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COMMUNITY BOARD No. 2, MANHATTAN

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January 20, 2012

Adrian Benepe, Commissioner
NYC Department of Parks & Recreation
The Arsenal/Central Park
830 Fifth Avenue
New York, New York 10021

Dear Commissioner Benepe:

At its Full Board Committee meeting on January 19, 2012, Community Board #2, Manhattan adopted the following resolution:

A Resolution Opposing Enforcement Restricting Performances in Washington Square Park.

Whereas

1. Parks Enforcement has recently issued summonses to musicians and other performers in Washington Square Park; and
2. this new restrictive policy was initiated without discussion with CB2 or prior notice to performers; and
3. the policy is contrary to park traditions and to promises made by Parks during the design period for reconstruction of the park; and
Whereas the summonses stifled activities that are popular among many park users and community residents and were harmful to the artists; and
4. Community Board 2 had not received complaints regarding performances in the park; and
5. the summonses were issued as enforcement of new park rules pertaining to sales of expressive materials and other charges such as blocking paths and view of monuments; and
6. when these rules were presented to Community Board 2 last year there was no mention of their potential use with regard to performers; and
7. CB2 passed a resolution against these rules as overly restrictive and unnecessary; and

8. in Washington Square, the required distances from monuments and benches, clearances on paths, and restrictions on lawns, appear to leave no legal locations for performances for sale of expressive materials; and
9. CB2 believes the application of the rules to performers are inappropriate in that performers are not vendors because anyone is free to watch the performances whether they contribute or not, and
10. 25 performers, park users, and residents spoke at a public Speak Out organized by CB2 in support of the performers; and

Therefore it is resolved that

1. CB2 expresses its consternation regarding the issuance of summonses to performers and requests that all summonses that have been issued be dismissed; and
2. CB2 requests a statement of Parks policy regarding future enforcement initiatives or any other restrictions related to performers or other expressive activities in CB2 be referred to CB2 prior to their enactment ; and
3. CB2 requests reconsideration and replacement of current rules pertaining to artists selling their works and other expressive activities in Parks; and
4. CB2 requests the use of great care in the formulation of any rules, policies, and enforcement initiatives regulating First Amendment rights in Parks, with the broadest possible public discussion to assure that such regulation does not exceed what is required to provide for safe enjoyment of the parks.

Vote: Unanimous, with 39 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Brad Hoylman, Chair
Community Board #2, Manhattan



Tobi Bergman, Chair
Parks, Recreation & Open Space Committee
Community Board #2, Manhattan

BH/gh

c: Hon. Jerrold L. Nadler, Congressman
Hon. Thomas K. Duane, NY State Senator
Hon. Daniel L. Squadron, NY State Senator
Hon. Sheldon Silver, Assembly Speaker
Hon. Deborah J. Glick, Assembly Member
Hon. Christine C. Quinn, Council Speaker
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Jessica Silver, Man. Borough President's office
Pauline Yu, CAU
William T. Castro, Man. Boro. Commissioner, DPR