FULL BOARD MEETING MINUTES
Wednesday, November 8, 2006
NYU MEDICAL CENTER
FIRST AVENUE

Hon. Lyle Frank, Chair

ATTENDANCE

Members answering first roll call:
Arcaro, Barrett, Bloch, Buchwald, Cervera, Collins, Curtis, Disman, Fieber, Frank, Garland, Greenspan, Haile, Hollister, Imbimbo, Judge, Knowles, Lynn, McGuire, McIntosh, Moses, Oddo, Papush, Parker, Peveri, Ross, Rubin, Scala, Schachter, Schaeffer, Schoor, Sepersky, Sherrod, Simon, Talbot, Thompson, Tu, West, Williams, Winfield

Members answering second roll call:
Arcaro, Barrett, Bloch, Buchwald, Cervera, Collins, Curtis, Disman, Fieber, Frank, Garland, Greenspan, Haile, Hollister, Imbimbo, Judge, Knowles, Lynn, McGuire, McIntosh, Moses, Oddo, Papush, Parker, Peveri, Ross, Rubin, Scala, Schachter, Schaeffer, Schoor, Sepersky, Sherrod, Simon, Talbot, Thompson, Tu, West, Williams, Winfield

Excused
Garodnick, Monterossa, Reiss, Ursillo

Absent (Members not present or not answering one or both roll calls):
Lilien, Rev. Parrish, Russo, Steinberg,

Member attendance Present: **40** Absent: **4** Excused: **4**

Guests signed in: Amy Martinez- Miller representing B.P. Scott Stringer; Lolita Jackson representing Mayors CAU; Barry Klein representing A/M Jonathan Bing; Justine Almada representing C/M Dan Garodnick; Greg Geller representing C/M Rosie Mendez; Leena Krishnaswamy representing Cg/M Carolyn Maloney; Laura Morrison representing Sen. Tom Duane; Shannon Flaherty representing A/M Gottfried; Jonathan Moody representing C/M Jessica Lappin; C.Atlas, Jay & Minna Charles, Lt. Tom Clifford-NYPD; Sandy Leivi-Davila, Jane Hsu, Jon Schachter, Betty Schwartz, Perry Thompson, K. Weiss

INDEX

Meeting Called to Order 3
Agenda Changes 3
Adoption of the Agenda 3
Public Session 4
Public Hearing 5
Roll Call 5
Business Session 5
Adoption of the Minutes for Oct. 11, 2006 5
Report from the Chair 6
District Manager's Report 6
Treasurer's Report 7
Borough President's Report 7
Committee Reports 7
Youth and Education 7
Public Safety 8
Housing and Homeless Services 8
Transportation 8
Human Services 8
Land Use 9
Business and Governmental Affairs 12
Parks, Landmarks and Cultural Affairs 13
Old/New Business 14
Second Roll Call 14
Adjournment 14

Appendix A: FULL BOARD ATTENDANCE RECORD 15
Appendix B: ROLL CALL VOTES ON RESOLUTIONS 16

Meeting Called to Order – 7:10 P.M.

Lyle Frank, Chair, called the meeting to order.

Agenda Changes

HOUSING & HOMELESS
Held-Over Resolution
3a. - 421-a application for 250 E. 53rd St., b/w 2nd & 3rd Aves.

TRANSPORTATION
Held Over Resolution
4a. - City Council Intro. 699 – Stoop line commercial use and pedestrian sidewalk usage

HUMAN SERVICES
Added Resolution
5a – The closing of the only Medicare Walk-in Customer Service Center in the New York Metropolitan area.

LAND USE
Added Resolution
6c. – BSA Application #70-97-BZ, to allow operation of a physical culture establishment at 575 Lexington Ave.

BUSINESS & GOVERNMENTAL AFFAIRS—Will Caucus.
Held-Over Resolution
7a. – New, On-premises liquor license for JMKM LLC, d/b/a tbd, 146 E. 55th St, b/w Lex. & 3rd Aves.

Added Resolution
7c. - DCA Application #1242405, for an Unenclosed Sidewalk Café, 14 Tables and 31 Seats for 301 E. 47th St. Restaurant Corp. d/b/a Nino's Positano at 888-890 Second Avenue between E. 47 and E. 48 Streets

PARKS, LANDMARKS & CULTURAL AFFAIRS—Will Caucus

ORDER OF COMMITTEE REPORTS:
#3 – Housing & Homeless
#5 – Human Services

Adoption of the Agenda

PUBLIC SESSION

Leena Krishnaswamy, representing Congressmember Maloney, reported that the Congress Member was reelected with 84% of the vote. Last week, with Sen. Kruger, A/M Bing, A/M Friedman, C/M Garodnick, and some 30 other elected officials, she opposed the closing of the Medicare Walk-in Center at 800 Second Avenue. They were demanding that the walk-in center be reopened, and they are waiting for the results.

Laura Morrison, representing Senator Tom Duane, reported on the New York Preparedness Forum at the Stein Center. The forum was taped and will air on the Manhattan Neighborhood Network on Sunday, December 17th, at 11pm, Channel 34. It was a wonderful session with very important information on manmade and natural threats, and what to do in case of an emergency.

She also reported that Tom Duane has a television show, *Tom Duane & the Neighborhood*, and on Tuesday, November 14th, he will be taping an episode on dynamic District Managers, with Toni Carlina.

Lolita Jackson, Mayor's Office, reported that she is now the Manhattan Director of the Community Assistance Unit. If you would like to get in touch with her you can e-mail her at ljackson@cityhall.nyc.gov.

Shannon Flaherty, representing Assemblymember Gottfried, reported that the A/M is pleased with the outcome of the elections.

She reported that the state is trying to increase rents for people living with HIV/AIDS who receive FFI, FFV, or Victims Benefits. He is working on legislation with Sen. Duane for the new session that would combat this hike.

She also reported that A/M Gottfried is pleased with the New Jersey marriage decision that could help bring same-sex marriage to New York.

Barry Klein, representing Assemblymember Bing, was pleased to report that the A/M won reelection with 76% of the vote.

He reported that the 33b Shaft site is nearing the phase where explosives will be used. The blasting is expected to last for six months.

DOT is now sending around letters regarding Bus Rapid Transit (BRT).1st and 2nd Avenues were announced as finalists for use of BRT, and service will be implemented within the next two years.

Justine Almada, representing Councilmember Dan Garodnick, reported that Peter Cooper Village/Stuyvesant Town (PCV/ST) was sold on October 17th, with Tishman Speyer winning the bid. C/M Garodnick was very involved with the Tenants' Association bid to buy the property, and even though the tenants did not win the bid, it was important to put the affordable housing issue in the city spotlight. He, along with several other elected officials, sent a letter to Tishman Speyer asking them to deliver a long-term/permanent, affordable housing plan to PCV/ST, to which he has not yet received a response.

At E. 20th St. & 1st Avenue, the Green Street is almost complete. DOT, C/M Garodnick, and CB6 have been working to make that intersection safer after a local resident died in March.

On October 13th, C/M Garodnick participated in a very successful vendor enforcement action with the Mayor's office. A number of violations were issued, and the data collected will be used in working with the City Council on vendor enforcement issues.

The C/M is very happy to hear that the 2nd Avenue Corridor has been chosen for BRT. In other transportation news, C/M Garodnick joined BP Stringer's Transportation conference on October 12, and facilitated the planning conference at the end. A lot of great ideas were discussed, and C/M Garodnick will continue to work on transportation issues in the community.

C/M Garodnick is sponsoring free flu shots on November 10th.

Greg Geller, representing Councilmember Rosie Mendez, reported that the C/M continues to work with tenants, building owners and elected officials to preserve affordable housing. The contract for 206 E 31st Street, which contains about 70 units for the elderly and disabled, is set to expire in May 2007, and the C/M is working with Sen. Krueger and Cg/M Maloney to try and convince the current owner to either renew the contract or sell the property to a non-profit developer who will keep the units affordable.

The C/M wants the initiative of the City Council to fund HIV legal service providers because a tremendous amount of the funding was cut on the Federal level, so many people with HIV who were seeking legal services were turned away. C/M Mendez secured hundreds of thousands of dollars to groups all over the city who provide assistance with anti-eviction benefits, immigration benefits and family law.

Several complaints were made regarding the Gramercy Park Hotel event on September 11th. C/M Mendez's office has been in contact with residents in the area and Arlene Harrison of the Gramercy Park Block Association. The Hotel resolved many of the issues and a lot of progress has been made.

Roll Call – Carol A. Schachter

Public Hearing – none

BUSINESS SESSION

Adoption of the October 11th Full Board Minutes.

Minutes were adopted by a voice vote.

Report from the Chair – Lyle Frank

Lyle Frank reported that he is going to be returning to the tradition of including a written outline of the Chair's Report in every full board package.

Lyle had a number of thank you's for his appointment as Chair of the Board. He thanked the Nominating Committee: Ted Lynn, Fred Arcaro, Paige Judge, Ellen Imbimbo, and Gary Papush. He also thanked all the former Board and Committee Chairs who he has observed over the years. He thanked Martin Barrett for being such a mentor to him. He finally thanked Toni and the Board staff for being such a great help to him during his first week as Chair.

Lyle plans to highlight certain substantive issues in the Chair's Report. He feels it is important to remember that this is the community *planning* board, and it is important to look at things in the community as a whole. He believes sensible development is important, and in dealing with the Con Edison site, it is important to make it clear that this Board has a policy position in the 197-a and 197-c plans. He believes the budget is very important, and there will be a Budget Committee chaired by Dan Williams. He also reported that there will be meetings with Council Members to help bring funding to the district.

Lyle also plans to highlight some procedural issues in the Chair's Report. He wants to stress the importance of Executive Committee meetings. The Executive Committee meeting is where the agendas are set. If a new agenda item comes in that was not discussed at the Executive Committee meeting, rather than sending it directly to the committee, make the Board Chair aware of it, and if he is unavailable, make the First Vice Chair aware. This will ensure that the issue can be assigned to the proper committees. Lyle plans on discussing media policy at the November Executive Committee meeting, and if anyone is interested in discussing Board policy, they should come to the meeting. Lyle believes the Board works best when it has reasoned policy that the Board then lobbies for, Toni and the Board staff work on service priorities; sometimes, as in dealing with the budget, the two must work together for a better end result.

Lyle would like to try and balance everyone being heard versus expediting the meetings. If the vote on a resolution was unanimous at the Committee meeting, unless you have something "earth-shattering" to say, it probably will not change anything. If you have something negative to bring up on this issue, you should do so, and then there can be a continued discussion at the Full Board meeting. On certain issues that appear to have nothing left to discuss, the Chair might ask if he hears a motion to call the question to speed things up.

Finally, he would like to thank the former Board Chair, Carol Schachter. She is a great friend to the community, and she did so much as Chair over the past 2 years.

District Manager's Report – Toni Carlina

Toni reported that there is a brand new BID, the Flatiron/23rd Street BID. Unfortunately, out of the 38 blocks that are involved in the BID, the area that includes CB6 is from E 22nd to E. 25th Streets, between Lexington and 3rd Avenues. The Board office received an e-mail from the BID inviting all of the Board members to their official launch, on Wednesday, November 29th, at Prince George Ballroom, 15 East 27th Street, 6-8 P.M.

After receiving several complaints about the mounting of flat screen TVs on the outsides of Local and Redemption bars, Toni called the owners and explained that this practice was illegal, and they immediately took them down. She also spoke with the officers at Midtown Enforcement to see if this is a trend and to see if it could possibly be legal if they get a permit through the Department of Buildings (DOB).

The water main design for Shaft 33b has been finalized by the Department of Design and Construction (DDC) and forwarded to the Department of Environmental Protection (DEP). Expect things to become hectic at the site starting next week.

Treasurer's Report – Beatrice Disman

Thanks to research by Toni, the Board found out the only legal way to deposit the $5,040 made from September's street fair.

Bea reported that there has been no money spent since the last Full Board meeting.

Borough President's Report – Amy Martinez-Miller

Amy reported that the Borough President will be hosting a fundraising seminar at Lincoln Center on Thursday, November 16, 2006 from 6:00 to 8:00 P.M. BP Stringer has brought in experts who will outline every aspect of fundraising: what to do, how to do it, and where to go for funds.

The Transportation Conference was a huge success. The BP's office is now in the process of creating a book with all of the information gained from the community, the experts, and everyone else at the conference. The presentation given at the end of the conference will be made available to the public in the next month or so.

Amy also reported that the Borough President, along with District Attorney Morgenthau, is happy to announce a $900,000 grant that the BP's office was awarded to begin a domestic violence program, the Manhattan Domestic Violence Criminal Justice Service Project. The Project will be a collaboration between the BP's office, DA's office, and the NYPD, along with two domestic violence advocacy groups, CONNECT and Harlem Legal Services. The funds will provide The Project with the resources enabling better outreach to domestic violence victims.

COMMITTEE REPORTS

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

a. **Report**

Maxine reported that Julia Richmond High School has invited CB6 Board members to an open house, Wednesday, November 15, from 6:00 to 7:00 P.M. They will be discussing why they do not want to move from their current location, and what that facility offers to the community.

Maxine wished everyone a Happy Thanksgiving.

2) **Public Safety, Environment, & Human Rights** – Fred Arcaro, Chair

a. **Report**

Fred first congratulated Lyle for his recent appointment as Chair of the Board. He then updated the Board about Shafts 32b & 33b. Shaft 32b, at E. 35th Street and 2nd Avenue is well advanced, and they are now tunneling upwards toward the surface. Shaft 33b is not as advanced, but controlled blasting is scheduled to begin the week of November 13th. Fred believes the blasting will take 3-4 months. DEP has invited up to 10 CB6 Board members to go on a tour of the 3rd Water Tunnel on Monday, November 20th, on the West Side.

Fred also reported that at the Committee meeting on November 13th, topics for discussion will include inspection of water tanks and new voting machines.

3) **Housing and Homeless** – Claude Winfield, Chair

a. **Report**

Claude reported that on October 26, Assembly Member Vito Lopez sent a letter to the Board requesting that it pass a resolution supporting legislation on 421-a. He asked Toni and her staff to send out a copy of the Board's resolution passed in June supporting the legislation.

On October 19th, Sen. Tom Duane and C/M Rosie Mendez had a meeting with NYCHA tenants at 344 E 28th Street. The Board was well represented at that meeting by Maxine McIntosh, Robert Schoor, and Susan Steinberg. This issue is a complicated one; residents in City NYCHA buildings are being encouraged to opt out of Section 8 housing, so that the units can go to market rate. No one knows the real ramifications this may have down the line.

In the upcoming meeting, the Committee will discuss a resolution on the key card situation at ST/PCV, along with the 421-a application for a building at 250 E. 53rd Street between 2nd & 3rd Avenues..

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

a. **Report**

Lou waived his report.

5) **Human Services** – Sandro Sherrod, Chair

a. **The closing of the only Medicare Walk-in Customer Service Center in the New York Metropolitan area.**

WHEREAS, the Centers for Medicare and Medicaid Services (CMS) has terminated funding and forced the closure of the Medicare Walk-in Customer Service Center formerly located at the Empire Medicare Service Center at 800 Second Avenue; and

WHEREAS, the Walk-in center being the only one of its kind in the New York City Metropolitan area served between 5,000-7,000 people annually; and

WHEREAS, roughly 40% of seniors in New York State reside in New York City; and

WHEREAS, the Department for the Aging reports that nearly 30% of the city's elderly have a sensory disability, while 30% have a mental disability; and

WHEREAS, Empire Medicare will reportedly be encouraging the elderly who require assistance to utilize toll-free telephone numbers and the Internet; and

WHEREAS, two reports by the Government Accountability Office found that the Medicare program through the 1-800-Medicare hotline is unable to provide accurate or appropriate answers to one third of basic questions; and

THEREFORE, BE IT

RESOLVED, that Community Board 6 (CB6) opposes the closing of the Medicare Walk-in Center since it harms the ability of the elderly of New York to effectively enroll and participate in the complex Medicare program; and be it further

RESOLVED, that CB6 urges CMS to immediately restore full funding to the Walk-in Center and work with the community and our elected representatives, to limit the amount of time New Yorkers are left without this resource and re-open the center as soon as possible.

VOTE: 39 in Favor 0 Opposed 1 Abstention 0 Not Entitled

b. **Report**

Sandro reported the representative from the Center for Living who was supposed to give a report on their substance abuse program was not able to make it to the last meeting but will try and make it to the November meeting.

6) **Land Use** – Ed Rubin, Chair

a. **BSA Cal. #218-06-BZ to apply for a Special Permit to allow the operation of a physical culture establishment in a portion of the cellar level of a forty-six story building located at 885 Second Ave., Manhattan.**

WHEREAS, the Law Office of Fredrick A. Becker on behalf of Tower Plaza Associates Inc. located at 885 Second Ave., Manhattan, New York, presented to the Land Use Committee of CB6 on Wednesday, November 1, 2006 an application to apply for Special Permit (Calendar #218-06-BZ) under Zoning Resolution §32-00 to allow the operation of a physical culture establishment in a portion of the cellar level of a forty-six story building located at 885 Second Ave., Manhattan; and

WHEREAS, the above applications is pursuant to Section 73-36, 73-01 and 73-03 New York City Zoning Resolution; and

WHEREAS, applicant has filed all papers necessary with the Board of Standards and Appeals to apply for a Special Permit to allow the operation of a physical culture establishment; and

WHEREAS, the physical establishment use will have no adverse on the block or the area, but is in keeping with the mixed use residential and commercial character of the neighborhood; and

WHEREAS, the Special Permit will allow Town Sports International to operate 6,856 sq. ft, of area on the cellar level and 6,571 sq of area on the sub-cellar level; and

WHEREAS, New York Sports Club (NYSC), the operator of the physical culture establishment, is a well established company that is currently operating several other physical culture establishments throughout New York City, now

THEREFORE, be it

RESOLVED, that Community Board Six has no objection to the application for a Special Permit (Calendar #218-06-BZ) under Zoning Resolutions §32-00 to allow the operation of a physical culture establishment in a portion of the cellar level of a forty-six story building located at 885 Second Ave., Manhattan for a period of five years.

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

b. **BSA Cal. #574-85-BZ to apply for an extension of the term of a previously granted variance to allow the extension of an eating and drinking establishment on the first floor on the subject premises located at 125 East 39th Street, Manhattan.**

WHEREAS, the Law Office of Fredrick A. Becker on behalf 125 East 39th Street Realty LLC located at 575 Lexington Ave., Manhattan, New York, presented to the Land Use Committee of CB6 on Wednesday, November 1, 2006 an application to apply for an extension to a Variance (Calendar #547-85-BZ) under Zoning Resolutions §72-01 and 72-22, to allow the extension of an eating and drinking establishment on the first floor on the subject premises located at 125 East 39th Street, Manhattan; and

WHEREAS, the above applications is pursuant to Section 72-01 and 72-22 New York City Zoning Resolution; and

WHEREAS, applicant has filed all papers necessary with the Board of Standards and Appeals to apply for an extension to a variance to allow the extension of an eating and drinking establishment; and

WHEREAS, an eating and drinking establishment has been in operation for several years with no adverse impact; the neighborhood having no registered complaints; and

WHEREAS, the variance will allow 125 East 39th Street Realty LLC to operate 1,815 sq. ft, of area on the first floor area and 1,815 sq of area on the basement level; now

THEREFORE, be it

RESOLVED, that Community Board Six has no objection to the application for an extension to a Variance (Calendar #574-85-BZ) under Zoning Resolutions §72-01 and 72-22, to allow the extension of an eating and drinking establishment on the first floor on the subject premises located at 125 East 39th Street, Manhattan for a period of five years.

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

c. **BSA Cal. #70-97-BZ to apply for an extension of the term of a previously granted Special Permit to allowing the operation of a Physical Culture Establishment (PCE)/ health club on a portion of the second floor on the existing thirty-four story commercial building located at 575 Lexington Ave., Manhattan.**

WHEREAS, the Law Office of Fredrick A. Becker on behalf Tenth City LLC located at 575 Lexington Ave., Manhattan, New York, presented to the Land Use Committee of CB6 on Wednesday, November 1, 2006 an application to apply for an extension to a Special Permit (Calendar #70-97-BZ) under Zoning Resolution §73-11, to allowing the operation of a Physical Culture Establishment (PCE)/ health club on a portion of the second floor on the existing thirty-four story commercial building located at 575 Lexington Ave., Manhattan; and

WHEREAS, the above applications is pursuant to Section 73-36 New York City Zoning Resolution; and

WHEREAS, applicant has filed all papers necessary with the Board of Standards and Appeals to apply for an extension to a Special Permit to permit a Physical Culture Establishment/health club; and

WHEREAS, the New York Sports Club has been in operation since 1997 with no adverse impact the neighborhood having no registered complaints; and

WHEREAS, the special permit will permit New York Sports Club to operate 280 sq. ft, of area on the first floor area and 24,700 sq of area on the second floor level; and

WHEREAS, New York Sports Club (NYSC) is a well established company that is currently operating several other physical culture establishments throughout New York City, now

THEREFORE, be it

RESOLVED, that Community Board Six has no objection to the application for an extension to a Special Permit (Calendar #70-97-BZ) under Zoning Resolution §73-11, to permit a Physical Culture Establishment within portions of the second floor on the existing thirty-four story commercial building located at 575 Lexington Ave., Manhattan for a period of five years.

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

d. **Report**

Ed reported on what is happening at the Con Edison site. The Committee is pressing forward slowly, working on waterfront charette with the Municipal Art Society (MAS), hopefully that will occur at the beginning of February 2007. They have invited various landscape architects to come.

Ed reported that a few committee members will meet with some members of the City Planning Commission (CPC). The committee members will brief the CPC members on what the issues are, and the Con Edison site. He has not heard about what needs to be studied as part of the Board's environmental review, and if the Board does not study these things quickly, it will have no chance of being certified at the same time as the East River Realty Company's (ERRC) plan. The Board's lawyer wrote a letter requesting what the scope was for the ERRC application, and what would be scoped for the Board's application. Ed reported that the Board's revised 197-c application would be resubmitted later that week.

There will be a new subcommittee, chaired by Letty Simon, that will attempt to get more community outreach and awareness about the Board's 197-c Plan

7) **Business and Governmental Affairs,** Carol Schachter, Chair

b. **Transfer, On-premises liquor license for Joshua Lebewohl or Entity to be formed, 162 East 33 Street, between Third and Lexington Avenues**

WHEREAS, the applicant appeared before us to answer community concerns about this transfer application; and

WHEREAS, the applicant informed us that he was a relative of the Lebewohl Family which had a reputable establishment called The Second Avenue Deli in Community Board Three; and

WHEREAS, the applicant provided an extensive menu to show us this would primarily be a food establishment selling delicatessen food with possibly a service bar; now

THEREFORE, be it

RESOLVED, that Community Board Six does not oppose the application by Joshua Lebewohl or Entity to be formed for a transfer of an on-premises liquor license at the above location at this time.

VOTE: 39 in Favor 1 Opposed 0 Abstention 0 Not Entitled

c. **DCA Application #1242405, for an Unenclosed Sidewalk Café, 15 Tables and 33 Seats for 301 E. 47th St. Restaurant Corp. d/b/a Nino's Positano at 888-890 Second Avenue between E. 47 and E. 48 Streets**

WHEREAS, the applicant and his architect appeared before us to answer community concerns about this sidewalk cafe application; and

WHEREAS, the DCA application submitted by the applicant is for 12 Tables and 28 seats; and

WHEREAS, the architect handed us one drawing showing 16 tables and 36 seats but informed us he would provide additional renderings showing a new total of 15 tables and 33 seats which would not involve removal of existing tree pits; and

WHEREAS, the applicant informed us that their hours of operation would be between noon and 10:30 p.m.; and

WHEREAS, the applicant was willing to come back in December if necessary; and

WHEREAS, the applicant is well known and respected in many communities and, to our knowledge, there have never been any complaints about his other establishments; now

THEREFORE, be it

RESOLVED, that Community Board Six does not oppose the application by 301 East 47th Street Restaurant Corp. d/b/a Nino's Positano for an unenclosed sidewalk café at the above location.

VOTE: 33 in Favor 5 Opposed 2 Abstention 0 Not Entitled

d. **Report**

Report waived due to Harry's absence.

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

a. **Dog leash laws in NYC parks**

WHEREAS, in 1942 the New York City Board of Health enacted Article 161.05 requiring dogs in public places be leashed by a leash or chain not more than six feet long, this replacing previous section that required dogs to be muzzled; and

WHEREAS, several years ago the Department of Parks and Recreation Commissioner started an informal policy of allowing dogs in certain parks to be off leash between the hours of 9PM-9AM; and

WHEREAS, the Juniper Park Civic Association in Queens (supported by their local community board) filed a lawsuit to stop this "informal practice"- an action still pending; and

WHEREAS, the Parks Department has asked the Board of Health to amend Article 161.05 to allow the commissioner to legalize this practice in selected parks and the Board of Health has conducted a public hearing for the purpose of doing so; and

WHEREAS, testimony at the public hearing exhibited proof that the current "informal policy" is itself being violated by dogs running loose in protected wildlife areas, ballfields and flower beds; and

WHEREAS, the health and safety issues which caused enactment of Article 161.05- dogs biting or attacking people or other dogs, the mobility of certain people(such as the elderly or children), the removal of animal waste, etc. have not been satisfactorily addressed; and

WHEREAS, Community Board 6 could support the creation of contained dog runs if done on a case-by-case basis with the approval of the local community and community board; and

WHEREAS, approval of this proposal would reward city agencies who violate the law first and try to legalize their actions after the fact;

THEREFORE, BE IT

RESOLVED, Community Board 6 opposes the amending of Article 161.05 as proposed.

VOTE: 32 in Favor 6 Opposed 2 Abstention 0 Not Entitled

b. **Report**

Gary reported that the Parks Committee is concerned about protecting the permanent open space and ovals at PCV/ST; the Board has already passed a resolution in favor of landmarking. The committee is now looking at past legislation to see if any conditions were made upon the approval of the creation of PCV/ST that are permanent and what requirements the owners must obey in regards to the open space. The committee may also explore the private open space concept, where it is open to the public now, but it could become a privatized, "gated community" in the future.

In September, the Board passed a resolution supporting the citywide principles by a coalition of nearly 120 signers about changes we would like to see the Parks Department make, including changing the way they do business. CB5 will vote on a similar resolution later this week; CB4 is also in discussion about passing something similar.

Last month the Board passed a resolution directed to the United States Postal Service, stating the fact that they are not following Section 106 Review when they sold air rights in Manhattan. The USPS replied that saying they are following the rules and regulations.

Old/New Business

Second Roll Call

Adjournment – 9:00 P.M.