

Next issue
in two weeks:
Sat., Apr. 16

The Main Street **WIRE**™

25th Year as Roosevelt Island's Independent Community Newspaper



Excavation for the Octagon Apartments project now appears complete. The foreground area will be part of an underground garage. The top of the Octagon tower shows a new, lighter-colored finish where restoration work has been done. To the left, Coler Hospital rises behind the tower.

Eastwood Auction Nets Over \$2300 for Legal Aid



Last Saturday night's Eastwood auction brought in over \$2300 in purchases of donated items, as residents raise funds for legal help in negotiations with Roosevelt Island Housing Management and the Belson organization over plans to remove the building from the Mitchell-Lama program. Above, Ginny Pulos (left) describes a mink jacket, modeled by Carol da Silva, right. Emcee-auctioneers Dolores Green and Ron Vass (seated) prepare to take bids, as auction organizer Fay Vass (standing under bunting) looks on. Pearl Thomas models another coat sold at the auction (inset, right). Funds are still being collected for the legal fund; and contributions can be sent to Harry Devine, Treasurer, 546 Main Street #722, NYC10044.



Octagon Apartments Challenge Is Before Judge; Decision Soon

by Dick Lutz

The fate of the Octagon Apartments project will not be known until later this month. In March 24 oral arguments before Justice William A. Wetzel of the State Supreme Court, the project's defenders asked for and got an April 1 date for filing final papers.

Justice Wetzel's questions to opposing counsels in the March 24 session were seen by several observers to be hostile to the Residents Association's attempts to stop the project – most particularly toward RIRA's failure to seek an immediate injunction after the RIOCI Board of Directors gave the project a final go-ahead on October 14. Wetzel expressed misgivings about stopping the development after millions of dollars have been sunk into the project.

This raised the possibility of a judgment favoring the development, whatever Wetzel's view of the merits of RIRA's broader case. That is, he could require a substantial bond – \$14 million was mentioned – that would be well beyond RIRA's reach. Such a bond, he said, would protect the developer if a higher court eventually reversed a finding for RIRA and against RIOCI and the developer.

If the case goes against RIOCI, an appeal is virtually certain, though, depending on the nature of the decision, RIOCI could seek a change in the law to pave the way for the project. If the project survives the RIRA challenge in this court, an appeal is likely to depend on legal and financial resources available to the residents' organization, as well as the basis of the judge's decision in rejecting the petition to have the project stopped.

The two sides meet head to head over the intent and meaning of the 2002 Roosevelt Island Open Spaces Law.

Here's what the law says: *No further development or construction for other than park purposes shall be permitted on any real property which is identified as open space areas [including Octagon Park] in the General Development Plan... such real property shall remain open space areas for the duration of the lease unless such development or construction includes the reconstruction, restoration, rehabilitation or preservation of the historic landmarks located in such open space areas and furthers the use of the areas surrounding the historic landmarks as open spaces areas.*

The historic landmark, in this case, is the Octagon tower, the only remnant of a "pauper lunatic asylum" designed for New York City by Alexander Jackson Davis. RIRA claims that "areas surrounding the historic landmarks" means all the rest of Octagon Park; RIOCI contends the land has never been "dedicated" as parkland, and that the "unless" provision of the

law was included specifically to permit the Octagon Apartments project. RIOCI also favors a less strict reading of "areas surrounding," speaking of the "larger open space context," rather than one that defines every square foot of ground other than the actual landmark as "open space" where non-park development might be prohibited under RIRA's reading of the law.

RIRA and RIOCI interpretations of the law are so different that RIRA's papers contain this sentence, "The plain language of the statute protects existing open space areas," while RIOCI's contain this heading: "The 2002 Open Space Law contemplated and permits the Octagon project." RIOCI also says its counsel drafted the law's language and that "without the exception allowing for the Octagon Project, Governor Pataki would not have signed the bill."

Arguing for RIRA, Reed Super of the Columbia Environmental Law Center said, "It is plain language. It says that what it protects is open space. It's very clear. The entire 15 acres surrounding the landmark is open space, so whether it's dedicated as New York State parkland or not, it is subject to the public trust. The 2002 law says all open space in the GDP is protected. This is all open space... Replacing the wooded area with a 13-story building transforms that area." He later added, "I find it Orwellian that they say they're saving something by destroying it."

Speaking for RIOCI, Stephen Kass later countered: "It was clear this [legislation] was to deal with all the open spaces. The language is broad and clear, the proposal was known to all, and the trajectory of the legislation and its intent was clear. It's clear they were trying to permit this project."

Papers in the case, making these arguments and others in far greater detail, are available on *Website NYC10044* at nyc10044.com/wire/2515/octapapr.html, and as supplementary materials on line with earlier issues of *The WIRE*.

Each side appears to have vulnerabilities in the case: RIRA's greatest vulnerability appears to be its failure to seek an early injunction. In the legal concept of "laches," allowing a developer to sink money into a project prejudices a petitioner's case, at least with re-

See **Octagon**, page 6

Briefly...

According to sources familiar with presentations RIOCI's real-estate consultant has made to RIOCI Board members, he has in mind attempting to attract both a Target store and construction of a sports arena. [Editor's note: This is *not* an April Fool's item.]

With an All-Out Evening of Entertainment, Island Organizations Raise Over \$10,000 to Build *Roosevelt Island House* in Sumatra



For Orphans of the December Tsunami Left to right: Mike Daly sang, Tex Allen played trumpet and accompanied Janice Pendarvis. Jim Luce talked about the imminent opening of Roosevelt Island House in Sumatra, and Orphans International's campuses in other countries. Emcee Ron-Bobb Semple interviewed Mikey Tang, who was drafted to help with raffle drawings. The 92nd Street Y Lindyhoppers danced; Damon LaScot and Kay Story performed a series of their own works. A delegation from the PS/IS 217 Student Council presented \$800 raised in a penny harvest for Orphans International. The event was put together by the Residents Association, the PS/IS 217 PTA, and Manhattan Park. Trellis also is contributing \$337 based on an offer carried in the restaurant's ad in the March 5 *WIRE*, giving \$1 for every \$20 dinner check in a one-week period.

Commentary – Tim Johns

City Council’s 50-Year Extension of Tax Relief Leaves Much Unanswered

Nearly two months after the City Council passed its resolution granting the option of a 50-year extension of tax abatements to Mitchell-Lama buildings (reported in *The WIRE* February 19), no State or City official has as yet offered a very convincing answer to either of two nagging questions: (1) What are the practical implications of the resolution? And (2) Does the resolution apply at all to the four Mitchell-Lama buildings on Roosevelt Island, where a 99-year lease agreement between the City and the State lays out an entirely different tax plan for the Island – a plan which threatens to bring an end to the period of tax exemption for the four buildings, and make their survival as Mitchell-Lamas a virtual impossibility.

The second question raises some extremely thorny issues, but it seems that even the basic implications of the Council’s resolution have been widely misunderstood, and I fear false hopes have been raised which may soon be dashed by events – and not just on Roosevelt Island. As I understand it, what the City Council resolution actually does is provide a new option to the owner(s) of a New York City Mitchell-Lama building which is approaching the point of paying off its mortgage. Under the Mitchell-Lama law, a building loses its property tax exemption once it has retired that mortgage; however, the law defining the Mitchell-Lama tax exemption was recently amended to give local legislative bodies the right to extend that exemption by as much as 50 years beyond the time of the retirement of the debt. In exchange, the buildings would have to continue operating as before under the restrictions of the Mitchell-Lama law. In its resolution, the City Council took advantage of that new provision in the law, and gave Mitchell-Lama owners and shareholders the option of staying in the program and keeping their tax break. Nothing is mandated, however, and the level of the tax exemption which is to be extended stays at the same level as the one at the time the mortgage is retired.

It sounds good, it’s a welcome gesture, it expresses the will of the City’s legislative body to help preserve affordable housing, and I sincerely hope it does help some buildings remain affordable. Unfortunately, if the City Council resolution provides any benefit to any Mitchell-Lama building in New York City, it will probably not be to those on Roosevelt Island. None of the four builings here are even remotely close to paying off their mortgage and thereby losing their tax abatement. Consider Island House, which is not unlike the other buildings: the Island House mortgage is scheduled to expire (along with the current ground lease, by the way), in the year 2028. As a result of the recent resolution, there will then be a new option available to the owners (or rather to their descendants or successors). In that year (I myself will be 83) when the current tenants (or descendants and successors) have finally made that last scheduled mortgage payment, the then current *owner* (or his descendants) will have full title to a building which at long last is free and clear of debt; and along with that last payment and the removal of a heavy expense from the building, there will be this new option to stay in the Mitchell-Lama program, substantially reduce the rents of the mortgage-free building by an amount which currently represents about 30% of its expenses, maintain it as a limited-profit rental or limited-equity coop, and keep its tax break until the year 2078 – ten years beyond the expiration of the Master Lease, by the way. Of course, in this post-mortgage, tax-abatement-extended, Mitchell-Lama environment, many of the Island House tenants might make an uncomfortable discovery: As a result of the removal of the burden of the mortgage and consequent lowering of their rents, many will have to be surcharged; their incomes, which retired the old mortgage, will far exceed the maximum levels permitted by the Mitchell-Lama law. Am I the only person who thinks this scenario is a delusion?

But all of this is very, very, far away, whereas the threats looming over Island House, Westview, Eastwood, and Rivercross are much more imminent. The City’s tax plan for Roosevelt Island has been laid out in great detail elsewhere, and it is ironic, in light of the recent action of the City Council, that *the greatest institutional threat to the continuation of low- and middle-income housing on Roosevelt Island comes from the City of New York itself*. Which brings us to the second question: Does the resolution even apply to Roosevelt Island?

The City owns the Island, and has leased it for 99 years to a New York State public authority (UDC) for purposes of developing a community according to certain guidelines set out in the 1969 contract known as the

Master Lease. That Lease is a contract that sets out the obligations of both parties. Among other things, it defines the tax abatement the City has given to UDC, which UDC in turn passed on to the Mitchell-Lama buildings in their sub-leases. To make a long story short, the City holds UDC accountable for payments in lieu of taxes (PILOTs) on each building, which so far have been calculated in the same manner as the traditional Mitchell-Lama tax abatement – at 10% of the annual “shelter rent” (rents or maintenance charges minus utilities), an amount well below the level of property taxes on comparable “free market” buildings.

However, the Lease also contains a provision that *by the 30th anniversary of its opening, each building on Roosevelt Island (Mitchell-Lama or not) is expected by the City to be fully tax-paying* – paying what other, “conventionally financed” buildings pay. Each building is operating under the shadow of that threat: Island House opened in 1975; Westview and Eastwood in 1976; Rivercross in 1977. The time is fast approaching for some decisions.

You well may ask: *Isn’t there anything in the Mitchell-Lama law itself which would prevent this elimination of “the Mitchell-Lama tax abatement?” Aren’t Mitchell-Lama buildings guaranteed a tax abatement?* I am not a lawyer – but there seems to be no *maximum* tax specified in the law (except in one important case), only a *minimum* tax, the traditional amount we

are all familiar with, calculated by the formula of 10% of the annual shelter rent. Somehow, in the minds of many, this formula has come to represent “the” Mitchell-Lama tax abatement. But it is not *mandated* by the statute and, as we know, the City also provides tax exemptions at various levels in the form of PILOT contracts – such as those contracts with public authorities like the Battery Park City Authority or UDC. The only *maximum* tax I have found in the relevant section of the law applies to cases where a *Mitchell-Lama rental converts to a Mitchell-Lama coop*. That detail could be enormously important to Westview and Island House, two buildings which are coming to an important crossroads. The PILOTs scheduled under the current ground leases could conceivably bump headlong into such a ceiling, and surely, in a conflict between the two documents, the State law would prevail.

It might be argued, too, and has already been suggested by some, that the State Legislature, in giving the “local legislative body” the power to extend tax abatements, also intended to give it the power to override existing contractual arrangements between the City and the State on Roosevelt Island. I myself find it hard to believe that anyone specifically had Roosevelt Island in mind, and the language of the resolution is very careful to recognize existing contracts. In truth, the City itself offers tax exemptions at various levels and schedules in the form of PILOTs, both with Mitchell-Lama projects and public authorities – and I am told that PILOT agreements are traditionally negotiated out of the Mayor’s office. In its repeated insistence that Roosevelt Island is “included” in the resolution, does the Council of the City of New York, then, challenge the right of the Mayor of the City of New York to negotiate PILOTs? Or does the City Council simply mean that there is nothing in the resolution which *excludes* Roosevelt Island from the option of extending its “then current” level of tax exemption for 50 years when the time comes – it’s just that the level of its tax exemption will then be at 0%, or dead zero. No conflict there.

The residents of Island House may very well soon be faced with a choice between pursuing a Mitchell-Lama, or limited-equity coop, and one which is fully market rate. Advocates of privatization frequently point to the existing leases as leaving no option for staying in the program – but then hasten to express their firm belief in the continuation of a tax abatement. The fate of the buildings may be determined by that choice, and the residents need to be as fully informed as possible of their real options; the same goes for Westview. The residents of Rivercross, too, as they debate the issue of privatization, need to know what the real choices and consequences are. How does the issue of Federal subsidies affect Eastwood’s tax-exempt status, and are the residents there being kept fully informed?

All four buildings have come to a turning point in their histories, and they desperately need some direction from public officials, without political posturing or buck passing.

Who in the City or State government will clarify these questions, so that owners and residents may proceed in confidence?



For years, Tim Johns headed the Island House Ownership Committee.

Letters

To the Editor:

I would like to express my enormous appreciation to the Roosevelt Island Residents Association (RIRA), the PTA and Student Council of PS/IS 217, and Manhattan Park, the performers, and the more than 200 people who attended the recent benefit to build *Roosevelt Island House* for tsunami orphans.

The evening was a brilliant success, with performers Mike Daly, Kay Story, Damon LaScot, Tex Allen, Janice Pendarvis, and the 92nd Street Y Lindyhoppers capturing the audience’s attention the entire evening. We were pleased with the number of residents who expressed interest in sponsoring a tsunami orphan in our care for \$50 per month (or \$600 per year).

I leave shortly for Aceh, on the island of Sumatra in Indonesia, to break ground for *Roosevelt Island House*. We were particularly pleased that we have now raised \$11,041 towards the \$16,000 needed to build and furnish Roosevelt Island House. Additional tax-deductible contributions earmarked *Roosevelt Island House* may be sent to Orphans International America at 540 Main Street #418, NYC10044.

Special thanks to Steve Marcus, Erin Feely-Nahem, Ellen Polivy, Margie Smith, Joyce Mincheff, Sherie Helstein, Matt Katz, Vicki Feinmel, Chung Lee, and all the many others who worked so hard to pull off this wonderful event.

Also note that the Roosevelt Island Visual Artists Association (RIVAA) will host an art auction for our house on Saturday, April 9. Anyone interested in donating art or attending may contact Bonnie Goodman at globalbrg@earthlink.net. Robin Russell of River Music is also contemplating a future benefit which may well include participation by the Main Street Theatre & Dance Alliance.

I would like to add that none of our staff or children were injured by the latest earthquake measuring 8.7 on the Richter scale; they all went out and sat on the street while our new campus pitched wildly for thirty minutes... Also,

To the Editor:

I’d like to express my sadness at the loss of my good friend, Phil Consolo, who has always been there when I have needed him, in good times and bad. He was always a good listener, whether the news concerned him or not. I know that everyone, including me, will miss his fun and jokes and his great cooking.

God bless you, Phil; we love you.

Michelle Vidra

To the Editor:

Kudos to Herb Berman who has now personally observed the elite parking on Main Street and has taken action to even out the parking field.

Cars parked without a parking meter receipt were being ticketed as of March 19. Habitual offenders were being towed on March 19. This is a welcome RIOC action to improve the quality of life on the Island for everyone – I was actually able to find a place along the curb to pick up and drop off my passengers.

The WIRE deserves credit for having carried reports over the last 18 months listing the parking abuses. Residents have sent in letters with individual testimony on the same.

I am grateful that Herb Berman has responded positively by initiating this obvious step.

May we hope that this step will be followed by others to deal with the Main Street parking concerns?

David J. Bauer

we are located eight kilometers from the coast and do not anticipate problems from any future tsunami.

Once again, I have never been more proud to be a Roosevelt Island resident than I was at the benefit. You all are the best neighbors one could find anywhere in the world. Thanks to you, we will take children whose lives were washed away by the tsunami and raise them into Global Citizens.

Jim Luce
jim@oiwww.org

Letters deadline for April 16 issue: Tuesday, April 13

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

For space reasons, some letters received in time for this issue are being held for the April 16 issue.

The WIRE’s Letters Policy is available on line at

nyc10044.com/wire/letterspolicy.html. Anonymous letters are not published; upon request, publication with a *Name Withheld* signature will be considered, but the editor must know the identity of the writer and be able to confirm it.

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I've been told that this column has been too "confrontational" at times, and that may very well be true. However, I'm suspending the polemics for a few paragraphs to offer my sincerest thanks to those wonderful folks who made the March 19th benefit for the tsunami orphans a really warm and special event. Erin Feely-Nahem, RIRA's Chair of the Social, Cultural and Education Committee and Treasurer of the PS 217 PTA, managed and coordinated all phases of the benefit.

She had at least six meetings, sent well over 100 e-mails, made at least as many phone calls, and was seemingly everywhere as the date of the event neared, always in good spirits and with a smile for the many fine folks who worked with her,

including Margie Smith, Vicky Feinmel, Sherie Helstien, Ellen Polivy, Joyce Mincheff, Mark Chipman, Lydia Tang, Nurit Marcus, Matt Katz, Marlene Flom and, of course, Orphans International Director Jim Luce. Also, many thanks to all those who volunteered as servers, tenders, shleppers, vendors, and coat and ticket checkers. Thanks to the generosity of the community, we are nearing the mark needed to build "Roosevelt Island House" in Sumatra. You can make additional contributions by leaving a check to "Orphans International" at the Rivercross doorstation c/o Margie Smith, or the Westview doorstation c/o Erin Feely-Nahem.

The folks who appeared on stage also shared their talents with great warmth and generosity. Mike Daly, who teaches at PS 217, Kay Story, Damon LaScot, Janice Pendarvis, and Tex Allen all live here, as do several of the past and present 92nd Street Y Lindyhoppers. I really felt fortunate to get to know these fine people, and to see and hear them perform with so much style and spirit. I think those in attendance all felt that this effort to help children on the other side of the world brought us all closer together.

I continued to feel really good about where I live until I got around to reading Herb Berman's suggestions in this paper about resolving the abundant parking problems on Main Street. I've lived here for 22 years and parking wasn't much of a problem for the first 15. Have that many of my neighbors bought cars in that last seven years or has the Public Safety Department (PSD) simply cut back on their enforcement? This newspaper recently revealed that PSD has a 13-page list of people who are "exempt" from tickets. Since Main Street only has about 40 parking spots, if only a few of these privileged folks camp out for an extended period, then the rest of us can forget about finding a space to park for even 20 minutes. I checked with the NYPD and learned the following: the only people who cannot be ticketed here are those with NY handicapped license plates, or those with NY dashboard placards where the number on the placard matches the license plate. The blue handicapped pendants that hang from the windshield have no validity on City streets (just parking lots). If PSD would simply enforce these rules, we'd all be able to park. If they would choose to tow to a local spot on the Island, then the Island could keep the fines for their own treasury instead of the City's, and residents would be able to retrieve their cars without leaving the Island.

RIOC recently hosted the latest in a series of ongoing meetings on Emergency Management. These meetings were initiated after the blackout of 2003 and have included representatives of RIRA, Community Board 8 and State and City Offices of Emergency Management. RIOC has now expanded the invitees to include representatives of all Island organizations, including Housing Management, the Child School/Legacy High School, the Disabled Association, Community Board 8, RIRA, Coler-Goldwater Hospital, and the Senior Association. We will continue to expand participation in the future.

I am pleased to report that nearly all of the Community Leaders of Roosevelt Island participated in this latest meeting. RIOC invited several representatives from the Fire

Department (FDNY) to inform participants of FDNY's protocols for Roosevelt Island in emergency situations. One issue that was addressed was how FDNY handles emergency situations when the bridge is opened. FDNY informed the group that the bridge operator is required to notify Queensborough FDNY any time the bridge is to be opened so that FDNY can deploy emergency vehicles to the Island before the bridge opens. In doing so, equipment is already stationed on the Island should there be an emergency while the bridge is inaccessible. They answered some general questions about response to Roosevelt Is-

Over the past few years *The WIRE* has published several surveys of the cars parked on Main Street, both legally and illegally. The cars with NY handicapped plates generally occupy only a few spaces; it's the failure to enforce the laws for the rest of the cars that's the problem. Everybody knows this, and everybody also has a favorite car or van that they've seen parked on the street at all hours of the day or night, that is ticket-free for no reason. I'd be happy to take a walk with Mr. Berman at any random hour to see how well his enforcement program is working.

I heard a news report a few days ago about how many potholes NYC has repaired in the last few months. In an attempt to get the potholes fixed on our crumbling ramp, decimated by construction vehicles, I called 311. If you



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

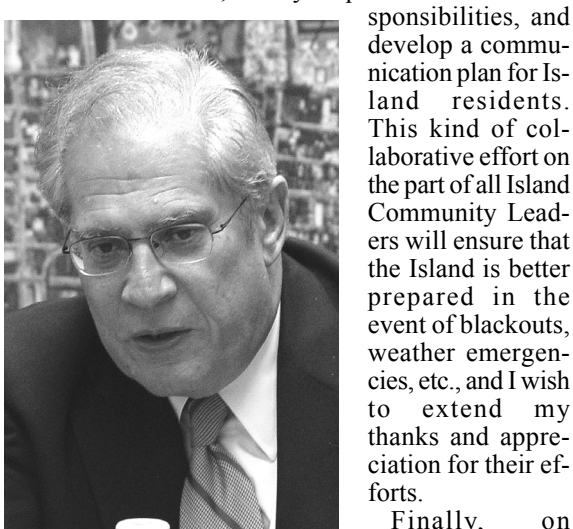
that they use the \$1.6 million offered by Gifford Miller's office for that purpose. They will also announce that the rebuilding of the tennis courts next to Octagon will be completed at the end of this month as promised. Construction equipment that has appeared on the adjoining baseball field will be moved by then as well, and the field repaired, so the kids can have their normal baseball season. The barbeque and picnic areas lost from this site will be relocated at the open Southtown area.

Other agenda items include an RFP for a private security service to replace Public Safety, and to be managed by a joint board of RIOC and elected residents. If this goes smoothly, other facets of RIOC operations will be similarly moved to professional management. Public Information Officer John Melia has tendered his resignation, citing laryngitis for the lack of public information of any kind emanating from his office for the past three years. Details of the private investigation, paid for by RIOC, of Robert Ryan's shenanigans as former and fired RIOC president will also be provided at this meeting.

Finally, the Board will consider the immediate implementation of Governor Pataki's request to convert the RIOC Board from a wholly appointed board to one elected by the residents. The Board will discuss the orderly "transfer of power" after elections in June that they will help the residents administer. I'm excited about RIOC's excellent ideas for better management of the Island. They have been too long in coming but, better late than never. Hope you can all get to the meeting, scheduled for *April 1!*

land and gave us a better understanding about the services provided by the Special Operations Command unit located on the north end of the Island.

This group will meet again in May to inventory our collective resources, clarify respective roles and responsibilities, and develop a communication plan for Island residents.



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

FDNY will be attending this year's event. They will be distributing information packets, answering questions, and we may even have a few emergency response vehicles on site for you to take a closer look at. Please make sure you stop by and say hello!

COMING UP

— This Weekend —

Opening: Vernissage 4 at Gallery RIVAA, **today (Sat., Apr. 2)**, 6-9 p.m., 527 Main Street. Show runs through May 8. Gallery hours: Wed. & Fri., 6-9; Sat.-Sun., 11-5. Information: **212-308-6630**.

Soft-Sculptured Dolls by Rebecca Knell, on display in the gallery window at 625 Main Street, continuing through mid-April. ▶



— The Coming Week —

La Leche League meeting for breastfeeding and pregnant women, **Mon., Apr. 4**, 1:00 p.m., 20 River Road #5P. Information: **212-832-1188**.

Residents Association Common Council Meeting, **Wed., Apr. 6**, 8:00 p.m., Chapel of the Good Shepherd (lower level). Open to all; a public-session opportunity to address the Council is included at the start of each meeting.

Art Auction Benefit for Orphans International to Build Roosevelt Island House for Tsunami Orphans, **Sat., Apr. 9**, 12:00-4:00, Gallery RIVAA, 527 Main Street. ▶ Viewing at 12:00, bidding 1:00-4:00. Cash and checks only. Refreshments.



▶ **Roy Eaton Plays *The Peaceful Piano***, a musical meditation for world peace, **Sun., Apr. 10**, 2:30 p.m., Unity Center, 213 West 58th Street; music of Bach, Chopin, Ravel, Gershwin, Still, and Joplin. Free; donations accepted; information at www.m4p.org.

— Future Events —

Toastmasters Public Speaking Group, **Mon., Apr. 11**, 8:00 p.m. Visitors welcome. Additional information: **212-751-9577**.

RIOC Board of Directors meeting, **Thur., Apr. 14**, 9:30 a.m., Chapel of the Good Shepherd.

The Main Street WIRE — Next issue, **Sat., Apr. 16**. (To receive e-mail bulletins between issues, send an "Add Me" message to Bulletins@MainStreetWIRE.com.) **Advertising Deadline:** Ads in the paper, Thursday, Apr. 7; decision on fliers for *The Bag*, Mon., Apr. 11; inserts due Thur., Apr. 14. **Future issues:** Apr. 30; May 14; June 4, 18; July 2, 30; Aug. 27; Sept. 10, 24; Oct. 8, 22; Nov. 5, 19; Dec. 3, 17. **News phone, 212-826-9055**; urgent matters **917-617-0449**. **Phone** for display and classified advertising placement and information, **212-751-8214**. **To list your organization's Island-related event here**, e-mail information to ComingUp@MainStreetWIRE.com, or leave it, addressed to *The WIRE*, at the lobby desk at 531 Main Street; provide a telephone number for follow-up questions. There is no charge for such listings.

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

Through the Years, a Main Street Theatre & Dance Alliance Review, reprising nearly two decades of benefit productions by ▶Nancy Howe and Worth Howe, **Sat., Apr. 16**, 8:00 p.m.; **Sun., Apr. 17**, 2:00 p.m.; **Mon., Apr. 18**, 7:30 p.m., at the Main Street Theatre, behind the video store. \$15 (seniors & disabled, \$10). For tickets: **212-371-4449**.

Faculty/Student Choreography Show at the Main Street Theatre & Dance Alliance, **Sun., Apr. 17**, 5:00 and 7:00 p.m., Main Street Theatre, 548 Main Street behind the Video Store. Original choreography by MST&DA students and faculty, with special guest Ron Ferrone. \$5 (mats for 10 years and under, \$3). Reservations: **212-371-4449**.

Book Discussion Group at the Library, **Thur., Apr. 21**, 6:30 p.m., *Passing*, by Nella Larsen. Copies of book available at the branch.

Toastmasters Public Speaking Group, **Mon., Apr. 25**, 8:00 p.m. Visitors welcome. Additional information: **212-751-9577**.



Senior Center

Monday

10:00, **Computers for Beginners**
10-11, **Latchhook Class**
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)

Tuesday

10:00, **Chinese Massage**
10:30, **Shoppers' Bus**
2:00, **Bingo**
6:00, **Yoga Class**
7:30, **Games** (RISA)

Wednesday

9:15, **Stay Well**
10:00, **Computers**
10:00, **Spanish Class**
10:30, **Shoppers' Bus**
12-2, **Painting & Sculpting**
7:00, **Pokeno** (RISA)

Thursday

9:30, **Chinese Massage**
10:30, **Creative Arts**
12:30, **Movie**
7:00, **Dance**

Friday

9:30, **Yoga**
10:30, **Computers**
1:00, **Bridge**
7:00, **Games** (RISA)

Saturday

7:30, **Bingo** (RISA)

Special Events

Thur., Apr. 7, 10:00, Health Center Fair
Tue., Apr. 12, 7:00, RISA General nominations
Sun., Apr. 17, 2:00, Champagne brunch
Wed., Apr. 20, Atlantic City trip
Mon., June 13, five-day motor coach tour to Niagara Falls.

Home-delivered meals: 212-744-5022, ext. 1203

Public Safety Blotters have been delayed recently. The blotter for March is expected sometime next week. When available, it will be posted on *Website NYC10044* at nyc10044.com/wire/2515/blot2515.html.

The RIRA Column

The RIOC Column



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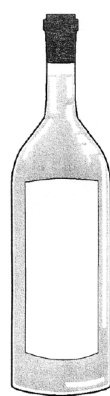
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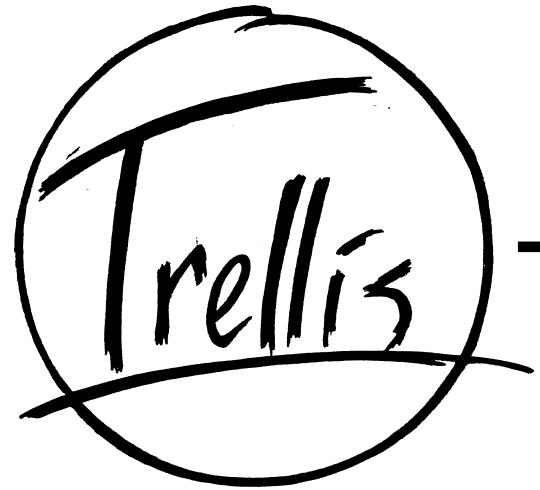
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Octagon from page 1

gard to whether a bond is required. While Assemblymember Pete Grannis warned RIOC repeatedly that the law he sponsored prohibited the project being planned, and while RIRA President Steve Marcus warned RIOC President Herb Berman that a suit would be filed, actual legal action wasn’t taken until several weeks after the RIOC Board’s authorization of the project, and during that time, construction proceeded apace. “Show me a [precedent] case like this one,” Justice Wetzel said, “not those trivial [timber-cutting] cases out west. You have a building that’s in the ground.” The possibility of a big-money bond is also a vulnerability for RIRA; the organization’s treasury is measured in the low thousands of dollars, while a bond could be over \$10 million.

RIOC could be vulnerable on a point raised in the RIRA papers – that the 13-story apartment towers will cover 2.4 acres of Octagon Park – though RIOC claims those 2.4 acres aren’t really dedicated parkland or “open space” because they’ve been rubble-strewn and overgrown for years. The credibility of the project designer is also stretched a bit with the claim that land immediately below 13 floors of apartment windows might be used as a public park for activities like ball-playing and barbecuing. Finally, because the law, as enacted, says, in its exception, *unless such development or construction includes the reconstruction, restoration, rehabilitation or preservation of the historic landmarks located in such open space areas and furthers the use of the areas surrounding the historic landmarks as open spaces areas.*

For both sides, an ambiguity and vulnerability could lie in the words, “areas surrounding.” The law doesn’t say “all areas surrounding,” nor does it say “some of the areas surrounding.”

Decisions about the meaning of this language, about what the Legislature intended, and about whether RIRA may be required to post a bond in the millions of dollars are now in the hands of Justice William A. Wetzel.

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Deadline for May 14 issue: Tuesday, May 10

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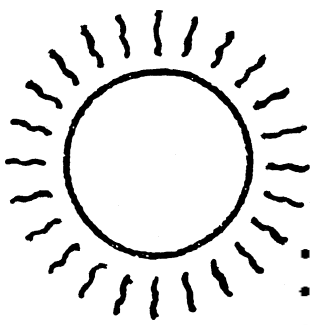
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