

**FULL BOARD MEETING MINUTES**  
**Wednesday, March 12, 2008**  
**NYU MEDICAL CENTER**  
**FIRST AVENUE**

**Hon. Lyle Frank, Chair**

**ATTENDANCE**

**Members answering first roll call:**

Arcaro, Buchwald, Curtis, Disman, Frank, Friedman, Garland, Garodnick, Goldman, Haile, Hollister, Imbimbo, Judge, Knowles, LaBarbera, Lilien, McGuire, McIntosh, Moses, Oddo, Papush, Parrish, Peveri, Reiss, Rosa, Rubin, Scala, Schaeffer, Sepersky, Sherrod, Simon, Thompson, Ursillo, Weder, West, Williams, Winfield

**Members answering second roll call:**

Arcaro, Curtis, Disman, Frank, Friedman, Garland, Garodnick, Goldman, Haile, Hollister, Imbimbo, Judge, Knowles, LaBarbera, Lilien, McGuire, McIntosh, Moses, Oddo, Papush, Parrish, Peveri, Reiss, Rosa, Rubin, Scala, Schaeffer, Sepersky, Sherrod, Simon, Thompson, Ursillo, Weder, West, Williams, Winfield

**Excused**

Barrett, Buchwald, Dankberg, Parker, Schachter, Steinberg, Talbot

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

Cervera, Collins, Greenspan, Monterossa, Rosenthal, Ross

**Member attendance:** Present: **37** Absent: **5** Excused: **7**

**Guests signed in:** C/M Dan Garodnick; 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; Al Benninghoff, John Ciccio, Sandy Lieva-Davila, Sandra Duque, Lawrence Derricks, Cathe Giffini, Jane Lambert, Priscilla Maysonet, Gwen Rowland, Sandra Stevens,

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## **Meeting Called to Order**

Chair Lyle Frank called the meeting to order

## **Adoption of the March 12<sup>th</sup>, 2008 Agenda**

Agenda Adopted by a Voice Vote

## **PUBLIC SESSION**

**Council Member Dan Garodnick** announced that after weeks of discussion and years of hard work, community leaders have finally come to an agreement with the East River Realty Company (ERRC) over the redevelopment of our neighborhood between 35<sup>th</sup> and 41<sup>st</sup> Sts:

- Plan cuts the overall density by over 500,000 square feet
- Cut down the height and overall square footage of all buildings
- Greatly reduced shadows on St. Vartan's Park and Tudor City Greens
- Commercial Buildings-total square footage cut by almost 25%, height reduced.
- Cut public parking by 50%
- Affordable Housing plan revised to include incentives for moderate and middle-income housing.
- Approximately 5 new acres dedicated to ensure public access of the open space.
- An independent not-for-profit corporation to monitor and program the open space, half of whose Board will consist of community representatives.
- Waterfront Access-public parkland over the FDR Drive, and secured a \$10 million commitment from the developer to provide bridges to the waterfront. The developer also agreed to provide a permanent "public access easement" through the site along the former street beds of 39<sup>th</sup> & 40<sup>th</sup> Sts, ensuring public access to the waterfront.
- A new school will provide 630 seats for children in grades K-8; it will front First Ave.

The Council Member stated that none of this could have been achieved without the determined and vocal advocacy of CB6 and the community. He thanked CB6 members for their hard work.

For the complete report on this and other issues see the Council Member's Community Bulletin or call 212-818-0580.

**Tina Olechowski, representing Cg/M Carolyn Maloney**, reported 1) On Thursday, March 20<sup>th</sup> at 7:00PM Cg/M Maloney and Police Commissioner Kelly are hosting a Town Hall on Crime, Quality of Life and Homeland Security, at Baruch College, 55 Lexington Ave at E. 24<sup>th</sup> St, 14<sup>th</sup> Fl. Auditorium.

For information on this and other reports see the Congress Member's Community Report or call 212-860-0606.

**Romeo Ymalay, representing Sen. Tom Duane**, referred to the Senator's Community Newsletter regarding tenants facing evictions from building owners who receive J-51 tax abatements despite their apparent right under the law to lease renewals under this program. The Senator has written to the Commissioner of the NYS Division of Housing and Community Renewal.

For more information on this and other reports see the Senator's Newsletter or call 212-633-8052.

**Sarra Hale-Stern, representing Sen. Liz Krueger,** reported 1) the Senator has stated all of the elected representatives who cover the ERRC development site, CB6, and various community organizations have been meeting on a regular basis for many years to ensure that the sites were appropriately rezoned. The Senator particularly wants to thank C/M Garodnick & CB6 for all of their work on the ERRC development site. 2) There will be a Resource Fair for Seniors & Caregivers on Thursday, April 24<sup>th</sup>, 1:30 p.m. at Temple Emanu-El, 1 E. 65<sup>th</sup> St. at 5<sup>th</sup> Ave.

For more information on this and other reports see the Senator's Community Bulletin or call 212-490-2151.

**Keith Powers, representing A/M Jonathan Bing,** 1) congratulated CB6 and C/M Garodnick on their hard work and their success on the ERRC project. 2) A/M Bing invites all to join him in celebrating the opening of the Lighthouse International Diabetes Center on Tuesday, March 25<sup>th</sup>, 7:00 p.m. at 111 E. 59<sup>th</sup> St, b/w Park & Lexington Aves.

For more information on this and other reports see the Assembly Member's Community Bulletin or call 212-605-0937.

**Nily Rozic, representing A/M Brian Kavanagh,** 1) thanked C/M Garodnick and CB6 for the hard work they did on the ERRC project. 2) Announced A/M Kavanagh, BP Scott Stringer & C/M Garodnick would host a Stuyvesant Town/Peter Cooper Village Town Hall Meeting, Thursday, April 3<sup>rd</sup> 6-8 p.m. at the Manhattan Campus VA NY Harbor Healthcare System, 423 E. 23<sup>rd</sup> St.

For more information on this and other reports see the Assembly Member's Community Bulletin or call 212-979-9696.

**Ethel Sussman, representing C/M Jessica Lappin,** 1). Congratulated CB6 and C/M Garodnick on all they have been able to accomplish on the ERRC project. 2) C/M Lappin sponsored and the City Council passed legislation requiring the Parks Dept. to prune trees and/or other vegetation obstructing traffic signals or signs. 3) C/M Lappin will be honored by the Friends of the Upper East Side on Tuesday, March 18<sup>th</sup>, 6-8 p.m. at the New York School of Interior Design, 170 E. 70<sup>th</sup> St.

For information on this and other reports see the Council Member's Community Bulletin or call 212-535-5554.

**Greg Geller, representing C/M Rosie Mendez,** 1) C/M Mendez commends the initiative that CB6 took to get the job done with C/M Garodnick on the ERRC project. 2) C/M Mendez has written a letter to the Mayor expressing her concern on the proposed cuts to the Dept. of Education.

For information on this and other reports see the Council Member's Community Bulletin or call 212-677-1077.

**Andres Puerta and Anthony Pugliese,** representatives of Carpenters Union – Local 157 is seeking support from the Board on area standard working conditions for construction workers. They are protesting the exploitation of immigrant workers and non-union workers. Lyle suggested that the Public Safety committee take this issue up at its April committee meeting.

**Jane Lambert** owner of Uncorked Restaurant, 322 E. 59<sup>th</sup> St., requested support for the upgrade of her Restaurant Wine license to an On-premises liquor license.

**William Shea**, member of the West 54<sup>th</sup> – 55<sup>th</sup> Street Block Association spoke about construction projects interrupting the traffic patterns, as it pertained traveling from the West to the East side.

**Sandra Stevens**, area resident complained about multiple problems (no water, asbestos, mold behind the walls and frequent elevator outage) within Phipps Houses.

**Priscilla Maysonett**, representing Stein Senior Center spoke in opposition to the Department for the Aging, New Concept Papers program.

**Roll Call – Carol A. Schachter**

In the absence of Carol Schachter, 1st Vice Chair, Mark Thompson conducted roll call.

**BUSINESS SESSION**

**Adoption of February 13<sup>th</sup> Full Board Minutes**

Minutes adopted by a voice vote.

**Report from the Chair – Lyle Frank**

1) Lyle congratulated all of the board members for their work on the ERRC project and stated that he is very proud to be the Chair at this time of our great success. 2) Announced that by a unanimous Executive Committee vote, Irene Peveri would be the Board's honoree at this year's annual board dinner. Dinner Committee consists of Frank Scala, Chair, Carol Schachter and Mark Thompson. 3) Scott Greenspan and Robert Rosenthal have decided not to opt for reappointment. Thank you both for your work, and for support of this board.

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

Toni reported: 1) On March 4<sup>th</sup>, the Development Task Force met to discuss community concerns, most of which came from the Turtle Bay Assoc., pertaining to the development site of 303-309 E. 51<sup>st</sup> St.. Unfortunately, the developer and project manager did not attend. Over \$10,000 in violations has already been issued; there are several pending violations answerable to ECB. When demolition of 309 was done they punched a hole in the adjacent building, DOB is investigating. We have requested, and been granted, a walk through inspection of this site. The DCP has e-mailed DOB a list of zoning and tax lot questions; we hope to have answers soon. It was agreed that a letter would be written to DOB requesting an audit of the plans, we're writing the zoning lot letter, Keith Powers of A/M Bing's office is writing a letter based upon complaints and violations, Sarah Hale-Stern from C/M Lappin's office has supplied us with the list of complaints for this site and these letters will be signed C/M Lappin, A/M Bing and CB 6. She thanked Fred Arcaro for being apart of this meeting as a member of the Task Force. Claude Winfield and Dan Williams are also members of the Task Force, but were unable to attend this meeting. Next month she will have an update.

2) The Mayor has proposed an additional 3% cut for all agencies. This would be another \$5,700 on top of the \$10,000 proposed cut. CB's can't afford these proposed cuts without cutting staff. On Thursday, March 13<sup>th</sup> at 2:45PM CBs are on the City Council's Governmental Operations Committee will hold a hearing on the FY 2009 Preliminary Budget

as it pertains to CB's. 3) As some of you are aware, this Friday Melissa will go on maternity leave, she will be returning. Ryan Shafer, the Assistant District Manager will be leaving in late-April to return home. In light of the proposed budget cuts, and in consultations with Lyle, I have posted a part-time job opening. To fill in the gaps, I am speaking with various colleges to also obtain an intern.

**Treasurer's Report – Bea Disman**

Bea stated that she has spoken to the board members before about the budget cuts and considers the additional proposed 3% cut a very serious issue and so should the Board. With what little the Board Office will have to work with, it will be next to impossible to get everything that needs to be done, done. Some sacrifices are going to need to be made, right now, we are not sure what they are.

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

Cullen 1) thanked CB6 and C/M Garodnick for all of their hard work on the ERRC project. 2) B.P. Scott Stringer, C/M Garodnick and A/M Kavanagh are hosting a Stuyvesant Town/Peter Cooper Village Town Hall Meeting, Thursday, April 3<sup>rd</sup>, 6-8PM. at the VA, 423 E. 23<sup>rd</sup> St. 3) The BP has implemented Borough Construction Watch; this working group will consist of, elected offices/representatives, advocacy groups, unions and CB District Managers. One of the many goals is to come up with better ways to monitor safety conditions at construction sites. Toni thanked Cullen for volunteering to be apart of the CB6 Development Task Force.

For information on this and other reports, see the Borough President's Manhattan Monthly Newsletter or go to [www.mbpo.org](http://www.mbpo.org).

**COMMITTEE REPORTS**

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

a. **Report:** Maxine briefly reported on the committee's February tour of the Vanderbilt YMCA. She announced at this months committee meeting they would be meeting with representatives of P.S. 116, to discuss the schools overcrowding issues.

Lyle announced that Thursday, April 10<sup>th</sup> would be the JREC tour, any one interested in attending should sign-up now.

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

a. **Report:** Dan announced that budget hearings were in process; for the Chairs or anyone that would like to attend, check the City Council's website to find something related to your committee, also for dates and the time of each hearing. You can go as a representative of the Board or as a community representative.

**3). Transportation – Lou Sepersky, Chair**

**a. Recommendation to the New York State Legislature on conditions for approval of recommendations of the New York City Traffic Congestion Mitigation Commission**

**WHEREAS** the New York City Traffic Congestion Mitigation Commission (Commission) has issued its report and recommendations and these recommendations include making 60th Street, river to river, the northern boundary of the congestion mitigation zone (zone), and

**WHEREAS** Community Board 6 (CB6), Manhattan, bounded by 14th and 59<sup>th</sup> Streets east of an irregular line along Irving Place, the west side of Gramercy Park, Lexington and Madison Avenues and the East River, is fully within the proposed congestion mitigation district, and

**WHEREAS** the mission of the Commission was to address traffic congestion, extensive traffic gridlock, overcrowded streets and pedestrian hazards in Manhattan's Central Business District (CBD), with the attendant issues of health degradation, debased air quality and excessive traffic noise in the zone, including CB6, and elsewhere, and to devise a concerted, carefully developed plan to relieve and reduce traffic congestion, and

**WHEREAS** the full Board has reviewed the Commission's full recommendations and the enumerated concerns which CB6 offered, in January, 2008, as important to this community and which concerns do not seem to have been addressed in the final report, and

**WHEREAS** should the New York City Council reject the Commission's recommendations, it will end the Congestion Mitigation process or, in the alternative, should the Council approve the recommendations (without possibility of amendment), the report will then go to the New York State Legislature for its deliberations and legislative consideration, including the possibility of amendment, now

**THEREFORE BE IT**

**RESOLVED** that Community Board 6, Manhattan urges the New York State Legislature not to adopt the report of the New York City Congestion Mitigation Commission without the inclusion of the following as part of the full mitigation program:

- A uniformly acceptable standard for the current recent spending on expansion of the Metropolitan Transportation Authority's (MTA) transit system is developed and used as a base line and that funds raised through congestion pricing are added to, and dedicated to, mass transit system expansion, and
- Establishment of a current capital and expenses spending baseline on which to base a measure of increased revenue which would be spent on capital expansion, and enhanced maintenance of the mass transit (rail, subway and ferry) system(s);
- That there be no exemption (or toll offset) for users of Port Authority, and similarly Tri Borough Bridge and Tunnel Authority, facilities into Manhattan, from congestion charges now proposed as part of the Commission's report;

- Recommends a comprehensive environmental evaluation of the implementation of congestion pricing;
- Examination of an exemption of commercially licensed vehicles, while involved in business activities and, also, emergency, public health (i.e. ambulances, ambulances), school buses and handicapped service vehicles;
- Seek, even before or without the full scale implementation of congestion pricing, of a rigorous and continuous program of traffic and parking enforcement, (i. e. double parking and intersection obstruction) which should be uniform and universal including (the portion of the estimated 142,000) cars which frivolously display or unjustifiably utilize special parking placards, and the issuance of these placards should be severely curtailed;
- Specify how and when sufficient new and expanded mass transit would be in place to accommodate the displaced drivers who would be expected to become transit riders, and

**BE IT FURTHER**

**RESOLVED** that the Manhattan residents’ exemption of the 10 percent surtax on parking be retained to limit the amount of searching for parking in the Central Business District.

**VOTE: 31 in Favor 6 Opposed 0 Abstention 0 Not Entitled**

c. **Extension of “No Standing Anytime” signage at Asser Levy Place**

**WHEREAS** the New York City Department of Parks and Recreation (DPR) operates the Asser Levy recreation center (rec. center) at the northeast corner of East 23rd Street and Asser Levy Place, in Community Board 6, and

**WHEREAS** truck access to the rec. center is through a driveway on the east side of Asser Levy Place, and

**WHEREAS** 190 feet of that curb space is regulated by signage “No Standing Anytime,” and

**WHEREAS** the DPR has reported that is insufficient to ensure that the driveway remains unobstructed and has asked for about an additional 54 feet (northward) of restricted curb space (to a total of approximately 244 feet), and in so doing would allow the issuance of summons for obstructing the driveway without the necessity of a complaint, now

**THEREFORE, BE IT**

**RESOLVED** that Community Board 6 requests the New York City Department of Transportation’s Manhattan Office to extend the “No Standing Anytime” regulation (about 54 feet) on the east side of Asser Levy Place, from the corner of East 23rd Street northward to a distance of about 244 feet, in order to ensure the access to the driveway of the Asser Levy Recreation Center.

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

d. **Report**

Lou reported on the status of Congestion Mitigation as it pertains to the City Council.

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

a. **A7935B – in relation to providing a tax credit for rehabilitation of Historic Properties**

**WHEREAS**, A federal tax credit for owners of historic buildings who rehabilitate their property has been in existence for several years; and

**WHEREAS**, no similar tax credit is available to New York State residents to receive a credit on their New York State income taxes; and

**WHEREAS**, legislation has been introduced into the New York State legislature to establish such a credit and this legislation has been passed by the Senate but is still pending in the Assembly(bill no.A07935B); and

**WHEREAS**, passage and enactment of this credit could help the cause of preservation in New York State by encouraging needed rehabilitation and lessening the tendency of owners of potential landmarks from opposing designation of their properties as this has been the experience of the existing federal credit; and

**WHEREAS**, this legislation is supported by municipalities, civic groups and public officials throughout the state including the City of New York and Borough President Stringer amongst many others;

**Therefore, be it**

**RESOLVED**, Community Board 6 urges the Assembly to join the Senate in adopting bill no. A07935B and Governor Spitzer to sign the legislation.

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

b. **Report**

Gary reported that the committee will have continued discussions on Park Alienation. He has been working on obtaining sponsors from the community boards in the other boroughs and has found that quite a few agree with our Park Alienation resolution. He stated that he will continue to obtain support because Park Alienation is not just a CB6 issue.

**Waterfront Sub-Committee – Ellen Imbimbo, Chair**

a. Ellen reported that the sub-committee continues to work on the permanent repair on the lights in Stuyvesant Cove Park.

**5) Land Use – Edward Rubin, Chair**

- a. Proposed Zoning Text amendment to allow the transfer of development rights from landmark buildings to an adjacent site (610 Lexington Avenue, 53rd Street and Lexington Avenue) has been tabled until next month.

**b. Report**

Ed thanked Sheldon Solow and his design team for their help and work in the ERRC project.

He reported that the RFP for the Brookdale/Hunter project has been amended and extended.

Ellen stated that the board should follow-up on our 197-a Plan especially in light of the success with the ERRC project.

**6) Health, Senior & Disability Issues - Sandro Sherrod, Chair**

Sandro Sherrod and Wil Weder presented the resolution.

**a. Supporting DFTA’s New Concept Papers program**

**Whereas**, The Department for the Aging (DFTA) has held public forums in each borough on their concept papers for home delivers meals and senior centers, has requested comments and suggestions on each prior to the release of an RFP on each; and

**Whereas**, each of these concept papers would significantly change the way in which home delivered meals and prepared and delivers and would change the contractual arrangements and performance evaluations for senior centers; and

**Whereas**, the restructuring of home delivered meals, to give the seniors the option of flash frozen meals for those home bound individuals able to heat such meals, would reduce the number of delivers to such individuals from daily to twice a week; and

**Whereas**, the efficiencies gained in such a restructuring would enable DFTA to server more seniors; and

**Whereas**, the concept paper for senior centers focuses on congregate activities that would integrate healthy aging activities as a major component of their programming and would include the expansion of intellectual and creative opportunities; and

**Whereas**, DTFA would provide more flexibility to contractors in the provision of innovative programs that will contribute to the transformation of again services in New York City; now

**therefore be it**

**Resolved**, that Community Board Six supports the restructuring of the Home Delivered Meals and Senior Center programs as presently proposed, as such restructuring reflects resolutions attached passed by Community Board 6 in recent years; and

**therefore be it further**

**Resolved**, that Community Board 6 commends the Department for the Aging for the work they have done to involved the community in their planning and development of the RFPs for the new models for the delivery of senior services to all older New Yorkers; and

**therefore be it still further**

**Resolved**, that Community Board 6 would like to see the inclusion of, among other suggestions raised during the forums; 1. inclusion of a Senior Advisory Board at each center that would be involved with individual center management, 2. inclusion of more diverse social activity options for seniors; 3. the adoption of other metrics than amount of meals served to determine a center's success, 4. that a survey be administered to users of both programs to determine customer satisfaction and finally that a study be conducted to determine the feasibility of using flash frozen meals within the senior centers thereby allowing for flexibility of time when seniors at the centers may eat.

**VOTE: 34 in Favor 1 Opposed 0 Abstention 1 Not Entitled**

**a. Report:**

Sandro reported that the Health, Senior & Disability Issues committee would like to meet with the Transportation committee to discuss issue pertaining to Bus transportation and senior accessibility.

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

- a. Block Party application for Aaron School, Sunday, May 18<sup>th</sup>, 10 am – 2 pm, on E. 45<sup>th</sup> St. between 1<sup>st</sup> & 2<sup>nd</sup> Aves.**

**WHEREAS**, the applicants appeared before us to answer any concerns, and

**WHEREAS**, the applicants have moved their block party from the 1st to the 3<sup>rd</sup> Sunday in May, and

**WHEREAS**, the Aaron School holds this event annually without incident; and

**THEREFORE, be it**

**RESOLVED**, that Community Board 6 supports the application by the Aaron School for a block party on Sunday, May 18<sup>th</sup>, 10 am – 2 pm, on E. 45<sup>th</sup> St. between 1<sup>st</sup> & 2<sup>nd</sup> Aves.

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

- b. **New, Unenclosed Sidewalk Cafe for Shannon Café LLC d/b/a Pig ‘n Whistle on 2<sup>nd</sup>, 951 2<sup>nd</sup> Ave. between E. 50<sup>th</sup> and E. 51<sup>st</sup> Sts., 4 tables and 8 seats**

**WHEREAS**, the applicant appeared before us to answer any concerns and provided a plan for this cafe; and

**WHEREAS**, there were no objections from the community; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six supports the application for an unenclosed café for the above entity at this time.

**VOTE: 34 in Favor 1 Opposed 1 Abstention 0 Not Entitled**

- c. **New, Unenclosed Sidewalk Cafe for Aventura Restaurant LLC, d/b/a Vamos, 348 1<sup>st</sup> Ave. at E. 20<sup>th</sup> St., 12 tables and 24 seats**

**WHEREAS**, the applicant appeared before us to answer any concerns and provided a plan for this cafe; and

**WHEREAS**, the applicant is to send a copy of its plans to the CB6 Board office, and

**WHEREAS**, there were no objections from the community; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six supports the application for an unenclosed café for the above entity at this time.

**VOTE: 34 in Favor 1 Opposed 1 Abstention 0 Not Entitled**

- d. **New, Unenclosed Sidewalk Cafe for Gramercy Thai Inc., d/b/a Pongsri Thai Restaurant, 311 2<sup>nd</sup> Ave. at E. 18<sup>th</sup> St., 18 tables and 36 seats**

**WHEREAS**, the applicant appeared before us to answer any concerns and provided a plan for this cafe; and

**WHEREAS**, the applicant agreed to reduce the amount of tables and chairs by 5 and 10 on the Second Avenue side, respectively, and

**WHEREAS**, there were no objections from the community; now

**THEREFORE**, be it

**RESOLVED**, that Community Board Six does not oppose the application for an unenclosed café for the above entity, provided they reduce the amount of tables and chairs on 2<sup>nd</sup> Ave.

**VOTE: 34 in Favor 1 Opposed 1 Abstention 0 Not Entitled**

- f. **New, Restaurant Wine liquor license for Abitino's Pizza 49<sup>th</sup> Street Corp., d/b/a Abitino's Pizza, 936 2<sup>nd</sup> Avenue, btw E. 49<sup>th</sup> & E. 50<sup>th</sup> Streets.**

**WHEREAS**, Michael Kelly, Representative, appeared before the Business Affairs & Street Activities (BASA) Committee of Community Board 6 Manhattan (CB6M) on March 6, 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 February 28, 2008), 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 – 11 PM; Weekends 11 AM – 1 AM.
- Capacity: 46.
- Music on-premises: Recorded background. Sound Control: the Owner hired an acoustical expert to ensure sounds do not escape the store; installed a sound limiter to set a maximum volume.
- Staging area (waiting lounge): No.
- Windows/doors opened/removed during warmer months: No.
- Patron use of Outdoor Areas: No.
- Wheelchair accessibility: Yes; Restroom accessibility: Yes (this is new construction; the rest room is located on the first floor); and

**WHEREAS**, the Applicant's Representative stated the SLA Application will be filed 3/7/08 and provided a copy of the Application to CB6M (with sensitive information blacked out); and

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

- Abitino Foods, Inc., 1435 Broadway, NY, NY
- Abitino Pizza + Rest., Inc., II, 733 2<sup>nd</sup> Avenue, NY, NY; and

**WHEREAS**, members of the committee expressed their satisfaction that the complaint brought against the establishment had been resolved:

- At the February 2008 BASA meeting, a resident of 300 E. 50<sup>th</sup> Street was present to state she had filed a noise complaint with the EPA.
- A manager had been blasting music all night long and refused to turn it off.
- Dominic Abitino, Owner, posted a letter at 300 E. 50<sup>th</sup> Street requesting the lady meet with him to resolve the issue, which he was unaware of until the EPA came and issued a fine.
- The manager was fired; an acoustical expert was hired; changes were made to the sound system in consultation with the complaining resident, who was satisfied with the changes; and

**WHEREAS**, members of the community were not present to speak on the Application, the letter from the owner and the resulting resolution of the sound problem to the resident's satisfaction were noted by the committee; and

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

- the presentation by the Applicant's Representative, including

- the description of the operation of the business
- verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the March 6, 2008, committee meeting, served to a great extent to form the opinion of the committee
- that a copy of the actual Liquor License Application was given to the committee at the March 6, 2008, committee meeting
- the fact that a 500-foot SLA Hearing was not required; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the applicant’s Representative at this meeting, CB6M supports the New, Restaurant Wine liquor license for Abitino’s Pizza 49<sup>th</sup> Street Corp., d/b/a Abitino’s Pizza, 936 2<sup>nd</sup> Avenue, btw E. 49<sup>th</sup> & E. 50<sup>th</sup> Streets.

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

**h. Upgrade, Restaurant-wine to On-Premises liquor license for Saravana Bhavan, LLC, d/b/a Saravana Bhavan, 81 Lexington Avenue at E. 26<sup>th</sup> St.**

**WHEREAS**, Mathaiah Ramaih, Principal, appeared before the Business Affairs & Street Activities Committee (BASA) of Community Board 6 Manhattan (CB6M) on March 6, 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 July 9, 2007, for the Restaurant Wine license which is being upgraded), 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 – 10 PM; Weekends 11 AM – 10:30 PM.
- Capacity: 70.
- Music on-premises: Recorded background.
- Staging area (waiting lounge): No.
- Windows/doors opened/removed during warmer months: No.
- 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**, members of the committee expressed their no concerns about the Application; and

**WHEREAS**, members of the community were not present to speak For or Against the Application, which committee members interpreted as no problems with the establishment; and

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

- the presentation by the Applicant, including

- the description of the operation of the business
- verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the March 6, 2008, committee meeting, served to a great extent to form the opinion of the committee
- the fact that a 500-foot SLA Hearing was required; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Applicant at this meeting, CB6M supports the Upgrade, Restaurant Wine to On Premises liquor license for Saravana Bhavan, LLC, d/b/a Saravana Bhavan, 81 Lexington Avenue at E. 26<sup>th</sup> Street.

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

k. **Transfer, On Premises liquor license for Vero Midtown, LLC, d/b/a Vero Midtown, 1004 2<sup>nd</sup> Avenue @ E. 53<sup>rd</sup> Street.**

**WHEREAS**, Ariel Loveland, Principal, and Terrence R. Flynn, Jr., Esq., appeared before the Business Affairs & Street Activities (BASA) Committee of Community Board 6 Manhattan (CB6M) on March 6, 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 February 29, 2008), 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 AM – 2 AM.
- Capacity: 222. Public Assembly permit: They have a permit.
- Music on-premises: Recorded background.
- Staging area (waiting lounge): No.
- Windows/doors opened/removed during warmer months: Yes.
- Patron use of Outdoor Areas: No.
- Wheelchair accessibility: Yes; Restroom accessibility: No, they are downstairs; and

**WHEREAS**, the Applicant’s Representative 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 Applicant currently owns the following establishment(s) in NYC:

- Vero Panini and Wine Bar, 1483 Second Avenue (btw E. 77<sup>th</sup> & E. 78<sup>th</sup> Streets), NY, NY
- Bounce Restaurant and Sports Lounge, 1403 Second Avenue (@ E. 73<sup>rd</sup> Street), NY, NY; and

**WHEREAS**, the Applicant’s Representative stated this was a transfer of the On Premises liquor license from Local (the current establishment) to Vero Midtown: Local is selling assets and the lease of the business; and

**WHEREAS**, the Applicant stated they are not making major physical changes to the premises; sound proofing is already in place; and

**WHEREAS**, members of the committee noted the sample menu handed out was a moderately priced one, but, not just snacks and finger foods; and

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

- the presentation by the Applicant and his Representative, including
  - their description of the operation of the business
  - their verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the March 6, 2008, committee meeting, served to a great extent to form the opinion of the committee
- that a copy of the actual Liquor License Application was NOT available to the committee at the March 6, 2008, committee meeting, and thus it became impossible for the committee to determine whether the information presented to it by the applicant or the information contained in the CB6M “Liquor License Questionnaire” is the same information contained in the actual License application
- the fact that a 500-foot SLA Hearing was required; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Principal and his Representative at this meeting, CB6M has no objection to the Transfer, On Premises liquor license for Vero Midtown, LLC, d/b/a Vero Midtown, 1004 2<sup>nd</sup> Avenue @ E. 53<sup>rd</sup> Street; and be it

**FURTHER RESOLVED**, if the SLA application, however, contains a different method of operation than has been presented to CB6M as stated in this Resolution and any attached change agreement (if applicable), then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to the Community Board.

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

m1. **Upgrade, Restaurant Wine to On Premises liquor license for Uncorked, LLC, d/b/a Uncorked, 322 E. 59<sup>th</sup> St., btw 1<sup>st</sup> & 2<sup>nd</sup> Aves.**

**WHEREAS**, Jane E. Lambert, Principal, appeared before the Business Affairs & Street Activities (BASA) Committee of Community Board 6 Manhattan (CB6M) on March 6, 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 August 20, 2007, for the Restaurant Wine license which is being upgraded), the Applicant indicated that the business type of the establishment is a Wine Bar & Cheese Bar; the Principal stated there were no changes in operation from the responses on the original questionnaire; 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**, in its deliberation and discussion of the application, the committee took into consideration

- the presentation by the Applicant at the committee meeting (March 6, 2008), including
  - her description of the operation of the business
  - her verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the March 6, 2008, committee meeting, served to a great extent to form the opinion of the committee
- that a copy of the actual Liquor License Application was NOT available to the committee at the March 6, 2008, committee meeting, and thus it became impossible for the committee to determine whether the information presented to it by the applicant or the information contained in the CB6M “Liquor License Questionnaire” is the same information contained in the actual License application
- the Applicant made a verbal statement before the entire Community Board (March 12, 2008) that she would make her premises accessible
- the fact that a 500-foot SLA Hearing was required; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the applicant at the Full Board meeting, CB6M has no objection to the Upgrade, Restaurant Wine to On Premises liquor license for Uncorked, LLC, d/b/a Uncorked, 322 E. 59<sup>th</sup> Street, btw 1<sup>st</sup> & 2<sup>nd</sup> Avenues; and be it

**FURTHER RESOLVED**, if the SLA application, however, contains a different method of operation than has been presented to CB6M as stated in this Resolution and any attached change agreement (if applicable), then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to the Community Board.

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

n. **New, On Premises liquor license for Dual Systems New York, Inc., d/b/a TBD, 143 E. 47<sup>th</sup> Street, 1<sup>st</sup> Floor, btw 3<sup>rd</sup> & Lexington Aves.**

**WHEREAS**, Steve Park, Manager, and Shigekazu Vejima, Principal, appeared before the Business Affairs & Street Activities (BASA) Committee of Community Board 6 Manhattan (CB6M) on March 6, 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 March 3, 2008), 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 9 AM – 12 AM.
- Capacity: 40.
- Music on-premises: Recorded background.
- Staging area (waiting lounge): No.
- Windows/doors opened/removed during warmer months: No.

- Patron use of Outdoor Areas: No.
- Wheelchair accessibility: Yes; Restroom accessibility: Yes; and

**WHEREAS**, the applicant stated that by 1<sup>st</sup> Floor, he means ground level; 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 Applicant currently owns the following establishment(s) in NYC:

- Café Zaiya, 181 E. 41<sup>st</sup> Street (btw Madison & 5<sup>th</sup> Avenues); and

**WHEREAS**, members of the committee had no concerns about the Application; and

**WHEREAS**, members of the community were not present to speak For or Against the Application, which committee members interpreted as no problem with the establishment in a basically commercial area; and

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

- the presentation by the Applicant, including
  - his description of the operation of the business
  - his verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the March 6, 2008, committee meeting, served to a great extent to form the opinion of the committee
- that a copy of the actual Liquor License Application was NOT available to the committee at the March 6, 2008, committee meeting, and thus it became impossible for the committee to determine whether the information presented to it by the applicant or the information contained in the CB6M “Liquor License Questionnaire” is the same information contained in the actual License application
- the fact that a 500-foot SLA Hearing Was not required

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the applicant at this meeting, CB6M is in favor of the New, On Premises liquor license for Dual Systems New York, Inc., d/b/a TBD, 143 E. 47<sup>th</sup> Street, 1<sup>st</sup> Floor, btw 3<sup>rd</sup> & Lexington Avenues; and be it

**FURTHER RESOLVED**, if the SLA application, however, contains a different method of operation than has been presented to CB6M as stated in this Resolution and any attached change agreement (if applicable), then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to the Community Board.

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

- o. **New, Restaurant-wine liquor license for JJ Thai Kitchen Corp., d/b/a JJ Thai Kitchen, 224 E. 51<sup>st</sup> St., btw 2<sup>nd</sup> & 3<sup>rd</sup> Aves.**

**WHEREAS**, Daniel Goldfarb, Principal, and Pongsagorn Mangkalakere, Manager, appeared before the Business Affairs & Street Activities (BASA) Committee of Community Board 6 Manhattan (CB6M) on March 6, 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 February 27, 2008), 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: Sunday – Thursday 11 AM – 11 PM ; Friday/Saturday 11 AM – 12 AM..
- Capacity: 18. Music on-premises: ; if yes: DJ, Recorded, Live . Sound Control:
- Staging area (waiting lounge):No.
- Windows/doors opened/removed during warmer months: No.
- Patron use of Outdoor Areas: No.
- Wheelchair accessibility: No (grandfathered); and

**WHEREAS**, the applicant stated they would be constructing a kitchen, dining room and adding an exhaust fan; 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 Applicant currently owns or has owned the following establishment(s) in NYC:

- Luscious Thai Restaurant, 1099 1<sup>st</sup> Avenue @ E. 60<sup>th</sup> Street; and

**WHEREAS**, members of the committee had no concerns about the Application; and

**WHEREAS**, members of the community were not present to speak For or Against the Application; and

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

- the presentation by the Applicant, including
  - their description of the operation of the business
  - their verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the March 6, 2008, committee meeting, served to a great extent to form the opinion of the committee
- that a copy of the actual Liquor License Application was NOT available to the committee at the March 6, 2008, committee meeting, and thus it became impossible for the committee to determine whether the information presented to it by the applicant or the information contained in the CB6M “Liquor License Questionnaire” is the same information contained in the actual License application
- the fact that a 500-foot SLA Hearing was not required

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the applicant at this meeting, CB6M supports the New, Restaurant Wine liquor license for JJ Thai Kitchen Corp., d/b/a JJ Thai Kitchen, 224 E. 51<sup>st</sup> Street, btw 2<sup>nd</sup> & 3<sup>rd</sup> Avenues.

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

p. **New, Restaurant-wine liquor license for Caucus Foods LLC, d/b/a Limon Restaurant, 238 E. 24<sup>th</sup> St., btw 2<sup>nd</sup> & 3<sup>rd</sup> Aves.**

**WHEREAS**, Valeri Kvaratskhelia, Manager, appeared before the Business Affairs & Street Activities (BASA) Committee of Community Board 6 Manhattan (CB6M) on March 6, 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 handed to the committee Chair March 6, 2008), 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 – 11 PM; Weekends 12 PM – 11 PM.
- Capacity: 16.
- Music on-premises: Recorded background.
- Staging area (waiting lounge): No.
- Windows/doors opened/removed during warmer months: No.
- Patron use of Outdoor Areas: No.
- Wheelchair accessibility: No (grandfathered).

**WHEREAS**, the Applicant’s Representative 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 Applicant currently owns the following establishment(s) in NYC:

- H.O.C. Wine, Inc., 53 Irving Place, NY, NY
- Turks & Frogs Tribeca, 498 Washington Street, NY, NY; and

**WHEREAS**, the Vice-chair of the committee expressed no concern about the Application, since he lives across the street from it; there has always been a small restaurant at the site; there have never been any problems or complaints about it; and

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

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

- the presentation by the Applicant’s Representative, including
  - his description of the operation of the business
  - their verification of the information contained in the CB6M “Liquor License Questionnaire” which, coupled with the information about the operation as described above at the March 6, 2008, committee meeting, served to a great extent to form the opinion of the committee

- that a copy of the actual Liquor License Application was NOT available to the committee at the March 6, 2008, committee meeting, and thus it became impossible for the committee to determine whether the information presented to it by the applicant or the information contained in the CB6M “Liquor License Questionnaire” is the same information contained in the actual License application
- the fact that a 500-foot SLA Hearing was not required; now

**THEREFORE**, be it

**RESOLVED**, that pursuant to the presentation by the Applicant’s Representative at this meeting, CB6M supports the New, Restaurant Wine liquor license for Caucus Foods, LLC, d/b/a Limon Restaurant, 238 E. 24<sup>th</sup> Street, btw 2<sup>nd</sup> & 3<sup>rd</sup> Avenues.

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

q. **Report**

Harry reported that the Tonic East revocation hearing has once again been postponed. Carol Schachter, Chair of the Business Affairs & Street Activities committee and Steve Dubnoff, Public Member testified are scheduled to testify at the revocation hearing for Redemption.

**7. Public Safety – Fred Arcaro, Chair**

a. **Intro 650-B – in relation to permits for biological, chemical and radiological detectors.**

**WHEREAS:** New York City Council’s Public Safety Committee’s bill (Intro 650-B) will require anyone in New York City’s five boroughs who possesses or uses a detector that measures chemical, biological, or radiological agents to first advise the New York City Police Department and obtain a permit, and

**WHEREAS:** The stated purpose of this legislation is to avoid “excessive false alarms and unwarranted anxiety that a large-scale public emergency may be occurring,” and

**WHEREAS:** In the aftermath of the World Trade Center attacks, residents and workers were repeatedly given incorrect information by government agencies about the quality of the air they breathed, and therefore, any concern about maintaining the right to independently test the air is certainly far from “unwarranted,” and

**WHEREAS:** Residents should be empowered to hold the government accountable and confirm for themselves, in a timely fashion, that their air is free of hazardous chemicals, and

**WHEREAS:** Intro 650-B is essentially unchanged in its broad reach from Intro 650 which was opposed by the New York State Department of Environmental Conservation, U.S. Rep. Nadler, Manhattan Borough President Stringer, Assembly Member Glick; City Council Members Gerson, Yassky, and Menendez; and Community Boards 1 and 3, and

**WHEREAS:** The current form of this bill is far too broad and will unfairly obstruct the independent collection of scientific data, now

**THEREFORE BE IT**

**RESOLVED**, that Community Board Six strongly opposes the implementation of the proposed permitting system for detectors that measure chemical, biological, or radiological agents.

**VOTE: 33 in Favor 1 Opposed 2 Abstention 0 Not Entitled**

b. **Report**

Fred gave a brief update on last year's Con Ed Steam Explosion which occurred on E. 41<sup>st</sup> St. & Lexington Ave.

**9. Housing & Homeless Services – Claude Winfield, Chair**

a. **421-a Partial Real Estate Tax Exemption for 47 East 34<sup>th</sup> Street, btw Madison & Parks Aves.**

**Whereas**, 47 East 34 Partners LP has applied for a partial real estate tax exemption under Section 421a of the Real Property Law for 47 East 34<sup>th</sup> Street, and

**Whereas**, the 37 story building contains 80 one bedroom and 30 two bedroom apartments, and

**Whereas**, the applicant did not submit a complete application to the community review process, and

**Whereas**, the applicant did not attend the public review process, now

**Therefore be it**

**Resolved**, that Community Board Six Manhattan opposes the granting of tax abatements for this application.

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

b. **Assembly Bill A08012 – in relation to shareholder votes in mutual companies/prohibition of Proxy voting in mutual companies**

**Whereas**, votes taken to authorize the dissolution or reconstitution of mutual companies have an enormous impact on the future of the residents, and

**Whereas**, the bill provides that a mutual company shall not dissolve or reconstitute under the Private Housing Finance Law, PHFL, Section 35, except by an affirmative vote, and

**Whereas** the vote must take place at a special meeting which remains open and in order for not less than fifteen days satisfying any quorum requirements for such a special meeting of the shareholders, and

**Whereas** the bill provides that a mutual company shall not dissolve or reconstitute pursuant to PHFL Section 35 except by an affirmative vote representing two-thirds of the dwelling units in such mutual company, and

**Whereas** one vote is counted per dwelling regardless of the number of shares allocated to such dwelling unit or the number of shareholders holding such shares, now

**Therefore be it**

**Resolved**, that Community Board Six urges the New York State Legislature to pass, and the Governor to sign into law Assembly Bill A08012, Senate S4208, an act to amend the private housing finance law in relation to shareholder votes in mutual companies.

**VOTE: 33 in Favor 1 Opposed 2 Abstention 0 Not Entitled**

c. **Report**

Claude reported that the committee met with A/M Kavanagh and his representatives at the March committee meeting. The Assembly is preparing their legislative package for housing for this year and the committee will be getting work on those items.

**Old/New Business**

**Second Roll Call – Carol A Schachter**

**Meeting Adjourned at 10:40pm**