

THE BOROUGH OF MANHATTAN
C. VIRGINIA FIELDS, PRESIDENT
MANHATTAN COMMUNITY BOARD FIVE MINUTES
DAVID DIAMOND, CHAIR
THURSDAY, NOVEMBER 18, 2004

Minutes of the regular Community Board #5 meeting held on **Thursday, November 18th, 2004, at the Fashion Institute of Technology, 227 West 27th Street, "A" Building, 8th Floor, 6:00p.m.** David Diamond, Chair, presides. The tapes of the full meeting are available in the Board Office.

Members Present

Susan Baida
Vikki Barbero
Philip Beer
Nicholas Bergman
Judith Breidbart
Candy Cook
David Diamond
Lorna Duff
Lola Finkelstein
Eric Gering
Nancy Goshow
Brian Landeche
Joyce Matz
Jason Mendelson
Howard Mendes
Kyle Merker
John Mills
Karen Newman
Connie Ress
Meile Rockefeller
Doreen Seligson
Joel Sesser
Rosalie Shields
David Siesko
Sung Ae Song
Maxine Teitler

Bonnie Williams
Lawrence Zucker

Absent

Scott Alling
Muriel Bernstein
Angela Bledsoe
Aaron Block
James Collins
William Daly
Robyn Hatcher
Michael Presser
David Rabin
Carmel Reingold
Mickey Schwartz

Public Members

Jon Schachter
Lee Silver

Public Attendees

Mark Titone
Debra Rahn-Oakes
Jean Shen
Mike Triplett
David Nicholas
Vicky Nicholas

Greg Carr
Bill Glaser
David Fox
Rick Gerson
Russ Waters
Sarah Bleacher
C. Bernstein
Ron Cutlip
Charles Steinberg
William Shea
Louis Giannuzzi
Alexander Sax
Eve Holbrook
Emilie Eagan
Alex Stoltz
Veronika Conant
Margaret Chapman
Joseph Hagelmann
Hugo Hoogenbaum
Jr. Valdes
Ken Ryan
Roschel Holland Sterns

Elected Officials

Jordan Isenstadt
State Senator Liz Krueger

Michael Kay
Congressman Jerrold Nadler

Leena Krishnasamy
Congresswoman Carolyn Maloney

Philip Yeayer
State Senator Tom Duane

Danielle Porcaro
Councilmember Christine Quinn

Amy Hartz
Councilmember Margarita Lopez

Staff

Gary Parker
District Manager

Kim Rodney
Assistant District Manager

Cindy Perez
Community Associate

At 6:00 p.m., the Full Board meeting of Manhattan Community Board Five was called to order, David Diamond presiding.

PUBLIC SESSION

Eve Holbrook – Hal Holbrook/Mark Twain Tonight – asked for the Board’s support in honoring her father, Hal Holbrook by renaming a street in the Theatre District.

Jon Schachter – Community Board Five Public Member – spoke of the possible withdrawal of the token booth closures by the MTA, but that fare hike is still being considered.

Mike Triplett – stated that he was seeking changes in the parking regulations on 21st street, between Park Avenue and Broadway to alleviate traffic noise from club patrons.

Bill Flaser – spoke in support of the Club Deep resolution before the Board recommending denial of the renewal of liquor license.

Lynn Manguin – spoke in support of the recommendation to deny the renewal of the liquor license for Club Deep.

David Nicholas – spoke in support of the recommendation by the Board to deny the renewal of the liquor license for Club Deep.

Rick Gerson – spoke in support of the recommendation by the Board to deny the renewal of the liquor license for Club Deep.

Veronika Conant – President, West 54th/55th Street Block Association – stated concerns regarding noise, traffic, parking, pollution, loading docks and vendors caused by MoMA.

Louis Giannwezi – West 54th/55th Street Block Association – stated concerns about MoMA’s expansion with specific regard to an adjacent empty lot to the museum.

William Shea – West 54th/55th Street Block Association – stated his opposition to MoMA’s past and future development.

Carol Bernstein – West 54th/55th Street Block Association – spoke of noise and traffic concerns regarding MoMA.

David Siesko – West 54th/55th Street Block Association – spoke in support of the new West 54th/55th Street Block Association and offered to assist them and the Board to work towards addressing the concerns of local residents.

Marsha Flowers – Village Care of New York – announced Village Care of New York’s new service in the Community Board Five area and invited the Board to the open house.

JR Valdes – General Manager for Club Deep – spoke in support of the renewal of the liquor license for Club Deep located at 16 East 22nd Street and offered to help address the problems between residents and Club Deep.

Hugo Hoogendoorn - West 54th/55th Street Block Association – asked for the Board’s assistance with the noise and pollution problems with MoMA’s loading docks.

BUSINESS SESSION

● CHAIR’S REPORT ~ *David Diamond*

Mr. David Diamond welcomed Gary Parker, new District Manager, to his first Board meeting. He then announced the resignation of Craig Wilson and welcomed new Board Member Anita Bowen.

Mr. Diamond spoke briefly of the decline in Board Members and encouraged members to recommend anyone interested in becoming a member to apply.

He then spoke about Committee meeting attendance and informed Board Members that they are required to let the Committee Chair or the Chair of the Board know if they were unable to attend.

● DISTRICT MANAGER’S REPORT ~ *Gary Parker*

Mr. Gary Parker thanked the Board for appointing him as the District Manager. He also thanked the staff.

● VOTE ON MINUTES OF THE OCTOBER, 2004 BOARD MEETING

The minutes passed with a vote of 26 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bergman, Breidbart, Cook, Duff, Finkelstein, Gering, Goshow, Landeche, Matz, Mendelson, Mendes, Merker, Mills, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Song, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

COMMITTEE REPORTS

● CONSENTS & VARIANCES ~ *MICKEY SCHWARTZ & LAWRENCE ZUCKER*

Mr. Zucker presented the following resolution on behalf of the committee:

Project Dance, application to hold a block party on 44th Street, between Broadway and 6th Avenue

WHEREAS, the Lamb’s Church/Theater (Project Dance) has filed an application to hold a Block Party on April 23, 2005, on 44th Street, between 6th Avenue and Broadway; and

WHEREAS, this event was held previously without incident; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the application by The Lamb's Church/Theater (Project Dance) to hold a block party.

The resolution passed with a vote of 25 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bernstein, Bergman, Breidbart, Cook, Duff, Finkelstein, Gering, Goshow, Landeche, Matz, Mendelson, Mendes, Merker, Mills, Ress, Seligson, Sesser, Shields, Siesko, Song, Teitler, Williams, Zucker. **ABSTENTIONS:** Diamond, Rockefeller.

The following resolution was then presented on behalf of the committee:

1285 Avenue of the Americas – application to install security bollards

WHEREAS, a request was made by 1285 LLC for the installation of security bollards at 1285 Avenue of the Americas; and

WHEREAS, the bollards will be granite, steel, reinforced concrete 2' - 3" in diameter; and

WHEREAS, a New York Police Department Counter Terrorism Division's risk assessment report (see attached) rated the threat level for this site as low; and

WHEREAS, Community Board Five is concerned with the negative impact that the bollards would have on pedestrian traffic and the city landscape; therefore, be it

RESOLVED, that Community Board Five **recommends denial** of the application by 1285 LLC for installation of security bollards at 1285 Avenue of the Americas.

After a brief explanation, the resolution passed with a vote of 26 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bergman, Breidbart, Cook, Duff, Finkelstein, Gering, Goshow, Landeche, Matz, Mendelson, Mendes, Merker, Mills, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Song, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

The following resolution was then presented on behalf of the committee:

Special Permit application for a physical culture establishment at 60 East 55th Street

WHEREAS, The Core Club 55th Street LLC has submitted an application for a physical culture establishment at 60 East 55th Street; and

WHEREAS, the application is for the use of the third, fourth and sixth floors and a portion of the cellar and first floor; and

WHEREAS, the facility would be 19, 249 gross square feet and the hours of operation will be between 7am to 11pm daily; therefore, be it

RESOLVED, that Community Board Five **recommends approval** for the application for a physical culture establishment (The Core Club 55th Street LLC) at 60 East 55th Street.

The resolution passed with a vote of 26 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bergman, Breidbart, Cook, Duff, Finkelstein, Gering, Goshow, Landeche, Matz, Mendelson, Mendes, Merker, Mills, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Song, Teitler, Williams, Zucker. **ABSTENTIONS:** Diamond, Newman.

Mr. Zucker then presented an application to rename a street in the Theatre District in honor of "Hal Holbrook", after some discussion, a motion was made to send a letter informing the applicant, that although the Board admires the actor and his work, it is the policy of the Board not to endorse private renaming, which passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: IN FAVOR: Baida, Barbero, Beer, Bergman, Breidbart, Cook, Duff, Finkelstein, Gering, Goshow, Landeche, Matz, Mendelson, Mendes, Merker, Mills, Newman, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Song, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

● **PARKS ~ PHIL BEER**

Mr. Beer presented the following resolution:

Yahoo, Inc., application to create an interactive Santa display in Duffy Square on November 26 and 27, 2004

WHEREAS, Yahoo, Inc. has applied for a special event permit to create an interactive Santa display in Duffy Square for two days, from Saturday, November 26 to Sunday, November 27, 2004, and

WHEREAS, the applicant proposes to set up a Santa wonderland snow globe, where the public could take their picture with Santa; and

WHEREAS, free online computer stations will also be available to the public; and

WHEREAS, Community Board Five is concerned with the use of parks as venues for purely commercial events with no clear benefit to the local community; and

WHEREAS, Community Board Five is concerned with the number of events already taking place in Times Square during this time and the detrimental impact the high volume of pedestrians in this area would create; therefore be it

RESOLVED, that Community Board Five **does not support** the application by Yahoo, Inc. to create an interactive event in Duffy Square on November 26 and 27, 2004.

The resolution passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bergman, Breidbart, Cook, Duff, Finkelstein, Gering, Goshow, Landeche, Matz, Mendelson, Mendes, Merker, Mills, Newman, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Song, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

● **LANDMARKS ~ JOYCE MATZ AND ERIC GERING**

The following bundled resolutions (2) were presented on behalf of the Committee:

678 6th Avenue. Application is to alter the first floor façade.

WHEREAS, the proposal for this New York Burger restaurant would be to alter the first floor façade, change the fixed awnings to bright blue with white lettering signage on the skirt, alter the transoms, replicate the door in wood, paint the bulkhead – which should also be wood, but is proposed to be pressed aluminum – with a red (a bright red), white and blue logo on the window; and

WHEREAS, this historic building in the Ladies Mile Historic District was built in 1878; and

WHEREAS, the colors that are being used are totally inappropriate to the historic district; therefore be it

RESOLVED, that Community Board Five **does not approve** the application to alter the first floor façade, and hope that the applicant consider more carefully the colors and details of this proposal for a restaurant in the Historic District.

4 West 22nd Street, application to legalize the installation of an illuminated bracket sign without Landmarks Preservation Commission permits.

WHEREAS, 4 West 22nd street, in the Ladies Mile Historic District, is a Beaux Arts style store and loft building, designed by James Barnes Baker and built in 1903; and

WHEREAS, an internally illuminated bracket sign was installed on the façade of the building without permits from the Landmarks Preservation Commission; and

WHEREAS, the bracket sign is not appropriate to the historic building nor to the historic district and is far too modern, and does not conform to Commission rules regarding bracket signs in the Ladies Mile Historic District; and

WHEREAS, it was installed illegally, without permits; therefore be it

RESOLVED, that Community Board Five **does not approve** this application because it is not only illegal but also grossly inappropriate.

After a brief description of the applications, the bundled resolutions (2) passed with a vote of 25 in favor, 0 opposed, 2 abstentions, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bernstein, Bergman, Breidbart, Cook, Duff, Finkelstein, Gering, Goshow, Matz, Mendes, Merker, Mills, Newman, Ress, Rockefeller, Seligson, Sesser, shields, Siesko, Song, Teitler, Williams, Zucker. **ABSTENTIONS:** Diamond, Mendelson.

The following bundled resolutions (3) were then introduced on behalf of the Committee:

35 West 20th Street (between Fifth and Sixth Avenues, above Periyali restaurant); In the Ladies' Mile Historic District. Application is to install a new vestibule door and to alter the stoop

WHEREAS, the property is a row house built in 1856 and altered in the early 20th century Commercial style in 1909 by Otto Reissman, and

WHEREAS, the applicant is proposing to install a new vestibule door at the face of the building at the top of the stoop of stairs; and

WHEREAS, the existing metal stairs and railings will be replaced and the diamond plate steel stair treads will be replaced with stone treads, and

WHEREAS, the spandrel glass transom above the door will be replaced with a wood panel to match the wood panel entry door; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the Certificate of Appropriateness application to install a new vestibule door and to alter the stoop at 35 West 20th Street.

95 Fifth Avenue, application for Certificate of Appropriateness

WHEREAS, the property is a Beaux-Arts style store and loft building designed by Henry Corn, built in 1899-1900; and

WHEREAS, Manhattan Community Board Five approved the restoration of a rooftop balustrade on this building within the last year; and

WHEREAS, the proposal is to remove existing exterior rolling gates, metal panel transoms, and existing second floor canopies; restoring the bay window roofs with flat copper rather than standing seam copper, and to use fiberglass, molded on the original bay windows, to duplicate the original conditions; and

WHEREAS, the bay color will be restored using paint analysis to determine the original color; and

WHEREAS, the recessed corner entry bay cannot be changed until the existing tenant is replaced; and

WHEREAS, the proposed restoration is appropriate to the spirit and style of the historic district; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the Certificate of Appropriateness application to replace the storefronts at 95 Fifth Avenue.

***22 West 21st Street (between Fifth and Sixth Avenues); in the Ladies' Mile Historic District.
Application is to replace the storefronts***

WHEREAS, the property is a neo-renaissance style store and loft building designed by Maynicke & Franke and built in 1908, and

WHEREAS, this proposal was previously approved by Community Board Five at the September 2004 meeting, but the applicant has made a minor design revision to improve the overall design, and

WHEREAS, the applicant proposes to remove a portion of the fascia above the storefront to expose the cornice molding and replace the missing transom; therefore be it

RESOLVED, that Community Board Five **recommend approval** of the Certificate of Appropriateness application to replace the storefronts at 22 West 21st Street.

The three bundled resolutions (3) passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bergman, Breidbart, Cook, Duff, Finkelstein, Gering, Goshow, Landeche, Matz, Mendelson, Mendes, Merker, Mills, Newman, Ress, Rockefeller, Seligson, Sessler, Shields, Siesko, song, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

***16 West 22nd Street (between Fifth and Sixth Avenues); IN the Ladies' Mile Historic District.
Application is to alter the storefront.***

WHEREAS, the structure was built in 1910 as a light manufacturing building; and

WHEREAS, the applicant is generally restoring the storefront to a more sympathetic historic appearance than presently exists; and

WHEREAS, the two original granite steps to the lobby will be retained (the lobby is wheelchair accessible from the 15-17 West 21st Street entrance); and

WHEREAS, the entry vestibule will be opened up at the security entry and the storefront glass panel will be restored; and

WHEREAS, two new period exterior light fixtures will be installed at the entries, removing the more inappropriate contemporary downlight fixtures existing at the western pier; and

WHEREAS, the existing exterior roll-down security gates will be relocated to the interior of the building; therefore be it

RESOLVED, that Community Board Five **recommends approval** of the Certificate of Appropriateness application to alter the storefront at 16 West 22nd Street.

After questions regarding the sound proofing ability of the storefront glass panel and a brief discussion on the difficulty understanding the proposal the resolution passed with a vote of 17 in favor, 9 opposed, 2 abstentions, as follows: **IN FAVOR:** Baida, Beer, Bergman, Duff, Gering, Matz, Mendelson, Mendes, Mills, Newman, Ress, Seligson, Sesser, shields, Song, Williams, Zucker. **OPPOSED:** Barbero, Breidbart, Cook, Finkelstein, Goshow, Merker, Rockefeller, Siesko, Teitler. **ABSTENTIONS:** Diamond, Landeche.

● PUBLIC SAFETY & QUALITY OF LIFE ~ *VIKKI BARBERO*

The following resolution was presented on behalf of the Committee:

234-236 West 30th Street – JASL CAFÉ, LLC – Liquor License Application

WHEREAS, JASL CAFÉ, LLC, located at 234-236 West 30th Street has applied for a liquor license; and

WHEREAS, the applicant (who presently owns a successful Middle Eastern/Moroccan-style food restaurant called “Tabu” on Avenue X in Brooklyn), plans to open a similar Middle Eastern restaurant for approximately 100 people, with music to accompany belly dancing; and

WHEREAS, the location is approximately 2500 square feet on the ground floor with equivalent square footage in the basement to be used as storage; and

WHEREAS, the restaurant hours are to be from 12 noon to 2 a.m., seven days a week; and

WHEREAS, the applicant will not apply for a cabaret license; and

WHEREAS, the Public Safety/Quality of Life Committee informed the applicant that there are many concerns regarding this block because it presently has problems with pedestrian and vehicular traffic, having Clubs “Channel” and “Downtime”(open seven days a week and caters to a teen ~~bridge and tunnel crowd~~ crowd that congests the neighborhood with vehicular traffic); and

WHEREAS, the owner of the building has been working with the Public Safety/Quality of Life Committee to insure that this tenant will be a good neighbor and will operate this establishment as was presented to the Committee at their meeting on October 12, 2004; and

WHEREAS, to that end, the owner has included in the lease (attached) the following stipulations:

“Tenant shall use the Demised Premises only as a high-end bar and café with light food prepared without any flame for preparation, and shall not operate a cabaret and for no other purpose.

CLOSING HOURS: Tenant agrees that there will be no food or beverage service after 2 a.m. each day. Owner and Tenant have been advised that Community Board Five agrees to meet and review the Tenant’s occupancy after five months from the date of the lease and, if there have not been any significant problems, the Community board will permit the Tenant to operate until the normal 4 a.m. closing. Tenant agrees that there will be no food or beverage service after 2 a.m. without written approval of the Owner.”; and

WHEREAS, the applicant has signed an affidavit (attached) outlining the above stipulations; therefore be it

RESOLVED, that Community Board Five supports the application for a liquor license for JASL Café, LLC, located at 234-236 West 30th Street provided the above agreements are met and the lease is enforced by the owner and adhered to by the applicant; and be it further

RESOLVED, that Community Board Five requests that the lease and signed affidavit be submitted with the application to the State Liquor Authority and that the Authority consider the lease and affidavit as part of the application.

After some discussion and a friendly amendment (see strikethrough and italics), the resolution passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bergman, Breidbart, Cook, Duff, Finkelstein, Gering, Goshow, Landeche, Matz, Mendelson, Mendes, Merker, Mills, Newman, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Song, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

Club Deep, Inc., application for renewal of liquor license at 16 East 22nd Street

WHEREAS, Club Deep, Inc., d/b/a “Club Deep” is applying for renewal of the liquor license at the premises 16 West 22nd Street; and

WHEREAS, in June 2002, Joseph Capetola, the present owner(s) came before the Public Safety/Quality of Life Committee of Community Board Five for a liquor license for the premises; and

WHEREAS, the PS/QL Committee explained that this block (22nd Street, between 5th and 6th Avenues) is part of the three-block moratorium within Community Board Five and that the previous operation (“Ohm”) at this address adversely affected the quality of life on 22nd Street so much so that it was declared one of the two worst clubs within the Board area; and

WHEREAS, the owner assured the committee that the new management would be solicitous of our concerns and that:

- the operation would be catering to a new “corporate” clientele
- the operation would be very different than “Ohm” and more upscale
- the operation would be less “club like” and more of a “lounge”
- there would be increased soundproofing
- there would be increased security outside the club
- the number of patrons would not exceed 550 on the first floor and 300 on the lower level
- promoters would not be used and therefore the street would not be strewn with flyers
- trash would be taken care of and the street in front of the premises would be kept clean; and

WHEREAS, the committee explained that one of the greatest concerns of the residents and the committee was the use of promoters and the committee was assured that promoters would not be used because the lease did not permit it; and

WHEREAS, Community Board Five has received ongoing telephone complaints and in the last month over a dozen letters of complaint regarding:

1. The unbearable noise and the inability to sleep early Saturday, Sunday and Monday mornings from 2 a.m. to 5 or 6 a.m., due to the noise produced by people screaming, fighting and hanging around outside the club
2. Cars illegally standing next to the club on Fifth Avenue and continually honking their horns and blasting their radios as well as motorcycles gunning their engines
3. Garbage, i.e., flyers, posters and broken bottles littering the streets

~~WHEREAS, In October 2004, a shooting occurred near the entrance of the club, as reported in The New York Post, October 12, 2004; and~~

WHEREAS, flyers and website promos cite the expectation of 2500 patrons attending many “wild parties” to be held at the club as well as “No I.D.” nights to attract a younger crowd – both in direct conflict with the applicant’s assurances to the committee as cited in the above fourth “whereas”, which was in flagrant violation of the Certificate of Occupancy; and

WHEREAS, the premise has received six violations for failure to control crowd: and

WHEREAS, Under Article 8 “General Provisions” of the ABC Law, S.118 Causes for Revocation states “for cause shall include the existence of a sustained and continuing pattern of noise, disturbance, misconduct, or disorder on or about the licensed premises, related to the operation of the premises or the conduct of its patrons, which adversely affects the health, welfare or safety of the inhabitants of the area in which such licensed premises are located;” therefore be it

RESOLVED, that Community Board Five DOES NOT RECOMMEND approval of the renewal of the liquor license for Club Deep, Inc., d/b/a “Club Deep,” located at 16 West 22nd Street due to the misrepresentation of operation to the Community Board and on the application for the liquor license; and be it further

RESOLVED, that Community Board Five recommends REVOCATION of the liquor license for Club Deep, Inc., d/b/a “Club Deep,” located at 16 West 22nd Street under Article 8 “General Provisions” S.118 “Causes for Revocation” of the ABC Law.

After some discussion and a friendly amendment (see strikethrough and italics), the resolution passed with a vote of 26 in favor, 0 opposed, 1 abstention, 1 present not entitled to vote: **IN FAVOR:** Baida, Barbero, Beer, Bergman, Breidbart, Cook, Duff, Finkelstein, Gering, Goshow, Matz, Mendelson, Mendes, Merker, Mills, Newman, Ress, Rockefeller, Seligson, Sesser, *The Minutes of Community Board #5, Manhattan for November 18, 2004*

Shields, Siesko, Song, Teitler, Williams, Zucker. **ABSTENTION:** Diamond. **PRESENT NOT ENTITLED TO VOTE:** Landeche.

● **TRANSPORTATION/ENVIRONMENT ~ JOHN MILLS**

The following resolution was presented on behalf of the Committee:

MTA Fare Increases, Service Cuts and Token Booth Closings

WHEREAS, public transportation is the lifeblood of New York City and extremely important to the residents and businesses of Community Board Five; and

WHEREAS, Community Board Five already has high levels of congestion and the use of public transportation reduces the numbers of cars on the street which lowers pollution levels; and

WHEREAS, studies have consistently shown that increases in public transportation fares reduce ridership and increases the number of people driving; and

WHEREAS, the Metropolitan Transportation Authority is proposing to close 164 token booths including 44 in the Community Board Five area which would adversely impact many residents especially senior citizens and those with special needs; and

WHEREAS, the MTA is also proposing reducing service on bus and subway lines including off peak bus guidelines of 100% of seat load capacity; and

WHEREAS, the MTA increased the basic fares by 33 percent a year ago with a promise to maintain current service levels; and

WHEREAS, the MTA is proposing to raise the cost of daily, weekly and monthly MetroCards including increasing a monthly pass from \$70 to \$76 and express bus fares from \$4 to \$5; and

WHEREAS, the state and city should contribute more funds for the operation of subways and buses since riders contribute almost 60% of the operating revenue which is one of the highest percentages in the country; and

WHEREAS, fare increases and service cuts have the most adverse impact on senior citizens, people with disabilities, and the working poor; therefore be it

RESOLVED, that Community Board Five **opposes** the proposed fare increases, token booth closings and service cuts and urges the MTA to work with the city and the state to provide more funding for the operation of public transportation in to avoid raising fares to close the current budget gap.

After some discussions regarding MTA management, the resolution passed with a vote of 27 in favor, 0 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Barbero, Beer, Bergman, Breidbart, Cook, Duff, Finkelstein, Gering, Goshow, Landeche, Matz, Mendelson, Mendes, Merker, Mills, Newman, Ress, Rockefeller, Seligson, Sesser, Shields, Siesko, Song, Teitler, Williams, Zucker. **ABSTENTION:** Diamond.

● **HUMAN SERVICES & YOUTH ~ SUSAN BAIDA**

The following resolution was presented on behalf of the Committee:

Flu Vaccine Shortage

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), every year in the United States, on average 5% to 20% of the population become ill with the flu, more than 200,000 people are hospitalized from flu complications, and approximately 36,000 people die from flu; and

WHEREAS, the CDC also states that older people, young children and people with certain health conditions, including pregnancy, are at high risk for serious flu complications, including bacterial pneumonia, dehydration, and worsening of chronic medical conditions, such as congestive heart failure, asthma or diabetes, and children may develop sinus problems and ear infections; and

WHEREAS, the CDC recommends getting the flu vaccine each fall as the single best way to prevent the flu; and

WHEREAS, on October 5, 2004, Chiron Corporation, one of the only two companies that the Food and Drug Administration (FDA) approved to produce the flu vaccine for the United States (U.S.) during the 2004-2005 flu season, announced that its license to manufacture Fluvirin influenza virus vaccine was temporarily suspended due to contamination, preventing any release of its product and reducing the expected supply of the flu shot in the U.S. by approximately one half; and

WHEREAS, since this announcement, the U.S. has been scrambling to ensure that those with the greatest health risks for serious flu complications are able to access the significantly diminished vaccine supply; and

WHEREAS, 12.7% of the Community Board Five population are children under 5 years old and adults 65 years and older, or approximately 6,000 residents that fall within the high risk for flu complications; and

WHEREAS, on October 8, 2004, a bipartisan group of Senators, including Senators Reed, Kennedy, Warner, Daschle, Snowe, Dodd, Clinton, Dorgan, Bayh, Schumer, Johnson and Dayton, introduced S.2968, which is entitled the "Emergency Flu Response Act of 2004" (the "Act"); and

WHEREAS, the Emergency Flu Response Act of 2004 would require the FDA to review vaccines from Europe, Canada or Japan which were approved by the regulatory agencies of those nations, using a flexible and expedited review procedure, and would require the United States Health and Human Services ("HHS") Secretary to purchase additional stocks of approved vaccine available from those nations; and

WHEREAS, this Act would also provide funding to states to develop plans for effective distribution of flu vaccine, as well as funding to increase the stockpile of antiviral medications and to conduct dilution studies of existing vaccine; and

WHEREAS, this Act would also establish a vaccine clearinghouse to facilitate the voluntary donation of vaccine from individuals or companies with employees at low risk of infection to individuals with high risk and would further allow the HHS Secretary to purchase vaccine from employers or wholesalers who wish to sell it; and

WHEREAS, this Act would require that any manufacturer of influenza vaccine submit a report to the HHS Secretary regarding the availability of the vaccine so that reserve supplies can be directed to areas of shortage; and

WHEREAS, this Act would also provide the CDC with emergency authority to require the vaccine to be distributed through health agencies if other means fail to assure priority for the neediest patients; and

WHEREAS, the Committee on Health of the Council of The City of New York will introduce Res. No. 649 calling for Congress to pass this Act to the full Council on November 23; and

WHEREAS, in addition, the Council of The City of New York issued 10 ten recommendations on October 24 outlining what the federal and city governments should do to protect New Yorkers from the flu now and in the future.

~~Implementing these ten recommendations will also better prepare the city to respond to future biomedical emergencies:~~
Community Board Five supports:

1. Require the flu vaccination distribution information from vaccine manufacturer.
2. Increase the communication between the Department of Health and Mental Hygiene and healthcare providers.
3. Improve access to vaccinations supplied by the Department of Health and Mental Hygiene, particularly for senior citizens
4. Report ~~improper use~~ *price gouging* of flu vaccinations to the State Professional Medical Conduct Hotline (1-800-663-6114).
5. The City should aggressively advocate with federal authorities for the importation of safe flu vaccines from other countries.
6. Diversify the supply of flu vaccinations.
7. Strengthen and coordinate available resources to support immunization services.
8. Coordination is needed between Department for the Aging and the Department of Health and Mental Hygiene to improve information and distribution of vaccines.
9. Streamline and diversify health information systems.
10. Support the passage of the Emergency Flu Response Act of 2004; therefore, be it

RESOLVED, that Community Board Five urgently calls upon Congress to pass S.2968, the "Emergency Flu Response Act of 2004" and urges City Council to pass Res. No. 649 calling for passage of this Act, and be it further

RESOLVED, that Community Board 5 calls upon Federal and City of New York administrations to act upon the Council of The City of New York's ten recommendations to ensure protection of New Yorkers from the flu now and in the future.

After some discussions regarding the impact of the resolution on the Federal Government and if further government regulation is helpful and a friendly amendment (see strikethrough and italics), the resolution passed with a vote of 23 in favor,

4 opposed, 1 abstention, as follows: **IN FAVOR:** Baida, Barbero, Bernstein, Breidbart, Cook, Duff, Finkelstein, Gering, Goshow, Landeche, Matz, Mendes, Merker, Mills, Newman, Ress, Seligson, Sesser, Shields, Song, Teitler, Williams, Zucker. **OPPOSED:** Beer, Mendelson, Rockefeller, Siesko. **ABSTENTION:** Diamond.

There being no further business the meeting adjourned at 9:00p.m.

Respectfully submitted by

Maxine Teitler

Secretary