

Next issue
in two weeks –
Sat., Feb. 11

The Main Street **WIRE**™

26th Year as Roosevelt Island's Independent Community Newspaper



At Wednesday night's Island House meeting, Tenants Association Board Chair Dorothy Davis, Attorney Stuart Saft, and Board member Lee Edelman responded to residents questions about the tenant-ownership deal struck with the building's owners.

RIOC Has \$12M Set For Southpoint Park

The Board of Directors of the Roosevelt Island Operating Corporation (RIOC) reconfirmed a \$4 million commitment to develop Southpoint Park in its meeting Thursday morning.

RIOC Vice President Catherine Johnson said that \$2.8 million of a matching \$4 million commitment from New York State has been received. Johnson and City Councilmember Jessica Lappin confirmed that the City budget also includes \$4 million for the park in 2007.

Lappin also expressed concern that RIOC had issued a Request for Initial Proposals (RFIP) offering the northern end of Southpoint for development. In a presentation, RIOC's real-estate consultant, Paul Mas, confirmed that at least one proposal has been received for the site. But residents who had come to the Board meeting to hear what proposals had been made for the five properties RIOC is offering were disappointed: Mas gave no details in RIOC's open public meeting; instead, the Board went into a closed executive session to hear his more detailed report.

The Board has scheduled a public meeting for Thursday, February 16, for Mas to present the fruits of the RFIP process to residents. The meeting will take place from 6:00 to 8:00 p.m. in the Good Shepherd Community Center.

Lappin, who was introduced at the meeting as the new Councilmember representing the

Island, gave the Board a prepared statement saying she is "deeply concerned by the prospect that RIOC would develop the northern portion of Southpoint as anything other than parkland... I am opposed to the Board's efforts to develop the northern portion separately from the park."

Mas indicated that some 21 proposals were received from 14 bidders who satisfied the RFIP's requirements for an expression of interest. He indicated that those for the open spaces — presumably the Southpoint Park site and a site at the northeastern end of Coler Hospital, were "predominantly residential, as you might expect." The other offerings were a site at the Tram station, RIOC's interest in Motorgate, and the Island's retail spaces, particularly those at the ground level in the "WIRE" buildings (Westview, Island House, Rivercross, Eastwood).

In other activity at its meeting, the RIOC Board also:

- Approved a staff restructuring at RIOC, adding a controller, three legal staffers, and a community relations position. With elimination of some positions, the cost is put at \$45,000 a year.

- Approved a relationship with the City's Department of Cultural Affairs under which the old trolley kiosk (now on Southtown property near the Tram station) will be positioned on the grassy slope near the Tram and used as a welcome cen-

See **RIOC**, page 10

Briefly...

- At Thursday's RIOC Board meeting, Public Safety Chief Jim Fry reported that his department's issuance of **parking citations** increased 52% in 2005 over 2004. The numbers: 2,320 citations in 2004, including 163 moving violations; 3,537 in 2005, with 321 moving violations. Some 90% were for parking infractions.

- At **Octagon Apartments**, over 30 apartments have been leased after only two weeks during which 217 families and individuals visited to see model apartments, reports Bruce Becker, the developer. He said "about 10%" are current Island residents. The rental office there is open 10-7 weekdays, 10-6 weekends.

- Speculation arose last week that the Roosevelt Island Operating Corporation (RIOC) had again decoupled its **Red Bus** service from the Tramway schedule, when buses failed to meet arriving Trams several times. But RIOC has extended the route to the north campus of Coler-Goldwater to serve the Octagon Apartments, increasing the loop time. And a bus was out of action for brake repairs one day, according to RIOC Vice President for Operations, Catherine Johnson, who said, "It is our intention to maintain and keep [the buses] to the Tram schedule." Even so, *The WIRE* has continued to receive complaints about bus intervals.

Island House Residents Get Ownership Deal at \$200/Ft²

Provisions Include Rent-Rise Caps for Non-Buyers

by Dick Lutz

Under an agreement reached this week, Island House tenants are to become the owners of their apartments — and their building — by sometime next year.

"Oh, man — ecstatic!" was the way Dorothy Davis, Chair of the Island House Tenants Association (IHTA), described her reaction to the Letter of Intent worked out between the building's owners and the Board she heads. That was Wednesday afternoon; Wednesday night, in a meeting that stretched to three and a half hours, Davis and members of the IHTA Board described the agreement to tenants, then responded to their questions.

Essential points of the Letter of Intent (LOI):

- IHTA will acquire Island House for \$200 per square foot. That puts the price at \$81.1 million for the "405,660 square feet contained in the apartments... subject to the normal adjustments for an apartment house sale."

- Tenants who opt not to buy their apartments will retain them as rentals, with restrictions on rent increases.

- The owners will change management (of both Island House and Westview) "to a well known company experienced in conversions." As a practical matter, this means that Blackwell Management, the management firm created as a partnership between Island House's owners and the Sheldrake Organization, will be replaced by the end of February.

- The building comes "as is," making IHTA responsible for determining necessary repairs and providing for them financially.

- The LOI creates an exclusive seller-buyer relationship between the owners and IHTA that ends only with failure to complete the deal, but is to become a "definitive and binding Purchase and Sale agreement" 60 days after taxes and ground rent are determined, "but in no event later than April 30, 2006."

This provision, with others, puts the deal on a tightly scheduled fast track. The combination of the April 30 deadline for a Purchase and Sale agreement, along with other deadlines listed in the LOI, means the transfer of ownership is to be completed before the end of 2007.

Renter Provisions

The plan protects renters. During the period between withdrawal from the State's Mitchell-Lama affordable-housing program (about July 1) and completion of a sale, rent increases to existing tenants will be limited:

- Tenants with incomes below Area Median Income (AMI) will get one-year lease renewals with increases limited to those allowed by the City's Rent Stabilization Board.

- Tenants with incomes falling between the AMI and double the AMI will get increases two percent over the stabilization guidelines.

- Tenants with income more than double the AMI will get increases five percent over the guidelines.

These same provisions on annual increases will apply, after execution of the Purchase and Sale agreement, to residents who stay as renters.

But apartments that are vacant when the building leaves Mitchell-Lama "will be rented at market rates." These empty apartments — currently 32, according to figures given at Wednesday night's meeting — will be sold at market prices if the IHTA is successful in its plan to acquire the building. They were described as an important source of immediate income for the building once it is owned by its residents' corporation.

Apartment Prices

The Letter of Intent leaves open the question of whether Island House will become a condominium or a cooperative.

- Appraisals are to be used to determine apartment prices. The LOI contains language requiring "that all tenants are treated equitably. Accordingly, this Letter is conditioned on the Purchaser commencing a tenant-sponsored, non-eviction offering to the tenants... which must contain" specific elements, including:

- The price of each apartment "will be based on the reasonable relationship of the space in each apartment and its location to the total purchase price of the

property as recommended by an independent appraiser, which appraisal is to be used by [IHTA] in the allocation" of shares in the building. At Wednesday night's meeting, a member of the IHTA Board, Lee Edelman, explained that this means apartments will vary in price according to such factors as height, view, proximity to amenities, and other determinants of value. Presumably, that allocation of shares will also have a direct bearing on monthly "carrying charges," commonly referred to as "maintenance."

Next Steps

The signing of the Letter of Intent gives IHTA standing to negotiate future ground rent with the Roosevelt Island Operating Corporation (RIOC), and future taxes (or Payments In Lieu Of Taxes, known as PILOT payments) with tax authorities. Those amounts are critical to the determination of an overall cost of ownership and therefore the viability of the deal. RIOC may require, in addition to ground rent, some "transfer fee" — a cut of the sale price — on sales of apartments — either all future sales, or just the first sale. It is also likely that the final plan for funding the purchase and maintenance of the building will require that resident sellers pay a transfer fee to the building. (Such transfer fees are also contemplated in discussions of removal of the Rivercross cooperative from the Mitchell-Lama program.)

The Meeting

Wednesday night's meeting in which the LOI was presented to Island House tenants occasionally became contentious during the Q&A period that followed formal presentations by IHTA Board members, but the general mood was near celebratory, mostly tempered only by the momentousness of tenants reaching this watershed moment in which resident ownership appears finally to be within reach.

In fact, IHTA Chair Dorothy Davis began the session by recognizing the contribution of earlier incarnations of groups working toward resident ownership, such as the Island House Ownership Committee (IHOC) and the previous IHTA Board, which resigned when new bylaws imposed conditions they felt would impede their work. Davis asked them to stand, and each group was applauded.

Members of the Board paid tribute to IHTA's attorney, Stuart Saft (who also represents Rivercross in its privatization effort), saying his experience and contacts for mortgage funding had been instrumental in al-

lowing IHTA to commit to the deal described in the LOI.

In describing the \$200 per square foot deal, IHTA Board member Lee Edelman hastened to point out to residents that, "The cost to you will *not* be \$200 per square foot. We're taking the building as is, so you won't get the \$200 price." He went on to describe other factors that will make buyers' figures higher, or possibly lower — such as the appraisals and, as he put it, "We are going to have to bear the cost of purchasing the apartments that people don't buy." But those apartments will be sold at market prices, he said, "near \$450 per square foot. That can add some \$15 million to the pool for helping us with these other expenses." Those other expenses, Board members emphasized, include catching up on deferred maintenance.

Edelman pointed out that "much depends on the 'subscription rate,'" that is, how many tenants become buyers, what the cost of common areas will be, and other factors. He said, "I would hope that we can bring this in between \$225 and \$250 per square foot [for tenants who buy], but that depends on the taxes and the ground rent."

Sheldrake

Edelman said, "We felt a need to get this pinned down," adding that the IHTA Board moved quickly "to box out any possibility that Sheldrake would come back into the picture."

But Attorney Stuart Saft told the gathered tenants, "Sheldrake is still taking the position that they have a

See **Island House**, page 10

Subscribers to *The WIRE's* free e-mail bulletin service got first word of this news on Wednesday. To subscribe, send an AddMe mail to editor@MainStreetWIRE.com

The Editorial Page

A Deal for Island House

It can be done.

The Island House Tenants Association and the building's owners have moved efficiently and effectively to set up a deal that will make many tenants the owners of their apartments, and their association the owner of the property. The deal also protects those who wish to stay as renters – a very important piece of the puzzle. The congratulatory feelings Wednesday night were fully appropriate, and everyone who's ever put personal effort into working through the difficulties of "this devilish process" (as Tim Johns put it Wednesday night) – whether their particular version was *the* deal or not – should take a well-deserved bow.

There will be more bows to be taken if the Roosevelt Island Operating Corporation can find its own *spirit of the deal* and, with it, a ground-rent rate that will be as encouraging as possible. Based on past pronouncements by RIOCI Board members Deborah Beck and John Mannix who, along with Alberteen Anderson, make up the Board's real-estate committee, there's reason to believe RIOCI will do all it can.

RIOCI's good offices with the taxing authorities will be a welcome help, as well.

This is a deal that promises to keep the neighborhood intact while giving residents a greater stake in both their building and their Island.

Nice going!

Movement on Southpoint Park

Thursday's RIOCI Board meeting confirmed funding progress for a park on that wonderful patch of land at our Island's southern end, and that deserves full-blown congratulations, as well. With Councilmember Jessica Lappin on board to protect the City's funding commitment, and RIOCI officials keeping the State on board, there's a stronger chance we'll finally have New York City's new premiere park, second only to Central Park, in our backyard.

We remain a bit uneasy about that RFIP that RIOCI issued for a piece of the land, but we'll know more about that after a February 16 open meeting (see *Coming Up*, page 3). We'll cross fingers that the RIOCI Board will now hold the line on commercialization of any more of the Island's parkland.

DL

Letters Policy

The WIRE welcomes letters to the editor, to the community, and to/from officials. *Name* withheld publication 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, but allow extra time before deadline for typesetting. Clearly handwritten letters will be considered, if brief, but we are not able to take telephone dictation of letters. **All letters are 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.

Letters deadline for Feb 11 issue: Tues., Feb. 7

Letters received after deadline are considered on a space-available basis.



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Kay Thompson

Kathryn Thompson died last Saturday, January 21, in Vermont. With her husband, Arthur Thompson (better known as Tommy), who survives her, she had been one of the earliest residents of Rivercross.

She was born Kathryn Margolis in Passaic, New Jersey, in 1918, was graduated with valedictory honors from Passaic High School in 1935, and graduated with honors from Duke University in 1939.

Her working life was in publishing. She worked for her father on trade publications, then as a copy editor and associate editor, at Spiral Press, where she worked with and became friends with Joel Blumenthal, the noted typographer; and engraver Fritz Eichenberg.

She was a copy editor for the Limited Editions Club at Heritage Press; and Assistant Production Manager at Simon and Schuster. At Seabury Press, she started a juvenile book division, and served 18 years as production manager. She was also a production manager in her last job, at Holiday House. She retired at age 62, in 1980.

She married Paul Jerman, an architect and veteran of World War II, in 1946, and then lived in Stamford for 20 years. Her sons, Dan and Tim, were born in 1947

and 1949. Her first husband died in 1970.

She married Tommy Thompson in 1972 after meeting him on a safari in Africa. Living in Rivercross, they wintered in Luquillo, Puerto Rico.

She volunteered at the Bronx Zoo for twelve years, and at the Museum of Natural History. She is remembered at the Island branch of the New York Public Library as a loyal worker from its days as an independent library

staffed by volunteers from Roosevelt Island Community Literary Associates (RICLA). She had a special enthusiasm for ballet, theater, and wildlife conservation. For the past few years, she worked on *The Main Street WIRE* with a special passion and dedication

– work that extended even to this issue (see separate tribute, page 3).

Kay Thompson is survived by her husband, Tommy; by her sons, Dan Jerman and Tim Jerman; by her stepdaughter, Jeanne Lefevre; four grandchildren; five step-grandchildren; as well as one step-great-grandchild.

In lieu of flowers, the family has suggested donations to the African Wildlife Foundation, 1400 16th Street NW, Suite 120, Washington, DC 20036, or the New York City Ballet.



Letters

To the Editor:

We live next to the river, but even so, we hear the deep, throaty exhaust of those full-size, powerful trucks hauling earth away from the new construction beginning in Southtown. Pity residents who live on or near Main Street. At 5:30 a.m., those residents must be shaken awake by the first run of those thunderous dirt haulers. All day long the huge trucks come and go, loudly huffing and puffing as they destroy what is left of the bricks on Main Street.

Who gave permission to the construction company to allow those trucks to start working even before first light? Is RIOCI the culprit? Again, an example of the deplorable planning and feeble foresight on the part of our governing body. (Another instance of RIOCI's deplorable lack of planning is allowing 30 or so school buses to clog Main Street in the early mornings and afternoons.)

There are excavations remaining to be done for at least two more buildings. RIOCI should demand of the builder that no hauling begin before 7:00 or 7:30 a.m., or demand that the contractor get a permit to bring a barge alongside the Island near the construction site and have the earth dumped in there and floated silently away.

Or better yet, why not dump the earth into the East River, thus creating new land to compensate for the rapidly diminishing open spaces on this Island? Such an approach would reduce the unnerving racket from those giant trucks and save Main Street from being broken apart. Further, such an arrangement could be cheaper for the builder than hiring a fleet of those enormous trucks or a barge.

Come on, RIOCI and Board, don't be a patsy for fast-talking, smooth city slickers. Don't just lay down, roll over with supplicating paws up-lifted, and agree to everything they want. Stand up. Demand concessions. Consider first the welfare of Roosevelt Island residents. We live here!

Ronald Gift Mullins

To the Editor:

I was surprised to read in the last *WIRE* that New York National Bank was now a State bank owned by Hudson Valley Holding Corporation and that they operated under an exclusionary clause in their contract with RIOCI that precludes another bank from seeking space on Roosevelt Island. I've learned that USAlliance, the credit union that for two years has been trying to lease the space formerly occupied by Montauk Credit Union, learned this only last September.

What a waste of time and opportunity! When USAlliance contacted me in my capacity as (then) president of RIRA in September 2004, I encouraged them to bring their services here as a robust business (\$500 million in assets) and as a potential lender as our residential buildings came out of Mitchell-Lama and the prospect for residents to buy their apartments became a reality. Why, I wonder, didn't someone at RIOCI – their in-house counsel Ken Leitner, perhaps, or their sales representative, Paul Mas – come clean with USAlliance 18 months ago? This would have given this Westchester credit union an additional year to seek a waiver in the exclusionary clause of NYNB's contract or, simply, to cut bait and walk away without wasting a year on fruitless negotiation.

I've been in touch with Chris Lazowy of USAlliance, who is still eager to locate a branch here. However, NYNB has not responded to his request for a waiver of and release from this restrictive clause. I would remind you that none of our merchants still have such clauses in their leases and all are subject to competition from businesses such as Gristede's. RIOCI President Herb Berman has said that RIOCI will not intervene in this discussion or in the potential for a Chase Bank at Southtown that would be under the same restrictions as a Northtown credit union.

However, the lease is with RIOCI and no one else. RIOCI and the RIOCI Board of Directors have it within their power to influence this discussion for the good of the community. I've written to both Herb and the RIOCI Board asking them to exert their power as landlord to aid in bringing USAlliance to Roosevelt Island at a time when their services would be desperately needed. I urge my neighbors to add their voices to mine and to contact Herb Berman (212-832-4590) and their neighbors who are resident Board members (Alberteen Anderson/Westview; Deborah Beck/Rivercross; David Kraut/Eastwood; Mark Ponton/Rivercross; Michael Shinozaki/Manhattan Park; Patrick Stewart/Island House) to urge their intervention on our behalf.

Matthew Katz

To the Editor:

"...made clear my belief that RIOCI had... promised that space to Charlie. ...then-President Robert Ryan pooh-poohed the letter with a sniff... effectively repudiating the agency's promise." That's a quote from RIOCI Board Member David Kraut in the January 14 *WIRE* story about the resignation of Youth Program Director Charles DeFino.

What kind of an upside-down world is it? Roosevelt Island residents deserve better than living in a situation where a hired hand can blatantly reverse the actions of the RIOCI Board, and do so without being immediately shown the door.

Roosevelt Island residents deserve to be living in a democracy. The United States Constitution and the New York State Constitution both say so. The report on RIOCI by Assemblymember Brodsky makes it embarrassingly clear that RIOCI violates the democratic ideals of both the National and State constitutions.

Unless Governor Pataki makes good on his implied promise for local Island elections to the RIOCI Board, this issue will dog him as he seeks higher elected office.

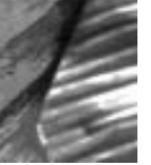
David J. Bauer

COMING UP

— This Weekend —

Town Hall Meeting on Transportation (2nd Avenue Subway and other East Side projects), with Rep. Carolyn Maloney and leading transportation experts, **today (Sat., Jan. 28)**, Ruppert community room, 222 East 93rd Street (between 2nd and 3rd Avenues).

Double Take, a one-artist show by Esther Piaskowski Cohen, continuing through February 19 at Gallery RIVAA, 6-9 p.m. Wednesdays and Fridays, 11 a.m.-5 p.m. Saturdays and Sundays.▷



— The Coming Week —

Test openings of the Roosevelt Island Bridge, **Mon., Jan. 30**, 10:00 a.m.-2:00 p.m. (each about ten minutes).

Island House Tenants Association Board Election in progress, **Mon.-Tue., Jan. 30-31**.

Medicare Part D Seminar on Roosevelt Island, **Tue., Jan. 31**, 7:00 p.m., conducted by Ellen Polivy. To register, e-mail your name, address, and phone number to ELPolivy@gmail.com or call **212-362-2076**. Free.

Residents Association Common Council meeting, **Wed., Feb. 1**, 8:00 p.m., Good Shepherd Community Center. Meetings begin with an opportunity for members of the public to make presentations to the Council.

Be a Star Music and Talent Show, Good Shepherd Community Center, **Sun., Feb. 5**, 4:00-7:00 p.m., a fundraiser for the Eastwood Building Committee Legal Fund. \$10 (\$5 for seniors, teens, and disabled).

— Future Events —

The Main Street WIRE – Next issue, **Sat., Feb. 11, 2006**.

(To receive e-mail bulletins between issues, send an *AddMe* message to Bulletins@MainStreetWIRE.com.) **Advertising Deadline:** Ads in the paper, Thursday, Feb. 2; decision on circulars/inserts for

The Bag, **Mon., Feb. 6**; they are due **Thur., Feb. 9**. **Future issues:** **Mar. 4, Mar. 18, Apr. 8, Apr. 22, May 6, May 20, June 3, June 17, July 1, July 29, Aug. 26, Sept. 9, Sept. 23, Oct. 7, Oct. 21, Nov. 4, Nov. 18, Dec. 2, Dec. 16**. **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 in this column**, 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.

Toastmasters public speaking group, **Mon., Feb. 13**, 8:00 p.m. Visitors welcome. Information: **212-751-9577**.

Community Board 8 meeting, **Wed., Feb. 15**, 6:30-9:00, New York Blood Center Auditorium, 310 East 67th St. Information: **212-758-4340** or www.cb8m.com.

RIOC Town Hall Meeting to present the results of RIOC offerings of several Island properties for investment and development, **Thur., Feb. 16**, 6:00-8:00 p.m., Good Shepherd Community Center.

Book Discussion Group, **Thur., Feb. 16**, 6:30 p.m., at the Library. *Brick Lane* by Monica Ali.

Toastmasters public speaking group, **Mon., Feb. 27**, 8:00 p.m. Visitors welcome. Information: **212-751-9577**.

Community Board 8 Speaks, television program, **Tue., Feb. 28**, 7:00 p.m., Manhattan Neighborhood Network Channel 34 (Time Warner system).

Toastmasters public speaking group, **Mon., Mar. 13**, 8:00 p.m. Visitors welcome. Information: **212-751-9577**.

Senior Center

- | | |
|--|---|
| <p>Monday
9:30, Yoga
10-11:30, English as 2nd Language
10:30, Blood Pressure Screening
12:30, "Oldies" Movies
1:00, Tai Chi
7:00, Dance Class (Beginners)</p> <p>Tuesday
9:30-1:00, Free Tax Help (starts Jan. 31)
10:00, Chinese Massage
10:30, Shoppers' Bus
2:00, Bingo
2:00, Painting & Sculpting
7:30, Games (RISA)</p> <p>Wednesday
9:15, Stay Well
10:00, Heart Health Care
10:30, Computers
10:30, Shoppers' Bus
7:00, Pokeno (RISA)</p> | <p>Thursday
10:00, Get Stronger Bones
10:30, Creative Arts
12:30, Movie</p> <p>Friday
9:30, Yoga
10:30, Computers
1:00, Bridge
7:00, Games (RISA)</p> <p>Saturday
7:30, Bingo (RISA)</p> <p>Special Events
Tue., Feb. 14, 6:00, Valentine's Day Party
Wed., Feb. 15, Atlantic City trip
Mon., Feb. 20, Office closed for Presidents Day</p> <p>Home-delivered meals:
212-744-5022, ext. 1203</p> |
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The Roosevelt Island Operating Corporation Board was scheduled this week to consider Westview and Island House, but the item was removed from the agenda. While we are obviously an interested observer – especially since it affects the fate of Mitchell-Lama protections – we are not a party to any negotiations, whether with an outside corporate entity or a prospective cooperative tenants association.

The negotiations do provide an opportunity to discuss again how the financial structure underpinning our Island is often misrepresented or misunderstood by some Island activists.

The RIOC Column

RIOC, a public benefit corporation created by the State Legislature 21 years ago, owns the land beneath buildings, but the buildings themselves are owned by private entities. Buildings are

sold on a willing-buyer, willing-seller basis, with oversight by the State Division of Housing and Community Renewal for the WIRE buildings – Westview, Island House, Rivercross and Eastwood.

That does not mean that RIOC has no leverage. We have ground leases with owners of each building on the Island. Since owners leaving Mitchell-Lama require additional capital to finance a purchase or upgrade the buildings – whether as rentals or co-ops – they want to extend the ground leases to meet financial institutions' lending requirements.

We have used that leverage responsibly in the past, and are studying how to use it again.

At Eastwood last year, the owner pulled out of the Mitchell-Lama program, the mortgage subsidy program that holds rents below market value. Knowing RIOC's commitment to maintain a mixed-income community, the owner included existing tenants in federal rent-subsidy programs. The owner now gets additional income and the vast majority of existing tenants get to stay in their homes with little or no increase in out-of-pocket rent payments. As expected, the owner is now seeking financing for upgrades and is seeking to renegotiate the ground lease with RIOC.

Eastwood represents a win-win for the owner and ten-

ants. It also gives residents who think that RIOC is an all-powerful landlord a window into the financial arrangements that underpin our model mixed-income community.

The RIOC Board's primary interest must be fiscal stability. We need to generate enough income to maintain the Island, create a capital fund for future maintenance and development, protect past State investment and meet fiduciary obligations to bondholders. After State operating subsidies ended, we became fiscally self-sufficient, and are a model for other public benefit corporations in the State.

We also take very seriously our commitment to Island residents to maintain the mixed income community we have been for the last 37 years.

That means we must always look at the larger picture as we apply the leverage we have. While owners can seek to remove their buildings from Mitchell-Lama, the investments they commit to making to upgrade and modernize their buildings are contingent on renewed financing. Since renewing ground leases are the means for gaining the needed capital, denying an extension could block that needed investment and cause a decline in the quality of the buildings. We have to balance all of those interests in negotiating the extensions.

That same balancing requirement applies whether prospective new owners are a corporation or a newly formed tenants association seeking to coop a building. We will work closely with any owners to minimize impact on our residents if Mitchell-Lama protections end.

We encourage you to attend RIOC Board meetings and join in the discussion about the future of our Island.



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

For the past nine years, Kay Thompson has been the soul of *The Main Street WIRE* – a kind of special guiding spirit who kept the flame of excellence alive even when others sometimes grew weary of the extra effort.

Nine years ago, Kay offered her services as a proofreader. She had done the research for a *Comparison Shopper* chart. But she was aging, and her legs were no longer suited to long walks between aisles of canned goods and condiments.

"But I can proofread," she said one day in the Rivercross lobby. *Indeed she could*. She knew every rule ever devised to keep errant writers on track in their use of language and spelling and grammar. She knew that the proper spelling of barbecue was with the c, not the q (though the latter has crept into dictionaries). She knew the proper spelling and structure of "hors d'oeuvre" and countless phrases and foreign words. She knew Spanish and French, in particular, but Portuguese, Latin, and German were no challenge for her either.

On a proof-page, she could spot an out-of-font character or an extra space at a glance.

She could do all of these things quickly, on deadline, with authority, and with keen accuracy and completeness. To remarks in praise of her skill, she would often suggest, "Nobody will notice," but those of us putting *The WIRE* together took a special pride in having a lower error rate than *The New York Times*, or any other newspaper, for that matter. Kay headed a team of three or four proofreaders that could and can take pride in adding the last finishing touch – the final shine of excellence, when it can be achieved – to the pages of this community newspaper.

She was, for the past decade, *The WIRE's* special soul because the entirety of her contribution (like that of many others) was a volunteer activity, gratitude the only reward.

But for Kay, it went beyond volunteerism. Her sons were eager for her to move to Vermont, where she died a week ago, but she had refused, wanting to stay on Roosevelt Island to continue to make her contribution to *The WIRE*. She was persuaded to move only

when her illness told her that the end was near – and because through e-mail, she could continue to play her part in production of *The WIRE*. This issue, in fact, contains some of her work, in the condensation of the Jay Gallagher book that occupies its center four pages; we had worked on it immediately before and after the last issue went to press.

Her commitment to *The WIRE* was so total, in fact, that weeks before her death she wrote a check for a substantial sum – and with this I violate an unspoken understanding that the contribution would go unacknowledged in these pages – to provide a financial boost for the paper, which chronically operates on the ragged edge of breakeven.

Over the years, Kay's *WIRE* involvement grew to something more in terms of a relationship with this writer, its managing editor. Favors were easily traded. I would include her shopping list in a weekly run to Costco or a stop at Gristede's; she would piggyback my small order on her larger order from FreshDirect. I'd troubleshoot a computer problem for her; she would save her finished *New Yorker* magazines for me.

In the last few months, as a variety of medical problems intruded upon her life, Kay stopped delivering her corrections. We used the phone. It meant less in-person contact, but we grew closer nonetheless.

Kay also volunteered her special skills to a novel I have coming out in a month or two, reading through some 300 pages of styled language. When

she saw the galleys several weeks back, she noticed something immediately – in the acknowledgments, her name was not in alphabetical sequence with others. Even in that moment of appreciation for her contribution, she was playing the role she has played so well – catching errors and making sure they got fixed.

And now, she is gone. Gone, but not without leaving behind an experience, for me, of working with a total, thoroughgoing professional, dedicated and skilled beyond my meager ability to describe.

We will notice Kay's absence every time an error appears in these pages, every time we apply one of the many rules she taught us, and every time there is an impulse to reach for the telephone to call her for a quick answer to some question about usage or a grammatical anomaly.

It is hard to say goodbye. Kay and I talked daily after she moved to Vermont – calls that ranged from short minutes to longer as we each recognized the coming consequences of the brave course she had chosen in refusing food as her way of taking full charge of the end of her life.

Her son reported that she died at peace after having visits, over the past two weeks, from members of her immediate and extended family.

They supported the choices she was making, and held her close to the end.

We will hold close our own memories of her, and our deep fondness for her, and the special legacy of excellence and professionalism she contributed so thoroughly and willingly to *The Main Street WIRE*.

Dick Lutz



1992

island observer

To the Editor:

I have lost an old friend, a competent worker for *The WIRE* and in every editorial job she ever had, and so have Rivercross and the Island.

Jim Bowser



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Book Condensation:

An Albany Veteran Takes a Look at State Government, and Sees Failure All Around

Governor George Pataki

On a sunny Monday afternoon in October of 2002, Gov. George Pataki faced a group of reporters on the Empire State Plaza that adjoins the State Capitol after he spoke at a ceremonial event.

Pataki, who was seeking a third four-year term as governor, was asked whether he had ever written letters on behalf of friends of relatives seeking jobs.

Such letters were a campaign issue because his Democratic opponent, H. Carl McCall, had been criticized for writing one for his daughter. Over the previous weekend, Pataki had said he couldn't remember writing such letters.

His response sounded a little like the Abbott & Costello "Who's on First?" routine.

"I talked about that over the course of the weekend, and I'm not going to talk about it today," Pataki said that Monday.

"I didn't hear the answer. What was it?" said the reporter who asked the question, Frederic Dicker of *The New York Post*.

"That was the answer," Pataki said.

"What was it?" Dicker asked.

"That was the answer," the governor said.

"You're not going to say if you ever wrote such letters?" Dicker asked.

"I talked about it over the weekend," Pataki repeated. "I'm not going to talk about it."

"But I wasn't there," Dicker persisted. "Couldn't you please tell me now? Why not tell me?"

"That, that's my answer," the governor said.

"O.K., well, if there are such letters would you make them public? Carl McCall says he's going to make his letters, all of them, public," Dicker said.

"I talked about it over the weekend and I'm not going to talk about it again," the governor said.

A Pataki press aide, Suzanne Morris, then cut off questions and scolded reporters for badgering the governor. Pataki started walking the hundred yards or so back to the Capitol, with the pack of reporters trailing. He didn't tell them anything on the subject either.

Later in the day, Pataki's press office issued a statement saying the governor had never written such a letter.

As Pataki, 60, the nation's longest serving governor, said himself late in 2004, it's still too early to talk about his legacy as New York's 53rd chief executive, even as he mulls a run for president.

But one thing is clear after more than a decade in office: Pataki at almost every turn has limited the amount of information flowing to the public about its government. His moves in this area range from being frequently unavailable for interviews to not answering questions directly. He even cited, at one point, Richard Nixon's use of "executive privilege" during the Watergate scandal as a reason for trying to withhold State documents from the public.

He and his aides said early in 2005 that he planned to change – to set aside time to talk to reporters to not only answer their questions but to help them understand what he was thinking. So far, the follow-through has been uneven, although the outright hostility that used to greet even routine questions to Pataki's press office is gone since a new top press aide took over late in 2004.

His reticence to speak – or to take positions on controversial issues – is more than a character quirk or nuisance for reporters. Some see it as a basic flaw in his style of leadership that has contributed to the State's decline.

In the weekend before the election in which Pataki took the governorship away from Mario Cuomo, when many papers ran grids so voters could easily compare the candidates' position on issues, Pataki's column was blank – his campaign didn't respond to questionnaires and ignored follow-up calls to try to get the information.

The enforcer of the campaign was Zenia Mucha, a former top aide to Alfonse D'Amato, then a U.S. senator and Pataki's political mentor.

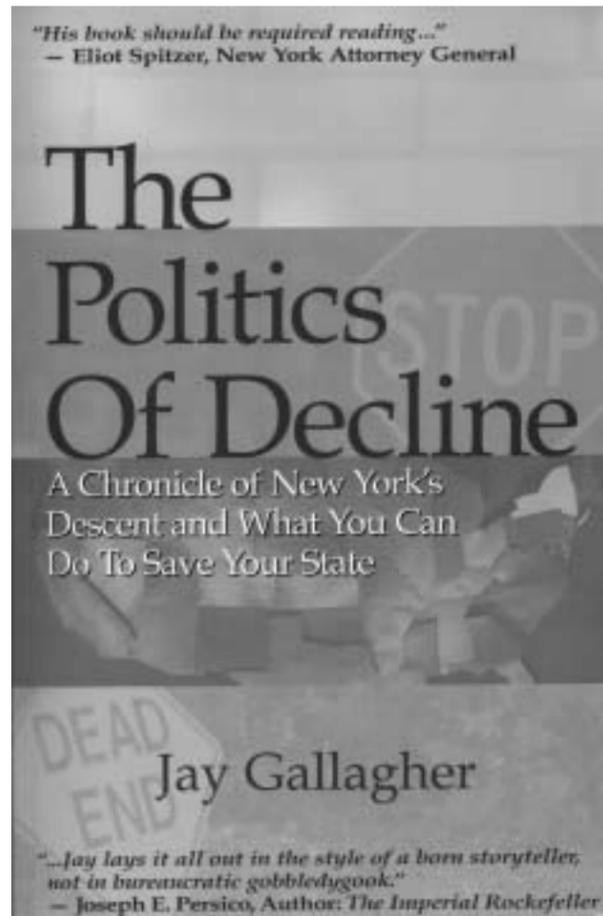
She was asked during one campaign trip to Buffalo that year whether she intended to be the governor's press secretary if Pataki won. She said probably not, because she was more interested in politics than policy. But she did go on to become communications director, then senior policy adviser to Pataki, with the power and forceful personality to make department commissioners quake to hear she was calling for them.

Almost immediately, Pataki closed off the second floor of the Capitol, where his offices are located, from the public. A State trooper was installed to make sure that no one without official business was allowed in – even though the hallways contained the portraits of former governors and had been a regular stop for tourists. Elevators near Pataki's office no longer stopped on the second floor.

Reporters quickly dubbed the area "Fort Pataki." That was more than six years before the terrorist attacks on the World Trade Center made such precautions seem less unreasonable.

New York State's Politics of Decline

By arrangement with Whitston Publishing, *The Main Street WIRE* is pleased to present a condensation of three chapters from Jay Gallagher's new book, *The Politics of Decline – A Chronicle of New York's Descent and What You Can Do To Save Your State*. Gallagher is the Albany Bureau Chief for Gannett Newspapers. The book is available at We Are One, 599 Main Street, at \$21.95, from Amazon.com, or by calling Whitston Publishing at 877-571-1900.



Not long after Pataki took office, Mucha convened a meeting of the State government's scores of public-information officers – the people who work in State agencies who answer questions and track down information for reporters and other members of the public – and made clear to them their job was to promote the governor and his agenda, not to be accommodating to reporters.

Early on, Pataki held press conferences in the former Court of Appeals chambers on the second floor of the Capitol that Cuomo used for that purpose. Unlike Cuomo, who would stay until every question was answered, Pataki would leave while hands were still in the air. That would lead to a scrum of reporters and TV cameras chasing him down the hall back to Fort Pataki, trying to get more information. So he shifted the rare question-and-answer sessions to a room inside the fort, adjacent to his office. Then he just needed to take a few steps to get behind a door that was off-limits.

It also allowed his staff to control who could get into the press conferences. Sometimes they allowed in the League of Women Voters' lobbyist, Barbara Bartoletti, and sometimes they didn't. Bartoletti suspected the decision was based on how critical she had been of the administration in public.

"Open government to this administration is a joke. Why do you think it's called Fort Pataki?" she said. "Sometimes it's like pulling teeth to get into a press conference."

The tone was set, and it has softened only slightly over the years with the departure of Mucha (who left in 2001 to become a spokeswoman for the Disney Company) and her equally aggressive successor, Michael McKeon (who, like several former Pataki aides, is now a lobbyist). Reporters have gotten used to their queries being answered with formal statements, or with a refusal to answer any questions.

Deals

In 1997, a Long Island construction company, Silverite, landed a \$97 million contract from the Pataki-controlled Metropolitan Transportation Authority to repair the Queens-Midtown Tunnel after first being rejected as unqualified. The firm's president, Angelo Silveri, other Silverite officials and related firms gave Pataki and the Republican Party more than \$200,000 in donations between 1994 and 1998. Pataki said there was no connection between the donations and the contract.

In 2002, top officials of the State University Construction Fund, which is also controlled by the governor, were fired after they improperly awarded a no-bid architectural contract to a Pataki neighbor and relative by marriage. Pataki

wasn't implicated.

In 2003, *The Village Voice*, a weekly New York City newspaper, reported that Daniel Wiese, the former State trooper and Pataki bodyguard who had become head of security for the State Power Authority, which Pataki controls, refused to answer questions before a federal grand jury. The panel was probing the alleged sale of paroles in 1997 for donations to Pataki's re-election campaign. Wiese involved himself in an investigation of reports that Pataki fundraisers were promising potential donors that relatives would be paroled if they made large campaign contributions, the paper reported. Then when called before the grand jury to testify, Wiese invoked the Fifth Amendment against self-incrimination so he wouldn't have to answer questions, the *Voice* and other papers reported.

Three parole officials were convicted of perjury in the case and a fundraiser was convicted of obstruction of justice. Pataki wasn't implicated.

This has led to questions about whether Wiese, 51, a long-time Pataki friend and neighbor making \$160,000 as security chief for the Power Authority and \$60,000 a year from a State pension from his time with the State Police, should lose his job.

The State constitution requires that public officers who invoke the Fifth Amendment when asked about something they did in their official duties be dismissed and not allowed to hold a public job for five years. But the Power Authority has responded that courts have ruled that government workers can't be punished for invoking their Fifth Amendment rights, and that since the grand jury records are sealed, authority officials have no knowledge he did it anyway.

Pataki did nothing to indicate he was interested in finding the answer to the important question here: was Wiese, one of the State's key law-enforcement officials, trying to block a federal investigation into the alleged parole-selling scheme?

"From where we sit, the governor has been the single biggest obstacle to reform," said Blair Horner of the New York Public Interest Research Group (NYPIRG). "Despite the rhetoric, when there were real efforts to change things in Albany, he either did nothing or deliberately undermined reform," Horner said of Pataki.

He gave these examples:

- In 1999, in the wake of the scandal involving Philip Morris giving lawmakers and State officials illegal gifts to try to kill anti-smoking legislation, the Senate was ready to pass a measure limiting gifts and requiring disclosure of lobbying for State contracts. But Pataki and Assembly Speaker Sheldon Silver killed it;

- While Pataki introduced a campaign-finance reform proposal on the last day of the 1999 legislative session (when it was too late for it to be enacted that year), he did nothing to promote it;

- He did introduce an initiative-and-referendum plan (the vehicle used by voters in California and Massachusetts to limit tax hikes) in 1995, but didn't talk about it again until 2002. In that election year, he was seeking the nomination of the Independence Party, which had made initiative and referendum one of its top priorities. "We met with the governor's staff in 1996 and said we'd support it," Horner recalled. "They didn't do anything. They just went to sleep."

- In 2003 and 2004, he blocked another attempt to require reporting of lobbying activity for State contracts by introducing a competing bill that was too limited to be effective. Horner and other good-government lobbyists also say that Pataki missed a golden opportunity to force lawmakers into meaningful reform when he signed a bill in 2002 setting up new legislative districts based on the 2000 census. The majorities in both houses had drawn the new lines to maximize their advantages, but it couldn't take effect without the governor's signature.

"That's when he had the most leverage to force changes," Horner said. "He didn't do it... His overall record has been excessive secrecy, bare-knuckled political hardball and torpedoing political reform proposed talks when the reform might be coming to a head. He's been governor status quo."

And right at the end of 2004, he almost appeared to be "Governor Retro," when his lawyers cited the "executive privilege" doctrine Nixon made in 1973 during the Watergate scandal to try to keep records out of public view.

Pataki wanted to block the public release of about 600 pages of memos and e-mails between his office and the State Thruway Authority. The information concerned efforts to deal with the public fallout over a decision to award development rights along the State Barge Canal for only \$30,000 to a favored developer. The contract was later voided, with Comptroller Alan Hevesi and Attorney General Eliot Spitzer, both Democrats, issuing scathing reports about the favoritism that led to the award.

The information Pataki wanted to block was ordered released by State Supreme Court Judge Joseph Cannizaro. He issued this stinging rebuke in his decision: "We are the

Continues next page

people's government, made for the people, by the people and answerable to the people," he wrote. "Consequently, inasmuch as government is the people's business, it necessarily follows that its operations should be at all times open to the public view. Openness, accountability and transparency are as essential to honest government administration as freedom of speech is to representative government."

The Legislature

The New York Legislature convenes in two grand rooms on the third floor of the Capitol.

The 150-member, Democrat-controlled Assembly meets in a recently restored chamber with red granite columns and carved sandstone pilasters. Down the hall, the 62 senators (35 of them Republicans) ponder bills while reclining in red leather chairs and surrounded by walls of gold leaf and embossed Spanish leather. Bring back spittoons and elaborate facial hair and it could pass for a scene out of the 19th Century.

The men and women in the seats seem as impressive as the surroundings at first blush – most speak forcefully when they rise to orate, often in strong, modulated voices, on topics that sound important. They address each other formally, offer amendments and vote on bills. The presiding officer slams the gavel to keep order at appropriate moments.

But if you watch a little closer over a period of time, some other trends emerge: a majority of the chairs are often empty; bills that come to the floor are almost always approved; the political minorities are almost always on the losing side of a vote on a contentious issue; and those who are not speaking often aren't attentive to what is being said.

Then you notice that the number of votes announced always seems to exceed the actual men and women sitting in the chambers.

Eventually, it becomes clear that despite the impressive surroundings and trappings of popular government, the New York Legislature is in many ways a Potemkin democracy. Pull back the facade and a different reality emerges.

Issues are discussed and decided elsewhere, usually behind closed doors. The public debates and votes usually are merely pro-forma confirmations of what has already been determined. That means while the public's chances to influence issues are minimized, those with special access to powerful people call the shots more in Albany than in most other capitals.

Indeed, New York has the "most dysfunctional" Legislature in America, a report released in the summer of 2004 from New York University's Brennan Center for Justice concluded. The report found:

- The legislative chambers often are mostly empty of lawmakers as bills are voted on. Only in New York and Arkansas can lawmakers routinely vote while not being in their seats. If they check in at the beginning of the day, they're automatically recorded as voting with their party leaders on every issue;
- Amendments to bills on the floor always lose. None of 308 major bills passed from 1997 to 2001 were amended on the floor, according to the report;
- When bills are voted on, they virtually always pass (4,365 bills voted on, 4,365 passed in the Assembly from 1997-2001, 7,109 out of 7,109 in the Senate);
- And they're passed quickly (fewer than 5 percent of the major bills passed in that period were debated, the third-lowest proportion in the country);
- Few senators attend committee meetings. Sometimes only two lawmakers show up out of maybe a dozen or more members. The Senate allows proxy voting so the members don't have to appear;
- Committee hearings, where issues can be thoroughly aired and proposals at least theoretically refined, are almost never held. The Senate had a hearing on one bill out of 152 major bills adopted from 1997-2001, and the Assembly one out of 202.

The lack of hearings is a critical flaw, says one expert on the Legislature. "Committees are where you really develop policy," said former Democratic Senate legislative counsel Eric Lane, now a professor at Hofstra University Law School on Long Island. But to do that, committees need to hold hearings and issue reports – two events that rarely happen in Albany – and have chairs who can hire their own staffs, he said. The staffs now are hired by, and report to, the legislative leaders. Lane calls Albany "a crude representation of democracy."

But that doesn't mean lawmakers were idle. They introduced far more bills than any other state (16,892 in 2002, almost twice as many as runner-up Illinois). But they passed the lowest proportion of any legislature (4.4 percent).

Such dysfunction doesn't come cheap. The budget for the Assembly and Senate last year was just over \$200.5 million, the third-highest in the country.

"Albany is a mess," said Blair Horner of NYPIRG, reflecting on the Brennan report. "These (legislative) rules are just a reflection of that mess."

E. J. McMahon of the Manhattan Institute, a business-supported think tank, said, "The report deconstructs the

cynical charade known as the New York State Legislative process. This report is trying to blow up a big mutual-protection racket."

Other critics piled on too.

"Most New Yorkers are represented by people with no say," said Evan Davis, former counsel to Gov. Mario Cuomo. "They vote on bills they have had no opportunity to read, let alone study."

The Brennan Center report "systematically documents the non-democratic nature of the legislative process in New York," said Gerald Benjamin, a SUNY New Paltz dean and academia's leading expert on New York State government.

"It's hard to believe anyone could read this report and not think reform is necessary," said Jo Brill of the Citizens' Budget Commission, a Manhattan-based fiscal-watchdog group.

But: "I think it's nonsense – total nonsense," said the Legislature's top Republican, Sen. Joseph Bruno. He said power needed to be concentrated in one person's hands (in this case, his) for the Senate to operate efficiently and compete with the Assembly and governor, who in New York has more power than the chief executive of most other states.

"Nothing happens here in Albany in the Assembly without the input of rank-and-file members," protested the top Democrat, Assembly Speaker Sheldon Silver of Manhattan.

He pointed out that since his power comes from the other Democrats, he has to do what they want him to do.

The leaders relented on the report at least to some degree early in 2005 and adopted some of the reforms the Brennan Center recommended. Most visibly, lawmakers now have to be in their seats for most votes. But none significantly reduced the power each leader has to keep rank-and-file members

in line.

It is the power of the Assembly speaker and Senate majority leader that sets the New York Legislature apart from its peers. Long after other states dispersed power formerly held by its leaders among committee chairs, rank-and-file members and even voters (through initiative-and-referendum procedures, most famously in California and Massachusetts), Silver, Bruno and their New York predecessors have fought fiercely – and successfully – to protect theirs.

They control:

- The pay of lawmakers, through deciding who gets extra pay for "leadership" (which often consist of nothing more demanding than announcing the time of meetings) and committee-chair duties;
- What bills get to the floor;
- How much money lawmakers get for staff, offices and other expenses;
- How much individual lawmakers get for "pork-barrel" spending in their own districts for projects like fire trucks, Little League fields, soccer uniforms and other items sure to redound to their political benefit;
- Huge campaign war chests, which can be directed (or withheld) from lawmakers in tight races. Or they can be used to unseat minority lawmakers whom they don't like;
- The boundaries of individual Senate and Assembly districts, through their control of redistricting.

"I know some members would stand up on issues, but they don't want to take a salary cut," Assemblyman Thomas Barraga, a Suffolk County Republican, told a group of business leaders in 2004, talking about the bluntest instrument the leaders wield. The base salary is \$79,500. Extra pay for "leadership" posts and committee positions range from \$9,000 to \$41,500 a year. Every senator and more than two-thirds of the Assembly members get some extra pay.

The reason the system has stayed in place so long here is that it works for the lawmakers. Incumbent legislators seeking another term almost always win.

But if it works for those on the inside, it is far less clear that it works in the best interests of everyone else.

In a State where residents already pay the highest combined State and local taxes of anyone in the country, lawmakers regularly add onto whatever the governor proposes spending. They voted in 2003 to raise State income and sales tax rates by a quarter of one percent over Gov. George Pataki's veto.

Part of the reason for this increase in taxes is that the most frequent solution to deciding where to spend money is to, essentially, spend more money everywhere.

Want to spend more than \$1 billion expanding New York City's Javits Convention Center? Then spend \$350 million as well on (unspecified) upstate projects, to be paid for with borrowed money. Want to add school aid for schools in poor districts? Make sure everyone else's goes up too.

And with its chronic partisan division (the Democrats have

controlled the Assembly since 1975 and Republicans the Senate every year but one since 1938) gridlock is frequently the order of the day.

A budget wasn't passed by the start of the fiscal year from 1984 to 2004, by far the longest streak in the nation. A court decision requiring that more money be spent on New York City schools has been ignored. Reform proposals to make lobbyists trying to get State contracts report their activities wouldn't pass until 2005.

The lobbying issue, in fact, was at the center of a moment that is the favorite example of legislative dysfunction for one long-time good government lobbyist.

In the early-morning hours on June 20, 2003, Barbara Bartoletti of the State League of Women Voters and her allies thought the Legislature, under pressure following a number of scandals (including the disclosure that former Sen. Alfonse D'Amato was paid \$500,000 to make a phone call to an official of the Metropolitan Transportation Authority on behalf of a client seeking a contract) was poised to pass a bill requiring reporting of such lobbying activities. It had already passed the Assembly and seemed set to go in the Senate as well.

But at 2:30 a.m., a new lobbying bill appeared on the Senate floor – one that not only didn't match the Assembly version (bills have to be exactly the same in the two houses for them to become law) but would have actually weakened the existing law. She said it was clearly meant to scuttle the whole idea of reform while at the same time providing senators with the political cover of having voted for a "reform" bill.

"That was about as cynical a move as I've seen the Legislature make," she said.

She and others suspect that the bill was scuttled at the behest of Pataki, who although he has backed a competing lobbying bill, is not seen by advocates as a strong supporter.

Pataki, along with Bruno and Silver, are the oft-cited "three men in a room" who essentially decide which bills get approved. They hold almost all the cards, because in order to become a law, all bills have to be passed by the Assembly (Silver) and Senate (Bruno) and then signed by the governor.

As with any triangle, the relations among this trio are complicated. The key dynamic among the three is that Silver and Pataki don't like each other. They usually manage to disguise it, but sometimes their animosity breaks through to their public comments.

In June of 2003, when asked about a Pataki remark on a dispute they were having over how to increase State support for New York City schools, Silver said, "There's no presumption that he ever tells you the truth."

Pataki responded that the problem had been created by Silver. He said the State's most powerful Democrat is "like the guy who killed his parents claiming he was an orphan." Pataki had made a slightly more subtle thrust at Silver the previous week, saying that the Assembly he controls "can only do one thing at a time, and I'm not sure they can do that."

Pataki sometimes doesn't invite Silver to public events at the World Trade Center site – in the speaker's district – and Silver never seems to pass up an opportunity to take a swipe at what he sees as Pataki's lack of leadership.

Bruno has a foot in each camp. He is like Pataki a Republican and like Silver a legislative leader. At his best, he can manipulate his position to get the better of both of them.

In 2003, for example, he joined forces with Silver to override Pataki's vetoes of spending measures and tax increases that his members wanted. It seemed that the two legislative leaders could do what they pleased without regard to what the governor wanted.

But later in the year, Bruno switched sides and with Pataki forced through an extension of New York City rent-

control laws that Silver and the Democrats wanted to change.

At his worst, critics say, Bruno doesn't offer enough of a contrast to Democrats – indeed, in recent years the Republicans have approved bills banning smoking in bars and guaranteeing civil rights for homosexuals – all anathema to social conservatives – as well as continuing to run up State spending and taxes and overriding Pataki's veto of a rise in the State minimum wage.

"The time has come to take the position that we're not going to tolerate it anymore," State Conservative Party chairman Michael Long said in 2004 before deciding to withhold his party's endorsement from some GOP senators seeking reelection. "They may be our friends – they are our friends – but we just cannot continue to watch people vote on the liberal side of the aisle and think there's no consequence for it," he said.

But for his part, Bruno said, "We haven't moved – the people have moved." In other words, he thinks the only way for the GOP to hold onto the Senate is to move to the left.

A key question at the Capitol is how long Bruno and the

Continues next page

"The governor has been the single biggest obstacle to reform. His overall record has been excessive secrecy, bare-knuckled political hardball and torpedoing political reform."

—Blair Horner, NYPIRG

Issues are discussed and decided elsewhere, usually behind closed doors. The public debates and votes usually are merely pro-forma confirmations of what has already been determined. That means while the public's chances to influence issues are minimized, those with special access to powerful people call the shots more in Albany than in most other capitals.

Republicans can maintain their hold on the Senate in light of the Democrats' widening enrollment edge statewide (5.5 million Democrats to 3.2 million Republicans). They lost three seats in the 2004 elections to narrow their majority to 35-27.

While Bruno has more trouble staying in step with the conservative wing of his party, Silver has a bigger challenge trying to keep his huge Democratic Assembly conference (105 members, to only 45 Republicans) in line.

In 2000, a group of Democrats, angered by what they saw as Silver's imperious leadership style, tried to oust him and replace him with the majority leader, Michael Bragman of Syracuse.

But the "Bragmanistas," as the dissident group was called, made the fatal mistake of announcing several days in advance their intention to try to topple Silver. Silver used the intervening time to twist enough arms to reduce the rebels to a core of just 25 members. The coup failed.

Then Silver flexed his muscles. Bragman was stripped of his staff and majority-leader status and didn't run for reelection. Silver promised to pay more attention to members in the wake of the challenge, and some say he has.

He has remained a cautious and sometimes maddening leader. For example, when asked to explain in 2004 where the money should come from to pay for billions more in school aid ordered by the courts for New York City, he compared the budget issue to shopping at a supermarket.

He said the extra money for schools is just one more item to be dropped into the State's shopping cart, and that how to pay for it could be determined at the checkout counter.

Both leaders have also had to contend with recent scandals involving legislators and a staff member ranging from bribery to theft to sexual misconduct.

"Any father who would let his daughter be an intern in the State Legislature should have his head examined," former Albany County District Attorney Paul Clyne said in the spring of 2004, in the wake of an allegation that an Assembly member had forced a 19-year-old intern to have sex with him. She later said the sex was consensual. But earlier Silver's top lawyer, Michael Boxley, was forced to quit after pleading guilty to a sexual-misconduct charge involving a young legislative aide.

In 2003, former Democratic Assemblywoman Gloria Davis of the Bronx was forced to resign her seat after admitting she took a bribe to try to steer a State contract. And in 2004 another Democrat, Roger Green of Brooklyn, quit after ad-



Jay Gallagher

mitting he asked for and got thousands of dollars from taxpayers to pay for his commute to Albany—even though he was getting free rides with a company seeking a State contract.

Although he pleaded guilty to a misdemeanor and quit his post earlier in the year, Green ran to regain his seat in November 2004—and won.

In the Senate, Republican Guy Velella of the Bronx pleaded guilty last year to a bribery-related charge and gave up his seat before going to prison.

"As a State senator, I made phone calls and met with government officials to help clients who paid fees in excess of \$10,000 to a law firm other than mine in which I was not a partner but my father was," Velella admitted before a judge in Manhattan.

"I made these phone calls with the understanding that my efforts on behalf of these people could assist them in obtaining business from these government agencies," he continued. "I knew that making these calls under such circumstances was wrong."

After a raft of scandals in the 1980s, the Legislature created an Ethics Committee. But it has never referred any cases for prosecution nor criticized the actions of any lawmaker.

A Quinnipiac University poll in 2004 found that voters overwhelmingly (51-29 percent) disapprove of the way the Legislature is performing. Two-thirds of those polled said State government is broken and needs to be fixed.

Yet, individual lawmakers generally remain popular with their constituents. They give a thumbs up to the way their own senators (58 percent approve, 25 percent disapprove) and Assembly members (54-24) are conducting themselves.

Why the disconnect?

"Rocks thrown at these guys bounce off a dome called 'the Legislature,'" former Gov. Mario Cuomo said. "They aren't held individually responsible."

"It has a lot to do with their guys being featured in mailings that come into their houses, and with them showing up at what seems like every senior-citizens' center, every children's group, every dinner," said Bartoletti, the League of Women Voters lobbyist. "They do the retail (political) thing very well."

"There is a disconnect between the legislator you know and this place called Albany," said Quinnipiac pollster Maurice Carroll, a former longtime New York political reporter. "People aren't paying attention."

"They may come to rue that inattention," he said.

"Wait until this school funding thing pops," he said, referring to the court order to pay more to New York City schools. "Somebody is going to have to come up with billions in school aid for this."

Then the reaction will likely be, he said, "Holy smokes. Look at what they just did."

Since the votes of minority-party legislators are seldom needed to pass bills Silver and Bruno favor, they have sharply limited power, especially in the Assembly, where the GOP has only 45 of the 150 seats. But Senate Democrats are also essentially irrelevant on most issues as well.

There are, broadly speaking, three ways that lawmakers deal with being a minority. One is to be vocal about problems and forcefully debate bills even though it is almost always a futile exercise. Another is to do little and just collect a paycheck. A third is to be mostly quiet, work behind the scenes and hope to influence issues indirectly.

Even within the constraints of a strong-leader system, individual lawmakers in the majority parties can influence legislation, although, in the end, it's the leaders who call the shots.

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How One Legislator Tried to Buck the System

There are broadly speaking three ways that lawmakers deal with being a minority. One is to be mostly quiet, work behind the scenes and hope to influence issues indirectly. Another is to do little and just collect a paycheck. A third is to be vocal about problems, forcefully debate bills even though it is almost always a futile exercise.

Richard Dollinger, who represented a portion of Monroe County from 1993 to 2002, fell into the third category.

Here is what happened to him.

While packing up his office near the Capitol in late 2002 after deciding not to seek a sixth two-year term, Dollinger, a 53-year-old lawyer and former newspaper reporter, came across a chattering-teeth toy.

He placed it on a box cover and watched it scurry along, opening and closing.

"Maybe that's the most fitting memento of my career," he said, self-mockingly.

Since arriving in the Legislature a decade earlier, Democrat Dollinger arguably uttered the most words on the floor of the Senate of any of his colleagues.

Many were loud. Some were said in anger. Few were for bills that the Legislature passed.

How loud?

While debating a gun-control bill with Velella, the since-disgraced Bronx Republican, they both got so loud that the senator presiding over the session, Randy Kuhl, R-Hammondsport, Steuben County (now a member of Congress) slammed down his gavel hard enough to break it into pieces, which went sailing away from the podium.

"That's the only thing that got us to quiet down," Dollinger recalled.

How angry?

During a Senate Health Committee meeting in 1995, Dollinger attempted to question then State Health Commissioner Dr. Barbara DeBuono about a \$28,000 payment she received even before taking her job. The money came from Pataki's inaugural committee, which, Dollinger pointed out to DeBuono, was funded in large part by tobacco and drug companies.

The Republican committee chairman, Kemp Hannon of Nassau County, ruled him out of order, as Dollinger loudly protested. Finally,

he got up and left. "For that performance, Senator Dollinger deserves a good spanking," Hannon said.

How futile?

Like the other Democrats in the Republican-controlled Senate, Dollinger got few bills enacted with his name on them. In fact, some obviously routine measures, like allowing a town he represents, Brighton, to set up a trash-collection district, were vetoed by Pataki.

"That was a rude awakening to the harmful effects of partisan politics when it's aimed at a legislator," said Brighton town Supervisor Sandra Frankel, a Dollinger ally, who pointed out that such routine local matters are almost never vetoed.

Dollinger also was a champion of rules changes to increase the power of individual legislators, changes that have gone nowhere, and also pushed hard in 1997 for voters to approve a constitutional convention. That idea got less than 40 percent of the vote in a referendum.

In addition, he was one of the Legislature's most outspoken opponents of casino gambling. Lawmakers approved the creation of six new casinos in 2001.

Dollinger did all this in a sometimes lecturing style that did little to sugar-coat his message. Still boyish-looking if jowly, Dollinger was a formidable figure on the floor, and has a strong voice that easily filled the Senate chamber.

Some Republicans found his style exasperating, and they retaliated.

Dollinger once sponsored what seemed like a political no-brainer: a bill to rename four State office buildings after four famous New York women: abolitionist Harriet Tubman, suffragette Susan B. Anthony, settlement-house founder Mother Cabrini and former first lady Eleanor Roosevelt. But the Republicans wouldn't allow a vote on it.

"The Republicans rejected it out of pure malice," Dollinger said. "It was too good an idea for them to accept and condone a Democrat having."

But a GOP spokesman said the Senate's "Women of Distinction" program has already honored those women.

"There are better ways to honor these

women than to just name buildings after them," said spokesman Mark Hansen. He added that the State office building in Poughkeepsie is already named after Roosevelt.

Dollinger became such a target for the Republicans in part because he so openly took them on.

In 1995, he protested a delay in the Senate adopting limits on assault weapons in the wake of a multiple murder of children in New York City by putting a sign on his desk that read "Day 1." He explained that was the number of days the Senate was "holding the State hostage" by not passing the bill.

Kuhl, then the presiding senator, ordered the sergeant-at-arms to remove the sign, while Dollinger complained that his First-Amendment rights were being violated.

Then Dollinger started to wear a smaller sign on his lapel. He finally gave up at day 100.

Later, he guzzled milk on the floor to show his support of dairy farmers—but also his opposition to the creation of a cartel that he said would drive up milk prices that Republicans supported.

Despite his conflicts with Republicans, Dollinger left on good terms with many of them.

"He would have made a great judge," said Velella, the former Bronx lawmaker who got into the heated exchange with Dollinger that led to Kuhl breaking the gavel. Dollinger lost an election for a Monroe County Court judgeship in 2002.

"I have a lot of respect for the guy," Velella said. "He's one of the brighter people we've had around."

But Pataki never warmed to him after Dollinger sued the governor to get him to make public the records of who contributed to his 1994 inaugural committee. The suit was dismissed in State Supreme Court.

"Richard who?" asked Pataki spokesman Joseph Conway, when asked if Pataki had anything to say about Dollinger's exit.

Nor were Dollinger's relations always smooth with fellow Democrats.

At a Senate Finance Committee meeting in 2002, he was trying to question the head of the State Human Rights Division about the agency's backlog of cases. Two Democratic senators, one of whom admitted to being a

friend of the commissioner, Evonne Jennings Tolbert, joined with Republicans to cut him off.

"I'm disappointed we can't have a legitimate debate about the future of an agency when 8,000 people have been waiting a decade for justice," Dollinger said then. "They won't even allow the questions to be asked. It's outrageous."

In 2001, Dollinger was the Senate Democrats' representative on the panel that drew new legislative district lines to conform to the 2000 census results. Democrats had high hopes that population gains in Democrat-dominated New York City and losses in Republican strongholds upstate would give them a chance to take the majority even though Republicans have through the years skillfully gerrymandered districts to hold onto their seats.

The Democrats were again outfoxed in 2001 by Republicans, who held dozens of hearings that Dollinger sat in on regarding various plans to redraw the existing 61 districts. Then at the last minute they laid out one with 62 districts (the constitution doesn't call for a fixed number of seats in the chamber). It gave most of the Republican incumbents new districts even more immune to challenges than they were before. At the same time, they changed Dollinger's district enough so that it was attractive for Joseph Robach, a popular veteran assemblyman who was planning to switch from Democrat to Republican because of an ongoing feud with Silver, to challenge Dollinger (Robach had been a "Bragmanista").

"I wanted competitive districts, but all I got was one — Dollinger joked ruefully.

He decided to quit rather than fight for the seat against what he saw as an overwhelming financial advantage to Robach, who was elected by a huge majority in 2002 over political newcomer Harry Bronson and easily won a second term in 2004.

"I think it's safe to say that I'm done," Dollinger said when asked if he might run for public office again. He said he's glad to pass the torch to other reform-minded lawmakers. "I think it takes new members with new ideas and new initiatives to make it happen."

Continued from page 7

Solutions

There is a New York where budgets are prepared in the open, terms of lawmakers are limited and candidates without deep pockets don't have to fawn in front of special interests to raise campaign cash.

That New York, though, is New York City, not New York State.

"If the argument is states are policy laboratories for the feds, it's not unreasonable for states to look at municipalities to see if what they are doing would work at the State level," said Blair Horner of the New York Public Interest Research Group.

The City system is hardly without warts. For example, Mayor Michael Bloomberg was expected to spend \$75 million or more in 2005 to essentially buy a second term. As he did in 2001, he exploited a loophole in the campaign-finance law that allows unlimited campaign spending when it's the candidates' own money.

Still, New York City has instituted political reforms over the last 15 years that those who would like to shake up the Albany status quo can only drool over.

Here's what New York City has that the State doesn't:

- Campaign spending limits and a four-to-one match of public money to private;
- An independent budget office that is widely seen as a non-partisan dispenser of key information about City spending and tax collections;
- Term limits that make members of the City Council, the mayor and other elected officials leave office generally after two four-year terms.

Why the City and not the State? History is an important reason. "We wouldn't have such an open budget process if we didn't have the fiscal crisis," said Elizabeth Lynam of the Citizens' Budget Commission, a watchdog group. She was referring to the City's near-bankruptcy in the 1970s when banks threatened to stop loaning the City money after years of the City borrowing money to pay for the salaries of cops and teachers and for operating expenses. That's the equivalent of taking out a mortgage to buy groceries. The State had to step in and guarantee the City's credit, and also take control of the City's spending decisions.

"Ironically part of the reason the system improved so much was because of the State oversight and the threat that the State could always come back to take control," Lynam said. "That's even though the State doesn't always do a good job with its own budget."

The City also had political scandals so severe in the 1980s that a borough president, Donald Manes of Queens, committed suicide after facing corruption charges related to the City's Parking Violations Bureau.

"You need some scandal to get reforms like this," said NYPIRG's Gene Russianoff, who has been following City politics for decades. "When (Ed) Koch ran in 1989, he felt like he had to be a champion of reforms – that's where term limits came from."

In other words, things have to get so bad that they finally attract the attention of the public, which demands change. City voters felt outraged enough about the way their municipal government was operating to force change, but not so about their State government, which controls so much of their lives.

But Albany scandals never seem to have the same wattage as those in the City, and thus the public uproar has never been as great.

"Part of it is whatever happens in New York is on the 11 o'clock news," Russianoff said. "That's not true of what's going on in Albany."

It's not on the 11 o'clock news, of course, because no New York City network affiliate TV station regularly covers the State Capitol. Only the Time-Warner cable news station NY1, along with the public-television shows *Inside Albany* [WNET/13 Saturdays at 1:00 p.m. and Sundays at 6:00 a.m.; WLIW/21 Sundays at 6:30 a.m. and Mondays at 1:30 p.m.] and *New York Week in Review* [WNET/13 Saturdays at 1:30], regularly provide televised news about the State government for New York City area residents.

Lack of TV coverage not only from the City media but most of the rest of the State makes it harder to build the kind of outrage needed to force change, activists say.

"There has to be a lot of pressure, a lot of grass-roots activity – a lot of angst among the populace to move things," said Lynam of the budget commission. But that is much harder in the State than the City, she said, because the State is "far more diffuse."

But that doesn't mean it can't happen – 2005's changes are Exhibit A. And there are some indications that State voters aren't done demanding change.

The ideas range from abolishing public authorities to allowing Election Day voter registration to having a one-house Legislature.

And the ideas are growing at what could be a fortuitous time: the early stages of the 2006 campaign for governor. All 212 seats in the Legislature are also up for grabs in 2006, as they are every two years.

The reform ideas are diverse, but many share one key assumption: that the State's economic woes flow at least in part from the flawed process by which laws are made in Albany.

The reasoning goes like this: If the process were repaired, the clout of pressure groups would diminish and the chances increased that problems can be addressed. The bedrock democratic principle of the greatest good for the greatest number could reassert itself.

A key question, of course, is whether the improvements made this year signal the start of a reform era or just token moves designed to get the public off politicians' backs.

The danger, one student of State government said, is that the minor tweaks made in the system will take the steam out of the reform movement and nothing significant will happen.

"There could be just superficial changes made, and that could be passed off as reform," said Gerald Benjamin, a SUNY New Paltz dean and

longtime observer of State government. He cited proposed changes in the State-budget-adoption system, where some power would shift from the governor to the Legislature, as an example of a sham reform. (The issue was to be decided by voters in the 2005 elections.)

The time for reform is now in part because "the chronic lateness (of adopting a State budget) became a symbol of legislative dysfunction, and that is starting to scare people," Benjamin said. "Debt service is growing and the resources are not matching it – serious people are scared by that."

(By 2010, the State debt will have increased by 52 percent over a decade, to \$55 billion, and taxpayers will be paying nearly \$6 billion a year in debt service, Comptroller Alan Hevesi reported in September 2005.)

Others point to ever-higher State and local taxes, bribery, theft and sex scandals involving lawmakers and staff members and the continued economic struggles of parts of the State as creating the "perfect storm" for reform.

And the "perfect storm" produced some results in 2005.

The Assembly ended the practice of allowing members to vote while not being in their seats. The Senate still allows it, but only for routine measures. The Senate also still allows members to vote in committees even when they're not there (by written proxies) while the Assembly members actually have to show up.

The Assembly Rules Committee, formerly a phantom body that Silver uses to control the flow of legislation, now actually meets, although he still controls the agenda. Conference committees consisting of rank-and-file lawmakers were convened and did discuss budget issues, although obviously on very short leashes held by the legislative leaders.

Most significantly, the changes adopted leave the power of the leaders almost totally intact. Nothing was done to give minority members a more equitable share of power and money.

What is the connection between empowering individual lawmakers and the economic health of the State? The key word is accountability.

"We need to hold these people accountable, and that's the first step towards competition," said E. J. McMahon of the Manhattan Institute. And competition means lawmakers would be more likely to make decisions that benefit the State as a whole rather than a pressure group, he said.

"They would be put on the spot on things," he said. "They would no longer be able to tell everyone they were with them and then say they're powerless because the leaders are against them."

Assemblyman Joseph Morelle, a Rochester-area Democrat who spends more time thinking about the State's economy than most lawmakers, looks upon a model for the State's economic resurgence as a pyramid, with the base of that structure a reduction in the cost of doing business.

But another way to look at it is as McMahon does – that before that can happen, the political system has to be aligned so that the overall good of the State drives government decisions. In Morelle's terms, that might be seen as making sure that we don't try to set up the base of a pyramid on quicksand.

Making the leap of faith that those foundations can be laid, Morelle, who represents an area that has been on the economic skids for years, can be forgiven for a little dreaming.

"Imagine New York State alive with entrepreneurial zeal," he said in a report on the State's economy issued in the summer of 2005. "Imagine homegrown inventors using their creativity to conceive of product and service innovations that expand our economy."

Of course, as he pointed out, he was describing his hometown of Rochester—but the Rochester of more than a century ago, when George Eastman was starting Kodak and the fruits

of John Jacob Bausch's genius were sprouting into the optics company Bausch and Lomb.

Morelle wants the State to scrap tax breaks given to businesses in some geographical areas and do more to make the State friendly to entrepreneurs – the next-generation of Eastmans, Joseph Wilsons (Xerox) and Thomas Watsons (IBM).

He wants the State to concentrate on improving worker skills, attracting "creative-class" workers, making venture capital more readily available and expanding broadband technology, among other steps.

In an address to an audience of business leaders in the fall of 2005, Attorney General Eliot Spitzer, the likely Democratic candidate for governor in 2006, said much that probably resonated with Morelle.

Spitzer pointed out that government has been a key player in New York's economic success – the Erie Canal, State Thruway and building of the SUNY system were to him the prime examples of smart taxpayer investments that added immeasurably to the State's wealth.

But now, he said, government seems incapable of pulling off the projects needed for renewed economic success – like

a new Tappan Zee Bridge across the Hudson River between Westchester and Rockland counties, or a new Peace Bridge from Buffalo to Canada or urban school systems that provide the skills that businesses need.

In the crowd for Spitzer's address was John Faso, the former Assembly Republican leader who narrowly lost the

race for State comptroller in 2002 and wants to run for governor in 2006.

When asked for his reaction to Spitzer's speech, Faso said the attorney general seems to have lost sight of what Faso sees as the first job of the new governor: to get costs in line with other states. That's a point Spitzer mentioned but did not stress, and is also the bedrock of Morelle's plan.

Could a policy debate on reviving the State's economy actually break out in – of all places – a gubernatorial campaign?

Although history warns against such hopes, there is some reason for optimism that things are changing.

"We've gotten used to this pathology under this misapprehension that it's normal," Benjamin, the SUNY New Paltz dean, said of the way Albany operates. "First, we had to convince the State it's not normal. I think that's happened. There's a consensus that the current situation is bad and something has to be done about it."

Mark Bitz, a 46-year-old turkey farmer in Onondaga County, started paying attention a few years ago when he first considered selling his farm because of government mandates and taxes that he thought were unfairly cutting into his profit. He says the cost of doing business in New York adds about \$600,000 annually to the expenses incurred by his \$20-million-a-year business compared to what it would cost in most other states. He recently decided to expand his business in Canada rather than closer to home.

Besides, as Bitz pointed out, New York retains some powerful advantages over the rest of the country, which account for why he still does the bulk of his business here.

"It's a great place to live," he says of his home State. "We have the Finger Lakes and ideal climate for six to eight months of the year. We have no hurricanes. No monsoons. An abundance of water, great parks, great roads, great workers. There are a lot of reasons to be here."

So what's missing?

"We only lack a functioning democracy, fiscal integrity and discipline, and leadership that is accountable to standards of performance," he said.

That also sounds like a description of New York City's government before its crises, scandals and reforms.

Will the State first have to sink to a comparable depth before changes are made? Maybe, but another route seems clear:

- The public keeps up the pressure.
- The media pays attention.
- The Legislature and governor do more of their business in public.
- Then the politics of Albany become more closely aligned with the public interest.
- That would set the stage for the resurgence of the Empire State.

"We only lack a functioning democracy, fiscal integrity and discipline, and leadership that is accountable to standards of performance."

–Turkey farmer Mark Bitz

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Resident's New Sci-Fi Novel Looks at Issues in Medicine and Robotic Intelligence for Humans

Islander Alix Paultre has published a new novel, *Cyberchild*.

The Manhattan Park resident drew on his experience as an electronic warfare analyst in the early 1980's during the Cold War in Europe. He is a special-projects editor of *Electronic Products* magazine, a trade publication for electronic design engineers.

The novel tells the story of a medical experiment gone awry, and how it affects a young girl in a war-ravaged Eastern European country. Cover language describes the book as "an action thriller that explores real-world issues and the challenges presented by medical research and developing technology."

The \$19.95 book, published as a 384-page trade paperback, is available on-line at Amazon.com or directly from the author at 20 River Road, apartment 22J, via e-mail at smartalix@yahoo.com, or on-line at www.smartalix.com/cyberchild.htm.

Paultre plans a sequel, *Cyberspy*.

He also publishes an online technology newsletter, www.smartalix.com.



Island House from page 1

valid contract. Last night, I received a call from Sheldrake's lawyer saying that if tenants attempted to stand in the way of the transaction, Sheldrake would sue the tenants. I said to him, 'So you're telling me that you will sue the tenants for trying to enforce a 1972 agreement, and the basis is that you're trying to abrogate an agreement made long before you ever saw the property.'" Saft was referring to a 1972 letter giving tenants a right of first refusal in purchasing Island House. "It was very depressing to have this discussion," Saft said.

In reviewing the immediate past history of IHTA negotiations, Saft reminded tenants attending the meeting that in November, it appeared the Sheldrake Organization was about to close an acquisition deal. (Indeed, based on Saft's appraisal of the situation, the December 3 headline in *The Main Street WIRE* was, "Sheldrake to Be Sole Owner of Island House and Westview." A subsidiary headline added, "Tenant Groups Left With Fewer Options, More Time Pressure.")

"We can't expect that Sheldrake is just going to disappear," Saft added.

When questioned on Thursday, a Sheldrake spokesman voiced a terse, "No comment," after conferring with top officers of Sheldrake, later adding, "I cannot confirm that such a statement was made to Mr. Saft by any representative of Sheldrake. Beyond that we have no further comment."

On a positive note, Saft said, "We all think the price is an excellent price, considering the market."

Calls for Unity

From Board Chair Davis, attorney Saft, other Board members, and some tenants, there were calls for unity. Davis pointed out that potential lenders will be alert to signs of disunity within the building, or will be looking for a united front. That's likely to be true of government bodies, as well. Elizabeth Blair, a former Board member who resigned from the current Board, backed the Board's choice of Stuart Saft as attorney, and urged residents, "Before you do anything crazy – any group in this building – you better be sure you find another lawyer." She said Saft's rate of \$425 an hour is about 40 percent less than other possible attorneys who specialize in Mitchell-Lama buyouts. "You cannot get a better lawyer than Stuart Saft," she said. "Back up this Board, as crazy as they are,"

Blair said.

During the Q&A session, Tim Johns, a longtime resident who labored for years on the Island House Ownership Committee (IHOC), suggested that residents avoid focusing on possible deal configurations that were discussed in the past. "We have to move forward from this agreement. We all have our histories. We've all made mistakes. This is a devilish process. I think this LOI is great news, but one needs to bear in mind the financial impact that the cost of ownership will have on every one of us, if we can afford to buy." He added, "This is probably the best deal possible. It is so far better than the deals being discussed before that, all I can say is it's great news if we can work it. A lot will depend on the subscription (buying) level and the number who can afford it. But for once, there is something reasonable to work on and there is a failsafe if the agreement goes through." But Johns added that he is worried about the tight timeframe; he pointed out that the government entities involved – RIOC, the State Division of Housing and Community Renewal (DHCR), and the Empire State Development Corporation (ESDC) do not always move as rapidly as citizens might like.

The calls for unity notwithstanding, the current IHTA Board was criticized during the Q&A period for excessive secrecy, which brought an explanation that distribution of copies of the LOI was delayed based on an insistence by Charles Lucido, representing the owners, that it not be distributed widely so that it would not be seen by representatives of the Sheldrake Organization. (The plan had been to have Board members hold copies, which could be reviewed by tenants.) Permission to distribute it wasn't given until Wednesday, Saft said.

Media Blackout

The Letter of Intent calls for a media blackout. "Prior to the execution of the Purchase and Sale Agreement, neither Purchaser nor Seller shall issue any Press Releases or similar material with regard to this Letter without the prior approval of the other party to this Letter nor shall either party discuss this Agreement with any media representative and Purchaser shall so instruct its Board members and all other members."

A *Timeline* of the Island House deal to date is available with this issue of *The WIRE* on Website NYC10044 at nyc10044.com.

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RIOC from page 1

ter for Island visitors, and managed by the Historical Society.

- Approved a contract to replace the backup wheelchair elevator at the Manhattan-side Tram station.

- Approved a three-year lease of storefront space in the Rivercross building for an MTA contractor, Gottlieb Skanska, which will work on the escalators at the Island subway station, but only after extracting a promise that Main Street parking rules will be observed by the contractors and visitors to the office.

- Instead of approving an extension of the Eastwood ground lease, as anticipated, the Board voted to authorize continued negotiations.

- In addition, President Herb Berman recognized extraordinary services by several Public Safety Officers.

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