

**FULL BOARD MEETING MINUTES**  
**Wednesday, January 9, 2008**  
**NYU MEDICAL CENTER**  
**FIRST AVENUE**

**Hon. Lyle Frank, Chair**

**ATTENDANCE**

**Members answering first roll call:**

Arcaro, Barrett, Buchwald, Cervera, Collins, Curtis, Dankberg, Disman, Frank, Friedman, Garland, Garodnick, Goldman, Haile, Hollister, Imbimbo, Judge, Knowles, LaBarbera, Lilien, McIntosh, Papush, Parker, Parrish, Peveri, Ross, Rubin, Scala, Schachter, Schaeffer, Sepersky, Sherrod, Simon, Steinberg, Talbot, Ursillo, Weder, West, Williams, Winfield

**Members answering second roll call:**

Arcaro, Barrett, Buchwald, Cervera, Collins, Curtis, Dankberg, Disman, Frank, Friedman, Garland, Garodnick, Goldman, Haile, Hollister, Imbimbo, Judge, Knowles, LaBarbera, Lilien, McIntosh, Papush, Parker, Parrish, Peveri, Ross, Rubin, Scala, Schachter, Schaeffer, Sepersky, Sherrod, Simon, Steinberg, Talbot, Ursillo, Weder, West, Williams, Winfield

**Excused**

Monterossa, Reiss, Thompson,

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

Greenspan, McGuire, Moses, Oddo, Rosa, Rosenthal,

**Member attendance**            Present: **40**    Absent: **6**    Excused: **3**

**Guests signed in:** Cullen Barrie representing B.P. Scott Stringer; Tina Olechowski representing Cg/M Carolyn Maloney; Romeo Ymalay representing Sen. Tom Duane; Sarra Hale Stern representing Sen. Liz Krueger; Keith Powers representing A/M Jonathan Bing; Nily Rozic representing A/M Brian Kavanaugh; Greg Geller representing C/M Rosie Mendez; Ethel Sussman representing C/M Jessica Lappin, Gretchen Kruesi representing C/M Dan Garodnick; Bryce Bogart, Jimmy Chue, John Ciccia, Kathy Cobbet, Mike Conlon, Kate Crotty, Aurora Erne, Mary Carroll French, Lorraine Hunt, Sofia Hunt, Sandra Stevens, Bece Tucker, K. Weiss-NYPL.

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## **Meeting Called to Order**

Chair Lyle Frank called the meeting to order.

## **Adoption of the Agenda**

Agenda was adopted by a voice vote.

## **PUBLIC SESSION**

**Tina Olechowski** representing Cg/M Carolyn Maloney reported: **1)** Cg/M Maloney held a press conference in December urging the U.S. Department of Health & Human Services (HHS) to restart the 9/11 Health program for Ground Zero workers. **2)** Congress Member Maloney is continuing her advocacy for an on site school at the former Con Ed Waterside/ERRC project.

For complete reports, see the Congress Member's report or call 212-860-0606 to obtain a copy.

**Romeo Ymalay** representing Sen. Tom Duane reported: **1)** The legislative session began on Wednesday and next month he will have an Albany update from Senator Duane. **2)** Sen. Duane & C/M Mendez attended a tenant association meeting at 344 E. 28<sup>th</sup> St. and will be working with the tenant association; building management and the 13<sup>th</sup> Pct. to improve security and the quality of life there. **3)** It has been brought to the attention of the Sen. Duane to explore an M23 supplemental bus line. The Senators staff has brought this suggestion to the attention of the CB6 Transportation committee for input.

For complete reports, see the Senators Newsletter or call 212-633-8052 to obtain a copy.

**Sarra Hale Stern** representing Sen. Liz Krueger reported: **1)** The Senators campaign to have a fund created for the development and conservation of affordable housing has finally come to fruition. She is extremely pleased that a \$400 million trust fund has been created. **2)** She is also pleased to announce that there will be an increase in the support the state provides to our public university system which will include funding to hire 2,000 new full time professors.

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

**Keith Powers** representing A/M Jonathan Bing reported **1)** the A/M had the opportunity to discuss, at a CB6 Housing Committee meeting, two of the bills that the Assembly has been working on. **2)** He and C/M Garodnick are organizing a "Shop Second Avenue" campaign to help businesses that are suffering economic loss and disruption caused by the 2<sup>nd</sup> Ave. Subway construction project. **3)** The NYC DOT will hold its second round of public workshops in neighborhoods across the city to address community concerns about the possible impact of congestion pricing on neighborhood parking.

For complete reports, see the A/M's Newsletter or call 212-605-0937 to obtain a copy.

**Nily Rozic** representing A/M Brian Kavanaugh reported: **1)** A/M Kavanaugh will continue working on ways to preserve the CFE and protect health care accessibility and affordability in addition to increasing funding for affordable housing. **2)** Co-sponsored the Waterside Tenants Association's holiday party with other elected officials. **3)** New initiatives include a bill to ensure that elementary school students are educated on the humane treatment and protection of animals and a scalding tap water bill.

For complete reports, see the A/M's Report or call 212-979-9696 to obtain a copy.

**Greg Geller** representing C/M Rosie Mendez 1) relayed C/M Mendez thanks to CB6 for inviting her to speak on congestion pricing at the January 7<sup>th</sup> joint Transportation & Public Safety committee meeting. 2) In addition to working with Sen. Duane on tenant issues at 344 E. 28<sup>th</sup> Street, the Council Member allocated funds for security cameras in several public housing complexes within the CB6 area.

For complete report, see the C/M's Newsletter or call 212-677-1077 to obtain a copy.

**Ethel Sussman** representing C/M Jessica Lappin reported: 1) C/M Lappin introduced measures to expand a one-year recycling pilot program in city parks that have significant pedestrian traffic. 2) Introduced legislation to prune trees that obscures any traffic signals and lights 3) Conducting a high school voter registration drive and has distributed 850 registration forms to seniors who attend both public and private schools within the Council Members district.

For complete reports see the Council Member's newsletter or call 212-535-5554 to obtain a copy.

**Sandra Stevens**, community resident, thanked the Board for its assistance with her buildings rodent problem. She also informed the Board that Phipps Houses management has been renting apartments in a condemned building and she is once again asking for the Boards help. She has also relayed numerous other problems within the building.

**Gretchen Kruesi** representing C/M Dan Garodnick reported 1) Stuyvesant Town/Peter Cooper Village free Clinic on February 7<sup>th</sup>. 2) There will be a hearing on the steam pipe explosion on January 22<sup>nd</sup>. 3) Tenant Harassment Legislation hearing on December 17<sup>th</sup>. 4) On January 10<sup>th</sup>, there will be a public hearing on Congestion Pricing. 5) C/M Garodnick praised the Mayor's plan to account for all city-issued parking placards. 6) This is her last Full Board meeting; she is leaving to work in Vermont.

For complete reports, see the Council Member's newsletter or call 212-818-0580 to obtain a copy.

**Mike Conlon**, Pres. of the Peter Stuyvesant Little League, **Kate Crotty & Mary Carroll French** voiced their concerns regarding the limited amount of space allocated to ball fields within the community. Once the former Con Edison Waterside property is developed, there will be an influx of children who will need recreational space. At this time there are 47 different teams that play on two fields. More playing fields are needed in this community.

**Roll Call** – Carol Schachter

## **BUSINESS SESSION**

### **Adoption of the Dec. 12th Full Board Minutes:**

Minutes were adopted by voice vote.

### **Chair's Report** – Lyle Frank

Lyle announced: **1)** he will no longer place an outline of items in the full board packages in an effort to not waste paper. He's going to lead by example and try to go greener; he hopes we do the same. **2)** He sent an e-mail to a few board members expressing the thought of creating a joint Waterfront Task Force between CB6 and CB8, he has been in contact with David Liston, Chair of CB8 on this subject and this will be discussed at our next Executive Committee meeting. **3)** for those members on the Land Use and Youth & Education committees, the tour of Hunter/Brookdale and Julia Richman Education Complex (JREC) is scheduled for January 31<sup>st</sup> @5:00 p.m. He asks that if you are not on one of these committees and want to attend the tour, please talk to him first so that another tour could be arranged for you. **4)** He

welcomed new board member Florence Friedman. 5) Thank you to Martin Barrett and the by-laws committee for the work they have done on the revisions.

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

Toni first wanted to thank Cullen Barrie, our liaison at the BP’s office for his assistance in arranging a long awaited meeting with HPD; it has been extremely difficult to get HPD to focus on the HPD Waterside Plaza lease, thanks to Cullen, they have. She also thanked Romeo Ymalay from Senator Duane’s office, Marianna from CM Garodnick’s office and Nily Rozic from A/M Kavanagh’s office for attending this first meeting on such short notice. The meeting took place on January 8, representatives of HPD included Asst. Commissioner Shampa Chanda, Attorney/Planner MaiLan Chiu and Asst. Commissioner of Intergovernmental Affairs Carol Clark main topic was the lease requirement for open public areas, the locked gates that prevent public access to the waterfront esplanade on the north and south side of the property, the nightly closing of the 25<sup>th</sup> St. overpass gate, fees charged tenants and their guests on the 4<sup>th</sup> of July, use of the deck area by commercial establishments and general agreements in the lease.

She then reported that an ECB hearing was held on the various violations issued to TKup, 241B E. 24<sup>th</sup> St. a/k/a Comedy Club. Although all of the violations are serious, 2 stand out they are operating a place of assembly with 144 seats without a public assembly permit a \$200.00 fine was paid on 2/27. The 2<sup>nd</sup> was egress right through a separate tenant space (TKup) on left hand side; locations that require egress must have direct egress, not through separate tenant space. They have defaulted on a \$2,500 fine for alliterating space without a valid CofO. Follow -up is needed at this location to make sure they comply with the law. If compliance is not met, we might look into having DOB issue a vacate order.

In addition, Steve Dubnoff informed the board office that although there is a DOB permit posted for the Roundtable 515 LLC d/b/a Crochet; 303-305 E. 53<sup>rd</sup> St., he believes the work is for something other than just to repair fire damage. DOB has issued a Stop Work Order for construction contrary/beyond approved plans and for not having a copy of the approved plans on site. They now have to bring a new set of plans into DOB for approval.

**Treasurer’s Report – Bea Disman**

Bea reported the board had no expenditures for December. She also thanked the members for their donations to the Sunshine Fund.

**Borough President’s Report – Cullen Barrie**

Cullen thanked Toni Carlina for all the work she did arranging the meeting between Waterside and HPD.

Cullen reported: 1) the Borough President has been working with DA Robert Morgenthau to assemble a new dedicated fraud unit to prosecute individuals and businesses that prey on the city’s immigrant communities. 2) B.P. Stringer participated in the MTA Hearings on the proposed fare hikes, which he opposes.

For complete reports see the Borough President’s monthly report or to obtain a copy call 212-669-8300.

## COMMITTEE REPORTS

### 1) **Health, Seniors & Disability Issues** – Sandro Sherrod, Chair

#### a. **Supporting Bills A09420 and S06402**

**Whereas**, polystyrene foam is virtually immune to biological decomposition and resist compacting so that when products from polystyrene foam are land-filled they consume more space than other materials; and

**Whereas**, polystyrene foam is a pollutant that breaks down into smaller non-biodegradable pieces that pose a threat to marine life and other wildlife; and

**Whereas**, the United States Environmental Protection Agency has deemed “that such materials can also have serious impacts on human health, wildlife, the aquatic environment and the economy”; and

**Whereas**, affordable and biodegradable alternatives to polystyrene exist; and

**Whereas**, further study is needed to determine the precise effects of how benzene, styrene and other chemicals used in the production of polystyrene can effect food that it is in contact with; now

#### **Therefore be it**

**Resolved**, that Community Board Six calls on the Assembly and Senate of the State of New York to immediately vote on and adopt Bills A09420 and S06402 and that the Governor sign into law to restrict the use of polystyrene in food packaging to safeguard the well being of wildlife, the environment and the citizens of the New York.

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

#### a. **Report**

Report was waived.

### 2) **Budget & Governmental Affairs** – Dan Williams, Chair

#### a) **Report**

Dan reported that this month is the beginning of the city budget cycle. There will be the required Public Hearing on the Mayor’s preliminary budget and on the Community Register at the February committee meeting. The Community Register is posted on the OMB website, it is suggested that all committee chairs review the register for items requested by their committees. Board members sent letters to the Mayor urging him to reconsider the proposed budget cut for Community Boards, pointing out that the last time Community Boards received an increase to OTPS was in 1990, seventeen-years ago. He would like the board members to pay special attention to this issue during the budget process. 3) At the January 23<sup>rd</sup>, committee meeting the committee will discuss Reso. 195-urging the Mayor to issue an executive order for oversight of public and private infrastructures of NYC and have continued discussions on regulating private construction debris pickup.

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

**a) Report**

Maxine reported that Chancellor Joel Klein and the Mayor gave rewards to city schools that performed above average and showed the most improvement in testing scores. A few of these schools are in the CB6 area.

In addition, the Borough President is forming a task force to monitor school overcrowding within the borough of Manhattan. The first meeting will be held January 31<sup>st</sup>. It is suggested that board members participate to address the issue of overcrowding in our area schools.

**4) Land Use – Edward Rubin, Chair**

**a) Report**

Ed gave a brief update on the ERRC project as it pertained to 685 First Ave. air rights and what the Dept. of City Planning (DCP) was proposing to do. He then reported that DCP had commented on our 197-a Plan and not surprisingly, they're not going to support the special district that we have proposed in our own 197-c Plan, which would enable waterfront development by putting sites across the FDR Drive, close to the waterfront creating a special district.

For these and other reports see committee minutes.

**5) By-Laws select Committee – Marty Barrett, Chair**

Marty asked if the board would want to re-review the requested amendments from last month; there was a resounding no, therefore, the revised By-Laws were adopted and distributed to all board members.

He again thanked the committee for their hard work.

**6) Transportation & Public Safety, Environmental & Human Rights Committees**

Lou Sepersky & - Fred Arcaro, Chairs

Lou Sepersky, Fred Arcaro and David Garodnick presented resolution 6a. Fred thanked all those that worked on this resolution.

**a) Submission of issues and community concerns for the consideration of the New York City Traffic Congestion Mitigation Commission**

**WHEREAS** Community Board 6 (CB6), Manhattan, bounded by 14th and 59th Streets east of an irregular line along Irving Place, the west side of Gramercy Park, Lexington and Madison Avenues and the East River is expected to be fully within the congestion mitigation district which is expected to be proposed by the New York City Congestion Mitigation Commission (Commission), and

**WHEREAS** any proposals and strategies which the Commission proposes as an effort to deal with traffic congestion, and its resulting environmental degradation, will have a direct, substantial and continuing impact on CB6, and

**WHEREAS** CB6 considers that the Commission should include in its deliberations the policies, traffic matters and concerns which will effect CB6, and which should be addressed to make any proposal for congestion mitigation, congestion pricing, or any large scale strategic effort to address the City's unacceptable levels of congestion, traffic gridlock, over crowded streets, pedestrian hazards and debased air and noise environment, now

## **THEREFORE BE IT**

**RESOLVED** that Community Board 6 (CB6) calls upon the New York City Congestion Mitigation Commission (Commission) to include the following elements in its final recommendations, expected to be issued January 31, 2008:

- Should congestion pricing, or other methods of financial considerations, be part of the strategy for managing traffic congestion, a financial base line of current and planned spending should be established and, adjusted for inflation, any revenues raised should be added to such spending for mass transit. The maintenance of effort should be sustained to ensure that any revenues do not flow to the City's general fund.
- Among the highest priorities for mass transit improvements should be those on the East Side of Manhattan, including the full build Second Avenue subway, appropriate elements of a Bus Rapid Transit system, expansion of water borne transit routes to existing and anticipated ferry terminals and inter-modal transfer points.
- If congestion pricing, in whatever form, is adopted there should be no toll offset for drivers using tolled tunnels or bridges to come into Manhattan.
- Residents leaving the zone during the hours of operation of congestion pricing should be exempted from any congestion pricing.
- Establishment of a formula for the utilization of revenue raised, including a factor for the imposition of the additional dislocation on the immediately impacted communities.
- Exemption of emergency, public health (ambulances), school buses and handicapped service vehicles from congestion, or similar, fees or charges.
- Creation of enough mass transit including commuter rail, subways, commuter (Over The Road) and local route (Rapid Transit) buses and the facilities to store, service, and maintain them, when not in use. It is particularly important that local streets are not seen, or used, as storage sheds for buses during layover periods.
- Greater use of fixed position "red light" and vehicle mounted enforcement cameras, added use of electronic technology for the issuing and tracking of vehicular summons of all types (with suitable statutory protections against improper use or excessive retention).
- Prohibit deliveries between 6 and 10 a.m. and between 4 and 8 p.m. in core commercial districts (but not in mixed commercial – residential areas, typically those with C1-9 zoning). To offset higher labor costs, business could be awarded some form of tax relief or deductions. Violations would be fined.
- Establish "high occupancy (reduced) toll" (HOT) lanes on Manhattan bound Express and Parkways which would favor multiple occupancy vehicles (including buses and vans). Single occupancy vehicles using the HOT lane during operational hours would pay an additional surcharge.
- Enforcement, and additional enforcement personnel, be a priority, including higher standards of training and greater attention to local congestion creation (i.e. blocking the box, double parking, improper pedestrian movement).

- Existing use of special permission placards for parking (excluding handicapped) should be severely restricted and the process tightened within City government, and the City should enter into Compacts or other form of agreements with New York State and the Federal government (similar to that with the U. S. State Department) overseeing their issuance of placards. Placards by non-governmental sources should not be honored.
- Use of “count down” pedestrian crossing signals and designated turn lanes (where appropriate) significant intersections should be expanded.

**VOTE: 37 in Favor 1 Opposed 2 Abstention 0 Not Entitled**

**b) TLC application for the Easy Transfer, Inc., 379 3<sup>rd</sup> Ave. - car service for a base station.**

**WHEREAS** Easy Transfer, Inc., has applied to the New York City Taxi and Limousine Commission (TLC) for a license to operate a livery base station at 379 Third Avenue (between 27th and 28th Streets) in Community Board 6, and

**WHEREAS** the applicant has presented a business model which includes using the base station office as a waiting room for intending passengers, and

**WHEREAS** the applicant intends to have cars at hand (parked in local garages according to the applicant) for the waiting room customers, and

**WHEREAS** the TLC has said this business model is, and has been used, elsewhere in the City, and

**WHEREAS** this prospective base station - waiting room is sited between two active bars and the business model lends itself to the probability of on call Livery cars being double parked, now

**THEREFORE BE IT**

**RESOLVED** that Community Board 6 opposes the siting of the proposed base station - waiting room for the Easy Transfer, Inc., 379 Third Avenue, (between 27th and 28th Streets) in Community Board 6, as it is unlikely that the applicant will be able to avoid double parking and the prospective base station - waiting room is likely to add to congestion on the sidewalk and is, therefore, in a unsuitable location.

**VOTE: 37 in Favor 1 Opposed 2 Abstention 0 Not Entitled**

**c) Report**

Fred announced that in February the Public Safety committee would discuss the 2007 Con Ed Steam Pipe explosion and the rate increases being proposed.

Lou announced that on January 23<sup>rd</sup> the city is sponsoring the second of two workshops on Congestion Pricing & Mitigation at Temple Israel, 112 East 75<sup>th</sup> St. at 6:00 p.m., there will be another one held in Harlem.

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

a) **Alienation & Privatization of Public Parkland**

**WHEREAS**, Public park land is a precious resource in New York City (but most especially in Community Board 6 which has the least amount of parkland per capita in the City of New York); and

**WHEREAS**, Alienation is the term used to describe the legal mechanism by which the State Legislature allows a public park to cease to be used as such; and

**WHEREAS**, in New York State the requirement that a municipality obtain legislative authority to alienate public parkland is not found in statutes but in several separate court decisions most of which are decades old; and

**WHEREAS**, neither the court decisions nor the statutes regarding alienation mandate public review or the replacement of the alienated park; and

**WHEREAS**, while court decisions require alienation when the municipality leases all or part of a public park to a private entity, they do not when a franchise or revocable permit is granted; and

**WHEREAS**, other major deficiencies of the current process include lack of definition of what constitutes a lease, a franchise, or a revocable permit or other terminology that may be used in terms that make the use of the documents in specific circumstances transparent by providing dollar value, length of time, amount of area affected; and

**WHEREAS**, these deficiencies permit municipalities to grant private entities the right to operate in public space without a clear definition of why such uses are permitted; and

**WHEREAS**, in New York City there is a growing trend of allowing parkland to be taken for non-park use without sufficient community review or adequate replacement of the public space; and

**WHEREAS**, revocable consents are being used to avoid both State Legislative review and New York City land use regulations and City Council review; and

**WHEREAS**, Community Board 6 believes that these events are not unique to our Board area and believe communities around the City share our views regarding the urgent need for legislative protection; and

**WHEREAS**, New York City must adopt a home-rule message requesting alienation legislation from the State Legislature; and

**WHEREAS**, the City Council currently does not mandate a review by the local community board; and

**WHEREAS**, each community around the five boroughs has diverse views about what is acceptable for their parks and Community Board 6 is advocating that communities be able to make an informed decision based on a sufficient review period ; and

**WHEREAS**, New York State has diverse needs regarding urban, suburban, rural and small-town areas, Community Board 6 will request that legislation be applicable only to New York City; now

**THEREFORE, BE IT**

**RESOLVED**, Community Board 6 urges the following:

1. Enactment by the State Legislature of a statute applicable to municipalities in New York State with a population of at least 1,000,000 requiring that any legislation to alienate public parkland should contain the following:
  - A. the home-rule message can be adopted only after a mandated review of 60 days by the local community board
  - B. the alienated park will be replaced by a park or playground with the same general configuration and function
  - C. The replacement park or playground is as geographically close to the alienated facility as possible.
2. That the legislature define leases, franchises and revocable consent and place under the alienation requirement privatization agreements that are leases, franchises, revocable consents, licenses and any and all other actions that may be considered to be a taking based on the term of years, area of park to be subject of agreement, proposed use and dollar value.

**AND, BE IT**

**FURTHER RESOLVED**, Community Board 6 urges that the Borough Boards and all other community boards throughout New York City hold public hearings and adopt resolutions regarding these issues.

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

b. **Request application by Solar One for a temporary sculpture placement at Stuyvesant Cove Park.**

**WHEREAS**, Solar 1 located at Stuyvesant Cove is seeking approval for the temporary placement during June-September 2008 of a large sculpture on the blacktop, north of the Solar 1 building; and

**WHEREAS**, this would be a Solar Peace Symbol approximately 38' tall x 50' wide and it's height would extend visually above the level of the adjacent FDR Drive; and

**WHEREAS**, it will be constructed out of empty oil barrels and photovoltaic (solar) panels attached to it with the power generated from it used to power the upcoming summer events at Solar 1; and

**WHEREAS**, the applicant made a presentation to the Parks, Landmarks & Cultural Affairs Committee; and

**WHEREAS**, questions were raised concerning construction issues, safety standards and needed approvals; and

**WHEREAS**, the certification of safety standards will be sent to the Buildings Department for approval;

**THEREFORE, BE IT**

**RESOLVED**, Community Board 6 supports the temporary placement of the peace sculpture by Solar 1 at Stuyvesant Cove conditioned on the receipt of all necessary government approvals.

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

c. **LPC-Landmark Designation of the Allerton 39<sup>th</sup> Street House, 145 East 39<sup>th</sup> Street.**

**Whereas**, the property located at 145 East 39<sup>th</sup> Street, also known as the Allerton 39<sup>th</sup> Street House and the Ten Eyck-Troughton Memorial Residence For Women, has been proposed for designation as a New York City Landmark; and

**Whereas**, the property lies within Manhattan Community District Six and a vote on landmark designation by the New York City Landmarks Preservation Commission calls for review and recommendation by Community Board Six; and

**Whereas**, the building was constructed in 1916-1918 and designed by architect Arthur Loomis Harmon, and provided a unique housing opportunity to the burgeoning ranks of young, single, middle-class men and women in the early 20<sup>th</sup> century; and

**Whereas**, the property provided low rental prices and personal freedom to residents while encouraging community spirit, without any religious associations that offered similar residential accommodations; and

**Whereas**, 145 East 39<sup>th</sup> Street was one of six Allerton Houses built in the City of New York between 1913 and 1924, all of which were designed for men and intended for semi-permanent guests, with the exception of one designed specifically for women; and

**Whereas**, the building is an Italian-renaissance style structure constructed primarily of red brick with projecting headers, which ascend to a central hipped roof tower, and the base of the building is clad in granite with its main façade structured around three bays of windows; and

**Whereas**, at the roof garden level the design includes three arched openings separated by twin terra cotta columns; and

**Whereas**, Arthur Loomis Harmon (1878-1958) graduated from Columbia University School of Architecture in 1901, and proceeded to work as a designer for the well-known firm of McKim Mead & White (1902 –1911), practiced independently until 1929, then became a partner with the architectural firm of Shreve & Lamb (designers of The Empire State Building); and

**Whereas**, of special note for Manhattan Community District 6, Harmon was design and construction consultant for Peter Cooper Village and Stuyvesant Town, as well as Parkchester in The Bronx; and

**Whereas**, the Salvation Army converted the property to the Ten Eyck-Troughton Memorial residence for women in 1956, and continued to operate it as such until recently; and

**Whereas**, designation is supported by the owner of the building and the Murray Hill community in which it is located has a long history in support of designating distinguished buildings

**Therefore, be it**

**RESOLVED**, that Community Board Six supports the designation of 145 East 39<sup>th</sup> Street as a New York City Landmark; and

**BE IT FURTHER**

**RESOLVED**, we recommend that the process be refined so that a full presentation regarding landmark designation is presented to the community board.

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

d) **Report**

Gary suggests that the Alienation and Privatization resolution go to all government elected officials and all 58 Community Boards, as this issue affects park space in every borough. He has already been in contact with other board members from the Bronx and Queens and they are very interested in using this resolution to enact legislative action.

For more reports see committee minutes.

**Waterfront Sub-Committee, Ellen Imbimbo**

a. **Report**

Ellen reported that at the January 8<sup>th</sup> committee meeting the focus was on what waterfront issues the committee would take up. The issue of Waterside Plaza was one of the items mentioned, as well as Stuyvesant Cove Park. Ellen reminded board members that the Sub-committee meets at 6:00 p.m. an hour before the Parks, Landmarks & Cultural Affairs meeting.

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

Vice Chair, Tom LaBarbera presented the resolutions

a) **Intro 0627 - Tenant Harassment Bill - in relation to the duty of an owner to refrain from harassment of tenants and remedies for the breach of such duty.**

**Whereas**, On October 17, 2007, Council Members Dan Garodnick, Melissa Mark-Viverito, and Speaker Christine C. Quinn introduced landmark tenant harassment legislation; and

**Whereas**, under current legal framework, tenants are limited in taking their landlord to Housing Court only for violations relating to the physical condition of the apartment or failure to provide essential services; and

**Whereas**, this new Tenant Harassment legislation creates a violation for harassment, in and of itself, providing a new layer of protection for renters in New York City; and

**Whereas**, some of the actions that qualify as harassment under this legislation include; repeated or prolonged interruption of essential services, using force or making threats against a lawful occupant, removing the possessions of a lawful tenant, and using frivolous court proceedings to disrupt a tenant's life or force an eviction; and

**Whereas**, civil penalties for judicial findings of harassment range from \$1000 to \$5000; and

**Whereas**, this legislation responsibly balances protection for tenants with safeguards for landlords; and

**Whereas**, on December 17, 2007, the Housing and Building Committee of the New York City Council began discussions on this legislation; and

**Therefore be it**

**Resolved** that Community Board Six urge the New York City Council to pass this legislation in relation to the duty of an owner to refrain from harassment of tenants and Remedies for the breach of such duty.

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

b) **A01249 & S1326 - in relation to the definition of income for the purposes of the senior citizen rent increase exemptions (SCRIE) program.**

**Whereas**, each year social security benefits and supplemental security income payments receive increases only on the cost of living, and

**Whereas**, retired railroad workers have a retirement system that is separate from, but comparable to, the social security system, and

**Whereas**, the Assembly and Senate bills do not take account of the railroad retirement benefits scheme to also exclude them from the calculation of income for eligibility for the SCRIE program, and

**Whereas**, this puts many senior citizens who live in New York City in a very difficult financial position; and

**Whereas**, it is no secret that a large portion of a senior citizen's income in NYC is applied towards housing costs; adding these costs with the price of healthcare and prescription drugs puts seniors in a fiscal crisis; and

**Whereas**, this bill would work towards solving that crisis by excluding social security income from the calculation for eligibility in the SCRIE program, therefore allowing more seniors to enroll and take part in the benefits of stabilized rent rates; and

**Whereas**, this in turn would allow seniors to apply the money they would have had to use for the increase in rent toward food, prescription drugs and other necessities; now

**Therefore, be it**

**Resolved**, that Community Board Six urges the Senate to pass S1326 which is the same version as A01249, which the assembly passed in the last session, which for purposes of determining income pursuant to this law shall not include social security benefits and supplemental security income payments if the governing board of the local municipality in which the senior citizen resides, after public hearing, adopts a local law, ordinance, or resolution electing to exempt such benefits and payments, and

Be it Further Resolved, that Community Board Six urges the Assembly and the Senate to consider amending the legislation so as to include recipients of railroad retirement system benefits in the legislation in the same fashion as recipients of social security benefits and supplemental security income payments.

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

**c) Report**

Tom stated at the February meeting, the committee would discuss Assembly Bill A6898 - in relation to the supervision of certain limited profit housing companies and A8820 - in relation to the right of first refusal, as it pertains to Mitchell-Lama Housing purchasing.

**9) Business Affairs & Street Activities – Carol A Schachter, Chair**

**b. New, OP liquor license for Marolles, LLC, d/b/a BXL Bistro, 210 E. 51<sup>st</sup> St. btw 2<sup>nd</sup> & 3<sup>rd</sup> Aves.**

**WHEREAS**, Michael Kelly, Representative, and Laurence & Yves Michiels, Owners, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office December 18, 2007), the Applicant indicated that the business type of the establishment is a Belgian Restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 11:30 AM – 11:30 PM; Weekends 9:30 AM – 12:30 AM (and brunch).
- Capacity: 74. No Public Assembly permit is required.
- Music on-premises: recorded background.
- Staging area (waiting lounge): None.
- Windows/doors opened/removed during warmer months: considering them; open to match hours of operation.
- Patron use of Outdoor Areas: No.
- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

**WHEREAS**, the applicant did provide plans/drawings for the committee to consider and comment on; and

**WHEREAS**, the Applicant stated the SLA Application has not been filed; they will be filing in 3 weeks and have agreed to provide a copy of the Application to CB6M (with sensitive information blacked out); and

**WHEREAS**, the Applicant currently owns or has owned the following establishment(s) in NYC:

- BXL Café, 125 W. 45<sup>th</sup> St., NYC, NY; and

**WHEREAS**, members of the committee expressed their satisfaction with the Application as a welcome addition to the neighborhood; and

**WHEREAS**, no members of the community were present to speak against the Application; and

**WHEREAS**, in its discussion of the application, the committee took into consideration

- the presentation by the Applicant
- the fact that a 500-foot SLA Hearing was required
- there were no comments from the community; now

**THEREFORE**, be it

**RESOLVED**, that CB6M supports the New, OP liquor license for Marolles, LLC, d/b/a BXL Bistro, 210 E. 51<sup>st</sup> St. btw 2<sup>nd</sup> & 3<sup>rd</sup> Aves.

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

c. **Change in hours of operation, OP liquor license for Incredi Fusion, Inc., d/b/a Incredi Fusion, 363 3<sup>rd</sup> Ave., btw E. 26<sup>th</sup> & E. 27<sup>th</sup> Sts.**

**WHEREAS**, Michael Kelly, Representative, and Jonathan Yee, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office December 13, 2007), the Applicant indicated that the business type of the establishment is a restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 11 AM – 1 AM; Weekends 11 AM – 2 AM.
- Capacity: 46. No Public Assembly permit is required.
- Music on-premises: recorded background.
- Staging area (waiting lounge): None.
- Patron use of Outdoor Areas: No.
- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

**WHEREAS**, the Applicant stated the SLA Application has not been filed and has agreed to provide a copy of the Application to CB6M (with sensitive information blacked out); and

**WHEREAS**, the change in hours of operation are Weekdays from 11 AM – 11 PM to 11 AM – 1 AM, Weekends from 11 AM – 11:30 PM to 11 AM – 2 AM; and

**WHEREAS**, members of the committee noted that there are now new menus, plasma TVs and a general sports bar-like feel to the premises; and

**WHEREAS**, no members of the community were present to speak against the Application; and

**WHEREAS**, in its discussion of the application, the committee took into consideration

- the presentation by the Applicant
- the fact that a 500-foot SLA Hearing was not required
- there were no comments from the community; now

**THEREFORE**, be it

**RESOLVED**, that CB6M has no objection to the Change in hours of operation, OP liquor license for Incredi Fusion, Inc., d/b/a Incredi Fusion, 363 3<sup>rd</sup> Ave., btw E. 26<sup>th</sup> & E. 27<sup>th</sup> Sts.

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

d. **Re: Transfer, RW liquor license for Sushinomado of Manhattan, Inc., d/b/a TBD (currently Kimi Sushi), 165 E. 33<sup>rd</sup> St., btw 3<sup>rd</sup> & Lexington Aves.**

**WHEREAS**, Lisa Wang, Promoter, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office December 12, 2007), the Applicant indicated that the business type of the establishment is a restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays/Weekends 11:00 AM – 12:00 AM.
- Capacity: 24. No Public Assembly permit is required.
- Music on-premises: none.
- Staging area (waiting lounge): None.
- Windows/doors opened/removed during warmer months: No.
- Patron use of Outdoor Areas: No.
- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

**WHEREAS**, Lisa Wang, Promoter, stated the nature of the change was the old owner of Kimi Sushi transferred the business of Sushinomado and there was a new lease; and

**WHEREAS**, the Promoter stated the SLA Application has been filed and has agreed to provide a copy of the Application to CB6M (with sensitive information blacked out); and

**WHEREAS**, members of the committee expressed their satisfaction with the Application; and

**WHEREAS**, no members of the community were present to speak against the Application; and

**WHEREAS**, in its discussion of the application, the committee took into consideration

- the presentation by the Applicant
- there were no comments from the community; now

**THEREFORE**, be it

**RESOLVED**, that CB6M has no objection to the Transfer, RW liquor license for Sushinomado of Manhattan, Inc., d/b/a TBD (currently Kimi Sushi), 165 E. 33<sup>rd</sup> St., btw 3<sup>rd</sup> & Lexington Aves.

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

- e. **Transfer, OP liquor license for Pio Restaurant, LLC, d/b/a Luna Piena (no change), 243 E. 53<sup>rd</sup> St., btw 2<sup>nd</sup> & 3<sup>rd</sup> Aves.**

**WHEREAS**, Frank Palillo, Esq., and Antonio Spiridigillozzi, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office December 13, 2007), the Applicant indicated that the business type of the establishment is a restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 12:00 PM – 11:30 PM, Weekends 12:00 PM – 12:00 AM.
- Capacity: 74. No Public Assembly permit is required.
- Music on-premises: low background music as a dining accompaniment.
- Staging area (waiting lounge): None.
- Windows/doors opened/removed during warmer months: No.
- Patron use of Outdoor Areas: Backyard.
- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

**WHEREAS**, Mr. Palillo stated the nature of the change was the lease expired; they have a new lease; the corporation changed to an LLC which is why that makes this a transfer application; there are no changes to the operation of the restaurant; and

**WHEREAS**, the SLA Application has not been filed but the presenters agreed to provide a copy of the Application to CB6M (with sensitive information blacked out); and

**WHEREAS**, members of the committee expressed their satisfaction with the Application and referred to the establishment as an asset to the community and a good neighbor; and

**WHEREAS**, no members of the community were present to speak against the Application; and

**WHEREAS**, in its discussion of the application, the committee took into consideration

- the presentation by the Applicant
- there were no comments from the community; now

**THEREFORE**, be it

**RESOLVED**, that CB6M supports the Transfer, OP liquor license for Pio Restaurant, LLC, d/b/a Luna Piena (no change), 243 E. 53<sup>rd</sup> St., btw 2<sup>nd</sup> & 3<sup>rd</sup> Aves.

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

- g. **Transfer, OP liquor license for Fei Tang Corp., d/b/a The Shanghai Tea Garden (no change), 141 E. 55<sup>th</sup> St., btw 3<sup>rd</sup> & Lexington Aves.**

**WHEREAS**, Bert Levine, Esq., and Hing Cheong Yu, Owner, appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office December 18, 2007), the Applicant indicated that the business type of the establishment is a restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 12:00 PM – 11:00 PM, Weekends 12:00 PM – 12:00 AM.
- Capacity: 50 - 55. No Public Assembly permit is required.
- Music on-premises: None.
- Staging area (waiting lounge): None.
- Windows/doors opened/removed during warmer months: No.
- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

**WHEREAS**, Mr. Levine stated the nature of the change was ownership; there are no changes to the operation of the restaurant; and

**WHEREAS**, the SLA Application has not been filed but the presenters agreed to provide a copy of the Application to CB6M (with sensitive information blacked out); and

**WHEREAS**, members of the committee expressed their satisfaction with the Application and referred to the establishment as an asset to the community and a good neighbor; and

**WHEREAS**, no members of the community were present to speak against the Application; and

**WHEREAS**, in its discussion of the application, the committee took into consideration

- the presentation by the Applicant
- there were no comments from the community; now

**THEREFORE**, be it

**RESOLVED**, that CB6M supports Transfer, OP liquor license for Fei Tang Corp., d/b/a The Shanghai Tea Garden (no change), 141 E. 55<sup>th</sup> St., btw 3<sup>rd</sup> & Lexington Aves.

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

**h. Renewal, OP liquor license for Dixie NYC, Inc., d/b/a McFadden’s, 800 2<sup>nd</sup> Ave. (Store B) at E. 42<sup>nd</sup> St.**

**WHEREAS**, John Sullivan, Owner (& an owner of Calico Jack’s Cantina next door), Franklin Jackson, Mgr., and John Ciccio, Mgr., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, on the CB6M “Liquor License Questionnaire” sent to the Applicant (and received at the Board office originally December 22, 2003), the Applicant indicated that the business type of the establishment is a bar/restaurant, and the Applicant’s questionnaire also provided the following proposed Operational Information:

- Hours of Operation: Weekdays 11 AM – 2 AM; Weekends 11 AM – 4 AM.
- Capacity: 180. The have a Public Assembly permit.
- Music on-premises: CDs with a DJ.
- Staging area (waiting lounge): No.
- Windows/doors opened/removed during warmer months: No.

- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

**WHEREAS**, the Applicant submitted the application for renewal too late; as a result, they are unable to serve alcohol (until approximately 1/6/08); they were at the committee meeting to request a letter of no objection from CB6M so they could obtain their renewal immediately; the committee is unable to act on behalf of the Full Board and decided to issue a Resolution of no objection instead, to be submitted to the Full Board 1/8/08; and

**WHEREAS**, this is not the first time the applicant was late on its renewal, blaming their being in the same building as the Israeli Consulate, which interferes with their mail; and

**WHEREAS**, members of the committee expressed their concerns about the Application:

- 3/5/05: an altercation took place that resulted in a disorderly premises summons
- 3/1/07: an unlimited amount of drinks was provided for a charity function which also resulted in a summons
- There's a lot of over-crowding on the street due to the barriers that protect the consulate
- The establishment is not neighbor-friendly and produces a lot of noise; and

**WHEREAS**, no members of the community were present to speak for or against the Application; and

**WHEREAS**, in its discussion of the application, the committee took into consideration

- the presentation by the Applicant
- this is a renewal application which tends to be a pro forma procedure and the fact that the premises has been shut down pending a position of No Objection by CB6M
- there were no comments from the community; now

**THEREFORE**, be it

**RESOLVED**, that CB6M has no objection to the Renewal, OP liquor license for Dixie NYC, Inc., d/b/a McFadden's, 800 2<sup>nd</sup> Ave. (Store B) at E. 42<sup>nd</sup> St.

**VOTE: 35 in Favor 3 Opposed 2 Abstention 0 Not Entitled**

i. **Renewal, OP liquor license for 48<sup>th</sup> Restaurant Associates, LLC, d/b/a Avra Estiatorio, 145 E. 48<sup>th</sup> St., btw 3<sup>rd</sup> & Lexington Aves.**

**WHEREAS**, no one representing the Applicant appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, it is the policy of CB6M to issue an automatic negative resolution for no-shows; and

**WHEREAS**, in its discussion of the application, the committee took into consideration

- There was no presentation by the Applicant
- CB6M's policy on no-shows; now

**THEREFORE**, be it

**RESOLVED**, that CB6M opposes the Renewal, OP liquor license for 48<sup>th</sup> Restaurant Associates, LLC, d/b/a Avra Estiatorio, 145 E. 48<sup>th</sup> St., btw 3<sup>rd</sup> & Lexington Aves.

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

j. **Re: Renewal, OP liquor license for Concept II, Inc., d/b/a Proof, 239-241 3<sup>rd</sup> Ave., btw E. 19<sup>th</sup> & E. 20<sup>th</sup> Sts.**

**WHEREAS**, Zach Israel, (new) Mgr., appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on January 3, 2008, CB6M having jurisdiction of the premises in the license application process; and

**WHEREAS**, the establishment is well-known to the committee and its neighbors because it has been a problem bar; and

**WHEREAS**, the new manager said he removed ½ the speakers and the back wall speakers; and

**WHEREAS**, the lease is up on the premises in 6 months and has been bought out; and

**WHEREAS**, at that time, Proof will be closing; and

**WHEREAS**, members of the committee felt there wasn't anything else to consider as the place will be history in 6 months; and

**WHEREAS**, while no members of the community were present to speak for or against the Application, the committee was informed residents who brought suit against Proof have come to a settlement; now

**THEREFORE**, be it

**RESOLVED**, that CB6M has no objection to the Renewal, OP liquor license for Concept II, Inc., d/b/a Proof, 239-241 3<sup>rd</sup> Ave., btw E. 19<sup>th</sup> & E. 20<sup>th</sup> Sts.

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

k. **Community Board 6 Manhattan Street Activity Permit application for a Street Festival to be held in Dag Hammarskjold Plaza, E. 47<sup>th</sup> Street, btw 1<sup>st</sup> & 2<sup>nd</sup> Avenues, Friday, June 27, 2008, produced by Mardi Gras Festival Productions, Ltd.**

**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 City Corporation Counsel; 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. 47<sup>th</sup> Street, btw 1<sup>st</sup> & 2<sup>nd</sup> Avenues, Friday, June 27, 2008, produced by Mardi Gras Festival Productions, Ltd.

**VOTE: 38 in Favor 1 Opposed 1 Abstention 0 Not Entitled**

l. **Community Board 6 Manhattan Street Activity Permit application for a Street Fair to be held in Dag Hammarskjold Plaza, E. 47<sup>th</sup> Street, btw 1<sup>st</sup> & 2<sup>nd</sup> Avenues, Friday, September 5, 2008, produced by Mardi Gras Festival Productions, Ltd.**

**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 City Corporation Counsel; 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. 47<sup>th</sup> Street, btw 1<sup>st</sup> & 2<sup>nd</sup> Avenues, Friday, September 5, 2008, produced by Mardi Gras Festival Productions, Ltd.

**VOTE: 38 in Favor 1 Opposed 1 Abstention 0 Not Entitled**

m. **Report**

Harry announced that if any board member or the public sees an item on the agenda that they do not approve of they should attend the committee meeting to voice their opinions, not at the Full Board meetings. He then gave an updates on the hearing dates for Redemption, Tonic East, Kioko, and now Crochet; he will keep the board informed of their progress.

**Old/new business**

**Second Roll Call**

**Adjournment: 10:30 p.m.**