



NEW YORK STATE SENATOR

Thomas K. Duane

## October 2009 Community Report

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October 30, 2009

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Dear Neighbor:

The following is a summary of some of my office's activities since my last community report:

#### **Celebrating the Monumental Victory for Renters Citywide in Roberts v. Tishman Speyer Properties**

In fighting on behalf of tenants, I have long argued that under New York State law, landlords who receive New York City tax abatements for renovations must extend rent stabilization protections to their tenants during the abatement period.

I am gratified that the New York State Court of Appeals, in upholding the New York Supreme Court Appellate Division ruling in Roberts v. Tishman Speyer Properties, L.P., agreed. As a result of the court's October 22, 2009 decision, no longer will

landlords be able to deregulate apartments while receiving J-51 tax benefits from the City of New York.

It was the New York State Legislature's intent – and is only fair – that in exchange for the generous tax benefits that landlords receive from the City, tenants be granted the basic rights and protections afforded by rent stabilization.

I want to thank and congratulate the plaintiffs in this case, the wonderful Stuyvesant Town-Peter Cooper Village Tenants Association, their attorney Alexander Schmidt, and all the elected officials, tenant advocates and others who have worked so hard during this long process.

This is a huge victory not just for the Stuyvesant Town residents who were plaintiffs in this case, but for tenants all over the city. I want to thank and congratulate the plaintiffs, their attorney Alexander Schmidt, the Stuyvesant Town-Peter Cooper Village Tenants Association, and all the elected officials, tenant advocates and others who have worked so hard during this long process. Our work continues as we seek to realize the full benefit of this just decision.

### **Holding Hearings on Patient Safety**

On October 19, Assemblymember Richard Gottfried and I held a joint Senate/Assembly Health Committee hearing on patient safety in hospitals throughout the State. The focus of this hearing was understanding and improving the current New York Patient Occurrence and Tracking System (NYPORTS). Unfortunately, problems of underreporting by hospitals have plagued NYPORTS since its inception and were recently underscored by a *New York Daily News* investigative report this past summer as well as New York City Comptroller William Thompson's report, *The High Costs of Weak Compliance With the New York State Hospital Adverse Event Reporting and Tracking System*. Please see the [Daily News' coverage](#) of the hearing.

### **Objecting to Natural Gas Drilling in and around New York's Water Supplies**

Since hydraulic fracturing in New York State's Marcellus Shale was first proposed, I have stood with environmental advocates in expressing grave concerns about its impact on local and municipal water supplies. On October 23, I submitted [testimony](#) at a New York City Council Environmental Protection Committee Hearing raising

objections to the New York State Department of Environmental Conservation's (DEC) draft Supplemental Generic Environmental Impact Statement (dSGEIS). My testimony not only opposes natural gas drilling in or around water supplies statewide but also calls on DEC to implement a phased-permitting policy to ensure that the agency has the staff and resources to oversee all drilling operations before allowing an onslaught of new wells.

I will also be submitting testimony at DEC's only local public hearing on this dSGEIS on November 10 at 7:00 p.m. at Stuyvesant High School at 345 Chambers Street (West Side Highway). I urge my constituents to participate in both the hearing and a rally (flyer attached) planned in front of the school at 5pm that same evening. The rally is being organized by the "Kill the Drill" campaign, a coalition of elected officials, environmental advocacy groups, community-based organizations, and concerned New Yorkers committed to both extending the comment period as well as banning hydraulic fracturing in New York City's upstate watershed. To join this campaign, please contact Sari Bernstein in Manhattan Borough President Scott Stringer's office at (212) 669-8151.

### **Expressing my Dismay Regarding Hiram Monserrate**

From the time Hiram Monseratte was arrested on domestic violence charges last December, I have been outspoken in my disgust and horror at his actions, and at the sad but true fact that he continued to serve in the New York State Senate. As I said privately and publicly in the Senate Democratic Conference, indeed to Senators on both sides of the aisle, and publicly at my District-wide Town Hall Meeting and elsewhere, I am appalled to serve with him and I believe Mr. Monserrate is guilty of a felony.

Tragically, Justice William Erlbaum disagreed. I believe with great sadness and anger that although the justice system has failed terribly in this instance, it has spoken.

It is my sincere hope and desire that Mr. Monserrate will resign as a New York State Senate Senator – and I do not expect him to do so.

Ideally, since Mr. Monserrate has indicated he will not step aside, the Senate will find it has the power to seek his ouster. Regrettably, the law governing what Senate procedures allow for regarding his removal from office is murky and complicated. The Senate Majority has established a bipartisan committee "to examine precedent,

Senate Rules, and all relevant law to establish the proper procedures and identify the remedies available to the Senate.” Whether I agree or not that this was an appropriate next step, this committee’s charge will be used to determine what choice of actions the Senate has, and the body and will then act accordingly.

Regardless, as always, I will bring my core beliefs and values to the conference and to the Senate.

I remain as angry, sad and outraged today as I was the day Mr. Monserrate was arrested. Not a day has gone by that I haven’t dwelled on the terror and pain that Ms. Giraldo must have felt on the early morning of December 19, 2008.

### **Protecting Public Space in Union Square Park**

On October 5, I joined New York State Assemblymembers Brian Kavanagh and Richard Gottfried in sending a letter to the New York City Department of Parks and Recreation (DPR) asking that it reconsider its intention to issue a request for proposals (RFP) for operating a seasonal cafe in the Union Square pavilion. We echoed CB5’s request that the DPR solicit proposals for a wide range of programming, including public uses, and not just for a private restaurant. We also asked that the DPR honor its commitment that CB5 would be allowed to see and comment on the draft RFP prior to its release.

### **Visiting P.S. 3 as Principal for a Day**

On October 15, I had the honor of being “Principal for a Day” at P.S. 3. Visiting schools is one of my favorite responsibilities as an elected official and I want to thank Principal Lisa Siegman and the faculty and staff at P.S. 3 for inviting me to visit classes and speak to their wonderful students. I look forward to continuing to work with the P.S. 3 and Greenwich Village Middle School (“GVMS”) Community as GVMS plans to move out of the building they share next year and P.S. 3 prepares for its expansion in 2010.

### **Remembering and Honoring Arty Strickler**

On October 23, I had the honor of joining Arty Stickler’s longtime partner, David Spegal, CB2, Parks Commissioner Adrian Benepe, and Councilmember Alan Gerson at the dedication ceremony for the Arthur W. Strickler Triangle, located at Hudson Street between Bank and Bethune Streets. As a former CB2 member, Chair and

District Manager as well as a Democratic District Leader and neighborhood activist, Arty was an unwavering and persistent advocate for our community. While Arty's legacy is felt throughout Community District 2, I welcome this permanent memorial in his honor.