

FULL BOARD MEETING MINUTES
Wednesday, June 14, 2006
NYU MEDICAL CENTER
FIRST AVENUE

Hon. Carol Ann Schachter, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Barrett, Bloch, Buchwald, Cervera, Confessore, Curtis, Fieber, Frank, Garodnick, Greenspan, Haile, Judge, Lynn, McIntosh, Monterossa, Moses, Oddo, Papush, Parrish, Peveri, Reiss, Ross, Rubin, Russo, Scala, Schachter, Schaeffer, Sepersky, Sherrod, Simon, Steinberg, Thompson, Tu, Ursillo, West, Williams, Winfield

Members answering second roll call:

Arcaro, Barrett, Bloch, Buchwald, Cervera, Confessore, Curtis, Fieber, Frank, Garodnick, Greenspan, Haile, Judge, Lynn, McIntosh, Monterossa, Moses, Oddo, Papush, Parrish, Peveri, Reiss, Ross, Rubin, Russo, Scala, Schachter, Schaeffer, Sepersky, Sherrod, Simon, Steinberg, Thompson, Tu, Ursillo, West, Williams, Winfield

Excused

Collins, Garland, Hollister, Imbimbo, McGuire

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

Disman, Howard, Knowles, Lilien, Parker, Schoor, Talbot

Member attendance Present: **38** Absent: **7** Excused: **5**

Guests signed in: Josh Boshian representing B.P. Scott Stringer; Leena Krishnaswamy representing Cg/M Carolyn Maloney; Pat McCandless representing Sen. Liz Krueger; Anna Rivera representing A/M Sylvia Friedman; Michael Kaplan representing A/M Gottfried; Laura Morrison representing Sen. Tom Duane; Barry Klein representing A/M Jonathan Bing; Michael Kaplan representing A/M Richard Gottfried; Greg Geller representing C/M Rosie Mendez; Justine Almada representing C/M Dan Garodnick; Cindy Behrman, Phoebe Bennett, Elizabeth Blatz, Jay & Minna Charles, Helen Collins, Melvin Dennis, Robert Farrell, Charles Flax, Shirley Gerstal, Kenneth Gutierrez, David Halle, Phyllis Hoffman, Deborah Huntington, Ellen Kirby, Janet Laing, Mitchell Miller, Uman, Mohamed, Jon Schachter, Betty Schwartz, Susan Steinberg, Kaity, Tsui

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Meeting Called to Order

Carol Schachter, Chair called the meeting to order.

Agenda Changes

HOUSING & HOMELESS

Added Resolutions

2a. – Amending the 421-a Tax Exemption Law

2b. – Renewing leases under stabilization: defining demolitions.

TRANSPORTATION

Added Resolutions

3a. - TO BE CAUCUSED - TLC renewal application for Princess Limousine's base station @ 25 Waterside Plaza.

3b. – Temporary permission to park at Stuyvesant Town loop curbs during construction in the Ave. C loop.

3c. – Demand for steps to provide additional levels of a pedestrian safe crossing at 1st Ave. & E. 20th St.

YOUTH & EDUCATION

Added Resolution:

4a. – Regulation of usage on Cellular Telephones.

PARKS, LANDMARKS & CULTURAL AFFAIRS

Added Resolution:

5c. – Certificate of Appropriateness for The New Church, 114 E. 35th St.

BUSINESS & GOVERNMENTAL AFFAIRS

Held-Over Resolutions

7b. - New, On-Premises liquor license for Public House New York, 622 3rd Ave., @ E.41st St.

7c. – Alteration & additional bar for 60 Sweet Thing, Inc. d/b/a Redemption 1003 2nd Ave. @ E.53rd St.

7e. - New, On-Premises liquor license for Waterside Bar Restaurant Catering, Inc., d/b/a tbd, 15 Waterside Plaza.

Deleted Resolution

7d. - New, On-Premises liquor license for Madova, LLC, d/b/a/ tbd, 1009 2nd Ave., b/w E. 53rd & E. 54th Sts. (Did not go forward with lease)

Added Resolutions

7i - Street Fair Appl. – July 29th (Sat) 12pm to 5pm Samaritan Village on E. 53rd St. b/w 2nd & 3rd Aves.

7j – New, On-premises liquor license for 233 E. 14th St. b/w 2nd & 3rd Aves.

7k. – Transfer, On-premises liquor license for 587 3rd Rest. Corp. 587 3rd Ave., b/w E. 38th & E. 39th Sts.

PUBLIC SAFETY, ENVIRONMENT & HUMAN RIGHTS

Deleted Resolution

8b. – Senate bill S4656B – requires electronic monitoring for certain sex offenders.

Adoption of the Agenda

PUBLIC SESSION

Leena Krishnaswamy, representing Cg/M Carolyn Maloney, reported that Cg/M Maloney is aware of the plans for the Bellevue Sobriety Garden and that she has been in contact with the hospital to ensure that the garden remains in its current place. She welcomes this opportunity to work with the community and the hospital to make sure that garden stays in its place and continues to prosper.

She then reported that the Members of Congress want an explanation as to why New York City will receive an \$83 million cut in Homeland Security funding. Cg/M Maloney along with 28 other members have sent a letter to the Homeland Security Director demanding a meeting to discuss this issue. She has also expressed outrage at the security funding distribution.

For complete reports, see the Congress Members Reports or call 212-860-0606 to obtain a copy.

Borough President's Report – Josh Bocian

Josh stated that the last Borough President had promised each community board member a copy of the New Zoning Handbook; he is pleased to announce that BP Stringer has provided a free copy for every Board Member. The handbook is also available at City Planning and The Citystore located in the Municipal Building.

Anthony Borelli, Director of Land Use has informed him that renewal subscriptions to CityLand has also been provided.

Community Board 101 training sessions for new Board members are taking place on June 22nd & June 26th. Board members previously trained are welcomed to attend.

In addition he announced that the Borough President has filled Mr. Rettigs board position with Susan Steinberg.

For these and other reports, see the Borough President's Community Board report, go to www.mbpo.org or call 212-699-8300 to obtain a copy.

Pat McCandless representing Sen. Liz Krueger reported that the Empire State Development Corporation (ESDC) recently awarded a \$420,000 grant to a farm that force-feeds ducks to expand their livers 10 times the normal size; an inhumane practice used to mass produce Foie Gras. Sen. Krueger has stated that it is mind boggling that the ESDC would find the subsidizing of the cruelty to animals to be an appropriate use of taxpayer dollars. The little economic benefits the local community may reap fails to justify the way these animals are handled and fails to show New York taxpayers their dollars will be used in a responsible way. With production and sale of foie gras being banned by the State & City legislatures across the country, now is not the time for the State of New York to spend taxpayer dollars bucking this trend. This grant is just the latest in a series of questionable funding decisions by the ESDC.

He stated that during the summer months blood donations decline 10% to 15%, therefore, Sen. Krueger would sponsor a Blood Drive on July 10th to July 12th, from 10:00 a.m. to 5:30 P.M. at NYU Medical Center, 530 First Ave, Rm. HCC 102.

For complete reports, see the Senators Community Bulletin or call 212-490-2151 to obtain a copy.

Michael Kaplan representing A/M Dick Gottfried reported that the Assembly Member along with other Elected Officials, Housing Advocacy Groups and nearly two-hundred New York tenants, gathered on the steps of City Hall, May 18th, to call on the NYS Department of Housing and Community Renewal (DHCR) to stop “phony demolitions”. They demanded that DHCR interpret the Rent Stabilization Code as it was intended and not allow unscrupulous landlords to evict rent stabilized tenants.

He also reported that the NYC Housing Authority (NYCHA) has announced a plan to raise the rents for 27% of its households. Rents would go up 10% to 40% over a two-year period. NYCHA’s plan also includes a proposal for new Section 8 vouchers that will subsidize 8,400 of the 20,000 unsubsidized units owned by NYCHA as they become vacant and available for the program.

He then reported that many large employers are cutting costs by reducing or eliminating what they spend on employee health care. A/M Gottfried has introduced a Fair Share for Health Care Act (A.10583), which would charge large businesses with 100 employees or more an hourly assessment for each employee. Employers would get a credit against the assessment for what they spend on health benefits for their employees. A/M Gottfried stated that we should have universal publicly sponsored health coverage, with broad based public financing like Medicare or Child Health Plus, but for everyone.

For complete reports, see the Assemblymember’s Community Bulletin or call 212-807-7900 to obtain a copy.

Barry Klein, representing A/M Jonathan Bing, reported that A/M Bing is pleased to announce that this year three of his bills have passed the Assembly. Bill **A.3372** would exempt Social Security income from the Senior citizen Rent Increase Exemption (SCRIE) calculation to expand eligibility. Bill **A.3374** would create a check-off in New York State income tax returns for the NYS Council on the Arts. Bill **A.9113-B** would end illegal practices that threaten the safety of employees in the workplace-particularly employers who illegally lock staff inside the business. Pending legislation Bill **A.10132**-provides that a negative resolution by a community board is presumptive evidence against the issuance of liquor licenses and requires that State Liquor Authority (SLA) provide an affirmative showing of public interest with particular, in writing, before the license may be issued.

For complete reports, see the Assembly Member’s Community Bulletin or call 212-605-0937 to obtain a copy.

Greg Geller, representing C/M Rosie Mendez, reported that C/M Mendez was one of many elected officials to join A/M Gottfried on May 18th to denounce the practice of “phony demolitions” and help introduce legislation that would stop the threat these demolitions pose to affordable housing.

He also reported that C/M Mendez sponsored Intro 276, which will create a trial program to study the effects of closing the Central Park loop drive to vehicular traffic from midnight on June 24th to midnight June 25th. She was concerned that closing the park to cars would add to traffic congestion in other areas of Manhattan, but based on the information she has received thus far, it appears the impact would be minimal.

He then reported that the Councilmember wrote to the State Liquor Authority (SLA) in support of the Board’s resolution in opposition to a liquor license alteration for Tonic East, 411 3rd Ave. Given that no agreement has been reached, she hopes the SLA will hold a full hearing on this issue.

For complete reports, see the Council Member’s Community Board Reports or call 212-677-1077 to obtain a copy.

Justine Almada representing C/M Dan Garodnick congratulated Susan Steinberg on her appointment to the board.

She reported that on Tuesday, June 13th, C/M Garodnick introduced a local law that would place limitations on uses of electronic access systems (key cards), for multiple dwellings in order to protect the privacy of residents living in buildings with these systems. This law was created to reflect the problem at Stuyvesant Town/Peter Cooper Village. C/M Garodnick hopes that this law will accomplish reasonable limitations on the collection and retention of data to 30 days, limit personal information such as photographs that could be used on the key cards and require an alternative procedure for people who cannot use the electronic devices.

Justine reminded the community that the Councilmember had sent a letter to DOT asking that improvements be made at the intersection of 20th Street and First Ave; since then C/M Garodnick recently met with DoT Commissioner Iris Weinshall and Cg/M Maloney to discuss possible proposals for the site. He hopes to have a determination on this situation soon.

Additionally the Councilmember will support the community and the Community Board in their efforts to save the Bellevue Sobriety Garden.

For complete reports, see the Councilmember's Community Bulletin or call 212-818-0580 to obtain a copy.

Hellen Collins, Charles Flax, Cindy Berhman and Deborah Huntington, all spoke in favor of preserving the Bellevue Sobriety Garden.

Roll Call – Harry Ursillo

BUSINESS SESSION

Adoption of the Apr. 19th & May 10th Full Board Minutes.

Minutes were adopted by voice vote.

Chair's Report – Carol A. Schachter

Carol thanked Lyle Frank for agreeing to attend the Boro Board meeting for her; Harry Ursillo for assisting her with the Stuyvesant Square Park street fair and Toni Carlina for securing programs for children in two community parks, and for all the work she put into getting the ball fields named after our former Chair Timothy McGinn.

She reported Dag Hammarskjöld public plaza has been re-opened and is beautiful; she suggests that Board members go see it.

She then reported that the Board wrote a letter of condolence to Sen. John Goodman expressing our sympathy on the passing of his wife Barbara.

She announced the Nominating Committee members, Ted Lynn, Chair, Fred Arcaro, Gary Papush, Ellen Imbimbo and Paige Judge.

Carol explained what the job of the nominating committee would entail.

Ted Lynn stated that any board member wishing to run for an executive committee position should notify him in writing within the next two weeks, a copy should be sent to the board office.

District Manager's Report – Toni Carlina

Toni reported that on June 6th she held a DSC & Agency budget consultations meeting. Marty Barrett, Chair of our Budget sub-committee will be provided with the agencies requests.

C/M Garodnick attended and was actively involved with the proceedings.

One of the issues discussed was the unkempt conditions of the FDR Service Road and the on and off ramps. Agency jurisdiction for this roadway was discussed, DOT stated that they would look into having the ramps cleaned and DOS would review the roadway. Later that afternoon, Sanitation Dist. 6 Supervisor Bill Weiss informed her that DOS cleaned the 18th St. underpass and NYPD cut chains that anchored pushcarts to the chain link fence.

She then reported that the office had received several complaints regarding traffic and unsafe pedestrian conditions along E. 35th St. between 1st & 2nd Avenues, the site of shaft 32b for the 3rd Water Tunnel. DOT was called, and an inspection found that the contractor had not followed job specifications previously agreed upon through meetings with CB6, DEP, Traffic Enforcement and DPR. They were ordered to realign the concrete barriers on the corner of E. 35th St. and 2nd Ave. to improve pedestrian visibility, install "Traffic Ahead" signs, pavement markings to indicate the flow of traffic and a left turn arrow. CM Garodnick stated that his office also received several complaints that included horn honking. Upon inquiry, it was discovered that the contractor has not provided traffic enforcement officers; this too was agreed upon at the time of our meetings. DEP is investigating. As of 6/13/06 there would be no shaft work at this location until August, when they would start the raised bore work, which is when they start digging upwards.

She then announced that in the packets is a schedule for summer events for children at Mary O'Connor Playground and in Stuyvesant Square Park. These events are co-sponsored by the Board.

COMMITTEE REPORTS

1) Human Services – Lyle Frank, Chair

a. Report

Lyle gave an update on the Berger Commission/V.A. Hospital Issue.

Lyle reported that he and Ed Rubin have discussed the proposed plans for the East River Science Park (ERSP) and hopes in the near future a presentation of the plans will be made to the board. The board is trying to impress upon the developer to link everything together so that there would be one master plan. This would include the Bellevue Sobriety Garden.

Lyle wished all members a good summer.

See committee minutes for full reports.

2. Housing & Homeless – Claude Winfield, Chair

a. Resolution to amend the 421-a Tax Exemption Law

Whereas, the intent of the law establishing the 421-a tax abatement as-of-right in New York City was to encourage housing development in areas where market rate development was not occurring and would not occur without tax abatement, and

Whereas, since the inception of the 421-a, New York City housing market has changed. Market rate development is occurring at a rapid rate and no longer needs tax abatement to flourish, and

Whereas, New York City is now faced with a different crisis; low and moderate income residents are no longer able to afford to live within the five boroughs. Rents are rising and workers wages are not keeping pace. New Yorkers need access to more affordable housing and better paying jobs, and

Whereas, many of the traditional funding mechanisms for affordable housing (such as the federal Section 8 program) have been diminished, and

Whereas, the 421-a tax abatement will cost New York City \$320 million this year alone. Significantly, according to a report by the NYC Independent Budget Office in 2003 only 7% of units built by 421-a recipients are affordable to low- and moderate- income families. Many of these affordable units are built in neighborhoods with poorer housing markets, far from the original market rate units, and

Whereas, it has become increasingly common for recipients of the 421-a tax abatement to pay substandard wages and benefits to their building service workers, although roughly 80% of building service workers in New York City are paid prevailing rate, as many as 50% of large buildings that receive the 421-a tax abatement do not pay building service employees prevailing wages and benefits, and

Whereas, this legislation addresses the heart of the affordability crisis in New York City. It takes away the 421-a tax abatement as-of-right, but allows developers to continue to take advantage of 421-a tax abatements as long as they develop a minimum threshold of affordable units and pay their building service workers a prevailing wage, now

Therefore, be it

Resolved, that Community Board Six urges the New York State Legislature to pass and the Governor to sign into law, legislation (A10912 and S7884) to amend the real property tax, in relation to exemption of new multiple dwellings from local taxation; and in relation to additional eligibility limitations on exemptions of new multiple dwellings from local taxation.

VOTE: 36 in Favor 0 Opposed 2 Abstention 0 Not Entitled

b. **Resolution on the renewal of a lease under stabilization: defining demolition.**

Whereas, it is in the State's economic and social interest that an adequate supply of affordable housing be available, and

Whereas, there has been an increasing loss of affordable housing units, and

Whereas, building owners, eager to increase profits on rent-stabilized housing units, have utilized a variety of means to turn these units into more profitable luxury housing, and

Whereas, the result has been that each year, thousands of rent-stabilized units are permanently removed from the housing stock, and

Whereas, owners seek new ways to manipulate the letter and spirit of the law in order to more expeditiously eliminate the rent-stabilized units, and

Whereas, this legislation addresses one method by which owners are increasingly attempting to eliminate rent-stabilized housing, and

Whereas, the Legislature intended that the demolition provision of the Rent Stabilization Law allow room for owners to demolish old, dilapidated and dangerous housing in order to replace it with new, safe housing, and

Whereas, some owners are attempting to redefine demolition as simple renovation where entire floors are left intact, outer walls are untouched, or major structural elements remain in place. Such uses of the term “demolition” are inconsistent with both its common meaning and the meaning that was intended by the Legislature, and

Whereas, on April 28, 2006 this legislation, A10944, was referred to the Assembly’s Housing Committee, and

Whereas, this bill will clarify the definition of “demolition,” making it consistent with its common and intended definitions. Consequently, it will be clear that owners shall not be permitted to eliminate rent-stabilized housing units by manipulating the demolition provision in this manner and a hearing with the Division of Housing and Community Renewal shall be required prior to authorization of such demolition, now

Therefore, be it

Resolved, that Community Board Six urges the New York State Legislature to pass and the Governor to sign into law, legislation that relates to clarifying the original intent of the Rent Stabilization Law and to prohibit landlords from circumventing the demolition provision included in the law.

VOTE: 37 in Favor 0 Opposed 1 Abstention 0 Not Entitled

c. Report

Claude referred all to the May & June committee minutes for his report. Claude wished everyone a great summer.

3. Transportation – Lou Sepersky, Chair

a. Request a renewal of a limousine (black car) service base station license at 25 Waterside Plaza.

Whereas, Princess Limousine service has applied (B00430) to the New York City Taxi and Limousine Commission (TLC) to renew their Hire Base station license, a facility at 25 Waterside Plaza, in Community Board 6 (CB6), Manhattan, for dispatching cars for hire, and

Whereas, this base station has not generated complaints of which CB6 is aware, and

Whereas, the Taxi and Limousine Commission requires comment within 30 days making the normal Board review process extremely difficult, if not impossible, now

Therefore be it

Resolved that Community Board 6 (CB6), Manhattan, has no objection to New York City Taxi and Limousine Commission application (B00430) for the renewal of a limousine (black car) base station by Princess Limousine, Inc., 25 Waterside Plaza, and

be it further

Resolved that CB6 calls on the Taxi and Limousine Commission to extend its comment period from 30, to at least 45, days to make it possible to submit applications to the normal Community Board review processes.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b. Request for temporary permission to park at Stuyvesant Town loop curbs for the duration of construction in the Avenue “C” loop

Whereas, according to the management of the Stuyvesant Town (ST), in Community Board 6, (Manhattan), has reported that deterioration of original plumbing valves under the Avenue “C” loop has made it necessary to replace them, which make take as much as five (5) weeks, and

Whereas, this replacement repair work has, according to the management, made it necessary to prohibit parking anywhere in this loop for the duration of this work, causing inconvenience for the residents, some of it serious for the disabled, and others going to the community, now

Therefore be it

Resolved, that Community Board 6 (Manhattan) calls upon the management of Stuyvesant Town to allow parking on the right hand side (currently prohibited) of each of the other three (3) loops in this community as a mitigation of the inconvenience for the duration of the repair and construction of the plumbing valves under the Avenue “C” loop.

VOTE: 37 in Favor 0 Opposed 1 Abstention 0 Not Entitled

c. Demand for steps to provide additional levels of a pedestrian safe crossing at First Avenue and East 20th Street.

Whereas an elderly resident of Stuyvesant Town was struck and killed by a bus at East 20th Street and First Avenue (a wide artery) May 31, 2006, in Community Board 6 (Manhattan), calling into sharp relief the dangerous conditions at that location, and

Whereas slower walking pedestrians can be put at particular risk during the east-west crossing on the north (uptown) side of this intersection, due to insufficient time, and

Whereas the physical arrangement of the crosswalks, Avenue, Street, service roads, traffic flow, parking, and pedestrian crossing patterns combine to make this an unusually complex location, and

Whereas the difficult and complex conditions require fully sufficient pedestrian traffic control lights and signage, and

Whereas proper traffic management dictates fully sufficient and comprehensive signage to warn drivers and to control traffic movement, now

Therefore, be it

Resolved, that Community Board 6 (CB6) (Manhattan) demands that the time for the east-west crossing of First Avenue, at East 20th Street, be lengthened by as long as is practicable and that the streetscape be adjusted to put a premium on pedestrian safety

be it further

Resolved that such pedestrian safety measures may include traffic control and pedestrian signage, lighting, reconstruction or realignment of crosswalks, as well as changing the timing of the traffic lights and

be it further

Resolved that CB6 demands that the New York City Department of Transportation (DoT) act expeditiously in making such changes, in consultation with Community Board 6, local elected officials and concerned community groups.

VOTE: 36 in Favor 0 Opposed 2 Abstention 0 Not Entitled

d. Report

Lou reported that in September the Borough President's office is planning a major Transportation Forum. Everyone will be notified of the date when available.

He then reported that the Transportation committee has requested that the Board relay our 2004 resolution on Bus Rapid Transit (BRT) to the MTA, because the MTA has begun its review of Manhattan candidate corridors for the proposed BRT system.

See committee minutes for full reports.

4 Youth & Education – Maxine McIntosh, Chair

a. Regulation of Usage on Cellular Telephones

Liz Tu presented the resolution.

Whereas, under item D of New York City Department of Education, Regulation of the Chancellor, Number A-412, Category of Students, Subject of Security In The Schools, Section V. Vouchering and Confiscation of Contraband (weapons, drugs. etc.), Beepers and Other communication devices are prohibited on school property, unless a parent obtains the prior approval from the principal/designee for medical reasons; and

Whereas, item E. If the school confiscates a beeper/communication device, the principal/designee should immediately contact the student's parent and arrange for the parent to appear in person to pick up the device; and

Whereas, item F. The beeper/communication device should be maintained and secured by the school until the parent appears; and

Whereas, item G. If the parent repeatedly fails to appear to pick up the beeper/communication device, the school should dispose of the item, and

Whereas, the School Division of Patrol Services Bureau at City of New York Police Department, the unit responsible for school safety, was unable to provide written guidelines or procedures in selection criteria and scanning of weapons/devices in public schools in New York City; and

Whereas, in the aftermath of 9/11, use of cellular telephone has proven to be an effective and essential method of communication in emergencies and hours of despair; and

Whereas, telecommunication technology and cellular telephone communications are an integral part of daily life in New York City; and

Whereas New York City stresses the education of its residents, both children and adults concerning Emergency Preparedness, a central component of which is immediate telephone communication; and

Whereas, parents increasingly and necessarily depend on receiving regular updates on the condition and whereabouts of their children via cellular telephone communication; and

Whereas, in April 2006, parents and students of public schools were informed by the Department of Education's Zero Tolerance Cell Telephone Policy; and

Whereas, such action was undertaken without public hearing and consideration of policies adequate to address the concerns of parents, students and other concerned residents.

Therefore be it,

Resolved, that Community Board 6 urges the Department of Education to review and update its regulation on mobile/cellular communication devices on school premises as it was written in 1988 for different intent, with representation of parents for over one million pupils in the public school system, and school administration for a compromise solution for the usage of cellular telephone; and

Resolved, that Community Board 6 recommends that the Department of Education to revise Regulation Number A-412, item D. Beepers and Other communication devices are prohibited on school property, unless a parent obtains the prior approval from the principal/designee for medical reasons; by adding ***or parental request*** at the end as a short term solution, and

Further Resolved, that Community Board 6 supports City Council Resolution 342, calling on the Department of Education to place a moratorium on the confiscation of students' cellular phones during random searches of middle and high schools, to immediately convene public hearings in every community school district to discuss its policy banning cellular phones in public schools and to develop, in consultation with all interested parties, an alternative policy governing the presence of cellular phones on school property.

VOTE: 35 in Favor 1 Opposed 2 Abstention 0 Not Entitled

b. Report

Maxine announced since the summer is here, members with children should look for free activities in community parks.

Maxine reported that in September the Youth and Education committee would look into the Education Councils that were developed as a part of the change to the Educational System.

She said for everyone to have a great summer.

5. Parks, Landmarks, & Cultural Affairs – Gary Papush, Chair

a. Awarding of Concessions in New York City Parks

WHEREAS, the awarding of concessions through the RFP process is governed by the official Rules of the City of New York adopted several years ago and interpreted by the issuing agency, and

WHEREAS, recent issues of concern about the process in a few instances have been reported to Community Board 6 and have led to a review of those rules, and

WHEREAS, our review of those rules have concluded that there has been instances of apparent inconsistency in applying the rules and the rules themselves can be made more transparent, and

WHEREAS, responses to requests by Community Board 6 for documents contained in specific Concession File Folders have not been made timely, and

WHEREAS, one of our representatives in Albany (Assembly member Friedman) has made the point that the Legislature's function in alienation legislation dealing in park land may be usurped by the awarding of concessions in parks as opposed to leases which would require legislature approval, and

WHEREAS, under current rules the Franchise and Concession Review Committee and the Agency must hold a public hearing before awarding the concession only when it is defined as a significant concession (term of more than 10 years or a dollar amount greater than \$100,000), and

WHEREAS, the proposed award of the concession may be protested to the agency head or the New York City Comptroller on grounds of unfairness, favoritism or impropriety but the Comptroller may only object to the registration of the concession agreement on grounds of corruption, and

WHEREAS, a responder to an RFP is not required to list all financial backers at time of submission, now

THEREFORE, BE IT

RESOLVED, Community Board 6 makes the following recommendations on how the rules for awarding concessions should be amended or reinterpreted to allow for greater transparency, consistency and better community input:

1. Proposers shall list all other partners, shareholders and financial backers at time of submission.
2. If any proposer is given leave to amend their proposal or give the agency additional information, the same shall be allowed to all proposers.
3. Requests under the Freedom of Information Act shall be responded to as timely as possible.
4. The agency when rating a responder's previous experience as a vendor must consider their interactions with their affected community and that community's response to the vendor.
5. The Franchise and Concession Review Committee shall hold a public hearing even if it is not defined as a significant concession upon a majority vote of the affected community board or a written request from the city councilmember representing that district.
6. The Comptroller's ability to object to registration of a concession agreement should be expanded to cases of possible unfairness, favoritism or impropriety. And

BE IT FURTHER

RESOLVED, Community Board 6 suggests that our city council representatives consider public hearings on how the concession rules are being applied.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b. 1 SUTTON PLACE S.

WHEREAS, Community Board 6 in March 2004 adopted a resolution calling on New York City to return the space east of the building at 1 Sutton Place S. to complete public use and accessibility, and

WHEREAS, the Department of Parks and Recreation has presented Community Board 6 with the proposed design for that space, and

WHEREAS, this design would leave the current lawn (but open to the public), level the grade (connect to neighboring paths), place benches on the outskirts of the lawn, place a 7' gated fence around the back of the lawn to separate the park from the building, and

WHEREAS, the building corporation presented to Community Board 6 an alternative plan that would leave the space private but would contribute money to neighboring city parks, and

WHEREAS, this proposal contradicts both the Community Board 6 resolution of March 2004 and long standing CB6 policy that there be a continuous esplanade from 14-59th Street and would set a bad precedent of encouraging other buildings to privatize public spaces for cash payments, now

THEREFORE, BE IT

RESOLVED, Community Board 6 supports the proposed design presented by the Department of Parks and Recreation for the space east of 1 Sutton Place S.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

c. C of A for 114 East 35th Street - The New Church

WHEREAS, The New Church located at 114 East 35th Street in the Murray Hill Historic District has applied for a Certificate of Appropriateness to install an ADA compliant ramp at entrance, repair NW cornice, replace stone curb at gate, repair wrought iron fence, replace roof ventilator, rebuild cellar exit stair, refurbish signs and paint exterior, and

WHEREAS, these plans have been presented to Community Board 6 which has reviewed them and found them to be appropriate to the landmark and historic district, now

THEREFORE, BE IT

RESOLVED, Community Board 6 recommends approval of the Certificate of Appropriateness application.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

d. Report

Gary reported that the proposed concession for Stuyvesant Square Park was withdrawn by the city.

He then reported that the Friends of Dag Hammarskjöld are proceeding with an Article 78 lawsuit against the Department of Parks & Recreation (DPR) on the awarding of the concession.

See committee minutes for full reports.

6. Land Use – Ed Rubin, Chair

a. Support for the Community-Based Planning Task Force’s Campaign for Community-Based Planning

WHEREAS, a representative of the Community-Based Planning Task Force of the Municipal Art Society appeared before the Land Use Committee of Manhattan Community Board Six to describe the Task Force’s Campaign for Community-Based Planning, which campaign involves efforts to improve community-based planners’ ability to both develop and implement community-based plans; and

WHEREAS, Manhattan Community Board Six, having independently developed two 197-A Plans and a 197-C Plan in recent years, is well aware that community organizations are uniquely positioned to understand the priorities of community residents and to generate sensible development plans that take those priorities into consideration; and

WHEREAS, the City Charter mandates, but community planners rarely receive, financial and technical support for the development of community-based plans; and

WHEREAS, in New York City today, there is an urgent need for affordable housing, open space, waterfront access and use, environmental justice and economic development opportunities that benefit all New Yorkers; and

WHEREAS, when communities do manage to develop plans, such plans often offer sensible answers and innovative approaches to these pressing urban issues; and

WHEREAS, City agencies nevertheless frequently block or refuse to seriously consider community-based plans and ideas in connection with the development of plans or rezoning proposals; and

WHEREAS, community groups have, as a result, had to resort to lobbying, protesting and/or litigating to persuade City agencies to consider and implement community-based plans or to stop the City from implementing other plans before community plans have been adopted or even considered; and

WHEREAS, the Community-Based Planning Task Force has requested the support of Manhattan Community Board Six for its campaign; now

THEREFORE BE IT

RESOLVED, that Manhattan Community Board Six supports the Campaign For Community-Based Planning. Specifically, Manhattan Community Board Six endorses the Community-Based Task Force’s position that there is an urgent need:

1. For city agencies to improve their support of community boards and to better facilitate the capacity of community boards to plan;
2. To build community boards' capacity to reflect the districts they represent; and
3. To provide communities with the financial and technical tools they need to implement their plans.

VOTE: 38 in Favor 0 Opposed 0 Abstention 0 Not Entitled

b. Report

Ed reported that the Borough President is assigning a second year planning student to Manhattan community boards. These interns will work with various planning issues that can range from configuring park acreage, number of bars in the area, to land use & transportation issues.

He then reported that a few members of the Land Use committee previewed revised plans of the Con Ed Waterside Properties. The developers of Skidmore, Owings & Merrill (SOM) listened to many of their concerns on the plans and made significant changes in certain areas. They will be invited to give a presentation of the revised plans of the former Con Ed site at a special committee meeting on June 26th at NYU Medical Center in room B.

Additionally, after receiving a call from EDC in reference to the Board's 197-c Plan, Ed then called the Department of City Planning (DCP) to check on the status of the Plan. They soon will be ready to review the Plan with the Board.

See committee minutes for full reports.

7. Business & Governmental Affairs – Harry E. Ursillo, Chair

- a. **New, DCA appl. (1225897), unenclosed sidewalk café, 7 tables & 14 seats for J.M.M.T. Café Inc., 360 3rd Ave., b/w E. 26th & E. 27th Sts.**

Whereas, this applicant appeared before the May B & G Affairs Committee, and

Whereas, this cafe will leave 8 3/4 feet of space between the end of the cafe at the curb, and

Whereas, this cafe will leave more sidewalk space than a neighboring cafe, and

Whereas, the applicant agreed to close the cafe at 11 p.m. during the week and Midnight on Friday and Saturday, and

Whereas, there are no known obstructions between the cafe and the curb, now

Therefore Be it

Resolved, that CB6 has no objection to this cafe.

VOTE: 36 in Favor 1 Opposed 1 Abstention 0 Not Entitled

- f. **Street Fair Appl.--June 24th (Sat.)-9 am to 6 pm, Nathan Straus Resident Assoc. on E. 27th St., b/w 2nd & 3rd Aves.**

Whereas, Nathan Strauss Houses Residents Association has applied for a street closure for June 24, 2006 of 27th Street between 2nd and 3rd Avenues, and

Whereas, this closure will raise funds for tenants association activities, such as raising money for events for children, and

Whereas, such fair will not effect traffic on any major thoroughfare or avenue, now,

Therefore Be It

Resolved, that CB6 has no objection to this street closure.

VOTE: 37 in Favor 1 Opposed 0 Abstention 0 Not Entitled

g. **Street Fair Appl.--August 19th (Tues.)—2 pm to 9 pm, Baruch College Student Life on E. 25th St., b/w Lex. & 3rd Aves.**

Whereas, Baruch College Student Life office has applied for a street closure permit for East 25th Street between 2nd and 3rd Avenues on Tuesday, August 19, 2006 between the hours of 2 and 9 p.m. and

Whereas, there will remain full pedestrian access for that street at this time, and

Whereas, the street closing will be used in order for Baruch College to have an event specifically related to Baruch College, and

Whereas, there is no known community opposition to this closure, now

Therefore Be It

Resolved, that CB6 has no opposition to this street closure.

VOTE: 37 in Favor 1 Opposed 0 Abstention 0 Not Entitled

h. **Community Board 6 Manhattan Street Activity Permit application for a Street Festival to be held in Dag Hammarskjöld Plaza, E 47th Street, b/w 1st & 2nd Avenues, Friday, September 8, 2006.**

WHEREAS, Community Board budgets have been cut by the City in recent years; and

WHEREAS, it does not appear that these cuts will be restored; and

WHEREAS, there is always a need for discretionary funds to have on hand to cover contingency expenses; and

WHEREAS, several Community Boards throughout the City have street activities to raise these funds; and

WHEREAS, there is no conflict of interest involved in a Community Board's contracting with a promoter to run its event per the Office of the Mayor, Street Activity Permit Office (SAPO); now

THEREFORE, be it

RESOLVED, that Community Board 6 Manhattan supports the Community Board 6 Manhattan Street Activity Permit application for a Street Festival to be held in Dag Hammarskjold Plaza, E 47th Street, b/w 1st & 2nd Avenues, Friday, September 8, 2006.

VOTE: 35 in Favor 2 Opposed 1 Abstention 0 Not Entitled

- i. **Street Fair Appl.—July 29th (Sat.)—12 pm to 5 pm, Samaritan Village on E. 3rd St., b/w 2nd & 3rd Aves.**

Whereas, Samaritan Village has requested a street closure permit for Saturday, July 29, 2006 for 53rd Street between 2nd and 3rd Avenues between the hours of 12 p.m. and 5 p.m., and

Whereas, this usage will be for a block party for Samaritan Village, located on this block, and

Whereas, concerns have been addressed regarding access to a resident parking garage on this block, and

Whereas, Samaritan Village has agreed to work to alleviate any problems this may cause, and

Whereas, Samaritan Village has an excellent reputation in the community, serving former substance abusers, now

Therefore Be It

Resolved, that CB6 has no objection to the street closure.

VOTE: 37 in Favor 1 Opposed 0 Abstention 0 Not Entitled

- j. **New, On-premises liquor license for 233 E. 14th St., b/w 2nd & 3rd Aves**

Whereas, the applicant appeared at the CB6 Business and Governmental Affairs Committee to address the committee, and

Whereas, the applicant said they would do all necessary soundproofing, and

Whereas, the applicant has indicated they wanted to have a hospital workers type crowd at their establishment, and

Whereas, only recorded music will be played, now

Therefore Be It

Resolved, that CB6 has no objection to this applicant.

VOTE: 37 in Favor 1 Opposed 0 Abstention 0 Not Entitled

- k. **Transfer, On-premises liquor license for 587 3rd Rest. Corp., 587 3rd Ave., b/w E. 38th & E. 39th Sts.**

Whereas, 587 3rd Restaurant Corp. has applied for..., and

Whereas, this location is presently the MICA Bar, which has had no known complaints from the community, and

Whereas, MICA Bar presently has a covered outdoor deck, and the applicant has indicated that they will not look to uncover the deck, now

Therefore Be It

Resolved, that CB6 has no objection to this application.

VOTE: 37 in Favor 1 Opposed 0 Abstention 0 Not Entitled

l. **Report**

Harry thanked Frank Scala for chairing the committee meeting in his absence, thanked Lyle Frank for taking and typing the committee minutes and also thanked Toni Carlina for working with the promoter to make our street fair possible.

He announced that Tonic East has opened at 29th Street & 3rd Ave. and are operating under their former license.

He then announced that the Business & Governmental Affairs committee will be meeting over the summer, the next meeting will be held Thursday, July 6th and August 3rd, both in the District office. Notice of the meetings will be sent out.

See committee minutes for full reports.

Carol announced that the Nominating & Executive Committees will meet during the summer as well.

Budget Sub-committee – Marty Barrett, Chair

Marty announced that the committee would be meeting over the summer and that all committees must submit their budget priorities this month. The meeting date has been changed from Wednesday, June 28th to Thursday, June 29th in the District office at 6:30 p.m.

8. **Joint Committee Resolution:**

Public Safety & Human Services – Fred Arcaro & Lyle Frank, Chairs

a. **Informing community of the presence of convicted sex offenders within their community.**

WHEREAS, as of June 5, 2006, according to Division of Criminal Justice Service of New York State, there are 1106 level 1,2 or 3 sex offenders living in New York State; and

WHEREAS, there are 321 level 3 sex offenders, which is considered a highest risk of repeat offense living in New York State; and

WHEREAS, current law does require sex offenders to register with local law enforcement agencies having jurisdiction of their new place of residence; and

WHEREAS, current law does **not** require **community** notification of level 2 or 3 sex offenders; and

WHEREAS, there is a compelling need to promote public safety by having an informed community for knowing where sex offenders reside; and

WHEREAS, all day care centers, public and private elementary and secondary schools are particularly vulnerable to such sexual offenders; and

WHEREAS, Senate Bill S1236, sponsored by Senator Liz Kruger, requires law enforcement agency or agencies to notify all licensed day care centers, and all public and private elementary and secondary schools located within a one-mile radius of the residence of the sexual offenders of the presence of such sexual offender; now

THEREFORE, BE IT

RESOLVED, that Community Board Six urges the New York State Legislators to pass S1236 and the Governor to sign it into law as soon as possible.

VOTE: 33 in Favor 5 Opposed 0 Abstention 0 Not Entitled

b. Report

Fred announced that classes for CERT training will begin again on June 22nd & June 31st at 300 1st Ave and E. 18th Street in Stuyvesant Town at 6:30 & 9:30 p.m.

See committee minutes for full reports.

Old/new Business

Carol reported that board member Mirtha Monterrosa's organization called Monterrosa y Amigos Cultural & Community Service Inc. will provide medical & educational services to the community. The center will be located in Queens. If you would like to donate to or help out at the program go to the website at www.monterrosayamigos.org or you may contact her by phone.

Second Roll Call

Adjournment: 10:30 p.m.