

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AFFAIRS
AND BUSINESS LICENSING

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SEPTEMBER 16, 2020
Start: 10:30 A.M.
Recess: 10:38 A.M.

HELD AT: REMOTE HEARING

B E F O R E: ANDREW COHEN, CHAIRPERSON

COUNCIL MEMBERS: JUSTIN L. BRANNAN
MARGARET S. CHIN
PETER A. KOO
KAREN KOSLOWITZ
BRAD S. LANDER
KALMAN YEGER

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

1 COMMITTEE ON CONSUMER AFFAIRS
AND BUSINESS LICENSING

3

2 SARGEANT OF ARMS: DC recording started.

3 SARGEANT HANNA: All recording started.

4 ANDREW COHEN, CHAIRPERSON: Thank you and
5 Sargeant Hanna if you can start with your opening
6 statement. Thank you.

7 SARGEANT HANNA: Good morning everyone
8 and welcome to today's remote New York City Council
9 Hearing. At this time, would everyone please turn on
10 their videos. If everyone could please turn their
11 videos on, thank you. (background noise) To avoid
12 disruption, please place electronic devices on
13 vibrate or silent mode. Thank you for your
14 cooperation, we are ready to begin.

15 ANDREW COHEN, CHAIRPERSON: (clearing
16 throat) Is that my que?

17 SARGEANT HANNA: Yes.

18 ANDREW COHEN, CHAIRPERSON: Alright, good
19 morning everybody. Uhm, I am Chair Andy Cohen,
20 welcome to this virtual vote of the Committee on
21 Consumer Affairs. Unfortunately, I am zooming from a
22 district event so I am going to dispense with the
23 reading of an opening statement. We are going to be
24 voting on Intro 823-B. I think we have full
25 attendance of the committee. I am going to ask

1 COMMITTEE ON CONSUMER AFFAIRS
AND BUSINESS LICENSING

4

2 Counsel to identify the committee members and then
3 the clerk to call the roll please.

4 COUNSEL: Thank you. We would like to
5 acknowledge Council Member Chin, Koo, Koslowitz,
6 Lander, Brannan and Yeger, all present.

7 ANDREW COHEN, CHAIRPERSON: And with that
8 I am going to ask the clerk to call the roll please.

9 WILLIAM MARTIN, CLERK: Thank you. Good
10 morning, William Martin Committee Clerk, roll call
11 vote Committee on Consumer Affairs, Introduction 823-
12 B. Chair Cohen?

13 ANDREW COHEN, CHAIRPERSON: I vote aye.

14 WILLIAM MARTIN, CLERK: Chin?

15 MARGARET S. CHIN: I vote aye.

16 WILLIAM MARTIN, CLERK: Koo.

17 PETER A. KOO: Aye.

18 WILLIAM MARTIN, CLERK: Koslowitz?

19 KAREN KOSLOWITZ: I vote aye.

20 WILLIAM MARTIN, CLERK: Lander?

21 BRAD S. LANDER: I ask permission to
22 explain my vote?

23 WILLIAM MARTIN, CLERK: Of course.

24 BRAD S. LANDER: Thank you, I am going to
25 be voting no on the bill today. I'm desperate to do

1 COMMITTEE ON CONSUMER AFFAIRS
AND BUSINESS LICENSING

5

2 everything we can to support our restaurants and I am
3 proposing a lot of other policies to do it but I
4 don't feel comfortable adding a 10% surcharge to the
5 one sector of our economy where workers are still paid
6 a sub-minimum wage of \$10 an hour plus tips without
7 doing something that either guarantees that we raise
8 the minimum wage and give them one fair wage or that
9 this surcharge is shared with workers and there is no
10 requirement for either of these needs here. As a
11 result, I am worried that some customers will tip
12 less because having this 10% surcharge even though it
13 is not a service surcharge is going to mean that some
14 people tip less and that worker's wages could go down
15 and they are already getting less in tips because
16 they get fewer tables. So, I wish this bill were
17 adjusted so that those people who got it either had
18 to pay a minimum wage or share the surcharge with
19 their workers and I will say that I am also
20 distressed that this council has not acted yet on
21 other worker supported bills during COVID. The bills
22 to provide a just cause firing protections, have
23 language and not moved forward for fast food or other
24 pandemic workers and the delivery workers for all of
25 these restaurants who are gig workers, still don't

1 COMMITTEE ON CONSUMER AFFAIRS
AND BUSINESS LICENSING

6

2 even have paid sick leave which we could require and
3 have a bill to do so, so, given that those other
4 bills are languishing and in particular that we are
5 not doing something here to make sure that this
6 benefits restaurant workers. Our restaurants are
7 hurting but boy our restaurant workers are the ones
8 who can't pay their rent at home or put food on their
9 own table. So, I would love to see this bill adjusted
10 so that it did either require minimum wage or share
11 the surcharge with workers and for that reason I am
12 voting no. Thank you.

13 WILLIAM MARTIN, CLERK: Brannan?

14 JUSTIN L. BRANNAN: I vote aye.

15 WILLIAM MARTIN, CLERK: Yeger.

16 KALMAN YEGER: Mr. Chairman, may I be
17 excused to explain my vote?

18 ANDREW COHEN, CHAIRPERSON: Absolutely.

19 KALMAN YEGER: Thank you very much. Uhm,
20 here's what I think we are doing for workers today.
21 We are keeping their jobs alive. All throughout the
22 city we see restaurants closing every single day,
23 they have been closing for months and we are
24 literally the gap uhm to whether or not restaurants
25 are going to be able to survive in the city or not.

1 COMMITTEE ON CONSUMER AFFAIRS
AND BUSINESS LICENSING

7

2 For the last several months restaurant owners have
3 been paying for their existence out of their own
4 pockets without the ability to make income. Those
5 who has been able to return to business have done so
6 at considerable loss but with hope and faith that
7 somehow their government, their city will step in and
8 return them. Uhm, this city has failed them. This
9 state has failed them because we have kept them shut
10 for so long. The outdoor seating while lovely,
11 doesn't work for every restaurant, it doesn't work
12 for most restaurants in my district. It doesn't work
13 for the tiny pizzeria who is not able to put any
14 chairs or seats outside and still at the same time
15 can't seat anybody inside. We are finally at the
16 place where we have some real way of offering
17 restaurants the ability to uhm to tack on this
18 temporary surcharge and what restaurants can do
19 instead of this surcharge is simply raise their menu
20 prices and there is nothing we can do to stop or
21 hinder them from doing that. So, the reason for this
22 bill in my view is so that restaurants can clearly
23 identify that they are back, they haven't raised
24 their prices, they are not raising their prices, they
25 have a temporary surcharge that they can put on to

1 COMMITTEE ON CONSUMER AFFAIRS
AND BUSINESS LICENSING

8

2 tell their customers, look, stand with us, come out,
3 eat in our local restaurants, keep us in business.

4 And what the restaurants are doing in turn is
5 offering all of those employees that we care so much
6 about jobs. Because when these restaurants close,
7 the restaurant owners will hopefully be able to
8 recoup some of their investment and the people who
9 will be hurt the most are not the consumers, not us,
10 we won't have a place to eat, that's fine, we can go
11 grill our own hot dogs. The workers will not have
12 jobs. There are no jobs left in the city for people
13 to get. Let's get them back to work and let's do it
14 right away. So, I vote aye on this and I am very
15 grateful to the colleagues who have proposed this
16 bill and who are supporting it. Thank you.

17 WILLIAM MARTIN, CLERK: Thank you. By a
18 vote of six in the affirmative and one in the
19 negative and no extensions the item has been adopted
20 by the Committee.

21 ANDREW COHEN, CHAIRPERSON: Thank you
22 very much colleagues. Can I conclude?

23 SARGEANT HANNA: Yes.

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1 COMMITTEE ON CONSUMER AFFAIRS
AND BUSINESS LICENSING

9

2 ANDREW COHEN, CHAIRPERSON: Alright, I am
3 concluding this hearing of the Committee on Consumer
4 Affairs. Thank you everybody and I am gaveling out.

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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 25, 2020