that we believe--

3 COUNCIL MEMBER BREWER:

4 [Interposing] And, they do inspections?

5 RICHARD TOBIN: -- could indicate
6 fires-- right. On their inspection data, we're
7 working with HPD. We're working with the
8 Buildings Department. We're working with the DEP.
9 We're working with several, I mean, every type of
10 City agency that we have.

11 COUNCIL MEMBER BREWER: For health
12 I think. Maybe Department of Health.

13 RICHARD TOBIN: Department of
14 Health.

15 COUNCIL MEMBER BREWER: 'Cause they
16 do a lot of mold and they do the other kinds of
17 pests and so on.

18 RICHARD TOBIN: Yeah. Right now,
19 IBM is developing that. They're looking for all
20 the stakeholders. And, anybody who could, in any
21 way, affect the safety in the City, we're trying
22 to get that into a central database.

23 COUNCIL MEMBER BREWER: Okay. So,
24 the checklists are physically where? In other
25 words, obviously, they're on a computer. And,

1
2 they're back in the office, right? In other
3 words, you would make the phone call and send an
4 e-mail and then, the checklists would be
5 synchronized between DEP, DOB and the Fire
6 Department.

7 RICHARD TOBIN: Right. We each
8 maintain our own separate checklists.

9 COUNCIL MEMBER BREWER: Right.
10 And, hopefully, that would--

11 RICHARD TOBIN: [Interposing] But,
12 if we see something that's glaring, we notify DEP.
13 If we see something that's glaring, we have a
14 priority system we've worked out with them. We
15 had a notification for years with the Buildings
16 Department. It was known as an A8 [phonetic].
17 That was just the name given to the form, where we
18 would notify the Buildings Department when we saw
19 stuff in a building that was not enforceable by
20 the Fire Department. It was under their
21 jurisdiction. We would notify them through an A8.

22 We've worked with, I believe he's
23 here, we've worked with Bill Kendall [phonetic],
24 from the Buildings Department exclusively on
25 developing a priority A8 form and expediting how

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2 that gets done. And, there's been a lot of work
3 going into that. It's been very successful.

4 We've also had a program working in
5 the Bronx, a pilot program. When we saw something
6 at a building, we would take a picture, a digital
7 picture of it. We would bring it back. We would
8 shoot it right to DOB. It would go right into
9 their BIS site. And, they would have the Best
10 Squad there within 24 hours working with the local
11 company to rectify the situation.

12 COUNCIL MEMBER BREWER: Okay.
13 Thank you very much. That's all. One more, when
14 do you think that IBM will be done? Do you have
15 any time table from DOITT?

16 RICHARD TOBIN: It's an
17 incremental. It's going to take-- it's in its
18 first stage now. We were through. And--

19 COUNCIL MEMBER BREWER:
20 [Interposing] This part of PSAC [phonetic] I and
21 II or is this something--

22 RICHARD TOBIN: [Interposing] No,
23 no.

24 COUNCIL MEMBER BREWER: --separate?

25 RICHARD TOBIN: This is a separate

1
2 thing. This is a \$25 million upgrade to the Fire
3 Department's abilities. And, it's supposed to
4 take place over four years.

5 COUNCIL MEMBER BREWER: Okay.

6 RICHARD TOBIN: We've developed a
7 risk-based model. And, we're moving forward with
8 it now.

9 COUNCIL MEMBER BREWER: And, my
10 final question is I know that the Mechanical
11 Contractors Association likes your bills, but has
12 some questions about them. Is that a group that
13 you've been working with? The Mechanical
14 Contractors Association, 'cause they had some
15 concerns about the, you know, within 994 about who
16 would actually manage the identification and
17 marking those standpipes. Who would actually be
18 the manager of that?

19 JAMES COLGATE: Oh, yeah. I think
20 we're aware of those concerns. And, we'd be happy
21 to talk with them more. I think we're meeting
22 this week with several other organizations who've
23 expressed some concerns to see what issues they
24 may have. And, we're working with that.

25 COUNCIL MEMBER BREWER: Okay. I

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2 mean, when buildings come done now, are you
3 putting particular attention-- we have a
4 demolition with huge community outrage at 95th and
5 West End as we're standing here right now, 734 and
6 736 West End Avenue. I feel like I'm-- that's all
7 I do is manage the community. So, they come down,
8 small brownstones. Because these bills are not
9 yet in effect and because you've identified
10 concerns, do you pay particular attention to the
11 site plans because, obviously, the signoff is not
12 what you would like it to be?

13 JAMES COLGATE: I think what you
14 say is probably right. In the current process, if
15 these buildings are being demolished now--

16 COUNCIL MEMBER BREWER:

17 [Interposing] As we speak.

18 JAMES COLGATE: -- as we speak,
19 they presumably have a demolition permit from the
20 Department--

21 COUNCIL MEMBER BREWER:

22 [Interposing] They do.

23 JAMES COLGATE: -- of Buildings.

24 COUNCIL MEMBER BREWER: They do.

25 JAMES COLGATE: They probably have

1 a site safety plan--

2 COUNCIL MEMBER BREWER:

3 [Interposing] They do.

4 JAMES COLGATE: -- that establishes
5 certain things.

6 COUNCIL MEMBER BREWER: They do.

7 JAMES COLGATE: It probably does
8 not address the kind of things in their plans that
9 we would require under this legislation. This
10 legislation will require an architect or engineer
11 to establish how those buildings are going to come
12 down. The means, methods and the sequencing of
13 the operations of the demolition, the protection
14 of all the things that are necessary to accomplish
15 a safe demolition, all those things will have to
16 be specified in a plan submitted by a registered
17 design professional. And, that doesn't exist
18 right now. And, it's kind of odd in a City as
19 large as ours that you don't need an architect or
20 engineer to demolish a building. The contractor
21 can create the site safety plan under today's
22 regime. And, this is going to be a different--

23 COUNCIL MEMBER BREWER: Okay.

24 JAMES COLGATE: --way of looking at
25

1 things.

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3 COUNCIL MEMBER BREWER: Thank you.
4 I'm sorry, 732 and 734, please pay attention on
5 West End Avenue. Thank you.

6 CHAIRPERSON DILAN: Thank you,
7 Council Member Brewer. We've also been joined by
8 Council Member Crowley of Queens. Are there any
9 further questions for this panel? If not,
10 gentlemen, like to thank you for your time and
11 your testimony this morning.

12 I only have one member of the
13 public signed up to testify, Mr. Terrence, looks
14 like O'Brien. And, if that's wrong, if you could
15 correct me, from the Plumbing Foundation. [Pause]
16 Actually Stewart O'Brien. This needs to be
17 corrected, yeah. Okay. Mr. O'Brien, why don't
18 you introduce yourself for the benefit of the
19 Committee and then, you can go right into your
20 testimony.

21 TERRENCE O'BRIEN: I will, thank
22 you, Chairman Dilan. Please note that the
23 statement was going to be read by Stewart O'Brien.

24 CHAIRPERSON DILAN: Okay.

25 TERRENCE O'BRIEN: Now, it's going

1
2 to be amended to read by Terrence O'Brien. My
3 name is Terrence O'Brien. I'm the Deputy Director
4 of the Plumbing Foundation in the City of New
5 York, which is a clearing house and educational
6 forum for the plumbing industry.

7 To help assure the tragedy that
8 occurred in the Deutsche Bank building does not
9 happen again, Intro 994 requires, among other
10 things, the owners of existing buildings have the
11 exposed portions of standpipe and sprinkler
12 systems painted. This will help prevent someone
13 from accidentally cutting these critical important
14 safety systems.

15 Unfortunately, Intro 994 allows
16 anyone to identify which pipes are components of
17 these critical life saving systems. A janitor, a
18 handyman, etcetera, is authorized to identify the
19 pipes. That is both ridiculous and dangerous for
20 the public. Licensed professionals skilled in
21 these life safety systems, either PEs, RAs or
22 licensed master plumbers or fire suppression
23 contractors, should be the only ones authorized
24 to identify these safety pipes. The Council
25 needs to amend 994 to include this provision.

1
2 The bill is also deficient in that
3 it contains no mechanism to help assure
4 compliance. It simply states that the pipes in
5 existing buildings be painted by a certain date
6 but no requirement by the owner affirmatively
7 state that the identification and painting was
8 performed. Under the existing version of 994, how
9 would the City of New York know whether owners
10 have complied? Is the City planning to inspect
11 all buildings, another critical area?

12 Without these two changes, we are
13 quite literally to be back here after another
14 tragedy caused by a handyman or janitor cutting
15 sprinkler or standpipe systems. I thank you,
16 Chairman.

17 CHAIRPERSON DILAN: Okay. Thank
18 you. And, it sounds like general support, with
19 some work around, some specific details. Does
20 anyone have any questions? Okay. If not, thank
21 you, Mr. O'Brien for your time and testimony.

22 At this point, just a little bit of
23 recordkeeping. I do have statements from the
24 Mechanical Contractor's Association on Intro 994,
25 as well as Intro 1000. Those two statements will

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2 be entered into the record as if they were read in
3 full.

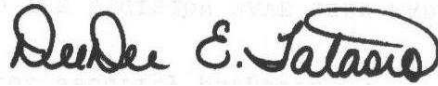
4 And, at this point, Intros 993,
5 994, 999 and 1000 will be laid aside. And, that
6 will conclude this Committee on Housing and
7 Buildings.

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C E R T I F I C A T E

I, DeeDee E. Tataseo 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

A handwritten signature in cursive script that reads "DeeDee E. Tataseo". The signature is written in black ink and is positioned above a horizontal line.

Date

July 22, 2009