

**MANHATTAN COMMUNITY BOARD 6
FULL BOARD MEETING MINUTES
Wednesday, November 18 2009
NYU MEDICAL CENTER
550 FIRST AVENUE**

Hon. Mark Thompson, Chair

ATTENDANCE

Members answering first roll call:

Arcaro, Barrett, Buchwald, Collins, Curtis, Dankberg, Frank, Garland, Goldman, Haile, Hollister, Humphrey, Imbimbo, LaBarbera, McIntosh, Papush, Parrish, Pellezzi, Reiss, Rubin, Scala, Schachter, Schaeffer, Schwadron, Seligman, Sepersky, Sherrod, Simon, Steinberg, Thompson, Weder, Williams, Winfield

Members answering second roll call:

Arcaro, Barrett, Collins, Curtis, Dankberg, Frank, Garland, Goldman, Haile, Hollister, Humphrey, Imbimbo, LaBarbera, McGuire, McIntosh, Moses, Oddo, O'Neal, Papush, Parrish, Pellezzi, Reiss, Rubin, Schachter, Schaeffer, Schwadron, Seligman, Sepersky, Sherrod, Steinberg, Thompson, Weder, Williams, Winfield

Excused: Bergman, Buchwald, Collins, Disman, Dubnoff, Eggers, Friedman, Garodnick, Judge, Lee, Lilien, Scala, Simon, West, Wilson

Absent:

Guests signed in: C/M Dan Garodnick; Keith Powers representing A/M Jonathan Bing; Sarra Hale-Stern representing Sen. Liz Krueger; Romeo Ymalay representing Sen. Tom Daune; Dara Adams representing Cg/M Carolyn Maloney; Cameron Peterson representing A/M Brian Kavanagh; Lisa Kaplan representing C/M Rosie Mendez; Edward Brady, Wilfredo Carrillo, Ellen Catini, John Ciccica, Henry Chang, Gliceria Fader, Steven Faust, Sany Hecker, Caroline Laverne, Andrew Lawrence, Thomas Manieri, Kenneth Meyers, Grace Ottoirn, Beth Parise, Pat Pardo-NYPL; Mary-Lynn Peluso, Awilda Perez, Veronica Popolu, Marcita Rivera, Osvaldo Rivera, Rosalie Sanchez, Lawrence Scheyer, William Smith, Sandy Stevens; Caroline Williams

INDEX

Meeting Called to Order	3
Agenda Changes	3
Adoption of the Agenda	3
Roll Call	3
Public Session	3
Business Session	5
Adoption of the October 14th Full Board minutes	5
Report from the Chair	5
District Manager's Report	7
Treasurer's Report	7
Borough President's Report	7
Committee Reports	8
Executive Committee	8
Health, Senior & Disability Issues	8
Youth & Education	8
Waterfront Committee	8
Budget & Governmental Affairs	8
Transportation	8
Housing & Homeless Services	9
Land Use & Transportation	10
Parks, Landmarks & Cultural Affairs	11
Business Affairs & Street Activitie	11
Public Safety, Environment & Human Rights	16
Old/New Business	24
Second Roll Call	24
Appendix A: FULL BOARD ATTENDANCE RECORD	25
Appendix B: ROLL CALL VOTES ON RESOLUTIONS	26

Meeting Called to Order

Mark Thompson, Chair, called the meeting to order.

Roll Call – Tom LaBarbera

PUBLIC SESSION

C/M Dan Garodnick **1)** congratulated the new leadership of the board and thanked all the constituents in his district for helping him to win re-election. **2)** regarding the proposed new school at 616 First Ave., which part of the Solow site. To date, there has been no development at any of the Solow sites; due to massive school overcrowding on the East Side and within this district, the School Construction Authority (SCA) appropriately wants to begin the process of building the school, which CB6 and I have wanted all along. Construction at the Solow 1st Ave. properties has been stalled; therefore, many of us have urged the SCA to try to acquire the entire 616 site. If construction is not going to resume; certainly the city has more than enough uses for it. The Community Board is having its hearing on this issue in a couple of weeks; everyone is encouraged to attend so your comments and goals are incorporate in the statement for this site. **3)** Stuyvesant Town/Peter Cooper Village(ST/PCV); with the future property ownership in question I along with other elected officials who represent Stuyvesant Town call on Fannie Mae and Freddie Mac to work with us to keep the property affordable. In a letter to the heads of Fannie Mae and Freddie Mac, we wrote “When the federal government decided it needed to use taxpayer money to help restore solvency to Fannie and Freddie, it involved a massive restructuring. While painful, it was ultimately necessary to ensure that your companies would remain strong for future generations. Much in the same way, we need to ensure that Stuyvesant Town/ Peter Cooper Village will be in place for future generations of middle class New Yorkers”.

For a complete report on these and other issues, see the Council Member’s East Side Bulletin or go to garodnick@council.nyc.gov to obtain a copy.

Dara Adams representing Cg/M Maloney reported: **1)** stated that she is sorry to hear that Romeo Ymalay from Sen. Duane’s Office would be leaving, he will be missed. **2)** Dara congratulated Mark Thompson on conducting his first Full Board meeting. **3)** Reported that on November 7th Cg/M Maloney delivered her statement of support for HR3962, the affordable Health Care for America Act.

For additional information on these and other reports, see the Congress Member’s Report or go to www.house.gov/maloney/press.html to obtain a copy.

Romeo Ymalay representing Sen. Duane reported: **1)** on November 14th Sen. Duane joined C/M Garodnick, and several other elected officials as well as tenant activist and hundreds of community members for a Unity Day Rally in Stuyvesant Cove Park to stress the importance of preserving the affordability and unique character of ST/PCV. **2)** The Senator was pleased that the Governor signed into law three important bills he sponsored. **3) Issues** in the Senator’s Community Report **a.** Objecting to Natural Gas Drilling in and around NY’s Water supplies; **b.** Seeking to make Federal Health Care Reform better for NY; **c.** Promoting Free and Low Cost Seasonal Flu Shots; **d.** making sure you are counted for the 2010 Census. **4)** in the Senator’s next episode of “Tom Duane in the Neighborhood”, MNN, Time Warner Cable – 34 and RCN Channel – 82 on Friday, November 27th at 12:00 pm, he will be speaking about traffic issues and pedestrian safety with CB6 Former Chair Lyle Frank, Christine Berthet – Co-Chair of Man. CB4 Transportation Planning Committee and Co-Founder of Clinton/Hell’s Kitchen Coalition for Pedestrian Safety. He encourages all to tune in. Romeo informed the board that he is moving to Washington DC and Friday would be his last day at Sen. Duane’s office. He stated that he has had a great experience working with CB6.

For additional information on these and other reports, see the Senator's Community Newsletter or go to www.tomduane.com to obtain a copy.

Sara Hale-Stern representing Senator Krueger reported: **1)** that as Vice Chair of the Senate Finance Committee Sen. Krueger is in Albany working diligently to help close the 3.5 billion dollar deficit. She wants to make sure that any cuts that are proposed would be minimal if not very small to Education and Health Care. **2)** Sen. Krueger will sponsor a forum on "Managing Your Finances in Hard Times" on Tuesday, December 1st, 5:30 – 8:00 pm, at Central Synagogue, 625 Lexington Ave. Everyone is welcome to attend.

For more information on this and other reports see the Senator's Community Bulletin or email her at liz@lizkrueger.com

Lisa Kaplan representing C/M Rosie Mendez reported: **1)** announced C/M Mendez wanted to thank everyone for re-electing her to another term. **2)** in early November C/M Mendez who obtained the funding, joined residents to celebrate obtaining the new Stuyvesant Square Dog Run gates.

For additional information on these and other reports see the Council Member's Community Bulletin or go to www.rosiemendez.com to obtain a copy.

Keith Powers representing A/M Jonathan Bing reported: **1)** On November 12th, A/M Bing hosted a ceremony honoring veterans from the East Side and the nation on the flight deck of the Intrepid Sea & Air Space Museum. **2)** On November 13th, The Assembly Task Force on People with Disabilities hosted its first public hearing since A/M Bing was appointed to Chair the Task force. The hearing will focus on the problems that people with disabilities face in locating and paying for affordable housing in NYC. **3)** A/M Bing continues to advocate for measures to improve the quality of life in the East 40's in relation to recent concerns regarding safety and cleanliness. In response to the growing concerns, the city has established an interagency task force to address these issues.

For additional information on these and other reports, see the Assembly Member's Community Bulletin or go to bingj@assmbly.state.ny.us to obtain a copy.

Cameron Peterson representing A/M Brian Kavanagh reported: **1)** the A/M stood with other elected officials on Saturday, November 14th, to celebrate the monumental tenant victory over Tishman Speyer. He will continue to work elected officials and the ST/PCV Tenants Association to make sure that the overcharges and damages due past and present tenants are returned and that there are no repercussions and tenants are protected going forward. **2)** On November 10th she, on behalf of A/M Kavanagh delivered testimony to the State Dept. of Environmental Conservation (DEC) on natural gas drilling using hydraulic fracturing in the Marcellus Shale formation. The hearing drew hundreds of New Yorker's who wished to offer their primarily negative views on the draft Supplemental Generic Environmental Impact Statement (DSGEIS). A/M Kavanagh's report called for the banning of drilling around all NYC watersheds and any other environmentally sensitive areas. He also calls for certain toxic and carcinogenic chemicals to be banned statewide from use in the process of such drilling.

For information on these and other reports, see the Assembly Member's Community Report or go to www.briankavanagh.org.

Grace Ottoirn, Veronica Popolu, Rosalie Sanchez, Wilfredo Carrillo, Henry Chang, Awilda Perez representing staff and participants of the ADEPT Program at Bellevue Hospital and the 30th Street Shelter came to speak in opposition to the closure of the program.

Edward Brady owner of Opal Restaurant, 251 E. 52nd St. spoke on behalf of his liquor license renewal application, and apologized for being unaware of the committee meeting.

Carmen Lee Shue spoke in opposition to the liquor license renewal for McFadden’s Restaurant, 800 2nd Ave.

John Ciccia manager of McFaddens Restaurant spoke on behalf of the restaurant and submitted a letter pertaining to their willingness and desire to work with the community.

Steven Faust, William Smith and Scott Baker supports “Closing the Gap” along the FDR Corridor to provide a continuous esplanade along the East River.

Matt Shotkin reported that early this morning there was a union protest outside the MTA offices in reference to Local 100’s contract. He is glad that they are fighting back.

BUSINESS SESSION:

Adoption of the October 14th Full Board minutes.

Minutes were adopted by voice vote.

Chair’s Report – Mark Thompson

Mark Thompson announced:

I would like to thank everyone for his/her messages of support during the past few weeks. It is an honor to be a member of CB6 and a great privilege to serve as Chair.

I would like to thank Lyle Frank for his guidance and leadership, and thank the vice chairs, officers and chairs, for helping me during the transition. I am grateful to Toni and the staff for everything; from hand-holding to going the extra mile as they always have done.

I would like to mention some changes and requests that will help us serve our community even better.

1. I would like to congratulate my fellow officers, on whom I have already started to rely. Ellen Imbimbo, First Vice Chair, Charles Buchwald, Second Vice Chair, Letty Simon, Vice Chair, Claude Winfield, Vice Chair, Bea Disman, Treasurer and Tom La Barbera, Secretary.
2. I would also like to introduce two new members: Steve Dubnoff, who has joined the Business Affairs and Street Activities Committee and Anne Seligman, who has joined the Public Safety Committee. I would also like to announce that Molly Hollister is now Vice Chair of the Transportation Committee. On that note, I would like to announce a few changes. Rick Eggers is the new Chair of Budget and Governmental Affairs. Dan Williams, the former Chair, has agreed to stay on as Vice Chair of the committee. I applaud Dan for his service and increasing our understanding of the budget process and making our voice heard. Rick is exceptionally talented and I see the Committee’s work continuing to evolve under his leadership. I would also like to thank former Board member Harry Ursillo for his years of hard work innovation and dedication, especially on the Business Affairs and Street Activities Committee and as a former Board Secretary, Harry’s presence will be missed. I am also very pleased to name Carol Rinzler as a Public Member of the Health and Human Services Committee.

As some of you remember, our bylaws require that new members take an oath. I ask that our new members, those not-so-new members and even those who have taken the oath but want to do so to please rise and repeat after me: He then issued the oath.

3. A structural change, one of the few that will occur during the next few months, is the shifting of the human rights area from the Public Safety, Environmental and Human Rights Committee to the Housing and Homeless Services Committee. With this change I hope that the board will take an active role in identifying human rights issues of all kinds that have an impact on our

community. This will be an exciting area and I ask that each of you consider becoming a part of the committee; please speak to Claude Winfield about this.

4. I would also ask that members look into joining the Parks, Landmarks and Cultural Affairs Committee. As the former Vice Chair, I know and love the Committee and can tell you that it does great work; in addition, I hope to initiate some cultural initiatives through the committee, which will be great fun. Please speak to Gary Papush about this.
5. For those of you who are interested in switching or adding committees, I ask that you consider doing so during the next month. This gives you the chance to try out a new field and will also bring fresh ideas to the Board. If you try it and don't like it, you can always try another or return. I encourage everyone to think of this with an open mind and a way to learn new things. If you want to make a change, simply speak to the chair of the committee or me.
6. Please feel free to contact me with any questions or concerns, ideas or suggestions. I can be reached best via email (mark.thompson@cb6.org) or through the board office. I thank Sandro for setting up this email account.
7. I have already spoken to several of our newer members about the need to hear their voices. Each and every member must speak up, ask questions, and have input on the committee and full board so that we can all represent our community. If you have questions and do not want to ask them at a meeting or think of them at another time, please get in touch with the office or me. I personally have an "open door" (or open email) policy.
8. Each of you made an effort to be on CB6 and we should all be proud of the work we do. I am instituting a policy that every member of the board must take an active part, whether it is taking committee minutes, drafting resolutions, or looking around our community for things that we should be addressing. We are the eyes and ears of our neighborhoods and we need to train ourselves to represent our neighbors. This can mean noting the lack of handicap ramps to a missing tree, from a quality of life issue to the lack of a service or amenity. When we notice something and speak up, it will get done.
9. I would like to congratulate our elected officials who were recently re-elected. We are lucky to have some of the best and brightest representing us, including Borough President Scott Stringer, City Council Members Dan Garodnick, Jessica Lappin, and Rosie Mendez, all of whom won their races by huge margins.
10. As is required by our by-laws, in three-years all sitting Committee chairs will need to relinquish their chairs. Since all Chairs cannot be turned over at once, we will need to begin a gradual process of change. This means that other members will need to be capable of taking over those positions. During the coming months, I hope that those of you who have an interest in becoming Chairs speak to your Chair or to me; I encourage you to seriously think about it.
11. Lyle Frank began the mentoring program; we now hope to activate it fully. This informal program links a Board member with significant experience to a new member, so that the new member can learn about procedures, history, policy, and other matters in a quick and easy manner. I am pleased to announce our first Dynamic Duo: Carol Schachter will serve as mentor to our first mentee - Aaron Humphrey. Paige Judge has volunteered to be a mentor. If there are any other members who would like to participate please contact either Toni or me.

12. The Borough President has asked that if you are up for reappointment and have not yet sent in your application, please do so as soon as possible. This will allow the staff to get this critical job done on time. If you know of any outstanding candidates for Full or Public membership, please encourage them to apply and inform the Board office. The Borough President will be doing outreach to fill areas that need strengthening, and your input is needed.
13. We will be moving the first Roll Call up to before Public Session. We all need to be here to hear what the community has to say.
14. I ask that everyone please state your name before you speak. This will help the Board office when transcribing the minutes. Coming soon will be digital recorder to help the office staff when transcribing the minutes. Sandro and I will work with the Board Office on this issue.

District Manager's Report — Toni Carlina

Toni Carlina reported on several issues:

- (1) Barbara Bienenfeld, our intern, has been busy updating our computerized complaint log and the paper complaint log, and has reviewed responses, or the lack of responses to letters of request to various agencies. We now have a better picture of what needs follow-up.
- (2) A letter was written to Boro Commissioner Forgione requesting that a change order be issued for the 1st Ave. Tunnel Capital project scheduled for this spring to include a median by the UN that is in very poor condition. The pedestrian ramp has a curb that protrudes up and is very dangerous, the blue slate is all broken and the cobble stones need resetting.
- (3) I would like to thank the Tudor City Assoc. for the beautiful collage of pictures of their buildings as a thank you for working with Brian Thompson, Chair of their Community Development Committee.
- (4) Lately, there have been a lot of rumors regarding Shaft site 33b of the Third Water Tunnel located under the 59th St. Bridge at 1st Ave., as it pertains to a possible re-direction of the path that the water mains will take. I'm sure most of you will recall that this issue created a great deal of community concern. After several Public Hearings, input from our local elected officials and many meetings, we received a letter from now former DEP Commissioner Emily Lloyd that the path to connect to the water tunnel would be (1st Ave b/t E. 59 & E. 61st St, 3rd Ave. b/t E. 59th and E. 61 St, 59th St b/t 1st and 3rd Ave., E. 61st St b/t 1st and 3rd Ave. We hope to find out soon if this route has changed.
- (5) At the MTA's request, on November 5th we held an ESA Task Force meeting to update community residents on the project

Treasurer's Report — Bea Disman

In Bea's absence Toni informed the board that due to a shortage in rent for the past two or three years, she requested an audit of the office lease. It was discovered that between 2003 and 2008 we were over-charged \$36,000. The City has ordered that we reduce this years rent by that amount.

Borough President's Report — Dan Benjoya

- 1) Thanked the many Board members that participated in the "Kill the Drill" campaign and for testifying at the Dept. of Environmental Conservation (DEC) hearing on Thursday, October 15th. He also wanted to say thank you for both of the resolutions put forth by the Board. He

encourages people to continue to sign-up and to send letters to the Governor and the DEC. To sign-up and be a part of the “Kill the Drill” campaign you can go to www.mbpo.org/killthedrill . **2)** Reminded Board Members to get their applications in to the Borough Presidents Office by December 31st. **3)** Reminded Board Members about the Borough President’s reception at the Museum of Natural History on December 3rd.

For more information on this and other reports see the Borough President’s Report at www.mbpo.org or call 212-669-7877.

COMMITTEE RESOLUTIONS & REPORTS

1. **Executive Committee** – Mark Thompson, Chair

- a. Proposed By-Law Amendment-Section III-Election of Officers
 - §1) Any member of the Board who is appointed, and accepts appointment, to the Nominating Committee shall be ineligible to be nominated for Board office for the duration of the election cycle in question.
- b. **Report:** Board voted on making this a Board Policy, Resolution to follow next month.

2. **Health, Senior & Disabilities Issues** – Sandro Sherrod, Chair

- a. **Report:** announced that next month’ the committee will have continued discussions on the Bellevue Psychiatric Building.

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

- a. **Report: 1)** stated what transpired at last month’s committee meeting when they met with representatives from the School Construction Authority (SCA) on 616 First Ave. SCA representatives gave a presentation on the siting and construction aspects of the proposed school for 616 First Ave. Next month the committee will invite someone from the Dept. of Education to give information on the amount of space and seats they are proposing for this school. **2)** Maxine asked for volunteers to work with her on the Boards Holiday Party which will be held at the Board Office on Wednesday, December 18th.

4. **Waterfront Committee** – Ellen Imbimbo, Chair

- a. **Report:** At the next committee meeting Roland Lewis, CEO of the Metropolitan Waterfront Alliance will provide updates on the group’s activities and to discuss how they could partner with CB6 in advancing issues on the waterfront. There will also be a discussion on the plans proposed for the Solar One site and the pier at Stuyvesant Cove.

5. **Budget & Governmental Affairs** – Rick Eggers, Chair

- a. **Report:** Rick thanked Dan Williams for all of his hard work in the committee while he was Chair. He announced that the November committee meeting has been canceled, the November agenda items will be discussed at the December committee meeting, which will be held on Thursday, Dec. 10th at the Community Board Office.

6. **Transportation Committee** – Lou Sepersky, Chair

- a. **Community Board 6 recommendations for priority street resurfacing.**

Whereas the New York City Department of Transportation (DOT) informed Community Board 6 representatives at the Budget Consultations that it could offer recommendations for priority street resurfacing, now

Therefore be it,

Resolved that Community Board 6 submits the following short list of recommendations for priority street resurfacing:

- East 55th Street from 2nd to 3rd Avenues
- East 53rd Street from the FDR to 1st Avenue
- East 47th Street from 2nd to 3rd Avenues
- East 30th Street from 2nd to 3rd Avenues
- East 23rd Street Lexington to the FDR service road (a/k/a Avenue C)
- FDR northbound service road from East 23rd to East 34th Streets

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

b. Community Board 6 recommendations for priority intersection safety enhancements.

Whereas the New York City Department of Transportation (DOT) informed Community Board 6 representatives at the Budget Consultations that it could offer recommendations for priority attention to safety issues at designated intersections, now

therefore be it

Resolved that Community Board 6 submits the following short list of recommendations for priority safety enhancements at these hazardous intersections:

- 23rd Street and 2nd Avenue
- 23rd Street and 1st Avenue
- 43rd Street and 2nd Avenue
- 35th Street and 2nd Avenue
- 34th Street and 2nd Avenue

VOTE: 33 in Favor 0 Opposed 4 Abstention 0 Not Entitled

c. Report: Lou reported that at this month's meeting the committee discussed and reviewed the impact of the "Night Life" parking regulation signs btw E. 52nd and E. 54th Streets on the west side of 2nd Avenue. We have discovered that their format makes them indistinguishable and it is unclear what impact the parking rules have had in that area. The committee will continue the discussion at next month's meeting

7. Housing, Homeless Services & Human Rights – Claude Winfield, Chair
The resolution was presented by Susan Steinberg.

a. A03221 – requires the city council to approve the mayor's appointments to the rent guidelines board

Whereas, the appointees to the Rent Guidelines Board are determined by the mayor of New York City;

Whereas, these appointees make decisions with respect to rent increases on regulated apartments that affect millions of residents;

Whereas; the rent guidelines board consists of nine members, two of whom are tenant representatives, two of whom represent owners of property, and five of whom are public members with at least five years of experience in finance, economics, or housing;

Whereas, this bill calls for an amendment of section 26-510 of the administrative code to require the advice and consent of the city council to the appointment of these nine members;

Whereas, this bill would provide for important input and review of the qualifications and experience of the members of the Rent Guidelines Board;

NOW THEREFORE IT BE

Resolved, that Community Board Six urges the passing this bill by the Assembly and the Senate to promptly pass a companion bill for the Governor's signature into law.

VOTE: 33 in Favor 0 Opposed 4 Abstention 0 Not Entitled

- b. **Report:** Claude announced that the committee will now be known as the Housing, Homeless Services & Human Rights Committee. The committee has been expanded and if anyone would like to join, they are welcomed.

JOINT RESOLUTION

8. Land Use – Ed Rubin, Chair & Transportation Committee – Lou Sepersky, Chair

a. Proposed Rule Regarding Providing Bicycle Access to Office Buildings

WHEREAS, the NYC Department of Transportation has proposed rules regarding providing bicycle access to office buildings, and

WHEREAS, Community Board Six has reviewed the proposed rules and find them reasonable,

THEREFORE, be it

RESOLVED, that CB#6 has no objection to the proposed rules as proposed, and

BE, it further

RESOLVED, that CB #6 requests that the Department of Transportation revisit the rules in 18 months and issue a report on the rules' effectiveness

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

- b. **Report:** Ed reported that at the next Land Use meeting the committee will deal with the issues of the caissons for the ODR; Robert Moses Park and access along the East River drive. They will also discuss the siting of school at 616 First Ave site.

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

a. LPC proposed landmark designation application for the Union League Club, 38 East 37th St.

WHEREAS, the Union League Club was founded by a group of distinguished New Yorkers in 1863 to support President Lincoln and the preservation of the union; and

WHEREAS, amongst their membership included two Presidents, Teddy Roosevelt & Chester A. Arthur and other members were instrumental in founding the Metropolitan Museum of Art and the American Red Cross; and

WHEREAS, their current building at 38 East 37th Street was constructed between 1929-1931 and designed by Benjamin Wistar Morris on land purchased from J.P. Morgan whose library is on the same tax block; and

WHEREAS, the design by Morris is Neo-Georgian style to “exemplify American tradition” and whose red brick façade features a rusticated limestone base, corner quoins and pilasters, as well as a projecting, semi-circular portico and a denticulated cornice and pediment above the fourth story, other elements include Palladian windows; and

WHEREAS, other buildings in New York City designed by Mr. Morris include the Cunard Building, the Seaman’s Bank for Savings and the Pierpont Morgan Library Annex; and

WHEREAS, the Landmarks Preservation Commission is holding a hearing this month to consider designating this building and the proposal is “enthusiastically supported” by the Murray Hill Neighborhood Association; now

THEREFORE, BE IT

RESOLVED, Community Boards 6 supports designation of the Union League Club building at 38 East 37th Street as a historic landmark of the City of New York.

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

b. Report: Gary reported that the committee wanted to recommend the schoolyard at P.S. 116 for the Schoolyard to Parks Program, but a representative from the school appeared before the committee with a letter from the principal objecting to participating in the program. He then reported that next month the committee will discuss the possible land-marking of 23 Beekman Place.

10. Business Affairs & Street Activities – Carol Schachter, Chair

a. New On-Premises license for International Inc. d/b/a Crystal, 212 East 52nd Street between 2nd and 3rd Avenues.

WHEREAS, Phillip Katz, Attorney, (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 5, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated they want to open a bar which is only open on weekdays; and

WHEREAS, the Representative stated the hours of operation would be Monday – Friday until 1:30 am and closed on Saturday and Sunday; and

WHEREAS, this new OP License requires a 500-foot rule public interest analysis; and

WHEREAS, based on the facts presented, the committee believes this application is in the best interest of the community; and

WHEREAS, no members of the public were present to speak for or against the applicant; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **does not object** to the **New On-Premises license for International Inc. d/b/a Crystal, 212 East 52nd Street between 2nd and 3rd Avenues.**

FURTHER RESOLVED, if the SLA application, **however**, contains a different method of operation than has been presented to CB6M as stated in this Resolution, **including** “Hours of Operation” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

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

b. **New On-Premises license for Rus Coffee Inc., d/b/a Avanti Coffee House, 827 Second Avenue between East 44th and East 45th Streets.**

WHEREAS, Birzoul Liouzmilla, Owner, (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 5, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated they have been operating a coffee house under the current name Avanti Coffee House for one-year and see a demand for some alcoholic drinks; and

WHEREAS, the Representative stated the hours of operation would be until 11 pm nightly; and

WHEREAS, this new OP License requires a 500-foot rule public interest analysis; and

WHEREAS, based on the facts presented, the committee believes this application is in the best interest of the community; and

WHEREAS, no members of the public were present to speak for or against the applicant; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **supports** the **New On-Premises license for Rus Coffee Inc., d/b/a Avanti Coffee House, 827 Second Avenue between East 44th and East 45th Streets.**

FURTHER RESOLVED, if the SLA application, **however**, contains a different method of operation than has been presented to CB6M as stated in this Resolution, **including** “Hours of

Operation” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

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

c. Renewal On-Premises license for Mayas Inc., d/b/a Mama Mexico, 214 East 49th Street between 2nd and 3rd Avenues.

WHEREAS, Juan Rojas Campos, Owner and Philip Coleman, Attorney (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 5, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, Representative seeks renewal for a Mexican restaurant liquor license; and

WHEREAS, the committee expressed concern of the illegal use of an backyard area; and

WHEREAS, Representative signed a change agreement agreeing to permanently lock the area to the outdoor, except as an emergency exit; and

WHEREAS, no members of the public were present to speak for or against the applicant; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **does not object** to the **Renewal On-Premises license for Mayas Inc., d/b/a Mama Mexico, 214 East 49th Street between 2nd and 3rd Avenues.**

FURTHER RESOLVED, if the SLA application, **however**, contains a different method of operation than has been presented to CB6M as stated in this Resolution, **including** “Hours of Operation” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

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

e. Transfer and Alteration, On-Premises license for Wolf Eastside LLC d/b/a Wolfgang’s Steakhouse, 200 East 54th Street between 2nd and 3rd Avenues.

WHEREAS, Lydia D’Amato, Manager (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 5, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated they want to open a steakhouse in the current location of Vong; and

WHEREAS, the Representative stated they currently operate two other steakhouses in NYC by the same name; and

WHEREAS, this new OP License requires a 500-foot rule public interest analysis; and

WHEREAS, based on the facts presented, the committee believes this application is in the best interest of the community; and

WHEREAS, no members of the public were present to speak for or against the applicant; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **supports** the **Transfer and Alteration, On-Premises license for Wolf Eastside LLC d/b/a Wolfgang’s Steakhouse, 200 East 54th Street between 2nd and 3rd Avenues.**

FURTHER RESOLVED, if the SLA application, **however**, contains a different method of operation than has been presented to CB6M as stated in this Resolution, **including** “Hours of Operation” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

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

f. **Renewal, On-Premises license for Roundtable 515 LLC d/b/a Top Tunes, 303-305 East 53rd Street between 2nd and 3rd Avenues.**

WHEREAS, Francis Buscemi, Attorney and Takuya, brother of Owner (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 5, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representatives are applying for a liquor license renewal for their bar; and

WHEREAS, a member of the committee stated he knew the establishment was serving alcohol past 2 am, the time on their license that they must stop serving liquor; and

WHEREAS, CB6M believes that the establishment has lied to the community board in the past; and

WHEREAS, a person representing 310 East 53rd street, a condominium across the street from the establishment in question, read a letter stating there were numerous issues emanating from said establishment, such as excessive noise and unruly patrons; and

WHEREAS, no members of the public were present to speak for or against the applicant; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **does not support** the **Renewal, On-Premises license for Roundtable 515 LLC d/b/a Top Tunes, 303-305 East 53rd Street between 2nd and 3rd Avenues.**

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

g. Renewal, On-Premises license McFadden’s NYC LLC d/b/a McFadden’s, 800 Second Avenue between East 42nd and East 43rd Street.

WHEREAS, John Cissi, operating partner (“Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 5, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representatives are applying for a liquor license renewal for their bar; and

WHEREAS, two members of the committee who live in the area expressed concern over the overcrowded sidewalks and excessive noise; and

WHEREAS, Representative expressed a strong willingness to want to work with the committee and community to remedy any problems; and

WHEREAS, no members of the public were present to speak for or against the applicant; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **takes no position** on the **Renewal, On-Premises license McFadden’s NYC LLC d/b/a McFadden’s, 800 Second Avenue between East 42nd and East 43rd Street.**

FURTHER RESOLVED, if the SLA application, **however**, contains a different method of operation than has been presented to CB6M as stated in this Resolution, **including** “Hours of Operation” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

VOTE: 30 in Favor 2 Opposed 5 Abstention 0 Not Entitled

j. New, On-Premises license Four Star Eatery LLC d/b/a TBD, 625 Second Avenue between East 34th and East 35th Street.

WHEREAS, Jim Limtain, Owner and Chaiwat Tecsra, Owner, (together “Representative”), appeared before the Business Affairs & Street Activities Committee of Community Board 6 Manhattan (CB6M) on November 5, 2009, CB6M having jurisdiction of the premises in the license application process; and

WHEREAS, the Representative stated they are opening a Thai/Japanese restaurant; and

WHEREAS, the Representative hours of operation from be 11am – 11pm on Mondays through Fridays and 11am – midnight on weekends; and

WHEREAS, this new OP License requires a 500-foot rule public interest analysis; and

WHEREAS, based on the facts presented, the committee believes this application is in the best interest of the community; and

WHEREAS, no members of the public were present to speak for or against the applicant; and

THEREFORE, be it

RESOLVED, that pursuant to the presentation by the Representative at this meeting and all other considerations, CB6M **supports** the **New, On-Premises license Four Star Eatery LLC d/b/a TBD, 625 Second Avenue between East 34th and East 35th Street.**

FURTHER RESOLVED, if the SLA application, **however**, contains a different method of operation than has been presented to CB6M as stated in this Resolution, **including** “Hours of Operation” that differ in **any way** from those described above, then CB6M **opposes** the application and **urges** the SLA to deny the application based on such misrepresentation to Community Board 6 Manhattan.

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

l. **Renewal, On-Premises license for 52 Restaurant Group Corp. d/b/a/ Opal, 251 East 52nd Street between 2nd and 3rd Avenues.**

WHEREAS, the applicants did not appear before us at the CB6M committee meeting; and

WHEREAS, failure to appear rendered the committee unable to make a determination to whether application was in the public interest or to determine the “bona fides” of the application; and

WHEREAS, despite Applicant's failure to appear at the CB6M committee that is responsible for verifying its bona fides, Opal appeared at CB6M's full board meeting speaking to the merits of its renewal and willing to answer questions.

THEREFORE, be it

RESOLVED, that Community Board Six objects to the application for the Renewal, On-Premises license for 52 Restaurant Group Corp. d/b/a/ Opal, 251 East 52nd Street between 2nd and 3rd Avenues.

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

m. **Report:** Carol congratulated Steve Dubnoff on his board membership and is glad he is a member of the committee. She announced that Mark Thompson, Chair appointed her as board liaison to the 13th Pct. and Steve Dubnoff has been assigned to the 17th Pct. She then announced that next month's committee meeting will be held on Wednesday, December 2nd at the Sutton Place Synagogue.

11. Public Safety, Environmental & Human Rights – Fred Arcaro, Chair

b. **Comments to the New York State Department of Environmental Conservation's draft Supplemental Generic Environmental Impact Statement (SGEIS) on the Oil, Gas and Solution Mining Regulatory Program published on September 30, 2009.**

Whereas, The New York City (NYC) drinking water supply is one of our most vital resources; and

Whereas, the high quality of the water supplied to NYC from the Catskill and Delaware watersheds, with actions being taken by the City of New York to preserve and improve the

quality of that water, has earned a Filtration Avoidance Determination from the United States Environmental Protection Agency (EPA), making it one of five unfiltered drinking water supplies to serve a major United States city; and

Whereas, the entire Catskill and Delaware watersheds, which serves as the drinking water source for over 15 million people which includes 9 million people of New York City, sit atop the Marcellus Shale geological formation, containing large deposits of natural gas; and

Whereas, on October 1, 2009 the New York State Department of Environmental Conservation (DEC) issued its draft Supplemental Generic Environmental Impact Statement (SGEIS) On the Oil, Gas and Solution Mining Regulatory Program published on September 30, 2009; and

Whereas, Community Board Six is deeply concerned that the DEC's draft SGEIS on the Oil, Gas and Solution Mining Regulatory Program does not provide adequate environmental, health and economic protections for the City of New York and would like to comment on its technical merits as given in the following explanation;

1. Comment period is too short.

- Sixty days is not enough time to review an 809 page highly technical draft SGEIS on the Oil, Gas and Solution Mining Regulatory Program.
- New York City Department of Environmental Protection has requested Commissioner Grannis of DEC to extend the draft SGEIS comment period so that its consultant firms, Hazen & Sawyer and Leggette Brashears & Graham, could provide independent, expert advice on the subject of natural gas exploitation via hydro-fracturing and risks to NYC drinking supply.
- The comment period should be extended for at least another 90 days.
- Community Board Six recognizes and appreciates that Commissioner Grannis has scheduled a hearing in New York City on November 10th, but one hearing is not enough to give the many residents of NYC the opportunity to comment on such an important issue that affects them. We request additional hearings to be held.

2. Formal rulemaking is extremely antiquated.

- DEC is relying on permit applications, forms and conditions to supplement regulations that have not been updated since 1985.
- By avoiding formal rulemaking, DEC keeps discretion to grant exceptions from its usual standards on a case-by-case basis, without any public oversight. DEC's discretionary standards are inadequate measures to mitigate potentially significant adverse environmental impacts from high-volume hydraulic fracturing.
- DEC needs to establish formal rulemaking to ensure transparent, consistent, state-of-the-art, and enforceable standards that will provide an environmental safety floor below which the gas development industry may not operate.

3. State and local agency resources are inadequate for such a massive threat to the New York's water resources and reservoirs.

- DEC does not have adequate resources with which to review permit applications, investigate facts, prepare environmental analyses, develop permits, conduct inspections, review forms and reports, respond to complaints, and enforce regulatory requirements and permit conditions.
- DEC should not be imposing administrative duties on local governments, such as local health departments, without ensuring that permit fees cover the localities' costs.
- Through severance taxes, permit fees, and other mechanisms, the gas development industry should fully finance the costs of all administrative and enforcement activities.

4. Environmental justice issues are being greatly glossed over and ignored.

- There is no analysis of the potential for citing facilities with adverse environmental impacts, such as compressor stations and wastewater treatment facilities, in low-income communities or communities of color where polluting facilities are already over-represented.
- The draft SGEIS fails to evaluate the infrastructure costs of building and repairing roads, water treatment facilities, and other public services that could far exceed any economic benefit to local communities.
- The draft SGEIS does not describe what steps have been taken to consult with Indian Nations, as required by DEC policy.

5. Cumulative impacts are being disregarded.

- The DSGEIS fails to evaluate the potential cumulative impacts of gas drilling throughout the Marcellus Shale, claiming, in effect, that it is too difficult to estimate the rate at which drilling will proceed on a regional or statewide basis.
- It is difficult to predict precisely the rate and location of development throughout the Marcellus, DEC has failed to develop and evaluate a reasonable worst-case scenario and identify mitigation measures to address any significant adverse impacts.
- Instead of following this established practice, the draft SGEIS evaluates potential impacts on a "unit", i.e., well pad basis, which results in a gross underestimation of the potential regional or statewide impacts that will result from full development of the shale.
 - One example is the failure to consider regional ozone impacts, although we know that localities in other states in which similar technologies are being employed (e.g., TX, WY) have observed first-time violations of national ozone emission standards.
 - Another example is the failure to consider the potential regional water quality impacts from storm water discharges from multiple drilling sites within a single watershed.
 - It is estimated that to develop each gas well it would require approximately 20,000 gallons of unknown chemicals in addition to millions of gallons of pure water. If you take the worst-case scenario of 4000 gas wells, there would be potentially be 80,000,000 gallons of different types of chemicals such as benzene, formaldehyde, ethylene glycol, hydrochloric acid, toluene and hundreds of other endocrine disruptors and carcinogenic chemicals used for hydraulic fracturing most of which are carcinogens. The draft SGEIS

fails to evaluate the cumulative effects these chemicals could have on our drinking water, or provide adequate information about how where the wastewater would be treated.

6. No meaningful alternatives have been evaluated by the draft SGEIS as required by law.

- The draft SGEIS fails to evaluate any meaningful alternatives as required by law.
- DEC fails to provide a real analysis of one or more alternatives that would phase (and possibly cap) permitting over time and in certain locations, particularly with an eye toward mitigating cumulative impacts.
- DEC also fails to give more serious consideration to an alternative that would mandate the use of non-toxic fracking fluids. It can use its regulatory authority to compel provision of the necessary information to evaluate such an alternative.
- DEC fails to consider an alternative that requires the industry to prove the safety of any additives before they are used for drilling or hydraulic fracturing.

7. No induced growth and secondary impacts have been evaluated by the draft SGEIS.

- The draft SGEIS fails to evaluate any growth induced by the project or any secondary impacts, even though the draft explicitly recognizes that a huge new Schlumberger facility is being proposed for the Town of Horseheads to serve gas development in the Marcellus.

8. Water will be endangered by gas drilling operations.

- New York State Water Resources Institute estimates that a single well stimulation requires between three to nine million gallons of water. If we consider a worst-case scenario estimate of 200 wells being stimulated per day, you have about 8 million gallons of water consumed per day. DEP expressed concerns that “Withdrawals of millions of gallons of water for hydro fracturing from surface or groundwater in the NYC watershed may have negative impacts on NYC water supply reliability, particularly under drought or infrastructure outage conditions.” The draft SGEIS fails to address these concerns.
- NYCDEP has developed a database of fracturing chemicals that have been used in other locations to characterize the chemicals that could potentially be introduced into the watershed. The database identifies 435 products composed of over 340 individual chemical constituents. Very little is known about most of the products: the exact chemical composition of over 90% of the products in the database is unknown. Many of the constituents that have been identified are recognized as hazardous to water quality and health (e.g., benzene, xylene, ethylene glycol, diesel fuel).
- We know enough about some chemicals to know they play a significant role in human disease and harm the environment. Yet, for the vast majority of industrial chemicals in use, government policy presumes they are safe even though they have not been tested.

- To get a manufacturer to test a chemical, the government faces an onerous task: It must show evidence of potential harm or widespread exposure — something hard to do without the very kind of information testing would provide — a classic Catch 22! As a result, very few chemicals have been tested and companies have largely been free to produce and use such chemicals as they see fit.
- Our nation's main chemicals statute, the 1976 Toxic Substances Control Act (TSCA), has proven ineffective both in generating the information needed to find out whether chemicals are safe, and — even where such information is available — in acting to protect people and the environment from dangerous chemicals.
- DEC fails to require that industry disclose all of the chemicals in each additive, and which additives are used at each well, so that meaningful groundwater testing and monitoring can be done and health impact assessments can be conducted.
- DEC fails to provide an assessment of the cumulative impacts of modifying and expanding current wastewater treatment plants or constructing new plants.
- DEC does not assure that no drilling will be permitted unless it can establish that there is adequate capacity for legal and safe treatment and disposal of all wastewater.
- The land area targeted for drilling by gas companies in the Marcellus region include the Catskill and Delaware River watersheds, which serve as the drinking water source for over 15 million people.
- The draft SGEIS falls short of ensuring adequate watershed protection throughout New York State. In particular, DEC has left open the possibility of drilling within the New York City Watershed that is recognized around the globe as the model for watershed protection.
- The draft SGEIS fails to provide an assessment of potential impact of natural gas drilling on our unfiltered watershed by the New York State Department of Health (NYSDOH), which is uniquely qualified to identify the risks to public health that natural presents.
- There is no other gas-producing region in the U.S. that has a density of large, critical water supply infrastructure comparable to that of the NYC watershed. Drilling and hydraulic fracturing operations in close proximity to critical NYC infrastructure (e.g., tunnels/aqueducts and dams) could potentially lead to leaks or structural failures with subsequent severe and/or catastrophic impacts on the NYC water system. There is also a risk of influxes of poor quality groundwater and/or natural gas under certain conditions. Portions of NYCDEP infrastructure are at high risk due to close proximity to the Marcellus Shale Formation. Additionally, issues encountered during construction of certain sections of pipelines and tunnels (e.g., rock fractures or methane gas) could be indicative of existing communication pathways with natural gas producing bedrock units such as the Marcellus Shale Formation.
- The draft SGEIS fails to provide any plan that would provide maximum protection from the risk to NYC water supply infrastructure from the catastrophic impact from drilling land hydraulic fracturing operations.

9. Air impacts of drilling, transport, and operation of gas wells have not been assessed.

- Draft SGEIS fails to conduct an assessment of regional ozone impacts from drilling, nor does it conduct a regional (or cumulative) assessment of emissions of any other criteria pollutant under the Clean Air Act.
- DEC relies on air modeling that assumes that **only one drilling rig** would be on a site at a time, but, in other parts of the draft SGEIS, states that there could be **multiple rigs** operating at the same time to drill wells on a single well pad. DEC must either model the potential air quality impacts associated with operation of more than one rig per well pad or expressly prohibit simultaneous use of multiple rigs.

10. Traffic congestion, pollution, and mitigation are not evaluated.

- It is estimated that to develop a well, working 24 hours a day, could take four to eight weeks. During this time there is significant truck traffic to and from the site (on the order of 800 to as much as 2000 trips) to deliver and remove the necessary equipment, supplies, water, and wastewater. The cumulative impact from trips to tens or hundreds of wells in an area could cause substantial additional stress on transportation infrastructure, resulting in increased erosion, repair costs for damage to roads or bridges.
- Once drilling and stimulation are complete, the drill rig and equipment are removed, the well is capped, and pumping and treatment equipment are installed. Additionally, pipelines are constructed to deliver the gas from the well site to regional distribution pipelines. Pipeline construction may cause erosion; pipeline failures could potentially result in explosions or fires.
- Draft SGEIS has failed to provide an analysis of traffic impacts, resulting from activities stated above.
- To allow local government to negotiate a traffic plan with drilling industry without an analysis of traffic impacts would make it more difficult for local authorities to identify and mitigate its adverse impacts on local communities.

11. No noise quantification or evaluation is provided.

- Draft SGEIS fails to provide a quantitative analysis of noise impacts from gas drilling operations.

12. Economic costs of gas drilling operations on community are not addressed.

- The draft SGEIS fails to assess the economic *value* of preserving community character, including the benefits derived from intact forest and wetland ecosystems, including the services such ecosystems provide in terms of clean air, clean water, tourism, fishing, and a whole host of other recreational activities.
- The draft SGEIS does not adequately address the wide range of economic *costs* associated with possible environmental contamination from industrial gas drilling, such as the potential costs of constructing, operating, and maintaining a filtration system for the Catskill-Delaware drinking water supply system in the

event that contamination threatens New York City's current filtration avoidance determination.

- Since a single well requires about 40 acres of space per unit and 640 acres of space unit for multiple wells (based on NYSDEC spacing unit regulations); the draft SGEIS does not study how drilling companies pursue of mineral leases on properties in a targeted area affect NYCDEP's cost of the land acquisition program to protect our watershed.
- The draft SGEIS fails to address who would pay for the cost of water treatment facilities should EPA revoke NYC certification of Filtration Avoidance Determination because of the impacts from natural gas drilling. The cost of such treatment facilities could run as high as \$30 billion with a yearly operating cost of \$100 million.

13. Natural gas development incidents and case studies are not adequately protected against.

- The draft SGEIS fails to adequately cite what measures would be taken to prevent the potential of all types of failures or incidents that have occurred elsewhere, and that could potentially occur in the NYC watershed in the event of substantial natural gas development. The Marcellus Shale Formation in Pennsylvania differs little from that found in New York, with the exception of variations in depth and thickness. New York City DEP has produced a report (Rapid Impact Assessment Report) documenting a variety of problems that have and could occur during gas drilling in New York's Marcellus Shale as follows:

- **Case Study: Methane Migration Dimock, PA (Page 53 of NYCDEP's Rapid Impact Assessment Report)**

In early 2009 there were multiple reports of methane migration to the surface around Cabot Oil & Gas Corp. drilling sites in northeastern Pennsylvania near Dimock Township. Based on chemical analyses, PADEP determined the gas originated in the target formation and was not produced by bacteria, nor did it originate in a shallower gas bearing formation. At this time there are no details as to the conduit (e.g., natural fractures, induced fractures, gas wells, other wells, etc.), which allowed the gas to travel from the target formation to the surface. The incident remains under investigation. Currently, there is no implication of operator error, a failed well casing, or other problem causing the gas migration.

The primary risks from gas migration are explosions and fires if gas is allowed to collect in confined spaces, which has happened once already in a water well vault in the area. PADEP has required additional ventilation, installed gas detectors, and taken water wells with high methane levels offline at impacted homes to reduce explosion hazards. Additionally, PADEP requested the gas company to conduct a broad range of chemical analyses on local groundwater to test for chemicals used in the fracturing process.

- **Case Study: Regional Waste Treatment (Page 54 of NYCDEP's Rapid Impact Assessment Report)**

In the fall of 2008 PADEP determined that the TDS levels in the Monongahela River exceeded allowable standards in the segment north of the West Virginia border. The TDS were causing taste and odor problems in drinking water, high levels of brominated DBPs at water treatment plants,

excessive scale on industrial boilers, and high particulates in power plant emissions. PADEP traced the problem to delivery of highly mineralized wastewater to municipal wastewater treatment plants from natural gas drilling operations. The situation was exacerbated by below-average flow in the river and abandoned mine drainage. Water samples analyzed downstream of several wastewater treatment plant discharges in the Monongahela indicated TDS levels nearly twice the allowable limit and nearly five times average levels. Dissolved solids disposed of at conventional municipal WWTPs are not removed, but simply diluted with domestic wastewater and river flows. Therefore, PADEP ordered nine municipal plants on the Monongahela River to curtail gas well wastewater volume to a maximum of 1% of daily inflow. The Morgantown, West Virginia Utility Board followed suit and ceased all deliveries of wastewater from gas drilling operations at their municipal wastewater treatment facility. A regional waste management plan can limit further problems by coordinating waste discharges with stream flow levels across a number of states to prevent impairment of water resources.

▪ **Case Study: Enforcement (Page 59 of NYCDEP's Rapid Impact Assessment Report)**

Beginning in 1997 local residents alleged groundwater contamination and complained of spills at a nearby oil and gas waste injection well site in Panola County, Texas. Contaminants in local residents' wells included benzene, arsenic, lead and mercury to the extent that the wells were unusable. Texas RRC did not confirm contamination until 2003 and the facility remained operational until 2004. Even after the facility was shut down, the operator did not adequately address the contamination, which led the EPA to take responsibility for remediation in 2006. The EPA investigation indicated the shallow groundwater contamination was caused by illegal dumping, surface spills, and spillover from the injection well. The EPA's solution was to remediate the groundwater and install a new water service connection to a nearby utility. This case not only represents a failure of waste management practices, but also a significant failure of monitoring and enforcement. A quicker response to the problem could have substantially reduced the level of contamination. Additionally, because oil and gas field wastes are exempt from RCRA and CERCLA regulation, the site operators were similarly exempt from the liability requirements of those regulations, resulting in the federal government covering the costs of the investigation and remediation.

Whereas, no amount of careful planning and operation can guarantee that there will be no chemical spills that could flow into reservoirs, underground migration of fracturing fluids toward the water supply, or other accidents resulting from drilling operations; and

Whereas, if the water supply should be contaminated, the City of New York would be required by the Environmental Protection Agency to build and operate a water filtration plant, the cost of which has been estimated to be high as \$30 billion with a yearly operating cost of \$100 Million, which would be borne by New York City taxpayers; and

Whereas, absolutely no evidence has been shown by any organization that fluids used during Hydraulic Fracturing can be completely filtered out of drinking water; and

Whereas, another risk of unintended consequences of gas exploration would be future gas pipelines in close proximity to our watershed and/or water tunnels, including the Millennium Pipeline currently under construction, and the high quality of the extracted gas, which allows it to be piped without refinement, could pose a threat to our water supply should any part of the gas pipeline rupture; and

Whereas, the 2005 Energy Policy Act exempts companies who employ Hydraulic Fracturing methods from having to comply with many public health laws which were specifically written to protect our natural resources and well being (e.g. Safe Drinking Water Act, Clean Water Act, Emergency Planning & Community Right-to-know Act); and

Whereas, serious deficiencies in a review of the effects of hydraulic fracturing on drinking water supplies conducted by EPA have been raised, including the alleged removal of key passage in that document by officials from the Office of Vice President Dick Cheney, as reported on October 14, 2004 by the Los Angeles Times, and the characterization of the report as “scientifically unsound” by an internal EPA whistleblower; and

Whereas, a Freedom of Information Law request submitted by the Washington D.C. based non-profit organization Environmental Working Group indicates that the New York State DEC has conducted no independent testing to determine whether there are significant risks to drinking water supplies from hydraulic fracturing and has by default relied on the aforementioned EPA report on at least two occasions to publicly state that hydraulic fracturing poses no threat to drinking water supplies; now

Therefore, be it

Resolved, Manhattan Community Board Six calls on the New York State Legislature, the New York State DEC, and New York State Governor David Paterson to prohibit Hydraulic Fracturing drilling for natural gas within New York State; and

Be it further resolved, that Manhattan Community Board Six calls on the New York State DEC to extend the comment period for the draft SGEIS another 90 days in addition to conducting more hearings in New York City.

Be it further resolved, that Manhattan Community Board Six calls on the New York State DEC to enact procedures to require all drilling contractors to provide the list of chemical ingredients used in its gas drilling hydraulic fracturing sites within New York State, before starting its drilling operations, to all environmental regulatory agencies, water treatment facilities and first responders in the vicinity of the drilling site.

VOTE: 34 in Favor 1 Opposed 2 Abstention 0 Not Entitled

c. **Report:** was waived

Old/new business

Second Roll Call – Tom LaBarbera

Meeting Adjourned at 11:30 pm