



THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD NO. 3
59 EAST 4TH STREET - NEW YORK, N.Y. 10003
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HARVEY EPSTEIN, BOARD CHAIR

MARTHA DANZIGER, DISTRICT MANAGER

MEETING

Meeting of Community Board #3 held February 24, 2004, 6:39PM, PS 20, 166 Essex Street

MEMBERS PRESENT AT TIME OF ROLL CALL:

David Adams [P]	Joel Kaplan [A]	Raul Russi [A]
Joan Brightharp [P]	Lisa Kaplan [P]	Eunice Samuels [P]
Mayra Cappas [P]	Doreen Leon [A]	Deborah Simon [E]
Manuel Cartagena [A]	Kee Lin [A]	Pia Simpson [A]
David Crane [P]	Bernice McCallum [A]	Arleen Soberman [P]
Elizabeth Cruse [P]	David McWater [P]	Nancy Rose Sparrow Bartow [P]
Andrea Diaz [P]	Alexandra Militano [P]	Mark Stein [P]
George Diaz [P]	Katrina Monzon [A]	Harold Stelter [P]
Harvey Epstein [P]	Lillian Moy [P]	Susan Stetzer [P]
Morris Faitelewicz [A]	Roberto Ortiz-Arroyo [P]	David Weinberger [E]
Anthony Feliciano [A]	Barden Prisant [P]	Harry Wieder [P]
Carlos Juan Gonzalez [P]	Joyce Ravitz [P]	Samuel Wilkenfeld [A]
Rafael Guzman [A]	Lois Regan [P]	Echo Waisan Wong [A]
Herman Hewitt [P]	Verina Reich [P]	William Yates [P]
Carolyn Jeffers [P]	Richard Ropiak [P]	
Anne Johnson [P]	Estelle Rubin [P]	

PUBLIC SESSION:

1. Judith Saborowsky, 9th Street A-1 Block Association. The association entered into a memo of operation with Share, a new restaurant at 406/408 East Ninth Street and is satisfied with the arrangement. And they support the SLA Subcommittee Resolution.
2. Heather Malin, Jodie Lane Project is pushing for pending legislation vis-a-vis Consolidated Edison and the PSC.
3. Charles King, co-Executive Director of Housing Works, Inc.; Cleveland Davis, disabled Housing Works resident; Ronald Abad, Executive Director of the Housing Works residence facility; Velma Sumbeling, Housing Works employee. King mentioned that his organization housed 36 homeless HIV+ individuals and health care services for 100 others, and that they will operate an in-house (closed) needle exchange programs exclusively for its residents and for the 100 others who have signed up for health care services, and that they would not extend their program to persons who just walk in from the streets. He also invited all the board members on a guided tour of the residence and health service center. Abad, Sumbeling and Davis all expressed general support for the needle exchange program.
4. Cynthia Maurer, East Village Visiting Neighbors, offered to supply the community information on her organization.
5. Jon Steele, 6th and 7th Street Neighbors Association and Moratorium Elimination Association, requests a friendly amendment to the resolution to notify applicants to the SLA ahead of time of the committee's new procedures.
6. Barbara Caporale, Good Ole Lower East Side and Rebuild with Spotlight on the Poor Coalition. She thanks the board for weighing in on the Lower Manhattan Development Corporation Plan #6 and encouraged residents to comment on the LMDC neighborhood report and draft EIS and to note its negative impact on Chinatown, which she felt got short-changed on federal grants.

7. Taylor Rainer, City Year NY, a non-profit organization that, among other activities, worked at PS 142 as mentor and tutor of Lower East Side students. She announced that Board of Education Chancellor Joel Klein was expected to speak about Americorps and its role in strengthening schools.
8. Lois Schlessinger, East 4th Street Block Association, supports a moratorium in SLA granting liquor licenses to any bars. She felt that they contributed to noise and loitering and created quality of life deteriorations, including destruction of trees and sidewalks littered with broken glass and cigarette butts.
9. Pat DeAngelis, concerned about the Houston Street Reconstruction Project and mentioned that there was talk for a while about creating a bike lane on that street and then there was no further discussion. Now there was the issue to Ms. DeAngelis of the raised median on Houston Street found now on west of Broadway that was not pedestrian-friendly and she was concerned that this median would extend all the way down the east side. She wanted CB#3 to know that any construction proposals and actions require consideration of the surrounding neighborhood.
10. Larry Liebowitz, NYC Comptroller's Office, talked about Citizens Action Center for questions regarding water bills, taxes, et cetera as well as Community Relations Center. He gave the following two phone numbers: for CAC, 212-669-3916; fir CRC, 212-669-3089.

PUBLIC OFFICIALS:

1. NYS Senator Steven Sanders, no rep.
2. NYS Assemblymember Deborah Glick, Gregory Brender, rep. He let us know that NYC Department of Transportation was expected to present CB#2 with new plans for the Houston Street reconstruction.
3. NYS Assemblemember Sheldon Silver, Jessica Aschenberg, rep let us know that the Grand Street subway station was up and running and, regarding the Grand Street/Chinatown lawsuit, that a court decision was made that stated that the triangle at Park Row was a state park and that NYPD could be in violation of the law if it doesn't show cause for its obstructions and closures when it returns to court in April. A bill was introduced in the state legislature that would require PSC and Con Ed to improve maintenance of all the manholes in the area instead of cut back to increase its capital for the reconstructed plants.
4. NYS Senator Martin Connor, no rep.
5. US Congressperson Carolyn Maloney, no rep.
6. NYS Senator Thomas K. Duane, no rep.
7. US Congressperson Nydia Velazquez, no rep.
8. Mayor's Community Affairs Unit, no rep.
9. US Congressperson Jerrold Nadler, no rep.

EXECUTIVE SESSION:

Roll Call and vote on minutes was taken. No corrections on December minutes.

Barbara Jeter of Land's End Tenants Association. She wanted against the Mitchell Lama buyout and wanted CB#3 to support City Council Intro #5 which would give many tenants an 18 months reprieve from its effects.

ELECTED OFFICIALS (continued):

1. NYC Councilmember Margarita Lopez, no rep.
2. NYC Councilmember Alan Gerson, no rep.
3. Manhattan Borough President C. Virginia Fields, Bradford Sussman, rep. He thanked people from the community for going to the Black History event, which he noted was provided by CB#3 board member David McWater and said that he particularly loved McWater's macaroni and cheese dish. He also thanked Harry Wieder for coming to the borough board and try to get other community boards on board to tailor their own resolutions which would be similar to CB#3's on disability access to the subways. He expressed concern about attendance of some CB#3 members and noted that the borough president felt that the City

Charter forbids the membership of the community board to hand over all the power of hiring and firing the District Manager to the Executive Committee.

4. NYS Assemblymember Steven Sanders, Dolores Hernandez, rep., reported on efforts to protect children's education, including an upcoming hearing.

CHAIRPERSON'S REPORT:

Indicated that a full discussion about the District Manager hiring issue would come up at the end of the meeting when most people in the audience was expected to leave. At the January borough board meeting the Department of Consumer Affairs newly proposed Cabaret Law is now off the table and a presentation was postponed. The Waterfront Task Force asked Bob Balder of the Economic Development Corporation to come before the full board on March 22th and explain the new proposals regarding Basketball City, including open access, waterfront spaces and community uses. On Thursday, February 26th, stipulations to the December agreement would be expected to be discussed. Harvey Epstein felt that the Seward Park Task Force should start in March, but was waiting for who would come on board the task force and what the public officials' relationship to it would be. At the 7th Precinct's impending meeting with Alexandra Militano, Harvey Epstein, community leaders and bar owners, the people will need agree regarding noise issues of bars and licensing procedures. Epstein noted that the SLA was ignoring our concerns. Herman Hewitt noted that he attended the Borough Budget meeting regarding the Mayor's tax and noted that there was nothing in the budget that dealt with the alleviation of problems regarding the standardized aptitude test that third graders were now required to take. Harvey Epstein appealed the decision of the Borough President regarding the hiring and firing of the District Manager to the Corporation Council, which had not as of then come to a decision on the matter. Although the Borough President's findings were still extant until the Corporation Council would decide, the matter was currently irrelevant since the community board was not yet hiring.

PUBLIC SAFETY/TRANSPORTATION

REPORT: Regarding committee votes.

(See attached)

NYC Councilmember Alan Gerson, Luis Reyes, rep. Expected the councilmember to show up at the meeting momentarily (note: he did not show.) He announced an upcoming meeting about the Allen/Pike Streets Mall to coordinate the use of public space, i.e. green markets, green markets, et cetera.

PARKS

REPORT: Regarding committee votes.

(See attached)

HOUSING

REPORT: Regarding committee votes.

(See attached)

DISCUSSION: Item #1 was postponed and Estelle Rubin requested that #2 would be separated. Susan Stetzer wanted a friendly amendment to #4 to add words "conditioned on providing ultra low sulfur fuel." Stetzer noted that we had already taken this position in the past but wanted particularly to tie the condition to this particular motion. Barden Prisant accepts. Lisa Kaplan said that area around the plant suffered enough from bad emissions and therefore approves of the motion. Estelle Rubin felt that the LMDC Partial Plan #6, moderate income project

for CB#1 was in an area of little housing and the matter came up after the 9/11 tragedy and wondered, in lieu of those and the fact that the project is solely with CB#1's area, why we should consider the issue at all. Barden Prisant's answer was that the LMDC had asked CB#3 to consider all their projects in the area, including this.

HUMAN SERVICES/YOUTH

REPORT: Regarding committee votes.

(See attached)

DISCUSSION: Estelle Rubin pulled #2 to be voted on as a separate item and thought that in the past the Housing Works Residence building had trouble getting people into their facilities. She said that Housing Works cannot hand out needles, just write prescriptions and wondered if people off the streets would get needles. Charles King indicated that needles was only to be given to people registered with their health care program or residence and for prescriptions to control diabetes, for transgendered individuals and to reduce drug use and prevent HIV. Housing Works is not allowed to inject any illegal drugs; only users can inject themselves. Herman Hewitt praised the way Housing Works had always handled the needle exchange issue and its programs in general and Harry Wieder noted that he was at ACT UP when it gave them seed money to develop their programs and housing and said that they had shown excellent outreach to other communities like persons with disabilities and had taught him the human dignity justification for placing individuals in their own rooms with their own bathrooms, which he had often utilized in his decisions on housing issues before the board.

SLA COMMITTEE

REPORT: Regarding committee votes.

(See attached)

ECONOMIC DEVELOPMENT (no quorum):

REPORT: Regarding committee votes

(See attached)

DISCUSSION: As to #4, a board member wondered why it was an Economic Development issue and not a Housing issue. As for #5, the Paid Detail Unit, such a unit already exists for large business establishments and could quiet down small neighborhoods. David McWater also noted that it was a way of regulating run-amok real estate development in the area. Estelle Rubin said that it was a voluntary program. Eunice Samuels was concerned that police would be causing chaos in a situation where nobody could smoke inside and nobody could smoke outside. Members noted that in June of 1988, the Tompkins Square Park riots occurred when businesses asked for more police in the area.

EXECUTIVE COMMITTEE:

REPORT: Regarding committee vote

(See attached)

DISCUSSION: The bedrock motion was whether to allow Martha Danziger as District Manager to rescind her resignation in January, '04 since she had since discovered that her resignation would be a few months shy of getting certain benefits. Instead, Estelle Rubin made a motion to reconsider the January '04 vote which assigned the Executive Committee sole responsibility of the hiring of a new District Manager instead of the full board as required by the City Charter. The motion was seconded. Joyce Ravitz moved to postpone until we get a ruling from the Corporation Council whether the full board could delegate the entire hiring responsibility to the Executive Committee in contravention of the Borough President's ruling that the Community Board did not have

that authority. Estelle Rubin then made a point of order, saying that she discussed her reason without knowledge of the Borough President's letter, which she said was not in her bundle of information for the evening, but which others on the board said that they received. At this point, Harvey Epstein gave motion to postpone precedent over motion to reconsider. David McWater felt that the Executive Committee was grabbing too much power and that we could not create a precedent in this situation of letting only the committee to decide. Lisa Kaplan, on the other hand, felt that the hiring of personnel is such an intimate matter that it would be too unwieldy for such a large body to decide. It was noted, though, that when Martha Danziger was hired, the entire board made the decision. Harvey Epstein noted that the Executive Committee deliberations are open to the public to witness, as well as the personnel committee and that indeed in January he did announce the formation of a personnel committee to which any board member could ask to join, not just members of the Executive Committee. The only non-Executive committee member who asked to join and was appointed by the Chairperson Harvey Epstein was Joel Kaplan. The others who were on the committee was Alexandra Militano, Barden Prisant, Carolyn Jeffers, Katrina Monzon and Lillian Moy. Some of the board members claimed that they did not hear Harvey Epstein make the offer to open membership to the Personnel Committee, while others had. Harvey Epstein asserted that Joel Kaplan approached him to join was prove that he had made such an offer. The question was then raised by some board members about whose authority are we appealing this to the Corporation Council and that we always took the position that a Borough President's ruling is the final word. A board member felt that the only way we could appeal the Borough President's ruling to the Corporation Council is by a full board vote allowing for such appeal. William Yates wanted to know about whether other boards have thought about a better mechanism to hiring. Harvey Epstein noted that the fact that board members and community board staff have applied for the District Manager's position created a very knotty situation in the hiring procedure. After Harvey Epstein appealed to David Crane, the current parliamentarian, what Robert's Rules of Order allows, Crane noted that a motion to reconsider cannot be postponed, in effect nullifying Harvey Epstein's earlier ruling to the contrary (see above). Lois Regan felt that if Executive Director chose a District Manager without full board review and the choice after a few months turned out bad, then chaos and dissension could erupt amongst our board members. Estelle Rubin's motion to reconsider was approved, making the quest for appeal to the Corporation Council irrelevant. In effect the Borough President's decision stood permanently. Alexandra Militano noted that the Personnel Committee are all volunteers who give more time to internal Community Board matters than many on the entire board. Eventually a motion by Joan Brightharp was made for the chairperson to ask for volunteers to the new committee. A board member made a friendly amendment that existing committee members should stay, but that the committee be opened up to new volunteers and continue the work already done and not start over. Joan Brightharp rejected that amendment. The committee is still set up by Chair whose elected duties allow him to make appointments. In replacing the January '04 motion, David McWater makes a motion that authorizes the chairperson to reconstitute the Personnel Committee with the addition of new members, including the present members of the committee and to present to the full board a number of candidates, not to exceed 3, for the position of the District Manager and bring the recommendations to the full board at the next regular board meeting for a vote. Once this motion was made the earlier bedrock rescind resignation motion was voted on without further discussion. The debate on this matter lasted about an hour and a half.

MEMBERS PRESENT AT LAST VOTE:

David Adams [P]
Joan Brightharp [P]
Mayra Cappas [P]
Manuel Cartagena [A]
David Crane [P]
Elizabeth Cruse [P]
Andrea Diaz [P]
George Diaz [P]
Harvey Epstein [P]
Morris Fajtelewicz [P]
Anthony Feliciano [P]
Carlos Juan Gonzalez [P]
Rafael Guzman [P]
Herman Hewitt [P]
Carolyn Jeffers [P]
Anne Johnson [P]

Joel Kaplan [P]
Lisa Kaplan [P]
Doreen Leon [A]
Kee Lin [A]
Bernice McCallum [P]
David McWater [P]
Alexandra Militano [P]
Katrina Monzon [A]
Lillian Moy [P]
Roberto Ortiz-Arroyo [P]
Barden Prisant [P]
Joyce Ravitz [P]
Lois Regan [P]
Verina Reich [P]
Richard Ropiak [P]
Estelle Rubin [P]

Raul Russi [A]
Eunice Samuels [P]
Deborah Simon [E]
Pia Simpson [P]
Arleen Soberman [P]
Nancy Rose Sparrow-Bartow [P]
Mark Stein [P]
Harold Stelter [P]
Susan Stetzer [P]
David Weinberger [E]
Harry Wieder [P]
Samuel Wilkenfeld [A]
Echo Waisan Wong [A]
William Yates [P]

MEETING ADJOURNED: 10:05PM



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HARVEY EPSTEIN, BOARD CHAIR

MARTHA DANZIGER, DISTRICT MANAGER

FEBRUARY 2004 COMMUNITY BOARD VOTES

Emergency Executive Committee

1. DM resignation rescission

VOTE: To accept request by DM Danziger that the board rescind her resignation which was to be effective January 31, 2004; that she remain in her position as District Manager until May 21, 2004; that the Personnel Subcommittee continue with the hiring process for a new District Manager and report to the Executive Committee on it in early March 2004; and that the position have a starting date of July 12, 2004, based on Ms. Danziger's representation to the Executive Committee that she will retire on May 21, 2004.

BOARD VOTE: SEE DISCUSSION AND VOTE UNDER OLD BUSINESS

Executive Committee

1. Eldridge Street Project: Gates of Light 3/24, 12 Eldridge Street

To approve the street fair for the Eldridge Street Project for March 24, 2004 because the applicant provided advance notice to the residents and merchants of the area of the event and that the street is to be closed to traffic for four hours, and that a copy of the notice was provided to the Board before the full board meeting.

BOARD VOTE: TO APPROVE REPORT.

35 YES 0 NO 2 ABS 0 PNV MOTION PASSED

Public Safety and Sanitation Committee

1. Impact of filming in District, particularly safety issues

VOTE: To write a letter to Mayor's office of Film, Theatre, Broadcasting asking for official policy in writing regarding restrictions on number of times an area can be used for filming and all regulations that film companies and city agencies must comply with, including: posting of information, advance notice, time extensions, police protection, parking issues, payment to community groups by film companies, obstruction of sidewalks and streets, and loss of business by community businesses. Residents feel there is an unfair burden placed on the Community Board 3 neighborhood caused by the disproportionate amount of filming in our area. After this information is received, we will continue discussion with resident and Mayor's office on how to mitigate impact and possible community meeting regarding the issue. (letter attached)

2. Elimination of postal facilities within NYC

VOTE: WHEREAS, the report of the President's Commission on the United States Postal Services submitted in July, 2003 recommends that the Post Office should outsource functions that can be performed by more efficient private contractors, and that unnecessary and inefficient postal facilities should be closed and necessary work should be relocated to more efficient facilities,

WHEREAS, the elimination of postal facilities within communities of New York City will have an adverse impact on the community at large and on postal workers' jobs,

WHEREAS, universal postal service at uniform rates would be dissolved,

THEREFORE, BE IT RESOLVED, that Community Board 3 requests that our Members of Congress vote down any legislation eliminating postal facilities as well as subcontracting/privatizing of postal service functions.

3. Rat Infestation on 3rd St between Bowery and Second Avenue

VOTE: WHEREAS, there is a severe rat infestation problem on Third Street between Bowery and Second Avenue due to many circumstance that cannot be remedied by the residents,

THEREFORE, BE IT RESOLVED, that Community Board 3 facilitate a community/multiple agency meeting to remedy this serious health hazard. DOH, HPD, and DOS should be requested to participate as well as Councilwoman Lopez, who has also been working with the residents to correct this public health problem.

Transportation Committee

1. Golden Dragon TLC review

VOTE: To amend our January 2004 resolution to read: Although Golden Dragon had failed to appear at the December and January meetings, they did appear at the February meeting. Therefore, CB3 was able to discuss quality of life issues in the vicinity of the base station. CB3 hereby reverses its January 2004 decision, and approves this TLC application, based on receipt of the signed "memo to drivers" at the full board meeting.

2. Request for "No Honking Except for Emergency" @ various streets in E Village/LES

VOTE: To ask DOT to explain the policies regarding "No Horn Honking \$350 Fine" signage. Large areas of the CB3 district are overwhelmed by honking traffic, due to the proliferation of bars in the neighborhood. CB3 is interested in having signs explaining the penalties for honking.

DISCUSSION: Committee chair stated that documentation required for motion #1 was provided by applicant.

**BOARD VOTE: TO APPROVE REPORT.
33 YES0 NO 1 ABS 0 PNV MOTION PASSED**

Parks Committee

1. SAPO: St Stanislaus, 6/13, E 7th St & St Marks Pl (1st Ave & Ave A)

VOTE: To approve.

2. SAPO: 9th Pct Community Council, 7/10, 4th Ave (8th-14th Sts)

VOTE: That although this is a respected organization within Community Board #3 and has made positive contributions to our neighborhoods, based on CB#3's long-standing street fair guidelines, this request is denied based on CB#3's policy of one street fair per major avenue per year.

3. SAPO: East Village Visiting Neighbors, 7/31, 3rd Ave (6th-14th Sts)

VOTE: That although this is a respected organization within Community Board #3 and has made positive contributions to our neighborhoods, based on CB#3's long-standing street fair guidelines, this request is denied based on CB#3's policy of one street fair per major avenue per year.

4. SAPO: Council on the Environment, 1/4-12/26, Ave A (7th-8th Sts)

VOTE: To approve with stipulation requiring a. 10 foot access, b. manager on site, c. merchant variation, d. merchants on both 7th Street as well as Avenue A.

5. SAPO: St George Ukrainian, 5/13-5/16, E 7th St (2nd & 3rd Aves)

VOTE: To approve.

6. SAPO: Loisaída, 5/30, Ave C (5th-14th Sts)

VOTE: To approve.

7. SAPO: Middle Collegiate, 5/1, 2nd Ave (3rd-14th Sts)

VOTE: To approve.

8. SAPO: Transportation Alternatives, 9/25, 4th Ave (8th-14th Sts)

VOTE: To approve for 4th Avenue between 5th and 8th Streets.

9. SAPO: Andrew Glover, 4/17, 4th Ave (8th-14th Sts)

VOTE: To approve.

10. SAPO: Two Bridges, 5/29, 3rd Ave (6th-14th Sts)
VOTE: That although this is a respected organization within Community Board #3 and has made positive contributions to our neighborhoods, based on CB#3's long-standing street fair guidelines, this request is denied based on CB#3's policy of one street fair per major avenue per year and to the policy of requiring organizations sponsoring street fairs to be adjacent to the applicant's requested location.
 11. SAPO: Our Lady of Sorrows, 6/19, 1st Ave (Houston-14th Sts)
VOTE: That although this is a respected organization within Community Board #3 and has made positive contributions to our neighborhoods, based on CB#3's long-standing street fair guidelines, this request is denied based on CB#3's policy of requiring organizations sponsoring street fairs to be adjacent to the applicant's requested location and to the NYPD designation of 1st Avenue as an emergency vehicle route.
 12. SAPO: Cooper Sq, 6/19, 3rd Ave (6th-14th Sts)
VOTE: To approve.
 13. SAPO: FEVA, 8/29, St Marks Pl (1st Ave-Ave A)
VOTE: To approve pending receipt of Block Association letter prior to full Board meeting.
 14. SAPO: Theater for the New City, 5/29, E 10th St (1st & 2nd Aves)
VOTE: To approve with the understanding that the receipt of substantive complaints will cancel approval for subsequent events.
 15. SAPO: Theater for the New City, 8/7, E 10th St (1st & 2nd Aves)
VOTE: To approve with the understanding that the receipt of substantive complaints will cancel approval for subsequent events.
 16. SAPO: Theater for the New City, 10/31, E 10th St (1st & 2nd Aves)
VOTE: To approve with the understanding that the receipt of substantive complaints will cancel approval for subsequent events and that, in this instance, music is allowed only until 6 PM.
 17. SAPO: A1 E 10th St BA, 6/26, E 10th St (1st & 2nd Aves)
VOTE: To deny due to non-appearance.
 18. SAPO: Giant Step Records, 6/26, Clinton St (Rivington & Stanton Sts)
VOTE: To deny based on CB#3 guidelines concerning requirement for community based organization.
 19. Parks Permit Application: FEVA, 8/21-22, ERP
VOTE: To postpone for one month pending a meeting between the applicant and the Parks Department.
 20. Parks Permit Application: Teen at Park, 5/2, ERP
VOTE: To approve without carnival rides.
 21. Eldridge St Project: Gates of Light 3/24, 12 Eldridge St
VOTE: To approve the street fair for the Eldridge Street Project for March 24, 2004 because, as required by the committee, the applicant provided notices to the residents and commercial tenants in advance of the event stating that the street would be closed to traffic for four hours, and because a copy of the notice was provided to the Board before the Full Board meeting.
- BOARD DISCUSSION: Committee chair stated that information and action requested by committee was provided by applicants for #4 and #21.**
VOTE: TO APPROVE REPORT.
36 YES 1 NO(#8) 0 NO 2 PNV(#1,2,6) MOTION PASSED

Housing Committee

1. Fiscal 2005/6 city facilities statement
VOTE: To recommend that 1) new DHS transitional facilities for homeless individuals and families, and 2) the Central Adult Intake (which will be relocated from the Bellevue Shelter) not be sited in CB#3 due to the current excess of such facilities in our district.

2. LMDC Partial Action Plan #6

VOTE: To support LMDC's current efforts, and encourage any future efforts to allocate a portion of its resources to low and moderate income housing; but not to formally support the income distribution proposed for this particular project, since it may not accurately mirror CB#3's need for housing.

3. 257 Clinton St: Mitchell-Lama Opt-Out

VOTE: To support the efforts of the Land's End Tenant Association to ensure that the site's management does not opt-out of the Mitchell-Lama program.

4. DEP BSA #753/63B7: Manhattan Pump Station, 184 Ave D variance requested

VOTE: To approve the variance request.

BOARD DISCUSSION: To postpone #1.

BOARD VOTE(#1,3,4): TO APPROVE REPORT

36 YES 0 NO 0 ABS 0 PNV MOTION PASSED

BOARD VOTE(#2): TO APPROVE REPORT

36 YES 0 NO 4 ABS 0 PNV MOTION PASSED

Human Services Committee

1. Salvation Army 3rd Street Shelter

VOTE: That ACS facility & the community work within the 1999 agreement.

2. Housing Works Syringe Exchange Program

VOTE: That CB#3 support Housing Works' proposal to the NY State Dept. of Health to operate an in-house needle exchange program serving residents and health care clients at Housing Works facility at 743 E 9th Street, and that the Board will provide Housing Works a letter of support.

4. DHS: Project Renewal Advisory Board protocols

VOTE: To postpone until next month.

Youth Committee

1. Discussion of HSC/Youth Committee needs assessment survey

VOTE: To accept and distribute the survey to youth agencies and people in the community.

BOARD VOTE(HSC#1,3, YOUTH): TO APPROVE REPORT

37 YES 0 NO 0 ABS 0 PNV MOTION PASSED

BOARD VOTE(HSC #2): TO APPROVE REPORT

29 YES 1 NO 6 ABS 0 PNV MOTION PASSED

Economic Development

1. Sidewalk Café Applications: Le Zoccole Osteria, 95 Ave A

VOTE: To deny due to non-appearance and failure to submit forms required by CB3 for sidewalk café applications.

2. Sidewalk Café Applications: Café Pick Me Up, 447 E 9th St

VOTE: To deny due to non-appearance and failure to submit forms required by CB3 for sidewalk café applications.

3. NYC Preliminary Budget FY'05

VOTE: To forward the list of unfunded items listed in CB3's Statement of Budget Priorities to the attention of Councilmembers Lopez and Gerson, as well as to the Office of the Manhattan Borough President, and request the allocation of discretionary funds to requests for capital improvements to parks within the CB3 district.

4. Zoning restrictions on SLA

VOTE: To support placing restrictions on newly constructed commercial properties within CB3 to restrict their use for the establishment of any new businesses that would require a full liquor license.

5. Extending NYPD's Paid Detail Unit to cover Bars/Clubs

VOTE: To support CB4's resolution to extend the NYPD's Paid Detail Unit to cover bars and restaurants.

**BOARD VOTE: TO APPROVE REPORT.
5 YES(FOR #1-4) 13 NO(#5) 1 ABS 0 PNV MOTION PASSED**

SLA Committee

Liquor License Renewal Applications:

1. Suba, 109 Ludlow St
VOTE: To rescind previous motion to deny renewal due to nonappearance, to approve renewal because applicant has now appeared before the Community Board and to approve alteration for additional bar space which would be used as part of existing restaurant.
2. Il Cortile, 125 Mulberry St
VOTE: To approve.
3. Telephone Bar & Grill, 149 2nd Ave
VOTE: To approve.
4. Jeollado, 116 E 4th St
VOTE: To approve.
5. Tarallucci e Vino, 163 1st Ave
VOTE: To approve.
6. Frieda & Diego, 188 Ave A
VOTE: To deny due to nonappearance.
7. Whisky Ward, 121 Essex St
VOTE: To approve.
8. Gena's Grill, 210 1st Ave
VOTE: To deny sue to nonappearance.
9. Polonia, 110 1st Ave
VOTE: To approve.
10. Olympic Coffee Shop, 115 Delancey St
VOTE: To deny due to nonappearance.
11. Organic Grill, 123 1st Ave
VOTE: To deny due to nonappearance.
12. Sammy Schmul, 155 Chrystie St
VOTE: To approve.
13. Shinko Foods, 216 E 10th St
VOTE: To approve.
14. 2nd Ave Deli, 156 2nd Ave
VOTE: To approve.
15. Hasaki, 210 E 9th St
VOTE: To approve.
16. Moxie Works Café, 107 Suffolk St
VOTE: To take no action. (Internal conflict over SLA license in city owned community facility rental.)
17. Banjara Dining, 344 E 6th St
VOTE: To approve.
18. Two Boots, 37 Ave A
VOTE: To approve.
19. Karma, 51 1st Ave
VOTE: To deny renewal due to the Community Board's continuing opposition to the existence of this license which has been the subject of continued noise complaints, use of DJs in violation of its signed stipulation and police summonses, both summonses and stipulations attached hereto.
20. Café Orlin, 41 St Marks Pl
VOTE: To approve.

21. Posto Canto, 190 E 2nd St

VOTE: To approve.

22. Oriental Garden, 14 Elizabeth St

VOTE: To approve.

23. Ukrainian Soccer, 112 2nd Ave

VOTE: To approve.

24. La Focacceria, 128 1st Ave

VOTE: To approve.

Letters:

1. Repeal of all moratoria in CB3 and Resolution

VOTE: To approve attached resolution as written. (see attached)

2. Complaint: 10th St Lounge, 212 E 10th St

VOTE: To write a letter to the owner of Tenth Street Lounge regarding the ongoing complaint of noise from music and asking that he take action to address and cure this problem.

Alterations/Transfers/Upgrades:

1. Raudah Zarwi, 131 Ave C (trans/op)

VOTE: To approve provided applicant furnish signed notarized stipulation that 1) it will maintain operation as a full service restaurant serving food to within 1 hour of closing, 2) it will close its backyard at 10 p.m., and 3) it will have no music.

2. Backroad, 115 Essex St (trans/op)

VOTE: To deny due to nonappearance.

3. DAK 92 2nd Ave Corp, 92 2nd Ave (trans/op)

VOTE: To approve provided applicant furnish signed notarized stipulation that 1) it immediately address any complaints, 2) it will control crowds in front of establishment, and 3) it will run establishment as described in application.

4. Good Luck Group, 302 Broome St (alt)

VOTE: To approve given that applicant is not changing method of operation.

5. East Pub, 359 Bowery (trans/op)

VOTE: To approve provided that applicant signed a signed notarized stipulation that 1) it will close French doors at 10 p.m.

6. Crifdogs, 113 St Marks Pl (up/op)

VOTE: To deny because nothing has changed since this Community Board denied application for a beer/wine license at this location in February 2003, there are 14 existing liquor licenses on this one block and the community would not positively benefit from an upgrade in this license.

7. LES Entities, 9 Ave A (op)

VOTE: To approve the replacement of an existing partner of the corporation with a new partner and, further, to approve a change in corporate name to reflect the new partnership understanding that the management of day-to-day operations of the establishment will not change.

8. MTMS Group, 46 1/2 E 7th St (op)

VOTE: To approve transfer of business to managers of existing establishment understanding that the method of operation will not change and hours of operation will be reduced, i.e. location will no longer be open 24 hours,

New Liquor License Applications:

1. Obivia, 133 Orchard St (op)

VOTE: To deny based on existing moratorium because there are already 9 liquor licenses on Orchard Street between Houston and Delancey Streets in addition to numerous liquor licensed establishments on surrounding streets. Accordingly, this community would not benefit from the addition of a fully licensed establishment in a location that has never been licensed and was previously a fabric store. Furthermore, Community Board 3 does not intend to approve any additional liquor licenses in spaces that have been historically used for the textile industry and will write to landlord to inform him of this intention.

2. Ramen Factory, 536 E 5th St (rw)
VOTE: To approve.
3. Freeman Holdings, 191 Chrystie St (op)
VOTE: To approve provided applicant furnish signed notarized stipulation that 1) it will perform renovations consistent with plans submitted (attached hereto), 2) it will close all doors and windows at 10 p.m., and 3) it will close establishment at 12 a.m. all nights.
4. Fook Zhou Kitchen, 95 E B'way (op)
VOTE: To approve beer/wine license for existing restaurant.
5. Decimalchain, 406 E 9th St (rw)
VOTE: To approve provided applicant reach a Memorandum of Understanding with the Ninth Street Block Association and, further, furnish a signed notarized stipulation that 1) it will close its establishment at 12 a.m. Tuesday through Thursday and Sunday, and at 1 a.m. Friday and Saturday.
6. 3rd Ave Roll-n-Roaster, 64 3rd Ave (rw)
VOTE: To deny due to nonappearance.
7. Kenka, 25 St Marks Pl (op)
VOTE: To approve provided applicant furnish signed notarized stipulation that 1) it will operate as a Japanese restaurant serving food for the life of the license.
8. Ajinsen, 15 St Marks Pl (op)
VOTE: To deny based on the fact that applicant furnished an incomplete application with too little information to make an evaluation.
9. Mo Pitkin Holding, 34 Ave A (op)
VOTE: To approve based on applicant's longstanding good history in neighborhood as owner of Two Boots establishments.
10. El Sombrero, 108 Stanton St (op)
VOTE: To approve based on applicant's approximately 20 year history in neighborhood without complaint.
11. Lounge 213, 213 2nd Ave (op)
VOTE: To deny due to nonappearance.
12. Everest Coffee, 22 Chatham Sq (rw)
VOTE: To rescind prior motion to deny due to nonappearance and to approve beer/wine license at existing coffee shop.
13. Cosi Cosi, 166 2nd Ave (op)
VOTE: To approve given applicant's long history in neighborhood and provided applicant furnish signed notarized stipulation that 1) it will close establishment at 12 a.m. Sunday through Thursday and 4 a.m. Friday and Saturday and 2) it will remain a pizza place,
14. G&G, Café, 359 Bowery (op)
VOTE: To deny due to nonappearance.
15. 128 Billiards, 128 Elizabeth St (rw)
VOTE: To approve beer/wine license only provided applicant furnish signed notarized stipulation that 1) it will only allow patrons 21 years and older, 2) it will post signs that patrons under 21 years are not allowed, 3) it will have no live music, and 4) it will address resident complaints immediately.
16. Chito, 211-213 1st Ave (rw)
VOTE: To deny due to nonappearance.
17. KP Manhattan, 95-02 Delancey St (rw)
VOTE: To deny due to nonappearance.

BOARD VOTE: TO APPROVE REPORT.

33 YES 0 NO 2 ABS 0 PNV MOTION PASSED

OLD BUSINESS

MOTION: To reconsider January '04 vote on hiring of new DM by Executive Committee instead of full board as required by City Charter. Seconded.

Discussion: Members stated that vote by full CB on DM should be vote on recommendation of Executive Committee as is done with other votes on committee recommendations by full CB. Members supported Manhattan Borough President’s legal advice on full CB vote on hiring and firing DM.

Motion: to postpone vote until Corporation Counsel gives ruling. Second.

Member questioned vote before seeing letter from chair to corporation counsel. Board chair reported on discussion with Corporation Counsel, MBP counsel and on content of letter.

Member stated that vote to reconsider must be done tonight because it is done to correct previous motion. Motion to rescind or amend can be done next month.

Member questioned chair’s “authority” to submit MBP legal advice to Corporation Counsel.

Board chair sought legal opinion on behalf of full board and as suggested by MBP counsel.

Member concerned that if Executive makes bad choice for new employee then it create dissention in board over new DM.

BOARD VOTE: TO APPROVE RECONSIDERATION.

27 YES 0 NO 2 ABS 0 PNV MOTION PASSED

BOARD MOTION: To replace Jan. ’04 motion to authorize Exec Committee to hire DM, that board chair ask for volunteers and the Personnel Committee bring back recommendations to full board.

Discussion: Current personnel committee members are all volunteers and, except for one, are members of Executive Committee. Job has already taken a lot of time. Current members are: Barden Prisant, Carolyn Jeffers, Alex Militano, Katrina Monzon, Lillian Moy and Joel Kaplan.

Friendly amendment: To keep existing members but to open up committee to volunteers and to continue work. Rev. Brightharp volunteered.

Amendment not accepted by maker of motion.

Second friendly amendment: To authorize Board chair to reconstitute Personnel Committee for the addition of new members including present members of the committee and that the committee present to full board a number of candidate(not to exceed 3) for the position of DM and to bring recommendation to the full board at the regular board meeting for a vote.

Amendment accepted.

VOTE: 24 YES 9 NO 3 ABS 0 PNV MOTION PASSED

This motion automatically replaces the January vote.

Point of Order: Member questioned reason for motion without knowledge of Chair's letter to Corporation Counsel. Chair reported on discussion with Corporation Counsel and MBP's counsel.
M

ATTACHMENTS

To Commissioner Oliver of the Mayor's Office of Film, Theatre, and Broadcasting:

Community Board 3 residents are bearing the burden of a disproportion share of New York City filming within the community board district. In order to work with the Mayor's Office to lessen the negative impact on our community, we request the official policy in writing regarding restrictions on number of times an area can be used for filming, back-to-back filming restrictions, and all regulations that film companies and city agencies must comply with, including: posting of information, advance notice, safety regulation, sanitation regulations, time extensions, police protection, parking issues, payment to community groups by film companies, obstruction of sidewalks and streets, and loss of business by community businesses.

After this information is received, we would like further discuss with residents and Mayor's office how to mitigate impacts on our community. We would also like to discuss plans for a community meeting regarding filming in Community Board 3.

RESOLUTION PROHIBITING ADDITIONAL LIQUOR LICENSE APPLICATIONS FOR CERTAIN AREAS WITHIN COMMUNITY BOARD THREE

WHEREFORE, the increasing proliferation of liquor licensed establishments, to wit bars, clubs, lounges and restaurants, within Community Board 3 is apparent and well documented, with Community Board 3 having reviewed *several hundred* liquor license applications for bars, clubs, lounges and restaurants within this past year alone and having approved more than one hundred fifty (150) of those applications; and

FURTHER, as this district is predominantly residential with numerous, small, narrow residential side streets, and the increase in nighttime venues, that being the above-stated liquor licensed establishments, has resulted in persistent and numerous complaints regarding increased noise as well as increased pedestrian and vehicular traffic and said complaints have evolved from those regarding specific rowdy locations to complaints about noise and congestion resulting from the sheer volume of liquor licensed establishments in a given area;

WHEREFORE, it has further become increasingly apparent that the existing moratoria imposed by Community Board 3 on already oversaturated and overtaxed areas within this community board district, to wit St. Mark's Place between First Avenue and Avenue A, Sixth Street between Avenue A and Avenue B, Avenue A between Houston Street and Fourteenth Street, Ludlow Street between Houston Street and Stanton Street, Clinton Street between Houston Street and Delancey Street and 12 St. Mark's Place, have been an inadequate means of communicating to the New York State Liquor Authority the deteriorating residential conditions at said locations as a result of said liquor licensed establishments; and

FURTHER, the above-stated moratoria contain provisions for Community Board 3 to set aside said moratoria and to engage in a review of applicants who have constructed operating agreements or Memoranda of Understanding with block associations, thereby allowing consideration by Community Board 3 of cooperative applicants, and, said provisions have become a vehicle by which applicants have demanded Community Board 3 circumvent said moratoria where block associations are no longer willing to negotiate agreements despite the efforts of applicants due to existing oversaturation;

WHEREFORE, Community Board 3 is now comprised of geographic areas where the vast number of liquor license establishments operating within those areas has greatly diminished the quality of life of Community Board 3 residents, those areas, including areas within existing moratoria, being as follows:

01. Ludlow Street between Houston Street and Delancey Street which currently has nine (9) liquor licenses, six (6) of those between Houston Street and Stanton Street and three (3) between Stanton Street and Delancey Street;
02. St. Marks Place between First Avenue and Avenue A which currently has fourteen (14) liquor licenses;
03. 12 St. Marks Place, for which there have been persistent community complaints throughout its history as a licensed establishment;
04. Clinton Street between Houston Street and Rivington Street which currently has fifteen (15) liquor licenses, seven (7) located between Houston Street and Stanton Street and eight (8) located between Stanton Street and Rivington Street;
05. Sixth Street between Avenue A and Avenue B which currently has seven (7) liquor licenses, three of which are adjacent and have been the source of persistent community complaints;
06. Avenue A between Houston Street and Fourteenth Street, which currently has thirty-seven (37) liquor licenses;
07. Rivington Street between Norfolk Street and Orchard Street which currently has eleven (11) liquor licenses, including one (1) hotel license which will contain a lounge, a club and a 5,000 square foot restaurant, all of which will be open to the public and accessible through their own street entrances;
08. Avenue C between Houston Street and Fourteenth Street which currently has twenty-one (21)

- liquor licenses;
09. First Avenue between First Street and Second Street which currently has nine (9) liquor licenses and has been publicized as one of the noisiest blocks in the City;
 10. Orchard Street between Houston Street and Rivington Street which currently has eight (8) liquor licenses, six (6) of those between Houston Street and Stanton Street; and
 11. St. Mark's Place between Second Avenue and Third Avenue which currently has fifteen (15) liquor licenses.

WHEREFORE, the New York State Liquor Authority has failed this community by ignoring the personal, historic and geographic experience of Community Board 3 and its residents who have heretofore advised the New York State Liquor Authority, through moratoria, complaints and motions, about the detrimental effects of continuing to grant licenses within certain Community Board 3 areas, including those enumerated above, despite the congestion and attendant problems that have arisen from oversaturation; and

FURTHER, the New York State Liquor Authority continues to approve licenses in areas where the existing number of operating licensed establishments within five hundred feet exceeds three (3) as proscribed by statute, to wit, Section 64(7)(b) of the Alcohol Beverage Control Law, where there is no economic benefit to the community; and

FURTHER, that the New York State Liquor Authority will find economic benefit to approve additional licenses within said areas despite the increasingly deleterious effects of so many licensed nighttime businesses on the quality of life of Community Board 3 residents;

BE IT RESOLVED, that all of the existing moratoria are to be repealed and henceforth any new liquor license application or any application for an upgrade in license class or any alteration application which would result in the physical expansion of an existing business, will not be reviewed by Community Board 3 if said application is for any location within the above-stated areas; and

HEREAFTER, the receipt of any of the above-referenced applications by the Community Board 3 district office will cause a letter, on Community Board 3 letterhead, to be sent to the New York State Liquor Authority, stating that Community Board 3 denies said application without review because said area already contains a designated number of licenses, that being enumerated, and it is the belief of Community Board 3, due to the numerous existing licenses that the addition, upgrade or expansion of any license within said area is unequivocally against any community benefit as required by existing statute, to wit, Section 64(7)(f) of the Alcohol Beverage Control Law; and

FURTHER, should said resolution be repealed at some future date, each of the above-referenced moratoria will be automatically reinstated with notice of ninety (90) days to each block association affected.