

## March 2010 Community Report

Dear Neighbor:

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

### Albany Update

On Tuesday, March 16, Governor Paterson signed into the law the Family Health Care Decisions Act (FHCDA), which I am proud to have shepherded to overwhelming, bipartisan passage in the State Senate. This important law, which I sponsored with New York State Assembly Member Dick Gottfried, grants medical decision-making authority to loved ones of incapacitated patients who do not have a health care proxy or clear evidence of their treatment wishes. Until now, New York has been one of the most restrictive states in the nation for end-of-life decision-making by surrogates. As the *Albany Times Union* declared the day after the Senate's vote on the bill, "Lawmakers on Wednesday did something rare: They passed a piece of significant legislation that Gov. David Paterson has indicated he will sign." Please also see the [New York Times](#) coverage of the bill's signing.

Also on the week of March 15, the New York State Senate took another step forward in opening the legislative process to the public by passing a package of 'Sunshine' policy bills. The package is designed to provide the public with greater access to information they were long denied in order to hold State government accountable – and to high standards. Bills in this package include:

- S4284, which requires open meetings to be held in a room of adequate size for citizens and officials to attend.
- S3195B, which allows any meeting of a public body to be recorded, broadcast, webcast and photographed as long as it is not disruptive to the proceedings of the meeting.
- S7109, which requires each agency and house of the legislature to proactively publish frequently requested records on its internet website.
- S7054, which clarifies the court's authority to invalidate an action taken when the public body acted in violation of the open meetings law.

New Yorkers want and deserve to know what their elected officials are fighting for on their behalf and to be able to participate in the decisions that affect their lives. My colleagues and I in the Democratic Senate Majority are committed to promoting such public access to government and its decision-making process.

### *Seeking to Save Health Care in Lower Manhattan:*

While the April 6 decision by the Board of St. Vincent's Catholic Medical Center to close the hospital's inpatient units was deeply disappointing, I have not given up the fight. I am continuing to work collaboratively with all stakeholders, including City, State and Federal officials, as well as the hospital board, management and labor, to guarantee that the health care needs of our neighborhoods are met. I will continue to fight for the preservation of a 24-hour emergency

room, widely available and culturally sensitive community-based primary care, and the specialty services that have been at the core of St. Vincent's commitment to our Lower West Side neighborhoods and our city as a whole.

### **Celebrating a Major Step Forward in the Fight Against Fracking**

Like many of my constituents, I have long been an opponent of the New York State Department of Conservation's plans to permit high-volume hydraulic fracturing in the Marcellus Shale. On March 18, we had a major victory when the U.S. Environmental Protection Agency (EPA) announced the launch of a two-year study to determine whether hydraulic fracturing is a danger to groundwater supplies. Recently, Assemblyman James Brennan and I introduced a bill (S6654A/A1322B) that would prohibit drilling in or around the New York City watershed and would establish a two-year statewide moratorium on the issuance of permits for new wells. This moratorium would enable the State to review the findings and recommendations of the EPA study before deciding whether to proceed with its plans to permit fracking. As always, I encourage you to regularly visit my [Drill Watch blog](#) for a comprehensive list of articles, editorials, letters to the editor, press releases, testimonies and resolutions regarding fracking in and around New York State.

### **Supporting Stuyvesant Town and Peter Cooper Village Tenants**

I was pleased to sign on as an endorser of the Stuyvesant Town/Peter Cooper Village-Tenant Association's (ST/PCV-TA) Pledge of Unity as the Tenants Association, along with New York City Councilmember Dan Garodnick, formulates a plan to buy the property. In the coming months, the ST/PCV TA will be organizing a series of building meetings throughout the complex in order to share information about and gather tenant support for a prospective Tenant Association bid. My staff and I look forward to attending and helping to facilitate several of these meetings. Throughout the process, I will continue to stand with my ST/PCV constituents in the effort to protect the affordability of their homes, the proper maintenance of the complex's buildings and grounds, and the character of the community.

### **Fighting for Barrow Street Residents' Quality of Life**

Since December of 2008, my office has been working with numerous Barrow Street residents regarding their serious quality of life complaints stemming from Bleecker Heights Tavern sports bar at 296 Bleecker Street. On March 3, I submitted [testimony](#) to the New York State Liquor Authority (SLA) reiterating the concerns I, along with the local elected officials, laid out in our June 19, 2009 letter to the SLA recommending a denial of the establishment's liquor license application.

### **Celebrating the Start of Construction of P.S. 41's Greenroof**

On March 2, P.S. 41 announced the beginning of construction for its Greenroof Environmental Literacy Laboratory (GELL), which will be a model for addressing urban sustainability within an educational platform. I am pleased that I was able to secure capital funding for this innovative

project that will greatly enhance the curriculum at P.S. 41 by bringing together several academic subjects in an accessible and exciting way for its students.

### **Reporting Good News for our Prospective East Midtown Waterfront Esplanade**

Last summer I joined New York City Councilmember Dan Garodnick and many other East Side elected officials in urging the New York State Department of Environmental Conservation (DEC) to allow the caissons which supported the FDR outboard detour roadway from 53rd to 59th Streets to remain in the water so they could potentially be reused as part of a contiguous esplanade and bikeway along the East River. Unfortunately, representatives of the New York City Economic Development Corporation (EDC) reported at a February 17, 2010 meeting of the East Midtown Waterfront and United Nations Consolidation Project Task Force that DEC had requested that the New York State Department of Transportation remove the caissons by March 2010. The following week, however, after I contacted the Commissioner of DEC to emphasize the importance of keeping these irreplaceable structural supports, I was pleased to learn that DEC had met with EDC and agreed to temporarily put action on the caissons on hold. It is my hope DEC and EDC come to an agreement that will allow the caissons to remain and help realize a fully connective greenway around Manhattan.

### **Advancing Community-Friendly Redevelopment of Bellevue's Former Psychiatric Building**

As I reported in January, Assembly Member Brian Kavanagh and I coordinated a sign-on letter from area elected officials seeking a meeting with the director of the New York State Historic Preservation Office (SHPO) regarding whether and how the Bellevue Psychiatric Building could be altered to satisfy the requirements for community service providers while remaining eligible for listing on the State and National Registers of Historic Places. I am pleased to report that SHPO has responded to our request and has agreed to meet after SHPO Director Ruth Pierpont and selected agency staff have toured the facility. Such a tour has been scheduled for April 15, 2010, and will be followed by a meeting between area electeds with Ms. Pierpont to discuss the framework in which the building could potentially be renovated.

### **Supporting CB7's Resolution on Protected Bike Lanes**

On February 11, I was joined by Manhattan Borough President, New York State Senator Bill Perkins, New York State Assembly Member Linda Rosenthal, and other elected officials in sending a [letter](#) to the New York City Department of Transportation in support of CB7's October 6, 2009 resolution on Class 1 ("protected") bike lanes. We echoed the Board's request that the New York City Department of Transportation (DOT) develop a proposal for protected bike lanes on Amsterdam and Columbus Avenues from 59th to 110th Streets and subject it to CB7's review.

### **Finding Solutions for a Dangerous Intersection**

On February 9, my office brought together representatives from the New York State Department of Transportation (NYSDOT), NYSDOT consultants Stantec and AECOM, Chelsea Piers, the Hudson River Park Trust (HRPT), the HRPT Advisory Council, Friends of Hudson River Park, and the other local elected officials to discuss the pedestrian, bicycle, and automobile crossing

located at the north end of Chelsea Piers just west of Route 9A. My office has received numerous complaints about the danger that this multi-modal crossing potentially poses to pedestrians going to and from Chelsea Piers and the Hudson River Park, bicyclists enjoying the Hudson River Park bike path, and drivers using the Chelsea Piers access road. NYSDOT and Chelsea Piers agreed to work in tandem to improve the safety of this complicated intersection, starting with temporary experimental mitigation and continuing with this process until the best permanent solution is found. I thank all parties for their focused efforts to improve cyclist and pedestrian safety here and generally along the west side.

### **Working with Apthorp Tenants to Address Hazardous Construction**

I am currently working with the Apthorp Tenants Association, Assembly Member Linda Rosenthal, Councilmember Gale Brewer, and a number of City agencies to address troubling allegations of hazardous construction during an ongoing Condo conversion project at the landmark building located at 2211 Broadway. Tenants report exposure to asbestos and lead paint dust, blocked egress, uncovered live wires and other unsafe conditions as evidence of shoddy construction work. We will continue to work with all relevant parties to ensure that construction does not proceed without adequate safeguards for existing tenants.

### **Urging You to Respond to the 2010 Census**

As the 2010 United States Census began in earnest last month with the mailing of the official ten-question form, I took a non-traditional approach of making a pre-recorded automated call to all the households in my district for which I had phone numbers to convey the message that being counted makes a big difference. Not only does the Census aid in drawing legislative districts, it also determines how funds for schools, hospitals, transportation and social services are distributed. For each person counted, our city and state will receive almost \$30,000 dollars over the next decade.

Over the past few months, I and other elected officials, government agencies and community-based organizations have been pulling out all the stops to get the vitally important message out: Completing and returning the Census is enormously important for our communities. We've organized coordinating committees, held informational meetings, enlisted community leaders, sent mailings, emails, newsletters and more, all with the goal of boosting response rates. I know that not everyone appreciates a pre-recorded call, but it occurred to me that in this age of texting, tweeting and friending, a robocall could cut through the paper and electronic clutter and get the message across.

I am continuing to encourage my constituents to fill out and return their Census forms, and have been tracking the 29th Senate District's Census participation rate. You can track your neighborhood and immediate area's progress for yourself at <http://2010.census.gov/2010census/take10map/>. We need 100% participation in the Census to get our fair share of resources and representation.

The information you provide in the Census is confidential by law and thus cannot be shared with any other agency. If you have not done so already, I encourage you to fill in and mail back your

Census form today. If you have any questions about the Census, including how to complete the form, please call Seth Berliner in my office at 212-633-8052.