

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HEALTH

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February 11, 2009

Start: 11:11 am

Recess: 11:15 am

HELD AT: Council Chambers
City Hall

B E F O R E:
JOEL RIVERA
Chairperson

COUNCIL MEMBERS:
Maria Baez
John C. Liu
Helen Sears
Kendall Stewart
Albert Vann
Maria del Carmen Arroyo
Inez E. Dickens
Rosie Mendez

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2 CHAIRPERSON RIVERA: Good morning,
3 ladies and gentlemen, my name is Joel Rivera, I am
4 the Chair of the City Council's Health Committee.

5 We are here today to vote on
6 Proposed Intro 408-A, sponsored by Council Member
7 Dan Garodnick. Proposed Intro 408-A is a Local
8 Law concerning the inspection of water tanks used
9 for the purpose of storing and distributing
10 drinking water. The committee previously
11 conducted a hearing on this legislation on January
12 8th, 2009.

13 It is estimated that more than
14 12,500 buildings have water tanks. Water tanks
15 are generally found at the top of buildings over
16 six stories and their primary purpose is to lift
17 water to the upper stories. This water is used
18 for drinking, bathing, and other daily activities,
19 here lies the Council's concern.

20 If tanks are not properly
21 maintained, rodents or foreign substances can
22 enter and potentially contaminate the water. As a
23 result, the city requires building owners or
24 agents have the tanks inspected annually and have
25 the tanks emptied and cleaned if there is a

1
2 problem. Despite these requirements, it is
3 estimated that one-third of tanks are not
4 inspected annually.

5 In addition to concerns about
6 inspections not taking place, the Council is also
7 concerned about the lack of transparency in for
8 water tank inspections. Current law explicitly
9 prohibits the inspection results from being
10 reviewed by the public and exempts them from a
11 subpoena, completely eliminating any public access
12 to the reports. Proposed Intro 408-A will improve
13 oversight and add transparency to this process by
14 instituting a needed system of checks and balances
15 and by guaranteeing the public access to these
16 reports. The building owner or agent must post a
17 notice stating that the water tank inspection
18 results are maintained on file and will be made
19 available upon request. If an owner fails to
20 grant the request, the individual may request the
21 documents from the Department of Health and Mental
22 Hygiene. Failure to produce the documents will
23 result in a civil penalty.

24 In addition, DOHMH will be required
25 to report to the Council on water tanks.

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2 Information will include the estimated number of
3 water tanks, the number of inspections, results
4 examined by the department, compliance rate with
5 this legislation, and the number of violations
6 issued.

7 I would like to thank the staff of
8 the committee, both Adira and Joseph Mancino for
9 their hard work. And I would like to thank the
10 Department of Health and Mental Hygiene for their
11 partnership on this common sense piece of
12 legislation.

13 And before the clerk calls the
14 roll, I want to thank my colleague, Council Member
15 Dan Garodnick, who provided a thank you letter
16 stating his gratitude for us being able to vote on
17 this piece of legislation here today.

18 And just want to introduce my
19 colleagues are here with us today, we have Council
20 Member Helen Sears, Council Member Inez Dickens,
21 Council Member Maria del Carmen Arroyo, Council
22 Member Kendall Stewart, and Council Member Al
23 Vann.

24 And if the clerk can please call
25 the roll.

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2 MR. WILLIAM MARTIN: William Martin,
3 Committee Clerk, roll call on the Committee on
4 Health Introduction 408-A. Council Member Rivera.

5 CHAIRPERSON RIVERA: I vote aye.

6 MR. MARTIN: Liu.

7 [No response.]

8 MR. MARTIN: Sears.

9 COUNCIL MEMBER SEARS: Aye.

10 MR. MARTIN: Stewart.

11 COUNCIL MEMBER STEWART: Aye.

12 MR. MARTIN: Vann.

13 COUNCIL MEMBER VANN: Aye.

14 MR. MARTIN: Arroyo.

15 COUNCIL MEMBER ARROYO: Aye.

16 MR. MARTIN: Dickens.

17 COUNCIL MEMBER DICKENS: Aye.

18 MR. MARTIN: Liu.

19 COUNCIL MEMBER LIU: Yes.

20 MR. MARTIN: By a vote of seven in
21 the affirmative, zero in the negative, and no
22 abstentions, item has been adopted. Council
23 Members, please sign the committee report. Thank
24 you.

25 CHAIRPERSON RIVERA: Thank you.

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2 We'll leave the vote open for a few minutes so
3 that other members who are coming can have an
4 opportunity to vote.

5 [Pause]

6 MR. MARTIN: Council Member Baez.

7 COUNCIL MEMBER BAEZ: Aye.

8 MR. MARTIN: Vote on Health now
9 stands at eight in the affirmative, zero in the
10 negative, and no abstentions.

11 [Pause]

12 MR. MARTIN: Council Member Mendez.

13 COUNCIL MEMBER MENDEZ: I vote aye
14 on all.

15 MR. MARTIN: A final vote on the
16 Committee on Health now stands at nine in the
17 affirmative, zero in the negative, and no
18 abstentions. Thank you.

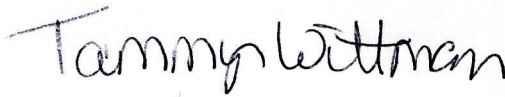
19 CHAIRPERSON RIVERA: Meeting is
20 adjourned.

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C E R T I F I C A T E

I, Tammy Wittman, 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 February 23, 2009