

**FULL BOARD MEETING MINUTES**  
**Wednesday, December 13, 2006**  
**NYU MEDICAL CENTER**  
**FIRST AVENUE**

**Hon. Lyle Frank, Chair**

**ATTENDANCE**

**Members answering first roll call:**

Arcaro, Barrett, Bloch, Cervera, Collins, Curtis, Disman, Fieber, Frank, Garland, Garodnick, Greenspan, Haile, Hollister, Imbimbo, Knowles, Lilien, Lynn, McGuire, McIntosh, Papush, Parker, Parrish, Peveri, Reiss, Ross, Rubin, Scala, Schachter, Schaeffer, Schoor, Sepersky, Simon, Steinberg, Talbot, Thompson, Tu, Ursillo, West, Williams, Winfield

**Members answering second roll call:**

Arcaro, Barrett, Bloch, Cervera, Collins, Curtis, Disman, Fieber, Frank, Garland, Garodnick, Greenspan, Haile, Hollister, Imbimbo, Judge, Knowles, Lilien, Lynn, McGuire, McIntosh, Monterossa, Papush, Parker, Parrish, Peveri, Reiss, Ross, Rubin, Scala, Schachter, Schaeffer, Schoor, Sepersky, Simon, Steinberg, Talbot, Thompson, Tu, Ursillo, West, Williams, Winfield

**Excused**

Sherrod

**Absent (Members not present or not answering one or both roll calls):**

Buchwald, Moses, Oddo, Russo,

**Member attendance** Present: **43** Absent: **4** Excused: **1**

**Guests signed in:** C/M Dan Garodnick; C/M Rosie Mendez; Keith Powers representing A/M Jonathan Bing; Shannon Flaherty representing A/M Richard Gottfried; Leena Krishnaswamy representing Cg/M Carolyn Maloney; Pat McCandles representing Sen. Liz Krueger; Aliya Feldman representing Sen. Tom Duane; Shannon Flaherty representing A/M Gottfried; Leah DelPercio representing C/M Jessica Lappin; Justine Almada, Jay & Minna Charles, Louise Dankberg, Greg Geller, Cathe Giffini; Thomas LaBarbera, Larry Lebowitz, Eileen Martin, Jessica Maxwell, Patricia Murray, Eadie Shanker, Betty Schwartz, Mathew Shotkin, K. Weiss

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Lyle Frank, Chair, called the meeting to order.

**HEALTH, SENIOR AND DISABILITY ISSUES**

**Added Resolution**

4a. - Berger Commission's final report.

**TRANSPORTATION**

**Added Resolution**

5a. - Subway entrance: Southeast corner of E. 59<sup>th</sup> St. & Lexington Ave.

**HOUSING & HOMELESS**

**Added Resolution**

6b. - Regulation of Electronic Access Systems, Intro 0374.

**BUSINESS & GOVERNMENTAL AFFAIRS—Will Caucus.**

**Deleted Resolution**

8a. - Renewal, enclosed sidewalk café, 5 tables & 20 seats, for Tang Tang Noodle and More, 243 Third Ave. @ E. 20<sup>th</sup> St.

**Added Resolution**

8f. - Alteration, On-premises liquor license for Nino's Positano, 301 E. 47th St., a/k/a 890 2nd Ave.

**ORDER OF COMMITTEE REPORTS:**

**#3 – Youth & Education**

**#5 – Transportation**

**PUBLIC SESSION**

C/M **Dan Garodnick** reported that recently he had a meeting with representatives from the Mayor's office, Dept. of Parks & Recreation, Dept. of City Planning, NY State Dept. of Transportation, numerous members of Community Board Six and other east side elected officials, to discuss the redevelopment of the former Con Ed Waterside property as well as the FDR reconstruction and how the community can use this project to its benefit. The meeting was very productive; the C/M commended John West on his power point presentation. We have been informed that Deputy Mayor Doctoroff will create a working group to discuss these issues on a regular basis.

The C/M also reported that he met with Board Chair, Lyle Frank, and Toni Carlina-District Manager to discuss the Boards community budget priorities. This meeting was followed by another meeting with CB 6 members regarding Landmark designation for Stuyvesant Town/Peter Cooper Village.

He reported as well that he met this week with representative from Cabrini Hospital, Bellevue and NYU to discuss their measures for Emergency Preparedness. It was a preliminary meeting, something he would like to work on with the Public Safety committee of CB6.

Additionally, C/M Garodnick reported that he testified against five proposals from the State Division of Housing and Community Renewal (DHCR) that would stack the deck against tenants, voicing special opposition to a plan that would expand the pool of apartments subject to luxury decontrol. DHCR's proposal would double the security deposits required from new tenants, ease eviction proceedings, permit rent increases based on lead paint abatement and allow luxury

decontrol in buildings currently receiving 421a or J51 tax benefits. He stated that each of these amendments unfairly shifts the balance of power to landlords over tenants and regarding the proposal on luxury decontrol would be a usurpation of the authority of the City Council.

For additional reports and information, see the Council Member's East Side Bulletin or call 212-818-0580 to obtain a copy.

**C/M Rosie Mendez** stated that she testified at NYPD's public hearing in opposition to the proposed Parade Permit regulation changes. She sees these regulations as an infringement upon our First Amendment rights limiting free assembly; and is concerned about the affect the regulations would have on small gatherings.

C/M Mendez also stated that in response to the dire need for affordable housing, that she has signed on to Intro 490 to reform the 421a tax abatement program. At this time there are multiple bills in City Council aimed at reforming the city's expiring program, which currently gives tax breaks to developers for new construction with provisions for affordable housing only in a small area of mid-town including CB6; the C/M has chosen Intro 490 which requires the greatest amount of affordable housing to be built.

On December 11<sup>th</sup>, C/M Mendez testified at the NYS Assembly hearing on the Berger Commission Report, which recommended the full closing of Cabrini Hospital. She testified that Cabrini Hospital provides vital, unique and culturally sensitive AIDS, hospice and psychiatric services that the nearby larger medical centers cannot. Additionally, the Berger Commission Report made no mention of how many of these services would be replaced; nor did it explain how Beth Israel would transition the closing of its inpatient detox program to replace Cabrini's psychiatry beds. She also fears that the closing of this hospital might lead to prematurely released chemically dependent patients in and around the community.

For additional reports and information, see the Council Member's Community Report or call 212-677-1077 to obtain a copy.

**Leena Krishnaswamy** representing Cg/M Carolyn Maloney reported that the Congress Member has been appointed Chair of the Sub-Committee on Financial Institutions, which is a sub-committee of the Health Financial Services committee.

She also reported that Cg/M Maloney along with Sen. Chuck Schumer have developed a bill that would allow veterans to use VA loans to purchase a Co-op. This legislation also includes provisions to help give veterans, especially the vets in NYC, greater housing choices.

For additional reports and information, see the Congress Members Bulletin or call 212-860-0606 to obtain a copy.

**Pat McCandles** representing Sen. Liz Krueger reported that their office now has a senior citizen resource guide. The guide provides information on all services rendered on the east side; senior centers, health resources, information for people with disabilities, and nursing homes, etc.

On November 3<sup>rd</sup>, the MTA and DOT released their choices for the five NYC bus lines that will eventually be converted to Bus Rapid Transit (BRT) routes. While she is pleased that the M15 was chosen as one of the lines, it is unfortunate that the MTA only has funds in its capital budget to fund two out of the five demonstration routes. This month the Senator and a coalition of East Side and Harlem elected officials sent a letter urging the MTA and DOT to choose the M15 as one

of the initial two funded BRT routes to provide new modes of transit for the East Side and immediate relief to the crowded Lexington Ave Subway.

For additional reports and information, see the Senator's Community Bulletin or call 212-490-9535 to obtain a copy.

**Keith Powers** representing A/M Jonathan Bing introduced himself as the CB6 liaison. He stated that in his new position, he would work with CB6 on such issues as, the BRT and the re-outfitting of the 59<sup>th</sup> St. & Lexington Ave. subway station, just to name a few.

For additional reports and information, see the Assembly Member's Community Bulletin or call 212-605-0937 to obtain a copy.

**Shannon Flaherty** representing A/M Gottfried introduced herself as the new CB6 liaison.

Shannon reported that on Monday, December 11<sup>th</sup>, A/M Gottfried held a hearing on the Berger Commission Report and would continue in his efforts on keeping the 23<sup>rd</sup> St. V.A Hospital open.

**Leah DelPercio** representing C/M Jessica Lappin reported that C/M Lappin also testified in opposition to NYPD's proposed Parade Permit regulation changes. She urges the NYPD to revise the rules and allow for larger demonstrations without the need for a permit. Our democracy is built on our First Amendment right to organize and protest. She understands that NYPD has to maintain order on our streets, but the proposed numbers of allowed protesters seem low.

In addition, Leah announced that the NYC Department of Housing Preservation & Development is financing 90 affordable housing rental apartments that is now under construction at 1 East 35<sup>th</sup> Street in the Murray Hill section of Manhattan. Eligible residents residing in CB6 will be given preference for the units. For further information on these or other affordable housing opportunities, contact Jonathan Moody @ 212-535-5554.

For additional reports and information, see the Council Member's Community News letter or call 212-535-5554 to obtain a copy.

**Mathew Shotkin** voiced his opposition to the numerous hospital closings, including the closing of Cabrini Hospital.

**Roll Call** – Carol Schachter

## **BUSINESS SESSION**

### **Adoption of the Nov. 8<sup>th</sup> Full Board minutes.**

Minutes were adopted by voice vote.

### **Chair's Report** – Lyle Frank

Lyle made a general statement on what an amazing board this was. He stated that one of the greatest things about being Chair was that he is able to attend all of the committee meetings to hear the many issues being discussed. He is in awe of the work that this Board does.

### 1. Substantive Issues for this Report

- a. - Access to the Waterfront: He had the good fortune to introduce John West at the meeting who made a wonderful power point presentation. He looks forward to continue working on this issue for the people of CB6.
- b. - Berger Commission: The Board wrote a letter expressing our concern over the process; there is a resolution tonight to that effect.
- c. - Liquor licenses: He announced that Scott Greenspan is now the Vice Chair for liquor licenses for the Business Affairs & Street Activity Committee.
- d. – Board Budget: Lyle and Toni met individually with Council Members Mendez and Garodnick to discuss the budgetary needs of the community; a meeting with Council Member Lappin is being arranged.
- e. - Stuyvesant Town/Peter Cooper Village: Lyle, Claude Winfield, Gary Papush, Richard Moses and Susan Steinberg met with C/M Dan Garodnick to discuss the on going board issues related to Stuyvesant Town/Peter Cooper Village such as the 197-a Plan, land marking, and affordable housing.

Congratulations to the Housing & Homeless Committee, the committee successfully worked on obtaining an on site affordable housing component to the 421a program.

## 2. Procedural Issues:

- a. - The web site: Thank you to Letty Simon, Rebecca Haile & Sandro Sherrod, for their assistance with the web site as our District Manager has been working for a long time to get board members to assist in this endeavor. Inside member packets is a web site suggestion form; Board members were told if they had any suggestions to please fill out and return to Letty Simon.
- b. - The District Office cannot have fifty bosses: The Board office is a very busy office that consists of only four people, therefore, sometimes they are not able to get back to an individual right away, but be assured that they will. Additionally, please remember that board members e-mail the office using the [mn06@cb.nyc.gov](mailto:mn06@cb.nyc.gov) e-mail address, and for record keeping purposes, Committee Chairs e-mail directly to Toni with a cc to the general boards e-mail.
- c. - E-mails: Again, to ensure that accurate records are kept, E-mails representing the Board should be sent from the Board Office on Board letterhead. A board member should **not** e-mail City, State or Federal agencies themselves.

## 3. Activities as Chair

- a. - Resolutions at Borough Board: The Boards resolutions on City Parks and the Medicare Walk-in Center will be presented at the December Borough Board meeting.
- b. - Fighting for CB6's right to be heard: This is a discussion that will be brought up at Borough Board. On too many occasions, we feel that we are not given enough time to submit comments.
- c. - Appointments to BID's and task forces: We are working on appointing Vice Chairs along with the existing board representative to our area BIDs. It is important that the Board has input.
- d. - Consultation with the Executive Committee on committee restructuring: The former Budget sub-committee is now a standing committee called Budget & Governmental Affairs, Chaired by Dan Williams. A By-Laws select committee has also been appointed Darren Bloch is Chair. Restructured and re-named the Business & Governmental Affairs Committee to Government Affairs & Street Activities, they will deal with street fairs, liquor licenses and

sidewalk cafes; and Health and Human Services is now called Health, Senior and Disabilities Issues Committee (see roster).

4. Good and welfare:

- a. - Holiday Party is in one week, if you have not submitted payment, please see Bea Disman tonight.
- b. - Laura Fieber and Marie Confessore have resigned, they will be missed. CB6 thanks them for their service to this community.

In your package there is a survey on the 311 system from the Public Advocates office. Please fill it out and return to the Board office.

We welcome Robert Rosenthal who has been appointed as a new board member on the recommendation of Rosie Mendez.

**District Manager’s Report – Toni Carlina**

Toni reported that we had requested NYS DOT to resolve the pigeon-nesting problem under the FDR underpass between E. 18<sup>th</sup> & 23<sup>rd</sup> Streets. She is pleased to report that we received a letter from Douglas Curry, Regional Director of NYS DOT, informing the Board that they will install, by the end of the year, “Bird Spikes” on the girders in this area.

She then reported that we are finally at the point with our liquor license log that we will be able to determine when an establishment’s liquor license will expire. The Board has reviewed, at least once, all of licenses that we have been made aware of; she is pleased to state that our logs completely match the SLA’s information. We are now creating a log that will allow us, with touch of a button, to view all renewal information at one time, so we may ensure that an establishment does not obtain their renewal prior to Board notification.

For anyone interested in reviewing the NYC Comptroller’s Comprehensive Annual Financial report, it is on file at the board office.

Just as an FYI for all interested board members/Tang Tang Noodle & More, which had an enclosed sidewalk café, is being replaced by a Dunkin Donuts.

**Treasurers Report - Bea Disman**

Bea reported that contributions for the holiday party are also used to make donations to members of the building staff who assist the board office. Some of the funds are also used to send flowers or a fruit basket if a board member should be hospitalized or condolences need to be sent to their families.

She than reviewed the Boards OTPS budget.

**COMMITTEE REPORTS**

**1) Parks, Landmarks & Cultural Affairs – Gary Papush, Chair**

**a. Report**

Gary gave a brief report on the meeting with C/M Garodnick. He stated that not only is the housing stock a concern but his main concern is the integrity of the parks in Stuyvesant Town/Peter Cooper Village as well. Various avenues were discussed to preserve park and open

spaces. He and Claude Winfield, Chair of the Housing & Homeless Committee have discussed conducting a joint committee meeting.

Next month the committee will discuss the lawsuit that has been filed against the LPC and the term expirations of the commission.

At the February committee meeting, representatives from City Parks Advocates will give a Power Point presentation.

**2) Land Use – Edward Rubin, Chair**

**a. Report**

Ed gave his view on the meeting held with C/M Garodnick. The overall impression he received in reference to the Con- Ed Waterside project was good. There were three main issues that he focused on: an easement from the developer to realign the highway to the west; to shorten the exit ramp at 42<sup>nd</sup> Street to allow access on the east side of the highway, and to realign the highway; all three items do not require a lot of money to accomplish.

On the issue of the temporary Outboard Detour Roadway (ODR), CB6 is hoping that NYS DOT retains it for use as extra green space.

**3) Health, Senior & Disability Issues – Sandro Sherrod, Chair**

Clara Reiss the Vice Chair of the committee presented the resolution.

**a. Berger Commission Final Report**

**WHEREAS**, the Berger Healthcare Commission has made its final recommendations in the form of a report that will become effective policy as of December 31, 2006 if the NYS legislature does not act; and

**WHEREAS**, among the recommendations submitted in the report, include the closing or downsizing of several hospitals in New York City, including Cabrini Hospital, a hospital that is located within Community Board 6; and

**WHEREAS**, at this time Community Board 6 has reservations that this reduction of hospital beds will not in turn lead to a reduction of the availability of healthcare to the residents of the City of New York; and

**WHEREAS**, Community Board 6 passed a resolution in May, 2006 supporting A10186 and S6591 that expressed a clear need for the legislature to vote affirmatively and require greater input from the localities and requested that the Berger Commission should study the root causes of hospital financial hardships, such as the lack of health insurance and reimbursement rates; and

**WHEREAS**, in times of catastrophe, spare hospital beds in close proximity to our densely populated areas are critical for the rapid intake of patient overflow and would prove to be vital as evacuation of mass casualties from the island of Manhattan would be difficult at best; and

**THEREFORE BE IT**



**RESOLVED**, that Community Board 6 urges the NYS legislature and the Governor allow a period for public input and discussion as to whether these reductions are in fact merited, before any irreversible actions are taken; and be it further

**RESOLVED**, that Community Board 6 urges the NYS legislature to immediately adopt, and that the Governor sign into law A10186 and S6591 and hold public hearings to further investigate the merit to the drastic reduction of hospital beds in the City of New York; and be it further

**RESOLVED**, that the NYS legislature and the Governor study the root causes of hospital financial hardship, including shortfalls of health insurance and inadequate reimbursement rates.

**VOTE: 38 in Favor 1 Opposed 3 Abstention 1 Not Entitled**

**b. Report**

Clara reported that two representatives from NYU Medical Center attended the committee meeting to discuss how prepared city hospitals were in case of a citywide emergency. They have suggested developing a community district cabinet for city hospitals. This cabinet would consist of representatives from district hospitals and would be used to develop a plan for Emergency Preparedness.

**4) Youth & Education – Maxine McIntosh, Chair**

**a. Report**

Maxine reported that the Department of Education (DOE) has sent out Bus Surveys for students that use city bus passes. This survey must be filled out and returned to the DOE by February 22, 2007.

She then reported that the Vanderbilt Y, located at 224 E. 47<sup>th</sup> Street has an “Other than School Time” teen program (OST), which now includes training, for college courses. The program will begin Saturday, December 16<sup>th</sup> the class is from 6-10 a.m.

She also reported that Phipps Community Center is not moving from Kips Bay Court Community room at this time.

Maxine announced that this year she would be putting together the holiday party; if anyone would like to assist please contact her.

**5) Transportation – Lou Sepersky, Chair**

**a. Subway station access at 59<sup>th</sup> Street and Lexington Avenue**

**WHEREAS** Vornado Realty Trust (Vornado) is the landlord for 731 Lexington Avenue (also known as 1 Beacon Court or the Bloomberg Building) which is between Lexington and Third Avenues, 58<sup>th</sup> to 59<sup>th</sup> Streets, formerly the site of the Alexander’s Department store, and

**WHEREAS** a subway entrance (4, 5, and 6 lines of IRT and the N, R, and W lines of the BMT) was included within the building lot, at the southeast corner of 59<sup>th</sup> Street and Lexington Avenue, in Community Board 6, and

**WHEREAS** during the winter of 2004-5, after the Bloomberg building had been completed, the Metropolitan Transportation Authority (MTA) was notified that ice (or icicles) were falling from the building onto the sidewalk at the subway entrance, and

**WHEREAS**, MTA decided it was not going to open this entry due to safety concerns, and

**WHEREAS**, according to the MTA, because Vornado has made no apparent effort to address a potentially dangerous cold weather condition, it has decided to keep the access to the subway closed and reportedly has told Vornado they will retain a \$1 million bond until the matter is resolved, and

**WHEREAS** the MTA and Vornado have not yet arrived at a resolution to the issue which causes inconvenience to residents and businesses in CB6, and elsewhere, now

**THEREFORE, BE IT**

**RESOLVED** that Community Board 6 (CB6) urges Vornado Realty Trust and the Metropolitan Transportation Authority (MTA) to meet forthwith and to identify the source of the falling ice (icicles) at or near the subway station entrance at the southeast corner of 59<sup>th</sup> Street at Lexington Avenue, and to negotiate a prompt settlement of the sidewalk safety issues at 731 Lexington Avenue (Bloomberg Building, a/k/a 1 Beacon Court), and

**BE IT FURTHER**

**RESOLVED** urges the New York City Department of Buildings to inspect the facade and take whatever steps are necessary to ensure the safety of passers by using the sidewalk and to enable the opening of the subway station entrance.

**VOTE: 42 in Favor 0 Opposed 1 Abstention 0 Not Entitled**

**b. Report**

Lou gave his view on of the meeting with C/M Dan Garodnick, and stated that the committee has and will continue to lobby for the ODR.

He then reported that the Heliport was back in business. There are proposed changes in the usage of the 34<sup>th</sup> Street Heliport; the committee will discuss this issue In January.

**6) Housing & Homeless – Claude Winfield, Chair**

**a. 421-a Partial Real Estate Tax Exemption for 250 East 53<sup>rd</sup> Street**

**Whereas**, 53<sup>rd</sup> Street and 2<sup>nd</sup> Avenue Associates, LLC has applied for a partial real estate tax exemption under Section 421-a of the Real Estate Tax Law for 250 East 53<sup>rd</sup> Street, and

**Whereas**, the 33 story building contains 36 one bedroom, 66 two bedroom, and 25 three bedroom condominium apartments, and

**Whereas**, the applicant submitted a complete application, and

**Whereas**, all pertinent data was available for the committee’s review, and

**Whereas**, the applicant attended the public review process and answered all

questions, and

**Whereas**, the development has sponsored “affordable housing” in the South Bronx, and

**Whereas**, the development has co-sponsored “Low Incoming Bonus Housing for inclusionary housing” within Community Board Six, now

**Therefore be it**

**Resolved**, that Community Board Six does not oppose the granting of tax abatements for this application.

**VOTE: 41 in Favor 1 Opposed 1 Abstention 0 Not Entitled**

**b. Regulation of Electronic Access Systems, Intro 0374**

**WHEREAS**, residential landlords, particularly in large residential buildings and complexes, are increasingly introducing electronic card key access systems that use radio frequency identification (RFID) and other electronic technologies to replace metal keys for access to building entrances and other common building areas, such as laundry rooms; and

**WHEREAS**, these landlords have been insisting that tenants be digitally imaged and that their digital image be placed on these electronic building access cards, notwithstanding the fact that these images are not necessary to system operation since the systems are not facial recognition identification systems and they are not live monitored by security personnel who can compare a stored image with the image transmitted by surveillance cameras and decide whether to allow entry; and

**WHEREAS**, this same information and imaging requirements **is being required** for non-resident family members, guests, housekeepers and home care workers whom the tenant wishes to have ready access to their apartments; and

**WHEREAS**, one of the better known recent examples of this is the installation of an electronic card key access system in Peter Cooper Village, a complex with 21 buildings and approximately 2,500 apartments; and

**WHEREAS**, these electronic access systems collect information, including date and time of each use, and are capable of storing this data indefinitely on their systems or in archival back-up; and

**WHEREAS**, such information can be readily analyzed by computers to create a profile of each user’s access to the building or certain common areas: and

**WHEREAS**, with some additional effort, the access data, when combined with existing closed circuit television (“CCTV”) security cameras can create a complete profile of an individual’s entry and access to their residence as well as the comings and goings of other card users; and

**WHEREAS**, there is no law regulating the collection, maintenance, retention, and dissemination of this personal data, leaving landlords to deal with this data in any manner they desire; and

**WHEREAS**, the United States and New York State Constitutions, Federal and state court decisions and Federal and state laws have always recognized and protected the privacy interests of individuals in their personal data; and

**WHEREAS**, the United States and New York State Constitutions and Federal and State laws and court decisions recognize that an individual's privacy interests and expectations are at their zenith in their homes and protect such interests against unwarranted and unnecessary infringement, whether by governmental authorities or private parties; and

**WHEREAS**, it is a fundamental precept of privacy laws that the collection, maintenance, retention and dissemination of personal information about individuals should be consistent with the purposes for which it is collected; and

**WHEREAS**, since Landlords claim that crime prevention and building and tenant safety justify the implementation of these access systems, there is no justification for maintaining data collected by such electronic access systems for long periods of time or for dissemination of such information to appropriate government authorities for other than criminal law enforcement or national security purposes; and

**WHEREAS**, in fact, many law enforcement agencies, including those in large cities, have written policies to destroy collected video surveillance images not being used for investigative purposes after short period of time that often range from 14 to 30 days; and

**WHEREAS**, on June 8, 2006, Council Member Dan Garodnick introduced Intro 0374-2006 into the New York City Council; and

**WHEREAS**, 33 Council Members have co-sponsored Intro 0374-2006; and

**NOW THEREFORE BE IT**

**RESOLVED**, that Community Board Six urges the New York City Council to pass Intro 0374-2006, a local law to amend the administrative code of the city of New York, in relation to regulating the use of electronic access for certain multiple dwelling and the dissemination and retention of information obtained by such systems.

**VOTE: 40 in Favor 0 Opposed 3 Abstention 0 Not Entitled**

**c. Report**

Claude reported that the Salvation Army was selling its facility at 18 Gramercy Park So. This is a problem for some of the residents who have lived there for over 40-years, if sold they could possibly end up homeless. HPD and C/M Mendez are working diligently to resolve this situation. He stated that the Salvation Army was closing their Teneyck facility, on E. 39<sup>th</sup> St. as well.

**7) Public Safety, Environmental & Human Rights – Fred Arcaro, Chair**

**a. Proposed changes to City's parade permit regulations.**

**Whereas**, the proposed regulation provides that any group of ten or more cyclists traveling down a street who violate any traffic law, rule or regulation for more than two blocks can be arrested for parading without a permit; and

**Whereas**, the proposed regulation provides that any group of 30 or more cyclists or pedestrians, in any public street, must obtain a permit and a pre-approved route from the NYPD, even if they abide by all traffic laws; and

**Whereas**, failing to obtain a permit or groups leaving the pre-approved route would be subject to arrest; and

**Whereas**, these broadly defined changes could easily be applied to tour, school and legitimate group outings and infringe upon the free movement of people in public thoroughfares; and

**Whereas**, these proposed changes could infringe on constitutional right of New Yorker's to meet in a public place; and

**Whereas**, access to these proposed permits should be unfettered and the civil rights of citizens to peaceably assemble should not be impeded; and

**Whereas**, a police permit would be required in any situation where thirty-five or more persons using vehicles or other means of transportation used in concert, would then create serious disruption to traffic or pedestrians or interfere with the civil rights of others or cause a serious safety hazard to others;

**Therefore, be it**

**Resolved**, that Community Board Six urges the Police Department of the City of New York to reconsider the proposed parade permit regulation, and adopt a regulation that should not be so broadly worded to allow for the wholesale dispensing of the civil right of New Yorkers to congregate and peaceably assemble.

**VOTE: 40 in Favor 2 Opposed 1 Abstention 0 Not Entitled**

b. **Intro 408- In relation to the inspection of water tanks used for the purpose of storing and distributing drinking water.**

**Whereas**, owners of buildings in City of New York that utilize water tanks as part of the building's drinking water supply system are required to conduct annual inspections; and

**Whereas**, said inspections are required to be submitted to the Commissioner of Health within fourteen days upon completion of such inspection; and

**Whereas**, the Department of Health shall retain records of the inspection for five years; and

**Whereas**, Intro 0408-2006 requires that the records of the inspections be made available to the public; and

**Therefore be it resolved**, that Community Board 6 urges the City Council Committee on Health to vote in favor of Intro 0408-2006 and recommend adoption by Council at the earliest convenience.

**VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

- c. **Resolution urging the New York State Board of Elections to promptly certify Precinct Based/Optical Scan voting systems for procurement by the local Boards of Elections and urging the New York City Board of Elections to select a Precinct Based/Optical Scan system as the new voting technology for the City of New York.**

**Whereas**, honest, observable, and easily-verified public elections constitute the foundation of representative democracy; and

**Whereas**, public confidence in the outcome of elections depends on voting technology that is reliable, secure, and easy to use; and

**Whereas**, the federal Help America Vote Act of 2002 (HAVA) was intended as a response to the concerns that surrounded the outcome of the Presidential Election of 2000; and

**Whereas**, HAVA requires states to modernize elections and undertake measures to increase voter participation; and

**Whereas**, New York State enacted the Election Reform and Modernization Act (ERMA) in order to comply with HAVA; and

**Whereas**, ERMA requires local Boards of Elections to select new voting technology to replace the mechanical lever machines which are currently used throughout the state; and

**Whereas**, under ERMA, local boards may select either a Precinct Based/Optical Scan (PB/OS) voting system or a Direct Recording Electronic (DRE) voting system; and

**Whereas**, under ERMA, the New York State Board of Elections has the responsibility for certification of the various models that will be available to the local boards; and

**Whereas**, the New York City Board of Elections must work diligently to select and begin planning immediately to make a transition to the use of a new voting technology; and

**Whereas**, the additional advantages to paper ballots are that they can be used by disabled voters through accessible ballot-marking devices and can also be easily used by those for whom English is not their primary language; and

**Whereas**, paper ballots avoid issues with fraud detection, prevention, correct errors and tampering because they can be securely stored and handled, which enables election observers to meaningfully witness election procedures and vote-counting; and

**Whereas**, paper ballots facilitate easy and observable recounts; and

**Whereas**, Optical scanners in the polling site would detect errors in ballot-markings such as overvotes, undervotes, and stray marks, and enable voters to correct such errors before their ballot is cast; and

**Whereas**, optical scanners have proven their reliability by being successfully used in elections nationwide for over thirty years, and are currently used by thirty-five percent of American voters in forty-six percent of American jurisdictions; and

**Whereas,** optical scanners have been successfully programmed, operated, and maintained by public employees in New York State in agencies such as the Division of the Lottery, the New York State Education Department and the Department of Motor Vehicles, as well as by our county Boards of Elections in all boroughs of the City of New York for use in counting absentee ballots; and

**Whereas,** optical scanners can easily be programmed by bipartisan, technical staff at the New York City Board of Elections without the need for ongoing involvement of vendors; and

**Whereas,** PB/OS systems will be significantly less expensive than DRE systems; and

**Whereas,** it should be noted that optical scanner equipment is less delicate than electronic voting equipment and has a longer lifespan; and

**Whereas,** PB/OS systems can provide the advantages of quick election-day results and accessibility without the risks associated with electronic voting; and

**Whereas,** voter and public confidence would be lowered by the use of electronic ballots which are recorded in a way that no voter or observer can actually witness; and

**Whereas,** DRE voting systems make errors and tampering difficult to detect, prevent, or correct; and

**Whereas,** the use of wireless communications capability would open an electronic ballot box to tampering by anyone in the world; and

**Whereas,** other jurisdictions have experienced severe problems with electronic voting systems which have depressed voter confidence and prompted lawsuits by candidates and voters as a result of the many irregularities experienced with such systems; now,

**Therefore be it**

**Resolved,** that Community Board 6 urges the New York State Board of Elections to promptly certify Precinct Based/Optical Scan voting systems for procurement by the local Boards of Elections and urges the New York City Board of Elections to select a Precinct Based/Optical Scan system that provides a paper trail backup as the new voting technology for the City of New York.

**VOTE: 40 in Favor 0 Opposed 3 Abstention 0 Not Entitled**

**d. Report**

Fred briefly reported on the tour of the E. 59<sup>th</sup> Street Third Water Tunnel. The Department of Environmental Protection will give another tour sometime next year; anyone who is interested in taking the tour should give their names to him or Toni.

He then announced that a joint committee meeting will be arranged with the Health, Senior, and Disabilities Issues to discuss Emergency Preparedness for Hospitals.

**8) Business Affairs & Street Permits – Carol Schachter, Chair**

b. **Renewal of On-Premises Liquor License and Additional Bars for Oceans 961 Corp., 961 Second Avenue, a/k/a 252 E. 51<sup>st</sup> Street.**

**WHEREAS**, the applicants appeared before us to explain the relationship between these entities and hours of operation; and

**WHEREAS**, the applicants advised us that they were surrendering the outside roof terrace bar to the building owner, thereby closing that part of their operation; and

**WHEREAS**, a change of agreement form was signed by the applicants and the Business Affairs & Street Activities (BASA) Committee to agree to close the windows of MICA Bar seven days a week at 11 p.m. and a further promise was made that BASA would make this requirement uniform and mandatory for all eating and drinking establishments in the course of our reviews; and

**WHEREAS**, the applicant is aware that the C of O must be changed to conform with the present use for all floors, which includes the cellar, basement, 1<sup>st</sup> story, and 2<sup>nd</sup> and 3<sup>rd</sup> stories; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six supports the application for a renewal of its on-premises liquor license for the above entities at this time.

**VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

c. **Transfer of On-Premises Liquor License for 167 E. 33 Street, d/b/a to be determined, between Third and Lexington Avenues.**

**WHEREAS**, the applicants appeared before us and explained that they were using the two floors of the restaurant as is, with no changes or enhancements; and

**WHEREAS**, we were advised that the basement level was grandfathered and therefore not subject to ADA regulations; and

**WHEREAS**, we were informed that this would basically be a wine restaurant, with no DJ and closing well before 4AM in keeping with this type of establishment;

**THEREFORE**, be it

**RESOLVED**, that Community Board Six supports the application for a transfer of an on-premises liquor license for the above entity at this time.

**VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

d. **Alteration, On-Premises Liquor License for MMSP LLC d/b/a Blackstones, 245 East 55<sup>th</sup> Street, between Second and Third Avenues.**

**WHEREAS**, the applicant appeared before us and informed us they were seeking to add a second bar in the basement to handle customer flow; and



**WHEREAS**, we were advised that the applicant has security personnel present to address noise concerns; and

**WHEREAS**, we were informed that they would post a sign as large as legally possible suggesting courtesy to neighbors and would provide a contact number for community residents to express concerns of any kind; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six supports the application for an alteration of an on-premises liquor license for the above entity at this time.

**VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

e. **Renewal of On-Premises Liquor License for 60 Sweet Thing, Inc., d/b/a Redemption, 1003 2<sup>nd</sup> Ave., @ E. 53<sup>rd</sup> St.**

**WHEREAS**, Anthony Monticello and William Finneran, co-owners of Redemption, appeared at the December 7, 2006 meeting of the Business Affairs and Street Activities Committee (“BASA”) in support of Redemption’s renewal application; and

**WHEREAS**, no one from the community spoke or appeared in favor of Redemption’s liquor license renewal at the December 7, 2006 meeting; and.

**WHEREAS**, numerous residents of the apartment buildings located near Redemption, including residents of The Connaught Tower (2nd Ave. between 53rd and 54th St), The Brevard (corner of 54th St. and 3rd Ave.), 333 East 53rd Street (between 1st and 2nd Aves.) and the Hawthorne (211 East 53rd St. – between 2nd and 3rd Aves.) appeared and spoke out in opposition to Redemption’s application; and

**WHEREAS**, members of the community submitted letters and petitions bearing approximately 130 signatures against the renewal of Redemption’s on-premises liquor license; and

**WHEREAS**, at the December 7, 2006 meeting, members of the community complained of the excessive noise generated by Redemption and characterized Redemption as “out of control,” and

**WHEREAS** the applicant indicated that the capacity is 262 persons on the Board’s questionnaire, however Section 32-15 of the New York City Zoning Resolution allows “eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified show time”, and “eating or drinking establishments with (musical) entertainment, but not dancing, with a capacity of 200 persons or less”, and

**WHEREAS**, the owners of Redemption, at the meeting, admitted that a bouncer of Redemption had been involved in a fight arising from the establishment’s operations that resulted in his termination by Redemption; and

**WHEREAS**, a man of about 35-40 years of age identified himself as a “member of the community” and spoke in favor of the renewal, stating that he moved to the neighborhood near Redemption because the nightlife scene in the immediate area around Redemption, including Redemption itself, adds value to the community. When asked by a committee member if he had

an interest in Redemption, the “member of the community” admitted that he had an ownership interest in Redemption; and

**WHEREAS**, such misrepresentation was apparently done in an effort to mislead CB6; and

**WHEREAS**, according to a survey conducted by CB6, which consisted of a physical inspection of all establishments within a 500 foot radius of the applicant’s premises and a review of each of those premises on the SLA’s liquor license database found on its website, there are 30 establishments with active, on-premises liquor licenses within 500 feet of the corner of East 53<sup>rd</sup> Street and Second Avenue – the location of the applicant’s premises; and

**WHEREAS**, it is the determination of Community Board Six that the neighborhood in close proximity to the applicant’s premises is oversaturated with such establishments; and

**WHEREAS**, the applicant has had a long history of problems, including, but not limited to problems cited in Community Board Six’s resolution of April 2005 concerning the applicant, which stated in relevant part that “the establishment, which has been in operation since 2/05 has had numerous violations including citing by the 17<sup>th</sup> Precinct for underage drinking, no Certificate of Occupancy and is simply operating illegally without any regard for required permits and licenses”; and

**WHEREAS**, in September of 2006, CB6 unanimously passed a resolution which “strongly and unequivocally” opposed Redemption’s application to open a second bar on its premises because of the many problems associated with Redemption’s operation; and

**WHEREAS**, Redemption first applied for an on-premises liquor license in 2004 (which CB6 did not oppose), which license was granted by the SLA in January of 2005; and

**WHEREAS**, when Redemption applied for an on-premises liquor license in 2004, it told both CB6 (in its responses to the CB6 questionnaire and/or in meetings with the predecessor committee to BASA) and/or the SLA that it: (1) intended to open a traditional sit- down restaurant; (2) would not play DJ music but would only play recorded music at background volume levels; (3) that it would not be hiring security personnel; and (4) would close at midnight on some nights and 1 am on other nights; and

**WHEREAS**, contrary to the above-cited representations, Redemption: (1) is a bar (and not a traditional sit-down restaurant) whose kitchen closes at 11 p.m.; (2) plays DJ music at entertainment – not background levels; (3) hires multiple bouncers; and (4) closes at 4 a.m., seven days per week; and

**WHEREAS**, such statements made to both CB6 and to the SLA in its 2004 application for a new on-premises liquor license appear to not have been accurate, and may have led CB6 to support an otherwise objectionable establishment; and

**WHEREAS**, CB6 has requested the SLA investigate the statements made by Redemption to both CB6 and to the SLA during its 2004 application process; and

**WHEREAS**, the Alcoholic Beverage Control Law (“ABCL”) requires applicants seeking a renewal of an on-premises liquor license for an establishment located in the City of New York to notify the applicable Community Board at least thirty (30) days in advance of filing a renewal application with the SLA; and

**WHEREAS**, with respect to the 2006 renewal of its liquor license, Redemption apparently violated this notice requirement of the ABCL by notifying CB6 on November 20, 2006 of its intent to renew – the same day when it submitted its renewal application to the SLA; and

**WHEREAS**, CB6 has requested the SLA investigate Redemption’s apparent failure to comply with the ABCL’s 30-day notice requirement; and

**WHEREAS**, CB6 finds that Redemption’s failure to notify CB6 at least 30 days before it submitted its renewal application to the SLA had the effect of eviscerating input from the community and from CB6 concerning its renewal; and

**WHEREAS**, the SLA renewed Redemption’s on-premises liquor license before BASA held its public hearing on the renewal; and

**WHEREAS**, SLA Chairman Daniel Boyle has publicly stated in testimony before State Senator Nick Spano’s committee that “bait and switch” tactics will not be tolerated by the SLA; and

**WHEREAS**, the failure by bars to follow the ABCL’s 30-day notice requirement for liquor license renewal deprives the community and CB6 of an opportunity to offer meaningful input into the renewal; and

**WHEREAS**, the Committee voted unanimously for a negative resolution to this applicant; now

**THEREFORE, be it**

**RESOLVED**, that Community Board Six strongly urges the SLA to rescind its recent renewal of Redemption’s on-premises liquor license and to thoroughly investigate CB6’s formal complaints against Redemption concerning the accuracy of the representations made by Redemption to CB6 and to the SLA when it applied for its original on-premises liquor license in 2004 and with respect to Redemption’s failure to follow the 30-day notice provision in the ABCL with respect to its 2006 renewal; and be it further

**RESOLVED**, that CB6 strongly urges, that all of the elected officials who represent the residents within CB6 take such steps as necessary to urge the SLA to rescind its recent renewal of Redemption’s on-premises liquor license and to thoroughly investigate CB6’s formal complaints against Redemption concerning the accuracy of the representations made by Redemption to CB6 and to the SLA when it applied for its original on-premises liquor license in 2004 and with respect to Redemption’s failure to follow the 30-day notice provision in the ABCL with respect to its 2006 renewal.

**VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

f. **Alteration, On-Premises Liquor License for Nino’s Positano, 301 E. 47 Street, New York, N.Y. aka 890 Second Avenue.**

**WHEREAS**, the applicant appeared before us and informed us they were expanding into the adjoining premises to obtain more tables and would close their restaurant nightly at 11:30 p.m.; and

**WHEREAS**, the applicant agreed to sign a change of agreement form to close his windows seven days a week at 11 p.m. to support the uniformity procedure we promised a previous applicant; and

**WHEREAS**, there were no concerns expressed at our meeting either by the community in attendance nor committee members who represented neighborhood organizations; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six supports the application for an alteration of an on-premises liquor license for the above entity at this time.

**VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled**

Prior to the committee report, Lyle Frank, Chair of the Board praised Harry Ursillo for his fine work while he chaired the Business & Governmental Affairs committee and also noted that Harry is now the Vice Chair of the Public Safety, Environment & Human Rights committee, and has been appointed to the By-Laws Select committee, while continuing to serve as Board liaison to the 13<sup>th</sup> and 17<sup>th</sup> Precincts.

g. **Report**

Carol also thanked Harry Ursillo for the great work he did while Chair of the committee.

Carol then announced that Proof Restaurant, 239 Third Ave. received its liquor license without community board approval. The committee will address this issue and the problem with the SLA not checking for board approvals.

**Old/new business**

**Second Roll Call**

**Adjournment 10:30**