

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CIVIL SERVICE & LABOR

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January 27, 2009

Start: 11:18 am

Recess: 11:38 am

HELD AT: Hearing Room
 250 Broadway, 16th Floor

B E F O R E: LARRY B. SEABROOK
 Chairperson

COUNCIL MEMBERS:
 Larry B. Seabrook
 Michael C. Nelson
 Melissa Mark-Viverito

A P P E A R A N C E S

Margaret M. Connor
First Deputy Commissioner
Office of Labor Relations

Susan Chin
Assistant Director of
Political Action and Legislation
District Council 37

James J. Tucciarelli
Vice President
District Council 37

CHAIRPERSON SEABROOK: Good morning and welcome to today's Civil Service and Labor Committee hearing. I'm Council Member Larry Seabrook and I'm chairing this committee this morning. Allow me to introduce my college Council Member Michael Nelson from Brooklyn. Our hearing will examine a Local Law to amend the Administrative Code of the City of New York in relation to health insurance coverage for surviving family members of certain deceased employees of the Department of Environmental Protection. Tragically, on January 9, 2009, Gennaro Montello, a sewer treatment worker with the city's Department of Environmental Protection was killed in an accident at the Owl's Head Wastewater Treatment Plant in Bay Ridge, Brooklyn. Witnesses report that the steel supports of a temporary conveyor belt collapsed and fell on top of Mr. Montello. He was immediately transferred to Lutheran Hospital in Sunset Park. Unfortunately, despite doctors' efforts, Mr. Montello died from his injuries. Mr. Montello had worked for the Department of Environmental Protection since 2001. His official job title was

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2 Sewage Treatment Worker, but that actually meant
3 doing whatever it took to keep the plant running
4 well. He was a jack of all trades and never said
5 no to a friend or refused any job. He lived in
6 Bensonhurst, Brooklyn with his wife, Donna, and
7 their children, Gennaro, which is 17 years old and
8 Briana, who is 14 years old. Coworkers describe
9 Mr. Montello as a truly selfless father and
10 husband who worked as much as possible to provide
11 for his family. Today the council and the mayor
12 hope to provide Mr. Montello's family with
13 continued health insurance coverage. This
14 accident is a tragedy for the Montello family and
15 a reminder of the risks assumed every day by
16 workers who are vital to the success of New York
17 City. While it is virtually impossible to ease
18 the pain of Mr. Montello's family, we do wish to
19 honor his contributions by helping to provide for
20 his family that he worked so tirelessly for.

21 We're going to be dealing with the Preconsidered
22 Intro that will be introduced at the request of
23 the mayor. We will start with a number of
24 witnesses and we will be taking a vote after the
25 hearing. We have Margaret M. Connor from the

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2 mayor's office.

3 MARGARET M. CONNOR: Good morning,
4 Chairman Seabrook, and members of the Civil
5 Service and Labor Committee. I'm Maggie Connor,
6 the First Deputy Commissioner of the Office of
7 Labor Relations for New York City. I'm here to
8 testify in support of the Preconsidered Intro that
9 is before you today. This Preconsidered Intro
10 would amend the Administrative Code of the City of
11 New York to provide health insurance coverage to
12 the surviving spouse, domestic partners and
13 children of employees of the Bureau of Wastewater
14 Treatment of the Department of Environmental
15 Protection who died on or after January 8, 2009
16 and before January 10, 2009, as a natural and
17 proximate result of an accident or injury
18 sustained while in the performance of duty. This
19 bill was drafted to address the type of tragic
20 incidents that can happen to city employees, this
21 one resulting in the untimely death of Mr. Gennaro
22 Montello. Mr. Montello was an extremely dedicated
23 employee at the Department of Environmental
24 Protection who died in an accident while working
25 at a sewage treatment facility on January 9, 2009.

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2 He had worked for the agency for more than seven
3 years and is survived by his wife, Donna, and his
4 two children, Gennaro Jr., who is age 17 and
5 Briana, age 14. This Preconsidered Intro
6 recognizes the sacrifice made by this employee and
7 hopefully helps ease the financial burden of his
8 family by providing them with survivor health
9 benefits. It also shows the city's appreciation
10 for the years of dedicated service that Mr.
11 Montello gave to the DEP as a sewage treatment
12 worker. It recognizes the ultimate sacrifice that
13 he made by giving his life in his service to New
14 York City. Again, I would like to thank you for
15 the opportunity to testify before you today. I
16 thank you for your time and consideration. We
17 consider this as a very important matter and an
18 important piece of legislation. I'd be happy to
19 answer any questions you have.

20 CHAIRPERSON SEABROOK: Thank you
21 very much. Are there any questions?

22 COUNCIL MEMBER NELSON: Good
23 morning. Approximately how many service people
24 have perished in any type of a similar situation?
25 Do we have any record of that?

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2 MARGARET M. CONNOR: I don't have a
3 record. But I know, doing this legislation, there
4 have been three or four employees in the last ten
5 years or so that we have come before and requested
6 health benefits for.

7 COUNCIL MEMBER NELSON: It's really
8 not that much of an expenditure for the city. So
9 I'm really glad that Mayor Bloomberg and I believe
10 most of my colleagues are backing this particular
11 measure. When a family receives a loss such as
12 this, it's an unbearable situation. If you factor
13 in economics, it just makes it totally destructive
14 to the family. Thank you.

15 MARGARET M. CONNOR: No, thank you,
16 sir.

17 CHAIRPERSON SEABROOK: Thank you
18 very much. I certainly want to extend my thanks
19 to the mayor for putting in this request and the
20 support because it certainly means a lot in this
21 time of need for the family. It's showing a sense
22 of appreciation. Thank you very much.

23 MARGARET M. CONNOR: Of course,
24 sir.

25 CHAIRPERSON SEABROOK: The next

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2 panel we have is Susan Chin and James Tucciarelli.

3 JAMES J. TUCCIARELLI: Good
4 morning, Council Members. My name is Jim
5 Tucciarelli. I represent the sewage treatment
6 workers and the senior sewage treatment workers in
7 New York City. Gerry was one of my members only
8 for a short period of time. But getting to know
9 him in that period of time, he was a guy that
10 would just about do anything that was called upon
11 and he would do whatever it took to get the job
12 done. Unfortunately, on that day he wasn't even
13 assigned to move that piece of equipment. He was
14 going out with one of his other coworkers to take
15 on another task. Some of his coworkers were
16 having a hard time moving this piece of equipment
17 and he gave them a hand. That was what Gerry did.
18 He was in the middle of the process of moving this
19 piece of equipment when it toppled over on top of
20 him. He was conscious during the entire period of
21 time and in excruciating pain. His coworkers
22 rushed frantically to pull this piece of equipment
23 off of him. I included in the packet a picture of
24 Gerry. Sometimes a picture is worth 1,000 words.
25 This was Gerry. All Gerry wanted to do as support

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2 his family. He's putting his son through high
3 school. He was working three jobs just to make
4 ends meet. He just recently got a home.

5 Unfortunately, we're in a situation where we
6 haven't had a contract for over seven years and
7 we're trying to take care of that. But because he
8 was behind the eight ball, like many of my members
9 are, with the lack of funding to do what's

10 necessary, he was working three jobs just to make
11 ends meet. All Gerry ever wanted to do was do the
12 right thing by his family and by everybody around
13 him. I'm speaking from the heart. I want to

14 thank the mayor for his actions. We gave Gerry a
15 fantastic funeral, similar to a firefighter or a
16 police officer, which I believe is really

17 important because their family needs to know that
18 we bleed the same color as everybody else and when
19 we die in the line of duty that they're going to
20 be taken care of. This is an extension of a way
21 of how we could take care of somebody's family.

22 Like you said, the circumstances that they're in
23 are unfortunate. Income was cut off altogether.

24 His last paycheck was taken back because it's
25 going to have to go to Office of Payroll

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2 Administration to be returned over in about six to
3 eight weeks, so even all of that funding is cut
4 off. DC37 has its survivor benefits so we take
5 care of them there. In this particular case, the
6 brothers and everybody in the agency has
7 contributed deeply to the family and getting them
8 on their feet. We took care of the funeral bill
9 already. We're working to get as much money in
10 our hands as possible. It's tough when you've got
11 two teenagers, especially trying to make that
12 commitment to the high school to make sure that
13 his son graduates. That was Gerry's goal and his
14 dream and we intend to make sure that that happens
15 by fundraisers, scholarships or whatever we need
16 to do. I know you guys are really committed to
17 this and I thank you for your time and effort on
18 this. Gerry always did the right thing and I
19 think this is the right thing that we can do for
20 his family. I thank you for your time and effort
21 on this. I appreciate the Council Members
22 tomorrow doing the right thing for Gerry's family.
23 Thank you.

24 SUSAN CHIN: Good morning, Chairman
25 Seabrook and other distinguished members of the

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2 Civil Service and Labor Committee. My name is
3 Susan Chin and I am the assistant director of the
4 Political Action Department of DC37, AFSCME, AFL-
5 CIO. On behalf of Lillian Roberts, the executive
6 director of DC37, I would like to thank the City
7 Council, especially this committee for its support
8 of the Preconsidered Introduction before you
9 today. Furthermore, I would like to thank the
10 mayor for his leadership exhibited in advancing
11 this legislation. This bill would provide health
12 insurance coverage for the surviving family
13 members of Gennaro Montello, the DEP worker killed
14 in the line of duty approximately three weeks ago.
15 Mr. Montello was a longtime member of Local 1320,
16 which represents workers at the sewage treatment
17 plants throughout New York City. An unfortunate
18 accident took the life of this dedicated worker
19 who was just carrying out his duties on the job.
20 Due to the tragedy, Mr. Montello's family lost a
21 husband, father and financial provider. DC37
22 takes heart that the City Council understands the
23 significance and importance of advancing this bill
24 that will support the family by continuing its
25 health insurance coverage. Thank you for the

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2 opportunity to testify before you today. On
3 behalf of the 125,000 members and 40,000 retirees
4 of DC37, as well as the Montello family, I would
5 like to thank the City Council and the mayor for
6 its support of this most important bill. Thank
7 you.

8 CHAIRPERSON SEABROOK: Thank you so
9 very much. I certainly would like to express on
10 behalf on the speaker and the council our
11 condolences to the family and whatever we can
12 assist in doing. This sense of responsibility
13 that we're doing here is really an appreciation
14 for the work that you all do and certainly the
15 work that Mr. Montello has given to this city. We
16 appreciate it. Thank you very much.

17 JAMES J. TUCCIARELLI: Thank you.

18 CHAIRPERSON SEABROOK: Ladies and
19 gentleman, one of the members of the committee who
20 could not be here, Vincent Gentile, asked that
21 this message be read into the record. The
22 Montello Bill Memo. Gennaro Montello, a 45 year
23 old sewage treatment worker with DEP died January
24 9th while working on the Owl's Head Wastewater
25 Treatment Plant in my district. Gerry had been

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2 with DEP since 2001. He and his family, his wife
3 and two teenage children, depended on his job
4 completely. When he was hired by the city in
5 2001, they felt that they had their big break.
6 When a police officer or a firefighter dies, his
7 or her family continues to receive their city
8 health benefits. When an employee in another city
9 agency dies, a DOT employee doing road work or DEP
10 employees at a waste treatment plant, benefits to
11 their children and spouse are discontinued. This
12 is unacceptable. This bill will right that wrong
13 for Gerry's wife, 17 year old son and 14 year old
14 daughter. Gerry and his family's home is in Bay
15 Ridge. As a community we're rallying together to
16 raise funds to help them get through what will be
17 a terribly difficult time. I ask my colleagues to
18 rally by supporting this Intro and to help them in
19 a way that only the Council can. That is from
20 Council Member Vincent Gentile, who is the
21 Councilman for Mr. Montello. Now we're going to
22 call the roll for the vote to be taken.

23 ERIC STEVENSON: Eric Stevenson,
24 Committee Clerk. Nelson?

25 COUNCIL MEMBER NELSON: [off mic]

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ERIC STEVENSON: Seabrook?

CHAIRPERSON SEABROOK: I vote aye.

ERIC STEVENSON: Mark-Viverito?

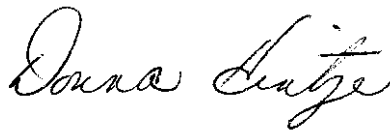
COUNCIL MEMBER MARK-VIVERITO: I
vote aye.

ERIC STEVENSON: The vote stands at
three in the affirmative, no negative, no
abstention. Motion carries.

CHAIRPERSON SEABROOK: This ends
the committee and thanks everyone for coming.
Thank you very much.

C E R T I F I C A T E

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



Signature_ _____

Date February 10, 2009_____