



**New York City Council Member**

**COREY JOHNSON**



Wednesday, May 7, 2014

Dear Neighbor:

I think it's finally safe to say...spring has sprung!

I'm excited for what the next few weeks have in store for us and I wanted to take this opportunity to share with you some important updates from our office. I also wanted to share with you some upcoming events that are happening in the community that may be of interest to you.

Please know that my staff is always available to answer questions and help you wherever possible. They can be reached at our District Office at 212-564-7757. You can also email me anytime at [district3@council.nyc.gov](mailto:district3@council.nyc.gov).

I hope to see you around the neighborhood soon.

Sincerely,

A handwritten signature in blue ink, consisting of the initials "CJ" in a stylized, cursive font.

Corey Johnson  
Councilmember, 3<sup>rd</sup> District

224 West 30<sup>th</sup> Street • Suite 1206 • New York, NY • 10001  
District3@council.nyc.gov  
212-564-7757

## **‘Let’s Talk’ Series Begins**

My office is proud to announce the first topic in our new series ‘Let’s Talk.’ We will be holding various forums throughout the year where we bring important individuals to the table to speak and engage in a conversation about what they do. The first event we’re hosting is about women and is aimed at sharing knowledge for their empowerment.

On Thursday May 29, 2014 my office will be hosting the first “Let’s Talk” forum from 6:30 to 8:30 pm at the New School’s Student Center (2<sup>nd</sup> Floor) located at 55 West 13<sup>th</sup> Street to discuss equal pay, healthcare, and other issues relevant to women.

This event will bring together a group of talented women from various agencies and organizations including: The Mayor’s Office - New Domestic Violence Initiative, New York Foundation for Senior Citizens, Planned Parenthood, New York Law Project, Hudson Guild Adult Services, The Work & Family Legal Center, Global Women for the Arts and the New York Civil Liberties Union.

I hope you will join us for this event. We’ll be sending out more information soon. If you’d like to attend, please RSVP at [district3@council.nyc.gov](mailto:district3@council.nyc.gov).

## **The Union Square Pavilion**

One of my top priorities as your Council Member is to protect and create additional public spaces for our community. That is why I stood in firm opposition with community activists, parents, and other elected officials to oppose opening a restaurant in the Union Square pavilion in March 2014.

As of this writing, the Mayor’s office is finalizing a deal with a restaurant to use the Union Square Pavilion for restaurant use this year. This means that after this season (2014) which ends around October 15, the restaurant will be out of the pavilion; unfortunately, the restaurant will be allowed to use an area directly north of the pavilion.

I am disappointed that a restaurant will be occupying the public space north of the pavilion, especially one that has played such an important role in our city’s history. Please know that my office will continue to engage with the Mayor’s office and the Parks Department on the programming and maximizing the use of the Union Square Pavilion moving forward. Our work here is not done.

## **Vision Zero**

Each year, approximately 4,000 New Yorkers are seriously injured and more than 250 are killed in traffic-related crashes. Those numbers are unacceptable. The Vision Zero Action Plan is the city’s foundation for ending traffic deaths and injuries on our streets.

As Chair of the Council’s Committee on Health, I co-sponsored Vision Zero Town Halls with Speaker Melissa Mark-Viverito and other members of the Council in each of the 5 boroughs. These events provided an opportunity for residents to give their feedback, concerns, and legislative ideas on Mayor de Blasio’s Vision Zero Plan.

I invite you to attend the Manhattan Vision Zero Pedestrian Safety Workshop which is being held for residents to come together and identify problem locations like dangerous intersections or areas that need better street signage. These workshops will be an opportunity for the community to come up with solutions that can match the realities of what’s happening on the ground. The workshop will be on **Wednesday, June 11th Our Lady of Pompeii (lower level) at 25 Carmine Street 6:30 - 8:30 PM.**

## **Coming Soon: West Side Bus Route**

A new local bus operating between Columbus Circle and the West Village is on its way! The M12 will have a southern terminal at 8th Avenue and Jane Street, traveling north via 8th Avenue, West 14th Street, West Street, 11th Avenue, West 24th Street, 12th Avenue, West 57th Street, 8th Avenue, and West 58th Street; the northern terminal is at West 58th Street and 7th Avenue. The M12 would operate 7 days a week every 30 minutes between 7:00 am and 10:00 pm. This service is planned to begin operating in September 2014.

The public hearing will be on: **Wednesday, May 14, 2014, 5:30 pm**, MTA Headquarters, 347 Madison Avenue, Board Room, 5th Floor New York, NY 10017 For more information please visit: <http://web.mta.info/mta/news/hearings>

## **New Speed Hump on West 26<sup>th</sup> Street**

My office heard from you about the number of cars speeding on West 26<sup>th</sup> Street between 9<sup>th</sup> and 10<sup>th</sup> Avenues. I am pleased to inform you that the Department of Transportation will be installing a new speed hump to slow down cars on this street. This is a great step towards making our streets safer for vehicular and pedestrian traffic.

## **Participatory Budgeting: What's your \$1 million dollar idea?**

Participatory Budgeting offers an opportunity for residents to directly shape the decisions that impact their lives.

Beginning this fall, district residents will be asked to come together at public meetings to discuss local needs and brainstorm ways to address them through Participatory Budgeting (PB). In PB, residents of the 3rd Council District decide how to spend at least \$1 million of capital funds. The money can be used for improvements to schools, streets, parks, public housing, and other community spaces.

You'll hear more about this from my office in the coming months. If you would like to get involved or learn more, please contact Matt Green in my office at [mgreen@council.nyc.gov](mailto:mgreen@council.nyc.gov).

## **75 Morton Street**

I am extremely pleased that after 7 years of lobbying, the community will have a new public middle school at 75 Morton Street. This building belongs to the community. I want to thank Assembly Member Deborah Glick and State Senator Brad Hoylman for their dedication and hard work in creating a new public school for our community. This middle school will be zoned for Education District 2, which includes Greenwich Village, Chelsea, and Hell's Kitchen.

I stand in solidarity with Community Education Council 2, Community Board 2, and community members against locating a charter school at the 75 Morton Street site. I support strong local public schools, which have done a terrific job of educating students, and I oppose the location of a charter school at 75 Morton Street. Please see the attached letters.

## **Free breast health screening for uninsured**

Are you uninsured and 40 years of age or over? If so, please consider making an appointment for a very important and free comprehensive clinical breast exam and mammogram. Breast Health Screening time and events will be on **Wednesday, May 28<sup>th</sup> from 5 pm - 7 pm at Mount Sinai Queens Family Health Associates 31-60 21<sup>st</sup> Street, Astoria, NY**. These events will be offered by appointment only by calling 718-777-5766. Please ask for Anna Zabniak.

## **Mathews-Palmer Park Re-Design Community Presentation**

Mark your calendars for Thursday, May 8 to join neighbors and friends on the re-design of Mathews-Palmer Park. \$1.8 million has been allocated for the re-design of this park (45th/46th between 9th/10th) and the West 45th & 46th Street Block Association Spearheaded a community visioning process so you could share your thoughts and ideas.

Come see the plans for this wonderful park and share your thoughts about what our community needs. This community meeting will be on Thursday, May 8 at 6:30 pm at 300 West 46th Street.

## **Help the environment by composting your food scraps**

Every Tuesday and Thursday the NYC Compost Project Local Organics Recovery Program organizes composting from 8 am - 11 am at 23<sup>rd</sup> Street and 8<sup>th</sup> Avenue. Check out the list below of what you can and cannot compost.

**Acceptable for Composting:** All fruit and vegetable peelings and pits

- Non-greasy food scraps or leftovers
- Rice, pasta, bread, cereal, etc.
- Coffee grounds with filter, tea bags
- Hair and nails (animal or human)
- Egg and nut shells
- Cut or dried flowers, wreaths
- Houseplants and potting soil

**Not Acceptable for Composting:**

- Meat, chicken, and fish
- Greasy food scraps or leftovers
- Fats or oils
- Dairy items (cheese, butter, yogurt, etc.)
- Dog or cat feces, kitty litter
- Coal or charcoal
- Coconuts
- Diseased and/or insect-infested
- Houseplants and potting soil

## **Health Committee Update:**

On Wednesday April 30, the Health Committee held a hearing on four pieces of humane animal legislation, all of which I am proud to be a lead sponsor. This package would regulate puppy mills, establish new spay and neuter and microchipping requirements and strengthen and clarify the animal abuse registry we passed in January. At the same time, the Transportation Committee met to discuss a package of street safety bills including one I have introduced to require commercial trucks operating in the City to install side-guards to prevent avoidable pedestrian and cyclist injuries

In recent weeks, I have also introduced legislation to increase wage transparency and ensure pay equity in the workplace as well as resolutions in support of passage of state legislation to create safeguards against child access to guns and to eliminate mandatory mail order provisions that imperil access to critical medications for the chronically ill.

On May 27 at 10 AM, the Health Committee will along with the Mental Health and Finance Committees, both of which I also serve on, will hold a joint hearing to consider the Mayor's Executive Budget. In March we held a 6 hour hearing on the Mayor's Preliminary Budget and Management Report with the Department of Health and Mental Hygiene, the Office of the Chief Medical Examiner and HHC. I look forward to hearing from them again, as well as greeting new HHC President Dr. Ramanathan Raju. Unlike in previous years, funding for each of these agencies was kept stable, allowing us to delve further into agency programs and policies rather than focusing on the restoration of funds. Mayors Bloomberg and de Blasio also added vital funding that the Council had previously placed in the budget which will allow us to develop additional creative public health initiatives.

## **Newly Introduced Legislation:**

- A Local Law (Int 213-2014) to amend the administrative code of the city of New York, in relation to the issuance of temporary parking spaces for persons who are changing residences
- A Local Law (Int 318-2014) to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one's arrest record or criminal conviction.
- A Resolution (Res 138-2014) calling on the New York State Legislature to pass, and the Governor to sign, A.5723-A/S.3995-A, legislation that would ensure that consumers have the option to access every covered medication from a local network participating pharmacy, including HIV/AIDS medications, and are not forced into mandatory mail order.
- A Resolution (Res 191-2014) calling upon the New York State Homes and Community Renewal to release the addresses of illegally deregulated rental units upon their return to the rent regulatory system.
- A Resolution (Res 192-2014) calling upon the United States Congress to pass and the President to sign H.R. 4240, the Health Equity and Access under the Law (HEAL) for Immigrant Women and Families Act to expand access to health care services for immigrant women, men, and families by removing legal barriers to health insurance coverage.
- A Resolution (Res 193-2014) calling upon the New York City Department of Education to mandate training in Cardiopulmonary Resuscitation for all enrollees in every high school under its control.
- A Resolution (Res 207-2014) supporting the Justice for Jazz Artists Campaign which seeks to improve the lives of musicians working in New York City's jazz clubs by providing retirement security.



April 16, 2014

Carmen Farina, Chancellor  
NYC Department of Education  
52 Chambers Street  
New York, NY 10007

Dear Chancellor Farina,

As elected officials who represent Greenwich Village, we are thrilled that after 7 years of lobbying, the community will have a new public middle school at 75 Morton Street. Although this process has been extremely long, we still have much further to go. The School Construction Authority (SCA) must begin an extensive renovation of the facility; and the community and the Department of Education must work together to help figure out the best use of the existing space. However, before these next steps commence, we want to let you know in the strongest possible terms that we are unalterably opposed to having a charter school located at 75 Morton Street. This is a building that belongs to the community, and was fought for by the community. All of the badly-needed middle school seats created in the building should be traditional public school seats. Community Education Council 2 (CEC2) has issued multiple strongly worded resolutions against the placement of charters anywhere in the District, and Community Board 2 has taken a similar position against locating a charter school at the 75 Morton Street site. We stand with CEC2, Community Board 2 and community members in supporting our strong local public schools, which have done a terrific job of educating students, and opposing the location of a charter school at 75 Morton Street.

In addition, we hope that you will advocate strongly for a September 2016 opening date. As you know, middle school seats are desperately needed in District 2 and the SCA has long claimed that 2016 would be a realistic opening date for 75 Morton Street. However, after a delay of 2.5 months in closing on the building, we were suddenly told that 2017 was the earliest date that a school could open. We were taken aback when informed of this decision as it came without any prior notice. The SCA never informed any of our offices or the stakeholders involved with this process that the City and State needed to close on the building by a certain date, or risk losing out on an entire school year. We have also written to the SCA urging them to reconsider this new timeline and adhere to the original 2016 opening date to alleviate the urgent need of new middle school seats.

Thank you very much for your attention to this matter. If you have any questions, please contact Sarah Sanchala at Assemblymember Glick's office, 212-674-5153. We look forward to hearing your response.

Sincerely,



Deborah J. Glick  
Assemblymember



Jerrold Nadler  
Congressman



Brad Hoylman  
NYS Senator



Gale A. Brewer  
Manhattan Borough President



Corey Johnson  
NYC Councilmember

CC: David Gruber, Chair, Manhattan Community Board 2  
Shino Tanikawa, President, Community Education Council 2



April 16, 2014

Lorraine Grillo, President  
School Construction Authority  
30-30 Thomson Avenue  
Long Island City, NY, 11101

Dear Ms. Grillo,

We would first like to thank you for hosting last week's tour of 75 Morton Street. We appreciate that you were able to get a small group of community members in to see the building before it becomes a fully active construction zone. It is such a wonderful milestone to have the School Construction Authority (SCA) in possession of the building as we are one step closer to having a much needed middle school in the community.

As you know, Community Board 2, Community Education Council 2, community coalitions and local parents have been pushing for 75 Morton Street to become a community middle school for almost a decade. Many of the original advocates started this effort while their children were in elementary school, hoping a new middle school would open in time for their children to use it. Now these children are in high school, but the parents are no less engaged with the process. We understand that the SCA recently took possession of the building, but we want to reiterate the history of 75 Morton and re-emphasize the dedication the community has had to this space.

In February 2014, the SCA announced that the space at 75 Morton will no longer be ready for a Fall 2016 opening and has claimed the 2 ½ month delay in the final closing now necessitates a Fall 2017 opening. We all know that the State was inexplicably delayed in the final removal of belongings, causing the closing to be held in March rather than December. What is unclear is how these weeks have caused an entire year of delay in opening of the school. At no point were any of our offices or stakeholders told that there was a deadline for closing in order to ensure a 2016 opening. If there was a firm deadline for closing which impacted the school's eventual opening, our offices should have been told, which might have been helpful in conversations with the State agencies in order to expedite the closing. Quite frankly, this news came as a complete shock to everyone who has been fighting for this space for so long.

As you can imagine, this delay is not something the community, or we, are willing to accept. We would like to have a conversation with you about the timeline and perhaps to establish a schedule of routine meetings to ensure that the building will still achieve a Fall 2016 opening.

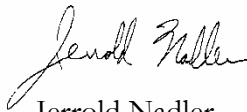
To schedule a meeting, please contact Robert Atterbury at Senator Hoylman's office, 212-633-8052.

Thank you for your attention to this matter.

Sincerely,



Deborah J. Glick  
Assemblymember



Jerrold Nadler  
Congressman



Brad Hoylman  
NYS Senator



Gale A. Brewer  
Manhattan Borough President



Corey Johnson  
NYC Councilmember

CC: David Gruber, Chair, Manhattan Community Board 2  
Shino Tanikawa, President, Community Education Council 2





April 29, 2014

Hon. Bill de Blasio  
Mayor  
City of New York  
City Hall  
New York, NY 10007

Re: Union Square Park

Dear Mayor de Blasio:

Thank you for the time and attention we received from your staff at the meeting in City Hall on April 16 concerning the future of the Union Square Park Pavilion. We remain steadfast in our opposition to the placement of a restaurant in the Pavilion, regardless of the length of its season or its price level.

We would like to respond to the main issues raised by your administration at the meeting.

“Termination at will” and precedent issue

We have urged that the City exercise its right to terminate the restaurant’s license at will (Agreement, §3.2). The administration stated that this would create a bad precedent. They said that in reality, the “terminate at will” authority has never been used except in a case where there was a substantial violation giving rise to the termination, and that the “at will” clause was only relied on to avoid having to have an extended argument about the real reasons for the termination. The administration further stated that the City would never want to use the clause without such a substantial violation, because it would scare off future concessionaires. The assertion is that prospective concessionaires would not want to invest in a concession if they did not have strong confidence that a terminable-at-will license would actually give them the same security as a lease.

This contradicts the City’s statements to the Court of Appeals in the litigation about the Pavilion. The restaurant and the administration both stressed to the Court of Appeals that the reason the concession for the restaurant is not a park alienation is that this is a mere license, not a lease. The administration stressed that a key reason this is not an alienation is that, unlike a lease, it is terminable at will:

“(T)he arbitrary and capricious limitation is no limitation at all. The City has retained the right to terminate ... this license whenever it deems appropriate... and I would point out as well, it has a supremacy clause, notwithstanding any other part of the agreement... and it also expressly provides that the City will not reimburse capital expenditures or any other

expenses in the event of a revocation.” (Court of Appeals, Oral Argument Transcript, January 14, 2014 at 20:13-16; 23:6-11.)

The Court relied on this assertion in concluding that because this is not a lease, it is not an illegal alienation of parkland.

If the City had been candid and disclosed to the Court that the City actually regards that clause as effectively inoperable (merely a convenient cover for a termination for cause), the Court would have understood that the Pavilion arrangement is really a lease – as the plaintiffs said. And if the Court knew the arrangement is really like a lease, it would not have allowed the project to go forward.

If the courts get wind of the fact that “licenses” are actually the real-world equivalent of “leases,” then *legitimate* licenses will be harder and harder to get approved by the courts.

The administration said that they did not have a “clean slate” and was worried about setting a precedent. However, a hallmark of this administration is the willingness to correct polarizing policy decisions of the past. A lack of precedent need not be viewed as constraining, but instead, as an opportunity. The “precedent” to worry about is the precedent of this bad decision about commercial takeover of such an important feature of a park.

The restaurant’s investment was done with full knowledge that there was great opposition. The owners knew the project could have been wiped out by litigation or by a new administration coming in with very different views. Fully knowing those risks, they made the business decision to spend their capital. We are always told that it is fair that investors get big rewards when things work out well because sometimes they have to accept losses when things do not work out. This should be one of those times.

For future concessions, if the City wants people to invest in concessions in reliance on being able to stay a period of years, the City should do the honest thing and call a lease a lease. If investors in concessions want security, they should work with the community to make sure the community accepts what they are doing.

The City should reassure future concessionaires by stressing that the City cancelled the Union Square license because of the bad precedent the Pavilion deal was in the first place.

We were glad to learn that the anonymous donation to the Park was not contingent upon the conversion of the Pavilion to a restaurant. Thus, the money spent on park improvements will not have been wasted. In addition, it will be beneficial for community users to have access to a professional kitchen (with proper insurance, of course) for cooking classes or events.

### City revenue

The City should not over-state the anticipated revenue from the Pavilion. CDM’s agreement with the City provides for an annual license fee of only \$300,000 in the first year (increasing to about \$450,000 in the final year) or 10% of annual gross receipts, whichever amount is greater. However, the former outdoor food concession in Union Square Park, Luna Park, paid the city about \$183,000 for its licensing fee in 2005. And while claims have been made as to what the concession could earn for the City in taxes, a portion could be recovered with food kiosks.

If CDM invested in a restaurant at an ordinary location, it would generate taxes and economic benefit. In fact, it would actually generate substantially more, because it would operate year-round.

#### Community attitude as to the former Luna Park concession

While the community did not actively oppose Luna Park, one could not say that there was a clamor to replace it. It was a reasonable low-impact addition to the park at a time when people still felt unsafe to be there. It helped to make Union Square Park feel safer. That concern has now been dramatically overcome.

#### Inadequacy of the Southern End of the Park for Rallies

We disagree with the administration's notion that the southern end of the park is adequate for rallies. Even if one disregards the historic significance of the use of the pavilion and north end for speeches and demonstrations, the south end does not have as good a physical layout as the north for these events. It directly abuts a large, loud, nightmarish traffic intersection. In addition, while a city-wide candidate with union support can easily secure a stage/riser setup, that is not readily available to most groups, who do not have platforms or risers and a major sound system to run an effective rally there. The space at the north end, because of the presence of the pavilion and other aspects of the physical layout, is much more suitable for rallies and other large gatherings. That is why it has been the historical spot for holding free speech events.

The restaurant and its outdoor seating area create a serious conflict with free speech uses at the north end. The restaurant encroaches on the physical space. Also, any group seeking permits for an event to be held during the months the restaurant is operating will face opposition that the sound and disruption will be unacceptable to the restaurant.

In our work together to bring fairness to our constituents on so many issues, we urge you again to return to precedent that parks are for the people, not meant to be cash cows. The return on the public's investment is a restored pavilion, park, and the enjoyment of all its users.

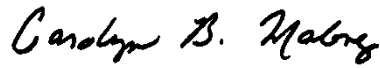
When you announced the appointment of the new Parks Commissioner, you said: "We believe that parkland is sacred. There have been a few proposals over time for private uses on parkland, but we set a very, very high bar." The restaurant in the Union Square Park Pavilion does not pass that test.

We ask the City Parks Department to reclaim control over the pavilion expeditiously to allow for public, community use 365 days of the year.

Very truly yours,



Richard N. Gottfried  
NYS Assembly Member



Carolyn Maloney  
US Congress Member



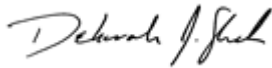
Gale Brewer  
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cc: Manhattan Community Board 5