

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS

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September 10, 2019

Start: 10:30 a.m.

Recess: 12:44 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Robert E. Cornegy, Jr.
Chairperson

COUNCIL MEMBERS: Fernando Cabrera
Margaret S. Chin
Rafael L. Espinal, Jr.
Mark Gjonaj
Barry S. Grodenchik
Farah N. Louis
Bill Perkins
Carlina Rivera
Helen K. Rosenthal
Ritchie J. Torres

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

Melanie La Rocca, Commissioner,
New York City Department of Buildings

Gus Sirakis, First Deputy Commissioner
New York City Department of Buildings

Adam Vincent, Junior at Eleanor Roosevelt High
School, Manhattan

Elias Markee Ratner, Fourth Grade, Public School
in the East Village

Dottie Masarealla, Vice President of Government
Relations, International Code Council

Phil Parisi, Associate Principal & Head of
Plumbing & Protection, MG Engineering & Chair of
NYC Code Revision Plumbing Technical Committee,
Licensed Master Plumber, Masters Fire Suppression
Contractors Licensing Board

David Balkan, Vice President, New York City
Subsurface Plumbers Association

Ed Bosco, Licensed Professional Engineer, Managing
Principal of M-E Engineers, Vice Chair of the
American Council of Engineering Companies

George Bassolino, Secretary, Master Plumbers
Council of the City of New York

Kathryn Heinz, Executive Director, New York City
Audubon

Dr. Christine Sheppard, Director of the Glass Collisions Program, American Bird Conservancy

Daniel Piselli, Architect and Director of Sustainability, FX Collaborative Architects

Stefan Knust, Architect and the Director of Sustainability, Ennead Architects

Georgia Silvera Senaz

Patricia Aucry, Volunteer, NYC Audubon Project Safe Flight

Robert Bate, Former President, Brooklyn Bird Club, Current Executive Vice President & Board of Directors, New York City Audubon

David Kalapkin, Wildlife Advisor & Board of Directors of the Voters for Animal Rights & Founder & former Director of Goose Watch NYC

Joseph Rosenberg, Director of the Catholic Community Relations Council

Rita McMahan, Director, Wild Bird Fund

Mary Mooney, District Leader, Humane Society of the United States, New York State Wildlife Rehabilitator's license, Volunteer, Wild Bird Fund

Adita Bernkrant, Executive Director of My Class

Kaitlyn Zuffante, New York City Resident & animal rescuer

Christina Mellalakis, Lifelong New Yorker

Margaret Lee, Bird Advocate

Bradley Harris, Board of Governors of the
Princeton Association of New York City

Gabriel Willow, Tour Guide & Naturalist/Ecologist

Calista McCray

Alsaga Marcandiah (sp?)

2 [sound check] [background comments/pause]
3 [gavel]

4 CHAIRPERSON CORNEGY: Good morning, good
5 morning. I want to publicly apologize for my
6 lateness, but my borough president of the great
7 borough of Brooklyn had a memorial service honoring
8 the men and women who were first responders at the
9 9/11 event and it was—it was great to be able to
10 attend that quickly. So, I apologize for having you
11 wait. I'd like to think that it was a noble and
12 worthy cause as it relates to the men and women,
13 first responders of 9/11. So, good morning everyone.
14 I'm Council Member Robert Cornegy, Chair of the
15 Committee on Housing and Buildings. We're here today
16 to hold a hearing on thee important bills that impact
17 New Yorkers in a variety of different ways. These
18 include Intro No. 1481 regarding the latest version
19 of the New York City Plumbing Code. Proposed Intro
20 1482-A requiring the use of bird-friendly glass to
21 prevent fatal bird strikes and Intro No. 1661
22 ensuring that construction workers who attend site
23 safety orientations and refresher courses receive
24 training in their own languages. Today, we'll hear
25 from the Department of Buildings, members of the real

2 estate and plumbing industries, labor advocates,
3 environmental advocates and other interested parties—
4 interested members of the public about these three
5 bills. As discussed above, Intro No. 1481 of which I
6 am a sponsor, amends the New York City Plumbing Code
7 to bring it up to date with the 2015 International
8 Plumbing Code published by the International Code
9 Council. Local Law 33 for the year 2007 requires
10 that updated Construction Codes be submitted to the
11 Council so that they can be introduced in order to
12 ensure that they are in line with current
13 international codes. The Department of Buildings
14 proposes amendments to those existing codes in an
15 organized—in organized committees to review these
16 codes and make recommendations about their adoption.
17 Amendment—amendments recommended for adoption are
18 subsequently heard at a hearing held by this
19 committee. The Plumbing Code is the first
20 construction code to be heard during the code cycle.
21 Due to the length of the code, we have not inserted
22 the full text of the code into the Committee Report.
23 If you would like to see a copy of the full code, you
24 may ask the sergeant-at-arms to review a copy.
25 Proposed Intro 1482-A sponsored by Council Member

2 Espinal, seeks to help prevent bird strike deaths. A
3 hundred million to one billion birds die annually as
4 a result of collisions with buildings. New York is
5 responsible for 90,000 to 230,000 of those deaths in
6 part due to its position on the Atlantic Flyway, a
7 route that transverses the city and is traveled by
8 hundreds of thousands of birds annually. Birds are
9 invaluable to the environment. They eat disease
10 carrying insects, pollutant plants, distribute seeds
11 and consume weed seeds, which in turn helps maintain
12 biodiversity. Birds cannot detect glass, and,
13 therefore, they fly directly into it. This bill
14 requires that 90% of all glass on the first 75 feet
15 of all newly constructed and alter business-buildings
16 be made out of glass that prevents bird strikes.
17 Though this measure—through this measure we hope to
18 stop bird strikes and help protect the bird
19 population. Finally, Intro 1661, of which I'm a
20 sponsor, builds on the robust construction safety
21 requirements required under law—Local Law 196 for the
22 year 2017. Local Law 196 requires construction
23 workers to undergo trainings to prevent construction
24 related accidents. This bill requires that workers
25 at site safety orientations and refreshers receive

2 instructions about trainings required by Local Law
3 196 in a language that they can understand. This
4 bill is particularly timely in light of recent
5 construction accidents including at a site in the
6 Bronx where four construction workers were injured
7 and one, a father of five, unfortunately was killed.
8 I'd like to thank my fellow committee members present
9 today, Farah Louis and Barry Grodenchik. We will now
10 hear from the sponsor of—Rafael is not here, Espinal
11 is not here. So, I just want to do one bit of
12 housekeeping. I'd like to remind everyone who would
13 like to testify today to please fill out a card with
14 the sergeant. We'll be sticking to a two-minute
15 clock for all public testimony, and now we'll
16 administer the oath to the Administration before the
17 testimony.

18 LEGAL COUNSEL: Do you affirm to tell the
19 truth, the whole truth and nothing but the truth in
20 your testimony before this committee and to respond
21 honestly to the Council Member questions?

22 COMMISSIONER LA ROCCA: Yes.

23 GUS SIRAKIS: Yes. man

24

25

2 CHAIRPERSON CORNEGY: You can begin your
3 testimony, but I just ask that you identify yourself
4 for the record obviously.

5 COMMISSIONER LA ROCCA: Good morning
6 Chair Cornegy, and members of the Committee on
7 Housing and Buildings. I'm Melanie La Rocca,
8 Commissioner of the New York City Department of
9 Buildings. I'm joined today by Gus Sirakis, my First
10 Deputy Commissioner. Together we are please to be
11 here to offer testimony in support of the three bills
12 before the committee today. Let me start by thanking
13 the City Council for your ongoing partnership with
14 the Department. We both strives to ensure that this
15 great city of ours with is over one million buildings
16 and 45,000 active construction sites not only has the
17 safest built environment, but that we continue to
18 evolve and grow New York City's leadership in the
19 field of design and development. We are a department
20 dedicated to the safety of all people whether they
21 live in New York City, work in New York City, build
22 New York City or visit New York City. We are a
23 department that is dedicated to ensuring workers
24 return home safely every single night that tenants
25 are safe in their homes and are not displaced by

1 construction work, and that our customers receive the
2 best level of service all while strengthening our use
3 of data for the benefit of all New Yorkers. Much has
4 changed at the department since the establishment of
5 the Superintendent of Buildings, our earliest known
6 predecessor in 1860. The department went from a unit
7 within the city's Fire Department to a citywide
8 Department of Buildings in 1936, and we have grown to
9 a department of nearly 2,000 employees and changed
10 throughout the years to respond to the needs of New
11 Yorkers in the ever evolving needs of an industry we
12 work closely with. However, the one thing that has
13 remained constant throughout our many years is the
14 presence of codes that regulate the construction of
15 buildings, which have existed in New York City in
16 some form since as early as the 17th Century. Since
17 that time our codes have been revised periodically to
18 ensure that they are up to date and that they reflect
19 advancements in technology as well as the latest
20 standards in life safety. The New York City
21 Construction Codes are the backbone of New York
22 City's built environment. They coupled with the New
23 York City Zoning Resolution, which we are responsible
24 for interpreting and enforcing, physically make New
25

2 York City the place it is today. Today, the
3 Committee has before it Intro No. 1481, which updates
4 the New York City Plumbing Code, which is part of the
5 Construction Codes. The department began this
6 Construction Code revision cycle in 2015. Our Code
7 Revision process is a true labor of love on the part
8 of our staff and committee members, and represents a
9 deep collaborative process. This public/private
10 partnership involves over 645 industry professionals
11 and stakeholders who volunteer their time and sit on
12 14 different committees including a Managing
13 Committee, and Technical and Advisory Committees,
14 which are organized by discipline. To date, this
15 effort has resulted in over 37,000 total hours of
16 service of which more than 7,000 hours were spent on
17 just the Plumbing Code revision. Committee members
18 include architects, engineers, attorneys and other
19 city agencies as well as representatives of
20 construction, labor, real estate and other
21 stakeholder organizations. A list of committee
22 members is available on the department's website.
23 The proposed revisions to the Plumbing Code are based
24 on the 2015 edition of the International Plumbing
25 Code, which are developed by the International Code

2 Council. The International Code Council is an
3 association with over 64,000 members, which is
4 dedicated to developing model codes like the
5 International Plumbing Code, all 50 states as well as
6 four U.S. territories and the District of Columbia
7 rely on International Code Council model codes to
8 form the basis of their construction codes. While
9 the proposed revisions use the International Plumbing
10 Code as a base, they also modify or add new language
11 to the Plumbing Code tailored to the unique needs and
12 characteristics of the city's built environment.
13 This bill makes 840 revisions to the Plumbing Code.
14 565 changes came directly from the International
15 Plumbing Code. 169 changes came from the Code
16 Revision Committees. Eighty-nine changes were a
17 combination of both, and 17 changes were more minor
18 in nature, and proposed by the department. This bill
19 also makes two dozen substantive revisions, which
20 include revisions that add New York standard
21 requirements to the Plumbing Code. No single
22 amendment or new proposal in this bill was included
23 unless it was first approved by our committees and
24 agreed upon through consensus. Highlights of the
25 revisions being made in the Plumbing Code by this

2 bill include: A new requirement that pipes bear
3 required markings including those required by
4 applicable reference standards, which will aid in
5 development inspections. A clarification that multi-
6 tenant facilities may share a drinking fountain
7 similar to shared public toilet facilities provided
8 that drinking fountains are available for use on each
9 floor. A new requirement that each well of the
10 multiple compartment sink discharge independently to
11 a waste receptor, which strengthens the existing
12 protections against cross-contamination in food
13 handling. New provisions related to roof drain flow
14 rates, which will result in a more performance base
15 approach to design, to drain designs, and new
16 provisions that limit the cutting away of structural
17 members during the installation or alteration of a
18 plumbing system, which will improve the safety of the
19 joist studs, beams, columns and other—other
20 structural members that support a building. Before I
21 discuss the remaining bills before the committee, I
22 would like to take a moment to thank the members of
23 the Plumbing Technical Committee and the
24 Administrative and Enforcement Advisory Committee as
25 well as the Managing Committee some of whom I see

2 here who have contributed their expertise and
3 countless hours to produce the bill before the
4 committee today. Now the department expects to submit
5 the—the revisions to the Energy Code late this year,
6 and we expect to submit revisions to the balance of
7 the Construction Codes, which include the
8 Administrative, Building, Fuel Gas and Mechanical
9 Codes, and to the Electrical Code in 2020. Turning
10 now to Construction Safety, an area of extreme
11 importance to not only the department, but to this
12 Administration and certainly to this Council. We are
13 strongly supportive of Intro No. 1661, which would
14 require the construction workers at certain
15 construction sites receive relevant information
16 regarding site safety training during site safety
17 orientations. These site safety orientations are
18 required before a working begins work at a site and
19 each year thereafter, and are required at all
20 construction sites for Local Law 196 Construction
21 Safety Training is mandated. These are sites that
22 require a construction superintendent, site safety
23 coordinator, or site safety manager to be designated,
24 which generally means there are new building sites
25 with the exception of construction of one, two, and

2 three-family buildings or that there are sites
3 involving a full demolition of the building or the
4 enlargement of the building. The department supports
5 this bill as it will put valuable information and
6 resources including applicable deadlines, the types
7 of training required and total number of hours of
8 training required directly into the hands of workers.
9 This bill will build on the efforts of many to ensure
10 information about site safety training reaches those
11 who need it. Since the enactment of Local Law 196
12 the department has continued to perform outreach to
13 our stakeholders. Such outreach includes launching a
14 Week of Action just this week, which involves direct
15 outreach to workers on construction sites in all five
16 boroughs and an education advertising campaign
17 targeted to construction workers, which includes
18 advertisements on television, print media, radio and
19 the subways, direct mailings to permit holders for
20 sites where the law is applicable, direct mailing to
21 site safety professionals reminding them of their
22 obligations, distribution of educational materials
23 directly to construction workers, creating our own
24 Site Safety Construction Map, which is an interactive
25 tool workers can use to determine whether a job

2 requires site safety training and implementing a rule
3 to require signage within construction sites that
4 provide information to workers about site safety
5 training in all languages spoken at the site. The
6 final bill before the committee Intro No. 1482-A,
7 which would require that buildings or buildings
8 replacing glass utilize bird-friendly glass, which is
9 less reflective or transparent. The department
10 shares the goal of reducing the potential for bird
11 collision with glass, and we look forward to working
12 with the Council, the bill's sponsor and the industry
13 on this proposal. We thank the Council for your
14 continued support and look forward to our work
15 together to improve the department on behalf of all
16 New Yorkers, and with that, I'm happy to take any
17 questions.

18 CHAIRPERSON CORNEGY: Thank you,
19 Commissioner. I was remiss earlier in not
20 congratulating you on your new—relatively new
21 appointment, and the ability, if I'm not mistaken, to
22 say that you supported all three bills.

23 COMMISSIONER LA ROCCA: Yes, thank you
24 and that is true. We support all three.

2 CHAIRPERSON CORNEGY: That is a great way
3 to start your tenure as a commissioner. We've been
4 joined by Council Member Rafael Espinal who is one of
5 the bill's sponsors and has an opening statement.

6 COUNCIL MEMBER ESPINAL: Thank you so
7 much, Mr. Chairman for holding this hearing and
8 including my bill, the Bird-friendly Glass Bill,
9 which I believe it's a very important bill in order
10 for us to continue being climate and, you know,
11 biodiversity advocates here in City Hall.

12 Commissioner, congratulations on your new role. It's
13 been a pleasure working with you and the DOE. We've
14 done a lot of great work together in my district. I
15 look forward to continuing our great work with having
16 you as—as a new Commissioner of the Department of
17 Buildings. So, thank you. I'm Council Member Rafael
18 Espinal, and I'm one of the prime sponsors of Intro
19 1482-A. Since the last Ice Age the land we now call
20 New York City has been an important stop on the
21 Atlantic Flyway Bird Migration route. Despite less
22 and less green space, over 200 species either live or
23 pass through the city, nest in our parks and window
24 frames, and raise their young. Visit any park, and
25 you're likely to see a few dozen people with

2 binoculars look into the trees trying to find traces
3 of our city's secret but incredible biodiversity.

4 We've seen this Council take historic steps to
5 decrease our carbon footprint. This bill today will
6 add to our environmental legacy as it makes us take
7 responsibility for our role in the ecosystem that
8 existed long before City Hall. As the Chair

9 mentioned, over two billion birds die from window
10 collisions every year in the country, and between 90
11 to 230,000 birds die in New York City alone. This is
12 a staggering statistic especially because we have the
13 means to reduce it. There's different ways to make
14 glass bird-friendly, and we have many experts in the
15 room today who will speak to the details. However,

16 this bill strikes a careful balance in requiring
17 bird-friendly glass only at heights where birds are
18 most likely to be flying. I am grateful to the many
19 advocates and experts that have worked with our

20 office on this bill so far and look forward to
21 hearing and reading your testimony today. On top of
22 that, I also want to thank the—the agency and the

23 Commissioner for being supportive of this bill and I
24 look forward to getting my colleagues on board and

2 getting this bill passed as soon as possible. Thank
3 you. cheers/applause.

4 CHAIRPERSON CORNEGY: So, I'm going to
5 hope that that's the only clapping for this hearing,
6 and if there is more clapping, I just ask that you do
7 this—

8 COUNCIL MEMBER ESPINA: Like the birds.

9 CHAIRPERSON CORNEGY: It's in—it's in all
10 of our best interest. We've also been joined by
11 Council Member Fernando Cabrera from the great
12 Borough of the Bronx. I'd like to begin my line of
13 questioning as it relates to the Plumbing Code. So,
14 if you could just generally please walk us through
15 the process you used to create the revision of the
16 Plumbing Code.

17 COMMISSIONER LA ROCCA: Absolutely. So,
18 the process, as I mentioned is truly a labor of love.
19 It starts with the staff at the department who go
20 through the International Plumbing Code. In this
21 case it was the 2015 International Plumbing Code and
22 track every change relative to the existing Plumbing
23 Code and identify all of the changes with the
24 explanatory notes. From there, it moves into
25 committee. Committee at this—at this stage is the

2 Technical Plumbing Committee as well as our Advisory
3 and Managing Committees that review and the—and draft
4 and approve all of the proposed revisions. That in
5 itself takes somewhat close to that 7,000 hours that
6 I spoke to. Following that, we were—we go through a
7 legal review and we are at Council for our next step.
8 Now during committee that is a very robust back and
9 forth that its had between the stakeholders and we
10 have representation from the industry specific to
11 this discipline as well as broadly speaking the
12 industry across the city that is impacted by change,
13 and on single edit or change or addition in this
14 Plumbing Code revision before you was made that did
15 not receive consensus, and so our process truly is a
16 collaborative and—and a partnership where we do
17 require that our committees meet and—and receive
18 consensus on each and every single item that makes
19 its way into the Code whether it is a simple
20 numbering change or a more substantial edit.

21 CHAIRPERSON CORNEGY: Thank you. Can you
22 explain what committees were organized to review
23 revisions to the Plumbing Code and how did those
24 committees inform the revision process? Because you
25 spoke kind of heavily about it being a collaborative

2 process. I mean I know exactly which committees were
3 solicited--

4 COMMISSIONER LA ROCCA: Sure.

5 CHAIRPERSON CORNEGY: --in order to
6 participate.

7 COMMISSIONER LA ROCCA: So, it is the
8 Plumbing, the Technical Committee and that sits and
9 reviews the documents prepared by the department
10 staff, and so that Technical Committee, the Plumbing
11 Committee reviews line by line the changes that are
12 being, um, made initially from the, um, from the 2015
13 IPC to our existing code, and from there we begin a
14 review again of line-by-line and suggestions are made
15 by committee members for additions or clarifications
16 or in some cases removal of items specific to the--the
17 subject at hand. From there that document is then
18 once completed reviewed by our Managing Committee.
19 Excuse me. Thank you. And our Managing Committee
20 again by consensus supports the document that the
21 Technical Committee has produced.

22 CHAIRPERSON CORNEGY: So, were there
23 other groups or stakeholder that were invited to
24 participate?

2 COMMISSIONER LA ROCCA: So, our committee
3 process is open to, um, to any interested parties.
4 At the beginning of the code revision process, we
5 seek through our, um, through our-our established
6 connections with industry and other stakeholders an
7 opportunity for new members to sit on our committee.
8 So we actually have an application on our website
9 where we seek for—seek new members or committees to
10 apply to be on that committee, and they, of course,
11 have to demonstrate a technical proficiency or a
12 connection to the specific trade or discipline that
13 they are seeking to be part of, and again, there are
14 14 committees that—that touch upon all of the work
15 across the Construction Code revision process.

16 CHAIRPERSON CORNEGY: And just lastly on
17 this code revision, how often did the various
18 committees actually meet?

19 COMMISSIONER LA ROCCA: You know, I have
20 to get back to you on the exact number of meetings,
21 but for the plumbing specific work that was the basis
22 of the bill before the committee, we have in excess
23 of 7,000 hours of time that committee members have
24 dedicated because these are unpaid positions to that

2 process. So, we'll come back to you with the exact
3 number of committee meetings.

4 CHAIRPERSON CORNEGY: So, that actually
5 completes my first round of questions. I'm going to
6 defer to some of mine colleagues who—who this is a
7 very busy and active legislative day. So, I'm going
8 to let my colleagues ask their questions starting with
9 Barry Grodenchik from the great borough of Queens.

10 COUNCIL MEMBER GRODENCHIK: And don't you
11 forget that lots of birds in Queens. Commissioner,
12 good to see you. We miss you at SCA but life goes
13 on.

14 COMMISSIONER LA ROCCA: Life does go on.

15 COUNCIL MEMBER GRODENCHIK: How long, if
16 we approve this legislation on the plumbing, how long
17 before it gets implemented in total, do you estimate.

18 COMMISSIONER LA ROCCA: So, this Plumbing
19 Code will not be implemented until the remainder of
20 the Construction Codes are heard and approved by this
21 Council, and so we expect that the remainder of the
22 codes will, um, be before the Council in 2020, the
23 last of which is the Electrical Code in terms of
24 order.

2 COUNCIL MEMBER GRODENCHIK: And after we
3 all get together and we have our Kumbaya moment on
4 all these code updates, how long do you think it will
5 take to—for your department to implement it?

6 COMMISSIONER LA ROCCA: It takes about a
7 year, and in that process remember so we've gone
8 through a very robust collaborative process where
9 we've invited stakeholders who are directly related
10 to the industries at hand, and the specific trades at
11 hand as well as the broader community. However, our
12 engagement does not stop at the committee level. It
13 continues after approval by the Council to ensure
14 that each member of the—of the broader universe is
15 aware of changes that have been made, and so we will
16 be continuing our outreach effort after.

17 COUNCIL MEMBER GRODENCHIK: Okay, thank
18 you very much, Mr. Chairman. Thank you,
19 Commissioner.

20 COMMISSIONER LA ROCAA: Thank you.

21 CHAIRPERSON CORNEGY: Thank you, Council
22 Member. If there's no questions—no more questions on
23 the Plumbing Code, I'm going to get to apparently
24 while we're all here bird-friendly glass. Would
25

2 buildings making alterations under LL97-2019 fall
3 under these sections of the code?

4 COMMISSIONER LA ROCCA: Sorry. Say that
5 question one more time.

6 CHAIRPERSON CORNEGY: Would-would
7 buildings making alterations under, um, under this
8 legislation fall under these sections of the code?

9 COMMISSIONER LA ROCCA: Section 27?

10 CHAIRPERSON CORNEGY: Yes.

11 COMMISSIONER LA ROCCA: Yes. So, um, the
12 sections you're referring to are the provisions in
13 the code that were-that correspond back to the 1968
14 Code and oversee the-the-the triggers for the
15 alterations of buildings that comply with that
16 building code. So, we do expect that some buildings
17 may fall under that, but as we read the legislation,
18 we understand it to impact, um, certainly new
19 buildings that are coming along, and we do expect
20 that a portion of existing buildings will be covered
21 and certainly if there is a different intention, we'd
22 be happy to work with the Council and Committee on-on
23 striking that balance.

24

25

2 CHAIRPERSON CORNEGY: Well, I-I guess for
3 me is there way to estimate the amount of buildings
4 that would be affected by this new law?

5 COMMISSIONER LA ROCCA: With respect to
6 the specific provision you spoke about, certainly a
7 number of buildings that are seeking alterations
8 typically in Alteration 2 are doing so under the 68
9 Code as they're existing buildings that-that are
10 applicable to that code. So, it would be hard to say
11 of that universe of which it would be a significant
12 number how many would be required because of this,
13 but let us look-look at that a little more and see if
14 we can get you a better sense of-of universe there.

15 CHAIRPERSON CORNEGY: And then I'm just
16 curious. Is there a way to estimate the-the cost of
17 these alterations? Obviously, it's built in new
18 construction, it will be built in that cost, but
19 these alterations is there any way to estimate the
20 cost?

21 COMMISSIONER LA ROCCA: The cost specific
22 to the incremental change for this type of glass or
23 across the board?

24 CHAIRPERSON CORNEGY: Across the board.

2 COMMISSIONER LA ROCCA: We can go back
3 and look at the numbers. Applicants are required to
4 provide a cost for the—for the project. So, we can
5 go back and see if we can pull that information.

6 CHAIRPERSON CORNEGY: And I would just
7 suggest from a DOB standpoint that we have an
8 opportunity there in these alterations to bring in
9 MWBE companies, and I would strongly suggest that
10 that's a process that we look at. So, there's an
11 opportunity for obviously revenue to be generated in
12 these alterations. I would just really like to
13 employ the Department of Buildings to be very
14 aggressive to in trying to solicit for—to
15 participate—participation of MWBE companies in the
16 city.

17 COMMISSIONER LA ROCCA: We certainly
18 agree. Where the department can we want to grow our
19 supportive MWBE firms.

20 CHAIRPERSON CORNEGY: So, we've been
21 joined by Council Member Helen Rosenthal from the
22 great Borough of Manhattan. The bill's sponsor has a
23 question, Rafael Espinal

2 COUNCIL MEMBER ESPINAL: I'm not going to
3 test my luck too much. I'm glad to hear that you're
4 on board, but I'm going to push a little bit further.

5 COMMISSIONER LA ROCCA: Okay.

6 COUNCIL MEMBER ESPINAL: To my knowledge,
7 there's a special film that developers can put on
8 their glass without making any real retrofit or do
9 any retrofit work. Are you aware of that film that
10 exists?

11 COMMISSIONER LA ROCCA: I'm not aware of
12 the specific film that you're referring to. I am
13 aware conceptually that some folks have raised this
14 as a possibility.

15 COUNCIL MEMBER ESPINAL: Would—would
16 applying that type of film potentially would require—
17 would it require potentially DOB permits of any sort?

18 COMMISSIONER LA ROCCA: Again, not being
19 specific with the exact one that you're speaking of I
20 would say it is unlikely.

21 COUNCIL MEMBER ESPINAL: Okay. Alright,
22 I—I guess I'll ask some of the folks testifying on
23 those specific questions, but I only ask because I'm
24 toying with the idea that if this film is low cost,
25 potentially requiring it on some retrofits on

2 buildings that potentially may be something that will
3 work in the future.

4 CHAIRPERSON CORNEGY: So, so, staying
5 with Council Member Espinal's line of questioning,
6 what-what are other alternative bird-friendly
7 measures that can be implement besides just solely
8 installing bird-friendly glass?

9 COMMISSIONER LA ROCCA: I think that is a
10 very good question. That is a question that I
11 probably don't have a good answer for. So, I would
12 say this: The Council-the department is supportive
13 of the goals the Council is seeking to address with
14 this bill. So, where we can the department would
15 like to work with the Council to ensure that whatever
16 version of the bill should move forward if it must-if
17 it does, that we are in a position where we can
18 implement the goals and-and achieve such goals and-
19 and making sure that we are working with our partners
20 in the industry and broadly to ensure that this is
21 actionable.

22 CHAIRPERSON CORNEGY: So, to your
23 knowledge, are there any buildings in New York City
24 that have already implemented bird-friendly measures,
25 and if so, what was the outcome?

2 COMMISSIONER LA ROCCA: So, the
3 department when we are going through our plan review
4 process are looking at exteriors of all types of
5 building and we are doing so—typically, we're looking
6 for items like sustainability measures and conforming
7 with certain performance standards that the
8 department expects. We do not look for the specific
9 threat count for a window. However, that being said,
10 we are aware of—of a renovation recently that did
11 install bird-friendly glass at the Javits Center, and
12 so I think that we are aware of that. I'm not aware
13 of a specific outcome following that installation of
14 that glass.

15 CHAIRPERSON CORNEGY: So, unfortunately
16 for us at the Council we produce many very laudable
17 bills, and on the flip side, the enforcement portion
18 of that becomes an issue. Do you foresee any
19 enforcement issues with this bill?

20 COMMISSIONER LA ROCCA: Let us work
21 together on how the language will take place. I
22 think it's a little too early to determine what
23 enforcement actions are needed. So, let us work
24 together and ensure that ultimately again as we are
25 supportive of the goal behind the bill that we're in

2 a position where we can effectuate whatever change it
3 is that we're required to do.

4 CHAIRPERSON CORNEGY: I bring that up
5 because I really would like to work with the bill's
6 sponsor and DOB to make sure that we can mitigate
7 the, um, any enforcement issues at the end because
8 again, I-I-I will illustrate that we've produced in
9 my tenure here probably some of the most laudable
10 sustainable bills in the nation, and are faced with
11 having to address them on the opposite end two years
12 later from an enforcement standpoint, and I thin that
13 if we address it up front, we may find a way to
14 mitigate some of what we find happens after bills
15 have been-been implemented. So, I'd really like to
16 be able to do that with the bill's sponsor and the
17 DOB from the committee-from the Committee Chair
18 perspective.

19 COMMISSIONER LA ROCCA: We would greatly
20 appreciate that and I certainly will make any-any,
21 um, number of my staff available. We have competent
22 skilled professionals who would be happy to
23 participate in that.

24 CHAIRPERSON CORNEGY: Thank you. Helen
25 Rosenthal.

2 COUNCIL MEMBER ROSENTHAL: Thank you so
3 much Chair. Just a quick question and suggestion for
4 the bill's sponsor and for the Department of
5 Buildings. I'm very proud to be a co-sponsor of
6 1482-A and I really thank the leadership at DOB for
7 their support. One idea and I don't know how this
8 would be effectuated, but is to find a way to
9 immediately address buildings that have a high
10 incidence of—of birds hitting windows and dying, and
11 I have such a building in my district—right outside
12 of my district, and every day birds are found on the
13 streets right around the building. So, I'm wondering
14 if there could be some sort of complaint driven
15 system where people could call in. There would be a
16 mechanism for people to call in and identify such
17 locations, and upon, you know, maybe some sort of
18 validation by DOB that those buildings would be
19 required to put up a film or, you know, whatever
20 treatment could be done pretty—that's pretty readily
21 available.

22 COMMISSIONER LA ROCCA: Again, we're—we
23 are supportive of the goal that the Council is
24 striving to achieve with this legislation. How the
25 legislation ultimately takes shape, and what the role

2 the department will have in the enforcement and in
3 other areas in that legislation. Let us work
4 together. With respect to a specific complaint
5 driven system, I'm certainly open to it. Let's look
6 at whether the department is the right holder of that
7 versus another agency, but certainly again we are
8 supportive of the--of the goal that the Council is
9 striving to achieve, and we will work with you in
10 order to ensure that the department is able to meet
11 our--our goals here.

12 COUNCIL MEMBER ROSENTHAL: Thank you so
13 much, and Commissioner, this is the first time I'
14 seeing you at a hearing. Welcome.

15 COMMISSIONER LA ROCCA: Thank you.

16 COUNCIL MEMBER ROSENTHAL: Really excited
17 to have you at Department of Buildings

18 COMMISSIONER LA ROCCA: Thank you.

19 COUNCIL MEMBER ROSENTHAL: Thank you,
20 Chair.

21 CHAIRPERSON CORNEGY: So, just--I would
22 like to kind of stick on Council Member Rosen--
23 Rosenthal's point. Currently, who, if anyone, or
24 where if any place are incidents by building owners,
25 developers and and/or tenants reporting?

2 COMMISSIONER LA ROCCA: With respect to?

3 CHAIRPERSON CORNEGY: Um, um, bird
4 incidents.

5 COMMISSIONER LA ROCCA: You know, I-I
6 don't know of a--of a system that handles that type of
7 complaint. I, you know, I don't know. We can look
8 into it.

9 CHAIRPERSON CORNEGY: Yeah, I'd-I'd be--
10 I'd be interested to find out if people are reporting
11 incidences to 311 or if there's a catchment system in
12 place already, and if so, what it is because I'm
13 wondering if a tenant or building owner recognizes an
14 incidence, whether it's consistent or not right. So,
15 obviously we've identified that there is a flight
16 pattern, which I didn't know. My 12-year-old twins
17 probably could have told me that, but I-I didn't know
18 that personally that there--that they're, you know,
19 New York is in a flight path. Um, how many--how are
20 we capturing the data around how many incidents take
21 place per year, and who's reporting and to where are
22 they reporting it?

23 COMMISSIONER LA ROCCA: Both you and
24 Council Member Rosenthal raised a very good point,
25 and so again, we'll--we'll commit. I will commit my

2 department to work with the Council on—on how we can
3 effectuate the goals that you're striving to meet
4 here and—and where the department's role should be,
5 and ensuring that we're ready and able to do that.

6 CHAIRPERSON CORNEGY: Obviously, the goal
7 of this very laudable bill is to either reduce or
8 actually eliminate these incidences. I don't know how
9 I could statistically substantiate any reduction if
10 there's not a system that is in place to report it.
11 So, I'd certainly like to work with the bill's
12 sponsor, and DOB to try to find a system that allows
13 us to—there's a—there's portion for testimony and I
14 hope you've signed up and you can answer those
15 questions if you're—if you're an advocate. So, are
16 there any more questions by my colleagues? I
17 actually don't have any more questions. I can't
18 guarantee that all our interaction will be this
19 pleasurable. [laughter] I just want to say that
20 upfront.

21 COMMISSIONER LA ROCCA: Yes, that's that.

22 CHAIRPERSON CORNEGY: But—but thank you
23 so much for your testimony.

24 COMMISSIONER LA ROCCA: Thank you very
25 much. [background comments/pause]

2 CHAIRPERSON CORNEGY: We're going to call
3 the first panel. Thank you so much, Commissioner.
4 Adam Vincent, Elias Markee Ratner, and John Dean are
5 our first panel. If your name has been called, pleas
6 report to the—to testify at the bench. I understand
7 that our first panel is a group of students, which
8 I'm excited about hearing from. I would like to
9 remind you and their parents that they are on the
10 two-minute time clock [background comments/laughter]
11 as cute as they are [laughter] it's still two
12 minutes. [background comments/pause] So, students, I
13 ask before you begin your testimony that you state
14 your name, first and last name for the record. You
15 can begin whenever you'd like.

16 ADAM VINCENT: Hi. My name is Adam
17 Vincent. I'm Adam Vincent.

18 CHAIRPERSON CORNEGY: Adam, can I ask you
19 to just speak a little bit louder so that we can hear
20 you?

21 ADAM VINCENT: My name is Adam Vincent.

22 JOHN DEAN: My name is John Dean.

23 ELIAS MARKKEE RATNER: My name is Elias
24 Markee Ratner.

2 CHAIRPERSON CORNEGY: You can begin your
3 testimony.

4 ADAM VINCENT: Okay.

5 CHAIRPERSON CORNEGY: Adam.

6 ADAM VINCENT: Hi, my name is Adam
7 Vincent. I live in District 4 and I'm junior at
8 Eleanor Roosevelt High School in Manhattan. I'm the
9 founder of my school's Naturalists Club, a member of
10 the New York State Young Brothers Club and I'm also a
11 volunteer with New York city Audubon, their Project
12 Safe Life program to monitor migratory birds and
13 window collisions. I also volunteer at the Wild Bird
14 Fund, New York City's only wildlife rehabilitation
15 center for birds. Help birds that migrate through our
16 city is incredibly important, and I'm speaking here
17 today to encourage you to vote in favor of Law Intro
18 1482-A. I have seen with my own eyes the
19 consequences that glass window collision have on
20 migratory birds. I hope the City Council takes this
21 bill seriously. It's a small measure that could help
22 our planet a lot. New York City is an incredible
23 important—incredibly important spot on the eastern
24 Flyaway bird migration. Twice a year millions of
25 bird fly through the city, and while New York is an

2 incredibly important place, it's also incredibly
3 dangerous for bird. In Manhattan both Central Park
4 and Bryant Park, which are major bird spots are
5 completely surrounded by glass windows-buildings.
6 When the birds hit the windows they often die in
7 especially painful and grotesque ways from sparrows,
8 wood thrushes, and yellow bird sap suckers with their
9 necks snapped. Unfortunately, they were the lucky
10 ones. Other bird often have their beaks snapped and
11 gain internal injuries that have eventually kill
12 them. Most birds that survive the initial strike
13 often die within a month. When I volunteer a the
14 Wild Bird Fund, I often feed the migratory birds.
15 One day I found one of them a Brown Creeper dead. I
16 had struck a window and died the next day. Brown
17 Creepers are incredibly tiny, fragile and unique
18 birds. So, seeing one dead was deeply depressing.
19 This year, I made a petition at my school supporting
20 bird life strike legislation. Over 170 Eleanor
21 Roosevelt students signed including most of my grade.
22 I also created an online version of the petition,
23 which quickly got another 259 signatures. I hope
24 this response demonstrates to you that when people
25 are made aware of the consequences of poorly designed

2 glass windowed buildings, they care and want to see
3 change. Birds mean a lot to me, and my interest in
4 them has made my life better. Now is my time to give
5 back to them. I ask all of you to support this bill
6 as it—there is no good reason that you shouldn't. If
7 the bill passes, nobody gets hurt, and the birds who
8 just desperately need our help are supported.

9 CHAIRPERSON CORNEGY: So, thank, you,
10 Adam. I'm just going to ask for the first time
11 probably in Council Member history that you actually
12 state your age as well.

13 ADAM VINCENT: I'm 16.

14 CHAIRPERSON CORNEGY: Thank you.

15 JOHN DEAN: My name John Dean and I'm 11
16 years old.

17 CHAIRPERSON CORNEGY: No, John, you have
18 to...

19 JOHN DEAN: Oh, yeah. My name is John Dean
20 and I'm 11 years old. For my whole life I've called
21 New York City my home. I've always been passionate
22 about birds watching them in urban parks every—
23 whenever I get the chance. For a while I've also
24 been aware of the migratory birds that die each year
25 in our city from colliding with glass windows. When

2 I was in third-third grade, I wrote a letter to Mayor
3 de Blasio requesting that less tall buildings are
4 constructed in New York City to reduce migratory bird
5 deaths, but today using modern technology, we have
6 the ability to make a compromise. The Bird Safe
7 Building Act would preserve populations of migratory
8 birds while allowing developers to build high-rises,
9 but there are other reasons why we should protect
10 birds. They have taught us so much over the years.
11 Travelers lost in a dessert used to follow bird to
12 find water. More recently, high tech drones have
13 been modeled after the flight of birds. The Wright
14 Brothers even designed the first successful airplane
15 to mimic aspects of avian flight. Birds have helped
16 and to continue to help us throughout history and in
17 current times. During the world's wars—the World—the
18 wars of World War I and II pigeons were used to
19 deliver messages to soldiers across enemy lines. One
20 particular pigeon named Cher Ami, French for dear
21 friend was awarded the Dicken Medal for her bravery
22 in World War II. In 1848, settlers in the state of
23 Utah's crops were being devoured by a cricket plague
24 but huge flocks of California gull devoured the
25 insects saving the lives of many. Today vultures eat

2 dead animal carcasses preventing the spread of deadly
3 diseases. In the past there have been consequences
4 when bird species-- [bell]

5 CHAIRPERSON CORNEGY: Please continue.

6 JOHN DEAN: --were threatened by humans.

7 In China during the late 1950s and early 1960s, the
8 Chinese government started the Four Pest Campaign.
9 One of the targeted animal was the Eurasian Tree
10 Sparrow. Across China millions of sparrows were
11 killed because there were believed to eat crops. The
12 sparrow population was greatly diminished allowing
13 the populations of their main prey, caterpillars to
14 increase dramatically and consume much of the crops
15 in China. This is one of the main contributing
16 factors to the Great Chinese Famine. If-if the bird
17 safe building law is passed, it will not only be a
18 win for bird, but a win for people, too.

19 ELIAS MARKEE RATNER: My name is Elias
20 Markee Ratner and I'm in the fourth grade at a public
21 school in the East Village. I love birds. I've been
22 studying them and birding since kindergarten. It's
23 really important to me to save birds from the threats
24 we've put in their way. Many kids my age have never
25 held a bird live or dead. I've been lucky enough to

1 hold many live birds, but I've head even more dead
2 ones and very time it makes me sad. The reason I do
3 this is because I work as a volunteer with New York
4 City Audubon's Project Safe Flight. We monitor
5 dangerous buildings where birds collide with windows,
6 and hopefully help to end this problem. Here is what
7 I've seen as a Project Safe Flight volunteer. This
8 past weekend in the Wall Street area, we monitored
9 six tall buildings that are dangerous to birds. In
10 the space of 45 minutes we found four victims, two
11 dead and two badly injured and dying. These included
12 beautiful migrating song birds like the Chestnut-
13 Sided Warbler, Black and White Warbler and Black and
14 White Warbler. Sorry. I also saw an injured Common
15 Yellow Throat that had just bounced off a large
16 mirrored glass window, and that was only one morning
17 at a handful of buildings. Imagine hundreds of
18 thousands of birds that are killed or injured every
19 year in New York City after colliding with buildings
20 that have unsafe windows. Before I started
21 volunteering, I thought the idea of these beautiful
22 birds hitting windows and dying was terrible, but
23 actually missing it is 10 times worse. I volunteer
24 with Project Safe Flight to help birds thrive and
25

2 survive and that where you can help us. Please pass
3 the bird-friendly glass bill. Thank you. [bell]

4 CHAIRPERSON CORNEGY: Thank you. Dad,
5 are you there for moral support or to offer
6 testimony?

7 MALE SPEAKER: Moral support.

8 CHAIRPERSON CORNEGY: Thank you, um, so,
9 I'm aware acutely that the Torah, the Bible, the
10 Koran always have—all have references to being led by
11 children, and the importance of listening to the
12 voice of children. I want to thank you for your
13 testimony offered here today, and it gives me and the
14 members of our community a great opportunity to hear
15 a perspective of the future and not be regimented in
16 what's happening today. So, I want to thank you all
17 for your testimony and let you know that it really
18 means a lot to this Council for you to spend your
19 time here giving testimony. Thank you. Any, any
20 comments?

21 COUNCIL MEMBER RIVERA: Hi.

22 CHAIRPERSON CORNEGY: Let me just say
23 we've been joined by Council Member Carlina Rivera
24 from the great Borough of Manhattan.

2 COUNCIL MEMBER RIVERA: Thank you, you go
3 to school in the East Village, right.

4 ELIAS MARKEE RATNER: Yes.

5 COUNCIL MEMBER RIVERA: Which School?

6 ELIAS MARKEE RATNER: East Village
7 Community School.

8 COUNCIL MEMBER RIVERA: That's a great
9 school. It happens to be in my district. [background
10 comments] So, and—and the other—you're—you're all
11 incredible, and I just want to thank you. This is a
12 really important piece of legislation. Is this the
13 letter that you wrote de Blasio?

14 ELIAS MARKEE RATNER: Yes.

15 COUNCIL MEMBER RIVERA: It's very good. I
16 agree, pigeons are not as bad as he thinks they are.
17 [laughter]

18 CHAIRPERSON CORNEGY: Actually, I think
19 I'm going to sign onto that letter.

20 COUNCIL MEMBER RIVERA: Yeah, this is a
21 good letter, and I just wanted to tell you I'm a
22 Council Member that maybe has more birds legislation
23 than any other Council Member, and I'm really excited
24 to work with you if you can stay in touch with my
25 office because I think you're great advocates, and I

2 wanted to tell you that I am supporting and--and
3 really excited to pass it along with the Council
4 Members. Thank you.

5 CHAIRPERSON CORNEGY: Thank you. We're
6 going to call the next panel. Thank you for your
7 testimony. George Bassolino/Arthur Goldstein.

8 [background comments] Okay, Abosco. This panel is
9 more related to the Plumbing Code. Dorothy
10 Massarella, David Balken, and Phillip Parisi, Jr.

11 [background comments/pause] Again, I ask before you
12 being your testimony, that you state your name in its
13 entirety for the record. We can begin wherever you'd
14 like. I believe that chivalry suggests, but I can't
15 tell you what to do.

16 DOTTIE MASSARELLA: Let's see.

17 CHAIRPERSON CORNEGY: Thank you.

18 DOTTIE MASSARELLA: Good morning--

19 CHAIRPERSON CORNEGY: Good morning.

20 DOTTIE MASSARELLA: Chairman, members and
21 staff of the City Council Committee on Housing and
22 Buildings. My name is Dottie Masarealla. I'm the
23 Vice President of Government Relations for the
24 International Code Council or ICC. The ICC is a
25 member focused association dedicated to helping the

2 building community provide safe, resilient and
3 sustainable construction through the development and
4 use of model codes, called International Codes and
5 standards used in the design, construction and
6 compliance process. Most U.S. States and
7 communities, federal agencies and many global markets
8 choose the I-Codes to set the standards for
9 regulating construction, plumbing and sanitation,
10 fire prevention and urging conservation in the built
11 environment. I appreciate the opportunity to submit
12 testimony in support of the Intro 1481 to update the
13 New York City Plumbing Code to the 2015 International
14 Plumbing Code or IPC with amendments that reflect the
15 unique character of the city. As the Commissioner
16 mentioned the I-Codes are currently adopted to the
17 state or local level in all 50 states, New York City,
18 the District of Columbia, Gwam, the Northern Marianna
19 Island, the U.S. Virgin Islands and Puerto Rico. The
20 I-Codes are also used internationally in the
21 Caribbean, Central America, the Middle East, Georgia
22 and Mexico. The International Funding Code, which
23 Intro 481 is based upon is in use or adopted in the
24 35 states, New York City, the District of Columbia,
25 Guam, Puerto Rico, Trinidad and Tobago, the Cayman

2 Islands and Columbia. The I-Codes are revised and
3 updated every three years by a national consensus
4 process that strikes a balance between the latest
5 technology and new building products, economic and
6 costs while providing for the most recent advances in
7 public and first responder safety and installation
8 techniques. The I-Codes are correlated to work
9 together without conflicts to eliminate confusion in
10 building design or in consistent code enforcement
11 among different jurisdictions. The ICC Code
12 development process is open, inclusive and encourages
13 input from all individuals and groups and allows for
14 those governmental members including representatives
15 from New York City to determine the final code
16 provision. I am very pleased that several New York
17 City building and Fire Department staff and other
18 organizations in the city [bell] participated at the
19 most recent hearings, and I guess you can read the
20 rest. [laughs]

21 CHAIRPERSON CORNEGY: I-I-I will let you
22 complete your testimony but I am asking that if
23 you're in favor of it, it you be a little bit more
24 concise going forward.

25 DOTTIE MASSARELLA: Absolutely.

2 CHAIRPERSON CORNEGY: Not you
3 particularly, but just as we go forward we have a few
4 panels that we'd like to get to. So, please
5 complete.

6 DOTTIE MASSARELLA: Okay, sure. So, the
7 current New York City Construction Codes and other
8 local laws have been incorporated into the 2015 I-
9 Codes, which includes the 2015 2015 IPC. This
10 involvement and participation by personnel from the
11 Department of Buildings is critical to the success of
12 future versions of the I-Code. The technical and
13 practical expertise of New York City building and
14 fire officials, design professionals, builders,
15 contractors, labor representatives and all
16 organizations interested in building safety are vital
17 to your adoption efforts as well as ours. New York
18 City is one of many jurisdictions that value-values
19 public and first responder safety and the protection
20 of our built environment by updating plumbing,
21 building, fire and energy codes By regularly
22 updating your construction codes, the city provides
23 the safest and economically prudent climate for its
24 citizens since it will allow for the use of new
25 construction standards and methods. Accordingly,

2 Intro 1481 will update the city's Plumbing Code to
3 reflect recent building, safety and efficiency
4 standards developed by the nation's leading building,
5 plumbing, fire department, building officials,
6 scientists, builders, general and plumbing
7 contractors, architects, engineers, product
8 manufactures and disciplines specific associations
9 with those modifications unique to the city. I would
10 just like to thank you for the opportunity and
11 continue our partnership working together.

12 CHAIRPERSON CORNEGY: Thank you. Ms.
13 Massarella, I would like to say for the record and
14 for future reference that millennial font single
15 space is murder for us [laughter] for those of us who
16 would like to follow along.

17 DOTTIE MASSARELLA: No, I [laughter] I
18 know.

19 CHAIRPERSON CORNEGY: So, please—please
20 have that recorded in the record so that—

21 DOTTIE MASSARELLA: This is what it needs
22 for you.

23 CHAIRPERSON CORNEGY: No, I know what
24 you—I know what you did, but [laughter] just for the—
25 for future reference the Millennnial Font, I have

2 respect for Millennials and the single space is
3 murder for us who would like to follow along.

4 DOTTIE MASSARELLA: Yes.

5 CHAIRPERSON CORNEGY: Thank you, though.

6 PHIL PARISI: Good morning Council. My
7 name is Phil Parisi. I'm here to support Intro 1481,
8 the proposed update Plumbing Code for the city of New
9 York. I'm an Associate Principal and head of
10 Plumbing and fire Protection with MG Engineering, and
11 currently the Chair of the New York City Code
12 Revision Plumbing Technical Committee, a member of
13 the Committee New York City Code Managing Committee
14 and a member of the Licensed Master Plumber-Masters
15 Fire Suppression Contractors Licensing Board. During
16 the previous code revision cycles, which began in
17 2006, I participated as a technical committee member
18 and in 2011 participated as the co-chair of the New
19 York City Code Revision Plumbing Technical Committee
20 along with numerous other members. Both of these
21 efforts resulted in the 2008 and subsequently the
22 2014 New York City Plumbing Code. Over the last 12
23 years the committee comprised mostly of volunteers to
24 prominent building staff and other city agencies have
25 worked together to adapt the 2003 International

2 Plumbing Code to meet the special needs in New York
3 City and then update the former 2008 New York City
4 Plumbing Code to meet—to be further in line with the
5 2009 International Plumbing Code resulting in the
6 2014 New York City Plumbing Code, which is currently
7 in place today. Similarly, to previous years, the
8 goal of New York City Department of Buildings and the
9 industry as a whole is to maintain a similar revision
10 cycle as the International Code Council maintaining
11 the high quality and keeping up with the latest
12 industry technology and practices. For the past 12
13 years I've been part of this code revision process.
14 The time and effort put into the New York City based
15 on consent, feedback and other industry
16 professionals, and community response. I've found
17 that the Plumbing Code simplified is easier to apply
18 in practice while maintaining [bell] quality
19 standards. Continue?

20 CHAIRPERSON CORNEGY: I'd like to hear
21 some of, you've—you've indicated some highlights. If
22 you could just hit those highlights for me that would
23 be fine.

24 PHIL PARISI: Oh, highlights. Um, the
25 Plumbing Technical Committee kicked off in July 2017

2 comprised of 45 members. We've spent over two years ,
3 200 hours in committee meetings alone, approximately
4 four meetings so far, which are comprised of the New
5 York City Plumbing Code as well as the Fuel Gas Code,
6 although it's not part of this Intro. Um, and we've
7 engaged in implementing changes that would improve
8 the significant New York City Construction Codes
9 removing the ambiguity and improve the safety and
10 performance of new and existing buildings. Some
11 highlights. We've added and refined the definitions
12 within the code to better reflect today's technology
13 and terminology as well as coordinated with the New
14 York City D&P and Subsurface Plumbers Association to
15 align with building, drain and sewer technology-
16 terminology. We've coordinated multiple sections
17 among the administrative sections for licensing,
18 plumbing, fuel, gas and fire codes to simplify and
19 make them consistent across the Construction Codes.
20 Significant Achievement (coughs) was the creation of
21 Chapter 14, Subsurface Landscape and Irrigation
22 Systems, which is new, aligns the standards with the
23 industry and New York City DEP for discharge of storm
24 water to subsurface irrigation systems. The majority
25 of the effort was put to minor revisions to

2 incorporate safety requirements, alignment with the
3 New York City Energy Code, alignment with tech-
4 technical bulletins issued by the DOB, materials or
5 piping assessing the method of support of piping and
6 required testing for plumbing systems. Another
7 significant achievement was the coordination with the
8 DEP Retention Facility Requirements, and the detailed
9 diagrams for clarity and to eliminate conflicts,
10 which may have exist-existed in previous during the
11 design and approval process of site connections.

12 CHAIRPERSON CORNEGY: So, Mr. Parisi, I
13 thought that it was important to have those
14 highlights read into the record--

15 PHIL PARISI: Uh-hm.

16 CHAIRPERSON CORNEGY: --because I know the
17 amount of work that was put into doing as such. I
18 want to—I want to thank you and I extended the time
19 because I thought it was important for that to be
20 entered into record not only in your written
21 testimony but to be heard.

22 PHIL PARISI: Yes.

23 CHAIRPERSON CORNEGY: I want—I want—I
24 just want to thank you for that.

25 PHIL PARISI: Thank you.

2 CHAIRPERSON CORNEGY: Yes, sir.

3 DAVID BALKAN: My name is [coughs] David
4 Balkan. I'm the Vice President of the New York City
5 Subsurface Plumbers Association. I'm here to speak
6 about Intro 1481, which is an all-encompassing
7 document updating the New York City Plumbing Code. In
8 this association's previous response to Intro 1481 we
9 had stated serious concerns about the proposed change
10 and the definition of the building drain. Our
11 concerns included creating an overlapping and
12 confusing inspection process overseen by both the DEP
13 and the DOB . This confusion would have been brought
14 about by extending the definition of the building
15 drain to the property line. It will have also
16 resulted in needless additional charges of
17 approximately \$5,900 to any property owner who
18 required household work. More seriously, was the
19 very real potential for both bodily injury and
20 property damage due to excavations having to be left
21 open. I'm pleased to report our above concerns have
22 been appreciated and fully addressed by both the DOB
23 and the DEP. The new definition of the building
24 drain as proposed now is defined as ending at the
25 outside of the foundation wall as opposed to at the

2 property line of a premise. This simple and logical
3 change in wording will save New York City property
4 owners thousands of dollars, and will eliminate the
5 potential of open excavations causing bodily injury
6 and property damage. The process that resulted in
7 this very positive change in the definition of a
8 building drain was seamless, and the industry's
9 concerns were treated a meaningful. On behalf of my
10 industry or my association, I would like to state
11 that taking part in Intro 1481 was quite a pleasant
12 experience. It is refreshing when government and
13 industry can work together for the common good. I
14 would like to thank all of those that took part in
15 producing Intro 1481 [bell] for your considerable
16 time and effort.

17 CHAIRPERSON CORNEGY: Are you answering
18 this testimony not under duress? [laughter]

19 DAVID BALKAN: Not at all.

20 CHAIRPERSON CORNEGY: I'm just kidding.
21 [laughter] Thank you.

22 DAVID BALKAN: You're welcome.

23 CHAIRPERSON CORNEGY: I'm sorry. George
24 Bassolino (sp?) has arrived. If you can just join us
25 please. I'm sorry. Please.

2 ED BOSCO: Go ahead?

3 CHAIRPERSON CORNEGY: Yes.

4 ED BOSCO: Ed Bosco. I'm a licensed
5 professional Engineer and Managing Principal of M-E
6 Engineers. It's a New York City firm with offices
7 around the country. I'm also the Vice Chair of the
8 American Council of Engineering Companies, and I've
9 been a member of the HVAC Boiler and Technical
10 Committee that's developed the other sections of the
11 codes that complement what Mr. Parisi has done. On
12 behalf to the American Council of Engineering
13 Companies of New York, I'd like to thank Chairman
14 Cornegy and the members of the Committee for their
15 efforts over the years to update the city's
16 Construction Codes. We had testified in support of
17 Intro 1481, which proposed revisions to update the
18 New York City Plumbing Code. Founded in 1921, ACC
19 New York is one of the oldest continuing
20 organizations of professional consulting engineers in
21 the U.S. We represent close to 300 consulting
22 engineering and affiliate firms throughout New York
23 State with a concentration in New York City. Our
24 members plan and design the structural, mechanical
25 and electrical, plumbing, civil, environmental fire

1 protection and technology systems for the city's
2 buildings and infrastructure. Over the years hundreds
3 of ACC New York members have donated countless hours
4 to chairing and serving on the technical committees
5 convened by the DOB to assist with the revision of
6 the city's Construction Codes. The technical
7 committees work closely with DOB and the construction
8 community to address issues associated with the
9 adoption of IPC for use in New York City. We thank
10 the—we thank the DOB for this high level of
11 collaboration and for continuously improving on the
12 process for updating the Construction Codes based on
13 industry feedback. During the current code revision
14 cycle 120 members of the ACC New York have served on
15 the technical and managing committees, the plumbing
16 and technical committee that assisted the DOB in
17 drafting the plumbing code revision being considered
18 today as Chaired by Phil Parisi of MG Engineering.
19 He's also the Chair of the ACEC New York Plumbing
20 Code Committee. I feel old, but Phil and I have been
21 working on these codes longer than the prior panel
22 has been alive. [laughter] We—we applaud the work of
23 the DOB's Plumbing Technical Committee and understand
24 that it's a two-tiered process for further review by
25

2 a managing committee composed of representatives from
3 all sectors of industry and government. The end
4 result is truly a consensus document. Going forward
5 ACEC New York members will continue to work with
6 other DOB technical code committees and the City
7 Council to ensure that the updates reflect the on-
8 the-ground issues encountered by our engineers,
9 architects and builders every day as well as the best
10 practices for safety and sustainability. We
11 respectfully offer our support for this current round
12 of amendments, which reflect those objectives and
13 urge the Council to swiftly pass this bill.

14 CHAIRPERSON CORNEGY: Thank you so much,
15 Mr. Bosco for that. Anybody remember Evelyn Wood.

16 ED BOSCO:

17 CHAIRPERSON CORNEGY: Yeah, that was a
18 classic example. I didn't mean to age myself, but,
19 um, Evelyn Wood Speed reading.

20 ED BOSCO: I'm um, I'm 52. [laughter]

21 CHAIRPERSON CORNEGY: Thank you, than
22 you. Yes, Excellent. Thank you so much.

23 Alright. Good morning Chairman Cornergy.

24 CHAIRPERSON CORNEGY: Good morning.
25

2 GEORGE BASSOLINO: My name is George
3 Bassolino. I am the Secretary of the Master Plumbers
4 Council of the City of New York. The Master Plumbers
5 Council represents over 250 licensed master plumbers
6 throughout the city, and I'd like to say thank you
7 for giving me the opportunity to submit testimony
8 today. This current co-revision has provide the
9 Department of Buildings the opportunity to update the
10 Plumbing Code to continue to maintain the highest
11 level of public safety for the residents of New York
12 City. Most of these proposed changes are to bring us
13 in line with the 2015 International Plumbing Code.
14 While technological advances in methods and materials
15 may work in other parts of the country, they're not
16 always really for New York City, and one of the
17 primary functions of this committee was to ensure
18 that we selected only the best materials and methods.
19 Over the past two years members or our association
20 have been privileged to work with this committee. We
21 appreciate the fact that DOB has taken all of our
22 thoughts, suggestions and as you said, we've complied
23 a consensus code here. What you had before and as
24 such the Master Plumbers Council is supportive of-of
25 the bill as written. However, we realize that there

2 are many interested parties and everyone may have a
3 suggestion or a comment, and all we request is that
4 those suggestions or comments be sent back to the
5 full Plumbing Committee for consideration, and then
6 we would be happy to consider them and send them back
7 to you. The main goal of the MPC and the Council is
8 consistent. It's to first protect the public safety
9 of the residents of New York and in order to do this,
10 we need to provide them with a plumbing code that is
11 both modern, efficient and affords them the highest
12 level of public safety. Please remember that
13 plumbers are the first line of defense when it comes
14 to protecting the public's health. Thank you very
15 much for your time.

16 CHAIRPERSON CORNEGY: Thank you. The
17 only thing I'm going to request probably is that the
18 Council reconvene to talk about the enforcement
19 because usually again, you know, and thank God today
20 we're here in agreement, but we really find issues
21 around the second component to the great work that
22 the committee put in, which is the enforcement
23 component. So, it doesn't have a disproportionate a
24 negative impact on-on-on businesses and on the
25 industry. So I'd certainly like to reconvene the

2 committee at some point to discuss the enforcement
3 component to it.

4 GEORGE BASSOLINO: We agree and greatly
5 appreciate that. Thank you.

6 CHAIRPERSON CORNEGY: Thank you. We're
7 going to call the next panel. Thank you all for your
8 testimony. Stephanie Coach, Christine Sheppard,
9 Kathryn Heinz, Daniel Casselli, Georgia Silver
10 Sherman. I'm sorry, Silver Semens-Silvera Semens. I
11 apologize. [background comments/pause] As you're
12 assembling, I just ask that the-before you begin your
13 testimony that you state your name clearly for the
14 record, fist and last name. Thank you. Once you're
15 seated comfortably, you can begin your testimony at
16 any time. I generally err on the side of Chivalry,
17 but it's your panel so--[background comments/pause]

18 KATHRYN HEINZ: Last September--am I on?
19 Is this on? There we go. Last September after a day
20 of burning in Jamaica Bay, I got a real shock at the
21 shiny glass Howard Beach Station. I happened upon a
22 dozen American Red Starts, adorable little warblers
23 hitting the sidewalk. They were all dead. As I stood
24 there in semi-shock, a teary-eyed woman approached me
25 She sobbed, it's like this every day now. It's

1 horrible. Somebody ought to do something. I'm Kathryn
2 Heinz, Executive Director of New York City Audubon
3 and I'm somebody who can do something. I testify
4 today to voice New York City's Audubon's support for
5 Introduction 1482-A. As the lead bird conservation
6 organization in the community we know the threats
7 that birds face. We have been studying the negative
8 effects of habitat loss, human disturbance and now
9 climate change on birds in New York City for 40
10 years. We know that reflective glass and transparent
11 glass on buildings are the deadliest obstacles
12 migratory birds encounter here. Our team has evidence
13 that up to 230,000 birds die each year in New York
14 City along colliding with glass on buildings. This
15 is our community's sad contribution to one billion
16 birds killed by glass collisions each year across the
17 country. It is a conservation crisis. Bird safe
18 glass and bird safe design work. By 2006 the Javits
19 Center was the top bird killer in our surveys.
20 Hundreds if not thousands of birds were dying each
21 year. The 2013 Sustainability renovation there to
22 install free and no reflective glass reduced bird
23 collisions by over 90%. But that renovation is an
24 exception. Legislation is imperative to save birds
25

2 on citywide and hemispheric scales. Toronto, San
3 Francisco, San Jose, Portland already have mandates.
4 There are many others underway including in Chicago.
5 New York City should lead by doing its best. We need
6 a holistic approach to kill fewer birds. Passing
7 this legislation is part of the process. Like all of
8 you, we envision a future living, working, and
9 thriving in a more sustainable city [bell], but to be
10 truly better and environmentally embracing. The
11 definition of sustainability must include birds in
12 it. Our infrastructure mustn't kill wildlife. Thank
13 you again for the invitation to share this testimony.
14 We stand ready to provide you with data, research
15 recommendations, and stories from all across the
16 city. Thank you, Chair Cornegy, Council Members,
17 Committee Counsel for your hard work here. We look
18 forward to working with the new Commissioner Melanie
19 La Rocca to provide her with the data we do have on
20 buildings like the Javits Center. We have a tool for
21 reporting and doing scientific monitoring of
22 buildings, and we look forward to sharing that as
23 well. I've also included 20 copies of a slide show
24 for your visual pleasure, and you'll also see some

2 examples of birds safe buildings in New York City at
3 the end of that packet. Thank you.

4 CHAIRPERSON CORNEGY: So, in general, I
5 wouldn't stop you in between, but I am interested in
6 getting as much data as I can so that we can
7 demonstrate the reduction and/or elimination when it
8 takes place--

9 KATHRYN HEINZ: Yes.

10 CHAIRPERSON CORNEGY: --but we need to be
11 able to measure this right so--

12 KATHRYN HEINZ: And we do. New York City
13 Audubon has been monitoring bird collisions for a
14 number of years now since the '90s, and we have even
15 created a tool that's web based called D-Bird, where
16 a citizen can report a dead bird when they find it on
17 the street, and we do have that data and it's mapped.
18 Most of the data right now is in Manhattan, which is
19 where we've launched. The tool that it's spreading
20 out into Brooklyn, into Queens, into the Bronx and
21 into Staten Island as more and more people are using
22 it. So it's a crowd sourced tool, but we also have
23 been monitoring specific buildings. So, in the
24 example of the Javits Center, we have data,
25 scientific data of the number of bird strikes on that

2 building before the retrofit and then after, and
3 that's how we got to the 90%--

4 CHAIRPERSON CORNEGY: Thank you, thank
5 you.

6 KATHRYN HEINZ: --reduction.

7 CHAIRPERSON CORNEGY: And I respect—I
8 respect your work. I—I'd definitely like to, um, be
9 included in any demonstrations done on that—on that
10 system.

11 KATHRYN HEINZ: We'd love to.

12 CHAIRPERSON CORNEGY: I'd love to see it
13 and then and then I'd like to see what we can do as a
14 Council to potentially build that out to some degree.

15 KATHRYN HEINZ: That would be fantastic.

16 CHAIRPERSON CORNEGY: And/or educate
17 citizens about its availability.

18 KATHRYN HEINZ: Thank you.

19 CHAIRPERSON CORNEGY: Thank you.

20 DR. CHRISTINE SHEPPARD: I'm Dr.
21 Christine Sheppard Director of the Glass Collisions
22 Program for American Bird Conservancy. Thank you for
23 allowing me to testify on the behalf—in support of
24 Int 1482. I've worked full-time on glass collisions
25 since 2009, and I'm—I helped created a Lead Credit

2 for reducing bird collisions. I teach continuing ed
3 classes to architects for AIA and Lead credit. I
4 authored ABC's publication for trendy building
5 design. Most especially, I work on developing the
6 science behind solutions to collisions. Um, I
7 developed a system for glass rating out in
8 Pennsylvania so that we can compare one type of
9 material with another in terms of how effective it is
10 in reducing collisions. I worked with a number of
11 glass companies and encouraging them to increase the
12 number of materials for doing bird-friendly design.
13 So the situation these days is very different from
14 what it was ten years ago. There are many, many, many
15 types of materials available to do bird-friendly
16 design. Architects have actually been designing
17 bird-friendly structures for decades longer than that
18 without knowing it. There are many features of
19 sustainable design especially those related to
20 control of sunlight, heat and also security that are
21 bird-friendly. Bird-friendly design neither requires
22 relinquishing the openness and light provided by
23 glass nor seriously impedes mark-marketability of
24 buildings. It's critical, however, that the elements
25 of bird-friendly design be considered at the

2 beginning of the design process and carried through
3 to the building's completion. Legislation is the
4 only way that this is going to happen on a revival
5 basis. ABC also supports [bell] some adjustments to
6 the bill, which will be articulated by my colleague
7 from the Bird Safe Buildings Alliance.

8 CHAIRPERSON CORNEGY: I would just ask is
9 the--is--can I count on you to submit to me--

10 DR. CHRISTINE SHEPPARD: What I actually
11 said?

12 CHAIRPERSON CORNEGY: Huh?

13 DR. CHRISTINE SHEPPARD: What I actually
14 said, and so.

15 CHAIRPERSON CORNEGY: No, well that, too,
16 but I--I actually, the, um, the cost around these
17 retrofits is something that I'd like to be able to
18 look into--

19 DR. CHRISTINE SHEPPARD: Absolutely.

20 CHAIRPERSON CORNEGY: --efficiently and
21 effectively to people who are willing to--to go this
22 route because there are some people I know personally
23 who have enacted these things in their buildings
24 prior to the legislation. I'd like to be able to
25 introduce also a cost-effective way to meet the

2 mandate of bird-friendly glass. So, you said that
3 there are different material at this point that can
4 be used, and as-as you know obviously technology
5 dictates as we go forward that there will be other
6 more effective and efficient ways--

7 DR. CHRISTINE SHEPPARD: Absolutely.

8 CHAIRPERSON CORNEGY: -with needs. I'd
9 like to stay in contact to try to make sure that we
10 can provide that for--

11 DR. CHRISTINE SHEPPARD: That's my job.

12 CHAIRPERSON CORNEGY: Okay, thank you.

13 DANIEL PISELLI: Okay, good morning. Is
14 she second. I'm Danilel Piselli.

15 CHAIRPERSON CORNEGY: Turn your mic on,
16 please.

17 DANIEL PISELI: Hello, I'm Daniel
18 Piselli, an Architect and Director of Sustainability
19 at FXCollaborative Architects. I'm here on behalf of
20 my office and the American Institute of Architects
21 New York. Both are in support of this bill. The
22 bird glass collision issue is part of a larger
23 problem, which impacts an environment. The United
24 Nations estimates that one million species of animals
25 and plants are threatened to go to extinction because

2 of us. That scale of ecological loss [coughs] erodes
3 the foundations of our economy, food security and
4 quality of life. Bird collisions are a growing
5 environmental land use issue that contributes to this
6 problem. Glassy buildings degrade habitat to the
7 tunes of hundreds of millions of bird deaths every
8 year in North America. As architects, we often use
9 glass to connect people with nature, but if done
10 wrong, that glass [coughs] can literally kill the
11 nature we seek to connect with. Fortunately, there
12 are bird-safe glass solutions. I've been working on
13 this since 2005 and have been in partnered with a
14 number of a bird safe buildings. Multiple strategies
15 are available such as simple insect screens, solar
16 shooting elements, reduced reflectivity, decorative
17 patterns such as this, and barely visible
18 ultraviolet coatings such as this one.

19 CHAIRPERSON CORNEGY: I'm sorry, it that
20 a-is that a film?

21 DANIEL PISELI: I'm going to go over my
22 time a little with the question, but this is
23 specifically a, um, ceramic frit that is made of a
24 kind of metal similar to low e-coatings that are

2 required anyway. It happens to be very new and very
3 expensive because it's new.

4 CHAIRPERSON CORNEGY: Thank you. I won't
5 interrupt you again then.

6 DANIEL PISELI: Yeah, [laughs] as long as
7 you're okay with me going over. So, um, so the—so
8 the simplest way for say a large building in New York
9 to deal with this is [bell] is patterns like the one
10 I've showed you, which adds only a fraction of a
11 percent to the—to the cost of, um, such a building.
12 We used patterned glass at the Javits Center and
13 reduced bird fatalities there by 90% while also
14 reducing solar heat getting in air conditioning
15 loads. The Statue of Liberty Museum has a different
16 glass pattern. [coughs] After the Urban
17 installation—of being—being installed there have been
18 no collisions and no aesthetic criticism. The
19 Columbia University School of Nursing has another
20 bird safe pattern that's decorative, gives privacy to
21 the students and reduces glare for the neighborhood.
22 Those are all institutional building owners, but
23 commercial and residential building owners are
24 hesitant to use these things because of concerns of c
25 cost and market expectations for lots of their glass.

2 As a result, there are very few, um, bird safe
3 commercial and residential buildings in New York
4 City. In fact, one of ours that we designed has a
5 current tragic bird collision problem. So, most
6 building owners will not do this on their own and
7 that's why legislation is necessary and so AIA New
8 York Recommends adoption of the adjustments that my
9 colleagues defined this morning to describe, and we
10 strongly recommend Council approve the bill.

11 CHAIRPERSON CORNEGY: Thank you.

12 STEFAN KNUST: Good morning. My name
13 Stefan Knust. I'm an architect and the Director of
14 Sustainability at Ennead Architects. I'm also an
15 active member of AIA New York. My office worked with
16 Chris in developing the Lead Pilot Credit 55 after
17 our own experience with work in the city, bird
18 collision deterrents, which has become the most
19 popular pilot credit in the U.S. Green Building
20 Council's LEAD Certification Program. I'm testifying
21 this morning on behalf of the Bird Safe Building
22 Alliance an advocacy organization that serves as the
23 technical advisory for Pilot Credit 55. We assist
24 designers, manufacturers, invested stakeholders in
25 applying the scientific knowledge behind this credit

2 to their projects, which includes strategies of
3 enforcement. The Bird Safe Buildings Alliance is
4 here to provide support for Intro 1482-A. Awareness
5 about this issue has increased exponentially in
6 recent years and it is driving successful innovation
7 by glass manufactures. Legislation is of critical
8 importance for greater adoption and we at the BSDA
9 know very well. So our guidelines. Among other
10 comments that we have submitted in writing we highly
11 recommend that the requirement for this development
12 of specific guidelines is included in the final
13 language of Intro 1482. It is staggering to us to
14 imagine that the equivalent of one New York City is
15 being built every month globally for the next 40
16 years. That's almost 480 new New York Cities around
17 the world by 2050, which means that today, and every
18 night and day for the foreseeable future
19 manufacturing plants are producing never-ending float
20 lines of glass to serve this tremendous growth not to
21 mention the emerging retrofit markets for existing
22 buildings. We can influence the impact that this
23 glass will have on the global environment. New York
24 City prides itself in being referenced as a model
25 city, as a measure of what is possible and as a

2 leader by example. This legislation provides an
3 opportunity to do both. In our written technical
4 [bell] submission, we have provided comments that we
5 think will improve the ability for design teams and
6 owners to apply the criteria that the Intro describes
7 and also how the definitions can improve giving
8 credit project teams for all the materials that are
9 in play on our buildings, and of course, lastly we do
10 recommend that the compliance guidelines be added as
11 a requirement of the intro. (sic) Thank you.

12 [background comments/pause=]

13 GEORGIA SILVERA SENAZ: Good morning. My
14 name is Georgia Silvera Senaz. I'm here as a private
15 individuals and in favor of the bird-friendly glass
16 bill on the floor. I'm a New York City resident and
17 bird watcher. My birding patch is Washington Square
18 Park in Greenwich Village. It's a pleasure to watch
19 birds year round and especially during the spring and
20 fall migration season and fall migration season has
21 begun. New York City's position in the Atlantic
22 Flyaway plus the Green Space Network in the city
23 makes our city a stopover hotpot for migratory birds.
24 However our built environment is detrimental to these
25 birds that we know, love and endorsing. I know the

2 bill would not absolutely eliminate bird strikes, but
3 the shocking number of bird deaths annually from
4 glass collisions should and can be reduced. We have
5 the technology to do so, and being in this room today
6 I know that we have the social and political will to
7 do so as well. So, I'd like to thank City Council
8 and New York City Audubon, the Bird-friendly Glass
9 lines and all the folks in the audience who are here
10 to give voice to birds who can't speak for
11 themselves. So thank you.

12 CHAIRPERSON CORNEGY: Thank you. Before
13 my colleagues ask questions, um, I would like to say
14 that, um, there's a false narrative that says people
15 of color do not care about the environment and/or are
16 not pet friendly and/or are not environmentally and
17 ecologically have an understanding of-of that. So you
18 represent unbeknownst to yourself dispelling that
19 false narrative. So, thank you for your-your
20 testimony.

21 GEORGIA SILVERA SENAZ: You're welcome.

22 CHAIRPERSON CORNEGY: Barry Grodenchik
23 from the great Borough of Queens.

24 COUNCIL MEMBER GRODENCHIK: We do we have
25 birdies and great birds. Thank you, Mr. Chairman and

2 I-I-this is really for anybody on the panel. Do we-I
3 don't know so hopefully you can, um, answer this
4 question. I'm sure you can. Do we know why birds
5 can't deal with glass as opposed to buildings, and
6 I'm sure there's a ready answer, but I just don't
7 know what it is.

8 DR. CHRISTINE SHEPPARD: The same reason
9 people can't deal with glass, and I'll bet you almost
10 everybody in this room has smacked into a glass door
11 or a glass wall. Glass is transparent. We learn
12 about it when we're little kids without killing
13 ourselves. Birds did not evolve with glass, and they
14 treat what they see literally. So, they are either
15 looking through it or they're seeing a reflection,
16 which they believe is habitat, and so they don't slow
17 down. They just keep going. So, the way we stop
18 them, um, is to apply patterns on glass, which to
19 them are literally something they can't fly through.
20 It doesn't say here's glass. It says here's--here's a
21 tree, and yeah go around.

22 COUNCIL MEMBER GRODENCHIK: And the don't
23 have the problem like we don't with buildings because
24 we can see a building. Generally, we can avoid
25 objects of, you know, even as you--

2 DR. CHRISTINE SHEPPARD: You—you have a
3 whole list of ques that you use to tell you where
4 glass is. You see mullions. You know that right
5 angles are not natural. Birds never understand any
6 of that. The concept of glass as a transparent or
7 reflective barrier is just not something that gets
8 into their heads. They can learn about individual
9 local pieces of glass if they don't die the first
10 time, which is why so many pigeons are still around.
11 But they—they don't learn it especially these
12 migrants are flying from one place to another landing
13 where they've never been before and then they have to
14 look for food. They have to regain their energy, and
15 when they do that they're just as likely to fly to a
16 perfected tree as they are into to an orchard.

17 COUNCIL MEMBER GRODENCHIK: Thank you very
18 much. Thank you, Mr. Chairman.

19 CHAIRPERSON CORNEGY: Yes, sir. So, I—I
20 would just like to offer what I'm faced with as the
21 Chair of Housing and Buildings and one of things is
22 residential affordability and in dealing with
23 developments—the reason that it's important to have a
24 conversation about efficiency and cost-effectiveness
25 in doing this I don't believe that residential

2 affordability and being bird-friendly are mutually
3 exclusive. However, that's not the narrative
4 unfortunately that I get when I'm dealing with
5 developers. So I need to have a counter argument
6 that suggests some cost-effective and cost efficient
7 ways of making sure that we can meet the mandate of
8 this legislation and any other legislation going
9 forward that protects animals in the city. So, I'd
10 like to continue to work with you on the different
11 types of materials that are available, and as
12 technology advances itself as it seems to do every 30
13 seconds that we're on the cutting edge and—and, um,
14 have the ability to offer opportunities for
15 developers to do the right thing whether it's in
16 going forward or in retrofitting buildings. So, I
17 look forward to having an ongoing dialogue that
18 suggests that we have alternatives available to
19 meeting these needs in a cost-effective manner. So,
20 there's no excuses.

21 DR. CHRISTINE SHEPPARD: [laughs] No
22 excuses.

23 CHAIRPERSON CORNEGY: Thank you.

24 DR. CHRISTINE SHEPPARD: Thank you.

25 [background comments/pause]

2 CHAIRPERSON CORNEGY: So, we're going to
3 call the next panel. Joseph Rosenberg, David
4 Kalapkin, Robert Batte, Liz York, and Patricia Acarwe
5 (sp?). I'm sure I killed that. I apologize.
6 [background comments/pause] I'm sorry. Rita McMahan,
7 please join us to offer your testimony. Okay, just
8 give me one second. Let's give our last panelists an
9 opportunity to make her way, and again, I ask that
10 you begin by—your testimony by offering your name in
11 full for the record, and I believe we can begin
12 whenever you're ready.

13 PATTRICIA AUCRY: My name is Patricia
14 Aucry. As a New York City Audubon Project Safe
15 Flight volunteer, I have witnessed the impact that
16 skyscrapers with sheer glass have on migrating birds.
17 For the past several years, I visited five
18 skyscrapers I the downtown western neighborhood near
19 the World Trade Center, and found many migrating
20 warblers, other birds all beautiful specimens fallen
21 by the confusing reflective glass that is in their
22 way. The Atlantic Flyway is the path that birds have
23 taken for eons, and now human needs are hindering
24 their ability to reach their wintering grounds and
25 their breeding grounds safely. As our population

2 grows it is important for us humans to consider the
3 rest of the natural world in our structures. The
4 Javits Center is a great example of how a change to
5 the design and this fenestration saved thousands of
6 birds on their bi-annual journeys. During the spring
7 of 2019, as I was picking up four or five warblers in
8 front of the World Trade Center, a construction
9 worker asked me had I been to 3 World Trade Center,
10 which is not even on our route. He said, It is a
11 horror show. So many birds have fallen there, 17 in
12 all. The police were summoned, the building cordoned
13 off, and a Hazmat worker arrived to deal with
14 hazardous gas. The hazard was glass. The birds
15 crashed into it. The danger was to the birds not the
16 people. How much longer can we humans think that we
17 are the only living creatures who matter? Here are
18 two of the foremost specimen—most recent specimens I
19 found two days ago, a Northern Water Thrush and a
20 Blackburnian Warbler. I have pictures here. I hope
21 that you can find a way for humans to coincide—to co-
22 exist with the beautiful and wild creatures who were
23 here first. I wholeheartedly support this bill.

24 CHAIRPERSON CORNEGY: Thank you.

25 PATTRICIA AUCRY: Thank you. [bell]

2 ROBERT BAIT: Hello. My name is Robert
3 Bate. I'm a former President of the Brooklyn Bird
4 Club, and I'm currently the Executive Vice President
5 on the Board of Directors for New York City Audubon.
6 The Brooklyn Bird Club stands behind the testimony of
7 New York City Audubon, the American Bird Conservancy
8 and the other experts in the field in support of the
9 legislation protecting the local environment
10 especially as it concerns migrating and resident bird
11 populations. In addition, we'd also like to point out
12 a building project that is emblematic of the hazards
13 facing birds as they navigate our urban landscape.
14 Developers in Brooklyn are proposing a 500-foot glass
15 building on the east side of New York City's
16 treasured Brooklyn Botanic Garden to be built at 960
17 Franklin Avenue. This structure with its highly
18 reflected-proposed highly reflective glass façade
19 should it be built it would be a serious bird strike
20 hazard. In addition, it would cast a huge shadow of
21 over the—over the Brooklyn Botanic Gardens and its
22 world famous conservancy in the morning as well as
23 cooking the Conservancy and the gardens with sun
24 glare later in the day. New York City needs a more
25 enlightened building planning strategy to address

2 long-~~looming~~ climate and environmental concerns. You
3 know, the questions that arise about how-how birds
4 navigate our urban landscape. One of the solutions
5 involves using ultraviolet, you know coatings and
6 things. Birds see differently than we do. They-they
7 can see into the ultraviolet spectrum, and so things
8 that would be-appear virtually clear to us, you know,
9 will appear as a solid object to them. So, it's like
10 there-there are many solutions, you know, and, um,
11 and you know, it's like I encourage you to make use
12 of these experts that spoke before me because they-
13 they have that wealth of knowledge that you're, you
14 know, you're seeking as ammunition. So, thank you
15 very much for your time. [bell] It's a pleasure
16 speaking.

17 CHAIRPERSON CORNEGY: Thank you.

18 DAVID KALAPKIN: Good morning. My name
19 is David Kalapkin. I'm a life-long Brooklynite,
20 wildlife resident. Excuse me. Wildlife advisor to
21 and on the Board of Directors of the Voters for
22 Animal Rights. I'm also the founder and former
23 Director of Goose Watch NYC an organization that
24 worked for several years to protect and advocate or
25 co-existence with urban wildlife in New York City,

2 work that I'm now doing with VFAR. This is my new
3 testimony in support of Intro 1482, which would
4 require using bird-friendly glass. In our view New
5 Yorkers are incredibly fortunate to share our city
6 with hundreds of species of wildlife who live among
7 us including migratory birds who pass through out
8 city every year. These animals are our neighbors
9 representing a diverse ecosystem and we have a
10 responsibility to co-exist with them. As has been
11 said, each year tens if not hundreds of thousands of
12 migratory birds are killed or injured, crashing into
13 New York City's glass skyscrapers on their migration,
14 a number that is in the billions across the country.
15 These birds cannot see the glass and mistake their
16 reflections for inviting habitat of sky and crash
17 into the buildings. Some die instantly while others
18 fall to the ground with concussions, broken limbs or
19 wings and other injuries, and suffering severe pain.
20 As a New York State licensed wildlife rehabilitator,
21 I receive dozens of phone calls every year from New
22 Yorkers requesting assistance with birds found
23 injured in this tragic and preventable way. Bird-
24 friendly glass will reduce these casualties and this
25 legislation will better allow our concrete jungle to

2 serve as the wile habit-wildlife habitat that it
3 should and can be. We're excited that New York City
4 is moving forward with significant improvements in
5 the availability and application of this ethical and
6 effective wildlife management policy and gratified
7 for initiatives such as this. Thank you.

8 CHAIRPERSON CORNEGY: Thank you.

9 JOSEPH ROSENBERG: Good afternoon. I'm
10 Joseph Rosenberg, Director of the Catholic Community
11 Relations Council of upstanding archdiocese in New
12 York and the diocese of Brooklyn and Local
13 Legislative Affairs. We certainly support concept of
14 embracing measures that protect birds. There are
15 clearly many dangers to the bird population in our
16 city and this legislation would help lessen the
17 hazards of birds to fly into reflective glass. We
18 do, however, have concerns with the bill that I would
19 like to bring to your attention. The bill requires
20 that at least 90% of all exterior glazing on the
21 lower 75 feet of any building must consist of bird-
22 friendly glass. The fiscal impact of removing
23 existing glass and purchasing and installing bird-
24 friendly glass is unclear. The legislation is silent
25 regarding if this mandate is retroactive. Therefore,

2 requiring all buildings in New York City to comply
3 with this measure or if is prospective and covers
4 only new developments. It also does not clarify for
5 alterations or renovations to existing buildings
6 trigger this requirement, and if so, what is the
7 threshold of work that would require glass
8 replacement. These are all important issues for us.
9 Religious organizations have scarce financial
10 resources and confront daily challenges in covering
11 our operating expenses. Unfunded mandates create
12 financial difficulties in our continue efforts to
13 develop and operate schools, run human service
14 provided facilities for the elderly, the disabled and
15 the needy and construct low-income housing for
16 residents of our city who suggest that if religious
17 organizations are not exempted, that we at least be
18 provided with financing to accomplish the mandates of
19 this bill. It is also not clear at all how stained
20 glass windows will be impacted by this bill. Hundreds
21 of churches, synagogues and mosques contain stained
22 glass, which are enduring symbols of faith and
23 beauty. They're sources of pride to—for all
24 congregations and, in fact, for many New Yorkers and
25 tourists to visit these—these sacred buildings. The

2 legislation defines bird friendly glass as glass or
3 glazing with the maximum fact-threat factor of 25.
4 Stained glass panels contain many individual pieces
5 of colored glass framed by lead soldering. Are these
6 valuable and historical windows classified above the
7 threat factor of 25 and therefore a danger to birds?
8 If so, where are they covered [bell] by the façade
9 material type, a threat factor chart or does stained
10 glass pose no problems to birds? The report entitle
11 *Bird Friendly Building Design* provides guidance on
12 this question. It's published by the American Bird
13 Conservancy and the Audubon Society, and discusses
14 how to protect birds when designing buildings. The
15 authors state that opaque, etched, stained or frosted
16 glass are excellent options to reduce or eliminate
17 collisions and I quote: Certainly the Council's
18 intent cannot be to require the removal, alteration
19 or covering of stained glass windows in houses of
20 worship or prevent its use in future sanctuaries. We,
21 therefore, urge that the Council relies on this
22 report and amends the bill to exclude stained glass
23 from these mandates. Thank you.

24 CHAIRPERSON CORNEGY: Duly noted.

25 JOSEPH ROSENBERG: Thank you, Councilman.

2 [background comments/pause]

3 RITA MCMAHAN: Rita McMahan. I'm the
4 Director of the Wild Bird Fund. You know we're very
5 rich with wildlife, and it's our 50,000 acres of
6 parkland, marshland and abandoned land make us an
7 oasis on the dense urban landscape of the Northeast
8 Coast. When birds arrive in New York City they find
9 diverse habitat, food and shelter in all five
10 boroughs. They also find a gauntlet of tall glass
11 buildings each reflecting the open sky inviting them
12 to fly through. After successfully flying thousands
13 of miles, a bird strikes the glass and then falls to
14 the pavement below sometimes 10, 20, 30 stories down
15 to the sidewalk. At best, one-third survive. New
16 York's tall buildings with their reflective and
17 transparent glass are a lethal threat to—determined
18 to be a lethal threat to over 100 threatened and
19 endangered migratory birds. We know that New York
20 City Audubon's volunteers work for Project Safe
21 Flight and they pick up the birds, and the lucky ones
22 are brought to us those that are still alive or they
23 die in transport, but most of Wild Bird Funds
24 collision patients are brought in by compassionate
25 New Yorkers who have found a song bird, woodcock, or

2 falcon at the base of a glass building. We treat
3 about 1,000 a year. Our window strike patients
4 suffer from concussions, damage to their eyes, beaks.
5 They have broken wings, broken legs and internal
6 injuries. Again, just over one-third survive despite
7 our best efforts, but there is something to do to
8 stop the carnage. A case in point is the Javits
9 Center and remember those numbers. They cut at 90 to
10 95% the lethal deaths. They were—I mean they cut
11 deaths 90 to 95% [bell]. They cut collisions. The
12 Wild Birds Fund supports the New York City Council's
13 Proposed Intro 1482 to safeguard birds passing
14 through New York reducing window strikes by 90% as
15 the Javits Center did could equal 90,000 lives saved
16 each year. There are so many threats to wildlife,
17 federal reversals of environmental policies, habitat
18 loss, light pollution, climate change. We have to do
19 what we can locally to make New York a safe harbor.
20 Thank you.

21 CHAIRPERSON CORNEGY: Thank you all so
22 much for your testimony. Again, I just want to
23 reiterate that from my perspective as the Chair, I'm
24 trying to find the most effective and efficient ways
25 to get it done to remove all barriers for—from

2 pushback from developers. So, it is duly noted that
3 stained glass may need to be required as an
4 exception. That is, you know... So that's something
5 that we—we were already ready to explore just for—for
6 the record. Thank you. We are going to call the
7 next panel. Mary Mooney, Aditya Bernkrant (sp?),
8 Kaitlyn Zuffante, Kathy Altman, Krischula Meli-
9 Mellalakis (sp?) and Liz York. [background
10 comments/pause] So, let me just call it again so I
11 can make sure. Liz York, Krischula, Kathy Altman,
12 Kaitlyn Zuffante, Aditya Bernkrant. Was that even
13 close?

14 ADITYA BERNKRANT: Yes, you got it.

15 [laughs]

16 CHAIRPERSON CORNEGY: Mary Mooney. Okay.
17 Chelsea Lawrence and Michelle Ashkin. [background
18 comments/pause] Thank you. I ask before you begin
19 your testimony that you identify yourself and full
20 name for the record. Thank you. You can begin
21 whenever you're ready.

22 MARY MOONEY: [off mic] My name is Mary
23 Mooney, and I'm a volunteer [on mic] district leader
24 with the Humane Society of the United States in New
25 York. I also hold a New York State Wildlife

2 Rehabilitator's license, and have been a volunteer in
3 the past with the Wild Bird Fund, New York City's
4 only wildlife rehabilitation center. I'm here to
5 support Intro 1482, which would require the
6 installation of bird-friendly glass on new buildings
7 to protect bird species particularly migratory birds
8 traveling through New York twice a year. Every year
9 in New York City as many as 230,000 birds succumb to
10 injuries from collisions with the smooth glass
11 currently used. Birds in flight do not see
12 buildings. They see only the reflection of the open
13 sky behind them and are not aware of flying directly
14 into lethal obstacles. Wildlife volunteers like me
15 are familiar with the caseload of injured and dying
16 birds brought to the Wild Bird Fund especially during
17 the migratory seasons. All too often rescuers are
18 ordinary New Yorkers. If you do the intake, you are
19 very aware of this. Often distressed and overwhelmed
20 by the inhumane suffering and loss of avian life
21 resulting from collisions. The birds that move
22 through our urban skies cannot change their century
23 old migratory route. Their bi-annual flights and
24 their stopover in our city are an observable
25 phenomenon enjoyed by many New Yorkers. At the same

2 time, the burden falls on us to understand this
3 behavior. We have a responsibility to enable the co-
4 existence of wild birds in an ever more densely
5 developed habitat full of danger. As our buildings
6 grow in number and height, we are creating an
7 increasingly hazardous environment. Intro 1482 is
8 humane and fair and will accommodate the safe passage
9 of birds flying through our city—through our city
10 seasonally as well as the bird who depend on our
11 urban habitat where all year long. It is a forward
12 looking law that expresses our willingness to treat
13 our bird population as a natural resource that needs
14 [bell] to be humanely protected and encouraged. I
15 support this bill and thank you for your test—for
16 your opportunity to give my testimony today.

17 CHAIRPERSON CORNEGY: Thank you.

18 ADITA BERNKRANT: Okay, thank you,
19 Committee. My name is Adita Bernkrant, and I'm the
20 Executive Director of My Class, an animal advocacy
21 non-profit organization founded in 2008 in New York
22 City with supporters in all five boroughs, and I'm a
23 resident of Queens. My Class is strongly in support
24 of Intro 1482-A, which would require that glass
25 installed on newly built or altered building be

2 constructed with bird-friendly glass to reduce the
3 high number of bird strike fatalities. We commend
4 Council Member Espinal, Speaker Corey Johnson and the
5 other bill co-sponsors for introducing this
6 progressive common sense legislation to make our city
7 more humane by creating a bird-friendly skyline.

8 Birds play an important part in our ecosystem and we
9 should do all we can to protect them. Over 100
10 species of birds that we know of have collided with
11 buildings in our city. The spring and fall are
12 particularly bad for the—deadly for the dozens of
13 species of migrating birds passing through, and as we
14 have heard, New York City Audubon estimates that
15 90,000 to 230,000 birds die every year in our city.
16 Some of these birds die instantly, but some suffer
17 severe trauma such as broken wings, internal injuries
18 and concussions, and the Wild Bird Fund says they
19 treat between 600 to 800 birds annually who have
20 suffered such traumas from building collisions. When
21 we know better we can do better. There is no reason
22 to continue constructing buildings in such a way that
23 creates mass—mass bird deaths now that we know there
24 is a simple solution. The Javits Center in Hells
25 Kitchen is a perfect example of the success of

2 implementing bird-friendly measures. Before it was
3 redesigned to include bird safe glass, the Javits
4 Center was one of the biggest bird death sites in in
5 our city, and after the renovations, bird collisions
6 decreased by 95%. With Intro 1482-A we have a
7 wonderful opportunity to create a different future
8 without these dismal deadly bird death statistics. I
9 urge you to pass Intro 1482 so that we can make New
10 York City more humane for our [bell] winged residents
11 and visitors. Thank you.

12 CHAIRPERSON CORNEGY: Thank you.

13 KAITLYN ZUFFANTE: Hello. My name is
14 Kaitlyn Zuffante. I'm a New York City resident in
15 Bill Perkins' district, and long time animal rescuer.
16 I strong support Intro 1482-A. As it's been said,
17 more than 100,000 migratory birds are killed in New
18 York City each year, the result of crashing into
19 windows. I've come across birds with broken wings,
20 concussions and other brain injuries countless times
21 on sidewalks after they've mistaken glass for the
22 sky's reflection and crash directly into the
23 building. Moreover, numerous times in my almost ten
24 years in New York City I've come across dead birds on
25 the sidewalk in front of a building likely killed

2 upon impact. We all take pride in our city's great
3 infrastructure, but the way it has been built has
4 proved deadly to these birds who are simply following
5 their natural instincts. Humans have created this
6 problem. Animals should not suffer as a result.
7 Fortunately, it is not difficult for us to make
8 changes to prevent such unnecessary suffering and
9 death. I'm proud to live in a progressive city that
10 shows compassion to even its smallest and most
11 vulnerable members, a city that is not nearly
12 concerned about the bottom line and willing to
13 sacrifice thousands of lives each year. A sincere
14 thank you to Council Member Espinal and other bill
15 sponsors.

16 CHRISTINA MELLALAKIS: Hi, my name is
17 Christina Mellalakis, and I'm here to explain why I'm
18 in favor of this legislation. First, I'd like to
19 thank you for your time here today and for your
20 service to the city. I am a lifelong New Yorker. I
21 grew up in Astoria, Queens and I currently live in
22 the Upper Westside. I'm pro-New York. I love this
23 city. I want to see its inhabitants flourish and the
24 city thrive, and as a Queens native, I'm thrilled by
25 all the city's growth, which is in part manifested by

2 shiny new glass skyscrapers, and I'm grateful for all
3 the jobs and housing that comes along with these
4 structures. In fact, I started my career in one of
5 the—in Long Island City's first glass buildings, but
6 at the same time I'm deeply troubled by the
7 unintended negative effect of these structures on
8 avian life, and the foreseeable escalation of this
9 issue if we don't act now, the increasing number of
10 glass buildings in New York is frightening, and I
11 know other New Yorkers care as well. Everyone with
12 whom I speak on this issue is angered and wants a
13 solution, and the scale of this issue especially
14 because there's such severely detrimental harm to
15 wildlife, is an easy issue to rally behind. Every
16 time I come across a dead bird on our street, my
17 heart breaks and I think about the thousands of miles
18 this bird has flown, and how its life was cut short
19 in an instant due to no fault of its own. So, the
20 progress of New York in caring for avian life are not
21 mutually exclusive. This bill is a win-win and its
22 minimal requirements is not a deterrent for building
23 construction in New York. We have a responsibility
24 to ensure that New York is continuously growing in a
25 responsible manner. New Yorkers demand it and

2 anything less is inexcusable. Please support this
3 bill.

4 CHELSEA LAWRENCE: [off mic] Hi. My name
5 is Chelsea Lawrence [on mic] Thank you. Hi. My name
6 Chelsea Lawrence, and I am here to support 1482 and I
7 strongly agree with all of the preceding testimony in
8 favor for this bill. I am Zephyr QA. I live in
9 Brooklyn. I spend all my free time birding,
10 observing birds. It's how I relax. When I learned
11 that 90 to 230,000 birds die each year in New York
12 City alone, I signed up to be a Project Safe Flight
13 volunteer. I had no idea how grim that task was of
14 circling One World Trade Center and finding, you
15 know, really brilliant warblers. These aren't
16 pigeons and sparrows. Some of them are but they're
17 really beautiful, sunny, you know, tropical vibrant
18 warblers. There are beautiful Woodcocks, birds that
19 you wouldn't believe existed that people travel to
20 see to bird and they end up hitting our glass
21 buildings. They end up getting stunned, swept into
22 trash. If they survive the window collision, they're
23 usually one that is stepped on, and I've seen this
24 happen, and it's pretty heart breaking. This is a
25 totally preventable thing, and I totally support

2 Intro 1482. I hope that New York City can become a
3 leader in this, and we can have some real bird-
4 friendly buildings. Thank you for the chance to
5 speak.

6 CHAIRPERSON CORNEGY: Thank you so much
7 for your testimony. We're doing to call the next
8 panel. [background comments] Oh, I'm so sorry.

9 MICHELLE ASHKIN: Hi. My name is Michelle
10 Ashkin. I'm here to support the legislation 1482-A.
11 I live in Battery Park City and I witness every day
12 the—I pick up birds every day. There are some
13 buildings that are worse than others, but Battery
14 Park City is a—is a real hazard for these animals. I
15 also recently went to the Hudson Yards and as
16 beautiful as all those buildings were, I could not
17 begin to enjoy the beauty because all I could see was
18 dead bird falling out of the sky not literally, but
19 just understanding what these building were going to
20 —and these are brand new buildings that just went up.
21 I'm not going to repeat anything that anybody else
22 said. I want to address some of the things that I've
23 heard said here. In response just the cost for
24 developers, what I would like to say is that when
25 we're talking about these beautiful luxury high-rise

2 buildings that are going up, the wealthiest amongst
3 us are those who are behind those—those apartments
4 and renting those apartments. These are—these—I'm—
5 I'm concerned about what I'm hearing because I went
6 out and looked at those buildings in Hudson Yards. I
7 can't afford them. Many of us can't afford them. So
8 the cost to those developers I question why—why
9 that's a cost. I understand that for certain
10 residential properties, but for other residential
11 properties and the new buildings that are going up, I
12 really don't think that that's an issue. I think that
13 that's an excuse and I'd like you to consider that. I
14 also wanted to mention I know that the Audubon
15 Society mentioned that they have D-Bird, which is
16 their database. I know you had questioned that
17 before, and in order to make that perhaps—because
18 it's a system that already exists I think it would be
19 incumbent upon the Council people to maybe work with
20 Audubon with the D-base. Maybe get 311 as the place
21 where people call and then 311 can somehow, you know,
22 hook into that database so that makes it easy for
23 people and to educate people where to call and what
24 to do, and I—I have a question also about the
25 specifications of height in this bill. It says 75

2 feet and below [bell] but Rita had from Wild Bird
3 Fund had mentioned that we see birds. We think we
4 see birds falling from 10, 20, 30 stories above. So,
5 I'm concerned about the specifications of the 75 feet
6 and would like you to revisit those with the experts
7 that have spoken on this issue.

8 CHAIRPERSON CORNEGY: So that's—that's
9 absolutely what we intend to do. The—the meeting of
10 these hearings is not—not—the meeting is not for
11 finality. It's actually to get as much input as we
12 can to get the best bill we possibly can get.

13 MICHELLE ASHKIN: Great.

14 CHAIRPERSON CORNEGY: So thank you.

15 MICHELLE ASHKIN: Thank you.

16 CHAIRPERSON CORNEGY: Thank you. I'm
17 going to call the next panel. G. Joshua Stoneman,
18 Janette Simmon, Margaret Lee, and Bradley Harris. I'm
19 sorry, and Gabriel Willow. As you may observe—observe
20 there is another hearing about to take place right
21 behind us. So, I ask if you can keep the testimony
22 concise so that we can run smoothly as we transition
23 from this hearing to the next. Again, Gabriel
24 Willow, G. Joshua Stoneman, Janette Simmon.
25 [background comments/pause] Margaret Lee. [background

2 comments/pause] Bradley Harris. Ann Seligman (sp?)
3 Randi Cline. We had a somewhat Price is Right
4 response to that. It's not—not quite that exciting,
5 but... [background comments/laughter] I ask that you
6 state your first and last name for the record before
7 you begin your testimony. You can begin whenever
8 you're ready, from wherever you're ready.

9 FEMALE SPEAKER: So, I'm—I'm actually
10 throwing out the testimony that I wrote because so
11 much of it has been well said by other people before,
12 and I want to limit my remarks to things you have not
13 heard. I am here speaking as an individual, but I am
14 also a member of Manhattan Community Board 6, and
15 I'm—I'm sorry. We lost Carlina. Last year we passed
16 a bill, we passed a resolution supporting a state
17 level bill that would require the New York City
18 Department of Buildings to develop regulations to
19 deter bird strikes. It passed unanimously and I
20 believe the support for that bill, which was further
21 than this one and deals with more than glass. It
22 demonstrates the concern that even non-birders have
23 for wild—for—for protecting wild life in New York
24 City. I also wanted to mention or sort of highlight a
25 dynamic—a dilemma that you raised that developers are

2 the ones bearing the cost. The cost can be very
3 minimal and, in fact, it can reduce operating costs,
4 that the developers aren't paying the operating
5 costs. So, that if energy costs are reduced, which,
6 of course, we all want energy reduction and energy
7 costs reduced. The developers are still paying.
8 However minimal that cost is, they are paying it and
9 not reaping the benefits, and I think if there's some
10 way to sort of cut that cord on that. that, that's a
11 way to get the buy-in from the developers that you're
12 looking for. So, that's something that we deal with
13 in Midtown East is my community board. So that's big
14 issue, and those bird protecting measures really can
15 be cost-savers. I also wanted to highlight since I
16 have nine seconds. My own experiences rescuing birds
17 and they're so beautiful in flight [bell] or even
18 perching, but once you hold them, they're just this
19 little sad pile of feathers, and it's-it's-it's not
20 what we want the city to be. Thank you very much
21 for-for taking this up.

22 CHAIRPERSON CORNEGY: Thank you for your
23 testimony

24 MARGARET LEE: Hi, my name is Margaret
25 Lee. For some reason I'm the only one here with a

1 bird on their head. I'm a long-time resident of
2 District 1 of New York City and a voter for animal
3 rights. I'm here on behalf of my fathered friends
4 speaking in favor of Intro 1482-A, the bill to
5 require buildings in New York City be built with bird
6 safe glass. As someone who cares deeply for my non-
7 human neighbors, I've come to know up close first
8 hand the many, many ways they suffer here, and have
9 concluded that New York City is terribly heart
10 breaking hell hole for them. We appear to be a city
11 held bent on waging a war against God's creatures. I
12 thank City Council Speaker Corey Johnson and all the
13 others involved in co-sponsoring this bill and being
14 a voice for our bird residents and migratory
15 visitors. My hope is that this bill and its urgent
16 need for passage will be just the start of New York
17 City becoming a truly compassionate city for its non-
18 human inhabitants, and those who are just passing
19 through. In addition to birds being saved from
20 crashing into windows, I want to see them provided
21 with clean fresh water and food. I want to see them
22 given the respect they deserve. I want to see all
23 buildings forbidden from washing their sidewalks with
24 the soapy toxic chemicals that poison our birds as
25

2 they seek just a drop of water. I want to see them
3 protected from netters who capture them to be shot at
4 gun clubs. I want these villainous netters treated
5 as the egregious felons they are. Corey and all you
6 other co-sponsors are you listening? We need more
7 bills to protect our feathered friends. Thank you.

8 BRADLEY HARRIS: Mr. Chairman, my name is
9 Bradley Harris. I'd just like to than you for giving
10 this conversation the dignity that it deserves by
11 sitting through all these comments largely in
12 agreement with one another. It means a lot to the
13 community and it's a great thing that you do. So, my
14 name is Bradley Harris. I'm here to speak in favor or
15 bird safe glass legislation. I think most people
16 don't think of New York City as a haven for
17 biodiversity and it's a shame. People like to say
18 that the city is filled with what my friend Gabriel
19 Willow describes as bagel hunters [laughter] sparrows
20 and pigeon, but what we've come to realize throughout
21 the course of this conversation is that, you know, up
22 to 20% of all species in the United States fly though
23 Central Park each year at one point or another.
24 People don't realize until they get involved in the
25 birding community that this is a migratory pathway,

2 and it goes well beyond the sparrows and the pigeons
3 when you're walking through Central Park. While I'm
4 here in my personal capacity, I will say that I am
5 also on the Board of Governors of the Princeton
6 Association of New York City, and our most popular
7 event that draws people in from all over the Tri-
8 State area is our birding events that are usually
9 hosted by Gabriel Willow and the Audubon Society.
10 This is a reason people come to New York City. They
11 spend their time in New York City. They travel from
12 all over, and this is something that has been covered
13 in the New York Times and the Wall Street Journal.
14 This is a really important feature of New York City
15 and it's—and it's—and it's activities for its
16 communities. It's—I appreciate the time that you've
17 given it, and I just want to say that you shouldn't
18 under-estimate the birding communities capacity to
19 report on these incidents. I think by—by the very
20 feature of how many turned out today in support of
21 the legislation, you probably get an idea of how
22 effective they might be in reporting bird strikes,
23 and that, of course, would be a minimal cost to—to
24 the city. So, it's something to consider. Thank
25 you.

2 CHAIRPERSON CORNEGY: So you saw my
3 question centered around that. I think it's important
4 that we can be able to show progress [bell] by-by
5 being able to substantiate the numbers, which was
6 demonstrated by the Audubon Society that there are
7 measurement tools in place. I'd like to see how we
8 can partner as a city agency to be able to capture
9 those numbers effectively, efficiently and have them
10 at our disposal going forward. So, I look forward to
11 working with you on that.

12 GABRIEL WILLOW: Hello. Thank you for
13 holding this hearing today, um, Council Members and
14 Chairman. My name is Gabriel Willow and, um, there's
15 been so much compelling testimony today from students
16 and birders and conservationists and architects, and
17 I don't know how much I can really add. As you've
18 heard maybe or gathered, I'm a tour guide and
19 naturalist, ecologist and-and guide and I've been
20 leading nature walks around the city for over 15
21 years, close to 20 now. Through New York City
22 Audubon, Wave Hill and various other organizations. I
23 signed up today representing the New York Humane
24 Society. I'm on their board and the Humane Society
25 is the oldest bird focused naturalist organization in

2 the city, but I do also work with New York City
3 Audubon and others. I actually came straight here
4 from leading a walk in the Battery in Battery Park,
5 and we saw about 20 different species of birds.
6 There was about a dozen participants on the walk.
7 It's a free walk. Actually, I invite you all to come
8 on one of my walks sometimes. We're hearing a lot of
9 sad stories about dead birds, but it's so moving and
10 compelling to see the live bird as well, and if you
11 ever just want to come out in a park and—and look,
12 it's a lot of fun. And this morning we saw seven or
13 eight different species or warbler including the
14 National Warbler, which in spite of its name sort of
15 a misnomer, actually nests up in the Boreal Forests
16 of Canada and when you know their history, it's so
17 moving to think of this bird having nested, having
18 been born. It was immature that this bird is a few
19 months old. It was born in a spruce tree somewhere in
20 Central Canada probably, and it's flying all the way
21 to Northern South America, and just to think of the—
22 the maze it has to transverse and they're moving
23 south. So, I knew this bird in the Battery has just
24 traveled the entire length of Manhattan, and to think
25 of all the buildings it had to pass enroute. I was

2 thinking about this bill and thinking about that bird
3 and just the [bell] just the amazing fact that it had
4 survived that it made it, and I was glad to see that
5 one bird made it through, but this bill has the
6 opportunity to ensure that hundreds of thousands of
7 other individuals will survive that it seems like a
8 win-win really for everybody. So, I hope you'll pass
9 it.

10 CHAIRPERSON CORNEGY: Thank you for your
11 testimony.

12 GABRIEL WILLOW: Thank you.

13 G. JOSHUA STONEMAN: I. G. Joshua
14 Stoneman. I live on East Tenth Street in Manhattan,
15 and I'm here today as a concerned citizen and in
16 support of the Bird Friendly Glass bill, Intro 1482.
17 This bill is very important to me because I believe
18 New York City is the greatest city in the world and
19 it would be even greater if we took the lead on
20 reducing unnecessary bird deaths from buildings. A
21 bit about myself. I've lived in Manhattan since 1993
22 when I came here after college. Currently, I work at
23 the Lockheed-Martin Corporation where I work with
24 power companies and large commercial customers like
25 landlords to make the switch to energy efficiency and

2 clean energy technology, and like everyone else here
3 I'm playing hooky from work because this is very
4 important to me. So, thanks everyone for—for your
5 time today. Like many New Yorkers, I've lived and
6 worked in at least a dozen neighborhoods since I
7 moved here, and in every neighborhood that I've lived
8 in and worked in, I find dead birds on the sidewalk,
9 and it's not just pigeons, it's beautiful song birds
10 and native species that should not be dead on the
11 concrete. I think about these birds making their
12 brave flights every spring and fall some of them
13 flying across the ocean to South America or the
14 islands of the Caribbean. They have to survive
15 hurricanes, storms, cold fronts, predators and a
16 myriad of other obstacles. It's not fair that they
17 fly thousands of miles only to collide with a glass
18 window in New York. This bill, the Bird Friendly
19 Glass bill would not cost New Yorkers like us. It
20 would make the city a better place, and it fits with
21 the spirit of this great city, which is providing a
22 better opportunity to survive and thrive for both
23 humans and birds. Thank you.

2 CHAIRPERSON CORNEGY: Just for the
3 record, if you need a note for work, I'll be glad to
4 provide one for you.

5 G. JOSHUA STONEMAN: Please. [laughter]

6 Randi CLINE. Okay, I think I'm last. Hi,
7 my name is Randi Cline. I'm from Harlem. I have
8 absolutely no speech, [laughs] but I find myself
9 sitting here. I know nothing about birding. I know
10 nothing about architecture. The last place I thought
11 I would find myself was participating in any City
12 Council meetings. So, the price is right and the
13 motion was because I think it's a privilege and an
14 honor to be able to voice your opinion and make a
15 difference especially in a political climate that we
16 live in, but I won't go there. Basically, I now just
17 want to share the overwhelming—I don't have anything
18 eloquent to say, other than there's a personal sense
19 of dread and anxiety and gloom every morning and
20 afternoon now when I walk my dog to the park about
21 how many dead birds I'm going to find laying out in
22 front of the building. I had never experienced this
23 until the building went up and I'm very—with all due
24 respect to FX Collaborative and then I'm learning
25 about the cost of glass, and other things. However,

2 with, you know, they still built the building without
3 the glass. So, I think at some point there, you know,
4 it's money over morals, and somebody else would have
5 built it. So, maybe it was like if not us, you know,
6 ,then someone else. I don't know how the real estate
7 game works. I know that like everybody, the
8 apartments—you know when you're arguing over about
9 like a \$2.1 million apartment and whether or not you
10 can afford better glass, I'm not really sure how big
11 of an issue that is. But now I found a guy in my
12 neighborhood that I need to text every morning to
13 come and pick up the dead birds because he then
14 transports them to the Wild Bird Fund or to his own
15 freezer where he keeps them in a bird morgue until he
16 can get them to the Museum of Natural History so that
17 they can log them. It's an amazing infrastructure. I
18 had no idea this community existed. It's a
19 fascinating and dedicated group of people that I now
20 find myself a part of. So, I'm committed to doing
21 what I can to make a difference because I live in
22 the city. I've lived here my whole life and it's my
23 home, and I hope you make it a better place. Thank
24 you. [bell]

2 CHAIRPERSON CORNEGY: Thank you so much.

3 I just want to say that understanding ecological
4 value of preserving birds I think is incredibly
5 important. The testimony earlier was presented that
6 talked about, you know, how-how birds are responsible
7 for killing other animals that had negative impacts
8 on the city. So that-that ecology I think we-we go
9 away from here in the city where in other parts of
10 the country they-they follow the ecological map to
11 the tee. I think we can't continue to be responsible
12 citizens and considered to be the most progressive
13 city in the country and not really look at ecology,
14 and-and the gate-its negative-potential for negative
15 impact on all of us as humans in general. So thank
16 you so much for the testimony that you've provided
17 today and thank you to all of the advocates who are
18 here today on behalf of that. We have one last
19 panel. Thank you. Calise D. McCray, Joshua Malbin,
20 and Nasarga Markow-Markowdi (sp?) [background
21 comments/pause] So I'll ask you to obviously give
22 your first and last name for the record before
23 offering your testimony.

24 My mane is--

25

2 CHAIRPERSON CORNEGY: [interposing] I-I
3 do want to say before you begin you have the large
4 responsibility of closing this out with some epic
5 testimony. [laughter] So, you're on.

6 CALISTA MCCRAY: Thank you. My name is
7 Calista McCray and I apologize for my single spaced
8 testimony. Thank you for considering Intro 1482,
9 which I very much support. I'm not a biologist or
10 conservationist, but I sometimes have had to teach
11 utterly hours before the sidewalks around buildings
12 have been swept, and in this area I see more injured
13 and dead birds than I ever thought I would see. The
14 issue was not on my radar at all until the Fall of
15 2016 when I moved to New York City. For a while I did
16 not put two and two together. The first bird I saw
17 by chance it was tiny little kinglet who I realized
18 now had hit a glass sky bridge and had fallen into
19 the road. In that case he was only stunned and when I
20 touched him, he flew off but this was a fluke. He
21 was the size of a cotton ball and the color of moss.
22 The next three birds I found on the walkways were not
23 so lucky. Some of them stepped on repeatedly. It's
24 very, very easy not to notice these birds. New York
25 is taking a really toll on species that are

2 increasingly threatened. I began writing the
3 testimony you have over the weekend and I put
4 together some photos of the birds I had recently
5 seen. Then yesterday morning on Monday I find five
6 more. That's a tiny fraction of what's happening.
7 From my commute alone I have more than 50 photos of
8 dead birds and that's not counting the injured ones
9 or the ones I saw before I realized what was
10 happening. There are buildings I've come to dread
11 passing, but I don't want to change the route I take
12 to work because a stunned bird in need of help could
13 be sitting there. One thing that really does give me
14 hope is this wonderful bill, and the chance also that
15 it will be a model to other cities. So, I very much
16 hope you will pass this bill. After I printed the
17 testimony I've given to you, I found another four
18 birds. Thank you.

19 CHAIRPERSON CORNEGY: Thank you.

20 ALSAGA MARCADI AH: Hello, Council
21 Members. My name Alsaga Marcandiah (sp?) and I'm a
22 resident of Park Slope in Brooklyn. I'm software
23 engineer by profession, but I've been a bird
24 enthusiast all throughout my life. I grew in the city
25 of Bangalore, India where I witnessed the city

1 getting urbanized to a great extent. The city
2 originally had a large green spaces, trees and parks,
3 and due to uncontrolled growth, these green spaces
4 gradually vanished. When I was young, I would see a
5 lot of sparrows and other house birds, but now it's
6 really rare to see them. They have died due to their
7 homes being chopped off, the water bodies, which
8 dried up and due to a city which did not take action
9 soon enough. We have the privilege of living in the
10 great city of New York, which not only houses so many
11 people, but also these birds, which permanently or
12 temporarily reside here. The vast green spaces we
13 are blessed with attracts their descent as they
14 traverse on their migration paths twice a year, and
15 when they approach from this great height at a great
16 speed, they collide with the high rises made up of
17 extremely clear glasses, which causes their death or
18 their injuries. Just as we strive to give the
19 residents of this great city a safe and good life, we
20 must also strive to support or residents in feathers.
21 Birds are not only great for our ecosystem but also
22 help in pest control and certainly they help the
23 environment. We need to make sure NYC can host our
24 temporary and permanent bird residents, and I
25

2 strongly encourage you to support this bill to change
3 our building laws to accommodate our avian friends.

4 Thank you.

5 CHAIRPERSON CORNEGY: Thank you so much
6 for your testimony. On behalf of the bill's
7 sponsors, Rafael Espinal and my current Speaker Corey
8 Johnson, it was a pleasure to have presented this
9 bill for testimony. It was great to hear from the
10 passionate advocates and regular citizens of the city
11 of how important this bill is. I look forward to
12 going back, and if necessary, tweaking the bill and
13 presenting to you the most effective and efficient
14 bill with the best results possible in the vey near
15 future. Thank you so much. We—this—this meeting is
16 adjourned. [applause] [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 13, 2019