

Next issue
in two weeks:
Sat., May 14

The Main Street **WIRE**

25th Year as Roosevelt Island's Independent Community Newspaper

RIOC Wins Full Dismissal of RIRA's Suit Against Octagon Apartments; Judge Is Critical of RIRA

by Dick Lutz

The Octagon Apartments project "fits squarely within the plain language" of the 2002 Roosevelt Island Open Spaces Law. So wrote Justice William A. Wetzel of the State Supreme Court in ruling against a Residents Association effort to stop the project.

Wetzel cited an exception in the law: If "development or construction includes the reconstruction, restoration, rehabilitation or preservation of the historic landmarks [in this case the Octagon tower] and furthers the use of the areas surrounding the historic landmarks as open space areas," development — in this case a 500-unit apartment building — may proceed. (The full text of the decision is available on Website NYC10044 at nyc10044.com/wire/2517/octagondecision.pdf.)

Wetzel wrote that the phrasing of the 2002 Open Spaces Law shows "a clear legislative policy choice to tolerate the sacrifice of open space area if it means being

clears the way for the Roosevelt Island Operating Corporation to exploit a narrow exception in the Roosevelt Island Open Spaces law (Chapter 493 of the Laws of 2002) for future, unwanted developments in open spaces surrounding other Island landmarks," Grannis wrote in an e-mail message.

Grannis said Wetzel's interpretation of the law and legislative intent is incorrect. "There is no way this was contemplated when the legislature took up and passed the open spaces bill three years ago. I take strong exception to Judge Wetzel's strained, and I believe, incorrect reading of this law's provisions and his application of the case law governing legislative intent. There is no way that we ever signed off on this project in this sensitive area. This project, whose increased density and attendant vehicular traffic will greatly overwhelm the peaceful usage of the limited open spaces remaining in Octagon Park, is most certainly not

what was intended under the statute."

Grannis continued, "With open space being such a precious commodity throughout the City, and most particularly Roosevelt Island, where the population is growing as buildings in Southtown are completed, the loss of any amount of open space is unac-

ceptable."

In fact, as Grannis suggested, it appears the Wetzel decision may open the possibility of commercial development of Southpoint Park. That possibility has been dreaded by those who brought the suit against the Octagon Apartments project, including RIRA President Steve Marcus and Vice President Margie Smith, as well as Secretary Sherie Helstien. The RIRA Com-

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Rendering released recently by the Octagon Apartments designer, the architectural firm Becker and Becker, shows project as it will look when completed. By mid-May, the north tower (right) will be topped off.

An NYPD Substation for the Island? Chief of 114th Precinct Is Pessimistic

by Dick Lutz

The NYPD put a mobile command center and eight officers on Roosevelt Island during last week's telephone outage, according to Inspector David Barrere, who discussed the deployment last week in a meeting of RISK, the Roosevelt Island Safety Committee.

Barrere also voiced a pessimistic view of chances for Roosevelt Island getting a satellite precinct station.

Barrere, who had just completed his third year as commander of the 114th, told the RISK meeting that in that period, the roster of officers under his command has been reduced from 208 to 161, 23 of whom are rookies.

Satellite Station

"You know how I feel about a satellite precinct," Barrere told the meeting. "Just to have one person sitting at a desk, when it comes down to a 24/7 shift, with vacations and days off, you're talking about nine officers, and it's a manpower drain on the precinct." Saying the decision is not his to make in any case, Barrere said, "If they were to give me nine extra offic-

ers just for Roosevelt Island, I would want them doing other things than sitting behind a desk."

Barrere told the RISK members that they had done a good job in pressing for a satellite station. "It's gotten as far as our manpower analysis and planning [department], because they were gathering numbers. You have done a good job in voicing your concern to City government, because I had to turn over numbers to support a satellite or not support a satellite."

Several members of the committee who attended last week's meeting pressed the case for a stronger presence by NYPD. Former Residents Association President Matthew Katz said he felt the time is ripe for a reconsideration of how policing is handled on Roosevelt Island. "The reason I think it's good to bring this up now, as opposed to last year when we discussed this, is that we're in transition right now. Several buildings are coming out of the Mitchell-Lama system; by this time next year, they'll be out... The basic [agreements] between RIOC and [the housing companies] can change, because different people are

See **NYPD**, page 10

able to renovate a historical landmark and further the use of the remaining property as open space." After quoting the head of the historic preservation program at George Washington University saying that "in preservation, [in order] to get something you have to give something up," Wetzel wrote, "In essence, this concept of a trade-off is the rationale behind the 2002 Open Spaces Law."

Further, Wetzel ruled that "the reasonableness of [any] trade-off is ultimately a decision delegated to the respondent," meaning the Roosevelt Island Operating Corporation (RIOC).

In considering the legislative history of the 2002 law, Wetzel wrote, "the Legislature chose not to dedicate any open spaces on Roosevelt Island as New York State parkland," and, "By conceiving of the 2002 Open Spaces Law as an amendment to RIOC's enabling statute, the State Legislature has clearly ... delegated the determination" of an appropriate and necessary balance between open space and commercial development "to RIOC's discretion."

Assemblymember Pete Grannis, one of the sponsors of the 2002 law, told *The WIRE* this week that he is troubled by Wetzel's decision. "This ruling, if allowed to stand,

Ground Broken in Banda Aceh for Roosevelt Island House

by Ted Kyser

Jim Luce is back on Roosevelt Island. He's been away for three weeks, cutting deals like an international investment banker.

Thing is, Luce's deals are cut on behalf of orphans. One of those deals, and an outpouring of effort and support from his fellow Roosevelt Islanders, has led to the opening of *Roosevelt Island House* in Lubuk, outside the city of Banda Aceh, on the Indonesian island of Sumatra. If it sounds familiar, that's because the area was pulverized by the December 26 tsunami and, as it happened, Luce was already in the area working on establishment of the Orphans International campus there.

Orphans International is his creation, passion, and personal mission. Conceived and started on Roosevelt Island, it has houses in Bali, in Sulawesi (the former Celebes Islands in Indonesia), and Banda Aceh. Another will open July 2 in Haiti, another sometime this summer in Guyana, and another next spring in Peru.

Roosevelt Islanders have put themselves in harness for O.I. A couple of weeks ago, the Visual Art Association (RIVAA) held an art auction and raised \$2,000. The Quran Society donated \$450. Ethel Grodzins Romm, a Rivercross resident, told family members to celebrate her 80th birthday

See **Orphans**, page 8



Jim Luce gets some help with a shovel from Orphans International kids in Sumatra. The man next to Luce is the Secretary of Greater Aceh; he lost his entire family in the December 26 tsunami.

Letters

To the Editor:

What a waste of money by RIRA to fight the Octagon project. Don Quixote would have had more sense than trying to stop a building already up six stories.

Remember the hundreds of thousands of dollars that residents of the UN Towers spent trying to stop Trump from building his black slab? There it sits today, blocking the Tower's view!

Real estate in New York City is so corseted by rules and regulations that they have bevy of lawyers who do nothing but see that the developers adhere to the exact letter of the law at each stage. Those who would interfere with their progress almost always lose. Only Jackie O could turn aside developers' dreams. She is dead.

RIRA would better use what little resources it has on helping residents of Island House, Westview, and Eastwood to negotiate a fair and workable arrangement for the future. These are real, bread-and-butter issues that affect residents. *The WIRE* should report more on these important matters.

Minburn

Editor's note: As our editorial noted last issue, negotiators in Westview and Island House have agreed to a pledge of secrecy. We don't think it's in their interest or the interest of their residents, but it is what it is. We report what we have.

To the Editor:

I had the pleasure of participating in the Main Street Theatre's stroll down memory lane last weekend. For all of us involved it was great fun. Since we had only two rehearsals, we trusted that the audience would cut us a break. They surely did.

Much was said, and rightly so, at the performances and in the April 16 *WIRE* about the tremendous contribution the Theatre, in the persons of Worth and Nancy Howe, has made to the Island – indeed, sometimes shaping the future of our children.

There is another point I wish to make. At all three performances I watched the audience. Many people had a smile on their faces from start to finish. The applause was more than generous. Several

See **Letters**, page 6

To the Editor:

State Supreme Court Justice Wetzel's decision to dismiss the Residents Association's Article 78 suit is unfortunate for what it says about the use of Octagon Park but also for the precedents it sets for our other parkland.

The decision states that not only is Octagon Park not dedicated parkland, but that "the passage of the 2002 Open Spaces Law is conclusive evidence that the 'Open Space Areas' on the Island were not parkland." We knew when this law was passed that there were flaws you could drive a Mack truck through, but who could have anticipated that the Open Spaces Law would work specifically to deprive us of any guarantees of protected parkland. No wonder Governor Pataki, never a friend to Roosevelt Island, signed it. The judge goes on to say, "The history of the development of Roosevelt Island demonstrates that the GDP 'open space areas,' including the 'Octagon park' area, were not dedicated public parkland and enjoyed no such protection." We also thought that the General Development Plan, part of the Master Lease between New York City and State, in defining our open space areas as Lighthouse Park, Octagon Park, Blackwell Park, and Southpoint Park, was defining designated parkland. However, we've learned to our detriment how easy it is to ignore or amend the GDP to reflect any reality an avaricious developer wants. What this means is that the only thing preventing a hog-rendering plant from being built on the site of Southpoint Park, now defined by the courts as merely "open space," is the verbal agreement of RIOCC to build a park there. Does that premise fill you with confidence?

Further, Judge Wetzel's judgment states that "A public 'ecological park' will be created to the west of the new residences...As part of the ecological park, the picnic area, tot lot and waterfront esplanade will be reconstructed and upgraded..." Wetzel is quoting the General Development Plan but quoting it incorrectly. The GDP states that Octagon Park will contain the site for an "Urban Ecological Center," clearly not the same thing as an ecological park. What is an Urban Ecological Center? I don't know

To the Editor:

I am very disheartened by Justice Wetzel's recent decision to allow the Octagon Apartments development to go forward. I continue to be strongly opposed to the construction of apartments in Octagon Park.

The 2002 Roosevelt Island Open Spaces Law passed by the Assembly clearly states that any open space surrounding the landmark should be protected. As one of the members who voted for this law, I would not have supported RIOCC's negligible interpretation. Open spaces throughout Manhattan are precious public resources and the landmark status protecting Octagon Park should be respected. Developers who disregard the law and the community in this manner should be stopped.

I hope a better decision may be reached in the event of an appeal.

Scott Stringer

Member of Assembly, 67th AD

and no one in the 36 years since the GDP was written has bothered to define it, certainly not Becker & Becker Associates, the developers of the Octagon Apartments site. However, I do know what it is not and that's a tot lot and a barbecue pit. My Webster's defines ecology as the branch of the biological sciences "concerned with the interrelationship of organisms and their environments." As much as we value playgrounds and picnic areas, this is not what Roosevelt Island's founders had in mind when they proposed a place to study or at least catalog our native flora and fauna.

Once again we've been reminded that Roosevelt Island has no zoning and that the written assurances we thought would protect us in lieu of zoning is a chimera. At least the judge acknowledged that RIRA has standing in matters of Island development. But the precedent the judge quoted involved "proximity to a public park" and said nothing of RIRA's elected capacity to represent this community. Why doesn't anybody get it? When will RIOCC recognize its responsibilities to this community rather than to the Governor's campaign contributors?

What is clear is that our capacity to influence our own future has taken a major hit and our options become more limited every day. With our housing in jeopardy, the Roosevelt Island so many people have worked so hard to create, maintain, and protect is eroding. I don't know if there is a basis for RIRA to appeal Judge Wetzel's ruling; that remains to be seen. I do know that when you wish us luck you wish yourself luck. And we could use a large chunk of good luck right about now.

Sherie L. Helstien

Letters Policy

The WIRE welcomes letters to the editor, to the community, and to/from officials. Publication on a *Name Withheld* basis will be considered, but the writer's name, address, and phone number **must** be provided for verification and for our records; *letters submitted anonymously will not be published.*

Preferred method of submission: E-mail to Letters@MainStreetWIRE.com (plaintext e-mail format preferred, or attach a file), or on a PC-standard 3.5" disk left at the desk at 531 Main Street, addressed to *The WIRE*. **Alternatives:** Typed copy left at 531 Main Street. Clearly handwritten letters will be considered if brief, but we are not able to take telephone dictation of letters. **All letters subject to acceptance and to editing for length and clarity.** Recommended maximum length, 300 words; longer letters will be considered if their content merits the required space.

Octagon Case

Hard-Knock Lessons

by Robert Chira

As reported in *The WIRE* in this issue, the legal challenge to the Octagon project brought by three officers of the Island's Residents Association (RIRA) was not only dismissed on the merits, but their application for an injunction would have been dismissed even if it had merit due to their failure to seek court intervention to stop work earlier.

New York's highest court has warned that it is imperative to seek such a court order immediately rather than wait and allow construction to begin. In a recent decision, it ruled:

Importantly, petitioners did not try to enjoin construction during this litigation's pendency, nonfeasance they chalk up to 'monetary restraints'...Under [court precedents], however, petitioners were required to seek an injunction...Having pursued a strategy that foisted all financial risks...onto the property owner and the developer, petitioners may not expect us to overlook the substantial completion of the project."

[*ChilNeighbors Coalition v. NYC Landmarks*, 778 N.Y.S.2d 740 (Cl. App. 2004).]

Thus, in the Octagon case, petitioners should have gone to court as soon as the project was approved on October 14, 2004, seeking a restraining order while also asking the court to review their legal arguments. Instead, without legal representation at that point in time, they confused the four-month period in which they had to bring the suit itself with that immediate requirement and only five months later even sought an injunction, by which time the Octagon developers had poured concrete and spent upwards of \$15 million.

There were several other unusual aspects of the Judge's 34-page decision.

First was the judge's "anger" with two of RIRA's three arguments. It is very rare to find such open and contemptuous language in court decisions, but this judge called their argument that the movement of the tennis courts some 15 feet violated a State law a "desperate reach." He also wrote, "That petitioners even suggest that this entire Project should be stopped because tennis courts are being renovated and shifted a few feet calls into question petitioners' good faith in bringing this proceeding." Finally, he translated the Latin maxim "*de minimus non curat*" to

mean "the law does not concern itself with trifles." It is rare for a Judge to question one's "good faith," characterize one's effort as a "desperate reach," and label one's argument a "trifle."

Similarly dismissed was RIRA's argument that the Octagon site was a "park" (like Central Park) that was dedicated to public use. Instead, the Judge referred to the area as simply "open space" specifically to be developed by RIOCC under its statutory mandate. As for it being a protected "park," he wrote with derision that "the history of the site demonstrates that it was a hospital ruin, a rubble-strewn lot, a dumping area...and a fenced enclosure waiting to be developed commercially or residentially."

Despite such strong language, there is a genuine and legitimate question of

whether the Octagon development violates the 2002 Roosevelt Island Open Spaces Law. That law allows commercial or residential development in connection with the restoration of the Octagon tower, but only if it "furthers the use of the surrounding areas as open space areas." The legal question raised is: What is meant by the "surrounding areas" and could a developer build housing connected to the Octagon tower being restored? The Judge ruled that this required a "subjective judgment" and practical weighing of "overlapping and at times conflicting policy choices" ultimately left to RIOCC to make. But the Judge was similarly dismissive of petitioners' argument that the developers are permitted to open only a bookshop or café in the tower rather than recover its substantial investment by constructing residential housing. Moreover, the Judge pointed out that the residential wings will be built approximately on the footprints of the former Lunatic Asylum that was adjacent to the original Octagon tower and have been fenced off for 20 years.

Unfortunately, petitioners did not simply present that clear legal issue. Instead, they tried to bring the case without a lawyer, acting *pro se*, not realizing that the law requires an association to be represented by counsel. Then its counsel presented many tangential arguments, discussed above, which only clouded the real issue in dispute. Finally, petitioners argued that RIOCC's contract with the developers violated the Island's General Development Plan (GDP). This argument should not have been made without careful thought of the risks it presented. Both this court and a prior one brought by these same petitioners over the Southtown project have now ruled that the residents cannot challenge such contracts on those grounds because they are not its intended third-party beneficiaries.

There are two important lessons from this case for Roosevelt Island residents.

First, to be credible, residents need to retain experienced counsel and not plunge into lawsuits without such professional representation.

Second, their counsel needs to be careful about what arguments to put forward and stress. A "rifle" approach is much more likely to win a case than a "shotgun" when challenging the legality of a housing project approved by a State agency.

I have heard talk that the petitioners think the Judge was biased against them because he was appointed to the bench by the Governor; and that they believe the suit was timely filed within four months and that this excused their failure to seek a restraining order; and that the suit had merit because the Attorney General filed a friend-of-the-court brief in its favor.

In fact, there was and is a genuine legal dispute, but petitioners failed to concentrate on it and diverted attention to other less important issues, initially acted without professional counsel, and were guilty of inexcusable delay, and thus doomed their chances of winning.

As for an appeal to the intermediate appellate court, that would hardly be likely to result in a reversal of the judge's decision, since the highest appeals court has made plain that a project will not be de-constructed when petitioners have been negligent in failing to seek a court order to prevent construction from being started.



Bob Chira, a long-time Island resident, is an attorney who practices in Manhattan.

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After deadline, letters are considered on a space-available basis.

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COMING UP

— This Weekend —

Continuing: Vernissage 4 at Gallery RIVAA, 527 Main Street. Show runs through May 8. Gallery hours: Wed. & Fri., 6-9; Sat.-Sun., 11-5. Information: **212-308-6630**.

— The Coming Week —

Residents Association Common Council Meeting, Wed., May 4, 8:00 p.m., Chapel of the Good Shepherd (lower level). Open to all; an opportunity to address the Council is included near the start of each meeting.

Arbor Day Observance, Fri., May 6, 10:00 a.m., at the southwest corner of the Octagon soccer field, just north of the Manhattan Park swimming pool. A tree will be dedicated to honor Hallie Geier; her tree poems will be read. (In case of rain, ceremony will be moved to the PS/IS 217 auditorium.)



TREE CITY USA.

— Future Events —

New York Junior Tennis League instructional program, starting **Mon., May 9, 3:30-5:30 p.m.**, and continuing at the same time Mondays, Wednesdays, and Fridays until further notice, at the Roosevelt Island Racquet Club tennis bubbles near the Tram station; for information, call **718-786-7110**. Ages 8-18; equipment supplied by NYJTL (bring sneakers and a smile); free; no pre-registration required.

Toastmasters Public Speaking Group, Mon., May 9, 8:00 p.m. Visitors welcome. Additional information: **212-751-9577**.

Main Street Children's Theatre presents Orphans!, Fri., May 13, 7:30 p.m.; Sat., May 14, 2:00 p.m. and 7:30 p.m.; Sun., May 15, 2:00 p.m. \$10, Main Street Theatre (down the stairs behind the video store); Mats for 4-10 years, \$5. Reservations, **212-371-4449**. (See ad, page 11.)



The Main Street WIRE – Next issue, **Sat., May 14**. (To receive e-mail bulletins between issues, send an "Add Me" message to Bulletins@MainStreetWIRE.com.) **Advertising Deadline:** Ads in the paper, Thursday, May 5; decision on fliers for *The Bag*, Mon., May 9; inserts due Thur., May 12. **Future issues:**

June 4, 18; July 2, 30; Aug. 27; Sept. 10, 24; Oct. 8, 22; Nov. 5, 19; Dec. 3, 17. **News phone, 212-826-9055**; urgent matters **917-617-0449**. **Phone** for display and classified advertising placement and information, **212-751-8214**. **To list your organization's Island-related event here**, e-mail information to ComingUp@MainStreetWIRE.com, or leave it, addressed to *The WIRE*, at the lobby desk at 531 Main Street; provide a telephone number for follow-up questions. There is no charge for such listings.

There is no charge to list Island events here. E-mail information to ComingUp@MainStreetWIRE.com or leave information at the lobby desk at 531 Main Street, addressed to *The WIRE*. Please provide a phone number for possible follow-up.

RIOC Board of Directors Meeting, Thur., May 19, 4:30 p.m., Chapel of the Good Shepherd. The Board's afternoon meetings usually conclude with an opportunity for public comment, specific time uncertain.

Book Discussion Group at the Library, **Thur., May 19, 6:30 p.m.**, *A Prayer for the Dying*, by Stewart O'Nan. Copies of book available at the branch.

Toastmasters Public Speaking Group, Mon., May 23, 8:00 p.m. Visitors welcome. Additional information: **212-751-9577**.

Residents Association Common Council Meeting, Wed., June 1, 8:00 p.m., Chapel of the Good Shepherd (lower level). Open to all; an opportunity to address the Council is included near the start of each meeting.

Career Day at PS/IS 217, Fri., June 3, morning. The organizers are seeking speakers to cover a wide variety of careers. To volunteer, call Susan Cohen, Guidance Counselor, at **212-980-0294**, ext. 2323.

Roosevelt Island Day, June 11 (changed from June 18, date announced earlier), all day, sponsored by Roosevelt Island Housing Management and the Roosevelt Island Youth Program.

Toastmasters Public Speaking Group, Mon., June 13, 8:00 p.m. Visitors welcome. Additional information: **212-751-9577**.

PS217 Graduation, Thur., June 23, 10:00 a.m., PS217 auditorium.
Book Discussion Group at the Library, **Thur., June 23, 6:30 p.m.**, *Seven Guitars*, by August Wilson. Copies of book available at the branch.

On Thursday, April 21, Supreme Court Justice William Wetzel handed a victory to all Islanders who are committed to historic preservation, open-space enhancement and affordable housing. In a decisive opinion, the Court rejected a motion brought by the Roosevelt Island Residents Association – Steve Marcus as President, Margie Smith as Vice President, and Sherie Helstien as Secretary – to stop the Octagon project from moving forward.

The RIOC Column

The Court opinion affirmed what many of us have known for a long time – that the Octagon building is a historic jewel that deserves to be restored and maintained to its original grandeur and that the space surrounding the Octagon building, which for the past 20 years has lain in ruin, inaccessible to Island residents, will be enhanced for all Islanders.

RIOC is gratified by the Judge's decision. Judge Wetzel found that RIOC and the Board of Directors exercised due diligence in approving this project, seeking all necessary approvals and soliciting input from the public and from other governing bodies. The Court decision found the Octagon project to be entirely consistent with the General Development Plan for Roosevelt Island and consistent with the Roosevelt Island Open Space Law and with RIOC's efforts to further the use of areas surrounding the Octagon Tower as open space.

Had opponents of the project prevailed, the result would have meant the ongoing decay of the Octagon Tower, delayed construction of Octagon Park, its continued isolation from the people of the Island, the elimination of 100 new affordable housing opportunities for Island residents eager to have as many housing options as possible available to them, the loss of a new day-care center on the Island, and the forfeiture

of a new ecological park. We needed to win this case for the people of Roosevelt Island and we did, convincingly.

It is the right of every American to protest, through legal channels, what they perceive to be an injustice. Unfortunately, in this case, the decision by RIRA to oppose the Octagon project – despite its obvious merits as confirmed in the Judge's decision – comes at a considerable cost to Island residents. RIOC was forced to divert nearly \$300,000 in resources to defend the lawsuit brought by RIRA.



Herbert E. Berman, President Roosevelt Island Operating Corp.
e-mail: HBerman@rioc.com

In the end, many of the claims put forward by RIRA were determined by the Court to be "disingenuous" and indicative of a "desperate reach." How unfortunate that RIOC had to spend its money defending against RIRA's claims rather than channeling these funds into much more worthy causes, like fortification of the Renwick Ruin, more frequent bus trips for our seniors, new Public Safety squad cars, and improvements to the Island's parks, sportsfields, and roads. I believe all Island residents would prefer to see the limited resources of the Island reinvested right here on the Island to the benefit of all Island residents. I invite all Island residents to engage in a constructive dialogue on how to continue to move the Island forward. Working cooperatively together, we can achieve great things for the Island and its people.

747

That's the number of current subscribers to *The WIRE's* e-mail bulletin service. To keep abreast of important Island news between issues, send an *AddMe* message to editor@MainStreetWIRE.com. **Obsolete addresses have recently been purged; if you did not receive last week's bulletin on the outcome of the Octagon litigation, you may need to renew your subscription with your current e-mail address.**

The WIRE needs you!

Every "WIRE Friday" a jovial group of volunteers assembles to "stuff and count" *The WIRE* to prepare it for distribution. It happens from 10 to 2, and lunch is supplied. Join us! Call Teri Sheridan at 212-319-7408.

The WIRE also needs feature writers, reporters, and photographers able to take on specific assignments, as well as originate ideas for features and news coverage.

The loss of our open spaces at Octagon to this hideous project is another, and hopefully the last outrage by this RIOC Board of Pataki cronies, sycophants, hangers-on, carpetbaggers, and quislings. I have hopes that the new appointees Shinozaki and Anderson, who were not part of the decision to rape the park, will have some interest for reasonable government policy and decent fiscal management. If they do, they will join Mark Ponton as the only decent members of this Board. It would be impossible for them to be worse than the three other resident Junior Achievers – Patrick Stewart, David Kraut, and Deborah Beck,

who foisted this piece of crap on us. Kraut has termed this plan "a no-brainer." In future years, as we walk past this dump in search of a few feet of open space, we can all pay tribute to this man's towering sagacity, for

The RIRA Column

selling this priceless land for peanuts.

It's amazing to me how the Pataki administration could do so much damage to our community, our unique oasis for lower- and middle-income people, and our prospects of ever being self-sufficient. They've done this through a lethal mix of indifference, patronage, and active pandering to outside business interests. My fondest wish is that Pataki step down soon to cash in on a Bush appointment, just like his buddies Jerome Blue and Rob Ryan cashed in on all the Pataki appointments. This Board is still very dangerous, and can inflict a lot more damage on us before the next administration boots them out. We still have the Coler hospital parking lot to auction off for an Eldercare facility, and it's not too late to sell off construction rights to Southpoint Park for another million or two.

In the upcoming election year, I want to encourage all the residents to demand three things from our current and prospective representatives – 1) most importantly, creative solutions to keep our Island housing affordable; 2) a RIOC board that is elected by Island residents; 3) legislative guarantees that the open space we have left will stay open – before the place gets so crowded we all have to walk around with our hands in

the air.

Although the Island lost another round to Pataki and his developers, we were very ably served by Dan Quart and the wonderful folks at Columbia Law School – Professor Edward Lloyd, Reed Super, and students Vivian Mills, Rahul Agarwal, Dimple Chaudhary, Mark Hertel, and Julia Errea. Also, we are much indebted to Bob Hernan from the Attorney General's office, who is a truly great government employee. We will be inviting them out here for a picnic this summer and we'll publicize the time and place so you can thank them over a drink or a sandwich. These folks worked so hard; I hope they have the satisfaction of knowing it's better to be on the right side and lose than on the wrong side and win.



Steve Marcus, President Roosevelt Island Residents Assn.
e-mail: SteveAtRIRA@verizon.net

Mark Chipman, RIRA's Chair for Island Services, and I met with RIOC's Cathy Johnson last week. She is compiling a list of things on the Island that need repair and intends to hire the necessary manpower to complete these tasks before the summer ends. The ramp to the bridge won't be on this list – too many trucks hauling away trees and bringing in cement, so be careful not to walk or drive into any potholes that you'll be encountering in the next 12 months or more. No word yet on when the tennis courts will be open. We're told they are "on schedule," but not what the schedule is. We put in a pitch for additional barbeque areas, since we are down to one, and perhaps RIOC can report some goods news on that front soon. In the meantime, enjoy the cherry blossoms now, before RIOC chops them down!

Senior Center

Monday	12-2, Painting & Sculpting
10:00, Computers for Beginners	7:00, Pokeno (RISA)
10-11, Latchhook Class	Thursday
10-11:30, English as 2nd Language	9:30, Chinese Massage
10:30, Blood Pressure Screening	10:30, Creative Arts
12:30, "Oldies" Movies	12:30, Movie
1:00, Tai Chi	7:00, Dance
7:00, Dance Class (Beginners)	Friday
Tuesday	9:30, Yoga
10:00, Chinese Massage	10:30, Computers
10:30, Shoppers' Bus	1:00, Bridge
2:00, Bingo	7:00, Games (RISA)
6:00, Yoga Class	Saturday
7:30, Games (RISA)	7:30, Bingo (RISA)
Wednesday	Special Events
9:15, Stay Well	Sun., May 15, Senior Day Celebration, 1:00 p.m.
10:00, Computers	Mon., June 13, five-day motor coach tour to Niagara Falls.
10:00, Spanish Class	
10:30, Shoppers' Bus	

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The **Public Safety Blotter** for April 1-19 has been posted at nyc10044.com/wire/2516/blot2516.html. The blotter for the remainder of April, when ready, will be posted at nyc10044.com/wire/2517/blot2517.html.

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Cherry Tree Walk is on the Island's west shore at the south campus of Coler-Goldwater Hospital.

Q&A: Cherry Blossom Lane

by Judith Berdy, Roosevelt Island Historical Society

Last week, I received a call from NHK Japanese Broadcasting asking about the cherry blossom trees on Roosevelt Island. They were doing a story and wanted to know where the trees came from and if they were donated to the Island. Good question. I had no answer.

Days later, another call came from Asahi Broadcasting, another Japanese television station. Same question. I still had no answer.

I remembered meeting a landscape architect, Joe Sopiak, who works for the New York City Department of Design and Construction. When we met recently he told me that he worked here in the 1970's on the Northtown parks. He is working on our trolley kiosk relocation and we met when he visited the site. I called him and he remembered an elderly lady, Mrs. Fordyce, coming to the Island and his speaking to her about the project, in her limousine. Finally, I had a name.

I e-mailed Nicholas Quennell, the landscape architect for Lighthouse Park and Manhattan Park. Within an hour, another answer. Alice Fordyce was the lady. He also met with her, and she was very old.

It turns out that Ms. Fordyce was a sister of Mary Lasker (Mrs. Albert Lasker), a famed New York philanthropist. Mrs. Lasker's foundation supports the Park Avenue malls and keeps them beautiful year round.

On the Lasker Foundation website (laskerfoundation.org/about/sseasons.html), there is a page of images showing our trees in bloom.

After all this information, I contacted the broadcasters to tell them I had their answer. Now everyone knows where the trees came from!

Thank you, Alice Fordyce and Mary Lasker.

Letters from page 2

remarked that they were sorry when it was over. I was overwhelmed with a warm fuzzy feeling of community, and gratitude that this is the place where I have lived for 28 years, and reared my son. In my opinion, the groundswell of affection in that Theatre could never be found in Manhattan. Members of the audience were watching friends and neighbors they have known for years, and they extended great affection.

Let's hear it for "Rosie." What a great place to live!

Mary Cavanaugh

To the Editor:

Tim Johns in his Commentary (April 2) has not correctly understood the meaning of the City Council's recent 50-year extension of tax abatements for buildings that remain in the Mitchell-Lama system.

First, he states that a "building loses its tax exemptions once it has retired [its State-provided] mortgage." That is not correct. Buildings can remain in the Mitchell-Lama system after they retire their mortgages and still receive the benefits of the system, including tax abatements. The one does not depend on the other.

Second, he asks rhetorically: "Does the [Council] resolution even apply to Roosevelt Island?" Yes, it does apply to Eastwood, Island House, Westview, and Rivercross, four buildings which are listed in the Council's resolution.

Finally, he believes the tax structure of those four buildings as set forth in the Master Lease (by which the City leased the land for 99 years to the State to develop) is relevant to and somehow undermines the tax abatement extension. He points to language in the Master Lease that states the four buildings are "expected" to be fully taxpaying without an abatement after 30 years, and wonders if they can still enjoy a tax abatement after that and for another 50 years. The answer is "yes." The original abatement was for 30 years and, without the Council's recent extension, those four buildings would be fully taxed beginning this year and the next two. But now, they have a choice to remain in the Mitchell-Lama system and enjoy another 50 years of tax abatement. The owners of Island House, Westview, and Eastwood may decide to forgo that extended tax abatement, and the owners of Rivercross may someday decide to do the same by withdrawing from the system. But, in fact, each building has the choice to remain in the system with its limited profits and lower costs. That is the significance of the Council's action.

Robert Chira

To the Editor:

Let me add my two-cents-worth to your fine editorial of Saturday, April 16, as well as to Tim Johns' well-documented April 2 piece, both regarding privatization of Roosevelt Island housing.

You certainly said what needed to be said about our tenant organizations. You pointed out, and rightfully so, that tenant organizations are dealing with building owners in near-secrecy and keeping the rest of us virtually in the dark, and that this tactic is not conducive to unity and true bargaining power for tenants.

Thank you. This is exactly what no tenant has dared express up to now for fear of appearing disloyal, breaking ranks, hampering the collective effort, and seeming ungrateful to these organizers who, as they so often like to remind us, are doing this for free, on their own time, and with no motivation other than the noblest one: to save the rest of us from displacement.

Now, as I've suspected all along, you've confirmed that the ranks have been broken *de facto* by organizers' complying with virtual gag orders from building owners. What's more, I'm beginning to wonder about the true motivations of these tenant leaders, which, as it's becoming clear, are working towards options which will apply only to those families who can afford buying their apartments at very high prices.

But what about the rest of us?

At an impromptu "meeting" at the local diner, one of my neighbors pointed out that we middle-income tenants are between a rock and a hard place – that is, between the building owners and the tenant organizations – and that we've almost as much to fear from one as from the other. Looking back on my own experience, I kind of agree.

I've lived in one of the original WIRE buildings (Westview, Island House, Rivercross, Eastwood) for 10 years. I'm a single mother, supporting a teenager on a civil servant's salary. Still, I manage to contribute to my tenant organization whenever funds are requested for the legal fight. What I get for my money is almost absolute silence. Months and weeks will go by, and we don't hear from the tenant organization. Very rarely, they slip sheets of paper under our doors, or ask us to sign petitions stating that yes, yes, yes, we *do* want to own our apartments.

These tenant leaders, volunteers though they may be, are still handling funds contributed by the rest of the tenants. And they claim to be representing all of us. So they should be accountable to us.

Alas, the purpose of the last meeting I attended was to present tenants with a table of calculated mortgage and maintenance prices resulting in twice the amount of monthly rents that are already high. So much for "insiders' rates."

I have to wonder which tenants could afford their apartments at the prices quoted. On our floor alone, there are at least two other women in my situation: single-handedly supporting kids on salaries that are probably not astronomical. There is one retired gentleman, probably on a fixed income. There must be many others like these people and myself.

At the meeting, when I protested that prices quoted were beyond my means and unaffordable for many others, I was met with cavalier attitudes bordering on disdain. I was told by some of the tenants there to just go ahead, buy my apartment, and then "flip it" for some enormous profit. As if it were that easy for someone like me.

Since then, I've been informed by some friendly, signature-seeking canvassers that the original quotes have been revised downward, but I still don't know by how much or what they are now. How did I miss *that*? It should've been under every door by now.

But I still fear that at least some tenants are wanting to make a killing on resale of their pricey homes. What they can't, or won't see, is that they'll be competing to sell decades-old apartments against the brand-new housing being built on this Island. It reminds me of an old Spanish saying, "Greed breaks the bag." Or don't bite off more than you can chew.

And here's the kicker: Tim Johns' piece mentioned an overlooked option of conversion to co-op through Mitchell-Lama as one of the few feasible avenues to ownership under present law or circumstance. It escapes me why so few of us knew this – or had been told about it – before Mr. Johns' piece was published.

However, I do remember asking about the very same thing – conversion to Mitchell-Lama co-ops as a more affordable buying option – at our last tenants' meeting. I was met with some hemming and hawing, before being told that converting to co-op under Mitchell-Lama was "strictly up to the buildings' owners" and that the tenant organization could do absolutely nothing about it. Then the subject was changed. Quickly.

But it seems to me that, according to the April 16 WIRE editorial, we tenants have opportunities to exert pressure on building owners which are currently not even being explored by our tenant organizations. So, tenant leaders, how about giving us an uncensored – and more frequent – flow of information? How about some *real* accountability?

Patricia Duarte

To the Editor:

I attended the April 14 RIOC Board meeting at which Ambassador William van den Heuvel, representing the Franklin and Eleanor Roosevelt Institute (FERI), proposed that RIOC promise to build the Louis Kahn FDR Memorial at Southpoint Park if FERI could raise \$30 million in 18 months to build it.

I grew up in a family that revered the Roosevelts and my admiration for Franklin and Eleanor is boundless. I can't understand why no memorial to them has been constructed during the 30 years of Roosevelt Island's existence. A modest homage to this greatest of 20th Century presidents is decades overdue. However, my enthusiasm for the Kahn Memorial is less than boundless.

Having participated in both the Living Library and Trust for Public Land (TPL) efforts to plan and construct Southpoint Park over the last three years, I feel that I have a good handle on the potential of those 13 acres as well as who will use this park and what they want from it. TPL has worked with community leaders and conducted surveys of Island residents and park users to determine a course of action and the Kahn Memorial has been roundly repudiated. In fact, the only plan component to receive a more negative response was the idea of building a commercial crescent on our parkland. Ambassador van den Heuvel recommended polling the community on their response to the Kahn Memorial; apparently he is unaware that this has already been done.

Personally, I find the Kahn Memorial to be too formal and sterile, with far too much stone and granite, and I have said so many times in these pages. When asked by a RIOC Board member if the Kahn Memorial, as conceived by Louis Kahn in 1973 a year before his death, could be modified to fit the needs of those who will use the park, the FERI architect reacted as if he were being asked to rewrite holy writ. In fact, with Mr. Kahn 30 years in his grave, there is no guarantee that he wouldn't modify his own plan today in light of the passage of time and the growth of the Roosevelt Island community.

Where has FERI been these 30 years? Why wasn't an FDR Memorial put out for competitive bid or a design competition, as the Maya Lin Viet Nam Memorial and the 9/11 Memorial were? Louis Kahn was a great 20th-century architect, but is the purpose of the exercise to memorialize the Roosevelts or Kahn? In fact, during the FERI presentation to the RIOC Board, I must have heard the name Louis Kahn five times for every mention of Franklin Delano Roosevelt. Curious.

Mr. van den Heuvel is concerned about honoring Mr. Kahn and placating riverfront property-owning Manhattanites who will gaze on a future Southpoint Park. I am not. My only concern is the creation of a park (in my lifetime, God willing) that will serve Roosevelt Islanders and New Yorkers who need green, sylvan, rustic, living and breathing space to relax in – in fact, something along the lines of the Wild Garden/Green Rooms conceptual plan endorsed by this community – and incorporating the educational and United Nations features of the Living Library plans. And to the Ambassador I would say, the Kahn Memorial is an idea whose time came and went decades ago.

However, if FERI can raise \$30 million, perhaps it would prime the pump for the public (read: New York State) dollars that would build the \$10 million first phase of the TPL plan. So far, neither TPL nor RIOC have raised a dime of public money. Is it worth building something we don't want on 2.8 acres of land to get the park we do want on the remaining 10.2 acres? I don't know. What do you think?

Matthew Katz

To the Editor:

A few months ago, a series of WIRE issues touted our quiet, idyllic Island. There was a complaint, at the time, regarding a noisy air conditioner. Well, with this gorgeous weather, I would *love* to keep my windows open. But I can't, for the noise level, especially overnight. I can't tell you how many times the noise has jolted me awake, long after midnight. Has anyone checked the decibel levels of the trucks and buses that drive our roads? It's not just their engines, motors, mufflers (or lack of mufflers) that are noisy; it's the deafening clatter they or their loads make when they hit a bump, pothole, or just drive over the cobblestones. And to top it off, there's the revving when they come to a stop sign or bus stop (both of which are just outside my window), and then start up again. It's big trucks, buses, semis, and construction vehicles, which are bad in themselves, but have you noticed how loud even the mini-school buses are? And the garbage trucks.....*aaaargh!!!*

OK, so we're stuck with the construction. But can't there be some restrictions or requirements, such as: No trucks between midnight and 6:00 a.m., mufflers, limitation of decibel level, and other noise abatement measures.

Please – let's keep Roosevelt Island a pleasant place to live!

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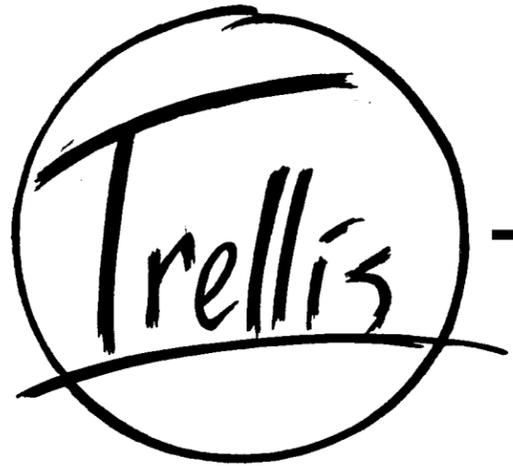


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Orphans from page 1

by giving to the building of Grodzins House; overnight, she raised more than enough to build it. And on March 19, a fundraiser at Manhattan Park Theater Club raised over \$10,000.

Luce has raised funds widely, and he's found ways to leverage what he's raised: Two Jakarta medical schools and Médecins du Monde, a pan-European organization of medical professionals, will partner in creation of a health center focused on tsunami trauma. Architects Without Borders will design a 40-acre campus to be built in Lubuk. And the Wharton School is sending a team of three professionals to Sulawesi, Bali, and Aceh to draft an operating standard for O.I. – the "Orphans International Standard" – that will one day serve as the standard for judging the facilities and work of orphanages across the world. A team from Stanford University will do follow-up this summer.

"The destruction in Aceh is massive," Luce said Wednesday in a conversation with *The WIRE* over coffee at Trellis. "The photos and television footage look like someone has picked out a patch of junkyard to photograph. But it's worse. TV can't show it as it is. It's endless. Endless destruction. You cannot possibly imagine the scale of it. I can only compare it – the enormity of it – to Hiroshima." He says there are refugee camps everywhere.

"What strikes me is how much we have done with funding that is relatively small compared to the big international relief agencies," he adds. "We have something real, in place on the ground, working. When I look around there, I have to wonder what the big international relief agencies are doing."

O.I. has set out to raise "citizens of the world" by taking a comprehensive approach to the lives of the orphans placed in its care: health, housing, community and family life (a small handful of kids live with house-parents in each dwelling unit, some 80 children in Banda Aceh), and education now and in the future.

The world and "mainstream" media have begun to take notice of O.I. *The New York*

Ceremonies over, it's time to play



Post ran a photo and story last week. *People Magazine* has interviewed Luce, and CNN is working up a story. By every standard, Orphans International is a runaway success – but the critical standard becomes apparent when you review photos from the O.I. campus in Banda Aceh: Kids who lost their homes and entire families just four months ago have a home, and they are smiling and laughing.

Contributions to O.I. are tax-deductible, and they can be sent to: Orphans International, 540 Main Street #418, Roosevelt Island, NYC10044. The O.I. website is oiww.org.



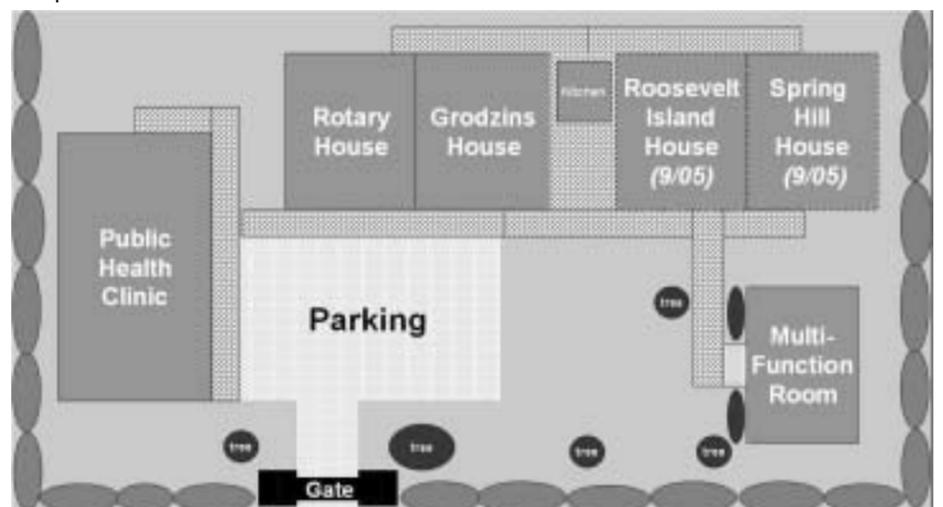
O.I. Kids Rahmiyana, Sarah, and Mutia



New York Post takes notice

O.I. Kids Babrizal and Farrulrazi

Layout of the first section of the Lubuk campus near Banda Aceh



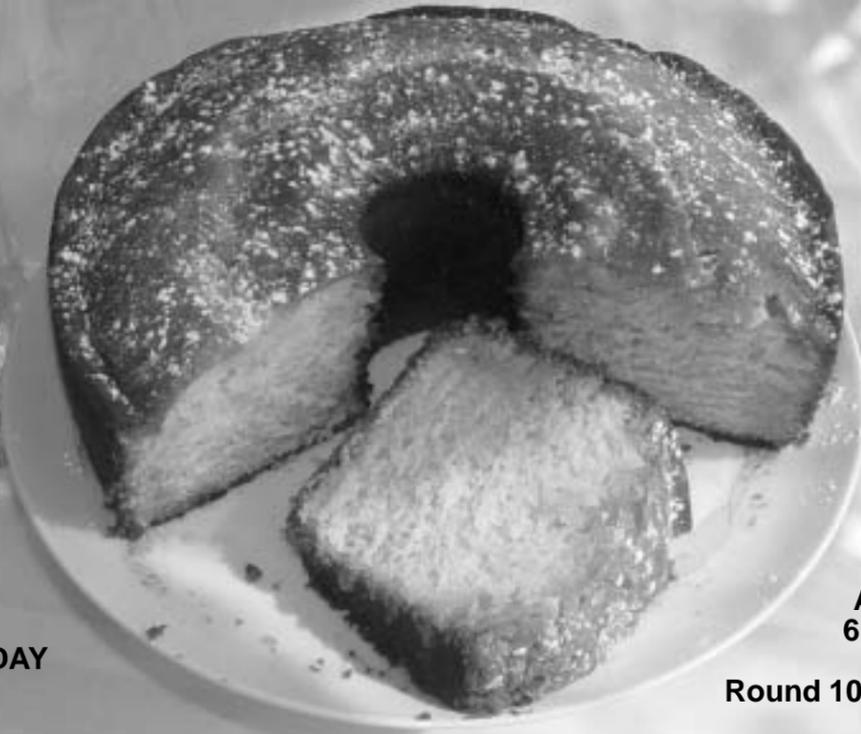
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Spring! Canada geese are brooding eggs at Southpoint

Octagon from page 1

mon Council vote to proceed with the suit was unanimous, except for one delegate.

Most members of the RIOC Board, who provided their comments in response to a *WIRE* request to RIOC management, were pleased with the decision; some were critical of RIRA for filing the suit to begin with:

- Resident Board member Deborah Beck: "It is a great pity that RIRA has wasted an extraordinary amount of Roosevelt Island's money on litigation that was likely to fail from the start... [It] is money taken away from maintenance and capital improvements... When I attended the January RIRA meeting to alert Common Council members to the risk and cost to Roosevelt Island residents, I was not allowed to speak. My observation at that meeting was that many of the Council members were going along with the leadership, unaware of the costly consequences."

- John Mannix: "The decision shows that RIRA should use its resources in productive ways to improve the community, not for expensive, ill-conceived confrontations."

- Board Chair Mary Beth Labate of the State Division of Housing and Community Renewal (DHCR): "Now, RIOC can move forward to finish the work for which it was created. Guided by the Board, the Corporation has a plan and a vision for the future, which ultimately will culminate in a fully realized Roosevelt Island as seen so many decades ago by its planners."

- Resident RIOC Board member David Kraut: "The ending of the suit means hundreds of construction jobs have been saved, the Octagon will be preserved forever, 500 or more New Yorkers will have a beautiful place to live, the Island will benefit from new parkland, [and] the income from the building will go to underwrite RIOC expenses and capital improvements of the Island overall."

- Only resident member Mark Ponton dissented: "I voted against the Octagon project because I believed it met neither the letter nor the spirit of the Open Spaces legislation, it didn't restore a landmark to its original condition, [and] it didn't meet the financial criteria that I felt it should have met. I still hold those beliefs."

Whether Wetzel's judgment leaves any room for an appeal by the Residents Association is open to question. Among other judgments rendered in the April 21 decision, Wetzel ruled that "the petitioners are barred from seeking injunctive relief [that is, a halt to the project] because of laches," meaning RIRA waited too long to attempt to stop the work. "The resolution finally authorizing the project was passed by RIOC on October 14, 2004, following many years of hearings, discussions and public comment in which the petitioners participated. Petitioners disin-

genuously suggest that on that date there was no definite indication that respondents planned to engage in any activity violative of the open space requirement... On the contrary, the plans for this project had been fully vetted and there is no suggestion in these papers of anything relevant to the project that was not known to the petitioners... Equally obvious to petitioners was the fact that construction would soon be undertaken at enormous expense... Construction was in plain view... [T]his court concludes that the petitioners are guilty of laches by not seeking to timely initiate this proceeding..."

"The respondents' motion to dismiss is granted and the petition is in all respects dismissed. This constitutes the Decision and Judgment of the court."

In bringing its "Article 78" action to stop the Octagon development, RIRA had the support of the New York State Attorney General and the Environmental Law Center at Columbia University. City Council candidate Dan Quart argued the case for RIRA, opposed by Stephen Kass, arguing for RIOC.

Responding to a *WIRE* request for comment, Quart said, "We are extremely disappointed in Judge Wetzel's decision, and we disagree with his interpretation of the 2002 amendment to the legislation establishing RIOC. This is about making sure that the intent of the law is followed through, and we don't believe the current decision serves that end."

Architect Bruce Becker, whose firm initiated and designed the Octagon Apartments project, said, "We are very pleased by the judge's decision. His findings were consistent with our understanding of the issues. We are working hard to get the tennis courts ready for play next month, and expect to have the north tower topped out next month." On Thursday, Becker told *The WIRE* his firm will pick up the cost of moving the New York Junior Tennis League program to the Racquet Club bubbles near the Tram station.

RIRA President Steve Marcus comments on the case in his column; RIOC President Herb Berman does, as well (page 3).

Reed Super, who participated in the case as a litigator for the Columbia University Environmental Law Center, told *The WIRE*, "It is highly unfortunate that a narrow exception in a law specifically designed to protect open spaces from encroaching residential development was interpreted to allow a massive apartment complex. There is no decision yet on an appeal."

Whether RIRA has any viable ground for appeal of the Wetzel decision is open to question and consideration; even assuming the ruling leaves room for an appeal, it's not yet clear that RIRA will proceed with such an action. Meanwhile, as Becker points out, the north tower of the project is likely to be at its full height of 13 stories by sometime in May.

Becker told *The WIRE*, "We are pleased that we have had a steady stream of inquiries from Roosevelt Island residents about renting apartments at the Octagon." He said that until a formal marketing effort is launched, expressions of interest are being compiled by his assistant, Eileen Harrison, at 888-292-4990, ext. 4912 or eileen@beckerandbecker.com. Those inquiring should specify interest in a studio or apartment with one, two, or three bedrooms; they'll be called back when marketing starts.

NYPD from page 1

going to be owning these buildings. So it's time to start considering what's in our best interests, because this is an opportunity that probably will not come again for a very long time."

Kitty Berman, a committee member from Island House, added, "All of it has to be renegotiated – done all over again from scratch – as each of these buildings comes out of Mitchell-Lama and into play. There is room for changing Public Safety."

"I don't want anyone to think I'm dead-set against a satellite," Barrere said. "What I'm saying is that with the resources I have right now, if you think that would be an end-all solution, I – personally, as Inspector David Barrere speaking – [believe] that would take nine to ten officers just to staff. If they gave me ten officers to be dedicated to Roosevelt Island [but without a satellite station to man], doing vertical patrols, making arrests, believe me, I could make a major difference in the quality of life here."

The Telephone Outage

In describing how he handled the telephone outage, which affected some 17,000 people, about 6,000 of them on Roosevelt Island, Barrere said, "As soon as I was notified, we put a command post on the Island, and we deliberately put it at the base of the bridge coming over. We had phone service in our command post, and I deployed eight police officers and one sergeant and one scooter and a radio car, just solely dedicated – they weren't to leave the Island. We did vertical patrols in the affected buildings, listening, for example, for someone who may

have had a heart attack and be calling for help.

"I had a Public Safety radio in the command center, and we were able to communicate with them, so we weren't duplicating each other's services. They were doing verticals in one building and we were doing them in another."

"This lasted four days. Verizon apparently split their own cable. They had the choice of repairing the line or running a new one. They chose to run a new one, which is good, because we now have a new fiber-optic line running to the Island to feed those residents [for] the 911 service."

NYPD Public Relations

During the RISK meeting, Barrere also encouraged Islanders to interact with NYPD officers: "NYPD should not be an intimidating thing. It should never be that way. 'If you see a command post set up on the Island, don't be afraid to knock. We work for you. And just understand this: In a command post, we'll let you know if we're busy. But in that [telephone outage] situation, the whole purpose of that command post was community outreach."

"I don't ever want our command post, or a radio car, on this Island, to be an intimidating thing. We work for you. Come up to us, 'Hi, how you doin'? I live in 555 Main, what's goin' on?'"

Barrere told the meeting that he has no community policing program, which had, at one time, put a CPOP officer on the Island, at least part of the time. He said none of the 16 sectors in the 114th Precinct have such programs now.

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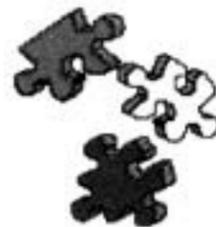


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